
**REPORT OF THE SUBJECT COMMITTEE
ON
THE MADRAS HINDU RELIGIOUS AND
CHARITABLE ENDOWMENTS
(AMENDMENT) BILL, 2013
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE**

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SUBJECT COMMITTEE II
LAND REVENUE AND DEVASWOM
(2011-2013)

Composition

Chairman :

Shri Adoor Prakash,
Minister for Revenue and Coir

Ex-officio Member :

Shri V. S. Sivakumar,
Minister for Health and Devaswom

Members :

Shri P. B. Abdul Razak
” Babu M. Palissery
” C. K. Nanu
” A. Pradeepkumar
” Palode Ravi
” C. K. Sadasivan
” V. P. Sajeendran
” N. Samsudheen
” V. S. Sunil Kumar.

Legislature Secretariat :

Shri P. D. Sarangadharan, Secretary
,, K. C. Joseph Kutty, Additional Secretary
,, M. K. Surendralal, Deputy Secretary
Smt. Manju Varghese, Under Secretary.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
(AMENDMENT) BILL, 2013

Report of the Subject Committee

Subject Committee II (Land Revenue and Devaswom) to which “the Madras Hindu Religious and Charitable Endowments (Amendment) Bill 2013” was referred, considered the Bill clause by clause and now submits its report with the Bill as reported by the Committee annexed thereto.

2. The Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 2013 was published as a Gazette Extraordinary dated May 30, 2013. The Bill was introduced in the Assembly on June 11, 2013 and was referred to the Subject Committee on the same day.

3. The Committee considered the Bill clause by clause at its meeting held on June 20, 2013.

4. The Committee recommends to adopt the bill with the following modifications :

Clause 4

For clause 4 of the Bill, the following clause shall be substituted namely :—

“4. Insertion of section 7M.—After section 7L of the principal Act, the following section shall be inserted, namely :—

“7M. *Duties of the Board.*—The Board shall perform the following duties and functions, namely:—

- (i) to ensure proper maintenance and upliftment of Hindu Religious Institutions;
 - (ii) to establish and maintain proper facilities in the temples for the devotees;
 - (iii) to allocate all the divisions under the Board to the members by rotation, who shall perform such functions as may be authorised by the Board including the working of the Area Committee”.
5. Minutes of dissent is appended.
6. The other changes are consequential.

Thiruvananthapuram,
June 20, 2013.

ADOOR PRAKASH,
Chairman,
Subject Committee II.

MINUTES OF DISSENT

We record our dissent on the report of the Subject Committee for the following reasons :

1. The number of elected members in the Malabar Devaswom Board has been reduced from three to two.
2. Two positions earlier reserved in the Malabar Devaswom Board for women were reduced to one.
3. A position reserved in the Malabar Devaswom Board for a member from any of the temple advisory committee has been discarded.
4. Positions in the Devaswom Board reserved one each for a philosopher of Hindu Religion and for a Social Reformer of Hindu Religion have been abolished.
5. The existing provision for appointment of all officers and employees of the Board except the Commissioner from a selected list of candidates belonging to Hindu religion furnished by the Kerala Public Service Commission, has been abrogated and opened the flood gate for corruption and nepotism in appointment of administrative officers and employees.
6. positions reserved in the Area Committee for one woman and for one SC/ST has been abolished.
7. Composition of the Area Committee has been altered so as to exclude Philosophers of Hindu Religion, Social reformers of Hindu Religion, Members of Temple Advisory Committees and also to avoid woman and SC/ST member from the Area Committee.

A. PRADEEPKUMAR (Sd.)

BABU M. PALISSERY (Sd.)

വിയോജനക്കുറിപ്പ്

2013-ലെ മദ്രാസ് ഹിന്ദു മത ധർമ്മ എൻഡോവ്മെന്റുകൾ (ഭേദഗതി) ബിൽ സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടിന് താഴെ പറയുന്ന കാരണങ്ങളാൽ ഞങ്ങൾ വിയോജനക്കുറിപ്പ് രേഖപ്പെടുത്തുന്നു :

സംസ്ഥാനത്ത് ഏറ്റവും സുതാര്യമായും അഴിമതിരഹിതവുമായി റിക്രൂട്ട്മെന്റ് നടത്തുന്ന ഭരണഘടനാപരമായ അധികാരമുള്ള സ്ഥാപനമാണ് കേരള പബ്ലിക് സർവ്വീസ് കമ്മീഷൻ. ദേവസ്വം ബോർഡിന് കീഴിൽ വരുന്ന തസ്തികകൾ നികത്തുവാൻ കേരള പി.എസ്.സി. വഴി റിക്രൂട്ട്മെന്റ് നടത്തുവാനുള്ള നിലവിലുള്ള നിയമപരമായ വ്യവസ്ഥ എടുത്തുകളയാനും നയപരമായ തീരുമാനം എടുത്തു എന്ന പേരിൽ ദേവസ്വം റിക്രൂട്ട്മെന്റ് ബോർഡ് രൂപീകരിക്കുവാനും എല്ലാ നിയമനങ്ങളും ഈ ബോർഡ് വഴി നടത്തുവാനും തീരുമാനിക്കുന്നത് നിയമനത്തിലെ സുതാര്യത നഷ്ടപ്പെടാനും അഴിമതി നടത്തുവാനും സാധ്യത വർദ്ധിപ്പിക്കുന്നതാണ്. ഒരു നിയമം ഭേദഗതി വരുത്തുന്നത്, നിലവിലുള്ള വ്യവസ്ഥയിലെ കുറവു പരിഹരിക്കാനായിരിക്കണം. എന്നാൽ മേൽപ്പറഞ്ഞ നിലയിൽ നിലവിലുള്ള വ്യവസ്ഥ എടുത്തുകളയുന്നത് നിയമത്തിന്റെ അന്തസ്സത്തനനെ ഇല്ലാതാക്കുന്നതായിരിക്കും.

1. വി. എസ്. സുനിൽ കുമാർ (ഒപ്പ്)
2. സി. കെ. നാണു (ഒപ്പ്)

THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) BILL, 2013

(As reported by the Subject Committee)

[Words sidelined indicates the modifications suggested by the Subject Committee.]

A

BILL

further to amend the Madras Hindu Religious and Charitable Endowments Act, 1951.

Preamble.— WHEREAS, it is expedient further to amend the Madras Hindu Religious and Charitable Endowments Act, 1951 for the purposes hereinafter appearing ;

BE it enacted in the Sixty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2013.

(2) It shall be deemed to have come into force on the 10th day of November, 2012.

2. *Amendment of section 7.*—In the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter referred to as the principal Act), in section 7,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The Board referred to in sub-section (1) shall consist of nine Hindu members of whom one shall be a woman, one shall be a person belonging to Scheduled Castes and one shall be a person belonging to Scheduled Tribes.

Explanation:—For the purpose of this section, “Scheduled Castes” and “Scheduled Tribes” shall have the same meaning as assigned to them in clauses (24) and (25), respectively, of article 366 of the Constitution of India.”;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Of the nine members specified in sub-section (3), seven members including the woman member, the member belonging to the Scheduled

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Castes and the member belonging to the Scheduled Tribes, shall be nominated by the Hindus among the Council of Ministers and the other two members shall be elected by the Hindus among the Members of the Legislative Assembly of the State of Kerala as provided in section 7 I.”.

3. *Amendment of section 7B.*—In section 7B of the principal Act, in clause (iv), for the words “fifty years”, the words “forty-five years” shall be substituted.

4. *Insertion of section 7M.*—After section 7L of the principal Act, the following section shall be inserted, namely:—

“7M. *Duties of the Board.*—The Board shall perform the following duties and functions, namely :—

(i) to ensure proper maintenance and upliftment of Hindu Religious Institutions ;

(ii) to establish and maintain proper facilities in the temples for the devotees ;

(iii) to allocate all the divisions under the Board to the members by rotation, who shall perform such functions as may be authorised by the Board including the working of the Area Committee.”.

5. *Omission of section 8D.*—Section 8D of the principal Act shall be omitted.

6. *Amendment of section 13.*—In section 13 of the principal Act,—

(a) in sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every Area Committee shall consist of seven members appointed by the Government.”;

(b) in sub-section (2), for the words “three years”, the words “two years” shall be substituted.

7. *Amendment of section 39.*—In sub-section (3) of section 39 of the principal Act, for the words “five years” the words “two years” shall be substituted.

8. *Special provisions relating to the existing members of the Area Committee and non-hereditary trustees.*—Notwithstanding anything contained in the principal Act, the Chairman and the members of the Area Committee and the

non-hereditary trustees in office as on 10th November, 2012, the date of commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2012 (59 of 2012), shall cease to hold office as such Chairman and members of the Area Committee or the non-hereditary trustees, as the case may be, on the said date.

9. *Repeal and saving.*—(1) The Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2013 (35 of 2013) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Secretariat of the Kerala Legislature,
Thiruvananthapuram
June 20, 2013.

P. D. SARANGADHARAN,
Secretary.