

**THE HINDU RELIGIOUS INSTITUTIONS AND CHARITABLE ENDOWMENTS  
ACT, 1997**

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### STATEMENT OF OBJECTS AND REASONS

**Act 33 of 2001,-** There has been before the State Government, a long standing public demand to bring about a uniform law to provide for the regulation of all Charitable Endowments and Hindu Religious Institutions in the State. Which are now regulated under different enactments, having local application in different parts of the State, namely:-

- (1) The Karnataka Religious and Charitable Institutions Act, 1927;
- (2) The Madras Hindu Religious and Charitable Endowment Act, 1951;
- (3) The Bombay Public Trust Act, 1950;
- (4) The Hyderabad Endowment Act, Regulations, 2349F; and
- (5) The Coorg Temple Funds Management Act, 1956.

It is therefore proposed to enact a new law to replace the several local Acts to bring about uniformity in the matter of regulating, by law, the various Charitable Endowment and Hindu Religious Institutions, especially.

(1) To make the law applicable generally to all Charitable Endowments and Hindu Religious Institutions, which on the date of commencement of the Act were managed by or receiving annuity, taldik or other grants from the State Government, and to other Hindu Religious Institutions which though not under the management of the State Government, require by reason of mismanagement, to be regulated by the State Government after notifying them as Declared Institutions.

(2) to provide that the Charitable Institution and Trusts registered under the Karnataka Societies Registration Act, 1960 or under the Indian Trust Act, 1882 and which are not under the management of the Government shall continue to be autonomous;

(3) to create Common Pool Fund out of surplus funds of the Notified Religious Institutions, donations etc., for the maintenance and improvement of needy institutions, managed by an independent committee;

(4) to provide for the founder trustees or their lineal descendants to be nominated to the managing committee as Chairman, in keeping with the decision of the Supreme Court of India.

(5) to regulate improper alienation or disposal of property belonging to a notified or declared institution by nullifying unlawful transfers and providing for expenditures eviction of unauthorised occupants of property belonging to such institutions; and

(6) to make certain other regulations necessary in the local conditions.

Hence the Bill.

(L.C. Bill No. 4 of 1997 - File No. LAW 112 LGN 1981)

## II

**Amending Act 17 of 2007.-** In G.O.NO.RD 9 BMM 2003, dated: 8.9.2005 the posts of Regional Commissioners at Bangalore, Mysore, Gulbarga and Belgaum along with supporting staff has been created.

The Regional Commissioners have to be conferred with statutory powers by necessary amendments to the relevant Acts.

Since the matter was urgent and the Karnataka Legislature was not in session, the Karnataka Land Revenue and Certain Other Laws (Amendment) Ordinance 2006(Karnataka Ordinance No.5 of 2006) was promulgated to achieve the above Object.

Hence the Bill.

[L.A.Bill No. 7 of 2007]

[Entry 5 and 18 of List II of the Seventh Schedule to the Constitution of India.]

## III

**Amending Act 27 of 2011.-** The Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 was struck down by the High Court of Karnataka in Writ Appeal No. 3440/2005. In the civil Appeal No. 5924/2008, the Supreme Court of India has stayed the operation of the judgement of the High Court and permitted to enforce the Act except the provision of section 25 of the Act.

The Government had constituted a high level committee to examine the implication of the judgement and the issue in detail. The High Level Committee had submitted its report. Having considered the report of the High Level Committee and the directions of the Supreme Court, it is considered necessary to amend the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 for the following, namely:-

(1) The maths and temples attached to the maths are kept out of the purview of the Act, as the maths are headed and managed by mathadipathis.

(2) To constitute Rajya Dharmika Parishat in the State Level and Zilla Dharmka Parishat in the district level with powers to administer the temples and to settle the disputes for the better management of religious institutions.

(3) To protect hereditary rights of the trustees and to continue the management of such temples by the hereditary trustees.

(4) To protect the hereditary right of the Archaks and temple servants and to allow their legal heirs to continue in service.

(5) To provide for registration of private temples.

(6) To prohibit share in temple hundis and other income to the temple servants.

(7) To prohibit collecting of funds from public in the name of the temples by the private individuals or organizations.

(8) To provide for constitution of State Level Architectural Committee for the development works in the temples.

(9) To provide for establishment of survey wing in the department for the survey of temple land and site property for avoiding encroachment.

(10) To provide for making certain regulations necessary for the administration of the temples.

Hence, the Bill.

[L.C. Bill No. 04 of 2011, File No. Samvyashae 6 Shasana 2011]

[Entry 28 of List III of the Seventh Schedule to the Constitution of India.]

#### IV

**Amending Act 12 of 2012.-** It is considered necessary to amend the Karnataka Hindu Religious Institutions and Charitable Endowments Act 1997 to remove certain difficulties faced, while implementing the provisions of the Act and to provide for the following, namely:-

- (1) to specify that the provisions of the Act shall apply to all religious institutions or charitable endowments notified under section 23;
- (2) to provide that section 53 and chapter VIII apply to all religious institutions or charitable endowments other than notified religious institutions or charitable endowments other than notified religious institutions or charitable endowments under section 23;
- (3) to omit certain overlapping provisions in the Act;

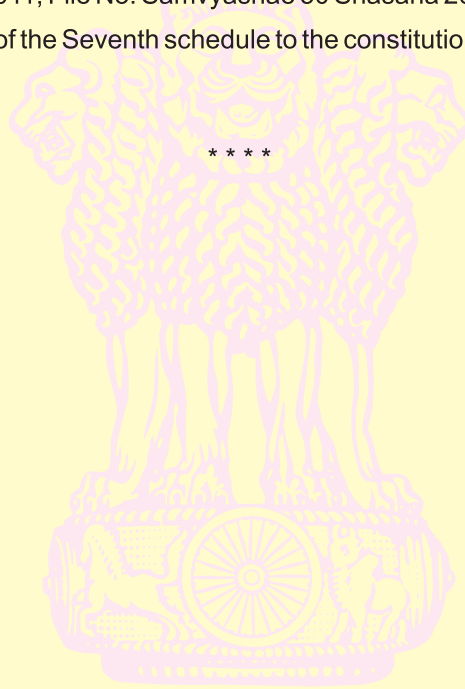
- (4) to enable to incur the amount collected under Common Pool Fund for the purpose of the objet of the Act and to grant aid to the establishment and development of Goshala;
- (5) to enhance the term of the nominated members of Rajya Dharmika Parishat and Zilla Dharmika Parishat from three years to four years;
- (6) for certain other consequential amendments.

Hence the Bill.

[L.C. Bill No. 9 of 2011, File No. Samvyashae 50 Shasana 2011]

[Entry 28 of List III of the Seventh schedule to the constitution of India.]

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सत्यमेव जयते

**KARNATAKA ACT NO. 33 OF 2001**

*(First published in the Karnataka Gazette Extra-ordinary on the second day of November 2001)*

**THE HINDU RELIGIOUS INSTITUTIONS AND CHARITABLE ENDOWMENTS ACT, 1997**

*(Received the assent of the president on the twenty fifth day of October, 2001)*

*(As amended by Act 17 of 2007, 27 of 2011 and 12 of 2012)*

**An Act to make better provision for the management and administration of The Hindu Religious Institutions and Charitable Endowments in the State of Karnataka.**

Whereas it is expedient to make better provision for the management and administration of Hindu Religious Institutions and Charitable Endowments in the State of Karnataka.

Be it enacted by the Karnataka State Legislature in the forty-eighth year of the Republic of India, as follows:-

**CHAPTER - I****PRELIMINARY**

**1. Short title, extent, commencement and application.-** (1) This Act may be called the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997.

(2) It shall extend to the whole of the State of Karnataka.

(3) It shall come into force on such date as the State Government may, by notification appoint and different dates may be appointed for different classes of Hindu Religious Institutions and Charitable Endowments.

(This Act came into force w.e.f. 01.05.2003 vide notification No. RD172Musevi 2001, Bangalore, dated: 30.04.2003)

<sup>2</sup>[(4) It shall apply to all religious institutions or charitable endowments notified under section 23. Section 53 and Chapter VIII shall apply to all religious institutions or charitable endowments other than those notified under section 23:

Provided that it shall to apply to a math or temple attached to or managed by math.]<sup>2</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Substituted by Act 12 of 2012 w.e.f. 05.03.2012.

1. Published in the Karnataka Gazette Part IV-A, Extraordinary No. 2051 dated: 4-12-2001 (File No. LAW 112 LGN 1981).



**Explanation:** For the purpose of this Act a mutt means a religious institution presided over by a person whose principal duty is to engage himself in the teaching and propagation of religion, teachings and philosophy of the denomination, sect or sampradaya to which the mutt belongs and in imparting religious instruction and training and rendering spiritual service or who exercises or claims to exercise spiritual headship over a body of disciples; and includes any place or places of religious worship, instruction or training which are pertinent to the institution.

**2. Definitions.** -In this Act, unless the context otherwise requires,-

<sup>1</sup>[(1) "Architectural committee" means the Architectural committee constituted under Section 69D.]<sup>1</sup>

<sup>4</sup>[(2) "Archaka" means and includes Pradhana Archaka, Assistant Archaka, Pujari or other person by whatever name called who performs or conducts archane, pooja and other rituals;]<sup>4</sup>

(3) 'Assistant Commissioner' means an Assistant Commissioner appointed under section 4;

(4) 'Chairman' means the chairman of the Committee of Management constituted under section 25;

<sup>1</sup>[(5) "Charitable Endowment" means all property given or endowed for any religious charitable purpose.]<sup>1</sup>

**Explanation:** Any property which belonged to, or was given or endowed for the support or maintenance of a charitable institution or which was given, endowed or used as of right for any charitable purpose shall be deemed to be a charitable endowment within the meaning of this definition notwithstanding that before or after the commencement of this Act the charitable institution has ceased to exist or the property has ceased to be so used for any charitable purpose or the objects of the endowment have ceased to be performed;

<sup>1</sup>[(6) "Charitable Institution" means any establishment, undertaking, organisation or association formed for a charitable purpose and includes specific endowment and Dharmadayam.]<sup>1</sup>

(a) an institution managed by a hereditary trustee having proprietary right over the institution and the income thereof; and

(b) an institution which is an inseparable integral part of a composite institution consisting of institutions other than charitable institutions also;

(7) 'Charitable purpose' include,-

(a) relief of poverty or distress including maintenance of rest houses, choultries, houses for feeding the poor and the like;



(b) the advancement or maintenance of any other object of utility, benefit or welfare to, or used, as of right by, the Hindu community or a section thereof, not being an object of an exclusively religious nature.

But does not include a purpose which relates to sports or exclusively to religious teaching or worship;

(8) 'Commissioner' means the Commissioner appointed under section 3;

(9) 'Committee of Management' means the Committee constituted under section 25;

(10) 'Common Pool Fund' means the fund established under section 17;

<sup>2</sup>[(10A) "Composite Institution" means and include an institution of religious and charitable endowment or place of worship of Hindus and other religion commonly and jointly worshipped by Hindus and other religion according to the custom, tradition and usage prevailing there in.]<sup>2</sup>

(11) 'Court' means in relation to a Charitable Endowment or Hindu religious institution in any area, the District Court having jurisdiction over such area;

(11) 'Declared Institution' means an institution declared under section 42;

<sup>2</sup>[(12A) "Dharmika Parishat" means the Rajya Dharmika Parishat constituted under section 20 or Zilla Dharmika Parishat constituted under section 21 as the case may be.]<sup>2</sup>

(13) 'Deputy Commissioner' means an officer appointed as Deputy Commissioner under section 4;

(14) 'Executive Officer' means an officer appointed as such under the provisions of this Act;

<sup>2</sup>[(14A) "Endowment Survey Officer" means the endowment Survey Officer appointed under section 3.

(14B) "Family Temple" means any temple established or maintained exclusively by the members of any family either by themselves or family trustees consisting of family members only.

(14C) "Family Charitable Endowment" means any Charitable Institution established and maintained exclusively by the funds of a family or by the members of the family which is not receiving any donation or contribution from public in whatever form.]<sup>2</sup>

<sup>4</sup>[(15) "Hereditary Office-holder" means an office holder and "Hereditary Trustee" means a trustee of a Hindu Religious Institution or a Charitable endowment, succession to whose office, devolves according to the law of authority or recorded as such under any enactment]<sup>4</sup>

<sup>1</sup>[(16) "Hindu Religious Denomination" means a collection of Hindu Individuals or devotees classed together under the same name, a Hindu religious section or sub-section or body or a section thereof or the spiritual fraternity represented by it having a common faith, rituals, observances, ceremonies and mode of worship which is designated by a distinctive name.]<sup>1</sup>

<sup>1</sup>[(17) "Religious Institution" means a temple or an endowment and includes a brindavana, samadhi, peetha, paduka or any other institution established or maintained for a religious purpose.]<sup>1</sup>

(18) 'Inspector' means an Inspector appointed under section 5 ;

(19) 'Manager' means any person who for the time being either alone or in association with some other person or persons, administers the property of any Hindu Religious Institution or Charitable Endowment and includes:-

(a) in the case of a Society registered or deemed to be registered under the Karnataka Societies Registration Act, 1960, and whose property is not vested in a trustee, its governing body;

(b) in the case of an association not for profit registered under the Companies Act, 1956, the Board of Directors of such association.

<sup>2</sup>[(19A) "Math" means a religious institution presided over by a person whose principal duty is to engage himself, in teaching and propagation of religion, teachings and philosophy of the denomination, sect or sampradaya to which the Math belongs and in imparting religious instruction and training and rendering spiritual service who exercises or claims to exercise spiritual headship over a body of disciples and includes any place or places of religious worship, instruction or training which are pertinent to the institution including religious institutions attached either religiously or administratively to the Maths.]<sup>2</sup>

(20) 'Notified Institution' means an institution notified under section 23;

(21) 'Person having interest' includes.-

(a) in the case of a charitable endowment or Hindu religious institution a person who is entitled to attend to the performance of service, charity or worship or is entitled to partake in the benefit of any charity or distribution of gifts thereat;

(b) in the case of a society registered or deemed to be registered under the Karnataka Societies Registration Act, 1960, any member of such society;

(c) in the case of an association not organised for profit registered or deemed to be registered under the Companies Act, 1956 any member of such association;

(d) in the case of any other Hindu religious institution or Charitable Endowment, any beneficiary;

(22) 'Prescribed Authority' means an authority prescribed under the rules for any of the purposes of the Act;

(23) 'Religious Endowment' or 'Endowment' means all property belonging to or given or endowed for the support of a Hindu religious institution 3[xxx]3 or given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity, and includes the institution concerned and also the premises thereof but does not include gifts of property made as personal gifts to the archaka, service-holder or other employee of a Hindu religious institution.

**Explanation:** Property which belongs to or was given or endowed for the support of a Hindu religious institution, or which was given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity shall be deemed to be a religious endowment within the meaning of this definition, notwithstanding that, before or after the commencement of this act, the Hindu religious institution has ceased to exist or ceased to be used as a place of religious worship or instruction or the service or charity has ceased to be performed;

(24) 'Religious purpose' includes,-

(a) worship of deities or worship in temples, mandiras, shrines, samadhis, brindavanas, gaddiges or similar places;

(b) installing shrines, samadhis, brindavanas, gaddigies or similar places;

(c) fostering spiritual fraternity;

(d) imparting spiritual, moral and religious education and teaching of philosophy;

(e) observance of religious festivals; and

(f) any other public religious purpose;

(25) 'Rules' means the rules made under this Act;

(26) 'Specific Endowment' means any property or money endowed for the performance of any specific service or charity in a Hindu religious institution or charitable institution or for the performance of any other charity.

**Explanation:** Where a specific endowment attached to a charitable institution or a Hindu religious institution is situated partly within the State and partly outside the State, control shall be exercised in accordance with the provisions of this Act over the whole of the specific endowment provided the Charitable Institution or the Hindu religious institution is situated within the State;

<sup>1</sup>[(27) "Temple" means a place by whatever name called, used as a place of public religious worship having separate existence and dedicated to or for the benefit of or used as of right by the Hindu Community or any section thereof as a place of public religious worship and includes a Mandira, Samadhi, Brindavana, Gadduge, Shrine, Sub-shrine, Utsav Mantapa, tank, Paduka-peetha, Daivasthana, Gudi, Garodi or other necessary appurtenances, structures and land.]<sup>1</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

3. Omitted by Act 27 of 2011 w.e.f. 04.05.2011.

4. Substituted by 12 of 2012 w.e.f. 05.03.2012.

## CHAPTER - II

### APPOINTMENT OF COMMISSIONER, DEPUTY COMMISSIONER ETC.,

**3. Commissioner.-** (1) The State Government may, by notification, appoint an Officer of the cadre of the Indian Administrative Service to be the Commissioner for Hindu Religious Institutions and Charitable Endowments for the State of Karnataka.

(2) The Commissioner shall be a corporate sole and <sup>1</sup>[subject to the powers and jurisdiction of the Rajya Dharmika Parishat]<sup>1</sup> shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

(3) The Commissioner appointed under sub-section (1) shall exercise such powers and perform such duties and functions as are conferred by or under the provisions of this act and shall, subject to such general or special orders as the State Government <sup>2</sup>[or Rajya Dharmika Parishat]<sup>2</sup> may make, have powers of general superintendence and control for the purpose of carrying out the provisions of this Act in respect of all Hindu Religious Institutions and Charitable Endowments in the State, and such superintendence and control shall include the power to pass any order which may be deemed necessary to ensure that such institutions are properly administered and their income is duly appropriated for the purpose they were found or exist.

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Inserted by Act 12 of 2012 w.e.f. 05.03.2012.

**4. Deputy Commissioners and Assistant Commissioner.-** (1) Subject to such terms and conditions as may be prescribed, the State Government may appoint an Officer not below the rank of a Group 'A' Senior Scale to be Deputy Commissioner for Hindu Religious Institutions and Charitable Endowments for one or more districts. The Deputy Commissioner shall subject to the authority of the Commissioner <sup>1</sup>[and subject to the powers and jurisdiction of Zilla Dharmika Parishat]<sup>1</sup> have powers of

general superintendence and control for the purpose of carrying out the provisions of this Act in respect of all Hindu Religious Institutions and Charitable Endowments in his Jurisdiction.

(2) The State Government may appoint an Officer not below the rank of Group-A Junior scale to be Assistant Commissioner for Hindu Religious Institutions and charitable Endowments for one or more taluks in a district to assist the Deputy Commissioner in the discharge of his duties and functions under this Act, and to perform such duties or exercise such powers as may be conferred on him 1[and subject to the powers and jurisdiction of Zilla Dharmika Parishat]1 by or under the provisions of this Act or as may be delegated to him by the Deputy Commissioner with the approval of the Commissioner.

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**5. Subordinate Officers.-** The State Government may appoint Tahsildars, Inspectors and such other officers and sub-ordinate staff to assist the Commissioner, the Deputy Commissioner and Assistant Commissioner in carrying out the provisions of this Act and assign to them such powers, duties and functions under this Act as may be prescribed.

**6. Commissioner and other officers to be Government servants.-** The Commissioner, the Deputy Commissioner, Assistant Commissioners, Tahsildars, Inspectors and other officers and subordinate staff appointed under this Act shall be Government servants and they shall draw their pay and allowances from the consolidated fund of the State.

**7. Commissioner, etc. to be Hindu.-** The Commissioner and every Deputy Commissioner or Assistant Commissioner and every other Officer or servant, appointed to carry out the purposes of this Act by whomsoever appointed, shall be a person professing Hindu Religion, and shall cease to hold office as such when he ceases to profess that religion.

**8. Delegation of powers.-** (1) The State Government may, by notification delegate any of its powers or functions under this Act or the rules other than the power conferred under section 76 or 77, to be exercised by the Commissioner or any other officer subject to such conditions as may be specified in the notification.

(2) The Commissioner may, with the previous approval of the State Government delegate any of the powers exercisable or functions to be performed by him under this Act or the rules, other than those delegated to him under sub-section (1), to one or more of the officers subordinate to him.



### CHAPTER - III

#### ARCHAKAS AND TEMPLE SERVANTS

**9. Appointment of Archakas <sup>1</sup>[and temple servants]<sup>1</sup>.** (1) The committee of management of a notified institution may with the approval of the Commissioner appoint one or more archakas <sup>1</sup>[and temple servants]<sup>1</sup> to each temple belonging to the institution.

<sup>1</sup>[Provided that in case of hereditary post, if there is no dispute among the members of the family, the next in line of succession shall be appointed; with the prior approval of the commissioner:

Provided further that in case where no legal heir of the hereditary post are available the Committee of Management may appoint any person as provided under sub-section (1).]<sup>1</sup>

(2) Where more than one Archaka is appointed the senior among them shall perform as the Pradhana Archaka. The Pradhana Archaka wherever appointed, and the archakas, shall perform such duties as the Committee of Management may specify.

(3) Without prejudice to the power of the State Government to prescribe a common pattern for each category of temples, the number of archakas <sup>1</sup>[and temple servants]<sup>1</sup> appointed to the temple shall be in keeping with the practice obtaining in the temple immediately before the commencement of this Act.

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**10. Qualifications for Archakas.**- (1) No person shall be appointed to be a Archaka unless he has passed atleast a certificate course <sup>1</sup>[(pravara)]<sup>1</sup> in the Agama in the tradition of the temple, from any recognised Sanskruta Patashala or any other institution as the State Government may by notification in the official gazette specify, or has performed as archaka in the tradition of the temple for at least three years.

<sup>1</sup>[(2) Archaka other than hereditary Archaks who are in service on the date of the commencement of the Karnataka Hindu religious institution and charitable endowments (Amendment) Act, 2011 may be continued as Archaka who shall acquire the prescribed qualification within the period of five years unless he has crossed forty-five years of age.]<sup>1</sup>

(3) An Agamika or tanthri wherever appointed to perform poojas in a temple on special occasions shall continue to perform such functions as the Committee of management may specify and shall be governed by such conditions of service as may be prescribed.

Provided that no person shall after the commencement of this Act be appointed to perform as an Agamika or Tanthri unless he has passed the Pravina course in the Agama, from any samskruta patashala or other institutions imparting education in the tradition.

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**<sup>1</sup>[10A. Disqualification of Archaks.-** A person shall be disqualified for being appointed as Archak or being continued as Archak if he,-

- (a) is suffering from any virulent or contagious disease; or
- (b) is unable to recite Vedic mantras or Shlokas relating to the rituals in temple concerned with clarity and without any fault, other than temples, where reciting of vedic Mantras or Shlokas is not compulsory or mandatory;
- (c) is not free from 'Sapta Vyasanans'.

**Explanation.-** The expression 'Sapta Vyasanans' means gambling, consuming intoxicating liquor and drugs, smoking, immoral sexual conduct, involved in heinous crime, stealing and cheating.]<sup>1</sup>

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**11. Archakas to be on the Committee of Management.-** (1) The Archaka of the temple, and if there are more Archakas than one, the Pradhana Archaka shall be an ex-officio member on the committee of management of the temple, and his opinion on any question of custom or tradition of the temple may be considered by the committee resolving disputes if any about the custom or tradition of the temple.

(2) Where in any temple an Agamika or Tanthri is performing special pooja or ritual, the committee of management shall consult him on any question of ritual, custom or tradition to be followed in the temple. The Committee of management may, if necessary, consult an Agamika or Tanthri of any other temple in the tradition, on such question.

**12. Emoluments and Service Conditions of Archakas.-** (1) The State Government may by rules regulate the emoluments, hours of work and other conditions of service of the archakas. Such rules may provide for appointment and termination of employment, leave and working hours, rotation of work, <sup>1</sup>[retirement of non-hereditary Archaks and temple servants]<sup>1</sup> terminal benefits, misconduct and disciplinary action.

<sup>2</sup>[(2) the emoluments, pay and allowances of Archaks and temple servants shall be fair and reasonable having due regard to the income, usage, custom and tradition prevailing in the respective notified institution. The State Government may classify the temples into two or more classes based on their income, as may be prescribed.]<sup>2</sup>

(3) In determining the emoluments payable to archakas in all category of temples, the State Government shall take into account;

(i) entitlement of the Archakas to appropriate the thattekasu and other offerings by the devotees at the time of pooja or other seva;

(ii) Any amount receivable by the archaka as a percentage of the fees fixed by the committee of management for the various sevas offered at the temples.

(iii) Avocation other than the temple service which the archakas may be free to undertake during the term of employment.

(iv) Timing if any specified by the committee of management or the State Government, to keep the temple open to public for performing poojas or other sevas, in a day.

(v) Accommodation and other benefits in kind offered by the committee of management for the residence and livelihood of the archakas.

(4) The emoluments so determined shall be not less than the minimum rate and not more than the maximum rate as may be prescribed in the rules in keeping with the class of the temple.

**Explanation:** For the purpose of this section the word archaka shall include an Agamika, a Tanthri or a Pradhana Archaka wherever appointed.

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**13. Register of Temple servants.-** As soon as may be after the commencement of this Act, the Commissioner shall cause to be maintained in each temple a register of temple servants, which shall contain the name, parentage, date of birth, date of joining service, qualification and experience, address and such other particulars as may be prescribed in respect of such temple servants.

**14. Pattern of Temple Servants to be determined by rules.-** The State Government may in consultation with the committee of management make rules prescribing a pattern of temple servants for any class of temples, so however that the existing strength in any temple, immediately before the commencement of this Act, is not altered except by way of superannuation or dismissal for misconduct.

**15. Salary and Service Conditions of Temple servants.-** (1) The salary and service conditions of temple servants shall be as prescribed by the State Government. Such rules may provide for appointment and termination of employment, pay or other terminal benefits, leave and working hours, misconduct and disciplinary action.



(2) For the purpose of determining salaries payable to the temple servants the State Government shall follow the same classification of temples as under sub-section (2) of section 12.

(3) Provisions of sub-section (3) of section 12 shall apply mutatis-mutandis for determining the salaries payable to temple servants.

**16. Mis-conduct and Penalty.-** (1) The Committee of management shall be competent to initiate action and hold enquiry for misconduct, either suo-moto or on complaint received against an archaka, including an Agamika, Tanthri or Pradhana Archaka and against the temple servants and to impose appropriate penalty for proven misconduct. No order imposing any penalty under this section shall be made except after giving such person a reasonable opportunity of being heard against the charge.

(2) An appeal shall lie to the Commissioner against every order imposing penalty under this section. Such appeal shall be made within thirty days from the date of the order imposing the penalty.

#### CHAPTER IV COMMON POOL FUND

**17. Creation of Common Pool Fund.-** It shall be lawful for the 1[Rajya Dharmika Parishat]<sup>1</sup> to create a fund to be called the Common Pool Fund out of.-

<sup>1</sup>[(a) contributions made by the notified or declared institutions at the following rate:-

(1) ten percent of the net income in respect of institutions whose gross annual income exceeds rupees ten lakhs;

(2) five percent of the net income in respect of institutions whose gross annual income exceed rupees five lakhs but does not exceed rupees ten lakhs.]<sup>1</sup>

(b) Grants received from the State Government.

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**18. Transfers to Common Pool Fund.-** The Commissioner shall on the orders of the State Government transfer the following amounts to the common pool fund, namely:-

(a) The un-utilised portion of grants made by the State Government for the repairs or renovations or construction of new places of worship.

(b) funds of defunct Hindu Religious institutions;

(c) any other sums which the State Government may direct.

**19. Administration of Common Pool Fund.-** (1) The <sup>1</sup>[Rajya Dharmika Parishat]<sup>1</sup> shall administer the Common Pool Fund subject to the conditions herein stated and for the following purposes, namely:-

(a) the grant of aid to any other religious institution which is poor or in needy circumstances;

(b) the grant of aid to any religious purposes connected with the Hindu Religion.

(c) the propagation of the religious tenets of the institution;

(d) the establishment and maintenance of Veda Patashalas, Agama Patashalas and schools for training the archakas, and for the study of ancient scripts and indian languages for that purpose;

(e) the establishment and maintenance of a university or college or other institution having for its object the study of Hindu Religion, philosophy or sastras or for imparting instructions in Hindu temple architecture;

(f) the establishment and maintenance of educational institutions where instructions in the Hindu religion is also provided;

(g) promotion of temple arts and architecture;

(h) the establishment and maintenance of orphanages for Hindu children;

<sup>1</sup>[(i) payment of terminal benefits to the Archaks and temple servants where there is no sufficient fund at the credit of the institution;]<sup>1</sup>

(j) the establishment and maintenance of poor homes for destitute, helpless and physically disabled persons;

(k) the establishment and maintenance of Hospitals and Dispensaries for providing facilities to pilgrims.

(l) any other charitable or Hindu Religious purpose.

<sup>3</sup>[(m) for establishment and promotion of goshalas by Hindu Religious Institutions or any Hindu Organisation.

(n) to meet the objects of the Act.]<sup>3</sup>

(2) The Common Pool Fund shall be so administered that:-

(i) no contribution or donation received from any person shall be utilised for any purpose other than the purpose specified if any by the donor.

(ii) contribution and donation made to institution, or institution of any religious denomination or any section thereof shall be utilised for the benefit of that particular class or denomination or section only.

(3) <sup>2</sup>[xxx]<sup>2</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.
2. Omitted by Act 27 of 2011 w.e.f. 04.05.2011.
3. Inserted by Act 12 of 2012 w.e.f. 05.03.2012.

## CHAPTER - V

### <sup>2</sup>[Dharmika Parishats]<sup>2</sup>

<sup>1</sup>**[20. Rajya Dharmika Parishat.**-(1) The State Government may, by notification in the official Gazette constitute the Rajya Dharmika Parishat consisting of the following members, namely:-

- |  |                      |
|--|----------------------|
| (a) Minister in Charge of Hindu Religious, Institutions and Charitable Endowments                | Chairman             |
| (b) Secretary to Government in charge of Hindu Religious Institutions and Charitable, Endowments | Vice Chairman        |
| (c) Commissioner, Hindu Religious Institutions and Charitable Endowments                         | Ex-officio Secretary |
| (d) Members to be nominated by Government for a period of <sup>2</sup> [four years] <sup>2</sup> |                      |
| (i) One Retired District Judge   | member               |
| (ii) One Agama scholar   | member               |
| (iii) one vedic scholar  | member               |
| (iv) one person belong to SC or ST   | member               |
| (v) one person belonging to backward classes   | member               |
| (vi) one woman   | member               |
| (vii) two others   | member               |

(2) The members nominated by Government under sub-section (1), except a retired district Judge, shall hold office subject to the pleasure of Government.

(3) The member nominated by Government shall be a person who has contributed to the Hindu Religious field but shall not be an office bearer of any political party in any level.

(4) In the event of any vacancy due to death, resignation or otherwise, the Government may appoint a member for the remaining period of the term of such member.

(5) The Rajya Dharmika Parishat may, for the purpose of consultation, invite any person having experience and specialized knowledge or expert in any subject to attend its meeting and every such person is entitled to such allowances as may be prescribed.

(6) The Government may delegate any of its powers and functions other than the power to make rules under the provisions of the Act to the Rajya Dharmika Parishat.

(7) In the absence of Chairman, the Vice Chairman shall preside over the meeting of the Rajya Dharmika Parishad.

(8) In the absence of nominated member the remaining members constitute the Rajya Dharmika Parishat.

(9) All the correspondence in respect of or to the Rajya Dharmika Parishat shall be made by or to the Secretary, Rajya Dharmika Parishat including the power to sue or be sued.

**20A. The powers and functions of the Rajya Dharmika Parishat.-** The powers and functions of the Rajya Dharmika Parishat shall be as follows, namely:-

(1) The Rajya Dharmika Parishat shall be empowered to resolve any dispute,-

(a) regarding religious practices, customs, usage, traditions and for that purpose it may consult experts to assist in resolving such disputes;

(b) as to whether a temple is a public, private or denominational temple;

(c) as to whether an institutions is a religious institution or a composite institution;

(d) as to whether a trustee holds or held office as hereditary trustee of such institution.

(2) The Rajya Dharmika Parishat,-

(i) may constitute a Committee of Management to the notified institution having gross annual income of rupees <sup>2</sup>[Twenty Five Lakhs]<sup>2</sup> and above;

(ii) may approve scheme for adoption of temples having an income of rupees two lakhs or less and to fix the terms of adoption;

(iii) shall act as appellate authority in respect of orders passed by the Zilla Dharmika Parishat;

(iv) for the purpose of resolving any dispute as provided under this section Nyayadhikarana may be constituted with the judicial member of the Parishat and the Commissioner as its members. If there is difference of opinion among the members the issue shall be decided by the Rajya Dharmika Parishat;

(v) may recommend to the State Government to issue notification and de-notification of the institutions required to be notified or deleted under the provisions of the Act;

(vi) may dissolve Committee of Management of a notified institution having gross income of Rupees <sup>2</sup>[Twenty Five Lakhs]<sup>2</sup> and above as provided under section 28 and to appoint administrator to the notified institutions under section 29;

(vii) shall record the name of the member of the family, who is entitled to succeed to the office of hereditary trustee when a permanent vacancy occurs and if there is no dispute in the office of the hereditary trustee.]<sup>1</sup>

<sup>3</sup>[(3) Administration of all religious institutions and charitable endowments shall be under the general superintendence and control of the Rajya Dharmika Parishat and such superintendence and control shall include the power to pass any order or issue any direction which may be necessary to ensure that such institutions and endowments are properly administered and their income is duly appropriated for the purpose for which the are founded or exist.]<sup>3</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Substituted by Act 12 of 2012 w.e.f. 05.03.2012.

3. Inserted by Act 12 of 2012 w.e.f. 05.03.2012.

**<sup>1</sup>[21. Zilla Dharmika Parishat.-** (1) The State Government may, on the recommendation of the Rajya Dharmika Parishat, by notification, in the official Gazette, constitute a Zilla Dharmika Parishat to each district or to one or more districts consisting of the following members, namely:-

- |       |  |                      |
|-------|--|----------------------|
| (a)   | The Deputy Commissioner of the concerned District Chairman   |                      |
| (b)   | The concerned Assistant Commissioner, Hindu Religious Institution and Charitable Endowments wherever available or Endowment Tahsildar or Endowment Assistant of the Deputy Commissioners Office. | Ex-officio Secretary |
| (c)   | Members to be nominated by Government for a period of <sup>2</sup> [Four Years] <sup>2</sup>   |                      |
| (i)   | one retired Judicial Officer not below the cadre of Civil Judge (Senior Division)  | Member               |
| (ii)  | one Agama Pandit   | Member               |
| (iii) | one Vedic Scholar  | Member               |

(iv)	one from scheduled Caste or Scheduled Tribe	Member
(v)	one woman	Member
(vi)	one person from backward classes	Member
(vii)	<sup>2</sup> [(vii) Three others] <sup>2</sup>	Member

(2) Members nominated by Government under clause (iii) of sub-section (1) except a retired Judicial Officer, shall hold office subject to the pleasure of Government.

(3) The person nominated by Government shall be a person who has contributed to the Hindu Religious field but shall not be an office bearer of any political party in any level.

(4) In the event of any vacancy due to death, resignation or otherwise the Government may appoint a person for the remaining period of the term of such member.

(5) The Zilla Dharmika Parishat may for the purpose of consultation, invite any person having experience and specialized knowledge or expert in any subject to attend its meeting and every such person is entitled to such allowance as may be prescribed.

(6) The Government or Rajya Dharmika Parishat may, by notification, delegate any of its powers and functions under the provisions of this Act except the power to make rules to the Zilla Dharmika Parishat.

<sup>2</sup>[(7) In the absence of the Chairman, the Judicial member shall preside over the meeting.]<sup>2</sup>

(8) In the absence of nominated member of Zilla Dharmika Parishat, the remaining members shall constitute the Zilla Dharmika Parishat.

(9) All the correspondence in respect of Zilla Dharmika Parishat shall be made by or to the Secretary, Zilla Dharmika Parishat including the power to sue or be sued.

**21A. Powers and functions of the Zilla Dharmika Parishat.** - <sup>2</sup>[(1) The Subject to the powers of the Raja Dharmika Parishat, the Zilla Dharmika Parishat shall have the general powers of superintendence and control over the religious institutions within the district, whose annual income does not exceed rupees twenty five lakhs and such superintendence and control shall include the power to pass any order or issue directions which may be necessary to ensure that such institutions and endowments are properly administered and their income is duly appropriated for the purposes for which they were founded or exist.]<sup>2</sup>



(2) The Zilla Dharmika Parishat in addition to the powers, duties and functions under sub-section (1), shall have power to,-

(a) constitute a Committee of Management to the notified institutions having gross annual income of Rupees One lakh and above but below Rupees <sup>2</sup>[Twenty Five lakhs]<sup>2</sup>

(b) dissolve the committee of Management of the notified institutions having income of Rupees One lakh and above but below Rupees <sup>2</sup>[Twenty Five lakhs]<sup>2</sup> as provided under section 28.

(3) The disputes falling within the jurisdiction of Zilla Dharmika Parishat, shall be resolved by a Nyayadhikarana consisting of a judicial member and the secretary of the Parishat. If there is any difference of opinion among them the issue shall be decided by the Zilla Dharmika Parishat.

**21B. Qualification and disqualification of the members of the Dharmika Parishats.-** (1) The member of the Rajya Dharmika Parishat and Zilla Dharmika Parishat shall be a Hindu and he shall cease to hold office whenever cease to profess such religion.

(2) A person shall be disqualified for being appointed or for being continued as a member of the Parishat,-

(a) if he is an undischarged insolvent ;or

(b) if he is of unsound mind and stands so declared by a competent court; or

(c) if he has been sentenced by a criminal court for an offence involving moral turpitude; or

(d) if he has at anytime acted adverse to the interest of the Hindu Religious Institutions; or

(e) if he is addicted to intoxicating liquor or drugs or gambling.

**21C. Removal and disqualification of the members of the Rajya Dharmika Parishat and Zilla Dharmika Parishat.-** The State Government may remove or disqualify a non-official member of the Rajya Dharmika Parishat or Zilla Dharmika Parishat on proven misconduct and misbehavior after holding such enquiry on such charges as it may deems fit.

**21D. Meeting of the Rajya Dharmika Parishad and Zilla Dharmika Parishat.-** (1) The periodical meetings of the Rajya Dharmika Parishat and Zilla Dharmika Parishat shall be held at such intervals as may be prescribed.

(2) The sitting fees and allowances payable to the members of the Rajya Dharmika Parishat and Zilla Dharmika parishat, shall be such as may be prescribed.

**21E. Control by the State Governments.-** The State Government shall have general administrative and supervisory control over the activities and affairs of the Rajya Dharmika Parishat and Zilla Dharmika Parishat.

**21F. Adoption of smaller notified institution by larger institution or charitable institution.-** (1) Any notified institution whose annual gross income is less than rupees two lakhs may, with the prior approval of the Rajya Dharmika Parishat, be adopted for a period of five years by any other larger notified institution or declared institution or a math or a registered trust or association, whose object is also religious or charitable:

Provided that the period of adoption may be extended by the Rajya Dharmika Parishat for sufficient and good reasons.

(2) The conditions of adoption shall be such as may be prescribed:

Provided that the Rajya Dharmika Parishat may for sufficient reason terminate the adoption with due notice to the adopter.]<sup>1</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Substituted by Act 12 of 2012 w.e.f. 05.03.2012.

## 22. <sup>1</sup>[XXX]<sup>1</sup>

1. Omitted by Act 12 of 2012 w.e.f. 05.03.2012.

## CHAPTER VI

### NOTIFIED INSTITUTIONS

**23. Notified Institutions.-** The State Government shall as soon as may be after the commencement of this Act publish by notification in respect of each revenue district, a list of;

(a) all Charitable Institutions and Hindu Religious Institutions which on the date of commencement of this Act are in the sole charge of the State Government <sup>1</sup>[under the provisions of Mysore Religious and Charitable Institutions Act, 1927]<sup>1</sup> or for the benefit of which.

(i) any monthly or annual grant in perpetuity is made from public revenues:  
or

(ii) tasdik allowance under section 19 of Mysore Religious and Charitable Inams Abolition Act, 1955 is paid.

(b) all institutions registered under the Book of Endowments under the Hyderabad Endowment Regulations, 1349 F;

(c) all institutions governed by the then Madras Hindu Religious and Charitable Endowments Act, 1951;



(d) all institutions in Kodagu District which are governed by the Coorg Temple Funds Management Act, 1956;

<sup>2</sup>[(e) All Hindu Religious Institutions registered under the Bombay Public Trust Act, 1950;

(ee) All Hindu Religious Institutions which are in receipt of any monthly or annual grant from public revenue or any amount under the Karnataka Certain Inams (Abolition) Act, 1977.]<sup>2</sup>

(f) Sri Renuka Yellamma Temple, Saundatti, governed under the Renuka Yellamma Devasthanam (Administration) Act, 1974;

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**24. Controlling Authorities.**- (1) <sup>1</sup>[subject to the powers and jurisdiction of the Rajya Dharmika Parishat the Commissioner shall be the Chief Controlling Authority]<sup>1</sup> in respect of all matters connected with notified institutions and he shall perform such duties and exercise such powers of superintendance and control as the State Government may by rules impose or as the case may be confer on him in respect of all or any class of notified institutions.

(2) The Deputy Commissioner shall subject to such terms and conditions as may be prescribed, be the immediate controlling authority in respect of notified institutions within his jurisdiction.

(3) The Assistant Commissioner shall subject to the authority of the Deputy Commissioner perform such duties and exercise such powers as may be prescribed.

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**<sup>1</sup>[24A. Appointment of Executive Officer and term of office.**- (1) The State Government or the Commissioner as the case may be, may appoint any officer to be the executive officer to a notified institution or to a group of notified institutions.

(2) The cadre of the executive officer to be appointed to the notified institution may be, based on the income of such institution.

(3) The executive Officer shall hold office for such term as may be fixed by the State Government and he shall exercise such power and perform such duties as may be prescribed.

(4) The executive Officer shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code 1860.]<sup>1</sup>

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**1[25. Constitution of the Committee of Management.-** (1) There shall be constituted, in respect of one or more notified institutions by the Rajya Dharmika Parishat, if the gross annual income of the notified institutions exceeds rupees twenty five lakhs and the Zilla Dharmika Parishat if the annual income does not exceed rupees twenty five lakhs, a committee of Management consisting of not more than nine members from among the devotees and followers of Hindu Religious Institutions and beneficiaries of the charitable institutions and it shall consist of,-

- (i) in the case of a temple the Pradhan Archak or Archak;
- (ii) at least one among the Scheduled Castes or Scheduled Tribes;
- (iii) two women;
- (iv) at least one from among the persons living in the locality where the institution situated:

Provided that in case of composite institution members from both Hindu and other religion may be appointed:

Provided further that the Committee of Management in respect of notified institution be constituted according to the usage and practice prevailing therein:

Provided also that every committee of Management of Pancha Committee or Dharmadarashi Committee or non hereditary trustees constituted or appointed under the repealed Acts who were lawfully holding office shall cease to hold such office from the date of commencement of the Karnataka Hindu Religious and Charitable Endowment (Second Amendment) Act, 2011.

(2) (a) The Rajya Dharmika Parishat and Zilla Dharmika Parishat, while constituting the Committee of Management under subsection (1), shall have due regard to the religious denomination to which the institution or any section thereof belongs.

(b) The procedure for the constitution of Committee of Management, verification of antecedents and other matter if any, of the member shall be done in such manner as may be prescribed;

(c) No person shall be eligible to become a member in more than one Committee of Management at a time;

(d) No person, who is an office bearer of any political party at any level, shall become a member of the Committee of Management.

(3) No person shall be qualified for being appointed as member of the Committee of Management of a notified institution unless,-

- (i) he has faith in God;
- (ii) he has attained the age of twenty five years;

- (iii) he possesses good conduct and reputation and commands respect in the locality in which the institution is situated.

(4) A person shall be disqualified for being appointed or continuing as a member of the Committee of Management of any notified institution,-

- (i) if he is declared as an undischarged insolvent by a competent court; or
- (ii) if he is of unsound mind and stands so declared by a competent court of law or if he is a deaf or mute or is suffering from virulent form of leprosy or contagious disease; or
- (iii) if he has an interest direct or indirect in any subsisting lease of any property or of any contract made with, or is in arrears of any kind due by him to such institution; or
- (iv) if he is appearing as a legal practitioner for or against the institution; or
- (v) if he has been sentenced by a criminal court for an offence involving moral turpitude; such sentence not having been reversed or offence pardoned; or
- (vi) if he has at any time acted adverse to the interest of the institution; or
- (vii) if he is an office holder other than Archaka or a servant attached to or a person in receipt of any emolument or perquisite from such institution; or
- (viii) if he is addicted to intoxication, liquor or drugs; or
- (ix) if he not a Hindu, or having been a Hindu has converted to any other religion.

(5) If a member of the committee of management is or becomes subject to any disqualification under sub-section (4), he shall automatically cease to be such member.

(6) If any question arises whether a member is or has become subject to any disqualification under sub-section (4), the Dharmika Parishat may either suo-moto or on a report made to it and after giving an opportunity, of being heard to the person concerned decide the question.]<sup>1</sup>

1. Omitted by inserted by Act 12 of 2012 w.e.f. 5.3.2012.

**<sup>1</sup>[25A. Provision relating to institution managed by Hereditary Trustee.-** (1) No committee of management shall be constituted in respect of the notified institutions managed exclusively by hereditary trustees. The power of management shall vest in such hereditary trustee.

(2) If there is no legal heir to succeed the office of the hereditary trustee, the Rajya Dharmika Parishat or the Zilla Dharmika Parishat, as the case may be, shall constitute the committee of management as provided under section 25.

(3) When a temporary vacancy occurs in the office of a hereditary trustee and if there is a dispute with regard to right of succession to such office and such vacancy cannot be filled up immediately or when a successor is a minor and has no guardian fit and willing to act or there is a dispute regard to as to who is entitled to succeed such office, the Rajya Dharmika Parishat may appoint a fit person to discharge functions of the office of hereditary trustee until the disability ceases or another successor succeeds to such office:

Provided that in making any appointment, the Rajya Dharmika Parishat shall have due regard to the claims of members of the said family, if any entitled to the succession.

**25B. Power of the Deputy Commissioner to settle scheme for the administration of Charitable endowments and to decide certain other disputes.-**

(1) When the Deputy Commissioner has reason to believe that in the interest of the proper administration of Charitable endowments or a endowment attached to any notified institution or declared institution, a scheme shall be settled for such endowment or when not less than five persons having interest make an application in writing stating that in the interest of the proper administration of the endowment, a scheme shall be settled for it, the Deputy Commissioner shall on consultation with the Trustee or the Committee of Management or the persons having interest and if, after such consultation he is satisfied that is it necessary or desirable to do so, he shall by order, settle a scheme of administration of such Charitable endowment or endowment.

(2) The scheme settled under this section for the administration of Charitable endowments may include certain provision for, -

(i) constitution of a body for the purpose of assisting in the administration of such Charitable endowments;

(ii) the method of selection of members for such committee from the persons having interest in such endowments;

(iii) defining the powers and duties of the committee;

(3) The Deputy Commissioner may determine the properties of the endowment and the list of such properties shall be appended to the scheme as a schedule.

(4) The Deputy Commissioner may at anytime after consulting trustees or committee by order modify or cancel any scheme in respect of an endowment which is in force and settled under sub-section (1) or any scheme in force settled or modified by any courts or any earlier enactments:

Provided that such cancellation or modification of a scheme in force settled or modified earlier shall be made only subject to such conditions and restrictions as may be imposed by the Deputy Commissioner.

(5) If the Deputy Commissioner is satisfied that any such scheme referred to in sub-section (1) is inconsistent with the provisions of this Act and rules made thereunder he may, at anytime modify it in such a manner as may be necessary to bring it into conformity with the provisions of this Act and rules made there under.

(6) Whenever any question arises as to,-

(i) whether a particular property is the property of a notified institutions or declared institution under the Act; or

(ii) whether any property or money is either a religious endowment or specific endowment; or

(iii) whether any Archak or temple servant holds or held an office in any notified institution or declared institution on the basis of a hereditary right; or

(iv) whether any person is entitled by custom or otherwise to any honour, emolument or perquisite in any religious institution; and what is the existing usage of a notified or declared institution; or

(v) whether any institution or endowment is wholly or partly of a religious or of secular character and whether any property or money has been given wholly or partly for religious or secular purpose; or

(vi) where any property or money has been given for the support of an institution which is partly of a religious and partly of a secular character or the performance of any service or charity connected with such an institution or the performance of a charity which is partly of a religious and partly of a secular character or where any property or money given is appropriated partly to religious and partly to secular purposes, as to what portion of such property or money shall be allocated to religious purpose; or

(vii) to accord sanction of dittam and seva list in respect of notified institutions having gross annual income of rupees one lakh and above but below Rupees ten lakhs; or

(viii) any dispute between the servant of a notified institution and the committee of management.

- the Deputy Commissioner after hearing the parties concerned shall by order decide it.

(7) Any person aggrieved by any order passed by the Deputy Commissioner under any of the foregoing provisions, shall appeal within one month of the date of receipt of the order to the Commissioner.



(8) The Commissioner may after hearing the aggrieved person and other contending parties, pass appropriate order in accordance with law.]<sup>1</sup>

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**26. Term of Office of the Committee of Management and Election of Chairman.-** (1) Subject to the pleasure of the <sup>1</sup>[Rajya Dharmika Parishat or Zilla Dharmika Parishat as the case may be]<sup>1</sup>, members shall hold office for a term of three years unless in the meanwhile the Committee is dissolved or has ceased to function.

(2) Where the Committee of management is constituted under section 25, the members shall at the first meeting of the Committee, elect a Chairman from among themselves.

(3) The State Government <sup>2</sup>[or the prescribed authority]<sup>2</sup> may nominate the Executive Officer as Ex-officio Secretary of the Committee of Management in respect of any notified institution or institutions, without voting rights.

<sup>1</sup>[(4) in case of notified institutions managed by more than one hereditary trustee or founder trustee, the chairman shall be elected in accordance with such procedure as may be prescribed.]<sup>1</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Inserted by Act 12 of 2012 w.e.f. 05.03.2012.

**27. Meeting of the Committee of Management.-** The Committee of Management shall meet at such intervals and follow such procedure in conducting its meetings, as may be prescribed.

**28. Power to dissolve the Committee of Management.-** (1) The <sup>1</sup>[Rajya Dharmika Parishat or Zilla Dharmika Parishat as the case may be]<sup>1</sup> shall have power to dissolve a Committee of Management <sup>2</sup>[including a member or hereditary trustee]<sup>2</sup> if after holding an enquiry in accordance with sub-section (2), it is satisfied that the committee has;

(a) failed to discharge the duties or perform the functions in accordance with the provisions of this Act or the rules made thereunder; or

(b) disobeyed any lawful orders issued under the provisions of this Act or the rules made thereunder by the State Government or the Commissioner, Deputy Commissioner or Assistant Commissioner; or

(c) committed any malfeasance or misfeasance or is guilty of breach of trust or misappropriation in respect of the properties of the institution or endowment;

(2) Where the <sup>1</sup>[Rajya Dharmika Parishat or Zilla Dharmika Parishat as the case may be]<sup>1</sup> proposes to take action under sub-section (1) it shall frame the charge against the Chairman and give him an opportunity of meeting such charge or testing

the evidence adduced against the charge and of adducing evidence in favour of the Committee; <sup>2</sup>[including a member or hereditary trustee]<sup>2</sup> and the order of dissolution shall state every charge framed against the Committee, <sup>2</sup>[including a member or hereditary trustee]<sup>2</sup> explanation offered by the committee <sup>2</sup>[including a member or hereditary trustee]<sup>2</sup> and the finding on such charge together with the reasons therefor.

(3) Pending enquiry under sub-section (2) the <sup>1</sup>[Rajya Dharmika Parishat or Zilla Dharmika Parishat as the case may be]<sup>1</sup> may suspend the Committee <sup>2</sup>[including a member or hereditary trustee]<sup>2</sup> and appoint an administrator in accordance with section 29.

(4) <sup>3</sup>[xxx]<sup>3</sup>

(5) <sup>4</sup>[xxx]<sup>4</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.
2. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.
3. Omitted by Act 27 of 2011 w.e.f. 04.05.2011.
4. Omitted by Act 12 of 2012 w.e.f. 5.3.2012.

**29. Appointment of Administrator.-** The <sup>1</sup>[the Rajya Dharmika Parishat or the Zilla Dharmika Parishat]<sup>1</sup> shall appoint an officer of the State Government as Administrator in place of the Committee of management dissolved or suspended under sub-section (1) or (3) of section 28 or after the expiry of the term of office of the Committee under section 26 <sup>3</sup>[or for any other reasons]<sup>3</sup> and till a new Committee of Management is constituted or for a period of six months whichever is earlier.

<sup>2</sup>[Provided that for the reasons to be recorded in writing the Rajya Dharmika Parishat or Zilla Dharmika Parishat, by order extend the said period by any further period, not exceeding six months at a time. So however, the said period shall not exceed one year in total.]<sup>2</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.
2. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.
3. Inserted by Act 12 of 2012 w.e.f. 05.03.2012.

**30. Filling up of casual vacancies.-** When a vacancy occurs, either by removal, resignation or other wise, of a member of the Committee of Management of a notified institution, the <sup>1</sup>[the Rajya Dharmika Parishat or the Zilla Dharmika Parishat as the case may be]<sup>1</sup> shall, subject to the provisions of section 25 fill up the vacancy by appointing a new member to the Committee. Such member of the Committee appointed shall hold office only so long as a member in whose place he is appointed would have been entitled to hold office if the vacancy had not occurred.

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**1[31.Survey and publication of lands and other property of Notified Institutions.-** (1) The State Government may, by notification, appoint an Endowment Survey Officer and as many Assistant Endowment Survey Officers as may be necessary for the purpose of making survey of all the properties of the notified institutions in the State.

(2) All the Assistant Endowment Survey Officers shall perform their functions under the general supervision and control of Endowment Survey Officers.

(3) The Endowment Survey Officer shall, after making such enquiry, as he may consider necessary, submit his report in respect of the properties of every notified institutions or any part thereof to the State Government through the Endowment Commissioner containing the following particulars, namely:-

(a) the Survey number, extent, assessment of the each property of the notified institution;

(b) nature and description of the property with the object, if any;

(c) the income derived from each property to the notified institution;

(d) such other particulars relating to the property as may be prescribed.

(4) The endowment Survey Officer shall while making any enquiry with regard to any dispute have the same powers as are vested in a Civil Court under the code of civil procedure, 1908 in respect of the following matters, namely:-

(a) summoning and examining a witness;

(b) summoning and production of any document;

(c) requisitioning any public record from any office or any authority;

(d) issuing commission for examination of any witness or accounts or records;

(e) making any local inspection or local investigation;

(f) such other matters as may be prescribed.

(5) If during any such enquiry, any dispute arises as to whether a particular property is a property of notified institution or not it shall be decided after holding enquiry summoning the interested parties.

(6) The State Government may direct the Endowment Survey Officer to make a second or subsequent survey of particular property of the notified institution and while resurveying the property, he shall follow the procedure specified under sub-sections (2) to (5).

(7) On the receipt a report under sub-section (3) or sub-section (6), the State Government shall publish in the official Gazette the list of property of all the notified institutions on the date of commencement of the Karnataka Hindu Religious



Institutions and Charitable Endowments (Amendment) Act, 2011 or on subsequent dates to which the report relates containing such other particulars as may be prescribed.

(8) After publication of such list under sub-section (7), every notified institution shall maintain a register of movable and immovable properties of the institution including the lands, building vacant sites, structures, valuables such as gold, silver, idols, utensils, precious stones, articles of antique value, paintings, inscriptions on metal, palm leaves and such other movable properties and submit to the prescribed authority for approval.

(9) After approval of such register, the Committee of Management or Trustees or the Executive Officer shall scrutinize the entries in the register every year and submit to the prescribed authority, a verified statement showing the alterations, omissions or additions required in the register for approval.

(10) The prescribed authority on receipt of register or statement may verify or get it verified through local officers and after satisfying the entries made therein, may accord approval of the same.

(11) Any alienation or transfer by way of sale, lease, gift, mortgage or otherwise of any land or other immovable property granted to or belonging to a notified institution and any act purporting to create any interest adverse to such institution in respect of such land or property shall be null and void unless such alienation or transfer is in the best interest of the institution and unless it is sanctioned under section 62.

(12) No articles of gold, silver or white metal, idols, utensils, precious stones, articles of antique value, paintings, ancient documents containing inscription on stone, metal and palm leaves and such other movable shall be disposed of in any manner without the permission of the State Government granted based on the report of the Commissioner.]<sup>1</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**32. Power in case of unauthorised alienation or transfer.-** As soon as may be after any instance of alienation or transfer of an immovable property in violation of section 31 comes to notice, the Deputy Commissioner or the Assistant Commissioner or any other officer appointed by the State Government in this behalf shall, after such enquiry as may be prescribed, issue notice to the alienee or the person in possession, to restore possession of such immovable property to the notified institution to which they belonged within thirty days from the date of service of such notice and in default of compliance take steps to evict the occupant and to restore the property to the notified institution, in accordance with the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

**[33. Suits on behalf of notified institutions.-** Where it is necessary to institute a suit or appeal or proceedings in any Court of law or authority , the Committee of Management or the executive Officer duly authorized by the committee of management may file the suit by engaging Counsel with the prior approval of the prescribed Authority:

Provided that if the Committee of Management fails to file a suit or an appeal, the Assistant Commissioner shall file the same with the approval of the prescribed Authority.]<sup>1</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**34. Arrears of rent due to a Notified Institution.-** (1) Where any person is in arrears of rent due to a notified institution, in respect of any building, the Assistant Commissioner may, by order require that person to pay the same within such time as may be specified in the order.

(2) Where any person is or has at any time been in unauthorised occupation of any building belonging to a notified institution, the Assistant Commissioner may having regard to such principles of assessment of damage as may be prescribed, assess the damage on account of the unlawful use and occupation of such building if any, may, by order require that person to pay the damages within such time as may be specified in the order :

Provided that no such order shall be made until after issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice why an order should not be made and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Assistant Commissioner.

(3) If any person refuses or fails to pay the arrears payable under sub-section (1) or the damages payable under sub-section (2) within the time specified in the order relating thereto, the Assistant Commissioner may issue a certificate for the amount due to the Deputy Commissioner of the District, who shall proceed to recover the same as an arrears of land revenue.

(4) Any person aggrieved by the order of the Assistant Commissioner under sub-sections (1) or (2) may within thirty days from the date of receipt of such order appeal to the Deputy Commissioner having jurisdiction :

Provided that an appeal filed after the expiry of the said period of thirty days may be entertained if the appellate authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) Where an appeal is preferred under sub-section (4) the enforcement of the order appealed against shall not be stayed unless the appellant has deposited an

amount equal to fifty percent of the rent or damage, as the case may be, determined by the Assistant Commissioner under sub-sections (1) or (2).

(6) The Deputy Commissioner may after holding such enquiry as he deems fit pass orders in appeal which shall be final and shall not be called in question in any suit, application or other proceeding before any Court or other authority.

## CHAPTER VII

### BUDGET OF NOTIFIED INSTITUTIONS, ACCOUNTS AND AUDIT

**<sup>1</sup>[35. Applicability of the provisions of the Act.-** (1) Except <sup>2</sup>[xxx]<sup>2</sup> the provisions of Chapter VIII, nothing contained in this Act, is applicable to any religious institution or charitable endowment founded, organized, run or managed by religious denomination.

(2) Nothing contained in Chapter VII shall apply to a notified institution whose gross annual income does not exceed rupees one lakh<sup>1</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Omitted by Act 12 of 2012 w.e.f. 05.03.2012.

**36. Budget of Notified Institutions.-** (1) The Chairman, Manger or the Executive Officer of a Notified Institution shall within ninety days before the close of every financial year, file in such form as may be prescribed a budget showing the probable receipts and disbursements of such institution during the following year, along with actual income and expenditure for the preceding year, [xxx]<sup>1</sup>. The receipts portion shall comprise of the income proposed to be derived from Hundial collections, tasdik amount, annuity, Cash grants, Jathra, Rathotsava and Sevartha fees, interest on deposits, money orders, rent from land and building and such other income as may be prescribed:

Provided that in case of such class or classes of notified institutions as may be specified by the State Government from time to time. It shall not be necessary to file the annual budget before the end of each year but it shall be sufficient to file the budget once in three years.

(2) Every budget filed under sub-section (1) shall make adequate provision for,-

(i) the due pursuance of the objects of the Institution or Endowment and the proper performance of, and remuneration for, the services therein, including those for the schedule of articles of dittam or scale of expenditure for the time being in force and other requirements of worship or offering in connection with such service :

Provided that the salaries of Archakas and temple servants shall not exceed thirty five percent of its gross annual income.

Provided further that the budget shall provide only for such of the posts sanctioned and for such amount of salary as may be prescribed.

**Explanation:** Gross annual income under this Chapter shall not include.

- (a) donations made as contribution to the capital;
- (b) amounts realised by sale of jewels or other movable or immovable properties belonging to the institution;
- (c) amounts received for specified services or charities where the service or charity is performed.
  - (ii) the due discharge of all liabilities and subsisting commitments binding on the institution;
  - (iii) the arrangement made for securing the health, safety or convenience of the pilgrims, worshippers or other persons resorting to the institution;
  - (iv) the construction, repair, annual maintenance, renovation and improvement of the institution and the buildings connected therewith:

Provided that such work shall not be taken up without obtaining administrative and technical sanction from such authority as may be prescribed.

- (v) the audit fee at such percentage of the gross annual income as may be prescribed;
- (vi) the Reserve Fund of the Institution at not less than ten percent of the gross annual income.
- <sup>2</sup>[(vii)the maintenance of educational Institutions owned and controlled by the notified institutions;
- (viii)irrespective of the category of notified institutions, the diversion of surplus fund not exceeding ten percent of the surplus fund for religious, charitable, educational, religious discourse and for any other purpose, the object of which is to preach Dharma and Cultural value duly obtaining sanction from the Commissioner.]<sup>2</sup>

<sup>3</sup>[(3) for the payment of contribution to the common pool fund as provided under section 17.]<sup>3</sup>

(4) The budget shall be filed,-

- (i) where it relates to an Institution whose annual income is not more than 3[rupees five lakh]3, to the Assistant Commissioner;
- (ii) where it relates to an Institution whose annual income is <sup>3</sup>[more than rupees five lakhs but not more than twenty-five lakhs]<sup>3</sup>, to the Deputy Commissioner with a copy thereof to the Assistant Commissioner; and

(iii) where it relates to an Institution whose annual income is more than <sup>3</sup>[rupees twenty-five lakhs]<sup>3</sup>, to the Commissioner with a copy thereof to the Deputy Commissioner.

(5) The authority to whom the budget is presented shall as far as may be within sixty days of the receipt of the proposal consider it and pass orders sanctioning the budget with or without any alteration, omission or addition as it may deem fit, after considering the remarks if any made by the immediate controlling authority under sub-section (6).

(6) The Assistant Commissioner or the Deputy Commissioner to whom a copy of the budget is marked shall forward the proposal with his remarks to the Deputy Commissioner or the Commissioner as the case may be, who is the authority to sanction the budget.

(7) If in the course of a financial year the Chairman or the Executive Officer finds it necessary to modify the provisions made in the Budget in regard to the receipt or distribution of the amount to be expended under the different heads he may submit a supplemental or revised budget to the authority specified, in sub-section (4), which shall be dealt with in the same manner as specified in sub-sections (5) and (6).

1. Omitted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

3. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**37. Maintenance and Audit of Accounts.-** (1) The Chairman, Manager or where an Executive Officer is appointed the Executive Officer shall be responsible for keeping regular accounts of the institutions.

(2) The accounts shall be kept in such form and got audited annually in such manner as may be prescribed :

Provided that in case of institutions whose gross annual income is five lakh rupees or more the accounts shall be got audited by the State Accounts Department.

<sup>1</sup>[Provided further that no audit fee shall be levied and collected if the accounts of the notified or declared institution are audited by the State Accounts Department.]<sup>1</sup>

(3) Every auditor acting under sub-section (2) shall have access to all the accounts books, vouchers, other documents and records in the possession of, or under the control of the Chairman, Manager or the Executive Officer, as the case may be.

(4) Notwithstanding anything contained in the preceding sub-sections, the Commissioner may, for reasons to be recorded in writing, direct a special audit of the accounts of any notified institution.



1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**38. Audit Report.-** (1) The auditor shall in his report specify all cases of irregular, illegal or improper expenditure or failure or omission to recover moneys or other property belonging to the notified institution or of loss or waste of money or other property thereof and state whether such expenditure, failure, omission, loss or waste was caused in consequence of a breach of trust or misappropriation or any other misconduct on the part of the Chairman, Manager or the Executive Officer, as the case may be.

(2) The auditor shall also report on such other matter relating to the accounts as may be prescribed or on which the Deputy Commissioner or Assistant Commissioner, as the case may be, require him to report.

**39. Rectification of Defects disclosed in audit and orders of surcharge against Chairman or Executive Officer.-** (1) The Authority sanctioning the budget shall send a copy of every audit report relating to the accounts of the Notified Institution to the Chairman, Manager or the Executive Officer or any other person concerned with the administration of that institution, as the case may be, and require him to submit an explanation thereof, within such period as he thinks fit. It shall be the duty of such Chairman, Manager or the Executive Officer or other person to remedy any defects or irregularities pointed out by the Auditor and report the same, together with his explanation and the explanation of any other person required, to the said Authority.

(2) If upon consideration of the report of the Auditor along with the explanation, if any, furnished under sub-section (1), the Chairman, Manager or the Executive Officer or any other person is found guilty of negligence, breach of trust or misappropriation or misconduct, which has resulted in loss to the notified institution, the said Authority may, give notice to the person to show cause why an order of surcharge should not be passed against him and after considering his explanation, if any, and holding such inquiry, as he thinks fit, by an order, certify the amount so lost and direct the Chairman, Manager or the Executive Officer or such other person, as the case may be, to make good within a specified time, the loss caused to the notified institution.

(3) The said Authority shall forward a copy of the order under sub-section (2) with the reasons for the same by registered post to the Chairman, Manager or the Executive Officer of the Institution, or other person who is held guilty.

(4) The Chairman, Manger or the Executive Officer or any person aggrieved by an order, passed under sub-section (2) may, within thirty days from the date of the communication of the order appeal:-



(i) to the Deputy Commissioner where the order is passed by the Assistant Commissioner;

(ii) to the Commissioner where such order is passed by the Deputy Commissioner; and

(iii) to the Karnataka Appellate Tribunal, if such order is that of the Commissioner.

(5) The Appellate Authority shall not stay the operation of the order pending the disposal of the appeal, unless sufficient security is furnished to its satisfaction.

(6) The Deputy Commissioner of the District in which any property of the Chairman or Manager or Executive Officer or other person from whom an amount is recoverable by way of surcharge is situated, shall on requisition made by the Assistant Commissioner, recover such amount as if it were an arrears of land revenue and pay the same to the notified institution concerned.

(7) If the surcharge is against the Executive Officer, it shall be recovered out of his salary and other amounts payable to him, as may be ordered by the authority.

**40. Rectification of defects detected by Commissioner.-** Without prejudice to the provisions of section 39 where the Commissioner either on his own or on a report of the Deputy Commissioner or any other person, has reason to believe that the Chairman, Manager, Executive Officer or any other person is guilty of illegal expenditure or of causing loss or waste of money or other property of the Notified Institution, by mis-conduct, misapplication, collusion, fraud, breach of trust or misappropriation, the Commissioner may after such enquiry as may be necessary and after giving him an opportunity to make his representation.-

(a) pass an order directing conditional attachment of the whole or any portion of the property of the Chairman, Manager, Executive Officer or such other person.

(b) institute such criminal proceedings as may be necessary.

(c) pass an order of surcharge after obtaining an audit report in this behalf.

**41. Obligations of certain Institutions.-** It shall be the obligation of every Hindu Religious Institution and every Charitable Endowment to which this Act applies to file before the Commissioner every year, within sixty days from the close of that financial year,-

(i) an annual audited statement of its income and expenditure, and

(ii) an annual statement of all immoveable property and all moveable property specified under section 31. In such form and in such manner as may be prescribed.

## CHAPTER VIII DECLARED INSTITUTIONS

**42. Declared Institutions.-** The State Government may, where it is satisfied on a report of the Commissioner under section 43 or otherwise that any Hindu Religious Institution, whether or not governed by a settled scheme, is being mismanaged, declare such institution to be subject to the regulation of this chapter.

Provided no such declaration shall be made without following the procedure hereinafter specified.

**43. Notice to show cause.-** (1) Where the Commissioner has reason to believe that a Hindu Religious Institution whether or not governed by a settled scheme is being mismanaged and he is satisfied that in the interest of its administration, it is necessary to take proceedings under this chapter, he may, by notice published in the prescribed manner, call upon the Manager and all other persons having interest, to show cause why such institution should not be declared to be subject to the provisions of this Chapter.

(2) Such notice shall state the reasons for the action proposed and specify a reasonable time, not being less than one month from the date of issue of the notice, for showing such cause.

(3) The Manager or any person having interest may thereupon prefer his objections, if any, to the issue of a declaration under this chapter.

(4) Such objections shall be in writing and shall reach the Commissioner before the expiry of the time specified in the notice aforesaid or within such further time not exceeding forty five days on the whole as may be extended by the Commissioner.

(5) Where no objections are received within the time so specified or extended, the State Government may, on receipt of a report from the Commissioner to that effect, by a notification published in the official Gazette declare such Hindu Religious Institution to be subject to the provisions of this Chapter.

(6) Where objections are received within the time so specified or extended, the Commissioner may authorise any officer subordinate to him to hold an enquiry into the objections in the manner prescribed who shall after giving the Manager or any person having interest an opportunity of being heard submit his enquiry report to the Commissioner as to whether or not the Institution should be declared to be subject to the provisions of this Chapter.

(7) After considering the enquiry report referred to in sub-section (6), if the Commissioner decides that the Institution should be declared as aforesaid, he shall make a report to that effect to the State Government, which may, by notification declare such Hindu religious Institution to be subject to the provisions of this Chapter.

(8) Every Notification issued under sub-section (5) or (7) shall remain in force for such period as may be specified therein and which may be extended further, so however that the total period shall not exceed five years from the date of the first notification, or till a new Committee of Management is formed to the satisfaction of the State Government whichever is earlier.

(9) Where a new Committee is formed to the satisfaction of the State Government, the State Government may on its own or on the report of the Commissioner direct the Executive Officer appointed for the institution to handover the management of the Institution to the new committee of management.

**44. Effect of Declaration.-** Where any Hindu Religious Institution is declared under section 42, the Committee of Management of the Institution by whatever name called shall from the date of such declaration stand

dissolved and its administration shall vest in the State Government to be regulated in the manner hereinafter provided.

**45. Appointment of Salaried Executive Officer.-** For every Institution declared under this Chapter, the Commissioner shall, as soon as may be after the declaration is issued appoint a salaried Executive Officer for the proper administration of the Institution.

**46. Term of office and duties of Executive Officer.-** (1) The Executive Officer shall hold office for such term as may be fixed by the Commissioner and he shall exercise such power and perform such duties as are assigned to him by the Commissioner:

Provided that only such powers and duties as relate to the administration of the properties of the religious institution shall be assigned to the Executive Officer.

(2) The Executive Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

**47. Action against Executive Officer.-** The Commissioner, may for good and sufficient cause, suspend an executive officer or initiate disciplinary proceedings against him for any misconduct in accordance with the Karnataka Civil Services, (Classification, Control and Appeal Rules) 1957.

**48. Application of the Provisions of Chapters VI and VII in certain cases.-** Notwithstanding anything contained in sub-section (8) of section 43, the State Government may while passing orders under sub-section (7) or during currency of the notification issued under sub-section (5) or (7) thereof declare, for reasons to be recorded in writing, that in respect of any Declared Institution, the provisions of Chapter VI and VII shall apply as if the institution is a notified institution under section 23:

Provided that no such declaration shall be made except after further notice is issued for the purpose, to the Institution concerned.

## CHAPTER IX

### POWERS AND FUNCTIONS OF COMMISSIONER AND OTHER OFFICERS

**49. Power of Commissioner to issue directions.-** (1) Without prejudice to the generality of powers granted under section 3 and subject to other provisions of this Act, the Commissioner shall have power to issue general or special directions to the Chairman or Executive Officer or any person connected with the Management of a Notified Institution or a Declared Institution to ensure that the Institution is properly administered and the income thereof is properly accounted for or duly appropriated and applied towards the objects and purposes of the institution and the Commissioner may also give appropriate directions to such person if he finds that any property of the Institution is in danger of being wasted, damaged, alienated or wrongfully sold, removed or disposed off.

(2) It shall be the duty of every person to whom such directions are issued to comply with the directions issued under sub-section (1).

**50. Power to institute and hold enquiries.-** (1) The Commissioner or Deputy Commissioner or Assistant Commissioner may suo-motu or on receipt of a complaint in writing from any person having interest in any Notified Institution or Declared Institution, institute an enquiry with regard to the institution either generally or for any particular purpose.

(2) The Commissioner, Deputy Commissioner or Assistant Commissioner may either hold the enquiry himself or authorise any officer subordinate to him to hold the enquiry and the officer authorised to hold the enquiry shall after the enquiry, submit his report to the authorising officer.

(3) For the purpose of any such enquiry, the officer holding the enquiry may, by notice, require any person to attend at a specified time and place and give evidence or produce documents which are in his custody or control and which relate to any matter in question at the enquiry.

(4) Necessary expenses of any person for appearing to give evidence or produce documents for the purpose of the enquiry shall be paid in the manner prescribed.

(5) The Deputy Commissioner or the Assistant Commissioner to whom the report is submitted under sub-section (2) shall forward the same to the Commissioner, who shall, if he is satisfied that there is a prima facie case against the Chairman, Executive Officer or other person connected with the Management of the Institution, take such steps as are necessary under the provisions of this Act, to protect the interest of the Institution.

(6) The Commissioner may at any stage of the enquiry call for the records of enquiry and examine the legality of any steps taken or order made and pass such order as he deems fit.

**51. Power to take action for protection of property.-** (1) Where it is brought to the notice of the Commissioner by the Deputy Commissioner or Assistant Commissioner by a report or by an application signed by atleast two persons having interest in a Notified Institution or a Delcared Institution and supported by proper affidavits,-

(a) that any property belonging to the Notified Institution or delcared institution is in danger of being wasted, damaged or illegally alienated by any person; or

(b) that the Chairman, Manager, Executive Officer or other person is intending or making attempts to remove or alienate any such property illegally;

The Commissioner may pass appropriate interim order to prevent the illegal removal or alienation of such property, on such terms as he thinks fit, for keeping of accounts, furnishing security, production of property or such other Act.

(2) The Commissioner shall in all such cases, except where it appears that the object of passing the interim order would be defeated or delayed, give notice of the facts brought to his notice to the person concerned before passing the order.

(3) After hearing the Chairman, Manager, Executive Officer or other person concerned and after holding such enquiry as he thinks fit, the Commissioner may confirm, discharge, vary or set aside the interim order or pass any other appropriate order.

(4) In case of disobedience or breach of the terms of any order passed under this section, the Commissioner may apply to the Court for an appropriate order to prevent the illegal removal or alienation of the property belonging to the Notified Institution or Delcared Institution.

**52. <sup>1</sup>[xxx]<sup>1</sup>**

1. Omitted by Act 12 of 2012 w.e.f. 5.3.2012.

**<sup>1</sup>[53.Registration of temples.-** (1) The Trustee, the Manager or any other person in charge of the Management of any temple, endowment other than temples notified under section 23 of the Act shall within ninety days from the date of commencement of the Karnataka Hindu Religious and Charitable Endowments (Amendment) Act, 2011 make an application for its registration to the Assistant Commissioner within whose jurisdiction such temple is situated:

Provided that the Assistant Commissioner may for sufficient reasons to be recorded, extend time for making application.



(2) Every application made under sub-section (1) shall contain the following particulars, namely:-

(i) The history and origin of the temple, its nature and the determination, if any.

(ii) Name of the founder, the name of past and present trustees.

(iii) Particulars of institutions or endowments and the scheme of administration, decree or any other record of the rights pertaining to the establishment of the institution.

(iv) Particulars of immovable and movable properties including jewels, gold, silver, precious stone, vessels, utensils belonging to the temple with estimated value and the securities, funds and annual income derived out of it.

(3) On receipt of application, the Assistant Commissioner shall after making such enquiry as he thinks fit, and on hearing the person having interest, pass an order for its registration and grant certificate to that effect containing the particulars furnished in the application with any alteration made by him as a result of his enquiry.

(4) The particulars relating to every temple contained in the certificate of registration granted under sub-section (3), shall be entered in register of temples maintained by the Assistant Commissioner, in respect of all institutions registered and one copy of entries made in the register, pertaining to every institution shall be furnished to the Deputy Commissioner and to the Commissioner.

(5) Where any trustee or other person incharge of the temple fails to apply for the registration of the temple, Assistant Commissioner shall give notice to such trustee or other person interested to make an application within the specified period and if he fails to make such an application within a period specified, the Assistant Commissioner may have the temple registered after following the procedure as may be prescribed and recover the cost incurred for such registration from the funds of the temple.]<sup>1</sup>

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

**54. Encroachment upon lands and buildings.-** Where the Assistant Commissioner has reason to believe that any person has encroached upon any land or building which is appertinant to or adjoins any sacred tank, well, spring or water course belonging to a notified institution or a declared institution whether situated within or outside the precincts thereof or any space within or outside the prakaras, mantaps, court yards or corridors of the institution, the Assistant Commissioner may cause to be served upon the encroacher a notice specifying the particulars of encroachment and calling upon him to show cause before a date to be specified in the notice why an order requiring him to remove the encroachment should not be made. A copy of the notice shall also be sent to the Chairman, Manager or such other person



interested in the institution and after considering the objections, if any, of the encroacher and the Chairman, Manager or such other person, the Assistant Commissioner may, if he decides that there has been an encroachment, by order, require the encroacher to remove the encroachment and deliver possession of the land or building encroached upon, to the Chairman, Manager or such other person interested in the institution before the date to be specified in the order.

(2) Where before the date specified in the order under sub-section (1), the encroacher has not removed the encroachment and has not vacated the land, building or place, the Assistant Commissioner shall take steps to resume and restore such land, building or place to the Institution in accordance with the provisions of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

**55. Power of Eviction of lessee, licensee or mortgagee with possession in certain cases.-** (1) Where the Assistant Commissioner is of the opinion that the lessee, licensee or mortgagee with possession of any land or building belonging to a Notified Institution or a Declared Institution has taken any action which has marred or is likely to mar the artistic appearance, aesthetic beauty or religious character of the Institution, the Assistant Commissioner shall cause to be served on the lessee, licensee or mortgagee concerned, a notice calling upon him to show cause why an order terminating the lease or licence or mortgage and directing delivery of possession to the Chairman, Manager, Executive Officer or other person concerned with the affairs of the Institution before a specific date, should not be made. A copy of the notice shall also be served on the Chairman, Manager, Executive Officer or other person of the Institution.

(2) After considering the objections, if any received from the lessee, licensee or mortgagee, the Assistant Commissioner may, if he decides that the artistic appearance, aesthetic beauty or the religious character has been marred or is likely to be marred by the action of the lessee, licence or mortgagee, by order terminate the lease or licence or mortgage and direct delivery of possession of the property to the Chairman, Manager or Executive Officer or other person managing the affairs of the Institution before a date to be specified in the order.

(3) Where before the date specified in the order under sub-section (2), the lessee, licensee or mortgagee has not delivered the provision of the property the Assistant Commissioner may take steps to recover and restore the property to the Institution under the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

**56. Power to put Chairman or Executive Officer in possession.-** Where a person has been appointed as Chairman, Manager or Executive Officer of a Notified Institution or Declared Institution to discharge the functions as such, in accordance with the provisions of this Act and he is prevented by any person from taking

possession of the records, accounts and properties thereof, the Deputy Commissioner shall, by order, direct that the records, accounts and properties be handed over to such Chairman, Manager or Executive Officers as the case may be, before a specified date.

**57. Chairman or Executive Officer not to lend or borrow moneys.-** No Chairman, Manager or Executive Officer shall either lend or borrow money for the purpose of or on behalf of the Notified Institution or Declared Institution of which he is the Chairman, Manager or Executive Officer.

**58. Commissioner, etc., to observe appropriate customs, usage's and practices.-** The Commissioner, the Deputy Commissioner, and Assistant Commissioner and every other person exercising powers or performing functions under the Act shall not interfere with, and shall observe the customs, usages, ceremonies and practices appropriate to the Notified Institution or Declared Institution in respect of which such powers are exercised.

**59. Power to decide questions affecting Hindu Religious or Charitable purpose.-** (1) If in any suit or legal proceedings it appears to the Court that any question affecting a religious or charitable purpose relating to a Notified Institution or a Declared Institution is involved, the court shall not proceed to determine such question until after notice has been served on the Deputy Commissioner or the Assistant Commissioner having jurisdiction.

(2) If, upon receipt of such notice or otherwise, the Deputy Commissioner or Assistant Commissioner makes any application in that behalf, he shall be added as a necessary party at any stage of such suit or proceeding.

(3) For the purpose of this Section 'Court' means any Civil Court of competent jurisdiction in the State of Karnataka.

**60. Power of Inspection and Supervision.-** (1) The Commissioner, the Deputy Commissioner or the Assistant Commissioner or any other Officer generally or specifically empowered by the State Government in this behalf shall have the power;

(a) to enter upon and inspect or cause to be entered upon and inspected any property belonging to a Hindu Religious Institution :

(b) to call for any extract from or inspect any proceedings of any Hindu Religious Institution and any books of account in the possession of or under the control of the Chairman, Manager, Executive Officer or any other person managing the affairs of such institution ;

(c) to call for any return, statement, account or report which he may think fit, from any person connected with a Hindu Religious institution ;

Provided that in entering upon any property belonging to a religious institution, the officers making the entry and inspection shall not enter without first giving reasonable notice to the Chairman, Manager, Executive Officer or other person and shall not conduct himself without due regard to the religious practice, custom or usage of the Institution.

(2) If, on inspection or examination of the books of accounts or of a report called under sub-section (1), any act or omission on the part of the Chairman, Manager, Executive Officer or any other person connected with the institution is found resulting in loss to the institution, the Commissioner, the Deputy Commissioner or the Assistant Commissioner, as the case may be, shall require such person to submit an explanation within such time, as he thinks fit.

(3) If, upon consideration of the books of accounts or of a report called for under sub-section (1) and the explanation if any submitted under sub-section (2) and after holding an enquiry in the prescribed manner, the Commissioner, the Deputy Commissioner or the Assistant Commissioner is satisfied that any person connected with the Hindu Religious Institution has been guilty of gross negligence, breach of trust or misconduct which has resulted in loss to the Hindu religious Institution, he shall record a finding accordingly.

(4) If the finding is by the Assistant Commissioner he shall submit it to the Deputy Commissioner who shall forward it to the Commissioner with his remarks, and if the finding is by the Deputy Commissioner he shall submit it to the Commissioner.

(5) The Commissioner, shall after examining the records of the Deputy Commissioner or the Assistant Commissioner or both and after giving an opportunity to the person concerned and holding such further enquiry as he thinks fit, determine;

(a) the amount of loss caused to the Hindu Religious Institution;

(b) whether such loss was due to any gross negligence, breach of trust, misapplication or misconduct on the part of any person.

(c) whether the Chairman, Manager, Executive Officer or any other person was responsible for such loss;

(d) the amount which the Chairman, Manager or the Executive Officer or any other person is liable to pay to the Hindu Religious Institution for such loss.

(6) On such determination under sub-section (5) that any person is liable to pay to the Hindu Religious Institution any amount for the loss caused to the institution, the Commissioner may direct that the amount shall be surcharged on such person.

(7) The Deputy Commissioner of the District in which any property of the Chairman or other person from whom an amount is recoverable by way of surcharge is situated shall on requisition made by the Assistant Commissioner, recover such amount as if it

were an arrears of land revenue and pay the same to the Notified Institution concerned.

(8) If the surcharge is against the Executive Officer, it shall be recovered out of his salary and other amounts payable to him, as may be ordered by the authority.

**61. Investment of Money belonging to a Notified Institution or Declared Institution.-**All monies belonging to a Notified Institution or a Declared Institution and not required for immediate use shall be deposited only in a Nationalised Bank or with the permission of the State Government in any Scheduled Bank or Banking Institution approved by the State Government.

**62. Alienation of Immoveable Property.-** (1) Any exchange, gift, sale or mortgage or lease of any immovable property belonging to or given or endowed for the purpose of any Notified Institution or a Declared Institution shall be null and void unless it is sanctioned by the State Government as being necessary or beneficial to the Institution and such sanction shall be made subject to such restrictions or conditions as may be prescribed :

Provided that before such sanction is accorded, particulars relating to the proposed transaction shall be published in such manner as may be prescribed, inviting objections and suggestions and all objections and suggestions received in that behalf shall be duly considered by the State Government.

(2) Where it is found subsequently that the permission under sub-section (1) has been obtained by fraud or misrepresentation the State Government shall be competent to cancel the permission so granted, after giving due opportunity of being heard to all the concerned.

(3) Every sale of immovable property sanctioned under sub-section (1) shall be effected by public auction in the prescribed manner and subject to confirmation by the Commissioner within a period to be prescribed :

Provided that the State Government may in the interest of the Notified Institution or the Declared Institution and for reasons to be recorded in writing permit the sale of such immovable property otherwise than by public auction.

(4) Whenever any alienation, transfer or other act in respect of immovable property which is not valid under sub-section (1) comes to the knowledge of the Assistant Commissioner, he may after such inquiry as he deems necessary to make issue notice to the alienee or other person in possession to restore such land to the institution to which it belongs within three months from the date of service of notice and in default of compliance the Assistant Commissioner shall take steps to resume and restore such land or building to the institution in accordance with the provisions of the Karnataka Public Premises (Eviction of unauthorised Occupants) Act, 1974.

## CHAPTER X

## APPEAL, REVISION AND EXECUTION OF ORDERS

**63. Revisional Powers of <sup>3</sup>[<sup>1</sup>Commissioner]<sup>1</sup><sup>3</sup>.**- (1) The <sup>3</sup>[<sup>1</sup>Commissioner]<sup>1</sup><sup>3</sup> may call for and examine the records and proceedings before the Assistant Commissioner or Deputy Commissioner <sup>2</sup>[the Committee of management or the executive officer]<sup>2</sup> for the purpose of satisfying himself as to the correctness of the finding or order recorded or passed by the Assistant Commissioner or Deputy Commissioner <sup>2</sup>[the Committee of management or the executive officer]<sup>2</sup> and may either annul, reverse, modify or confirm the said finding or order or may direct the Assistant Commissioner or Deputy Commissioner <sup>2</sup>[the Committee of management or the executive officer]<sup>2</sup> to make further enquiry or take such additional evidence as he may think necessary or he may himself take the additional evidence :

Provided that the <sup>3</sup>[<sup>1</sup>Commissioner]<sup>1</sup><sup>3</sup> shall not record or pass any order without giving the party affected thereby an opportunity of being heard.

(2) Nothing in sub-section (1) shall entitle the <sup>3</sup>[<sup>1</sup>Commissioner]<sup>1</sup><sup>3</sup> to call for and examine the record of any case during the period in which an appeal can lie or after an order has been passed by him on such appeal.

1. Substituted by Act 17 of 2007 w.e.f. 5.1.2007.
2. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.
3. Substituted by Act 12 of 2012 w.e.f. 5.3.2012.

**<sup>1</sup>63A. Appeal to the Rajya Dharmika Parishat and appeal against its order.-**

(1) Any person aggrieved by the order of Rajya Dharmika Parishat in exercise of its original jurisdiction may prefer an appeal to High Court on a substantial question of law.

(2) Any person aggrieved by the orders passed by the Zilla Dharmika Parishat under any of the provisions of this Act may appeal to the Rajya Dharmika Parishat within a period of thirty days from the date of the order. The Rajya Dharmika Parishat shall after giving notice to all the concerned parties and on hearing both the parties pass orders in accordance with law.

**63B. Review by the Government.-** The State Government may call for and examine the records of any proceedings or order passed by the Commissioner or Deputy Commissioner for the purposes of satisfying itself as to the correctness, legality or propriety of any order or proceeding and may after giving reasonable opportunity to the interested persons to be heard and pass such order in respect thereof as deems fit.]<sup>1</sup>

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.



**64. Computation of Limitation.-** In computing the period of time fixed for an appeal or revision under this Act, the provisions of section 5, 12 and 14 of the Limitation Act, 1963 shall apply.

**65. Civil Procedure Code to apply to Proceedings under the Act.-** Save in so far as they are inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908 shall apply to all proceedings under this Act.

**66. Officers holding enquiries to have powers of Civil Court.-** In holding enquiries under this Act, 1[Rajya Dharmika Parishat, Zilla Dharmika Parishat and]1 the Officer holding the same shall have the same powers as are vested in courts in trying a suit, in respect of the following matters under the Code of Civil Procedure, 1908, namely ,-

- (a) Proof of facts by affidavit;
- (b) summoning and enforcing attendance of any person and examining him on oath;
- (c) compelling the production of documents;
- (d) issuing of commission.

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**67. All enquiries to be Judicial Proceedings.-** All enquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193 or 228, and for the purposes of section 196, of the Indian Penal Code and every authority holding enquiry or hearing appeal shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

**68. Bar of Jurisdiction.-** Save as expressly provided in this Act, no civil Court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by an officer or authority under the Act or in respect of which the decision or order of such officer or authority is made final and conclusive.

## CHAPTER XI

### MISCELLANEOUS

**69. Removal of Discrimination in the distribution of Prasada or Theertha.-** (1) Notwithstanding anything contained in this Act or in any text, rule of interpretation of Hindu Law or any custom or usage forming part of the law or in any other law or in any decree of court, no discrimination shall be made in the distribution of prasada or theertha in any temple or other religious place on grounds only of caste, sex, place of birth, or any of them.

**Explanation.-** In this section,-



(a) 'Prasada' means any cooked rice or other eatable, any fruits, flower, leaf, vibuthi, kumkuma, tulasi, bilwari, turmeric, sandal paste or other like thing distributed as prasada by whatsoever name called;

(b) 'Theertha' means sacred water, jaggery water or milk and includes other like things distributed as theertha in a temple by whatsoever name called;

(2) Nothing contained in this Act shall, save as otherwise provided in sub-section (1) and in clause (2) of Article 25 of the Constitution, be deemed to confer any power or impose any duty in contravention of the rights conferred on any religious denomination or any section thereof by Article 26 of the Constitution.

**69A. Abolition of share in hundi and other income of the temple.-** Notwithstanding anything contained in any judgement, decree or order of any court, tribunal or any authority or in any scheme, custom, usage or agreement or in any manual prepared by any institution or in any deed, sannad, order of the Government to the contrary governing any religious or charitable institution or endowment, any share which is payable or being paid or given or allowed at the commencement of the Karnataka Hindu Religious and Charitable Endowment (Amendment) Act, 2011 to any trustee, Dharmadarshi, Dharmakartha, Muthavalli or any office holder or servant including an archak or mirasidar or mujavar in the hundi or in kanike or in other income of the institution shall not have share except the seva commission and thatte kaasu.

**69B. Bar from collecting fund on behalf of notified institutions or declared institutions.-** (1) No individual, organisation, Seva Samithi or development committee registered or not, shall be entitled to collect seva fund or donation for any purpose in the name of the notified or institution or declared institution unless it is sanctioned by the prescribed authority.

(2) The prescribed authority is competent to hold enquiry under section 50 and pass orders on the complaint received from any devotee or public about the unauthorised collection of fund in the name of any notified or declared institution, including the order to confiscate and to credit such fund to the account of the concerned institution."

**69C. Fixing the standard scales of expenditure.-** (1) The Committee of Management of a notified institution may from time to time submit proposal to the prescribed authority fixing the dittam or scale of expenditure in the institution and the amount which would be allotted to the various viniyogas connected with such institution with the details of custom, practice, usage and rituals prevailing in the institution as may be prescribed within six months from the date of commencement of the Karnataka Hindu Religious Institutions and Charitable Endowments (Amendment) Act, 2011.

(2) The prescribed authority on receipt of such proposal, after satisfying itself of the correctness of the proposal may accord approval of the same or it may return the proposal with such observation to the Committee of Management seeking additional information if any and the Committee shall furnish the required information to the satisfaction of the prescribed authority which will accord approval with such restrictions as it may deem fit depending on the income of the institution.

**69D. Constitution of Architectural Committee.-** (1) The State Government may constitute for the state, a committee called Architectural committee consisting of the following members, namely:-

- |       |  |                     |
|-------|--|---------------------|
| (I)   | An officer of the rank of the Superintending Engineer of the Department of Architecture appointed by the Government shall be the | Ex-officio Chairman |
| (ii)  | The Chairman of the Shilpakala Parishat  | Member              |
| (iii) | One Stapathi nominated by the State Government   | Member              |
| (iv)  | One Agama expert nominated by the State Government   | Member              |
| (v)   | One Vaastu expert nominated by the State Government  | Member              |

(2) The term of the members other than the Chairman of the Architectural Committee shall be three years.

(3) The age, qualification of the members and the powers and functions of the Architectural Committee shall be such as may be prescribed.<sup>1</sup>

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**70. Commissioner, and other Officers to be Public Servants.-** The Commissioner, Deputy Commissioners, Assistant Commissioners and other subordinate officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

**71. Costs and expenses incurred on legal proceedings by the Commissioner, etc.-** All costs, charges and expenses incurred by <sup>1</sup>[the Rajya Dharmika Parishat or the Zilla Dharmika Parishat or] the Commissioner or the Deputy Commissioner or Assistant Commissioner as a party to, or in connection with legal proceedings under this Act in respect of any Hindu Religious institution or Charitable Endowment shall, be payable out of the property or funds of such institution, except in case where the liability to pay the sum has been laid on any party or other person

personally and the right to reimbursement under this section has been negated in express terms.

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**72. Costs of proceedings before Courts.-** The costs, charges and expenses of and incidental to any suit, appeal or application under this Act before any court including the High Court, <sup>1</sup>[wherever not specified]<sup>1</sup> shall be in the discretion of the Court, which may direct the whole or part of such costs, charges and expenses to be met from the property or funds of the religious institution concerned or to be borne and paid in such manner and by such person as it thinks fit.

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**73. Costs of proceedings before the Commissioner or the Deputy Commissioner or Assistant Commissioner.-** The costs, charges and expenses of, and incidental to, any appeal, application or other proceeding before <sup>1</sup>[the Rajya Dharmika Parishat or the Zilla Dharmika Parishat or]<sup>1</sup> the Commissioner or the Deputy Commissioner or the Assistant Commissioner shall be in his discretion and he shall have full power to determine by whom or out of what property or funds and to what extent such costs charges and expenses are to be paid.

1. Inserted by Act 27 of 2011 w.e.f. 04.05.2011.

**74. Court fees.-** Notwithstanding anything contained in the Karnataka Court Fees and Suits Valuation Act, 1958, no Court fee shall be payable in respect of any suit, petition or application filled under this Act by the Commissioner, Deputy Commissioner or Assistant Commissioner in his official capacity.

**75. Immunity from suits and proceedings.-** (1) No suit, prosecution or other proceedings shall be instituted against the State Government or any officer or authority in respect of anything done or purported to be done in good faith under this Act.

(2) No suit shall, without the previous sanction of the State Government, be instituted against the Commissioner in respect of a Charitable Institution or Hindu Religious Institution of which he has been appointed or authorised to act as a Trustee or Manager or such other position.

**76. Power to make Rules.-** (1) The State Government may, after previous publication and by notification, make such rules as may be necessary for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely,-

(a) designation, powers, duties and functions of subordinate officers appointed under section 5 ;

(b) regulation of emoluments, hours of work and conditions of service of Archakas under section 12, and of the temple servants under section 15;

(c) pattern of temple servants under section 14 ;

<sup>2</sup>[(d) conduct of affairs of the Rajya Dharmika Parishat and Zilla Dharmiak Parishat constituted under section 20 and 21 respectively;]<sup>2</sup>

(e) duties and powers of superintendence and control, which the Commissioner, Deputy Commissioner or Assistant Commissioner has to perform or exercise generally or in respect of a notified institution under section 24 ;

(f) the authority competent to constitute the committee of management under section 25 and the procedure for appointment of members of such committee and verification of their antecedents and other matters;

(g) the procedure for conduct of meetings of the committee of management under section 27 ;

(h) the form of appeal and the fee to be paid for filing an appeal under the Act;

(i) the form and manner of submissions of annual audited accounts and property statements under section 41 ;

(j) the manner of enquiry under section 43 ;

(k) the inspection of documents and the fees to be levied for such inspection;

(l) the fees to be levied for the issue and service of processes and notices;

(m) the grant of certified copies and the fees to be levied thereof;

(n) the form of budget to be submitted by the Chairman, Manager, Executive Officer or such other person under Chapter VII;

(o) the percentage of audit fee;

(p) the preservation, maintenance, management and improvement of the properties and buildings of Notified Institutions and Declared Institutions including architectural, sculptural and epigraphical features;

(q) the particulars which an account should contain and the manner in which the accounts of Notified Institutions shall be audited and the time and place of audit and the form and contents of the auditor's report;

(r) the preparation and sanction of the estimates and acceptance of tenders in respect of constructions and for supply of stocks to Notified Institutions;

(s) paying expenses of a person attending an enquiry under section 50;

<sup>1</sup>[(t) the management and preservation, development of properties of notified institutions including formation of Development Committee;

(u) regulating right of conduct of temple yakshagana melas and auction of various rights during Jathra etc., such as mudi, manure, shops etc.;

(v) formation of State Level architectural Committee for according approval for the construction, renovation, repairs and reconstruction of temples;

(w) powers and functions of the Management Committee and executive Officers;

(x) any other matter which has to be or may be prescribed under this Act.]<sup>1</sup>

(3) Every rule made under this section and every notification issued under section 77 shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses in making any modification in the rule or order or that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

1. Substituted by Act 27 of 2011 w.e.f. 04.05.2011.

2. Substituted by Act 12 of 2012 w.e.f. 5.3.2012.

**77. Power to remove difficulties.**- (1) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government may, by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in commencement of this Act), the State Government may, by notification, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(3) The provisions made by any notification under sub-section (1) or sub-section (2) shall have effect as if enacted in this Act and any such notification may be made so as to be retrospective to any date not earlier than the appointed day.

**78. Repeal and Savings.**- (1) The following enactments, namely:-

- (a) The Religious Endowments Act, 1863 (Central Act XX of 1863);
- (b) The Charitable Endowments Act, 1890 (Central Act VI of 1890);
- (c) The Charitable and Religious Trusts Act, 1920 (Central Act No. XIV of 1920);



shall not apply to the Charitable Endowments and Hindu Religious Institutions governed under this Act.

(2) The following enactments namely:-

- (a) The Bombay Public Trust Act, 1950 (Bombay Act No. XXIX of 1950);
  - (b) The Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951);
  - (c) The Coorg Temple Funds Management Regulation, 1892 (Regulation IV of 1892).
  - (d) the Mysore Religious and Charitable Institutions Act, 1927 (Mysore Act VII of 1927); and
  - (e) the Hyderabad Endowment Regulations, 1349F;
  - (f) The Renuka Yellamma Devasthanana (Administration) Act, 1974 (Karnataka Act 34 of 1974).
  - (g) The Coorg Temples Fund Management Act, 1956 (Coorg Act VIII of 1956).
- are hereby repealed;

Provided that section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of the repeal of the said enactment and section 8 and section 24 of the said Act shall be applicable as if the said enactments are repealed and re-enacted by this Act.

**79. Amendment of Karnataka Act 32 of 1974.-** In the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), in section 2, in clause (e), for sub-clause (iv), the following shall be substituted, namely:-

"(iv) a Notified Institution or Declared Institution under the Karnataka Hindu Religious Institutions and Charitable Endowments Act 1997".

The above translation of the ಕರ್ನಾಟಕ ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮದಾಯ ದತ್ತಿಗಳ ಅಧಿನಿಯಮ, 1997 (2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 33) be published in the official Gazette under clause (3) of Article 348 of the constitution of India.

\* \* \* \*



**REVENUE SECRETARIAT**

**NOTIFICATION**

**No: RD/172/Musevi/2001, Bangalore, Dated: 30.04.2003**

In exercise of the powers conferred by Sub-section (3) of Section (1) of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001) the Government of Karnataka hereby appoints First May 2003 to be the date on which all the provisions of the Act shall come into force in respect of all clauses of Hindu Religious Institutions and Charitable Endowments.

By order and in the name of the Governor of Karnataka,

B.M. SANNALINGANAVAR

Under Secretary to Government

Revenue Department (Muzrai)

\* \* \* \* \*



सत्यमेव जयते