



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

**ALL ISLAND BHIKSHU BENEVOLENT
DEVELOPMENT FOUNDATION
(INCORPORATION)**

A

BILL

**to incorporate the All Island Bhikshu Benevolent Development
Foundation**

*Presented by Mayantha Dissanayaka, M. P. for Kandy District on
December 15, 2015*

(Published in the Gazette on November 23, 2015)

Ordered by Parliament to be printed

[Bill No. 54]

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

Price : Rs. 11.00

Postage : Rs. 10.00

*The All Island Bhikshu Benevolent Development
Foundation (Incorporation)*

AN ACT TO INCORPORATE THE ALL ISLAND BHIKSHU BENEVOLENT
DEVELOPMENT FOUNDATION

WHEREAS a foundation called and known as “the All Island
Bhikshu Benevolent Development Foundation” as
heretofore been established for the purpose of effectually
carrying out and transacting all objects and matters
5 connected with the said Foundation according to the rules
agreed by its members:

Preamble.

AND WHEREAS the said Foundation has heretofore
successfully carried out and transacted the several objects
and matters for which it was established and has applied to
10 be incorporated and it will be for the public advantage to
grant the 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 All Island Bhikshu
15 Benevolent Development Foundation (Incorporation) Act,
No. of 2015.

Short title.

2. From and after the date of commencement of this
Act, such and so many persons as now are members of the
All Island Bhikshu Benevolent Development Foundation
20 (hereinafter referred to as the “Foundation”) or shall hereafter
be admitted members of the All Island Bhikshu Benevolent
Development Foundation shall be a body corporate
(hereinafter referred to as the “Corporation”) with perpetual
succession, under the name and style of the All Island
25 Bhikshu Benevolent Development Foundation 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.

Incorporation
of the All
Island
Bhikshu
Benevolent
Development
Foundation.

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

General
objectives
of the
Corporation

(1) to make well aware of the nature of the Foundation,
philosophy, common objectives, general policies

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5 and development programmes which are helpful
to promote and develop goodwill and fellowship
with and among the general community. These will
be put into practice with the participation of
Buddhist clergy and the public through self-reliance
and collectivism :

10 (i) providing equal investment opportunities
and counselling of various institutions and
organizations that are being operated in
Sri Lanka;

(ii) making of policies and plans to provide the
following basic requirements of the people
and taking leadership to activate them and to
evaluate the outcome of the processes:—

15 (a) Environment;
(b) Water;
(c) Housing;
(d) Health;

20 (e) Education;
(f) Cultural & spiritual programmes;

(iii) to function as the co-ordination organization
with all institutions and organizations
presently operated in Sri Lanka.

25 (2) (i) making every effort to enhance the
Buddhist Order (Sasanaya), evaluating and
realizing the nobility of Lord Buddha's
teachings and disciplinary facts;

30 (ii) accepting the constitution and
ecclesiastical code of Sangha Sabha and
disciplinary facts of all Buddhist monks
and put them into practice;

(iii) starting new suitable projects at the
locations closer to temples;

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| 5 | (iv) | holding friendly discussions in improving the Teacher - Student relationship, developing cordial atmosphere among the membership and thereby creating new ideas, suggestions for the welfare of the community and to put them into practice; |
| | (v) | mediate and take suitable steps to solve or help in a crisis, trouble or disaster arisen in temples; |
| 10 | (vi) | good behaviour and honouring the elderly monks in religious and social activities and also to follow traditional concepts and advice given by aged monks; |
| 15 | (vii) | make well aware about the disciplinary code of Dhamma and encouraging in steps to train language literature and writing to improve the talents of the members; |
| 20 | (viii) | establishing religious and welfare associations by coordinating all the temples throughout Sri Lanka and thereby developing moral values of the people and to build up a just society augmentative with the old traditional concepts; |
| 25 | (ix) | creating educational development training programmes; |
| | (x) | initiating programmes to conserve and protect the environment; |
| | (xi) | taking steps to build a genuine Layman-Clergy relationship; |
| 30 | (xii) | achieving the objectives of simple way of living; |

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- (xiii) accepting the ways (methods) in achieving the objectives of the Foundation is to be genuine and authentic;
- 5 (xiv) on realizing that the voluntary service (Shramadana) are been initially helped to make a radical change socially, politically and economically in village and urban levels, the Foundation shall promote and encourage goodwill, community relations stimulating the professional attitudes and a genuine spirit adhering to the code ethics in order to create a just society and to live peacefully without any exploitation;
- 10
- 15 (xv) appreciating the monks of higher ordination and also of lower ordination, all of who are of great importance for the future of the Buddhist Order should protect, counsel and provide the necessary education;
- 20
- 25 (xvi) perform funeral activities in a responsible manner at a death of monk;
- (xvii) all the members should devote and act with great responsibility in religious activities connected with development of Buddhist sacred place, religious functions, felicitation ceremonies, Daham School events and render vast contribution for religious observance in general, when requested;
- 30 (xviii) suggesting, implementing and participating the following cultural, economical and social projects that are of great importance to the general community:—
- 35 (1) Improvement of rural roads.

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| | | | | | | | | | |
| | | (2) | Improvement of health facilities. | | | | | | |
| | | (3) | Improvement of housing facilities. | | | | | | |
| | | (4) | Conducting environment protection programs. | | | | | | |
| 5 | | (5) | Attempting to provide useful instruments for education and to promote the linguistic skills of student monks educating in pirivenas. | | | | | | |
| | | (6) | Conducting professional training programs. | | | | | | |
| 10 | | (7) | Improving the welfare facilities. | | | | | | |
| | | (8) | Initiating the projects for the development of cultural and economical requirements. | | | | | | |
| 15 | 4. | 1. | President, Vice President | | | | | | |
| | | 2. | Secretary, Deputy Secretary, Assistant Secretary | | | | | | |
| | | 3. | Treasurer | | | | | | |
| | | 4. | Auditor | | | | | | |
| | | 5. | Committee | | | | | | |
| 20 | | 6. | Intellectual Board | | | | | | |
| | | 7. | Sub Committee membership | | | | | | |

Office-bearers of the Corporation and their entrusted duties.

1. *President* —

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|----|--|-----|--|--|--|--|--|--|--|
| | | | | | | | | | |
| | | (1) | Chair the meetings at all occasions; | | | | | | |
| | | (2) | Conducting the meetings and setting the agenda; | | | | | | |
| 25 | | (3) | Dedicate with active participation for the welfare of the Corporation, giving a strong leadership with self - determination; | | | | | | |

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- (4) President is responsible and will be the person who gives the final verdict or the decision in accordance with the consensus of the meeting and placing the signature for bank accounts and withdrawal of money.

2. *Vice President* —

In the absence of President, Vice President shall perform all the duties carrying out by the President. In addition he acts as the assistant to the President.

10 3. *Secretary* —

To present the records of all general meetings, committee meetings and executive committee meetings. Summoning of all meetings of the Corporation, preparing annual reports, to handle all correspondence and documentary work of the Corporation, using the frank, signing of Bank cheques and other related correspondence in financial matters etc.

4. *Deputy Secretary* —

Covering the duties of the Secretary and attend in his absence to carry out them in responsible manner.

20 5. *Assistance Secretary* —

He is in charge of carrying out correspondence works, documentary works, propaganda and media works and any publishing or advertising related matters that are being approved by the Foundation and on the instructions of the Intellectual Board. In addition he should counsel the members regarding the duties and activities of the Corporation and also in religious matters.

6. *Treasurer* —

The Treasurer is in-charge of all financial matters of the Corporation. He shall be responsible and should maintain clean records of members fees, any dues, donations,

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expenditures, Banking Accounts and signing of banking documents, cheques etc. preparing the annual Income and Expenditure accounts, conserving the movable and stable property of the Corporation and to proceed with the financial matters according to the proposals of the Corporation.

7. Committee Members —

The committee comprising of 09 members, who are elected at a general meeting must take every possible steps to hold meetings and to attend them and thereby committee members should communicate news and information of their living areas and committee decisions to the members of the Corporation. In general committee members should carry out the orders given at meetings and also make every effort to develop closer ties between members and office bearers.

8. Intellectual Board —

The Intellectual Board should be elected at a general meeting. The most virtuous, experts in the disciplinary code, aged and experienced, erudite, talented, graduated royal pundit monks must be appointed for the Intellectual Board and they will always devote their service for progress and welfare of the association and its members. The Intellectual Board should take suitable steps in solving Dhamma and Disciplinary (Vinaya) matters and also in renewing of the memberships at all occasions when required.

5. (i) The monks who are not attached to any sect, the chief incumbents of Jothika Karaka Sangha Sabha, spiritually well-versed monks and monks of higher ordination and lower ordination too are entitled for the membership of the Corporation. The membership could be obtained by submitting the duly filled application form available for the purpose.

(ii) For the development and maintenance of the Corporation all the temples should contribute a sum or

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Rs. 1,200/- per year at the rate of Rs. 100/- a month. This could be paid wholly or by installments and when settling, the Treasurer must issue a receipt for the payments.

(iii) The members whom are virtually righteous, well
5 disciplined and living with loving kindness following the traditional constitution and ecclesiastical code are been considered as the most valuable treasures of the association. All members should attend every meeting and required to work collectively and actively in a co-existent manner.

10 **6.** Subject to the provisions of this Act and any other Powers of the
written law, the Corporation shall have the power to— Corporation.

- 15 (a) acquire, hold, take or give on lease or hire, mortgage pledge, sell, exchange or otherwise alienate, encumber or dispose of any immovable property for the purpose of the Corporation;
- 20 (b) enter into and 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;
- 25 (c) accept gifts, donations and bequests in cash or in kind;
- (d) invest its funds, create and administer trusts and to maintain current and savings accounts in any bank;
- (e) publish or cause to be published books, journals, magazines and other literature and establish and maintain libraries, bookshops and printing presses;
- 30 (f) advance or lend and to borrow money for the purposes of the Corporation in such manner and upon such security as the Corporation may think fit;

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- 5 (g) appoint, employ, transfer, exercise disciplinary control over and dismiss officers and servants requires for the carrying out of the objects of the Corporation and to prescribe their terms and conditions of services; and
- (h) generally to do all such acts and things as are necessary for and incidental or conducive to the carrying out of the objects of the Corporation.

10 7. (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 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 :—

Rules of the Corporation.

- 15 (a) the classification of membership, membership fees paid by each category of members and the admission, withdrawal or expulsion of members;
- 20 (b) the election of the office-bearers, the resignation from, vacation of, or removal from office as office bearers and their powers, conduct and duties;
- (c) the election of the members of the Board of Management, its powers, conduct and duties, functions and the terms of office of members of the Board of Management;
- 25 (d) The powers, conduct, duties and functions of the officers, agents and servants of the Corporation;
- 30 (e) the procedure to be observed at, and the summoning and holding of meetings of the Board of Management, the times, places, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat;

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(f) the administration and management of the property of the Corporation, the custody of its funds and the maintenance and audit of its accounts; and

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

(2) Any rule made by the Corporation be amended, altered, added to or rescinded at a meeting and in like manner, as a rule made under sub-section (1) of this Section.

10 (3) The members of the Corporation shall be subject to the rules in force for the time being of the Corporation.

8. The Board of Management of the Corporation 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 a member of the Corporation shall have inscribed in such register his name, address and such other particulars as may be prescribed under the rules in force for the time being of the Corporation.

Register of members.

9. (1) The Corporation shall have its own fund and all moneys received by way of gifts, testamentary disposition, transfer, donation, contributions or fees shall be deposited in the name of the Corporation in one or more Banks as may be determined by the Board of Management.

Fund of the Corporation.

25 (2) The Corporation may establish any depreciation fund, reserve or sinking fund for the purpose of rehabilitation, development and improvement of the property of the Corporation.

30 (3) All expenses incurred by the Corporation in exercising and discharging its powers and functions shall be paid out of the fund.

10. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the Secretary of the Corporation who shall

Seal of the Corporation.

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sign their names to the instrument in token of their presence
and such signing shall be independent of the signing of any
person as a witness.

5 **11.** (a) The financial year of the Corporation shall be Audit and
the calendar year. Accounts.

(b) The Corporation shall cause proper account to be
kept of its income and expenditure, assets and liabilities
and all other transactions of the Corporation.

10 (c) The accounts of the Corporation shall be audited by
a qualified auditor.

In this connection “Qualified Auditor” means—

- 15 (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
such Institute; or
- 20 (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 a Accountant issued by such
Institute.

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

30 **13.** In the event of any inconsistency between the Sinhala text
Sinhala and the Tamil texts of this Act, the Sinhala text shall to prevail in
prevail. case of
inconsistency.

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