

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

Part II of October 15, 2021

SUPPLEMENT

(Issued on 18.10.2021)



**MABOTUWANA SRI PIYARATHANA
NAYAKA THERO SUWASEVANA
FOUNDATION (INCORPORATION)**

(Private Member's Bill)

A

BILL

**to incorporate the Mabotuwana Sri Piyarathana Nayaka Thero
Suwasevana Foundation**

*To be presented in Parliament by Hon. Asanka Navarathna, M. P. for
Kurunegala District*

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*Mabotuwana Sri Piyarathana Nayaka Thero
Suwasevana Foundation (Incorporation)*

AN ACT TO INCORPORATE THE MABOTUWANA SRI PIYARATHANA
NAYAKA THERO SUWASEVANA FOUNDATION

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

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
10 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 Mabotuwana Sri Short title
15 Piyarathana Nayaka Thero Suwasevana Foundation
(Incorporation) Act, No. of 2021.

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

3. (1) The general objects for which the body corporate General
is constituted are hereby declared to be— objects of the
body
corporate

2 *Mabotuwana Sri Piyarathana Nayaka Thero
Suwasevana Foundation (Incorporation)*

- (a) to give temporary residential facilities to patients from various areas of Sri Lanka suffering from dreadful non – communicable diseases to the Karapitiya Hospital for treatment;
- 5 (b) to operate a day care Centre for disabled and back - ward children;
- (c) to operate a library for making available library facilities for the mental comfort of residents;
- 10 (d) to provide the residents with a meal prepared in a safe manner and according to proper standard free of charge;
- 15 (e) to provide each patient facilities separately, such as fridges necessary to properly store medicines etc, that should be administered daily to patients and operating a support service to give each patient the prescribed doses of medicine at the specified time;
- 20 (f) to provide free accommodation facilities to relatives, friends or acquaintances accompanying patients and providing them with meals free of charge;
- (g) to provide financial aid in the case of poor and helpless patients who cannot afford the medicine prescribed to them; and
- 25 (h) to act in cooperation with local and foreign people and organizations who are willing to work for helpless patients.

(2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such implementation shall be carried out without any
30 discrimination based on race, religion, language, caste, sex, political opinion, place of birth or any of such grounds.

4. The objects of the body corporate shall be carried out in such manner so as not to create any conflict between the work of the Corporation and any work being carried out simultaneously by any Ministry or Department of the Government or any Provincial Council.
5. (1) Subjects to the provisions of this Act the body corporate shall be carried out by a Board of Management (hereinafter referred to as “the Board”) consisting of such number of office bearers as may be specified by the rules made under section 7.
- (2) (a) The Board of Management of the foundation that holds office on the day immediately preceding the date of commencement of this Act, shall function as the Board of the body corporate until the first Board is appointed or elected in the manner provided for by rules made under section 7.
- (b) The first Board of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.
- 20 (3) (a) Every office bearer of the Board including the patrons and advisors, shall be appointed or elected for a period of three years and any such office bearer, patron or advisor shall be eligible for re-appointment or re-election after lapse of the said period of three years.
- 25 (b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Board shall having regard to the rules of the Corporation, elect or appoint a person to fill such vacancy.
- (c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.
- 30

body corporate to ensure no conflict with work of Ministry or Department of the Central Government or Province Management of the Affairs of the body corporate

4 *Mabotuwana Sri Piyarathana Nayaka Thero*
 Suwasevana Foundation (Incorporation)

6. Subject to the provisions of this Act and any other Powers of the
written law, the body corporate shall have the power to do, body
perform and execute all such acts and matters as necessary Corporate
or desirable for the promotion or any one of them, including
5 the power—

(a) to purchase, acquire, rent, construct, renovate and
otherwise obtain lands or buildings which may be
required for the purpose of the Body corporate and to
deal with or dispose of the same as may be deemed
10 expedient with a view to promoting the objects of the
body corporate;

(b) to raise funds and receive grants, gifts or donations,
in cash or kind with or without security:

15 Provided that, the Board shall obtain the prior
written approval of the Department of External
Resources of the Ministry of the Minister assigned
the subject of Finance, in respect of all foreign grants,
gifts or donations made to the body corporate;

(c) to make, draw, accept, discount, endorse, negotiate,
20 buy, sell and issue bills of exchange, cheques,
promissory notes and other negotiable instruments
and to open, operate and close accounts in any banks;

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

(e) to undertake, accept, execute, perform and administer
any lawful trust or any real or personal property with
a view to promoting the objects of the body
corporate;

30 (f) to appoint, employ, dismiss or terminate the services
of officers and servants of the body corporate and

exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the body corporate;

- 5 (g) to do all other things as are necessary or expedient for the proper and effective carrying out the objects of the body corporate.

7. (1) It shall be lawful for the body corporate, 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 all or any of the following matters:—

Rules of the
body
Corporate

- 10 (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by members;
- 15 (b) the election of office bearers of the Board or vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;
- 20 (c) the terms and conditions of appointment, powers, functions and duties of the various officers, agents and servants of the body corporate;
- 25 (d) the procedure to be followed at the summoning and holding of meetings of the Board, or any subcommittee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- (e) the qualification and disqualification to be a member of the Board and the body corporate;
- 30 (f) the administration and management of the property of the body corporate; and

6 *Mabotuwana Sri Piyarathana Nayaka Thero
Suwasevana Foundation (Incorporation)*

(g) the management of the affairs of the body corporate and the accomplishment of its' objects and dissolution of the body corporate.

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

(3) The members of the body corporate shall at all time be subject to rules of the body corporate.

10 (4) The rules made under this section shall be published in the Government *Gazette*.

8. The Board shall maintain a register of members in which name, address and other essential details of the members be inscribed. Register of members

9. (1) The body corporate shall have its own Fund. Funds of the body corporate

15 (2) All moneys received by way of gift, bequest, donation, subscription, contribution, fees or grants for an account of the body corporate shall be deposited in one or more Banks approved by the Board to the credit of the Corporation.

20 (3) There shall be paid out of the Fund all sums of money as are required to defray any expenditure incurred by the body corporate in the exercise, performance and discharge of its power, duties and functions under the Act.

10. (1) The financial year of the body corporate shall be the calendar year. Accounts and Auditing

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

30 (3) The accounts of the body corporate shall be audited by a qualified auditor appointed by Auditor General in terms of Article 154 of the Constitution.

(4) For the purpose of this section “qualified auditor” means—

- 5 (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 an Accountant issued by the Council of such institute; or
- 10 (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 Accountant issued by the Council of such
- 15 institute.

20 **11.** (1) The Board shall prepare a report of the activities of the body corporate for each financial year and submit such report together with the audited statement of accounts to the Secretary of the Ministry of the Minister assigned the subject of Social Services and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such

25 report relates.

Annual Report

(2) A separate account relating to the foreign and local moneys received by the body corporate during the financial year shall be attached to the report referred to in subsection (1).

30 **12.** All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid by the body corporate hereby constituted, and all debts due to, and subscriptions and contributions payable to the Foundation on that day shall be paid to the body

35 corporate for the purpose of this Act.

Debts due by and payable to the Foundation.

5 **13.** Subject to the provision of this Act, the body corporate shall be able and capable in law, to take and hold any property movable or immovable which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the body corporate for the purposes of this Act, and subject to the rules of the body corporate made under section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Body corporate may hold property movable and immovable

10 **14.** The moneys and property of the body corporate however derived shall be applied solely towards the promotion of the objects of the body corporate and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members
15 of the body corporate.

Application of money and property

20 **15.** (1) The seal of the body corporate shall not be affixed to any instrument whatsoever, except in the presence of two members of the Board 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 body corporate

(2) The seal of the body corporate shall be in the custody of an office bearer of the Board as may be decided by such Board.

25 **16.** (1) If upon the dissolution of the body corporate 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 body corporate, but shall be given or transferred to any other institution having objects similar to those of the body corporate, and
30 which is by the rules thereof prohibited from distributing any income or property among its members.

Property remaining on dissolution

35 (2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the body corporate immediately before the dissolution at a general meeting by the majority of votes of the members present.

Mabotuwana Sri Piyarathana Nayaka Thero 9
Suwasevana Foundation (Incorporation)

17. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate. Saving of the Rights of the Republic and others

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

