



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

**ANURADHAPURA JAYA SRI MAHA BODHI
DEVELOPMENT FUND (INCORPORATION)
ACT, No. 41 OF 2006**

[Certified on 06th November, 2006]

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*Anuradhapura Jaya Sri Maha Bodhi
Development Fund (Incorporation) Act, No. 41 of 2006*

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L. D. —O. 20/2004.

AN ACT TO INCORPORATE THE ANURADHAPURA JAYA SRI MAHA
BODHI DEVELOPMENT FUND

WHEREAS a Fund called and known as the “Anuradhapura Jaya Sri Maha Bodhi Development Fund” has heretofore been established for the purpose of effectively carrying out its objects and transacting all matters connected with the said Fund, in accordance with the rules agreed to by its members :

Preamble.

AND WHEREAS the said Fund 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 such application :

BE it therefor enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Anuradhapura Jaya Sri Maha Bodhi Development Fund (Incorporation) Act, No. 41 of 2006.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Anuradhapura Jaya Sri Maha Bodhi Development Fund” (hereinafter referred to as “the Fund”) or shall hereafter be admitted as members of the Corporation hereby constituted (hereinafter referred to as the “Corporation”) shall be a body corporate with perpetual succession, under the name and style of “Anuradhapura Jaya Sri Maha Bodhi Development Fund” and by that name may sue or be sued in all courts, with full power and authority to have and use a common seal and alter the same at its pleasure.

Incorporation of
the
Anuradhapura
Jaya Sri Maha
Bodhi
Development
Fund.

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

General objects
of the Fund.

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- (a) to construct a ranveta (golden fence) around the sacred Jaya Sri Maha Bodhi and to maintain and effect repairs to it when necessary ;
- (b) to ensure and facilitate performance of traditional Buddhist and cultural rites within the environment of the Maluwa (Terrace) of the Jaya Sri Maha Bodhi;
- (c) to conserve the area outside of the Maluwa of the sacred Jaya Sri Maha Bodhi, to ensure the protection of Buddhist archaeological and historical objects and landscaping and to carry out other conservation and development work with the approval and the supervision of the Archaeological Department ;
- (d) to formulate a scheme to construct buildings connected with the Maluwa of the sacred Jaya Sri Maha Bodhi and to plan out a new environment in consultation with the relevant authorities ;
- (e) to hold exhibitions, lectures, seminars, to bring out publications, and to carry out activities in order to realise the objects of the Corporation ;
- (f) to assist in the well being of the Anuradhapura Atamasthana with the sacred Jaya Sri Maha Bodhi at the apex and the other places of worship affiliated to the Atamasthana in the Anuradhapura District and to do all activities to perpetuate the existence of the Buddha Sasana ;
- (g) to help in any activity connected with the construction of the Ranveta around the sacred Jaya Sri Maha Bodhi with the approval and supervision of the Department of Archaeology ;
- (h) to protect the Buddhist Dhamma and the way of virtuous living preached by it and to disseminate the same ; and

- (i) to maintain and encourage friendly relations with Buddhist Organizations in Sri Lanka and abroad.

4. (1) The members of the Corporation shall be appointed by the Honourable Prime Minister on the advice and recommendation of the Ven. Atamasthanadhipathi Thera, who shall be the Chief Patron of the Corporation. Membership.

(2) The number of members of the Corporation shall be not less than ten members and not more than twenty members inclusive of the following ex-officio members :-

- (i) the Director-General of Archaeology ;
- (ii) the Director-General of Central Cultural Fund ;
- (iii) the Commissioner General of Buddhist Affairs ; and
- (iv) the District Secretary of Anuradhapura.
- (v) the Director-General of the National Physical Planning Department.

(3) Every member of the Corporation unless he vacates office earlier by death, resignation or removal, hold office for a period of five years from the date of his appointment.

(4) Every member of the Corporation may resign his office by a letter addressed in that behalf to the Prime Minister and such resignation shall take effect upon it being accepted by the Prime Minister.

(5) Any member of the Corporation may be removed from membership after consulting Ven. Atamasthanadhipathi Thera.

(6) Where any member of the Corporation dies, resigns or is removed from office, the Prime Minister shall appoint another person on the recommendation of the Ven. Atamasthanadhipathi Thera, and the person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

(7) Any member of the Corporation who vacates office, by effluxion of time shall be eligible for reappointment”.

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Rules of the
Corporation.

5. (1) It shall be lawful for the Corporation, from time to time, at any General Meeting of the members and by the votes of not less than two thirds of the members present and voting at such meeting to make rules, not inconsistent with the management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may, at a like meeting and in like manner, be altered, added to, amended or rescinded.

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

Fund of the
Corporation.

6. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts bequests, donations, subscriptions, contributions fees or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Committee of Management shall determine.

(2) The Corporation may create any depreciation fund, reserve or sinking fund for the rehabilitation, improvement and development of the property of the Corporation.

(3) There shall be paid out of the fund all sums of money required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

(4) The moneys and property of the Corporation however derived shall be applied solely towards the promotion of its objects and no portion thereof shall be paid or transferred directly or indirectly, by way of dividends, bonus or otherwise by way of profit to any member of the Corporation.

Management of
the affairs of the
Corporation.

7. (1) The affairs of the Corporation shall, subject to the rules of the Corporation be administered by a Committee of Management comprising of not less than six members consisting of the President, Vice President, Secretary, Treasurer, Assistant Secretaries and two other members to be elected in accordance with the rules of the Corporation.

(2) The first Committee of Management of the Corporation will be the Committee of Management of the Fund holding office on the day preceding the date of commencement of this Act.

8. The Committee of Management shall cause to be kept a register of members in which every person who on the day preceeding the date of commencement of this Act is a member of the Fund and every person thereafter duly admitted as a member of the Corporation shall have his name inscribed.

Register of members.

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

Debts due by and payable to the Fund.

10. The Corporation shall be 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 Corporation for the purposes of this Act, and subject to the rules in force for the time being of the Corporation, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold and dispose of property movable and immovable.

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

General powers of the Corporation, to acquire property, invest Funds &etc.

- (a) to take and hold land or buildings by purchase, acquisition, rent, building or other wise, for the purposes of the Corporation ;
- (b) to recover and take subscriptions, donations, grants and all kinds of gifts, concessions for the purposes of the Corporation ;
- (c) to enter into agreements or contracts with any person, company or body of persons ;

- (d) to receive, accept, implement, perform, and administer the conditions effective to any real or private property which is held as belonging to or as any lawful trust with any Corporation, charitable society, board or any other trust ;
- (e) to appoint, dismiss or terminate the services of the officers and employees of the Corporation, and to pay their salaries allowances and gratuities as may be determined by the Corporation ; and
- (f) to train employees for the benefit of the Corporation.

Audit and
accounts.

12. (a) The financial year of the Corporation shall be the calendar year.
- (b) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.
 - (c) The accounts of the Corporation shall be audited by a qualified auditor.

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.

- 13.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of a member of the Corporation and the Secretary or any other person duly authorized by the committee of Management, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any such person as a witness.
- Seal of the Corporation.
- 14.** No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation or for any other purpose be liable to make any contribution exceeding the amount of such membership fees as may be due from such member to the Corporation.
- Limitations of liabilities of members.
- 15.** 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 distributed among the members of the Corporation but shall be given or transferred to any other institution or institutions having objects similar to those of the Corporation and which is or are by their rules prohibited from distributing any income or property among its or their members. Such institution or institutions shall be determined by the members of the Corporation at or immediately before the time of dissolution of the Corporation.
- Property remaining on dissolution.
- 16.** Nothing in this act contained shall prejudice or affect the rights of the Republic, or any body politic or corporate, or of any other persons.
- Saving of the rights of the Republic and others.
- 17.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.
- Sinhala text to prevail in case of inconsistency.

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