



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

**HANGURANKETHA MADANWALA
RAJAMAHA VIHARA DEVELOPMENT
FOUNDATION (INCORPORATION)
ACT, No. 26 OF 2013**

[Certified on 21st May, 2013]

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*Hanguranketha Madanwala Rajamaha Vihara
Development Foundation (Incorporation)
Act, No. 26 of 2013*

[Certified on 21st May, 2013]

L.D.—O. Inc. 20/2011

AN ACT TO INCORPORATE THE HANGURANKETHA MADANWALA
RAJAMAH VIHARA DEVELOPMENT FOUNDATION

WHEREAS a foundation called and known as the “Hanguranketha Madanwala Rajamaha Vihara Development Foundation” has heretofore been established in Sri Lanka for the purpose of effectually carrying out its objects and transacting all 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 will be for the public 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 Hanguranketha Madanwala Rajamaha Vihara Development Foundation (Incorporation) Act, No. 26 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 “Hanguranketha Madanwala Rajamaha Vihara Development Foundation” (hereinafter referred to as “Foundation”) 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 “Hanguranketha Madanwala Rajamaha Vihara Development Foundation” (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 to alter the same at its pleasure.

Incorporation of the Hanguranketha Madanwala Rajamaha Vihara Development Foundation.

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General Objects
of the
Corporation.

3. (1) The Objects for which the Corporation is constituted are hereby declared to be—

- (a) to conserve, renovate and maintain all the buildings of Sri Dharmodaya Pirivena and Maha Vihara situated at Madanwala, Hanguranketha, which are presently over one hundred years old;
- (b) to foster, develop and maintain the Pirivena and Maha Vihara referred to in paragraph (a);
- (c) to formulate and implement social, cultural, educational and welfare programmes for the benefit of the members of the Corporation and other Sri Lankans;
- (d) to promote economic development of the poor and needy people of Sri Lanka, by introducing and implementing appropriate skills development programmes and self employment oriented programmes; and
- (e) to work in close association with Governmental and Non-Governmental Organizations, religious bodies, cultural groups, International organizations and other institutions and organizations having objects similar to those of the Corporation.

(2) The Corporation shall ensure that the implementation of the objects of the Corporation shall be carried out without any distinction based on race, religion, language, caste, sex or political opinion.

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 and matters as are

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necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them including the power —

- (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purposes of the Corporation;
- (b) to raise funds and receive grants, gifts or donations in cash or kind:

Provided that, the Executive 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 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, maintain and close accounts in any bank;
- (d) to enter into contracts, partnerships or agreements with any Governmental or non-Governmental organizations or any other person or institution whether in Sri Lanka or abroad;
- (e) to invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Executive Committee may determine;
- (f) to appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the Corporation;

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- (g) to train personnel in Sri Lanka or abroad for the purposes of the Corporation; and
- (h) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

Corporation
may hold
property
movable, or
immovable.

5. Subject to the provisions of this Act, 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 property shall be held by the Corporation for the purpose of this Act and subject to the rules of the Corporation made under section 7 with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Management of
the affairs of the
Corporation.

6. (1) The management and administration of the affairs of the Corporation shall subject to the provisions of this Act be administered by a Executive Committee consisting of such number of office bearers elected in the manner as may be provided by the rules of the Corporation made under section 7.

(2) The Minister assigned the subject of Buddhasasana and Religious shall appoint an officer not below the rank of a Senior Assistant Secretary of that Ministry as an ex-officio member of the Executive Committee.

(3) The first Executive Committee of the Corporation shall consists of the members of the Executive Committee of the Foundation who hold office on the day immediately preceding the date of commencement of this Act.

(4) (a) No office bearer of the Executive Committee shall hold office for more than three consecutive years, in the same post:

Provided that such office bearer may be re-appointed to the same post after laps of two years.

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(b) For the avoidance of doubt it is hereby declared that no person shall continue to hold the same post in the Executive Committee (including the post of patron) for the life period of such person.

7. (1) It shall be lawful for the Corporation, from time to time, at any 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 all or any of the following matters:—

Rules of the Corporation.

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by the members;
- (b) the election of the office bearers of the Executive Committee or vacation of or removal from office and the powers, duties and functions of the office bearers;
- (c) the appointment, powers, functions and duties and the terms 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 Executive Committee, the Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- (e) the qualifications and disqualifications for members of the Executive Committee and the Corporation; and
- (f) the administration and management of the property of the Corporation for the accomplishment of the objects of the Corporation.

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(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) of this section.

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

Fund of the
Corporation.

8. (1) The Corporation shall have its own fund.

(2) All moneys received by way of gift, bequest, donation, subscription, contribution, fees or grant for and on account of the Corporation shall be deposited in one or more banks approved by the Executive Committee to the credit of the Corporation.

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

Accounts and
Auditing.

9. (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 annually by the Auditor General or a qualified auditor appointed by the Auditor General in terms of Article 154 of the Constitution.

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

- (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

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- (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, who possesses a certificate to practice as an Accountant, issued by the Council of such Institute.

10. All debts and liabilities of the Foundation existing on the day immediately 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.

Debts due by
and payable to
the Foundation.

11. 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 time to time to the Corporation.

Limitation of
liability of
members.

12. (1) The Corporation shall be a non-profit organization and no part of the gains, profits or dividends, if any, of the Corporation shall be distributed among the members of the Corporation.

Corporation to
be a
non-profit
organization.

(2) If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities any money or property, such money or property shall not be distributed among the members of the Corporation, but shall be given or transferred to any other institution having objects similar to those of the Corporation, and which is by the rules thereof prohibited from distributing any income or property among its members.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Executive Committee of the Corporation and 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.

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Annual Report.

14. The Executive Committee shall prepare a report of the activities of the Corporation for each financial year and submit such report together with the audited statement of accounts to the Secretary of the Ministry of the Minister assigned the subject of Buddhasasana and Religious Affairs before the expiration of six months of the year succeeding the year to which such report relates.

Saving of the rights of the Republic.

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

Sinhala text to prevail in case of inconsistency.

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

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