

के लिए अधिनियमित किया गया था। तथापि, हिन्दू लोक धार्मिक संस्थाओं और पूर्त विन्यासों के प्रशासन में सक्रिय रूप से अन्तर्वलित अधिकतर प्राधिकारियों को अधिनियम में सम्मिलित नहीं किया गया था। इसलिए, ऐसे प्राधिकारियों को अधिनियम में सम्मिलित किया जाना अपेक्षित है। तदनुसार, ऐसे प्राधिकारियों को नियुक्त करने हेतु परिभाषाएं और प्रक्रिया प्रस्तावित विधान के माध्यम से प्रतिस्थापित की जा रही हैं। इसके अतिरिक्त, मन्दिर न्यासों की भूमि और परिसरों पर अधिक्रमण होता आया है, इसलिए, सक्षम प्राधिकारी के समक्ष समुचित विधि के अधीन कार्यवाहियां प्रारम्भ करने के लिए आवेदन करने हेतु किसी अन्य अधिकारी को प्राधिकृत करने के लिए आयुक्त (मन्दिर) को सशक्त करने के लिए उपबन्ध किए जा रहे हैं। इससे अधिक्रमणों की त्वरित बेदखली सुनिश्चित होने की सम्भावना है। धार्मिक पूजा स्थलों के श्रद्धालुओं की संख्या में दिन-प्रतिदिन बढ़ती रही है, इसलिए, बेहतर प्रशासन की व्यवस्था करने के लिए न्यासियों की अधिकतम संख्या को तात्कालिक बीस से बढ़ाकर पच्चीस किया जा रहा है। गो सदनों के निर्माण, रख-रखाव और उनको स्तरोन्नत करने के लिए पन्द्रह प्रतिशत तक की प्राप्तियों को चिन्हित करने के लिए उपबन्ध किया जा रहा है। यह राज्य के आवारा पशुधन को आश्रय देने व उसकी उचित देखभाल करने के लिए समर्थ बनाएगा। प्रस्तावित विधान का उद्देश्य हिन्दू सार्वजनिक धार्मिक संस्थाओं और पूर्त विन्यासों के प्रशासन में सुधार लाना है।

क्योंकि विधान सभा सत्र में नहीं थी और हिमाचल प्रदेश हिन्दू सार्वजनिक धार्मिक संस्था और पूर्त विन्यास अधिनियम, 1984 में संशोधन किया जाना अनिवार्य हो गया था, इसलिए महामहिम राज्यपाल, हिमाचल प्रदेश द्वारा भारत के संविधान के अनुच्छेद 213 के खण्ड (1) के अधीन शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश हिन्दू सार्वजनिक धार्मिक संस्था और पूर्त विन्यास (संशोधन अध्यादेश 2017, तारीख 7 अक्टूबर, 2017 को प्रस्थापित किया गया था, जिसे राजपत्र (ई-गजट), हिमाचल प्रदेश में 11 अक्टूबर, 2017 को प्रकाशित किया था। अब उक्त अध्यादेश के स्थान पर नियमित विधान लाया जा रहा है।

यह विधेयक उपर्युक्त उद्देश्यों की पूर्ति के लिए है।

(जय राम ठाकुर)  
मुख्य मन्त्री।

शिमला :

तारीख : ....., 2018

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*AUTHORITATIVE ENGLISH TEXT*

**Bill No. 4 of 2018**

**THE HIMACHAL PRADESH HINDU PUBLIC RELIGIOUS INSTITUTIONS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 2018**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

*further to amend the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 (Act No. 18 of 1984).*

BE it enacted by the Himachal Pradesh Legislative Assembly in the Sixty-ninth Year of the Republic of India as follows :—

**1. Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 11<sup>th</sup> day of October, 2017.

**2. Substitution of Section 2.**—For Section 2 of the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 (hereinafter referred to as the “principal Act”), the following shall be substituted, namely:—

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

- (a) “Additional Chief Commissioner (Temple)” means the Additional Chief Commissioner (Temple) appointed under section 3;
- (b) “Assistant Commissioner (Temple)” means the Assistant Commissioner (Temple) appointed under section 3;
- (c) “Charitable endowments” means all property given or endowed for the benefit of, or used as of right by, the community or any section thereof for the support or maintenance of objects of utility to the community or section, such as sarais, rest-houses, pathshalas, schools and colleges, houses for feeding the poor and institution for advancement of education, medical relief fund and public health or other objects of like nature and includes the institutions concerned;
- (d) “Chief Commissioner (Temple)” means the Chief Commissioner (Temple) appointed under section 3 and includes every officer, who for the time being exercises the powers and performs the functions of the Chief Commissioner (Temple) under this Act;
- (e) “Commissioner (Temple)” means the Commissioner (Temple) appointed under section 3 and includes every officer, who for the time being exercises the powers and perform the functions of a Commissioner (Temple) under this Act;
- (f) “Government” or “State Government” means the Government of Himachal Pradesh;
- (g) “Hereditary trustee” means the trustee of a religious institution succession to whose office devolves by hereditary right or by nomination by the trustee for the time being in office or is regulated by custom, or is specifically provided for by the founder, so long as such scheme of succession is in force;
- (h) “Hindu Public Religious Institution” means a math, temple, smadh, smadhi, dera and endowment attached thereto or a specified endowment, established with a religious object for a public purpose and includes,—
  - (i) all property movable or immovable belonging to or given or endowed for worship in, maintenance or improvement of, additions to, a math or temple, smadh, smadhi or dera for the performance of any service or charity connected therewith;
  - (ii) the idols installed in the math or temple, smadh, smadhi or dera clothes, ornaments and things for decoration etc.; and
  - (iii) religious institution under the direct control of the State Government, but does not include such private religious math or temple in which the public are not interested:

Provided that any offering, whether in kind or in cash, made by the pilgrims or by any other person in any Hindu Public Religious Institution shall be deemed to be the property of such religious institution;

- (i) "Joint Commissioner (Temple)" means the Joint Commissioner (Temple) appointed under section 3;
- (j) "Math" means a math as understood under the Hindu Law;
- (k) "Non-hereditary trustee" means a trustee who is not a hereditary trustee and includes a Government Officer or Official so appointed in the temple trust;
- (l) "Officer" means an officer appointed under this Act and shall include the Chief Commissioner (Temple), Additional Chief Commissioner (Temple), Commissioner (Temple), Joint Commissioner (Temple), Temple Officer and Assistant Commissioner (Temple);
- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "pujari" includes a panda or any other person who performs or conducts puja or other rituals;
- (o) "Schedule" means the schedule appended to this Act;
- (p) "Section" means section of this Act;
- (q) "State" means the State of Himachal Pradesh;
- (r) "Temple" means a place, by whatever name known, used as a place of public religious worship, and dedicated to, for the benefit of, or used as of right by the Hindu community or any section thereof as a place of public religious worship;
- (s) "Temple trust" means the trust constituted by the Commissioner (Temple) under section 5 of this Act;
- (t) "Temple officer" means the officer appointed by the Government to undertake the day to day management of the temple; and
- (u) "Trustee" means any person or body of persons, by whatever designation known, in whom or in which the administration of a Hindu Public Religious Institution and charitable endowment is vested, and includes any person or body of persons who or which is liable, as if, such person or body of persons were a trustee."

**3. Substitution of Section 3.**—For Section 3 of the principal Act, the following shall be substituted, namely:—

"3. Appointment of the Chief Commissioner (Temple) and other officers.—(1) The Administrative Secretary of the Language, Art and Culture Department of the Government shall be the Chief Commissioner (Temple) for the whole of the State to exercise the powers and perform the functions conferred upon or entrusted to him by or under this Act.

(2) The Director, Language, Art and Culture, Himachal Pradesh or any other officer appointed by the Government shall be the Additional Chief Commissioner (Temple)

for the whole of the State to exercise the powers and perform the functions, as may be prescribed.

(3) The Government may appoint Deputy Commissioner or any other officer as Commissioner (Temple) for the whole or different parts of the State to exercise the powers and perform the functions conferred upon, or entrusted to him by or under this Act.

(4) The Government may appoint the Sub Divisional Officer (Civil) or any other officer as the Joint Commissioner (Temple) for the whole or different parts of the State to exercise the powers and perform the functions, as may be prescribed.

(5) The Government may appoint from amongst the Tehsildars of the Revenue Department or any equivalent officer as Temple Officer for each Temple to look after its work.

(6) The Government may appoint the District Language Officer or any other officer as Assistant Commissioner (Temple) for the whole or different parts of the State to exercise the powers and perform the functions, as may be prescribed.

(7) The Government may, from time to time, appoint such other officers and staff to assist the Commissioner (Temple) as it may deem fit.

(8) The Recruitment and Promotion Rules and other conditions of service for the employees of each temple trust shall be such as may be approved by the Chief Commissioner (Temple):

Provided that the emoluments and other monetary benefits payable to the employees of temple trust shall be prescribed taking into account the income of the temple trust and for this purpose the Government may classify the temples into two or more categories based on their resources. The Government, may, if deemed fit, approve general rules to be followed regarding the terms of service of temple trust employees and that would deem to be incorporated in each Recruitment and Promotion Rules of the temple trusts of the State under this Act.”.

**4. Substitution of Section 4.**—For section 4 of the principal Act, the following shall be substituted, namely :—

"4. Officer under the Act to be a Hindu.—An officer appointed under this Act shall be out of the persons professing the Hindu Religion.”.

**5. Substitution of certain words.**—In the principal Act,—

(a) for the words “Financial Commissioner”, wherever occur in section 12, 14,16,19, 22 and 28, the words and signs “Chief Commissioner (Temple)” shall be substituted ; and

(b) for the words “the Commissioner”, wherever occur in section 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 19, 21, 22, 23, 25, 27, 30 and 34, the words and signs “the Commissioner (Temple)” shall be substituted.

**6. Substitution of Section 12-A.**—For section 12-A of the principal Act, the following shall be substituted, namely :—

“12-A. Alienation of gold and silver of the Hindu Public Religious Institutions and Charitable Endowments.—The offerings received from the devotees in the shape of various varieties of gold and silver in every Hindu Public Religious Institution and Charitable Endowments, as included in the SCHEDULE-I, shall be alienated in the manner, as may be prescribed.”.

**7. Amendment of Section 15.**—In section 15 of the principal Act, in sub-section 2, for the words “Commissioner may”, the words and signs “Commissioner (Temple) may himself or through an officer authorized by him” shall be substituted.

**8. Amendment of Section 18.**—In section 18 of the principal Act, in sub-section (5), for the word “twenty”, the words “twenty five” shall be substituted.

**9. Amendment of Section 22.**—In section 22 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted, namely :—

"(g) fifteen percent of the receipt of the Hindu Public Religious Institutions and Charitable Endowments shall be utilized as first charge for construction, maintenance and up-gradation of Gau-sadans or for Gau-vansh samvardhan."

**Explanation.**—For the purpose of this clause "Gau-vansh samvardhan" means the conservation and development of indigenous breeds of cow.

**10. Amendment of Section 23.**—In section 23 of the principal Act, for sub-section (4), the following shall be substituted, namely:—

"(4) The annual audit of the Hindu Public Religious Institutions and Charitable Endowments shall be conducted by the Section Officer (State Accounts Services) of the Language and Culture Department or by the officers of the Local Audit Department or any Chartered Accountant duly authorised by the Chief Commissioner (Temple).”.

**11. Amendment of Section 29.**—In section 29 of the principal Act, in sub-section (1), after the words “Charitable Endowment”, the words and sign “or group of temples, as the case may be” shall be inserted.

**12. Validation.**—Any action taken or anything done under the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments (Amendment) Ordinance, 2017 (H.P. Ordinance No. 4 of 2017) shall be deemed to have been done or taken under the corresponding provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS

The Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 was enacted to provide for better administration of the Hindu Public Religious Institutions and Charitable Endowments and for protection of the properties of such institutions. However, many authorities actively involved in the administration of the Hindu Public Religious Institutions and Charitable Endowments were not included in the Act. Therefore, such authorities

are required to be included in the Act. Accordingly, the definitions and the procedure to appoint such authorities are being substituted through the proposed legislation. Further, there have been instances of encroachment on the land and premises belonging to the temple trusts, hence, provisions are being made to empower the Commissioner (Temple) to authorise other officers to make an application for taking up proceedings under appropriate laws before the Competent Authority. This is likely to ensure speedy eviction of encroachments. The number of devotees to religious shrines are increasing day by day, hence, to provide better administration, the maximum number of trustees are being increased to 25 from the present number of 20. A provision is being made for earmarking receipt upto fifteen percent for the consturction, maintenance and upgradation of Gau-sadans or for Gau-vansh samvardhan. It will enable the shelter and proper care to the abandoned cattle wealth of the State. The proposed legislation aims at improving the administration of the Hindu Public Religious Institutions and Charitable Endowments.

Since, the Legislative Assembly was not in session and amendment in the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 had to be made urgently, therefore, His Excellency the Governor, Himachal Pradesh in exercise of the powers under article 213(1) of the Constitution of India, promulgated the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments (Amendment) Ordinance, 2017 on 7<sup>th</sup> October, 2017, which was published in the Rajpatra (e-Gazette), Himachal Pradesh on the 11<sup>th</sup> October, 2017. Now, a regular legislation is being brought in place of said Ordinance.

This Bill seeks to achieve the aforesaid objectives.

**(JAI RAM THAKUR)**  
*Chief Minister.*

SHIMLA :  
THE ....., 2018.

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-4, 4 अप्रैल, 2018

**संख्या: वि0स0-विधायन-विधेयक/1-40/2018.**—हिमाचल प्रदेश विधान सभा की प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 140 के अन्तर्गत हिमाचल प्रदेश मुख्य सचेतक और उप मुख्य सचेतक का वेतन, भत्ते और अन्य प्रसुविधाएं विधेयक, 2018 (2018 का विधेयक संख्यांक-7) जो आज दिनांक 4 अप्रैल, 2018 को हिमाचल प्रदेश विधान सभा में पुरःस्थापित हो चुका है, सर्वसाधारण की सूचनार्थ राजपत्र में अधिसूचित करने हेतु प्रेषित किया जाता है ।

हस्ताक्षरित /—  
सचिव,  
हि0 प्र0 विधान सभा ।