

GURUVAYOOR DEVASWOM ACT, 1971 (NO. 6 OF 1971)

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of age or more than seventy years of age, or (IV) he is engaged in any subsisting contract 'With the Devaswom, or (v) he is to any of the disqualifications mentioned in clauses (a), (b) and (c) of sub-section (3) of section 5 Term of office of non-official members, resignation and removal of such members and casual vacancies in their office.—(1) A member nominated under clause (f) or clause (g) of sub-section (1) of section 4 shall hold office for a period of three years from the date of his nomination and shall be (2) A member referred to in sub-section (1) may resign his office by giving notice in writing thereof to the Government and shall cease to be a member on his resignation being accepted by the Government (3) The Government may, by order, remove from office a member referred to in sub-section (1) If (a) he is of unsound mind and stands so declared by a competent court, or (b) he has applied for being adjudged an Insolvent, or is an undischarged Insolvent, or (c) he has been convicted of any offence involving moral turpitude, or (d) he has been guilty of corruption or misconduct in the administration of the Devaswom, or (e) his presence in the Committee is, in the opinion of the Government, prejudicial to the interests of the Devaswom, or (f) he has absented himself for more than three consecutive meetings of the Committee and is unable to explain such absence to the satisfaction of the Committee; or (g) he, being a legal practitioner, has acted or appeared on behalf of any person against the Devaswom in any legal proceeding, or (h) he ceases to profess the Hindu religion (4) A member shall not be removed under sub-section (3) unless he has been given a reasonable opportunity showing cause against his removal. (5) An order of the Government under sub-section (3) shall be final and shall not be liable to be questioned in any court of law (6) The term of office of a member nominated to fill a casual vacancy shall be for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occurred. (7) Dissolution and supersession If, in the opinion of the Government, the Committee is not competent to perform or makes default in performing the duties imposed on it under this Act or exceeds or abuses its powers, the Government may, after such inquiry as may be necessary, by notification in the Gazette, supersede the Committee for such period, not exceeding SIX months, as the Government may deem fit (2) Before issuing a notification under sub-section (1), the Government shall communicate to the Committee the grounds on which they propose to do so, fix a reasonable time for the Committee to show cause against the proposal and consider its explanations and objections, if any (3) Where a Committee superseded under this section, the Government shall appoint a person in the service of the Government and professing the Hindu religion to exercise the powers and perform the functions of the Committee until the expiry of the period of supersession. Provided that the period during which the Committee remains superseded shall not have the effect of extending the term of office of a member nominated under clause (f) or clause (g) of sub-section (1) of section 4 beyond a period of three years 7 Meetings of the Committee The Committee shall maintain its office at such place or places at Guruvayoor as the Committee may determine, for the transaction of its business. (2) Every meeting of the Committee shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both the Chairman and the Vice-Chairman, by a person elected for the purpose by the members present from among themselves (3) No business shall be transacted at any meeting of the Committee unless at least five members thereof are present (4) Questions arising at a meeting of the Committee shall be decided by a majority of the votes of the members present thereat, and the Chairman or the person presiding shall have and exercise his casting vote in the case of equality of votes. 8 Acts or proceedings of Committee not to be invalidated.—No act or proceeding of the Committee shall be invalidated merely by reason of— (a) any vacancy in, or any defect in the constitution of, the Committee; (b) any defect in the election or nomination of a person acting as the Chairman or a member of the Committee, or (c) any irregularity in the procedure of the Committee not affecting the merits of the case. 9 Remuneration of Chairman and members. —No member of the Committee other than the Administrator shall receive or be paid from out of the Temple Fund any salary or other remuneration except such travelling or daily allowances, if any, as may be prescribed. 10 Duties of Committee.—Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Committee— (a) subject to the custom and usage in the Temple, to arrange for the proper performance of the rites and ceremonies in the Temple and the subordinate temples attached thereto in accordance with the dattam or scale of expenditure fixed for the Temple and the subordinate temples under section 51 of the Madras Hindu Religious and Charitable Endowments Act 1951 (Madras Act XIX of 1951); (b) to provide facilities for the proper performance of worship by the worshippers; (c) to ensure the safe custody of the funds,

valuable securities and Jewelleries and the preservation and management of the properties vested In the Temple , (d) to ensure maintenance of order and discipline and proper hygienic conditions In the Temple and the subordinate temples attached thereto and of proper standard of cleanliness and purity In the offerings made there ; (e) to ensure that the funds of the endowments of the temple are spent according to the wishes so far as they may be known of the donors ; (f) to make provision for the payment of suitable emoluments to the salaried staff of the Devaswom , and (g) to do all such things as may be incidental and conducive to the efficient management of the affairs of the Devaswom and the convenience of the worshippers

11. Alienation of Devaswom properties.—(1) No movable property of a non-perishable nature which is in the possession of the Committee and the value of which is more than five thousand rupees and no jewellery shall be sold, pledged or otherwise alienated without the previous approval of the Government (2) No immovable property taken possession of by the Committee shall be mortgaged, sold or otherwise alienated except with the previous sanction of the Government. 12 Limitation of borrowing and lending powers.—The Committee shall have no power to borrow money from or to lend money to any person except with the previous sanction of the Government 13 Administration report.—(1) The Committee shall annually submit to the Government through the Commissioner a report on the administration of the affairs of the Devaswom at such time as the Government may prescribe, and such report shall be forthwith published by the Committee in the prescribed manner (2) The report prepared and published under sub-section (1) shall, as soon as possible, be laid before the Legislative Assembly 30 CHAPTER 111 ADMINISTRATION AND ESTABLISHMENT 14 Appointment of Administrator.—The Government shall appoint an officer not below the rank of Deputy Collector or Deputy Commissioner appointed under the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) and professing the Hindu religion to be the Administrator for the Devaswom

15. Conditions of service of Administrator.— Administrator shall be a full-time officer of the Devaswom and shall not undertake any work unconnected with his office without the permission of the Committee (2) The Administrator shall be paid out of the Temple Fund such salary and allowances as the Government may fix in this behalf. (3) There shall be levied a contribution from the Temple Fund towards the leave allowances, pension and provident fund of the Administrator to the extent required by the rules for the time being in force. (4) Subject to the provisions of sub-sections (1) and (2), the conditions of service of the Administrator shall be such as may be prescribed 16 Additional charge of office of Administrator. Notwithstanding the provisions of sections 14 and 15, It shall be competent for the Government to appoint an officer of the Government not below the rank of Deputy Collector or Deputy Commissioner appointed under the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), to be in additional charge of the office of the Administrator, pending appointment of the Administrator under section 14 or when the office is temporarily vacant Provided that the period of such additional charge shall not exceed one month (2) An officer appointed to be in additional charge of the office of the Administrator under sub-section (1) shall be paid out of the Temple Fund such allowances as the Government may fix in this behalf 17 Powers and duties of Administrator. The Administrator shall be the Secretary to the Committee and its chief executive officer and shall, subject to the control of the Committee, have powers to carry out its decisions in accordance with the provisions of this Act and the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), so far as they are applicable. (2) Notwithstanding anything contained in sub-section (1) or in section 3, the Administrator shall be responsible for the custody of all records and properties of the Devaswom. (3) The Administrator shall arrange for the proper collection of offerings made in the Temple (4) The Administrator shall have power— (a) to grant licences for the use of the lands of the Temple for a period not exceeding one year at a time or to lease out for a period not exceeding one year at a time the buildings of the Temple which are ordinarily let , (b) to call for tenders for works or supplies and to accept such tenders when the amount or value thereof does not exceed five thousand rupees; and (c) to order for any emergency repairs, the cost of which does not exceed five thousand rupees Provided that the exercise of the powers under clause (a) or clause (b) shall be subject to the directions, if any, of the Committee issued in that behalf 18 Extraordinary powers of Administrator. The Administrator 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 thereof if he deems of which in his opinion necessary for the preservation of the properties of the Temple and

Its endowments or for the service or safety of worshippers resorting to the Temple or for the due performance of the rites and ceremonies thereon in accordance with the custom and usage in the Temple, and may direct that the expenses of executing such work done by such act shall be paid from the Temple Fund (2) Any action taken by the Administrator under sub-section (1) shall forthwith be reported to the Committee together with the reasons therefor, 19 Establishment schedule.—(1) The Administrator may, as soon as may be after commencement of this Act, prepare and submit to the Committee a schedule setting forth the duties, designations and grades of the officers and employees who may in his opinion constitute the establishment of the Temple and embodying his proposals with regard to the salaries and allowances payable to them (2) The Committee shall forward the schedule submitted to it under sub-section (1) with its recommendations thereon to the Commissioner for approval (3) The Commissioner shall, after considering the recommendations of the Committee, approve such schedule either without modification or with such modifications as he deems necessary, and thereupon such schedule as approved by the Commissioner shall come into force. (4) No change shall be effected in the schedule except with the approval of the Commissioner (5) Subject to such exceptions as the Committee may by general or special order direct, the officers and employees of the Devaswom in the service of the Devaswom immediately before the commencement of this Act shall continue as such, and the conditions of their service shall be such as may be prescribed. (6) The creation of any new appointment carrying a salary of not less than two hundred rupees per mensem shall be subject to the previous sanction of the Government (7) Any person appointed to be an officer or employee of the Devaswom before the commencement of this Act to fill a vacancy arising after such commencement, shall not be deemed to be an officer or employee of the Devaswom notwithstanding any custom or usage, if any, to the contrary, and such appointment shall have no effect unless approved by the Committee (8) A person who does not profess the Hindu religion shall be disqualified for being appointed as, or for being, an officer or servant of the Devaswom 20 Appointment of officers and employees of all officers and employees of the Temple shall be made by a board consisting of— (a) the Commissioner, who shall be the Chairman (b) the Administrator, 33 (c) an officer professing the Hindu religion authorised by the District Collector, Trichur, in this behalf, and (d) two persons elected by the Committee from among its members. (2) In the exercise of its power under sub-section (1), the Board shall follow such procedure as may be prescribed

CHAPTER IV BUDGET, ACCOUNTS AND AUDIT 21. Budget. —(1) The Administrator shall every year prepare in such manner and in such form as may be prescribed a budget estimate of the receipts and expenditure of the Devaswom for the following year and place it before the Committee which may approve it without modification or with such modifications as it may deem fit (2) The budget, after the approval of the Committee under sub-section (1), shall be submitted to the Government through the Commissioner before such date as may be fixed by the Government in that behalf. (3) The Commissioner shall submit the budget to the Government with his recommendations before such date as may be fixed by the Government in that behalf. (4) Before sanctioning a budget, the Government shall satisfy themselves that adequate provision has been made in the budget for the maintenance of the prescribed working balance and for meeting the liabilities of the Devaswom (5) If the budget does not provide for the matters mentioned in sub-section (4), the Government may modify any part of the budget so as to ensure that such provisions are made (6) The decision of the Government sanctioning the budget, subject to modifications, if any, shall be communicated to the Committee through the Commissioner at least fifteen days in advance of the commencement of the year to which the budget relates, and in the absence of such communication before the end of the preceding financial year, the budget shall be deemed to have been sanctioned in pursuance of this section. 34 22 Revised or supplementary budget.—If in the course of any year the Committee considers it necessary to modify the figures shown in the budget with regard to its receipts or expenditure, it may submit a supplementary or revised budget to the Government through the Commissioner provided that no alteration shall be made in the working balance without the consent of the Government 23 Audit.—The Commissioner shall forward to the Government— (a) a copy of every audit report relating to the accounts of the Devaswom sent to him by the auditor under section 72 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), and (b) a copy of his order under sub-section (3) of section 74 of the said Act with the reasons for the same CHAPTER V GENERAL 24 Temple Fund.—(1) There shall be constituted a fund to be called "Sree Guruvayapur Temple Fund" which shall be established and be administered by the Committee (2) The fund shall consist of— (a) the

Income derived from the movable and immovable properties of the Devaswom, (b) any contributions by the Government either by way of grant or by way of loan, (c) all fines and penalties imposed under this Act; (d) all recoveries under this Act, and (e) any other gifts or contributions made by the public, local authorities or Institutions, other than the contributions referred to in sub-section (4) of section 32 (3). The fund may be utilised for any of the purposes prescribed under this Act and for all or any of the following purposes, namely: (a) maintenance (including repairs and erection), management and administration of the Temple, properties and the temples subordinate thereto; 33 (b) training of archakas to perform the religious worship and ceremonies in the Temple and the temples subordinate thereto, (c) mechanical relief, water supply and other sanitary arrangements for the worshippers and the pilgrims and construction of buildings for their accommodation; (d) culture and propagation of the tenets and philosophy associated with the Temple; (e) any other work or undertaking for the purposes of the Devaswom authorised by the Government, so long as such authorisation subsists, and (f) with the previous sanction of the Government, for the establishment and maintenance of, or the making of any grant or contribution to, any poor-house or other similar Institution.

25 Revision by Government.—(1) The Government may call for and examine the records of the Administrator or of the Committee or of the Commissioner to satisfy themselves as to the regularity of such proceedings or of the correctness, legality or propriety of any decision or order made therein, and if in any case it appears to the Government that any such decision or order should be modified, annulled, revised or remitted for reconsideration, they may pass orders accordingly. (2) The Government may stay the execution of any decision or order referred to in sub-section (1) pending the exercise of their power under that sub-section in respect thereof.

26 Rules.—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide [or— (a) the manner of exercise of control by the Committee over the actions of the Administrator; (b) the grant of travelling or daily allowances to the members of the Committee, (c) the performance of duties by the Committee under Section 10 and the mode and extent of expenditure under section 24, (d) the conditions of service of the Administrator; 3/23—3a section 13, (f) Devaswom, (g) allowances, (h) Devaswom; 36 the publication of the administration report under the custody of records and properties of the temple, the payment of contributions towards the leave pension and provident fund of the Administrator; the preparation of the budget estimates for the (1) the preparation and sanction of estimates and acceptance of tenders in respect of public works and for supplies, (j) the custody and investment of the Temple Fund by the Committee, and (k) any other matter which has to be, or may be, prescribed.] (3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. The Committee may, subject to the approval of the Government, make regulations not inconsistent with the provisions of this Act and the rules made thereunder provide for the manner in which the duties imposed on it under this Act and its functions thereunder shall be discharged. (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for— (a) the conditions of service of the officers and employees of the Devaswom, (b) the observance of the rites and ceremonies and other usages in the Temple and the temples subordinate thereto, (c) any other matter for which regulations are required to be made for the purposes of this Act.

28 Committee to be in possession of the Devaswom.—The Committee shall be entitled to take and be in possession of all movable and immovable properties including Jewelleries, records, documents and other assets belonging to the Devaswom. (2) Notwithstanding anything contained in sub-section (1) pending constitution of the Committee, the Administrator shall be entitled to take and be in possession of all the properties referred to in that sub-section. (3) If in obtaining such possession, the Committee or any person authorised in this behalf by the Committee or the Administrator is resisted or obstructed by any one, the Committee or the Administrator as the case may be, may make requisition in the prescribed form to the Collector of the district in which any such property is situate to deliver possession thereof to the Committee or the Administrator, as the case may be. (4) Where a requisition is made to the Collector under sub-section (3),

the Collector shall hold a summary Inquiry into the facts of the case and If satisfied that the resistance or obstruction was without any Just cause. shall comply With the said requisition, and In exercising the powers under this section, the Collector may use such force as may be necessary. (5) Every person authorised by the Committee or acting under Its Instructions In pursuance of this section or the Administrator shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860) (6) Nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order made thereunder for establishing his title to the property 29 Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall be against the Government or the Commissioner or the Committee or any member thereof or the Administrator or any other person acting under the Instructions of the Committee or authorised by It, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. 30 Public officers to furnish copies of or extracts from certain documents.—All public officers having custody of any record, register, report or other document relating to the Devaswom shall furnish such copies of or extracts from the same as may be required by the Administrator 31. Acts of Administrator not to be invalidated.—No act or proceeding of the Administrator shall be invalidated by reason only of a defect or irregularity in his appointment or on the ground that he was not entitled to hold or continue in office by reason of any disqualification 32 Constitution of Renovation Executive Committee.— (1) Notwithstanding anything contained in this Act or in the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), the Government may, if they consider it necessary in the interests of the affairs of the Temple and of the worshipping public, to renovate and improve the Temple, by notification in the Gazette, approve and recognise any Committee constituted or to be constituted for the purpose (in this section referred to as the "Renovation Executive Committee") (2) The Renovation Executive Committee shall exercise such powers and discharge such functions in connection with the renovation and improvement of the Temple and shall follow such procedure, as may be specified by the Government by notification in the Gazette (3) The Renovation Executive Committee shall constitute a fund to be called the "Sree Guruvayoor Renovation Fund" which shall be administered by the Renovation Executive Committee subject to such directions as the Government may from time to time issue (4) The fund shall consist of all contributions received by the Renovation Executive Committee for the specific purpose of renovation and improvement of the Temple (5) The fund shall be utilised for the renovation improvement of the Temple and for incidental purposes including the maintenance of the necessary establishments, any unspent amount of the fund shall be transferred to Temple Fund. and in- and the 39 (6) The Government shall every year appoint an auditor to audit the accounts of the Renovation Executive Committee and fix his remuneration (7) The remuneration to the auditor shall be paid from the Sree Guruvayoor Renovation Fund (8) The auditor shall submit his report to the Renovation Executive Committee and send a copy of it to the Government, and thereupon the Government may issue such directions thereon as they deem fit, and that Committee shall comply with such directions (9) The report of the auditor and the directions issued by the Government thereon shall be published in the prescribed manner 33 Savings.—Nothing in this Act shall, save as otherwise expressly provided in this Act or the rules made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise from or in the Devaswom, or its established usage in regard to any other matter. 34 Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with this Act or the rules made thereunder, which appears to them necessary for the purpose of removing the difficulty 3.5 Application of Madras Act XIX of 1951.—provisions of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), shall, except in respect of matters for which provisions have been made in this Act, apply to the Devaswom (2) Subject to the provisions of this Act, any reference in any provision of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), to the trustee or trustees or the Board of Trustees shall, in the application of that provision to the Devaswom, be construed as a reference to the Committee 36 Scheme framed for the Temple not to apply.—The scheme framed for the Temple by the High Court of Madras 40 In Appeals Nos. 211 and 212 of 1930, as modified by the District Court, South Malabar, in OS No. 1 of 1933, shall cease to apply to the Temple 37 Repeal and saving.—(1) The Guruvayoor Devaswom Ordinance, 1971 (12 of 1971), is hereby repealed. (2) Notwithstanding such

repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

