

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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AMBULUWAWA DISSANAYAKE

MUDIYANSELAGE JAYARATNE

RELIGIOUS CENTRE AND BIO-DIVERSITY

COMPLEX TRUST FUND

ACT, NO. 44 OF 2009

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[Certified on 21st August, 2009]

Printed on the Order of Government

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Ambuluwawa Dissanayake Mudiyanselage 1

Jayaratne Religious Centre and Bio-diversity

Complex Trust Fund Act, No. 44 of 2009

[Certified on 21st August, 2009]

L.D.—O. 57/2005.

ANACT TO PROVIDE FOR THE ESTABLISHMENT OF A TRUST FUND CALLED

THEAMBULUWAWA DISSANAYAKE MUDIYANSELAGE JAYARATNE

RELIGIOUS CENTRE AND BIO-DIVERSITY COMPLEX TRUST FUND; TO

SPECIFY ITS OBJECTS AND POWERS AND TO PROVIDE FOR THE MATTERS

CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows :-

1. This Act may be cited as the Ambuluwawa Short title.

Dissanayake Mudiyanselage Jayaratne Religious Centre and

Bio-diversity Complex Trust Fund Act, No. 44 of 2009.

2. (1) There shall be established a Trust Fund which Establishment of

shall be called the Ambuluwawa Dissanayake the Ambuluwawa

Dissanayake

Mudiyanselage Jayaratne Religious Centre and Bio-

Mudiyanselage

diversity Complex Trust Fund (hereinafter referred to as “the Jayaratne

Fund”). Religious Centre

and Bio-diversity

(2) The Fund shall, by the name assigned to it by Complex Trust

Fund.

subsection (1), be a body corporate and shall have perpetual

succession, and a common seal and may sue and be sued in

such name.

3. (1) The administration, management and control of Board of

the Fund shall be vested in a Board of Trustees constituted Trustees of the

Fund.

as hereinafter provided.

(2) The Board of Trustees to the Fund (hereinafter referred

to as “the Board”) shall consist of the following members:-

(a) the founder ;

(b) the Secretary to the Ministry of the Minister in

charge of the subject of Environment and Natural

Resources ;

2—PL 004116—3,290 (05/2009)

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(c) the Secretary to the Ministry of the Minister in

charge of the subject of Buddha Sasana ; and

(d) seven persons appointed by the founder (hereinafter

referred to as “appointed members”).

(3) The Founder shall be the Chairman of the Board.

(4) An appointed member of the Board may at any time

resign his office by written communication addressed to the

Chairman.

(5) A person shall be disqualified from being appointed

or continuing in office as a member of the Board if he is —

(a) a person who having been declared an insolvent or

bankrupt under any law in force in Sri Lanka or in

any other country, is an undischarged insolvent or

bankrupt ; or

(b) convicted of an offence involving moral turpitude

and punishable with imprisonment for a term not

less than six months ; or

(c) under any law in force in Sri Lanka, found or

declared to be of unsound mind or mentally

deficient.

(6) The term of office of an appointed member of the

Board shall subject to the provisions of paragraphs (7) and

(8) shall be three years.

(7) Where an appointed member of the Board vacates his

office by death, resignation or otherwise before the expiry

of his term of office, his successor shall hold office for the

unexpired period of the term of office of his predecessor.

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(8) The Founder may, at any time remove any appointed

member for reasons assigned.

(9) The Chairman of the Board shall preside at all

meetings of the Board. In the absence of the Chairman from

any meeting, the members present at such meeting shall elect

from among themselves a Chairman for that meeting.

(10) In the event of any difference of opinion between

the members of the Board, the decision of the majority shall

be binding and effectual.

(11) No act or proceeding of the Board shall be deemed

to be invalid by reason only of the existence of any vacancy

among the members.

(12) The quorum for any meeting of the Board shall be

four members.

(13) Subject to the provision of subsection (10), the

Board may make rules to regulate the procedure in regard to

its meetings and the transaction of business at such meetings.

4. The objects of the Fund shall be— Objects of the

Fund.

(a) to secure and develop the Ambuluwawa

Dissanayake Mudiyanselage Jayaratne Religious

Centre and Bio-diversity Complex ;

(b) to improve the area round the Ambuluwawa

mountain range ;

(c) to promote peace, goodwill, understanding and co-

operation among the community ;

(d) to promote and encourage inter-religious harmony

and social integration ;

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(e) to promote the religious development of Sri

Lankans ;

(f) to enhance the knowledge and understanding of

Sri Lankans in the field of religion ;

(g) to improve the living conditions of persons who

are economically and socially disadvantaged in the

community, including improvement to their shelters

and the provision of other infrastructure facilities ;

(h) to encourage people to intelligently invest in banks

and other financial institutions ;

(i) to establish relations with local and foreign

institutions which have similar objects as those of

the Fund;

(j) to provide financial or other assistance to any

person engaged in any activity which is similar to

any of the objects of the Fund ;

(k) to organize seminars, workshops and training

programmes in Sri Lanka and abroad on religious

fields ;

(l) to organize programmes for creating awareness

among the people on the human rights, duties and

access to justice ;

(m) to provide adequate facilities for the improvement

of sports and recreation capabilities of people ;

(n) to lead the nation to global peace based on religious

principles of co-existence and to thereby establish

avenues for planned development ;

(o) to train youth labour for the development and

welfare of the common man;

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Complex Trust Fund Act, No. 44 of 2009

(p) to encourage the farmers and establishment of youth

farmers organizations within the community;

(q) to draw the special attention of the youth for

training in pre-vocational education and in the field

of sports;

(r) to conduct seminars, lectures and exhibitions,

lotteries and educational tours;

(s) to establish and maintain libraries; and

(t) to safeguard the interest of persons who have for

generations been engaged in the practice of

indigenous medicine and to protect herbal and

medicinal plants, indigenous to Sri Lanka.

5. The seal of the Fund— Seal of the

Fund.

(a) shall be in the custody of such person as the Board

may from time to time determine;

(b) may be altered in such manner as may be determined

by the Board; and

(c) shall not be affixed to any document except with

the sanction of the Board and in the presence of

two members of the Board who shall sign the

document in token of their presence.

6. (1) The Board shall, in the name of the Fund have the Powers and

Functions of the

power to do all things necessary for, or conducive or

Fund.

incidental to the carrying out of the objects of the Fund.

(2) Without prejudice to the generality of the powers

conferred by subsection (1), the Board shall have the

following powers and functions:—

(a) to raise funds and to receive grants, gifts or

donations whether from local or foreign sources;

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(b) to take or hold any property, movable or immovable,

which may become vested in it by this Act or by

virtue of any purchase, grant, gift, testamentary

disposition or otherwise, and to sell, mortgage,

lease, grant, convey, devise, assign, exchange or

otherwise dispose of any property to which the Fund

may become entitled;

(c) to give grants, endowments, or scholarships locally

and abroad, for the furtherance of the objects of the

Fund;

(d) to conduct lotteries subject to any law for the time

being in force to collect moneys for the furtherance

of the objects of the Fund;

(e) to enter into and perform either directly or through

officers and servants or agents authorized in writing

in that behalf by the Board, all such contracts and

agreements as may be necessary for the exercise,

performance and discharge of the powers, duties

and functions and for carrying out the objects of

the Fund;

(f) subject to the provisions of this Act, to appoint,

employ and remunerate officers and servants of the

Fund and to make rules regarding the appointment,

promotion, remuneration and disciplinary control

of its employees and the grant of leave and other

benefits to them;

(g) to erect or caused to be erected any building or

structure on any land belonging to or held by the

Fund;

(h) to invest moneys belonging to the Fund at the

discretion of the Board in any such investments as

are authorized by law for the investment of money

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including trust money and to recall, re-invest and

vary such investments at the discretion of the Board

and to collect income accruing from such

investments; and

(i) to open, operate and close bank accounts and to

borrow or raise money with the property of the Fund

as security or without such security, for the purposes

of the Fund.

7. There shall be paid into the Fund— Payments into the

Fund.

(a) all moneys presently lying with the Public Trustee

in favour of the Fund and moneys lying in banks in

favour of the Ambuluwawa Environment

Development and Conservation Trust Fund;

(b) any moneys raised or collected or grants, gifts or

donations received locally or from abroad;

(c) grants received from the government from time to

time for purpose of carrying out the aims and objects

of the Fund; and

(d) any income from investments or other receipts due

to the Fund.

8. There shall be paid out of the Fund— Payment out of

the Fund.

(a) expenses necessary for the establishment,

maintenance and operation of the Fund;

(b) the payment of salaries to officers, servants and

other employees; and

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(c) all such other payments as are approved by the

Board as being necessary for the purpose of carrying

out the objects of the Fund.

Trust, 9. All contracts, agreements, debts and liabilities of

contracts, &c the said Trust Fund existing at the time of coming into

of the Fund

operation of this Act shall be deemed to be the contracts,

deemed to be

those of the agreements, debts and liabilities of the Fund hereby

Fund. constituted.

Accounts and 10. (1) The Board shall cause proper books of accounts

Audits. to be kept of the income and expenditure, assets and liabilities

and all other transactions of the Fund.

(2) The Board shall cause its books to be balanced as on

the thirty-first day of December in each year and shall, before

the thirty-first day of March next, cause to be prepared and

income and expenditure account and a balance sheet

containing a summary of the assets and liabilities of the

Fund made up to the first mentioned date.

(3) The income and expenditure account and the balance

sheet shall be signed by two members of the Board

authorized to do so by a resolution passed by the Board.

(4) The Auditor-General shall audit the accounts of the

Fund every year in accordance with Article 154 of the

Constitution.

Financial year 11. The financial year of the Fund shall be the calendar

of the Fund. year.

Exemption 12. The Minister shall with the concurrence of the

of the Fund Minister in charge of the subject of Finance, in order to

from

facilitate the implementation of the aims and objects of the

payment of

duties. Fund, exempt the Fund from the payment of any duties,

levies and of any tax on the income or profits of the Fund to

such extent as is permitted in terms of the Inland Revenue

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Act, No. 10 of 2006 or in terms of any other written law for

the time being in force governing the imposition of such

duty, levy or tax as the case may be.

13. (1) Any expense incurred by the Fund in any suit or Re-

prosecution brought by or against the Fund before any court imbursement of

expenses.

shall be paid out of the Fund and any costs paid to, or

recovered by, the Fund in any such suit or prosecution shall

be credited to the Fund.

(2) Any expense incurred by any such person as is referred

to in subsection (1) in any suit or prosecution brought

against him before any court in respect of any act which is

done or is purported to be done by him under this Act or on

the direction of the Board shall, if the court holds that such

act was done in good faith, be paid out of the Fund unless

such expense is recovered by him in such suit or prosecution.

14. All officers and servants of the Fund shall be deemed Officers and

to be public servants within the meaning and for the purposes servants of the

Fund deemed to

of the Penal Code. be public

servants under

the Penal Code.

15. The Fund shall be deemed to be a Scheduled Fund deemed to

be a Scheduled

institution within the meaning of the Bribery Act and the

institution

provisions of that Act shall accordingly apply. within the

meaning of

Bribery Act.

16. In the event of death of the Founder, the son of the Succession of

the founder.

Founder shall succeed the founder and thereafter the eldest

male descendent shall be the successor.

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Provisions of 17. The provisions of this Act shall have effect

this Act to

notwithstanding anything contained in the Ambuluwawa

prevail over

provisions of Environment Development and Conservation Trust Fund,

the Deed. and accordingly in the event of any conflict between the

provisions of this Act and the provisions of the Ambuluwawa

Environment Development and Conservation Trust Fund,

the provisions of this Act shall prevail.

Sinhala text to 18. In the event of any inconsistency between the

prevail in case Sinhala and Tamil texts of this Act, the Sinhala text shall

of inconsistency.

prevail.

Interpretation. 19. In this Act, unless the context otherwise requires—

“Ambuluwawa Environment Development and

Conservation Trust Fund” means the Indenture

and Declaration of Trust made and entered into

at Kandy on September 01, 2000, between and

among Honorable Dissanayake Mudiyanselage

Jayaratne and the members of the Board of

Managing Trustee thereon and the Public

Trustee of Sri Lanka, a body incorporated under

the Public Trustee Ordinance (Chapter 88); and

“Founder” shall be the Honourable Dissanayake

Mudiyanselage Jayaratne.

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