

THE UTTAR PRADESH SRI KASHI VISHWANATH TEMPLE
ACT, 1983¹

[U. P. Act No. 29 of 1983]

Amended by

U. P. Act No. 25 of 1986

U. P. Act No. 23 of 1989

U. P. Act No. 15 of 1997

U. P. Act No. 03 of 2003

U. P. Act No. 11 of 2013

U. P. Act No. 12 of 2013

**[As passed by the Uttar Pradesh Legislature, assented to by
the President on October 12, 1983 and published in Uttar Pradesh
Gazette Extraordinary dated October 13, 1983]**

AN

ACT

***to provide for the proper and better administration of Sri
Kashi Vishwanath Temple, Varanasi and its endowments and for
matters connected therewith or incidental thereto.***

**IT IS HEREBY enacted in the Thirty-fourth Year of the Republic of
India as follows :—**

CHAPTER—I

Preliminary

**Short title and
commencement**

1. (1) This Act may be called the Uttar Pradesh Sri Kashi Vishwanath Temple Act, 1983.

*(2) It shall be deemed to have come into force on January 28, 1983.

**Overriding
effect of the
Act**

2. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, for the time being in force or custom or usage, contract, deed or engagement, judgment, decree or order of any court or scheme of management settled by any court.

**Functionaries
under the Act
to be Hindus**

3. No person shall, unless he is a Hindu by religion, be eligible for being or continuing as a member of the Board or Executive Committee or as Chief Executive Officer or as an employee of the

1. For Statement of Objects and Reasons see at the end of this Act.

* w.e.f. January 28, 1983.

Temple and every person shall cease to hold office or to exercise any power or discharge any function as such when he ceases to be a Hindu.

Definitions

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

(1) “appointed date” means such date as the State Government may by notification, appoint ;

(2) “archaka” means any person who performs or conducts any worship, service, ritual or other religious observances in the Temple and includes a Pujari, Panda, Purohit or Sewak ;

(3) “Board” means the Board of Trustees constituted under section 6 ;

(4) “Chief Executive Officer” means the Chief Executive Officer appointed under section 16 ;

(5) “endowment” means all properties, movable or immovable, belonging to or given or endowed for the support or maintenance or improvement of the Temple or for the support or maintenance or improvement of the Temple or for the performance of any worship service, ritual, ceremony or other religious observance in the Temple or any charity connected therewith and includes the idols installed therein, the premises of the Temple and gifts of property made or intended to be made for the Temple or the deities installed therein to anyone within the precincts of the Temple ;

(6) “Executive Committee” means the Executive Committee constituted section 19 ;

(7) “prescribed” means prescribed by rules made or notified order issued by the State Government under this Act ;

(8) “religious offering” means an offering made within the precincts of the Temple or otherwise, whether in cash or kind, associated with the performance or conduct of any worship, service, ritual, ceremony or religious observance in the Temple and includes postal or telegraphic remittances or cheques or bank drafts intended or meant to be an offering for use as such in the Temple ;

(9) “Temple” means the Temple of Adi Vishweshwar, popularly known as Sri Kashi Vishwanath Temple, situated in the City of Varanasi which is used as a place of public religious worship, and dedicated to or for the benefit of or used as of right by the Hindus, as a place of public religious worship of the Jyotirlinga and includes all subordinate temples, shrines, sub-shrines and the ashthan of all other images and deities, mandaps, wells, tanks and other necessary structures and land appurtenant thereto and additions which may be made thereto after the appointed date ;

(10) “Temple Fund” means the Temple Fund constituted under section 23.

CHAPTER — II

The Board of Trustees

**Vesting of
the Temple
and its
endowments**

5. The ownership of the Temple and its endowments shall vest in the deity fo Sri Kashi Vishwanath.

**Constitution
of the Board
of Trustees.**

6. (1) With effect from the appointed date, the administration and governance of the Temple and its endowments shall vest in a Board to be called the Board of Trustees for Sri Kashi Vishwanath Temple ;

(2) The Board of Trustees shall consist of the following members, namely : —

¹[(a) The President of the Board shall be a non-official Hindu well versed in Hindu theology and having good knowledge and experience in the management and administration of the affairs of Sri Kashi Vishwanath Temple and any worship, service, ritual or religious observance made therein to be nominated by the State Government.]

(b) Sri Jagadguru Sankaracharya of Sringeri ;

(c) Secretary to the government of Uttar Pradesh in the Department of Cultural Affairs — *ex-officio* ;

(d) Secretary to the Government of Uttar Pradesh in the Department of Finance — *ex-officio* ;

²[(e) Secretary, and in his absence, Special Secretary, if any, to the Government of Uttar Pradesh in Dharmarth Karya Vibhag — *ex-officio* ;]

(f) Secretary to the Government of Uttar Pradesh in the Judicial Legislative Department by rotation in such manner as may be prescribed — *ex-officio* ;

(g) Director of Cultural Affairs, Uttar Pradesh — *ex-officio* ;

(h) Commissioner, Varanasi Division — *ex-officio* ;

(i) District Magistrate, Varanasi — *ex-officio* ;

(j) Vice-Chancellor, Sampurnanand Sanskrit Vishwavidyalaya Varanasi — *ex-officio* ;

(k) Two local eminent persons having good knowledge and experience in the management and administration of the affairs of the temple and any worship, service, ritual or religious observance made therein to be nominated by the State Government ;

³(l) The Chief Executive Officer — *ex-officio*

1. [Subs. by sec. 2 of U. P. Act No. 03 of 2003.](#)

2. [Subs. by sec. 2 of U. P. Act No. 25 of 1986.](#)

3. [Subs. by sec. 2 of U.P. Act No. 23 of 1989.](#)

(3) Where a member of the Board cannot perform his duties as such by reason of the fact that he is not a Hindu, the person available next below him in this behalf shall be a member of the Board for the time being.

(4) The Board shall be a body corporate having perpetual succession and may sue or be sued by the name aforesaid.

(5) The constitution of the Board and every change therein shall be notified by the State Government.

Term of office

7. (1) ¹[The President or any member] of the Board, other than an *ex-officio* member, shall hold office for a period of three years from the date of notification of his nomination ;

Provided that the member specified in ²[****] clause (b) of sub-section (2) of section 6 shall hold office during his life-time ;

Provided further that a member shall be eligible for re-nomination.

(2) Casual vacancies in the office of ³[The President or a member] of the Board, caused by death, resignation, removal or otherwise, shall be filled in the same manner as specified in section 6.

Power of the State Government to remove a member of the Board

8. ⁴[(1) The State Government may remove the President or any member of the Board other than an *ex-officio* member on the ground of unfitness or misconduct.]

⁴[(2) The President or any member of the Board shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against his removal.]

(3) The decision of the State Government under this section shall be not be questioned in any Court of law.

Meetings of the Board

9. (1) The Board shall ordinarily meet once in every quarter on such date and at such time and place as the Board may determine or, as the case may be, the President may direct.

(2) At every meeting of the Board, the President, or in his absence, such member, as may be determined by the Board, shall preside.

⁵[(3) A member specified in clause (b) of sub-section (2) of section 6 may authorised in writing any person who is a Hindu and a member specified in clause (c) or clause (d) or clause (e) or clause (f) of

[^{1.} Subs. by sec. 3 \(a\) \(i\) of U. P. Act No. 03 of 2003.](#)

[^{2.} Omit. by sec. 3\(a\) \(ii\) of U. P. Act No. 03 of 2003.](#)

[^{3.} Subs. by sec. 3\(b\) of U. P. Act No. 03 of 2003.](#)

[^{4.} Subs. by sec. 4 of U. P. Act No. 03 of 2003.](#)

[^{5.} Subs. by sec. 3 of U. P. Act No. 23 of 1989.](#)

that sub-section may, if he is unable to attend any meeting of the Board, likewise authorize an officer not below the rank of Joint Secretary in his department, to attend such meeting and the person or officer so authorized shall have the right to take part in the proceedings of the meeting and shall also have the right to vote.]

¹[(4) No business shall be transacted at any meeting of the Board, unless at least five members including persons or officers authorized under sub-section (3) are present.]

(5) The Board shall follow such procedure for the transaction of business, as may be determined by the regulations.

(6) All questions arising at a meeting of the Board shall be decided by a majority of the members present and voting and in the case of equality of votes, the President shall have a casting vote.

(7) The Chief Executive Officer, who shall be the Secretary of the Board, shall be responsible for the due record and maintenance of the minutes of the proceedings of the Board and shall submit a copy of the minutes to the State Government for information.

Authentication of the acts and Proceedings of the Board.

10. All orders and decisions of the Board and the record of acts and proceedings of the Board shall be authenticated by the signature of the President, or if so authorized by the Board, by the signature of the Chief Executive Officer.

Power of the Board to act notwithstanding vacancy.

11. No act or proceeding of the Board shall be invalid merely by reasons of the existence of any vacancy or defect in the constitution of the Board.

Allowances to members of the Board.

12. The State Government may, by order, from time to time direct the payment of such allowances in such manner and at such time, out of the Temple Fund to the President or members of the Board, as may be determined by it.

Board to be in possession of the Temple and its properties.

13. (1) The Board shall be entitled to take and be in possession of all movable and immovable properties, cash, valuables, jewelries, records, documents, material objects and other assets belonging to or forming part of the Temple and its endowments.

(2) Every person who has possession, custody or control of any such movable or immovable property, cash, valuable, jewellery, record, document, material object or other asset, as aforesaid shall, subject to all just exceptions, produce and deliver the same, when required, under this Act, to the Chief Executive Officer.

Duties of the Board.

14. Subject to the provisions of this Act and any rules made thereunder it shall be the duty of the Board —

(a) to arrange for the due and proper performance of worship, service and rituals, daily or periodical, general or special of Sri Kashi

1. Subs. by sec. 3 of U. P. Act No. 23 of 1989.

Vishwanath and other deities in the Temple, ceremonies and other religious observances in accordance with the Hindu Shastras and scriptures and usage ;

(b) to ensure maintenance of public order, health and morality, including arrangement for lighting, hygienic conditions and proper standard of cleanliness in the Temple ;

(c) to ensure the safe custody of the funds, cash, valuables, jeweleries and other properties of the Temple ;

(d) to make adequate arrangements for the preservation and management the properties and secular affairs of the Temple ;

(e) to ensure that the funds of the endowments are spent according to the wishes, so far as may be known or ascertained, of the donors ;

(f) to provide facilities for the proper performance of worship by the pilgrims and worshippers ;

(g) to make provision for the convenience and medical relief of pilgrims worshippers ;

(h) to undertake for the benefit of the pilgrims and worshippers—

(i) the construction of buildings for their accommodation ;

(ii) the construction of sanitary works ;

(iii) the improvement of means of communication ;

(iv) such other matters as may be prescribed ;

(i) to make provision for the payment of suitable emoluments the salaried staff ;

¹[(j) to distribute free of cost Bhasm made out of Belpatra etc. received in temples offerings among devotees ;

(k) to do research related to Vedic Culture to provide opportunities related to research to setup cost free research centers, to organize free of cost education classes to establish cost free technical education for uniting Vedic Culture with technical education and to provide opportunities for employment to introduce welfare schemes for the society with the help of organizations having similar objectives and to open, schools for Vedic Culture's education ;

(l) to open and organize free of cost medical centers for poor, weak and helpless devotees ;

(m) to provide free of cost facilities of Annakshetrum for devotees;

[1. Subs. by sec. 2 of U. P. Act No. 12 of 2013.](#)

(n) to open and provide free of cost lodging place for devotees, arrange free of cost stay and also to setup research centers relating to Vedic Culture and technical education ;

(o) to arrange and distribute free of cost prasadam distribution amongst devotees to distribute clothes etc and other ingredients received in offerings among poor and helpless people ;

(p) to publish and distribute free of cost magazines for awareness to fulfill the object of the trust and time organize seminars and meetings;

(q) to do all such things as may be incidental and conducive to the efficient management of the affairs of Temple and its endowments and the convenience of the pilgrims and worshippers.]¹

Powers of the Board

15. The Board shall exercise all such powers, as are necessary for or incidental to the performance of its duties and functions under this Act and in particular shall have power, —

(a) to fix fees for the performance of any worship, service, ritual, ceremony or religious observance in the Temple ;

(b) to call for such information and accounts as may, in its opinion be necessary for satisfying itself that the Temple and its endowments are properly maintained and administered and their funds are duly appropriated for the purposes for which they exist or were founded ;

(c) to prohibit within the premises of the Temple or within such area belonging to the Temple, as may be specified in this behalf,—

(i) sale, possession, use or consumption of any intoxicating liquor or drug ;

(ii) sale, possession, preparation or consumption of meat or other food stuffs containing meat ;

(iii) slaughter, killings, maiming of any animal or bird for any, purpose ;

(iv) gaming with cards, dice, counter, money or other instruments of gaming ;

(d) to do or direct the doing of such other things as may be prescribed.

CHAPTER — III

The Temple Establishment

Officers of the Temple

2[16. (1) The State Government shall appoint for the Temple a Chief Executive Officer and may appoint such other Officer or officers as it may consider necessary.

1. Subs. by sec. 2 of U.P. Act No. 12 of 2013.

2. Subs. by sec. 2 of U. P. Act No. 15 of 1997.

(2) The conditions of service, including the qualifications for appointment and the salary and allowances payable to the officers appointed under sub-section (1) shall be such as may be determined by the State Government :

Provided that the rights of such officers in respect of salary and other conditions of service shall not be varied to their dis-advantage after their appointment.]¹

Powers and duties of the Chief Executive Officer.

17. (1) The Chief Executive Officer shall be the principal Executive Officer of the Temple and shall, subject to the control of the Board, be responsible for the management of the secular affairs of the Temple and its endowments.

(2) Subject to the provisions of this Act and the rules made thereunder, it shall be duty of the Chief Executive Officer,–

(a) to carry out the decisions and orders of the Board and the Executive Committee in accordance with the provisions of this Act ;

(b) to arrange for the proper collection, maintenance and disposal of the religious offerings in the Temple and to keep a full and proper account thereof ;

(c) to have custody of and make suitable arrangement for the preservation and maintenance of all records, jewellerys, valuables, moneys, valuable securities and properties of the Temple ;

(d) to record and maintain the minutes of proceedings of the Board ;

(e) to call for tenders for works or supplies and to accept tenders, the value or amount whereof does not exceed five thousand rupees ;

(f) to exercise control over the employees of the Temple and take appropriate action against them in cases of breach of discipline ;

(g) to do all such things as may be required for the due performance of his duties imposed by or under this Act.

Powers of the Chief Executive Officer in emergency

18. (1) In case of emergency, the Chief Executive Officer may direct the execution of any work or the doing of anything which is not provided for in the budget for the year or which is in his opinion, immediately necessary and unavoidable for the preservation of the Temple or its endowments or for the health, safety or convenience of the pilgrims or worshippers resorting to the Temple or for the due performance of the worship, service rituals, ceremonies or observances in the Temple and may further direct that the expenses of the execution of such work or the doing of such thing shall be paid out of the Temple Fund.

(2) The Chief Executive Officer shall forthwith report to the Board and the Executive Committee the action taken under this section together with a statement of the reasons for such action and thereupon the Board shall take such action, after taking into account the recommendations of the Executive Committee, as it deems fit.

1. Subs. by sec. 2 of U.P. Act No. 15 of 1997.

**Executive
Committee**

19. (1) There shall be an Executive Committee which shall, subject to the directions of the Board or the State Government, be responsible for the superintendence, direction and control of the affairs of the Temple.

(2) The Executive Committee shall consist of the following members, namely :—

(a) Commissioner, Varanasi Division — Chairman

(b) District Magistrate, Varanasi— Member

(c) Senior Superintendent of Police, Varanasi — Member

(d) Administrator/Mukha Nagar Adhikari, Nagar Mahapalika, Varanasi — Member

(e) Members of the Board specified in clause (j) of sub-section (2) of section 6 — Member *ex-officio*

(f) Chief Executive Officer — Member-Secretary.

(3) Where a member of the Executive Committee cannot perform his duties as such by reason of the fact that he is not a Hindu, the person, available next below him in this behalf, shall serve on the Committee.

(4) The Executive Committee shall have power to co-opt as member any other suitable person, not more than two in number, for the discharge of its functions.

(5) The Executive Committee shall exercise such powers and perform such functions as are conferred on it by or under this Act or are assigned to it by the Board.

**Provisions as
to the
existing
employees of
the Temple**

20. (1) The Chief Executive Officer shall, as soon as may be, prepare a schedule setting forth the designations, grades and duties of persons constituting the establishment of the Temple.

(2) In preparing the schedule referred to in sub-section (1), the Chief Executive Officer shall, in relation to the nature of interest claimed by any person give recognition and effect to any judgment, decree or order of a court or custom or usage relating to the Temple.

(3) The schedule referred to in sub-section (1), together with the proposals of the Chief Executive Officer with regard to the salaries or allowances payable to the persons specified in the schedule, shall be submitted to the Board and such schedule shall, subject to any changes or modifications made therein, come into force on approval by the Board and such persons shall be entitled to such conditions of employment as may be prescribed.

Temple staff

21. (1) Subject to any rules made in this behalf, the Board or as the case may be, the Chief Executive Officer may appoint such employees with such designations as may be prescribed and assign to them such powers and such functions as may be deemed necessary for the purpose of this Act.

(2) The employees shall be entitled to such salary and allowances and shall be governed by such conditions of service including conditions as to qualifications and method of recruitment, as may be prescribed.

(3) No employee shall be removed from service unless he has been given a reasonable opportunity of being heard.

Archaka

22. (1) Every archaka attached to or serving in the Temple shall be responsible for the proper performance and conduct of worship, service, rituals, ceremonies and other religious observances in the Temple and other general or special, daily or periodical services connected therewith and the Board or the Executive Committee or the Chief Executive Officer or any other employee of the Temple shall not interfere with the discharge of the duties by the archaka as such.

(2) The archaka shall be entitled to such remuneration for his services as may be agreed upon between him and the Board and failing such agreement, as may be determined in accordance with the rules made in this behalf and shall not be entitled to any other perquisites or emoluments, save as permitted by or under this Act.

CHAPTER — IV

Property and Accounts

Temple Fund

23. (1) There shall be constituted a Fund to be called “Sri Kashi Vishwanath Temple Fund” which shall be vested in and administered by the Board and shall consist of the following, namely :—

(a) the income derived from the movable and immovable properties of the Temple ;

(b) the religious offerings made or intended to be made to the deity of Sri Kashi Vishwanath or any other deity in the Temple ;

(c) any contribution by the State Government either by way of grant or by way of loan ;

(d) any donation or charity made by a person in or for the Temple;

(e) any other gift or contribution made by the public, or local authorities or institutions ;

(f) all fines and penalties imposed under the Act ;

(g) all recoveries made under the Act.

(2) The Temple Fund shall be utilized for the purposes required or permitted by or under this Act.

¹ (3) Without prejudice to any other mode of recovery available, any liquidated amount of money due to the Deities Board or Temple Fund shall, on the certificate of the Chief Executive Officer, be

[1. Ins. by sec. 4 of U. P. Act No. 23 of 1989.](#)

recoverable as arrears of land revenue.]

**Fixation of
scale of
expenditure
on rites or
ceremonies.**

24. (1) The Chief Executive Officer shall, within three months from the appointed date, submit proposals for fixing the scale of expenditure in the Temple and the amounts which should be allotted to the various objects connected with the Temple.

(2) Such proposals shall be prepared after consultation with the archaks and having due regard to the requirements of worship or offerings in connection with the performance of the general or special, daily or periodical services, rituals, ceremonies or other religious observances according to the usage or otherwise.

(3) The proposals referred to in sub-section (1) shall be submitted in such form and manner, as may be prescribed, to the Board.

(4) The Board shall cause the proposal to be published in such manner, as may be prescribed, and any person interested may submit his objections or suggestions within a period of thirty days from the date of such publication.

(5) After considering the objections and suggestions, which may be received under sub-section (4), the Board shall pass such orders, as it thinks fit, on such proposals, having regard to the objects specified in sub-section (2) and the financial position of the Temple.

(6) A copy of the order passed under sub-section (5) shall be published in the prescribed manner.

(7) Any person aggrieved by an order under sub-section (5) may appeal against such order to the State Government and the order passed on such appeal shall be final.

(8) The scale of expenditure, fixed under sub-section (5), may be revised from time to time, and the provisions of sub-sections (1) to (5) shall *mutatis mutandis* apply to such revisions.

(9) The scale of expenditure for the time being in force shall be the first charge on the Temple Fund and save as aforesaid, shall not be altered.

Budget

25. (1) The Chief Executive Officer shall, in respect of every financial year, submit a statement of the estimated receipts and expenditure (hereinafter referred to as the Budget) for that year to the Board in such manner as may be prescribed and the Board may approve the budget without modification or with such modification as it thinks fit.

(2) Every budget shall make adequate provisions for —

(i) the proper performance of the worship of the deities, services, rituals, ceremonies and other religious observances in the Temple ;

- (ii) the due discharge of all liabilities of the Temple ;
- (iii) the maintenance of a working balance and a reserve fund ;
- (iv) the arrangement to be made for securing the health, safety and convenience of the pilgrims, worshippers or persons having interest in the Temple ;
- (v) the constructions, repair and improvement of the Temple and the building connected therewith ; and
- (vi) such other matters as may be prescribed.

(3) After the approval of the Board, the budget shall be submitted to the State Government for sanction before such date as may be fixed by the State Government in that behalf.

(4) Before sanctioning the budget, the State Government shall satisfy itself that adequate provision has been made in the budget for the maintenance of the prescribed working balance and for meeting all the liabilities of the Temple and its endowments and the State Government shall have power to modify any part of the budget so as to ensure that such provisions are made.

(5) The decision of the State Government sanctioning the budget shall be communicated to the Chief Executive Officer by such date as may be prescribed, failing which it shall be deemed that the budget has been sanctioned by the State Government without any modification.

(6) It shall not be lawful for the Board to incur any expenditure which is not sanctioned in the budget or which will have the effect of varying the amount for any provisions made in the budget.

(7) When a need has arisen for supplementary or additional expenditure upon some new service not contemplated in the budget, the Chief Executive Officer shall submit a supplementary estimate of the proposed expenditure and the provisions of sub-sections (1) to (6) shall *mutatis mutandis* apply to such supplementary estimate.

(8) Where any person is entitled to receive any payment out of the proceeds of the properties of the Temple by virtue of any custom or usage or otherwise on account of any interest which he has in the administration of the affairs of the Temple, such payment shall be made to him from the Temple Fund after making due allowance for the expenses required to be made in respect of matters specified in sub-section (2) and necessary adjustment may be proportionately made in making such payments.

**Regular
account to be
kept**

26. The Board shall cause regular accounts to be kept in such form as may be approved by the State Government and containing such particulars as may be prescribed.

Audit

27. (1) The accounts shall be audited annually, or if the State Government so directs in any case, at shorter intervals in such manner as may be prescribed.

(2) Such audit shall be made by the auditors appointed by or under the direction of the State Government.

(3) The remuneration of such auditors and the cost of audit shall be recoverable by the State Government from the Temple Fund.

(4) It shall be the duty of all persons concerned with the administration of the affairs of the Temple to produce or cause to be produced before the auditors all such accounts, records, and documents and to furnish them with all such information as may be required and to afford them all such assistance and facilities as may be necessary for the audit.

(5) After completing the audit, the auditor shall send a report containing such particulars, as may be prescribed, to the Chief Executive Officer and shall also send a copy of such report to the State Government.

(6) The defects or irregularities pointed out by the auditor shall be remedied within the time specified in this behalf and a report thereof shall be submitted to the State Government.

Surcharge

28. (1) Where on a consideration of the compliance report received under sub-section (6) of section 27, and after such enquiry as may be necessary, the State Government thinks that a member of the Board or any other person has made any illegal, irregular or improper expenditure or has caused any loss or waste of money or other property of the Temple, by neglect or misconduct, it may issue notice to such member of the Board or other person concerned to show cause why an order of surcharge should not be passed against him and after considering his explanation, if any, by order certify the amount so spent or the amount or value of the property so lost or wasted and direct that such amount shall be recovered from him personally.

(2) An order of surcharge, passed under sub-section (1) against a member of the Board or any other person, shall not bar a suit for accounts or any other matter not finally dealt with by such order.

(3) The amount of surcharge may be recovered as if it were an arrear of land revenue.

Provisions to acquisition or transfer of property.

29. (1) No immovable property shall be acquired for and on behalf of the Temple, nor any transfer of any immovable property belonging to or endowed for any purpose of the Temple shall be effected save with the prior sanction of the State Government.

¹[(2) No Jewellery or other valuable property or movable property of a non-perishable nature which is in possession of the Temple shall be transferred except, —

(a) with the sanction of the Chairman, of Executive Committee, where the value of the property is upto rupees one lakh.

1. Subs. by sec. 2 of U. P. Act No. 11 of 2013.

(b) with the sanction of the Executive Committee, where the value of property exceeds rupees one lakh and fifty thousand but does not exceed rupees two lakh;

(c) with the sanction of the Board, where the value of the property exceeds rupees two lakh and fifty thousand but does not exceed rupees five lakh;

(d) with the previous approval of the State Government and the sanction of the Board, where the value of the property exceeds rupees five lakh.]¹

(3) The State Government shall not grant any sanction under sub-section (1) or sub-section (2) unless it considers that the transaction is necessary or beneficial to the Temple and the consideration therefor is reasonable and proper.

(4) Any proposal for acquisition or transfer of immovable property shall be submitted in such form and contain such particulars as may be prescribed.

(5) The State Government shall communicate its decision to the Chief Executive Officer within three months from the date of receipt of such proposal and, if no decision is communicated within such period, it shall be deemed that the proposal has been sanctioned.

Restriction on borrowing of money

30. No money shall be borrowed for and on behalf of the Temple from any person save with the previous sanction of the State Government.

Contracts

31. Subject to the provisions of this Act or the rules made thereunder, all contracts shall be executed and signed by and all purchases shall be made by the Chief Executive Officer for and on behalf of the Temple :

Provided that in the case of a contract for the execution of any work or for any supplies, the amount or value of which exceeds rupees ten thousand, prior sanction of the State Government shall be necessary.

CHAPTER — V

INSPECTIONS

Power of the State Government to cause inspections to be made

32. (1) The State Government shall have the right to cause inspection or enquiry to be made by such person, as it deems fit, in respect of any matter connected with the administration and finance of the Temple.

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the Board and any person nominated by the Board shall have the right to be present at such inspection or inquiry and to be heard as such.

(3) The person appointed under sub-section (1) to inspect or inquire shall have all the powers of a Civil Court, while trying a suit

[1. Subs. by sec. 2 of U.P. Act No. 11 of 2013.](#)

under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

(4) The State Government shall communicate to the Board the result of such inspection or inquiry with such directions thereon as it thinks fit.

(5) The Board shall comply with the directions issued under sub-section (4) and shall, within such time as the State Government may fix, submit to it a report of the action taken in this behalf.

Power to issue directions

33. The State Government may issue such directions, not being inconsistent with the provisions of this Act or the rules made thereunder, as it deems fit in respect of matters arising out of or connected with this Act and it shall be the duty of the Board to comply with such directions.

CHAPTER — VI

PENALTIES

Punishment for resistance or obstruction to taking possession of Temple property

34. Whoever contravenes the provisions of sub-section (2) of section 13 or intentionally causes any resistance or obstructions in the obtaining of possession of any property by or under the authority of the Board or the Chief Executive Officer under this Act shall be punishable with imprisonment which may extend to one year or with fine or with both.

Punishment for contravention of certain directions of the Board

35. Whoever contravenes any direction made under clause (c) of section 15 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

CHAPTER — VII

MISCELLANEOUS

Temple functionaries to be public servants

36. The members of the Board, the Executive Committee, the Chief Executive Officer and an employee of the Temple, while acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Administration Report

37. (1) The Board shall annually submit to the State Government a report on the administration of the affairs of the Temple at such time as the State Government may determine.

(2) The report prepared under this section shall be published in the prescribed manner and shall, as soon as possible, be laid before both Houses of the State Legislature.

Exemption from liability in certain cases

38. No suit, prosecution or other legal proceeding shall lie against the Board or any member of the Board or Executive Committee

or the Chief Executive Officer or an employee of the Temple for anything done or purporting to be done in good faith under this Act.

Power of the State Government to call for records

39. The State Government may call for and examine the records of any case relating to the affairs of the Temple, and if satisfied that any order or decision of the Board, Executive Committee, Chief Executive Officer or any employee of the Temple is not in accordance with the provisions of this Act or the rules made thereunder, may pass such order as it deems fit.

Public officer to furnish copies or extracts

40. All public officers having custody of any record, register, report or other document relating to the Temple or any movable or immovable property thereof shall furnish such copies or extracts of the same as may be required by the Board or the Executive Committee or the Chief Executive Officer.

Search and seizure

41. (1) In taking possession of any property, cash, valuable, jewellery, record, document or material object under this Act, the Chief Executive Officer shall have power to enter any premises at any reasonable time and make or cause to be made any search thereof.

(2) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall *mutatis mutandis* apply to all searches and seizures made under this Act.

Utilization of existing properties

42. All properties and assets belonging to or forming part of the Temple and its endowments immediately before the appointed date shall continue to be utilized for the purpose for which they were being utilized or were intended to be utilized on or after such date.

Savings

43. Nothing in this Act shall preclude any person from institutions any suit or other legal proceeding in a court of competent jurisdiction to establish the right claimed by him.

Power to remove difficulties

44. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, within a period of two years from the commencement of this Act, make, by notified order, such provisions, not inconsistent with the provisions of this Act, as appear to it necessary or expedient for removing the difficulty.

Power to make rules

45. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Power to make regulations

46. Subject to the provisions of this Act and the rules made thereunder the Board may make regulations for any matter relating to the conduct of its business or any other matter for which regulations may be made under this Act.

Repeal and savings

47. (1) The Uttar Pradesh Sri Kashi Vishwanath Temple (Third) Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under this Act as if the provisions of this Act, were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

SRI Kashi Vishwanath Temple situated near Gyanvapi in Varanasi is regarded by the Hindus the world over in the highest esteem. Valuables in large quantity are offered by devotees from time to time and there is always influx of devotees in the Temple, specially during important festivals. The management of the Temple was under the control of four 'Mahants' who spared negligible amount, out of the offerings, for sanitation, lighting, drinking water and maintenance of the Temple and for providing amenities for the pilgrims and devotees. No proper accounts were maintained by them, of donations and offerings and the accounts were not audited. The Mahants paid nominal salary to the Pujaris.

The mis-management of the temple called for immediate remedial measures for a Temple regarded in the highest esteem by the Hindus. During the mis-management of the Temple, large scale thefts were committed during the years 1962, 1969, 1976 and 1982. On the night of January 4/5, 1983 another big theft was committed in which most part of the gold plate of Argha of Shivling was taken away. This agitated the entire Hindu world, specially the Hindus of Varanasi and of the State of Uttar Pradesh and it created the problem of public order.

Therefore, for proper management of the affairs of Sri Kashi Vishwanath Temple. It was considered necessary to entrust the management of the Temple to a Board of Trustees comprising prominent Hindu religious leaders, other religious persons of repute and high-ranking officers of the State Government and to provide for an Executive Committee for the superintendence, direction and control of the affairs of the Temple.

Since the State Legislature was not in session and in view of the above, immediate legislative action was necessary, the Governor promulgated the Uttar Pradesh Sri Kashi Vishwanath Temple Ordinance, 1983 (U. P. Ordinance no. 2 of 1983) on January 24, 1983. The Bill to replace the said Ordinance could not be introduced in the State Legislature and the Ordinance was going to lapse. Since it was considered necessary to keep the provisions of the said Ordinance in force and the State Legislature was not in session the Governor promulgated the Uttar Pradesh Sri Kashi Vishwanath Temple (Second) Ordinance, 1983 (U. P. Ordinance no. 9 of 1983) on March 15, 1983 and the Uttar Pradesh Sri Kashi Vishwanath Temple (Third) Ordinance, 1983 (U. P. Ordinance no. 20 of 1983) on April 27, 1983.

This Bill is accordingly introduced to replace the said Ordinance no. 20 of 1983.

