



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

**THALIYAWAKA ANANDA BODHI CULTURAL
FOUNDATION (INCORPORATION)
ACT, No. 63 OF 2009**

[Certified on 30th October, 2009]

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*Thaliyawaka Ananda Bodhi Cultural
Foundation (Incorporation) Act, No. 63 of 2009*

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L.D.—O.Inc. 17/2007

AN ACT TO INCORPORATE THE THALIYAWAKA ANANDA BODHI
CULTURAL FOUNDATION

WHEREAS a Foundation called and known as the “Badalgama Thaliyawaka Ananda Bodhi Cultural Foundation” has been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and 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 the said Foundation was created and has applied to be incorporated and it will be for the public advantage to grant the 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 Thaliyawaka Ananda Bodhi Cultural Foundation (Incorporation) Act, No. 63 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the “Thaliyawaka Sri Ananda Bodhi Cultural Foundation” (hereinafter referred to as the “Foundation”) and shall hereafter be admitted 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 “Thaliyawaka Ananda Bodhi Cultural Foundation” and by that name may sue and be sued with full power and authority to have and to use a common seal and to alter the same at its pleasure.

Incorporation of the Thaliyawaka Ananda Bodhi Cultural 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 give assistance and aid in every respect for the conservation and development of historical places of Buddhist religious importance and all the relevant ancient artifacts declared by or under law made by Parliament to be of national importance;
- (b) to implement environmental friendly programmes for and to implement training programmes to raise awareness among the adherents of the Buddhist faith regarding the need to protect natural resources declared by or under law made by Parliament to be of national importance;
- (c) to render assistance to economically disadvantaged farmer families who are adherents of the Buddhist faith in relation to the obtaining of housing facilities;
- (d) to supply materials needed for the restoration of Pre-Schools established for adherents of the Buddhist faith which find it difficult to function and to encourage qualified teachers to engage in educational activities in such pre-schools;
- (e) to establish Vocational Training Centres for the benefit of the unemployed youth among adherents of the Buddhist faith;
- (f) to develop religious centers in villages where people of low income groups who are adherents of the Buddhist faith are in the majority and to assist in promoting religious education among adherents of the Buddhist faith;
- (g) to implement community programmes for adherents of the Buddhist faith for the protection of forest resources, to give assistance for community

reforestation projects and programmes and to introduce modern soil conservation methods among adherents of the Buddhist faith while encouraging natural soil conservation methods to prevent reduction of soil fertility declared by or under law made by Parliament to be of national importance; and

- (h) to render assistance to promote local agriculture and for restoring tanks and anicuts needed for agricultural purposes declared by or under law made by Parliament to be of national importance.

4. Subject to the provisions of this Act, and any other written law, the Corporation shall have the power—

Power of the Corporation to acquire property, invest funds, and raise loans etc.

- (a) to acquire and hold, purchase, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation;
- (b) to borrow or raise money from Government approved Banks and other institutions (foreign and local) for the purposes of the Corporation with the approval of the Executive Committee;
- (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 bank accounts;
- (d) to invest any funds not immediately required for the purposes of the Corporation, in such manner as the Executive Committee may think fit;
- (e) to solicit and receive subscriptions, grants, donations and gifts of all kinds;
- (f) to enter into agreements or contracts with any person, company or body of persons;

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- (g) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any real or personal property acquired or in the possession of the Corporation;
- (h) 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;
- (i) to train personnel in Sri Lanka or abroad for the purpose of the Corporation; and
- (j) to do all other things necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

Management of the affairs of the Corporation.

5. (1) The affairs of the Corporation shall subject to the rules of the Corporation made under section 8 for the time being of the Corporation be administered by an Executive Committee consisting of the Executive Director, President, Secretary, Treasurer, Vice President, Administrative and Propaganda Secretary, Assistant Secretary and three co-secretaries.

(2) The first Executive Committee of the Corporation shall consist of the members of the Executive Committee of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

Application of income and property of the Corporation.

6. The income and property of the Corporation shall be applied solely towards the promotion of the objectives set forth herein and no portion thereof shall be paid or transferred, directly or indirectly by way of dividend, loan, bonus, profit or otherwise to the members of the Corporation.

Fund of the Corporation.

7. (1) The Corporation shall have its own fund and all moneys received by way of donation, testamentary disposition, transfer, contributions or fees shall be deposited in the name of the Corporation in one or more Banks as the Executive Committee shall determine.

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

(3) There shall be paid out of the fund, all such sums of money as may be incurred as expenditure by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

8. (1) It shall be lawful for the Corporation from time to time at any 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 the following matters:—

Rules of the Corporation.

- (a) classification of membership and admission, withdrawal or expulsion of members;
- (b) the election of the office bearers, the resignation from or vacation of, or removal from office of office bearers and their powers, conduct and duties;
- (c) the election of the members of the Executive Committee, its powers, conduct and duties and the terms of office of members of the Executive Committee;
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation;
- (e) the procedure to be observed at the summoning and holding of meetings of the Executive Committee and of the Council, the time, place, notice and agenda of such meeting, the quorum therefor and the conduct of business thereat;
- (f) the administration and management of the property of the Corporation, the custody of its funds and the maintenance and audit of its accounts; and

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(g) generally, for the management of the affairs of the Corporation and the accomplishment of its objects.

(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).

(3) The members of the Corporation shall be subject to the rules of the Corporation.

Audit and
Accounts.

9. (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 by a qualified auditor.

(4) In this section “qualified auditor” means—

(i) 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

(ii) 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.

The Corporation
may hold
property
movable or
immovable.

10. The Corporation shall be able and capable in law, to acquire and hold any property movable or immovable which may become vested in it by virtue of purchase, grant, gift, testamentary disposition or otherwise, and all such property

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shall be held by the Corporation for the purposes of this Act, and subject to the rules in force for the time being of the Corporation, it shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

11. The Corporation shall be a non-profit organization and no part of the gains, profit or dividends, if any, of the Corporation shall be distributed among the members of the Corporation. Corporation to be a non-profit organization.

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

13. 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 due from such members as membership fees. Limitation of liabilities of members.

14. The seal of the Corporation shall be in the custody of such person as may be determined by the Executive Committee and it shall not be affixed to any instrument whatsoever except in the presence of the President and another member of the Executive Committee who 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.

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 thereof prohibited from Property remaining upon dissolution.

distributing any income or property among its or their members. Such institution or institutions shall be determined by the Committee of Management at or immediately before, the dissolution of the Corporate.

Saving of the rights of the Republic and others.

16. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or Corporation.

Sinhala text to prevail in case of inconsistency.

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

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