



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

**ROHITHA ABEYGUNAWARDANA
FOUNDATION (INCORPORATION)
ACT, No. 6 OF 2011**

[Certified on 23rd February, 2011]

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Rohitha Abeygunawardana Foundation
(Incorporation) Act, No. 6 of 2011

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L.D—O. (Inc.) 15/2009.

AN ACT TO INCORPORATE THE ROHITHA ABEYGUNAWARDANA
FOUNDATION

WHEREAS an Association called and known as the “Rohitha Abeygunawardana Foundation” has heretofore been formed for the purpose of effectually carrying out and transacting the 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 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 Rohitha Abeygunawardana Foundation (Incorporation) Act, No. 6 of 2011.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Rohitha Abeygunawardana Foundation” 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 “Rohitha Abeygunawardana Foundation” 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 Rohitha Abeygunawardana Foundation.

3. (1) The general objects for which the Corporation is established are hereby declared to be—

General objects of the Corporation.

- (a) to promote activities relating to social development through the participation of the general public and particularly the people of Kalutara District;

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- (b) to participate in activities relating to the social, cultural and economic development of the country;
- (c) to train children to be aware of religious and other values and to promote in them an interest in sports activities with a view to enhancing their potential in order that they may be equipped to grow up and participate in the development of the country;
- (d) to provide assistance in establishing and developing religious centres;
- (e) to take measures to protect and preserve the moral and cultural values of people;
- (f) to work towards bridging the gap between the general public and the public service;
- (g) to provide assistance in obtaining legal aid and legal advice to the needy;
- (h) to assist victims of sudden disasters and provide assistance in improving their living standards;
- (i) to provide assistance to persons who are mentally and physically handicapped; and
- (j) to work towards the promotion and furtherance of the rights of women and children.

(2) In the implementation of the objects of this Act as are specified in subsection (1), the Corporation shall ensure that such implementation is carried out without any distinction based on race, cast, religion, language, sex or political opinion.

General powers
of the
Corporation.

4. 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 promotion or furtherance of its objects of the Corporation or any one of them, including the power to:—

- (a) purchase, acquire, rent, construct or otherwise obtain, lands or buildings which may be required for the purposes of the Corporation;
- (b) solicit, receive and collect grants, gifts or donations, in cash or kind;
- (c) open, operate and close bank accounts;
- (d) borrow and raise money with or without security;
- (e) invest any funds not immediately required for the purpose of the Corporation in such manner as the Corporation may think fit.

5. (1) The affairs of the Corporation shall, subject to the provisions of this Act and any rules made by the corporation under section 6, be administered by an Executive council (hereinafter referred to as the “Council”) consisting of a President, two Vice Presidents, a Secretary, Treasurer and ten other members elected in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) The first Council of the Corporation shall, consist of the members of the Council of the Foundation holding office on the day immediately preceding the date of commencement of this Act. Such Council shall hold office until an executive Council is elected in accordance with the rules of the Corporation.

6. (1) It shall be lawful for the Corporation from time to time, at any General Meeting of the members and by a majority of not less than two-thirds of the members present and voting, to make rules, not inconsistent with the

Rules of the Corporation.

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provisions of this Act or any other written law, for all or any of the following matters:—

- (a) the classification of membership, membership fees payable, the admission, withdrawal, expulsion or resignation of members ;
- (b) the election of the members to the Council and the powers and duties;
- (c) the election of the office bearers, their term of office, the resignation from, or vacation or, removal from office of office bearers and their powers, conduct and duties;
- (d) the powers, conduct, duties and functions of officers, agents and servants of the Corporation;
- (e) the procedure to be observed in the summoning and holding of meetings of the Council, the times, places, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat;
- (f) the administration and management of the property including its funds; and
- (g) the management of the affairs of the Corporation and the accomplishment of its objects.

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

(3) Every member of the Corporation shall be subject to the rules of the Corporation made under this section.

Fund of the
Corporation.

7. (1) The Corporation shall have its own fund and it shall consist of all moneys received by way of gift, bequests,

testamentary dispositions, grants, donations, fees or contributions from local or foreign institutions and individuals, members and non-members.

(2) All moneys received shall be deposited in the name of the Corporation in one or more banks and be invested in any suitable manner to achieve the objects of the Corporation as may be decided by the Executive Council.

(3) All expenditure incurred by the Corporation in the exercise, performance and discharge of the powers, duties and functions of the Corporation shall be paid out of the funds of the Corporation.

8. All debts and liabilities of the Foundation existing on the day immediately preceding the date of commencement of this Act, shall be paid and discharged by the Corporation hereby constituted and all debts due to and subscriptions 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.

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 purchase, grant, lease, 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, made under section 6 the Corporation shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation
may hold
property
movable and
immovable.

10. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the amounts of such membership fees as may be due from him to the Corporation.

Limitation of
liability of
members.

11. If upon the dissolution of the Corporation, there remains after the satisfaction of its debts and liabilities any property whatsoever, such property shall not be distributed

Property
remaining on
dissolution.

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 or their rules prohibited from distributing any income or property among its members.

Audit and
accounts of the
Corporation.

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

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

(3) The accounts of the Corporation shall be examined and audited at least once in every year by a qualified auditor or auditors appointed by the Council.

(4) 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 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.

Seal of the
Corporation.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the President or one of the Vice President and the Secretary 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.

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- 14.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate. Saving of the rights of the Republic and others.
- 15.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

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