

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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REV. MOONAMALE DHAMMARATHANA

MEMORIAL FOUNDATION

(INCORPORATION) ACT, NO. 43 OF 2009

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[Certified on 17th August, 2009]

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Rev. Moonamale Dhammarathana Memorial 1

Foundation (Incorporation) Act, No. 43 of 2009

[Certified on 17th August, 2009]

L. D. —O. Inc. 19/2007

AN ACT TO INCORPORATE THE REV. MOONAMALE

DHAMMARATHANA MEMORIAL FOUNDATION

WHEREAS a Foundation called and known as the “Rev. Preamble.

Moonamale Dhammarathana Memorial Foundation” has

heretofore been formed in Sri Lanka for the purpose of

effectually carrying out it’s objects and transacting all matters

connected with the said Foundation according to the rules

agreed to by its members :

AND WHEREAS the said Foundation 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

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 Rev. Moonamale Short title.

Dhammarathana Memorial Foundation (Incorporation) Act,

No. 43 of 2009.

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

such and so many persons as now are members of the “Rev. of the Rev.

Moonamale

Moonamale Dhammarathana Memorial Foundation” Dhammarathana

(hereinafter referred to as the “Foundation”) or shall hereafter Memorial

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 the “Rev. Moonamale Dhammarathana Memorial

Foundation” and by that name may sue and be sued, with full

power and authority to have and use a common seal and to

alter the same at its pleasure.

2 —PL 003908—3,240 (06/2009)

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

of the

constituted are hereby declared to be—

Corporation.

(a) to construct a Statue to commemorate Venerable

Moonamale Dhammarathana Thero, the late Chief

Incumbent of Sri Punyawardanaramaya of

Yatigaloluwa, Pannala, to organize religious and

other ceremonies to commemorate his name, and to

organize activities to enlighten the general public

about the life of the Venerable Moonamale

Dhammarathana Thero;

(b) with a view to assisting adherents of the Buddhist

faith to implement programmes in respect of pre-

schools, day care centres, children’s homes, child

education and religious education;

(c) to assist in enhancing the welfare and benefits of

Sri Lankan Buddhist students who are unable to

pursue their education due to poverty and other

disabilities;

(d) to conduct necessary classes, lectures, libraries,

seminars, conferences, workshops, discussions,

dialogues, educational tours, exhibitions, displays,

and publish newspapers and magazines with a view

to ensuring the development of education of

Buddhist youth;

(e) to provide relief services such as assistance and

housing for the benefit of poor, elderly, destitute

with physical and mental disabilities and the

helpless, who are adherents of the Buddhist faith;

(f) to inaugurate language training and vocational

training courses in order to deploy Buddhist youth

in productive services and to provide facilities to

engage in income generating activities by way of

further assistance;

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(g) to implement programmes in relation to child health

and adult health, and to provide education on

disease control and to conduct clinics, gymnasiums

and medical clinics, with a view to ensuring the

welfare of adherents of the Buddhist faith;

(h) to provide self-help and voluntary services for social

development activities among the low-income

earning groups who are adherents of the Buddhist

faith and to inaugurate and maintain pilot projects

in this regard;

(i) to engage in any industry or trade or any export or

import business and to aid or assist adherents of the

Buddhist faith to commence and operate agricultural,

industrial and commercial ventures and to undertake

training programmes and extension services and to

organize propaganda activities relating to the

transfer of technology;

(j) to construct and maintain buildings required for the

Sri Punnyawardhanaramaya, Pannala, Yatigaloluwa;

(k) to promote the religious education of the Buddhist

laity;

(l) to provide the resident bhikkus of the Sri

Punnyawardhanaramaya, Pannala, Yatigaloluwa

with educational facilities and to help them in their

daily needs;

(m) to promote cultural activities including ancient forms

of art in the village and the area in and around the

Sri Punnyawardhanaramaya, Pannala, Yatigaloluwa;

(n) to engage in the dissemination of the Dhamma

internationally;

(o) to preserve and disseminate the Buddhist Philosophy

and the Buddhist way of life;

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(p) to establish friendly relations with other Buddhist

organizations in Sri Lanka and abroad; and

(q) to promote Buddhist education by granting

scholarships to adherents of the Buddhist faith and

to establish and maintain pirivenas for Buddhist

education.

Management of 4. (1) The affairs of the Corporation shall, subject to the

the affairs of the rules of the Corporation made under section 6, be

Corporation.

administered by a Board of Management (hereinafter referred

to as the “Board”) consisting of the President, Vice Presidents

and other office bearers elected or appointed in accordance

with the rules of the Corporation.

(2) The first Board shall consist of the members of the Board

of the Foundation holding office on the day immediately

preceding the date of commencement of this Act.

General powers 5. Subject to the provisions of this Act and any other

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

Corporation.

perform and execute all such acts, matters and things

whatsoever, 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—

(a) acquire, hold, take or give on lease or hire, mortgage

pledge, sell, exchange, or otherwise alienate,

encumber or dispose of any immovalbe property

for the pruposes of the Corporation;

(b) enter into and perform or carry out, whether directly

or through any officer or agent authoirized in that

behalf by the Corporation, all such contracts or

agreements as may be necessary for the attainment

of the objects or the exercise of the powers of the

Corporation;

(c) accept gifts, donations and bequests in cash or in

kind;

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(d) invest its funds, and to maintain current, deposit

and savings accounts in any bank;

(e) borrow or invest money for the purposes of the

Corporation in such manner and upon such security

as the corporation may think fit; and

(f) appoint, employ, transfer, exercise disciplinary

control over and dismiss officers and servants

required for the carrying out of the objcets of the

Corporation.

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

time, at any general meeting of the Corporation and by a Corporation.

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 membership and the admission,

withdrawal or expulsion of members;

(b) the election of office-bearers, the resignation from

or vacation of, or removal from office of, office

bearers and their powers and duties;

(c) the election of members of the Board and its powers,

conduct and duties;

(d) the powers, conduct, duties and functions of the

various officers, agents and servants of the

Corporation;

(e) the procedure to be observed or the summoning and

holding of meetings of the Board, the time, places,

notices and agenda of such meetings and the quorum

therefore and the conduct of business thereat; and;

(f) the administration and management of the property

of the Corporation and the custody of its funds.

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(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 at all times be

subject to the rules of the Corporation.

Register of 7. The Board shall cause to be maintained a register of

members. every person who had been a member on the date of

commencement of this Act, and every person who shall

hereafter be admitted, members of the Corporation.

Fund of the 8. (1) The Corporation shall have its own fund and all

Corporation. moneys heretofore or hereafter received by way of gifts,

testamentary dispositions, transfers, donations, subscriptions,

contributions, fees or grants or any financial investment shall

be deposited to the credit of the Corporation in one or more

Banks as may be determined by the Board.

(2) All expenses incurred by the Corporation in exercising

and discharging its powers and functions shall be paid out of

the fund.

Audit and 9. (1) The financial year of the Corporation shall be the

Accounts. calendar year.

(2) The Corporation shall cause proper accounts to be

kept of its income and expenditure, assets and liabilities and

all other transactions of the Corporation.

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

qualified auditor appointed by the Board.

(4) In this section, “qualified auditor” means—

(i) an individual who being a member of the Institute

of Chartered Accountants of Sri Lanka, or of any

other institute established by law, possesses a

certificate to practice as an accountant issued by

such Institute; or

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(ii) a firm of accountants each of the resident partners

of which, being a member of the Institute of

Chartered Accountants of Sri Lanka or of any other

institute established by law, possesses a certificate

to practice as an accountant issued by such Institute.

10. The seal of the Corporation shall be in the custody Seal of the

of the Secretary and shall not be affixed to any instrument Corporation.

whatsoever except in the presence of the President and the

Secretary of the Corporation or such other person duly

authorized by the Board who shall sign their name on the

instrument in token of their presence and such signing shall

be independent of the signing of any person as a witness.

11. All debts and liabilities of the Foundation existing Debts due by

on the day preceding the date of commencement of this Act and payable to

the Foundation.

shall be paid by the Corporation hereby constituted and all

debts due to, subscriptions and contributions payable to the

Foundation on that day shall be paid to the Corporation for

the purposes of this Act.

12 The moneys and property of the Corporation however Application of

derived shall be applied solely towards the promotion of its moneys and

property.

objects as set forth herein and no portion thereof shall be

paid or transferred directly or indirectly by way of dividends,

bonus, profit or otherwise howsoever to the members of the

Corporation.

13. Subject to the provisions of this Act, the Corporation Corporation may

shall be able and capable in law to acquire and hold any hold property

movable and

property, movable or immovable, which may become vested immovable.

in it by virtue of any purchase, grant, gift testamentary

disposition or otherwise, and all such property shall be held

by the Corporation for the purposes of the Corporation and

subject to the rules of the Corporation made under section 6

with full power to sell, mortgage, lease, exchange or otherwise

dispose of, the same.

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Property 14. If upon the dssolution of the Corporation there

remaining on

remains after the satisfaction of all debts and liabilities, any

dissolution.

property whatsoever, such property, shall not be distributed

among the members of the Corporation but shall be given or

transferred to some other association or associations having

objects, similar to the objects of the Corporation, and which

is, or are by the rules thereof prohibited from distributing any

income or profit among its or their members. Such association

or associations shall be determined by the members of the

Corporation at or immediately before the time of dissolution

of the Corporation.

Saving of the 15. Nothing in this Act contained shall prejudice or

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

Republic and

corporate.

others.

Sinhala 16. In the event of any inconsistency between the Sinhala

text to and Tamil texts of this Act, the Sinhala text shall prevail.

prevail in

case of

inconsistency.

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