



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

**MAHAMEWNAWA SADAHAM SEVAWA
(INCORPORATION)**

A

BILL

to incorporate the Mahamewnawa Sadaham Sevawa

*Presented by Mr. Wijeyadasa Rajapakshe M. P. for Colombo District
on 08th February, 2011*

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[Bill No. 68]

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Mahamewnawa Sadaham Sevawa
(Incorporation)

AN ACT TO INCORPORATE THE MAHAMEWNAWA SADAHAM SEVAWA

WHEREAS an organization called and known as the “Mahamewnawa Sadaham Sevawa”, its head-quarters and branches have been established in Vaduwawa, Polgahawela, Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said organization according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said organization 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 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 Mahamewnawa Sadaham Sevawa (Incorporation) Act, No. of 2011.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as presently are members of the Mahamewnawa Sadaham Sevawa (hereinafter referred to as the “Sevawa”) 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 “Mahamewnawa Sadaham Sevawa”, 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.

Incorporation of the Mahamewnawa Sadaham Sevawa.

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

General objects of the Corporation.

(a) to expound the noble discourses preached by Gauthama the Lord Buddha in simple terms so that it

is easily understood in order to free oneself from the suffering in this existence during Gouthama, the Lord Buddha's dispensation itself and to glorify the Buddhist Dispensation ;

- 5 (b) to translate the Three Baskets (Thripitaka) of the
Buddhist Doctrine into simple Sinhala to produce
and distribute Dhamma Books, cassettes, compact
discs and render assistance in that regard with a view
10 to imparting special knowledge and understanding
about the Buddhist Doctrine and Buddhist
Meditation in the general public and to arrange,
organize and hold lectures, seminar, discussions,
workshops, callsses, charities ceremonies and
pilgrimages ;
- 15 (c) to produce and train a set of virtuous laymen and
priests who have built their lives in accordance with
the Buddhist Doctrine and to impart knowledge on
Buddha, Dhamma and Meditation to the Buddhist
public through sil and meditation campaigns held
20 frequently, and to direct them to Dhamma more and
more ;
- 25 (d) to establish branches of Mahamewnawa Meditation
Centers in various parts of Sri Lanka and through
them to train disciplined Bhikkhus well versed in
Dhamma and to establish non- household (Anagarika)
Meditation Centers for women ;
- 30 (e) to propagate noble discourses throughout the world,
having established friendly relations with Buddhist
or other organizations located in Sri Lanka or
outside ;
- (f) to establish Bodhi Gnana Sabha, Maha Karuna
Foundation, Maha Karuna Suwasewa Foundation,
Haritha Suwa Foundation, Buddhu Puth Mapiya
Dhamam Seva Foundation and such other

- 5 organizations and thereby to re-establish and to contribute for the conservation of Buddhist places of Religious worship, Temple etc. in the difficult areas of Sri Lanka, and to extend assistance to accomplish care of the sick, both clergy and laymen and for social welfare services ;
- 10 (g) to establish and maintain libraries and research centers and to encourage production and distribution of books, magazines, periodicals and other publications ;
- (h) to conduct various Buddhist ceremonies, rites, tours, programmes, sil and meditation campaigns etc.in Mahamewna Meditation Centers and in other places in the island ;
- 15 (i) to construct preaching halls, Relic Chambers, quarters for Bhikkus, meditation cubicles, offices, libraries, boundary limits, dinning halls for Bhikkus, common amenities, access roads, buildings and other religious components in the headquarters at Waduwwa, Polgahawela and in all the branches of the Mahamewnawa Meditation Complex, and to protect, maintain, promote and control the land on which they are located and the movable and immovable property connected therewith ;
- 20
- 25 (j) to construct preaching halls, Relic Chambers quarters for Bhikkus, meditationa cubicles, offices, libraries, boundary limits, dinning halls for Bhikkus, common amenities, access roads, buildings and other religious components in foreign countries, on invitation to do so and when donated ; and to protect, maintain, promote and control the land on which they are located and the movable and immovable properties connected therewith ;
- 30

- (k) to construct preaching halls, Relic Chambers, quarters, meditation cubicles, offices libraries, boundary limits, alms halls, common amenities, access roads, buildings and other religious components in India (Dambadiva) and to protect, maintain, promote and control the land on which they are located and the movable and immovable properties connected therewith in order to crate Buddhish revival in that country ; and
- (l) to do all such other things as may be necessary for conducive to incidental to the attainment of all or any of the aforesaid objects.

4. (a) The management of the affairs of the Corporation shall subject to the other provisions of this Act and the rules in force for the time being of the Corporation, be administered by a Board of Trustee (hereinafter referred to as the “Board of Trustees”) consisting of the members elected in accordance with such rules.

(b) Notwithstanding anything contained in sub section 20 (a) of this section the Most Ven. Kiribathgoda Gnananada Thero, patron shall be the “Chief Patron” who is the founding chief of the Board of Trustees.

(c) The first Board of Trustees of the Corporation shall consist of the members of the Executive Committee of the
25 Foundation, holding office on the day preceding the date of commencement of this Act and any other members.

5. (1) It shall be lawful for the Corporation from time to time at any Annual 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 :—

- (a) the admission of members of the Board of Trustees, resignation or expulsion of members ;

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- (b) appointment of various officers, agents and sub committees of the Corporation and their powers, conduct, duties and functions ;
- 5 (c) the election of the Board of Trustees, the resignation from or vacation of or removal from office and their powers, conduct and duties ;
- (d) the procedure to be observed in the conduct of meetings of the Sadaham Sevawa, summoning and holding of meetings, the times, places, notices and agenda of such meetings and the conduct of business thereat ;
- 10 (e) the administration and management of the property of the Corporation and achievement of its objects.

15 **6.** The income and property of the Corporation however derived, shall be applied solely towards the promotion of the objects as set forth herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to the members of the Corporation or anyone else.

Income and
property of
the
Corporation.

20 **7.** (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, testamentary dispositions, transfers, donations, subscriptions, contributions, fees or grants or any financial investment shall be deposited to the credit of the Corporation in one or more

25 Banks as may be determined by the Board.

Fund of the
Corporation.

(2) All expenses incurred by the Corporation in exercising and discharging its powers and functions shall be paid out of the fund.

30 **8.** (1) The financial year of the Corporation shall be the calendar year.

Audit and
Accounts.

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

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

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

10 (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 such Institute ; or

15 (ii) a firm of accountants each of the resident partners of which, being a members 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 such Institute.

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

25 **10.** The Corporation shall be able and capable in law to
acquire and hold any property movable or immovable which
may become vested on it by virtue of any instrument of
purchase, grant, gifts, testamentary disposition or otherwise
and all such property shall be held by the Corporation for the
30 purposes of this Act and subject to the rules in force for the
time being of the Corporation and shall have full power to
sell, mortgage, lease, exchange or otherwise dispose of the
same. All the properties should be held under the name of the
Corporation.

11. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of Most Venerable Chief Patron or the Treasurer who shall sign their names to the instrument in token of their presence and such
5 signing shall be independent of the signing of any person as a witness.
12. If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be
10 distributed among the members of the Corporation, but shall be given or transferred to institution or institutions having objects similar to the objects of the Corporation and which is or are by the rules thereof prohibited from distributing any income or property among the members of such institution
15 or institutions and at the discretion of the Board of Trustees of the Corporation.
13. Nothing contained in this Act shall prejudice or affect the rights of the Republic or any body corporate or any other persons except such as are mentioned in this Act and
20 those claiming by, from, or under them.
14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.
- Seal of the Corporation.
- Property remaining on dissolution of the Corporation.
- Saving of the rights of the Republic and others.
- Sinhala text to prevail in case of inconsistency.

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STATEMENT OF LEGAL EFFECT

This Bill seeks to amend to Economic Service Charge Act, No. 13 of 2006 and the legal effect of such amendments are to provide for—

- (a) the rate of the Economic Service Charge being paid on the turnover arising on or after April 1, 2008 from the export of any articles or goods not to exceed
0.25 per centum ;
- (b) the remainder if any, of the amount paid as Economic Service Charge paid prior to March 1, 2006, after the deduction of income tax therefrom, shall be deemed to be a payment made in respect of the quarter commencing on April 1, 2008 ;
- (c) amendments to be made to the Schedule to the Act, by amending the rate in items 4, 5 and 11 of the Schedule and the insertion of two new items 4a and 11a to such Schedule.