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Fourteenth Kerala Legislative Assembly

Bill No. 116

**THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) BILL, 2018**

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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-ninth 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, 2018.

(2) It shall be deemed to have come into force on the 1st day of January, 2017.

2. *Amendment of section 8C.*— In sub-section (1) of section 8C of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter referred to as the principal Act), after the words “a Joint Secretary to Government”, the words, figure and letter “or a Deputy Commissioner in the abolished department, who is eligible to be promoted as Commissioner, as per the provision contained in section 19G” shall be inserted.

3. *Repeal and saving.*— (1) The Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2018 (12 of 2018) is hereby repealed.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.

STATEMENT OF OBJECTS AND REASONS

The Malabar Devaswom Board was constituted in 2008 by abolishing the Hindu Religious and Charitable Endowments (Administration) Department through an amendment brought to the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) by the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2008 (31 of 2008).

2. Sub-section (1) of section 8C of Madras Act XIX of 1951 provides that the Government may appoint an officer not below the rank of a Joint Secretary to Government who is professing Hindu religion and is a believer of God and temple worship, as the Commissioner of the Board on such terms and conditions as may be fixed by the Government, who shall also function as the Secretary of the Board. Sub-section (1) of Section 19G of the said Act provides that, on constitution of the Board under section 7, every full-time employee of the abolished Department shall be deemed to be continued as a Government employee for all practical purposes including pay and allowances and pensionary benefits as a vanishing category in the Board and shall hold office therein with the same terms and conditions of service and with the same rights and privileges, if any, as if he would have held the same if the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2008, had not been enacted, until altered by the Board.

3. In order to protect the right of the eligible employees of the abolished department to be promoted to the post of Commissioner of the Malabar Devaswom Board, the Government have decided to make suitable amendment to sub-section (1) of section 8C of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951).

4. 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 (Amendment) Ordinance, 2017 was promulgated by the Governor of Kerala on the 14th day of December, 2017 and the same was published as Ordinance No. 31 of 2017 in the Kerala Gazette Extraordinary No. 2749 dated 15th December, 2017.

5. 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 during its session which commenced on the 22nd January, 2018 and ended on the 7th day of February, 2018.

6. In order to keep alive the provisions of the said Ordinance, the Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2018 was promulgated by the Governor of Kerala on the 12th day of February, 2018 and the same was published as Ordinance No.12 of 2018 in the Kerala Gazette Extraordinary No. 347 dated 12th February, 2018.

7. The Bill seeks to replace the Ordinance No. 12 of 2018 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.

KADAKAMPALLI SURENDRAN.

EXTRACT FROM THE MADRAS HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTSACT, 1951

(MADRAS ACT XIX OF 1951)

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8C. *Officers and Employees of the Board.*— (1) The Government may appoint an officer not below the rank of a Joint Secretary to Government who is professing Hindu religion and is a believer of God and temple worship, as the Commissioner of the Board on such terms and conditions as may be fixed by the Government, who shall also function as the Secretary of the Board.

(2) He shall be the Chief Executive Officer of the Board who shall implement all decisions of the Board.

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(6) The pay and allowances and other conditions of service of the officers and employees of the Board, appointed under sub-section (4), shall be such, as may be prescribed.

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