



The Travancore-Cochin Hindu Religious Institutions (Amendment) Act, 1994

Act 3 of 1994

Keyword(s):

Hindu, Religion, Devaswom Properties

Amendments appended: 14 of 1990, 15 of 1990, 20 of 1990, 3 of 1991, 10 of 1995, 9 of 1999, 5 of 2007, 26 of 2018

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE TRAVANCORE-COCHIN HINDU RELIGIOUS
INSTITUTIONS (AMENDMENT) ACT, 1994 [\[1\]](#)**

(ACT 3 OF 1994)

An Act 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 for the purposes hereinafter appearing;

BE it enacted in the Forty-fifth 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, 1994.

(2) It shall be deemed to have come into force on the 4th day of October, 1993.

2. *Amendment of section 2.*—In section 2 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) (hereinafter referred to as the principal Act), for the opening paragraph of clause (aa) the following shall be substituted, namely:—

"(aa) 'Hindu' means a person who is a Hindu by birth or by conversion into Hindu religion and professes Hindu religion and believes in God and temple worship:".

3. *Amendment of section 4.*—After sub-section (1) of section 4 of the principal Act, the following sub-section shall be inserted, namely:—

"(1A) Each of the Hindus among the Council of Ministers shall, before making the nomination under sub-section (1), deliver to the authority specified by the Government in this behalf a declaration signed by him to the effect that he professes the Hindu religion and believes in God and temple worship".

4. *Amendment of section 5.*—To section 5 of the principal Act, the following shall be added at the end, namely:—

"Every Hindu member of the Legislative Assembly of the State of Kerala who intends to participate in the election shall, before participating in the election, deliver to the person who presides over the meeting, a declaration signed by him to the effect that he professes the Hindu religion and believes in God and temple worship."

5. *Amendment of section 61.*—In section 61 of the principal Act, for the opening paragraph of clause (4A), the following shall be substituted, namely:—

"(4A) 'Hindu' means a person who is a Hindu by birth or by conversion into Hindu religion and professes Hindu religion and believes in God and temple worship:".

6. *Amendment of section 63.*—To section 63 of the principal Act, the following proviso shall be added, namely:—

"Provided that each of the Hindus among the Council of Ministers shall, before making the nomination, deliver to the authority specified by the Government in this behalf, a declaration signed by him to the effect that he professes the Hindu religion and believes in God and temple worship."

7. *Amendment of section 64.*—To section 64 of the principal Act, the following shall be added at the end, namely:—

"Every Hindu member of the Legislative Assembly of the State of Kerala who intends to participate in the election shall, before participating the election, deliver to the person who presides over the meeting, a declaration signed by him to the effect that he professes the Hindu religion and believes in God and temple worship."

8. *Amendment of Schedule II.*—In Schedule II to the principal Act, in rule 3, in the last sentence, for the words "stating that he is" the words "stating that he is a Hindu, professes the Hindu religion and believes in God and temple worship and he is" shall be substituted.

9. *Repeal and saving.*—(1) The Travancore-Cochin "Hindu Religious Institutions Amendment) Ordinance, 1993 (8 of 1993), 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.

THE TRAVANCORE – COCHIN HINDU RELIGIOUS INSTITUTIONS

(AMENDMENT) ACT, 1990 [\[1\]](#)

(Act 14 of 1990)

An Act 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 for the purpose hereinafter appearing;

BE it enacted in the Forty-first 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, 1990.

(2) It shall come into force at once.

2. *Insertion of new sections 62A and 62B.-* After section 62 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950), the following sections shall be inserted, namely:-

“62A. *Devaswom Properties.-* All immovable properties vested in the Cochin Devaswom Board under sub-section (1) of section 62 shall be dealt with as Devaswom properties. The provisions of the Kerala Land Conservancy Act, 1957 (8 of 1958) shall be applicable to Devaswom lands as in the case of Government lands.

62B. *Applicability of Kerala Land Conservancy Act to unassigned lands of Devaswoms under the Board.-* All unassigned lands belonging to the Devaswom under the sole management of the Board shall be deemed to be the property of the Government for the purpose of the Kerala Land Conservancy Act, 1957 (8 of 1958) and all the provisions of that Act shall , so far as they are applicable, apply to such lands.”.

THE TRAVANCORE – COCHIN HINDU RELIGIOUS INSTITUTIONS

(SECOND AMENDMENT) ACT, 1990 [\[1\]](#)

(Act 15 of 1990)

An Act 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, for the purposes hereinafter appearing;

BE it enacted in the Forty-first 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 (Second Amendment) Act, 1990.

(2) It shall come into force at once.

2. *Amendment of section 12.*- In section 12 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950) (hereinafter referred to as the principal Act), for the letters and figures “Rs.450” and “Rs.400”, the letters and figures “Rs.1500” and “Rs.1250” shall, respectively, be substituted.

3. *Amendment of section 71.*- In section 71 of the principal Act, in sub-section (2), for the letters and figures “Rs.300” and “Rs.250”, the letters and figures “Rs.1500” and Rs.1250” shall, respectively, be substituted.

THE TRAVANCORE – COCHIN HINDU RELIGIOUS INSTITUTIONS

(THIRD AMENDMENT) ACT, 1990 [\[1\]](#)

(Act 20 of 1990)

An Act 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 for the purposes hereinafter appearing;

BE it enacted in the Forty-first 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 (Third Amendment) Act, 1990.

(2) The provisions of sections 2 and 3 shall be deemed to have come into force on the 4 th day of March, 1989 and the remaining provisions shall come into force at once and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. *Amendment of section 2.*- In section 2 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950) (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:-

“ (aa) ‘Hindu’ means a person who is a Hindu by, birth or by conversion into Hindu religion or who professes the Hindu Religion- whether or not such person believes in God and temple worship:

Provided that a Hindu member to be nominated or elected to the Board under section 4 shall be a person who believes in God and temple worship and who shall make an oath before the Secretary of the Board to that effect in the form prescribed by the Government for the purpose before he enters upon his office”;

3. *Amendment of section 6.*- In section 6 of the principal Act, for the words “professes the Hindu religion” the words “is a Hindu” shall be substituted.

4. *Amendment of section 8.*- In sub-section (1) of section 8 of the principal Act, for the words “ceases to profess the Hindu Religion” the word “ceases to be a Hindu” shall be substituted.

5. *Amendment of section 10.*- Sub-section (3), of section 10 shall be omitted.

6. *Insertion-of new section 13A.*- After section 13 of the principal Act the following section shall be inserted, namely:-

“13A. *Appointment of Chief Commissioner.*- In the event of all the members of the Board, ceasing of hold office as such, the Government may, by notification in the gazette, appoint an officer not below the rank of a member of the Board of Revenue 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.”

7. *Amendment of section 29.*- In sub-section (2) of section 29 of the principal Act, for the words, “person professing the Hindu religion” the word “Hindu” shall be substituted.

8. *Validation.*- Notwithstanding anything contained in any judgement, decree or order of any Court anything done or any action taken in connection with the nomination or election as a member of the Travancore Deveswom Board before the commencement of this Act shall not be invalid or shall not be deemed ever to have been invalid for any reason whatsoever and such nomination made or election conducted to the Travancore Deveswom Board before the commencement of this Act shall be valid and shall be deemed always to have been valid for all purposes as if the nomination was made and the election was conducted in accordance with the provisions of the principal Act as amended by this Act and no suit or other legal proceedings shall be maintained or continued in any Court challenging the validity of such nomination or election.

THE TRAVANCORE-COCHIN HINDU RELIGIOUS INSTITUTIONS

(FOURTH AMENDMENT) ACT, 1990

(ACT 3 OF 1991)

An Act 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, for the purposes hereinafter appearing;

BE it enacted in the Forty-first 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 (Fourth Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 20th day of October, 1990.

2. *Amendment of section 61.*— In section 61 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) (hereinafter referred to as the principal Act), after clause (4), the following clause shall be inserted, namely:—

"(4A) 'Hindu' means a person who is a Hindu by birth or by conversion into Hindu religion or who professes the Hindu religious—whether or not such person believes in God and temple worship:

Provided that a Hindu member to be nominated or elected to the Board under section 63 shall be a person who believes in God and temple worship and who shall make an oath before the Secretary of the Board to that effect in the form prescribed by the Government for the purpose before he enters upon his office."

3. *Amendment of section 65.*— In section 65 of the principal Act, for the words "professes the Hindu religion" the words "is a Hindu" shall be substituted.

4. *Amendment of section 67.*— In sub-section (1) of section 67 of the principal Act, for the words "ceases to profess the Hindu Religion" the words "ceases to be a Hindu" shall be substituted.

5. *Amendment of section 70.*— Sub-section (3) of section 70 of the principal Act shall be omitted.

6. *Insertion of new section 73A.*— After section 73 of the principal Act, the following shall be inserted, namely:—

"73A. *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 member of the Board of Revenue 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."

7. *Amendment of section 90.*— In section 90 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:—

"(c) ceases to be a Hindu; or".

8. *Repeal and saving.*— (1) The Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 1990 (6 of 1990), 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.

**THE TRAVANCORE-COCHIN HINDU RELIGIOUS
INSTITUTIONS (AMENDMENT) ACT, 1995 [\[1\]](#)**

(ACT 10 OF 1995)

An Act 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 for the purposes hereinafter appearing;

BE it enacted in the Forty-sixth 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, 1995.

(2) It shall be deemed to have come into force on the 2nd day of March, 1995.

2. *Amendment of section 122.*—In sub-section (2) of section 122 of the Travancore—Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) (hereinafter referred to as the principal Act), after clause (f), the following clause shall be added, namely:—

"(g) the grant of travelling and halting allowances to the members of the Board and the officers of the Board."

3. *Repeal and saving.*—(1) The Travancore—Cochin Hindu Religious Institutions (Amendment) Ordinance, 1995 (7 of 1995), 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.

ACT 9 OF 1999

THE TRAVANCORE – COCHIN HINDU RELIGIOUS INSTITUTIONS

(AMENDMENT) ACT, 1999 [\[1\]](#)

An Act 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, for the purposes hereinafter appearing;

BE it enacted in the Fiftieth 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 ,1999.

(2) It shall be deemed to have come into force on the 15th day of December,1998.

2. *Amendment of section 2.--*In section 2 of the Travancore–Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) (hereinafter referred to as the principal Act), for the opening paragraph of clause (aa), the following shall be substituted, namely:--

“(aa) “Hindu” means a person who is a Hindu by birth or by conversion and professes the Hindu religion: ”.

3. *Amendment of section 4. –* Sub-section (1A) of section 4 of the principal Act shall be omitted.

4. *Amendment of section 5.—* In section 5 of the principal Act, the following words shall be omitted, namely: --

“Every Hindu member of the Legislative Assembly of the State of Kerala who intends to participate in the election shall, before participating in the election, deliver to the person who presides over the meeting, a declaration signed by him to the effect that he professes the Hindu religion and believes in God and temple worship.”.

5. *Amendment of section 61.*---In section 61 of the principal Act, for the opening paragraph of clause (4A), the following shall be substituted, namely:--

"(4A) "Hindu" means a person who is a Hindu by birth or by conversion and professes the Hindu religion:".

6. *Amendment of section 63.*--The proviso to section 63 of the principal Act shall be omitted.

7. *Amendment of section 64.*--In section 64 of the principal Act the following words shall be omitted, namely :--

“ Every Hindu member of the Legislative Assembly of the State of Kerala who intends to participate in the election shall, before participating in the election, deliver to the person who presides over the meeting a declaration signed by him to the effect that he profess the Hindu religion and believes in God and temple worship.”.

8. *Repeal and saving.*-(1) The Travancore – Cochin Hindu Religious Institutions (Amendment Ordinance ,1998 (18 of 1998), is hereby repealed.

(2) Notwithstanding such repeal , anything done or any action take under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as ame

ACT 5 OF 2007

**THE TRAVANCORE-COCHIN HINDU RELIGIOUS INSTITUTIONS
(AMENDMENT) ACT , 2007**

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

Preamble.-WHEREAS, it is expedient to amend the Travancore-Cochin Hindu Religious Institutions Act, 1950 for the purposes hereinafter appearing;

BE it enacted in the Fifty-eighth 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, 2007.

(2) All sections of this Act, except section 13 and section 31, shall be deemed to have come into force on the 5th day of February, 2007. Section 13 and section 31 shall come into force on such date as the Government may appoint, by notification in the Gazette.

2. *Amendment of section 2.*- In section 2 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Act XV of 1950) (hereinafter referred to as the principal Act), in clause (aa), for the existing proviso, the following proviso shall be substituted, namely:-

"Provided that a Hindu member nominated or elected to the Board under section 4 shall make an oath before the Principal Secretary to the Government of Kerala, Department of Devaswom to the effect that he is professing Hindu religious rites and is a believer of God and temple worship, before he enters upon his office."

3. *Amendment of section 4.*- In section 4 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:-

"(1) The Board referred to in section 3 shall consist of three Hindu members of whom one shall be a woman and one shall be a person belonging to Scheduled Caste or Scheduled Tribe.

Explanation: For the purpose of this section, "Scheduled Caste" and "Scheduled Tribe" shall have the same meaning as is assigned to it in clause (24) and (25) respectively of article 366 of the Constitution of India.

(IA) Of the three members specified in sub-section (1), the woman member and the Scheduled Caste/Scheduled Tribe member shall be nominated by the Hindus among the Council of Ministers and the other member shall be elected by the Hindus among the Members of the Legislative Assembly of the State of Kerala."

4. *Amendment of section 6.*- In section 6 of the principal Act, for the words "has attained thirty five years of age" the words "has attained the age of fifty years in the case of a male member and has attained the age of sixty years, in the case of a female member" shall be substituted.

5. *Amendment of section 7.*- In section 7 of the principal Act, -

i. in clause (vi), the words "or of a Local Self Government Institution as defined in clause (xxii) of section 2 of the Kerala Panchayat Raj Act, 1994 (13 of 1994); or" shall be added at the end;

ii. after clause (vi), the following clauses shall be inserted, namely:-

"(vii) has been removed under section 9; or

(viii) has been convicted by a Court, including a sentence for a fine not less than rupees two thousand five hundred of any matter involving economic offences".

6. *Amendment of section 8.*- In section 8 of the principal Act,-

(i) in sub-section (1),-

(a) for the words, brackets and figures "in clauses (i), (ii), (iv) and (v) of section 7", the words, brackets and figures "in clauses (i), (ii), (iv), (v) and (vii) of section 7", shall be substituted;

(b) for the words, brackets and figures "in clause (iii) or (vi) of section 7", the words, brackets and figures "in clause (iii), (vi) or (viii) of section 7", shall be substituted;

(c) after the words "cease to be a Hindu", the words " or has absented himself from three consecutive meetings of the Board" shall be inserted;

(d) the following provisos shall be added, namely:-

"Provided that where the cessation of membership is on the ground of absenting himself from the meetings of the Board, the membership may be restored by the Board, if it is satisfied that there was reasonable and sufficient grounds for not attending such meetings:

Provided further that such restoration of membership shall not be allowed for more than once.";

(ii) in sub-section (2), for the words, brackets and figures "in clauses (i), (ii), (iii), (iv), (v) and (vi) of section 7", the words, brackets and figures "in clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) of section 7", shall be substituted;

(iii) in sub-section (4), for the words, brackets and figures "in clauses (i), (ii), (iii), (iv), (v) and (vi) of section 7", the words, brackets and figures "in clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) of section 7", shall be substituted.

7. *Amendment of section 10* .- In section 10 of the principal Act,-

i.in sub-section (1), for the words "four years" the words "two years" shall be substituted;

ii.to sub-section (4), the following proviso shall be inserted, namely:-

"Provided that if a member who has completed the full term shall not be elected or nominated for a further consecutive term."

8. *Amendment of section 12*.- In section 12 of the principal Act, for the letters and figures "Rs.1500" and "Rs.1250", the words "Rupees Five thousand only" and "Rupees Three thousand Five hundred only" shall respectively, be substituted.

9. *Amendment of section 13A*.- In section 13A of the principal Act, for the words "a member of the Board of Revenue", the words " a Secretary to Government" shall be substituted.

10. *Amendment of section 14*.- In section 14 of the principal Act, -

(i) in sub-section (1), the words "and the Standing Committees" shall be inserted at the end;

(ii) in sub-section (2), the following shall be added at the end, namely:-

"He shall also be responsible for the proper day to day functioning of the Board."

11. *Insertion of new sections 15A and 15B*.- After section 15 of the principal Act, the following sections shall be inserted, namely:-

"15A. *Duties of the Board*.- It shall be the duty of the Board to perform the following functions, namely:-

(i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly;

(ii) to monitor whether the administrative officials and employees, and also the employees connected with religious rites are functioning properly;

(iii) to ensure proper maintenance and upliftment of the Hindu religious institutions;

(iv) to establish and maintain proper facilities in the temples for the devotees.

15B. *Standing Committees of the Board*.- (1) The Board shall constitute the following Standing Committees, each consisting of two members of the Board, in the first meeting of every newly constituted Board, namely:-

(i) Standing Committee on Finance and Resource Mobilisation;

(ii) Standing Committee on Works, Development and Environment;

(iii) Standing Committee on Establishment, Temple Arts and Devotional Services.

(2) One of the members shall be appointed by the Board as its Chairman and he shall preside over the meetings of that Standing Committee.

(3) The Board, shall by standing orders assign duties and functions to be performed by each of the Standing Committees.

(4) The Standing Committees shall meet at least once in a month.

(5) The recommendations of the Standing Committees shall, as far as possible, be unanimous and in the event of any difference of opinion on any subject, it shall be referred to the Board for its decision."

12. *Amendment of section 29.*-In section 29 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-

"(3A) The Devaswom Commissioner shall submit reports to the Government, once in three months, with respect to the working of the Board."

13. *Insertion of new section 29A.*- After section 29 of the principal Act, the following section shall be inserted, namely:-

"29A. *Appointment to be made through Kerala Public Service Commission.*- Notwithstanding anything contained in this Act or in the rules or the byelaws made thereunder relating to the recruitment and conditions of service of officers and employees of the Board, all appointments of officers and employees in the Devaswom Administrative Service of the Board for which direct recruitment is resorted to, shall be made from a select list of candidates furnished by the Kerala Public Service Commission, in accordance with the law made for the exercise of this additional function by the Kerala Public Service Commission. A Hindu member/members of the Public Service Commission may discharge the function of conducting interview in the process of selection of candidates for appointments."

14. *Insertion of new section 31A.*- After section 31 of the principal Act, the following section shall be inserted, namely:-

"31A. *Formation of Temple Advisory Committees.*- (1) A Committee for each temple in the name "Temple Advisory Committee" (name of the temple) may be constituted in order to ensure participation of Hindu devotees.

(2) The Temple Advisory Committee constituted under sub-section (1) may be approved by the Board.

(3) The composition of an Advisory Committee under sub-section (1) shall be in such manner as may be prescribed by rules made by the Board, not inconsistent with any practice, prevailing, if any."

15. *Amendment of section 32.*-In section 32 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely:-

"(8A) The Board shall forward to Government a copy of the audit report referred to in sub-section (8) within two months from the end of the year to which the audit report relates."

16. *Insertion of new section 34A* .- After section 34 of the principal Act, the following section shall be inserted, namely:-

"34A. *Appointment of a Commission*.- (1) Notwithstanding anything contained in this Act, the Government may, by notification in the Gazette, appoint a Commission to enquire into and report on the allegations if any of any irregularities, corruption, maladministration or misappropriation of funds by the Board.

(2) The Commission appointed under sub-section (1) shall be a sitting Judge of the High Court of Kerala, who is a Hindu, in consultation with the Chief Justice:

Provided that, if the services of a sitting Judge of the High Court of Kerala is not available, a retired Judge of the High Court of Kerala, who is a Hindu, shall be appointed as such Commission, in consultation with the Chief Justice.

(3) The term and other conditions of appointment of the Commission shall be such as may be specified in the order appointing such Commission."

17. *Amendment of section 53*.- In section 53 of the Principal Act,-

(i) for the words "The President" occurring in the marginal heading and at the beginning, the words "the Secretary" shall be substituted;

(ii) the words and figures "in the manner provided in section 76 of the Travancore Evidence Act" shall be omitted.

18. *Amendment of section 61* .- In section 61 of the principal Act, in clause (4A) , for the existing proviso, the following proviso shall be substituted, namely:-

"Provided that a Hindu member nominated or elected to the Board under the section shall make an oath before the Principal Secretary to the Government of Kerala, Department of Devaswom to the effect that he is professing Hindu religious rites and is a believer of God and temple worship, before he enters upon his office."

19. *Amendment of section 63*.- For section 63 of the principal Act, the following section shall be substituted, namely:-

"63. *Constitution of the Cochin Devaswom Board*.- (1) The Board referred to in sub-section (1) of section 62 shall consist of three Hindu members of whom, one shall be a woman and one shall be a person belonging to Scheduled Caste or Scheduled Tribe.

Explanation :- For the purpose of this section, "Scheduled Caste" and "Scheduled Tribe" shall have the same meaning as is assigned to them in clauses (24) and (25) respectively of Article 366 of the Constitution of India.

(2) Of the three members specified in sub-section (1), the woman member and the Scheduled Caste/Scheduled Tribe member shall be nominated by the Hindus among the

Council of Ministers and the other member shall be elected by the Hindus among the Members of the Legislative Assembly of the State of Kerala."

20. *Amendment of section 65.*- In section 65 of the principal Act, for the words "has attained thirty-five years of age" the words " has attained the age of fifty years in the case of a male member and has attained the age of sixty years, in the case of a female member" shall be substituted.

21. *Amendment of section 66.*- In section 66 of the principal Act,-

(i) in clause (vi), the words "or of a Local Self Government Institution as defined in clause (xxii) of section 2 of the Kerala Panchayat Raj Act, 1994 (13 of 1994); or" shall be added at the end.

(ii) after clause (vi), the following clauses shall be inserted, namely:-

"(vii) has been removed under section 69; or

(viii) has been convicted by a Court, including a sentence for a fine not less than Rs.2500, of any matter involving economic offences."

22. *Amendment of section 67.*- In section 67 of the principal Act,

(i) in sub - section (1),-

(a) for the words, brackets and figures "in clauses (i), (ii), (iv) and (v) of section 66", the words, brackets and figures "in clauses (i), (ii), (iv), (v) and (vii) of section 66", shall be substituted;

(b) for the words, brackets and figures "in clause (iii) or (vi) of section 66", the words, brackets and figures "in clauses (iii), (vi) or (viii) of section 66", shall be substituted;

(c) after the words "cease to be a Hindu" the words " or has absented himself from three consecutive meetings of the Board", shall be inserted;

(b) the following provisos shall be inserted, namely:-

"Provided that where the cessation of membership is on the ground of absenting himself from the meetings of the Board, the membership may be restored by the Board, if it is satisfied that there was reasonable and sufficient cause for not attending such meetings:

Provided further that such restoration of membership shall not be allowed more than once.";

(ii) in sub-section (2), for the words, brackets and figures "in clauses (i), (ii), (iv) and (v) of section 66", the words, brackets and figures "in clauses (i), (ii), (iv), (v), (vii) and (viii) of section 66", shall be substituted;

(iii) in sub-section (4), for the words, brackets and figures "in clauses (i), (ii), (iii), (iv), (v) or (vi) of section 66", the words, brackets and figures "in clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) of section 66", shall be substituted.

23. *Amendment of section 70.*- In section 70 of the principal Act,-

(i) in sub-section (1), for the words "four years", the words " two years" shall be substituted;

(ii) to sub-section (4), the following proviso shall be added, namely:-
"Provided that a member who has completed the full term shall not be elected or nominated for a further consecutive term."

24. *Amendment of section 71.*- In section 71 of the principal Act, in sub-section (2), for the letters and figures "Rs.1500" and "Rs. 1250", the words "Rupees Five thousand only" and "Rupees Three thousand and five hundred only" shall, respectively, be substituted.

25. *Amendment of section 73.*- In section 73 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(2A) The Secretary shall be the convener of the meetings of the Board and the Standing Committees and shall also be responsible for the proper functioning of the day to day affairs of the Board."

26. *Insertion of new section after section 73.*- The existing section 73A of the principal Act, shall be numbered as section 73B and before section 73B as so re-numbered, the following section shall be inserted, namely:-

"73A. *Duties of the Board.*- It shall be the duty of the Board to perform the following functions, namely:-

- (i) to see that the regular traditional rites according to the practice prevalent in the religious institution are performed promptly;
- (ii) to monitor whether the administrative staff and employees and also the employees connected with religious rites are functioning properly;
- (iii) to ensure proper maintenance and upliftment of the Hindu religious institutions;
- (iv) to establish and maintain proper facilities in major temples for the devotees."

27. *Amendment of section 73 A.*- In section 73A of the principal Act renumbered as section 73B, for the words "a Member of the Board of Revenue", the words " a Secretary to Government" shall be substituted.

28. *Insertion of new sections 74A and 74B.*- After section 74 of the principal Act, the following sections shall be inserted, namely:-

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

(2) He shall be the Chief Executive Officer of the institutions specified in sub-section (1).

(3) The Devaswom Commissioner shall submit reports to the Government, once in three months, with respect to the working of the Board.

74B. *Standing Committees of the Board.*- (1) The Board shall constitute the following Standing Committees, each consisting of two members of the Board, in the first meeting of every newly constituted Board, namely:-

- (i) Standing Committee on Finance and Resource Mobilisation;
- (ii) Standing Committee on Works, Development and Environment;

(iii) Standing Committees on Establishment, Temple Arts and Devotional Services.

(2) One of the members shall be appointed by the Board as its Chairman and he shall preside over the meetings of that Standing Committee.

(3) The Board, shall by standing orders assign duties and functions to be performed by each of the Standing Committee.

(4) The Standing Committee shall meet at least once in a month.

(5) The recommendations of the Standing Committee shall as far as possible, be unanimous. In the event of any difference of opinion on any subject, it shall be referred to the Board for its decision."

29. *Insertion of new sections 76A and 76B.*- After section 76 of the principal Act, the following sections shall be inserted, namely:-

"76A. *Formation of Temple Advisory Committees.*-(1) A committee for each temple in the name "Temple Advisory Committee" (name of the Temple)" may be constituted in order to ensure participation of Hindu devotees.

(2) The Temple Advisory Committee constituted under sub-section (1) may approved by the Board.

(3) The composition of an Advisory Committee under sub-section (1) shall be such as may be prescribed by rules made by the Board, not inconsistent with any practice, prevailing, if any.

76B. *Appointment of a Commission.*- (1) Notwithstanding anything contained in this Act, the Government may, by notification in the Gazette, appoint a Commission to enquire into and report on the allegations if any of any irregularities, corruption, maladministration, or misappropriation of funds by the Board.

(2) The Commission appointed under sub-section (1) shall be a sitting of the High Court of Kerala, who is a Hindu, in consultation with the Chief Justice:

Provided that, if the services of a sitting Judge of the High Court of Kerala is not available, a retired Judge of the High Court of Kerala, who is a Hindu, shall be appointed as such Commission, in consultation with the Chief Justice.

(3) The term and other conditions of appointment of the Commission shall be such as may be specified in the order appointing such Commission."

30. *Amendment of section 103* .- The existing section 103 of the principal Act, shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:-

"(2) The Board shall forward to Government a copy of the audit report referred to in sub-section (1) within two months from the end of the year to which the audit report relates."

31. *Insertion of new section 127A*.- After section 127 of the principal Act, the following section shall be inserted, namely:-

"127A. *Appointment to be made through Kerala Public Service Commission*.- Notwithstanding anything contained in this Act or in the rules or in the byelaws made thereunder relating to the recruitment and conditions of service of officers and employees of the Board, all appointments of officers and employees in the Administrative Service of the Board, for which direct recruitment is resorted to, shall be made from a select list of candidates belonging to Hindu religion furnished by the Kerala Public Service Commission in accordance with the law made for the exercise of this additional function by the Kerala Public Service Commission. A Hindu member/ members of the Public Service Commission may discharge the function of conducting interview in the process of selection of candidates for appointments."

32. *Special provisions relating to the existing members of the Travancore Devaswom Board and Cochin Devaswom Board*.- Notwithstanding any provisions to the contrary contained in the principal Act, the President and members of the Travancore Devaswom Board and of the Cochin Devaswom Board, who under the provisions of the principal Act, as amended by this Act, has completed his term, shall cease to hold his office as such President or member, as the case may be.

33. *Repeal and Saving*.- (1) The Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2007 (5 of 2007) 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.

©
കേരള സർക്കാർ
Government of Kerala
2018



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2018-20

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 7 } Vol. VII }	തിരുവനന്തപുരം, വെള്ളി Thiruvananthapuram, Friday	2018 ജൂലൈ 6 6th July 2018	നമ്പർ } No. } 1819
		1193 മിഥുനം 22 22nd Mithunam 1193	
		1940 ആഷാഢം 15 15th Ashadha 1940	

GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 22971/Leg.B1/2017/Law.

6th July, 2018

Dated, Thiruvananthapuram, 22nd Mithunam, 1193

15th Ashadha, 1940.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 6th day of July, 2018.

By order of the Governor,

B. G. HARINDRANATH,
Law Secretary.

ACT 26 OF 2018

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

An Act 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 7 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 Devaswom Commissioner.*—The Board shall appoint an officer not below the rank of a Deputy Commissioner who is eligible to be promoted as Devaswom Commissioner, and in the

absence of such officer, an officer not below the rank of an Additional Secretary to Government on deputation, as Devaswom 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. *Substitution of new section for section 74A.*—For section 74A of the principal Act, the following section shall be substituted, namely:—

“74A. *Appointment of Devaswom Commissioner.*—The Board shall appoint an officer not below the rank of a Deputy Commissioner who is eligible to be promoted as Devaswom Commissioner, and in the absence of such officer, an officer not below the rank of a Joint Secretary to Government, on deputation, as Devaswom Commissioner.”.

9. *Repeal and saving.*—(1) The Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 2018 (28 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.