



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

**SAMMANTHURAI THABLEEKUL ISLAM
ARABIC COLLEGE (INCORPORATION)
ACT, No. 53 OF 2009**

[Certified on 28th September, 2009]

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*Sammanthurai Thableekul Islam Arabic College
(Incorporation) Act, No. 53 of 2009*

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L.D.—O. (INC) 23/2007.

AN ACT TO INCORPORATE THE SAMMANTHURAI THABLEEKUL ISLAM
ARABIC COLLEGE

WHEREAS an Institution called and known as the “Sammanthurai Thableekul Islam Arabic College” has heretofore been established in Sammanthurai for the purpose of effectually carrying out and transacting all objectives and matters connected with the said Institution :

Preamble.

AND WHEREAS the said Institution has heretofore successfully carried out and transacted the several objectives 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 Sammanthurai Thableekul Islam Arabic College (Incorporation) Act, No.53 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Sammanthurai Thableekul Islam Arabic College (hereinafter referred to as the “Institution”) or 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 “Sammanthurai Thableekul Islam Arabic College” 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 will and pleasure.

Incorporation of the Sammanthurai Thableekul Islam Arabic College.

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General
objectives of the
Corporation.

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

- (a) to provide better facilities to the adherents of the Islamic faith for spiritual education based on Islamic principles ;
- (b) to provide necessary training in the Islamic faith to those educated as Ulamaas and to perform service in Thahwa which inculcates pious habits and shuns evil things ;
- (c) to provide leadership training to those who complete their spiritual education under paragraph (a) and to follow the Islamic way of life individually and to lead the Islamic Society in the Islamic way of life ;
- (d) to provide facilities to the adherents of the Islamic faith to learn other arts necessary to achieve these objectives ;
- (e) to provide vocational training to the adherents of the Islamic faith in order to enhance their livelihood ; and
- (f) to provide self-training to the adherents of the Islamic faith in order to promote social, cultural, educational and economic development.

Powers of the
Corporation.

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

- (a) to draw, accept, discount, endorse, negotiate, buy and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close accounts in any bank or banks ;
- (b) to receive or collect grants and donations in cash or in kind from local or foreign sources ;

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- (c) to invest all funds vested in or owned by the Corporation on securities or to use them for purchasing lands, buildings, goods or furniture required by the Corporation ;
- (d) to construct buildings or to get buildings constructed in the Corporation's own land or any other land held by the Corporation ;
- (e) to select a Board of Sponsors to advise, to fund the Corporation and to achieve the objectives of the Corporation ; and
- (f) to do all such other things that are incidental or conducive to the attainment of the objectives of the Corporation.

5. (1) The affairs of the Corporation shall subject to the rules made under section 7 of this Act, be administered by a Board of Directors consisting twenty five members elected in accordance in with rules of the Corporation.

Management of the affairs of the Corporation.

(2) The First Board of Directors of the Corporation shall consist of the Members of the Board of Directors of the Institution holding office on the day immediately preceding the date of commencement of this Act.

6. (1) There shall be a General Council consisting of such number of members elected or nominated in accordance with the rules made under section 7 of this Act.

General Council.

(2) It shall be lawful to the General Council to advice to the Board of Directors in all matters.

(3) The Board of Directors shall subject to the approval of the General Council exercise, perform and discharge its powers, duties and functions under this Act.

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Rules of the
Corporation.

7. (1) It shall be lawful for the Corporation from time to time, at an annual general meeting or 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 member, their admission, expulsion or resignation;**
- (b) election of the Board of Directors and General Council, resignation from, vacation of or removal from office as office bearers and powers, duties and conduct of the Board of Directors and General Council;**
- (c) appointment, dismissal, powers, duties, functions and conduct of the various officers, agents and servants of the Corporation;**
- (d) the procedure to be observed at and the summoning and holding of meetings of the Board of Directors and General Council, the Corporation or any sub Committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat;**

(2) The rules made by the Corporation under subsection (1) shall be altered, added to, amended or rescinded at a like meeting and in like manner as a rule made under subsection (1) from time to time, at any annual general meeting.

(3) Every rule made, altered, added, amended or rescinded under this section shall be approved by the General Council.

Debts due by
and payable to
the Corporation.

8. All debts and liabilities of the Institution on the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all debts due to, and

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subscriptions and contributions payable to the Institution on that day shall be paid to the Corporation for the purpose of this Act.

9. 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 any purchase, grant, gift or testamentary disposition or otherwise and all such property shall be held by the Corporation for the purposes of this Act.

Corporation may hold property movable or immovable.

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

Funds of the Corporation.

(2) There shall be paid out of the fund any expenditure incurred by the Corporation in the exercise, perform and discharge of its powers, duties and functions under this Act.

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

Accounts and audits .

(2) The Board of Directors 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

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- (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.

Seal of the Corporation.

12. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President, Secretary and Treasurer, who shall sign their names to instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Property remaining on the dissolution of the Corporation.

13. If upon the winding up or the dissolution of the Corporation there remains after the satisfaction of all 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 its or their rules prohibited from distributing any income or property among its or their members. Such institution or institutions shall be determined by members of the Corporation at or immediately before the time of dissolution of the Corporation.

Saving of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

15. 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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