



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

**THAREEQATHUL AROOSIYYATHIL
QAADHIRIYYAH ASSOCIATION OF SRI LANKA
(INCORPORATION)**

A

BILL

**to incorporate the Thareeqathul Aroosiyathil Qaadhiriyyah
Association of Sri Lanka**

*Presented by Hon. Seyed Ali Zahir Moulana, M. P. for Batticaloa District
on 19th October, 2017*

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*Thareeqathul Aroosiyathil Qaadhiriyyah
Association of Sri Lanka (Incorporation)*

AN ACT TO INCORPORATE THE THAREEQATHUL AROOSIYYATHIL
QAADHIRIYYAH ASSOCIATION OF SRI LANKA

WHEREAS His Holiness Qutbuz Zaman Madihus Sibtain Al- Allama As-Shaikh Imamul Aroos Sayyid Muhammad Mapillai Lebbai Alim Waliyullah has established, founded and maintained several Mosques, Thakkiyas, Madrasas, Charitable Trusts, Muslim Shrines and Places of Religious resort and other institutions in Sri Lanka:

Preamble.

AND WHEREAS His Holiness Qutbuz Zaman Madihus Sibtain Al- Allama As-Shaikh Imamul Aroos Sayyid Muhammad Mapillai Lebbai Alim Waliyullah formed an Association called the Thareeqathul Aroosiyathil Qaadhiriyyah Association in Sri Lanka and abroad for the purpose of effectually carrying out the objects and transacting all matters connected with the said Association according to the practices, rites, customs and rules laid down by the said Spiritual Head and agreed by its members :

AND WHEREAS the said Association 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 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 Thareeqathul Aroosiyathil Qaadhiriyyah Association of Sri Lanka (Incorporation) Act, No. of 2017.

Short title.

2. (1) There shall be constituted a body corporate (hereinafter referred to as the “Corporation”) with perpetual succession under the name and style of the “Thareeqathul Aroosiyathil Qaadhiriyyah Association in Sri Lanka” from and after the date of this Act comes into operation and by

Incorporation of the Thareeqathul Aroosiyathil Qaadhiriyyah Association in Sri Lanka.

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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.

5 (2) From and after the date of commencement of this Act, members of the Thareeqathul Aroosiyathil Qaadhiriyyah Association of Sri Lanka (hereinafter referred to as the “Association”) shall hereinafter continue as members of the Corporation.

10 (3) From and after the date of commencement of this Act, the list of institutions vested with the Association including those institutions set out in the First Schedule to this Act shall hereinafter be vested with the Corporation.

15 (4) Any property, right or thing vested, belonging, dedicated or associated with the Spiritual Head or Association from and after the date of commencement of this Act, shall be vested with the Corporation.

3. The general objects of the Corporation are hereby declared to be—

General
objects of the
Corporation.

20 (a) to administer and supervise all Mosques, Thakkiyas, Madrasas, Charitable Trusts, Muslim Shrines and Places of Religious resort and other institutions vested, belonging, dedicated or associated with the Association founded by His Holiness Qutbuz Zaman Madihus Sibtain Al-Allama As-Shaikh
25 Imamul Aroos Sayyid Muhammad Mapillai Lebbai Alim Waliyullah and his successors;

(b) to appoint, remove and exercise control over trustees appointed to the list of institutions set out in the First Schedule to this Act;

30 (c) to administer and supervise all Mosques, Thakkiyas, Madrasas, Charitable Trusts, Muslim Shrines and Places of Religious resort and other institutions that

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- 5 may be owned, possessed, dedicated, associated or affiliated to the Corporation including the appointment, removal and exercise of control over trustees appointed over the said Mosques, Thakkiyas, Madrasas, Charitable Trusts, Muslim Shrines and Places of Religious resort;
- 10 (d) to institute legal proceedings to recover any property or sue in action vested, belonging, dedicated or associated with the Spiritual Head of the Association;
- (e) to institute legal proceedings to advance any of the objects of the Association;
- (f) to conduct religious and spiritual rites of the Association;
- 15 (g) to promote the sunnath wal jamaath way of Islamic life which is the mazhab oriented Thareeqathul Aroosiyathil Qaadhiriyyah sufistic instruction of the Founder Shaikh among the adherents of the Islamic faith;
- 20 (h) to disseminate the mazhab oriented doctrines and teachings of Islam, Islamic culture and Sufism and the promotion of activities for the benefit of the community;
- 25 (i) to conduct research on the work and life of the Founder Shaikh;
- (j) to construct and manage Mosques, Thakkiyas, Madrasas, Charitable Trusts, Muslim Shrines and Places of Religious resort and other institutions;
- 30 (k) to collect funds and accept endowments and materials for the building, repair or maintenance of Mosques, Thakkiyas, Madrasas, Charitable Trusts,

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Muslim Shrines and Places of Religious resort and other institutions and the conduct of religious and spiritual rites;

(l) to alleviate poverty;

5 (m) for the advancement of education;

(n) to administer and manage properties of the Association;

(o) to do all such other acts and things as are necessary, ancillary or incidental to the attainment of all or
10 any of the objects of the Corporation.

4. (1) 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
15 of them including the power to open, operate or close non-interest bearing bank accounts, to borrow or raise money free of interest with or without security, to receive, collect, disburse grants and donations, to invest its funds to construct any buildings on any land vested in, or acquired or held by
20 the Corporation, to acquire, purchase, lease or rent land, to invest in movable property and chooses in action, and to engage, employ and dismiss personnel for the purpose of carrying out all or any of the objects of the Corporation:

General Powers of the Corporation.

25 Provided, however, the powers of the Corporation shall at all times be exercised in compliance with the principles of sunnath wal jamaath.

(2) The Corporation shall also have the power to institute legal proceedings in respect of any property claimed to be owned, possessed, belonging to , dedicated or associated
30 with or managed for and on behalf of the Founding Spiritual Head, Association or Corporation as the case may be.

5. (1) Subject to the general control and direction of the Spiritual Head, the management and administration of the Corporation shall be carried out by a Board of Trustees consisting of such number of office bearers as may be appointed by the Spiritual Head. Management of the affairs of the Corporation.

(2) The Spiritual Head of the Corporation shall be the Life Patron of the Corporation as long as he continues to be such Spiritual Head.

10 (3) At the coming into operation of this Act, His Holiness As-Shaikh Afdhalul Ulama Dr. Thaika Shuaib Alim, B.A. (Hons), M.A., ph. D., M.F.A, Jalali, the present Officiating Shaikh of the Association shall be the Spiritual Head of the Corporation and shall hold office for life.

15 (4) The Spiritual Head shall have full power and authority in his discretion to nominate a successor. Such nomination shall be in accordance with the rules and will become operative upon the death or incapacity of the incumbent Spiritual Head. The Spiritual Head may in his absolute discretion delegate any of his powers and functions to such persons as he may think fit and for such period as may be prescribed by him. 20 Notwithstanding any delegation of any such powers or functions, the Spiritual Head may at any time exercise any such powers or functions delegated or revoke such delegation without notice to the person or persons to whom such powers 25 or functions has been delegated.

(5) The successors to the Spiritual Head shall in descending order be—

30 (i) His Holiness As-Shaikh Afzalul Ulama Ahmad Nasir Thaika Shuaib also known as Thaika Nasir Alim Jalali, B.A. (His.), M.F.A., Faazil Jamaali, and thereafter shall be;

35 (ii) His Holiness As-Shaikh Yaseen Mujeerudeen also known as Thaika Mujeerudeen Alim Jalali., B.A. (Bus. Studies) U.K., Al-Azhari, and thereafter shall be;

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- (iii) Such person nominated by His Holiness As-Shaikh Yaseen Mujeerudeen also known as Thaika Mujeerudeen Alim Jalali., B.A. (Bus. Studies) U.K., Al-Azhari.

5 (6) It shall be lawful for the Spiritual Head to appoint a Board of Trustees to the Corporation and a Board of Trustees to each institution set in the First Schedule to this Act and such persons shall hold office during the pleasure of the Spiritual Head:

10 Provided, however, the first Board of Trustees of the Corporation and the first Board of Trustees to each institution set out in the First Schedule to this Act shall be appointed by the Spiritual Head and such persons shall hold office during the pleasure of the Spiritual Head.

15 (7) The Board of Trustees or the managing body, as the case may be, of any Mosque, Thakkiya, Madrasa, Charitable Trust, Place of Religious Resort or any other institution may apply to the Corporation to be affiliated. The Spiritual Head of the Corporation may in his absolute discretion allow
20 such application. The provisions of this Act shall apply to such Mosque, Thakkiya, Madrasa, Charitable Trust, Place of Religious Resort or any other institution, as the case may be, in the event of such application is allowed.

25 **6.** (1) Without prejudice to the generality of powers to make rules to give effect to the principles and provisions of this Act, it shall be lawful for the Spiritual Head to make rules to—

Rules of the Corporation.

30 (a) determine eligibility for membership, mode of admission, withdrawal, expulsion and resignation and fees payable of members;

 (b) appointment, resignation or vacation of or removal from office of and the powers, duties and conduct of the members of the Board of Trustees;

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- (c) appointment, powers, duties, functions, conduct and disciplinary control of the various officers, agents and employees;
- 5 (d) the procedure to be observed in the summoning of, and holding of meetings of the Board of Trustees and all matters pertaining to the notices and agenda of such meetings, the quorum thereof, and the conduct of business thereat;
- 10 (e) the administration and management of the properties;
- (f) generally the management of the religious, spiritual and temporal affairs and the accomplishment of objects; and
- 15 (g) such other matters that the Spiritual Head may consider necessary for the attainment of the Objects of the Corporation.

(2) Any rule may be amended, varied, changed or rescinded in like manner as a rule made under subsection (1) of this section.

20 (3) The rules of the Association in the Second Schedule shall continue to be in force from the date of commencement of this Act and shall be deemed to be the rules of the Corporation.

25 (4) Members of the Corporation shall be subject to the rules made from time to time and the rules set out in the Second Schedule to this Act.

30 **7.** (1) The Corporation shall have its own fund and all moneys heretofore or hereinafter to be received by way of gifts, bequests, endowments, donations, subscriptions, contributions, fees or grants for and account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Trustees shall determine. Fund of the Corporation.

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

5 **8.** (1) All debts and liabilities of the Association existing at the time of the coming into operation of this Act shall be paid by the Corporation and all debts due to and subscriptions and contributions payable to the Association shall be paid to the Corporation for the purpose of this Act. Debts due towards and debts payable by the Corporation.

10 (2) All rights and liabilities of the Association existing at the time of the coming into operation of this Act shall *mutatis mutandis* be vested with the Corporation.

15 **9.** The Corporation shall be entitled to hold any property 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 purpose of this Act and subject to the rules in force for the time being of the Corporation, with full power to sell, lease, exchange, or otherwise dispose: Corporation may hold property movable and immovable.

20 Provided, however, the power of the Corporation to encumber any property shall be exercised in compliance with the principles of the Shariah.

25 **10.** The Seal of the Corporation shall be affixed by the Spiritual Head or by any person duly authorized in writing by the Spiritual Head in that behalf. Seal of the Corporation.

11. Any action, proceeding or thing vested, belonging, dedicated or associated with the Association shall from and after the date of commencement of this Act continue in the name of the Corporation. Pending actions.

30 **12.** Nothing in this Act contained shall prejudice or affect the rights of the Republic. Saving of the rights of the Republic.

13. 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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FIRST SCHEDULE [Section 2(3)]

List of Institutions

1. Magnamus Suada Thaika,
No. 159, Old Moor Street, Colombo 12.
2. Al-Masjidul Bukhary Thaika, No. 25, Imamul Aroos Mawatha,
Maradana, Colombo 10.
3. Aroosiyatul Quadiriyya Madrasa Arabic College, No. 108/31,
Maligakanda Road, Colombo 10.
4. Katakala Marathady Thaika and Shrine, No. 32, Clifton Lane,
Dematagoda, Colombo 09.
5. Hussain Waliyullah Thaika aka As-Sheikhu Asseyidu
Muhammadu Hussain Waliyullah Thaika,
No. 677, Colombo-Galle Road, Gintota.
6. Khalwat Thakkiya,
Godawatta, Wakwella Road, Gintota.
7. Masjid Muhyiddeen Thakkiya,
No. 37, H. K. Edmund Mawatha, Miliduwa, Galle.
8. Magnam Abkal Hamdu Thakkiya,
Matara Road, Katugoda, Galle.
9. Masjidul Aroosiya Thakkiya,
Akuressa Road, Nugaduwa, Galle.
10. Bukhary Mosque and Madrasa,
Buhary Masjid Mawatha, Galbokka, Weligama.
11. Ma'lul Khairath Thakkiya,
No. 4, St. Servatius Road, Yehiya Kotuwegoda, Matara.
12. Malharus Salah Thaika,
No. 49, (Old No. 917), Yehiya Mawatha, Matara.
13. Muhyiddeen Aroosia Qadirriya Thaika,
No. 40, Walker Street, Hambantota.
14. Aroos Moulana Maqbarah Shrine,
Andiyakadawatta, Gampola.
15. Mapillai Alim Khalwath Jalwath Thaika,
Ward 1, Thakwa Nagar, Pulmoddai.

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SECOND SCHEDULE

Section [6(4)]

The Rules and Regulations of the Corporation

1. Membership to the Corporation shall be open to all persons professing the sunnath wal jamaath Islamic faith.

2. Unless otherwise amended all rules hithertobefore relating to the Association shall continue to apply to the Corporation including rules relating to—

- (a) the conduct of spiritual activities;
- (b) the persons who would provide spiritual and religious services;
- (c) the number of trustees, their appointment, removal, disciplinary control and dismissal ;
- (d) the number of members, their admission, removal, disciplinary control and expulsion;
- (e) succession of the Spiritual Head; and
- (f) rules relating to the basic tenets of the Corporation.

3. These rules may be changed, varied, amended or rescinded from time to time except those rules relating to the basic tenets of the Corporation.

