

CHAPTER 423

DEEGHAVAPI PRATHISANSKARANA SABHAWA

Act
No. 18 of 1980.

AN ACT TO INCORPORATE THE DEEGHAVAPI PRATHISANSKARANA SABHAWA.

[17th April, 1980.]

Preamble.

Whereas the Great Tathagata the Sambuddha in the Eighth Year after he had attained Buddhahood visited Kalyani in Sri Lanka on the invitation of King Maniakkhika with five hundred Bhikkhus on the Full Moon Day of the month of Wesak :

And whereas on the said occasion the Great Tathagata the Sambuddha visited Deeghavapi and sat with the five hundred Bhikkhus in meditation at the place where the Deeghavapi Chaitya was later constructed:

And whereas King Saddhatissa who ruled Sri Lanka from 77 B.C. to 59 B.C. constructed the Deeghavapi Chaitya at the said sacred place where the Great Tathagata Sambuddha with the five hundred Bhikkhus sat in meditation:

And whereas thereafter the Deeghavapi Chaitya became a place of great religious worship and all the Kings of Sri Lanka who ruled from Anuradhapura and Polonnaruwa and other capitals of Sri Lanka patronised and maintained the said Chaitya and the connected monastic establishments:

And whereas with the foreign invasions and the resultant destruction of the network of irrigation works and the collapse of the Sinhala agricultural civilization in the Dry Zone the Deeghavapi Chaitya and the monastic establishments connected with it fell into ruins:

And whereas in the twentieth century with the granting of independence to Sri Lanka and the development of roads and the restoration of irrigation works, the districts surrounding Deeghavapi once again became a prosperous agricultural area of Sri Lanka and the Deeghavapi Chaitya once again became a prominent place of worship of Buddhists of Sri Lanka:

And whereas on the 30th day of December, 1978, a number of prominent Buddhists realising the need of the restoration of the Deeghavapi Chaitya and the connected monastic establishments, assembled at the office of the Government Agent, Ampara, under the guidance and chairmanship of Hon. E. L. Senanayake, Minister of Agricultural Development and Research in the Government of His Excellency the President J. R. Jayewardene, and formed the Deeghavapi Prathisanskarana Sabhawa—an association for the restoration of the Deeghavapi Chaitya and the connected religious buildings and monastic establishments as a place of religious worship as in the days of the Sinhala Kings:

And whereas the said Deeghavapi Prathisanskarana Sabhawa has applied to be incorporated and it will be for the public advantage to grant the application:

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Deeghavapi Prathisanskarana Sabhawa (Incorporation) Act.

2. From and after the date of commencement of this Act such and so many persons as now are members of the Deeghavapi Prathisanskarana Sabhawa (hereinafter referred to as " the Sabhawa ") 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 " Deeghavapi Prathisanskarana Sabhawa ", and by that name may sue and be sued in all

Short title.

Incorporation of the Deeghavapi prathisanskarana Sabhawa.

courts, with full power and authority to have and use a common seal and to alter the same at its pleasure.

General objects of the Corporation.

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

- (a) to take all steps necessary to maintain the historic Deeghavapi Chaitya area as a sacred area;
- (b) to restore the Deeghavapi Chaitya, lay its pinnacle, construct all the necessary buildings, to make the Deeghavapi Chaitya a place of Buddhist worship complete in all respects and continue to maintain the Deeghavapi Chaitya as a place of sacred religious worship ;
- (c) to take all necessary steps for the preservation of all archaeological remains and objects in the districts surrounding the Deeghavapi Chaitya;
- (d) to take all necessary steps to make Deeghavapi a sacred area with all the requirements of a sacred city;
- (e) to take all necessary steps to assist the Buddhists of Sri Lanka in resolving their problems; and
- (f) to take all steps incidental to and necessary for the achievement of the above-mentioned objects.

Powers and functions of the Corporation.

4. (1) The Corporation shall have the power to do all things necessary for or conducive or incidental to the carrying out of the objects of the Corporation.

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

- (a) to receive or collect gifts, grants, donations, subsidies and subscriptions whether in cash or otherwise from the Government, or private organizations, or from sources outside Sri Lanka;
- (b) to acquire and hold either as absolute or beneficial owner or as trustee or

otherwise by purchase, exchange, gift, devise, or bequest, or in any other manner and to hold and enjoy in perpetuity or for any lesser period subject to any express trust or otherwise for the benefit or the furtherance of the objects of the Corporation, any property, movable or immovable of any kind or nature whatsoever;

- (c) to open, operate and close bank accounts and to borrow or raise money with or without security;
- (d) to sell, lease, mortgage, exchange or otherwise dispose of any movable or immovable property, belonging to or held by the Corporation subject to any trust attaching to such property;
- (e) to invest the funds vested in or belonging to the Corporation in adequate securities or in the purchase or acquisition of such lands, buildings, goods, chattels, or other property as may be proper or necessary for the purposes of the Corporation;
- (f) to erect or cause to be erected any buildings or structure on any land belonging to or held by the Corporation;
- (g) to make such investments or take such steps as may be necessary for the promotion, protection and maintenance of the Deeghavapi Sacred Area as a place of archaeological and cultural importance and as a place of Buddhist religious worship;
- (h) to employ such officers, servants and agents as may be necessary for carrying out the objects of the Corporation; and
- (i) subject to the rules of the Corporation to enter into any agreement, to create, execute, grant or issue any mortgages, bonds or obligations for the accomplishment of the objects of the Corporation.

Committee of Management,

5. (1) The affairs of the Corporation shall, subject to the rules in force for the time being of the Corporation, be administered by a Committee of Management consisting of the office-bearers and such number of other persons elected in accordance with the rules in force for the time being of the Corporation.

(2) The first members of the Committee of Management of the Corporation shall be the members of the Committee of Management of the Sabhawa holding office at the time of the coming into operation of this Act.

Rules of the Corporation.

6. (1) The Corporation may, from time to time, at a meeting specially convened for the purpose and by a majority of votes of the members present and voting, make rules for the management of the affairs of the Corporation and the accomplishment of its objects. In particular and without prejudice to the foregoing power, such rules may make provision in respect of all or any of the following matters :—

- (a) the admission, resignation and expulsion of members and the rights of members;
- (b) the election of office-bearers and other persons constituting the Committee of Management and the period of office of the Committee of Management;
- (c) the procedure to be followed in convening meetings of the Corporation and the Committee of Management and the transaction of business at such meetings ;
- (d) the officers of the Corporation, their election or appointment, and their conduct and duties;
- (e) the appointment of agents and servants of the Corporation, and

their conduct, duties and disciplinary control;

- (f) the collection and disbursement of the funds of the Corporation and the maintenance and operation of bank accounts; and
- (g) the auditing of accounts of the Corporation.

(2) The rules of the Sabhawa in force at the time of the coming into operation of this Act shall be deemed to be the rules of the Corporation made under this section.

(3) Any rule of the Corporation for the time being in force or any rule which may hereafter be passed, shall not be altered, added to, amended or rescinded except by a vote of two-thirds of the members present and voting at a special meeting of the Corporation duly summoned for the purpose.

7. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the President or, in his absence, any of the Vice-Presidents and any one of the Joint-Secretaries 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. The seal shall be kept in the custody of the Joint-Secretaries.

Seal of the Corporation.

8. Any member of the Corporation shall, for the purpose of discharging the debts or liabilities of the Corporation, not be liable to make any contribution whatsoever.

Limit of liability of members.

9. Anything in this Act contained shall not prejudice or affect the rights of the Republic, or of any body politic or corporate, or of any other persons, except such as are mentioned in this Act and those claiming by, from, or under them.

Saving of the rights of the Republic and others