PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

SRI NARADA BAUDDHA MADHYASTHANA VIHARA SANWARDANA SABHAWA (INCORPORATION) ACT, No. 1 OF 2003

[Certified on 6th January, 2003]

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[Certified on 6th January 2003]

L.D.–O. 29/2002.

AN ACT TO INCORPORATE THE SRI NARADA BAUDDHA MADHYASTHANA VIHARA SANWARDANA SABHAWA

Preamble.

WHEREAS a Sanwardhana Sabhawa called and known as the "Sri Narada Bauddha Madhyasthana Vihara Sanwardana Sabhawa" has heretofore been formed in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Sanwardana Sabhawa, according to the rules agreed to by its members:

AND WHEREAS the said Sanwardana Sabhawa 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:—

Short title.

1. This Act may be cited as the Sri Narada Bauddha Madhyasthana Vihara Sanwardana Sabhawa (Incorporation) Act, No. 1 of 2003.

Incorporation of the Sri Narada Bauddha Madhyasthana Vihara Sanwardana Sabhawa.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Sri Narada Bauddha Madhyasthana Vihara Sanwardana Sabhawa (hereinafter referred to as "the Sanwardana Sabhawa") or shall hereafter be admitted, as members of the Corporation hereby constituted, shall be and become a body Corporate (hereinafter referred to as "the Corporation") with perpetual succession under the name and style of the "Sri Narada Bauddha Madhyasthana Vihara Sanwardana Sabhawa", and by that name may sue and be sued in all courts, with full power and authority to have, and use a common seal and alter the same at its pleasure.

General Objects of the Corporation.

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

(*a*) to sponsor and promote the study of, and research into, all aspects of Buddhism ;

(*b*) to establish and maintain educational institutions to teach Buddhism and to inculcate in the people, the Buddha Dhamma and Buddhist values, and to encourage them to lead their lives in accordance with the Dhamma and Buddhist values ;

(*c*) to establish and maintain Viharas, monasteries, shrines, hermitages and other religious institutions and to promote, foster and preserve, Buddhist festivals, rites, rituals, practices and traditions ;

(*d*) to award scholarships, fellowships, prizes, certificates and other awards to those who have fulfilled the requirements for such awards and to provide educational facilities and services to all sections of society ;

(*e*) to promote, the training of the sangha including training to undertake missionary work ;

(*f*) to promote peace and foster religious, communal, ethnic and racial harmony in the community ;

(*g*) to provide social and welfare services and to establish and maintain centres and institutions for the welfare, training and rehabilitation of the destitute, the disabled, the impaired, the aged, the sick and the displaced ;

(*h*) to establish and maintain libraries, information and resource centres ;

(*i*) to engage in any industry or trade with a view to improving technical knowledge of youth ; set up technical and industrial enterprises; to help and assist any person to engage in such enterprises and to conduct training programmes in any such industry or trade ;

(*j*) to hold exhibitions, lectures, seminars, workshops, classes, debates, conferences or other activities, in furtherance of the objects of the Corporation ;

(*k*) to collaborate with other associations, organisations or societies having objects similar to those of the Corporation ; and

(*l*) to do all such other acts and things as are necessary or conducive to the attainment of the above objects or any one of them .

Management of the affairs of the Corporation.

4. (1) The management, control and administration of the affairs of the Corporation shall subject to the provisions of this Act and the rules in force for the time being of the Corporation be administered by a Board of Directors (hereinafter referred to as "the Board") consisting of such number of Directors as are elected from among the members in accordance with the rules of the Corporation.

(2) The first Board shall be the Board of Directors of the Sanwardana Sabhawa holding office on the day immediately preceeding the date of commencement of this Act, who shall hold office until the holding of the first annual general meeting of the Corporation.

Register of membership.

5. (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 a member of the Corporation hereby constituted, shall have his name inscribed.

(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.

Powers of the Corporation.

6. 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 purchase, acquire, rent, construct or otherwise obtain, lands or buildings which may be required for the purposes of the Corporation ;

(b) to raise funds and receive grants. gifts or donations, in cash or kind;

(c) to erect or cause to be erected, any building or structure on any land belonging to, or held by, the Corporation;

(d) 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 ;

(e) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board may think fit ;

(j) to undertake, accept. execute, perform and administer any lawful trusts and conditions affecting any movable or immovable property ;

(*g*) 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 ; and

(*h*) to train personnel in Sri Lanka for the purposes of the Corporation .

Rules of the Corporation.

7. (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 member, their admission, withdrawal, expulsion or resignation ;

(*b*) election of the Board or vacation of, or removal from office of Directors, and the powers, duties and conduct of the Board ;

(*c*) appointment, employment and dismissal of various 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 and the Corporation, 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) The rules of the Sanwardana Sabhawa in force on the day immediately preceding the date of commencement of this Act, shall in so far as they are not inconsistent with the provisions of this Act or any other written law, be deemed to be the rules of the Corporation and 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 members of the Corporation shall be subject to the rules in force for the time being of the Corporation.

Fund of the Coporation.

8. (1) The Corporation shall have its own fund and all moneys heretofore 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.

(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, however derived shall be applied solely towards the promotion of the objects setforth 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.

9. (1) The Corporation shall cause proper accounts to be kept of all the moneys received and expended by the Corporation.

Accounts and Audit.

(2) The accounts of the Corporation shall be examined and audited at least once in every year, and the correctness of income and expenditure account and balance sheet certified by an auditor or auditors who shall be an associate members of the Institute of Chartered Accountants of Sri Lanka, appointed by the Corporation.

10. All debts and liabilities of the Sanwardana Sabhawa 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 Sanwardana Sabhawa on that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Sanwardana Sabhawa.

11. 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 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 in force for the time being, of the Corporation to sell, mortgage, lease, exchange or otherwise dispose of, the same.

Corporation may hold property movable and immovable.

12. If upon 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 association or associations having objects, similar to the objects of the Corporation, and which is, or are by the rules thereof prohibited from distributing any income or profit among its or their members. Such association or associations shall be determined by the members of the Corporation at or immidiately before the time of dissolution of the Corporation.

property remaining on dissolution.

Limitation of liability of members.

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 such membership fees as may be due from him to the Corporation.

Savings of the rights of the Republic and others.

15. Nothing in this Act contained shall prejudice or affect the rights of the Republic, or any body politic or corporate, or of any other persons except such as are mentioned in this Act, and those claiming by, from, or under, them.

Sinhala text to prevail in case of inconsistency.

16. 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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