के लिए अधिनियमित किया गया था। तथापि, हिन्दू लोग धार्मिक संस्थाओं और पूर्ति विन्यासों के प्रशासन में सक्रिय रूप से अन्तर्निहित अधिकार प्राधिकारियों को अधिनियम में सम्मिलित नहीं किया गया था। इसलिए, ऐसे प्राधिकारियों को अधिनियम में सम्मिलित किया जाना अपेक्षित है। तदनुसार, ऐसे प्राधिकारियों को नियुक्त करने हेतु परिभाषाएं और प्रक्रिया प्रस्तावित विधान के माध्यम से प्रतिस्थापित की जा रही है। इसके अतिरिक्त, मन्त्रिय न्यायालय की भूमिका और परिसरों पर अधिकरण होता आया है, इसलिए, सक्षम प्राधिकारी के समक्ष समृद्धिविधि के अधीन कार्यवाहियों प्रारंभ करने के लिए आवेदन करने हेतु किसी अन्य अधिकारी को प्राधिकृत करने के लिए आयुक्त (मन्त्री) को समर्थन करने के लिए उपबन्ध किए जा रहे हैं। इससे अधिकरणों की तरह सेवा बेडखली सुनिश्चित होने की सम्भावना है। धार्मिक पूजा स्थलों के बदलावों की संख्या में दिन-प्रतिदिन बढ़ती हो रही है, इसलिए, बेहतर प्रशासन की योजना करने के लिए न्यायालयों की अधिकतम संख्या को तालाकल्पक बीस से बढ़कर पच्चीस किया जा रहा है। गो सदनों के निर्माण, रख-रखाव और उनको स्थापना करने के लिए पन्थ प्रतिष्ठान तक की प्रारूपों को विनियमित करने के लिए उपबन्ध किया जा रहा है। यह राज्य के आवास पशुधन को आश्रय देने व उसकी उत्पत्ति देखभाल करने के लिए समर्थ बनाएगा। प्रस्तावित विधान का उद्देश्य हिन्दू सार्वजनिक धार्मिक संस्थाओं और पूर्ति विन्यासों के प्रशासन में सुधार लाना है।

यह विधेयक उपयुक्त उद्देश्यों की पूर्ति के लिए है।

(जय राम ठाकुर) मुख्य मंत्री।

शिमला :
तारीख : ....................., 2018

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AUTHORITATIVE ENGLISH TEXT

Bill No. 4 of 2018

THE HIMACHAL PRADESH HINDU PUBLIC RELIGIOUS INSTITUTIONS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 2018

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A BILL


Be it enacted by the Himachal Pradesh Legislative Assembly in the Sixty-ninth Year of the Republic of India as follows :—
1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 11th day of October, 2017.

2. **Substitution of Section 2.**—For Section 2 of the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 (hereinafter referred to as the “principal Act”), the following shall be substituted, namely:—

"2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Additional Chief Commissioner (Temple)” means the Additional Chief Commissioner (Temple) appointed under section 3;

(b) “Assistant Commissioner (Temple)” means the Assistant Commissioner (Temple) appointed under section 3;

(c) “Charitable endowments” means all property given or endowed for the benefit of, or used as of right by, the community or any section thereof for the support or maintenance of objects of utility to the community or section, such as sarais, rest-houses, pathshalas, schools and colleges, houses for feeding the poor and institution for advancement of education, medical relief fund and public health or other objects of like nature and includes the institutions concerned;

(d) “Chief Commissioner (Temple)” means the Chief Commissioner (Temple) appointed under section 3 and includes every officer, who for the time being exercises the powers and performs the functions of the Chief Commissioner (Temple) under this Act;

(e) “Commissioner (Temple)” means the Commissioner (Temple) appointed under section 3 and includes every officer, who for the time being exercises the powers and perform the functions of a Commissioner (Temple) under this Act;

(f) “Government” or “State Government” means the Government of Himachal Pradesh;

(g) “Hereditary trustee” means the trustee of a religious institution succession to whose office devolves by hereditary right or by nomination by the trustee for the time being in office or is regulated by custom, or is specifically provided for by the founder, so long as such scheme of succession is in force;

(h) “Hindu Public Religious Institution” means a math, temple, smadh, smadhi, dera and endowment attached thereto or a specified endowment, established with a religious object for a public purpose and includes,—

(i) all property movable or immovable belonging to or given or endowed for worship in, maintenance or improvement of, additions to, a math or temple, smadh, smadhi or dera for the performance of any service or charity connected therewith;

(ii) the idols installed in the math or temple, smadh, smadhi or dera clothes, ornaments and things for decoration etc.; and

(iii) religious institution under the direct control of the State Government, but does not include such private religious math or temple in which the public are not interested:
Provided that any offering, whether in kind or in cash, made by the pilgrims or by any other person in any Hindu Public Religious Institution shall be deemed to be the property of such religious institution;

(i) “Joint Commissioner (Temple)” means the Joint Commissioner (Temple) appointed under section 3;

(j) “Math” means a math as understood under the Hindu Law;

(k) “Non-hereditary trustee” means a trustee who is not a hereditary trustee and includes a Government Officer or Official so appointed in the temple trust;

(l) “Officer” means an officer appointed under this Act and shall include the Chief Commissioner (Temple), Additional Chief Commissioner (Temple), Commissioner (Temple), Joint Commissioner (Temple), Temple Officer and Assistant Commissioner (Temple);

(m) “prescribed” means prescribed by rules made under this Act;

(n) “pujari” includes a panda or any other person who performs or conducts puja or other rituals;

(o) “Schedule” means the schedule appended to this Act;

(p) “Section” means section of this Act;

(q) "State" means the State of Himachal Pradesh;

(r) “Temple” means a place, by whatever name known, used as a place of public religious worship, and dedicated to, for the benefit of, or used as of right by the Hindu community or any section thereof as a place of public religious worship;

(s) “Temple trust” means the trust constituted by the Commissioner (Temple) under section 5 of this Act;

(t) “Temple officer” means the officer appointed by the Government to undertake the day to day management of the temple; and

(u) “Trustee” means any person or body of persons, by whatever designation known, in whom or in which the administration of a Hindu Public Religious Institution and charitable endowment is vested, and includes any person or body of persons who or which is liable, as if, such person or body of persons were a trustee.”.

3. **Substitution of Section 3.**—For Section 3 of the principal Act, the following shall be substituted, namely:—

"3. Appointment of the Chief Commissioner (Temple) and other officers.—(1) The Administrative Secretary of the Language, Art and Culture Department of the Government shall be the Chief Commissioner (Temple) for the whole of the State to exercise the powers and perform the functions conferred upon or entrusted to him by or under this Act.

(2) The Director, Language, Art and Culture, Himachal Pradesh or any other officer appointed by the Government shall be the Additional Chief Commissioner (Temple)
for the whole of the State to exercise the powers and perform the functions, as may be
prescribed.

(3) The Government may appoint Deputy Commissioner or any other officer as
Commissioner (Temple) for the whole or different parts of the State to exercise the
powers and perform the functions conferred upon, or entrusted to him by or under this
Act.

(4) The Government may appoint the Sub Divisional Officer (Civil) or any other
officer as the Joint Commissioner (Temple) for the whole or different parts of the
State to exercise the powers and perform the functions, as may be prescribed.

(5) The Government may appoint from amongst the Tehsildars of the Revenue
Department or any equivalent officer as Temple Officer for each Temple to look after
its work.

(6) The Government may appoint the District Language Officer or any other
officer as Assistant Commissioner (Temple) for the whole or different parts of the
State to exercise the powers and perform the functions, as may be prescribed.

(7) The Government may, from time to time, appoint such other officers and staff to
assist the Commissioner (Temple) as it may deem fit.

(8) The Recruitment and Promotion Rules and other conditions of service for
the employees of each temple trust shall be such as may be approved by the Chief
Commissioner (Temple):

Provided that the emoluments and other monetary benefits payable to the employees of
temple trust shall be prescribed taking into account the income of the temple trust and
for this purpose the Government may classify the temples into two or more categories
based on their resources. The Government, may, if deemed fit, approve general rules to
be followed regarding the terms of service of temple trust employees and that would
deem to be incorporated in each Recruitment and Promotion Rules of the temple trusts
of the State under this Act.”.

4. Substitution of Section 4.—For section 4 of the principal Act, the following shall be
substituted, namely :

"4. Officer under the Act to be a Hindu.—An officer appointed under this Act shall be
out of the persons professing the Hindu Religion.”.

5. Substitution of certain words.—In the principal Act,—

(a) for the words “Financial Commissioner”, wherever occur in section 12, 14,16,19,
22 and 28, the words and signs “Chief Commissioner (Temple)” shall be
substituted ; and

(b) for the words “the Commissioner”, wherever occur in section 5, 6, 7, 8, 9, 10, 11,
12, 14, 16, 18, 19, 21, 22, 23, 25, 27, 30 and 34, the words and signs “the
Commissioner (Temple)” shall be substituted.
6. **Substitution of Section 12-A.**—For section 12-A of the principal Act, the following shall be substituted, namely:—

“12-A. Alienation of gold and silver of the Hindu Public Religious Institutions and Charitable Endowments.—The offerings received from the devotees in the shape of various varieties of gold and silver in every Hindu Public Religious Institution and Charitable Endowments, as included in the SCHEDULE-I, shall be alienated in the manner, as may be prescribed.”.

7. **Amendment of Section 15.**—In section 15 of the principal Act, in sub-section 2, for the words “Commissioner may”, the words and signs “Commissioner (Temple) may himself or through an officer authorized by him” shall be substituted.

8. **Amendment of Section 18.**—In section 18 of the principal Act, in sub-section (5), for the word “twenty”, the words “twenty five” shall be substituted.

9. **Amendment of Section 22.**—In section 22 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted, namely:—

"(g) fifteen percent of the receipt of the Hindu Public Religious Institutions and Charitable Endowments shall be utilized as first charge for construction, maintenance and up-gradation of Gau-sadans or for Gau-vansh samvardhan.”.

**Explanation.**—For the purpose of this clause "Gau-vansh samvardhan" means the conservation and development of indigenous breeds of cow.

10. **Amendment of Section 23.**—In section 23 of the principal Act, for sub-section (4), the following shall be substituted, namely:—

"(4) The annual audit of the Hindu Public Religious Institutions and Charitable Endowments shall be conducted by the Section Officer (State Accounts Services) of the Language and Culture Department or by the officers of the Local Audit Department or any Chartered Accountant duly authorised by the Chief Commissioner (Temple).”.

11. **Amendment of Section 29.**—In section 29 of the principal Act, in sub-section (1), after the words “Charitable Endowment”, the words and sign “or group of temples, as the case may be” shall be inserted.

12. **Validation.**—Any action taken or anything done under the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments (Amendment) Ordinance, 2017 (H.P. Ordinance No. 4 of 2017) shall be deemed to have been done or taken under the corresponding provisions of this Act.

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**STATEMENT OF OBJECTS AND REASONS**

The Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 was enacted to provide for better administration of the Hindu Public Religious Institutions and Charitable Endowments and for protection of the properties of such institutions. However, many authorities actively involved in the administration of the Hindu Public Religious Institutions and Charitable Endowments were not included in the Act. Therefore, such authorities
are required to be included in the Act. Accordingly, the definitions and the procedure to appoint such authorities are being substituted through the proposed legislation. Further, there have been instances of encroachment on the land and premises belonging to the temple trusts, hence, provisions are being made to empower the Commissioner (Temple) to authorise other officers to make an application for taking up proceedings under appropriate laws before the Competent Authority. This is likely to ensure speedy eviction of encroachments. The number of devotees to religious shrines are increasing day by day, hence, to provide better administration, the maximum number of trustees are being increased to 25 from the present number of 20. A provision is being made for earmarking receipt upto fifteen percent for the construction, maintenance and upgradation of Gau-sadans or for Gau-vansh samvardhan. It will enable the shelter and proper care to the abandoned cattle wealth of the State. The proposed legislation aims at improving the administration of the Hindu Public Religious Institutions and Charitable Endowments.

Since, the Legislative Assembly was not in session and amendment in the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 had to be made urgently, therefore, His Excellency the Governor, Himachal Pradesh in exercise of the powers under article 213(1) of the Constitution of India, promulgated the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments (Amendment) Ordinance, 2017 on 7th October, 2017, which was published in the Rajpatra (e-Gazette), Himachal Pradesh on the 11th October, 2017. Now, a regular legislation is being brought in place of said Ordinance.

This Bill seeks to achieve the aforesaid objectives.

(JAI RAM THAKUR)
Chief Minister.

SHIMLA:
THE ………………., 2018.