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SOCIALIST REPUBLIC OF
SRI LANKA**

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SUPPLEMENT

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MASS FOUNDATION (INCORPORATION)

(Private Members' Bill)

A

BILL

to incorporate the Mass Foundation

*To be presented in Parliament by Hon. M. A. M. Thahir,
M. P. for Digamadulla District*

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Mass Foundation (Incorporation)

AN ACT TO INCORPORATE THE MASS FOUNDATION

WHEREAS an Foundation called and known as the “Mass 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 established 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 Mass Foundation (Incorporation) Act, No. of 2026.

Short Title

2.(1) From and after the date of commencement of this Act, such and so many persons as now are members of the Mass Foundation (hereinafter referred to as the “Foundation”) and shall hereafter be admitted as members of the body corporate hereby constituted shall have perpetual succession under the name and style of the “Mass Foundation” (hereinafter referred to as the “body corporate”) 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 Mass Foundation

(2) The body corporate shall be deemed to be a Voluntary Social Service Organization within the meaning and for the purpose of the Voluntary Social Service Organizations (Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the management of the affairs of the body corporate.

3. (1) Subject to the provisions of any other written law, this Act and the rules made under section 7, the general objects for which the body corporate is constituted are hereby declared to be -

General
objects of the
body
corporate

- 5 (a) to grant scholarships and incentives to needy school and university students to continue their education;
- (b) to encourage farmers engaged in traditional and commercial crop farming, implementing various activities to sensitise them;
- 10 (c) to establish a welfare insurance scheme for the members of the body corporation;
- (d) to provide vocational training or arrange and assist underprivileged and underprivileged youths to engage in self employment or other employment;
- 15 (e) to provide relief and welfare measures in case of natural disasters and unexpected situations and contingencies;
- (f) to implement various assistance programmes for the needy senior citizens and provide necessary assistance for them;
- 20 (g) to provide necessary educational equipments for the children of low-income families to improve their educational activities;
- 25 (h) to provide land and houses to needy families without land and houses as per relevant laws and provide necessary raw materials and assistance to complete the half-built houses;

- (i) to conduct various programmes to improve the attitude and knowledge of those engaged in government service;
- 5 (j) to provide food, spectacles, contact lenses, hearing aids, wheelchairs, crutches and other medical equipment and relief to the needy and sick;
- 10 (k) to implement environmental conservation programmes and cooperation with environmental organisations and;
- (l) to carry out such other duties and functions as may be necessary, favourable and incidental to the furtherance of the objectives of the Body Corporate.

15 (2) In the implementation of the objects specified in subsection (1) the body corporate shall ensure that such implementation shall be carried out without any discrimination based on race, religion, language, caste, sex, political opinion, place of birth or any of such grounds.

20 4. The objects of the body corporate shall be carried out subject to any applicable written law, in such manner so as not to create any conflict between the work of the body corporate and any work being carried out simultaneously by any Ministry or Department of the Government or of
25 any Provincial Council or any Local Authority or Public Corporation.

Body corporate to ensure no conflict with work of Ministry or Department of the Government or a Provincial Council or any Local Authority or Public Corporation

5 5. (1) Subject to the provisions of any other written law, this Act and the rules made under section 7, the management and administration of the affairs of the body corporate shall be carried out by a Executive Committee (hereinafter referred to as “Committee”) consisting of such number of office bearers as may be specified by the rules made under section 7 and in such manner as may be specified therein.

Management
of the affairs
of the body
corporate

10 (2) (a) The Committee of the Mass Foundation holding office on the day immediately preceding the date of commencement of this Act shall, subject to the rules made under paragraph (b), function as an Interim Committee of the body corporate until the first Committee is appointed or elected within the period specified in the paragraph (d) and in the manner provided for by rules made under section 7.

15 (b) Subject to the provisions of subsection (2), (3), (4) and (5) of section 7, the Interim Committee of the body corporate shall have the power to make rules for the interim administration of the body corporate not inconsistent with the provisions of this Act or any other written law.

20 (c) Any decision of the Interim Committee shall be taken by the majority of its members present as such meeting. The quorum of the Interim Committee would be four (4) and include at least the President or the Secretary

25 (d) The First Committee of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.

(3) (a) Every office bearer of the Committee including the patrons and advisors, shall be appointed or elected for a period of one year and any such office bearer, patron or

advisor shall be eligible for re-appointment or re-election after lapse of the said period of one years.

(b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Committee shall having regard to the rules of the body corporate, elect or appoint a person to fill such vacancy.

(c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

6. Subject to the provision of any other written law, this Act and the rules made under section 7, the body corporate shall have the power to do, perform and execute the following acts for the attainment of the objects of the body corporate -

Powers of the body corporate

(a) to purchase, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purposes of the body corporate and to deal with or dispose of the same as determined by the Committee with a view to promoting the objects of the body corporate;

(b) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the body corporate, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the body corporate;

(c) to borrow or raise funds with or without securities and to receive grants, gifts or donations, in cash

or kind for the attainment of the objects of the body corporate:

5 Provided that, the Committee shall obtain the prior written approval of the Department of External Resources in respect of all foreign funds including grants, gifts or donations received by or made to the body corporate;

10 (d) subject to the provisions of the proviso to paragraph (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 banks;

15 (e) to invest any funds not immediately required for the purposes of the body corporate in such manner as the Committee may determine;

20 (f) to undertake, accept, execute, perform and administer any lawful trust having objects similar to the body corporate or any real or personal property with a view to promoting the objects of the body corporate;

25 (g) to appoint, employ, dismiss or terminate the services of officers and servants of the body corporate and exercise disciplinary control over them and to pay them such salaries and allowances as may be determined by the body corporate in terms of rules made under section 7 of the Act;

(h) to organize knowledge sharing activities such as lectures, seminars, trainings and conferences for

the persons in Sri Lanka and abroad with a view to promoting the object of the body corporate;

- 5
- (i) to liaise and coordinate with other local and foreign institutions having similar objects to that of the body corporate; and
 - (j) to do such things as are authorized by this Act for the achievement of the objects of the body corporate.

7. (1) The quorum of the body corporate shall be one Rules of the body corporate
10 third of the professional membership (professional members and professional fellows) or fifty (50) whichever is less. The body corporate shall, from time to time, at any general meeting of the body corporate and by a majority of not less than two thirds of the members present and voting, make
15 rules which are not inconsistent with the provisions of this Act or any other written law, for the following matters:-

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by such members;
- 20 (b) the election of office bearers of the Committee and vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;
- 25 (c) the terms and conditions of appointment, powers, functions and duties, dismissal or termination of service, the exercise of disciplinary control and the payment of salaries and allowances of officers and servants of the body corporate;

- 5 (d) the procedure to be followed at the summoning and holding of meetings of the body corporate and of the Committee and for the issuance of notices and agenda of such meetings, the quorum and the conduct of business thereat;
- (e) the qualifications and disqualifications to be a member of the body corporate and of the Committee;
- 10 (f) the administration and management of the property of the body corporate;
- (g) the procedure for governing the manner of liaising, coordinating and contracting with other local and foreign institutions having objects similar to that of the body corporate; and
- 15 (h) the management of the affairs of the body corporate, the accomplishment of its objects and dissolution of the body corporate.

(2) Any rules made by the body corporate may be amended, altered, added to or rescinded at a like meeting
20 and in like manner, as a rule made under subsection (1) of this section.

(3) The rules made under subsection (1) of this section and paragraph (b) of subsection (2) of section 5 of this Act shall be published in the *Gazette* within one month upon the
25 making of such rules and shall come into effect on the date of publication thereof.

(4) Every rule made by the body corporate shall within two months of its publication in the *Gazette*, be brought before Parliament for approval. Any rule which is

not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything duly done thereunder.

(5) Notification of the date on which any such rule is deemed to be so rescinded under subsection (4) shall be published in the *Gazette*.

(6) The members of the body corporate shall at all times be subjected to the rules of the body corporate.

8. The Committee shall maintain a register of members in which the name, address and other essential details of the members of the body corporate shall be inscribed. Register of members

9. (1) The body corporate shall have its own Fund. Fund of the body corporate

(2) Subject to the provisions of the proviso to paragraph (c) of section 6, all moneys received by way of gift, bequest, donation, subscription, contribution, fees or grants for and account of the body corporate shall be deposited in one or more banks approved by the Committee to the credit of the body corporate.

(3) There shall be paid out of the Fund, all sums of money as are required to defray any expenditure incurred by the body corporate in the exercise, performance and discharge of its power, duties and functions under this Act.

10. (1) The financial year of the body corporate shall be the calendar year. Accounts and Auditing

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

(3) The accounts of the body corporate shall be audited annually by the Auditor General or a qualified auditor appointed by the Auditor General in terms of the provisions of Article 154 of the Constitution and be certified by Auditor
5 General or such qualified auditor.

(4) For the purpose of this section “qualified auditor” means -

(a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, or any
10 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
15 Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as Accountant, issued by the Council of such Institute.

11. (1) The Committee shall prepare a report of the Annual Report
20 activities of the body corporate for each financial year and submit such report together with the audited statement of accounts, a list of all assets and liabilities of the body corporate certified by the Auditor General, referred to in section 10 and the details of all contracts and agreements
25 entered into by the body corporate and the rules of the body corporate made under section 7, to the Secretary of the Ministry of the Minister assigned the subject of Annual and to the Registrar of Voluntary Social Services Organization appointed under the Voluntary Social Service Organizations
30 (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such report relates.

(2) A separate statement account relating to the foreign and local moneys received by the body corporate during the financial year shall be attached to the report referred to in subsection (1).

5 **12.** All debts and liabilities of the Mass Foundation existing on the day immediately preceding the date of commencement of this Act, shall be paid by the body corporate hereby constituted and all debts due to and subscriptions and contributions payable to the Mass
10 Foundation on that day shall be paid to the body corporate for the purpose of this Act.

Debts due by and payable to the Mass Foundation

15 **13.** Subject to the provisions of any other written law, of this Act and the rules made under section 7, the body corporate 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 body corporate for the purposes of this Act and
subject to the rules of the body corporate made under section
20 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Body corporate may hold property movable and immovable

25 **14.** Subject to the provisions of any other written law, of this Act and the rules made under section 7, the moneys and property of the body corporate however derived shall
be applied solely towards the promotion of the objects of the body corporate and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit or otherwise howsoever to the members of the body corporate.

Application of moneys and property

30 **15.** (1) Subject to the provisions of any other written law, the seal of the body corporate shall not be affixed to

Seal of the body corporate

any instrument whatsoever, except in the presence of two members of the Committee who shall sign their names to the instrument and such signing shall be independent of the signing of any person as a witness.

- 5 (2) The seal of the body corporate shall be in the custody of an office bearer of the Committee as may be decided by such Committee.

- 10 **16.** (1) If upon the dissolution of the body corporate 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 body corporate, but shall be given or transferred to any other appropriate institution having objects similar to those of the body corporate, and which is by the rules thereof, prohibited from distributing any income or property among its members.
- 15

Property
remaining on
dissolution

- (2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the body corporate with the approval of the Registrar of Voluntary Social Service Organization (Registration and Supervision) Act, No. 31 of 1980 immediately before the dissolution at a general meeting by the majority of votes of the members present.
- 20

- 17.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate.
- 25

Saving of the
Rights of the
Republic

- 18.** In this Act, unless the context otherwise required - Interpretation

“bank” means a bank licensed under the provisions of the Banking Act, No. 30 of 1988;

“written law” shall have the same meaning assigned to such expression in the Constitution of the Democratic Socialist Republic of Sri Lanka

19. 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

