

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 28th October, 2013 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 25 of 2013

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-fourth Year of the Republic of India, as follows:—

Tamil Nadu
Act 22 of
1959.

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2013.

Short title and
commencement

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

2. After section 25 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the Principal Act), the following section shall be inserted, namely:—

Insertion of
new section
25-A.

“25-A. Qualifications of trustees.” A person shall be qualified for being appointed as, and for being, a trustee of any religious institution or endowment:-

(a) if he has faith in God;

(b) If he possesses good conduct and reputation and commands respect in the locality in which the religious institution or endowment is situated;

(c) if he has sufficient time and interest to attend to the affairs of the religious institution or endowment; and

(d) If he possesses such other merit incidental thereto.”.

3. In section 26 of the Principal Act,-

Amendment of
section 26.

(1) for the marginal heading, the following marginal heading shall be substituted, namely:-

“Disqualifications of trustees.”;

(2) for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) A person shall be disqualified for being appointed as, and for being, a trustee of any religious institution or endowment,-

(a) if he does not profess the Hindu Religion;

(b) if he is not a citizen of India;

(c) except in the case of a hereditary trustee, if he is less than twenty-five years of age;

(d) if he is an undischarged insolvent;

(e) if he is of unsound mind or is suffering from mental defect or infirmity which would render him unfit to perform the functions and discharge the duties of a trustee or is suffering from leprosy or any other loathsome disease;

(f) if he has been removed or dismissed from service under the Central Government or any State Government or any local authority;

(g) if he has been sentenced by a criminal court for an offence involving moral delinquency, such sentence not having been reversed or the offence pardoned;

(h) if he has acted adverse to the interest of any religious institution or endowment;

(i) if he is in arrears of any kind due by him to any religious institution or endowment.

(1-A) A person shall be disqualified for being appointed as, and for being, a trustee of a religious institution or endowment,-

(a) if he is interested in a subsisting lease of any property of, or contract made with or any work being done for the religious institution or endowment;

(b) if he is employed as a paid legal practitioner on behalf of or against the religious institution or endowment.”;

(3) in sub-section (2), in clause (a), for the expression “sub-section (1)”, the expression “sub-section (1) or sub-section (1-A)” shall be substituted;

(4) in sub-section (3), for the expression “sub-section (1)”, the expression “sub-section (1) or sub-section (1-A)” shall be substituted;

(5) in sub-section (4), for the expression “sub-section (1)”, the expression “sub-section (1) or sub-section (1-A)” shall be substituted.

4. In section 53 of the Principal Act, in sub-section (2)-

(1) in clause (e), for the expression “the institution”, the expression “the religious institution or endowment” shall be substituted;

(2) for clauses (i) and (j), the following clauses shall be substituted, namely:-

“(i) is interested in a subsisting lease of any property of, or contract made with or any work being done for the religious institution or endowment;

(ii) is in arrears or default of any kind due by him to any religious institution or endowment;

(j) acts adversely to the interest of any religious institution or endowment.”.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 26 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) specifies the disqualifications for being appointed as and for being a trustee of any religious institution. The disqualifications specified in sub-section (1) of the said section 26 is a bar for being appointed as and for being a trustee of a religious institution, only if the said disqualifications are relatable to that particular religious institution. Now, the Government have decided to specify that certain disqualification will bar a person from being appointed as and for being a trustee of any religious institution or endowment and certain disqualifications will bar a person from being appointed as, and for being a trustee of the religious institution or endowment in respect of which the disqualification is relatable. Accordingly, it has been decided to amend sub-section (1) of section 26 of the Tamil Nadu Act 22 of 1959.

2. Sub-section (2) of section 53 of the Tamil Nadu Act 22 of 1959 provides for suspension, removal and dismissal of trustees of a religious institution on acquiring disqualifications. Consequent on the amendment proposed to section 26 of the Tamil Nadu Act 22 of 1959, it has also been decided to amend clauses (e), (i) and (j) of sub-section (2) of section 53 of the Tamil Nadu Act 22 of 1959 suitably.

3. Besides the disqualifications specified in section 26 of the Tamil Nadu Act 22 of 1959 for being appointed as and for being a trustee, it has been decided to specify certain qualifications for appointment as trustees and for being a trustee to any religious institution. Accordingly, it has been decided to insert a new section specifying the qualifications for being appointed as, or for being a trustee of any religious institution.

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

P. CHENDUR PANDIAN

*Minister for Hindu Religious and
Charitable Endowments Department.*

A.M.P. JAMALUDEEN,
Secretary.