

**Fourteenth Kerala Legislative Assembly**

**Bill No. 168**

---

---

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

---

---

©  
Kerala Legislature Secretariat  
2018

**KERALA NIYAMASABHA PRINTING PRESS.**

Published on 23-11-2018

Fourteenth Kerala Legislative Assembly

Bill No. 168

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

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

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 (Second Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 17th day of October, 2018.

2. *Amendment of section 7A.*—In sub-section (2) of section 7A of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter referred to as the principal Act), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that such a member shall be eligible for re-nomination or re-election consecutively for two terms alone.”

3. *Repeal and saving.*—(1) The Madras Hindu Religious and Charitable Endowments (Second Amendment) Ordinance, 2018 (54 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action 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**

Section 7 A of the Madras Hindu Religious and Charitable Endowments Act, 1951 provides that, every member of the Board shall be entitled to hold office for a period of two years from the date of his nomination or election, as the case may be. Sub-section (2) of that section provides that, a person who ceases to be a member of the Board by reason of expiration of his term of office shall, if he is otherwise qualified, be eligible for re-nomination or re-election. The proviso to sub-section (2) of the said section provides that such a member of the Board shall not be eligible for re-nomination or re-election consecutively.

2. Hence as per the said provision a person who ceased to be member of the Board by the expiry of the term of office is not eligible to be re-nominated or re-elected consecutively. Now, the Government have decided to amend the said Act, in order to make eligible such member of the Board for re-nomination or re-election consecutively for two terms alone, for the smooth functioning of the Board.

3. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Madras Hindu Religious and Charitable Endowments (Second Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 17th day of October, 2018 and the same was published as Ordinance No. 54 of 2018 in the Kerala Gazette Extraordinary No. 2592 dated 17th October, 2018.

4. The Bill seeks to replace Ordinance No. 54 of 2018 by an Act of the State Legislature.

**FINANCIAL MEMORANDUM**

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

**KADAKAMPALLY SURENDRAN.**

EXTRACT FROM THE MADRAS HINDU RELIGIOUS AND CHARITABLE  
ENDOWMENTS ACT, 1951 (MADRAS ACT XIX OF 1951)

\*\*

\*\*

\*\*

\*\*

7A. *Term of office of the members.*—(1) Every member of the Board shall be entitled to hold office for a period of two years from the date of his nomination or election, as the case may be.

(2) A person who ceases to be a member of the Board by reason of expiration of his term of office shall, if he is otherwise qualified, be eligible for re-nomination or re-election:

Provided that such a member shall not be eligible for re-nomination or re-election consecutively.

\*\*

\*\*

\*\*

\*\*

---