

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

Part II of September 08, 2023

SUPPLEMENT

(Issued on 14.09.2023)



**SUSARANA LANKA FOUNDATION
(INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate the Susarana Lanka Foundation

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

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 30.00

Postage : Rs. 150.00

This Gazette Supplement can be downloaded from www.documents.gov.lk



Susarana Lanka Foundation (Incorporation)

AN ACT TO INCORPORATE THE SUSARANA LANKA FOUNDATION

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

Preamble

AND WHEREAS the said Organization 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 for the public advantage 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 Susarana Lanka Foundation (Incorporation) Act, No. of 2023.

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 Susarana Lanka Foundation (hereinafter referred to as the “Foundation”) and shall hereafter be admitted as members of the body corporate hereby constituted shall have with perpetual succession, under the name and style of the “Susarana Lanka Foundation” (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 Susarana Lanka Foundation

(2) The body corporate shall be deemed to be a Voluntary Social Service Organization within the meaning and for the purpose of the Voluntary Social Services Organizations (Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the management of the affairs of the body corporate.

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

General
objects of the
body
corporate

- 5 (a) to implement an educational program which is necessary for personality development that includes complete personality growth, knowledge, skills and attitudes and promotion of humanitarian ideas, good values and morals in the society;
- 10 (b) to provide the necessary assistance and support to low-income school students throughout the island to carry out their educational activities effectively;
- 15 (c) to conduct awareness workshops by experts in the relevant fields and conduct appropriate educational seminars, workshops, mass educational programs and lectures for children and monks in education throughout the island, in order to develop the knowledge of Sinhala, Mathematics, English, Science, Sanskrit and Pali and other languages, religious education and computer and technical knowledge of school students and monks studying in Pirivenas;
- 20 (d) to establish information technology centers at the district level to improve the science education of school students and to establish and maintain libraries at an optimal level for the use of school students and monks studying in Pirivenas and contributing to issue books, magazines, commemorative issues and periodicals, etc.;
- 25 (e) to support the school children and youth community in developing their educational, religious, cultural, artistic and sports facilities irrespective of race, religion, caste, make necessary arrangements for
- 30

the protection and maintenance of their disciplinary and cultural values, implementation of suitable leadership training programs for them;

- 5 (f) to provide necessary facilities and knowledge to create scientific and technical inventions among the school children and to create new creations in the fields of literature, performing arts, cinema etc., and also conduct competitions and exhibitions, printing books, commemorative issues, magazines in that regard;
- 10
- (g) to provide programs, equipment and other facilities necessary in order to provide school students with theoretical and practical understanding of mass media and the use of new media;
- 15 (h) to conduct programs, competitions, etc. and to setup model ecosystems and model farm to expand theoretical and practical knowledge among school students on sustainable agriculture and environment conservation;
- 20 (i) to conduct awareness programs to create the awareness on children's and adults' rights in the school children and in the entire society and make necessary arrangements to promote the children's and adults' rights;
- 25 (j) to establish and supply equipment and maintain early childhood development centers at the local level to develop early childhood and primary education of the children from low-income families;
- 30 (k) to provide the necessary facilities to promote the health of disabled and mentally retarded children

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throughout the island, to maintain day care centers and hostels for them, to provide libraries and other infrastructure for the mental health of those residents;

- 5 (l) to provide financial support to the low-income and poor needy patients living all over the island to purchase prescribed medicines, provide refrigerating facilities for the proper storage of the medicines to be given to them on a daily basis and arrange a program at the regional level to provide nutritious meals prepared in a safe manner to such patients on free of charge basis and order to arrange financial and other sources for the above activities act in cooperation with local and foreign people and organizations working for the welfare of the needy patients;
- 10
- 15
- (m) to act with local and foreign organizations that have similar objectives to the above objectives of the body corporation;
- 20
- (n) to grant scholarships, financial or other assistance to volunteers and other persons who are engaged in activities necessary for the achievement of the objectives of the body corporate;
- 25
- (o) to conduct and sponsor conferences, seminars, workshops, mass educational programs and lectures in Sri Lanka or abroad to promote and achieve the objectives of he body corporate and to print, publish and distribution of books, periodicals, leaflets, newspapers and magazines which the body corporate deems appropriate for that purpose; and
- 30

(p) to do such other acts, deeds and things as may be deemed appropriate and necessary, incidental or conducive to the accomplishment of all or any of the objects of the body corporate.

5 **4.** The objects of the body corporate shall be carried out in accordance with written law and 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
10 Council or any Local Authority.

Body corporate to ensure no conflict with work of Ministry or Department of the Government or any Provincial Council

5 **5.** (1) Subject to the provisions of this Act, and the rules made under section 7, the management and administration of the affairs of the body corporate shall be carried out by a Board of Management (hereinafter referred to as “Executive
15 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

20 (2)(a) The members of the Executive Board of the Foundation holding office on the day immediately preceding the date of commencement of this Act shall, Subject to the rules made under paragraph (b), function as an Interim Board of the body corporate until the first Executive Board is appointed or elected in the manner provided for by rules made under section 7.

25 (b) Subject to the provisions of section 7, the Interim Board of the body corporate shall have the power to make rules for the interim administration of the body corporate and for election or appointment of the members of the first Executive Board of the body corporate, not inconsistent with the provisions of this Act or any other written law.

(c) Any decision of the Interim Board shall be taken by the majority of its members present at such meeting.

(d) The First Executive Board of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.

(3)(a) Every office bearer of the Executive 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.

(b) Reverend Galahitiyagoda Sumanarathana Thero, founder of Susarana Lanka Foundation shall be the Chairman of the Executive Board of the body corporate.

(c) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Executive Board shall, having regard to the rules of the body corporate, elect or appoint a person to fill such vacancy.

(d) The person elected or appointed under paragraph (c) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

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 the following acts for the achievement of the objects of the body corporate—

(a) to purchase, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purposes of the body corporate and to deal with or dispose of the same as may be determined by the Executive Board with a view to promoting the objects of the body corporate;

- 5 (b) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the body corporate, all such contracts or agreements as may be necessary for attainment of the objects or the exercise of the powers of the body corporate;
- (c) to borrow or raise funds with or without securities and to receive grants, gifts or donations in cash or kind:
- 10 Provided that, the Executive Board shall obtain the prior written approval of the Department of External Resources in respect of all foreign grants, gifts or donations made to the body corporate;
- 15 (d) 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, maintain and close accounts in any bank in Sri Lanka approved by the Executive Board;
- 20 (e) to invest any funds that are not immediately required for the purposes of the body corporate, in such manner as the Executive Board may determine;
- 25 (f) to undertake, accept, execute, perform and administer any lawful trust having objects similar to the objects of the body corporate or any real or personal property with a view to promoting the objects of the body corporate;
- (g) 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 (h) to organize lectures, seminars and conferences with a view to promoting the objectives of the body corporate;
- (i) to liaise and co-ordinate with other local and foreign institutions having similar objects to that of the body corporate; and
- 10 (j) to train officers and servants in Sri Lanka or abroad for the purposes of the body corporate.

7. (1) It shall be lawful for the body corporate, from time to time, at any general meeting of the body corporate 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:—

15

Rules of the
body
corporate

- 20 (a) classification of membership, determine the fees payable by the members, admission of members and withdrawal, expulsion or resignation of members as follows:-

25 Scholars, professionals, youth or any other person can apply for membership of the Foundation if they are willing to act in accordance with the Foundation's objectives, code of conduct and the constitution. All such applications are subject to the approval of the Chairman and the Executive Board. The basic admission fee for general membership of the Foundation is Rs. 1000/- and

the fee for lifetime membership is Rs. 5000/-. Membership fees are payable at the time of application for membership.

Classification of Membership:

- 5 (i) General Membership : This includes members who pay annual membership fees;
- 10 (ii) Lifetime Membership : This includes members who get membership by paying a certain membership fee as determined by the body corporate;
- 15 (iii) Honorary Membership : This includes the membership awarded by the Chairman and / or Executive Board of the body corporate to the members those who are done and excellent and outstanding services in the society so far, or who are deemed to be able to do such service in the future, or those who have performed in a specific field or several in accordance with the objectives of the Foundation;
- 20
- 25 (iv) Associate Membership : This includes the members those who are called for a specific training under the body corporate or commit themselves to a specific service of the Foundation during a specific period of time. This membership is offered upon the approval of the Chairman and / or Executive Board and the members are exempted from the membership fees;

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- 5 (v) Youth Membership : This membership offered to young men and women upon the approval of the Chairman and / or Executive Board is also exempted from membership fees;
- (b) election of the following office bearers of the Executive Board, vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers:-
- 10 (i) Honourable Chairman / Executive Director;
(ii) Honourable Vice Chairman / Director;
(iii) Honourable Secretary / Director;
(iv) Honourable Deputy Secretary / Director;
(v) Honourable Treasurer / Director;
- 15 (c) the terms and conditions of appointment, powers, functions and duties of various officers, agents and servants of the body corporate;
- 20 (d) the procedure to be followed for the summoning and holding of meetings of the body corporate or of the Executive Board, or notices and agenda of such meetings, the quorum and the conduct of business thereat;
- 25 (e) the qualifications and disqualifications to be a member of the Executive Board and the body corporate;
- (f) the administration and management of the property of the body corporate;

(g) the procedure governing the manner of liaising and coordinating with other local and foreign institutions having objects similar to that of the body corporate; and

5 (h) generally the management of the affairs of the body corporate and the accomplishment of its' objects and dissolution of the body corporate.

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

(3) The rules made under subsection (1) shall be published in the *Gazette* within three months upon making of such rules and shall come into effect on the date of such publicaion.

15 (4) The members of the body corporate shall at all times be subject to the rules of the body corporate.

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

20 **9.** (1) The body corporate shall have its own Fund. Fund of the body corporate

(2) All moneys received by way of gifts, bequests, donations, subscriptions, contributions, fees or grants for and on account of the body corporate shall, subject to the provisions of section 6(c), be deposited in one or more banks
25 approved by the Executive Board to the credit of the body corporate.

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

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

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

(3) The accounts of the body corporate shall be audited annually by the Auditor-General or a qualified auditor appointed by Auditor-General in terms of provisions of Article 154 of the Constitution and be certified by the Auditor - General or such qualified auditor.

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

(a) an individual who, 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 institute; or

(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 Institute.

11. (1) The Executive 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 and a list of all assets and liabilities of the body corporate certified by the Auditor- General or a qualified auditor referred to in section 10, to the Ministry of the Minister Annual Report

assigned the subject of Education under Article 44 or 45 of the Constitution and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organizations (Registration and Supervision) Act,
5 No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such report relates.

(2) A separate statement of accounts relating to the foreign and local moneys received by the body corporate, the details of all contracts and agreements entered into by the body
10 corporate and the rules of the body corporate made under section 7 during the financial year shall be attached to the report referred to in subsection (1).

12. All debts and liabilities of the Foundation existing on the day immediately preceding the date of commencement
15 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 corporate for the purposes of this Act.

Debts due by and payable to the Foundation

13. Subject to the provisions of this Act and any other
20 written law, 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
25 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

14. The moneys and property of the body corporate however derived shall be applied solely towards the
30 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 or otherwise howsoever to the members of the body corporate.

Application of moneys and property

15 **15.** (1) The Seal of the body corporate shall not be affixed to any instrument whatsoever, except in the presence of the Secretary and one other office bearer of the Executive Board or two office bearers of the Executive Board, whom
5 may be decided by the Executive Board and 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

20 (2) The Seal of the body corporate shall be in the custody of the Secretary or an office bearer of the Executive Board as
10 may be decided by such Executive Board.

15 **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
15 be distributed among the members of the body corporate, but shall be given or transferred to any other appropriate Buddhist institution having objects similar to those of the body corporate and which is by the rules thereof, prohibited from distributing any income or property among its members.

Property
remaining on
dissolution

20 (2) For the purposes of this subsection (1) the appropriate Buddhist institution shall be determined by the members of the body corporate with the approval of the Registrar of Voluntary Social Services Organizations appointed under
25 the Voluntary Social Services Organizations (Registration and Supervision) Act, No. 31 1980 immediately before the dissolution at a general meeting by the majority of votes of the members present.

30 **17.** No person shall be liable in any suit or other legal proceeding for any act done, or purporting to be done, in good faith in pursuance of the powers conferred by or under this Act, or for the purpose of carrying out the provisions of this Act.

Indemnity
for acts done
in good faith

18. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate.

Saving of the rights of the Republic and others

19. 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

