



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

**PREMADASA HEGODA FOUNDATION
(INCORPORATION) ACT, No. 71 OF 2009**

[Certified on 18th December, 2009]

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Premadasa Hegoda Foundation (Incorporation)
Act, No. 71 of 2009

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L. D. — O. (INC.) 34/2007.

AN ACT TO INCORPORATE THE PREMADASA HEGODA FOUNDATION

Preamble.

WHEREAS an Association called and known as the “Premadasa Hegoda Foundation” has been formed in Sri Lanka, for the purpose of effectually carrying out and transacting all objects and matters 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 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 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 Premadasa Hegoda Foundation (Incorporation) Act, No. 71 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the Premadasa Hegoda Foundation (hereinafter referred to as the “Association”) or shall hereafter be admitted members of the Corporation hereby constituted, shall be a body corporate with perpetual succession, under the name and style of the “Premadasa Hegoda Foundation” (hereinafter referred to as the “ Corporation”) 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 Premadasa Hegoda Foundation.

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

General objects of the Corporation.

(a) to establish and maintain welfare centres for destitute and displaced children ;

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- (b) to take care of disabled, deformed and mentally retarded children and to arrange for the future welfare of these children and to aid in this regard ;
- (c) to initiate vocational courses needed for mentally retarded or deformed or displaced children and to provide for their educational needs ;
- (d) to establish and maintain vocational training centres in collaboration with local and foreign institutions ;
- (e) to develop cordiality and corporation between this Corporation and social workers, scientists, philanthropists and local and foreign welfare societies having social objectives ;
- (f) to construct buildings necessary for the use of the Corporation as well as the use of the persons coming from abroad for the benefit of the Corporation and to supply and maintain facilities and equipment for such purposes ;
- (g) to teach youth values and proper behaviour which would mould their character ;
- (h) to assist the children in every respect so that they become good citizens of the country ;
- (i) to establish and maintain pre-schools for the benefit of low income families and to conduct courses for the training of preschool teachers ;
- (j) to promote traditional cultural arts by supplying material and providing facilities and by encouraging and protecting the interests of the artists and their welfare ;
- (k) to organize cultural exchange programmes with other countries ;

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- (l) to assist in the conservation of the natural resources of Sri Lanka and protection of the endangered species, animals, birds, fish and reptiles and provide all assistance to the relevant institutions ;
- (m) to organize seminars, workshops, projects and discussions and to maintain relations with local and foreign institutions in this field ; and
- (n) to print, publish and distribute books, journals leaflets, newspapers and magazines which the Corporation may consider desirable for the promotion and advancement of its objects.

(2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such implementation is carried out without distinction based on race, caste, religion language, sex or political opinion.

4. (1) The affairs of the Corporation shall, subject to the other provisions of this Act and such rules as may be made under section 7, be administered by a Board of Management consisting of the President, Secretary, Assistant Secretary, Treasurer and Assistant Treasurer and five committee members who shall be appointed at a general meeting and elected in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) The members of the Board first of Management of the Corporation shall consist of the members of the Board of Administration of the Associations holding office on the day immediately proceeding the date of commencement of this Act and shall hold office until the holding of the first annual general meeting of the Corporation.

5. The Board of Management shall cause a register to be maintained in which every person who, at the date of commencement of this Act, is a member of the Corporation and every person thereafter duly admitted as a member of the Corporation hereby constituted, shall have his name inscribed in such register.

Register of the members.

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Powers of the Corporation.

6. 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 whatsoever, as are necessary or desirable for the promotion or for the furtherance of the objects of the Corporation or anyone of them, including the power—

- (a) to purchase, hold, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation ;
- (b) to borrow or raise funds and receive grants, gifts or donations in cash or kind ;
- (c) to erect or cause to be erected any building or structure on any land belonging to the Corporation ;
- (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 bank accounts ;
- (e) to invest any funds not immediately required for the purposes of the Corporation, in such a manner as the Board of Management may think fit ;
- (f) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any movable or immoveable property ;
- (g) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation ; and
- (h) to train personnel in Sri Lanka or abroad for the purpose of the Corporation.

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7. (1) It shall be lawful for the Corporation, from time to time, at any General meeting 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 the following matters :—

Rules of the Corporation.

- (a) classification of membership, fees payable by each class of members, their admission, withdrawal, expulsion or resignation ;
- (b) election of the Board of Management, or vacation of, or removal as office bearers and powers, duties, functions and conduct of the Board of Management ;
- (c) appointment, employment and dismissal of the various officers, agents and servants of the Corporation their powers, duties, functions and conduct and the payment of remuneration to them ;
- (d) the procedure to be observed at, and the summoning and holding of meetings of the Corporation, Board of Management, or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat ;
- (e) the qualifications and disqualifications for membership in the Board of Management and the Corporation ;
- (f) the administration and management of the property of the Corporation ; and
- (g) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(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).

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

Audit and
Accounts.

8. (1) The Corporation shall have its own fund and the financial year shall be the calendar year.

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

(3) The accounts of the Corporation shall be audited annually by a qualified auditor appointed by the Corporation.

(4) In 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

(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.

Corporation
may hold
property
movable or
immovable.

9. The Corporation shall be able and capable in law, to acquire 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 Corporation for the purposes of this Act, and subject to the rules of the Corporation made under section 7, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

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10. 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, and all debts due to, subscriptions and contributions payable to the Association, on that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Association.

11. If upon the winding up or 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 some other association or associations 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 its or their members. Such association or associations shall be determined by the members of the Corporation at or immediately before the time of such dissolution of the Corporation.

Property remaining on dissolution of the Corporation.

12. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President of the Corporation or his absence two other persons duly authorized by the Board of Management 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.

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

Saving of the rights of the Republic and others.

14. 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.

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