



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

**AMBULUWAWA DISSANAYAKE
MUDIYANSELAGE JAYARATNE
RELIGIOUS CENTRE AND BIO-DIVERSITY
COMPLEX TRUST FUND
ACT, No. 44 OF 2009**

[Certified on 21st August, 2009]

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Jayaratne Religious Centre and Bio-diversity
Complex Trust Fund Act, No. 44 of 2009*

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L.D.—O. 57/2005.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TRUST FUND CALLED THE AMBULUWAWA DISSANAYAKE MUDIYANSELAGE JAYARATNE RELIGIOUS CENTRE AND BIO-DIVERSITY COMPLEX TRUST FUND; TO SPECIFY ITS OBJECTS AND POWERS AND TO PROVIDE FOR THE MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

1. This Act may be cited as the Ambuluwawa Dissanayake Mudiyansele Jayaratne Religious Centre and Bio-diversity Complex Trust Fund Act, No. 44 of 2009.

Short title.

2. (1) There shall be established a Trust Fund which shall be called the Ambuluwawa Dissanayake Mudiyansele Jayaratne Religious Centre and Bio-diversity Complex Trust Fund (hereinafter referred to as “the Fund”).

Establishment of the Ambuluwawa Dissanayake Mudiyansele Jayaratne Religious Centre and Bio-diversity Complex Trust Fund.

(2) The Fund shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession, and a common seal and may sue and be sued in such name.

3. (1) The administration, management and control of the Fund shall be vested in a Board of Trustees constituted as hereinafter provided.

Board of Trustees of the Fund.

(2) The Board of Trustees to the Fund (hereinafter referred to as “the Board”) shall consist of the following members:-

(a) the founder ;

(b) the Secretary to the Ministry of the Minister in charge of the subject of Environment and Natural Resources ;

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(c) the Secretary to the Ministry of the Minister in charge of the subject of Buddha Sasana ; and

(d) seven persons appointed by the founder (hereinafter referred to as “appointed members”).

(3) The Founder shall be the Chairman of the Board.

(4) An appointed member of the Board may at any time resign his office by written communication addressed to the Chairman.

(5) A person shall be disqualified from being appointed or continuing in office as a member of the Board if he is —

(a) a person who having been declared an insolvent or bankrupt under any law in force in Sri Lanka or in any other country, is an undischarged insolvent or bankrupt ; or

(b) convicted of an offence involving moral turpitude and punishable with imprisonment for a term not less than six months ; or

(c) under any law in force in Sri Lanka, found or declared to be of unsound mind or mentally deficient.

(6) The term of office of an appointed member of the Board shall subject to the provisions of paragraphs (7) and (8) shall be three years.

(7) Where an appointed member of the Board vacates his office by death, resignation or otherwise before the expiry of his term of office, his successor shall hold office for the unexpired period of the term of office of his predecessor.

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(8) The Founder may, at any time remove any appointed member for reasons assigned.

(9) The Chairman of the Board shall preside at all meetings of the Board. In the absence of the Chairman from any meeting, the members present at such meeting shall elect from among themselves a Chairman for that meeting.

(10) In the event of any difference of opinion between the members of the Board, the decision of the majority shall be binding and effectual.

(11) No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy among the members.

(12) The quorum for any meeting of the Board shall be four members.

(13) Subject to the provision of subsection (10), the Board may make rules to regulate the procedure in regard to its meetings and the transaction of business at such meetings.

4. The objects of the Fund shall be—

Objects of the Fund.

- (a) to secure and develop the Ambuluwawa Dissanayake Mudiyansele Jayaratne Religious Centre and Bio-diversity Complex ;
- (b) to improve the area round the Ambuluwawa mountain range ;
- (c) to promote peace, goodwill, understanding and co-operation among the community ;
- (d) to promote and encourage inter-religious harmony and social integration ;

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- (e) to promote the religious development of Sri Lankans ;
- (f) to enhance the knowledge and understanding of Sri Lankans in the field of religion ;
- (g) to improve the living conditions of persons who are economically and socially disadvantaged in the community, including improvement to their shelters and the provision of other infrastructure facilities ;
- (h) to encourage people to intelligently invest in banks and other financial institutions ;
- (i) to establish relations with local and foreign institutions which have similar objects as those of the Fund;
- (j) to provide financial or other assistance to any person engaged in any activity which is similar to any of the objects of the Fund ;
- (k) to organize seminars, workshops and training programmes in Sri Lanka and abroad on religious fields ;
- (l) to organize programmes for creating awareness among the people on the human rights, duties and access to justice ;
- (m) to provide adequate facilities for the improvement of sports and recreation capabilities of people ;
- (n) to lead the nation to global peace based on religious principles of co-existence and to thereby establish avenues for planned development ;
- (o) to train youth labour for the development and welfare of the common man;

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- (p) to encourage the farmers and establishment of youth farmers organizations within the community;
- (q) to draw the special attention of the youth for training in pre-vocational education and in the field of sports;
- (r) to conduct seminars, lectures and exhibitions, lotteries and educational tours;
- (s) to establish and maintain libraries; and
- (t) to safeguard the interest of persons who have for generations been engaged in the practice of indigenous medicine and to protect herbal and medicinal plants, indigenous to Sri Lanka.

5. The seal of the Fund—

Seal of the Fund.

- (a) shall be in the custody of such person as the Board may from time to time determine;
- (b) may be altered in such manner as may be determined by the Board; and
- (c) shall not be affixed to any document except with the sanction of the Board and in the presence of two members of the Board who shall sign the document in token of their presence.

6. (1) The Board shall, in the name of the Fund have the power to do all things necessary for, or conducive or incidental to the carrying out of the objects of the Fund.

Powers and Functions of the Fund.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Board shall have the following powers and functions:—

- (a) to raise funds and to receive grants, gifts or donations whether from local or foreign sources;

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- (b) to take or hold any property, movable or immovable, which may become vested in it by this Act or by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and to sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of any property to which the Fund may become entitled;
- (c) to give grants, endowments, or scholarships locally and abroad, for the furtherance of the objects of the Fund;
- (d) to conduct lotteries subject to any law for the time being in force to collect moneys for the furtherance of the objects of the Fund;
- (e) to enter into and perform either directly or through officers and servants or agents authorized in writing in that behalf by the Board, all such contracts and agreements as may be necessary for the exercise, performance and discharge of the powers, duties and functions and for carrying out the objects of the Fund;
- (f) subject to the provisions of this Act, to appoint, employ and remunerate officers and servants of the Fund and to make rules regarding the appointment, promotion, remuneration and disciplinary control of its employees and the grant of leave and other benefits to them;
- (g) to erect or caused to be erected any building or structure on any land belonging to or held by the Fund;
- (h) to invest moneys belonging to the Fund at the discretion of the Board in any such investments as are authorized by law for the investment of money

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including trust money and to recall, re-invest and vary such investments at the discretion of the Board and to collect income accruing from such investments; and

- (i) to open, operate and close bank accounts and to borrow or raise money with the property of the Fund as security or without such security, for the purposes of the Fund.

7. There shall be paid into the Fund—

Payments into the Fund.

- (a) all moneys presently lying with the Public Trustee in favour of the Fund and moneys lying in banks in favour of the Ambuluwawa Environment Development and Conservation Trust Fund;
- (b) any moneys raised or collected or grants, gifts or donations received locally or from abroad;
- (c) grants received from the government from time to time for purpose of carrying out the aims and objects of the Fund; and
- (d) any income from investments or other receipts due to the Fund.

8. There shall be paid out of the Fund—

Payment out of the Fund.

- (a) expenses necessary for the establishment, maintenance and operation of the Fund;
- (b) the payment of salaries to officers, servants and other employees; and

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- (c) all such other payments as are approved by the Board as being necessary for the purpose of carrying out the objects of the Fund.

Trust,
contracts, &c
of the Fund
deemed to be
those of the
Fund.

9. All contracts, agreements, debts and liabilities of the said Trust Fund existing at the time of coming into operation of this Act shall be deemed to be the contracts, agreements, debts and liabilities of the Fund hereby constituted.

Accounts and
Audits.

10. (1) The Board shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Fund.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirty-first day of March next, cause to be prepared and income and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Fund made up to the first mentioned date.

(3) The income and expenditure account and the balance sheet shall be signed by two members of the Board authorized to do so by a resolution passed by the Board.

(4) The Auditor-General shall audit the accounts of the Fund every year in accordance with Article 154 of the Constitution.

Financial year
of the Fund.

11. The financial year of the Fund shall be the calendar year.

Exemption
of the Fund
from
payment of
duties.

12. The Minister shall with the concurrence of the Minister in charge of the subject of Finance, in order to facilitate the implementation of the aims and objects of the Fund, exempt the Fund from the payment of any duties, levies and of any tax on the income or profits of the Fund to such extent as is permitted in terms of the Inland Revenue

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Act, No. 10 of 2006 or in terms of any other written law for the time being in force governing the imposition of such duty, levy or tax as the case may be.

13. (1) Any expense incurred by the Fund in any suit or prosecution brought by or against the Fund before any court shall be paid out of the Fund and any costs paid to, or recovered by, the Fund in any such suit or prosecution shall be credited to the Fund.

Re-
imbursement of
expenses.

(2) Any expense incurred by any such person as is referred to in subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Act or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the Fund unless such expense is recovered by him in such suit or prosecution.

14. All officers and servants of the Fund shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Officers and
servants of the
Fund deemed to
be public
servants under
the Penal Code.

15. The Fund shall be deemed to be a Scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall accordingly apply.

Fund deemed to
be a Scheduled
institution
within the
meaning of
Bribery Act.

16. In the event of death of the Founder, the son of the Founder shall succeed the founder and thereafter the eldest male descendent shall be the successor.

Succession of
the founder.

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Provisions of
this Act to
prevail over
provisions of
the Deed.

17. The provisions of this Act shall have effect notwithstanding anything contained in the Ambuluwawa Environment Development and Conservation Trust Fund, and accordingly in the event of any conflict between the provisions of this Act and the provisions of the Ambuluwawa Environment Development and Conservation Trust Fund, the provisions of this Act shall prevail.

Sinhala text to
prevail in case
of inconsistency.

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

Interpretation.

19. In this Act, unless the context otherwise requires—

“Ambuluwawa Environment Development and Conservation Trust Fund” means the Indenture and Declaration of Trust made and entered into at Kandy on September 01, 2000, between and among Honorable Dissanayake Mudiyansele Jayaratne and the members of the Board of Managing Trustee thereon and the Public Trustee of Sri Lanka, a body incorporated under the Public Trustee Ordinance (Chapter 88); and

“Founder” shall be the Honourable Dissanayake Mudiyansele Jayaratne.

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