



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

**JAM'IYYATHUS SAHWA AL - KHAIRIYYA (JASKA)
(INCORPORATION)**

A

BILL

to incorporate the Jam'iyyathus Sahwa Al-Khairiyya (Jaska)

*Presented by Hon. K. Kader Masthan M. P. for Vanni District
on 11th February, 2016*

(Published in the Gazette on December 14, 2015)

Ordered by Parliament to be printed

[Bill No. 81]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA.
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5.

Price : Rs. 8.00

Postage : Rs. 10.00

Jam'iyyathus Sahwa Al-Khairiyya (JASKA)
(Incorporation)

AN ACT TO INCORPORATE THE JAM'IYYATHUS SAHWA AL-KHAIRRIYYA
(JASKA)

WHEREAS an Organization called and known as the “jam'iyyathus Sahwa Al-Khairiyya (JASKA)” has heretofore been formed in Palamunai for the purpose of effectually carrying out its objects and transacting all matters connected with the said Organization according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Organization 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 expedient 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 Jam'iyyathus Sahwa Al-Khairiyya (JASKA) (Incorporation) Act, No. of 2016.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Jam'iyyathus Sahwa Al-Khairiyya (JASKA) (hereinafter referred to as the “Organization”) 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 “Jam'iyyathus Sahwa Al-Khairiyya (JASKA)” (hereinafter referred to as the “Corporation”) 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 to alter the same at its pleasure.

Incorporation of Jam'iyyathus Sahwa Al-Khairiyya (JASKA).

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

General objects of the Corporation.

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 (Incorporation)

- (a) to promote social, economical, educational and cultural development of the people;
- (b) to do social services;
- (c) to assist the persons affected by disaster and helpless;
- 5 (d) to uplift living standard of the poor;
- (e) to find the needs of elders, disabled, orphans, widows, and help them;
- (f) to protect the rights of children and women and help them;
- 10 (g) to do Islamic guidance services;
- (h) to take steps to motivate the education especially Islamic education;
- (i) to take forward the Islamic preaching in line with Al-Quran and Al-Sunna and the explanation and description given with by Sahabas, Thabieen and Thabauth Thabieen;
- 15 (j) to promote unity and understanding among community;
- (k) to take steps to make peace and amity among community; and
- 20 (l) to do all such other acts and things not inconsistent with this Act or any other written Law, as are incidental or conducive, to the attainment of the above objects or any one of them.

- 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—
- General Powers of the Corporation.

- (a) to raise funds and receive grants, gifts or donations, in cash or kind from local or foreign sources;
- (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;
- (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;
- (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board of Management may determine;
- (e) to enter into agreements 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; and
- (f) 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 Corporation.

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 Management consisting of the President, the Director General, the Secretary the Treasurer and not less than seven other members elected in accordance with such rules.

Management
of the
Corporation.

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 (Incorporation)

(2) The Board of Managemnt of the Corporation shall consist of the mamebers of the Board of Management of the day immediately preceding the date of commencement of this Act.

5 6. (1) It shall be lawful foor Corporation, from time to time, at any general meeting and by the votes of 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
10 members, the election of the Board of Management, for the conduct of the duties of the office bearerrs, 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
15 managemnt 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 rules of the organization in force on the day
20 preceding to 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 rules of the Corporation made under this serction.

(3) The members of the Corporation shall be subjected to
25 the rules of the Corporation.

7. All debts and liabilities of the Organization existing on the day 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
30 the organization on that day shall be paid to the Corporation for the purpose of this Act.

Debt due by and payable to the Organization.

8. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Prsident and the Secretary who shall sign their names on the
35 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.

9. 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 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.

Corporation may hold property movable and immovable.

10. (1) The financial year of the Corporation shall be the calendar year.

Accountants and Audit.

(2) The Corporation shall cause proper accounts to be kept of income and expenditure, assets and liabilities and 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—

- (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
- (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. 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.

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

Sinhala text to prevail in case of Inconsistency.

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