The Odisha Gazette

Orissa Act 14 of 1952

An Act to provided for the administration of the Puri Shri Jagannath Temple preventing mismanagement of the Temple and its endowments by consolidation of the rights and duties of Sevaks, Pujaris and such other persons connected with the seva, Puja and management thereof.

Whereas to facilitate proper administration of the Puri Shri jagannath Temple preventing mismanagement there of the its endowments; it is expedient to provided for consolidation of the rights and duties of the Sevaks, Pujaris and such other persons connected with the Seva, Puja and management thereof.

It is hereby enacted as follows :

1. Short title and commencement :– (l) This Act may be called the 'Puri Shri Jagannath Temple (Administration) Act, 1952.

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

2. Definitions :– In this Act unless there is anything repugnant in the subject or context-

(a)"endowment' means all property belonging to or given or endowed for he support of the Temple or given or endowed for the performance of any service including the service of offerings to the deity or charity connected therewith the includes the institution concerned and also the premises thereof, but does 'not include gifts or property made as personal gifts to the Sevak or Pujari or other employee of the Temple;

Explanation :– Anygift, Inam or Maufi or Shebait or Jagir, granted to a Sevak, Pujari or other employee of the Temple or to any other person for the performance of any service including the service of offerings to the deity or charity in or connected with the Temple shall not be deemed to be a personal gift to the said Sevak, Pujari or the~ employee but shall be deemed to be an endowment; .

(b)'prescribed' means Prescribed by rules made under this Act;

(c)'specific endowment' means any property or money endowed for the performance of any specific service or charity in the Temple, and

* Vide Orissa Act No. 14 of 1952.

The Act came into force on 5th September, 1952 vide Notfn. No. 6105-End, published in

(d)'temple' means the temple of Lord Jagannath at Puri, other temples within its premises, all their appurtenant and subordinate shrines, other sacred places and tanks and any additions which may be made thereto after the commencement of this Act.

CASE LAWS

Sec.2 (a) Expl. - Private religious endowments to Sevaks or Pandas - Control of, by Sec. 15 (5) of Orissa Act 11 of 1954 - Validity - Does not contravene Arts. 19 (1) (f) or 31 (2).

Held, prima facie every offering of bhog to the deity becomes its property unless intention of the donor can be clearly established. But whether such an endowment is a public religious trust or a private religious trust, it is clearly connected with the Temple in as much as the bhog is required to be offered to the deity at puri and nowhere else. Hence, the control over such an endowment may appropriately be included in a statute dealing with the Temple and its endowments unless there are constitutional objections: ***Bhimsen Gochhikar v. State of Orissa: AIR 1959 Ori. 17.***

3. Appointment of Special Officer :– (l) The State Government may, by notification, appoint a special Official Officer with prescribed qualifications and professing the Hindu religion for the-preparation of a record comprised in such parts and containing such forms as may be prescribed consolidating the rights and duties of different Sevaks and Pujaris and such other persons connected with the Seva, Puja or management of the temple and its endowments and may appoint one or .more officers with prescribed qualifications to assist him for the purpose.

(2) The Special Officer and other officers, if any appointed under Sub-section (1) shall receive such salary as may be prescribed.

4. Powers of the Special Officer :– (l) With a view to prepare the record specified in Section 3 the Special Officer or any person appointed to assist him in this behalf may, by a special notice, require such Sevaks. Pujaris or persons connected with the Seva or Puja of the Temple or Such other person as the Special Officer may deem fit to examine, to attend before him within a specified time which shall not be less than fifteen days after the service of notice at any place for the aforesaid purpose, and every person on whom such special notice may be served shall be legally bound to attend as required by the notice and to do any of the things mentioned in the said notice and to give any information or to produce any document which may be required so far as he may be able to do it.

(2) Such officer or person hereinbefore specified shall for the purpose of this Act have the same power as are vested in Court under the Code of Civil Procedure, 1908 (V of 1908) in respect of the following matters, namely:

(a) enforcing the attendance of any person and examining him on oath or affirmation:

(b) dealing with the production of documents; and

(c) issuing commissions for examination of witnesses, and any proceeding under this Act before such officer or person appointed shall be a judicial proceeding within the meaning· of Sections 193 and 228 and for the purpose of Section 195 of the Indian Penal Code, 1960 (XLX of 1860).

5. Publication of record- The record or a part thereof so prepared from time to time by the Special Officer under Section 3 shall be published in the prescribed manner and on such publication the said record or part thereof shall be final and shall not be called into question in any Court of law except in the manner hereinafter provided :

Provided that the State Government may, by orders issued from time to time and duly published in the Gazette, direct that the parts of the said record containing various sources of income of the Temple and its endowments and such other matters not already covered by the said parts but relevant thereto shall be further supplemented in such manner as may be specified in the order and the record so supplemented shall, subject to the provisions of Section 6 constitute the final record for the purpose of this Act.

6. Hearing of objections :– (l) Any person aggrieved by any entry in the record or a part thereof published under Section 5 or any other of the State Government supplementing the said record and published under the said section may, within the period prescribed, prefer objections before the District Judge exercising jurisdiction in the district of Puri.

(2) On receipt of he objections the said District Judge or any other Judicial Officer not being below the rank of a District Judge specially appointed by the State Government in that behalf and to whom the objections may be transferred by the said District Judge whom the objections may be transferred by the said District Judge shall, after considering the said objections in the record as he may deem fit, and the orders so made shall not be challenged in any Court of law.

(3) The said District Judge or other Judicial Officer shall communicate his orders aforesaid to the State Government and they shall, as soon as may be cause the modifications, if any, to be published in the gazette and on such publication the record shall stand modified accordingly.

7. Power to make rules :– (l) The State Government may, after previous publication, make rules to carry out all or any of the provisions of this Act and not inconsistent therewith.

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

(a) the qualifications of the Special officer and other officers to assist him, their salaries and the manner in which the record shall be prepared under Section 3;

(b) the period during which objections may be received under Section 6 and the manner in which the objections may be considered thereunder;

(c) all other matters required or allowed by this Act to the prescribed.

(3) All rules made under this Act shall be published in the Gazette and all such publications shall have effect as if enacted in this Act.

8. Penalties :– Whoever without any reasonable cause fails to comply with the requirements of the special notice issued by the Special Officer in exercise of his powers under Section 4 of this Act shall be punishable with fine not exceeding five hundred rupees and when the offence is a continued one with a daily fine not exceeding fifty rupees during the period of the continuance of the offence.

9. 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 which they deem proper and reasonable for the purpose of removing the difficulty.