

TAMIL NADU HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (SPECIAL PROVISIONS) ACT, 1996

GOVERNMENT OF TAMIL NADU 1996 TAMIL NADU GOVERNMENT (Price: Rs. 30) GAZETTE EXTRAORDINARY PUBLISHED AUTHORITY MADRAS, MONDAY, AUGUST 26, 1996 Aavani 11, Thadhu, Thiruvananthapuram— 2027 Part IV:— The following Act of the Tamil Nadu Legislative Assembly received the assent of and is hereby published for general information:—

Act 23 OF 1996. An Act to provide for the removal of non-hereditary trustees appointed under the Tamil Nadu Hindu Religious and Endowments Act, 1959. WHEREAS under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Temple Administration District Officers 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 functions (A.F.X., (418) --112 Short title and commencement of the Tamil Nadu Government Gazette Extraordinary AND WHEREAS in view of the general opinion of the public and in public interest and for the proper maintenance necessarily to remove the non-hereditary trustees from religious institutions, 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 (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996. (2) It shall be deemed to come into force on the 26th day of June 1996. (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 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. (2) On and from the 26th day of June 1996, the functions of the Board of Trustees or of the trustees 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 trustees, if any, of such institution, and (b) where there is no hereditary trustee of such institution, by the executive 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, into his possession or control, to the hereditary trustee, or if there is no hereditary trustee, to the 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 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 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.

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 not exceeding six months from the date of notification, published in the Tamil Nadu Government Gazette Extraordinary.

(1) The Tamil Nadu Hindu Religious and Charitable Endowments (Special Repeal Provisions) Ordinance, 1996 is hereby repealed. (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. (u, c.:ze: Of the Govnor) A. K. RAYAN, Secretary to Government, Law Department. 113 A.ND BY IHE CONFMISSIONER OF ETA OF -IBE GOVERNMENT OF TAMIL NADU. PRINTNG, MAmA8, C TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 229 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 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

2. For section 3 of the Tamil Nadu Hindu Religious and Charitable Endow- Tamil Nadu Act ments (Special Provisions) Act, 1996, the following section shall be substituted, n of 1996.namely

3. Filling up of vacancies of the cmce of non-hereditary trustees.—Notwith• standing anything contained in section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act,] 991 (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. Short title and commence- ment. Amendment of section 3.

