

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

**SAMADHI COMMUNITY DEVELOPMENT**

**FOUNDATION (INCORPORATION)**

**ACT, NO. 13 OF 2024**

**[Certified on 19th of February, 2024]**

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| *Samadhi Community Development Foundation* | 1 |

*(Incorporation) Act, No. 13 of 2024*

[Certified on 19th of February, 2024]

L.D.—O. (Inc. 10/2021)

AN ACTTOINCORPORATETHE SAMADHI COMMUNITY   
DEVELOPMENT FOUNDATION

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| WHEREAS a Foundation called and known as the “Samadhi Community Development Foundation” has heretofore been established in Sri Lanka for the purpose of effectually carrying out its objects and transacting all 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 and matters for which it was established 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 :—

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| **1.** | This Act may be cited as the Samadhi Community | Short title  Incorporation of the  Samadhi  Community  Development Foundation |
| Development Foundation (Incorporation) Act, No. 13 of 2024. | |
| **2.** | (1) From and after the date of commencement of this |
| Act, such and so many persons as now are members of the Samadhi Community Development Foundation (hereinafter referred to as the “Foundation”) and shall hereafter be admitted as members of the body corporate hereby constituted shall have perpetual succession under the name and style of the“Samadhi Community Development Foundation”(hereinafter referred to as the “body corporate”), and by that name may sue and be sued with full power and authority to have and use a common seal and alter the same at its pleasure. | |

(2) The body corporate shall be deemed to be a Voluntary Social Service Organization within the meaning and for the purpose of the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the management of the affairs of the body corporate.

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| General  objects of the body  corporate | **3.** | The general objects for which the body corporate is |
| constituted are hereby declared to be to assist the relevant authorities— | |
| (*a*) | to organize and maintain educational activities and |

training programmes for the poor children and   
young persons who have no educational facilities;

(*b*) to establish young farmer’s organisations;

(*c*) to conduct lectures, seminars, exhibitions which   
 are conductive to the intellectual development of   
 people; and

(*d*) to establish and maintain library facilities,

subject to any applicable written law, to the extent permitted by such law.

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| Body corporate to ensure no  conflict with  work of Ministry or Department of the Government or Provincial  Council  Management of  affairs of the  body corporate | **4.** | The objects of the body corporate shall be carried |
| out in such manner so as not to create any conflict between the work of the body corporate and any work being carried out simultaneously by any Ministry or Department of the Government or of any Provincial Council. | |
| **5.** | (1) Subject to the provisions of this Act, and the rules |
| made under section 7, the management and administration of the affairs of the body corporate shall be carried out by an | |

Executive Council (hereinafter referred to as the “Council”) consisting of such number of office bearers as may be specified by the rules made under section 7.

(2) (*a*) The Council of the Foundation holding office on the day immediately preceding the date of commencement of this Act shall, subject to the rules made under paragraph (*b*), function as an Interim Council of the body corporate until the first Council is appointed or elected in the manner provided for by rules made under section 7.

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(*b*) Subject to the provisions of section 7, the Interim Council of the body corporate shall have the power to make rules for the interim administration of the body corporate not inconsistent with the provisions of this Act or any other written law.

(*c*) Any decision of the Interim Council shall be taken by the majority of its members present at such meeting.

(*d*) The first Council of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.

(3) (*a*) Every office bearer of the Council including the patrons and advisers, shall be appointed or elected for a period of three years and any such office bearer, patron or advisor shall be eligible for re-appointment or re-election after lapse of the said period of three years.

(*b*) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Council shall having regard to the rules of the body corporate, elect or appoint a person to fill such vacancy.

(*c*) The person elected or appointed under paragraph (*b*) shall hold office only for the unexpired portion of the term of

office of the member whom he succeeds.

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| **6.** | Subject to the provisions of this Act and any other written | Powers of the  body Corporate |
| law, the body corporate shall have the power to do, perform | |

and execute all such acts and matters as are necessary or desirable for the promotion or furtherance of the objects of the body corporate or any one of them, including the power–

(*a*) to purchase, rent, construct, renovate and otherwise   
 obtain lands or buildings which may be required   
 for the purposes of the body corporate and to deal   
 with or dispose of the same as determined by the

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Council with a view to promoting the objects of   
the body corporate;

(*b*) to enter into and perform or carry out, whether   
directly or through any officer or agent authorized   
in that behalf by the body corporate, all such   
contracts or agreements as may be necessary for the   
attainment of the objects of the body corporate;

(*c*) to borrow or raise funds with or without securities   
and to receive grants, gifts or donations in cash or   
kind for the attainment of the objects of the body

corporate:

Provided that, the Council shall obtain the prior   
written approval of the Department of External   
Resources in respect of all foreign grants, gifts or   
donations made to the body corporate;

(*d*) 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, maintain and close accouts in   
any bank;

(*e*) to invest any funds that are not immediately   
 required for the purposes of the body corporate, in   
 such manner as the Council may determine;

(*f*) to undertake, accept, execute, perform and   
 administer any lawful trust having objects similar   
 to the body corporate or any real or personal   
 property with a view to promoting the objects of   
 the body corporate;

(*g*) to appoint, employ, dismiss or terminate the services   
of officers and servants of the body corporate and   
exercise disciplinary control over them and to pay

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them such salaries, allowances and gratuities as may   
be determined by the body corporate in terms of   
rules made under section 7 of the Act;

(*h*) to organize lectures, seminars and conferences with   
 a view to promoting the objectives of the body   
 corporate;

(*i*) to liaise and co-ordinate with other local and   
 foreign institutions having similar objects to that   
 of the body corporate; and

( *j*) generally to do all such acts and things for the   
 achievement of the objects of the body corporate.

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| **7.** | (1) It shall be lawful for the body corporate, from | Rules of the  body corporate |
| time to time, at any general meeting of the body corporate | |

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, for all or any of the following matters:—

(*a*) the classification of membership, admission,   
 withdrawal, expulsion or resignation of members   
 and fees payable by the members;

(*b*) the election of office bearers of the Council or   
 vacation of or removal from office of office bearers   
 and the powers, duties and functions of the office   
 bearers;

(*c*) the terms and conditions of appoinment, powers,   
functions and duties of various officers, and   
servants of the body corporate;

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| (*d*) | the procedure to be followed for the summoning and holding of meetings of the body corporate or |

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of the Council or notices and agenda of such   
meetings, the quorum and the conduct of business   
thereat;

(*e*) the qualifications and disqualifications to be a   
member of the Council and the body corporate;

(*f*) the administrations and management of the   
property of the body corporate; and

(*g*) generally the management of the affairs of the body   
corporate and the accomplishment of its objects   
and dissolution of the body corporate.

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

(3) The rules made under subsection (1) shall be published in the *Gazette* within three months upon making of such rules and shall come into effect on the date thereof.

(4) Every rule made by the body corporate within three months after its publication in the *Gazette*, be brought before Parliament for approval. Any rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any such rule is deemed to be so rescinded under subsection (4) shall be published in the *Gazette*.

(6) The members of the body corporate shall at all times be subject to the rules of the body corporate.

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| **8.** | The Council shall maintain a register of members in | Register of  members |
| which name, address and other essential details of the | |

members shall be inscribed.

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| **9.** | (1) The body corporate shall have its own Fund. | Fund of the |
| body corporate |

(2) All moneys received by way of gifts, bequests, donations, subscriptions, contributions, fees or grants for and on account of the body corporate shall be deposited in one or more banks approved by the Council to the credit of the body corporate subject to the provisions of section 6(*c*).

(3) There shall be paid out of the Fund, all such sums of money as are required to defray any expenditure incurred by the body corporate in the exercise, performance and discharge of its powers, duties and functions under this Act.

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| **10.** | (1) The financial year of the body corporate shall be | Accounts and auditing |
| the calendar year. | |

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

(3) The accounts of the body corporate shall be audited annually by a qualified auditor and be certified by such qualified auditor.

(4) For the purposes of 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

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(*b*) a firm 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.

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| Annual Report | **11.** | (1) The Council shall prepare a report of the activities |

of the body corporate for each financial year and submit such report together with the audited statement of accounts certified by a qualified auditor, to the Secretary of the Ministry of the Minister assigned the subject of Education and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such report relates.

(2) A separate statement of accounts relating to the foreign and local moneys received by the body corporate during the financial year shall be attached to the report referred to in subsection (1).

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| Debts due by  and payable to the Foundation | **12.** | All debts and liabilities of the Foundation existing |
| on the day immediately preceding the date of commencement of this Act, shall be paid by the body corporate hereby | |

constituted and all debts due to and subscriptions and contributions payable to the Foundation on that day shall be paid to the body corporate for the purposes of this Act.

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| Body corporate may hold  property  movable and  immovable | **13.** | Subject to the provisions of this Act and any other |
| written law, the body corporate 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 body corporate for the purpose of this Act and subject to the rules of the body corporate

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made under section 7, with power to sell, mortgage, lease, exchange, or otherwise dispose of the same.

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| **14.** | The moneys and property of the body corporate | Application of moneys and  property |
| however derived shall be applied solely towards the promotion of the objects of the body corporate and no portion | |

thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit or otherwise howsoever to the members of the body corporate.

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| **15.** | (1) The Seal of the body corporate shall not be | Seal of the body corporate |
| affixed to any instrument whatsoever, except in the presence | |

of two members of the Council 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.

(2) The Seal of the body corporate shall be in the custody of an office bearer of the Council as may be decided by the Council.

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| **16.** | (1) If upon the dissolution of the body corporate | Property  remaining on  dissolution |
| 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 body corporate, but shall be given or transferred to any other institution having objects similar to those of the body corporate, and which is by the rules thereof, prohibited from distributing any income or property among its members.

(2) For the purposes of subsection (1) the appropriate institution shall be determined by the members of the body corporate immediately before the dissolution at a general meeting by the majority of votes of the members present.

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| **17.** | Nothing in this Act contained shall prejudice or | Saving of the  rights of the  Republic |
| affect the rights of the Republic or of any body politic or corporate. | |

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| Interpretation | **18.** | In this Act, unless the context otherwise requires:- |

“bank” means a bank licensed under the provisions   
 of the Banking Act, No. 30 of 1988;

“law” shall have the same meaning assigned to such   
expression in the Constitution of the   
Democratic Socialist Republic of Sri Lanka;   
and

“Written law” means any law and subordinate   
legislation including statues made by a   
Provincial Council and regulations made   
under such statutes, Orders, Proclamations,   
Rules, By-laws and Regulations made or   
issued by any body or person having power or   
authority under any law to make or issue the   
same.

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| Sinhala text to  prevail in case of inconsistency | **19.** | In the event of any inconsistency between the |
| Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

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