



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

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**SATHMETHSITHHAULA SOCIETY  
(INCORPORATION)**

**A**

**BILL**

**to incorporate the Sathmethsithhula Society**

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*Presented by Hon. Jayantha Samaraweera, M. P. for Kalutara District on  
11th December, 2015*

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**[Bill No. 49]**

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*Sathmethsithhauula Society*  
(Incorporation)

AN ACT TO INCORPORATE THE SATHMETHSITHHAULA SOCIETY

WHEREAS a Society called and known as the “Sathmethsithhauula” has heretofore been established in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Society according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Society 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 said 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 Sathmethsithhauula Society (Incorporation) Act, No. of 2015.

Short title.

2. (1) From and after the date of commencement of this Act, such and so many persons as now are members of the Sathmethsithhauula Society (hereinafter referred to as the “Society ”) and 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 “Sathmethsithhauula” (hereinafter referred to as “the Corporation”) 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 pleasure.

Incorporation of the Sathmethsithhauula Society.

(2) The Corporation shall be deemed to be a voluntary social service organization within the meaning, and for the purpose of the voluntary social services organizations

(Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the management of the affairs of the Corporation.

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

- (a) to encourage and provide support for ordaining and practising *adhisila samadhanaya*, *adhisamadhi samadhanaya*, and *adhipraggna samadhanaya* as *Buddhist monks and Dasa Sil Mathas* to those, who have been found suitable for ordination ;
- (b) to encourage and provide support for *upasakas and upasikas* to develop *sila, samadhi* and *pragga* ;
- (c) to facilitate the Buddhist practitioners affiliated to the monasteries maintained by the Corporation to follow the instructions in the particular meditation techniques taught and practised in accordance with the teachings of the Lord Buddha in those monasteries ;
- (d) to provide, robes, vegetarian alms, dwellings and medicinal requisites to the monks who have taken residence in those monasteries in terms of the aforementioned provisions as long as they maintain cordiality;
- (e) to provide, robes, vegetarian alms, dwellings and medicinal requisites to the *Dasa Sil Mathas* who have taken residence in those monasteries in terms of the aforementioned provisions as long as they maintain cordiality ;
- (f) to provide, cloths, vegetarian food, dwellings and medicinal requisites to the *upasakas* who have taken residence in those monasteries in terms of the aforementioned provisions as long as they maintain cordiality ;

5 (g) to provide, cloths, vegetarian food, dwellings and medicinal requisities to the upasikas who have taken residence in those monasteries in terms of the aforementioned provisions as long as they maintain cordiality ; and

(h) to intervene, with the consent of the Board of Patrons, in situations considered harmful to the peaceful maintenance of those monasteries,

10 with a view to emphasizing and achieving the nibbana gamini Patipada.

15 4. The objects of the Corporation shall be carried out in such manner so as not to create any conflict between the work of the Corporation and any work being carried out simultaneously by any Ministry or Department of the Government or of any Provincial Council.

Corporation to ensure no conflict with work of Minisry or Department of the Government or Province.

20 5. (1) Subject to the provisions of this Act and the rules made under section 8, the management and administration of the affairs of the Corporation shall be carried out by a Board of Management consisting of the President, Secretary, Treasurer and such number of office bearers as may be elected or appointed in accordance with the rules of made under section 9.

Management of the affairs of the Corporation.

25 (2) (a) The Board of Management of the Society that holds office on the day immediately preceding the date of commencement of this Act, shall function as the Board of Management of the Corporation until the first Board of Management is appointed or elected in the manner provided for by rules made under section 9.

30 (b) The first Board of Management of the Corporation shall be appointed or elected within one year of the date of commencement of this Act.

(3) (a) Every office bearer of the Board of Management shall be appointed or elected for a period of three years and any such office bearers shall be eligible for re-appointment or re-election after lapse of the said period of three years.

5 (b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Board of Management shall having regard to the rules of the Corporation, elect or appoint a person to fill such vacancy.

10 (c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

(4) No act or proceeding of the Board Committee shall be deemed to be invalid by reason only of the existence of a  
15 vacancy among its members or any defect in the election or appointment of any member thereof.

6. There shall be appointed in accordance with the rules made under section 9, a Panel of patrons to advise the Board of management in respect of applicable to and the  
20 management and administration of the Corporation.

Panel of  
Patrons.

7. There shall be appointed in accordance with the rules made under section 9, Consultative Committee to advise the Corporation regarding any matter as may be determined by the Board of management.

Consultative  
Committee.

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

Powers of the  
Corporation.

(a) to purchase, acquire, rent, construct, renovate or otherwise obtain lands or buildings which may be required for the purposes of the Corporation and dispose of the same as may be determined by the  
30 Board of Management on the approval of the Advisory Board deem expedient with a view to promoting the objects of the Corporation ;

- (b) to borrow or raise funds with or without securities and to receive grants, gifts or donations in cash or kind ;

5            Provided that, the Board of Management shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Corporation.

- 10        (c) to invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Board of Management may determine ;

- 15        (d) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and exercise disciplinary control over them and to pay them such salaries, allowances as may be determined by the Corporation ;

- 20        (e) to open, operate and close any current, savings or any other account in any bank as may be determined by the Board of Management ;

- 25        (f) enter into, perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation ;

- 30        (g) appoint any Board, committee including the Advisory Board and the Consultative Board as and when necessary to carry out any functions of the Corporation as may be determined by the Board of Management ;

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(f) the administration and management of the property of the Corporation ; and

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

(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) of this section.

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

(4) The rules made under this section shall be published in the *Gazette*.

**10.** (1) The Corporation shall have its own fund and all moneys received by way of gifts, 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 approved by the Board of Management.

Fund of the Corporation.

(2) 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 the Act.

**11.** Subject to the provisions of this Act, the Corporation shall be able and capable in law to take 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 purpose of this Act and subject to the rules of the Corporation made under section 9, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable and immovable.

**12.** The moneys and property of the Corporation however derived shall be applied solely towards the promotion of the objects of the Corporation and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members of the Corporation.

Application  
of moneys  
and property.

**13.** (1) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

Accounts and  
Auditing

(2) The accounts of the Corporation shall be audited annually by the Auditor General or a qualified auditor appointed by the Auditor General in terms of Article 154 of the Constitution.

(3) For the purposes of 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 Committee 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.

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

**14.** (1) The Board of Management shall prepare a report of the activities of the Corporation for each financial year and submit such report together with the audited statement of accounts to the Secretary of the Ministry of the Minister

Annual  
Report.

assigned the subject of Buddha Sasana and Religious Affairs  
and to the Registrar of Voluntary Social Services  
Organizations appointed under the Voluntary Social  
Services Organization (Registration and Supervision) Act,  
5 No. 31 of 1980 before the expiration of six months of the  
year succeeding the year to which such report relates.

(2) A separate Account relating to the foreign and local  
moneys received by the Corporation during the financial  
year shall be attached to the report referred to in subsection  
10 (1).

**15.** All debts and liabilities of the Society 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 and subscriptions and  
15 contributions payable to the Society on that day shall be  
paid to the Corporation for the purposes of this Act.

Debts due by  
and payable  
to the  
Society.

**16.** (1) The Seal of the Corporation shall not be affixed  
to any instrument whatsoever except in the presence of the  
President, Secretary and the Treasurer who shall sign their  
20 names to 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.

(2) The seal of the Corporation shall be in the custody of  
the Secretary or any other office bearer of the Board of  
25 Management as may be decided by such Board.

**17.** (1) 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  
30 be given or transferred to any other institution having objects  
similar to those of the Corporation, and which, is by the rules  
thereof, prohibited from distributing any income or property  
among its members.

Property  
remaining on  
dissolution.

10 *Sathmethsithhauula Society*  
(Incorporation)

(2) For the purposes of subsection (1) the appropriate institution shall be determined by the members of the Corporation immediately before the dissolution at a general meeting by the majority of votes of the members present.

5 **18.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or anybody politic, or corporate. Saving of the rights of the Republic.

10 **19.** 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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