



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

**MAHARA SOCIAL DEVELOPMENT
FOUNDATION (INCORPORATION)
ACT, No. 48 OF 2000**

[Certified on 18th August, 2000]

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*Mahara Social Development Foundation
(Incorporation) Act, No. 48 of 2000*

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L.D.—O. 59/98.

AN ACT TO INCORPORATE THE MAHARA SOCIAL DEVELOPMENT
FOUNDATION

WHEREAS an Association called and known as the Mahara Social Development Foundation has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Association according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Association 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 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 Mahara Social Development Foundation (Incorporation) Act, No. 48 of 2000.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Mahara Social Development Foundation (hereinafter referred to as “the Foundation”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate (hereinafter referred to as “the Corporation”) with perpetual succession under the name and style of the “Mahara Social Development Foundation”, and by that name may sue and be sued in all courts, with full power and authority to have, and use a common seal and alter the same at its pleasure.

Incorporation of
the Mahara Social
Development
Foundation.

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

General objects of
the Corporation.

- (a) to initiate and carry out community welfare, cultural and social development projects in Sri Lanka.;

- (b) to undertake the implementation of development programmes such as road development and housing schemes, the construction and maintenance of hospitals, schools and other educational centres and community centres ;
- (c) to afford children in indigent circumstances, opportunities to enter upon, or to be engaged in, a trade, occupation or service and to provide them with financial and other necessary assistance ;
- (d) to promote mutual understanding and co-operation among people, irrespective of race and religion ;
- (e) to provide bursaries, scholarships, prizes, donations, financial and other necessary assistance, with a view to the advancement, dissemination and propagation of education and knowledge, and for the establishment of schools, libraries and cultural centres ;
- (f) to encourage and assist persons to commence business in the agricultural, import, export, commercial and other sectors and to provide such persons with the necessary training and technical assistance ;
- (g) to assist projects for the protection, management and conservation of the environment ;
- (h) to collaborate with any other institution or organisation, whether foreign or local, having objects similar to those of the Corporation ;
- (i) to sponsor and conduct, conferences, seminars, workshops, group studies and lectures in Sri Lanka or abroad in furtherance of the objects of the Corporation ;
- (j) to formulate and implement, schemes for cottage industries and self employment ;

- (k) to print, publish and distribute books, journals, leaflets, newspapers and magazines ; with a view to the promotion and advancement of its objects ; and
- (l) to do such other acts and things as may be necessary, incidental, or conducive to the accomplishment of all or any of the objects of the Corporation.

4. (1) The management of the affairs of the Corporation, shall, subject to the rules of the Corporation, vest in a Board of Directors (hereinafter referred to as "the Board") consisting of such number of Directors as are elected from among the members in accordance with the rules of the Corporation.

Management
of the affairs
of the
Corporation.

(2) The first Board shall be the Board of Directors of the Foundation holding office on the day preceding the date of commencement of this Act.

5. The Board shall cause to be maintained, a register of members in which the name, address and such other details as may be decided by the Board, of each member, shall be inscribed.

Register of
members.

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

Power of the
Corporation to
acquire property,
invest funds and
raise loans &c.

- (a) to purchase, rent and otherwise acquire lands or buildings which may be required for the purposes of the Corporation ;
- (b) to borrow or raise money for the purposes of the Corporation ;
- (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 bank accounts ;
- (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board may think fit ;

- (e) to solicit and receive subscriptions, grants, donations and gifts of all kinds ;
- (f) to enter into agreements or contracts with any person, company or body of persons ;
- (g) to undertake, accept, execute, perform and administer, any lawful trusts and conditions affecting any movable or immovable property ;
- (h) 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 Board ;
- (i) to train personnel in Sri Lanka or abroad for the purposes of the Corporation ; and
- (j) to do all other acts and things as may be necessary or expedient for carrying out the objects of the Corporation.

**Rules of the
Corporation.**

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 and any other written law, for all or any of the following matters :—

- (a) classification of membership, fees payable by each class of member, their admission, withdrawal, expulsion or resignation ;
- (b) election of the Board the vacation of, or removal from, office of, Directors and the powers, duties and conduct of the Board ;
- (c) appointment, employment and dismissal of various officers, agents and servants of the Corporation, their powers, duties, functions and the payment of remuneration to them ;

- (d) the procedure to be observed at, and the summoning and holding of, meetings of the Board, the Corporation or any sub-committee thereof, the filling of vacancies, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat ;
- (e) the qualifications and disqualifications for membership in the Board 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) The rules of the Foundation in force on the day preceding the date of commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act or any other written law, be deemed to be the rules of the Corporation and 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 be subject to the rules of the Corporation.

8. (1) The Corporation shall have its own fund and all moneys received by way of gift, bequest, donation, subscription, contribution, fee or grant for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board shall determine.

Fund of the
Corporation.

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

9. (1) The Board shall cause proper accounts to be kept of all the moneys received and expended by the Corporation.

Accounts.

(2) The accounts of the Corporation shall be examined and audited at least once in every year.

Debts due by and payable to the Foundation.

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

Corporation may hold property movable and immovable.

11. 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 or 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 in force for the time being of the Corporation, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Seal of the Corporation.

12. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chairman of the Board and the Secretary or such other person duly authorised by the Board who shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Limitation of liability of members.

13. 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 of such membership fees as may be due from him to the Corporation.

Property remaining on dissolution.

14. 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 their rules prohibited from distributing any income or property among its or their members.

15. Nothing in this Act contained shall prejudice or affect the rights of the Republic, or any body politic or corporate, or of any other persons except such as are mentioned in this Act, and those claiming by, from, or under them.

Savings of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

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