

Bill No. LXI of 2019

**THE HINDU SHRINES AND RELIGIOUS PLACES (MANAGEMENT
AND REGULATION) BILL, 2019**

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BILL

*to provide for management, protection, administration and governance of Hindu shrines
and religious places in the country and for matters connected therewith
or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Shrines and Religious Places (Management and Regulation) Act, 2019.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

10 (a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government.

(b) "Board" means Hindu Shrine Board constituted under section 4 of the Act;

(c) "*chadhawa*" means offerings made by the pilgrims at Hindu shrines and religious places including the offering made to anyone within the precincts of such shrines and places;

(d) "endowment" means all properties, movable or immovable belonging to or endowed for the maintenance, improvement, addition to or worship in the specified shrines or for the performance of any service or charity within the precinct of the shrines and lands and buildings attached or appurtenant thereto;

(e) "endowment fund" means the income or revenue received or receivable on account of any specified shrines and includes all donations, offerings and gifts as are received on behalf of or for the benefit of any specified shrines by the Management Committee or any other persons authorized by the committee as the case may be;

(f) "Hindu" means a person professing Hindu religion who is born at any place in India and also includes those persons who are born in the families of such person and are residing outside the country;

(g) "Hindu shrines and religious places" means the shrines temple, *ashram*, *devals*, *mutts* endowments, springs and hillocks and includes other religious places and shrines properties, both movable and immovable worshipped by Hindus;

(h) "Management Committee" means any Body or Authority or Committee, constituted under section 7, having the power to direct or control any or all of the operations of a place of worship;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "service" means a person who is in service of a religious place of worship if he or she has either been authorized by the Managing Committee or has been traditionally doing any type of work, either full-time or part-time, at or in relation to the Hindu shrines and religious places, irrespective of whether he or she is receiving or not receiving any remuneration for the work.

Survey of
Hindu shrines
and religious
places.

3. (1) The Central Government may, by notification in the Official Gazette, appoint one or more Special Officers in every State, as may be necessary, for the purpose of making a survey of Hindu shrines and religious places in every State.

(2) The Special Officers shall be empowered to call for any information, document or record from any functionary of the appropriate Government or any other person or authority as may be considered necessary, for conducting the survey and shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.

(3) The Special Officer shall, after making such inquiry as he may deem necessary, submit a report to the Central Government in such manner, as may be prescribed.

(4) Any person aggrieved by an order of the Special Officer may prefer an appeal to the appropriate Government within sixty days from the date of the order.

Establishment
of the Board.

4. (1) The Central Government shall by notification in the Official Gazette, constitute a Hindu Shrine Board to exercise the powers conferred on, and to perform the functions assigned to it, under the Act.

(2) The Board shall consist of a Chairperson and ten other members who shall be appointed by the Central Government in such manner as may be prescribed.

(3) The Board shall be a body corporate having perpetual succession and a common seal.

(4) The head office of the Board shall be at New Delhi.

(5) The Chairperson and members of the Board shall hold office for a period of three years and shall be eligible for re-nomination as the case may be,

(6) The Board shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

5 (7) The Board shall appoint such officers as it considers necessary with such designations, pay, allowances and other remuneration, from time to time as may be prescribed.

(8) The Board shall comply with such direction as may, from time to time, be given to it by the Central Government.

5. The functions of the Board shall be to,—

Functions.

10 (a) administer, manage and regulate the Hindu Shrines and religious places to preserve, protect and use the properties in accordance with the provisions of the Act;

(b) manage and administer the endowment fund in accordance with the provisions of the Act;

15 (c) arrange for the proper performance of worship at the shrine and to provide facilities to the pilgrims;

(d) undertake developmental activities concerning the area of the shrine and its surroundings including construction of buildings, sanitary work etc. for the benefit of pilgrims;

(e) make provisions of medical relief for pilgrims;

20 (f) make provisions for the payment of salaries, allowances and other payments to the staff from the endowment fund;

(g) make provisions for relief to the indignant and the destitute; and

(h) do all such other things as may be necessary under the Act.

25 **6.** The members of the Board shall be individually and collectively liable for the loss, waste or misappropriation of the endowment fund, if such loss, waste or misappropriation is a direct consequence of his willful act or omission and a suit for compensation may be instituted against him by the Board.

Liability of members.

30 **7. (1)** There shall be established a Management Committee for every State consisting of a Chairperson and nine members who shall be appointed by the appropriate Government in such manner as may be prescribed.

Establishment of Management Committee.

(2) The Chairperson and members of the Management Committee shall hold office for a period of three years and shall be eligible for re-nomination as the case may be,

(3) The provisions of the Act relating to the meeting of the Board shall apply, *mutatis mutandis* for conducting the meeting of the Management Committee.

35 (4) Subject to overall superintendence and control of the Board, a Management Committee shall have the same functions and exercise the same powers within the jurisdiction of the State concerned as are vested in the Board under section 5.

40 **8. (1)** It shall be lawful for the Board or the Management Committee or any other person authorized by the Board or the Management Committee in this behalf to seek or receive any donation, grants, offerings and *chadhawa* against proper receipts and the donations, grants, offerings and *chadhawa* so received shall be deposited in the endowment fund.

Endowment fund.

45 (2) The Board or the Management Committee, as the case may be, shall have the power to borrow money or raise loans for carrying out the objectives of the Act from banks, financial institutions and other corporate bodies and also have the powers to invest money not immediately required in such security, bonds, etc. as it may deem proper and necessary.

(3) Whoever solicits or receives any donations, grants, offerings and *chadhawa* in the name or on behalf of the Board or the Management Committee in contravention of the provisions of the Act shall be punishable with a fine which may extend to twenty thousand rupees or two times of the amount received, whichever is higher.

Penalty. **9.** (1) Whoever violates any provision of this Act shall be punishable with imprisonment for a term which may extend upto three years and fine or both. 5

(2) Misuse of income or asset of a Shrine or any religious place of worship as well as use of such income or asset without due authorization from the Board or the Management Committee shall be an offence under sub-section (2).

Bar to suits or proceedings. **10.** No suit or other proceedings shall lie in any court against the Board or its officers for anything done or purported to be done in good faith by it under this Act. 10

Audit and Annual report. **11.** (1) The accounts of the Board and the Management Committee for a financial year shall be audited annually by the Chartered Accountant to be appointed by the Board or the Management Committee as the case may be.

(2) The Board shall annually prepare a report on the administration of the affairs of the Shrine or any religious place of worship and submit it to the Central Government. 15

(3) The Central Government shall cause the annual report along with the statement if any laid in both the Houses of the Parliament.

Savings. **12.** The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force. 20

Power to make rules. **13.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India is known for its temples as much as it is known for the cultural diversity. The Hindu religious places of worships like shrines, mandirs, abodes of particular idols, *mutts*, *devals*, *gaushalas*, *dharmshalas*, etc. are all well known and recognized by the Indian law. Constitutionally, India is secular country and has not State religion. However, it has developed over the years its own unique concept of secularism and is fundamentally different from the parallel concept of secularism requiring complete separation of Church and the State. Freedom of religion is guaranteed by the Constitution of India as a group right under article 26, 29 and 30 but right cannot be enjoyed in an absolute unrestricted way.

In India, many State Governments have taken over many Hindu shrines and religious places of worship. In many cases, Government representatives and nominees sit on the controlling bodies of these shrines and religious places of worship. In the absence of any norm or law in this regard, the principles of secularism are often violated. The Supreme Court has set the Constitutional parameters on the scope of the Government intervention in the day to day management of Hindu religious places of worship and opined that takeover of a Hindu shrines and religious places must be for a fixed period as it allows misappropriation of temple wealth, lands, and diversion for funds for non religious purposes. Therefore, the management of the temple must be handed back after the evil has been remedied.

It is, therefore, felt that a Central law is needed to make sure that the Hindu shrines and religious places of worship are independent and the funds collected by any Hindu shrines and religious places of worship are used in line with the tenets of Hindu religion or sect or community. Prominent persons and religious persons of a religion or sect or community have a say in managing affairs of their religious institutions and places of worship, and persons misusing religious institutions and places of worship for their personal ends should be punished.

Hence this Bill.

AJAY PRATAP SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Hindu Shrine Board including its Chairperson, Members and appointment of staff and empowers the appropriate Government to provide salaries and allowances for the functionaries of the Board. Clause 7 provides for the establishment of the Management Committee for every State. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India in respect of Union Territories. It is estimated that approximately a sum of rupees five thousand crore will be met by the Central Government as recurring expenditure in respect of the Board falling under its jurisdiction.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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(Shri Ajay Pratap Singh, M.P.)