



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

**AL HAJ S. M. M. HUSSAIN CHARITABLE
TRUST (INCORPORATION)
ACT, No. 74 OF 2009**

[Certified on 23rd December, 2009]

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(Incorporation) Act, No. 74 of 2009*

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L.D.—O. (Inc.) 30/2007.

AN ACT TO INCORPORATE THE AL HAJ S. M. M. HUSSAIN CHARITABLE TRUST AND TO PROVIDE FOR ALL MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

WHEREAS a Trust called and known as Al Haj S. M. M. Hussain Charitable Trust has heretofore been established in the Year 1982 for the purpose of effectually carrying out the objects for which it was established:

Preamble.

AND WHEREAS the Board of Trustees of the said Trust have successfully carried out and transacted the several objects and matters for which it was established:

AND WHEREAS the said Board of Trustees has now 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 Al Haj S. M. M. Hussain Charitable Trust (Incorporation) Act, No. 74 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Board of Trustees of the Al Haj S. M. M. Hussain Charitable Trust (hereinafter referred to as the “Trust”) 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 Al Haj S. M. M. Hussain Charitable Trust” 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 Al Haj S. M. M. Hussain Charitable Trust.

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(Incorporation) Act, No. 74 of 2009

General objects
of the
Corporation.

3. The general objects of the Corporation shall be—
- (a) to provide assistance to Sri Lankan Muslim students preparing for G. C. E. (Advanced Level) Examinations ;
 - (b) to grant scholarships, to provide career guidance and enhance educational, technical and professional skills of Sri Lankan Muslims in any University, Institution or Vocational Training Institute ;
 - (c) to guide and assist in the development of education including technical education, of Sri Lankan Muslim students ;
 - (d) to provide for and assist in the establishment, construction, repair or renovation of any Islamic Institution, mosque or Arabic Schools in Sri Lanka and also to provide regular contributions for the maintenance of such institutions ;
 - (e) to provide for the relief of poverty and assist Muslims affected by any natural disaster ; and
 - (f) to collect, funds, subscriptions and other donations for the aforesaid purposes.

General powers
of the
Corporation.

4. The Corporation shall, subject to the provisions of this Act or any other written Law, have the following powers:—
- (a) to receive grants, gifts, donations and subscriptions in cash or kind from local sources ;
 - (b) to perform and execute all such acts as may be necessary for the carrying out of the objects of the Corporation ;
 - (c) to open, operate and close bank accounts ;

- (d) to invest, borrow or raise money with or without security ; and
- (e) to engage, employ and dismiss personnel required to carry out the objects of the Corporation.

5. (1) The affairs of the Corporation shall, subject to the rules of the Corporation, be administered by a Board of Management (hereinafter referred to as “the Board”).

Management of the affairs of the Corporation.

(2) The members of the Board of Trustees of the Trust holding office on the day preceding the date of commencement of this Act, shall be the members of the first Board of Management.

(3) The Board shall have the power to fill the vacancies that may arise due to death, incapacity or resignation of a member of the Board as provided for in the rules of the Corporation.

6. (1) It shall be lawful for the Corporation, from time to time, at any meeting of the Board and by majority of votes, to make rules not inconsistent with the provisions of this Act or any other written law in respect of all or any of the following including the procedure to be followed at the meetings of the Board and the quorum for the meetings of the Board:—

Rules of the Corporation.

- (a) the election, appointment and removal of the members of the Board ;
- (b) the admission, withdrawal or expulsion of members of the Corporation ;
- (c) for the conduct of the duties of the Board and of the various officers, agents and servants of the Corporation ;
- (d) for the procedures to be followed in the transaction of business ; and

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(e) the Management of the funds of the Corporation and the attainment of the objects of the Corporation.

(2) Rules of the Corporation when made may, at a like meeting and in like manner be altered, added to, amended or rescinded.

(3) The members of the Board shall be subject to the rules of the Corporation.

Debts due by
and payable to
the Trust.

7. All debts and liabilities of the Trust existing at the time of the coming into operation of this Act shall be paid by the Corporation hereby constituted and all debts due to and subscriptions, donations and contributions payable to the Trust shall be paid to the Corporation, for the purposes of this Act.

Fund of the
Corporation.

8. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of testamentary disposition, donations, contribution and fees deposited in the name of the Corporation in one or more banks in Sri Lanka as may be decided by the Board.

(2) There shall be paid out of the Fund all sums of money to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

Accounts and
Auditing.

9. (1) The Board shall cause proper accounts to be kept of the moneys received and expended by the Corporation.

(2) The Accounts of the Corporation shall be examined and audited at least once in every year and the correctness of the income and expenditure account and the balance sheet shall be certified by a qualified auditor or auditors appointed by the Corporation.

(3) 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 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 Chartered 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.

10. The Corporation shall subject to the rules of the Corporation made under section 6 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 afore said rules of the Corporation with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold and dispose of property movable and immovable.

11. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of two members of the Board, 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.

Affixing the seal.

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 institution or institutions 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 the members of such institution or institutions and at the discretion of the Board of Management of the Corporation.

Property remaining on dissolution of the Corporation.

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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 the Tamil texts of this Act, the Sinhala text shall prevail.

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