

## ASSOCIATIONS ACT<sup>1</sup>

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### PART : I

#### GENERAL PROVISIONS

##### **Contents :**

*Article 1 :* Associations to which at least seven people continuously give their personal knowledge and effort for a common and specific aim without any profit sharing are covered by this Act.

##### **Right to Form An Association :**

*Article 2 :* Anyone 18 years of age over and having civil rights, shall have the right, without prior permission, to form an association; however,

a) Persons who have been expelled from a political party under paragraph (B), Article 111 of the Political Parties Act, dated July 13, 1965 and numbered 648, or those party members who have not been expelled but who have caused the party to be banned can not establish an association within five years after receiving a written notice of expulsion or decree of closure from the Constitutional Court.

b) Persons who have been sentenced to heavy imprisonment or to more than five years imprisonment for other than quasi-

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1) (Taken from the Official Gazette, dated December, 2, 1972).

delicts (torts) and persons who have been convicted of obscene offenses or of establishing or administrating an association in violation of this Act may not form an association.

#### **Becoming A Corporate Body :**

*Article 3 :* Associations assume corporate personality by expressing their intent to become an association in their by-laws and by submitting their by-laws to the highest local government office (mülkiye âmirligi) where they are established .

#### **Prohibited Associations :**

*Article 4 :* a) Associations which aim toward dividing the Turkish State and People,

b) Associations which through language, racial, class, religious or sectarian differences, aim toward the destruction of the Republic whose qualifications are specified in the Constitution,

c) Associations which aim at destroying human rights and freedom,

e) Associations which engage in activities that are in violation of laws, of public order and of general morality,

d) Associations which aim at elevating one region, race, class, religion, or sect to rule over or be more privileged than another region, race, class, religious or sectarian group,

e) Associations which aim at establishing rule of one social class over another social class or at eliminating a social class, or at overturning the established fundamental economic or social order or at destroying altogether the state's political and legal order.

f) Associations which aim even in part at subjugating the State's social, economic or legal foundations to religious rules or which aim at misusing or exploiting in any way the religion or religious feelings so as to gain political or personal benefit and influence,

g) Associations which aim at changing or destroying the Reform Acts mentioned in Article 153 of the Turkish Constitution or at reviving the matters as prohibited therein,

h) Associations which aim at degrading or disparaging Atatürk's personality and his activities or memory,

i) Associations which aim at supporting or working against certain political parties or at securing cooperation among political parties or at supporting or working against or securing cooperation among a party or some of its candidates or an independent candidate or candidates for village councils, olderman (muhtar), local administrations or for membership in the Turkish Parliament,

j) Associations which aim at degrading or disparaging the Turkish Republic, and,

k) Associations which aim at committing crimes or at encouraging or inciting criminal offenses,

along with associations which have more than one aim, are forbidden.

More than one student association may not be established in any university, school, academy or in the institutes connected with the above mentioned institutions or in the higher educational schools or in other official or private educational and instructional establishments.

#### **Prohibitions On Use Of Some Names And Symbols :**

*Article 5 :* Associations may not use :

a) Names of or allusions to a political party or a union or union federation or union confederation or names which are similar to associations, federations or confederations which have been banned according to Article 64 of this Act following proper court action,

b) Names of communist, anarchist, fascist, national-socialist or similar names nor the signs, symbols and the like belonging to these.

Association members may not use the signs, symbols and the like which are mentioned in (b) above in any type of meeting or activity of the association.

#### **Prohibition On International Activity :**

*Article 6 :* With the exceptions of Articles 10 and 11 of this Act :



- a) An association with the aim of international activity can not be formed,
- b) Associations established in Turkey can not participate with national or international associations established outside of Turkey,
- c) Associations having headquarters outside of Turkey may not open branches within Turkey.

## PART : II

### ESTABLISHMENT

#### **Association By - Laws :**

*Article 7 :* Every association must have by-laws. These by-laws must indicate the following:

- a) Name and headquarters of the association,
- b) The aim of the association and the type of activity to be engaged in to achieve that aim,
- c) Names of the founding members, their occupations, their domiciles and nationality,
- c) Conditions and methods for becoming a member, for resigning and for expelling of members,
- d) Constitution of and times for meetings of the General Assembly,
- e) Authority and the duties of the General Assembly, procedures and quorums for balloting and for passing resolutions,
- f) The procedures for selecting a board of directors and a board of controllers, the number of full and alternate members, their duties and authority,
- g) Whether or not the association will have any branches, procedures for establishing branches and their duties and authority, and their representation in the General Assembly of the Association,
- h) Membership dues which shall not exceed 1200 Turkish liras a year,
- i) Manner of internal supervision of the association,
- j) Procedures for amending the by-laws,

k) Method of liquidation of property in case of dissolution of the Association,

l) Full names and domiciles of the temporary board of directors who have authority to conduct the business of and represent the Association until necessary organs of the Association can be formed.

#### **Notice Of the Establishment :**

*Article 8 :* Every association must notify in writing the highest local government office in the place of its establishment as to such establishment and must attach thereto the address of the head quarters of the association and four copies of its by-laws.

The by-laws of associations which shall carry out activities in more than one province shall be sent by the highest local government office to the Ministry of Internal Affairs within one week.

#### **Examinations Of the By - Laws :**

*Article 9 :* The governor's office shall examine the by-laws of associations which will operate in only one province whereas the by-laws of associations having activities in more than one province shall be examined by the Ministry of Internal Affairs.

If deficiencies or illegalities are found in the by-laws, the associations shall be notified in writing to correct these. If within thirty days of receiving this notice, the deficiencies or illegalities are not corrected the provisions for the dissolution of the associations shall be applied. However, insofar as associations which are established with aims prohibited in Article 4 of this Act are concerned, these shall be banned from activity by a decision of the local governor in cases where the by-laws have been examined by the governor's office, and in cases where the by-law have been examined by the Ministry of Internal Affairs, the association shall be banned by a decision of the governor of the province in which the associations' headquarters are located following request from the Ministry. In such instances the state prosecutor shall be informed within a week. The decision to ban an organization shall be in effect until the court shall reverse the decision.



Where no illegalities or deficiencies have been found in the by-laws or where these illegalities and deficiencies have been corrected within the period stipulated in paragraph (2), the office examining the by-laws will so inform the association in writing.

**Activites Outside Of Turkey Of Such Associations As Are Formed in Turkey :**

*Article 10 :* In such situations wherein international unity or cooperation shall be considered useful:

- a) The establishment of associations which aim at international activities,
- b) Engaging of present associations in international activities,
- c) The opening of branches outside of Turkey by associations mentioned in subparagraphs (a) and (b) and their joining with associations or organizations outside of Turkey having similar goals are dependent on the permission of the Council of Ministers.

Associations which wish to join with an association or organization outside of Turkey must submit the statutes of such organization to the Ministry of Internal Affairs.

In case the foreign associations or organizations to which the Turkish association joins or cooperates with do engage in activities which do not correspond to our laws or to our national interests or to the founding aims, the association established in Turkey shall end its relationship with such foreign associations or organizations upon the decision of the Council of Ministers following recommendation of the Ministry of Internal Affairs.

**Activities Within Turkey Of Associations Formed Abroad :**

*Article 11 :* Permission may be granted unto associations formed outside of Turkey and having the aim of securing international unity and cooperation upon decision of the Council of Ministers made upon the recommendation of the Ministry of Internal Affairs after consulting the Ministry of Foreign Affairs, to:

- a) Open branches within Turkey,

b) Join in cooperation with associations, federations or confederations engaged in international activities and which correspond with Article 10 with the permission of the Council of Ministers, only if cooperation and common activities are considered useful and providing that reciprocity exists. The Council of Ministers has the authority to close down the branches which have been opened or to retract permission which has been granted in cases where the associations discussed in the above paragraph engage in activities not in accord with our laws or with our national interests, or their founding aims.

**Announcement :**

*Article 12 :* Within 15 days of receiving the notice referred to in the fourth paragraph of Article 9, the association by-laws shall be published in a daily newspaper and two copies of this announcement shall be sent to the highest local government office where the association seat is located.

Any changes in the by-laws or in the domicile of the association shall be subject to the same.

**First General Assembly Meeting :**

*Article 13 :* Within six months of the announcement of their by-laws in a newspaper the associations must hold the first general assembly meeting and must establish its organs.

If this requirement is not met, the provisions for the dissolution of the association shall be applied.

**Associations Register And Registration Procedures :**

*Article 14 :* A Register of Associations shall be kept in the Ministry of Internal Affairs (in the Directorate General of Security) and in every province.

In the Register of Associations in the Ministry all associations, federations and confederations along with associations whose headquarters are outside of Turkey that have opened branches in Turkey shall be recorded.



In the Register of Associations in the provinces shall be recorded all associations whose headquarters are located within the administrative jurisdiction of that province along with branches within its jurisdiction of associations, federations and confederations having headquarters in other provinces or outside the country.

### PART : III

## MEMBERSHIP

#### **Right To Membership And Termination Of Membership :**

*Article 15 :* Everyone having the right to form an association may be a member of associations. However, students who are members of political parties or non-students may not be members of student associations.

To be members of associations foreigners must have residency rights along with the other qualifications sought in Turkish citizens. Residency is not required for honorary membership.

Applications for membership must be ruled on by the association's board of directors within thirty days at the latest.

Members of a student association who lose their student status, and those persons who lose their right to become members of associations shall also lose their membership in the association to which they belong. As soon as these are determined the membership record will be erased by the association's board of directors.

#### **Rights Of Members :**

*Article 16 :* No one can be forced to become a member of an association nor to remain a member in an association. Every member has the right to resign.

Members of an association shall have equal rights. No provisions can be placed in the by-laws limiting this equality or discriminating between members.

Every member has the right to one vote in the general assembly.



Honorary members do not have the right to vote. If they want, they may pay membership dues.

#### PART: IV

### ORGANS AND BRANCHES OF ASSOCIATIONS

#### **Association Organs :**

*Article 17 :* For every association it is obligatory to have:

- a) A General Assembly,
- b) A Board of Directors,
- c) A Board of Controllers.

Associations may form other organs as well. However, the duties, authority and responsibilities of the general assembly or of the board of controllers cannot be transferred to these organs.

#### **Meetings Of the General Assembly :**

*Article 18 :* The general assembly:

- a) Shall have regular meetings as specified in the association by-laws,
- b) Shall hold extra-ordinary meetings as and when the board of directors or the board of controllers deem necessary or upon the written petition of one fifth of the association membership,

Regular general assembly meetings must be scheduled at least once every two years.

The general assembly shall be called to meeting by the board of directors.

If the board of directors does not call a meeting of the general assembly within one month from the request of the board of controllers, or from the written petition of one fifth of the association membership, the board of controllers or anyone of the members who requested the meeting may file a petition with the local Justice of the Peace (Sulh Hukuk Hakimligi) whereupon the court shall appoint a three-member committee from among the associa-

tion members entrusted with the duty to call the general assembly meeting.

**Procedures In Calling A Meeting :**

*Article 19 :* The board of directors shall make a list of members who have a right to participate in the general assembly meeting according to the by-laws of the association. Members who may participate in the general assembly, shall be notified of the meeting with announcements in two newspapers at least ten days prior to the meeting containing the day, the time, the place and the agenda. The highest local government office shall also be given written notification of the general assembly meeting.

If the meeting should be postponed, the members shall be invited again by announcement in newspaper, at least five days prior to the second meeting, containing the reason for postponement and the day, the time, the place and the agenda (of the second meeting) as well. The highest local government office shall also be notified.

A meeting of the general assembly may not be postponed more than once.

**Place Of Meeting :**

*Article 20 :* Meeting of the general assembly may not be held in a place other than where the association headquarters are located.

General assembly meetings of the student associations may not be held in public or private educational institutions or in boarding houses.

**Quorum For Meeting :**

*Article 21 :* The general assembly shall meet with the presence of one more than half of members who according to the by-laws of the association have the right to participate in the general assembly meeting.

If in the first meeting a quorum is not attained, a majority of members shall not be required for the second meeting. However,

members participating in the second meeting may not be fewer in number than two times the full membership of the board of directors and the board of controllers.

**Procedures For the Conduct Of Meeting :**

*Article 22* : Meetings of the general assembly shall be held on the day and at the time and place as announced and notified to the highest local government office.

Members participating in the general assembly meeting shall sign across their names in the list as prepared by the board of directors while entering the meeting.

If a quorum is obtained as described in Article 21, the situation shall be recorded in the minutes and the meeting shall be opened by the chairman of the board of directors or by another member of the board of directors whom he has given this responsibility.

Meetings shall not be postponed due to the absence of the government commissioner.

Following the opening of the meeting a chairman and vice-chairman and secretaries as needed shall be elected in order to preside over the meeting.

The conduct of the general assembly meeting is the responsibility of the General Assembly Chairman. The secretaries shall keep the minutes of the meeting and shall sign them along with the Chairman.

At the end of the meeting all the minutes and documents shall be given to the board of directors.

**Matters To Be Discussed In Meeting :**

*Article 23* : Only matters on the agenda shall be discussed in the general assembly meeting. However, those matters which at least one tenth of the members present at the meeting wish to be discussed, shall be placed on the agenda.



### **Duties And Authority Of General Assembly :**

*Article 24 :* The matters listed herein below shall be discussed and resolved upon by the general assembly:

- a) Election to the association organs,
- b) Amendments to the association by-laws,
- c) Discussion on the reports of the board of directors and the board of controllers and the acquittal of the board of directors,
- c) Discussion of the budget as prepared by the board of directors and the acceptance thereof as is or by amendment,
- d) Authorization to the board of directors to buy immovable property, as needed by the association or to sell existing immovables,
- e) The association's joining with or separating from a federation,
- f) Engagement of the association in international activities or its membership in or separation from associations or organizations outside of Turkey,
- g) Dissolution of the association,
- h) Other duties specified by the laws and regulations or under the association by-laws as being indispensable by the general assembly.

### **Formation And Duties Of Board Of Directors :**

*Article 25 :* The board of directors shall consist of at least three members and three alternates elected by the general assembly.

The board of directors shall carry out the following matters:

- a) To represent the association or to authorize one or several of its members in this respect,
- b) To authorize the opening of association branches and to authorize the founding members of the branches,
- c) To keep records of transactions concerning income and expense accounts and to prepare the budget for the forthcoming period,

d) To fulfill the other tasks and to use the other authority granted by the association by-laws and the laws and regulations of the country.

**Inability To Form the Board Of Directors :**

*Article 26 :* Meeting of the general assembly shall be called by the existing members of the board of directors or by the board of controllers within a month of the time that the membership of the board of directors falls below half of its authorized number even after alternate members have replaced the original board members. In case a meeting is not called, upon petition of one of the association members, the local Justice of the Peace (Mahalli Sulh Hukuk Hakimi) shall appoint a three member committee from the association membership to call a general assembly meeting within a month.

**Formation And Duties Of Board Of Controllers :**

*Article 27 :* The board of controllers shall consist of at least three members and three alternates elected by the general assembly.

This board shall perform its control duty according to the principles and methods specified in the by-laws and shall submit its findings in a report for the general assembly.

**Informing the Government As To Persons Elected To Organs :**

*Article 28 :* The Chairman of the Board of Directors shall inform the highest local government office where the association has its headquarters of the full names, occupations and addresses of the full and alternate members of the board of directors and of the board of controllers within the seven days which follows the elections by the general assembly.

**Opening branches :**

*Article 29 :* Associations may open branches in places as deemed necessary provided that it is so stipulated in the by-laws.

At least three persons authorized by the association's board of directors shall apply in writing to the highest local government office where the branch is to be opened.

This petition shall contain the full names, occupations, residences and nationalities of the founding members along with the addresses of the branch headquarters. Two copies of the association by-laws and documents of authority shall be attached thereto, as well.

Founding members of the branch must have resided at least six months in the place where the branch is to be opened.

#### **Organs Of Branches :**

*Article 30* : Branch organs shall be:

- a) A general assembly,
- b) A board of directors,
- c) A board of controllers or a controller.

The duties and authority of these organs shall be outlined in the association by-laws.

#### **Provisions Applicable To Branches :**

*Article 31* : This Act shall apply as well, to all association branches. However;

- a) Meetings of branches' general assemblies may be announced through local facilities and means instead of the newspapers.
- b) Regular general assembly meetings of the branches must be completed at least 15 days before the headquarter's general assembly meetings.

### PART : V

## FEDERATIONS AND CONFEDERATIONS

#### **Formation :**

*Article 32* : Federations shall consist of at least two associations with the same aims coming together as members so as to advance



those aims. Confederations shall consist of at least two federations with the same aims which do so come together. The provisions of this Act shall apply to federations and confederations as no other organizational form shall be allowed for associations other than to become federations and for federations other than to become confederations.

#### **By - Laws :**

*Article 33* : Federations and confederations must have by-laws. In addition to matters listed in paragraphs (a), (b), (c), (d), (e), (f), (g), (i), (j), (k), (l) of Article 7, these by-laws must contain:

- a) The names, headquarters and domiciles of the associations or federations which make up the joint organization,
- b) Provisions concerning the contribution to be paid by the members to the joint organization.

#### **Becoming A Corporate Body :**

*Article 34* : By filing four copies of their by-laws as attached to a petition with the highest local government office federations and confederations gain corporate status.

In addition two copies of the decision by the associations' general assembly to become a federation or two copies of the decision by the federations' general assembly to become a confederation shall be attached to the petition.

Copies of the by-laws and of the general assembly resolutions will be sent to the Ministry of Internal Affairs and will be treated as under Article 9 of this Act.

### **PART : VI**

#### **PROHIBITED ACTIVITIES AND ACTIVITIES REQUIRING PERMISSION**

##### **Prohibited Activities :**

*Article 35* : I. Associations may not:

- a) Engage in any activity having an aim outside that specified in their by-laws.

b) Assemble or issue publications to praise a state, a party, a corporate body, a community which have embraced or persons, living or dead, who have embraced aims and activities that have been forbidden by Law from the standpoints of their regime, doctrine or ideology. Nor can they collect funds for these nor involve themselves in any way whatsoever.

c) Engage in any activity concerning the applications of legal provisions or adoption of new ones relative to the rights of armed forces services and armed forces personnel.

## II.

a) Association leaders, on behalf of the association may not themselves or may not induce members to join assemblies or demonstrations for aims not specified in the by-laws or to make declarations.

b) Student associations may not themselves or may not induce members to join assemblies or demonstrations for aims not specified in the by-laws or to make declarations

b) Student associations may not be formed for any political aims.

Student associations may be established only by students who are registered in the educational and instructional institutions wherein such association is being formed for the purpose of securing the students' educational, instructional, and social needs, such as the protection of their physical and mental health, nutrition, work, rest and recreation, or for the purpose of representing students vis-a-vis the administration of the institution or before other institutions.

Student associations may not engage in any political activity whatsoever or in any activity which does not relate to students.

### **Prohibition On Activities Preparatory To Defense Or Civil Defense Services :**

*Article 36 :* Associations may not engage in instructional or educational activities which prepare for military, defense and civil defense services. They may not establish special dress or uniform or arm-bands or other similar symbols for their members.



The Council of Ministers may grant associations permission to be engaged in the activities mentioned in paragraph one, in part or in whole, where it sees fit.

#### **Prohibition On Keeping Weapons :**

*Article 37 :* It is forbidden to keep any type of weapon and explosive material and any type of sharp or pointed or bruising tool and any type of burning or corrosive or damaging chemical and any type of poison or gas which are used for defense or assault in any association headquarters of branches and their institutions and annexes.

However, the Ministry of Internal Affairs may grant permission for weapons to be secured and kept in associations which engage in hunting or sporting activities or in associations which have been granted permission to engage in activities as described in Article 36. The types, character and numbers of such weapons shall be clearly indicated in the relevant permits.

#### **Contacts With Foreign Associations And Institutions :**

*Article 38 :* The invitation by associations, federations, or confederations, of the members of foreign associations or organizations to Turkey or the sending of their own members or representatives outside the country pursuant to an invitation from a foreign association requires the permission of the Ministry of Internal Affairs upon consultation with the Ministry of Foreign Affairs.

#### **Publication of Communiques :**

*Article 39 :* Associations, branches, federations and confederations of associations shall not publish communiques, declarations or the like without securing a decision from their authorized organs.

Communiques, declarations and similar publications to be issued in the name of organizations as described in the above paragraph must contain the full names and signatures of the members or of the person or persons who have been appointed by the authori-



zed organs of the organization who approve the decision taken to so publish.

One copy of the resolution to publish and of the communique or declaration to be published must be given to the state prosecutor's office as a notice of the publication against a receipt, and another copy must be given to the local government office, the same day.

Communiques, declarations and similar publications prepared by the organizations as described in the first paragraph cannot be published by the press or broadcast by the Turkish Radio and Television Corporation until a copy of the receipt of the state prosecutor's office is given to them.

The above provisions do not apply to political parties.

## PART: VII

### CONTROL OF ASSOCIATIONS

#### **General Control :**

*Article 40 :* The transactions of associations, their books, their accounts and their activities may always be controlled by the Ministry of Internal Affairs or by the highest local government officer, or by his authorized officials, where the headquarters or branches or annexes of the association are located.

This control may also be done by the Ministry or the Ministries which are concerned with the association's aim.

During inspection the association officials must show or give the authorized inspectors any type of book, document or minutes that is requested.

#### **Financial Control :**

*Article 41 :* The association and books and documents related thereto will be controlled by financial inspectors or by officials appointed by the local government officer, at least once every three years.

**Authorization Of Administrative And Police Forces :**

*Article 42 :* Police forces may at any time enter administrative places or establishments and all annexes of association headquarters or their branches upon written order of the highest local government office.

Article 8 of the Police Duty and Authorization Act will be applied in cases where:

1. Minors under 18 are found to be present without parents or guardians (except places which have received written permission from the highest local government office for minors to be present with or without parents or guardians),
2. Prostitution or gambling or actions contrary of general morality are being practiced,
3. Any of the narcotics are being used,
4. Prohibited tools and materials are found or where criminal activities are under way,
5. Criminals are being aided,
6. Alcoholic beverages are being consumed without the permission of the highest local government office.

**PART : VIII****TERMINATION OF CORPORATE PERSONALITY OF ASSOCIATIONS****Dissolution :**

*Article 43 :* 1) Dissolution by the general assembly;

The general assembly of an association may at any time decide to dissolve the association. For a dissolution decision, two-thirds of the members who have a right to participate in the general assembly according to the by-laws must be present.

If in this way a quorum is not obtained, members shall be called to a second meeting according to Article 19 of this Act. The second meeting, regardless how many members are present can discuss dissolution.

A two-thirds majority of the members present shall be required for a decision of dissolution.

The board of directors shall inform the highest local government office of the dissolution in writing within five days.

2) Dissolution by a court decree:

a) If deficiencies and illegalities in the associations by-laws are not corrected within thirty days despite a written request received from the authorized offices under Article 9 of this Act,

b) If the general assembly does not meet and does not establish its organs within the time limit specified by Article 13 of this Act,

c) If two regular general assembly meetings in succession are not held.

The Court of First Instances (Asliye Hukuk Mahkemesi), upon the demand by the State Prosecutor and notice in writing by the highest local government office where the association has its headquarters, shall decide to dissolve the association. The State Prosecutor must be present in the court hearings.

**Disbandment :**

*Article 44 :* When they become insolvent or cannot make up a board of directors according to their by-laws, or could not hold two regular general assembly meetings in succession because the quorum as specified in Article 21 is not achieved, the associations will be disbanded. The highest local government office where the association headquarter is located shall confirm the disbandment.

**Closure And Prevention From Association Activities :**

*Article 45 :* Associations, federations and confederations may be permanently closed only under court order in cases specified in this Act and in other Acts.

During any phase of the lawsuit the courts, on their own initiative or upon request therefore may ban all types of activities of the associations, federations and confederations.



In cases where it is felt that there exists an urgency from the standpoint of protecting the nation and the people the national security, the public order and the general morality, the associations, federations or confederations may be banned from activity upon a decision of the concerned governor, accompanied by proper justification. The ban on activities applies also to the branches of the association. A ban on activities directed only toward one branch of an association applies only to that branch; it cannot affect the association to which the branch is attached.

The local state prosecutor shall hold an investigation into the reasons for association, federations and confederations being prevented from activity and shall, in the shortest time possible determine whether a lawsuit shall be filed in the authorized court. If a lawsuit is not to be filed the papers, will be sent to the local Court of First Instances (Asliye Ceza Mahkemesi). The prevention from activities shall apply until a court reversal shall be given. If the court should decide against closing associations, federations and confederations, the decision for prevention will cease to have any effect from the date of the court decision.

If it deems it necessary the Court of First Instances (Asliye Ceza Mahkemesi), may give a decision only by examining the papers without holding hearing. The local Justice of the Peace shall appoint an administrator to oversee the property and other legal rights of associations, federations and confederations that have been prevented from activities.

#### **Liquidation :**

*Article 46 :* The property and money of the associations which have been dissolved or disbanded shall be liquidated as described in the by-laws of the association.

All the money and goods of associations closed by the courts shall revert to the treasury.

This liquidation and transfer shall be conducted under the supervision of the Government Commissioner and a representative

from the Ministry of Finance. These procedures shall begin on the date the dissolution, the disbandment or the closure become final.

Following the liquidation and transfer of the money and goods of associations which have been dissolved, disbanded or closed, the highest local government office in cases where the association was engaged in activities in only one province, or the Ministry of Internal Affairs in cases where the association was engaged in activities in more than one province, shall remove the names of the associations from the Association Register.

#### **Prohibition Of Officers Of Student Associations :**

*Article 47 :* Students who have flunked the same class for two years, even though in different educational institutions or who have not finished their studies within two years of normal graduation year may not become president of student associations nor serve on the board of directors or the board of controllers, or on the other organs of the associations nor may they be elected to represent students on behalf of the associations. (In schools, academies, institutes or other high educational institutions which are based on the semester, the semester equivalent of two years shall be counted).

Those who fall into the above described conditions after election shall lose their previously earned capacity.

### **PART : IX**

#### **MISCELLANEOUS PROVISIONS**

##### **Associations Working For Public Benefit :**

*Article 48 :* For associations to be considered as working for the public benefit, they must:

- a) Be engaged in activities for at least a year,
- b) Convince that their aims and the results of their activities to advance such aims are beneficial on a nation-wide scale.



**Procedures In Issuing****Decision On Public Benefit And Revocation Thereof When Needed:**

*Article 49* : For associations to be considered as working for the public benefit shall be subject to the views of the related Ministries, the recommendation of the Ministry of Internal Affairs, the decision of the High Administrative Court's General Assembly (Danıstay) and approval of the Council of Ministers.

The Ministry of Internal Affairs shall prepare a file on the subject. For this purpose, the associations must send the following documents to the governor's office where their headquarters are located. The governor's office shall forward them to the Ministry of Internal Affairs.

- a) Final form of the association by-laws,
- b) Newspaper in which the by-laws were announced,
- c) Number of association members and the amount of membership dues accrued and collected in the past year,
- ç) Number of association branches, places where they are located, number and type of institutions connected therewith,
- d) Report on past services and proposed activities which reflect the Association's public benefit nature,
- e) Financial balance sheet for the past year,
- f) The list of the association's movable and immovable property,
- g) The resolution taken by the general assembly to have the association be approved as one working for the public benefit,

If through ordinary or special controls it is discovered that associations which have been approved as working for the public benefit under the above provisions no longer serve, the public benefit association status shall be revoked following the procedure under the first paragraph of this Article.

**Association Income :**

*Article 50* : Sources of association income shall be:

- a) Membership dues,



- b) Income realized from activities such as balls, entertainment, theater presentations, concerts, sport contests, and conferences sponsored by the association,
- c) Association sponsored lotteries,
- d) Income from association property,
- e) Donations and aid.

Associations other than public benefit associations may not accept financial aid in any form from political parties or any institutions connected therewith or from labor or employer organizations.

Offices receiving money from the general budget or from special appropriations, provincial administrations, state enterprises and related institutions and establishments which receive more than half of their capital from the State may contribute only to public benefit associations.

Acceptance of aid by the associations from private persons, corporate bodies or other establishments which are outside of the country shall be subject to the permission of the Ministry of Internal Affairs.

#### **Notebooks And Registers :**

*Article 51 :* Associations must keep the following books :

- a) Membership register : The identity of persons joining the association, the dates of their joining and their monthly or yearly membership dues, shall be recorded.
- b) Book of resolutions : Resolutions passed by the board of directors, their date and number shall be recorded. Each resolution shall be signed by members.
- c) Incoming and outgoing correspondence register : The incoming and outgoing documents; date and number shall be registered in this book. The original of all incoming papers and copy of outgoing ones shall be kept in the files.
- d) Income and expenditures book : All money received by the association and all money spent shall be recorded openly and in orderly fashion,

e) Budget, final accounts and balance sheet book.

The association's income shall be received against numbered receipts with counter-foil and its expenses shall be made against substantiating documents.

The books listed in this article must be stamped by a Notary Public.

#### **Acquiring Immovable Property :**

*Article 52* : Associations may not own immovable property other than which are necessary for its residency, its aim or its activities. Immovable property received through donations or deeds must be exchanged for money within a period to be designated by the Ministry of Internal Affairs.

The Council of Ministers may grant permission to some associations to own immovable property beyond their needs.

#### **Names To Be Used With Permission :**

*Article 53* : Association names which contain the words of Turk (Türk), Turkey (Türkiye), National (Milli), Republic (Cumhuriyet or Atatürk) or words made by affixing or prefixing these words require the permission of the Council of Ministers.

Student associations shall take the name of the schools, academies or related institutes and high educational institutions or any other type of public or private educational establishment to which they are affiliated.

No other association of any type can be established with these names .

#### **Prohibited Places For Association Activities :**

*Article 54* : Student associations may not open headquarters or branches or administrative places for its activities in buildings or attachments of universities, schools, academies or institutes and high educational institutions related to these or in any other type of public or private educational establishment or in boarding houses.



All associations which are to hold meeting or activities in educational or instructional establishments or in places which serve the public, must obtain the permission of the authorized institution, as well as that of the highest local government office.

**Appointment Of Government Commissioner :**

*Article 55 :* The highest local government officer may appoint any official other than judges, prosecutors or other judicial officials, military personnel or members of the police and gendarmery (jandarma) forces as a government commissioner to be present at general assembly meetings. The commissioner may have as many assistants as needed.

**The Duties And Authority Of the Government Commissioner :**

*Article 56 :* The duties and the authority of the government commissioner are the following :

- a) To examine whether the general assembly was called in a proper manner,
- b) To ascertain that those present at the general assembly meeting have been indicated on the list of those who may participate in the meeting prepared according to the by-laws,
- c) To ascertain that the proceedings of the general assembly meeting conform to the laws and regulations, association by-laws and agenda and to warn the chairmanship of the general assembly meeting of any violations,
- d) To ask for police help if necessary in maintaining the security and the order of the meeting,
- e) To order the recess of meeting where the disorder and confusion prevent further proceedings and, where necessary, to call in the police to use force,
- f) Where necessary, to record the proceedings of the meeting with tapes and cameras.

**Informing the Judiciary As To Violations Of Law Of By - Laws :**

*Article 57 :* The government commissioner or the highest local government officer shall inform the local State Prosecutor within



24 hours in case he determines that the meeting has been held in violation of Law or the by-laws of the association.

**Fee To Be Paid To Government Commissioner :**

*Article 58 :* The fee to be paid to the government commissioner shall be jointly determined by the Ministries of Internal Affairs and of Finance. This fee shall be payable from the Ministry of Internal Affairs' budget.

**Special Circumstances :**

*Article 59 :* The Turkish Red Crescent (Kızılay) shall be administered in compliance with the by-laws prepared to conform the status determined under international agreements and approved by the Council of Ministers in compliance with the authorities and duties granted thereto by special laws and regulations.

The Turkish Aviation Society (Türk Hava Kurumu) and the Turkish Association for the Protection of Children (Çocuk Esirgeme Kurumu) shall be administered in compliance with their by-laws as approved by the Council of Ministers and with the duties and authorities granted under laws.

**Associations Established By Turkish Citizens Outside the Country :**

*Article 60 :* Two copies of the certified by-laws of associations established by Turkish citizens outside the country and a list which shows the identity of association members and the board of directors must be sent to the Turkish Consulate in the place where the association is located, or, if none, to the nearest Turkish Consulate within a month. The Turkish Consulate shall forward these documents to the Ministry of Internal Affairs.

These associations shall announce any changes in the board of directors and the identity of new members in the same manner.

Turkish citizens outside the country may not establish associations with aims prohibited by this Act. Turkish citizens may not be members of such associations.

**Office Of Associations :**

*Article 61 :* An Office of Associations shall be established in every province and in the Ministry of Internal Affairs (in the General Directorate of Security - Emniyet Genel Müdürlüğü).

The establishment of the Office, its personnel, its duties and its authority and the manner of registration and the form for the association registers as required by Article 14 of this Act, shall be determined by the Ministry of Internal Affairs in regulations to be prepared.

**Trial Procedures :**

*Article 62 :* Lawsuits related to this Act shall be handled by the Civil Courts in speedy manner.

Responsible persons shall be investigated and brought to trial for any violations of the provisions of this Act which require criminal action, under Law number 3005 even though these violations may have occurred in places not listed in item (A), Article 1 of the Law regarding trial of flagrante delicto.

State Prosecutors are not bound by the time limit specified in the fourth paragraph and third Article of the Law numbered 3005 in gathering evidence and in initiating public prosecution.

**PART : X****PENALTY PROVISIONS**

*Article 63 :* Persons who establish an association without having the right to form an association under sub paragraphs (a) and (b) of Article 2 of this Act shall be fined up to a thousand liras and the association shall be closed.

*Article 64 :* Persons who establish associations prohibited by Article 4 of this Act or who administer such an association or administrators who violate item (b), paragraph one of Article 35 shall be imprisoned from one to three years and shall be heavily fined from three to five thousand liras providing their actions do not



warrant stiffer punishment. In any case, the association shall be closed.

Those who violate the last paragraph of Article 60 and who are found in Turkey shall not be punished under paragraph one, Article 5 of the Turkish Criminal Code but instead under the above outlined penalties.

*Articles 65 :* Unless a stiffer penalty is required, association administrators who violate items (a) or (b) of Article 5 of this Act shall be imprisoned from six months to two years. The association shall be closed. Unless stiffer penalties are required, association members who violate the last paragraph of Article 5 shall be imprisoned from six months to a year.

Founders and administrators of associations which violate Article 6 of this Act and association administrators who violate items (a) or (b) of paragraph two of Article 35 and item (a) or (c) of paragraph one of the same Article shall be imprisoned from six months to a year. In cases where it is determined that violations of item (b) of paragraph two have occurred the association shall be closed.

*Article 66 :* Those who do not announce the association as required by Article 12 of this Act or who do not file the notice as required by Article 28 shall be heavily fined up to a thousand liras.

Association administrators who conduct the general assembly meeting in violation of laws or by-laws shall be fined up to two thousand liras unless a stiffer penalty is required. If necessary, the Court may decide to nullify a meeting of the general assembly which was conducted in violation of the laws and by-laws.

*Article 67 :* Members of the board of directors or other authorized persons who call the general assembly to meet in a place which violates Article 20 of this Act and assemble in places mentioned in the second paragraph of that Article or who permit such an assembly shall be imprisoned from three to six months.

Administrators who engage in unpermitted activities or who open association headquarters or branches in places prohibited by



Article 54 along with persons who permit this or persons who deliberately conceal this from the authorities will be imprisoned according to the above paragraph.

*Article 68* : Association administrators who violate Article 36 without obtaining permission shall be heavily fined from one to two thousand liras and shall be imprisoned from six months to a year.

*Article 69* : Those who violate paragraph one, Article 37 of this Act shall be imprisoned from six months to a year unless a stiffer penalty is required.

*Article 70* : Those who violate paragraph one of Article 39 and Article 38 of this Act and those who do not comply with Article 52 and the third paragraph of Article 40 or the second, third or fourth paragraphs of Article 39 shall be imprisoned from one to six months. In these cases the association shall be closed.

*Article 71* : Those who knowingly violate Article 47 of this or who within a week of learning of such a violation do not resign shall be heavily fined from five hundred to one thousand liras.

*Article 72* : Persons or corporate bodies who aid associations, federations or confederations in violation of Article 50 of this Act or administrators of associations, federations or confederations who accept such aid shall be imprisoned from three to six months and heavily fined from one thousand to two thousand liras.

If such aid is received the Court shall decree the return of the aid to the establishment which made it, in the case that the establishment is within Turkey. If the aid has come from a foreign country it shall be turned over to the Treasury.

*Article 73* : Those who change and fraudulently interfere with the counting of the votes in elections for the general assembly and for other association organs shall be imprisoned from three to six months and heavily fined from three to ten thousand liras.

Those who do not keep the records and the books of the associations or who do not show these to inspectors shall be impri-

soned up to three months and heavily fined from five hundred to a thousand liras.

The chairman of the board of directors or board members or controllers or other authorized officials of the associations who in any way spend, use, consume, mortgage, sell, conceal, sign, deny or alter money, documents deeds or other property belonging to the association for their own or for another's benefit shall be imprisoned from six months to two years and shall be heavily fined for no less than two thousand liras unless a stiffer penalty is required. An investigation for the above crime does not require a complaint.

*Article 74* : In cases where there are no other applicable provisions, association administrators or members or other related persons who do not comply with provisions of this Act shall be imprisoned from one to six months.

## PART : XI

### FINAL PROVISIONS

*Temporary Article 1* : Associations, federations, unions and confederations existing at the time of publication of this Act must within six months at the most, revise their by-laws to conform with this Act. Four copies of the revised by-laws shall be submitted to the highest local government officer where the headquarters are located.

Associations which do not comply with this requirement within the time period shall be deemed dissolved.

*Temporary Article 2* : The regulations discussed in Article 61 of this Act shall be prepared and the Offices of Association shall be opened within three months of the effective date of this Act.

*Temporary Article 3* : Associations, federations and student unions which were in existence in universities, schools, academies and in related institutions along with every type of public and private educational and instructional establishments as mentioned



in the last paragraph of Article 4 of this Act shall be deemed as dissolved upon the publication of this Act.

Any property left after the dissolution shall be handled according to the by-laws.

*References to the Act of societies (Cemiyetler Kanunu) :*

*Article 75 :* All references in other laws to the Act of Societies numbered 3512 and its amendments and attachments and all references to numbered articles and amendments of that Act shall be considered applicable to this Act.

Professional establishments, unless there are special provisions governing them, shall be covered by Articles 35, 36, 37, 39 and 42 of this Act and the penalties relative thereto.

#### ABROGATED LAWS

*Article 76 :* The Act of Societies numbered 3512 along with its attachments and amendments have been abrogated by this Act.

#### EFFECTIVE DATE

*Article 77 :* This Act will take effect on the date of its publication in the Official Gazette.

#### ENFORCEMENT

*Article 78 :* The Council of Ministers shall enforce this Act.