

**Madhya Pradesh Shri Ganapati Mandir Khajrana (Indore)  
Adhiniyam, 2003**

**2 of 2004**

**[17 February 2004]**

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. Terms 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. Borrowing Powers
14. Administrative Report
15. Delegation Of Powers

**CHAPTER 3 :- ADMINISTRATOR AND ESTABLISHMENT**

16. Appointment Of Administrator
17. Creation Of Posts And Appointment Of Officers And Employees
18. Control And Appointment Of Pujaris Etc.
19. Appeal Against The Order Of The Collector/Administrator
20. Emergency Powers Of The Collector

**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 :-UNAUTHORISEDLYTAKING 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 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

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

## **CHAPTER 8 :- OFFENCES**

38. Offences

39. Cognizance Of Offences

40. Composition Of Offences

41. Fines To Be Credited To Mandir Kosh

42. Power Of State Government To Make Rules

43. Power Of Committee To Make Bye-Laws

44. Removal Of Difficulty

## **SCHEDULE 1 :- THE SCHEDULE**

**Madhya Pradesh Shri Ganapati Mandir Khajrana (Indore)  
Adhiniyam, 2003**

**2 of 2004**

**[17 February 2004]**

An Act to provide for the better maintenance, preservation, administration and governance of "Shri Ganapati Mandir, Khajrana, Indore" and its endowments and for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the fifty-fourth year of the Republic of India, as

follows :- 1. Received the assent of the President on the 17th February, 2004; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 4th March, 2004.

CHAPTER 1  
PRELIMINARY

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

(1) This Act may be called the Madhya Pradesh Shri Ganapati Mandir Khajrana, (Indore) Adhiniyam, 2003.

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

**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 Trust 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 or order 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) "Collector" means the Collector of Indore District;

(e) "Committee" means the "Shri Ganapati Mandir, Khajrana, Indore Managing Committee" constituted under this Act;

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

(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 situated 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 purpose 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 Ganapati Devta, Khajrana, Tehsil Indore, District Indore, land included in survey No. 1074 (area 0.526 hectares) and survey No. 491 (area 1.704 hectares) together with temples, buildings and other structures situated therein and all appurtenant and subordinate temples mentioned in the schedule and any authorized additions which may be made thereto after the commencement of the Act;

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

(k) "Sevak" means any person who is authorized to assist the "Pujari" in due performance of his functions and especially in keeping the "Garbha Grih" of Shri Ganapati Deity, cleaned and well guarded.

(L) "Commissioner" means the Commissioner, Indore Division.

## 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 property, 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 "chadhotry",  
shall vest in the Deity of Shri Ganapati Devta.

#### **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 Ganapati Mandir, Khajrana, Indore Managing Committee.

(2) Shri Ganapati Mandir, Khajrana, Indore 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 headquarters of the Committee shall be at Khajrana, Indore District.

#### **6. Constitution Of The Committee :-**

(1) The Committee shall consist of,--

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

(b) four Officers to be nominated by the Collector, Indore;

(c) two Pujaris to be nominated by the State Government;

(d) two non-officials, one of whom shall be a person having a special knowledge of Hindu religion, rites and customs 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.

#### **7. Terms Of Office, Resignation And Removal Of Members :-**

(1) A member, nominated under clause (b) or clause (c) or clause (d) 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 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;

(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 terms 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 at least once in a period of three calendar months.
- (2) The quorum for a meeting of the committee shall be four.
- (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 person 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 jewelleries and the preservation and management of the properties vested in the Mandir;
- (4) to ensure maintenance of order and discipline and proper hygienic condition 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 five thousand rupees and no jewellery 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. Borrowing Powers :-**

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**

### **ADMINISTRATOR AND ESTABLISHMENT**

## **16. Appointment Of Administrator :-**

(1) The State Government may appoint an officer, not below the



rank of a Deputy Collector, 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.

(2) The Administrator shall be paid out of the revenue of the Mandir such honorarium as the State Government may determine.

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

### **17. Creation Of Posts And Appointment Of Officers And Employees :-**

(1) The posts of officers and employees of the Committee shall be created after prior approval of the State Government.

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

(3) 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", "Sevaks" and Servants attached to the Mandir or in receipt of any emoluments or perquisites therefrom and all licensees 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 following authority may, inflict the punishments as shown against it for breach of trust, in-capacity, 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, namely :-

(i) Collector.--

removal from office;

(ii) "Administrator.--

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; or any other minor punishments as prescribed :

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, Svak or any other person relinquishing his work or on account of death, removal or any other reasons whatsoever, the Collector shall, subject to such

rules as may be made in this behalf, appoint a Pujari, 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 Order Of The Collector/Administrator :-**

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

(2) The Appellate Authority shall, after giving the parties concerned a reasonable opportunity of being heard, pass such order 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 Collector/Administrator as is referred to in sub-section (1) or by the Appellate Authority 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 Collector :-**

The Collector 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 of 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 Collector shall forthwith report to the Committee the action taken under this section and the reason 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 at least 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.
- (3) A copy of the approved budget shall be sent by the Administrator to the State Government.

## **23. Accounts :-**

The Committee shall, within three 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.

## **CHAPTER 5** **CONTROL**

## **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 purpose 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 to do so, 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 unauthorised 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 having jurisdiction.

(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 having jurisdiction.

(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 in 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 the 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.

## **CHAPTER 7**

## **MISCELLANEOUS**

### **29. Provisions Of 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 Ganapati devta, 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 :-**

When any land or building, whether within or without the limits of the Mandir, is required for the purpose 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 awarded under the Act and of any other charges incurred by the State Government in connection with the acquisition of 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 effect within and around the Mandir premises shall apply to the Administrator for grant of a licence or renewal 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 this 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 been an insolvent;

(d) if the holder of the licence is convicted of any offence under this Act or under any law for the time being in force.

(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 Collector.

(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 Collector shall be final and shall not be called in question in any Court of law.

### **37. 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.



**38. Offences :-**

Whosoever :-

- (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, 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 (sic) 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" or "Sevak" in the due performance of his duties; or
  - (d) Wilfully does any act whereby the "bhog" or Mandir is defiled; or
  - (e) Unauthorisedly exhibit 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 movements of person 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 sentiments 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.

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

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

### **40. 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 cases coming under clause (d) of Section 38 double the amount of the value; and

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

(2) On the payment of such sum of money, no further proceedings shall be taken against such person.

### **41. 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.

### **42. 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 matter, 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 form in which requisition may be made under sub-section (2) of Section 37;

(f) the manner in which the declaration shall be made and published under clause (h) of Section 38;

(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.

### **43. 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 person 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 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 (2) 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.

#### **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.

#### **SCHEDULE 1**

##### **THE SCHEDULE**

[See Section 3 (i)]

1. Shri Ganesh Mandir,
2. Shri Durga Mata Mandir,
3. Shri Shiv Mandir,
4. Shri Kshipreshwar Mahadev Mandir,
5. Shri Krishna Mandir,
6. Shri Kaila Mata Mandir,
7. Shri Bhadva Mata Mandir,
8. Shri Hingly Devi Mandir,
9. Shri Chintaman Ganesh Mandir,
10. Shri Mahakal Mandir,
11. Shri Vedmata Mandir,
12. Shri Siddh Bhairav Mandir,
13. Shri Narsingh Mandir, Shri Pipleswar Mahadev Mandir, Shri Seetalamata Mandir,
14. Shri Jai Santoshi Mata Mandir,
15. Shri Hauman Mandir,
16. Shri Ganesh Mandir Kaleganesh,
17. Shri Shani Mandir,
18. Shri Sai Baba Mandir,
19. Shri Venkatesh Mandir,
20. Shri Lekshmi Narayan Mandir,
21. Shri Ichchaman Ganesh,

22. Shri Mahavir Hanuman Mandir,
23. Shri Dattatraya Mandir,
24. Shri Ram Darbar Mandir,
25. Shri Radha Krishna Mandir,
26. Shri Mahalekshmi Mandir,
27. Shri Gopeshwar Mahadev Mandir,
28. Shri Prachand Bhairav Mandir,
29. Shri Bhairav Mandir,
30. Shri Surya Mandir,
31. Shri Gangamata Mandir,
32. Shri Dakhinee Hanuman Mandir,
33. Shri Santoshimata Mandir.