

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

Part II of November 20, 2015

SUPPLEMENT

(Issued on 23. 11. 2015)



**ATHARAGALLA UNITED COMMUNITY
DEVELOPMENT FOUNDATION
(INCORPORATION)**

(Private Member's Bill)

A

BILL

**to incorporate the Atharagalla United Community Development
Foundation**

*To be presented in Parliament by Hon. Mayantha Dissanayake,
M.P. for Kandy District*

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*Atharagalla United Community Development
Foundation (Incorporation)*

AN ACT TO INCORPORATE THE ATHARAGALLA UNITED COMMUNITY
DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the Preamble.
“Atharagalla United Community Development Foundation”
as heretofore been established for the purpose of effectually
carrying out and transacting all objects and matters
5 connected with the said Foundation according to the rules
agreed by its members:

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
10 be incorporated and it will be for the public advantage to
grant the 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 Atharagalla United Short title.
15 Community Development Foundation (Incorporation) Act,
No. of 2015.

2. From and after the date of commencement of this Act, Incorporation
such and so many persons as now are members of the of the
Atharagalla United Community Development Foundation United
20 (hereinafter referred to as the “Foundation”) or shall hereafter Community
be admitted members of the Atharagalla United Community Development
Development Foundation shall be a body Corporate Foundation.
25 United Community Development Foundation and by that
name may sue and be sued in all courts with full power and
authority to have and use a common seal and alter the same
at its pleasure.

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3. (1) Main objective of the Foundation is to make well aware of the philosophy, general intentions, general principles and development programs of the Foundation to the people and implementing them by introducing,
5 promoting and encouraging the minds of the people through self-reliance and collectivism.

General
objectives of
the
Corporation.

(2) Providing equal investment opportunities and guidance for various institutions and organizations presently operating in Sri Lanka.

10 (3) Making of policies and plans to provide following basic necessities of the people and taking leadership to evaluate the outcome of the proceeding:—

- 15 (a) Environment;
(b) Water;
(c) Clothing;
(d) Food;
(e) Housing;
(f) Health;
(g) Education;
20 (h) Development of Cultural and Spiritual values.

(4) Dedication to build up a prosperous Sri Lanka while improving the moral spiritual values of the people.

(5) Initiating programmes for the conservation and to avoid the pollution of environment.

25 (6) To act as the Co-ordination organization with other all institutions currently operating in Sri Lanka.

4. All the members of the Foundation should make every effort to comply with the following general policies:—

General
Policies of
the
Corporation.

- (1) Should be honest, virtuous and generous at all times;
30 (2) Always avoid party politics in order to preserve the
repute of the Foundation;

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- (3) To achieve the objectives gradually for a simple way of living;
- (4) Attempt to build up non-violent society which filled with general ownership, co-operation, kindness and sympathy instead of life that filled with greed of wealth, competition, hatred and lust;
- (5) Accepting the methods that are been used to accomplish the real objectives of the Foundation are genuine and authentic;
- (6) Dedication to transform Sri Lanka to a holy land and to restore our country to become the granary with the blessings of Meththa, Karuna, Muditha and Upekkha by introducing and initiating almsgiving, pleasant speech, benevolent conduct and equity; the four noble treats of our inherited religious culture within the community;
- (7) Affirming to honour the decisions taken by the Executive Committee and Board of Directors of the Foundation and also to resign from the membership with his own will if the Executive Committee deprived the membership;
- (8) On realizing that the Foundation has initially rendered a voluntary service to build socially, politically and economically developed society at rural and urban levels and to take great care to strengthen them further by following the paths of equality and justice without exploiting the public;
- (9) Make every effort in order to come into existence our country as a Socialist Republic composed of rural and urban communities enriched with scientific knowledge and high spiritual values and also for the existence of the world as a United Common States Union based on Peace Co-operation, Independence of nations and realizing that world peace and the highest satisfaction helps to achieve positive results;

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- (10) Conducting meetings with friendly discussions cooperatively and effectively in a pleasant atmosphere and set an example for the other various organizations in Sri Lanka.

5 **5.** Following terms should be included in regarding the Membership.
membership:—

- (1) There are no limits for the membership;
- 10 (2) The appointment of Clergymen and State Officers as Invited Members by the Director Board of the Foundation for rendering a valuable service to the society is opened to anyone whom qualified for a such position;
- 15 (3) The application for the membership when forwarded along with the member fees to the Secretary, the Director Board shall decide the offering of membership;
- 20 (4) In obtaining the membership it is considered that the members have accepted the policies, affirmation and objectives of the Foundation;
- 25 (5) The President and the Director Board have powers to grant, reject, deprive and removal of membership of the Foundation;
- 30 (6) Even though the Director Board is not bound to show causes to the membership relating the disciplinary acts, they should submit the identical decisions at a General Meeting for confirmation;
- 30 (7) Membership consists of 05 categories. They are child membership, youth membership, ordinary membership, lifetime membership and invited membership;

- 5 (8) The children over 07 years and under 14 years are child members, the youths over 14 years and less than 26 years are youth members, the persons over 26 years are considered as ordinary members, the persons who pay the membership fees under the rule No. 6 (iv) are considered as life time members and the persons who are invited are known as invited members;
- 10 (9) None of the members could acquire any personal benefits through the membership of the Foundation.
6. (i) A child member has to pay Rs. 1/- per year for the membership. Membership Fees.
- (ii) a youth member has to pay Rs. 6/- per year for the membership.
- 15 (iii) an ordinary member has to pay Rs. 24/- per year for the membership.
- (iv) the membership obtained by paying Rs. 240/- or paying the said amount in 3 installments within a year, is considered as a lifetime member.
- 20 (v) the members are liable to pay the membership fees but is allowed to donate the fees to the Foundation at their sole discretion.
- 25 (vi) the child, youth and ordinary members should pay their membership fees every year before 31st of January to renew the membership.
- 30 (vii) No member can demand or request any contribution or any other payments made previously to the Foundation if his membership is ceased or deprived by the Director Board or when leaving the Foundation at his/her own will.

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7. The following particulars should include to the Register of the Membership:—

Registration
of
Membership.

(1) Name of the member, his permanent address, date of membership;

5 (2) The secretary should maintain a record with the date of ceasing the membership and any other relevant details of the member.

8. (1) The Director Board consisting of not exceeding 15 members who have been elected from all categories of the membership at an Annual General Meeting will govern the Foundation according to the rules and regulations of the constitution.

Director
Board.

(2) The Director Board should be selected as follows :—

(a) 02 child members;

15 (b) 03 youth members;

(c) 03 mothers selected from the ordinary members;

(d) 06 adult members selected from the clergymen, lifetime members and invited members;

20 (e) 03 members selected from the ordinary or youth members.

(3) If a member of the Director Board performs his duties that incompatible to the rules and conditions of the constitution, he or she could be removed from the office by 2/3 majority of votes of members at a general meeting. The decision taken at the general meeting is final and the member has no rights to take action against the verdict in any court of law.

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9. The Director Board should carryout the duties as follows :— Rules of the
Director
Board.

- (1) The Director Board of the Foundation must be assembled at least once a month;
- 5 (2) The quorum of Director Board meeting shall be 07 members;
- 10 (3) At the end of the Annual General Meeting it is compulsory to hold the first meeting of the Director Board on the same day to elect the President, General Secretary and the Treasurer of the Foundation;
- 15 (4) The President has every right to take decisions pertaining to the general activities of the Foundation;
- (5) Suitable date of the month should be fixed by the Director Board for the meeting;
- (6) Meeting of the Director Board should be held by giving 3 days written notice prior to the meeting.

10. Under the orders of this constitution and any other existing written law— Powers of the
Corporation.

- (1) Have powers for purchasing, vesting, rent or leasing, construction or procurement of buildings and land by any other means if required;
- 25 (2) Procurement of land, buildings, equipments, or donations in cash or bank loans in various ways and of the usage and investment of them for the benefit of the Foundation;
- (3) Implementing other programmes in relevant to the objectives of the Foundation;

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- (4) Admitting, suspension and depriving of Membership;
 - (5) Assigning the Duties to officials and carry out the disciplinary control over them;
 - 5 (6) Filling of the vacancies of the posts of President, the Secretary and the Treasurer of the Director Board;
 - (7) Establishing sub-committees, assign them the duties and also dissolving of sub-committees;
 - 10 (8) Organizing gramodaya activities carrying out by various organizations and engaged in assigning and removing of full time workers, matrons of pre-schools, cooks, female health assistants, maternity hospital aides and gramodaya workers;
 - 15 (9) The Secretary shall deal with all correspondence, records of all members, programmes and all documentary related works and to preserve them;
 - (10) Assignment of Accredited Auditors who are approved by the official ordinance act to audit all
 - 20 account statements;
 - (11) Presenting of audited, certified Audit Accounts records at the general meeting;
 - (12) Establishing cordial relationship with other Benevolent Associations;
 - 25 (13) Informing the Secretary to summon Annual General Meetings, Special General Meetings and Normal General Meeting.
- 11. (1) *The President :***
- (i) The President shall chair the meetings ;
- Duties of the
Director
Board
Members.

- (ii) He should examine all the activities and directing the meetings ;
- (iii) Present decisions taken by the Executive Committee at the General Meetings ;
- 5 (iv) Removal of members upon the decisions of the Executive Committee.

(2) The Secretary :

- 10 (i) Summoning of General Meetings, Annual General Meetings, Director Board meetings, Maintaining the records of the Director Board and the Foundation, signing of the documents of the Foundation and performing other tasks as per the instructions of the Executive Committee ;
- 15 (ii) Keeping all the documents under the custody of the Secretary and preserving them ;
- (iii) The Secretary should submitted the particulars of the membership to the Registrar of Associations every year before 30th of June.

(3) The Treasurer :

- 20 (i) Treasurer is responsible of the security of all accounts and funds of the Foundation and should make the expenses as per the orders of the Director Board and on the instruction of the President;
- (ii) Maintaining of credit and payment records clearly;
- 25 (iii) Maintain inventories of all equipments, various other items, property and so forth of the Foundation;
- (iv) All cash of the Foundation must be compulsorily deposited in a bank that is accepted by the Director Board and shall be used whenever it is necessary ;

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(v) Presenting of Annual Accounts statements to the
Director Board and General Meetings ;

5 (vi) The certified accounts sheets should be submitted
to the Registrar of Associations before 30th of June
every year.

12. The President and the Director Board should have powers to appoint sub committees for the following purposes
whenever necessary :—

Appointing
of sub-
committees

10 (a) shramadana camps, educational seminars, savings
and credit accounts, general marketing, exhibitions,
child welfare activities, educational tours, tree
planting and home gardening projects and economy
development projects ;

15 (b) inquiring on unruly behavior for using or handling
the Foundation in disorderly manner by a member
when reported ;

(c) other activities in compliance with the constitution
of the Foundation ;

20 (d) minimum of three members from the Director Board
should be included for a committee and the others
could be appointed from the members of the
Foundation ;

25 (e) the President and Director Board have powers to
dissolve a Sub Committee when required and to
appoint a new Sub Committee as an alternative.

13. (1) There are three types of meetings in which
Annual General Meeting that is summoned by the President
and the Director Board, and the Special General Meetings
and General Meetings that are summoned by the President
30 are been hold by the Foundation.

General
Meetings of
the
Corporation.

(2) At the Annual General Meeting, presenting and approval of the minutes of the last meeting, annual reports of the Secretary, annual accounts reports and Statements of the Treasurer and electing Director Board are the main
5 subject matters.

(3) The Special General Meetings which been summoned on the approval and decisions of the Director Board are liable to make amendments, revisions and additions of the rules and conditions of the constitution only.

10 (4) The Special General Meeting summoned by the President upon the written request made by a minimum of 06 members of the Director Board, in order to take a decision on a special matter will be held, only to discuss the particular matter.

15 (5) Discussion on various useful subjects is taking place at the General Meetings called up by the President or the Director Board.

(i) Annual General Meetings must be held before 31st August of every year.

20 (ii) The President should chair all the general meetings .

(iii) The quorum of any general meeting of the association shall be 50 members or two-thirds of the membership.

25 (iv) All the members are eligible for the membership of general meetings and they have every right to participate them.

(v) All general meetings should be held by notifying the members, 14 days prior to the meeting date.

14. (1) There must be a fund for the Foundation. The
30 membership fees, donations, contributions made by local institutions, the income received from movable and stable
Fund of the Corporation.

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properties of the Foundation and the aids offered by the state, private insitution of the area and non-governmental organizations are included for the fund and should deposited them to the Foundation Account in a Bank or Banks specified
5 by the President and the Director Board.

(2) For rehabilitation, improvement or development and conservation of the properties of the Foundation, the organization has rights to raise a fund or to establish a sinking fund.

10 (3) From this Fund—

- (a) expenses for the Director Board for their own activities under certain categories;
- (b) to make some essential payments for the employees of the Foundation;
- 15 (c) for the expenses on various activities of the Foundation carried out by the officers and other voluntary employees;
- (d) expenses on Postal fees, telegrams, telephone calls, stationery and printing works;
- 20 (e) payments for meritorius activities from the funds reserved be the Director Board;
- (f) charges for Auditing;
- (g) payments for the purchasing of office furniture and equipments;
- 25 (h) two office bearers must signed the cheques and one must be the Treasurer and other should be either the President or the Secretary of the Foundation.

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15 (1) The financial year of the Corporation shall begin Audit and
in 01st of April every year. accounts.

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

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

In this Section “qualified auditor” means—

10 (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
such Institute; or

15 (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.

16. Corporation should have powers to purchase any Corporation
20 item when required and to receive any donation, awards of may hold
any movable or stable property and to use them for the welfare property
of the Corporation. Similarly under the prevailing condition movable and
at any period, the Corporation must have the powers to sell, immovable.
25 pawn, lease, hire, exchange or to remove the aforementioned
items.

17. There should be a frank (Seal) decided by the Frank of the
Chairman and the Director Board for the Corporation and Corporation.
will be used to stamp any document by the President, the
Secretary or the Treasurer of the Corporation and any of the
30 two office bearers must place their signature as an evidence
of their presence.

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18. (1) The rules and regulations of the constitution, should not be amended, removed and shall not be approved by other than not less than two-thirds of the members present and voting to the motion at a special general meeting
5 summoned for the particular purpose.

Amendment
of rules and
regulations
of the
Corporation.

(2) For any amendments or removals of the rules of the constitution, the Secretary of the Foundation or on his absence the chairperson must make a proposal regarding the particular subject at a General Meeting.

10 19. If any dispute arisen among the membership and the Foundation due to any sort of activities of the Foundation, then the Secretary should forward the matter to the Director Board. On consideration the Director Board and the President will give the final verdict that is never been questioned in a
15 court of law and the members are liable to accept the decision and to act accordingly.

Dispute
among the
members of
the
Corporation.

20. Except the persons covered by this bill and to the rights of the others whom possessed or influenced by aforesaid persons, no any other person of the republic or
20 anyone attached to the state sector or corporation will be affected or will be influenced on their rights by this Act.

Protection of
the rights of
the people.

21. 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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