



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

**WARIYAPOLA RAJAMAHA VIHARA
DEVELOPMENT FOUNDATION
(INCORPORATION) ACT, No. 2 OF 2010**

[Certified on 21st January, 2010]

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*Wariyapola Rajamaha Vihara Development
Foundation (Incorporation) Act, No. 2 of 2010*

[Certified on 21st January 2010]

L.D.—O. (Inc.) 27/2008.

AN ACT TO INCORPORATE THE WARIYAPOLA RAJAMAH VIHARA
DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the Wariyapola Rajamaha Vihara Development Foundation has been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and 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 several objects and matters for which it was established and has applied to be incorporated, and it will be expendent to grant the 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 Wariyapola Rajamaha Vihara Development Foundation (Incorporation) Act, No. 2 of 2010.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the Wariyapola Rajamaha Vihara Development Foundation (hereinafter referred to as the "Foundation") or shall hereafter be admitted as members of the Corporation hereby constituted shall be a body corporate (hereinafter referred to as the "Corporation") with perpetual succession under the name and style of the "Foundation", 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
Wariyapola
Rajamaha
Vihara
Development
Foundation.

2 *Wariyapola Rajamaha Vihara Development
Foundation (Incorporation) Act, No. 2 of 2010*

General objects
of the
Corporation.

3. (1) The general objects for which the Corporation is constituted are hereby declared to be—

- (a) to take necessary steps to develop the Wariyapola Rajamaha Viharaya in every aspect for the spiritual advancement of the people and also to take steps to make new additions to the Viharaya when required;
- (b) to assist to develop the moral values of the community and to take relevant measures in this regard;
- (c) to take steps to establish, maintain, manage and develop pirivenas and other relevant religious institutions for the academic development of Bhikkus;
- (d) to implement programmes in respect of pre-schools, day-care centers, homes for children and their religious education;
- (e) to assist to enhance the welfare facilities and benefits for Sri Lankan students who are unable to pursue their education due to poverty and disability;
- (f) to conduct necessary classes, lectures, seminars, conferences, workshops, discussions, dialogues, educational tours and exhibitions with a view to promoting education for Buddhist bikkus and bikkunies;
- (g) to provide housing for the benefit of the poor, elderly, destitute, and those with physical or mental disabilities, inaugurate and maintain language training and vocational training courses in order to deploy the youth in productive services and to provide facilities for the purpose of generating income in order to maintain and continue such training course;

- (h) to implement programmes for health camps for disease control, exercise, sports and medical aid with a view to ensuring welfare of the community;
- (i) to create an awareness in the community in respect of promotion and preservation of literature, art, craft and natural resources and to commence and carry out natural programmes in order to protect the traditions of Sri Lanka;
- (j) to collaborate with other institutions whether in Sri Lanka or abroad having objects similar to those of the Corporation.

(2) In the implementation of the objects of the Act as are specified in subsection (1) the Corporation shall ensure that such implementation is carried out.

4. (1) The management of the affairs of the Corporation shall subject to the provisions of this Act, and such rules as are made under section 7, be administered by a Board of Management (hereinafter referred to as the 'Board') consisting of the President, Executive Director, Vice President, Secretary, Deputy Secretary, Assistant Secretary, Treasurer, Chief Organizer and six committee members elected in accordance with the rules of the Corporation.

Management of
the affairs of the
Corporation

(2) The Board shall have the power to do all or any of such functions as may be assigned to it.

(3) The first Board shall consist of the Board of Directors of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

5. The Board shall cause a register to be kept of the members, in which every person on the day preceding the date of commencement of this Act is a member of the Foundation and every person thereafter duly admitted as a member of the Corporation shall have his name inscribed.

Membership
and Register
of members.

Power of the
Corporation.

6. Subject to the provisions of this Act, and any other written law, the Corporation shall have the power—

- (a) to purchase, rent, construct and otherwise obtain lands or buildings which may be required for the purposes of the Corporation;
- (b) to borrow or raise money from the Government approved Banks and other institutions for the purposes of the Corporation with the approval of the Board;
- (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, maintain and close bank accounts;
- (d) to invest any funds not immediately required for the purposes of the Corporation, in such a manner as the Board may think fit;
- (e) to solicit and receive subscriptions, grants, donations and gifts of all kinds;
- (f) to enter into agreements or contracts with any person, company or body of persons;
- (g) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any real or personal property;
- (h) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation;
- (i) to train personnel in Sri Lanka or abroad for the purpose of the Corporation; and

- (j) to do all such acts and things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

7. (1) It shall be lawful for the Corporation from time to time at any general meeting of the Corporation 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 the following matters:—

Rules of the Corporation.

- (a) the admission and classification of membership, fees payable by members, expulsion or resignation;
- (b) for the election of members to the Board or vacation of or, removal from office of office bearers and powers, duties and conduct of the Executive Board;
- (c) for appointment, powers, duties, functions and conduct of various officers, agents and servants of the Corporation;
- (d) for the procedure to be observed at the summoning and holding of meeting of the Corporation, the time, place, notice and agenda of such meetings, the quorum therefore and the conduct of business;
- (e) the qualifications for membership of the Board and of the Corporation;
- (f) the administration and management of the property of the Corporation and the accomplishment of the objects of the Corporation.

(2) The rules of the Corporation 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 members of the Corporation shall be subject to the rules of the Corporation.

Fund of the
Corporation.

8. (1) The Corporation shall have its own fund.

(2) All moneys received by way of gifts, bequests, donations, subscriptions, contributions, fees or grants for and on account of the Corporation shall be deposited in a bank approved by the Board to the credit of the Corporation.

Audit and
Accounts.

9. (1) The financial year of the Corporation shall be the calendar year.

(2) The Corporation shall cause proper books of accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited by a qualified auditor.

(4) In this section, “qualified auditor” means—

(i) 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

(ii) 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.

Debts due by
and payable to
the Corporation.

10. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation, and all debts due to, and subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

- 11.** If upon the dissolution of the corporation, there remains after the satisfaction of all debts and liabilities, any property, whatsoever, such property shall not be distributed among the members of the Corporation but shall be given or transferred to some other institute or institutes having objects similar to those of the corporation and which is or are by the rules prohibited from distributing any income or profit among its or their members. Such society or societies shall be determined by the members of the corporation at or immediately before the time of dissolution of the Corporation.
- 12.** The Corporation shall be able and capable in law to acquire 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 Corporation subject to the rules of the Corporation made under section 7 and for the purpose of the Act with full power to sell mortgage, lease, exchange or otherwise dispose of the same.
- 13.** The seal of the Corporation shall be in the custody of such person as may be determined by the Board and shall not be affixed to any instrument whatsoever except in the presence of the President and another member of the Board as may be provided in the rules who shall sign their names on the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.
- 14.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate.
- 15.** In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail.
- Property remaining on dissolution.
- Corporation may hold property movable and immovable.
- Seal of the Corporation.
- Saving of the rights of the Republic and others.
- Sinhala text to prevail in case of inconsistency.

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