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SOCIALIST REPUBLIC OF
SRI LANKA**

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SUPPLEMENT

(Issued on 27.09.2021)



**SAMADHI HEALTH SERVICE, ENVIRONMENT,
AGRICULTURAL, CULTURAL AND SPORT CENTRE
(INCORPORATION)**

(Private Members' Bill)

A

BILL

**to incorporate the Samadhi Health Service, Environment, Agricultural,
Cultural and Sport Centre**

*To be presented in Parliament by Hon. Buddhika Pathirana, M.P.
for Matara District*

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*Samadhi Health Service, Environment,
Agricultural, Cultural and Sport Centre (Incorporation)*

AN ACT TO INCORPORATE THE SAMADHI HEALTH SERVICE,
ENVIRONMENT, AGRICULTURAL, CULTURAL AND SPORT CENTRE

WHEREAS a Centre called and known as the “Samadhi Health Service, Environment, Agricultural, Cultural and Sport Centre” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Centre according to the rules agreed to by its members:

Preamble

AND WHEREAS the said Centre has heretofore successfully carried out and transacted the 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 Samadhi Health Service, Environment, Agricultural, Cultural and Sport Centre (Incorporation) Act, No. of 2021.

Short title

2. (1) From and after the date of commencement of this Act, such and so many persons as now are members of the Samadhi Health Service, Environment, Agricultural, Cultural and Sport Centre (hereinafter referred to as the “Centre”) 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 “Samadhi Health Service, Environment, Agricultural, Cultural and Sport Centre” (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 to alter the same at its pleasure.

Incorporation of the Samadhi Health Service, Environment, Agricultural, Cultural and Sport Centre

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

General objects of the Corporation

(a) to assist students who prepare for government examinations by conducting lectures, seminars and study tours;

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- 5 (b) to organize academic lectures, seminars, executive level of guidance, connected necessary exhibitions, and educational programme to improve the intelligence of the general public and to establish libraries, preserve environment and to act in giving priority to the balance development;
- 10 (c) to conduct training programs of all types in the field of mass communication (television, radio, internet, newspapers and publications) and maintain such units;
- 15 (d) to assist needy students by providing them with books and other equipment and school uniforms and to grant scholarships to students who ate in the secondary and tertiary stage of their education;
- 20 (e) to identify the inherent talents of students and youth at rural, district and provincial levels in areas such as sports, literature and art and to encourage them to excel in them by providing the required infrastructure;
- (f) to identify projects suitable for young school leavers and assist them by carrying out such projects with a view to training such youth to meet the competitive demands for future employment;
- 25 (g) to assist those in need of financial and other forms of assistance to enhance their inborn talents and skills enabling them to engage in self-employment;
- (h) to extend all forms of assistance to the differently-abled in developing their personality and to implement all types of support programs relevant to preschool/early childhood education;

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- (i) to identify the health requirements of the people in rural and remote areas and to conduct medical camps and clinics in such areas and to supply medicines to the needy through such camps and clinics;
- 5 (j) to conduct awareness programmes for youth in order to promote a tobacco, alcohol and a drug free society and build a healthy, disciplined, patriotic and human generation;
- 10 (k) to organize and operate centers in all the divisional secretariat divisions across the Island in addition to the centers that are operating in Matara, Malimbada, Ja-Ela and Meda Dumbara;
- (l) to encourage the farmers, fishermen and establish young farmers and fishermen's organizations;
- 15 (m) to utilize the labour of youth and adults for the welfare of the general public and during emergencies and national disasters;
- 20 (n) to foster and promote mutual understanding, a spirit of national consciousness, goodwill and friendship among the citizens of Sri Lanka and to promote peace and harmony among the Sinhala, Tamil, Muslim and Burgher communities in Sri Lanka;
- 25 (o) to promote religious harmony, mutual understanding, peaceful co-existence, spiritual development and friendship among the people of Sri Lanka through religious, cultural, social and economic interactions;
- 30 (p) to conduct programmes to discuss the problems faced by the youth in different areas in Sri Lanka due to lack of infrastructure facilities such as electricity, water, housing and roads and provide amnesties to such needy people;

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- (q) to organize and mobilize people to deploy them in
voluntary activities in order to find solutions to
shortcomings in infrastructure;
- 5 (r) to facilitate the exchange of delegations with other
international organizations having similar objects
with a view to building friendship and understanding
between Sri Lanka and other countries;
- 10 (s) to assemble and mobilize all groups under this
Academy with a view to promoting national harmony
and peace within Sri Lanka;
- 15 (t) to organize, maintain and develop the pre-training
and educational programme for those children and
youths who are of poor and lack of educational
facilities and to contribute the energy of youths for
the public welfare;
- 20 (u) to pave the way to obtain pre-vocational training,
sports training and training on leadership, computer,
media, Tamil, English and any other languages; and
- (v) to do all such other acts, matters and things as are
incidental or conducive to the attainment of the
objectives of the body corporate.

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

30 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 body corporate and any work being carried
out simultaneously by any Ministry or Department of the
Government or any Provincial Council.

Body
corporate to
ensure no
conflict with
work of
Ministry of
Department
of the Central
Government
or Province

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5 **5.** (1) Subject to the provisions of this Act, Management of the Affairs of 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. Management of the affairs of the body corporate

10 (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.

15 (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.

20 (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 body corporate, elect or appoint a person to fill such vacancy.

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

 (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be

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required for the purpose of the body corporate and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the body corporate;

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

10 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;

- 15 (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 accounts in any banks;

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

- 20 (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;

- 25 (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;

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

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- 5 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 Corporation
- 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;
- 30 (e) the qualification and disqualification to be a member of the Board and the Body corporate;
- (f) the administration and management of the property of the body corporate; and
- (g) the management of the affairs of the Body corporate and the accomplishment of its' objects and dissolution of the Body corporate.
- (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).

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

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

5 **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. Fund of the Body corporate

10 (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 Body corporate.

15 (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 Corporation shall be the calendar year. Accounts and the Auditing

20 (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.

(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.

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

(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

- 5 (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
- 10 institute.

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 report relates.

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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).

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12. All debts and liabilities of the Centre 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 Centre on that day shall be paid to the Body corporate for the purpose of this Act.

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Debts due by
the payable
to the Centre

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

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Body
corporate
may hold
property
movable and
immovable

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by 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.

5 **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
10 of the body corporate. Application of money and property

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
15 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.

20 **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 some other institution having objects similar to those of the body corporate, and
25 which is by the rules thereof prohibited from distributing any income or property among its members. Property remaining on dissolution

(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
30 meeting by the majority of votes of the members present.

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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

5 **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

