

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

Part II of April 22, 2022

SUPPLEMENT

(Issued on 25.04.2022)



**JAYAMAGA DEVELOPMENT, SOCIAL SERVICES
AND CHARITY FOUNDATION (INCORPORATION)**

(Private Members' Bill)

A

BILL

**to incorporate the Jayamaga Development, Social Services and
Charity Foundation**

*To be presented in Parliament by Hon. Hector Appuhamy, M.P.
for Puttalam District*

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 18.00

Postage : Rs. 15.00

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



*Jayamaga Development, Social Services and
Charity Foundation (Incorporation)*

AN ACT TO INCORPORATE THE JAYAMAGA DEVELOPMENT,
SOCIAL SERVICES AND CHARITY FOUNDATION

WHEREAS an Society called and known as the Preamble
“Jayamaga Development, Social Services and Charity
Foundation” has heretofore been formed in Sri Lanka for the
purpose of effectually carrying out its objects and transacting
5 all matters connected with the said Foundation according to
the rules agreed to by its members:

AND WHEREAS the said Foundation has heretofore
successfully carried out and transacted several objects and
matters for which it was established, and has applied to be
10 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 Jayamaga Development, Short title
15 Social Services and Charity Foundation (Incorporation) Act,
No. of 2022.

2. From and after date of commencement of this Act, such Incorporation
and so many persons as now are members of the “Jayamaga of the
Development, Social Services and Charity Foundation” Jayamaga
20 (hereinafter referred to as the “Foundation”) or shall hereafter Development,
be admitted as members of the Corporation hereby constituted, Social
shall be a body corporate, with perpetual succession, under the Services and
name and style of the “Jayamaga Development, Social Services Charity
Foundation” (hereinafter referred to as the Foundation
25 “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.

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

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- (a) to support and encourage the services provided by senior citizens movements;
- 5 (b) to give aid by way of scholarships to any officer or servants engaged in the furtherance of the objects of the Corporation;
- (c) to promote understanding, co-operation and friendship with similar institutions within and outside Sri Lanka;
- 10 (d) to organize employees of small and medium scale industries and enterprises and working towards their future advancement;
- 15 (e) to design and implement social mobilization programmes for the development of children and women and implementing education and training programmes for this purpose;
- 20 (f) to provide training in fields of engineering, technology, carpentry, driving and computing to young men and women who do not get access for higher education and directing them towards such vocations and starting training centres necessary for it; and
- (g) to do all such other acts and things as are necessary for, and incidental or conducive to the attainment of the above objects.
- 25 4. 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 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 raise funds and receive grants, gifts or donations in cash or kind;
- 5 (b) to acquire, in any manner whatsoever and hold, take or give on lease or hire, rent, sell or otherwise dispose of, any movable or immovable property and construct, maintain and alter any buildings or works necessary or convenient for the business of 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 bank accounts and borrow or raise money with or without security;
- 15 (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board of Management may determine;
- 20 (e) to enter into agreement or contracts with any person, or body of persons whether incorporated in Sri Lanka or abroad or with any Government Department, Corporation, Board, Provincial Council or Local Authority for the achievement of the objects of the Corporation;
- (f) to determine the fees to be paid in respect of registration of different categories of membership; and
- 25 (g) 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.

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5 **5.** (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules in force for the time being of the Corporation be administered by a Board of Directors consisting of the Director-General, the Deputy Chairman, the Secretary, Deputy Secretary and Treasurer and not less than seven other members elected in accordance with such rules. Management of the Corporation

10 (2) The Board of Directors of the Corporation shall consist of the members of the Board of Directors of the day immediately preceding the date of commencement of this Act.

15 **6.** (1) It shall be lawful for the Corporation, from time to time, at any general meeting and by the votes 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 the admission, withdrawal or expulsion of members, the election of the Board of Management, for the conduct of the duties of the office bearers, agents, officers and servants of the Corporation, for the procedure to be followed in the transaction of business by the Corporation and Board of Management and generally, for the management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may at a like meeting and in like manner, be altered, added to, amended or rescinded. Rules of the Corporation

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

30 **7.** (1) The Corporation shall have its own fund. All moneys received by way of gifts, bequests, donations, transfers, subscriptions, contributions, or fees shall be deposited to the credit of the Corporation in one or more Banks as the Board of Management shall determine. Fund of the Corporation

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(2) There shall be paid out of the fund of the Corporation, all such sums of money as may be required to defray any expenditure incurred by the Corporation in carrying out the objects of the Corporation.

5 (3) The moneys and property of the Corporation
whosoever derived shall be applied solely towards the
promotion of the objects as set forth herein and no portion
thereof shall be paid or transferred directly or indirectly by
way of dividend, bonus or otherwise, to any member of the
10 Corporation.

8. (1) The financial year of the Corporation shall be the Accounts and
calendar year. Audit

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

(3) The accounts of the Corporation shall be audited by a
qualified auditor as may be determined by the Board.

In 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 an
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 an
30 Accountant issued by the Council of such
institute.

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9. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Director-General and the Secretary who shall sign their names on the instrument in token of their presence and such
5 signing shall be independent of the signing of any person as a witness.
10. All debts and liabilities of the foundation existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted, and all
10 debts due to, and subscriptions and contributions payable to the foundation on that day shall be paid to the Corporation for the purpose of this Act.
11. The Corporation shall be able and capable in law, to take and hold any property, movable or immovable, which
15 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 in force for the time being of the Corporation, with full power to sell, mortgage, lease
20 exchange or otherwise dispose of the same.
12. 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
25 transferred to some other Foundation or Foundations having objects similar to those of the Corporation, and which is or are, by its rules thereof prohibited from distributing any income or property among its or their members. Such Foundation or Foundations shall be determined by the Board at or
30 immediately before the dissolution of the Corporation.
- Seal of the Corporation
- Debts due by and payable to the Corporation
- Corporation may hold property movable and immovable
- Property remaining on dissolution

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- 5 **13.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate or of any other person, 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
- 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

