

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

Part II of October 07, 2022

SUPPLEMENT

(Issued on 10.10.2022)



**VEEMANSAA DHAMMAGUPTHA FOUNDATION
(INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate the Veemansaa Dhammaguptha Foundation

*To be presented in Parliament by Hon. Gunathilaka Rajapaksha, M.P.
for Mahanuwara District*

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Veemansaa Dhammaguptha Foundation
(Incorporation)

AN ACT TO INCORPORATE THE VEEMANSAA DHAMMAGUPTHA
FOUNDATION

WHEREAS a Foundation called and known as the Preamble
“Veemansaa Dhammaguptha 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 Trust 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 Veemansaa Short title
15 Dhammaguptha Foundation (Incorporation) Act, No. of
2022.

2. (1) From and after the date of commencement of this Act, Incorporation
such and so many persons as now are members of the Veemansaa of
Dhammaguptha Foundation (hereinafter referred to as the Veemansaa
20 “Foundation”) or shall hereafter be admitted as members of Dhammaguptha
the Corporation hereby constituted, shall be a body corporate Foundation
with perpetual succession, under the name and style of the
“Veemansaa Dhammaguptha Foundation” (hereinafter
referred to as the “body corporate”) and by that name may sue
25 and be sued, in all courts with full power and authority to have
and use a common seal and to alter the same at its pleasure.

2 *Veemansaa Dhammaguptha Foundation*
 (Incorporation)

(2) The body corporate shall be deemed to be a voluntary social service organization within the meaning and for the purpose of the Voluntary Social Service 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. (1) The general objects for which the body corporate is constituted are hereby declared to be —

The General objects of the body corporate

- 10 (a) to formulate a course of action to uphold the historic value of the Upcountry Amarapura Sect and appreciate the services to the Buddhist religious order (Sasana) by the priests who had been resident at the Sri Sudharmarama Raja Maha Vihara in Batagalla from its inception and giving priority to it; and
- 15 (b) to use the strategies necessary in directing Buddhist people towards the three-fold meritorious deeds.

(2) In the implementation of the objects specified in subsection (1), the Corporation shall ensure that such implementation shall be carried out without any discrimination based on race, religion, language, caste, gender, political opinion, place of birth or any of such grounds.

4. The objects of the body corporate 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 any Provincial Council.

Body corporate to ensure no conflict with work of Ministry or Department of the Central Government or Province

5 **5.** (1) Subject to the provisions of this Act the body corporate shall be carried out by a Board of Management (hereinafter referred to as “the Board”) consisting of such number of office bearers as may be specified by the rules made under section 7.

Management
of the affairs
of the body
corporate

10 (2) (a) The Board of Management of the Foundation that holds office on the day immediately preceding the date of commencement of this Act, shall function as the Board of the body corporate until the first Board is appointed or elected in the manner provided for by rules made under section 7.

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

15 (3) (a) Every office bearer of the Board including the patrons and advisors, shall be appointed or elected for a period of three years and any such office bearer, patron or advisor shall be eligible for re-appointment or re-election after lapse of the said period of three years.

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

25 (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 *Veemansaa Dhammaguptha Foundation*
 (Incorporation)

6. Subject to the provisions of this Act and any other written law, the body corporate shall have the power to do, perform and execute all such acts and matters as necessary or desirable for the promotion or any one of them, including
5 the power-

Powers of the
Body
corporate

10 (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purposes of the body corporate and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the Body corporate;

 (b) to raise funds and receive grants, gifts or donations, in cash or kind with or without security:

15 Provided that, the Board 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 Body Corporate;

20 (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 accounts in any banks;

25 (d) to invest any funds not immediately required for the purposes of the body corporate in such manner as the Board may determine;

30 (e) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the Body corporate;

5 (f) to appoint, employ, dismiss or terminate the services of officers and servants of the Body corporate and exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the body corporate;

(g) to do all other things as are necessary or expedient for the proper and effective carrying out the objects of the body corporate.

10 7. (1) It shall be lawful for the body corporate 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 all or any of the following matters:- Rules of the body corporate

15 (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by members;

(b) the election of office bearers of the Board or vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;

20 (c) the terms and conditions of appointments, powers, functions and duties of the various officers, agents and servants of the body corporate;

25 (d) the procedure to be followed at the summoning and holding of meetings of the Board or any subcommittee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;

(e) the qualifications and disqualifications to be a members of the Board and the body corporate;

6 *Veemansaa Dhammaguptha Foundation*
 (Incorporation)

(f) the administration and management of the property
of the body corporate; and

(g) the management of the affairs of the body corporate
and the accomplishment of its' objects and
5 dissolution of the Corporation.

(2) The rules made by the body corporate may be amended,
altered, added to or rescinded at a like meeting and in like
manner as a rule made under subsection (1).

(3) The members of the body corporate shall at all time be
10 subject to the rules of the body corporate.

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

8. The Board shall maintain a register of members in which Register of
name, address and other essential details of the members be members
15 inscribed.

9. (1) The body corporate shall have its own Fund. Fund of the
body
corporate

(2) All moneys received by way of gifts, bequests,
donations, subscriptions, contributions, fees or grants for an
account of the body corporate shall be deposited in one or
20 more Banks approved by the Board to the credit 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
body corporate in the exercise, performance and discharge
25 of its powers, duties and functions under the Act.

Veemansaa Dhammaguptha Foundation 7
(Incorporation)

10. (1) The financial year of the body corporate shall be the calendar year. Accounts and Auditing

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

(3) The accounts of the body corporate shall be audited by a qualified auditor appointed by Auditor General in terms of Article 154 of the Constitution.

(4) For the purposes of this section, “qualified auditor”
10 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
15 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
20 to practice as an Accountant issued by the Council of such Institute.

11. (1) The Board shall prepare a report of the activities of the body corporate for each financial year and submit such report together with the audited statement of accounts
25 to the Secretary of the Ministry of the Minister assigned the subject of Social Services and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Annual Report

Social Services Organization (Registration and Supervision)
Act, 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
5 local moneys received by the body corporate during the
financial year shall be attached to the report referred to in
subsection (1).

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

13. Subject to the provisions of this Act, the body Body
15 corporate shall be able and capable in law, to take and hold corporate
may hold
any property movable or immovable which may become property
movable and
vested in it by virtue of any purchase, grant, gift, testamentary immovable
disposition or otherwise, and all such property shall be held
by the body corporate for the purposes of this Act, and subject
20 to the rules of the body corporate made under section 7, with
power to sell, mortgage, lease, exchange or otherwise dispose
of the same.

14. The moneys and property of the body corporate Application
however derived shall be applied solely towards the of money
and property
25 promotion of the objects of the body corporate and no portion
thereof shall be paid or transferred directly or indirectly by
way of dividend, bonus or profit to the members of the body
corporate.

15 **15.** (1) The seal of the body corporate shall not be affixed to any instrument whatsoever, except in the presence of two members of the body corporation who shall 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.

Seal of the
body
corporate

(2) The seal of the body corporate shall be in the custody of an office bearer of the Board as may be decided by such Board.

10 **16.** (1) If upon the dissolution of the body corporate 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 body corporate, but shall be given or transferred to any other institution having objects similar to those of the body corporate, and which is by the rules thereof, prohibited from distributing any income or property among its members.

Property
remaining on
dissolution

20 (2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the body corporate immediately before the dissolution at a general meeting by the majority of votes of the members present.

17. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate.

Saving of the
Rights of the
Republic and
others

25 **18.** 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

