

## **Nathdwara Temple Act, 1959**

### **13 of 1959**

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**Nathdwara Temple Act, 1959**

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((Received the assent of the president in the 28th day of March, 1959) An Act To provide for the better administration and governance of the temple of Shri Shrinathji at Nathdwara. Be it enacted by the Rajsthan State Legislature in the Tenth years of the Republic of India as follows: -

**1. Short Title And Commencement :-**

- (1) This Act be called the Nathdwara Temple Act, 1959.
- (2) It shall come into force at once.

**2. Definitions :-**

In this Act unless the subject or context otherwise requires.

- (I) Board means the Nathdwara Temple Board establish and constituted under this Act;
- (II) Endowment means all property, movable or immovable, belonging to or given or endowed in any name for the maintenance or support of the temple or for performance of any service or charity connected therewith or for the benefit, convenience or comfort of the pilgrims visiting the temple and includes :-
  - (a) the Idols installed in the temple,
  - (b) the premises of the temple,
  - (c) all jagirs, muafis and other properties, movable or immovable , wherever situate and all income derived from any source whatsoever, and standing in any name dedicated to the temple or placed for any religious, pious or charitable purposes under the Board or purchased from out of the temple funds and all offerings and bhents made for and received on behalf of the temple. But shall not include any property belonging to the Goswami personally although the same or income thereof might hitherto have been utilised in part or in whole in the service of the temple;
- (III) Goswami means the occupant for the time being of the gaddi of Shri Tilkayaji Maharaj of the Nathdwara;
- (IV) person having interest means a persons who is entitled to attend at the performance of worship or service in the temple and includes the Board and the Chief Executive Officer;
- (V) prescribed means prescribed by rules made under this Act :
- (VI) Chief Executive Officer means the Chief Executive Officer of

the temple appointed under this Act ;

(VII) specific endowment means any property endowment or money invested for the performance of the any particular service or of any particular charity connected with the temple;

(VIII) temple means the temple of Shri Shrinathji at Nathdwara in Uaipur District and includes the temple of Shri Navneet Priyaji and Shri Madan Mohan ji together with all additions thereto or all alterations thereof which may be made from time to time after the commencement of this Act.

### **3. Vesting Of Property :-**

The ownership of the temple and all its endowments including all offering which have been or may hereafter be made shall vest in the deity of Shri Shrinathji and the Board constitute under this Act shall be entitled to their possession.

### **4. Administration To Vest In Board :-**

(1) The administration of the temple and all its endowments shall vest in the Board constituted in the manner hereinafter provided.

(2) The Board shall be a body corporate by the name of the Nathdwara Temple Board and shall have perpetual succession and a common seal with power to acquire and hold property both movable and immovable; and may sue or be sued in the said name.

### **5. Composition Of The Board :-**

(1) (i) The Board shall consist of the president, The Collector of Uaipur District and nine other members.

(ii) The Goswami shall be the ex-officio president of the Board, if he is not otherwise disqualified and is willing to serve as such; (iii) The State Government shall nominate a Vice President of the Board from amongst the members of the Board ,

(2) A person shall not be eligible for appointment as the president or member of the Board if ;-

(a) he is of unsound mind and stands so declared by a competent court or

(b) he has been convicted of any offence involving moral turpitude, or

(c) he has applied for being adjudicated an insolvent or is an undischarged insolvent, or

(d) he is a minor or a deaf-mute or suffering from leprosy, or

- (e) he is an office holder or a servant of the temple or is in receipt of any emoluments or prequisites from the temple, or
- (f) he is interested in a subsisting contract for making any supplies to, or executing any work on behalf of the temple or as legal practitioner for or against the temple, or
- (g) he does not profess the Hindu Religion or does not belong to the Pushti-Margiya Vallabhi Sampradaya.

Provided that the disqualification specified in clause (e) shall not apply to the Goswami, if he is willing to serve as ex officio President of the Board and the disqualification specified in clause (g) shall not apply to the Collector.

(3) The Collector shall be an ex-officio member of the Board.

(4) Subject to the proviso to sub section (1) the other members of the Board shall be appointed by the state government so as to secure representation of the PushtiMargiya Vaishnavas from all over India.

#### **6. Relinquishment Of Office :-**

The President, the Vice President or any member, other than the ex-officio member of the Board, may resign his office by giving a notice in writing to State Government and on such resignation his office shall become vacant.

#### **7. Removal Of Members :-**

(1) The State Government may remove from office the Vice President or any member other than the ex-officio member of the Board on any of the following grounds namely ;-

- (a) that he is or has become disqualified for such appointment for any of the reasons specified in sub section (2) of section 5, or
- (b) that he has absented himself more than four consecutive meetings of the Board without obtaining leave of absence, or
- (c) that he has been guilty of corruption or misconduct in the administrations of the endowment.

1 A The President shall cease to hold office as such if the State Government declares the ;-

- (a) he has become disqualified for any of the reasons specified in clause (a) to (d) , (f) and (g) of sub section (2) of sub section (5) or
- (b) his case fall under clause (c) of sub section (1) Provided that no such declaration shall be made unless he has been given a reasonable opportunity of showing cause there against.

(2) No person shall be removed under this section unless he has been given a reasonable opportunity of showing cause against his

removal

#### **8. Term Of Office :-**

The members of Board other than the ex-officio member thereof, subject to the prevision of section 6,7,and 10 hold office for a period of three years from the date of which their appointment is notified in the official Gazette.

Provided that the out going members shall be continue to hold office till the reconstitution of the Board.

#### **9. Filling Up Of Casual Vacancy :-**

(1) Casual vacancies in the office of the Vice President or any member of the Board, other than ex-officio member caused by death, resignation, removal or other wise shall be filled up by the State Government by appointment of the persons who are not disqualified under sub section (2) of section 5.

(2) A causal vacancy in the office of the president caused by the death, resignation, minority or otherwise shall be filled up by the State Government.

#### **10. Dissolution And Reconstitution Of The Board :-**

(1) If in the opinion of the State Government the Board is not competent to perform or persistently makes default in performing the duties imposed on it under this Act, or exceeds or abuses, its powers the State Government, after due inquiry, may, by notification in the Official Gazette, dissolve the Board and direct the immediate reconstitution of another Board in the accordance with the provisions of this Act.

(2) Before issuing a notification under sub section (1), the State Government shall communicate to the Board the grounds in which it proposes to do so, fix a reasonable time for the Board to show cause against the proposal and consider its explanation or objections, if any .

(3) Where the Board is dissolved under this section, the State Government shall appoint a person to perform the functions and exercise the power of the Board until the constitution of another Board in accordance with the provisions of this Act.

(4) The State Government may fix the remuneration of the person so appointed and the same shall be paid from out of the temple funds .

#### **11. Eligibility Of The Person For Re-Appointment :-**

An person ceasing to be a member shall, unless disqualified under sub section (2) of section 5, be eligible for re-employment.

**12. Liability For Loss Etc :-**

Every member of the Board including the President and the Vice President shall be liable for the loss waste or misapplication of any money or other property belonging to, or constituting the endowment if such loss, waste and misapplication is a direct consequence of his willful act or omission while holding office, and a suit for compensation may be instituted against him by the Board or by the State Government.

**13. Remuneration To Members :-**

Every member of the Board including the President and the Vice President shall be entitled to receive from out of the temple funds such travelling and halting allowance as may be prescribed.

**14. Office And Meeting Of The Board :-**

- (1) The office of the Board shall be at Nathdwara
- (2) For the transaction of its business the Board shall meet at such intervals as may be prescribed at Nathdwara unless a majority of the member decide to meet at same other convenient place.
- (3) The quorum for a meeting of the Board shall be five.
- (4) Every meeting of the Board shall be presided over by the President and in absence by the Vice President and in the absence of both the President and Vice President by member to be chosen by the members present to preside for the occasion.
- (5) Question arising at a meeting of the Board shall be decided by a majority of the votes of the members present there and voting and in every case of equality of votes, the President, Vice President or the person presiding shall have and exercise a casting vote.

**15. Defect Or Vacancy Not To Invalidate Acts :-**

No Act or proceeding of the Board or any person acting as the President , Vice President or a member of the Board shall be deemed to be invalid by reason only of the existence of a vacancy among its member or a defect in the constitution thereof or on the ground that the President, Vice President or any member of the Board was not entitled to hold or to continue in office by reason of any disqualification or by reason of any irregularity or illegality in his appointment.

**16. Duties Of The Board :-**

Subject to the provision of this Act and of the rules made thereunder , the Board shall manage the properties and secular affairs of the temple. Provided that all matters connected with the conduct of seva and puja and other ceremonies and of festivals of the temple according to the customs and usages of the Pushti Margiya Vallabhi Sampradaya shall be under the direct control of the Goswami .

### **17. Alienation Of Movable And Immovable Properties :-**

(1) No jewelleries or other valuable property of a non perishable nature of which the administration vests in the Board shall be transferred without the previous sanction of the Board and if the value of the property to be transferred exceeds ten thousand rupee the previous approval of the State Government to such transfer shall also be necessary.

(2) No immovable property including land vested in the Board as aforesaid shall be lease for more than five years or mortgaged, sold, or otherwise alienated without the previous sanction of the State Government .

### **18. Limitation On Borrowing Powers :-**

The Board shall have no power to borrowing money from any person excepts with the previous sanction of the State Government.

### **18A. Constitution Of Executive Committee :-**

(1) For the efficient and proper performance of the day to secular duties relating to the temple the State Government shall constitute an Executive Committee consisting of the Vice President and two other member to be nominated by State Government.

(2) The Vice President shall be the Chairman of the Executive Committee.

(3) Subject to the general superintendence of the Board, the Executive Committee shall control the day to day secular affairs relating to the temple and shall for this purpose issue general or special direction to the Chief Executive Officer.

### **19. Executive Officer :-**

(1) The State Government shall appoint a person professing the Hindu religion to be the Chief Executive Officer of the temple .

(2) The Chief Executive Officer shall be a whole time Officer of the temple and shall be paid out of the temple fund such salary as the state Government may, from time to time fix.

(3) The other condition of service of the Chief Executive Officer shall be such as may be determined by the state Government .

(4) The Chief Executive Officer shall subject to the control of the Board ,have general power of carry out the provision of this Act.

(5) He shall also act as secretary to the Board .

## **20. Power And Duties Of Chief Executive Officer :-**

(1) subject to such direction as may be issued from time to time by the Executive Committee, the Chief Executive Officer shall be responsible for the custody of all records and properties of temple and shall arrange for the proper collection of the offering made in the temple

(2) He shall Have Power

(i) to lease out for the period not exceeding three years the lards and building of the temple, which are ordinarily leased out and

(ii) to call for tenders for works or supplies and accepts such tenders when the amount of the value thereof does not exceed five thousand rupee.

(3) The Chief Executive Officer may in cases of emergency, direct the execution of any work or the doing of any act which is not provided for in the budget for the year and the immediate execution or doing of which is, in his opinion, necessary for the preservation of the properties of temple or for the service or safety of the pilgrims resorting thereto and may further direct that the expenses of executing such work or doing such act shall be paid from the funds of the temple. In every such case the Chief Executive Officer shall forthwith report to the Board the action so taken and reason therefor .

(4) The Chief Executive Officer shall perform such other duties and exercise such other power as may be prescribed or as may be delegated to him by the Board

## **21. Other Officer And Servants :-**

The Board may appoint, suspend, remove, dismiss or reduce in rank or in any way punish all officers and servants of the Board other than the Chief Executive Officer in accordance with rules made by the State Government . Provided further that such powers in respect of the Mukhiyas, Bhitariyas, and of such other persons as may be declared as Sevawalas by the State Government in



consultation with the Board and Goswami, shall exclusively vest in the Goswami .

**22. Savings Of Established Usages And Customs :-**

save as other wise expressly provided in or under this Act, nothing herein contained shall affect any established usage of the temple or the rights honors emoluments and perquisites to which any person may, by custom or otherwise, be entitled in the temple.

**23. Budget :-**

(1) The Board shall, within three months from taking charge of its office, and thereafter at least one month before the commencement of each official year, prepare or cause to be prepared a budget for the succeeding year and shall consider and pass same at a meeting before the commencement of the year.

(2) A copy of the budget so passed shall be sent to the State Government.

**24. Accounts :-**

(1) the Board shall, within six months from the end each official year make up correct accounts of the receipts and expenditure in connection with administration of the temple for preceeding year

(2) Such account shall be audited by an auditor to be appointed by the State Government, which shall also fix the remuneration to be paid to such auditor out of the funds of the temple .

(3) The auditor shall submit his report to the Board and send a Copy of the same to the State Government .

(4) The State Government may give such direction and pass such orders on the report of the auditor or otherwise as it may think fit and the Board shall carry them out .

**25. Administration Report :-**

(1) The Board shall annually prepare and submit to the State Government a report on the administration of the affairs of the temple and its endowments within six months of the close of each year .

(2) Such report together with account of the temple and report of the auditor thereon, shall be published in the official Gazette.

**26. Power Of State Government To Call For Information And Account :-**

The State Government shall have power to call for all such information and account as may in its opinion be reasonably necessary to satisfy it that the temple is being properly administered and the funds of the temple are being duly appropriated to the propose for which they exist; and the Board shall, on such requisition furnish forthwith such information and accounts to the State Government .

**27. Inspection :-**

The State Government may depute any person to inspect any movable or immovable property records, correspondence, plans, accounts and other documents relating to the temple and its endowments and the Board and its officers and servants shall be bound to afford all facilities to such person such inspection.

**28. Purpose For Which The Fund Of The Temple May Be Utilised :-**

(1) The funds of the temple may be utilised for all or any of the following purposes namely

- (i) the administration and maintenance of the temple and the performance of the daily worship and ceremonies and the observance of festivals therein;
- (ii) the foundation and maintenance of hospital and dispensaries for the relief of the pilgrims and worshipper visiting the temple ;
- (iii) the construction and maintenance of dharmshalas and rest house for the use and accommodation of such pilgrims and worshippers;
- (iv) the provision of water supply and other sanitary arrangements therein;
- (v) the acquisition of any property authorised by the State Government and;
- (vi) the construction and maintenance of roads and communications and the lighting thereof for the convenience of the pilgrims and worshippers .

(2) without prejudice to the purposes referred to in sub section (1) the Board may with the previous sanction of the State Government order that the surplus funds of the temple be utilised for -

- (a) the establishment of a university or a college in which special provision is made for the study of the Hindu Religion, philosophy and Shastras generally or of the tenets of the Pushtmarg faith in particular and for promoting the cultivation of Indian arts and architecture;

- (b) promoting the study of Sanskrit and Hindi ;
  - (c) the establishment and maintenance of a hospital or a leper asylum for the benefit of Hindu generally;
  - (d) the construction and maintenance of a poor home for destitute person professing the Hindu religion who are physically disable and helpless and;
  - (e) any charitable, religious or educational purpose not inconsistent with the object of the temple.
- (3) The order of the Board under sub section (2) shall be published in the prescribed manner

### **29. Duties Of Trustee Of Specific Endowment :-**

The Trustee of a specific endowment attached to the temple shall perform the service or charity therein subject to the general superintendence of the Board and such orders as it may issue such trustee shall be in such possession of the endowment as he may be entitled to and shall also maintain and submit to the Chief Executive Officer such accounts, register and returns as the Board may require The account of a specific endowment shall be annually audited by an auditor appointed by the Board and such auditor shall be paid such remuneration from the funds of the temple as the Board may fix.

### **30. Power Make Rules :-**

- (1) The State Government make rules consistent with Act, for carrying out all or any of the purpose thereof.
- (2) In particular and without prejudice to the generally of the fore going power, it shall have power to make rules with reference to-
  - (a) the allowance payable to Goswami
  - (b) all matters which under any provision of this Act may be or are expressly required or allowed to be prescribed or provided for by rules;
  - (c) the grant of travelling and halting allowances to the members of the Board;
  - (d) the preparation of the budget estimates for the temple;
  - (e) the preparation and sanction of the estimates and acceptance of tenders in respect of public works and for supplies.
  - (f) the convening of meetings and transaction of business of the Board;
  - (g) the audit of the account of the temple and the particular to be mentioned in the audit report;
  - (h) the recovery of amounts payable to auditor appointed by the

Stare Government and

(i) the condition of service of the officers and servants of the temple .

(3) the rules made under this Act shall be placed before the House of the State Legislature at the session thereof next following

### **31. Suits :-**

(1) The State Government or any other person having interest may institute a suit in the Court of district judge to obtain a decree-

(a) vesting any property in the Board, or

(b) declaring what portion of an endowment or of the interest therein shall be allocated to any particular subject, or

(c) removing any member of the Board or the trustee of a specific endowment, and directing the appointment of a new member of the Board or a new trustee for the specific endowment or

(d) directing account and enquires, or

(e) granting such further or other relief as the nature of the case may require

(2) Section 92 and 93 and rule 8 of order I of the first schedule to the code of Civil Procedure 1908 (Central Act V of 1908 ) shall have no application to any suit claiming any relief in respect of the such administration or management of the temple and no suit in respect of such administration or management shall be instituted excepted as provided by this Act .

### **32. Resistance Or Obstruction In Obtaining Possession :-**

If in obtaining possession of the properties of the temple to which it is entitled under section 3, the Board is resisted or obstructed by any person, it may make an application to the Magistrate having jurisdiction, complaining of such resistance or obstruction and such Magistrate shall unless he is satisfied that the resistance or obstruction was occasioned by any person claiming in good faith to be in possession on his own account or by virtue of some right independent of that of the temple make an order that the Board be put into possession. Such order shall, subject to the result of any suit which may be filed to establish the right to the possession of the property, be final.

### **33. Costs Of Suit, Etc :-**

The cost charges and expenses of, and incidental to, any suit, application or appeal under this Act shall be in the discretion of the Court, which may direct the whole or any part of such costs,

charges and expenses to met from the funds of the temple or to be borne and paid in such manner and by such person as it thinks fit; Provided that all costs and expenses incurred by the Board in connection with any legal proceedings required in the interest of the temple shall be payable out of the funds of the temple .

**34. Overriding Effect Of Act :-**

This Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force or in any scheme of management framed before the commencement of this Act or in any decree, order, parctice, custom or usage.

**35. Transitional Provision :-**

The State Government may after the commencement of this Act and before the constitution of the Board, appointment one or more persons to discharge all or any of the duties of the Board .

**36. Power Of Remove Difficulties :-**

if any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by order, give such direction and make such provisions as may appear to it to be necessary for the purpose of removing the difficulty

**37. Bar To Suit Or Proceeding :-**

No suit or proceeding shall lie in any court against the State Government for anything done or purported to be done by it under the provision of this Act.

**38. Repeal And Savings :-**

The Nathdwara Temple Ordinance 1959 ( Rajsthan Ordinance No.2 of 1959 ) is heredy repealed, but such repeal shall not effect anything done, action taken or order or appointment made thereunder and the thing so done, action so taken or order or appointment so made shall be deemed to have been done, taken or made under the corresponding provision of this Act .