

# **Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959**

TAMILNADU

India

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### **Act 22 of 1959**

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Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959(Tamil Nadu Act 22 of 1959)Statement of Objects and Reasons - Madras Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959). - The Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) came into force on the 30th September 1951. After the Act came into force, some of the sections of the Act were held ultra vires the State Legislature by the High Court and the Supreme Court. Taking into consideration the judgments of the High Court and the Supreme Court, the principal Act was amended suitably by the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954 (Madras Act XXVII of 1954).Some of the sections of Madras Act XIX of 1951 as amended by Madras Act XXVII of 1954 require revision in view of the later decisions of the High Court and the Supreme Court. Certain difficulties were also experienced in the working of the Act by the Madras Hindu Religious and Charitable Endowments (Administration) Department. It has been decided that suitable provisions should be made in the Act so as to remove the above difficulties, and also to remove the defects pointed out by Courts. As the amendments for this purpose will be numerous, it is considered necessary to replace the existing Act by a more comprehensive Act. It is also considered necessary that the comprehensive Act should be made applicable to all Hindu Public Religious institutions and endowments except the Incorporated Devaswoms and Unincorporated Devaswoms in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.The Bill seeks to give effect to the above objects.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 13th April 1959.Statement of Objects and Reasons - Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1961 (Tamil Nadu Act 12 of 1961). - Clauses (a) and (b) of sub-section (2) of section 9 of the Madras Hindu Religious and Charitable Endowments Act, 1959 (Madras Act 22 of 1959), prescribe the methods of recruitment to the posts of Commissioner and Deputy Commissioners. The section as it stands does not permit appointment of a person by promotion from the Madras Hindu Religious and Charitable Endowments (Administration) Service.

Consequently, Deputy Commissioners and Assistant Commissioners are not eligible for promotion as Commissioner and Deputy Commissioners, respectively. It is considered that the Deputy Commissioners and Assistant Commissioners should not be deprived of the prospects of promotion as Commissioner and Deputy Commissioners. It is also considered that members of the Madras State Judicial Service should be made eligible for appointment to the post of Commissioner and that Government should have power to make appointment to the post of Deputy Commissioners also by agreement or on contract basis.<sup>2</sup> The Bill seeks to achieve the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 13th March 1961. Statement of Objects and Reasons - Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1972 (Tamil Nadu Act 29 of 1972). - According to sub-section (1) of section 47 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Commissioner, Hindu Religious and Charitable Endowments shall constitute a Board of Trustees consisting of not less than three and not more than five persons appointed by him in respect of a listed religious institution, that is a religious institution having an annual income of not less than Rs. 20,000, if it has no hereditary trustee. Under section 49 of the said Act, the Assistant Commissioner, Hindu Religious and Charitable Endowments concerned has got similar powers for constituting the Board of Trustees in respect of non-listed temples.<sup>2</sup> It is considered that as a measure of social welfare and reform, a member of the Scheduled Castes or Scheduled Tribes should be appointed to the Board of Trustees for temples. Accordingly, it has been decided to make it obligatory that a member of the Scheduled Castes or Scheduled Tribes shall be appointed by the Commissioner to the Board of Trustees of listed temples whether the total number of trustees is three or five.<sup>3</sup> The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 10th August 1972. Statement of Objects and Reasons - Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1973 (Tamil Nadu Act 22 of 1973). - At present there are no rules governing the installation, maintenance, etc., of hundials and other such receptacles in religious institutions. There is also no express provision in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), under which the rules can be framed, for the above purpose. It is considered necessary that a uniform procedure has to be followed in this regard. It has, therefore, been decided to amend section 116 of the Act empowering the Government to make rules for the installation, maintenance, etc., of hundials and other such receptacles in religious institutions.<sup>2</sup> The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 21st March 1973. Statement of Objects and Reasons - Madras Hindu Religious and Charitable Endowments (Second Amendment) Act, 1973 (Tamil Nadu Act 5 of 1974). - According to section 117 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), any reference to the Board or its President or a Commissioner thereof contained in any enactment in force in the 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 the Act.<sup>2</sup> The High Court, Madras, in its judgment in Writ Petition No. 1016 of 1970, has held that it is only the Commissioner, who can act as a substitute for the Board under section 117 and the Assistant Commissioner has initially no jurisdiction to call for applications for the appointment of non-hereditary trustees. As such, the Commissioner alone is competent to appoint trustees in that case. There may be several non-listed temples having schemes with similar

provisions and in all these cases, the Commissioner cannot proceed to invite application. So, it is proposed to amend section 117 of Tamil Nadu Act 22 of 1959 so as to empower the Commissioner, Hindu Religious and Charitable Endowments, to delegate by order any of the powers devolved upon him under that section to the Deputy Commissioner or Assistant Commissioner as may be specified in such order.<sup>3</sup> The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 29th November 1973. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1974 (Tamil Nadu Act 27 of 1974). - Sub-section (5) of section 87 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) makes it obligatory on the part of the trustees of the institutions concerned, to produce the accounts for audit. However, no time-limit has been fixed for the production of the accounts for audit.<sup>2</sup> It is considered that it will be quite possible for some trustees to avail of the absence of a statutory time - limit so that they may either delay or evade the production of accounts and that it is therefore absolutely necessary that a time-limit is fixed for the production of accounts for audit. It has, therefore, been decided to amend the said sub-section (5) of section 37 of the said Act so as to take power for the Government to make rules for fixing a time-limit within which the accounts, records, etc., should be produced by the trustee of the religious institution to the auditors for auditing.<sup>3</sup> The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 9th April 1974. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974). - Section 23 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), confers on the Commissioner, Hindu Religious and Charitable Endowments, the power of general superintendence and control in respect of religious endowments and the power to pass orders which may be deemed necessary for ensuring the proper administration of religious endowments. The High Court, Madras, in Writ Petitions Nos. 3212 and 3213 of 1972, relating to the validity of orders of amalgamation of temples passed by the Commissioner under the said section 23 has, inter alia, held that the said section applies only to religious endowments and it does not apply to religious institutions. It is felt necessary to amend the said section 23 so as to include within its scope temples and specified endowments attached thereto.<sup>2</sup> The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 9th April 1974. Statement of Object and Reason. - According to sub-section (1) of section 47 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Commissioner, Hindu Religious and Charitable Endowments shall constitute a Board of Trustees consisting of not less than three and not more than five persons appointed by him in respect of a listed religious institution, that is, a religious institution having an annual income of not less than twenty thousand rupees, if it has no hereditary trustee. Under section 49 of the said Act, the Assistant Commissioner, Hindu Religious and Charitable Endowments concerned has got similar powers for constituting the Board of Trustees in respect of non-listed religious institutions.<sup>2</sup> When a religious institution is included in the list published under section 46 of the said Act, the Assistant Commissioner, Hindu Religious and Charitable Endowments ceases to have jurisdiction over such religious institutions and he cannot have power to appoint trustees. The trustees appointed by the Assistant Commissioner at the time when the religious institution was a non-listed one can no longer function as trustees after such religious institution has become a listed one. It has therefore become necessary to make a suitable provision in the Act empowering the Commissioner, Hindu

Religious and Charitable Endowments to appoint a new set of trustees as soon as the religious institution is included in the list published under section 46 of the said Act.<sup>3</sup> The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated.....Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991). - A large number of small, ancient and dilapidated temples which form part of our rich heritage are lying uncared for. Many of these temples are in ruins. Lack of adequate finance has led to this situation of neglect. It is, therefore, proposed to reorganise the Hindu Religious and Charitable Endowments Administration Department by the establishment of Temple Administration Board so as to ensure proper maintenance and administration of the temples besides observance of worship and rituals in temples.<sup>2</sup> The endeavour is to have a two tier system of administration, namely, Temple Administration Board at the apex level and a District Committee at the district level. The Chief Minister will be the Chairman ex-officio, of the Temple Administration Board. The over all superintendence and governance of temples including appointment of trustees for temples having an annual income of rupees one lakh and above are to be vested with the Temple Administration Board and the power to appoint trustees for temples having an annual income of less than rupees one lakh is to be vested with District Committees. It is also proposed to entrust the powers of the Commissioner, Deputy Commissioner and Assistant Commissioner under the Act, except certain powers of judicial nature, etc., with Temple Administration Board and District Committees, suitably.<sup>3</sup> It is also proposed to put an end to the term of office of non - hereditary trustees who are now functioning as such in various temples and also to do away with the concept of Regional Committee which hitherto prepared the panel of names for selection for appointment to the Board of Trustees for religious institutions (other than those religious institutions falling under clause (iii) of section 46) by omitting section 46-A of the said Act.<sup>4</sup> To give effect to the above proposals it is proposed to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).<sup>5</sup> The Bill seeks to achieve the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 1st October 1991. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993). - The Government have upgraded the posts of Deputy Commissioner (Judicial) and Deputy Commissioner (Inspection) as Joint Commissioners in the Office of the Commissioner, Hindu Religious and Charitable Endowments Administration Department, so as to lessen the burden of work discharged by the Commissioner. There is, however, at present no provision in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) for enabling the Government to appoint the Joint Commissioners. So, in order to appoint the Joint Commissioners statutorily under the Act and to enable the Joint Commissioners to exercise the powers and discharge the duties for carrying out the purposes of the Act, it is proposed to amend the Act suitably.<sup>2</sup> The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 29th April 1993. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1993 (Tamil Nadu Act 19 of 1993). - "District Committee" has been defined in clause (8-A) of section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), to mean the District Committee constituted under section 7-C of the said Act. The nomenclature "District Committee" does not reflect that the District Committee deals with the administration of temples. Hence, it is proposed to

change the nomenclature of the "District Committee" as the "Temple Administration District Committee".2. The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 29th April 1993. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1993. - The administration of Arulmigu Vedaranyeswaraswami temple in Vedaranyam, Nagapattinam Quaid-e-Milleth district is being carried out by a trustee to be chosen by the "Varani Adheenam" in Jaffna district, Sri Lanka, as per the scheme framed under sub-section (1) of section 64 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959). It has now been decided to disqualify a person of foreign nationality for being appointed as, and for being, a trustee of any religious institution in Tamil Nadu. Accordingly, it is proposed to amend section 26 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), suitably.2. The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 30th December 1993. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993). - According to section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the provisions of the said Act and the rules made thereunder may be extended to any Hindu or Jain public charitable endowment, if the Government have reason to believe that such endowment is being mismanaged, after conducting an enquiry in this behalf. It is proposed to amend the said section 3 suitably, so that the provisions of the said Act and the rules made thereunder may be extended to any Hindu or Jain public charitable endowments even if they are not mismanaged after issuing a notice to the persons interested in the public charitable endowment concerned and after considering their objections, if any. It is also proposed to make suitable provisions in the Act to the effect that while exercising the power to extend the provisions of the said Act and the rules by means of a notification, the Government shall do so only in the interests of the public and to ensure that the income of the public charitable endowment is duly appropriated and utilised for the purpose for which it was founded.2. The Bill seeks to achieve the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th May 1993. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Fourth Amendment) Act, 1994 (Tamil Nadu Act 39 of 1994). - According to clause (b) of section 7-K of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), any non-official member of a Temple Administration District Committee, may, for good and sufficient reason, be removed from the office, by the Temple Administration Board. It is now proposed to vest with the Chairman of the Temple Administration Board, the power to remove the Chairman if he is a non-official and any other non-official member of a Temple Administration District Committee and to vest with the Temple Administration Board the power to supersede the Temple Administration District Committees, on the lines of the provisions contained in section 64 of the Wakf Act, 1954 (Central Act 29 of 1954).2. Under section 53 of the said Tamil Nadu Act 22 of 1959, the Tamil Nadu Temple Administration Board and the Temple Administration District Committees are empowered to suspend, remove or dismiss any trustee of any religious institution within their jurisdiction. It is now proposed to give such power to the Government also, in case of exigency, in view of experience gained and the necessity felt consequent on the amendments made to the said Tamil Nadu Act 22 of 1959 by Tamil Nadu Act 46 of 1991, and to make a provision for appeal to High Court against the orders of the Government under the powers referred to above. It is proposed to amend the said

Tamil Nadu Act 22 of 1959 suitably for the above purposes.<sup>3</sup> The Bill seeks to give effect to the above proposals. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 4th May 1994. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995). - The post of Joint Commissioner, Hindu Religious and Charitable Endowments Administration Department is one of the authorities under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959). At present, there is one Joint Commissioner in the Office of the Commissioner, Hindu Religious and Charitable Endowments Administration Department, besides seven Joint Commissioners working as Executive Officers in seven Special Grade Temples. The Regional Officers, namely, Deputy Commissioners cannot exercise control over the Joint Commissioner (Executive Officer) and in view of this even routine, administrative matters had to be disposed of by the Commissioner. Effective supervision of the administration of all the temples including Special Grade Temples is needed in the districts, which will be possible only if Joint Commissioners are posted at the Regional Level and with powers which now vest with the Deputy Commissioner of the Regions. So far, there is no provision for appointing Joint Commissioners at Regional Level in the Act.<sup>2</sup> The Government have, therefore, proposed to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) to enable the Joint Commissioners having jurisdiction over the area to exercise the powers and perform the duties hitherto exercised by the Deputy Commissioners.<sup>3</sup> The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 8th November 1995. Statement of Objects and Reasons. - According to section 7-O of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Temple Administration Board is empowered to delegate its powers and duties to the Temple Administration District Committee or the Commissioner.<sup>2</sup> There are over 35, 000 temples in Tamil Nadu under the control of Hindu Religious and Charitable Endowments Administration Department. For effective supervision of the administration of these temples, it is considered necessary that the Temple Administration Board may be vested with powers to delegate some of its powers to the field officers of the Hindu Religious and Charitable Endowments Administration Department such as Joint Commissioners, Deputy Commissioners and Assistant Commissioners. The Government have, therefore, proposed to amend the said section 7-O of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), suitably.<sup>3</sup> The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 8th November 1994. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996 (Tamil Nadu Act 23 of 1996). - 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 all religious institutions within their area of jurisdiction<sup>2</sup>. In exercise of the powers vested under the said Act, the Temple Administration District Committees and the Temple Administration Board had appointed non - hereditary trustees to religious institutions. However, discontent had been voiced on a large scale by the general public in the matter of appointment of trustees made by the Temple Administration District Committees and the Temple Administration Board and the functioning of such trustees. 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 had been considered necessary by the Government to remove the non-hereditary trustees so appointed, and fill up the vacancies by fresh appointments, under the provisions of Tamil Nadu Act 22 of 1959. Accordingly, the Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Ordinance, 1996 (Tamil Nadu Ordinance 3 of 1996) was promulgated by the Governor to give effect to the above object and the same was published in the Tamil Nadu Government Gazette Extraordinary, dated the 26th June 1996.<sup>3</sup> The Bill seeks to replace the said Ordinance. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 16th August 1996. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996). - The establishment of Tamil Nadu Temple Administration Board and the Tamil Nadu Temple Administration District Committees, has resulted in experiencing difficulties in the effective implementation of the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act 21 of 1959). Further, the powers of the Commissioner, Joint Commissioner, Deputy Commissioner, Assistant Commissioner, were totally crippled due to vesting of overall powers, with the Chairman of the Temple Administration Board.<sup>2</sup> The Government have decided to put an end to the two tier system of administration in the Hindu Religious and Charitable Endowments Administration Department and to restore the powers of the Commissioner, Joint Commissioner, Deputy Commissioner and Assistant Commissioner for effective implementation of the various provisions of the said Act and to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for the purpose.<sup>3</sup> The Bill seeks to achieve the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 29th August 1996. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1998 (Tamil Nadu Act 37 of 1998). - At present, under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the administration and day-to-day affairs of religious institution are carried on by the Executive Officer or the Chairman of the Board of Trustees, as the case may be, on the basis of the resolution passed by the trustee or the Board of Trustees. There is no provisions in the said Act not to implement the resolution of the trustee or Board of Trustees by the Executive Officer or Chairman of the Board of Trustees, as the case may be, even if the resolution is not passed in accordance with law or is detrimental to the interests of the Institution. The Government have, therefore, decided to amend the said Tamil Nadu Act 22 of 1959 to insert a new section to enable the Executive Officer or the Chairman of the Board of Trustees, as the case may be, to place the matter before trustee or Board of Trustees for reconsideration, if, the resolution is found to be not in accordance with law and is likely to be detrimental to the interests of the institution and also to refer the matter to the Commissioner, Joint Commissioner, Deputy Commissioner or the Assistant Commissioner, as the case may be. The Government have also decided to empower the Commissioner, Joint Commissioner, Deputy Commissioner or the Assistant Commissioner, to pass such order as he deems fit, if the trustee or the Board of Trustees fails to reconsider the matter and to specify that such order shall be final and binding on the trustee or Board of Trustees and the Executive Officer.<sup>2</sup> The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 21st May 1998. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1998 (Tamil Nadu Act 38 of 1998). - Under section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Commissioner is empowered to accord sanction for 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 purpose of, any religious institution. With a view to safe guard the interest of the religious institutions, the Government have decided to amend the said section so as to get the approval of the Government before according such sanctions by the Commissioner and to empower the Government to give directions to the Commissioner regarding the alienation of immovable properties of religious institutions.<sup>2</sup> The Bill seeks to give effect to the above decision. The Temple Administration Board in its meeting held on the 2nd March 1992 has resolved that the Chairman of the Temple Administration Board may be empowered to accord administrative sanction and approval of plans and estimate and approval of tenders relating to Thiruppani works and other works, the value of which exceeds one lakh of rupees but does not exceed fifty lakhs of rupees.<sup>2</sup> It has, therefore, been proposed to vest the powers of administrative sanction and approval of plans and estimates and approval of tenders relating to Thiruppani works and other works, the value of which exceeds one lakh of rupees but does not exceed fifty lakhs of rupees with the Chairman, of the Temple Administration Board for the purpose of administrative convenience and to quicken the execution of Thiruppani works and other works and to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), suitably.<sup>3</sup> The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 28th May 1998. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Amendment Act, 1999 (Tamil Nadu Act 48 of 1999). - The Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Ordinance, 1996 was promulgated to the effect that the non-hereditary trustees of every religious institution holding office as on 26th June 1996 shall cease to hold office on that date. In section 3 of the said Ordinance, a special provision has been made to fill up the vacancies caused under section 2 of the said Ordinance and also the vacancies caused under section 61(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991), within the time limit specified in that section. Subsequently, the said Ordinance was replaced by the Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996 (Tamil Nadu Act 23 of 1996).<sup>2</sup> The High Court, Madras, in its order, dated 18th March 1997, struck down section 2 of the said Tamil Nadu Act 23 of 1996 and also struck down the expression "under section 2" occurring in section 3 of the said Tamil Nadu Act 23 of 1996.<sup>3</sup> Now, the Government have decided to amend section 3 of the said Tamil Nadu Act 23 of 1996, so as to omit the expression "under section 2" and to remove the time limit specified for filling up of the vacancies caused under section 61(1) of the Tamil Nadu Act 46 of 1991.<sup>4</sup> The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 22nd November 1999. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1999 (Tamil Nadu Act 52 of 1999). - There is no provision in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) to recover the dues to the religious institutions under the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864). The Government have decided to amend the said Tamil Nadu Act 22 of 1959 to make suitable provisions to recover the dues to the religious institutions under the Tamil Nadu Act II of 1864 and to empower 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 with the powers of a Collector under the Tamil Nadu Act II of 1864 to recover the dues to the religious institutions.<sup>2</sup> The Bills seeks to give effect to the above



decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 29th April 1999. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002). - The Government have upgraded one post of Joint Commissioner, Hindu Religious and Charitable Endowments Administration Department, as Additional Commissioner. There is, however, no provision in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) for enabling the Government to appoint the Additional Commissioner. Therefore, in order to appoint the Additional Commissioner statutorily under the Act and to enable the Additional Commissioner to exercise the powers and discharge the duties for carrying out the purposes of the Act, it is proposed to amend the said Tamil Nadu Act 22 of 1959, suitably. 2. The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 25th October 2002. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2006 (Tamil Nadu Act 1 of 2006). - According to section 12 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Commissioner, Additional Commissioner, Joint Commissioners, Deputy Commissioners, Assistant Commissioners and other officers and servants including Executive Officers of religious institutions employed for the purpose of the said Act shall be servants of the Government and their salary, allowances, pension and other remunerations shall be paid in the first instance from out of the Consolidated Fund of the State. The Commissioner shall repay to the Government the sums so paid from out of the Tamil Nadu Hindu Religious and Charitable Endowments Administration Fund. But, in respect of the salaries, etc., paid to the Executive Officers, the Commissioner shall recover the sum so paid from the religious institutions concerned and credit to the account of the said Fund. 2. As the Executive Officers are also Government servants, it is considered that there is no need to differentiate in the source for payment of their salary, etc., and the recoupment subsequently. Moreover, recovery of the salary, etc., of the Executive Officers directly from the temples affect the temples having medium and low income as most of the income is just sufficient to pay the Executive Officer's salary. The Government have, therefore, decided that the salary, etc., paid to the Executive Officers from the Consolidated Fund of the State may be recouped from the Tamil Nadu Hindu Religious and Charitable Endowments Administration Fund as in the case of all other officers and employees of the Hindu Religious and Charitable Endowments Administration Department. 3. Section 92 of the said Act provides for the liability of every religious institution to pay contribution to the Commissioner annually from the income derived by it, not exceeding eleven per centum of its income. Taking into consideration of the increase in payment of salary, etc., to Officers, Servants including Executive Officers, the Government have decided that the said ceiling limit may be raised to twelve per centum per annum. 4. The Bill seeks to give effect to the above decisions. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 21st January 2006. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 2006 (Tamil Nadu Act 16 of 2006). - Section 7-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), provides for constituting District Committees for every Revenue District for preparing a panel of names of persons for appointment as non-hereditary trustees in the religious institutions. This section was introduced by the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996). On the basis of experience gained in the past, it has been found that the District Committee system

has not worked satisfactorily. The Government have examined the matter carefully and they consider that the District Committees failed to fulfil the purpose for which they have been constituted. The Government have, therefore, decided that District Committees should be abolished and the powers now exercised by the District Committees should be conferred on the Government, Commissioner, Joint Commissioner, Assistant Commissioner, as the case may be. Accordingly, it is proposed to omit section 7-A and to make consequential amendments to relevant sections of the said Act.2. Section 26(1)(b) of the said Act stipulates an upper age limit of 70 years for a person to become eligible for appointment as trustee in a religious institution. Since age is considered an indicator of piousness, philanthropic attitude and sense of dedication, it has been decided to delete the upper age limit for appointment of trustees provided under section 26 of the said Act.3. Section 47 of the Act provides for appointment of one person belonging to Scheduled Caste or Scheduled Tribe in the Board of Trustees of every religious institution. In the context of women taking keen interest in the religious activities, their participation in the administration of the temples is considered crucial for the development of the religious institutions. Accordingly, suitable provision has been proposed to be introduced in section 47 of the said Act, ensuring one woman in the Board of Trustees of religious institutions. In the above context, it has become necessary to give opportunities to senior citizens and women, and other aspirants who, have the necessary aptitude, dedication and competence and to strengthen and to provide impetus to the administration of the religious institutions. The Government have carefully considered the matter and have decided to reduce the term of office of the non-hereditary trustees from three years to one year. Section 47(3) of the said Act is sought to be amended in order to achieve this objective.4. Archakas of the temples are to be appointed without any discrimination of caste and creed. Custom or usage cannot be a hindrance to this. It is considered that the position is clarified in the Act itself and accordingly, it has been decided to amend section 55 of the said Act suitably.5. Accordingly, the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Ordinance, 2006 (Tamil Nadu Ordinance 5 of 2006) was promulgated by the Governor on the 14th July 2006 and the same was published in the Tamil Nadu Government Gazette Extraordinary, dated the 16th July 2006.6. The Bill seeks to replace the said Ordinance. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 12th August 2006. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2007 (Tamil Nadu Act 13 of 2007). - Sub-section (1) of section 7 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), empowers the Government to constitute an Advisory Committee to make recommendations on certain matters relating to the administration of the religious institutions. Under clause (d) of the said sub-section (1) of section 7, the Government may nominate non-official members not exceeding eight along with the official members to the said Advisory Committee in view of the larger interest of the institutions and in getting the suggestions, various heads of mutts and experts from various fields have to be accommodated in the Advisory Committee. The Government have, therefore, decided to remove the restriction on the number of non-official members to be nominated to the Advisory Committee by amending the said Act.2. The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette, Extraordinary, dated the 20th April 2007. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2012. - As per Clause (18) of Section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 2012), religious institution means a math, temple or specific endowment. The places

of samadhi and brindhavan are not covered under the provisions of the said Act. The places of samadhi and brindhavan established in Tamil Nadu in memory of famous guru, sadhu or saint are being worshipped as a place of public religious worship. These institutions have acquired the status of religious institution and owning vast properties besides attracting large number of worshippers. Barring a few, most of the samadhi and brindhavan are not covered under any law. Though, a few such samadhi and brindhavan are registered under the Tamil Nadu Societies Registration Act 1975 (Tamil Nadu Act 27 of 1975), they are not effectively controlled under the said Tamil Nadu Act 27 of 1975. Therefore for effective supervision to bring those institutions under the control of Hindu Religious and Charitable Endowments Department, the Government have decided to include the places of samadhi and brindhavan and other institutions established or maintained for a religious purpose, where there is public religious worship, under the definition of the term "religious institution" in Clause (18) of Section 6 of the said Act and to bring out suitable amendment to Clause (15) of Section 6 of the said Act to define "person having interest" in such religious institution.<sup>2</sup> The Bill seeks to give effect to the above decision.

**Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 2012.** - Section 7-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) which provided for constitution of a District Committee for each revenue district to prepare a panel of names for appointment of non-hereditary trustees to religious institutions was omitted vide Tamil Nadu Act 15 of 2006. Since there are no District Committees to select non hereditary trustees to the religious institutions, there is inordinate delay in appointing non-hereditary trustees and lack of transparency in the selection of qualified persons for the appointment of non-hereditary trustees.<sup>2</sup> Now, in order to speed up the appointment of non-hereditary trustees to the religious institutions and to have transparency in their selection process, the Government have decided to constitute District Committees, comprising of scholars, philanthropists, and religious minded people to prepare panel of names for appointment of non-hereditary trustees and to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) for the purpose.<sup>3</sup> The Bill seeks to give effect to the above decision.

**Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2013, Dated 28.10.2013.** - Sub-section (1) of section 26 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) specifies the disqualifications for being appointed as and for being a trustee of any religious institution. The disqualifications specified in sub-section (1) of the said section 26 is a bar for being appointed as and for being a trustee of a religious institution, only if the said disqualifications are relatable to that particular religious institution. Now, the Government have decided to specify that certain disqualification will bar a person from being appointed as and for being a trustee of any religious institution or endowment and certain disqualifications will bar a person from being appointed as, and for being a trustee of the religious institution or endowment in respect of which the disqualification is relatable. Accordingly, it has been decided to amend sub-section (1) of section 26 of the Tamil Nadu Act 22 of 1959.<sup>2</sup> Sub-section (2) of section 53 of the Tamil Nadu Act 22 of 1959 provides for suspension, removal and dismissal of trustees of a religious institution on acquiring disqualifications. Consequent on the amendment proposed to section 26 of the Tamil Nadu Act 22 of 1959, it has also been decided to amend clauses (e), (i) and (j) of sub-section (2) of section 53 of the Tamil Nadu Act 22 of 1959 suitably.<sup>3</sup> Besides the disqualifications specified in section 26 of the Tamil Nadu Act 22 of 1959 for being appointed as and for being a trustee, it has been decided to specify certain qualifications for

appointment as trustees and for being a trustee to any religious institution. Accordingly, it has been decided to insert a new section specifying the qualifications for being appointed or for being a trustee of any religious institution.<sup>4</sup> The Bill seeks to give effect to the above decision. Received the assent of the President on the 19th November 1959 and first published in the Fort St. George Gazette, dated 2nd December 1959. An Act to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and Endowments in the [State of Tamil Nadu.] [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.] 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 [State of Tamil Nadu] [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.]. Be it enacted in the Tenth Year of the Republic of India as follows:-

## Chapter I Preliminary

### 1. Short title, extent, application and commencement.

(1) This Act may be called the [Tamil Nadu] [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.] Hindu Religious and Charitable Endowments Act, 1959. (2) It extends to the whole of the [State of Tamil Nadu] [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.]. (3) It applies to all Hindu public religious institutions and endowments [including] [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).] the Incorporated Devaswoms and Unincorporated Devaswoms. 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. Power to extend Act to Jain religious institutions and endowments.

(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 of rules made thereunder and, thereupon, the provisions so extended shall apply to such institutions and endowments: Provided

that before issuing such a notification, the Government shall publish in the [Fort St. George Gazette] [Now the Tamil Nadu Government 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 institutions 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.

### **3. Power to extend Act to charitable endowments.**

(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 authorised 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 extend thereto all or any of the provisions of this Act and of any rules made thereunder.(2)The Commissioner or the officer authorised 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 subsection (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 extend 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] [Now the Tamil Nadu Government 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.(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. Exemptions.**

- [The Government may, by notification, exempt whether prospectively or retrospectively]  
[Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments

(Amendment and Validation) Act, 1983 (Tamil Nadu Act 48 of 1983).] 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: 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. Certain Acts not to apply to Hindu Religious Institutions and Endowments.

- The following enactments shall cease to apply to Hindu Religious Institutions and Endowments, namely:-(a)The [Tamil Nadu] [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.] Endowments and Escheats Regulation, 1817 ([Tamil Nadu] [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.] 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. Definitions.

- In this Act, unless the context otherwise requires,-(1)[ "Additional Commissioner" means an Additional Commissioner appointed under section 9; [Substituted by Tamil Nadu Act 50 of 2002.](1-A) "Advisory Committee" means the Committee Constituted by the Government under sub-section (1) of section 7;](2)[Omitted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).](3)"Assistant Commissioner" means an Assistant Commissioner appointed under section 9;(4)"Board" means the Board constituted under section 10 of the 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 [Chennai] [Substituted for the word 'Madras' by section 3 of the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] 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;(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;[(8-A) "District Committee" means the Committee constituted by the Government under section 7-A;] [Inserted by Act No. 51 of 2012, dated 16.11.2012.](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 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 [xxx] [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).](12-A) "Inspector" means an Inspector in the Hindu Religious and Charitable Endowments Administration Department;] [Inserted by Tamil Nadu Act 39 of 1996.](12-B) [Renumbered by Tamil Nadu Act 39 of 1996.] "Joint Commissioner" means a Joint Commissioner appointed under section 9;(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(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 provision 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;(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;] [Inserted by Act No. 26 of 2012, dated 31.5.2012.](15-A) [Inserted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978) and subsequently was omitted by section 2(3) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991).](16)"religious chanty" means a public charity associated with a Hindu festival or observance of a religious character, whether it be connected with or math or temple or not;(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 specific endowment and includes,- [Substituted by Act No. 26 of 2012, dated 31.5.2012.](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;][(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;] [Inserted by Act No. 51 of 2012, dated 16.11.2012.](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). 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;(20-A) [Inserted by section 2(4) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991), was subsequently omitted by section 2(4) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).](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 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 [xxx] [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).].[xxx] [Chapter 1-A and sections 7 to 7-P which were inserted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991) and section 7-Q which was inserted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1994 (Tamil Nadu Act 25 of 1995) except section 7-EE which was inserted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1992, were subsequently omitted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996.]

**7. [ Constitution of Advisory Committee. [Sections 7 and 7-A were inserted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).]**

(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 [xxx] 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.]

**7A. [ Constitution of District Committee. [Inserted by Act No. 51 of 2012, dated 16.11.2012.]**

(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.]

## **Chapter II**

### **[The Commissioner and Other Controlling Authorities]**

### **[Substituted by the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).]**

#### **8. [ Authorities under the Act. [Substituted by Tamil Nadu Act 39 of 1996.]**

- There shall be the following classes of authorities under this Act, namely:-(a)the Commissioner;(aa)[ Additional Commissioner;](b)Joint Commissioners;(c)Deputy Commissioners; and(d)Assistant Commissioners.]

#### **9. The Government to appoint Commissioner, etc.**

(1)The Government shall appoint [the Commissioners, the Additional Commissioner] [Substituted by section 4(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).] and [such number of Joint, Deputy and Assistant Commissioners] [Substituted by section 4(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993).] as they think fit.(2)(a)Appointment to the post of Commissioner shall be-(i)by transfer from among the members of the [Madras State Higher Judicial Service] [Now Tamil Nadu State Higher Judicial Service.] or of the [Madras State Judicial Service] [Now Tamil Nadu State Higher Judicial Service.] or of any other service, or(ii)[ by promotion from Additional Commissioner, or;] [Substituted by section 4(2)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).](iii)by direct recruitment.(aa)[ Appointment to the post of Additional Commissioners from Joint Commissioner;] [Substituted by section 4( 2)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002). Originally, clause (a) was inserted by section 4(2)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993).](aaa)[ Appointment to the post of Joint Commissioner shall be by promotion from Deputy Commissioner;] [Substituted by Tamil Nadu Act 50 of 2002.](b)Appointment to the post of Deputy Commissioner shall be-(i)by transfer from among the members of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Law s (Second Amendment) Order, 1969.] 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.(c)[ \*\*\*] [Omitted by section 2 of the Tamil Nadu Hindu Religious and Charitable

Endowments (Sixth Amendment) Act, 1974 (Tamil Nadu Act 6 of 1975).]

## **10. Commissioner, etc., to be Hindus.**

- [The Commissioner, the Additional Commissioner] [Substituted by Tamil Nadu Act 50 of 2002.] [every Joint, Deputy or Assistant Commissioner] [Substituted by Tamil Nadu Act 18 of 1993.] and every other officer or servant appointed to carry out of 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.

## **11. [ Commissioner to be corporation sole. [Inserted by Tamil Nadu Act 39 of 1996.]**

- 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.]

## **12. Commissioner, etc., to be servants of Government.**

- [(1) [[The Commissioner, Additional Commissioner, Joint Commissioners.] [Substituted by section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993).] 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 [xxx] [Words and figures 'costs, charges and expenses other than those referred to in section 95 incurred by the Area Committees and the' omitted by Tamil Nadu Act 19 of 1968.] 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 [Tamil Nadu Hindu Religious and Charitable Endowments Administration Fund] [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.], repay to the Government sums paid by the Government under sub-section (1).(b)[Omitted by section 2 of the Hindu Religious and Charitable Endowments Act, 2006, (Tamil Nadu Act 1 of 2006).](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. Delegation to [Additional Commissioner] [Substituted by section 7(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).], [Joint Commissioners or Deputy Commissioners] [Substituted by section 3(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995)].**

(1)The Commissioner shall, with the previous approval of the Government, specify the area within which each [Joint Commissioners or Deputy Commissioners] [Substituted by section 7(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).] or 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 [Joint Commissioner or Deputy Commissioner] [Substituted by section 7(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).] as such.(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 [sections 21,22,46,47,59,69 and 72] [Substituted by Tamil Nadu Act 39 of 1996.] 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 [Additional Commissioner,] [Substituted by section 7(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).] [Joint Commissioner,] [Substituted by section 3(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] or 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.

**13A. [ Powers and duties of [Additional Commissioner and Joint Commissioner] [Inserted by section 7 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993)].**

- Subject to the administrative control of the Commissioner, [the Additional Commissioner or the Joint Commissioner, as the case may be,] [Substituted by section 8(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).] shall exercise such powers and discharge such duties of the Commissioner as may, from time to time, be determined by the Government, and any order passed or proceeding taken by [the Additional Commissioner or the Joint Commissioner, as the case maybe,] [Substituted by section 8(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).] 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.]

**14. Territorial jurisdiction and powers and duties of [Assistant Commissioners] [The words 'Assistant Commissioners and District Committees' were substituted by section 8(1) of the Tamil Nadu Hindu Religious Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991). Subsequently, for the expression 'District Committee', the expression 'Temple Administration District Committee' was substituted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1993 (Tamil Nadu Act 19 of 1993). Later, the expression 'and Temple Administration Committee' was omitted by section 9(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).].**

(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.(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: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.[(2-A) Without prejudice to the provisions of sub-section (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 endowments.] [Substituted by Tamil Nadu Act 19 of 1993.](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] [Substituted by Tamil Nadu Act 39 of 1996.] or sub-section (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.(4)[ The Inspector shall discharge such duties as maybe 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 prescribed.] [Added by section 9(4) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).]

## 15. to 20.

[These sections were omitted by section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).]

## 21. Power of Commissioner to call for records and pass orders.

(1)The Commissioner may call for and examine the record of [any Joint or Deputy or Assistant Commissioner] [Substituted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] or of any 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 Joint Commissioner or Deputy Commissioner and is pending disposal by him] [Substituted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978 (Tamil Nadu Act 42 of 1978).] 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 Joint or Deputy or Assistant Commissioner] [Substituted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], 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 re-consideration, he may pass orders accordingly.(3)(a)If any such decision or order has been passed [xxx] [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).] 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,] [Substituted for the words 'to the Committee or trustee, as the case may be' by section 7(ii)(a), of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).] for re-consideration of the decision or order and report to the Commissioner within a time to be specified by him in this behalf.(b)On receipt of, and after considering, such report, it shall be open to the Commissioner to modify, annul or reverse the decision or order, as revised after such re-consideration, as the case may be.(c)If the report is not received by the Commissioner within the time specified or such further time as may be granted by him, the Commissioner may modify, annul or reverse the decision or order of [the trustee] [Substituted for the words 'to the Committee or trustee, as the case may be' by section 7(ii)(a), of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).].(4)(a)The Commissioner may call for and examine the record of any trustee of 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) to satisfy himself as to the legality of any decision or order passed therein.(b)If any such decision or order has been passed illegally by the trustee of a math or a specific endowment attached to a math and it appears to the Commissioner that the decision or order should be modified, annulled, reversed or remitted for re-consideration, he may pass orders accordingly.(5)The Commissioner shall not pass any order prejudicial to any party under sub-section (2) or clause (b) or clause (c) of sub-section (3), or under clause (b) of sub-section (4), without hearing him or giving him a reasonable opportunity of being heard.(6)The Commissioner may stay the execution of any decision or order of the nature referred to in sub-section (1) or clause (a) of sub-section (4), pending the exercise of his powers under sub-section (2) or sub-section (3) or under clause (b) of sub-section (4) in respect thereof.(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.

## **21A. [ Powers of Joint or Deputy Commissioner to call for records and pass order. [Inserted by Tamil Nadu Act 39 of 1996.]**

(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, any 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 re-consideration, he may pass orders accordingly.(3)The Joint or 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 Joint or 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 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.]

## **22. Other powers of the Commissioner.**

(1)The Commissioner shall have power, at any stage,-(a)to transfer any proceeding pending before [a Joint or a Deputy or an Assistant Commissioner] [Substituted by Tamil Nadu Act 38 of 1995.] to his own file and dispose of it himself, or(b)to transfer it to another [Joint or Deputy or Assistant Commissioner] [Substituted by section 5(l)(b) of the Tamil Nadu Hindu Religious Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] for disposal.(2)If the Commissioner is satisfied that [a Joint or a Deputy or an Assistant Commissioner] [Substituted by section 5(l)(b) of the Tamil Nadu Hindu Religious Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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)[Omitted by section 8(i) of the Tamil Nadu Hindu Religious Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).](4)Notwithstanding anything contained in

this Act, where the office of [a Joint or a Deputy or an Assistant Commissioner] [Substituted by section 5(3)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 [Joint or Deputy or Assistant Commissioner] [Substituted by section 5(3)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], or(b)authorise another [Joint or Deputy or Assistant Commissioner] [Substituted by section 5(3)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] to exercise the said powers and discharge the said duties.(5)Any party aggrieved by an order of the Commissioner under subsection (1)(a), (2), [xxx] [Word '(3)' omitted by Tamil Nadu Act 19 of 1968.] (4)(a), not 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. Powers and duties of the [Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] in respect of [temples and religious endowments] [Substituted by Tamil Nadu Act 28 of 1974.].**

- Subject to the provisions of this Act, the administration of [all temples (including specific endowments attached thereto) and all religious endowments] [Substituted by Tamil Nadu Act 28 of 1974.] shall be subject to the general superintendence and control of [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.]; and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that [such temples and endowments] [Substituted by section 2(a)(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Fourth Amendment) Act, 1974 (Tamil Nadu Act 28 of 1974).] are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist:Provided that [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] shall not pass any order prejudicial to any temple or endowment unless the trustees concerned have had a reasonable opportunity of making their representations.

#### **24. [ Power to enter religious institutions. [Substituted by Tamil Nadu Act 39 of 1996.]**

(1)[The Commissioner or an Additional] or a Joint or a Deputy or an Assistant Commissioner or any officer authorised by the Commissioner or [Additional Commissioner or Joint Commissioner or Deputy Commissioner] [Substituted by section 9(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).], or the Assistant



Commissioner in his behalf shall have 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 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 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 practice or usage of the institution.(4)Nothing in this section shall be deemed to authorise any person who is not a Hindu to enter the premises or place or any part thereof referred to in this section.(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.(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. [Commissioner] [Substituted by section 13(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991) and the expression 'Chairman, member' was omitted by section 14(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], etc., to observe appropriate forms and ceremonies.**

- [The Commissioner, an Additional Commissioner] [Substituted by Tamil Nadu Act 50 of 2002.] a Joint Commissioner, a Deputy Commissioner or an Assistant Commissioner and every other person exercising powers of superintendence or control under this Act, shall, so far as may be, observe forms and ceremonies appropriate to the religious institution in respect of which such powers are exercised and in the case of a math, act in conformity with the usages of the math in his dealings with the head of the math.

**25A. [Qualifications of trustees. [Inserted by Act No. 26 of 2013, dated 8.11.2013.]**

- 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.]

## **26. [Disqualifications of trustees] [Substituted for 'Qualifications of trustees' by Act No. 51 of 2012, dated 16.11.2012.].**

- [(1) A person shall be disqualified for being appointed as, and for being, a trustee of any religious institution or endowment, - (a) if he does not profess the Hindu Religion; (b) if he is not a citizen of India; (c) except in the case of a hereditary trustee, if he is less than twenty-five years of age; (d) if he is an undischarged insolvent; (e) if he is of unsound mind or is suffering from mental defect or infirmity which would render him unfit to perform the functions and discharge the duties of a trustee or is suffering from leprosy or any other loathsome disease; (f) if he has been removed or dismissed from service under the Central Government or any State Government or any local authority; (g) if he has been sentenced by a criminal court for an offence involving moral delinquency, such sentence not having been reversed or the offence pardoned; (h) if he has acted adverse to the interest of any religious institution or endowment; (i) if he is in arrears of any kind due by him to any religious institution or endowment. (1-A) A person shall be disqualified for being appointed as, and for being, a trustee of a religious institution or endowment, - (a) if he is interested in a subsisting lease of any property of, or contract made with or any work being done for the religious institution or endowment; (b) if he is employed as a paid legal practitioner on behalf of or against the religious institution or endowment.](2) If a trustee - (a) becomes subject to any of the disqualifications mentioned in [sub-section (1) or sub-section (1-A)] [Substituted for 'sub-section (1)' by Act No. 26 of 2013, dated 8.11.2013.]; or (b) [resigns his seat by writing under his hand addressed - [Substituted by Tamil Nadu Act 39 of 1996.]] (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. (3) If any question arises as to whether a trustee has become subject to any of the disqualifications mentioned in [sub-section (1) or sub-section (1-A)] [Substituted for 'sub-section (1)' by Act No. 26 of 2013, dated 8.11.2013.], the question shall be referred for the decision of [the Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.]. (4) If a hereditary trustee becomes subject to any of the disqualifications mentioned in [sub-section (1) or sub-section (1-A)] [Substituted for 'sub-section (1)' by Act No. 26 of 2013, dated 8.11.2013.], [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 6(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] may supersede the trustee. (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.] [Substituted by section 15(5) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] (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.

## **27. Trustee bound to obey orders issued under Act.**

- 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 Additional Commissioner,] [Substituted by Tamil Nadu Act 50 of 2002.] the Joint Commissioner, the Deputy Commissioner or the Assistant Commissioner.

## **28. Care required of trustee and his powers.**

(1) Subject to the provisions of the [Tamil Nadu] [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.] Temple Entry Authorisation Act, 1947 ([Tamil Nadu] [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.] 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, 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.

## **29. Preparation of register for all institutions.**

(1) For every religious institution, there shall be prepared and maintained a register in such form as [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] may direct showing - (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] [Substituted by Tamil Nadu Act 39 of 1996.]. (2) The register shall be prepared, signed and verified by the trustee of the institution concerned or by his authorised agent and submitted by him to [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], directly in the case of a math, and through [the Assistant

Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] 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 [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] or [the Assistant Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.]: Provided that this sub-section shall not apply where 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 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. (5) The trustee shall carry out the orders of [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] and then submit three copies of the register as corrected to [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] for approval. (6) One copy of the register as approved by [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] shall be furnished to the trustee and the one [to (the Assistant Commissioner) concerned] [Substituted for 'to the Area Committee or the Assistant Commissioner concerned, of any' by Tamil Nadu Act 19 of 1968.]] [Substituted by Act No. 26 of 2013, dated 8.11.2013.].

### **30. Annual verification of the register.**

- The trustee or his authorised agent shall scrutinise the entries in the register every year and submit to [the Commissioner for his approval directly or through the Assistant Commissioner] [Substituted by the Tamil Nadu Act 39 of 1996.], 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.

### **31. Submission of register once in ten years.**

- The trustee or his authorised agent shall submit to [the Commissioner for his approval directly or through the Assistant Commissioner] [Substituted by the Tamil Nadu Act 39 of 1996.], 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.

### **32. Trustee to furnish accounts, returns, etc.**

(1) The trustee of every religious institution shall furnish to [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] 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] [Substituted by Tamil Nadu Act 39 of 1996.] may

require and at such time and in such form as [he] [Substituted by the Tamil Nadu Act 39 of 1996.] may direct.(2)Without prejudice to the provisions contained in sub-section (1), [the Assistant Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] in the case of any religious institution other than a math [xxx] [Words 'and the Area Committee in the case of any religious institution in respect of which the area exercises powers and discharge duties' omitted by the Tamil Nadu Act 19 of 1968.] may require the trustee of such religious institution to [furnish to him] [Substituted by Tamil Nadu Act 39 of 1996.] 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 and at such time and in such form [as he may direct] [Substituted by Tamil Nadu Act 39 of 1996.].

### **33. Inspection of property and documents.**

(1)[the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] or any officer or other person deputed by [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] in this behalf, [xxx] [Words 'and in the case of institutions in respect of which the Area Committee exercises powers and discharge duties any member of the Committee authorised by it in this behalf were omitted by section 17 of Tamil Nadu Act 19 of 1968.] 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)Where in 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] [Substituted by Tamil Nadu Act 39 of 1996.] 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 of such person to pay within a specified time such amount personally and not from the funds of the institution.The procedure laid down in sub-sections (3) to (7) of section 90 shall apply to recovery of amount of surcharge.

### **34. Alienation of immovable trust property.**

(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] [Substituted by Tamil Nadu Act 39 of 1996.] as being necessary or beneficial to the institution: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] [Substituted by Tamil Nadu Act 39 of 1996.]:[Provided further that the Commissioner shall not accord such sanction without the previous approval of the Government.] [Inserted by section 2(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1998 (Tamil Nadu Act 38 of 1998).]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] [Substituted by Tamil Nadu Act 39 of 1996.] may impose such conditions and give such directions as [he] [Substituted by Tamil Nadu Act 39 of 1996.] may deem necessary regarding the utilisation 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] [Substituted by Tamil Nadu Act 39 of 1996.] 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 Court] [Substituted by section 2(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1998 (Tamil Nadu Act 38 of 1998).] to modify the order or set it aside.[(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.] [Inserted by section 2(3) of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1998 (Tamil Nadu Act 38 of 1998).](5)Nothing contained in this section shall apply to the inams referred to in section 41.

**34A. [ Fixation of lease rent. [Sections 34-A, 34-B, 34-C and 34-D were inserted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2003 (Tamil Nadu Act 25 of 2003).]**

(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 refixed 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 refixed, 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.

### **34B. 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 maybe, 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.

### **34C. 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 maybe 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.

### **34D. 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.]

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

(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, vedaparayanikas and an 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] [Substituted by Tamil Nadu Act 39 of 1996.].

### **36. Utilisation of surplus funds.**

- With the previous sanction of [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] 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 subsection (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:Provided further that, before according the sanction under this section, [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] 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 utilising the surplus referred to in this section in such manner as he deems fit.

### **36A. [ Utilisation of surplus funds for Hindu marriages. [Inserted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).]**

- 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.]

**36B. [ Utilisation of surplus fund for making contribution towards any fund for the purpose of feeding the poor, etc. [Inserted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Validation) Act, 1983 (Tamil Nadu Act 48 of 1983).]**

- Notwithstanding anything contained in sections 36, 36-A and in any other provision of this Act 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 sections 36 and 36-A, appropriate any portion of the surplus fund referred to in section 36 for making any contribution towards any fund constituted for the purpose of -(i)feeding the poor; or(ii)constructing any building, shed or centre for feeding the poor.]

**37. Appeals.**

- Any person aggrieved by a decision of [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] under section 36 may, within ninety days from the date of the decision, appeal to the Government.

**38. Enforcement of service or charity in certain cases.**

(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 Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 7(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] in the case of a specific endowment attached to a temple, may, on the application 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 Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 7(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 Joint Commissioner or the Deputy Commissioner] [Substituted by section 7(2) of the Tamil Nadu Hindu

Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 Joint Commissioner or the Deputy Commissioner] [Substituted by section 7(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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.

### **39. Power of trustee of math or temple over trustees of specific endowments.**

- 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.

### **40. Enfranchisement of land, etc., held by a devadasi on condition of service in a temple.**

(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. (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. (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 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] [Vide section 10(1) of the Tamil Nadu Act 36 of 1980, any reference to the Board of Revenue shall be deemed to be a reference to the State Government or the appropriate authority specified in the notification under sub-section (1) of section 4 of the said Act. Now, Commissioner of Revenue Administration, vide G.O. Ms. No. 2676, Revenue, dated the 1st December 1980.] 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. (5) No obligation to render any service relating to any temple to which any devadasi may be subject by reasons 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 herein before 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. Resumption and re-grant of inam granted for performance of any charity or service.**

(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 charity or service connected therewith or of any other religious charity and made, confirmed or recognised by the Government shall be null and void: 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 rights and obligations of the landholder and tenant in respect of any land which is ryoti land as defined in the [Tamil Nadu] [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.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu

Adaptation of Law s (Second Amendment) Order, 1969.] Act I of 1908).(2)(a)The Collector may, on his own motion, or on the application of the trustee of the religious institution or of 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 of 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 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.(ii)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.

#### **42. Office-holders and servants of religious institutions not to be in possession of jewels, etc., except under conditions.**

- 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 officeholder 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 [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] may, by general or special order, direct.

#### **43. [The Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] to sanction compromise of legal proceedings.**

- 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] [Substituted by Tamil Nadu Act 39 of 1996.].

#### **43A. [ Appointment and duties of executive officer in temples under maths. [Inserted by section 5 of the Tamil Nadu Hindu Religious and Charitable Endowment (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).]**

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

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

maths.

#### **45. Appointment and duties of Executive Officers.**

(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.[Explanation. - In this section "math" shall not include a temple under the control of a math.] [Added by section 6 of the Tamil Nadu Hindu Religious and Charitable Endowment (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).](2)The executive officer shall exercise such powers and discharge such duties as may be assigned to him by the Commissioner: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.(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.

#### **46. [ Commissioner to publish list of certain institutions. [Substituted by Tamil Nadu Act 39 of 1996.]**

- 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,-(i)is not less than ten thousand rupees, but is less than two lakh rupees,(ii)is not less than two lakh rupees, but is less than ten lakh rupees,(iii)is not less than ten 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: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.]

#### **46A. [ [Omitted by Tamil Nadu Act 46 of 1991.]**

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#### **47. Trustees and their number and term of office.**

(1)[(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 Joint Commissioner / Deputy Commissioner;(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 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:] [Substituted by Act No. 51 of 2012, dated 16.11.2012.] Provided further that in addition to the persons appointed by the Joint Commissioner/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 institutions;(c)the number of worshippers and importance of the religious institutions as a pilgrim centre; and(d)such other matters as may be prescribed.(e)In respect of all the incorporated and unincorporated Devaswoms in the transferred territory, [the Government] [Substituted by Tamil Nadu Act 39 of 1996.] shall constitute a single Board of Trustees.(f)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 [and another one shall be a woman] [Added by Tamil Nadu Act 15 of 2006.]:Provided that [the Government, the Commissioner, the Joint Commissioner or the Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], 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 omitted by Act No. 51 of 2012, dated 16.11.2012.](2)[ Where, in the case of an institution included in the list published under section 46 having a hereditary trustee or trustees, [the Government, the Commissioner or the Joint/Deputy Commissioner] [Sub-section (2) was substituted by the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).], after notice to such trustee or trustees and after such inquiry as [the Government, the Commissioner or the Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], 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, [the Government, the Commissioner or the Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] may, by order, appoint a non-hereditary trustee or such number of non-hereditary trustees as may be considered necessary by [the Government, the Commissioner or the Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], as the case may be.] [Substituted by Tamil Nadu Act 39 of 1996.](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 of [one year] [Substituted for the words 'three years' by section 5(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2006 (Tamil Nadu Act 15 of 2006).] unless in the meanwhile the trustee is removed or dismissed or his resignation is [accepted by the Government, the Commissioner or the Joint Commissioner/Deputy Commissioner, as the case may be] [Substituted by Tamil Nadu Act 39 of 1996.], or he otherwise ceases to be a trustee.[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.] [Proviso was added by section 5(3) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2006 (Tamil Nadu Act 15 of 2006).](4)Where [the Government, the Commissioner or the Joint/Deputy Commissioner]

[Substituted by Tamil Nadu Act 39 of 1996.], 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:] Provided that the Court shall have no power to stay the order of [the Government, the Commissioner or the Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], as the case may be], pending the disposal of the application.(5)[\*\*\*] [Omitted by President's Act 24 of 1976.]

#### **47A. [ Delegation of powers by Government. [Inserted by Tamil Nadu Act 39 of 1996.]**

(1)The Government may, by notification, authorise the Commissioner to exercise of 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.]

#### **48. Chairman.**

(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 Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], 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 Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], 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.

#### **49. [ Power of [Assistant Commissioner] [Section 49 was substituted by section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976).] to appoint trustees and fit persons.**

(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] [Substituted by Tamil Nadu Act 39 of 1996.] shall have the same power to appoint trustees including fit persons or constitute a Board of Trustees as is vested in [the Government, the Commissioner or the Joint/Deputy Commissioner] [Substituted by Tamil Nadu



Act 39 of 1996.] 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:[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:] [Substituted by Act No. 51 of 2012, dated 16.11.2012.][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] [Substituted by Tamil Nadu Act 39 of 1996.] 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] [Substituted by Tamil Nadu Act 39 of 1996.] as they apply to the trustee or trustees appointed, or the Board of Trustees constituted under section 47.] [Substituted for the words 'from among the panel of names of persons sent by the District Committee concerned under sub-section (4) of section 7-A' by section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2006 (Tamil Nadu Act 15 of 2006).]

**49A. [ Existing trustees in the case of religious institutions first included in the list under section 46 to cease to hold office. [Inserted by Tamil Nadu Act 46 of 1974.]**

(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.(2)In respect of the religious institution mentioned in sub-section (1), [the Government, the Commissioner or the Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], 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]

**49B. [ Power of executive officer and Chairman of Board of Trustees not to implement order or resolution of trustees or Board of Trustees in certain cases. [Inserted by Tamil Nadu Act 37 of 1998.]**

(1)Where an executive officer or a Chairman of Board of Trustees considers that an order or resolution passed by a trustee or the Board of Trustees-(a)has not been passed in accordance with law;(b)is in excess or abuse of the powers conferred on the trustee or the Board of Trustees by or under this Act, or by any other law;(c)if implemented, is likely to cause financial loss to the

institution or endowment, danger to human life, health or safety, or is likely to lead to a riot or breach of peace; or (d) is not beneficial to the institution or endowment; the executive officer or the Chairman of Board of Trustees, as the case may be, may, without implementing such order or resolution, place the matter before the trustee or Board of Trustees along with a note pointing out the objections to the order or resolution and request the trustee or the Board of Trustees to re-consider the order or resolution. (2) The executive officer or the Chairman of Board of Trustees shall forthwith submit a report of the action taken by him under sub-section (1) to the Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be. (3) (a) Where the order or resolution is placed for reconsideration under subsection (1), the trustee or the Board of Trustees shall reconsider the order or resolution having due regard to the objections contained in the note and pass such further order or resolution as he or it may deem fit. A copy of every such further order or resolution shall be sent forthwith to the Commissioner, Joint Commissioner, Deputy Commissioner or the Assistant Commissioner, as the case may be, who may pass such order as he deems fit; (b) Where after the expiry of sixty days from the date on which the order or resolution was placed for reconsideration under sub-section (1), the trustee or the Board of Trustees fails to pass further order or resolution as required under clause (a), the Commissioner, Joint Commissioner, Deputy Commissioner or the Assistant Commissioner, as the case may be, may pass such order as he deems fit; (c) Every order passed by the Commissioner, Joint Commissioner, Deputy Commissioner or the Assistant Commissioner, as the case may be, under clause (a) or clause (b) shall be final and binding on the trustee or Board of Trustees and the executive officer.]

## **50. Power under [sections 47, 49 and 49-A] [Substituted by Tamil Nadu Act 46 of 1974.] to be exercisable notwithstanding provision in scheme.**

- The power to appoint trustees under section 47 or section 49 [or section 49-A] [Inserted by Tamil Nadu Act 46 of 1974.] 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.

## **51. [Claims of certain persons to be trustees. [Substituted by Tamil Nadu Act 39 of 1996.]**

] - (a) [\*\*\*] [Clause (a) omitted by section 7 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2006.] (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 institutions concerned is chiefly intended or maintained.

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

- 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.

### **53. Powers to suspend, remove or dismiss trustees.**

(1) In this section, the expression "appropriate authority" shall, unless the context otherwise requires, means, - (a) [in respect of any trustee of any religious institution included in the list published under clause (iii) of section 46, [the Government] [Clauses (a) to (d) were substituted by section 14 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1978 (Tamil Nadu Act 42 of 1978).]; (b) [in respect of any trustee of any religious institution included in the list published under clause (ii) of section 46, the Commissioner] [Inserted by Tamil Nadu Act 39 of 1996.]; (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 Joint/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.]; and (d) in respect of any non-hereditary trustee of any religious institution not included in the list published under section 46 [the Assistant Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.]]. [(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.] [Inserted by Tamil Nadu Act 25 of 1995.] (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] [Substituted by Tamil Nadu Act 39 of 1996.], the Commissioner [or Joint Commissioner or Deputy Commissioner] [Substituted for the words 'or Deputy Commissioner' by section 8 of the Tamil Nadu Hindu Religious Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 religious institution or endowment] [Substituted for 'the institution' by Act No. 26 of 2013, dated 8.11.2013.]; 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 of, or contract made with or any work being done for the religious institution or endowment; [Substituted by Act No. 26 of 2013, dated 8.11.2013.]] (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.] [Substituted by Act No. 26 of 2013, dated 8.11.2013.] (jj) [willfully 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] [Inserted by Tamil Nadu Act 19 of 1968.] (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 for 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] [Substituted by Tamil Nadu Act 39 of 1996.];(ii)where the order has been passed by [the Joint Commissioner or Deputy Commissioner to the Commissioner; and] [Substituted by Tamil Nadu Act 39 of 1996.];(iii)[ where the orders has been passed by the Assistant Commissioner to the Joint/Deputy Commissioner.] [Added by section 35(3)(c) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] [(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.] [Inserted by section 4(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1995 (Tamil Nadu Act 25 of 1995).](6)A hereditary trustee aggrieved by an order passed by [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] 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.

## **54. Filing up of vacancies in the office of hereditary trustee.**

(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 Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted for the expression 'the Deputy Commissioner' by section 9 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 term as [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted for 'the Deputy Commissioner' by Tamil Nadu Act 38 of 1995.] may direct.Explanation. - In making any appointment under this sub-section, [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted for the expression 'the Deputy Commissioner' by section 9 of the Tamil

Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted for the expression 'the Deputy Commissioner' by section 9 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], 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] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Law s (Second Amendment) Order, 1969.] Court of Wards Act, 1902 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Law s (Second Amendment) Order, 1969.] Act I of 1902).

## **55. Appointment of office-holders and servants in religious institutions.**

(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.] [Substituted by section 2(l)(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).][Explanation. - The expression "office-holders or servants" shall include archakas and pujaries.] [Added by section 2(l)(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).](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.] [Substituted by section 2(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).](3)[\*\*\*] [Omitted by Tamil Nadu Act 2 of 1971.](4)Any person aggrieved by an order of the trustee under [sub-section (1)] [Substituted by section 2(4), of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).] may, within one month from the date of the receipt of the order by him, appeal against the order to [the Joint Commissioner or the Deputy Commissioner, as the case maybe] [Substituted for the expression 'the Deputy Commissioner' by section 9 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).].

## **56. Punishment of office-holders and servants in religious institutions.**

(1)All office-holders and servants attached to a religious institution o in receipt of any emolument or perquisite therefrom shall [xxx] [The words 'whether the office or service is hereditary or not' were omitted by section 3(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).] 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 Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted for the expression 'the Deputy Commissioner' by section 9 of the Tamil Nadu Hindu Religious and Charitable Endowments

(Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).](3)[\*\*\*] [Omitted by Tamil Nadu Act 2 of 1971.]

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

- 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] [Substituted by Tamil Nadu Act 39 of 1996.] may, by general or special order, direct, to fix fees for the performance of any service, ritual or ceremony in such religious institution and determine what portion, if any, of such fees shall be paid to the archakas or other office-holders or servants of such religious institution.

## **58. [ Fixing of standard scales of expenditure. [Substituted by Tamil Nadu Act 39 of 1996.]**

(1)The trustee of a religious institution shall submit to the 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 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 the 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 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 dhittam or scale of expenditure every three years and submit to the Assistant Commissioner or the Commissioner, as the case may 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 its 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.]

## Chapter IV

### Maths

#### **59. Suit for removal of trustee of math or specific endowment attached thereto.**

(1)The [Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] or any two or more persons having interest and having obtained the consent in writing of the [Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] may institute a suit in the Court to obtain a decree for removing the trustee of a math or a specific endowment attached to math, for anyone or more of the following reasons, namely:-(a)the trustee being of unsound mind;(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] [Substituted by section 38(2)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] 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] [Substituted by section 38(2)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] to give [his consent] [Substituted by Tamil Nadu Act 39 of 1996.] in writing.

#### **60. Arrangements when vacancies occur.**

(1)When a vacancy occurs in the office of the trustee of a math or a specific endowment attached to a math and there is a dispute respecting the right of succession to such office, orwhen such vacancy cannot be filled up immediately, orwhen 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, orwhen 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] [Substituted by Tamil Nadu Act 39 of 1996.] may take such steps and pass such order [as he thinks] [Substituted by Tamil Nadu Act 39 of 1996.] 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] [Substituted by Tamil Nadu Act 39 of 1996.].(2)Upon the receipt of such report, if [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.], after making such inquiry [as he deems] [Substituted by Tamil Nadu Act 39 of 1996.] 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] [Substituted by Tamil Nadu Act 39 of 1996.] make such arrangement [as he thinks fit] [Substituted by Tamil Nadu Act 39 of 1996.] 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] [Substituted by Tamil Nadu Act 39 of 1996.] 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 Tamil Nadu Court of Wards Act, 1902 (Tamil Nadu Act I of 1902).

## **61. Fixing of standard scales of expenditure.**

(1)The trustee of every math or specific endowment attached to a math may, from time to time, submit to [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] 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 the institution or the proportions in which the income or other property 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] [Substituted by Tamil Nadu Act 39 of 1996.] 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.] [Substituted by Tamil Nadu Act 39 of 1996.](3)If on a scrutiny of such proposals, and any suggestions made by persons having interest, it appears to [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] that the scale of expenditure or any item in the scale of expenditure is at variance with the established usage of the institution, or is not justified by its financial position, [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] may call for the remarks of the trustee and if, after considering the same, [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] is of opinion that any modification is required in the scale of expenditure or any item in the scale of expenditure [he shall submit] [Substituted by Tamil Nadu Act 39 of 1996.] the case to the Government who shall pass orders thereon, and such orders shall be final.

## **62. Power to spend pathakanika.**

(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.(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. [Joint Commissioner or Deputy Commissioner] [Substituted by Tamil Nadu Act 38 of 1995.] to decide certain disputes and matters.**

- Subject to the rights of suit or appeal hereinafter provided, [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by Tamil Nadu Act 38 of 1995.] shall have power to inquire into and decide the following disputes and matters:-(a)whether an institution is 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.

**64. Power of [Joint Commissioner or Deputy Commissioner] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] to settle schemes.**

(1)When [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by Tamil Nadu Act 38 of 1995.] 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 Joint Commissioner or the Deputy Commissioner, as the case may be, [Substituted by Tamil Nadu Act 38 of 1995.] shall consult in the prescribed manner the trustee and the persons having interest [xxx] [Words 'and the Area Committee, if any, exercising powers and discharging duties in respect of the institution' were omitted by Tamil Nadu Act 19 of 1968.] and if, after such consultation, he is satisfied that it is necessary or desirable to do so, he shall, 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: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 (d), 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 Joint Commissioner or the Deputy Commissioner, as the case may

be,] [Substituted by Tamil Nadu Act 38 of 1995.] 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 Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by Tamil Nadu Act 38 of 1995.] 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 Joint Commissioner or the Deputy Commissioner, as the case may be, may, at any time, after consulting the trustee and the persons having interest, 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 [Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by Tamil Nadu Act 38 of 1995.] 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 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.](b)If [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by Tamil Nadu Act 38 of 1995.] 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 [xxx] [Words 'and the Area Committee, if any, exercising powers and discharging duties in respect of the institution' were omitted by Tamil Nadu Act 19 of 1968.], 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 Joint Commissioner or the Deputy Commissioner, as the case may be, settling,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 58 of 1995).] 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.

## **65. Power of Commissioner to settle schemes.**

(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.(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 endowments: 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. (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.

## 66. Appropriation of endowments.

(1) [The Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 Prabhandam 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 (1) 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 utilised for the benefit of the denomination or section concerned for the purposes mentioned above. (2) [The Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] may, at any time by order, modify or cancel any order passed under sub-section (1). (3) The order of [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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. Determination and application of properties and funds of defunct religious institutions.**

(1) [The Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 - (a) specifying the properties and funds of the institution; (b) appointing a trustee therefor; (c) directing the recovery of any such properties 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 appropriated to anyone or more of the purposes specified in sub-section (1) of section 66. (2) [The Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 authorise [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] under sub-section (1) or sub-section (2) shall be published in the prescribed manner.

**68. [Joint Commissioner or Deputy Commissioner] [Substituted by section 9(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] to forward copies.**

- [The Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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.

**69. Appeal to the Commissioner.**

(1)Any person aggrieved by any order passed by [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 proceedings or the correctness, legality or propriety of any decision or order passed by [the Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).]. Any such order passed by the Commissioner in respect of an order passed by [the Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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. Suits and appeals.**

(1)Any party aggrieved by an order passed by the Commissioner -(i)under sub-section (1) or sub-section (2) of section 69, and relating to any of the matters specified in section 63, section 64 or section 67; or(ii)under section 63, section 64, or section 67 read with sub-section (1)(a), (2) or (4)(a) 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 VI

### Notified Religious Institutions

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

(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 mismanaged 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 objections 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.

#### 72. Consideration of objections, if any, and notification of institution.

(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.(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.] [Substituted by section 2(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil

Nadu Act 16 of 1965).](7)[Any notification published [xxx] [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 Religious and Charitable Endowments (2nd Amend.) Act, 1961 (Tamil Nadu Act 40 of 1961), which deemed to have come into force on the 1st January 1960.] 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: 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.

### **73. Scheme to lapse on notification.**

- 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 [under sub-section (4) or] [Inserted by section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).] under sub-section (6) of section 72.

### **74. Appointment of salaried Executive Officer.**

- For every institution notified this Chapter, the Commissioner shall as soon as may be appoint a salaried Executive Officer, who shall be a person professing the Hindu religion.

### **75. Section 64 not to apply to notified institutions.**

(1)Section 64 shall not apply to 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.(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.

**75A. [ Notifications under Chapter VI-A of Madras Act II of 1927 to continue in enforce. [Inserted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).]**

- 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.

## **75B. Further continuance of notifications under Chapter VI-A of Madras Act II of 1927.**

- 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.(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.

## **75C. Right of suit.**

(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 subsection (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. Saving.**

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

## **Chapter VII Encroachments**

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

(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 watercourse, 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] [Substituted by Tamil Nadu Act 39 of 1996.] 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. [ Encroachment by persons on land or building belonging to charitable or religious institution or endowment and the eviction of encroachers. [Substituted by section 42 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).]**

(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 unauthorisedly 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 of 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 an order requiring him to remove the encroachment before the date specified on the notice should not be 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. [Substituted by the Tamil Nadu Act 39 of 1996.]**

(1)Where within the period specified in the 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 obtain possession of the property encroached upon, taking such police assistance as may be necessary. Any Police Officer whose help 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 lessee, 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. [Inserted by the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).]**

(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, notwithstanding 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.

**79B. 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 (Tamil Nadu Act 39 of 1996) shall occupy otherwise than by 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 cognizance of an offence punishable under subsection (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.

## **79C. 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 II of 1864).]

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

(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, [wherever it is situated] [Substituted by section 43 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] 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 Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] having jurisdiction over the area which the religious institution is situated.(2)[The Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 9(1) of the Tamil Nadu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 or 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 Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by Tamil Nadu Act 38 of 1995.] 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

possession 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 Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], shall be in writing and shall contain the grounds on which he has passed the order.

## **81. Appeals against Joint Commissioners or the orders of Deputy Commissioner under section 80.**

(1)Any person aggrieved by an order passed by [the Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], 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 decision on the appeal.(3)The Commissioner shall call for the records of the case from [the Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], 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 Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], shall be final and shall be conclusive evidence that the artistic appearance or the religious atmosphere of the religious institution has been marred or is likely to be marred.(5)Where no appeal against an order of [the Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], 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 artistic 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.

## **82. Payment of compensation.**

(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 -(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 Joint Commissioner or the Deputy Commissioner, as the case may be] [Substituted by section 9(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).], 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. Constitution of Tribunals.**

(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 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.

### **84. Suits against award.**

- 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.

### **85. Protection of action taken under this Chapter.**

(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, [Additional Commissioner] [Substituted by section 11 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993).], Joint Commissioner, Deputy Commissioner] or Assistant Commissioner for any damage caused or likely to be caused 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. Budget of religious institution.

(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] [Substituted by section 44(l)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], a budget showing the probable receipts and disbursements of the institution during the following fasli year:-(a)[ to the Commissioner, in the case of maths and specific endowments attached to maths;] [Substituted by section 44(l)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).](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 institution.(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 [the Commissioner] [Substituted by section 44(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] may fix;(e)the maintenance of the working balance.(3)[The Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 44(3)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], 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 alteration, omissions, or additions, in the budget as [he may] [Substituted by section 44(l)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] 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 Assistant Commissioner, to the Joint Commissioner or Deputy Commissioner; [Substituted by Tamil Nadu Act 39 of 1996.](b)where the order has been made by the Joint Commissioner or 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, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 44(5) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], 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, Joint Commissioner, Deputy Commissioner, or Assistant Commissioner] [Substituted for 'the Temple Administration Board or Temple Administration District Committee' by Section 44(5) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], as the case may be, may make such alterations, omissions or additions as provided in sub-section (3).(6)The trustee shall, within two months after the close of each fasli year, submit to [the Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted for 'Temple Administration Board' 'Temple Administration District Committee' by section 44(6)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996.)], as the case may be, in such form as may be fixed [by the Commissioner] [Substituted for 'by the Temple Administration Board' by section 44(6)(b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] 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, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted for 'Temple Administration Board' 'Temple Administration District Committee' by section 44(6)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996.)], 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. Accounts and Audit.**

(1)The trustee of every religious institution shall keep regular accounts of all receipts and disbursements. 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] [Substituted by Tamil Nadu Act 39 of 1996.](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 (Central Act LXV of 1860).(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 [five lakhs rupees] [Substituted for 'sixty thousand rupees' by section 45(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amend.) Act, 1996 (Tamil Nadu Act 39 of 1996).] 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 or the fasli year immediately preceding is not less than one thousand rupees, shall be audited annually or if [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] 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 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 [to produce before the auditors within such period as may be prescribed] [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).] 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 maybe required in regard to the audit of the accounts of the institution.

## **88. Authority to whom Audit Report is to be submitted.**

- After completing the audit for any fasli year or shorter period, or for any transaction or series of transactions, as the case maybe, the auditor shall send a report-(a)[ to the Commissioner, in respect of maths and specific endowments attached to maths; [Substituted by section 46 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).](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 their institutions.]

## **89. Contents of Audit Report.**

(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, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 47 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], as the case may be, may require him to report.

## **90. Rectification of defects disclosed in audit and order of surcharge against trustee, etc.**

(1)The [Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 48(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], as the case maybe, 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, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 48(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], as the case may be.(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, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 48(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], 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, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 48(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], 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 or 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, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 48(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], as the case may be, and had acted in accordance with such directions, he shall not be held liable. (3) The [Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by section 48(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], 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] [Substituted by Tamil Nadu Act 39 of 1996.] 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] [Substituted by Tamil Nadu Act 39 of 1996.], 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] [Substituted by section 48(3) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).].

## **91. Chapter to apply notwithstanding provision in scheme.**

- 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 IX

### Finance

#### 92. Religious institutions to pay an annual contribution to the Government.

(1) Every religious institution shall, from the income derived by it, pay to the Commissioner annually such contribution not exceeding [twelve per centum] [Substituted for 'eleven per centum' by Tamil Nadu Act, of 2006.] 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. (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 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 up to five lakhs rupees and four per centum of its income if the income exceeds five lakhs, as the Commissioner may determine.] [Substituted by Tamil Nadu Act, of 2006.] (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) [ \*\*\*] [Omitted by section 27 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).] (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 authorised by them in this behalf, (iii) cost of the publication of journals, books, annuals and descriptive accounts relating to religious institutions, (iv) [ expenses of the District Committees.] [Inserted by Act No. 51 of 2012, dated 16.11.2012.]

#### 93. Recovery of costs and expenses incurred on legal proceedings.

- Notwithstanding anything contained in sub-section (1) of section 102, all costs, charges and expenses incurred by [the Government,] [Words 'the Temple Administration Board, a District Committee' was omitted by Tamil Nadu Act 39 of 1996.] the Commissioner, [an Additional Commissioner,] [Words 'the Commissioner, a Joint Commissioner' was substituted by section 12 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993).] [a Joint Commissioner] [Words 'the Commissioner, and Additional Commissioner' was substituted by section 13 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).], a Deputy Commissioner, or an Assistant Commissioner as a party to, or in connection 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 negated in express terms.

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

(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. 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 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, vahanams, 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 Tamil Nadu Revenue Recovery Act, 1864 (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 maybe necessary and collect the income thereof until the amount sought to be recovered is realised. 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.

## **95. Contribution not to be levied in certain cases.**

- 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**

#### **96. Religious and Charitable Endowments Administration Fund.**

(1) There shall be established a Fund to be called the [Tamil Nadu Hindu Religious Religious and Charitable Endowments Administration Fund] [Substituted by paragraph 3(1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.]. The Fund shall vest in the Commissioner. (2) The assets which devolved on the Government under section 101 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), the stuns 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 realised, 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. Creation of Hindu Religious and Charitable Endowments Common Good Fund.**

(1) It shall be lawful for [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] to create a Fund to be called the Hindu Religious and Charitable Endowments Common Good Fund [hereinafter in this section referred to as the said Fund] [Inserted by section 2 (a)(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1967 (Tamil Nadu Act 23 of 1967).] 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 their [buildings and paintings, for the promotion and propagation of tenants common to all or any class of religious institutions and for any of the purposes specified in subsection (1) of section 66] [Substituted by section 2 (a)(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1967 (Tamil Nadu Act 23 of 1967).]. [(1-A) [the Commissioner] [Inserted by section 2(b) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1967 (Tamil Nadu Act 23 of 1967).] 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 the [Tamil Nadu Hindu Religious

and Charitable Endowments Administration Fund] [Substituted by paragraph 3(i) of, and the Schedule to, the Tamil Nadu Adoption of Laws Order, 1970.] after the repayment of the amounts specified in sub-section (2) of section 12 and sub-section (2) of section 96.](2)The said Fund shall be vested in, and administered by, [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] in such manner as may be prescribed.[Chapter X-A] [Inserted by section 9 of the Tamil Nadu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).]

Devaswom Fund

### **97A. Maintenance of Incorporated Devaswoms out of Devaswom Fund.**

- 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 recognised 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.

### **97B. The Devaswom Fund.**

- 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(v)all other moneys belonging to, or other income received by, the said Devaswoms.

### **97C. Devaswom Surplus Fund and its administration.**

- 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] [Substituted by section 52 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).] 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] [Substituted by section 52 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).].

### **97D. Devaswom properties.**

- 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.

### **97E. Unincorporated Devaswoms.**

- 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. 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 II of 1973), shall be deemed to be the funds of the Unincorporated Devaswoms mentioned in Part III of Schedule II.

## **Chapter XI**

### **Miscellaneous**

#### **98. Public officers to furnish copies of or extracts from certain documents.**

- 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] [Words 'Temple Administration Board, District Committee' was omitted by section 53 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).], Additional Commissioner,] Joint Commissioner, Deputy Commissioner].

#### **99. Power to inspect.**

- [[[The Commissioner, the Additional Commissioner] [Words 'Temple Administration Board, District Committee' omitted by section 54 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).]], a Joint 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.

### **100. Bequest under will for benefit of religious institution.**

(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 [(the Joint or Deputy or Assistant Commissioner of the division] [Substituted by Tamil Nadu Act 39 of 1996.] 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 [Joint Commissioner, Deputy Commissioner or Assistant Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] as provided by sub-section (1).

### **101. Putting Trustee or Executive Officer in possession.**

(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 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] [Substituted by Tamil Nadu Act 39 of 1996.] 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] [Substituted by Tamil Nadu Act 39 of 1996.] shall give notice to the trustee, office-holder or servant of the religious institution, as the case may be, [of his intention] [Substituted by Tamil Nadu Act 39 of 1996.] 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: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 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 [the Commissioner] [Substituted by Tamil Nadu Act 39 of 1996.] 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.

## **102. Cost of proceedings, etc.**

(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 Joint Commissioner or a Deputy Commissioner shall be in his discretion and he, shall have] full power to determine 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. Trustee not to lend or borrow moneys without sanction.**

- 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.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. Court-fees to be paid as prescribed by Schedule.**

- Notwithstanding anything contained in the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1995), the proper fees for the documents described in columns (1) and (2) of [Schedule III] [Substituted by section 10 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).] shall be the fees indicated in column (3) thereof.

## **105. Saving.**

- Nothing contained in this Act shall-(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)authorise 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.

### **106. Removal of discrimination in the distribution of prasadams or theer-thams.**

- 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, kumkumam, tulsi, 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.

### **107. Act not to affect rights under Article 26 of the Constitution.**

- 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.

### **108. Bar of suits in respect of administration or management of religious institutions, etc.**

- 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.

### **109. [ Central Act 36 of 1963 not to apply for recovery of properties of religious institution. [[Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 2003 (Tamil Nadu Act 28 of 2003). Before its substitution, section 109 read as follows:**

**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.]]**

- 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.]

## **110. Procedure and powers at inquiries under Chapters V and VI.**

(1)Where a Commissioner, [or a Joint Commissioner or a Deputy Commissioner] [Substituted for 'ora Deputy Commissioner' by section 11 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amend.) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 Joint Commissioner or a Deputy Commissioner] [Substituted for 'ora Deputy Commissioner' by section 11 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amend.) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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. Notifications, orders, etc., under Act not to be questioned in Court of law.**

- Save as otherwise expressly provided in this Act, no notification or certificate issued, order passed, decision made, proceedings or action taken, scheme settled, or other thing done under the provisions of this Act by [the Government] [Words 'the Government, the Temple Administration Board, a District Committee' were substituted for the words 'the Government' by section 56 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1991).] [the Commissioner or the Additional Commissioner] [Substituted for 'the Commissioner' by section 16 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).] [or a Joint Commissioner] [Substituted for the words 'the Commissioner' by section 15 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1993 (Tamil Nadu Act 18 of 1993).] or a Deputy Commissioner, or an Assistant Commissioner shall be liable to be questioned in any Court of Law.

## **112. to 113.**

- [Omitted by section 31 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).]

## **113A. [ Power of Government to direct disposal of appeal or revision pending before the Commissioner by a judicial officer. [Inserted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1961 (Tamil Nadu Act 40 of 1961).]**

(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.]

#### **114. Power of Government to call for records and pass orders.**

(1)The Government may call for and examine the record of [[[xxx] [Substituted for 'the Commissioner' by section 17 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2002 (Tamil Nadu Act 50 of 2002).] the Commissioner or the Additional Commissioner,] or any Joint or Deputy or Assistant Commissioner,] 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.(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.

#### **114A. [ Power of Government to review. [Inserted by Tamil Nadu Act 39 of 1996.]**

(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 where 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 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: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.]

## **115. Limitation.**

- 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.

## **116. Power to make rules.**

(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 the Additional, a Joint Commissioner or a Deputy Commissioner or an Assistant Commissioner];(iii)the powers of the Government, [(the Commissioner or the Additional Commissioner,) a Joint Commissioner] [Substituted for 'the Commissioner' by Tamil Nadu Act 18 of 1993.]], a Deputy Commissioner or an Assistant Commissioner to hold inquiries, to summon and examine witnesses and to compel the production of documents;(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;[(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 other articles received as offerings in the religious institutions, shall be sold or otherwise disposed of;] [Inserted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1974(Tamil Nadu Act 26 of 1974).](xiii)the manner in which and the period for which leases of properties of religious institutions shall be made;(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, sculptural 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 to the trustees;(xxi)[ the grant of travelling and halting allowances to the members of - [Substituted by section 61(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).](a)the Advisory Committee;](b)[ the District Committee; [Inserted by Act No. 51 of 2012, dated 16.11.2012.](c)the Consultative Committee or sub-committee thereof constituted under sub-section (4) of section 92];(xxii)the preparation and sanction of the estimates and acceptance of tenders, in respect of public works and for supplies in religious institutions;(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;] [Substituted by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (Tamil Nadu Act 2 of 1971).](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; [xxx] [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).](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; [and] [Word 'and' was added by section 2(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1973 (Tamil Nadu Act 22 of 1973).](xxvii)[ the manner in which the hundials and other receptacles in a [Added by section 2(3) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1973 (Tamil Nadu Act 22 of 1973).](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 the [the Legislative Assembly] [Substituted for 'both Houses of Legislature' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] 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.

## Chapter XII

### Transitional

#### 117. Construction of reference to the Board, President or Commissioner.

- Any reference to the Board or its President or a Commissioner thereof contained in any enactment in force in the [State of Tamil Nadu] [Substituted by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] 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:[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 Joint Commissioner or the Deputy Commissioner] [Added by section 2 of the

Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1973 (Tamil Nadu Act 5 of 1974).] 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 Joint Commissioner or the Deputy Commissioner] [Substituted by section 12 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] or Assistant Commissioner under this section.]

## **118. Repeals and savings.**

(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 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 provision 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 or an honorary officer or servant of the religious institution or endowment, shall be exercised and discharged by the Commissioner, [Joint Commissioner, Deputy Commissioner] [Substituted by section 13(1) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] [xxx] [Words 'the Area Committee' were omitted by section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act of 19 of 1968).] 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 [Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 13(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] 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 [Joint Commissioner or the Deputy Commissioner, as the case may be,] [Substituted by section 13(2) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).] may prefer an appeal to the Commissioner within such time as may be

prescribed.(3)The mention of particular matter in this section shall not be held to prejudice or affect the general application of sections 8 and 18 of the [Tamil Nadu] [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.] General Clauses Act, 1891 (Tamil Nadu Act I of 1891), with regard to the effect of repeals.

## **119. Conditions of service of certain persons.**

(1)The Conditions of service 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 subsection (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.

### **119A. [ Board of Trustees control over Karanma services. [Inserted by Tamil Nadu Act 50 of 1974.]**

- 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.]

## **120. Commissioner to repay certain sums to the Government.**

- Any sum paid by the Government before the publication of this Act in the [Fort St. George Gazette] [Now the Tamil Nadu Government Gazette.] for the expenses of Consultative Committees or sub-committees thereof shall be repaid to the Government by the Commissioner from out of the [Tamil Nadu Hindu Religious and Charitable Endowments Administration Fund] [Substituted by paragraph 3(1) of, and Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.] 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.

### **120A. [ Power to amend, alter or add to Schedule I. [Inserted by section 12 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).]**

- The Government may, from time to time by notification, amend, alter or add to Schedule I.]



**121.**

[Omitted by section 13 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).]

**122.**

[Omitted by section 35 of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1968 (Tamil Nadu Act 19 of 1968).][Schedule I] [The original Schedule to the Principal Act was numbered as Schedule III thereof and Schedules I and II were inserted by section 19 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).][See section 6(12)]List of Incorporated Devaswoms

Group	Taluk	Number and name of Devaswom	Major, Minor or Petty
1	2	3	4
Bhoothapandy	Thovala	1 Bhoothapandy	Major
		2 Azhagianambi	Do.
		3 Thiruvengkithapper	Do.
		4 Thiruppathisaram	Do.
		5 Thazhakudy	Do.
		6 Thovala	Do.
		7 Aruvamozhy	Do.
		8 Darasanamcope	Do.
		9 Chiramatom	Minor
		10 Bhuthapandyperumal	Do.
		11 Harihara Vinayagar	Do.
		12 Attinkarakrishnaswamy	Do.
		13 Madavilagam	Do.
		14 Jadayupuram	Do.
		15 Bhavagavathy Kottaram	Do.
		16 Kadukkara	Do.
		17 Emperuman	Do.
		18 Mulayanallor	Do.
		19 Sakalakala Marthanda Pillayar	Do.
		20 Arumanallor	Do.
		21 Anthirapuram	Do.
		22 Umayeewaramudayanainar	Do.
		23 Kotheshwara Mudyanainar	Do.

24 Azhagiamannar	Do.
25 Thenpara Vinayagar	Do.
26 Thiruvayar	Do.
27 Esanthimangalam Perumal	Do.
28. Navalkkad Eluppavudaya Kantan Sastha	Minor
29. Udayamarthandeswarar	Do.
30. Earavivinayagar	Do.
31. Karumenikantan 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. Anamalakantan	Do.
51. Aiyinimoottu Bhoothathan	Do.
52. Attoor Kantan Sastha	Do.
53. Vidankar Vinayagar	Do.
54. Kulathumkara Kantan Sastha	Do.
55. Azhagadri Kantan Sastha	Do.
56. Annakkara Marthandeeswaramudaya Nainar	Do.
57. Arassadi Kantan Sastha	Do.
58. Veerakerala Pillayar	Do.
59. Orana Kantan Sastha	Do.

	60. Karumeni Kantan Sastha	Do.
	61. Esanamatom Pillar	Do.
	62. Pulimugathu Kantan Sastha	Do.
	63. Erukalam Kavudaya Kantan Sastha	Do.
	64. Veerananarayanamangalam Neerkamudaya KantanSastha	Do.
	65. Irumudichozha Vinayagar Do.	
	66. Sooramuppidary Amman	Do.
Nagercoil	Agasthees-waram 67. Suchindrum	Major.
	68 Kanyakumari	Do.
	69 Agastheeswaram	Do.
	70 Marungoor	Do.
	71 Banamthitta	Do.
	72 Parakka	Do.
	73 Ezhagaram	Do.
	74 Vadiveeswaram	Do.
	75 Nagercoil	Do.
	76 Thaliyal	Do.
	77 Krishnancoil	Do.
	78 Perambalam	Do.
	79 Thekketheruvu Kulasekhara Perumal	Do.
	80 Asramam Krishnaswamy	Do.
	81 Mannoothi Nangamman	Do.
	82 Sarkaratheertha Viswanathar	Minor
	83. Panchalangapuram Krishnaswamy	Do.
	84. Vadaketheruvu Mahadevar	Do.
	85. Akkara Mahadevar	Do.
	86. Karaiaamanickazhwar	Do.
	87. Valampuri Vinayagar	Do.
	88. Arumugha Pillayar	Do.
	89. Kottavila Sastha	Do.
	90. Edartheertha Perumal	Do.
	91. Melavathi Vinayagar	Do.
	92. Thiruvenkita Vinna Perumal	Do.
	93. Brahmarakshasa Perumal	Do.
	94. Apathukatha kantan Sastha	Do.
	95. Periapandeeswaramudaya Nainar	Do.

96. Kasi Viswanathar	Do.
97. Alathamam	Do.
98. Eraviputhur Eravi Vinayagar	Do.
99. Vishnupuram Krishnaswamy	Do.
100. Vannathamkulam Poosastha	Do.
101. Kothichapillayagaram Perumal	Do.
102. Kothi Chapillayagaram Sivan	Do.
103. .Thekkuman Sakthi Vinayagar	Petty.
104. Veeramarthanda Vinayagar	Do.
105. Arasadi Vinayagar	Do.
106. Kulasekhara Vinayagar	Do.
107. Karumkalai Amman	Petty.
109. Karuppukotta Kailasanathar	Do.
110. Puravassery Perumal	Do.
111. Puruvassery Sivan	Do.
112. Arassadi Krishnaswamy	Do.
113. Poosastha Kanthan Sastha	Do.
114. Vasudevar Coil	Do.
115. Kommandayhamman	Do.
116. Cholapuram	Do.
117. Enakodi Kantan Sastha	Petty.
118. Peruvila	Minor.
119. Vembanoor	Do.
120. Kattimancode	Do.
121. Srimad Dwaraka	Do.
122. Brahmasandhi Kanni Vinayagar	Petty.
123. Sannadhitheru Viswanathar	Do.
124. Badrakali Thyagasoundari	Do.
125. Keezhatheru Viswanathar	Do.
126. Guhanadheeswarar	Do.
127. Oormuppidari	Do.
128. Bhagavathymatom Baghavathy Vinayagar	Do.
129. Mandaramputhoor Damodhara Vinayagar	Do.
130. Maruthuvamala	Do.
131. Alathu Badrakali	Do.

	132. Vazhiotakaran	Do.
	133. Elayanainar	Do.
	134. Koranadikorakkanathar	Do.
	135. Marukathalakantan Sastha	Do.
	136. Valikoil Amman	Do.
	137. Koorudayakantan Sastha	Do.
	138. Chempakanachi Amman	Do.
	139. Pachaperumal Sastha	Do.
	140. Theradi Esakki Amman	Do.
	141. Oottukuzhi Kannimar	Do.
	142. Bhutham Vanamgum Kantan Sastha	Do.
	143. Sthanu Vinayagar	Do.
	144. Velikanta Mahadevar	Do.
	145. Esakki Amman	Do.
	146. Annamalakantan Sastha	Do.
	147. Eravikulam	Petty.
	148. Tharamanikantan Sastha	Do.
	149. Rajakkamangalam Alanthamman	Do.
	150. Kannakuruchi Sastha	Do.
	151. Puthukulam Sastha	Do.
	152. Grama Vinayagar	Do.
	153. Abhimanamkatha Vinayagar	Do.
	154. Thazhamkulam Vinayagar	Do.
	155. Esakki Amman	Do.
	156. Bhuthathan	Do.
	157. Karpaka Vinayagar	Do.
	158. Putheri Eravi Vinayagar	Do.
	159. Velikkara	Do.
	159A Annakara Vinayagar	Do.
Padmanabapuram Kalkulam	160. Thirunandikkara	Major.
	161. Ponmana	Do.
	162. Manalikkara	Do.
	163. Ramaswamy coil	Do.
	164. Nilakantaswamy coil	Do.
	165. Thevarakottu	Do.
	166. Alampara	Do.
	167. Melamcode	Do.

168. Velimala	Do.
169. Keralapuram	Do.
170. Thiruvithamcode	Do.
171. Alwarcoil	Do.
172. Marthandeswaram	Do.
173. Mondakad	Do.
174. Valvachaghoshtam	Do.
175. Radhakrishnan coil	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. Venugopalakrishnancoil	Do.
185. Palakozhi	Minor.
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. Adavallelha Nainar	Do.
194. Mainindra Vinayagar	Do.
195. Manavila	Do.
196. Karakanteswaram	Do.
197. Cheramangalam	Do.
198. Thalakkulam	Do.
199. Thirppaniyode	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. Shunmuga Vilasam Pillayar	Do.
212. Theradi Bhuthathan	Do.
213. Madan Thampuran	Do.
214. Sannidhi Pillayar	Do.
215. Uchi Pillayar	Do.
216. Azhagia Pillayar	Do.
217. Vilavoor Elangam	Do.
218. Maravoor Konam Sastha	Do.
219. Kakkotta Thala	Do.
220. Puliyara Kantan	Do.
221. Alathamman	Do.
222. Chingankavu	Do.
223.- Karayakulam	Do.
224. Koottumangalam	Do.
225. Chirakonam Sastha	Petty
226. Kulesekara Pillayar	Do.
227. Bhootha Pillayar	Do.
228. Chemala	Do.
229. Thumbattu Sastha	Do.
230. Nandimangalam	Do.
231. Atchaleeswaram	Do.
232. Undicha Mahadevar	Do.
233. Koodathookki Sastha	Do.
234. Edampidicha Mahadevar	Do.
235. Anakkara Sastha	Do.
236. Saralkala Sastha	Do.
237. Chunakara Sastha	Do.
238. Maramvilakki Sastha	Do.
239. Pulimughathu Sastha	Do.
240. Andoor Sastha	Do.
241. Pullayil Sastha	Do.

		242. Kandanesseri Bhagavathy	Do.
		243. Nangoor Krishnaswamy	Do.
		244. Mekkode Kottavila Sastha	Do.
		245. Panniyottu Thampuran	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. Padmanabhan Thoppu	Do.
		254. Pammathu Moola	Do.
		255. Munpala Sastha	Do.
		256. Ponnayiramudayar	Do.
		257. Kingini Sastha	Do.
		258. Pallikara Sastha	Do.
		259. Ethankadu	Do.
		260. Ardhakantan Sastha	Do.
		261. Apathukathar	Do.
		262. Karipalli	Do.
		263. Nethrakkoil	Do.
		264. Erumalavila	Do.
		265. Alampara	Petty.
		266. Kallettivila	Do.
		267. Kotheeswaram	Do.
		268. Kantan Sastha	Do.
		269. Bhoothamuttam	Do.
		270. Manalikkara Elangam	Do.
		271. Parayadi Sastha	Do.
		272. Kulangara Sastha	Do.
		273. Ariyappan	Do.
		274. Panchakanyaka	Do.
		274A Kunnakad	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. Thrivikramapuram	Do.
Kalkulam	283. Thaliyal	Minor.
	284. Thirumurambo	Do.
Vilavancode	285. Payanam	Do.
	286. Thipramala	Do.
Kalkulam	287. Kulasekharam	Do.
Vilavancode	288. Chamundy Amman	Do.
	289. Keleswaram	Do.
	290. Kannacode	Do.
	291. Kulapuram	Do.
	292. Palugal	Do.
	293. Cheruvalloor	Do.
Kalkulam	294. Aruvikara krishnaswamy	Do.
	295. Puthiakav	Do.
Vilavancode	296. Piracode	Do.
Kalkulam	297. Aramandam	Do.
	298. Methu Kummal	Do.
	299. Mannasekaram	Do.
	300. Thrippilamcode	Do.
	301. Kirathoor	Do.
	302. Kamukinthottam	Do.
	303. Chitharal	Do.
	304. Karipara	Minor.
	305. Palliyara	Do.
	306. Edakode	Do.
	307. Aducode	Do.
	308. Puliyoorsala	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. Madayarathala 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. Athiserry	Do.
325. Jagadheeswaram	Do.
326. Kunnel	Do.
327. Attoor	Do.
328. Cherukole	Do.
329. Nankoikal	Do.
330. Kovinmoola	Do.
331. Punakuzhi	Do.
332. Mulamoodu	Do.
333. Manakampara	Do.
334. Pulippara Sastha	Do.
335. Krishnaswamy	Do.
336. Erathukoikal	Do.
337. Kuranganvila	Do.
338. Somasingalam	Do.
339. Chemmaruthankavu	Do.
340. Chemmuthal	Do.
341. Mulagumoodu	Do.
342. Sivappada	Do.
343. Kariyodu	Do.
344. Pottakad	Petty.
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. Puliymthara	Do.
		354. Sambradu	Do.
		355. Kuthirode	Do.
		356. Kurichivila	Do.
		357. Vanniyoora Mala	Do.
		358. Kirathoor	Do.
		359. Thittachal	Do.
		360. Michakom	Do.
		361. Kuracode	Do.
		362. Achalipuram	Do.
		363. Uchimala	Do.
		364. Mudyanvila	Do.
		365. Konacoil	Do.
		366. Cheruvalloor Krishnan	Do.
		367. Cheruvalloor Sastha Devaswaram	Do.
		367A Devaswaram	Do.
Shencottah	Shencottah	368. Kasbakulasekaranathaswamy	Major.
		369. Azhagiamanavalaperumal	Do.
		370. Puliya	Do.
		371. Elathoor Madhunathaswamy	Do.
		372. Ayikudi Subramaniaswamy	Do.
		373. Kilankad Jarnadhagneeswaraswamy	Do.
		374. Sambavarvadakara Sree Moolanathaswamy	Do.
		375. Arya Vinayagar	Minor.
		376. Krishnaswamy	Do.
		377. Suruki Ambalam	Do.
		378. Natarajaperumal	Do.
		379. Kuttala Vinayagar	Do.
		380. Kalakanteswaram	Do.
		381. Thiruvenkita Venniperumal	Do.
		382. Krishnaswamy	Minor
		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.
391. Nalledampilla Ayyanar	Do.
392. Mahattu Bhuthathan	Do.
393. Kulasekharanangammen	Do.
394. Theradimadan	Do.
395. Soolathuvamdayar	Do.
396. Kuttala Vinayagar	Do.
397. Nalloor Nangai Amman	Do.
398. Pandanadheswarar	Do.
399. Karkudi Veerakerala Vinayagar	Do.
400. Chelladam Pilla Ayyanar	Do.
401. Pattu Bhuthathan	Do.
402. Neeli Amman	Do.
403. Nirakulathayyanar	Do.
404. Thazhakkal Ayyanar	Do.
405. Veerakerala Vinayagar	Do.
406. Adhisooru 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. Adhikantayyanar	Do.
414. Ulkottayyanar	Do.
415. Manamuthayyanar	Do.
416. Aryankavu Surukambalam	Do.
417. Marthanda Vinayagar	Do.
418. Adeenamazhaki Ayyanar	Do.
419. Parathimga Vinayagar	Do.
420. Nainathathu Muditha Vinayagar	Do.
421. Petchi Amman	Do.
422. Sudalamadan	Petty.
423. Gopuramudayar	Do.
424. Vazhivettakaran	Do.

425. Adaikalamkatha Ayyanar	Do.
426. Sankara Vinayagar	Do.
427. Payikovil	Do.
428. Palavoodayar	Do.
429. Chundakkattu Vinayagar	Do.
430. Lekshmi Narayana Perumal	Do.
431. Azhagianachi Amman	Do.
432. Panayadian Sastha	Do.
433. Chempaka Vinayagar	Do.
434. Pinamalasoodum Perumal	Do.
435. Padukula Sastha	Do.
436. Muppidari Amman	Do.
437. Karukanni Amman	Do.
438. Mada Oodayar	Do.
439. Oolakamman	Do.
440. Marthanda Vinayagar	Do.
441. Chockalingaswamy	Do.
442. Gangaikkuvazhthamman	Do.
443. Arassaki Vinayagar	Do.
444. Theradi Vinayagar.	Do.
445. Muppidari Amman	Do.
446. Nallamankar Vinayagar	Do.
447. Palavoodayar Sastha	Do.
448. Silayeduthar Sastha	Do.
449. Therveethi Vinayagar	Do.
450. Sreeneelkanti Amman	Do.
451. SilaPillayar	Do.
452. Dhurgai Amman	Do.
453. Bhadra Kali Amman	Do.
454. Madaswamy	Do.
455. Manhamutti Ayyanar	Do.

II

[See section 6(23)]

## Part II – List of Unincorporated Devaswoms

Serial number and name of group	Name of Devaswom
1	2
1. Bhoothapandy Group	1 Ethiravally Chozha.Vinayakar
	2 Thazhayil Kanthan Sastha.
	3 Kakkum Vinayagar.
	4 Kannimoolavighneswarar.
	5 Bheemanagari Ethiravally Chozhavinayagar.
	6 Thrikkaliyanam Fund in the Thazhakudy Devaswom.
2. Nagercoil 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. Kuzhithurai Group	12 Kotheswaram Devaswom.
	13 Ashtami Sadya Endowment Fund in Major Thirumala.
	Devaswom.
5. Shencottah Group	14 Aykudy Subramanyaswamy Devaswom.
	15 Elathoor Sundararaja Perumal.
	16 Puliyara Arya Vinayagar.
	17 Adheenom Kathawar.
	18 Azhakinachi Amman.

## Part II – {

| - | Serial number and name of group | Name of Devaswom | - | 1 | 2 | - | 1. Bhoothapandy Group | 1 | Ninar Edakkavudayar Kantan Sastha, Ananthapuram | - | 2. Nagercoil Group | 2 | Puthugramam, Ramanamatam Bboothathan, Puthugramam, Therror. | - | 3 | Vembannoor Eswarakalathampuran, Vembannoor, Neenda-kara | - | 3. Padmanabhapuram Group | 4 | Sree Bhoothanathaswamy, Rajakkamangaiaam. | - | 5 | Thiruvidadkode, Aloor. | - | 6 | Edamala Sastha, Aloor. | - | 7 | Kannanthitta Sastha, Aloor. | - | 8 | Cherithala Sastha, Aloor. | - | 9 | Elangeri Katitan Sastha, Aloor. | - | 10 | Earattapadi Sree Padmanabhaswamy and Kalpaka Pillayar, Aloor. | - | 11 | Notchikulam Sastha, Colachel. | - | 4. Kuzhithurai Group | 12 | Poottetty Sankaranainar Kulathu Mahadevar, Killiyoor | }

## Part III – {

[-] SI. No. and Name of Group | Name of Devaswom | - | 1 | 2 | - | Padmanabhapuram Group | 1. Muttakkad Bhoothathan, Kothanalloor. | - | 2. Attinkara Padmanayyar, Kadiapattinam. | } [Schedule III] [The original Schedule was numbered as Schedule 111 by section 19 of the Tamil Nadu Hindu Religious and Charitable Endowments (Tamil Nadu Act 50 of 1974).] Court-Fees Payable Under The Act (See section 104)

Section	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	50
72(4)	Suit for the cancellation of the notification	50
[75-c(1) [Inserted by section 5(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965)]]	Suit for the cancellation of the notification	50]
84	Suit against award	50
	II Applications to Court or Tribunal	
		[10]
		[Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
47(4)	Application to Court against order of [Government, Commissioner or Joint Commissioner/Deputy Commissioner] [Substituted by Tamil Nadu Act 39 of 1996].	
82(1)	Application to the Tribunal	5
90(4)(a)	Application to Court against order or surcharge	

		[20] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
101	Application for delivery of possession	2
	III. Appeals to Court	
53(5)	Appeal to High Court	50
72(5)	Appeal to High Court	50
72(5)	Appeal to High Court	50
[75-C(2) [Inserted by section 5(ii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1965 (Tamil Nadu Act 16 of 1965).]	Appeal to High Court	50]
	IV. Applications to Government,[Commissioner] [Words 'Temple Administration Board' omitted by Tamil Nadu Act 39 of 1996.][Joint Commissioner or Deputy Commissioner] [Substituted for 'or Deputy Commissioner' by section 14(1 )(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).]	
3(4)	Application to Government for extending the provisions of the Act.	25
21	Application to Commissioner for revision	[10] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second



		Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
[21-A [Inserted by Tamil Nadu Act 39 of 1996.]	Application to the Joint/Deputy Commissioner for revision	10]
38(1)	Application by Trustee for recovery from person in possession of property of Specific Endowment.	2
38(2)	Application by person in such possession for recovery from person responsible in law for performance of service or charity.	2
59(1)	[Commissioner] [Application to Substituted for 'Temple Administration Board' by Tamil Nadu Act 39 of 1996.] for consent to suit for removal of trustee of math or specific endowment attached to math.	[10] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
63	Application for decision of dispute or matter under the section.	[15] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
64(1)	Application for settlement of scheme by [Joint Commissioner, Deputy Commissioner] [Substituted for 'Deputy Commissioner' by Tamil Nadu Act 38 of 1995.]	50
64(5)(a)	Application to modify or cancel scheme settled under section 64 (1) or deemed to have been so settled.	25

65(1)	Application for settlement of scheme by the Commissioner	50
		[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
65(4)(a)	Application to modify or cancel scheme settled under section 65 (1) or deemed to have been so settled.	[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
66(1)	Application for order under the section	[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
66(2)	Application to modify or cancel order passed under section 66(1) or deemed to have been so passed.	[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
69(3)	Application to Commissioner to modify or cancel order passed under section 69(1) or deemed to have been so passed.	[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious

72(6)	Application to Government to cancel notification	25
75-C(3)	Application to Government to cancel notification	25
114	Application to Government for revision.	25

[114-A [Inserted by section 62(2)(v)(iii) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996)]	Application to Government for Review	25]
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[8(2)(c) [For the word 'Commissioner', the words 'Temple Administration, Board; District Committee, Commissioner' were substituted by section 60(3) (i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1981). Subsequently, the words 'District Committee' were substituted as 'Temple Administration District Committee' by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1993 (Tamil Nadu Act 19 of 1993). Subsequently, 'Temple Administration Board, Temple Administration District Committee' was omitted by section 62(3)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil	Application for modification or cancellation of order under section 67 of the Madras Hindu Religious Endowments Act, 1926.	25]
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Nadu Act 39 of 1996).]

V. Appeals to Government,[Commissioner] [For the word 'Commissioner', the words 'Temple Administration, Board; District Committee, Commissioner' were substituted by section 60(3)(i) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1991 (Tamil Nadu Act 46 of 1981). Subsequently, the words 'District Committee' were substituted as 'Temple Administration District Committee' by section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1993 (Tamil Nadu Act 19 of 1993). Subsequently, 'Temple Administration Board, Temple Administration District Committee' was omitted by section 62(3)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1996 (Tamil Nadu Act 39 of 1996).][Joint Commissioner, Deputy Commissioner] [Substituted for the words 'or Deputy Commissioner' by section 14(2)(a) of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1995 (Tamil Nadu Act 38 of 1995).]

22(5)

Appeal to Government against order of Commissioner

[20]  
[Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]

[24(6) [Inserted by section 5 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1961 (Tamil Nadu Act 40 of 1961.)]

Appeal to Government against decision of[Commissioner] [Substituted for 'Temple Administration Board' by Tamil Nadu Act 39 of 1996.]]

[26(5)] [Inserted by section 5 of the Tamil Nadu Hindu Religious

[Appeal to Commissioner against order of Joint Commissioner or Deputy Commissioner

25]]

and Charitable Endowments (Second Amendment) Act, 1961 (Tamil Nadu Act 40 of 1961.)	[Substituted by Tamil Nadu Act 39 of 1996.]	
34(4)	Appeal to Government against order of the[Commissioner] [Substituted for 'Temple Administration Board' by Tamil Nadu Act 39 of 1996.]regarding alienation of property.	15
37	Appeal to Government against order of the[Commissioner] [Substituted for 'Temple Administration Board' by Tamil Nadu Act 39 of 1996.]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[jointCommissioner or Deputy Commissioner] [Substituted for the words 'Deputy Commissioner' by Tamil Nadu Act 38 of 1995.]under section 38(1) or (2)	2
53(5)	Appeal by trustee against order of punishment	[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
54(4)	Appeal to Commissioner against order of 17[jointCommissioner or Deputy Commissioner] appointing temporarysuccessor to Hereditary Trustee.	[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
55(4)		5

	Appeal to[joint Commissioner or DeputyCommissioner] [Substituted for the words 'Deputy Commissioner' by Tamil Nadu Act 38 of 1995.]against order of trustee under section 55(1).	
56(2)	Appeal to[Joint Commissioner or DeputyCommissioner] [Substituted for the words 'Deputy Commissioner' by Tamil Nadu Act 38 of 1995.]by office holder or servant against order ofpunishment passed by a trustee [18** * ***] [Omitted by Tamil Nadu Act 2 of 1971.]	
[58(4) [Substituted by Tamil Nadu Act 39 of 1996.]	Appeal to Joint/Deputy Commissioner againstorder of Assistant Commissioner regarding dhittam	20]
58(4)	Appeal to Commissioner against appellate orderof Joint Commissioner/Deputy Commissioner	20
		[20] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
59(2)	Appeal to Government against[Commissioner'srefusal] [Substituted for 'Temple Administration Board's refusal' by Tamil Nadu Act 39 of 1996.]to give consent	
		[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
69(1)	Appeal to Commissioner against order of[JointCommissioner or Deputy Commissioner] [Substituted for the words 'Deputy Commissioner' by Tamil Nadu Act 38 of 1995.]under Chapter	
		[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
79(1)		5

	Appeal to Commissioner against order of [Joint Commissioner or Deputy Commissioner] [Substituted for the words 'Deputy Commissioner' by Tamil Nadu Act 38 of 1995.].	
81(1)	Appeal to Commissioner against order of [Joint Commissioner or Deputy Commissioner] [Substituted for the words 'Deputy Commissioner' by Tamil Nadu Act 38 of 1995.]	5
[86(4) [Substituted by Tamil Nadu Act 39 of 1996.]	Appeal against order regarding budget ---	
	(a) to Joint/Deputy Commissioner	10
	(b) to Commissioner	10
	(c) to Government	10]
		[20] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
90(4)(b)	Appeal to Government against order of Surcharge	[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]
11 8(2) (c)	Appeal to Commissioner against any modification or cancellation made by [Joint Commissioner or Deputy Commissioner] [Substituted for the words 'Deputy Commissioner' by Tamil Nadu Act 38 of 1995.]	[25] [Substituted by section 2 of the Tamil Nadu Hindu Religious and Charitable Endowments (Second Amendment) Act, 1965 (Tamil Nadu Act 31 of 1965).]