



**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*

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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 of the Rajitha
Kodithuwakku Foundation” (hereinafter referred to as the Kodithuwakku
“Foundation”) or shall hereafter be admitted as members of Foundation.
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
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.
- 25 3. The general objectives for which the Corporation is General
constituted are hereby declared to be — objectives of
the
Corporation.
 - (a) to participate in social, cultural and economic
development of the country;

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- (b) to advise and assist all communities in Sri Lanka to live in peace and harmony;
- (c) to organize leadership programmes;
- 5 (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
10 development and the establishment of an education institute to ensure the rights of education;
- (e) to promote 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;
- 20 (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
- 10 (vi) for the development of educational, religious, cultural, aesthetic and sports facilities and to organize various festivals and competition.

4. (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules of the Corporation, made under section 6, be administered by a Board of Directors comprising of five Members, consisting the Chairman, Secretary, Treasurer and another five members elected in accordance with such rules.

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Management of the affairs of the Corporation.

(2) The first Board 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 his election.

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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 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 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.

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General Powers of the Corporation.

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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 members present and voting, to 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.

- (a) classification of membership, admission, withdrawal, expulsion or resignation of members and membership fees payable;
- 10 (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 property 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) 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

Debts due by and payable to the Corporation.

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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 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.

Fund 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 Corporation 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, agreement, disposition or otherwise and all such property movable or immovable 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 power to sell, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable and immovable.

10. No member of the Corporation there remains after the satisfaction of all its 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 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.

Property remaining on dissolution.

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

5 (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 an auditor or auditors appointed by the Board of Directors.

10 **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
15 a witness. Seal of the Corporation.

14. 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.

20 **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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