



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

**PINA ORGANISATION (INCORPORATION)
ACT, No. 25 OF 2011**

[Certified on 03rd May, 2011]

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L. D.—O. (Inc.) 8/2010.

AN ACT TO INCORPORATE THE PINA ORGANISATION

WHEREAS an Organisation called and known as the “Pina Organisation” has heretofore been formed in Sri Lanka, for the purpose of effectually carrying out its objects and transacting all matters connected with the said Organisation according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Organisation has heretofore successfully carried out and transacted several objects and matters for which it was formed 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 Pina Organisation (Incorporation) Act, No. 25 of 2011.

Short title.

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

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

General objects of the Corporation.

(a) to donate modern hospital equipments to hospitals;

- (b) to encourage and assist students faced with financial difficulties in pursuing higher education;
- (c) to assist students of low income groups or students who have lost one or both parents, in pursuing higher education;
- (d) to provide relief to the poor and destitute who require heart surgery, transplantation of kidney and cancer surgery and to provide assistance for treatments;
- (e) to establish and maintain orphanages and homes for the aged and to establish social welfare centers in accordance with such written laws as are for the time being in force;
- (f) to provide welfare facilities for the deaf, dumb and the blind and disabled persons and to establish welfare homes in accordance with such written laws as are for the time being in force;
- (g) to provide wheelchairs, crutches and spectacles for the poor and destitute;
- (h) to assist low income groups in the construction or completion of houses;
- (i) to assist in the development of agriculture in rural areas by providing agricultural machinery, tractors, hand tractors, lands and vehicles;
- (j) to print, publish and distribute books, journals, leaflets, newspapers and magazines and to establish and maintain libraries;
- (k) to promote, organize and maintain exhibitions, discussions, workshops, debates and tours which the Corporation may consider desirable for the promotion and achievement of its objects;

- (l) to collaborate and work with other societies, or organizations, having similar objects;
- (m) to reduce and eliminate suicidal tendencies by means of community projects and education.

(2) In the implementation of the objects specified in subsection (1) the Governing Council shall ensure to the greatest extent possible that such implementation shall be carried out without any distinction based on race, religion, language, caste, sex, political opinion or place of birth.

4. (1) The affairs of the Corporation shall, subject to the rules of the Corporation made under section 6, be administered by a Governing Council (hereinafter referred to as the "Council") consisting of the President, Vice Presidents and other office-bearers elected or appointed in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) The first Council of the Corporation shall consist of the members of the Governing Council holding office on the day immediately preceding the date of commencement of this Act.

5. 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, matters and things whatsoever, as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them including the power to:—

General powers of the Corporation.

- (a) acquire, hold, take or give on lease or hire, mortgage, pledge, sell, exchange, or otherwise alienate, encumber or dispose of any immovable property for the purposes of the Corporation;
- (b) enter into, perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or

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agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;

- (c) accept gifts, donations and bequests in cash or in kind;
- (d) invest its funds, and to maintain current, deposit and savings accounts in any bank;
- (e) borrow or invest money for the purposes of the Corporation in such manner and upon such security as the Corporation may think fit; and
- (f) appoint, employ, transfer, exercise disciplinary control over and dismiss officers and servants required for the carrying out of the objects of the Corporation.

Rules of the Corporation.

6. (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 on all or any of the following matters:—

- (a) the classification of membership and the admission, withdrawal or expulsion of members;
- (b) the election of office-bearers, the resignation from or vacation of or removal from office of office-bearers and their powers and duties;
- (c) the election of members of the Council and its powers, conduct and duties;
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation;

- (e) the procedure to be observed or the summoning and holding of meetings of the Council, the time, places, notices and agenda of such meetings and the quorum therefore and the conduct of business thereat; and
- (f) the administration and management of the property of the Corporation and the custody of its funds.

(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).

(3) The members of the Corporation shall at all times be subject to the rules of the Corporation.

7. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, testamentary dispositions, transfers, donations, subscriptions, contributions, fees or grants or any financial investment shall be deposited to the credit of the Corporation in one or more Banks as may be determined by the Council.

Fund of the Corporation.

(2) All expenses incurred by the Corporation in exercising and discharging its powers and functions shall be paid out of the fund.

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

Audit and Account.

(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.

(3) The accounts of the Corporation shall be audited by a qualified auditor appointed by the Council.

(4) In this section, “qualified auditor” means—

- (a) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka, or of any

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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.

Seal of the Corporation.

9. The seal of the Corporation shall be in the custody of the Secretary and shall not be affixed to any instrument whatsoever except in the presence of the President and the Secretary of the Corporation or such other person duly authorized by the Council who shall sign their names on the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Debts due by and payable to the Organisation.

10. All debts and liabilities of the said Organisation existing on the day preceding the date of the commencement of this Act shall be paid by the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to the Organisation on that day shall be paid to the Corporation for the purpose of this Act.

Limitation of liability of members.

11. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the amount of such membership fees as may be due from him to the corporation.

Application of moneys and property.

12. The moneys and property of the Corporation however derived shall be applied solely towards the promotion of its objects as set forth herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, profit or otherwise howsoever to the members of the Corporation.

13. Subject to the provisions of this Act, the Corporation shall be able and capable in law to acquire 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 the Corporation and subject to the rules of the Corporation made under section 6, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable and immovable.

14. If upon the dissolution of the Corporation there remains, after the satisfaction of all 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 profit 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 dissolution of the Corporation.

Property remaining on dissolution.

15. Nothing contained in this Act shall prejudice or affect the rights of the Republic or of any body politic or corporate.

Saving of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

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