

CONSTITUTION
Of
SRI LANKA VINIVIDA PERAMUNA

Name of the political party

The name: The name of the political party shall be the **Sri Lanka Vinivida Peramuna**

Colour: maroon

Symbol: Shield

Address: 1/10, St Joseph's Road, Nugegoda

Phone number: 0112812041

1. Introduction

1.1. **Name** - The Foundation shall be known as "**SRI LANKA VINIVIDA PERAMUNA**", hereinafter referred to as "Vinivida".

1.2. **Address** - The registered address of Vinivida shall be No: 1/10, St Joseph's Road, Nugegoda or any other address as may be decided by the Council of Management (COM) hereinafter referred to as the Council

1.3. **Identity** - Vinivida shall work towards the realization of the **Social Revolution** in keeping with the objectives of the Vision and Mission statement of Vinivida - as stated below.

2. Vision and Mission of Vinivida

2.1 The Vision

The primary objective of Vinivida shall be to work for the realisation of the expectations of the people of Sri Lanka to make this Nation a truly meaningful **Representative Democracy** that honors and respects the **sovereign rights** of the people with due regard to the formulation of a new Constitution for the Republic of Sri Lanka by the people for the people that strictly observe the Rule of Law and independence of the Judiciary within one country that accept one law and one Nation principle. Vinivida will strive to afford every citizen an **equal opportunity** to harness the benefits of all resources that belong to the Nation with no discrimination whatsoever.

2.2 - The Mission

To establish a democratic government with a formulation of –

- a) A truly people friendly Constitution with the direct participation of the people that would be approved directly by the people themselves who own the Legislative Power in the Republic, which would guarantee meaningful governance that respect the sovereignty in the people, the rule of law and independence of the judiciary.
- b) New Laws and Procedures and Programs to ensure effective Administration of Justice winning the confidence of the people, strictly observing the rule of law and promotion of fundamental rights, whilst promoting and protecting the democratic rights and equality of all citizens belonging to all ethnic groups and also engage and defend the public interest at all spheres including public interest litigation.

3. Powers and objectives of Vinivida -

It shall be lawful for Vinivida, which will be a **non-profit making** entity to -

- a) Solicit, raise and receive subscriptions, grants, donations and gifts for the purposes of promotion of Vinivida objectives. This shall include the organising of any events and/ or activities for the purpose of raising funds.
- b) Appoint, nominate or delegate members or non-members as agents, brokers or representatives in Sri Lanka or abroad, to collect funds on behalf of Vinivida under specific rules and regulations as defined by Vinivida.
- c) Invest funds not immediately required in such manner as the Council may think fit and from time to time to vary and transfer any such investments.
- d) Establish, organize and maintain various funds for specific purposes and to formulate rules for the disbursement of moneys in such funds to members who undertake projects that come within the purview of Vinivida objectives.
- e) Purchase, acquire, rent, construct and otherwise obtain lands and buildings which may be required by Vinivida and dispose of the same as may be deemed expedient with a view to promoting the Vinivida objectives.
- f) Construct, maintain or alter any building required for the purposes of Vinivida.
- g) Appoint, dismiss or terminate the services of employees of Vinivida and to pay them such salaries, allowances, bonuses and gratuities by the Council in accordance with the applicable laws.

- h) Establish or contribute to any fund or scheme for the grant of gratuities, pensions, allowances or other benefits to the employees, past and present of Vinivida in accordance with the laws of the Government of Sri Lanka.
- i) Enter into any contract with any person, or body of persons, whether corporate or unincorporated, or any Government Department or local Authority for promoting the objectives of Vinivida.
- j) To contest any election conducted by the election commission that the Council shall deem appropriate.
- k) To initiate any action in the court of law to protect public interest and to safeguard the rights of Vinivida members, staff or volunteers and property and interests of Vinivida
- l) To do all other things necessary or expedient for the proper and effective carrying out of Vinivida objectives.
- m) Create Vinivida Branches where appropriate and to appoint sub committees to carry out Vinivida objectives.
- n) Hire as and when necessary experts of various skills for the realisation of Vinivida objectives and make payments where appropriate for the services provided as decided and agreed by Vinivida.
- o) Provide life insurance cover to the persons (members or employees) who engage in high risk public duties and insurance cover for property fully owned or rented/leased by Vinivida.

4. The Vinivida shall consist of –

- a) Associate Members
- b) Full Members
- c) Honorary members

4.1 Membership shall not be granted to any person who has been **convicted** of any criminal offence by a Court of law **and/ or expelled** from Vinivida by the Council.

5. Membership

5.1 Associate Membership:

Any person born in Sri Lanka is entitled to become an **Associate Member** of who shall have no right to vote at a General Meetings.

5.2 Full Membership

An application for the **Full Membership** of the Vinivida shall be open to any Associate member after serving a period of **six months** as an **Associate Member** with an unblemished character who undertakes to abide by the **Code of Conduct** of Vinivida.

The Full members of Vinivida will require the consent of the **Council** if any such member intends to be a member in the **Council**. Consent in this regard may be expressed in camera.

Any person obtained membership of any other political party shall not be entitled to be an associate or full member of Vinivida

5.3 The following process shall be applied for the applicants who seek to be an **associate member** which shall not be applied to the **Honorary Members**. On payment of the prescribed fee associate membership of Vinivida can be obtained from the Assistant Secretary (Administration) which is liable to be revoked by the General Secretary with no reasons given.

5.4 On approval by the Council, and collection of the relevant subscription fee, the **Assistant Secretary** (Administration) with the concurrence of the General Secretary shall award the **full membership** to associate members who had the membership as associate member for a minimum period of **six months**. The decision of granting the full membership to associate members is solely in the hands of the General Secretary with no reason explained and he if deems it necessary he may consult the committee members in this regard.

5.5 However where the General Secretary deems it appropriate to award full membership to people with eminence and integrity who have distinguished themselves in public or professional life who are not the members of Vinivida to grant full membership on payment of full membership fee.

5.6 The Assistant Secretary (Administration) shall maintain three separate Registers for **Associate Members, Full Members** and **Honorary Members**.

6. Procedure for obtaining Membership

Council will appoint from its members a sub-committee (SC) to be in charge of Membership recruitment. This committee will have a minimum of 3 members. The committee will appoint its own Secretary and is expected to maintain absolute secrecy in all its activities. The final decision on selections will be done by the General Secretary and his decision will be final.

6.1 The following process shall apply for applicants who seek to be the **associate members/full members**. This process shall not apply to Honorary Members.

- a. An application can be obtained from the Assistant Secretary (Administration) on payment of the prescribed fee which needs to be filled and submitted to the 'Membership recruitment sub-committee' to be considered. The decision of the sub-committee will be submitted to the Gen. Secretary for his final decision.
- b. If the application is accepted the Assistant Secretary (Administration) would liaise with the applicant to complete his registration by entering his name in the appropriate register and obtaining the relevant membership fee.
- c. If the application is rejected the applicant will be informed by the Assistant Secretary (Administration) including follow-up work.
- d. Once an Associate member completes 6 months he can make a formal request on the prescribed application which would follow the same process as given above.

6.2 On approval by the Council and subject to the payment of the specified fee, the Assistant Secretary (Administration) with the concurrence of the General Secretary shall award the full membership after recording his/her name in the Register of Members in the Appropriate category of membership.

6.3 The Assistant Secretary (Admin) shall maintain two separate registers for full members and the Associate members.

7.Subscription fees -

7.1.1 The rates of membership subscription shall be as follows –

Associate Member shall pay an annual subscription fee of **Rs 1000.00**

And

Full Members shall pay annual membership fee of **Rs 2000.00** subject to the deduction of the amount paid by the Associate member for the period unspent.

7.1.2 Members who are in **arrears of their membership fee** will be given **one calendar month's notice** in writing by **email** and if arrears not settled their names will be removed from the respective Register with no further notice. No such members removed from the full membership are entitled to rejoin without an application for the purpose and duly approved by the Assistant Secretary (Administration) with the concurrence of the General Secretary. No such member rejoined is entitled to vote at any meeting of Vinivida for a period of **six month**.

7.3 Members may make voluntary contributions to the movement as they please.

7.5 Subscription rates may be changed by an amendment to the Constitution & adopted by a simple majority at a GM, whereas other articles of the Constitution, will require 2/3 majority of the membership who are present.

8. The Financial Year

The Financial Year of Vinivida shall be **01st April to 31st March**. And subscription fee for Associate members and full members shall be charged depending on the unspent time, and the subscription fee shall not be less than one half of the annual subscription fee.

9. Office Bearers –

Office Bearers shall comprise of the **Council of Management**, which shall be hereinafter called **Council** comprising of -

- (1) President
- (2) Vice President
- (3) General Secretary
- (4) Assistant Secretary (Administration)
- (5) Treasurer
- (6) Assistant Treasurer
- (7) Assistant Secretary (International relations)
- (8) Assistant Secretary (Electronic Media & IT)
- (09) Assistant Secretary (Printing and circulation)
- (10) Assistant Secretary (Social Segments)
- (11) Assistant Secretary (Youth Affairs)
- (12) Immediate Past General Secretary (Ex-Officio)
- (13) Six Committee Members with subjects unspecified

The members of the Council shall hold office for a period of **5 years** unless removed by the General Secretary on disciplinary grounds or disqualified to be a member or not reappointed at the General Meeting.

Note: No member of the Council is entitled to hold office unless full membership fee is paid. All office bearers are required to maintain a high degree of honesty, integrity and discipline at all times and respect the defined objectives of the movement. However, where there is a serious credibility issue of any member the General Secretary is entitled to suspend any member on disciplinary grounds pending disciplinary inquiry which shall be completed within a period of 3 months.

10. Eligibility Criteria for Positions as Office Bearers -

All Office Bearers, other than the Patron(s) shall have their membership in force, as at date of appointment / election, and

10.1 Patron(s) - shall be the nominee/s of the Council for a period of 2 years which can be extended by the Council. The Patrons so nominated shall only be persons with eminence and integrity and who has made substantial contribution for public good.

10.2 General Secretary: Shall be the head and **Chief Executive Officer** of Vinivida and shall be the General Superintendent of all matters relating to Vinivida and only persons with minimum of 02 years of continuous full membership in Vinivida and minimum of 01 year in the Council is entitled to be nominated to be the General Secretary.

10.3 President: Minimum of 02 years of continuous full membership in Vinivida and minimum of 01 year in the Council.

10.4 Vice President: Minimum of 02 years of continuous membership in Vinivida and minimum of 01 year in the Council.

10.3 Treasurer: Minimum of 02 years of continuous membership in Vinivida and minimum of 01 year in the Council.

10.4 Assistant Treasurer: Minimum of 02 year of continuous full membership in the Association and minimum of 01 year in the Council.

10.5 Assistant Secretaries: Minimum of 02 year of continuous full membership in the Association and minimum of 01 year in the Council.

10.5 Council Members: Full Membership in the Association for a minimum period of 1 year, who in the opinion of the General Secretary and three other members of the Council is fit and proper person to be a member in the council.

11. Code of Conduct

Both Associate and Full Members are required to maintain a very high degree of discipline at all times and shall be abide by the **general policy as set out in the Constitution itself** and the **code of conduct** of the Vinivida that demands zero tolerance to any form of wrongdoing.

Any full member against whom a credible complaint is made for the violation of the Code of Conduct is liable to be removed from Vinivida after a formal inquiry, which shall be conducted by a three member **disciplinary committee** appointed by the Council. Any such disciplinary inquiry shall be conducted and concluded within **three months**. Any full member charged for criminal offence is disqualified to be a member of Vinivida forthwith.

12. Management

12.1 All actions of the Council, shall be guided by the Constitution and all such actions shall be in the best interest of Vinivida.

12.2 The Council shall consist of Members of the Vinivida, elected at a General meeting of the members of Vinivida. At the General or Special meetings the members are entitled to amend the Constitution provided any amendment is backed by 2/3 of the members present.

12.3 The Council shall be answerable to the members for its actions and decisions made at a general meeting shall be binding on the Council.

13. Roles and Powers of the Council -

All persons appointed or elected as Office Bearers at the AGM shall serve in Honorary Capacities.

14. Nominations for positions in the Council -

14.1 The Nominee, the Proposer and Secunder, shall all be the full members of the Vinivida.

14.2 The Proposer and Secunder shall be deemed to have confirmed to the Assistant Secretary (Administratration) that the consent of the Nominee to contest has been obtained in writing.

14.3 The nomination made for any post shall be considered valid only if the Nominee is present at the time of the election, unless valid written reason has been given and accepted by the Council in advance.

14.4 The list of Nominees for the posts of President/Vice-Presidents, Secretary/Asst. Secretary, Treasurer/Asst. Treasurer shall have a committed interest to continuously engage in the activities of the Vinivida and are of good standing.

15. Sub-Committees

15.1 The Council shall have the power to delegate any of its functions or duties or specific tasks to sub-committees appointed by it with terms of reference clearly specified. Every such committee with the consent of the General Secretary can co-opt shall report and be responsible to the Council .

15.2 If any function / project involves inflow/outflow of funds, the Chairperson of such sub-committee shall report the financial details to the Council through the Assistant Secretary (Admin) on a regular basis.

15.3 Once such a function / project has been completed, the Chairperson of that sub-Committee, shall table an Income & Expenditure Statement, listing out Receivables & Payables at the 2nd Council meeting following the completion of such function/ project and thereafter take necessary action to clear up all Receivables and Payables to enable the Council to take a decision on any write – offs within reasonable time.

16. Vacation of Post and perpetual succession

Any Member of the Council (other than the Immediate Past President), who fails to attend 03 consecutive Council Meetings without reasonable cause or explanation, shall cease to hold office and the Council shall meet without undue delay and fill the vacancy with acting appointment until the vacancy is filled at the next General Meeting.

17. Procedure for filling of vacancies among Office Bearers that arise between one GM and the next

For all vacant positions other than that of the Immediate Past President (ex-officio), the Council shall elect, at the earliest possible meeting, the replacements for such vacancy or vacancies from among the eligible members of Vinivida who shall hold office until the next GM.

18. Institution of lawsuits

Vinivida may institute lawsuits including initiation of matters in the public interest falls within its objectives set out in the Constitution.

19. External Auditor

There shall be an independent Auditor appointed to audit the financial affairs of the Vinivida and such Auditor should not be holding membership in Vinivida.

20. Vacancies

20.1 Whenever the office of the **General Secretary** or **Treasurer** become vacant and a new General Secretary or Treasurer takes over, the handing-over / taking-over Certificate relating to custody of the Files, Documents, Registers etc. detailed in **Appendix A** (for General Secretary) and **Appendix B** (for Treasurer) shall be exchanged, and the 'taking-over' Certificate tabled at the earliest Council Meeting, detailing any missing item/s and filed by the incoming-Member, and missing items traced in collaboration with the outgoing-Member.

21. Quorum for meetings -

The quorum for any GM or SGM shall be one third of full members as at that date and for any Council Meeting shall be **7** members.

22. General Meeting (GM)

22.1 The **GM** of Vinivida shall be organised every **two years** by the Assistant Secretary (Admin) with the concurrence of the General Secretary.

22.2 In the event of no nominations being received at the GM for the vacant positions, or if the General Secretary considers that a person already appointed is not fit to perform the office he is empowered to fill such an office from a full member who he deems appropriate for the vacant positions. The decision of the General Secretary in this regard is final and conclusive with no reasons given.

22.3 The General Secretary shall present a **report** concerning the **past two years of operations** of Vinivida together with a copy of the **audited statement of accounts** which shall also be submitted to the Election Commission. However, this provision shall apply only after Vinivida is duly recognised and registered as a political party.

22.4 Notice of the GM shall be dispatched by the **Assistant Secretary (Admin)** by Special delivery or by email to all members **28 days** before the date of GM which shall contain the following.

- a. the **Agenda**
- b. calling for **nominations** for the Council in accordance with the above criteria.
- c. indicating attachment of **Resolution/s** any proposed **changes to the Constitution** and attaching same
- d. **Minutes of the previous GM** shall also be copied and circulated to the Members
- e. the **Annual report**

22.5 The following process shall follow at the General Meeting.

- a. **Adoption of the Minutes** of the previous GM presented by the General Secretary.
- b. Tabling of the **Annual Report** by the General Secretary.
- c. Tabling of the **Audited Statements of Accounts** for the relevant period by the Treasurer and adoption of the same.
- d. Tabling of a **Draft Statement of Accounts of the 1st quarter of the Current Year** by the Treasurer approved by the Council.
- e. Election of Honorary Members, if any recommended by the Council
- f. Election of members to the Council
- g. Discussion of Matters of which at least 14 days notice has been given.
- h. Appointment of an External Auditor

- i. Adoption of Resolutions tabled

23.5. The Treasurer shall ensure that copies of the following are made available to the members at the GM

(i) **Audited Statements of Accounts** for the previous year

(ii) **Draft of the Statement of Accounts** for the balance period up to the date of the GM as approved by the Council

24. Special General Meetings:

A Special General Meeting shall be called for by the General Secretary, within 30 calendar days for the consideration of any matter stating the purpose OR on receipt of a written request made by not less than 60% of the membership eligible to attend AGM stating the business for which they desire at such a meeting, and 14 calendar days' notice shall be given to the membership stating the business to be brought up at the meeting.

25. Voting Procedure -

All issues shall be decided by a majority vote of the members present, voting by a show of hands, or secret Ballot. If a tie occurs in a decision requiring only a simple majority, the General Secretary shall be entitled to cast the deciding vote.

26. Eligibility for voting at GM and Special General Meeting

Only the full members of the Vinivida are qualified to take part and vote at a GM or SGM

27. Resolutions -

Any member desiring to move a resolution at a General Meeting of Vinivida shall deliver or dispatch by registered post, notice of such resolution duly signed by the named members as Proposer and Seconder to reach the General Secretary 14 calendar days' prior to such meeting, provided however that if the resolution relates to any alteration , **amendment to the constitution**, such resolution shall reach the Secretary by at least two weeks before the date of the GM.

28. Minutes of GM, AGM and Council meetings

Council meetings of Vinivida shall be held at least once every three **months** with **notice** given to the Council member through email with matters intend to discuss at the meeting also duly notified. Minutes of all meetings shall be compiled by the Assistant Secretary (Administration), which shall be presented to the General Secretary as expeditiously as possible for his approval. All minutes shall be submitted for confirmation at the subsequent meetings and the Assistant Secretary (Administration) is responsible for maintaining minutes of all meetings. A draft minutes of the GM shall be tabled at the **next immediate Council meeting** to ensure accuracy.

29. Contingencies -

In the event of any question or matter arising, not provided in the Constitution, the decision of the majority of the Membership will prevail and the same will have the binding effect.

30. Funds and Bank Accounts

(a) General Funds - All funds of Vinivida shall be deposited in a Bank approved by the Council and such Account shall be in the name of Vinivida and shall be **operated** by the **General Secretary jointly with the Treasurer or Assistant Treasurer** in accordance with the directions of the Council and in this regard resolutions necessary may be passed by the Council from time to time.

(b) Trust Funds - Subject to the approval of the General Membership at a General Meeting or Special Meeting, the Council shall have the power to create a Trust Fund or Funds or other similar Funds in order to achieve the aims and objectives of Vinivida. All monies accruing to such Fund or Funds shall be deposited in a Bank in Vinivida's name and shall be **operated** by the **General Secretary jointly with Treasurer or Assistant Treasurer** in accordance with the directions of the Council recorded as a resolution .

31. Disciplinary Procedure

(a) In the event a member being reported for any form of **abuse or misconduct** the Council shall appoint a **special committee** to hold an Inquiry into the matter. If such Committee is satisfied that there is a prima facie case against the member for further inquiry, the General Secretary may temporarily suspend such a member with immediate effect and report such suspension to the Council.

(b) The special committee shall summon the member reported to appear in person before the committee and shall call for explanation in writing, and/or produce documentary evidence and witnesses if any, the member intends to produce in his defense.

(c) A minimum of 7 calendar days' notice shall be given to the member before such Inquiry is fixed enabling the member to attend the meeting.

(d) Once the final findings of the inquiry is furnished to the Council, it may call upon the member to tender an apology or issue a notice of caution or suspension or call for the resignation or may expel the member from Vinivida.

e) Members so suspended or expelled shall receive notice, in writing, signed by the General Secretary which shall be sent by recorded delivery to the last known address of the accused member and/or emailed it within 30 days of the final determination.

32. Procedure for Appeal to the Council of Management

(a). In the event of any person desiring to appeal against expulsion/withdrawal of membership from Vinivida, such person shall give notice thereof in writing addressed to the General Secretary within fourteen days of the receipt by him/her of the notice of expulsion/withdrawal of membership.

(b). In the event of any such appeal the Council shall appoint an **Appeals Committee** to comprise of not less than **three members** from the Council.

(c) The Appeals Committee will sit and hear such appeal within 14 days of the receipt of notice by the General Secretary and will report their findings to the Council.

(d) The findings and decisions of the Appeals Committee shall be final & binding and cannot be questioned.

33. Seal of the Foundation

The seal of the Foundation shall not be affixed to any instrument whatsoever except in the presence of the General Secretary, who shall place his name/signature on instrument in token of his presence, and such signing shall be independent of the signing of any person as a witness.

34. Limitation of liability of members

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

35. Disposal of assets at dissolution of Vinivida

If upon the dissolution of Vinivida there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of Vinivida but shall be given or transferred to an approved charitable organisation. The Council shall determine such institution or institutions immediately before the time of the dissolution of the Foundation.

36. Interpretation -

If there is any ambiguity arises about any of the Articles in the Constitution decision of the Council shall be final.

APPENDIX 'A'

- 1) Register of members according to the date of enrollment
- 2) File of personal particulars of members
- 3) Constitution as amended up to the last AGM
- 4) File containing extracts of special decisions taken by Council.
- 5) Annual Reports Record for the previous years
- 6) AGM Minute book for the previous years
- 7) Council minute record for the previous years
- 8) Correspondence file with Index
- 9) All original Trust Deeds (if any)

- 10) File containing handing over/ taking over Certificates relating to Secretaries
- 11) File containing Originals of Forms for Membership,
- 12) File containing minutes regarding the list of books,
- 13) Record of Registers & Files to be destroyed.
- 14) Books containing the AGM reports & AGM Minutes from previous years
- 15) Detailed Inventory of assets

APPENDIX B

- 1) Day Book- in respect of all the Funds for the previous years.
- 2) Cash Book in respect of all the Funds for the previous years.
- 3) Ledger in respect of all the Funds for the previous years.
- 4) Voucher File in respect of all the Funds for the previous years.
- 5) Receipts Books in respect of all the Funds for the previous years.
- 6) Petty Cash Book in respect of all the Funds for the previous years.
- 7) File containing Fixed Deposit Certificates & Treasury Bills with an Index
- 8) Fixed Deposits and Treasury Bills Register- In respect of all Funds
- 9) Bank Statements files for all the bank accounts for the previous Years
- 10) Bank Slips file for all the bank accounts for the previous Years
- 11) Voucher Registers for all the bank accounts for the previous Years
- 12) Cheque Books for all the bank accounts for the previous Years
- 13) Monthly statements of accounts tabled at the Council for the previous years
- 14) Files for any special events for the previous years
- 15) File containing handing over/ taking over Certificates relating to Treasurers.
- 16) Income Tax Records
- 17) File containing Audited statements of accounts for the previous years
- 18) Petty cash receipts file for the previous years
- 19) Fixed Deposits & Treasury Bills correspondence file for the previous years
- 20) Saving Pass Books-current

