

The Pandharpur Temples Act, 1973

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

3 [(a) appointed day, (i) in relation to the provisions of sub-section (2) of section 1, sections 21 to 31, 33, 34, 38 and 39, means the 3rd July 1975 [being the date on which those provisions were brought into force under a notification issued under sub-section (2) of section 1]; and (ii) in relation to any other provision of this Act, means the day on which that provision comes into force under a notification issued under sub-section (2) of section 1;] (b) authorised officer means an officer not below the rank of a Deputy Charity Commissioner or an officer who in the opinion of the State Government is of equivalent rank authorised by the State Government for the purposes of this Act; (c) Badves, in relation to the Temple of God Vitthal, means all those persons who according to the decision of the High Court in Gangaram and Others vs. Banaji Shankar and Others (1891 P. J. 182) are declared to be the chief priests, managers, guardians and overseers only of the idol, temple and property belonging thereto, and as such bound to keep order, and to bid the Sevadharis perform the duties which belong hereditarily to those priests; but are declared to be not the owners of the temple, idol or the property aforesaid; and whose hereditary rights in the management of the property of the idol Vitthal were determined by a scheme approved by the High Court in Sakharam Bhimaji Benare and Others vs. Gangaram Babaji Badve and Others in Appeal No. 141 of 1892; and Gangaram Babaji Badve and Others (original defendants) vs. Sakharam Vaman (with the consent of the Advocate General) and Others (original plaintiffs) in Appeal No. 168 of 1892 (1896 P. J. 644) as explained or modified by subsequent decisions, including the earlier decision of the High Court in Gangaram Babaji Badve and Others (original defendants) vs. Vitthal Dingre and Others (original plaintiffs) (Appeal No. 130 of 1890) and Govardhan Vitthal Dingre (original plaintiffs) vs. Gangaram Babaji Badve and Others (original defendants) (Appeal No. 5 of 1891) (1894 P. J. 6); and who are accordingly exercising these hereditary rights and privileges including any other rights and privileges claimed under any order or decree of any court or otherwise in the Temple of God Vitthal : and includes a Divaskari. Badva; (d) Benari means a person who exercises the hereditary right and privilege of Chanting Mantras or hymns from the Vedas or otherwise at the relevant time of performing nitya or daily or naimittik or occasional services in the temple of God Vitthal, and of appropriating or receiving income from the exercise of such hereditary right and privilege, including the right of receiving yajman offerings of puja vessels, provided the same are put into his hands by the devotee, of officiating at the worship of Ganapati, Varuna and Bhumi and of receiving the money offerings and of officiating as Joshi and Upadhyaya at munj and marriage ceremonies performed in the Temple of God Vitthal and of receiving the customary fees, being the right and privilege recognised by the decision of the High Court in Gangaram Babaji and Others vs. Narayan Annaji and Others (1891 P. J. 148) and includes any other rights and privileges claimed or exercised under any order or decree of any court or otherwise ; (e) by-laws means by-laws made by the Committee under this Act;1 These words were added by Mah. 30 of 1975, s. 2.2 Sections 1(2), 21 to 31, 33, 34, 38 and 39 came into force on 3rd July 1975, vide., G. N., L. & J. D., No. 15176/P., dated 3rd July 1975.3 Clause (a) was substituted for the original clause by Mah. 28 of 1979, s. 2.1974 : Mah. IX] The Pandharpur Temples Act, 1973 9 (f) Committee means the Committee established under section 21 of this Act and includes the temporary Committee appointed under that section ; [(f-1) Council or Advisory Council means the Advisory Council constituted under 1 section 32A] ; (g) daily or nitya services means the services rendered daily in the Temple of God Vitthal, described in Schedule A hereto and in the Temple of Goddess Rukmini in the same way as the services are performed in the Temple of God Vitthal with such variations as are appropriate in the case of a female deity; (h) Dange means a person who exercise the hereditary right and privilege of remaining present in the Temple of God Vitthal from kakadarti till shejarti, of attending all daily pujas and at daily and special services (not being fair or similar other time), of keeping order during all such pujas, doing duty of a chopdar or macebearer on all such occasions by standing at the arched door (whether inside or outside of it) with a silver, golden or other metal or wooden stick in hand, of asking for dakshina from the devotees or pilgrims, of receiving what the latter may be pleased to give him, of

receiving one-third share of the offerings made to the Sevadharis of inviting other Sevadharis when necessary, independently of the Badves order, of taking at the time of morning arti and of evening dhuparti the dhuparti and stick in hand and in company with a paricharak one of the Sevadharis and of waving that arti in front of Rukmini and other minor Gods; on coming to the Garud temple, of distributing ashes among the devotees or pilgrims present, of asking for or receiving dakshina from them and distributing angara in northern part of the town, and of receiving dakshina also on that account, being hereditary right and privilege recognised by the decision of the Court of Joint First class Subordinate Judge A. P. at Sholapur in Ramchandra Babaji vs. Gangaram Babaji, Krishna Babaji, Vishwanath Gopal and Others (Appeal No. 37) and Gangaram Babaji, Krishna Babaji, Vishwanath Gopal and Others vs. Ramchandra Babaji in Appeal No. 44 of 1893 decided on 28th day of September 1894; and includes any other rights and privileges claimed under any order or decree of any court or otherwise ; (i) Divaskari Badva or Utpat means the Badva or Utpat who purchases the right of Badves or Utpats of taking the next days offerings made by devotees or pilgrims before God Vitthal, or as the case may be, before the Goddess Rukmini, and for that purpose, being in charge of the collections for that day, remains present near God Vitthal or Goddess Rukmini ; (j) Dingre means a person who exercises the hereditary right and privilege of showing the mirror after the idol is dressed and after sweeping the floor from the throne to the bed chamber, of sprinkling water, of drawing figures in white and coloured powder thereon (including rangoli marks) and then of spreading paulghadi to cover that space, when the idol is supposed to go to the shejghar (or bed-chamber) for nights rest at the relevant time of performing the nitya or daily services in the temple of God Vitthal, and of appropriating and receiving income from the exercise of such hereditary right and privilege [including taking any offerings that may be placed on the cloth (paulghadi) by devotees or pilgrims and any articles which may be put into his hands by devotees], being a hereditary right and privilege recognised by the decision of the High Court in Gangaram Babaji Badve and Others vs. Govardhan Vitthal Dingre and Others and Govardhan Vitthal Dingre and Others vs. Gangaram Babaji Badve and Others (1894 P. J. 6); and includes any other rights and privileges claimed or exercised under any order or decree of any court or otherwise; (k) District Court means the District Court at Sholapur ; (l) Diwate means a person who exercises the hereditary right of being present with torch in hand in the Temple of God Vitthal from Kakadarti till shejarti; of attending (not in the inner anti-chamber of the deity) all daily pujas and daily special upcharas, of attending all kinds of yajman pujas wherein abhishek with panchamrit is made, of standing outside the arch-door with a stick in hand and in the case of yajman pujas where the mantra yasya kritya is recited near the shrine of Garud, of asking along with other Sevadharis dakshina after the mantra is recited and not before; in the case of pujas wherein no such mantra is recited near the shrine of Garud, of1 This clause was inserted by Mah. XXIII of 2018 s. 2.10 The Pandharpur Temples Act, 1973 [1974 : Mah. IX asking for dakshina when the yajman comes out of the anti-chamber of the deity and puja is declared to be at end, when the yajman comes near the Garud shrine, of receiving any golden, silver or other metal or wooden stick if the same is actually given in his hand by any of the devotees or pilgrims, of asking and receiving dakshina from devotees or pilgrims generally without causing them obstruction or annoyance, of receiving a twelfth share in the income of Sevadhari, after a yajman puja is over along with Hardas, of escorting the yajman to his lodging and receiving dakshina or presents from him, and in company with a paricharak of waving the morning arti and evening dhuparti in front of the minor idols, of distributing angara and receiving dakshina for so doing, and of attending with stick in hand all palkhi processions of the deity, being the hereditary right and privilege recognised by the decision of the Court of Joint Judge, A. P. at Sholapur in Gopal Ramchandra Divte vs. Gangaram Babaji and Others in Appeal No. 39 of 1893; and Gangaram Babaji and Others vs. Gopal Ramchandra Divte in Appeal No. 45 of 1893; decided on 28th September 1894 ; and includes any other rights and privileges claimed or exercised under any order or decree of any court or otherwise. (m) endowment means all property, moveable and immovable (including all jewellery and ornaments), belonging to or given or endowed in any name for the maintenance, support or benefit of the Temples, or any deity or idol therein, endowed for the performance of any service (including the service of offering to the deity) or charity connected therewith; or for the benefit, convenience or comfort of the devotees and pilgrims visiting the Temples and includes (i) the Temples and premises of the Temples and all the deities or idols therein and all the Pariwar Devatas connected therewith; (ii) all lands, inams, cash allowances and other properties, moveable or immovable, encumbrances or charges created in favour of the deities or idols on properties, wherever situate; (iii) all offerings in cash or kind, gifts or donations (including bhets), made or received on behalf of the Temples or any deity or idol therein ; (iv) all income derived from

any source whatsoever, and standing in any name, dedicated to the Temples or any deity or idol therein or to any places in the Temples, under the control of the Committee for any pious, religious or charitable purpose; and (v) any property purchased out of the Temples Fund. Explanation. Any gift, inam or jagir granted to a Badva, Sevadhari or Utpat or to any other person for the performance of any service including the service of offering to the deity or idol or charity in, or connected with the Temples shall not unless the contrary is proved be deemed to be a personal gift to the said Badva, Sevadhari or Utpat or such other person, but shall be deemed to be an endowment ; (n) Executive Officer means the Executive Officer of the Temples appointed under section 33 of this Act ; (o) Hardas means a person who exercises the hereditary right and privilege of being always present in the Temple of God Vitthal and of receiving aratis (chants at the wavings before the idol), at the relevant time of performing nitya or daily or naimittik or occasional services in the Temple of God Vitthal or performing kirtans on certain holy days, and of performing kala ceremony on Ashad and Kartik Vad I, and of appropriating and receiving income from the exercise of such hereditary right and privilege (including the right of receiving the sixth share of the offerings made to Sevadhari and the right of receiving musical instruments as are placed in his hand by the devotees and that the right to ask for alms is exercised after the puja is completed), being a hereditary right and privilege recognised by the decision of the High Court in Gangaram Babaji and Others vs. Sakhambar Kusaji and Others (1891 P. J. 136) ; and includes any other rights and privileges claimed or exercised under any order or decree of any court or otherwise ; (p) income means the net amount received or collected before the appointed day by any person having interest during any year by exercising his hereditary right and privilege during such year after deducting the expenses incurred in exercising such hereditary right and privilege; 1974 : Mah. IX] The Pandharpur Temples Act, 1973 11 (q) Kolis means persons belonging to the Koli community who claim that they have hereditary right of worship of the four lingas namely, Rameshwar and Vishveshwar in the northern part of the temple, Koteswar in the western part, and the linga on the head of the idol Vitthal and to receive income therefrom; (r) Kshetropadhye means a person who attends on devotees or pilgrims called Yajmans who desire to have darshan of God Vitthal or Goddess Rukmini on payment of remuneration as may be agreed upon between him and the Yajmans; (s) 1[member means a member of the Committee and includes the Chairman and Co- Chairman appointed under clause (a) of sub-section (1) of section 21;] (t) occasional or naimittik services means services rendered occasionally in the Temples of God Vitthal and Goddess Rukmini specified in Schedule B hereto, and includes all such services which may from time to time be required to be rendered in any of the Temples according to such orders as the Committee may, with the approval of the Charity Commissioner, make in that behalf; (u) pujari means a person who exercises the hereditary right of performing the actual act of worship (and the Badves cannot prevent the same from being performed) such as, bathing and dressing and undressing the idol, putting on and removing ornaments, flowers, garlands and sandal paste and waving the arti or offering naivedya to the idol at the relevant time of performing nitya or daily or naimittik or occasional services in the Temple of God Vitthal, and of appropriating or receiving income including Ovalni or waved offering whether deposited or given to the pujari (after dakshina is deposited) from the exercise of such hereditary right and privileges being a hereditary and privilege recognised by the decision of the High Court in Gangaram Babaji Badve and Others vs. Banaji Shankar and Others (Appeal No. 90 of 1886) 1891 P. J. 182; and includes any other rights and privileges claimed or exercised under any order or decree of any court or otherwise; (v) paricharak means a person who exercises the hereditary right of being present at the early light waving or kakadarti, of taking the torch from the Badve and handing it over to the pujari; at the second light waving, of taking ekarti from the pujari holding a bell in his left hand and then along with Hardas and Dange going round waving the incense and the light round smaller deities, at the evening dhupati, of bringing a ready filled incense burner and waving lamp which are afterwards carried and waved round the minor deities as in the morning of taking ekarti and ashes in cloth and going round the east of the town, putting ashes on pilgrims brows and showing them the lamp and of receiving presents of bringing water for bathing the idol at the panchamrit puja, and the yajmans panchamrit puja (but not other pujas whether daily or yajmans), of providing incense and wicks for the yajman pujas and of assisting the pujari by handing over the arti at the relevant time of performing nitya or daily or naimittik or occasional services in the Temple of God Vitthal; and of appropriating and receiving income from the exercise of such hereditary right and privilege including the right of taking all metal pots, arti vessels and bells given by devotees to them or for use of the idol provided that the same are put into his hands by the devotees being a hereditary right and privilege recognised by the decision of the High Court in

Appeal No. 1 of 1890, Gopal Trimbak Paricharak and another vs. Gangaram Babaji Badve and Others and in Appeal No. 5 of 1890, Gangaram Babaji Badve vs. Gopal Trimbak Paricharak and another; 1891 P. J. 138; and includes any other rights and privileges claimed or exercised under any order or decree of any court or otherwise; (w) Pariwar Devatas means all those gods and goddesses (including carvings on pillars, painting on walls and photographs or any, picture thereof) (either within or without the precincts of the Temples) which are held out or represented to constitute retinue of God Vitthal, or as the case may be, of the Goddess Rukmini and of which a separate list is on the record (the Pariwar Devatas of Vitthal being registered as a separate trust under the Public Trusts Act, and the Pariwar Devatas of Rukmini (including the deities of Satyabhama and Rahi or Radhika) being included in the Rukmini Trust which is also registered under that Act);¹ This clause was substituted by Mah. II of 2018 s. 2.12 The Pandharpur Temples Act, 1973 [1974 : Mah. IX (x) person having interest means a person who claims to be entitled to payment of an amount under this Act for the abolition of his hereditary right and privilege under section 4; (y) prescribed means prescribed by rules made under this Act ; (z) Public Trusts Act means the 1Bombay Public Trusts Act ; (za) registered trusts means the trusts specified in Schedule C hereto and includes the trusts which may be amalgamated or added thereto under this Act ; (zb) Sevadharis in relation to sevas or services performed in the Temple of; God Vitthal means the persons who are known as pujaris, Benaris, paricharaks, Dingres, Danges, Diwates and Hardas ; (zc) Temples means the Temple of God Vitthal (including the Garud Temple) and the Temple of the Goddess Rukmini at Pandharpur including Pariwar Devatas, and any additions thereto or alterations thereof which may be made from time to time after the appointed day ; (zd) Temples Fund means the Pandharpur Temples Fund constituted under section 43 ; (ze) Utpat means the person who, being in exclusive charge of the Temple of the Goddess Rukmini and the Pariwar Devatas thereof, exercises the hereditary right and privilege of performing nitya or daily or naimittik or occasional services in that Temple and of appropriating or receiving income from the exercise of such hereditary right and privilege and includes a Divaskari Utpat; (zf) year means the financial year; (zg) words and expressions used in this Act but not defined shall have the meaning respectively assigned to them in the Public Trusts Act.

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