

MADHYA PRADESH SHREE MAHAKALESHWAR MANDIR ADHINIYAM, 1982

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32. Save as otherwise éxpressLY.proviäed in-this Act, no• notific-atiéä: orders été.-iiot issued, order passed, decision made, proceedings or action takefi or other Io be questioned' things done under the provisions of. .ghis Act by. the State Government In court ot law. or any officer of the State Government or the Cornmittee or any member •.thereof. .or the Administrator shall be liable to be questioned, in any court of law and no injuncäon sha}l be granted by any court or other aÜthority. .in respect of any action taken or to be taken ih pursuance of any power conferred by or under this Act. 33. (1) When any land dr building, whether within or 'Mthout the Acquisition ot limits of' the Mandir, is required for the purposes of the Mandir and land. 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 provisioing .öf thä•.Länd Ac<üiSitiön- Act, 1894 (No. 1 of 1894) and the acquiéition of any land or building • for Mandir shall be deemed to be a public purpose withiri the nieahing of that Act ; and on the the compensation award under the Act and •of ah9 other iricürred •by tne• - connection with . the acquisition. ..töf the • läiid •'ör •building, the land or building,. the land or building shall vest in the M@ffdir and be held gy it subject to such terms and éonditiofie•as by the State Government. 34. (1) Any person who desires to sell flowers, "prasad", books and Power to grant other literature, pictures ahd aiy iothär matériäl approved by the Licences. Committee or to lookafter bicycles, shoes, umbrellas or other perspnal effects within and around the Mandir p.cerhiSés shall äpÉly to the Admhhis- trator ior grant of a licence or renev,ral 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 lirnits prescribed, SpeCify.'ih this béHalf. (3) The Administrator may gtrft 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 •tb provisions of this Act . and the • rules ang bye-laws, made thereändér. 36. (1) Subject to the pFovisions of •sub-Séetiön i.hé'Ä•äiifi1ßfrä.tor Vower to. cancel or suspena• may, for reason to •in • Wiüirié, suSÉénd cahbéi licehce— Ucences. (?) if the licence has been obtained throÜéh vñifül misrepresenta- tion or fraud ; or (b) if the holder of the licence or any serVänt br any öne .ÄCTing on his behalf witli his exprésS Of implied perrrii"ion,• 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 ié convicted of _any .offence. under . this Act (2) No licence shall be suspended or cancelled undef this section unless a

reasonable opportunity to show cause against such suspension or cancellation has been given to the holder Of 'the licenée. 36. (1) Any person AppeaL under sub-section• (3) of section 34 or sub-section: OT section 35 iäféFan- appeal-to-the-Committee. 'o" An aoeeål under sub-section (l) shall -be days from v- - nk manner as may be prescribed by bye-laws. THE MADHYA PRADESH MAHAKALESN*VAR .MANDIR ADHINIYAM, 1982. [Received; the assent of the •Président on the • 16th March 1983, assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 4th April 1983.] 'An Act to provide for the better maintenance, preservation, adminis- tration and governance of Shri Mahākaleshwar Mandir at' Ujjain and its endowments and for other ma!ters ancillary thereto. Be it enacted by the Madhya- Pradesh Legislature in the Thirty-third Year of, khe Republic of India •as follows CHAPTER IZPRELINUN•ÄRY• may oe cauea tne•auaanya rraesn sn.rl IVlanaxalesn- war Mandir-Adhi.niyam, 1982. • (2) It • shall• •come: into force on" such date as the Stdte Government may, by notification, appoint. and com- méncement. 2. (1) ThiS Act shall have effect, notwithStanding anything contained Act to certain Acu to the . contrary, in the Religious Endowments Act, _1363 (Na•• 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. All 14ys, and pthez enactments . relating to the management . of the affairs •of the Mandir •and ifs endowments and all deeds executed, and all- arrangements• entered into, for the said purpose with a Pujari or •any other person prior "cOmmencément of this Act, ih so far as such enactments, deeds or arrangements are inconsistent vltth thé provisions of this Act, shall' cease to havæ•any .:éffezt

3. In this Act, unless the context otherwise requires,—means the Admihistrator of the Mandir : "Administrator" appointed under sub-section (l) of section 16 ; 'appointed date" means the date' appointed ündéf sub-Section (2) of section 1 ; • f'Chairman" means •the Chairman .df the Committee ; •etCöhânisSiOnet" means •the. CorhmiSSiöner,• Ujjain 'Division •the Shri, •Mahakaleshviar Mâridii MänaÉing Deßnit!cæ. Qf or. gi#én Or• endöü'ed'hi'•• for' thé• maintenance or improvement Of, Or additions •t&, or worship in, or support of or for the performance of-. any; service or charity. connected theæwitb fpr• .the• benefit, .cc.nvenience• or comfort, of the pilgriHs visiting the Mandir •and includes— (i) the .idols...inStÄlledt.in .the.Mand±r. ; (ii) the premises of the Mandir ; (iii) all gifts of property *fiövabié of urimovable •wherever 'situate and all incon*. derived frqr:n .any .5Q.urce, whatsoever, and standing_.j.n .a.py dedicated. tg the Mandir pr places for any religious, pous or Committee or any movable or immovable property purchased,, fE.om out-of including' "chadhotry" made to. and. receiveL för arid: on behalf of the. Mahdir ; means Whd is granted a licen•ce undér this Act ; (i). "Mahdir"• means: .the:.temple .of• Shii M'ahākāleshwār•in Ujjain,' all lands comprised No. survey-. of Che Sarnvat 1984 in the City' of Ujjain together with temples, •othéf sitUâÉé fhefr@iri and' all • and subördinâté: • tariplés • • the-•• . . Schedule and? any authorised additiorié.: whith may made . thereto. •after :the. comrnncement• of this: Act ; (j) "P.andâ" means.. any person . . who is;' authorised to guide and•., assist pilgrims in offering worship or in any other matter connected therewith (k) "Pujari" meahs any person who is authorised to perform worship puja:archa.lia•, or other ritüals or services connected therewith ; (l) t'Sevak'.' means a person who is authorised to. assist the "pujari" in due perfbrmançe of' his funétions and especially in keeping the. "G.ruha Kaksha" of the Mahakaleshwæ•. diecy clean and .Eéh*r•. •PROPERTY Gi • ä.n.y• decree' or order of vesting ot any cbürt öi• any custom or usage or contract, sanad, instrüment; deed or property. engagement to' the con•trary— (i) the oynership .of the Mandir • and all the endff.vments 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 "chadhbtry" shall vésC•äri the deity of Shri Mahakaleshwar. 5. : (1) Notwithstandind •anything contained-in; any:•.decree or order Administration of any •court or any custom or u9a.ge or contract, sanâd, instrüment, decd to vest In Committee. or engagement, the possessi0l+, administration, control and managheiment •the •Mmdir and its endowments shall vest in Shri Mahakaleshwar Mandir Managing Committee. (z) Shri Mahakaleshwar Mandir ManaÉih'g Committee shall. be a body corporote havipg. perpectua] succession ånd • æ• common seal with poWer• to acquire. hold-ind dispoe• Qf• property and and may b' the säid hame sue aiid be. sued. (3) The headquarter. of the: Committee: Shali .be ät Ujjâizi. 6. • (1) The Committæ shall' 'consist of— Constitution the Committee. (a) the Collector of Ujjain Distr.igt .or, if ahd so lond as 'the Collector is riot eligiblé 'for membership under.. sub-section (3), an Additional Collector or a Deputy Collector nominated

by the •Collector ; tb)• two officers to be nominated by the Collector ; Mayqr..•of the. CÖrpoiation, Ujjain or a Councillor nominated by him ; • (d) the Principal/ Sanskrit MahaVidyalayā, Ujjain ; (e) one Pujari to be .nominated. by the State Government ; (f) two. nonzpmcials,.. one. of whpm. shall •b@ a person having a special 'kno€nedge of Hindu . religionj. rites and custom relating to the •form of worship practised .in the Mandir, to b? 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. •.pprson: -who does not profess Hindu' religion and doeer not accept the form of worship practised in the Mandi* shall be eligible for membership .of the .Committee. (4) Thp. of the members shallE be hotfied in such manne as' .bé _pt.esG!ibéd. (b) i'di' Term of omce, section (1) of section 6 shall • hold omce for a period of three years from resignation and removel ot the date of his nomination and shall be eligible foi-re-nomination. members. (2) A member referred to in sub-section (1) may resign his omce by giving notice in . writing thereof to the authority nominating him and shall cease to be a member on his being accepted• by that authority.. Filling of vacancies. (3) The State Governm•éfit may, bj OrdeF, remove a member referred to in sub-section . if— (a) he is of unsound mind arid ••etändS so 'declared by a cempetent court : or (b) he has' applied •for bein•g 4djudget aseibQlvent, •or is an undischarged' 'ilis61Vent dr r.nnvietet of any. offence involving mosal !uriitUde;. . or (d) he has been guilty of corruption or misconduct in the adpüni- stration of the. Mandir; •or (e) he .has. ?bsenteä •hirmself fröm moré than thréu consecutive. meetingsS .o\$ the Committee and is. Ühable tp explain. such. absence to the satisfaction of the Committee ; or (f) he, .being a legal practitioner, •has•acted of appeared oh behalf • •of ahy person against the Committee in any legal proceeding after he has been nominated"äs a member of the Com.m.fttee ; qr (g). he ceases. to: profew the ,Hii'idu RefigiÖh...pr to. •.believe in temple .worship; or r he hag• •Gdi•nmittféd 'bri a%ettéd the commiSsion of any act in supportz•or•• furtherance Of • the pra•ctiëe of untouchability. (4) A member shäli' noi bé removed under sub-sectidn (3) .unless he has been given reasonable. opportunity,.p.f. showihg Cause agäinst his removal. (5) A member who is removed under •subZection (3) may; •nthin 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 8. (L) Any vacancy in •the- Committee: shdl• bd filled. in the same manner äs provided in sub-section (1) of section 9. (2) The tetrn of •omce of a..member. •nominatéd' to.fill a casual vaeancy shall be for so long only as the member whose place has beep filled wpuldt have been entitled to hold •offce. if. the vacancy had hot ocured. • 9. The Committee shall, :foW the transaction of its: business, .meet Meetings of the as Often au be-necessary-but atléast once in périöd Committee. months. (2) The quorum for a meeting oi the.a Cornm-lfféé-üatl• •béthree.—... of the' :eömmitee. Shail ...be presi'déd_gyer_ . Ch-airman • ahd in his absence ""by • meétiig?..-o\$ - the'Cqmmit•cee - hiémpers•irésent • iri eüery; • •cäSe -or the...pérSonS rÖFesiding... 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 Cornmissioner may call upon the Commit!ee, to submit a report on any matter: concerning the business of thel Co•mrh.ittee and nianagement of the Mandir Änd its affafrs: . 10. ; No act or proceedings of. the. Comrnittée shall be invalid merely vacancy etc not by reason :of,— to Invalidate proceeding. (a) any. .vacancy therein .pr:-defect in the• cepstitution thereoS ; or (D) any aerect m •the appomtment 01 person acung as ine cnanrman or member thereto ; . or (c) any irregularity in its procedure not affectihg the merit of the case

11. Subject to the provisions of this Act and the rules made there- Duties ot the undef it shall be the gut' of •the Committee,—Cornmittee. "puja- (1) to arrange for the proper performance of. worship, "archana" and the daily and periodical rites of the Mandir ; (2) to provide facilities for the •offerings •Of worshii) by devotees ; (3) to ensure the • safe. cuStodY of fñhds, •valuables and jewelleryes ahä •the and management of the -properties vested in the Mandir ; (4)' to • ensure• maintenance of order: and .. discipline and proper N. hygienic conditions ih 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 acpnrdng to the wishes, so far as may be known: of the doners ; (6) to do all such things as may be incidental and condusive to the emcient management of the affairS of the Mandir and the cdnvenience of the worshippers ; and (7) to promote any other religious, educationl, cultural or chari- table activity. 12. (1) No movable property of a non-perishable nature of which Alienation of Mandir prc- the. Committee is

in possession and the value of which is more than one perties. 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 take 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 Limitation borrow. 41-983. 13... The Committee no borrow With the. iEeGiéUS Sa-netion -Cothmissioner.. Administrative 14. The Committee shall annually to the Cömniissiöher and Report. to the State Government a report On administration of the affairs of the Nlandir containing such particulars and at such time as the sioner may specify. Delegation of 15. The Committee may delegate any of its functions to its Chairman powers. or Secretary. CHAPTER AND Appointment of 16. (1) The State Government may appoint a person professing Administrator. Hindu religion to be the "Ääministrätor of tKÜ the Adminis- trätor shall' by virtue of his office- be the Secretary of : Provided that if a full 'tine Adminiéträtör is not Considered necessary the rank Of a Tahsildar as the Administrätor of the*Ä'aridiF. (2) The Admini}strator shall be paid out of the of the Mandir such salary, allowances or honorarium as the Commissioner may determine. (3) The Committee shall it? powers of control and management of the Manäfr {hé AdminiSträtor. Appointment of 17. (1) Appointment of all Officers other than Bdrnisträtor and omcers and other of the Maneir shall be made by the Committee. employees. (?) The ipr .?ppinfrnt pf ogicers and pther employees and the tergiS and cqnclitqtF ser.uice shall be such mqy•be Piéscribed by bye-laws. Control and 18. All "pujaris", "pandas", "fisevaks" and servants attached to appointment of the Mandir or in fécéiöt of any émoluments or perquisites therefrom and pujaris etc. all licencees éhail' bé ühder Che control bf the AdminiSträtor. (?) Subject to the provisions of this Act and the rules and bye-laws made thereunder the Administrator may, foi• breqch pf trust, in-capacity disobedience of order pr neglect of, or wi)ful absence from, duty, disorderly beh?Yiour or cpnduct derogatory to discipline or dignity Of the Mandir or for any other. sufficient causé ipflict any Q! thé following punishment, namely :— (i) remov Al from omce ; (ii) recovery from emolu•ments or perquisites of the whole or part 0.\$ any pecuniaFY loss caused to Mandir by negligence or of order or disorderly behavipur or conduct : .?rovidecl that no punishment as aforesaid shall pe inflicted unless reasonable opportunity •cein.g heard. 98-3 (3) In •case •account. o! séVa!S: Qr..any.othéi• persentreihqäishinu•his •woik or-on -or any . other. •-toeuch : rides: is' •may "be •"inääe• 'this •béhalf, ap>oiht a' Pujari, Pand?, Svak 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 Administrator Appeal against may, within thirty days of the date of communication of the order under the orders of the Adminis- section 18 to him, prefer an appeal before the Cornmittee. irator. (2) .The Committee shall, after, giving Che parties concerned a reason- a.ble. opportunity of keing he@RQ, pass such orders as it deems fit and •the örAff sp ..shall ke and conclysiye and shall not be called in ciuestion in any co.ue!• of läy. (3) No order made by the Administrator, as is referred to in sub-section section (1) or by the Cofnhiüte-e-..under 'QIS-section (2) shall debar. any person aggrieved thereby from establishing his right, if any, ima Court of i.ur-iFdictiQQ put-no shell ha.ve power to stay the• operation .pruceeomgs Derore such Court or of. any appeal .appUcatiQh .ari.sing therefr.om .Qr in relation thereto

20. The Administra!pr may in cases of emergency: direct the execu• Emergency fion of any or the doing pf my Aqt Which is not provided for in the powers of the buäépt for the year and immediatt.e Q! the doing of which is Administrator. HiF op*ni.op necessary \$or the preser.yq.li.pp df the properties of the Mänd.iv änd endo.wmenk fg;• t.he spyigp .or safely Of the pilgr.ims resorting td Che Mandir or for the due performance of the rituals therein and may the pf 92\$cuting such work or doing • the Aqt shail be PAid grog) *the of the Administrator shali for.thWith repoft io the Committee the action taken under this section and the reasons therefor

CHAPTER IV—MANDIR ROSH, BUDGET, ACCOUNTS AND AUDIT (1) There shall be constituted a fund to be called Mandir: koslt 21. Mandir Kosb. which shall be vested in and be administered by the Committee and shall . consist of— (a) the income derived from the movable and immovable proper.ties of Vie M*ndir..•, (b) any offering, gift, dpnatipn or contribution ; and (c) all moneys received under this Act. (2) •Thé Kosh may be utilised for carrying out all or any of the functions and duties Of the Cdmmittee enumerated in' section 'il : Provided that the Kosh shall not be utilised for promotion of apy relighoué, educational, c•2ltüraI or chÅYitable activity not cbnnected with the 'Mandir . Save with pribr the Commissioner. 22. (1) The Committee shall, within" three months from taldng charge of • its' office, and

thereafter atleast one month before the commencement of each financial year prepare or cause to be prepared budget for the succeeding year and shall consider and pass the same at a meeting of the Accounts Committee. The Accounts 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. 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 V—CONTROL. 25. The State Government or the Commissioner shall have the State Government or the Commissioner to call Mandir is properly maintained, the endowments thereof are properly administered and their funds are duly appropriated to the purposes for and accounts, and to issue directions. Inspection. Unauthorised possession by persons of land or building belonging to Mandir which they founded exist; and the Committee shall on such furnish forthwith such information and documents 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. (1). The State Government or the Commissioner may depute an officer to inspect any movable or immovable property, records, correspondence, plans, accounts and 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 (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 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; if and in 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. (1) Any person aggrieved by an order passed by the Tahsildar Appeals against under section 27 may, within thirty days from the date of the receipt of the order by him of such order, prefer an appeal in writing to the Sub-Divisional Officer. (2) On such appeal the Sub-Divisional Officer may order stay of further proceedings in that 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 to the appellant and the Tahsildar and if after 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 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 encroach and obtain possession of the land or building encroached upon. An Assistant Police Officer whose help is required for this purpose shall be bound to render the necessary help to the Administrator.

CHAPTER VII—MISCELLANEOUS 29. The provisions of the Madhya Pradesh Accommodation Control provisions of the Madhya Pradesh Act, 1961 (No: 41 of 1961) shall not apply to any property vesting in the Accommodation Control Act, deity of Shri Mahakaleshwar under section 4. 1961 not to apply

30. All moneys due to the Mandir under this Act. or under any Money due to agreement which provides for recovery of any amount. payable thereunder the Mandir as arrears of land revenue shall, on a certificate signed by the recoverable as Administrator or any person authorised by him in this behalf, be arrears of land 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 action taken in Committee or any member thereof or the Administrator or any other good Person acting under the instructions of the Committee or authorised by — It, for anything is in the rules or byelaws made thereunder. Sections : 19. Appeal. against the orders of the Administrator.. 20. of the Administrator: CHAPTER IV—MANDIR KOSH, BUDGET, ACCOUNTS, AUDIT 21. 22. 23. 24. 124

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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. Committee to be in possession of the its-properties. Removal of difficulty. Preamble • SCHEDULE.) .oraef.M.P.S.Séd not! ÉÉ • called "in question in law.

CHAPTER VI 112—OFFENCES • Offences. 37. . Whoever:— (a) whose duty is to perform the rituals of the Mandir or upuja a\$chana" -of the deity raises any claim. or dispute and fails or refuses to perform. such duties, or . h?Ving reasons to believe that the non-performance of the." • said. duties would cause delay in the performance of the rituals or .puja •arc.hüüä öi. • inconvenience.- • Or harassment to the public .or any section thereof entitled to ..worship. in, . the fiiãandir fails to: éölfiply of the' Administrator: diieciirig! •hih •to E Bérfohn- hi\$deties with01.it . prejudice: to: the of-a Proper. adjudication •of such.. claims or'. dispÜtæ; such .0&:.. (b). performs any rituals,.. • "pyja .grChana" to any . deity thZ.pr.é.mises of..the.Mmdir orv. - . voluntarily. causes •qbstrüction. •by: use of. forge, or otherwise to any .tptujari!, "sevak" in the. due performance of . his duties .or (d) wilfully does any act whereby the t Cbhog" Mandir is defiled ; . • or. (e) Unauthorisedly •exhibits. any. 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 solicited money in any other manner whatsoever. ; Or (f) not being authorised by the Committee OF the Administrator interferes With the movement of persons or with any regula- : •measureS .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. of Under a.hý lawful order:. •passed r - thé Cdmmittee or •thé Administrator ; or (h) takes. inside the premises. the Mandir al)Y article Impy.'ing 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. No Court shall take cognizance of any such offence under this Cognizance of offence. Act without the previous sanction of the Administrator. 39. (1) The Administrator may. accept from any person against Composition of *hom a reasonable suspicion exists that he has committed an offence under .Jhä-s- Act •a sum of -money not exceeding— section 37 double in cases coming under clause (d) of Fines to be credited to Mandir Kosh. Power of State Government to -make rules. Power of Committee to make

byelaws. be -iriiSéd • iii • by way of gomposition of (2) On the payment of such sum of money the suspected person if in custody shall be discharged and no further proceedings shall be taken against such person; • 4Ö. All amounts realised on account" of fines Lipon conviction. for Offence under -thi" ÄGt or •as ä result of compositedn%häll be credited to the Köéh. • CHAPTER • IX—RULES .fhé. •friay, ; by nōtihcation, märke rules for carying. out "the .purposes. of this.JAgT. 1K. •partiCülär.: and' iMtffoUt défieral.ity of.:the for äll. •ör. a.h.y.-öf the folloWing • which' Committee shall'- bé H8iihéd" l.indér' • of a sætion 6; (BY the 'i-hahhef iri Which: notiée •.shälp be: served on: (c) (d) (f) under.tsub2secti0fi' (3) of sectiofi 27 t; the manner in which notice shall be given • Undéf•gub-section (3) of sectiöh 28 the limits within which the •fee for licence may be specified ühdér sub-section (2) Of sectidri'. thé • •m'ähner' .in •whfch the? declaritiön-• shall be made and Bubiished •ünder •claÜse (h) of segiön 37 ;' {he forni in G'hith feq@isitori rhay. be ..üxide.r sub-section (2) o! section. 43 ; afiy-,.ot.hér• mãCtÉF Whiö-h -Ka's td be .b3äy bétÜéCribed. (3) AIX rules madé. undeöthis .Act...tshall .be .laid on the table of • the Legislative Assembly. 42'. (l) The'" • Committee: E may; with • .thé pfévius apirovall• the tornrhiSSioner•, • nia.ke byelaWs . för the' ädinihiktration ähd •:governance of the Mähdír endownehts fiÖt inconsistem• with• thiS A<t. or rules made thereunder or any other law. • pj 'In •par.ficulär and 'Githout to the]. generälity Of tkE power Such >jelaws•. giaS.' provide- .for— foregoing (a). the-division of duties•. among the Chairman Qf the Committee and the Secve.tary ; the manner in which: decision on any matter .may taken (b) . ' r.. •:Qtherwise than at .the meetings ; the.: :procedure•. •and conduct of business iat meetings •of the CÖmmittee•; - the books and accounts to be •kept at the office of •the (d) Committee ; the custody and investment' pf fuhds of the' Committee'; the detafls -to• •ben (i) the Committee (g) place of its rneetinas , the meaner in. wh.ich Q0tice of its meetin5s shall be given the offorder and' conductöf proceéäirtgs •nié.étings• GBd, lhe• Chairman mayf the purposes pt• enforcing its deciéion (j) the manner in which the proceedings of its meetiog shall be recorded ; (k) ghe persms Vy whom receipts may be grented moneys paid to the committee ; (l) the maintenance of order inside the "mandir" and regulating the er#ry and Chereiru pr (m) the manner in which worship shall be performed in the mahdir. during?"parvas", "melas" and 'tutsavas" , (n) the Vrepåråtion of a •list off persens fit* for-• appom•tment as "sevak" of+he Mäbidfr äfter. t.äking into 'Cpi.ijarl* , consideration the educational qualifications, religious know- ledge, conduct, training and experience and other matters ariéiIlläiY ! e.,j . xer appomgnent of officer). other .qriiÄIpyees @.nd teims åXi4.gÖn#itippä of théir Éery@es uhder'sé\$ö• 1.7; (p) the manner in Which and t.hé p&iöd which application for licence may be made under sub-section (l) of section 34; (q) the manner in whiéh äßpea.l rnäy be preferred under sub- section (1) of 35; , (r) any .other matter for which:byel.vs are tpzbe.-:made this Act or it may be necessary fare.me byelaws for effectively implementing the •piOviSions a-bf this • BADt• the •rules made thereunder. (3) All byelaws after they have *been .by tKe Commissioner shall be put up on the notice board if (l) The Coznmittee shall be entitled tn• take committee to b' 43. of all movable and immovable propeF.ti.és.r4 including • the funds and in possession of jewellerys, records, documents and other assets b4Qpgi.ng tp_thg "Mandir". the Mandir and its properties. (2) If in obtaining sugh pösésBioh•, the •eomYLitÆée or: äny authorised in this behalf b} is resisted ör•Öbstrdcted by any one, it may make a requisition in the prescribed from, tö the' Tahsildar within whose jurisdiction any such property .:is •sitüatéd" to deliver its possession to the corrunittee and on reééÄpt reqüisitiöh, •the Tahsildar shall hold a summary enquiry itiid'ähé facts "ot the cäsé- and if satisfied that the resistance or obstruction was witßout any just •éauSé; Shall comply vth the said requisition, and in exéreising the power .:under this section the Tahsildar shall be guided by the rules mãdé under this •Act. (3) No suit, prosecution or other legal proceeding shall lie against the acting -under its instruction -or •authp!ised by it for anything done in good faith under sub-section (2). • (4) Nothing contained in this •section shall bar the institution of a •süif by ariy Éersön -aggrieved by an ordér (made• .#hereunder) from his titlVto the said property. (5), An public officer.s having .custody of any recrd, register, report 02 ctbev documents relating to the Mandir or any movable or immovable thereof shall iurnish such copies of or extracts from the same as üia•y Administrator.—— Remove) of diffcu)ty• . - "44: (l) A It. •a•iy. giving Érovisjpns •pf this .Gt, the cr• .speqial ordeí•. búblished ih fhé Gazette, make • - such provisions of•. • Act, as appear to it to be necessary or expedient for tKe removal of the diff±ulty•. 7 Prövided *that no Such order shall: be nfäde äfter•-the expiration: of one year from the appointed date. • (2) Eve*' •orde* m•äde under suib-±cEbh (l) shall bélaid on the Table ot •the 'Legislatiye Assembly: •45.- Bharat . Shri MahakaleshGar• *ct, Samyat i2Q09 .(Nu. -3 .of •.J953) shall scand repealed. a Provided that

such' rebeäl shall- not effect ,thg. previous. operation • of «uhiect. thereto anything done or apy action taken shall be: •döne tne exercase t.,ar Ä•ét,• as if thiS5Aöi on the date on which' Such thing-was was takerk THE SCHEbUL'E [See sectiöh | Shree: Oi4kåreshWar Temple; of _ Shri Sabha 2 (1) Chandradityeshvar Temple, . Veer>hadrp:• GAj?.na9, (3) (4) Shree RamITéGi>IU,- Shrée KÖtitk&Ah. A. Rameshy.a\$. 5b•. Shree Mahadey.•, Terpples nearaböut Kotitezrih. Mahadey_.ß4E Indresh.væ•: æemple. Dharrugsbala.of PÅvaswalå.. - _Govindeshvay Mahadev Temple.- 9

10. Ganpati Temple.... DhAramshala of Kihe Saheb. 1-1. 12

13. Mahadev •Temple. Vishnu Temple, 14. 'frumples i'n•-Orikareshvar• Courtyard •above: Shri Mahakaleshwar . 15. shwar Tå-nple :— (1) .Navagraha (2) Maruti •Temple (3). Ganpati Temple . (4) Neel- kantheshwar Temple (5) Shree (6) Second Temple Ganpati (7) Anciept Writings .on stone Mahakalesbvar Temple (8) Trivishveshvar Mahadev (0) _ LI) • Sapteshvar (13) Sakshi Gopal 'Third 'Ganpati a2) Das Maruti •Temole. z:Sbri. ..öhd j i T&åBié.: . y.riddhakaleshvar Temple and its adjacent temples :— (1) Vriddhakaleshvar Temple (2) Saptarishi (3) Anadi Kalpeshvar (4) 19. Måafi temples (5) Onkaresh.går (6) Ganpati (7) Idos of Kaliavriksha, Kamdhenu, •etc., with Mahoäev (8) Kashi ,Vishvanath (9) Mahadey • (10) Manmankeshvar Mahadev (11) Mahadev Temple (i2) Han•unhanji Tempie (13) Sämadhi of Guru Bhei•uiuri' (14) Goyerdhan Temple.

