



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

**INSTITUTE OF DHARUTH THOWHEED
ASSALAFIYYA (INCORPORATION)
ACT, No. 24 OF 2008**

[Certified on 29th April, 2008]

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Institute of Dharuth Thowheed Assalafiyya
(Incorporation) Act, No. 24 of 2008

[Certified on 29th April, 2008]

L.D.—O. INC 27/2006

AN ACT TO INCORPORATE THE INSTITUTE OF DHARUTH THOWHEED
ASSALAFIYYA

WHEREAS an Institute called and known as the Institute of Dharuth Thowheed Assalafiyya has heretofore been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Institute, according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Institute 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 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 Institute of Dharuth Thowheed Assalafiyya (Incorporation) Act, No. 24 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 Institute of Dharuth Thowheed Assalafiyya (hereinafter referred to as the "Institute") or shall hereafter be admitted as members of the Corporation hereby constituted, (hereinafter referred as the "Corporation") shall be a body Corporate with perpetual succession under the name and style of the "Institute of Dharuth Thowheed Assalafiyya", and by that name may sue and be sued, with full power and authority to have and use a common seal, and alter the same at its pleasure.

Incorporation of the Institute of Dharuth Thowheed Assalafiyya.

3. The general objects for which the Corporation is constituted are —

General objects of the Corporation.

- (a) to promote and foster the knowledge of Islam and to encourage research and study of Islamic Religion based on the teachings of Quran and Prophet Mohamed's (SAW) Sunnah among the adherents of the Islam faith ;

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- (b) to train and develop students of the Institute to study Islam and equip themselves with such knowledge to spread the message of Islam among the adherents of the Islam faith ;
- (c) to print, publish and distribute books, magazines, journals, periodicals, pamphlets, newspapers and produce audio, video and compact discs, multi media devices in English, Sinhala, Tamil and Arabic languages to promote the Islamic Religion of the adherents of the Islam faith ;
- (d) to organize and conduct classes, meetings, seminars, conferences, workshops and sittings among the students and the Muslim community to promote the knowledge of Islam and to encourage the practical observance of the principles of Islam ;
- (e) to provide assistance and facilities needed for educational, social and economical welfare of the Muslim community in Sri Lanka ; and
- (f) to establish and maintain friendly relations, receive and lend assistance with other Islamic Institutions engaged in similar pursuits, in and out side Sri Lanka.

General powers
of the
Corporation.

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

- (a) to purchase, acquire, rent, construct or otherwise obtain lands or buildings which may be required for the Corporation and to deal with or dispose of, the same, as it may deem expedient, with a view to promoting the objects of the Corporation ;
- (b) to solicit, raise and receive, subscriptions, grants, donations and gifts of all kinds, from any person, or body of persons, corporate or otherwise for the purposes of the Corporation ;

- (c) to appoint, remunerate and exercise disciplinary control over, such officers and servants as may be necessary for the purposes of the Corporation ;
- (d) to raise or borrow moneys for any purpose of the Corporation and to secure the discharge of any debt, or obligation of the Corporation in such manner it may think fit ;
- (e) to invest any funds not immediately required for the purposes of the Corporation, in such manner as the Board of Management may think fit ;
- (f) to establish, organize and maintain, different branches and institutions for the different activities, programmes and projects sponsored and conducted by the Corporation, for promoting the objects of the Corporation ;
- (g) to construct, alter or maintain any buildings required for the purposes of the Corporation ;
- (h) to undertake, accept, execute, perform and administer, any lawful trusts and conditions affecting any real or personal property ;
- (i) to subscribe or grant money for any charitable purpose ;
- (j) to enter into or perform, either directly or through its officers or servants or agents authorized in that behalf by the Corporation, all such contracts and agreements as may be necessary, for the exercise, discharge and performance of the powers, functions and duties of the Corporation, or for carrying out the affairs or for the furtherance of the objects of the Corporation ;

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(k) to do all such acts, matters and things as are necessary or desirable for the promotion or furtherance of the objects of the Corporation.

Funds of the Corporation.

5. (a) The Corporation shall have its own fund and all moneys 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 of Management shall determine.

(b) The Corporation may establish different types of funds for the purpose of attaining all or any of the objects of the Corporation.

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

Corporation may hold property movable or immovable.

6. The Corporation shall be able and capable in law to acquire and to hold both movable or immovable property, 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. The Corporation shall, subject to the rules of the Corporation, have the full power to sell, lease, rent, exchange or otherwise dispose of the same.

Management of the affairs of the Corporation.

7. The affairs of the Corporation shall, subject to the provisions of this Act and the rules of the Corporation, made under section 11, be administered by a Board of Management. The Board of Management shall be elected in terms of the rules of the Corporation. The first Board of Management of the Corporation shall be the Board of Management of the Institute of Dharuth Thowheed Assalafiyya holding office on the day preceding the date of the commencement of this Act.

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

Corporation to be a non profit making organization.

Provided, however, that the provisions of this section shall not prohibit—

- (a) the payment, in good faith, of reasonable and proper remuneration to any officer or employee of the Corporation or to any member of the Corporation for any service by him to the Corporation ;
- (b) the payment of reasonable and proper rent for premises let to the Corporation by any member of the Corporation or by any Company of which a member of the Corporation is a shareholder ; and
- (c) the reimbursement or repayment of reasonable and proper expenses incurred, with the prior approval of the Board of Management, by any member, officer or employee of the Corporation, in the discharge or performance of his functions or duties or in promoting the objects of the Corporation.

9. All debts and liabilities of the Institute existing on the day preceding the date of commencement of this Act shall be paid by the Corporation and all debts due to, and subscriptions and contributions payable to the Institute on that day shall be paid to the Corporation for the purposes of this Act.

Debts due to and payable to the Corporation.

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

Accounts and audit of the Corporation.

(2) The Corporation shall cause proper books of 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 and the balance sheet shall be audited at least once a year by any qualified auditor or auditors appointed by the Corporation.

(4) The Accounts of the Corporation and the balance sheet shall be open for inspection of the members of the Corporation at all reasonable times.

Rules of the Corporation.

11. (1) It shall be lawful for the Corporation, from time to time; at any general meeting of the Corporation and by a majority of not less than two-thirds of members present and voting, to make rules, not inconsistent with the provisions of this Act or any other written law for the purposes of this Act.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in a like manner as a rule made under subsection (1).

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

Property remaining on dissolution.

12. If upon the dissolution of the Corporation there remains any property after the satisfaction of all its debts and liabilities, 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 its rules prohibited from distributing any income or profit among its or their members. Such Institution or Institutions shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.

Seal of the Corporation.

13. The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Board of Management of the Corporation who shall sign their names to the instrument in token of their persence and such signing shall be independent of the signing of any person as a witness.

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14. Nothing in this Act contained shall prejudice or affect the rights of the Republic, or of any body politic or corporate.

Savings of the rights of the Republic and others.

15. 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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