



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

**PAHIYANGALA CONSERVATION AND
DEVELOPMENT FOUNDATION
(INCORPORATION) ACT, No. 24 OF 2009**

[Certified on 20th April, 2009]

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*Pahiyangala Conservation and Development
Foundation (Incorporation) Act, No. 24 of 2009*

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L.D.—O. INC. 22/2007.

AN ACT TO INCORPORATE THE PAHIYANGALA CONSERVATION AND
DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the
“Pahiyangala Conservation and Development Foundation”
has heretofore been formed for the purpose of effectually
carrying out and transacting all objects and matters connected
with the said Foundation according to the rules agreed to by
its members :

Preamble.

AND WHEREAS the said Foundation has heretofore
successfully carried out and transacted the several objects
and matters for which it was formed and has applied to be
incorporated, and it is for the public advantage to grant such
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 Pahiyangala
Conservation and Development Foundation (Incorporation)
Act, No. 24 of 2009.

Short title.

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

Incorporation of
the Pahiyangala
Conservation
and
Development
Foundation.

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General objects
of the
Corporation.

3. The General objects for which the Corporation is established are hereby declared to be—

- (a) to preserve the historical monuments and cultural objects within the Pahiyangala Sacred City;
- (b) to improve and maintain all buildings, electricity, water supply and other sanitary services within the precinct of the Pahiyangala Sacred City;
- (c) to give necessary assistance in the religious and educational research activities conducted within the Pahiyangala Sacred City; and
- (d) to maintain friendly relations with other Buddhist organisations and religious Organisations in Sri Lanka and abroad.

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 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 money with or without security, to receive or collect grants and donations from local or foreign sources, to invest its funds, and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

Management of
the affairs of the
Corporation.

5. (1) The affairs of the Corporatoin shall, subject to the rules of the Corporation made under section 6 of this Act be administered by a Board of Trustees (hereinafter referred to as “the Board”) consisting of the Chairman, Vice Chairman, Secretary, Assistant Secretary, Treasurer and two other members elected in accordance with the rules of the Corporation.

(2) The first Board of the Corporatoin shall consist of the members of the Board of Trustee of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

(3) Notwithstanding anything contained in subsection (1) the Chief Priest of the Pahiyangala Temple shall be the first Chairman of the Board.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting 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 other written law for all or any of the following matters :—

Rules of the Corporation.

- (a) the classification of membership and admission, withdrawal or expulsion of members ;
- (b) the election of the office bearers, the resignation from or vacation of, or removal from office of office bearers and their powers and functions ;
- (c) the election of the members of the Board, their powers, duties and functions and the terms of office of members of the Board ;
- (d) the powers, duties and functions of the various officers, agents and servants of the Corporation ;
- (e) the procedure to be observed at the summoning and holding of meetings of the Board the time, place, notice and agenda of such meetings, the quorum therefore and the conduct of business thereat ;
- (f) the administration and management of the property of the Corporation ; and
- (g) generally, for the management of the affairs of the Corporation.

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

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

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Fund of the
Corporation.

7. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gift, donation, testamentary dispositions, subscriptions, contributions, fees or grants on account of the Corporation shall be deposited to the credit of the Corporation in one or more Banks as the Board shall determine.

(2) All expenses borne by the Corporation in the exercise, discharge and performance of the powers, duties and functions of the Corporation under this Act shall be paid out of the fund of the Corporation.

Audit and
Accounts.

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

(2) The Corporation shall cause proper accounts to be kept of its 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.

(4) 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.

Debts due by
and payable to
the Foundation.

9. All debts and liabilities of the Foundation 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 Foundation on that day shall be paid to the Corporation for the purposes of this Act.

10. The Corporation shall be able and capable in law, to acquire and hold any property movable or immovable which may become vested in it by virtue of any purchases, 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 of the Corporation made under section 6, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

11. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chariman, the Secretary or the Treasurer who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Seal of the Corporation.

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 distributed among the members of the Corporation, but shall 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 Institute or Institutes shall be determined by the members of the Corporation at the time of dissolution or immediately before, the dissolution of the Corporation.

Property remaining on dissolution.

13. 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.

14. 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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