

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

—————————

SRI LANKA BUDDHIST VIHARA DEVALA

FOUNDATION (INCORPORATION)

ACT, NO. 22 OF 2007

—————————

[Certified on 05th July, 2007]

Printed on the Order of Government

—————————

Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of July 6, 2007

PRINTEDATTHE DEPARTMENTOFGOVERNMENTPRINTING,SRI LANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU,COLOMBO5

Price : Rs. 7.00 Postage : Rs. 5.00

Sri Lanka Buddhist Vihara Devala Foundation 1

(Incorporation) Act, No. 22 of 2007

[Certified on 05th July 2007]

L.D.—O./INC 9/2005

ANACT TO INCORPORATE THE SRI LANKA BUDDHIST VIHARA DEVALA

FOUNDATION

WHEREAS a Foundation called and known as the“Sri Lanka Preamble.

Buddhist Vihara Devala Foundation” has heretofore been

formed for 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 Foundation has hereto for

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 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 Sri Lanka Buddhist Vihara Short Title.

Devala Foundation (Incorporation) Act, No. 22 of 2007.

2. From and after the date of commencement of this Act, Incorporation of

such and so many persons as now are members of the “Sri the Sri Lanka

Buddhist

Lanka Buddhist Vihara Devala Foundation” or shall hereafter

Vihara Devala

be admitted members of the Corporation hereby constituted, Foundation.

shall be a body corporate (hereinafter referred to as the

“Corporation”), with perpetual succession, under the name

and style of “Sri Lanka Buddhist Vihara Devala Foundation”

and by that name may sue and be sued, with full power and

authority to have, and use a common seal and alter the same

at its pleasure.

3. The general objects for which the Corporation is General objects

established are hereby delcared to be — of the Corpora-

tion.

(i) to provide assistance and facilities for the education

of bhikkus ;

2 Sri Lanka Buddhist Vihara Devala Foundation

(Incorporation) Act, No. 22 of 2007

(ii) to provide assistance to needy Bhikkhus for the

presentations of Acts of Appointment, and to any

person or organisation for the cremation of such

bhikkhu on his demise;

(iii) to provide monetary assistance for repairs or

constructions of new Buddhist Viharas and Devalas;

(iv) to help to obtain suitable places for the relocation

of Viharas situated in uncongenial places;

(v) to assist in the promotion of education of Silmatas

and for the supply of their other needs;

(vi) to promote Buddhist morals and ethics in the society;

(vii) to encourage saving habit and to foster mutual help

and understanding among the membersof the

corporation;

(viii) to fulfil economic, cultural and social objectives of

the Buddhists through Buddhist principles;

(ix) to grant loans to Buddhists on easy terms or free of

interest urgent personal needs such as purchase of a

land, construction of a house and self employment;

(x) to assist the Buddhist children financially or

otherwise with a view to promoting their education;

(xi) to provide assistance for the fostering of the Buddha,

Dhamma both locally and globally;

(xii) to provide assistance for printing of Dhamma Books

to further the knowledge of the Dhamma;

(xiii) to provide assistance and take suitable steps for the

protection and development of the properties of the

Buddhist temples and devalas;

Sri Lanka Buddhist Vihara Devala Foundation 3

(Incorporation) Act, No. 22 of 2007

(xiv) to provide assistance to Buddhists who having

pledged their abode or land as security for loans

raised from financial institutions, are faced with

banks recovery procedings upon default in

payments;

(xv) to provide any other assistance that may be deemed

necessary for the welfare of the Buddhists;

(xvi) to originate any other programme for the upliftment

of the Buddha Sasana and provide assistance

therefor;

(xvii) to take legal action against any vilification of Lord

Buddha the Buddhist doctrine and the members of

the Sangha ;

(xviii) to take appropriate action to sustain and safeguard

the Buddha Sasana, its security, its development

and progress and the welfare of Buddhist Monks

and Buddhists as well as of places of worship.

4. Subject to the provisions of this Act and any other General powers

written law the Corporation shall have the power to do, of the

perform and execute, all such acts, matters and things as are Corporation.

necessary or desirable for the promotion or futherance of the

objects of the Corporation or any one of them, including the

power to open, operate and close bank accounts, to borrow or

raise money with or without security, to receive or collect

grants and donations, to invest its funds and to engage, employ

and dismiss officers and servants required for the carrying

out of the objects of the Corporation.

5. (1) The affairs of the Corporation shall, subject to Management of

the provisions of this Act and any rule to be made, be the affairs of the

administered by a Board of Governors consisting of Corporation.

twenty-nine members.

(2) Of the twenty-nine members—

(a) twenty-one members shall be elected at a meeting

of the general body; and

4 Sri Lanka Buddhist Vihara Devala Foundation

(Incorporation) Act, No. 22 of 2007

(b) the following members shall hold office ex-

officio :—

(i) the Malwatta and Asgiriya Most Ven.

Mahanayake Theros of both the Chapters, of

the Syamopali Maha Nikaya, the Most Ve.

Mahanayake Thero holding the Post of

President of the Sri Lanka Amarapura Sanga

Sabha of the Amarapura Nikaya and the Most

Ven. Mahanayake Thero of the Sri Lanka

Ramanna Maha Nikaya ;

(ii) the Viharadhipati Nayake Theros of the four

Pirivenas, namely Vidyodaya Maha Pirivena,

Vidyalankara Pirivena, Saddharmakara

Pirivena of Pinwatte and Saraswathi Pirivena

of Balagalla.

(3) The Board of Governors shall elect the President, Vice

President and Treasurer from among its members and it shall

have the power to recruit a suitable person to be the Secretary

who shall be the chief executive officer of the Corporation.

(4) The first Board of Governors of the Corporation shall

consist of the members of the Committee of Management of

the foundation holding office on the day immediately

preceding the date of the commencement of this Act.

Rules of the 6. (1) It shall be lawful for the Corporation, from time

Corporation. 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, or any

other written law, on all or any of the following matters :—

(a) the classification of members and membership fees

payable, their admission, withdrawal or expulsion

from membership;

Sri Lanka Buddhist Vihara Devala Foundation 5

(Incorporation) Act, No. 22 of 2007

(b) the election of Members to the Board of Governors

and its powers, and duties;

(c) the election of office bearers, their term of office,

resignation from, vacation of or removal from office

and their powers and duties;

(d) the duties and functions of the officers, agents and

servants of the Corporation;

(e) the procedure to be followed in the summoning and

holding of meetings of the Board, the quorum

therefor and the conduct of business thereat;

(f) the administration and management of the property

of the Corporation, including its funds; and

(g) the management of the affairs of the Corporation

and the accomplishment of its objects.

(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) The members of the Corporation shall be subject to the

rules of the Corporation.

7. (1) The Corporation shall have its own fund and it Funds of the

Corporation.

shall consist of all moneys received by way of gifts, bequests,

testamentary dispositions, grants, donations, contributions,

fees or contributions in cash or kind from local and foreign

institutions and individuals, members and non members.

(2) All moneys received shall be deposited in the name

of the Corproation in one or more banks and be invested in

any suitable manner to achieve the object of the Corporation

as may be decided by the Board of Governors.

6 Sri Lanka Buddhist Vihara Devala Foundation

(Incorporation) Act, No. 22 of 2007

(3) The Corporatin may establish a depreciation fund or

sinking fund for the purpose of rehabilitation, development

or improvement of the property of the Corporation.

(4) All expenditure incurred by the Corporation in the

exercise, performance and discharge of the powers, duties

and functions of the Corporation shall be paid out of the

fund of the Corporation.

Corporation may 8. The Corporation shall be able and capable in law to

hold property acquire and hold property both movable and immovable

movable or

immovable. which may become vested in it by virtue of any pruchase,

grant, gift, 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 in force for the time being of

the Corporation, shall have power to sell, mortgage, lease,

exchange or otherwise dispose of the same.

Property 9. If upon dissolution of the Corporation there remains

remaining on any property after the satisfacgtion of all its debts and

dissolution.

liabilities, 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 rules

prohibited from distributing any income or property among

its or their members.

Seal of the 10. The Seal of the Corporation shall not be affixed to

Corporation any instrument except in the presence of the Chairman or

Vice Chairman and the Secretary, both or 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.

Accounts and 11. (1) The Corporation shall cause proper accounts to

Audits be kept of its income and expenditure, assets and liabilities

and all ohter transactions of the Corporation.

(2) The accounts of the Corporation shall be audited by a

qualified auditor appointed by the Board of Governors.

Sri Lanka Buddhist Vihara Devala Foundation 7

(Incorporation) Act, No. 22 of 2007

12. Nothing in this Act contained shall prejudice or Safeguarding of

affect the rights of the Republic or of any body politic or the rights of the

Republic and

corporate or of any other persons. others.

13. In the event of any inconsistency between the Sinhala Sinhala text to

prevail in case of

and Tamil Texts of this Act, the Sinhala text shall prevail. inconsistency.

8 Sri Lanka Buddhist Vihara Devala Foundation

(Incorporation) Act, No. 22 of 2007

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

December each year in respect of the year following.