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ORISSA ACT 16 OF 2003

SHRI JAGANNATH TEMPLE (AMENDMENT) ACT, 2003

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**\*SHRI JAGANNATH TEMPLE (AMENDMENT) ACT, 2003**

**(ORISSA ACT 16 OF 2003)**

[Received the assent of the President on the 28th August 2003; first published in an extraordinary issue of the *Orissa Gazette*, dated the 16th September, 2003 ( No. 1451)]

AN ACT FURTHER TO AMEND SHRI JAGANNATH TEMPLE ACT, 1954.

BE it enacted by the Legislature of the State of Orissa in the Fifty-fourth Year of the Republic of India, as follows :—

- |                               |   |                        |
|-------------------------------|---|------------------------|
| Short title and commencement. | 1. (1) This Act may be called Shri Jagannath Temple (Amendment) Act, 2003.  |                        |
|                               | (2) It shall come into force at once.   |                        |
| Amendment of section 6.       | 2. In section 6 of Shri Jagannath Temple Act, 1954 (hereinafter referred to as the principal Act), in sub-section (1),—   | Orissa Act 11 of 1955. |
|                               | (a) in the opening portion, for the word "twelve" the word "fourteen" shall be substituted ;  |                        |
|                               | (b) after clause (c) the following clauses shall be inserted, namely :—   |                        |
|                               | "(c-1) the Superintendent of Police, Puri, <i>ex officio</i> member ;   |                        |
|                               | (c-2) the Superintending Archaeologist, Archaeological Survey of India, Bhubaneswar Circle, Bhubaneswar, <i>ex officio</i> member ;   |                        |
|                               | (c) after clause (h) the following proviso shall be inserted, namely :—   |                        |
|                               | " Provided that the State Government shall nominate persons for the categories referred to in clauses (d), (e) and (g) out of a panel of names prepared by the Administrator for each such category which shall consist of names twice the number of members required to be nominated under the respective clause."   |                        |
| Amendment of section 10.      | 3. In section 10 of the principal Act, in clause (f) of sub-section (1), the words "more than" shall be omitted.  |                        |
| Amendment of section 15-B.    | 4. In section 15-B of the principal Act, in sub-section (1), after the words "the Administrator may", the comma and words, "either on his own motion or" shall be inserted.   |                        |
| Amendment of section 16.      | 5. In section 16 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely :—   |                        |
|                               | "(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 the 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 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."

Amendment  
of section  
16-A.

6. In section 16-A of the principal Act, in sub-section (1),—

- (i) for the word and figure "Act, 1954", the word and figure "Act, 1972" shall be substituted ; and
- (ii) in the margin to sub-section (1), for the words and figures "Orissa Act 15 of 1954", the words and figures "Orissa Act 6 of 1972" shall be substituted.

Amendment  
of section 21.

7. In section 21 of the principal Act, in sub-section (2), after clause (i) and before the proviso the following clause shall be inserted, namely :—

"(j) to issue instructions or directions, from time to time, for controlling the activities, conduct and management of all institutions including Mukli Mandap and Pandit Sabha functioning within the premises of the temple."

Amendment  
of section 22.

8. In section 22 of the principal Act, after the words "in cases of emergency" appearing in opening portion, the words "or in cases of unforeseen circumstances" shall be inserted.

Amendment  
of section 23.

9. In section 23 of the principal Act, in sub-section (4), for the words "two hundred rupees", the words "three thousand rupees" shall be substituted.

Amendment  
of section 27.

10. In section 27 of the principal Act, in sub-section (1), the words "and fix his remuneration which shall be paid to such auditor from the funds thereof" shall be omitted and after the words "his report" and before the words "to the Committee", the words "to the Administrator and it shall be the duty of the Administrator to submit the audit report" shall be inserted.

Amendment  
of section  
28-C.

11. In section 28-C of the principal Act in sub-section (5),—

- (i) "clause (a)" including the word "and" shall be omitted ; and
- (ii) in clause (b), for the word "five", the word "ten" shall be substituted.

Amendment  
of section  
30-A.

12. In section 30-A of the principal Act,—

(a) in sub-section (1), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted;

(b) in sub-section (2), for the words "two hundred rupees", the words "two thousand rupees" shall be substituted ;

(c) in sub-section (3), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted ;

(d) in sub-section (4), for the words "fifty rupees", the words "one thousand rupees" shall be substituted ; and

(e) in sub-section (5), for the words "fifty rupees", the words "one thousand rupees" shall be substituted.

Amendment  
of section  
30-C.

13. In section 30-C of the principal Act, for the words "Magistrate of the Second Class", the words "Magistrate of the First Class" shall be substituted.

Amendment  
of section 32.

14. In section 32 of the principal Act, in sub-section (2), the "clause (1)" shall be omitted.

Amendment  
of section 33.

15. In section 33 of the principal Act, in sub-section (2), for the words "Magistrate of the First Class", the words "Executive Magistrate" shall be substituted.

ORISSA ACT 12 OF 2004  
**SHRI JAGANNATH TEMPLE (AMENDMENT) ACT, 2004**

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## ORISSA ACT 12 OF 2004

**\*SHRI JAGANNATH TEMPLE (AMENDMENT) ACT, 2004**

[ Received the assent of the Governor on the 21st December, 2004, first published in an Extraordinary issue of the *Orissa Gazette* dated the 27th December, 2004 (No. 1836)]

AN ACT FURTHER TO AMEND SHRI JAGANNATH TEMPLE ACT, 1954.

Be it enacted by the Legislature of the State of Orissa in the Fifty-fifth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called Shri Jagannath Temple (Amendment) Act, 2004.

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

Amendment of Section 6. 2. In Shri Jagannath Temple Act, 1954 (hereinafter referred to as the principal Act) for Section 6, following Section shall be substituted, namely :—

Orissa Act 11 of 1955.

\*Constitution of the Committee. 6. (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* member, 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— member;
- (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 :

\*For the Bill, See *Orissa Gazette*, Extraordinary, dated the 27th December 2004 (No. 1836)

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, an 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*."

Amendment  
of Section  
6-A.

3. In the principal Act, in sub-section (1) of Section 6-A, for the word, letters, comma and brackets "(e), (f) and (g)", the following word, letters and brackets "(j) and (k)" shall be substituted.

Amendment  
of Section 13.

4. In the principal Act, in sub-section (3) of Section 13, for the words "five members", the words "nine members" shall be substituted.

Amendment  
of Section  
15-A.

5. In the principal Act, in Section 15-A, in sub-section (1),—

- (i) the word "and" appearing against item (b) shall be deleted;
- (ii) for the full stop appearing at the end of item (c), the following shall be substituted, namely :—; and";
- (iii) the following item shall be inserted after item (c), namely :—  
"(d) any other subject as may be decided by the Committee."

Insertion of  
Section 15-AA.

6. In the principal Act, after Section 15-A, the following Section shall be inserted, namely :—

"Duties of the  
Working  
Chairman.

15-AA. 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."

Amendment  
of Section 16.

7. In the principal Act, in sub-section (1) of Section 16, for the words "one thousand rupees", the words "fifty thousand rupees" shall be substituted.

Deletion of  
Section 18-A.

8. In the principal Act, Section 18-A shall be deleted.

Amendment  
of Section 19.

9. In the principal Act, for Section 19, the following Section shall be substituted, namely :—

"Appointment  
of Chief  
Administrator  
and officers to  
assist him.

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

Amendment  
of Section 21.

10. In the principal Act, in sub-section (2) of Section 21, for the words “five thousand rupees” appearing in clause (c), the words “fifty thousand rupees” shall be substituted.

Amendment  
of Section  
21-A.

11. In the principal Act, in Section 21-A, for the words “two hundred rupees” appearing against item (b), the words “two thousand rupees” shall be substituted.

Insertion of  
Section 21-B.

12. In the principal Act, after Section 21-A, the following Section shall be inserted, namely :—

“Suspension  
pending  
inquiry.

21-B. The 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 him in respect of any criminal offence is under investigation, inquiry or trial.”.

Amendment  
of Section 24.

13. In the principal Act, in Section 24, —

- (i) for sub-section (1), the following sub-section shall be substituted, namely :—

(1) 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.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

(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.”.

Amendment  
of Section 28.

14. In the principal Act, clause (f) of sub-section (2) of Section 28 shall be deleted.

General  
Amendment.

15. In the principal Act, for the expressions “the Administrator”, “Servant” and “Vice-Chairman” wherever they occur, the expressions “Chief Administrator”, “Employee” and “Working Chairman” shall respectively be substituted.