

APPENDIX - IV

PUBLISHED IN THE GAZETTE EXTRAORDINARY

DATED 16TH APRIL 1950.

Act XV of 1950

**THE TRAVANCORE - COCHIN HINDU RELIGIOUS
INSTITUTIONS ACT.**

Whereas it is necessary to make provision for the administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds; it is hereby enacted as follows:-

PRELIMINARY

1. (1) This Act may be called the Travancore-Cochin Hindu Religious Institutions Act, 1950.
- (2) It shall come into force at once.
- (3) Part I of this Act shall extend to Travancore Part II of this Act shall extend to Cochin and Part III of this Act shall extend to the whole of the State of Travancore - Cochin.

Part - 1

CHAPTER - I

DEFINITIONS

2. In this Part, unless there is anything repugnant in the Definitions.
- (a) "Board" means the Travancore Devaswom Board constituted under Chapter II of this Act in accordance with the Covenant;
- (b) "Hindu Religious Endowment" means-
 - (i) every Hindu temple or shrine or other religious endowment dedicated to, or used as of right by, the Hindu community \or any section thereof; and

- (ii) every other Hindu endowment or foundation, by whatever local designation known, and property, endowments and offerings connected therewith, whether applied wholly to religious purposes or partly to charitable or other purposes, and very express or constructive trust by which property or money is vested in the hands of any person or persons by virtue of hereditary succession or otherwise for such purposes:

but shall not include my Hindu religious institution be longing to and under the sole management of a single family:

Provided that, where the Management of a religious institution has passed into the hands of several branches by division among the members of the original family, the institution may nevertheless be considered as being in the management of a single family for the purpose of this Part.

Explanation - The expression "hereditary succession" shall include succession to a "Guru" by a disciple by nomination or otherwise;

- (c) "Incorporated Devaswoms" means the Devaswoms mentioned in Schedule I; and "unicorporated Devaswoms" means those Devaswoms including Hindu Religious Endowments whether in or outside Travancore which were under the management of the Ruler of Travancore and which have separate accounts of income and expenditure and are 'separately dealt with;
- (d) "person interested" includes-
- (i) 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;
- (ii) in the case of a specific endowment or institution, 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;
- (e) "Prescribed" means prescribed by rules made under this Part.

CHAPTER - II

THE TRAVANCORE DEVASWOM BOARD.

3. The administration of Incorporated and unincorporated Devaswoms and of Hindu Religious Endowments and all their properties and funds as well as the fund constituted under the Devaswom Proclamation, 1097 M. E. and the Surplus Fund Constituted under the Devaswom (Amendment) Proclamation, 1122 M.E. which were under the management of the Ruler of Travancore prior to the first day of July 1949, except the Sree Padmanabhaswamy Temple, Sree Pandaravaga properties and all other Properties and funds of the said temple, and the management of all institutions which were under the Devaswom Department shall vest in the Travancore Devaswom Board.

4. (1) The Board referred to in Section 3 shall consist of three Hindu members, one of whom shall be nominated by the Hindus among the Council of Ministers and one elected by the Hindus among the members of the Legislative Assembly of the State of Travancore-Cochin.
- (2) The Board shall be a body corporate having perpetual succession and a common seal with power to hold and acquire properties for and on behalf of the incorporated and unincorporated Devaswoms and Hindu Religious institutions and Endowments under the management of the Board.
- (3) The Board shall by its name sue and be sued and the Secretary to the Board shall represent the Board in such suits.

5. A meeting of the Hindus among the members of the Legislative Assembly of the State of Travancore-Cochin shall be summoned under the authority of His Highness the Raj Pramukh by any person authorised in this behalf by the Raj Pramukh to meet at such time and place and on such date as may be fixed by him in this behalf for the election of a member to the Board. The election shall be held in accordance with the rules specified in Schedule II by the person commissioned by the Raj Pramukh to preside over the meeting.

6. A person shall not be qualified for nomination or election as a member of the Board unless he is a permanent resident of the State of Travancore-Cochin and professes the Hindu religion and has attained thirty five years of age.

7. No person shall be eligible for election or nomination as a member of the Board if such person-

- (i) is of unsound mind, a deaf-mute or suffering from leprosy; or
 - (ii) is an undischarged insolvent; or
 - (iii) is an office-holder or a servant of Government, a local authority, the Devaswom Board, an incorporated or unincorporated Devaswom or the trustee of a Hindu Religious Endowment; or
 - (iv) is interested in a subsisting contract for making any supplies to or executing any work on behalf of the incorporated or unincorporated Devaswoms; or
 - (v) has been convicted by a criminal court of any offence involving moral turpitude; or
 - (vi) is a member of Parliament or of the Legislature of any State.
8. (1) If a person elected or nominated as a member of the Board is or subsequently becomes subject to any of the disabilities stated in clauses (i), (ii), (iv) and (v) Section 7, and is declared by a court to be under such disability as hereinafter provided, or becomes subject to the disability mentioned in clause (iii) or (v) of Section 7 or ceases to profess the Hindu Religion, he shall cease to be a member.
- (2) Any person interested may apply to the District Court, Trivandrum, for an order that a member of the Board has come subject to any of the disabilities stated in clauses (i), (ii), (iii), (iv), (v) and (vi) of Section 7 and the court may, after making such enquiry as it deems fit, by order determine whether or not such member is disqualified.
- (3) An appeal shall lie to the High Court against an order under sub-section (2) and such appeal shall be heard and disposed of by a Division Bench.
- (4) Until an application has been made under sub section (2) and final orders are passed thereon, the member who is alleged to be subject to the disabilities stated in clauses (i), (ii), (iii), (iv), (v) and (vi) of Section 7, shall be entitled to act as if he were not disqualified.
9. (1) A member of the Board may be removed from his office by the High Court on the ground of proved misbehaviour or incapacity on an application made to the High Court as provided in sub-section (2).

Explanation :-

If a member does any act which is intended or is likely to endanger communal harmony or which tends to promote feelings of enmity or hatred between different classes of citizens in the state, he shall for the purposes of sub-section (1) be deemed to be guilty of misbehaviour.

- (2) Any such application may be made to the High Court by the Advocate-General or a person belonging to the Hindu Community.
 - (3) Such application shall be heard by a single Judge of the High Court in the first instance. Where it appears to him after such preliminary enquiry as he deems necessary, that there is no *prima facie* case, he shall reject the application and may make such order as to costs as he deems proper. Where he is of opinion that there is a *prima facie* case, he shall, after recording his reasons therefore, refer the application to a Division Bench. The Division Bench shall, after such enquiry as it deems fit, pass final orders thereon and make such orders as to costs as it deems proper.
 - (4) The court fee payable in respect of an application under sub-section (1) shall be Rs. 100.
10. (1) Every member of the Board shall be entitled to hold office for a period of four years from the date of his nomination or election as the case may be.
- (2) A member of the Board may, by writing under his hand, addressed to the Raj Pramukh, resign his membership.
 - (3) A member of the Board shall on the expiration of his term of office continue in office until the vacancy caused by the expiration of his term of office is filled up.
 - (4) A person ceasing to be a member of the Board by reason of the expiration of his term of office shall, if he is otherwise qualified and is free from any disqualification, be eligible for re-nomination or re election.
 - (5) When the office of a nominated or elected member of the Board becomes vacant, a new member shall be nominate or elected, as the case may be, in his place in accordance with the provisions contained in Part I of

this Act and such member shall hold office so long as the member in whose place he is nominated or elected would have held office had such vacancy no occurred.

11. The members of the Board may at its first meeting elect one of its members as its President. In case of equality of votes the Ruler of Travancore may nominate one of the membersthe Board as its President.

12. The President and members of the Board shall receive such honoraria as the Board may decide subject to a maximum of Rs. 450 per mensem in the case of the President and Rs. 400 per mensem in the case of each of the orther two members.

13. (1) The Board shall have an office in Trivandrum for the transaction of business to which all communications and notices to the Board may be addressed.
- (2) The meetings of the Board shall be presided over by the President and if he is not present, by a member authorised bt him to preside.
- (3) No business shall be transacted at any meeting unless two members are present.
- (4) In case of difference of opinion among the members the question before the Board shall be decided by a majority of votes; and where the votes are equally divided; the President or the person presiding shall have a second or casting vote.
14. (1) The Board shall have a Secretary who shall be the convener of the meetings of the Board.
- (2) The Secretary shall keep the minutes of the Proceedings of each meeting in a book to be kept for the purpose which shall be signed by the President or the person presiding and the members present at such meeting.
15. (1) Subject to the provisions of Chapter III of this Part, all rights, authority and jurisdiction belonging to or exercised by the Ruler of Travancore prior to the first day of July 1949 in respect of Devaswoms and Hindu Religious Endowments shall vest in and be exercised by the Board in accordance with the provisditions of this Act.

- (2) The Board shall exercise all power of direction, control and supervision over the incorporated and unincorporated Devaswoms and Hindu Religious Endowments under their jurisdiction.

16. The Board shall, subject to the provisions of Part I of this Act, exercise, supervision and control over the acts and proceedings of all officers and servants of the Board and of the Devaswom Department.

17. The Board, may, subject to such conditions as may be prescribed, make bye-laws not inconsistent with Part I of this Act or the rules made thereunder as to-

- (a) the division of duties among the members of the Board;
- (b) the procedure and conduct of business at the meetings of the Board;
- (c) the books, registers, and accounts to be kept at the office of the Board;
- (d) the form and manner of applications to the Board;
- (e) the security, if any, to be furnished by the officers and servants of the Board; and
- (f) generally for the conduct of all proceedings and business of the Board under Part I of this Act.

CHAPTER - III

SREE PADMANABHASWAMY TEMPLE

18. (1) Out of the amount of fifty-one lakhs of rupees provided for payment to the Devaswom Fund in Article 238 (10) (ii) of the Constitution of India, a contribution of six lakhs of rupees shall be made annually towards the expenditure in the Sree Padmanabhaswamy Temple.
- (2) The administration of the Sree Padmanabhaswamy temple, the Sree Pandaravarga properties and all other properties and funds of the said temple vested in trust in the Ruler of Travancore and the sum of six lakhs of rupees mentioned in sub-section (1) shall be conducted, subject to the control and supervision of the Ruler of Travancore, by an executive officer appointed by him.
19. Suits by or against the Sree Padmanabhaswamy Temple or in respect of its properties shall be instituted in the name of the said Executive officer.
20. There shall be a Committee known by the name of the Sree Padmanabhaswamy Temple committee to advise the Ruler of Travancore in the discharge of his functions. The Committee shall be composed of three Hindu members who shall be nominated by the Ruler of Travancore and shall hold office for such term as he may determine.
21. (1) The Ruler of Travancore shall nominate one of the members to be the Chairman of the Committee.
- (2) The Committee shall meet at least once in a quarter in Trivandrum.
- (3) The members of the Committee shall be paid such travelling allowance and sitting fee as the Ruler of Travancore may from time to time determine.
22. (1) The Executive Officer of the Temple shall be the Secretary to the Committee.
- (2) The Secretary shall convene the meetings of the Committee on such dates as may be fixed in consultation with the Chairman. He shall, after consulting the Chairman, prepare the agenda and give the members notice of the day of time when the meeting is to be held and of business to be transacted there at.
- (3) A copy of the minutes of the proceedings of every meeting shall be communicated by the Chairman to the Ruler of Travancore.
23. Until other arrangements regarding the management of the Sree Pandaravarga Properties and the collection of revenues therefrom shall continue as heretofore.

CHAPTER - IV

DEVASWOMS.

Incorporated Devaswoms

24. The Board shall, out of the Devaswom Fund constituted under Section 25, maintain the Devaswoms mentioned in Schedule I, keep in a state of good repair the temples, buildings, and other appurtenances thereto, administer the said Devaswoms in accordance with recognised usages, make contributions to other Devaswoms in or outside the State 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.

- 25 (a) The Devaswom Fund constituted for the Devaswoms mentioned in Schedule I shall consist of -
- (1) the sum of fiftyone lakhs of rupees mentioned in Article 238 (10) (ii) of the Constitution of India as payable to the Devaswom Fund;
 - (2) the moneys realised from time to time by the sale of movable properties belonging to the said Devaswoms;
 - (3) all voluntary contributions and offerings made by devotees;
 - (4) Profits and interest received from investments of funds belonging to the said Devaswoms; and
 - (5) all other moneys belonging to or other income received by the said Devaswoms.
- (b) Out of the sum fifty one lakhs of rupees mentioned in clause (1) of the preceeding sub-section, an annual contribution of six lakhs of rupees shall be made by the board towards the expenditure in the Sree Padmanabhaswamy Temple.
26. (1) The unspent balance of each year out of the Devaswom Fund constituted under Section 25 or such portion of it as may be determined by the Devaswom Board, shall be added on to the Devaswom Surplus Fund. The Devaswom Surplus Fund shall be administered, subject to the Direction and control of the Board, by the Devaswom commissioner appointed by the Board.

- (2) Subject to such rules as may be prescribed in this behalf and with the special sanction of the Board, the Devaswom Commissioner shall have power, where it becomes necessary for any of the Devaswoms mentioned in Schedule I to purchase property, movable or immovable, with moneys from the Devaswom Surplus Fund, and hee shall likewise and with the like sanction have power to take, hold, manage or assign on lease any property vested in or belonging to the Devaswom Surplus Fund and to do all other acts incidental to the management of such property.
- (3) The Board may make rules prescribing the restrictions, limitations and conditions subject to which assignments of property on lease could be made.

27. Immovable properties entered or classed in the revenue records as Devaswom Vaga or Devaswom Poramboke and such other Pandaravaga lands as are in the possession or enjoyment of the Devaswoms mentioned in schedule I after the 30th Meenam 1097 corresponding to the 12th April 1922 shall be dealt with as Devaswom properties. The provisions of the Land Conservancy Act of 1091 (IV of 1021) shall be applicable to Devaswom lands as in the case of Government lands.

- 28. (1) The Board shall have absolute control over the holders of all Karanma service and also over all the properties, Thiruppuvarams and other emoluments attached thereto.
- (2) Whenever it is reported that owing to incompetency, negligence or other cause, any Karanma service is not being regularly performed, or that an alienation of Karanma service or of the property, Thiruppuvaram or other emolument attached thereto, has been effected by the Karanma holder or by any member or members of the Karanma family, the Board shall give due notice of the charge to the head of the family and the next senior member, and also to such other members of the Karanma family as the said Board may deem necessary, and if after hearing their objections, if any, the Board is satisfied that there has been an alienation of the Karanma service or of the property or of the Thiruppuvaram or of the other emoluments attached thereto or that there has been a failure to perform the service properly or regularly the Board shall suspend, remove, determine, cancel or deal with in any other manner the Karanma, right of the family to the service.

- (3) All alienation of Service Inam lands attached to specific services which have been or which may hereafter be made contrary to pass usage shall be treated as null and void. The Board shall have power to resume Service Inam lands attached to specific services if such lands are alienated or if the holders of such lands make default in the performance of the services:

Provided that the Board may in its discretion deal with such lands and the services connected therewith in any other manner it may deem fit.

- (4) Any person deeming himself aggrieved by any decision passed under sub-sections (2) and (3) may, within a period of one year from the date of such decision, institute in the District Court within whose jurisdiction the property is situate a suit to establish the right which he claims in respect of the property:

Provided that, subject to the result of the suit, if any, the decision of the Board passed under sub-section (2) and (3) of this section shall be final.

29. (1) The Devaswom Department constituted in 1097 shall continue and shall consist of such number of Hindu officers and other servants as may be determined from time to time by the Board.
- (2) The Devaswom Department shall, subject to the supervision, direction and control of the Board, be under the Devaswom Commissioner who shall be appointed by the Board. He shall be a person professing the Hindu religion.
- (3) The Devaswom Commissioner shall be the Chief Executive Officer of the Department of Devaswoms and Hindu Religious Endowments.
- (4) The expenditure in connection with the said Department shall be met out of the Devaswom Fund mentioned in Section 25.
- (5) Appointments in the administrative service in the Devaswom Department shall be made by the Board in accordance with such rules as may be prescribed.

Unincorporated Devaswoms

30. The properties and funds of the unincorporated Devaswoms shall be kept district and separate as heretofore and shall not be utilised except for the purposes of those Devaswoms.

Management of Devaswoms

31. Subject to the provisions of this Part and the rules made thereunder the Board shall manage the properties and affairs of the Devaswoms, both incorporated and unincorporated, as heretofore, and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage.

Audit

32. (1) The Board shall keep regular accounts of all receipts and disbursements in respect of the institutions under its administration.
- (2) The accounts of the Board shall be audited annually.
- (3) the audit shall be made by auditors appointed by the High Court.
- (4) Every auditor appointed under this Section shall be deemed to be a public servant within the meaning of Section 15 of the Travancore Penal Code.
- (5) After completing the audit for any year or for any shorter period or for any transaction or series of transactions, as the case may be, the auditor shall send a report to the High Court.
- (6) The auditor shall specify in his report all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the Board or to the institutions under their management or of loss or waste of money or other property thereof caused by neglect or misconduct.
- (7) The auditor shall also report on any other matter relating to the accounts as may be prescribed or on which the High Court may require him to report.
- (8) The High Court shall send to the Board a copy of every audit report and it shall be the duty of the Board to remedy any defects or irregularities pointed out by auditor and report the same to the High Court.
- (9) If, on a consideration of the report of the auditor or otherwise, the High Court thinks that the Board or any member thereof was guilty of misappropriation or wilful waste of the funds of the institutions or of gross neglect resulting in a loss to the institutions under the management of the Board, the High Court may, after giving notice to the Board or the member as the case may be, to show cause why an order of surcharge should not be

passed against the Board or the member, and after considering the explanation, if any, pass an order of surcharge against the Board or the member as the case may be.

- (10) The order of surcharge may be executed against the member or members concerned of the Board as if it were a personal decree passed against them by the High Court.
 - (11) An order of surcharge under this section shall not bar a suit for accounts against the Board or the member concerned except in respect of the matter finally dealt with by such order.
 - (12) A copy of the audit report shall be supplied to any person who duly applies for the same.
33. (1) The Board shall in each year prepare a budget for the next financial year showing the propable receipts and disbursements of the incorporated, and unincorporated Devaswoms and Hindu Religious institutions under the management of the Board during that financial year. The Board shall also within two months of the commencement of each financial year submit to the Ruler of Travancore such number of copies of the budget so prepared as the Ruler may direct.
- (2) The Board shall in each financial year prepare an annual administration report of the working of the Board during that year and shall within three months of the commencement of the next financial year submit to the Ruler of Travancore such number of copies of the said report as the Ruler may direct.

Deposit and investment of Funds.

34. Subject to the other provisions of this Part the Board may invest or deposit the funds of the incorporated and unincorporated Devaswoms-

- (a) in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934; or in any State treasury; or
- (b) in Promissory Notes, Debentures, Stocks or other securities of the Government or the Government of India; or
- (c) in Stocks or Debentures or shares in Railway or other companies, the interest whereon shall have been guaranteed by the Government or the Government of India.

Rules

35. (1) The Board may make rules to carry out all or any of the purposes of this Act not inconsistent there with.
- (2) In particular and without prejudice to the generality of the foregoing power, the Board shall have the power to make rules with reference to the following matters:-
- (a) all matters expressly required by this Act to be prescribed;
 - (b) regulating the scale of expenditure of incorporated and incorporated Devaswoms and of Hindu Religious Endowments under the management of the Devaswom Board;
 - (c) the maintenance and auditing of the accounts of incorporated and unincorporated Devaswoms and Hindu Religious Endowments;
 - (d) submission of budgets, reports, accounts, returns or other information by the Devaswom Department to the Board;
 - (e) the method of recruitment and qualifications, the grant of salaries and allowances, the discipline and conduct of officers and servants of the Board and of the Devaswom Department and generally the conditions of their service;
 - (f) the establishment of provident funds and the grant of pension for the officers and servants of the Board and of the Devaswom Department;
 - (g) the grant of travelling and halting allowances to the members of the Board and the Officers of the Devaswom Department.
- (3) The power to make rules shall be subject to the conditions of previous publication.
- (4) Until rules are made under sub-sections (1) and (2) the rules in force before the 1st day of July 1949 shall, so far as may be, continue to be in force.

CHAPTER - V
THE ASSUMPTION OF HINDU RELIGIOUS ENDOWMENTS
IN CERTAIN CASES.

36. It shall be competent to the Devaswom Commissioner by a notice to call upon the trustees or managers of any Endowment falling under the definition in Section 2, clause (b) to submit periodical accounts of income and expenditure or lists of properties, jewels, vessels, furniture or other things belonging to the Endowments under their charge or depute any officer of the Devaswom Department to examine and verify the same.

It shall also be competent to the officer so deputed to call upon the trustees and managers by a notice to furnish him with all the accounts or other records or information he may require for the purpose of examination and verification and also to assist him in the examination of accounts and movable property.

The notice shall be served in the manner prescribed by the Code of Civil Procedure for the time being in force for the service of summons.

Where the officer deputed under this Section finds that any movables are likely to be removed or misappropriated, he shall make an immediate report to the Devaswom Commissioner taking such steps for their temporary safe custody as may be necessary. On receipt of such report, the Devaswom Commissioner may, after hearing the parties concerned, pass such orders as he may think proper.

Any trustee or manager who wilfully or contumaciously disobeys any order passed by the Devaswom Commissioner or any notice issued under this Section shall be deemed to have committed an offence under Section 181 of the Travancore penal Code and he shall be liable to be prosecuted therefor.

"Trustee" shall mean, for the purposes of this Chapter the person or persons in whom the administration of the affairs of a religious endowment is vested in trust of holding any property in trust therefor, by whatever designation such person or persons may be known.

37. (1) The Board may assume the management of Hindu Religious Endowments in the Cases following:-
- (a) On the application and the request by a majority consistin of not less than two-thirds of the trustees, or of the donors in cases where the donors have reserved to themselves the power of appointing and dismissing trustees.

- (b) On the refusal of the trustees to continue in the trusteeship or on their own admission of incapacity to continue in the trust management.
- (c) In cases where the Ruler of Travancore had the right to take part in the management by appointment of certain officers or servants according to existing usages, if the trustees have failed to carry on their duties properly and in the best interests of the institution.
- (d) In cases where the Ruler of Travancore had the right to succeed to the right of management, in part, by reason of escheat of trustees, if the remaining trustees have failed to carry on their duties properly and in the best interests of the institution.
- (e) In cases of proved mismanagement although the institutions do not fall under clause (c) or clause (d) of this sub-section.

Explanation : The word "donors" includes the legal representatives of the donors.

- (2) Notwithstanding anything contained in sub-section (1) the Board may, instead of assuming management, exercise such superintendence in the management over any institution to which this Part applies as to best fulfil the objects of the trust, if the trustees have failed to carry on their duties properly and in the best interests of the institution.
- (3) The Board may make rules for the purpose of carrying into effect the provisions contained in sub-section (2)
- (4) Any person deeming himself aggrieved by an order of assumption passed on any of the grounds mentioned in clause (c), (d) and (e) of sub-section (1) of this section may, within a period of six months from the date of the publication of the order of assumption in the Gazette, institute in the District Court, within whose jurisdiction the subject matter is situate, a suit against the Board to set aside such order:

Provided that subject to the result of the suit, if any, the order of assumption shall be final.

- 38. (1) Before assuming or exercising superintendence in the management of any Hindu Religious Endowment under the provisions of this Chapter, the Devaswom Commissioner shall require an officer of the Devaswom Department not inferior in rank to a Devaswom Assistant Commissioner to enquire into the affairs of

such endowment and to submit a full report. It on such report and after hearing the parties interested or affected, the Devaswom Commissioner be satisfied that a condition precedent as set fourth in section 37 exists he may pass such order for assumption or superintendence as enabled by that Section. The order passed shall be notified in the Gazette. From the lapse of eight weeks from the date of such notification the Devaswom Commissioner may carry out the order in such manner as seems best in the circumstances of each case and make arrangements for the proper management of the endowment subject to the provisions of this Chapter:

Provided that no order involving assumption of the management of any instution under this section shall be passed except with the previous sanction of th Board.

- (2) Where an order is passed under sub section (1), the Devaswom Commissioner may pass such other or further orders as he may deem necessary, incidental or conducive to the carrying out of the order, including orders for the search or seizure of the keys, jewels, vessels, furniture, records and other properties, movable or immovable, belonging to the said institution, or for the transfer of their possession to such person or persons as the Devaswom Commissioner may direct.
- (3) If a trustee or servant of any institution or any other person knowing that an order under sub-section (1) or sub-section (2) has been passed,disobeys any direction contained in such order or otherwise fails to comply with the requirements of the said order within in the period prescribed in such order, or if no such period is prescribed, within a reasonable time the trustee or servant shall be deemed to have committed an offence under Section 181 of the Travancore Penal Code and he shall be liable to be prosecuted therefor.

39. Enquires under Section 38 of this Act shall be conducted in the presence of the parties interested in such inquiry or their authorised agents, and the officers inquiry shall have the powers of a civil court for summoning and enforcing the attendance of witnesses or causing the production of documents or the administering of oaths to persons summoned and the examination of persons summoned as witnesses.

40. In case where the Board assumes the management, the institution shall be managed in the same manner as institutions of the same class, subject to the provisions of any scheme, canons or usages, if any, established by the founder or founders.

41. Where the Board exercises the power of superintendence over institutions referred to in sub-section (2) of Section 37, the Board may, if satisfied that the removal or dismissal of a trustee or trustees, is necessary in the best interests of the institution remove such trustee or trustees and where such trustee-ship is hereditary, shall appoint a competent adult male member of the family in which such trustee-ship is hereditarily vested, and in other cases shall make the appointment in consonance with the scheme of management, if any existing in such institution or the usages of such institution.

Provided that, where no competent adult male member of the family is available, the Devaswom Commissioner may, with the sanction of the Board, appoint a proper person to be trustee.

42. (1) For the effective superintendence of endowments referred to in sub-section (2) Section 37 the Devaswom Commissioner may, with the sanction of the Board, either appoint officers of the Devaswom Department or a committee consisting of such officials and non-officials.
- (2) The Devaswom Commissioner may, with the sanction of the Board, from time to time, pass rules regularizing the constitution and the duties of committee, the qualification of members and other matters connected therewith.
- (3) In cases where the trustee-ship is conferred by election, the Devaswom Commissioner may, with the sanction of the Board, pass rules regulating such election.

43. The Devaswom Commissioner may with the previous sanction of the Board, withdraw from the management or Superintendence of any endowment assumed under the provisions of this Chapter or any other law and restore the same to the original donors or trustees or their representatives if he is satisfied that such a measure is desirable in the interests of the institution, subject to such conditions as he may deem fit to prescribe at the time of restoration.

44. All expenses which may have to be incurred in carrying out the provisions of this Chapter may be defrayed out of the funds of the institutions or endowments concerned according to rules to be made from time to time by the Devaswom Commissioner with the previous sanction of the Board.

45. In cases where the rent roll is settled and the liability of each tenant is definitely recorded after due enquiry, or where there are written agreements between the institutions or endowments and the tenant, fixing the amount of rent and other dues, or the claim to the rent or other dues is admitted by the tenant or established by the decision of a competent civil court the rents and other dues of any Hindu Religious Endowment may be collected as arrears of public revenue under the provisions of the Revenue Recovery Act for the time being in force.

46. It shall be competent to the Devaswom Commissioner to prescribe the necessary forms for accounts, statements and returns to be submitted by trustees, officers of the Devaswom Department or committees under this Chapter and with the previous sanction of the Board, to frame rules from time to time for the carrying out of the purpose of the provisions of this Chapter and they shall be published in the Gazette and thereupon shall have the force of law.

47. No action for damages shall lie against any officer of the Devaswom Department or any of the members of the committee appointed under the provisions of this Chapter or against any person acting under or in pursuance of the authority conferred by the provisions of this Chapter for any act bonofide done or ordered to be done under the provisions of this Chapter.

Provided that this Section shall not bar the institution by any person of any suit for the establishment or declaration of any right affected by any act or order done or passed under the provisions of this Chapter.

48. All endowments falling under this Chapter shall be treated as Corporation sole and shall sue and be sued in the name of the actual manager thereof known as Samudayam, Manushyam Adhikaeir or by any other name whether or not such manager has the power of entering into contracts binding the endowment.

49. Nothing in this Chapter shall be taken as in any manner affecting the provisions of Section 72 of the Travancore Code of Civil Procedure (Act VIII of 1100) or the right, if any, possessed or enjoyed by any person to share in the income of an endowment.

50. All unassigned lands belonging to any Devaswom under the sole management of the Board shall be deemed to be the property of the Government for the purpose of the Land Conservancy Act of 1091 (IV of 1091) and all the provisions of that Act shall, so far as they are applicable, apply to such lands.

51. (1) The Board may, on receipt of a report from the Devaswom Commissioner after such enquiry as he may deem fit, declare that the purpose of a Hindu Religious Endowment falling under the definition in Section 2, clause (b) has from the beginning been, or has subsequently become, impossible of realisation, or that the machinery for effectuating the original purpose of the endowment has failed or no longer exists, or that, after satisfying adequately the purposes of the endowment and after setting apart a sufficient sum for the repair and renovation of the building connected with the endowment, there is a surplus which is not required for such purposes; and may, by such order, direct that the amount of the endowment, or such surplus as is declared to be available as the case may be, be appropriated to religious, educational or charitable purposes not inconsistent with the objects of such endowment.

Provided that in the case of an institution founded and maintained by a community, the amount of the endowment or the surplus shall, as far as possible, be utilised for the benefit of the community for the purposes mentioned above.

- (2) It shall be competent for the Board, when giving a direction under sub-section (1), to determine what portion of such amount or surplus shall be retained as a reserve fund for the institution and to direct the remainder to be appropriated to the purposes specified in that sub-section.
- (3) The Board may at any time by order and in the manner provided in sub-section (1) modify or cancel an order passed under that sub-section.
- (4) All orders passed under this Section shall be published in the Gazette.

CHAPTER - VI

MISCELLANEOUS.

52. All public officers having custody of any record, register, report of other document relating to incorporated and unincorporated Devaswoms or Hindu Religious Endowments or any movable or immovable property thereof shall furnish the same, or such copies of or extracts from the same, as may be required by the Devaswom Commissioner or any other Officer of the Devaswom Department authorised by him in this behalf.

53. The President of the Board may grant copies of proceedings or other records on payment of such fees and subject to such conditions as may be determined by the Board, or by such officer of the Devaswom Department as may be authorised by him in this behalf, in the manner provided in Section 76 of the Travancore Evidence Act.

54. Any legal proceedings taken on behalf of or against the incorporated and unincorporated Devaswoms and Hindu Religious Endowments may be continued by or against the Board. Any amount, including costs, under any decree or order of court obtained for or on behalf of any incorporated or unincorporated Devaswom or Hindu Religious Endowment shall be recoverable by the Board.

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- (1) No suit shall be instituted against the board or the executive officer of the Sri Padmanabhaswamy Temple until the expiration of two months after a notice in writing has been delivered or left at the office of the Board, or of the Executive Officer, as the case may be, stating the cause of action, the relief sought, and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.
 - (2) Notwithstanding anything contained in any other law for the time being in force, suits or other proceedings by or against the Executive Office of the Sri Padmanabhaswamy Temple or the Travancore Devaswom Board shall be instituted in the District Court having local jurisdiction.

56. All costs and expenses incurred in connection with legal proceedings in respect of incorporated and unincorporated Devaswoms and Hindu Religious Endowments to which the Board is a party shall be payable out of the Devaswom Fund or the funds of the unincorporated Devaswoms or the Hindu Religious Endowments concerned, as the case may be.

57. Notwithstanding any provision in Part I of this Act, the law of limitation applicable to suits in respect of claims which have arisen till the date of commencement of this Act, for and on behalf of the Sree Padmanabhaswamy Temple or the incorporated and unincorporated Devaswoms and Hindu Religious Endowments which are under the management of the Board shall be the law of limitation applicable to suits by Government.

58. The Travancore Devaswom Board may, from time to time, by Notification in the Gazette, amend, alter or add to Schedule I.

59. The members of the Board and officers and servants of the Devaswom Department, the members of the Sree Padmanabhaswamy Temple Committee and the Executive Officer and other officers and servants of the said temple shall be deemed to be public servants within the meaning of Section 15 of the Travancore Penal Code.

60. The Hindu Religious Endowments Act of 1079 (Act III of 1079), and the Devaswom Proclamation of 1121, with all subsequent amendments thereto and the Proclamation dated 29th Medom, 1088, are hereby repealed.