

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

KOTTAWA SRI PUNYABIWARDANAARAMA

VIHARASTHANA PERFORMANCE SOCIETY

(INCORPORATION) ACT, No. 60 OF 2009

[Certified on 21st October, 2009]

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Kottawa Sri Punyabiwardanaarama Viharasthana 1

Performance Society (Incorporation)

Act, No. 60 of 2009

[Certified on 21st October 2009]

L.D.—O. Inc. 10/2007.

ANACTTO INCORPORATE THE KOTTAWA SRI PUNYABIWARDANAARAMA

VIHARASTHANA PERFORMANCE SOCIETY

WHEREAS a Society called and known as the “Kottawa Sri Preamble.

Punyabiwardanaarama Viharasthana Performance Society”

has heretofore been formed for the purpose of effectually

carrying out it’s objects and transacting all matters connected

with the said Society according to the rules agreed to by its

members:

AND WHEREAS the Society 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 Kottawa Sri Short title.

Punyabiwardanaarama Viharasthana Performance Society

(Incorporation) Act, No. 60 of 2009.

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

the Kottawa Sri

Act, such and so many persons as now are members of

Punyabiwardana-

the “Kottawa Sri Punyabiwardanaarama Viharasthana arama

Performance Society” (hereinafter referred to as the Viharasthana

“Society”) or shall hereafter be admitted members of the Performance

Corporation hererby constituted, shall be a body corporate Society.

(hereinafter referred to as the “Corporation”) with perpetual

succession, under the name and style of the “Kottawa Sri

Punyabiwardanaarama Viharasthana Performance Society”

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 004152— 3,150 (07/2009)

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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 ensure the security, maintenance and

development of the Temple ;

(b) to ensure the security of the resident Bhikkhus and

to provide their needs;

(c) to render assistance for activities aimed at the

promotion of religious, social and economic aspects

of the Temple;

(d) while taking action for the stability of the Buddha

Dhamma, to take action for the establishment of a

society based on the Buddhist moral values and

observing the five precepts;

(e) to make provision for the achievement of all

objectives expected from a Buddhist Temple;

(f) to establish and maintain institutions for the welfare

training and rehabilitation of the destitute, the

disabled, the aged, the sick and displaced persons

among Buddhists;

(g) publish or cause to be published books, journals,

magazines and other literature related to Buddhism

and establish and maintain libraries, bookshops and

printing presses.

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

the affairs of the rules made under section 6, be administered by a Board of

Corporation.

Management (hereinafter referred to as the “Board”)

consisting of the President, who shall be Chief Incumbent of

the Viharaya and Vice President, Secretary, Assistant Secretary,

Treasurer and five Committee members elected or appointed

in accordance with the rules of the Corporation.

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

Board of Management of the Society holding office on the

day immediately preceding the date of commencement of

this Act.

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

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

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 immovable property for

the purpose of the Corporation;

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

or through any officer or agent authorized 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;

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

and savings accounts in any bank;

(e) borrow or invest money for the pusposes 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 objects of the

Corporation.

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

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

of at least two-thirds of the members present and voting

to make 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 of the Board and otherwise generally, for the

management of the affairs of the Corporation and the

attainment of its objects including rules providing for the

filling of any vacancy in the Board.

(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.

Fund of the 7. (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) The Corporation may establish any depreciation fund,

reserve or sinking fund for the purpose of rehabilitation,

development and improvement of the property of the

Corporation.

(3) All expenses incurred by the Corporation in exercising

and discharging it’s powers and functions shall be paid out

of the fund.

Audit and 8. (1) The financial year of the Corporation shall be

Accounts. the 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.

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(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

(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.

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

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

whatsoever, except in the presence of the Chairman and the

Secretary of the Corporation or such other person duly

authorized by the Board 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.

10. All debts and liabilities of the Society existing on Debts due by

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

the Society.

shall be paid by the Corporation hereby constituted and all

debts due to, subscriptions and contributions payable to the

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

purpose of this Act.

11. Subject to the provisions of this Act, the Corporation Corporation

may hold

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

property

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

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

disposition or otherwise, and all such property shall be held

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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.

Property 12. If upon the dissolution 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 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 13 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 14. In the event of any inconsistency between the

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

inconsistency.

prevail.

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