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5th Session 1969-70



Young Men's Buddhist Association, Matara, Act, No. 20 of 1970

Date of Assent : March 24, 1970

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AN ACT TO INCORPORATE THE YOUNG MEN'S BUDDHIST
ASSOCIATION, MATARA.

[Date of Assent: March 24, 1970]

WHEREAS an Association called and known as 'The Young Men's Buddhist Association, Matara' has heretofore been established at Matara 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:

Preamble.

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:—

1. This Act may be cited as the Young Men's Buddhist Association, Matara, Act, No. 20 of 1970.

Short title.

2. From and after the passing of this Act, the President, Vice-Presidents, and members of the Board of Management for the time being of the said Young Men's Buddhist Association, Matara, and such and so many persons as now are members of the said Young Men's Buddhist Association, Matara, 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, Matara', 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.

Incorporation.

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

Objects.

(a) the study and propagation of Buddhism;

(b) the encouragement of the practical observance of Buddhism;

- (c) the promotion of unity and co-operation among Buddhists; and
- (d) the advancement of the moral, cultural, physical and social welfare of members.

Rules.

4. (1) The rules set forth in the Schedule shall for all purposes be the 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.

(2) 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 on a special resolution of which not less than twenty-eight days' notice shall have been given, and which resolution shall have been passed by a majority of not less than two-thirds of the members present and voting at a special General Meeting duly convened for the purpose.

Debts, &c.

5. All debts and liabilities of the said Young Men's Buddhist Association, Matara, 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 Association shall be paid to the said corporation for the purposes of this Act.

Seal of corporation.

6. The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of at least two of the members of the Board of Management, 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 to hold property, &c.

7. The corporation shall be and 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.

8. 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 rights
of Crown
and others.

SCHEDULE

I—NAME AND OBJECTS

1. The Association shall be called "The Young Men's Buddhist Association, Matara" (hereinafter referred to as "The Association").

2. *Objects:* The objects of the association shall be—

- (a) the study and the propagation of the Buddha Dhamma;
- (b) to encourage the practical observance of the Buddha Dhamma;
- (c) to promote unity and co-operation among Buddhists;
- (d) to advance the moral, cultural, physical and social welfare of members.

II—CONSTITUTION

3. *Members:* Subject to the terms and conditions contained in the undermentioned Rules and more particularly those contained in Part III herein, the membership of this Association shall consist of—

- (a) Life Members, and
- (b) Ordinary Members.

4. *Office-bearers:* The office-bearers of the Association shall be—

- (a) a President,
- (b) three (3) Vice-Presidents,
- (c) an Honorary General Secretary,
- (d) an Honorary Assistant Secretary, and
- (e) an Honorary Treasurer.

5. *Board of Management:* There shall be a Board of Management (hereinafter referred to as the Board) which shall consist of—

- (a) the office-bearers of the Association, and
- (b) fourteen Members of the Board.

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debts due to and subscriptions and contributions payable to the said Association shall be paid to the said corporation for the purposes of this Act.

How the seal
of the
corporation to
be affixed.

10. The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of three members of the Board of Trustees of the corporation for the time being constituted under section 4 (2), and subject to the rules in force for the time being of the said corporation, 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.

11. 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.

Saving the
rights of
the Crown
and others.

12. Nothing in this Act contained shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors, or any body politic or corporate, or any other persons, except such as are mentioned in this Act and those claiming by, from or under them.

SCHEDULE

Rules of the Young Men's Buddhist Association, Wadduwa

Designation.

1. The name of the Association shall be the Young Men's Buddhist Association, Wadduwa.

Office.

2. The Office of the Association shall be in the building of the Association: "Keththagaya", Morontuduwa Road, Wadduwa, and shall be named the Buddhist Headquarters, "Keththagaya", Wadduwa.

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3. The objects of the Association are:—(a) The study, observance and propagation of Buddhism. (b) The promotion of unity and co-operation among Buddhists. (c) Social and public welfare work. (d) The advancement of the physical, intellectual and social welfare of the members.

Objects.

4. (a) Men or women of not less than 18 years of age having any or all the objects in view are eligible for membership.

Memberships.

(b) Members shall be classified as Honorary, Life, Active, and Associate Members.

(c) Any person who has rendered distinguished service to Buddhism or any cause in the upliftment of the Association in whatever manner, provided the Committee of Management is satisfied that such person or persons have rendered such distinguished service or shall render such service, shall be nominated a Honorary Member by a resolution passed at a meeting of the Committee of Management.

(d) Any person who makes a contribution to the value of not less than Rs. 250 may by a resolution passed at a meeting of the Committee of Management be elected a Life Member.

(e) Active and Associate Members shall pay a monthly subscription of Re. 1, or half-yearly Rs. 5 and yearly Rs. 10. The payments so made shall be paid in advance. Only Buddhists shall be Active Members. Non-Buddhists shall be elected an Associate Member, and such members shall not either have the right to vote or be elected to any office.

An application form provided for membership shall be filled up and forwarded to the Hony. Joint Secretaries who shall submit it to the Committee of Management for approval. Acceptance or rejection of an application is left to the discretion of the Committee of Management, and it is not necessary to give any reasons of any rejections.

5. (a) The Committee of Management shall have the power to remove from the roll of members. the name of any member who shall be in arrears for more than six months after giving the member a fortnight's notice. No subsequent application for membership shall be entertained unless all arrears have been paid up.

(b) Any member whose conduct is found to be detrimental to the interests of the Association may, after due consideration has been given by the Committee of Management, be removed from the roll of members and confirmed at a subsequent general meeting.

6. (1) (a) The office-bearers of the Association shall be: The Patrons (from Maha Sangha and Laity elected as per sub-rules (b) and (c) below). The President, five Vice-Presidents, four Chairmen of Departmental Committees, three Hony. Joint Secretaries, Hony. Treasurer, Hony. Asst. Treasurer, and General Manager.

Office-Bearers.

22. *Notice of and Procedure at Annual General Meeting:*

(1) Fourteen clear days' notice shall be given to the members by the Honorary General Secretary of an Annual General Meeting, the time and place of such meeting and the business to be brought up before it being specified in such notice.

(2) Agenda.

The Programme of the Annual General Meeting:

- (a) confirm the minutes of any previous General Meeting, Annual or Special;
- (b) consider the annual report and audited statement of accounts submitted by the Board;
- (c) elect office-bearers for the ensuing year;
- (d) appoint an auditor for the ensuing year; and
- (e) transact such other business of which notice shall have been given, or business arising therefrom.

23. *Special General Meeting :*

(1) A Special General Meeting may be held at any time and shall be convened by the Board either—

(a) on a resolution passed by the Board or by a copy of the written requisition for the convention of such a meeting, in which the reasons and proposals hoped to be submitted to the General Meeting is mentioned; and

(b) on a requisition in writing addressed to the Honorary General Secretary signed by either—

(i) seven members of the Board, or

(ii) twenty-five ordinary members stating the reasons for the request to convene the meeting and a copy of the resolution or resolutions to be brought up before it.

(2) The Honorary General Secretary shall thereupon summon a Special General Meeting giving notice in the same manner as provided for notice of an Annual General Meeting in rule 22 except that the notice for a Special General Meeting shall be seven clear days and not fourteen clear days.

24. *Procedure at Meetings:*

(1) Quorum:

(a) Not less than twenty-five members shall be the quorum for General Meeting.

(b) Any General Meeting postponed for want of a quorum shall be held as soon as possible, after fourteen days' clear notice in the case of an Annual General Meeting and seven days' clear notice in the case of a Special General Meeting has been given in the manner provided for in rule 22.

(2) Chairman:

- (a) Every General Meeting shall be presided over by the President or, in his absence by a Vice-President, and in the absence of the President and Vice-Presidents, by a Chairman elected from among the members present.
- (b) The person presiding for the time being shall, in addition to his own vote, have a casting vote.
- (c) The person presiding for the time being shall be sole arbiter in matters of procedure arising at any General Meeting.

VIII—ELECTION OF OFFICE-BEARERS

Board of management.

25. *Term of Office:* Office-bearers shall be elected at the Annual General Meeting and shall subject to these rules, hold office until the date of the next Annual General Meeting.

26. *Disqualifications for Holding Office or Membership of the Board:* No member shall be eligible for nomination or for election to any office or to membership of the Board if—

- (a) he is not a Buddhist;
- (b) on the date fixed for receiving nominations he is in arrears of subscriptions, fees or dues;
- (c) he is an undischarged bankrupt or insolvent, having been declared as such by any competent court.

27. (1) The President shall assume office immediately on election and, forthwith take the chair.

(2) All other office-bearers and members of the Board shall assume duties immediately after the Annual General Meeting.

28. *Vacation of Office:* (1) Any office-bearer or member of the Board shall be deemed to have vacated his office if,—

- (a) he publicly admits he is not a Buddhist; or
- (b) he resigns by notice in writing addressed to the Honorary General Secretary and the same is accepted; or
- (c) he, without proper leave of absence granted by the Board, fails to attend three consecutive meetings of the Board;
or
- (d) he is an undischarged bankrupt or insolvent having been declared as such by any competent court.

(2) The Board may fill any casual vacancy among the office-bearers or the members of the Board: Provided, however, that the vacancy for the office of President may only be filled at a General Meeting called for the purpose.

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(d) The annual general meeting shall be held before the expiration of the month of April, at which the reports of the Committee of Management and the balance sheet of the previous year ending 31st December, shall be presented. Ten days' notice shall be given of any General Meeting and thirty members shall constitute the quorum.

(e) A special general meeting shall be summoned upon the request of the committee or of the President or upon the written requisition of not less than fifteen members who shall state therein the purpose for which the meeting is summoned.

(f) Every motion to be moved at a general meeting shall be in writing and signed by the member, notice of which shall be given to the Hony. Joint Secretaries seven clear days before the meeting.

(g) Every motion placed in the agenda of a general meeting shall have been approved by the Committee of Management. No motion, due notice of which has not been given or prior approval of the Committee of Management of such a motion has been obtained shall be moved at any general meeting.

Duties.

9. (a) The Hony. Joint Secretaries shall keep records of all, Committee of Management, Board of Trustees and of General Meetings, a register of members and such other records as may be necessary, and carry out all executive functions as directed by the Committee of Management; shall convene all meetings and submit an annual report for presentation at the Annual General Meeting.

(b) The Hony. Treasurer shall receive and keep accounts of all moneys and funds belonging to the Association and make such payments as authorised by the Committee of Management; shall place a monthly statement of accounts at the monthly meeting of the Committee of Management and submit an audited balance sheet to be placed at the annual general Meeting; shall deposit all moneys received on behalf of the Association in such Bank as decided upon by the Committee of Management and shall not keep in hand any sum exceeding Rs. 500.

(c) The General Manager shall look after, safeguard and attend to the management of all property belonging to the Association; and carry out all repairs, improvements and maintenance of buildings and property as directed by the Board of Trustees; shall keep a record of all property belonging to the Association; shall see to and attend to the arrangements in respect of meetings, functions and any other matters connected thereto.

**Auditing of
Accounts.**

10. A qualified Auditor shall be elected at the Annual General Meeting and he shall audit the accounts of the Association for the ensuing year. In the event of an Auditor appointed not being able to act through any cause, the Committee of Management shall have the power to elect another in his place.

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11. All legal documents and instruments shall be signed as referred to under rule 7 (2) (c), and all such documents along with the seal shall be in the custody of the Treasurer. The members shall have the right to inspect any books, documents, etc., of the Association on seven days' notice being given to the Officer who has their custody. All bank transactions, cheques, etc., shall be signed by the President or one of the Hony. Joint Secretaries and the Hony. Treasurer for and on behalf of the Association on seal provided for the purpose.

Legal
documents,
books, etc.

12. The constitution can be amended or altered only by a vote of two-thirds of those members present at a general meeting convened for the purpose.

Amendment of
constitution.

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(2) The accounts of the Association shall be audited by the Association's auditors once in every year or more frequently if so directed by the Board.

(3) The retiring auditors shall be re-elected at the Annual General Meeting unless notice of the proposed election of any other auditor has been given at least fourteen days before such meeting.

34. Office-bearers or members of the Board shall not derive any remuneration. No office-bearer or member of the Board may derive any remuneration or other reward directly or indirectly for any service rendered to the Association during his period of office.

35. *Exemption from Liability:* All persons entering or using any part of the Association premises shall do so at their own risk and the Association shall under no circumstances be liable to indemnify or compensate any such person for any loss, damage or injury suffered by him on the premises.

36. *Amendment of rules:* No addition to, deletion, or amendment of these rules shall be made except on a special resolution of which not less than twenty-eight clear days' notice shall have been given, and which resolution shall have been passed by a majority of not less than two-thirds of the members present and voting at a special General Meeting duly convened for the purpose.

37. *Patrons:* The General Meeting shall have the power to appoint a number of, not exceeding 7, patrons from among those who give and have given support in various ways for the well being and welfare of the Association.

38. *Matters not provided for:* In the event of any question or matter arising which is not provided for in these rules, the Board of Management may make its ruling thereon through a majority of votes.