



**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]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of March 01, 2024

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 24.00

Postage : Rs. 150.00

This Act can be downloaded from www.documents.gov.lk



Samadhi Community Development Foundation
(Incorporation) Act, No. 13 of 2024

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L.D.—O. (Inc. 10/2021)

AN ACT TO INCORPORATE THE SAMADHI COMMUNITY
DEVELOPMENT FOUNDATION

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 :—

1. This Act may be cited as the Samadhi Community Development Foundation (Incorporation) Act, No. 13 of 2024.

Short title

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.

Incorporation
of the
Samadhi
Community
Development
Foundation

(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 conducive 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.

Body corporate
to ensure no
conflict with
work of Ministry
or Department of
the Government
or Provincial
Council

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.

Management of
affairs of the
body corporate

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.

(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.

6. Subject to the provisions of this Act and any other written 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—

Powers of the
body Corporate

(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 accounts 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

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.

7. (1) It shall be lawful for the body corporate, from 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:—

Rules of the
body corporate

- (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 appointment, powers, functions and duties of various officers, and servants of the body corporate;
- (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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(Incorporation) Act, No. 13 of 2024

- 8.** The Council shall maintain a register of members in which name, address and other essential details of the members shall be inscribed. Register of members
- 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.
- 10.** (1) The financial year of the body corporate shall be the calendar year. Accounts and auditing
- (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.

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).

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.

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

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

14. The moneys and property of the body corporate 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.

Application of
moneys and
property

15. (1) The Seal of the body corporate shall not be 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.

Seal of the body
corporate

(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.

16. (1) If upon the dissolution of the body corporate 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.

Property
remaining on
dissolution

(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.

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

Saving of the
rights of the
Republic

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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 statutes 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.

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.

