

The Jammu and Kashmir Shri Amarnath Ji Shrine Act, 2000

JAMMU & KASHMIR

India

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Act 18 of 2000

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The Jammu and Kashmir Shri Amarnath Ji Shrine Act, 2000 Act No. 18 of 2000 An Act to provide for the constitution of a Board for the better management of the Shri Amarnath Ji Yatra, upgradation of facilities for holy pilgrims and matters connected therewith or incidental thereto. Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-first Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Jammu and Kashmir Shri Amarnath Ji Shrine Act, 2000. (2) [It shall come into force on such date as the Government, may, by notification in the Government Gazette, appoint.] [Enforced by SRO-54 dated 12-2-2001 w.e.f. 21-2-2001.]

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 Amarnath Ji Shrine Board constituted under this Act ;(b) "Board Fund" means such grant-in-aid as may be received from the State Government, Government of India contributions from philanthropic organisation/persons nongovernmental organisations, any registration fee that might be required to be paid under rules by pilgrims or others who initiate economic activity in route, and the Chadawa;(c) "Chadawa" means offerings made by pilgrims;(d) "prescribed" means the prescribed by the bye-laws made under this Act ;(e) "the Shrine" means the Shri Amarnath Ji Shrine.

4. The Board.

(1)The administration, management and governance of the Shri Amarnath Ji Shrine and the Board 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, if he be a Hindu, shall be the ex-officio Chairman of the Board, and if the Governor be not a Hindu, then he may nominate any eminent person of the State, professing the Hindu religion, and otherwise qualified to be a Member to function as the Chairman of the Board.(b)Nine persons to be nominated by the Governor of Jammu 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 7.

5. 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.

6. Term of office of the Members.

- The nominated Members of the Board other than the Chairman shall, subject to the provisions of sections 7 and 8, hold office for a term of three years from the date of their nomination under section 4.

7. Disqualifications for membership of Board.

- A person shall be disqualified from being nominated as a Member of the Board:-(a)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 or any virulent contagious disease;(b)is an undischarged insolvent;(c)if he is appearing as a legal practitioner against the Board ;(d)if he is or has been sentenced by a criminal court for an offence involving moral turpitude, such sentence not having been reversed ;(e)if in the opinion of the Governor he has acted against the interests of the Holy Shrine ;(f)if he is or he has been guilty of corruption or misconduct in the administration of the Holy Shrine.

8. Dissolution and supersession of the Board.

(1) If in the opinion of the Governor, the Board is not competent to perform, or persistent 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 re-constitute 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.

9. Filling of vacancies.

(1) Casual vacancies in the office of Board shall be filled in the same way as provided in section 4. (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.

10. Resignation.

- Any Member may resign his office as a 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.

11. Removal of a Member.

- The Governor may 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.

12. Office and meetings of the Board.

(1) The Board shall maintain its office at such place as the Board may decide. (2) At meetings of the Board, the Chairman or in his absence one of the Members to be elected for the purpose at the meeting, shall preside. (3) No businesses 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.

13. 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 a 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 or 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.

14. Liability of Members.

- Every Member of the Board shall be liable for the loss, waste or misapplication of the Board Fund, if such loss, waste or misapplication 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.

15. Alienation of moveable property.

- The jewellery and other moveable property received as Chadawa shall form part of the Board Fund and shall be disposed of by the Board in a manner as it may deem fit. No land or other immovable property connected with the Shrine shall be alienated except by a resolution of the Board.

16. 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-(a) to arrange for the proper performance of worship at the Holy 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 and jewellery and for the preservation of the Board Fund ;(d) to undertake developmental activities concerning the area of the Shrine and its surroundings ;(e) to make provision for the payment of suitable emoluments to the salaried staff ;(f) to make suitable arrangements for the imparting of religious instructions and general education to the pilgrims ;(g) 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 means of communication ;(h) to make provision of medical relief for worshippers and pilgrims ;(i) to do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the Holy Shrine and the Board Funds and for the convenience of the pilgrims.

17. Bar to suits 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.

18. Board Funds.

- The funds shall consist of the Chadawa, received at the Shrine in cash and/or in kind including also any grant-in-aid received from Government Organisations/persons/non-governmental organisations and registration fee (if any) collected.

19. Rights of Purohits and other persons.

- All rights of the Purohits and other rights holders of the Chadawa shall stand extinguished from the date of commencement of this Act: Provided that the Governor (Chairman of the Board) may appoint a Tribunal, which after giving personal hearing to the Purohits and other rights holders of the Chadawa and the representatives of the Board shall recommend compensation to be paid by the Board in lieu of the extinction of their rights. While making its recommendations of the Board, the Tribunal shall have due regard to the income, which the rights holders had been deriving before the date of commencement of this Act. 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 rights holder 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 right holder giving an undertaking to abide by the administrative and disciplinary control of the Board in accordance with the bye-laws framed by the Board.

20. 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 affairs of the Holy Shrine and publish it for the information of the public.

21. Power 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 decisions 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 Board Fund; (g) the details to be included in the budget of the Board; (h) the time and place of the meetings; (i) the manner in which notice of its meetings shall be given; (j) the preservation of order and the conduct of proceeding 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 maintenance of order inside the Holy Shrine and regulating the entry of persons therein; (m) all other matters expressly required or which may be requested for carrying out the purposes of this Act.