



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

**REV. MOONAMALE DHAMMARATHANA
MEMORIAL FOUNDATION
(INCORPORATION) ACT, No. 43 OF 2009**

[Certified on 17th August, 2009]

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*Rev. Moonamale Dhammarathana Memorial
Foundation (Incorporation) Act, No. 43 of 2009*

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L. D.—O. Inc. 19/2007

AN ACT TO INCORPORATE THE REV. MOONAMALE
DHAMMARATHANA MEMORIAL FOUNDATION

WHEREAS a Foundation called and known as the “Rev. Moonamale Dhammarathana Memorial Foundation” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Foundation according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Foundation 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 Rev. Moonamale Dhammarathana Memorial Foundation (Incorporation) Act, No. 43 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 “Rev. Moonamale Dhammarathana Memorial Foundation” (hereinafter referred to as the “Foundation”) 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 “Rev. Moonamale Dhammarathana Memorial Foundation” 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 Rev.
Moonamale
Dhammarathana
Memorial
Foundation.

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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 construct a Statue to commemorate Venerable Moonamale Dhammarathana Thero, the late Chief Incumbent of Sri Punyawardanaramaya of Yatigaloluwa, Pannala, to organize religious and other ceremonies to commemorate his name, and to organize activities to enlighten the general public about the life of the Venerable Moonamale Dhammarathana Thero;
- (b) with a view to assisting adherents of the Buddhist faith to implement programmes in respect of pre-schools, day care centres, children's homes, child education and religious education;
- (c) to assist in enhancing the welfare and benefits of Sri Lankan Buddhist students who are unable to pursue their education due to poverty and other disabilities;
- (d) to conduct necessary classes, lectures, libraries, seminars, conferences, workshops, discussions, dialogues, educational tours, exhibitions, displays, and publish newspapers and magazines with a view to ensuring the development of education of Buddhist youth;
- (e) to provide relief services such as assistance and housing for the benefit of poor, elderly, destitute with physical and mental disabilities and the helpless, who are adherents of the Buddhist faith;
- (f) to inaugurate language training and vocational training courses in order to deploy Buddhist youth in productive services and to provide facilities to engage in income generating activities by way of further assistance;

- (g) to implement programmes in relation to child health and adult health, and to provide education on disease control and to conduct clinics, gymnasiums and medical clinics, with a view to ensuring the welfare of adherents of the Buddhist faith;
- (h) to provide self-help and voluntary services for social development activities among the low-income earning groups who are adherents of the Buddhist faith and to inaugurate and maintain pilot projects in this regard;
- (i) to engage in any industry or trade or any export or import business and to aid or assist adherents of the Buddhist faith to commence and operate agricultural, industrial and commercial ventures and to undertake training programmes and extension services and to organize propaganda activities relating to the transfer of technology;
- (j) to construct and maintain buildings required for the Sri Punnyawardhanaramaya, Pannala, Yatigaloluwa;
- (k) to promote the religious education of the Buddhist laity;
- (l) to provide the resident bhikkus of the Sri Punnyawardhanaramaya, Pannala, Yatigaloluwa with educational facilities and to help them in their daily needs;
- (m) to promote cultural activities including ancient forms of art in the village and the area in and around the Sri Punnyawardhanaramaya, Pannala, Yatigaloluwa;
- (n) to engage in the dissemination of the Dhamma internationally;
- (o) to preserve and disseminate the Buddhist Philosophy and the Buddhist way of life;

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- (p) to establish friendly relations with other Buddhist organizations in Sri Lanka and abroad; and
- (q) to promote Buddhist education by granting scholarships to adherents of the Buddhist faith and to establish and maintain pirivenas for Buddhist education.

Management of
the affairs of the
Corporation.

4. (1) The affairs of the Corporation shall, subject to the rules of the Corporation made under section 6, be administered by a Board of Management (hereinafter referred to as the “Board”) consisting of the President, Vice Presidents and other office bearers elected or appointed in accordance with the rules of the Corporation.

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

General powers
of the
Corporation.

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—

- (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 purposes 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.

6. (1) It shall be lawful for the Corporation from time to time, at any 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 on all or any of the following matters:—

Rules of the
Corporation.

- (a) the classification of membership and the admission, withdrawal or expulsion of members;
- (b) the election of office-bearers, the resignation from or vacation of, or removal from office of, office bearers and their powers and duties;
- (c) the election of members of the Board and its powers, conduct and duties;
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation;
- (e) the procedure to be observed or the summoning and holding of meetings of the Board, the time, places, notices and agenda of such meetings and the quorum therefore and the conduct of business thereat; and;
- (f) the administration and management of the property of the Corporation and the custody of its funds.

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(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.

Register of
members.

7. The Board shall cause to be maintained a register of every person who had been a member on the date of commencement of this Act, and every person who shall hereafter be admitted, members of the Corporation.

Fund of the
Corporation.

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

Audit and
Accounts.

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 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.

10. 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 President and the Secretary of the Corporation or such other person duly authorized by the Board who shall sign their name on 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.

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

Debts due by and payable to the Foundation.

12. The moneys and property of the Corporation however 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 dividends, bonus, profit or otherwise howsoever to the members of the Corporation.

Application of moneys and property.

13. 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 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.

Corporation may hold property movable and immovable.

Property
remaining on
dissolution.

14. 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 the 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.

15. 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.

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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