



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

**HEADANG EDUCATION FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the Headang Education Foundation

*Presented by Hon. Vijitha Berugoda, M. P. for Moneragala District
on 26th January 2016*

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*Headang Education Foundation
(Incorporation)*

AN ACT TO INCORPORATE THE HEADANG EDUCATION FOUNDATION

WHEREAS a Foundation called and known as the “Headang Education Foundation” has heretofore been established for the purpose of effectually carrying out and transaction all objects and 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 for which it was established and has applied to be incorporated and it will be for the public advantage to grant such 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 Headang Education Foundation (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 “Headang Education Foundation” or shall hereafter be admitted as members of the “Headang Education Foundation” shall be a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession under the name and the style of the “Headang Education Foundation”, 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 alter the same at its pleasure.

Incorporation
of the
Headang
Education
Foundation

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

General
objects of the
Corporation.

(a) to initiate early childhood development centers in order to guide children to schools ;

(b) to establish children’s parks that will be helpful in the mental and physical development of children ;

(c) to print, publish, distribute books, magazines, newspaper and journals and to establish and maintain libraries ;

5 (d) to provide books, equipments, clothing, computers and accessories, loans and other financial assistance to the needy children of low income families ;

10 (e) to establish centers with residential facilities for the provision of education to children of low income families who have lost either mother or father and for children of vulnerable families whose parents are employed overseas and to integrate children with schools ;

15 (f) to establish Information Techonology Centers throughout the island to enhance science education and develop the country ;

(g) to establish and develop schools to provide education in English medium, and to provide common amenities and maintain the same ;

20 (h) to initial, develop and maintain Dhamma schools for Buddhist Dhamma school education ;

(i) to work in close collaboration with local and foreign governmental and non-governmental organizations to provide education and vocational training for students ;

25 (j) to implement projects to generate income for the Foundation ; and

(k) to do all such acts and things as may be necessary for the accomplishment of all or any of the objects of the Corporation.

4. Subject to the provisions of this Act and any written law, the Corporation shall have the power, including the following, to do, perform and execute all such acts, matters and things whatsoever as are necessary to desirable for the promotion or furtherance of the objects of the Corporation or any one of them :—
- General Powers of the Corporation.
- (a) to acquire, hold, rent, lease, mortgage, pledge, sell, exchange or engage in other manner or otherwise dispose of any immovable property, required for the purpose of the Corporation.
- (b) to enter into, perform and execute all such agreements or contracts necessary for the purpose of accomplishing the functions or to execute the powers of the Corporation either directly or through an officer or an agent of the Corporation who is duly authorized by the Corporation.
- (c) to appeal for, receive and collect grants and donations in cash or otherwise ;
- (d) to invest the funds of the Corporation and to maintain current or savings accounts in any bank ;
- (e) to obtain loans or invest the monies required for the purpose of the Corporation in a manner stipulated as appropriate by the Corporation and with guarantees deemed appropriate ;
- (f) to publish or take action to publish books, journals, magazines and other documents and to establish and maintain libraries, bookshops, and printing houses ;
- (g) to appoint, employ, transter and dismiss officers and servants required for realizing the objects of the Corporation and to maintain disciplinary control over them and to stipulate terms and conditions regards their service ;

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(e) the administration and management of the property of the Corporation, the custody of its funds and maintenance and audit of its Accounts ; and

5 (f) the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Any rule made by the Corporation may be altered, added, amended or rescinded at a like meeting and in like manner as a rule made under subsection (1).

10 (3) The rules of the Corporation shall be subject to the rules in force on the day immediately preceding the 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, deemed to be rules of the Corporation made under this section.

15 (4) The members of the Corporation shall be subjected to the rules of the Corporation.

20 **7.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and either the Administrative Director or the Treasurer 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.

25 **8.** All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act shall be paid and discharged 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 Corporation.

30 **9.** (1) The Corporation shall have its own fund and all gifts, donations subscriptions, fees or grants accepted for and on behalf of the Corporation hereinafter shall be deposited to the credit of the Corporation in one or more Banks. Fund of the Corporation.

(2) All monies required for settling the expenses incurred by the Corporation in implementing and executing the powers, duties and functions under this Act shall be settled from the fund.

5 **10.** (1) The financial year of the Corporation shall be Accounts and
the calendar year. audit.

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

10 (3) The accounts of the Corporation shall be audited by a
qualified auditor in this section, “qualified auditor” means—

15 (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 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 such Institute.

11. 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 some other Association or associations having objects similar to the objects of the Corporation and which is or are by the rules thereof prohibited from distributing any income or property, among its or their members. Such Association or Associations shall be determined by the members of the Corporation at or immediately before, the time of the dissolution of the Corporation.

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