

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

HANGURANKETHA MADANWALA

RAJAMAHA VIHARA DEVELOPMENT

FOUNDATION (INCORPORATION)

ACT, No. 26 OF 2013

[Certified on 21st May, 2013]

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Development Foundation (Incorporation)

Act, No. 26 of 2013

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L.D.—O. Inc. 20/2011

ANACT TO INCORPORATE THE HANGURANKETHA MADANWALA

RAJAMAHA VIHARA DEVELOPMENT FOUNDATION

WHEREAS a foundation called and known as the Preamble.

“Hanguranketha Madanwala Rajamaha Vihara Development

Foundation” has heretofore been established in Sri Lanka

for the purpose of effectually carrying out its 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 Hanguranketha Short title.

Madanwala Rajamaha Vihara Development Foundation

(Incorporation) Act, No. 26 of 2013.

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

such and so many persons as now are members of the the

Hanguranketha

“Hanguranketha Madanwala Rajamaha Vihara Development

Madanwala

Foundation” (hereinafter referred to as “Foundation”) or shall Rajamaha

hereafter be admitted as members of the Corporation hereby Vihara

constituted shall be a body corporate with perpetual Development

succession under the name and style of the “Hanguranketha Foundation.

Madanwala Rajamaha Vihara Dvelopment Foundation”

(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 to alter the same at its

pleasure.

2—PL 006081—3,090 (06/2011)

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General Objects 3. (1) The Objects for which the Corporation is

of the

constituted are hereby declared to be—

Corporation.

(a) to conserve, renovate and maintain all the buildings

of Sri Dharmodaya Pirivena and Maha Vihara

situated at Madanwala, Hanguranketha, which are

presently over one hundred years old;

(b) to foster, develop and maintain the Pirivena and

Maha Vihara referred to in paragraph (a);

(c) to formulate and implement social, cultural,

educational and welfare programmes for the benefit

of the members of the Corporation and other

Sri Lankans;

(d) to promote economic development of the poor and

needy people of Sri Lanka, by introducing and

implementing appropriate skills development

programmes and self employment oriented

programmes; and

(e) to work in close association with Governmental

and Non-Governmental Organizations, religious

bodies, cultural groups, International organizations

and other institutions and organizations having

objects similar to those of the Corporation.

(2) The Corporation shall ensure that the implementation

of the objects of the Corporation shall be carried out without

any distinction based on race, religion, language, caste, sex

or political opinion.

Powers of the 4. Subject to the provisions of this Act and any

Corporation. other written law, the Corporation shall have the power to

do, perform and execute all such acts and matters as are

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necessary or desirable for the promotion or furtherance of

the objects of the Corporation or any one of them including

the power —

(a) to purchase, acquire, rent, construct, renovate and

otherwise obtain lands or buildings which may be

required for the purposes of the Corporation;

(b) to raise funds and receive grants, gifts or donations

in cash or kind:

Provided that, the Executive Committee shall

obtain the prior written approval of the Department

of External Resources of the Ministry of the Minister

assigned the subject of Finance, in respect of all

foreign grants, gifts or donations made to the

Corporation.

(c) to make, draw, accept, discount, endorse, negotiate,

buy, sell and issue bills of exchange, cheques,

promissory notes and other negotiable instruments

and to open, operate, maintain and close accounts

in any bank;

(d) to enter into contracts, partnerships or agreements

with any Governmental or non-Governmental

organizations or any other person or institution

whether in Sri Lanka or aboard;

(e) to invest any funds that are not immediately required

for the purposes of the Corporation, in such

manner as the Executive Committee may

determine;

(f) to appoint, employ, dismiss or terminate the services

of officers and servants of the Corporation and

exercise disciplinary control over them and to pay

them such salaries, allowances and gratuities as may

be determined by the Corporation;

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(g) to train personnel in Sri Lanka or abroad for the

purposes of the Corporation; and

(h) to do all other things as are necessary or expedient

for the proper and effective carrying out of the

objects of the Corporation.

Corporation 5. Subject to the provisions of this Act, the Corporation

may hold shall be able and capable in law to take and hold any propery,

property

movable or immovable, which may become vested in it by

movable, or

immovable. virtue of any purchase, grant, gift, testamentary disposition or

otherwise, and all such property shall be held by the

Corporation for the purpose of this Act and subject to the rules

of the Corporation made under section 7 with power to sell,

mortgage, lease, exchange or otherwise dispose of the same.

Management of 6. (1) The management and administration of the affairs

the affairs of the of the Corporation shall subject to the provisions of this Act

Corporation.

be administered by a Executive Committee consisting of

such number of office bearers elected in the manner as may

be provided by the rules of the Corporation made under

section 7.

(2) The Minister assigned the subject of Buddhasasana

and Religious shall appoint an officer not below the rank of

a Senior Assistant Secretary of that Ministry as an ex-officio

member of the Executive Committee.

(3) The first Executive Committee of the Corporation

shall consists of the members of the Executive Committee

of the Foundation who hold office on the day immediately

preceding the date of commencement of this Act.

(4) (a) No office bearer of the Executive Committee shall

hold office for more than three consecutive years, in the

same post:

Provided that such office bearer may be re-appointed to

the same post after laps of two years.

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(b) For the avoidance of doubt it is hereby declared that

no person shall continue to hold the same post in the

Executive Committee ( including the post of patron) for the

life period of such person.

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

to 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, for all or any

of the following matters:—

(a) the classification of membership, admission,

withdrawal, expulsion or resignation of members

and fees payable by the members;

(b) the election of the office bearers of the Executive

Committee or vacation of or removal from office and

the powers, duties and functions of the office bearers;

(c) the appointment, powers, founctions and duties and

the terms and conditions of the various officers,

agents and servants of the Corporation;

(d) the procedure to be followed at the summoning

and holding of meetings of the Executive

Committee, the Corporation or any sub-committee

thereof, filling of vacancies, notices and agenda of

such meetings, the quorum and the conduct of

business thereat;

(e) the qualifications and disqualifications for members

of the Executive Committee and the Corporation;

and

(f) the administration and management of the property

of the Corporation for the accomplishment of the

objects of the Corporation.

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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) of this section.

(3) The members of the Corporation shall at all times be

subject to the rules of the Corporation made under this

section.

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

Corporation.

(2) All moneys received by way of gift, bequest, donation,

subscription, contribution, fees or grant for and on account

of the Corporation shall be deposited in one or more banks

approved by the Executive Committee to the credit of the

Corporation.

(3) There shall be paid out of the Fund, all sums of money

as are required to defray any expenditure incurred by the

Corporation in the exercise, performance and discharge of

its powers, duties and functions under the Act.

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

Auditing. 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.

(3) The accounts of the Corporation shall be audited

annually by the Auditor General or a qualified auditor

appointed by the Auditor General in terms of Article 154 of

the Constitution.

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

(a) 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

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(b) 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, who possesses a

certificate to practice as an Accountant, issued by

the Council of such Institute.

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

on the day immediately preceding the date of commencement and payable to

the Foundation.

of this Act, 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.

11. No member of the Corporation shall, for the purpose Limitation of

of discharging the debts and liabilities of the Corporation, or liability of

members.

for any other purpose, be liable to make any contribution

exceeding the amount of such membership fees as may be

due from time to time to the Corporation.

12. (1) The Corporation shall be a non-profit Corporation to

organization and no part of the gains, profits or dividends, if be a

non-profit

any, of the Corporation shall be distributed among the

organization.

members of the Corporation.

(2) If upon the dissolution of the Corporation there

remains after the satisfaction of all its debts and liabilities

any money or property, such money or property shall not

be distributed among the members of the Corporation, but

shall be given or transferred to any other institution having

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

the rules thereof prohibited from distributing any income or

property among its members.

13. 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 Executive Committee of the Corporation

and 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.

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Annual Report. 14. The Executive Committee shall prepare a report of the

activities of the Corporation for each financial year and submit

such report together with the audited statement of accounts

to the Secretary of the Ministry of the Minister assigned the

subject of Buddhasasana and Religious Affairs before the

expiration of six months of the year succeeding the year to

which such report relates.

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. Corporation.

Sinhala text to 16. 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.

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