

# The Nathdwara Temple Act, 1959

RAJASTHAN

India

## The Nathdwara Temple Act, 1959

### Act 13 of 1959

- Published on 1 January 1959
- Commenced on 1 January 1959
- [This is the version of this document from 1 January 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

The Nathdwara Temple Act, 1959(Act No. 13 of 1959)[Received the assent of the President on the 28th day of March, 1959]As amended by :(1) Rajasthan Act 8 of 1962;(2) Rajasthan Act 21 of 1962;(3) Rajasthan Act 18 of 1966:(4) Rajasthan Act 11 of 1989; and(5) Rajasthan Act 9 of 1992An Act to provide for the better administration and governance of the temple of Shri Shrinathji at Nathdwara.Be it enacted by the Rajasthan State Legislature in the Tenth Year of the Republic of India as follows :-

#### 1. Short title and commencement.

(1)This Act may 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 established 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 the 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 place 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 Tilkayatji Maharaj of Nathdwara:(iv)"person having interest" means a person 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 any particular service or of any particular charity connected with the temple:(viii)"temple" means the temple of Shri Shrinathji at Nathdwara [Rajsamand District] [Substituted by Rajasthan Act 9 of 1992 [13-12-1991].] and includes the temple of Shri Navnitpriyaji and Shri Madan Mohanlalji 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 offerings which have been or may hereafter be made shall vest in the deity of Shri Shrinathji and the Board constituted 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.**

- [(i) The Board shall consist of the President, the Collector [of the Rajsamand District] [Substituted by Rajasthan Act No. 18 of 1966.] and [eleven other members] [Substituted by Rajasthan Act No. 9 of 1992 [13-12-1991].]]; (ii)The Goswami shall be 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 a 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 perquisites 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] [Substituted by Rajasthan Act No. 18 of 1966.] of the Board and the disqualification specified in clause (g) shall not apply to the [Collector] [Substituted by Rajasthan Act. 8 of 1962.].(3)[ ] [Added by Rajasthan Act No. 18 of 1966.] The Collector shall be an ex-officio member of the Board.(4)[ ] [Renumbered by Rajasthan Act 18 of 1966.] 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 Pushti Margiya Vaishnavas from all over India.

## 6. Relinquishment of office.

- The President, [Vice President] [Inserted by Rajasthan Act 18 of 1966.] or any member, other than the ex-officio member of the Board [x x x] [Deleted by Rajasthan Act 18 of 1966.] may resign his office by giving a notice in writing to the 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] [Substituted by Rajasthan Act 18 of 1966.] or any member, other than the ex-officio member of the Board [x x x] [Omitted by Rajasthan Act 18 of 1966.] on any of the following grounds, namely:-(a)that he is or has become disqualified for such appointment for any of reasons specified in sub-section (2) of section 5, or(b)that he has absented himself from 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 administration of the endowment.(1A)[ The President shall cease to hold office as such if the State Government declares that-(a)he has become disqualified for any of the reasons specified in clause (a) to (d), (f) and (g) of sub-section (2) of section 5:or(b)his case falls 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.] [Added by Rajasthan Act 18 of 1966.](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] [Substituted by Rajasthan Act 18 of 1966.] of the Board, other than the ex-officio member thereof, shall, subject to the provisions of sections 6.7 and 10, hold office for a period of three years from the date on which their appointment is notified in the official Gazette:[Provided that the outgoing members shall continue to hold office till the reconstitution of the Board.] [Substituted by Rajasthan Act 18 of 1966.]

## 9.

Filling up of casual vacancy.- [(1)] [Renumbered & Substituted by Rajasthan Act 18 of 1966.] Casual vacancies in the office of the [Vice President] [Substituted by Rajasthan Act 18 of 1966.] or any member of the Board, other than the ex-officio member caused by death, resignation, removal or otherwise shall be filled up by the State Government by appointment of persons who are not disqualified under sub-section (2) of section 5.(2)[ A casual vacancy in the office of the President caused by death, resignation, minority, or otherwise shall be filled up by the State Government.] [Substituted by Rajasthan Act 18 of 1966.]

## **10. Dissolution and reconstitution of 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 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 on which it proposes to do so, fix a reasonable time for the Board to show cause against the proposal and consider its explanations 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 powers 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 persons for re-appointment.**

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

## **12. Liability for loss etc.**

- Every member of the Board including the President [and the Vice President] [Inserted by Rajasthan Act 18 of 1966.] 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 or 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] [Inserted by Rajasthan Act 18 of 1966.] shall be entitled to receive from out of the temple funds such travelling and halting allowances as may be prescribed.

## **14. Office and meetings 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 members decide to meet at some 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 his absence by the Vice-President, and in the absence of both the President and the Vice-President, by a member to be chosen by the members present to preside for the occasion.] [Substituted by Rajasthan Act 18 of 1966.] (5) Questions 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] [Inserted by Rajasthan Act 18 of 1966.] 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 of any person acting as the President [Vice-President] [Inserted by Rajasthan Act 18 of 1966.] or a member of the Board shall be deemed to be invalid by reason only of the existence of a vacancy among its members or a defect in the constitution thereof or on the ground that the President, [Vice-President] [Inserted by Rajasthan Act 18 of 1966.] 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 provisions of this Act and of the rules made thereunder, the Board shall manage the properties and [secular] [Inserted by Rajasthan Act 18 of 1966.] affairs of the temple: [x x x] [Deleted by Rajasthan Act 18 of 1966.]. [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 Pushtimargiya Vallabhi Sampradaya shall be under the direct control of the Goswami.] [Added by Rajasthan Act 18 of 1966.]

## **17. Alienation of movable and immovable properties.**

(1) No jewelries or other valuable movable 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 exceed ten thousand rupees, 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 leased 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 borrow money from any person except with the previous sanction of the State Government.

**18A. [ Constitution of Executive Committee. - (1) For the efficient and proper performance of the day to day secular duties relating to the temple the State Government shall constitute an Executive Committee consisting of the Vice-President and two other members to be nominated by the 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 directions to the Chief Executive Officer.] [Inserted by Rajasthan Act 18 of 1966.]

## **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 conditions 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 to carry out the provisions of the Act. (5) He shall also act as Secretary to the Board.

## **20. Powers and duties of Chief Executive Officer.**

(1) [Subject to such directions as may be issued from time to time by the Executive Committee, the Chief Executive Officer] [Substituted by Rajasthan Act 18 of 1966.] shall be responsible for the custody of all the records and properties of the temple and shall arrange for the proper collection of the offerings made in the temple. (2) He shall have power-(i) to lease out for a period not exceeding three years the lands and buildings of the temple, which are ordinarily leased out, and (ii) to call for tenders for works or supplies and accept such tenders when the amount or value thereof does not exceed five thousand rupees. (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 the 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 Office shall forthwith report to the Board the action so taken and the reason therefor. (4) The Chief Executive Officer shall perform such other duties and exercise such other powers as may be prescribed or as may be delegated to him by the Board.

## **21. Other Officers and servants.**

- The Board may [subject to any general or special directions issued by the State Government,] [Inserted and added by Rajasthan 21 of 1962.] appoint, suspend, remove, dismiss or reduce in rank or in any way punish all officers and servants of the Board other than Chief Executive Officer, in accordance with rules made by the State Government: [Provided that the Board may, subject as aforesaid, direct that one person shall be appointed to discharge the duties of any two or more offices:] [Inserted and added by Rajasthan 21 of 1962.] [Provided further that such powers in respect of the Mukhiyas, Bhitariyas and of such other persons as may be declared as Sewawalas by the State Government, in consultation with the Board and the Goswami, shall exclusively vest in the Goswami.] [Added by Rajasthan Act 18 of 1966.]

## **22. Saving of established usages and customs.**

- Save as otherwise expressly provided in or under this Act nothing herein contained shall affect any established usage of the temple or the rights, honours, emoluments and prerequisites 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 on 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 the 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 of each official year, make up correct accounts of the receipts and expenditure in connection with the administration of the temple for the preceding year. (2) Such accounts 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 directions 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 the accounts of the temple and the report of the auditor thereon, shall be published in the official Gazette.

## **26. Power of State Government to call for information and accounts.**

- The State Government shall have power to call for all such information and accounts as may, in its opinion, be reasonably necessary to satisfy it that the temple is being properly maintained, the endowments thereof are being properly administered and the funds of the temple are being duly appropriated to the purpose 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

persons for 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 performance of the daily worship and ceremonies and the observance of festivals therein:(ii)the foundation and maintenance of hospitals and dispensaries for the relief of the pilgrims and worshippers visiting the temple:(iii)the construction and maintenance of dharamshalas and rest houses 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.(vii)[ the payment of allowances to the Goswami and the members of his family [Added by Rajasthan Act 11 of 1989 from the beginning.]Explanation. - The expression "family" for the purpose of this Act shall include the wife, sons, daughters, mother, brothers and sisters of the Goswami.](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 Shastree generally or of the tenets of the Pushtimarg faith in particular and for promoting the cultivation of Indian art 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 Hindus generally:(d)the construction and maintenance of a poor-home for the destitute persons professing the Hindu religion, who are physically disabled and helpless: and(e)any charitable, religious or educational purposes not inconsistent with the objects 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.**

(1)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, registers and returns as the Board may require. The accounts 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 to make rules.**

- (1) The State Government may make rules, consistent with this Act, for carrying out all or any of the purposes thereof.(2)In particular and without prejudice to the Generality of the foregoing power it shall have power to make rules with reference to-(a)[x x x] [Deleted by Rajasthan Act 18 of 1966.] the allowance payable to the Goswami [and members of his family] [Inserted by Rajasthan Act 11 of 1989 w.e.f. the beginning.]:(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 accounts of the temple and the particulars to be mentioned in the audit report: (h) the recovery of amounts payable to auditors appointed by the State Government; and (i) the conditions of service of the officers and servants of the temple. (2A) [ Any rule under this Act may be made so as to have retrospective effect from such date not earlier than the date of the commencement of this Act, as the State Government may by notification in the Official Gazette, appoint.] [Added by Rajasthan Act 11 of 1989 [8.9.1988]] (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 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 accounts and enquiries, 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 1 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 administration or management of the temple and no suit in respect of such administration or management shall be instituted except 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 of 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 costs, 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 be 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.practice.custom or usage.

### **35. Transitional provision.**

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

### **36. Power to 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 directions 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 provisions of this Act.

### **38. Repeal and Savings.**

- The Nathdwara Temple Ordinance, 1959 (Rajasthan Ordinance No. 2 of 1959), is hereby repealed but such repeal shall not affect 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.