



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

**SRI RATHNAJOTHI COMMUNITY
DEVELOPMENT AND SOCIAL FOUNDATION
(INCORPORATION) ACT, No. 18 OF 2008**

[Certified on 26th March, 2008]

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*Sri Rathnajothe Community Development and
Social Foundation (Incorporation)
Act, No. 18 of 2008*

[Certified on 26th March, 2008]

L.D.—O. (INC) 13/2006

AN ACT TO INCORPORATE THE SRI RATHNAJOTHI COMMUNITY
DEVELOPMENT AND SOCIAL FOUNDATION

WHEREAS a Foundation called and known as the “Sri Rathnajothe Community Development and Social Foundation” has heretofore been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Foundation according to the rules agreed to by its members :

Preamble.

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 be incorporated, and it will be for the public advantage to grant 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 Sri Rathnajothe Community Development and Social Foundation (Incorporation) Act, No. 18 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Sri Rathnajothe Community Development and Social Foundation” or shall hereafter be admitted 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 the “Sri Rathnajothe Community Development and Social Foundation” and by that name may sue and be sued, in all courts, with full power and authority to have and to use a common seal and to alter the same at its discretion.

Incorporation of
Sri Rathnajothe
Community
Development
and Social
Foundation.

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General objects
of the
Corporation.

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

- (a) to develop the moral foundation of the community and to follow relevant measures in this regard ;
- (b) to implement programmes in respect of pre-schools, day-care centres, children's homes and child education ;
- (c) to assist in whatever ways possible to enhance the welfare and benefits of Sri Lankan students who unable to pursue their education due to poverty and disability ;
- (d) to establish libraries and organize necessary classes, lectures, seminars, conferences, workshops, discussions, dialogues, educational tours, exhibitions and publish newspapers and magazines with a view to ensure development of education ;
- (e) to help the poor, the elderly, the destitute and people with physical and mental disabilities by providing housing and other essential facilities to them ;
- (f) to inaugurate language training and vocational training courses in order to deploy the youth in productive services ;
- (g) to provide facilities to the youth to engage in income generating activities and to continue to give them necessary assistance in this regard ;
- (h) to implement programmes in relation to child health, adult health, disease control, clinics, exercises, sports and medical aid with a view to ensure welfare of the community ;

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- (i) to provide shramadana and similar voluntary services for the social development activities specially among the low-income groups and to inaugurate and carry out pilot projects in this regard ;
- (j) to assist persons with no regular employment to engage in any industry or trade or to commence and operate agricultural, industrial or commercial ventures and to organize training programmes and propaganda activities to help them to make use of the modern technological devises in this regard ; and
- (k) to collaborate with any other institutions whether foreign or local, having objects similar to those 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 the objects of the Corporation or any one of them, including the power to open, operate and/or close bank accounts, to borrow and raise moneys with or without security, to receive or collect grants and donations, to invest its funds, and to engage, employ and dismiss personnel required for the carrying out of the objects of the Corporation.

General powers
of the
Corporation.

5. (1) The affairs of the Corporation shall, subject to the rules of the Corporation, be administered by a Board of Directors (hereinafter referred to as 'Board') consisting of the President, two Vice Presidents, the General Secretary, the Treasure, the Auditor and eight other members elected by the members in accordance with the rules of the Corporation.

Management of
the affairs of the
Corporation.

(2) Notwithstanding anything to the contrary in subsection (1) of this section, the Chief Incumbant or a resident bikku of the kuli / Diyakadimulla Sripathi Pirivena shall be the President of the Board until he resigns or vacates such office.

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(3) The first Board of Directors of the Corporation shall be the Board of Directors of the Foundation holding office on the day preceding the date of commencement of this Act.

Rules of the
Corporation.

6. (1) It shall be lawful for the Corporation from time to time, at any general meeting to make rules by the votes of two-thirds of the members present and voting, not inconsistent with the provisions of this Act or any other written law for all or any one of the following matters :—

- (a) the classification of membership and the admission, withdrawal or expulsion of members ;
- (b) the election of the office-bearers of the Board who shall be a President, two Vice presidents, General Secretary, Treasurer and Auditor and eight other Executive Committee Members who shall be members of the Board of Directors ;
- (c) the powers, conduct, duties and functions of various officers, agents and servants of the Corporation ;
- (d) the procedure to be observed at meetings of the Board, the summoning and holding of meetings of the Board, times, places, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat ;
- (e) the administration and management of the property of the Corporation ; the custody of its funds and maintenance and audit of its accounts ; and
- (f) generally, the management of the affairs 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 manner as a rule made under subsection (1) ;

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

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7. The Board shall cause to be maintained a register in which every person, who, on the date of commencement of this Act, is a member of the Corporation, and every person thereafter duly admitted a member of the Corporation shall have inscribed in such register his name, address and such other particulars as may be prescribed under the rules of the Corporation.

Register of members.

8. (1) The Corporation shall have its own fund and all the monies received by way of gift, bequest, donation, subscription, 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.

Fund of the Corporation.

(2) There shall be paid out of the fund of the Corporation all sums of money to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and function under this Act.

9. The Board shall cause proper books of accounts to be kept of all sums of money received and expended by the Corporation and the accounts of the Corporation shall be examined and audited once at least every year and the balance sheet of the Corporation shall be certified by one or more auditor or auditors who is or are a member or members of the Institute of Chartered Accountants of Sri Lanka.

Accounts of the Corporation.

10. All debts and liabilities of the Foundation existing at the time of the coming into operation 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 the day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Foundation.

11. The moneys and property of the Corporation however derived shall be applied solely towards the promotion of its objects as set forth herein and no portion thereof shall be paid, or transferred directly or indirectly by way of dividend, bonus, profit or otherwise howsoever to the members of the Corporation

Application of moneys and property.

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Corporation may hold property movable and immovable.

12. The Corporation shall be able and capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gifts, 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 of the Corporation, with full power to sell, mortgage, lease exchange or otherwise dispose of the same.

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 and the Secretary or the Treasurer 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.

Liability of members.

14. No member of the Corporation shall, for the purpose of discharging the debts or liabilities of the Corporation or for any other purpose of this Act, be liable to make any contribution exceeding the amount of such member's one year's membership fees for the time being.

Dissolution or winding up.

15. In the event of the dissolution or winding up of the Corporation, if there remains after the satisfaction for all its debts and liabilities and outgoings, any property whatsoever, such property shall not be distributed among the members of the Corporation but the same shall be given or transferred to some institution or institutions having objects similar to the objects of the Corporation and which is or are by the rules thereof prohibited from distributing any income or property among its or their members at the discretion of the Board of Directors of the Corporation. If such property or any part thereof cannot be disposed of in accordance with the foregoing provisions or this section such property or part thereof shall be applied to some charitable object which shall be determined by the Board of Directors of the Corporation.

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16. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate or of any other persons.

Saving of the rights of the Republic and others.

17. 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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