

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

SAMASTHA LANKA SASANARAKSHAKA

MANDALAYA (INCORPORATION)

ACT, No. 16 OF 2014

[Certified on 24th April, 2014]

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Samastha Lanka Sasanarakshaka Mandalaya 1

(Incorporation) Act, No. 16 of 2014

[Certified on 24th April, 2014]

L.D.—O. (Inc.) 18/2012.

ANACT TO INCORPORATE THE SAMASTHA LANKA SASANARAKSHAKA

MANDALAYA

WHEREAS a Board called and known as the "Samastha Preamble.

Lanka Sasanarakshaka Mandalaya" has heretofore been

formed in Sri Lanka for the purpose of effectually carrying

out its objects and transacting all matters connected with

the said Board according to the rules agreed to by its members:

AND WHEREAS the said Board 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 Samastha Lanka Short title.

Sasanarakshaka Mandalaya (Incorporation) Act, No. 16 of

2014.

2. (1) From and after the date of commencement of this Incorporation of

the Samastha

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

Lanka

“Samastha Lanka Sasanarakshaka Mandalaya” (hereinafter Sasanarakshaka

referred to as the the “Board”) and shall hereafter be admitted Mandalaya.

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

"Samastha Lanka Sasanarakshaka Mandalaya" 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 006619— 2,050 (03/2012)

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(2) The Corporation shall be deemed to be a voluntary

social service organization within the meaning, and for the

purpose of the voluntary social services organizations

(Registration and Supervision) Act, No. 31 of 1980 and the

provisions of that Act shall apply to and in relation to the

management of the affairs of the Coporation.

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

the Corporation. constituted are hereby declared to be to:—

(a) assist the relevant authorities to take steps to

promote wellbeing of Buddha Sasana;

(b) assist the relevant authorities to take steps to

promote the development of Bikku society;

(c) assist the relevant authorities in promoting the

development and rehabilitation of the Buddhist

Temples situated in remote areas;

(d) assist the relevant authorities in ensuring a cordial

relationship between the Buddhist monks and the

lay Buddhists;

(e) assist the relevant authorities to develop "Dhamma

School Education”;

(f) assist the relevant authorities to act for the welfare

of the teachers and students of Dhamma Schools;

(g) assist the relevant authorities to enhance and protect

the Buddhist heritage from external influences;

(h) assist the relevant authorities to propagate Buddhist

customs among the Buddhist adherents and take

necessary steps to protect the same; and

(i) coordinate with, supervise and provide guidelines

to the district and provincial branches of the

Corporation to achieve the objectives of the

Corporation.

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4. The objects of the Corporation shall be carried out Corporation to

ensure no

in such manner so as not to create conflict between the work

conflict with

of the Corporation and any work being carried out work of

simultaneously by any Ministry or Department of the Ministry or

Government or of any provincial Council. Department of

the Government

or Province.

5. (1) Subject to other provisions of this Act the Management of

the affairs of the

Management and administration of the affairs of the

Corporation.

Corporation shall be carried out by a Executive Committee

(hereinafter referred to as the “Committee”) consisting of

such number of office bearers as may be specified by the

rules made under section 7.

(2) (a) The Committee of the Society that hold office on

the day immediately preceding the date of commencement

of this Act, shall function as the Committee of the Corporation

until the first Board is appointed or elected in the manner

provided for by rules made under section 7.

(b) The first Committee of the Corporation shall be

appointed or elected within one year of the date of

commencement of this Act.

(3) (a) Every office bearer of the Committee including

the patrons and advisers, shall be appointed or elected for a

period of three years and any such office bearer, patron or

adviser shall be eligible for re-appointment or re-election

after lapse of the said period of three years.

(b) In the event of a vacancy occurring due to the death

resignation, incapacity or removal from office of an office

bearer, the Committee shall having regard to the rules of the

Corporation, elect or appoint a person to fill such vacancy.

(c) The perosn elected or appointed under paragraph (b)

shall hold office only for the unexpired portion of the term

of office of the member whom he succeeds.

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General Power 6. 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 furtherence of the objects of the Corporation or any one

of them including the power to:—

(a) purchase, acquire, hold, take or give lease or hire

mortgage, pledge, sell exchange or otherwise

alienate, encumber or dispose of any immovable

property for the purposes 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 grants, gifts, donations and bequests in cash

or in kind:

provided that, notwithstanding anything to the

contrary in any other provisions of this Act, the

Board shall obtain prior written approval of the

Department of External Resources of the Ministry

of the Minister to whom the subject of Finance is

assigned, in respect of all foreign grants, gifts or

donations;

(d) invest its funds, and to open, maintain and close

current, deposit and savings accounts in any bank;

(e) borrow or raise any money from any bank or

institution approved by the Executive Committee,

for the purposes of the Corporation in such manner

and upon such security as the Executive Committee

may think fit; and

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(f) appoint, employ transfer, remunerate, exercise

disciplinary control over and dismiss officers and

servents required for the carrying out of the objects

of the Corporation.

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

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 office bearers of the Committee or

vacation of or removal from office of office bearers

and the powers, duties and functions of the office

bearers;

(c) the terms and conditions of appointment, powers,

functions and duties of various officers, agents and

servants of the Corporation;

(d) The procedure to be follwed for the summoning

and holding of meetings of the Committee, or

any sub-committee thereof, notices and agenda of

such meetings, the quorum the conduct of

business thereat;

(e) the qualifications and disqualifications to be a

member of the Committee and the Corporation;

(f) the administration and management of the property

of the Corporation; and

(g) generally the management of the affairs of the

Corporation and the accomplishment of its’ objects

and dissolution 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 the

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.

(4) The rules made under this section shall be published

in the Government Gazette.

Register of 8. The Committee shall maintain a register of members

members.

in which name, address and other essential details of the

members shall be inscribed.

Fund of the 9. (1) The Corporation shall have its own fund.

Corporation.

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

subscription, contribution, fees or grants for and on account

of the Corporation shall be deposited in one or more banks

approved by the 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 10. (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 libilities 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 Auditor General in terms of Article 154 of the

Constitution.

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(4) For the purposes of 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

(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 establisehd by law, possesses a

certificate to practice as an Accountant, issued

by the Councial of such Institute.

11. (1) The Committee shall prepare a report of the Annual Report.

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 Buddha sasana and Religious Affairs and to the

Registrar of Voluntary Social Services Organization

(Registration and Supervision) Act, No. 31 of 1980 before

the expiration of six months of the year succeeding the year

to which such report relates.

(2) A separate Account relating to the foreign and

local moneys received by the Corporation during the

financial year shall be attached to the report referred to in

subsection (1).

12. All debts and liabilities of the Board existing on the Debts due by

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

the Board.

paid by the Corporation hereby constituted and all debts due

to, subscriptions and contributions payable to the Board on

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

this Act.

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Corporation 13. Subject to the provisions of this Act, the Corporation

may hold

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

property

movable and movable or immovable, which may become vested in it by

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 full

power to sell, mortgage, lease exchange or otherwise dispose

of, the same.

Application of 14. The moneys and property of the Corporation however

moneys and

derived shall be applied solely towards the promotion of its

property.

objects of the Corporation and no portion thereof shall be

paid or transferred directly or indirectly by way of dividend,

bonus or profit or otherwise howsoever to the members of the

Corporation.

Seal of the 15. (1) The seal of the Corporation shall not be affixed to

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

members of the Committee 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.

(2) The seal of the Corporation shall be in the custody of

an office bearer of the Committee as may be decided by such

Committee.

Property 16. (1) 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 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 or members.

(2) For the purposes of subsection (1) the appropriate

institution shall be determined by the members of the

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Corporation immediately before the dissolution at a general

meeting by the majority of votes of the members present.

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

rights of the

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

others.

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

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

inconsistency.

prevail.

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