

PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

RISHAD BATHIUDEEN FOUNDATION (INCORPORATION)

A

BILL

to incorporate the Rishad Bathiudeen Foundation

Presented by Hon. Abdullah Mahroof M. P. for Trincomalee District on 10th March, 2016

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Rishad Bathiudeen Foundation (Incorporation)

An Act to incorporate the Rishad Bathiudeen Foundation

WHEREAS an Association called and known as the Preamble. "Rishad Bathiudeen Foundation" has heretofore been formed in 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:

AND WHEREAS the said Association has heretofore successfully carried out and transacted the several objects 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 Rishad Bathiudeen Short title. Foundation (Incorporation) Act, No. of 2016.
- 2. From and after the date of commencement of this Act, Incorporation such and so many persons as now are members of the "Rishad of the Rishad Bathiudeen Foundation" (hereinafter referred to as the Foundation. "Foundation") or shall hereafter be admitted 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 the "Rishad Bathiudeen 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 alter the same at its pleasure.
- 25 3. The general objects for which the Corporation is General constituted are hereby declared to be :-

objects of the Corporation.

(a) to promote peace, goodwill, understanding and Co-operation among all communities and people of Sri Lanka;

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- (b) to give assistance, prizes and scholarships to needy school children to enable them to continue their education, encourage them to attend school regularly, assist them in their educational, cultural and scientific activities and to establish permanent and mobile libraries;
- (c) to promote and protect Human rights, Human values, fundamental freedoms democracy and pluralism in Sri Lanka;
- 10 (d) to promote sustainable development in rural and backward areas by utilizing the natural resources that is available in those areas;
- (e) to promote agricultural and fishery sectors by introducing latest technologies to obtain maximum
 benefits;
 - (f) to establish information technology centers island wide for the advancement of scientific studies and development of the country;
- (g) to strengthen the Institutes of higher studies,
 encourage research and scholarship for the advancement of higher education;
 - (h) to promote social and cultural activities for enriching different ethnicities and for integrating the Sri Lankan communities:
- 25 (i) to empower women, children and the marginalized groups such as persons with disabilities, the poor etc.;
 - (j) to promote and encourage humanitarian, sports, literary, spiritual activities;

- (k) to assist in the development of educational, religious, cultural, aesthetic and sports facilities without any reference to race, religion or caste and to conduct various festivals and competitions;
- 5 (1) to provide medical relief and food for the poor, destitute and sick persons, establish and maintain houses for displaced persons and elder and established and maintain Children's homes and day care centers for children and elders;
- 10 (m) to liaise and co-ordinate with other local or foreign institutions which have similar objects.
- 4. (1) The affairs of the Corporation shall, subject to the Management other provisions of this Act and the rules in force for the time of the affairs of the being of the Corporation be administered by a Board of Corporation. 15 Directors consisting of Chairman, Secretary, Treasurer and other eight members elected in accordance with such rules.

- (2) The founder member of the Foundation, Honorable Rishad Bathiudeen shall be the Chairman of the Board of Directors for life and thereafter, one of his family members 20 shall become the next Chairman of the Board of Directors.
 - (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 30 vacancy and such a new member shall hold office for a period of four years.

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5. Subject to the provision 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 what so ever 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 money with or without security, to receive or collect grants or donation or any other assistance 10 from persons or organizations in Sri Lanka or abroad, to invest its funds, 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.

6. (1) It shall be lawful for the Corporation, from time to Rule of the time at any General Meeting of the members and by a majority Corporation. of not less than two-thirds of the 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 20 matters:-

- classification of membership, admission, withdrawal, expulsion or resignation of members and membership fees payable;
- procedure to be observed for the summoning and 25 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:
- (c) the appointment, powers, duties and functions of 30 the various officers, agents and servants of the Corporation;
 - 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. 35

- (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 Foundation existing Debts due by 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 10 Foundation on that day shall be paid to the Corporation for the purpose 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 Corporation. gifts, bequest, donation, subscription, contribution, fees or 15 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.

- (2) There shall be paid out of the fund, all sums of money required to defray any expenditure incurred by the 20 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 acquire and hold any property, movable or immovable, which may hold may become vested in it by virtue of any purchase, grant, preperty 25 lease, gift, testamentary disposition or otherwise and all such immovable. 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 power to sell, mortgage, lease, exchange or otherwise dispose of the same.

movable and

30 10. No member of the Corporation shall for the purpose Limitation of of discharging the debts and liabilities of the Corporation or liabilities of members. for any other purpose, be liable to make any contribution exceeding the amount of scuh membership fees as may by due from him to the Corporation.

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11. 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. 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.

12. (1) The Board of Directors of the Corporation shall Audit and 10 cause proper accounts to be kept of all moneys received and expended by the Corporation.

accounts of Corporation.

- (2) The financial year of the Corporation shall be the calendar year.
- (3) The accounts of the Corporation shall be examined 15 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 any instrument whatsoever, except in the presence of such Corporation. number of persons as may be porvided for in the rules in 20 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.

14. Nothing in this Act contained shall prejudice or Saving of the 25 affect the rights of the Republic or of any body politic or corporate or of any other person, except such as are mentioned in this Act and those claiming by, from or under them.

Republic and

15. In the event of any inconsistency between the Sinhala text 30 Sinhala and Tamil texts of this Act, the Sinhala text shall to prevail in prevail.

case of inconsistency.

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