

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 1

(Incorporation) Act, No. 6 of 2011

[Certified on 23rd February, 2011]

L.D—O. (Inc.) 15/2009.

ANACT TO INCORPORATE THE ROHITHA ABEYGUNAWARDANA

FOUNDATION

WHEREAS an Association called and known as the “Rohitha Preamble.

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:

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 Short title.

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

2. From and after the date of commencement of this Incorporation of

Act, such and so many persons as now are members of the the Rohitha

Abeyguna-

“Rohitha Abeygunawardana Foundation” or shall hereafter wardhana

be admitted, as members of the Corporation hereby Foundation.

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.

3. (1) The general objects for which the Corporation is General objects

established are hereby declared to be— of the

Corporation.

(a) to promote activities relating to social development

through the partcipation 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 4. Subject to the provisions of this Act and any other

of the written law, the Corporation shall have the power to do,

Corporation.

perform and execute all such acts, matters and things

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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 Management of

the affairs of the

the provisions of this Act and any rules made by the

Corporation.

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.

(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 Rules of the

time, at any General Meeting of the members and by a Corporation.

majority of not less than two-thirds of the members present

and voting, to make rules, not inconsistent with the

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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 7. (1) The Corporation shall have its own fund and it

Corporation. shall consist of all moneys received by way of gift, bequests,

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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 Debts due by

on the day immediately preceding the date of commencement and payable to

the Foundation.

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.

9. The Corporation shall be able and capable in law to Corporation

acquire and hold any property both movable or immovable may hold

property

which may become vested in it by virtue of purchase, grant, movable and

lease, gift, testamentary disposition or otherwise and all such immovable.

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.

10. No member of the Corporation shall, for the purpose Limitation of

liability of

of discharging the debts and liabilities of the Corporation or

members.

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.

11. If upon the dissolution of the Corporation, there Property

remaining on

remains after the satisfaction of its debts and liabilities any

dissolution.

property whatsoever, such property shall not be distributed

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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 12. (1) The Corporation shall cause proper accounts to

accounts of the

be kept of income and expenditure, assets and liabilities

Corporation.

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 13. The seal of the Corporation shall not be affixed to

Corporation.

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 Saving of the

rights of the

affect the rights of the Republic or any body politic or

Republic and

corporate. others.

15. In the event of any inconsistency between the Sinhala text to

prevail in case

Sinhala and Tamil texts of this Act, the Sinhala text shall

of inconsistency.

prevail.

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