

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

AL-HAJ ABDUL JAWAD ALIM VALIYULLAH

TRUST (INCORPORATION)

ACT, No. 46 OF 2009

[Certified on 09th September, 2009]

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Al-Haj Abdul Jawad Alim Valiyullah Trust 1

(Incorporation) Act, No. 46 of 2009

[Certified on 09th September, 2009]

L.D.— O. (INC) 7/2006.

ANACT TO INCORPORATE THE AL-HAJ ABDUL JAWAD ALIM

VALIYULLAH TRUST

WHEREAS a trust called and known as the “Al-Haj Abdul Preamble.

Jawad Alim Valiyullah Trust” has theretofore been created

for the purpose of effectually carrying out and transacting all

objects and matters connected with the said Trust:

AND WHEREAS the Board of Trustees of the said trust has

heretofore successfully carried out and transacted the several

objects and matters for which it was created 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 Al-Haj Abdul Jawad Alim Short title.

Valiyullah Trust (Incorporation) Act, No. 46 of 2009.

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

such and so many persons as now are members of Board of the Al-Haj Abdul

Jawad Alim

Trustees of the Al-Haj Abdul Jawad Alim Valiyullah Trust

Valiyullah Trust.

(hereinafter referred to as the “Trust”) or shall hereafter be

admitted as members of the Corporation hereby constituted,

shall be and become a body corporate with perpetual

succession, under the name and style of the “Al-Haj Abdul

Jawad Alim Valiyullah Trust” (hereinafter referred to as the

“Corporation”), 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

constituted are hereby declared to be— of the

Corporation.

(a) to maintain and reconstruct the Mosques, Quranic

Madrasas and Dargas which are vested in the

2—P L 003879—3,250 (05/2009)

2 Al-Haj Abdul Jawad Alim Valiyullah Trust

(Incorporation) Act, No. 46 of 2009

Corporation and commence new Madrasas, as and

when necessary ;

(b) to manage and maintain the Jamiathur-Rabbaniyya

Arabic Academy;

(c) to train moulavis in order to endow them with a

good knowledge of the Islamic religion ;

(d) to organize and conduct seminars, workshops and

spiritual training sessions for moulavis;

(e) to upgrade the spiritual development of persons of

lslamic faith by the preaching of the Islamic

philosophy, “sufi” and by guiding them through

the path of non-violence;

(f) to commemorate the lslamic religious leaders who

rendered valuable service to lslam and to provide

persons of Islamic faith with opportunities to study

the lives of such great leaders;

(g) to offer alms to participants of the commemorative

ceremonies held in memory of Ajmir Khaja

Mueenuddeen (Jisthi) and other great lslamic

leaders ;

(h) to carry out programmes for the betterment and

well being of children, youth and elders who are

Muslims ; and

(i) to work in collaboration with other local and foreign

organizations in providing vocational training for

youth who are Muslims.

General powers 4. 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

Al-Haj Abdul Jawad Alim Valiyullah Trust 3

(Incorporation) Act, No. 46 of 2009

furtherance 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 monies 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 the Management of

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

Corporation.

administered by a Board of Management (hereinafter referred

as the “Board of Management”) consisting of a President and

eleven members appointed or elected in accordance with the

provisions of this Act and the such rules.

(2) The First Board of Management of the Corporation

shall be the Board of Trustees of the Trust holding office on

the day preceding the date of commencement of this Act.

(3) In the event where a General Meeting cannot be

convened the President shall have powers to make decisions

and also to make Wasiyyath-Advice in regard to the

management of the affairs of the Corporation.

(4) In the event of the death, resignation or removal from

office of a member of the Board of Management, the vacancy

shall be filled in accordance with the provisions of this Act

and the rules of the Corporation made under section 6.

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

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

two-thirds of the members present and voting, to make rules,

not inconsistent with the provisions of this Act or any other

written law, for the admission, withdrawal or expulsion of

members, the election of the office bearers of the Board of

Management and otherwise generally, for the management

of the affairs of the Corporation and the attainment of its

objects. Such rules when made may, at a like meeting and in

like manner be altered, added to, amended or rescinded.

4 Al-Haj Abdul Jawad Alim Valiyullah Trust

(Incorporation) Act, No. 46 of 2009

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

rules of the Corporation made in terms of this section.

Debts due and 7. All debts and liabilities of the Trust existing on the

payable to the day preceding the date of commencement of this Act, shall

Trust.

be paid by the Corporation hereby constituted and all debts

due to, subscriptions and contributions payable to the Trust

on that day shall be paid to the Corporation for the purposes

of this Act.

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

hold property acquire and hold any property, movable or immovable, which

movable and

may become vested in it by virtue of any purchase, grant,

immovable.

gift, testamentary disposition or otherwise, and all such

property shall be held by the Corporation for the purposes of

this Act. The Corporation shall subject to the rules, of the

Corporation made under section 6, have the full power to

sell, mortgage, lease, exchange or otherwise dispose of such

property.

Corporation 9. The moneys and property of the Corporation however

to be a non derived shall be applied solely towards the promotion of its

profit making

organization. objects as set forth herein, and no portion thereof shall be

paid or transferred, directly or indirectly, by way of dividend,

loan, bonus or otherwise, howsoever, by way of profit, to the

members of the Corporation :

Provided however, that the provision of this section shall

not prohibit—

(a) the payment, in good faith, of reasonable and proper

remuneration to any officer or servants of the

Corporation for any services rendered by him to the

Corporation ;

(b) the payment of reasonable and proper rent for

premises let to the Corporation by any member of

the Corporation or by any company of which a

member of the Corporation is a shareholder ; and

Al-Haj Abdul Jawad Alim Valiyullah Trust 5

(Incorporation) Act, No. 46 of 2009

(c) the reimbursement or repayment of reasonable and

proper expenses incurred, with the prior approval of

the Board of Management, by any member, officer

or servant of the Corporation in the discharge or

performance of his functions or duties or in

promoting the objects of the Corporation.

10. (1) The Corporation shall have its own fund and all Funds of the

moneys received by way of donations, gifts, testamentary Corporation.

dispositions, transfers, contributions, subscriptions or fees

shall be deposited in the name of the Corporation in one or

more banks as the Board of Management shall determine.

(2) All expenses incurred by the Corporation in the exercise

and discharge of the powers and functions of the Corporation

shall be paid out of the fund.

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

be kept of its income and expenditure, assets and liabilities accounts.

and all other transactions of the Corporation.

(2) Separate accounts shall be maintained for the

Mosques, Madrasas, Arabic Academy and Service institution

which are under the Corporation.

(3) The accounts of the Corporation shall be audited

annually by a qualified auditor appointed by the Board of

Management.

(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

the Council of such institute ; or

6 Al-Haj Abdul Jawad Alim Valiyullah Trust

(Incorporation) Act, No. 46 of 2009

(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 the Council of such

institute.

Seal of the 12. The Seal of the Corporation shall not be affixed to

Corporation. any instrument whatsoever, except in the presence of the

President and the Secretary or such other member as may be

provided by rules of the Corporation who shall sign their

names to the instrument in token of their presence and such

signing shall be independent of the signing of any person as

a witness.

Property 13. If upon the dissolution of the Corporation, there

remaining on remains, after the satisfaction of all its debts and liabilities,

dissolution.

any 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 distribution of any income or property 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 14. 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 text to 15. In the event of any inconsistency between the

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

inconsistency.

prevail.

Al-Haj Abdul Jawad Alim Valiyullah Trust 7

(Incorporation) Act, No. 46 of 2009

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