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SRI LANKA**

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SUPPLEMENT

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**DOCTOR REVEREND HARISPATTUWE
ARIYAWANGSHALANKARA THERO FOUNDATION
(INCORPORATION)**

(Private Members' Bill)

A

BILL

**to incorporate the Doctor Reverend Harispattuwe
Ariyawangshalankara Thero Foundation**

*To be presented in Parliament by Hon. Premnath C. Dolawatte,
Attorney at Law, M.P. for Colombo District*

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*Doctor Reverend Harispattuwe
Ariyawangshalankara Thero Foundation (Incorporation)*

AN ACT TO INCORPORATE THE DOCTOR REVEREND HARISPATTUWE
ARIYAWANGSHALANKARA THERO FOUNDATION

WHEREAS a Foundation called and known as the “Doctor Reverend Harispattuwe Ariyawangshalankara Thero 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 the 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 therefor, enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Doctor Reverend Harispattuwe Ariyawangshalankara Thero Foundation (Incorporation) Act, No. of 2023.

Short title

2. (1) From and after the date of commencement of this Act, such and so many persons as now are members of the Doctor Reverend Harispattuwe Ariyawangshalankara Thero 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 “Doctor Reverend Harispattuwe Ariyawangshalankara Thero Foundation” (hereinafter referred to as the “body corporate”) 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 to alter the same at its pleasure.

Incorporation of
Doctor Reverend
Harispattuwe
Ariyawangshalankara
Thero Foundation

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(2) The body corporate shall be deemed to be a voluntary social service organization within the meaning and for the purpose of the Voluntary Social Service Organizations (Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the management of the affairs of the Corporation.

3. The body corporate shall operate exclusively as a not-for profit Organization and it is solely for the benefit of the society and its members.

Body
corporate
operates as a
not-for-profit
Organization

10 4. (1) The general objects for which the body corporate is constituted are hereby declared to be:—

The general
objects of the
Body
corporate

(a) to take action for the protection and perpetuation of Mahā Sanga;

15 (b) to implement system to re-strengthen the relationships between the ordained and non-ordained; the protections of the Sambuddha Sasana;

20 (c) to implement programmes to make the monks and laymen below the age of twenty a set of people who have realized the Buddhist hood and related behavioral patterns with proper judgmental skills;

(d) to conduct and facilitating short, mid and long term meditation training programs;

25 (e) to conduct programmes in relation Buddhist economic, social, cultural, educational and ethical concepts in order to re-establish the Buddhist life style;

(f) to conduct effective programmes to wipe out alcohol and drugs;

- (g) to conduct rehabilitation, welfare and development programmes;
- (h) to take action for enlightenment of Buddhist culture and retrieval of the Buddhist studies;
- 5 (i) to print and publishing educative publications which help to achieve enlightenment;
- (j) to organize and conducting seminars and workshop to create a set of lecturers out of monks and laymen with a profound knowledge of Dharma who can teach the way to a spiritual life;
- 10 (k) to help the community with proper guidance and counselling to resolve conflicts;
- (l) to create opportunities for temporary ordainment and practicing it effectively;
- 15 (m) to work towards achieving national and religious reconciliation;
- (n) to provide local and foreign scholarships for selected ordained and non ordained leaders who are dedicated to achieving the objectives of the Foundation with positive attitudes;
- 20 (o) to conduct programmes to make the public refrain from Four Wrong Paths while guiding towards practicing Four Divine Abodes and Four Way of Kind Treatment; and

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(p) to involve in Āmisa Puja, “material offerings”
meaningfully giving priority to Pratipatti Puja
“offering by means of practice”.

5 (2) In the implementation of the objects specified in
subsection (1), the Corporation shall ensure that such
implementation shall be carried out without any
discrimination based on race, religion, language, caste, sex,
political opinion, place of birth or any of such grounds.

10 5. 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 Corporation 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 Central
Government
or Province

15 6. (1) Subject to the provisions of this Act the body
corporate shall be carried out by a Board of Management
(hereinafter referred to as “the Board”) consisting of such
number of office bearers as may be specified by the rules
made under section 7.

Management
of the affairs
of the body
corporate

20 (2) (a) The Board of Management of the Foundation that
holds office on the day immediately preceding the date of
commencement of this Act, shall function as the Board of
the body corporate until the first Board is appointed or
elected in the manner provided for by rules made under
section 7.

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

(3) (a) Every office bearer of the Board including the patrons and advisors, shall be appointed or elected for a period of three years and any such office bearer, patron or advisor shall be eligible for re-appointment or re-election after lapse of the said period of three years.

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

10 (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.

15 7. Subject to the provisions of this Act and any other written law, the body corporate shall have the power to do, perform and execute all such acts and matters as necessary or desirable for the promotion or any one of them, including the power-

Powers of the
body
corporate

20 (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purposes of the body corporate and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the body corporate;

25 (b) to raise funds and receive grants, gifts or donations, in cash or kind with or without security:

30 Provided that, the Committee shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the body corporate;

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- 5 (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 accounts in any banks;
- (d) to invest any funds not immediately required for the purposes of the body corporate in such manner as the Committee may determine;
- 10 (e) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the body corporate;
- 15 (f) 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 and gratuities as may be determined by the body corporate;
- 20 (g) to do all other things as are necessary or expedient for the proper and effective carrying out the objects of the body corporate.

25 **8.** (1) It shall be lawful for the body corporate from time to time, at any General Meeting and by the votes 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 matter:-

Rules of the
Body
corporate

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by members;
- 30 (b) the election of office bearers of the Board or vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;

- (c) the terms and conditions of appointments, powers, functions and duties of the various officers, agents and servants of the body corporate;
- 5 (d) the procedure to be followed at the summoning and holding of meetings of the Board or any sub committee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- 10 (e) the qualifications and disqualifications to be a members of the Board and the body corporate;
- (f) the administration and management of the property of the body corporate; and
- 15 (g) the management of the affairs of the body corporate and the accomplishment of its' objects and dissolution of the Corporation.

(2) The 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).

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

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

25 **9.** The Board shall maintain a register of members in which name, address and other essential details of the members be Register of members inscribed.

10. (1) The body corporate shall have its own Fund. Fund of the
body
corporate

(2) All moneys received by way of gifts, bequests, donations, subscriptions, contributions, fees or grants for an account of the body corporate shall be deposited in one or
5 more Banks approved by the Board to the credit of the Corporation.

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

11. (1) The financial year of the body corporate shall be Accounts and
Auditing
the calendar year.

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

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

(4) For the purposes of this section, “qualified auditor”
20 means —

(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
25 of such Institute; or

5 (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.

10 **12.** (1) The 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 of accounts to the Secretary of the Ministry of the Minister assigned the subject of Social Services and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of
15 the year succeeding the year to which such report relates.

Annual Report

(2) A separate account 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).

20 **13.** All debts and liabilities of the Foundation existing on the day 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 Foundation on that day shall be paid to the body
25 corporate for the purpose of this Act.

Debts due by and payable to the Foundation

14. Subject to the provisions of this Act, the body corporate 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

Body corporate may hold property movable and immovable

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disposition or otherwise, and all such property shall be held
by the body corporate for the purposes of this Act, and subject
to the rules of the body corporate made under section 7, with
power to sell, mortgage, lease, exchange or otherwise dispose
5 of the same.

15. The moneys and property of the body corporate however derived 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
10 indirectly by way of dividend, bonus or profit to the members of the body corporate.

Application
of money
and property

16. (1) The seal of the body corporate shall not be affixed to any instrument whatsoever, except in the presence of two members of Board who shall sign their names to the
15 instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Seal of the
Body
corporate

(2) The seal of the body corporate shall be in the custody of an office bearer of the Board as may be decided by such Board.

20 **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
25 having objects similar to those of the body corporate, and which is by the rules thereof, prohibited from distributing any income or property among its members.

Property
remaining on
dissolution

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Ariyawangshalankara Thero Foundation (Incorporation)

(2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the body corporate 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 anybody politic or corporate. Saving of the Rights of the Republic and others

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

