
REPORT OF THE SUBJECT COMMITTEE
ON
THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) BILL, 2018
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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SUBJECT COMMITTEE II
LAND REVENUE AND DEVASWOM
(2016-2018)

Composition

Chairman :

Shri E. Chandrasekharan,
Minister for Revenue and Housing.

Ex-Officio Member :

Shri Kadakampally Surendran,
Minister for Co-Operation,
Tourism and Devaswom.

Members :

Shri P. B. Abdul Razak
Shri Adoor Prakash
Shri C. K. Hareendran
Shri E. P. Jayarajan
Shri Kovoov Kunjumon
Shri K. D. Prasenani
Shri Purushan Kadalundy
Shri K. Rajan
Shri M. Ummer.

Legislature Secretariat :

Shri V. K. Babu Prakash, Secretary.
Smt. Suma Kumari G., Additional Secretary.
Shri Mathewkutty G., Deputy Secretary.
Smt. Deepa V., Under Secretary.

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
(AMENDMENT) BILL, 2018

Report of the Subject Committee

Subject Committee II (Land Revenue and Devaswom) to which 'The Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 2018' (Bill No.116) was referred, considered the Bill clause by clause and now submits its Report with the Bill as reported by the Committee annexed thereto.

2. The Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 2018 was published as a Gazette Extraordinary dated February 23, 2018. The Bill was introduced in the Assembly on March 13, 2018 and was referred to the Subject Committee on the same day.

3. The Committee considered the Bill clause by clause at its meeting held on March 20, 2018. The Committee recommends to adopt the Bill with the following modification:

Clause 2

For clause 2, the following clause shall be substituted, namely:—

"2. *Amendment of section 8C.*—In sub-section (1) of section 8C of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter referred to as the principal Act), for the words "a Joint Secretary to Government", the words, figure and letter "a Deputy Commissioner in the abolished department who is eligible to be promoted as Commissioner as per the provision contained in section 19G and in the absence of such an officer, a Joint Secretary to Government" shall be substituted."

4. The Minutes of dissent is appended.

5. All other changes are either verbal or consequential.

Thiruvananthapuram,
March 20, 2018.

E. CHANDRASEKHARAN,
Chairman,
Subject Committee II.

വിയോഗനക്കുറിപ്പ്

പ്രസ്തുത ബില്ലിന്റെ 8 സി വകുപ്പ് (I)-ാം ഉപവകുപ്പ് പ്രകാരം ഗവൺമെന്റ് ജോയിന്റ് സെക്രട്ടറിയുടെ പദവിയിൽ കറയാത്ത ഒരു ഉദ്യോഗസ്ഥനെ ബോർഡിന്റെ കമ്മീഷണറായി നിയമിക്കാവുന്നതാണ്. ഇപ്പോൾ കൊണ്ടുവന്നിരിക്കുന്ന ഭേദഗതിയിലൂടെ 2008-ൽ നിർത്തലാക്കിയ ഹിന്ദു മത ധർമ്മ എൻഡോവ്മെന്റുകൾ ഭരണ വകുപ്പിലെ ഒരു ഡെപ്യൂട്ടി കമ്മീഷണറെ ബോർഡിന്റെ കമ്മീഷണറായി നിയമിക്കുന്നതിന് വേണ്ടിയുള്ള ഭേദഗതിയാണ്. 2008-ൽ നിർത്തലാക്കിയ വകുപ്പിലെ ഒരു ഉദ്യോഗസ്ഥന് പ്രമോഷൻ കൊടുക്കുവാൻ വേണ്ടി മാത്രമാണ് ഒരു ഓർഡിനൻസിലൂടെ ഈ ഭേദഗതി കൊണ്ടുവന്നിട്ടുള്ളത്. 2017 ജനുവരി 1 മുതൽ ഇതിന് പ്രാബല്യം നൽകിയിട്ടുണ്ട്. ഇപ്രകാരം ഒരു ഓർഡിനൻസിലൂടെ വ്യക്തികൾക്ക് പ്രമോഷൻ നൽകുന്നതിന് നിബന്ധന കൊണ്ടുവരുന്നത് നിയമവിരുദ്ധമാണെന്ന് കോടതിവിധികളുണ്ട്. ആയതിനാൽ ഈ ഭേദഗതിയോട് വിയോഗിച്ച് രേഖപ്പെടുത്തുന്നു.

അടൂർ പ്രകാശ്, എം. എൽ. എ. (ഒപ്പ്)

എം. ഉമ്മർ, എം. എൽ. എ. (ഒപ്പ്)

THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) BILL, 2018

(As reported by the Subject Committee)

[Words sidelined indicate the modification suggested by the Subject Committee]

A

BILL

further to amend the Madras Hindu Religious and Charitable Endowments Act, 1951.

Preamble.— WHEREAS, it is expedient further to amend the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) for the purposes hereinafter appearing;

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

1. *Short title and commencement.*— (1) This Act may be called the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 1st day of January, 2017.

2. *Amendment of section 8C.*— In sub-section (1) of section 8C of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter referred to as the principal Act), for the words “a Joint Secretary to Government”, the words, figure and letter “a Deputy Commissioner in the abolished department who is eligible to be promoted as Commissioner as per the provision contained in section 19G and in the absence of such an officer, a Joint Secretary to Government” shall be substituted.

3. *Repeal and saving.*—(1) The Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2018 (12 of 2018) 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.

Secretariat of Kerala Legislature,
Thiruvananthapuram,
March 20, 2018.

V. K. BABU PRAKASH,
Secretary.