

Bill No. 271 of 2017

THE MANAGEMENT OF RELIGIOUS INSTITUTIONS AND PLACES
OF WORSHIP BILL, 2017

By

SHRI SHIVAJI ADHALRAO PATIL, M.P.

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BILL

to provide for management, operation and control of all aspects of religious institutions and places of worship, which are in direct or indirect control of State and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Management of Religious Institutions and Places of Worship Act, 2017.

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

(3) It shall come into force with immediate effect.

Short title,
extent and
commence-
ment.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "administrative control" means a religious institution or place of worship shall be deemed to be under the administrative control of the appropriate Government if the said Government appoints or nominates or has the right to nominate/appoint one or more persons on the Controlling Body or Management Committee of the religious institution or place of worship;</p> <p>(b) "Advisory Board" means a Board constituted under section 11;</p> <p>(c) "appropriate Government" means in case of a State, the Government that State and in all other cases, the Central Government;</p> <p>(d) "financial control" means a religious institution or place of worship shall be said to be under the financial control of the appropriate Government if the said Government instructs or directs or has the right to direct/instruct about the manner in which funds collected or earned by the religious institution or place of worship are to be spend;</p> <p>(e) "financial year" means year from the 1st April of a year to 31st March of the subsequent year;</p> <p>(f) "Management Committee" in relation to a religious institution or place of worship means any Body or Authority or Committee, by whatever name called, having power to direct or control any or all of the operations of the religious institution or place of worship;</p> <p>(g) "place of worship" means any land or building which is considered sacred or holy by any community, sect or religion;</p> <p>(h) "prescribed" means prescribed by rules made under this Act;</p> <p>(i) "religious institution" includes any organization, association of persons, society, trust or board, which is either set up with the intention of carrying out religious activity/activities or is engaged in any religious activity;</p> <p>(j) "service" a person shall be said to be in service of a religious institution or 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 religious institution or place of worship, irrespective of whether he or she is receiving or not receiving any remuneration for the work.</p>	5 10 15 20 25 30
Exclusion.	<p>3. Nothing contained in this Act shall apply to any religious institution or place of worship, which is not under financial or administrative control of either a State Government or the Central Government.</p>	
Funds to be separate.	<p>4. Any fund or donation or gift, either in cash or kind, collected or received by any religious institution or place of worship shall not be treated as part of the fund of any Government or of any Government Institution or Government Society or Government Board.</p>	35
Government to be trustee.	<p>5. In case of any religious institution or place of worship to which this Act applies, the appropriate Government's role shall only be of a trustee responsible for ensuring that the funds, properties, estates and all assets of the religious institution or place of worship are used strictly in accordance with the tenets, wishes and aspirations of the religion or sect or community to which the religious institution or place of worship belongs.</p>	40
Publication of accounts.	<p>6. (1) The appropriate Government shall publish or cause to be published, within three months of the conclusion of a financial year, full accounts showing details of income, expenditure, assets, liabilities, investments, sale of assets, and any other matter that is necessary to give a true and fair picture of the finances of the religious institution or place of worship under its administrative or financial control during the relevant financial year.</p> <p>(2) If the income of a religious institution or place of worship exceeds rupees one lakh</p>	45

in any financial year, the accounts of the religious institution of place of worship shall be duly audited by a Chartered Accountant.

5 (3) Along with published accounts, it shall also be mandatory for the religious institution or place of worship to give details in respect of any income or assets of such institution or place of worship are used for personal benefit of any person in such manner as may be prescribed.

10 **7.** No person shall be appointed or nominated to the Managing Committee of any religious institution or place of worship or of a group of religious institutions or places of worship, unless the person being appointed or nominated declares to have full faith and devotion to the religion, sect or the deity to which the religious institution(s) or place(s) of worship belongs.

Persons on Managing Committee.

15 **8.** No person shall be appointed in the service of any religious institution or place of worship or of a group of religious institutions or places of worship, unless the person being appointed declares to have full faith and devotion to the religion, sect or the deity to which the religious institution(s) or place(s) of worship belongs.

Persons in service of religion institution or place of worship.

20 **9.** (1) The Managing Committee of religious institution or place of worship or of a group of religious institutions or places of worship shall have the right to remove any person from the Managing Committee or from service if it is proved to the satisfaction of the Managing Committee that the person concerned has acted in a manner that violates in any way whatsoever his/her declaration of full faith and devotion to the religion, sect or the deity to which the religious institution(s) or place(s) of worship belongs.

Right to remove on violation of declaration.

25 (2) In case the person to be removed by the Managing Committee under sub-section (1) has been appointed by the appropriate Government, the Managing Committee shall recommend to the Government for removal of such person and on receipt of recommendation, the Government shall within seven days of receipt of recommendation, remove the person.

(3) A person removed under sub-section (2) from the Managing Committee or the service of a religious institution or place of worship shall be ineligible for the appointment under the Government.

30 **10.** (1) The Managing Committee of a religious institution or place of worship or of a group of religious institutions or places or worship shall have the right to impose a code of conduct as well as a dress code for all members of the Managing Committee as well for all persons in service of the religious institution(s) or place(s) of worship.

Right to impose code of conduct.

35 (2) The Managing Committee of a religious institution or place of worship or of a group of religious institutions or places of worship shall have the right to remove any person from the Managing Committee or from service if it is proved to the satisfaction of the Managing Committee that the person concerned has acted in a manner that violates in any way whatsoever the code of conduct or dress code imposed by the Managing Committee.

40 (3) In case the person to be removed by the Managing Committee under sub-section (2) above, has been appointed by the appropriate Government, the Managing Committee shall recommend to the Government for removal of such person and on receipt of recommendation, the Government shall, within seven days of receipt of recommendation, remove the person.

45 (4) A person removed under sub-section (3) from the Managing Committee or the service of a religious institution or place of worship shall be ineligible for reappointment under the Government.

11. The appropriate Government shall, by notification in the Official Gazette, constitute an Advisory Board for deciding policies and rules in respect of management and activities of religious institutions or places of worship of any particular religion, sect, deity or community.

Constitution of Advisory Board.

Explanation.—The appropriate Government may constitute as many Advisory Boards as may be necessary for giving effects to the provision of this Act.

Members of
Advisory
Board.

12. (1) Every Advisory Board shall have one Chairperson, one General Secretary and such number of members, as may be specified by the appropriate Government.

(2) The criterion for appointment as the Chairperson, General Secretary and members of the Advisory Board shall be such as may be prescribed by the appropriate Government from time to time. 5

(3) In case an Advisory Board relates to religious institutions and places of worship or more than one sect, reasonable representation to all sects, to which the Board relates, shall be provided. 10

(4) No Government functionary or Officer or employee shall be eligible for nomination as the Chairperson, General Secretary or member of any Advisory Board.

Functions of
Advisory
Board.

13. (1) The Advisory Board shall not be involved in day-to-day management or operations of any religious institution or place of worship.

(2) The Advisory Board will only frame rules and policies, which shall be binding on all religious institutions and places of worship in the State of the particular religion, sect, deity or community for which the Advisory Board has been constituted. 15

(3) The Advisory Board shall be responsible for supervision and control including audit of finances of Managing Committees of all religious institutions and places of worship in the State of the particular religion or sect or deity or community for which the Advisory Board is constituted. 20

Supervision
and control of
Managing
Committees.
Irregularities
by Managing
Committee.

14. The salaries and allowances and terms and conditions of services of the Chairperson, General Secretary and other members shall be such as may be prescribed by the appropriate Government.

15. (1) In case the Advisory Board detects irregularities in the working of any Managing Committee of a religious institution or place of worship in the State of a particular religion or sect or deity or community for which the Advisory Board is constituted, the Board shall issue a warning to the concerned Managing Committee. 25

(2) If the Advisory Board is of the opinion that the irregularity is of serious nature or the Managing Committee has ignored the warning and has continued with the irregularity, the Advisory Board shall recommend to the appropriate Government to either remove a particular person from concerned Managing Committee to reconstitute the Managing Committee. 30

(3) The recommendation of the Advisory Board under this section shall be binding on the appropriate Government and action shall be taken by that Government within a reasonable time without any delay. 35

(4) The Advisory Board shall also have power to initiate legal proceedings against any person found guilty of irregularities under this section.

Removal of
Managing
Committee of
Advisory
Board
members.

16. The appropriate Government shall not remove any person from the post of Chairperson or General Secretary or member of an advisory board or the Managing Committee, before the completion of his tenure, unless he:— 40

(a) is proved to be of unsound mind;

(b) is convicted of a criminal offence and punished with imprisonment exceeding three months;

(c) is found to be indulging in terrorist or anti-national activities; 45

(d) Indulges in any act for which a recommendation has been received against him from the relevant Advisory Board or Management Committee under the provisions of this Act.

17. (1) Whoever violates of any provision of this Act shall be punishable with imprisonment for a term which may extend upto three Years and fine. Penalty.

(2) A false declaration of one's faith or devotion shall be an offence punishable under sub-section (1).

5 (3) Misuse of income or assets of a religious institution or place of worship as well as use of any such income or asset without due authorization from Managing Committee shall be an offence punishable under sub-section (1).

18. All Bodies or Committees or Boards existing before the commencement of this Act for management and control of religious institutions and places of worship in every State shall be reconstituted to comply with the provisions of this Act within a period of six months from the date of coming into force of this Act. Transitional Provision.

19. The provisions of this Act shall have effects notwithstanding anything contrary contained in any other law for the time being in force. Savings.

20. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the forgoing powers such rules may provide for all or any of the following matters, namely,—

(a) the rules relating to Constitution of Managing Committee and Advisory Boards;

20 (b) the salary and allowances, and other terms and conditions of the Chairperson General Secretary and Members of Advisory Boards;

(c) the funds collected by the Managing Committee and the rule of the Advisory Boards; and

(d) any other matters which may be prescribed.

25 (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment
30 shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The preamble of the Constitution of India declares India to be a "Secular Democratic Republic". An essential condition of a secular country is an arm's length distance between religion and State. Many State Governments have taken over many religious institutions and places of worship. In many cases, Government representatives and nominees sit on the controlling bodies of religious institutions and places of worship. In the absence of any norms or law in this regard, the principles of secularism are often violated. It is therefore, felt that a Central law is needed to make sure that

- (a) religious institutions are independent,
- (b) funds collected by any religious institution or place of worship are used in line with the tenets of religion or sect or community or deity
- (c) there is transparency in use of funds,
- (d) 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
- (e) persons misusing religious institutions and places of worship for their personal ends are duly punished.

Hence this Bill.

NEW DELHI;
November 27, 2017.

SHIVAJI ADHALRAO PATIL

FINANCIAL MEMORANDUM

Clause 12 of the Bill provides for appointment of the Chairperson, General Secretaries and members of the Advisory Boards of religious institutions and places of worship. Clause 14 empowers the appropriate Government to provide salaries and allowances for the functionaries of the Advisory Boards.

The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that approximately a sum of rupees One Crore will be met by the Central Government as recurring expenditure in respect of the Advisory Boards falling under its jurisdiction.

No non recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only the delegation of legislative power is of normal character.

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