



## The Koodalmanickam Devaswom Act, 1971

Act 7 of 1971

**Keyword(s):**

Devaswom, Kaimal, Temple, Temple Fund, Devaswom, Hindu having Interest in the Temple, Temple, Scheduled Caste and Scheduled Tribes

Amendment appended: 2 of 2007

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# THE KOODALMANICKAM DEVASWOM ACT, 1971

(Act 7 Of 1971)

*An Act to make provision for the proper administration of the Koodalmanickam devaswom in Irinjalakuda*

*Preamble.*-WHEREAS the Koodalmanickam Temple in Irinjalakuda is a very ancient temple of unique importance which owns extensive properties and endowments; AND WHEREAS under the Proclamation issued by His Highness the Raja of Cochin on the 30 th November, 1917 and the scheme of management issued under that Proclamation, the administration, control and management of the Devaswom have been vested in the Thachudaya Kaimal;

AND WHEREAS the administration and management of the Devaswom by the thachudaya Kaimal have deteriorated and a situation has arisen rendering it expedient to re-organise, in the interests of the general public, the scheme of management of the affairs of the Devaswom and to provide better administration therefor in suppression of all previous laws and arrangements applicable thereto;

BE it enacted in the Twenty-second Year of the Republic of India as follows:-

## CHAPTER I

### PRELIMINARY

1. *Short title and commencement.*-(1) This Act may be called the Koodalmanickam Devaswom Act, 1971.

(2) It shall be deemed to have come into force on the 9 th day of March, 1971.

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

(a) "Administrator" means the Administrator appointed under section 14;

(b) "Committee" means the Koodalmanickam Devaswom Managing Committee constituted under section 3;

(c) "Devaswom" means the Temple, and includes its properties and endowments, and the subordinate temples attached to it;

(d) "Kaimal" means the person appointed to be the Thachudaya Kaimal of the Koodalmanickam Devaswom in accordance with accepted custom;

(e) "Prescribed" means prescribed by rules made under this Act;

(f) “ Temple” means the Koodalmanickam Temple in Irinjalakuda;

(g) “ Temple Fund” means the Sree Koodalmanickam Temple Fund constituted under section 23.

## CHAPTER II

### THE COMMITTEE

3. *Incorporation.*-(1) The administration, control and management of the Devaswom shall be vested in a Committee constituted in the manner hereinafter provided.

(2) The Committee shall be the name of the “Koodalmanickam Devaswom Managing Committee” be a body corporate and shall have perpetual succession and a common seal and shall be the said name sue and be sued through the Administrator.

**[2]** 4. *Composition of Committee.*- The Committee shall consist of the following members, namely:-

(a) the District Collector, Trichur or if he is not a person professing the Hindu religion, an officer professing the Hindu religion and not below the rank of Deputy Collector nominated by the District Collector, Trichur, in this behalf, ex officio who shall be the Chairman ;

(b) the Administrator, ex officio;

(c) the Kaimal ;

(d) four persons professing the Hindu religion nominated by the Government

(e) a representative of the employees of the Devaswom nominated by the Government.

(2) A person shall be disqualified for being nominated as a member under clause (d) of sub-section (1), if he is subject to any of the disqualifications mentioned in clauses (a), (b) and (c) of sub-section (3) of section 5” ]

5. *Term of office of non-official members, resignation and removal of such members and casual vacancies in their office.*- (1) A member nominated under **[3]** [clause (d) or clause (e) of sub-section (1) of section 4 shall hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination.

**[4]** [(2) A member nominated under clause (d) or clause (e) of sub-section (1) of section 4 may resign his office by giving notice in writing thereof to the Government and shall cease to be a member on his resignation being accepted by the Government ]

(3) The Government may, by order, remove from office [5] a member referred to in sub-section (2) if –

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

(b) he has applied for being adjudged an insolvent or is an undischarged insolvent ; or

(c) he has been convicted of any offence involving moral turpitude ; or

(d) he has been guilty of corruption or misconduct in the administration of the Devaswom ; or

(e) his presence in the Committee is, in the opinion of the Government, prejudicial to the interests of the Devaswom ; or

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

(g) he, being a legal practitioner, has acted or appeared on behalf of any person against the Devaswom in any legal proceeding ; or

(h) he ceases to profess the Hindu religion

(4) [6] [ A member ] shall not be removed under sub-section (3) unless he has been given a reasonable opportunity of showing cause against his removal.

(5) An order of the Government under sub-section (3) shall be final and shall not be liable to be questioned in any court of law.

(6) The term of office of a member appointed to fill a casual vacancy shall be for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occurred.

6. *Dissolution and supersession of Committee.*-(1) If, in the opinion of the Government, the Committee is not competent to perform or makes default in performing the duties imposed on it under this Act or exceeds or abuses its powers, the Government may, after such inquiry as may be necessary by notification in the Gazette, supersede the Committee for such period not exceeding six months as the Government may deem fit.

(2) Before issuing a notification under sub-section (1), the Government shall communicate to the Committee the grounds on which they propose to do so, fix a reasonable time for the Committee to show cause against the proposal and consider its explanations and objections, if any.

(3) Where a Committee is superseded under this section, the Government shall appoint a person in the service of the Government and professing the Hindu religion to exercise the

powers and perform the functions of the Committee until the expiry of the period of supersession :

[\[7\]](#) [ Provided that the period during which the Committee remains superseded shall not have the effect of extending the maximum term of office of a member nominated under clause (d) or clause (e) of sub-section (1) of section beyond a period of three years. ]

*7. Meetings of the Committee.*-(1) The Committee shall maintain its office at such place or places at Irinjalakuda as the Committee may determine for the transaction of its business.

(2) Every meeting of the Committee shall be presided over by the Chairman and in his absence by a person elected for the purpose by the members present from among themselves.

(3) No business shall be transacted at any meeting of the Committee unless at least four members thereof are present.

(4) Questions arising at a meeting of the Committee shall be decided by a majority of the votes of the members present there at and the Chairman or the person presiding shall have and exercise his casting vote in the case of equality of votes.

*8. Acts or proceedings of Committee not to be invalidated.*- No act or proceeding of the Committee shall be invalidated merely by reason of-

(a) any vacancy in , or any defect in the constitution of the Committee ;

(b) any defect in the nomination or election of a person acting as the Chairman or a member of the Committee ; or

(c) any irregularity in the procedure of the Committee not affecting the merits of the case.

[\[8\]](#) *9. No member other than Kaimal and Administrator entitled to remuneration.*- (1) The Kaimal shall be entitled to an honorarium of six thousand rupees per annum.

(2) No member of the Committee other than the Kaimal or the Administrator shall receive or be paid from out of the Temple Fund any salary or other remuneration except such travelling or daily allowances, if any, as may be prescribed. ]

*10. Duties of Committee.*- Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Committee –

(a) subject to the custom and usage in the Temple, to arrange for the proper performance of the rites and ceremonies in the Temple and the subordinate temples attached thereto in accordance with the *pathivu* or scale of expenditure specified in Schedule I ;

- (b) to provide facilities for the proper performance of worship by the worshippers ;
- (c) to ensure the safe custody of the funds, valuable securities and jewelleryes and the preservation and management of the properties vested in the Temple ;
- (d) to ensure maintenance of order and discipline and proper hygienic conditions in the Temple and the subordinate temples attached thereto and of proper standard of cleanliness and purity in the offerings made therein
- (e) to ensure that the funds of the endowments of the Temple are spent according to the wishes so far as may be known of the donors ;
- (f) to make provision for the payment of suitable emoluments to the salaried staff of the Devaswom ; and
- (g) to do all such things as may be incidental and conducive to the efficient management of the affairs of the Devaswom and the convenience of the worshippers.

11. *Alienation of Devaswom properties.*-(1) No movable property of a non-perishable nature which is in the possession of the Committee and the value of which is more than five thousand rupees and no jewelleryes shall be sold, pledged or otherwise alienated without the previous approval of the Government.

(2) No immovable property taken possession of by the Committee shall be mortgaged, sold or otherwise alienated except with the previous sanction of the Government.

12. *Limitation of borrowing and lending powers.*- The Committee shall have no power to borrow money from or to lend money to any person except with the previous sanction of the Government.

13. *Administration report.*-(1) The Committee shall annually submit to the Government a report on the administration of the affairs of the Devaswom at such time as the Government may prescribe, and such report shall be forthwith published by the Committee in the prescribed manner.

(2) The report prepared and published under sub-section (1) shall, as soon as possible, be laid before the Legislative Assembly.

### **CHAPTER III**

#### **ADMINISTRATION AND ESTABLISHMENT**

14. *Appointment of Administrator.*- The Government shall appoint an officer not below the rank of [9](#) [Deputy Tahsildar ] and professing the Hindu religion to be the Administrator for the Devaswom.

15. *Conditions of service of Administrator.*- (1) The Administrator shall be a full-time officer of the Devaswom and shall not undertake any work unconnected with his office without the permission of the Committee.

(2) The Administrator shall be paid out of the Temple Fund such salary and allowances as the Government may fix in this behalf.

(3) There shall be levied a contribution from the Temple Fund towards the leave allowances, pension and provident fund of the Administrator to the extent required by the rules for the time being in force.

(4) Subject to the provisions of sub-sections (1) and (2), the conditions of service of the Administrator shall be such as may be prescribed.

16. *Additional charge of office of Administrator.*- (1) Notwithstanding the provisions of sections 14 and 15, it shall be competent for the Government to appoint an officer of the Government not below the rank of [10](#) [Deputy Tahsildar ] to be in additional charge of the office of the Administrator, pending appointment of the Administrator under section 14 or when the office is temporarily vacant:

Provided that the period of such additional charge shall not exceed one month.

(2) An officer appointed to be in additional charge of the Office of the Administrator under sub-section (1) shall be paid out of the Temple Fund such allowances as the Government may fix in this behalf.

17. *Powers and duties of Administrator.*-(1) The Administrator shall be the Secretary to the Committee and its chief executive officer and shall, subject to the control of the committee, have powers to carry out its decisions in accordance with the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1) or in section 3, the Administrator shall be responsible for the custody of all records and properties of the Devaswom.

(3) The Administrator shall arrange for the proper collection of offerings made in the Temple.

(4) The Administrator shall have power-

(a) to appoint all officers and employees of the Temple;

(b) to grant licences for the use of the lands of the Temple for a period not exceeding one year at a time or to lease out for a period not exceeding one year at a time the buildings of the Temple which are ordinarily let ;

(c) to call for tenders for works or supplies and to accept such tenders when the amount or value thereof does not exceed five thousand rupee; and

(d) to order for any emergency repairs the cost of which does not exceed five thousand rupees :

Provided that the exercise of the powers under clause (a) or clause (b) or clause (c) shall be subject to the directions, if any, of the Committee issued in that behalf.

18. *Extraordinary powers of Administrator.*-(1) The Administrator may in cases of emergency direct the execution of any work or the doing of any act which is not provided for in the budget for the year and the immediate execution or the doing of which is in his opinion necessary for the preservation of the properties of the Temple and its endowments or for the service or safety of worshippers resorting to the Temple or for the due performance of the rites and ceremonies therein in accordance with the custom and usage in the Temple, and may direct that the expenses of executing such work or doing such act shall be paid from the Temple Fund.

(2) Any action taken by the Administrator under sub-section (1) shall forthwith be reported to the Committee together with the reasons therefor.

19. *Establishment schedule.*- (1) The Administrator may, as soon as may be after his appointment, prepare and submit to the Committee a schedule setting forth the duties, designations and grades of the officers and employees who may, in his opinion, constitute the establishment of the Temple and embodying his proposals with regard to the salaries and allowances payable to them, and such schedule shall come into the force on approval by the Committee.

(2) No change shall be effected in the schedule except with the sanction of the Committee.

(3) Subject to such exceptions as the Committee may by general or special order direct and subject to the provisions of sub-sections (6), the officers and employees of the Devaswom in the service of the Devaswom immediately before the commencement of this Act shall continue as such, and the conditions of their service shall be such as may be prescribed.

(4) Any person who was an employee of the Devaswom on the 1 st day of January, 1970 and whose service as such employee was terminated before the commencement of this Act, may apply to the Committee or reinstatement.

(5) On receipt of an application under sub-section (4), the Committee may, if it is satisfied that the termination of employment of the applicant was not justifiable or not in accordance with law, reinstate the applicant in the service of the Devaswom.



(6) Any person reinstated under sub-section (5) shall be deemed to have continued in service and shall be entitled to all rights and privileges, as if his service had not been terminated.

(7) The creation of any new appointment carrying a salary of not less than two hundred rupees per mensem shall be subject to the previous sanction of the Government.

(8) A person who does not profess the Hindu religion shall be disqualified for being appointed as, or for being an officer or servant of the Devaswom.

## **CHAPTER IV**

### **BUDGET, ACCOUNTS AND AUDIT**

20. *Budget.*-(1) The Administrator shall every year prepare in such manner and in such form as may be prescribed a budget estimate of the receipts and expenditure of the Devaswom for the following year and place it before the committee which may approve it without modification or with such modifications as it may deem fit.

(2) The budget, after the approval of the Committee under sub-section (1), shall be submitted to the Government before such date as may be fixed by the Government in that behalf.

(3) Before sanctioning a budget, the Government shall satisfy themselves that adequate provision has been made in the budget for the maintenance of the prescribed working balance and for meeting the liabilities of the Devaswom.

(4) If the budget as submitted to the Government does not provide for the matters mentioned in sub-section (3), the Government may modify any part of the budget so as to ensure that such provisions are made.

(5) The decision of the Government sanctioning the budget, subject to modifications, if any, shall be communicated to the committee at least fifteen days in advance of the commencement of the year to which the budget relates and in the absence of such communication before the end of the preceding financial year, the budget shall be deemed to have been sanctioned in pursuance of this section.

21. *Revised or supplementary budget.*-If, in the course of any year, the Committee considers it necessary to modify the figures shown in the budget with regard to its receipts or expenditure, it may submit a supplementary or revised budget to the Government :

Provided that no alteration shall be made in the working balance without the consent of the Government.

22. *Audit.*-(1) The government shall every year appoint an auditor to audit the accounts of the Devaswom and fix his remuneration.

(2) The remuneration to the auditor shall be paid from the Temple Fund.

(3) The auditor shall submit his report to the Committee and send a copy of it to the Government, and thereupon the Government may issue such directions thereon as they deem fit, and the Committee shall comply with such directions.

(4) The report of the auditor and the directions issued by the Government thereon shall be published in the prescribed manner.

## CHAPTER V

### GENERAL

23. *TempleFund.*-(1) There shall be constituted a fund to be called “Sree Koodalmanickam Temple Fund” which shall be vested in and be administered by the Committee.

(2) The fund shall consist of –

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

(b) any contributions by the government either by way of grant or by way of loan ;

(c) all fines and penalties imposed under this Act ;

(d) all recoveries under this Act ; and

(e) any other gifts or contributions made by the public, local authorities or institutions.

(3) The fund may be utilised for any of the purposes prescribed under this Act and for all or any of the following purposes, namely: -

(a) maintenance (including repairs and reconstruction), management and administration of the Temple, its properties and the temples subordinate thereto ;

(b) training of *archakas* to perform the religious worship and ceremonies in the Temple and the temples subordinate thereto ;

(c) medical relief, water supply and other sanitary arrangements for the worshippers and the pilgrims and construction of buildings for their accommodation ;

(d) culture and propagation of the tenets and philosophy associated with the Temple ;

(e) any other work or undertaking for the purposes of the Devaswom authorised by the Government, so long as such authorisation subsists ; and

(f) with the previous sanction of the Government, for the establishment and maintenance of, or the making of any grant or contribution to, any poor home or other similar institution.

24. *Revision by government.*- (1) The Government may call for and examine the records of the Administrator or of the Committee to satisfy themselves as to the regularity of such proceedings or of the correctness, legality or propriety of any decision or order made therein; and if in any case it appears to the Government that any such decision or order should be modified, annulled, revised or remitted for re-consideration, they may pass orders accordingly.

(2) The Government may stay the execution of any decision or order referred to in sub-section (1) pending the exercise of their power under that sub-section in respect thereof

25. *Rules.*- (1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act.

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

(a) the manner of exercise of control by the Committee over the actions of the Administrator ;

(b) the grant of travelling or daily allowances to the members of the Committee ;

(c) the performance of duties by the Committee under section 10 and the mode and extent of expenditure under section 23 ;

(d) the conditions of service of the Administrator ;

(e) the publication of the administration report under section 13 ;

(f) the custody of the records and properties of the Devaswom ;

(g) the payment of contributions towards the leave allowances pension and provident fund of the Administrator ;

(h) the preparation of the budget estimates for the Devaswom ;

(i) the preparation and sanction of estimates and acceptance of tenders in respect of public works and for supplies ;

(j) the custody and investment of the Temple Fund by the Committee ;

(k) the audit of the accounts of the Devaswom, the particulars to be mentioned in the audit report and the manner of publication thereof and of the directions issued under section 22 ;

(l) the recovery of amounts payable to auditors appointed by the Government ; and

(m) any other matter which has to be, or may be, prescribed.

(3) 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 fourteen 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 thereafter 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.

26. *Regulations.*- (1) The Committee may, subject to the approval of the Government, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to provide for the manner in which the duties imposed on it under this Act and its functions thereunder shall be discharged

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

(a) the conditions of service of the officers and employees of the Devaswom ;

(b) the observance of the rites and ceremonies and other usages in the Temple and the temples subordinate thereto ;

(c) any other matter for which regulations are required to be made for the purposes of this Act.

27. *Committee to be in possession of the Devaswom properties.*-(1) The committee shall be entitled to take and be in possession of all movable and immovable properties including jewellerys, records, documents and other assets belonging to the Devaswom.

(2) Notwithstanding anything contained in sub-section (1), pending, constitution of the Committee, the Administrator shall be entitled to take and be in possession of all the properties referred to in that sub-section.

(3) If in obtaining such possession, the Committee or any person authorised in this behalf by the Committee or the Administrator, is resisted or obstructed by any one, the Committee or the Administrator, as the case may be, may make a requisition in the prescribed form to the Collector of the district in which any such property is situate to deliver possession thereof to the Committee or the Administrator, as the case may be.

(4) Where a requisition is made to the Collector under sub-section (3), the Collector shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause, shall comply with the said requisition; and in exercising the powers under this section, the Collector may use such force as may be necessary.

(5) Every person authorised by the Committee or acting under its instructions in pursuance of this section or the Administrator shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

(6) Nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order made thereunder for establishing his title to the property.

28. *Protection of action taken in good faith.*- No suit, prosecution or other legal proceeding shall lie against the Government or the Committee or any member thereof or the Administrator or any other person acting under the instructions of the Committee or authorised by it, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

29. *Public officers to furnish copies of or extracts from certain documents.*- All public officers having custody of any record, register, report or other document relating to the Devaswom shall furnish such copies of or extracts from the same as may be required by the Administrator.

30. *Acts of administrator not to be invalidated.*- No act or proceeding of the Administrator shall be invalidated by reason only of a defect or irregularity in his appointment or on the ground that he was not entitled to hold or continue in office by reason of any disqualification.

31. *Certain rights and privileges of Kaimal not to be affected.*- Nothing in this Act shall be deemed to affect the customary rights and privileges of the Thachudaya Kaimal as particularised in Schedule II

32. *Savings.*- Nothing in this Act shall, save as otherwise expressly provided in this Act or the rules made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise, from or in the Devaswom, or its established usage in regard to any other matter.

33. *Removal of difficulties.*-If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with this Act or the rules made thereunder, which appears to them necessary for the purpose of removing the difficulty.

34. *Repeal and saving.*-(1) The Koodalmanickam Devaswom Proclamation (Cochin) issued on the 30 th November 1917 and the scheme of management published thereunder, the Koodalmanickam Devaswom Proclamation (Travancore) issued on the 12 th June

1919 The Koodalmanickam Devaswom Act, 1918, (Madras Act 1 of 1919) and the Koodalmanickam Devaswom Ordinance, 1971 (13 of 1971), are hereby repealed.

(2) Notwithstanding the repeal of the Koodalmanickam Devaswom Ordinance, 1971 (13 of 1971), anything done or any action taken under that Ordinance shall be deemed to have been done or taken under this Act.

## SCHEDULE I

(See section 10)

### The Pathivu or annual scale of expenditure prescribed for the Devaswom under several heads

No	<i>Details of ceremonies, etc.,</i>	<i>Paddy</i> <i>Para</i>	<i>Ed.</i>	<i>Vis.</i>	<i>Money</i> <i>Rs.</i>
(1)	(2)	(3)	(4)	(5)	(6)
	<i>I. Daily Pooja in the Koodalmanickam Temple:</i>				
	Expenditure incurred out of the Temple Fund	5,735	9	1	3,161.00
	Do. met out of Endowment Funds	366	0	0	155 .00
	Total	6,101	9	1	3,316.00
	<i>II. Monthly and Minor Annual Ceremonies:</i>				
1	Bathing Deity with gingely oil on all Ayilliyam, Visakham, Punartham, Thiruvonam and Makayiram days				175.50
2	Kalabham ceremony on all Makayiram days	53	6	4	206.65
3	Ashtami Rohini in Chingom	1	6	8	7.60

4	Extra Pooja during Onam in Chingom	55	1	6	21.00
5	Kalabhaom ceremony on the Full moon Dwadesi day in Makaram	3	5	12	15.10
6	Kalabham ceremony on the Punartham day in Makaram, the day on which the Deity was seated	16	2	4	15.75
7	Kalabham ceremony on the New moon Ashtami day in Meenam	7	9	12	15.10
8	Special Nivedyam on Vishu day	6	6	0	-----
9	Vishu Kani	0	2	8	1.00
10	Chakyar koothu in Edavom	3	8	8	55.65
11	Kalabham ceremony on the Full moon Ashtami day in Mithunam	7	9	12	15.10
12	Thevar Seva	31	3	12	36.00
13	Nira (admitting newly reaped paddy) on the Atham day in Karkatagom	6	9	4	0.45
	Total	195	1	10	564.90
	<i>III Major Annual Festivals:</i>				

1	Thiruputhri and Mukkudi in Thulam	400	9	8	304.70
2	Utsavom in Medom	3,545	6	5	6,794.15

	Total	3,946	5	13	7,098.85
	<i>IV Expenditure in the Subordinate temples including pay of Santhikars</i>				
1	Ayankavu Temple.		7	3	167.90
2	Vathilmadom Temple at Padiyoor	12	0	0	4.35
3	Pamban Potta Temple	319	2	10	23.40
4	Vathilmadom Temple at Rappal	156	0	0	3.00
5	Aloor Ponmala, etc., Temples	380	4	15	9.70
6	Vathilmadom Temple at Elnad	436	6	0	30.00
7	Varandarappilli Temple	16	0	0	
8	Kaippampadi Temple	309	6	8	70.80
9	Vaikkarakulangara Temple	72	0	0	3.00
10	Karapatta Temple	210	0	0	21.15
	Total	2,015	7	4	332.80
	<i>V Miscellaneous items:</i>				
1	Remuneration to Carpenters, etc., on Onam days	3	0	0	0.10



2	Serpent Pooja in Kanni	0	3	12	6.00
3	Saraswathi Pooja in Kanni	6	2	8	25.00
4	Saligrama Pooja	22	8	12	9.50
5	Ganapathi Homam on the 1 st Friday of every month	2	4	0	9.65
6	Mruthyumjapa Homam on the Makayiram day of every month	2	9	4	14.20
7	Allowance to Santhikars for oil bath	0	0	0	23.60
8	Lighting Bhandaram (Treasury)	0	0	0	30.00
9	Lighting the temple premises	0	0	0	70.00
10	Purificatory ceremonies	50	0	0	25.00
11	Sevakali	0	0	0	20.00
12	Remuneration to be given for the marriages in the house of the temple servants,etc.				
	Total	50	0	0	15.00
	<i>VI Endowment Offerings</i>	137	8	4	268.05
1	Koottupayasom (Pudding) on Makom days	----	----	---	20.00

2	(a) Lighting on the first Thursday of every month (b) Thirumathura Nivedyam on the first Thursday of every month (c) Nei (ghee) Murajapam on the fourth Makaram (d) Special pudding on the Moolam day in Karkadagam.	-----	-----	-----	12.00
3	(a) Special pudding on Desami day in Chingam (b) Special pudding on Akshayathritheeya day in Medam (Koottupayasam) (c) Do Ariyidal on the same day (d) Special pudding on the New moon day in Karkadagam	-----	-----	-----	7.00
4	(a) Special pudding on Akshyathritheeya day in Medom (b) Do Ariyidal on the same day	-----	-----	-----	3.55
5	Kalabham ceremony on Aswathi day in Kanni	---	----	----	20.00
6	Kalabham ceremony and other vazhivadoos on the Rohini day in Thulam	-----	-----	-----	30.00
7	Kalabham ceremony on Atham day in Dhanu	----	----	----	27.00
8	Kalabham ceremony on Rewathi day in Dhanu	----	----	----	27.00
9	(a) Kalabham ceremony on the 4 th Makaram (b) Remuneration to the				

	Azhuvancherri Thampurakkal on the 4 th Makaram	-----	-----	----	19.40
10	Ariyidal Nivedyam on the 4 th Makaram	-----	----	----	0.65
11	Kalabham ceremony on the Makom day in Makaram	---	----	----	25.00
12	Kalabham ceremony on the Uthrottathi day in Makaram	----	----	----	26.85
13	Kalabham ceremony on the Uthradom day in Kumbham	----	-----	-----	25.00
14	Special pudding on the Uthradom day in Meenam	----	----	-----	2.30
15	Kalabham ceremony on Pooruttathi day in Medom	-----	-----	-----	25.00
16	Kalabham ceremony on Meda Sankaramam day	----	----	----	30.00
17	Special pudding on Akshayathritheeya day in Medam	----	----	----	5.00
18	Kalabham ceremony on Pooya day in Edavam	-----	-----	-----	27.00
19	Offering of the Government in Mithunam	-----	-----	-----	0.45
20	Water Pandal	-----	-----	----	50.00

21	(a) Koottyoayasam (Pudding) in Thiruvathira day in Kanni	1	3	12	2.10
	(b) Ariyidal Nivedyam on Pooyam day in Kanni	1	3	12	0.10
22	Lighting Vilakkumadam from Uthradom day in Thulam to Uthram day in Medom	----	-----	-----	125.50
	Total	2	7	8	511.60

## SCHEDULE II

(See section 31)

### *Rights and privileges of Thachudaya Kaimal*

- (1). When the Kaimal goes to the Temple for worship he is entitled to take an escort with a sword, to blow conch and to take lights.
- (2). He can ring the Temple bells and worship the Deity from the *sopanam* steps and receive *thirtham* and *prasadam* from the *Mesanthy* direct.
- (3) He can take his bath in the *thirtham* tank
- (4). He is the person present *Koora* and *Pavithrom* to the *Thanthries* before the commencement of the *Utsavom* festival annually.
- (5). He is entitled to accompany the Deity when taken out for *Pallivetta* and *Arat* procession during *Utsavom*
- (6) He is the chief religious authority to clear all doubts in connection with the internal management of the Temple in matters of religion.
- (7) When the Kaimal dies, purification ceremony should be performed in the Temple and the cremation ceremony should be performed by Brahmins. A *Kalabham* ceremony should also be performed in the Temple on the anniversary of the death of the Kaimal.

THE KOODALMANICKAM DEVASWAM ACT, 2005<sup>[1]</sup>

**ACT 2 OF 2007**

An Act to provide for the proper administration of the Koodalmanickam Devaswom at Irrinjalakuda

*Preamble.*—WHEREAS, the Koodalmanickam Temple at Irrinjalakuda is an ancient temple of unique importance having extensive properties and endowments;

AND WHEREAS, under the Proclamation issued by the Maharaja of Cochin on the 30 th day of November, 1917 and the Scheme of Administration issued under that Proclamation, the administration, control and management of the Devaswom had been vested in the Thachudaya Kaimal;

AND WHEREAS, the administration and management by the Thachudaya Kaimal had deteriorated the Devaswom and a situation had arisen rendering it expedient to reorganize, the Scheme of Administration of the affairs of the Devaswom on the public interest;

AND WHEREAS, the Koodalmanickam Devaswom Act, 1971, was enacted to provide better management of the Devaswom in supersession of all previous laws and arrangements applicable thereto;

AND WHEREAS, Original Petition No. 2182 of 1986 was filed before the High Court of Kerala praying to declare the Koodalmanickam Devaswom Act, 1971, and the rules made thereunder as ultravires, void and illegal and to strike down the said Act and the rules in its entirety for the reason that the provisions of the said Act are substantially same as that of the Guruvayoor Devaswom Act, 1971;

AND WHEREAS, the operative portions of the Guruvayoor Devaswom Act, 1971 had been struck down by the High Court of Kerala in its judgement in Original Petition No.314 of 1973 on the ground that those provisions are violative of article 25 and 26 of the Constitution of India;

AND WHEREAS, it is apprehended that the same situation which had rendered it expedient to enact the Koodalmanickam Devaswom Act, 1971, for the better administration, control and management of the Devaswom is likely to arise if the said Act is struck down by the Court;

AND WHEREAS, it is decided to enact a law, to provide, in the public interest and in the interest of the worshippers of the Temple, for the proper administration of the Devaswom on the line of the Guruvayoor Devaswom Act, 1978, in the light of the validity of the same was upheld by the High Court of Kerala in its judgement in O.P. No. 7592 of 1984;

BE it enacted in the Fifty-sixth year of the Republic of India as follows:-

## CHAPTER I

### PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Koodalmanickam Devaswam Act, 2005.

(2). It shall come into force at once.

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

(a). “Administrator” means the Administrator appointed under section 14;

(b). “Commissioner” means an officer not below the rank of the Secretary to Government, who professes the Hindu Religion and believes in Temple worship, appointed by the Government, by notification in the Gazette, to be the Commissioner for the purposes of this Act;

(c). “Committee” means the Koodalmanickam Devaswom Managing Committee constituted under section 3;

(d). “Court” means the District Court having jurisdiction over the area in which the Temple is situated;

(e). “Devaswom” means the Temple, and includes its properties and endowments and the subordinate temples attached thereto;

(f). “Hindu” means a person who is a believer in God and temple worship or any person Hindu by religion or in any sect;

(g). “person having interest in the Temple” means a person who is entitled to perform worship or to do service in the temple or who is in the habit of performance of worship or service in the temple or entitled to partake, or is in the habit of partaking, in the benefit of the distribution of temple favours thereat;

(h). “Prescribed” means prescribed by rules made under this Act;

(i). “ Temple” means the Koodalmanickam Temple at Irrinjalakuda;

(j). the expressions “Scheduled Caste” and “Scheduled Tribe” shall have the meanings respectively assigned to them in the Constitution of India

## CHAPTER II

### COMMITTEE

**3. Incorporation.**—(1) The administration, control and management of the Devaswom shall be vested in a Committee constituted in the manner hereinafter provided.

(2). Committee shall be known by the name the “Koodalmanickam Devaswom Managing Committee” and shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued, through the Administrator.

**4. Composition of the Committee.**—(1) The Committee shall consist of the following members, namely:-

(a). a person nominated by the Government from among Thantri's of the temple, *ex-officio*;

(b). a representative from among the employees of the Devaswom nominated by the Hindus in the Council of Ministers

(c). not more than five persons, nominated by the Hindus in the Council of Ministers from among persons having interest in the Temple, of whom one shall be a member of Scheduled Caste or Scheduled Tribe;

(2). A person shall be disqualified for being nominated under clause (c) of sub-section (1), if.—

(i). he believes in untouchability, or does not profess the Hindu Religion or believe in temple worship; or

(ii). he is an employee under the Government or Devaswom; or

(iii). he is below thirty years of age; or

(iv). he is engaged in any subsisting contract with the Devaswom; or

(v). he is subjected to any of the disqualification mentioned in clauses (a), (b) and (c) of sub-section (3) of section 5.

(3). The members of the Committee shall, at its first meeting elect one of its members as its Chairman.

(4). Every member of the Committee shall, before he enters his office, make an oath in writing with signature before the Commissioner in the following form, namely:-

“I, .....do swear in the name of God that I profess the Hindu Religion and believe in Temple worship and I do not believe in the practice of untouchability.”

*5.Term of office of Non-official members. resignation and removal of such members and casual vacancies arising in their places.*-(1) A member nominated under clause (b) or clause (c) of sub-section (1) of section 4 shall hold office for a period of three years from the date of his nomination and shall be eligible for renomination.

(2). A member referred to in sub-section (1) may resign his office by giving notice in writing thereof to the Government and shall cease to be a member on his resignation being accepted by the Government.

(3). The Government may, by order, remove a member from office referred to in sub-section (1), if,--

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

(b)he has applied for being adjudged as an insolvent, or is an undischarged insolvent; o

(c). he has been convicted for any offence involving moral turpitude; or

(d). they are satisfied that he has been guilty of corruption or misconduct in the administration of the Devaswom; or

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

(f). he, being a legal practitioner, has acted or appeared on behalf of any person against the interest of the Devaswom in any legal proceeding after he has been nominated as a member of the Committee; or

(g). he cease to profess the Hindu Religion or to believe in temple worship; or

(h). he has committed any act in support of the practice of untouchability or has committed or abetted the Commission of any act in connection with the said act.

(4). A member shall not be removed under sub-section (3), unless he has been given a reasonable opportunity of showing cause against his removal.

(5). A member who is removed under sub-section (3) may, within one month from the date of the receipt of the order of removal, institute a suit in the court to set aside the order.



(6). The term of office of a member nominated to fill a casual vacancy shall be the remaining period of the member in whose place he has been nominated.

6. *Supersession of Committee.*—(1) If the Government, are of the opinion that the Committee is not competent to perform or makes default in performing the duties imposed on it or abuses or exceeds its powers, under this Act the Government may, after such inquiry as may be necessary, by notification in the Gazette, supersede the Committee.

(2). Before issuing a notification under sub-section (1), the Government shall communicate to the Committee the grounds on which they propose to do so, fix a reasonable time for the Committee to show cause against the proposal and shall consider the explanations and objections, if any.

(3). Any member of the Committee may, within a period of one month from the date of publication of the notification under sub-section (1) institute a suit in the court to set aside the notification.

(4). Where the Committee is superseded under this section, the Commissioner shall exercise the powers and perform the functions of the Committee until the expiry of such period of supersession:

Provided that, the maximum official period of a Member nominated under clause (b) or clause (c) of sub section (1) of section 4, for the period of supersession of a Committee, shall not have the effect of extending the period of three years.

7. *Meetings of the Committee.*—(1) The Committee shall establish its office at such place or places at Irrinjalakuda as the Committee may determine, for the transaction of its business.

(2). Every meeting of the Committee shall be presided over by the Chairman and in his absence by a person elected for the purpose by the members present from among themselves.

(3). No business shall be transacted in any meeting of the Committee unless at least three members thereof are present.

(4). Questions arising at the meeting of the Committee shall be decided by a majority of votes of the members present there at, and the Chairman or the person presiding shall have a casting vote and he shall exercise that in the case of equality of votes.

8. *Acts or proceedings of the Committee not to be invalidated.*—No Act or proceeding of the Committee shall be invalidated merely by reason of,—

(a). any vacancy in or any defect in the constitution of the Committee;

(b). any defect in the election or nomination of a person acting as the Chairman or a member of the Committee; or

(c). any irregularity in the procedure of the Committee not affecting the merits of the case.

9. *Remuneration of the Chairman and Members.*—No member of the committee shall receive or be paid any salary or other remuneration except any traveling or daily allowance, as may be prescribed.

10. *Duties of Committee.*—Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Committee,--

(a). subject to the custom and usage in the Temple, to arrange for the proper performance of the rites and ceremonies in the Temple and the subordinate temples attached thereto in accordance with the *pathivu* or scale of expenditure fixed for the Temple and the subordinate temples under section 20 or, till the *pathivu* or scale of expenditure is fixed under that section in accordance with the *pathivu* or scale of expenditure specified in Schedule 1 of the Koodalmanickam Devaswom Act, 1971 (7 of 1971);

(b). to provide facilities to the worshippers for the proper performance of worship;

(c). to ensure the safe custody of the funds, valuable securities and jewellery and the preservation and management of the properties vested in the Temple;

(d). to ensure maintenance of order and discipline and proper hygienic conditions in the temple and the subordinate temples attached thereto and to maintain the proper standard of cleanliness and purity in the offerings performed within the temple;

(e). to ensure that the funds of the endowments of the Temple are spent according to the known wishes of the donors;

(f). to make provisions for the payment of suitable emoluments to the salaried staff of the Devaswom;

(g). to do all such things as may be incidental and conducive to the efficient management of the affairs of the Devaswom and for the facilities of the worshippers.

11. *Alienation of Devaswom properties.*—(1) No movable property of non-perishable nature which is in the possession of the Committee and the value of which is more than five thousand rupees and no jewellery shall be sold, pledged or otherwise alienated unless it is sanctioned by the Commissioner as being necessary or beneficial to the Devaswom.

(2). Any exchange, sale, mortgage or lease of any immovable property belonging to, given or endowed for the purposes of, the Devaswom shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the Devaswom.

(3). Before according sanction under sub-section (1) or sub-section (2), the commissioner shall publish the particulars relating to the proposed transaction in such manner as may be prescribed inviting objections and suggestions with respect thereto and shall duly consider all objections and suggestions received from the Committee or other persons having interest in the Temple.

(4). The Commissioner, on according sanction under sub-section (1) or sub-section (2), may impose such conditions and give such directions as he may deem necessary regarding the utilization of the amount raised by the transaction, the investment thereof, and, in the case of mortgage, regarding the discharge of the same within a reasonable period.

(5). A copy of the order made by the Commissioner under this section shall be communicated to the Government and to the Committee and shall be published in such manner as may be prescribed.

(6). The Committee may, within three months from the date of receipt of the copy of order, and any person having interest in the temple, may, within three months from the date of publication of the order, institute a suit in the Court to modify the order or to set aside it.

(7). Notwithstanding anything contained in sub-section (1), no antiquity belonging to the Devaswom shall be sold, pledged or otherwise alienated.

*Explanation.*-For the purpose of this sub section “antiquity” shall have the same meaning as in the Antiquities and Art Treasures Act, 1972 (Central Act 52 of 1972).

12. *Limitation of power for borrowing and lending.*—(1)The committee shall have no power to borrow money from, or to lend money to, any person unless it is sanctioned by the Commissioner as being necessary or beneficial to the Devaswom.

(2). The Commissioner shall not refuse sanction under sub-section (1), unless the Committee has been given an opportunity for making representation against such refusal.

(3). Where sanction is refused under sub-section (1), the committee may, within three months from the date of receipt of the decision of the Commissioner, institute a suit in the court to set aside that decision.

13. *Administration report.*—(1) The Committee shall annually submit to the Commissioner a report on the administration of the affairs of the Devaswom at such time as may be prescribed, and such report shall be forthwith published by the Committee in the prescribed manner.

(2). The Commissioner shall submit a copy of the report prepared and published under sub-section (1), to the Government and the Government may lay the report before the Legislative Assembly as soon as possible.

### **CHAPTER III**

#### **ADMINISTRATION AND ESTABLISHMENT**

*14. Appointment of Administrator.*—(1) The Committee shall appoint an officer of Government not below the rank of Under Secretary or Deputy Collector to be the Administrator for the Devaswom, from among a panel of names furnished by the Government.

(2). No person shall be appointed under sub-section (1) unless he professes the Hindu Religion and believes in temple worship.

(3). The Administrator appointed under the Koodalmanickam Devaswom Act, 1971 (7 of 1971) and holding office at the commencement of this Act, shall, until the appointment of an Administrator under sub-section (1) or till the expiry of a period of three months from such commencement, whichever is earlier, be deemed to be the Administrator appointed under sub-section (1).

*15. Conditions of service of Administrator.*—(1) The Administrator shall be a full-time officer of the Devaswom and shall not undertake any work not connected with his office without the permission of the Committee.

(2). The Administrator shall be paid out of the funds of the Devaswom such salary and allowances as the Government may with the concurrence of the Committee fix in this behalf.

(3). There shall be levied a contribution from the fund of the Devaswom towards leave allowances, pension and provident fund of the Administrator to the extent required by the rules for the time being in force.

(4). The Government shall withdraw the Administrator from his office if a resolution recommending such withdrawal is passed by a majority of not less than two thirds of the total membership of the Committee.

(5). Subject to the provisions of sub-sections (1), (2), (3) and (4), the conditions of service of the Administrator shall be such as may be determined by the Committee by regulations made in this behalf.

*16. Holding Additional charge of the office of the Administrator.*- (1) Notwithstanding the provisions contained in sections 14 and 15, it shall be competent for

the Government to appoint an officer of the Government not below the rank of Under Secretary or Deputy Collector to be in additional charge of the office of the Administrator, pending appointment of the Administrator under section 14 or when the office is temporarily vacant:

Provided that the period of such additional charge shall not exceed three months.

(2). No person shall be appointed under sub-section (1) unless he professes Hindu Religion and believes in temple worship.

(3). An Officer appointed to be in additional charge of the office of the Administrator, under sub-section (1) shall be paid such allowances as the Government may fix in this behalf.

*17. Powers and duties of Administrator.*—(1) The Administrator shall be the Secretary to the committee and its Chief Executive Officer and shall, subject to the control of the Committee, have powers to carry out its decisions in accordance with the provisions, of this Act.

(a). The Administrator shall arrange for the proper collection and credit of the offerings made in the Temple.

(b). The Administrator shall have power to incur expenditure not exceeding five thousand rupees to meet unforeseen contingencies during the interval between two meetings of the Committee.

*18. Establishment schedule.*—(1) The Administrator may, as soon as may be after the commencement of this Act, prepare and submit to the Committee a schedule setting forth the duties, designations and grades of the officers and employees who may in his opinion constitute the establishment of the Temple and together with his proposals with regard to the salary and allowances payable to them.

(2). The committee shall forward the schedule submitted to it under sub-section (1) with its recommendations thereon to the Commissioner for approval.

(3). The Commissioner shall, after considering the recommendations of the Committee, approve schedule, either with or without modifications as he deems necessary, and thereupon the schedule as approved by the Commissioner shall come into force.

(4). No change shall be effected in the schedule except with the approval of the Commissioner.

(5). Subject to the exceptions as the Committee may, by general or special order, direct, the officers and employees of the Devaswom in the service of the Devaswom immediately before the commencement of this Act shall continue as such, and the

conditions of their service shall be such as may be determined by regulations made under this Act.

(6). A person who does not profess the Hindu Religion or believe in temple worship shall be disqualified for being appointed as or for being an officer or employee of the Devaswom.

19. *Appointment of officers and employees.*—(1) Appointment of all officers and other employees of the Devaswom shall be made by the Committee.

(2). Ten per cent of the posts in each grade of the officers and other employees of the Devaswom in the entry cadre shall be reserved for the Scheduled Castes and the Scheduled Tribes, of which one-fifth shall be reserved for the Scheduled Tribes.

(3). Selection of officers and other employees of the Devaswom may be made by sub-committees constituted by the Committee from among its members:

Provided that selection of employees to be in charge of the rituals and other ceremonies of the Temple shall not be made by any sub-committee of which the Thanthri of the Temple is not a member.

(4). Subject to the provisions of sub-sections (1), (2) and (3) the procedure for the selection and appointment of officers and other employees of the Devaswom shall be determined by the Committee in accordance with the regulations made in this behalf.

20. *Fixing of standard scales of expenditure.*—(1) The Committee shall, from time to time submit to the Commissioner, the proposals for fixing the *pathivu* or scale of expenditure in the Devaswom and the amounts which may be allotted to the various purposes connected with the Devaswom or the proportion in which the income or other property of the Devaswom may be appropriated to such purposes.

(2). The Committee shall publish such proposals at the premises of the Devaswom and in such other manner as the Commissioner may direct together with a notice stating that within one month from the date of such publication any person having interest in the temple may submit objections or suggestions to the Commissioner.

(3). If, on scrutiny of such proposals and any objections and suggestions made by persons having interest in the temple, it appears to the Commissioner that the scale of expenditure or any item in the scale of expenditure is at variance with the established usage of Devaswom or is not justified by its financial position, the commissioner may call for the remarks of the Committee and after considering the same, the Commissioner is of the opinion that any modification is required in the scale of expenditure or any item in the scale of expenditure, he shall pass orders accordingly and such orders shall, subject to the provisions of sub-section (4), be final.

(4). The Committee may, within three months from the date of receipt of the order passed by the Commissioner under sub-section (3), institute a suit in the court to modify the order or to set aside it.

## CHAPTER IV

### BUDGET, ACCOUNTS AND AUDIT

*21. Budget.*—(1) The Committee shall, before the end of March in each financial year, submit to the Commissioner in such form as may be determined by him, a budget estimate of the receipts and expenditure of the Devaswom for the following financial year.

(2). Every such budget shall make adequate provision for—

(a). the *pathivu* or scale of expenditure for the time being in force;

(b). the due discharge of all liabilities of the Devaswom;

(c). the construction, repair, maintenance and renovation of buildings connected with the Devaswom; and

(d). the maintenance of a working balance.

(3). The Commissioner may, after giving notice to the Committee in the prescribed manner and after considering its representations, if any, make such modification, omissions or additions in the budget as the Commissioner may deem fit.

(4). The Commissioner shall sent a copy of the budget as approved by him to the Government.

*22. Revised or supplementary budget.*—If, in the course of any year, the Committee considers it necessary to modify the figures shown in the budget with regard to its receipts or expenditure, it may submit a supplementary or revised budget to the Commissioner:

Provided that no modification shall be made in the working balance without the consent of the Commissioner.

*23. Accounts and audit.*—(1) The Committee shall keep regular accounts of all receipts and disbursements.

(2). The accounts of the Devaswom shall be subject to concurrent audit, namely, the audit shall take place as and when expenditure is incurred.

(3). The audit shall be made by auditors appointed in the prescribed manner, who shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

24. *Authority to whom audit report is to be submitted.*-After completing audit for any year or shorter period or for any transaction or series of transactions, as he deems fit, the auditor shall sent a report to the Commissioner.

25. *Contents of audit report.*—(1) The Auditor shall specify in his report all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the Devaswom or of loss or waste of money or other property thereof, caused by neglect or misconduct.

(2). The auditor shall also report on such other matters relating to the accounts as may be prescribed or on matters on which the Commissioner is entitled to require the report.

26. *Rectification of defects disclosed in audit and order of surcharge against Committee, etc.*—(1) The Commissioner shall sent a copy of every audit report to the Committee and it shall be the duty of the Committee to rectify any defects or irregularities pointed out by the auditor and report the same to the Commissioner.

(2). . If, on a consideration of the report of the auditor along with the report, if any, of the Committee, the Commissioner is satisfied that the Committee or any officer or other employee of the Devaswom was guilty of misappropriation or deliberate fritter of fund of Devaswom or of gross neglect resulting loss to the Devaswom, the Commissioner may, after giving notice to the committee or such officer or other employee to show cause why an order of surcharge should not be passed against it or him and after considering its or his explanation, if any, by order, certify the amount so lost and direct the Committee or such officer or other employee to pay, within a specified time, such amount personally and not from the funds of the Devaswom:

Provided that if in respect of any expenditure or dealing with the property of the Devaswom, the committee or such officer or other employee had obtained the directions of the Commissioner or the Government had acted in accordance with the such directions, the Committee or such persons shall not be held responsible.

(3). The Commissioner shall forward a copy of the order under sub-section (2) with the reasons for the same by registered post to the Committee or the officer or other employee concerned.

(4). The Committee or officer or other employee aggrieved by an order of the Commissioner under sub-section (2), may, within 30 days of the receipt of that order, apply to the Court to modify or set aside the order, and the court, after taking necessary evidence the court may confirm, modify or remit the surcharge.



(5). An order of surcharge under this section against the Committee shall not bar a suit for accounts against it except in respect of the matters finally dealt with by such order.

(6). Any amount recoverable from the Committee or any officer or other employee by way of surcharge may on requisition made by the Commissioner, be recovered under the provisions of the Kerala Revenue Recovery Act, 1968, as if, it were an arrear of public revenue due on land.

## CHAPTER V

### GENERAL CONDITIONS

27. *Authority of Committee to incur expenditure for certain purposes.*—The committee may, after making adequate provision for the purposes referred to in sub-section (2) of section 21, incur expenditure out of the funds of the Devaswom for all or any of the following purposes, namely:-

- (a). Maintenance (including repairs and reconstruction), management and administration of the Temple, its properties and the temples subordinate to it;
- (b). training of archakas to perform the religious worship and ceremonies in the Temple and the temples subordinate to it;
- (c). medical aid, water supply and other sanitary arrangements for the worshippers and the pilgrims and construction of buildings for their accommodation;
- (d). promote and propagate the tenets and philosophy associated with the Temple;
- (e). to give any grant or contribution to any poor home or other institutions established and maintained for the benefit of the persons mainly belonging to the Hindu Religion;
- (f). the construction of buildings connected with the affairs of the Devaswom; and
- (g). the making of any kind of donation to any religious institution:

Provided that no expenditure shall be incurred for any of the purposes mentioned in clause unless the same is sanctioned by custom or practice associated with the Temple.

28. *Committee to be in possession of Devaswom properties.*—(1) The Committee shall be entitled to take and put in possession of all movable and immovable properties including jewellery, records, documents and other assets belonging to the Devaswom.

(2). If in obtaining such possession, the Committee or any person authorized in this behalf by the Committee, or the Administrator is resisted or obstructed by anyone, the Committee or the Administrator, as the case may be, may make a requisition in the prescribed form to the Collector of the district in which any such property is situated to deliver possession thereof to the Committee or the Administrator, as the case may be.

(3). Where a requisition is made to the Collector under sub-section (2) the Collector shall hold a summary inquiry into the facts of the case and, if satisfied that the resistance or objection was without any just cause, shall comply with the said requisition, and in exercising the powers under this section, the Collector may use such force as may be necessary.

(4). Every person authorized by the Committee or acting under its instructions in pursuance of this section or the Administrator shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

(5). Nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order made thereunder for establishing his title to the property.

29. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Government or the Commissioner or the Committee or any member thereof or the Administrator or any other person acting under the instructions of the Committee or authorized by it for anything which is done or intended to be done in good faith under this Act or the rules made thereunder.

30. *Public officers to furnish copies, or extracts of certain documents.*—All public officers having custody of any record, register, report or other documents relating to the Devaswom shall furnish such copies of or extracts from the same as may be required by the Commissioner or the committee.

31. *Cost of proceedings, etc.*—The costs, charges and expenses of, and incidental to, any suit, appeal or application to a court shall be in the discretion of the court, and may direct the whole or any part of such cost, charges and expenses, to be met with from the property or income of the Devaswom, or to be borne and paid in such manner and by such persons as it thinks fit.

32. *Notifications, orders etc., not to be questioned in court of law.*—Save as otherwise expressly provided in this Act, no notification issued, order passed, decision made, proceedings or action taken or other thing done under the provisions of this Act by the Government or the Commissioner shall be liable to be questioned in any court of law.

33. *Power of Government to call for records and pass orders.*—(1) The Government may call for and examine the records of the Commissioner or of the Committee in respect of any proceeding, not being a proceeding in respect of which a suit or application to the court is provided by this Act, to satisfy themselves that the provisions of this Act have not been violated or the interests of the Devaswom have been safeguarded and if, in any

case, it appears to the Government that any decision or order passed in such proceeding has violated the provisions of this Act or is not in the interest of the Devaswom they may modify, annul or set aside such decision or order or remit such decision or order for reconsideration:

Provided that the Government shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity for making his representations.

(2). The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

34. *Savings.*—Nothing in this Act shall, save as otherwise expressly provided in this Act or the rules made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise from or in the Devaswom or its established usage in regard to any other matter.

35. *Thanthri to be final authority in religious matters.*—(1) Nothing in this Act shall be deemed to authorize the Committee or the Commissioner or the Government to interfere with the religious or spiritual matters pertaining to the Devaswom.

(2). The decision of the Thanthri of the Temple on all religious, spiritual, ritual or ceremonial matters pertaining to the Devaswom shall be final, unless such decision violates any provision contained in any law for the time being in force.

36. *Power to make rules.*—(1) The Government may by notification in the Gazette, make rules to carry out the purposes of this Act.

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

(a). the publication of the Administration Report under section 13;

(b). the custody of the records and properties of the Devaswom;

(c). the payment of contributions towards the leave allowances, pension and provident fund of the Administrator;

(d). any other matter which is required to be, or may be prescribed under this Act.

(3) 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 fourteen 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 thereafter 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.

37. *Power to make Regulations.*—(1) The committee may, subject to the approval of the Government, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for the manner in which the duties imposed on it under this Act and its functions thereunder shall be discharged.

(2). In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for,--

(a). the conditions of service of the Administrator and the other officers and employees of the Devaswom;

(b). enforcement of the observance of the rites and ceremonies and other usages in the Temple and the temples subordinate to it;

(c). any other matter for which regulations are required to be made for the purposes of this Act.

38. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require by order, do anything not inconsistent with the Act or the rules made thereunder, which appears to them necessary for the purpose of removing the difficulty:

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

39. *Repeal and saving.*—(1) The Koodalmanickam Devaswom Proclamation (Cochin) issued on the 30 th day of November 1917, and the Scheme of Administration published thereunder, the Koodalmanickam Devaswom Proclamation (Travancore) issued on the 12 th day of June, 1919, the Koodalmanickam Devaswom Act, 1918 (Madras Act 1 of 1919) and the Koodalmanickam Devaswom Act, 1971 (7 of 1971) are hereby repealed.

(2). Notwithstanding the repeal of the Koodalmanickam Devaswom Act, 1971 (7 of 1971),--

(a). the *pathivu* or annual scale of expenditure specified in Schedule I of the said Act shall continue to apply to Devaswom till the *pathivu* or scale of expenditure is fixed under section 20; and

(b). all orders passed or purported to have been passed, decisions made or purported to have been made, proceedings or actions taken or purported to have been taken and things done or purported to have been done by the Koodalmanickam Devaswom Managing Committee or the Administrator or the Commissioner under the said Act shall, in so far

as they are not inconsistent with the provisions of this Act, be deemed to have been passed, made taken or done by the appropriate authority under this Act, as if this Act were in force on the date on which such orders, decisions, proceedings, actions and things were passed, made, taken or done or purported to have been passed, made, taken or done.

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