

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

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

**A**

**BILL**

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

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*Presented by the Hon. Premnath C. Dolawatte, Attorney at Law, M.P. for Colombo District on 27th April, 2023*

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**[Bill No. 176]**

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| *Doctor Reverend Harispattuwe* | 1 |

*Ariyawangshalankara Thero Foundation (Incorporation)*

AN ACTTOINCORPORATETHE DOCTOR REVEREND HARISPATTUWE ARIYAWANGSHALANKARA THERO FOUNDATION

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

AND WHEREAS the said Foundation has heretofor 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 therefor, 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 Doctor Reverend | Short title |
| Harispattuwe Ariyawangshalankara Thero Foundation |

(Incorporation) Act, No. of 2023.

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| 20 | **2.**  (1) From and after the date of commencement of this Act, | Incorporation of |
| Doctor Reverend |
| such and so many persons as now are members of the Doctor |
| Harispattuwe |
| Reverend Harispattuwe Ariyawangshalankara Thero | Ariyawangshalankara |
| Thero Foundation |
| 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”25 (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.

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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.** The body corporate shall operates 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

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| 10 | **4.** (1) The general objects for which the body corporate is | The general |
| constituted are hereby declared to be:— | objects of the |
| Body |
| (*a*) to take action for the protection and perpetuation of | corporate |

Maha Sanga;

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

(*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

20 behavioral patterns with proper judgmental skills;

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

(*e*) to conduct programmes in relation Buddhist economic, social, cultural, educational and ethical

25 concepts in order to re-establish the Buddhist life style;

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

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(*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 10 the way to a spiritual life;

(*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 20 positive attitudes;

(*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 Amisa Puja, “material offerings”meaningfully giving priority to Pratipatti Puja“offering by means of practice”.

(2) In the implementation of the objects specified in 5 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.

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| 10 | **5.** | The objects of the body corporate shall be carried | Body |
| out in such manner so as not to create any conflict between | | corporate to |
| ensure no |
| 15 | 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 |
| **6.** (1) Subject to the provisions of this Act the body | | or Province |
| Management |
| corporate shall be carried out by a Board of Management | | of the affairs |
| of the body |
| (hereinafter referred to as “the Board”) consisting of such | | corporate |

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

(2) (*a*) The Board of Management of the Foundation that 20 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.

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(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 5 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.

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| 15 | **7.** Subject to the provisions of this Act and any other | Powers of the |
| written law, the body corporate shall have the power to do, | body |
| corporate |
| perform and execute all such acts and matters as necessary |

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

(*a*) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be 20 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;

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

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 30 grants, gifts or donations made to the body corporate;

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(*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

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| 5 | (*d*) | banks; |
| to invest any funds not immediately required for |

the purposes of the body corporate in such manner

as the Committee may determine;

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| 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;

(*f* ) to appoint, employ, dismiss or terminate the services

of officers and servants of the body corporate and

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| 15 | exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may |

be determined by the body corporate;

(*g*) to do all other things as are necessary or expedient

for the proper and effective carrying out the objects

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| 20 | of the body corporate. | Rules of the |
| **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 | Body |
| corporate |
| than two-thirds of the members present and voting, to make |

rules, not inconsistent with the provisions of this Act or any

25 other written law, for all or any of the following matter:-

(*a*) the classification of membership, admission,

withdrawal, expulsion or resignation of members

and fees payable by members;

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| 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;

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(*c*) the terms and conditions of appointments, powers,   
 functions and duties of the various officers, agents   
 and servants of the body corporate;

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| 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;

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| 10 | (*e*) | the qualifications and disqualifications to be a |
| (*f*) | members of the Board and the body corporate; |
| 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 15 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 20 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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| 25 | **9.** The Board shall maintain a register of members in which | Register of |
| name, address and other essential details of the members be | members |
| inscribed. |

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| **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

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| 10 | of its powers, duties and functions under the Act. | | Accounts and |
| **11.** | (1) The financial year of the body corporate shall be |
| 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

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(*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 5 to practice as an Accountant issued by the Council of such Institute.

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| **12.** | (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 10 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.

(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).

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| 20 | **13.** All debts and liabilities of the Foundation existing | Debts due by |
| on the day preceding the date of commencement of this Act, | and payable |
| 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

|  |  |  |
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| 25 | corporate for the purpose of this Act. | Body |
| **14.** Subject to the provisions of this Act, the body |
| corporate |
| corporate shall be able and capable in law, to take and hold |
| 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 |

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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

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| 5 | of the same. | Application |
| **15.** The moneys and property of the body corporate |
| however derived shall be applied solely towards the | of money |
| and property |

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.

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| **16.** | (1) The seal of the body corporate shall not be | Seal of the  Body  corporate |
| 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.

(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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| 20 | **17.** | (1) If upon the dissolution of the body corporate | Property |
| remaining on |
| there remains after the satisfaction of all its debts and | |
| 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 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.

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(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.

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| 5 | **18.** 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 |
| **19.** 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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Department of Government Printing