



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**WADDUWA VIVEKARAMA COMMUNITY
DEVELOPMENT FOUNDATION
(INCORPORATION) ACT, No. 25 OF 2008**

[Certified on 15th May, 2008]

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*Wadduwa Vivekarama Community Development
Foundation (Incorporation) Act, No. 25 of 2008*

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L. D. — O. (INC.) 10/2004.

**AN ACT TO INCORPORATE THE WADDUWA VIVEKARAMA COMMUNITY
DEVELOPMENT FOUNDATION**

WHEREAS a Foundation called and known as the “Wadduwa Vivekarama Community Development Foundation” has heretofore been established at Wadduwa for the purpose of effectually carrying out and transacting all matters connected with the said Foundation, according to the rules agreed to by its members:

Preamble.

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 such 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 Wadduwa Vivekarama Community Development Foundation (Incorporation) Act, No. 25 of 2008.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Wadduwa Vivekarama Community Development Foundation (hereinafter 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 “Wadduwa Vivekarama Community 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 to use a common seal and alter the same at its pleasure.

Incorporation of
the Wadduwa
Vivekarama
Community
Development
Foundation.

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General Objects
of the
Corporation.

3. The general objects for which the Corporation is constituted are hereby declared to be—

- (a) to construct, equip, maintain and manage buildings required for the purposes of the Wadduwa Vivekarama Viharaya ;
- (b) to provide medical facilities, clothing and shelter to the needy, orphaned and sick person of the Buddhist faith who shall be members of the Foundation ;
- (c) to establish, assist to establish and maintain vocational training centres and institutions to enable youths of Buddhist faith who shall be members of the Foundation to develop their vocational skills and to secure self-employment ;
- (d) to educate bhikkus in the Buddha Dhamma and Buddhist values and encourage them to lead their lives in accordance therewith ;
- (e) to promote peace and foster religious, communal, ethnic and racial harmony among the Buddhist Community ;
- (f) to establish and maintain Dhamma schools and pre-schools for those of the Buddhist faith ;
- (g) to establish and maintain libraries, information and resource centres for the dissemination of knowledge among those of the Buddhist faith ;
- (h) to promote, arrange, organize and hold, exhibitions, lectures, seminars, workshops, classes, debates, conferences or any other activity, in furtherance of the above objects of the Corporation ; and
- (i) to collaborate with other associations, organizations or societies having objects similar to those of the Corporation.

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4. (1) The management, control and administration of the affairs of the Corporation shall, subject to the provisions of this Act and the rules of the Corporation, made under section 8, be vested in a Board of Management (hereinafter referred to as "the Board") consisting of the patron who shall be the Chairman and such number of members elected from among the members of the Corporation in accordance with such rules.

Management of the affairs of the Corporation.

(2) The first Board of the Corporation shall be the Board of Directors of the Foundation holding office on the day immediately preceding the date of commencement of this Act, and which shall hold office until the holding of the first annual general meeting of the Corporation.

5. (1) The Viharadhipathi of the Wadduwa Vivekarama Viharaya, holding office for the time being shall be the Patron of the Corporation who shall act as the Chairman of the Corporation.

Patron of the Corporation.

(2) Where the Patron of the Corporation is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the senior pupil of the Patron, shall act in his place and perform all the duties of the Patron.

6. (1) The Board shall cause a register to be maintained in which every person who on the date of commencement of this Act, is a member of the Corporation and every person thereafter duly admitted as a member of the Corporation shall have his name inscribed.

Register of membership.

(2) The register shall contain the following particulars:—

- (a) the name, address and occupation of each member of the Corporation;
- (b) the date on which the name of the member was inscribed in the register;
- (c) the date on which any person ceased to be a member of the Corporation.

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**Powers of the
Corporation.**

7. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever, 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 raise funds and receive grants, gifts or donations in cash or kind;
- (b) to erect or cause to be erected, any building or structure on any land belonging to, or held by, 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 current, savings and deposit accounts in any bank;
- (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board may think fit;
- (e) to enter into and perform contracts and agreements as may be necessary, for the attainment of the objects of the Corporation; and
- (f) to appoint, employ, dismiss or terminate the services of, officers and servants of the Corporation, and to pay them such salaries, allowances and gratuities as may be determined by the Corporation.

**Rules of the
Corporation.**

8. (1) It shall be lawful for the Corporation, from time to time, at any general meeting 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) classification of membership, fees payable by each class of members, their admission, withdrawal, expulsion or resignation;

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- (b) election of the Board, vacation of or removal from office of the office bearers of the Board and powers, duties and conduct of the Board;
- (c) appointment, employment and dismissal of, officers, agents and servants of the Corporation, their powers, duties, functions and conduct and the payment of remuneration to them;
- (d) the procedure to be observed at, and the summoning and holding of, meetings of the Board, the Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum therefor and the conduct of business thereat;
- (e) the qualifications and disqualifications for membership of the Board and the Corporation;
- (f) the administration and management of the property of the Corporation; and
- (g) generally, for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) All members of the Corporation shall be subject to the rules of the Corporation made under sub section (1).

9. (1) The Corporation shall have its own fund and all moneys heretofore received or hereafter to be received by way of gift, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board shall determine.

Fund of the Corporation.

(2) The Corporation may create any depreciation fund, reserve or sinking fund for the rehabilitation, improvement, development and preservation of the property 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 this Act.

(4) The moneys and property of the Corporation, howsoever derived shall be applied solely towards the promotion of the objects set forth herein, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever, to the members of the Corporation.

Accounts and
audit.

10. (1) The financial year of the Corporation shall be 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 at least once in every year by a qualified auditor appointed by the Board.

(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

(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 practice as an Accountant, issued by the Council of such Institute.

Debts due by
and payable to
the Foundation.

11. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid and discharged by the Corporation hereby constituted and all debts due to, and any subscriptions and contributions payable to, the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

12. The Corporation shall be able and capable in law to acquire and hold any property, movable or immovable, upon or by virtue of any instrument of purchase, grant, gift or lease or upon or by virtue of any testamentary disposition 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 8 with full power (subject always to the provisions of any written law relating to trusts and of the relative instrument or disposition) to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable and immovable.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chairman and the Treasurer or such other person duly authorised by the Board, both of whom shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Seal of the Corporation.

14. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation, or for any other purpose, be liable to make any contribution exceeding the amount of membership fees as may be due from him to the Corporation.

Limitation of liability of members.

15. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities any property whatsoever, such property shall not be distributed among the members of the Corporation but shall be given or transferred to some other institution or institutions having objects similar to those of the Corporation and which is or are by the rules made under section 8 prohibited from distributing any income or property among its members.

Property remaining on dissolution.

16. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporation.

Savings of the rights of the Republic and others.

17. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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