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PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

**KESBEWA DEVELOPMENT FOUNDATION
(INCORPORATION) ACT, No. 10 OF 1999.**

[Certified on 9th April, 1999]

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Kesbewa Development Foundation (Incorporation)
Act, No.10 of 1999

[Certified on 09 th April , 1999]

L.D. - O . 30/94.

AN ACT TO INCORPORATE THE KESBEWA DEVELOPMENT
FOUNDATION

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

Preamble

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 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 Kesbewa Development Foundation (Incorporation) Act, No. 10 of 1999.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Kesbewa Development Foundation (hereinafter referred to as “the Foundation”) or shall hereinafter 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 “Kesbewa Development 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.

Incorporation of the Kesbewa Development Foundation.

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

General objects of the Corporation.

(a) to promote and engage in the implementation of community welfare, cultural and social development projects in Sri Lanka:

- (b) to undertake, the execution of road development and housing schemes, the construction and improvement of hospitals, educational centres, schools, community Centres and such other works and activities as may contribute to the development of Sri Lanka;
- (c) to afford children in indigent circumstances and opportunity to prepare for, to enter upon, or to be engaged in a trade, occupation or services and to provide them with outfits, instruction fees or other amenities;
- (d) to provide bursaries, scholarships, prizes, donations, financial aid and assistance in other forms for the advancement, dissemination and propagation of education and knowledge, and for the establishment of schools, libraries and cultural centres;
- (e) to engage in any industry or trade or in any export or import business and to aid and assist persons to commence and operate agricultural, industrial and commercial ventures and particularly such industries as fisheries, the export of fibre, white fibre and fibre products and to undertake training programmes, and extension services and to organise propaganda activities, relating to the transfer of technology;
- (f) to collaborate or participate with any other institution or organisation, whether foreign or local, having objects similar to those of the Corporation;
- (g) to sponsor and conduct conferences, seminars, workshops, group studies and lectures in Sri Lanka and elsewhere in furtherance of the objects of the Corporation;
- (h) to print, publish and distribute books, journals, leaflets, newspapers and magazines which the Corporation may consider desirable for the promotion and advancement of its objects; and

(i) to do such other acts and things as may be necessary, incidental or conducive to the accomplishment of all or any of the objects of the Corporation.

4. (1) The management, control and administration of the Corporation shall, subject to the rules of the Corporation, vest in a governing Council (hereinafter referred to as “the Council”) consisting of such number of governors elected from among the members in accordance with the rules of the Corporation.

Management of the affairs of the Corporation.

(2) The first Council of the Corporation shall be the governing council of the Foundation holding office on the day preceding the date of commencement of this Act, and consisting of the members whose names are specified in the Schedule hereto.

(3) Notwithstanding anything to the contrary in subsection (1), Mr. Gemini Lokuge who shall be the Chairman of corporation for life, unless he earlier resigns from the said office.

5. The Council shall cause to be kept a register of members in which every person who on the day preceding the date of commencement of this Act is a member of the Foundation and every person there after duly admitted a member of the Corporation shall have his name inscribed.

Register of members.

6. Subject to the provisions of this Act, and any other written law, the Corporation shall have the power -

Power of the Corporation to acquire property, invest funds and raise loans &c.

(a) to purchase, acquire, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation;

(b) to borrow or raise money for the purposes of the Corporation;

(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, maintain and close bank accounts;

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- (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Council may think fit;
- (e) to solicit and receive subscriptions, grants, donations, and gifts of all kinds;
- (f) to enter into agreements or contracts with any person, company or body of persons;
- (g) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any real or personal property;
- (h) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation, and to pay them such salaries, allowances and gratuities as may be determined by the Corporation;
- (i) to train personnel in Sri Lanka or abroad for the purpose of the Corporation; and
- (j) to do all other things necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

Rules of the Corporation.

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

- (a) classification of membership, fees payable by each class of Member their admission, withdrawal expulsion or resignation;
- (b) election of the Council, or vacation of, or removal from office as office-bearers and powers, duties and conduct of the Council;
- (c) appointment, powers, duties, functions and conduct of the various officers, agents and servants of the Corporation;

- (d) the procedure to be observed at and the summoning and holding of meetings of the Council , the Corporation or any sub- committee thereof, filling of vacancies notices and agenda of such meetings, the quorum therefor and the conduct of business thereat;
- (e) the qualifications and disqualifications for membership in the Council and the Corporation;
- (f) the administration and management of the property of the Corporation; and
- (g) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) The rules of the Foundation in force on the day preceding the date of commencement of this Act shall in so far as they are not inconsistent with the provisions of this Act or other written law be deemed to be the rules of the Corporation and may be amended, altered, added to, or rescinded at a like meeting and in like manner as a rule made under subsection (1) of this section.

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

8. (1) The Corporation shall have its own fund and all moneys received by way of gift, 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 Council shall determine

Fund of the Corporation.

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

9. (1) The Council shall cause proper accounts to be kept of all the moneys received and expended by the Corporation.

Accounts.

(2) The accounts of the Corporation shall be examined and audited at least once in every year.

Debts due by and payable to the Foundation.

10. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid and discharged by the Corporation 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.

Corporation may hold property movable and immovable.

11. The Corporation shall be able and capable in law to acquire and hold any property, movable or immovable, upon or by virtue of any instrument of purchase, grant, gift or lease or upon or by virtue of any 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 for the time being of the Corporation, or otherwise for the purposes of and upon the trusts in and subject to the conditions in the relative instrument of disposition with full power (subject always to the provisions of any written law relating to trusts and of the relative instrument or disposition) to sell, mortgage, lease, exchange or otherwise dispose of, incumber or charge the same.

Seal of the Corporation and how it affixed.

12. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of a member of the council and the secretary or such other person duly authorised by the Council who shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Limitation of liability of members.

13. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation, or for any other purpose, liable to make any contribution exceeding the amount of such membership fees as may be due from him to the Corporation.

Property remaining on dissolution.

14. 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 the rules prohibited from distributing any income or property among its or their members.

15. Nothing in this Act contained shall prejudice or affect the rights of the Republic, or any body 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

16. In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

SCHEDULE

[Section 4 (2)]

CHAIRMAN AND DIRECTOR - GENERAL

Mr. Gamini Lokuge

VICE CHAIRMEN

Mr. Sirinal de Mel

Mr. M. Samson Silva

Mr. Harry Makawita

Mr. L.A. Wanigasooriya

Mr. Sirinimal Kathriarachchi

SECRETARY

Mr. Chandra Jayasinghe

ASSISTANT SECRETARIES

Mr. D. William Attigalle

Mr. Mahinda Kumara Wijeratne

TREASURER

Mr. Lalith Wickramasinghe

COMMITTEE MEMBERS

Mr. Wimal Wickramaratne
Mr. Sisira Jayawardena
Mr. Alfred Samarakoon
Mr. Wimalasena Jayaweera
Mr. B.L.W. Kumarage
Mr. Anada Sarathkumara Jayasinghe
Mr. Nandasena Amarasinghe
Mr. Premawardena Abeyratne
Mr. Ashoka Paranavithana
Mr. Ranasinghe Caldera
Mr. T.A.D. Ariyadasa
Mr. Bernard Ramyakumara De Costa
Mr. K.K. Somathilake
Mr. S. Werasinghe
Mr. Lloyd Perera
Mr. A.A.D. Ubesiri
Mr. D. Wijetunga
Mr. N.H. Perera
Mr. Kapila Hettige
Mr. Kalki Pathiraja
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