

Repealed by Act 36 of 1955  
(From 1-3-1956)

THE DURGAH KHAWAJA SAHEB (EMERGENCY  
PROVISIONS) ACT, 1950  
No. XVII OF 1950



An Act to provide for the appointment of an interim administrator for the Durgah Khawaja Saheb, Ajmer, pending inquiry into its affairs and for certain ancillary matters.

[10th March, 1950]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Durgah Khawaja Saheb (Emergency Provisions) Act, 1950.

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

(a) "the Act" means the Durgah Khawaja Saheb Act, 1936 (XXIII of 1936);

(b) "Chief Commissioner" means the Chief Commissioner, Ajmer;

(c) all words and expressions used herein and defined in the Act, but not hereinbefore defined, shall have the meanings respectively assigned to them in the Act.

3. **Appointment of Administrator and consequences thereof.**—Notwithstanding anything contained in the Act, the Central Government may, by notification in the Official Gazette, vest the administration and control of the Durgah Endowment, which are by sub-section (1) of section 4 of the Act vested in the Committee, in any person (hereinafter referred to as the Administrator), and upon such notification being issued,—

(a) the Administrator shall take the place of, and shall supersede, the Committee constituted under the Act;

(b) the Committee shall cease to have or exercise any powers of administration, control or management in respect of the Durgah Endowment under the Act;

(c) the members of all standing and special committees appointed by the Committee under the Act shall be deemed to have vacated their offices as such;

(d) the Sajjadanashin shall cease to have or exercise any rights over the lands comprised in the jagirdari villages of Hokran and Kishnpoor in Ajmer, whether on behalf of the Durgah Endowment or otherwise, and the administration, control or management of the said lands shall vest in the Administrator, the Sajjadanashin being paid the net income from the said lands after payment of all expenses and charges in respect thereof.

4. **Power to appoint Mutawalli and Advisory Committee.**—For the purpose of enabling him effectively to exercise his powers of administration, control or management of the Durgah Endowment, the Administrator may—

(a) appoint a Mutawalli and prescribe his powers and functions;

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(b) determine the remuneration payable to any Mutawalli appointed under this section;

(c) appoint any Advisory Committee, consisting of such number of Muslims as the Administrator may think fit, and prescribe its powers and functions.

**5. Procedure for decision of disputes in certain cases.**—(1) Notwithstanding anything contained in section 16 of the Act, where in the course of administration, control or management of the Durgah Endowment, a dispute arises between the Administrator on the one part and the Sajjadanashin, the Mutawalli, any Khadim and any person claiming to be the servant of the Durgah under some hereditary right, or any one or more of them, on the other part, and such dispute does not relate to any religious usage or custom or to the performance of any religious office, the dispute shall be referred to the Chief Commissioner for decision.

(2) If any question arises whether a dispute is a dispute relating to any religious usage or custom or to the performance of any religious office, the question shall be decided by the Chief Commissioner.

(3) Any decision of the Chief Commissioner under this section shall be final and shall not be called in question in any court, and no suit or other proceeding shall lie in any court for the adjudication of any matter which is required by this section to be decided by the Chief Commissioner.

(4) Any suit or other proceeding pending in any court at the commencement of this Act, which relates to any dispute required under the provisions of this section to be referred to the Chief Commissioner for decision shall on such commencement be deemed to have abated.

**6. Power of Administrator to solicit or receive offering on behalf of the Durgah.**—Notwithstanding any injunction issued by any court or anything contained in any law for the time being in force, it shall be lawful, and shall be deemed always to have been lawful, for the Administrator or any person appointed by him in this behalf to solicit or receive on behalf of the Durgah any *nazars* or offerings from any person, and all such *nazars* or offerings shall be deemed to be part of the Durgah Endowment for the purposes of the Act.

**7. Exercise of powers, etc., by the Administrator.**—Subject to the control of the Central Government, the Administrator shall exercise all the powers and discharge all the duties of the Committee under the Act in conformity with the provisions contained therein, in so far as such provisions are not inconsistent with anything contained in this Act.

**8. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Administrator or any person acting under his direction in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

**9. Repeal and saving.**—(1) The Durgah Khawaja Saheb (Emergency Provisions) Ordinance, 1949 (XXIV of 1949), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued, appointment or order made or decision given) in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, as if this Act were in force on the day on which such thing was done or action was taken.