



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

**(Dr.) MALANI FONSEKA FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the (Dr.) Malani Fonseka Foundation

*Presented by Hon. J. R. P. Sooriyapperuma, M. P.
on May 26, 2011*

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*(Dr.) Malani Fonseka Foundation
(Incorporation)*

AN ACT TO INCORPORATE THE (DR.) MALANI FONSEKA FOUNDATION

WHEREAS an Foundation called and known as the Preamble.
“Dr. Malani Fonseka Foundation” has heretofore been formed
in Colombo, for the purpose of effectually carrying out and
transacting all objects and matters connected with the said
5 Foundation according to the rules agreed to by its
members :

AND WHEREAS the said Foundation has heretofore
successfully carried out and transacted the several objects
and matters for which it was formed and has applied to be
10 incorporated and it will be for the public advantage to grant
such application :

BE it therefore enacted by the Parliament of the Democratic
Socialist Republic of Sri Lanka as follows :—

1. This Act may by cited as the “(Dr.) Malani Fonseka Short title.
15 Foundation (Incorporation)” Act, No. 2011.

2. From and after the date of commencement of this Act, Incorporation
such and so many persons as now are members of the “(Dr.) of the
Malani Fonseka Foundation” (hereinafter referred to as the (Dr.) Malani
“Foundation”) or shall hereafter be admitted as members of Fonseka
20 the Corporation hereby constituted, shall be a body corporate Foundation.
(hereinafter referred to as the “Corporation”), with perpetual
succession, under the name and style of the “(Dr.) Malani
Fonseka Foundation” and by that name may sue and be
20 sued in all courts, with full power and authority to have, and
use a common seal and alter the same at its pleasure.

3. The general objects for which the Corporation is The general
constituted are hereby declared to be— objects of
the
Corporation.

(a) to identify aesthetics, performance and traditional
arts and crafts in Sri Lanka and to improve them in
25 quality, to present creations and introduce them to
the international level and to improve academic,
social and economic condition of the artistes
engaged in those activities ;

2 *(Dr.) Malani Fonseka Foundation*
 (Incorporation)

- (b) to ensure welfare of the children and the women through social, economical and cultural fields ;
- (c) to act for the welfare of senior citizens of Sri Lanka ;
- 5 (d) to strengthen Higher Education Institutions, to encourage researches and scholarships for the promotion of Higher Education ;
- 10 (e) to assist for the study of Sinhala, Tamil and English to establish Information Centres in Sri Lanka for the development and expansion of Information Technology ;
- 15 (f) to develop agriculture, plantation and fisheries by the use of modern technology to obtain maximum benefits ;
- 20 (g) to make a sustainable development rural and backward areas using their natural resources ;
- (h) to provide lands and housing for those who lack them, to provide buildings and other facilities for schools which need them and to provide infrastructure such as highways, electricity and health facilities for various areas ;
- 25 (i) to promote and encourage humanity, sports, literature and aesthetics spiritual activities ;
- (j) to encourage social and cultural activities for the integration and strengthening of various ethnic groups and nationals in Sri Lanka ;
- (k) to protect and make known human rights, humanities, fundamental rights and democracy ;
- (l) to provide financial assistance and other necessary facilities for the achievement of above objects ;

5 (m) to encourage, prepare and organize exhibitions, sermons, seminars, discussions, group discussions, workshops, debates, tours both local and foreign and to publish and distribute books, magazines and news papers for the achievement of the objects of the Corporation ; and

10 (n) to co-ordinate with similar and intimate, internal foreign individuals and organizations and to organize meetings, discussions and seminars for the furtherance of those objects.

15 **4.** (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules in force for the time being of the Corporation be administered by a Board of Directors consisting of Chairman and a Secretary, Treasurer and another nine members elected in accordance with such rules.

Management
of the
Affairs of
the
Corporation.

(2) The founder member of the Foundation, Honourable Dr. Malani Fonseka Foundation shall be the Chairman of the Board of Directors for life.

20 (3) The first Board of Directors of the Corporation shall consist of the members of the Board of Administration of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

25 (4) A member of the Board of Directors other than the Chairman shall unless he vacates his office earlier by death or resignation, hold office for a period of four years. Where due to death or resignation a vacancy occurs in the Board of Directors, a new member shall be appointed to fill such vacancy and such new member shall hold office for a period
30 of four years.

5. 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 as are necessary or desirable for the promotion of furtherance of

General
Powers of
the
Corporation.

the objects of the Corporation or anyone of them including the power to open, operate and close bank accounts, to borrow or raise money with or without security, to receive or collect grants and donations, to invest its funds and to
5 engage, employ terminate servants required for the carrying out of the objects 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 votes of at least two-thirds of the members present and voting, to
10 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 Corporation.

- 15 (a) classification of membership, admission, withdrawal, expulsion or resignation of members and membership fees payable ;
- (b) procedure to be observed for the summoning and holding of meetings of the Corporation and of the Board of Directors, the quorum for such meetings and the exercise and performance of their powers and duties ;
20
- (c) the appointment, powers, duties and functions of the various officers, agents and servants of the Corporation ;
- 25 (d) qualifications required to become a member of the Corporation and of the Board of Directors ; and
- (e) the administration and management of the property of the Corporation.

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

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

7. All debts and liabilities of the Association existing on the day preceding the date of commencement of this Act shall be paid by the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to, the Association on that day shall be paid to the Corporation for the purpose of this Act.
- Debts due by and payable to the Centre.
8. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Directors shall determine.
- Funds of the Corporation.
- (2) There shall be paid out of the fund, all sums of money required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.
9. The Corporations shall be able and capable in law to acquire 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 rules in force for the time being of the Corporation, with full powers 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 amount of such membership fees as may be due from him to the Corporation.
- Limitation of liabilities of members.
11. 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 some other institution or
- Property remaining on dissolution.

institutions, having objects similar to those of the Corporation and which is, or are, by its rules prohibited from distributing any income or property among its members.

- 5 **12.** (1) The Board of Directors of the Corporation shall cause proper accounts to be kept of all moneys received and expent by the Corporation. Audit and accounts of the Corporation.

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

- 10 (3) The accounts of the Corporation shall be examined and audited at least once in every year by auditor or auditors appointed by the Board of Directors.

- 15 **13.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of such number of persons as may be provided for in the rules in force for the time being 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. Seal of the Corporation.

- 20 **14.** Nothing contained in this Act shall prejudice or affect the rights of the Republic or of anybody politic or corporate or of any other persons, except such as are mentioned in this Act and those claiming, by, from, or under them. Saving of the Rights of the Republic and others.

- 25 **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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