

# **Baba Baidyanath Dham-Basukinath Shrine Area Development Authority Act, 2015**

JHARKHAND

India

## **Baba Baidyanath Dham-Basukinath Shrine Area Development Authority Act, 2015**

### **Act 6 of 2016**

- Published on 1 January 2016
- Commenced on 1 January 2016
- [This is the version of this document from 1 January 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Baba Baidyanath Dham-Basukinath Shrine Area Development Authority Act, 2015(Act No. 6 of 2016)An Act to promulgate The Baba Baidhyanath Dham-Basukinath Shrine Area Development Authority Act 2015Shrawani Mela is a religious and cultural fair and is held every year in Deoghar and Basukinath (Dumka) in the State of Jharkhand wherein along with local people, lakhs of pilgrims from within the country as well as from abroad, participate. Apart from that a large number of pilgrims visit this combined shrine area throughout the year. It has been felt by the State Government that an authority should be constituted for development, regulation and management of Shrine area of Baba Baidyanath Dham and Basukinath Dham including Shrawani Mela held in the month of Shrawan (mostly in the month of July-August) with participation of officials as well as non-official members. BE it enacted by the Legislative Assembly of the State of Jharkhand in the Sixty sixth Year of the Republic of India, as follows:-Chapter-1

### **1. Short title, extent and commencement.**

- i. This Act may be called the Baba Baidyanath Dham-Basukinath Shrine Area Development Authority Act, 2015.ii. It shall extend to the whole Baba Baidyanath Dham Area including temple complex, Basukinath Dham temple complex, mela area of the districts of Deoghar and Dumka (Basukinath) and any other area notified by the Government of the State of Jharkhand.iii. It shall come into force on such date as the State Government may, by notification in the official gazette, appoint in this behalf.

### **2. Definition.**

- In this Act, unless there is something repugnant to the subject or context:-(a)Shrine Area: means the Baba Baidyanath Dham temple complex, Basukinath Dham temple complex, other area and

locations where pilgrims come, stay, visit and profess religious, cultural, traditional sanskara or any related activities including Mela area.(b)Mela: means Shrawani Mela notified by State Government for management through the Baba Baidyanath Dham-Basukinath Shrine Area Development Authority Act.(c)Authority: means Baba Baidyanath Dham-Basukinath Shrine Area Development Authority constituted under section-3 of the Act.(d)Pilgrim: includes the person, who visits a place of pilgrimage with the object, among others, of performing such rites as are usually performed by pilgrims.(e)Chief Minister: means the Chief Minister of Jharkhand.(f)Minister: means a member of State Cabinet.(g)Commissioner: means the Divisional Commissioner of Santhal Pargana (Dumka).(h)Secretary: means Principal Secretary/Secretary of a Department of the State Government.(i)Deputy Commissioner: means District Magistrate-cum-Deputy Commissioner of the District.(j)Superintendent of Police: means Superintendent of Police of the District.(k)Additional District Magistrate: means an officer of Indian Administrative Service/State Administrative Service authorised by the state government to perform the duties of Additional District Magistrate under CrPC.(l)Additional Superintendent of Police: means an officer of Indian Police Service/State Police Service authorised by the state government to perform the duties of Additional Superintendent of Police.(m)Sub-Divisional Officer: means an officer duly appointed by the State Government for the Sub-Division(n)Member of Parliament: means Duly elected Member of Lok Sabha, representing a particular Lok Sabha constituency.(o)Member of Legislative Assembly: means duly elected Member of a Legislative Assembly constituency.(p)Prescribed: means prescribed by rules made under this Act.(q)Regulation: means regulation made by the Authority under this Act.(r)Rules: means rules made by the Authority under this Act.

## Chapter II

### Constitution of Authority

#### 3. Constitution of Authority.

- i. With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted, for the purpose of this Act, an Authority, to be called Baba Baidyanath Dham - Basukinath Shrine Area Development Authority.ii. The Authority shall be constituted with the following members:-A. Chief Minister - ChairmanB. Minister holding the Charge of Tourism, Art Culture, Sports and Youth Affairs Department/Ministry - Vice ChairmanC. Chief Secretary - Vice ChairmanD. Secretary, Finance and Planning - MemberE. Secretary, Home, Prisons and Disaster Management - MemberF. Secretary, Health - MemberG. Director General of Police - MemberH. Commissioner, Santhal Pargana - Member cum CEO of AuthorityI. Deputy Commissioner, Deoghar - MemberJ. Deputy Commissioner, Dumka - MemberK. Deputy Inspector General of Police, Santhal Pargana - MemberL. Mayor, Deoghar Municipal Corporation - MemberM. Head of Basukinath Nagar Panchayat - MemberN. Secretary, Tourism, Art Culture, Sports and Youth Affairs Department - Member SecretaryO. Members of Parliament of Lok Sabha Constituency where Baba Baidyanath and Basukinath Temple are situated - MembersP. Members of Legislative Assembly where Baba Baidyanath and Basukinath Temple are situated - MembersQ. Chairman, Jharkhand Hindu Religious Trust Board, or his representative - MemberR. Head of Panda Dharma-rakshini Sabha (located at Deoghar) and one more representative -

MembersS. One representative of any existing society of Panda (priests) of Basukinath Dham - MemberT. Two eminent and distinguished Non-Government Persons, who evince interest in development of Shrine area of Baba baidyanath and Basukinath area, to be nominated by State Government, for three years. - Membersiii. If the Chairman or Any of the other members mentioned in section 3(ii) or in section 21 be not a Hindu, the state government may nominate any eminent person professing Hindu religion, holding similar status and discharging similar duties.iv. The Baba Baidyanath Dham - Basukinath Shrine Area Development Authority ("Authority" in brief) may associate with itself in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of the Act and a person so associated shall have the right to take part in the discussion of the Authority relevant to the purpose for which he has been associated but shall not be entitled to vote.v. The Authority shall be responsible for development of the Shrine area with particular reference to the welfare, safety, security and provision of facilities to pilgrims and visitors and may from time to time deliberate and take initiative on, welfare of and facility to pilgrims and visitors, policy, direction, implementation; ways to augment resources including revenue from Mela and Temple, Outsourcing, Financial management, Security and other matters of importance and utility for Mela and temple and advise and direct the Divisional and district level administrative officers as well as officers of all departments related to administration and management of Temple and Mela.vi. The Headquarter of the Authority shall be located at Deoghar (Santhal Pargana).

#### **4. Powers and functions of the Chairman and Vice-Chairman of the Authority.**

- I. The chairman of the authority shall, in addition to presiding over the meetings of the authority, exercise and discharge such power and function of the authority which are delegated to him by the authority. In case of any emerging requirement, the Chairman shall be competent to take any decision on the issues related to the purpose of the Authority, but the same shall be discussed and ratified by the authority.II. The Vice-Chairman of the authority shall exercise and discharge such powers and functions as may be prescribed or as may be delegated to him by the chairman.

#### **5. Removal of members from their office.**

- The State Government may remove from the authority any member who in its opinion-(a)refuses to act ;(b)has become incapable to act ;(c)has so abused his office as to render his continuance in office detrimental to the public or Government interest; or(d)is otherwise unsuitable to continue as a member.

#### **6. Chief Executive Officer and Additional District magistrate, Additional Superintendent of Police & Other officers.**

- i. There may be Additional District Magistrate duly notified by the Government who will assist CEO and work under district Magistrate and also manage the affairs of authority under the guidance of CEO.ii. There shall be one Additional Superintendent of Police, duly notified by the Government who will be working under the Superintendent of police.iii. For the Shrine area, the government may

further notify Sub-Division & Police stations, recommended by Authority for any such period, which the government feels expedient to do so, and also depute additional sub divisional magistrates and additional sub divisional police officers for such period.

## **7. Meetings of the Committees.**

(1)The Authority shall meet at least twice during the year, provided that at least one meeting must be held three months prior to the commencement of Shrawani Mela.(2)The Authority may meet at any time and convene meetings keeping in view the commencement of Shrawani mela and/or as and when desired by the Chairman.

## **Chapter III**

## **Powers and Functions of the Authority**

### **8. Powers and Functions of the Authority.**

- I. The Authority may take decision as the case may be, for proper functioning, development, regulation and management of Shrine Area, with particular reference to the welfare, safety, security and provision of facilities to pilgrims and visitors.II. The Authority may direct and decide policy for the augmentation of revenue sources, arrangement of fund, by grants, outsourcing, Government or other sources.III. Impose entry & Toll fees- The Authority shall have powers to impose an entry fee and surcharge for the any period, on mechanical transport, lodging houses, retail shopkeepers' advertisements, entertainment programmes (theatre, Circus etc) and such items as the authority deems fit, to be specified by the Authority from time to time, and may or may not be same for various activities or locations. It also includes tolls on any vehicle or animal entering into or any person bringing goods or sale into such area. It also includes fees on registration of animals sold within such area.IV. Power to provide amenities: The Authority shall be responsible and shall provide amenities to the visitors, pilgrims, persons or associations, group of persons, associated with Shrine area including mela and shall have the power to impose user fee for the same.V. The Authority may undertake charitable functions for the benefit of pilgrims, poor and destitute and any other such people related to affairs of Shrine Area.VI. The Authority shall have powers to advise and direct the Divisional and district level administrative officers as well as officers of all departments related with development, administration and management of Shrine Area.VII. The Authority shall prepare, for the Shrine area, any master plan and make regulations for imposition of restrictions on such activities, which may be detrimental to the conduct of pilgrim affairs as well as danger to human beings and animals.VIII. Power to License - The authority, may, by rule, prescribe fees on payment of which any condition subject to which any person or class of persons may be licensed to ply any profession, trade or calling in the Shrine Area.

### **9. Special Powers of the Authority.**

- The Authority shall have powers to make recommendations to the State Government for bringing any new area or activities related to pilgrimage, or any such functions under its authority,

considering its cultural, social and religious importance or on the basis of receipt of information in this regard from other sources.

## **10. Control and Guidance.**

- During mela period or implementation of activities falling under the jurisdiction of Authority, Divisional, district and other field level officers and employees of all departments of the State Government as well as officers and personels of local bodies associated with development of Shrine Area including management of mela, will act under the guidance of Authority.

## **11. Recommendation for taking action.**

- The Authority shall have powers to recommend action against any officer or employee of the State Government associated with the development of Shrine area including management of mela, according to the prevailing Act and Rules made by the State Government, in this regard.

## **12. Powers to make Rules.**

(1)The Authority may make rules generally for carrying out the purposes of this Act, and in particular for :i. The work distribution of employees deputed to the Authorityii. Sanitation in Shrine area,iii. Smooth conduct of Mela(2)The rules made by the Authority shall be applicable after its ratification by the state government.

## **Chapter IV**

### **Power and Function of Chief Executive Officer & Additional District Magistrates and Additional Superintendent of Police**

## **13. The Chief Executive Officer (CEO).**

- The State Government shall confer the power of District Magistrate defined under Cr.P.C. 1973 for Shrine area as well as other powers to CEO to regulate the Shrine Area including the mela.

## **14.**

The CEO shall function and discharge all the duties conferred upon him by the authority.

## **15.**

The CEO shall have, apart from any other function, following powers and duties:(a)To take stock of Law & Order situation and make proper arrangements for requisite precautionary measures as well as deputations of magistrate & police force in consultation of DC, SP as well as DIG of the concerning Jurisdiction.(b)To impose toll on any vehicle or animal entering into, or any person

bringing goods for sale into such area and to impose any other fee on registration of commercial activities within Shrine area, after consulting the Authority.(c)To temporarily allot any government space for various purposes directly or indirectly related to the affairs of the Shrine area, falling under Shrine area in the manner, duly discussed and passed by the authority. This shall include following activities:i. Religious societies with which the Shrine area is connected.ii. Social and other societies and organisation.iii. Officialsiv. Market placesv. Latrines, urinals and rubbish heapsvi. Bathing Placesvii. Recreation and entertainment andviii. Any other Exhibitions and demonstration(d)To liaison with Local non-governmental organizations, public representatives, government officials, local authorities and state government.(e)To demolish any structure in case of an outbreak of fire in a manner so that the loss to the affected person or organization is minimum.(f)To implement any penalty prescribed in the Act.(g)To delegate any or such powers to the other officers, duly notified for the purpose specified, by the government for any period, in Shrine area.

## **16.**

Subject to the rules made under sub-section 12(i), the CEO may give appropriate directions against the outbreak or spread of fire, and particularly for the following purposes :i. Providing for the safety of buildings and structures put up in the Shrine area, and of articles brought in the shrine area.ii. Prescribing conditions subject to which huts and other structure may be constructed including limits to the height of such huts or a structure and the area on which they are to be built and distances between them.iii. Providing for the supply of sand and jars of water at each point or elsewhere, andiv. Restricting the use of fires, for cooking or for any other purpose.

## **17.**

The Chief Executive Officer may remove any unauthorised construction which is not in consonance with master plan of the Shrine area, and the cost of such removal may be recovered from the person making such construction, as an arrear of land revenue.

## **18.**

The CEO or the officers to whom this power is duly delegated by CEO, shall have powers to penalise the person as per Sec 23 of the Act.

## **19. Powers and Functions of Additional Superintendent of Police (ASP).**

- The Additional SP shall have following powers and duties:(a)To act under the guidance of SP of the district.(b)To assist the CEO for any affair, which he feels expedient to be assisted, for conduct of affairs of Authority including mela.(c)To implement the decisions of Authority..(d)To suggest to Authority for creation of Police sub-divisions, local police stations, in Shrine area, in consultation with District Magistrate, for the purpose of Law and Order Maintenance, whereas the regular criminal investigation affairs shall remain with the original police station.(e)To coordinate with the

local administration and the authority.

## **20. Powers and Functions of Additional District Magistrate.**

- The Additional District magistrate has following power and duties.(a)To act under the guidance of District magistrate in the Shrine area including mela area.(b)To assist the CEO for any affair, which he feels expedient to be assisted.(c)To implement the decisions of Authority.(d)To suggest to Authority for creation of Police sub-divisions, local police stations, in Shrine area, in consultation with District Magistrate, for the purpose of Law and Order Maintenance, whereas the regular criminal investigation affairs shall remain with the original police station.(e)To coordinate with the local administration and the authority.

## **Chapter V**

### **Formation of Executive Council**

#### **21.**

There shall be an executive council for the execution and implementation of the decision taken by the authority under the Chairmanship of CEO.(1)The executive council consists of following members.i. Divisional Commissioner, Santhal Pargana (Dumka)-cum-CEO- Chairmani. DIG, Santhal Pargana (Dumka) - Memberii. Deputy Commissioner, Deoghar - Memberiii. Deputy Commissioner, Dumka - Memberiv. Superintendent of Police, Deoghar - Memberv. Superintendent of Police, Dumka - Membervi. Executive Engineer Deoghar - (Building, Road Construction Department, Drinking Water & Sanitation, Electricity, Rural Engineering Department) - Membervii. Municipal Commissioner, Deoghar Municipal Corporation - Memberix. Chief Executive Officer, Basukinath Nagar Panchayat - Memberx. Civil Surgeon, Deoghar - Member(2)The Authority if so desire, may nominate two additional members.

## **22. Powers and functions of Executive Council.**

- The Executive Council shall have the following powers and functions:i. To implement the directives & decisions of Authorityii. To coordinate between the various departmentsiii. To advice & suggest the Authority on the matters and subjects related to Shrine Area.iv. Actual implementation of the projects or assist the schemes sanctioned and implemented by any other department in Shrine Area.

## **Chapter VI**

### **Miscellaneous**

## **23. Penalties-Any Person who.**

(a)Makes any unauthorised construction, or(b)Uses any unauthorized place as latrine, urinal or rubbish dump, or(c)Plies any profession, trade or calling without a licence obtained under the provisions of section 8(viii) or commits a breach of the conditions of such licence, or(d)Contravenes any of the provisions of the Act or any rules made under the Act, or(e)disobeys any order or direction in writing lawfully under this Act, shall be punishable on conviction with a fine which may extend to Rs. 1,000 and where the offence is a continuing or recurring one with a further fine which may extend to Rs. 1,000 and where the offence is again a continuing or recurring one with a further fine which may extend to Rs. 100 for every day after the date of the first conviction during which the offender is proved to have persisted in such offence.(f)Wherever a person or a company or a firm or a society or any other body is found to contravene the provision of this Act, the officer appointed/nominated by the authority (Baba Baidyanath Dham - Basukinath Shrine Area Development Authority) in this regard may charge penalty.(g)If any body fails to deposit the penalty charged either by the competent authority or by the officer nominated/appointed for this purpose by the competent authority within the stipulated time, it shall be recovered by the competent authority under the provision incorporated for recovering in Bihar and Orissa Public demand recovery Act 1914.(h)Appeal -(i)An appeal shall lie against the order passed by the competent authority or the officer appointed/nominated for the purpose of the act under this Act to the appellate authority who will be the Divisional Commissioner, Santhal Pargana, whose decision on appeal shall be final.(ii)The appeal must be preferred within 30 days from the date of receipt of the order the appeal. In case of appeal received after 30 days from the date of receipt of the order, if the appellate authority thinks that appeal could not be filed within the said 30 days for some specific causes or conditions (illness or some other condition in which the appeal could not be filed), the appellate authority may accept the appeal after the said 30 days period.(iii)No appeal in any condition can be accepted after 90 day from the date of receipt of the order.

## **24. Functions of the Authority.**

- I. Without prejudice to the foregoing provisions of this Act, the authority in the discharge of its functions and duties under this Act shall be bound by such directions on questions of policy as the State Government may give, in writing, to it from time to time.II. The decision of the State Government shall be final and binding upon the Authority as well as on Executive Council.

## **25. Delegation of Power.**

- The Authority by an order in writing, may delegate to the Chairman or Vice-Chairman of the authority or CEO or any other member, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary

## **26. Authentication of orders.**

- All orders and decisions of the Authority shall be authenticated by the signature of the Chairman



or any other member authorized by the authority in this behalf.

## **27. Protection of action taken in Good Faith.**

- No action will be taken, in respect of anything which is done or intended to be done in good faith under this Act.

## **28. Supersession of the Authority.**

- i. If, at any time, the State Government is of the opinion—  
a) That on account of grave emergency, the authority is unable to discharge its function and duties imposed on it by or under the provisions of this Act; or  
b) That circumstances exist which render it necessary in the public interest to do so; so the State Government may, by notification in the Official Gazette, supersede the Authority.  
ii. Upon publication of a notification under sub-section (1) for superseding the authority, all the members shall, as from the date of supersession vacate their offices as such;  
iii. All the powers, functions and duties which may, by or under the provisions of this Act, be exercised and discharged by or on behalf of the authority, shall until the authority is reconstituted under sub-section be exercised and discharged by such person or persons as the State Government may direct in this behalf.  
iv. On the expiration of the period of supersession specified in the notification issued under sub-section (1) the State Government may,  
a) extend the period of supersession as it may consider necessary; or  
b) Reconstitute the authority within one year from supersession.

## **29. Power to make Regulations.**

- The authority, with the previous approval of the Government, by notification in the Official Gazette may make regulations consistent with this Act and the Rules, to carry out the purposes of this Act.

## **30. Administrative Department of the Authority.**

- The Administrative Department of the Authority shall be Department of Tourism, Art Culture, Sports and Youth Affairs, Government of Jharkhand, Ranchi.

## **31. Administrative arrangement of the authority.**

- Department of Tourism, Art Culture, Sports and Youth Affairs, Government of Jharkhand, Ranchi and Office of Commissioner, Santhal Pargana shall provide ministerial support to the Authority, by recruitment/deputation, for day to day functioning of authority.

## **Chapter VII**

## **Finance, Account and Audit**

### **32. Constitution of Shrine Area Development and Management Fund.**

- There shall be a duly constituted fund to be called Shrine area development and management Fund (SADMF) and there shall be credited.i. Any grant and loan made to the Authority by the State or Central Government.ii. All the fees and surcharge receive by the Authority under this Act.iii. All sums received by the Authority from such other sources as may be decided by the State Government.iv. The donations received as per the guidelines of the Government of India and the State Government.v. Any other donations received by the Authority from any society, body or individual for development of Shrine Area.

### **33. Bank Account of the Authority.**

- The surcharge and entry fee will be deposited in any Nationalized Bank, in a separate Account.

### **34. Manner of collection of Surcharges and entry fee.**

- The surcharges and entry fee levied under section-8(iii) of the Act shall be collected and managed in such manner as may be determined by rules and regulations made under the Act.

### **35. Use of Shrine Area Development and Management Fund.**

- I. The Shrine Area development and management fund (SADMF) shall be utilized for meeting expenses of the Authority for discharging its functions under section-8 of this Act.II. The SADMF shall be used to meet expense for fulfilment of objects and purposes, authorized by the Authority.

### **36. Preparation of Budget.**

- The Authority, shall prepare, in such form and at such time of each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Finance-cum-Planning Department of the Government of Jharkhand.

### **37. Annual Report.**

- The Authority shall prepare, in such form at such time of each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and submit it to the Revenue Department of the State Government.

### **38. Accounts and Audit of Accounts.**

- I. Maintenance of account of the authority shall be responsibility of the secretary to the authority.II. The accounts of the fund received from the State Government shall be audited by Accountant General, Jharkhand as well as audit section of the department of finance and the audit

report will be submitted to the authority. III. The annual account of the authority will be audited by any recognised chartered accountant who will forward the same together with the budget to the revenue and land reforms department.