

**Thirteenth Kerala Legislative Assembly**

**Bill No. 207**

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**THE TRAVANCORE-COCHIN HINDU RELIGIOUS  
INSTITUTIONS (AMENDMENT) BILL, 2013**

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398/2013.

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(AMENDMENT) BILL, 2013

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*BILL*

*further to amend the Travancore-Cochin Hindu Religious Institutions Act, 1950.*

*Preamble.*—WHEREAS, it is expedient further to amend the Travancore-Cochin Hindu Religious Institutions Act, 1950 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 Travancore-Cochin Hindu Religious Institutions (Amendment) Act, 2013.

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

2. *Amendment of section 4.*—In the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950) (hereinafter referred to as the principal Act), in section 4,—

(a) in sub-section (1), the words “one shall be a woman and” shall be omitted;

(b) for sub-section (1A), the following sub-section shall be substituted, namely:—

“(1A) Of the three members specified in sub-section (1), two members shall be nominated by the Hindus among the Council of Ministers and the member belonging to Scheduled Caste/Scheduled Tribe shall be elected by the Hindus among the Members of the Legislative Assembly of the State of Kerala.”.

3. *Amendment of section 6.*—In section 6 of the principal Act, for the words “fifty years”, the words “forty-five years” shall be substituted.

4. *Amendment of section 10.*—In section 10 of the principal Act, in sub-section (1), for the words “two years”, the words “three years” shall be substituted.

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5. *Amendment of section 14.*—In sub-section (1) of section 14 of the principal Act, the words “and the Standing Committees” shall be omitted.

6. *Omission of section 15B.*—Section 15B of the principal Act shall be omitted.

7. *Omission of section 29A.*—Section 29A of the principal Act shall be omitted.

8. *Amendment of section 35.*—In sub-section (1) of section 35 of the principal Act, for the words “The Board may make rules”, the words “The Board may, with the prior approval of the Government, make rules” shall be substituted.

9. *Amendment of section 63.*—In section 63 of the principal Act,—

(a) in sub-section (1), the words “one shall be a woman and” shall be omitted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Of the three members specified in sub-section (1), two members shall be nominated by the Hindus among the Council of Ministers and the member belonging to Scheduled Caste/Scheduled Tribe shall be elected by the Hindus among the Members of the Legislative Assembly of the State of Kerala.”.

10. *Amendment of section 65.*—In section 65 of the principal Act, for the words “fifty years”, the words “forty-five years” shall be substituted.

11. *Amendment of section 70.*—In section 70 of the principal Act, in sub-section (1), for the words “two years”, the words “three years” shall be substituted.

12. *Amendment of section 73.*—In sub-section (2A) of section 73 of the principal Act, the words “and the Standing Committees” shall be omitted.

13. *Omission of section 74B.*—Section 74B of the principal Act shall be omitted.

14. *Amendment of section 122.*—In sub-section (1) of section 122 of the principal Act, for the words “The Board may make rules”, the words “The Board may, with the prior approval of the Government, make rules” shall be substituted.

15. *Omission of section 127A.*—Section 127A of the principal Act shall be omitted.

16. *Repeal of Act 19 of 2008.*—The Kerala Public Service Commission (Additional Functions as Respects the Administrative Services under Devaswom Boards) Act, 2008 (19 of 2008) is hereby repealed.

17. *Repeal and saving.*—(1) The Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2013 (27 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 Ordinance.

#### STATEMENT OF OBJECTS AND REASONS

The administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds in the erstwhile Travancore and Cochin areas of the State are provided in the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) and such powers and duties are vested in the Travancore Devaswom Board and the Cochin Devaswom Board, respectively, constituted as per the provisions of the said Act. The term of the Boards constituted earlier expired on 14th July, 2012 and the Chief Commissioners appointed had been exercising the powers and performing the duties of the Boards. The Government considered it necessary to bring certain amendments to the Act before constituting the new Boards.

The important amendments proposed to the Act are the following, namely:—

(i) to omit the provision to nominate women members to the Travancore and Cochin Devaswom Boards.

(ii) to incorporate a provision to the effect that, of the three members, two members in the general category shall be nominated by Hindus among the Council of Ministers and the other Scheduled Caste/Scheduled Tribe member shall be elected by the Hindu members of the Legislative Assembly.

(iii) to omit the provisions relating to the Standing Committees as there are only three members each in the Devaswom Boards, there is no necessity to have Standing Committees.

(iv) to make a provision to insist that the Boards may make rules for the purposes of the Act, only with the prior approval of the Government.

(v) to omit the provisions in the Act entrusting the appointments of officers and employees in the Devaswom Administrative Service of the Boards to

the Kerala Public Service Commission, as the constitution of a Recruitment Board for appointments in the Devaswom Board is under the consideration of the Government.

(vi) to enhance the term of office of members of the Board from two years to three years.

(vii) to reduce the age limit in the case of male candidates to become a member of the Board from fifty to forty five years.

(viii) to repeal the Kerala Public Service Commission (Additional Functions as Respects the Administrative Services under Devaswom Boards) Act, 2008 (19 of 2008).

As the Legislative Assembly was not in session and the above proposals had to be given effect to immediately, the Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on the 9th day of November, 2012 and the same was published as Ordinance No.58 of 2012 in the Kerala Gazette Extraordinary No.1150 dated, the 10th day of November, 2012.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, Legislative Assembly of the State of Kerala during its session which commenced on the 10th day of December, 2012 and ended on the 21st day of December, 2012. In order to keep alive the provisions of the said Ordinance, the Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2013 was promulgated by the Governor of Kerala on the 9th day of January, 2013 and the same was published as Ordinance No.6 of 2013 in the Kerala Gazette Extraordinary No.100 dated, the 10th day of January, 2013.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 1st day of February, 2013 and ended on the 19th day of February, 2013. In order to keep alive the provisions of the said Ordinance, the Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2013 was promulgated by the Governor of Kerala on the 26th day of February, 2013 and the same was published as Ordinance No.27 of 2013 in the Kerala Gazette Extraordinary No. 566 dated, the 27th day of February, 2013.

The Bill seeks to replace Ordinance No. 27 of 2013 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought in operation, would not involve any additional expenditure from the Consolidated Fund of the State.

V. S. SIVAKUMAR.

EXTRACT FROM THE RELEVANT PORTIONS OF THE TRAVANCORE-  
COCHIN HINDU RELIGIOUS INSTITUTIONS  
ACT, 1950 (XV OF 1950)

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## CHAPTER II

## THE TRAVANCORE DEVASWOM

4. *Constitution of the Travancore Devaswom Board.*—(1) The Board referred to in section 3 shall consist of three Hindu members of whom one shall be a woman and one shall be a person belonging to Scheduled Caste or Scheduled Tribe.

*Explanation.*—For the purpose of this section, “Scheduled Caste” and “Scheduled Tribe” shall have the same meaning as is assigned to it in clause (24) and (25) respectively of Article 366 of the Constitution of India.

(1A) Of the three members specified in sub-section (1), the woman member and the Scheduled Caste/Scheduled Tribe member shall be nominated by the Hindus among the Council of Ministers and the other member shall be elected by the Hindus among the Members of the Legislative Assembly of the State of Kerala.”

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6. *Qualification for membership in the Board.*—A person shall not be qualified for nomination or election as a member of the Board unless he is a permanent resident of the State of Kerala excluding the Malabar District and is a Hindu and has attained the age of fifty years in the case of a male member and has attained the age of sixty years in the case of a female member.

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10. *Term of the Board.*—(1) Every member of the Board shall be entitled to hold office for a period of two years from the date of his nomination or election as the case may be.

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14. *Secretary of the Board.*—(1) The Board shall have a Secretary who shall be the convener of the meetings of the Board and the Standing Committees.

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63. *Constitution of the Cochin Devaswom Board.*—The Board referred to in sub-section (1) of Section 62 shall consist of three Hindu members of whom, one shall be a woman and one shall be a person belonging to Scheduled Caste or Scheduled Tribe.

*Explanation.*—For the purpose of this section, “Scheduled Caste” and “Scheduled Tribe” shall have the same meaning as is assigned to them in clauses (24) and (25) respectively or Article 366 of the Constitution of India.

(2) Of the three members specified in sub-section (1), the woman member and the Scheduled Caste/Scheduled Tribe member shall be nominated by the Hindus among the Council of Ministers and the other member shall be elected by the Hindus among the Members of the Legislative Assembly of the State of Kerala.”

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65. *Qualification for membership in the Board.*—A person shall not be qualified for nomination or election as a member of the Board unless he is a permanent resident of the State of Kerala excluding the Malabar District and is a Hindu and has attained the age of fifty, in the case of a female member.

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70. *Term of the Board.*—(1) Every member of the Board shall be entitled to hold office for a period of two years from the date of his nomination or election, as the case may be.

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73. *Office and meeting of the Board.*—(1) The Board shall have an office at Trichur where it shall meet for the transaction of business and to which all communications and notices may be addressed.

(2) The Board may appoint a Secretary to perform such functions and duties as they may prescribe.

“(2A) The Secretary shall be the Convener of the meetings of the Board and the Standing Committees and shall also be responsible for the proper functioning of the day-to-day affairs of the Board.”

(3) The meetings of the Board shall be presided over by the President and if he is not present, by the member authorised by him to preside.

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74B. *Standing Committees of the Board.*—(1) The Board shall constitute the following Standing Committees, each consisting of two members of the Board, in the first meeting of every newly constituted Board, namely:—

- (i) Standing Committee on Finance and Resource Mobilisation;
- (ii) Standing Committee on Works, Development and Environment;
- (iii) Standing Committee on Establishment, Temple Arts and Devotional Services.

(2) One of the members shall be appointed by the Board as its Chairman and he shall preside over the meetings of that Standing Committee.

(3) The Board, shall by standing orders assign duties and functions to be performed by each of the Standing Committee.

(4) The Standing Committees shall meet at least once in a month.

(5) The recommendations of the Standing Committees shall, as far as possible, be unanimous and in the event of any difference of opinion on any subject, it shall be referred to the Board for its decision.”

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122. *Rules.*—(1) The Board may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

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“127A. *Appointment to be made through Kerala Public Service Commission.*—Notwithstanding anything contained in this Act or in the rules or in the bye laws made thereunder relating to the recruitment and conditions of service of officers and employees of the Board, all appointments of officers and employees in the Administrative Service of the Board, for which direct recruitment is resorted to, shall be made from a select list of candidates belonging to Hindu religion furnished by the Kerala Public Service Commission in accordance with the law made for the exercise of this additional function by the Kerala Public Service Commission. A Hindu member/members of the Public Service Commission may discharge the function of conducting interview in the process of selection of candidates for appointments.”

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