



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

**SALIHIIYA THAIKKA (INCORPORATION)
ACT, No. 32 of 1998**

[Certified on 10th June, 1998]

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Salihya Thaikka (Incorporation)
Act No. 32 of 1998

[Certified on 10th June, 1998]

L.D. — O. 58/93.

AN ACT TO INCORPORATE THE "SALIHYA THAIKKA"

WHEREAS Marhoom His Holiness Sheikul Wujood Hajiwal Ariff Sheikhabdul Ghany Shahibul Qudiree War-Rifai (Ralliyallah-Anhu) the Khaleefa of his Holiness Kuthuli Uzzaman Sheik-ul Arifeen Muhammad Salihu Olyullah of Kalyalpatanam founded the "Salihya Thaikka" at No. 132, New Moor Street, Colombo 12 during the year 1925, corresponding to Islamic Hijri year 1346, to promote the activities of the Qadiriyyathus Salihya Thareekath. Subsequently, an Islamic Educational Institution under the name and style of Al-Madrasathul Salihya was founded on October 16, 1985 at the said "Salihya Thaikka".

Preamble.

AND Whereas the said Salihya Thaikka has heretofore successfully carried out and transacted the several objects and matters for which it was formed :

AND Whereas the Board of Management of the said "Salihya Thaikka" has applied to be incorporated and it will be for the public advantage 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 Salihya Thaikka (Incorporation) Act, No. 32 of 1998.

Short-title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Board of Management of the Salihya Thaikka Colombo (hereinafter referred to as the "Thaikka") or shall hereinafter be admitted as 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 "Salihya Thaikka" 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 alter the same at its pleasure.

Incorporation of
Salihya Thaikka
Colombo.

General objects of
the Corporation.

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

- (a) to promote and encourage the study of the Arabic language and literature and Islamic religion, history and culture, in all their aspects and to conduct research on above subjects ;
- (b) to construct, restore, maintain and upkeep the Thaikka as a centre of Islamic cultural and social activities ;
- (c) to restore and maintain the Shrine, which is appurtenant to the Thaikka ;
- (d) to conduct Arabic and Islamic classes under the name of “ Salihya Thaikka ” in order to train students to sit the Moulavi and other examinations recognised by the Government ;
- (e) to provide educational facilities for Muslims ;
- (f) to promote other social, educational and religious activities ;
- (g) to open branches to further the aforesaid objects ;
- (h) to print, publish and distribute, books, journals, magazines and pamphlets on Islam ;
- (i) to encourage the practical observance of Islam, among Muslims ;
- (j) to establish, equip and maintain, libraries and reading rooms and to promote the study and propagation of Islam ;
- (k) to organise and conduct Salihya Rathib and Sikkir Majlis and to promote the activities of Qadiryathus Salihya Thareekath ;
- (l) to do all such other acts and things not inconsistent with this Act or any other written law, as are incidental or conducive, to the attainment of the above objects or any of them.

(2) The objects referred to in subsection (1) shall be carried out in accordance with the principles of "Sunnath Wal Jamath of the Islamic Shariyath".

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 whatsoever, as are necessary or desirable or expedient, 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, to invest its funds and to engage, employ, and dismiss officers and servants required for the carrying out of the objects of the Corporation.

General powers of the Corporation.

5. (1) The affairs of the Corporation shall, subject to the provisions of this Act and the rules in force for the time being of the Corporation, be administered by a Board of Trustees consisting of seventeen members elected in accordance with such rules of the Corporation ;

Management of the affairs of the Corporation.

(2) The first Board of Trustees of the Corporation shall be the Board of Management of THAIKKA holding office on the day preceding the date of commencement of this Act and whose names are set out in the Schedule to this Act ;

(3) In the event of the death of a member of the Board of Trustees, the vacancy shall be filled by the Board of Trustees, by a majority of not less than two thirds of the remaining Trustees.

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 and any other written law, for the election of the Board of Trustees, for the procedure to be followed in the transaction of business at the meetings of the Board of Trustees and otherwise generally, for 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.

Rules of the Corporation.

(2) The rules of the Thaikka in force on the day preceding the 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 the rules of the Corporation made under this section.

(3) All members of the Corporation shall be subject to the rules in force for the time being of the Corporation.

Debts due by and payable to the Thaikka.

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

Corporation may hold and dispose property movable or immovable.

8. The Corporation shall, subject to the rules in force for the time being of the Corporation, be able and capable in law to take over, acquire and hold property both movable and 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 to be a non profit making Organization.

9. The moneys and property of the Corporation howsoever 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 way of dividend, loan, bonus or otherwise howsoever, by way of profit, to the members of the Corporation :

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

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

- (b) the payment of reasonable and proper rent for premises let to the Corporation by any member of the Corporation or by any Company of which a member of the Corporation is a shareholder ; and
- (c) the reimbursement or repayment of reasonable and proper expenses incurred, with the prior approval of the Board of Trustees, by any member, officer or employee of the Corporation, in the discharge or performance of his functions or duties or in promoting the objects of the Corporation.

10. It shall be lawful for the Corporation—

- (a) to purchase, acquire, rent, construct or otherwise obtain, lands or buildings which may lawfully be required for the Corporation and to deal with or dispose of, the same, as it may deem expedient, with a view to promoting the objects of the Corporation ;
- (b) to invest any funds not immediately required for the purposes of the Corporation, in such manner as the Board of Trustees may think fit and to vary and transfer any such investments from time to time ;
- (c) to raise or borrow money for any purpose of the Corporation and to secure the discharge of any debt, or obligation of the Corporation in such manner it may think fit ;
- (d) to solicit, raise and receive, subscriptions, grants, donations and gifts of all kinds, locally and from abroad, for the purposes of the Corporation ;
- (e) to construct, alter or maintain, any buildings required for the purposes of the Corporation ;
- (f) to subscribe or grant money for any charitable purpose ;
- (g) to undertake, accept, execute, perform and administer, any lawful trusts and conditions affecting any real or personal property ;

Powers of the Corporation to acquire property, Invest funds, raise loans &c.

- (h) to establish, organize and maintain, different branches and institutions for the different activities programmes and projects, sponsored and conducted by the Corporation, for promoting the objects of the Corporation ;
- (i) to appoint, dismiss or terminate the officers and servants of the Corporation, and to pay them such salaries, pensions, gratuities and allowances as may from time to time be determined by the Corporation ;
- (j) to establish or contribute to any fund or scheme for the grant of gratuities, pensions, allowances or other benefits to officers or servants, past or present of the Corporation or to the relatives or dependants of such officers and servants ; and
- (k) to enter into any contract with any person, or body persons whether corporate or unincorporate, or any government department or local authority, for promoting the objects of the Corporation.

Seal of the Corporation.

11. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of such number of persons as may be provided for in the rules of the Corporation, 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.

Limitation liability of members.

12. 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 him to the Corporation.

Saving of the Rights of the Republic and others.

13. 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 persons, except such as are mentioned in this Act and those claiming by, from, or under, them.

Sinhala text to prevail in case of inconsistency.

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

SCHEDULE

[SECTION 5(2)]

1. Janab Kundu Abdul Cader Abdul Wahab
2. Marhoom Abdul Majeed Mohamed Sideek
3. Janab Abdul Cader Mohamed Ali
4. Janab Hameed Zainul Abdeen
5. Janab Omar Zuraik Kamil
6. Janab Kowzul Hameed S.
7. Janab Meera Sahib Shibly Shahul Hameed
8. Janab Samsudeen Najimudeen
9. Janab Meera Sahib Mohideen Abdul Cader
10. Janab Mohamed Haniffa Mohamed Mohinudeen
11. Janab Mustafa Mohamed Zubairoon
12. Janab Abdul Hameed Mohamed Mohideen
13. Janab Mohamed Maik Sideek
14. Janab Ahamed Kabeer Mohamed Ali
15. Janab Meera Sahib Zulficar Mohamed
16. Janab Abdul Hassen Mohamed Fazly
17. Janab Abdul Razak Mohamed Jiffrul Razak.

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