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1st Session 1965-66



Sri Lanka Sahitya Mandalaya (Amendment) Act, No. 13 of 1965

Date of Assent : November 13, 1965

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L. D.—O. 7/65.

AN ACT TO AMEND THE SRI LANKA SAHITYA
MANDALAYA ACT, NO. 31 OF 1958.

[Date of Assent: November 13, 1965]

BE it 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:—

1. This Act may be cited as the Sri Lanka Sahitya Mandalaya (Amendment) Act, No. 13 of 1965, and shall come into operation on such date as the Minister may fix by notification published in the *Gazette*.

Short title
and date of
operation.

2. Section 2 of the Sri Lanka Sahitya Mandalaya Act, No. 31 of 1958, hereafter in this Act referred to as the "principal Act", is hereby amended in sub-section (2) by the substitution, for the words "who from time to time are appointed members of the Mandalaya under sub-section (1) of section 7 and the persons who from time to time are elected members of the Mandalaya under sub-section (2) of that section shall be", of the words "who for the time being are members of the Mandalaya under the provisions of section 7 shall be".

Amendment of
section 2 of
Act No. 31 of
1958.

3. Section 3 of the principal Act is hereby amended by the substitution, in paragraph (c) of sub-section (1), for the word "languages;", of the words "languages, and, where necessary, to undertake such publication;".

Amendment of
section 3 of
the principal
Act.

4. Section 4 of the principal Act is hereby amended by the substitution, for the words "of the Mandalaya.", of the words "of the Mandalaya, and such further contributions as may from time to time be approved by resolution of the House of Representatives."

Amendment of
section 4 of
the principal
Act.

5. Section 7 of the principal Act is hereby repealed and the following new section is substituted therefor:—

Replacement of
section 7 of
the principal
Act.

"Members of
the Mandalaya.

7. (1) The Mandalaya shall consist of the following members:—

(a) five persons, two of whom shall respectively be designated President and Vice-President of the Mandalaya, appointed as such by the Minister;

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(b) every person for the time being holding office as the Chairman of any Panel appointed in accordance with the provisions of section 14, if such person is not already a member of the Mandalaya.

(2) Every member of the Mandalaya appointed under paragraph (a) of sub-section (1) shall, unless he vacates office earlier, hold office for a period of three years and shall be eligible for reappointment.

(3) The Minister may, without assigning reason, terminate the membership of any member of the Mandalaya appointed under paragraph (a) of sub-section (1)."

Amendment of section 8 of the principal Act.

6. Section 8 of the principal Act is hereby amended by the substitution, for all the words from "addressed," to the end of that section, of the words "addressed to the Minister."

Amendment of section 9 of the principal Act.

7. Section 9 of the principal Act is hereby amended as follows:—

(1) in paragraph (d), by the substitution, for the word "Mandalaya.", of the words "Mandalaya; or"; and

(2) by the insertion, immediately after paragraph (d), of the following three new paragraphs:—

"(e) if he resigns office by letter addressed to the Minister; or

(f) if his membership is terminated by the Minister; or

(g) if he absents himself from five consecutive meetings of the Mandalaya."

Amendment of section 10 of the principal Act.

8. Section 10 of the principal Act is hereby amended as follows:—

(1) by the repeal of sub-sections (1) and (3);

(2) by the renumbering of sub-sections (2), (4), (5) and (6) as sub-sections (1), (2), (3) and (4);

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- (3) in the renumbered sub-section (1), by the substitution, for the words "The President", of the words "The President of the Mandalaya";
- (4) in the renumbered sub-section (2), by the substitution, for the words "The Vice-President" of the words "The Vice-President of the Mandalaya"; and
- (5) in the renumbered sub-section (4), by the substitution, for all the words from "by letter addressed" to the end of that sub-section, of the words "and the Vice-President may resign the office of Vice-President, by letter addressed to the Minister."

9. Section 12 of the principal Act is hereby amended in sub-section (6) by the substitution, for the word "ten", of the word "eight".

Amendment of section 12 of the principal Act.

10. Section 13 of the principal Act is hereby amended in sub-section (5) as follows:—

Amendment of section 13 of the principal Act.

- (1) in paragraph (d) by the substitution, for the words "of the Mandalaya;", of the words "of the Mandalaya; and";
- (2) in paragraph (e) by the substitution, for the words "Fellows of the Mandalaya; and", of the words "Fellows of the Mandalaya."; and
- (3) by the omission of paragraph (f).

11. Section 14 of the principal Act is hereby repealed and the following section is substituted therefor:—

Replacement of section 14 of the principal Act.

"Panels.

14. (1) The Minister may, after consulting the five members of the Mandalaya appointed under paragraph (a) of sub-section (1) of section 7, appoint such number of Panels and such number of persons not exceeding twelve to each such Panel as the Minister may consider necessary, for the purpose of advising and assisting the Mandalaya on the general advancement of each of the following branches of literature:—

- (a) Classical Sinhala literature;
- (b) Classical Tamil literature;
- (c) Modern Sinhala fiction;

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- (d) Modern Sinhala poetry;
- (e) Modern Sinhala drama;
- (f) Sinhala translations;
- (g) Modern Tamil poetry;
- (h) Modern Tamil fiction;
- (i) Modern Tamil drama;
- (j) Tamil translations;
- (k) Islamic Arabic literature;
- (l) Sanskrit and Pali literature;
- (m) any other branch of literature considered necessary by the Minister.

(2) Each Panel appointed under subsection (1) is hereafter in this Act referred to as the "Panel".

(3) Any member of the Mandalaya appointed under paragraph (a) of subsection (1) of section 7, shall be eligible for appointment as a member of a Panel. The President of the Mandalaya shall be an *ex officio* member of each of the Panels.

(4) The Minister shall, after consulting the members of the Mandalaya appointed under paragraph (a) of subsection (1) of section 7, appoint one member of each Panel to be the Chairman of that Panel.

(5) The Minister may, without assigning reason, revoke the appointment of any Panel or of any member of any Panel or of the Chairman of any Panel.

(6) Every member of a Panel shall, unless he resigns his membership by letter addressed to the Minister or his appointment is revoked by the Minister, hold office for a period of three years and shall be eligible for reappointment.

(7) The quorum for any meeting of a Panel shall be three members.

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12. Section 15 of the principal Act is hereby amended in sub-section (1), by the substitution, for the word "objects.", of the following:—

Amendment of section 15 of the principal Act.

"objects:

Provided, however, that—

- (a) no person shall be appointed as General Secretary or to act as General Secretary, except with the prior permission of the Minister; and
- (b) no officer or servant shall be dismissed from the service of the Mandalaya, except by resolution passed at a meeting of the Mandalaya, the number of votes cast in favour of such resolution being not less than two-thirds of the total number of members of the Mandalaya (including those not present at that meeting)."

13. Sections 16 and 17 of the principal Act are hereby repealed, and the following two sections are substituted therefor, respectively:—

Replacement of sections 16 and 17 of the principal Act.

'Fund of the Mandalaya.

16. The Mandalaya shall have its own Fund. All moneys received by the Mandalaya, including such sums as may be voted from time to time by the House of Representatives for the use of the Mandalaya, shall be credited to the Fund and all payments made by the Mandalaya shall be made therefrom. The Mandalaya may utilize moneys from the Fund for the purpose of paying the remuneration of its staff and such sums as may be payable under section 23 to its members and the members of the Executive Committee and of the Panels, and defraying the expenditure incurred in the administration of its affairs, the exercise of its powers and the promotion of its objects:

Provided that no single item of expenditure in excess of five thousand rupees shall be incurred by the Mandalaya without the prior sanction of the Minister.

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Accounts,
audits and
annual
reports.

17. (1) The Mandalaya shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The Mandalaya shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Mandalaya made up to the first-mentioned date. The revenue and expenditure account and the balance sheet shall be signed by the President and by such officer of the Mandalaya as may be authorized by the Mandalaya to do so.

(3) The accounts of the Mandalaya shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The auditor shall receive such remuneration from the Mandalaya as the Minister may, with the concurrence of the Minister of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Mandalaya shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Mandalaya by such person or persons as the Auditor-General may authorize in that behalf, and for the purposes of such audit,

to require information or additional information to be furnished to any person or persons so authorized, on such matters, by such person or persons and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the Mandalaya and ascertain the correctness of the balance sheet and furnish a report to the Auditor-General stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether in his opinion the balance sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Mandalaya.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments (if any) upon, or his supplement (if any) to, such report to the Mandalaya.

(8) The Mandalaya shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

(a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,

(b) a copy of the revenue and expenditure account,

(c) a copy of the balance sheet, and

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(d) a report by the Mandalaya on its work for the period for which the revenue and expenditure account and balance sheet have been made up.

(9) The Minister shall lay copies of the documents transmitted to him under sub-section (8) before the Senate and the House of Representatives.

Amendment of sections 18, 19, 21 and 23 of the principal Act.

14. (1) Sections 18, 21 and 23 of the principal Act are hereby amended by the substitution, for the words "Standing Committee", wherever those words appear in each of those sections, of the word "Panel".

(2) Section 19 of the principal Act is hereby amended by the substitution, for the words "Standing Committees", of the word "Panels".

Replacement of section 20 of the principal Act.

15. Section 20 of the principal Act is hereby repealed and the following section is substituted therefor:—

"General and special directions by the Minister.

20. The Minister may issue—

- (a) general directions, or
- (b) after consulting the Mandalaya, special directions,

to the Mandalaya regarding the work of the Mandalaya, and it shall be the duty of the Mandalaya to carry out all such directions."

Amendment of section 24 of the principal Act.

16. Section 24 of the principal Act is hereby amended as follows:—

(a) by the substitution, for the words "may, in addition to the rules required by any other provision of this Act to be made by the Mandalaya, make rules", of the words "may make rules"; and

(b) by the substitution, for the words "Standing Committees", of the word "Panels".