

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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JAMA’ATH ANSARIS SUNNATHIL

MOHAMMADIYYA OF SRI LANKA

(INCORPORATION) ACT, NO. 59 OF 2009

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[Certified on 21st October, 2009]

Printed on the Order of Government

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Jama’ath Ansaris Sunnathil Mohammadiyya of 1

Sri Lanka (Incorporation) Act, No. 59 of 2009

[Certified on 21st October, 2009]

L. D.—O. (Inc.) 2/2008.

ANACTTO INCORPORATE THE JAMA’ATH ANSARIS SUNNATHIL

MOHAMADIYYA OF SRI LANKA.

WHEREAS an Association called and known as the Jama’ath Preamble.

Ansaris Sunnathil Mohamadiyya of Sri Lanka has heretofore

been established in Sri Lanka for the purpose of effectively

carrying out and transacting all objects and matters connected

with the said Association, according to the rules agreed to by

its members:

AND WHEREAS the said Association 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 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 Jama’ath Ansaris Sunnathil Short title.

Mohamadiyya of Sri Lanka (Incorporation) Act, No. 59 of

2009.

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

Jama’ath Ansaris

such and so many persons as now are members of the Jama’ath

Sunnathil

Ansaris Sunnathil Mohammadiyya of Sri Lanka (hereinafter Mohamadiyya of

referred to as the “Association”) or such persons as shall Sri Lanka.

hereafter be admitted as members of the Corporation hereby

constituted shall be a body corporate (hereinafter referred to

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

name and style of the “Jama’ath Ansaris Sunnathil

Mohammadiyya of Sri Lanka” and by that name may sue and

be sued, with full power and authority to have and to use a

common seal and alter the same at its pleasure.

2 —PL004200—3,150 (07/2009)

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Sri Lanka (Incorporation) Act, No. 59 of 2009

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

of the constituted are hereby declared to be—

Corporation.

(a) to teach the Islamic religion based on the teachings

of Quean and Prophet Mohamed’s (SAW) Sunnah;

(b) to prepare and guide Muslims to lead and conduct

themselves according to Islamic percepts;

(c) to equip Muslims with the knowledge and skill to

spread the message of Islam and to involve in

religious activities;

(d) to encourage the learning of Arabic Language and

to conduct courses of studies and provide all

assistance to the students in this regard including

establishing and maintaining Arabic Colleges and

Madurasas in all Districts ;

(e) to establish, maintain, administer and develop

branch organizations in all Districts ;

(f) to print, publish and distribute Books, Magazines,

Journals, periodicals, Pamphlets, Newspapers and

produce audio, video and compact discs, multi media

devices in English, Sinhala, Tamil and Arabic

Languages.

(g) to provide assistance to construct, repair, rehabilitate,

reconstruct, equip and maintain Mosques, places of

worship and Islamic Libraries for Muslims;

(h) to organize and conduct classes, meetings, seminars,

conferences and workshops to promote the

knowledge of Islam among Muslims and to

encourage the practical observance of the principles

of Islam;

(i) to provide assistance and facilities needed for

educational social and economic welfare of the

Muslim community in Sri Lanka;

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(j) to provide assistance and facilities needed for

religious and communal harmony among various

religious groups and communities in Sri Lanka; and

(k) to establish and maintain friendly relations, with

other Islamic Institutions engaged in similar pursuits

in and outside Sri Lanka.

4. The Corporation shall subject to the provisions of the Powers of the

Act and of any other written law, have the power— Corporation.

(a) to purchase, acquire, rent, construct or otherwise

obtain, lands or buildings which may lawfully be

required for the Corporation and to deal with or

dispose of, the same, as it may deem expedient, with

a view to promoting the objects of the Corporation;

(b) to solicit, raise and receive subscriptions, grants,

donations and gifts of all kinds, locally and from

abroad, from any person or body of persons,

corporate or otherwise, for the purposes of the

Corporation;

(c) to appoint, remunerate and exercise disciplinary

control over such officers and servants as may be

necessary for the purposes of the Corporation;

(d) to raise or borrow money for any purpose of the

Corporation and to secure the discharge of any debt,

or obligation of the Corporation in such manner it

may think fit;

(e) to invest any funds not immediately required for the

purposes of the Corporation, in such manner as the

Board of management may think fit and to vary and

transfer such investment from time to time;

(f) to establish, organize and maintain, different

branches and institutions for the different activities,

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programmes and projects, sponsored and conducted

by the Corporation, for promoting the objects of the

Corporation in Sri Lanka and abroad;

(g) to construct, alter or maintain any buildings required

for the purposes of the Corporation;

(h) to undertake, accept, execute, perform and

administer any lawful trusts and conditions affecting

any real or personal property;

(i) to subscribe or grant money for any charitable

purposes; and

(j) to enter into perform, either directly or through its

officers or servants or agents authorized in that

behalf by the Corporation, all such contracts and

agreements as may be necessary, for the exercise,

discharge and performance of the powers, functions

and duties of the Corporation or for carrying on the

affairs or for furthering the objects of the Corporation;

Funds of the 5. (1) The Corporation shall have its own fund and all

Corporation. moneys heretofore or hereafter to be received by way of gift,

request, donation, subscription, contribution, fees or grants

for and on account of the Corporation shall be deposited to

the credit of the Corporation in one or more banks, as the

Board of Management shall determine.

(2) The Corporation may establish different types of funds

for the purpose of attaining all or any of the objects of the

Corporation Such as Building Fund, Research Fund,

Development Fund, Scholarship Fund, Zakat Fund, Hajj Fund,

Widows and Orphans Fund and Natural Disaster Fund.

(3) There shall be paid out of the fund of the Corporation

all sums of money to defray any expenditure incurred of the

Corporation in the exercise, performance and discharge of its

powers, duties and functions under this Act.

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6. The Corporation shall be able and capable in law to Corporation

acquire and to hold any property, movable or immovable, may hold

property

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

movable or

grant, gifts, testamentary disposition or otherwise and all immovable.

such property shall be held by the Corporation for the purpose

of this Act and subject to the rules of the Corporation with

full power to sell, lease, rent, exchange or otherwise dispose

of the same.

7. The affairs of the Corporation shall, subject to the Management

rules of the Corporation made under section 11, be of the affairs

of the

administered by a Board of Management. The Board of

Corporation.

Management is elected in terms of the rules of the Corporation.

The first Board of Management of the Corporation shall be

the Board of Management of the Jama’ath Ansaris Sunnathil

Mohammadiyya of Sri Lanka holding office on the day

preceding the date of the commencement of this Act.

8. The moneys and property of the Corporation Corporation

howsoever derived shall be applied solely towards the to be a non-

profit making

promotion of its objects as set forth herein and no portion organization.

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 following may be paid—

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

remuneration to any officer or employee of the

Corporation or to any member of the Corporation for

any service 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

(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

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employee of the Corporation, in the discharge or

performance of his functions or duties in promoting

the objects of the Corporation.

Debts due to and 9. All debts and liabilities of the Association existing

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

Corporation.

shall be paid by the Corporation hereby constituted and all

debts due to, and subscriptions and contributions payable to

the Association on that day shall be paid to the Corporation

for the purpose of this Act.

Accounts and 10. (1) The financial year of the Corporation shall be

audit of the the calendar year.

Corporation.

(2) The Corporation shall cause proper books of accounts

to be kept with respect to—

(i) all sums of money received or expended by the

Corporation;

(ii) the assets and liabilities of the Corporation; and

(iii) All other transactions of the Corporation.

(3) The Accounts of the Corporation and the balance sheet

shall be audited at least once a year by any qualified auditor

or auditors appointed for the purpose by the Corporation.

(4) For the purposes of this seciton, “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

(ii) a firm of Accountants, each of the resident partners

of which, being a member of the instiute of Chartered

Accountants of Sri Lanka or of any other Institute

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established by law, possesses a certificate to practice

as an Accountant issued by the council of such

Institute.

(5) The accounts of the Corporation and the balance sheet

shall be open to the inspection of the members of the

Corporation at all reasonsable times.

11. It shall be lawful for the Corporation, from time to Rules of the

time, at any meeting of the Board of Management to make Corporation.

such rules, not inconsistent with the provisions of this Act, or

any other written law, for the admission, withdrawal or

expulsion of members, election of the office bearers and the

Board of Management and otherwise generally, for the

management affairs of the Corporations and the attainment

of its objects including rules providing for filling of any

vacancy in the office bearers or the Board of Management of

the Corporation. Such rules when made may, at a like meeting

and in like manner be altered, added to, amended or

rescinded.

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

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

members of the Committee of Management 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.

13. If upon the dissolution of the Corporation there Property

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

dissolution.

any property whatsoever, such porperty shall not be

distributed among the members of the Corporation but shall

be given or transferred to some other institution having

objects similar to those of the Corporation, and which is or

are by the rules thereof prohibited from distributing any

income or property among its or their members. Such

institution shall be determined by the Board at, or immediatley

before, the dissolution of the Corporation.

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Sri Lanka (Incorporation) Act, No. 59 of 2009

Saving of the 14. Nothing in this Act contained shall prejudice or affect

rights of the

the rights of the Republic or of any body politic or corporate.

Republic and

others.

Sinhala text to 15. In the event of any inconsistency between the Sinhala

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

inconsistency.

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