

The Jammu and Kashmir Shri Shiv Khori Shrine Act, 2008

JAMMU & KASHMIR

India

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Act 4 of 2008

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The Jammu and Kashmir Shri Shiv Khori Shrine Act, 2008 Act No. 4 of 2008 An Act to provide for the better management, administration and governance of Shri Shiv Khori Shrine and its endowments including the lands and buildings attached, or appurtenant, to the Shrine and for matters connected therewith or incidental thereto. Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-ninth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Jammu and Kashmir Shri Shiv Khori Shrine Act, 2008. (2) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.

2. Act to over-ride other laws.

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

3. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Board" means the Shri Shiv Khori Shrine Board constituted under this Act; (b) "Chairperson" means the Chairperson of Board; (c) "Endowment" means all property, movable 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 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 Ransoo up to the holy cave

and the adjoining hillocks currently under the management of the Shri Shiv Khori Temple Board ;(d)"Government" means the Government of Jammu and Kashmir ;(e)"Member" means member of the Board and includes the Chairperson ;(f)"Prescribed" means prescribed by the Bye-laws made under this Act ;(g)"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 thereof 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;(h)"The Shrine" means the Shrine of Shiv Khori and includes the Shrine, holy cave and the other temples within the premises specified in the preamble of this Act ;(i)"Vice-Chairperson" means the Vice-Chairperson of the Board.

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 and use for purposes of this Act.

5. The Board.

(1)The administration, management and governance of Shri Shiv Khori Shrine and the Shrine Fund shall vest in the Board.(2)The composition of the Board shall be as follows :-

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| (a) | Divisional Commissioner, Jammu, if he be a Hindu and in case he is not a Hindu, the Deputy Commissioner, Reasi, if he is a Hindu. In case both of them do not profess Hindu faith, an eminent person professing Hindu faith, to be nominated by the Government. | Chairperson |
| (b) | Deputy Commissioner, Reasi and in case he is the Chairman or is not a Hindu the Additional Deputy Member Commissioner, Reasi. | Vice-Chairperson |
| (c) | Chief Executive Officer, Mata Vaishno Devi Shrine Board or his nominee. | Member |
| (d) | Director Tourism, Jammu and in case he is not a Hindu an officer of the department nominated by the Government, not below the rank of Additional Secretary to Government. | Member |
| (e) | Two persons, who in the opinion of the Government have distinguished themselves in the service of Hindu religion or culture. | Member |
| (f) | One woman, who in the opinion of the Government has distinguished herself in service of Hindu religion or culture or social work, especially in regard to advancement of women. | Member |
| (g) | Two persons, who have distinguished themselves in administration, legal affairs, financial matters, journalism, press etc. to be nominated by the Government. | Member |
| (h) | Executive Officer of Shri Shiv Khori Shrine Board. | Member |

Secretary

Explanation. - (1) For purposes of clauses (e), (f) and (g), at least three members shall be permanent residents of the State.(2)Member of the Legislative Assembly, representing the area, if he be a Hindu, shall be a special invitee at the meetings of the Board with right to vote.

6. Incorporation.

- The Board shall be a body corporate and shall have a perpetual succession and 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 official members, shall, subject to the provisions of section 9 and section 10, hold office for a term of three years from the date of their nomination.

8. Disqualification for membership of the Board.

- A person shall be disqualified for being nominated, as a member of the Board, -(a)if he/she is not a Hindu ;(b)if he/she is of unsound mind and stands so declared by a Competent Court or if he/she is a deaf-mute or is suffering from contagious leprosy or any virulent contagious disease ;(c)if he/she is an undischarged insolvent;(d)if he/she is appearing as a legal practitioner against the Board ;(e)if he/she is or has been sentenced by a Criminal Court for an offence involving moral turpitude, such sentence not having been reversed;(f)if in the opinion of the Divisional Commissioner, Jammu he/she has acted against the interests of the Shrine;(g)if he/she is, or has been found guilty of corruption or misconduct in the administration of the Shrine ;(h)if he/she is addicted to intoxicating liquors or drugs.

9. Dissolution and supersession of the Board.

(1)If in the opinion of the Government, 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, it 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 Government shall assume all the powers and perform all the functions and exercise all the powers of the Board through a nominated Administrator, not below the rank of a Special Secretary to Government, 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 Board shall be filled in the same manner as provided under section 5.(2)The term of a member nominated to Fill a casual vacancy in the Board 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, other than an ex-officio member, may resign his office as a member by giving notice in writing to the Executive Officer and his office shall become vacant from the date of acceptance of the same by the Board.

12. Removal of a member.

- The Chairperson may, with the previous approval of the Government, for good and sufficient reasons, 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 it may decide.(2)At the meeting of the Board, the Chairperson or in his absence the Vice-Chairperson shall preside.(3)No business shall be transacted at any meeting unless at least five members are present.(4)Every decision of the Board shall, except as expressly provided by this Act, be passed by a majority of votes, and in case of equality of votes, the person presiding shall have a second or casting vote.

14. Duties of the Board.

(1)Subject to the provisions of this Act and of any bye-laws made thereunder, it shall be the duty of the Board-(a)to arrange for the proper performance of worship at the Shrine;(b)to provide facilities for the proper performance of worship by the pilgrims ;(c)to make arrangements for the safe custody of the funds, valuables, property and jewellery and for the preservation of the Shrine Fund ;(d)to undertake for the benefit of worshippers and pilgrims-(i)the construction of buildings for their accommodation ;(ii)the construction of sanitary work; and(iii)the improvement of communication;(e)to undertake the developmental activities concerning the Shrine and its surroundings ;(f)to make suitable arrangements for imparting of religious instructions and general education ;(g)to make provision of medical relief for worshippers and pilgrims;(h)to set apart a sum not exceeding rupees twenty thousand per month for the maintenance of the Sadhus who visit the Shrine;(i)to make provision for the payment of suitable emoluments to the salaried staff; and(j)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.(2)The Board shall also take steps to ensure that 20% of the Shrine Fund is spent for the development of Reasi and its adjoining areas.

15. Alienation of movable 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.

16. Grant to religious institutions.

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

17. Liability of members.

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

18. Appointment of officers and employees of the Board.

(1) For the efficient discharge of the functions assigned to it under this Act, the Board may appoint an Executive Officer and such other officers and employees as it considers necessary with such designations, pay, allowances and other remuneration and perquisites as the Board may determine from time to time: Provided that the Executive Officer of the Board shall not be below in rank than that of Additional Secretary to the Government. (2) The Chairperson shall, subject to any bye-laws made under this Act, have the power to transfer, suspend, remove or dismiss any officer or employee of the Board for the breach of discipline, carelessness, unfitness, neglect of duty or misconduct or for any other sufficient cause: Provided that where the officer or the employee is a Government servant, he may be reverted to his parent cadre or department in the Government.

19. Members, officers and employees of the Board to be public servant.

- The members, officers and employees 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.

20. Bar to suits or proceedings.

- No suit or other proceedings shall lie in any Court against the Board or its members, officers and other employees for anything done or purported to be done in good faith by them under this Act.

21. Audit and Annual Report.

(1) The accounts of the Board for every financial year shall be audited annually by a 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 the information of the public in atleast two local dailies having wide circulation in the area.

22. Powers to make bye-laws.

- The Board may frame bye-laws, not inconsistent with this Act, for-(a)the entrustment of duties and functions to the Member-Secretary of the Board;(b)the manner in which decisions of the Board may be taken otherwise than at the meeting ;(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 a committee ;(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 the meetings of the Board and Committees thereof ;(i)the manner in which notice of its meeting shall be given ;(j)the preservation of order and the conduct of proceedings at meetings and the powers which the Chairperson 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 the persons therein ;(n)the mode and procedure for the appointment/engagement of officers and other employees of the Board and their emoluments;(o)devising plans and earmarking money for local area development;(p)the performance of duties provided in section 14; and(q)all other matters expressly required, or which may be required, for carrying out the purposes of this Act.