

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. Part X, No, 44

Dated. 04 November, 1956

*ORISSA ACT NO. 11 OF 1955

(Assented to by the President on 15th October, 1955)

AN ACT TO PROVIDE FOR BETTER ADMINISTRATION AND GOVERNANCE OF SHRI JAGANNATH TEMPLE AT PURI AND ITS ENDOWMENTS

Whereas the ancient Temple of Lord Jagannath of Puri has ever since its inception been an institution of unique national importance in which millions of Hindu devotees from regions far and wide have reposed their faith and belief and have regarded it as the epitome of their tradition and culture;

And whereas long period to and after the British conquest the superintendence, control and management of the affairs of the Temple have been the direct concern of successive Rulers, Governments and their officers and of the publisher exchequer;

And whereas by Regulation IV of 1809 passed by the Governor-General in Council on 28th April, 1809 and thereafter by other laws and regulations and in pursuance of arrangement entered into with the Raja of Khurda, later designated the Raja of Puri, the said Raja came to be entrusted hereditary with the management of the affairs of the Temple and its properties as Superintendent subject to the control and supervision of the ruling power;

And whereas in view of grave and serious irregularities thereafter Government had to intervene on various occasions in the past;

And whereas the administration under the Superintendent has further deteriorated and a situation has arisen rendering it expedient to reorganize the scheme of management of the affairs of the Temple and its properties and provide better administration and governance therefore in supersession of all previous laws, regulations and arrangements, having regard to the ancient customs and usages and the unique and traditional nitis and rituals contained in the Record-of-Rights prepared under the Puri Shri Jagannath Temple (Administration) Act, 1952 (Orissa Act XIV of 1952) in the manner hereinafter appearing;

It is hereby enacted by the Legislature of the State of Orissa in the Sixty Year of the Republic of India as follows :

* See Notification No. 5923-Legis., dated 2-11-1955, published in Orissa Gazette, dated 4-11-1956; Part X, No, 44.

LEGISLATIVE PAPERS For statement of Objects and Reasons *see Orissa Gazette* Extraordinary dated the 31st August, 1954 for Assembly proceedings, see proceedings of the Orissa Legislative Assembly and for Report of Select Committee, *See Orissa Gazette*, Extraordinary, dated the 29th March, 1955.

CHAPTER - I

PRELIMINARY

1. Short title and commencement :— (1) This Act may be called Shri Jagannath Temple Act, 1955.

(2) Sections 1, 2, and 3 shall come into force at once and the rest of the provisions of this-Act shall come into force on such date* as the State Government may, by notification, appoint in this behalf.

CASE LAWS

Sec. 1 - Validity of Act - Right of Raja of Puri - Right's as Adya Sebak and of Superintendence - Distinction - Latter rights not property - Act does not offend Arts. 19(1)(f) and 31(2).

*Held, the rights and duties of the Raja of Puri as Adya Sebak should be carefully distinguished from his rights and duties as the hereditary superintendent of the Jagannath Temple: **Ram Chandra Deb v. The State of Orissa : AIR 1959 Ori. 5.***

*Secs. 1, 5 - Worshippers of Jagannath - Not a religious denomination - Transfer of management to persons professing Hinduism - Art.26(d) not contravened : **Ram Chandra Deb v. The State of Orissa : AIR 1959 Ori.5.***

Sec. 1, 15 - Validity of Act - Does not contravene Art. 26(b)

*There is no provision in the Sri Jagannath Temple Act, 1955, which interferes with the religious practices in the Temple. On the other hand, Sub-sec. (1) of Sec. 15 makes it mandatory for the Committee to see that the daily and periodical Nities of the Temple are properly performed : **Ram Chandra Deb v. The State of Orissa: AIR 1959 Ori. 5.***

2. Repeals :— (1) The provisions of the Orissa Hindu Religious Endowments Act, 1951 (Orissa Act 2 of 1952) shall cease to apply to the said Temple except with respect to actions taken, things done and contributions levied and the same shall be deemed to have been validly taken, done and levied as if this Act had not been passed:

Provided that the State Government shall, after having due regard to the financial position of the Temple, have power to exempt it from the payment of the whole of any part of the contributions so levied and due, immediately-before the date of commencement of this Act, anything in any law or contract, or judgment, decree or order of any Court to the contrary notwithstanding.

(2) All laws, regulations and other enactments passed for the purpose of providing for the management of the affairs of the Temple and its properties and all deeds executed in favour of and all arrangements entered into for the said purpose with the Raja of Khurda or the Raja of Puri, as the case may be, 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.

* The rest of the provisions of the Act came into force on the 27th October, 1960 vide Notfn. No. 6619 L/24.10.1960, published in the Orissa Gazette Ext. No. 670/25.10.1960.

3. Delegation of powers to the Committee :- The Puri Shri Jagannath Temple (Administration) Act, 1952 shall be deemed to be a part of this Act and all or any the powers and the functions of the State Government under the said Act shall be exercisable by the Committee under this Act from such date or dates as the State Government may by notification direct.

4. Definitions :- (1) In this Act, unless there is anything repugnant in the subject or context-

- (a) **“Committee”** means the Shri Jagannath Temple Managing Committee constituted under this Act;
- ¹[(a-1) **“Nijoga”** means an association of Sevaks recognized as such by the Committee];
- (b) **“Prescribed”** means prescribed by the rules made under this Act;
- (c) **“Raja of Puri”** means the person on whom rests for the time being the obligation of discharging the duties of a Sevak in respect of the Gajapati Maharaj Seva as recorded in the Record of Rights;
- (d) **“Record of Rights”** means the Record of Rights prepared under the Puri Shri Jagannath Temple (Administration) Act (XIV of 1952);
- ¹(d-1) **“Sevak”** means any person who is recorded as such in the record of rights or is recognised by a competent authority as a Sevak or his substitute or has acquired the rights of a Sevak by means of any recognised mode of transfer and includes a person appointed to perform any niti or Seva under Clause (i) of Sub-section (2) of Section 21;]
- (e) **“Temple Fund”** shall mean the Shri Jagannath Temple Fund constituted under Section 28;
- (f) **“Year”** means financial year;
- (g) the words and expressions defined in the Puri Shri Jagannath Temple (Administration) Act, 1952 (Orissa Act XIV of 1952) and used in this Act shall have the same meaning in this Act.

(2) For the removal of doubts it is hereby declared that any reference to the word ‘Temple’ in either of the enactments aforesaid may, if the subject or context so permits, be construed as a reference also to the deity, if any, installed in such temple.

CASE LAWS

Sec. 4 (d-1) - "sevak" - A person has only a right to perform a particular service to the deity: Sri Jagannath Temple Managing Committee, Puri and another v. Narayan Mohapatra: 2003 (Supp.) OIR (NOC) 970 : 96 (2003) CLT 29.

Sec. 4 (1) (a-1) as introduced by Amendment Act (17 of 1968) is unconstitutional.

Held, the definition of "Niyog" as introduced makes the future existence of associations recognised in Record-of-Right, dependent on recognition by the Committee : Kedarnath Guru Mohapatra and others v. The State of Orissa : AIR 1974 Ori.75.

1. Inserted *vide* Orissa Act. 17 of 1968.

CHAPTER II THE COMMITTEE

5. Incorporation :- Notwithstanding anything in any other law for the time being in force or custom, usage or contract, Sanad, deed or engagement, the administration and the governance of the Temple and its endowments shall vest in a Committee called the Shri Jagannath Temple Managing Committee constituted as such by the State Government, and it shall have the rights and privileges in respect thereof as provided in Section 33. It shall be a body corporate, having perpetual succession and a common seal, and may, be the said name sue and be sued.

CASE LAWS

*Sec. 5, 33 - Constitution of India - Art. 14 - Income-tax Act- sec: 10 (23BBA) - Endowments of temple - Vested in shri Jagannath Temple Managing Committee enjoying exemption from Income Tax under Sec. 10 (23 BBA) since 1962 - Withdrawal of exemption without giving opportunity of hearing to Committee - Illegal, since it involves civil consequences Revenue authorities did not merely stop by passing the said order, but in order to implement same, passed several other directions - Post decisional hearing becomes idle formality : **Shri Jagannath Temple Managing Committee, Puri v. Commissioner of Income Tax, Bhubanewar and others : AIR 2008 Ori. 37 : 2007 (Supp.-II) OLR 973.***

1[6. Constitution of the Committee :- (1) The Committee constituted under Section 5 shall consist of 18 members and shall be composed as follows :

- (a) the Raja of Puri who shall be the Chairman;
- (b) an officer not below the rank of Additional Chief Secretary, *ex-officio* member, who shall be the Working Chairman;
- (c) the Chief Administrator appointed under sub-section (1) of section 19, *ex-officio* members, who shall be the Secretary;
- (d) the Collector of the District of Puri - *ex officio* member;
- (e) the Commissioner of Endowments appointed under the Orissa Hindu Religious Endowments Act, 1951 - *ex officio* member;
- (f) the Additional Secretary, Law Department in-charge of Shri Jagannath Temple Administration, *ex officio* member;
- (g) the Superintendent of Police, Puri- *ex officio* member;
- (h) the Superintending Archaeologist, Archaeological Survey of India, Bhubaneswar Circle, Bhubaneswar - *ex officio* member;
- (i) one person to be nominated by the State Government from among the persons entitled to sit on the Muktimandap-member;
- (j) Five persons to be nominated by the State Government from among the sevaks of the Temple members.

1. Substituted *vide* Orissa Act 12 of 2004.

- (k) one person representing the Maths and other Institutions connected with the seva-puja or nitis of the Temple or any Hindu religious/ spiritual organisation to be nominated by the State Government member; and
- (l) three persons (one of whom shall be Chartered Accountant) from among the persons who do not belong to any of the categories referred to in clauses (j) and (k) - members :

Provided that the State Government shall nominate persons for the categories referred to in clauses (i), (j) and (k) out of a panel of names prepared by the Chief Administrator for each such category which shall consist of names twice the number of members required to be nominated under the respective clauses.

(2) No person who does not profess the Hindu religion, shall be eligible for membership.

(3) If the officers mentioned under clauses (b), (d), (e), (f), (g) and (h) of sub-section (1) do not profess the Hindu religion, and officer of the State/Central Government of equivalent rank professing such religion may be nominated by the State/Central Government for the purpose.

(4) The appointment or nomination of the members shall be notified in the Orissa Gazette.]

¹**[6-A. Co-opted members :-** (1) The Committee may co-opt in the prescribed manner such number of persons, not exceeding four, as it deems fit to be members of the Committee from among persons not belonging to any of the categories referred to in Clauses ²[(j) and (k)] of Sub-section (1) of Section 6.

(2) The term of office of the co-opted members shall be co-terminus with the term of other members as specified in Section 9.

(3) The co-opted members shall have right to take part in the proceedings at every meeting of the Committee but, shall not have right to vote at any such meeting.

7. Appointment of a Chairman during the minority or disability of the Raja of Puri :- (1) If at any time the Raja or Puri happens to be a minor ³[x x x] or in the opinion of the State Government suffers from any of the disabilities covered by Sub-section (1) of Section 10 other than Clause (f) thereof the duties of the Chairman shall, during such minority or so long as such disability lasts, be exercised by a person professing the Hindu religion whom the State Government may by order specially appoint in that behalf :

Provided that in making an order under this Section the State Government may take into consideration the suitability of the next in line of succession to the Raja of Puri for appointment in conformity with the provisions of this Act;

Provided further that no such order as aforesaid shall be made by the State Government without prior consultation with the Advocate General and unless the Raja

1. Inserted *vide* Orissa Act 17 of 1968.
 2. Substituted *vide* Orissa Act 12 of 2004.
 3. Deleted *vide* Orissa Act 23 of 1970.

of Puri has been given a reasonable opportunity of showing cause against the order proposed.

(2) Notwithstanding anything in any law but subject to the provisions of this Act, all orders made by the State Government under Sub-section (1) shall after publication in the Gazette, be final and shall not be questioned in any Court of law.

8. Rights and Privileges of the Raja of Puri in respect of the Gajapati Maharaja Seva not to be affected :- Nothing in Section 7 shall be deemed to affect the rights and privileges of the Raja of Puri in respect of the Gajapati Maharaj Seva merely on the ground that the Raja has ceased to perform the duties of the Chairman for the time being nor shall anything therein contained preclude any person from establishing in a Court of competent jurisdiction his right to succeed to the said Seva as recorded in the Record-of-rights:

Provided that no Court shall have power to stay the operation of any order passed in accordance with the provisions of the aforesaid section pending the final disposal of the proceedings in such Court or of any appeal or application arising there from or in relation thereto; and no order of any Court in any such proceedings shall have the effect in rendering invalid or inoperative in law anything done or any action taken prior to the date of such order and in pursuance of orders of the State Government passed under that Section.

¹[8-A. Claims by the Raja of Puri :- (1) Where the Raja of Puri claims for himself any right in addition to those recorded in the record-of-rights he may make an application to the State Government in that behalf.

(2) Upon receipt of an application under Sub-section (1) the State Government may, after making such enquiry as they deem necessary and after giving the Raja of Puri an opportunity of being heard, make such order as they deem fit.

(3) The Raja of Puri may, if he is aggrieved by an order made under Sub-section (2), prefer an appeal before the High Court within thirty days of the date of communication of the order to him.

(4) All orders passed under Sub-section (2), shall subject to the decision, if any, made in an appeal under Sub-section (3), be final.

9. Terms of office of members :- Every member of the Committee other than the Chairman, and the ex-officio members shall hold office for a period of three years from the date of notification under Subsection (3) of Section 6 and shall be eligible for re-nomination.

10. Power of State Government to remove the ²[x x x] member of the Committee :- (1) The State Government may suspend or remove any member of the Committee other than the Chairman and the ex officio members on the following grounds:

- (a) that he has been convicted by a Criminal Court of any offence which, in the opinion of the State Government, involves moral turpitude’;

1. Inserted *vide* Orissa Act 17 of 1968.

2. Omitted *vide* Orissa Act 19 of 1961.

- (b) that he is of unsound mind or is suffering from any physical or mental disease or defect or infirmity which in the opinion of the State Government renders him unfit to be a member of the Committee.
- (c) that he has applied to be adjudged or been adjudged insolvent;
- (d) that he has been guilty of corruption or misconduct in the administration of the Temple or that some other sufficient cause exists for his removal;
- (e) that he has ceased to profess the Hindu religion;
- (f) that he has absented himself for ¹[x x x] three consecutive meetings of the Committee and is unable to explain such absence to the satisfaction of the Committee;
- (g) that being a legal practitioner he has acted or appeared on behalf of any person against the Temple in any legal proceeding.

(2) No member shall be removed under this Section unless he has been given a reasonable opportunity of showing cause against his removal.

(3) The decision of the State Government under this Section shall be final and shall not be liable to be questioned in any Court of law.

11. Dissolution and supersession of the Committee :- (1) If in the opinion of the State Government the Committee is not competent to perform, or makes default in performing the duties imposed on it under this Act, or exceeds or abuses its powers the State Government may, after due enquiry, by notification dissolve the Committee and reconstitute another Committee within a period of six months from the date of dissolution or supersede the Committee for such period not exceeding six months, as the State Government may deem fit.

(2) Before issuing a notification under Sub-section (1), the State Government shall, communicate to the Committee the grounds on which they propose to do so, fix a reasonable time for the Committee to show cause against the proposal, and consider its explanations or objections, if any.

(3) Where a Committee is dissolved or superseded under this Section the State Government shall appoint a person in the active service of the State Government and professing the Hindu religion to perform the functions and exercise the powers of the Committee until the constitution of another Committee or till the expiry of the period of supersession, as the case may be:

Provided that the period during which the Committee remains superseded shall not have the effect of extending the term of office of a member beyond the period of three years as specified in Section 9.

²[(4) x x x]

12. Casual vacancies :- (1) Casual vacancies caused by death, resignation, removal or otherwise in the office of the members of the Committee shall be filled in the same manner as provided in Section 6.

1. Omitted *vide* Orissa Act, 16 of 2003

2. Omitted *vide* Orissa Act, 9 of 1966 (w.e.f. 8th November 1965).

(2) The term of a member nominated or appointed, as the case may be, to fill a casual vacancy shall expire on the day on which the term of the member in whose vacancy the nomination or appointment has been made would have expired.

(3) Nothing done by the Committee shall be invalid by reason of there being a casual vacancy.

13. Meetings of the Committee :- (1) The Committee shall maintain its office at such place or places at Puri as the Committee may determine for the transaction of its business.

¹[(1-a) The Committee shall meet not less than six times during a calendar year and a period of more than two months shall not be allowed to elapse two successive meetings.

(1-b) ²[Chief Administrator] may, *sou motu*, and shall, when so required by the Chairman or in his absence by the ²[Working Chairman], convene an emergent or special meeting of the Committee for consideration of any urgent matter.]

³[(2) The Chairman and in his absence the ²[Working Chairman] shall preside over the meetings of the Committee and in the absence of both any other member elected by the members present shall preside over such meeting.]

(3) No business shall be transacted at any meeting unless at least ³[nine members] are present.

(4) Questions arising at a meeting of the Committee shall be decided by a majority of the votes of the members present thereat and the Chairman or the person presiding, as the case may be, shall have no right to vote at the first instance but shall have and exercise his casting vote in the case of equality of votes.

(5) The Secretary of the Committee shall be responsible for the due 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 State Government for their nomination.

(6) The State Government may call upon the Committee to submit report on any matter concerning the business of the Committee and management of the Temple and its affairs. Non-compliance in this behalf will be treated as a default in performance of duty within the meaning of Section 11.

14. Allowance to the members of the Committee :- (1) It shall be within the power of the State Government by order to direct from time to time the payment from out of the Temple Fund to the Chairman or the person appointed under Section 7 of such allowance, at such times and in such maimer as the State Government may consider reasonable and proper.

(2) Save as otherwise provided in Sub-section (1) ⁴[no member of the Committee] while acting as such, shall receive or be paid from out of the Temple Fund

1. Inserted *vide* Orissa Act 17 of 1968.

2. Substituted *vide* Orissa Act 12 of 2004.

3. Substituted *vide* Orissa Act 19 of 1961.

4. Substituted *vide* Orissa Act 9 of 1966 (w.e.f. 8th November 1965).

any salary or other remuneration except such travelling or daily allowances, if any, as may be prescribed.

15. Duties of the Committee :- Subject to the provisions of this Act and the rules made there under, it shall be the duty of the Committee

- (1) to arrange for the proper performance of Seva- Puja and of the daily and periodical Nitis of the Temple in accordance with the record-of-rights;
- (2) to provide facilities for the proper performance of worship by the pilgrims;
- (3) to ensure the safe custody of the funds, valuable securities and Jewelleries and for the preservation and management of the properties vested in the Temple;
- (4) to ensure maintenance of order and discipline and proper hygienic conditions in the Temple and of proper standard of cleanliness and purity in the offerings made therein;
- (5) to ensure that funds of the specific and religious endowments are spent according to the wishes, so far as may be known of the donors;
- (6) to make provision for the payment of suitable emoluments to its salaried staff; ¹[x x x]
- ²[(7) to arrange for the preparation of a list of immovable properties endowed to Lord Jagannath and of trusts created for offering Bhog or of the performance of any seva in the Temple;]
- (8) to prepare and implement with the prior approval of the State Government and remunerative scheme for cashew nut plantation, casuarinas plantation, horticulture, diary farming, establishment of retail shops for sale of commodities inside the Temple or any other commercial undertaking in order to augment the resources and income of the Temple;
- (9) to take steps for resumption of any building or room situated within the premises of the Temple from any person if he has ceased to render the service for the performance of which such building or room was allotted to him or if such service has become obsolete; and
- (10) to do all such things as may be incidental and conducive to the efficient management of the affairs of the Temple and its endowments or to the convenience of the pilgrims.

³[**15-A. Constitution of sub-committees :-** (1) The Committee may constitute Sub-Committees to aid and advice the Committee in regard to all or any of the following subjects, namely:

- (a) finance;
- (b) Nitis; ⁴[x x x]

1 The Word "and" omitted by Orissa Act 17 of 1968.
2. Substituted *vide* Orissa Act 17 of 1968.
3. Inserted *vide* Orissa Act 17 of 1968.
4. Deleted *vide* Orissa Act 12 of 2004.

- (c) matters relating to the Ratna Bhandar ¹[and]
²[(d) any other subject as may be decided by the Committee]

(2) The composition the term of office and the procedure for the conduct of business of the Sub-Committee shall be as may be prescribed.

²[15-AA. Duties of the Working Chairman :- It shall be the duty of the Working Chairman :-

- (a) to ensure that the Resolutions passed by the Committee are properly implemented by the Chief Administrator;
- (b) to ensure proper co-ordination between the Temple Administration, District Administration and the State Government in the administration of the affairs of the Temple; and
- (c) any other duty which the State Government may from time to time assign.]

15-B. Revision of Record-of-Rights and appeal against order for revision :-

(1) ¹[Chief Administrator] may, ³[either on his own motion or] on an application made in that behalf by any Sevak, other than the Raja of Puri, and after, making an enquiry in the prescribed manner, make an order effecting any change in any entry made in the record-of-rights on all or any of the following grounds, namely :-

- (a) that such change is necessary in view of any new materials which have come to notice; or
- (b) that any entry therein bears no relationship to the existing facts; or
- (c) that any such entry is incomplete or incorrect;

Provided that no order under this sub-section shall be made without giving the parties concerned a reasonable opportunity of being heard.

(2) Any person aggrieved by an order under Sub-section (1) may, within thirty days from the- date of communication of the order to him, prefer an appeal before the State Government and thereupon the State Government may, after making such enquiry as may be necessary and after giving the parties concerned an opportunity of being heard, make such order as they deem fit.

(3) No order made under Sub-section (1) or 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 there from or in relation thereto.]

CASE LAWS

Secs. 5, 6 and 15-B - Record-of rights in respect of temple - Incorrect entry made in Record from certain document - Description in document must prevail over incorrect entry : Kanhu Khuntia v. Padmalava Khuntia: AIR 1990 Ori. 182.

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1. Substituted *vide* Orissa Act 12 of 2004.
2. Inserted *vide* Orissa Act. 12 of 2004.
3. Inserted *vide* Orissa Act 16 of 2003.

16. Alienation of the Temple 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 ¹[fifty thousand rupees] and no Jewelleries shall be sold, pledged or otherwise alienated without the previous approval of the State Government.

(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 five years or mortgaged, sold or otherwise alienated except with the previous sanction of the State Government.

²[(3) Any transfer of immovable property recorded in the name of Lord Jagannath of Puri by any person including any institution being the Marfatdar of such property shall be absolutely null and void and of no force or effect whatsoever, unless ¹[Chief Administrator] or any officer authorised by him in writing in this behalf, execute the deed of such transfer as one of the executant.

(4) Notwithstanding anything contained in the Registration Act, 1908 (Act 16 of 1908) no deed of transfer of any immovable property executed in contravention of the provisions of sub-section (3) above shall be accepted for registration.]

³[**16-A. Removal of encroachment of Temple Land :-** (1) The provisions contained in the Orissa Prevention of Land Encroachment ²[Act, 1972] ²[Orissa Act 6 of 1972] shall be applicable, as far as may be, in respect of unauthorized occupation of any land belonging to the Temple as if it were property of Government within the meaning of that Act.

(2) ¹[Chief Administrator] may with the prior approval of the Committee, make an application for taking up appropriate proceedings under the said Act to the authority -competent there under and thereupon it shall be lawful for such authority to take action in accordance with the provisions contained in that Act.

CASE LAWS

*Land Committee took decision to dispose of the landed properties of Lord Jagannath to persons, who were possessing the land with permanent structure since long- Government of Orissa approved the recommendation of the Land Committee- Petitioners' possession over land is disputed - Enquiry report reveals that Ac. 0.018 decimals of land was found to be lying vacant without being surrounded by fence - petitioners also could not show any document regarding their possession over Ac. 0.018 decimals - Held, no right, title and interest accrue or have accrued in favour of petitioners in respect of the land in question belonging to Lord Jagannath : **Deben Sethi and others v. State of Orissa and others: 2012 (Supp,-I) OLR 656 : 2012 (I) CLR 1136 : 2012 (1) OJR 275.***

17. Limitation of borrowing powers :- The Committee shall have no power to borrow money from any person except with the previous sanction of the State Government.

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1. Substituted *vide* Orissa Act 12 of 2004.
 2. Inserted *vide* Orissa Act 16 of 2003.
 3. Inserted *vide* Orissa Act 17 of 1968.

18. Administration report :- (1) The Committee shall annually submit to the State Government a report on the Administration of the affairs of the Temple at such time as the State Government may prescribe and such report shall be forthwith published by the Committee in the prescribed manner.

(2) The report prepared and published under this Section shall, as soon as possible, be laid before the Legislative Assembly. .

18-A. ¹[x x x]

CHAPTER III

²[CHIEF ADMINISTRATOR] AND ESTABLISHMENT

²[**19. Appointment of Chief Administrator and officers to assist him :-**

(1) There shall be a Chief Administrator for the Temple who shall be appointed by the State Government from among members of the Indian Administrative Service not below the rank of Commissioner (equivalent to Revenue Divisional Commissioner) and professing Hindu religion.

(2) The Collector of the District of Puri or such person as may be nominated under sub-section (3) of Section 6 shall be *ex officio* Deputy Chief Administrator of the Temple and he shall, subject to the control of the Chief Administrator, perform such duties as the Chief Administrator may from time to time assign.

(3) The State Government shall appoint the following officers from among persons in their active service and professing Hindu religion to assist the Chief Administrator and the officers so appointed shall, perform such duties, as the Chief Administrator may from time to time assign –

- (a) one officer from among the members of the Indian Administrative Service or Orissa Administrative Service not below the rank of Joint Secretary as Administrator (Development);
- (b) one officer from among the members of the Orissa Administrative Service (I) not below the rank of Joint Secretary as Administrator (Niti);
- (c) one officer from among the members of the Indian Police Service or Orissa Police Service not below the rank of Additional Superintendent of Police as Administrator (Security);
- (d) one officer from among the members of the Orissa Administrative Service (I) (Jr. Br) as Deputy Administrator (Revenue);
- (e) one officer from among the members of the Orissa Finance Service (I) (Jr. Br) as deputy Administrator (Finance); and
- (f) one officer not below the rank of Assistant Executive Engineer (Civil) as Deputy Administrator (Development).

(4) The State Government may also appoint such other officers as it may deem fit, from among persons in their active service and professing Hindu religion to assist

1. Deleted *vide* Orissa Act 12 of 2004.

2. Substituted *vide* Orissa Act 12 of 2004.

the Chief Administrator and the officer so appointed shall, perform such duties as the Chief Administrator may from time to time assign.]

20. ¹[x x x]

21. Powers and duties of ²[Chief Administrator] :- (1) ²[Chief Administrator] shall be the Secretary of the Committee and its Chief Executive Officer and shall, subject to the control of the Committee, have powers to carry out its decision in accordance with the provisions of this Act.

(2) Notwithstanding anything in Sub-section (1) or in Section 5 ²[Chief Administrator] shall be responsible for the custody of all records and properties of the Temple, and shall arrange for proper collections of offerings made in the Temple and shall have power :-

- (a) to appoint all officers and employees of the Temple;
- (b) to lease out for a period ³[not exceeding three years] at a time the lands and buildings of the Temple which are ordinarily leased out;
- (c) to call for tenders for works or supplies and accept such tenders when the amount or value thereof ³[does not exceed fifty thousand rupees;]
- (d) to order for emergency repairs;
- ⁴(e) to specify, by general or special orders, such conditions and safeguards as he deems fit, subject to which any sevak, office-holder or ²[Employee] shall have the right to be in possession of jewels or other valuable belongings of the Temple;
- (f) to decide disputes relating to the collection, distribution or apportionment of offerings, fees and other receipts in cash or in kind received from the members of the public;
- (g) to decide disputes relating to the rights, privileges, duties and obligations of sevaks, of rice-holders and servants in respect of sevapuja and Nitis, whether ordinary or special in nature;
- (h) to require various sevaks and other persons to do their legitimate duties in time in accordance with the record-of-rights; and
- (i) in the absence of any sevak or his substitute or on the failure on the part of any such person to perform his duties, to get the Niti or seva performed, in accordance with the records-of-rights by any other person];
- ⁵(j) to issue instructions or directions, from time to time, for controlling the activities, conduct and management of all institutions including Mukti Mandap and Pandit Sabha functioning within the premises of the temple.]

Provided that the exercise of power under Clauses (a), (b), ⁴[(c) and (e)] shall be subject to the directions if any of the Committee issued-specially in that behalf.

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1. Omitted *vide* Orissa Act 9 of 1966 (w.e.f. 8th November, 1965).
 2. Substituted *vide* Orissa Act 12 of 2004.
 3. Substituted *vide* Orissa Act 17 of 1968.
 4. Substituted *vide* Orissa Act 19 of 1961.
 5. Inserted *vide* Orissa Act 16 of 2003.

¹[(3) ²[Chief Administrator] may, subject to such conditions, if any, as the Committee may, by general or special order imposes, afford facilities on payment of fees for special darshan or for any special service, ritual or ceremony, such darshan, service, ritual or ceremony not being inconsistent with the custom and usage of the Temple and he shall have power to determine the portion, if any, of such fees which shall be paid to the sevaks, office holders or Servants of the Temple.]

³[(4) Upon failure on the part of any math to supply any article required in connection with the Seva-Puja of the Temple which under the record-of-rights, it is the duty of such math to supply, ²[Chief Administrator] may procure the article by incurring such reasonable expenditure from the Temple Fund as may be necessary and make an order requiring such math to pay to the Temple the amount so expended.]

⁴**[21-A. Control of Sevaks, etc. :-** All sevaks, office-holders and servants attached to the Temple or in receipt of any emoluments or perquisites there from shall, whether such service is hereditary or not, be subjected to the control of ²[Chief Administrator] who may, subject to the provisions of this Act and the regulations, made by the Committee in that behalf, after giving the person concerned a reasonable opportunity of being heard

(a) withhold the receipt of emoluments or requisites;

⁵[(b) impose a fine of an amount not exceeding ²[two thousand rupees];

(c) suspend; or]

(d) dismiss;

any of them for breach of trust, incapacity, disobedience of lawful orders, neglect of or willful absence from duty, disorderly behavior or conduct derogatory to the discipline or dignity of the Temple or for any other sufficient cause.

⁶**[21-B. Suspension pending inquiry :-** The ²[Chief Administrator] may place any sevak, office holder or employee attached to the Temple under suspension :-

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(b) where a case against ⁷[an office holder or employee attached to the Temple.] in respect of any criminal offence is under investigation, inquiry or trial ⁸[, or]

⁹[(c) where a Sevak is involved in any criminal offence committed inside the Temple premises or in connection with the affairs of the Temple.]

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1. Substituted *vide* Orissa Act 19 of 1961.
 2. Substituted *vide* Orissa Act 12 of 2004.
 3. Inserted *vide* Orissa Act 17 of 1968.
 4. Inserted *vide* Orissa Act 19 of 1961.
 5. Substituted *vide* Orissa Act 17 of 1968.
 6. Inserted *vide* Orissa Act 12 of 2004.
 7. Substituted *vide* Orissa Act 4 of 2009.
 8. Substituted *vide* Orissa Act 4 of 2009 (w.e.f. 15.03.2010)
 9. Inserted *vide* Orissa Act 4 of 2009.

CASE LAWS

Emoluments beneficial interest attached to office of Khuntias and Mekaps - Performance of Sevas and right to receive emoluments - Cannot be altered : Chintamani Khuntia and others v. The State of Orissa and Others : 77 (1994) CLT 11 : AIR 1994 Ori. 46.

Sec. 21 - The Administrator of the Jagannath Temple has powers to alter, substitute and provide suitable receptacles for proper collections of Bheta and Pindika offered to the deity in thalis, Parakhas and jharis near Bhitarkhata, Baharkhata and Tatna Singhasan of the temple - Such alterations in no manner affect the performance of rites of sevaks which are purely secular and not religious: Bairagi Mekap and another v. Jagannath Temple Managing Committee : AIR 1972 Ori. 10.

Secs. 21 (2) (e) and (f), 21 (3), 21(4) and 24(2) - Validity - Powers conferred on Administrator - Do not contravene Art. 19 (1) (f).

Held, so long as a judicial Tribunal is given the ultimate power to decide whether any order of the executive authority which affects the right of property of an individual is justifiable or not that statutory provision cannot be held to impose an unreasonable restriction on the right of the property: Bhimsen Gochhakar v. State of Orissa: AIR 1959 Ori. 17.

22. Extraordinary powers of ¹[Chief Administrator] :- ¹[Chief Administrator] may in cases of emergency, ²[or in cases of unforeseen circumstances] 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 Temple and its endowments or for the service or safety of the pilgrims resorting to the Temple or for the due performance of the Nitis therein, and may direct that the expenses of executing such work or doing the act shall be paid from the Funds of the Temple. ¹[Chief Administrator] shall forthwith report to the Committee the action taken under this Section and the reasons therefor.

23. Establishment Schedule :- (1) After the appointment of the first Administrator, he shall, as soon as may be, prepare and submit to the Committee a Schedule setting forth the duties, designations and grades of the officers and employees who may, in his opinion, constitute the establishment of the Temple and embody his proposals with regard to the salaries and allowances payable to them, and such Schedule shall come into force on approval by the Committee.

(2) No change shall be effected in such Schedule except with the sanction of the Committee.

(3) Subject to such exceptions as the Committee may by general or special order direct, the officers and employees of the Temple already in service of the Temple on the date of the commencement of this Act shall continue as such and the conditions of their services shall be regulated in the prescribed manner.

1. Substituted *vide* Orissa Act 12 of 2004.

2. Inserted *vide* Orissa Act 16 of 2003.

(4) The creation of any new appointment carrying a salary of not less than ¹[three thousand rupees] per mensem shall be subject to the previous sanction of the State Government.

CASE LAWS

Sec.23- Powers of the Administrator - administrator has unfettered right to regulate the performance of niti and can supervise and keep control over all the sebayat: Sri Jagannath Temple managing Committee, Puri and another v. Narayan Mohapatra : 2003 (Supp.) OLR (NOC) 970 : 96 (2003) CLT 29.

24. Appeal against the orders of ²[Chief Administrator] :- ²[Any person aggrieved by any order passed by the Chief Administrator under this Act, or rules, or Regulations made thereunder, may within 30 days of the communication of the order to him, prefer an appeal before the Committee].

(2) All appeal filed under Sub-section (1) shall be heard and disposed of by the Appeal Sub-committee as hereinafter constituted.

²[(3) The Appellate Sub-committee shall consist of the Working Chairman who shall be its Chairman and two other members elected in the prescribed manner by the members of the Committee from among the non-official members thereof.]

Provided that if the Collector does not profess the Hindu religion, the Officer who happens to be a member of the Committee in his place, shall be Chairman of the Appeal Sub-Committee in place of the Collector.

(4) The Appeal Sub-committee shall, after making such enquiry as it may deem necessary and after giving the parties concerned a reasonable opportunity of being heard, pass such order as it seems fit.

(5) The decision of the majority of the Appeal Sub-committee where the decision is not unanimous shall be deemed to be the decision of the Appeal Sub-committee:

Provided that where the Chairman of the Sub-committee differs from both of the other members thereof he shall refer the appeal along with all connected records and opinions expressed by him and the other members to the Committee whose decision by the majority thereof in case it is not unanimous shall be final.

(6) No order made by ²[Chief Administrator], as referred to in Sub-section (1) or by the Appeal Sub-committee under this section 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 there from or in relation thereto.

CHAPTER IV BUDGETS, ACCOUNTS AND AUDIT

25. Budget :- (1) ²[Chief Administrator] shall, every year, prepare in the prescribed manner and form a budget of the receipts and expenditure of the Temple

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1. Substituted *vide* Orissa Act 16 of 2003.
 2. Substituted *vide* Orissa Act 12 of 2004.

and its endowments for the following year and place it before the Committee which may approve it without modification or with such modification as it deems fit. After the approval of the Committee the budget shall be submitted to the State Government for sanction before such date as may be fixed by the State Government in that behalf.

(2) Before sanctioning the budget, the State Government shall satisfy them that adequate provision has been made in the budget for the maintenance of the prescribed working balance and for meeting all the liabilities of the Temple and its endowments. If the budget as submitted to the State Government fails to make these provisions, the State Government may modify any part of the budget so as to ensure that such provisions are made. The decision of the State Government sanctioning the budget subject to the modifications, if any, shall be communicated to the Committee at least fifteen days in advance of the commencement of the year to which the Budget relates and in the absence of such communication before the end of the preceding financial year the budget shall be deemed to have been sanctioned in the pursuance of this section.

26. Revised or supplementary budget :- If in the course of any year the Committee finds it necessary to modify the figures shown in the budget with regard to its receipts or expenditure, it may submit a supplementary or revised budget to the State Government:

Provided that no alternation shall be made without the consent of the State Government in the working balance.

27. Audit :- (1) The State Government shall every year appoint an auditor to audit the accounts of the Temple and its endowments in the prescribed manner ¹[x x x] The auditor shall submit his report ²[to ³[Chief Administrator] and it shall be the duty of ³[Chief Administrator] to submit the audit report] to the Committee and send a copy of it to the State Government which may issue such directions therein as they may deem fit, and the Committee shall carry out such directions.

(2) The report of the Auditor and the directions issued by the State Government thereon shall be published in the prescribed manner.

CHAPTER V

GENERAL

28. Temple Fund :- (1) There shall be constituted a Fund to be called 'Shri Jagannath Temple Fund' which shall be vested in and be administered by the Committee ⁴[and save as otherwise provided in this Act, shall consist of] :-

- (a) the income derived from the movable and immovable properties of the Temple;
- (b) any contributions by the State Government either by way of grant or byway of loan;

1. Omitted *vide* Orissa Act 16 of 2003.
2. Inserted *vide* Orissa Act 16 of 2003.
3. Substituted *vide* Orissa Act 12 of 2004.
4. Substituted *vide* Orissa Act 10 of 1983.

- (c) all fines and penalties imposed under this Act;
- (d) all recoveries under this Act;
- (e) any other gifts or contributions made by the public, local authorities or institutions.

(2) The said Fund may be utilised for any of the purposes permitted under the Act and for all or any of the following purposes:

- (a) maintenance (including repairs and reconstruction), management and administration of the Temple and its properties;
- (b) training of Sevaks to perform the religious worship and ceremonies in the Temple;
- (c) medical relief, water supply and other sanitary arrangements for the worshippers and the pilgrims and construction of buildings for their accommodation;
- (d) culture and propagation of the tenets and philosophy associated with Temple of Shri Jagannath;
- (e) any other work or undertaking for the purposes of the Temple authorised by the State Government, so long as such authorization subsists; and
- (f) ¹[x x x]

²**[28-A. Recovery of Temple dues :-** All amounts due to the Temple including fines if any, imposed under this Act, shall without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on a requisition made by ⁴[Chief Administrator] in that behalf.]

³**[28-B. Installation of Hundi :-** (1) The Committee may, with the approval of the State Government instal one or more receptacles (hereinafter referred to as Hundi) at such place or places in the Temple as it may think fit for placing of offerings by the pilgrims and devotees visiting the Temple.

(2) The Hundi shall be operated by such person and in such manner as the State Government may, from time to time, determine.

(3) Such portion of the offerings placed in a Hundi as the State Government may from time to time direct, shall be credited to the Foundation Fund.

(4) No person shall, without being authorised by ⁴[Chief Administrator] in that behalf, go near or interfere in any manner with any Hundi installed in the Temple:

Provided that no such authorisation shall be required for going near any Hundi for the bona fide purpose of placing any offering therein.

(5) Notwithstanding anything to the contrary contained in any law, custom, usage or agreement or in the record-of-rights, no sevak shall be entitled to any share in

1. Deleted *vide* Orissa Act 12 of 2004.
 2. Inserted *vide* Orissa Act 17 of 1968.
 3. Inserted *vide* Orissa Act 10 of 1983.
 4. Substituted *vide* Orissa Act 12 of 2004.

the offerings placed in any Hundi installed after the commencement of Shri Jagannath Temple (Amendment) Act. 1983 (Orissa Act 10 of 1983).

28-C. Foundation Fund :- (1) There shall be constituted a fund called "Shri Jagannath Temple Foundation Fund" (hereinafter referred to as the Foundation Fund) which shall vest in and be administered by the Foundation Fund Committee constituted under Sub-section (6).

(2) The Foundation Fund shall consist of all donations and contributions of an amount exceeding five hundred rupees made by any person to the Temple or in the name of any deity installed therein, other than those made for any specific purpose, and such other amounts as may be directed by the State Government.

(3) All amounts credited to the Foundation Fund shall be invested in long term fixed deposits with such banks as the State Government may approve and shall always be kept so invested, and no such fixed deposit shall be pledged or otherwise encumbered:

Provided that the State Government may permit such sum out of the Foundation Fund as they may fix, to be utilised for any purpose of the Temple as they may specify.

(4) All amounts accruing by way of interest on such fixed deposits shall be credited to and form part of Shri Jagannath Temple Fund constituted under Section 28.

(5) Out of the amount so credited, to Shri Jagannath Temple Fund –

(a) ¹[x x x]

(b) such percentage not exceeding ²[ten] as may be determined by the State Government shall be utilised for the welfare of the sevaks.

(6) The Foundation Fund Committee shall consist of the following members :

(a) the Chief Minister of the State of Orissa who shall be the Chairman;

(b) the Minister in charge of law who shall be the ³[Working Chairman]:

(c) the Secretary to the Government in Law Department;

(d) the Secretary to the Government in the Finance Department or his nominee who shall not be below the rank of a Joint Secretary;

(e) the Collector of the district of Puri; and

(f) ³[Chief Administrator] of the Temple who shall be the Secretary.

(7) The Committee shall conduct its business in such manner as they may determine.

(8) During the absence of the Chairman the ³[Working Chairman] shall act as and perform the functions of the Chairman:

Provided that the Secretary to the Government in the Law Department shall act as and perform the functions of the Chairman during any period when both the officers of the Chief Minister and the Minister of Law remain vacant.

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1. Omitted *vide* Orissa Act 16 of 2003.
 2. Substituted *vide* Orissa Act 16 of 2003.
 3. Substituted *vide* Orissa Act 12 of 2004.

(9) Notwithstanding anything to the contrary contained in any law, custom, usage or agreement or in the record-of-rights no sevak shall be entitled to any share out of the amount of donations or contributions to the Foundation Fund made under Subsection (2) after the Commencement of Shri Jagannath Temple (Amendment) Act, 1983 (Orissa Act 10 of 1983).

CASE LAWS

Sections 28-B, 28-C(9) read with Articles 25(1), 26, 300- A, Constitution of India, 1950 - Placing of Hundies inside the temple to enable devotee to put offerings- Not ultra vires of provisions of the Articles 25(1), 26,300-A of the Constitution: Sri Jagannath Temple, Puri, Management Committees represented through its Administrator and another v. Chintamani Khuntia and others : 86 (1998) CLT 1 (SC).

Arts. 25 and 26 read with Sec. 28-B of Shri Jagannath Temple Act - Collection of offerings inside temple cannot be treated as religious practice - State's power to frame law to regulate any financial activity connected with religious practice - Sevaks cannot claim as a right any part of the offerings: Sri Jagannath Temple, Puri Management Committee represented through its Administrator and another v. Chintamani Khuntia and others :86 (1998) CLT 1 (SC).

Arts. 25(1), 26, 300-A read with Secs. 28-B, 28-C (9) of Sri Jagannath Temple Act, 1954 - Foundation Fund - Creation of , by State out of the offering made to the Hundies installed inside temple - Not unconstitutional - Sevaks cannot claim as a right any part of the offerings : Sri Jagannath Temple, Puri, Management Committee represented through its Administrator and another v. Chintamani Khuntia and others : 86 (1998) CLT 1 (SC).

Secs. 28-B (5), 28-C (5) (a), 28-C (9) - Constitutional validity of - 'Bheta' 'Pindika' - Shares of khuntia and Mekaps - Entitlement of : Chintamani Khuntia and others v. The State of Orissa and others: 77 (1994) CLT 11 : AIR 1994 Ori. 46.

29. Bar to suits or proceedings :- Save as otherwise expressly provided in this Act' no suit or proceeding shall lie in any Court against the State Government or against the Committee or ¹[Chief Administrator] for anything done or purported to be done by any of them under the provisions of this Act.

CASE LAWS

Sec. 29 - Scope - Section relates to things done or purported to be done under the Act - Matter not permissible to the done under Act is open to challenge in Civil Court : Bairagi Mekap and another v. Jagannath Temple Managing Committee : AIR 1966 Ori. 96.

30. Power of the State Government :- (1) Subject to the provisions of this Act the general superintendence of the Temple and its endowments shall vest in the State Government which may pass any orders that may be deemed necessary for the proper maintenance or administration of the Temple or its endowments or in the interest of the general public worshipping in the Temple.

1. Substituted vide Orissa Act 12 of 2004.

(2) Subject to the other provisions of this Act the State Government may call for and examine the records of ¹[Chief Administrator] or of the Committee in respect of any proceedings with a view to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order made therein, and if in any case it appears to the State Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that the State Government may stay the execution of any such decision or order pending the exercise of their power under Sub-section (2) in respect thereof.

²**[30-A. Offences :-** (1) Whenever any person having duties to perform in respect of the Nitis of the Temple or Seva-Puja of the deity raises any claim or dispute any 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 Niti or Seva-puja or inconvenience or harassment to the public or any section thereof entitled to worship in the Temple and willfully disobeys or fails to comply with the orders of ¹[Chief Administrator] directing him to perform his duties without prejudice to the results of a proper adjudication of such claim or dispute, such person or any other person who abets such conduct shall be guilty of an offence punishable on conviction with fine which may extend up to ³[five thousand rupees].

⁴[(2) Whoever

- (a) voluntarily causes obstruction by use of force or otherwise to any Sevak in the due performance of any Puja or Niti which such Sevak is entitled or authorised to perform; or
- (b) willfully does any act whereby any bhog-offered to Lord Jagannath is defiled; or
- (c) not being a Sevak exhibits any Thali or other receptacle in such manner as might induce any visitor to place any offering, whether in cash or in kind, in such Thali or other receptacle; shall on conviction be punishable with imprisonment which may extend to six months or with fine which may extend to ³[two thousand rupees] or with both.

(3) Whoever not being authorised by the Committee or ¹[Chief Administrator] interferes with the free movement of visitors within the premises of the Temple or with any precautionary measures taken for their safety or convenience shall on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to ³[one thousand rupees] or with both.

(4) Whoever :-

- (a) not being the Sevak entitled to perform any Niti or Puja or to offer any bhog to any deity installed within the premises of the Temple, performs such Niti or Puja or offers such bhog ; or

1. Substituted *vide* Orissa Act 12 of 2004.
2. Substituted *vide* Orissa Act 17 of 1968.
3. Substituted *vide* Orissa Act 16 of 2003.

- (b) forcibly enters into any place within the Temple when such entrance is prohibited under any law or custom or under any lawful order issued by the Committee or by ¹[Chief Administrator]; or
- (c) takes inside the premises of the Temple 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 on conviction be punishable with imprisonment which may extend to two months or with fine which may extend to ²[one thousand rupees] or with both.

(5) Whoever :-

- (a) dries Annamahaprasad for conversion into Nirmalya at any place within the premises of the Temple without being authorised by the Committee in that behalf; or
- (b) sells or offers or exposes for sale any Mahaprasad at any place within the premises of the Temple, other than the place allotted by the Committee for the said purpose; or
- (c) answers the call of nature at any place within the premises of the Temple, other than that set apart for the purpose; or
- (d) enters the premises of the Temple in a state of intoxication and conducts himself in such a manner as to cause annoyance to any person; or
- (e) commits any act of indecency or uses obscene or abusive language within the premises of the Temple;

shall on conviction be punishable with fine which may extend to ²[one thousand rupees].

³[**30-B. Offence to be cognisable :-** Any police officer may arrest without a warrant any person who is committing or who is reasonably suspected to have committed any offence under this Act.

30-C. Cognizance of offences :- (1) No Court inferior to that of a ²[Magistrate of the First Class] shall try any offence under this Act.

(2) No Court shall take cognizance of any such offence without the previous sanction of ¹[Chief Administrator].

30-D. Composition of offences :- (1) ¹[Chief 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 (b) of Sub-section (2) of Section 30-A, double the amount of the value of the bhog; and
- (b) in-any other case, the maximum amount of fine which may be imposed in respect of the offence, by way of composition of the offence.

1. Substituted *vide* Orissa Act 12 of 2004.
 2. Substituted *vide* Orissa Act 16 of 2003.
 3. Substituted *vide* Orissa Act 17 of 1968.

(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.

30 -E. Fines to be credited to Temple Fund :- All amounts realised on accounts of fines upon conviction for offences under this Act or as a result of composition shall be credited to the Temple Fund.]

31. Regulations :- The Committee may, subject to the approval of the State Government, make *[regulations] not inconsistent with the provisions of this Act and the rules made there under to provide for the manner in which the duties imposed on it under this Act and its functions there under shall be discharged and in particular to provide for –

- (a) conditions of service of office bearers and employees of the Temple;
- (b) procedure for transfer of Seva-Puja, Chuti or Panti in the Temple;
- (c) observance of Nitis and other usages in the Temple in the absence of specific mention in the record-of-rights;
- (d) any other matter for which regulations are required to be made for purposes of this Act.

CASE LAWS

Sec. 31 read with Regulation 19 of Shri Jagannath Temple (Employees' Condition of Service) Regulations, 1967-Payment in lieu of notice of one month is mandatory before relinquishing service : Baidyanath Mishra v. Administrator, Shree Jagannath Temple and others : 44 (1977) CLT 306.

32. Power of the State Govt. to make rules :- (1) The State Government may make **[rules] to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules with reference to

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) the manner of exercise of control by the Committee over the actions of ¹[Chief Administrator];
- (c) the grant of travelling or daily allowances to the members of the Committee;
- (d) the performance of duties by the Committee under Section 15 and the mode and extent of expenditure under Section 28;
- (e) the publication of the Administration report under Section 18;
- (f) the custody of records and properties including custody of key of the Ratna Bhandar;
- (g) ¹[Omitted]

*. For Regulations see O.G.E No. 1468, 1469 & 1470, dated 17.11.1967.

** For Rules see O.G.E. No. 778, dated 15.07.1968 & O.G.E. No. 670, dated 25.10.1960.

1. Substituted vide Orissa Act 12 of 2004.

2. Omitted vide Orissa Act 9 of 1966.

- (h) the preparation of the budget estimates for the Temple;
- (i) the preparation and sanction of estimates and acceptance of tenders in respect of public works and for supplies;
- (j) the custody and investment of the Temple Fund by the Committee;
- (k) the audit of the accounts of the Temple and the particulars to be mentioned in the audit report and the manner of publication thereof and of the directions issued under Section 27;
- (l) ¹[x x x]; and
- (m) any other matter that may be required for the efficient administration of the Temple and its endowments.

33. Committee to be in possession of the Temple and its properties :- (1) The Committee shall be entitled to take and be in possession of all movable and immovable properties including the Ratna Bhandar and funds and Jewelleries, records, documents and other assets belonging to Temple.

²[(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 any ³[Executive Magistrate] within whose jurisdiction any such property is situated to deliver its possession to the Committee; on receipt of the requisition the Magistrate 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 powers under this Section the Magistrate 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) ⁴[Omitted]

Provided that nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order made there under from establishing his title to the said property.

34. Public officers to furnish copies of or extracts from certain documents :- All public officers having custody of any record, register, report or other documents relating to the Temple or any movable or immovable property thereof shall furnish such copies of or extracts from the same as may be required by ⁵[Chief Administrator]:

35. Acts of Committee and Administrator not to be invalidated :- (1) No act or proceeding of the Committee or of any person acting as a member of the

1. Omitted *vide* Orissa Act 16 of 2003.
 2. Substituted *vide* Orissa Act 17 of 1968.
 3. Substituted *vide* Orissa Act 16 of 2003.
 4. Omitted *vide* Orissa Act 17 of 1968.
 5. Substituted *vide* Orissa Act 12 of 2004.

Committee shall be deemed to be invalid by reason only of a defect in the establishment or constitution of the Committee or on the ground that any member of the Committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his appointment or by reason of such act having been done or proceeding taken during the period of any vacancy in the office of member of the Committee.

(2) No act or proceeding of ¹[Chief Administrator] shall be deemed to be invalid by reason of only of a defect or irregularity in his appointment or on the ground that he was not entitled to hold or continue in office by reason of any disqualification.

²**[35-A. Administrator etc. to be public servants :-** ¹[Chief Administrator] and every person duly authorised by him or by the Committee shall, while acting under any of the provisions of this Act, be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.]

36. Power to remove difficulties :- If any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion may require, by order do anything not inconsistent with this Act or on rules made there under which appears to them necessary for the purpose of removing the difficulty.

APPENDIX

Provisions of the Amending Acts not incorporated in the Principal Act of 1955

1. Shri Jagannath Temple (Amendment) Act, 1961 (Orissa Act 19 of 1961).

2. Notwithstanding anything contained in Section 9 of the Principal Act the term of office of the members nominated in accordance with the said Act as amended by Sub-clause (iii) of Clause (a) of Sub-section (1) after the date of commencement of this Act shall end with the term of office of the members holding office on the said date.

2. Shri Jagannath Temple (Amendment) Act, 1968 (Orissa Act 17 of 1968) as amended by Orissa Ordinance No.2 of 1969 and Orissa Act 17 of 1969.

18. Transitory provisions :- Notwithstanding anything contained in the Principal Act, the members of the Committee other than the Chairman and the ex-officio members; holding office immediately prior to the date of coming into force of this Act shall cease to hold office ³[on the expiry of a period of one year] from the aforesaid date:

Provided that in case it is not reasonably practicable to constitute the Committee in accordance with the Principal Act ³[as amended by Shri Jagannath Temple Laws (Amendment Act, 1969)] by the expiry of the period aforesaid the State Government may, by notification, extend the term of office of the said members by such period, not exceeding three months, as they deem necessary:

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1. Substituted *vide* Orissa Act 12 of 2004.
 2. Inserted *vide* Orissa Act 17 of 1968.
 3. Substituted *vide* Orissa Act 17 of 1969.

¹[Provided further that if at any time prior to the expiry of the period of one year or as the case may be, the extended period as aforesaid, the Committee is reconstituted in accordance with the Principal Act as amended by Shri Jagannath Temple Laws (Amendment) Act, 1969 the said members shall cease to hold office with effect from the date of notification of the appointment or nomination of the members of the Committee as so reconstituted.
