



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

HINDU CULTURAL FUND
ACT, No. 31 OF 1985

[Certified on 6th August, 1985]

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Hindu Cultural Fund Act, No. 31 of 1985

L.D.—O. 16/83.

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FUND CALLED THE HINDU CULTURAL FUND, TO SPECIFY ITS OBJECTS AND POWERS ; AND TO PROVIDE FOR 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 Hindu Cultural Fund Act, No. 31 of 1985.

Short title.

2. (1) There shall be established a Fund which shall be called "the Hindu Cultural Fund" (hereinafter referred to as "the Fund").

Establishment of the Hindu Cultural 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 Governors (hereinafter referred to as the "Board").

Board of Governors of the Fund.

(2) The Board shall consist of the following members:—

(a) five members appointed by the Minister ; and

(b) three *ex officio* members, namely—

(i) the Secretary to the Ministry of the Minister in charge of the subject of Hindu Affairs ;

(ii) the Director of Hindu Affairs ;

(iii) the Director of Tamil Affairs.

(3) The Minister shall appoint one of the members to be the Chairman of the Board.

(4) Every member of the Board shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of four years. Any member of the Board who vacates office by effluxion of time shall be eligible for reappointment.

(5) The Minister may, if he considers it expedient so to do, remove any member of the Board without assigning any reason therefor and such removal shall not be called in question in any court.

(6) Any member of the Board may at any time resign his office as a member, or Chairman, by a letter addressed in that behalf to the Minister.

(7) If a member of the Board dies or resigns or is removed from office, the Minister may appoint another person to be a member in place of the member who dies or resigns or is removed from office.

(8) A member who has been appointed under subsection (7) shall, unless he earlier vacates his office by death, resignation or removal, hold office for the unexpired period of the term of office of his predecessor.

(9) Where the Chairman of the Board is temporarily unable to perform the duties of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other member to act as Chairman.

(10) The quorum for a meeting of the Board shall be three members.

(11) Subject to the provisions of subsection (10) the Board may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

(12) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member of the Board.

(13) All or any of the members of the Board may be paid such remuneration, allowances and other expenses as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(14) The Minister may from time to time give the Board general or special directions as to the exercise, discharge and performance by the Board of its powers, functions and duties and the Board shall give effect to such directions.

Chief
Administrative
officer
of the Fund.

4. The Director, Hindu Affairs shall, subject to the directions of the Board, be the Chief Administrative Officer of the Fund.

Objects of
Fund.

5. The objects of the Fund shall be—

(a) to provide financial and other assistance to Hindu temples and other Hindu religious institutions or Associations for the furtherance of their religious, cultural and educational activities;

- (b) to provide financial and other assistance for the construction, repair, renovation or development of any Hindu temple or any property belonging to such temple ;
- (c) to provide financial and other assistance for studies and research connected with the Hindu religion including publication and translation of Hindu religious works and to establish, promote and develop institutions for such study, research, publication and translation ; and
- (d) to assist in the promotion of any other religious or cultural purpose, which is, in the opinion of the Board, of benefit or interest to the Hindu public.

6. (1) The Board shall, in the name of the Fund, have, subject to the provisions of this Act and any other law, the power to do all such acts as are necessary for, or conducive or incidental to, the carrying out of the objects of the Fund.

Powers, duties and functions of the Board.

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

- (a) to raise funds or receive grants, gifts or donations in cash or kind, whether from local or foreign sources ;
- (b) to take or hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and subject to the rules of the Fund, sell, grant, convey, devise, assign, exchange, mortgage, pledge or otherwise dispose of the same ;
- (c) to promote arrange, organize and hold exhibitions, lectures, seminars, workshops, classes, debates, conferences, tours, excursions or any other function for the advancement of the Hindu religion and culture ;
- (d) to hold religious and cultural competitions and to award prizes, certificates and other forms of recognition to any Hindu Association, any member thereof or any other person who takes part in any such competition ;
- (e) to enter into or 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,

discharge and performance of its powers, functions and duties, and for carrying out the objects of the Fund ;

- (f) to invest moneys belonging to the Fund in such manner as may from time to time be determined by the Board ;
- (g) 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 ;
- (h) to make rules in relation to matters connected with the working of the Fund and to do such other acts and things as the Board may consider necessary or conducive for the attainment of the objects of the Fund.

Payments into the Fund.

7. There shall be paid into the Fund—

- (a) any funds raised, or grants, gifts or donations received or moneys realized or collected under section 6(2) ;
- (b) any grant received from the Government from time to time for the purpose of carrying out the aims and objects of the Fund ; and
- (c) any income from investments or other receipts due to the Fund.

Payments out of the Fund.

8. There shall be paid out of the Fund—

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

Financial year of the Fund.

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

Accounts and audit.

10. (1) The Board shall cause proper books of accounts to be kept, of the income and expenditure 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, an 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.

11. The Board shall annually prepare a report of the work of the Board and forward such report, before the lapse of the year succeeding the year to which such report, relates, to the Minister who shall table such report in Parliament.

Report of the work of the Board to be tabled in Parliament.

12. (1) The Board may make rules in respect of all or any of the matters for which rules are authorized or required by this Act to be made.

Power of Board to make rules.

(2) No rule made by the Board under this Act shall have effect until it has been approved by the Minister.

13. The seal of the Fund—

Seal of the Fund.

(a) shall be in the custody of such persons 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 instrument or document except with the sanction of the Board and in the presence of two members of the Board who shall sign the instrument or document in token of their presence.

14. The Minister may, from time to time, give the Board general or special directions as to the exercise, discharge and performance by the Board of its powers, functions and duties and the Board shall give effect to such directions.

Directions of the Minister.

Protection of members of the Board and officers &c. of the Fund for action under this Act.

15. (1) No suit or prosecution shall be instituted against any member of the Board or any officer, servant or agent of the Fund appointed for the purposes of this Act for any act which in good faith is done or purported to be done by such person under this Act or on the direction of the Board.

(2) 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 received by the Fund in any such suit or prosecution shall be credited to the Fund.

(3) 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 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.

No writ to issue against person or property of a member of the Board or officer &c. of the Fund.

16. No writ against person or property shall be issued against any member of the Board or any officer, servant or agent of the Fund in any action brought against the Fund.

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

17. 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.

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

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