

The Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act, 1988

JAMMU & KASHMIR

India

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Act 16 of 1988

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The Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act, 1988 Act No. 16 of 1988 [Received the assent of the Governor on 31st August, 1988 and is hereby published for general information]. An Act to provide for the better management, administration and governance of Shri Mata Vaishno Devi Shrine and its endowments including the lands and buildings attached, or appurtenant, to the Shrine, beginning from Katra up to the holy cave and the adjoining hillocks currently under the management of the Dharmarth Trust. Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-ninth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This may be called the Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act, 1988. (2) It shall be deemed to have come into force with effect from 30-8-1986.

2. Act to over-ride other laws.

- This Act shall have effect, notwithstanding anything to the contrary contained in any law or in any scheme of management, decree, custom, usage or instrument.

3. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Board" means the Shri Mata Vaishno Devi Shrine Board constituted under this Act; (b) "Endowment" means all property, moveable or immovable, belonging to, or given or endowed for the maintenance, improvement, additions to, or worship in the Shrine or for the performance of any service or charity connected therewith and includes the idols installed therein, the premises of the Shrine and gifts of property made to anyone

within the precincts of the Shrine and lands and buildings attached or appurtenant thereto, beginning from Katra up to the holy cave and the adjoining hillocks currently under the management of the Dharmarth Trust or property belonging to Baridar or Association within the area specified in the preamble of this Act;(c)"Shrine Fund" means the endowment and includes all sums received by or on behalf of, or for the time being held for the benefit of the Shrine, and also includes all the endowments which have been or may hereafter be made for the benefit of the Shrine or any other deity there of in the name of any person, or for the convenience, comfort or benefit of the pilgrims thereto, as well as offerings made to any of the deities comprised in the Shrine;(d)"The Shrine" means the Shrine of Shri Mata Vaishno Devi Shrine and includes the Shrine, holy cave and other temples within premises specified in the preamble of this Act;(e)"Prescribed" means prescribed by bye-laws made under this Act.

4. Vesting of Shrine Fund.

- The ownership of the Shrine Fund shall, from the commencement of this Act, vest in the Board and the Board shall be entitled to its possession, administration and use for the purposes of this Act.

5. The Board.

(1)The administration, management and governance of Shri Mata Vaishno Shrine, and the Shrine Fund shall vest in a Board comprising a Chairman and not more than ten members. The composition of the Board shall be as follows :-(a)The Governor of the State of Jammu and Kashmir shall be the ex-officio Chairman of the Board, and if the Governor be not a Hindu, than he may nominate an eminent person professing Hindu religion and qualified to be a member;(b)Nine persons to be nominated by the Governor of Jammu and Kashmir in the following manner:-(i)Two persons who in the opinion of the Governor, have distinguished themselves in the service of Hindu religion or culture;(ii)Two women, who in the opinion of the Governor, have distinguished themselves in the service of Hindu religion, or culture or social work, especially in regard to advancement of women ;(iii)Three persons, out of persons who have distinguished themselves in administration, legal affairs or financial matters;(iv)Two eminent Hindus of the State of Jammu and Kashmir:Provided that during the period not exceeding three months from the commencement of this Act, the Governor shall act as and exercise all the powers of the Board under this Act.(2)A person shall not be eligible for being nominated as a member, or for being a member of the Board if he suffers or incurs any of the disqualifications specified in section 8.

6. Incorporation.

- The Board shall be a body corporate and shall have perpetual succession and a common seal and may by the said name sue and be sued.

7. Term of office of the members.

- The members of the Board other than the Chairman, shall subject to the provisions of section 8

and 9, hold office for a term of three years from the date of their nomination under section 5.

8. Disqualifications for membership of Board.

- A person shall be disqualified for being appointed, as a member of the Board, -(a)if such person is not a Hindu;(b)if he is of unsound mind and stands so declared by a competent court or if he is a deaf mute, or is suffering from contagious leprosy any virulent contagious disease;(c)if he is an undischarged insolvent;(d)if he is appearing as a legal practitioner against the Board:(e)if he is sentenced by a criminal court for an offence involving moral turpitude, such sentence not having been reversed;(f)if in the opinion of the Governor he has acted against the interests of the Shrine;(g)if he is an office-holder or servant attached to the Board, provided that nothing in this clause shall apply to the Chief Executive Officer of the Board;(h)if he has been guilty of corruption or misconduct in the administration of the Shrine;(i)if he is addicted to intoxicating liquors or drugs.

9. Dissolution and supersession of the Board.

(1)If in the opinion of the Governor, the Board is not competent to perform, or persistently makes default in performing the duties imposed on it under this Act or exceeds or abuses its powers, the Governor may after due enquiry and after giving the Board reasonable opportunity of being heard, by order dissolve or supersede the Board and reconstitute another Board in accordance with this Act.(2)Where a Board is dissolved or superseded under this section, the Governor shall assume all the powers and perform all the functions and exercise all the powers of the Board for a period not exceeding three months or until the constitution of another Board whichever is earlier.

10. Filling of vacancies.

(1)Casual vacancies in the office of the Board shall be filled in the same way as provided in Section 5.(2)The term of a member nominated to fill a casual vacancy shall expire on the day on which the term of the member in whose vacancy the appointment has been made would have expired.(3)Nothing done by the Board shall be invalid by reason only of there being a casual vacancy.

11. Resignation.

- Any member may resign his office as member by giving notice in writing to the Chief Executive Officer and his Office shall become vacant from the date of acceptance of the same by the Governor.

12. Removal of a member.

- The Governor may, for good and sufficient reason, remove any member after giving him an opportunity of showing cause against such removal and after considering the explanation offered therefor.

13. Office and meetings of the Board.

(1)The Board shall maintain its office at such place as the Board may decide.(2)At the meeting of the Board, the Chairman or in his absence one of the members for the purpose to be elected at the meeting shall preside.(3)No business shall be transacted at any meeting unless at least four members are present.(4)Every decision of the Board shall, except as expressly provided by this Act, by a majority of votes, and in case of equality of votes the person presiding shall have a second or casting vote.

14. Appointment of officers and servants of the Board.

(1)For the efficient discharge of the functions assigned to it under this Act, the Board may appoint a Chief Executive Officer and such other officers and servants as it considers necessary with such designations, pay, allowances and other remuneration and pre-requisites as the Board may determine from time to time:Provided that the Chief Executive Officer of the Board will not be less in rank than that of a District Magistrate of the District and the Chief Accounts Officer not less in rank than a Deputy Director of Accounts.(2)The Chairman of the Board, subject to any bye-laws made under this act, shall have the power to transfer, suspend, remove or dismiss any officer or servant of the Board for the breach of discipline, for carelessness, unfitness neglect of duty or misconduct of for any other sufficient cause:Provided that where the officer or the servant is a Government servant he may be reverted to his parent cadre or Department in the Government.

15. Officers and servants of the Board to be public servants.

- The Members, Officers and servants of the Board shall, while acting or purporting to act in pursuance of the provisions of this Act or any bye-laws made thereunder be deemed to be public servants within the meaning of section 21 of the State Ranbir Penal Code.

16. Liability of members.

- Every member of the Board shall be liable for the loss, waste or mis-application of the Shrine Fund if such loss, waste or mis-application is a direct consequence of his wilful act or omission while as member and a suit for compensation may be instituted against him by the Board.

17. Alienation of moveable and immovable property.

(1)No jewellery or other valuable property of non-perishable nature forming part of the Shrine Fund shall be transferred without the previous sanction of the Board.(2)No land or other immovable property held by the Board shall be alienated except by a resolution of the Board.

18. Duties of the Board.

- Subject to the provisions of this Act, and of any bye-laws made thereunder, it shall be the duty of the Board, (1) to arrange for the proper performance of worship at the Shrine; (2) to provide facilities for the proper performance of worship by the pilgrims; (3) to make arrangements for the safe custody of the funds, valuable security and jewellery and for the preservation of the Shrine Fund; (4) to undertake for the benefit of worshippers and pilgrims- (a) the construction of buildings for their accommodation; (b) the construction of sanitary work; and (c) the improvement of means of communication; (5) to undertake the developmental activities concerning the area of the Shrine and its surroundings; (6) to make suitable arrangements for the imparting of religious instructions and general education; (7) to make provision of medical relief for worshippers and pilgrims; (8) to make provision for the payment of suitable emoluments to the salaried staff; (9) to do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the Shrine and the Shrine Fund and the convenience of the pilgrims.

19. Rights of Bandars and other persons.

(1) All rights of Baridars shall stand extinguished from the date of commencement of this Act: Provided that the Governor may appoint a Tribunal which after giving personal hearing to the Baridars and the representatives of the Board, shall recommend compensation to be paid by the Board in lieu of extinction of their rights. While making its recommendations to the Board, the Tribunal shall have due regard to the income which the Baridar had been deriving as Baridars. The Board shall examine the recommendations forwarded to it by the Tribunal and take such decision as it may deem appropriate. The decision of the Board shall be final: Provided further that where a Baridar surrenders his right to compensation and offers himself for employment to the Board, the Board shall cause his suitability for such employment to be adjudged and may offer him employment in case he is found suitable by the Selection Committee to be appointed for the purpose subject to the Baridar giving an undertaking to abide by the administrative and disciplinary control of the Board in accordance with the bye-laws framed by the Board. (2) All such employees of the Dharmarth Trust as are engaged on any function connected with the Shrine shall, unless they exercise an option to the contrary, be deemed to have become the employees of the Board on the commencement of this Act and would be subject to the administrative and disciplinary control of the Board. Their terms and conditions of service shall be regulated by the bye-laws framed by the Board which will, as far as practicable, not be inferior than the present level of remuneration and other terms and conditions of their service. (3) The shopkeepers and other lease holders, who are the tenants of the Dharmarth Trust, in the area referred to in the Act will become the tenants of the Board.

20. Bar to suit or proceedings.

- No suit or other proceedings shall lie in any court against the Board or its officers for anything done or purported to be done in good faith by it under this Act.

21. Grant to religious institutions.

- The Board may make grants in favour of any institution for religious spiritual purposes.

22. Audit and Annual Report.

(1)The accounts of the Board for the financial year shall be audited annually by the Chartered Accountant to be nominated by the Board.(2)The Board shall annually prepare a report on the administration of the affairs of the Shrine and publish it for information of the public.

23. Arbitration.

- If any dispute arises between Dharmarth Trust and the Board, the same shall be referred for arbitration by a person to be nominated by the Governor.

24. Powers to make bye-laws.

- The Board may make bye-laws not inconsistent with this Act, for-(a)the entrustment of duties and functions to the Chief Executive Officer of the Board;(b)the manner in which decision of the Board may be taken otherwise than at the meetings ;(c)the procedure and conduct of business at meetings of the Board ;(d)the delegation of powers of the Board to individual members or to Committees ;(e)the books and accounts to be kept at the office of the Board ;(f)the custody and investment of the Shrine Fund;(g)the details to be included in the budget of the Board;(h)the time and place of meetings;(i)the manner in which notice of its meetings shall be given;(j)the preservation of order and the conduct of proceedings at meetings and the powers which the Chairman may exercise for the purpose of enforcing its decision ;(k)the manner in which proceedings of the Board shall be recorded and published ;(l)the persons by whom receipts may be granted for moneys paid to the Board ;(m)the maintenance of order inside the Shrine and regulating the entry of persons therein ;(n)the performance of duties provided in section 19: and(o)all other matters expressly required or which may be required for carrying out the purposes of this Act.

25. Repeal.

- The Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act, 1986 (Governor's Act No. XXIII of 1986) is hereby repealed.