



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

**DHARMAYATHANA CONSERVATION
SOCIETY (INCORPORATION)
ACT, No. 53 OF 2006**

[Certified on 21st December, 2006]

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*Dharmayathana Conservation Society
(Incorporation) Act, No. 53 of 2006*

[Certified on 21st December, 2006]

L. D. O. (Inc) 13/2005

AN ACT TO INCORPORATE THE DHARMAYATHANA
CONSERVATION SOCIETY

WHEREAS a Society called and known as the “Dharmayathana Conservation Society” has heretofore been established at Colombo in Sri Lanka, for the purpose of effectually carrying out and transacting all objects and matters connected with the said Society according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Society has heretofore successfully carried out and transacted 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 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 Dharmayathana Conservation Society (Incorporation) Act, No. 53 of 2006.

Short title.

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

Incorporation of the Dharmayathana Conservation Society.

3. The general objects of the Corporation is constituted are hereby declared to be,—

General objects of the Corporation.

- (a) to implement projects for the development and promotion of national, religious and cultural activities ;

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- (b) to maintain and develop the Dharmayathana and to protect and preserve the image of the Aukana Buddha Statue at Bauddhaloka Mawatha, Colombo ;
- (c) to preserve and foster the Buddhist philosophy and the Buddhist way of life ;
- (d) to maintain the “Lakviru Sevana” house situated at No. 48, Bodhirukkarama Road, Wellawatte ;
- (e) to provide assistance to the poor, destitute, disabled and malnourished Buddhist children ;
- (f) to construct rests for the Buddhist clergy and laymen in the capital city ;
- (g) to establish and maintain book shops and library services ;
- (h) to hold dhamma preachings and discussions in Sinhala, Tamil and English languages and to broadcast the same through the electronic media ;
- (i) to publish books, magazines and leaflets on Buddhism in Sinhala, Tamil, English and other languages deirable for the national and religious development;
- (j) to conserve and exhibit the antiquities and the monuments of heroes ;
- (k) to establish and maintain social welfare centres for Buddhist who are destitute and old ;
- (l) to establish institutions to provide training on computer and mass media to the Buddhist Priests, Damma School Teachers’ and students ;

- (m) to establish a vocational training Centre to provide vocational training to the destitute and poor Buddhist youths and to establish a Day Care Centre and a Child Development Centre for Buddhist Children; and
- (n) to establish friendly relations with other Buddhist organizations and Social Service Organizations both in Sri Lanka and abroad.

4. (1) The management, control and administration of the affairs of Corporation shall, subject to the rules of the Corporation, be vested in an Administrative Council (hereinafter referred to as the “Council”) consisting of such number of office bearers elected from among the members in accordance with the rules of the Corporation to be made in accordance with the rules made under section 7 of this Act.

Management of the affairs of the Corporation

(2) The first Council of the Corporation shall be the Administrative Council of the Society, holding office on the day preceding the date of commencement of this Act.

(3) Notwithstanding anything to the contrary in subsection (1) Ven. Elle Gunawansa Thero, the Founder of the Dharmayathanya shall be the first Chairman of the Corporation.

5. The Council shall maintain a register of members in which every person who on the day preceding the date of commencement of this Act is a member of the Society and every person duly admitted a member of the Corporation shall have his name inscribed.

Register of Members.

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

Powers of the Corporation.

- (a) to take and held land or buildings by way of acquisition, purchase, rent, construct and otherwise for the purposes of the Corporation ;

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- (b) to borrow or raise money for the purposes 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, maintain and close bank accounts for the purposes of the Corporation;
- (d) to invest any funds not immediately required for the purposes of the Corporation, in such a manner as the Council may think fit ;
- (e) to solicit and receive subscriptions, grants, donations and gifts of all kinds ;
- (f) to enter into agreements or contracts with any person, company or body of persons ;
- (g) to undertake, accept, execute, perform and administer any lawful trusts and conditions affecting any real or personal property ;
- (h) to 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 ;
- (i) to train personnel in Sri Lanka or abroad for the purposes of the Corporation; and
- (j) to do all other acts as are conducive or incidental to the attainment of all or any of the above objects.

Rules of the
Corporation.

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

- (a) the classification of membership, fees payable by each class of members, their admission, expulsion or resignation ;
- (b) the election of office-bearers, the resignation from, or vacation of or removal from office of office-bearers and their powers, conduct and duties and function;
- (c) the powers, conduct and duties and functions of the various officers, agents and servants of the Corporation ;
- (d) the procedure to be observed at the summoning and holding of meetings of the Corporation and of the Council, the time, place, notice and agenda of such meetings, the quorum thereof and the conduct of business thereat ;
- (e) the qualifications and disqualifications for membership of the Council and of the Corporation ;
- (f) the administration and management of the property of the Corporation ; and
- (g) generally for the management of the affairs of the Corporation and the accomplishment of its objects.

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

Fund of the Corporation.

8. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts, grants, bequest, testamentary disposition, donations, subscriptions, contribution and fees shall be deposited to the credit of the Corporation in one or more banks as may be decided by the Council.

(2) 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.

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

(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, bonuses or otherwise by way of profit to any member of the Corporation.

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 by a qualified auditor of the Corporation.

(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.

10. All debts and liabilities of the Society on the day preceding the date of commencement of this Act, shall be paid to the Corporation hereby constituted, and all debts due to, and subscriptions and contributions payable to the Society on that day shall be paid to the Corporation for the purposes of this Act.

Debts due by and payable to the Society.

11. The Corporation shall be able and capable in law to acquire and hold any property, movable or immovable, upon or by virtue of any instrument of purchase, grant, gift or lease or upon or by virtue of any 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, to be made in accordance with section 7 of this Act with full power to sell, mortgage, lease, exchange, or otherwise dispose of, encumber or charge the same.

Corporation may hold property movable or immovable.

12. The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of a member of the Council and the Secretary or such other person duly authorized by the Council 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.

13. 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.

Limitation of liability of Members.

Property remaining on dissolution of the Corporation.

14. 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 an institution or institutions having objects similar to the objects 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 institution or institutions shall be determined by the members of the Corporation at or immediately before the time of the dissolution of the Corporation.

Saving of the rights of the Republic and others.

15. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body corporate or any other persons.

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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