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2nd Session 1953-54



Badulla Saiva Paripalana Sangam Act, No. 24 of 1954

Date of Assent : March 24, 1954

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AN ACT TO INCORPORATE THE BADULLA SAIVA
PARIPALANA SANGAM.

[Date of Assent: March 24, 1954]

WHEREAS an association called and known as "The Badulla Saiva Paripalana Sangam" has heretofore been established at Badulla 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:—

Enacting
Clause.

1. This Act may be cited as the Badulla Saiva Paripalana Sangam Act, No. 24 of 1954.

Short title.

2. From and after the passing of this Act the President, Vice-Presidents, and members of the Executive Committee for the time being of the said Badulla Saiva Paripalana Sangam and such and so many persons as now are members of the said Badulla Saiva Paripalana Sangam, 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 Badulla Saiva Paripalana Sangam" 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 their pleasure.

Incorporation
of the Badulla
Saiva Pari-
palana
Sangam.

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

General objects
of the
corporation.

(i) Promotion of solidarity and welfare of the Hindus.

(ii) Propagation of the principles of Hinduism and inculcation of a spirit of harmonious understanding among the people.

(iii) The religious social and literary advancement of the people in general, and in particular, the development of Tamil literature and culture.

Executive
Committee.

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 an Executive Committee consisting of the President, two Vice-Presidents, the Honorary General Secretary, the Honorary Treasurer respectively of the corporation and not less than fifteen other members, to be elected respectively in accordance with rules for the time being of the corporation.

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

(3) The first Executive Committee shall consist of Mr. K. S. Ratnasamy, Mr. R. Sivananajothy, Mr. K. Vallipuram, Mr. S. Arumugarajah, Mr. E. Seevaratnam, Mr. T. Kandasamy, Mr. V. K. Karalasingham, Mr. K. Singaram, Mr. T. Balasingham, Mr. R. Muthiah, Mr. A. M. Thillainathan, Mr. V. Ponnampalam, Mr. K. Ramanathan, Mr. N. Sinniah, Mr. K. Sinniah, Mr. S. S. Nadarajah, Mr. K. Gopalasamy, Mr. K. Tharmalingam, Mr. N. Pasupathipillai, Mr. M. Shanmugam, Mr. P. Kanagaratnam, Mr. S. Sivanayagam, Mr. A. K. Kandasamy.

Power to
make rules.

5. It shall be lawful for the corporation from time to time at any general meeting of the members, and by a majority of votes to make rules for the admission, withdrawal, or expulsion of members; for the conduct of the duties of the Executive Committee and of the various officers, agents, and servants of the corporation; for the procedure in the transaction of business; and otherwise generally for the management of the affairs of the corporation and the accomplishment of its objects. Subject to the provisions of section 7, such rules may, at such a general meeting, be amended, added to or repealed.

Rules in the
Schedule to
be the rules
of the
Corporation.

6. Subject to the provisions of section 5, the rules set out in the Schedule to this Act shall for all purposes be the rules of the corporation:

Provided, however, that nothing in this section contained shall be deemed or construed to prevent the corporation at any general meeting from making fresh rules, or from amending, adding to or repealing any of the rules set out in such Schedule.

7. No rule in the Schedule to this Act nor any rule hereafter passed at a general meeting, shall be amended, added to or repealed, except with the prior approval of the Executive Committee and by a vote of two-thirds of the members present at a general meeting of the corporation.

Amendment,
etc., of rules.

8. All debts and liabilities of the said Badulla Saiva Paripalana Sangam 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 Badulla Saiva Paripalana Sangam, shall be paid to the said corporation for the purposes of this Act.

Debts due
by and
payable to
corporation.

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 Executive Committee, 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.

How the
seal of the
corporation
is to be
affixed.

10. 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 for the purposes of the Act.

Corporation
may hold
property,
movable and
immovable.

Provided that every disposition affecting movable property not exceeding the value of one thousand rupees shall have the consent of at least two-thirds of the members of the Executive Committee present at a duly convened meeting and provided further that every disposition affecting movable property of over the value of one thousand rupees or immovable property shall have in addition to the consent aforesaid of the Executive Committee the consent of at least two-thirds of the members present at a general meeting of the corporation specially convened for the purpose.

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

*The rules of the Badulla Saiva Paripalana Sangam,
Established in 1926*

1. *Name.*—The Association shall be called 'the Badulla Saiva Paripalana Sangam'.

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

- (i) to work for the progress and solidarity of the Hindu society,
- (ii) to propagate the principles of Hinduism and to inculcate a spirit of harmonious understanding among people and
- (iii) to work for the religious, social and literary advancement of the people in general and in particular for the development of Tamil literature and culture.

3. *Membership.*—(i) All males and females above the age of eighteen who subscribe to the Hindu faith and who are prepared to work for the objects of the Sangam shall be eligible for its membership.

(a) The membership of the Sangam shall be classified as honorary, ordinary and life members.

(b) Honorary members shall mean those persons elected as such at the Annual General Meeting of the Sangam in recognition of their invaluable contribution to the religious, social and literary development of the people or for the progress and advancement of the Sangam.

(ii) Every application for membership as an ordinary or a life member shall be subject to the approval of the Executive Committee of the Sangam.

(iii) Any ordinary member who allows his monthly subscription to fall into arrears for a period of three consecutive months shall on being notified to that effect in writing by the Honorary Secretary forfeit his membership unless he pays up all arrears within the period of one month from the receipt of the said notice. Notwithstanding the failure of any defaulting member to pay up his arrears within the said period of one month after the receipt of the notice the Executive Committee shall have the power to allow him to revive his membership on payment of all arrears.

4. *Enrolment.*—The application for membership shall be made in the prescribed form to the Honorary Secretary who shall submit it to the Executive Committee for its approval.

5. *Subscriptions.*—(i) Every ordinary member shall pay a minimum of fifty cents (cents 50) as subscription for a month which shall be payable monthly in advance.

(ii) Any person who pays the subscription of rupees hundred (Rs. 100) in full shall be eligible to be elected as a life member at the discretion of the Executive Committee.

(iii) No person shall be entitled for the refund of any money paid by him as subscription in the event of the Executive Committee not accepting his application for membership.

6. *Patron.*—At the Annual General Meeting a prominent Hindu shall be elected as the Patron of the Sangam.

7. *Office-bearers.*—(i) The eight office-bearers of the Sangam shall consist of the following: A President, two Vice-Presidents, an Honorary Secretary, two Honorary Assistant Secretaries, an Honorary Treasurer, an Honorary Assistant Treasurer and an Honorary School Secretary. The Honorary Secretary shall act as the Honorary School Secretary.

(ii) In the event of any vacancy occurring among the office-bearers it shall be filled by the Executive Committee.

(iii) The functions of the office-bearers shall be:

- (a) *The President* (1) to preside over the general meetings of the Sangam and the meetings of the Executive Committee and (2) to act for any other office-bearer if the contingency arises or to summon the Executive Committee for making suitable arrangements.
- (b) *The Vice-President* to act for the President in his absence and to assist him in his duties.
- (c) *The Honorary Secretary* (1) to summon meetings with due notice, (2) to perform generally all executive functions of the Sangam and to implement its resolutions and decisions, (3) to attend to all the correspondence of the Sangam and to prepare the minutes and report of the meetings, and (4) to draw money from the Honorary Treasurer, and if such amount exceeds fifty rupees, to draw such amount from the Honorary Treasurer, with the prior approval of the Executive Committee and to disburse it for matters pertaining to the Sangam and to submit through the Honorary Treasurer the accounts of such expenditure for the approval of the Executive Committee.
- (d) *The Honorary Assistant Secretary* to act for the Honorary Secretary in his absence and to assist him in his duties.
- (e) *The Honorary Treasurer* (1) to collect subscriptions and other monies as approved by the Executive Committee and deposit them in the Bank according to the rules of the Sangam prescribed under Rule No. 14 relating to finance of the Sangam, (2) to provide monies to the Honorary Secretary, and if such amount exceeds fifty rupees, to pay such amount to the Honorary Secretary with the prior approval of the Executive Committee and to submit the accounts of such expenditure to the Executive Committee for its approval, and (3) to keep in his custody all books of accounts of the Sangam and to prepare and submit for the approval of the Executive Committee the Annual Statement of Accounts.
- (f) *The Honorary Assistant Treasurer* to act for the Honorary Treasurer in his absence and to assist him in his duties.
- (g) *The Honorary School Secretary* (1) to attend to the affairs relating to the management of the school as directed by the Manager of the School and by the Executive Committee and to assist the Manager in his duties, and (2) to prepare and have in his custody the Inventory of school articles which shall be annually audited by the Auditor of the Sangam before the Annual General Meeting.

8. *The Executive Committee.*—(i) The general management of the Sangam shall be vested in the Executive Committee which shall consist of the following: the eight office-bearers of the Sangam, eleven members elected at the Annual General Meeting, the Manager and the Head Teacher of Saraswathy Vidhyasalai, Badulla, the Representative of the Badulla Saiva Paripalana Sangam in the Committee of the Trustee of the Badulla Sri Manikka Vinayaga Athi Kathirvadi Velayuthe Swami Temple and the person elected to be the Religious Instructor to the prisoners at the Badulla Prisons.

(ii) It shall be the duty of the Executive Committee to work for the achievement of the objects of the Sangam and to effectually promote its aims.

(iii) The Executive Committee shall have the power to disburse the money for the expenditure relating to the Sangam and raise subscriptions for any special purposes.

(iv) In the event of any vacancy occurring in the Executive Committee it shall be filled by the Executive Committee and the Executive Committee shall have the power to remove any person from its membership if he absents himself from three consecutive meetings of the Executive Committee without its prior permission.

(v) The quorum for the meeting of the Executive Committee shall be nine.

(vi) At least three days notice shall be given for summoning the meetings of the Executive Committee but with the permission of the President if any contingency arises meetings could be summoned at shorter notice as special meetings of the Executive Committee.

(vii) If a requisition is made in writing by five members of the Executive Committee, the Honorary Secretary shall summon the meeting of the Executive Committee.

(viii) The Annual Report and the Annual Statement of Accounts shall be submitted to the Executive Committee for its scrutiny and approval.

(ix) The Honorary Secretary shall have the power to invite any person at his discretion to attend the meetings of the Executive Committee for consultation on any important matter relating to the affairs of the Sangam.

9. *General Meeting.*—(i) The General Meeting shall be open to all members of the Sangam.

(ii) A General Meeting may be summoned by the Honorary Secretary at his own instance or at the request of the President to consider any important matter that pertains to the Sangam, or at the request of the Executive Committee or on a requisition made in writing by any twenty members of the Sangam.

(iii) The quorum for a General Meeting shall be twenty-five.

(iv) At least ten days notice shall be given for summoning the General Meetings but with the permission of the President, if any contingency arises General Meetings could be summoned at shorter notice as special meetings.