

THE THIRUPPUVARAM PAYMENT (ABOLITION)
AMENDMENT BILL, 2011

A

BILL

to amend the Thiruppuvaram Payment (Abolition) Act, 1969.

Preamble.— WHEREAS, it is expedient to amend the Thiruppuvaram Payment (Abolition) Act, 1969 for the purposes hereinafter appearing ;

BE it enacted in the Sixty second Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Thiruppuvaram Payment (Abolition) Amendment Act, 2011.

(2) It shall come into force at once.

2. Insertion of new section 11 A.— After section 11 of the Thiruppuvaram Payment (Abolition) Act, 1969 (19 of 1969), the following section shall be inserted, namely:—

“11 A. *Revision of annuity.*— The Government shall, in consultation with the Secretary, Land Board and in the manner as may be prescribed, revise the annuity determined under section 11, with effect from the date of commencement of the Thiruppuvaram Payment (Abolition) Amendment Act, 2011, to thrice the amount and thereafter at the expiration of every five years enhance the annuity as so revised by twenty five per cent.”.

STATEMENT OF OBJECTS AND REASONS

The Thiruppuvaram Payment (Abolition) Act, 1969 (Act 19 of 1969) does not contain provisions for periodical revision of annuity payable to religious and charitable institutions of public nature determined under section 11 of the Act. It has been proposed to revise the said annuity in accordance with the rise in price of commodities. The Government have decided to enhance the annuity to thrice the amount determined under section 11 of the Act and at the expiration of every five years to enhance the annuity as so revised by twenty five per cent.

FINANCIAL MEMORANDUM

Section 11A proposed to be inserted by clause 2 of the Bill to the Thiruppuvaram Payment (Abolition) Act, 1969, empowers the Government to revise, in consultation with the State Land Board, the annuity determined under section 11 of the said Act, with effect from the date of commencement of the Thiruppuvaram Payment (Abolition) Amendment Act, 2011, to thrice the amount and thereafter at the expiry of every five years to enhance the annuity as so revised by twenty five per cent.

An amount of fifty five thousand rupees is being paid annually to various temples as annuity under Thiruppuvaram Payment (Abolition) Act, 1969. The Thiruppuvaram Payment (Abolition) Amendment Bill, 2011, if enacted and brought into operation would involve an additional expenditure of one lakh ten thousand rupees annually from the Consolidated Fund of the State for the first five years since an amount of one lakh sixty five thousand rupees is to be paid to the various temples annually as revised annuity. Since the annuity is to be further revised after every five years by twenty five per cent of the revised amount, the annual commitment would be rupees two lakhs six thousand two hundred and fifty for the next five years causing an additional expenditure of one lakh fifty one thousand two hundred and fifty rupees from the Consolidated Fund of the State annually.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill proposes to insert a new section 11 A to the Thiruppuvaram Payment (Abolition) Act, 1969, which seeks to empower the Government to prescribe the manner of revising the annuity determined under section 11 of the said Act.

Matters in respect of which rules are to be made are matters of procedure or of administrative nature. Further, the rules, after they are made, will be subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, thus, of a normal character.

THIRUVANCHOOR RADHAKRISHNAN

EXTRACT FROM THE RELEVANT PORTIONS OF
THE THIRUPPUVARAM PAYMENT (ABOLITION) ACT, 1969
(ACT 19 OF 1969)

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11. *Determination of annuity and compensation.*—(1) The compensation officer shall, be order in writing, determine in respect of each Thiruppuholder the annuity payable under section 4 or, as the case may be, the compensation payable under section 6.

(2) Any Thiruppuholder or other person interested may, within such time as may be prescribed or such further time as the compensation officer may, in his discretion, allow, apply in writing to that officer for a copy of the data on the basis of which he proposes to determine the annuity or compensation payable.

(3) On receipt of an application under sub-section (2), the compensation officer shall furnish the data aforesaid to the applicant, and he shall also, before passing any order under sub-section (1), give the applicant a reasonable opportunity of making his representations in regard thereto, in writing or orally.

(4) A copy of every order passed under sub-section (1) shall be communicated to the Thiruppuholder and to every applicant under sub-section (2).

(5) The compensation officer may at any time either of his own motion or on the application of any person, review an order passed by him under sub-section (1) on anyone or more of the following grounds, namely:—

(a) that the said order is vitiated by any clerical or arithmetical mistake or error apparent on the face of the record ; or

(b) that subsequent to the passing of the said order, data for the better calculation of the annuity or compensation have become available ; or

(c) that the said order requires to be modified in pursuance of the final order of any competent authority or court :

Provided that the compensation officer shall not exercise the powers under this sub-section without giving the Thiruppuholder concerned and every applicant under this sub-section or sub-section (2), a reasonable opportunity of being heard.

(6) A copy of every order passed under sub-section (5) shall be communicated to the Board of Revenue and also to the Thiruppuholder concerned and to every applicant under sub-section (2) or sub-section (5).

(7) Any person aggrieved by an order of the compensation officer under sub-section (1) or sub-section (5) may, within thirty days from the date of the order, prefer an appeal to the District Collector, and the District Collector shall, after giving the appellant and the Thiruppuholder where he is not the appellant a reasonable opportunity of being heard and after making such further enquiry as may be Prescribed, pass such order on the appeal as he thinks fit.

(8) The Board of Revenue may, either of its own motion or on application by any person aggrieved by an order passed by the District Collector under sub-section (7), call for and examine the record of any proceeding in which such order has been passed for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding and pass such order thereon as it thinks fit :

Provided that the annuity or the compensation, as the case may be payable to a Thiruppuholder shall not be altered by the Board of Revenue without giving him and every person who has made an application under this sub-section or sub-section (2), a reasonable opportunity of being heard.

(9) The Board of Revenue shall not of its own motion call for and examine the record of any proceeding under sub-section (8) if the order to which the proceeding relates, has been made more than one year previously.

(10) In the case of an application under sub-section (8) by any person aggrieved, the application shall be made within thirty days of the date of the order in question.

(11) The Board of Revenue may, on application made to it by the compensation officer or by any other person in that behalf, review any order passed by it under sub-section (8), if it is of the opinion that the said order is vitiated by an error in the decision on a point of law or by a mistake and may make such order on the application as it thinks fit :

Provided that no application for review shall be granted by the Board of Revenue without previous notice to the Thiruppuholder and to the applicant, to enable them to appear and be heard in support of the order a review of which is applied for.

(12) No order passed by the compensation officer under sub-section (1) or sub-section (5) shall be liable to cancelled or modified except by the District Collector or the Board of Revenue as aforesaid.

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Thirteenth Kerala Legislative Assembly
Bill No. 30

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