

The Eradication of Unfair Activities at Pandharpur Temples (For Providing Better Facilities for Worship) Act, 1980

MAHARASHTRA

India

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Act 11 of 1980

- Published on 19 July 1980
- Commenced on 19 July 1980
- [This is the version of this document from 19 July 1980.]
- [Note: The original publication document is not available and this content could not be verified.]

The Eradication of Unfair Activities at Pandharpur Temples (For Providing Better Facilities for Worship) Act, 1980 Maharashtra Act No. 11 of 1980 For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1980, Part 5, page 121. (This Act received the President's assent on the 19th July, 1980; the assent was first published in the Maharashtra Government Gazette on the 19th July, 1980.) An Act to eradicate certain unfair activities at Pandharpur Temples in Maharashtra Whereas, complaints were received by the State Government regarding mismanagement of Pandharpur Temples in Solapur District, and the Pandharpur Temples Act, 1973, was, therefore, enacted, inter-alia for acquisition of the hereditary rights and privileges of ministrants and priestly classes functioning in the Pandharpur Temples and to provide for better administration and governance of these Temples; And Whereas, in view of continuous litigation by the interested parties, it has not been possible to bring the provisions of the Act into force, except sections 1(2), 21 to 31, 33, 34, 38 and 39 thereof; And Whereas, it appears that it will take some years to get a final decision of the Court in this matter, where the validity of the Act itself has also been challenged; And Whereas, complaints have been received by Government from a large number of devotees of God Vithoba and Goddess Rukmini visiting the Pandharpur Temples that they are being exploited by the priests at the Temples by demanding unreasonable dakshinas, offerings, donations, gifts, fees or other charges for allowing them to enter the Temples for worshipping or for performing any religious service or ceremonies therein and on failure to meet the demands of the priests the devotees are being insulted, abused or cursed or even molested physically; And Whereas, on account of the aforementioned activities of the priests, there has been great unrest and discontent amongst the millions of devotees visiting the Pandharpur Temples; And Whereas, for these reasons, it is expedient to eradicate the aforementioned unfair activities of the priests with a view to averting a serious law and order situation which is likely to arise especially during the ensuing Ashadhi fair at Pandharpur; It is hereby enacted in the Thirty-first Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Eradication of Unfair Activities at Pandharpur Temples (for providing better facilities for worship) Act, 1980. (2) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Pandharpur Temples" means the Temples as defined in clause (zc) of section 2 of the Pandharpur Temples Act, 1973, at Pandharpur, in Solapur District, in the State of Maharashtra; (b) words and expressions used in this Act, but not defined, shall have the meaning respectively, assigned to them in the Pandharpur Temples Act, 1973.

3. Punishment for preventing or discouraging persons from entering or worshipping etc. at Pandharpur Temples.

- Whoever - (a) prevents or discourages any person from entering the Pandharpur Temples for worshipping or offering prayers or performing any religious service or ceremony therein, during the period the temple is open to the visitors; (b) demands or insists for any dakshina, offering, donation, gift, fee or other charge whatsoever from any such person for darshan or padsparsa of the deity; (c) demands or insists for any unreasonable dakshina, offering, donation, gift, fee or other charge from any such person for performing any religious service or ceremony for him or on his behalf; (d) insults, annoys, abuses, molests or injures any such person for hesitating to pay or to agree to pay or for refusing to pay or with the intention to force him to pay any charges under clause (b) or any unreasonable charges under clause (c) as the case may be, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. Explanation. - For the purposes of this section, when any religious service or ceremony is performed or is proposed to be performed for any person or on his behalf, the expression "demanding or insisting for unreasonable charges" shall include pestering, demanding or soliciting that person, when he has made his offering or he proposes to make his offering, to make offering of the same value for different classes of ministrants or priests or, without settling the charges before hand, pestering, demanding or soliciting him to make separate offerings of the same or different value at different stages of the same service or ceremony.

4. Punishment for abettor.

- Whoever abets any offence under this Act, shall, on conviction, be punished with the punishment provided for the offence.

5. Offences to be cognizable and compoundable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and every such offence may with the permission of the Court, be compounded.

6. Power to appoint or authorise persons for proper enforcement of Act.

(1)The State Government or the District Magistrate may, from time to time, appoint or authorise one or more officers, wardens and other persons for proper enforcement of this Act and give them such designations and duties as it or he may. deem fit.(2)Subject to the superintendence, direction and control of the State Government and the District Magistrate, the persons so appointed or authorised shall exercise general supervision over all persons, visiting, and those rendering any services in, any of the Pandharpur Temples, with a view to see that there is no contravention of any of the provisions of this Act and to take necessary steps to prevent such contravention and, in suitable cases, to initiate and supervise prosecution proceedings for contravention of any provisions of this Act.(3)The State Government may, by notification in the Official Gazette, confer on the persons appointed or authorised under this section, such powers, including those of any police officers, as it may deem necessary to enable them to carry out the duties imposed on them under this Act:Provided that, the power to arrest any person without warrant not to be conferred on any person, who is not Government servant.

7. Persons appointed or authorised under Act to be public servants.

- All persons appointed or authorised under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

8. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against the State Government, the District Magistrate or any person appointed or authorised under this Act for anything which is in good faith done or intended to be done by any of them under this Act.

9. Overriding effect of Act.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law or any judgement, decree or order of any Court or other authority.