



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

**DEDIGAMA SRI MAITHRI PRAGNARTHA
BOUDDHA EDUCATIONAL DAHAM
SABHAWA (INCORPORATION)
ACT, No. 35 OF 2024**

[Certified on 19th of June, 2024]

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Educational Daham Sabhawa (Incorporation)
Act, No. 35 of 2024*

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L.D.—O. (Inc.) 2/2021

AN ACT TO INCORPORATE THE DEDIGAMA SRI MAITHRI
PRAGNARTHA BOUDDHA EDUCATIONAL DAHAM SABHAWA

WHEREAS a Foundation called and known as the “Dedigama Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa” has heretofore been established 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 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 Dedigama Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa (Incorporation) Act, No. 35 of 2024.

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 Dedigama Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa (hereinafter referred to as the “Foundation”) and shall hereafter be admitted as members of the body corporate hereby constituted shall have perpetual succession under the name and style of the “Dedigama Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa” (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
Dedigama Sri
Maithri
Pragnartha
Bouddha
Educational
Daham
Sabhawa

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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 Services 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 body corporate.

General objects
of the body
corporate

3. Subject to the provisions of any other written law the general objects for which the body corporate is constituted are hereby declared to be—

- (a) to promote and guide the Buddhist adherence to practice “prathipathi pooja” to reach Nibbana;
- (b) to publish books relating to Buddhism for the enhancement and development of religious knowledge on Seela, Samadhi and Pragnya of the Buddhist adherence;
- (c) to safeguard and practice the “Kathikavatha” of Dedigama Sri Maithri Pragnartha thero;
- (d) to take steps to enhance the knowledge of newly ordained monks and lay Buddhists attached to the Dedigama Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa by teaching Damma through the guidance of the adult monks who possess and in-depth understanding of the Buddhist doctrine and discipline;
- (e) to distribute the four requisites received by the Buddhist Monks attached to the Sri Sambodhi Aranya Senasanas belonging to the Dedigama Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa for the use of other Buddhist monks attached to the Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa in order to establish equality;

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- (f) to facilitate activities relating to Buddhism for the usage of Bhikku, Bhikkuni, Upasaka and Upasika in order to achieve the goals of Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa;
- (g) to work in compliance with the constitution of the Dedigama Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa;
- (h) to conduct sil and meditation programmes on Poya days and conduct Damma discussions on every week to guide Buddhist adherence to reach Nibbana and to abstain from sinful acts by giving prominence to Principles of Buddhism;
- (i) to take steps to protect the books, videos and Damma speeches relating to the religious activities of Venerable Dedigama Sri Maithri Pragnartha thero; and
- (j) to set up new Sri Smabodhi Aranya Senasana in areas where groups of Buddhist adherence who practice Buddhism live and who wish to contribute for such Sri Sambodhi Aranya Senasana.

4. The objects of the body corporate shall be carried out subject to necessary approvals under applicable written laws 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 of any Provincial Council, Local Authority or public Corporation.

Body corporate to ensure no conflict with the work of Ministry or Department of the Government or Provincial Council, etc.

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Management of
the affairs of the
body corporate

5. (1) Subject to the provisions of this Act, any other written law and the rules made under section 7, the management and administration of the affairs of the body corporate shall be carried out by a Committee of Management (hereinafter referred to as the “Committee”) consisting of such number of office bearers as may be specified by the rules made under section 7.

(2) (a) The members of the Committee of Management of the Foundation holding office on the day immediately preceding the date of commencement of this Act shall, subject to the rules made under paragraph (b), function as an Interim Committee of the body corporate until the first Committee is appointed or elected within the period specified in paragraph (d) and in the manner provided for by rules made under section 7.

(b) Subject to the provisions of section 7, the Interim Committee of the body corporate shall have the power to make rules for the interim administration of the body corporate and for election or appointment of the members of the first Committee of the body corporate not inconsistent with the provisions of this Act or any other written law:

Provided that, the provisions of subsections (2) and (3) of section 7 shall *mutatis mutandis* apply to the rules made under subsection (2).

(c) Any decision of the Interim Committee shall be taken by the majority of its members present at such meeting.

(d) The first Committee 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 Committee including the patrons and advisers, 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 Committee 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.

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 the acts and matters as are necessary or desirable for the promotion or attainment of the objects of the body corporate or any one of them, including the following power—

Powers of the
body corporate

- (a) to purchase, 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 determined by the Committee with a view to promoting the objects of the body corporate;
- (b) to enter into and 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;

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- (c) to borrow or raise funds with or without securities and to receive grants, gifts or donations in cash or kind:

Provided that, the Committee 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;

- (d) 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, maintain and close accounts in any bank;
- (e) to invest any funds that are not immediately required for the purposes of the body corporate, in such manner as the Committee may determine;
- (f) to undertake, accept, execute, perform and administer any lawful trust having objects similar to the body corporate or any real or personal property with a view to promoting the objects of the body corporate;
- (g) to appoint, employ, dismiss or terminate the services of officers and other employees 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;
- (h) to organize, lectures, seminars and conferences with a view to promoting the objects of the body corporate;

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- (i) to liaise and co-ordinate with other local and foreign institutions having similar objects to that of the body corporate;
- (j) to train personnel in Sri Lanka or abroad with a view to promoting the objects of the body corporate for the purposes of the body corporate; and
- (k) to do all other acts and things authorized by this Act for the achievement of the objects of the body corporate.

7. (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

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by the members;
- (b) the election of office bearers of the Committee 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 appointment, powers, functions and duties of various officers and employees of the body corporate;
- (d) the procedure to be followed for the summoning and holding of meetings of the Committee or notices and agenda of such meetings, the quorum and the conduct of business thereat;

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- (e) the qualifications and disqualifications to be a member of the Committee and the body corporate;
- (f) the administration and management of the property of the body corporate;
- (g) the procedure governing the manner of liaising and coordinating with other local and foreign institutions having objects similar to that of the body corporate; and
- (h) generally, the management of the affairs of the body corporate and the accomplishment of its' objects and dissolution of the body corporate.

(2) Any rule 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 rules made under subsection (1), shall be published in the *Gazette* and shall come into effect on the date thereof.

(4) Every rule made by the body corporate within three months after its publication in the *Gazette*, be brought before Parliament for approval. Any rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any such rule is deemed to be rescinded under subsection (4) shall be published in the *Gazette*.

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

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- 8.** The Committee shall maintain a register of members in which name, address and other essential details of the members shall be inscribed. Register of members
- 9.** (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 and on account of the body corporate shall be deposited in one or more banks approved by the Committee to the credit of the body corporate subject to the provisions of section 6(c).
- (3) 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 this Act.
- 10.** (1) The financial year of the body corporate shall be the calendar year. Accounts and Auditing
- (2) 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.
- (3) The accounts of the body corporate shall be audited annually by a qualified auditor appointed by Auditor General in terms of provisions of Article 154 of the Constitution and be certified by such qualified Auditor.
- (4) For the purposes of this section “a qualified auditor” means—

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- (a) an individual who, 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; or
- (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.

Annual Report

11. (1) The Committee 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 and a list of all assets and liabilities of the body corporate certified by a qualified Auditor referred to in section 10 to the Secretary of the Ministry of the Minister assigned the subject of Buddhasasana and to the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organizations (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 statement of accounts relating to the foreign and local moneys received by the body corporate, the details of all contracts and agreements entered into by the body corporate and the rules of the body corporate made under section 7 during the financial year shall be attached to the report referred to in subsection (1).

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12. All debts and liabilities of the Foundation 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 Foundation on that day shall be paid to the body corporate for the purposes of this Act.

Debts due by
and payable to
the Foundation

13. Subject to the provisions of this Act and any other written law, 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 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 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Body corporate
may hold
property
movable and
immovable

14. Subject to the provisions of this Act and any other written law 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 indirectly by way of dividend, bonus or profit or otherwise howsoever to the members of the body corporate.

Application of
moneys and
property

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

Seal of the body
corporate

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

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Property
remaining on
dissolution

16. (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 appropriate institution 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 purposes of subsection (1) the appropriate institution to which the property remains after the satisfaction of all the debts and liabilities of the body corporate to be given or transferred shall be determined by the members of the body corporate with the approval of the Registrar of Voluntary Social Services Organizations appointed under the Voluntary Social Services Organizations (Registration and Supervision) Act, No. 31 of 1980 immediately before the dissolution at a general meeting by the majority of votes of the members present.

Saving of the
rights of the
Republic

17. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate.

Interpretation

18. In this Act, unless the context otherwise requires—

“Bank” means a licensed commercial bank under the provisions of Banking Act, No. 30 of 1988;

“Kathikawatha of Dedigama Sri Maithri Pragnartha thero” means a set of principals and disciplines preached by Venerable Sri Maithri Pragnartha thero

to the Buddhist adherence attached to the Sri Maithri Pragnartha Bouddha Educational Daham Sabhawa in order to lead them for a disciplined life with the ultimate goal of attaining the supreme bliss of Nirvana, based on Dhamma preaching's of Lord Buddha;

“Local Authority” means a Municipal Council, Urban Council or a Pradeshiya Sabha and any authority created or established by or under any law to exercise, perform and discharge powers, duties and functions corresponding or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha;

“public corporation” means any Corporation, board or other body which was or is established by or under any written law other than the Companies Act, No. 07 of 2007, with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise; and

“written law” means any law and subordinate legislation including statutes made by a Provincial Council, Orders, Proclamations, Rules, By-Laws and Regulations made or issued by any body or person having power or authority under any law to make or issue the same.

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

