



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

**PIYA DASUNA FOUNDATION
(INCORPORATION) ACT, No. 19 OF 2012**

[Certified on 06th August, 2012]

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Piya Dasuna Foundation (Incorporation)
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L . D.– O. (Inc) 21/2011.

AN ACT TO INCORPORATE THE PIYA DASUNA FOUNDATION

WHEREAS an Association called and known as the “Piya Dasuna 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 Foundation according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the 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 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 “Piya Dasuna Foundation (Incorporation)” Act, No. 19 of 2012.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Piya Dasuna Foundation” (hereinafter referred to as the “Foundation”) 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 “Piya Dasuna 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 Piya Dasuna Foundation.

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

The general objects of the Corporation.

(a) to provide necessary education, training and assistance to Sri Lankan Youth to improve their professional and vocational skills with a view to

2 *Piya Dasuna Foundation (Incorporation)*
Act, No 19 of 2012

obtaining their optimal and finest services for the development of the nation;

- (b) to promote peace, goodwill and harmony among all the communities and people of Sri Lanka ;
- (c) to grant scholarships and bursaries to needy and deserving students of Sri Lanka ;
- (d) to establish and maintain permanent and mobile libraries mainly in the remote and underdeveloped areas, especially for the benefit of the students ;
- (e) to organize awareness programmes on concepts such as Fundamental Human Rights, Democracy and Good Governance with a view to promoting such concepts among the Sri Lankans;
- (f) to formulate and implement programmes to promote the rights of the children, women and other marginalized groups such as the differently able people ;
- (g) to sponsor and promote sports among the children and the youth according to their talents and interest ;
- (h) to formulate and implement various humanitarian assistance programmes such as housing, medical relief, poverty alleviation programmes for the needy and deserving Sri Lankans including the Displaced Persons ;
- (i) to formulate and implement various projects and programmes to improve the moral values of the Sri Lankan youth and to foster and promote the cultural heritage of Sri Lanka ; and
- (j) to liaise and co-ordinate with other local and foreign institutions having similar objects to that of the Corporation.

(2) The Corporation shall ensure that the implementation of the objects of the Corporation shall be carried out without

any distinction based on race, religion, language, caste, sex or political opinion.

4. The Corporation shall implement and carry out the objects of the Corporation in such manner so as not to cause any conflict between the work of the Corporation and any work being carried out by any Ministry or Department of the Government or a Provincial Council.

Corporation to ensure no conflict with work of any Ministry & c.

5. 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 and matters as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

Powers of the Corporation.

- (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purposes of the Corporation ;
- (b) to borrow or raise funds with or without securities and to receive grants, gifts or donations in cash or kind ;

Provided that, the Corporation 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.

- (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, maintain and close accounts in any bank ;
- (d) to enter into contracts, partnerships or agreements with any Governmental or non Governmental organizations or any other person or institution

4 *Piya Dasuna Foundation (Incorporation)
Act, No 19 of 2012*

whether in Sri Lanka or abroad ;

- (e) to invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Executive Committee may determine ;
- (f) to appoint, employ, dismiss or terminate the services of officers and servants 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 ;
- (g) to train personnel in Sri Lanka or abroad for the purposes of the Corporation; and
- (h) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

Executive
Committee of
the Corporation.

6. (1) Subject to the provisions of this Act the management and administration of the affairs of the Corporation shall be administered by an Executive Committee consisting of such number of office bearers as may be specified by the rules of the Corporation made under section 7.

(2) One of the members of the Executive Committee shall be an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister to whom the subject of Social Services is assigned and appointed by such Minister.

(3) The Executive committee of the Corporation shall be elected every year at a general meeting of the Corporation.

(4) The first Executive Committee of the Corporation shall be elected within one year of the date of commencement of this Act.

(5) The executive Committee of the Foundation who

holds office on the day immediately preceding the date of commencement of this Act, shall function as the executive Committee of the Corporation until the first Executive Committee of the Corporation is elected in the manner provided for in the Act.

(6) No person shall be elected as an office bearer (including the patrons) of the Corporation for the life period of such person.

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

Rules of the Corporation.

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by the members ;
- (b) the election of office bearers of the Executive Committee or vacation of or removal from office and the powers duties and functions of the office bearers ;
- (c) the appointment, powers, functions and duties and the terms and conditions of the various officers, agents and servants of the Corporation;
- (d) the procedure to be followed for the summoning and holding of meetings of the Executive Committee, the Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum and the conduct of business thereat ;
- (e) the qualifications and disqualifications for members of the Executive Committee and the Corporation ;
and

6 *Piya Dasuna Foundation (Incorporation)*
Act, No 19 of 2012

(f) the administration and management of the property of the Corporation for the accomplishment of the objects of the Corporation.

(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) of this section.

(3) The members of the Corporation shall at all times be subject to the rules of the Corporation made under this section.

Fund of the Corporation.

8. (1) The Corporation shall have its own fund.

(2) All moneys received by way of gift, bequest, donation, subscription, contribution, fees or grant for and on account of the Corporation shall be deposited in one or more banks approved by the Executive Committee 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 powers, duties and functions under the Act.

Accounts and Auditing.

9. (1) The financial year of the Corporation shall be the calendar year.

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

(3) The accounts of the Corporation shall be audited annually by the Auditor General or an qualified auditor appointed by the Auditor General.

(4) In 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

Piya Dasuna Foundation (Incorporation) 7
Act, No 19 of 2012

- (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

10. All debts and liabilities of the Foundation existing on the day immediately 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 Foundation on that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Foundation.

11. Subject to the provisions of this Act, the Corporation 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 Corporation for the purpose of this Act and subject to the rules of the Corporation made under section 7 with power to sell, mortgage, lease, exchange, or otherwise dispose of the same.

Corporation may hold property movable and immovable.

12. The corporation shall be a non-profit organization and no part of the gains, profits or dividends, if any, of the Corporation shall be distributed among the members of the Corporation.

Corporation to be non-profit organisation.

13. (a) 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 some other institution or institutions having objects similar to those of the Corporation, and which is or are by the rules thereof, prohibited from distributing any income or property among its members.

Property remaining on dissolution.

8 *Piya Dasuna Foundation (Incorporation)*
Act, No 19 of 2012

(b) For the purposes of paragraph (a) the appropriate institution or institutions shall be determined by the members of the Corporation immediately before the dissolution.

Seal of the Corporation.

14. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Executive Committee of the Corporation 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.

Saving of the rights of the Republic.

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

Sinhala text to prevail in case of inconsistency.

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

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