

SHRI BADRINATH

KEDARNATH TEMPLES LAWS

U.P SHRI BADRINATH ¹[AND SHRI KEDARNATH]

TEMPLES ACT, 1939²

(U.P. Act no. XVI of 1939)³

[4th Dec. 1939]

Amended by the U.P Act No. IV of 1941⁴

Amended by the U.P Act No. XV of 1942⁵

Amended by the U.P Act No. IV of 1948⁶

Amended by the U.P Act No.XXX of 1948⁷

Adapted and modified by the Adaptation of Laws Order, 1950

Amended by the U.P Act No.XXI of 1963⁸

Amended by the U.P Act No. VIII of 1964⁹

Amended by the U.P Act No. XIV of 1984

Amended by the U.P Act No. XI of 1989

Amended by the U.P Act No. IX of 1990

Amended by the U.P Act No.XXIV of 1991

Amended by the Uttarachal Act No.XVIII of 2002.

1. Inserted by U.P. Act No. 8 of 1964.

2. Received the assent of the Governor on December 4, 1939 under section 75 of the Government of India Act, 1935, and was published in U.P Gazette, Part VII- A, dt. December 9, 1939.

3. For statement of Objects and Reasons, Please see Gazette, 1939 (part VII- A), p. 17

4. Passed by the Governor in exercise of the powers assumed by him by the proclamation, date Nov. 3, 1939; published Gazette. 1941, Pt. VII- A, p. 5, re-enacted and continued by section 2, and Sch. Of Act XIII of 1948.

5. This Act was passed by the Governor in exercise of the powers assumed by him by the Proclamation date November 3, 1939, published in Gazette. 1942 Pt. VII- A, p. 27 Re-enacted and continued by section 2 and Scheduel of U.P Act XIII of 1948.

6. For publication please see Gazette, date June 24, 1948, Pt. VII- A, pp. 7-8.

7 For publication please see Gazette, date July 3, 1948, Pt. VII- A, pp. 51-52.

8. Received the assent of the Governor on October 22, 1963, and published in the U.P Gazette Extraordinary, dated October 23, 1963.

9. For S.O.R see Gazette, dated February 12, 1964. It was passed by the State Legislature and assented to by the Governor on March 13, 1964. It was published in the U.P. Gazette, Extraordinary date March 14 1964 pp. 1-9.

The UTTAR PRADESH SHRI BADRINATH AND SHRI KEDARNATH TEMPLES ACT, 1939

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An Act to provide for the better administration and governance of the Shri Badrinath Temple and its endowments¹ [and Shri Kedarnath Temple and their endowments].

Preamble--Whereas it is expedient to provide for the better administration and Governance of the Shri Badrinath Temple and its endowments⁷ [and Shri Kedarnath Temple and their endowments]

It is hereby enacted as follows:

1. Inserted by U.P. Act No. VII of 1964.

Statement of Objects and Reasons – The extracts reproduced as under:

“The Badrinath Temple which is one of the foremost sacred places of Hindu pilgrimage in India is situated in the Garhwal district on the heights of the Himalayas. Under the scheme of 1899 at present in force its management is in the hands of the Rawal, while the Tehri Durbar is invested with certain supervisory power. The defective nature of the scheme has been the source of constant friction between the Rawal and the Tehri Durbar. As a result, supervisions of the temple has suffered, its income has been squandered and the convenience of the pilgrims has been neglected. The unsatisfactory condition of the temple which has existed for a long time was specially brought to the notice of Government by the Hindu Religious and Charitable Endowments Committee in 1928. Since then public agitation has been continually pressing for reform in its management. The Bill who is now introduced seeks to remove the chief defects of the present scheme. It restricts the Rawal to his priestly duties and places the secular of management. The bill which is now introduced seeds to remove the chief defects of the present scheme. It restricts the Rawal to his priestly duties and places the secular of management of the temple in the hands of a small Committee which would be partly nominated. It preserves at the same time the traditional control of the Tehri Durbar ; while adequate powers have been served for Gvernment to guard against mismanagement by the Committee. [Vide Gazette, 1939, Part VII-A,p.17].

1. Short title and commencement.-(1) This Act may be called the united provinces Shri Badrinath ¹[and Kedarnath] Temples Act, 1939.

2. It shall come into force on such date² as the ³[State Government] may by notification in the Gazette appoint in this behalf.

Notes

(1) Application-Extent of- The Act was extended and applied to the merged estate of Banaras and Tehri of Garhwal by Banaras (Application of Laws) Order, 1949 and by Tehri Garhwal (Application of Laws) Order, 1949.

(2) Enforcement- The Act came into force with effect from April 15, 1940 by Notification No. 172 XVI-(P.H.)-II-CE, dated 27-2-1940, published in U.P. Gazette, Part I, p. 133.

2. Act to override Act XX of 1863, etc.- This Act shall have effect notwithstanding anything to the contrary contained in the Religious Endowments Act, 1863, or in any scheme of management framed by the court before the passing of this Act or in any decree, custom or usage:

1. Inserted by U.P. Act No. VIII of 1964.

2. Came into force on April 15, 1940. See No. 172/XVI-(P.H)-11.C.E., dated February 27, 1940 in Gazette 1940 pt. I, p. 133.

3 Subs. By the ALO 1950 for 'Provincial Government'

¹[Provided that the Committee may with the previous sanction of the ²[State Government] on a claim preferred within one year of the commencement of this Act, give such recognition and effect to any decree, custom or usage relating to the Shri Badrinath Temple ³[or Shri Kedarnath Temple] and ⁴[their] endowments as it may deem fit, and may, at the same time provide that such decree, custom or usage shall have effect subject to such exceptions or modifications as it may direct. Any orders passed by the Committee under this proviso may with the previous sanction of the ⁵[State Government] at any time be varied, modified or rescinded].

⁶3. Definitions.- In this Act unless there is anything repugnant in subject or context-

(a) 'Committee' means the Shri Badrinath and Shri Kedarnath Temples Committee constituted under this Act;

(b) 'Endowment' means all property, movable or immovable belonging to, or given or endowed for the maintenance or improvement or additions to or worship in the Temple or for the performance of any service or charity connected there with and includes the idols is installed therein, the premises of the Temple and gifts of property made to anyone within the precincts of the Temple;

(c) 'Temple fund' means the Endowment and includes all sums received by or on behalf of, or for the time being held for the benefit of the Temple, and also include all the endowments which have been or may hereafter be made of the Temple or any other deity thereof in the name of any person or for the convenience, comfort or benefit of the pilgrims thereto, as well as all offerings made to, any of the deities comprised in the Temple;

(d) 'The Temple' means the temple of Shri Badrinath and the Temple of Shri Kedarnath in district Chamoli and includes, in the case of the temple of Shri Badrinath, other temples within its premises comprising survey numbers 223,

1. Subs. By the ALO 1950 for 'Provincial Government'.
2. Subs. For the following proviso by section 2 of U.P. Act IV of 1941 :

"Provided that the Committee may, with the previous sanction of the Provincial Government; within one year of the commencement of this Act, recognize and give effect to, or at any time after the commencement of this Act cancel the recognition and effect of such decree, custom may usage relating to Shri Badrinath and its endowments as the Committee in their discretion may usage relating to Shri Badrinath and its endowments as the Committee in their discretion may deem fit and in giving such recognition and effect the Committee may direct that the said decree, custom or usage shall have effect subject to such exceptions or modifications as they may think fit to make."

3. Ins. By section 2 of U.P Act XXX of 1948.
4. Subs. by *ibid.* For the word "its".
5. Subs. by the ALO 1950 for "Provincial Government".
6. Subs. by section of U.P Act No. VIII of 1964.

224, 225, 226 227, 228, 368, 369, and 370 of the survey of the year 1930-31 of village of Badrinath in Patti Talla Pain Khanda then district Garhwal, including Shri Lakshmi Temple, the images of Garur, Hanumanji, Ghantakaran and all other minor images situated within the said survey numbers and also all appurtenant and subordinate temples and shrines mentioned in Schedule I, and in the case of the temple of Shri Kedarnath the appurtenant and subordinate temples and shrines mentioned in Schedule II, and also includes, in the case of either, any additions which may be made thereto after the commencement of this Act;

(e) 'Prescribed' means prescribed by rules made by the State Government under this Act; and

(f) 'Scheme' means a scheme of management settled by a court under the provisions of section 92 of the Code of Civil Procedure, 1908.]

Notes

(a) Endowments-Nature of- The word "endowment" as in the Section means and implies religious and public endowments. In order to determine whether a particular is an endowment, public or private one will have to see first that the idol is installed in the precinct of the residential accommodations but it is in some distance from the residential accommodation of the vacant site in an open place; secondly, they are installed on the pedestal permanently in the temple and lastly that the 'Puja' is performed by a 'Pujari' or 'archak' who has been appointed for the purpose from time to time. [Deoki Nandan v. Murlidhar, AIR 1957 SC 133].

The question is a question mixed of law and of fact. [Ram Sarup Desji vs. S.P, Sahi, AIR 1959 SC 951; See also Narshima vs. Venkatalingam], ILR 50 Mad. 687 (FB); [Iswar vs. Brijonath, AIR 1937 PC 85.]

(b) Power of Court-Scope of.- Where a scheme has been sanctioned by a Court, it cannot be varied or set aside by any other court than the Court which sanctioned it.[Suraj Gir v. Brahma Narain, 1945 All. LJ 486; See also Kalimata Thakurani v. Fiwandhan. AIR 1962 SC 1329]

¹[4. Vesting of property.-] The ownership of the temple fund shall vest in the deity of Shri Badrinath of Shri Kedarnath as the case may be, and the committee shall be entitled to its possession],

²[5. The Committee.-(1)] the administration and the governance of the Temple and the Temple fund shall vest in a committee which shall be comprised as follows:

(a) ¹[* * * *]

(b) ²[Three persons to be elected by the Hindu members of the Uttar Pradesh legislative Assembly and ²[Three] person to be elected by the Hindu members of the Uttar Pradesh Legislative Council;

(c) One person residing in the district of Garhwal to be elected by the Hindu members of the Zila Parishad of that district;

(d) one person residing in the district of Tehri Garhwal to be elected by the Hindu members of the Zela Parishad of that district;

(e) one person residing in the district of Chamoli to be elected by the Hindu members of the Zila Parishad of Chamoli and for so long as there is no Zila Parishad in Chamoli to be nominated by the collector of that district;

(f) one person residing in the district of Uttar Kashi to be elected by the Hindu members of the Zial Parishad to Uttar Kashi and of so long as there is no Zila Parishad in Uttar Kashi to be nominated by the collector of that district; and

(g) the President of the Committee and ³[ten member and a Vice Chairman] to be nominated by the State Government.

²[The State government may nominate such officers of the Government as members as it may dee, necessary.]

(2) The State Government may appoint any member of the Committee as Vice-President thereof. The Vice President shall exercise such powers as may, with the previous approval of the State Government; be delegated to him by the President;

(3) The Constitution of the Committee shall be notified by the State Government in the official Gazette;

Provided that the State Government may notify the Constitution of the Committee at any time after the President and not less than eight members of the Committee have been elected or nominated, as the case may be, and the Committee so constituted shall be deemed to be a constituted Committee.

(4) No person who is subject to any disqualification referred to in sub-section (1) of section 10 shall be eligible for membership or for the office of the President or Vice-President of the Committee.

6. **Appointment by the Government if no election or nomination.**-If a member is not elected or nominated, as the case may be, within a date fixed by the ¹ [State Government] or any other date to which such elections or nominations may have been extended by it, the ¹ [State Government] shall appoint a person in the place so left vacant.

²[* * *]

7. **Incorporation.** -The committee shall be called the Shri Badrinath ³[and Shri Kedarnath Temples] Committee. It shall be a body corporate and shall have perpetual succession and a common seal and may be the said name sue and sued.

NOTES

Committee.-A committee constituted under the provisions of this Act is a body corporate by virtue of section 7 and as such it can acquire and hold property. It can sue others and can be sued by others in its own name. [Nrs. Bacha P. Guzdar v. Comm r. I.T., AIR 1955 SC 74.]

It has power to do things and works incidental to the purpose of the. Business but not beyond that. [Dunde Harbour Trustees v. D.J. Nicol. 1915 SC 550]

⁴**8. Terms of office of president and members.- The President** the Vice-President or any other member of the Committee shall, subject to the provisions of sections 10 and 11 hold office for a term ending with the expiration of three years from the date of notification under sub-section (3) of section 5:

Provided that the State Government may by notification in the Gazette, extend ⁵the term of the President, Vice-President and other members of the Committee, whether it has already expired or not, for a period not exceeding three months at a time and six months in the aggregate.]

9. ¹[* * *]

10. **Power of Government to remove the President or members of the Committee.**-(1) ²[The State Government may remove, or pending proceeding for removal, Suspend, the President, the Vice-President or any other members of the Committee on his incurring any of the following disqualifications]:

(a) that he has been convicted ³[* * *] of any offence which, in the opinion of the ⁴[State Government], involves moral turpitude;

(b) that he is of unsound mind or a deaf mute or suffers from contagious leprosy;

(c) that he has applied to be adjudged or been adjudged insolvent;

(d) that he has been guilty of corruption or misconduct in the administration of the Temple ⁵[* * *]

(e) that he has ceased to profess the Hindu religion and faith in the form of worship practiced at the Temple;

(f) that he has absented himself from more than three consecutive meetings of the Committee and is unable to explain such absence to the satisfaction of the Committee;

(g) that being a legal practitioner he has acted or appeared on behalf of any person against the Committee in any legal proceedings;

(h) that he is a paid employee of the Temple; or

⁶[(i) that he has in the opinion of the State Government, acted in the manner prejudicial to the interest of the Temple.]

(2) No member shall be removed under this section unless he has been given ⁷[an opportunity of submitting an explanation in respect of the grounds alleged against him.]

NOTES

(a) Scope.- Section 10 gives power to the State Government of removing the president and the Vice-President of other members of the Committee [see Abdul Jabbar v. State of J & k. AIR 1957 SC 281.]

(b) Unsound mind.- It is not the lack of ordinary intelligence that renders a person of unsound mind. [Telley v. Jones, AIR 1934 All; 273]. It is that the person concerned must be wholly so linked and affected by irrationality that he is incapable of understanding the nature of valid contracts, he will be a person of unsound mind.

11. Dissolution and super session of Committee.-(1) If in the opinion of the ¹[State Government] the Committee 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 ¹[State Government] may, after due enquiry, by notification dissolve or supersede the committee and direct the constitution of another Committee, in accordance with the provisions of this Act.

(2) Before issuing a notification under sub-section (1) the ¹[State Government] shall communicate to the Committee the grounds on which the 'propose to do so, if a reasonable time of the Committee to show cause against the proposal, and consider its explanation or objections, if any.

²[2-A) Without prejudice to the power of the State Government under subsection (1) the State Government may, on being satisfied that it is necessary in the interest of the Temple and its efficient management, by a notification dissolve, the Committee and direct the reconstitution of another Committee in accordance with the provision of this Act ³[* * *]

(3) Where a Committee is dissolved or superseded under this section the State Government shall appoint a person to perform the functions and exercise the powers of the committee until the constitution of another Committee.

⁴[Provided that so far as may be, the other Committee shall be constituted within a period of six months from the date of such dissolution or super session:

Provided further that consequent upon the dissolution of the Committee by the State Government on June 3, 1986, the other Committee may be constituted by ⁵[December 31, 1991].

(4) The ¹ [State Government] may fix a remuneration for such officer, and the same shall be paid from ¹[the temple fund].

12. Filling of vacancies. (1) Casual vacancies in the office of the President, ¹ [the Vice-President] and members of the Committee shall be filled in the same way as provided section 5.

(2) The term of the President ¹ [the Vice-President] or a member appointed as the case may be to fill a casual vacancy shall expire on the day on which the term of the President ¹ [the Vice-President] or member in whose vacancy the appointment has been made would have expired.

(3) Nothing done by the Committee shall be invalid by reason of there being a casual vacancy.

(4) If no member is elected or nominated within three months of the occurrence of a ²[casual] vacancy, the ³[State Government] shall appoint a person to fill the vacancy.

13. Officer and meetings of the committee.- (1) The Committee shall maintain its office at such places as the ³[State Government] may fix for the transaction of its business.

(2) At the meeting of the Committee ⁴[the President or in his absence the Vice President and in the absence of both one of the remaining members to be elected as chairman at the meeting] shall preside.

[(4) Every decision of the Committee shall, except as expressly provided by this Act, be by a majority of votes, and in case of equality of votes, the person presiding at the meeting shall have a second or casting vote.]

14. Rawal, Naib Rawal and Secretary.- The committee shall appoint a Rawal and a naib-Rawal for the Temple [and the State Government] shall, after consultation with the president of the committee, appoint a person possessing the prescribed qualification as Mukhya Karyadhikari, who will be the chief executive officer of the committee:

Provided that pending the appointment of a Mukhya Karyadhikari as aforesaid the State Government may after like consultation appoint any person at Antarim

Mukhya Karyadikdari who shall exercise and discharge all the powers, function and duties of Mukhya Karyadhikari.

15. Officers and servants of the Committee, their appointment and punishment etc.-

(1) ¹[* * *]

(2) **On the occurrence** of a vacancy in the office of Rawal the committee shall ²[except when for reasons to be recorded in writing it decides otherwise] appoint the Naib_Rawal as the Rawal.

(3) The Rawal and Naib-Rawal shall perform such functions and shall have such powers as may be prescribed by the Committee.

(4) the Committee may, with the approval of the ³ [State Government] from time to time, determine the number, designation, and grade of its officers and servants and the scale of salaries and other remuneration for them and for the Rawal and the Naib Rawal ⁴[* * *]

⁵[(5) The president of the Committee, shall, except as expressly provided by this Act or the rules made there under and subject to the by-laws made under this Act have the power to appoint and transfer officers and servants of the Committee other than the Rawal and Naib-Rawal and may fine, reduce, suspend, remove or dismiss them for breach of discipline, for carelessness, unfitness, neglect of duty, or misconduct, or for other sufficient cause:

Provided that in the case of servants whose pay is more than Rs. 100 per mensem, the powers mentioned in this sub-section shall be exercised by the Mukhya Karyadhikari. The orders of the President punishing any officer or servant under this sub-section shall be appeal able to the Committee, and the order of the Mukya Karyadhikari punishing any servant under this sub-section shall be appeal able to the President, within thiry days of the communication of the order to the person punished.

⁶[(6) The Committee shall have the power to remove or otherwise punish the Rawal or Naib-Rawal]:

Provided that the President may, in exceptional circumstances, for reasons to be recorded, suspend the Rawal or the Naib-Rawal and report the action taken to the committee at its next ensuing meeting and the Committee may there upon take such action as it may deem fit:

Provided further that the Rawal or the Naib-Rawla may appeal to the State Government within thirty days, or such further time as the State Government may, for sufficient cause, allow, of a resolution, of the committee removing him, and the State Government may pass such orders there on as it may deem fit and such orders shall be final.]

¹[15-A. **Temple functionaries to be public servants.**- The president, the Vice-President and other members, the Mukhya Karyadhikari, the Antarim Mukhya Karyadhikari, and the Rawal, the Naib-Rawal and other officers and servants of the committee shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule, bye-law or order made there under, be deemed to be public servants within the meaning of section 21 of Indian Penal Code.

16.Liability of members.- Every member of the committee shall be liable for the loss, waste or misapplication of ²[the temple fund], or such loss, waste or misapplication is a direct consequence of his willful act or omission while a member, and a suit for compensation may be instituted against him either by the committee or by the Government.

17. Alienation of movable and immovable property.- No jewelleries or other valuable property of a non-perishable nature ³[forming part of the temple fund] shall be transferred without the previous sanction of the Committee and if the value of the property is more than rupees one thousand, the previous approval of the ⁴[State Government] shall also be necessary.

⁵[(2) No land or other immovable property held on mortgage, lease or otherwise by the Committee on behalf of the Temple} shall be leased for more than five years or mortgaged, sold or otherwise alienated except with the previous sanction of the committee and the [State Government].

18. Limitation of borrowing power.- The Committee shall have no power to borrow money ⁶[or land] ⁷[* * *] except with the previous sanction of the ⁴[State Government].

19. Audit.- The ³[State Government] shall every year appoint an auditor to audit the accounts of the Temple and its endowments, and fix his remuneration which shall be paid to such auditor from ¹[the Temple fund]. The auditor shall submit his report to the Committee and send a copy of it to the ²[State Government] which may issue such directions thereon as it may deem fit, and the Committee shall carry out such directions.

20. Administration report.- The Committee shall annually submit to the ³[State Government] a report on the administration of the affairs of the Temple at such time as the [State Government] may prescribe.

21. Power of Government to call for information and accounts.- The ³[State Government] shall have power to call for such information and accounts as may in their opinion be necessary for reasonably satisfying themselves ²[that the Temple and the Temple fund are properly managed, maintained and administered] and the Committee shall, on such requisition, furnish forthwith such information and accounts to the ³[State Government]. The ³[State Government] may issue such directions to the committee, as they may deem fit and the Committee deem carry them out.

22. Inspection.- (1) The ³[State Government] may depute an officer to inspect any movable or immovable property, record, correspondence, plans, accounts, and other documents relating to the Temple. The Committee and its employees shall be bound to afford facilities to such officer for inspection.

(2) The ³[State Government] may fix remuneration for such officer and the same shall be paid from ⁴[the Temple fund].

23. Duties of the Committee.- Subject to the provisions of this Act or of any rules made there under, it shall be the duty of the committee:

- (1) to arrange for the proper performance of worship at the Temple;
- (2) to provide facilities for the proper performance of worship by the pilgrims;
- (3) to make arrangements for the safe custody of the funds, valuable security and jewellery and for the preservation of ⁵[the Temple fund];
- (4) to ensure that the funds of the endowment are spent according to the wishes, so far as may be known, of the donors;

- (5) to undertake for the benefit of the worshippers and pilgrims
 - (a) the construction of building for their accommodation;
 - (b) the construction of sanitary works; and
 - (c) the improvement of means of communication;
 - (6) to make suitable arrangements for the imparting of religious instruction and general education;
 - (7) to make-provision for medical relief of worshippers and pilgrims;
 - (8) to make provision for the payment of suitable emoluments to its salaried staff;
 - (9) to do all such things as may be incidental and conducive to the efficient ²[management , maintenance and administration of the temple and Temple fund and the convenience of the pilgrims.]
24. **Bar to suit or proceedings.-** No suit or proceeding shall lie in any court against the ¹[State Government] for anything done or purported to be done by it under the provisions of this Act.
25. **Power of the Committee to make by-Laws.-(1)** The Committee may make bye-laws not inconsistent with this Act or the rules made there under or any other law for-
- (a) the division of duties among the President, the members and the ³[Mukhay Karyadhikari] of the committee;
 - (b) the manner in which their decisions may be ascertained otherwise than at the meetings;
 - (c) the procedure and conduct of business at meetings of the committee;
 - (d) the delegation powers of the Committee to individual members or to a subcommittee or sub-committees;
 - (e) the books and accounts to be kept at the office of the Committee;

- (f) the custody and investment of ¹[the temple fund];
- (g) the details to be included in or excluded from the budget of the Committee;
- (h) the time and place of its meetings;
- (i) the manner in which notice, of its meeting shall be given.
- (j) the preservation of order and the conduct proceedings at meeting and the powers which the President may exercise for the purpose of enforcing its decision;
- (k) the manner in which the proceedings of its meetings shall be recorded and published;
- (l) the persons by whom receipts may be granted for moneys paid to the committee;
- (m) the maintenance of order inside the Temple and regulating the entry of persons therein; and
- (n) the performance of duties provided in section 23.

(2) No bye-laws or cancellation or alteration of a bye-law made by the committee shall have effect until the same shall have been ²[published in the prescribed manner] and there after confirmed by the ³[state Government].

(3) All bye- laws after they have been confirmed by the ³[State Government] shall be published in the official Gazette, and shall thereafter have the force of law.

⁴[25. A. The date of the Commencement of this Act shall in its application to Shri Kedarnath Temple be deemed to be the date of the commencement of Shri Badrinath Temple (Amendment) Act, 1948]

26. Power of Government to make rules.-(1) The ³[State Government] may make ⁵[rules] consistent with this Act to carry out its purposes.

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

- (a) all matters expressly required or allowed by this Act to be provided for by rules;
 - (b) election of members, the tribunal to decide election dispute and the procedure to be followed by it;
 - (c) budgets, returns, accounts, reports, and any other information to be submitted by the committee;
 - (d) the qualifications for officers and servants of the Committee, the establishment of a provident fund for them and generally the conditions of their service;
 - (e) the grant of leave and travelling allowances to the officers and servants of the Committee, including the Rawal, the Naib Rawal and the ¹[Mukhay Karyadhikari];
 - (f) the payment of remuneration or travelling allowances to [the President] Vice President and other members] of the Committee when travelling on business connected with the affairs of the Committee; provided that the remuneration or travelling allowance shall in no case exceed that allowed to the members of the ³[State] Legislature;
 - (h) ⁴[* * *]
- (3) The Government may be notification delegate to any authority subordinate to it any one or more of the powers conferred by this Act.
- (4) The powers to make rules under this section shall be subject to the condition of previous publication
27. ⁵[* * *]

⁶[SCHEDULE I]

- (1) Shri Shankaracharya Temple at Badrinath.
- (2) Shri Adi Kedareshwar Temple at Badrinath.

- (3) Shri Ballabhacharara Temple at Badrinath.
- (4) Taptakund, the tank and the spring at Badrinath.
- (5) Brahmakapal, the Shila and the compound (Parikrama) at Badrinath.
- (6) Matamurti Temple at Badrinath.
- (7) Yogbadri Temple at Pandukeshwar.
- (8) Bhavishya Badri Temple at Subhain.
- (9) Nirishinha Temple at Joshimath
- (10) Basudeo Temple at Joshimath.
- (11) Shri Durga Temple at Joshimath.
- (12) Rajeshwari Temple at Joshimath.
- (13) Mahadev Temple at Joyteshwar.
- (14) Bhaktabatsal Temple at Jyoteshwar.
- (15) Narayan Temple at Vishnuprayag.

- (16) Sitadebi Temple at Chain.
- (17) Bridhabadri Temple at Animath.
- (18) Dhyانبadri Temple at Urgam.
- (19) Shri Nrisingh Temple at Pakhi,
- (20) Shri Nrisingh Temple at Darmi.
- (21) Shri Lakshminarayan Temple at Nandprayag.
- (22) Shri Lakshminarayan Temple at Kulsari.
- (23) Shri Lakshminarayan Temple at Dwarahat, Almora.
- (24) Shri Lakshminarayan Temple at Gudari, Almora.
- (25) Shri Lakshminarayan Temple at Bayala, Almora.
- (26) Panch Shilas within the Badrinath Puri.
- (27) Panch Dharas within the Badrinath Puri.

- (28) Dharamshila within the Parikarama of Shri Badrinath Temple.
- (29) Basudhara and Dharamshila at the bottom of the fall at Basudhara.

¹[SCHEDULE II]

[See clause (a) of Section 3]

- (1) Udak Kund at Kedarnath.
- (2) Minor temples within the precincts of Shri Kedarnath temple;
- (3) The temple of Shri Vishwanath Ji at Guptakshi.
- (4) Minor temples within the precincts of temples of Shri Vishwanath Ji at Guptakshi.
- (5) The temple of Shri Usha at Ukhimat.
- (6) The temple of Shri Barahi at Ukhimat.
- (7) The temple of Shri Madmasheshwar at Madmasheshwar.
- (8) The temple of Shri Maha Kali at Kalimath.
- (9) The temple of Shri Mahalaxmi at kalimath.
- (10) The temple of Shri Maha Saraswati at Kalimath.
- (11) The temple of Shri Gauri Mayi at Gaurikund.
- (12) The temple of Shri Narain at Trijunginarain.
- (13) Minor temples within the precints of the temple of Shri Narain at Trijunginarain.
- (14) The temple of Shri Tunganath at Tunganath.
- (15) The temple of Shri Trunganath at Makku.
- (16) The temple of Shri Kalshila at Kalshila.
-

- (3) Shri Ballabhacharaya Temple at Badrinath.
- (4) Taptakund, the tank and the spring at Badrinath.
- (5) Brahamkapal, the Shila and the compound (Parikrama) at Badrinath.
- (6) Matamuri Temple at Badrinath.
- (7) Yogbadri Temple at Pandukeshwar.
- (8) Bhavishya Badri Temple at Subhain.
- (9) Nirishinha Temple at Joshimath.
- (10) Basudeo Temple at Joshimath.

**The U.P SHRI BADRINATH AND SHRI KEDARNATH TEMPLES
(AMENDMENT) ACT, 1990¹**

(U.P. Act No. IX of 1990)

(As passed by the U.P. Legislature)

AN

ACT

Further to amend the Uttar Pradesh Shri Badrinath and Shri kedarnath

Temple Act, 1939.

It is hereby enacted in the forty-first year of the Republic of India as follows:-

1. Short title and commencement-(1) This Act may be called the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples (Amendment) Act, 1990;

(2) It shall be deemed to have come into force on March 29, 1990.

2. Amendment of Section 11 of U.P. Act No. 16 of 1939:- In section 11 of the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples Act, 1939, here in after referred to as the principal Act, in sub-section(3), in the second proviso, for the word and figures "June 30, 1991" shall be substituted and shall be deemed to have been substituted on June 30, 1989.

3. Repeal and saving:- (1) The Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples (Amendment) Ordinance, 1990 is hereby repealed.

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

THE U.P. SHRI BADRINATH TEMPLE (SANSHODHAN)

ACHINIYAM, 1964¹

(U.P. Act No. VIII of 1964)¹

AN

ACT

to amend the UP. Shri Badrinath Temple Act, 1939

1. Short title.- This Act may be called the Uttar Pradesh Stilli Badrinath Temple (Sanshodhan) Adhiniyam, 1964.

2. to 24 .Section containing provisions amending the principal Act have been incorporated in the principal Act.

25. Transitory provision.- The post of Secretary specified in the principal Act is abolished with effect from the date of promulgation of the Uttar Pradesh Shri Badrinath Temple (Sanshodhan)Adhyadesh, 1964 (U.P. Ordinance No. 1 of 1964) and the person holding office as such immediately before the said date who shall have ceased to hold the post in consequence of the promulgation of the said Ordinance shall be Paid three months salary as comention from the "Temple fund" as deemed in the principal Act as amended by this Act.

26. Repeal and saving.- (1) The Uttar Pradesh Shri Badrinath Temple (Sanshodhan) Adhyadesh, 1964 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken by or under the said ordinance shall be deemed to have been done or taken by of under this Act as if this Act had, commenced on the 5th day of January, 1964.

THE U.P. SHRI BADRINATH TEMPLES RULES, 1940¹

²CHAPTER

Preliminary

1. Short title and commencement.- (1) These rules may be called the Uttar Pradesh Shri Badrinath Temples Rules, 1940.

(2) They shall come into force on the date on which they are published in the Official Gazette in their form.

2. **Definitions.-** In these rules unless there is anything repugnant in the subject or context-
- (a) "Act" means the U.P. Shri Badrinath Temple Act, 1939, (XVI of 1939);
 - (b) "Assembly" means the Uttar Pradesh Legislative Council;
 - (c) "Council" means the Uttar Pradesh Legislative Assembly;
 - (d) "Government" means the Government of Uttar Pradesh;
 - (e) "His Highness" means His Highness the Maharaja of Tehri (Garhwal) State;

CHAPTER II

Election and Election Petitions

[See Section 26 (2) (b) and (h)]

General

3. **Extent of application of Chapter II.-** The rules in this Chapter apply to General election as well as to elections to fill casual vacancies in the Shri Badrinath Temple committee.
4. **Time of election.-** (1) The first election to the Committee shall be held within such time or further time as Government may fix.
- (2) Subsequent elections shall be held within three years of the date of the notification publishing the result of the last election under sub-section.
- (3) of Section 5 of the Act and within such time or further time as Government may fix.
5. **Place of election.-**The place of election shall, in the case oian election,
- (a) Under clause (a) of sub-section (1) of Section 5 of the Act, be such as may be fixed by his Highness;
 - (b) Under clause (b) of sub-section(1) of Section 5 of the Act, be the office of the District Board of Garhwal; and
 - (c) Under clause (c) of sub-section (1) of Section 5 of the Act, be the Hindu members of the council or the Assembly according as the election is by the Hindu members of the Council or the Assembly.
- 6 **Voters.-** The voters shall, in the case of an election

(a) under clause(a) of sub-section (1) of Section 5 of the Act, be the Hindu members of the Tehri state Representative Assembly;

(b) under clause (b) of sub-section (1) of Section 5 of the Act, be the Hindu members of the District Board of Garhwal; and

(c) under clause (b) of sub-section (1) of Section 5 of the Act, be the Hindu members of the council or the Assembly according as the election is by the Hindu members of the Council or the Assembly.

7. Qualification of a candidate.-(1) No person who does not profess the Hindu religion and accept the form of worship practised at the temple shall be eligible for election under this Chapter.

(2) A candidate for election under clause (a) of sub-section (1) of Section 5 of the Act shall be a resident of Tehri State, a candidate for election under clause (b) of the said sub-section shall be a resident of the Garhwal District but need not necessarily be a member of the Garhwal District Board and a candidate for election under clause (c) of the said sub-section may not be a member of the Assembly or the council.

8. Number to be elected from Tehri State.- Of the, three members of the Committee from the Tehri State under clause (a) of sub-section (1) of Section 5 of the Act, at least one shall be elected by the Tehri State Representative Assembly and the rest shall be nominated by his Highness in such manner as he may deem fit.

9. Returning Officer.- The Returning Officer shall in the case of an election

(a) under clause (a) of sub-section (1) of Section 5 of the Act, be the Secretary of the Tehri State Representative Assembly or in his absence , any officer performing his duties for the time being.

(b) under clause (b) of sub-section of Section 5 of the Act, be the Secretary of the District Board of Garhwal, or in his absence, any person performing his duties for the time being; and

(c) under clause (c) of sub-section (1) of Section 5 of the Act, be the Secretary of the council in elections by the Hindu members of the Council; and the Secretary of the Assembly in election by the Hindu members of Assembly and in their absence any officer performing their duties for the time being.

Nominations

10. Nomination.-(1) On receipt of a requisition from the Government the Returning officer concerned shall, having regard to the time fixed by the Government under Rule 4, appoint:

(a) the date for the receipt of nomination papers, not earlier than fourteen days from the date on which he sends the letter to in sub-rule (2) to the; days from the date on which he sends the letter referred to in sub-rule (2) to the ;

(b) the date and time for scrutiny of nominations;

(c) the date for the receipt of ballot papers if the results of nomination so necessitate; and

(d) the date and time for the scrutiny and counting of votes.

(2) The Returning Officer shall by a letter either sent by post of which a postal certificate shall be taken, or delivered to the voter at his address as maintained in the office of the Returning Officer, inform each voter of the programme fixed under sub-rule (1) and call upon to nominate in Form A as many person or persons as there are seats to be filled. He shall also send with such letter as many nomination papers as there are vacancies.

(3) Each nomination shall be made in writing in Form A signed by two voters as proposer and seconder and scribed by the candidates, assenting to the nomination and making the declaration prescribed in the form.

(4) On or before the date appointed for nominations, each candidate or his proposer or seconder may either personally deliver the nomination paper to the Returning Officer or send it by registered post so as to reach the Returning Officer before the expiry of the date fixed for nominations.

11. Withdrawal by candidates.- A candidate may withdraw his candidature by notice in writing by him and delivered to the Returning Officer before the time fixed for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal.

12. Scrutiny of nomination papers.- At the time fixed for the scrutiny of nominations, the Returning Officer shall examine the nomination papers and shall decide as to their validity. Candidates and their proposers and seconders may be present at the time of the scrutiny.

13. Result of nomination.-(1) If the number of candidates, who are duly nominated and who have not withdrawn their candidature in accordance with Rule 11 exceeds the number of the vacancies, votes shall be taken.

(2) if the number of such candidates is equal or less than the number of vacancies, all such candidates shall be declared to be duly elected and the Returning Officer shall report the result in accordance with Rule 17.

Voting

14. Voting.-(1) Each voter shall have votes equal to the number of members to be elected, but he shall not give more than one vote to any candidate.

(2) He shall vote by placing or causing to be placed a cross (x or +) opposite the name or names of the candidates whom he prefers.

(3) The ballot paper shall be invalid if the cross (x or +) is placed opposite the names of more candidates than are to be elected.

(4) If the cross (x or +) is so placed as to render it doubtful to which candidate such mark is intended to apply, the vote shall be invalid.

15. **Procedure in taking votes.-(1)** After the scrutiny of nomination papers the Returning Officer shall, as soon as may be, by a letter, either sent by registered post or delivered to the voter at his address as maintained in the office of the Returning Officer call upon each voter to record his vote and along with it send a ballot paper In Form B signed by himself and also an envelope bearing on the face the serial number and the words "Shri Badrinath Temple Ballot Paper," but addressed to himself. Each voter shall have a serial number and the same number shall be marked on the ballot paper.

(2) should and original ballot paper be lost, mislaid, spoilt, destroyed otherwise rendered useless, the voter to whom it was issued shall, on application in writing addressed to the Returning Officer, stating the circumstances, be supplied with a second ballot paper signed and numbered by the Returning Officer as provided in the last preceding sub-rule and marked duplicate which, in the absence of the original ballot paper bearing the same number, shall be treated as if it were the original.

(3) On receipt of such ballot paper, every voter desirous of recording his votes shall appear before the Returning Officer of a Magistrate or a Judge, record his votes in accordance with Rule 14 on the ballot paper and sign it in his presence and obtain his signature in attestation thereof:

Provided that no such attestation is required in the case of an election by the Hindu members of the District board of Garhwal under clause (b) of sub-section (1) of Section of the Act,

(4) The voter shall then place the ballot paper in the envelope provided for the purpose and after closing it shall either hand it over in person to the Returning Officer or send it to him by registered post, affixing thereto the necessary postage stamps. The ballot paper must reach the Returning Officer on or before the date fixed for the receipt of voting papers.

16. Validity or invalidity of votes.- (1) Unless the instructions contained in these rules as regards the manner of voting are complied with and the necessary particulars filled in, the ballot papers shall be invalid.

(2) if a ballot paper has been issued to a voter in accordance with these rules, no election shall be rendered invalid by reason of his not having received the ballot paper.

17. Counting of votes and declaration of result.- (1) On the date and at the time fixed under Rule 11 (1) (d). the Returning Officer shall scrutinize the ballot papers received on or before the date fixed, reject the invalid ones, count the valid ones, declare the result then and report it to the Secretary to Government in the Public Health Department as soon as possible. Only candidates and their proposers and seconders may be present at the time of the counting of votes.

(2) In case of equality of votes, the Returning Officer shall decide the question by drawing lots.

18. Custody and inspection of document.- The nomination papers of candidates, ballot papers and all other papers relating to nominations and voting shall be sealed and kept in the office of the Returning Officer and shall be destroyed after one year from the date of the declaration of the result, such papers shall not be open to inspection except by order of an election tribunal.

Election Disputes

19. Tribunals.- The tribunal for deciding a dispute relating to an election under the act shall, in the case of an election-

(a) under clause (a) of sub-section (1) Section 5 of the Act, be such authority as His Highness may appoint;

(b) under clause (b) of sub-section (1) Section 5 of the Act, be Deputy Commissioner-in-charge of the Kumaun Division;

(c) under clause (d) of sub-section (1) Section 5 of the Act, be such authority as the Government may appoint ;

20. **Period of limitation ad authority to whom election petition to be presented.-** Within thirty days of the date of the notification of the result of the election under sub-section (3) of Section 5 of the Act, the candidate or his proposer or seconder may present in person or by registered post a petition in respect of the election to the Returning Officer concerned and along with it, shall enclose a receipt showing that deposit of rupees two hundred has been made in a Government or a Tehri State Treasury, as the case may be, as security, The Returning Officer shall forward the petition to the authority concerned appointed under Rule 19.

21. Contents of petition. (1) The petition shall be drawn up in the form of a plaint as required by the Code of Civil procedure (V of 1908) and shall specify with sufficient details the ground or grounds on which the election of the respondent is questioned.

(2) The petitioner may, if he so desires in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected, in which case he shall join as respondent the other candidates who were duly nominated at the questioned election

22. Powers and procedure of tribunals.-(1) The Tribunal shall summarily dismiss the petition if it is not drawn up in the prescribed form or has not been presented within the prescribed time, In the event of the petition not being so dismissed, the Tribunal shall fix a date and place for inquiry, inform the parties of the same, take such evidence as they may adduce and decide the case. It shall follow such procedure as may appear to it to be equitable and shall have the same powers to enforce the attendance of witnesses and the production of documents and to examine witnesses on oath as the civil courts have under any law for the time being in force.

(2) The Tribunal shall have power to pass such orders on the petition including orders as to costs as may in its opinion be required in the interest of justice, equity and good conscience. If it finds an election petition to be frivolous and vexatious, it may direct that after the cost, if any, awarded to the opposite party have been recovered from the security money, the balance, if any, shall be forfeited to the Temple.

(3) The decision of the Tribunal shall be final and the state Government shall take such action as may be necessary to give effect to it.

(4) The Tribunal shall after pronouncing judgement forward the whole record to the Government as soon as possible.

23. **Government's power to cure irregularities.**- Notwithstanding anything in these rules in case of an irregularity in the conduct of an election under these rules, the government may make such order, consistent with the Act, as may appear to it to be just and proper.

¹CHAPTER III

Secretary

24. **Government's approval for appointment.**- Every appointment of the Secretary made by the Committee under section 14 of the Act shall be subject to the previous approval of the Government:

Provided that no such approval shall be necessary if the appointment of a Secretary is made for a period not exceeding two month.

25. Qualification.-No person shall be appointed as Secretary unless:

- (a) he professes the Hindu religion and accepts the form of worship practised at the temple;
- (b) he holds a degree in Arts, Law, Science or Commerce of a University established by law and can read and write Hindi fluently;
- (c) he is medically fit for outdoor work and knows riding;
- (d) he is a permanent resident of the Uttar Pradesh; and
- (e) he is not less than 30 years of age on the date of his appointment.

26. Disqualification.- A person shall be disqualified for appointment as Secretary-

- (a) if he or any of his relation by himself or partner, has nay interest directly or indirectly in any contract with, or employment under the committee;
- (c) if he was dismissed from the service of the central Government, Part B States or any local authority; and
- (d) if he has undergone a sentence of imprisonment for a criminal offence involving moral turpitude.

Explanation.- for the purpose of this rule, relation means father, grand father, father-in-law, paternal or maternal uncle, son, grandson, son-in-law, brother, brother's son, first cousin paternal or maternal, wife's brother, or sister's husband.

27. Power to waive the conditions.- Subject to the approval of the Government, the Committee may in any special case wave one or more of the qualification specified in clauses (d) to (e) of Rule 25, or of the disqualifications Specified in rule 26.

28. Tehri servant's appointment.- Notwithstanding the provisions of clause (d) of Rule 25, and subject to the other provisions of that rule and the provisions of Rule 26, a person in service of His Highness may be appointed as Secretary on condition approved by the Government and agreed upon between the Committee and His Highness.

29. Probation.- Every appointment of the Secretary shall be made on one year's probation, unless the Committee otherwise directs.

30. Pay.- The appointment of a Secretary shall be made on such time-scale of pay with an efficiency bar at a suitable stage, as may be approved by the Government.

31. Termination of service during probation.- The Committee may, by a majority of votes, terminate the services of a Secretary, while on probation, without assigning any reason.

32. Discharge.- The Committee may discharge a permanent Secretary on three month's notice or on payment of a sum equal to three month's pay in lieu thereof.

33. Punishment.- (1) The Committee shall have the power to inflict the following punishments on its Secretary, namely.

(a) censure.

(b) withholding of increments,

(c) reduction in pay,

(d) recovery from pay of the whole or part of any pecuniary loss caused to the Temple by negligence or breach of orders,

(e) suspension,

(f) removal from service which does not disqualify him for future employment,

(g) dismissal from service which ordinarily disqualifies him for future employment.

(2) In the case of a permanent Secretary the order of punishment shall not be valid unless passed by a resolution supported by not less than two-third of the members, including the President, constituting the Committee.

34. Procedure.(1) No order of punishment of a permanent Secretary, other than an order based on facts which have led to his conviction in a criminal court, shall be passed unless he has been informed in writing of the ground on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced in the form of a definite charge or charges, which shall be communicated to the Secretary together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders in the case. He shall be required, within a reasonable time, to put in a written statement and to state whether he desires to be heard in person. If he so desires or if the Committee so directs, an oral inquiry shall be held by the President of the committee. At that inquiry oral evidence shall be heard as to such of allegations as are not admitted, and he shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witness called, as he may wish, provided that the President may, for special and sufficient reasons to be recorded in writing, refuse to call a witness. The proceedings shall contain sufficient record of evidence and a statement of the findings and the grounds thereof.

(2) A similar procedure may, at the discretion of the Committee, be followed before an order of punishment is passed on a Secretary whose appointment is probationary or temporary.

35. Suspension.- Notwithstanding anything to the contrary in the last preceding rule the President may, in exceptional cases for sufficient reasons to be recorded in writing, suspend as Secretary pending and enquire at any time and immediately the approval of the committee to this action is taken within three months of the date of his order.

36. Subsistence allowance.- when Secretary is suspended, he may be given by the Committee a subsistence allowance for the period of suspension. The amount of such allowance shall not exceed one-fourth of his pay.

37. Special rules of punishment for servants of the Central Government.-

(1) Notwithstanding anything to the contrary in these rules, the Committee shall not punish a Secretary whose services have been lent to it by the Government, save in accordance with the provision of this rule.

(2) The Committee shall-

(a) Frame a charge and at once give a copy of the charge to the Secretary;

(b) Record his defences and such evidence as may be necessary;

(c) Record a findings as to the facts established;

(d) Embody its order in a resolution; and

(e) Forward the resolution with the record of the proceeding to the Government.

(3) The government may make such further enquiry and record such further evidence as it thinks necessary and, after affording an opportunity to the Secretary, to defend himself, shall issue such direction to the Committee as it may deem suitable and the Committee shall comply with the same.

38. Appeals.-(1) The Secretary may appeal to the Government against any order of punishment passed by the Committee.

(2) The appeal shall-

(a) Contain all material statements and arguments relied on by the appellant;

(b) not be written in disrespectful or improper language;

(c) be submitted through the President; and

(d) be filed within 30 days of the communication to the appellant of the order appealed against.

FORM A
NOMINATION PAPER

(See Rule 10)

Nomination of a candidate for election under section 5 of the Uttar Pradesh Badrinath Temple Act,
(XVI of 1939)

1. Name of candidate\nominated.....
2. Full Address of the Candidate nominated.....
3. Does the candidate profess the Hindu religion and does he accept hr form of worship practised at Shri Badrinath Temple in Garwhal ?
4. Signature in full of proposer with date.....
5. Signanture in full of the seconder with date.....

Declaration by the Candidate

I, hereby declare that I agree to this nomination, profess the Hindu religion and accept the form of worship practised at the Temple of Shri Badrinath in Garhwal.

Signature in full of the Candidate

(To be filled in by the Returning Officer)

This nomination paper was received by me on.....19

Returning Officer

Certificate of Scrutiny

I have scrutinized the eligibility of the candidate, the proposer and the seconder and find that they are respectively qualified to stand for election, to propose and to second the nomination and that the nomination is valid.

Date.....19

.....

Returning Officer

Note-. If the Returning Officer holds that the nomination is not valid, the words within the square brackets will be scored out by him and he shall record his finding with reasons.

Instructions

1. Nomination shall be made in writing on the form signed by two voters as proposer and seconder and scribed by the candidate himself as assenting to the nomination and making a declaration in terms of sub-section (2) of section 5 of the Act.
2. On or before the date appointed for the nomination of candidate, each candidate or his proposer or seconder may either personally deliver the nomination paper to the Returning Officer or send it by registered post so as to reach the Returning Officer before the expiry of the time fixed for nomination.

FORM B

Election under section 5 of the Uttar Pradesh Act XVI of 1939

BALLOT PAPER

[See Rule 15(3) and (4)]

Serial number of voter.....

Number.....Name of the CandidateVote (x or. +)

Serial

1.

2.

Signature of the voter.....

Place where signed.....

Date.....

Attested by me

Signature of the person attesting.....

Designation.....

Date.....

Instruction

1. On receipt of such ballot paper, every voter desirous of recording his votes shall appear before the Returning Officer or a Magistrate or a Judge, record his vote, sign the ballot paper in his presence, and obtain his signature in attestation thereof. But such attestation is not required in the case of election by the Hindu members of the District Board of Garhwal.
2. Each voter shall have as many votes as there are members to be elected, but shall not give more than one vote to any candidate.
3. He shall vote by placing or causing to be placed a cross (x or +) opposite the name of the candidate whom he prefers.
4. The ballot paper shall be invalid if the cross(x or +) is placed opposite the name of more candidates than are to be elected.
5. If a cross (x or +) is so placed as to render it doubtful to which candidate such mark is intended to apply, the vote shall be invalid.
6. The voter shall then place the ballot paper in the envelope provided and after losing it shall either hand it over in person to the Returning Officer or seconder it to him by registered post affixing there to the necessary postage stamps. The Ballot paper must reach the Returning Officer on or before the date for voting.

THE U.P. SHRI BADRINATH AND SHRI KEDARNATH TEMPLES

RULES, 1967¹

In exercise of the powers under sub-section (1) and (2) of section 26 of the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples Act, 1939, (U.P Act No. XVI of 1939) and in supersession of Rules 1 to 23 contained in Chapters I and II of the U.P Shri Badrinath Temple Rules, 1940 the Governor is pleased to make the following rules, the same having been previously published in Notification No. U. O 354/XVI-II 6-CE (a)/64, dated march 15, 1967 as required under sub-section (4) of section 26 of the said Act.

CHAPTER I

Preliminary

1. Short title and commencement.- (1) These rules may be called the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temple Rules, 1967.

(2) They shall come into force from the date of their publication in the official Gazette.

2. Definitions.- (1) In these rules unless the subject or context otherwise requires.

(a) "Act" means the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temple Act, 1939 (U.P. Act No. XVI of 1939) as amended from time to time.;

(b) "Assembly" means the Uttar Pradesh Legislative Assembly;

(c) "Council" means the Uttar Pradesh Legislative Council;

(d) "State Government" means Government of Uttar Pradesh ;

(e) "His Highness" means the His Highness the Maharaja of Tehri;

(f) "President" means the President of the Committee nominated under clause of sub section(1) of section 5 of the Act;

(g) "Member" means the member elected or nominated, as the case may be, under section 5 of the Act to the committee constituted under sub-section (3) of the said section of the Act;

(h) "Mukhya Karyadhikari" means the Mukhya Karyadhikari of the Committee appointed under section 14 of the said Act;

(2) Other expression not defined in the sub-rule(1) shall have the same meanings as assigned to them in the Act.

CHAPTER II

Elections and Election Petitions

General

3. Extent of application of chapter II [Section 26(2)(b)].- The rules in this chapter apply to general elections as well as to election to fill vacancies in the Committee under the Act.

4. Time of election.- Subject to the provisions of sub-section (4) of section 12 of the Act the election to the Committee shall be held within such time or further time as the State Government may fix.

5. Place of election [Section 26 (2)(b)]- The place of election shall in the case or an election.

(a) under clause (b) of sub-section(1) of section 5 of the Act the Vidhan Bhawan, Lucknow;

(b) under clause (c) of sub-section(1) of section 5 of the Act be the Vidhan Bhawan, Lucknow;

(c) under clause (d) of sub-section(1) of section 5 of the Act be the Office of the Zila Parshad of district Theri-Garhwal;

(d) under clause (e) of sub-section(1) of section 5 of the Act be the Office of the Zila Parshad of district chamoli;

(e) under clause (e) of sub-section(1) of section 5 of the Act be the Office of the Zila Parshad of district Uttarkashi;

6. Returning Officer.- The Returning Officer shall in the case of an election (a) under clause (b) of sub-section (1) of section 5 of the Act be the Secretary the Assembly in case of elections by the Hindu members of the Assembly and the Secretary of the council in case of elections by the Hindu members of the council and in their absence any officer performing their duties for the time being; and under clause (c), (d),(e) and (f) of sub section(1) of section 5 of the Act be the Karyadhikari of the Zila Parishad, Garhwal, Theri-Garhwal, chamoli and Uttarkashi or in their absence any person or persons performing their duties for the time being in case of elections by the Hindu members of the Zila Parishad of the said districts.

7. Nominations.- (1) On receipt of a requisition from the State Government the Returning Officer concerned shall prepare or cause to be prepared a list of voters for election of members under clause (b), (c), (d),(e) and (f) of sub-section (1) of section 5 of the Act and shall having regard to the time fixed by the State Government under Rule appoint

(a) the date for the receipt of nomination papers not earlier than fourteen days from the date on which he sends the letter referred to in sub-rule (2) to the voters;

(b) the date and time for scrutiny of nominations;

(c) the date for receipt of ballot papers if the result of nominations so necessitates; and

(d) the date and time for scrutiny and counting of votes.

(2) The Returning Officer shall by a letter either sent by post of which a postal certificate shall be taken or delivered to the voter at his address as maintained in the office of the returning Officer; inform each voter of the programme fixed persons as there are seats to be filled. He shall also send with such letter as many nomination papers as there are vacancies.

(3) Each nomination shall be made in writing in Form A signed by two voters as proposer and seconder and subscribed by the candidate assenting to the nomination and making the declaration prescribed in the form.

(4) On or before the date appointed for nomination each candidate or his proposer or seconder may either personally deliver the nomination paper to the Returning Officer or send it by registered post so as to reach the Returning Officer before the expiry of the date fixed for nomination.

8. Withdrawal by candidates. A candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer before the time fixed for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal.

9. Scrutiny of nomination papers. At the time fixed for the scrutiny of nomination, the Returning Officer shall examine the, nomination papers and shall decide as to their validity. Candidates, their proposers and their seconders may be present at the time to the scrutiny.

10. Result of nomination.-(1) If the number of candidates, who are duly nominated and who have not withdrawn in accordance with Rule 8 exceeds the number of vacancies, votes shall be taken under Rule 12.

(2) If the number of such candidates is equal to or less than the number of vacancies all such candidates shall be declared to be duly elected and the Returning Officer shall report the result in accordance with Rule 14.

11. Voting.- (1) Each voter shall have votes equal to the number of members to be elected, but he shall not give more than one vote to any candidate.

(2) He shall vote by placing or causing to be placed a cross (x or +) is placed opposite the name or names of the candidates whom he prefers.

(3) The ballot paper shall be invalid if the cross (x or +) is placed opposite the names of more candidates than are required to be elected.

(4) If the cross (x or +) is so placed as to render it doubtful to which candidate such make is intended to apply, the vote shall be invalid.

12. Procedure of taking votes. (1) After the scrutiny of nomination paper the Returning Officer shall, as soon as may be by a letter, either sent by registered post or delivered to the voter at his address as maintained in his office, call upon each voter to record his vote, for which purpose, he shall send a ballot paper in Form 'B' signed by himself and also an envelope bearing on the face of it the serial number of the voter and the words "Shri Badrinath and Shri Kedarnath Temple ballot Paper" and addressed to himself. Each voter shall have a serial number and the same number shall be marked on the envelope and the ballot paper.

(2) Should an original ballot paper be lost, mislaid, spoilt, destroyed or otherwise rendered useless, the voter to whom it was issued shall on application in writing to the Returning Officer stating circumstances. Be supplied with a second ballot paper signed and numbered by the Returning Officer, as Provided in the preceding sub-rule and marked "duplicate" which in the absence of the original ballot paper bearing the same number, shall be treated as if it were the original.

(3) On receipt of such ballot paper, every voter desirous of recording his votes shall appear before the Returning Officer or a Magistrate or a Judge, record his votes in accordance with Rule 11 on the ballot paper and sign it in his presence and obtain his signatures in attestation thereof:

Provided that no such attestation is required in the case of an election under clauses (c), (d), (e) and (f) of sub-section(1) of section 5 of the Act.

(4) The voter shall then place the ballot paper in the envelope provided for the purpose and after closing t shall either hand it over in person to the Returning Officer or send it to him by registered post, affixing thereto he necessary postage stamps. The ballot paper must reach the Returning Officer on or before the date fixed, for the receipt of voting papers.

13. Validity or invalidity of vote.-(1) Unless the instruction contained in these rules as regard the manner of voting are complied with and the necessary particulars filled in, the ballot paper shall be invalid.

(2) If a ballot paper has been issued to a voter in accordance with these rules, no election shall be rendered invalid by reason of his not having received the ballot paper.

14. Counting of votes and declaration of result.- (1) On the date and at all the time appointed under Rule 7 (1) the Returning Officer shall scrutinize the ballot papers received on or before the date fixed, reject the invalid ones. Count the valid ones, declare the result then and there and report it the Secretary to the Government in the Public Health department. Only the candidates, their proposers and/or seconders may be present at the time of the counting of votes.

(2) In case of equality of votes, the Returning Officer shall decide the question by drawing lots.

15. Custody and inspection of documents.- The nomination papers of candidates, ballot papers and all other papers relating to nomination and voting shall be sealed and kept in the office of the Returning Officer and shall be destroyed after one year from the date of declaration of the result, unless otherwise ordered by the State Government or an election tribunal, as the case may be. Such papers shall not be open to inspection except by an order of an election tribunal.

Election Disputes

16. Tribunals.- The Tribunal for deciding a dispute relating to an election under the Act shall, in the case of an election.

(a) under clause (b) of sub-section (1) of section 5 of the Act be such authority as the State government may appoint; and

(b) under clauses (c), (d), (e) and (f) of sub-section (1) section 5 of the Act the Commissioner of Kumaon or Uttarakhand Division as the case may be.

17. Period of limitation and authority to whom election petition is to be presented. Within thirty days of the date of the declaration of the result of the election under sub-rule (1) of Rule 14 the candidate or his proposer or seconder or any voter may present in person or by registered post a petition in respect of the election to the Returning Officer concerned accompanied by a receipt showing that a deposit of rupees two hundred only has been made in a Government Treasury or any branch of the State Bank of India as security. The Returning Officer shall forward the petition to the authority concerned appointed under ruled 16 within ten days of the receipt of the petition by him.

18. Contents of petition.- (1) The petition shall be drawn up in the form of a plaint as required by the Code of civil procedure, 1908 (Act No. V of 1908). and shall specify with sufficient details the ground or grounds on which the election is sought to be challenged.

(2) The petitioner may if he so desires in addition to calling in question the election the returned candidate claim a declaration that he himself or any other candidate has been duly elected, in which he shall join as respondent the other candidates who duly nominated at the questioned election.

19. Powers and procedure of tribunal.- (1) The tribunal shall summarily dismiss the petition if it is not drawn up in the prescribed form or has not been presented within the prescribed time. In the event of the petition not being so dismissed the Tribunal shall fix a date and place of inquiry, inform the parties of the same, take such evidence as they may adduce and decide the case. It shall have the same powers to enforce the attendance of witnesses, on oath as the Civil Courts have under any law for the time being in force.

(2) The tribunal shall have power to pass such orders on the petition including orders as to costs as may in its opinion be required in the interest of justice, equity and good conscience. If it finds

as election petition to be frivolous and vexatious it may direct that after cost, if any, awarded to the opposite party have been recovered from the security money balance, if any, shall be forfeited to the Temple.

(3) The decisions of the tribunal shall be final and the State government shall take such action as may be necessary to give effect to it.

(4) The tribunal shall after pronouncing judgment forward the whole record to the Secretary to Government in the Public Health Department as soon as possible.

20. State Government's power to cure irregularities. Notwithstanding anything contained in these rules in case of an irregularity in the conduct of an election under these rules the State Government may make such order consistent with the Act as may appear to it to be just and proper.

FORM A
NOMINATION PAPER

(See Rule 7)

Nomination of a candidate for election under section 5 of the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples Act. 1939. (Act No. XVI of 1939)

1. Name of the candidate nominated.....
2. Full address of the candidate nominated.....
3. Does the candidate profess the Hindu religion and does he accept the form of worship practiced at the Temple?
4. Signature in full of the proposer with date.....
5. Signature in full of the seconder with date.....

Declaration by the Candidate

I, hereby declared that I agree to this nomination and that I am eligible for membership of the Temple Committee.

Date.....

.....
(Signature in full of the candidate)

To be filled in by the Returning Officer

This nomination paper was received by me on.....19

.....
(Returning Officer)

Certificate of Scrutiny

I have scrutinized the eligibility of the candidate, the proposer and the seconder [and find that they are respectively qualified to stand for election, to propose and to second the Domination and that the nomination is valid].

Date.....19

.....
(Returning Officer)

Note.- If the Returning Officer holds that he the nomination is not valid, the words within the square brackets will be scored out by him and he shall record his findings with reasons.

Instructions

1. Nominations shall be made in writing on this form signed by two voters as proposer and seconder and subscribed by the candidate himself as assenting to the nomination and

making a declaration with regard to his eligibility for membership in terms of sub-section (4) of Section 5 of the Act.

2. On or before the date appointed for the nomination of candidates, each candidate or his proposer or seconder may either personally deliver the nomination paper to the Returning Officer or send it by registered post so as to reach the Returning Officer before the expiry of the time fixed for nomination.

FORM B

Election under Section 5 of the Uttar Pradesh Sri Badrinath and Shri Kedarnath Temples Act, 1939 (Act No. XVI of 1939)

BALLOT PAPER

(See Rule 12)

Serial number of the voter.....

Serial No.	Name of the candidates	Vote (x or +)
1.		
2.		

Signature of the voter.....

Place where signed.....

Date.....

Attested by me

Signature of the person attesting.....

Designation.....

Date.....

Instructions

1. On receipt of this ballot paper every voter desirous of recording his vote shall appear before the Returning Officer or a Magistrate or a Judge, record his votes, sign the ballot paper in his presences, and obtain his signature in attestation thereof. But such attention not required in the case of and election by the Hindu members of the respective Zila Parishad of districts Garhwal, Tehri-Garhwal and of Chamoli and Uttarkashi when Zila Parishad are constituted there.

2. Each voter shall have as many votes as there are members to be elected but shall not give more than one vote to any candidate.

3. He shall vote by placing or causing to be placed a cross (x or +) placed opposite the name of the candidate whom he prefers.

4. The ballot paper shall be invalid if the cross (x or +) is placed opposite the names of more candidate than are to be elected.
5. If a cross (x or +) is so placed as to render it doubtful to which candidate such mark is intended to apply, the vote shall be invalid.
6. The voter shall place the ballot paper in the envelope provided and after closing it shall hand it over in person to the Returning Officer or send it to him by registered post affixing thereto the necessary postage.

**THE UNITED PROVINCES BADRINATH (SANITATION AND
IMPROVEMENT) (REPEAL) ACT, 1975**

[U.P ACT NO. X0. 33528]

XVII OF 1975¹

[14th AUG. 1975]

An Act to repeal the United provinces Badrinath (Sanitation an improvement) Act, 1945 and to make consequential provisions.

It is hereby enacted in the Twenty-sixth year of the Republic of India as follows:

1. Short title- This Act may be called the United Provinces Badrinath. (Sanitation an improvement) (Repeal) Act, 1975.

2. Repeal Of U.P. Act No. V of 1945 and consequential provision.- (1) The United Provinces Badrinath (Sanitation an improvement) Act, 1945, here in after referred to as the said Act, is here by repealed.

(2) With effect from the date of commencement of this Act-

(a) all powers, function and duties, under the said Act of Shri Badrinath and Shri Kedarnath Temples Committee constituted under the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples Act. 1939 (here in after called the said Committee) shall stand transferred to a nd be exercised, performed and discharge by the Notified Area Committee, Badrinath Puri (here in after called the Notified Committee);

(b) any right, privilege, obligation or liability acquired acquired or incurred by the said Committee under or in pursuance of the provisions of the said Act shall be and be deemed to be transferred to the Notified Area Committee.

Bye-laws made under section 25 of the U.P Sri Badri Nath Tmepole Act, 1939 (XVI of 1939).

The Badrianth Temple (Division of Duties) Bye-laws, 1942

[See Section 25 (1) (a)]

1. (1) these bye-laws may be called "the Badrinath Temple (Division of Bye-laws, 1942.)"
- (2) They shall come into force on the date of their publication in the office Gazette.
2. The division of duties between the President, members and Secretary (now Known as Mukhya Karyadhikari) shall be as follows:

President

- (1) It shall be the duty of the President to see that the surplus funds of the temple are at the close of the season, i.e., in November every year, deposited or invested in accordance with the bye-law on the subject, and contribution is made to the reserve fund as required by article 11 of the Agreement between His Excellency the Governor of the United Provinces and His Highness the Maharaja of Tehri. The account in the banks shall stand in the name of the Committee and shall be operated upon by the president.
- (2) Subject to the provision of sub-section (1) of section 17 of the United Provinces Shri Badrinath Tmepole Ac, 1939 (XVI of 1939) (here in after referred to as "the Act") the president shall arrange after the close of the season each year for the disposal of such gold and silver jewelleryes offered at the temple as are not required for daily pooja or are not worth preservation.
- (3) The president may permit construction of petty works up to the value of Rs. 1,000 in anticipation of the approval of the Committee. He shall, however, place the papers relating to the works before the Committee at he next following meeting.
- (4) It shall be the duty of the president to see that the Act, the Rules, the Bye-law and the Agreement with His Hignness the Maharaja of tehri are observed by all concerned.

Secretary

- (5) The Secretary (now Known as Mukhya Karyadhikari) who is the chief executive officer of the temple, shall arrange for the performance of worship at the temple and shall see that the Rawal and his assistants attend the Temple at the proper time and the pooja is done regularly and according to the usage. He shall also provide facilities to the pilgrims for the proper performance of worship by them in the temple.
- (6) The Secretary (now Known as Mukhya Karyadhikari) shall maintain accounts and records of the Temples under his direct supervision shall see that the receipts and payments are correctly entered in the cash-book and that the book is properly closed at the end of each day, necessary entries being made under his signatures.
- (7) No expenditure, however small, shall b incurred without the written orders of the Secretary (now Known as Mukhya Karyadhikari)
- (8) It will be the primary duty of the Secretary (now Known as Mukhya Karyadhikari) to see that the funds of the endowments are spend according to the wishes, so far as known of the donors and direction of the Committee.

- (9) He will also see that temple is kept neat and tidy every day and daily Bhog is prepared in a clean manner and is offered in time in a manner befitting the dignity of the temple.
- (10)The Secretary (now Known as Mukhya Karyadhikari) shall personally supervise every work under taken under order of the President or the Committee.
- (11) He will also arrange for proper supervision of Thali-Bhet and shall personally see that to the offering are collected and properly accounted for daily or every alternate day as may be found practicable.
- (12)The Secretary (now Known as Mukhya Karyadhikari) shall have the power to sell al perishable and other petty movable properties, other than jewellery offered at the Temple, of the value of Rs. 100 or less in manner he thinks fit in value shall be disposed of in such manner as the President may direct.
- (13) He shall also have the power to lease out houses, shops and other immovable properties, other than agricultural land, at the beginning of the pilgrim season after giving due publicity. No lease shall ordinarily be given for more than three years.
- (14)The Secretary (now Known as Mukhya Karyadhikari) shall be in charge of the treasury of the Temple. There shall be "double-lock" and a "single lock" room. The key of the double-lock shall be kept by the Secretary (now Known as Mukhya Karyadhikari) and the treasurer (Khazanchi) and the single-lock room shall be in charge of the treasurer.

Members

- (15) The members of Committee shall have free access to the records and other papers of the temple and shall have the right to call for and inspect any paper in the office of the Secretary (now known as Mukhay Karyadhikari) The Secretary (now Known as Mukhya Karyadhikari) shall comply with the requisition from individual members of the committee in regard to the inspection of the records.
- (16) Every member of the committee shall have the right to inspect any institution included in and connected with the temple of Sri Badrinathji and to make recommendation to the Committee in regard to its administration.

Bye-lay regarding the manner in which decisions of members of the Committe may be ascertained otherwise than at the meetings.

The President may of his own accord and shall on the requisition of at least four members ascertain the opinion of members, in the following manners, if in his opinion it is not practicable to hold a meeting or the amount of expenditure is not commensurate with the importance of the matters to be considered:

- (a) The President or the requisitionists shall prepare a note on the matter concerned and question or which the member's views are required.
- (b) The note shall be sent to each members by registered post with an envelope addressed to the Secretary (now Known as Mukhya Karyadhikari) and bearing postage stamps of sufficient value and a notice enquiring every member to send his opinion by a certain fixed ate when shall be not less than three weeks from the date of posting of the note. In special cases this period may be reduced by the President for reasons to be recorded by him in writing.
- (c) The opinion received in response to the notice shall be preserved and reported to the next following meeting.
- (d) The view which is supported by the opinion of the majority of members shall be considered to be the decision of the Committee provided that least four members including the President have expressed their opinion in writing.

The Badrinath (Contact of Business at Committee's Meetings) Bye-laws 1942

[See Section 2(1)(c)]

- 1 (1) These bye-laws may be called "the Badrinath Temple (Conduct of Business at Committe's Meetings) Bye-laws, 1942".

(2) They shall come into for on the date of their publication in the official Gazette.

2 . The President may convene an emergent meeting of the committee whenever he thinks fit and shall upon a requisition made to him in writing by not less than four members of the Committee, stating the business to be transacted, either call an emergent meeting of the Committee within a period of one month from the date of receipt of such requisition, or proceed in accordance with the by-laws framed under section (1) (b) of the Act.

3.(1) Not less than 30 days before an ordinary meeting and not less than 15 days before an emergent meeting, a notice to attend the meeting, signed by The Secretary (now Known as Mukhya Karyadhikari) or in his absence, by the Preisident, shall be sent to each member of the committee.

(2) A notice to attend a meeting shall specify every motion or proposition to be brought forward at the meeting and shall state generally any other business to be transacted thereat.

(3) Every notice to attend a meeting shall state the place, the date and the time of the meeting.

4. So far as circumstances admit, the Secretary (now Known as Mukhya Karyadhikari) shall, as soon as may be, before a meeting, circulate to members such correspondence relating to any business to be transacted at the meeting, as the President may consider desirable.

5. Any member who desires to bring forward at a meeting of the Committee any motion or proposition shall, at least 15 days before the meeting, inform The Secretary (now Known as Mukhya Karyadhikari) in writing of his intention and The Secretary (now Known as Mukhya Karyadhikari) shall so far as possible circulate supplementary agenda to the member before the meeting.

6. The President shall have the power to bring forward any motion or proposition not specified in the notice given under byelaw 3(2) above, which is so urgent that its transaction at the meeting is considered necessary by the majority of the members present.

7. Unless otherwise provided for, all questions which may come before a meeting of the Committee shall be decided by a majority of the votes of the members present and voting. In the case of equality of votes, the President of the meeting shall have a second or casting vote.

8. A matter once decided at a meeting of the committee shall not be i.e. opened until after the expiry of six months from the date of such meeting unless not less than seven members are present at the meeting at which the matter is re-opened.

The Badrinath Temple (Investment of funds) Bye-laws, 1942

[See Section 25(1)(f)]

1. (1) these by-laws may be called the Badrinath Temple (Investment of Funds Bye-laws, 1942).

(2) They shall come into force on the date of their publication in the office Gazette.

2. All money which is the property of the temple shall be logged in the temple treasury at Badrinath or Joshimath. Money may also be kept in the Post Office Saving Bank, or in any other bank approved by Government securities.

3 (1) Funds, which are not the property of the Temple, such as security deposits, contractors' deposits and other deposits that bear interest, shall be invested in Government securities or kept in Post Office Savings Bank or in any other bank approved by Government. All such deposits shall be made with the knowledge and at the risk of the depositors, contractors or servants of the Temple concerned.

(2) All orders and cheques against such funds shall be deigned by the Secretary (now known as Mukhya Karyadhikari).

4. The Secretary (now known as Mukhya Karyadhikari) shall discharge all such duties as may be cast upon him by the Act, Rules or the bye-laws and will carry out such instruction and directions as may be giver to him from time to by the President or the committee.

The Badrinath Temple (Time and Place of Committee's Meetings) Bye-laws, 1942

[See Section 25(1)(h)]

1. (1) these bye-laws may be called "The Badrinath Temple (Time and Place of Committee's Meetings) Bye-laws, 1942".
- (2) They shall come into force on the date of their publication in the office Gazette.
2. The Committee shall meet for the transaction of business at least twice every year.
3. The meetings shall be held at Badrinath or such other place or places as may from time to time be fixed by the Committee with due regard to the convenience of its members.

The Badrinath Temple (preservation of order and conduct of proceedings at Committee's meetings) Bye-laws, 1942

[See Section 22(1)(j)]

1. (1) These bye-laws may be called "The Badrinath Temple (preservation of order and conduct of proceedings at Committee's meetings) Bye-laws, 1942"
- (2) They shall come into force on the date of their publication in the official Gazette.
2. For the purpose of these by-laws the expression "President" shall include any members of the Committee elected to preside at a meeting there of in the absence of the President of the Committee.
3. The President shall maintain order at the meetings. Where, at a meeting of the Committee any member or other person refuses to comply with any direction of the President ruling any business, discussion or matter out of order or otherwise regulating the conduct of members or of business or where any member or person wilfully disturbs the meeting President may require the member or person to withdraw from the meeting and in the event of his not doing so may employ against him such force as is necessary or as in good faith he believes to be necessary for the purpose of removing and excluding him from the meeting.
4. Now new motion shall be put before the Committee until the one under consideration has been dealt with and settled.
5. Every motion or amendment shall be presented, or taken sown in writing.
6. The President may require that any motion or amendment proposed shall be seconded before it is discussed.
7. In proposing or discussing any question each member shall address the President.
8. When a member is speaking he shall not be interrupted except by a member on a point of order. The President shall decide such point or order.
9. Any member may submit a point of order to the President, but there shall be no discussion on any such point, unless the President thinks fit to ask members present for their opinion there on.
10. Every member of the Committee shall have the right of interpellation which may be exercised subject to the following conditions and or restriction:
 - (1) Every member who desires to put any question concerning the affairs of the Committee shall send his question or questions in writing to the Secretary (now known as Mukhya Karyadhikari) of the Committee at least 15 days before the next meeting of the Committee.

(2) Questions must not be argumentative or hypothetical or defamatory of any person or section of community.

(3) The President may disallow any question which does not conform to clause above and in any such case the question shall not be entered in the minutes

(4) The questions and the answers there to shall form part of the proceeding of the meetings.

(5) The member putting the question may withdraw the same at any time before the answer is read at the meeting.

(6) If the member who has given due notice of any question has not withdrawn the question before the meeting is held but is not present at the meeting the President may allow the question to be put by any other member present, and answer to the same to be read.

The Badrinath Temple (Publication and Record of Proceedings) Bye-laws, 1942

[See Section 25(1)(k)]

1. (1) These bye-laws may be called "The Badrinath Temple (Time and Place of Committee's Meetings) Bye-laws, 1942"

(2) They shall come into force on the date of their notification in the official Gazette.

2. The Secretary (now known as Mukhya Karyadhikari) shall maintain a book to be called the minute book in which the names of the members present the proceedings held and the resolutions passed at each meeting of the committee shall be entered, together with the numbers of voting for and against any proposal and the note if dissent, if any, of any member, if as desired by him.

3. The minutes shall be read out at the end of a meeting or at the commencement of the next following meeting, and after they have been passed as correct by such of the members (or a majority or them) present as were also present at the proceedings recorded in the minutes shall be certified as passed by the signatures of the meeting. The accuracy of the minutes when read out under this rule may be questioned by any member present at the time when the minutes are read out, but no member shall be entitled to vote there on unless he was also present at the proceedings recorded there in.

4. Every resolution passed by the Committee shall, where possible be published in the leading English, Hindi and Urdu local and provincial papers to be selected by the Committee. The budget estimates and the annual administration report shall also be similarly published as soon as they are passed by the Committee.

5. Copies of the proceedings shall be sent to

(1) Every member of the Committee.

(2) His Highness the Maharaja of Tehri (Garhwal) state.

(3) The Secretary (now known as Mukhya Karyadhikari) to Government, United Provinces.

(4) The President, Hindu Mahasabha, Dadar, Bombay.

(5) The General Secretary, (All- India Sanatan Dharm Mahasabha, Banars.)

(6) Such other person or body of persons as the Committee may from time to time specify.

The Badrinath Temple (Grant of Receipts) Bye-laws, 1942

1. (1) These bye-laws may be called "The Badrinath Temple (Grant of Receipts) Bye-laws, 1942-43".

(2) They shall come into force on the date of their publication in the official Gazette.

2. All money by whosoever realized on behalf of the Temple shall be paid in the office of the Committee and Secretary (now known as Mukhya Karyadhikari) or such servant, other than the accountant and the clerk in the charge of the demand and collection register, as may be deputed by him for the purpose, shall issue a printed and signed receipt therefore.

3. No officers of the Temple shall issues duplicate or copies of receipts granted for money received, on the allegation of the original having been lost. In any necessity arised for such a document, a certificate under the signatures of the Secretary (now known as Mukhya Karyadhikari) that on as specified date a certain amount of money was received may be issued.

4. Money indisputably payable shall never be allowed to remain unpaid and money paid under no circumstances be kept out of account a day longer than necessary.

The Badrinath Temple (Maintenance of Order) Bye-laws, 1942

1. (1) 1. (1) These bye-laws may be called "The Badrinath Temple (Maintenance of Order) Bye-laws, 1942"

(2) They shall come into force on the date of their publication in the official gazette.

(3) The Secretary (now known as Mukhya Karyadhikari) shall be responsible to maintain order within the precincts of the Temple and for regulating the entry of persons into the Temple.

(4) The Secretary (now known as Mukhya Karyadhikari) shall regulated the admission of Pandas with their Zajamans in accordance with the regulation framed or directions giver by the committee form time to time.

(5) If any person misbehave within the precincts or the Temple or does anything detrimental to the interest of the Temple, the Secretary (now known as Mukhya Karyadhikari) shall have the power to cause him to be removed from the precincts thereof. If such person is a Panda, or his agent or servant, the Secretary (now known as Mukhya Karyadhikari) shall have the power to stop him form accompanying his Zajmns order of the Secretary (now known as Mukhya Karyadhikari) shall be appeal able to he Committee within a period of thirty days from the date of the order.

The Badrinath Temple (POOJA) Bye-laws, 1942

1.(1) The bye-laws may be called the Badrinath Temple (pooja) Bye- laws, 1942

(2) They shall come into force on the date of their notification in the official Gazette.

2. The Temple shall remain open from 6 a.m to 12 noon and 5 p.m. to 9 p.m. the usual morning and evening Pooja with offerings of Bhog shall be done by the Rawal, and in his absence by the Naib-Rawal, within these hours. When there is a rush of pilgrims the Secretary (now known as Mukhya Karyadhikari) may keep the Temple open for such longer hours as he may deem fit to enable all pilgrims to get darshan of the diety everyday.

3. The Secretary (now known as Mukhya Karyadhikari) shall arrange that the Pooja is done by the Rawal or the Naib-Rawal according the customary rites and that the Bhital-Barwa and to her official working in the Temple (e.g. Jamadar, chaprases, dhariyas) render the necessary help to the Rawal and Naib-Rawal. If anyone fails to discharge his duties the Secretary (now known as Mukhya

Karyadhikari) shall award suitable punishment to him and arrange to get the necessary work done in such other manner as may be suitable, on payment, if necessary, and such expenditure shall be deducted from the pay or allowance of the defaulting person.

4. Pilgrims or other persons shall be allowed to do Parayan within the Precincts or the Temple only with the permission of the Secretary (now known as Mukhya Karyadhikari).

5. Persons wishing to perform Abhishekham, Sahasranama, Astotri- Archana, Arti and other special Poojas shall be required to give timely notice to the Secretary (now known as Mukhya Karyadhikari) and shall deposit the requisite amount in the office so that necessary arrangements may be made in time. A possible facilities arrangement shall be so made for such pilgrims as not to interface in the ordinary darshan by other pilgrims.

6. Pilgrims making such offering as Thali-Bhet to the deity shall put it in the slotted box placed inside the Temple. Ordinarily they should offer cash in the office and obtain a receipt therefore.

7. The officer-in-charge of the Thali-bhet shall see that all the articles offered to the deity are carefully placed in the box and if so required by the pilgrims he will issue a receipt of the valuables offered at the time of darshan. Ordinarily pilgrims should have the valuable articles weighted in the office and obtain a receipt thereof from the Likhwar. No articles shall be accepted by the Rawa, Naib-Rawal or the Barwa or any other officer or right-holder from the pilgrims directly for being offered to the deity without the permission of the officer-in charge of the Thali-Bhet.

8. No persons other than those whose right to receive gifts has been specifically recognized by the committee, shall receive any gift in any form within the precincts of the Temple. The employees of the Temple shall not receive or solicit for any remuneration, reward, or dakshina in any form from pilgrims.

9. No person connected with the daily Pooja or Bhog in the Temple or its subordinates shall participate in the pooja, if he is in Ashaucha or suffers from any contagious or infectious diseases.

10. The person performing the Pooja and the bhitala Barwa shall be responsible for the safe custody of the jewelleries and other gold and silver articles entrusted to them for use in the daily Pooja or on occasions of festivals and Shringari shall be responsible for the safety of clothes. If any article or cloth is found missing the person concerned shall be liable to make good the loss. Jewelleries and other articles of gold or silver no longer wanted for Pooja shall be returned to the double-lock.

11. No pilgrim shall be compelled to make any offerings to any deity in the Temple against wishes.

12. The pilgrim shall have free access to the Tapti-Kund, Narad-Kund, Gauri-Kund and other places of bathing and may bathe in them subject to the right of the Pandas as recognized by the Committee.

13. No Panda shall harass any Pilgrim for uttering Suphal and he shall accept the amount willingly given by the pilgrim for this purpose. If any pilgrim complains against any Panda for harassment the Secretary (now known as Mukhya Karyadhikari) shall, if the complaint is substantiated after an investigation deal with him in such manner as he thinks fit and may by an order debar such Panda from entering the precincts of the Temple for a period which may extend to any year. Such an order shall be appealable to the Committee within a period of thirty days from the date of the order.

14. The Purohita at Brahmakapal shall conduct the Pind ceremony when asked to do so by any pilgrim and shall accept the Dakshina willingly given by him. If there is a complaint of harassment against any purohita the Secretary (now known as Mukhya Karyadhikari) may take the same action against him as against appeal as a Panda has there under.

15. No sadhu or beggar shall be or sit for begging for alms within the precincts of the Temple.

16. Pilgrim desirous of making any payment to the servants or any individual servant of the Committee, may do so through the Secretary (now known as Mukhya Karyadhikari).

**THE U.P SHRI BADRINATH AND SHRI KEDARNATH TEMPLE MUKHYA KAYADHIKARI
SERVICE RULES, 1985¹**

1. Short title and commencement.- (1) These rules may be called the UttarPradesh Shri Badrinath and Shri Kedarnath Temples Mukhya Karyadhikari Service Rule, 1955.

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions. - In these rules, unless the subject or content otherwise requires:-

(a) "Act" means the Uttar Pradesh Shri Badrinath and Shri Kedarnath Temples Act, 1939 (U.P Act No. 16 of 1939).

(b) "Government" means the Government of Uttar Pradesh.

(c) "Mukhya Karyadhikari" means the Mukhya Karyadhikari appointed under Section 14 of the Act.

(d) "President " means the President of the Committee nominated under clause (g) of sub-section (1) of Section 5 of the Act.

Note:-Equity not relieve against a public statue:- It would thus be clear in constructing a Statue equity will not relieve against a public statute of general policy in cases admitted to fall within the Statute and it is the duty of the Court to give effect to the legislative intent. The Court has to advert, therefore, to the main question, whether the Act adapted Section 4 to 6 of the L.A Act, by incorporation or be reference. In Clarks v. Bradlaugh, 1881 OBD 63 at p. 69, Brett, L.J. laid the rule of incorporation thus:

"There is rule of construction that, where a Statute is incorporated by reference into a second Statue, the repeal of the first Statute by a third Statute does not affect the second". This was reiterated by Lord Esher, M.R., dealing with the legislation by incorporation, in In Re Wood's Estate, (1886) 31 ChD 607 at p. 615, thus:

"If a subsequent Act brings into itself by reference some of the clauses of a former Act, the legal effect of that, as has been held, is to write those section into the new Act jush as if they has been actually written with pen, in it, and, the moment, you have those clauses in the later Act, you have no ocaassion to refer to the former Act at all.[Gauri Shankar Gaur v State of U.P. AIR 1994 SC 169]".

3. Qualifications-(1) A person shall be eligible for appointment as Mukhya Karyadhikari if:

(a) H

e professes the Hindu religion and accepts the form of worship practiced at the temple;

(b) He is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties;

(c) He is a citizen of India;

(d) he holds a degree in Arts, Law, Science or Commerce of a University established by law;

(f) He is permanent resident of UttarPradesh;

(g) He is not less than 30 years of age on the date of his appointment;

(h) He is or any of his relation is not a member or President of the committee;

(i) He is or any of his relation by himself or through partner has no interest directly or indirectly in any contract with or employment under the committee;

(j) he was not dismissed from the service of the Government or any local authority;

(k) He has not been connected of a criminal offence involving moral turpitude; and

(l) He is not of unsound mind or does not suffer from some contagious disease.

Explanation.- For the purpose of this rule 'relation' means father, grandfather, brother's son, first cousin (Paternal or maternal), wife's brother, or sister's husband.

(2) The person to be appointed as Mukhya Karyadhikari may alos be an Officer of the State Civil Service. In that case his terms and conditions of service during deputation shall be such as may be determined by the Government.

U.P. SHRI BADRINATH TEMPLE RULES, 1940

CHAPTER I- PRELIMINARY

(NO. 1 and 2 deleted and substituted vide U.P. Government's Extra Ordinary Gazette No. U-49/XVI-II—49-CE-1996, dated May 5, 1967)

CHAPTER II- ELECTIONS AND ELECTION PETITIONS

[See sections 26(2) (b) and (h)]

General— (NO. 3 and 23 deleted and substituted vide U.P. Government's Extra Ordinary Gazette No. U-49/XVI-II—49-CE-1996, dated May 5, 1967)

CHAPTER III- PRELIMINARY

[See sections 14, 15 and 26 (2) (d) of the Act]

Secretary--(NO.24 and 38 deleted and substituted vide U.P. Government's Extra Ordinary Gazette dated February 12, 1964 U.P Act No. VIII of 1964)

Ministerial and inferior servants at the Temple [excluding Secretary (now known as Mukhya Karyadhikari) Rawal and Naib-Rawal]

39. Appointment- The President of the Committee shall appoint an accountant and such other ministerial and inferior servants of the Temple as may be necessary.

40. Qualifications—(1) No person shall be appointed to any of the ministerial posts in the Temple unless

(a) he professes the Hindu religion and accepts the form of worship practised at the Temple; and

(b) he has passed the High school Examination of the Board of High School and Intermediate Education, United Provinces, or any other equivalent or higher examination of any other University;

(c) he possesses a working knowledge of Hindi;

(d) he is less than 30 years of age on the date of his first appointment at the Temple;

(e) he is medically fit for the performance of his duties.

(2) In making appointments preference will be given to persons having knowledge of account-keeping:

Provided that this rule shall not apply to such ministerial servants of the Temple as are in its employ on the date of notification of these rules.

41. Disqualifications- A person shall be disqualified for appointment as a servant of the Temple—

(a) if he was dismissed from service of the Crown or an Indian State or any local authority; and

(b) if he has undergone a sentence of imprisonment for a criminal offence involving moral turpitude.

42. Power to waive the conditions—Subject to the approval of the Government the committee may in any special case waive one or more of the qualifications specified in clause (b) to (e) of rule 40 or of the disqualification specified in rule 41.

43. Probation— Every such appointment shall be made on 6 months' probation.
44. Emoluments--- The appointments shall be made on such emoluments as may be laid down by the Committee with the approval of Government.
45. Termination of service during probation—The president may terminate the services of a clerk on probation, at any time, without assigning any reason.
46. Discharge- The president may discharge a permanent servant at the Temple on 3 months' notice or on payment of a sum equal to 3 months' pay in lieu thereof.
47. Punishment—The president shall have the power to censure, fine, withhold increments, reduce suspend, remover or dismiss any servant at the Temple for breach of rules or discipline, carelessness, neglect of duty, misconduct or other sufficient cause also to recover from pay the whole or part of any pecuniary loss caused to the Temple by negligence or breach of rules.
48. Procedure—No servant of the temple shall be reduced, removed or dismissed without a reasonable opportunity being given to him of being heard in his own defence in respect of the charges framed against him. His written defence, if any, shall be order should contain findings on each charge. In exceptional cases, when it is impracticable to communicate with the person charged, the provisions of this rule may be waived by the President. Nor shall the procedure prescribed by this rule be necessary if the punishment is based on facts which have led to the conviction of any such servant by a Criminal Court.
49. Suspension and subsistence allowance.—When a servant of the Temple suspended, th President ma grant him a subsistence allowance not exceeding one-third of his pay.
50. Delegation by President of his powers to Secretary—(now known) The President may delegate the Secretary (now known as Mukhya Karyadhikari) all or any of the powers exercisable by him under these rules in respect of servants drawings less than Rs.50 per month.
51. Appeals—(1) An order inflicting any punishment under rule 47 passed by the President or the Secretary (now known as Mukhya Karyadhikari) shall be appealable to the committee.
- (2) The appeal shall—
- (a) contain all material statement and arguments relied on by the appellant;
 - (b) not be written in disrespectful or improper language;
 - (c) be filed within 30 days of the communication to the appellant of the order appealed against; and
 - (d) be submitted through the president.

CHAPTER V—[See Section 26 (2) (c) of the Act]

Rules regarding budgets, returns, accounts, reports and other information to be submitted by the Committee

52. Budget—Early in December each year the Secretary (now known as Mukhya Karyadhikari) shall prepare budget estimates of income and expenditure in form no. 1 for submission to the Committee. The Committee shall send a copy of the draft budget to His Highness and shall take into consideration any suggestion received from his Highness before it is passed (Article IX of the Agreement).
53. The budget after being passed by the Committee shall be submitted to Government and where there is any proposal to expend any sum, exceeding on thousand rupees in anyone year from the

reserve Fund, the sanction of the Provincial Government to the same shall be necessary. The Provincial Government shall invite the views of His Highness before passing orders.

Every item of new expenditure entered in the budget and every considerable variation in the budget figures from the figures of the current year shall be explained in the column of remarks.

54. Estimate of income—The estimate income should show the actual demand in cases where this can be forecasted e.g. land rent bandhan sets. In fixing such demands, the arrears which are likely to be realized during the coming year should also be taken into account. In the case of receipts which are not fixed but fluctuate from year to year, the actual of the past three years and the sanctioned estimate for the current year should be taken into account to arrive at a reasonable figure representing probable actual taking into account any special factors which are likely to influence the receipts in the ensuing year.

55. Estimate of expenditure.—The estimate of every time of expenditure should include all anticipated payment including legitimate arrears of previous years and not only the liabilities falling due within the year. The estimate should provide only for existing expenditure unless there exists sanction for any new item of expenditure.

56. The estimate for fluctuating items of expenditure should be based on the current year's allotment viewed in the light of the average of the past three year's actual, allowance being made for and caused likely to modify that figure.

57. Reappropriation—Normally expenditure should not be incurred in excess of the sanctioned allotment for any purpose, nor should, expenditure be incurred or any "new service" for which no provision has been made in the budget. If, however, during the currency of a financial year (a) the amount provided for any purpose is found to be sufficient for that year or (b) a need arises for expenditure during the course of the year, on some object or service for which no provision has been made, the requisite funds can be obtained in one of the following ways-

(i) reappropriation of funds by order of the President from another head of expenditure under which it is known or anticipated that there will be a saving; or

(ii) additional allotment to be sanctioned by the Committee subject to the approval of Government;

(iii) the Secretary (now known as Mukhya Karyadhikari) may be authorized to incur expenditure on any "new service not provided for in the budget estimates up to Rs. 25 in each individual case subject to the limit of Rs. 100 financial year which shall be reported to the committee as its next meeting for formal approval.

58. Responsibility in respect of incurring expenditure- The Secretary (now known as Mukhya Karyadhikari) is responsible—

(a) that the allotments placed at his disposal are not wasted, nor exceeded and in order to fulfil this responsibility he must keep a close watch over the progress. Of expenditure under each unit of the budget allotment and keep himself informed of all impending liabilities;

(b) that the allotments placed at his disposal are utilized only for expenditure on the objects for which the allotments have been sanctioned; and

(c) that the probability of any excess over an allotment is foreseen in advance and that intimation of the likelihood of the excess is given to the President with proposals for providing funds in the manner laid down in paragraph 57 above.

59. The canons of financial propriety—The Temple authorities and officer shall observe the following canons of financial propriety:

(1) In respect of expenditure incurred from the funds of the Temple the same vigilance should be exercised as a person of ordinary prudence would exercise in respect of the expenditure of his own money.

(2) No authority should exercise its powers of sanctioning expenditure which will be directly or indirectly to its own advantage.

(3) The funds of the Temple should not be utilized for the benefit of a particular person or section of the community unless—

(i) the amount of expenditure involved is insignificant, or

(ii) a claim for the amount could be enforced in a court of law, or

(iii) the expenditure is in pursuance of a recognized custom accepted by the Committee.

60. The bulk of the cash balance, jewellery, gold and silver shall remain under the double locks of the Secretary (now known as Mukhya Karyadhikari) and the treasurer in the Temple treasury. The treasurer shall hold in his separate custody a sum sufficient for the convenient transaction of the Temple business and this sum together with the value of bullion in hand must not be larger than the amount for which security has been given by him.

61. Money transaction- All money transaction to which any officer or servant of the Temple is a party in his official capacity shall immediately and without any reservation be brought to account and all money received lodged in full in the temple treasury.

62. Separation of revenue and account branches—The revenue and accounts branches of the Temple office shall be in charge of separate officials who shall be termed respectively the treasurer and the accountant. All sums due to the Committee shall be received by the former official, and in no case shall the same person compile the accounts and collect receipts.

63. Maintenance of registers- Books of accounts and registers shall be strongly bound and paged before being brought into use, and unless otherwise specifically stated, accounts shall not be prepared in loose sheets or in loosely bound volumes. Forms in which receipts for money are granted shall be bound in counter-foil books, each containing 100 consecutively machine numbered and printed forms. They should also contain a printed number.

64. corrections in registers— Correction and alteration in accounts shall be neatly made in red ink (a single line being drawn through the original entry which it is desired to correct) and attested by the dated initial of the official in charge.

65. Erasures and overwriting.—Shall on no account be made in registers, statements, cheques, vouchers or accounts of any description.

66. Enquiry into losses.—Whenever any loss of money, stores or other property of the Temple through embezzlement, fraud, theft or any other cause is discovered a report shall be made without delay to police, the Examiner, Local Fund Accounts and District Magistrate and a preliminary investigation shall forthwith be made into the loss by the Secretary (now known as Mukhya Karyadhikari) or other officer of the committee appointed by the President in this behalf and the result of such preliminary investigation, shall be reported to the President, showing the extent of loss, the circumstances in which the loss took place and steps taken to recover the money and to punish the offender, if any. The President shall in turn make a report to Government and the Examiner with such suggestion for further action in the matter as he may deem fit.

67. Receipt of money.—All money received for credit to the funds of the Temple shall be acknowledged by receipt and entered in the cash-book, either directly or through subsidiary registers.

Note- There is separate forms of receipts prescribed for different purposes, etc.

68. The Official authorized to grant receipts—Shall make progressive total of the money received on the counter-foil of receipts or in the subsidiary register and hand over the amount to the treasurer every evening or as soon as it reaches the limit prescribed by the committee in each individual case. The Treasurer shall acknowledge the receipt of the money received on the counter-foil of receipt which contains the grand total or in the counter-foil receipts or subsidiary register and after he has verified that and the money collected has been correctly recorded he shall prepare a receipt (Dakhila Form no. 2) duplicate for writing up the cash-book and crediting the money into the Temple treasury. The receipt shall be signed by the accountant to testify to its correctness by the treasurer in token of his having received the money and the Secretary (now known as Mukhya Karyadhikari).

69. Payment of money—Ordinarily payments shall be made by the cheque in Form no. 3 but sums less than Rs. 10 may be paid from permanent advances.

70. Manner of payment. Every item of expenditure shall be supported by bills or vouchers. Bills and vouchers presented for payment shall first be examined by the accountant. If the claim is admissible the authority good, the signature true and in order and the receipt a legal quittance, the accountant shall pass the bill or voucher and submit it to the Secretary (now known as Mukhya Karyadhikari) for a "pay order". The Secretary (now known as Mukhya Karyadhikari) shall be personally responsible that the bill is complete and affords sufficient information as to the nature of payment.

71. Every payment order—Shall be made on a bill, a note being made on the file concerned referring to the number and date of the bill. A counter reference shall also be made on the bill to the file (miscellaneous) to which it pertains

72. Cheque books of the Temple treasury—Cheque shall be in counter-foil and each cheque shall bear a book number and a serial number which shall be machine numbered. All cheque books shall be kept in the personal custody of the Secretary (now known as Mukhya Karyadhikari)

73. Issue of Cheques—No cheques shall be signed unless required for immediate payment to the payee, or be drawn in favour of any other person than the actual payee. When a signed cheque is cancelled it shall be so endorsed by the Secretary (now known as Mukhya Karyadhikari)

74. Cash book—The general cash-book shall be in Form no. 4 and shall be closed and balanced daily and signed by the treasurer, accountant and the Secretary (now known as Mukhya Karyadhikari). At the end of the month the balance should be verified by the Secretary (now known as Mukhya Karyadhikari) with the balance of cash in hand and a certificate to that effect recorded in the cash-book under the signature of the Secretary (now known as Mukhya Karyadhikari).

75. Classified abstract—For the classification of receipts and expenditure a classified abstract shall be maintained in Form no. 5. The Form shall be kept in two volumes—one for income and one for expenditure. Separate heads shall be opened for each item of budget estimates and the receipts and charge appertaining to these items for each day shall be taken, either as they occur or in the aggregate for the day, from the cash-book or from the bills, and entered in the appropriate column of the abstracts. At the end of each month the totals and progressive totals shall be made under each of the heads of the abstract.

76. Payment Scale register—The entire permanent establishment of the Temple shall be recorded under the signature of the Secretary (now known as Mukhya Karyadhikari) in a scale register in Form no. 6 Temporary establishment shall be recorded separately from the permanent establishment, the period for which temporary establishment has been sanctioned being distinctly specified in the column of remarks.

77. Dastur-e-amal—All other fixed charges of recurring nature (whether in cash or kind) e.g. Contributions for religious ceremonies, grants to the temples subordinate to Sri Badrinath Temple, payments to certain classes of men according to their recognized customs and usages if accepted by the Committee, customary “prasad” to His Highness shall be recorded in the dastur-e-amal. The dastur-e-amal shall be kept up-to-date and any change made therein shall be supported by the authority of the Committee in writing showing the reason or necessity for effecting the change.

78. Pay Bills—(i) The pay of permanent establishment of the trust shall be drawn on one monthly pay bill in form no. 7. Pay and leave salary are not drawn but held over for future payment shall be entered in column 6, the reasons for their being held over being briefly noted. When the amount is subsequently drawn a reference to the original bill from which the charge was withheld shall be given in the bill for arrear pay.

(ii) The pay of all temporary establishments shall be billed for separately.

(iii) Fines and other dues shall not be recovered in cash but shall be entered in the appropriate columns provided in the pay bill form.

(iv) Pay of daily labourers shall be drawn on muster-rolls.

79. Disbursement of pay—As soon as possible after a pay bill has been drawn the money shall be disbursed to the payees concerned and their signatures taken in token of receipts in the proper column of the bill which shall be stamped, if necessary, token of receipts in the proper column of the bill which shall be stamped, if necessary, by the payee, If in any case it is impracticable to obtain the payee's receipt on the bill itself a separate acquaintance may be obtained and attached to the bill. If the payee does not present himself for receiving the payment before the end of the month, his pay shall be refused by short drawal in the next bill.

80. The Officer signing a pay—Bill is personally responsible for all pay and leave salary drawn thereon until the same has been paid to the proper recipients and the latter have signed acquaintance for the same. When the recipient is illiterate his thumb impression shall be taken.

81. Supplies and services and contingencies--- Money indisputably payable should never be left unpaid; an money paid should under no circumstances be kept out of the accounts a day longer than is absolutely necessary. It is no economy to postpone inevitable payments and it is very important to ascertain, liquidate, and record the payment of all actual obligations at the earliest possible date.

82. Manner of payment—All miscellaneous charges, viz. supplies and services and contingencies, for which forms have not been prescribed in these rules, shall be drawn on a contingent bill in Form No. 8 unless the claimant presents his own bill or statement of account in which case payment be made on that document.

83. Scrutiny of suppliers' bills and personal ledger accounts—In addition to merely accounting for all the expenditure, it is also the duty of the temple office to see that no charge is paid twice over and also that the budget allotments are not exceeded.

84. To guard against the possibility of double payments and other irregularities and complications in the accounts, as well as to keep a watch on liabilities and their adjustments a personal ledger account may be kept by the Temple office in form no.9 for firms and persons with whom business in continuously carried on or a running account is maintained.

85. Dasturat (Fixed Charges)—All bills and vouchers relating to the fixed charges as contained in the dastur-e-amal shall be carefully checked by the accountant and shall bear a reference to the serial number of dastur-e-amal.

86. Permanent Advance—Any official whose duties require him to incur petty expenses which must be paid before money can be drawn on a contingent bill may, with the sanction of the Secretary (now known as Mukhya Karyadhikari), be allowed a permanent advance the amount of which should be fixed on the basis of the average expenditure for one month. All permanent advances shall be recorded in a register.

87. Recoupment of permanent advance—Once a month or when the cash in hand is running low, the official holding the permanent advance shall prepare a contingent bill in which full details of expenditure shall be given. It shall be supported by vouchers which shall be stamped as “cancelled”, signed and dated by the Secretary (now known as Mukhya Karyadhikari), when payment is made.

88. Acknowledgment of permanent advance- Each holder of permanent advance shall on first receiving it and thereafter on the last April in each year sign an acknowledgment in the following terms;

“I acknowledge to have in my possession a permanent advance of Rs.....which sum is due from and to be accounted for by me”.

89. Works expenditure. Classification—the works expenditure falls under two categories, viz. (1) original building work and (2) annual repairs to the buildings.

90. Register of Works—An account of all works shall be kept in a register of works in form no. 10 to be maintained in the Temple office.

91. Annual repairs.—Necessary provision shall be made in the budget for annual repairs to all Temple buildings. Funds shall be allotted for different buildings after taking into consideration the requirements of each individual case and shall accordingly be recorded in the register of works.

92. Works done by daily labour— Where annual repairs are ordinarily done by daily labour the subordinate in charge shall prepare a muster roll in Form no. 11 Daily attendance and absences of labours and fines imposed on them should recorded daily in such a way as-

(i) to facilitate the correct calculation of the wages of each person; and

(ii) to render it difficult to tamper with or to make unauthorized addition to, or alteration in, the entries once made.

93. Manner of payment—Each payment should be made or witnessed by the accountant or other official appointed by the Secretary in this behalf. Payee’s signature or thumb-impression shall be stamped, if necessary, by the payee, and the thumb-impression attested by the disbursing officer.

94. Unpaid wages.—Unpaid items shall be refunded by short drawal either in cash after the close of the month or by deduction from the muster roll in the succeeding month.

95. Checking of muster rolls—Attendance in muster rolls shall be checked at intervals by the Secretary (now known as Mukhya Karyadhikari) or accountant to see that the labour actually engaged is in accordance with the attendance in the muster rolls. The muster roll entries shall be initialled and dated by the checking officer in token of his having verified the attendances.

96. Advances.—Petty advances may be made to the official in charge of the repair works, if necessary, but such advances must be adjusted within a period of one month from the date of drawal.

97. Original works—The system of lump sum contracts should be adopted, as far as possible for the execution of original works, where the cost of a work exceeds 1,000.

98. Contracts.—Designs and estimate for original works shall be obtained from the local contractors or professional men on payment of a fee equal to 1 ½ percent of the estimated cost. After this has been done, lump sum tenders shall be invited from local contractors, preferably those who have done building work under the Public Works Department.

99. Before giving cut a work on contract, it should be decided whether the articles included in the estimate will be supplied by the Temple authorities or by the contractor. In the former case, the contractor will be paid only the labour charges for erecting, etc.

100. Earnest Money—No tender should as a rule, be taken into consideration unless it is accompanied by earnest money which should be as follows;

<i>Amount of tender</i>	<i>Earnest money (Rs.)</i>
Not exceeding Rs. 2,000	50
Exceeding Rs. 2,000 but not exceeding Rs. 5,000	100
Exceeding Rs. 5,000 but not exceeding Rs. 10,000	200
For each additional Rs. 5,000 or part thereof a further sum of	100

101. A proper receipt should be given for the amount of earnest money received and the earnest money of unsuccessful tenderers should be refunded to them as soon as possible after the disposal of tenders, a stamped receipt being obtained from them.

102. Acceptance of tender— Other conditions being equal, the lowest tender should ordinarily be accepted. In selecting the tender to be accepted the respectability and financial status of the tendering individual must be taken into consideration, in addition to other relevant factors. The reasons for non-acceptance of the lowest tender should invariably be put on record, when according sanction to the contract.

103. Security—Security shall in all cases, be taken for due fulfilment of a contract. Security deposit should ordinarily be 5 percent of the tendered amount and it should not be refunded until the expiry of at least 6 month after the completion of work;

104. Agreement—Agreement shall be entered into in connection with contracts. The terms of agreement must be precise and definite and there should be no room for ambiguity or misconstruction. Clear and specific penalties should be attached to a breach, of the agreement. As the tender, along with the agreement and connected papers, form, documents on which a court’s decision will be based in case of a disputed claim brought by the contractor, it is absolutely necessary to draw up the papers correctly in the first instance.

105. Advances to contractors—Ordinarily no cash advances shall be made to contractors except for the work actually done but in cases in which a contractor whose contract is for finished work requires and advance on the security of materials brought to site, advances may be made up to an amount not exceeding the value of the materials. Taking into consideration their imperishable or perishable nature, at the current market rate, provided that a formal agreement is drawn up with the contractor under which a lien on the material is secured.

106. Final payment—The final bill of the contractor shall not be paid, until the Secretary or any other officer deputed by the President has given a certificate to the following effect;

“I certify that the work has been completed in accordance with the prescribed specification and after taking into account all the authorized additions and omissions, the value of the work done up to date in conformity with the terms of the contractor’s agreement is Rs.....”

107. The accountant shall cause to be prepared an estimates in the following form for the stores required during the ensuing year,

Description of stores	Balance in hand on	No. Or quantity required	No. Or quantity to be purchased	Estimated cost	Remarks
1	2	3	4	5	6

108. The estimates shall be carefully scrutinized and considered by the Secretary (now known as Mukhya Karyadhikari) and orders shall be passed thereon as to whether tenders or quotations are to be passed thereon as to whether tenders or quotations are to be invited for the supply.

109. When the annual estimate has been passed, stores may be obtained as required from time to time at the rates in the accepted tender or the rates approved by the Secretary (now known as Mukhya Karyadhikari) the case may be.

110. If tenders are invited for the supply of the required articles, it may in some cases be desirable to demand samples of such articles before the actual orders for supply are placed.

111. The approximate quantities of articles likely to be required should be specified while calling for tenders.

112. Material which are likely to depreciate or deteriorate shall not be purchased long in advance of the actual requirement.

113. Care must be exercised to see that the articles supplied conform exactly with the specification or samples, as the case may be.

114. Food-grains and other victuals shall be in sound condition, clean, wholesome, entirely free from admixture of any deleterious substance, of good value and free from moisture. Food-grains should generally be purchased and stored in the harvest season.

115. If supply of the required articles is arranged for through contractors, a reasonable security should be taken from the successful tenderers to ensure due fulfilment of the contract and any agreement should be signed by them.

116. Register of immovable property—A list of immovable property belonging to the Temple shall be maintained in form no 12. The original cost of the property, as well as to cost of any additions to be from time to time or nay decrease in value, shall be noted in this register. If the property is rented out, the annual income shall be recorded in the proper column. The provisions of section 17 (2) of the Sri Badrinath temple Act, 1939, and Article XII of the agreement should be carefully borne in mind.

117. Register of movable property— all movable property of a permanent or non-perishable nature shall be recorded in a register of movable property in Form no. 13 under the dated initials of the Secretary (now known as Mukhya Karyadhikari) accountant and bhandari. When any property is disposed of finally by sale or otherwise clearly, leaving no room for ambiguity, under the joint initials of the Secretary (now known as Mukhya Karyadhikari) and the accountant. the Secretary (now known as Mukhya Karyadhikari) will be responsible that the register is complete record of such movable property vested in the committee as in required to be shown therein.

118. Two separate registers of the movable property shall be maintained, viz. One for jewellery and gold and silver goods and another for miscellaneous articles, furniture, etc.

119. Separate pages shall be allotted for different kinds of articles and an index shall be prepared in a suitable form.

120. Entries of jewellery and gold silver articles should be made very carefully and neatly, complete and correct description being given in the appropriate column of the register. Each article shall be accurately appraised by the Secretary (now known as Mukhya Karyadhikari) accountant and treasurer, technical advice being sought in those cases in which it is not possible to estimate the value properly. The provision of section 17 of the Sri Badrinath Temple Act in the respect of alienation of movable property should be carefully borne in mind.

121. Stock-book—For expendable stores such as food-grains, stock of eatables, cloth, clothing, miscellaneous articles for worship, miscellaneous articles from offerings, building materials, toshakhana articles, etc. Separate stock books shall be maintained as detailed in the following paragraphs.

122. Closing of stock-books—the stock-books shall be closed monthly and balances verified by the official who keeps the book and the fact of verification with the date noted under his dated initials in the column of remarks.

123. Sale of stock articles—When any articles are sold, the stock-book shall clearly indicate their disposal, and shall bear a reference to the particular item of the register of sales.

124. Checking of stock-book entries.—Before, a bill is passed for payment it shall be seen that the articles billed for have been entered in the appropriate stock-book or property register, as the case may be, and that a reference to the entry in the register is quoted in the bill.

125. Verification of movable property and stores--- The whole of movable property and all stores of the temple as recorded in the register of movable property of the various stock-book shall be verified by the Secretary (now known as Mukhya Karyadhikari) or other officer appointed by the Committee in this behalf at such intervals, not exceeding one year as the Committee may prescribe.

126. The verifying officer shall initial the entries in the register and furnish a separate certificate indicating results of the (physical) verification

127. Physical verification shall not be entrusted to a person who is custodian or ledger keeper of the stores.

128. In making physical verification the following instructions must invariably be observed:

(i) Verification must always be made in the presence of the official responsible for the custody of the stores or a responsible person deputed by him.

(ii) All discrepancies noticed must be brought to account immediately so that the stores account may represent the true state of stores.

(iii) Shortages and damages, as well as unserviceable stock or stores, must be reported immediately to the President with suggestions for recovery or writing off the loss, as the case may be.

129. Disposal of surplus and unserviceable stock articles-- Surplus and unserviceable articles of stock shall, as rule, be disposed of the public auction after giving due publicity, but the Secretary (now known as Mukhya Karyadhikari) may under special circumstances make petty sales of surplus stores to needy pilgrims. In the case of retail sales, the articles shall be disposed of at the estimated price

based on the local market rate, if their actual price is not known, or at a little higher than the purchase, if they form part of the stores purchased.

130. Register of sales.—there shall be maintained a register of sales in Form no. 14 for recording all cash and credit sales, Credit sales to outsiders should be avoided as far as possible. the Secretary (now known as Mukhya Karyadhikari) shall be personally responsible for the recovery of credit sales.

131. A quarterly abstract of outstanding shall be caused to be prepared and submitted to the Secretary (now known as Mukhya Karyadhikari) for information and such action as he may deem proper for effecting prompt recovery.

132. Fixation of selling rates.—for the retail sale of stock articles, selling rate shall be fixed by the accountant and approved by the Secretary (now known as Mukhya Karyadhikari). Such rates are liable to be revised from time to time according to the prevailing market conditions.

133. List of bids—In the case of auction sales a complete list of bids offered shall be kept in the temple office in support of the disposals made. An abstract shall also be prepared of the bids accepted and money realized.

134. Stock-book or rations--- The stock-book of rations shall be maintained in Form no. 15 in two volumes, viz. 1 one for receipts and one for expenditure. It shall be closed monthly showing the opening balances, receipts during the month and closing balance.

135. Posting of receipts and issues shall be made daily as transactions occur and they shall be supported by invoices and indents respectively prepared by the Temple office. The counter-foils of invoices and indents shall be signed by the store-keeper concerned in token of his having verified the correctness of the entries made there in as compared with those in the outer-foils received by him.

136. Stock-book of toshakhana articles—the stock book of toshakhana articles shall be maintained in Form no. 16. The Temple office shall prepare invoices for all articles whether received from offerings or purchased the stock-book should contain and index and separate group of pages should be set aside for each king of articles.

137. Monthly totals shall be struck off the column “Opening balances,” “Receipts” and “issues” in order to arrive at the closing balance independently of that shown in the stock-book by accounting for the daily transactions in order to verify the correctness of the latter.

138. No issues of the toshankhana articles received from offerings shall be made until they have been brought on to the stock-book.

139. Stock-book of building materials—the stock-book of building materials and tools and plants shall be maintained in Form no 16. If necessary, two separate stock-books may be maintained in respect of stock stored at Joshimath and Badrinath, respectively.

140. All material received shall be examined and counted or measured, as the case may be, when delivery is taken and the total number or quantity received should be simultaneously entered in the stock-book.

141. Issues shall be made only on receipt of an indent duly signed by the accountant or other official authorised to do so. When issuing materials from stock the store keeper should examine the indent and sign it.

142. It should be seen that the acknowledgment of materials is signed by the person to whom they are ordered to be delivered or by a duly authorised agent.

143. The custodian of building materials shall be a person other than the building daroga or head mistri.

144. Stationery stock-book—The stationery stock-book shall be kept in Form no. 17 Receipts should be recorded in black ink and issues in red ink. Signature of the person to whom articles have been issued shall be obtained in the column provided for the purpose.

145. Stock-book of firms—An account of receipts books and cheque books shall be maintained in Form no. 18. The entries in columns 3 and 7 shall clearly indicate the printed book no. Of the books received and issued. The books shall be issued in serial order and a new book shall not be issued unless required for immediate use. The finished account of other forms shall also be maintained in Form no. 18. The balance in stock should be verified annually.

146. Stamp account—In order to facilitate a check on the number of stamps expended on the business of the temple, a stamp register shall be maintained in form no. 19. This register shall be used primarily for postage stamps but an account of revenue and other stamps may also be kept therein. Separate pages being allotted for each description and column 5 and 6 being modified as required.

147. Balance of stamps in hand shall be verified once a month by the accountant or some other official authorized in this behalf who shall make a note of the verification in the remarks column under his signature.

148. Investments in paper securities loans, etc.—Every temple employee through whose hands money pass shall furnish adequate security for the due performance of his cash, (2) Government papers, (3) landed property, (4) fixed deposits in the post office savings bank or other recognized bank or other recognized bands, or (5) security of a well known person of good financial status, if the security is offered in the form of landed property, its value should be ascertained from the local revenue officials before acceptance.

149. Suitable arrangements should be made for crediting the money into the temple treasury at regular intervals so that the amount of money lying in the hands of the official concerned may not exceed the amount of his security.

150. All custodians of stock or store-keepers who are in charge of stores, stock another movable property of value shall also be required to furnish adequate security. The amount of security will be regulated by the Committee according to the circumstances and local conditions in each case.

151. To provide against cases in which discovery may be made after a servant of the temple has vacated his office of defalcation made prior to such vacation of office the security deposited by him should be retained by the Temple office for a period of 6 months after he has vacated the office.

152. Register of securities—All deposits made with the committee whether in cash or Government papers or other stock or security bonds shall be recorded in a security deposit register in Form no. 23. In the case of bonds, if property is hypothecated, a brief description of the property shall be given in the remarks column.

153. Annual verification of securities.—Securities shall be examined and verified at the close of each year and a certificate of verification shall be given by the Secretary (now known as Mukhya Karyadhikari) in the remarks column of the register. If in any case it appears that the sufficiency of the security is from any cause impaired steps shall at once be taken to have the depreciation in the value of the property pledged as security made good by taking as additional bond.

154. Travelling allowance—Travelling allowance must be so regulated that is not on the whole a source of profit to the recipient. The amount of travelling allowance shall not exceed that admissible

according to the rates prescribed the Provincial Government under section 26(2)(e) and (f) of the Sri Badrinath Temple Act, 1939.

Travelling allowance shall be drawn in Form no. 24 giving full particulars of each kind of journey as indicated therein.

155. Receipts: Thali-bhet—The receipts received from the offerings in the shape of gold, silver, jewellery, and other articles are called “Thali-Bhet”. For the safety of valuables so received there shall be placed a strong box inside the temple and all offering; valuables so received there shall be placed a strong box inside the temple and all offering; shall be kept in the box. Besides the watch-keepers of the box, there shall be detailed on duty one or two responsible officials of the temple to keep a watch over the former and to arrange that the offerings of cash, gold, silver, etc. Are promptly placed in the box.

156. Register of thali-bhet—At the close of the day, receipts of all kinds shall be checked in the presence of the Secretary (now known as Mukhya Karyadhikari) accountant, and treasurer and entered in the register of thali-bhet in Form no. 25 , As soon as this is done, the receipts shall be accounted for in the cash-book and respective stock-book, the valuables being deposited in the temple treasury and miscellaneous articles transferred to the stores concerned.

Note.—If it is not possible to check al receipt daily during busy season, they may be checked on alternate days, one day each being allotted for each Thali-bhet (including gold and silver) and toshaknana articles, respectively.

157. The register shall be signed by the Secretary (now known as Mukhya Karyadhikari) and the accountant to signify their joint responsibility for the correctness of the entries made therein.

158. Register of gold silver, etc.—From the register of Thali-bhet a separate account shall be prepared for the bullion or miscellaneous gold and silver articles. It shall be a balancing account showing the opening balance receipts during the years. Disposals and closing balances.

159. Manner of disposal—Ordinarily the bullion or miscellaneous petty articles of gold and silver, which are not be utilized directly by conversion of gold into jewellery or for making of new articles of gold or silver for worship on repairing the old ones should be allowed to remain in the temple treasury-till sufficient quantities have accumulated when orders of the Committee should be obtained regarding the utilization or disposal of the stock. If it is decided that the stock should be disposed the utmost care should be taken to adopt suitable methods for its sale after giving due publicity. In case the bullion is to be disposed of in lump sum, its sample (returnable) should be sent to well know dealers in places like Bombay, Delhi, etc. And their quotations invited. When sales are effected a memorandum showing details of disposal and amount shall be prepared.

160. Atka and Bhog—For all receipts on account of Atka and Bhog whether in cash or kind the official authorized to collect them shall grant a receipt in Form no. 26 the receipts for Atka Bhog being shown distinctly in the respective column of the receipt form. When Yatree-Bhog is given to the pilgrim concerned, the outer-foil of the receipt shall be taken back and pasted to the counter-foil. The duty of collecting the outer-foils should be entrusted to a person other than the official who granted receipts.

161. Register of Atka and Bhog—All receipts on account of Atka and Bhog whether in cash or king shall be entered in the register of Atka and Bhog in Form no. 27.. At the close of the day the accountant shall check the entries in the register with the receipts before preparing a chalan for crediting the money into the Temple treasury and shall see that all receipts in kina are transferred to the stock-book concerned, signatures of store keepers being taken in the register.

162. The totals of monthly cash receipts as shown in the register of Atka and Bhog shall be agreed with the monthly corresponding to total in the classified abstract.

163. The contributions for Atka as distinguished from the Yatree-Bhog are intended for being utilized for the daily worship (Nitya-Niyam-Bhog and Puja) and they should as such be invested in Government securities or deposited in some recognized bank so that the amount of interest thereon may be utilized for the said purpose.

164. Gaddi-Bhet—Receipts on account of Gaddi-bhet shall be posted in a subsidiary register in Form no. 27 from the receipts granted to the pilgrims. The procedure for crediting the money into the Temple treasury and effecting a monthly agreement of the total receipts with the classified abstract shall be the same as in the case of receipts from Atka and Bhog.

165. Land rent (jamabandi)—The Committee shall arrange to obtain copies of settlement jamabandis of the Gunth, villages from the district officers concerned and maintain them in the temple office. The jamabandi of Basulisora in the Almora District shall, however, be prepared and revised periodically the Committee.

Note—Under G.O. no. 2129/65 B (Revenue Department) date the 30th September 1936, the revenue of Gunth village excepting Basulisera is now being collected by the Revenue Department.

166. Khatauni: Demand and collection register—At the beginning of each, year a new Khatauni (Form no. 28) shall be prepared on the basis of the settlement jamabandis, special care being taken to see that the periodical enhancement of revenue as authorised in the jamabandis is given effect to. The collections made and remitted to the Temple outstanding at the close of the year carried over to the accounts of the next year. The khatauni shall be examined by the Secretary (now known as Mukhya Karyadhikari) at regular intervals and if the amount of outstanding in any circle is heavy he shall promptly bring the matter to the notice of the tahsildar concerned with a view to ascertaining the

167. Miscellaneous demand and collection register—A miscellaneous demand and collection register shall be maintained in Form no. 29 in the Temple office, for recording miscellaneous demand, such as house rent, ground rent, ground rent, fixed contributions (bandhans), forest income, leases, etc. In this register all immovable property of the trust from which an income is derived shall find a place. If there is no income from any source in any year, it should be shown as “nil”, in the register the reasons for non-accrual of income being stated in the remarks column.

168. Checking of miscellaneous demand and collection register.-- The Secretary (now known as Mukhya Karyadhikari) shall check the demands at the begininig of each year as they are fixed and sign and the register after he has satisfied himself that the demands due have been correctly recorded and there have occurred no omission He shall also check the collection at regular intervals, say quarterly.

169. Leases.—If any immovable property of the temple is given on lease, the lease should be secured by an agreement which should be properly stamped. The annual demand on this account shall be recorded in the miscellaneous demand and collection register to watch its recovery.

170. Miscellaneous receipts—It is not necessary to maintain a subsidiary register for other miscellaneous receipts, in cash or kind, which do not involve large transaction such as Hanthis Dastur, Kumaya Dela, Jirnodhar etc. The official collecting such receipts shall give a progressive toatla of daily receipts and make over the collection to the treasurer or store-keeper concerned, as the case may be, obtaining acknowledgment from the latter. The counter-foil receipts and their progressive totals shall be checked and verified by the accountant under his dated initials.

171. Income from sub-ordinate temples.—Suitable arrangements should be made that the income from the temples within the premises of Sri Badrinath Temple and from other subordinate temples is properly accounted for and credited to the funds of the temple.

172. Return, Annual accounts, etc.—At the close of each year a consolidated account shall be completed in Form no- 30 showing the receipts paid into and payments made from the temple treasury. The totals under each head of receipts and payments shall agree exactly with the progressive totals of 12 months appearing in the classified abstract of receipts and expenditure. It shall also contain in the appended form a supplementary statement showing receipts, expenditure and balances of gold, gold coins and silver received from offerings. The total amount of investments lying at the credit of the Committee in Government securities, fixed deposit and secured loans should be shown in the footnote so that the annual account as a whole may give a true picture of the financial position of the Committee at a glance. After the account has been passed by the President, a copy of it shall be submitted to the Provincial Government.

173. Simultaneously with the closing of the annual account in the above manner, the Secretary (now known as Mukhya Karyadhikari) shall prepare a report on the administration of the affairs of the temple and submit it to the President. After the report has been passed by the Committee it shall be submitted to the Provincial Government for information and such action as may be deemed necessary.

BUDGET STATEMENT FOR YEAR 19 - 19

Income					Expenditure				
Head of account	Actual of the last completed year	Sanctioned estimate for the current year.	Proposed estimate for the ensuing year	Remarks	Head of account	last completed year	estimate for the current year.	Proposed estimate for the ensuing year	Remarks
1.Land rent					1.Land revenue to Government and other taxes.				
(a)Gunth Revenue					2.pay and allowance of officers and establishment				
(b) Ground Rent					3.Dasturat and Nazrana				
(c)House Rent					4.Bhog-nityaniam (food grains, another victuals)				
2.Thali-Bhet					5. Bhog-Yatri (food grains, another victuals)				
3.Gaddi-Bhet					6.Purchase of miscellaneous goods for worship,etc.				
4.Atka Bhog					7.Purchase of grains, etc (galla)				
5.Yatri-bhog					8.Contribution for public purpose				
6.Jimodhar					9. Charity (in cash or kind etc.) foods, clothing, etc. And scholarship				
7.Bandhan					10. Prasad				
8.Speical donation					11. Mahmandari				
9.Sale-proceeds of investment					12.Works expenditure of temple				
10 Recovery of loan					13. Maintenance of Temple animals				

11. Interest on loan and investment					14. Government securities Reserve fund and other investment				
12. Sale-proceeds of gold, silver and surplus stores etc.					15. Loans				
13. Recovery of advances					16. Advances				
14. Miscellaneous					17. Law charge				
Total income					18. Travelling allowances				
Opening balance					19. Postage and telegrams.				
Total receipts including opening balance					20. Temple dispensary				
					21. Provident fund contribution				
					22. Miscellaneous and office contingencies etc.				
					Total expenditure				
					Closing balance				
					Grand total				
					Invested funds				
					Permanent advances				

Form no. 2 (Combined Form of and chalan)

No.	Date	Month	Year	No.	Date	Month	Year
Name and address of deposition.....				Name and address of deposition.....			
On what account.....				On what account.....			
Amount in words as well as in Figures.....				Amount in words as well as in Figures.....			
Accountant			Treasury	Accountant			Treasury
				Secretary			

Form no. 3 (CHEQUE)

No.	Date	Month	Year	No.	Date	Month	Year
Pay no..... or order.....				Pay no..... or order.....			
On what account.....				On what account.....			
Amount in words.....				Amount in words.....			
Rs.....				Rs.....			
Accountant			Secretary	Accountant			Secretary

CASH BOOK

Date

Month

Year

Receipt.

Expenditure

S. no.	Particulars	Receipt no.	Amount received			S. no.	Particulars	Amount received			Remarks
			Rs.	a.	p.			Rs.	a.	p.	
	Opening balance										
	Total Receipts						Total Expenditure				
							Balance in the treasury				
							Balance with the Treasurer				
	GRAND TOTAL						GRAND TOTAL				

FORM no. 6

SCALE REGISTER

Name of appointment	No.	Sanctioned scale of pay	Pay of the year	Authority. etc. Signature of the Secretary	Remarks
1	2	3	4	5	6

FORM no. 7

PAY BILL AND ACQUITTANCE ROLL

Establishment for the month of19

Name of incumbent	Name of post	Pay	Leave	Total	Pay held over	Subscription to provident Fund	Receives fines etc.	Net amount payable	Signature of payee	Contribution Provident Fund	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
		Rs. a. P.	Rs. a. P.	Rs. a. P.	Rs. a. P.	Rs. a. P.	Rs. a. P.	Rs. a. P.	Rs. a. P.	Rs. a. P.	

Certified—(1) That I have satisfied myself that all salaries included in bills drawn in the month of (the last preceding month) with the exception of those detailed (of which the total has been refunded by deduction from this bill) have been disbursed to the proper persons and that their receipts have been taken in the acquaintance rolls filed in my office with receipts stamps duly cancelled for every payment in excess of Rs. 20 and that all leave and promotions, etc. Have been entered in the service books of the officials concerned.

(2) That the bill has been checked.

Accountant

Pay Rs.....

Secretary.....

FORM no. 8

Contingent Bill

Voucher no.for19

No. Of Sub-voucher	Description of Charge	Amount	Remarks
1	2	3	4
		Rs. a. P	
	Total		

Certified-(1) That I have satisfied myself that all contingency included in the bills drawn in the month of the last preceding month with the exception of those details below (of which the total has been refunded by deduction from the bill) have been disbursed to the proper persons and that their receipts have been taken in acquaintance rolls filed in my office with receipt stamps duly cancelled for every payment in excess of Rs. 20

(2) That the bill has been checked.

Accountant.

Secretary.

Pay Rs..... Rupees (in words).....

Form no. 9**Personal Ledger of Accountants of**

Cr.

Dr.

Date	Reference to bill no. Etc.	Particulars	Amount			Remarks	Date	Reference to voucher or bill no.	Particulars	Amount			Remarks
1	2	3	4			5	6	7	8	9			10
			Rs.	a.	p.					Rs.	a.	p.	

Form no. 10**Register of works**

S.no	Name of work	Sanctioned estimate			Agency doing the work	Order sanctioning the agency or contractor	No. and date of voucher	Amount paid			Date of completion	Remarks
1	2	3			4	5	6	7			8	9
		Rs.	a.	p.				Rs.	a.	p.		

Form no. 11

Muster Roll of Men Employed On.....During the month of.....

Name	Father's name	Designation	Age	Attendance	Total	Rate	Amount			Signature or Thumb impression of Payee	Remarks
							Rs	Pa	P		

Certified that all the employee shown in the above statement were actually employed in the interest of the Temple and all their wages entered in this muster roll were paid in my presence.

Date

Signature of the official at the work.

Accountant.

Pay Rs.....

No..... Date.....

Secretary.

Form no. 13]

Register of movable Property

Date	S. no.	Name and no. Of registers from which transferred	Name of articles	Description	No of weight	Estimated value			When the property is used	How disposed of	Name of receiver	Date of disposal	Price received if sold			No. And date of receipt	Signature of the Secretary Accountant	Remark
1	2	3	4	5	6	7			8	9	10	11	12			13	14	15
						Rs	a	p.					Rs	a	p.			
									

Form no. 17

Stock book

Stationery Stock Book

Date	Particulars (reference to the bill or requisitions)	Name of each kind of stationary articles											Remarks and Signature of the recipients
	Monthly total												
	Closing balance												

Form No. 20

REGISTER OF loans

Date of receipt of loan	No. And date of order sanctioning	Purpose for which loan was taken	Amount of loan			Rate of interest			No of instalments in which repayable and whether yearly or half-yearly			Amount of each installation			Initials of the executive Office or Secretary			Principal				Balance principal after each payment		Initials of the executive officer or secretary		Remarks			
																		Date	Payment	Interest	Total								
1	2	3	4			5			6			7			8			9a	9b		9c		9d		10		11		12
			Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.				

Form no. 21

Register of Suits

s. no	Names of parties	Value of claim	Date of institution	Details of cost incurred prior and subsequent to decree		Name of court abstract of final order and date	Amount decreed			Interest accounting officer decree	Amount paid to or by the Committee			Balance			Remarks
				Particulars	Amount		Principal	Cost	Interest		Principal	Cost	Interest	Principal	Cost	interest	
1	2	3	4	5	6	7	8a	8b	8c	9	10	11a	11b	11c	12b	12c	13

Form no. 22

Register of Advance

Name of officer or official.....

Serial no.	Date	Cheque no.	Particulars	Amount			Total			Signature of Accountant	Serial no.	Date	Chalan no.	Particulars	Reference to bill or invoice	Amount	Balance	Signature of Accountant	Remarks
1	2	3	4	5			6			7	8	9	10	11	12	13	14	15	16
				Rs.	a.	p.	Rs.	a.	p.										

Form No. 23.

Security Deposit Register

Serial no.	No. and date of order under which deposited	Name of depositor	Purpose of deposit	Amount			Initial of Accountant	No. and date of order sanctioning of deposit	Date of return	Name of payee or depositor	Amount	Balance	Remarks
1	2	3	4	5			6	7	8	9	10	11	12
				Rs.	a.	p.					Rs.	a.	p.

Form 24.

Travelling Allowance Bill.....For the Month of19

Name of designation	Headquarters	Actual pay			Actual pay			Particulars of Journey and halts	Kind of Journey by rail (mail or passenger, steamer, road or trolley)	Railway/Steamer			Mileage by road or trolley			Daily allowance			Actual expenses		Remarks	
					Departure					Arrival			Class	No. of fares	Amount	No. of unites	Rates	Amount	No. of days	Rates		Amount
		Station	Date	Hour	Station	Date	Hour															
1	2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24

Certified-(1) That I have satisfied myself that all travelling allowance included in bills drawn in the month of (the last preceding month) with the exception of those detailed below(of which the total has been refunded by deduction in my office with receipts stamps duly cancelled for every payment in excess for every payment in excess of Rs. 20)

Station.....

Secretary.

(Also in word in the handwriting of Drawing Officer)

Date.....

pay..... Rs.....

Secretary.

Form 25

REGISTER OF THALI-BHET

Receipt in cash or kind				Jewellery						Remarks
Particulars (as in the form in use)	Signature of the treasurer of Store Keeper Concerned	Reference to cash book or steak book	Serial no.	Name of article	Particulars in detail	Weight	Estimated value	Signature of the treasure	Reference to the register or jewellery	

Form 26

REGISTER Book of Atka and Bhog

No. Date.....Month..... year..... No. Date Month year

Name and address of pilgrim	Amount on account of Bhog			Amount on account of Ataka			Name and address of pilgrim	Amount on account of Bhog			Amount on account of Atka			Remarks
	Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.	

Form 27

REGISTER Of Atka and Bhog for the year

Gaddi Bhet

Date	Receipt no.	Name of pilgrim	Case Offerings								Remarks		
			Bhog			Atka			Particulars	Weight		Estimated price	Signature of store-keeper
			Rs.	a.	p.	Rs.	a.	p.					

Form No. 28.

KHATAUNI OF LAND RENT FOR THE YEAR

s. n o		Name of remitter	Khari o Rabi	When due	Balance outstanding	Present demand	Total	Date with receipt no.	Amount credited	Balance outstanding	Initials of poster	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
					R a. p.	R a p	R a p s		R a p	R a. p		

					S.			S.		S.	.	.	S.		.				
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Form No. 29

Miscellaneous Demand and collection Register

S. no	Description of property or source of income	Name of person form whom due	Arrears			Current demand			Total	Dated	Receipt no.	Amount realized			Balance outstanding			Initials of the poster	Remarks
1	2	3	4	5	6	7	8	9	10	11	12								
			R s.	a .	p .	R s.	a .	p .				R s.	a .	p .	R s.	a .	p .		

			goods for worship, etc.		
4. Atka Bhog			7. Purchase of grains, etc (galla)		
5. Yatri-bhog			8. Contribution for public purpose		
6. Jirnodhar			9. Charity (in cash or kind etc.) foods, clothing, etc. And scholarship		
7. Bandhan			10. Prasad		
8. Speical donation			11. Mahmandari		
9. Sale-proceeds of investment			12. Works expenditure of temple		
10 Recovery of loan			13. Maintenance of Temple animals		
11. Interest on loan and investment			14. Government securities Reserve fund an other investment		
12. Sale-proceeds of gold, silver and surplus stores etc.			15. Loans		
13. Recovery of advances			16. Advances		
14. Miscellaneous			17. Law charge		
Total income			18. Travelling		

			allowances		
Opening balance			19. Postage and telegrams.		
Total receipts including opening balance			20. Temple dispensary		
			21. Provident fund contribution		
			22. Miscellaneous and office contingencies etc.		
			Total expenditure		
			Closing balance		
			Grand total		
			Invested funds		
			Permanent advances		

Statement of Receipt and expenditure of Gold and silver

	Gold	Gold Malwa	Asharfee	Foreign coin	Sovereign	Silver	Silver Malwa
Opening							

balance							
Receipts during the year							
Total							
Disposal during the year							
Closing balance							

Note- Besides the above, a sum of Rs.... is lying at the credit of the Committee in secured investments and loans

CHAPTER VI

[See: Section 26(2) (f) of the Act]

The payment of remuneration or travelling allowance to the president and members of the with the affairs of the Committee.

174. These rules may be called the United Provinces Shri Badrinath Temple Committee (President and Members) Emolument Rules

175. The President and Members of the shri Badrinath Temple Committee shall receive no remuneration, besides the travelling daily allowances laid down in the following rules.

176. In these rules unless there is anything repugnant in the subject or context.

(a) "Act" means the United Provinces Shri Badrinath Temple Act (U.P Act no. XVI of 1939).

(b) " Committee" means the Shri Badrinath Temple Committee constituted under section 5 of the Act.

(c) "Member" means the member of the Committee elected or nominated in accordance with clauses (a) to section (d) of section 5(1) of the Act, or coopted in accordance with the rules framed under section 26(2)(g) of the Act.

(d) "President" Means the President of the Committee.

(e) "Day" means a calendar day beginning and ending at midnight.

(f) "Secretary (now know as Mukhya Karyadhikari) means the Secretary (now known as Mukhya Karyadhikari) of the Committee appointed under section 14 of the Act."

These rules shall have effect from 14th February, 1941.

177. The rates of travelling and daily allowances for each member and the President while (travelling on business connected with the affairs of the Committee) shall be the same as are admissible to the members of the Provincial legislature who are required to serve on committees convened by the Provincial Government; these rates are detailed below.

[No. 1(7(A) to 186 deleted and substituted vide No. 4059/XVI-11-26 CE/159 of 21-2-59]

187. Bills for travelling allowance under these rules shall be drawn up by the office of the Shri Badrinath Temple Committee in the form prescribed for first-class government servants and shall be countersigned by the Secretary (now known as Mukhya Karyadhikari) who shall be the controlling officer for the purpose of such bills.

188. The Secretary (now known as Mukhya Karyadhikari) shall check the bill, and if correct, shall send it to the President or the Member concerned, as the case may be, who will after signing the payee's discharge and affixing the necessary stamp, return it to the Secretary (now known as Mukhya Karyadhikari) for payment.

189. The entries in the bill shall be complete, the date of the journeys shall be specified, and the total claim shall be entered in figures as well as in words. Erasures and overwriting in bills are forbidden, and if any correction by necessary the incorrect entry shall be cancelled in red ink and the correct entry underlined and duly initialled.

190. No claim for travelling allowance not preferred within six months of its becoming due shall be paid without the sanction of the Committee.

191. Any matter not specifically provided for in these rules shall be governed by the rules made by the Provincial Government for the first-class servants under its control.

CHAPTER VII

Naib-Rawal of the Temple

192. Appointment—On the occurrence of a vacancy in the office of the Naib-Rawal, the Committee shall appoint such person to the vacancy as may be nominated by His Highness the Maharaja of Tehri (Garhwal) state, but if his Highness does not make such nomination within one year of occurrence of the vacancy, the Committee shall appoint such person as it may consider proper.

193. Qualifications—No person shall be appointed as Naib-Rawal unless he—

(i) is a Nambudri Brahmin, not being a choli Brahmin, or the priestly class, of pure descent and respectable family and possesses a sufficient knowledge of Sanskrit. If a suitable person of the Nambudir caste fulfilling the above qualifications is not available, the committee may appoint any Brahmin of pure descent in consultation with His Highness the Maharaja of Tehri as a temporary measure and a suitable Brahmin of the Nambudri caste as described above shall as soon as available be appointed subsequently to the vacancy.

(ii) has an unblemished character and leads a celibate life,

(iii) professes the Hindu religion, accepts the form of worship practiced at the Temple, and is well-versed in the form of worship usually performed in the Hindu temples of Vishnu, and (iv) is physically fit.

194. Probation—Except in the case of a temporary appointment, every such appointment shall be made on probation, the period of probation being fixed by the Committee in each case.

195. Pay—The scale of pay for the Naib-Rawal shall be Rs. 60-5-125 permensem.

196. Additional priveleges and emolunents—The Naib—Rawal shall perform such function and shall have such powers relating to the performance of worship in the Temple as may be prescribed by the Committee.

198. Attendance in religious ceremonies in the family of His Highness the Maharaja—The Committee may require the Naib-Rawal if invited, to attend religious ceremonies such as Tilak, marriage and the seined ceremony in the family of His Highness the Maharaja of Tehri and shall give him the necessary permission to enable him to do so. If the Naib-Rawal fails to attend such ceremony without reasonable cause, the Committee shall take notice of such omission.

199. Termination of services during probation—The Committee may, by a majority of votes terminate the services of a Naib Rawal, while on probation, without assigning any reason.

200. Application of certain rules relating to the Secretary—Rules 32 to 36 and 38 relating to the Secretary (Now Known as Mukhya Karyadhikari) shall apply mutantis mutandis to the Naib- Rawal

Rawal of the Temple

201. Appointment of Naib-Rawal as Rawal—On the occurrence of a vacancy in the office of the Rawal, the Committee shall appoint the Naib-Rawal in his place. On this appointment the Rawal shall, befor taking up his office, accept “Tilak” and “khilat” from His Highness the Maharaja of Tehri in the customary manner.

202. Duration of the present Rawal’s office—The present Rawal shall continue to hold his office until his death, resignation or removal by the Committee.

203. Appoinment of Rawal when there is no Naib-Rawal- If at any time there in no Naib-Rawal and a vacancy occurs in the office of the Rawal, the committee shall make arrangements for continuing the Pooja and appoint such person to the office as may be nominated by His Highness the Maharaja of Tehri, but if His Highness does not make such nomination within 6 months of the occurrence of the vacancy, the committee shall appoint such person as it may consider proper.

204. Performance of worship—The Rawal shall lead a celibate life and observe all the customary rites and usages in the matter of Pooja under the direction of the committee and shall perform such other duties relating to the worship at the temple as may be laid down by the Committee from time to time.

205. Attendance in religious ceremonies in the family of His Highness—The Committee may require the Rawal, if invited to attend religious ceremonies, such as Tilak marriage and the sacred thred ceremony in the family of His Highness the Maharaja of Tehri and shall give him the necessary permission to enable him to do so. If the Rawla fails to attend such ceremony without reasonable cause the Committee shall take notice of such omission.

206. Pay—The scale of pay for the person who is appointed as Rawal after the present incumbent shall be Rs. 150-5-200 per mensem. The present incumbent shall continue to receive a pay of Rs. 200 per mensem.

207 Additional privileges and emoluments—The Rawal shall be entitled to such additional privileges and emoluments besides pay as may be granted to him by the Committee with the approval of the Provincial Government.

208. Privilege to the Present Rawal—The present Rawal shall have the option to retire at any time after giving a notice of three month ans shall, on retirement, get a pension of Rs. 65 per mensem during his lifetime.

209. Applications of certain rules relating to the Secretary—Rules 32 to 36 and 38 relating to the Secretary shall apply mutatis mutandis to the Rawal.

CHAPTER VIII

[See section 26(2)(d) of the Act]

Provident Funds Rules

210. Subscriptions—Every officer, ministerial or inferior servant of the temple who is borne on the permanent cadre of the office establishment shall, unless lie is a government servant lent to the temple Committee, be required to subscribe at the rate of on anna in the rupee on his salary to the provident fund. Subscription shall be recovered by deduction from every pay bill presented and shall be credited at once to the fund. In making such deductions fractions of a rupee shall be omitted.

211. Declaration—(i) At the time of making his first subscription the subscriber shall be required to furnish a written declaration in Form no. Specifying the person or persons by whom he is desirous that the whole or any portion of his subscriptions shall be received in the event of death.

(ii) A subscriber may renew his declaration at any time. A fresh declaration shall be operative only on being received by the Secretary.

(iii) All such declarations as are in force shall be carefully kept in safe custody of the Secretary.

212. Contributions from the funds of the Temple—The Committee shall make a contribution out of the Temple funds to the Provident fund account of each subscriber equal to the amount of deduction made from his salary such contribution shall be credited to the provident fund month by month in favour of such together with the deductions from his salary.

213. Investment—The sums credited monthly to the provident fund shall be paid duly into an account to be opened either in the Post office Savings bank account specially opened at a branch of the Imperial Bank of India. The payments in respect of the monthly subscriptions by the employees and the contributions out of the temple Funds shall, so far as possible, be made into the bank account between the 1st and 4th of the month in which they become due in order that the interest may accrue.

214. Withdrawal on retirement or death—The amount of subscriptions and contributions, with interest thereon, at the credit of any servant, shall be withdrawn from the provident fund:

(i) On the decease of the subscriber, when such amount (with interest up to the date of withdrawal) shall be dividing among the beneficiaries in accordance with the directions contained in the latest declaration from

(ii) On his ceasing to be a servant of the temple, when such amount shall be paid to him

215. The amount of contributions made out of Temple Funds with interest thereon may be withheld in the case of a servant who has been dismissed for misconduct. The balance representing his own subscription with interest thereon shall not be liable to forfeiture under any circumstances, except for an office for which the penalty of forfeiture of the whole of the offender's property is prescribed by law.

216. Maintenance of provident fund account--- A provident fund ledger account shall be maintained in from no. 2 at the end of the year and after the interest has been added, a broadcast in form no. 3 shall be drawn up in which all the interest bearing balances will be noted. The amount of interest shall be distributed among the individual accounts proportionately and added to the ledger balances accordingly.

If any payment has to be made during the year on any individual deposit account under rule 214 or 218. Interest shall be calculated on that account only as nearly as possible in accordance with the rules in force in the bank and in accordance with the rate which the investment, from which the payment is made, bears.

217. As soon as possible after the close of the financial year, each subscriber shall receive a statement of his account showing the opening balance, the amounts subscribed and withdrawn during the year, the contribution made by the Temple Committee, and the closing balance, after addition of the interest. The subscribers are required, to satisfy themselves as to the correctness of these statements, and unless errors in them are brought to the notice of the Secretary (now known as Mukhya Karyadhikari) within, one month of the date of their receipt, the Temple Committee shall not be responsible for any sums no included in the account.

218. Temporary advances—Notwithstanding anything contained in rule 214 when the pecuniary circumstances of subscriber are such that a concession is absolutely, a temporary advance, not exceeding three month's pay may be advanced from the sum at his credit at the discretion of (i) President of the Committee if his pay is Rs. 50 per mensem or above and (ii) the Secretary (now known as Mukhya Karyadhikari) or the Committee, if his pay is less than Rs. 50 per mensem.

The following may be recognized as legitimate occasions for advances:

- (a) To pay expenses incurred in connection with the illness of a subscriber or a member of his family.
- (b) To pay expenses in connection with marriages of family members entirely dependent on the subscriber.

219. Recovery of advances—Advances paid under rule 218 will be recovered in not less than twelve instalments and more than twenty-four instalments. The exact number of instalment should be specified by the President or the Secretary (now known as Mukhya Karyadhikari) in the order allowing the withdrawal. A subscriber may, however, at his option make repayment in less than twelve instalments or may repay two or more instalments at the same time, Recoveries will be made monthly commencing from the first payment of full month's salary after the advance is granted but no recoveries will be made from a subscriber while he is on leave of any kind.

220 (i) After the principal of the advances has been fully repaid, interest shall be paid thereon at the rate on-fifth percent of the principal for each months or broken portion of a month during the period between the drawal and complete repayment of the principal.

(ii) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal but, if the period referred to in clause(1) exceeds twenty months. Interest may, if the subscriber so desires, be recovered in two equal monthly instalments.

(iii) Recoveries made under this rule shall be credited as they are made to the subscriber's account in the fund.

221. When an advance has already been granted subsequent advance shall not be allowed to him until have elapsed since the completion of the repayment taken.

222. In special-cases any of the restriction regarding advances from the fund may be waived with the approval of the Temple Committee to a subscriber, a at least six months of the last advance.

223. Withdrawal of money from the prevent unauthorised withdrawal from precautions shall be observed:

(a) The Secretary (now known as Mukhya Karyadhikari) of the Committee shall keep the pass-book in his own custody, When money is to be withdrawn from the Savings Bank, the pass-book shall be made over to a clerk other than the accountant for presentation at the post office. It s hall be returned to

the custody of the Secretary (now known as Mukhya Karyadhikari) as soon as the money is withdrawn. Secretary (now known as Mukhya Karyadhikari) shall verify personally each withdrawal.

(b) Every application for withdrawal shall be prepared by the official (accountant) whose duty it is to prepare cheques, etc. and shall be passed and initiated by the Secretary (now known as Mukhya Karyadhikari) before being submitted to the President for signature.

(c) The actual withdrawal of the money from the Savings Bank account and the disbursement thereof shall be made under the personal supervision of the Secretary (now known as Mukhya Karyadhikari)

224. The Secretary (now known as Mukhya Karyadhikari) shall be responsible for the correct maintenance to the provident fund ledger and shall satisfy himself every month that deposits into and withdrawals from the bank have been duly entered in the ledger and that the balance in the ledger and the pass-book tally. At the end of each month the ledger shall be totalled and the correctness to the entries made shall by the Secretary (now known as Mukhya Karyadhikari) by comparing them with the bills, cheques and connected sales and with the entries in the bank pass-book. The register shall then be signed by the Secretary (now known as Mukhya Karyadhikari) in token of this having verified the entries.

225. Investment of surplus funds—Notwithstanding contained in the above regulation, the Committee may withdraw from the Savings Bank money in deposit on account of provident fund, and may invest the amount so withdrawn in postal cash certificates or other Government securities. The money so with drawn and invested shall be the amount which is considered surplus by the Committee.

Form no. 1

Sri Badrinath Temple Provident Form of Declaration

I hereby declare that in the event of my death the following persons shall be entitled to receive payment of the amount to my deposit in the Temple Provident fund in the proportion noted against their names and I make this my will so far as such deposit is concerned

The amount due to nominee who is minor at the time of my death should be paid to the person whose name appears in column 5.

Name and address of the nominee or nominees	Relationship with the subscriber	Whether major or minor if minor state age	Amount of share of deposit	Name and address of the person to whom payment is to be made on behalf of the minor	Sex and percentage of person mentioned in column 5
1	2	3	4	5	6

Station-----

Date-----

Two witness to sign:

Signature of subscriber

Form no. 2

Provident Fund Ledger

Account of Provident Fund transaction of----- the month of----- 19

By whom deposited		Credits						Debits					
Name of deposited	Official designation	Date of receipt	Opening balance	Deposit	Interest added at the end of each year	Total	Date of payment	On what account		Total payment	Closing balance	Total amount bearing	Remarks
								Credited to the Committee or transferred to another other provident fund	Paid to deposited				
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Form no. 3

Broadsheet for calculating the interest due to each depositor

Name of depositor							
April							
May							
June							
July							
August							
September							
October							
November							
December							
January							
February							
March							
Total							
Interest payable							

CHAPTER IX

Rules regarding leave, travelling allowance and other allowances

226. Leave, travelling allowance and other allowances.—subject to the following provisions, the Committed shall not, without the previous sanction of the Provincial Government, grant leave to or give any leave allowance to, or grant any other allowance in addition to the salary of, or grant any travelling or daily allowance to any of its officers or servants or any officer or servant of Government whose services are lent to the Committee, greater in amount than or on other conditions than would be admissible under any general or special orders of the Provincial Government if the officers were serving under that Government in the same class and in other respects in the service of the same character : (1) The Committee should grant recess leave by rotation to the officers and servant for a period not exceeding one month and 15 day in each case between December 15 and March 15 every year. The provisions of Fundamental Rule 82 and the rules and orders there under shall apply to them.

(2) Except on medical certificate, the Rawal and the Naib-Rawal shall not be granted any leave during the pilgrim season, In the case of other officials also, leave during the pilgrim season, shall not ordinarily be granted.

(3) For the purposes of travelling and daily allowances the Rawa, the Naib- Rawal and the Secretary (now known as Mukhya Karyadhikari) shall be considered as second class officers: provided that if a government servant is holding the office of the Secretary (now known as Mukhya Karyadhikari) he shall be governed by the rules applicable to his class. But in no case shall he be treated as inferior to a second class officer.

(4) The authority competent to allow officers and servants of the Committee to undertake journeys entitling the mto travelling and daily allowance shall be—(i) the President in the case of the Secretary (now known as Mukhya Karyadhikari) Rawal and Naib Rawal; and (ii) the Secretary in the case of other sevants.

(5)The Rawal or Naib-Rawal shall, for journey to his native place undertaken, once in five years, with the permission of the Committee, be entitled to draw only travelling allowance. They will draw second class fares for such journeys according to the ordinary travelling allowances rules.

(6) The authority compentent to grant leave and countersign travelling or daily allowance bills shall be—

(a) The President in the case of servants drawing more than 50/-Per mensem as pay;

(b) the Secretary (now known as Mukhya Karyadhikari) in the case of a drawing Rs. 50 or less per mensem as pay; Provided that in the case of a government servant whose services have been lent to the Committee, the sanction of the Provincial Government shall be necessary for leave. Or the Provincial Government shall also be necessary for leave.

(7)No allowance, other than travelling or daily allowance, shall be allowed to any officer or servant of the Committee except with the previous sanction of the Committee.

(8)For the purpose of leave a servant of the Committee drawing Rs. 12 per mensem or less as pay shall be regarded as a servant in inferior service, while one drawing more than Rs.12 per mensem shall be regarded as a servant in superior service.

227. Service books—A service book in the form prescribed for non-gazetted servants of the Crown shall be maintained for all officers' arid servants of the Committee, in which entries in regard to the official career of the officer or servant shall be made as in the case of the servants of

the Crown. Every such entry shall be attested by the Secretary, and in the case of the service book of the Secretary (now known as Mukhya Karyadhikari), the entries shall be attested by the president.