

Fourteenth Kerala Legislative Assembly

Bill No. 53

**THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) BILL, 2017**

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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-eighth 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, 2017.

(2) It shall be deemed to have come into force on the 3rd day of February, 2017.

2. *Amendment of section 13.*—In section 13 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (XIX of 1951) (hereinafter referred to as the principal Act), for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every Area Committee shall consist of seven members appointed by the Government, namely:—

(a) one member from Scheduled Castes or Scheduled Tribe Communities ;

(b) one woman member ;

(c) one philosopher of Hindu Religion or performer of temple art or a person who has authored works on Hindu literature; and

(d) four other members”.

3. *Special provision relating to the existing members of the Area Committee and non-hereditary trustees.*—Notwithstanding anything contained in the principal Act, the existing Chairman and members of the Area Committee and the non-hereditary trustees shall cease to hold office as such Chairman and Members of the Area Committee or the non-hereditary trustees, as the case may be, on and from the date of commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2017.

4. *Repeal and saving.*—(1) The Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2017 (3 of 2017) is hereby repealed.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 13 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) provides for the strength of Area Committees and term of office and disqualifications of members. For the smooth functioning of the Area Committee as well as the Board the Government have decided to amend sub-section (1) of section 13 of the said Act by incorporating a provision regarding the appointment of members of the Area Committee from the respective fields and also decided to incorporate a special provision relating to the existing members of the Area committees and non-hereditary trustees.

2. As the Kerala Legislative Assembly was not in session and the above proposal had to be given effect to immediately, the Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on the 2nd day of February, 2017 and the same was published as Ordinance No. 2 of 2017 in the Kerala Gazette Extraordinary No. 204 dated 3rd February, 2017.

3. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 23rd day of February, 2017 and ended on the 16th day of March, 2017. In order to keep alive the provisions of

the said Ordinance, the Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on the 4th day of April, 2017 and the same was published as Ordinance No.3 of 2017 in the Kerala Gazette Extraordinary No.668 dated 4th April, 2017.

4. The Bill is intended to replace the Ordinance No.3 of 2017 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 RELEVANT PORTIONS OF THE MADRAS HINDU
RELIGIOUS AND CHARITABLE ENDOWMENTS ACT, 1951

(MADRAS ACT XIX OF 1951)

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13. *Strength of Area Committees and term of office and disqualifications of members.*—(1) Every Area Committee shall consist of the following members appointed by the Government namely:—

(a) one philosopher of Hindu religion;

(b) one social reformer of Hindu religion;

(c) one member from any of the Temple Advisory Committees constituted under section 14;

(d) one member from Scheduled Caste or Scheduled Tribe Communities;

(e) one woman member;

(f) two other members.

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