



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

**SAMASTHA LANKA SASANARAKSHAKA
MANDALAYA (INCORPORATION)
ACT, No. 16 OF 2014**

[Certified on 24th April, 2014]

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*Samastha Lanka Sasanarakshaka Mandalaya
(Incorporation) Act, No. 16 of 2014*

[Certified on 24th April, 2014]

L.D.—O. (Inc.) 18/2012.

AN ACT TO INCORPORATE THE SAMASTHA LANKA SASANARAKSHAKA
MANDALAYA

WHEREAS a Board called and known as the "Samastha Lanka Sasanarakshaka Mandalaya" has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Board according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Board 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 Samastha Lanka Sasanarakshaka Mandalaya (Incorporation) Act, No. 16 of 2014.

Short title.

2. (1) From and after the date of commencement of this Act, such and so many persons as now are members of the "Samastha Lanka Sasanarakshaka Mandalaya" (hereinafter referred to as the "Board") and shall hereafter be admitted as 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 "Samastha Lanka Sasanarakshaka Mandalaya" 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 Samastha Lanka Sasanarakshaka Mandalaya.

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(2) The Corporation shall be deemed to be a voluntary social service organization within the meaning, and for the purpose of the voluntary social services organizations (Registration and Supervision) Act, No. 31 of 1980 and the provisions of that Act shall apply to and in relation to the management of the affairs of the Corporation.

General objects of
the Corporation.

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

- (a) assist the relevant authorities to take steps to promote wellbeing of Buddha Sasana;
- (b) assist the relevant authorities to take steps to promote the development of Bikku society;
- (c) assist the relevant authorities in promoting the development and rehabilitation of the Buddhist Temples situated in remote areas;
- (d) assist the relevant authorities in ensuring a cordial relationship between the Buddhist monks and the lay Buddhists;
- (e) assist the relevant authorities to develop "Dhamma School Education";
- (f) assist the relevant authorities to act for the welfare of the teachers and students of Dhamma Schools;
- (g) assist the relevant authorities to enhance and protect the Buddhist heritage from external influences;
- (h) assist the relevant authorities to propagate Buddhist customs among the Buddhist adherents and take necessary steps to protect the same; and
- (i) coordinate with, supervise and provide guidelines to the district and provincial branches of the Corporation to achieve the objectives of the Corporation.

4. The objects of the Corporation shall be carried out in such manner so as not to create conflict between the work of the Corporation and any work being carried out simultaneously by any Ministry or Department of the Government or of any provincial Council.

Corporation to ensure no conflict with work of Ministry or Department of the Government or Province.

5. (1) Subject to other provisions of this Act the Management and administration of the affairs of the Corporation shall be carried out by a Executive Committee (hereinafter referred to as the “Committee”) consisting of such number of office bearers as may be specified by the rules made under section 7.

Management of the affairs of the Corporation.

(2) (a) The Committee of the Society that hold office on the day immediately preceding the date of commencement of this Act, shall function as the Committee of the Corporation until the first Board is appointed or elected in the manner provided for by rules made under section 7.

(b) The first Committee of the Corporation shall be appointed or elected within one year of the date of commencement of this Act.

(3) (a) Every office bearer of the Committee including the patrons and advisers, shall be appointed or elected for a period of three years and any such office bearer, patron or adviser shall be eligible for re-appointment or re-election after lapse of the said period of three years.

(b) In the event of a vacancy occurring due to the death resignation, incapacity or removal from office of an office bearer, the Committee shall having regard to the rules of the Corporation, elect or appoint a person to fill such vacancy.

(c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

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General Power
of the
Corporation.

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, 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) purchase, acquire, hold, take or give 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 grants, gifts, donations and bequests in cash or in kind:

provided that, notwithstanding anything to the contrary in any other provisions of this Act, the Board shall obtain prior written approval of the Department of External Resources of the Ministry of the Minister to whom the subject of Finance is assigned, in respect of all foreign grants, gifts or donations;

- (d) invest its funds, and to open, maintain and close current, deposit and savings accounts in any bank;
- (e) borrow or raise any money from any bank or institution approved by the Executive Committee, for the purposes of the Corporation in such manner and upon such security as the Executive Committee may think fit; and

- (f) appoint, employ transfer, remunerate, exercise disciplinary control over and dismiss officers and servants required for the carrying out of the objects of the Corporation.

7. (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, for all or any of the following matters:—

Rules of the Corporation.

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by the members;
- (b) the election of office bearers of the Committee or vacation of or removal from office of office bearers and the powers, duties and functions of the office bearers;
- (c) the terms and conditions of appointment, powers, functions and duties of various officers, agents and servants of the Corporation;
- (d) The procedure to be followed for the summoning and holding of meetings of the Committee, or any sub-committee thereof, notices and agenda of such meetings, the quorum the conduct of business thereat;
- (e) the qualifications and disqualifications to be a member of the Committee and the Corporation;
- (f) the administration and management of the property of the Corporation; and
- (g) generally the management of the affairs of the Corporation and the accomplishment of its' objects and dissolution of the Corporation.

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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 the 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.

(4) The rules made under this section shall be published in the *Government Gazette*.

Register of members.

8. The Committee shall maintain a register of members in which name, address and other essential details of the members shall be inscribed.

Fund of the Corporation.

9. (1) The Corporation shall have its own fund.

(2) All moneys received by way of gift, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation shall be deposited in one or more banks approved by the Committee to the credit of the Corporation.

(3) There shall be paid out of the Fund, all sums of money as are required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under the Act.

Accounts and Auditing.

10. (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 annually by the Auditor General or a qualified auditor appointed by Auditor General in terms of Article 154 of the Constitution.

(4) For the purposes of 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. (1) The Committee shall prepare a report of the activities of the corporation for each financial year and submit such report together with the audited statement of accounts to the Secretary of the Ministry of the Minister assigned the subject of Buddha sasana and Religious Affairs and to the Registrar of Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980 before the expiration of six months of the year succeeding the year to which such report relates. Annual Report.

(2) A separate Account relating to the foreign and local moneys received by the Corporation during the financial year shall be attached to the report referred to in subsection (1).

12. All debts and liabilities of the Board 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 Board on that day shall be paid to the Corporation for the purposes of this Act. Debts due by and payable to the Board.

Corporation may hold property movable and immovable.

13. Subject to the provisions of this Act, the Corporation shall be able and capable in law to take 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 purpose of this Act and subject to the rules of the Corporation made under section 7, with full power to sell, mortgage, lease exchange or otherwise dispose of, the same.

Application of moneys and property.

14. The moneys and property of the Corporation however derived shall be applied solely towards the promotion of its objects of the Corporation and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit or otherwise howsoever to the members of the Corporation.

Seal of the Corporation.

15. (1) The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the Committee 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.

(2) The seal of the Corporation shall be in the custody of an office bearer of the Committee as may be decided by such Committee.

Property remaining on dissolution.

16. (1) 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 any other institution having objects similar to those of the Corporation, and which is by the rules thereof, prohibited from distributing any income or property among its or members.

(2) For the purposes of subsection (1) the appropriate institution shall be determined by the members of the

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Corporation immediately before the dissolution at a general meeting by the majority of votes of the members present.

17. Nothing in this Act contained shall prejudice or affect the rights of the Republic and of any body politic or corporate.

Saving of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

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