

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

Part II of June 20, 2024

SUPPLEMENT

(Issued on 26.06.2024)



**ASSOCIATION OF HUMAN RESOURCES
PROFESSIONALS (INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate the Association of Human Resources Professionals

*To be presented in Parliament by Hon. Madhura Withanage,
Attorney-at-Law, M. P. for Colombo District*

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 24.00

Postage : Rs. 150.00

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



*Association of Human Resources Professionals
(Incorporation)*

AN ACT TO INCORPORATE THE ASSOCIATION OF HUMAN
RESOURCES PROFESSIONALS

WHEREAS a Association called and known as the Preamble
“Association of Human Resources Professionals” has
heretofore been formed in Sri Lanka for the purpose of
effectually carrying out its objects and transacting all matters
5 connected with the said Association according to the rules
agreed to by its members:

AND WHEREAS the said Association has heretofore
successfully carried out and transacted the several objects
and matters for which it was established, and has applied to
10 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 Association of Human Short Title
15 Resources Professionals (Incorporation) Act, No. of 2024.

2. The persons who, at the time of the coming into Incorporation
operation of this Act, are members of the Association of of the
Human resources Professionals (hereinafter referred to as “the Association”) and such other persons as are hereafter enrolled Association
20 as members of the Association shall be a body corporate of Human
(hereinafter referred to as “the corporation”) with perpetual Resources
succession and the common seal under the name and style of Professionals
“the Association of Human Resources Professionals”. The
corporation may sue and be sued by that name.

25 3. (1) The general objects for which the Corporation is General
constituted shall be:- objects of the
Corporation

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- (a) to serve as a source of information for Human Resources Professionals to help resolve their work related problems;
- 5 (b) to serve as a forum for Human Resources Professionals to meet, fraternize and exchange ideas;
- 10 (c) to prepare and publish Journals, Books, Pamphlets and Papers and to utilize any other means of communication to promote good Human Resources practices;
- 15 (d) to provide training and development support for Human Resource Professionals by way of organizing and promoting Programs/ Workshops/ Seminars and undertaking Studies and Research Projects for the Government, Private Sector. International Agencies and other Institutions at the request of the said entities on Human Resources;
- 20 (e) to promote understanding, co-operation and friendship with Human Resources Organizations within and outside Sri Lanka;
- 25 (f) to collaborate or form strategic alliances or any other mode of co-operation with other organizations, Financial Institutions or Non-Governmental Organizations in key areas of Human Resources Developments and Industrial Relations, within or outside Sri Lanka;
- 30 (g) to provide growth and development in the area of human resources by establishing a network for mutual assistance, information sharing and consultations; and

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(h) to do all other things incidental or conducive to the attainment of the above objects or the exercise of the above powers.

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

10 4. The objects of the Corporation 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.

Corporation to ensure no conflict with work of Ministry or Department of the Central Government or Provincial Councils

15 5. (1) Subject to the provisions of this Act the affairs of the Corporation 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 Corporation

20 (2) (a) The Board of Directors of the Association that holds office on the date immediately preceding the date of commencement of this Act, shall function as the Board of the Corporation until the first Board is appointed or elected in the manner provided for by rules made under section 7.

25 (b) The first Board of the Corporation shall be appointed or elected within one year of the date of commencement of this Act.

(3) (a) Every office bearer of the Board including the patrons and advisors, shall be appointed or elected for a

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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.

5 (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.

10 (c) The person elected or appointed under paragraph (b) shall hold office only for the remaining period of the term of office of the member whom he succeeds.

15 (4) The Board administering the affairs of the Corporation shall cause a register of members of the Corporation to be kept. There shall be inscribed in such register the name of every person who, at the date of the coming into operation of this Act, is a member of the Association and the name of every person who is thereafter duly enrolled as a member of the Association.

20 **6.** Subject to the provision of any other written law and without prejudice to the generality of the powers conferred on the Corporation by this Act, Corporation shall have the power to do, perform and execute all such acts and matters as necessary or desirable for the purpose of achieving the objects of the Corporation, including the power -

Powers of the Corporation

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

30 (b) to raise funds and receive grants, gifts or donations, in cash or kind:

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5 Provided that, the Board shall obtain the prior written approval of all the relevant Government Ministries and Departments as may become relevant time to time including 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 Corporation;

10 (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;

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

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

20 (f) to appoint, employ, dismiss or terminate the services of employees of the Corporation and exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the Corporation; and

25 (g) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

30 7. (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 provision of this Act or any other written law, for all or any of the following matters:-
Rules of the Corporation

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- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by members;
- 5 (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;
- 10 (c) the terms and conditions of appointment, powers, functions and duties of the various officers , agents and servants of the Corporation;
- 15 (d) the procedure to be followed at the summoning and holding of meetings of the Board, or any sub-committee 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 Corporation;
- (f) the administration and management of the property of the Corporation; and
- 20 (g) the management of the affairs of the Corporation, the accomplishment of its objects and dissolution of the Corporation.

(2) The rules of the Corporation may be amended, altered, added to or rescinded in a like manner as a rule made under
25 subsection(1).

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

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

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8. (1) The Corporation shall have its own Fund. Fund of the Corporation

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

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

10 9. (1) The financial year of the Corporation shall be the calendar year. Accounts and the Auditing

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

15 (3) The accounts of the Corporation 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 -

20 (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

25 (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 Accountant issued by the Council of
30 such Institute.

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10. (1) The Board shall prepare a report of the activities of the Corporation 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 Service Organizations appointed under the Voluntary Social Service Organizations (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. Annual Report
- 5
- 10 (2) A separate account relating to the foreign and local moneys received by the Corporation during the financial year shall be attached to the report referred to in subsection (1).
11. All debts and liabilities of the Association 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, and subscriptions and contributions payable to the Association on that day shall be paid to the Corporation for the purpose of this Act. Debts due by and payable to the Association
- 15
- 20 12. On the coming into operation of this Act, all and every property movable and immovable belonging to the Association, whether held in the name of the said Association, or in the name or names of any persons in trust for the said Association, shall be and the same are hereby Corporation may hold property movable and immovable
- 25 vested in the Corporation hereby constituted, and the same together with all property acquired thereafter, both movable and immovable, by way of purchase, grant, gift, testamentary disposition or otherwise and all subscriptions, contributions, donations received, shall be held by the said Corporation
- 30 and the Corporation will have the power to sell, mortgage, lease, exchange or otherwise dispose of the same for the purpose of this Act and subject to the rules for the time being in force of the said Corporation.

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13. The moneys and property of the Corporation however derived shall be applied solely towards the promotion of the objects of the Corporation and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, 5 bonus or profit to the members of the Corporation.

Application of money and Property

14. (1) The seal of the Corporation 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 10 be independent of the signing of any person as a witness.

Seal of the Corporation

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

15. (1) 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 given or transferred to any other institution having objects similar to those of the Corporation, and which is by the rules 20 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 Corporation immediately before the dissolution at a general 25 meeting by the majority of votes of the members present.

16. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate or 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

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17. In the event of any inconsistency between the Sinhala and Tamil Text of this Act, the Sinhala text shall prevail.

Sinhala text
to Prevail in
case of
inconsistency

