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SECRET

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¹[TAMIL NADU] ACT No. 22 OF 1959.²

THE ¹[TAMIL NADU] HINDU RELIGIOUS AND
CHARITABLE ENDOWMENTS ACT, 1959.

[Received the assent of the President on the 19th November 1959, first published in the Fort St. George Gazette on the 2nd December 1959 (Agrahayana 11, 1881).]

An Act to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and Endowments in the ³[State of Tamil Nadu].

WHEREAS it is expedient to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and Endowments in the ³[State of Tamil Nadu];

BE it enacted in the Tenth Year of the Republic of India as follows :—

CHAPTER I—PRELIMINARY.

Short title,
extent, appli-
cation and
commence-
ment.

1. (1) This Act may be called the ⁴[Tamil Nadu] Hindu Religious and Charitable Endowments Act, 1959.

(2) It extends to the whole of the ³[State of Tamil Nadu].

(3) It applies to all Hindu public religious institutions and endowments ⁴[including] the Incorporated Devaswoms and Unincorporated Devaswoms.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, See Fort St. George Gazette Extraordinary, dated the 13th April 1959, Part IV-A, page 213.

This Act as amended by sub-section (2) of section 11 of the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962) was extended to the added territories by the said section of the said Act repealing the corresponding law in force in those territories.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁴ This word was substituted for the word "except" by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

Explanation.—In this sub-section, Hindu public religious institutions and endowments do not include Jain religious institutions and endowments.

(4) (a) The provisions of this Act except the provisions of—

(i) sub-section (4) of section 92, in so far as that sub-section relates to Consultative Committees and sub-committees thereof, and

(ii) clause (xxi) (b) of sub-section (2) of section 116, shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

(b) The provisions of sub-section (4) of section 92 in so far as that sub-section relates to Consultative Committees and sub-committees thereof and of clause (xxi)(b) of sub-section (2) of section 116 shall be deemed to have come into force on the 28th November 1958.

2. (1) The Government may, by notification, extend to Jain public religious institutions and endowments, all or any of the provisions of this Act and of any rules made thereunder and thereupon the provisions so extended shall apply to such institutions and endowments;

Power to extend Act to Jain Religious Institutions and Endowments.

Provided that before issuing such a notification the Government shall publish in the **Fort St. George Gazette* a notice of their intention to do so, fix a period which shall not be less than two months from the date of publication of the notice for the persons interested in the institution and endowments concerned to show cause against the issue of the notification and consider their objections, if any.

(2) In this Act, wherever the word 'Hindu' occurs, it shall, in respect of Jain public religious institutions and endowments to which the provisions of this Act have been extended under sub-section (1) be construed to mean 'Jain' unless the context otherwise requires.

* Now the *Tamil Nadu Government Gazette*

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Power to extend Act to Charitable Endowments.

3. (1) Where the Government have reason to believe that any Hindu or Jain public charitable endowment is being mismanaged, they may direct the Commissioner to inquire, or to cause an inquiry to be made by any Officer authorized by him in this behalf, into the affairs of such charitable endowment and to report to them whether, in the interests of the administration of such charitable endowment it is necessary to extent there to all or any of the provisions of this Act and of any rules made thereunder.

(2) The Commissioner or the officer authorized by him under sub-section (1) shall, while making an inquiry under that sub-section, have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) for the purposes of enforcing the attendance of witnesses and compelling the production of books, accounts, documents, securities cash and other properties belonging to or in the custody of such charitable endowment and shall follow the procedure applicable under the said code in regard to recording of evidence and hearing of parties.

(3) If, after considering the report of the Commissioner submitted under sub-section (1), the Government are satisfied that such charitable endowment is being mismanaged and that, in the interests of the administration of such charitable endowment, it is necessary to extent thereto all or any of the provisions of this Act and of any rules made thereunder, they may, by notification, extend to such charitable endowment the said provisions, and thereupon, the provisions so extended shall apply to such charitable endowment as if it were a specific endowment :

Provided that before issuing such a notification, the Government shall publish in the *Fort St. George Gazette** a notice of their intention to do so, specifying the reasons for the action proposed to be taken by them and fixing a period which shall not be less than two months from the date of publication of the notice, for the persons interested in the endowment concerned to show cause against the issue of the notification and consider their objections, if any.

*Now the *Tamil Nadu Government Gazette*.

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(4) Notwithstanding anything contained in this section, the Government may, on application made by the trustee of any Hindu or Jain public charitable endowment or where there are more trustees than one, then by those trustees or a majority of them and with the concurrence of the trustee or trustees making the application, extend, by notification, to such charitable endowment all or any of the provisions of this Act and of any rules made thereunder, and thereupon, the provisions so extended shall apply to such charitable endowment as if it were a specific endowment.

4. The Government may, by notification, exempt from the operation of any of the provisions of this Act or of any rules made thereunder any religious institution or religious or charitable endowment or vary or cancel any such exemption :

Exemptions.

Provided that before such exemption is varied or cancelled, the person affected shall be given a reasonable opportunity of showing cause against such variation or cancellation.

5. The following enactments shall cease to apply to Hindu religious institutions and endowments, namely :—

Certain Acts not to apply to Hindu Religious Institutions and Endowments.

(a) The ¹[Tamil Nadu] Endowments and Escheats Regulation, 1817 (¹[Tamil Nadu] Regulation VII of 1817);

(b) the Religious Endowments Act, 1863 (Central Act XX of 1863) ;

(c) the Charitable Endowments Act, 1890 (Central Act VI of 1890) ;

(d) the Charitable and Religious Trusts Act, 1920 (Central Act XIV of 1920) ; and

(e) sections 92 and 93 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

6. In this Act, unless the context otherwise requires—

Definitions.

(1) " Advisory Committee " means the Committee constituted by the Government under sub-section (1) of section 7 ;

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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[(2) *** *** ***]

(3) "Assistant Commissioner" means an Assistant Commissioner appointed under section 9 ;

(4) "Board" means the Board constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927);

(5) "charitable endowment" means all property given or endowed for the benefit of, or used as of right by, the Hindu or the Jain community or any section thereof, for the support or maintenance of objects of utility to the said community or section, such as rest-houses, choultries, patasalas, schools and colleges, houses for feeding the poor and institutions for the advancement of education, medical relief and public health or other objects of a like nature ; and includes the institution concerned ;

(6) "Commissioner" means the Commissioner appointed under section 9 ;

(7) "Court" means—

(i) in relation to a math or temple situated in the Presidency-town, the Madras City Civil Court ;

(ii) in relation to a math or temple situated elsewhere, the Subordinate Judge's Court having jurisdiction over the area in which the math or temple is situated, or if there is no such Court, the District Court having such jurisdiction ;

¹ The following clause was omitted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968) :—

"(2) "Area Committee" means, in relation to any temple or specific endowment, the Area Committee constituted under this Act and exercising powers and discharging duties in respect of such temple or specific endowment :

Provide that in respect of the transferred territory, the powers and duties of the Area Committee shall, until the date of the constitution of the Kanyakumari Devaswom Board under Chapter II of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Travancore-Cochin Act XV of 1950), be exercised and discharged by such authority or officer, as may be specified by the Government and after the date of the constitution of such Board, such Board shall be deemed to be the Area Committee."

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(iii) in relation to a specific endowment attached to a math or temple, the Court which would have jurisdiction as aforesaid in relation to the math or temple ;

(iv) in relation to a specific endowment attached to two or more maths or temples, any Court which would have jurisdiction as aforesaid in relation to either or any of such maths or temples ;

(8) " Deputy Commissioner " means a Deputy Commissioner appointed under section 9 ;

(9) " executive officer " means a person who is appointed to exercise such powers and discharge such duties appertaining to the administration of a religious institution as are assigned to him by or under this Act or the rules made thereunder or by any scheme settled or deemed to have been settled under this Act ;

(10) " Government " means the State Government ;

(11) " hereditary trustee " means the trustee of a religious institution, the succession to whose office devolves by hereditary right or is regulated by usage or is specifically provided for by the founder, so long as such scheme of succession is in force ;

(12) " Incorporated Devaswoms " means the Devaswoms mentioned in Schedule I ¹[*** ***] ;

(13) " math " means a Hindu religious institution with properties attached thereto and presided over by a person, the succession to whose office devolves in accordance with the direction of the founder of the institution or is regulated by usage and—

(i) whose duty it is to engage himself in imparting religious instruction or rendering spiritual service ; or

¹ The expression " to the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Travancore-Cochin Act XV of 1950) " was omitted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act-50 of 1974).

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(ii) who exercises or claims to exercise spiritual headship over a body of disciples ;

and includes places of religious worship or instruction which are appurtenant to the institution ;

Explanation.—Where the headquarters of a math are outside the State but the math has properties situated within the State, control shall be exercised over the math in accordance with the provisions of this Act, in so far as the properties of the math situated within the State are concerned ;

(14) “ non-hereditary trustee ” means a trustee who is not a hereditary trustee ;

(15) “ person having interest ” means—

(a) in the case of a math, a disciple of the math or a person of the religious persuasion to which the math belongs ;

(b) in the case of a temple, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in the habit of partaking in the benefit of the distribution of gifts thereat ;

(c) in the case of a specific endowment a person who is entitled to attend at or is in the habit of attending the performance of the service or charity, or who is entitled to partake or is in the habit of partaking in the benefit of the charity ;

¹[(15-A) “Regional Committee” means the committee constituted by the Government under sub-section (1) of section 46-A ;]

(15) “ religious charity ” means a public charity associated with a Hindu festival or observance of a religious character, whether it be connected with a math or temple or not ;

¹ This clause was inserted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

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(17) "religious endowment" or "endowment" means all property belonging to or given or endowed for the support of maths or temples, or given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity; and includes the institution concerned and also the premises thereof; but does not include gifts of property made as personal gifts to the archaka, service-holder or other employee of a religious institution;

Explanation (1).—Any inam granted to an archaka, service-holder or other employee of a religious institution for the performance of any service or charity in or connected with a religious institution shall not be deemed to be a personal gift to the archaka, service-holder or employee but shall be deemed to be a religious endowment.

Explanation (2).—All property which belonged to, or was given or endowed for the support of a religious institution, or which was given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity shall be deemed to be a "religious endowment" or "endowment" within the meaning of this definition, notwithstanding that, before or after the date of the commencement of this Act, the religious institution has ceased to exist or ceased to be used as a place of religious worship or instruction or the service or charity has ceased to be performed:

Provided that this Explanation shall not be deemed to apply in respect of any property which vested in any person before the 30th September 1951, by the operation of the law of limitation;

(18) "religious institution" means a math, temple or specified endowment;

(19) "specific endowment" means any property or money endowed for the performance of any specific service or charity in a math or temple, or for the performance of any other religious charity, but does not include an inam of the nature described in Explanation(1) to clause(17);

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Explanation (1).— Two or more endowments of the nature specified in this clause, the administration of which is vested in a common trustee, or which are managed under a common scheme settled or deemed to have been settled under this Act, shall be construed as a single specific endowment for the purposes of this Act ;

Explanation (2).—Where a specific endowment attached to a math or temple is situated partly within the State and partly outside the State, control shall be exercised in accordance with the provisions of this Act over the part of the specific endowment situated within the State ;

(20) “temple” means a place by whatever designation known, used as a place of public religious worship, and dedicated to, or for the benefit of, or used as of right by, the Hindu community or any section thereof, as a place of public religious worship;

Explanation.—Where a temple situated outside the State has properties situated within the State, control shall be exercised over the temple in accordance with the provisions of this Act, in so far as the properties of the temple situated within the State are concerned ;

(21) “transferred territory” means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district ;

(22) “trustee” means any person or body by whatever designation known in whom or in which the administration of a religious institution is vested, and includes any person or body who or which is liable as if such person or body were a trustee;

(23) “Unincorporated Devaswoms” means the Devaswoms mentioned in Schedule II ¹[*** ***].

¹ The expression “to the Travancore-Cochin Hindu Religious Institutions Act, 1950 (Travancore-Cochin Act XV of 1950)” was omitted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

[7. (1) (a) The Government shall constitute for the State of Tamil Nadu a Committee called the Advisory Committee consisting of the following members, namely:—

Constitution
of Advisory
Committee.

(i) the Commissioner, *ex-officio*, and

(ii) such number of non-officials not exceeding twelve professing Hindu religion as may be nominated by the Government, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes.

¹ This section was substituted for the following section 7 by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976):—

"7. *Constitution of Advisory Committee.*—(1) The Government may constitute for the State of Madras a Committee called the Advisory Committee consisting of—

(i) the Minister in charge of the administration of this Act, who shall be the Chairman, *ex-officio*;

(ii) the Secretary to the Government in the Department in charge of Hindu Religious Institutions and Endowments, *ex-officio*,

(iii) The Commissioner, *ex-officio*; and

(iv) twelve non-officials professing the Hindu religion appointed by the Government.

(2) The Secretary to the Government referred to in clause (ii) of sub-section (1), or such other officer as may be nominated by the Government in this behalf from time to time shall be the Secretary to the Advisory Committee.

(3) The term of office of the members referred to in clause (iv) of sub-section (1) shall be three years or such shorter period as the Government may fix.

(4) The functions of the Advisory Committee shall be—

(a) to make recommendations to the Government in respect of such matters as may be prescribed; and

(b) to advise the Government in respect of such matters as may be referred by the Government to the Committee.

(5) If there is a difference of opinion among the members of the Advisory Committee, the decision of the majority of the members present and voting shall prevail :

Provided that when their opinion is equally divided, the Chairman shall have and exercise a second or casting vote.

(6) (a) A member referred to in clause (iv) of sub-section (1) may, at any time by notice in writing to the Government, resign his office. But he shall continue in office until the appointment of a successor.

(b) A casual vacancy created by the resignation of a member under clause (a) or otherwise shall be filled up by fresh appointment."

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Explanation.—For the purposes of this sub-section “Scheduled Castes” and “Scheduled Tribes” shall have the same meanings assigned to them respectively in clauses (24) and (25) of Article 366 of the Constitution.

(b) The Commissioner shall be the Chairman of the Advisory Committee.

(2) The term of office of the non-official members of the Advisory Committee and other matters relating to the said Committee shall be such as may be prescribed.

(3) The functions of the Advisory Committee shall be—

(a) to make recommendations to the Commissioner in respect of such matters as may be prescribed;

(b) to advise the Commissioner in respect of such matters as may be referred to the Committee; and

(c) to perform such other functions as may be prescribed.]

CHAPTER II—THE COMMISSIONER AND OTHER CONTROLLING AUTHORITIES.

Authorities under Act. 8. There shall be the following classes of authorities under this Act, namely :—

(a) The Commissioner ;

(b) Deputy Commissioners; ¹ [and]

(c) Assistant Commissioners ; ² (* * *)

³ (***).

¹ This word was added by section 3 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² The word “and” was omitted by section 3 (ii), *ibid.*

³ The following clause was omitted by section 3 (iii), *ibid.*—

“(a) Area Committees.”

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9. (1) The Government shall appoint the Commissioner and such number of Deputy and Assistant Commissioners as they think fit.

Government to appoint Commissioner, etc.

(2)¹[(a) Appointment to the post of Commissioner shall be—

(i) by transfer from among the members of the Madras State Higher Judicial Service or of the Madras State Judicial Service or of any other service, or

(ii) by promotion from Deputy Commissioners, or

(iii) by direct recruitment.

(b) Appointment to the post of Deputy Commissioner shall be—

(i) by transfer from among the members of the Madras State Judicial Service or of any other service, or

(ii) by promotion from Assistant Commissioners, or

(iii) by direct recruitment, or

(iv) by agreement or contract.]

²[(c) *** ***)]

¹ These clauses were substituted for the following clauses (a) and (b) by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1961 (Tamil Nadu Act 12 of 1961):—

“(2) (a) Appointment to the post of Commissioner shall be by transfer from among the members of the Madras State Higher Judicial Service or of any other service or by direct recruitment.

(b) Appointment to the post of Deputy Commissioner shall be by transfer from among the members of the Madras State Judicial Service or of any other service or by direct recruitment.”

² Section 9 (2) (c) originally read as follows:—

“(c) Where the post of the Commissioner is not held by a member of the Madras State Higher Judicial Service, at least one of the posts of Deputy Commissioners shall be held by a member of the Madras State Judicial Service.”

In the said clause, after the words “Madras State Higher Judicial Service”, the words “or of the Madras State Judicial Service” were earlier inserted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1961 (Tamil Nadu Act 40 of 1961). The said clause as so amended, was omitted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Sixth Amendment) Act, 1974 (Tamil Nadu Act 6 of 1975).

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Commissioner, etc. to be Hindus.

10. The Commissioner, every Deputy or Assistant Commissioner and every other officer or servant appointed to carry out the purposes of this Act, by whomsoever appointed, shall be a person professing the Hindu religion, and shall cease to hold office as such when he ceases to profess that religion.

Commissioner to be Corporation Sole.

11. The Commissioner shall be a Corporation Sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

Commissioner, etc., to be servants of Government.

12. (1) The Commissioner, Deputy Commissioners, Assistant Commissioners and other officers and servants including executive officers of religious institutions employed for the purposes of this Act shall be servants of the Government and their salaries, allowances, pensions and other remuneration shall be paid in the first instance out of the Consolidated Fund of the State. The ¹(* * * *) cost of auditing the accounts of religious institutions shall also be paid in the first instance out of the Consolidated Fund of the State.

(2) (a) The Commissioner shall, out of the ²[Tamil Nadu Hindu Religious and Charitable Endowments Administration Fund], repay to the Government sums paid by the Government under sub-section (1).

(b) The Commissioner shall recover from the religious institution concerned the salaries, allowances, pensions and other remuneration paid to the executive officers of religious institutions and credit the amount so recovered to the fund mentioned in clause (a).

¹ The words and figures "costs, charges and expenses other than those referred to in section 93 incurred by the Area Committees and the" were omitted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² This expression was substituted for the expression "Madras Hindu Religious and Charitable Endowments Administration Fund" by paragraph 3 (1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.

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(c) (i) For the purpose of pension or other remuneration payable to any executive officer serving immediately before the date of the commencement of this Act and retiring on or after that date, the Government may take into account the service of such officer before that date, subject to such conditions as may be prescribed ;

(ii) The Commissioner may recover from the religious institution concerned also the portion of the pension or other remuneration attributable to the service of such executive officer as is mentioned in sub-clause (i) before the date of the commencement of this Act.

13. (1) The Commissioner shall, with the previous approval of the Government, specify the area within which each Deputy Commissioner, if there is more than one, shall exercise the powers conferred and discharge the duties imposed by this Act or the rules made thereunder on a Deputy Commissioner as such. Delegation to Deputy Commissioners.

(2) The Commissioner may delegate any of the powers conferred or duties imposed on him by this Act or the rules made thereunder [including the powers and duties of an Assistant Commissioner which may be exercised by the Commissioner under the proviso to sub-section (2) of section 14 but not including the powers and duties of the Commissioner under section 21, 22, 46, 47, 59, 69, 72 or sub-section (2) of section 92] in respect of any area or of any class or group of institutions in the State or any area therein to a Deputy Commissioner subject to such restrictions and control as the Government may, by general or special order, lay down and subject also to such limitations and conditions, if any, as may be specified in the order of delegation.

14. (1) The Commissioner shall, with the previous approval of the Government, divide the State into divisions, each of which shall be in the charge of an Assistant Commissioner. Territorial jurisdiction and power and duties of Assistant Commissioners.

(2) An Assistant Commissioner shall exercise the powers conferred and discharge the duties imposed on him by this Act or the rules made thereunder in respect of his division :

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Provided that the Commissioner may, by order in writing, declare that the exercise and discharge of all or any of such powers and duties shall be subject to such exceptions, limitations and conditions as may be specified in the order, and may himself exercise or discharge any power or duty so excepted.

4(2-A) Without prejudice to the provisions of subsection (2), an Assistant Commissioner shall exercise the powers conferred and discharge the duties imposed on him by this Act or the rules made thereunder in respect of—

(i) all temples situated in his division other than temples included in the list published under section 46,

(ii) the specific endowments attached to such temples, other than the specific endowments included in the list published under section 46, and,

(iii) the charitable endowments in his division to which the provisions of this Act have been extended under section 3 :

Provided that where a specific endowment is attached to two or more temples comprised within the jurisdiction of two or more Assistant Commissioners, or where a charitable endowment to which the provisions of this Act have been extended under section 3 consists of properties situated within the jurisdiction of two or more Assistant Commissioners, the Commissioner shall decide as to which of the Assistant Commissioners shall exercise the powers and discharge the duties in respect of such specific endowment or charitable endowment:

Provided further that where a specific endowment is attached partly to one or more temples included in the list published under section 46 and partly to one or more temples not so included, only the Commissioner shall exercise the powers and discharge the duties in respect of such specific endowment.]

* This sub-section was inserted by section 5 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

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(3) The Commissioner may delegate to an Assistant Commissioner any of the powers conferred or duties imposed on the Commissioner by this Act or the rules made thereunder [other than the powers and duties referred to in section 21, 22, 46, 47, 59, 69, 72 or subsection (2) of section 92] in respect of the division of the Assistant Commissioner or of any institutions or any class or group of institutions in that division, subject to such restrictions and control as the Government may, by general or special order, lay down and subject also to such limitations and conditions, if any, as may be specified in the order of delegation.

[15—16

***].

¹ The following sections were omitted by section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968):—

"15. *Area Committees*.—(1) The Government, by notification,—

(a) shall constitute an Area Committee for all temples situated in an Assistant Commissioner's division or part thereof other than temples included in the list published under section 46,

(b) may vary the strength or jurisdiction of any Area Committee, or

(c) may abolish any Area Committee :

Provided that before the issue of a notification under clause (b) or clause (c), the Government shall communicate to the Commissioner and the Area Committee concerned, the grounds on which they propose to do so, fix a reasonable period for the Commissioner or the Area Committee to show cause against the proposal and consider their suggestions and objections, if any.

(2) An Area Committee shall exercise the powers conferred and discharge the duties imposed on it by this Act or the rules made thereunder in respect of—

(i) the temples for which it is constituted,

(ii) the specific endowments attached to such temples, other than the specific endowments included in the list published under section 46, and

(iii) the charitable endowments to which the provisions of this Act have been extended under section 3:

(contd.)

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Endowments

Provided that where a specific endowment is attached to two or more temples comprised within the jurisdiction of two or more Area Committees, or where a charitable endowment to which the provisions of this Act have been extended under section 3 consists of properties situated within the jurisdiction of two or more Area Committees, the Commissioner shall decide as to which of the Area Committees shall exercise the powers and discharge the duties in respect of such specific endowment or charitable endowment:

Provided further that where a specific endowment is attached partly to one or more temples included in the list published under section 46 and partly to one or more temples not so included, only the Commissioner shall exercise the powers and discharge the duties in respect of such specific endowment.

Strength of Area Committee and term of office and discharges of members.—(1) Every Area Committee shall consist of not more than five members and not less than two and not more than four other temples. The Chairman and members shall be appointed by the Commissioner.

(ii) Every Area Committee shall be entitled to hold office for the term specified in the list published in the Official Gazette on the date on which his appointment is notified in the Official Gazette:

(iii) That any member holding office on the date of the commencement of this Act shall continue to hold office until such time as may be specified in that behalf.

Provided that no person shall be disqualified for being appointed as a member of an Area Committee—
 (a) who is a Hindu; or
 (b) who professes the Hindu religion; or
 (c) who is a member of a temple or a charitable endowment to which the provisions of this Act have been extended under section 3 and in respect of which the Commissioner has decided as to which of the Area Committees shall exercise the powers and discharge the duties in respect of such specific endowment or charitable endowment:

Provided further that no person shall be disqualified for being appointed as a member of an Area Committee—
 (a) who is a Hindu; or
 (b) who professes the Hindu religion; or
 (c) who is a member of a temple or a charitable endowment to which the provisions of this Act have been extended under section 3 and in respect of which the Commissioner has decided as to which of the Area Committees shall exercise the powers and discharge the duties in respect of such specific endowment or charitable endowment:

* This sub-section was inserted by section 3 of the Hindu Religious and Charitable Endowments (Tamil Nadu) Act 19 of 1968.

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21. (1) The Commissioner may call for and examine the record of any Deputy or Assistant Commissioner, trustee of a religious institution other than a math or a specific endowment attached to a math in respect of any proceeding under this Act [(not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act, or in respect of which an application for revision has been preferred under section 21-A to the Deputy Commissioner and is pending disposal by him)], to satisfy himself as to the regularity of such proceeding, or the correctness, legality or propriety of any decision or order passed therein.

(2) If any such decision or order has been passed by any Deputy or Assistant Commissioner, or by the trustee of any religious institution other than a math or a specific endowment attached to a math and other than one included in the list published under section 46, and it appears to the Commissioner that the decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly.

(3) (a) If any such decision or order has been passed by the trustee of any religious institution included in the list published under section 46, the Commissioner may, if he thinks fit, remit the matter together with his observations in regard thereto, [to the trustee] for reconsideration of the decision or order and report to the Commissioner within a time to be specified by him in this behalf.

¹ The words "of any Area Committee" were omitted by section 7 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² This expression was substituted for the expression "(not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act)" by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

³ The words "by any Area Committee or" were omitted by section 7 (ii) (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

⁴ These words were substituted for the words "to the Committee or trustee, as the case may be" by section 7 (ii) (a), *ibid.*

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(7) Every application to the Commissioner for the exercise of his powers under this section shall be preferred within three months from the date on which the order or proceeding to which the application relates was communicated to the applicant.

21-A. (1) The Deputy Commissioner may call for and examine the record of any Assistant Commissioner in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act), to satisfy himself as to the regularity of such proceeding, or the correctness, legality or propriety of any decision or order passed therein. Powers of Deputy Commissioner to call for records and pass orders.

(2) If, any such decision or order has been passed by any Assistant Commissioner and it appears to the Deputy Commissioner that the decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly.

(3) The Deputy Commissioner shall not pass any order prejudicial to any party under sub-section (2) without hearing him or giving him a reasonable opportunity of being heard.

(4) The Deputy Commissioner may stay the execution of any decision or order of the nature referred to in sub-section (1), pending the exercise of his powers under sub-section (2) in respect thereof.

(5) Every application to the Deputy Commissioner for the exercise of his powers under this section shall be preferred within three months from the date on which the decision or order to which the application relates was communicated to the applicant.]

¹ This section was inserted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

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Other powers of Commissioner.— 22. (1) The Commissioner shall have power at any stage—

(a) to transfer any proceeding pending before a Deputy or an Assistant Commissioner to his own file and dispose of it himself, or

(b) to transfer it to another Deputy or Assistant Commissioner for disposal.

(2) If the Commissioner is satisfied that a Deputy or an Assistant Commissioner has failed to exercise any power or discharge any duty which he ought to have exercised or discharged, the Commissioner may himself exercise such power or discharge such duty.

[(3) * * * * *]

(4) Notwithstanding anything contained in this Act, where the office of a Deputy or an Assistant Commissioner is vacant, the Commissioner may, until the vacancy is filled—

(a) himself exercise the powers conferred and discharge the duties imposed by this Act or the rules made thereunder on the Deputy or Assistant Commissioner, or

(b) authorize another Deputy or Assistant Commissioner to exercise the said powers and discharge the said duties.

¹ The following sub-section was omitted by section 3 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968):—

"If the Commissioner is satisfied that an Area Committee—

(a) has failed to exercise any power or discharge any duty which it ought to have exercised or discharged, or

(b) is unable for any reason to exercise any power or discharge any duty,

the Commissioner may himself exercise such power or discharge such duty or authorize the Assistant Commissioner to do so:

Provided that in cases falling under clause (a), the Commissioner shall first fix a period for the exercise of the power or the discharge of the duty by the Area Committee and shall exercise the right conferred on him by this sub-section only if the power is not exercised or the duty is not discharged by the Area Committee within the period so fixed :

Provided further that the Commissioner shall, before taking action under clause (b), give to the Area Committee a reasonable opportunity of showing cause against the action proposed."

(5) Any party aggrieved by an order of the Commissioner under sub-section (1) (a), (2) [*] or (4) (a), being an order against which a suit or an appeal to a court is provided in this Act, may appeal to the Government within three months from the date of the receipt of the order by him :

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

CHAPTER III—RELIGIOUS INSTITUTIONS. GENERAL PROVISIONS.

23. Subject to the provisions of this Act, the administration of ³[all temples (including specific endowments attached thereto) and all religious endowments] shall be subject to the general superintendence and control of the Commissioner; and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that ⁴[such temples and endowments] are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist.

Powers and duties of Commissioner in respect of ² [temples and religious endowments].

⁵ [Provided that the Commissioner shall not pass any order prejudicial to any temple or endowment unless the trustees concerned have had a reasonable opportunity of making their representations.]

¹ The brackets and figure "(3)" were omitted by section 8 (ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² These words were substituted for the words "religious endowments" by section 2 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Fourth Amendment) Act, 1974 (Tamil Nadu Act 28 of 1974).

³ These words were substituted for the words "all religious endowments" by section 2 (ii), *ibid.*

⁴ These words were substituted for the words "such endowments" by section 2 (ii), *ibid.*

⁵ This proviso was added by section 2 (b), *ibid.*

Power to
enter
religious
insti-
tutions.

24. (1) The Commissioner, or a Deputy or an Assistant Commissioner or any officer authorized by the Commissioner ¹[or the Deputy Commissioner or the Assistant Commissioner] in this behalf shall have power to enter the premises of any religious institution or any place of worship for the purpose of exercising any power conferred or discharging any duty imposed by this Act, or the rules made thereunder.

(2) If any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not below the rank of Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.

(3) Before entering the *sanctum sanctorum* or *pooja gruha* or any other portion held specially sacred within the premises of a religious institution or place of worship, the person authorized by or under sub-section (1) or the police officer referred to in sub-section (2), shall give reasonable notice to the trustee or head of the institution and shall have due regard to the religious practice or usage of the institution.

(4) Nothing in this section shall be deemed to authorize any person who is not a Hindu to enter the premises or place referred to in this section or any part thereof.

(5) If any question arises whether the religious practice or usage of the institution prohibits entry into the *sanctum sanctorum* or *pooja gruha* or any other portion held specially sacred within the premises of a religious institution or place of worship, by the person or police officer mentioned in sub-section (3), the question shall be referred for the decision of the Commissioner. Before giving any decision on any such question, the Commissioner may make such enquiry as he deems fit.

¹ These words were substituted for the words "or the Area Committee" by section 9 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

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(6) Any person aggrieved by the decision of the Commissioner under sub-section (5), may, within one month from the date of the decision, appeal to the Government :

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

25. The Commissioner, a Deputy Commissioner, Commissioner, ^{Commissioner, etc.,} [or an Assistant Commissioner] and every other person ^{to observe} exercising powers of superintendence or control under ^{appropriate} this Act, shall, so far as may be, observe forms and ceremonies ^{and ceremonies.} appropriate to the religious institution in respect of which such powers are exercised and in the case of math, act in conformity with the usages of the math in his dealings with the head of the math.

26. (1) A person shall be disqualified for being ^{Qualifica-} appointed as, and for being, a trustee of any religious ^{tions of} institution— ^{trustees.}

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

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

(c) if he is an undischarged insolvent ;

(d) 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 ;

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

¹ These words were substituted for the words "an Assistant Commissioner or a member of an Area Committee" by section 10 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

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

¹[(ff) 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;

(i) if he has acted adverse to the interest of the institution.

(2) If a trustee—

(a) becomes subject to any of the disqualifications mentioned in sub-section (1); or

(b) resigns his seat by writing under his hand addressed—

(i) in the case of trustees appointed by the ²[Assistant Commissioner], to the Assistant Commissioner;
³[* * *]

¹ This clause was inserted by section 11(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968.)

² These words were substituted for the words "Area Committee" by section 11(ii), *ibid.*

³ The word "and" was omitted by section 5 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

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¹[(i-a) in the case of trustees appointed by the Deputy Commissioner, to the Deputy Commissioner; and]

(ii) in any other case to the Commissioner, his seat shall thereupon become vacant.

(3) If any question arises as to whether a trustee has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Deputy Commissioner.

(4) If a hereditary trustee becomes subject to any of the disqualifications mentioned in sub-section (1), the Deputy Commissioner may supersede the trustee.

(5) Any person affected by an order of the Deputy Commissioner under sub-section (3) or sub-section (4) may, within one month from the date of receipt of the order by him, appeal against the order to the Commissioner.

(6) The trustee of a religious institution for which a Board of Trustees has been constituted shall cease to hold office if he absents himself from three consecutive meetings of such Board of Trustees within a period of two months:

Provided that when a person who has ceased to be a trustee by reason of such absence applies for restoration within one month from the date of the last of the three meetings, the Board of Trustees may, at the meeting next after the receipt of such application, restore him to his office of trustee; but a trustee shall not be so restored more than once during his term of office.

Explanation.—A meeting adjourned for want of quorum shall be deemed to be a meeting for the purpose of this sub-section.

¹ This sub-clause was inserted by section 5(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

Trustee bound to obey orders issued under Act. 27. The trustee of a religious institution shall be bound to obey all lawful orders issued under the provisions of this Act by the Government, the Commissioner, the Deputy Commissioner,¹(* * *) or the Assistant Commissioner.

Care required of trustee and his powers. 28. (1) Subject to the provisions of the ²[Tamil Nadu] Temple Entry Authorization Act, 1947 (²[Tamil Nadu] Act V of 1947), the trustee of every religious institution is bound to administer its affairs and to apply its funds and properties in accordance with the terms of the trust, the usage of the institution and all lawful directions which a competent authority may issue in respect thereof and as carefully as a man of ordinary prudence would deal with such affairs, funds and properties if they were his own.

(2) A trustee shall, subject to the provisions of this Act, be entitled to exercise all powers incidental to the provident and beneficial administration of the religious institution and to do all things necessary for the due performance of the duties imposed on him.

(3) A trustee shall not be entitled to spend the funds of the religious institution for meeting any costs, charges or expenses incurred by him in any suit, appeal or application or other proceeding for, or incidental to, his removal from office or the taking of any disciplinary action against him :

Provided that the trustee may reimburse himself in respect of such costs, charges or expenses if he is specifically permitted to do so by an order passed under section 102.

¹ The words "the Area Committee" were omitted by section 12 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

29. (1) For every religious institution, there shall be prepared and maintained a register in such form as the Commissioner may direct showing—

Preparation
of register
for all
institutions.

(a) the origin and history of the institution and the names of past and present trustees and particulars as to the custom, if any, regarding succession to the office of trustee;

(b) particulars of the scheme of administration and of the *dittam* or scale of expenditure;

(c) the names of all offices to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case;

(d) the jewels, gold, silver, precious stones, vessels and utensils and other movables belonging to the institution, with their weights and estimated value;

(e) particulars of all other endowments of the institution and of all title-deeds and other documents;

(f) particulars of the idols and other images in or connected with the institution, whether intended for worship or for being carried in processions;

(g) particulars of ancient or historical records with their contents in brief;

(h) such other particulars as may be required by the Commissioner.

(2) The register shall be prepared, signed and verified by the trustee of the institution concerned or by his authorized agent and submitted by him to the Commissioner, directly in the case of a math, ¹[***] and through the Assistant Commissioner in other cases, within three months from the date of the commencement of this Act or from the founding of the institution, as the case may be, or within such further period as may be allowed by Commissioner ¹[***] or the Assistant Commissioner.

¹ The words "through the Area Committee, in case the institution is one in respect of which the Area Committee exercises powers and discharges duties" and the words "the Area Committee" were omitted by section 13(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

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Provided that this sub-section shall not apply when a register so signed and verified has been submitted to—

- (i) the Board before the 30th September 1951; and
- ii) the Commissioner after the 30th September 1951 and before the date of the commencement of this Act.

[(3) The Assistant Commissioner, if the register is submitted through him, may, after such inquiry as he may consider necessary, recommend such alterations, omissions or additions in the register as he may think fit].

(4) The Commissioner may, after receiving the register and the recommendations¹ (**) of the Assistant Commissioner with respect thereto and making such further inquiry as he may consider necessary, direct the trustee to make such alterations, omissions or additions in the register as the Commissioner may deem fit.

(5) The trustee shall carry out the orders of the Commissioner and then submit three copies of the register as corrected to the Commissioner for approval.

(6) One copy of the register as approved by the Commissioner shall be furnished to the trustee and one² (to the Assistant Commissioner concerned).

¹ This sub-section was substituted for the following sub-section (3) by section 13(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968):—

“(3) The Area Committee or the Assistant Commissioner, if the register is submitted through it or him, may, after such inquiry as it or he may consider necessary, recommend such alterations, omissions or additions in the register as it or he may think fit.”

² The words “of the Area Committee or” were omitted by section 13(iii), *ibid.*

³ These words were substituted for the words “to the Area Committee or the Assistant Commissioner concerned, if any” by section 13(iv), *ibid.*

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30. The trustee or his authorized agent shall scrutinize the entries in the register every year and submit to the Commissioner for his approval, directly ¹(****) or through the Assistant Commissioner, as the case may require, a verified statement showing the alterations, omissions or additions required in the register; and the provisions of sub-sections (3) to (6) of section 29 shall apply in relation to such statement as they apply in relation to a register.

Annual verification of the register.

31. The trustee or his authorized agent shall submit to the Commissioner for his approval directly ²(* *) or through the Assistant Commissioner, as the case may require, once in every ten years (commencing from the year in which the register required under section 29 is first submitted), a consolidated register incorporating therein all alterations, omissions and additions made or required to be made in the register submitted under section 29 and the provisions of that section shall apply to such consolidated register as if it were a register submitted under that section.

Submission of register once in ten years.

32. (1) The trustee of every religious institution shall furnish to the Commissioner such accounts, returns, reports or other information relating to the administration of the institution, its funds, property or income or moneys connected therewith, or the appropriation thereof, as the Commissioner may require and at such time and in such form as he may direct.

Trustee to furnish accounts, returns, etc.

(2) Without prejudice to the provisions contained in sub-section (1), the Assistant Commissioner in the case of any religious institution other than a math ³[*] may require the trustee of such religious institution to furnish to him ⁴(*) such accounts, returns, reports or other information relating to the

¹ The words "or through the Area Committee" were omitted by section 14 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² The words "or through the Area Committee" were omitted by section 15, *ibid*.

³ The words "and the Area Committee in the case of any religious institution in respect of which the Area Committee exercises powers and discharges duties" were omitted by section 16, *ibid*.

⁴ The words "or it" were omitted by section 16, *ibid*.

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administration of the institution, its funds, property or income or moneys connected therewith or the appropriation thereof and at such time and in such form as he¹ (**) may direct.

Inspection of property and documents. 33. (1) The Commissioner or any officer or other person deputed by the Commissioner in this behalf,²(*) may, with due regard to the religious practice or usage of the institution, inspect all movable and immovable property belonging to, and all records, correspondence, plans, accounts and other documents relating to, any religious institution.

(2) It shall be the duty of the trustee of the institution concerned and all officers and servants working under him, his agent and any person having concern in the administration of the institution, to afford all such assistance and facilities as may be necessary or reasonably required in regard to any inspection made in pursuance of sub-section (1) and also to produce for inspection any movable property or document referred to in sub-section (1) and to furnish such information as may be necessary in connection with such inspection, if so required.

(3) Wherein the course of such inspection, it appears that the trustee of the institution concerned, or any of the officers or servants working under him, his agent or any other person having concern in the administration of the institution, past or present, has misappropriated or fraudulently retained any money or other property or incurred irregular, illegal or improper expenditure the Commissioner may, after giving notice to the trustee or person concerned to show cause why an order of surcharge should not be passed against him and after considering his explanation, if any, by order, certify the amount so lost and direct the trustee or such person to pay within a specified time such amount personally and not from the funds of the institution.

¹ The words "or it" were omitted by section 16 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² The words "and in the case of institutions in respect of which the Area Committee exercises powers and discharges duties any member of the Committee authorized by it in this behalf" were omitted by section 17, *ibid.*

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The procedure laid down in sub-sections (3) to (7) of section 90 shall apply to the recovery of the amount of surcharge.

34. (1) Any exchange, sale or mortgage and any lease for a term exceeding five years of any immovable property, belonging to, or given or endowed for the purposes of, any religious institution shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the institution :

Alienation
of immovable
trust
property.

Provided that before such sanction is accorded, the particulars relating to the proposed transaction shall be published in such manner as may be prescribed, inviting objections and suggestions with respect thereto ; and all objections and suggestions received from the trustee or other persons having interest shall be duly considered by the Commissioner.

Explanation.—Any lease of the property above mentioned though for a term not exceeding five years shall, if it contains a provision for renewal for a further term (so as to exceed five years in the aggregate), whether subject to any condition or not, be deemed to be a lease for a period exceeding five years.

(2) When according such sanction, the Commissioner may impose such conditions and give such directions as he may deem necessary regarding the utilization of the amount raised by the transaction, the investment thereof and in the case of a mortgage, regarding the discharge of the same within a reasonable period.

(3) A copy of the order made by the Commissioner under this section shall be communicated to the Government and to the trustee and shall be published in such manner as may be prescribed.

(4) The trustee may, within three months from the date of his receipt of a copy of the order, and any person having interest may, within three months from the date of the publication of the order, appeal to the Government to modify the order or set it aside.

(5) Nothing contained in this section shall apply to the inams referred to in section 41.

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Authority of trustee to incur expenditure for securing health, etc., of pilgrims and worshippers and for training of archakas, etc.

35. (1) The trustee of a religious institution may, out of the funds in his charge, after making adequate provision for the purposes referred to in sub-section (2) of section 86, incur expenditure—

(a) on arrangements for securing the health, safety or convenience of disciples, pilgrims or worshippers resorting to the institution; and

(b) for the training of archakas, adhyapakas, veda-parayanikas and othuvars.

(2) In incurring such expenditure, the trustee of the religious institution other than a math or a specific endowment attached to a math shall be guided by such general or special instructions as may be given by the Commissioner, [*** *** ***].

Utilization of surplus funds.

36. With the previous sanction of the Commissioner, and subject to such conditions and restrictions as may be prescribed, the trustee of a religious institution may appropriate for any of the purposes specified in sub-section (1) of section 66—

(i) any portion of the accumulated surplus of such institution, and

(ii) if, after making adequate provision for the purposes referred to in sub-section (2) of section 86 and also for the arrangements and the training referred to in sub-section (1) of section 35, there is a surplus in the income of the institution for any year, any portion of such surplus :

Provided that the trustee shall in appropriating the surplus under this section, give preference to the purposes specified in items (a) to (g) of sub-section (1) of section 66 :

¹ The words "and in the case of any institution in respect of which an Area Committee exercises powers and discharges duties also by such Committee" were omitted by section 18 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

Provided further that, before according the sanction under this section, the Commissioner shall publish the particulars relating to the proposal of the trustee in such manner as may be prescribed, invite objections and suggestions with respect thereto and consider all objections and suggestions received from persons having interest :

Provided also that the sanction aforesaid shall be published in such manner as may be prescribed :

Provided also that nothing in this section shall prevent the trustee of a math or of a specific endowment attached to a math from utilizing the surplus referred to in this section in such manner as he deems fit.

[36-A. Notwithstanding anything contained in section 36 and subject to such conditions and restrictions as may be prescribed, the trustee of a religious institution may in addition to the purposes mentioned in that section appropriate any portion of the surplus fund referred to in section 36 for the performance of Hindu marriages among Hindus who are poor or in needy circumstances.] Utilization of surplus funds for Hindu marriages.

37. Any person aggrieved by a decision of the Commissioner under section 36 may, within ninety days from the date of the decision, appeal to the Government. Appeals.

38. (1) Where a specific endowment attached to a math or temple consists merely of a charge on property and there is failure in the due performance of the service or charity, the trustee of the math or temple concerned may require the person in possession of the property on which the endowment is a charge, to pay the expenses incurred or likely to be incurred in causing the service or charity to be performed otherwise. In default of such person making payment as required, the Commissioner in the case of a specific endowment attached to a math, and the Deputy Commissioner in the case of a specific endowment attached to a temple, may, on the application Enforcement of service or charity in certain cases.

¹ This section was inserted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

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of the trustee and after giving the person in possession, a reasonable opportunity of stating his objections in regard thereto, by order determine the amount payable to the trustee.

(2) Where the person in possession of the property on which the endowment is a charge is not the person responsible in law for the performance of the service or charity and any amount is paid by or recovered from the person in possession, the Commissioner in the case of a specific endowment attached to a math and the Deputy Commissioner in the case of a specific endowment attached to a temple, may, on the application of the person in possession and after giving the person responsible in law a reasonable opportunity of stating his objections in regard thereto, by order, require the person responsible in law to pay to the person in possession the amount so paid or recovered.

(3) Against an order of the Commissioner or the Deputy Commissioner under sub-section (1), or sub-section (2), the trustee or the person affected may, within two months from the date of the receipt of the order by him, appeal to the Government or the Commissioner, as the case may be.

An order passed on appeal by the Government or the Commissioner shall be final.

(4) On application by the trustee to the Collector of the district in which the property referred to in sub-section (1) is situated, or on application by the person in possession to the Collector of the district in which is situated any property of the person responsible in law, as the case may be, the Collector shall recover from the person in possession or the person responsible in law, as the case may be, the amount specified in the order of the Commissioner or the Deputy Commissioner as modified in appeal, if any, and the expenses of such recovery, as if they were arrears of land revenue and pay to the trustee or, as the case may be, to the person in possession, the amount due to him.

Power of trustee of math or temple over trustees of specific endowments,

39. The trustee of a specific endowment made for the performance of any service or charity connected with a math or temple shall perform such service or charity subject to the general superintendence of the trustee of the math or temple and shall obey all lawful orders issued by him.

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40. (1) (a) (i) Where the remuneration for any service to be performed by a devadasi in temple consists of lands granted or continued in respect of, or annexed to, such service by the Government, the Government shall enfranchise the said lands from the condition of service, by the imposition of quit-rent.

Enfranchisement of lands, etc., held by a devadasi on condition of service in a temple.

(ii) Where the remuneration for such service consists of an assignment of land revenue so granted or continued, the Government shall enfranchise such assignment of revenue from the condition of service:

Provided that where, at the time when proceedings are taken under this sub-clause the devadasi is herself the owner of the lands in respect of which the assignment of revenue has been made, enfranchisement shall be effected and quit-rent imposed in the manner laid down in sub-clause (i).

(iii) Where the remuneration for such service consists in part of lands and in part of an assignment of land revenue, enfranchisement of the lands shall be effected in the manner laid down in sub-clause (i) and of the assignment of the land revenue in the manner laid down in sub-clause (ii).

Explanation.—For the purposes of this clause, a grant shall be deemed to consist of an assignment of land revenue in all cases in which the devadasi herself is not, at the time specified in the proviso to sub-clause (ii), the owner of the lands in question.

(b) Enfranchisement under clause (a) shall be effected in accordance with such rules as the Government may make in this behalf and shall take effect as and from such date as they may fix.

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(2) Where the remuneration for such service consists in whole or in part, of lands or of produce of lands not falling under sub-section (1), the Government shall direct the District Collector to determine the amount of rent payable on the lands or the produce in question. The District Collector shall thereupon, after giving notice to the party concerned and holding such inquiry as may be prescribed by the Government, by an order, determine the amount of rent, and in doing so, he shall have due regard to—

(a) the rent payable by the tenant for lands of a similar description and with similar advantages in the same village or neighbouring villages ; and

(b) the improvements, if any, effected by the devadasi in respect of the lands.

Such order shall be communicated to the parties concerned and also published in the manner prescribed.

(3) The amount of rent fixed by the District Collector under sub-section (2) may be questioned by petition presented to the *Board of Revenue within three months of the date of the publication of the order under the said sub-section but subject to the result of such petition, the order of the District Collector fixing the amount of rent under sub-section (2) shall be final and shall not be liable to be questioned in any Court of law :

Provided, however, that the *Board of Revenue shall have power on sufficient grounds to entertain a petition presented after the expiration of the period of three months.

(4) While determining the rent under sub-section (2), the District Collector shall fix a date from which the order shall take effect and such lands or produce shall be deemed to have been freed from the condition of service on and from the date so fixed.

*By virtue of section 10 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be a reference to the State Government.

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(5) No obligation to render any service relating to any temple to which any devadasi may be subject by reason of any grant of land or assignment of land revenue or produce derived from land, shall be enforceable when such land, assignment or produce is enfranchised or freed, as the case may be, in the manner hereinbefore provided.

(6) No order passed under sub-section (1), (2) or (3) shall operate as a bar to the trial of any suit or issue relating to the right to enjoy the land, or assignment of land revenue or produce derived from land, as the case may be.

(7) (a) The quit-rent imposed under sub-section (1) shall be payable to the temple concerned.

(b) The assignment of land revenue enfranchised under sub-section (1), or the rent fixed under sub-sections (2) and (3), as the case may be, shall be payable to the devadasi concerned during her lifetime and, after her death, to the temple concerned.

(8) Where any inam is granted for a service which is auxiliary to the service to be performed by a devadasi in a temple, such inam shall be enfranchised or freed from the condition of service, as if it were a devadasi inam; and the provisions of sub-sections (1) to (7) shall apply accordingly.

(9) For the purpose of this section, "devadasi" shall mean any Hindu unmarried female, who is dedicated for service in a temple.

41. (1) Any exchange, gift, sale or mortgage and any lease for a term exceeding five years of the whole or any portion of any inam granted for the support or maintenance of a religious institution or for the performance of a charity or service connected therewith or of any other religious charity and made, confirmed or recognized by the Government shall be null and void:

Resumption and re-grant of inam granted for performance of any charity or service.

Provided that any transaction of the nature aforesaid (not being a gift) may be sanctioned by the Government as being necessary or beneficial to the institution.

Explanation.--Nothing contained in this sub-section shall affect or derogate from the right and obligations of the landholder and tenant in respect of any land which is ryoti land as defined in the ¹[Tamil Nadu] Estates Land Act, 1908 (²[Tamil Nadu] Act 1 of 1908).

(2) (a) The Collector may, on his own motion, or on the application of the trustee of the religious institution or the Commissioner or of any person having interest in the institution who has obtained the consent of such trustee or the Commissioner, by order, resume the whole or any part at any such inam, on one or more of the following grounds, namely :—

(i) that except in the case referred to in the proviso to sub-section (1), the holder of such inam or part or the trustee of the institution has made an exchange, gift, sale or mortgage of such inam or part or any portion thereof or has granted a lease of the same or any portion thereof for a term exceeding five years, or

(ii) that the religious institution has ceased to exist or the charity or service in question has in any way become impossible of performance, or

(iii) that the holder of such inam or part has failed to perform or make the necessary arrangements for performing, in accordance with the custom or usage of the institution, the charity or service for performing which the inam had been made, confirmed or recognized as aforesaid, or any part of the said charity or service, as the case may be.

When passing an order under this clause, the Collector shall determine whether such inam or the inam comprising such part, as the case may be, is a grant of both the melvaram and the kudivaram or only of the melvaram :

Provided that, in the absence of evidence to the contrary, the Collector shall presume that any minor inam is a grant of both the melvaram and the kudivaram.

(b) Before passing an order under clause (a), the Collector shall give notice to the trustee, to the Commissioner, to the inamdar concerned, to the person in

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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possession of the inam where he is not the inamdar and to the alienee, if any, of the inam; the Collector shall also publish a copy of such notice in such manner as may be prescribed and such publication shall be deemed to be sufficient notice to every other person likely to be affected by such order; and the Collector shall hear the objections, if any, of the persons to whom such notice is given or deemed to be given and hold such inquiry as may be prescribed.

Explanation.—Where only a part of the inam is affected, notice shall be given under this clause to the holder of such part as well as to the holder or holders of the other part or parts, to the person in possession of every such part where he is not the holder thereof, and to the alienee, if any, of every such part; and the objections of all such persons shall be heard by the Collector.

(c) A copy of every order passed under clause (a) shall be communicated to each of the persons mentioned in clause (b), and shall also be published in the manner prescribed.

(d) (i) Any party aggrieved by an order of the Collector under clause (a) may appeal to the District Collector within such time as may be prescribed, and on such appeal, the District Collector may, after giving notice to the Commissioner and each of the persons mentioned in clause (b) and after holding such inquiry as may be prescribed, pass an order confirming, modifying or cancelling the order of the Collector.

(i) The order of the District Collector on such appeal, or the order of the Collector under clause (a) where no appeal is preferred under sub-clause (i) to the District Collector within the time prescribed, shall be final.

Provided that where there has been an appeal under sub-clause (i) and it has been decided by the District Collector or where there has been no appeal to the District Collector and the time for preferring an appeal has expired any party aggrieved by the final order of the District Collector or the Collector, as the case may be, may file a suit in a Civil Court for determining whether the inam comprises both the melvaram and the kudivaram or only

the melvaram. Such a suit shall be instituted within six months from the date of the order of the District Collector on appeal where there has been an appeal under sub-clause (i), or from the date of the expiry of the period prescribed under sub-clause (i) for an appeal to the District Collector where there has been no such appeal.

(e) Except as otherwise provided in clause (d), an order of resumption passed under this section shall not be liable to be questioned in any Court of law.

(f) Where any inam or part of any inam is resumed under this section, the Collector or the District Collector, as the case may be, shall by order, re-grant such inam or part—

(i) as an endowment to the religious institution concerned, or

(ii) in case of resumption on the ground that the religious institution has ceased to exist or that the charity or service in question has in any way become impossible of performance, as an endowment for such religious, educational or charitable institution as the Commissioner may recommend.

(g) The order of re-grant made under clause (f) shall, on application made to the Collector within the time prescribed, be executed by him in the manner prescribed.

(h) Nothing in this section shall affect the operation of section 40.

Office-holders and servants of religious institutions not to be in possession of jewels, etc., except under conditions. 42. Notwithstanding anything contained in any scheme settled or deemed to have been settled under this Act or in any decree or order of a Court or any custom or usage to the contrary, no office-holder or servant of a religious institution or other person shall have the right to be in possession of the jewels or other valuables belonging to the religious institutions except under such conditions and safeguards as the Commissioner may, by general or special order, direct.

Commissioner to sanction compromise of legal proceedings. 43. No suit, application or appeal pending before a Court to which a religious institution is a party shall be withdrawn or compromised by the trustee of the institution except with the previous sanction of the Commissioner.

¹[43-A. (1) Notwithstanding anything contained in section 45 or any other provision in this Act, the Commissioner may appoint, subject to such conditions as may be prescribed, an executive officer for any temple under the control of a math.

Appointment and duties of executive officers in temples under maths.

(2) The executive officer shall be subject to the control of the trustee of the math and shall exercise such powers and discharge such duties as may be prescribed.

(3) The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the executive officer.

Religious Institutions other than Maths, or Specific Endowments attached thereto.

44. The provisions of sections 45 to 58 shall not apply to maths or specific endowments attached to maths.

Sections 45 to 58 not to apply to Maths or specific endowments attached to maths.

45. (1) Notwithstanding anything contained in this Act, the Commissioner may appoint, subject to such conditions as may be prescribed, an executive officer for any religious institution other than a math or a specific endowment attached to a math.

Appointment and duties of Executive Officers.

²[*Explanation.*—In this section 'math' shall not include a temple under the control of a math.]

(2) The executive officer shall exercise such powers and discharge such duties as may be assigned to him by the Commissioner :

³ Provided that only such powers and duties as appertain to the administration of the properties of the religious institution referred to in sub-section (1) shall be assigned to the executive officer.

⁴ This section was inserted by section 5 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

⁵ This explanation was added by section 6, *ibid.*

(3) The Commissioner may define the powers and duties which may be exercised and discharged respectively by the executive officer and the trustee, if any, of any religious institution other than a math or a specific endowment attached to a math.

(4) The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the executive officer.

Commissioner to publish list of certain institutions.

¹[46. The Commissioner shall publish in the prescribed manner a list of the religious institutions whose annual income, as calculated for the purposes of the levy of contribution under sub-section (1) of section 92,—

²[(i) is not less than ten thousand rupees but is less than fifty thousand rupees ;

(ii) is not less than fifty thousand rupees but is less than one lakh rupees ;]

(iii) is not less than one lakh rupees, and may, from time to time, modify such list in the prescribed manner :

Provided that the Commissioner shall not remove any institution from such list unless its annual income calculated as aforesaid has fallen below ten thousand rupees for three consecutive years :

¹ This section was substituted for the following section 46 by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976) :—

"46. *Commissioner to publish list of certain institutions.*—The Commissioner shall publish in the prescribed manner a list of the religious institutions whose annual income as calculated for the purposes of the levy of contribution under section 92 is not less than twenty thousand rupees, and may from time to time modify such list in the prescribed manner :

Provided that the Commissioner shall not be bound to remove any institution from such list unless its annual income calculated as aforesaid has fallen below twenty thousand rupees for three consecutive years."

² These clauses were substituted for the following clauses by section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978 :—

"(i) is not less than ten thousand rupees but is less than twenty thousand rupees ;

(ii) is not less than twenty thousand rupees but is less than one lakh rupees ;"

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Provided further that if the annual income of any such institution calculated as aforesaid has—

(a) exceeded the limits specified in clause (i) or clause (ii); or

(b) fallen below the limits specified in clause (ii) or clause (iii),

for three consecutive years, the Commissioner may alter the classification assigned to such institution in the list and enter the same under the appropriate classification in the said list.]

[46-A. (1) In respect of all religious institutions (other than those religious institutions falling under clause (ii) of section 46) situated within the territorial jurisdiction of an Assistant Commissioner, the Government shall constitute a committee called the Regional Committee consisting of not less than three and not more than five non-official members as may be nominated by the Government. Only persons who are qualified for appointment as trustees under this Act shall be nominated to the Regional Committee.

Constitution
of Regional
Committees.

(2) The term of office of the members of the Regional 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 Regional Committee in the public interest.

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

(i) 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

¹ This section was inserted by section 7 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

(iii) the Assistant Commissioner in respect of any 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 Regional 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.]

Trustees and their number and term of office. 47. 1[(1) ²[(a) Where a religious institution included in the list published under section 46 or in respect of which the Assistant Commissioner has no power to appoint trustees has no hereditary trustee,—

(i) in cases falling under clause (i) of section 46, the Deputy Commissioner ;

¹ The original sub-section (1) of section 47 read as follows :—

“(1) Where a religious institution included in the list published under section 46 or in respect of which no Area Committee exercises powers and discharges duties, has no hereditary trustee, the Commissioner shall constitute a Board of Trustees consisting of not less than three and not more than five persons appointed by him :

Provided that the Commissioner may, pending the constitution of such a Board of Trustees, appoint a fit person to perform the functions of the Board of Trustees”.

In the said sub-section (1), for the words “in respect of which no Area Committee exercises powers and discharges duties”, the words “in respect of which the Assistant Commissioner has no power to appoint trustees” by section 19 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968). Again after the words “and not more than five persons appointed by him”, the words “of whom one shall be a member of the Scheduled Castes or Scheduled Tribes.” were added, and after the proviso, the following proviso and explanation were added by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1972 (Tamil Nadu Act 29 of 1972) :—

“Provided further that if no qualified member of the Scheduled Castes or Scheduled Tribes is available for appointment as a member of the Board of Trustees, the Commissioner may in lieu of a member of the Scheduled Castes or Scheduled Tribes appoint as a member of such Board a person not belonging to the Scheduled Castes or Scheduled Tribes.

Explanation.—For the purpose of this sub-section, ‘Scheduled Castes’ and ‘Scheduled Tribes’ shall have the same meaning as in the Constitution of India.”

Contd. . .

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(ii) in cases falling under clause (ii) of section 46, the Commissioner ; and

(iii) in cases falling under clause (iii) of section 46, the Government,

shall constitute a Board of Trustees :

Provided that the Board of Trustees constituted under items (i) and (ii) of this clause shall, subject to the provisions of clause (c), consist of three persons appointed by the Deputy Commissioner or the Commissioner, as the case may be, from among the panel of names of persons sent by the Regional Committee concerned under sub-section (4) of section 46-A, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes :

Again for the portion commencing with the words "Where a religious institution" and ending with the words "to perform the functions of the Board of Trustees", the following was substituted by section 7 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974) :—

"(a) Where a religious institution included in the list published under section 46 or in respect of which the Assistant Commissioner has no power to appoint trustees has no hereditary trustee, the Commissioner shall constitute a Board of Trustees consisting of not less than three and not more than five persons appointed by him, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes.

(b) In respect of all the Incorporated and Unincorporated Devaswoms in the transferred territory, the Commissioner shall constitute a single Board of Trustees consisting of not less than three and not more than five persons appointed by him, of whom one shall be a member of Scheduled Castes or Scheduled Tribes :

Provided that the Commissioner may, pending the constitution of such Board of Trustees under clause (a) or clause (b), appoint a fit person to perform the functions of the Board of Trustees."

The present sub-section (1) was substituted for sub-section (1) as so amended by section 4(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).

² This clause was substituted for the following clause (a) by section 8 (i) (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978 :—

"(a) Where a religious institution included in the list published under section 46 or in respect of which the Assistant Commissioner has no power to appoint trustees has no hereditary trustee,—

(i) in cases falling under clause (i) of section 46, the Commissioner ; and

(ii) in cases falling under clauses (ii) and (iii) of section 46, the Government,

shall constitute a Board of Trustees."

Provided further that in addition to the persons appointed by the Deputy Commissioner or the Commissioner under item (i) or (ii) of this clause, as the case may be, the Government may nominate two persons who are qualified for appointment as trustees under this Act, as members of the said Board of Trustees, having regard to the following matters, namely :—

- (a) the interest of the public generally ;
- (b) the income and the properties of the religious institution ;
- (c) the number of worshippers and importance of the religious institution as a pilgrim centre :
and
- (d) such other matters as may be prescribed.]

(b) In respect of all the Incorporated and Unincorporated Devaswoms in the transferred territory, the Government shall constitute a single Board of Trustees.

(c) Every Board of Trustees constituted under clause (a) or clause (b) shall consist of not less than three and not more than five persons, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes :

Provided that¹(the Government, the Commissioner or the Deputy Commissioner), as the case may be, may, pending the constitution of such Board of Trustees under this sub-section, appoint a fit person to perform the functions of the Board of Trustees.

Explanation.—For the purposes of this sub-section, “Scheduled Castes” and “Scheduled Tribes” shall

¹ These words were substituted for the words “the Government or the Commissioner” by section 8 (i) (b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

have the same meanings assigned to them respectively in clauses (24) and (25) of Article 366 of the Constitution]

¹[(2) Where in the case of an institution included in the list published under section 46 having a hereditary trustee or trustees ²(the Government, the Commissioner or the Deputy Commissioner), after notice to such trustee or trustees and after such inquiry as ²(the Government, the Commissioner or the Deputy Commissioner), as the case may be, deems adequate, considers for reasons to be recorded, that the affairs of the institution are not, and are not likely to be, properly managed by the hereditary trustee or trustees, ²(the Government, the Commissioner or Deputy Commissioner) may, by order, appoint a non-hereditary trustee or such number of non-hereditary trustees as may be considered necessary by ²[the Government, the Commissioner or the Deputy Commissioner], as the case may be.

(3) Every trustee appointed under sub-section (1) and subject to the result of an application, if any, filed under sub-section (4), every non-hereditary trustee appointed under sub-section (2) shall hold office for a term

¹ This sub-section was substituted for the following sub-section (2) by section 4 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976):—

“(2) Where in the case of any institution included in the list published under section 46, having a hereditary trustee or trustees, the Commissioner, after notice to such trustee or trustees and after such inquiry as he deems adequate, considers for reasons to be recorded, that the affairs of the institution are not, and are not likely to be, properly managed by the hereditary trustee or trustees, the Commissioner may, by order, appoint such number of non-hereditary trustees as he thinks necessary.”

² These words were substituted for the words “the Government or the Commissioner” by section 8 (ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

of ¹[three years], unless in the meanwhile the trustee is removed or dismissed or his resignation is accepted by ²[the Government, the Commissioner or the Deputy Commissioner, as the case may be], or he otherwise ceases to be a trustee.

¶ *** *** ***]

(4) Where ⁴[the Government, the Commissioner or the Deputy Commissioner], by order, appoints a non-hereditary trustee or trustees, the hereditary trustee or trustees may, within thirty days of the receipt of the order, file an application to the Court to set aside or modify such order :

¹ These words were substituted for the words "five years" by section 19 (ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² These words were substituted by section 8 (ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978, for the words "the Government or the Commissioner, as the case may be" which in turn were substituted for the words "the Commissioner" by section 4 (ii) (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).

³ The following proviso which was added by section 19 (iii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968), was omitted by section 4 (ii) (b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976) :—

"Provided that every trustee appointed under sub-section (1) and every non-hereditary trustee appointed under sub-section (2) and lawfully holding office on the date of the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1968, shall hold office for the residue of his term of office as if this sub-section had not been amended by the said Act, unless in the meanwhile the trustee is removed or dismissed, or his resignation is accepted by the Commissioner or he otherwise ceases to be a trustee."

⁴ These words were substituted by section 8 (iv) (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978) for the words "the Government or the Commissioner" which in turn were substituted for the words "the Commissioner" by section 4 (iii) (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).

Provided that the Court shall have no power to stay the order of [the Government, the Commissioner or the Deputy Commissioner, as the case may be] pending the disposal of the application.

*(5) *** **

³[47-A. (1) The Government may, by notification, authorise the Commissioner to exercise the powers vested in them under the second proviso to clause (a) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49, in respect of any religious institution. Delegation of powers by Government.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government.]

¹ These words were substituted by section 8 (iv) (b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978) for the words "the Government, or the Commissioner, as the case may be" which in turn were substituted for the words "the Commissioner" by section 4 (iii) (b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).

² The following sub-section was omitted by section 4 (iv) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976):—

"(5) Where a vacancy arises in the office of a non-hereditary trustee appointed under sub-section (2), the Commissioner shall not fill up such vacancy unless for reasons to be recorded, he considers it necessary to do so. A non-hereditary trustee appointed in the vacancy shall be deemed to have been appointed under sub-section (2), and the provisions of sub-sections (3) and (4) shall apply accordingly."

³ This section was inserted by section 9 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978).

48. (1) In the case of a religious institution for which a Board of Trustees is constituted under sub-section (1) of section 47, the Board of Trustees shall, within such period as may be prescribed, elect one of its members to be its Chairman, and if no Chairman is elected within the period so prescribed, [the Government, the Commissioner or the Deputy Commissioner, as the case may be], shall nominate the Chairman.

(2) In the case of any other religious institution having more than one trustee, the trustees of such institution shall, within such period as may be prescribed, elect one from among themselves to be the Chairman, and if no Chairman is elected within the period so prescribed, [the Government, the Commissioner or the Deputy Commissioner, as the case may be], shall nominate the Chairman :

Provided that in the case of a religious institution—

(i) having one hereditary trustee, such hereditary trustee alone shall be its Chairman; and

(ii) having more than one hereditary trustee, one of such hereditary trustees alone shall be elected or nominated to be its Chairman.

(3) A Chairman elected or nominated under sub-section (1) or sub-section (2) shall hold office for such period as may be prescribed.

¹ These words were substituted by section 10 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), for the words "the Government or the Commissioner, as the case may be" which in turn were substituted for the words "the Commissioner" by section 5 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).

49. (1) In the case of any 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, the Assistant Commissioner shall have the same power to appoint trustees including fit persons or constitute a Board of Trustees and is vested in ²[the Government, the Commissioner or the Deputy commissioner in the case of a religious institution referred to in clause (a) of sub-section (1), or in sub-section (2) as the case may be, of section 47 :

Power of Assistant Commissioner to appoint trustees and fit persons.

¹The original section 49 read as follows :—

“ 49. *Power of Area Committee to appoint trustees.*—(i) In the case of any 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, the Area Committee shall have the same power to appoint trustees as is vested in the Commissioner in the case of a religious institution referred to in sub-section (1) of section 47:

Provided that the Area committee may in the case of any institution which has no hereditary trustee, appoint a single trustee.

(2) The provisions of sub-section (3) of section 47 and of section 48 shall apply to the trustee or trustees appointed, or the Board of Trustees constituted, by the Area Committee as they apply to the trustee or trustees appointed or the Board of Trustees constituted, by the Commissioner.” In the said section, for the words “ Area Committee”, wherever they occurred, the words “ Assistant Commissioner ” were substituted, in sub-section (1) thereof, for the words, brackets and figure “sub-section (1) of ”, the words, brackets and figures “ sub-section (1) or sub-section (2), as the case may be, of” were substituted and in sub-section (2) for the words, brackets and figure “sub-section (3) of” “ the words, brackets and figures “sub-sections (3), (4) and (5) of ” were substituted by section 20 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968). Again in the said sub-section (1), for the expression “in sub-section (1)” the expression “in sub-section (1) (a)” was substituted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

The present section 49 was substituted for section 49 as so amended by section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).

² These words were substituted for the words “the Government or the Commissioner” by section 11 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978).

¹[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 Regional Committee concerned under sub-section (4) of section 46-A :

Provided further that in addition to the trustees appointed by the Assistant Commissioner under this sub-section, the Government may nominate two persons who are qualified for appointment as trustees under this Act as members of the said Board of Trustees, having regard to the following matters, namely :—

- (a) the interest of the public generally ;
- (b) the income and the properties of the religious institution ;
- (c) the number of worshippers and importance of the religious institution as a pilgrim centre; and
- (d) such other matters as may be prescribed :

Provided also that notwithstanding anything aforesaid in this sub-section, the Assistant Commissioner may, in the case of any such religious institution which has no hereditary trustee, appoint a single trustee.]

(2) The provisions of sub-sections (3) and (4) of section 47 and of section 48 shall apply to the trustee or trustees appointed, or the Board of Trustees constituted, by the Assistant Commissioner as they apply to the trustee or trustees appointed, or the Board of Trustees constituted, under section 47.]

¹ These provisos were substituted for the following proviso by section 11(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978):—

“ Provided that the Assistant Commissioner may, in the case of any such religious institution which has no hereditary trustee, appoint a single trustee. ”

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¹[49-A. (1) Notwithstanding anything contained in sections 47, 48 and 49, where a religious institution in respect of which the Assistant Commissioner has appointed trustees under sub-section (1) of section 49 is subsequently included in the list published under section 46, the trustees aforesaid shall cease to hold office from the date of such inclusion.

Existing trustees in the case of religious institutions first included in the list under section 46 to cease to hold office.

(2) In respect of the religious institution mentioned in sub-section (1), ²[the Government, the Commissioner or the Deputy Commissioner, as the case may be], shall constitute a Board of Trustees in accordance with the provisions of sub-section (1) of section 47 and the trustees shall hold office for the term specified in sub-section (3) of the said section 47.]

50. The power to appoint trustees under section 47 or section 49 ⁴[or section 49A] shall be exercisable notwithstanding that the scheme, if any settled, or deemed under this Act to have been settled for the institution contains provision to the contrary.

Power under sections 47, 49 and 49-A] to be exercisable notwithstanding provision in scheme.

¹ This section was inserted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Fifth Amendment) Act, 1974 (Tamil Nadu Act 46 of 1974).

² These words were substituted by section 12 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978, for the words "the Government or the Commissioner, as the case may be" which in turn were substituted for the words "the Commissioner" by section 7 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).

³ This expression was substituted for the expression "sections 47 and 49" by section 3 (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Fifth Amendment) Act, 1974 (Tamil Nadu Act 46 of 1974).

⁴ This expression was inserted by section 3 (b), *ibid.*

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Claims of certain persons to be trustees.

51. (a) The Regional Committee, in preparing a panel of names of persons suitable for appointment as non-hereditary trustee or trustees, as the case may be, under sub-section (4) of section 46 -A ; or

(b) the Government, the Commissioner, the Deputy Commissioner or the Assistant Commissioner in making appointments of trustees under section 47 or section 49 or section 49-A, as the case may be,

shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly intended or maintained .]

Non-hereditary trustees holding office on the date of the commencement of the Act.

52. Every non-hereditary trustee lawfully holding office on the date of the commencement of this Act, shall be deemed to have been duly appointed as such trustee under this Act for the residue of his term of office on the date of such commencement.

¹ The original section 51 read as follows :—

"51. *Claims of certain persons to be trustees.*— In making appointments of trustees under section 47 or section 49, the Commissioner or the Area Committee, as the case may be, shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly intended or maintained."

In the said section 51, for the words "Area Committee", the words "Assistant Commissioner" were substituted, after the expression "or section 49" the expression "or section 49-A" was inserted and for the words "the Commissioner or", the words "the Government, the Commissioner or" were substituted by section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968), section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Fifth Amendment) Act, 1974 (Tamil Nadu Act 46 of 1974) and section 8 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976) respectively. The present section was substituted for section 51 as so amended by section 13 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978).

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53. ¹[(1) In this section, the expression, "appropriate authority" shall, unless the context otherwise requires, mean,—

Power to suspend, remove or dismiss trustees.

²[(a) in respect of any trustee of any religious institution included in the list published under clause (iii) of section 46, the Government;

(b) in respect of any trustee of any religious institution included in the list published under clause (ii) of section 46, the Commissioner ;

(c) in respect of any trustee of any religious institution included in the list published under clause (i) of section 46 and in respect of any hereditary trustee of any religious institution not included in the list published under the said section 46, the Deputy Commissioner ; and

¹ This sub-section was substituted for the following sub-section by section 9 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976),

"(1) In this section, the expression "appropriate authority" shall, unless the context otherwise requires, mean,—

(a) in respect of any trustee of a religious institution included in the list published under section 46, the Commissioner ;

(b) in respect of a non-hereditary trustee of any religious institution not included in the list published under section 46, the Area Committee ; and

(c) in respect of a hereditary trustee of a religious institution not included in the list published under section 46, the Deputy Commissioner".

The words "Assistant Commissioner" occurring in clause (b) of sub-section (1) having been earlier substituted for the words "Area Committee" by section 22 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968):—

² These clauses were substituted for the following clauses (a) to (d) by section 14 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978:—

"(a) in respect of any trustee of any religious institution included in the list published under clause (ii) or clause (iii) of section 46, the Government ;

(b) in respect of any trustee of any religious institution included in the list published under clause (i) of section 46, the Commissioner;

(c) in respect of any non-hereditary trustee of any religious institution not included in the list published under section 46, the Assistant Commissioner ; and

(d) in respect of any hereditary trustee of any religious institution not included in the list published under section 46, the Deputy Commissioner."

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(d) in respect of any non-hereditary trustee of any religious institution not included in the list published under section 46, the Assistant Commissioner.]]

(2) The appropriate authority may suspend, remove, or dismiss any trustee of a religious institution, if he—

(a) ceases to profess the Hindu religion ; or

(b) fails to discharge the duties and perform the functions of a trustee in accordance with the provisions of this Act or the rules made thereunder ; or

(c) disobeys the lawful orders issued under the provisions of this Act or the rules made thereunder by the Government, the Commissioner or Deputy Commissioner [***] or the Assistant Commissioner ; or

(d) continuously neglects his duty or commits any malfeasance, misfeasance or breach of trust, in respect of the trust ; or

(e) misappropriates or deals improperly with the properties of the institution ; or

(f) is of unsound mind or is suffering from other 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 other loathsome disease ; or

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

(h) is an undischarged insolvent ; or

(i) is interested in a subsisting lease of any property or contract made with or any work being done for, the religious institution or is in arrears of any kind due by him to the religious institution ; or

(j) acts adversely to the interests of the institution ;
or

¹ The words " or the Area Committee" were omitted by section 22(ii) (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

¹[(j) wilfully fails to pay the contribution payable under sub-section (1) of section 92 or the further sum payable under sub-section (2) of section 92 within the time allowed by or under clause (b) of sub-section (2) of section 94 ; or]

(k) absents himself from three consecutive meetings of the trustees.

Explanation.—A meeting adjourned for want of quorum shall be deemed to be a meeting for the purpose of this clause ; or

(l) in the case of a Chairman of the Board of Trustees or a Managing or Executive trustee, refuses or delays to, or does not, hand over charge to his successor.

(3) When it is proposed to take action under sub-section (2), the appropriate authority shall frame charges against the trustee concerned and give him an opportunity of meeting such charges, of testing the evidence adduced against him and of adducing evidence in his favour; and the order of suspension, removal or dismissal shall state the charges framed against the trustee, his explanation and the finding on each charge with the reasons therefor.

(4) Pending the disposal of the charges framed against the trustee, the appropriate authority may place the trustee under suspension and appoint a fit person to discharge the duties and perform the functions of the trustee.

(5) A trustee who is aggrieved by an order passed under sub-section (2), may within one month from the date of the receipt by him of the order of suspension, removal or dismissal, appeal against the order —

(i) where the order has been passed by the Commissioner, to the Government;

(ii) where the order has been passed by the Deputy Commissioner, to the Commissioner ; and

(iii) where the order has been passed by the ²[Assistant Commissioner], to the Deputy Commissioner.

¹ This clause was inserted by section 22(ii)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² These words were substituted for the words "Area Committee" by section 22(iii), *ibid.*

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(6) A hereditary trustee aggrieved by an order passed by the Commissioner or the Government under sub-section (5) may, within ninety days from the date of the receipt of such order by him, institute a suit in the Court against such order.

Filling up of vacancies in the office of hereditary trustee. 54. (1) When a permanent vacancy occurs in the office of the hereditary trustee of a religious institution, the next in the line of succession shall be entitled to succeed to the office.

(2) When a temporary vacancy occurs in such an office by reason of the suspension of the hereditary trustee under sub-section (2) of section 53, the next in the line of succession shall be entitled to succeed and perform the functions of the trustee until his disability ceases.

(3) When a permanent or temporary vacancy occurs in such an office and there is a dispute respecting the right of succession to the office, or

when such vacancy cannot be filled up immediately, or when a hereditary trustee is a minor and has no guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or

when a hereditary trustee is by reason of unsoundness of mind or other mental or physical defect or infirmity unfit for performing the functions of the trustee,

the Deputy Commissioner may appoint a fit person to perform the functions of the trustee of the institution until the disability of the hereditary trustee ceases or another hereditary trustee succeeds to the office or for such shorter terms as the Deputy Commissioner may direct.

Explanation.—In making any appointment under this sub-section, the Deputy Commissioner shall have due regard to the claims of members of the family, if any, entitled to the succession.

(4) Any person aggrieved by an order of the Deputy Commissioner under sub-section (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Commissioner.

(5) Nothing in this section shall be deemed to affect anything contained in the [Tamil Nadu] Court of Wards Act, 1902 ([Tamil Nadu] Act I of 1902).

55. (1) Vacancies, whether permanent or temporary, among the office-holders or servants of a religious institution shall be filled up by the trustee [in all cases].

Appointment of office-holders and servants in religious institutions.

³[*Explanation.*—The expression ‘office-holders or servants’ shall include aichakas and pujaries.]

⁴[(2) No person shall be entitled to appointment to any vacancy referred to in sub-section (1) merely on the ground that he is next in the line of succession to the last holder of the office.]

⁵[(3) * * * *]

¹ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² These words were substituted for the words “in cases where the office of service is not hereditary” by section 2 (1) (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).

³ This explanation was added by section 2 (1) (ii), *ibid.*

⁴ This sub-section was substituted for the following sub-section (2) by section 2 (2), *ibid.*—

“(2) In cases where the office or service is hereditary, the person next in the line of succession shall be entitled to succeed”.

⁵ The following sub-section was omitted by section 2 (3), *ibid.*—

“(3) Where, however, there is a dispute respecting the right of succession, or

where such vacancy cannot be filled up immediately, or

where the person entitled to succeed is a minor without a guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or

where the hereditary office-holder or servant is on account of incapacity, illness or otherwise unable to perform the functions of the office or perform the service, or is suspended from his office under sub-section (1) of section 56,

the trustee may appoint a fit person to perform the functions of the office or perform the service, until the disability of the office holder or servant ceases or another person succeeds to the office or service, as the case may be.

Explanation.—In making any appointment under this sub-section, the trustee shall have due regard to the claims of members of the family, if any, entitled to the succession”.

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(4) Any person aggrieved by an order of the trustee under ¹[sub-section (1)] may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner.

Punishment of office-holder and servants in religious institutions.

56. (1) All office-holders and servants attached to a religious institution or in receipt of any emolument or perquisite therefrom shall ²(* * * * *), be controlled by the trustee; and the trustee may, after following the prescribed procedure, if any, fine, suspend, remove or dismiss any of them for breach of trust, incapacity, disobedience of orders, neglect of duty, misconduct or other sufficient cause.

(2) Any office-holder or servant punished by a trustee under sub-section (1) may, within one month from the date of the receipt of the order by him, appeal against the order, to the Deputy Commissioner.

³[(3) * * * * *]

Power to fix fees for services, etc., and to determine their apportionment.

57. Notwithstanding anything contained in any scheme settled or deemed to have been settled under this Act, or any decree or usage to the contrary, the trustee of a religious institution shall have power, subject to such conditions as the Commissioner may, by general or special order, direct, to fix fees for the performance of any service, ritual or ceremony in such religious institution and to determine what portion, if any, of such fees shall be paid to the archakas or other office-holders or servants of such religious institution.

¹ This expression was substituted for the expression "sub-section (3)" by section 2(4) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).

² The words "whether the office or service is hereditary or not" were omitted by section 3(1), *ibid.*

³ The following sub-section was omitted by section 3(2), *ibid.*—

"(3) A hereditary office-holder or servant may, within one month from the date of the receipt by him of the order of the Deputy Commissioner under sub-section (2), prefer an appeal to the Commissioner against such order."

58. (1) The trustee of a religious institution shall submit to the ¹[Assistant Commissioner] if the institution is not included in the list published under section 46 and to the Commissioner if the institution is so included, within three months from the date of the commencement of this Act, or the date of the inclusion of the institution in the list aforesaid or within such further time as may be allowed by the ²[Assistant Commissioner] or the Commissioner, as the case may be, proposals for fixing the *dittam* or scale of expenditure in the institution, and the amounts which should be allotted to the various objects connected with such institution or the proportions in which the income or other property of the institution may be applied to such object:

Fixing of
standard
scales of
expenditure

Provided that this sub-section shall not apply to any institution in respect of which proposals have been submitted to the Area Committee or the Commissioner, as the case may be, before the date of the commencement of this Act.

(2) The trustee shall publish such proposals at the premises of the institution and in such other manner as may be required by the ²[Assistant Commissioner] or the Commissioner, as the case may be, together with a notice stating that, within one month from the date of such publication, any person having interest may submit objections or suggestions to the ²[Assistant Commissioner] or the Commissioner.

(3) After the expiry of the said period, ³[Assistant Commissioner] or the Commissioner shall, after considering any objections and suggestions received, pass such order ⁴[as he may think fit] on such proposals, having regard to the established usage of the institution and its financial position; and a copy of the order shall be communicated to the trustee.

The order of the ³[Assistant Commissioner] or the Commissioner shall be published in the prescribed manner.

¹ These words were substituted for the words "Area Committee" by section 23(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² These words were substituted for the words "Area Committee" by section 23 (ii), *ibid.*

³ These words were substituted for the words "Area Committee" by section 23(iii) (a), *ibid.*

⁴ These words were substituted for the words "as it or he may think fit" by section 23 (iii) (b), *ibid.*

(4) Against an order passed by the ¹[Assistant Commissioner] under sub-section (3), the trustee or any person having interest may, within one month from the date of the receipt of the order by the trustee, appeal to the Deputy Commissioner and if the trustee or such person is aggrieved by the order of the Deputy Commissioner, he may, within one month from the date of the receipt of such order, appeal to the Commissioner.

(5) The trustee shall scrutinize the particulars of *dittam* or scale of expenditure every three years and submitted to the ²[Assistant Commissioner] or the Commissioner as the case may be, proposals for altering the *dittam* or scale of expenditure and the provisions of sub-sections (2), (3) and (4) shall apply in relation to the alteration of such *dittam* or scale of expenditure as they apply in relation to the fixing of *dittam* or scale of expenditure :

Provided that the ²[Assistant Commissioner] or the Commissioner may, at any time ³[on his own motion], for reasons to be recorded in writing, direct the trustee to alter the *dittam* or scale of expenditure and the procedure for such alteration shall be the same as laid down in this section.

CHAPTER IV—MATHS.

49S for removal of trustee of math or specific endowment attached thereto. 59. (1) The Commissioner, or any two or more persons having interest and having obtained the consent in writing of the Commissioner, may institute a suit in the Court to obtain a decree for removing the trustee of a math or a specific endowment attached to a math, for any one or more of the following reasons, namely :—

(a) the trustee being of unsound mind ;

¹ These words were substituted for the words "Area committee" by section 23 (iv) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² These words were substituted for the words "Area Committee" by section 23 (v), *ibid.*

³ These words were substituted for the words "on its or his own motion" by section 23 (v), *ibid.*

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(b) his suffering from any physical or mental defect or infirmity which renders him unfit to be a trustee ;

(c) his having ceased to profess the Hindu religion or the tenets of the math ;

(d) his conviction for any offence involving moral delinquency ;

(e) breach by him of any trust created in respect of any of the properties of the religious institution ;

(f) waste of the funds or properties of the institution or the wrongful application of such funds or properties for purposes unconnected with the institution ;

(g) the adoption of devices to convert the income of the institution or of the funds or properties thereof into "pathakanika" ;

(h) leading an immoral life or otherwise leading a life which is likely to bring the office of head of the math into contempt ;

(i) persistent and wilful default by him in discharging his duties or performing his functions under this Act or any other law.

(2) Where the Commissioner refuses to give consent under sub-section (1), the party aggrieved may, within three months from the date of the receipt of the order by him, appeal to the Government who may, after making such inquiry as they may consider necessary, confirm the order of the Commissioner or direct the Commissioner to give his consent in writing.

60. (i) When a vacancy occurs in the office of the trustee of a math or specific endowment attached to a math and there is a dispute respecting the right of succession to such office, or

Arrangements when vacancies occur.

when such vacancy cannot be filled up immediately, or

when the trustee is a minor and has no guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or

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when the trustee is by reason of unsoundness of mind or other mental or physical defect or infirmity unable to perform the functions of the trustee,

the Assistant Commissioner may take such steps and pass such order as he thinks proper for the temporary custody and protection of the endowments of the math or of the specific endowment, as the case may be, and shall report the matter forthwith to the Commissioner.

(2) Upon the receipt of such report, if the Commissioner, after making such inquiry as he deems necessary, is satisfied that an arrangement for the administration of the math and its endowments or of the specific endowment, as the case may be, is necessary, he shall make such arrangement as he thinks fit until the disability of the trustee ceases or another trustee succeeds to the office, as the case may be.

(3) In making any such arrangement, the Commissioner shall have due regard to the claims of the disciples of the math, if any.

(4) Nothing in this section shall be deemed to affect anything contained in the ¹[Tamil Nadu] Court of Wards Act, 1902 (¹[Tamil Nadu] Act I of 1902).

Fixing of
Standard
scales of
expenditure.

61. (1) The trustee of every math or specific endowment attached to a math may, from time to time, submit to the Commissioner proposals for fixing the *dittam* or scale of expenditure in the institution, and the amounts which should be allotted to the various objects connected with the institution or the proportions in which the income or other property of the institution may be applied to such objects.

(2) The trustee shall publish such proposals at the premises of the math and in such other manner as the Commissioner may direct, together with a notice stating that, within one month from the date of such publication, any person having interest may submit suggestions to the Commissioner.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(3) If on a scrutiny of such proposals, and any suggestions made by persons having interest in the institution, it is found that the proposed expenditure is not in accordance with the established usage of the institution, or is not justified by its financial position, the Commissioner may call for the remarks of the trustee and if, after considering the same, the Commissioner is of opinion that any modification is required in the scale of expenditure or any item in the scale of expenditure, he shall submit the case to the Government who shall pass orders thereon, and such orders shall be final.

62. (1) The trustee of a math shall keep regular accounts of receipts of "pathakanika" that is to say, any gift of property or money made to him as the head of the math and shall be entitled to spend the said "pathakanika" in accordance with the customs and usages of the institution. Power to spend Pathakanika.

(2) Such gifts of property or money as are not spent by the trustee during his tenure of office in accordance with the customs and usage of the institution shall form part of the funds of the math.

CHAPTER V—INQUIRIES.

63. Subject to the rights of suit or appeal hereinafter provided, the Deputy Commissioner shall have power to inquire into and decide the following disputes and matters :— Deputy Commissioner to decide certain disputes and matters.

(a) whether an institution is a religious institution;

(b) whether a trustee holds or held office as a hereditary trustee ;

(c) whether any property or money is a religious endowment ;

(d) whether any property or money is a specific endowment ;

(e) whether any person is entitled, by custom or otherwise, to any honour, emolument or perquisite in any religious institution ; and what the established usage of a religious institution is in regard to any other matter ;

(f) whether any institution or endowment is wholly or partly of a religious or secular character ; and whether any property or money has been given wholly or partly for religious or secular uses ; and

(g) where any property or money has been given for the support of an institution which is partly of a religious and partly of a secular character, or the performance of any service or charity connected with such an institution or the performance of a charity which is partly of a religious and partly of a secular character or where any property or money given is appropriated partly to religious and partly to secular uses, as to what portion of such property or money shall be allocated to religious uses.

Power of
Deputy
Commissioner to
settle
schemes.

64. (1) When the Deputy Commissioner has reason to believe that in the interest of the proper administration of an institution, a scheme should be settled for the institution, or when not less than five persons having interest make an application in writing stating that in the interests of the proper administration of an institution a scheme should be settled for it, the Deputy Commissioner shall consult in the prescribed manner the trustee and the persons having interest ¹[xxxx] and if, after such consultation, he is satisfied that it is necessary or desirable to do so, he shall, by order, settle a scheme of administration for the institution.

Explanation.—For the purposes of this section, “institution” means a temple or a specific endowment attached to a temple.

(2) A scheme settled under sub-section (1) for an institution may contain provision for—

(a) removing any existing trustee, whether hereditary or non-hereditary :

¹ The words “and the Area Committee, if any, exercising powers and discharging duties in respect of the institution” were omitted by section 24 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

Provided that where provision is made in the scheme for the removal of a hereditary trustee, provision shall also be made therein for the appointment as trustee of the person next in succession who is qualified :

(b) appointing a new trustee or trustees in the place of, or in addition to, any existing trustee or trustees ;

(c) defining the powers and duties of the trustee or trustees :

Provided that in making any provision of the nature specified in clause (b) due regard shall be had to the claims of persons belonging to the religious denomination for whose benefit the institution is chiefly intended or maintained.

(3) The Deputy Commissioner may determine what the properties of the institution are and append to the scheme a schedule containing a list of such properties ;

(4) Pending the settlement of a scheme for an institution, the Deputy Commissioner may appoint a fit person to perform all or any of the functions of the trustee thereof and define his powers and duties.

(5) (a) The Deputy Commissioner may, at any time, after consulting the trustee and the persons having interest ¹ [xxx], by order, modify or cancel any scheme in force settled under sub-section (1) or any scheme in force settled or modified by the Board under the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), or deemed to have been settled under that Act, or any scheme in force settled or modified by the Deputy Commissioner or the Commissioner under this Act, or any scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70, or on an appeal under sub-section (2) of that section or any such scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118 :

¹ The words "and the Area Committee, if any, exercising powers and discharging duties in respect of the institution" were omitted by section 24 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

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Provided that such cancellation or modification of a scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70 or on an appeal under sub-section (2) of that section or of a scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118 shall be made only subject to such conditions and restrictions as may be prescribed.

(b) If the Deputy Commissioner is satisfied that any such scheme referred to in clause (a) is inconsistent with this Act and the rules made thereunder, he may, at any time, after consulting the trustee and the persons having interest in the institution, modify it in such manner as may be necessary to bring it into conformity with the provisions of this Act and the rules made thereunder.

(6) Every order of the Deputy Commissioner settling, modifying or cancelling a scheme under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of sections 69 and 70, be binding on the trustee, the executive officer and all persons having interest.

Power of
 Commission-
 er to settle
 schemes.

65. (1) When the Commissioner has reason to believe that in the interests of the proper administration of a math or a specific endowment attached to a math a scheme should be settled for the math or the specific endowment attached to a math or when not less than five persons having interest make an application in writing, stating that in the interests of the proper administration of the math or the specific endowment attached to the math, a scheme should be settled for it, the Commissioner shall consult in the prescribed manner the trustee and the persons having interest; and if, after such consultation, he is satisfied that it is necessary or desirable to do so, he shall by order, settle a scheme of administration for the math or the specific endowment attached to the math.

¹ The words "and the Area Committee, if any, exercising powers and discharging duties in respect of the institution" were omitted by section 24 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

(2) A scheme settled under this section for the administration of a math or a specific endowment attached to a math may contain provision for—

(a) constituting a body for the purpose of assisting in the whole or any part of the administration of the endowments of such math or of the specific endowment :

Provided that the members of such body shall be chosen from persons having interest in such math or endowment ;

(b) defining the powers and duties of the trustee.

(3) The Commissioner may determine what the properties of the math or of the specific endowment attached to the math are and append to the scheme a schedule containing a list of such properties.

(4) (a) The Commissioner may, at any time after consulting the trustee, by order, modify or cancel any scheme in respect of a math or a specific endowment attached to a math and in force and settled under sub-section (1) or any scheme in force settled or modified by the Board under the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), or deemed to have been settled under that Act or any scheme in force settled or modified by the Commissioner under this Act or any scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70 or on an appeal under sub-section (2) of that section or any such scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118 :

Provided that such cancellation or modification of a scheme in force settled or modified by the Court in a suit under sub-section (1) of section 70 or on an appeal under sub-section (2) of that section or of a scheme in force deemed to have been settled or modified by the Court under clause (a) of sub-section (2) of section 118 shall be made only subject to such conditions and restrictions as may be prescribed.

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(b) If the Commissioner is satisfied that any such scheme referred to in clause (a) is inconsistent with this Act and the rules made thereunder he may at any time, modify it in such manner as may be necessary to bring it into conformity with the provisions of this Act and the rules made thereunder.

(5) Every order of the Commissioner settling, modifying or cancelling a scheme under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of sections 69 and 70 be binding on the trustee, the executive officer and all persons having interest.

Appropriation
of endow-
ments.

66. (1) The Deputy Commissioner may, on being satisfied that the purpose of a religious institution has from the beginning been, or has subsequently become, impossible of realization, by order, direct that the endowments of the institution be appropriated to all or any of the following purposes, namely :—

(a) the grant of aid to any other religious institution which is poor or in needy circumstances ;

(b) the grant of aid to any religious purpose connected with the Hindu religion ;

(c) the propagation of the religious tenets of the institution ;

(d) the recitation of Divya Prabandham and Thevaram and the like ;

(e) the establishment and maintenance of schools for the training of archakas, adyapakas, vedaparayanikas and othuvans and for the study of Divya Prabandhams, Thevarams and the like including the study of Indian languages for that purpose ;

(f) the establishment and maintenance of a university or college or other institution in which the main features shall be the provision for the study of Hindu religion, philosophy or sastras or for imparting instruction in Hindu temple architecture ;

(g) the establishment and maintenance of educational institutions where instruction in the Hindu religion is also provided ;

(h) promotion of fine arts and architecture ;

(i) the establishment and maintenance of orphanages for Hindu Children ;

(j) the establishment and maintenance of asylums for persons suffering from leprosy ;

(k) the establishment and maintenance of poor homes for destitute, helpless and physically disabled persons ; and

(l) the establishment and maintenance of hospitals and dispensaries for the benefit of pilgrims :

Provided that in the case of a religious institution founded and maintained by a religious denomination or any section thereof, the endowments shall, as far as possible, be utilized for the benefit of the denomination or section concerned for the purposes mentioned above.

(2) The Deputy Commissioner, may, at any time by order, modify or cancel any order passed under sub-section (1).

(3) The order of the Deputy Commissioner under this section shall be published in the prescribed manner and on such publication shall, subject to the provisions of section 69, be binding on the trustee, the executive officer and all persons having interest.

67. (1) The Deputy Commissioner may, on being satisfied that a religious institution has, whether before or after the date of the commencement of this Act, ceased to exist, hold an inquiry in the prescribed manner to ascertain its properties and funds ; and after doing so, shall pass an order—

Determina-
tion and
application
of properties
and funds of
defunct reli-
gious insti-
tutions.

(a) specifying the properties and funds of the institution ;

(b) appointing a trustee therefor ;

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(c) directing the recovery of any such property or funds from any person who may be in possession thereof, and

(d) laying down that the properties and funds so specified shall be applied or utilised for renovating the institution or if such renovation is not possible, be applied or utilised to any one or more of the purposes specified in sub-section (1) of section 66.

(2) The Deputy Commissioner may, on being satisfied after holding an enquiry in the prescribed manner, that any building or other place which was being used for religious worship or instruction has, whether before or after the date of the commencement of this Act, ceased to be used for that purpose, pass an order—

(a) directing the recovery of such building or place from any person who may be in possession thereof, and

(b) laying down that it shall be used for religious worship or instruction as before, or if such use is not possible, be utilised for any one or more of the purposes specified in sub-section (1) of section 66.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be deemed to authorize the Deputy Commissioner to pass an order in respect of any property or funds which vested in any person before the 30th September 1951 by the operation of the law of limitation.

(4) Every order of the Deputy Commissioner under sub-section (1) or sub-section (2) shall be published in the prescribed manner.

Deputy
Commissioner
to
forward
copies.

68. The Deputy Commissioner shall, within a week from the date of his order made under any of the foregoing sections of this Chapter, forward a copy of such order to the Commissioner.

Appeal to
the Commis-
sioner.

69. (1) Any person aggrieved by any order passed by the Deputy Commissioner under any of the foregoing sections of this Chapter may, within sixty days from the date of the publication of the order or of the receipt thereof by him, as the case may be, appeal to the Commissioner and the Commissioner may pass such order thereon as he thinks fit.

(2) Any order passed by the Deputy Commissioner in respect of which no appeal has been preferred within the period specified in sub-section (1) may be revised by the Commissioner *suo motu* and the Commissioner may call for and examine the records of the proceedings to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed by the Deputy Commissioner. Any such order passed by the Commissioner in respect of an order passed by the Deputy Commissioner shall be deemed to have been passed by the Commissioner on an appeal preferred to him under sub-section (1).

(3) Any order passed by the Commissioner on such appeal against which no suit lies to the Court under the next succeeding section, or in which no suit has been instituted in the Court within the time specified in sub-section (1) of section 70 may be modified or cancelled by the Commissioner if the order has settled or modified a scheme for the administration of a religious institution or relates to any of the matters specified in section 66.

70. (1) Any party aggrieved by an order passed by the Commissioner— Suits and appeals.

(i) under sub-section (1) or sub-section (2) of section 69, and relating to any of the matters specified in section 68, section 64 or section 67; or

(ii) under section 63, section 64, or section 67 read with sub-section (1) (a), (2) or (4) (c) of section 22 or under section 65; may, within ninety days from the date of the receipt of such order by him, institute a suit in the Court against such order and the Court may modify or cancel such order, but it shall have no power to stay the order of the Commissioner pending the disposal of the suit.

(2) Any party aggrieved by a decree of the Court under sub-section (1) may, within ninety days from the date of the decree, appeal to the High Court.

CHAPTER NOTIFIED RELIGIOUS INSTITUTIONS.

Issue of notice to show cause why institution should not be notified.

71. (1) Notwithstanding that a religious institution is governed by a scheme settled or deemed to have been settled under this Act, where the Commissioner has reason to believe that such institution is being mis-managed and is satisfied that in the interests of its administration, it is necessary to take proceedings under this Chapter, the Commissioner may, by notice published in the prescribed manner, call upon the trustee and all other persons having interest to show cause why such institution should not be notified to be subject to the provisions of this Chapter.

(2) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one month from the date of the issue of the notice for showing such cause.

(3) The trustee or any person having interest may thereupon prefer any objection he may wish to make to the issue of a notification as proposed.

(4) Such objection shall be in writing and shall reach the Commissioner before the expiry of the time specified in the notice aforesaid or within such further time as may be granted by the Commissioner.

Consideration of objections, if any and notification of institution.

72. (1) Where no such objection has been received within the time so specified or granted, the Government may, on receipt of a report from the Commissioner to that effect, by notification, declare the religious institution to be subject to the provisions of this Chapter.

(2) Where any such objections have been received within the time so specified or granted, the Commissioner shall hold an inquiry into the objections in the manner prescribed, and decide whether the institution should be notified to be subject to the provisions of this Chapter or not.

(3) If the Commissioner decides that the institution should be notified as aforesaid, he shall make a report to that effect to the Government who may thereupon, by notification, declare the religious institution to be subject to the provisions of this Chapter.

(4) Any trustee or any person having an interest, who is aggrieved by a notification published under sub-section (1) or sub-section (3) may, within thirty days from the date of its publication, institute a suit in the Court for the cancellation of such notification and the Government shall cancel the notification if the Court so directs :

Provided that the Court shall have no power to suspend the operation of the notification pending the disposal of the suit.

(5) Any party aggrieved by a decree of the Court under sub-section (4), may, within ninety days from the date of the decree, appeal to the High Court.

¹ [(6) Notwithstanding anything contained in sub-sections (4) and (5), if the Government, after taking into consideration such matters relating to the management and administration of the religious institution as may be prescribed, are satisfied at any time after the publication of a notification under sub-section (1) or sub-section (3), that it is no longer necessary to continue the notification, they may cancel the notification.]

(7) ¶ Any notification published ²(***) under section 64 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), and in force, on] the date of the commencement of this Act shall be as valid as if such notification had been published under this Act :

¹ This sub-section was substituted for the following sub-section (6) by section 2(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965) :—

“(6) Notwithstanding anything contained in sub-section (4) and (5), if the Government are satisfied at any time after the publication of a notification under sub-section (1) or sub-section (3) that the religious institution is no longer being mismanaged, they may cancel the notification.”

² These words, brackets and figures were substituted for the words, brackets and figures “Any notification published under sub-section (1) or sub-section (3) of section 64 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), before” by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1961 (Tamil Nadu Act 40 of 1961), which was deemed to have come into force on the 1st January 1960.

³ The words “or deemed to have been published” were omitted by section 2(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).

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Provided that if on the date of the commencement of this Act a period of thirty days has lapsed from the date of publication of a notification under section 64 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), no suit shall be instituted under sub-section (4) of this section :

Provided further that if, on the date of the commencement of this Act, a period of thirty days has not lapsed from the date of publication of the notification under section 64 of the said Act, the date of publication of such notification for the purposes of sub-section (4) of this section shall be the date of publication of that notification under the said Act

Scheme to lapse on notification.

73. On the publication of the notification, the scheme of administration, if any, settled for the religious institution, whether before or after the date of the commencement of this Act, and all rules, if any, framed under such scheme shall cease to apply to the institution and shall become inoperative ; and such scheme and rules shall not be revived by reason of the cancellation of the notification ¹[under sub-section (4) or] under sub-section (6) of section 72.

Appointment of salaried executive officer.

74. For every institution notified under this Chapter, the Commissioner shall as soon as may be appoint a salaried executive officer, who shall be a person professing the Hindu religion.

Section 64 not to apply to notified institutions.

75. (1) Section 64 shall not apply to ²(***) any religious institution notified under this Chapter or under Chapter VI of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), or under Chapter VI-A of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), so long as the notification remains in force.

¹ These words, brackets and figure were inserted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).

² The words "and no Area Committee shall exercise powers and discharge duties in respect of" were omitted by section 25 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

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(2) Nothing in sub-section (1) shall be construed as prohibiting the settlement of a scheme under section 64 during the period when a notification is in force, to take effect immediately on the notification ceasing to be in force.

75-A. Notwithstanding any judgment, decree or order of any court and notwithstanding anything contained in the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), or in the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), or in this Act, but subject to the provisions of section 75-C, all notifications issued under Chapter VI-A of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927) and in force immediately before the 30th September 1956 and which have not been subsequently cancelled by the Government, shall continue, and shall be deemed always to have continued, in force up to and inclusive of the 16th July 1965 and for a period of one year thereafter; and accordingly all acts, proceedings or things done or taken under the said Acts or this Act by the Government or by any officer of the Government or by any other authority in pursuance of the said notifications shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law.

Notification under Chapter VI-A of Madras Act II of 1927 to continue in force.

75-B. (1) Where after the expiry of a period of six months from the 16th July 1965, the Commissioner is satisfied that in the interests of the administration of any religious institution governed by any of the notifications referred to in section 75-A it is necessary to continue the notification (hereinafter in this section referred to as the said notification) beyond the date of the expiry of the period of one year from the 16th July 1965, he may, by notice, published in the prescribed manner, call upon the trustee and all other persons having interest to show cause why the said notification should not be so continued.

Further continuance of notifications under Chapter VI-A of Madras Act II of 1927.

¹ These sections were inserted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).

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(2) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one month from the date of the issue of such notice, for showing such cause.

(3) The trustee or any person having interest may thereupon prefer any objection he may wish to make against the action proposed.

(4) Such objection shall be in writing and shall reach the Commissioner before the expiry of the time specified in the notice aforesaid, or within such further time as may be granted by the Commissioner.

(5) Where no such objection has been received within the time so specified or granted, the Government may, on receipt of a report from the Commissioner to that effect, by notification declare that the said notification shall continue in force beyond the date of the expiry of the period of one year from the 16th July 1965.

(6) Where any such objections have been received within the time so specified or granted the Commissioner shall hold an enquiry into the objections in the manner prescribed, and decide whether or not the said notification should be continued as aforesaid.

(7) If the Commissioner decides that the said notification should be continued as aforesaid, he shall make a report to that effect to the Government, who may thereupon, by notification, declare that the said notification shall continue in force beyond the date of the expiry of the period of one year from the 16th July 1965.

Right of
suit.

75-C. (1) Any trustee or any person having an interest, who is aggrieved by the continuance of a notification under section 75-A or under section 75-B may—

(i) in the case of the continuance of the notification under section 75-A, within sixty days from the 16th July 1965; and

(ii) in the case of the continuance of the notification under section 75-B, within sixty days from the date of the declaration under sub-section (5) or sub-section (7) of the said section 75-B;

institute a suit in the Court for the cancellation of such notification and the Government shall cancel the notification if the Court so directs :

Provided that the Court shall have no power to suspend the operation of the notification pending the disposal of the suit.

(2) Any party aggrieved by a decree of the Court under sub-section (1) may, within ninety days from the date of the decree, appeal to the High Court.

(3) Notwithstanding anything contained in section 75-A or section 75-B, if the Government, after taking into consideration such matters relating to the management and administration of the religious institution as may be prescribed are satisfied that it is no longer necessary to continue a notification continued in force under section 75-A or under section 75-B, they may cancel the notification.

(4) In respect of a religious institution governed by a notification continued in force under section 75-A or section 75-B,—

(a) the scheme of administration, if any, settled and all rules, if any, framed under such scheme shall cease, and shall be deemed always to have ceased, to apply to the institution and shall become, and shall be deemed always to have become, inoperative ; and such scheme and rules shall not be revived by reason of the cancellation of the notification under sub-section (1) or sub-section (3) ;

(b) the Commissioner shall have power and shall be deemed always to have had power to appoint a salaried executive officer who shall be a person professing the Hindu religion.

76. Nothing in this Chapter shall apply to maths or ^{Savings} other religious institutions having hereditary trustees who have a beneficial interest in the income of the institution.

CHAPTER VII—ENCROACHMENTS.

Transfer of lands appurtenant to or adjoining religious institutions prohibited except in special cases.

77. (1) Notwithstanding anything contained in section 34, no trustee of a religious institution shall lease or mortgage with possession or grant a licence for the occupation of—

(a) any land belonging to the religious institution which is appurtenant to or adjoins the religious institution, or any sacred tank, well, spring or water-course, appurtenant to the religious institution whether situated within or outside the precincts thereof, or

(b) any space within or outside the prakarams, mantapams, courtyards or corridors of the religious institution :

Provided that nothing contained in this sub-section shall apply to the leasing or licensing of any such land or space for the purpose of providing amenities to pilgrims or of vending flowers or other articles used for worship or of holding for specified periods, fairs or exhibitions during festivals connected with the religious institution.

(2) Any lease or mortgage with possession or licence in contravention of the provisions of sub-section (1) shall be null and void.

(3) Notwithstanding anything contained in sub-section (1) or (2), the Commissioner may sanction the lease or mortgage with possession or granting of a licence for the occupation of any such land or space as is mentioned in sub-section (1) and situated outside the precincts of a religious institution for any purpose other than a purpose mentioned in the proviso to sub-section (1).

78. (1) Where the Assistant Commissioner having jurisdiction over the area in which the religious institution is situated has reason to believe that any person has encroached upon any land or building belonging to the religious institution which is appurtenant to or adjoins the religious institution, or any sacred tank, well, spring or water-course, appurtenant to the religious institution, whether situated within or outside the precincts thereof, or any space within or outside the prakarams, mantapams, courtyards or corridors of the religious institution (hereinafter in this Act referred to as the encroacher), the Assistant Commissioner shall report the fact together with relevant particulars to the Deputy Commissioner having jurisdiction over the area in which the religious institution is situated.

Encroach-
ment' by
persons on
lands or
buildings
belonging to
religious
institutions.

(2) On being satisfied that there has been an encroachment, the Deputy Commissioner may cause to be served upon the encroacher a notice specifying the particulars of the encroachment and calling on him to show-cause before a certain date why an order requiring him to remove the encroachment before a date specified in the notice should not be made. A copy of the notice shall also be sent to the trustee of the religious institution concerned.

(3) The notice referred to in sub-section (2) shall be served in such manner as may be prescribed.

(4) After considering the objections, if any, of the encroacher and the trustee received within the period specified in the notice referred to in sub-section (2), the Deputy Commissioner may, by order, if he decides that there has been an encroachment, require the encroacher to remove the encroachment and deliver possession of the land or building encroached upon to the trustee before a date specified in the order.

(5) The order of the Deputy Commissioner shall be in writing and shall contain the grounds on which he has passed the order.

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Appeals
against
orders of
Deputy
Commissioner under
section 78.

79. (1) Any person aggrieved by an order passed by the Deputy Commissioner under section 78 may, within thirty days from the date of the receipt by him of such order, prefer an appeal in writing to the Commissioner.

(2) On such appeal being preferred, the Commissioner may order stay of further proceedings in the matter pending decision on the appeal.

(3) The Commissioner shall call for the records of the case from the Deputy Commissioner and after giving notice in the manner prescribed to the appellant and the trustee of the religious institution, and if necessary, after making such further inquiry as he thinks fit, decide the appeal.

(4) The decision of the Commissioner and subject to such decision, an order of the Deputy Commissioner shall be final and shall be conclusive evidence of the encroachment :

Provided that nothing in this section shall prevent the encroacher from instituting a suit in the Civil Court having jurisdiction that the religious institution has no title to the land or building.

(5) Where no appeal against an order of the Deputy Commissioner has been preferred under sub-section (1) or where an appeal has been preferred and dismissed, the Assistant Commissioner may remove the encroachment and obtain possession of the land or building encroached upon. Any Police Officer whose help is required for this purpose shall be bound to render the necessary help to the Assistant Commissioner.

80. (1) Where the Assistant Commissioner having jurisdiction over the area in which the religious institution is situated is of the view that the lessee, licensee or mortgagee with possession of any land belonging to the religious institution, which is appurtenant to or adjoins the religious institution or any sacred tank, well, spring or water-course, appurtenant to the religious institution, whether situated within or outside the precincts thereof or any space within or outside the prakarams, mantapams, courtyards or corridors of the religious institutions has taken any action which has marred or is likely to mar the artistic appearance or the religious atmosphere of the religious institution, the Assistant Commissioner shall report the fact together with relevant particulars to the Deputy Commissioner having jurisdiction over the area in which the religious institution is situated.

Eviction of lessees, licensees or mortgagees with possession in certain cases.

(2) The Deputy Commissioner, if satisfied that the artistic appearance or the religious atmosphere of the religious institution has been marred or is likely to be marred by the action of the lessee, licensee or mortgagee with possession shall cause to be served on the lessee, licensee or mortgagee concerned a notice calling on him to show cause before a certain date why an order terminating the lease or licence or cancelling the mortgage and requiring the lessee, licensee or mortgagee, as the case may be, to deliver possession of the property which is the subject of the lease, licence or mortgage to the trustee before a date specified in the notice should not be made. A copy of the notice shall also be sent to the trustee of the religious institution concerned.

(3) The notice referred to in sub-section (2) shall be served in such manner as may be prescribed.

(4) After considering the objections, if any, of the lessee, licensee or mortgagee, received within the period specified in the notice referred to in sub-section (2), the Deputy Commissioner may, if he decides that the artistic appearance or the religious atmosphere of the religious institution has been marred or is likely to be marred by the action of the lessee, licensee or mortgagee, by order, terminate the lease or licence or cancel the mortgage and require the lessee, licensee or mortgagee to deliver posses-

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sion of the property which is the subject of the lease, licence or mortgage to the trustee, before a date specified in the order.

(5) The order of the Deputy Commissioner shall be in writing and shall contain the grounds on which he has passed the order.

Appeals
ag. inst the
orders of
Deputy
Commissioner
under
section 80.

§1. (1) Any person aggrieved by an order passed by the Deputy Commissioner under section 80 may, within thirty days from the date of the receipt by him of such order, prefer an appeal in writing to the Commissioner.

(2) On such appeal being preferred, the Commissioner may order stay of further proceedings in the matter pending a decision on the appeal.

(3) The Commissioner shall call for the records of the case from the Deputy Commissioner and after giving notice in the manner prescribed to the appellant and the trustee of the religious institution and if necessary after making such further inquiry as he thinks fit, shall decide the appeal.

(4) The decision of the Commissioner and subject to such decision an order of the Deputy Commissioner shall be final and shall be conclusive evidence that the aesthetic appearance or the religious atmosphere of the religious institution has been restored or is likely to be restored.

(5) Where no appeal against an order of the Deputy Commissioner has been preferred under sub-section (1) or where such an appeal has been preferred and dismissed, the Assistant Commissioner may enter into possession of the land after a specified date and the trustee of the religious institution shall forthwith take steps for restoring the aesthetic appearance or religious atmosphere of the religious institution. Any Police Officer whose help is required by the Assistant Commissioner for obtaining possession of the land shall be bound to render the necessary help.

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82. (1) Where, in pursuance of any order passed under the foregoing provisions of this chapter, any lessee, licensee or mortgagee with possession loses possession of any land, there shall be paid compensation, the amount of which shall be determined by the Tribunal constituted under section 83 in the manner, and in accordance with the principles hereinafter set out, that is to say—

Payment of compensation.

(a) At the commencement of the proceedings before the Tribunal, the trustee of the religious institution and the person to be compensated shall state what in their respective opinion is a fair amount of compensation.

(b) The Tribunal in making its award shall have regard to the nature of the property, the use to which it has been put, the rent, fee or other income payable in accordance with the terms of the lease, licence or mortgage, as the case may be.

(c) The compensation awarded by the Tribunal shall not exceed the amount, if any, payable by the lessee or licensee for the unexpired period of the lease or licence and in the case of a mortgage, the amount secured by the mortgage together with the interest due thereon.

(2) The compensation awarded by the Tribunal shall be payable out of the funds of the religious institution after the trustee obtains the permission of the Deputy Commissioner in accordance with the provisions of this Act.

(3) Save as provided in this section and in any rules made under this Act, nothing contained in any law for the time being in force shall apply to awards under this section.

83. (1) The Government shall constitute as many Tribunals as may be necessary for the purposes of this chapter.

(2) Each Tribunal shall consist of such number of members not exceeding three as may be determined by the Government, and if the number of such members is more than one, one of them shall be appointed as the Chairman by the Government.

(3) Each Tribunal shall have such jurisdiction and over such area as the Government may, by notification from time to time determine.

(4) The qualifications to be possessed by persons for appointment as members of a Tribunal and the conditions of service of such members shall be such as may be prescribed.

(5) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit.

(6) If for any reason a vacancy (other than a temporary absence) occurs in the office of the Chairman of any Tribunal or any other member of any Tribunal, then the Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(7) No act or proceeding before any Tribunal shall be called in question in any manner on the ground merely of the existence of any vacancy in or defect in the constitution of such, Tribunal.

Suits against award.

84. Any party aggrieved by an award of the Tribunal under section 82 may, within ninety days from the date of the receipt of the award by him, institute a suit in the Civil Court having jurisdiction over the area in which the religious institution is situated.

Protection of action taken under this chapter.

85. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of the provisions of this chapter or any order made in pursuance of any of those provisions.

(2) No suit or other legal proceeding shall lie against the Tribunal, Commissioner, Deputy Commissioner or Assistant Commissioner for any damage caused or likely to be caused by anything, in good faith, done or intended to be done in pursuance of the provisions of this chapter or any order made in pursuance of any of those provisions.

CHAPTER VIII—BUDGETS, ACCOUNTS, AND AUDIT

86. (1) The trustee of every religious institution shall, before the end of March in each year, submit, in such form as may be specified by the Commissioner, a budget showing the probable receipts and disbursements of the institution during the following fasli year :—

Budgets of Religious Institutions.

(a) to the Commissioner in the case of maths and specific endowments attached to maths ;

(b) to the Deputy Commissioner in the case of institutions included in the list published under section 46 ;

(c) ¹ [to the Assistant Commissioner] in the case of other institutions.

(2) Every such budget shall make adequate provision for—

(a) the due maintenance of the objects of the institution and the proper performance of the services therein ;

(b) the due discharge of liabilities of loans binding on the institution ;

(c) the repair and renovation of the buildings connected with the institution, the provision made under this clause not being less than twenty-five per centum of the surplus in the income of the institution for the year ;

(d) the contribution to the reserve fund of the institution at such per centum of the income as the Commissioner may fix ;

(e) the maintenance of the working balance.

¹ These words were substituted for the words "to the Area Committee through the Assistant Commissioner" by section 26(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

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(3) The Commissioner, Deputy Commissioner or ¹[Assistant Commissioner], as the case may be, may, after giving notice to the trustee in the prescribed manner and after considering his representations, if any, make such alterations, omissions or additions, in the budget ²(as he may deem fit).

(4) Any trustee may, within one month from the date of the receipt by him of the order under sub-section (3), appeal against that order—

(a) Where the order has been made by the ²[Assistant Commissioner], to the Deputy Commissioner ;

(b) Where the order has been made by the Deputy Commissioner, to the Commissioner ;

(c) Where the order has been made by the Commissioner; to the Government.

(5) If, in the course of a fasli year, the trustee finds it necessary to modify the provisions made in the budget in regard to the receipts or to the distribution of the amounts to be expended under the different heads, he may submit to the Commissioner, Deputy Commissioner, ³(or Assistant Commissioner), as the case may be, his supplemental or revised budget, provided that no alteration shall be made in the amount allotted for discharge of liabilities and loans or in the working balance and the Commissioner, Deputy Commissioner, or ⁴(Assistant Commissioner), as the case may be, may, make such alterations, omissions or additions as provided in sub-section (3).

¹ These words were substituted for the words "Area Committee" and "as he or it may deem fit" respectively by section 26(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² These words were substituted for the words "Area Committee" by section 26(iii), *ibid.*

³ These words were substituted for the words "or Area Committee, through the Assistant Commissioner" by section 26(iv) (a), *ibid.*

⁴ These words were substituted for the words "Area Committee" by section 26(iv) (b) *ibid.*

(6) The trustee shall, within two months after the close of each fasli year, submit to the Commissioner, Deputy Commissioner ¹(or Assistant Commissioner), as the case may be, in such form as may be fixed by the Commissioner, a statement of actual receipts and disbursements relating to that fasli year, with particulars of expenditure, if any, incurred without sanction and explaining the necessity therefor or the urgency thereof. The Commissioner, Deputy Commissioner or ²(Assistant Commissioner), as the case may be, may, after considering the explanation of the trustee approve and ratify such expenditure, if such expenditure was beneficial or necessary to the institution.

87. (1) The trustee of every religious institution shall keep regular accounts of all receipts and disbursement. Such accounts shall be kept for each fasli year separately and in such form and shall contain such particulars as may be specified by the Commissioner.

Accounts
and Audit.

(2) The accounts of every religious institution shall be audited by auditors appointed in the prescribed manner and such auditors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(3) The accounts of every religious institution, the annual income of which as calculated for the purposes of section 92 for the fasli year, immediately preceding is not less than sixty thousand rupees, shall be subject to concurrent audit, that is to say, the audit shall take place as and when the expenditure is incurred. The accounts of every other religious institution, the annual income of which calculated as aforesaid for the falsi year immediately preceding is not less than one thousand rupees, shall be audited annually, or if the Commissioner so directs in any case or class of cases at shorter intervals.

(4) The accounts of any other religious institution, the annual income of which calculated as aforesaid for the

¹ These words were substituted for the words "or Area Committee, through the Assistant Commissioner" by section 26 (v) (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² These words were substituted for the words "Area Committee" by section 26(v)(b), *ibid.*

fasli year immediately preceding is less than one thousand rupees shall be audited departmentally and no fee shall be levied therefor.

(5) It shall be the duty of the trustee of the institution concerned and all officers and servants working under him, his agent and any person having concern in the administration of the institution, ¹[to produce before the auditors within such period as may be prescribed], all accounts, records, correspondence, plans and other documents and property and moneys relating to the institution to furnish them with such information as may be required, and to afford them all such assistance and facilities as may be necessary or reasonable and as may be required in regard to the audit of the accounts of the institution.

Authority to whom Audit Report is to be submitted.

88. After completing the audit for any fasli year or shorter period, or for any transaction or series of transactions, as the case may be, the auditor shall send a report—

(a) to the Commissioner in respect of maths and specific endowments attached to maths ;

(b) to the Deputy Commissioner in respect of institutions included in the list published under section 46; and

(c) to the Assistant Commissioner in respect of other institutions.

Contents of Audit Report.

89. (1) The auditor shall specify in his report all cases of irregular, illegal or improper expenditure, or of failure to recover moneys due or other property belonging to the religious institution or of loss or of waste of money or other property thereof, caused by neglect or misconduct or misapplication or collusion or fraudulent transactions or breach of trust on the part of the trustee or any other person.

(2) The auditor shall also report on such other matter relating to the accounts as may be prescribed, or on which the Commissioner, Deputy Commissioner, or Assistant Commissioner, as the case may be, may require him to report.

¹ These words were substituted for the words "to produce before the auditors" by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1974 (Tamil Nadu Act 27 of 1974).

90. (1) The Commissioner, Deputy Commissioner, or Assistant Commissioner, as the case may be, shall send a copy of every audit report relating to the accounts of a religious institution to the trustee thereof, and it shall be the duty of such trustee to remedy any defects or irregularities pointed out by the auditor and report the same to the Commissioner, Deputy Commissioner, or Assistant Commissioner, as the case may be.

Rectification
of defects
disclosed in
audit and
order of sur-
charge agai-
nst trustee,
etc.

(2) If, on a consideration of the audit report and the report of the trustee and after such inquiry as may be necessary, the Commissioner, Deputy Commissioner, or Assistant Commissioner, as the case may be, thinks that the trustee or any other person was guilty of irregular, illegal or improper expenditure, or of loss or waste of money or other property thereof caused by failure to recover moneys due or other property belonging to the religious institution or by neglect or misconduct or misapplication or collusion or fraudulent transactions or breach of trust, the Commissioner, Deputy Commissioner, or Assistant Commissioner, as the case may be, may after giving notice to the trustee or such person to show cause why an order of surcharge should not be passed against him and after considering his explanation, if any, by order certify the amount so spent or the amount or value of the property so lost or wasted, and direct the trustee or such person to pay within a specified time such amount of value personally :

Provided that if, in respect of any expenditure or dealing with the property of the institution the trustee or such person had obtained the directions of the Commissioner, Deputy Commissioner, or Assistant Commissioner, as the case may be, and had acted in accordance with such directions, he shall not be held liable.

(3) The Commissioner, Deputy Commissioner, or Assistant Commissioner, as the case may be, shall forward a copy of the order under sub-section (2) with the reasons for the same by registered post to the trustee or person concerned.

(4) The trustee or other person aggrieved by such order, may, within thirty days of the receipt by him of the order, either—

(a) apply to the Court to modify or set aside the order, and the Court, after taking such evidence as is necessary, may confirm, modify or remit the surcharge with such orders as to costs as it may think appropriate in the circumstances, or

(b) in lieu of such application, may appeal to the Government who shall pass such orders as they think fit.

(5) Neither the Court, nor the Government to which or to whom an application or appeal is made under sub-section (4) shall have power to stay the operation of the order pending the disposal of the application or appeal.

(6) An order of surcharge under this section against a trustee shall not bar a suit for accounts against him except in respect of the matter finally dealt with by such order.

(7) The Collector of the district in which is situated any property of the trustee or other person from whom an amount is recoverable by way of surcharge shall, on a requisition made by the Commissioner, recover such amount as if it were an arrear of land revenue and pay the same to the religious institution concerned.

(8) Where the Commissioner is satisfied that the trustee or other person with intent to defeat or delay the execution of any order that may be made under sub-section (2) or sub-section (4)—

(a) is about to dispose of the whole or any part of his property ; or

(b) is about to remove the whole or any part of his property from the jurisdiction of the Commissioner, the Commissioner may unless adequate security is furnished apply to the Court pending the decision of the Court or Government for conditional attachment of the said property or such part thereof as he thinks necessary.

91. The provisions of this chapter shall apply to every religious institution, notwithstanding anything to the contrary contained in any scheme settled or deemed to have been settled under this Act.

Chapter to apply not with standing provision in scheme.

CHAPTER IX—FINANCE.

92. (1) Every religious institution shall, from the income derived by it, pay to the Commissioner annually such contribution not exceeding seven per centum of its income as may be prescribed in respect of the services rendered by the Government and their officers and for defraying the expenses incurred on account of such services.

Religious institutions to pay an annual contribution to the government.

(2) Every religious institution, the annual income of which, for the fasli year immediately preceding as calculated for the purposes of the levy of contribution under sub-section (1), is not less than one thousand rupees, shall pay to the Commissioner annually, for meeting the cost of auditing its accounts, such further sum not exceeding one and a half per centum of its income as the Commissioner may determine.

(3) The annual payments referred to in sub-sections (1) and (2) shall be made, notwithstanding anything to the contrary contained in any scheme settled or deemed to have been settled under this Act for the religious institution concerned.

(4) The Government shall pay the expenses incurred for the purposes of this Act, including the—

{(i) * * * * * }

(ii) expenses of Consultative Committees and sub-committees thereof, constituted by the Government or by any officer or authority subordinate to the Government and specially authorized by them in this behalf,

¹ The following clause was omitted by section 27 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968):—

“(i) expenses of Area Committees,

(iii) cost of the publication of journals, books, annuals and descriptive accounts relating to religious institutions.

¹[(iv) expenses of Regional Committees.]

Recovery of costs and expenses incurred on legal proceedings.

93. Notwithstanding anything contained in sub-section (1) of section 102, all costs, charges and expenses incurred by the Government, the Commissioner, a Deputy Commissioner, ²[* *] or an Assistant Commissioner as a party to, or in connexion with, any legal proceeding in respect of any religious institution shall be payable out of the funds of such institution, except in cases where a liability to pay the same has been laid on any party or other person personally and the right to reimbursement under this section has been negatived in express terms.

Assessment and recovery of contributions, costs, charges and expenses.

94. (1) The contributions, costs, charges and expenses payable under sections 92 and 93 shall be assessed on and notified to the trustee of the religious institution concerned in the prescribed manner :

Provided that if for any reason any portion of the contribution, costs, charges and expenses has escaped assessment, the Commissioner may, within the prescribed period, serve on the trustee a notice assessing him to the portion of the contribution, costs, charges or expenses, as the case may be, due and demanding payment thereof within fifteen days from the date of such service ; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if the assessment was made in the first instance.

(2) (a) Such trustee may, within fifteen days from the date of the receipt of the notice under sub-section (1) or under the proviso thereto or within such further time as may be granted by the Commissioner, prefer his objection thereto, if any, to the Commissioner in writing.

¹ This clause was inserted by section 15 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

² The words "an Area Committee" were omitted by section 28 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

Such objection may relate either to his liability to pay or to the amount specified in the notice. The Commissioner shall consider such objection and give his decision confirming, withdrawing or modifying his original notice.

(b) Within one month from the date of the receipt of the notice of assessment, or when objection has been preferred, within one month from the date of the decision of the Commissioner, or within such further time as may be granted by him such trustee shall pay the amount specified in the notice under sub-section (1) or under the proviso thereto or the amount as fixed by the Commissioner on objection.

(3) If the trustee fails to pay the amount aforesaid within the time allowed, the Collector of the district in which any property of the religious institution is situated shall, on requisition made to him in the prescribed manner by the Commissioner and subject to the provisions of this section, recover such amount as if it were an arrear of land revenue.

(4) (a) On receipt of a requisition under sub-section (3), the Collector shall issue a notice to the trustee concerned—

(i) requiring him, within fifteen days from the date of the service thereof, to pay the amount mentioned in the requisition and specified in the notice ; and

(ii) stating that on default, such amount will be recovered as if it were an arrear of land revenue.

(b) If, within the period of fifteen days aforesaid, the amount demanded is not paid, the Collector shall proceed to recover the amount specified in the notice (with the charges of collection) as if it were an arrear of land revenue.

(5) The Collector shall, on receipt of a requisition under sub-section (3), withhold the amount mentioned therein out of the tasdik or any other allowance or amount payable by the Government to the religious institution concerned but where the tasdik or other allowance or amount is insufficient for the purpose, the Collector shall

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withhold the tasdik or other allowance or amount available and recover the balance as if it were an arrear of land revenue.

(6) Places of worship, including temples and tanks and places where utsavams are performed, idols, vahans, jewels and such vessels and other articles of the religious institution as may be necessary in accordance with the usage of the institution for purposes of worship or processions shall not be liable to be proceeded against in pursuance of sub-sections (3), (4) and (5).

(7) Instead of selling the property after attachment thereof under the provisions of the ¹[Tamil Nadu] Revenue Recovery Act, 1864 (¹[Tamil Nadu] Act II of 1864), it shall be open to the Collector at the instance of the Commissioner to appoint a Receiver to take possession of the property or such portion thereof as may be necessary and collect the income thereof until the amount sought to be recovered is realized. The remuneration, if any, paid to the Receiver, and the other expenses incurred by him shall be paid out of the income of the institution concerned.

(8) No suit, prosecution or other legal proceeding shall be entertained in any Court of law against the Government or any officer or servant of the Government for anything done or intended to be done in good faith in pursuance of this section.

Contribution not to be levied in certain cases. 95. It shall not be competent for the Commissioner to levy any contribution for more than three faslis immediately preceding the fasli in which a notice of assessment is issued under section 94.

CHAPTER X—ENDOWMENTS ADMINISTRATION FUND.

Religious and Charitable Endowments Administration Fund. 96. (1) There shall be established a Fund to be called the ²[Tamil Nadu Hindu Religious and Charitable Endowments Administration Fund]. The Fund shall vest in the Commissioner.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² This expression was substituted for the expression "Madras Hindu Religious and Charitable Endowments Administration Fund" by paragraph 3(1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.

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(2) The assets which devolved on the Government under section 101 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XXI of 1951), the sums which may be transferred to the Commissioner by the Government, the sums due to the Government under the said Act, the contributions payable under sub-section (1) of section 92 and the further sums payable under sub-section (2) of section 92 shall, when realized, be credited to the said Fund. It shall be lawful for the Commissioner to accept to the credit of the said Fund grants or loans from the Government and grants from any private person. The Commissioner shall, out of the said Fund, repay to the Government sums paid by the Government under sub-section (4) of section 92 and loans received from the Government.

97. (1) It shall be lawful for the Commissioner to create a Fund to be called the Hindu Religious and Charitable Endowments Common Good Fund¹ [hereinafter in this section referred to as the said Fund] out of the contributions voluntarily made by the religious institutions from their surplus funds or by any person for the renovation and preservation of needy temples and their² [buildings and paintings, for the promotion and propagation of tenets common to all or any class of religious institutions and for any of the purposes specified in sub-section (1) of section 66.]

³[(1-A) The Commissioner may, on a direction from the Government, transfer to the said Fund, any surplus or such portion thereof, as may be specified in the direction, remaining in the⁴ [Tamil Nadu Hindu Religious and Charitable Endowments Administration Fund] after the repayment of the amounts specified in sub-section (2) of section 12 and sub-section (2) of section 96.]

¹ These brackets and words were inserted by section 2(a) (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1967 (Tamil Nadu Act 23 of 1967).

² This expression was substituted for the expression "buildings and paintings and for the promotion and propagation of tenets common to all or any class of religious institutions" by section 2(a) (ii), *ibid.*

³ This sub-section was inserted by section 2(b), *ibid.*

⁴ This expression was substituted for the expression "Madras Hindu Religious and Charitable Endowments Administration Fund" by paragraph 3(1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.

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(2) The said Fund shall be vested in, and administered by, the Commissioner in such manner as may be prescribed.

§4[CHAPTER X-A—DEVASWOM FUND.

Maintenance of Incorporated Devaswoms out of Devaswom Fund.

97-A. The Board of Trustees constituted under clause (b) of sub-section (1) of section 47 shall, out of the Devaswom Fund established under sub-section (1) of section 112 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) and referred to in section 97-B, maintain the Incorporated Devaswoms, keep in a state of good repair the temples, buildings and other appurtenances thereto, administer the said Devaswoms in accordance with the recognized usages, make contributions to other Devaswoms in the transferred territory and meet the expenditure for the customary religious ceremonies and may provide for the educational uplift, social and cultural advancement and economic betterment of the Hindu community.

The Devaswom Fund.

97-B. The Devaswom Fund shall consist of—

(i) the sum of thirteen lakhs and fifty thousand rupees mentioned in Article 290-A of the Constitution of India as payable to the Devaswom Fund in the State of Tamil Nadu and the share of the Devaswom Surplus Fund mentioned in sub-section (2) of section 112 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), transferred to the said Devaswom Fund ;

(ii) the moneys realised from time to time by the sale of movable properties belonging to the said Devaswoms ;

(iii) all voluntary contributions and offerings made by devotees ;

(iv) profits and interests received from investments of funds belonging to the said Devaswoms ; and

¹ Chapter X-A was inserted by section 9 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

(v) all other moneys belonging to, or other income received by, the said Devaswoms.

97-C. The unspent balance of each year out of the Devaswom Fund referred to in section 97-B or such portion of it, as may be determined by the Board of Trustees constituted under clause (b) of sub-section (1) of section 47, and approved by the Commissioner shall be added on to the Devaswom Surplus Fund. The Devaswom Surplus Fund shall be administered, subject to the direction and control of the Commissioner.

Devaswom
Surplus
Fund
and its ad-
ministration.

97-D. Immovable properties entered or classed in the revenue records as Devaswom Vaga or Devaswom poramboke and such other Pandaravaka lands as are in the possession or enjoyment of the Incorporated Devaswoms after the 30th Meenam 1097, corresponding to the 12th April 1922 shall be dealt with as Devaswom properties. The provisions of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905), shall be applicable to Devaswom lands as in the case of Government lands.

Devaswom
properties.

97-E. The properties and Funds of the Unincorporated Devaswoms shall be kept distinct and separate as heretofore and shall not be utilised except for the purposes of those Devaswoms.

Unincor-
porated
Devaswoms

Explanation I.—The sum of eighteen thousand rupees paid annually by the Government to the Board of Trustees constituted under clause (b) of sub-section (1) of section 47 by virtue of section 14 of the Kanyakumari Sree Pandaravaka Lands (Abolition and Conversion into Ryotwari) Act, 1964 (Tamil Nadu Act 31 of 1964), shall be deemed to be the funds of the Unincorporated Devaswoms mentioned in Part II of Schedule II.

Explanation II.—The sum of two thousand rupees paid annually by the Government to the Board of Trustees constituted under clause (b) of sub-section (1) of section 47 by virtue of section 28 of the Kanyakumari Sreepadam Lands (Abolition and Conversion into Ryotwari) Act, 1972 (Tamil Nadu Act 11 of 1973), shall be deemed to be the funds of the Union incorporated Devaswoms mentioned in Part III of Schedule II.

CHAPTER XI—MISCELLANEOUS.

Public officers to furnish copies of or extracts from certain documents. 98. Notwithstanding anything contained in any Act, or rule having the force of law, all public officers having custody of any record, register, report or other document relating to a religious institution or any movable or immovable property of such institution, shall furnish such copies of or extracts from the same as may be required by the Commissioner, Deputy Commissioner ¹(***) or Assistant Commissioner.

Power to inspect. 99. The Commissioner, a Deputy Commissioner or an Assistant Commissioner shall, subject to such conditions and restrictions as may be prescribed, be entitled at all reasonable times, to inspect in any public office any record, register or other document, relating to a religious institution, or any movable or immovable property of such institution.

Bequest under will for benefit of religious institution. 100. (1) Where under any will, a bequest has been made in favour of a religious institution or where such bequest itself creates a religious institution, it shall be the duty of the executor under the will to forward a copy thereof to the Deputy or Assistant Commissioner of the division, where such will may have been or is required to be, registered.

(2) No probate of any such will or letters of administration with such will annexed shall be granted by any Court unless it is satisfied that a copy of such will has been forwarded to the Deputy or Assistant Commissioner as provided by sub-section (1).

Putting Trustee or Executive Officer in possession. 101. (1) Where a person has been appointed—

- (a) as trustee or executive officer of a religious institution, or
- (b) to discharge the functions of a trustee of a religious institution in accordance with the provisions of this Act, in any scheme framed by the Board before the 30th September 1951, and such person is resisted in, or prevented from, obtaining possession of the religious

¹ The words "Area Committee" were omitted by section 29 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

institution or of the records, accounts and properties thereof, by a trustee, office-holder or servant of the religious institution who has been dismissed or suspended from his office or is otherwise not entitled to be in possession or by any person claiming or deriving title from such trustee, office-holder or servant, not being a person claiming in good faith to be in possession on his own account or on account of some person not being such trustee, office-holder or servant, any *Presidency Magistrate or any Magistrate of the first class in whose jurisdiction such institution or property is situated shall, on application by the person so appointed, and on the production of the order of appointment, and where the application is for possession of property, of a certificate by the Commissioner in the prescribed form setting forth that the property in question belongs to the religious institution, direct delivery to the person appointed as aforesaid of the possession of such religious institution, or the records, accounts and properties thereof, as the case may be :

Provided however that before issuing any such certificate in respect of any property the Commissioner shall give notice to the trustee, office-holder or servant of the religious institution, as the case may be, of his intention to issue the certificate and consider the objections, if any, of such trustee, office-holder or servant :

Provided further that for the purpose of proceedings under this sub-section, the certificate aforesaid shall be conclusive evidence that the properties to which it relates belong to the religious institution :

* According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate with effect on and from 1st April 1974.

Provided also that nothing contained in this sub-section shall bar the institution of a suit by any person aggrieved by an order under this sub-section for establishing his title to the said property.

Explanation.—A person claiming under an alienation contrary to the provisions of section 34 or 41 shall not be regarded as a person claiming in good faith within the meaning of this sub-section.

(2) The *Presidency Magistrate or the Magistrate of the first class referred to in sub-section (1) may, pending disposal of an application for directing delivery to the person appointed of the possession of the properties mentioned in the certificate by the Commissioner, appoint a Receiver to take possession of such properties or such portion thereof as may be necessary. The remuneration, if any paid to the Receiver and other expenses incurred by him shall be paid out of the income of the religious institution concerned.

Cost of
proceedings,
etc.

102. (1) The costs, charges and expenses of and incidental to any suit, appeal or application to a Court under this Act, shall be in the discretion of the Court, which may, subject to the provisions of section 93 direct the whole or any part of such costs, charges and expenses to be met from the property or income of the religious institution or endowment concerned or to be borne and paid in such manner and by such persons as it thinks fit.

(2) The costs, charges and expenses of and incidental to any appeal, application or other proceeding before the Commissioner or a Deputy Commissioner shall be in his discretion and he shall have full power to determine

* According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate with effect on and from 1st April 1974.

by whom or out of what funds and to what extent such costs, charges and expenses are to be paid; and the order passed in this regard may be transferred for execution to the Court and shall be executed by the Court as if the order had been passed by itself if and in so far as the court considers the order to be a reasonable one.

103. No trustee shall either lend moneys of, or borrow moneys for the purpose of, or on behalf of, the religious institution of which he is the trustee except with the sanction of such authority and subject to such conditions and limitations as may be prescribed.

Trustee not
to lend or
borrow
moneys
without
sanction.

Explanation.—For the purposes of this section, trustee includes the executive officer or other person in whom the administration of a religious institution is vested.

104. Notwithstanding anything contained in the ¹[Tamil Nadu] Court-fees and Suits Valuation Act, 1955, (¹[Tamil Nadu] Act XIV of 1955) the proper fees for the documents described in columns (1) and (2) of ²[Schedule III] shall be the fees indicated in column (3) thereof.

Court-fees
to be paid as
prescribed
by schedule.

105. Nothing contained in this Act shall—

Saving.

(a) save as otherwise expressly provided in this Act or the rules made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise in any religious institution, or its established usage in regard to any other matter; or

(b) authorize any interference with the religious and spiritual functions of the head of a math including those relating to the imparting of religious instruction or the rendering of spiritual service.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² This expression was substituted for the expression "the Schedule" by section 10 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

Removal of
discrimina-
tion in the
distribution
of prasa-
dams or
theerthams.

106. Notwithstanding anything in this Act or in any text, rule or interpretation of Hindu law, or any custom or usage as part of that law or in any other law or in any decree of Court, there shall be no discrimination in the distribution of any *Prasadam* or *Theertham* in any religious institution on grounds only of caste, sex, place of birth or any of them.

Explanation.—In this section—

(a) "*Prasadam*" means any cooked rice or other eatable, any fruit, flower, leaf, vibuthi, kunkumam, tulsii, vilvam, turmeric, sandalpaste and includes such other thing as the Government may, by notification specify ;

(b) "*Theertham*" means sacred water, jaggery water or milk and includes such other liquid as the Government may, by notification specify.

Act not to
affect rights
under
Article 27 of
the Constitu-
tion.

107. Nothing contained in this Act shall, save as otherwise provided in section 106 and in clause (2) of Article 25 of the Constitution, be deemed to confer any power or impose any duty in contravention of the rights conferred on any religious denomination or any section thereof by Article 26 of the Constitution.

Bar of suits
in respect of
administra-
tion or mana-
gement of
religious
institutions,
etc.

108. No suit or other legal proceeding in respect of the administration or management of a religious institution or any other matter or dispute for determining or deciding which provision is made in this Act shall be instituted in any Court of Law, except under, and in conformity with, the provisions of this Act.

Property of
religious ins-
titution not
to vest under
the Law
of Limitation
after the 30th
September
1951.

109. Nothing contained in any law of limitation for the time being in force shall be deemed to vest in any person the property or funds of any religious institution which had not vested in such person or his predecessor-in-title before the 30th September 1951.

Procedure
and powers
at inquiries
under
Chapters V
and VI.

110. (1) Where a Commissioner or a Deputy Commissioner makes an inquiry or hears an appeal under Chapter V or Chapter VI, the inquiry shall be made and the appeal shall be heard, as nearly as may be, in accordance with the procedure applicable under the Code of

Civil Procedure, 1908 (Central Act V of 1908) to the trial of suits or the hearing of appeals, as the case may be.

(2) The provisions of the Indian Evidence Act, 1872 (Central Act I of 1872), and the Indian Oaths Act, 1873 (Central Act X of 1873), shall apply to such inquiries and appeals.

(3) The Commissioner or a Deputy Commissioner holding such an inquiry or hearing such an appeal shall be deemed to be a person acting judicially within the meaning of the Judicial Officers Protection Act, 1850 (Central Act XVIII of 1850).

111. Save as otherwise expressly provided in this Act, no notification or certificate issued, order passed, decision made, proceedings or action taken under scheme settled, or other thing done under the provisions of this Act by the Government, the Commissioner or a Deputy Commissioner, ^[***], or an Assistant Commissioner, shall be liable to be questioned in any Court of Law.

*[112—113. * * * *]

* The words "an Area Committee" were omitted by section 30 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

* The following sections were omitted by section 31, *ibid* :—

"112. *Audit report, etc., to be submitted to Area Committee through Assistant Commissioner.*—Any audit report, accounts, returns, reports or other documents and any information required to be submitted to, or called for by, an Area Committee in respect of an institution in respect of which the Area Committee exercises powers and discharges duties and all communications intended for an Area Committee shall be sent to the Assistant Commissioner concerned and shall be placed by him before the Committee at its next meeting, together with his remarks or recommendations thereon, if any.

113. *Power of Assistant Commissioner to act for Area Committee in an emergency.*—The Assistant Commissioner may, in cases of emergency or in cases where he is satisfied that the Area Committee has failed or omitted to discharge any of its duties or to perform any of its functions under this Act, do or direct the doing of any act, which would ordinarily have to be done by the Area Committee if the immediate doing of such act is, in his opinion, necessary in the interests of a religious institution :

Provided that any action taken or direction issued by the Assistant Commissioner shall not be inconsistent with any of the provisions of this Act :

Provided further that the Assistant Commissioner shall report the action taken or direction issued under this section and the reasons therefor to the Commissioners".

Power of Government to direct disposal of appeal or revision pending before the Commissioner by a judicial officer.

1 [113-A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force the Government may, by notification, direct that any appeal or revision pending before the Commissioner under this Act shall be disposed of by a judicial officer not below the rank of Subordinate Judge.

(2) For the purposes of this section the officer referred to in sub-section (1) shall have all the powers of the Commissioner under this Act and any decision or order passed by such officer under this section shall be deemed to be a decision or order passed by the Commissioner under this Act.]

Power of Government to call for records and pass orders.

114. (1) The Government may call for and examine the record of the Commissioner or any Deputy or Assistant Commissioner ²[*] or of any trustee in respect of any proceeding, not being a proceeding in respect of which a suit or an appeal or application to a Court or an appeal to the Government is provided by this Act, to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and, if, in any case, it appears to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

¹ This section was inserted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1961 (Tamil Nadu Act 40 of 1961).

² The words "of any Area Committee" were omitted by section 32 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

(3) No application to the Government for the exercise of their power under this section shall be made in respect of any matter unless an application had already been made in respect of the same matter to the Commissioner under section 21 and had been disposed of by him.

(4) Every application to the Government for the exercise of their power under this section shall be preferred within three months from the date on which the order or proceeding to which the application relates was communicated to the applicant.

1[114-A. (1) The Government may either on their own motion or on application by any person aggrieved by an order of the Government under item (iii) of clause (a) or the second proviso to clause (a) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49, review any such order,—

(a) on the basis of the discovery of new and important facts,—

(i) which were not then within the knowledge of the Government when the order was made; or

(ii) which after the exercise of due diligence, were not then within the knowledge of the applicant or could not be produced by him when the order was made; or

(b) on the basis of some mistake or error apparent on the face of the record; or

(c) for any other sufficient reason,

and pass such order thereon as they think fit :

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter:

¹ This section was inserted by section 16 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

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Provided further that no application for review shall be preferred more than once in respect of the same order.

(2) Every application for review shall be preferred within such time and in such manner as may be prescribed.

(3) The decision or order passed on the application for review shall be final.

(4) The Government may pass such interlocutory orders pending the decision on the application for review as the Government may deem fit.

(5) The Government may award costs in any proceedings for review to be paid by the applicant as they deem fit.]

Limitation.

115. In computing the period of limitation prescribed under this Act for any proceeding, suit, appeal or application for revision against any order or decree passed under this Act, the time requisite for obtaining a certified copy of such order or decree shall be excluded.

Explanation.—For the purposes of this section, order includes any annexure to such order.

Power to make rules.

116. (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for —

(i) all matters expressly required or allowed by this Act to be prescribed;

(ii) the form and manner in which applications and appeals should be submitted to the Government, the Commissioner, or a Deputy or an Assistant Commissioner;

(iii) the powers of the Government, the Commissioner, a Deputy Commissioner, [or an Assistant Commissioner] to hold inquiries, to summon and examine witnesses and to compel the production of documents;

¹These words were substituted for the words "an Assistant Commissioner or an Area Committee" by section 33 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

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(iv) the inspection of documents and the fees to be levied for such inspection;

(v) the fees to be levied for the issue and service of processes and notices;

(vi) the grant of certified copies and the fees to be levied therefor;

(vii) the budgets, reports, accounts, returns, or other information to be submitted by trustees;

(viii) the convening of meetings of trustees and the quorum for and the conduct of business at, such meetings;

(ix) the manner in which the opinions of trustees shall be ascertained otherwise than at meetings;

(x) the proper collection of the income of, and the incurring of expenditure by, religious institutions;

(xi) the custody of the moneys of religious institutions, their deposit in and withdrawal from, banks, and the investment of such moneys;

(xii) the custody of jewels and other valuables and documents of religious institutions and the conditions and restrictions subject to which the jewels and other valuables of religious institutions may be disposed of;

¹[(xii-a) the manner in which, the persons (including the State Trading Corporation) to whom the conditions and restrictions subject to which, movable properties of any religious institution including human hairs and others articles received as offerings in the religious institution, shall be sold or otherwise disposed of;]

(xiii) the manner in which and the period for which leases of properties of religious institutions shall be made;

¹ This clause was inserted by section 2, of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1974 (Tamil Nadu Act 26 of 1974).

(xiv) the manner in which the accounts of religious institutions shall be audited and published, the time and place of audit and the form and contents of the auditor's report;

(xv) the method of calculating the income of a religious institution for the purpose of levying contribution and the rate at which it shall be levied;

(xvi) the security, if any, to be furnished by officers and servants employed for the purposes of this Act;

(xvii) the preservation, maintenance, management and improvement of the properties and buildings of religious institutions including architectural, sculpture and epigraphical features ;

(xviii) the inspection and supervision of the properties and buildings of religious institutions, the reports to be submitted by persons making such inspection and supervision and the fees leviable for such inspection, supervision and report;

(xix) the preservation of the images in temples;

(xx) the grant of travelling and halting allowances ¹[* * * * *] or to the trustees;

(xxi) the grant of travelling and halting allowances to the members of—

(a) the Advisory Committee, ²[* * *]

³[(a) the Regional Committee, and]

(b) the Consultative Committees or sub-committees thereof constituted under sub-section (4) of section 92;

¹ The words "to the members of the Area Committees or" were omitted by section 33(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).

² The word "and" was omitted by section 17 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978), which was deemed to have come into force on the 14th August 1978.

³ This sub-clause was inserted by section 17 (ii), *ibid.*

(xxii) the preparation and sanction of the estimates and acceptance of tenders, in respect of public works and for supplies in religious institutions ;

¹[(xxiii) the qualifications to be possessed by the officers and servants for appointment to offices in religious institutions and the conditions of service of all such officers and servants ;]

(xxiv) the manner of proof of the fact that a person professes Hindu religion for the purposes of this Act ;

(xxv) the grant of pensions or gratuities to officers and servants of the Board who retired before the 30th September 1951 ; ²(* * *)

(xxvi) the grant of gratuities to the heirs of deceased officers and servants of the Board including those who had retired before the 30th September 1951 ; ³[and]

⁴[(xxvii) (a) the manner in which the hundials and other receptacles in a religious institution for putting as offerings, cash or other valuables, shall be installed, maintained, opened and sealed ; and

(b) ensuring proper safeguards of such hundials and receptacles.]

(3) All rules made and all notifications issued under this Act shall, as soon as possible after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

¹ This clause was substituted for the following clause by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971):

"(xxiii) the qualifications to be possessed by the officers and servants for appointment to non-hereditary offices in religious institutions, the qualifications to be possessed by hereditary servants for succession to office and the conditions of service of all such officers and servants ;"

² The word "and" was omitted by section 2 (1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1973 (Tamil Nadu Act 22 of 1973).

³ This word was added by section 2 (2), *ibid.*

⁴ This clause was added by section 2 (3), *ibid.*

CHAPTER XII—TRANSITIONAL.

Construction of reference to the Board, President or Commissioner. 117. Any reference to the Board or its President or a Commissioner thereof contained in any enactment in force in the ¹[State of Tamil Nadu] or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the State, shall, on and from the 30th September 1951, be construed as a reference to the Commissioner appointed or deemed to have been appointed under this Act :

²[Provided that it shall be competent for the Commissioner to delegate by order any of the powers devolved upon him under this section, to the Deputy Commissioner or Assistant Commissioner specified in such order subject to such conditions and restrictions as the Commissioner may specify in this behalf; and the Commissioner may withdraw any of the powers delegated to the Deputy Commissioner or Assistant Commissioner under this section.]

Repeals and savings. 118. (1) The Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter in this section referred to as the said Act) is hereby repealed.

(2) Notwithstanding the repeal of the said Act by sub-section (1)—

(a) all rules made, or deemed to have been made, notifications or certificates issued or deemed to have been issued, orders passed or deemed to have been passed, decisions made or deemed to have been made, proceedings or action taken or deemed to have been taken, schemes settled or deemed to have been settled and things done or deemed to have been done by the Government, the Commissioner, a Deputy Commissioner, an Area Committee or an Assistant Commissioner under the said Act, shall, in so far as they are not inconsistent with this Act, be deemed

¹ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² This proviso was added by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1973 (Tamil Nadu Act 5 of 1974).

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to have been made, issued, passed, taken, settled or done by the appropriate authority under the corresponding provisions of this Act, and shall have effect accordingly ;

(b) (i) if any provision contained in any scheme settled or deemed to have been settled under the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), including a scheme settled under section 92 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and in force immediately before the 30th September 1951 is repugnant to any provision contained in this Act or the rules made thereunder, the latter provisions shall prevail, and the former provision shall, to the extent of the repugnancy, be void ;

(ii) all powers conferred and all duties imposed by such scheme on any Court or Judge or any other person or body of persons not being a trustee or trustees of an honorary officer or servant of the religious institution or endowment, shall be exercised, and discharged by the Commissioner, Deputy Commissioner ¹[*** **] or the Assistant Commissioner, as the case may be, in accordance with the provisions of this Act.

(c) all orders made under section 67 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), shall, notwithstanding that they are inconsistent with this Act, continue in force, but any such order may at any time be modified or cancelled by the Deputy Commissioner if it is an order made under sub-section (1) or sub-section (3) of that section and by the Commissioner if it is an order made under sub-section (4) or sub-section (5) of that section ; and any person aggrieved by any modification or cancellation made by the Deputy Commissioner may prefer an appeal to the Commissioner within such time as may be prescribed.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of sections 8 and 18 of the ¹[Tamil Nadu] General Clauses Act 1891, ([Tamil Nadu]² Act I of 1891) with regard to the effect of repeals.

¹ The words "the Area Committee" were omitted by section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968.)

² These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Conditions
of service
of certain
persons.

119. (1) The conditions of service of persons appointed under sub-section (1) of section 104 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) shall be regulated by rules made by the Government from time to time as if they had entered the service of the Government on the date of their first entertainment as a member of the Board or as its subordinate, as the case may be.

(2) To those not so appointed, the Government may accord such relief by way of pension, gratuity, provident fund or leave with allowances as they may, in their discretion, deem fit.

(3) No Court shall entertain any suit or application for damages or compensation by any member of the Board or any of its subordinates affected by sub-section (1) of section 104 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), or for the variation of the relief, if any, granted under sub-section (2) of this section.

Board of
Trustees'
control
over Karan-
ma services.

[119-A. The Board of Trustees constituted under clause (b) of sub-section (1) of section 47 shall, subject to the provisions of this Act and to such conditions as may be prescribed, have control over the holders of all Karanma services and also over all the properties and other emoluments attached thereto.]

Commissioner to
repay
certain
sums to
the Govern-
ment.

120. Any sum paid by the Government before the publication of this Act in the *Fort St. George Gazette** for the expenses of Consultative Committees or sub-committees thereof shall be repaid to the Government by the Commissioner from out of the ²[Tamil Nadu Hindu Religious and Charitable Endowments Administration Fund] under sub-section (2) of section 96 of this Act, as if sub-section (4) of section 92 of this Act were in force at all relevant times.

¹ This section was inserted by section 11 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

² This expression was substituted for the expression "Madras Hindu Religious and Charitable Endowments Administration Fund" by paragraph 3 (1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.

* Now the *Tamil Nadu Government Gazette*.

Group.	Taluk.	Number and name of devaswoms.	Major, minor or petty.
(1)	(2)	(3)	(4)
		22 Umayeeswara Mudayanainar	Minor.
Bhoothapandy	Thevala--cont.	23 Kotheswaramudayanainar ..	Do.
--cont.		24 Azhagiannar	Do.
		25 Thenpara Vinangar	Do.
		26 Thiruvayar	Do.
		27 Esanthimangalam Perumal ..	Do.
		28 Navalkkad Eluppavudaya Kantan Sastha.	Do.
		29 Udayamarthandeswarar ..	Do.
		30 Earavivinayagar	Do.
		31 Karumerikantban Sastha ..	Petty.
		32 Kozhunthadai Kantan Sastha	Do.
		33 Meelakulathu Kantan Sastha.	Do.
		34 Aryankavu Kantan Sastha ..	Do.
		35 Arasudaya Kantan Sastha ..	Do.
		36 Edamala Valayyan	Do.
		37 Nilappara Kantan Sastha ..	Do.
		38 Kalungumugathu Bhuthathan.	Do.
		39 Valia Yajaman	Do.
		40 Anandhavalli Amman ..	Do.
		41 Kottakara Kantan Sastha ..	Do.
		42 Chempoosy	Do.
		43 Keruchipara Kantan Sastha	Do.
		44 Chandana Nanga Amman ..	Do.
		45 Nagaramman	Do.
		46 Alathura Valayyan	Do.
		47 Kaliyugathumeyyan	Do.
		48 Ananthapuram Bhuthathan ..	Do.
		49 Arassadikantan	Do.
		50 Annamalakanan	Do.
		51 Aiyinimoottu Bhoothathan ..	Do.
		52 Attoor Kantan Sastha ..	Do.
		53 Vidankar Vinayagar	Do.
		54 Kulathunkara Kantan Sastha	Do.
		55 Azhagadri Kantan Sastha ..	Do.
		56 Annakkara Marthandeswara- mudaya Nainar.	Do.

Group.	Taluk.	Number and name of devaswoms.	Major, minor or petty.		
(1)	(2)	(3)	(4)		
Boothapandy— cont.	Thovala—cont.	57 Arassadi Kantan Sastha	Petty		
		58 Veerakerala Piliayar	Do.		
		59 Orana kantan Sastha	Do.		
		60 Karumeni Kantan Sastha	Do.		
		61 Esanamatom Pillayar	Do.		
		62 Pulimugathu Kantan Sastha	Do.		
		63 Erukalam Kavudaya Kantan Sastha.	Do.		
		64 Veerananarayana mangalam Nerka- mudaya Kantan Sastha	Do.		
		65 Irumudichoza Vinayagar	Do.		
		66 Sooramuppidary Ammen	Do.		
		Nagercoil	Agastheeswaram	67 Suchindrum	Major.
				68 Kanyakumari	Do.
				69 Agastheeswaram	Do.
70 Marungoor	Do.				
71 Banambhitta	Do.				
72 Parakka	Do.				
73 Ezhagaram	Do.				
74 Vadiveeswaram	Do.				
75 Nagercoil	Do.				
76 Thaliyal	Do.				
77 Krishnan coil	Do.				
78 Perambalam	Do.				
79 Thekketheruvu Kulasekhara Perumal	Do.				
80 Asramam Krishnaswamy	Do.				
81 Mannoothi Nangamman	Do.				
82 Sarkarathcertha Viswanathar	Minor.				
83 Panchalangapuram Krishna- swamy.	Do.				
84 Vadaketheruvu Mahadevar	Do.				
85 Akkara Mahadevar	Do.				
86 Kariamanickazhwar	Do.				
87 Valampuri Vinayagar	Do.				

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<i>Group.</i>	<i>Taluk.</i>	<i>Number and Name of devaswom.</i>	<i>Major, minor or petty.</i>
(1)	(2)	(3)	(4)
Sagercoil—cont.	Agastheeswar- am—cont.	88 Arumugha Pillayar	Minor.
		89 Kottavila Sastha	Do.
		90 Edartheertha Perumal	Do.
		91 Melavathil Vinayagar	Do.
		92 Thiruvenkita Vinnaperumal	Do.
		93 Brahmarakshasaperumal	Do.
		94 Apathukatha Kantan Sastha	Do.
		95 Periapandeeswaramudaya Naina	Do.
		96 Kasi Viswanathar	Do.
		97 Alathamam	Do.
		98 Erayviputhur Eravi Vinayagar	Do.
		99 Vishnupuram Krishnaswamy	Do.
		100 Vannathamkulam Poosastha	Do.
		101 Kothichapillayagaram Perumal	Do.
		102 Kothichapillayagaram Sivan	Do.
		103 Thekkuman Sakthi Vinayagar	Petty
		104 Veeramarthanda Vinayagar	Do.
		105 Arasadi Vinayagar	Do.
		106 Kulasekhara Vinayagar	Do.
		107 Karunkalai Arman	Do.
		108 Puthugramam Perumal	Minor
		109 Karuppukotta Kañasanathar	Do.
		110 Puravassery Perumal	Do.
111 Puravassery Sivan	Do.		
112 Arassadi Krishnaswamy	Do.		
113 Poosastha Kanthan Sastha	Do.		
114 Vasudevarcoil	Do.		
115 Kommandayanman	Do.		
116 Cholapuram	Do.		
117 Enakodj Kantan Sastha	Petty.		
118 Peruvila	Minor.		
119 Vembanoor	Do.		
120 Kattimanoodde	Do.		
121 Srimad Dwaraka	Do.		
122 Brahmasandhi Kanni Vinayagar	Petty.		
123 ^r Sannadhitheru Viswanathar	Do.		

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<i>Group.</i>	<i>Taluk.</i>	<i>Number and name of devaswom.</i>	<i>Major, minor or petty.</i>	
(1)	(2)	(3)	(4)	
Nagercoil— <i>cont.</i>	Agastheeswar- am— <i>cont.</i>	124 Badrakali Thyagasoundari ..	Petty.	
		125 Keezhatheru Viswanathar ..	Do.	
		126 Guhanadheeswarar	Do.	
		127 Oormuppideri	Do.	
		128 Bhagavathymatom Baghavathy Vinayagar.	Do.	
		129 Mandaramputhooor ..	Do.	
		Damodhara Vina yagar.		
		130 Maruthuvamala	Do.	
		131 Alathu Badrakali	Do.	
		132 Vazhiottakaran	Do.	
		133 Elayanainar	Do.	
		134 Koranadikorakkanathar ..	Do.	
		135 Meukathakantan	Do.	
		Sastha		
		136 Velikoil Amman	Do.	
		137 Koondiyakantan Sastha ..	Do.	
		138 Chempakanchi Amman ..	Do.	
		139 Pachaperomal Sastha	Do.	
		140 Theradi Esakki Amman ..	Do.	
		141 Oottukuzhi Kandimar ..	Do.	
		142 Bhutham Vanangum Kantan Sastha.	Do.	
		143 Sthanu Vinayagar	Do.	
		144 Velikanta Mahadevar	Do.	
		145 Esakki Amman	Do.	
		146 Annamalakantan Sastha ..	Do.	
		147 Eravikulam	Do.	
		148 Thagamankantan Sastha ..	Do.	
		149 Rajakkamangalam Alathemman.	Do.	
150 Kannakuruchi Sastha	Do.			
151 Pudukulam Sastha	Do.			
152 Grama Vinayagar	Do.			
153 Abhinanamkatha Vinayagar ..	Do.			
154 Thazhankulam Vinayagar ..	Do.			
155 Esakki Amman	Do.			
156 Bhuthathan	Do.			
157 Karpaka Vinayagar	Do.			
158 Puhteroi Eravi Vinayagar ..	Do.			

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<i>Group.</i>	<i>Taluk.</i>	<i>Number and name of devaswom.</i>	<i>Minor, minor or Petty.</i>
(1)	(2)	(3)	(4)
Nagercoil—cont.	Agastheeswa- ram—cont.	159 Velikkara	Petty.
		159A Annakara Vinayagar ..	Do.
Padmanabha- puram.	Kaikulam ..	160 Thirunandikkara	Major.
		161 Ponmana	Do.
		162 Manaiikkara	Do.
		163 Ramaswamycoil	Do.
		164 Nilakantaswamycoil	Do.
		165 Thevarakottu	Do.
		166 Alampara	Do.
		167 Melamcode	Do.
		168 Velimaja	Do.
		169 Keralapuram	Do.
		170 Thiruvithamcode	Do.
		171 Alwarcoil	Do.
		172 Marthandeswaram	Do.
		173 Mondakad	Do.
		174 Valvachaghoshtam	Do.
		175 Dakshinankoil	Do.
		176 Bhadrakali Amman	Minor.
		177 Esakki Amman	Do.
		178 Perumalcoil	Do.
		179 Sorimuhayyan	Do.
		180 Thampurancoil	Do.
		181 Koonamkani	Do.
		182 Kodiyoor	Do.
		183 Kuzhikkode	Do.
		184 Venkateswopalakrishnancoil ..	Do.
		185 Palackzhi	Do.
		186 Anakkara Sastha	Do.
		187 Madavilagom	Do.
		188 Sivagiri	Do.
		189 Kailasathu Mahadevar	Do.
		190 Vellapillayar	Do.
		191 Chunakara Sastha	Do.
		192 Kaverikad Sastha	Do.
		193 Adavalleela Nainar	Do.
		194 Mainindra Vinayagar	Do.

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*Hindu Religious and
Charitable Endowments.*

<i>Group.</i>	<i>Taluk.</i>	<i>Number and name of devaswom.</i>	<i>Major, minor or petty.</i>
(1)	(2)	(3)	(4)
Padmanabha- puram—cont.	Kalkulam— —cont.	195 Manavila	Minor
		196 Karakanteswaram	Do.
		197 Cheramangalam	Do.
		198 Thallakulam	Do.
		199 Thripappaniyode	Do.
		200 Karingal	Do.
		201 Thikkanamcode	Do.
		202 Pannipagom	Do.
		203 Kattala	Do.
		204 Ethavila Sastha	Do.
		205 Poomala	Do.
		206 Kaithappuram Sastha	Do.
		207 Edatheri Sastha	Do.
		208 Thathancode Sastha	Petty.
		209 Manamcode Sastha	Do.
		210 Kottaramatom Pillayar	Do.
		211 Shunnuga Vilasam Pillayar	Do.
		212 Theradi Bhuthathan	Do.
		213 Madan Thampuram	Do.
		214 Sannidhi Pillayar	Do.
		215 Uchi Pillayar	Do.
		216 Azhagia Pillayar	Do.
		217 Vilavoor Elangam	Do.
		218 Maravoor Konam Sastha	Do.
		219 Kaikotta Thala	Do.
		220 Pulliyara Kantan	Do.
		221 Alathamman	Do.
		222 Chingankavu	Do.
		223 Karayakulam	Do.
		224 Kootumangalam	Do.
225 Chirakonam Sastha	Do.		
226 Kulasekara Pillayar	Do.		
227 Bhootha Pillayar	Do.		
228 Chemala	Do.		
229 Thumbattu Sastha	Do.		
230 Nandimangalam	Do.		
231 Atchaleswaram	Do.		

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*Hindu Religious and
Charitable Endowments.*

<i>Group.</i>	<i>Taluk.</i>	<i>Number and name of devaswam.</i>	<i>Major, minor or petty.</i>
(1)	(2)	(3)	(4)
Padmanabha- puram— <i>cont.</i>	Kalkulam— <i>cont.</i>	232 Undicha Mahadevar ..	Petty.
		233 Koodathookki Sastha ..	Do.
		234 Edampidicha Mahadevar ..	Do.
		235 Anakkara Sastha ..	Do.
		236 Saralkala Sastha ..	Do.
		237 Chunakkara Sastha ..	Do.
		238 Maramvilakki Sastha ..	Do.
		239 Pulimughathu Sastha ..	Do.
		240 Andoor Sastha ..	Do.
		241 Pullayil Sastha ..	Do.
		242 Kandanesseri Bhagavathy ..	Do.
		243 Nangoor Krisimaswamy ..	Do.
		244 Mekkode Kottavila Sastha ..	Do.
		245 Panniyottu Thampuram ..	Do.
		246 Panniyottu Udayar ..	Do.
		247 Gnarakuzhy Sastha ..	Do.
		248 Kollenvilla Sastha ..	Do.
		249 Kundala Sastha ..	Do.
		250 Chempidari Amman ..	Do.
		251 Puliyoor Kunuchi Sivan ..	Do.
		252 Velimala ..	Do.
		253 Padmanabha Thoppu ..	Do.
		254 Pammathu Moola ..	Do.
		255 Mulpala Sastha ..	Do.
		256 Ponnayiramudayar ..	Do.
		257 Kingini Sastha ..	Do.
		258 Pallikkara Sastha ..	Do.
		259 Ethankadu ..	Do.
260 Ardhakantan Sastha ..	Do.		
261 Apathukathar ..	Do.		
262 Karipalli ..	Do.		
263 Nethrakkoil ..	Do.		
264 Erumavila ..	Do.		
265 Alampara ..	Do.		
266 Kallettivila ..	Do.		
267 Kotheswaram ..	Do.		
268 Kantan Sastha ..	Do.		

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*Hindu Religious and
Charitable Endowments.*

<i>Group.</i>	<i>Taluk.</i>	<i>Number and name of devaswam.</i>	<i>Major, minor or petty.</i>
(1)	(2)	(3)	(4)
Padmanabha- param --cont.	Kalkulam --cont.	269 Bhoothamuttam	Petty.
		270 Manalikkara Elangoan	Do.
		271 Nanyadi Sastha	Do.
		272 Kulangara Sastha	Do.
		273 Ariyappan	Do.
		274 Panchakanyaka	Do.
		274A Kunnakudi	Do.
Kuzhithurai ..	Kalkulam ..	275 Thiruvattar	Major.
		276 Thirupparappu	Do.
	Vilavancode ..	277 Kuzhithura	Do.
		278 Thirumala	Do.
		279 Parthivapuram	Do.
		280 Nattalam Vishnu	Do.
		281 Nattalam Sivan	Do.
		282 Thirvikramapuram	Do.
	Kalkulam ..	283 Thajiyal	Minor.
		284 Thirumurambo	Do.
	Vilavancode	285 Payanam	Do.
		286 Thirpramala	Do.
	Kalkulam	287 Kujasekharan	Do.
	Vilavancode ..	288 Ceamundy Amman	Do.
		289 Kelesworam	Do.
		290 Kannacode	Do.
		291 Kulapuram	Do.
		292 Palugal	Do.
		293 Cheruvallloor	Do.
	Kalkulam ..	294 Aruvikara Krishnaswamy	Do.
		295 Puthiakavu	Do.
	Vilavancode ..	296 Piracode	Do.
	Kalkulam ..	297 Armandam	Do.
Vilavancode ..	298 Melhu Kummal	Do.	
	299 Mannasakarai	Do.	

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*Hindu Religious and
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<i>Group.</i>	<i>Taluk.</i>	<i>Number and name of devaswam.</i>	<i>Major minor or petty.</i>
(1)	(2)	(3)	(4)
Kuchithurai Taluk.	Vilavancode	300 Thrippilancode ..	Minor.
		301 Kirathoor ..	Do.
		302 Kamukannoor ..	Do.
		303 Chuthurai ..	Do.
		304 Karippara ..	Do.
		305 Palliyara ..	Do.
		306 Edakode ..	Do.
		307 Aducode ..	Do.
		308 Puliyoor sala ..	Do.
		309 Kamukannoor ..	Do.
		310 Nelveli ..	Do.
	311 Mangode ..	Do.	
	Kalkulam ..	312 Bakthaprian ..	Petty.
	Vilavancode ..	313 Chemmaruthankavu ..	Do.
	Kalkulam ..	314 Muttathura Mahadevar ..	Do.
		315 Muthalar Kantan Sastha ..	Do.
		316 Madayarathaja Bhagavathy ..	Do.
		317 Thenkara Kantan Sastha ..	Do.
		318 Anayadi Sastha ..	Do.
		319 Kottavila ..	Do.
		320 Nattarthottam ..	Do.
		321 Ramanalloor ..	Do.
		322 Chettuthura ..	Do.
		323 Vazhvil Pillayar ..	Do.
		324 Athiseriy ..	Do.
		325 Jagadheeswaram ..	Do.
		326 Kunnel ..	Do.
	327 Attoor ..	Do.	
	328 Cherukoje ..	Do.	
	Vilavancode ..	329 Nankoikal ..	Do.
		330 Kavinmoola ..	Do.
		331 Punnakuzhi ..	Do.
		332 Mulamoodu ..	Do.
		333 Manakampara ..	Do.
334 Pulippara Sastha ..		Do.	

Hindu Religious and Charitable Endowments. [1959 : T.N. Act 22]

<i>Group.</i>	<i>Taluk.</i>	<i>Number and name of devaswom.</i>	<i>Major, minor or petty.</i>
(1)	(2)	(3)	(4)
Kuzhithurai	Vilavancode	335 Krishnaswamy	Petty.
—cont.	—cont.	336 Erathukoikal	Do.
		337 Kuranganvila	Do.
		338 Somasingalam	Do.
		339 Cherumaruthankavu	Do.
		340 Chemnuthal	Do.
		341 Mulagumoodu	Do.
		342 Sivappada	Do.
		343 Kariyodu	Do.
		344 Pottakad	Do.
		345 Aluvila	Do.
		346 Kunnuvila	Do.
		347 Kinathuvila	Do.
		348 Kanjiramthara	Do.
		349 Pratteeswaram	Do.
		350 Kumpalamkavu	Do.
		351 Vegampady	Do.
		352 Kuruthivila	Do.
		353 Puiiyamthara	Do.
		354 Sambradu	Do.
		355 Kuthirode	Do.
		356 Kuruchivila	Do.
		357 Vanniyoor Mala	Do.
		358 Kirathoor	Do.
		359 Thittachal	Do.
		360 Michakom	Do.
		361 Kuracode	Do.
		362 Achalipuram	Do.
		363 Uchimala	Do.
		364 Mudyavila	Do.
		365 Kona Coil	Do.
		366 Cheruvalloor Krishnan	Do.
		367 Cheruvalloor Sastha Deva- swaram.	Do.
		367-A Devaswaram	Do.
Shencottah ..	Shencottah ..	368 Kasbakulasekharanatha- swamy.	Major.

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<i>Group.</i>	<i>Taluk.</i>	<i>Number and name of devaswom.</i>	<i>Major, minor or petty.</i>
(1)	(2)	(3)	(4)
Shencottah—cont.	Shencottah—cont.	369 Azhagiamanavalaperumal ..	Major.
		370 Puliyara	Do.
		371 Elathoor Madhunathaswamy	Do.
		372 Ayikudy Subramaniaswamy.	Do.
		373 Kilankad Jamadhneeswara- swamy.	Do.
		374 Sambavarvadakara Sree .. Moojanaswamy.	Do.
		375 Arya Vinayagar	Minor.
		376 Krishnaswamy	Do.
		377 Surkui Ambalam	Do.
		378 Natarajaperumal	Do.
		379 Kuttala Vinayagar	Do.
		380 Kalakanteswaram	Do.
		381 Thiruvenkita Venniperumal	Do.
		382 Krishnaswamy	Do.
		383 Arasalwar	Do.
		384 Pavizhakothayyanar ..	Do.
		385 Vedhanarayana Perumal ..	Do.
		386 Sundararaja Perumal ..	Do.
		387 Kulasekhara Vinayagar ..	Petty.
		388 Nithyakalyani Ammancoil	Do.
		389 Chekkadi Vinayagar ..	Do.
		390 Muppidari Amman ..	Do.
		391 Nalledampilla Ayyanar ..	Do.
		392 Mahattu Bhuthathan ..	Do.
		393 Kulasekharanangammen ..	Do.
		394 Theradimadan	Do.
		395 Soolathuvamdayar	Do.
		396 Kuttala Vinayaga	Do.
		397 Nalloor Nangai Amman ..	Do.
		398 Pandanacheswara	Do.
		399 Karkudi Veerakerala Vinayagar.	Do.
		400 Chelladani Pilla Ayyanar ..	Do.
		401 Pattu Bhuthathan	Do.
		402 Neeli Amman	Do.

Group.	Taluk.	Number and name of devassam.	Major, minor or petty.
(1)	(2)	(3)	(4)
Sivendralak-cont. Sivendralak cont.		403 Nirekulathayyanar	Petty.
		404 Thazhakkal Ayyanar	Do.
		405 Veerakerala Vinayagar	Do.
		406 Adhisoora Vinayagar	Do.
		407 Thadimadayar Sastha	Do.
		408 Thottachi Ayyanar	Do.
		409 Madayudayar Mani Kantan Sastha.	Do.
		410 Muppidari Amman	Do.
		411 Anchumuthayyanar	Do.
		412 Kuravan Pattayyanar	Do.
		413 Ahdikantayyanar	Do.
		414 Ulkottayyanar	Do.
		415 Manamuthayyanar	Do.
		416 Aryankavu Surukambalam	Do.
		417 Marthanda Vinayagar	Do.
		418 Adheenamazhaki Ayyanar	Do.
		419 Parathinga Vinayagar	Do.
		420 Nainathathu Muditha Vinayagar.	Do.
		421 Petchi Amman	Do.
		422 Sudalamadan	Do.
		423 Gopuramudayar	Do.
		424 Vazhivettakaran	Do.
		425 Adaikalamkatha Ayyanar	Do.
		426 Sankara Vinayagar	Do.
		427 Payikovil	Do.
		428 Palavoodayar	Do.
		429 Chundakattu Vinayagar	Do.
		430 Lekshmi Narayana Perumal	Do.
		431 Azhagianachi Amman	Do.
		432 Panayadian Sastha	Do.
		433 Chempaka Vinayagar	Do.
		434 Pinammasoodum Perumal	Do.
		35 Padukula Sastha	Do.
		436 Muppidari Amman	Do.
		43 Karukanai Amman	Do.

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SCHEDULE II

[See section 6 (23).]

PART I.

List of Unincorporated Devaswoms.

<i>Serial number and name of group.</i>	<i>Name of devaswom.</i>
(1)	(2)
1 Bhoothapandy Group	1 Ethiravally Chozhavinayakar Thazhakudy.
	2 Thazhayil Kantan Sastha.
	3 Kakkuma Vinayagar.
	4 Kannimoolavighaneswarar.
	5 Bheemanagari Ethiravally Chozhavinayagar.
	6 Thrikkaliyanam Fund in the Thazhakudy Devaswom.
2 Nagerooj Group	7 Marukathala Kantan Sastha Devaswom.
	8 Thanuvalingaswamy Devaswom.
	9 Kaikonda Vinayagar Devaswom.
3 Padmanabhapuram Group	10 Kappiyara Mahadevar Devaswom.
	11 Maravoor Kantan Sastha.
4 Kizhithurai Group	12 Kotheswaram Devaswom.
	13 Ashtami Sadya Endowment Fund in Major Thirumala Devaswom.
5 Shencottah Group	14 Ayukudy Subramanyaswamy Devaswom.
	15 Elathoor Sundararaja Perumal.
	16 Puliyara Arya Vinayagar.
	17 Adheenom Kathavar.
	18 Azhakanachi Arumal.

PART II.

<i>Serial number and name of group.</i>	<i>Name of devaswom.</i>
(1)	(2)
1 Bhoothapandy Group	1 Ninar Edakkavudayar Kanthan Sastha, Ananthapuram.
2 Negercoil Group	2 Puthugramam, Ramanamatam Bhoothathan, Puthugramam, Therror.
	3 Vembanoor Eswarakalathampuran, Vembanoor, Ncendakara.
3 Padmanabhapuram Group ..	4 Sree Bhoothanathaswamy, Rajakkamangalam.
	5 Thiruvidakkode, Aloor.
	6 Edamala Sastha, Aloor.
	7 Kannanthitta Sastha, Aloor.
	8 Cherithala Sastha, Aloor.
	9 Elangeri Kanthan Sastha, Aloor.
	10 Earattapadi Sree Padmanabhaswamy and Kalpaka Pillayar, Aloor.
	11 Notchikulam Sastha, Colachel.
4 Kuzhithura Group	12 Poottetty Sankaranainar Kuliathu Mahadevar, Killiyoer.

PART III.

<i>Name of group.</i>	<i>Name of devaswom.</i>
(1)	(2)
Padmanabhapura Group	1 Muttakkad Bhoothathan, Kothanloor.
	2 Attinkara Padmanayyar, Kadispattinam.

[(SCHEDULE III)]

Court-fees payable under the Act.

(See section 104).

Description of document.		Proper fee
(1)	(2)	(3)
I. SUITS.		
		RS.
41 (2) (d) (ii) proviso	Suit for determining whether the inam comprises both the melvaram and kudivaram or only melvaram.	50
53 (6)	Suit against order under section 53 (5)	50
59	Suit for removal of trustee of math or specific endowment attached to math.	50
70	Suit against order of Commissioner	5
72 (4)	Suit for the cancellation of the notification	50
² [75-C (1)	Suit for the cancellation of the notification	50]
84	Suit against award	50
II. APPLICATIONS TO COURT OR TRIBUNAL.		
47 (4)	Application to Court against ³ (order of Government, Commissioner or Deputy Commissioner.)	⁴ [10]
82 (1)	Application to the Tribunal	5
90(4) (a)	Application to Court against order of surcharge	⁴ [20]
101	Application for delivery of possession	2
III. APPEALS TO COURT.		
70 (2)	Appeal to High Court	50
72 (5)	Appeal to High Court	50
⁴ [75-C (2)	Appeal to High Court	50]

¹ The original schedule to the Principal Act was numbered as Schedule III thereof by section 19 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

² This entry was inserted by section 5 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).

³ These words were substituted by section 38 (a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978) for the words "order of Government or Commissioner" which in turn were substituted for the words "order of Commissioner" by section 10 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Second Provisions) Act, 1976 (President's Act 24 of 1976).

⁴ These figures were substituted for the figures "5" by section 7 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).

⁵ This entry was inserted by section 5 (ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).

Section.	Description of document.	Proper Sec.
(1)	(2)	(3)
	IV. APPLICATIONS TO GOVERNMENT, COMMISSIONER OR DEPUTY COMMISSIONER.	38.
3 (A)	Application to Government for expanding the provisions of the Act.	25
21	Application to Commissioner for revision	110]
121(A)	Application to Deputy Commissioner for revision	101
38 (1)	Application by trustee for recovery from person in possession of property specific of endowment.	3
38 (2)	Application by person in such possession for recovery from person responsible in law for performance of service or charity.	2
59 (1)	Application to Commissioner for consent to suit for removal of trustee of math or specific endowment attached to math.	110]
63	Application for decision of dispute or matter under the section.	415]
64 (1)	Application for settlement of scheme by Deputy Commissioner.	39
64 (5) (a)	Application to modify or cancel scheme settled under section 64 (1) or deemed to have been so settled.	29
65 (1)	Application for settlement of scheme by the Commissioner.	50
65 (4) (a)	Application to modify or cancel scheme settled under section 65 (1) or deemed to have been so settled.	25
66 (1)	Application for order under the section	125]
66 (2)	Application to modify or cancel order passed under section 66 (1) or deemed to have been so passed.	125]
69 (3)	Application to Commissioner to modify or cancel order passed under section 69 (1) or deemed to have been so passed.	125]

†Those figures were substituted for the figure "51" by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).

This entry was inserted by section 18 (b) (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978) which was deemed to have come into force on the 14th August 1978).

Section (1)	Description of case (2)	Proper fee. (3)
	Act	
	VI. APPLICATION TO GOVERNMENT COMMISSIONER OR DEPUTY COMMISSIONER.	
		RS.
¹ [76 (6)]	Application to Government to cancel notification ..	² [25]
75-C (3)	Application to Government to cancel notification ..	² [25]
114	Application to Government for revision	² [25]
² [114-A	Application to Government for review	[25]
118 (2)(c)	Application for modification or cancellation of order under section 67 of the Madras Hindu Religious Endowments Act, 1926	² [25]
	V. APPEALS TO GOVERNMENT COMMISSIONER OR DEPUTY COMMISSIONER.	
22 (5)	Appeal to Government against order of Commissioner	² [20]
24 (6)	Appeal to Government against decision of Commissioner.	[5]
26 (5)	Appeal to Commissioner against order of Deputy Commissioner.	² [25]
34 (4)	Appeal to Government against order of Commissioner regarding alienation of property.	² [15]
37	Appeal to Government against order of Commissioner under section 36.	5
38 (3)	Appeal to Government against order of Commissioner under section 38 (1) or (2).	5
38 (3)	Appeal to Commissioner against order of Deputy Commissioner under section 38 (1) or (2).	5
53 (5)	Appeal by trustee against order of punishment ..	² [25]
54 (4)	Appeal to Commissioner against order of Deputy Commissioner appointing temporary successor to hereditary trustee.	² [25]
55 (4)	Appeal to Deputy Commissioner against order of trustee under sections ² [55(1)].	5

¹These entries were substituted for the entry "72 (6). Application to Government to cancel notification of religious institution under Chapter VI. . . . 5" by section 5 (iii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).

²These figures were substituted for the figures "5" by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment), Act 1935 (Tamil Nadu Act 31 of 1965).

³This entry was inserted by section 18 (b) (ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978) which was deemed to have come into force on the 14th August 1978.

⁴This entry was inserted by section 5 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1961 (Tamil Nadu Act 40 of 1961).

⁵These figures and brackets were substituted for the figures and brackets "55(3)" by section 5 (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).

Section.	Description of document.	Proper fee.
(1)	(2)	(3)
V. APPEALS TO GOVERNMENT, COMMISSIONER OR DEPUTY COMMISSIONER—cont.		
56 (2)	Appeal to Deputy Commissioner by office-holder or servant against order of punishment passed by a trustee.	5
1] ***	***	***]
58 (4)	Appeal to Deputy Commissioner against order of Area Committee regarding <i>dittam</i> .	₹[20]
58 (4)	Appeal to Commissioner against appellate order of Deputy Commissioner.	₹[20]
59 (2)	Appeal to Government against Commissioner's refusal to give consent.	₹[20]
69 (1)	Appeal to Commissioner against order of Deputy Commissioner under Chapter V.	₹[25]
79 (1)	Appeal to Commissioner against order of Deputy Commissioner.	5
81 (1)	Appeal to Commissioner against order of Deputy Commissioner.	5
86 (4)	Appeal against order regarding budget—	
	(i) to Deputy Commissioner	₹[10]
	(ii) to Commissioner	₹[10]
	(iii) to Government	₹[10]
90 (4) (b)	Appeal to Government against order of surcharge ..	₹[20]
118 (2) (c)	Appeal to Commissioner against any modification or cancellation made by Deputy Commissioner.	₹[25]

¹ The following entry was omitted by section 5 (ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971) :—

“ 56 (3) Appeal to Commissioner by hereditary office-holder or servant against appellate order of Deputy Commissioner. 5”

² These figures were substituted for the figure “5” by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).

¹[TAMIL NADU] ACT No. 19 OF 1968².

THE ¹[TAMIL NADU] HINDU RELIGIOUS AND
CHARITABLE ENDOWMENTS (AMENDMENT)
ACT, 1968.

[Received the assent of the Governor on the 8th October 1968, first published in the Fort St. George Gazette Extraordinary, on the 8th October 1968 (Asvina 16, 1890).]

An Act further to amend the ¹[Tamil Nadu] Hindu Religious and Charitable Endowments Act, 1959.

Enacted by the Legislature of the ³[State of Tamil Nadu] in the Nineteenth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the ¹[Tamil Nadu] Hindu Religious and Charitable Endowments (Amendment) Act, 1968.

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

2-35. [The amendments made by these sections have already been incorporated in the principal Act, i.e., Tamil Nadu Act 22 of 1959.]

Abolition of area committees and savings.

36. (1) On and from the date of the commencement of this Act, all the area committees constituted under section 15 of the principal Act shall stand abolished and any member of such committee shall, with effect from the said date, cease to hold office as such member.

(2) All orders passed, decisions made, proceedings or action taken and things done by the area committee under the principal Act or the rules made thereunder before the date of the commencement of this Act, shall be deemed to have been passed, made, taken or done by the Assistant Commissioner concerned under the principal Act as amended by this Act.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 19th August 1968, Part IV — Section 3, pages 94-95.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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1971: T.N. Act 2]

*Hindu Religious and Charitable
Endowments (Amendment)*

763

TAMIL NADU ACT No. 2 OF 1971.*

THE TAMIL NADU HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS (AMENDMENT) ACT, 1970.

Received the assent of the Governor on the 8th January 1971,
first published in the Tamil Nadu Government Gazette
Extraordinary, on the 12th January 1971 (Pausa 22, 1892).]

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

Enacted by the Legislature of the State of Tamil
Nadu in the Twenty-first Year of the Republic of India as
follows :—

1. This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970. Short title.

2-5. [The amendments made by these sections have
already been incorporated in the principal Act, namely,
the Tamil Nadu Hindu Religious and Charitable Endow-
ments Act, 1959 (Tamil Nadu Act 22 of 1959).]

6. (1) The provisions of the principal Act as amended by this Act shall apply to vacancies among the office-holders or servants of the religious institutions existing on, or arising after, the date of the publication of this Act. Act to apply to existing and future vacancies.

(2) Any fit person appointed under sub-section (3) of section 55 of the principal Act, as in force immediately before the date of the publication of this Act shall be deemed to have vacated his office, and the vacancy in the post of office-holder or servant shall be filled up in accordance with the provisions of the principal Act, as amended by this Act.

(3) Any appeal pending before the Deputy Commissioner under sub-section (4) of section 55 or before the Commissioner under sub-section (3) of section 56 of the principal Act as in force immediately before the date of the publication of this Act shall abate.

Explanation.—In this section, 'date of the publication of this Act' means the date of publication of this Act in the Tamil Nadu Government Gazette.

* For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 30th November 1970, Part IV—Section 3, pages 331—332.

416 *Hindu Religious and Charitable Endowments (Third Amendment)* [1974: T.N. Act 50]

TAMIL NADU ACT NO. 50 OF 1974.*

THE TAMIL NADU HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (THIRD AMENDMENT) ACT, 1974.

[Received the assent of the President on the 21st November 1974, first published in the Tamil Nadu Government Gazette on the 27th November 1974 (Karthigai 12, Anantha (2005—Tiruvalluvar Andu)).]

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

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974.

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

2-13. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).]

14. Any legal proceedings taken on behalf of or against the Board constituted under section 4 of the Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswams Act, 1959 (Tamil Nadu Act 30 of 1959), may be continued by or against the Board of Trustees constituted under clause (b) of sub-section (1) of section 47. Any amount including costs, under any decree or order of court obtained for or on behalf of the said Board shall be recoverable by the Board of Trustees constituted under clause (b) of sub-section (1) of section 47.

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 9th April 1974, Part IV—Section 1, Page 153.

Short title and commencement.

Continuance of legal proceedings.

1974: T N. Act 50] *Hindu Religious and Charitable Endowments (Third Amendment)* 417

15. Notwithstanding any law, custom or contract to the contrary, the following provisions shall apply in regard to the persons employed in the administration of any incorporated and Unincorporated Devaswoms immediately before the date of the commencement of this Act :—

Provision for staff of Devaswom Board.

(1) The Government shall have power to terminate the service of any such person after giving one calendar month's notice or paying him one month's pay in lieu of such notice.

(2) Persons whose services are retained shall be governed by such rules as the Government may make in regard to them.

16. (1) The Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959), is hereby repealed.

Repeal.

(2) (i) On and from the date of the commencement of this Act, the Board constituted under section 4 of the Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959), shall stand abolished and any member of such Board shall with effect from the said date, cease to hold office as such member.

(ii) All orders passed, decisions made, proceedings or action taken and things done under the said Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 and the rules made thereunder before the date of the commencement of this Act, shall be deemed to have been passed, made, taken or done under the principal Act as amended by this Act, by the Board of Trustees constituted under clause (b) of sub-section (1) of section 47 of the principal Act.

17. [The amendment made by this section has already been incorporated in the principal Act, namely, the Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Act, 1964 (Tamil Nadu Act 31 of 1964).]

18. [The amendment made by this section has already been incorporated in the principal Act, namely, the Kanyakumari Sreepadam Lands (Abolition and Conversion into Ryotwari) Act, 1972 (Tamil Nadu Act 11 of 1973).]

19. [The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).]

1976 : President's Act 24] *Hindu Religious and Charitable Endowments (Amendment and Special Provisions)* 603

PRESIDENT'S ACT NO. 24 OF 1976.*

THE TAMIL NADU HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT AND SPECIAL PROVISIONS) ACT, 1976.

[Received the assent of the President on the 1st June 1976, first published in the Tamil Nadu Government Gazette Extraordinary on the 1st June 1976 [Vaikasi 19, Nala (2007—Tiruvalluvar Andu)].]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

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

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows:—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976. Short title and commencement.

(2) It shall come into force at once.

2-10. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).]

11. (1) Notwithstanding anything contained in the principal Act every non-hereditary trustee of every religious institution appointed under any of the provisions of the principal Act and holding office as such on the date of commencement of this Act shall cease to hold such office on such date. Non-hereditary trustees to cease to hold office.

(2) On and from the date of commencement of this Act, the functions of the Board of Trustees or of the Trustee, as the case may be, of any religious institution

* For Reasons for the enactment, see *Tamil Nadu Government Gazette Extraordinary*, dated the 1st June 1976, Part IV—Section 2, Pages 224-225.

604 *Hindu Religious and Charitable Endowments (Amendment and Special Provisions)* [1976: President's Act 24]

shall, until the vacancy is filled up in accordance with the provisions of the principal Act as amended by this Act, be performed—

(a) by the hereditary trustee or trustees, if any, of such institution, and

(b) if there is no hereditary trustee, of such institution, by the executive officer or if the Government so direct, by a fit person, appointed by the Government, the Commissioner, or the Assistant Commissioner, as the case may be.

(3) Notwithstanding anything contained in the principal Act,—

(a) any non-hereditary trustee who ceases to be such non-hereditary trustee under sub-section (1) shall hand over within a period of ten days from the date of commencement of this Act or within such further time as may be granted by the Commissioner, any records, accounts and properties of the religious institution which are in, or have come into, his possession or control, to the hereditary trustee, executive officer or fit person, as the case may be, referred to in sub-section (2);

(b) if any such non-hereditary trustee fails to comply with the provisions of clause (a), he shall, on conviction by a Metropolitan Magistrate or a Judicial Magistrate of the first class, be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both;

(c) the Magistrate referred to in clause (b) may, pending the conclusion of the trial, appoint a Receiver to take possession of the records, accounts and properties of the religious institution from such non-hereditary trustee and the remuneration, if any, paid to the Receiver and other expenses incurred by him shall be paid out of the income of the religious institution concerned.

1976; President's Act 24] *Hindu Religious and Charitable Endowments (Amendment and Special Provisions)* 605

12. Every vacancy occurring in the office of non-hereditary trustees under section 11 shall be filled up in accordance with the provisions of the principal Act as amended by this Act within a period of one year from the date of commencement of this Act or within such further period not exceeding ¹[five years] as the State Government may, by notification, specify in this behalf.

Filling up of vacancies of the office of non-hereditary trustees.

¹These words were substituted for the words "four years" by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Amendment Act, 1981 (Tamil Nadu Act 30 of 1981). [The words "four years" were earlier substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Amendment Act, 1980 (Tamil Nadu Act 22 of 1980), which was deemed to have come into force on the 30th May 1980, for the words "three years", which in turn were substituted for the words "two years" by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Amendment Act, 1979 (Tamil Nadu Act 32 of 1979), which was deemed to have come into force on the 30th May 1979.]

1978 : T.N. Act 42] *Hindu Religious and Charitable Endowments (Amendment) 945*

TAMIL NADU ACT NO. 42 OF 1978.*

THE TAMIL NADU HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT) ACT, 1978.

[Received the assent of the President on the 5th October 1978, first published in the Tamil Nadu Government Gazette Extraordinary on the 7th October 1978 (Puratust 21, Kalayukti (2009-Tiruvalluvar Andu)).]

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

Enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978. Short title and commencement.

(2) It shall be deemed to have come into force on the 14th August 1978.

2-18. [The amendments made in these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).]

19. Notwithstanding anything contained in the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976), the hereditary trustee or trustees or the executive officer or a fit person referred to in sub-section (2) of section 11 of the said Act, as the case may be, empowered to perform the functions of the Board of Trustees or of the trustee, as the case may be, of any religious institution under the said section 11, shall cease to perform such functions on and from such date as may be specified by the Government or any officer authorised by them in this behalf : Hereditary trustee or fit person, etc., cease to perform functions of Board of Trustees.

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 7th September 1978, Part IV—Section 1, Pages 438—439.

Provided that such date shall be a date subsequent to the date of the constitution of the Board of Trustees or of the appointment of a trustee, as the case may be, under the principal Act as amended by this Act.

Repeal. 20. (1) The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Ordinance, 1978 (Tamil Nadu Ordinance 10 of 1978), 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, as if this Act had come into force on the 14th August 1978.

GOVERNMENT OF TAMIL NADU

1987

[Registered No. P-7]

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**Part IV—Section 2
Tamil Nadu Acts and Ordinances.**

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 11th February 1987 and is hereby published for general information :—

ACT No. 2 OF 1987.

An Act 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 Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1986.

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

2. *Amendment of section 92, Tamil Nadu Act 22 of 1959.*—In section 92 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959),—

(i) in sub-section (1), for the words “seven per centum”, the words “ten per centum” shall be substituted;

(ii) in sub-section (2), for the words “one and a half per centum”, the words “four per centum” shall be substituted.

(By order of the Governor.)

S. VADIVELU,
*Commissioner and Secretary to Government,
Law Department.*

GOVERNMENT OF TAMIL NADU

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 11th November 1991 and is hereby published for general information :—

ACT No. 46 OF 1991.

An Act 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 Forty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991. Short title and commencement.

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

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

(1) clause (1) shall be omitted ;

(2) after clause (8), the following clause shall be inserted, namely:—

“(8-A) “District Committee” means a District Committee constituted under section 7-C;”;

(3) clause (15-A) shall be omitted ;

(4) after clause (20), the following clause shall be inserted, namely:—

“(20-A) “Temple Administration Board” means the Tamil Nadu Temple Administration Board established under section 7;”.

(A Group) IV-2 Ex. (588)—1

[143]

Tamil Nadu
Act 27 of 1959.

Amendment of section 7.

2. For section 7 of the principal Act, the following shall be substituted, namely :—

“ CHAPTER I-A.

ESTABLISHMENT OF TEMPLE ADMINISTRATION BOARD AND CONSTITUTION OF DISTRICT COMMITTEES.

Establishment of Tamil Nadu Temple Administration Board

7. (1) With effect on and from such date as the Government may, by notification, appoint in this behalf, there shall be established a Board, by the name the Tamil Nadu Temple Administration Board.

(2) The Temple Administration Board shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and to transfer any such property subject to such conditions and restrictions as may be prescribed and shall by the said name sue and be sued.

(3) It shall be lawful for the Temple Administration Board to reorganise the administrative set up in respect of the religious institutions and endowments in the State so as to ensure better administration and governance of the religious institutions and endowments, in accordance with the provisions of this Act.

Composition of Temple Administration Board.

7-A. (1) The Temple Administration Board shall consist of the following members, namely :—

- (a) the Chief Minister, who shall be the Chairman, *ex-officio* ;
- (b) the Minister incharge of the portfolio of Hindu Religious and Charitable Endowments in the State of Tamil Nadu, *ex-officio* ;
- (c) the Secretary to Government incharge of Hindu Religious and Charitable Endowments, *ex-officio* ;
- (d) the Commissioner, *ex-officio* ;
- (e) such number of officials and non-officials as may be prescribed, professing Hindu religion, nominated by the Government, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes :

Provided that the number of members so nominated under this clause shall not exceed eighteen.

Explanation.—For the purposes of this sub-section and sub-section (1) of section 7-D, “ Scheduled Castes ” and “ Scheduled Tribes ” shall have the same meaning assigned to them respectively in clauses (24) and (25) of Article 366 of the Constitution.

(2) The Commissioner shall be the Secretary to the Temple Administration Board.

(3) The term of office of the members of the Temple Administration Board nominated under clause (e) of sub-section (1) and other matters relating to the conduct of the meeting of the said Board shall be such as may be prescribed.

7-B. (1) Subject to the other provisions of this Act and to any rules made under this Act, the general superintendence of all religious institutions and endowments in the State in relation to all matters, except those which are expressly required by this Act to be dealt with by the Commissioner, Deputy Commissioner or the Assistant Commissioner, shall vest in the Temple Administration Board and it shall be the duty of the Temple Administration Board so to exercise its powers under this Act as to ensure that the religious institutions and endowments under its superintendence are properly maintained, controlled and administered and the income thereof is duly applied to the objects and for the purposes for which such religious institutions and endowments were created or intended.

Powers and
Functions of
Temple Administra-
tion Board.

(2) Without prejudice to the generality of the foregoing power, the functions of the Temple Administration Board shall be—

(a) to maintain a record containing information relating to the origin, income and object of every religious institution or endowment;

(b) to ensure that the income and other property of the religious institutions and endowments are applied to the objects for which such religious institutions or endowments were created or intended;

(c) to give directions to the District Committee for the administration of the religious institutions and endowments;

(d) to accord previous sanction for alienation of immovable trust property referred to in section 34;

(e) to direct the utilisation of the surplus income of the religious institutions or endowments consistent with the objects of the religious institutions or endowments;

Provided that the Temple Administration Board shall not issue any direction prejudicial to any temple or endowment unless the trustees concerned have had a reasonable opportunity of making their representations;

(f) to constitute a District Committee for each district or for two or more districts;

(g) to exercise control over the administration of maths;

(h) to constitute Board of Trustees in respect of any religious institution whose annual income, as calculated for the purposes of the levy of contribution under sub-section (1) of section 92, is not less than rupees one lakh; and

(i) generally to do all such acts as may be necessary for the due control, maintenance and administration of the religious institutions and endowments.

7-C. (1) The Temple Administration Board shall constitute a District Committee for each district or for two or more districts for the purpose of constituting the Board of Trustees for each religious institution, whose annual income as calculated for the purposes of the levy of contribution under sub-section (1) of section 92, is less than rupees one lakh.

Constitution of
District Com-
mittee.

(2) The religious institution whose annual income as calculated for the purposes of the levy of contribution under sub-section (1) of section 92 is less than ten thousand rupees shall be grouped together by the District Committee in such manner as may be prescribed for the purpose of constituting a Board of Trustees for the administration and governance of such religious institutions.

7-D. (1) Every District Committee shall consist of the following members, namely:—

Composition of
District
Committee.

(a) a Chairman; and

(b) such number of officials and non-officials not exceeding eleven, as may be prescribed.

professing Hindu religion, nominated by the Temple Administration Board, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes.

(2) The Temple Administration Board may appoint a Deputy Commissioner or an Assistant Commissioner, as the case may be, as Secretary to the District Committee.

(3) The term of office of the members of the District Committee and other matters relating to the conduct of the meeting of the said Committee shall be such as may be prescribed.

Functions of
District
Committee.

7-E. Subject to the other provisions of this Act and to any rules made under this Act, the District Committee may exercise powers in respect of the following matters relating to the religious institutions, namely:—

(a) constitution of board of trustees in respect of any religious institution whose annual income as calculated for the purposes of the levy of contribution under sub-section (1) of section 92, is less than rupees one lakh;

(b) inspection of property and documents;

(c) power to enter the religious institutions;

(d) power to call for accounts from trustees other than maths;

(e) power to suspend, remove or dismiss trustees;

(f) approval of budget of the religious institutions and review of the audit report.

Disqualifica-
tions of member
of Temple
Administration
Board or
District
Committee.

7-F. A person shall be disqualified for being nominated as, and for being, a member of the Temple Administration Board or the District Committee—

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

(b) if he is an undischarged insolvent;

(c) 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 member of the Temple Administration Board or District Committee;

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

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

(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 adversely to the interests of the institution.

7-G. (1) (a) The Temple Administration Board;

(b) the District Committee,

Meeting of
Temple
Administration
Board or
District Committee.

shall meet for transaction of its business at such times and places as may be prescribed.

(2) The Chairman, or in his absence, any member chosen by the members from amongst themselves, shall preside over the meeting of the Temple Administration Board or the District Committee, as the case may be.

(3) Subject to the provisions of this Act, all questions which come before any meeting of the Temple Administration Board or the District Committee, as the case may be, shall be decided by a majority of votes of the members present, and in the case of equality of votes, the Chairman or, in his absence, any other person presiding over the meeting, shall have a second or casting vote.

7-H. No Chairman or other member or Secretary of the Temple Administration Board or of the District Committee, as the case may be, shall receive or be paid any salary or other remuneration except such travelling and halting allowances as may be prescribed.

Chairman, members and Secretary not to receive or be paid salaries or other remuneration.
Resignation.

7-I. Any non-official member may resign his office by giving notice in writing,—

(a) to the Government, where such member is a member of the Temple Administration Board; and

(b) to the Temple Administration Board, where such member is a member of the District Committee,

and his office shall become vacant from the date of acceptance of such resignation by the Government or the Temple Administration Board, as the case may be.

7-J. (1) A non-official member of the Temple Administration Board or the District Committee shall cease to hold office as such member if he has absented himself from three consecutive meetings of the Temple Administration Board or the District Committee, as the case may be, without obtaining the prior permission of the Chairman therefor.

Cessation of office of member or Chairman.

(2) The Chairman of a District Committee if he is a non-official shall cease to hold office as such Chairman, if he has absented himself from three consecutive meetings of the said Committee without obtaining the prior permission of the Chairman of the Temple Administration Board.

7-K. Any non-official member may, for good and sufficient reason, be removed from office after giving him an opportunity of showing cause against such removal and after considering the explanation offered therefor,—

Removal of non-official members.

(a) by the Government, in the case of a member of the Temple Administration Board; and

(b) by the Temple Administration Board, in the case of a member of the District Committee.

7-L. The Government or the Temple Administration Board, as the case may be, may fill up any casual vacancy in the office of any nominated member of the Temple Administration Board, or a District Committee (including its Chairman), by nominating another person in his place in accordance with the provisions of this Act and such person shall hold office only so long as the member in whose place he is nominated would have been entitled to hold office, if the vacancy had not occurred.

Filling up of casual vacancy.

7-M. No act or proceeding of the Temple Administration Board or the District Committee shall be deemed to be invalid by reason only of a defect in its composition or on the ground that any member of the Temple Administration Board or the District Committee, as the case may be, was not entitled to hold or continue in any such office by reason of any disqualification, or by reason of any irregularity or illegality in his nomination or by reason of such act or proceeding having been done or conducted during the period of any vacancy in the office of the Chairman or member of such Board or Committee, as the case may be.

Acts of Temple Administration Board or District Committee not to be invalidated.

7-N. It is hereby declared that the offices of Chairman and members of the Temple Administration Board or the District Committee shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of the Legislative Assembly.

Prevention of disqualification for membership of Legislative Assembly.

7-O. The Temple Administration Board may, by a general or special order in writing, delegate to the District Committee or the Commissioner any of the powers conferred or duties imposed on the said Board by this Act or the rules made thereunder (other than the powers and duties referred to in section 47) subject to such conditions if any, as may be specified in the order.

Delegation of powers.

Direction by
Government.

7-P. In the discharge of its functions, the Temple Administration Board may be guided by such directions on questions of policy as may be given to it by the Government. "

Amendment of
heading of
Chapter II.

4. In Chapter II of the principal Act, for the heading, the following heading shall be substituted, namely:—

" AUTHORITIES UNDER THE ACT. "

Amendment of
section 8.

5. In section 8 of the principal Act, for clause (a), the following clauses shall be substituted, namely:—

" (a) The Temple Administration Board ;

(aa) District Committees ;

(aaa) The Commissioner ; "

Omission of
section 11.

6. Section 11 of the principal Act shall be omitted.

Amendment of
section 13.

7. In section 13 of the principal Act, in sub-section (2), the figures " 46, 47, 59 " shall be omitted.

Amendment of
section 14.

8. In section 14 of the principal Act,—

(1) in the marginal heading, for the words " Assistant Commissioners", the words " Assistant Commissioners and District Committees " shall be substituted ;

(2) in sub-section (2-A),—

(a) in the opening portion,—

(i) for the expression " Without prejudice to the provisions of sub-section (2), an Assistant Commissioner ", the expression " The District Committee " shall be substituted ;

(ii) for the words " imposed on him ", the words " imposed on it " shall be substituted ;

(b) in clause (i),—

(i) for the words " in his division ", the words " in its jurisdiction " shall be substituted ;

(ii) for the expression " under section 46 ", the expression " under clause (iii) of section 46 " shall be substituted ;

(c) in clause (ii), for the expression " under section 46 ", the expression " under clause (iii) of section 46 " shall be substituted ;

(d) in clause (iii), for the words " in his division ", the words " in its jurisdiction " shall be substituted ;

(e) (i) in the first proviso, for the words " Assistant Commissioners " in three places where they occur, the words " District Committees " shall be substituted ;

(ii) for the words " the Commissioner ", the words " the Temple Administration Board " shall be substituted ;

(f) in the second proviso, for the words " the Commissioner ", the words " the Temple Administration Board " shall be substituted ;

(3) in sub-section (3), the figures " 46, 47, 59 " shall be omitted.

9. In section 21 of the principal Act, in sub-section (1), the expression "or in respect of which an application for revision has been preferred under section 21-A to the Deputy Commissioner and is pending disposal by him" shall be omitted. Amendment of section 21.
10. Section 21-A of the principal Act shall be omitted. Omission of section 21-A.
11. In section 23 of the principal Act,—
- (1) in the marginal heading, for the word "Commissioner", the words "Temple Administration Board" shall be substituted;
- (2) for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted;
- (3) in the proviso, for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted.
- Amendment of section 23.
12. In section 24 of the principal Act,—
- (1) in sub-section (1), for the words "The Commissioner or a Deputy or an Assistant Commissioner or any officer authorised by the Commissioner or the Deputy Commissioner or the Assistant Commissioner in this behalf", the words "The Chairman or any member of the Temple Administration Board or of the District Committee or the Commissioner or a Deputy Commissioner or an Assistant Commissioner or any officer authorised by the Temple Administration Board or the District Committee or the Commissioner or a Deputy Commissioner or an Assistant Commissioner, as the case may be, in this behalf" shall be substituted;
- (2) in sub-section (2),—
- (a) for the words "such officer" in two places where they occur, the words "such Chairman, member or officer" shall be substituted;
- (b) for the words "the officer", the words "the Chairman, member or officer" shall be substituted;
- (3) in sub-section (5),—
- (a) for the words "the Commissioner" in two places where they occur, the words "the Temple Administration Board" shall be substituted;
- (b) for the word "he", the word "it" shall be substituted;
- (4) in sub-section (6), for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted.
- Amendment of section 24.
13. In section 25 of the principal Act,—
- (1) in the marginal heading, for the word "Commissioner", the words "Chairman, Member, Commissioner" shall be substituted;
- (2) for the words "The Commissioner", the words "The Chairman or any member of the Temple Administration Board or of the District Committee, the Commissioner" shall be substituted.
- Amendment of section 25.
14. In section 26 of the principal Act,—
- (1) in sub-section (2), in clause (b), for sub-clauses (i), (i-a) and (ii), the following sub-clauses shall be substituted, namely:—
- (i) in the case of trustees appointed by the District Committee, to the District Committee;
- (ii) in any other case to the Temple Administration Board;";
- (2) in sub-section (3), for the words "the Deputy Commissioner", the words "the District Committee" shall be substituted;
- Amendment of section 26.

(3) for sub-section (5), the following sub-section shall be substituted, namely :—

“ (5) Any person aggrieved by an order of—

(a) the District Committee under sub-section (3) may appeal to the Temple Administration Board ;

(b) the Deputy Commissioner under sub-section (4) may appeal to the Commissioner,

within one month from the date of receipt of the order by him. ”.

Amendment of
section 27.

15. In section 27 of the principal Act, for the words “ the Government ”, the words “ the Government, the Temple Administration Board, the District Committee ” shall be substituted.

Amendment of
section 29.

16. In section 29 of the principal Act,—

(1) in sub-section (1),—

(a) in the opening portion, for the words “ the Commissioner ”, the words “ the Temple Administration Board ” shall be substituted ;

(b) in clause (b), for the words “ the Commissioner ”, the words “ the Temple Administration Board ” shall be substituted ;

(2) in sub-section (2), in the opening portion, for the words “ the Commissioner ” and “ the Assistant Commissioner ” wherever they occur, the words “ the Temple Administration Board ” and “ the District Committee ” shall, respectively, be substituted ;

(3) in sub-section (3),—

(a) for the words “ The Assistant Commissioner ”, the words “ The District Committee ” shall be substituted ;

(b) for the words “ through him ”, the words “ through it ” shall be substituted ;

(c) for the words “ as he may ” in two places where they occur, the words “ as it may ” shall be substituted ;

(4) in sub-section (4),—

(a) for the words “ The Commissioner ” and “ the Assistant Commissioner ” wherever they occur, the words “ The Temple Administration Board ” and “ the District Committee ” shall, respectively, be substituted ;

(b) for the words “ as he may ”, the words “ as it may ” shall be substituted ;

(5) in sub-section (5), for the words “ the Commissioner ” in two places where they occur, the words “ the Temple Administration Board ” shall be substituted ;

(6) in sub-section (6), for the words “ the Commissioner ” and “ the Assistant Commissioner ”, the words “ the Temple Administration Board ” and “ the District Committee ” shall, respectively, be substituted.

Amendment of
section 30.

17. In section 30 of the principal Act, for the words “ the Commissioner for his approval directly or through the Assistant Commissioner ”, the words “ the Temple Administration Board for its approval directly or through the District Committee ” shall be substituted.

Amendment of
section 31.

18. In section 31 of the principal Act, for the words “ the Commissioner for his approval directly or through the Assistant Commissioner ”, the words “ the Temple Administration Board for its approval directly or through the District Committee ” shall be substituted.

19. In section 32 of the principal Act,—
- Amendment of section 32.
- (1) in sub-section (1),—
- (a) for the words "the Commissioner", in two places where they occur, the words "the Temple Administration Board" shall be substituted;
- (b) for the word "he", the word "it" shall be substituted;
- (2) in sub-section (2),—
- (a) for the words "the Assistant Commissioner", the words "the District Committee" shall be substituted;
- (b) for the word "him", the word "it" shall be substituted;
- (c) for the word "he", the word "it" shall be substituted.
20. In section 33 of the principal Act, for the words "the Commissioner" in three places where they occur, the words "the Temple Administration Board" shall be substituted. Amendment of section 33.
21. In section 34 of the principal Act,—
- Amendment of section 34.
- (1) for the words "the Commissioner" wherever they occur, the words "the Temple Administration Board" shall be substituted;
- (2) in sub-section (2), for the word "he", the word "it" shall be substituted.
22. In section 35 of the principal Act, in sub-section (2), for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted. Amendment of section 35.
23. In section 36 of the principal Act (including the second proviso thereto), for the words "the Commissioner" in two places where they occur, the words "the Temple Administration Board" shall be substituted. Amendment of section 36.
24. In section 37 of the principal Act, for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted. Amendment of section 37.
25. In section 42 of the principal Act, for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted. Amendment of section 42.
26. In section 43 of the principal Act,—
- Amendment of section 43.
- (1) in the marginal heading, for the word "Commissioner", the words "Temple Administration Board" shall be substituted;
- (2) for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted.
27. In section 46 of the principal Act,—
- Amendment of section 46.
- (1) in clause (i), for the words "less than fifty thousand rupees", the words "less than one lakh rupees" shall be substituted;
- (2) clause (ii) shall be omitted;
- (3) in the second proviso,—
- (1) in clause (a), the expression "or clause (ii)" shall be omitted;
- (2) in clause (b), the expression "clause (ii) or" shall be omitted.
28. Section 46-A of the principal Act shall be omitted. Omission of section 46-A.

**Amendment of
section 47.**

29. In section 47 of the principal Act,—

(1) in sub-section (1),—

(a) for clause (a) (including the proviso thereto), the following clause shall be substituted, namely:—

“(a) Where a religious institution included in the list published under section 46, has no hereditary trustee,—

(i) in cases falling under clause (i) of section 46, the District Committee; and

(ii) in cases falling under clause (iii) of section 46, the Temple Administration Board,

shall constitute a Board of Trustees consisting of persons appointed by the District Committee or the Temple Administration Board, as the case may be.”;

(b) in clause (b), for the words “the Government”, the words “the Temple Administration Board” shall be substituted;

(c) in clause (c), in the proviso, for the words “the Government, the Commissioner or the Deputy Commissioner”, the words “the Temple Administration Board or the District Committee” shall be substituted;

(d) in the Explanation, for the expression “purposes of this sub-section”, the expression “purposes of this sub-section and sub-section (1) of section 49” shall be substituted;

(2) in sub-section (2), for the words “the Government, the Commissioner or the Deputy Commissioner” wherever they occur, the words “the Temple Administration Board or the District Committee” shall be substituted;

(3) in sub-section (3), for the words “the Government, the Commissioner or the Deputy Commissioner”, the words “the Temple Administration Board or the District Committee” shall be substituted;

(4) in sub-section (4) (including the proviso thereto), for the words “the Government, the Commissioner or the Deputy Commissioner” in two places where they occur, the words “the Temple Administration Board or the District Committee” shall be substituted.

**Omission of
section 47-A.**

30. Section 47-A of the principal Act shall be omitted.

**Amendment of
section 48.**

31. In section 48 of the principal Act, for the words “the Government, the Commissioner or the Deputy Commissioner” in two places where they occur, the words “the Temple Administration Board or the District Committee” shall be substituted.

**Amendment of
Section 49.**

32. In section 49 of the principal Act,—

(1) in the marginal heading, for the words “Assistant Commissioner”, the words “District Committee” shall be substituted;

(2) in sub-section (1),—

(a) for the words “the Assistant Commissioner”, the words “the District Committee” shall be substituted;

(b) for the words “the Government, the Commissioner or the Deputy Commissioner”, the words “the Temple Administration Board or the District Committee” shall be substituted;

(c) for the provisos, the following proviso shall be substituted, namely:—

“ Provided that the Board of Trustees constituted under this sub-section shall consist of not less than three and not more than five persons, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes. ”;

(3) in sub-section (2), for the words “ the Assistant Commissioner ”, the words “ the District Committee ” shall be substituted.

33. In section 49-A of the principal Act,—

Amendment of
section 49-A.

(1) in sub-section (1), for the words “ the Assistant Commissioner ”, the words “ the District Committee ” shall be substituted ;

(2) in sub-section (2), for the words “ the Government, the Commissioner or the Deputy Commissioner ”, the words “ the Temple Administration Board or the District Committee ” shall be substituted.

34. In section 51 of the principal Act,—

Amendment of
section 51.

(1) clause (a) shall be omitted ;

(2) in clause (b), for the words “ the Government, the Commissioner, the Deputy Commissioner or the Assistant Commissioner ”, the words “ The Temple Administration Board or the District Committee ” shall be substituted.

35. In section 53 of the principal Act,—

Amendment of
section 53.

(1) in sub-section (1),—

(a) in clause (a), for the words “ the Government ”, the words “ the Temple Administration Board ” shall be substituted ;

(b) clause (4) shall be omitted ;

(c) in clause (c), for the words “ the Deputy Commissioner ”, the words “ the District Committee ” shall be substituted ;

(d) in clause (d), for the words “ the Assistant Commissioner ”, the words “ the District Committee ” shall be substituted ;

(2) in sub-section (2), in clause (c), for the words “ the Government ”, the words “ the Government, the Temple Administration Board, the District Committee ” shall be substituted ;

(3) in sub-section (5),—

(a) in clause (i), for the words “ the Commissioner, to the Government ”, the words “ the Temple Administration Board, to the Government ; and ” shall be substituted ;

(b) in clause (ii), for the words “ the Deputy Commissioner, to the Commissioner ; and ”, the words “ the District Committee, to the Temple Administration Board ” shall be substituted ;

(c) clause (iii) shall be omitted ;

(4) in sub-section (6), for the words “ the Commissioner ”, the words “ the Temple Administration Board ” shall be substituted.

36. In section 57 of the principal Act, for the words “ the Commissioner ”, the words “ the Temple Administration Board ” shall be substituted.

Amendment of
section 57.

Amendment of
section 58.

37. In section 58 of the principal Act,—

(1) in sub-section (1),—

(a) in the opening portion,—

(i) for the words "the Assistant Commissioner" and "the Commissioner" in two places where they occur, the words "the District Committee" and "the Temple Administration Board" shall, respectively, be substituted;

(ii) for the expression "date of the commencement of this Act", the expression "date of the commencement of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991" shall be substituted;

(b) in the proviso, for the expression "date of the commencement of this Act", the expression "date of the commencement of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991" shall be substituted;

(2) in sub-sections (2), (3) and (5), for the words "the Assistant Commissioner" and "the Commissioner" wherever they occur, the words "the District Committee" and "the Temple Administration Board" shall, respectively, be substituted;

(3) in sub-section (3), for the words "he may think fit", the words "it may think fit" shall be substituted;

(4) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Against an order passed by the District Committee under sub-section (3), the trustee or any person having interest may, within one month from the date of the receipt of the order by the trustee, appeal to the Temple Administration Board."

(5) in sub-section (5), in the proviso, for the words "on his own motion", the words "on its own motion" shall be substituted.

Amendment of
section 59.

38. In section 59 of the principal Act,—

(1) in sub-section (1), for the word "Commissioner" in two places where it occurs, the words "Temple Administration Board" shall be substituted;

(2) in sub-section (2),—

(a) for the word "Commissioner" wherever it occurs, the words "Temple Administration Board" shall be substituted;

(b) for the words "his consent", the words "its consent" shall be substituted.

Amendment of
section 60.

39. In section 60 of the principal Act,—

(1) in sub-section (1),—

(a) for the words "Assistant Commissioner", the words "District Committee" shall be substituted;

(b) for the words "as he thinks", the words "as it thinks" shall be substituted;

(c) for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted;

(2) in sub-section (2),—

(a) for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted;

(b) for the words "as he deems", the words "as it deems" shall be substituted;

(c) for the words "he shall"; the words "it shall" shall be substituted;

(d) for the words "as he thinks fit", the words "as it thinks fit" shall be substituted;

(3) in sub-section (3), for the word "Commissioner", the words "Temple Administration Board" shall be substituted.

40. In section 61 of the principal Act,—

Amendment of
section 61.

(1) for the words "the Commissioner" wherever they occur, the words "the Temple Administration Board" shall be substituted;

(2) in sub-section (3), for the words "he shall submit", the words "it shall submit" shall be substituted.

41. In section 77 of the principal Act, in sub-section (3), for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted.

Amendment of
section 77.

42. In section 86 of the principal Act,—

Amendment of
section 86.

(1) in sub-section (1),—

(a) in the opening portion, for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted;

(b) for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

"(a) to the Temple Administration Board, in the case of maths and specific endowments attached to maths and in the case of institutions included in the list published under clause (iii) of section 46;

(b) to the District Committee, in the case of other institutions.";

(2) in sub-section (2), in clause (d), for the words "the Commissioner", the words "the Temple Administration Board" shall be substituted;

(3) in sub-section (3),—

(a) for the words "The Commissioner, Deputy Commissioner or Assistant Commissioner", the words "The Temple Administration Board or the District Committee" shall be substituted;

(b) for the word "he", the word "it" shall be substituted;

(4) in sub-section (4), for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

"(a) where the order has been made by the District Committee, to the Temple Administration Board;

(b) where the order has been made by the Temple Administration Board, to the Government.";

(5) in sub-section (5), for the words "the Commissioner, Deputy Commissioner or Assistant Commissioner" in two places where they occur, the words "the Temple Administration Board or District Committee" shall be substituted;

(6) in sub-section (6),—

(a) for the words "Commissioner, Deputy Commissioner or Assistant Commissioner" in two places where they occur, the words "Temple Administration Board or District Committee" shall be substituted;

(b) for the words "by the Commissioner", the words "by the Temple Administration Board" shall be substituted.

43. In section 87 of the principal Act, for the words "the Commissioner" in two places where they occur, the words "the Temple Administration Board" shall be substituted.

Amendment of
section 87.

Amendment of
section 88.

44. In section 88 of the principal Act, for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

“(a) to the Temple Administration Board in respect of maths and specific endowments attached to maths and in respect of institutions included in the list published under clause (iii) of section 46; and

(b) to the District Committee in respect of other institutions.”

Amendment of
section 89.

45. In section 89 of the principal Act, in sub-section (2), for the words “the Commissioner, Deputy Commissioner or Assistant Commissioner”, the words “the Temple Administration Board or District Committee” shall be substituted.

Amendment of
section 90.

46. In section 90 of the principal Act,—

(1) in sub-sections (1), (2) and (3), for the words “Commissioner, Deputy Commissioner or Assistant Commissioner” wherever they occur, the words “Temple Administration Board or District Committee” shall be substituted;

(2) in sub-sections (7) and (8), for the words “the Commissioner” wherever they occur, the words “the Temple Administration Board” shall be substituted;

(3) in sub-section (8), for the words “as he thinks necessary”, the words “as it thinks necessary” shall be substituted.

Amendment of
section 92.

47. In section 92 of the principal Act, in sub-section (4), for clause (iv), the following clause shall be substituted, namely:—

“(iv) expenses of the Temple Administration Board and the District Committees.”

Amendment of
section 93.

48. In section 93 of the principal Act, for the words “the Government”, the words “the Government, the Temple Administration Board, a District Committee” shall be substituted.

Amendment of
section 97.

49. In section 97 of the principal Act,—

(1) in sub-section (1), for the words “the Commissioner”, the words “the Temple Administration Board” shall be substituted;

(2) in sub-section (2), for the words “the Commissioner”, the words “the Temple Administration Board” shall be substituted.

Amendment of
section 97-C.

50. In section 97-C of the principal Act, for the words “the Commissioner” in two places where they occur, the words “the Temple Administration Board” shall be substituted.

Amendment of
section 98.

51. In section 98 of the principal Act, for the words “the Commissioner”, the words “the Temple Administration Board, District Committee, Commissioner” shall be substituted.

Amendment of
section 99.

52. In section 99 of the principal Act, for the words “The Commissioner”, the words “The Temple Administration Board, a District Committee, the Commissioner” shall be substituted.

Amendment of
section 100.

53. In section 100 of the principal Act,—

(1) in sub-section (1), for the words “the Deputy or Assistant Commissioner of the division”, the words “the District Committee having jurisdiction over the area” shall be substituted;

(2) in sub-section (2), for the words “the Deputy or Assistant Commissioner”, the words “the District Committee” shall be substituted.

Amendment of
section 101.

54. In section 101 of the principal Act,—

(1) for the words “the Commissioner” in three places where they occur, the words “the Temple Administration Board” shall be substituted;

(2) in sub-section (1), in the first proviso, for the words “of his intention”, the words “of its intention” shall be substituted.

55. In section 102 of the principal Act, in sub-section (2), for the words "the Commissioner or a Deputy Commissioner shall be in his discretion and he shall have", the words "the Temple Administration Board or a District Committee or the Commissioner or a Deputy Commissioner shall be in its or his discretion, as the case may be, and it or he, as the case may be, shall have" shall be substituted.

Amendment of section 102.

56. In section 111 of the principal Act, for the words "the Government", the words "the Government, the Temple Administration Board, a District Committee" shall be substituted.

Amendment of section 111.

57. In section 114 of the principal Act, in sub-section (1), for the words "the Commissioner", the words "the Temple Administration Board, any District Committee, the Commissioner" shall be substituted.

Amendment of section 114.

58. Section 114-A of the principal Act shall be omitted.

Omission of section 114-A.

59. In section 116 of the principal Act, in sub-section (2),—

Amendment of section 116.

(i) in clauses (ii) and (iii), for the words "the Government", the words "the Government, the Temple Administration Board, a District Committee" shall be substituted;

(2) in clause (xi), for sub-clauses (a) and (aa), the following sub-clauses shall be substituted, namely:—

- "(a) the Temple Administration Board;
- "(aa) a District Committee; and"

60. In Schedule III to the principal Act,—

Amendment of Schedule III.

(1) under the heading "II. Applications to Court or Tribunal", in the entries in column (2), against the entry "47 (4)" in column (1), for the words "Government, Commissioner or Deputy Commissioner", the words "Temple Administration Board or District Committee" shall be substituted;

(2) (i) in the heading "IV. Applications to Government, Commissioner or Deputy Commissioner", for the word "Commissioner", the words "Temple Administration Board, Commissioner" shall be substituted;

(ii) under the heading as so amended,—

(a) entry "21-A" in column (1) and the entries relating thereto in columns (2) and (3) shall be omitted;

(b) in the entries in column (2), against the entry "50 (1)" in column (1), for the word "Commissioner", the words "Temple Administration Board" shall be substituted;

(c) entry "114-A" in column (1) and the entries relating thereto in columns (2) and (3) shall be omitted;

(3) (i) in the heading "V. Appeals to Government, Commissioner or Deputy Commissioner", for the word "Commissioner", the words "Temple Administration Board, District Committee, Commissioner" shall be substituted;

(ii) under the heading as so amended,—

(a) in the entries in column (2), against the entry "24 (6)" in column (1), for the word "Commissioner", the words "Temple Administration Board" shall be substituted;

(b) for the entries in columns (2) and (3), against the entry "26 (5)" in column (1), the following entries shall be substituted, namely:—

"Appeal against order of—

- (i) District Committee to Temple Administration Board 25;
- (ii) Deputy Commissioner to Commissioner. 25;"

(c) in the entries in column (2), against the entry "34 (4)" in column (1), for the word "Commissioner", the words "Temple Administration Board" shall be substituted;

(d) in the entries in column (2), against the entry "37" in column (1), for the word "Commissioner", the words "Temple Administration Board" shall be substituted;

(e) in columns (1), (2) and (3), for the entries

"58 (4) .. Appeal to Deputy Commissioner against order of Area Committee regarding dittam .. 20

58 (4) .. Appeal to Commissioner against appellate order of Deputy Commissioner .. 20",

the following entries shall be substituted, namely:—

"58 (4) .. Appeal to Temple Administration Board against order of District Committee .. 20";

(f) for the entries in column (2), against the entry "59 (2)" in column (1), for the words "Commissioner's refusal", the words "Temple Administration Board's refusal" shall be substituted;

(g) for the entries in columns (2) and (3), against the entry "86 (4)" in column (1), the following entries shall be substituted, namely:—

"Appeal against order regarding budget:—

(i) to Temple Administration Board 10

(ii) to Government 10".

Non-hereditary trustees to cease to hold office.

61. (1) Notwithstanding anything contained in the principal Act, every non-hereditary trustee of every religious institution appointed under any of the provisions of the principal Act and holding office as such on the date of the commencement of this Act shall cease to hold such office on such date.

(2) On and from the date of the commencement of this Act, the functions of the Board of Trustees or of the Trustee, as the case may be, of any religious institution shall, until the vacancy is filled up in accordance with the provisions of the principal Act, as amended by this Act, be performed—

(a) by the hereditary trustee or trustees, if any, of such institution, and

(b) if there is no hereditary trustee of such institution, by the executive officer or if the Government so direct by a fit person, appointed by the Government, the Commissioner, or the Deputy Commissioner, as the case may be.

(3) Notwithstanding anything contained in the principal Act,—

(a) any non-hereditary trustee who ceases to hold office as such non-hereditary trustee under sub-section (1) shall hand over within a period of ten days from the date of the commencement of this Act or within such further time as may be granted by the Commissioner, any records, accounts, and properties of the religious institution which are in, or have come into, his possession or control, to the hereditary trustee, executive officer or fit person, as the case may be, referred to in sub-section (2);

(b) if any such non-hereditary trustee fails to comply with the provisions of clause (a), he shall, on conviction by a Metropolitan Magistrate or a Judicial Magistrate of the first class, be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees, or with both;

(c) the Magistrate referred to in clause (b), may, pending conclusion of the trial, appoint a Receiver to take possession of the records, accounts and properties of the religious institution from such non-hereditary trustee and the remuneration, if any, paid to the Receiver and other expenses incurred by him shall be paid out of the income of the religious institution concerned.

62. On and from the date of the commencement of this Act, all the Regional Committees constituted under the principal Act shall stand abolished and every member of such Committee shall, with effect on and from the said date, cease to hold office as such member.

Abolition of
Regional
Committees.

63. Every vacancy occurring in the office of the non-hereditary trustee under sub-section (1) of section 61, shall be filled up in accordance with the provisions of the principal Act, as amended by this Act, within a period of one year from the date of the commencement of this Act or within such further period not exceeding two years, as the State Government may, by notification, specify in this behalf.

Filling up of
vacancies of
the office of
non-heredi-
tary trustees.

64. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions, not inconsistent with the provisions of the principal Act, as amended by this Act, as appear to them to be necessary or expedient for removing the difficulty :

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of two years from the date of the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such order or the Assembly decides that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

65. (1) The Temple Administration Board established under section 7 of the principal Act may authorise any officer of the Hindu Religious and Charitable Endowments (Administration) Department to exercise the powers conferred on, and to discharge the duties imposed upon, a District Committee under the principal Act, as amended by this Act, until the District Committee is constituted by the Temple Administration Board in accordance with the provisions of the principal Act, as amended by this Act.

Transitory
- provision.

(2) All rules made, or deemed to have been made, notifications or certificates issued or deemed to have been issued, orders passed or deemed to have been passed, decisions made or deemed to have been made, proceedings or action taken or deemed to have been taken, schemes settled or deemed to have been settled and things done or deemed to have been done by the Government, the Commissioner, a Deputy Commissioner or an Assistant Commissioner under the principal Act shall, in so far as they are not inconsistent with the principal Act, as amended by this Act, be deemed to have been made, issued, passed, taken, settled or done by the appropriate authority under the corresponding provisions of the principal Act, as amended by this Act, and shall have effect accordingly.

(By order of the Governor.)

P. JEYASINGH PETER,
Secretary to Government, Law Department.

(A Group IV-2 Ex. (588)—3

GOVERNMENT OF TAMIL NADU

1992

[Registered No. 14-9]

[Price: 15 Paise]



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 371]

MADRAS, MONDAY, JUNE 22, 1992

AANI 8, AANGEERASA, THIRUVALLUVAR AANDU—2023

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th June 1992 and is hereby published for general information:—

ACT No. 38 OF 1992.

An Act 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 Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1992. Short title.

2. After section 7-E of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the following section shall be inserted, namely:— Insertion of new section 7-EE.

“7-EE. *Special powers of Chairman of Temple Administration Board.*— Notwithstanding anything contained in this Act or the rules made thereunder the Chairman of the Temple Administration Board shall be the authority competent,—

(a) to approve the proposal to execute any work, the value of which exceeds one lakh of rupees but does not exceed fifty lakhs of rupees, in respect of any religious institution;

(b) to sanction the plans and estimates of such work with such modifications and subject to such conditions, if any, as the Chairman may deem fit;

(c) to approve tender for the execution of such work.

Explanation.—For the purpose of this section, "work" includes—

(a) any work relating to the construction, repair, alteration, conservation or renovation of any building or other structure belonging to a religious institution including its premises or work to facilitate irrigation and increase irrigation facilities; and

(b) any work relating to any gopuram, vimanam, stone mantapam or other stone structure with stucco work belonging to a religious institution."

(By order of the Governor.)

MD. ISMAIL,

Secretary to Government, Law Department.

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

49

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th May 1993 and is hereby published for general information :—

ACT No. 18 OF 1993.

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

Enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993.

Short title and commencement.

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

Tamil Nadu Act 24 of 1959.

2. In section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), after clause (12), the following clause shall be inserted, namely :—

Amendment of section 6.

“(12-A) “Joint Commissioner” means a Joint Commissioner appointed under section 9 ;”

3. In section 8 of the principal Act, after clause (aaa), the following clause shall be inserted, namely :—

Amendment of section 8.

“(aaa) Joint Commissioners ;”

4. In section 9 of the principal Act,—

Amendment of section 9.

(1) in sub-section (1), for the words “such number of Deputy and Assistant Commissioners”, the words “such number of Joint, Deputy and Assistant Commissioners” shall be substituted ;

(2) in sub-section (2),—

(a) in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely :—

“(ii) by promotion from Joint Commissioners, or” ;

(b) after clause (a), the following clause shall be inserted, namely :—

(aa) Appointment to the post of Joint Commissioner shall be by promotion from Deputy Commissioners.”

5. In section 10 of the principal Act, for the words “every Deputy or Assistant Commissioner”, the words “every Joint, Deputy or Assistant Commissioner” shall be substituted.

Amendment of section 10.

6. In section 12 of the principal Act, in sub-section (1), for the words “The Commissioner”, the words “The Commissioner, Joint Commissioners” shall be substituted.

Amendment of section 12.

7. After section 13 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 13-A.

Powers and duties of Joint Commissioner.—Subject to the administration of the Commissioner, a Joint Commissioner shall exercise such powers and discharge such duties of the Commissioner as may, from time to time, be assigned by the Government, and any order passed or proceeding taken by a Joint Commissioner in exercise of such powers and discharge of such duties shall be deemed to be an order of the Commissioner for the purposes of this Act.”

- Amendment of section 24. 8. In section 24 of the principal Act, in sub-section (1), for the words "or the Commissioner", in two places where they occur, the words "or the Commissioner or a Joint Commissioner" shall be substituted.
- Amendment of section 25. 9. In section 25 of the principal Act, for the words "the Commissioner", the words "the Commissioner, a Joint Commissioner" shall be substituted.
- Amendment of section 27. 10. In section 27 of the principal Act, for the words "the Commissioner", the words "the Commissioner, the Joint Commissioner" shall be substituted.
- Amendment of section 85. 11. In section 85 of the principal Act, in sub-section (a), for the words "Commissioner, Deputy Commissioner", the words "Commissioner, Joint Commissioner, Deputy Commissioner" shall be substituted.
- Amendment of section 93. 12. In section 93 of the principal Act, for the words "the Commissioner", the words "the Commissioner, a Joint Commissioner" shall be substituted.
- Amendment of section 98. 13. In section 98 of the principal Act, for the words "Commissioner, Deputy Commissioner", the words "Commissioner, Joint Commissioner, Deputy Commissioner" shall be substituted.
- Amendment of section 99. 14. In section 99 of the principal Act, for the words "the Commissioner", the words "the Commissioner, a Joint Commissioner" shall be substituted.
- Amendment of section 111. 15. In section 111 of the principal Act, for the words "the Commissioner", the words "the Commissioner or a Joint Commissioner" shall be substituted.
- Amendment of section 114. 16. In section 114 of the principal Act, in sub-section (1), for the words "the Commissioner or any Deputy or Assistant Commissioner", the words "the Commissioner or any Joint or Deputy or Assistant Commissioner" shall be substituted.
- Amendment of section 116. 17. In section 116 of the principal Act, in sub-section (2),—
 (1) in clause (ii), for the words "the Commissioner, or a Deputy or an Assistant Commissioner", the words "the Commissioner or a Joint Commissioner or a Deputy Commissioner or an Assistant Commissioner" shall be substituted ;
 (2) in clause (iii), for the words "the Commissioner", the words "the Commissioner, a Joint Commissioner" shall be substituted.

(By order of the Governor)

M. MUNIRAMAN,

Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th May 1993 and is hereby published for general information :—

ACT 22 OF 1993.

Further to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Enacted by the Legislative Assembly of the State of Tamil Nadu in the fourth Year of the Republic of India as follows :—

1. This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1993. Short title.

Tamil Nadu Act 22 of 1993

2. In section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), for clause (8-A), the following clause shall be substituted, namely:— Amendment of section 6.

“(8-A) “ Temple Administration District Committee ” means a Temple Administration District Committee constituted under section 7-C;”.

3. In section 7-C of the principal Act,— Amendment of section 7 C.

(1) in the marginal heading, for the expression “ District Committee ”, the expression “ Temple Administration District Committee ” shall be substituted;

(2) in sub-section (1), for the expression “ The Temple Administration Board shall constitute a District Committee ”, the expression “ The Temple Administration Board shall constitute a Temple Administration District Committee ” shall be substituted;

(3) in sub-section (2), for the expression “ District Committee ”, the expression “ Temple Administration District Committee ” shall be substituted.

4. Throughout the principal Act, except in clause (8-A) of section 6 and section 7-C, for the expression “ District Committee ” wherever it occurs, the expression “ Temple Administration District Committee ” shall be substituted. Substitution of the expression “ Temple Administration District Committee ” for the expression “ District Committee ”.

5. In the application of any rule, by-law, regulation, notification, form, order or scheme made, issued or settled or deemed to have been made, issued or settled under the principal Act, any reference to the District Committee shall, unless the context otherwise requires, be deemed to be a reference to the Temple Administration District Committee. Construction of reference.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 13th May 1994 and is hereby published for general information :—

ACT No. 30 OF 1994

An Act 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 Forty-fourth Year of the Republic of India as follows :—

1. This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1994.

Short title.

2. In the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), in section 26, in sub-section (1), after clause (a), the following clause shall be inserted, namely :—

Amendment of section 26.

“(aa) if he is not a citizen of India;”

3. The provisions of section 26 of the principal Act, as amended by this Act, shall have effect notwithstanding anything inconsistent therewith contained in the principal Act immediately before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, or in any scheme settled under the principal Act or by a court or in any other law for the time being in force or any custom, usage or contract or judgment, decree or order of a court or other authority.

Act to override other laws, judgments, contracts, etc.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 28th June 1994 and is hereby published for general information :—

ACT No. 39 OF 1994.

An Act 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 Forty-fifth Year of the Republic of India as follows :—

1. This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Fourth Amendment) Act, 1994. Short title.
2. In section 7-O of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, after the words "or the Commissioner", the words "or any Joint Commissioner, Deputy Commissioner or Assistant Commissioner" shall be inserted. Amendment of section 7-O.

Tamil Nadu
Act 22 of
1959.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government, Law Department.



**TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY** PUBLISHED BY AUTHORITY

No. 428]

MADRAS, THURSDAY, AUGUST 24, 1995

Aavani 8, Yuva, Thiruvalluvar Aandu-2026

Part IV — Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 19th August 1995 and is hereby published for general information :—

ACT No. 25 OF 1995.

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

Enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1994. Short title and commencement.

(2) It shall come into force at once.

2. For section 7-K of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), the following section shall be substituted, namely :— Substitution of section 7-K.

“7-K. Removal of non-official members.—For good and sufficient reason,—

(a) the Government may remove any non-official member of the Temple Administration Board; and

(b) the Chairman of the Temple Administration Board may remove the Chairman of any Temple Administration District Committee if he is a non-official or any other non-official member of a Temple Administration District Committee,

from office after giving him an opportunity of showing cause against such removal and after considering the explanation offered therefor.”

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

7-Q. *Power to supersede Temple Administration District Committee.*—(1) If the Temple Administration Board is of opinion that any Temple Administration District Committee is unable to perform, or has persistently made default in the performance of, the duty imposed on it by or under this Act or has exceeded or abused its powers, or has willfully or without sufficient cause, failed to comply with any direction issued by the Temple Administration Board under this Act or if the Temple Administration Board is satisfied that the continuance of the Temple Administration District Committee is likely to be injurious to the interests of the religious institutions in the State, the Temple Administration Board may, by notification, supersede such Temple Administration District Committee for a period not exceeding one year as may be specified in the notification :

Provided that before issuing a notification under this sub-section, the Temple Administration Board shall give a reasonable time to the Temple Administration District Committee to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Temple Administration District Committee.

(2) Upon the publication of a notification under sub-section (1) superseding the Temple Administration District Committee,—

(a) all the members of the Temple Administration District Committee including its Chairman shall, as from the date of supersession, vacate their offices as such members; and

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Temple Administration District Committee shall during the period of supersession, be exercised and performed by such person or persons as the Temple Administration Board may direct.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Temple Administration Board may,—

(a) extend, from time to time, the period of supersession for such further period not exceeding three years in the aggregate as it may consider necessary; or

(b) reconstitute the Temple Administration District Committee in the manner provided in section 7-C and section 7-D.

Amendment of
 section 53.

4. In section 53 of the principal Act,—

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1-A) Notwithstanding anything contained in sub-section (1), for the purpose of this section, the Government shall also be the appropriate authority in respect of any trustee of any religious institution.”;

(2) after sub-section (5), the following sub-section shall be inserted, namely :—

“(5-A) A trustee who is aggrieved by an order passed by the Government under sub-section (2) may, within ninety days from the date of the receipt of such order by him, appeal against such order to the High Court.”.

Amendment of
 Schedule III:

5. In Schedule III to the principal Act, under the heading “III. APPEALS TO COURT”, in columns (1), (2) and (3), before the entries

“ 70 (2).....Appeal to50 ”,

High Court

the following entries shall be inserted, namely :—

“ 53 (5-A).....Appeal to50 ”.

High Court

(By order of the Governor)

M. MUNIRAMAN,
 Secretary to Government, Law Department

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 11th December 1995 and is hereby published for general information:—

ACT No. 38 OF 1995.

An Act 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 Forty-sixth Year of the Republic of India as follows:—

1.(1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995.

Short title and commencement.

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

2. In section 7-B of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), in sub-section (1), for the words "Deputy Commissioner", the words "Joint Commissioner, Deputy Commissioner" shall be substituted.

Amendment of section 7-B.

3. In section 13 of the principal Act,—

Amendment of section 13.

(1) in the marginal heading, for the words "Deputy Commissioners", the words "Joint Commissioners or Deputy Commissioners" shall be substituted;

(2) in sub-sections (1) and (2), for the words "Deputy Commissioner" in three places where they occur, the words "Joint Commissioner or Deputy Commissioner" shall be substituted.

4. In section 21 of the principal Act, in sub-sections (1) and (2), for the words "any Deputy or Assistant Commissioner" in two places where they occur, the words "any Joint or Deputy or Assistant Commissioner" shall be substituted.

Amendment of section 21.

5. In section 22 of the principal Act,—

Amendment of section 22.

(1) in sub-section (1),—

(a) in clause (a), for the words "a Deputy or an Assistant Commissioner", the words "a Joint or a Deputy or an Assistant Commissioner" shall be substituted;

(b) in clause (b), for the words "Deputy or Assistant Commissioner", the words "Joint or Deputy or Assistant Commissioner" shall be substituted;

(2) in sub-section (2), for the words "a Deputy or an Assistant Commissioner", the words "a Joint or a Deputy or an Assistant Commissioner" shall be substituted;

(3) in sub-section (4),—

(a) in the opening portion, for the words "a Deputy or an Assistant Commissioner", the words "a Joint or a Deputy or an Assistant Commissioner" shall be substituted;

(b) in clauses (a) and (b), for the words "Deputy or Assistant Commissioner" in two places where they occur, the words "Joint or Deputy or Assistant Commissioner" shall be substituted.

6. In section 26 of the principal Act,—

Amendment of section 26.

(1) in sub-section (4), for the words "the Deputy Commissioner", the words "the Joint Commissioner or the Deputy Commissioner, as the case may be" shall be substituted;

(2) in sub-section (5), in clause (b), for the words "the Deputy Commissioner", the words "the Joint Commissioner or the Deputy Commissioner" shall be substituted.

Amendment of section 38.

7 In section 38 of the principal Act,—

(1) in sub-sections (1) and (2), for the words "the Deputy Commissioner" in two places where they occur, the words "the Joint Commissioner or the Deputy Commissioner", as the case may be shall be substituted;

(2) in sub-sections (3) and (4), for the words "the Deputy Commissioner" in two places where they occur, the words "the Joint Commissioner or the Deputy Commissioner shall be" substituted.

Amendment of section 53.

8. In section 53 of the principal Act, in sub-section (2), in clause (c), for the words "or Deputy Commissioner", the words "or Joint Commissioner or Deputy Commissioner" shall be substituted.

Amendment of sections 54, 55, 56, 53, 64, 66, 67, 68, 69, 78, 79, 80, 81 and 82.

9. (1) In sections 54, 55, 56, 63, 64, 66, 67, 68, 69, 78, 79, 80, 81 and 82 of the principal Act (excluding the marginal headings thereof), for the words "the Deputy Commissioner" wherever they occur, the words "the Joint Commissioner or the Deputy Commissioner, as the case may be" shall be substituted.

(2) In sections 63, 64, 68, 79 and 81 of the principal Act, in the marginal headings, for the words "Deputy Commissioner", the words "Joint Commissioner or Deputy Commissioner" shall be substituted.

Amendment of section 102.

10. In section 102 of the principal Act, in sub-section (2), for the words "a Deputy Commissioner", the words "a Joint Commissioner or a Deputy Commissioner" shall be substituted.

Amendment of section 110.

11. In section 110 of the principal Act, in sub-sections (1) and (3), for the words "or a Deputy Commissioner" in two places where they occur, the words "or a Joint Commissioner or a Deputy Commissioner" shall be substituted.

Amendment of section 117.

12. In section 117 of the principal Act, in the proviso, for the words "the Deputy Commissioner" in two places where they occur, the words "the Joint Commissioner or the Deputy Commissioner" shall be substituted.

Amendment of section 118.

13. In section 118 of the principal Act, in sub-section (2),—

(1) in clause (b), in sub-clause (ii), for the words "Deputy Commissioner", the words "Joint Commissioner, Deputy Commissioner" shall be substituted;

(2) in clause (c), for the words "Deputy Commissioner" in two places where they occur, the words "Joint Commissioner or the Deputy Commissioner, as the case may be" shall be substituted.

14. in Schedule III to the principal Act, —

Amendment of Schedule III.

(1) (a) in the heading "IV. APPLICATIONS TO GOVERNMENT. TEMPLE ADMINISTRATION BOARD, COMMISSIONER OR DEPUTY COMMISSIONER", for the words "OR DEPUTY COMMISSIONER", the words "JOINT COMMISSIONER OR DEPUTY COMMISSIONER" shall be substituted;

(b) under the heading as so amended, in the entries in column (2), against the entry "64(1)" in column (1), for the words "Deputy Commissioner", the words "Joint Commissioner or Deputy Commissioner" shall be substituted;

(2)(a) in the heading "V. APPEALS TO GOVERNMENT, TEMPLE ADMINISTRATION BOARD, TEMPLE ADMINISTRATION DISTRICT COMMITTEE, COMMISSIONER OR DEPUTY COMMISSIONER", for the words "OR DEPUTY COMMISSIONER", the words "JOINT COMMISSIONER OR DEPUTY COMMISSIONER" shall be substituted;

(b) under the heading as so amended, in the entries in column (2), against the entries "26(5)", "38(3)", "54(4)", "55(4)", "56(2)", "65(1)", "79(1)", "81 (1)" and "118 (2)(c)" in column (1), for the words "Deputy Commissioner" wherever they occur, the words "Joint Commissioner or Deputy Commissioner" shall be substituted.

(By order of the Governor)

M. MUNI RAMAN,
Secretary to Government, Law Department.



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 584]

CHENNAI, SATURDAY, NOVEMBER 16, 1996

Kashi, 1, Thachar, Thiruvananthapuram—2027

Part IV — Section 2. Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 14th November 1996 and is hereby published for general information.

Act No. 39 OF 1996

An Act to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996. Short title and commencement

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

Tamil Nadu Act 22 of 1959, 2. In the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (herein after referred to as the principal Act), in section 6,— Amendment of section 6.

(1) For the expression "6. Definitions—In this Act, unless the context otherwise requires" the following shall be substituted, namely:—

"6. Definitions.—In this Act, unless the context otherwise requires—

(1) "Advisory Committee" means the Committee constituted by the Government under sub-section (1) of section 7 ;

(2) for clause (8-A), the following clause shall be substituted namely :-

"(8-A) 'District Committee' means the Committee constituted by the Government under section 7-A ;

(3) for clause (12-A), the following clauses shall be substituted, namely :-

"(12-A) "Inspector" means an Inspector in the Hindu Religious and Charitable Endowments Administration Department ;

(12-B) "Joint Commissioner" means a Joint Commissioner appointed under section 9 ;

(4) Clause (20-A) shall be omitted.

Omission of Chapter 1-A.

3. Chapter 1-A and sections 7, 7-A, 7-B, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H, 7-I, 7-J, 7-K, 7-L, 7-M, 7-N, 7-O, 7-P, and 7-Q, shall be omitted.

Insertion of new section-7.

4. After section 6 of the principal Act, the following sections shall be inserted, namely, -

"7 Constitution of Advisory Committee. (1) The Government shall constitute, for the State of Tamil Nadu, a Committee called the Advisory Committee consisting of the following members, namely :

(a) the Chief Minister, who shall be the Chairman, *ex-officio* ;

(b) the Minister in charge of the portfolio of Hindu Religious and Charitable endowments who shall be the Vice-Chairman, *ex-officio* ;

(c) the Secretary to Government in charge of Hindu Religious and Charitable Endowments, who shall be Member *ex-officio* ;

(d) Such number of non-officials not exceeding eight persons, professing Hindu religion, nominated by the Government, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes

(e) the Commissioner, who shall be the Member Secretary, *ex-officio*.

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

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

7 A. Constitution of District Committee.—(1) In respect of all religious institutions (other than those religious institutions falling under clause (ii) of section 46) situate 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. Only persons who are qualified for appointment as trustees under this Act shall be nominated to the District Committee.

(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 a panel of names of persons who are qualified for appointment as Trustees under this Act (including members of Scheduled Castes and Scheduled Tribes) and suitable for appointment as non-hereditary trustee or trustees, as the case may be, and shall send it to:—

(i) the Joint or 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 any 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 this High Court or any Court subordinate to the High Court.

Explanation.—For the purpose of this section and section 7 “Scheduled Castes” and “Scheduled Tribes” shall have the same meaning assigned to them respectively in clauses (24) and (25) of Article 366 of the Constitution;”

5. In Chapter II of the principal Act, for the heading the following heading shall be substituted, namely:—

Amendment of Chapter II.

THE COMMISSIONER AND OTHER CONTROLLING AUTHORITIES.

Substitution of section 8.

6. For section 8 of the principal Act, the following section shall be substituted, namely:—

“8. Authorities under the Act.—

There shall be the following classes of authorities under this Act, namely:—

- (a) the Commissioner;
- (b) Joint Commissioners;
- (c) Deputy Commissioners; and
- (d) Assistant Commissioners.”

7. After section 11 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 1

“Commissioner to be corporation sole.—The Commissioner shall be a Corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.”

8. In section 13 of the principal Act, in sub section (2), for the expression “section 21, 22, 69, 72”, the expression “section 21, 22, 46, 47, 59, 69, 72” shall be substituted.

Amendment of section 13.

Amendment of section 14.

9. In section 14 of the Principal Act —

(1) in the marginal heading, the expression "and Temple Administration District Committee" shall be omitted —

(2) for sub-section (1 A) including the two provisos, the following shall be substituted, namely:—

"(2 A) Without prejudice to the provisions of sub-section (2), the Assistant Commissioner shall exercise the powers conferred and discharge the duties imposed on him by this Act or the rules made thereunder in respect of—

(i) all temples situated in his division other than temples included in the list published under section 46.

(ii) the specific endowments attached to such temples, other than those specific endowments included in this list published under section 46, and

(iii) the charitable endowments in his division to which the provisions of this Act have been extended under section 3.

Provided that where a specific endowment is attached to two or more temples comprised within the jurisdiction of two or more Assistant Commissioners or where a charitable endowment to which the provisions of this Act have been extended under section 3 consists of separate properties, with the sanction of the Government, the Assistant Commissioner the Commissioner shall, and he shall, with the sanction of the Assistant Commissioners shall exercise the powers and discharge the duties in respect of such specific endowment or charitable endowment.

Provided further that where a specific endowment is attached partly to temples included in the list published under section 46 and partly to temples not so included, only the Commissioner shall exercise the powers and discharge the duties in respect of such specific endowment."

(3) in sub-section (3), for the expression "section 21, 22, 69, 72" the expression "section 21, 22, 46, 47, 59, 69, 72," shall be substituted.

(4) after sub-section (3), the following shall be inserted, namely:—

"(4) The Inspector shall discharge such duties as may be assigned to him by the Commissioner either, by general or special order, under the Act or the Rules made thereunder, in respect of such religious institutions as may be specified."

Amendment of section 21

10. In section 21 of the principal Act, in sub-section (1), after the expression "not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act", the expression "or in respect of which an application for revision has been preferred under section 21 A to the Joint Commissioner or Deputy Commissioner and is pending disposal by him" shall be inserted.

Insertion of section 2-A

11. After section 21 of the principal Act, the following section shall be inserted, namely:—

"21 A Powers of Joint or Deputy Commissioner to call for records and pass order —

(1) The Joint or Deputy Commissioner may call for and examine the record of any Assistant Commissioner in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act), to satisfy himself as to the regularity of such proceeding, or the correctness, legality or propriety of any decision or order passed therein.

(2) If, on such decision or order has been passed by any Assistant Commissioner, and it appears to the Joint or Deputy Commissioner that the decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly.

(7) The Joint or Deputy Commissioner shall not pass any order prejudicial to any party thereto without (2) without hearing him or giving him a reasonable opportunity of being heard.

(8) The Joint or Deputy Commissioner may stay the execution of any decision made by the person referred to in sub-section (1), pending the exercise of his powers under sub-section (2) in respect thereof.

(9) Every application to the Joint or Deputy Commissioner for the exercise of his powers under this section shall be preferred within three months from the date on which the decision or order to which the application relates was communicated to the applicant."

12. In section 23 of the principal Act, including the marginal heading, for the expression " Temple Administration Board " in three places where it occurs, the expression " the Commissioner " shall be substituted. Amendment of section 23.

13. For section 24 of the principal Act, the following section shall be substituted, namely: Substitution of section 24.

24. Powers to enter religious institutions.— (1) The Commissioner, or a Joint or Deputy Commissioner or any officer authorised by the Commissioner or Joint or Deputy Commissioner, or the Assistant Commissioner in his behalf shall power to enter the premises of any place of worship for the purpose of exercising any power conferred or discharging any duty imposed by this Act or the rules made thereunder.

(2) If any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer and below the rank of Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.

(3) Before entering the sanctum sanctorum or puja gutha or any other portion of the temple within the premises of a religious institution or place of worship, the person authorised by or under sub-section (1) or the police officer referred to in sub-section (2), shall give reasonable notice to the trustee or head of the institution and shall have due regard to the religious practices or usage of the institution.

(4) Any person authorised by this section shall be deemed to authorise any person who is acting in his behalf to enter the premises or place or any part thereof referred to in this section.

(5) Where any question arises with reference to the exercise of the powers conferred by this section in relation to the sanctum sanctorum or puja gutha or any other portion held specially sacred within the premises of a religious institution, or place of worship, by the person or police officer mentioned in sub-section (3), the question shall be referred for the decision of the Commissioner. Before giving any decision on any such question, the Commissioner may make such enquiry as he deems fit.

(6) Any person aggrieved by the decision of the Commissioner under sub-section (5), may, within one month from the date of the decision, appeal to the Government.

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations".

Amendment
of section 25

14. In section 25 of the principal Act,—

(1) in the marginal heading, the expression, "Chairman, Member" shall be omitted;

(2) for the expression "the Chairman or any member of the Temple Administration Board or of the District Committee", the expression "The Commissioner" shall be substituted;

Amendment
of section 26.

15. In section 26 of the principal Act,—

(1) in sub-section (2), for clause (b), the following clause shall be substituted, namely:—

(b) "resigns his seat by writing under his hand addressed—

(i) in the case of trustee appointed by the Assistant Commissioner, to the Assistant Commissioner;

(ii) in the case of trustee appointed by the Joint/Deputy Commissioner, to the Joint/Deputy Commissioner; and

(iii) in any other case, to the Commissioner,
his seat shall thereupon become vacant."

(2) in sub-section (3), for the expression "the Temple Administration District Committee", the expression "the Joint/Deputy Commissioner" shall be substituted;

(3) for sub-section 5, the following sub-section shall be substituted, namely:—

"(5) Any person affected by an order of the Joint/Deputy Commissioner under sub-section (3) or sub-section (4) may, within one month from the date of receipt of the order by him, appeal against the order, to the Commissioner."

Amendment
of section 27.

16. In section 27 of the principal Act, the expression "The Temple Administration Board, the District Committee" shall be omitted.

Amendment
of section 29

17. In section 29 of the principal Act:—

(1) in sub-section (1),— (a) in the opening portion for the expression "the Temple Administration Board", the expression "the commissioner" shall be substituted;

(b) in clause (h), for the expression "the Temple Administration Board" the expression "the commissioner" shall be substituted.

(2) in sub-section (2) for the expression "the Temple Administration Board" and "the District Committee" wherever they occur, the expression "the Commissioner" and "the Assistant Commissioner" shall respectively, be substituted;

(3) for sub-sections (3) and (4), the following sub-section shall be substituted, namely:—

(3) The Assistant Commissioner, if the register is submitted through him, may, after such inquiry as he may consider necessary, recommend such alterations, omissions or additions in the register as he may think fit.

(4) The Commissioner may, after receiving the register and the recommendations of the Assistant Commissioner with respect thereto and making such further inquiry as he may consider necessary, direct the trustee to make such alterations, omissions or additions in the register as he may deem fit.

(4) in sub-section (5), for the expression "the Temple Administration Board" in two places where it occurs, the expression "the Commissioner" shall be substituted.

(5) in sub-section (6), for the expressions "the Temple Administration Board" and "Temple Administration District Committee", the expression "the Commissioner" and the "Assistant Commissioner" shall, respectively, be substituted.

18. In section 30 of the principal Act, for the expression "the Temple Administration Board for its approval directly or through the District Committee", the expression "the Commissioner for his approval directly or through the Assistant Commissioner" shall be substituted.

Amendment of section 30.

19. In section 31 of the principal Act, for the expression, "the Temple Administration Board for its approval directly or through the District Committee", the expression "the Commissioner for his approval directly or through the Assistant Commissioner" shall be substituted.

Amendment of section 31.

20. In section 32 of the principal Act,—

Amendment of section 32.

(1) in sub-section (1),—

(a) for the expression "the Temple Administration Board" in two places where it occurs, the expression "the Commissioner" shall be substituted;

(b) for the expression "it", the expression "he" shall be substituted.

(2) in sub-section (2),—

(a) for the expression "the Temple Administration District Committee", the expression "The Assistant Commissioner" shall be substituted;

(b) for the expression "furnish to it", the expression "furnish to him" shall be substituted;

(c) for the expression "as it may direct", the expression "as he may direct" shall be substituted.

21. In section 33 of the principal Act, for the expression "the Temple Administration Board" in three places where it occurs, the expression "the Commissioner" shall be substituted.

Amendment of section 33.

22. In section 34 of the principal Act,—

Amendment of section 34.

(1) for the expression "the Temple Administration Board" wherever it occurs, the expression "the Commissioner" shall be substituted;

(2) in sub-section (2), for the word "it", the word "he" shall be substituted.

23. In section 35 of the principal Act, in sub-section (2), for the expression "the Temple Administration Board", the expression "the Commissioner" shall be substituted.

Amendment of section 35.

24. In section 36 of the principal Act (including the second proviso thereto), for the expression "the Temple Administration Board", the expression "the Commissioner" shall be substituted.

Amendment of section 36.

25. In section 37 of the principal Act, for the expression "the Temple Administration Board", the expression "the Commissioner" shall be substituted.

Amendment of section 37.

26. In section 42 of the principal Act, for the expression "the Temple Administration Board", the expression "the Commissioner" shall be substituted.

Amendment of section 42.

27. In section 43 of the principal Act,—

Amendment of section 43.

(1) in the marginal heading, for the expression "the Temple Administration Board", the expression "the Commissioner" shall be substituted.

(2) for the expression "the Temple Administration Board" the expression "the Commissioner" shall be substituted.

Substitution of section 46.

28. For section 46 of the principal Act, the following section shall be substituted, namely:—

"46. Commissioner to publish list of certain institutions.—The Commissioner shall publish, in the prescribed manner, a list of the religious institutions whose annual income, as calculated for the purposes of the Day of Devotion under sub-section (1) of section 92,—

- (i) is not less than ten thousand rupees but is less than one lakh rupees;
- (ii) is not less than two lakh rupees but is less than one crore rupees;
- (iii) is not less than ten lakhs rupees

and may, from time to time, modify such list in the prescribed manner.

Provided that the Commissioner shall not remove any institution from such list unless its annual income calculated as aforesaid has fallen below the limit of rupees for three consecutive years:

Provided further that in the annual income of any such institution calculated as aforesaid,—

- (a) except the limits specified in clause (i) or clause (iii) or
- (b) fallen below the limits specified in clause (ii) or clause (iii) for three consecutive years, the Commissioner may alter the classification assigned to such institution in the list and enter the same under the appropriate classification in the said list.

Amendment for section 47.

29. In section 47 of the principal Act,—

(1) in sub-section (1),—

"(a) for clause (a), the following clause shall be substituted, namely:

"(a) where a religious institution included in the list published under section 46 or in respect of which the Assistant Commissioner has not power to appoint trustees, has no hereditary trustee,—

(i) in cases falling under clause (a) of section 46, the Joint Commissioner/Deputy Commissioner;

(ii) in cases falling under clause (i) of section 46, the Commissioner and

(iii) in cases falling under clause (ii) of section 46, the Government,

shall constitute a Board of trustees.

Provided that the Board of Trustees constituted under items (i) and (ii) of the clause shall, subject to the provisions of clause (c), consist of three persons appointed by the Joint Commissioner/Deputy Commissioner or the Commissioner, as the case may be, and among the total of three persons, one by the District Committee concerned under sub-section (4) of the section 72 of which one shall be a member of the Scheduled Castes or Schedule Tribes.

Provided further that in addition to the persons appointed by the Joint Commissioner/Deputy Commissioner or the Commissioner under items (i) or (ii) of this clause, as the case may be, the Government may nominate two persons who are qualified for appointment as trustees under this Act, as members of the said Board of Trustees, having regard to the following matters, namely:

(i) the interest of the public generally;

(ii) the interest of the proprietors of the said institution.

(c) the number of worshippers and importance of the religious institutions as a pilgrim centre; and

(d) such other matters as may be prescribed.

(b) in clause (b), for the expression "the Temple Administration Board", the expression "the Government" shall be substituted.

(c) in clause (c), in the proviso, for the expression "the Temple Administration Board or the Temple Administration District Committee", the expression "the Government, the Commissioner, the Joint Commissioner, the Deputy Commissioner" shall be substituted.

(d) in the Explanation, the expression "and sub-section (1) of section 49" shall be omitted.

(2) in sub-section (2), for the expression "the Temple Administration Board or the Temple Administration District Committee" wherever it occurs, the expression "the Government, the Commissioner or the Joint/Deputy Commissioner" shall be substituted.

(3) in sub-section (3), for the expression "the Temple Administration Board or the Temple Administration District Committee", the expression "the Government the Commissioner or the Joint Commissioner/Deputy Commissioner/shall be substituted.

(4) in sub-section (4), including the proviso thereto, for the expression, "the Temple Administration Board or the Temple Administration District Committee" in places where it occurs, the expression "the Government, the Commissioner or the Joint/Deputy Commissioner" shall be substituted.

30. After section 47 of principal Act, the following section shall be substituted, namely:—

Insertion of section 47.

"47-A. Delegation of powers by Government.—(1) The Government may, by notification, authorise the Commissioner to exercise the powers vested in them under the second proviso to clause (a) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49, in respect of any religious institution.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government."

31. In section 48 of the principal Act, for the expression "the Temple Administration Board or the Temple Administration District Committee" in two places where it occurs, the expression "the Government, the Commissioner or the Joint/Deputy Commissioner" shall be substituted.

Amendment section 48.

32. In section 49 of the principal Act,—

Amendment of section

(1) in the marginal heading, for the expression "Temple Administration District Committee", the expression "Assistant Commissioner" shall be substituted;

(2) in sub-section (1).—

(a) for the expression, "the Temple Administration District Committee", the expression "the Assistant Commissioner" shall be substituted;

(b) for the expression "the Temple Administration Board or the Temple Administration District Committee", the expression "the Government, the Commissioner or the Joint/Deputy Commissioner" shall be substituted.

(c) for the proviso, the following provisos 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:

Provided further that in addition to the Trustees appointed by the Assistant Commissioner under this sub-section, the Government may nominate two persons who are qualified for appointment as trustees under this Act as members of the said Board of Trustees, having regard to the following matters, namely :—

- (a) the interest of the public generally ;
- (b) the income and the properties of the religious institutions ;
- (c) the number of worshippers and importance of the religious institution as a pilgrim centre ; and
- (d) such other matters as may be prescribed :

Provided also that notwithstanding anything aforesaid in this sub-section, the Assistant Commissioner may, in the case of any such religious institution which has no hereditary trustee, appoint a single trustee.

(3) In sub-section (2), for the expression "the Temple Administration District Committee", the expression "the Assistant Commissioner" shall be substituted.

Amendment of section 49-A.

33. In section 49-A of the principal Act,—

(1) in sub-section (1), for the expression "the Temple Administration District Committee", the expression "the Assistant Commissioner" shall be substituted ;

(2) in sub-section (2), for the expression "the Temple Administration Board or the Temple Administration District Committee" the expression "the Government the Commissioner or the Joint/Deputy Commissioner" shall be substituted.

Substitution of section 51.

34. For section 51 of the principal Act, the following section shall be substituted, namely :—

"51. Claims of certain persons to be trustees.—(a) The Joint Commissioner or the Deputy Commissioner in preparing a panel of names of persons suitable for appointment as non-hereditary trustee or trustees, as the case may be, under sub-section (4) of section 7-A : or

(b) the Government, the Commissioner, the Joint Commissioner, the Deputy Commissioner or the Assistant Commissioner in making appointments of trustees under section 47 or section 49-A, as the case may be, shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly intended or maintained."

Amendment of section 53.

35. In section 53 of the principal Act,—

(f) in sub-section (1),—

(a) in clause (a), for the expression "the Temple Administration Board" the expression "the Government" shall be substituted ;

(b) after clause (a), the following clause shall be inserted, namely :—

"(b) in respect of any trustee of any religious institution included in the list published under clause (ii) of section 46, the Commissioner ;

(c) in clause (c), for the expression "the Temple Administration District Committee", the expression "the Joint/Deputy Commissioner" shall be substituted ;

(d) in clause (d), for the expression "the Temple Administration District Committee", the expression "the Assistant Commissioner" shall be substituted.

(2) In sub-section (2), in clause (c), the expression "Temple Administration Board, the Temple Administration District Committee" shall be omitted ;

(3) in sub-section (5).—

(a) in clause (i), for the expression "the Temple Administration Board to the Government and", the expression "the Commissioner to the Government" shall be substituted;

(b) in clause (ii), for the expression "the Temple Administration District Committee, to the Temple Administration Board", the expression "the Joint Commissioner or Deputy Commissioner to the Commissioner and" shall be substituted.

(c) after clause (ii), the following clause shall be added, namely :—

"(iii) Where the order has been passed by the Assistant Commissioner, to the Joint/Deputy Commissioner".

(4) in sub-section (6), for the expression "the Temple Administration Board" the expression "the Commissioner" shall be substituted.

36. In section 57 of the principal Act, for the expression "the Temple Administration Board", the expression "the Commissioner" shall be substituted. Amendment of section 57.

37. For section 58 of the principal Act, the following section shall be substituted, namely :— Substitution of section 58.

"58. Fixing of standard scales of expenditure.—(1) The trustee of a religious institution shall submit to the Assistant Commissioner if the institution is not included in the first published under section 46 and to the Commissioner if the institution is so included, within three months from the date of the commencement of this Act, or the date of the inclusion of the institution of the list aforesaid or within such further time as may be allowed by the Assistant Commissioner or the Commissioner, as the case may be, proposals for fixing the dhittam or scale of expenditure in the institution, and the amounts which should be allotted to the various objects connected with such institution or the proportion in which income or other property of the institution may be applied to such objects :

Provided that this sub-section shall not apply to any institution in respect of which proposals have been submitted to the Assistant Commissioner or the Commissioner, as the case may be, before the date of the Commencement of this Act.

(2) The trustee shall publish such proposals at the premises of the institution and in such other manner as may be required by the Assistant Commissioner or the Commissioner, as the case may be, together with a notice stating that, within one month from the date of such publication, any person having interest may submit objections or suggestions to the Assistant Commissioner or the Commissioner.

(3) After the expiry of the said period, the Assistant Commissioner or the Commissioner shall, after considering any objections and suggestions received, pass such order as he may think fit on such proposals, having regard to the established usage of the institution and its financial position, and a copy of the order shall be communicated to the trustee.

The order of the Assistant Commissioner or the Commissioner shall be published in the prescribed manner.

(4) Against an order passed by the Assistant Commissioner under sub-section (3) the trustee or any person having interest may, within one month from the date of the receipt of the order by the trustee, appeal to the Joint or Deputy Commissioner and if the trustee or such person is aggrieved by the order of the Joint or Deputy Commissioner, he may within one month from the date of the receipt of such order appeal to the Commissioner.

(5) The trustee shall scrutinise the particulars of dhittam or scale of expenditure every three years and submit to the Assistant Commissioner or the Commissioner as the case be, proposals for altering the dhittam or scale of expenditure and the provisions of sub-sections (2), (3) and (4) shall apply in relation to the alteration of such dhittam or scale of expenditure as they apply in relation to the fixing of dhittam or scale of expenditure :

Provided that the Assistant Commissioner or the Commissioner may at any time on his own motion, for reasons to be recorded in writing, direct the trustee to alter the dhittam or scale of expenditure and the procedure for such alteration shall be the same as laid down in this section."

Amendment of section 59. 38. In section 59 of the principal Act,—

(1) in sub-section (1), for the expression "Temple Administration Board" in two place where it occurs, the expression "Commissioner" shall be substituted:

(2) in sub-section (2).—

(a) for the expression "Temple Administration Board" wherever for occurs, the expression "Commissioner" shall be substituted:

(b) for the expression "his consent" the expression "his consent" shall be substituted.

Amendment of section 60. 39. In section 60 of the principal Act,—

(i) In sub-section (1).—

(a) for the expression "Temple Administration District Committee", the expression "Assistant Commissioner" shall be substituted:

(b) for the expression "as it thinks", the expression "as he thinks" shall be substituted:

(c) for the expression "Temple Administration Board", the expression "Commissioner" shall be substituted:

(2) In sub-section (2).—

(a) for the expression "the Temple Administration Board", the expression "the Commissioner" shall be substituted:

(b) for the expression "as it deems" the expression "as he deems" shall be substituted:

(c) for the expression "it shall," the expression "he shall" shall be substituted:

(d) for the expression "as it thinks fit" the expression "as he thinks fit" shall be substituted:

(3) In sub-section (3), for the expression "Temple Administration Board", the expression "Commissioner" shall be substituted.:

Amendment of section 61. 40. In section 61 of the principal Act.—

(1) for the expression "the Temple Administration Board" wherever it occurs the expression "the Commissioner" shall be substituted:

(2) in sub-section (1) for the expression "the trustee" the expression "he" shall be substituted:

Amendment of section 62. 41. In section 62 of the principal Act, in sub-section (1), for the expression "the Temple Administration Board" the expression "the Commissioner" shall be substituted:

42. For sections 78 and 79 of the principal Act, the following sections shall be substituted, namely:—

Substitution
of sections
78 and 79.

“78. Encroachment by persons on land or building belonging to charitable or religious institution or endowment and the eviction of encroachers

(1) Where the Assistant Commissioner having jurisdiction either suo motu or upon a complaint made by the trustee has reason to believe that any person has encroached upon (hereinafter in this section referred to as “encroacher”) any land, building tank well spring or water-course or any space wherever situated belonging to the religious institution or endowment (hereinafter referred to as “the property”) he shall report the fact together with relevant particulars to the Joint Commissioner having jurisdiction over the division in which the religious institution or endowment is situated.

Explanation.—For the purpose of this section the expression “encroacher” shall mean any person who has authorisably occupies any tank, well, spring or water course or any property and to include (a) any person who is in occupation of property without the approval of the competent authority (sanctioning lease or mortgage or licence) and

(b) any person who continues to remain in the property after the expiry or termination or cancellation of the lease, mortgage or licence granted to him.

(2) Where on a perusal of the report received by him under sub-section (1) the Joint Commissioner finds that there is a prima facie case of encroachment he shall cause to be served upon the encroacher a notice specifying the particulars of the encroachment and calling on him to show cause before a certain date why and/or requiring him to remove the encroachment before the date specified on the notice should not made. A copy of the notice shall also be sent to the trustees of the religious institution or endowment concerned.

(3) The notice referred to in sub-section (2) shall be served in such manner as may be prescribed.

(4) Where after considering the objections if any of the encroacher received during the period specified in the notice referred to in sub-section (2) and after conducting such inquiry as may be prescribed the Joint Commissioner is satisfied that there has been an encroachment he may by order and for reasons to be recorded require the encroacher to remove the encroachment and deliver possession of the property (land or building or space) encroached upon to the trustee before the date specified in such order.

(5) During the pendency of the proceeding the Joint Commissioner shall order the encroacher to deposit such amount as may be specified by him in consideration of the use and occupation of the properties in question in the manner prescribed.

79. Mode of eviction on failure of removal of the encroachment as directed: by the Joint Commissioner.— (1) Where within the period specified in order under sub-section (4) of section 78, the encroacher has not removed the encroachment and has not vacated the property the Assistant Commissioner having jurisdiction over the division may remove the encroachment and take possession of the property encroached upon using such police assistance as may be necessary. Any Police officer whose help taking is required for this purpose shall render necessary help to the Assistant Commissioner.

(2) Nothing in sub-section (1) shall prevent any person aggrieved by the order of the Joint Commissioner under sub-section (4) of section 78 from instituting a suit in a Court to establish that the religious institution or endowment has no title to the property:

Provided that no Civil Court shall take cognizance of any suit instituted after six months from the date of receipt of the order under sub-section (4) of section 78:

Provided further that no such suit shall be instituted by a person who is let into possession of the property or who is a leasee, licensee or mortgagee of the religious institution or endowment.

(3) No injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Joint Commissioner under section 78.

79A. Encroachment by group of persons on land belonging to charitable religious institutions and their eviction.—(1) Where the Joint Commissioner knows or has reason to believe that a group or groups of persons without any entitlement and with the common object of occupying any land, which is the property belonging to a charitable or religious institution or endowment, are occupying or have occupied any such land and if such group or groups of persons have not vacated the land on demand by the Joint Commissioner or any officer authorised by him in this behalf, the Joint Commissioner, shall not with standing anything contained in this Act order after giving due notice, the immediate eviction of the encroachers from the land and the taking of possession of the land and thereupon, it shall be lawful for any officer authorised by the Joint Commissioner in this behalf to evict the encroachers from the land by force, taking such police assistance as may be necessary and take possession of the land. Any police officer whose help is required for this purpose shall be bound to render the necessary help to the Joint Commissioner or to such officer authorised by him.

(2) Where, in any proceedings taken under this section or, in consequence of anything done under this section, a question arises as to whether any land is the property of the charitable or religious institution or endowment such land shall be presumed to be property of the charitable or religious institution or endowment until the contrary is proved by the encroacher.

(3) Any order of eviction passed by the Joint Commissioner under sub-section (1) shall be final and shall not be questioned in any court.

79-B. Penalty for offences in connection with encroachment.—(1) No person, on or after the commencement of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 shall occupy otherwise than by an lawful possession any property belonging to a charitable or religious institution or endowment.

(2) Whoever contravenes the provisions of sub-section (1), shall on conviction be punished with imprisonment for a term which shall not be less than three months but which may extend to five years and with fine which may extend to five thousand rupees.

(3) No court shall take cognisance of an offence punishable under sub-section (2) except on the complaint in writing of the Commissioner.

(4) No offence punishable under sub-section (2) shall be inquired into or tried by any court inferior to that of a Judicial Magistrate of the First-Class.

Amendment
of section 80.

43. In section 80 of the principal Act in sub-section (1) for the expression "Which is adjacent to or adjoins the religious institution", the expression "wherever it is situated" shall be substituted.

Amendment
of section 86

44. In section 86 of the principal Act,—

(1) In sub-section (1),—

(a) in the opening portion, for the expression "the Temple Administration Board", the expression "the Commissioner" shall be substituted;

(b) for clauses (a) and (b) the following clauses shall be substituted namely:—

(a) "to the Commissioner in the case of maths and specific endowments attached to maths;

(b) to the Joint Commissioner/Deputy Commissioner, in the case of institutions included in the list published under section 46;

(c) to the Assistant Commissioner in the case of other institutions"

(2) In sub-section (2) in clause (d) for the expression "the Temple Administration Board" the expression "the Commissioner" shall be substituted.

(3) in sub-section (3), —

(a) for the expression "The Temple Administration Board or the Temple Administration District Committee" the expression "The Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner" shall be substituted;

(b) for the expression "as it may" the expression "as he may" shall be substituted,

(4) in sub-section (4) for clauses (a) and (b), the following clauses shall be substituted namely:—

"(a) Where the order has been made by the Assistant Commissioner, to the Joint Commissioner or the Deputy Commissioner;

(b) Where the order has been made by the Joint Commissioner or Deputy Commissioner, the Commissioner.

(c) Where the order has been made by the Commissioner, to the Government"

(5) in sub-section (5) for the expression "the Temple Administration Board or Temple Administration District Committee", in two places where it occurs, the expression "the Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner" shall be substituted;

(6) in sub-section (6),—

(a) for the expression "Temple Administration Board or Temple Administration District Committee" in two places where it occurs, the expression "Commissioner, Joint Commissioner or Deputy Commissioner or Assistant Commissioner" shall be substituted,

(b) for the expression "by the Temple Administration Board" the expression "by the Commissioner" shall be substituted,

45. In section 87 of the principal Act:—

Administration
of section 87.

(1) for the expression "the Temple Administration Board" in two places where it occurs, the expression "the Commissioner" shall be substituted;

(2) in sub-section (3) for the expression, "sixty thousand rupees", the expression "five lakhs rupees" shall be substituted,

46. In section 88 of the principal Act, for clauses (a) and (b), the following clauses shall be substituted, namely:—

Amendment
of section 88.

"(a) to the Commissioner, in respect of maths and specific endowments attached to maths;

(b) to the Joint Commissioner, Deputy Commissioner, in respect of institutions included in the list published under section 46; and

(c) to the Assistant Commissioner in respect of other institutions."

47. In section 89 of the principal Act, in sub-section (2), for the expression "The Temple Administration Board or a Temple Administration District Committee" the expression "the Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner" shall be substituted.

Amendment
of section 89.

48. In section 90 of the principal Act—

Amendment
of section
90

(1) In sub-section (1), (2) and (3) for the expression "Temple Administration Board or Temple Administration District Committee" wherever it occurs, the expression "Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner" shall be substituted

(2) In sub-sections (7) and (8), for the expression, the Temple Administration Board, wherever it occurs, the expression "the Commissioner" shall be substituted;

(3) In sub-section (8) for the expression "as it may be necessary" the expression "as he thinks necessary" shall be substituted.

Amendment
of section 92.

49. In section 92 of the principal Act,—

In sub-section (1) for the expression "ten per centum" the expression "even per centum" shall be substituted;

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

"(2) Every religious institution, the annual income of which for the full year immediately preceding as calculated for the purposes of the levy of contribution, under sub-section (1) is not less than five thousand rupees, shall pay to the Commissioner annually, for meeting the cost of auditing its accounts, such further sum not exceeding one and a half per centum of its income upto five lakhs, and four per centum of its income if the income exceeds five lakhs, as the Commissioner may determine."

(3) in sub-section (4), for clause (iv), the following clause shall be substituted, namely—

"(iv) expenses of District Committee"

Amendment
of section 93

50. In section 93 of the principal Act, expression "the Temple Administration Board or Temple Administration District Committee" shall be omitted.

Amendment
of section 97.

51. In section 97 of the principal Act—

(1) In sub-section (1), for the expression "the Temple Administration Board" the expression "the Commissioner" shall be substituted.

(2) In sub-section (2) for the expression "the Temple Administration Board" the expression "the Commissioner" shall be substituted.

Amendment
of section
97-C.

52. In section 97-C of the principal Act, for the expression "the Temple Administration Board" in two places where it occurs the expression "the Commissioner" shall be substituted.

Amendment
of section 98

53. In section 98 of the principal Act, the expression "Temple Administration Board or Temple Administration District Committee" shall be omitted.

Amendment
of section 99.

54. In section 99 of the principal Act, the expression "Temple Administration Board or Temple Administration District Committee" shall be omitted.

Amendment
of section 100

55. In section 100 of the principal Act,—

(1) In sub-section (1), for the expression "a District Committee having jurisdiction over the area", the expression "the Joint or Deputy or Assistant Commissioner of the division" shall be substituted.

(2) in sub-section (2), for the expression "the Temple Administration District Committee", the expression "Joint Commissioner, Deputy Commissioner or Assistant Commissioner" shall be substituted.

Amendment
of section 101

56. In section 101 of the principal Act—

(1) for the expression "the Temple Administration Board" in three places where it occurs, the expression "the Commissioner" shall be substituted;

101

(2) In sub-section (1), in the proviso, for the expression "of its intention", the expression "of his intention, shall be substituted.

57. In section 102 of the principal Act, in sub-section(2).—

Amendment of section 102.

(1) the expression "the Temple Administration Board or a Temple Administration District Committee of" shall be omitted.

(2) for the expression "in its or his discretion, as the case may be and it or he, as the case may be", the expression "in his discretion and he" shall be substituted;

58. In section 111 of the principal Act, the expression "the Temple Administration Board, a Temple Administration District Committee" shall be omitted

Amendment of section 111.

59. In section 114 of the principal Act, the expression "the Temple Administration Board, any Temple Administration District Committee" shall be omitted.

Amendment of section 114.

60. After section 114 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 114-A.

"114-A POWER OF GOVERNMENT TO REVIEW,—

(1) The Government may either on their own motion or on application by any person aggrieved by an order of the Government under item (iii) of clause (a) or the second proviso to clause (a) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49, review any such order,—

(a) On the basis of the the discovery of new and important facts:—

(i) which were not then within the knowledge of the Government when the order was made; or

(ii) which, after the exercise of due diligence were not then within the knowledge of the applicant or could not be produced, by him when the order was made; or

(b) on the basis of some mistake or error apparent on the face of the record; or

(c) for any other sufficient reasons and pass such order there on as they think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter:

Provided further that no application for review shall be preferred more than once in respect of the same order.

(2) Every application for review shall be preferred within such time and in such manner as may be prescribed.

(3) The decision or order passed on the application for review shall be final.

(4) The Government may pass such interlocutory orders pending the decision on the application for review as the Government may deem fit.

(5) The Government may award costs in any proceedings for review to be paid by the applicant, as they deem fit".

61. In section 116 of the principal Act, in sub-section-(2).—

Amendment of section 116.

(1) In clauses (ii) and (iii), the expression "the Temple Administration Board, the Temple Administration District Committee" shall be omitted;

(2) for clauses (xxi) the following clause shall be substituted, namely:—

“(xxi) the grant of travelling and halting allowances to the members of—

(a) the Advisory Committee.

(b) the District Committee;

(c) the Consultative Committee or sub-committee thereof constituted under sub-section (4) of section 92.”

**Amendment of
schedule III**

62. In Schedule III to the principal Acts—

(1) Under the heading “II. Applications to Court or Tribunal”, in the entries in column(2), against the entry ‘47(4)’ in column(1) for the expression “Temple Administration Board or Temple Administration District Committee”, the expression “Government, Commissioner or Joint/Deputy Commissioner” shall be substituted :

(2) (a) In the heading IV, the expression “Temple Administration Board” shall be omitted :

(b) in the entries under the heading IV—

(i) after the entry “21” and the entries relating thereto in columns (2) and (3), the following entries shall be inserted in columns (1), (2) and (3) respectively, namely :—

“21A..... Application to the Joint/Deputy Commissioner for revision..... Rs. 10”:

(ii) in the entries in column(2), against the entry “59(i)” in column(1), for the expression “Temple Administration Board”, the expression “Commissioner” shall be substituted :

(iii) after the entry “114” and the entries relating thereto in columns (2) and (3) the following entries shall be inserted in columns (1), (2) and (3) respectively namely :—

“14-A..... Application to Government
for review..... Rs. 25”:

(3) (a) In the heading V, the expression “Temple Administration Board, Temple Administration District Committee” shall be omitted :

(b) In the entries under the heading V,—

(i) In the entries in column (2), against the entry “24(6)” in column (1), for the expression “Temple Administration Board”, the expression “Commissioner” shall be substituted :

(ii) For the entries in columns (2) and (3), against entry “26(5)” in column(1), the following entries shall respectively be substituted, namely :—

“Appeal to Commissioner against order of Joint Commissioner or Deputy Commissioner..... Rs. 25”.

(iii) In the entries in column (2), against entry “34(4)” in column (1) for the expression “Temple Administration Board”, the expression “Commissioner” shall be substituted :

(iv) In the entries in column (2) against entry “37” in column (1) for the expression “Temple Administration Board”, the expression “Commissioner” shall be substituted :

(v) In the entries in columns (1), (2) and (3), for the entries "58(4), Appeal to Temple Administration Board against order of Temple Administration District Committee..... Rs. 20", the following entries shall respectively be substituted, namely :—

"58 (4).....Appeal to Joint/Deputy Commissioner against order of Assistant Commissioner regarding dhittam..... Rs. 20" :

58(4).....Appeal to Commissioner against appellate order of Joint Commissioner:Deputy Commissioner..... Rs. 20 :

(vi) for the entries in column(2), against the entry "59(2)" in column(1), for the expression "Temple Administration Board's refusal", the expression "Commissioner's refusal" shall be substituted :

(vii) for the entries in columns (2) and (3) against the entry "86(4)" in column(1), the following entries shall respectively be substituted, namely :—

"Appeal against order regarding budget,—

- | | | |
|-----------------------------------|---------|----------|
| (A) to Joint/Deputy Commissioner. | .. | Rs. 10 |
| (B) to Commissioner | | Rs. 10 |
| (C) to Government | | Rs. 10", |

(By order of the Governor)

A. K. RAJAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 25th November 1998 and is hereby published for general information :—

ACT NO. 38 OF 1998.

An Act 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 Forty-ninth 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, 1998.

Short title and commencement.

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

2. In section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959,—

Amendment of section 34.

(1) in sub-section (1), after the proviso, the following proviso shall be inserted, namely :—

“provided further that the Commissioner shall not accord such sanction without the previous approval of the Government.” ;

(2) in sub-section (4), for the expression “appeal to the Government”, the expression “appeal to the Court” shall be substituted ;

(3) after sub-section (4), the following sub-section shall be inserted, namely :—

“(4-A) The Government may issue such directions to the Commissioner as in their opinion are necessary, in respect of any exchange, sale, mortgage or lease of any immovable property, belonging to, or given or endowed for the purpose of, any religious institution and the Commissioner shall give effect to all such directions.”.

(By order of the Governor)

A. K. RAJAN,

Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 10th December 1999 and is hereby published for general information:—

Act No. 52 of 1999.

An act 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 Fiftieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1999.

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

Insertion of new section 79-C.

2. After section 79-B of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the following section shall be inserted, namely:—

"79-C. Recovery of moneys due to religious institution, as arrears of land revenue.—Without prejudice to any other mode of recovery which is being taken or may be taken under this Act or any other law for the time being in force, any moneys due to a religious institution may be recovered as if it were an arrear of land revenue and for the purposes of such recovery the Commissioner of the Hindu Religious and Charitable Endowments (Administration) Department or any officer not below the rank of Deputy Commissioner authorised by the Commissioner in this behalf, shall have the powers of a Collector under the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act 11 of 1864)".

Tamil Nadu Act 22 of 1959.

(By order of the Governor)

K. PARTHASARATHY,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 26th November 2002 and is hereby published for general information:—

ACT No. 50 OF 2002.

An act 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 Fifty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002.

(2) It shall be deemed to have come into force on the 7th day of July 1997.

Amendment of section 6.

2. In section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), for clause (1), the following clauses shall be substituted, namely:—

Tamil
22

“(1) “Additional Commissioner” means an Additional Commissioner appointed under section 9;

(1-A) “Advisory Committee” means the Committee constituted by the Government under sub-section (1) of section 7;”.

Amendment of section 8.

3. In section 8 of the principal Act, after clause (a), the following clause shall be inserted, namely:—

“(aa) Additional Commissioner;”.

Amendment of section 9.

4. In section 9 of the principal Act,—

(1) in sub-section (1), for the expression “the Commissioner”, the expression “the Commissioner, the Additional Commissioner” shall be substituted;

(2) in sub-section (2),—

(a) in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) by promotion from Additional Commissioner, or;”;

(b) for clause (aa), the following clauses shall be substituted, namely:—

“(aa) Appointment to the post of Additional Commissioner shall be by promotion from Joint Commissioner;

(aaa) Appointment to the post of Joint Commissioner shall be by promotion from Deputy Commissioner.”.

Amendment of section 10.

5. In section 10 of the principal Act, for the expression “The Commissioner”, the expression “The Commissioner, the Additional Commissioner” shall be substituted.

Amendment of section 12.

6. In section 12 of the principal Act, in sub-section (1), for the expression “The Commissioner”, the expression “The Commissioner, Additional Commissioner,” shall be substituted.

Amendment of section 13.

7. In section 13 of the principal Act,—

(1) in the marginal heading, for the expression “Joint Commissioners”, the expression “Additional Commissioner, Joint Commissioners” shall be substituted;

2/3

(2) in sub-section (2), for the expression "Joint Commissioner," the expression "Additional Commissioner, Joint Commissioner," shall be substituted.

8. In section 13-A of the principal Act,—

Amendment
of section
13-A.

(1) in the marginal heading, for the expression "Joint Commissioner", the expression "Additional Commissioner and Joint Commissioner" shall be substituted;

(2) for the expression "a Joint Commissioner" in two places where it occurs, the expression "the Additional Commissioner or the Joint Commissioner as the case may be," shall be substituted.

9. In section 24 of the principal Act, in sub-section (1),—

Amendment
of section
24.

(1) for the expression "The Commissioner," the expression "The Commissioner, or an Additional," shall be substituted;

(2) for the expression "Joint or Deputy Commissioner", the expression "Additional Commissioner or Joint Commissioner or Deputy Commissioner" shall be substituted.

10. In section 25 of the principal Act, for the expression "The Commissioner," the expression "The Commissioner, an Additional Commissioner," shall be substituted.

Amendment
of section
25.

11. In section 27 of the principal Act, for the expression "the Commissioner," the expression "the Commissioner, the Additional Commissioner," shall be substituted.

Amendment
of section
27.

12. In section 85 of the principal Act, in sub-section (2), for the expression "Commissioner," the expression "Commissioner, Additional Commissioner," shall be substituted.

Amendment
of section
85.

13. In section 93 of the principal Act, for the expression "the Commissioner," the expression "the Commissioner, an Additional Commissioner," shall be substituted.

Amendment
of section
93.

14. In section 98 of the principal Act, for the expression "Commissioner," the expression "Commissioner, Additional Commissioner," shall be substituted.

Amendment
of section
98.

15. In section 99 of the principal Act, for the expression "The Commissioner," the expression "The Commissioner, the Additional Commissioner," shall be substituted.

Amendment
of section
99.

16. In section 111 of the principal Act, for the expression "the Commissioner," the expression "the Commissioner, or the Additional Commissioner," shall be substituted.

Amendment of
section 111.

17. In section 114 of the principal Act, in sub-section (1), for the expression "the Commissioner," the expression "the Commissioner, or the Additional Commissioner," shall be substituted.

Amendment of
section 114.

18. In section 116 of the principal Act, in sub-section (2),—

Amendment of
section 116.

(1) in clause (ii), for the expression "the Commissioner," the expression "the Commissioner or the Additional," shall be substituted;

(2) in clause (iii), for the expression "the Commissioner," the expression "the Commissioner, the Additional Commissioner," shall be substituted.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th May 2003 and is hereby published for general information:--

ACT No. 10 OF 2003.

An Act 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 Fifty-fourth 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, 2003.

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, for clause (18), the following clause shall be substituted, namely:--

Amendment of section 6.

“(18) “religious institution” means a math, temple or specific endowment and includes,—

- (i) a samadhi or brindhavan; or
- (ii) any other institution established or maintained for a religious purpose.

Explanation.— For the purpose of this clause-

(1) “samadhi” means a place where the mortal remains of a guru, sadhu or saint is interred and used as a place of public religious worship;

(2) “brindhavan” means a place established or maintained in memory of a guru, sadhu or saint and used as a place of public religious worship, but does not include samadhi;”

(By Order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.

1.6 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 1st July 2003 and is hereby published for general information:—

ACT No. 25 OF 2003.

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

Enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2003.

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

Insertion of new
sections 34-A,
34-B, 34-C
and 34-D

2. After section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the following sections shall be inserted, namely:—

Tamil Nadu
Act 22 of
1959

34-A. Fixation of lease rent.—(1) The lease rent payable for the lease of immovable property belonging to, or given or endowed for the purpose of, any religious institution, shall be fixed by a Committee consisting of the Joint Commissioner, the Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, of the religious institution and the District Registrar of the Registration Department in the district concerned taking into account the prevailing market rental value and the guidelines, as may be prescribed and such lease rent shall be re-fixed in the like manner once in three years by the said Committee.

Explanation.—For the purpose of this sub-section, “prevailing market rental value” means the amount of rent paid for similar types of properties situated in the locality where the immovable property of the religious institution is situated.

(2) The Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, of the religious institution concerned, shall pass an order fixing the lease rent and intimate the same to the lessee specifying a time within which such lease rent shall be paid.

(3) Any person aggrieved by an order passed under sub-section (2), may, within a period of thirty days from the date of receipt of such order, appeal to the Commissioner, in such form and in such manner, as may be prescribed.

(4) The Commissioner may after giving the person aggrieved an opportunity of being heard, pass such order as he thinks fit.

(5) Any person aggrieved by an order passed by the Commissioner under sub-section (4) may, within ninety days from the date of receipt of such order, prefer a revision petition to the High Court.

Provided that no appeal or revision shall be entertained under sub-section (3) or sub-section (5), as the case may be, unless it is accompanied by satisfactory proof of deposit of the lease rent so fixed or re-fixed, in the account of the religious institution concerned and such amount shall be adjusted towards the lease amount payable by the lessee as per the order passed in the appeal or revision, as the case may be.

34-B. Termination of lease of immovable property.—(1) The lease of immovable property belonging to, or given or endowed for the purpose of, any religious institution shall be liable to be terminated on the non payment of the lease rent after giving a reasonable opportunity of being heard.

(2) No proceeding to terminate the lease shall be initiated, if—

(i) the time for appeal or revision under sub-section (3) or sub-section (5), as the case may be, of section 34-A has not expired; or

(ii) the order has been made the subject of such appeal or revision till the disposal of the matter.

(3) On the termination of the lease under sub-section (1), the property shall vest with the concerned religious institution free from all encumbrances and the Executive Officer, the Trustee or the Chairman of the Board of Trustees, as the case may be, of such religious institution shall take possession of the property including the building, superstructure and trees, if any.

34-C. Payment of amount.—(1) There shall be paid an amount to the lessee for the building, superstructure and trees, if any, erected or planted in accordance with the terms of agreement or with the permission of the Commissioner by the lessee on the property vested with the religious institution under section 34-B.

(2) The amount specified in sub-section (1) shall be determined by a Committee consisting of the Joint Commissioner, Executive Engineer (Buildings) of Public Works Department having jurisdiction over the area in which the religious institution is situated, the Divisional Engineer (Hindu Religious and Charitable Endowments) concerned and the Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, of the religious institution and shall be paid by such religious institution in such manner, as may be prescribed.

(3) In determining the amount, the Committee shall be guided by the provisions contained in sections 23, 24 and other relevant provisions of the Land Acquisition Act, 1894 (Central Act I of 1894).

(4) The Executive Officer or the Trustee or the Chairman of the Board of Trustees, as the case may be, shall pass an order specifying the amount payable under sub-section (1) after adjusting the arrears of lease rent, if any, due.

(5) Any person aggrieved by an order passed under sub-section (4) may, within a period of thirty days from the date of receipt of such order, appeal to the Commissioner in such form and in such manner, as may be prescribed.

(6) The Commissioner may, after giving the appellant an opportunity of being heard, pass such order as he thinks fit.

(7) Any person aggrieved by an order passed by the Commissioner under sub-section (6) may, within ninety days from the date of receipt of such order, prefer a revision petition to the High Court.

34-D. Bar of Jurisdiction of Civil Court.—Save as otherwise provided in section 34-A or 34-C, no suit or other legal proceeding in respect of an order passed under section 34-A or 34-B or 34-C, as the case may be, shall be instituted in any court of law.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

CHENNAI, MONDAY, SEPTEMBER 1, 2003
Aavani 15, Subhanu, Thiruvalluvar Aandu-2034

Part IV—Section 2 Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 25th August 2003 and is hereby published for general information:—

ACT No. 28 OF 2003.

An Act 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 Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 2003.

Short title and commencement.

(2) It shall come into force at once.

2. For section 109 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the following section shall be substituted, namely:—

Amendment of section 109.

“109. *Central Act 36 of 1963 not to apply for recovery of properties of religious institution.*—Nothing contained in the Limitation Act, 1963 (Central Act 36 of 1963) shall apply to any suit for possession of immovable property belonging to any religious institution or for possession of any interest in such property.”

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 2nd February 2006 and is hereby published for general information:—

ACT No. 1 OF 2006.

An Act 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 Fifty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2006.

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

Amendment of section 12.

2. In section 12 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), in sub-section (2), clause (b) shall be omitted

Tamil Nadu Act 22 of 1959.

Amendment of section 92.

3. In section 92 of the principal Act, in sub-section (1), for the expression "eleven per centum", the expression "twelve per centum" shall be substituted.

(By Order of the Governor.)

L. JAYASANKARAN,
Secretary to Government,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 212]

CHENNAI, WEDNESDAY, AUGUST 30, 2006
Aavani 14, Viya, Thiruvalluvar Aandu-2037

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th August 2006 and is hereby published for general information:—

ACT No. 15 OF 2006

An Act 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 Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2006.

Short title and commencement

(2) It shall be deemed to have come into force on the 16th day of July 2006.

2. In the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), in section 6, clause (8-A) shall be omitted.

Amendment of section 6.

3. Section 7-A of the principal Act shall be omitted.

Omission of section 7-A

4. In section 26 of the principal Act, in sub-section (1), in clause (b), the expression "and more than seventy" shall be omitted.

Amendment of section 26.

5. In section 47 of the principal Act,—

Amendment of section 47.

(1) in sub-section (1),—

(a) in the first proviso to clause (a), the expression "from among the panel of names of persons sent by the District Committee concerned under sub-section (4) of section 7-A" shall be omitted;

(b) in clause (c), the expression "and another one shall be a woman" shall be added at the end.

Tamil Nadu
Act 22 of
1959.

(2) in sub-section (3), for the expression "three years", the expression "one year" shall be substituted.

(3) to sub-section (3), the following proviso shall be added, namely:—

"Provided that every trustee who has completed a term of office of one year on the 16th day of July 2006 shall cease to hold office forthwith and every trustee who completes a term of office of one year after such date shall cease to hold office on such completion."

Amendment of section 49.

6. In section 49 of the principal Act, in sub-section (1), in the first proviso, for the expression "from among the panel of names of persons sent by the District Committee concerned under sub-section (4) of section 7-A", the following expression shall be substituted, namely:—

"of whom one shall be a member of the Scheduled Castes or Scheduled Tribes and another one shall be a woman."

Amendment of section 51.

7. In section 51 of the principal Act, clause (a) shall be omitted.

Amendment of section 92.

8. In section 92 of the principal Act, in sub-section (4), clause (iv) shall be omitted.

Amendment of section 116.

9. In section 116 of the principal Act, in sub-section (2), in clause (xx), sub-clause (b) shall be omitted.

Abolition of District Committees.

10. On and from the 16th day of July 2006, the District Committees constituted under section 7-A of the principal Act shall stand abolished and any member of such committees shall, with effect from the said date, cease to hold office as such member.

Repeal and saving.

11. (1) The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2006 is hereby repealed.

Tamil N
Ordin:
5 of 2

(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.

(By Order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government (in-charge),
Law Department.

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 7th June 2007 and is hereby published for general information:—

ACT No. 13 OF 2007.

An Act 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 Fifty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 19th day of September 2006.

Amendment of section 7

2. In section 7 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in sub-section (1), in clause (d), the expression "not exceeding eight persons" shall be omitted

Tamil
Act 23
1958

(By order of the Governor.)

S. DHEENADHAYALAN,
Secretary to Government-in-charge,
Law Department.

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TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

Part II

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th February 2008 and is hereby published for general information:—

ACT No. 4 OF 2008.

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

Enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2008.

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

Amendment of section 6.

2. In section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for clause (18), the following clause shall be substituted, namely:—

"(18) 'religious institution' means a math, temple or specific endowment."

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government-in-charge,
Law Department

Tamil Nadu Act 12 of 2008.
Act 22 of 1959.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th August 2009 and is hereby published for general information:—

ACT No. 31 OF 2009.

An Act 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 Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2009.

Short title
and
commence-
ment.

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

Tamil Nadu
Act 22 of
1959.

2. In section 34-B of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act), in sub-section (1), after the expression "on the non-payment of lease rent", the expression "or on violation of any of the conditions imposed in the lease agreement" shall be inserted.

Amendment of
section
34-B.

3. In section 114-A of the principal Act, in sub-section (1), for the expression "under item (iii) of clause (a) or the second proviso to clause (a) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49", the expression "under this Act" shall be substituted.

Amendment
of section
114-A.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 2nd February 2010 and is hereby published for general information:—

ACT No. 12 OF 2010.

An Act 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 Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2010.

Short title and commencement.

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

Tamil Nadu
Act
22 of 1959.

2. In section 47 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in sub-section (3),—

Amendment of section 47.

(1) for the expression “one year”, the expression “two years” shall be substituted;

(2) after the proviso, the following proviso shall be added, namely:—

“Provided further that every trustee who has not completed a term of office of one year on the date of commencement of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2010 shall continue to be the trustee for the period of two years from the date of his appointment.”.

(By order of the Governor)

S. DHEENADHAYALAN,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 26 of 2012.

An Act 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 (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,—

Amendment of section 6.

(1) in clause (15), after sub-clause (c), the following sub-clause shall be added, namely:—

“(d) in the case of a samadhi, brindhavan or any other institution established or maintained for a religious purpose, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in such religious institution, or who is entitled to partake or is in the habit of partaking in the benefit of the distribution of gifts thereat;”;

(2) for clause (18), the following clause shall be substituted, namely:—

“(18) “religious institution” means a math, temple or specific endowment and includes,—

(i) a samadhi or brindhavan; or

(ii) any other institution established or maintained for a religious purpose.

Explanation.—For the purpose of this clause—

(1) “samadhi” means a place where the mortal remains of a guru, sadhu or saint is interned and used as a place of public religious worship;

(2) “brindhavan” means a place established or maintained in memory of a guru, sadhu or saint and used as a place of public religious worship, but does not include Samadhi;”.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 16th November 2012 and is hereby published for general information:—

ACT No. 51 of 2012.

An Act 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) “Scheduled Castes” and “Scheduled Tribes” shall have the same meaning assigned to them, respectively, in clauses (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 Scheduled 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;”.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 8th November 2013 and is hereby published for general information:—

ACT No. 26 OF 2013.

An Act 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:—

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;

Tamil Nadu
Act 22 of
1959.

(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.

Amendment of
section 53.

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.”.

(By order of the Governor)

G. JAYACHANDRAN,
*Secretary to Government,
Law Department.*