



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

**KOTTAWA SRI PUNYABIWARDANAARAMA
VIHARASTHANA PERFORMANCE SOCIETY
(INCORPORATION) ACT, No. 60 OF 2009**

[Certified on 21st October, 2009]

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*Kottawa Sri Punyabwardanaarama Viharasthana
Performance Society (Incorporation)
Act, No. 60 of 2009*

[Certified on 21st October 2009]

L.D.—O. Inc. 10/2007.

AN ACT TO INCORPORATE THE KOTTAWA SRI PUNYABIWARDANAARAMA
VIHARASTHANA PERFORMANCE SOCIETY

WHEREAS a Society called and known as the “Kottawa Sri Punyabwardanaarama Viharasthana Performance Society” has heretofore been formed for the purpose of effectually carrying out its objects and transacting all matters connected with the said Society according to the rules agreed to by its members :

Preamble.

AND WHEREAS the Society 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 Kottawa Sri Punyabwardanaarama Viharasthana Performance Society (Incorporation) Act, No. 60 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Kottawa Sri Punyabwardanaarama Viharasthana Performance Society” (hereinafter referred to as the “Society”) or shall hereafter be admitted 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 the “Kottawa Sri Punyabwardanaarama Viharasthana Performance Society” 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 Kottawa Sri Punyabwardanaarama Viharasthana Performance Society.

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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 ensure the security, maintenance and development of the Temple ;
- (b) to ensure the security of the resident Bhikkhus and to provide their needs;
- (c) to render assistance for activities aimed at the promotion of religious, social and economic aspects of the Temple;
- (d) while taking action for the stability of the Buddha Dhamma, to take action for the establishment of a society based on the Buddhist moral values and observing the five precepts;
- (e) to make provision for the achievement of all objectives expected from a Buddhist Temple;
- (f) to establish and maintain institutions for the welfare training and rehabilitation of the destitute, the disabled, the aged, the sick and displaced persons among Buddhists;
- (g) publish or cause to be published books, journals, magazines and other literature related to Buddhism and establish and maintain libraries, bookshops and printing presses.

Management of
the affairs of the
Corporation.

4. (1) The affairs of the Corporation shall, subject to the rules made under section 6, be administered by a Board of Management (hereinafter referred to as the “Board”) consisting of the President, who shall be Chief Incumbent of the Viharaya and Vice President, Secretary, Assistant Secretary, Treasurer and five Committee members elected or appointed in accordance with the rules of the Corporation.

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(2) The First Board shall consist of the members of the Board of Management of the Society holding office on the day immediately preceding the date of commencement of this Act.

5. 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 for the promotion or furtherance of the objects of the Corporation or any one of them including the power to—

General powers
of the
Corporation.

- (a) acquire, hold, take or give on lease or hire, mortgage, pledge, sell, exchange or otherwise alienate, encumber or dispose of any immovable property for the purpose of the Corporation;
- (b) enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;
- (c) accept gifts, donations and bequests in cash or in kind;
- (d) invest its funds, and to maintain current, deposit and savings accounts in any bank;
- (e) borrow or invest money for the purposes of the Corporation in such manner and upon such security as the Corporation may think fit; and
- (f) appoint, employ, transfer, exercise disciplinary control over and dismiss officers and servants required for the carrying out of the objects of the Corporation.

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Rules of the
Corporation.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting of the members and by votes of at least two-thirds of the members present and voting to make such rules, not inconsistent with the provisions of this Act, or any other written law, for the admission, withdrawal or expulsion of members, election of the office bearers of the Board and otherwise generally, for the management of the affairs of the Corporation and the attainment of its objects including rules providing for the filling of any vacancy in the Board.

(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).

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

Fund of the
Corporation.

7. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, testamentary dispositions, transfers, donations, subscriptions, contributions, fees or grants or any financial investment shall be deposited to the credit of the Corporation in one or more banks as may be determined by the Board.

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

(3) All expenses incurred by the Corporation in exercising and discharging its powers and functions shall be paid out of the fund.

Audit and
Accounts.

8. (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.

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(3) The accounts of the Corporation shall be audited by a qualified auditor appointed by the Board.

(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 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 such Institute.

9. The seal of the Corporation shall be in the custody of the Secretary and shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the Secretary of the Corporation or such other person 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. All debts and liabilities of the Society 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, subscriptions and contributions payable to the Society on that day shall be paid to the Corporation for the purpose of this Act.

Debts due by and payable to the Society.

11. Subject to the provisions of this Act, 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, grant, gift, testamentary disposition or otherwise, and all such property shall be held

Corporation may hold property movable and immovable.

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by the Corporation for the purposes of the Corporation and subject to the rules of the Corporation made under section 6 with full power to sell, mortgage, lease, exchange or otherwise dispose of, the same.

Property remaining on dissolution.

12. If upon the dissolution of the Corporation, there remains after the satisfaction of all 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 association or associations having objects similar to the objects of Corporation and which is or are by the rules thereof prohibited from distributing any income or profit among its or their members. Such association or associations shall be determined by the members of the Corporation at or immediately before the time of dissolution of 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.

Sinhala text to prevail in case of inconsistency.

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

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