

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

Part II of November 27, 2015

SUPPLEMENT

(Issued on 30. 11. 2015)



**KAHAWILGODA JATHIKA URUMA UYANA
CONCEPT MUSEUM DEVELOPMENT FUND
(INCORPORATION)**

(Private Member's Bill)

A

BILL

**to incorporate the Kahawilgoda Jathika Uruma Uyana Concept Museum
Development Fund**

*To be presented in Parliament by Hon. Namal Rajapaksa, M.P. for
Hambantota District*

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*Kahawilgoda Jathika Uruma Uyana Concept
Museum Development Fund (Incorporation)*

AN ACT TO INCORPORATE KAHAWILGODA JATHIKA URUMA UYANA
CONCEPT MUSEUM DEVELOPMENT FUND (INCORPORATION)

WHEREAS a Fund called and known as the “Kahawilgoda Jathika Uruma Uyana Concept Museum Development Fund” has heretofore been established for the purpose of effectually carrying out its objects and transacting all matters connected with the said Fund, in accordance with the rules agreed to by its members:

Preamble.

AND WHEREAS the said Fund has heretofore successfully carried out and transacted the several objects and matters for which it was established 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 Kahawilgoda Jathika Uruma Uyana Concept Museum Development Fund (Incorporation) Act, No. of 2016.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Kahawilgoda Jathika Uruma Uyana Concept Museum Development Fund” (hereinafter referred to as “the Fund”) and hereafter be admitted as members of the Corporation hereby constituted (hereinafter referred to as the “Corporation”) shall be a body corporate with perpetual succession, under the name and style of “Kahawilgoda Jathika Uruma Uyana Concept Museum Development Fund” and by that name may sue and be sued in all courts, with full power and authority to have and use a common seal and alter the same at its pleasure.

Incorporation of the Kahawilgoda Jathika Uruma Uyana Concept Museum Development Fund.

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

General
objects of the
Fund.

- 5 (a) to construct a Jathika Uruma Uyana Concept Museum in Kahawilgoda Ancient Temple Premises and to maintain and effect repairs to it when necessary;
- (b) to ensure and facilitate performance of Jathika Uruma Uyana Concept Museum;
- 10 (c) to formulate a scheme to construct buildings connected with Jathika Uruma Uyana Concept Museum and to plan out a new environment in consultation with the relevant authorities;
- (d) to hold exhibitions, lectures, seminars, to bring out publications, and to carry out activities in order to realise the objects of the Corporation;
- 15 (e) to help in any activity connected with the construction of the Jathika Uruma Uyana Concept Museum with the approval and supervision of the Department of Archaeology; and
- 20 (f) to maintain and encourage friendly relations with other Museums in Sri Lanka and abroad.

4. (1) The members of the Corporation shall be appointed by His Excellency the President of Sri Lanka on the advice, and recommendation of the Ven. Nayaka Thero of the Kahavilgoda Purana Viharaya, who shall be the Chief Patron of the Corporation.

Membership.

(2) The number of members of the Corporation shall be not less than ten members and not more than twenty members inclusive of the following *ex-officio* members:—

- 30 (i) the Director-General of Archaeology;

- (ii) the Director-General of Central Cultural Fund;
- (iii) the Chief Secretary of Southern Provincial Council;
- (iv) the District Secretary of Matara; and
- 5 (v) the Director-General of the National Physical Planning Department.

(3) Every member of the Corporation unless he vacates office earlier by death, resignation, removal or becomes a Member of Parliament/Provincial Council/Local Government will hold office for a period of five years from
10 the date of his appointment.

(4) Every member of the Corporation may resign his office by a letter addressed in that behalf to the His Excellency the President of Sri Lanka and such resignation shall take effect
15 upon it being accepted by the His Excellency the President of Sri Lanka.

(5) Any member except *ex-officio* member of the Corporation may be removed from membership after consulting Nayaka Thero of the Kahawilgoda Purana Viharaya.

20 (6) Where any member of the Corporation dies, resigns or is removed from office, the His Excellency the President of Sri Lanka shall appoint another person on the recommendation of the Nayaka Thero of the Kahawilgoda Purana Viharaya, and the person so appointed shall hold
25 office for the unexpired period of the term of office of the member whom he succeeds.

(7) Any member of the Corporation who vacates office, by affiliation of time shall be eligible for reappointment.

30 **5.** (1) It shall be lawful for the Corporation, from time to time, at any General Meeting of the members and by the Rules of the Corporation.

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votes of not less than two thirds of the members present and voting at such meeting to make rules, not inconsistent with the management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may,
5 at a like meeting and in like manner, be altered, added to, amended or rescinded.

(2) The members of the Corporation shall be subject to the rules of the Corporation.

6. (1) It shall be lawful for the Corporation from time
10 to time, at any General Meeting of the Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of entrance fees to the Jathika Uruma Uyana Concept Museum, gifts, bequests, donations, subscriptions, contributions, fees or grants for and on account
15 of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the finance Committee of Management shall determine.

Fund of the Corporation.

(2) The Corporation may create any depreciation fund, reserve or sinking fund for the rehabilitation, improvement
20 and development of the property of the Corporation.

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

25 (4) The moneys and property of the Corporation however derived shall be applied solely towards the promotion of its objects and no portion thereof shall be paid or transferred directly or indirectly, by way of dividends, bonus or otherwise by way of profit to any member of the Corporation.

30 7. (1) It shall be lawful for the Corporation, from time to time, at any General Meeting of the affairs of the Corporation shall, subject to the rules of the Corporation be administered by a Committee of Management comprising

Management of the affairs of the Corporation.

of not less than six members consisting of the President, Vice President, Secretary, Treasurer, Assistant Secretaries and two other members to be elected in accordance with the rules of the Corporation.

5 (2) The first Committee of Management of the Corporation will be the Committee of Management of the Fund holding office on the day preceding the date of commencement of this Act.

10 **8.** The Committee of Management shall cause to be kept a register of members in which every person who on the day preceding the date of commencement of this Act is a member of the Fund and every person thereafter duly admitted as a member of the Corporation shall have his name inscribed. Register of members.

15 **9.** All debts and liabilities of the Fund existing on the day preceding the date of commencement of this Act shall be paid and discharged by the Corporation, and all debts due to and subscriptions and contributions payable to, the Fund on that day shall be paid to the Corporation for the purposes of this Act. Debts due by and payable to the Fund.

20 **10.** The Corporation shall be 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. Corporation may hold and dispose of property movable and immovable.

25 **11.** Subject to the provisions of this Act, and other written law, the Corporation shall have the power— General powers of the Corporation, to acquire property, invest Fund & etc.

(a) to take and hold land or buildings by purchase, acquisition, rent building or otherwise, for the purposes of the Corporation;

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- (b) to recover and take entrance fees, subscriptions, donations, grants and all kinds of gifts, concessions for the purposes of the Corporation;
- 5 (c) to enter into agreements or contracts with any person, company or body of persons;
- (d) to receive, accept, implement, perform, and administer the conditions effective to any real or private property which is held as belonging to or as any lawful trust with any Corporation, charitable society, board or any other trust;
- 10 (e) to appoint, dismiss or terminate the services of the officers and employees of the Corporation, and to pay their salaries allowances and gratuities as may be determined by the Corporation; and
- 15 (f) to train employees for the benefit of the Corporation.

12. (a) The financial year of the Corporation shall be the calendar year. Audit and accounts.

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

(c) The accounts of the Corporation shall be audited by a qualified auditor.

In this section, “qualified Auditor” means—

- 25 (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

5 (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.

10 **13.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of a member of the Corporation and the Secretary or any other person duly authorized by the committee of Management, 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.

15 **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 of such membership fees as may be due from such member to the Corporation. Limitations of liabilities of members.

20 **15.** 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 any other institution or institutions having objects similar to those of the Corporation and which is or are by their rules prohibited from distributing any income or property among its or their members. Such institution or institutions may be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation. Property remaining on dissolution.

30 **16.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate or of any other persons. Saving of the rights of the Republic and others.

35 **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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