



The Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Act, 1970

Act 30 of 1970

Keyword(s):

Acquired Endowment, Project, Reconstructed Endowment, Religious Endowment, Resettlement Site, Trustee

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**THE MAHARASHTRA RELIGIOUS ENDOWMENTS (RECONSTRUCTION
ON RESETTLEMENT SITES) ACT, 1970**

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MAHARASHTRA ACT No. XXX OF 1970¹

[THE MAHARASHTRA RELIGIOUS ENDOWMENTS (RECONSTRUCTION ON
RESETTLEMENT SITES) ACT, 1970

[15th July 1970]

An Act to provide for the reconstruction of religious endowments acquired for any project on resettlement sites provided by the State Government and for matters connected therewith.

WHEREAS, it is expedient to provide for the reconstruction of religious endowments acquired for any project on resettlement sites provided by the State Government and for matter connected therewith; It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Act, 1970.

Short title, extent and commencement.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf

2. In this Act, unless the context requires otherwise—

Definitions.

(a) "acquired endowment" means a religious endowment acquired by the State Government for the purposes of any project;

(b) "competent authority" means the Collector, and includes any other officer appointed by the State Government, by notification in the *Official Gazette*, to perform all or any of the functions of a competent authority under this Act;

(c) "project" means any irrigation, power or any other project executed or to be executed by the State Government;

(d) "reconstructed endowment" means a religious endowment which is reconstructed on a resettlement site with the assistance of the compensation money received in respect of any acquired endowment as provided in the Act;

(e) "religious endowment" means any temple, mosque, church, *agryari*, synagogue or any endowment created for religious worship or other public religious purpose;

(f) "resettlement site" means the site provided or to be provided by the State Government for resettling persons who have been or will be displaced by the acquisition of lands for a project;

(g) "trustee" means a trustee of a religious endowment.

3. (1) Whereas due to any project executed or to be executed by the State Government, any religious endowment is acquired by the State Government under any law for the time being in force, and the amount of compensation therefor, and the persons to whom such amount is to be paid, have been finally determined under such law, a notification to that effect shall be published in the *Official Gazette* and in such other manner as the competent authority may deem fit, stating the name of the religious endowment together with plans or photographs thereof, if any, or any document containing any description or information of such endowment including any instrument of trust in respect thereof, the names of persons including trustees to whom the amount of compensation should be paid and requiring such persons to claim the compensation and pass a receipt in token of having received it within sixty days from the date of the publication of such notification in the *Official Gazette*. The competent authority shall also cause a copy of such notification to be forwarded to the trustee to whom the compensation is to be paid.

Notice of award of compensation.

¹ For Statement of Objects and Reasons see *Maharashtra Government Gazette*, 1969, Part V, Extra, p. 597.

(2) If no trustees are ascertainable or all the trustees do not claim the amount of compensation and pass a receipt signed by all the trustees in token of having received such amount within a period of sixty days aforesaid, then the amount of compensation determined as aforesaid shall vest in the State Government for the purposes of reconstructing the religious endowment on resettlement site as provided in this Act.

Power of
state
government
require
lector to
construct
place of
worship.

4. (1) Where any compensation is vested in the State Government under section 3, the State Government may, subject to the provisions of this section, by order require the competent authority to reconstruct the religious endowment at such site as may be specified in the order, such site being situated as far as possible in the village where persons displaced from any area in which such acquired endowment was situated have been resettled.

(2) The religious endowment shall, subject to the provisions of rules made in this behalf, be reconstructed on the resettlement site, as far as possible on the model of the acquired religious endowment, and in accordance so far as can be ascertained with the general wishes of those who will be interested in such endowment when reconstructed, so however that the cost of reconstruction shall not exceed the amount of compensation vested in the State Government and the amount of any grant or contribution received for reconstructing the endowment.

(3) The rules made under sub-section (2) may provide for powers of the competent authority for reconstructing the endowment, the installation of image of the deity, of any size, shape, architectural design and all matters incidental to, or connected with, the reconstruction of the religious endowment concerned.

(4) The competent authority shall after the religious endowment is reconstructed inform the State Government accordingly.

Provisions
of that Act
relating to
the registration
of public trusts
shall, as far as
may be apply
to the making of
entries in the
register kept
under section 17
of that Act.

5. (1) Every reconstructed endowment shall be registered as a public trust for the purposes of the Bombay Public Trusts Act, 1950 ; and the provisions of Chapter IV of that Act relating to the registration of public trusts shall, as far as may be apply to the making of entries in the register kept under section 17 of that Act. The entries so made shall be final and conclusive.

Bom.
XXX-
IX of
1950.

(2) The property—moveable and immoveable—and all interests of whatsoever nature or kind therein which vested in the acquired endowment shall be deemed to be transferred to and shall vest in, without further assurance the reconstructed endowment ; and if any such property is burdened with any encumbrances, then such encumbrances shall be transferred therefrom and shall be deemed to be attached to the reconstructed endowment and the lessee, mortgagee, creditor, or as the case may be any other encumbrancer shall exercise his rights accordingly.

(3) Save as expressly provided aforesaid, all rights, liabilities and obligations (including contracts) and the instrument of trust, if any, and all suits and legal proceedings in relation to the acquired endowment shall subject to the provisions of sub-section (2) of section 6, be deemed to be the rights, liabilities and obligations, contracts and the instrument of trust, or as the case may be, suit or legal proceedings in relation to the reconstructed endowment.

6. (1) The State Government shall, from such date as it may determine, offer to transfer the reconstructed endowment to the trustees of the acquired endowment ; and on accepting the offer, the reconstructed endowment shall, subject to the provisions of section 5, vest in the trustees, and the trustees shall, subject to any order of the State Government, administer and manage the reconstructed endowment in all respects as the acquired endowment was administered and managed before the commencement of this Act, regard being had to the instrument of trust, if any, under which the acquired endowment was created.

Power of State Government to refer to Charity Commissioner for framing scheme reconstructed endowment if trustees do not accept it.

(2) If the trustees fail to accept the offer within sixty days from the date of the offer or such extended period as the State Government may permit in this behalf, the State Government may by order refer the matter to the Charity Commissioner, and thereupon, the provisions of sections 50A and 72 of the Bombay Public Trust Act, 1950 and all provisions of that Act applicable thereto shall apply in relation to the reconstructed endowment as they apply in relation to public trusts under section 50A.

Bom. XXXIX of 1950.

7. (1) On the appointment of any trustee or trustees of any reconstructed endowment in pursuance of the provisions of section 6, the trustees of the acquired endowment shall forthwith hand over the property of the acquired endowment in their possession or under their control to the trustees of the reconstructed endowment so appointed.

Penalty refusal to hand over property to trustees of reconstructed endowment

(2) If the trustees of any acquired endowment fail or refuse to transfer any property belonging to such endowment [being property which is deemed to be transferred to and vested in, the reconstructed endowment by operation of the provisions of sub-section (2) of section 5] to the trustees of the reconstructed trust within forty-five days or such extended period as the State Government may permit in this behalf after the appointment of such trustees, the State Government or any authority empowered by the State Government in this behalf may, by order in writing, direct the trustees of the acquired endowment who are in possession or control of the property of such endowment to forthwith hand over such property to the trustees of the reconstructed endowment appointed as aforesaid.

(3) If the trustees of the acquired endowment do not comply with any direction issued under sub-section (2), the State Government may take steps to recover the property in the possession or control of such trustees, and for that purpose the State Government may authorize any officer to issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under Chapter VII of the Code of Criminal Procedure, 1898. The property so recovered shall be handed over to the trustees of the reconstructed endowment appointed as aforesaid.

V of 1898.

(4) If the trustees of the acquired endowment do not comply with any direction issued under sub-section (2), otherwise than for reasons beyond their control, they shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

8. (1) Any person aggrieved by any decision or order of the competent authority given or made under this Act or any rules thereunder may, within sixty days from the date of such decision or order, apply to the State Government to set aside such decision or order. Pending the disposal of the application, the State Government may, if there is a *prima facie* case for a stay order, make a stay order, subject to any terms or conditions as may be specified in the stay order.

Application.

(2) The State Government after making such inquiry and considering such evidence, both oral and documentary as may be adduced, may confirm, revoke or modify the decision or order of the competent authority.

9. (1) Any person aggrieved by any decision or order of the State Government under this Act (except an order to refer the matter to the Charity Commissioner under section 6, may appeal to the Maharashtra Revenue Tribunal constituted under the Maharashtra Land Revenue Code, 1966, in the manner provided by rules made in that behalf.

Mah.
XLI
of
1966.

(2) Subject to the decision of the Maharashtra Revenue Tribunal in appeal, the decision of the State Government shall be final and conclusive.

Officers holding inquiries to have powers of civil court. 10. In holding inquiries for the purpose of this Act, the officer or authority holding the same shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit :—

V of
1908.

(a) proof of facts by affidavits,

(b) summoning and enforcing the attendance of any person and examining him on oath,

(c) compelling the production of documents,

(d) issuing of commissions.

Inquiries to be judicial inquiries. 11. All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV
of
1860.

Limitations. 12. In computing the period of appeal under this Act, the provisions of sections 4, 5 and 12 of the Limitation Act, 1963, shall apply to the filing of such appeals.

36 of
1963.

Indemnity from suits and proceedings. 13. No suit, prosecution or other proceeding shall be instituted against the State Government or any officer or authority in respect of anything in good faith done or purporting to be done under this Act or rules thereunder.

Rules. 14. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act including provision for the imposition of fees for the purposes of this Act.

(2) All rules made under this section shall be subject to the condition of previous publication.

(3) Every rule made under this section shall be laid, as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the *Official Gazette*, the rule shall, from the date of such notification have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.