

Twelfth Kerala Legislative Assembly
Bill No. 98

THE EDAVAGAI RIGHTS ACQUISITION (AMENDMENT)
BILL, 2007

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to amend the Edavagai Rights Acquisition Act, 1955.

Preamble.—WHEREAS, it is expedient to amend the Edavagai Rights Acquisition Act, 1955 for the purposes 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 Edavagai Rights Acquisition (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 3rd day of December, 2005.

2. *Amendment of section 6.*—In section 6 of the Edavagai Rights Acquisition Act, 1955 (XXVII of 1955) (hereinafter referred to as the principal Act),—

(a) in sub-section (2),—

(i) in clause (a), for the words “at the rate of four per cent per annum”, the words “at the rate of interest applicable from time to time, to fixed deposits for a period of not less than five years in the Treasury Savings Bank” shall be substituted;

(ii) in clause (b), for the words, letters and figures “a cash annuity of Rs. 900 to the present Chief for his life-time, and a cash annuity of Rs. 168”, the words, figures and letters “a cash annuity of Rs. 9,000 to the present Chief for his life-time, and a cash annuity of Rs. 3,600” shall be substituted;

(b) in sub-section (3),—

(i) in clause (a), for the words “at the rate of four per cent per annum”, the words “at the rate of interest applicable, from time to time, to fixed deposits for a period of not less than five years in the Treasury Savings Bank” shall be substituted;

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(ii) in clause (b), for the words, letters and figures “Rs. 1500 to the present Chief for his life-time, a cash annuity of Rs. 900 to the present eldest female member for her life-time and a cash annuity of Rs. 360”, the words, letters and figures “Rs. 15,000 to the present Chief for his life-time a cash annuity of Rs. 9,000 to the present eldest female member for her life-time, and a cash annuity of Rs. 3,600” shall be substituted;

(c) in sub-section (4), in clause (a), in the second sentence. for the words “at the rate of four per cent per annum”, the words “at the rate of interest applicable, from time to time, to fixed deposits for a period of not less than five years in the Treasury Savings Bank” shall be substituted.

3. *Repeal and Saving.*—(1) The Edavagai Rights Acquisition (Amendment) Ordinance, 2007 (36 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.

STATEMENT OF OBJECTS AND REASONS

As per sub-sections 2(a), 3(a) and 4(a) of section 6 of the Edavagai Rights Acquisition Act, 1955 a total amount of Rs. 2,43,866.56 shall be held in trust by Government on behalf of the Devaswoms specified in the said section which were under the management of the Edavagais of Kilimanoor, Poonjar and Vanjipuzha, with the obligation to pay interest thereon at the rate of four per cent per annum for the maintenance and upkeep of those Devaswoms. Increase in cost of maintenance and upkeep of the Devaswoms has made it difficult for the Devaswoms to meet their day-to-day expenses from the above interest due. Government have, therefore, decided to enhance the rate of interest payable by the Government on behalf of the Devaswom, from four per cent to the rate of interest applicable, from time to time, for deposits in the Treasury Savings Bank for a period of not less than five years.

2. As per sub-section (2) (b) of section 6 of the Act, Government shall pay a cash annuity of Rs. 900 to the present Chief of Kilimanoor Kottaram for his life-time and a cash annuity of Rs. 168 to each of the other members of the Kottaram. As per sub-section (3) (b) of the said section, the Government shall pay a cash annuity of Rs. 1,500 to the present Chief of Poonjar Koickal for his life-time, a cash annuity of Rs. 900 to the eldest female member for her life-time and a cash annuity of Rs. 360 to each of the other members of the Koickal.

Owing to rise in cost of living and depreciation in money value, the members of the Kilimanoor Kottaram and Poonjar Koickal have requested an increase in the rate or annuity. Government have, therefore, decided to enhance the annuity payable to the members of the Kilimanoor Kottaram and Poonjar Koickal at the rates of Rs. 15,000 to the Chief of Poonjar Koickal, Rs. 9,000 to the Chief of Kilimanoor Kottaram, Rs. 9000 to the eldest female member of Poonjar Koickal. Rs. 3,600 each to all the 'Other members' of both Kilimanoor Kottaram and Poonjar Koickal per annum.

3. A Bill to amend the Edavagai Rights Acquisition Act, 1955 for the above purpose though published as Bill No. 9 of the 11th Kerala Legislative Assembly, could not be introduced in or passed by the Legislative Assembly. Therefore, the Edavagai Rights Acquisition (Amendment) Ordinance, 2005 (19 of 2005) was promulgated by the Governor on the 2nd day of December, 2005 and the same was published in the Kerala Gazette Extraordinary No. 2612 dated the 3rd day of December, 2006.

4. A Bill to replace the said Ordinance could not be introduced in and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on 3rd day of February, 2006 and ended on the 21st day of February, 2006 and the session which commenced on the 14th day of March, 2006 and ended on 15th day of March, 2006. Therefore, the Edavagai Rights Acquisition (Amendment) Ordinance, 2006 (9 of 2006) was promulgated by the Governor on 17th day of March, 2006 and the same was published in the Kerala Gazette Extraordinary No. 585 dated 17th March, 2006.

5. A Bill to replace Ordinance No. 9 of 2006 could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on 24th day of May, 2006 and ended on the 30th day of June, 2006. Therefore, the Edavagai Rights Acquisition (Amendment) Ordinance, 2006 (33 of 2006) was promulgated by the Governor on the 5th July, 2006 and it was published in the Kerala Gazette Extraordinary No. 1127 dated 5th July, 2006.

6. A Bill to replace Ordinance No. 33 of 2006 could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on 18th day of September, 2006 and ended on the 26th day of October, 2006. Therefore, the Edavagai Rights Acquisition (Amendment) Ordinance 2006 (47 of 2006) was promulgated by the Governor on the 30th day of October, 2006 has been published in the Kerala Gazette Extraordinary No. 1711 dated 30th October, 2006.

7. A Bill to replace Ordinance No. 47 of 2006 could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on 27th day of December 2006 and ended on 29th day of December 2006. Therefore, the Edavagai Rights Acquisition (Amendment) Ordinance 2007 (13 of 2007) was promulgated by the Governor on the 4th day of February, 2007 and it was published in the Kerala Gazette Extraordinary No. 213 dated 5th February, 2007.

8. A Bill to replace the Ordinance No. 13 of 2007 could not be introduced in, and passed by the Legislative Assembly of the State of Kerala during its session which commenced on 2nd March, 2007 and ended on the 29th March, 2007. Therefore, the Edavagai Rights Acquisition (Amendment) Ordinance 2007 (36 of 2007) was promulgated by the Governor on the 30th day of March, 2007 and the same was published in the Kerala Gazette Extraordinary No. 641 dated 2nd April, 2007.

9. This Bill seeks to replace Ordinance No. 36 of 2007 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The amendment proposed to sub-sections 2(a) 3(a) and 4 (a) of section 6, seek to provide for payment of interest at the rate of interest applicable from time to time to fixed deposit for a period of not less than five years in the Treasury Savings Bank for an amount of Rs. 2,43,866.56 retained by Government on behalf of the Devaswoms of the Edavagais of Kilimanoor, Poonjar and Vanchipuzha. The existing rate of interest provided in the Act is four per cent. At present the rate of interest on Treasury fixed deposits for a period of five years or above is 7.5%. When this enhanced rate is made applicable to the amount specified above the financial commitment will come up to Rs. 18,290 per year and therefore the additional commitment per annum over and above what is paid now will be Rs. 8,535.

2. The amendment proposed to sub-sections 2(b) and 3(b) of section 6 seeks to provide for enhancement of annuity payable to both the Chiefs eldest female member of the Poonjar Koickal and all the 'other members' of Poonjar Koickal and Kilimanoor Kottaram from the existing rates of Rs. 1,500 per annum to the Chief of Poonjar Koickal, Rs. 900 per annum to the Chief of Kilimanoor Kottaram Rs. 900 to the eldest female member of Poonjar Koickal Rs. 168 per annum each to the 'other members' of Kilimanoor Kottaram and Rs. 360 each per annum to the 'other members' of Poonjar Koickal, to Rs. 15,000 per annum to the Chief of Poonjar Koickal. Rs. 9,000 per annum to the Chief of Kilimanoor Kottaram, Rs. 9,000 per annum to the eldest female member of Poonjar Koickal

and Rs. 3600 each per annum to all the 'other members' of both Kilimanoor Kottaram and Poonjar Koickal respectively. This would entail additional commitment on the part of Government. At present the annual aggregate needed comes up to Rs. 72,828 for meeting the above expenditure which on enhancement would rise up to Rs. 9,79,800 showing an additional commitment of Rs. 9,06,972 annually.

K. P. RAJENDRAN.

EXTRACT FROM THE EDAVAGAI RIGHTS ACQUISITION ACT, 1955
(ACT XXVII OF 1955)

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6. *Compensation payable for the 'acquisition of Edavagai rights etc.—(1)*
The amount of compensation specified in the Schedule as payable to the Edapalli Swaroopam for the acquisition of the rights of the Swaroopam and the rights, title and interests of the Chief mentioned in sub-section (2) of section 3 shall be retained by Government under a separate Head of Account, for a period of twenty years fixed from the date of commencement of this Act, and shall bear interest at the rate of four per cent per annum thereon the interest accruing under this sub-section shall be paid to the Chief in four equal quarterly instalments on the 1st day of every quarter of each financial year.

(2) (a) Out of the amount of compensation specified in the Schedule as payable to the Kilimanoor Kottaram for the acquisition of the rights of the Kottaram and the rights title and interest of the Chief mentioned in sub-section (2) of section 3, a sum of Rs. 21,000 shall be held in trust by Government, in perpetuity with the obligation to pay, interest thereon at the rate of four per cent per annum on behalf of the Ayyappankavu, the Thevarappura, the Vettakarankavu, the Panakattu Mathichankavu and the Valiakoickal Bhagavathi Devaswoms which are under the management of the Kilimanoor Chief, the said amount having been endowed and dedicated by the Chief and the other members of the Kottaram for the benefit and maintenance of the aforesaid Devaswoms in accordance with the customary religious practices and ceremonies pertaining to those Devaswoms and the interest accruing thereon shall be paid to the Chief in four equal quarterly instalments on the 1st day of every quarter of each financial year.

(b) The amount of compensation specified in the Schedule as payable to the Kilimanoor Kottaram after deducting the sum of Rs. 21,000 under clause (a) shall, in accordance with the desire expressed by the Kilimanoor Chief and the other members of the Kottaram, be satisfied by Government by paying a cash annuity of Rs. 900 to the present Chief for his life-time, and a cash annuity of Rs. 168 to each of the other members of the Kottaram as on the date of commencement of this Act, for the life-time of each such member. The said annuities for life shall be deemed to accrue from day to day, but shall be payable by Government in twelve equal instalments in each year.

Explanation:—Children in the womb of any female member of the Kottaram on the date of commencement of this Act who are born alive shall also be deemed to be members of the Kottaram, eligible for life-annuities under this sub-section.

(3) (a) Out of the amount of compensation specified in the Schedule as payable to the Poonjar Koickal, for the acquisition of the rights of the Koickal and the rights, title and interests of the Chief mentioned in sub-section (2) of section 3, a sum of Rs. 1,22,866.90 shall be retained by Government in perpetuity with the obligation to pay interest at the rate of four per cent per annum thereon, and Government shall hold the said amount in trust for the Poonjar Sasthavau, the Kilikulamkavu, the Karnom Sasthavu, the Natakkal Bhagavathi, the Vadakkan Mankompu Bhagavathi, the Mathura Meenakshi, the Kallitamkavu Bhagavathi, the Kottaram Kshetram and the Ampukavu Bhagavathi Devaswoms which are under the management of the Poonjar Chief, the said amount having been endowed by the Poonjar Koickal for the benefit and maintenance of the aforesaid Devaswoms and accordance with the customary religious practices and ceremonies pertaining to those Devaswoms and the interest accruing thereon shall be paid to the Chief in four equal quarterly instalments on the 1st day of every quarter of each financial year.

(b) The amount of compensation specified in the Schedule as payable to the Poonjar Koickal, after deducting the sum of Rs. 1,22,866.90 under clause (a) shall, in accordance with the desire expressed by the Chief and the other members of the Koickal, be satisfied by Government by paying a cash annuity of Rs. 1,500 to the present Chief for his life-time a cash annuity of Rs. 900 to the present eldest female member for her life-time, and a cash annuity of Rs. 360 to each of the other members of the Koickal, as on the date of commencement of this Act, for the life-time of each such member. The said annuities for life shall be deemed to accrue from day to day, but shall be payable by Government in twelve equal monthly instalments in each year.

Explanation :—Children in the womb of any female member of the Poonjar Koickal on the date of commencement of this Act, who are born alive, shall also be deemed to be members of the Koickal, eligible for life annuities under this sub-section.

(4) (a) Out of the amount of compensation specified in the Schedule as payable to the Vanjipuzha Matom, for the acquisition of the rights of the Matom and the rights, title and interests of the Chief mentioned in sub-section (2) of section 3, a sum of Rs. 2,00,000 shall be retained by Government with the obligation to pay interest thereon at the rate of four per cent per annum for

discharging the debts of the Matom. A sum of Rs. 1,00,000 shall also be retained by Government with the obligation to pay interest thereon at the rate of four per cent per annum, in trust for the maintenance and upkeep, in accordance with the customary religious practices and ceremonies, of the Cheruvally. Chirakkadavu and Peruvanthanam Devaswoms, which are under the management of the Matom, the said amount having been endowed by the Matom for the purpose aforesaid. The maintenance and upkeep of the said Devaswoms shall be entrusted to such agency as may be agreed upon between Government and the Chief and where no such agreement can be reached, Government shall be entitled to make necessary arrangements with the Travancore Devaswom Board for the maintenance and upkeep of the said Devaswoms.

(b) The amount of compensation specified in the schedule as payable to the Vanjipuzha Matom; which remains after deducting the sum of Rs. 3,00,000 as specified in clause (a), shall, notwithstanding anything contained in the Travancore Malayala Brahmin Act, III of 1106 or any other law, custom or usage regarding partition among Malayala Brahmins, be payable in equal shares to the Chief, his mother, his wife and his four minor children.

(c) The share of compensation payable to the minors shall be retained by Government with the obligation to pay interest at the rate of four per cent per annum thereon until it is repaid to the said four minors in equal shares as and when each such minor attains the age of majority, on his receipt.

(d) The interest payable by Government under clause (c) shall be paid to the guardian of the minors in four equal quarterly instalments, on the first day of every quarter of each financial year, on the receipt of the said guardian.

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