



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRILANKA**

**ALOKA SOCIAL SERVICE FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the Aloka Social Service Foundation

*Presented by Hon. S. M. Marikkar, M. P. for Colombo District
on 21st September, 2016*

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Aloka Social Service Foundation
(Incorporation)

AN ACT TO INCORPORATE THE ALOKA SOCIAL SERVICE FOUNDATION

WHEREAS a Foundation called and known as the “Aloka Social Service 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 Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Aloka Social Service Foundation (Incorporation) Act, No. of 2016. 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 “Aloka Social Service Foundation” (here in after 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 “Aloka Social Service Foundation” (hereinafter referred to as “the Cooperation”) 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 Aloka Social Service Foundation.

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

5 (j) to improve, develop, foster and maintain talents and abilities of people in the Colombo District in entrepreneurship, research and training in business, technology and management and concepts of income generating and self-employment ventures and enterprises.

10 (2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such implementation shall be carried out without any distinction based on race, political opinion, place of birth or any of such ground.

15 **4.** The objects of the Corporation shall be carried out in such manner so as not to create any conflict between the work of the Corporation and any work being carried out simultaneously by any Ministry or Department of the Government or of any Provincial Council.

Corporation to ensure no conflict with work of Ministry of Department of Government or Province.

20 **5.** (1) Management and Administration of the establishment shall be in accordance with the regulation of the Act. The post which could be appraised under the subsection (7) of the Act whereas it should be carried out by executive board comprised of a number of members prescribed in accordance with the subsection (8) of this Act.

Management of the affairs of the Corporation.

25 (2) The Board of the Foundation that holds office on the day immediately preceding the date of commencement of this Act. Shall function as the executive Board of the Corporation until the first Board appointed or elected in the manner provided for the rules made under the subsection (7).

30 (3)(a) The patrons and advisors including every designated appointees of the executive board should be appointed or selected for a period of five years, such designated appointees are qualified to select the patron and advisor once again.

- 5 (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 invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Board may determine;

- 10 (e) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the Corporation;

- 15 (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;

- 20 (g) to organize lectures, seminars and conferences with a view to promoting the objectives of the Corporation;

- (h) to liaise and co-ordinate with other local and foreign institutions having similar objects to that of the Corporation;

- 25 (i) to train personnels in Sri Lanka or abroad for the purposes of the Corporation; and

- (j) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

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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) classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by the members;
- 10 (b) the election of office bearers of the Board or vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;
- (c) the terms and conditions of appointments, powers, functions and duties of the various officers, agents and servants of the Corporation;
- 15 (d) the procedure to be followed for the summoning and holding of meetings of the Board or any subcommittee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- 20 (e) the qualification and disqualifications to be a member of the Board and the Corporation;
- (f) the administration and management of the property of the Corporation; and
- 25 (g) Generally the management of the affairs of the Corporation and the accomplishment of its' objects and dissolution 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.

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(4) For the purposes of this section, “qualified auditor” means,

- 5 (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
- 10 (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.

15 **11.** (1) The Board should prepare a report in regard to the activities of the establishment for every financial year and such report should be submitted along with the audited accounts statement before ending a period of six months after the relevant year and should be submitted to the secretary of the Ministry of the Minister assigned the subject
20 of Social Services and to the Registrar of Voluntary Social Service Organization appointed under the Voluntary Social Services Organization Act, No. 31 of 1980. Annual Report.

25 (2) A separate Account relating to the foreign and local moneys received by the Corporation during the financial year shall be attached to the report referred to in subsection (1).

30 **12.** 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.

5 **13.** 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.

10 **14.** The moneys and property of the Corporation however derived shall be applied solely towards the promotion of the objects of the Corporation and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members of the Corporation.

Application of moneys and property.

20 **15.** (1) The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence two members of the Board 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.

(2) The seal of the Corporation shall be in the custody of an office bearer of the Board as may be decided by such Board.

25 **16.** (1) 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 any other institution having objects similar to those of the Corporation and which, is by the rules thereof prohibited from distributing any income or property among its members.

Property remaining on dissolution.

30 (2) For the purpose of subsection (1) the appropriate institution shall be determined by the members of the Corporation immediately before the dissolution at a general meeting by the majority of votes of the members present.

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17. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate. Savings of the rights of the Republic and others.

5 **18.** 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.

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