



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

**MALIGAWATTA JANA ZA AND WELFARE
SOCIETY (INCORPORATION)
ACT, No. 5 OF 2010**

[Certified on 09th February, 2010]

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*Maligawatta Janaza and Welfare Society
(Incorporation) Act, No. 5 of 2010*

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L. D.—O. (Inc.) 12/2007

AN ACT TO INCORPORATE THE MALIGAWATTA JANAZA AND
WELFARE SOCIETY

WHEREAS an Association called and known as the “Maligawatte Janaza and Welfare Society” has heretofore been formed at Colombo for the purpose of effectually carrying out 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 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 Maligawatta Janaza and Welfare Society (Incorporation) Act, No. 5 of 2010.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Maligawatta Janaza and Welfare Society (hereinafter referred to as the “Society”) and such other persons as shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate with perpetual succession, under the name and style of the “Maligawatta Janaza and Welfare Society” (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 to alter the same at its will and pleasure..

Incorporation of the Maligawatta Janaza and Welfare Society.

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

General objects of the Corporation.

(a) to provide financial assistance in the event of the death of a member to the beneficiaries nominated

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by such member for the purpose of meeting the Janaza expenses ;

- (b) to promote thrift among the membership ;
- (c) to make contributions for the welfare of the Muslim community of Maligawatte ;
- (d) to bury bodies of Muslims which remain unclaimed at Government hospitals ;
- (e) to foster inter-communal amity ;
- (f) to encourage the practical observance of Islam among Muslims ;
- (g) to organize programmes for the Muslim community focusing on education, social upliftment, co-operative enterprise, health and livelihood programmes.

General powers
of the
Corporation.

4. Subject to the provisions of this Act, and any other written law, the Corporation shall have the power—

- (a) to purchase, acquire, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation ;
- (b) to borrow or raise money for the purpose of the Corporation ;
- (c) to make, draw, accepts, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close bank accounts ;
- (d) to invest any funds not immediately required for the purpose of the Corporation, in such manner as the Committee may think fit ;

- (e) to solicit and receive subscriptions, grants, donations and gifts of all kinds ;
- (f) to enter into agreements or contracts with any person or body of persons ;
- (g) to 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 ;
- (h) to appoint sub-committees to carry out the objects of the Corporation ; and
- (i) to do all such other acts and things as are necessary or expedient for the carrying out of the objects of the Corporation.

5. (1) The administration and management of the affairs of the Corporation shall, subject to the provisions of this Act and rules of the Corporation made under section 7, be vested in the Committee of Management (hereinafter referred to as the "Committee") consisting of a President, Vice President, General Secretary, Assistant Secretary, Treasurer, Assistant Treasurer and five other Committee members as may be provided for in such rules and elected in accordance therewith.

Management of the affairs of the Corporation.

(2) In the event of any vacancy arising in the Committee due to resignation, removal or death of any office bearer, such vacancy shall be filled according to the rules of the Corporation.

(3) The first Committee of the Corporation shall consist of the members of the Committee of the Society holding office on the day preceding the date of commencement of this Act.

6. (1) The Corporation shall have a Board of Trustees consisting of all the past Presidents, Secretaries and founder members who are presently engaged in the activities of the Society.

Board of Trustees.

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(2) The President, General Secretary and Treasurer appointed under section 5 shall be the *ex-officio* members of the Board of Trustees.

Rules of the
Corporation.

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 which are not inconsistent with the provisions of this Act or any other written law, for all or any of the following matters :—

- (a) the classification of membership and the admission, withdrawal or expulsion of members ;
- (b) the election, resignation, vacation or removal of office bearers ;
- (c) the powers, conduct, duties and functions of the office bearers, agents and officers and servants of the Corporation ;
- (d) the procedure to be observed at the summoning and holding of meeting of the Corporation and any sub committee, the time, place, notice and agenda of such meetings, the quorum therefor and the conduct of business, thereat ;
- (e) the administration and management of the property of the Corporation and the custody of its funds ;
- (f) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Any rule of 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).

(3) All members of the Corporation shall be subject to the rules of the Corporation.

8. (1) The Corporation shall have its own fund and all monies heretofore or hereafter received by way of gift, bequest, testamentary disposition, transfer, contribution, donations, subscription, 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 Committee shall determine.

Fund of the Corporation.

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

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

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

Audit and Accounts.

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

(3) The accounts of the Corporation shall be audited by a qualified auditor who shall be an associate member of the Chartered Institute of Sri Lanka and appointed by the Corporation for that purpose.

10. 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 and subject to the rules made under section 7, shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

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Debts due by
and payable to
the Society.

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

Property
remaining on
dissolution.

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 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 prohibited from the distribution of any income or profit 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.

Application of
moneys and
property of the
Corporation.

13. 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 or profits to the members of the Corporation.

Limitation of
liabilities of
members.

14. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation, or for any other purpose, be liable to make any contribution exceeding the amount payable as membership fees as may be due from him to the Corporation.

Seal of the
Corporation.

15. (1) The seal of the Corporation shall be in the custody of the Secretary and may be altered in such manner as may be determined by the Committee

(2) The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President and the General Secretary 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.

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

Saving of the rights of the Republic and others.

17. 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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