

PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRILANKA

RAJITHA KODITHUWAKKU FOUNDATION (INCORPORATION)

A

BILL

to incorporate the Rajitha Kodithuwakku Foundation

Presented by Hon. Malith Jayathilake, M.P. on 23rd September, 2016

(Published in the Gazette on June 20, 2016)

Ordered by Parliament to be printed

[Bill No. 139]

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

Price: Rs. 8.00 Postage: Rs. 10.00

Rajitha Kodithuwakku Foundation (Incorporation)

AN ACT TO INCORPORATE THE RAJITHA KODITHUWAKKU FOUNDATION

WHEREAS an Association called and known as the Preamble. "Rajitha Kodithuwakku Foundation" has heretofore been formed at Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the 5 said Foundation according to the rules agreed to by its members:

AND WHEREAS the said foundation has heretofore successfully carried out and transacted the several objectives and matters for which it was formed and has applied to be incorporated and it will be for the public advantage to grant 10 such 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 Rajitha Kodithuwakku Short title. Foundation (Incorporation) Act, No. of 2016.
- 15 2. From and after the date of commencement of this Act, Incorporation such and so many persons as now are members of the "Rajitha $\stackrel{\text{of the Rajitha}}{\sim}$... Kodithuwakku Foundation" (hereinafter referred to as the Foundation. "Foundation") or shall hereafter be admitted as members of the Corporation hereby constituted shall be a body corporate 20 (hereinafter referred to as the "Corporation") with perpetual succession under the name and style of "Rajitha Kodithuwakku Foundation" and by that name may sue and

25 3. The general objectives for which the Corporation is General constituted are hereby declared to be -

be sued in all Courts, with full power and authority to have and use a common seal and to alter the same at its pleasure.

> objectives of the Corporation.

(a) to participate in social, cultural and economic development of the country;

2 Rajitha Kodithuwakku Foundation (Incorporation)

- (b) to advise and assist all communities in Sri Lanka to live in peace and harmony;
- (c) to organize leadership programmes;
- (d) to assist needy school children financially or otherwise by way of donations, prizes and scholarships enabling them to continue their education and encourage their regular attendance at school and to assist them in their educational, spiritual, religious, cultural and scientific development and the establishment of an education institute to ensure the rights of education;
 - (e) to promte human rights, human values, fundamental freedoms and to promote democratic values among all communities in Sri Lanka;
- 15 (f) to encourage the participation in social and cultural activities among different ethnicities and communities with a view to promoting and fostering unity among them;
- (g) to promote and encourage humanitarian, sports,
 literary, spiritual activities among all communities in Sri Lanka for the upliftment of quality of life;
 - (h) to assist the relevant authorities with the consent of such authorities
 - (i) to establish and maintain libraries;
- 25 (ii) to promote agricultural and fisheries activities using new technologies;
 - (iii) to establish information technology centers for the advancement of scientific studies:

- (iv) for the development of institutes of higher studies and to encourage research activities and to award scholarships for the pursuance of higher education of the needy students;
- 5 (v) to empower women, children and the marginalized groups such as persons with disabilities, and the poor to achieve their potential; and
- (vi) for the development of educational, religious, 10 cultural, aesthetic and sports facilities and to organize various festivals and competition.
- 4. (1) The affairs of the Corporation shall, subject to the Management other provisions of this Act and the rules of the Corporation, of the affairs made under section 6, be administered by a Board of Directors Corporation. 15 comprising of five Members, consisting the Chairman, Secretary, Treasurer and another five members elected in accordance with such rules.

- (2) The first Board of the Corporation shall consist of the members of the Board of Adminidtration of the Foundation 20 holding office on the day immediately preceding the date of his election.
- 5. Subject to the provisions of this Act and any other General written law the Corporation shall have the power to do, perform and execute all such acts, matters and things 25 whatsoever, as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power to acquire and hold property movable or immovable, to open, operate and close bank accounts to borrow or raise moneys with or without security 30 to erect any building or structures on any land held by the Corporation and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

Powers of the Corporation.

4 Rajitha Kodithuwakku Foundation (Incorporation)

- 6. (1) It shall be lawful for the Corporation, from time Rules of the to time, at any General Meeting of the members and by a majority of not less than two-thirds of members present and voting, to make rules, not inconsistent with the provisions
 5 of this Act or any other written law, for all or any of the following matters:—
 - (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;
- 15 (c) the appointment, powers, duties and functions of the various officers, agents and servants of the Corporation;
 - (*d*) qualification required to become a member of the Corporation and of the Board of Directors;
- 20 (e) election of Board of Directors; and
 - (f) the administration and management of the porperty of the Corporation.
- (2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like 25 manner as a rule made under subsection (1).
 - (3) Every member of the Corporation shall be subject to the rules of the Corporation.
- 7. All debts and liabilities of the Institute existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all Corporation.

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

8. (1) The Corporation shall have its own fund and all Fund of the moneys heretofore or hereafter to be received by way of gifts, Corporation. bequest, donation, subscription, contribution, fees or grants for and on account of the Corporatoin shall be deposited to the credit of the Corporation in one or more banks as the Board of Directors shall determine.

- 10 (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 Corporation shall be able and capable in law to Corporation 15 acquire and hold any property, movable or immovable which may hold may become vested in it by virtue of any purchase, grant, movable and movable and gift, agreement, disposition or otherwise and all such property immovable. movable or immovable shall be held by the Corporation for the purposes of this Act and subject to the rules in force for 20 the time being of the Corporation, with full power to sell, lease, exchange or otherwise dispose of the same.

10. No member of the Corporation there remains after Limitation of the satisfaction of all its debts and liabilities of the liabilities of Corporation or for any other purpose, be liable to make any members. 25 contribution exceeding the among of such membership fees as may be due from him to the Corporation.

If upon the dissolution of the Corporation there Property remains after the satisfaction of all its debts and liabilities remaining on any property whatsoever, such property shall not be dissolution. 30 distributed 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 their members.

6 Rajitha Kodithuwakku Foundation (Incorporation)

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

Corporation.

- (2) The financial year of the Corporation shall be the 5 calendar year.
 - (3) The accounts of the Corporation shall be examined and audited at least once in every year by an auditor or auditors appointed by the Board of Directors.
- 13. The seal of the Corporation shall not be affixed to Seal of the 10 any instrument whatsoever except in the presence of such Corporation. 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 15 a witness.

14. Rights of the Republic or of anybody politic or Saving of the corporate, or of any other persons except such as are rights of the mentioned in this Act and those claiming by, from or under Republic and them.

20 15. In the event of any inconsistency between the Sinhala text Sinhala and Tamil texts of this Act, the Sinhala text shall to prevail in prevail.

case of inconsistency.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the Superintendent, Government Publications Bureau, Department of Government Information, No. 163, Kirulapona Mawatha, Polhengoda, Colombo 05 before 15th December each year in respect of the year following.