
**2008-ലെ കേരള ചുമട്ടുതൊഴിലാളി
(രണ്ടാം ഭേദഗതി) ബിൽ**

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2008

കേരള നിയമസഭാ പ്രിന്റിംഗ് പ്രസ്സ്.

പുനഃനാമകരണ നിയമസഭ

ബിൽ നമ്പർ 192

**2008-ലെ കേരള ചുമട്ടുതൊഴിലാളി
(രണ്ടാം ഭേദഗതി) ബിൽ**

Twelfth Kerala Legislative Assembly

Bill No. 193

THE GURUVAYOOR DEVASWOM (AMENDMENT)

BILL, 2008

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BILL

further to amend the Guruvayoor Devaswom Act, 1978.

Preamble.— WHEREAS, it is expedient further to amend the Guruvayoor Devaswom Act, 1978, for the purposes hereinafter appearing;

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 Guruvayoor Devaswom (Amendment) Act, 2008.

(2) All sections of this Act, except section 6, shall come into force at once. Section 6 shall come into force on such date as the Government may appoint, by notification in the Gazette.

2. *Amendment of section 9.*—For section 9 of the Guruvayoor Devaswom Act, 1978 (14 of 1978) (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

“9. *Honoraria and other allowances of the Chairman and members.*— The Chairman and each member of the Committee shall be paid monthly honoraria at the rate of Rs. 5000 (Rupees five thousand only) and Rs. 3500 (Rupees three thousand and five hundred only) respectively and they shall be paid such travelling and other allowances, if any, as may be prescribed.”.

3. *Insertion of new sections 10A and 10B.*— After section 10 of the principal Act, the following sections shall be inserted, namely:—

“10A. *Standing Committees of the Committee.*—(1) The Committee shall constitute, for its proper functioning, the following Standing Committees with three members each, 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 Service.

(2) The Committee shall nominate one member among the members of each Standing Committee as its Chairman.

(3) The Committee shall specify the 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 Committee for its decision.

10B. *Temple Advisory Committees.*— (1) For the purpose of ensuring the adequate participation of Hindu devotees, a committee may be constituted for each subsidiary temple in the name “.....(name of the subsidiary temple) Temple Advisory Committee”, not inconsistent with the existing custom and practice.

(2) The composition of the Temple Advisory Committee under sub-section (1) shall be in such manner as may be prescribed.

(3) The Temple Advisory Committees constituted under sub-section (1) shall have the approval of the Committee.”.

4. *Amendment of section 11.*— In section 11 of the principal Act, in sub-section (1), for the words “five thousand rupees”, the words “twenty five thousand rupees” shall be substituted.

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

(a) in sub-section (3), for the words “five thousand rupees”, the words “twenty five thousand rupees” shall be substituted;

(b) after sub-section (3), the following proviso shall be inserted, namely:—

“Provided that, in case of emergency, the Administrator may, with the approval of the Chairman of the Committee, incur expenditure not exceeding two lakhs rupees, for immediate execution of any work or for doing any act, which in his opinion is necessary for the preservation of Devaswom or for the service or safety of the pilgrims, if adequate amount is available in the budget for such purpose.”.

6. *Insertion of new section 19A.*— After section 19 of the principal Act, the following section shall be inserted, namely:—

“19A. *Appointment to be made through Kerala Public Service Commission.*— Notwithstanding anything contained in this Act or in the rules or the regulations made thereunder relating to the recruitment and conditions of service

of officers and employees of the Devaswom, all appointments of officers and employees in the Administrative Service in the Devaswom, other than employees in charge of rituals and other ceremonies of the temple, 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. Hindu member or members of the Public Service Commission may discharge the function of conducting interview in the process of selection of candidates for appointments.”.

7. *Amendment of section 27.*— In section 27 of the principal Act,—

(a) in clause (e), for the words “any poor home or other similar institution” the words “any poor home, old age home, orphanage, destitute home or other similar welfare institution” shall be substituted;

(b) for clause (f), the following clause shall be substituted, namely:—

“(f) the establishment and maintenance of educational or research institution for encouragement of education in Sanskrit or Malayalam language or temple related art forms or the maintenance of any such educational institution owned or managed by the Devaswom or in which the Devaswom has interest”;

(c) (i) in clause (g), the second proviso shall be omitted,

(ii) after clause (g) so amended, the following clauses shall be inserted, namely:—

“(h) the establishment and maintenance of any institution for the benefit mainly of Hindu community, including technical and professional educational institutions, specialised hospitals, etc.;

(i) the establishment and maintenance of training institutions in temple related trades and art forms;

(j) the propagation of Hindu Religion and ideology, making contribution to repairs and maintenance of temples in Kerala and making facilities and amenities to Hindu pilgrims; and

(k) the implementation of any scheme for the contribution or to help poor Hindu families.”

STATEMENT OF OBJECTS AND REASONS

The Guruvayoor Devaswom is managed under the provisions of Guruvayoor Devaswom Act, 1978. The present Guruvayoor Devaswom Act, 1978 does not provide for any remuneration to the Committee Members and Chairman except the travelling or daily allowance whereas in the Travancore and Cochin Devaswom Boards, the President and Members receive a fixed amount as monthly honorarium. In order to bring in uniformity in the remuneration, an equal rate of monthly honorarium as that being paid to the President and members of Travancore and Cochin Devaswom Boards is proposed to be paid to the Chairman and members of the Committee in Guruvayoor Devaswom by making suitable amendment in section 9 of the Act.

For the smooth administration of the Devaswom, Standing Committees with specific functions have to be constituted from among the members of the Managing Committee. To ensure participation of devotees and local people, Temple Advisory Committees for the subsidiary temples are required to be constituted by including necessary provisions. This will also bring uniformity in all Devaswom Boards. Two new sections 10A and 10B are proposed to be inserted in the Act for the purpose.

The alienation of Devaswom properties worth more than five thousand rupees had to receive the assent of the Commissioner and this too required a timely enhancement. Section 11 of the Act is sought to be amended for the purpose. The existing Act confers on the Administrator the power to incur expenditure not exceeding five thousand rupees to meet unforeseen contingencies. But the amount which was fixed way back in 1978 is very low to meet emergency situations. Hence an enhancement is required at this distance of time. Also in cases of emergency, for immediate execution of a work or act for the preservation of Devaswom or for the service or safety of the pilgrims, the Administrator has to be provided with the power to incur expenditure not exceeding two lakh rupees with the approval of Chairman. Section 17 of the Act is proposed to be amended for the purpose.

Also as per the existing Act the appointments in Guruvayoor Devaswom are entrusted with the Managing Committee. This has evoked much public criticism. In order to bring in transparency in the appointments and for ensuring social justice, it is felt necessary to entrust the appointments of employees in the administrative service in the Guruvayoor Devaswom other than that of employees in charge of rituals and other ceremonies of the temple to the Public Service Commission as in the case of other Devaswom Boards. .

The provisions of the existing Act provides for the use of Devaswom Funds only for limited purposes sanctioned by the customs and practices associated with the temple. The Government intend to utilise the same for more noble purposes

and for the benefit of Hindu Community like the establishment and maintenance of destitute homes, old age homes, orphanages, educational and research units, temple art training, propagation of Hinduism and ideology and similar welfare purposes all over the State. Section 27 of the Act is proposed to be amended for the above purposes.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill proposes to amend section 9 of the Guruvayoor Devaswom Act, 1978 so as to empower the Government to prescribe such travelling and other allowances to the Chairman and members of the Committee.

2. Clause 3 of the Bill proposes to insert new sections 10A and 10B to the Guruvayoor Devaswom Act, 1978, in which sub-section (2) of section 10B seeks to empower the Government to prescribe the manner of composition of the Temple Advisory Committee.

The above matters are routine or administrative in nature. The delegation of legislative power is, thus, of a normal character.

G. SUDHAKARAN.

EXTRACT FROM THE RELEVANT PORTION OF THE
GURUVAYOOR DEVASWOM ACT, 1978
(14 OF 1978)

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9. *Remuneration of the Chairman and members*:— No member of the Committee shall receive or be paid any salary or other remuneration except such travelling of daily allowances, if any, as may be prescribed.

10. *Duties of Committee*:—Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Committee—

(a) Subject to the custom and usage in the Temple, to arrange for the proper performance of the rites and ceremonies in the Temple and the subordinate temples attached thereto in accordance with the *dittam* or scale of expenditure fixed for the Temple and the subordinate temples under section 20, or till the *dittam* or scale of expenditure is fixed under that section, in accordance with the *dittam* or scale of expenditure fixed for the Temple and the subordinate temples under section 51 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951)

(b) to provide facilities for the proper performance of worship by the worshippers;

(c) to ensure the safe custody of the funds, valuable securities and jewelleryes and the preservation and management of the properties vested in the Temple;

(d) to ensure maintenance of order and discipline and proper hygienic conditions in the Temple and the subordinate temples attached thereto and of proper standard of cleanliness and purity in the offerings made therein;

(e) to ensure that the funds of the endowments of the Temple are spent according to the wishes so far as may be known of the donors;

(f) to make provision for the payment of suitable emoluments to the salaried staff of the Devaswom; and

(g) to do all such things as may be incidental and conducive to the efficient management of the affairs of the Devaswom and the convenience of the worshippers.

11. *Alienation of Devaswom properties*.— No movable property of a nonperishable nature which is in the possession of the Committee and the value of which is more than five thousand rupees and no jewelleryes shall be sold, pledged or otherwise alienated unless it is sanctioned by the Commissioner as being necessary or beneficial to the Devaswom.

(2) Any exchange, sale or mortgage and any lease of any immovable property belonging to or given or endowed for the purposes of the Devaswom shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the Devaswom.

(3) Before according sanction under sub-section (1) or sub-section (2) the Commissioner shall publish the particulars relating to the proposed transaction in such manner as may be prescribed inviting objections and suggestions with respect thereto and shall duly consider all objections and suggestions received from the Committee or other persons having interest in the Temple.

(4) When according sanction under sub-section (1) or sub-section (2), the Commissioner may impose such conditions and give such directions as he may deem necessary regarding the utilisation of the amount raised by the transaction, the investment thereof and, in the case of a mortgage, regarding the discharge of the same within a reasonable period.

17. *Powers and duties of administrator.*—(1) The Administrator shall be the Secretary to the Committee and its Chief executive officer and shall, subject to the control of the Committee, have powers to carry out its decisions in accordance with the provisions of this Act.

(2) The Administrator shall arrange for the proper collection of offerings made in the Temple.

(3) The Administrator shall have power to incur expenditure not exceeding five thousand rupees to meet unforeseen contingencies during the Interval between two meetings of the Committee.

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19. *Appointment of officers and employees.*—(1) Appointment of all officers and other employees of the Devaswom shall be made by the Committee.

(2) Ten per cent of the posts in each grade of the officers and other employees of the Devaswom shall be reserved for the Scheduled Castes and the Scheduled Tribes, of which one-fifth shall be reserved for the Scheduled Tribes.

(3) Selection of the officers and other employees of the Devaswom may be made by sub-committees constituted by the committee from among its members:

Provided that selection of employees to be in charge of the rituals and other ceremonies of the Temple shall not be made by any sub-committee of which the Thanthri of the Temple is not a member.

(4) Subject to the provisions of sub-sections (1), (2) and (3), the procedure for the selection and appointment of officers and other employees of the Devaswom shall be such as may be determined by the Committee by regulations made in this behalf.

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CHAPTER V

GENERAL

27. *Authority of Committee to incur expenditure for certain purpose.*— The Committee may, after making adequate provision for the purposes referred to in sub-section (2) of section 21, incur expenditure out of the funds of the Devaswom for all or any of the following purposes, namely:—

(a) maintenance, management and administration of the Temple, its properties and the temples subordinate thereto;

(b) training of archakas to perform the religious, worship and ceremonies in the Temple and the temple subordinate thereto;

(c) medical relief, water supply and other sanitary arrangements for the worshippers and the pilgrims and construction of buildings for their accommodation;

(d) culture and propagation of the tenets and philosophy associated with the Temple;

(e) the establishment and maintenance of or the making of any grant or contribution to, any poor home or other similar institution which is maintained for the benefit mainly of persons belonging to the Hindu Community;

(ee) the construction of buildings connected with the affairs of the Devaswom;

(f) the establishment and maintenance of any educational institution which provides for encouragement of education in the Sanskrit or Malayalam language or the maintenance of any such educational institution owned or managed by the Devaswom or in which the Devaswom has interest; and

(g) the making of any contribution to any religious institution:

Provided that nothing contained in clause (e) shall prevent the continuance of any grant or contribution to any poor home or other similar institution which is maintained by or for the benefit of persons other than those belonging to the Hindu community, if such grant or contribution was being made to such poor home or institution before the commencement of this Act as the customary practice associated with the Temple:

Provided further that no expenditure shall be incurred for any of the purposes mentioned in clauses (f) and (g) unless the same is sanctioned by custom or practice associated with the Temple.
