

THE TRAVANCORE-COCHIN HINDU RELIGIOUS
INSTITUTIONS (AMENDMENT) BILL, 2007
[As passed by the Assembly]

A

BILL

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

Preamble.— WHEREAS, it is expedient to amend the Travancore-Cochin Hindu Religious Institutions Act, 1950 for the purpose hereinafter appearing ;

BE it enacted in the Fifty-eighth 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, 2007.

(2) All sections of this Act, except section 13 and section 31, shall be deemed to have come into force on the 5th day of February, 2007. Section 13 and section 31 shall come into force on such date as the Government may appoint, by notification in the Gazette.

2. *Amendment of section 2.*— In section 2 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) (hereinafter referred to as the principal Act), in clause (aa), for the existing proviso, the following proviso shall be substituted, namely.—

“Provided that a Hindu member nominated or elected to the Board under section 4 shall make an oath before the Principal Secretary to the Government of Kerala, Department of Devaswom to the effect that he is professing Hindu religious rites and is a believer of God and temple worship, before he enters upon his office.”.

3. *Amendment of section 4.*—In section 4 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely :—

“(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.

(IA) 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.”.

4. *Amendment of section 6.*— In section 6 of the principal Act, for the words “has attained thirty-five years of age” the words “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” shall be substituted.

5. *Amendment of section 7.*— In section 7 of the principal Act,—

- (i) in clause (vi), the words “or of a Local Self Government Institution as defined in clause (xxii) of section 2 of the Kerala Panchayat Raj Act, 1994 (13 of 1994); or” shall be added at the end ;
- (ii) after clause (vi), the following clauses shall be inserted, namely:—
 - “(vii) has been removed under section 9; or
 - (viii) has been convicted by a Court, including a sentence for a fine not less than rupees two thousand five hundred of any matter involving economic offences.”.

6. *Amendment of section 8.*— In section 8 of the Principal Act,—

(i) in sub-section (1),—

(a) for the words, brackets and figures “in clause (i), (ii), (iv) and (v) of section 7”, the words, brackets and figures “in clauses (i), (ii), (iv), (v) and (vii) of section 7”, shall be substituted;

(b) for the words, brackets and figures “in clause (iii) or (vi) of section 7”, the words, brackets and figures “in clauses (iii), (vi) or (viii) of section 7”, shall be substituted;

(c) after the words “cease to be a Hindu”, the words “or has absented himself from three consecutive meetings of the Board” shall be inserted;

(d) the following provisos shall be added, namely:—

“Provided that where the cessation of membership is on the ground of absenting himself from the meetings of the Board, the membership may be restored by the Board, if it is satisfied that there was reasonable and sufficient grounds for not attending such meetings :

Provided further that such restoration of membership shall not be allowed for more than once.”;

(ii) in sub-section (2), for the words, brackets and figures “in clauses (i), (ii), (iii), (iv), (v) and (vi) of section 7”, the words, brackets and figures “in clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) of section 7”, shall be substituted;

(iii) in sub-section (4), for the words, brackets and figures “in clauses (i), (ii), (iii), (iv), (v) and (vi) of section 7”, the words, brackets and figures “in clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) of section 7”, shall be substituted.

7. *Amendment of section 10.*— In section 10 of the principal Act,—

- (i) in sub-section (1), for the words “four years” the words “two years” shall be substituted;
- (ii) to sub-section (4), the following proviso shall be inserted, namely:—

“Provided that if a member who has completed the full term shall not be elected or nominated for a further consecutive term.”.

8. *Amendment of section 12.*— In section 12 of the Principal Act, for the letters and figures “Rs. 1500” and “Rs. 1250”, the words “Rupees Five thousand only” and “Rupees Three thousand Five hundred only” shall respectively, be substituted.

9. *Amendment of section 13A.*— In section 13A of the principal Act, for the words “a member of the Board of Revenue”, the words “ a Secretary to Government” shall be substituted.

10. *Amendment of section 14.*— In section 14 of the principal Act,—

- (i) in sub-section (1), the words “and the Standing Committees” shall be inserted at the end;
- (ii) in sub-section (2), the following shall be added at the end, namely:—

“He shall also be responsible for the proper day to day functioning of the Board.”.

11. *Insertion of new sections 15A and 15B.*— After section 15 of the principal Act, the following sections shall be inserted, namely:—

“15 A. *Duties of the Board.*— It shall be the duty of the Board to perform the following functions, namely:—

- (i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly;

(ii) to monitor whether the administrative officials and employees, and also the employees connected with religious rites are functioning properly;

(iii) to ensure proper maintenance and upliftment of the Hindu religious institutions;

(iv) to establish and maintain proper facilities in the temples for the devotees.

15B. *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 Committees.

(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.”.

12. *Amendment of section 29.*—In section 29 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) The Devaswom Commissioner shall submit reports to the Government, once in three months, with respect to the working of the Board.”.

13. *Insertion of new section 29A.*— After section 29 of the principal Act, the following section shall be inserted, namely:—

“29 A. *Appointment to be made through Kerala Public Service Commission.*— Notwithstanding anything contained in this Act or in the rules or the byelaws 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 Devaswom 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.”.

14. *Insertion of new section 31A.*— After section 31 of the principal Act, the following section shall be inserted, namely:—

“31 A. *Formation of Temple Advisory Committees.*—(1) A committee for each temple in the name “Temple Advisory Committee” (name of the temple) may be constituted in order to ensure participation of Hindu devotees.

(2) The Temple Advisory Committee constituted under sub-section (1) may be approved by the Board.

(3) The composition of an Advisory committee under sub-section (1) shall be in such manner as may be prescribed by rules made by the Board, not inconsistent with any practice, prevailing, if any.”.

15. *Amendment of section 32.*—In section 32 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely :—

“(8A) The Board shall forward to Government a copy of the audit report referred to in sub-section (8) within two months from the end of the year to which the audit report relates.”.

16. *Insertion of new section 34 A.*— After section 34 of the principal Act, the following section shall be inserted, namely :—

“34 A. *Appointment of a 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, maladministration 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, in consultation with the Chief Justice.

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

17. *Amendment of section 53.*— In section 53 of the Principal Act,—

(i) for the words “The President” occurring in the marginal heading and at the beginning, the words “the Secretary” shall be substituted;

(ii) the words and figures “in the manner provided in section 76 of the Travancore Evidence Act” shall be omitted.

18. *Amendment of section 61.*— In section 61 of the Principal Act, in clause (4A), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that a Hindu member nominated or elected to the Board under the section shall make an oath before the Principal Secretary to the Government of Kerala, Department of Devaswom to the effect that he is professing Hindu religious rites and is a believer of God and temple worship, before he enters upon his office.”.

19. *Amendment of section 63.*—For section 63 of the principal Act, the following section shall be substituted, namely:—

“63. *Constitution of the Cochin Devaswom Board.*— (1) 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 of 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.”.

20. *Amendment of section 65.*— In section 65 of the principal Act, for the words “has attained thirty-five years of age” the words “ 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” shall be substituted.

21. *Amendment of section 66.*— In section 66 of the principal Act,—

(i) in clause (vi), the words “or of a Local Self Government Institution as defined in clause (xxii) of section 2 of the Kerala Panchayat Raj Act, 1994 (13 of 1994); or” shall be added at the end.

(ii) after clause (vi), the following clauses shall be inserted, namely:—

“(vii) has been removed under section 69; or

(viii) has been convicted by a Court, including a sentence for a fine not less than Rs. 2500, of any matter involving economic offences.”.

22. *Amendment of section 67.*— In section 67 of the principal Act,

(i) in sub-section (1),—

(a) for the words, brackets and figures “in clauses (i), (ii), (iv) and (v) of section 66”, the words, brackets and figures “in clauses (i), (ii), (iv), (v) and (vii) of section 66” shall be substituted ;

(b) for the words, brackets and figures “ in clause (iii) or (vi) of section 66”, the words, brackets and figures “in clauses (iii), (vi) or (viii) of section 66” shall be substituted ;

(c) after the words “cease to be a Hindu” the words “or has absented himself from three consecutive meetings of the Board”, shall be inserted;

(d) the following provisos shall be inserted, namely:—

“Provided that where the cessation of membership is on the ground of absenting himself from the meetings of the Board, the membership may be restored by the Board, if it is satisfied that there was reasonable and sufficient cause for not attending such meetings:

Provided further that such restoration of membership shall not be allowed more than once.”;

(ii) in sub-section (2), for the words, brackets and figures “in clauses (i), (ii), (iii), (iv), (v) and (vi) of section 66” the words, brackets and figures “in clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) of section 66”, shall be substituted ;

(iii) in sub-section (4), for the words, brackets and figures “in clauses (i), (ii), (iii), (iv), (v) and (vi) of section 66”, the words, brackets and figures “in clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) of section 66”, shall be substituted

23. *Amendment of section 70.*— In section 70 of the principal Act,—

(i) in sub-section (1), for the words “four years”, the words “two years” shall be substituted;

(ii) to sub-section (4), the following proviso shall be added, namely:—

“Provided that a member who has completed the full term shall not be elected or nominated for a further consecutive term.”.

24. *Amendment of section 71.*— In section 71 of the principal Act, in sub-section (2), for the letters and figures “Rs. 1500” and “Rs. 1250”, the words “Rupees Five thousand only” and “Rupees Three thousand and Five hundred only” shall, respectively, be substituted.

25. *Amendment of section 73.*— In section 73 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(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.”.

26. *Insertion of new section after section 73.*—The existing section 73A of the principal Act, shall be numbered as section 73 B and before section 73B as so renumbered, the following section shall be inserted, namely :—

“73 A. *Duties of the Board.*—It shall be the duty of the Board to perform the following functions, namely:—

(i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institution are performed promptly;

(ii) to monitor whether the administrative staff and employees and also the employees connected with religious rites are functioning properly;

(iii) to ensure proper maintenance and upliftment of the Hindu religious institutions;

(iv) to establish and maintain proper facilities in temples for the devotees.”.

27. *Amendment of section 73 A.*— In section 73A of the principal Act renumbered as section 73B, for the words “a Member of the Board of Revenue”, the words “ a Secretary to Government” shall be substituted.

28. *Insertion of new sections 74 A and 74 B.*— After section 74 of the principal Act, the following sections shall be inserted, namely:—

“74 A. *Appointment of a Devaswom Commissioner.*—(1) Board shall appoint a Devaswom Commissioner for the Administration of the incorporated and unincorporated Devaswoms and Hindu religious institutions under the Board.

(2) He shall be the Chief Executive Officer of the institutions specified in sub-section (1).

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

74 B. *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 Committee shall meet at least once in a month.

(5) The recommendations of the Standing Committee 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.”.

29. *Insertion of new sections 76 A and 76 B.*—After section 76 of the principal Act, the following sections shall be inserted, namely:—

“76 A. *Formation of Temple Advisory Committees.*—(1) A committee for each temple in the name “Temple Advisory Committee” (name of the temple) may be constituted in order to ensure participation of Hindu devotees.

(2) The Temple Advisory Committee constituted under sub-section (1) may be approved by the Board.

(3) The composition of an Advisory Committee under sub-section (1) shall be such as may be prescribed by rules made by the Board, not inconsistent with any practice, prevailing, if any.

76 B. *Appointment of a 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, maladministration, 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, in consultation with the Chief Justice.

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

30. *Amendment of section 103.*—The existing section 103 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) The Board shall forward to Government a copy of the audit report referred to in sub-section (1) within two months from the end of the year to which the audit report relates.”.

31. *Insertion of new section 127 A.*—After section 127 of the principal Act, the following section shall be inserted, namely:—

“127 A. *Appointment to be made through Kerala Public Service Commission.*—Notwithstanding anything contained in this Act or in the rules or in the byelaws 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.”.

32. *Special provisions relating to the existing members of the Travancore Devaswom Board and Cochin Devaswom Board.*—Notwithstanding any provision to the contrary contained in the principal Act, the President and members of the Travancore Devaswom Board and of the Cochin Devaswom Board, who under the provisions of the principal Act, as amended by this Act, has completed his term, shall cease to hold his office as such President or member, as the case may be.

33. *Repeal and Saving.*—(1) The Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2007 (5 of 2007), 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.
