

**Madhya Pradesh (Shri) Mahakaleshwar Mandir Adhiniyam,
1982**

21 of 1983

[16 March 1983]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title And Commencement
2. Act To Override Certain Acts
3. Definitions

CHAPTER 2 :- VESTING OF PROPERTY AND CONSTITUTION OF COMMITTEE

4. Vesting Of Property
5. Administration To Vest In Committee
6. Constitution Of The Committee
7. Term Of Office, Resignation And Removal Of Members
8. Filling Of Vacancies
9. Meetings Of The Committee
10. Vacancy Etc. Not To Invalidate Proceedings
11. Duties Of The Committee
12. Alienation Of Mandir Properties
13. Limitation Of Borrowing Power
14. Administrative Report
15. Delegation Of Powers

CHAPTER 3 :- ADMINISTRATION AND ESTABLISHMENT

16. Appointment Of Administrator
17. Appointment Of Officers And Employees
18. Control And Appointment Of Pujaris Etc.
19. Appeal Against The Orders Of The Administrator
20. Emergency Powers Of The Administrator

CHAPTER 4 :- MANDIR KOSH, BUDGET, ACCOUNTS AND AUDIT

21. Mandir Kosh
22. Budget
23. Accounts
24. Audit

CHAPTER 5 :- CONTROL

25. Power Of The State Government Or Commissioner To Call For Information And Accounts And To Issue Directions

26. Inspection

CHAPTER 6 :-UNAUTHORISEDLY TAKING POSSESSION OF LAND, BUILDINGS OR OTHER PROPERTY OF MANDIR

27. Unauthorised Possession By Persons Of Land Or Building Belonging To Mandir

28. Appeals Against Orders Of Tahsildar Under Section 27

CHAPTER 7 :- MISCELLANEOUS

29. Provisions Of The Madhya Pradesh Accommodation Control Act, 1961 Not To Apply

30. Money Due To The Mandir Recoverable As Arrears Of Land Revenue

31. Protection Of Action Taken In Good Faith

32. Notifications, Orders Etc. Not To Be Questioned In Court Of Law

33. Acquisition Of Land

34. Power To Grant Licences

35. Power To Cancel Or Suspend Licences

36. Appeal

CHAPTER 8 :- OFFENCES

37. Offences

38. Cognizance Of Offences

39. Composition Of Offences

40. Fines To Be Credited To Mandir Kosh

CHAPTER 9 :- RULES

41. Power Of State Government To Make Rules

42. Power Of Committee To Make Bye-Laws

43. Committee To Be In Possession Of The Mandir And Its Properties

44. Removal Of Difficulty

45. Repeal

SCHEDULE 1 :- THE SCHEDULE

**Madhya Pradesh (Shri) Mahakaleshwar Mandir Adhiniyam,
1982**

21 of 1983

[16 March 1983]

An Act to provide for the better maintenance, preservation, administration and governance of Shri Mahakaleshwar Mandir at

Ujjain and its endowments and for other matters ancillary thereto. Be it enacted by the Madhya Pradesh Legislature in the Thirty-third year of the Republic of India as follows :-- 1. Received the assent of the President on 16-3-1983; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated 4-4-1983.

CHAPTER 1
PRELIMINARY

1. Short Title And Commencement :-

(1) This Act may be called the Madhya Pradesh (Shri) Mahakaleshwar Mandir Adhiniyam, 1982.

(2) It shall come into force on such date¹ as the State Government may, by notification, appoint.

1. w.e.f. 26-6-1983.

2. Act To Override Certain Acts :-

(1) This Act shall have effect, notwithstanding anything contained to the contrary in the Religious Endowments Act, 1863 (No. 20 of 1863), the Charitable Endowments Act, 1890 (No. 6 of 1890), the Charitable and Religious Trusts Act, 1920 (No. 14 of 1920), the Madhya Pradesh Public Trusts Act, 1951 (No. 30 of 1951) or in any scheme of management or in any decree, instrument, custom or usage.

(2) All laws, regulations and other enactments relating to the management of the affairs of the Mandir and its endowments and all deeds executed, and all arrangements entered into, for the said purpose with a Pujari or any other person prior to the commencement of this Act, in so far as such enactments, deeds or arrangements are inconsistent with the provisions of this Act, shall cease to have any effect.

3. Definitions :-

In this Act, unless the context otherwise requires :--

(a) "Administrator" means the Administrator of the Mandir appointed under sub-section (1) of Section 16;

(b) "appointed date" means the date appointed under sub-section (2) of Section 1;

(c) "Chairman" means the Chairman of the Committee;

(d) "Commissioner" means the Commissioner, Ujjain Division;

(e) "Committee" means the Shri Mahakaleshwar Mandir Managing

Committee constituted under this Act;

(f) "Court" means the Court of the District Judge, Ujjain;

(g) "endowment" means all property, movable or immovable belonging to or given or endowed in any name whatsoever for the maintenance or improvement of, or additions to, or worship in, or support of the Mandir or for the performance of any service or charity connected therewith or for the benefit, convenience or comfort, of the pilgrims visiting the Mandir and includes--

(i) the idols installed in the Mandir;

(ii) the premises of the Mandir;

(iii) all gifts of property movable or immovable wherever situate and all income derived from any source, whatsoever, and standing in any name dedicated to the Mandir or places for any religious, pious or charitable purposes under the Committee or any movable or immovable property purchased from out of the Mandir Kosh and all offerings including "chadhotry" made to and received for and on behalf of the Mandir;

(h) "licensee" means a person who is granted a licence under this Act;

(i) "Mandir" means the temple of Shri Mahakaleshwar in Ujjain, all lands comprised in survey No. 2112 of the survey of the Samvat 1984 in the City of Ujjain together with temples, buildings and other structures situate therein and all appurtenant and subordinate temples mentioned in the Schedule and any authorised additions which may be made thereto after the commencement of this Act;

(j) "Panda" means any person who is authorised to guide and assist pilgrims in offering worship or in any other matter connected therewith;

(k) "Pujari" means any person who is authorised to perform worship, puja-archana, or other rituals or services connected therewith;

(l) "Sevak" means a person who is authorised to assist the pujari in due performance of his functions and especially in keeping the Gruha Kaksha of the Mahakaleshwar deity clean and well guarded.

CHAPTER 2

VESTING OF PROPERTY AND CONSTITUTION OF COMMITTEE

4. Vesting Of Property :-

Notwithstanding anything contained in any decree or order of any Court or any custom or usage or contract, sanad, instrument, deed

or engagement to the contrary--

(i) the ownership of the Mandir and all the endowments which have been or may hereafter be made for the benefit of the Mandir in the name of any person whatsoever or for the convenience, comfort or benefit of the pilgrims; and

(ii) all offerings including chaudhotry, shall vest in the deity of Shri Mahakaleshwar.

5. Administration To Vest In Committee :-

(1) Notwithstanding anything contained in any decree or order of any Court or any custom or usage or contract, sanad, instrument, deed or engagement, the possession, administration, control and management of the Mandir and its endowments shall vest in Shri Mahakaleshwar Mandir Managing Committee.

(2) Shri Mahakaleshwar Mandir Managing Committee shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract, and may by the said name sue and be sued.

(3) The headquarter of the Committee shall be at Ujjain.

6. Constitution Of The Committee :-

(1) The Committee shall consist of--

(a) the Collector of Ujjain District or if and so long as the Collector is not eligible for membership under sub-section (3), an Additional Collector or a Deputy Collector nominated by the Collector;

(b) two officers to be nominated by the Collector;

(c) Mayor of the Municipal Corporation, Ujjain or a Councillor nominated by him;

(d) the Principal, Sanskrit Mahavidyalaya, Ujjain;

1[(d-i) Mahant (Guru Kapil Muni) of Shri Panchayat Mahanirvani Akhada Onkareshwar, at Ujjain.]

(e) one Pujari to be nominated by the State Government;

(f) two non-officials, one of whom shall be a person having a special knowledge of Hindu religion, rites and custom relating to the form of worship practised in the Mandir, to be nominated by the State Government.

(2) The Collector or the person nominated under clause (a) of sub-section (1) shall be the Chairman of the Committee.

(3) No person who does not profess Hindu religion and does not accept the form of worship practised in the Mandir shall be eligible for membership of the Committee.

(4) The nomination of the members shall be notified in such manner as may be prescribed.

1. Inserted by M.P. Act No. 28 of 2000 (w.e.f. 19-9-2000).

7. Term Of Office, Resignation And Removal Of Members :-

(1) A member nominated under clause (b) or clause (f) of sub-section (1) of Section 6 shall hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination.

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

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

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

(b) he has applied for being adjudged as 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 Mandir; 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 Committee in any legal proceeding after he has been nominated as a member of the Committee; or

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

(h) he has committed or abetted the commission of any act in support or furtherance of the practice of untouchability.

(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 by him of the order of removal, institute a suit in the Court to set-aside the order.

8. Filling Of Vacancies :-

(1) Any vacancy in the Committee shall be filled in the same manner as provided in sub-section (1) of Section 6.

(2) The term of office of a member nominated 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.

9. Meetings Of The Committee :-

(1) The Committee shall, for the transaction of its business, meet as often as may be necessary but atleast once in a period of three calendar months.

(2) The quorum for a meeting of the Committee shall be three.

(3) Every meeting of the Committee shall be presided over by the Chairman and in his absence by a member to be chosen by the members present to preside for the occasion.

(4) Question arising at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting and in every case of equality of votes, the Chairman or the persons presiding shall have a casting vote.

(5) The Secretary of the Committee shall be responsible for the proper record and maintenance of the minutes of the proceedings duly countersigned by the Chairman or the person presiding, as the case may be, and shall submit a copy of the said minutes to the Commissioner for information.

(6) The State Government or the Commissioner may call upon the Committee to submit a report on any matter concerning the business of the Committee and management of the Mandir and its affairs.

10. Vacancy Etc. Not To Invalidate Proceedings :-

No act or proceedings of the Committee shall be invalid merely by reason of,--

(a) any vacancy therein or defect in the constitution thereof; or

(b) any defect in the appointment of person acting as the Chairman or member thereto; or

(c) any irregularity in its procedure not affecting the merit of the case.

11. Duties Of The Committee :-

Subject to the provisions of this Act and the rules made thereunder

it shall be the duty of the Committee,--

- (1) to arrange for the proper performance of worship, puja-archana and the daily and periodical rites of the Mandir;
- (2) to provide facilities for the offerings of worship by devotees;
- (3) to ensure the safe custody of funds, valuables and jewelleryes and the preservation and management of the properties vested in the Mandir;
- (4) to ensure maintenance of order and discipline and proper hygienic conditions in the Mandir and proper standard of cleanliness and purity in the offerings made therein;
- (5) to ensure that the funds of the endowments of the Mandir are spent according to the wishes, so far as may be known, of the donors;
- (6) to do all such things as may be incidental and conducive to the efficient management of the affairs of the Mandir and the convenience of the worshippers; and
- (7) to promote any other religious, educational, cultural or charitable activity.

12. Alienation Of Mandir Properties :-

(1) No movable property of a non-perishable nature of which the Committee is in possession and the value of which is more than one thousand rupees and non-jewelleryes shall be sold, pledged or otherwise alienated without the previous approval of the Commissioner.

(2) Save as otherwise expressly provided in this Act, no immovable property taken possession of by the Committee shall be leased out for more than three years or mortgaged, sold or otherwise alienated except with the previous approval of the Commissioner.

13. Limitation Of Borrowing Power :-

The Committee shall have no power to borrow money except with the previous sanction of the Commissioner.

14. Administrative Report :-

The Committee shall annually submit to the Commissioner and to the State Government a report on the administration of the affairs of the Mandir containing such particulars and at such time as the Commissioner may specify.

15. Delegation Of Powers :-

The Committee may delegate any of its functions to its Chairman or Secretary.

CHAPTER 3

ADMINISTRATION AND ESTABLISHMENT

16. Appointment Of Administrator :-

(1) The State Government may appoint a person professing Hindu religion to be the Administrator of the Mandir and the Administrator shall by virtue of his office be the Secretary of the Committee :

Provided that if a full time Administrator is not considered necessary, the Collector may appoint any officer not below the rank of a Tahsildar as the Administrator of the Mandir.

(2) The Administrator shall be paid out of the revenue of the Mandir such salary, allowances or honorarium as the Commissioner may determine.

(3) The Committee shall exercise its powers of administration, control and management of the Mandir through the Administrator.

17. Appointment Of Officers And Employees :-

(1) Appointment of all officers other than Administrator and other employees of the Mandir shall be made by the Committee.

(2) The procedure for appointment of officers and other employees and the terms and conditions of service shall be such as may be prescribed by bye-laws.

18. Control And Appointment Of Pujaris Etc. :-

(1) All pujaris, pandas, sevaks and servants attached to the Mandir or in receipt of any emoluments or perquisites therefrom and all licences shall be under the control of the Administrator.

(2) Subject to the provisions of this Act and the rules and bye-laws made thereunder the Administrator may, for breach of trust, incapacity disobedience of lawful order or neglect of, or wilful absence from, duty, disorderly behaviour or conduct derogatory to the discipline or dignity of the Mandir or for any other sufficient cause inflict any of the following punishment, namely :--

(i) removal from office;

(ii) recovery from emoluments or perquisites of the whole or part of any pecuniary loss caused to Mandir by negligence or breach of order or disorderly behaviour or conduct:

Provided that no punishment as aforesaid shall be inflicted unless the person concerned is given a reasonable opportunity of being heard.

(3) In case a vacancy on account of a pujari, panda, sevak or any other person relinquishing his work or on account of death, removal or any other reason whatsoever, the Committee shall, subject to such rules as may be made in this behalf, appoint a Pujari, Panda, Sevak or such other persons to fill the vacancy, unless it considers that the filling of the vacancy is not necessary.

19. Appeal Against The Orders Of The Administrator :-

(1) Any person aggrieved by order passed by the Administrator may, within thirty days of the date of communication of the order under Section 18 to him, prefer an appeal before the Committee.

(2) The Committee shall, after giving the parties concerned a reasonable opportunity of being heard, pass such orders as it deems fit and the order so passed shall be final and conclusive and shall not be called in question in any Court of law.

(3) No order made by the Administrator, as is referred to in sub-section (1) or by the Committee under sub-section (2) shall debar any person aggrieved thereby from establishing his right, if any, in a Court of competent jurisdiction but no Court shall have power to stay the operation of the said order pending the final disposal of the proceedings before such Court or of any appeal or application arising therefrom or in relation thereto.

20. Emergency Powers Of The Administrator :-

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 immediate execution or the doing of which is in his opinion necessary for the preservation of the properties of the Mandir and its endowments or for the service or safety of the pilgrims resorting to the Mandir or for the due performance of the rituals therein and may direct that the expenses of executing such work or doing the Act shall be paid from the Kosh of the Mandir. The Administrator shall forthwith report to the Committee the action taken under this section and the reasons therefor.

CHAPTER 4

MANDIR KOSH, BUDGET, ACCOUNTS AND AUDIT

21. Mandir Kosh :-

(1) There shall be constituted a fund to be called Mandir Kosh which shall be vested in and be administered by the Committee and shall consist of--

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

(b) any offering, gift, donation or contribution; and

(c) all moneys received under this Act.

(2) The Kosh may be utilized for carrying out all or any of the functions and duties of the Committee enumerated in Section 11 : Provided that the Kosh shall not be utilized for promotion of any religious, educational, cultural or charitable activity not connected with the Mandir save with prior approval of the Commissioner.

22. Budget :-

(1) The Committee shall, within three months from taking charge of its office, and thereafter atleast one month before the commencement of each financial year prepare or cause to be prepared a budget for the succeeding year and shall consider and pass the same at a meeting before the commencement of the year.

(2) A copy of the budget so passed shall be sent to the Commissioner for approval, who may approve it with such modifications as he considers necessary.

23. Accounts :-

The Committee shall, within six months from the end of each financial year, make up correct accounts of the receipt and expenditure in connection with the administration of the Mandir for the preceding year.

24. Audit :-

The Commissioner shall every year appoint an auditor to audit the accounts of the Mandir and its endowments, and fix his remuneration which shall be paid to such an auditor from the Mandir Kosh. The auditor shall submit his report to the Committee and send a copy thereof to the Commissioner who may give such directions thereon as he may deem fit and the Committee shall carry out such directions.

25. Power Of The State Government Or Commissioner To Call For Information And Accounts And To Issue Directions

:-

The State Government, or the Commissioner shall have the power to call for all such information and accounts as may in its/his opinion be necessary for reasonably satisfying itself/himself that the Mandir is properly maintained, the endowments thereof are properly administered and their funds are duly appropriated to the purposes for which they were founded or exist; and the Committee shall on such requisition, furnish forthwith such information and accounts to the State Government or the Commissioner, as the case may be. The State Government or the Commissioner may issue such direction to the Committee as it/he may deem fit and the Committee shall carry them out.

26. Inspection :-

(1) The State Government or the Commissioner may depute an officer to inspect any movable or immovable property, records, correspondence, plans, accounts and other documents relating to the Mandir. The Committee and its employees shall be bound to afford facilities to such officer for inspection.

(2) The Commissioner may, if he considers it necessary so to do, personally make an inspection under sub-section (1).

CHAPTER 6

UNAUTHORISEDLY TAKING POSSESSION OF LAND, BUILDINGS OR OTHER PROPERTY OF MANDIR

27. Unauthorised Possession By Persons Of Land Or Building Belonging To Mandir :-

(1) Where the Administrator has reason to believe that any person has unauthorisedly taken possession of any land or building belonging to the Mandir or any sacred tank, well, spring or watercourse, or has remained in possession thereof, whether the same is situated within or outside the precincts of the Mandir, the Administrator shall report the fact together with relevant particulars to Tahsildar.

(2) On being satisfied that there has been an encroachment, the Tahsildar may cause to be served upon the encroacher a notice specifying the particulars of the encroachment and calling on him to show cause before a certain date why an order requiring him to

remove the encroachment before a date specified in the notice should not be made. A copy of the notice shall also be sent to the Administrator.

(3) The notice referred to in sub-section (2) shall be served in such manner as may be prescribed.

(4) After considering the objections, if any, of the encroacher and reply, if any, of the Administrator received within the period specified in the notice referred to in sub-section (2), the Tahsildar may, by order, if he decides that there has been an encroachment, require the encroacher to remove the encroachment and deliver possession of the land or building encroached upon to the Administrator before a date specified in the order.

(5) The order of the Tahsildar shall be in writing and shall contain the grounds on which he has passed the order.

28. Appeals Against Orders Of Tahsildar Under Section 27 :-

(1) Any person aggrieved by an order passed by the Tahsildar under Section 27 may, within thirty days from the date of the receipt by him of such order, prefer an appeal in writing to the Sub-Divisional Officer.

(2) On such appeal being preferred, the Sub-divisional Officer may order stay of further proceedings in the matter pending decision on the appeal.

(3) The Sub-divisional Officer shall call for the records of the case from the Tahsildar and after giving notice in the manner prescribed to the appellant and the Administrator and if necessary, after making such further inquiry as he thinks fit, decide the appeal.

(4) The decision of the Tahsildar shall, subject to the decision of the Sub-divisional Officer, be final and shall be conclusive evidence of the encroachment :

Provided that nothing in this section shall prevent the encroacher from instituting a suit in the Civil Court having jurisdiction on the ground that the Mandir has no title to the land or building.

(5) Where no appeal against an order of the Tahsildar has been preferred under sub-section (1) or where an appeal has been preferred and dismissed, the Administrator may remove the encroachment and obtain possession of the land or building encroached upon. Any Police Officer whose help is required for this purpose shall be bound to render the necessary help to the Administrator.

29. Provisions Of The Madhya Pradesh Accommodation Control Act, 1961 Not To Apply :-

The provisions of the Madhya Pradesh Accommodation Control Act, 1961 (No. 41 of 1961) shall not apply to any property vesting in the deity of Shri Mahakaleshwar under Section 4.

30. Money Due To The Mandir Recoverable As Arrears Of Land Revenue :-

All moneys due to the Mandir under this Act or under any agreement which provides for recovery of any amount payable thereunder as arrears of land revenue shall, on a certificate signed by the Administrator or any person authorised by him in this behalf, be recoverable as arrears of land revenue.

31. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State 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 or bye-laws made thereunder.

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 things done under the provisions of this Act by the State Government or any officer of the State Government or the Committee or any member thereof or the Administrator shall be liable to be questioned in any Court of law and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

33. Acquisition Of Land :-

(1) When any land or building, whether within or without the limits

of the Mandir, is required for the purposes of the Mandir and the Committee is unable to acquire it by agreement, the State Government may, at the request of the Committee proceed to acquire such land or building under the provisions of the Land Acquisition Act, 1894 (No. 1 of 1894) and the acquisition of any land or building for Mandir shall be deemed to be a public purpose within the meaning of that Act; and on the payment by the Committee of the compensation award under the Act and of any other charges incurred by the State Government in connection with the acquisition of the land or building, the land or building shall vest in the Mandir and be held by it subject to such terms and conditions as may be specified by the State Government.

34. Power To Grant Licences :-

(1) Any person who desires to sell flowers, prasad, books and other literature, pictures and any other material approved by the Committee or to look after bicycles, shoes, umbrellas or other personal effects within and around the Mandir premises shall apply to the Administrator for grant of a licence or removal thereof in such manner and within such period as may be prescribed by bye-laws.

(2) Every such application shall be accompanied by such fee as the Committee may, subject to the limits prescribed, specify in this behalf.

(3) The Administrator may grant or renew the licence or for reasons to be recorded in writing, refuse to grant or renew the licence.

(4) All the licences granted or renewed under this section shall be subject to the provisions of this Act and the rules and bye-laws made thereunder.

35. Power To Cancel Or Suspend Licences :-

(1) Subject to the provisions of sub-section (2), the Administrator may, for reasons to be recorded in writing, suspend or cancel a licence--

(a) if the licence has been obtained through wilful misrepresentation or fraud; or

(b) if the holder of the licence or any servant or any one acting on his behalf with his express or implied permission, commits a breach of any of the terms and conditions of the licence; or

(c) if the holder of the licence has become an insolvent;

(d) if the holder of the licence is convicted of any offence under this

Act.

(2) No licence shall be suspended or cancelled under this section unless a reasonable opportunity to show cause against such suspension or cancellation has been given to the holder of the licence.

36. Appeal :-

(1) Any person aggrieved by an order of the Administrator under sub-section (3) of Section 34 or sub-section (1) of Section 35 may prefer an appeal to the Committee.

(2) An appeal under sub-section (1) shall be made within thirty days from the date of receipt of the order in such manner as may be prescribed by bye-laws.

(3) The order passed by the Committee, shall be final and shall not be called in question in any Court of law.

CHAPTER 8 OFFENCES

37. Offences :-

Whoever--

(a) whose duty is to perform the rituals of the Mandir or "puja archana" of the deity raises any claim or dispute and fails or refuses to perform such duties, knowing or having reasons to believe that the non-performance of the said duties would cause delay in the performance of the rituals or puja archana or inconvenience or harassment to the public or any section thereof entitled to worship in the Mandir and wilfully disobeys or fails to comply with orders of the Administrator directing him to perform his duties without prejudice to the results of a proper adjudication of such claims or disputes, such persons or any other person who abets such conduct; or

(b) unauthorisedly performs any rituals, "puja archana" to any deity within the premises of the Mandir; or

(c) voluntarily causes obstruction by use of force or otherwise to any pujari, panda or sevak in the due performance of his duties; or

(d) wilfully does any act whereby the bhog or Mandir is defiled; or

(e) unauthorised exhibits any thali or other receptacle in such manner as might reasonably induce any person to place any offering whether in cash or in kind, in such thali or other receptacle or solicits money in any other manner whatsoever; or

(f) not being authorised by the Committee or the Administrator

interferes with the movement of persons or with any regulatory measures therefor within the premises of the Mandir; or
(g) forcibly enters into any place within the Mandir when such entrance is prohibited under any law or custom or under any lawful order passed by the Committee or the Administrator; or
(h) takes inside the premises of the Mandir any article knowing that the taking of such article is prohibited under any law or custom or by any declaration made and published in the prescribed manner by the Committee with due regard to the prevailing custom, public health, morality or the religious sentiment of the public;
shall, without prejudice to any other action taken against him under any other provisions of this Act, on conviction be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees, or with both.

38. Cognizance Of Offences :-

No Court shall take cognizance of any such offence under this Act without the previous sanction of the Administrator.

39. Composition Of Offences :-

(1) The Administrator may accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act a sum of money not exceeding--

(a) in case coming under clause (d) of Section 37 double the amount of the value; and

(b) in any other cases, the maximum amount of fine which may be imposed in respect of the offence, by way of composition of the offence.

(2) On the payment of such sum of money the suspended person if in custody shall be discharged and no further proceedings shall be taken against such person.

40. Fines To Be Credited To Mandir Kosh :-

All amounts realised on account of fines upon conviction for offence under this Act or as a result of composition shall be credited to the Mandir Kosh.

CHAPTER 9 **RULES**

41. Power Of State Government To Make Rules :-

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :--

(a) the manner in which nomination of member of the Committee shall be notified under sub-section (4) of Section 6;

(b) the manner in which notice shall be served on the encroacher under sub-section (3) of Section 27;

(c) the manner in which notice shall be given under sub-section (3) of Section 28;

(d) the limits within which the fee for licence may be specified under sub-section (2) of Section 34;

(e) the manner in which the declaration shall be made and published under clause (h) of Section 37;

(f) the form in which requisition may be made under sub-section (2) of Section 43;

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

(3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

42. Power Of Committee To Make Bye-Laws :-

(1) The Committee may with the previous approval of the Commissioner, make bye-laws for the administration and governance of the Mandir and its endowments not inconsistent with this Act or rules made thereunder or any other law.

(2) In particular and without prejudice to the generality of the foregoing power such bye-laws may provide for--

(a) the division of duties among the Chairman of the Committee and the Secretary;

(b) the manner in which decision on any matter may be taken otherwise than at the meetings;

(c) the procedure and conduct of business at meetings of the Committee;

(d) the books and accounts to be kept at the office of the Committee;

(e) the custody and investment of funds of the Committee;

(f) the details to be included in or excluded from the budget of the Committee;

(g) the time and place of its meetings;

- (h) the manner in which notice of its meetings shall be given;
 - (i) the preservation of order and conduct of proceedings at meetings and the powers which the Chairman may exercise for the purposes of enforcing its decision;
 - (j) the manner in which the proceedings of its meeting shall be recorded;
 - (k) the persons by whom receipts may be granted for moneys paid to the Committee;
 - (l) the maintenance of order inside the Mandir and regulating the entry and exit of persons therein or therefrom;
 - (m) the manner in which worship shall be performed in the Mandir during parvas, melas and utsavas;
 - (n) the preparation of a list of persons fit for appointment as "pujari", "panda" and "sevak" of the Mandir after taking into consideration the educational qualifications, religious knowledge, conduct, training and experience and other matters ancillary thereto;
 - (o) the procedure for appointment of officers and other employees and terms and conditions of their services under Section 17;
 - (p) the manner in which and the period within which application for licence may be made under sub-section (1) of Section 34;
 - (q) the manner in which appeal may be preferred under sub-section (1) of Section 36;
 - (r) any other matter for which bye-laws are to be made under this Act or it may be necessary to frame bye-laws for effectively implementing the provisions of this Act and the rules made thereunder.
- (3) All bye-laws after they have been confirmed by the Commissioner shall be put up on the notice board of the Mandir.

43. Committee To Be In Possession Of The Mandir And Its Properties :-

- (1) The Committee shall be entitled to take and be in possession of all movable and immovable properties including the funds and jewellerys, records, documents and other assets belonging to the "Mandir".
- (2) If in obtaining such possession, the Committee or any person authorised in this behalf by the Committee is resisted or obstructed by any one, it may make a requisition in the prescribed form to the Tahsildar within whose jurisdiction any such property is situated to deliver its possession to the Committee and on receipt of the

requisition, the Tahsildar shall hold a summary enquiry 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 power under this section the Tahsildar shall be guided by the rules made under this Act.

(3) No suit, prosecution or other legal proceeding shall lie against the Committee or any person acting under its instruction or authorised by it for anything done in good faith under sub-section (2).

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

(5) All public officers having custody of any record, register, report or other documents relating to the Mandir or any movable or immovable property thereof shall furnish such copies of or extracts from the same as may be required by the Administrator.

44. Removal Of Difficulty :-

(1) If any difficulty arises in giving effect to provisions of this Act, the State Government may, by general or special order published in the Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty :

Provided that no such order shall be made after the expiration of one year from the appointed date.

(2) Every order made under sub-section (1) shall be laid on the Table of the Legislative Assembly.

45. Repeal :-

As from the appointed date the Madhya Bharat Shri Mahakaleshwar Temple Act, Samvat 2009 (No. 3 of 1953) shall stand repealed :

Provided that such repeal shall not affect the previous operation of the said Act, and subject thereto anything done or any action taken shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done and action was taken.

SCHEDULE 1

THE SCHEDULE

[See Section 3 (1)]

1. Shree Onkareshwar Temple;
2. Temples of Shri Sabha Mandap--

- (1) Chandradityeshwar Temple;
- (2) Veerbhadra Gajanan;
- (3) Annapurna Murti Devijee;
- (4) Shree Ram Temple;
- (5) Avantika Devi;
- (6) Ghuveshwar Mahadev.

3. Shree Kotiteerth.

4. Shree Koteswar and Rameshwar.

5. Shree Mahadev Temples near about Kotiteerth.

6. Mahadev 84.

7. Indreshwar Temple.

8. Dharmashala of Devaswala.

9. Govindeshwar Mahadev Temple.

10. Ganpati Temple.

11. Dharmshala of Kibe Saheb.

12. Siddhi Vinayak Temple.

13. Mahadev Temple.

14. Vishnu Temple.

15. Temples in Onkareshwar Courtyard above Shri Mahakaleshwar Temple :--

- (1) Navagraha (2) Maruti Temple (3) Ganpati Temple (4) Neelkantheshwar Temple
- (5) Shree Rameshwar (6) Second Temple Ganpati (7) Ancient Writings on stone of Mahakaleshwar Temple (8) Trivishveshwar Mahadev (9) Ekadasharudra (10) Siddheshwar (11) Sapteshwar (12) Das Maruti (13) Sakshi Gopal (14) Third Ganpati Temple.

16. Shri Mahakaleshwar Dharmshala and its temples :--

- (1) Vitthal Temple (2) Mangaleshwar (3) Siddhesvar (4) Ganpati (5) Narsingh (6) Ram Temple.

17. Vriddhakaleshwar Temple and its adjacent temples :--

- (1) Vriddhakaleshwar Temple (2) Saptarshi (3) Anadi Kalpeshwar (4) 19 Maafi Temples (5) Onkareshwar (6) Ganpati (7) Idols of Kalpavriksha, Kamdhenu, etc., with Mahadev (8) Kashi Vish-vanath (9) Mahadev (10) Manmankeshwar Mahadev (11) Mahadev Temple (12) Hanumanji Temple (13) Samadhi of Guru Bherupuri (14) Goverdhan Temple.