

The Chhattisgarh Sarvajanic Dharmik Bhawan Tatha Sthan Viniyaman Adhiniyam, 1984

CHHATTISGARH

India

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Act 26 of 1984

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The Chhattisgarh Sarvajanic Dharmik Bhawan Tatha Sthan Viniyaman Adhiniyam, 1984(C.G. Act No. 26 of 1984)Received the assent of the Governor on 12th June, 1984, assent first published in the "Chhattisgarh Gazette" (Extra-ordinary), dated 26-6-1984.An Act to regulate the construction of public religious buildings and to restrict the use of public places for religious purposes.Whereas with a view to avoid a breach of public peace and tranquillity likely to arise from disputes between different sections of the people of the State of Chhattisgarh, it is expedient to regulate the construction of public religious buildings and restrict the use of public places for religious purposes.Be it enacted by the Chhattisgarh Legislature in the Thirty-fifth year of the Republic of India, as follows ;-

1. Short title, extent and commencement.

- This Act may be called the Chhattisgarh Sarvajanic Dharmik Bhawan Tatha Sthan Viniyaman Adhiniyam, 1984.(2)It extends to the whole of Chhattisgarh.(3)It shall [come into force on such date] [W.e.f 1-11-1984, vide Notification No. P-9-3-VI-84, dated 19-10-1984.] as the State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)'building' means a house, shop, hut, shed or other structure or enclosure whether roofed, not, of whatsoever material constructed and includes every part thereof, all walls, verandahs, platforms, plinths, doorsteps and the like and a tent or other portably and merely temporary shelter;(b)'place' means any open space which is not a building;(c)'public' used with reference to a building or place, signifies that such building or place, whether or not acquired, constructed and maintained by or at the expense of some specified persons

or body of persons is not the private and personal property of such person or body of persons and is open to the use and enjoyment of the public in general or of a particular class or section thereof for the purpose, if any, for which it may have been set apart;(d)'religious' when used with reference to a building or place such as temple, mosque, church, dargah, khankah, math, lakiya or the like, signifies-(i)that such building is used or intended to be used for the purpose of religious worship or instruction or offering prayers (which include Bhajan, Kirtan, Stuti or Namaz) or performance of any religious rites by persons of, or belonging to, any religion, creed, sect, or class, or(ii)that such place is likewise used or intended to be used for social or religious purposes.

3. Restrictions on use of public places for religious purposes.

(1)No person shall use any public place-(a)as a permanent religious place; or(b)save with the previous written permission of the Collector, obtained in the prescribed manner, as a temporary religious place.(2)Nothing in this section shall apply to cremation grounds and burial places or to the holding of functions or the taking out of processions, in connection with deaths or marriages or to other purely social and secular functions or to religious processions.

4. Construction, etc. of public religious buildings.

(1)No person shall, without prior permission of the Collector-(a)construct any public religious building; or(b)convert any private or public building into a public religious building or a place into a public place for religious purpose.Explanation :- For the purposes of this sub-section, the temporary use of a building or place for religious purposes on occasions such as Holi, Moharram and the like shall not be deemed to be the conversion thereof into a public religious building.(2)A person desirous of obtaining permission for any of the purposes mentioned in sub-section (1) shall first obtain permission from any local authority or officer having jurisdiction over the area where the building or place in question lies and thereafter such person shall apply to the Collector for the requisite permission in the prescribed manner.

5. Procedure for the grant of permission by the Collector.

(1)When an application under Section 3 or Section 4 is presented to the Collector in the prescriber manner, he may, after making such inquiry as he may think necessary, either disallow the application or grant the requisite permission unconditionally or with such conditions as to security or otherwise as he may consider reasonable in the circumstances of each case.(2)The order of the Collector passed under sub-section (1) shall be communicated in writing to the applicant and if he does not receive such communication within four weeks in the case of an application under Section 3 within six months in case of an application under Section 4 calculated from the date on which such application was received in the office of the Collector, the applicant shall be deemed to have obtained the permission required under Section 3 or Section 4, as the case may be.

6. Duration of permission.

(1) A permission granted under Section 5 for the use of any public place as a temporary religious place shall expire three months after the date of the order granting the same or the day next after the date on which the act thereby permitted was to be performed, whichever is earlier. (2) A person obtaining a permission under Section 5 for the purpose of Section 4 shall commence the work permitted within one year of the date of communication of such permission to him.

7. Power of Collector to direct removal of unauthorised work.

(1) Notwithstanding anything contained in any other provision of this Act but without prejudice to the provisions of Section 9, a Sub Divisional Officer referred to in sub-section (2) of Section 22 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), on his own motion or on complaint or otherwise on receiving information that any work has been constructed in contravention of the provisions of this Act or of any permission granted thereunder within his jurisdiction, shall proceed to enquire into the truth of the matter and if after enquiry comes to the conclusion that the work has been so constructed, he shall make a report to that effect to the Collector. (2) Where the Collector, on receipt of the report under sub-section (1) or suo motu, has reason to believe that a work has been constructed in contravention of the provisions of this Act or of the permission granted thereunder, he shall issue a public notice in such form as may be prescribed and publish it in at least two local newspapers of which one must be in Hindi Language calling upon all the persons interested in the said construction of work to show cause within such period as may be specified therein why the said work should not be removed, such notice shall be notified in the locality by beat of drum, by affixing on the conspicuous part of the work so constructed and on the notice board of this Office. He shall also cause a notice to be served on the person or persons (if ascertainable) responsible for the construction of the work. (3) On and after the expiry of the period specified in the notice in sub-section (1) the Collector shall hear and decide the objections, if any, and record the findings on the matter. (4) If the Collector arrives at the finding that the work is constructed in contravention of the provisions of this Act or of the permission granted thereunder, he shall direct the removal of the work so as to restore the building or place in question as nearly as may be to its original condition. (5) Subject to the result of any appeal that may be filed where any work is not removed in compliance with the direction within a period of one month from the date of such direction of the Collector or of the decision of appeal, if any, the Collector shall cause such compliance to be made through such agency as it may deem fit and may recover the expenses incurred thereby from the person liable to comply such direction.

8. Aid of police for removal of work.

- If the Collector apprehends any resistance or obstruction for removal of the work construction in contravention of the provisions of this Act or of the permission granted thereunder by a person or persons, the Collector may take or cause to be taken aid of the police for removing such work to such an extent as the circumstances of the case may warrant.

9. Removal of unauthorised work.

- The Court making an order of conviction for any offence under Section 12, shall direct that any work which shall have been constructed in contravention of the provisions of this Act or of the permission granted thereunder, but has not been already removed under the provisions of Section 7 shall be removed so as to restore the building or the place in question as early as may be to its original condition.(2)In case of non-compliance with a direction made under sub-section (1) the Court shall cause such compliance to be made through a Police Officer not below the rank of a Sub-Inspector at the cost of the defaulter in the prescribed manner.

10. Appeals.

- Any person aggrieved by an order of the Collector passed under Section 5 or Section 7 may prefer an appeal in the prescribed manner, to the Commissioner Revenue of the Division within thirty days from the date of communication of such order to the appellant.

11. Bar of Jurisdiction of Civil Court.

- No Civil Court shall entertain any suit instituted or application made to obtain a decision or order on any matter which, the Commissioner or Collector is by this Act empowered to determine, decide or dispose of.

12. Offences and punishment.

- Whoever contravenes, or attempts to contravene, or abets the contravention of any of the provisions of this Act or rules made thereunder or any condition subject to which a permission thereunder may have been granted shall on conviction be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

13. Cognizance of offences.

- An offence under this Act shall be triable by a Judicial Magistrate of the First Class on the complaint of a Police Officer not below the rank of a Sub-Inspector made under the orders of a Collector.

14. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(a)the manner of obtaining permission under clause (b) of subsection (1) of Section 3;(b)the manner of applying for permission under sub-section (2) of Section 4;(c)the form of notice under sub-section (2) of Section 7;(d)the manner

of preferring appeal under Section 10;(e)the manner in which the Court shall cause compliance to be made under sub-section (2) of Section 9;(f)any other matter which has to be or may be prescribed.(3)All rules made under this Act shall be subject to the condition of previous publication.(4)All rules made under this Act shall be laid on the table of the Legislative Assembly.