



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

**DELTOTA MAHFALUL ULAMA ARABIC COLLEGE
(INCORPORATION)**

A

BILL

to incorporate the Deltota Mahfalul Ulama Arabic College

*Presented by Hon. M. B. Farook, M.P. for Vanni District
on 10th April, 2013*

(Published in the Gazette on January 28, 2013)

Ordered by Parliament to be printed

[Bill No. 234]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 8.00

Postage : Rs. 5.00

*Deltota Mahfalul Ulama Arabic College
(Incorporation)*

AN ACT TO INCORPORATE THE DELTOTA MAHFALUL ULAMA ARABIC
COLLEGE

WHEREAS an Arabic College called and known as the “Deltota Mahfalul Ulama Arabic College” has heretofore been formed for the purpose of effectually carrying out its objects and transacting all matters connected with the said Arabic College according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Arabic College 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 advantage to grant the said 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 “Deltota Mahfalul Ulama Arabic College (Incorporation)” Act, No. of 2013.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Deltota Mahfalul Ulama Arabic College” (hereinafter referred to as the “Arabic College”) 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 “Deltota Mahfalul Ulama Arabic College” (hereinafter referred to as the “Corporation”) and by that name may sue and be sued, with full power and authority to have and use a common seal and alter the same at its pleasure.

Incorporation of Deltota Mahfalul Ulama Arabic College.

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

General objects of the Corporation.

(a) to provide for training in and promotion of Islamic culture ;

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- (b) to conduct classes to train students in committing the Holy Quran to memory ;
- (c) to publish journals and books on Islam ;
- 5 (d) to create educationalist with full of knowledge and personality by providing knowledge on Arabic language, Islam and other fields ;
- 10 (e) to liaise among the higher educational institutes of international level located in Sri Lanka and abroad with the objective of developing the higher education ;
- (f) to authorize in conduction seminars, lectures, work shops and othe activities by the central institute to achieve the objectives of the school and to derive benefits ;
- 15 (g) to provide a timely education on new technology and other fields to face the new challenges ;
- (h) to take action to extend the objectives of the school at national level ;
- 20 (i) to foster and promote unity and brotherhood among the Muslim community of Sri Lanka in particular, and all other communities living in Sri Lanka ;
- (j) to commence a ladies unit to memorize Holy Quran, orphanage, Islamic guidance centers and Technical Training Institutes affiliated to the College ; and
- 25 (k) to do all such other things as are incidental or conducive to the attainment of the above objects.

4. (1) The management, control and administration of the Corporation shall, subject to provision of this Act and the rules in force for the time being of the Corporation, vested in a Board of Trustees (hereinafter referred to as the “Board”) consisting of the office bearers and such other persons as may be provided for in such rules and elected in accordance therewith.

Management
of the affairs
of the
Corporation.

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

5. 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 and matters as necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

General
Powers of the
Corporation.

- (a) to raise funds and receive grants, gifts or donations, in cash or kind whether from local or foreign sources ;
- (b) to acquire, in any manner whatsoever and hold, take or give on lease or hire, rent, sell or otherwise dispose of, any movable or immovable property and construct, maintain and alter any buildings or works necessary or convenient for the business of the Corporation ;
- (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 bank accounts and borrow or raise money with or without security ;
- (d) to invest any funds not immediately required for the purposes of the Corporation in such manner as the Board of Trustees may determine ;

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- (e) to enter into agreements or contracts with any person or body of persons for the implementation of these objects ; and
- 5 (f) 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.
6. (1) It shall be lawful for the Corporation, 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 provision of this Act, or any other written law, for all or any of the following matters:—
- 10 Rules of the Corporation.
- 15 (a) the classification of membership, fees payable by each class of members and admission, withdrawal, expulsion or resignation of members and for the maintaining of register of members ;
- 20 (b) the election of office bearers of the Board or vacation of or removal from, office and the powers, duties and functions of the office bearers ;
- 25 (c) the appointment, powers, duties and functions and conditions of the various officers, agents and servants of the Corporation ;
- (d) the procedure to be followed at the summoning and holding of meetings of the Board, the Corporation and any sub-committee thereof, including the quorum therefore and the conduct of business thereat ;
- 30 (e) the qualifications disqualifications for member of the Board and the Corporation ; and
- (f) the administration and management of the property of the Corporation for the accomplishment of the objects of the Corporation.

(2) The rules made by the Corporation may be amended, altered, added to rescinded at a like meeting and in like manner as a rule made under subsection (1).

5 (3) The members of the Corporation shall at all time be subject to rules of the Corporation made under this section.

(4) The rules of the Foundation in force on the day preceding to date of commencement of this Act, shall in so far as they are not inconsistent with the provisions of this Act or any other written law, be deemed to be rules of the Corporation made under this section.

7. (1) The financial year of the Corporation shall be the calendar year. Accounts and Audit.

(2) The Corporation shall cause proper accounts to be kept of 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 as may be determined by the Board.

(4) In this section, "Qualified Auditor" means —

20 (a) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka, or any other institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such institute; or

25 (b) 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.

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8. (1) The Moneys and property of the Corporation however derived shall be applied solely towards the promotion of its objects as set forth herein, and no portion thereof shall be paid or transferred, directly or indirectly, by
5 way of dividend, loan, bonus or otherwise, howsoever, by way of profit, to the members of the Corporation.

Corporation to be a non profit making organization.

Provided however, that the provision of this section shall not prohibit—

10 (a) the payment, in good faith of reasonable and proper remuneration to any officer or servants of the Corporation for any services rendered by him to the Corporation ;

15 (b) to payment of reasonable and proper rent for premises let to the Corporation or by any company of which a member of the Corporation is a shareholder ; and

20 (c) the reimbursement or repayment of reasonable and proper expenses incurred, with the prior approval of the Board of Management, by any member, officer or servant of the Corporation in the discharge or performance of his functions or duties or in promoting the objects of the Corporation.

25 9. 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 annual subscription payable by him to the Corporation.

Limitation of liability of members.

30 10. All debts and liabilities of the College 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, and subscriptions and contributions payable to the College on that day shall be paid to the Corporation for the purpose of this Act.

Debts due by and payable to the College.

11. The Corporation 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
5 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.
12. The seal of the Corporation shall not be affixed to
10 any instrument whatsoever, except in the presence of the Secretary or a member of the Board as may be duly authorized by the Board and another member of the Board who shall sign their namens on the instrument in token of their presence and such signing shall be independent of the signing of any
15 person as a witness.
13. (1) The Board shall cause to be maintained a register in which every person who on the date of commencement of this Act, is a member of the Corporation, and every person thereafter duly admitted as members of the Corporation shall
20 have inscribed in such register his name.
- (2) The register shall contain the following particulars :—
- (a) name, address and occupation of the each Member of the Corporation ;
- (b) The date on which the name of the member was
25 inscribed in the register ; and
- (c) The date on which any person ceased to be a member.
14. If upon the dissolution of the Corporation there remains, after the satisfaction of all its debts and liabilities,
30 any property whatsoever, such property shall not be distributed among the members of the Corporation but shall
- Corporation may hold property movable and immovable.
- Seal of the Corporation.
- Register of members.
- Property remaining on dissolution.

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 thereof prohibited from distributing any income or property among its or their members. Such
5 institution or institutions shall be determined by the Board at or immediately before the dissolution of the Corporation.

15. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of any body politic or corporate or of any other person, except such as are
10 mentioned in this Act and those claiming by, from or under them.

Saving of the rights of the Republic and others.

16. No person shall be liable in any suit or other legal perceding for any act done, or purporting to be done, in good faith in pursuance of the powers conferred by or under
15 this Act, or for the purpose of carrying out the provisions of this Act.

Indemnity for acts done in good faith.

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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