

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

Part II of June 24, 2016

SUPPLEMENT

(Issued on 27.06.2016)



**BERTY DISSANAYAKE FOUNDATION
(INCORPORATION)**

(Private Member's Bill)

A

BILL

to incorporate the Berty Dissanayake Foundation

*To be presented in Parliament by Hon. K. Kader Masthan, M.P. for
Vanni District*

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Berty Dissanayake Foundation
(Incorporation)

AN ACT TO INCORPORATE THE BERTY DISSANAYAKE FOUNDATION

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

Preamble.

AND WHEREAS the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was formed and has applied to be incorporated and it will be for the public advantage to grant the such 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 Berty Dissanayake Foundation (Incorporation) Act, No. of 2016.

Short title.

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

Incorporation of the Berty Dissanayake Foundation.

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

General objects of the Corporation.

(a) to make planning and achieve goals through human and physical resources analysis in community participation development ;

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- (b) to keep informed of community and community organisations and strengthen and confirm them in order to make development strategies efficient ;
- 5 (c) to coordinate with other government and non government organisations in the implementation of development activities ;
- (d) to implement a sustainable development which is essential to, accepted and affordable by community ;
- 10 (e) to find develop and maintain resources essential for development activities ;
- (f) to make essential the technology, representation and contribution of the Berty Dissanayake Foundation for the development activities of the relevant areas ;
- 15 (g) to maintain productivity, efficiency and thrifty in the Berty Dissanayake Foundation ; and
- (h) to effective and efficient implementation of programmes under the following matters for the achievement of above objectives :—
- 20 (i) Child and youth (from month 0 to year 18) Development ;
- (ii) Micro Financial facilities and saving ;
- (iii) Environment and physical Assets ;
- (iv) Health and Nutrition ;
- (v) Women's Development ;
- 25 (vi) Relief Services and Rehabilitation ;
- (vii) Impowerment of Basic Common Amenities.

4. (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 Board of Directors consisting of Chairman, Vice Chairman, Secretary, Assistant Secretary, Treasurer and another eleven members elected in accordance with such rules.

Management
of the affairs
of the
Corporation.

(2) The Founder member of the Foundation Honourable Duminada Dissanayake shall be the Chairman of the Board of Directors for life. And thereafter the close relative of the person who was holding office as the Chairman shall become the next Chairman of the Board of Directors.

(3) The first Board of the Corporation shall consist of the members of the Board of Administration of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

(4) A member of the Board of Directors 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 Board of Directors a new members shall be appointed to fill such Vacancy and such a new members shall hold office for a period of four Years.

5. 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, matters and things what so ever as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power to acquire and hold property movable, to open, operate and close bank accounts, to borrow or raise moneys with or without security, to erect any building or structures on any land held by the Corporation and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

General
powers of the
Corporation.

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6. (1) It shall be lawful for the Corporation, from time to time, at any General Meeting of the members and by a majority 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 all or any of the following matters :—

Rules of the Corporation.

- 5
- (a) classification of membership, admission, withdrawal, expulsion or resignation of members and membership fees payable ;
 - 10 (b) procedure to be observed for the summoning and holding of meetings of the Corporation and of the Board of Directors, the quorum for such meetings and the exercise and performance of their powers and duties ;
 - 15 (c) the appointment, power, duties and functions of the various officers, agents and servants of the Corporation ;
 - (d) qualification required to become a member of the Corporation and of the Board of Directors ; and
 - 20 (e) the administrations and management of the property of the Corporation.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like manner as a rule made under subsection (1).

25 (3) Every member of the Corporation shall be subject to the rules of the Corporation.

7. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all debts due to subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Corporation.

5 **8.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts, bequest, donation, subscription, contribution, fees or grants for and on account of the corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Directors shall determine.

Fund of the Corporation.

10 (2) There shall be paid out of the fund, all sums of money required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its power, duties and function under this Act.

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

Corporation may hold property movable and immovable.

20 **10.** No member of the Corporation there remains after the satisfaction of all its debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the among of scuh membership fees as may be due from him to the Corporation.

Limitation of liabilities of members.

25 **11.** If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be give or transferred to some other institution or institutions having objects similar to those of the Corporation and which, is or are by its or their rules prohibited from distributing any income or property among their members.

Property remaining on dissolution.

30 **12.** (1) The Board of Directors of the Corporation shall cause proper account to be kept of all moneys received and expended by the Corporation.

Audit and accounts of the Corporation.

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(2) The financial year of the Corporation shall be the calendar year.

(3) The accounts of the Corporation shall be examined and audited at least once in every year by an auditor or
5 auditors appointed by the Board of Directors.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the member of the Board as may be provided for in the rules in force for the time being of the Corporation,
10 who shall sign their names 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.

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

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

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