

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 41 of 2012.

A Bill further to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 2012.

Short title and Commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act);-

Amendment of section 6

(1) after clause (8), the following clause shall be inserted, namely:—
“(8-A) “District Committee” means the Committee constituted by the Government under section 7-A;”;

(2) after clause (18), the following clause shall be inserted, namely:—
“(18-A) “Schedule Castes” and “Scheduled Tribes “ shall have the same meaning assigned to them, respectively, in clause (24) and (25) of Article 366 of the Constitution;”.

3. After section 7 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 7-A.

“7-A. Constitution of District Committee.- (1) In respect of all religious institutions, other than those falling under clause (iii) of section 46, situated within the territorial jurisdiction of a revenue district, the Government shall constitute a committee called the District Committee consisting of not less than three and not more than five non-official members, as may be nominated by the Government. The members of the District Committee shall be scholars, philanthropists or religious minded persons, and qualified for appointment as trustees under this Act.

(2) The term of office of the members of the District Committee shall be three years and other matters relating to the said Committee shall be such as may be prescribed.

(3) The Government may, after giving a show cause notice, remove all or any of the members of the District Committee in the public interest.

(4) The District Committee shall prepare, in such manner as may be prescribed, panel of names of persons who are qualified for appointment as trustees under this Act (including women and members of Schedule Castes and Scheduled Tribes) and suitable for appointment as non – hereditary trustees or trustees, as the case may be and shall send it to –

(i) the Joint Commissioner or the Deputy Commissioner, in respect of religious institutions falling under clause (i) of section 46;

(ii) the Commissioner, in respect of religious institutions falling under clause (ii) of section 46; and

(iii) the Assistant Commissioner, in respect of religious institution which is not included in the list published under section 46 and is not a religious institution notified or deemed to have been notified under Chapter VI of this Act.

(5) Notwithstanding anything contained in this section, the District Committee shall have no jurisdiction to send any panel of names of persons under this section in respect of any religious institution for which a scheme has been settled or deemed to have been settled under this Act by the High Court or any Court subordinate to the High Court”.

Amendment of
section 47.

4. In section 47 of the principal Act, in sub-section (1),—

(1) for the first proviso to clause (a), the following proviso shall be substituted, namely:-

“Provided that the Board of Trustees constituted under items (i) and (ii) of this clause shall, subject to the provision of clause (c), consist of three persons appointed by the Joint Commissioner or the Deputy Commissioner or the Commissioner, as the case may be, from among the panel of names of persons sent by the District Committee concerned under sub-section (4) of section 7-A.”;

(2) the Explanation shall be omitted.

Amendment of
section 49.

5. In section 49 of the principal Act, for the first proviso to sub-section (1), the following proviso shall be substituted, namely:—

“Provided that the Board of Trustees constituted under this sub-section shall consist of three persons appointed by the Assistant Commissioner from among the panel of names of persons sent by the District Committee concerned under sub-section (4) of section 7-A, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes and another one shall be a women.”.

Amendment of
section 92.

6. In section 92 of the principal Act, in sub-section (4), after clause (iii), the following clause shall be added, namely:—

“(iv) expenses of the District Committees.”.

Amendment of
section 116.

7. In section 116 of the principal Act, in sub-section (2), in clause (xxi), after sub-clause (a), the following sub-clause shall be inserted, namely:—

“(b) the District Committee;”.

STATEMENT OF OBJECTS AND REASONS

Section 7-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) which provided for constitution of a District Committee for each revenue district to prepare a panel of names for appointment of non-hereditary trustees to religious institutions was omitted *vide* Tamil Nadu Act 15 of 2006. Since there are no District Committees to select non hereditary trustees to the religious institutions, there is inordinate delay in appointing non-hereditary trustees and lack of transparency in the selection of qualified persons for the appointment of non-hereditary trustees.

2. Now, in order to speed up the appointment of non-hereditary trustees to the religious institutions and to have transparency in their selection process, the Government have decided to constitute District Committees, comprising of scholars, philanthropists, and religious minded people to prepare panel of names for appointment of non-hereditary trustees and to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) for the purpose.

3. The Bill seeks to give effect to the above decision.

M.S.M. ANANDAN,
*Minister for Hindu Religious and
Charitable Endowments Department.*

MEMORANDUM REGARDNG DELEGATED LEGISLATION

Section 7-A proposed to be inserted by clause 3 of the Bill authorises the Government to make rules to prescribe the matters relating to the District Committee and the manner in which the panel of names of qualified persons shall be prepared.

2. The powers delegated are normal and not of an exceptional character.

A.M.P. JAMALUDEEN,
Secretary.