

Twelfth Kerala Legislative Assembly  
Bill No. 235

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**THE KODALMANICKAM DEVASWOM  
(AMENDMENT) BILL, 2008**

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THE KOODALMANICKAM DEVASWOM (AMENDMENT)  
BILL, 2008

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*BILL*

*to amend the Koodalmanickam Devaswom Act, 2005.*

*Preamble.*—WHEREAS, it is expedient to amend the Koodalmanickam Devaswom Act, 2005 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 Koodalmanickam Devaswom (Amendment) Act, 2008.

(2) All sections of this Act, except section 4 shall come into force at once. Section 4 shall come into force on such date as the Government may appoint, by notification in the Gazette.

2. *Substitution of new section for section 9.*—For section 9 of the Koodalmanickam Devaswom Act, 2005 (Act 2 of 2007) (hereinafter referred to as the principal Act), the following section shall be substituted, namely :—

“9. *Honoraria and allowances of the Chairman and members.*—The Chairman and each member of the Committee shall be paid monthly honoraria of Rupees five thousand and Rupees three thousand and five hundred respectively and they shall be paid such travelling allowance and other allowances 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.*—(1) The Committee shall constitute, for its effective functioning, the following Standing Committees with three members each from among them, 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 Devotees Service.

(2) The Committee shall nominate one member among the members of each Standing Committee as its Chairman and he shall preside over the meetings of that Standing Committee.

(3) The Committee shall specify the duties and functions to be performed by each Standing Committee.

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

(5) The recommendations of the Standing Committees shall so far as possible be unanimous and in case of any difference of opinion among the members in respect of any subject, it shall be referred to the Committee for its decision.

*10 B. Temple Advisory Committees.*— (1) For the purpose of ensuring the adequate participation of Hindu devotees, the Committee is empowered to constitute a committee 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.”.

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

“19A. *Appointment be made through Kerala Public Service Commission.*— Notwithstanding anything contained in this Act or in the rules or in 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 under the committee in the administrative service of the Devaswom, other than the employees performing the rites and other ceremonies in the temple, for which direct recruitment is resorted to, shall be made from a select list of candidates belonging to Hindu religion furnished in accordance with the law made for the exercise of this additional function by the Kerala Public Service Commission. The function of conducting interview in the process of selection of candidates for appointments shall be discharged by a Hindu member or members of the Kerala Public Service Commission.”.

### STATEMENT OF OBJECTS AND REASONS

The Koodalmanickam Devaswom Act, 2005 (Act 2 of 2007), does not provide for any other remuneration except travelling allowance or daily allowance to the Committee Members and Chairman at present. Whereas the President and Members of the Travancore-Kochi Devaswom Boards receive a fixed amount as monthly honorarium. It is proposed to bring in an uniformity in the remuneration, at an equal rate of monthly honorarium that is being paid to the President and members of the Travancore-Kochi Devaswom Boards, to the Chairman and members of the Committee in Koodalmanickam Devaswom by making suitable amendment in section 9 of the Act.

2. For the smooth management of the Devaswom, Standing Committees with specific functions are to be constituted from among the members of the Managing Committee. The Government is proposed to bring in an uniformity in all Devaswom Boards by constituting Temple Advisory Committees for the subsidiary temples for ensuring participation of devotees and local people, by including necessary provisions in the Act. For this purpose it is proposed to insert two new sections 10A and 10B in the Act.

3. Besides, as per the existing Act the appointments in Koodalmanickam Devaswom are entrusted with the Managing Committee. This had led to much public criticism. In order to bring in transparency in the appointments and for ensuring social justice, the Government felt the urgent necessity to entrust the appointments of employees in the administrative service in the Koodalmanickam Devaswom, other than that of the employees performing the rites and other ceremonies in the temple, to the Public Service Commission as in the case of other Devaswom Boards. For this purpose a new section 19A is proposed to be inserted in the Act.

4. 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 empower the Government to prescribe travelling allowance and other allowances to the Chairman and members of the Committee by amending section 9 of the Koodalmanickam Devaswom Act, 2005.

2. Clause 3 of the Bill proposes to insert new sections 10A and 10B to the Koodalmanickam Devaswom Act, 2005. In that sub-section (2) of section 10B seeks to empower the Government to prescribe the manner of composition of the Temple Advisory Committee.

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

G. SUDHAKARAN

(True Translation)

EXTRACT FROM THE RELEVANT PORTIONS OF THE  
KODALMANICKAM DEVASWOM ACT, 2005 (2 OF 2007)

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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 any travelling or daily allowance, 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 *pathivu* or scale of expenditure fixed for the Temple and the subordinate temples under section 20 or till the *pathivu* or scale of expenditure is fixed under that section, in accordance with the *pathivu* or scale of expenditure specified in Schedule I of the Koodalmanickam Devaswom Act, 1971 (7 of 1971) ;

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

(c) to ensure the safe custody of the funds, valuable securities and jewellery 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 to maintain the proper standard of cleanliness and purity in the offerings performed within the temple ;

(e) to ensure that the funds of the endowments of the Temple are spent according to the known wishes of the donors ;

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

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

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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 in the entry cadre 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 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 determined by the Committee in accordance with the regulations made in this behalf.

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