



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

**RAIGAMPURA COMMUNITY
DEVELOPMENT FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the Raigampura Community Development Foundation

*Presented by the Hon. Kumara Welgama, M.P.
for Kalutara District on 12th of August, 2022*

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*Raigampura Community Development Foundation
(Incorporation)*

AN ACT TO INCORPORATE THE RAIGAMPURA COMMUNITY
DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the “Raigampura Community Development Foundation” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Trust 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 expedient 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 Raigampura Community Development Foundation (Incorporation) Act, No. of 2022.

Short title

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Raigam Community Development Foundation (hereinafter referred to as the “Foundation”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate with perpetual succession, under the name and style of the “Raigampura Community Development Foundation” (hereinafter referred to as the “body corporate”) 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.

Incorporation
of the
Raigam
Community
Development
Foundation

3. (1) The general objects for which the body corporate is constituted are hereby declared to be—

The general
objects of
the body
corporate

(a) to formulate schemes for self-employment, to implement and to direct such schemes;

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- (b) to implement development activities such as road development and construction of housing, hospitals and community centres and to carry out their maintenance activities;
- 5 (c) promotion of indoor welfare activities of the children, women and orphans as well as looking after the interests of the street children;
- 10 (d) motivating the youth to engage in a self-employment by providing training, loan facilities and a market for their products;
- 15 (e) working towards a sustainable development by utilizing natural resources available in that areas of rural and remote villages;
- 15 (f) enhancing the agriculture, plantation and fisheries sectors with the utility of sophisticated technological devices in order to promote better yield;
- 20 (g) establishment of Information Technological centres to develop science education and thereby to develop the country;
- 20 (h) to assist the implementation of government development activities in a way more benefits go to people while preventing the wastage;
- 25 (i) motivating and promoting human sports, literature, aesthetics and spiritual activities;
- 25 (j) donating for the educational, religious, art and sports facility enhancement held without racial, religious and caste differences as well as organizing various festivals and competitions;

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- 5 (k) provisions of medical relief and donations to the poor and the needy; establishing elders' homes to the elderly and displaced persons and maintaining of them; establishing children's homes as well as childcare and eldercare day care centres;
- (l) work in collaboration with similar interest local and foreign organizations.

10 (2) specified in subsection (1) the Corporation shall ensure that such implementation shall be carried out without any discrimination based on race, religion, language, caste, sex, political opinion, place of birth or any of such grounds.

4. (1) The Body corporate shall have its own Fund.

Fund of the
body
corporate

15 (2) All moneys received by way of gift, bequest, donation, subscription, contribution, fees or grants for an account of the body corporate shall be deposited in one or more banks approved by the Board to the credit of the Corporation.

(3) By utilizing that fund the following payments could be made:-

- 20 (a) the payments that shall be made under the expenditure heads in carrying out activities of the board of directors of the foundation and providing services;
- (b) the allowances for the staff;
- 25 (c) payments made by the officials and volunteers for some activities of the fund;
- (d) payments made for the postage, telegramme, telephone charges, stationery and for the printing expenses;

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(e) payments made to charities out of the monies set aside by the board of directors;

(f) audit fee;

5 (g) monies shall be paid for the office furniture. Further a vehicle or several vehicles could be purchased or else shall be hired;

10 (h) bank accounts of the fund shall be maintained by Chairman and the Treasurer two officials of the fund and the powers to sign cheques shall be held by them.

5. (1) The financial year of the body corporate shall be the calendar year. Accounts and Auditing

15 (2) The body corporate shall cause proper accounts to be kept of income and expenditure, assets and liabilities and all other transactions of the body corporate.

(3) The accounts of the body corporate shall be audited by a qualified auditor appointed by Auditor General in terms of Article 154 of the Constitution.

20 (4) For the purpose of this section “qualified auditor” means—

25 (a) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka, or 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

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or of any other institute established by law,
possesses a certificate to practice as an
Accountant issued by the Council of such
Institute.

- 5 **6.** Subject to the provision of this Act, the body corporate 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, gift, testamentary disposition or otherwise, and all such property shall be held by the Body
10 corporate for the purposes of this Act, and subject to the rules of the Body corporate made under section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same. Body corporate may hold property movable and immovable
- 15 **7.** The Chairman and the board of directors shall hold the right to appoint sub-committees for the following type of activities:— Appointing of sub-committees
- 20 (a) labour help community work, community camps, educational seminars, saving and loan transactions, public stalls, exhibitions, children's welfare activities, excursions, planting activities, horticulture and such economic development projects;
- 25 (b) conducting of inquiries when charges such as misconduct or abuse of the position by an office bearer are posed by any member;
- 30 (c) any other matter that in conformity of the objectives of the Fund;
- (d) at least three members of the board be included in such sub-committee and the rest could be appointed from the membership;

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- (e) the Chairman and the Board of Directors are vested in the powers to dissolve any sub-committee and to appoint a new one instead;
- 5 (f) further, a representative from any Divisional Secretariat area of the Fund or other members of the District could be appointed to serve them through an action committee.
8. (1) It shall be lawful for the body corporate, from time to time, at any general meeting and by the votes 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 matters:—
- 10 Rules of the body corporate
- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by members;
- 15
- (b) the election of office bearers of the Board or vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;
- 20
- (c) the terms and conditions of appointment, powers, functions and duties of the various officers, agents and servants of the body corporate;
- (d) the procedure to be followed at the summoning and holding of meetings of the Board, or any sub-committee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- 25
- (e) the qualification and disqualification to be a members of the Board and the body corporate;
- (f) the administration and management of the property of the body corporate; and
- 30

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(Incorporation)

(g) the management of the affairs of the body corporate and the accomplishment of its' objects and dissolution of the body corporate.

5 (2) The rules made by the body corporate 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 body corporate shall at all time be subject to rules of the body corporate.

10 (4) The rules made under this section shall be published in the Government *Gazette*.

15 **9.** Subject to the provisions of this Act and any other written law, the body corporate shall have the power to do, perform and execute all such acts and matters as necessary or desirable for the promotion or any one of them, including the power—

Powers of the
body
corporate

20 (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purpose of the body corporate and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the body corporate;

(b) to raise funds and receive grants, gifts or donations, in cash or kind with or without security:

25 Provided that, the Board shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the body corporate;

30 (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate and close accounts in any banks;

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- (d) to invest any funds not immediately required for the purposes of the body corporate in such manner as the Board may determine;
- 5 (e) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the body corporate;
- 10 (f) to appoint, employ, dismiss or terminate the services of officers and servants of the body corporate and exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the body corporate;
- 15 (g) to do all other things as are necessary or expedient for the proper and effective carrying out the objects of the body corporate.

10. (1) The affairs of the Corporation shall, subject to the rules in force for the time being of the Corporation be administered by a Council (hereinafter referred to as “the Council”) consisting of a Chairman, Secretary, Treasurer and eleven (11) other members elected or appointed in accordance with the rules of the Corporation.

Management
of the body
corporate

(2) Mr. Luxman Cooray, the founder member and the incumbent Chairman shall be the life Chairman of the Foundation and any member of his family shall take over the position thereafter.

11. Functions of the Board of Directors–

Functions of
the Board of
Directors

(1) Chairman:

- (a) taking the chair of meetings;
- (b) checking of all the functions of the Corporation;
- 30

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(c) presentation of decisions of the board to the annual general meeting;

(d) eviction of members on the decisions taken upon by the board.

5 (2) Secretary:

10 (a) calling of the annual general meeting and board meetings, maintenance of records of the Corporation and the board, placing signature in the documents of the Foundation and any other duty entrusted by the board;

(b) keeping all the records of the Corporation and their protection;

15 (c) calling of the annual general meeting before December each year.

(3) Treasurer:

20 (a) executing expenses under the direction of the board and the Chairman as well as to hold the safe security of the monies of the Corporation;

(b) keeping proper books on the receipts and payments;

25 (c) keeping of the inventories of all the equipment and assets of the Corporation;

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5 (d) depositing of all proceeds of the Foundation in a bank account acceptable to the board and to utilize such monies for the activities of the Corporation;

(e) to audit the annual statement of accounts and to submit it to the board and for the annual general meeting.

10 **12.** All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid by the body corporate hereby constituted, and all debts due to, and subscriptions and contributions payable to the Foundation on that day shall be paid to the body
15 corporate for the purpose of this Act.

Debts due by
and payable
to the
Foundation

13. (1) If upon the dissolution of the body corporate 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 body corporate,
20 but shall be given or transferred to any other institution having objects similar to those of the body corporate, and which is by the rules thereof, prohibited from distributing any income or property among its members.

Property
remaining on
dissolution

25 (2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the body corporate immediately before the dissolution at a general meeting by the majority of votes of the members present.

30 **14.** (1) The seal of the Body corporate shall not be affixed to any instrument whatsoever, except in the presence of the chairman and another one of members of the Board 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.

Seal of the
Body
corporate

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(2) The seal of the Body corporate shall be in the custody of an office bearer of the Board as may be decided by such Board.

5 **15.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate.

Saving of the Rights of the Republic and others

16. 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

