

No. 34 of 1961

YOUNG MEN'S BUDDHIST ASSOCIATION,
DEHIWALA-MOUNT LAVINIA

Preamble. AN ACT TO INCORPORATE THE YOUNG MEN'S BUDDHIST ASSOCIATION, DEHIWALA-MOUNT LAVINIA.

[2nd June, 1961.]

WHEREAS an Association, called and known as "The Young Men's Buddhist Association, Dehiwala-Mount Lavinia", has heretofore been established at Dehiwala-Mount Lavinia for the purpose of effectually carrying out and transacting all matters connected with the said Association according to the rules agreed to by its members :

And whereas the said Association has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated, and it will be for the public advantage to grant the application :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

Short title. 1. This Act may be cited as the Young Men's Buddhist Association, Dehiwala-Mount Lavinia Act, No. 34 of 1961.

Incorporation of the Young Men's Buddhist Association, Dehiwala-Mount Lavinia. 2. From and after the passing of this Act, the President, Vice-Presidents, and members of the Board of Directors for the time being of the said Young Men's Buddhist Association, Dehiwala-Mount Lavinia, and such and so many persons as now are members of the said Young Men's Buddhist Association, Dehiwala-Mount Lavinia, or shall hereafter be admitted members of the corporation hereby constituted, shall be and

become a corporation with continuance for ever under the style and name of "The Young Men's Buddhist Association, Dehiwala-Mount Lavinia", and by that name shall and may sue and be sued in all courts, with full power and authority to have and use a common seal and alter the same at its pleasure.

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

General objects of the corporation.

- (1) the encouragement of the study and practical observance of Buddhism ;
- (2) the propagation of Buddhism ;
- (3) the advancement of the social, cultural, and educational welfare of the residents of Dehiwala-Mount Lavinia ; and
- (4) the promotion of the moral, intellectual, and physical welfare of the members.

4. (1) The affairs of the corporation shall, subject to the rules in force for the time being of the corporation as hereinafter provided, be administered by a Board of Directors consisting of the President, two Vice-Presidents, the Honorary General Secretary, and the Honorary Treasurer respectively of the corporation, and not less than ten other members, to be elected respectively in accordance with the rules for the time being of the corporation.

Management.

(2) The first Board of Directors shall consist of Dr. D. T. R. Gunawardena, President ; Mudaliyar W. Dahanaike, Vice-President ; Mr. Simon Wickremasinghe, Vice-President ; Mr. J. H. Ratnayake, Honorary General Secretary ; Mr. T. Ediriweera, Honorary Treasurer ; and Messrs. T. H. S. Amarasekera, A. D. de Alwis, A. G. R. de Silva, P. S. de Silva, P. T. de Silva, B. E. G. C. Fernando, P. G. T. Munidasa, S. de S. Thenuwara, L. I. Wickremasinghe, and L. H. Wijetunga.

5. The rules set forth in the Schedule shall for all purposes be the rules of the corporation :

Rules of the corporation.

Provided, however, that nothing in this section contained shall be held or construed to prevent the corporation at all times hereafter, at any duly constituted general meeting, from making fresh rules, or

from altering, amending, adding to, or cancelling any of the rules set forth in the Schedule or which may hereafter be made by the corporation.

Amendment of rules.

6. No rule in the Schedule, nor any rule which may hereafter be passed at a general meeting, shall be altered, added to, amended, or cancelled, except by a vote of two-thirds of the members present at a general meeting of the Association, and unless such amendment or cancellation shall have been previously approved by the Board of Directors.

Members to be subject to rules.

7. All members of the corporation shall be subject to the rules in force for the time being of the corporation.

Debts due by and payable to the Association.

8. All debts and liabilities of the said Young Men's Buddhist Association, Dehiwala-Mount Lavinia, existing at the time of the coming into operation of this Act shall be paid by the corporation hereby constituted, and all debts due to and subscriptions and contributions payable to the said Young Men's Buddhist Association, Dehiwala-Mount Lavinia, shall be paid to the said corporation for the purposes of this Act.

How the seal of the corporation is to be affixed.

9. The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of two of the members of the Board of Directors, 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.

Corporation may hold property, movable and immovable.

10. The corporation shall be 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 purposes of this Act and subject to the rules for the time being of the said corporation, with full power to sell, mortgage, lease, exchange, or otherwise dispose of the same.

11. Nothing in this Act contained shall prejudice or affect the rights of Her Majesty the Queen, Her heirs, and successors, 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 Crown and others.

SCHEDULE

RULES OF THE YOUNG MEN'S BUDDHIST ASSOCIATION, DEHIWALA-MOUNT LAVINIA

I. NAME AND OBJECTS

1. The name of the Association shall be the Young Men's Buddhist Association, Dehiwala-Mount Lavinia. It shall be known in Sinhala as the "Dehiwala-Galkissa Tharuna Baudha Samitiya".

Name.

2. The objects of the Association shall be—

Objects.

- (1) the encouragement of the study and practical observance of Buddhism ;
- (2) the propagation of Buddhism ;
- (3) the advancement of the social, cultural and educational welfare of the residents of Dehiwala-Mount Lavinia ; and
- (4) the promotion of the moral, intellectual, and physical welfare of the members.

II. PATRON

3. The Association shall have a Patron who shall be elected at a general meeting of the Association by the vote of at least two-thirds of those present and voting at the meeting. The person so elected shall continue as Patron for life, unless such person resigns earlier or is replaced by a resolution passed at a general meeting by at least two-thirds of those present and voting at the meeting.

Election of Patron.

III. MEMBERSHIP

4. There shall be three classes of members, namely, life, active, and associate members. Every male person over 18 years of age, who has any or all of the objects of the Association in view, shall be eligible for membership, provided, however, that only Buddhists shall be eligible for life or active membership.

Eligibility for membership.

5. A person may become a member of the Association only upon the enrolment by the Board of Directors as a life, active, or associate member, provided, however, that all persons who were life, active, or associate members at the time of the incorporation of the Association shall continue as such members without re-enrolment. Active members may apply for enrolment as life-members. The Board of Directors shall have the right to reject any application for membership without assigning any reason therefor.

Enrolment of members.

No. 34 of 1961] *YOUNG MEN'S BUDDHIST ASSOCIATION, DEHIWALA-MOUNT LAVINIA*

- Subscription of life-members. 6. Every life-member shall pay a fee of Rs. 250 on his enrolment as a life-member.
- Admission fee of active and associate members. 7. Every active or associate member shall pay an admission fee of Rs. 5 on his enrolment.
- Subscription of active and associate members. 8. Every active or associate member shall pay a quarterly subscription of Rs. 2.50. The subscription for the quarter in which he is enrolled shall be paid at his enrolment, and thereafter subscriptions shall be paid every quarter not later than January, April, July, and October respectively.
- Duties of members. 9. Every member shall act in accordance with the rules of the Association and abide by any rules framed by the Board of Directors for the conduct of the business of the Association.
- Termination of membership. 10. (1) The membership of a member may terminate by his resignation or death, or by the withdrawal of membership by the Board of Directors.
(2) The Board of Directors may withdraw the membership of any member for (a) non-payment of subscription for more than two quarters, or (b) conduct unbecoming of a member of the Association.
(3) A person whose membership has been withdrawn by the Board of Directors may not be re-enrolled until he shall have complied with any conditions for re-enrolment prescribed by the Board of Directors. Such a person may, however, have his membership restored on an appeal to members at a special general meeting of the Association, provided that two-thirds of the members present at such meeting are in favour of restoring such membership.
(4) Any person ceasing to be a member of the Association shall forthwith vacate any office, or membership of any body, to which he may have been elected or appointed by virtue of his having been a member of the Association.

IV. GENERAL MEETINGS

- Convening of general meetings. 11. General meetings, annual or special, of the Association may be convened by the Board of Directors. Fourteen days' notice of every such meeting, setting out the business to be transacted thereat, shall be given to every member.
- Quorum. 12. Twenty members, excluding associate members, shall form a quorum at a general meeting.
- Voting. 13. Only a life or active member, who has held such membership for a period of not less than 12 months continuously, shall be qualified to vote at a general meeting. All questions shall be decided by the vote of the majority of members present and voting at the meeting, except where otherwise prescribed. In the case of an equality of votes, the President or other member presiding at the meeting shall have a casting vote in addition to his original vote.
- Annual general meeting. 14. The annual general meeting shall be held during the first quarter of each year. A copy of the report of the Board of Directors and the audited statement of accounts for the previous year shall be sent to each member together with the notice convening the meeting.

15. The business at the annual general meeting shall be—

- (1) to consider the report of the Board of Directors and the accounts for the previous year ;
- (2) to elect the Board of Directors ;
- (3) to elect office-bearers for the ensuing year ;
- (4) to appoint an auditor or auditors for auditing the accounts of the current year ; and
- (5) any other business included in the notice convening the meeting, or of which 7 days' notice has been given to the General Secretary by any life or active member.

Business at annual general meeting.

16. (1) A special general meeting of the Association shall be convened by the Board of Directors on receipt of a requisition signed by not less than 25 life or active members setting out the subject-matter proposed to be discussed at such meeting.

Special general meeting on requisition of members.

(2) No matters other than those specified in the notice convening the meeting shall be discussed at such meeting.

17. On any matter not provided for in the rules in this Part, the ruling of the President or other member presiding at the meeting shall be final, and binding on the meeting.

Ruling of President.

V. BOARD OF DIRECTORS

18. (1) There shall be a Board of Directors consisting of 15 life or active members. Only those who have been life or active members for a period of not less than two years shall be eligible for election to the Board of Directors. The Board of Directors shall be elected at the annual general meeting. At every such meeting held after the election of the first Board, the three members of the Board who have held office for the longest period shall vacate office and be replaced by three other members who shall be elected at that meeting, provided that, where more than three members have held office for equally long periods, the three members who are to vacate office shall be decided by lot.

Election of Board of Directors.

(2) Retiring members shall be eligible for re-election.

(3) A vacancy in the Board, however caused, occurring between two annual general meetings shall be filled by another life or active member elected by the remaining members of the Board. Any member so elected to the Board shall be deemed to have taken the place of the member whom he succeeded, for purposes of vacation of office and replacement.

19. (1) All business of the Association shall be conducted by or on the authority of the Board of Directors.

Duties of Board of Directors.

(2) The Board of Directors shall approve of a design of, and provide, a seal for the Association. The seal shall be used on all instruments executed by or on behalf of the Association and on agreements and contracts entered into by it. It shall not be affixed to any instrument or document except upon the authority of the Board of Directors and in the presence of two members of the Board who shall sign their names on the instrument or document in token of their presence.

(3) All property, movable and immovable, and all funds of the Association shall be vested in the Board of Directors.

(4) The Board shall have power to sell, and buy or otherwise acquire, property for the Association, to enter into agreements and contracts relating to mortgages, leases, and other matters, provided, however, that the Board shall not sell, mortgage, lease, or otherwise alienate, any immovable property belonging to the Association without the prior approval of the members at a general meeting.

(5) The Board shall have power to deposit the funds of the Association in any bank or banks chosen by it and may authorize any member or members of the Board to operate the accounts on behalf of the Association.

(6) The Board shall have power to appoint Assistants to the General Secretary and the Treasurer, and Branch Secretaries, and it may appoint Committees of members (and Chairmen and Secretaries to such Committees) to carry out the work of any specified branches of activity, or perform any specified tasks, and it may terminate any such appointment.

(7) The Board shall have power to frame rules for the conduct and guidance of all persons employed by it or housed in the premises of the Association.

(8) At the end of each year terminating on December 31, the Board shall prepare a report on the activities of the Association for the past year and statements showing the income and expenditure during that year, and the assets and liabilities at the end of that year, for presentation at the annual general meeting.

Meeting of
the Board of
Directors.

20. (1) The Board of Directors shall meet at least once a month, or as often as may be necessary, to conduct the business of the Association.

(2) Meetings shall be convened by the President, or the General Secretary, or by any one of them at the written request of not less than five members of the Board. Three days' notice of the meeting shall be given to members except in very urgent circumstances.

(3) Five members of the Board shall form a quorum.

(4) Decisions of the Board of Directors shall be by the vote of the majority of those present and voting at any meeting.

VI. OFFICE-BEARERS

Election of
office-bearers.

21. (1) The Association shall have the following principal honorary office-bearers:—

- (a) a President;
- (b) two Vice-Presidents;
- (c) a General Secretary; and
- (d) a Treasurer.

(2) The office-bearers mentioned in paragraph (1) shall be elected at the annual general meeting from among the members of the Board of Directors and shall hold office until the next annual general meeting.

YOUNG MEN'S BUDDHIST ASSOCIATION, DEHIWALA-MOUNT LAVINIA [No. 34 of 1961]

22. The President of the Association shall preside at all general meetings and meetings of the Board of Directors at which he is present. In the absence of the President, one of the Vice-Presidents may preside at any meeting. In the absence of the President and the Vice-Presidents, from any meeting, any life or active member elected by the meeting may preside at that meeting.

Duties of President and Vice-Presidents.

23. The General Secretary shall have the custody of the seal of the Association. He shall keep a register of members, and a book for recording the minutes of general meetings and of meetings of the Board of Directors, and all such other books and records as may be necessary to conduct the business of the Association.

Duties of General Secretary.

24. (1) The Treasurer shall receive all monies paid to the Association and shall maintain proper records of their receipt, expenditure, or other disposal, provided, however, that the Board of Directors may direct that any monies paid in for any particular project or the Association shall be received and accounted for by another member of the Board of Directors specially appointed a treasurer for that particular purpose.

Duties of Treasurer.

(2) The Treasurer, or any other treasurer specially appointed by the Board of Directors for a particular purpose, shall hold, disburse, deposit in a Bank, or otherwise dispose of, all monies received by him according to the directions of the Board of Directors.

VII. RULES OF THE ASSOCIATION

25. On any matter not provided for in these rules the decision of the Board of Directors shall be final and binding on all members.

Matters not provided for.

26. These rules shall not be amended, rescinded, or added to, except upon a resolution presented at a general meeting on the authority of the Board of Directors, and passed at such meeting by the vote of at least two-thirds of those present and voting at the meeting.

How rules may be amended.