



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

**KELANIYA ASHOKARAMA SILUMINI FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the Kelaniya Ashokarama Silumini Foundation

*Presented by Hon. Sisira Jayakody, M. P. for Gampaha District
on 08th February, 2017*

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Kelaniya Ashokarama Silumini Foundation
(Incorporation)

AN ACT TO INCORPORATE THE KELANIYA ASHOKARAMA SILUMINI
FOUNDATION

WHEREAS a Society called and known as the “Kelaniya Ashokarama Silumini Foundation” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Foundation according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted several objects and matters for which it was established, and has applied to 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 Kelaniya Ashokarama Silumini Foundation (Incorporation) Act, No. of 2017.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Kelaniya Ashokarama Silumini Foundation” (hereinafter referred to as the “Foundation”) or 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 “Kelaniya Ashokarama Silumini Foundation” (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 pleasure.

Incorporation of the Kelaniya Ashokarama Silumini Foundation.

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

General objects of the Corporation.

(a) to conduct an annual Perahera continuously with a view of promoting and enriching the Hela culture and pass over to the future generation;

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- (b) to uplift temples and viharas for the renaissance of Buddhism that are found neglected in the rural areas;
- 5 (c) to donate books and award scholarships to those school and university students of lower income for the upliftment of their education; and to draw action plans with the same objectives;
- (d) to create a consultation service and formation of an action plan to develop the existing societies and organizations at village level;
- 10 (e) to introduce a movement called “Silumina Yathra” with a view of assisting and aiding the people affected and displaced by natural disasters and other devastations;
- 15 (f) to organize various projects at national and regional level in order to develop the education and other facilities of the Religious (Daham) as well as Pirivena Schools;
- 20 (g) to activate projects such as various programmes, seminars and lectures in national and regional level with the aim of quenching the thirst for Dhamma of the laymen and clergymen in way of increasing religious knowledge. Setting up of Buddhist Journals for the poor people;
- 25 (h) to launch a programme in national and regional level to donate Sill cloth, uniform materials and books for the devotees with the view of uplifting those who are engaged in Seela movement, and those students who are attached to the Damma School for religious education;

- 5 (i) to launch a necessary formal and professional consultation service aiming at regaining and relieving the people suffering from the various social, economic, cultural and political mental fatigues; and to those suffering from mental fatigues caused by internal as well as external sources in the family structure;
- 10 (j) to activate programmes aiming at educating people of the effect of the drugs and guiding the drug addicts to various rehabilitation programmes;
- (k) to launch various get-together and programmes aiming at promoting the mental health of the senior citizens;
- 15 (l) to initiate a Vocational Training School so as to provide necessary training skill enabling the jobless youths to engage in self-employments;
- 20 (m) to promote understanding, co-operation and friendship with similar institutions within and outside Sri Lanka; and initiating common projects as mutually agreed upon;
- (n) to act as centre for providing school students an education parallel to the curriculum; and
- 25 (o) to do all such other acts and things as are necessary for and incidental or conducive to the attainment of the above objects.

30 **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 and matters as necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

General powers of the Corporation.

- (a) to raise funds and receive grants, gifts or donations in cash or kind;

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- 5 (b) to acquire, in any manner whatsoever and hold, take or give on lease or hire, rent, sell or otherwise dispose of any movable or immovable property and construct, maintain and alter any buildings or works necessary or convenient for the business of the Corporation;
- 10 (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 bank accounts and borrow or raise money with or without security;
- 15 (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board of Management may determine;
- (e) to enter into agreement or contracts with any person, or body of persons whether incorporated in Sri Lanka or abroad or with any Government Department, Corporation, Board, Provincial Council or Local Authority for the achievement of the objects of the Corporation;
- 20 (f) to determine the fees to be paid in respect of registration of different categories of membership; and
- 25 (g) 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.
- 30 5. (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules in force for the time being of the Corporation be administered by a Board of Directors consisting of the Chairman, the Secretary, Treasurer and other members elected in accordance with such rules. Management of the Corporation.

(2) Notwithstanding anything to the contrary in subsection (1) of this section the nomination of the successor to the incumbent Chairman of this Foundation, without any obstacle, be the sole right of the incumbent Chairman during
5 His tenure. This nomination become authenticated upon officially declaring the nominee at a meeting of Board of Directors.

(3) In any circumstances, if it deems fit, the right to change the nomination be the right of the incumbent Chairman in
10 His tenure. The Board of Directors or any Member has no right to object or question and no right to reject or decline to accept such a nomination of the successor.

(4) Chairman must lead this Foundation with no any political affiliation.

15 (5) If any Member of the Foundation or the Board of Directors is made an accusation against upon any immoral or disciplinary issue, a disciplinary inquiry be conducted in accordance with the natural law; and the Chairman has the right to, if found guilty, remove him or her with the
20 penalty for any damages caused.

(6) The Chief Prelate of the Ashokaramaya Viharaya be the *ex-officio* Chairman of the Foundation.

(7) The Board of Management of the Corporation shall consist of the members of the Board of Directors of the day
25 immediately preceding the date of commencement of this Act.

(8) A member of the Board of Directors other than the Chairman shall unless he vacates his office earlier by death or resignation, holds office for a period of four years. Where
30 due to death or resignation a vacancy occurs in the Board of Directors a new member shall be appointed to fill such vacancy and such a new member shall hold office for a period of four years.

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6. (1) It shall be lawful for the Corporation, from time to time, at any General Meeting and by the votes 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
5 written law, for the admission, withdrawal or expulsion of members, the election of the Board of Management, for the conduct of the duties of the office bearers, agents, officers and servants of the Corporation, for the procedure to be followed in the transaction of business by the Corporation
10 and Board of Management and generally, for the management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may at a like meeting and in a like manner, be altered, added to, amended or rescinded.

Rules of the Corporation.

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

7. (1) The Corporation shall have its own fund. All moneys received by way of gifts, bequests, donations, transfers, subscriptions, contributions, or fees shall be
20 deposited to the credit of the Corporation in one or more Banks as the Board of Management shall determine.

Fund of the Corporation.

(2) There shall be paid out of the fund of the Corporation, all such sums of money as may be required to defray any expenditure incurred by the Corporation in carrying out the
25 objects of the Corporation.

(3) The moneys and property of the Corporation whosoever derived shall be applied solely towards the promotion of the objects as set forth herein and no portion thereof shall be paid or transferred directly or indirectly by
30 way of dividend, bonus or otherwise, to any member of the Corporation.

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8. (1) The financial year of the Corporation shall be the calendar year. Accounts and Audit.

5 (2) The Corporation shall cause proper accounts to be kept of 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 as may be determined by the Board.

In this section, “qualified auditor” means —

10 (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 of such institute; or

15 (b) a firm of Accountants each of the resident partners of which, being a member of the Institute of the 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
20 institute.

9. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the Secretary who shall sign their names on 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.

10. All debts and liabilities of the foundation 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 foundation on that day shall be paid to the Corporation for the purpose of this Act. Debts due by and payable to the Foundation.

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11. The Corporation shall be able and 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.
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 the members of the Corporation but shall be given or transferred to some other Foundation or Foundations 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 Foundation or Foundations shall be determined by the Board at or immediately before the dissolution of the Corporation.
13. 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 annual subscription payable by him to the Corporation.
14. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate or of any other person, except such as are mentioned in this Act and those claiming by, from or under them.
15. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.
- Corporation may hold property movable and immovable.
- Property remaining on dissolution.
- Limitation of liability of members.
- Saving of the Rights of the Republic and others.
- Sinhala text to prevail in case of inconsistency.

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