



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,509 — MONDAY, JANUARY 28, 1946.

Published by Authority.

PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance to declare the Constitution of the Manipay Hindu College and to incorporate the Board of Directors of the said College.

WHEREAS Welauthar Sangarapulle, Esquire, founded at Manipay a College called The Manipay Hindu College for the education of Hindu students with the support of several inhabitants of the Western and Northern Provinces. Preamble.

And whereas after his death the management of the said College was carried on by a Board of Directors.

And whereas it is found desirable to constitute certain persons one body politic and corporate for the purpose of effectually transacting all affairs connected with the said College.

Be it therefore enacted by the Governor of Ceylon by and with the advice and consent of the State Council thereof as follows:—

This Ordinance may be cited as The Manipay Hindu College Ordinance. Short Title.

The persons named in Schedule "A" being the present Directors of the said College, and such persons as may hereafter be appointed from time to time Directors of the said College as declared and set forth in Schedule "B" shall be one body politic and corporate by the name of "The Board of Directors of the Manipay Hindu College," and by the said name they shall have perpetual succession, and shall and may use a common seal with power to alter the same at their pleasure. Incorporation of the Directors of the Manipay Hindu College under the name and title of the Board of Directors of the Manipay Hindu College.

They and their successors by the same name may sue and be sued, implead and be impleaded in all and any Courts of law whatsoever of the Island in all manner of actions, complaints and causes whatsoever. Corporation may sue and be sued, &c.

They and their successors by the name aforesaid shall be capable of holding all movable and immovable properties as have been already acquired by them, and of having and holding ever hereafter other estates movable and immovable, either by purchase, gift, devise or legacy to and for the use and benefit of the said College, and of selling, disposing of, or exchanging same for the benefit of the said College all mortgages and other securities which they may hold or shall be entitled to. May hold movable and immovable property.

All movable and immovable property including title deeds, mortgages, and other securities for land, tenements and money, held in the name of any persons as trustees of the said College shall be and the same are hereby declared to be transferred and vested in the Board of Directors of The Manipay Hindu College and their successors in the Corporate's name, as if Power to sell lands. All Securities for money in name of Trustees of said College to be vested in the Corporation.

the same had been conveyed, assigned and transferred, by the Trustees in whose names the same are now held to the said Corporation.

Savings of the rights of the Crown.

Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, his heirs and successors or of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from, or under them.

Schedule "A".

The Board of Directors of The Manipay Hindu College :

1. Sangarapulle Pararajasingam, J.P.
2. Sangarapulle Doresamy.
3. Sangarapulle Pathamanathan.
4. Mootatamby Swaminathan, Advocate.
5. Arumugam Sellamuttu, M.B.E.
6. Eliyathamby Murugesampillai, J.P.
7. Thiruvilangam, Sathasivam, J.P., M.B.E.
8. Karalapillai Sunderampillai, B.Sc. (Lond.).
9. Kanagasaby Swaminathan.
10. Sivagurunathan Theagarajah.
11. Muhandiram Swaminathapillai Kanagaratnam Swaminathan.
12. Rasanayagam Sinniah.
13. R. Dharmalingam, Proctor.
14. Sellamuttu Sivanathan.
15. Jeganathan Tyagaraja, M.S.C.
16. Hon. Sir Waitilingam Duraiswamy.
17. Chithamparapillai Thiagarajah.
18. Karalapillai Shanmukhan, Bar-at-Law.
19. Sellamuttu Somasunderam.
20. Rasaratnam Jeganathan.

Schedule "B".

Constitution agreed to by the Board of Directors of The Manipay Hindu College.

1. The Institution shall be called The Manipay Hindu College.
2. The Institution shall be conducted and managed in accordance with the tenets of the Hindu Religion and at no time shall the number of non-Hindus on the Board of Directors exceed two.
3. The object of the Institution shall be to give all pupils admitted into the College a thorough general education and religious instruction.
4. The general government and direction of the College shall be vested in a Board of Directors not more than twenty-three or less than twenty-one in number distributed for purposes of retirement and election of Directors into three sections designated A, B, and C, each section not exceeding nine in number. Section C shall consist of Sangarapulle Pararajasingam, Sangarapulle Doresamy, Sangarapulle Pathmanathan and their successors, the two representatives of old boys, the Principal of the College and the Member of the State Council who represents the Electoral Division in which the College is situated provided he consents.
5. The Board of Directors shall be constituted and elected as follows :
 - (a) Sangarapulle Pararajasingam, Sangarapulle Doresamy and Sangarapulle Pathmanathan who are the sons of the Founder of the said College, Welauthar Sangarapulle, shall be life members of the Board of Directors, Sangarapulle Pararajasingam and Sangarapulle Pathmanathan shall have the right of perpetual succession to the Board. It shall be competent for Sangarapulle Pararajasingam and Sangarapulle Pathmanathan to nominate in writing their respective successors to the Board of Directors in the event of their retirement from the Board or death, and the persons so nominated shall be Life Members of the Board of Directors with like power to nominate their successors on the Board in the event of their death or retirement. In the event of the said Sangarapulle Pararajasingam or Sangarapulle Pathmanathan or their respective successors retiring or dying without nominating his successor on the Board the Directors shall elect the eldest available male member of the family of Welauthar Sangarapulle in the direct or collateral line to fill the vacancy provided he professes the Hindu Religion.
 - (b) Two Old Boys of the College to represent the Old Boys on the Board of Directors shall be elected by the Board of Directors itself or by any organization of Old Boys to which the Board of Directors may by resolution delegate this power. The Old Boys so elected shall be members of the Board for a period of two years from the date of election after which fresh elections shall take place.
 - (c) The Principal of the College shall be a member of the Board of Directors ex officio.
 - (d) The representative in the Ceylon State Council for the electoral division in which the College is situated shall, subject to his approval, be a member of the Board of Directors.
 - (e) The remaining members of the Board of Directors shall be elected as hereinafter provided.
6. The Board of Directors of the College shall upon enactment of this Ordinance consist of the following Directors distributed

Section "A"

1. Jeganathan Tyagaraja, M.S.C.
2. Arumugam Sellamuttu, M.B.E.
3. Karalapillai Shanmukham, Bar-at-law.
4. Karalapillai Sunderampillai, B.Sc. (Lond.).
5. R. Dharmalingam, Proctor.
6. Thiruvilangam Sathasivam, J.P., M.B.E.
7. Sellamuttu Somasundaram.
8. Chithamparapillai Thiagarajah.

Section "B"

1. Mootatamby Swaminathan, Advocate.
2. Eliathamby Murugesampillai, J.P.
3. Kanagasabay Swaminathan.
4. Sivagurunathan Theagarajah.
5. Muhandiram Swaminathanpillai Kanagaratnam Swaminathan.
6. Rasanayagam Sinniah.
7. Sellamuttu Sivanathan.
8. Rasaratnam Jeganathan.

Section "C"

1. Sangarapulle Pararajasingam, J.P.
2. Sangarapulle Doresamy.
3. Sangarapulle Pathmanathan.
4. The Principal ex officio.
5. Representatives of Old Boys.
6. Representatives of Old Boys.
7. Representative of V. West in State Council.

The Directors named in Section "A" and their substitutes elected as in Article 10 hereof provided may hold office until the first election of Directors as in Article 7 provided and those named in Section "B" and their substitutes until the second election and those named in section "C" shall vacate office as provided in Article 5.

7. The first election of Directors shall be held at the First Annual General Meeting to be held under this Constitution and at the said election the Directors then forming Section "A" shall retire from office but shall be eligible for re-election. The Directors then forming Sections "B" and "C" shall elect Directors not exceeding nine in number to form section "A" of the Directorate Body for the two years next ensuing.

The second election of the Directors shall in like manner be held at the Second Annual General Meeting which shall be held under this Constitution, the Directors then forming Section "B" retiring but being eligible for re-election. The Directors then forming Section "A" and "C" shall elect Directors not exceeding nine in number to form Section "B" and this rotation of retirement of Sections "A" and "B" with like eligibility for re-election shall be observed in the elections held each year.

The two representatives of the Old Boys on the Board of Directors shall retire from the Board at the second Annual General Meeting which shall be held under this Constitution after the election of the Directors forming Section "B" of the Directorate Body and the Directors forming Sections "A" and "B" shall at the said meeting elect two representatives to represent the Old Boys unless they shall have earlier delegated the power to elect two Old Boys to any organizations of Old Boys. Thereafter the said two representatives shall retire and fresh elections shall take place every two years and the same procedure shall be followed. The representatives of Old Boys who retire shall be eligible for re-election.

8. No person who is a member of the Staff of the Manipay Hindu College except the Principal or who is a member of the Staff of any other School or College shall be eligible to be a Director.

9. No person who has been convicted of any infamous crime shall be a member of the Board of Directors.

10. Whenever a Director dies or resigns his office the other Directors may elect as substitute for such Director any suitable person to fill the vacancy and such substitute Director shall hold office until he himself shall vacate his office in any manner before mentioned.

11. The Annual General Meeting of the Board of Directors shall be held at such time and at such place as the Directors for the time being shall determine not later than the 30th day of April of every year, notice whereof shall be given by the Secretary to each Director seven days previous thereto. At such Annual General Meeting the Principal shall present a Report on the state of the College and on the work done during the previous Collegiate year. The Treasurer shall present a statement of receipts and expenditure during the year properly audited by Auditors appointed by the Board. The Managing Committee shall present a full report of its work during the year together with Minutes of its Meetings.

12. A Meeting of the Board of Directors shall be held at least once in every year. The Secretary shall summon a meeting of the Board of Directors to be held on such date or dates and at such place as may be decided upon by the Board, and at such other times on a requisition in writing by at least seven members of the Board of Directors or by the President of the Board of

13. At any Meeting of the Board of Directors duly convened five shall form a quorum.

14. The Office-bearers of the Board of Directors shall be a President who shall also be the Manager of the College, a Vice-President, a Secretary, Treasurer, each of whom shall be elected out of the body of Directors by the members of the Board of Directors present at the Meeting of Directors held immediately after the election of a new section of the Board and shall continue to hold office until the close of the Annual General Meeting which shall be held next thereafter provided, however, that Sangarapulle Pararajasingam held the office of President of the Board and Manager of the College for the period of three years from the date of incorporation of the Board of Directors, anything to the contrary herein contained notwithstanding and shall be entitled to stand for re-election. Should any office be vacated at any time other than at the Annual General Meeting the Board of Directors may appoint another Director thereto.

15. The Board of Directors may from time to time make by-laws and rules to define the duties of its several officers and to regulate the manner in which its meetings shall be convened, held and adjourned and for the conduct of its proceedings. Such by-laws and rules when made shall not be revoked or altered save at a meeting of the said Board duly convened for the purpose.

16. The Board of Directors shall have power to make and enforce such laws and regulations as may be necessary for the conduct and management of the Institution, to appoint the Principal and other members of the Staff of the College and at their discretion remove any of them and to decide upon all matters connected with the course of study in the College and the management of the College.

17. The Office-bearers of the Board of Directors and the Principal ex officio and one Director to be elected by the Board of Directors at the Annual General Meeting shall form the Managing Committee of the College. The Managing Committee shall have power to consider and decide all questions pertaining to the Management of the College which may arise in the interval between any meetings of the Board of Directors, including the appointment and removal of teachers or other employees. But it shall submit a report of all its activities to the Board of Directors at its next meeting thereafter to be by the Board confirmed or disallowed both in relation to or disallowed both in relation to the occasions in which such actions originated (so far as final action on any of them has been deferred or may thereafter yet be taken) and in relation to all like questions which may arise in future.

18. At all meetings of the Managing Committee three shall form a quorum provided, however, that decisions of the Managing Committee may be registered by circularizing papers among the members and obtaining their views in writing, if the President of the Board considers such a step necessary.

19. The Faculty of the College shall be constituted as follows:—

- (1) The Principal shall be Chairman of the Faculty ex officio.
- (2) All teachers of the College who are University graduates, or who have obtained First Class Trained Teachers' Certificates or an equivalent diploma in education and who have served the College for two years shall be members of the Faculty.

20. The Faculty shall be an advisory body and shall have power to advise the Principal on the general course of study and the conditions under which students shall be admitted, the general arrangement of the terms and the limits of the Collegiate year, all questions of promotions of students and all questions relating to the general discipline of the College. The Faculty shall submit the minutes of their Meetings to the Managing Committee.

21. The members of the Faculty shall frame rules for the election of all Office-bearers other than the Chairman and for the conduct of their meeting.

22. Any article of this Constitution may be by the Board of Directors repealed or amended and a new provision in lieu thereof may be substituted for or added to any of the then existing articles provided that all such changes shall be voted by three-fourth of the Directors present at any meeting at which with due notice to the Directors the alterations shall have been proposed and discussed and that such three-fourth shall constitute a clear majority of the entire Board and provided, secondly, that the object for which the College was founded shall be respected, and, thirdly, such changes shall be approved by the Governor.

Objects and Reasons.

The object of this Bill is to incorporate the Board of Directors of the Manipal Hindu College so as to enable the Board more effectively to administer its affairs and to hold and dispose of property, both movable and immovable, as a body corporate with perpetual succession.

J. TYAGARAJA,
Mover of the Bill.