



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

**BALAPITTIYA SRI RAHULARAMA PURANA VIHARASTHA
SAMANERA AKALPA SANGWARDENA BIKSHU
VIDYALAYA (INCORPORATION)
ACT, No. 25 OF 2023**

[Certified on 01st of November, 2023]

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*Balapitiya Sri Rahularama Purana Viharastha
Samanera Akalpa Sangwardena Bikshu
Vidyalaya (Incorporation)
Act, No. 25 of 2023*

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L.D.—O. (Inc.) 3/2021

AN ACT TO INCORPORATE THE BALAPITIYA SRI RAHULARAMA
PURANA VIHARASTHA SAMANERA AKALPA
SANGWARDENA BIKSHU VIDYALAYA

WHEREAS a Vidyalaya called and known as the “Balapitiya Sri Rahularama Purana Viharastha Samanera Akalpa Sangwardena Bikshu Vidyalaya” has heretofore been established in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Vidyalaya according to the rules agreed to by its members:

Preamble

AND WHEREAS the said Vidyalaya 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 Balapitiya Sri Rahularama Purana Viharastha Samanera Akalpa Sangwardena Bikshu Vidyalaya (Incorporation) Act, No. 25 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 Balapitiya Sri Rahularama Purana Viharastha Samanera Akalpa Sangwardena Bikshu Vidyalaya (hereinafter referred to as the “Vidyalaya”) and shall hereafter be admitted as members of the body corporate hereby constituted shall have perpetual succession under the name and style of the “Balapitiya Sri Rahularama Purana Viharastha Samanera Akalpa Sangwardena Bikshu Vidyalaya” (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
Balapitiya Sri
Rahularama
Purana
Viharastha
Samanera
Akalpa
Sangwardena
Bikshu
Vidyalaya

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Samanera Akalpa Sangwardena Bikshu
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(2) The body corporate shall be deemed to be a Voluntary Social Services 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 body corporate.

General objects
of the body
Corporate

3. The general objects for which the body corporate is constituted are hereby declared to be to assist the relevant authorities to—

- (a) embed the desired course of conduct of a novice Samanera Bhikku in to the lives of Samanera Bhikku, as a life practice;
- (b) provide knowledge to the Samanera Bhikku in relation to –
 - (i) the basic elements of the life of a novice Samanera Bhikku;
 - (ii) the customs of partaking alms, pindapatha, (gathering alms by visiting households), bathing and sleeping; and
 - (iii) the life of Lord Buddha and selected stories of the Buddha Sasana;
- (c) train the Samanera Bhikku of the correct way of worshipping Buddha, performing Bodhi Puja and uttering Pin Wakya; and
- (d) provide basic knowledge on the subjects of Sinhala Pali, Sanskrit, Tamil and English languages and Mathematics to the Samanera Bhikku.

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 of any Provincial Council.

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

5. (1) Subject to the provisions of this Act 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.

Management of affairs of the body corporate

(2) (a) The Committee of the Vidyalyaya 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 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.

(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.

Powers of the
body corporate

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 are necessary or disablr for the promotion or furtherance of the objects of the body corporate or any one of them, including the power—

- (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 may be deemed expedient 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;
- (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 accouts 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 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;
- (h) to liaise and co-ordinate with other local and foreign institutions having similar objects to that of the body corporate; and
- (i) generally to do all such acts and things for the achievement of the objects of the body corporate.

Rules 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:—

- (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 servants of the body corporate;
- (d) the procedure to be followed for the summoning and holding of meetings of the body corporate and of the Committee or 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 Committee and the body corporate;
- (f) the administration and management of the property of the body corporate; and
- (g) 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* within three months upon making of such rules and shall come into effect on the date thereof.

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

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, subject to the provisions of section 6(c), be deposited in one or more banks approved by the Committee to the credit of the body corporate.

(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 the Auditor General or a qualified auditor appointed by the Auditor General in terms of provisions of Article 154 of the Constitution and be certified by the Auditor General or a qualified auditor appointed by the Auditor General.

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

- (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 certified by the Auditor-General or qualified auditor appointed by the Auditor-General, to the Secretary to the Ministry of the Minister assigned the subject of Education under Article 43 or 44 of the Constitution, as the case may be, and to the Registrar of Voluntary Social Service Organizations appointed under the Voluntary 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 statement of accounts 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).

Debts due by
and payable to
the vidyalaya

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

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. 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.

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,

Property remaining on dissolution

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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 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.

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.

Sinhala text to
prevail in case of
inconsistency

18. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

