



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FIFTH SESSION**

**THE KARNATAKA HINDU RELIGIOUS INSTITUTIONS AND CHARITABLE
ENDOWMENTS [AMENDMENT] BILL, 2014
(L.A. Bill No. 70 of 2014)**

A Bill further to amend the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997.

Whereas, it is expedient further to amend the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 [Karnataka Act 33 of 2001] for the purposes hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the sixty fifth year of the Republic of India, as follows:-

1. Short title and commencement. – (1) This Act may be called the Karnataka Hindu Religious Institutions and Charitable Endowments [Amendment] Act, 2014.

(2) It shall come into force at once.

2. Amendment of section 1. – In the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 [Karnataka Act 33 of 2001] (hereinafter referred to as the principal Act) in section 1, in sub-section (4),-

- (i) after the words and figures “other than those notified under section 23” the words, figures and letter “and Math. Chapter VIIIA shall apply to a math or temple attached to or managed by math” shall be inserted; and
- (ii) the proviso shall be omitted.

3. Insertion of new chapter VIIIA, - In the principal Act, after chapter VIII and entries thereunder, the following shall be inserted, namely:-

“CHAPTER – VIIIA
PROVISIONS RELATED TO MATHS

48A. When management of math may be assumed by the Government.- (1)The Government may take over the possession and management of any math, when,-

- (a) the Mathadipathi voluntarily applies for such take over and places math or its property under the management of the Government; or
- (b) the Mathadipathi is a minor without a duly appointed guardian fit and willing to act as such or is by reason of physical or mental infirmity unable to manage the affairs of the math; or
- (c) the Mathadipathi expires and there is no successor duly appointed according to law or custom applicable to succession to the office;
- (d) there is a dispute regarding the right of succession to such office of mathadipathi;

(2) Taking over the possession and management of the math under sub-section(1), shall cease,-

- (i) on the termination of the period of the agreement entered into, if any, at the time of taking over; or

- (ii) when a successor is duly appointed and is competent to manage the math; or
- (iii) when the status of minor or other disqualification mentioned above terminates.

(3) On the cessation of such management under sub-section(2), the Government may, while giving back the management of the math, impose such restrictions for such period as the Government may deem fit in the interest of the math.

48B. Notice to showcause for taking over the management of the math.- (1)When a complaint made or information furnished in writing by disciples or other persons interested in any math or whether the Commissioner has reason to believe that the math is being mismanaged and he is satisfied that in interest of its administration, it is necessary to take over the math, he may, by notice published in the prescribed manner, call upon the Mathadhipathi or Manager and all other persons having interest to show cause as to why such math shall not be taken over by Government. Such notice shall state the reasons for the action proposed and specify a reasonable time, not being less than thirty days from the date of issue of the notice, for showing such cause.

(2) The Mathadhipathi or the Manager or any person having interest may thereupon file his objections to the Commissioner, if any, for such taking over.

(3) The objections shall be in writing and shall be sent to the Commissioner before the expiry of the time specified in the notice

aforesaid or within such further time not exceeding forty five days on the whole as may be extended by the Commissioner.

(4) Where no objections are received within the time so specified or extended time if any, the State Government may, on receipt of a report from

the Commissioner to that effect, by a notification published in the official Gazette, take over such maths.

(5) Where objections are received within the time so specified or extended time if any, the Commissioner may authorise any officer to hold an enquiry into the objections in the manner prescribed, who shall after giving the Mathadhipathi or the Manager or any person having interest an opportunity of being heard, submit the enquiry report to the Commissioner as to whether the math shall be taken over or not.

48C. Taking over of the math in case of mis-management.-

(1) After considering the enquiry report under section 48C, if the Commissioner decides that the math shall be taken over, he shall make a report to that effect to the State Government, which may by notification, take over such math.

(2) The State Government may when it is satisfied by the report of the Commissioner under section 48B or suomotu is satisfied that there is immediate threat to the property of the math or imminent risk of financial loss to the math may take over by notification the math for such period not exceeding five years as may be specified in such notification.

(3) For every math that is taken over as per sub-section (2), the Government shall appoint an Administrator for the proper administration of the math.

(4) When the State Government is satisfied that the mismanagement, which was the reason for appointment of an Administrator under sub-section (3), has been rectified, the State Government may on its own or on the report of the Commissioner, direct the Administrator to hand over the management of the math to the mathadipathi and the administrator shall comply with such direction immediately.

48D. Powers of Administrator regarding maths under Government management.- When the math has been taken over by the Government, the Administrator shall exercise all the powers of a Mathadipathi for the management of the math including power to arrange

for the proper performance of the customary religious and charitable practices or services.

48E. Application of income of the math under Government management.- Whenever any math has been taken over by the Government, the income of such math shall be applied for, -

- (1) the proper maintenance of the Mathadipathi and his establishment, if any;
- (2) the performance of the customary religious and Charitable practices or services; and
- (3) the preservation and proper management of the property belonging to the math;

and it shall be competent for the Government to utilize the surplus income of the math on object of charity or for the encouragement and the spread of religious instruction according to the tenets of the math".

STATEMENT OF OBJECTS AND REASONS

The Hon'ble High Court of Karnataka in the Writ Appeal No.3440/2005 and other cases filed by Sree Sahasra Lingeshwara swamy Devestan, Uppinangadi, questioning the vires of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 has declared the Act as ultra vires under Articles 14 and 26 of the Constitution.

The State Government preferred Special Leave Petition before the Hon'ble Supreme Court in No.5398/2007 (Civil Appeal 5824/2008) against the above High Court judgement. In the Special Leave Petition the State Government has informed the Hon'ble Supreme Court that the Government shall include the Mathas also under the scope of the 1997 Act. Accordingly suitable amendments are proposed.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

T.B. JAYACHANDRA

Minister for Law, Parliamentary Affairs,
Animal Husbandry and Muzrai

P. OMPRAKASHA

Secretary
Karnataka Legislative Assembly

ANNEXURE**EXTRACT FROM THE HINDU RELIGIOUS INSTITUTIONS AND
CHARITABLE ENDOWMENTS ACT, 1997****(KARNATAKA ACT NO. 33 OF 2001)****XX XX XX****1. Short title, extent, commencement and application.-XXX**

(4) It shall apply to, all religious institutions or charitable endowments notified under section 23. Section 53 and Chapter VIII shall apply to all religious institutions or charitable endowments other than those notified under section 23:

Provided that it shall not apply to a math or temple attached to or managed by math.

XX XX XX