

# THE UTTARAKHAND CHAR DHAM DEVASTHANAM MANAGEMENT Act, 2019

UTTARAKHAND

India

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### Act 6 of 2020

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To provide rejuvenation for Char Dham and famous Temples located in Uttarakhand and to manage the Devasthanam Management Board. Be it enacted by the Uttarakhand State Legislative Assembly in the seventieth year of the Republic of India as follows –

## Chapter I PRELIMINARY

Short title, extent & commencement(1)This Act may be called the Uttarakhand Char Dham Devasthanam Management Act, 2019.(2)It shall apply to Char Dham and other Devasthanams/temples given at A, B, C, D And E of Schedule annexed with this Act.(3)It shall come into force at once.Definitions 2. In this Act unless the context otherwise requires-(a)“Act” means the Uttarakhand Char Dham Devasthanam Management Act, 2019.(b)“Board” means the Char Dham Devasthanam Board constituted under section 3 of this Act;(c)“CEO” means the Chief Executive Officer Professing Hindu Religion appointed under sub- section (1) of Section 13 from All India Services having pay grade of super time scale and includes officer who for the time being exercises the powers and performs the functions of a CEO under this Act or the rules made thereunder;(d)“Char Dham” means Shri Badrinath Dham, Shri Kedarnath Dham and the holy Devasthanams of Gangotri and Yamunotri in Uttarakhand,and temples as mentioned in Schedule of the Act and such temples as notified by State Government from time to time and it includes :-(i)All property movable or immovable belonging to or given for worship in, maintenance or improvement of, for the performance of any service or charity connected therewith; and(ii)The idols established in the temple, cloths, ornaments and other things for decoration etc;(e)“Chairperson” means Chairperson of the Board constituted under section 3 of the Act and in his/her absence the Vice Chairperson;(f)“Donor” means a person or organisation who has donated such amount in cash or kind or services which has been significant for the development of Char Dham Devasthanams in Uttarakhand;(g)“Uttarakhand Char Dham Fund” means a fund constituted and maintained under Section 32 of the Act(h)“Employee” means person in the permanent employment under the Temple

Committee or the Board;(i)“Government” means State Government of Uttarakhand;(j)“Hak-Hakukdar” means such person or particular community who is entitled to receive something in form of Dastur in temples/Religious Devasthanams/Ritual area mentioned in Schedule of Act according to traditional rights or prevailing tradition for performing Pooja;(k)“Hereditary priest” means the trustee or priest of a Char Dham Devasthanam/any religious institution succession to whose office is regulated by custom or devolves by any hereditary right;(l)“Hindu Religion” means such sect of Hindus professing Sanatan Dharm or having faith in it;(m)“Holder of any right” means a person appointed by the Temple Committee as per prevailing tradition and customary right at major temple or principal Devasthanam;(n)“Member” means member of the Board as mentioned in sub section (1) & (2) of section 3 of the Act;(o)“Non-hereditary priest” means a trustee or priest who is not hereditary;(p)“Prescribed” means prescribed by regulations made by the Board with approval of the Government under this Act;(q)“Priest” means Priest performing Puja in the temple or of a Deity as per the custom or usages and include “Panda”, “Purohit” or other person who performs Puja-Archana or other rituals in a Devasthanam or in any regional institution;(r)“Rawal” means a person appointed in accordance with the existing customary rights for performing Puja and other religious functions at Shri Badrinath and Shri Kedarnath, and includes both Rawal and Nayab Rawal;(s)“Schedule” means the schedule appended to this Act;(t)“Section” means Section of this Act;(u)“Devasthanam” means a place regarded as holy because of its association with divinity or a sacred person or relic , in form of building, place or otherwise.(v)“Devasthanam Area” means area notified by the State Government for the purpose of inclusion under this Act excluding area notified under the Archaeological Survey of India;(w)“Temple” means a place by whatsoever name known, used as a place of public religious worship, and dedicated to, or for the benefit of , or used as of right by, the Hindu community professing Sanatan Dharm or any section thereof as a place of public religious worship;(x)“Trustee” In relation to Char Dham Devasthanams, includes a person who had been dedicated to such Devasthanam by way of any custom, usage or denomination or by any duly recognized hereditary contribution;(y)“Temple Committee” means The Badrinath-Kedarnath Temple Committee as constituted under the U.P. Act No. XVI of 1939 and as amended by U.P. Act No. VII of 1964 or any other Committee constituted for management of temples under Schedule; and(z)“Yatra Coordination” means establishing coordination between various departments of State government for assuring proper and smooth conduct of Char Dham yatra in Uttarakhand and ensuring availability of proper facilities like safe drinking water, hygienic sanitation facilities, travel facilities, lodging and food facilities etc for the pilgrims.{(za) “Tehri royal family” means the vertical lineage of Maharaga Manvendra Shah, the erstwhile ruler of the Tehri Garhwal State, who had signed the merger agreement with India.”

## Chapter II

### CONSTITUTION, FUNCTIONS AND POWERS OF BOARD

Constitution of Char Dham Devasthanam Board(1)The State Government shall with effect from such date, as it may, by notification in the official gazette, appoint, constitute Char Dham Devasthanam Board to exercise the powers conferred on it and to perform the functions assigned to it under this Act.(2)The Board shall consist of:-(A)Official Members:(i)The Chief Minister of State of

Uttarakhand, who shall be the Chairperson of the Board and if the Chief Minister is not a Hindu, then he/she shall nominate a Senior Minister from Council of Ministers who is follower of Hindu religion and is qualified to be a member of the Board.(ii)Minister in-charge of Culture and religious matters shall be the Vice-Chairperson. If he is not a Hindu then Chief Minister shall nominate a Senior Minister from Council of Minister who is follower Hindu Religion and is qualified to be a Member of the Board.(iii)Chief Secretary of the Government of Uttarakhand shall be the Ex-officio member of the Board.(iv)Secretary, Department of Tourism Government of Uttarakhand shall be the Ex-officio member of the Board.(v)Secretary, Department of Culture and Religious Affairs, Government of Uttarakhand, shall be the Ex-officio member of the Board.(vi)Secretary, Department of Finance Government of Uttarakhand, shall be the Ex-officio member of the Board.{(vii) Two Special Invitee from any ministry, Government of India not below the rank of Joint Secretary.}(viii)CEO appointed under the Act shall be the Member Secretary.{ Provided that the person mentioned in sub-clauses (iii), (iv), (v) is not a Hindu, the Chief Minister shall nominate any equivalent secretary of the State Government who is a follower of Hindu religion and possesses qualifications to be appointed as a member of the Board.}(B)Nominated Members(i)The Member of Royal Family of Erstwhile State of Tehri as nominated by the State Government or his/her nominee.{(ii) Such member of Parliament (MP) of the State of Uttarakhand not exceeding three, who are followers of Hindu Religion nominated by the State Government.}{(iii) Such number of members not exceeding six to be nominated by the State Government from amongst the Member of Legislative Assembly of the State , who are followers Hindu Religion.}(iv)Such number of persons not exceeding Four to be nominated by the State Government who are donors (past, present or future) having special interest in the Hindu religious matters.(v)One renowned person having wide experience in religious affairs of Hindu religion pertaining to Sanatan Dharma to be nominated by the State Government.(vi)5{five} renowned persons to represent the priests or hereditary priests, holder of any rights of Badri-Kedar, Yamnotri-Gangotri and from religious Devasthanams mentioned in Schedule of this Act to be nominated by the State Government.(3)The Board shall be a body corporate with perpetual succession and a common seal, with powers subject to the provisions of this Act. Powers and Duties of the Board(1)The Board shall be the highest governing body for the purpose of Devasthanam Management under this Act with the powers to frame policies, make decisions to give effect to the provisions of this Act, budget formulation and sanction of expenditure and planning and management of Devasthanam area and modernisation of management systems.(2)The Board may give directions for safe custody, Preservation and Management of funds, valuable securities, jewelleries, properties vested in all the Religious temples mentioned in Schedule of this Act.(3)Board shall prescribe the procedure for determining and disbursement of honorarium, pay, and allowances in the rules for person or agency or institution engaged by Board for smooth functioning of the Act and shall be paid from the Char Dham Fund of the Board.(4)The Board shall recommend to the State Government any amendment related to inclusion or exclusion of any other Hindu Religious Devasthanam in the Schedule of this Act from time to time, or levy of any cess/ fees in the interest of Devasthanam Management.(5)The Board Shall decide the terms and conditions of services of any person who has been in service and is serving in connection with the affairs of the Badrinath Kedarnath Trust Committee who has been subsumed for service under this Act with the consent of the State Government.(6)The Board shall supervise, direct and control all activities that may be conducive and incidental to the efficient management of the temples or for the convenience of the pilgrims.(7)The Board shall have power to constituted committee to hear any matter or

dispute regarding customary and hereditary rights and rights of Hak- Hakukdar. The power of modification-addition of any type regarding the aforesaid shall lie in the Board.(8)Appeals against the decision of CEO may be filed before the Board within 30 days.Terms & conditions of service of members(1)A Nominated member of the Board shall hold the office for a period of five years at a time, which may be renewed by the State Government.(2)The term of the office of a official members of the Board appointed underSubclause (ii), (iii), (iv), (v), (vi), (vii) of clause (A) of Subsection (2) of section 3 shall come to an end as soon as he/she hold the office of profit under the State Government or Central Government, as the case may be.(3)The State Government, if it thinks fit, may remove any nominated member of the Board before the expiry of his/her term of office, after giving him/her a reasonable opportunity of hearing.(4)A member of the Board other than the Chairperson or Vice-Chairperson or Ex-officio Member shall be deemed to have vacated his/her seat if he/she cease to hold their office (ie MLA, MP etc) or is absent without reason sufficient in the opinion of the Board, from three consecutive meetings of the Board.(5)A casual vacancy in the Board shall be filled by the fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he/she was nominated.

**Disqualification and Liabilities of Nominated Members**(1)The State Government may dismiss any nominated member of the Board covered under the Act on following grounds-(a)if he/she is insolvent, or(b)he/she is of unsound mind and stands so declared by a competent court; or(c)he/she has been convicted of any offence which involves moral turpitude; or(d)he/she has been convicted of any offence under this Act; or(e)he/she has directly or indirectly by himself/herself or through any partner have any share or interest in any firm/company carrying on the business of development, transport, contract, etc. in the affairs of the Board or Institutions under this Act; or(f)He/she has abused his/her position as member and in the opinion of the State Government or the Board as to render his/her continuance in the Board detrimental to the interests of the general public.(2)No order of removal shall be made by the State Government or the Board under this section unless the member concerned has been given reasonable opportunity to show cause against the same.(3)Notwithstanding anything contained in this Act every member of the Board shall be liable for the loss, waste or misappropriation of the Uttarakhand Char Dham Fund, if such loss, waste or misappropriation is a direct consequence of his/her wilful act. A suit for compensation may be instituted against him/her by the Board.

**Vacancy of nominated member on Disqualification**If a member of the Board is subject to any of the disqualification specified in section 6, his/her seat shall thereafter become vacant. Meetings of the Board(1)The Board shall meet at least once in a year, at such place and follow such rules and procedures in regards to the transaction of the business at the meetings as the Board may decide:Provided that if in the opinion of the Chairperson any business of urgent nature is to be transacted, he/she may convene a special meeting of the Board at such times as he thinks fit for the aforesaid purpose.(2)All the meetings of the Board shall be presided by the Chairperson or , the Vice-Chairperson in his/her absence.(3)No business shall be transacted at any meeting unless at least six members other than the Chairperson or the Vice-Chairperson are present.(4)The CEO or the person performing the duties of the CEO shall be ex-officio Secretary of the Board and shall be responsible for the conduct of the business of the Board.(5)1{ The decision of the board shall be taken on the basis of majority. The Chairman shall not vote in the first instance, but shall have and exercise a casting vote in the case of equality of votes.}Vacancy not to effect the constitution of Board or committee(1)No act or proceeding of the Board thereof shall be called in questioned or invalidated on the ground merely of the existence of any vacancy or any defect in the

constitution of the Board, as the case may be.(2)All persons discharging there functions under this Act shall be deemed to be Public servants within the meaning of Section 21 of Indian Penal Code 1860.

## Chapter III

### Constitution of High Level Committee For Devasthanam Management & Yatra Coordination

Constitution of High level Committee for Devasthanam Management Yatra Coordination(1)The State Government shall constitute a High level Committee for the purpose of inter departmental cooperation for smooth conduct of Yatra/pilgrimage.(2)The State Government by notification shall appoint following officers as members of the committee:a. Chief Secretary of Government of Uttarakhand - Chairpersonb. Principal Secretary/ Secretary Tourism - Memberc. Principal Secretary/ Secretary Culture - Memberd. Principal Secretary/ Secretary Finance - Membere. Principal Secretary/ Secretary Revenue – Memberf. Principal Secretary/ Secretary Home – Memberg. Principal Secretary/ Secretary Public Works Development - memberh. Principal Secretary/ Secretary Urban Development - Memberi. Principal Secretary/ Secretary Rural Development - Memberj. Principal Secretary/ Secretary Health - Memberk. Principal Secretary/ Secretary Forest - Memberl. Principal Secretary/ Secretary Civil Aviation - Memberm. CEO - Member/Convenorn. Divisional Commissioner Garhwal and Kumaon- Membero. And such other Principal Secretary/ Secretary ranked officer whose role is deemed important in Yatra Coordination may be nominated from time to time Functions and duties of High level Committee(1)The High level Committee shall establish coordination between various departments for execution of the decisions to be taken by Board under this Act for smooth conduct of pilgrimage.(2)The Committee shall exercise all such powers delegated by the Board from time to time.Meeting Schedule 12. (1) The High level Committee, for Yatra and Devasthanam Coordination, shall meet at least once in six months (6 months)

## Chapter IV

### APPOINTMENT OF OFFICERS AND OTHER STAFF

Appointment of CEO(1)The State Government shall appoint a CEO to exercise the powers and functions conferred upon, or entrusted to him/her, under this Act.(2)A person to be appointed as the CEO shall be a serving officer in All India Service in supertime scale and above.(3)The State Government may from time to time appoint such other officers and staff to assist the CEO as it may deem necessary.(4)The conditions of service of officers appointed under sub-section (2) shall be such as may be determined by the State GovernmentOfficers to Assist the CEO(1)The State Government may from time to time appoint such other officers like Additional CEO, Joint CEO, Estate Manager, Marketing Officer, Officer fromForest Department, Finance Officer, Engineers, Public Relation Officer, Vigilance Officer and support staff to assist the CEO as it may deem necessary.Powers and Functions of the CEO(1)Subject to the other provisions of this Act, the administration of Char Dham and associated temples mentioned in Schedule covered under the Act,

shall be under the general supervision and control of the CEO and such supervision and control shall include the power to pass such orders which may be deemed necessary to ensure that such Devasthanams are properly administered and earnings are properly credited to the Uttarakhand Char Dham Fund and properly utilised. The CEO shall exercise the powers conferred on him/her and perform functions entrusted to him/her or under this Act and the rules framed thereunder.(2)The CEO shall undertake Devasthanam area development and activities such as boarding and lodging, medical services, hygiene sanitation facilities, adequate means of transportation, communication facilities, modernisation of management systems and welfare of Purohiths and local stakeholders for the benefit of the worshippers, pilgrims and tourists without any distinction.(3)The CEO shall make arrangements for the safe custody of the funds, valuables, gold, and jewellery and for the preservation of the property vested in the Deities and maintaining of proper accounts in respect thereof.(4)The CEO shall fix the remuneration of priests, office holders, trustee etc after approval from the Board(5)He/She shall be empowered to give appropriate directions to various Districtnfunctionaries such as district administration, police administration, zila panchayat, Urban Local Bodies, and/or any other local bodies if required in the interest of smooth conduct of yatra in the State.(6)He/She shall do all such acts as may be incidental and conducive to the efficient management of the temples/Devasthanams for the convenience of the pilgrims.(7)The CEO shall carry out all such activities and duties as prescribed by the Board from time to time.

Office of CEO 16. (1) The Management structure of the Office of CEO along with the salaries, allowances, and other remuneration of all staff shall be paid out of the Uttarakhand Char Dham Fund, which may be supported by the State Government through Capital and Non- Capital Grant.

## Chapter V

### PREPARATION AND MAINTENANCE OF REGISTERS BY CHAR DHAM

DEVASTHANAMS/RELIGIOUS INSTITUTIONS

Preparation and maintenance of registers by Char Dham Devasthanams/ Religious institutions(1)For each Devasthanam/ Temple covered under the Act, the CEO shall have a register prepared and maintained, in such form and manner as may be prescribed, showing —(a)The origin and history of the Devasthanam, the names of the past and present trustees and particulars as to custom or usages, if any, regarding succession to the office of the hereditary priest or the trustee etc.(b)Particulars of the scheme of administration and the scale of expenditure.(c)The name of all officers/persons to which any salary, emolument or honorarium is attached and the nature, terms and conditions of service in each case.(d)The money, jewels, gold, silver, precious stones, idols, sculptures, antiques, vessels and utensils and other movables belonging to the Institution with their volume and weight, details of the constituent elements and estimated present value thereof.(e)Particulars of immovable properties of the Institution, grants, rights, all title deeds, survey plan, and other documents, circulars, orders issued from time to time by the State Government, Temple Committee, the Board and the CEO.(f)Particulars of details of constituent elements, coloured photographs of the idols and other images in or connected with the Devasthanam, whatever intended for worship or for being carried in processions.(g)Particulars of ancient or historical records, manuscripts, with their contents and brief translation in Hindi

language, and(h)Such particulars as may be required by the CEO.(2)The above information mentioned in sub-section (1) shall also be stored in the form of a website for viewing on the internet under a suitable name chosen by the CEO.Provided that each trustee, or his/her agent specially authorized by him/her on that behalf or the priest, or person having a control over the affairs and the activities, shall be required to submit an affidavit that the list of properties both movable and immovable, owned by the Institutions as shown in the register is correct and complete(3)A copy of the register as approved by the CEO shall be made available to the trustee or priest. Annual verification of the Registers(1)The CEO, or any other officer appointed on behalf of him/her, shall scrutinize and update the entries in the register every year, or at such intervals of times in less than a year, as may be prescribed. The statement showing the alteration, omissions or additions in the register shall be approved by the CEO.(2)A copy of the order made under sub-section (1) shall be made available to the trustee, or priest.

## Chapter VI

# ADMINISTRATION AND MANAGEMENT OF CHAR DHAM DEVASTHANAMS

Duties and rights of Trustee and Hak- Hakukdhari etc.(1)The matter of Dustoor/ rights prevailing presently payable to priest/ trustee/ Teerth Purohits/ Panda related Hak-Hakukdari shall remain as it is.(2)A Trustee of Char Dham Devasthanams covered under the Act, shall administer his/her office as per customs and usage of institutions and lawful directions which the CEO may give in respect thereof.(3)The Trustee /authorised agent shall scrutinise and bring to notice of CEO any omissions or wrongful entries in the registers prepared under section 17 or Appeals against the decision of CEO taken under section 17 and 18 shall lie to the Board.Trustee to furnish accounts, returns etc.

**20. The Trustee of Char Dham Devasthanams covered under the Act, shall furnish to the CEO such accounts, returns, reports or other information relating to the administration of the Devasthanams/temples in his/her charge, its funds, property or income or money connected therewith, or the appropriations thereof as the CEO may require and at such times and in such form as he/she may direct.**

## 21. Inspection of property and documents

(1)The CEO or any other person authorised by him/her in this behalf, may with due regard to the religious practices and usages of the Char Dham and Devasthanams, inspect all moveable and immovable property belonging to the Devasthanams and all records, correspondence, plans, accounts and other documents for the purpose of satisfying himself/herself that the provisions of this Act and the rules made there under are duly carried out and it shall be the duty of the trustee or priest of such Devasthanams and all officers working under him/her, his/her agent and any person

having concern in the administration thereof to afford all such assistance and facilities as may be necessary or reasonably required in regard to such inspection, and also to produce any such moveable property or document for inspection, as required.(2)For the purpose of inspection as aforesaid the inspecting authority shall, subject to the local practice, custom or usage may enter at any reasonable time the premises of Char Dham Devasthanams or any place of worship covered under the Act.(3)Nothing in this section shall be deemed to authorise any person to enter the premises or place referred to in sub section (2) or any part thereof unless such person professes Hindu religion or the religion to which the premises or place belongs.Vesting of certain properties in the Board

**22. All properties belonging to Char Dham Devasthanams to which this Act applies, on the date of commencement of this Act, that are in the possession or under the superintendence of the Government, Zila Panchayat, Zila Parishad, Municipality, property in the Board or any other local authority or in the possession or superintendence of any company, society, organisation, institutions or other person or any committee, superintendent appointed by the Government, shall, on the date on which the Board is or is deemed to have been constituted or members are or are deemed to have been appointed under this Act stand, transferred to the Board and all assets vesting in the Government, local authority or person aforesaid and all liabilities subsisting against such Movement, local authority or person on the said date shall, {devolve on the Chardham and shall be maintained by the Board}:**

{Provided that the Board may further acquire land in or around the vicinity of the religious Devasthanam and other places as it would deem proper for its better development, in favour of the Chardham.}[In the case of Dr Subramanian Swamy v. State of Uttarakhand (2020), It was held that the Constitutional validity of Uttarakhand Char Dham Devasthanam Management Act is upheld and Section. 22 of the act is read down to save legislation from being struck down. The Uttarakhand high court (HC) dismissed the public interest litigation (PIL) filed by Bharatiya Janata Party's (BJP) Rajya Sabha (RS) member Subramanian Swamy against the state government's takeover of the Char Dhams and 51 other shrines through the formation of the Char Dham Devasthanam Management Board. The court ruled that the ownership of the temple properties would vest in Char Dham shrines and power of the Board would be confined only to the administration and management of the properties. Relying on several decisions of the Supreme Court and High Courts, it stated that the words "shall devolve" in Section 22 shall be read as "devolve on the Char Dham and shall be maintained by the board". Likewise the words "may further acquire land", in the proviso thereto, shall be read as "may further acquire land on behalf of the Char Dham". When so read, Section 22 and its proviso would be saved from being struck down as ultra vires the provisions of the Constitution. Hence, challenge to the validity of the 2019 Act, on the ground that it violates Articles 14, 25, 26 and 31-A of the Constitution of India, fails. (<https://indiankanoon.org/doc/141571749/>, <https://www.barandbench.com/news/litigation/hc-upholds-validity-of-uttarakhand-char-dham-devasthanam>)



## **23. Vesting of immovable properties of Char Dham Devasthanams covered under this Act**

(1)Notwithstanding anything contained in any law for the time being in force, no transfer by exchange, sale, mortgage or in any other manner whatsoever, and no lease of any immovable property belonging to, or given or endowed for the purposes of Char Dham Devasthanams covered under the act shall be made unless it is sanctioned by the CEO after approval from the Board and any transfer made in contravention of this sub-section shall be void and inoperative.(2)In accordance to such sanction, the CEO may be subject to such conditions and directions as he/she may deem necessary regarding the utilisation of the amount raised by the transaction, the investment thereof and in the case of a mortgage may declare regarding discharge of the same within a reasonable period.(3)A copy of the order of the CEO under this section shall be communicated to the trustee and shall be published in such manner as may be prescribed.(4)The trustee may within three months from the date of receipt of a copy of the order or any person having interest may, within three months from the date of publication of the order, prefer an appeal to such authority and in the manner as may be prescribed by the Board, who shall decide the order on merit as the case maybe.

## **24. Restriction on registration of documents**

Notwithstanding anything contained in the Registration Act, 1908 (Act No 16 of 1908) the registering authority shall not accept registration of any deed of alienation of immovable property belonging to Char Dham Devasthanams covered under the act unless a certified copy of the order made under sectionsanctioning such alienation is filed along with the deed. Recovery of immovable property unlawfully alienated

**25. If it comes to the knowledge of the CEO that any immovable property belonging to any Char Dham Devasthanams covered under the Act has been alienated in contravention of Section 23, then he/she shall refer the matter to Board and he/she shall initiate legal proceedings for the restoration of such property.**

## **26. Removal of encroachment on the land and premises belonging to Char Dham Devasthanams**

(1)The provisions contained in the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 (U.P. Act No. 22 of 1972) (as applicable to the State of Uttarakhand) or any other Act containing similar provisions, in respect of unauthorised occupation of any land or premises belonging to Char Dham Devasthanams covered under the Act and immovable property of Char Dhams, shall be in application as far as may be, as if it were the property of Government within the meaning of the Act.(2)The CEO under the Act mentioned above to remove the encroachment of the land/premises shall take action in accordance with the provisions of that Act.

## **27. Power to act for protection and development of Char Dham Devasthanams**

(1)For the purpose of protection and development of the Char Dham Devasthanams, the Board shall recommend to the State Government to notify such area, in the vicinity of Devasthanams as Devasthanam areas. In areas thus notified, the Board shall be empowered to regulate proper maintenance of site and building and levy taxes with approval of State Government.(2)Subject to the directions given by the State Government, the Board may acquire any building or land through mutual negotiations, purchase, donation, transfer, lease, rent or otherwise. In addition it may also acquire any land, buildings in accordance with the provisions of law for the time being in force.(3)Where the CEO has the reason to believe that-(a)Any vicinity property belonging to Temples related to Char Dham Devasthanams covered under the Act is in danger of being wasted, damaged or improperly alienated by any trustee or any other person, or(b)The trustee or such persons threatens or intends to remove or dispose of the property,The CEO may make such order for the purpose of staying and preventing the wastage, damage, alienation, sale, removal or dispensation of such property as he may deems fit.

## **Chapter VII**

## **APPOINTMENT, ENGAGEMENT AND DISQUALIFICATIONS OF TRUSTEES,**

### **28. Procedure for making PRIESTS, RAWAL ETC.**

(1)In making the appointment of Priests, Rawal, Trustee etc for the Char Dham Devasthanams covered under the Act, as the case may be under this Chapter, appointment and engagement of Priests, Rawal, Trustee etc. and their term. the CEO with approval from the Board shall have due regard to the religious denomination, customary and hereditary rights.(2)The procedure for calling for applications for appointment of trustees,priests, Rawals etc, verification of antecedents and other matters shall be such as may be prescribed;

### **29. Removal of Trustees, Priests, etc**

(1)The CEO may suspend, remove or dismiss the trustees, or a priest etc of any Char Dham Devasthanams covered under the Act on the following grounds:-(a)Persistent default in the submission of budgets, account reports and returns to the Board or CEO or any other officer authorised in this behalf.(b)Wilful disobedience of any direction or order issued, under the provisions of this Act or Rules made there under by the CEO or the Board or the Government, as the case may be.(c)Any malfeasance or misfeasance, breach of trust, or neglect of duty, misappropriation and fraudulent act, dishonest act in respect of religious institutions, temples, or alienation of any property in contravention of this Act or rule made there under.(d)Any Priest, Trustee etc found under the influence of intoxication of liquor or narcotic drugs or psychotropic substance in or around the temple, and(e)For unsoundness of mind or other mental or physical

defects or infirmity, communicable disease which renders him/her unfit for discharging the functions of a trustee or a priest etc. Provided that no Trustee or Priest etc as the case may be, shall be removed or dismissed by the CEO under this section, unless he/she has been given reasonable opportunity of being heard. (2) Any priest or trustee etc, whether hereditary or non-hereditary,, who is suspended, removed or dismissed by the CEO under sub-section (1) may within thirty days from the date of receipt or communication of the order of suspension, removal or dismissal, file an appeal to such authority and in the manner as may be prescribed by the Board. (3) A hereditary priest or trustee so suspended, removed or dismissed may be allowed such maintenances as may be fixed by the CEO considering the financial condition of the person and institution.

### **30. Disqualifications of Trustees, Rawals, Priests etc.**

(1) A person shall be disqualified for being appointed as, and for continuing to be, a Trustee or a Priest or Rawal, as the case may be – (a) If he/she is a discharged insolvent; (b) If he/she is of unsound mind and stands so declared by a High level court under the prevailing laws; (c) If he/she is interested either directly or indirectly in a subsisting lease of any property or a contract or any work being done for the institution or endowment or is in arrears of any dues exceeding five hundred rupees payable to such institution to which he is appointed. (d) If he/she is appearing as a legal practitioner against the Institution to which, he is appointed. (e) If he/she has been sentenced by criminal court for an offence involving moral turpitude and such sentence has not been reversed by the first appellate court. (f) If he/she has acted adversely to the interest of the Institution in which he is serving. (g) If he/she is or has become an addict to intoxicating liquors, drugs, narcotic and psychotropic substances. (h) In case of non-hereditary priest or trustee or a priest or other concerned person, if he has not completed twenty one years of age; and (i) If he/she ceases to profess Hindu religion. (j) In case of Rawal if he/she ceases to be leading a celibate life or otherwise proved to be having a blemished character. (2) If trustee who fails to take charge, within thirty days from the date of his appointment shall cease to hold office.

### **31. Filling of vacancy in the office of Hereditary Priest, Trustee, Rawal or Priest**

(1) When a permanent vacancy occurs in the office of the Hereditary Priest or a trustee, as the case may be, the next in the line of succession i.e. major descendent shall be entitled to succeed to the office and traditional rituals shall be followed in appointment of Rawal. (2) The Rawal and Naib Rawal of Shri Badrinath and Shri Kedarnath Temple shall be appointed in accordance of prevalent customs. (3) When temporary vacancy occurs in such office by reason of suspension or removal of hereditary priest or trustee etc. as the case may be, or by reason of his/her ceasing to hold office under the provisions of Sections 30, the next to the line of succession shall be appointed by the CEO or Devasthanam Board to discharge the functions of the trustee or priest or as the case may be until his/her disability ceases: Provided if such appointee is minor he/she shall perform his/her functions and duties under the supervision of such officer as the CEO may depute in this behalf. (4) When a permanent or temporary vacancy occurs in such an office and there is a dispute relating to the right of succession to the office or when such vacancy cannot be filled up immediately or when there is a dispute relating to the person who is entitled to act as such, the CEO may appoint a person engaged

in activities related to worship in the same Devasthanam ,as he may deem fit, to discharge the functions of the Priest or Trustee as the case may be until the disability of the trustee or Priest etc ceases or another hereditary Priest or trustee holds the office for such shorter term as the CEO may direct.Explanation — In any appointment under this sub-section, the CEO shall consider the claims of the succession of the family members of the priest/trustee, if any.(5)Any person aggrieved by the order of CEO passed under this Section may appeal to Board within thirty days from the communication of the order.

## **Chapter VIII**

# **FINANCE, CHAR DHAM FUND AND MAINTENANCE OF BUDGET AND ACCOUNTS**

## **31. Finance, creation of Uttarakhand Char Dham Fund, Budget, Accounts and sums recoverable as arrear of land revenue.**

(1)There shall be constituted a Fund to be called ‘Uttarakhand Char Dham Fund’ which shall be vested in and be administered by the CEO on approval of the Board and save as otherwise provided in this Act, shall consist of the following:—a. The earning or income accrued, to Char Dham Devasthanams covered under the Act, by way of donations, grants, loans, recoveries, rents, sales, lease, license fees, guptdams, cess, fees, interest from Bank Deposits, and other income of such Devasthanams or establishments.b. any income derived from the movable and immovable properties of the Temple;c. Grant in aid from the State or Central Government and amount lying in credit of Board at the commencement of this Act.d. Annual budget allotted to the Board by the State Government or the Central Government.e. Annual contribution by the religious Devasthanams etc.f. All fines and penalties imposed under this Act;g. Any other gifts or contributions made by the public, local authorities or institutions.(2)All such funds shall be deposited in the account of the Board in a nationalized bank or other bank approved by the Reserve Bank of India and shall be maintained by the CEO or such officer as the Board may direct in this behalf.All incomes of religious Devasthanams and other religious institutions shall be credited to this fund.(3)The CEO or any officer authorised by it in this behalf by the Board shall maintain proper accounts of this fund and be audited annually by the audit agency or Chartered Accountant approved by the Board and its balance sheet shall be published at the end of every Financial Year for the general public.(4)The Accounts of the Board shall be audited by the Accountant General, Uttarakhand or any officer authorized by him/her on his/her behalf.(5)The CEO, on obtaining sanction from the Board may incur expenditure for the fulfilment of the objects under this Act and pay the emoluments to its employees and honorarium to its members from this fund.(6)The Board while allocating the budget for a particular Devasthanam shall consider and take into account its annual income, so that the income collected shall not be given to any other Devasthanam.(7)The Board 1{may establish a Trust, if necessary} under the Indian Trust Act 1882 to receive donations, carry out work as mentioned under the Act and to carry out other work of public interest.

### 33. Recovery of Temple Dues

All amounts due to the Temple including fines / penalties/ recovery of dues if any, imposed under this Act, shall without prejudice to any other mode of recovery be recoverable as arrears of land revenue as per the Uttar Pradesh Public Money (Recovery of Dues) Act 1965 (as applicable to the State of Uttarakhand) on a requisition made by CEO in that behalf. Installation of Hundi 34. (1) The Board may install one or more receptacles (hereinafter referred to as Hundi) at such place or places in the Temple as it may think fit for placing of offerings by the pilgrims and devotees visiting the Temple. (2) The Hundi shall be operated by such person and in such manner as the Board may, from time to time, determine. (3) Such portion of the offerings placed in a Hundi as the Board may from time to time direct, shall be credited to the Uttarakhand Char Dham Fund. (4) No person shall, without being authorised by CEO in that behalf, go near or interfere in any manner with any Hundi installed in the Temple: Provided that no such authorisation shall be required for going near any Hundi for the bona fide purpose of placing any offering therein. (5) Notwithstanding anything to the contrary contained in any law, custom, usage or agreement or in the record-of-rights, no Priest / Rawal etc. shall be entitled to any share in the offerings placed in any Hundi installed after the commencement of this Act.

### 35. Preparation and submission of Budget to the Board

(1) The CEO in consultation with trustee or priest etc shall prepare the annual budget for each Devasthanam which is governed under this Act. (2) Every such budget shall make adequate provisions for- (a) Scale of expenditure for the time being in force and customary expenditure. (b) The due discharge of all liabilities binding on the Institutions. (c) Expenditure on religious, educational and charitable purposed, developmental activities, facilities for pilgrims, maintenance of existing facilities and public conveyance and hygiene system. (d) Expenditure for the encouragement and the spread of religious instructions and activities, propagation of history of the Institutions consistent with their culture and for the improvement of the environment in or around such Devasthanams etc. (e) Expenditure on the repairs, maintenance, renovations of the buildings, temples and preservation and protection of the properties, and assets of the Char Dham Devasthanams. (f) Expenditure on the repairs, maintenance, renovations of the buildings, temples and preservation and protection of the properties, and assets of the Char Dham Devasthanams. (g) Expenditure on the payment of salaries, balances, wages, honorarium and other payments of annuity etc. (3) The budget shall be presented before the board for approval. The CEO may make such amendment; repeal or extend in it as he may think appropriate, before presenting the budget finally for the approval of Board.

**36. Maintenance of Accounts and Auditing For each Devasthanam/temple regular accounts of all receipts and disbursements shall be kept. Such account shall be kept for each 1{financial year} separately in such form and shall contain such particulars, as may be specified by the CEO and shall be duly subject to audit from time to time as decided by CEO.**

## **Chapter IX**

### **OFFENCES AND PENALTIES**

#### **37. Penalty for non compliance of the provisions of this Act by Trustee etc.**

If any trustee, officer, priest, representative or any other person concerned with the administration of the Char Dham Devasthanams covered under the Act-(a)Refuses or wilfully fails to comply with the provisions of this Act or the rules or the orders and directions made there under, or has been negligent in his/her duties or obstructs any proceedings taken or would be taken under this Act; or(b)Refuses or wilfully fails to furnish any report, statement, accounts or other information called under this Act or the Rules made thereunder or;(c)Wilfully misbehaves, abuses, the pilgrims / yatri, or causes breach of tranquillity of peace in and around the religious Devasthanam; he shall be punished with simple imprisonment for a term which may extend to three month or with fine which may extend to Ten thousand rupees, or with both.

#### **38. Penalty for wrongful withholding of property belonging to the Religious Institutions and for establishing the duplicate of traditional idol at other place Any Person who-**

(a)Having in his/her possession, custody or control, any property, document or books of accounts, belonging to any such Institutions, the management of which has been regulated under the provisions of this Act, wrongfully or illegally withholds the possession such property or document or books of accounts from the CEO or any other person duly authorized by him/her or does not furnish such account on being called by such officer or the CEO; or(b)Wrongfully obtains possession or wrongfully retains possession of any property, document or books of account of such Institutions or wilfully withholds or fails to furnish or deliver to the CEO or any other person authorized by him/her in this behalf.(c)Wrongfully retains, destroys and mutilated property, documents or books of account of such Institutions; he shall be punished with simple imprisonment for a term which may extend to three years or with fine which may extend to Rupees twenty five thousand or both.

#### **39. Offence to non-cognizable and bailable Every offence punishable under this Act shall be non cognizable and bailable.**

**40. Cognizance of offence Every offence punishable under this Act shall be triable by Judicial Magistrate of First class. No court shall take cognizance regarding the offence mention in section 37 and 38 unless a written complaint is filled by the CEO or the person specially authorized by him/her in this behalf.**

## **Chapter X**

### **MISCELLANEOUS**

Protection for action taken in good faith

**41. No suit, prosecution or other legal proceeding shall lie against any officer of the State Government or any other person exercising any power or discharge any duties under this Act for anything done or intended to be done in good faith under this Act or any rule made there under.**

#### **42. Power to remove difficulties**

(1) If any difficulty arises in giving effect to the provisions of this Act the State Government, may by order, not inconsistent with the provisions of this Act, remove the difficulty. Provided that no such orders shall be made after the expiry of a period of two years from the commencement of this Act. (2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislative Assembly. Board may receive funds for the development of Devasthanams etc. other than Hindu Devasthanams etc.

**43. The Board may receive or procure funds from the State Government or Central Government or from other sources in form of donations, Corporate Social Responsibility funds, service charges, rent etc for the development of the Devasthanams or religious institutions belonging to other religion.**

#### **Amendment in SCHEDULE**

**44. The State Government may, by notification in the official gazette, include such other Hindu religious Devasthanam and other temples as it deems necessary, by amending the schedule.**

Act not to apply to Religious institutions

**45. This Act shall not apply to the Waqfs governed by the Waqfs Act, 1995 and Sikh Gurudwaras Act, 1925 and other religious Institutions established under any Central Act or Acts of State.**

[\*\*\*] 46. 1[\* \* \* ]

**47. Bar of Jurisdiction** Save as otherwise expressly provided in this Act, no suit or proceeding shall lie in any Civil Court against the State Government or against the Board or the CEO or any other official for anything done or purported to be done by any of them under the provisions of this Act.

**Overriding effect of the act**

**48. The provisions of this Act shall have the overriding effect in notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any scheme of management, decree, custom, usage or any instrument having effect by virtue of any law**

### **49. Repeals & savings**

(1)The United Provinces Shri Badrinath Temple Act, 1939 (U.P Act No. XVI of 1939) and U.P. Shri Badrinath Temple (Sansodhan) Adhinyam, 1964 (Act No. VIII of 64) are hereby repealed.(2)Notwithstanding such repeal,(a)All rules, bye-laws, regulations made, notification or certificate issued, order passed, decision made, proceeding taken and other things done by any authority or officer under the repealed Acts shall in so far as they are not inconsistent with this Act be deemed to have been made, issued, passed or done by the appropriate authority or officer under the corresponding provision of this Act and shall have effect accordingly, until they are modified cancelled or suspended under the provision of the Act.(b)All proceedings pending before the Government any officer or authority under the provisions of the repealed Acts at the commencement of this Act may in so far as they are not inconsistent with the provisions of this Act, be disposed regularly by the appropriate authority under this Act

## **Schedule**

(A)(1) Temple of Shri Badrinath situated in Garhwal and all other temples within its premises of the village of Badrinath in the Patti-Talla Pain Khanda, District-Chamoli, Garhwal including Shri Laxmi ji temple, the images of Garur, Hanumanji, Ghantakaran and includes all other minor images.(2)Shri Shankaracharya temple at Badrinath.(3)Shri Adi Kedareshwar Temple at Badrinath.(4)Shri Ballabhacharya Temple at Badrinath.(5)Tapta Kund at Badrinath.(6)Brahma Kapal, the shila at Baronet and Parikarma (Campus) at Badrinath.(7)Mata Muri Temple at Badrinath.(8)Yog Badri Temple at Pandukeshwar.(9)Bhavishya Badri at Subbain.(10)Narsingha Temple at Joshimath.(11)Basudev Temple at Joshimath.(12)Sri Durga Temple at Joshimath.(13)Raj Rajeshwari Temple at Joshimath.(14)Mahadev Temple at Jyoteshwar.(15)Bhakta Vatsalya Temple at Jyoteshwar.(16)Narayan Temple at Vishnu Prayag.(17)Sitadevi Temple at Chain.(18)Vridha Badri Temple at Animath(19)Dhyan Badri Temple at Urgam.(20)Shri Narsingha Temple at Pakhi.(21)Shri Narsingha Temple at Darmi.(22)Shri Laxmi Narayan Temple at Nand Prayag.(23)Shri Laxmi Narayan Temple at Kulsarsi(24)Shri Laxmi Narayan Temple at Dwarhat, Almora.(25)Shri Laxmi Narayan Temple at Gudsir, Almora.(26)Shri Laxmi Narayan Temple at Bayala, Almora.(27)Panch Shilas within Badrinath Puri.(28)Panch Dharas with Badrinath Puri.(29)Dharmshila within



Parikarma of Shri Badrinath Temple.(30)Vasudhara and Dharmshila at the bottom of the fall at Vasudhara.(B)(1) Temple of Shri Kedarnath in Garhwal and includes the appurtenant and subordinate Devasthanams, etc.(2)Udak Kund at Kedarnath.(3)Minor Temples within precincts of Shri Kedarnath Temple.(4)The Temple of Shri Vishwanath Ji at Guptakashi.(5)Minor Temple within the precincts of Temple of Shri Vishwanath ji at Guptakashi.(6)The Temple of Shri Usha at Ukhimath.(7)The Temple of Shri Barahi at Ukhimath.(8)The Temple of Shri Madmaheshwar at Madmaheshwar.(9)The Temple of Shri Maha Kali at Kalimath.(10)The Temple of Shri Maha Laxmi at Kalimath.(11)The Temple of Shri Maha Saraswati at Kalimath.(12)The Temple of Shri Narayan at Trijugi Narayan.(13)Minor Temples within the precincts of the Temple of Shri Narayan at Trijugi Narayan.(14)The Temple of Shri Gauri Mayi at Gaurikund.(15)The Temple of Shri Tungnath at Tungnath.(16)The Temple of Shri Tungnath at Makku.(17)The Temple of Shri Kali Shila at Kali Shila.(C)The Temple of Yamuna ji, Shani Dev, Kunda, Shila etc. and all other minor temple in or around Yamunotri Devasthanam including temple of Shani Maharaj at village Khirsali.(D)Temple of Ma Ganga at Gangotri and all other minor temples in or around Gangotri Devasthanam including its “originating place:” at Gaumukh.(E)(1) Chandra Badni Temple at Tehri Garhwal.(2)Raghunath Temple at Devprayag, Tehri Garhwal.(3)Sem Mukhem Nagraja Temple at Tehri Garhwal.(4)Shri Raj Rajeshwari Devi Temple at 1{ Raanihat, Chauras (Tehri Garhwal)}