



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

**NAWALAPITIYA DHARUL ULOOM AL
HASHIMIYA ARABIC COLLEGE
(INCORPORATION) ACT, No. 33 OF 2006**

[Certified on 26th September, 2006]

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*Nawalapitiya Dharul Uloom Al Hashimiya
Arabic College (Incorporation) Act, No. 33 of 2006*

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L. D. — O. Inc. 8/2004

AN ACT TO INCORPORATE THE NAWALAPITIYA DHARUL ULOOM AL
HASHIMIYA ARABIC COLLEGE

WHEREAS a college known as “Nawalapitiya Dharul Uloom Al Hashimiya Arabic College” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said college, according to the rules agreed to by the Board of Management of the College :

Preamble.

AND WHEREAS the said college 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 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 Nawalapitiya Dharul Uloom Al Hashimiya Arabic College (Incorporation) Act, No. 33 of 2006.

Short title

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Nawalapitiya Dharul Uloom Al Hashimiya Arabic College (hereinafter referred to as the “College”) and 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 Nawalapitiya Dharul Uloom Al Hashimiya Arabic College” (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 alter the same at its pleasure.

Incorporation of
Nawalapitiya
Dharul Uloom Al
Hashimiya
Arabic College.

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General objects
of the
Corporation.

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

- (a) to produce Islamic Theologists who are competent to lead the community under the Islamic law of “Shariaa” on all spheres of life ;
- (b) to produce “Hafidhs” who have learnt the Holy Quran by heart;
- (c) to protect Islam;
- (d) to promote and foster unity within the Islamic community and find solutions of problems of such community;
- (e) to promote the policies of “Sunnath Wal Jamaath” within the Islamic community;
- (f) to promote and foster the policies of the “Sunnath wal Jamaath” based on holy propagation of “Thableegu” with the “Fikh” (concepts of the School of Thought) laws of the “Shafiee Madhhab” and the belief in “Al Ashariya”; and
- (g) to do all such acts and things as are in the opinion of the Corporation connected to any of the above and beneficial to the growth of the College.

Management of
the affairs of the
Corporation.

4. (1) The management, control and administrations of the Corporation shall subject to the provisions of this Act be administered by a Board of Management consisting of eleven members elected in accordance with the rules of the Corporation from among persons who shall be leaders in the community and theologians, including the President, vice President, two joint Secretaries, the Treasurer, the Assistant Secretary, the Assistant Treasurer and Four Committee members. One of the Joint Secretaries shall be a teacher in the college.

(2) The first Board of Management of the Corporation shall be the Board of Management of the College holding office on the day preceding the date of commencement of this Act and which shall hold office until a new Board of Management is elected in accordance with the rules of the Corporation.

(3) The office bearers of the Corporation shall hold office for a term of one year and be eligible for re-election;

5. A committee member shall—

Qualifications
of the
committee
members.

- (a) be a person who lives within the bounds of the Islamic law of “Shariaa”;
- (b) be a person of good character and will be respected by the Islamic Community; and
- (c) be a person who respects the law of “Shariaa” and the Theologians.

6. 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, as are necessary or desirable for the promotion of 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 any 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.

7. (1) It shall be lawful for the Corporation from time to time at any general meeting and by the vote 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 admission, resignation and expulsion of members of the Corporation;

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- (b) election of office bearers;
- (c) powers, duties and functions of the Board of Directors and office-bearers of the Corporation;
- (d) the conduct of meetings of the Board of Management and the procedures to be followed at such meetings and the quorum of such meetings;
- (e) appointment of employees of the Corporation and their duties and functions; and the code of conduct to be observed by such employees;
- (f) courses of studies to be conducted, syllabuses of studies, examinations and award of certificates, in so far as such rules do not conflict with the national or provincial education policy;”
- (g) the administration and management of the property of the Corporation and the custody of its funds; and
- (h) generally for the management of the affairs of the Corporation and the attainment of its objects.

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

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

Debts due by
and payable to
the College.

8. 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, subscriptions and contributions payable to the College on that day, shall be paid to the Corporation for the purpose of this Act.

9. The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the persons duly authorized by the Board, 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.

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

Accounts of the Corporation.

(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—

- (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
- (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.

11. 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 purchase, subscription, gift, grant, 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 in force for the time being of the Corporation, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable or immovable.

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Property
remaining on
dissolution.

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 institution or institutions having objects similar to those of the Corporation and which is or are by rules prohibited from distributing any income or property among its members.

Saving of the
rights of the
republic and
others.

13. Nothing contained in this Act shall prejudice or affect the rights of the republic or of any body politic or corporate or any other person.

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.

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