

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

Part II of September 24, 2021

SUPPLEMENT

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**DASSANA BAUDDHA SANVIDHANAYA
(INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate the Dassana Bauddha Sanvidhanaya

*To be presented in Parliament by Hon. Chandima Weerakkody, M.P.
for Galle District*

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Dassana Bauddha Sanvidhanaya (Incorporation)

AN ACT TO INCORPORATE THE DASSANA BAUDDHA SANVIDHANAYA

5 WHEREAS an Organization called and known as the “Dassana Bauddha Sanvidhanaya” has heretofore been established in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Organization according to the rules agreed to by its members:

Preamble

10 AND WHEREAS the said Organization 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 Dassana Bauddha Sanvidhanaya (Incorporation) Act, No. of 2021.

Short title

15 2. (1) From and after the date of commencement of this Act, such and so many persons as now are members of the Dassana Bauddha Sanvidhanaya (hereinafter referred to as the “Sanvidhanaya”) and shall hereafter be admitted as members of the body corporate hereby constituted and shall have perpetual succession, under the name and style of the “Dassana Bauddha Sanvidhanaya” (hereinafter referred to as the “ body corporate”) 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 Dassana Bauddha Sanvidhanaya

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

General objects of the body corporate

(a) to organize and conduct *Sathara Sathipattana* meditation programmes;

30 (b) to spread in the society, the activity of purification of the mind which is the message of the *Theravada* Buddhism;

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(c) to make arrangements to provide, alms and other requisites to the residents *Bhikkus, Dasa sil Mathas, Upasakas* and *Upasikas* of the Bebalagama Nagalen Rajamha Vihara;

5 (d) to oraganize appropriate programmes and activities with a view to protecting Theravada Buddhism.

10 4. The objects of the body corporate shall be carried out in such manner so as not to create any conflict between the work of the body corporate and any work being carried out simultaneously by any Ministry or Department of the Government or any Provincial Council.

Body corporate to ensure no conflict with work of Ministry or Department of the Government or Province

15 5. (1) Subject to the provisions of this Act and the rules made under section 9, the management and administration of the affairs of the body corporate shall be carried out by an Executive Board consisting of the President who shall be a resident Bhikku of the Bebalagama Nagalen Rajamha Vihara, two Vice Presidents, Secretary, Assistant Secretary, Treasurer and such number of office bearers, as may be elected or appointed in accordance with the rules made under section 9.

Management of the affairs of the body corporate

25 (2) (a) The members of the Executive Board of the Organization holding office on the day immediately preceding the date of commencement of this Act shall function as an Interim Board of the body corporate until the first Board is appointed or elected in the manner provided for by rules made under Section 9.

30 (b) The Interim Board shall have the power to make rules in respect of the interim administration of the body corporate and the election or appointment of the members of the first Executve Board of the body corporate.

(c) Any decision of the Interim Board shall be taken by the majority of its members present at any meeting thereof.

5 (d) The first Executive Board of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.

10 (3) (a) Every office bearer of the Executive Board shall be appointed or elected for a period of one year and any such office bearer shall be eligible for re-appointment or re-election after lapse of the said period of one year.

15 (b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Executive Board shall having regard to the rules of the body corporate, elect or appoint a person to fill such vacancy.

(c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

20 **6.** The Chief Incumbent of the Bebalagama Nagalen Patron Rajamaha Vihara shall be the patron to advise the Executive Board in respect of the management and administration of the body corporate.

25 **7.** There shall be appointed in accordance with the rules made under section 9, any Committee or sub-committee consisting of the members of the Organization to achieve the objectives of the body corporate as may be determined by the Executive Board. Committees of the body corporate

8. Subject to the provisions of this Act, and any other written law, the body corporate shall have the power— Powers of the body corporate

30 (a) to purchase, acquire, construct, renovate or otherwise obtain lands or buildings which may be required for

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the purpose of the body corporate and dispose of the same as may be determined by the Executive Board expedient with a view to promoting the objects of the body corporate;

- 5 (b) to borrow or raise funds with or without securities and to receive grants, gifts or donations from local or foreign sources in cash or kind:

10 Provided that, the Executive Board shall obtain the prior written approval of the Department of External Resources, in respect of all foreign grants, gifts or donations made to the body corporate;

- (c) to invest any funds are not immediately required for the purposes of the body corporate in such manner as the Executive Board may determine;

- 15 (d) to appoint, employ, dismiss or terminate the services of officers and servants of the body corporate and exercise disciplinary control over them and to pay them such salaries, allowances as may be determined by the body corporate;

- 20 (e) to open, maintain and close any current, savings or any other account in any bank or banks as may be determined by the Executive Board;

- 25 (f) enter into, perform or carry out, whether directly or through any officer or agent authorized in that behalf by the body corporate, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the body corporate;

- 30 (g) appoint any committee or sub-committee as and when necessary to carry out any functions of the body corporate as may be determined by the Executive Board;

(h) to borrow or raise funds required for the purposes of the body corporate; and

5 (i) to do all othe things as are necessary or expedient for the proper and effective carrying out the objects of the body corporate.

9. (1) It shall be lawful for the body corporate, from time to time, at any General Meeting of the body corporate and by a majority of 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 written law, for all or any of the following matters:—

Rules of the
body
corporate

10 (a) the classification of membership, and admission, resignaton or expulsion of members and fees payable by such members;

15 (b) the election of office bearers of the Executive Board, vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;

20 (c) the terms and conditions of appointment, powers, duties, functions and remuneration of various officers and servants of the body corporate;

25 (d) the procedure to be followed in the summoning and holding of meetings of the Executive Board, or any other committee or sub-committee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;

(e) the qualifications and disqualifications to be a member of the Executive Board or any other Committee or sub-committee thereof;

30 (f) the administration and management of the property of the body corporate; and

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(g) generally the management of the affairs of the body corporate, the accomplishment of its' objects and dissolution of the body corporate.

5 (2) Any rules made by the Body corporate may be amended, altered, added to or rescinded at a like meeting and in like manner, as a rule made under subsection (1) of this section.

(3) The members of the body corporate shall at all times be subject to rules of the body corporate.

10 (4) The rules made under this section shall be published in the *Gazette*.

15 **10.** (1) The body corporate shall have its own Fund and all moneys received by way of gift, bequest, donation, subscription, contribution, fees or grant for and on account of the body corporate shall be deposited to the credit of the body corporate in one or more banks approved by the Executive Board.

Fund of the
body
corporate

20 (2) There shall be paid out of the Fund, all such sums of money as are required to defray any expenditure incurred by the body corporate in the exercise, performance and discharge of its powers, duties and functions under the Act.

25 **11.** Subject to the provisions of this Act, the body corporate shall be able and capable in law to take and hold any property, movable and 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 body corporate for the purpose of this Act and subject to the rules of the body corporate made under section 9, with power to sell, mortgage, lease, exchange, or otherwise dispose
30 of the same.

body
corporate
may hold
property
movable and
immovable

5 **12.** The money and property of the body corporate shall be applied solely towards the promotion of the objects of the body corporate and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to the members of the body corporate.

Application
of moneys
and property

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

Accounts and
auditing

10 (2) The accounts of the body corporate shall be audited annually by the Auditor General or a qualified auditor appointed by the Auditor-General in terms of Article 154 of the Constitution.

 (3) For the purpose of this section “qualified auditor” means—

15 (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 Committee of such institute; or

20 (b) 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.

 (4) The financial year of the body corporate shall be the calendar year.

30 **14.** (1) The Executive Board shall prepare a report of the activities of the body corporate for each financial year and submit such report together with the audited statement

Annual
Report

of accounts to the Secretary of the Ministry of the Minister assigned the subject of Buddhasasana before the expiration of six months of the year succeeding the year to which such report relates.

- 5 (2) A separate statement relating to the foreign and local moneys received by the body corporate during the financial year shall be attached to the report referred to in subsection (1).

10 **15.** All debts and liabilities of the Organization existing on the day immediately preceding the date of commencement of this Act, shall be paid by the body corporate hereby constituted and all debts due to and subscriptions and contributions payable to the Organization on that day shall be paid to the body corporate for the purpose of this Act. Debts due by and payable to the Organization

15 **16.** (1) The seal of the body corporate shall be in the custody of the Secretary or any other office bearer of the Executive Board as may be decided by such Executive Board. Seal of the Body corporate

20 (2) The seal of the body corporate shall not be affixed to any instrument whatsoever, except in the presence of the President, Secretary and the Treasurer 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.

25 **17.** (1) If upon the dissolution of the body corporate 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 body corporate, but shall be given or transferred to any other institution having objects similar to those of the body corporate, and 30 which is by the rules thereof prohibited from distributing any income or property among its members. Property remaining on dissolution

(2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the Corporation immediately before the dissolution at a general meeting by the majority of votes of the members present.

5 **18.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate. Saving of the rights of the Republic

10 **19.** 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

