

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of June 10, 2016

SUPPLEMENT

(Issued on 13.06.2016)



**LAK JANASETHA FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the Lak Janasettha Foundation

*To be presented in Parliament by Hon. Thenuka Vidanagamage, M.P. for
Badulla District*

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Lak Janasetha Foundation
(Incorporation)

AN ACT TO INCORPORATE THE LAK JANASETHA FOUNDATION

WHEREAS an Foundation called and known as the “Lak Janasetha Foundation” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Foundation according to the rules agreed to by its members: Preamble.

AND WHEREAS the said foundation has heretofore successfully carried out and transacted several objects and matters for which it was established, and has applied to be incorporated and it will be expedient to grant the said application :

BE it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Lak Janasetha Foundation (Incorporation) Act, No. of 2016. Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Lak Janasetha Foundation (hereinafter referred to as the “Foundation”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate, with perpetual succession, under the name and style of the “Lak Janasetha Foundation” (hereinafter referred to as the “Corporation”) and by that name may sue and be sued with full power and authority to have and use a common seal and to alter the same at its pleasure. Incorporation of the Lak Janasetha Foundation.

3. The general objects for which the Corporation is constituted are hereby declared to be — The general objects of the Corporation.

(a) to take necessary action for the promotion and protection of Buddhism;

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- (b) to formulate systematic and effective programmes for eradicating poverty;
- (c) to promote mutual understanding and co-operation at social and national level in the human society;
- 5 (d) to plan and implement community welfare, educational and social development projects in Sri Lanka;
- (e) to promote education, health, recreation, culture and agriculture, to provide grants, scholarships, gifts, donations and financial assistance for the improvement, extension and publicize knowledge and to establish institutions for this purpose;
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- (f) to assist for the uplift of the visually-impaired, sound-impaired disabled, destitute, those suffering from incurable diseases and mentally-retarded, to establish and maintain centres for this purpose;
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- (g) to establish and maintain affiliated institutions for the attainment of the objectives of the corporation and do other things required for the purpose;
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- (h) to assist in scholarship, cash or kind for the voluntary employees and other employees who are engaged in the attainment of the objectives of the Corporation;
- (i) to establish and conduct libraries, to assist in printing and publishing of books, magazines, software and to provide other services necessary to the attainment of the objectives of the Corporation;
- 25
- (j) to promote, organize and conduct of exhibitions, projects, lectures, seminars, discussions, workshops, classes, debates, conferences, journeys, excursions and

other activities in Sri Lanka and abroad for the attainment of the objectives of the Corporation and to establish research institutes;

5 (k) to do acts in collaboration with institutions or organizations local or foreign, having similar objects to those of the Corporation; and

(l) to do all other acts as are necessary and incidental to the attainment of all or some of the above objects of the Corporation.

10 **4.** Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute, all such acts and matters as necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

General Powers of the Corporation.

15 (a) to raise funds and receive grants, gifts or donations, in cash or kind;

20 (b) to acquire, in any manner whatsoever and hold, take or give on lease or hire, rent, sell or otherwise dispose of, any movable or immovable property and construct, maintain and alter any buildings or works necessary or convenient for the business of the Corporation;

25 (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate and close bank accounts and borrow or raise money with or without security;

(d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board of Management may determine;

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- 5 (e) to enter into agreement or contracts with any person, or body of persons whether incorporated in Sri Lanka or abroad or with any Government Department, Corporation, Board, Provincial Council or Local Authority for the achievement of the objects of the Corporation;
- (f) to determine the fees to be paid in respect of registration of different categories of membership; and
- 10 (g) appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation.

15 **5.** (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules in force for the time being of the Corporation be administered by a Supreme Board consisting of Chairman, the Secretary and Treasurer. Management of the affairs of the Corporation.

(2) The Supreme Board of the Corporation shall consist of the members of the Supreme Board of the day immediately preceding the date of commencement of this Act.

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(3) A member of the Supreme Board other than the Chairman shall unless he vacates his office earlier by death or resignation, hold office for a period of four years. Where due to death or resignation a vacancy occurs in the Supreme Board a new member shall be appointed to fill such vacancy and such a new members shall hold office for a period of four years.

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6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting and by the votes of not less than two-thirds of the members present and voting, to make rules, not inconsistent with the provisions of this Act, or any other written law, for the admission, withdrawal or expulsion of members, the election of the Board of Management, for

30 Rules of the Corporation.

the conduct of the duties of the office bearers, agents, officers and servants of the Corporation, for the procedure to be followed in the transaction of business by the Corporation and Board of Management and generally, for the management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may at a like meeting and in like manner, be altered, added to, amended or rescinded.

(2) The members of the Corporation shall be subject to the rules of the Corporation.

7. (1) The Board shall cause to be maintained a register in which every person who on the date of commencement of this Act, is a member of the Corporation and every person thereafter duly admitted as member of the Corporation shall have inscribed in such register his name .

Register of members.

8. (1) The Corporation shall have its own fund. All moneys received by way of gifts, bequest, donation, transfer, subscription, contribution or fees shall be deposited to the credit of the Corporation in one or more Banks as the Board of Management shall determine.

Funds of the Corporation.

(2) There shall be paid out of the fund of the Corporation, all such sums of money as may be required to defray any expenditure incurred by the Corporation in carrying out the objects of the Corporation.

(3) The moneys and property of the Corporation whosoever derived shall be applied solely towards the promotion of the objects as setforth herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise, to any member of the Corporation.

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9. (1) The financial year of the Corporation shall be the calendar year. Accounts and Audit.

5 (2) The Corporation shall cause proper accounts to be kept of income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited by a qualified auditor as may be determined by the Board.

In this section, "Qualified Auditor" means —

10 (a) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka, or any other institute established by law, possesses a certificate to practice as Accountant issued by the Council of such institute; or

15 (b) a firm of Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other institute established by law, possesses a certificate to practice as an
20 Accountant issued by the Council of such institute.

10. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Director General and the Secretary who shall sign their names
25 to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness. Seal of the Corporation.

11. All debts and liabilities of the foundation existing on the day preceding the date of commencement of this Act
30 shall be paid by the Corporation, hereby constituted and all Debts due by and payable to the Foundation.

debts due to, and subscriptions and contributions payable to the foundation on that day shall be paid to the Corporation for the purpose of this Act.

5 **12.** The Corporation shall be able and capable in law, Corporation may hold
to take and hold any property, movable or immovable, which property
may become vested in it by virtue of any purchase, grant, movable and
gift, testamentary disposition or otherwise, and all such immovable.
property shall be held by the Corporation for the purposes
of this Act and subject to the rules in force for the time being
10 of the Corporation, with full power to sell, mortgage, lease
exchange or otherwise dispose of the same.

15 **13.** If upon the dissolution of the Corporation there Property
remains after the satisfaction of all its debts and liabilities, remaining on
any property whatsoever, such property shall not be distributed dissolution.
among the members of the Corporation but shall be given or
transferred to some other Foundation or Foundations having
objects similar to those of the Corporation, and which is, or
are, by its rules thereof prohibited from distributing and income
or property among its or their members. Such Foundation or
20 Foundations shall be determined by the Board at or
immediately before the dissolution of the Corporation.

25 **14.** Nothing in this Act contained shall prejudice or Saving of the
affect the rights of the Republic or of any body politic or rights of the
corporate or of any other person, except such as are Republic and
mentioned in this Act and those claiming by, from or under others.
them.

15. In the event of any inconsistency between the Sinhala text
Sinhala and Tamil texts of this Act, the Sinhala text shall to prevail in
prevail. case of
inconsistency.

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