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**Madhya Pradesh Sarvajanik Sthan (Dharmik Bhawan Evam Gatividhiyon Ka Viniyaman) Adhiniyam, 2001****29 of 2001****CONTENTS**

1. Short Title, Extent And Commencement
2. Definitions
3. Restrictions On Use Of Public Places For Religious Purposes
4. Procedure For The Grant Of Permission By The Collector
5. Duration Of Permission
6. Power Of Collector To Direct Removal Of Unauthorised Work
7. Aid Of Police For Removal Of Work
8. Removal Of Unauthorised Work
9. Appeals
10. Bar Of Jurisdiction Of Civil Court
11. Offences And Punishment
12. Cognizance Of Offences
13. Power To Make Rules
14. Repeal

**Madhya Pradesh Sarvajanik Sthan (Dharmik Bhawan Evam Gatividhiyon Ka Viniyaman) Adhiniyam, 2001****29 of 2001**

An Act to regulate the construction of religious buildings at public places and to restrict the use of such places for religious purposes. Whereas, with a view to avoid a breach of public peace and tranquility likely to arise from disputes between different sections of the people of the State of Madhya Pradesh, it is expedient to regulate the construction of religious buildings at public places and restrict the use of such places for religious purposes. Be it enacted by the Madhya Pradesh Legislature in the fifty-second year of the Republic of India as follows :-- 1 Received the assent of the Governor on 24th October, 2001 assent first published in the "Madhya Pradesh Gazette" (Extra-ordinary) dated the 30th October, 2001.

**1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Madhya Pradesh Sarvajanik Sthan

(Dharmik Bhawan Evam Gatividhiyon Ka Viniyaman) Adhiniyam, 2001.

(2) It extends to the whole of Madhya Pradesh.

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

## **2. Definitions :-**

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

(a) "building" means a house, shop, hut, shed or vessel or other structure or enclosure whether roofed or not of whatsoever material constructed and includes every part thereof, all walls, verandahs, platforms, plinths, doorsteps and the like and a tent or other portable and merely temporary shelter;

(b) "place" means any open space which is not a building;

(c) "public" used with reference to a building or place, signifies that such building or place, whether or not acquired, constructed and maintained by or at the expense of some specified persons or body of persons is not the private and personal property of such person or body of persons and is open to the use and enjoyment of the public in general or of a particular class or section thereof for the purpose, if any, for which it may have been set apart;

(d) "religious" when used with reference to a building or place such as temple, mosque, church, dargah, khankah, math, takiya or the like, signifies,--

(i) that such building is used or intended to be used for the purpose of religious worship or instruction or offering prayers (which include Bhajan, Kirtan, Stuti or Namaz) or performance of any religious rites by persons of, or belonging to, any religion, creed, sect or class; or

(ii) that such place is likewise used or intended to be used for social or religious purposes.

## **3. Restrictions On Use Of Public Places For Religious Purposes :-**

(1) No person shall use any public place,--

(a) as a permanent religious place; or

(b) save with the previous written permission of the Collector, obtained in the prescribed manner, as a temporary religious place.

(2) Nothing in this section shall apply to cremation grounds and burial places or places or to the holding of functions or the taking out of processions, in connection with deaths or marriages or to

other purely social and secular functions or to religious procession.

**4. Procedure For The Grant Of Permission By The Collector :-**

(1) When an application under Section 3 is presented to the Collector in the prescribed manner. He may, after making such inquiry as he may think necessary, including consultation with the local police either disallow the application or grant the requisite permission unconditionally or with such conditions as to security or otherwise as he may consider reasonable in the circumstances of each case.

(2) The order of the Collector passed under sub-section (1) shall be communicated in writing to the applicant within four weeks from the date on which the application under Section 3 was received in the office of the Collector.

(3) Subject to the provisions of Section 5, the order shall specify the period for which it shall be operative.

**5. Duration Of Permission :-**

A permission granted under Section 4 for the use of any public place as a temporary religious place shall expire three months after the date of the order granting the same or the day next after the date on which the act thereby permitted was to be performed, whichever is earlier.

**6. Power Of Collector To Direct Removal Of Unauthorised Work :-**

(1) Notwithstanding anything contained in any other provision of this Act but without prejudice to the provisions of Section 8, a Sub-Divisional Officer referred to in sub-section (2) of Section 22 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) or an officer-in-charge of a Police Station on his own motion or on complaint or otherwise on receiving information that any work has been constructed in contravention of the provisions of this Act or of any permission granted there under within his jurisdiction, shall proceed to enquire into the truth of the matter and if after enquiry comes to the conclusion that the work has been so constructed, he shall make a report to that effect to the Collector.

(2) Where the Collector on receipt of the report under sub-section (1) or suo motu, has reason to believe that a work has been

constructed in contravention of the provisions of this Act or of the permission granted there under, he shall issue a public notice in such form as may be prescribed and publish it in at least two local newspapers of which one must be in Hindi Language calling upon all the persons interested in the said construction of work to show-cause within such period as may be specified therein, why the said work should not be removed, such notice shall be notified in the locality by beat of drum, by affixing on the conspicuous part of the work so constructed and on the notice board of his office. He shall also cause a notice to be served on the person or persons (if ascertainable) responsible for the construction of the work.

(3) On or after the expiry of the period specified in the notice in sub-section (2) the Collector shall hear and decide the objection, if any, and record the findings on the matter.

(4) If the Collector arrives at the finding that the work is constructed in contravention of the provisions of this Act or of the permission granted there under, he shall direct the removal of the work so as to restore the building or place in question as nearly as may be to its original condition.

(5) Subject to the result of any appeal that may be filed where any work is not removed in compliance with the direction within a period of one month from the date of such direction of the Collector or of the decision of appeal, if any, the Collector shall cause such compliance to be made through such agency as it may deem fit and may recover the expenses incurred thereby from the person liable to comply such direction.

## **7. Aid Of Police For Removal Of Work :-**

If the Collector apprehends any resistance or obstruction for removal of the work constructed in contravention of the provisions of this Act or of the permission granted there under by a person or persons, the Collector may take or cause to be taken aid of the police for removing such work to such an extent as the circumstances of the case may warrant.

## **8. Removal Of Unauthorised Work :-**

(1) The Court making an order of conviction for any offence under Section 11 shall direct that any work which shall have been constructed in contravention of the provisions of this Act or of the permission granted thereunder, but has not been already removed under the provisions of Section 6 shall be removed so as to restore

the building or the place in question as early as may be to its original condition.

(2) In case of non-compliance with a direction made under subsection (1) the Court shall cause such compliance to be made through a Police Officer not below the rank of a Sub-Inspector at the cost of the defaulter in the prescribed manner.

## **9. Appeals :-**

Any person aggrieved by an order of the Collector passed under Section 4 or Section 6 may prefer an appeal in the prescribed manner, to the Commissioner of the Revenue Division within thirty days from the date of communication of such order to the appellant.

## **10. Bar Of Jurisdiction Of Civil Court :-**

No Civil Court shall entertain any suit instituted or application made to obtain a decision or order on any matter which, the Commissioner or Collector is by this Act empowered to determine, decide or dispose of.

## **11. Offences And Punishment :-**

Whoever contravenes, or attempts to contravene, or abets the contravention of any of the provisions of this Act or Rules made there under or any condition subject to which a permission there under may have been granted shall on conviction be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to three thousand rupees or with both.

## **12. Cognizance Of Offences :-**

An offence under this Act shall be triable by a Judicial Magistrate of the First Class on the complaint of a Police Officer not below the rank of a Sub-Inspector made under the orders of a Collector.

## **13. Power 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 of obtaining permission under clause (b) of subsection (1) of Section 3;
  - (b) the form of notice under sub-section (2) of Section 6;
  - (c) the manner of preferring appeal under Section 9;
  - (d) the manner in which the Court shall cause compliance to be made under sub-section (2) of Section 8; and
  - (e) any other matter which has to be or may be prescribed.
- (3) All rules made under this Act shall be subject to the condition of previous publication.
- (4) All rules made under this Act shall be laid on the table of the Legislative Assembly.

#### **14. Repeal :-**

The Madhya Pradesh Sarvajanic Dharmik BhawanTatha Sthan Viniyaman Adhiniyam, 1984 (No. 26 of 1984) is hereby repealed :  
Provided that the repeal shall not affect,--

- (a) the previous operation of the said Adhiniyam so repealed or anything duly done or suffered thereunder; or
- (b) any punishment incurred in respect of any offence committed against the said Adhiniyam so repealed; or
- (c) any investigation or legal proceeding in respect of any punishment as aforesaid, and any investigation or legal proceeding may be instituted, continued or enforced and any such punishment may be imposed as if this Act has not been passed.