

Twelfth Kerala Legislative Assembly  
Bill No. 242

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**THE TRAVANCORE - COCHIN HINDU RELIGIOUS INSTITUTIONS  
(AMENDMENT) BILL, 2009**

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*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 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 Travancore-Cochin Hindu Religious Institutions (Amendment) Act, 2009.

(2) It shall come into force at once.

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

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

“(1) The Board referred to in section 3 shall consist of the following seven Hindu Members, namely :—

- (a) one reputed social reformer ;
- (b) one member from any of the Temple Advisory Committees constituted under section 31 A of the Act ;
- (c) one reputed woman musician singing devotional songs ;
- (d) one member belonging to Scheduled Castes ;
- (e) one woman member;
- (f) two other members.

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

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

“(1A) Of the seven members specified in sub-section (1), the

members specified in clauses (a) to (d) shall be nominated by the Hindu members of the Council of Ministers and the members specified in clauses (e) and (f) shall be elected by the Hindu Members of the Legislative Assembly of the State of Kerala.”.

3. *Amendment of section 12.*—In section 12 of the principal Act for the words “two members”, the word “members” shall be substituted.

4. *Amendment of section 13.*—In sub-section (3) of section 13 of the principal Act for the words “two members”, the words “four members” shall be substituted.

5. *Amendment of section 15 B.*— In sub-section (1) of section 15 B of the principal Act, for the words “two members” the words “three members” shall be substituted.

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

“34B. *Powers of State Government to call for records and pass orders.*—(1) The State Government may call for and examine the records of the Board in respect of any proceeding, not being a proceeding in respect of which a suit or an appeal to a court is provided by this Act, in order to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and, if, in any case, it appears to the State Government that any such proceeding, decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly :

Provided that the State Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of being heard.

(2) The State Government may stay the execution of any such proceeding, decision or order, pending the exercise of their powers under sub-section (1) in respect thereof.”.

7. *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 the following seven Hindu Members, namely :—

- (a) one reputed social reformer ;
- (b) one member from any of the Temple Advisory Committees constituted under section 76A of the Act ;

- (c) one reputed woman musician singing devotional songs ;
- (d) one member belonging to Scheduled Castes ;
- (e) one woman member ;
- (f) two other members.

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

(2) Of the seven members specified in sub-section (1), the members specified in clauses (a) to (d) shall be nominated by the Hindu members of the Council of Ministers and the members specified in clauses (e) and (f) shall be elected by the Hindu Members of the Legislative Assembly of the State of Kerala.

8. *Amendment of section 71.*—In sub-section (2) of section 71 of the principal Act for the words “two members”, the word “members” shall be substituted.

9. *Amendment of section 73.*—In sub-section (4) of section 73 of the principal Act for the words “two members”, the words “four members” shall be substituted.

10. *Amendment of section 74B.*—In sub-section (1) of section 74B of the principal Act, for the words “two members” the words “three members” shall be substituted.

11. *Insertion of new section 76C.*—After section 76B of the principal Act, the following section shall be inserted, namely :—

*“76C. Powers of State Government to call for records and pass orders.—(1)* The State Government may call for and examine the records of the Board in respect of any proceeding not being a proceeding in respect of which a suit or an appeal to a court is provided by this Act, in order to satisfy themselves as to the regularity of such proceedings or the correctness, legality or propriety of any decision or order passed therein; and, if, in any case, it appears to the State Government that any such proceeding, decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly :

Provided that the State Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of being heard.

(2) The State Government may stay the execution of any such proceeding, decision or order, pending the exercise of their powers under sub-section (1) in respect thereof.”.

## STATEMENT OF OBJECTS AND REASONS

The Travancore Devaswom Board and the Cochin Devaswom Board are managed under the provisions of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950). Though as per the Travancore-Cochin Hindu Religious Institutions (Amendment) Act, 2007 (5 of 2007), an amendment was brought in by introducing reservation for Scheduled Caste/Scheduled Tribe and women no enhancement is brought out in the number of members of the Boards. The administration of the numerous temples in Travancore Cochin area are presently shouldered and managed by the three member Boards. There has been considerable increase in the duties and responsibilities of the Boards during the last 57 years. In order to lessen the burden or responsibilities and to bring in social justice by ensuring representation from almost all major classes of the Hindu societies, Government have decided to enhance the number of members of Travancore and Cochin Devaswom Boards from three to seven.

2. As per the existing provisions in the Act, Government have only the power to appoint the President and two members of the Board and to appoint an Enquiry Commission if required in case of any misappropriation. Due to the absence of any revisional power Government are not in a position to examine and direct the Board or to take necessary action on any complaints regarding the working of the Boards. Each and every complaint has to go before the Court. Hence Government have decided to include a provision giving revisional power to Government.

3. Hence Government have decided to make suitable amendments in the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) to achieve the above objects. When the number of members has been enhanced to seven consequential changes are required in certain other sections also.

4. The Bill is intended to achieve the above object.

## FINANCIAL MEMORANDUM

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

G. SUDHAKARAN.

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

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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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12. *Honoraria for President and members.*—The President and members of the Board shall receive such honoraria as the Board may decide subject to a maximum of Rupees Five thousand per mensem in the case of the President and Rupees Three thousand and Five hundred per mensem in the case of each of the other two members.

13. *Office and meetings of Board.*—(1) The Board shall have an office in Trivandrum for the transaction of business to which all communications and notices to the Board may be addressed.

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

(3) No business shall be transacted at any meeting unless two members are present.

(4) In case of difference of opinion among the members the question before the Board shall be decided by a majority of votes, and where the votes are equally divided, the President or the person presiding shall have a second or casting vote.

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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, nameJy :—

- (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 shll be referred to the Board for its decision.

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“34A. *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.”.

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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 of Sheduled 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.

71. *President of the Board and honorarium for the President and members.*—(1) The Hindus among the Council of Ministers shall nominate one of the members of the Board as its President.

(2) The President of the Board shall receive an honorarium of Rupees Five thousand per mensem and each of the other two members an honorarium of Rupees Three thousand and five hundred per mensem from out of Devaswom funds.

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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.

(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.

(4) No business shall be transacted at any meeting unless two members are present.

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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 Committee shall meet at least once in a month.

(5) The recommendations of the Standing Committee shall as far as possible, be unanimous. 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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76B. *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.

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