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Fourteenth Kerala Legislative Assembly

Bill No. 121

**THE TRAVANCORE-COCHIN HINDU RELIGIOUS
INSTITUTIONS (AMENDMENT) BILL, 2018**

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further to amend the Travancore-Cochin Hindu Religious Institutions Act, 1950.

Preamble.—WHEREAS, it is expedient further to amend the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) 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 Travancore-Cochin Hindu Religious Institutions (Amendment) Act, 2018.

(2) Sections 2, 3 and 6 shall be deemed to have come into force on the 14th day of November, 2017 and the remaining provisions of this Act shall come into force at once.

2. *Amendment of section 10.*—In the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) (hereinafter referred to as the principal Act), in section 10, in sub-section (1), for the words “three years”, the words “two years” shall be substituted.

3. *Substitution of new section for section 12.*—For section 12 of the principal Act, the following section shall be substituted, namely:—

“12. *Honoraria for President and members.*—The President and members of the Board shall be entitled to receive per mensem, such honoraria and sitting fees, as may be fixed by the Government from time to time, by notification published in the Official Gazette.”

4. *Insertion of new section 13B.*—After section 13A of the principal Act, the following section shall be inserted, namely:—

“13B. *Appointment of Commissioner.*—The Government may, by notification in the-Gazette, appoint an officer not below the rank of an Additional Secretary to Government and who is a Hindu as the Commissioner.”

5. *Amendment of section 29.*— In sub-section (2) of section 29 of the principal Act, the words “who shall be appointed by the Board. He shall be a Hindu.” shall be omitted.

6. *Amendment of section 70.*—In sub-section (1) of section 70 of the principal Act, for the words “three years”, the words “two years” shall be substituted.

7. *Amendment of section 71.*—For sub-section (2) of section 71 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) The President and members of the Board shall be entitled to receive per mensem, such honoraria and sitting fees, as may be fixed by the Government from time to time, by notification published in the Official Gazette.”.

8. *Amendment of section 74A.*— In sub-section (1) of section 74A of the principal Act, for the words “Board shall appoint a Devaswom Commissioner”, the words “Government may, by notification in the Gazette, appoint an officer not below the rank of a Joint Secretary to Government and who is a Hindu as the Commissioner” shall be substituted.

9. *Repeal and saving.*—(1) The Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2018 (10 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.

STATEMENT OF OBJECTS AND REASONS

Section 10 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 provides for the term of office of members of the Travancore Devaswom Board. Section 12 of the Act provides for the honoraria for President and members of the Travancore Devaswom Board and section 71 of the said Act provides for the honoraria for the President and members of the Cochin Devaswom Board.

2. As per section 10 of the said Act, the term of office of the members of the Travancore Devaswom Board shall be three years. The Government have decided to reduce the term of office of the members as two years. As per section 12 of the said Act, the President and members of the Travancore Devaswom Board shall receive such honoraria as the Board may decide subject to a maximum of rupees five thousand only per mensem in the case of the President and rupees three thousand and five hundred only per mensem in the case of each of the other two members. As per sub-section (2) of section 71 of the said Act, the President of the Cochin Devaswom 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.

3. The Government have also decided to revise the honorarium of the President and members of the Travancore Devaswom Board and of the Cochin Devaswom Board and also decide to bring amendment to the said Act to the effect that the President and members of the Travancore and Cochin Devaswom Board shall be entitled to receive per mensem such honoraria and sitting fee, as may be fixed by the Government from time to time. Accordingly, the Government have decided to make suitable amendments to the Travancore-Cochin Hindu Religious Institutions Act, 1950.

4. 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 Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on the 14th day of November, 2017 and the same was published as Ordinance No.23 of 2017 in the Kerala Gazette Extraordinary No.2479 dated the 14th day of November, 2017.

5. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018.

6. As the provisions of the said Ordinance are to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 12th day of February, 2018 and the same was published as Ordinance No.10 of 2018 in the Kerala Gazette Extraordinary No.345 dated 12th February, 2018.

7. Further the Government have also decided to bring in certain other amendments to said Act, in order to provide for the qualification for the appointment of Devaswom Commissioners of Travancore Devaswom Board and Cochin Devaswom Board and to reduce the term of the Cochin Devaswom Board to two years.

8. The Bill seeks to replace Ordinance No. 10 of 2018 by an Act of the State Legislature and also to achieve the above object.

FINANCIAL MEMORANDUM

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 12 proposed to be substituted in the principal Act by clause 3 of the Bill seeks to empower the Government to fix the honoraria and sitting fees for the President and members of the Travancore Devaswom Board by notification published in the Official Gazette.

2. Section 13B proposed to be inserted in the principal Act by clause 4 of the Bill seeks to empower the Government to appoint an officer not below the rank of an Additional Secretary to Government and who is a Hindu as the Commissioner, by notification in the Gazette.

3. Sub-section (2) of section 71 proposed to be substituted in the principal Act by clause 7 of the Bill seeks to empower the Government to fix the honoraria and sitting fees for the President and members of the Cochin Devaswom Board by notification published in the Official Gazette.

4. Sub-section (1) of section 74A proposed to be substituted in the Act by clause 8 of the Bill seeks to empower the Government to appoint an officer not below the rank of a Joint Secretary to Government and who is a Hindu as the Commissioner, by notification in the Gazette.

5. The matters in respect of which the notifications are to be issued are matters of procedure and are of routine or administrative in nature. Further, such notifications are subject to the scrutiny of the Legislative Assembly. Hence, the delegation of legislative power is of a normal character.

KADAKAMPALLY SURENDRAN.

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

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

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12. *Honouraria for President and members.*—The President and members of the Board shall receive such honouraria as the Board may decide subject to a maximum of Rupees five thousand only per mensem in the case of the President and Rupees three thousand five hundred only per mensem in the case of each of the other two members.

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13A. *Appointment of Chief Commissioner.*—In the event of all the members of the Board ceasing to hold office as such, the Government may, by notification in the Gazette, appoint an officer not below the rank of a Secretary to Government and who is a Hindu as the Chief Commissioner to exercise such powers and perform such duties of the Board as may be specified in the notification till the new members assume office.

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29. *Board's control over the Devaswom Department.*—(1) The Devaswom Department constituted in 1097 shall continue and shall consist of such number of Hindu officers and other servants as may be determined from time to time by the Board.

(2) The Devaswom Department shall, subject to the supervision, direction, and control of the Board, be under the Devaswom Commissioner who shall be appointed by the Board. He shall be a Hindu.

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70. *Term of the Board.*—(1) Every member of the Board shall be entitled to hold office for a period of three years from the date of this nomination or election, as the case may be.

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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 only per mensem and each of the other two members an honorarium of Rupees Three thousand and five hundred only per mensem from out of Devaswom funds.

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74A. *Appointment of a Devaswom Commissioner.*—(1) The Board shall appoint a Devaswom Commissioner for the Administration of the incorporated and unincorporated Devaswoms and Hindu religious institutions under the Board.

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