

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

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**VEEMANSAA DHAMMAGUPTHA FOUNDATION (INCORPORATION)**

**A**

**BILL**

**to incorporate the Veemansaa Dhammaguptha Foundation**

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*Presented by the Hon. Gunathilaka Rajapaksha, M.P.*  
 *for Mahanuwara District on 19th of October, 2022*

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**[Bill No. 156]**

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| *Veemansaa Dhammaguptha Foundation* | 1 |

*(Incorporation)*

AN ACTTOINCORPORATETHE VEEMANSAA DHAMMAGUPTHA   
FOUNDATION

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

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 10 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:—

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| 15 | **1.** This Act may be cited as the Veemansaa | Short title |
| Dhammaguptha Foundation (Incorporation) Act, No. of |

2022.

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| 20 | **2.**  (1) From and after the date of commencement of this Act, | Incorporation |
| such and so many persons as now are members of the Veemansaa | of |
| Veemansaa |
| Dhammaguptha Foundation (hereinafter referred to as the | Dhammaguptha |
| Foundation |
| “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 “Veemansaa Dhammaguptha Foundation” (hereinafter referred to as the “body corporate”) and by that name may sue 25 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.

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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 5 provisions of that Act shall apply to and in relation to the management of the affairs of the Corporation.

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| **3.** (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 formulate a course of action to uphold the historic   
10 value of the Upcountry Amarapura Sect and appreciate   
 the services to the Buddhist religious order (Sasana)   
 by the priests who had been resident at the Sri   
 Sudharmarama Raja Maha Vihara in Batagalla from   
 its inception and giving priority to it; and

15 (*b*) to use the strategies necessary in directing Buddhist people towards the three-fold meritorious deeds.

(2) In the implementation of the objects specified in subsection (1), the Corporation shall ensure that such implementation shall be carried out without any 20 discrimination based on race, religion, language, caste, gender, political opinion, place of birth or any of such grounds.

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| 25 | **4.** | The objects of the body corporate shall be carried | Body |
| corporate to |
| out in such manner so as not to create any conflict between | |
| ensure no |
| the work of the Corporation and any work being carried out | | conflict with |
| work of |
| simultaneously by any Ministry or Department of the | |
| Ministry or |
| Government or any Provincial Council. | | Department |
| of the Central |
| Government |
| or Province |

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| **5.** (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 | Management of the affairs of the body corporate |

number of office bearers as may be specified by the rules 5 made under section 7.

(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 10 elected in the manner provided for by rules made under section 7.

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

15 (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.

20 (*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.

(*c*) The person elected or appointed under paragraph (*b*) 25 shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

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| **6.** 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 | Powers of the Body  corporate |

or desirable for the promotion or any one of them, including 5 the power-

(*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 10 deemed expedient with a view to promoting the objects of the Body corporate;

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

Provided that, the Board shall obtain the prior 15 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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| 20 | (*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;

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| 25 | (*d*) | to invest any funds not immediately required for |

the purposes of the body corporate in such manner   
as the Board may determine;

(*e*) to undertake, accept, execute, perform and administer any lawful trust or any real or personal 30 property with a view to promoting the objects of the Body corporate;

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(*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

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| 5 | (*g*) | be determined by the body corporate; |
| to do all other things as are necessary or expedient |

for the proper and effective carrying out the objects   
of the body corporate.

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| 10 | **7.** (1) It shall be lawful for the body corporate from time | Rules of the |
| to time, at any General Meeting and by the votes of not less | body |
| corporate |
| 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:-

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| 15 | (*a*) | the classification of membership, admission, |
| withdrawal, expulsion or resignation of members |

and fees payable by members;

(*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;

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| 20 | (*c*) | the terms and conditions of appointments, powers, |

functions and duties of the various officers, agents   
and servants of the body corporate;

(*d*) the procedure to be followed at the summoning and holding of meetings of the Board or any 25 subcommittee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;

(*e*) the qualifications and disqualifications to be a   
 members of the Board and the body corporate;

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

(*g*) the management of the affairs of the body corporate and the accomplishment of its’ objects and 5 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).

(3) The members of the body corporate shall at all time be 10 subject to the rules of the body corporate.

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

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| 15 | **8.** The Board shall maintain a register of members in which | Register of |
| name, address and other essential details of the members be | members |
| inscribed. | Fund of the |
| **9.** (1) The body corporate shall have its own Fund. |
| (2) All moneys received by way of gifts, bequests, | body |
| corporate |

donations, subscriptions, contributions, fees or grants for an account of the body corporate shall be deposited in one or 20 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 25 of its powers, duties and functions under the Act.

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| **10.** | (1) The financial year of the body corporate shall | Accounts and Auditing |
| be the calendar year. | |

(2) The body corporate shall cause proper accounts to be kept of income and expenditure, assets and liabilities and

5 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”

10 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

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| 15 | (*b*) | of such Institute; or |
| 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 20 to practice as an Accountant issued by the Council of such Institute.

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| **11.** | (1) The Board shall prepare a report of the activities | Annual  Report |
| of the body corporate for each financial year and submit | |

such report together with the audited statement of accounts 25 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

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Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such report relates.

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

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| 10 | **12.** All debts and liabilities of the Foundation existing | Debts due by |
| and payable |
| on the day preceding the date of commencement of this Act, |
| to the |
| shall be paid by the body corporate hereby constituted and | Foundation |

all debts due to and subscriptions and contributions payable to the Foundation on that day shall be paid to the body corporate for the purpose of this Act.

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| 15 | **13.** Subject to the provisions of this Act, the body | Body |
| corporate shall be able and capable in law, to take and hold | corporate |
| may hold |
| any property movable or immovable which may become | property |
| movable and |
| vested in it by virtue of any purchase, grant, gift, testamentary | immovable |

disposition or otherwise, and all such property shall be held by the body corporate for the purposes of this Act, and subject 20 to the rules of the body corporate made under section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

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| 25 | **14.** The moneys and property of the body corporate | Application |
| of money |
| however derived shall be applied solely towards the |
| and property |
| 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.

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| **15.** | (1) The seal of the body corporate shall not be affixed | Seal of the  body  corporate |
| to any instrument whatsoever, except in the presence of two | |

members of the body corporation who shall sign their names to the instrument in token of their presence and such signing 5 shall be independent of the signing of any person as a witness.

(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.

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| 10 | **16.** | (1) If upon the dissolution of the body corporate | Property |
| there remains after the satisfaction of all its debts and | | remaining on |
| dissolution |
| 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 15 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.

(2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the body 20 corporate immediately before the dissolution at a general meeting by the majority of votes of the members present.

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| 25 | **17.** Nothing in this Act contained shall prejudice or | Saving of the |
| affect the rights of the Republic or of anybody politic or | Rights of the |
| Republic and |
| corporate. |
| others |
| **18.** In the event of any inconsistency between the Sinhala | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |
| case of |

inconsistency

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*(Incorporation)*

Department of Government Printing