

PARLIAMENT OF CEYLON

3rd Session 1954-55



Sri Punniyawardhana Samithiya of Matale (Incorporation) Act, No. 14 of 1955

Date of Assent : April 12, 1955

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AN ACT TO INCORPORATE SRI PUNNIYAWARDHANA
SAMITHIYA OF MATALE.

[Date of Assent: April 12, 1955]

WHEREAS an association known as "Sri Punniyawardhana Samithiya of Matale" has heretofore been established at Matale for the purpose of effectually carrying out its objects according to the rules agreed to by its members:

And whereas the said association has heretofore successfully carried out its objects, and it is desirable that the said association should be incorporated:

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 Punniyawardhana Samithiya of Matale (Incorporation) Act, No. 14 of 1955.

Short title.

2. The members for the time being of the association known as Sri Punniyawardhana Samithiya of Matale shall be a body corporate (hereinafter referred to as the "Corporation") with perpetual succession, a common seal, and the name "Sri Punniyawardhana Samithiya of Matale". The Corporation may sue and be sued in such name.

Incorporation
of Sri Punniya-
wardhana
Samithiya of
Matale.

3. The general objects of the Corporation shall be—

General objects
of the Corpor-
ation.

- (a) to impart and promote the study of Buddhism,
- (b) to encourage the practical observance of the teachings of the Buddha, and thus enable the members of the Corporation and through them as many others as it may be possible, to acquire merit,
- (c) to propagate the teachings of the Buddha, and
- (d) to advance the physical, intellectual and social welfare of the members of the Corporation.

4. (1) The affairs of the Corporation shall, subject to the rules in force for the time being of the Corporation, be administered by a Committee of Management consisting of the President, three Vice-Presidents, the Honorary Secretary, the Honorary Assistant

Committee of
Management.

Secretary, and the Honorary Treasurer of the Corporation, the Manager of the Sunday Schools conducted by the Corporation, and not less than twenty-two other members of the Corporation elected to that Committee in accordance with the rules in force for the time being of the Corporation.

(2) The first Committee of Management shall consist of the following:—

(a) *Office bearers:—*

(1) S. P. Wijayatilake, Esquire, President, (2) W. Giragama, Esquire, Vice-President, (3) K. A. Uparishamy, Esquire, Vice-President, (4) M. K. B. Attanayake, Esquire, Vice-President, (5) W. P. Wimala Waidiyadasa, Esquire, Honorary Secretary, (6) U. B. Dissanayake, Esquire, Honorary Assistant Secretary, (7) V. P. H. Appuhamy, Esquire, Honorary Treasurer, (8) M. O. Abeysekera, Esquire, Manager of Sunday Schools.

(b) *Ordinary members of the Committee of Management:—*

(1) J. E. Gunasena, Esquire, (2) K. A. Arnolis Appuhamy, Esquire, (3) H. M. Upasena, Esquire, (4) P. B. Udupihilla, Esquire, (5) Edwin Wijeratne, Esquire, (6) E. K. Karunaratne, Esquire, (7) A. Somapala, Esquire, (8) L. W. S. Peries, Esquire, (9) K. A. Somapala, Esquire, (10) Victor Ekanayake, Esquire, (11) M. A. Simon Silva, Esquire, (12) H. S. Wickremasinghe, Esquire, (13) K. D. Alwis, Esquire, (14) K. M. Tikiri Banda, Esquire, (15) D. Punchi Banda, Esquire, (16) R. Karunadasa, Esquire, (17) R. M. T. Banda, Esquire, (18) D. M. Abaranhamy, Esquire, (19) K. H. A. Jayaweera, Esquire, (20) W. H. Soysa, Esquire, (21) S. W. William, Esquire, (22) C. B. Ellepola, Esquire.

5. (1) The Corporation, with the approval of the Committee of Management and of two-thirds of the members of the Corporation present at a general meeting of the Corporation, may—

(a) make rules for the admission or expulsion of members of the Corporation, for the performance of the duties of the Committee of Management and of the officers, servants and agents of the Corporation, for the procedure in the transaction of business, and generally for the management of the affairs of the Corporation and the accomplishment of its objects, and

(b) amend or rescind any of the rules of the Corporation.

(2) Subject to the provisions of sub-section (1) of this section, the rules set out in the Schedule to this Act shall be the rules of the Corporation.

(3) All members of the Corporation shall be subject to the rules in force for the time being of the Corporation.

6. All debts and liabilities of the said Sri Punniyawardhana Samithiya of Matale, existing at the time of the coming into operation of this Act, shall be paid or discharged by the Corporation, and all debts due, and subscriptions and contributions payable, to the said Sri Punniyawardhana Samithiya of Matale shall be paid to the Corporation.

Debts due from
and payable
to the Corporation.

7. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of three of the members of the Committee of Management of whom two shall be the President or Vice-President and the Honorary Secretary and who shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

How the seal
of the Corporation
is to
be affixed.

8. The Corporation may acquire and hold any movable or immovable property by right of purchase, grant, gift, testamentary disposition, or otherwise and, subject to the rules in force for the time being of the Corporation, may sell, mortgage, lease, exchange or otherwise dispose of any movable or immovable property of the Corporation: Provided, however, that the Corporation shall not sell, mortgage, or otherwise alienate (save and except by way of such lease for not more than one year at one time as is to the advantage and benefit, and in pursuance of the objects, of the Corporation) the premises of the said Sri Punniyawardhana Samithiya of Matale, now bearing Assessment No. 24, Gongawala Road, and situated in the town of Matale, for any reason or purpose whatsoever: Provided further that, if that Corporation acquires and obtains possession of other premises which meet the requirements of the Corporation better than the said premises No. 24, Gongawala Road, the Corporation may sell, mortgage, or otherwise alienate the said premises No. 24, Gongawala Road.

The Corporation
may hold property
movable
or immovable.

Saving of the
rights of the
Crown and
others.

9. 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

The Rules of Sri Punniyawardhana Samithiya of Matale.

(Section 5)

1. *Designation.*—This association shall be called “Sri Punniyawardhana Samithiya of Matale”, hereinafter referred to as the “Samithiya”.

2. *Objects.*—The objects of the Samithiya shall be—

- (a) to impart and promote the study of Buddhism,
- (b) to encourage the practical observance of the teachings of the Buddha, and thus enable the members of the Samithiya and through them as many others as it may be possible, to acquire merit,
- (c) to propagate the teachings of the Buddha, and
- (d) to advance the physical, intellectual and social welfare of the members of the Samithiya.

3. *Membership.*—(1) Men who are not less than eighteen years of age and who have in view all or any of the objects specified in rule 2 shall be eligible to be members of the Samithiya.

(2) There shall be the following three classes of members:—

- (a) ordinary members,
- (b) life members, and
- (c) honorary members.

(3) (a) A person eligible to be a member under paragraph (1) may, upon application made by him in that behalf to the Committee of Management, be elected as an ordinary member by that Committee.

(b) Every ordinary member shall pay a minimum subscription of fifty cents for each month or five rupees for each year, and such subscription shall be paid in advance.

(4) (a) A person eligible to be a member under paragraph (1) who donates not less than one hundred rupees to the Samithiya may, upon application made by him in that behalf to the Committee of Management, be elected as a life member by that Committee.

(b) A person eligible to be a member under paragraph (1) who donates not less than one hundred and fifty rupees to the Samithiya in monthly instalments spread over a period of not more than twenty months may, upon application made by him in that behalf to the Committee of Management, be elected as a life member by that Committee.

(5) A person eligible to be a member under paragraph (1) who has rendered distinguished service to the cause of Buddhism may be elected as an honorary member at a general meeting of the Samithiya.

(6) Every application for membership shall be countersigned by a member as proposer and shall be sent to the Honorary Secretary who shall submit it to the Committee of Management for necessary action.

(7) Where an ordinary member is in arrears of his subscription for a period of six months, he shall be given two written reminders of his default and one month's time for the payment of the arrears, and if he fails to pay the arrears within that time, his name may be removed from the roll of members. After his name is removed from such roll, he shall not be re-elected as a member until the arrears due from him are paid, unless the Committee of Management decides otherwise.

(8) Any member whose conduct is detrimental to the interests of the Samithiya may, after investigation by a select committee appointed by the Committee of Management, be suspended or expelled from membership at a meeting of the Committee of Management specially convened for the purpose, if two-thirds of the members of that Committee who are present at such meeting approve of such suspension or expulsion. The quorum for such a meeting shall be ten members of the Committee of Management. Any member who is suspended or expelled shall have no right to, or claim for, the refund of any subscription paid or any donation given by him to the Samithiya before his suspension or expulsion.

4. *Patrons.*—Three Patrons from the Sangha, and two Patrons from the laity, shall be elected at the Annual General Meeting of the Samithiya.

5. *Office-bearers and Committee of Management.*—(1) The office-bearers of the Samithiya shall be—

- (a) a President,
- (b) three Vice-Presidents,
- (c) an Honorary Secretary,
- (d) an Assistant Honorary Secretary,
- (e) an Honorary Treasurer, and
- (f) an Honorary Manager of Sunday Schools.

(2) The office-bearers shall be elected at the Annual General Meeting of the Samithiya, and shall, unless they cease to hold office earlier, hold office from the date of their election until the election of the office-bearers for the next succeeding year.

(3) If an office-bearer fails to attend three successive monthly meetings of the Committee of Management, he shall, unless he satisfies that Committee that his failure was due to a reasonable cause, cease to be such office-bearer.

(4) The Committee of Management shall consist of—

- (a) the office-bearers of the Samithiya who shall be ex-officio members of that Committee, and
- (b) twenty-two other members elected to that Committee at the Annual General Meeting of the Samithiya.

(5) Every member of the Committee of Management shall hold office as such member from the date of the constitution of that Committee until the constitution of a Committee of Management

for the next succeeding year unless he, being an office-bearer of the Samithiya, earlier ceases to be such office-bearer, or, being an elected member of that Committee, earlier ceases to be a member of that Committee.

(6) If a member of the Committee of Management who is not an ex-officio member of that Committee fails to attend three successive monthly meetings of that Committee, he shall, unless he satisfies that Committee that his failure was due to a reasonable cause, cease to be a member of that Committee.

(7) Where a vacancy occurs in an office held by an office-bearer of the Samithiya or in the Committee of Management, that Committee shall elect from the members of the Samithiya a person to fill the vacancy.

(8) The Committee of Management may elect from the members of that Committee an honorary auditor and four honorary helpers in organising the activities of the Samithiya.

6. *Meetings.*—(1) An Annual General Meeting of the Samithiya shall be held in the month of February or so soon thereafter as shall be decided by the Committee of Management. At such meeting a report of the work done by the Committee of Management and the duly audited statement of accounts for the preceding year shall be presented by the Honorary Secretary and Honorary Treasurer respectively, and office-bearers and members of the Committee of Management for the ensuing year shall be elected.

(2) The Honorary Secretary shall convene a general meeting of the Samithiya at the request of the Committee of Management or upon a written requisition of not less than twenty members. The President and the Honorary Secretary, and, in the absence of the President, any two out of the three Vice-Presidents and the Honorary Secretary, may convene a general meeting of the Samithiya.

(3) The quorum for a general meeting of the Samithiya shall be seventeen members of whom at least one-third shall be office-bearers of the Samithiya.

(4) A meeting of the Committee of Management shall be convened on the first Wednesday of every month, or so soon thereafter as it may be convenient if for any reason no meeting is held on the appointed day. Meetings of the Committee of Management shall be convened by the Honorary Secretary.

(5) Special meetings of the Committee of Management may be convened by the Honorary Secretary at the request of the President, or on a written requisition made by not less than five members of that Committee.

(6) The quorum for a meeting of the Committee of Management shall be seven members of that Committee of whom at least three shall be office-bearers.

7. *Annual Celebrations of the Samithiya.*—A meeting of the Samithiya shall be held annually, to which members of the general public may be invited and which may be presided over by a person who has rendered distinguished service to the cause of Buddhism. All members shall be given at least seven days' notice.

notice of the convening of such meeting. At such meeting the Honorary Secretary shall proclaim the names of the office-bearers and members of the Committee of Management elected for the ensuing year, and the Honorary Treasurer's report shall be read out by the Honorary Secretary. The Honorary Secretary shall also read his report of the activities of the Society during the preceding year. Such meeting shall, if possible, be held in the month of March in each year.

8. *Procedure and duties of office-bearers.*—(1) The President or, in his absence, one of the Vice-Presidents shall be the Chairman at all meetings of the Samithiya other than a meeting held under rule 7. If neither the President nor one of the Vice-Presidents is present, a member shall be voted to the Chair. The Chairman shall have a casting vote.

(2) The Honorary Secretary shall keep a record of all meetings of the Samithiya, a register of members, and any other record that may be necessary, and have the custody of title deeds relating to property of the Samithiya, inventories of movable property of the Samithiya, and all previous records and report books of the Samithiya:

Provided, however, that the Committee of Management may at its discretion direct the title deeds or other valuable security belonging to the Samithiya to be deposited for safe-keeping with a Bank approved by that Committee.

(3) The Honorary Treasurer shall receive, and keep accounts of, all moneys belonging to the Samithiya, and shall make such payments as are authorized by the Committee of Management or by these rules. He shall prepare and submit duly audited statements of accounts at the monthly meetings of the Committee of Management and also a duly audited balance sheet at the Annual General Meeting of the Samithiya. His books shall be open to the inspection of members in the presence of the Honorary Secretary at all reasonable times.

9. *Funds of the Samithiya.*—(1) The Honorary Treasurer shall be entitled to keep with him cash not exceeding Rs. 100, and all moneys coming into his hands in excess of such amount shall be deposited by him at the Post Office Savings Bank or at any other Bank determined by the Committee of Management.

(2) The Honorary Secretary shall be entitled to spend not more than Rs. 30 at one time. Any expenditure exceeding Rs. 30 at one time shall be incurred with the approval of the Committee of Management. All moneys expended by the Honorary Secretary shall be shewn in the statement of accounts submitted by the Honorary Treasurer at the monthly meetings of the Committee of Management under rule 8 (3).

10. *Resolutions.*—Any resolution relating to any of the objects of the Samithiya under rule 2, or for the general good of the Samithiya, may be moved at a meeting of the Samithiya by any member, and notice of every such resolution shall be given in writing to the Honorary Secretary at least five days before the date of the meeting at which that resolution is to be moved.

11. *Property of the Samithiya.*—(1) The Committee of Management shall hold and administer for the purposes of the Samithiya all property belonging to the Samithiya.

(2) The Committee of Management may, with the consent of two-thirds of the members present at a general meeting of the Samithiya, sell, mortgage, lease, exchange, or otherwise alienate, any movable property belonging to the Samithiya, if the proposed sale, mortgage, lease, exchange or alienation is confirmed by two-thirds of the members of the Committee of Management present at a meeting of that Committee held within one month after the aforesaid general meeting of the Samithiya.

(3) Any immovable property of the Samithiya other than the premises No. 24, Gongawala Road, Matale, may be sold, mortgaged, or otherwise alienated and disposed of in the same manner and subject to the like conditions as movable property of the Samithiya under paragraph (2) of this rule.

(4) A caretaker shall be appointed on a reasonable monthly salary to be generally in charge of the property of the Samithiya and to keep and maintain such property in clean and sanitary condition. The person appointed as caretaker shall be required to give security either in cash or with one or more sureties in a sum to be fixed at its discretion by the Committee of Management.

(5) The assessment rates and other taxes, if any, payable to the Urban Council of Matale, and any electricity fees payable for the use of electric current, shall be paid by the Honorary Secretary or the Honorary Treasurer on the due dates.

(6) Any Buddhist organization, gathering of Buddhists, or meeting of Buddhists may make use of the Samithiya's hall for Buddhist activities, with the prior consent of the President and the Honorary Secretary.

(7) The Samithiya's hall or any portion of the building of which such hall is a part shall not at any time be used as a residence for Bhikkus or even for temporary residence during the 'vas' season for Bhikkus.

(8) The use of the Samithiya's hall and premises may also be allowed to any person or body of persons for purposes which are either educational or for the public good. The rent chargeable for such use shall be determined by the Committee of Management. The hall of the Samithiya or any part of the buildings of the Samithiya shall not be used or given for the use of political meetings or for any purpose which is against the objects of the Samithiya.

(9) The hall and premises of the Samithiya may be rented out for the purposes of social gatherings at which no intoxicants of any sort are used. The rent shall be determined by the Committee of Management.

(10) Buddhists going on pilgrimages and passing through Matale or coming to Matale shall have the use of the hall of the Samithiya and of the kitchen, lavatories and water services provided at the said premises, and such use by each party of Buddhist pilgrims shall be for not more than twenty-four hours at a time. The time limit may be varied at the discretion of the Honorary Secretary under exceptional circumstances.