

Bodh Gaya Temple Advisory Board Rules, 1959

JHARKHAND

India

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Rule BODH-GAYA-TEMPLE-ADVISORY-BOARD-RULES-1959 of 1959

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A/Bi-103/59-P.G.-2655 dated 4th-13th November, 1959, Bihar Gazette (Part 2) dated 23.12.1959No. A/Bi-103/59-P.G.-2655 dated the 4th-13th November, 1959. - In exercise of the powers conferred by sub-section (4) of section 15 of the Bodh Gaya Temple Act, 1949 (Bihar Act XVII of 1949), the Governor of Bihar is pleased to make the following rules, namely:-

1. Short title.

- These rules may be called the Bodh Gaya Temple Advisory Board Rules, 1959.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Act" means the Bodh Gaya Temple Act, 1949;(b)"Board" means the Advisory Board constituted under section 15;(c)"Section" means a section of the Act; and(d)all words and expressions used in these rules and not defined herein but defined in the Act shall respectively have the same meanings as are assigned to them in the Act.

3. Constitution of the Advisory Board.

(1)The Advisory Board shall consist of not less than 20 and not more than 25 members:Provided that, subject to the provisions of sub-section (2) of section 15 of the Act, not more than two-thirds of such members shall be Buddhists and at least half of these Buddhists shall be the residents of foreign countries.(2)All the members of the Board shall be appointed by the State Government.(3)The Commissioner of the [Magadh Division] [Substituted for 'Patna Division' by S.O. 1585 dated 22.10.1981 (Bihar Gazette Part. II dated 28.10.1981.)] and the Chairman of the Bodh Gaya Temple Management Committee shall be the ex-officio members of the Board.(4)The State

Government may nominate such other officials of the State Government or the Government of India, as they may consider necessary, to be the ex-officio members of the Board.(5)The names of the members of the Board shall be published in the gazette.

4. Term of the Members.

- The term of office of the members of the Board shall be two years from the date of the constitution of the Board.

5. Filling of casual vacancies.

- If any member of the Board is unable by reason of his resignation, death, removal or otherwise, to complete his full term of office, the vacancy so caused may be filled by the appointment of another person and such person shall fill such vacancy for the remaining portion of the term for which the member in whose place such person is appointed would otherwise have continued in office.

6. President and Secretary of the Board.

(1)The members of the Board shall elect a person from amongst their own number to be the President of the Board.(2)The Commissioner of the [Magadh Division] [Substituted for 'Patna Division' by S.O. 1585 dated 22.10.1981 (Bihar Gazette Part. II dated 28.10.1981.)] shall be the ex-officio Secretary of the Board.(3)The State Government may appoint any other member who is an official of the State Government to be the Joint Secretary of the Board to assist the Secretary in his duties.

7. Term of the President.

(1)The President shall be elected in an ordinary meeting of the Board and shall hold office till the election of the succeeding President in the next ordinary meeting. The out going President shall be eligible for re-election as the President.(2)In the absence of the President the members of the Board may elect a person from amongst their own number to preside over the particular meeting.(3)Notwithstanding anything contained in sub-rule (1) above, if the office of the President, falls vacant by reason of the resignation, death, removal or otherwise of the President, the members may elect a President from amongst their own number even in a special meeting. Such President shall hold office till the next ordinary meeting. Until a President is elected in a special meeting to fill a casual vacancy, the State Government may nominate any member of the Board to perform the duties of the President.

8. Resignation by, and removal of, members.

(1)A member of the Board may, at any time, resign his office by submitting his resignation to the State Government.(2)The State Government may, by notification in the official gazette, remove from office any member of the Board if such member-(a)has applied for being adjudged an insolvent or is

an undischarged insolvent; or (b) has been convicted of an offence involving moral turpitude; or (c) refuses to act or becomes incapable of acting or acts in a manner which the State Government, after hearing an explanation from him, consider to be prejudicial to the objects of the Board or the Act: Provided that before removing a member, who is a national of another country, his misdemeanour may be brought to the notice of the country concerned through the Government of India, Ministry of External Affairs.

9. Ordinary and Special meetings of the Board.

(1) Meetings of the Board shall be either ordinary or special. (2) An ordinary meeting of the Board shall be held once every year on such a date as may be determined by the Secretary of the Board in consultation with President of the Board. Notice of such ordinary meeting shall issue under the signature of the Secretary of the Board at least six weeks before the date fixed for the meeting. (3) A special meeting of the Board may be held on any date fixed by the Secretary of the Board in consultation with the President of the Board. Notice of a special meeting shall issue under the signature of the Secretary of the Board at least three weeks before the date fixed for such meeting. (4) If there is no President, the Secretary may himself with the approval of the State Government call a special meeting but a notice in such case shall be issued at least three weeks before the date fixed for the meeting. (5) If all the items of business on the agenda are not disposed of on the date notified for the meeting, the meeting may be continued from day to day, or adjourned to another date.

10. Place of the meeting.

- Meetings of the Board shall ordinarily be held at Bodh Gaya. The Secretary of the Board may, however, convene the meeting in any place within the Indian Union in consultation with the President of the Board, after obtaining permission from the State Government.

11. Agenda of the meetings.

- The Secretary of the Board shall prepare an agenda for each meeting in advance after inviting suggestions from other members of the Board and take the approval of the State Government to the agenda. The agenda of the meetings shall be confined to the affairs of the temple and subjects relating thereto. A copy of the agenda shall ordinarily be circulated to the members of the Board along with the notices of the meeting and, in any case, shall issue at least fifteen days before the date fixed for the meeting.

12. Quorum of the meeting.

- No business shall be transacted at any meeting unless there be present at that meeting at least one-third of the total number of the members of the Board.

13. Decision by majority of votes.

- Every matter coming before the Board shall be decided by a majority of votes of the members present and voting in the meeting.

14. Participation in a meeting by diplomatic representatives of foreign countries.

- Notwithstanding anything contained in sub-rule of rule 3-(a) if any member of a foreign country, other than its diplomatic representative, is unable to attend a particular meeting of the Board, the diplomatic representative of his country in India may participate in the deliberations and proceedings of the meeting in the same manner as a member; and (b) if a diplomatic representative of a foreign country is unable to participate in a meeting, as provided in clause (a) above, he may nominate any person on his behalf and such person may participate in the deliberations and proceedings of the meeting in the same manner as a member.

15. Minutes of the Proceeding.

- Minutes of the proceedings of a meeting shall be forwarded to the Chairman of the Temple Management Committee and to the State Government under the signature of the Secretary.

16. Report regarding action taken on recommendation, etc., of the Board.

- The Secretary of the Board may from time to time ask for a report from the Chairman of the Committee on the action taken on the previous recommendations, resolutions or suggestions of the Board and place it before the Board.

17. Payment of expenses, etc., to members.

- The State Government or the Temple Management Committee will not be liable for payment of any expenses for the journey, board, etc., of the members of the Board attending the meetings: Provided that officers of any State or the Central Government who are ex-officio members of the Board shall be entitled to charge from the Government concerned, travelling, daily or halting allowance admissible to them under the relevant rules: Provided further that Indian members of the Board, who are not officers of any State or the Central Government, may be granted travelling, daily or halting allowance by the State Government under the Bihar Travelling Allowance Rules. Explanation. - In this rule the expression "officers" includes a Minister, a Deputy Minister or a Parliamentary Secretary.