

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

KALPAWRUKSHA DEVELOPMENT

FOUNDATION (INCORPORATION)

ACT, No. 42 OF 2014

[Certified on 24th November, 2014]

Printed on the Order of Government

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

Socialist Republic of Sri Lanka of November 28, 2014

PRINTEDATTHE DEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TO BEPURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs.11.00 Postage : Rs. 50.00

Kalpawruksha Development 1

Foundation (Incorporation) Act, No. 42 of 2014

[Certified on 24th November, 2014]

L.D.—O. Inc. 29/2012.

ANACT TO INCORPORATE THE KALPAWRUKSHA DEVELOPMENT

FOUNDATION

WHEREAS a Foundation called and known as the Preamble.

“Kalpawruksha 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 established 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 Kalpawruksha Short title.

Development Foundation (Incorporation) Act,

No. 42 of 2014.

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

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

Kalpawruksha

Kalpawruksha Development Foundation (hereinafter referred Development

to as the “Foundation”) or shall hereafter be admitted as Foundation.

members of the Corporation hereby constituted shall be a

body corporate with perpetual succession under the name

and style of the “Kalpawruksha Development 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 005787— 2900 (10/2014)

2 Kalpawruksha Development

Foundation (Incorporation) Act, No. 42 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 Coporation.

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

of the constituted are hereby declared to be—

Corporation.

(a) to promote peace through the development of

harmony among races and individuals;

(b) to encourage the followers of Buddhist faith to

secure the environment and develop the society;

(c) to steer an individual centered society development

process and specially direct the Buddhist

community to minimize the problems faced by

children of the Buddhist faith;

(d) to provide for the protection, maintenance and

development of the temple;

(e) to provide the resident Bhikkus with security, meals

and their daily needs;

(f) to organize religious activities in the temple

premises;

(g) to lead the Buddhists both young and old to a

religious way of life based on Buddhist ethics and

the observance of the five precepts;

(h) to establish and maintain a Daham School, conduct

examinations, organize competitions and to provide

equipments required by the Daham school;

(i) to establish and maintain a hospital in order to treat

devotees who face emergencies in the Sri Pada area

with the approval of the relevant authorities;

Kalpawruksha Development 3

Foundation (Incorporation) Act, No. 42 of 2014

(j) to assist in fulfilling the educational activities and

training requirements of the Bhikkus ordained in

the temple;

(k) to organize religious activities, sermons, and

religious conferences for the sustenance of

Buddhism; and

(l) to organize processions, meritorious activities, alms

giving ceremonies, and other voluntary activities

for the development of the temple and the area

around it based on Buddhist principles.

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

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

conflict with

work 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 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 Board of Management

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

number of office bearers as may be specified by the rules

made under section 7.

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

the day immediately preceding the date of commencement

of this Act, shall function as the Board 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 Board 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 Board 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.

4 Kalpawruksha Development

Foundation (Incorporation) Act, No. 42 of 2014

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

death, resignation, incapacity or removal from office of an

office bearer, the Board 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.

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 furtherence 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

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 Board shall obtain the prior

written approved 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;

Kalpawruksha Development 5

Foundation (Incorporation) Act, No. 42 of 2014

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

for the purposes of the Corporation, in such manner

as the Board 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 Corporation 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.

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;

6 Kalpawruksha Development

Foundation (Incorporation) Act, No. 42 of 2014

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

the 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.

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

in the Gazette.

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

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

members shall be inscribed.

Kalpawruksha Development 7

Foundation (Incorporation) Act, No. 42 of 2014

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

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 Board 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

the calendar year. auditing.

(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.

(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.

8 Kalpawruksha Development

Foundation (Incorporation) Act, No. 42 of 2014

Annual Report. 11. (1) The Board 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 and to the Registrar

of Voluntary Social Services Organizations appointed under

the Voluntary Social Services Organizations (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).

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 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 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 the

property.

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.

Kalpawruksha Development 9

Foundation (Incorporation) Act, No. 42 of 2014

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

Corporation.

to any instrument whatsoever, except in the presence of

two members of 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.

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

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

Board.

16. (1) 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 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.

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

affect the rights of the Republic or of any body politic or rights of the

Republic.

corporate.

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

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

of

prevail.

inconsistency.

10 Kalpawruksha Development

Foundation (Incorporation) Act, No. 42 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.