

MADHYA PRADESH SHREE GANPATI MANDIR KHAJRANA (INDORE) ADHINIYAM, 2003

q. Y. i08-%iA1ü/03-05. @TG-03-os. 75] 4 14, 1925 4' 2004 3fi1fiqq, 2004 Q. Y. q. q. G. Roo Y. (FRIT) Roca. 7137. 7t37. g«fü, q171. 149 x. -0 150 z. Q. w. REA. u. •n. w. 4 2004 fi*i •fi@ré Ffia•zti. æ-e.ntßl. • .34tü. q•qz, üOQTI. • Xirrfi..N1 • Üfii • gra fizi701 37fÜfi-qq, €171. vrßa. ülfii. • 37TQi _ .YWR. .fiqq 4 AN •2004 • 3TR.tfä-a-q Roo". . 1? 4 AN. 2004 3ra uäu 72.n ur .34fUfi-qq. (R) (3+fiqq, t. R. R. 3qfufiq•q, (RZQ Ro), (WRO 37fufizß4, W), RRQR) (R) *ifüa üfu•i. 37fifi-qfifrq zn 37fufiqq (q) (e) 'maq' •"æfifi" t æfifi; "2Ttqr«q" t. 150 (2) (O (q) (3) 4 .2004• fri, liÄ e-ft(ü i; ' '1iR(" YTtq .qpi; "Flüi' q, fizi7U1 Tru•rqR 0m. 4 qN•'2004 *YTT. (q) (R) (R) (73) Om. e. (R) (q) (R) (75) a) (Q) gm, (R) zft,— fr;- zrr 150-(3) 150 (4) 4 2004 üfu •a •qfi:fi zn *TTI. zqzifüt t. a-Rf. R. (R) qfqt, gra (q) zro 4 2004 (q) åfi:fi - a fiq>ié 150 ('51 OAT. • (23) fifi.üf, 3419tqoi fifini, qvi a •a 3.11F. 11<.t, qrvtr, .%QI W. æfi:fi,. .yqa 3ifig 156 (6) 4 2004 NT. v-2fffl. •RÄ. (O fila Qi aur Fifiz*i VlfWQ, qTi,. Qlfq åfi•zii 3i?Td: (a) Flü, Fitr, 4 2004 3ifrq zi 3fiÄiT{, a, tre qqz t rim *Zii zn *TIT. .(fift) . a-IA , (G) aqfi«rqr; (71) Ea. *rRßi, 14, 150 (7) 150 (8) Qi €t •ra*r• gra 4 2004 QQ. qfi:fi, ft:a, *Til, Q. fit?if t, qrdl a-aää. •fifi.pii • ærqt (t«FQ), *Til. tit. -øaqi \$1, ql (qra*rÖ, 3BifüTd (x) () -mqftzri, a yaq, t, 4 2004 S:ëra qTQ, zirrq fiö. qrq, art. 150 (5) ura 071. 150 (10) 4 2004 3fi7fiq•q, (uW R) GfTq•m, ax. (R) .lim F, at *111. fizRi .4t.4. (R) gra .t; 4 2004 (R) 37t«, fifüzri, t, *firt. EFTra Om. fi•qhé a, u. ÄTf RAT, O) . 150 (12) (q) (z:) (q) 4 2004' æi•zifiR üfü gm ufi±6 vq•æif t, Q, q•qfi fig) . (R) q, €üyfi. 4 2004 *rat YR. (R) Gill, (R) XFTrrq0r 3RTf7 () qg:rr; Giru. (Q) qza qlü. ya. (V) æfifi, i, .8fifi•zrq fizpii a. () R31, (q) (z:) fiftzii 150 (14) (q) (q) (0 (Z) (a) (7) (q) 4 2004 a 37 a, Lim .ü "qfl", "@ëi" qlzr*r; 3Bifizrq ti frq@i Q3T71 a. ÉRI, 'frzrr •150 15) q. (3. t. 23. V. . .22. 4 2004 Ttmqral qrlü, 4 2004 348 (3) 2003 2 2004) t. (16) Sections : 2. 3. 4. 5. 6. 7. 8. 9. 10. 12. 13. • 14. 15. 17. 18. 19. 20

21. THE g 2004 MADHYA PRADESH ACT No.2 OF 2004. MADHYA PRADESH SHRI GANAPATI MANDIR. KHAJRANA, (INDORE) ADHINIYAM, 200j. TABLE •OF CONTENTS CHAPTER I—PRELIMINARY Short title and commencement. Act to override certain Acts. Definitions

CHAPTER 11-2VESTING OF PROPERTY AND CONSTITUTION OF COMMITTEE Vesting of Property. Administration to vest in Committee. Constitution of the Committee. Term or office, resignation and re-appointment of members. • Filling of vacancies: Meetings of the Committee. Vacancy-etc.; not to - invalidate proceedings. Duties of the Committee. Alienation of Mandir properties. Borrowing powers. Administrative Report. Delegation of Powers. CHAVRER III—ADMINISTRATOR AND ESTABLISHMENT Appointment of Administrator. • Creation of posts and appointment of officers and employees. Control of appointment of Pujaris etc. Appeal against the order of the Collector/Adhishtrator. Emergency powers of the Collector. CHAPTER IV—MANDIR-KOSH, BUDGET, ACCOUNTS AND AUDIT Mandir-Kosh. 150 (17) 22. 23. 24. 25: 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40

43. Budget.Accounts. • Audit. 4 2004 • CHAPTER V—CONTROL Power of the State Government or Commissioner to call for information and accounts and issue directions. • Inspection

CHAPTER VI—UNAUTHORISEDLY TAKING POSSESSION OF LAND BUILDINGS. OR OTHER PROPERTY OF MANDIR. Unauthorised possession by persons of land or building belonging to Mandir. Appeals against order of Tahsildar under section 27

CHAPTER VII—MISCELLANEOUS. Provisions of the Madhya Pradesh. Accommodation Control Act. 1961, not to apply. Money due to the Mandir. recoverable as arrears of revenue. Protection of action taken in good faith. Notification, Orders etc. not to be questioned in court of law. Acquisition of land. Power to grant licences. Power to cancel or suspend licences. Appeal. Committee to be in possession of the Mandir and its properties

CHAPTER VIII—OFFENCES Offences. Cognizance of offences. Composition of offences. Fines to be credited to Mandir-Kosh

CHAPTER IX—RULES Power of the State Government to make rules. Power of Committee to make bye-laws. Removal of members. THE SCHEDULE. 150. (18) Short title and commencement. 4 2004 MADHYA PRADESH ACT No. 2 OF 2004. • THE MADHYA • PRADESH SHRI GANAPATI

MANDIR KHAJRANA• (INDORE) ADHhNIYAM, 2003. [Received the assent of the President on the 17th February, 2004; as first published in the • 'Madhya Pradesh Gazette (Extraordinary)' dated the 4th March, 2004. An Act to provide for the better maintenance, preservation, administration and governance of of "Shri Ganapati Mandir, Khajrana, Indore" and its endowments and for matters connected therewith or incidental thereto. Enacted by the Madhya Pradesh Legislature in the Fifty-fourth year of the Republic of India. as follows:—

CHAPTER I—PRELIMINARY 1. Act may be called the "Madhya Pradesh Shri Ganapati Mandir, Khajrana, (Indore) Act, 2003". (2). It shall come into force on such date as the State Government may, by notification, appoint. 2. (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 orders 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. In this Act, unless the context otherwise requires:— (a) (b) (c) (d) (e) (f) (g) (h) (i) "Administrator" means the Administrator of the Mandir appointed under sub-section (1) of Section 16; "Appointed date" means appointed under sub-section of Section 1; means the Chairman of the Committee; "Collector" means the Collector of Indore District; "Committee" means the "Shri Ganapati Mandir, Khajrana, Committee" constituted under this Act; "Court" means the District Judge, Indore; "Managing Endowment" means all property, movable or immovable belonging to or given or endowed in any name whatsoever for the maintenance or improvement of, or addition to, 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,— the idols installed in the Mandir; (h) (j) (k) 2004 the premises of the Mandir, 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, "Licentiate" means a person who is granted license under this Act; "Mandir" means the Temple of Shri Ganapati, Devta, Khajrana, Tehsil Indore, District Indore, land survey No. 1074 (area 0.526 hectares) and survey No. 491 (area 1.7 (M) 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 this Act; "Pujari" means any person who is authorized to perform worship, puja, archana, or other rituals or services connected therewith; "Sevak" means any person who is authorized to assist the "Pujari" in the due performance of his functions and especially in keeping the "Garbha Griha" of Shri Ganapati Deity, cleaned and well guarded. "Commissioner" means the Commissioner, Indore Division. CHAPTER II—VESTING OF PROPERTY AND CONSTITUTION OF COMMITTEE 4. 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,— the ownership of the Mandir and all the endowments which have been or may hereafter be made for the benefit of the Mandir the name of any person whatsoever or for the convenience, comfort or benefit of the pilgrims, and all offerings including "chadhotry" shall vest in the Deity of Shri Ganapati Devta. 5. (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 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. (1) The Committee shall consist of,— 150 (19) Vesting of property. Administration to the Committee. Constitution of the Committee (a) (b) the Collector of Indore

District or if and so long as the' .Collectof is .not •eliÉbie for membeÆhip under sub-section (3), an Additiona! Colléctör or Deputy Co.llectdr nominpnted by the Collector, . Four officerS to. be npminated by the Collector, Indore; 150 (20) Terms- ot office, resignâtiop and . (c) (d) 4 2004 Tyo Pujaries tp bé nominated •by the State Government; Two non-öfficials, one of .whom shall- be a person having a Special 'knowledge of Hindu religion, rites and .eustoms relating to the form of worship practiced in the Mandir, to •be nominated by the State Government. removal members. Filling vacancie of or (2) The •Cortector or the persdn nominatéd under clause (a) of •sub-section. (i) shall be the Chairman of •the Co•mmigee. (3) No person who does not profess .Hindu religion and does not accept the form of worship practiced in the Mandir eligible for membeAhip of thé (4) The nomination of•the members Shall be notified in such manner as may be• prescribed. 7. (1) A nominated under clause (b) or clquse (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 shali bc eligible för re-nomination. (2) A member referred to in sub-section (1) may resign his office by giving notice in writihg thereof to the authority nominating him and shall cease to be member on his resignatiân beihg aécepted by that authority. (3) The State Government- may. by order. remove a member referred to in sub-section (1) (a) (c) (d) (e) (g) he iS of unsound .mind ahd stands so declared by a competent courg or he_ has applied for being adjudged as insolvent, •or is an undischarged insolvent; or he has been convicted of any offence involving moral turpitude: br he has bgen guilty of corruption or misconduct jn.the administratidn of the Mandir; or he has absented. •himself from more than three consecutive meetings of the Committee and is unable to explain such absence to the• satisfactipn. of the Committee. he. being g!legal prâc!itidner has acted or, appeared on .behalf of •any person against the Comitéé in. any .legal proceeding after he has been nomina!ed as a member of the Comittee; or he ceases' to Brofess the Hindu Religion 0!' to believe •ip terhpte Worsh.ip;• of the has committed or abetted the commission of any act in 9upport 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 shöwing cause against his remöval. (5) A 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. • (1) Any vacancyin the Committee •shall be filled in the same manner as provided. in sub-section (1) of Section 6. 4 -2004 . (2) The terms of dffice of a member nominated to fill a casu•al vacancy shall be for so long t only as the member whose plâce has been filled would have been entitled to hold office if the vacancy had •not occu&ed. 9. (t) The Committee shall, -for (he transaction Of. its business, meet as often as may be •necessary but at •least once in period of thre& galendar•months: (2) The quorum for a meeting of the Committee shall be four: (3) Every meeting of ghe Committee shall be presided over by •the Chairman and in his *absence by a member to be choseh by the members present to preside for the occasion. GI) Question arising at a Imeciing 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 Chaiman 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 proceediigs duty. countersigned by the Chairman or the person presidiqg, as the case mpy. bc, and shalt submit ar 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. to. No act or proceedings of the Committee, shall be invalid merely by reason of,— (a) (b) any vacancy therein or defect in •the constitution thereof; or . any defect in the appointment OF person acting as the •Chpitman or mamber thereto; or any •irægularity•in its procedure hot affecting the merit of the case

11. Subject to the provisions of this •Act and the rules made therpunder it shall be the duty of the Committee—150 •(21) Meetings bf the Committee. • Vacancy etc., riot invalidatc to •proceedin#. Duties of the Committee. (2) (3) (4) (5) (6) to arrange for thé proper performance of worship: "Puja archana" and the daily and peribdical rites of the Mandir; to provide facilitiéé for the offerings •of .wo&hip by devotees; to •enspre the.safe custody of funds, valuables ancl jewelleryes and •the preservation and mariâgenient of the properties vested in the Maridir,. to ensure •maintenance of order ind'discipline and .proper. hygienic Condition in the • Mandir ang proper •standard of cleanliness and •punity ih the offerings made' therein; to ensure that the funds of the endowments of. the Mandir ate Spent according to the ivishes, so far as may be known, ot .ghe donors; to do all. stich things as be •and conductive to the'. efficient managemerit of the affairS of the Mandir and the convenience of the worshippers; and to promote any other religious,

educational, cultural or charitable activity. • ISO (22) Alienation Mandir properties. Borrowing powers. of Administrative Delegation Powers. Appointment Administrator. Creation of and appointment of officers and employee. Control and appointment of Pujaris etc. 4 2004 12. (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. The Committee shall have no power to borrow money except with the previous sanction of the Commissioner

14. 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. The Committee may delegate any of its functions to its Chairman or Secretary. CHÄVTÉR III*ADMINISTRATOR AND ESTABLISHMENT 16. (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. (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. • • ", "Sevak"- and Servants attached to the Mandir or in receipt of any 18. (1) All Pujans emoluments or prerequisites therefrom and all gratuities 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, incapacity, disobedience of lawful order or neglect of, or Willful absence from duty, disorderly behaviour conduct derogatory to the discipline or dignity of the Mandir or for any other sufficient cause, • namei : • Collector - removal from office; 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 prescribed • Provided that no punishment as aforesaid shall be inflicted unless the person concerned is given a reasonable opportunity of being heard. 4 2004 (3) In case a vacancy on account of a Pujari, Sevak or any other person relinquishing his work or on account of death, removal or any other reason 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. (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 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 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 or 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. 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 of 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 thereof. CHAYTER IV—MANDIR KOSH. BUDGET, ACCOUNTS AND AUDIT 21. (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) (b) (c) the income derived from the movable and immovable properties of the Mandir; any offering, gift, donation or contribution; and 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. (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 meeting before the commencement of the year. (2) A copy of the budget so passed shall be sent to the Commissioner for approval. who approve it with such modifications, as he considers necessary. (3) A copy of the budget shall be sent by the Administrator to the State Government. 150 (23) Appeal against the order of the Collector/ Administrator. Emergency powers of the Collector. Mandir.Kosh. • Budget. ISO (24) Accounts. Audit. Power of the State Government or Commissioner to call for incorp and matlon accounts and to {sue directions. t nspectiön. Unauthorised possession by of land building or belonging to Mandir. 4 2004 23. 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. 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. CHAYTER V—CONTROC 25. 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 26. (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 VI—UNAUTHORISEDLY TAKING POSSESSION OF LAND BUILDINGS OR OTHER PROPERTY OF MANDIR 27. (1) Where the Administrator has reason to believe that any person has unauthorisedly taken possession of any land 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 %hsildar may, by order, if he decides that there has been an encroachment, require the encroacher to remove the- encmachrment 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 i". shall Contain the gmunds on which he has passed the order. 2004 . 28; (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 fits, 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 29. 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. All moneys due to the Mandir under this Act or under any agreement which provides for recovery of any amount payable thereunder as arrear 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. 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 his Act or the rules or bye-laws made thereunder

32. 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. 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. I 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 ISO (25) Appeals against of Tahsildar under Section 27. Provisions of Madhya Pradesh Accommodation Control Act, to Money due to the Mandir recoverable as arrears of land revenue.

Protection of action taken in good faith. Notifications, orders etc. not to be questioned in court of law. Acquisition of land. Power to licence. grant 4 2004 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. (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 (or 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 to 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. (1) Subject to the provisions of sub-section (2), the Administrator may, for reasons to be recorded in writing, suspend or cancel a licence. Power to suspend or licences. Committee to be in possession Of the Mandir and its (a). (b) (c) (d) if the licence has been obtained through willful misrepresentation or fraud; or 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 if the holder of the licence has been an insolvent; 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 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. (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. (1) The Committee shall be entitled to take and be in possession of all movable and 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 power under this section the Tahsildar shall be guided by the Rules made under this Act. 4 2004 (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

CHAPTER VIII—OFFENCES 38. Whoever (a) (b) (d) (e) (f) (g) (h) 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 person entitled to worship in the Mandir and willfully 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 Unauthorisedly performs any rituals, "puja archana" to any deity within the premises of the Mandir; or Voluntarily causes obstruction by use of force or otherwise to any "Pujari" or "Sevak" in the due performance of his duties; or Willfully does any act whereby the "bhog" or Mandir is defiled; or 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 Not being authorised by the Committee or the Administrator interferes with the movements of person or with any regulatory measures therefore within the premises of the Mandir; Or 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 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. No Court shall take cognizance of any such offence under this Act without the previous sanction of the Administrator. (27) Cognizance or offence— 150 (28) Composition or 4 2004 40. (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 the fines to be credited Mandir-Kosh. (a) (b) in cases coming under clause (d) of Section 38 double the amount of the value: and in any other cases, the maximum amount of the fine which may be imposed in respect of the offences, be to 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. All amounts realised on account of fines upon conviction for offence under this, Act or • gs a result of composition shall be credited to the Mandir-Kosh. 42. (1) The State Government may, by notification, make rules for carrying•out the purposes • of this Act. (2) In particulars and without prejudice to the generality of the forgoing power. such Fules may provide for all or any of the following matter, namely Power of Stote Government to make Power or Committee to make Pye-taws. (a) (b) (c) (e) (D the manner in which nomination of member of the Committee shall be notified under sub-section (4) of Section 6; the manner in which notice shall be served on the encroacher under sub-section (3) of Section 27; the manner in which notice shall be given under sub-section (3) of Section 28; the limits within which the fee for licence may be specified under sub-section (2) Of Section 34: the



form in which requisition may be made under sub-section (2) of Section 37; the manner in which the declaration shall be made and published under clause (h) of Section 38; 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. (f) 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. In particular and without prejudice to the generality of the foregoing power such bye-laws may provide for :— (b) (c) the division of duties among the Chairman of the committee and the Secretary; the manner in which decision on any matter may be taken otherwise than the meetings; the procedure and conduct of business at meetings of the Committee; at 150 (29) SO (d) (e) (g) (h) (j) (k) (m) (n) (o) (p) (q) (r) 4 2004 the books and accounts to be kept at the office of the Committee; the custody and investment of Funds of the Committee; the details to be included in or excluded from the budget of the Committee; the time and place of its meetings; the manner in which notice of its meetings shall be given; the preservation of order and conduct of proceedings at meetings and the powers which the Chairman may exercise for the purposes of enforcing its decisions; the manner in which the proceedings of its meeting shall be recorded; the persons by whom receipts may be granted for moneys paid to the Committee; the maintenance of Order inside the "Mandir" and regulating the entry and exit of persons therein or therefrom; the manner in which worship shall be performed in the Mandir during 'pravas' 'melas' and 'utsavas'; 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; the procedure for appointment of officers and other employees and terms and conditions of their services under Section 17; the manner in which and the period within which application for licence may be made under sub-section (1) of Section 34. the manner in which appeal may be preferred under sub-section (2) of Section 36; 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 byelaws after they have been confirmed by the Commissioner shall be put up on the notice board of the Mandir. 44. (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: Every order made under sub-section shall be laid on the table of the Legislative Assembly. Removal difficulty. or 150 (30) 2. 3. 4. 5. 6. 8. 9. 10. 11. 12. 13. 15. 16. 17. 18. 19. 20. 21. 22. 23. . 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. fiä7G, 4 2004 THE SCHEDULE [See Section 3 Ganesh Mandir Shri Durga Mata Mandir Shri Shiv Mandir Shri Kshipreshwar Mahadev Mandir Shri Krishna Mandir Shri Kaila Mata Mandir Shri Bhadva Mata Mandir Shri Hingly Devi Mandir • Shri Chintaman Ganesh Mandir Shri Mahakal Mandir Shri Vedmata Mandir Shri Siddh Bhairav Mandir. Shri Narsingh Mandir Shri Pipleshwar Mahadev Mandir Shri Seetalâtnata Mandir Shri Jai Santoshi Mata Mandir Shri Hanuman Mandir •Shri Ganesh Mandir Kaleganes Shri Shani Mandir Shri Sai Baba Mandir Shri Shri Venkatesh Mandir Lekshmi Narayan Mandir Shri Ichchaman Ganesh Shri Mahavir Hanuman Mandir Shri Dattatraya Mandir Shri Shri- Ram Darbar, Mandir Radha Krishna Mandir Shri Mahalekshmi Mandir. Shri •Shri Gopeshwar Mahadev Mandir Prachand Bhairav Mandir Shri Shri- Bhairav Mandir Surya Mandir Shri Shri Gangamata Mandir Shri Dakshinee Hanuman Mandir Shri Santoshirnata Mandir.