

**SCHEME OF ADMINISTRATION AS FINALIZED ON MONDAY**  
**14<sup>TH</sup> AUGUST, 2017**

**1- NAME OF THE TRUST**

The endowment shall be called the Aliganj Sri Mahabirji Trust (hereinafter referred to as "**The Trust**")

**2. COMPOSITION OF THE TRUST**

The Trust shall comprise of the Mahabirji Temple, Jagannathji Temple and such other land situated at Lucknow with the temples, buildings, groves, trees, wells and other properties movable and immovable appurtenant to or belonging thereto and shall include any offerings that may be made at the temple or any grants or gifts made to the Trust or any of its properties, by whatever name called and any property that may hereafter be acquired by the Trust or be given or dedicated to it.

**3. OBJECT OF THE TRUST**

The object of the Trust shall be as under :-

- (a) to maintain the Mahabirji Temple, Jagannath Temple and other temples and such other land and properties of the Trust in a proper state and in good sanitary condition.
- (b) to arrange for the regular performance of the customary religious services and worship at all the temples of the Trust.
- (c) to arrange for and look after the convenience of devotees visiting the temple for worship or for such other activities as may be performed in the premises of the Trust.
- (d) to do such other acts whether religious, cultural, educational or charitable or any other activity congenial to the purpose of the Trust as may be considered desirable by the Trust Management Committee for advancement of learning or religious instructions or for students visiting the precincts of the temple for such instructions or for the support of sadhus, faquirs or indigent persons.

#### 4. TRUST MANAGEMENT COMMITTEE

- a) The Trust shall be administered and managed by a Committee called the Trust Management Committee.
- b) The Trust Management Committee shall consist of five (5) Hindu Residents of Lucknow, one of whom shall necessarily be a retired Hon'ble Judge of the Allahabad High Court, permanently residing at Lucknow. These members of the Trust Management Committee shall be called the Permanent Trustees.
- c) There shall be two Office Bearers amongst the Permanent Trustees
  - (i) President : The President shall be a Permanent Trustee who is a retired Hon'ble Judge of the Allahabad High Court permanently residing at Lucknow.
  - (ii) Administrator/CEO: The Administrator/CEO shall be a Permanent Trustee who is elected by the Permanent Trustees from amongst themselves. The term of the Administrator/CEO shall be three years and the Trust Management Committee shall elect the Administrator/CEO three months before the expiry of his term.
- d) (i) In accordance with the order of the Hon'ble High Court dated 30.5.2017 in Writ Petition No. 3066 of 2011 (M/S) the first Trust Management Committee shall comprise of
  - (1) Justice (Retired) O.P. Srivastava (**President**).

- (2) Sri S.K. Kalia, Senior Advocate, Allahabad High Court (Lucknow Bench) (**Member**)
  - (3) Sri Anil Kumar Tewari, Senior Advocate, Allahabad High Court (Lucknow Bench) (**Member**)
  - (4) Sri Jaideep Narain Mathur, Senior Advocate, Allahabad High Court (Lucknow Bench) (**Member**)
  - (5) Sri Navneet Sehgal, IAS, Officer of U.P. Cadre (**Member**)
- (ii) The First President of the Trust Management Committee shall be Justice (Retd.) O.P. Srivastava as per the order of the Hon'ble High Court dated 30.5.2017 in Writ Petition No. 3066 of 2011 (M/S).
- (iii) The First Administrator/CEO of the Trust Management Committee shall be Sri Anil Kumar Tewari who was elected as such by the Trust Management Committee on 04.06.2017 for a term of three years from the date of approval of the Scheme of Administration by the Hon'ble High Court at Allahabad (Lucknow Bench) as per the order of the Hon'ble High Court dated 30.5.2017 in Writ Petition No.3066 of 2011 (M/S).
- e) (i) In the event of occurrence of a vacancy in the Trust Management Committee on account of resignation, removal or death of a permanent trustee, the remaining Permanent Trustees shall prepare a panel of three names of prominent Hindu residents of Lucknow who are not related by blood to the remaining Permanent Trustees within a period of 30 days from occurrence of such vacancy.
- (ii) The panel of names prepared under Sub Clause (i) above shall be placed before the Principal Civil Court of original jurisdiction at Lucknow within one month of its preparation who shall appoint one of the persons

from the panel to fill up the vacancy in the Trust Management Committee.

- f) (i) The Trust Management Committee shall also include the following persons as ex-officio members :-
- (a) Chief Judicial Magistrate, Lucknow, if he is a Hindu. If the incumbent on the post of Chief Judicial Magistrate is not a Hindu, then the Chief Judicial Magistrate shall nominate an additional Chief Judicial Magistrate who is a Hindu as ex-officio member.
- (b) An Executive Magistrate, Hindu by religion having territorial jurisdiction over the area where the Trust is situated as may be nominated for the purpose by the District Magistrate, Lucknow from time to time.
- (ii) The ex-officio members mentioned in Sub Clauses (a) and (b) of Clause (i) above shall not have voting rights nor will their presence in the meetings of the Trust Management Committee be counted towards fulfillment of the quorum required for such meetings.

#### 5. **TRUST ADVISORY COMMITTEE**

- (a) The Trust Management Committee shall appoint a Trust Advisory Committee consisting of such number of members who are Hindus as it thinks fit, but not exceeding five including the Chairman.
- (b) The Chairman of the Trust Advisory Committee shall be a retired Judge of the Allahabad High Court (Lucknow Bench).
- (c) The remaining members of the Trust Advisory Committee shall be eminent persons residing at Lucknow.
- (d) The Trust Advisory Committee shall advise the Trust Management Committee on such matters as are referred to it by the Trust Management Committee.

6. **POWERS AND DUTIES OF THE TRUST MANAGEMENT COMMITTEE**

- (a) The Trust Management Committee shall have all powers regarding management of all properties, movable and immovable vested in the Trust.

Provided however that any alienation of any immovable property shall not be made except with the previous sanction of the Principal Civil Court of original jurisdiction at Lucknow.

Explanation :- The term alienation of immovable property shall include any lease for a period exceeding thirty years. Any lease of immovable property for a period of less than thirty years will not be deemed to be covered by the term "alienation".

- (b) The Trust Management Committee shall open bank accounts, invest money in banks and other financial instruments as may be deemed fit by it.
- (c) All Bank Accounts of the Trust shall be operated by the joint signatures of the President and the Chief Executive Officer/Administrator.
- (d) The Trust Management Committee shall have full power and control over all the employees of the Trust including the power to appoint, remove and take disciplinary action and to regulate the terms and conditions of service of any employee of the Trust. It is however clarified that for the post of Pujari only a Hindu having knowledge of "Sanskrit" and "Karma Kand" shall be appointed.
- (e) The Trust Management Committee shall endeavor to meet expenses for activities like chanting of "Ramayan"/ Ram Charit Manas/Ram Katha, holding of "Durga Pooja", organizing Sri Jagannath Rath Yatras holding of "Bhagwad Katha" or any other special function relating to Hindu religion from the earnings of that particular activity.

- (f) To arrange for the proper performance of worship and Darshan of the temple.
- (g) To provide facilities for the proper performance of worship by the pilgrims/devotees visiting the temples.
- (h) To construct suitable building(s) for providing accommodation to the pilgrims/devotees visiting the temples of the Trust.
- (i) To maintain the glory of Sri Mahabirji Temple, Naya Hanuman Mandir, Aliganj, Lucknow as this temple is one of the oldest temples of the State of Uttar Pradesh.
- (j) To restore and renovate the building of the temple and to ensure cleanliness of the building and areas around it.
- (k) To make suitable arrangement for the imparting religious education and various Hindu "KARMA KAND".
- (l) To make provisions of first aid and medical relief for worshipers and pilgrims/devotees visiting the temple.
- (m) To make provisions for the payment of suitable emoluments to the salaried staff.
- (n) To undertake developmental activities concerning the area of the temple and its surroundings.
- (o) To make the Trust self reliant in all respects.
- (p) To provide proper system of cooking daily "BHOG PRASAD" (morning and evening) for all the deities installed in the temple and to establish system for preparing "SHUDH BHOG PRASAD" and also make it available for purchase of devotees through the shops set up by the Trust Management Committee.
- (q) To establish a system so that no outsiders shall be allowed to carry out any functions in the form of any pooja by collecting donation from public for that purpose. However, an individual or organization may be allowed by the Trust Management Committee to perform any special pooja or

religious or cultural celebration inside the temple on such terms as the Trust Management Committee may deem fit.

- (r) To ensure that all donations received by the Trust Management Committee shall be deposited in the bank account of the Trust. No amount either in cash or cheque / draft shall be received by the Trust without issuing a receipt in the name of the trust. The Poojari or any other employee shall also not receive or accept cash or other offerings, ornament or any other gift for the temple in any form without a valid receipt.
- (s) To issue necessary instructions or make arrangements so that any offering made to the deity shall be forthwith reported in the office of the trust for issuance of the necessary receipt by requesting the devotees to obtain the receipt for such offerings from the office of the trust.
- (t) The Trust Management Committee shall ensure that all the Poojaris and employees shall work on monthly payment and they will not receive any amount from offerings.
- (u) The Trust Management Committee shall ensure that audit of its account shall be made by Chartered Accountant in each financial year in the month of April of each year.
- (v) The Trust Management Committee shall take necessary steps to ensure collection of rent from the tenants and to let out the property of the Trust and to evict tenants from the property of the Trust, in case it is so decided and further to ensure that the property may be properly utilized for the purposes of the Trust.
- (w) To open and operate the bank accounts of the Trust and to invest the money of the Trust in a manner that is in the interest of the Trust.
- (x) It shall be the duty of the Trust Management Committee to do all such things as may be incidental and conducive for the efficient management, maintenance and administration of the temple and the properties of the Trust and the convenience of the pilgrims and the devotees.

**7. MEETINGS OF THE TRUST MANAGEMENT COMMITTEE AND OFFICE OF THE TRUST**

- (a) The office of the Trust shall be located within the premises of the Trust and the meetings of the Trust and all other administrative functions of the Trust shall be held/ performed in the office of the Trust.
- (b) The Administrator/CEO shall, in consultation with the President convene a meeting of the Trust Management Committee at least once in every three months to examine accounts, check receipt and expenditures for the preceding months and to devise and adopt measures for carrying out the purposes of the Trust and the protection of the Trust property.
- (c) Trust Management Committee shall also hold an annual meeting in the month of April of each year, as far as practicable to pass the Annual Accounts, to frame the budget for the succeeding year and to appoint an Auditor for the coming year.
- (d) All the meetings of the Trust Management Committee shall be presided over by the President and in the absence of the President, the meeting of the Trust Management Committee may be presided over by a permanent Trustee who is eldest in age.
- (e) No business of the Trust Management Committee shall be transacted at any meeting unless a quorum of at least three permanent Trustees is present, except as provided in Clause 10(b) of this Scheme of Administration.
- (f) Notwithstanding anything contained in Clause (b) as aforesaid, the President may, if the situation so warrants, direct the holding of a meeting by giving 7 days notice to the Permanent Trustees for the same.
- (g) Any two Permanent Trustees may request the President to convene a meeting, if in their opinion the situation so warrants, and if a request as aforesaid is made to the

President, the President shall convene a meeting by giving 7 days notice to the Permanent Trustees for the same.

- (h) The Trust Management Committee if it so desires, may invite the members of the Trust Advisory Committee to participate in any of its meetings for consideration of any particular matter.

## **8. POWERS AND DUTIES OF THE PRESIDENT**

- a) To preside the meetings of the Trust Management Committee.
- b) To convene meetings of the Trust Management Committee as provided for in this Scheme of Administration.
- c) To sign the proceedings of the meeting of the Trust Management Committee after confirmation of the proceedings by the Trust Management Committee.
- d) To issue necessary directions for safeguarding the interest of the Trust in emergent situations, subject to future ratification by the Trust Management Committee.
- e) To operate bank accounts with the joint signatures of the Chief Executive Officer/Administrator.
- f) To discharge such functions as may be entrusted to him by the Trust Management Committee.
- g) To take emergent action in the interest of the Trust if the situation so warrants. Such action taken by the President shall be subject to ratification by the Trust Management Committee either by circulation within the next 7 days or in a meeting specially convened for this purpose within the next 15 days.

## **9. POWERS AND DUTIES OF THE CHIEF EXECUTIVE OFFICER/ADMINISTRATOR**

- a) To execute and implement the decision(s) /resolution(s) of the Trust Management Committee.

- b) To make proper arrangement for maintenance of the records of the Trust and the Trust Management Committee.
- c) To issue agenda notice for convening the meeting of the Trust Management Committee in consultation with the President.
- d) To operate bank accounts with the joint signatures of President or due to non availability of the President with any other Permanent Trustee as may be authorized by the Trust Management Committee.
- e) To look after day to day administration of the Trust and all its temples and other properties, movable and immovable.
- f) To exercise administrative control over the employees of the Trust as may be delegated to him by the Trust Management Committee including the power to take disciplinary action and to place any employee under suspension and any action so taken shall be placed before the Trust Management Committee.
- g) To discharge all such functions on behalf of the Trust as are envisaged by this Scheme of Administration.
- h) To exercise such powers as may be delegated to him by the Trust Management Committee.
- i) To take emergent action in the interest of the Trust if the situation so warrants. Such action taken by the Chief Executive Officer/Administrator shall be subject to ratification by the Trust Management Committee either by circulation within the next 7 days or in a meeting specially convened for this purpose within the next 15 days.

#### **10. FINANCIAL POWERS**

- a) All financial powers shall be exercised by the Trust Management Committee and all matters having financial implications shall be placed in the meeting of the Trust Management Committee for its decision by majority.

- b) For any matter having a financial implication of more than Rs 1,00,000/- (Rupees One Lac) the approval of four Permanent Trustees shall be necessary.
- c) A permanent imprest amount of Rs 25000/- shall be maintained in cash with the Administrator/Chief Executive Officer to be spent by him on behalf of the Trust. The details of the expenditure so made shall be placed for ratification of the Trust Management Committee in its next meeting.

#### **11. MAINTENANCE OF RECORDS AND BOOKS OF ACCOUNT**

- (i) The Trust Management Committee shall mandatorily maintain the following Books of Accounts which shall be kept in the office of the Trust :-
  - (1) Cash Book
  - (2) Ledger
  - (3) Sub Ledger
  - (4) Stock Register
- (ii) The Chief Executive Officer/Administrator shall be responsible for the accuracy and maintenance of the Books of Accounts mentioned in (i) above.
- (iii) The Chief Executive Officer/Administrator shall be responsible for maintaining the following records and registers:-
  - a) the origin and history of the Trust and the names of past trustees (to the extent feasible) and present Permanent Trustees and particulars as to custom, if any, regarding succession to the office of trustee.
  - b) the particulars of the Scheme of Administration.
  - c) the Register of Regular Staff and Service Books.
  - d) the jewels, gold, silver, precious stones, vessels and utensils and other movable property belonging to the Trust, with their weight and estimated value;

- e) particulars and details of the Trust, including all title deeds and other documents of title, ownership or possession.
  - f) particulars of idols and other images in or connected with the Trust, whether intended for worship or for being carried in procession.
  - g) particulars of ancient or historical records with their contents in brief
  - h) register of tenants/licencees, with details of respective accommodation, rent or licence fees and other material particulars relating thereto
  - i) register of suits, proceedings, decided by or pending in any court/authority, where Trust or the Chief Executive Officer or any trustee is a party
  - j) register of bank accounts, securities etc.
  - k) register of year wise income and expenditure
- (iv) The above Books of Accounts and Registers shall be signed and verified by the Chief Executive Officer/ Administrator and shall be open for inspection of the Trust Managing Committee or any Permanent Trustee. Further the said Books of Accounts and the Registers shall be placed before the Trust Management Committee in a meeting to be held in April each year.

## **12. RESIGNATION**

- a) Any member of the Trust may resign from his office as member by giving notice in writing to the Chief Executive Officer/Administrator.
- b) The office of a member submitting resignation would become vacant from the date of acceptance of the resignation by the Trust Management Committee.

- c) Upon the vacancy having occurred the Trust Management Committee shall act in accordance with Clause 4(e) of this Scheme of Administration.

**13. DISQUALIFICATIONS FOR TRUSTEE**

A person shall be disqualified for being appointed as or for continuing as member of the Trust Management Committee if :-

- a) such person ceases to be Hindu ; or
- b) he is or becomes of unsound mind, deaf or mute, suffering from any contagious disease like leprosy ; or
- c) he is or becomes an indischarged insolvent ; or
- d) or he has been sentenced by a criminal court for any offence involving moral turpitude ; or
- e) he is a person who is in employment of the Trust, or is the tenant of the Trust or is otherwise deriving any direct or indirect benefit from the Trust or its properties; or
- f) he has been guilty of corruption or misconduct in the administration of any trust and has been removed from the trusteeship by the orders of any Court.

**14. ACTS OF TRUST MANAGEMENT COMMITTEE TO BE VALID**

No act of the Trust Management Committee shall be invalid merely on account of vacancy in the Trust Management Committee.

**15. ALIENATION OF MOVABLE PROPERTY**

No jewellery or other valuable property of non perishable nature owned by the Trust shall be alienated or disposed of without the previous approval of the Trust Management Committee.

**16. MISCELLANEOUS PROVISIONS**

- a) Every matter coming up before the Trust Management Committee shall except as hereinafter provided be decided by a majority of votes. In the absence of the Chairman any member present at the meeting who is

eldest in age may act as Chairman for the time being and in case of equality of votes the Chairman for the time being shall have a second or casting vote.

- b) The Trust Management Committee shall sue and be sued in the name of the trust through the Administrator/Chief Executive Officer and shall have power to do all acts which might be reasonable and proper for the realization protection or benefit of the Trust property or for the protection of the title thereto and for carrying out the object of the trust including an authority to compromise, abandon, submit to arbitration or otherwise settle any debit, account claim or any other thing relating to the trust and to execute agreements, instruments or compromise deeds and other things as may be expedient and necessary in the interest of the Trust.
- c) The Trust Management Committee may authorize any person other than the Chief Executive Officer/Administrator to institute/defend legal proceedings by or against the trust and to do all things necessary for ensuring effective representation of the trust including but not limited to executing vakalatnama, signing and filing petitions, statements, accounts, exhibits, compromises, or other documents whatsoever, in connection with the said legal proceedings or in proceedings arising therefrom and also to apply for and to receive all documents or copies of documents, depositions etc. and to apply for the issuance of summons and other writs, subpoena, and to apply for and get issued any arrest or attachment order, or order for execution of warrant in respect of the said legal proceedings.
- d) Any application arising out of this scheme or connected with the Trust shall be made in continuance of original proceedings in the Principal Civil Court at Lucknow.

- e) The Trust Management Committee shall make endeavor to identify and associate such devotees who are ready to volunteer their services for the various activities of the trust and the various functions organized by the Trust.

**17. COUNTING OF DAN PATRA**

The Trust Management Committee shall identify and associate such retired bank officials or other suitable persons with whose help the counting of the Dan Patra has to be done in the presence of the Chief Executive Officer/Administrator and at least one more Permanent Trustee and at least one ex-officio member or his nominee.

**18. SAVING CLAUSE**

Although as per the original Scheme of Administration the name of the endowment was Aliganj Sri Mahabirji Trust, however, in due course of time the endowment has been referred to as the Temple Trust and in the order dated 20.12.2010 passed by District Judge, Lucknow in Regular Suit No. 3 of 1999 Ganga Charan Tripathi and others Vs Sri Mahabirji Temple Trust and others it has been referred as Sri Mahabirji Temple, Naya Hanuman Mandir, Aliganj, Lucknow. In view of the above any legal proceeding initiated by the Trust or against the trust shall be deemed to be in the name of Aliganj Sri Mahabirji Trust and in all such pending proceedings where trust is a party the name of the trust shall be deemed and substituted with the correct name of the endowment Aliganj Sri Mahabirji Trust.