

SHRI JAGANNATH TEMPLE (AMENDMENT) ACT, 1961

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ORISSA ACT 19 OF 1961
SHRI JAGANNATH TEMPLE (AMENDMENT)
ACT, 1961

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AN ACT TO AMEND SHRI JAGANNATH TEMPLE ACT, 1954

BE it enacted by the Legislature of the State of Orissa in the Twelfth Year of the Republic of India as follows:—

Short title

1. This Act may be called Shri Jagannath Temple (Amendment) Act, 1961.

Amend-
ment of
section 6,
Orissa Act
11 of 1955.

2. (1) In section 6 of Shri Jagannath Temple Act, 1954 (hereinafter referred to as the principal Act)—

Orissa Act
11 of 1955

(a) in sub-section (1)—

(i) for the word “eleven” the word “fifteen” shall be substituted ;

(ii) after clause (a) the following new clause shall be inserted, namely :—

“(aa) the Collector of the district of Puri.....
*ex officio* member, who shall be
 the Vice-Chairman;”

(iii) for clause (f) the following clause shall be substituted, namely :—

“(f) seven other persons, to be nominated by the State Government from among persons who do not belong to the classes covered by clauses (d) and (e).....
 Members;”

(b) to sub-section (2) the following proviso shall be added, namely:—

“ Provided that if the Collector of the district does not profess the Hindu religion such officer of the State Government, professing such religion not being below the rank of an Additional District Magistrate, as the State Government may nominate, shall be the member and Vice-Chairman of the Committee in place of the said Collector. ”

(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.

Amendment
of section 10,
Orissa Act
11 of 1955.

3. In section 10 of the principal Act in the marginal heading the words and comma "Chairman, or" shall be omitted.

Amendment
of section 13,
Orissa Act
11 of 1955.

4. In section 13 of the principal Act, for sub-section (2) the following sub-section shall be substituted, namely :—

"(2) The Chairman and in his absence the Vice-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."

Insertion of
new section
18-A, Orissa
Act 11 of
1955.

5. After section 18 of the principal Act, the following new section shall be inserted, namely :—

Delegation
of powers.

"18-A. The Committee may, with the prior approval of the State Government, delegate any of its functions to the Collector of the district or, as the case may be, to the officer who happens to be a member of the Committee in place of such Collector."

Amendment
of section 21,
Orissa Act
1 of 1955.

6. In section 21 of the principal Act—

(i) in sub-section (2)—

(a) for clauses (e) and (f) the following clauses shall be substituted, namely :—

"(e) to specify, by general or special orders, such conditions and safe-guards, as he deems fit, subject to which any sevak, office-holder or servant 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, office-holders and servants in respect of sevapuja and nitis, whether ordinary or special in nature ; and
- (h) to require various sevaks and other persons to do their legitimate duties in time in accordance with the record-of-rights ;
- (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 record-of-rights by any other person ;”
- (b) in the proviso for the word, brackets and letter “and (c)” the comma, word, brackets and letters, “ (c) and (e)” shall be substituted.
- (ii) for sub-sections (3) and (4) the following sub-section shall be substituted, namely :—

“(3) The Administrator may, subject to such conditions, if any, as the Committee may, by general or special order impose, 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.”

Insertion of
new section
21-A, Orissa
Act II of
1955.

Control of
Sevaks, etc.

7. After section 21 of the principal Act the following new section shall be inserted, namely:—

“21-A. All sevaks, office-holders and servants attached to the temple or in receipt of any emoluments or perquisites therefrom shall, whether such service is hereditary or not, be subject to the control of the 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 perquisites ;
- (b) impose a fine,
- (c) suspend ; or
- (d) dismiss,

any of them for breach of trust, incapacity, disobedience of lawful orders, neglect of or wilful absence from duty, disorderly behaviour or conduct derogatory to the discipline or dignity of the temple or for any other sufficient cause."

Amendment
of section 24,
Orissa Act
11 of 1955.

8. In sub-section (1) of section 24 of the principal Act for the words, figures and brackets "sub-section (4) of section 21" the words, figures and brackets "clause (f) or (g) of sub-section (2) of section 21 or under section 21-A" shall be substituted.

Insertion of
new section
30-A, Orissa
Act 11 of
1955.

9. After section 30 of the principal Act the following new section shall be inserted, namely :—

Offences

"30-A. (1) Whenever any person having duties to perform in respect of the nitis of the temple or sevapuja of the deity raises any claim or dispute and fails or refuses to perform such duties, knowing or having reasons to believe that the non-performance of the said duties would cause delay in the performance of the niti or sevapuja or inconvenience or harassment to the public or any section thereof entitled to worship in the temple and wilfully disobeys or fails to comply with the orders of the 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 five hundred rupees.

(2) No Court shall take cognizance of such offence without the previous sanction of the State Government."

Amendment
of section
33, Orissa
Act 11 of
1955.

10. In section 33 of the principal Act in clause (a) of sub-section (2) for the words "the Collector of the district in which" the words "any Magistrate of the First Class within whose jurisdiction" shall be substituted.