

CHAPTER 471

SRI LANKA SAHITYA MANDALAYA

Acts AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND INCORPORATION OF THE SRI
Nos. 31 of 1958, LANKA SAHITYA MANDALAYA AND FOR MATTERS CONNECTED THEREWITH.
13 of 1965.

[16th September. 1958.]

Short title. **1.** This Act may be cited as the Sri Lanka Sahitya Mandalaya Act.

reference, in the national languages, and, where necessary, to undertake such publication; [§ 3,13 of 1965-]

Establishment and incorporation of the Sri Lanka Sahitya Mandalaya. [§ 2, 13 of 1965.] **2.** (1) There shall be established, in accordance with the provisions of this Act, an institution which shall be called the Sri Lanka Sahitya Mandalaya hereinafter referred to as the Mandalaya.

(d) to sponsor or hold conferences and seminars for the study of literature in the national languages, and exhibitions of literary works in the national languages, on an all-island or on a regional basis, and otherwise to encourage and foster the study of such literature among the people;

(2) The persons who for the time being members of the Mandalaya under the provisions of section 7 shall be a body corporate with the name " Sri Lanka Sahitya Mandalaya", and such body shall have perpetual succession and a common seal and may sue and be sued in such name.

(e) to award prizes and distinctions and to give recognition to authors of literary works of outstanding merit in the national languages ;

(3) The headquarters of the Mandalaya shall be in Colombo or at such other place in Sri Lanka as may be determined by the Mandalaya.

(f) to edit and publish such literary works written in Sri Lanka in the national languages or in Pali or Sanskrit as have not hitherto received sufficient attention; and

Objects of the Mandalaya shall be— **3.** (1) The objects of the Mandalaya shall be—

(a) to secure co-operation among men of letters for the development of literature in the national languages ;

(g) to exchange cultural missions with other countries and to establish relations with international organizations in the field of letters.

(b) to encourage or cause translations of literary works in foreign languages to be made into the national languages and translations of literary works in the national languages to be made into foreign languages;

(2) In subsection (1) the expression " national languages " means the Sinhala and Tamil languages.

(c) to assist individuals and bodies of persons in the publication of literary works, including bibliographies, dictionaries, encyclopaedias and other works of

4. There shall be paid to the Mandalaya out of the Consolidated Fund an initial contribution of one hundred thousand rupees for the purpose of defraying the preliminary expenses, and providing the working capital, of the Mandalaya, and such further contributions as may from time to time be approved by resolution of Parliament. Contribution to the Mandalaya by the Government. [§ 4, 13 of 1965.]

Powers of the Mandalaya.

5. The Mandalaya shall have power—

(a) to acquire and hold any movable or immovable property, and to sell, grant, convey, devise, assign, exchange or otherwise dispose of or mortgage any such property, and to invest its funds in such manner as may be necessary or expedient for the furtherance of its objects; and

(b) to perform all such acts as may be necessary for, or incidental to, the carrying out of its objects.

(b) if he is adjudged by a competent court to be of unsound mind; or

(c) if he is adjudged by a competent court to be an insolvent or bankrupt; or

(d) if he has any direct or indirect interest in any contract with the Mandalaya; or

(e) if he resigns office by letter addressed to the Minister; or [§ 7,13 of 1965-]

(f) if his membership is terminated by the Minister; or [§ 7,13 of 1965-]

(g) if he absents himself from five consecutive meetings of the Mandalaya. [§ 7,13 of 1965-]

Application of property, money, &c., of the Mandalaya.

6. All property acquired or held by the Mandalaya and all moneys paid to or received by the Mandalaya shall be used and applied by the Mandalaya in furtherance of its objects.

Members of the Mandalaya. [§5,13 of 1965.]

7. (1) The Mandalaya shall consist of the following members:—

(a) five persons, two of whom shall respectively be designated President and Vice-President of the Mandalaya, appointed as such by the Minister;

(b) every person for the time being holding office as the Chairman of any Panel appointed in accordance with the provisions of section 14, if such person is not already a member of the Mandalaya.

10. (1) The President of the Mandalaya shall, unless he earlier resigns the office of President, hold that office during his term of office as a member of the Mandalaya President and vice-president. [8,13 of 1965.]

(2) The Vice-President of the Mandalaya shall, unless he earlier resigns the office of Vice-President, hold that office during his term of office as a member of the Mandalaya.

(3) The Vice-President shall, in the absence of the President, exercise and perform all the powers and functions of the President.

(4) The President may resign the office of President, and the Vice-President may resign the office of Vice-President, by letter addressed to the Minister.

(2) Every member of the Mandalaya appointed under paragraph (a) of subsection (1) shall, unless he vacates office earlier, hold office for a period of three years and shall be eligible for reappointment.

(3) The Minister may, without assigning reason, terminate the membership of any member of the Mandalaya appointed under paragraph (fl) of subsection (1).

11. (1) The Mandalaya may, subject to the provisions of subsection (2), elect, on the recommendation of its Executive Committee,— Election of Fellows, Honorary Fellows and Associate Fellows of the Mandalaya.

(a) authors of books of outstanding merit in the national languages who are citizens of Sri Lanka as Fellows of the Mandalaya,

(b) persons who have done research of outstanding merit in the literature or arts of Sri Lanka and who are not citizens of Sri Lanka as Honorary Fellows of the Mandalaya, and

Resignation of members. [§6, 13 of 1965.]

8. A member of the Mandalaya may resign office by letter addressed to the Minister.

Vacation of office by members.

9. A member of the Mandalaya shall vacate office—

(a) if he is appointed as the auditor or one of the auditors of the Mandalaya; or

(c) persons proficient in the literature of Sri Lanka in the national languages as Associate Fellows of the Mandalaya.

(2) At no time shall—

(a) the number of Fellows exceed ten,

(b) the number of Honorary Fellows exceed ten, and

(c) the number of Associate Fellows exceed twenty.

(3) A person elected as a Fellow, an Honorary Fellow, or an Associate Fellow of the Mandalaya under subsection (1) shall remain so for life unless he renounces the fellowship by letter addressed to the President of the Mandalaya.

Meetings of the Mandalaya.

12. (1) A meeting of the Mandalaya shall be held at least once in every three months.

(2) At any meeting of the Mandalaya the President of the Mandalaya, or, in his absence, the Vice-President of the Mandalaya, or, if neither the President nor the Vice-President is present, any member of the Mandalaya present at that meeting who is elected as the chairman of that meeting by the members of the Mandalaya so present, shall preside.

(3) The person presiding at any meeting of the Mandalaya may, with the consent of the majority of the members of the Mandalaya present at that meeting, adjourn that meeting.

(4) The President of the Mandalaya may of his own motion, and shall upon a requisition in writing made in that behalf by the Executive Committee of the Mandalaya or by any five or more members of the Mandalaya, cause a meeting of the Mandalaya to be summoned.

(5) Any question arising at any meeting of the Mandalaya shall be decided by the vote of a majority of the members present, and in the case of an equality of votes, the person presiding at that meeting shall have a second or casting vote.

[§ 9,13 of 1965.]

(6) The quorum for a meeting of the Mandalaya shall be eight members of the Mandalaya.

13. (1) The Mandalaya shall have an Executive Committee consisting of—

Executive Committee of the Mandalaya.

(a) the President of the Mandalaya,

(b) the Vice-President of the Mandalaya, and

(c) not more than five others elected by the Mandalaya from among its members.

(2) The Mandalaya may by resolution terminate the membership of the Executive Committee of any person elected to such Committee under subsection (1) (c).

(3) A member of the Executive Committee who is elected to such Committee under subsection (1) (c), may resign office as such member by letter addressed to the President of the Mandalaya.

(4) A member of the Executive Committee shall vacate office as such member—

(a) if his membership is terminated by the Mandalaya, or

(b) if he ceases to be a member of the Mandalaya.

(5) The Executive Committee shall have the following powers:—

(a) to exercise the executive authority for the Mandalaya, subject to such directions as may be given by the Mandalaya;

(b) to supervise and control the work of the Mandalaya and of its officers and servants;

(c) to prepare and submit to the Mandalaya for approval programmes and schemes for the furtherance of the objects of the Mandalaya;

(d) to prepare and submit to the Mandalaya for approval the annual budget, report and accounts of the Mandalaya; and

[§ 10,13 of 1965]

(e) to propose, for the consideration of the Mandalaya, names of persons qualified to be elected as Fellows, Honorary Fellows, and Associate Fellows of the Mandalaya.

[§ 10,13 of 1965.]

(6) A meeting of the Executive Committee shall be held at least once in every month, and the person presiding at any such meeting may, with the consent of the members present, adjourn the meeting.

(7) At any meeting of the Executive Committee the President of the Mandalaya, or, in his absence, the Vice-President of the Mandalaya, or, if neither the President nor the Vice-President is present, any member of such Committee present at such meeting who is elected as the chairman of that meeting by the members of such Committee so present, shall preside.

(8) The quorum for a meeting of the Executive Committee shall be three members of such Committee.

(9) Where the President of the Mandalaya at any meeting of the Executive Committee is of opinion that any matter before that meeting—

- (a) is of exceptional novelty or importance or is such that it is likely to lead to considerable expense, or
- (b) gives rise, or is likely to give rise, to a serious difference of opinion among the members of such Committee, or
- (c) gives rise, or is likely to give rise, to criticism or opposition by a responsible section of the public,

he shall refer such matter to the Mandalaya with a view to obtaining instructions thereon.

14. (1) The Minister may, after consulting the five members of the Mandalaya appointed under paragraph (a) of subsection (1) of section 7, appoint such number of Panels and such number of persons not exceeding twelve to each such Panel as the Minister may consider necessary, for the purpose of advising and assisting the Mandalaya on the general advancement of each of the following branches of literature :—

- (a) Classical Sinhala literature;
- (b) Classical Tamil literature ;

(c) Modern Sinhala fiction;

(d) Modern Sinhala poetry;

(e) Modern Sinhala drama;

(f) Sinhala translations;

(g) Modern Tamil poetry ;

(h) Modern Tamil fiction;

(i) Modern Tamil drama;

(j) Tamil translations;

(k) Islamic Arabic literature;

(l) Sanskrit and Pali literature ;

(m) any other branch of literature considered necessary by the Minister.

(2) Each Panel appointed under subsection (1) is hereafter in this Act referred to as the " Panel ".

(3) Any member of the Mandalaya appointed under paragraph (a) of subsection (1) of section 7, shall be eligible for appointment as a member of a Panel. The President of the Mandalaya shall be an ex officio member of each of the Panels.

(4) The Minister shall, after consulting the members of the Mandalaya appointed under paragraph (a) of subsection (1) of section 7, appoint one member of each Panel to be the Chairman of that Panel.

(5) The Minister may, without assigning reason, revoke the appointment of any Panel or of any member of any Panel or of the Chairman of any Panel.

(6) Every member of a Panel shall, unless he resigns his membership by letter addressed to the Minister or his appointment is revoked by the Minister, hold office for a period of three years and shall be eligible for reappointment.

(7) The quorum for any meeting of a Panel shall be three members.

Appointment of officers and servants.

15. (1) The Mandalaya may appoint a General Secretary who shall be the chief executive officer of the Mandalaya and such other officers and servants as the Mandalaya may consider necessary for carrying out its objects :

[§ 12, 13 of 1965.]

Provided, however, that—

(a) no person shall be appointed as General Secretary or to act as General Secretary, except with the prior permission of the Minister; and

(b) no officer or servant shall be dismissed from the service of the Mandalaya, except by resolution passed at a meeting of the Mandalaya, the number of votes cast in favour of such resolution being not less than two-thirds of the total number of members of the Mandalaya (including those not present at that meeting).

(2) The remuneration and conditions of service of the officers and servants of the Mandalaya shall be such as may be determined by the Mandalaya.

Fund of Mandalaya. [§ 13, 13 of 1965.]

16. The Mandalaya shall have its own Fund. All moneys received by the Mandalaya, including such sums as may be voted from time to time by Parliament for the use of the Mandalaya, shall be credited to the Fund and all payments made by the Mandalaya shall be made therefrom. The Mandalaya may utilize moneys from the Fund for the purpose of paying the remuneration of its staff and such sums as may be payable under section 23 to its members and the members of the Executive Committee and of the Panels, and defraying the expenditure incurred in the administration of its affairs, the exercise of its powers and the promotion of its objects :

Provided that no single item of expenditure in excess of five thousand rupees shall be incurred by the Mandalaya without the prior sanction of the Minister.

Accounts, Audits and annual reports. [§ 13, 13 of 1965.]

17. (1) The Mandalaya shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(2) The Mandalaya shall cause its books to be balanced as on the thirty-first day of December in each year and shall, before the thirtieth day of April of the following year, cause to be prepared a revenue and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Mandalaya made up to the first-mentioned date. The revenue and expenditure account and the balance sheet shall be signed by the President and by such officer of the Mandalaya as may be authorized by the Mandalaya to do so.

(3) The accounts of the Mandalaya shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor so appointed shall be a member of the Institute of Chartered Accountants of Sri Lanka. The auditor shall receive such remuneration from the Mandalaya as the Minister may, with the concurrence of the Minister in charge of the subject of Finance, determine.

(4) The Auditor-General shall have power—

(a) to direct the manner in which the accounts of the Mandalaya shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor, and

(b) to conduct a supplementary or test audit of the accounts of the Mandalaya by such person or persons as the Auditor-General may authorize in that behalf, and for the purposes of such audit, to require information or additional information to be furnished to any person or persons so authorized, on such matters, by such person or persons and in such form, as the Auditor-General may, by general or special order, direct.

(5) The auditor shall examine the accounts of the Mandalaya and ascertain the correctness of the balance sheet and furnish a report to the Auditor-General stating—

(a) whether he has or has not obtained all the information and explanations required by him, and

(b) whether in his opinion the balance sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Mandalaya.

(6) The Auditor-General shall have the right to comment upon or supplement the auditor's report in such manner as the Auditor-General may think fit.

(7) The Auditor-General shall transmit the auditor's report together with his comments (if any) upon, or his supplement (if any) to, such report to the Mandalaya.

(8) The Mandalaya shall, on receipt of the auditor's report in respect of any year, transmit to the Minister—

(a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report,

(b) a copy of the revenue and expenditure account,

(c) a copy of the balance sheet, and

(d) a report by the Mandalaya on its work for the period for which the revenue and expenditure account and balance sheet have been made up.

(9) The Minister shall lay copies of the documents transmitted to him under subsection (8) before Parliament.

18. The Mandalaya, the Executive Committee and every Panel shall each cause minutes to be made of the proceedings and resolutions of its meetings.

19. The books of accounts and minutes of the Mandalaya, the Executive Committee and Panels shall be kept at the head office of the Mandalaya.

20. The Minister may issue—

(a) general directions, or

(b) after consulting the Mandalaya, special directions,

to the Mandalaya regarding the work of the Mandalaya, and it shall be the duty of the Mandalaya to carry out all such directions.

21. All acts done at any meeting of the Mandalaya or the Executive Committee or any Panel shall, notwithstanding that it shall afterwards be discovered that there was any vacancy in the membership thereof or that there was some defect in the appointment or election of any member thereof or that any such member was disqualified or that there was a failure to give notice of such meeting to any member thereof, be as valid as if there had been no such vacancy or as if such member had been duly appointed or elected or duly qualified or as if there had been no such failure to give notice.

22. The seal of the Mandalaya shall not be affixed to any instrument except in the presence of one member of the Mandalaya and the General Secretary or such other person as may be authorized by the Mandalaya for the purpose, each of whom shall sign his name on the instrument in token of his presence, and such signing shall be independent of the signing of any person as a witness.

23. (1) The Mandalaya may pay to any member of the Mandalaya, or of the Executive Committee, or of any Panel any expenses actually incurred by him in the performance of his duties as such member.

(2) Save as otherwise provided in subsection (1), no member of the Mandalaya, the Executive Committee, or any Panel shall be entitled to any remuneration for work done by him as such member.

24. The Mandalaya may make rules, not inconsistent with any provision of this Act, relating to the meetings and the transactions of the business of the Mandalaya, the Executive Committee and the Panels, and generally in respect of the administration of the affairs of the Mandalaya.

Acts of the Mandalaya, Executive Committee, and Panels. [§ 14,13 of 1965.]

Seal of the Mandalaya

Remuneration of members. [§ 14, 13 of 1965.]

[§ 14,13 of 1965]

Rules.

[16,13 of 1965.]

Minutes. [§ 14, 13 of 1965.]

Books to be kept at the head office. [§ 14, 13 of 1965.]

General and Special directions by the Minister. [§ 15, 13 of 1965.]