

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

Part II of January 13, 2023

SUPPLEMENT

(Issued on 17.01.2023)



**INTERNATIONAL INSTITUTE OF THERAVADHA
(INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate the International Institute of Theravadha

*To be presented in Parliament by Hon. Maithreepala Sirisena, M.P. for
Polonnaruwa District*

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International Institute of Theravadha
(Incorporation)

AN ACT TO INCORPORATE THE INTERNATIONAL INSTITUTE OF
THERAVADHA

WHEREAS an institute called and known as the “International Institute of Theravadha” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all objects and matters connected with the said Institute according to the rules agreed to by its members:

Preamble

AND WHEREAS the said institute has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated and will be expedient 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 International Institute of Theravadha (Incorporation) Act, No. 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 International Institute of Theravadha (hereinafter referred to as “Institute”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate with perpetual succession, under the name and style of the “International Institute of Theravadha” (hereinafter referred to as the “body corporate”) 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
International
Institute of
Theravadha

3. The body corporate shall operate exclusively as a not-for-profit Organization and it is solely for the benefit of the society and its members.

body
corporate
operates as a
not-for-profit
Organization

4. (1) The general objects for which the body Corporate is constituted are hereby declared to be—

The General
objects of the
body
Corporate

(a) to train Buddhist monks and lay devotees to be enriched with doctrinal knowledge and knowledge

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 (Incorporation)

in meditation that is adequate to attain the ultimate liberation according to Buddhist teachings, the Nibbāna alone;

- 5 (b) to train Buddhist monks and lay devotees to be capable in guiding others to attain the ultimate liberation according to Buddhist teachings, the Nibbāna;
- 10 (c) to train Buddhist monks to be capable in performing formal acts of discipline (vinayakammas), according to the Theravadha tradition, in order to sustain the Sāsana;
- 15 (d) to publish and translate books and reading materials related to the Theravadha teaching;
- (e) to train and use the missionaries in order to propagate the dhamma expounded by the Buddha locally and internationally giving due respect to the prevailing rules and cultural values; and
- (f) to exercise such other things deem fit to achieve the objectives of the above (a) decided by the General Assembly.

- 20 **5.** 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 Corporation and any work being carried out simultaneously by any Ministry or Department of the Government or any Provincial Council.
- 25 **6.** (1) Subject to the provisions of this Act, the affairs of the body corporate shall be carried out by a board of executives (hereinafter referred to as “the executive board”) consisting of such number of office bearers as may be specified by the rules made under section 12.

body corporate to ensure no conflict with work of Ministry or Department of the Central Government or Province
Management of the affairs of the body corporate

5 (2) (a) The board of executive of the foundation that holds office on the day immediately preceding the date of commencement of this Act, shall function as the Board of the body corporate until the first Board is appointed or elected in the manner provided for by rules made under section 12.

(b) The first executive board of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.

10 (3) (a) Every office bearer of the executive board shall be appointed or elected for a period of six years and any such office bearer, shall be eligible for re-appointment or re-election after lapse of the said period of six years.

15 (b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Board shall having regard to the rules of the Corporation, elect or appoint a person to fill such vacancy.

20 (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.

(d) No person elected as the chair of the executive board, become eligible to be elected more than two times as the chair, subject to maximum of twelve years period of time.

25 7. (1) The General Assembly of the body corporate is known as the Supreme board and it shall consists of all the members of the body corporate.

General
assembly of
the body
corporate

(2) The duty of the General Assembly shall be—

30 (a) to elect the executive board of the body corporate in accordance with the rules of the body corporate;

(b) to take decision with regard to relocating the head office of the body corporate;

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 (Incorporation)

- (c) to take decision in order to dissolve the body corporate;
- (d) to make and amend rules of the body corporate;
- 5 (e) to make procedures of the general assembly by the rules of the body corporate;
- (f) to establish an executive board in order to carry out the executive affairs of the body corporate;
- (g) to elect the members of the executive board from the General assembly by an election; and
- 10 (h) to make by rules, the composition of the executive board, the sub-committees coming under such board, their functions and qualifications and appointments of the members of such sub-committees.
- 15 **8.** (1) there shall be a body called as Executive board to exercise the executive affairs of the body corporate. Executive board of the body corporate
- (2) The duty of the Executive board shall be—
- 20 (a) to make decisions with regard to entering into agreements locally and internationally on behalf of the body corporate;
- (b) to exercise all the matters entrusted by the General Assembly;
- 25 (c) to give permission the relevant members to execute actions taken by the body corporate in achieving its general objectives; and
- (d) to do all such other activities relevant to achieve the objectives of the body corporate.
- (3) Members of the Executive board should be elected by an election in the General assembly.

(4) To make by rules, the composition of the Executive board, the sub-committees coming under such board, their functions and qualifications and appointments of the members of such sub-committees.

- 5 **9.** (1) There shall be a body established and known as the Senate Council constituted with Tutor monks and Student monks of the body corporate to discuss issues related to Dhamma and Vinaya and decisions taken by the Executive board and to forward comments, suggestions, proposals and
10 recommendations regarding such issues to the general assembly and the executive board.

Senate
Council of
the Body
Corporate

(2) The Senate Council is responsible to make its own regulations for its own functional activities.

- (3) The General Assembly shall legislate with regard to the
15 powers of the Senate Council. Such legislation become effective after the adoption of the legislation by the General Assembly.

(4) The Senate Council shall be solely accountable only to the General Assembly.

- 20 **10.** (1) There shall be a body established and known as the Disciplinary Committee to look into all the disciplinary matters pertaining to all the members and trained and trainees of the body corporate.

Disciplinary
Committee of
the Body
Corporate

- (2) The Disciplinary Committee shall be solely
25 accountable only to the General Assembly.

(3) The Disciplinary Committee shall legislate rules pertaining to the Disciplinary Committee. Such legislation become effective after the adoption of the legislation by the General Assembly.

- 30 (4) When a member of the body corporate or the Senate Council has made a complaint against a decision taken by the Executive Board to the Disciplinary Committee, the Disciplinary Committee has the power to withhold the executive board from implementing such a decision where
35 it is found, after fair inquiry in accordance with the Dhamma

and Vinaya, that the decision taken by the executive board is inconsistent with the Dhamma and Vinaya, this Act, constitution of the body corporate or any other written law.

(5) The Disciplinary Committee while deciding, according to Dhamma and Vinaya, on disciplinary matters pertaining to all the members and trained and trainees of the body corporate and decisions taken by the executive board shall rely on Dhamma and Vinaya found in the Tripitaka, Commentaries (Atthakatha) and sub-commentaries (Tika) which were authenticated in six ancient Buddhist councils (Dhamma-Sangayana) accepted within the Theravadha tradition, and well preserved in Burma, Thailand, Laos, Cambodia and Sri Lanka and European countries and Dhamma Vinaya Books written according to the Theravadha teachings without contradicting them (Theravadha teachings) and ideas of renowned erudite scholars that are not contradicting with the Theravadha teachings.

11. 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 necessary or desirable for the promotion or any one of them, including the power—

25 (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purpose 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;

30 (b) to raise funds and receive grants, gifts or donations,
in cash or kind with or without security:

35 Provided that, the Committee shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the body corporate;

- (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 and close accounts in any banks;
- 5 (d) to invest any funds not immediately required for the purposes of the body corporate in such manner as the Committee may determine;
- 10 (e) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the Body corporate;
- 15 (f) 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; and
- 20 (g) to do all other things as are necessary or expedient for the proper and effective carrying out the objects of the Body corporate.
- 20 **12.** (1) It shall be lawful for the body corporate, from time to time, at any general meeting and by the votes 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:—
- 25 (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by members;
- 30 (b) number of office bearers of the body corporate, executive board, senate council and disciplinary committee and qualifications and disqualifications to be a members of such institutes;
- Rules of the
body
corporate

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- 5 (c) the election of office bearers, vacation of or removal from office of office bearers of the body corporate, executive board, senate council and the disciplinary committee, and the powers, duties and functions of the office bearers;
- (d) the terms and conditions of appointment, powers, functions and duties of the various officers, agents and servants of the Body corporate;
- 10 (e) the procedure to be followed at the summoning and holding of meetings of the executive board, or its sub-committees thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- 15 (f) the administration and management of the property of the body corporate;
- (g) the management of the affairs of the body corporate and the accomplishment of its' objects and dissolution of the body corporate; and
- 20 (h) to make the legislation of the body corporate and amend the existing legislation.
- (2) The rules 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).
- 25 (3) The members of the body corporate shall at all time be subject to rules of the body corporate.
- (4) The rules made under this section shall be published in the Government *Gazette*.
- 30 (5) Provided that the "Executive board" shall have the power to make rules within six years from the date of election of the first executive board held by the general assembly.

13. The Board shall maintain a register of members in which name, address and other essential details of the members be inscribed. Register of members

14. (1) The body corporate shall have its own Fund. Fund of the Corporate

5 (2) All moneys received by way of gift, bequest, donation, subscription, contribution, fees or grants for an account of the body corporate shall be deposited in one or more Banks approved by the Board to the credit of the Corporation.

10 (3) There shall be paid out of the Fund, all sums of money as are required to defray any expenditure incurred by the body corporate in the exercise, performance and discharge of its power, duties and functions under the Act.

15. (1) The financial year of the Body Corporate shall be the calendar year. Accounts and the Auditing

15 (2) The body corporate shall cause proper accounts to be kept of income and expenditure, assets and liabilities and all other transactions of the body corporate.

(3) The accounts of the Body corporate shall be audited by a qualified auditor appointed by Auditor-General in terms of Article 154 of the Constitution.

20 For the purpose of this section "Qualified Auditor" means –

25 (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

30 (b) a firm of Accountants each of the resident partners, of which being a member of the Institute of Chartered Accountants of Sri Lanka

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or of any other institute established by law,
possesses a certificate to practice as an
Accountant issued by the Council of such
institute.

- 5 **16.** (1) The Board 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 to the Parliament before the expiration of six months of the year succeeding the year to which such report relates. Annual Report
- 10 (2) A separate account 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).
- 15 **17.** All debts and liabilities of the Foundation existing on the day 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 purpose of this Act. Debts due by and payable to the Foundation
- 20 **18.** Subject to the provision of this Act, 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 purposes 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
- 25 **19.** 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 to the members of the body corporate. Application of money and property
- 30

20. (1) The seal of the body corporate shall not be affixed to any instrument whatsoever, except in the presence of two members of the Board who shall sign their names to the instrument in token of their presence and such signing shall
5 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 Board as may be decided by such Board.

21. (1) If upon the dissolution of the body corporate
10 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 institution having objects similar to those of the body corporate, and
15 which is by the rules thereof, prohibited from distributing any income or property among its members.

Property
remaining on
dissolution

(2) For the purpose of this subsection (1) the appropriate institution shall be determined by the members of the body corporate immediately before the dissolution at a general
20 meeting by the majority of votes of the members present.

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

Saving of the
rights of the
Republic and
others

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

Sinhala text
to prevail in
case of
inconsistency

