

THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) BILL, 2008

(As passed by the Assembly)

A

BILL

further to amend the Madras Hindu Religious and Charitable Endowments Act, 1951 and for certain matters connected therewith.

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

BE it enacted in the Fifty-ninth 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, 2008.

(2) It shall be deemed to have come into force on the 9th day of January, 2008.

2. *Amendment of section 6.*—In section 6 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter referred to as the principal Act),—

(1) for clause (2), the following clause shall be substituted, namely:—

“(2) “Assistant Commissioner” means the Assistant Commissioner appointed under sub-section (4) of section 8C;”;

(2) for clause (3), the following clause shall be substituted, namely:—

“(3) “Board” means, except for the purposes of Chapter XI, the Board constituted under sub-section (1) of section 7 of this Act;”;

(3) for clause (5), the following clause shall be substituted, namely:—

“(5) “Commissioner” means the Commissioner appointed under sub-section (1) of section 8C;”;

(4) for clause (7), the following clause shall be substituted, namely:—

“(7) “Deputy Commissioner” means the Deputy Commissioner appointed under sub-section (4) of section 8C;”;

(5) after clause (9), the following clause shall be inserted, namely:—

“(9a) “Malabar area” means the area comprised in the Malabar District referred to in sub-section (2) of section 5 of the States Re-organisation Act, 1956 (Central Act 39 of 1956).”.

3. *Amendment of the Heading of Chapter II.*—In the heading of Chapter II of the principal Act, for the words “The Commissioner and other Controlling Authorities”, the words “The Board and its Officers” shall be substituted.

4. *Substitution of new section for section 7.*—For section 7 of the principal Act, the following section shall be substituted, namely:—

“7. *Constitution of the Malabar Devaswom Board.*—(1) As soon as after the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2008, the Government shall, by notification in the Gazette, constitute a Board by name “the Malabar Devaswom Board.”.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of both movable and immovable properties and to enter into contracts and may sue and be sued in the name of the Board.

(3) The Board shall consist of the following nine Hindu members, namely:—

- (a) one philosopher of Hindu religion ;
- (b) one social reformer of Hindu religion ;
- (c) one member from any of the Temple Advisory Committees constituted under section 14 ;
- (d) one woman, wellversed in Hindu devotional songs ;
- (e) one member from Scheduled Caste Communities ;
- (f) one member from Scheduled Tribe Communities ;
- (g) one woman member ;
- (h) two other members.

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

(4) The members mentioned in clauses (a) to (f) shall be nominated by the Hindus among the Council of Ministers of the State and the members mentioned in clauses (g) and (h) shall be elected by the Hindus among the Members of the Kerala Legislative Assembly as provided in section 7 I.

(5) The Hindus among the Council of Ministers of the State shall also nominate a member of the Board as its President.

(6) The head quarters of the Board shall be at Kozhikode.

(7) In the absence of a duly constituted Board, the Government may, by notification in the Gazette, appoint a Secretary to Government, who is a Hindu, as the Chief Commissioner to exercise all powers and perform all duties of the Board under this Act.”

5. *Insertion of new sections 7A to 7L.*—After section 7 of the principal Act, the following sections shall be inserted, namely:—

“7 A. *Term of office of the members.*—(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.

(2) A person who ceases to be a member of the Board by reason of expiration of his term of office shall, if he is otherwise qualified, be eligible for re-nomination or re-election :

Provided that such a member shall not be eligible for re-nomination or re-election consecutively.

7B. *Qualification for membership.*—A person shall be qualified for nomination or election as a member of the Board only if he,—

(i) is a permanent resident of the Malabar area;

(ii) professes the Hindu religion;

(iii) is a believer of temple worship; and

(iv) has completed the age of fifty years in the case of male members and sixty years in the case of female members.

7C. *Oath by a member.*—Where a person has been elected or nominated as a member of the Board, before entering the office as a member, he shall take an oath before the Commissioner of the Board stating that he is a person professing Hindu religious rites and is a believer of God and temple worship.

7D. *Disqualification for membership.*—No person shall be eligible for nomination or election as a member of the Board, if he,—

(i) is of unsound mind ; or

(ii) is an undischarged insolvent ; or

(iii) is an office-holder or a servant of the Government, a Local Authority, or a Devaswom Board ; or

(iv) is interested in an existing contract for the supply of any material to the Board or for executing any work on behalf of the Board ; or

(v) has been convicted by a criminal court for any offence involving moral turpitude ; or

(vi) is a Member of the Parliament or of the Legislature of any State or of a Local Self Government Institution ; or

(vii) has been removed from holding any office in pursuance of a court order ; or

(viii) involves in the business of production or sale of liquor.

7E. *Supervening disqualifications.*—(1) Where the Government are satisfied that a person elected or nominated as a member of the Board has become subject to any of the disqualifications specified in clauses (i) to (viii) of section 7D or does any act prejudicial to the interest of the Board or absent himself from three consecutive meetings without any sufficient reason or ceases to profess the Hindu religion, it may, by order, for reasons to be stated therein, remove such member from office:

Provided that a member shall not be removed under this sub-section, unless he is given a reasonable opportunity of showing cause against his removal.

(2) A member of the Board may also be removed from his office by the Government on the ground of proved misbehaviour or incapacity, based on a complaint received from a Hindu, after conducting a detailed inquiry in the prescribed manner.

Explanation.—If a member does any act, which is intended or is likely to endanger communal harmony or which tends to promote feelings of enmity or hatred among different classes of citizens, he shall, for the purpose of this sub-section be deemed to be guilty of misbehaviour.

7F. *Resignation by a member.*—A member of the Board may, by writing under his hand, addressed to the Government Secretary in charge of Devaswom Department, resign his membership and the resignation shall take effect on the date of acceptance of the same by the Government.

7G. *Filling up of temporary vacancies.*—When the office of a nominated or elected member of the Board becomes vacant due to death, resignation, removal or otherwise, a new member shall be nominated or elected, as the case may be, in his place, in accordance with the provisions contained in this Act and such member shall hold office so long as the member, in whose place he is nominated or elected, would have held office, had such vacancy not occurred.

7H. *Honorarium and travelling allowances of President and members.*—The President and the members of the Board shall be entitled for a monthly honorarium at the rate of Rs. 5,000 and Rs. 3,500 respectively and for travelling allowance as payable to the Class I officers of the Government and shall not be eligible for any other perquisites or facilities:

Provided that nothing contained in this section shall prevent the Board from providing a conveyance facility to the President.

7 I. *Procedure for election of the members of the Board.*—(1) A meeting of the Hindus among the Members of the Legislative Assembly of the State shall be summoned under the authority of the Governor of Kerala by any person authorized in this behalf by the Governor, to meet at such time and place and on such date as may be fixed by him in this behalf, for the election of members to the Board.

(2) The election shall be held in accordance with the rules specified in the Schedule II, by the person commissioned by the Governor to preside over the meeting.

7J. *Meetings of the Board.*—(1) Meetings of the Board shall be convened by the Secretary of the Board on the direction of the President.

(2) Meetings of the Board shall be presided over by the President and in his absence by a member chosen by the members present from among themselves.

(3) The quorum for a meeting shall be five.

(4) In case of difference of opinion among the members, decisions shall be taken by a majority of votes, and where the votes are equally divided the President or the person presiding shall have and exercise a casting vote.

(5) The Secretary shall keep the minutes of the proceedings of each meeting in a book to be kept for the purpose which shall be signed by the President or the person presiding and the members present at such meeting.

7K. *Validation of proceedings.*—No act or proceedings of the Board shall be deemed to be invalid merely by reason of any defect in its constitution or on the ground that the President or any member thereof was disqualified for or had ceased to hold office or by reasons of such act or proceedings having been done or taken during the period of any vacancy in the office of the President or any member of the Board.

7L. *Standing Committees of the Board.*—(1) The Board shall constitute, for its proper functioning, the following Standing Committees with 3 members each, namely:—

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

(2) The Board shall nominate one member of each Standing Committee as its Chairman who shall preside over its meetings ;

(3) The Board shall specify the various duties and responsibilities of the Standing Committees ;

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

(5) The recommendations of the Standing Committees shall be unanimous and in case of any difference of opinion among the members in respect of any subject it shall be placed before the Board for decision.”.

6. *Substitution of new section for section 8.*—For section 8 of the principal Act, the following section shall be substituted, namely:—

“8. *Vesting of power in the Board.*—All powers and duties under this Act, in respect of the various religious institutions of the Malabar area, that have been exercised or performed by the Commissioner, Deputy Commissioners, Assistant Commissioners and Area Committees before the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2008, shall vest in the Board, on its constitution.”.

7. *Insertion of new sections 8A to 8D.*—After section 8 of the principal Act, the following sections shall be inserted, namely:—

“8A. *Supervision and control by the Board.*—Subject to supervision and control of the Board, and other provisions of this Act, the Commissioner, Deputy Commissioners, Assistant Commissioners and Area Committees exercising any power or performing any duty under this Act, before the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2008,

shall continue to exercise such powers and perform such duties, as officers of the Board, as if those powers are delegated to them by the Board.

“8B. *Assumption of the direct administration of religious institutions, supervision of temple employees and welfare fund scheme.*—(1) The Board shall have the power to assume the direct management of any religious institution provided the trustees request the Board to take over its management unconditionally.

(2) The Board shall have the power to fix and regulate the service conditions and pay structure of the officers and employees of the temples from time to time and to supervise its implementation.

(3) The Board may maintain a Welfare Fund Scheme for the benefit of the officers and Employees of the Temples in the manner as may be prescribed.”

8C. *Officers and employees of the Board.*—(1) The Government may appoint an officer not below the rank of a Joint Secretary to Government who is professing Hindu religion and is a believer of God and temple worship, as the Commissioner of the Board on such terms and conditions as may be fixed by the Government, who shall also function as the Secretary of the Board.

(2) He shall be the Chief Executive Officer of the Board who shall implement all decisions of the Board.

(3) He shall submit reports to the Government, once in three months, with respect to the working of the Board.

(4) The Board may appoint such number of Deputy Commissioners, Assistant Commissioners, and such other officers and staff as are necessary for discharging its functions under this Act.

(5) The Board may create, with the approval of the Government, such number of posts of officers and employees of the Board, as it requires.

(6) The pay and allowances and other conditions of service of the officers and employees of the Board, appointed under sub-section (4), shall be such, as may be prescribed.

8D. *Appointment to be made through Kerala Public Service Commission.*— All appointments of officers and employees of the Board, except the Commissioner, 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.

8. *Amendment of section 13.*—In section 13 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) Every Area Committee shall consist of the following members appointed by the Government, namely:—

- (a) one philosopher of Hindu religion ;
- (b) one social reformer of Hindu religion ;
- (c) one member from any of the Temple Advisory Committees constituted under section 14 ;
- (d) one member from Scheduled Caste or Scheduled Tribe Communities ;
- (e) one woman member ;
- (f) two other members.

(IA) The Government shall nominate one of the members as its Chairman.”.

9. *Substitution of new section for section 14.*—For section 14 of the principal Act, the following section shall be substituted, namely:—

“14. *Temple Advisory Committees.*—(1) For the purpose of ensuring adequate participation of Hindu devotees, a committee may be constituted for each temple in the name “(name of the temple) Temple Advisory Committee”, not inconsistent with the existing custom and practices.

(2) The Temple Advisory Committees formed under sub-section (1) shall be approved by the Board.

(3) The composition of a Temple Advisory Committee under sub-section (1) shall be in such manner, as may be prescribed.”.

10. *Amendment of section 15.*—In section 15 of the principal Act, after the words “Area Committee” the words “and Temple Advisory Committee” shall be inserted.

11. *Amendment of section 16.*—In section 16 of the principal Act, for the words “Area Committee” wherever they occur, the words “Area Committee or Temple Advisory Committee” shall be substituted.

12. *Insertion of sections 19A to 19D.*—After section 19 of the principal Act, the following sections shall be inserted, namely:—

“19A. *Transfer of files and proceedings.*—(1) Notwithstanding anything contained in this Act, the Board shall have the power to call for any file or proceedings pending before any of its officers or Area Committees and either dispose it of by itself or transfer it to another officer of the Board for disposal.

(2) Any party aggrieved by an order of the Board under sub-section (1), not being an order against which a suit or an appeal to a court is provided under this Act may appeal to the State Government within three months from the date of receipt of the order by him:

Provided that the State Government shall not pass any order prejudicial to any party without giving him a reasonable opportunity of being heard.

19B. *Appointment of Commission.*—(1) Notwithstanding anything contained in this Act, the Government may, by notification in the Gazette, appoint a Commission to enquire into and report on the allegations, if any, of any irregularities, corruption, mal-administration or misappropriation of funds by the Board.

(2) The Commission appointed under sub-section (1) shall be a sitting Judge of the High Court of Kerala, who is a Hindu, in consultation with the Chief Justice:

Provided that, if the service of a sitting Judge of the High Court of Kerala is not available, a retired Judge of the High Court of Kerala, who is a Hindu, shall be appointed as such Commission.

(3) The term and other conditions of appointment of the Commission shall be such as may be specified in the order appointing such Commission.

19C. *Power of the Government to dissolve or supersede the Board.*—(1) If in the opinion of the Government, the Board persistently makes default in the performance of the duties imposed on it by or under this Act or exceeds or abuses its powers, the Government may, by notification, specifying the reason for so doing, declare the Board to be in default or to have exceeded or abused its powers, as the case may be ; and—

(a) that on the date to be specified in the order the office of the members of the Board shall be deemed to be vacated and require a fresh election to be held on or before the said date, or

(b) direct that the Board shall be superseded for such period, as may be specified in the notification.

(2) The members of the Board who vacate office by reason of a declaration made under sub-section (1) shall not, unless the Government otherwise direct, be deemed disqualified for re-election or re-appointment.

19D. *Consequences of supersession.*— Where an order of supersession has been passed under section (1) of Section 19 C the following consequences shall ensue, namely;

(a) all the members of the Board shall from a date to be specified in the order, vacate their offices as such members ;

(b) all the powers and duties which under the provisions of this Act are to be exercised and performed by the Board or the President shall, during the period of supersession, be exercised and performed by such person or persons as the Government may direct; and

(c) before the expiration of the period of supersession, election shall be held and appointment made for the purpose of reconstituting the Board.”.

13. *Insertion of new Chapter.*—After Chapter II of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER II A

Abolition of Hindu Religious and Charitable Endowments (Administration) Department and Transfer of their Assets, Liabilities and Staff to the Board

19E. *Transfer of assets and liabilities of the Hindu Religious and Charitable Endowments (Administration) Department to the Board.*—(1) On constitution of the Board under section 7, the existing Hindu Religious and Charitable Endowment (Administration) Department (hereinafter referred to as the abolished Department) shall stand abolished and all its assets and liabilities shall stand transferred to, and vest in the Board, constituted under this Act.

(2) The assets referred to in sub-section (1) shall be deemed to include all rights and powers and all properties, whether movable or immovable, belonging to or vested in that Department or under their management and control, their funds, cash balance, if any, investments, deposits and all other interests or rights in or arising out of such property and all books of accounts or documents kept or maintained by them and its liability shall be deemed to include all debts, liabilities and obligations of whatever kind existing and pertaining to that Department at the time of its abolition.

19F. *Effect of vesting of assets and liabilities in the Board.*—(1) Unless otherwise expressly provided by or under this Act, all contracts, agreements and other instruments of whatever nature subsisting or having effect immediately before the abolition of the Department and to which the Department, or any of its officers or authorities is a party or which is in their favour shall be of full force and effect against or in favour of the Board constituted under this Act, and

may be enforced or acted upon as fully and effectually as if, instead of the abolished Department, or of its officers or authorities the Board had been a party thereto or as if they had been entered into or issued in favour of the Board.

(2) If any suit, appeal or other legal proceedings of whatever nature by or against the abolished Department is pending, the same may be continued, prosecuted and enforced by or against the Board.

19G. *Employees of the abolished Department.*—(1) On constitution of the Board under section 7, every full-time employee of the abolished Department shall be deemed to be continued as a Government employee for all practical purposes including pay and allowances and pensionery benefits as a vanishing category in the Board and shall hold office therein with the same terms and conditions of service and with the same rights and privileges, if any, as if he would have held the same if the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2008, had not been enacted, until altered by the Board.

(2) Nothing in sub-section (1) shall prevent an employee of the abolished Department from exercising option to serve in other Departments of the Government, by protecting their pay and allowances within such period as may be specified by the Government.

(3) The Government may, after consulting the Board, direct, by general or special order, that the employees, who have exercised option within the time specified by the Government under sub-section (2), and specified in the order shall stand allotted to serve in such other Departments of Government with effect from such date as may be specified therein.

(4) With effect from the date specified in the order under sub-section (3), the person specified in such order and allotted to serve in other Departments of the Government shall cease to be employees of the Board.

(5) Every person who becomes an employee of the Government under sub-section (4) shall hold his office therein, with such designation as the Government may determine and with the same remuneration and on the same terms and conditions of service and with same rights and privileges, if any, as he would have held the same if the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2008, had not been enacted and shall continue to do so unless and until his remuneration and terms and conditions of service are duly altered by the Government.

(6) Notwithstanding anything contained in the foregoing provisions of this section, the remuneration and other terms and conditions of service of an employee shall not be varied to his disadvantage.

(7) The liability to pay pension and gratuity, if any, to the employees referred to in sub-section (1), except in respect of those employees transferred to other Departments accepting their option under sub-section (3), shall be the liability of the Board.

(8) If any question arises as to whether any person was a full-time employee of the abolished Department, the question shall be referred to the Government, whose decision thereon shall be final.

19H. *Transfer of accumulation in Provident Fund and other like funds.*—The sums standing to the credit of the provident fund accounts and to the superannuation fund and other like funds, if any, of the persons referred to in sub-section (1) of section 19E except in respect of those employees transferred to other Departments accepting their option under sub-section (3) shall be transferred to the Board by the abolished Department, and the liability in respect of the said funds, shall be the liability of the Board.”.

14. *Amendment of section 21.*—In sub-section (1) of section 21 of the principal Act, for the words “The Commissioner, Deputy Commissioner, Assistant Commissioner or such officers or servants of a religious institution as may be authorized by the Commissioner,” the words “Any Member of the Board or Area Committee or Temple Advisory Committee or the Commissioner, Deputy Commissioner or Assistant Commissioner or such officers or employees of the Board or of a religious institution as may be authorized by the Board, the Commissioner” shall be substituted.

15. *Amendment of section 21A.*—In section 21A of the principal Act.—

(i) in the marginal heading, for the words “Commissioner etc.” the words “The President, Member or Commissioner etc.,” shall be substituted;

(ii) for the words “The Commissioner, Deputy Commissioner, Assistant Commissioner, every member of an Area Committee and every other persons exercising the powers of superintendence or control” the words “The President, Member of the Board or of the Area Committee or of the Temple Advisory Committee, Commissioner, Deputy Commissioner, Assistant Commissioner and every other person exercising the powers of superintendence or control or advice” shall be substituted.

16. *Amendment of section 23.*—In section 23 of the principal Act, after the word “Government” the word “Board,” shall be inserted.

17. *Amendment of section 76.*—In section 76 of the principal Act,—

(i) for the words “State Government” wherever they occur, the word “Board” shall be substituted.

(ii) sub-section (4) shall be deleted.

18. *Amendment of section 77.*—In section 77 of the principal Act, after the words “State Government” the word “Board” shall be inserted.

19. *Amendment of section 78.*—In sub-section (8) of section 78 of the principal Act, after the words “State Government” occurring in two places, the words “or Board” shall be inserted.

20. *Amendment of the heading of Chapter IX.*—In Chapter IX of the principal Act, for the heading “Endowments Administration Fund” the heading “Malabar Devaswom Fund” shall be substituted.

21. *Substitution of new section for section 80.*—For section 80 of the principal Act, the following section shall be substituted, namely:—

“80. *Grants by the Government.*—The State Government shall, after due appropriation made by the State Legislative Assembly by law in this behalf, pay to the Board by way of grants, such sums of money as the State Government may think fit, for being utilized for the purposes of this Act.”.

22. *Substitution of new section for section 81.*—For section 81 of the principal Act, the following section shall be substituted, namely:—

“81. *Funds of the Board.*—(1) Subject to the provisions of this Act, the Board shall constitute a fund called the “Malabar Devaswom Fund” and on such constitution the “Hindu Religious and Charitable Endowments Administration Fund” vested in the Board shall be credited in the Fund so constituted by it.

(2) The Board shall account the following items of receipt under their respective accounts, namely:—

(a) all contributions payable under section 76 (1) and the further sums payable under section 76 (2) ;

(b) grants and loans, received from the Government ;

(c) grants and donations, received from the public and other bodies and institutions ;

(d) the money realized from time to time by the sale of movable properties belonging to the Board ;

(e) profits and interest received from investments of funds of the Board ; and

(f) all other moneys belonging to or other income received by the Board.”.

23. *Insertion of new sections 81A to 81C.*—After section 81 of the principal Act, the following sections shall be inserted, namely:—

“81A. *Audit.*—(1) The Board shall keep regular accounts of all receipts in and disbursements from the Fund.

(2) The accounts of the Board shall be audited annually.

(3) The audit shall be conducted by the Director of Local Fund Audit in accordance with the provisions contained in the Kerala Local Fund Audit Act, 1994 (14 of 1994).

81B. *Deposit and investment of funds.*—Subject to the provisions of this Act, the Board may deposit its funds in any Nationalized Bank, Co-operative Bank or Government Treasury or invest the same in any security of the State Government or the Government of India.

81C. *Budget and Administration Report.*—(1) The Board shall, in each year prepare a Budget for the next financial year before the expiry of three months of the preceding financial year showing the probable receipts and disbursements of the temples, institutions and endowments under the management of the Board during the financial year.

(2) The Board shall within two months after the expiry of each financial year prepare an annual administration report for that year and submit within one month thereafter to the Government such number of copies thereof, as the Government may direct.

(3) The Government shall place the Administration Report before the Legislative Assembly within one month from the date of its receipt.”.

24. *Insertion of new section 94A.*—After section 94 of the principal Act, the following section shall be inserted, namely:—

“94A. *Applicability of the Kerala Land Conservancy Act, 1957.*—All lands belonging to the Board and religious institutions shall be deemed to be the property of the Government for the purpose of the Kerala Land Conservancy Act, 1957 (8 of 1958) and all the provisions of that Act shall, so far as they are applicable, apply to such lands.”.

25. *Amendment of section 99.*—In sub-section (1) of section 99 of the principal Act, after the words “The State Government may call for and examine the record of the” the words “Board or” shall be inserted. .

26. *Insertion of new section 100A.*—In Chapter XI of the principal Act, before section 101, the following section shall be inserted, namely:—

“100A. *Definition.*—For the purposes of this Chapter “Board” means the Board constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926.”

27. *Insertion of new Schedule.*—After Schedule I of the principal Act, the following Schedule shall be inserted, namely:—

“SCHEDULE II

[See section 7 I (2)]

1. The person commissioned by the Governor to preside over the meeting for the election of members to the Board (hereinafter in these rules referred to as the Chairman) shall fix the date, the time and the place for the presentation of nomination papers and intimate the Hindu Members of the Legislative Assembly with the details of the number and category of seats to be filled up by the election before seven clear days from the date fixed for the presentation of nomination papers.
2. Any Hindu Member of the Legislative Assembly of the State may nominate a qualified person belonging to the category of vacancy, who is not subject to any disqualification for election as a member of the Board by delivering to the Chairman, between the hours fixed by the Chairman for the receipt of nomination papers, a nomination paper signed by the proposer and another Hindu member of the Legislative Assembly of the State as seconder and stating the name of the person nominated. The person nominated shall affix his signature to the nomination paper before it is delivered to the Chairman, stating that he is willing to serve as a member of the Board, if elected.
3. The Chairman shall, as soon as the time fixed for the receipt of nomination papers is over, scrutinize the nomination papers in the presence of the candidates, proposers or seconders present and reject any invalid nomination.
4. Any person, who has been nominated may withdraw his candidature at any time before the Chairman proceeds to hold the election.

5. (1) If there is only one candidate for a seat, the Chairman shall declare him duly elected.
(2) If the number of contesting candidates for a seat is more than one, a poll shall be taken on the same day or another day as may be fixed by the Chairman.
(3) If there is no candidate for a seat, election proceedings shall be started afresh for filling up the vacancy in all respects as if for a new election.
6. For the purpose of these rules, Member of the Legislative Assembly shall mean a Member who has taken the oath prescribed for the Members of the Legislative Assembly and signed the register of members of the Legislative Assembly.
7. Every Hindu Member of the Legislative Assembly shall have one vote for the election to the seat of woman member under clause (g) of subsection (3) of section 7 of the Act and one vote each for the seats of the other two members under clause (h) thereof.
8. The poll shall be held on the date, time and place fixed by the Chairman and the counting of votes shall take place immediately after the close of the polling.
9. The candidate for each seat who obtained the highest number of votes shall be declared elected by the Chairman.
10. In the case of equal number of votes, the result shall be decided by draw of lots.”.

28. *Repeal and Saving.*—(1) The Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2008 (36 of 2008) 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.
