

## No. 3 of 1889.

### An Ordinance relating to Buddhist Temporalities in this Island.

**W**HEREAS it is expedient to provide for the better regulation and management of the Buddhist Temporalities in this island : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

#### *Preliminary.*

**1** This Ordinance may be cited for all purposes as "The Buddhist Temporalities Ordinance, 1889 ;" and it shall come into operation at such time as the Governor shall appoint, by Proclamation\* to be published in the *Government Gazette*, and only in such provinces, districts, and sub-districts as hereinafter provided.

Short title.  
Commencement.

**2** In this Ordinance, unless the context otherwise requires—

Interpretation  
clause :

"Temple" shall include viháré and déwálé.

" Temple."

"Incumbent" shall mean the chief resident priest of a viháré.

" Incumbent."

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\* Proclaimed 15th November, 1889.

*Buddhist Temporalities.*

“Paravēni paṅguwa.”

“Paravēni paṅguwa” shall mean an allotment of land held by one or more hereditary tenants subject to the performance of service or rendering of dues to a temple.

“Māruwena paṅguwa.”

“Māruwena paṅguwa” shall mean an allotment of land held by one or more tenants-at-will under a temple, and subject to the performance of service or rendering of dues to such temple.

What temples may be exempted from the operation of the Ordinance.

**3** Where no immovable property belongs or in any wise appertains to, or is appropriated to the use of any temple, and where the movable property so belonging, appertaining, or appropriated as aforesaid does not yield an annual income of five hundred rupees, the Governor may, with the advice of the Executive Council, upon the application of the provincial committee of the province in which such temple is situate, exempt such temple from the operation of this Ordinance by Proclamation in the *Government Gazette*, and with the like advice any such Proclamation revoke.

Division of the island into provinces, districts, and sub-districts.

**4** For the purposes of this Ordinance, it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be by him issued and published in the *Government Gazette*, to establish so many provinces as to him may appear expedient, and to divide such provinces into districts and sub-districts, and to declare which of such districts shall be deemed to be the principal district; and with the like advice and in like manner to alter and vary the number and limits of any such provinces, districts, or sub-districts.

*District Committees.*

District committees.

**5** There shall be in each such district a committee to be called the district committee, to which each of the sub-districts comprised within such district shall return one member, who shall be elected in manner hereinafter provided.

Mode of summoning public meeting for election of district committees.

**6** The chief headman of the sub-district, if he is a Buddhist, and, if he is not, then the chief headman of the nearest sub-district who is a Buddhist, shall, as soon as convenient after the coming into operation of this Ordinance, summon a public meeting to be held at a time and place to be determined by him. He shall also, thirty days at least before the time so determined, cause a written notice of such meeting in the Sinhalese language to be affixed to some conspicuous part of each temple within the sub-district, and shall also give due publicity to such notice, by beat of tom-tom or otherwise, on three consecutive days before the day fixed for the meeting.

Qualifications of voters.

**7** Every Buddhist priest who shall have been resident within such sub-district for a period of six months or upwards, and every male householder above the age of twenty-one years, and professing the Buddhist religion, within such sub-district, shall be entitled to vote.

*Buddhist Temporalities.*

**8** In order to be qualified to be elected or to serve as a member of the district committee, a person must—

Qualifications of candidates for election.

- (a) Be a Buddhist layman ;
- (b) Have been the occupier of a house within the district either as owner or tenant for one year previously to the date of his election ;
- (c) Have completed his twenty-fifth year ;
- (d) Not have been convicted of any infamous crime.

**9** The headman who shall have summoned the meeting shall either himself preside thereat or appoint by writing under his hand some fit and proper person so to preside. Every person entitled to vote shall personally attend at the time and place appointed, and declare to the president the name of the candidate for whom he votes. The president shall enter the names of the voters for the several candidates in lists to be by him kept for that purpose, and shall at the close of the election publicly declare the name of the candidate for whom the greatest number of votes shall have been recorded, who shall thereupon be deemed to be duly elected, and shall grant to such candidate a certificate under his hand of such his election.

Procedure at election meeting.

**10** When an equality of votes is found to exist between any two or more candidates, the president shall record his own vote in favour of any one of such candidates, and such vote shall decide the result of the election.

President to have a casting vote.

**11** If at any election meeting any question shall arise as to the right of any person to offer himself as a candidate, or as to the right of any person to vote for any candidate, the president shall then and there make such inquiry as he may deem requisite, and decide the question himself, and his decision shall be final and conclusive.

Questions as to right of voters and candidates to be decided by president.

**12** The district committee elected in manner aforesaid shall select one of their number to be president of such committee, and shall make rules, subject to the approval of the provincial committee appointed as hereinafter provided—

District committee to select their own president and to make rules. Purposes for which rules may be made defined.

- (a) For determining the quorum necessary for the transaction of business and the mode of filling up vacancies in their number ;
- (b) For regulating the time and place of their meetings and the conduct and record of their proceedings ;
- (c) For prescribing the form in which all accounts, statements, and returns incidental to their business or that of the trustees shall be kept : Provided that if any district court shall, under section 25, prescribe the form in which the accounts of the trustees shall be kept, such form and no other shall be adopted ;
- (d) For regulating the management of temple schools ;
- (e) For every purpose necessary to the due exercise of their powers and the performance of their duties under this Ordinance.

*Buddhist Temporalities.*

Rules to be subject to the approval of provincial committee.

**13** The rules when made shall be transmitted to the provincial committee, who shall have power to sanction or disallow them wholly or in part. Such of the rules as may be sanctioned shall be binding on the district committee, and shall be observed by them.

District committee to prepare a register containing certain specified particulars.

**14** It shall be the duty of the district committee to ascertain and record in a book to be by them kept for that purpose—

- (a) The name and [situation of each temple within the district ;
- (b) The name of the trustee of such temple under this Ordinance ;
- (c) The average annual income for the preceding three years of the offerings made to such temple ;
- (d) The nature, extent, and value of the paravéni and máruwena pangus belonging to such temple ;
- (e) The nature, extent, and value of other lands belonging to such temple, whether held under lease or otherwise ;
- (f) The average annual value at the time of the inquiry of the rents, issues, and profits, other than services actually received by such temple from its lands ; and also the average annual income which the temple would receive from the lands subject to the performance of services to such temple, if such services were commuted ;
- (g) The extent and boundaries of the land required to be reserved for the precincts of each temple, having regard to the convenience of the priesthood and the due performance of religious ceremonies.

Governor may appoint a commissioner to aid district committees in preparing such register.

**15** It shall be lawful for the Governor, upon application in that behalf being made by the provincial committee, to appoint as commissioner any competent person who may be nominated by them, and of whose nomination he shall approve, to aid the district committee in making the inquiry, for the purpose of ascertaining the particulars mentioned in the last preceding section, and to vest such commissioner with all or any of the powers defined in Ordinance No. 9 of 1872. All reasonable expenses *boná fide* incurred by such commissioner, when certified under his hand, shall, together with such remuneration for his services as may be fixed by the Governor, be chargeable to, and payable by, the trustees in such proportion as may be assessed in manner provided in section 36.

District committee may suspend trustee guilty of negligence or misconduct. Provincial committee may dismiss such trustee.

**16** The district committee shall, whenever it shall be made apparent to them by evidence, which they shall duly record, that any trustee has been guilty of gross negligence or misconduct, suspend such trustee, and forthwith report such suspension, and transmit such evidence to the provincial committee, who shall have power to dismiss such trustee and cause another to be elected in his stead in manner provided in section 17 ; and the decision of the provincial



*Buddhist Temporalities.*

committee in regard to such dismissal shall be final and conclusive. Provided always that before such suspension or dismissal the trustee who shall be suspended or dismissed shall be called upon to answer specific charges, which shall be formulated against him, and be allowed an opportunity of defending himself.

Proviso.

*Trustees.*

**17** There shall be one trustee for every temple, who shall be elected by a majority of the members of the district committee of the district within which such temple is situated, at a meeting held by such committee specially for that purpose ; and in the case of any trustee or trustees whose services in the opinion of the provincial committee are deserving of special recognition, it shall be competent for such committee to award him or them such remuneration as the committee may deem proper. No person, however, who does not possess the qualifications described in section 8, and who is not a member of the sect of Buddhists to which such temple belongs, shall be competent either to be elected or to serve as trustee.

One trustee for every temple, to be elected.

Remuneration.

Qualifications.

Provided that the principal lay officer of a déwálé holding office as basnýaka nilamé at the time this Ordinance comes into operation, shall be entitled to act as trustee of such déwálé for the purposes of this Ordinance, and shall continue to act as such until and unless suspended or dismissed under section 16.

Proviso.

Provided that if such temple shall have been founded under a royal sannas, such trustee shall be nominated by a majority of the Buddhist chief headmen of the district, at a meeting convened and held by them in accordance with rules made in that behalf by the provincial committee.

Proviso.

Provided further that if such temple shall have been founded by any private person, then such trustee may be nominated in writing by the founder or by the surviving head of the founder's family, and failing such nomination such trustee shall be elected by the district committee in manner aforesaid. Nothing however in this proviso contained shall prevent the founder of a temple or the surviving head of his family from nominating himself as trustee if he is willing to act as such.

Proviso.

**18** Any commutation of the services due by any temple tenant which has been or may hereafter be made under the provisions of "The Service Tenures Ordinance, 1870," shall, from the time of this Ordinance coming into operation, become due and payable to the trustee appointed under section 17.

Commutation under Service Tenures Ordinance, 1870 to be paid to trustee.

**19** All contracts made before the date of the coming into operation of this Ordinance in favour of any temple or of any person on its behalf, and all rights of action arising out of such contracts, may be enforced by the trustee under this Ordinance as far as circumstances will admit, as though such contract had been entered into with him ; and all persons

Trustee to enforce contracts in favour of, and to recover moneys payable to, temple.

*Buddhist Temporalities.*

who at the said date owe any money to any temple or to any person on its behalf shall pay the same to such trustee, who is hereby empowered to recover the same by action if necessary. All moneys received or recovered by any trustee under this Ordinance shall be held and appropriated by such trustee in manner and for the purposes provided in section 20.

All movable and immovable property and all offerings to vest in trustee.

Purposes for which trust fund shall be appropriated.

Repair and furnishing of temple and upkeep of temple roads and buildings.

Maintenance of priests and ministerial officers.

Performance of religious services and ceremonies.

Promotion of education.  
Relief of the poor and hospitality to priests.

Compensation.

Payment of the expenses of working this Ordinance.

Trustees to keep complete and detailed accounts of income and disbursements.

Accounts to be made up half-yearly and transmitted to district committee. District committee to examine and, if need be, call upon trustees to verify accounts.

**20** All property, movable and immovable, belonging or in any wise appertaining to or appropriated to the use of any temple, together with all the issues, rents, and profits of the same, and all offerings made for the use of such temple other than the pudgalika offerings which are offered for the exclusive personal use of any individual priest, shall vest in the trustee of such temple, subject, however, to any leases and other tenancies, charges, and incumbrances affecting any such immovable property; and such issues, rents, profits, and offerings shall be appropriated by such trustee for the following purposes and no other:

- (a) The proper repair and furnishing of such temple and the upkeep of the roads and buildings belonging thereto;
- (b) The maintenance of the priesthood and ministerial officers attached to such temple;
- (c) The due performance of religious services and ceremonies as heretofore carried on, in, or by, or in connection with, such temple;
- (d) The promotion of education;
- (e) The relief of the poor in the case of a déwâlé, and the customary hospitality to priests and others in the case of a viharé;
- (f) The payment of compensation under section 43 or 44;
- (g) The payment of such share of the expenses incurred in carrying out the provisions of this Ordinance as shall be determined by the provincial committee.

**21** It shall be the duty of the trustee to keep complete and detailed accounts—

- (a) Of the offerings made to the temple and of the rents, issues, and profits received by him from the movable and immovable property belonging thereto;
- (b) Of the disbursements made by him for the purposes defined in section 20.

**22** Such accounts shall be made up once every half-year, and, with a declaration endorsed at the foot thereof as "true and correct," and signed by the trustee, shall be transmitted by him within thirty days from the end of each half-year to the district committee, who shall examine the same, and, if need be, call upon the trustee to verify any item or items which to such committee may appear to require proof. The district committee shall, after such examination and verification, if any, forward such accounts with a report thereon to the provincial committee, who shall forthwith apply to the nearest district court to commission such person as they

*Buddhist Temporalities.*

may nominate and the court shall, after due inquiry as to his fitness, approve, to examine and audit such accounts, and such auditor shall be entitled to such remuneration as the court shall determine. If no application is made by the provincial committee, or if the person nominated by them is not approved by the court, the court shall commission such person as it thinks fit.

District committee to forward accounts to provincial committee, who shall apply to the district court to appoint auditor.

**23** The auditor so commissioned as aforesaid may by notice in writing require the production before him of all books, deeds, contracts, accounts, vouchers, and other documents which he may deem necessary, and may require any person holding or accountable for the same to appear before him at any such audit and examination or adjournment thereof, and to make and sign a declaration with respect to the same.

Auditor may call for vouchers and other documents and require declarations to be made.

**24** If any such person neglect or refuse to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be guilty of an offence and liable for every such neglect or refusal to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees for each day during which the offence is continued after he has once been convicted; and if any such person wilfully make or sign a false declaration he shall be liable to be prosecuted under section 190 of the Ceylon Penal Code.

Penalty for refusing to produce documents, or making false declaration.

**25** The auditor shall at the close of his audit and examination send a report in writing, together with all declarations which may have been made and signed before him, to the provincial committee, and a duplicate of such report to the district court, which may, upon the application in that behalf of the provincial committee or of any person so interested as defined in section 47, make such order as it shall think proper. Such court shall also have power from time to time to prescribe the form in which all trustees of temples within its jurisdiction shall keep their accounts.

Auditor to report to provincial committee and district court.

**26** It shall be the duty of the trustee, on or before the thirty-first day of October in each year, to prepare and transmit to the district committee a statement showing the nature and amount of the probable receipts, and the particulars of the proposed disbursements for the next ensuing year.

Trustees to prepare and transmit to district committee annual estimates of income and expenditure.

**27** It shall be lawful for the district committee to revise such statement, and, in case of any doubt, to obtain the instructions of the provincial committee thereon; and such statement, after being revised and passed by the district committee, shall be returned to the trustee, who shall on no account exceed any item of expenditure specified in such statement without the previous sanction in writing of the district committee.

District committee to revise estimates and, in case of doubt, to consult provincial committee. Trustees not to exceed item of expenditure in revised estimates without the sanction in writing of district committee.

**28** If the trustee shall in any item exceed the expenditure provided in the statement so revised and passed as aforesaid, or if the issues, rents, profits, and offerings shall not be duly

If expenditure improperly exceeded or income not duly accounted for,



*Buddhist Temporalities.*

provincial committee to hold public inquiry, and, if necessary, cause the prosecution of trustee reasonably suspected of breach of trust.

accounted for as required in section 21, it shall be the duty of the district committee to report the matter to the provincial committee, and such last-mentioned committee shall thereupon hold such public inquiry as they may think fit, and, if need be, direct the prosecution of any trustee who may reasonably be suspected of having committed a breach of trust.

Powers of trustee to demise temple lands subject to conditions to be prescribed by provincial committee.

**29** It shall be lawful for the trustee from time to time or at any time, with the sanction of the provincial committee, and for such rent and subject to such conditions as they shall deem reasonable, to demise for any term not exceeding twenty years, all or any of the lands vested in him under the provisions of this Ordinance, save and except such garden and hena lands as may be reserved for the use of the paravéni pangu tenants at the discretion of the said committee. The sanction of the provincial committee required by this section shall in every case be in writing, certified under the hand of the president of such committee.

Trustee may sue and be sued, but shall not be personally liable in costs.

**30** It shall be lawful for the trustee to sue under the name and style of "trustee of (*name temple*)" for the recovery of any property vested in him under this Ordinance or of the possession thereof, and for any other purpose requisite for the carrying into effect the objects of this Ordinance. He shall also be liable to be sued under the same name and style, but shall not be personally liable in costs for any act *bonâ fide* done by him under any of the powers or authorities vested in him under this Ordinance.

*Provincial Committees.*

Provincial committees:

**31** There shall be in each province a committee to be called the provincial committee, consisting of five members, who shall be elected in manner hereinafter provided.

Qualifications of members of provincial committee.

**32** In order to be qualified to be elected or to serve as a member of the provincial committee a person must—

- (a) Be of the male sex ;
- (b) Have completed his twenty-fifth year ;
- (c) Not have been convicted of any infamous crime.

President of district committee of principal district to summon a meeting for the election of provincial committee.

**33** On the first Monday after the expiration of one month from the date for which the last of the meetings for the election of district committees within any province shall have been summoned, whether all such committees have been elected or not, or as soon thereafter as may be convenient, a public meeting shall be held at such hour and place as shall be fixed by the president of the district committee of the principal district within such province, for the purpose of electing a provincial committee. Written notice of such meeting and the purpose thereof shall be given by such president to every trustee and to every member of the district committee within such province.



*Buddhist Temporalities.*

**34** The president of the district committee of the principal district, or some member of such committee appointed by the president in writing, shall preside at such meeting, and every trustee of a temple and every member of a district committee within such province shall be entitled to vote thereat, in person or by proxy, in manner following; that is to say, the trustees shall separately vote for two candidates, and the members of the district committees shall vote for three other candidates, the president in each case recording the votes in separate lists, and having himself, if need be, a casting vote. The two candidates for whom there shall be the largest number of votes on the part of such trustees, and the three candidates for whom there shall be the largest number of votes on the part of such members, respectively, shall be declared duly elected, and the president shall grant to each such candidate a certificate under his hand of such his election.

Mode of election.

Trustees and members of district committees within the province entitled to vote in person or by proxy.

**35** If at any election meeting held under the last preceding section any question shall arise as to the right of any person to be elected or to vote, the president shall then and there make such inquiry as he may deem requisite, and decide the question himself, and his decision shall be final and conclusive.

President of meeting to decide questions as to the right of candidates and voters.

**36** Every provincial committee elected as hereinbefore provided shall select one of their number to be president of such committee, and shall make rules—

Provincial committee to select a president and to make rules.

- (a) For determining the quorum necessary for the transaction of business and the mode of filling up vacancies in their number;
- (b) For regulating the time and place of their meetings and the conduct and record of their proceedings;
- (c) For regulating the procedure to be observed in the election of incumbents, and their removal from office;
- (d) For assessing the proportion in which each temple within the province shall contribute a share of the expenses incurred in carrying out the provisions of this Ordinance; and
- (e) For every purpose necessary to the due exercise of their powers and the performance of their duties under this Ordinance.

Purposes for which rules may be made specified.

The provincial committee of the province in which the district of Kandy shall be included shall, in addition to such rules as aforesaid, make further rules for regulating the election of a diyawadana nilamé, and his removal from office.

Provincial committee of province in which Kandy is included to make further rules as to the election and removal from office of diyawadana nilamé.

Provided always that nothing in this section contained shall authorize the making of any rules at variance with the rights of those who by law or custom are entitled to elect or remove an incumbent or diyawadana nilamé, or of any person who is entitled to succeed to a vacant incumbency by right of pillary or other mode of succession.

*Buddhist Temporalities.*

provincial committee to hold public inquiry, and, if necessary, cause the prosecution of trustee reasonably suspected of breach of trust.

accounted for as required in section 21, it shall be the duty of the district committee to report the matter to the provincial committee, and such last-mentioned committee shall thereupon hold such public inquiry as they may think fit, and, if need be, direct the prosecution of any trustee who may reasonably be suspected of having committed a breach of trust.

Powers of trustee to demise temple lands subject to conditions to be prescribed by provincial committee.

**29** It shall be lawful for the trustee from time to time or at any time, with the sanction of the provincial committee, and for such rent and subject to such conditions as they shall deem reasonable, to demise for any term not exceeding twenty years, all or any of the lands vested in him under the provisions of this Ordinance, save and except such garden and hena lands as may be reserved for the use of the paravéni pangu tenants at the discretion of the said committee. The sanction of the provincial committee required by this section shall in every case be in writing, certified under the hand of the president of such committee.

Trustee may sue and be sued, but shall not be personally liable in costs.

**30** It shall be lawful for the trustee to sue under the name and style of "trustee of (*name temple*)" for the recovery of any property vested in him under this Ordinance or of the possession thereof, and for any other purpose requisite for the carrying into effect the objects of this Ordinance. He shall also be liable to be sued under the same name and style, but shall not be personally liable in costs for any act *bonâ fide* done by him under any of the powers or authorities vested in him under this Ordinance.

*Provincial Committees.*

Provincial committees:

**31** There shall be in each province a committee to be called the provincial committee, consisting of five members, who shall be elected in manner hereinafter provided.

Qualifications of members of provincial committee.

**32** In order to be qualified to be elected or to serve as a member of the provincial committee a person must—

- (a) Be of the male sex ;
- (b) Have completed his twenty-fifth year ;
- (c) Not have been convicted of any infamous crime.

President of district committee of principal district to summon a meeting for the election of provincial committee.

**33** On the first Monday after the expiration of one month from the date for which the last of the meetings for the election of district committees within any province shall have been summoned, whether all such committees have been elected or not, or as soon thereafter as may be convenient, a public meeting shall be held at such hour and place as shall be fixed by the president of the district committee of the principal district within such province, for the purpose of electing a provincial committee. Written notice of such meeting and the purpose thereof shall be given by such president to every trustee and to every member of the district committee within such province.

*Buddhist Temporalities.*

**34** The president of the district committee of the principal district, or some member of such committee appointed by the president in writing, shall preside at such meeting, and every trustee of a temple and every member of a district committee within such province shall be entitled to vote thereat, in person or by proxy, in manner following; that is to say, the trustees shall separately vote for two candidates, and the members of the district committees shall vote for three other candidates, the president in each case recording the votes in separate lists, and having himself, if need be, a casting vote. The two candidates for whom there shall be the largest number of votes on the part of such trustees, and the three candidates for whom there shall be the largest number of votes on the part of such members, respectively, shall be declared duly elected, and the president shall grant to each such candidate a certificate under his hand of such his election.

Mode of election.

Trustees and members of district committees within the province entitled to vote in person or by proxy.

**35** If at any election meeting held under the last preceding section any question shall arise as to the right of any person to be elected or to vote, the president shall then and there make such inquiry as he may deem requisite, and decide the question himself, and his decision shall be final and conclusive.

President of meeting to decide questions as to the right of candidates and voters.

**36** Every provincial committee elected as hereinbefore provided shall select one of their number to be president of such committee, and shall make rules—

Provincial committee to select a president and to make rules.

- (a) For determining the quorum necessary for the transaction of business and the mode of filling up vacancies in their number;
- (b) For regulating the time and place of their meetings and the conduct and record of their proceedings;
- (c) For regulating the procedure to be observed in the election of incumbents, and their removal from office;
- (d) For assessing the proportion in which each temple within the province shall contribute a share of the expenses incurred in carrying out the provisions of this Ordinance; and
- (e) For every purpose necessary to the due exercise of their powers and the performance of their duties under this Ordinance.

Purposes for which rules may be made specified.

The provincial committee of the province in which the district of Kandy shall be included shall, in addition to such rules as aforesaid, make further rules for regulating the election of a diyawadana nilamé, and his removal from office.

Provincial committee of province in which Kandy is included to make further rules as to the election and removal from office of diyawadana nilamé.

Provided always that nothing in this section contained shall authorize the making of any rules at variance with the rights of those who by law or custom are entitled to elect or remove an incumbent or diyawadana nilamé, or of any person who is entitled to succeed to a vacant incumbency by right of pupillary or other mode of succession.



*Buddhist Temporalities.**General.*

Power of provincial committees to nominate members of district committees.

**37** If from any cause no member for any sub-district is elected, the provincial committee shall nominate a person possessed of the qualifications described in section 8 as member for such sub-district, and the person so nominated shall have all the same powers and be liable to the same duties and responsibilities as if he had been duly elected a member under this Ordinance.

Questions to be decided by committees by a majority of votes. President to have a casting vote.

**38** All acts whatsoever authorized or required by virtue of this Ordinance to be done by any provincial or district committee shall be decided and done by the majority of members present at any duly convened meeting. Provided that when the votes of the members present in regard to any question shall be equally divided, the president shall, besides his vote as a member, have a casting vote.

Persons accepting office as trustee or member of district or provincial committee bound to serve.

**39** Every person who once accepts the office of trustee or of member of any committee under this Ordinance shall be bound to act as such trustee or member, respectively; and any such person who shall, without lawful excuse, refuse to act as such trustee or member, or neglect to attend any meeting of such committee, being a member thereof, or who shall, during the time he continues to be such trustee or member, wilfully neglect or refuse to perform any of the duties imposed upon him by this Ordinance, shall forfeit for such first-mentioned act of refusal the sum of one hundred rupees, and for any other act of neglect or refusal the sum of twenty rupees.

Proviso.

Provided that it shall be lawful for the district committee, upon good and sufficient reasons shown to them, to permit any trustee to resign his office, and for any member of the provincial or district committee to resign his membership.

Vacancy in office of trustee to be filled up by election.

**40** If any person elected as trustee or member of any district or provincial committee shall refuse to accept office, or shall resign or die, or shall depart from the island, or shall become bankrupt or insolvent or incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, or shall cease to be qualified as required by this Ordinance, then, in the case of such trustee or of any trustee who shall be dismissed under section 16, another trustee shall be forthwith elected in his stead in manner provided in section 17, and in the case of such member the provincial committee shall cause to be elected another member in his stead, in accordance with any rules made in that behalf under section 12 or section 36, and, in the absence of any such rules, in accordance, as far as may be practicable, with the provisions of this Ordinance, for the election of the first members of a district or provincial committee.

Vacancy in office of committee member to be caused to be filled up by provincial committee.

Proviso.

Provided that in the case of the refusal to accept office, death, incapacity, disqualification, resignation, suspension, dismissal, bankruptcy, insolvency, or departure from the island of any trustee, it shall be competent for the district committee to make provisional arrangements for the performance of the duties of the office pending the election of a



*Buddhist Temporalities.*

successor, and any person who may be provisionally appointed to act as trustee shall have all the powers and be liable to all the duties of a trustee elected under this Ordinance.

41 Whenever any trustee who has been suspended or dismissed from his office under the provisions of this Ordinance shall hold or occupy as such trustee, either directly or through any other person on his behalf, any movable or immovable property belonging to any temple, and shall neglect or refuse to deliver possession of such property to his successor or any person provisionally authorized by the district committee in that behalf, it shall be competent to such successor, or to the district committee, or the person provisionally authorized by them to apply to the district court for a warrant requiring the said trustee to deliver possession of the property to such successor or to the district committee or other person aforesaid. It shall be competent to such court to issue its warrant to the fiscal or deputy fiscal, and give possession accordingly as if it were a warrant issued in execution of its own decree. And for this purpose the application accompanied by the order of suspension or dismissal duly certified under the hand of the president of the district committee shall be *prima facie* evidence of the facts stated in the said order, and shall be sufficient authority for the court to act as aforesaid.

Power to recover possession of property from a suspended or dismissed trustee.

42 In case of the refusal to accept office, death, incapacity, disqualification, resignation, bankruptcy, insolvency, or departure from the island of any member of any committee established under this Ordinance, and until the appointment of his successor, the remaining members or member of any such committee shall continue to do all and every the acts, matters, and things necessary for carrying into effect the purposes of this Ordinance, anything which may be prescribed in any rules made under this Ordinance relative to the number of members required to form a quorum at any meeting of such committee to the contrary notwithstanding.

Notwithstanding vacancy, remaining committee members shall have power to act.

43 Whenever the provincial committee are satisfied that any property belonging to any temple has been heretofore sold, mortgaged, or otherwise alienated to the detriment of such temple, it shall be the duty of the said committee to cause the trustee to institute legal proceedings to set aside such sale, mortgage, or alienation, and to recover possession of such property.

Recovery of property improperly alienated.

Provided, that in the absence of collusion between the parties the court in setting aside any sale, mortgage, or alienation shall award to the vendee, mortgagee, or alienee the value of any permanent improvements made by him to or upon such property.

Proviso.

44 Whenever it is proved to the satisfaction of a competent court that any property of any temple has heretofore been leased—

Court may set aside leases.

- (a) For a longer term of years than is consistent with the interests of such temple ; or
- (b) On terms showing an improvident alienation ; or
- (c) For clearly inadequate consideration ; or

*Buddhist Temporalities.*

(d) For the private benefit of the lessor or any of his relatives or servants ; or

(e) With a fraudulent intent ;

such court shall set aside such lease and restore possession of the property to the trustee entitled to hold the same under this Ordinance.

Proviso.

Provided that when there has been no collusion between the lessor and the lessee in respect of the lease so set aside, the court shall award to the lessee reasonable compensation for permanent improvements to the property effected by him during his tenure of the lease.

District committee may, with approval of provincial committee, divert part of trust fund from one temple to another for educational purposes.

**45** Whenever it shall appear to any district committee, when revising any annual estimate of expenditure in respect of any temple, that any sum, or part thereof, which is proposed to be set apart for the promotion of education, may be used to better advantage as a grant-in-aid for educational purposes to any other temple or temples belonging to the same sect of Buddhists within the district, it shall be lawful for such committee, with the approval of the provincial committee, to require the trustee of such first-mentioned temple to pay over to the trustee of such other temple or temples such sum or part thereof for the purposes aforesaid.

Trustee or committee member may be sued in district court for any misfeasance, breach of trust, or neglect of duty by any person interested in a temple.

**46** Any person or persons interested in any temple, or in the performance of the worship or of the service thereof, or the trusts relating thereto, may, without joining as plaintiff any of the other persons interested therein, sue before the district court having jurisdiction in the district within which such temple may be situated, any trustee or member of any committee appointed under this Ordinance for any misfeasance, breach of trust, or neglect of duty committed by such trustee or member in respect of the trusts vested in or confided to him respectively ; and such court may direct the specific performance of any act by such trustee or member, and may decree damages and costs against such trustee or member, and may also direct the removal of such trustee or member.

"Interest" required to enable a person to sue defined.

**47** The interest required in order to entitle a person to sue under the last preceding section need not be a pecuniary or a direct or immediate interest, or such an interest as would entitle the person to take any part in the management or superintendence of the trusts. Any person having a right of attendance, or having been in the habit of attending at the performance of the worship or service of any temple, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of the last preceding section.

No future acquisitions of land to be made by temples without the Governor's license.

**48** From and after the time when this Ordinance shall come into operation, it shall not be lawful for any temple, or for any person in trust for, or on behalf, or for the benefit of any temple, to acquire any land or immovable property, or any interest in any land or immovable property of the value of fifty rupees or upwards, unless the license of the Governor

under the public seal of the island be obtained. And if any person shall by devise, grant, or conveyance, or otherwise, purport or attempt to vest in any such temple or in any person or persons in trust, for or for the benefit or on behalf of any such temple any land or immovable property, or any interest therein, of the value aforesaid, and such license as aforesaid is not obtained, such land or property or interest shall devolve on, and become vested in, the lawful heir or heirs of such person notwithstanding such devise, grant, or conveyance to the contrary.

**49** No alienation of movable or immovable property belonging to any temple by sale, mortgage, gift, or otherwise between the date of the passing of this Ordinance and the appointment of a trustee to such temple in manner herein provided, shall be of any force or avail in law, but the same shall be absolutely null and void.

**Alienation of temple property between the passing of this Ordinance and the appointment of trustee to be null and void.**

20th March, 1889.

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