



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

**AL-HAJ ABDUL JAWAD ALIM VALIYULLAH
TRUST (INCORPORATION)
ACT, No. 46 OF 2009**

[Certified on 09th September, 2009]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of September 11, 2009

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

Price : Rs. 4.00

Postage : Rs. 5.00

*Al-Haj Abdul Jawad Alim Valiyullah Trust
(Incorporation) Act, No. 46 of 2009*

[Certified on 09th September, 2009]

L.D.— O. (INC) 7/2006.

AN ACT TO INCORPORATE THE AL-HAJ ABDUL JAWAD ALIM
VALIYULLAH TRUST

WHEREAS a trust called and known as the “Al-Haj Abdul Jawad Alim Valiyullah Trust” has theretofore been created for the purpose of effectually carrying out and transacting all objects and matters connected with the said Trust:

Preamble.

AND WHEREAS the Board of Trustees of the said trust has heretofore successfully carried out and transacted the several objects and matters for which it was created and has applied to be incorporated and it will be for the public advantage to grant such 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 Al-Haj Abdul Jawad Alim Valiyullah Trust (Incorporation) Act, No. 46 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 Board of Trustees of the Al-Haj Abdul Jawad Alim Valiyullah Trust (hereinafter referred to as the “Trust”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be and become a body corporate with perpetual succession, under the name and style of the “Al-Haj Abdul Jawad Alim Valiyullah Trust” (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 seal and alter the same at its pleasure.

Incorporation of the Al-Haj Abdul Jawad Alim Valiyullah Trust.

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

General objects of the Corporation.

(a) to maintain and reconstruct the Mosques, Quranic Madrasas and Dargas which are vested in the

2 *Al-Haj Abdul Jawad Alim Valiyullah Trust*
(Incorporation) Act, No. 46 of 2009

Corporation and commence new Madrasas, as and when necessary ;

- (b) to manage and maintain the Jamiathur-Rabbaniyya Arabic Academy;
- (c) to train moulavis in order to endow them with a good knowledge of the Islamic religion ;
- (d) to organize and conduct seminars, workshops and spiritual training sessions for moulavis;
- (e) to upgrade the spiritual development of persons of Islamic faith by the preaching of the Islamic philosophy, “sufi” and by guiding them through the path of non-violence;
- (f) to commemorate the Islamic religious leaders who rendered valuable service to Islam and to provide persons of Islamic faith with opportunities to study the lives of such great leaders;
- (g) to offer alms to participants of the commemorative ceremonies held in memory of Ajmir Khaja Mueenuddin (Jisthi) and other great Islamic leaders ;
- (h) to carry out programmes for the betterment and well being of children, youth and elders who are Muslims ; and
- (i) to work in collaboration with other local and foreign organizations in providing vocational training for youth who are Muslims.

General powers
of the
Corporation.

4. 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 promotion or

furtherance of the objects of the Corporation or any one of them, including the power to open, operate and close bank accounts, to borrow or raise monies with or without security, to receive or collect grants and donations, to invest its funds and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

5. (1) The affairs of the Corporation shall subject to the rules of the Corporation made under section 6, be administered by a Board of Management (hereinafter referred as the "Board of Management") consisting of a President and eleven members appointed or elected in accordance with the provisions of this Act and the such rules.

Management of the affairs of the Corporation.

(2) The First Board of Management of the Corporation shall be the Board of Trustees of the Trust holding office on the day preceding the date of commencement of this Act.

(3) In the event where a General Meeting cannot be convened the President shall have powers to make decisions and also to make Wasiyyath-Advice in regard to the management of the affairs of the Corporation.

(4) In the event of the death, resignation or removal from office of a member of the Board of Management, the vacancy shall be filled in accordance with the provisions of this Act and the rules of the Corporation made under section 6.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting of the members and by votes of 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 the admission, withdrawal or expulsion of members, the election of the office bearers of the Board of Management and otherwise generally, for the management of the affairs of the Corporation and the attainment of its objects. Such rules when made may, at a like meeting and in like manner be altered, added to, amended or rescinded.

Rules of the Corporation.

4 *Al-Haj Abdul Jawad Alim Valiyullah Trust*
(Incorporation) Act, No. 46 of 2009

(2) The members of the Corporation shall be subject to the rules of the Corporation made in terms of this section.

Debts due and payable to the Trust.

7. All debts and liabilities of the Trust 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, subscriptions and contributions payable to the Trust on that day shall be paid to the Corporation for the purposes of this Act.

Corporation may hold property movable and immovable.

8. The Corporation shall be able and capable in law to acquire 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. The Corporation shall subject to the rules, of the Corporation made under section 6, have the full power to sell, mortgage, lease, exchange or otherwise dispose of such property.

Corporation to be a non profit making organization.

9. The moneys and property of the Corporation however 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 :

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

10. (1) The Corporation shall have its own fund and all moneys received by way of donations, gifts, testamentary dispositions, transfers, contributions, subscriptions or fees shall be deposited in the name of the Corporation in one or more banks as the Board of Management shall determine.

Funds of the Corporation.

(2) All expenses incurred by the Corporation in the exercise and discharge of the powers and functions of the Corporation shall be paid out of the fund.

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

Audit and accounts.

(2) Separate accounts shall be maintained for the Mosques, Madrasas, Arabic Academy and Service institution which are under the Corporation.

(3) The accounts of the Corporation shall be audited annually by a qualified auditor appointed by the Board of Management.

(4) In 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

6 *Al-Haj Abdul Jawad Alim Valiyullah Trust*
(Incorporation) Act, No. 46 of 2009

- (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.

Seal of the Corporation.

12. The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President and the Secretary or such other member as may be provided by rules 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.

Property remaining on dissolution.

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 Association or Associations having objects, similar to the objects of the Corporation, and which is or are by the rules thereof prohibited from distribution of any income or property among its or their members. Such Association or Associations shall be determined by the members of the Corporation, at or immediately before the time of dissolution of the Corporation.

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.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.