



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

**D. M. DASSANAYAKE SOCIAL SERVICES
AND CHARITY FOUNDATION
(INCORPORATION) ACT, No. 17 OF 2012**

[Certified on 06th August, 2012]

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*D. M. Dassanayake Social Services and Charity
Foundation (Incorporation) Act, No. 17 of 2012*

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L.D.—O. (INC.) 17/2011.

AN ACT TO INCORPORATE THE D. M. DASSANAYAKE SOCIAL
SERVICES AND CHARITY FOUNDATION

WHEREAS a Foundation called and known as the “D. M. Dassanayake Social Services and Charity Foundation” has heretofore been established for the purpose of effectually carrying out and transacting all the objects and 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 established 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 D. M. Dassanayake Social Services and Charity Foundation (Incorporation) Act, No. 17 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 D. M. Dassanayake Social Services and Charity 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 “D. M. Dassanayake Social Services and Charity Foundation” (hereinafter referred to as the “Corporation”) and by that name may sue and be sued and shall have full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation of
D. M.
Dassanayake
Social Services
and Charity
Foundation.

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General objects
of the
Corporation.

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

- (a) establish vocational training centres and conduct other training programmes for the unemployed and needy with a view to prepare them for a better livelihood through self employment and thereby to uplift the economic standards of the people which alleviates poverty of the people in Sri Lanka;
- (b) promote the advancement of health of the people in remote and under developed areas by providing assistance financially or otherwise for the establishment of healthcare centres and hospitals and to provide equipment, medicine, wheel chairs and other provisions to hospitals and health centres for distribution to the patients;
- (c) organize programmes which may encourage religious and ethnic harmony;
- (d) conduct seminars, workshops and similar programmes which may contribute to the development of personality of youth and thereby to build up a refined society;
- (e) assist people affected by any man made or natural disasters by constructing houses and roads for them and assisting such persons to resume their normal day to day livelihood;
- (f) assist needy and deserving students to further their education by conducting classes, by providing books, equipment and school uniforms to such students and to assist them financially or otherwise to complete their education;
- (g) enter into agreements with other institutions which have similar objects as the Corporation and thereby facilitate the exchange of resources among such institutions;

- (h) sponsor conferences, seminars, workshops and similar activities to enhance the physical, mental, social and intellectual development of the people; and
- (i) organize welfare activities for the betterment and wellbeing of the family members of the demised soldiers.

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

4. Subject to the provisions of this Act and any other written law the Corporation shall have the power to—

Powers of the Corporation.

- (a) open, operate and close bank accounts in any one or more banks as may be determined by the Governing Council;
- (b) borrow or raise money with or without security, and to receive or collect grants and donations:

Provided that, notwithstanding anything to the contrary in any other provisions of this Act, the Governing Council shall obtain prior approval of the Department of External Resources of the Ministry of the Minister to whom the subject of Finance is assigned in respect of all foreign grants, gifts or donations;

- (c) invest any funds of the Corporation which are not immediately required for the purpose of the Corporation in a way that may be determined by the Governing Council to achieve the objects of the Corporation;
- (d) purchase, acquire, give on lease or hire, sell or otherwise obtain any movable or immovable property which may be required for the purpose of

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the Corporation and which may lawfully be acquired for those purposes and to deal with or dispose of the same, as it may deem expedient with a view to achieving the objects of the Corporation;

- (e) appoint, employ and dismiss the employees required for the carrying out of the objects of the Corporation and pay them such remuneration as may be determined by the Governing Council;
- (f) enter into, perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Governing Council, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation; and
- (g) do all other things as may be necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

Management of the affairs of the Corporation.

5. (1) The management, control and administration of the affairs of the Corporation shall, subject to the provisions of this Act and the rules of the Corporation made under section 6 of this Act, be administered by a Governing Council consisting of the Chairman, Secretary, two Assistant Secretaries, Treasurer and six other members.

(2) No act or proceeding of the Governing Council shall be deemed to be invalid by reason only of the existence of a vacancy among its members or any defect on the election or nomination of any member thereof.

(3) The first Governing Council of the Corporation shall consist of the members of the Governing Council holding office on the day immediately preceding the date of commencement of this Act and shall continue to hold office until a new Governing Council is appointed in accordance with the rules of this Act.

(4) The incumbent Chairperson of the Governing Council Mrs. Indrani Dassanayake shall be the lifelong Chairperson of the Governing Council unless she resigns from office earlier.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting 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—

Rules of the Corporation.

- (a) the classification of membership and the admission, resignation or expulsion of members;
- (b) the election of the office-bearers, the resignation from, vacation of or removal from office of office bearers and their powers, functions, duties and disciplinary control;
- (c) the election of the members of the Governing Council and its powers, functions, duties and disciplinary control and the terms of office of members of the Governing Council;
- (d) the powers, functions, duties and conduct of the officers, agents and servants of the Corporation;
- (e) the procedure to be observed at and the summoning and holding of meetings of the Governing Council, the times, venue, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat;
- (f) the administration and management of the property of the Corporation, the custody of its funds, and the maintenance and audit of its accounts; and
- (g) the management of the affairs of the Corporation, and the accomplishment of its objects.

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(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in the like the manner, as a rule made under sub section (1).

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

Corporation
may hold
movable and
immovable
property.

7. Subject to the provisions of this Act, the Corporation shall be able and capable in law to acquire and hold property both movable and 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 6, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Fund of the
Corporation.

8. (1) The Corporation shall have its own fund and all monies heretofore received or hereafter be received by way of gifts, testamentary dispositons, grants, donations, contributions or fees on behalf of the Corporation shall be deposited to the credit of the Fund of the Corporation in one or more banks as the Governing Council may determine.

(2) The Corporation may establish a depreciation fund or a sinking fund for the purpose of rehabilitation, development or improvement of the property of the Corporation.

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

(4) The financial year of the Corporation shall be the calender year.

Debts due by
and payable to
the Foundation.

9. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid and discharged by the Corporation hereby

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

10. No member of the Corporation shall for the purpose of discharging the debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the amount due from such member as membership fees.

Limitation of liability of members.

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

Accounts and Audits.

(2) The accounts of the Corporation shall be audited by a qualified auditor.

(3) In this section “qualified auditor ” means —

- (i) 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 such Institute ; or
- (ii) a firm of Accountants each of the resident partner 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.

12. The Seal of the Corporation shall be in the custody of the Secretary and shall not be affixed to any instrument whatsoever, except in the presence of the Chairman, Secretary and the Treasurer 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.

Seal of the Corporation.

Property
remaining on
dissolution.

13. If upon the dissolution of the Corporation, there remains any property whatsoever, after the satisfaction of all debts and liabilities, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other institution having objects similar to those of the Corporation, and which is or are by its rules prohibited from distributing any income or property among its or their members. Such institution or institutions may be determined by the Governing Council on or before the dissolution of the Corporation.

Saving of the
rights of the
Republic.

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

Sinhala text to
prevail in case
of inconsistency.

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

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