STATEMENT OF OBJECTS AND REASONS

Amending Act 12 of 2012.- It is considered necessary to amend the Karnataka Hindu Religious Institutions and Charitable Endowments Act 1997 to remove certain difficulties faced, while implementing the provisions of the Act and to provide for the following, namely:-

(1) to specify that the provisions of the Act shall apply to all religious institutions or charitable endowments notified under section 23;

(2) to provide that section 53 and chapter VIII apply to all religious institutions or charitable endowments other than notified religious institutions or charitable endowments under section 23;

(3) to omit certain overlapping provisions in the Act;

(4) to enable to incur the amount collected under Common Pool Fund for the purpose of the object of the Act and to grant aid to the establishment and development of Goshala;
(5) to enhance the term of the nominated members of Rajya Dharmika Parishat and Zilla Dharmika Parishat from three years to four years;

(6) for certain other consequential amendments.

Hence the Bill.

[L.C. Bill No.9 of 2011, File No.Samvyashae 50 Shasana 2011]

[Entry 28 of List III of the Seventh schedule to the constitution of India.]

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KARNATAKA ACT NO. 12 OF 2012

(First published in the Karnataka Gazette Extra-ordinary on the fifth day of March, 2012)

THE KARNATAKA HINDU RELIGIOUS INSTITUTIONS AND CHARITABLE ENDOWMENTS (SECOND AMENDMENT) ACT, 2011

(Received the assent of the Governor on the second day of March, 2012)

An Act further to amend the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997.

Whereas it is expedient further to amend the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty Second year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Hindu Religious Institutions and Charitable Endowments (Second Amendment) Act, 2011.

(2) It shall come into force at once.

2. Amendment of section 1.- In the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001) (hereinafter referred to as the Principal Act), in section 1,- for sub-section (4), the following shall be substituted, namely:-

"(4) It shall apply to, all religious institutions or charitable endowments notified under section 23. Section 53 and Chapter VIII shall apply to all religious institutions or charitable endowments other than those notified under section 23:

Provided that it shall not apply to a math or temple attached to or managed by math.”

3. Amendment of section 2.- In section 2 of the Principal Act,-

(1) for clause (2), the following shall be substituted, namely:-

"(2) "Archaka" means and includes Pradhana Archaka, Assistant Archaka, pujari or other person by whatever name called who performs or conducts archane, pooja and other rituals;”

(2) for clause (15), the following shall be substituted, namely:-

"(15) "Hereditary office holder" means an office holder and "Hereditary Trustee" means a trustee of a Hindu Religious Institution or Charitable endowment, succession to whose office, devolves according to the law of succession or declared as such by any court of law, or by a statutory authority or recorded as such under any enactment;”
4. Amendment of section 3.- In section 3 of the Principal Act, in sub-section (3), after the words "subject to such general or special orders as the State Government", the words "or Rajya Dharmika Parishat" shall be inserted.

5. Amendment of section 19.- In section 19 of the Principal Act, in sub-section (1), after clause (l), the following shall be inserted, namely:-

"(m) for establishment and promotion of goshalas by Hindu Religious Institutions or any Hindu Organisation.

(n) to meet the objects of the Act."

6. Amendment of Chapter V.- In Chapter V of the Principal Act, in the heading, for the words "Advisory Committee", the words "Dharmika Parishats" shall be substituted.

7. Amendment of section 20.- In section 20 of the Principal Act, in sub-section (1), in clause (d), for the words "three years" the words "four years" shall be substituted.

8. Amendment of section 20A.- In section 20A of the Principal Act,-

(1) in sub-section (2),

(i) in clause (i), for the words "ten lakhs", the words "twenty five lakhs" shall be substituted;

(ii) in clause (vi), for the words "ten lakhs", the words "twenty five lakhs" shall be substituted.

(2) after sub-section (2), the following shall be inserted, namely:-

"(3) Administration of all religious institutions and charitable endowments shall be under the general superintendence and control of the Rajya Dharmika Parishat and such superintendence and control shall include the power to pass any order or issue any direction which may be necessary to ensure that such institutions and endowments are properly administered and their income is duly appropriated for the purpose for which they are founded or exist."

9. Amendment of section 21.- In section 21 of the Principal Act,

(1) in sub-section (1), in clause (c),

(i) for the words "three years" the words "four years" shall be substituted;

(ii) in sub-clause (vii), for the words "two others", the words "three others" shall be substituted.

(2) for sub-section (7), the following shall be substituted, namely:-

"(7) In the absence of Chairman, the judicial member shall preside over the meeting."

10. Amendment of section 21A.- In section 21A of the Principal Act,-

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

"(1) Subject to the powers of the Rajya Dharmika Parishat, the Zilla Dharmika Parishat shall have the general powers of superintendence and control over the religious institutions within the district, whose annual income does not exceed rupees twenty five lakhs and such superintendence and control shall include the power to pass any order or issue directions which may be necessary to ensure that such institutions and endowments are properly administered and their income is duly appropriated for the purposes for which they were founded or exist."

(2) in sub-section (2),
(a) in clause (a), for the words "ten lakhs", the words "twenty five lakhs" shall be substituted;
(b) in clause (b), for the words "ten lakhs", the words "twenty five lakhs" shall be substituted;

11. Omission of section 22.- Section 22 of the Principal Act shall be omitted.

12. Amendment of section 25.- Section 25 of the Principal Act, shall be omitted and after section 25 so omitted, the following shall be inserted, namely:-

"25. Constitution of the Committee of Management.- (1) There shall be constituted, in respect of one or more notified institutions by the Rajya Dharmika Parishat, if the gross annual income of the notified institutions exceeds rupees twenty five lakhs and the Zilla Dharmika Parishat if the annual income does not exceed rupees twenty five lakhs, a committee of Management consisting of not more than nine members from among the devotees and followers of Hindu Religious Institutions and beneficiaries of the charitable institutions and it shall consist of:-

(i) in the case of a temple the Pradhan Archak or Archak;
(ii) at least one among the Scheduled Castes or Scheduled Tribes;
(iii) two women;
(iv) at least one from among the persons living in the locality where the institution situated:

Provided that in case of composite institution members from both Hindu and other religion may be appointed:

Provided further that the Committee of Management in respect of notified institution be constituted according to the usage and practice prevailing therein:

Provided also that every committee of Management or Pancha Committee or Dharmadarshi Committee or non hereditary trustees constituted or appointed under the repealed Acts who were lawfully holding office shall cease to hold such office from the date of commencement of the Karnataka Hindu Religious and Charitable Endowment (Second Amendment) Act, 2011.

(2) (a) The Rajya Dharmika Parishat and Zilla Dharmika Parishat, while constituting the Committee of Management under sub-section (1), shall have due regard to the religious denomination to which the institution or any section thereof belongs.

(b) The procedure for the constitution of Committee of Management, verification of antecedents and other matter if any, of the member shall be done in such manner as may be prescribed;

(c) No person shall be eligible to become a member in more than one Committee of Management at a time;

(d) No person, who is an office bearer of any political party at any level, shall become a member of the Committee of Management.

(3) No person shall be qualified for being appointed as member of the Committee of Management of a notified institution unless,-

(i) he has faith in God;
(ii) he has attained the age of twenty five years;
(iii) he possesses good conduct and reputation and commands respect in the locality in which the institution is situated.
(4) A person shall be disqualified for being appointed or continuing as a member of the Committee of Management of any notified institution,-

(i) if he is declared as an undischarged insolvent by a competent court; or

(ii) if he is of unsound mind and stands so declared by a competent court of law or if he is a deaf or mute or is suffering from virulent form of leprosy or contagious disease; or

(iii) if he has an interest direct or indirect in any subsisting lease of any property or of any contract made with, or is in arrears of any kind due by him to such institution; or

(iv) if he is appearing as a legal practitioner for or against the institution; or

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

(vi) if he has at any time acted adverse to the interest of the institution; or

(vii) if he is an office holder other than Archaka or a servant attached to or a person in receipt of any emolument or perquisite from such institution; or

(viii) if he is addicted to intoxication, liquor or drugs; or

(ix) if he is not a Hindu, or having been a Hindu has converted to any other religion.

(5) If a member of the committee of management is or becomes subject to any disqualification under sub-section (4), he shall automatically cease to be such member.

(6) If any question arises whether a member is or has become subject to any disqualification under sub-section (4), the Dharmika Parishat may either suo-moto or on a report made to it and after giving an opportunity, of being heard to the person concerned decide the question."

13. Amendment of section 26.- In section 26 of the Principal Act, in sub-section (3) after the words "the State Government", the words "or the prescribed authority" shall be inserted.

14. Amendment of section 28.- In section 28 of the Principal Act, sub-section (5) shall be omitted.

15. Amendment of section 29.- In section 29 of the Principal Act, after the words "after the expiry of the term of office of the Committee under section 26", the words "or for any other reasons" shall be inserted.

16. Amendment of section 35.- In section 35 of the Principal Act, in sub-section (1), the words and figures "section 41 and" shall be omitted.

17. Omission of section 52.- Section 52 of the Principal Act shall be omitted.

18. Amendment of section 63.- In section 63 of the Principal Act, in the title, in sub-section (1) and proviso to sub-section (1) and in sub-section (2), for words "Regional Commissioner", the words "Commissioner" shall be substituted.

19. Amendment of section 76.- In section 76 of the Principal Act, in sub-section (2), for clause (d), the following shall be substituted, namely:-

"(d) conduct of affairs of the Rajya Dharmika Parishat and Zilla Dharmiak Parishat constituted under section 20 and 21 respectively;"

H.R. BHARDWAJ
GOVERNOR OF KARNATAKA.

By Order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary Affairs and Legislation

ಸರ್ವಿಕೆ ಸ್ಥಾನದಗಳು, ಸರ್ವಿಕೆ ತಂದೆಕೆ, ಸರ್ವಿಕೆ ಸ್ಥಾನದ (ಸರ್ವಿಕೆ ಸ್ಥಾನದ)