



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

**SIVMUNI SE VEHERA BUDDHIST FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the Sivmuni Se Vehera Buddhist Foundation

*Presented by Hon. (Mrs.) Sriyani Wijewickrama, M.P. for
Digamadulla District on 09th July, 2013*

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[Bill No. 253]

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Sivmuni Se Vehera Buddhist Foundation
(Incorporation)

AN ACT TO INCORPORATE THE SIVMUNI SE VEHERA BUDDHIST
FOUNDATION

WHEREAS an Foundation called and known as the Preamble.
“Sivmuni Se Vehera Buddhist Foundation” has heretofore
been formed in Sri Lanka for the purpose of effectually
carrying out its objects and transacting all matters connected
5 with the said Foundation according to the rules agreed to by
its members:

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 expedient to grant the 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 Sivmuni Se Vehera Short title.
15 Buddhist Foundation (Incorporation) Act, No. of 2013.

2. From and after the date of commencement of this Act, Incorporation
such and so many persons as now are members of the Sivmuni of the
Se Vehera Buddhist Foundation (hereinafter referred to as the Sivmuni Se
“Foundation”) or shall hereafter be admitted as members of Vehera
20 the Corporation hereby constituted, shall be a body corporate, Buddhist
with perpetual succession, under the name and style of the Foundation.
“Sivmuni Se Vehera Buddhist Foundation” (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
25 seal and to alter the same at its pleasure.

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

(a) to maintain the activities of the “Sivmuni Se Vehera”
Buddhist Centre at No. 1, 8th Avenue, Navagampura,
30 Ampara ;

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- (b) to shape up the society according to the Buddhist Vision to ensure righteous and religious society ;
- (c) to assist and make donations to elders, preschool children and students for their education ;
- 5 (d) to protect sacred places related to Buddhism and conservation and development of hisorical monuments that were recognized by a Parliament Act or any legal enactment ; and
- 10 (e) to educate the Buddhists by conducting training programme to conserve natural resources which were declared to be conserved by a Parliament Act or any other provision, conduction environmental friendly programmes; enhancing and couraging to promote chemical free agricultural product.
- 15 4. Subject to the provision of this Act and any other written law, the Corporation shall have the power to do, perform and execute, all such acts, and matters as necessary or desirable for the promotion, or furtherance of the objects of the Corporation or any one of them, including the
20 power:—
- (a) to raise funds and receive grants, gifts or donations, in cash or kind ;
- (b) to acquire, in any manner whatsoever and hold, take or give on lease or hire, rent, sell or otherwise dispose of, any movable or immovable property and construct, maintain and alter any buildings or works necessary or convenient for the business of the Corporation ;
- 25
- (c) 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 and close bank accounts and borrow or raise money with or without security ;
- 30

Powers of the Corporation.

- (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board of Management may determine ;
- 5 (e) to enter into agreement or contracts with any person, or body of persons whether incorporated in Sri Lanka or abroad or with any Government Department, Corporation, Board, Provincial Council or Local Authority for the achievement of the objects of the Corporation ;
- 10 (f) to determine the fees to be paid in respect of registration of different categories of membership ; and
- 15 (g) 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.

5. (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules made under the provision 6 of this Act, be administered by an Executive
20 Committee consisting of the Director General, the Chairman, Deputy Chairman, the Secretary, Deputy Secretary, Administrative and Propogating Secretary, Three Additional Secretaries and a Treasurer.

Management
of the
Corporation.

25 (2) The Executive Committee of the Corporation shall consist of the members of the Executive Committee of the day immediately preceding the date of the commencement of this Act.

30 6. (1) It shall be lawful for the Corporation, from time to time at any general meeting and by the votes of not less than than two-thirds of the members present and voting to make rules, not inconsistent with the provision of this Act, or any other written law, for all or any of the following matter:—

Rules of the
Corporation.

- 35 (a) the classification of membership, admission, withdrawal expulsion or resignation of members and for the maintaining of register of members ;

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- (b) the election of office bearers of the Board or vacation of or removal from, office and the powers, duties and functions of the office bearers ;
- 5 (c) the appointment, powers, duties and functions and conditions of the various officers, agents and servants of the Corporation ;
- 10 (d) the procedure to be followed at the summoning and holding of meetings of the Board, the Corporation any any sub-committee thereof, including the quorum therefore and the conduct of business thereat ;
- 15 (e) the qualifications and disqualifications for members of the Board and the Corporation ; and
- (f) the administration and management of the property of the Corporation for the accomplishment of the objects of the Corporation.

(2) The rules 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).

20 (3) The members of the Corporation shall at all time be subject to rules of the Corporation made under this section.

25 (4) The rules of the Foundation in force on the day preceding to 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 rules of the Corporation made under this section

30 7. (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 Management shall determine.

Fund of the Corporation and the Corporation to be a non profit making organization.

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

5 (3) The moneys and property of the Corporation
whosoever derived shall be applied solely towards the
promotion of the objects as set forth herein and no portion
thereof shall be paid or transferred directly or indirectly by
way of dividend, bouns or otherwise, to any member of the
10 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
15 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
20 shareholder ; and

(c) the reimbursement or repayment of reasonable and proper expenses incurred, with the prior approval of the Board of Management, by any member, officer or servant of the Corporation in the discharge or
25 performance of his functions or duties or in promoting the objects of the Corporation.

8. (1) The financial year of the Corporation shall be the calendar year. Accounts and Audit.

(2) The Corporation shall cause proper accounts to be
30 kept of income and expenditure, assets and liabilities and all other transactions of the Corporation.

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(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 —

- 5 (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
- 10 (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
- 15 Accountant issued by the Council of such institute.

9. 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.

20

Corporation may hold property movable and immovable.

25 10. All debts and liabilities of the Foundation 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 Foundation on that day shall be paid to the Corporation for the purpose of this Act.

30

Debts due by and payable to the Foundation.

11. The seal of the Corporation shall be in the custody of a member prescribed by the executive committee and it shall not be affixed to any instrument whatsoever, except in

Seal of the Corporation.

the presence of the Chairman and an another member of the executive committee 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 a witness.

- 5 **12.** 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 be given or transferred to some other Foundation or
10 Foundations 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 Foundation or Foundations shall be determined by the Board at or immediately before the
15 dissolution of the Corporation.

Property remaining on dissolution.

- 20 **13.** 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 person, except such as are mentioned in this Act, and those claiming by, from or under them.

Saving of the Rights of the Republic and others.

- 14.** 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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