



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

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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 Incorporate the Moors' Islamic Cultural Home.

WHEREAS an institution, styled and known as the Moors' Islamic Cultural Home, has heretofore been established at Colombo, for the purpose of effectually carrying out and transacting all matters connected with the said institution.

And whereas the said institution has applied to be incorporated and it will be for the public advantage to grant the application:

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

1. This Ordinance may be cited as the Moors' Islamic Cultural Home Incorporation Ordinance, No.

2. From and after the passing of this Ordinance, the President and members of the Panel of Trustees for the time being of the said Moors' Islamic Cultural Home, as hereinafter constituted, and as such and so many persons as now or shall hereafter be admitted as members of the Moors' Islamic Cultural Home shall be a corporation hereinafter called "the corporation", and shall have the name of "The Moors' Islamic Cultural Home", and in that name shall have perpetual succession and shall and may sue and be sued in all courts in Ceylon, and may have and use a common seal and alter the same at their pleasure.

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

- (a) the spreading of Islamic humanization and morals
- (b) to foster a spirit of fellowship and camaraderie among its members and to instil into them the principles of service to the community and country
- (c) to provide and maintain facilities for the acquisition of knowledge, especially pertaining to Islam and to provide opportunities for members to acquaint themselves with current trends in other parts of the Islamic world.
- (d) to take from the culture of the East and West all that is good and to reject all that is bad in them
- (e) to provide and maintain opportunities for the interchange of ideas on current problems by a system of debates, lectures, study circles and the like.
- (f) to set up voluntary machinery and organisation to promote the religious, cultural, educational, social and economic welfare of the Muslims, irrespective of race
- (g) to provide facilities for recreation
- (h) to establish and maintain a hostelry to house outstation students and a guest house for visitors.
- (i) to run a restaurant or buffet where refreshments could be had at reasonable rates
- (j) to establish and maintain a set of apartments to be let out for weddings and other social functions.

Preamble.

Short Title.

Incorporation of the Moors' Islamic Cultural Home.

General objects of the Corporation.

A. R. M. Thassim, Kathi,
 J.P. Balapitiya
 M. H. M. Yusuf Colombo
 A. R. M. Zarook ”

5. (1) It shall be lawful for the Panel of Trustees at any of its meetings, held after due notice, by a majority of votes of the members present and voting at such meeting, to make rules :—

Rules.

- (a) for the admission, withdrawal, suspension or expulsion of members
- (b) for the conduct of the duties of the Panel of Trustees and of the various sub-committees, office-bearers, agents and servants of the corporation
- (c) for the procedure in the transaction of business
- (d) for the election or appointment of the office-bearers of the corporation or of the members of the Panel of Trustees and for their tenure of office, and
- (e) otherwise generally for the management of the affairs of the corporation and the accomplishment of its objects.

(2) The rules in the Schedule to this Ordinance shall for all purposes be deemed to be the rules of the corporation in force at the commencement of this Ordinance, and to have been made under this Ordinance, and may be altered, added to, amended, or rescinded by rules, to be made under this Ordinance.

(3) All members of the corporation shall be subject to any rules made or deemed to be made under this Ordinance.

6. On the coming into operation of the Ordinance, all and every property belonging to the Moors' Islamic Cultural Home or in the name or names of any person or persons in trust for the Moors' Islamic Cultural Home shall be, and the same are hereby vested in the corporation and shall be held by the corporation in its corporate name and the same together with all property hereafter to be acquired by the corporation, both movable and immovable, and all subscriptions, contributions, donations, amounts of loans, and advances received or to be received, shall be held by the corporation for the purpose of this Ordinance subject to the rules made or deemed to be made under this ordinance and subject to any trusts under which such property may have been received, and in the administration of such trusts, nothing shall be done to violate the intention of the donor or donors.

7. All debts and liabilities of the said Moors' Islamic Cultural Home which were in existence before the coming into operation of this Ordinance, shall be paid by the corporation, and all debts due to and subscriptions and contributions payable to the said Moors' Islamic Cultural Home shall be paid to the corporation for the purpose of this Ordinance.

Debts, &c.,
 due by and
 payable to the
 Corporation.

8. The seal of the corporation shall not be affixed to any instrument whatsoever, except in the presence of three members of the Panel of Trustees, of whom one shall be the President or a Vice-President, expressly nominated by the Panel of Trustees who shall sign their names to the instrument in token of their presence, and such signature shall be independent of the signing of any person as a witness.

Seal.

9. The corporation shall be able and capable in law to take and hold any property, 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 purpose of this ordinance and subject to any rules made or deemed to be made under this ordinance with full power to sell, mortgage, lease, exchange or dispose of the same.

10. Except so far as provided in this ordinance or in any rules made or deemed to be made thereunder, any dispute or doubt as to any matter or question affecting or relating to the principles or policy of the corporation shall be referred to the Panel of Trustees whose decision thereon shall be final.

Decision of
 disputes, &c.,
 as to principles
 or Policy.

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

Saving of the
 rights of the
 Crown and
 others.

SCHEDULE.

Rules of the Moors' Islamic Cultural Home, Colombo.

1. In these rules, unless the context otherwise requires—
 - (1) "The Corporation" means the Moors' Islamic Cultural Home, as incorporated by the Ordinance.
 - (2) "The Ordinance" means the Moors' Islamic Cultural Home Incorporation Ordinance.
 - (3) "The Panel" means the Panel of Trustees.

2. *Membership* —(1) Persons not less than sixteen years of age, having any or all of the objects of the corporation in view, are eligible for membership.

(2) Every application for membership, countersigned by two members of the Panel shall be forwarded together with the Entrance Fee and annual subscription to the Honorary Joint Secretaries who shall submit it to the Panel for approval.

(3) The rates of subscription payable in advance by the members shall be as follows:—

- (a) for members of the Panel, an annual subscription of Rs. 25.
- (b) for ordinary members an entrance fee of Rs. 10 and an annual subscription of Rs. 10 or a contribution of Rs. 500 for life membership.
- (c) an honorary life membership may be conferred by the Panel on any Muslim who in the opinion of the Panel has rendered meritorious service to the cause of the community or the country or in the advancement of science, the arts or literature.

(4) The Panel may reject any application for membership without stating reasons.

(5) If any member is in arrears of subscription for a period of three months, the Panel may remove his name from the roll of members after a fortnight's notice.

(6) Any member whose conduct is found detrimental to the interest of the corporation may, after investigation, be suspended or removed from the roll, by the Panel at a meeting of the same specially convened for the purpose, if two-thirds of the members of the Panel present and voting at such meeting approve of such suspension or removal, voting being by ballot. The quorum at such a meeting shall be not less than fifteen.

3. *Management*.—(a) The affairs of the corporation shall be administered by the Panel consisting of a President, not less than five Vice-Presidents, three Honorary Joint Secretaries and two Honorary Joint Treasurers, who shall be *ex-officio* members of the Panel and not less than thirty-eight other members, to be elected at the Annual General Meeting of the corporation. The members shall hold office for three years, one-third thereof retiring at the end of each year but being eligible for re-election. A member absenting himself from three consecutive meetings of the Panel shall cease to be a member thereof, unless re-elected by the Panel.

(b) The various activities of the corporation shall be in charge of Departmental Committees consisting of five members each, of whom four shall be elected at the Annual General Meeting and the other nominated by the Panel from among its members. Such nominee of the Panel shall be the Chairman or Secretary and convenor of the Committee to which he is appointed.

(c) All office-bearers and members of the Panel shall be persons professing the Islamic faith, and no member shall hold more than two offices simultaneously.

(d) The President, or in his absence one of the Vice-Presidents shall be the Chairman at the meetings of the corporation. If neither the President nor one of the Vice-Presidents be present, a member shall be voted to the chair. The Chairman shall have the casting vote.

(e) The Secretaries shall keep a record of all meetings of the corporation and of the Panel, a register of members, and any other record that may be necessary.

(f) The Honorary Treasurers shall collect, receive and keep accounts of all moneys and funds belonging to the corporation, and shall make such payments as are authorised by the Panel. They shall prepare and table a statement of account at the monthly meetings of the Panel and submit a duly audited statement of account and Balance Sheet at the Annual General Meeting and their books shall be open to the inspection of members through the Panel at all reasonable times.

(g) Meetings of the Panel shall be held at least once a month. Upon the written requisition of five members of the Panel the President shall have a meeting of the Panel convened to transact such business as is intimated in the notice calling the meeting. Five days' notice shall be given to the members of any such special meeting. Nine members shall form the quorum at meetings of the Panel.

(h) In the case of any vacancies occurring during the year among the office-bearers or in the Panel or in Departmental Committees, the Panel shall have power to fill such vacancies for the unexpired term.

(i) The Panel shall have power to make rules for its own government and for the management of the corporation and its departments provided that such rules are not inconsistent with the constitution.

(j) The Panel shall hold and administer for the purposes of the corporation all property belonging to the corporation. It shall also have power, with the consent of a two-thirds majority of members present at a General Meeting of the Corporation, to sell, mortgage, lease, exchange or otherwise dispose of the immovable property belonging to the corporation. Provided that such decision be confirmed at a subsequent General Meeting held within one month.

4. *General Meeting of the Corporation*.—(a) The Annual General Meeting of the corporation shall be held in the month of August, at which the report of the Panel and of the Honorary Treasurers shall be presented. (b) The Honorary General Secretaries shall convene a General Meeting of the corporation upon the request of the Panel, or upon the written requisition of

not less than twenty-five members. (c) A fortnight's notice shall be given of any general meeting, and twenty-five members shall constitute a quorum at such meeting.

5. *Bank Account, &c.*—All Bank accounts, securities, notes and debentures, the property of the corporation, shall be kept in the name of the corporation, and shall be under the control of the President, Vice-Presidents, Secretaries or Treasurers in accordance with the resolution of the Panel.

6. *Auditor.*—The members shall elect at the Annual General Meeting of the corporation a qualified auditor, who shall audit the accounts of the corporation for the ensuing year.

7. *Branches.*—Branch societies may be established wheresoever possible in the Island under such conditions as shall be determined by the Panel. All such societies shall be worked on the same principles as defined in these rules. A certificate of affiliation shall be issued to branches so formed.

8. *Affiliation.*—The corporation may be affiliated to organisations in other parts of the Islamic world having similar aims and objects.

9. *Amendment of Constitution.*—This constitution can be amended or altered only by a vote of two-thirds of those present at a General Meeting of the corporation, provided that such amendment shall have been previously approved by the Panel. A fortnight's notice shall be given to members of any proposed alteration of the rules.

10. *Interpretation.*—In the event of any uncertainty or ambiguity, the Panel shall have the power to interpret the constitution, rules and by-laws.

Objects and Reasons.

The object of this Bill is to incorporate the Institution called and known as the Moors' Islamic Cultural Home.

A. R. A. RAZIK,
Mover of the Bill.

MINUTE.

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

L. D.—O. 31/44.

613/1/37 (SB/FSO)

An Ordinance to amend the Stamp Ordinance.

Chapter 189.
(Vol. IV.,
p. 684.)

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

1. This Ordinance may be cited as the Stamp (Amendment) Ordinance, No. of 1946.

Short title.

2. Part I of Schedule A to the Stamp Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

Amendment of
part I of
Schedule A to
Chapter 189.

(1) in item 9—

- (a) by the omission of paragraph (1);
- (b) by the omission of the words "except that of a notary or pharmacist" occurring in paragraph (2) of that item; and
- (c) by the renumbering of paragraph (2), amended as aforesaid, as item 9;

(2) in item 10, by the substitution, for the words and figures "item 9 (1) or item 9 (2)" of the word and figure "item 9";

(3) in item 14, by the substitution, for paragraph (a) of the Exemptions set out under that item, of the following new paragraph :—

"(a) All cheques drawn, by any person in the service of the Imperial Government, in the execution of his duties;"

and

(4) in item 49—

- (a) in paragraph (h) of the Exemptions set out under that item, by the substitution, for the words "his office.", of the words "his office"; and
- (b) by the insertion, immediately after paragraph (h) of the Exemptions set out under that item, of the following new paragraph :—

"(i) receipts or discharges given in the execution of his duties by the Consul or the Vice-Consul or by any other person acting on behalf of the Consul or the Vice-Consul of the United States of America."

Retrospective
effect.

3. (1) The amendment made in Part I of Schedule A to the principal Ordinance by paragraph (1) of section 2 of this Ordinance shall be deemed for all purposes to have had effect on the thirty-first day of March, 1939.

(2) The amendment made in Part I of Schedule A to the principal Ordinance by paragraph (4) (b) of section 2 of this Ordinance shall be deemed for all purposes to have had effect on the date on which the principal Ordinance came into operation.

Objects and Reasons.

The Stamp duty now chargeable on Articles of Apprenticeship of a person intending to qualify as a notary or pharmacist is Rs. 100, but the duty in the case of all other Articles of Apprenticeship is only Rs. 10. It is not considered necessary to retain this distinction and the object of paragraph (1) of Clause 2 of this Bill is to provide that the uniform rate of Rs. 10 shall be chargeable in all cases including the Articles of a person intending to qualify as a notary or pharmacist.

2. Under the provisions of the Stamp Ordinance (Chapter 189), cheques drawn by army accountants on Imperial services are exempted from the stamp duty payable under that Ordinance. By Clause 2 (3) of this Bill it is proposed to enlarge the scope of this exemption, by providing that stamp duty will not be charged on cheques drawn, by any person in the service of the Imperial Government, in the execution of his duties. Receipts or discharges given by the Consul or the Vice-Consul or by any other person acting on behalf of the Consul or the Vice-Consul of the United States of America in the execution of his duties will also be exempted from such stamp duty. (Clause 2 (4)).

3. In order to validate practices which have continued for some years, retrospective effect will be given, by Clause 3, to the amendments which will be effected by paragraphs (1) and (4) (b) of Clause 2.

Colombo, April 2, 1946.

C. E. JONES,
Acting Financial Secretary.