



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

**JAMA'ATH ANSARIS SUNNATHIL
MOHAMMADIYYA OF SRI LANKA
(INCORPORATION) ACT, No. 59 OF 2009**

[Certified on 21st October, 2009]

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*Jama'ath Ansaris Sunnathil Mohammadiyya of
Sri Lanka (Incorporation) Act, No. 59 of 2009*

[Certified on 21st October, 2009]

L. D.—O. (Inc.) 2/2008.

AN ACT TO INCORPORATE THE JAMA'ATH ANSARIS SUNNATHIL
MOHAMADIYYA OF SRI LANKA.

WHEREAS an Association called and known as the Jama'ath Ansaris Sunnathil Mohamadiyya of Sri Lanka has heretofore been established in Sri Lanka for the purpose of effectively carrying out and transacting all objects and matters connected with the said Association, according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was formed and has applied to 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 Jama'ath Ansaris Sunnathil Mohamadiyya of Sri Lanka (Incorporation) Act, No. 59 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka (hereinafter referred to as the "Association") or such persons as shall hereafter be admitted as members of the Corporation hereby constituted shall be a body corporate (hereinafter referred to as the "Corporation") with perpetual succession, under the name and style of the "Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka" and by that name may sue and be sued, with full power and authority to have and to use a common seal and alter the same at its pleasure.

Incorporation of
Jama'ath Ansaris
Sunnathil
Mohamadiyya of
Sri Lanka.

2 *Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka (Incorporation) Act, No. 59 of 2009*

General objects of the Corporation.

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

- (a) to teach the Islamic religion based on the teachings of Quran and Prophet Mohamed's (SAW) Sunnah;
- (b) to prepare and guide Muslims to lead and conduct themselves according to Islamic precepts;
- (c) to equip Muslims with the knowledge and skill to spread the message of Islam and to involve in religious activities;
- (d) to encourage the learning of Arabic Language and to conduct courses of studies and provide all assistance to the students in this regard including establishing and maintaining Arabic Colleges and Madurasas in all Districts ;
- (e) to establish, maintain, administer and develop branch organizations in all Districts ;
- (f) to print, publish and distribute Books, Magazines, Journals, periodicals, Pamphlets, Newspapers and produce audio, video and compact discs, multi media devices in English, Sinhala, Tamil and Arabic Languages.
- (g) to provide assistance to construct, repair, rehabilitate, reconstruct, equip and maintain Mosques, places of worship and Islamic Libraries for Muslims;
- (h) to organize and conduct classes, meetings, seminars, conferences and workshops to promote the knowledge of Islam among Muslims and to encourage the practical observance of the principles of Islam;
- (i) to provide assistance and facilities needed for educational social and economic welfare of the Muslim community in Sri Lanka;

- (j) to provide assistance and facilities needed for religious and communal harmony among various religious groups and communities in Sri Lanka; and
- (k) to establish and maintain friendly relations, with other Islamic Institutions engaged in similar pursuits in and outside Sri Lanka.

4. The Corporation shall subject to the provisions of the Act and of any other written law, have the power— Powers of the Corporation.

- (a) to purchase, acquire, rent, construct or otherwise obtain, lands or buildings which may lawfully be required for the Corporation and to deal with or dispose of, the same, as it may deem expedient, with a view to promoting the objects of the Corporation;
- (b) to solicit, raise and receive subscriptions, grants, donations and gifts of all kinds, locally and from abroad, from any person or body of persons, corporate or otherwise, for the purposes of the Corporation;
- (c) to appoint, remunerate and exercise disciplinary control over such officers and servants as may be necessary for the purposes of the Corporation;
- (d) to raise or borrow money for any purpose of the Corporation and to secure the discharge of any debt, or obligation of the Corporation in such manner it may think fit;
- (e) to invest any funds not immediately required for the purposes of the Corporation, in such manner as the Board of management may think fit and to vary and transfer such investment from time to time;
- (f) to establish, organize and maintain, different branches and institutions for the different activities,

4 *Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka (Incorporation) Act, No. 59 of 2009*

programmes and projects, sponsored and conducted by the Corporation, for promoting the objects of the Corporation in Sri Lanka and abroad;

- (g) to construct, alter or maintain any buildings required for the purposes of the Corporation;
- (h) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any real or personal property;
- (i) to subscribe or grant money for any charitable purposes; and
- (j) to enter into perform, either directly or through its officers or servants or agents authorized in that behalf by the Corporation, all such contracts and agreements as may be necessary, for the exercise, discharge and performance of the powers, functions and duties of the Corporation or for carrying on the affairs or for furthering the objects of the Corporation;

Funds of the Corporation.

5. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gift, request, 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, as the Board of Management shall determine.

(2) The Corporation may establish different types of funds for the purpose of attaining all or any of the objects of the Corporation Such as Building Fund, Research Fund, Development Fund, Scholarship Fund, Zakat Fund, Hajj Fund, Widows and Orphans Fund and Natural Disaster Fund.

(3) There shall be paid out of the fund of the Corporation all sums of money to defray any expenditure incurred of the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

6. The Corporation shall be able and capable in law to acquire and to hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gifts, 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 with full power to sell, lease, rent, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

7. The affairs of the Corporation shall, subject to the rules of the Corporation made under section 11, be administered by a Board of Management. The Board of Management is elected in terms of the rules of the Corporation. The first Board of Management of the Corporation shall be the Board of Management of the Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka holding office on the day preceding the date of the commencement of this Act.

Management of the affairs of the Corporation.

8. The moneys and property of the Corporation howsoever derived shall be applied solely towards the promotion of its objects as set forth herein and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, loan, bonus or otherwise, howsoever, by way of profit, to the members of the Corporation:

Corporation to be a non-profit making organization.

Provided, however, that the following may be paid—

- (a) the payment, in good faith, of reasonable and proper remuneration to any officer or employee of the Corporation or to any member of the Corporation for any service by him to the Corporation;
- (b) the payment of reasonable and proper rent for premises let to the Corporation by any member of 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 Management, by any member, officer or

6 *Jama'ath Ansaris Sunnathil Mohammadiyya of Sri Lanka (Incorporation) Act, No. 59 of 2009*

employee of the Corporation, in the discharge or performance of his functions or duties in promoting the objects of the Corporation.

Debts due to and payable to the Corporation.

9. All debts and liabilities of the Association 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 Association on that day shall be paid to the Corporation for the purpose of this Act.

Accounts and audit of the Corporation.

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

(2) The Corporation shall cause proper books of accounts to be kept with respect to—

- (i) all sums of money received or expended by the Corporation;
- (ii) the assets and liabilities of the Corporation; and
- (iii) All other transactions of the Corporation.

(3) The Accounts of the Corporation and the balance sheet shall be audited at least once a year by any qualified auditor or auditors appointed for the purpose by the Corporation.

(4) For the purposes of this section, “qualified auditor” means—

- (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 the council of such Institute; or
- (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 an Accountant issued by the council of such Institute.

(5) The accounts of the Corporation and the balance sheet shall be open to the inspection of the members of the Corporation at all reasonable times.

11. It shall be lawful for the Corporation, from time to time, at any meeting of the Board of Management to make such rules, not inconsistent with the provisions of this Act, or any other written law, for the admission, withdrawal or expulsion of members, election of the office bearers and the Board of Management and otherwise generally, for the management affairs of the Corporations and the attainment of its objects including rules providing for filling of any vacancy in the office bearers or the Board of Management of the Corporation. Such rules when made may, at a like meeting and in like manner be altered, added to, amended or rescinded.

Rules of the Corporation.

12. The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Committee of Management of the 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 Corporation.

13. 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 institution 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 shall be determined by the Board at, or immediately before, the dissolution of the Corporation.

Property remaining on dissolution.

8 *Jama'ath Ansaris Sunnathil Mohammadiyya of
Sri Lanka (Incorporation) Act, No. 59 of 2009*

Saving of the
rights of the
Republic and
others.

14. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate.

Sinhala text to
prevail in case of
inconsistency.

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

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