

Fourteenth Kerala Legislative Assembly

Bill No. 221

**THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) BILL, 2019**

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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 Seventieth 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, 2019.

(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saving.*—(1) The Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2019 (31 of 2019) is hereby repealed.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 7A 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. 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, by substituting the existing proviso to sub-section (2) of section 7A with a new proviso that, such member of the Board shall be eligible for re-nomination or re-election consecutively for two terms alone.

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. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No.168 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 27th day of November, 2018 and ended on the 13th day of December, 2018.

5. As the provisions of the said Ordinance are to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Madras Hindu Religious and Charitable Endowments (Second Amendment) Ordinance, 2018 on the 7th day of January, 2019 and the same was published as Ordinance No.4 of 2019 in the Kerala Gazette Extraordinary No.36 dated 7th day of January, 2019.

6. 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 25th day of January, 2019 and ended on the 12th day of February, 2019.

7. As the provisions of the said Ordinance are to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2019 on the 1st day of March, 2019 and the same was published as Ordinance No.14 of 2019 in the Kerala Gazette Extraordinary No.549 dated 1st day of March, 2019.

8. 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 27th day of May, 2019 and ended on the 4th day of July, 2019.

9. As the provisions of the said Ordinance are to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2019 on the 6th day of July, 2019 and the same was published as Ordinance No.31 of 2019 in the Kerala Gazette Extraordinary No.1504 dated 6th day of July, 2019.

10. The Bill seeks to replace Ordinance No.31 of 2019 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)

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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.

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