



## **HARYANA STATE LAW COMMISSION**

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## **FOURTEENTH REPORT**

### **Recommendation to Enact The Haryana Abandoned Hindu Religious and Charitable Endowments Bill, 2023.**

**Government of Haryana**

# **HARYANA STATE LAW COMMISSION**

**Justice H.S. Bhalla,  
Chairperson**

**Mr. Mukesh Garg,  
Member**

**Ms. Sangeeta Vardhan,  
Part-time Member**

**Mr. Sandeep Kumar,  
Member Secretary**

**Mr. Bhupinder Singh,  
Registrar**

**Government of Haryana**

# **HARYANA STATE LAW COMMISSION**

## **FOURTEENTH REPORT**

**26<sup>th</sup> OCTOBER, 2023**

### **Recommendation to Enact The Haryana Abandoned Hindu Religious and Charitable Endowments Bill, 2023.**

There are Hindu Religious Institutions and Endowments which are situated in the villages or local bodies or any such areas where Hindus remained in less percentage of total population of that village or local bodies and are not being managed by any Hindus or Hindu Religious Trust and declared abandoned Hindu Religious and Charitable Endowment by the State Government. Such properties are being misused or not properly used for the welfare of the Hindus. The Haryana State Law Commission has drafted the Haryana Abandoned Hindu Religious and Charitable Endowments Bill, 2023 to be enacted by the Haryana State Legislature as follows :-

#### **The Haryana Abandoned Hindu Religious and Charitable Endowments**

**Bill, 2023.**

**(to be introduced in the Haryana Legislative Assembly)**

A

*Bill*

*To provide honour to the Hindu Religious Institutions and Endowments.*

Be it enacted by the Haryana State Legislature in the Seventy-Fourth Year of the Republic of India, as follows :-

**THE HARYANA ABANDONED HINDU RELIGIOUS AND CHARITABLE  
ENDOWMENTS ACT, 2023**

An Act to provide proper management of the Hindu Religious and Charitable Endowments in the areas abandoned by Hindus.

**CHAPTER -1  
PRELIMINARY**

**1. Short title, extent, application and commencement.**

(1) This Act may be called the Haryana Abandoned Hindu Religious and Charitable Endowments Act, 2023.

(2) It extends to the whole of the State of Haryana.

(3) It applies to such Hindu religious institutions and endowments which are situated in the villages or local bodies or any such areas where Hindus remained less than 20% of total population of that village or local body and are not being managed by any Hindu or Hindu Religious Trust and declared abandoned Hindu Religious and Charitable Endowment by the State Government by way of notification in official Gazzette.

(4) This Act shall come into force at once

**2. Definitions.-**

(a) “Archaka” means and includes a poojari, santhi, or other person who performs or conducts any archana, pooja or other rituals in a temple or religious institution;

(b) “Board” means Haryana Hindu Religious Board Constituted under sub section (1) of section 4 of this Act;

(c) “Commissioner” means the Survey Commissioner appointed under sub section (1) of section 17 of this Act;

- (d) “Chief Executive Officer” means the Chief Executive Officer appointed under sub section (1) of section 35 of this Act;
- (e) “Dharmik Parishad” means the Dharmik Parishad appointed under sub section (1) of section 22 of this Act;
- (f) “Government” means the Government of Haryana;
- (g) “Hindu” means a person who is a ‘Hindu’ by birth or conversion and who professes Hindu religion and include Hindus as defined under Hindu Marriage Act, 1955;
- (h) “Prescribed” means prescribed by the Rules or Bye-laws made under the provisions of this Act;
- (i) “Religious Charity” means public charity associated with a Hindu festival or observance of a religious character, whether connected with a religious institution or not;
- (j) “Hindu Abandoned Religious endowment” means any charitable or religious institution belonging to Hindu community, situated on any public or private property, governed by any trust, society or otherwise, and are situated in a village or local body where Hindus remained less than 20% of total population of that village or local body, and which is not being managed by any Hindu or Hindu Religious Trust and shall mean and include any temple, mutt, cremation ground, educational institute, charitable institute, specific endowment, etc.;
- (k) “Society” means a society registered under the Societies Registration Act, 1860 or any other law for the time being in force in the State of Haryana;
- (l) “Sant Parishad” means the Sant Parishad created by State Government under sub section (1) of section 36 of this Act.
- (m) “Temple” means a place by whatever designation known used for public religious worship, 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;
- (n) “Tribunal” means the Tribunal appointed under sub section (1) of section 39 of this Act;

(o) “Trust” means a Trust registered under Indian Trust Act, 1882 or any other law for the time being in force in the State of Haryana;

(p) “Trustee” means any person or body by whatever designation known in whom or in which the administration of a religious institution is vested and includes any person or body who or which is liable as if such person or body were a trustee.

## **CHAPTER-II**

### **BOARD AND ITS OFFICERS**

#### **3. Constitution of the Hindu Abandoned Religious Endowment Board.-**

(1) Within one year of coming into force of this Act, the State Government shall, by notification in official Gazette, establish a Board to be called Hindu Abandoned Religious Endowment Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and to transfer any such property subject to such conditions and restrictions as may be prescribed.

#### **4. Composition of the Board:**

(1) The board shall consist of all Hindu members in the following manner:

(i) The Governor for State of Haryana shall be ex-officio Chairperson of the board, provided if the Governor is not a Hindu, he shall nominate any other Hindu person, in consultation with the Government, as his nominee to be appointed as chairperson of the board;

(ii) Two members to be nominated by the Government from among the nominees of Sant Parishad;

(iii) Two members to be nominated by the Government from among the Pujaris or Archaks working in the State as such from last 10 years;

(iv) Two members to be nominated by the Government from among the trustees of any Hindu Religious Trust;

(v) Two members to be nominated by the Government from among women having contribution in any religious or social field;

(vi) Two members to be nominated by the Government from among the members of scheduled caste or scheduled tribes;

(vii) Two members to be nominated by the Government from among the experts in Hindu Law;

(2) There shall be a Vice Chairperson of the board, to be chosen by the members of the Board from amongst themselves, to exercise all the powers of Chairperson in his absence, entrusted under this Act.

(3) The members of the board shall be appointed by the government by notification in the Official Gazette.

(4) The members of the Board shall hold office for a term of 5 years from the date of notification of their appointment.

(5) No person shall be appointed as member of the Board continuously for more than two terms without giving break of at least one term.

**5. Qualification for membership.-** A person shall be qualified for nomination or election as a member of the Board only if he:

(i) is a permanent resident of State of Haryana;

(ii) is a Hindu;

(iii) is a major and of sound mind.

**6. Disqualifications for Membership -** A person shall not be eligible for appointment as a member of the Board, if such person.-

(a) is of unsound mind and stands so declared by a competent Court or by any medical board

(b) has been declared insolvent; or

(c) has been convicted by a Criminal Court for imprisonment for two years or more or for an offence involving moral turpitude; or,

(d) has been removed from holding any office in pursuance of an order of a court or Tribunal, or

(e) is interested in a subsisting contract for making any supplies or executing any work of the Board, or

(f) is found in unauthorized possession of any property of any endowment notified under this Act.

**7. Supervening Disqualification.-** Where the Government is satisfied that a person appointed as a member of the Board has become subject to any of the disqualifications specified in clauses (a) to (f) of section 6 or does any act prejudicial to the interest of the Board or remains absent from three consecutive meetings without any sufficient reason or ceases to be a Hindu, the Government may, for reasons to be recorded in writing, by order, remove such member from office:

Provided that a member shall not be removed under this section unless such member has been given a reasonable opportunity of being heard.

**8. Resignation by a member.-** Any member of the Board may in writing, addressed to the Chief Executive Officer of the Board, resign his membership and the resignation shall take effect on the date of acceptance of the same by the Board.

**9. Filling up of casual vacancies.-** If any member by reason of ill health, death, resignation, removal or otherwise is unable to complete full term of office, the vacancy so caused shall be filled by Government immediately, from the same category from which the said member was appointed, and the person so appointed shall hold office so long as the member in whose place such person appointed would otherwise have continued in office.



**10. Honorarium and travelling allowances of President and Members.-**

(1) The Chairperson and Members of the Board shall be entitled for a monthly honorarium as may be fixed by the Board from time to time, by notification published in the Official Gazette.

(2) The travelling allowance shall be admissible to the members at the rate admissible to Class I officers under the Government of Haryana.

**11. Meetings of the Board.-**

(1) The Board meetings shall be convened in the head quarters of the Board or at such other place as may be decided by the Chairperson and shall meet at least once in every three months and/or as and when if it is found necessary for the transaction of any business.

(2) Every meeting of the Board shall be convened by the Chief Executive Officer on the direction of the Chairperson of the Board or on the written request of at least 3 members of the Board.

(3) The Chief Executive Officer shall give notice of the meeting to all members of the Board at least one day prior to the meeting through electronic or any other permissible mode.

**12. Quorum of meeting.-**

(1) Five members shall form the quorum for the meeting of the Board.

(2) If at the time appointed for the meeting or within half an hour thereafter there is no quorum, the meeting shall stand adjourned and the Chief Executive Officer shall fix a date and time in consultation with the chairperson for the adjourned meeting, which may be conducted in the absence of any quorum.

(3) The Chairperson, or in his absence, Vice Chairperson shall preside the meeting of the board.

(4) Subject to the provisions of this Act, all questions which come before any meeting of the Board shall be decided by a majority of votes, by the members present and voted, and in the case of equality of votes, the Chairperson, or in his

absence, any other person presiding the meeting, shall have a second or casting vote.

- 13. Special Meetings.-** A special meeting of the Board shall be convened by the Chief Executive Officer on the direction of the Chairperson or on receipt of a requisition signed by not less than 3 members specifying the urgency of the meeting and the business to be transacted at such meeting.
- 14. Standing committees of the Board.-** The Board may constitute as many committees as it thinks fit for proper execution of its work:
- 15. Validation of Proceedings.-** No act or proceedings of the Board shall be deemed to be invalid merely by the reason of any defect in its constitution or on the ground that the President or any member thereof was subjected to any disqualification under the provisions of the Act; or disqualified or ceased to hold office, or by reason of such act or proceeding having been done or taken during the period of any vacancy in the office of the President or any member of the Board.
- 16. Powers and functions of the Board.-**

  - (1) Subject to the provisions of this Act, the Board shall conduct survey of abandoned Hindu religious endowments in the State and shall publish a list thereof as updated time to time.
  - (2) Subject to the provisions of the Act, the Board shall administer all endowments notified under this Act and their movable and immovable properties and Funds.
  - (3) The Board shall do all things reasonable and necessary to ensure that such religious institutions, endowments, properties and trusts are properly administered and supervised and that the income thereof are duly appropriated for the objectives and purposes of such endowments.

(4) The board, subject to the other provisions of this Act, shall appoint a Dharmik Parishad for every District within one month of its notification under this Act.

(5) The board shall make a scheme of administration for every endowment notified under this act and shall ensure the same is followed by the Dharmik Parishad.

(6) Without prejudice to the generality of the provisions of this Act, the main powers and duties of the Board shall be.-

(a) to conduct an enquiry and to declare any endowment as abandoned Hindu Religious Endowment and to get it notified in the Official Gazette

(b) to ensure the proper administration, maintenance and development of the endowments to which this Act applies. .

(c) to expedite action for the eviction and recovery of the properties of the religious endowments notified under this Act, which were encroached upon or illegally alienated by any person;

(d) to sanction grant for renovation, maintenance or management of the endowments notified under this Act, as may be prescribed;

(e) to prepare and approve annual budget of the Board and furnish a copy of the same to Government;

(f) to prepare and maintain in the prescribed manner a complete record containing full information relating to the origin, nature, extent of properties, income, objects and beneficiaries of different classes of religious endowments and trusts within the jurisdiction of the Board;

(g) to prepare and maintain a register containing true copies of all documents relating to the creation of endowments notified under this Act;

(h) to conduct timely inspection of the endowments notified under this Act, its movable and immovable properties and the accounts of the endowments attached therewith, as may be prescribed;

(i) call for information, reports, returns and other documents from the endowments notified under this Act from time to time;

(j) to institute, whenever it thinks fit, an inquiry relating to the administration of the endowments notified under this Act and expedite action thereon.

(k) to institute or defend any suit or proceedings with respect to a endowments notified under this Act or any matter connected therewith ;

(l) to conduct audit of accounts of the endowments notified under this Act, annually;

(m) to furnish the Government or to such officer as the Government may appoint in this behalf, any statement, report, return or other document and any information which the State Government or the officer authorized in this behalf, as the case may be, require to report giving detailed accounts of the activities of the Board and also to furnish the Government an annual report duly approved by the Board;

(n) to regulate the conditions of service and recruitment of the employees required to the administrative service of the Board as may be prescribed;

(7) The Board may delegate any of the powers vested with it to any officer or member approved by the Board and exercise it, subject to the Bye-laws approved by the Board.

### **CHAPTER III**

#### **SURVEY OF ABANDONED HINDU RELIGIOUS ENDOWMENTS**

##### **17. Preliminary survey of Abandoned Hindu Religious Endowments. —**

(1) The Board within three months of its constitution appoint for the State a Survey Commissioner and as many Additional or Assistant Survey Commissioners as may be necessary for the purpose of making a survey of Abandoned Hindu Religious Endowments in the State as existed on 1<sup>st</sup> day of November 1966.

(2) the survey commissioner or additional or assistant survey commissioners shall, after such enquiry as he deems fit, prepare a list of Abandoned Hindu Religious Endowments within the areas under their jurisdiction and shall submit a report to the board within one year of their appointment and the report shall contain following particulars:

- (a) the nature and object of the endowment,
- (b) the area and measurement of the endowment,
- (c) village, city, town, district of the endowment,
- (d) the moveable and immoveable properties of the endowment with proof thereof,
- (e) the encroachment, if any, on the moveable and immoveable properties of the endowment with proof thereof
- (f) the income and expenditure of the endowment,
- (g) the amount of land revenue, cess, rates and taxes, etc. payable in respect of the endowment;
- (h) the expenses incurred in the realization of the income and the pay or other remuneration of the officers and employees of the endowment,
- (i) such other particulars as may be prescribed.

(3) The Survey Commissioner shall, while making any inquiry, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely: —

- (a) summoning and examining any witness;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record from any court or office;
- (d) issuing commissions for the examination of any witness or accounts;
- (e) making any local inspection or local investigation;
- (f) such other matters as may be prescribed.

(4) The Board may direct the Survey Commissioner to make a second or subsequent survey in the State as and when required by it.

**18. Publication of list of endowment. —**

(1) On receipt of a report from Survey Commissioner, the Board shall issue a public notice in two leading daily newspapers in the state of Haryana and also on the website of the Board of its intention of declaring the endowments contained in the list as Abandoned Hindu Religious Endowment.

(2) Upon such publication in sub section (1) any person interested in any of the endowment published in the list, or any of its movable or immovable properties, may within 30 days of such publication, file his objections before the Board.

(3) Upon receiving any objection under sub section (2), the board shall decide the same after giving proper opportunity of hearing to such person and after conducting such enquiry as it deem fit.

(4) If after hearing objections or after enquiry under sub section (3), the Board comes to the conclusion that any endowment is an Abandoned Hindu Religious Endowment, the board shall submit a list of all such endowments to the Government for publication in Official Gazette and such list shall also be published on the website of the Board.

(5) The Board shall maintain a record of the lists published under this section from time to time.

(6) Notwithstanding anything contained in this Act, the Board shall at any time, either suo moto or on an application, or otherwise, and after conducting such enquiry as it deems fit, may direct to add or remove any endowment or any property, in or from the list published under this section.

**19. Board to have powers of Civil Court:** The Board shall, while making any inquiry under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely: —

(a) summoning and examining any witness;

(b) requiring the discovery and production of any document;

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

- (d) issuing commissions for the examination of any witness or accounts;
- (e) making any local inspection or local investigation;
- (f) such other matters as may be prescribed.

**20. Management to vest in the Board after publication.–**

- (1) After publication in official Gazette the management of any abandoned Hindu Religious and charitable institutions and endowments shall vest in the Board and the Board shall be responsible for proper administration, upkeep and development of such property.
- (2) Within one year of such publication the Board shall prepare a scheme for administration of every endowments notified under this Act and shall sanction fund to implement that scheme.
- (3) For implementation of scheme framed under sub section (2) the Board shall establish a Dharmik Parishad for any endowment or specified area.

## **CHAPTER-IV**

### **DHARMIK PARISHAD AND ITS OFFICERS**

**21. Constitution of the Dharmik Parishad.-**

- (1) Within one year of its notification, the Board shall, for each endowment notified under this Act or two or more such endowments, constitute a Dharmik Parishad in every such District for management of endowments notified in that District.
- (2) The Dharmik Parishad shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and to transfer any such property subject to such conditions and restrictions as may be prescribed.

**22. Composition of the Dharmik Parishad:**

(1) The Dharmik Parishad shall consist of all Hindu members in the following manner:

- (i) An officer not below the rank of a Sub Divisional Magistrate, to be appointed by the District Magistrate on the advise of the Board as Executive Officer of the Dharmik Parishad,
- (ii) Two prominent Hindu social workers to be nominated by the Board;
- (iii) One member to be nominated by the Board from among the Pujaris or Archaks working in the State as such for the last 5 years;
- (iv) One member to be nominated by the Board from among women having contribution in any religious or social field;
- (v) One member to be nominated by the Board from among the members of scheduled caste or scheduled tribes;
- (vi) Two members to be nominated by the Board from among the experts in Hindu Law;
- (vii) One member to be nominated by the Board on the recommendation of Sant Parishad preferably from the affected area, who will work as patron of Dharmik Parishad;

(2) The members of Dharmik Parishad shall by majority, within two weeks of their appointment, elect one person from among themselves as President of that Dharmik Parishad.

(3) The members of the Dharmik Parishad shall be appointed by the Board by notification in the Official Gazette.

(4) The members of the Dharmik Parishad shall hold office for a term of 3 years from the date of notification of their appointment.

(5) No person shall be appointed as member of the Dharmik Parishad continuously for more than two terms without giving break of at least one term.

**23. Qualification for membership.-** A person shall be qualified for nomination as a member of the Dharmik Parishad only if he:

- (i) is a permanent resident of State of Haryana;



(ii) is a Hindu;

(iii) is a major and of sound mind.

**24. Disqualifications for Membership** - A person shall not be eligible for appointment as a member of the Dharmik Parishad, if such person.-

(a) is of unsound mind and stands so declared by a competent Court or by any medical board

(b) has been declared insolvent; or

(c) has been convicted by a Criminal Court for an offence involving moral turpitude or by an imprisonment of two years or more; or

(d) has been removed from holding any office in pursuance of an order of a court or Tribunal, or

(e) is interested in a subsisting contract for making any supplies or executing any work of the Dharmik Parishad.

(f) is found in unauthorized possession of any property of any endowment notified under this Act.

**25. Supervening Disqualification.-** Where the Board is satisfied that a person appointed as a member of the Dharmik Parishad has become subject to any of the disqualifications specified in clauses (a) to (f) of section 24 or does any act prejudicial to the interest of the Dharmik Parishad or remains absent from three consecutive meetings without any sufficient reason or ceases to be a Hindu, the Board may, for reasons to be recorded in writing, by order, remove such member from office:

Provided that a member shall not be removed under this section unless such member has been given a reasonable opportunity of being heard.

**26. Resignation by a member.-** Any member of the Dharmik Parishad may in writing, addressed to the Executive Officer of the Dharmik Parishad, resign his membership and the resignation shall take effect on the date of acceptance of the same by the Dharmik Parishad.

- 27. Filling up of casual vacancies.-** If any member by reason of ill health, death, resignation, removal or otherwise is unable to complete full term of office, the vacancy so caused shall be filled by Board immediately, from the same category from which the said member was appointed, and the person so appointed shall hold office so long as the member in whose place such person appointed would otherwise have continued in office.
- 28. Honorarium and travelling allowances of President and Members of Dharmik Parishad.-**
- (1) The President and Members of the Dharmik Parishad shall be entitled for a monthly honorarium as may be fixed by the Board from time to time, by notification published in the Official Gazette.
- (2) The travelling allowance shall be admissible to the members at the rate admissible to Class II officers under the Government of Haryana.
- 29. Meetings of the Dharmik Parishad.-**
- (1) The meetings of Dharmik Parishad shall be convened in the head quarters of the Dharmik Parishad or at such other place as may be decided by the President and shall meet at least once in every three month and or as and when if it is found necessary for the transaction of any business.
- (2) Every meeting of the Dharmik Parishad shall be convened by the Executive Officer on the direction of the President of the Dharmik Parishad or on the written request of at least two members of the Dharmik Parishad.
- (3) The Executive Officer shall give notice of the meeting to all members of the Dharmik Parishad at least one day prior to the meeting through electronic or any other permissible mode.

**30. Quorum of meeting.-**

(1) Three members shall form the quorum for the meeting of the Dharmik Parishad.

(2) If at the time appointed for the meeting or within half an hour thereafter there is no quorum, the meeting shall stand adjourned and the Executive Officer shall fix a date and time in consultation with the President for the adjourned meeting, which may be conducted in the absence of any quorum.

(3) The President, or in his absence, any member chosen by the members from amongst themselves, shall preside the meeting of the Dharmik Parishad.

(4) Subject to the provisions of this Act, all questions which come before any meeting of the Dharmik Parishad shall be decided by a majority of votes, by the members present and voted, and in the case of equality of votes, the President, or in his absence, any other person presiding the meeting, shall have a second or casting vote.

**31. Special Meetings.-** A special meeting of the Dharmik Parishad shall be convened by the Executive Officer on the direction of the President or on receipt of a requisition signed by not less than two members specifying the urgency of the meeting and the business to be transacted at such meeting.

**32. Standing committees of the Dharmik Parishad.-** The Dharmik Parishad may constitute as many committees as it thinks fit for proper execution of its work.

**33. Validation of Proceedings.-** No act or proceedings of the Dharmik Parishad shall be deemed to be invalid merely by the reason of any defect in its constitution or on the ground that the President or any member thereof was subjected to any disqualification under the provisions of the Act; or disqualified or ceased to hold office, or by reason of such act or proceeding having been done or taken during the period of any vacancy in the office of the President or any member of the Dharmik Parishad.

**34. Powers and functions of the Dharmik Parishad:**

(1) Subject to the provisions of the Act and rules and by laws made under this Act, the Dharmik Parishad shall administer the endowments notified under this Act, its movable and immovable properties and funds, under the supervision and directions of the Board and according to the scheme prepared by the Board for such endowment.

(2) Without prejudice to the generality of the provisions of this Act, the main powers and duties of the Dharmik Parishad shall be.-

(a) to implement the scheme of administration as prepared by the Board and to furnish the progress to the Board time to time.

(b) to ensure that the properties, both movable and immovable of the endowments under their jurisdiction shall remain well maintained and accounted for at all points of time.

(c) to appoint such Archaks, Employees and other staff for proper functioning of endowments according to the nature of the property and the custom prevailing in respect of the endowment.

(d) to ensure that all the worshiping and rituals in any endowment under their jurisdiction shall be done according to the customs of such endowment.

(e) to ensure that none of the moveable or immoveable properties of any endowment under their jurisdiction be misappropriated or encroached by any person

(f) to report the encroachment on the properties of any endowment under their jurisdiction, immediately to the Board and to take immediate legal action to restore such properties.

(g) to ensure that the moveable or immoveable properties of any endowment under their jurisdiction are used for the general well being of the local Hindu Community.

(h) to ensure that all revenues that are received or accrued in favour of endowment are accounted for and the annual report thereof is communicated to the Board.

(i) to facilitate any type of auditing or inspection by the Board or officers authorised by the board.

(j) to do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the endowments under their jurisdiction.

## **CHAPTER V**

### **OFFICERS AND EMPLOYEES OF THE BOARD**

#### **35. The Chief Executive Officer and other Officers of the Board.-**

(1) Within one month of the Constitution of the Board, Government shall, in consultation with the Board, appoint an officer not below the rank of joint secretary or equivalent, and who is a Hindu, as Chief Executive Officer of the Board for a term of 3 years.

(2) Subject to the provisions of this Act, Rules and Bye-laws the administration of all endowments notified under this Act shall be subject to the general superintendence and control of the Board which shall be executed by the Chief Executive Officer.

(3) The Chief Executive Officer or any person authorized by him in this behalf may inspect all movable and immovable properties, records, correspondence, plans, accounts and other documents relating to any endowment notified under this Act.

(4) The Board may create, such number of posts of officers and employees of the Board or Dharmik Parishad as it requires.

**CHAPTER VI**  
**SANT PARISHAD**

**36. Sant Parishad. –**

(1) Within one year of notification of this Act the State Government shall constitute Sant parishad for the State of Haryana from amongst the saints and mathadhipatis of Hindu religious and spiritual organizations in the State of Haryana, for giving effects to the provisions of this Act.

(2) The Sant Parishad shall consist of not less than eleven representatives of Hindu religious and spiritual organizations recognized or having existence in the State of Haryana.

(3) The members of Sant Parishad shall by majority, within two weeks of their appointment, elect one person from among themselves as chairperson of Sant Parishad.

(4) The members of the Sant Parishad shall hold office for a term of 3 years from the date of notification of their appointment.

(5) The qualifications, disqualifications, mode of appointment, resignations or removal of members, mode of conducting meetings, remunerations of members or powers and functions of Sant Parishad shall be such as may be prescribed by State Government by making Rules in this behalf.

**CHAPTER VII**  
**POWERS AND DUTIES OF THE GOVERNMENT**

**37. Grants by the Government.-** The Government shall after due appropriation, pay to the Board by way of grants, such sums of money as the Government may think fit, for the purpose of this Act.

**38. Power of the Government to review the working of the Board.-** The Government shall have power to issue necessary directions to the Board as may be deemed necessary and such direction shall be complied with by the Board.

**CHAPTER VIII**  
**ADJUDICATION OF DISPUTES**

**39. Establishment of Tribunal –**

(1) The Government within one year of the commencement of this Act shall appoint a Tribunal in every district of the State comprising of a judicial officer not less than the rank of an Additional District Judge.

(2) Till any appointment is made by the Government under sub section (1) the District Judge of every district shall have all the powers of a Tribunal under this act.

(3) If any question arises whether a particular property specified as Abandoned Hindu Religious Endowment property in the list published by the Board, any person aggrieved, may institute a suit in a Tribunal for the decision of the question and the decision of the Tribunal in respect of such matter shall be final:

(4) The Tribunal shall have powers to entertain and adjudicate applications regarding any dispute arising under this Act including:

- (i) Removal of members of Board or Dharmik Parishad or Sant Parishad
- (ii) removal of encroachment or misappropriation of any property of any endowment notified under this Act;
- (iii) removal or appointment of any employee or officer of the Board or Dharmik Parishad;
- (iv) Disputes arisen out of any contract to give effect to any scheme prepared under this Act or any goods or services provided to any endowment notified under this Act.

(5) Upon receiving application under this section the Tribunal may, after giving proper opportunity of hearing to all the interested persons and the Board, pass such order as it may deem fit,

(6) Notwithstanding anything contained in the Limitation Act, no application under this section shall be entertained by the Tribunal after expiration of one year of publication of list under this Act or order of Board for adding or removing any endowment under this Act.

(7) Any order passed by the Tribunal under this section shall be final.

(8) The list of Abandoned Hindu Religious Endowment shall, unless it is modified in pursuance of a decision of the Tribunal under this Act, be final.

(9) On and from the commencement of this Act, no suit or other legal proceeding shall be instituted or commenced in any Civil Court in respect of any matter covered under this Act.

## **CHAPTER IX**

### **FINANCE OF THE BOARD**

**40. Fund of the abandoned Hindu Religious and Charitable Institutions and Endowments.**— The Board shall be entitled to utilize funds of any abandoned Hindu Religious and charitable institutions and endowments in implementation of any scheme prepared for development of any endowment under this Act,

**41. Hindu Endowment Fund.**—

(1) All funds received or realised by the Board under this Act and all other funds received as donations, incomes, benefactions or grants by the Board shall form a fund to be called the Hindu Endowment Fund.

(2) All funds received by the Board, as donations, income, benefactions and grants shall be deposited and accounted for under a separate sub-head.

(3) Subject to any rules that may be made by the State Government in this behalf, the Fund shall be under the control of the Board.

(4) The Hindu Endowment Fund shall be applied to—

(a) For promotion of religious, educational and service projects of Hindu society,



- (b) repayment of any loan or advances taken by the Board for implementation of any scheme of the Board;
- (c) payment of the cost of accounts and audit of the Hindu Religious Fund;
- (d) payment of the salary and allowances to the officers and staff of the Board or any Dharmik Parishad constituted under this Act;
- (e) payment of honorarium and traveling allowances to the members of the Board and Dharmik Parishad as may be prescribed;
- (f) payment of all expenses incurred by the Board or Dharmik Parishad in the performance of the duties imposed, and the exercise of the powers conferred, by or under this Act;
- (g) payment of all expenses incurred by the Board for the discharge of any obligation imposed on it by or under any law for the time being in force.

**42. Budget of Board.—**

(1) The Board shall in every year prepare, in such form and at such time as may be prescribed, a budget for the next financial year showing the estimated receipts and expenditure during that financial year and forward a copy of the same to the State Government.

(2) On receipt of the budget forwarded to it under sub-section (1), the State Government shall examine the same and suggest such alterations, corrections or modifications to be made therein as it may think fit and forward such suggestions to the Board for its consideration.

(3) On receipt of the suggestions from the State Government the Board may make written representations to that Government with regard to the alterations, corrections or modifications suggested by that Government and the State Government shall, after considering such representations, communicate to the Board its final decision in relation to the matter and the decision of the State Government shall be final:

Provided that if Government does not communicate its decision within 3 weeks, the budget sent by the Board shall be deemed to be final.

(4) On receipt of the decision of the State Government under sub-section (3), the Board shall incorporate in its budget all the alterations, corrections, modifications finally suggested by the State Government and the budget as so altered, corrected or modified, shall be the budget which shall be passed by the Board.

- 43. Accounts of Board.**—The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be provided by regulations.
- 44. Audit of accounts of Board.**— The accounts of the Board shall be audited and examined annually by such auditor as may be appointed by the State Government and in the manner as may be prescribed.
- 45. State Government to pass orders on auditor's report.**—The State Government shall examine the auditor's report and may call for the explanation of any person in regard to any matter mentioned therein, and shall pass such orders on the report as it thinks fit.
- 46. Dues of Board to be recovered as arrears of land revenue.**—
- (1) Every sum certified to be due from any person by an auditor in his report shall be paid by such person within sixty days after service of a demand notice by the Board.
- (2) If such payment is not made in accordance with the provisions of sub-section (1), the sum payable may, on a certificate issued by the Board, after giving the person concerned an opportunity of being heard, be recovered as an arrear of land revenue.

**CHAPTER X**  
**MANAGEMENT OF ENDOWMENTS**

**47. Preparation of scheme and implementation thereof –**

(1) For every endowment notified under this Act, the Chief Executive Officer, in consultation with the Dharmik Parishad concerned, shall prepare a scheme within 90 days of notification of such endowment, for maintenance and development of such endowment.

(2) Every scheme prepared under sub section (1) shall be placed before the Board in its meeting, in which the board shall consider the scheme and may approve or reject or modify the scheme as it thinks fit and after approval of the board the funds shall be released for implementation of that scheme.

(3) While preparing scheme or budget for maintenance and development of any endowment registered under this act, due weightage shall be given by the board to the opinion of the Dharmik Parishad in charge of that endowment.

(4) While preparing scheme for maintenance and development of any endowment registered under this act, the board shall have powers to make provisions to renovate, beautify, construct or demolish any portion of the property or to construct residential or commercial premises or to establish any educational or medical institution.

(5) By way of scheme the board shall have powers to give on lease any property of any endowment registered under this Act for a period of not more than 30 years, but in no case the Board shall have powers to sell, alienate or gift any property of any endowment.

(6) The Board shall have powers to mortgage any property of any endowment only with any scheduled Bank for the purpose of receiving loan to implement any scheme prepared under this Act.

(7) the scheme prepared under this Act shall also mention the officer in charge and number of staff, pujari, archak etc. required for maintenance and development of the endowment.

**48. Removal of encroachment:**

(1) The Board either suo moto or an application of any person or otherwise, and after conducting such enquiry as it deem fit, comes to the conclusion that any property of any endowment notified under this Act is encroached by any person, the board may direct, the District Magistrate of the district where such property is situated, to remove encroachment and to restore possession of such property to the endowment concerned.

(2) Any order of the board passed under sub section (1) shall be deemed to be decree of a Civil Court and shall be executed by the District Magistrate or any officer authorised by him as per procedure prescribed under the code of Civil Procedure.

**CHAPTER XI****BUDGET, ACCOUNTS AND AUDIT OF ENDOWMENTS****49. Budget of endowment.-**

(1) The Executive Officer of every Dharmik Parishad shall, before the end of December in each year, submit in such form as may be prescribed, a budget showing the probable receipts and expenditure of the institution during the following financial year to the Board.

(2) Every such budget shall make adequate provisions for,-

- (a) the dittam and the scale of expenditure for the time being in force;
- (b) the due discharge of the liabilities binding on the institution;
- (c) the repair and renovation of the building owned by the institution;
- (d) the payment of salary and other expenses of the employees of the institution; and
- (e) the maintenance of working balance.

(3) The Board may after giving notice to Dharmik Parishad, in the manner as may be prescribed, and after considering representations, if any, make such alterations, omissions or additions in the budget.

**50. Accounts and Audit.-**

(1) The Executive Officer of every endowment shall keep regular and updated accounts of all receipts and expenditure as may be prescribed.

(2) The accounts of every endowment shall be audited annually or if the Board so direct in any case or class of cases, at shorter intervals.

**51. Contents of Audit Report.-**

(1) The Auditor shall specify in his audit report, all cases of irregular, illegal or improper expenditure or of failure to recover sums or other property due to the religious institution, or of loss or mismanagement of money or property thereof, caused by neglect, misconduct or misappropriation.

(2) The Auditor shall also report on such other matter relating to the Accounts as may be prescribed or on which the Board, required to report.

(3) If on consideration of the report of the Auditor, the Board thinks that any officer or employee was found guilty for misappropriation or wilful mismanagement of the funds of the institution or of gross negligence resulting in a loss to the institution, the Board may after giving notice to such person to show cause why an order of surcharge should not be passed against him, and after considering the explanation of such person, if any, by order, certify the amount so lost and direct such person to pay within a specified time, such amount personally.

(4) The Board shall forward a copy of the order under sub-section (3) with the reasons for the same, by any mode prescribed in Code of Civil Procedure to the person concerned.

(5) The person aggrieved by such order may within thirty days of receipt of the order may, apply to the Tribunal having jurisdiction to modify or set aside the order and the Tribunal after taking such evidence, as necessary, may confirm, modify or remit the surcharge with orders as to costs as it may think appropriate in the circumstances.

(6) An order of surcharge under this section against any officer, shall not be a bar for a suit against such person except in respect of the matter finally dealt with by such orders.

(7) If any amount was found to be recovered from the person held to be responsible, and if such sum was not remitted or recovered from the person liable, it shall be recovered as land revenue.

## **CHAPTER-XII**

### **MISCELLANEOUS**

#### **52. Immunity of the Officers under the Board.-**

(1) No suit, prosecution or other legal proceedings shall be entertained in any civil court against the Board, Officers or servants for anything done in his official capacity and in good faith.

(2) All members, officers, staff of the Board and all officers in charge of every endowment registered under this Act shall be deemed to be public servant under section 21 of IPC.

#### **53. Prosecution against misuse of properties, its premises etc.-**

(1) The endowment, its premises and precincts shall not be utilized for any type of training, display, martial arts, sports or any other activity by any person or organizations without prior permission of the Dharmik Parishad:

Provided that no such permission shall be granted by Dharmik Parishad except for Hindu religious and social purposes.

(2) If any person, any class of persons or organisations act in violation of sub-section (1) such act shall be treated as injuring or defiling the place of worship with intent to insult the religion and such persons shall be deemed to have committed an offence under section 295 of Indian Penal Code.

#### **54. Public Officers to furnish copies or extract from certain documents.-** All Public officers having custody of any record, register, report or other documents

relating to religious institution or any movable or immovable property thereof shall furnish such copies or extracts from the same as may be required by the Board or any other officer authorised in this behalf.

**55. Cost of Proceedings.-**

(1) No funds of the endowment shall be appropriated by Officer in charge of any endowment, as the case may be, for the cost, charges and expenses incidental to any proceedings to any Court or Tribunal unless sanction has been obtained from the Board.

(2) If any amount has been expended without obtaining sanction as provided in sub section (1) the person who do so shall personally be liable to make good the loss.

**56. Bar of suit in respect of administration and management of religious institution etc.-** No suit or other legal proceedings in respect of the administration or management of a religious institution or any other matter or dispute for determining or deciding for which provision is made in this Act shall be instituted in any Court of Law, except under, and in conformity with, the provisions of this Act.

**57. Property of religious institution not to vest under the law of Limitation.-**

Nothing contained in any law of Limitation for the time being in force shall be deemed to vest in any person the property or funds of any religious institution which had not vested in such person or his predecessor in title after the commencement of this Act.

**58. Saving.- Nothing contained in this Act shall.-**

(a) Save as otherwise expressly provided in or under this Act or any Rules made under this Act, affect any honour emolument or perquisite to which any person

is entitled by custom or otherwise in any religious institution or its established usages in regard to any other matter; or

(b) authorise any interference with the religious and spiritual functions of the head of the mutt including those relating to the imparting of religious instructions or the rendering of spiritual service.

**59. Power to make Rules.-**

(1) The Government may make rules to carry out all or any of the purposes of this Act not inconsistent there with including the following:-

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) The form and manner in which scheme for administration of an endowment will be prepared;
- (c) the form and manner in which applications should be submitted to the Board or Tribunal;
- (d) the powers of the Board or Tribunal to hold inquiries, to summon and examine witnesses and to compel the production of documents;
- (e) the inspection of documents and the fees to be levied for such inspection;
- (f) the fees to be levied for the issue and service of processes and notices;
- (g) the grant of certified copies and the fees to be levied therefor;
- (h) the budgets, reports, accounts, balance sheets returns or other information to be submitted by Dharmik Parishad and the Board;
- (i) the convening of meetings of Dharmik Parishad and the Board, and the conduct of business at, such meetings;
- (j) the proper collection of the income of, and incurring expenditure by the endowments;
- (k) the custody of moneys of endowments, their deposits, and withdrawal from banks, and investment of such money;
- (l) the custody of jewels and other valuables and documents of endowments;



- (m) the manner in which and the period for which leases of properties of endowments shall be made;
- (n) the manner in which the accounts of endowments shall be audited and published, the time and place of audit and the form and contents of the auditor's report;
- (o) the method of calculating the income of a endowments for the purpose of levying contribution and the rate at which it shall be levied and preparation of publication of List of endowments on the basis of income;
- (p) the security, if any, to be furnished by employees and officers employed for the purposes of this Act;
- (q) the preservation, maintenance, management and improvement of the properties and buildings of endowments.
- (r) the inspection and supervision of the properties and buildings of endowments, the reports to be submitted by persons making such inspection and supervision and the fees leviable for such inspection supervision and report;
- (s) duties and responsibilities of Standing Committee;
- (t) the preparation and sanction of the estimates and acceptance of tenders, in respect of public works and for supplies in endowments;
- (u) the qualifications, method of recruitment, pay, grant of leave, leave allowance and travelling allowance, personal conduct and punishment, of executive officers and other employees appointed for religious institutions under any provision of this Act or in pursuance of any scheme settled or deemed to be settled thereunder;
- (v) the qualifications to be possessed by the employees and officers for appointment to non-hereditary offices in religious institutions, the qualifications to be possessed by hereditary employees for succession to office and the conditions of service of all such officers and employees;
- (w) the manner in which survey of endowments is to be conducted and information is to be gathered and preserved;

(x) the manner in which list of abandoned Hindu religious endowments and particulars and documents thereof, is to be prepared, preserved, maintained, notified and published ;

(y) publication of orders, decisions, schemes etc;

(z) for creation of Sant Parishad;

(za) any other matter as may be required.

(2) Every Rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of 30 days, which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the Rule or decides that the Rule should not be made, the Rule shall therefore have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.

**60. Power of the Board to make bye-laws.-**

(1) The Board, with prior concurrence of the Government , may make bye laws not inconsistent with this Act and the Rules framed there under for any matters necessary for carrying into effect the object of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may make bye-laws with respect to:

(a) the preservation of order and the conduct of proceedings of the Board and its implementation;

(b) the functions and procedure of the Standing Committees;

(c) the fee to be levied on applications under this Act, before it or any of its committees or before the President or any of the officers or servants of the Board and on applications for copies of proceedings or other record of the Board;

- (d) the form of the register to be prepared and maintained by the Board, Dharmika Parishad and endowments;
- (e) the manner in which the books and accounts to be kept in the office of the endowments;
- (f) the manner in which the accounts, reports and returns to be submitted by the institutions under the Act;
- (g) fixing of dittam, scale of expenditure etc.;
- (h) constitution of various Committees;
- (i) the Security to be furnished by the employees and officers of the Board and the religious institutions;
- (j) the designated employees by whom receipt may be issued for money received;
- (k) the custody of the common seal, registers and records, stock and stores etc.;
- (l) the manner in which the decision of the Board may be ascertained otherwise than at meetings;
- (m) the form of particulars to be contained in the Budget of the Board and the religious institutions;
- (n) the manner in which the business of various standing committees shall be conducted, the staff required for such committees, the travelling allowances to be paid to the members of such committees for attending meetings and undertaking journeys in connection with the affairs of such committee, and the publication of notices, decisions and orders of the Board.

(3) Such bye-laws shall be made effective after publication in the Official Gazette.

**61. Overriding effect:-** The provisions of this Act shall have overriding effect notwithstanding anything inconsistent there with contained in any other law for

the time being in force or in any instrument having effect by virtue of any law other than this Act.

**62. Procedure and Powers of inquiry.-**

(1) Where the Board or any other authority constituted under this Act makes an inquiry, the inquiry shall be conducted in accordance with the procedures provided in the Code of Civil Procedure, 1908.

(2) The provisions of Indian Evidence Act ,1872 and the Indian Oaths Act, 1873 shall apply to such inquiries, applications etc.

**63. Power to remove difficulties.-**

(1) Where any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the Official Gazette, as occasion may require, by order, do anything lawfully which appears to the Government necessary for the purpose of removing difficulty:

Provided that no such order shall be passed after the expiry of two years from the date of commencement of this Act.

(2) Every order passed under sub-section (1) shall be placed before the Legislative Assembly.

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