

12/1972
Act No.
Date of Assent 15/12/1972
Date of Publication 20/12/1972

THE SHRI GOVINDAJI TEMPLE ~~BILL~~, 1972.

AA

Act

to provide for the preservation of cultural tradition and for the maintenance and better administration of the temple of Shri Govindaji at Imphal and its endowments.

WHEREAS it is expedient to make a law for the preservation of cultural tradition with respect to the deity of Shri Govindaji and for the maintenance and better administration of the temple thereof and its endowments ;

It is hereby enacted by the Legislature of Manipur in the Twenty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Shri Govindaji Temple Act, 1972.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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

(a) "Board" means the Shri Govindaji Temple Board established and constituted under this Act ;

(b) "Deputy Commissioner" means the Deputy Commissioner of Manipur Central District ;

(c) "Endowment" means all property, movable or immovable, belonging to any of the deities worshipped in the Temple, or given or endowed in any name for the maintenance or improvement of the Temple or the mode of worship, or for the performance of any service or charity connected therewith, and includes,—

- (i) the Temple,
- (ii) the idols installed therein,
- (iii) the precincts thereof, and
- (iv) the gifts of property or offering made to to any of the dieties worshipped therein ;
- (d) "Executive Officer" means the Executive Officer of the Temple appointed under this Act ;
- (e) "ex-Ruler" means the ex-Ruler of Manipur who, at any time before the commencement of the Constitution (Twenty-Sixth Amendment) Act, 1972, was recognised by the President of India as the Ruler of Manipur, and includes his successors under the rule of primogeniture ;
- (f) "Member" means a member of the Shri Govindaji Temple Board and does not include the President ;
- (g) "Official Gazette" means the Manipur Gazette ;
- (h) "Prescribed" means prescribed by rules made under this Act ;
- (i) "President" means the President of the Shri Govindaji Temple Board ;
- (j) "Specified endowment" means any property, endowment, or money donated for the performance of any particular service or any particular charity connected with the temple and any of the idols installed therein ;
- (k) "State Government" means the State Government of Manipur ;
- (l) "Temple" means the temple of Shri Govindaji at Imphal and includes all appurtenant structures together with all additions thereto or all alterations thereof which may be made from time to time after the commencement of this Act ;
- (m) "Temple-fund" means the endowment and includes all sums of money received by or on behalf of, or for the time being held for the benefit of, the Temple or any diety worshipped therein ; and
- (n) "Vice-President" means the Vice-President of the Shri Govindaji Temple Board.

3. (1) The administration and the governance of the Temple and the Temple fund shall vest in the Shri Govindaji Temple Board constituted **under this Act.** Admini-
tion of
Temple.

(2) The ownership of the Temple fund shall vest in the deity of Shri Govindaji, and the Board shall be entitled to its possession.

4. (1) The Shri Govindaji Temple Board shall be constituted by a President, and ex-officio member and nine other membrs. Composi-
tion of
Board.

(2) The ex-Ruler of Manipur shall be the President of the Board, if he is not disqualified for any of the reasons specified in section 6 :

Provided that in case the ex-Ruler is not willing to serve as the President of the Board or in case he has no sucecssor in the male line, the State Government shall make appointment of a person as the President.

(3) The Deputy Commissioner shall be the **ex-officio** member of the Board :

Provided that in case the Deputy Commissioner does not profess the Hindu religion, he shall depute the Sub-Divisional Officer of either Imphal West or Imphal East Sub-Division professing the Hindu religion to function on his behalf as the ex-officio member.

(4) The State Government shall appoint the other nine members of the Board, who shall be persons not disqualified for any of the reasons specified in section 6 :

Provided that two such members shall be from amongst the Hindu members of the Legislative Assembly of Manipur and one such member from amongst the Hindu Commissioners of the Imphal Municipal Board :

Provided further that when as a result of dissolution there is no Legislative Assembly of Manipur or no Imphal Municipal Board, the State Government shall not be required to make such appointments in accordance with the first proviso to this sub-section.

(5) The State Government shall appoint any member of the Board as the Vice-President thereof.

Explanation.—For the purposes of this section, the word “dissolution” in the second proviso to sub-section (4) includes supersession of the Imphal Municipal Board.

Corpora-

5. (1) The Board shall be a body corporate and shall have perpetual succession and a common seal and may sue or be sued in its name.

(2) As soon as the Board is constituted under section 4, the State Government shall make notification thereof in the Official Gazette.

**Qualifica-
tions for
membership.**

6. A person shall be disqualified for being chosen as, and for being, a member of the Board

- (a) if he holds any office of profit under the administration of the Temple, or receives any emoluments or perquisites from the Temple fund, other than those granted under section 14 ; or
- (b) if he is interested in a contract for making supplies to, or executing any work on behalf of the administration of the Temple ; or
- (c) if he is of unsound mind and stands so declared by a competent court ; or
- (d) if he is an undischarged insolvent ; or
- (e) if he is not a citizen of India ; or
- (f) if he is a minor or a deaf-mute or suffers from contagious leprosy ; or
- (g) if he has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude ; or
- (h) if he does not profess the Hindu religion ; or
- (i) if he has, in the opinion of the State Government, acted in a manner prejudicial to the interest of the endowment.

**Term of
office.**

7. The members of the Board, other than the **ex-officio** member thereof, shall subject to the provisions of section 8, 9, and 12, hold office for a period of three years from the date on which the constitution of the Board is notified in the Official Gazette under sub-section (2) of section 5:

Provided that the State Government may, by notification in the Official Gazette extend the term of the members for a period not exceeding three months at a time and six months in the aggregate :

Provided further that if a member, having been appointed under the first proviso to sub-section (4) of section 4, ceases to be a member of the Legislative Assembly of Manipur or a Commissioner of the Imphal Municipal Board, as the case may be, he shall *ipso facto* cease to be a member of the Board.

8. (1) The President may at any time, by writing under his hand addressed to the State Government, resign his office. Resign

(2) The Vice-President may, at any time, by writing under his hand addressed to the President, resign his office without, however, giving up his membership of the Board.

(3) A member, other than the *ex-officio* member, may at any time, by writing under his hand addressed to the President, resign his office.

(4) The letter of resignation under sub-section (2) or sub-section (3) shall, as soon as it is received, be transmitted by the President to the State Government.

9. (1) The State Government may at any time suspend or remove the President from office on any of the grounds mentioned in clauses (a), (b) and (c) of sub-section (2) of this section : Removal

Provided that in the case of disqualification of ex-Ruler on the ground of his minority, the State Government shall appoint a person to function as the President until the ex-Ruler attains majority under the Indian Majority Act, 1875 (IX of 1875).

(2) The State Government may at any time suspend or remove from office the Vice-President or any member, other than the *ex-officio* member, of the Board on any of the following grounds, namely :

- (a) that he has been guilty of corruption of misconduct in the administration of the endowment ; or
- (b) that, being a legal practitioner, he has acted or appeared on behalf of any person against the Board in any legal proceeding ; or
- (c) that he is or has become subject to any of the disqualifications mentioned in section 6 ; or
- (d) that he has absented himself from more than three consecutive meetings of the Board and fails to explain such absence to the satisfaction of the Board.

10. Casual vacancies in the office of President, the Vice-President and any member of the Board shall be filled up by the State Government by appointment of persons who are not disqualified under section 6 :

Provided that if the vacancy is that of the President, the successor of the ex-Ruler by the rule of primogeniture shall, unless disqualified under section 6, be the President.

11. A person who holds, or who has held, office as the Vice-President or any other member shall, subject to the provisions of this Act, be eligible for re-appointment to that office.

12. (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 may, after due inquiry by notification in the Official Gazette dissolve or supersede the Board and direct the 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) Whenever all the members including the President other than the ex officio member of the Board have, without exception failed to attend a meeting of the Board without reasonable cause, or all of them other than the ex officio member have tendered resignation, or some of them other than the ex officio member have failed to attend a meeting without reasonable cause while the rest have tendered resignation, the State Government shall, notwithstanding the provisions contained in sub-section (1) and sub-section (2), dissolve the Board by notification in the Official Gazette and direct the reconstitution of another Board in accordance with the provisions of this Act.

(4) Where the Board is dissolved or superseded 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.

(5) The State Government may fix the remuneration of the person appointed under sub-section (4), and it shall be paid from the Temple fund.

13. (1) The Office of the Board shall be at Imphal.

(2) 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, by a member to be chosen by the members present.

(3) The quorum for a meeting of the Board shall be five, and if at any time during a meeting of the Board there is no quorum, it shall be the duty of the President or the person acting as such, to adjourn the meeting. :

Provided that if no quorum is present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not more than thirty minutes, adjourn the meeting to such time of the following or some other future day as it may reasonably fix and shall notify, and the business which would have been disposed of at the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum present or not.

(4) Meetings of the Board shall be held at least once in two months, and the place for such a meeting shall be at Imphal unless a majority of the members decide to meet at some other convenient place.

(5) All questions at any meeting of the Board shall be determined by a majority of votes of the members present and voting, other than the President or the person acting as such.

The President, or the person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(6) The Board shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings of a meeting of the Board shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

Office of
meetings
the Board

14. The President, the Vice-President and every other member of the Board shall be entitled to receive from the Temple fund such travelling and sitting allowances as may be prescribed.

15. Subject to the provisions of this Act or of the rules made thereunder, the functions of the Board shall be—

- (a) to make arrangement for the safe custody and preservation of the Temple fund and for maintenance of accounts thereof;
- (b) to provide facilities for the proper performance of worship by worshippers and pilgrims;
- (c) to undertake for the benefit of the worshippers and pilgrims—
 - (i) the construction of buildings for their accommodation,
 - (ii) the construction of sanitary works, and
 - (iii) the improvement of means of communication;
- (d) to make suitable arrangement for imparting religious instruction;
- (e) to make provision for medical relief of worshippers and pilgrims;
- (f) to make provision for the payment of suitable emoluments to its salaried staff;
- (g) to raise funds and incur expenditure for the performance of any of the functions of the Board; and
- (h) to do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the Temple and the Temple fund and the convenience of the pilgrims.

16. The President, the Vice-President and the other members of the Board shall, jointly and severally, be liable for the loss, waste or misapplication of the Temple fund :

Provided that if such loss, waste or misapplication is a direct consequence of the wilful act or omission of a person while he was the President, the Vice-President or a member, a suit for compensation may be instituted against such a person by the Board or by the State Government.

17. (1) Notwithstanding the provision of sub-section (1) of section 3, all matters connected with the seva and puja and other ceremonies and of festivals of the Temple according to the customs and usages of the Hindu religion shall be under the direct control of the President and under the supervision of the Board.

Selection
of religious
festivals

(2) The expenditure to be incurred in such celebrations shall be provided for in the annual budget of the Temple.

18. Any specific endowment shall be administered by the Board for the performance of the particular service or the particular charity according to the wishes of the donor of such endowment.

Admin-
istration of
specific en-
dowment

19. The Board shall have no power to borrow or lend money except with the previous sanction of the State Government.

Limitation
of borrowing
and expend-
ing power

20. No part of the Temple fund shall be transferred without the previous sanction of the State Government.

Alienation
of Temple
fund

21. (1) The State Government shall, on the enforcement of this Act, appoint a person possessing the prescribed qualifications as the Executive Officer of the Temple.

Executive
Officer

(2) The Executive Officer shall be the Secretary to the Board, who shall, subject to the control of the Board, have general power to carry out the provisions of this Act, the rules and the bye-laws made thereunder and the resolutions passed by the Board.

(3) The Executive Officer shall perform such other duties and exercise such other powers as may be delegated to him from time to time by the Board.

(4) The State Government shall fix the remuneration of the Executive Officer and it shall be paid from the Temple fund.

22. (1) The Board shall, with the approval of the State Government, determine from time to time the number, designation, and grade of its officers and servants and the scale of pay and allowances for them.

Other
officers and
servants

(2) The Board shall appoint the officers and servants of the Board.

(3) The officers and servants of the Board shall perform such duties and exercise such powers as may, from time to time, be fixed by the Executive Officer with the approval of the Board.

(4) The pay and allowances of the officers and servants shall be paid from the Temple fund.

(5) The Board may suspend, remove, dismiss or reduce in rank or in any way punish all officers and servants of the Board other than the Executive Officer, in accordance with rules made by the State Government.

(6) Any officer or servant who is aggrieved by an order passed under sub-section (5) may prefer an appeal to the State Government against such an order within sixty days of the date of service of such an order :

Provided that no appeal against an order other than an order for removal or dismissal shall lie to the State Government.

23. (1) On the commencement of this Act, the services of the staff of the Temple existing before such commencement shall, unless otherwise provided in an order issued in that behalf by the State Government, be dispensed with.

(2) After the commencement of this Act by notification under sub-section (2) of section 1 and before the constitution of the Board by notification under sub-section (2) of section 5, the State Government may appoint one or more persons to discharge all or any of the functions of the Board under this Act.

24. The President, the Vice-President and the other members, the Executive-Officer and other officers and servants of the Board shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule, bye-law or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

25. (1) The State Government shall every year appoint an auditor to audit the accounts of the Temple fund.

(2) The remuneration of the auditor shall be fixed by the State Government at the time of his appointment and shall be paid from the Temple fund.

(3) The auditor shall submit the audit-report to the Board and send a copy of it to the State Government.

(4) The State Government may issue such directions and pass such orders on the audit-report as it may deem fit, and the Board shall carry them out.

Temple
range
ment.

Temple func-
tionaries to
be public
servants.

Audit.

26. (1) The Board shall in respect of every financial year prepare or cause to be prepared an annual budget containing a statement of the estimated receipts and expenditure of the administration of the Temple for that year. Budget.

(2) Board shall consider and pass the budget with alterations, if any, at a meeting or meetings before the commencement of that year, and a copy of the budget shall be sent to the State Government as soon as it is so passed.

27. The Board shall annually prepare and submit to the State Government a report on the administration of the affairs of the Temple at such time as may be prescribed. Administration Report

28. (1) The State Government may, from time to time issue such directions to the Board as it may deem fit, and the Board shall carry them out. Power of State Government to issue directions and call for information and accounts.

(2) The State Government shall have power to call for such information and accounts from the Board as may in its opinion be necessary for reasonably satisfying itself that the Temple and the Temple fund are properly managed, maintained and administered, and the Board shall, on such requisition, furnish forthwith such information and accounts to the State Government.

29 (1) The State Government may depute a person to inspect any movable or immovable property, records, correspondence, plans, accounts, and other documents, relating to the Temple. Inspection.

(2) The person appointed under this section may also inspect whether a specific endowment, if any, is administered according to the wishes of the donor of such an endowment.

(3) The Board and its employees shall, for the purposes of inspection, render all facilities to the person appointed under this section.

30. (1) The Board may make bye-laws not inconsistent with this Act or the rules made thereunder or any other law for— Power of the Board to make bye-laws.

(a) the procedure and conduct of business at meetings of the Board, the manner in which notice of its meetings shall be given and the manner in which proceedings of its meetings shall be recorded and published ;

- (b) the formation of committees, and the delegation of powers to such committee ;
- (c) the books and accounts to be kept at the office of the Board ;
- (d) the custody and investment of the Temple fund ;
- (e) the collection of the daily offerings to the deities worshipped in the Temple ;
- (f) the maintenance of order inside the Temple and regulating the entry of persons therein ; and
- (g) the performance of functions provided in section 15.

(2) No bye-law or cancellation or alteration thereof made by the Board shall have effect until it is confirmed by the State Government.

(3) Where a bye-law or cancellation or alteration thereof is submitted to the State Government for confirmation, the State Government may—

- (a) confirm it as a whole ; or
- (b) confirm it with some changes ; or
- (c) withhold the confirmation.

(4) A bye-law or cancellation or alteration thereof confirmed under clause (a) or clause (b) of sub-section (3) shall be published in the Official Gazette, and shall thereafter have the force of law.

Resistance
or obstruction
in obtaining
possession.

31. If in obtaining possession of any property which forms the Temple fund or part of it 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 of the property. 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.

Costs of
suits, etc.

32. 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 Temple fund.

33 (1) 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.

Over-riding effect of Act.

(2) Section 92 of the Code of Civil Procedure, 1908 shall not apply to any suit against the Board.

34. (1) The State Government may, by notification in Official Gazette, make rule for carrying out the purposes of this Act.

Power of State Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) all matters expressly required or allowed by this Act to be provided for by rules;
- (b) the qualification for the Executive Officer and other officers and servants of the Board, the establishment of provident fund for them and the conditions of their service;
- (c) the grant of leave and travelling allowances to the Executive Officer and other officers and servants of the Board;
- (d) the payment of travelling allowance and sitting allowances of the President, the Vice-President and the other members of the Board;
- (e) the budgets, returns, accounts, reports, and any other information to be submitted by the Board to the State Government; and
- (f) the co-option by the Board of not more than two members subject to the restriction that the co-opted members shall not have the right to vote at any meeting of the Board.

35. Whenever any difficulty arises in giving effect to any of the provisions of this Act, the rules, bye-laws and orders made thereunder, the State Government may give such directions as may appear to it to be necessary for the purpose of removing the difficulty.

Power of the State Government to remove difficulties.

36. 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.

Bar to suit or proceeding against the State Government.

STATEMENT OF OBJECTS & REASONS

The Constitution (Twenty-sixth Amendment) Act, 1971 has been passed with effect from 28-12-71. The Ruler of Manipur stands recognised. According to the Article II of the Manipur Merger Agreement the Ex-Ruler was managing the affairs of the temple of Shree Govindajee after derecognition of the Ruler. There is a demand from the general public of Manipur that a trustee should be constituted for the management of the above temple. To fulfil the desire of the general public, the Shri Govindaji Temple Bill is introduced on the table of the House.

Imphal,

24th November, 1972.

YUMNAM YAIMA

MEMO SHOWING ANNUAL FINANCIAL IMPLICATIONS

The annual expenditure for the management of the Temple of Shree Shree Govindajee is furnished as under :—

1) Executive Officer	1 @	Rs. 750/-	Rs. 9,000/-
2) Clerk	2 @	Rs. 250/-	Rs. 6,000/-
3) Peon	1 @	Rs. 150/-	Rs. 1,800/-
4) Sweeper	3 @	Rs. 150/-	Rs. 5,400/-
5) Bramhins	5 @	Rs. 250/-	Rs. 15,000/-
6) Duhons	4 @	Rs. 200/-	Rs. 9,600/-
7) Others establishment			Rs. 5,000/-
8) Daily pujas etc.			Rs. 4,200/-
9) Misc. Expenditure for other festival, etc.			Rs. 10,000/-
Total—			Rs. 66,000/-

MEMO ON DELEGATED LEGISLATION

Clauses 34 of the proposed law provides for the powers of the State Government to make rules for carrying out the purposes of the proposed law. These powers are of general and procedural nature.