



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

**KOSALA DULLEWA FOUNDATION
FOR CHILDREN WITH SPECIAL NEEDS
(INCORPORATION) ACT, No. 39 OF 2009**

[Certified on 24th July, 2009]

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*Kosala Dullewa Foundation for Children with
Special Needs (Incorporation) Act, No. 39 of 2009*

[Certified on 24th July, 2009]

L.D.—O. (INC) 15/2006.

AN ACT TO INCORPORATE THE KOSALA DULLEWA FOUNDATION FOR
CHILDREN WITH SPECIAL NEEDS

WHEREAS an association called and known as the
“Kosala Dullewa Foundation for Children with Special Needs”
has been formed for the purpose of effectually carrying out
and transacting all objects and matters connected with the
said Association according to the rules agreed to by its
members :

Preamble.

AND WHEREAS the said Association has heretofore
successfully carried out and transacted the 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
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 Kosala Dullewa
Foundation for Children with Special Needs (Incorporation)
Act, No. 39 of 2009.

Short title.

2. From and after the date of commencement of this Act,
such and so many persons as are now members of the Kosala
Dullewa Foundation for Children with Special Needs
(hereinafter referred to as “the Foundation”) and such other
persons as shall hereinafter be admitted as members of the
Corporation hereby constituted shall be a body corporate with
perpetual succession, under the name and style of “Kosala
Dullewa Foundation for Children with Special Needs”
(hereinafter referred to as “the Corporation”) and by that name
may sue and be sued, with full power and authority to have
and to use a common seal and to alter the same at its will and
pleasure.

Incorporation of
the Kosala
Dullewa
Foundation for
Children with
Special Needs.

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General objects of the Corporation.

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

- (a) to help underprivileged children having physical and mental disabilities irrespective of their caste, creed, nationality or religion, so as to make them useful citizens who could make a contribution to society and to the country ;
- (b) to assist in the well-being of disabled children and young adults upto the age of twenty five years ;
- (c) to conduct and hold seminars, meetings, training programs and workshops to develop skills of disabled children and to encourage them to be independent ;
- (d) to educate and make disabled children aware of their abilities, disabilities and limitations without endangering themselves and others ;
- (e) to commence self-employment projects and to engage physically and mentally disabled youth in vocational training programs ;
- (f) to create an awareness among parents and family members of disabled children and the general public, about the contribution that disabled children could make towards the development of the country ;
- (g) to grant donations, assistance and coverage to disabled children and to other organizations having objects similar to those of the Corporation ;
- (h) to implement projects in any part of Sri Lanka for the benefit of the disabled children ;
- (i) to collaborate with other organizations having similar objects to those of the Corporation, whether in Sri Lanka or abroad ;

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- (j) to train or cause to be trained in Sri Lanka or abroad at the expense of the Corporation, any child whomsoever approved by the Corporation, for the furtherance of the objects of the Corporation ;
- (k) to initiate, organize and conduct lectures, seminars, symposia, workshops, exhibitions and other appropriate programs and activities in order to promote the objects of the Corporation ;
- (l) to train and to organize sports events for disabled children in Sri Lanka or abroad ;
- (m) to organize entertainment events for disabled children ;
- (n) to propose to relevant authorities legal reforms to uplift the rights of disabled persons ;
- (o) to institute legal proceedings in appointing curators or guardians for disabled children at the cost of the Corporation ; and
- (p) to establish book shops and libraries.

4. (1) The management, control and administration of the affairs of the Corporation shall, subject to the provisions of this Act and of the rules of the Corporation made under section 7, be administered by a Board of Management consisting of such number of office bearers as may be provided for in such rules and elected in accordance therewith.

Management of the affairs of the Corporation.

(2) The first Board of Management of the Corporation shall consist of the members of the Executive Committee of the Foundation holding office on the day immediately preceding the date of commencement of this Act and who shall hold office until a new Board of Management is elected under the rules of the Corporation.

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General powers
of the
Corporation.

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 furtherance of the objects of the Corporation or any one of them, and subject to the rules of Corporation, to open, operate and close bank accounts, to borrow or raise money with or without security, to receive or collect grants and donations, to invest its funds and to engage, employ and dismiss, officers and servants as are required for the purpose of achieving the objects of the Corporation.

Audit of
accounts.

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

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

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

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

- (i) an individual who being a member of the Institute of Chartered Accountant 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
- (ii) a firm of Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountant 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.

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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 the votes 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 the admission, withdrawal or expulsion of members, the election of the office-bearers and for the performance of the duties of such office-bearers, agents, officers and servants of the Corporation, for the procedure to be followed in the transaction of business by the Corporation and the Board of Management and generally, for the management 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) All members of the Corporation shall be subject to the rules of the Corporation.

8. The income and property of the Corporation shall be applied solely towards the promotion of the objects of the Corporation as set forth herein and no portion thereof shall be paid or transferred, directly or indirectly by way of dividend, loan, bonus, profit or otherwise, to the members of the Corporation.

Application of income and property of the Corporation.

9. The Corporation shall be able and capable in law to acquire and hold any property both 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 be subject to the rules of the Corporation under section 7 it shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

10. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation and all debts due to, including subscriptions, fees 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.

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Seal of the
Corporation.

11. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President and the Secretary or the Treasurer of the Corporation 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.

Property
remaining on the
dissolution of the
Corporation.

12. 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 institution or institutions having objects similar to those of the Corporation and which is or are by its rules prohibited from distributing any income or property among its or their members. Such institution or institutions shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.

Saving of the
rights of the
Republic and
others.

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

Sinhala text to
prevail in case of
inconsistency.

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

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