The Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996

Act 23 of 1996

Keyword(s):
Non-Hereditary Trustees, Public Interest, Removal from Office

Amendment appended: 48 of 1999

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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 24th August 1996 and is hereby published for general information:—

ACT No. 23 OF 1996.

An Act to provide for the removal of non-hereditary trustees appointed under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

WHEREAS under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Temple Administration District Committees and the Temple Administration Board have been empowered to appoint non-hereditary trustees in respect of religious institutions;

AND WHEREAS in exercise of the said powers, the Temple Administration District Committees and the Temple Administration Board have appointed non-hereditary trustees to the religious institutions;

AND WHEREAS discontent has been voiced on a large scale by the general public in the matter of appointment of trustees and their functioning;

AND WHEREAS in view of the general feeling of the public and in public interest, and for the proper maintenance and administration of the religious institutions, it is considered necessary to remove the non-hereditary trustees so appointed and fill up the vacancies;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-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 (Special Provisions) Act, 1996.

(2) It shall be deemed to have come into force on the 26th day of June 1996.

Non-hereditary trustees to cease to hold office.

2. (1) Notwithstanding anything contained in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to in this Act as the 1959 Act), every non-hereditary trustee of every religious institution appointed under any of the provisions of the 1959 Act and holding office as such on the 26th day of June 1996 shall cease to hold such office on such date.

Tamil Nadu Act 22 of 19

(2) On and from the 26th day of June 1996, 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 1959 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, who shall be an officer of the Hindu Religious and Charitable Endowments Administration Department, not below the rank of Inspector, appointed by the Commissioner or by any officer not below the rank of Assistant Commissioner, authorised by the Commissioner in this behalf.

(3) Notwithstanding anything contained in the 1959 Act,—

(*a*) any non-hereditary trustee who ceases to be such non-hereditary trustee under sub-section (1), shall handover, within a period of ten days from the 26th day of June 1996, or within such further time as may be granted by the Commissioner, any records, accounts and properties of the religious institutions, which are in, or have come into, his possession or control, to the hereditary trustee, executive officer or the 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.

Filling up of vacancies of the office of non-hereditary trustees.

3. Notwithstanding anything contained in section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991, any existing vacancy and every vacancy occurring in the office of non-hereditary trustees under section 2, shall be filled up in accordance with the provisions of the 1959 Act within a period of one year from the 26th day of June 1996 or within such further period not exceeding six months as the State Government may, by notification, specify in this behalf.

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4. (1) The Tamil Nadu Hindu Religious and Charitable Endowments (Special Repeal Provisions) Ordinance, 1996 is hereby repealed.

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of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Ordinance, 1996 shall be deemed to have been done or taken under this Act.

(By order of the Governor)

A. K. RAJAN,
Secretary to Government,
Law Department.

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BEHALF OF THE GOVERNMENT OF TAMIL NADU.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th December 1999 and is hereby published for general information :—

ACT No. 48 OF 1999.

An Act to amend the Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996.

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 (Special Provisions) Amendment Act, 1999.

(2) It shall be deemed to have come into force on the 26th day of June 1996.

Amendment of section 3.

Tamil Nadu Act 23 of 1996.

2. For section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996, the following section shall be substituted, namely :—

" 3. Filling up of vacancies of the office of non-hereditary trustees.—Notwithstanding anything contained in section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991), every vacancy occurred in the office of non-hereditary trustee under sub-section (1) of section 61 of that Act, shall be filled up in accordance with the provisions of the 1959 Act ".

(By order of the Governor)

K. PARTHASARATHY,
Secretary to Government,
Law Department.

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