PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

—————————

BODHIRAJARAMA EDUCATIONAL AND

CULTURAL FOUNDATION (INCORPORATION)

ACT, No. 28 OF 2014

—————————

[Certified on 21st August, 2014]

Printed on the Order of Government

—————————

Published as a Supplement to Part II of theGazette of the Democratic

Socialist Republic of Sri Lanka of August 22, 2014.

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU,COLOMBO5

Price : Rs. 12.00 Postage : Rs. 20.00

Bodhirajarama Educational and Cultural 1

Foundation (Incorporation) Act, No. 28 of 2014

[Certified on 21st August, 2014]

L.D.—O. (Inc. 35/2011)

ANACT TO INCORPORATE THE BODHIRAJARAMA EDUCATIONAL AND

CULTURAL FOUNDATION

WHEREAS a Foundation called and known as the Preamble.

“Bodhirajarama Educational and Cultural Foundation” has

heretofore been established in Sri Lanka for the purpose of

effectually carrying out it’s 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 Bodhirajarama Short title.

Educational and Cultural Foundation (Incorporation) Act,

No. 28 of 2014.

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

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

Bodhirajarama

Educational and Cultural Foundation” (hereinafter referred to as Educational and

the “Foundation”) and shall hereafter be admitted as members of Cultural

the Corporation hereby constituted, shall be a body corporate, with Foundation.

perpetual succession under the name and style of the “Bodhirajarama

Educational and Cultural 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 006405—2000 (11/2011)

2 Bodhirajarama Educational and Cultural

Foundation (Incorporation) Act, No. 28 of 2014

(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 Corporation.

Objects of the 3. The general objects for which the corporation is

Corporation. constituted are hereby declared to be—

(a) to take measures to develop all Buddhist temples

with the aim of fostering spiritual development of

the Buddhists and to take all necessary measures to

add extensions to the Bodhirajarama temple;

(b) to encourage the upliftment of moral values of the

Buddhists and commence and implement various

programmes for that purpose;

(c) with the aim of assisting the Buddhists, to

implement programs to establish pre-schools, day

care centers, homes for children, homes for elders

and Dhamma schools;

(d) to commence and conduct various projects for the

welfare of Sri Lankan Buddhist students who are

unable to pursue their education either due to

poverty or other disabilities;

(e) to conduct lectures, seminars, discussions,

workshops, educational trips, exhibitions and print

publications for the Maha Sangha, Dasa Sil Mathas

and the young and elderly Buddhist people with a

view to promoting education;

(f) to provide relief services such as assistance and

housing, for the benefit of the poor, elderly and

destitute people with physical and mental

disabilities and the helpless, who are adherents of

the Buddhist faith ;

Bodhirajarama Educational and Cultural 3

Foundation (Incorporation) Act, No. 28 of 2014

(g) to implement programmes in relation to child

health, adult health, disease control, conduct

medical clinics, physical training and sports centres

and provide medical aid in order to ensure the

welfare of the Buddhists ;

(h) to commence and conduct programmes to preserve

traditional heritage of Sri Lanka such as culture,

literature, arts and crafts, indigenous medicine and

environment conservation ; and

(i) to collaborate with any other institution, whether

foreign or local having objects similar to those of

the Corporation.

(2) In the implementation of the objects specified in

subsection (1), the Corporation shall ensure that such

implementation shall be carried out without any distinction

based on race, religion, language, caste, sex, political opinion,

place of birth or any of such grounds.

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

such manner so as not to create any conflict berween the ensure no

conflict with

work of the Corporation and any work being carried out work of Ministry

simultaneously by any Ministry or Department of the or Department of

the Government

Government or of any Provincial Council. or Province.

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

management and administration of the affairs of the the affairs of the

Corporation.

Corporation shall be carried out by a Working Council

(hereinafter referred to as the “Council”) consisting of such

number of office bearers as may be specified by the rules

made under section 7.

(2) (a) The Council of the Foundation holding office on

the day immediately preceding the date of commencement

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

until the first Council is appointed or elected in the manner

provided for by rules made under section 7.

4 Bodhirajarama Educational and Cultural

Foundation (Incorporation) Act, No. 28 of 2014

(b) The first Council 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 Council including the

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

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

shall be eligible for re-appointment or re-election after the

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 Council shall having regard to the rules of the

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

(c) The person 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.

Powers of the 6. Subject to the provisions of this Act and any other

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

perform and execute all such acts and matters as are 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, rent, construct, renovate lands or

buildings which may by required for the purposes

of the Corporation and to deal with or dispose of

the same as may be deemed expedient with a view

to promoting the objects of the Corporation ;

(b) to borrow or raise funds with or without securities

and to receive grants, gifts or donations in cash or

kind :

Provided that, the Council 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;

Bodhirajarama Educational and Cultural 5

Foundation (Incorporation) Act, No. 28 of 2014

(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 invest any funds that are not immediately

required for the purposes of the Corporation, in such

manner as the Council may determine ;

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

administer any lawful trust or any real or personal

property with a view to promoting the objects of

the Corporation ;

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

of officers and servants of the Corportion and

exercise disciplinary control over them and to pay

them such salaries, allowances and gratuities as may

be determined by the Corporation ;

(g) to organize lectures, seminars and conferences with

a view to promoting the objectives of the

Corporation ;

(h) to liaise and co-ordinate with other local and

foreign institutions having similar objects to that

of the Corporation ;

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

purposes of the Corporation ; and

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

for the proper and effective carrying out of the

objects of the Corporation.

6 Bodhirajarama Educational and Cultural

Foundation (Incorporation) Act, No. 28 of 2014

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

Corporation.

time, at any general meeting of the Corporation and by a

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 Council 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 appoinment, powers,

functions and duties of the various officers, agents

and servants of the Corporation ;

(d) the procedure to be followed for the summoning

and holding of meetings of the Council or any sub-

committee thereof, notices and agenda of such

meetings, the quorum and the conduct of business

thereat ;

(e) the qualifications and disqualifications to be a

member of the Council 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.

(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.

Bodhirajarama Educational and Cultural 7

Foundation (Incorporation) Act, No. 28 of 2014

(3) The member 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.

8. The Council shall maintain a register of members in Register of

which name, address and other essential details of the Members.

members shall be inscribed.

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

Corporation.

(2) All moneys received by way of gifts, bequests, donations,

subscriptions, contributions, fees or grants for and on account

of the Corporation shall be deposited in one or more banks

approved by the Council 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.

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

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 qualiafied auditor

appointed by Auditor General, in terms of Article 154 of the

Constitution.

(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,

8 Bodhirajarama Educational and Cultural

Foundation (Incorporation) Act, No. 28 of 2014

or of any other institute established by law,

possesses a certificate to practise 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 established by law, possesses a

certificate to practise as an accountant, issued

by the Council of such Institute.

Annual Report. 11. (1) The Council 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 to the Ministry of the Minister assigned the subject

of Social Services and to the Registrar of Voluntary Social

Services Organizations appointed under the 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 statement of accounts 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).

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

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

the Foundation.

of this Act, shall be paid by the Corporation hereby

constituted, and all debts due to and subscriptions and

contributions payable to the Foundation on that day shall

be paid to the Corporation for the purposes of this Act.

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

hold property

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

movable and

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

virtue of any purchase, grant, gift, testamentary disposition

Bodhirajarama Educational and Cultural 9

Foundation (Incorporation) Act, No. 28 of 2014

or otherwise, and all such property shall be held by the

Corporation for the purposes 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.

14. The moneys and property of the Corporation Application of

however derived shall be applied solely towards the moneys and

property.

promotion of the objects of the Corporation and no portion

thereof shall be paid or transferred directly or indirectly by

way of dividend, bonus or profit to the members of the

Corporation.

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

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

members of the Council 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 Council as may be decided by such

Council.

16. (1) If upon the dissolution of the Corporation there Property

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 members.

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

institution shall be determined by the members of the

Corporation immediately before the dissolution at a general

meeting by the majority of votes of the members present.

10 Bodhirajarama Educational and Cultural

Foundation (Incorporation) Act, No. 28 of 2014

Saving of the 17. 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

others. corporate.

Sinhala text to 18. 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.

Bodhirajarama Educational and Cultural 11

Foundation (Incorporation) Act, No. 28 of 2014

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

December each year in respect of the year following.