PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

—————————

SIVMUNI SE VEHERA BUDDHIST

FOUNDATION (INCORPORATION)

ACT, No. 43 OF 2014

—————————

[Certified on 24th November, 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 November 28, 2014.

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU,COLOMBO5

Price : Rs. 11.00 Postage : Rs. 50.00

Sivmuni Se Vehera Buddhist Foundation 1

(Incorporation) Act, No. 43 of 2014

[Certified on 24th November 2014]

L.D.—O. (Inc.) 33/2013.

AN ACT TOINCORPORATE THE SIVMUNI SEVEHERA BUDDHIST

FOUNDATION

WHEREAS a Foundation called and known as the Preamble.

“Sivmuni Se Vehera Buddhist 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 Sivmuni Se Vehera Short title.

Buddhist Foundation (Incorporation) Act, No. 43 of 2014.

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

the Sivmuni Se

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

Vehera Buddhist

“Sivmuni Se Vehera Buddhist Foundation” (hereinafter Foundation.

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

as members of the Corporation hereby constituted, shall be a

body corporate, with perpetual succession under the name and

style of the “Sivmuni Se Vehera Buddhist 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 007415—2,000 (10/2014)

2 Sivmuni Se Vehera Buddhist Foundation

(Incorporation) Act, No. 43 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.

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

of the

constituted are hereby declared to be :—

Corporation.

(a) to maintain the religous activities of the Sivmuni Se

Vehera Buddhist Centre situated at Navagampura,

Ampara ;

(b) to shape up the adherents of the Buddhism to ensure

righteous and religious society ;

(c) to assist the relevant authorities with the consent of

such authorities to—

(i) protect sacred places and historical

monuments related to Buddhism; and

(ii) educate the adherents of the Buddhism to

conserve natural resources.

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

ensure no

such manner so as not to create any conflict between the

conflict with

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

or Department of simultaneously by any Ministry or Department of the

the Government Government or of any Provincial Council.

or Province.

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

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

Corporation.

Corporation shall be carried out by an Excecutive 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.

Sivmuni Se Vehera Buddhist Foundation 3

(Incorporation) Act, No. 43 of 2014

(2) (a) The Executive Committee of the Foundation that

holds office on the day immediately preceding the date of

commencement of this Act, shall function as the Committee

of the Corporation until the first Committee is appointed or

elected in the manner provided for by rules made under section7.

(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 advisor

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 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.

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

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, 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 ;

4 Sivmuni Se Vehera Buddhist Foundation

(Incorporation) Act, No. 43 of 2014

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

and to receive grants, gifts or donations in cash or

kind:

Provided that, the 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 invest any funds that are not immediately

required for the purposes of the Corporation, in such

manner as the Committee 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

Sivmuni Se Vehera Buddhist Foundation 5

(Incorporation) Act, No. 43 of 2014

(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 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 appoinment, powers,

functions and duties of various officers, agents and

servants of the Corporation ;

(d) the procedure to be followed for the summoning

and holding of meetings of the Committee 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 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.

6 Sivmuni Se Vehera Buddhist Foundation

(Incorporation) Act, No. 43 of 2014

(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 rules made under sub section (1) shall be

published in the Gazette.

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

subject to the rules of the Corporation.

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 grant 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 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.

Sivmuni Se Vehera Buddhist Foundation 7

(Incorporation) Act, No. 43 of 2014

(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 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.

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 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 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 Foundation existing Debts due by

on the day immediately preceding the date of commencement and payable

to the

of this Act, shall be paid by the Corporation hereby Foundation.

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.

8 Sivmuni Se Vehera Buddhist Foundation

(Incorporation) Act, No. 43 of 2014

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

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

moneys and however derived shall be applied solely towards the

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.

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

Corporation. to 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 the

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 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.

Sivmuni Se Vehera Buddhist Foundation 9

(Incorporation) Act, No. 43 of 2014

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 inconsistency.

prevail

10 Sivmuni Se Vehera Buddhist Foundation

(Incorporation) Act, No. 43 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.