



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

**KALMUNAI HIMAYATHUL
ISLAM MOVEMENT
(INCORPORATION)
ACT, No. 29 OF 1992**

[Certified on 27th May, 1992]

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**Kalmunai Himayathul Islam Movement (Incorporation)
Act, No. 29 of 1992**

[Certified on 27th May, 1992]

L.D.—O. 54/90

**AN ACT TO INCORPORATE THE KALMUNAI HIMAYATHUL
ISLAM MOVEMENT**

WHEREAS an Association called and known as "The Kalmunai Himayathul Islam Movement" has heretofore been established at Kalmunai for the purpose of effectually carrying out its object and transacting all matters connected with the said Association according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Association 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 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 Kalmunai Himayathul Islam Movement (Incorporation) Act, No. 29 of 1992.

Short Title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Kalmunai Himayathul Islam Movement and whose names are specified in the Schedule to this Act (hereinafter referred to as the "Movement") or shall hereafter be admitted 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 Kalmunai Himayathul Islam Movement" and by that name may sue and be sued in all courts, with full power and authority to have and to use a common seal and to alter the same at its pleasure.

Incorporation
of the
Kalmunai
Himayathul
Islam
Movement.

3. The main object of this Corporation is to establish a fully fledged Arabic College and a fully equipped library for the said Arabic College in order to train and produce young men of good character and of competent knowledge and ability in the field of "Shariat". The other objects for which the Corporation is established shall be as follows :—

General
objects
of the
Corporation.

- (a) to eliminate poverty from the Muslim community ;
- (b) to promote the educational, cultural, spiritual and social welfare and interests of Muslim in accordance with the Holy Quran, Hadith, Ijmah and Qiyas ;
- (c) to provide employment and technical training to deserving people ;
- (d) to provide financial assistance in accordance with Shirkat and Quiral to deserving people ;
- (e) to establish a 'Baithul Maal' by collecting Zakat Sathaga and Donations ;
- (f) to make liaison with and assist other social organisations and institutions, in upholding or giving effect to any of the principles of Islam and in prohibiting or abolishing practices inconsistent with the principles of Islam ;
- (g) to undertake and perform various other social work for the progress and welfare of Muslims ;
- (h) to safeguard the identity of Islam and the Muslims ; and
- (i) to foster, propagate and protect the principles of Islam.

General
Powers
of the
Corporation.

4 Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever, as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them including the power to open, operate and close bank accounts, to borrow or raise moneys with or without security, to receive or collect grants and donations, to invest its funds, to erect any building on any land vested, acquired, or held by it subject to the rules of the Corporation and to engage, employ and dismiss such officers and servants as may be required for the purpose of carrying out the objects of the Corporation.

Management
of the
affairs
of the
Corporation.

5 (1) The affairs of the Corporation shall, subject to the rules of the Corporation, be administered by a Board of Management consisting of office-bearers and twelve other members elected in accordance with the rules of the Corporation.

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(ii) The first Board of Management of the Corporation shall be the Board of Management of the Movement holding office on the day preceding the date of commencement of this Act.

The Office-bearers and the other twelve members of the Board of Management shall be elected at every General Meeting.

6. The Office-bearers of the Corporation for the purpose of constituting the Board of Management shall mean and include a president, five vice presidents, a general secretary, two assistant secretaries, a treasurer and an assistant treasurer.

Office-bearers and election of the Board of Management

The Office-bearers and the other twelve members of the Board of Management shall be elected at every General Meeting.

7. (1) It shall be lawful for the Corporation, from time to time at any meeting specially called for that purpose and by a majority of votes of not less than two-thirds of the number of members present and voting at such meeting to make rules not inconsistent with the provisions of this Act, and any other written law as the Corporation may deem expedient in respect of all or any of the following matters :—

Rules of the Corporation.

- (a) the admission, withdrawal or expulsion of members, the election of the office bearers and Board of Management and any other special committee that may be established from time to time established ;
- (b) the term of office of such office bearers and members of the Board of Management or other committee ;
- (c) the procedure to be followed by the Board of Management generally in the transaction of business and in particular in the conduct of meetings ;
- (d) the duties and functions of the office bearers of the Corporation ;
- (e) the payment out of funds of the Corporation of expenses incurred by the Board of Management in carrying out of its duties and functions ;
- (f) the opening of bank accounts and the operation of such accounts ;

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(g) generally for the Management of the affairs of the Corporation and the accomplishment of its objects

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

Debts due
by and
payable
to the
Corporation.

8. All debts and liabilities of the Movement existing on the 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 Movement on that day shall be paid to the Corporation for the purposes of this Act.

How the
seal of the
corporation
is to be
affixed.

9. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of such number of members as may be prescribed in the rules of the Corporation who shall sign their names on the instrument in token of their presence and such signing shall be independent of the signing of any member as a witness.

Corporation
may hold
property
movable and
immovable.

10. Subject to the provisions of this Act, the Corporation shall be capable in law to take and hold any property, movable or immovable, which may be vested in it by virtue of any purchase, grant, gift testamentary disposition or otherwise and all such property shall be held by the Corporation for the purpose of this Act and subject to the rules in force for the time being of the Corporation, with full power to mortgage, sell, exchange or otherwise dispose of the same.

Saving
of the
Rights
of the
Republic
and
others.

11. Nothing in this Act contained shall prejudice or affect the rights of the Republic of Sri Lanka or of any body politic corporate or of any other persons except such as are mentioned in this Act, and others claiming by, from, or under, them.

Interpretation.

12. In this Act, unless the context otherwise requires—
Shariat means the Islamic Law ;

Hadith means, the Authentic narrations concerning the Sayings, deeds and those deeds of the companions of the Prophet which had his approval ;

Ijmah means, the unanimous decisions of learned men in Islam ;

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Qiyas means, the decision arrived at taking into consideration parallel actions and sayings found in the Quran and Hadith ;

Shirkat means, Joint Venture ;

Kiral means, the advance of financial assistance to persons with talents for want of capital and to share the profit or loss from the venture thus commenced ;

Baithul-maal means, the Treasury of the Muslim State where the revenue of the State is kept and managed ;

Sathaqa means, Anything given in charity ; and

Zakat means, the form of tax on a person's wealth, property and on certain items as prescribed in the Islamic law.

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

*Sinhala text
to prevail
in case of
inconsistency.*

Schedule

[Section 2]

Founder Members of the Corporation

1. Moulavi Fazil S. M. M. Sahib, Gaffoori, (Ceylon),
Nadavi, (Lucknow).
2. Al-Haj M. I. M. Cassim.
3. Al-Haj Moulavi K. L. M. Farook. Gaffoori. (Ceylon).
4. Moulavi M. L. M. Sultan Ibrahim.
5. Moulavi Mustapha Moulana.
6. Moulavi A. L. Ibralebbe, Devbanth (Devbanth, India).
7. Moulavi Hafiz A. L. Ibralebbe, Devbanth (Devbanth,
India).
8. Moulavi S. Yoesuf, Gaffoori, (Ceylon).
9. Janab U. S. Hameed.
10. Janab S. M. Yoosuf.
11. Janab M. M. Jalaldeen.
12. Janab A. L. A. Kareem.

13. Janab M. I. Lateef.
14. Janab M. I. Abdul Rauf.
15. Janab K. M. Abdul Oader.
16. Al-Haj S. Uthumalebbe.
17. Janab M. I. Hussain.
18. Dr. A. L. M. Jameel M.B.B.S. (Ceylon), M.R.C.O.G.
(U.K.).
19. Janab M. A. M. Hussain, Attorney-at-Law, Retired
District Judge.
20. Janab M. H. M. Ashraff, Attorney-at-Law.
21. Janab S. M. Mohaideen.
22. Al-Haj U. Seeni Mohamed.
23. Moulavi A. S. M. Mubarak.
24. Al-Haj M. B. M. Samsudeen.
25. Janab Al-Haj M. B. M. Sherief.
26. Al-Haj U. Ahamedlebbe.
27. Al-Haj M. I. Zainulabdeen.
28. Janab H. M. Izzadeen.
29. Janab A. L. A. Lateef.
30. Janab M. A. Abdul Raheem.
31. Janab A. M. S. Lebbai.
32. Janab M. I. Sikkander.
33. Janab A. M. Haniffa.
34. Janab M. L. Adambawa.
35. Janab U. L. M. Thameem.
36. Janab M. S. M. Mohaideen.
37. Janab H. Meera Sahih.

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