

ORISSA ACT XI OF 1947
THE ORISSA TEMPLE ENTRY AUTHORISA-
TION AND INDEMNITY ACT, 1947

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AN ACT TO AUTHORISE AND INDEMNIFY TRUSTEES, OFFICERS AND
 OTHER PERSONS IN RESPECT OF ENTRY INTO AND OFFER OF
 WORSHIP IN HINDU TEMPLES BY CERTAIN CLASSES OF
 HINDUS WHO BY CUSTOM OR USAGE ARE EXCLUDED
 FROM SUCH ENTRY AND WORSHIP

WHEREAS there has been a growing volume of public opinion
 demanding the removal of the disabilities imposed by custom
 and usage on certain classes of Hindus in respect of their entry
 into and offering worship in Hindu temples;

AND WHEREAS it is just and desirable to authorise the
 trustees or other authorities in charge of such temples to throw
 them open to, and permit, persons belonging to the said classes
 to enter into and offer worship in such temples, and that no
 person should suffer any civil or criminal penalty or disadvantage
 by reason of anything done in connection with such entry and
 worship;

AND WHEREAS a situation has arisen in the Province of
 Orissa in which it has become necessary to indemnify and
 protect officers of Government, trustees, priests and other
 persons in respect of acts done, steps taken or alleged failure of
 duty from the 23rd April 1946 of the nature aforesaid;

It is hereby enacted as follows :—

Short title
and extent.

1. (1) This Act may be called the Orissa Temple Entry
 Authorisation and Indemnity Act, 1947.

(2) It extends to the whole of the Province of Orissa.*

Indemnifica-
tion of
officers and
other per-
sons for cer-
tain acts,
etc.

2. No officer of Government, no executive authority, officer
 or servant of any Local Board or Municipality, no trustee, officer
 or other authority constituted or acting under the Orissa Hindu
 Religious Endowments Act, 1939, or any other law, no priest or
 person officiating as such and no person entering or offering
 worship or assisting or acting under the authority of or with the
 permission of such officer, servant, authority, trustee, priest or
 person officiating shall be prosecuted, sued or otherwise proceeded
 against in respect of any act done or step taken or any alleged
 failure of duty on the 23rd April 1946 or on any subsequent date
 up to the commencement of this Act, in furtherance of, or in
 connection with, the entry into and offer of worship in any Hindu
 temple in the Province of Orissa by any person belonging to
 classes of Hindus hitherto excluded by custom or usage from
 such entry or worship; and all officers, servants, authorities,
 trustees, priests and other persons aforesaid are hereby
 indemnified and discharged from all liability in respect of all such
 acts, steps and alleged failure of duty.

Orissa Act
IV of 1939.

*Extended to the partially-excluded areas of Sambalpur and Angul
 by No 10060-Poll., dated the 30th October 1947 (Vide *Orissa Gazette*, dated
 the 7th November 1947, Part III, page 363)

Throwing open of temples in certain circumstances.

3. If in the opinion of the trustee or other authority in charge of any Hindu temple in the Province of Orissa the worshippers of such temple are generally not opposed to the removal of the disability imposed by custom or usage on certain classes of Hindus in regard to entry into or offer of worship in such temple, such trustee or other authority, may, with the approval of the Provincial Government and notwithstanding anything contained in the Orissa Hindu Religious Endowments Act, 1939, or any other law, throw open the temple to such classes and thereafter persons belonging to such classes shall have the right to enter into and offer worship in such temple:

Orissa Act IV of 1939.

Provided that in the case of the Hindu temples in the Province which have been thrown open to the classes aforesaid before the commencement of the Act, such approval shall not be required and the said temples shall be deemed to have been thrown open to the classes aforesaid under the provisions of this section.

Explanation—If more persons than one are the trustees or constitute the other authority in charge of the temple a majority of them shall be entitled to decide and act in terms of this section.

No actionable wrong or offence committed by entry worship in temples thrown open.

4. No person who enters or offers worship in any temple thrown open or deemed to be thrown open under the provisions of section 3 shall by reason only of such entry or worship be deemed to have committed any actionable wrong or offence or be sued or prosecuted therefor.

Sanction for institution or continuance of action.

5. No suit for damages, injunction or declaration or for any other relief no prosecution for any offence, and no application or other proceeding under the Orissa Hindu Religious Endowments Act, 1939, or any other law shall be instituted in respect of any entry into or worship in any temple thrown open or deemed to have been thrown open under section 3, on the ground that such entry or worship is against the usage or custom which excludes certain classes of Hindus from such entry or worship; and no suit or other proceeding shall be instituted in respect of such entry or worship on the ground that there has been any irregularity or failure in complying with the provisions of section 3, without the previous sanction of the Provincial Government. No suit, prosecution, application or proceeding of the nature aforesaid instituted before the commencement of this Act shall be continued thereafter without the sanction of the Provincial Government.

Orissa Act IV of 1939.

Amendment of section 14, Orissa Act IV of 1939.

6. In sub-section (1) of section 14 of the Orissa Hindu Religious Endowments Act, 1939, the words and figures "subject to the provisions of the Orissa Temple Entry Authorisation and Indemnity Act, 1947" shall be inserted at the commencement.

Orissa Act IV of 1939.