

PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRILANKA

ALOKA SOCIAL SERVICE FOUNDATION (INCORPORATION)

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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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AN ACT TO INCORPORATE THE ALOKA SOCIAL SERVICE FOUNDATION

WHEREAS a Foundation called and known as the "Aloka Preamble. 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 5 Foundation according to the rules agreed to by its members:

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 10 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 Short title. Foundation (Incorporation) Act, No. of 2016.
- Act, such and so many persons as now are members of the of Aloka Social "Aloka Social Service Foundation" (here in after referred to Service as the foundation) or shall hereafter be admitted as mambers Foundation. of the Corporation hereby constituted shall be a body 20 corporate with perpetual succession under the name and style of the "Aloka Social Service Foundation" (hereinafter referred to as "the Cooporation") and by that name may sue

and be sued with full power and authority to have, and use a

2. (1) From and after the date of commencement of this Incorporation

25 (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 30 management of the affairs of the Corporation.

common seal and to alter the same at its pleasure.

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

General objects of the Corporation.

- (a) to uplift the standard of living of the people living in the Colombo District in keeping with their social cultural economic and political aspiration;
 - (b) to provide leadership and guidance to the youth of the Colombo District to achieve their goals by improving their skills;
- (c) to help reduce youth unemployement especially those within the age 15 29 years who have passed and not passed the G.E.C. (O/L) Examination by thereby meaningful steps through this concept;
- (d) to identity the social, economic, political and cultural aspiration of the youth within the District
 for the general improvement of their standards;
 - (e) to coordinate with Government institutions with a view to ensure the provisions of better infrastructure facilities to the public;
- (f) to help promote the optimum use of the capital in development activities in a effective manner and to have a proper assessment of such activities to reach its final goal;
- (g) to promote regional, religious and cultural development and coexistance among the people in
 25 the Colombo District;
 - (h) to identify the low income group in the District and to promote projects will help to increase their day to day household income;
- (i) to provide guidance in the correct use of the internet facilities and to operate youth generations which will complete effectually in the world;

- (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.
- (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 10 based on race, political opinion, place of birth or any of such ground.

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4. The objects of the Corporation shall be carried out in Corporation such manner so as not to create any conflict between the to ensure no work of the Corporation and any work being carried out work of 15 simultaneously by any Ministry or Department of the Ministry of Government or of any Provincial Council.

Department of Government or Province.

5. (1) Management and Administration of the Management establishment shall be in accordance with the regulation of of the affairs the Act. The post which could be appraised under the Corporation. 20 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.

- (2) The Board of the Foundation that holds office on the day immediately preceding the date of commencement of 25 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).
- (3)(a) The patrons and advisors including every designated appointees of the executive board should be appointed or 30 selected for a period of five years, such designated appointees are qualified to select the patron and advisor once again.

- (b) on the instruction of the patron, the president has the full power vested in him to appoint the existing executive board once again for another term or revoke and appoint a new working committee or change.
- (c) When there is a vacancy falls in the office due to death, resignation, inability or removal from the post of an office bearer, a person to be selected or should be slected by the executive board in order to fill such vacancy paying consideration to the regulation of the establishments. The 10 chairmen has the power for such action on the instruction of the patron,
 - (d) The person elected or appointed under paragraph (c) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds
- 15 6. Subject to the provisions of this Act and any other Powers of the written law, the Corporation shall have the power to do, Corporation. perform and execute all such acts and matters as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power:—

- 20 (a) to purchase, rent, construct, renovate lands or buildings which may be required for the purposes of the corporation and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the Corporation;
- 25 (b) to barrow or raise funds with or without securities and to receive grants, gifts or donations in cash or kind:

Provided that the Board shall obtain the prior written approval of the Department of External 30 Resources of the Ministry of the Minister assigned the subject of Finance in respect of all foreign grants, gifts or donations made to 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 accounts in any bank;

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

- 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:-
 - (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;
 - (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;

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- (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 30 manner as a rule made under subsection (1) of this section.

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- (3) The members of the Corporation shall at all times be subject to the rules of the Corporation.
- (4) The rules made under this section shall be published in the Gazette.
- 8. Akola Social Service Foundation Executive Executive Committee following these designation. Patron, President, Committee & Secretary, Treasurer, Organizer, Vice President, Deputy members. Secretary, Deputy Treasurer and an Executive Committee Member. Board shall maintain a register of members in which 10 name, address and other essential details of the members shall be inscribed.

Registry of

9. (1) The Corporation shall have its own fund.

Fund of the Corporation.

- (2) All moneys received by way of gifts, bequest, donation, subscription, contribution, fees or grant for and 15 on account of the Corporation shall be deposited in one or more banks approved by the Board to the credit of the Corporation.
- (3) There shall be paid out of the fund, all sums of money as are required to defray any expenditure incurred by the 20 Corporation in the exercise, performance and discharge of its powers, duties and functions under the Act.
 - 10. (1) The financial year of the Corporation shall be Accounts and the calendar year. Auditing.
- (2) The Corporation shall cause proper accounts to be 25 kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.
- (3) The accounts of the Corporation shall be audited annually by the Auditor General or a qualified auditor appointed by the Auditor General in terms of Article 154 of 30 the Constitution.

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- (4) For the purposes of this section, "qualified auditor" means,
 - 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
- (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.
- 11. (1) The Board should prepare a report in regard to Annual 15 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.

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

12. All debts and liabilities of the Foundation existing Debts due by on the day immediately preceding the date of commencement and payable of this Act, shall be paid by the Corporation hereby foundation. 30 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.

13. Subject to the provisions of this Act, the Corporation Corporation shall be able and capable in law to take and hold any property, may hold movable or immovable, which may become vested in it by property virtue of any purchase, grant, gift, testamentary disposition movable and 5 or otherwise, and all such property shall be held by the immoveble. 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.

10 14. The moneys and property of the Corporation Application however derived shall be applied solely towards the of moneys promotion of the objects of the Corporation and no portion and property. thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members of the 15 Corporation.

15. (1) The seal of the Corporation shall not be affixed Seal of the to any instrument whatsoever, except in the presence two Corporation. members of the Board who shall sign their names to the instrument in token of their presence and such signing shall 20 be independent of the signing of any person as a witness.

- (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.
- **16.** (1) If upon the dissolution of the Corporation, there Property 25 remains after the satisfaction of all its debts and liabilities remaining on any property whatsoever, such property shall not be dissolution. 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 30 rules thereof prohibited from distributing any income or property among its members.

- (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
- 35 meeting by the majority of votes of the members present.

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

and others.

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

case of inconsistency.

