PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

GALHINNA JAMIATHUL FATHTHAH ARABIC COLLEGE (INCORPORATION)

A

BILL

to incorporate the Galhinna Jamiathul Faththah Arabic College

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Presented by Hon. Imran Maharoof M.P. for Trincomalee District on 26th October, 2016

(Published in the Gazette on October 10, 2016)

Ordered by Parliament to be printed

[Bill No. 147]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 8.00 **Postage : Rs. 10.00**

Galhinna Jamiathul Faththah Arabic College (Incorporation)

AN ACT TO INCORPORATE THE GALHINNA JAMIATHUL FATHTHAH ARABIC COLLEGE

Preamble.

WHEREAS a Arabic called and known as the "Galhinna Jamiathul Faththah Arabic College" has heretofore been formed for the purpose of effectually carrying out its objects and transacting all matters connected with the said Arabic College according to the rules agreed to by its members:

AND WHEREAS the said Arabic College 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 is for the public advantage to grant the 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 Galhinna Jamiathul Faththah Arabic College (Incorporation) Act, No. of 2016.

Incorporation of Galhinna Jamiathul Faththah Arabic College.

2. From and after the date of commencement of this Act, such and so many person as now are members of the "Galhinna Jamiathul Faththah Arabic College" (hereinafter referred to as the "Arabic College") or 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 "Galhinna Jamiathul Faththah Arabic College" (hereinafter referred 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.

General objects of the Corporation.

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

(*a*) to conduct classes to train students in committing the Holy Quran to memory ;

(*b*) to impart Islamic religious education in the Arabic medium ;

(*c*) to encourage the practical observation of Islam ;

(*d*) to publish books, periodicals and journals in Sinhala, Tamil and English lauguages and to establish a well equipped library in order to foster a better under standing of Islam by Muslim and persons of other faith ;

(*e*) to teach other languages to enable students to propagate Islam in such languages ;

(*f*) to develop and improve the unity among the Muslim community and find solution to the problem faced by them, And, give "Fathwa", if necessary, in the matter of religious affairs ;

(*g*) to grant support and help by way of scholarship to the eligible students to study in abroad ; and

(*h*) to do all such other things as are incidental or conducive to the attainment of the above objects.

Code of belief of the Corporation.

4. The respected principal, teachers and the students of the Arabic college and the honourable trustees and the servants serving to this corporation, at all the time, shall be belonging to the "Ahlus Sunnath Waljamath group who shall follow the code of Ash-Ariyya", Mazhab of "Shaafee" and the practice of "Thasavvuf"; and shall be committed to support the propaganda movement of holy "Thableq jamath" and, if possible foster the said movement.

Management of the affairs of the Corporation.

5. (1) The affairs of the Corporation shall, subject to the rules in force for the time being of the Corporation, be administered by a Board of Treasurer elected in accordance with the rules of the Corporation.

(2) The first Board of Trustees of the Arabic College shall consist of the members of the Board of trustees of the Foundation holding office on the day preceding the date of commencement of this Act.

General 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 furtherance of its objects or any one of them, including the power to open, operate and close bank accounts, to borrow or raise moneys with or without security, to receive or collect grants or donations, to invest its funds, to erect any building or structure on any land held by the Corporation, and to engage, employ and dismiss officers and servants required for the carrying out of the objects 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 the votes 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 admission, withdrawal or expulsion of members, the election of the Board of Trustees, for the conduct of the duties of the office bearers, agents, officers and servants of the Corporation, for the procedure to be followed in the transaction of business by the Corporation and Board of Trusteed and generally, for the management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may at a like meeting and in like manner, be altered, added to, amended or rescinded.

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

Fund of the Corporation.

8. (1) The Corporation shall have its own Fund. All moneys received by way of gift, bequest, donation, transfer, subscription, contribution or fees shall be deposited to the credit of the Corporation in one or more Banks as the Board of Trustees shall determine.

(2) There shall be paid out of the Fund of the Corporation, all such sums of money as may by required to defray any expenditure incurred by the Corporation in carrying out the objects of the Corporation.

(3) The moneys and property of the Corporation whosesoever derived shall be applied solely towards the promotion of the objects as setforth herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise, to any member of the Corporation.

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

(*a*) the payment, in good faith, of reasonable and proper remuneration to any officer or servants of the Corporation for any services rendered by him to the Corporation;

(*b*) the payment of reasonable and proper rent for premises let to 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 trustees, by any member, officer or servant of the Corporation in the discharge or performance of this functions or duties or in promoting the objects of the Corporation.

Accounts and Audit of the Corporation.

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

(2) The Corporation shall cause proper accounts to be kept of 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 as may be determined by the Board.

(4) In this section, "Qualified Auditor" means —

(*a*) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka, or any other institute established by law, possesses a certificate to practice as an Accountant issued by the Council 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.

Eligibility to use title.

10. (1) Every students passing out this college as 'Al Alim' shall be entitled to take and use the title 'Faththahi' after his name.

(2) Save as aforesaid no person shall take or use such title for any purpose whatsoever.

Limitation of liability of members.

11. No member of the Corporation shall, for the purpose discharging the debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the amount of annual subscription payable by him to the Corporation.

Debts due by and payable to the College.

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

13. (1) 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 purposes of this Act, and subject to the rules in force for the time being of the Corporation with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable and immovable.

14. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Secretary or a member of the Board as may be duly authorized by the Board and another member of the Board 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 witness.

Seal of the Corporation.

15. (1) The Board shall cause to be maintained a register 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 as member of the Corporation shall have inscribed in such register his name.

Register of members.

(2) The register shall contain the following particulars :—

(*a*) name, address and occupation of the each Member of the Corporation ;

(*b*) The date on which the name of the member was inscribed in the register ; and

(*c*) The date on which any person ceased to be member.

16. 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

Property remaining on dissolution.

be given or transferred to some other institute or institutes having objects similar to those of the Corporation, and which is or are by the rules thereof prohibited from distributing any income or property among its or their members. Such institution or institutions shall be determined by the Board at or immediately before the dissolution of the Corporation.

Saving of the rights of the Republic and others.

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

Indemnity for acts done in good faith.

18. No person shall be liable in any suit or other legal preceding for any act done or purporting to be done, in good faith in pursuance of the powers conferred by or under this Act, or for the purpose of carrying out the provisions of this Act.

Sinhala text to prevail in case of inconsistency.

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

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