

PUNJAB VIDHAN SABHA

Bill No. 58-PLA-2016

**THE PUNJAB BHAGWAN VALMIK JI TIRATH STHAL (RAM TIRATH)
SHRINE BOARD BILL, 2016**

(Bill as passed by the Punjab Vidhan Sabha)

The following Bill was passed by the Punjab Vidhan Sabha :—

A

BILL

to provide for the better management, administration and governance of the Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine and its endowments including the lands and buildings attached or appurtenant to the Shrine.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine Board Act, 2016.

Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Board” means the Punjab Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine Board constituted under section 4 of this Act ;

(b) “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 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 ;

(c) “Government” means the Government of the State of Punjab in the Department of Tourism and Cultural Affairs ;

(d) “math” means a math as understood under Hindu Law ;

(e) “member” means a member of the Board constituted under section 4 of this Act and includes Chairman, Vice-Chairman and Member-Secretary ;

(f) “prescribed” means prescribed by rules made under this Act ;



- (g) "pujari" means pujaris and includes such other person who performs or conducts puja or other rituals ;
- (h) "Shrine" means the Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine, all temples, math and idols within the premises of the Shrine and buildings attached or appurtenant to it, established with a religious object for a public purpose and includes,—
- (i) all properties movable, immovable, belonging to or given or endowed for worship in, maintenance or improvement of, additions to, or temple, for the performance of any service or charity connected therewith ; and
- (ii) the idols installed in the temple, clothes, ornaments and things for decoration, etc. ;
- (i) "Shrine fund" means 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 (valuable security and jewellery) made to any of the deities comprised in the Shrine ; and
- (j) "temple" means a place, by whatever designation known, used as a place of public religious worship, and dedicated to, or for the benefit of, or used as of right by any section of the community thereof as a place of public religious worship.

Vesting of Shrine fund.

3. 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.

Constitution of the Board.

4. (1) The administration, management and governance of the Shrine shall vest in a Board consisting of Chairman, Vice-Chairman and not more than fifteen members. The composition of the Board shall be as follows :—

1. the Chief Minister, Punjab ; : Chairman
2. the Minister-in-Charge of the Department of Tourism and Cultural Affairs, Punjab ; : Vice-Chairman
3. the Minister-in-Charge of the Department of Welfare of Scheduled Castes and Backward Classes, Punjab ; : Member

4. the Administrative Secretary to Government : Member
of Punjab, Department of Welfare of
Scheduled Castes/Backward Classes ;
5. the Administrative Secretary to Government : Member Secretary
of Punjab, Department of Tourism and
Cultural Affairs ;
6. the Administrative Secretary to Government : Member
of Punjab, Department of Finance ;
7. the Deputy Commissioner, Amritsar ; and : Member
8. the Director, Department of Cultural : Member
Affairs, Punjab.

(2) The State Government shall nominate seven non-official members belonging to Valmiki/Majhabi Sikh community who in the opinion of the Government, have distinguished themselves in the service of the community.

5. The Shrine fund shall be applied,—

Defraying of
Shrine fund.

- (a) for defraying expenses for the proper maintenance of the temple, performance of puja and other rituals ;
- (b) for providing amenities and facilities to the visiting devotees ;
- (c) for establishment and maintenance of the educational institutions ;
- (d) for training of vidyarthies ; and
- (e) for securing the health, safety and convenience of disciples, pilgrims and worshippers visiting the Shrine.

6. 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.

Incorporation of
the Board.

7. A nominated member of the Board shall hold office during the pleasure of the Government :

Term of office
of member.

Provided that his term of office shall not exceed two years from the date of his nomination under section 4.

8. A person shall be disqualified for being nominated as a member of the Board,—

Disqualification
from member-
ship of 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 ; or

- (b) if he is an undischarged insolvent ; or
- (c) if he is appearing as a legal practitioner against the Board ; or
- (d) if he is sentenced by a criminal court for an offence involving moral turpitude, such sentence not having been reversed ; or
- (e) if in the opinion of the Government he has acted against the interest of the Shrine ; or
- (f) if he is an office-holder or servant attached to the Board ; or
- (g) if he has been guilty of corruption or misconduct in the administration of the Shrine ; or
- (h) if he is addicted to intoxicating liquors or drugs.

Dissolution and
supersession of
Board..

9. (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, the Government may after due enquiry and after giving the Board a 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 for a period not exceeding three months or until the constitution of another Board, whichever is earlier.

Filling up of
vacancies.

10. (1) Casual vacancy of a member shall be filled in the same manner 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 nomination has been made would have expired.

(3) Nothing done by the Board shall be invalid only by the reason of there being a casual vacancy.

Resignation

11. Any nominated member may resign his office as member by giving notice in writing to the Chairman and his office shall become vacant from the date of acceptance of the same by the Government.

Office and
meeting of
Board.

12. (1) The Board shall maintain its office at such place as it may decide.

(2) At the meeting of the Board, the Chairman and in his absence, Vice-Chairman 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 by a majority of votes, and in case of equality of votes, the person presiding shall have a second or casting vote.

13. (1) For the efficient discharge of the duties 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 remunerations and perquisites as the Board may determine from time to time.

Appointment of officers and servants of Board.

(2) The Chairman of the Board, subject to any rules made under this Act, shall have the power to transfer, suspend, remove or dismiss any officer or servant of the Board for breach of discipline, carelessness, unfitness and 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. 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 rules made there under, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers and servants of Board to be public servants.

15. 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 willful act or omission while as member and a suit for compensation may be instituted against him by the Board.

Liability of members.

16. (1) No Jewellery, ornaments which have been adorned on the idols or other valuable property of non-perishable nature forming part of Shrine fund shall be transferred, exchanged, sold or disposed of without the previous sanction of the Government on the recommendation of the Board.

Alienation of moveable and immoveable property.

(2) No land or other immovable property held by the Board shall be alienated except by a resolution of the Board and the approval of the Government.

17. No money shall be borrowed or lent except by a resolution of the Board and the approval of the Government.

Limitations of borrowing power and lending.

18. Subject to the provisions of this Act and the rules made there under, it shall be the duty of the Board,—

Duties 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 and 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 works ; and
 - (iii) the improvement of means of communication ;
- (e) to undertake the developmental activities concerning the area of the Shrine and its surroundings ;
- (f) to make suitable arrangements for the imparting of religious instructions and general education ;
- (g) to make provisions of medical relief for worshippers and pilgrims ;
- (h) to make provisions for the payment of suitable emoluments to the salaried staff ; and
- (i) 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.

Change of lease
of tenants.

19. The shopkeepers and other lease holders, who are the tenants of the Shrine in the area referred to in this Act, will become the tenants of the Board.

Preparation and
maintenance of
registers.

20. (1) There shall be prepared and maintained, in such form and manner as may be prescribed, a register(s) showing,—

- (a) the origin and history of the Shrine and particulars as to the custom or usage of the Shrine ;
- (b) particulars of the scheme of administration and of the scale of expenditure ;
- (c) the name of all officers to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case ;
- (d) the money, jewelleryes, jewels, gold, silver, precious stones, vessels and utensils and other movables belonging to the Shrine, with their weights, details of the constituent elements and estimated value thereof ;
- (e) particulars of immovable properties and all other endowments of the Shrine and all title deeds and other documents ;
- (f) particulars of, details of constituent elements of and colored photographs of the idols and other images in or connected with the Shrine, whether intended for worship or for being carried in processions ;
- (g) particulars of ancient or historical records with their contents in brief ; and
- (h) such other particulars as may be required by the Board.

(2) The register shall be prepared, signed and verified by the Chief Executive Officer or an officer authorized by the Board within three months

from the date of the notice served upon him by the Member-Secretary in this behalf or within such further period as may be allowed by him.

(3) The Board may after such enquiry as it may consider necessary, recommend and direct the officer to carry out such alterations, omissions or additions in the registers as the Board may think fit.

(4) The officer shall carry out the directions of the Board and submit the register(s) to the Board for approval within a period of three months from the date of the order.

21. (1) The Chief Executive Officer or any officer authorized by the Board shall scrutinize the entries in the register every year, or at such intervals of time, as may be prescribed, and submit the same to the Board through the Member-Secretary for its approval. Annual verification of the registers.

(2) The Board may, thereupon, after such inquiry as it may consider necessary, direct the alterations, omissions or additions, if any, to be made in the register.

(3) The officer authorized by the Board shall carry out the alterations, omissions or additions ordered by the Board in the copy of the register kept by him, within three months from the date of the order.

22. (1) The Member-Secretary of the Board or any officer authorized in that behalf by the Board or the Government, may inspect all movable or immovable properties belonging to, and all records, correspondence, plans accounts and other documents relating to the Shrine and it shall be the duty of all officers and servants working under him, and any person having concern in the administration thereof, to afford all such assistance and facilities as may be necessary or reasonably required in regard to such inspection, and also to produce any such movable property or document for inspections, if so required. Instruction of property and documents.

(2) For the purposes of inspection as aforesaid the inspecting authority shall, subject to the local practice, custom or usage, have power to enter at any reasonable hour the premises of the Shrine.

(3) Nothing in this section shall be deemed to authorize any person to enter the premises or place referred to in sub-section (2) or any part thereof unless such person professes the religion to which the premises or place belongs.

23. Notwithstanding anything contained in the Registration Act, 1908, the registering authority shall not accept for registration any deed or alienation of immovable property belonging to the Shrine unless a certified copy of the order made under section 16 sanctioning such alienation is filed along with the deed. Restriction on registration of documents.

24. (1) Whenever it comes to the notice of the Board that any immovable property belonging to the Shrine has been alienated in contravention of this Act, it shall refer the matter to the Government. Recovery of immoveable property unlawfully alienated.

(2) Upon receipt of a reference made under sub-section (1), the Government shall hold a summary inquiry in the prescribed manner and on being satisfied that any such property has been so alienated, shall deliver possession of the same to the Board.

Removal of encroachment from land and premises belonging to the Shrine.

25. (1) The provisions contained in the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (Punjab Act No. 31 of 1973), shall be applicable, as far as may be, in respect of unauthorized occupation of any land or premises belonging to the Shrine as if it were the property of Government within the meaning of that Act.

(2) The Member-Secretary of the Board may make an application for taking up appropriate proceedings under the Act referred to in sub-section (1) to the authority competent thereunder and thereupon it shall be lawful for such authority to take action in accordance with the provisions in that Act.

Power to act for protection of Shrine.

26. (1) Where the Board has reason to believe that,—

(a) any property belonging to the Shrine is in danger of being wasted, damaged or improperly alienated by any person ; or

(b) such person threatens or intends to remove or dispose of that property,

the Chief Executive Officer of the Board may, by order grant a temporary injunction or make such other order, for the purpose of staying and preventing the wastage, damage, alienation, sale, removal, or disposition of such property, on such terms as to the duration of injunction, keeping of accounts, giving security, production of the property or otherwise, as he thinks fit.

(2) The Chief Executive Officer of the Board shall in all such cases, except where it appears that the object of granting injunction would be defeated by delay, before granting an injunction, give notice of the facts to the person concerned.

(3) After hearing the person concerned and holding such inquiry, as he may think fit, the Chief Executive Officer of the Board may confirm, discharge, vary or set aside the order of injunction or pass an appropriate order.

(4) In case of disobedience or breach of any injunction, any of its terms or any order, the Chief Executive Officer of the Board may apply to the Government, who may, after hearing the Chief Executive Officer of the Board and the party affected, order the property of the person, guilty of such disobedience

or breach, to be attached. No attachment under this sub-section shall remain in force for more than two years, at the end of which time, if the disobedience or breach continues, the property attached may be sold, and out of the sale proceeds, the Government may award such compensation as it thinks fit, and shall pay the balance, if any, to the person entitled thereto, and thereupon the temporary injunction granted or any order passed by the Chief Executive Officer of the Board under this section, if in force, shall stand vacated or, as the case may be, cancelled.

(5) A person, against whom the order of injunction or any other order under this section is passed, may within ninety days from the date of communication of such order, appeal to the Government against such order.

27. (1) The Board or the officer authorized by it, shall appoint pujaris of the Shrine and in making such appointment, he shall have due regard to the claims of persons belonging to the Valmiki Community for whose benefit the Shrine is mainly maintained.

Appointment
and tenure of
pujari.

(2) A pujari shall hold office for a period as may be decided by the Board, unless in the meanwhile he is removed or dismissed or his resignation is accepted by the Board or the officer authorized by it or he otherwise ceases to be a pujari.

28. (1) The Board or the officer authorized by it may suspend, remove or dismiss any employee of the Shrine,—

Power to suspend,
remove or
dismiss.

- (a) for willful disobedience of any order issued by the Board or the Government under the provisions of this Act ; or
- (b) for any malfeasance, misfeasance, breach of trust or neglect of duty in respect of the Shrine or alienation of any property, in contravention of this Act ; or
- (c) for any misappropriation of, or improper dealing with, the properties of the Shrine ; or
- (d) for having been found under the influence of intoxicating liquor or drugs in the Shrine ; or
- (e) for unsoundness of mind or other mental or physical defect or infirmity which renders him unfit for discharging the functions :

Provided that no official shall be removed or dismissed by the Board or the officer authorized by it under this section unless he has been given a reasonable opportunity of being heard.

(2) Any official who is suspended, removed or dismissed by the Board or the officer authorized by it under sub-section (1) may, within one month from the date of receipt of the order of suspension, removal or dismissal, prefer an appeal to such authority and in such manner as may be prescribed.

(3) An official so suspended may be allowed such maintenance as may be fixed by the Board or the officer authorized by it considering the financial condition of the Shrine.

Disqualification of
pujaris.

29. A person shall be disqualified for being appointed as, and for continuing to be, a pujari,—

- (a) if he is an undischarged insolvent; or
- (b) if he is of unsound mind and stands so declared by a competent court; or
- (c) if he is interested either directly or indirectly in a subsisting lease or any property of, or contract made with, or any work being done for, the Shrine or is in arrears of any dues payable to the Shrine; or
- (d) if he is appearing as a legal practitioner on behalf of or against the Shrine; or
- (e) if he has been sentenced by a criminal court for an offence involving moral turpitude, and such sentence has not been reversed; or
- (f) if he has acted adversely to the interest of the Shrine; or
- (g) if he is an addict to intoxicating liquors or drugs; or
- (h) if he has not completed twenty-one years of age.

Filling of
vacancy in the
office of pujaris.

30. (1) When a permanent vacancy occurs in the office of the pujari of the Shrine, the pujari shall be appointed by the Board or by an officer authorized by it.

(2) When a temporary vacancy occurs in such an office by reason of the suspension of a pujari, a pujari in his place shall be appointed by the Board or the officer authorized by it to discharge the functions of the pujari until his disability ceases.

Budget of Shrine.

31. (1) The Member-Secretary of the Board shall, before the end of December, in each year, submit to such authority and in such form and manner as may be prescribed a budget showing the probable receipts and disbursements of the Shrine during the following financial year.

- (2) Every such budget shall make adequate provision for,—
- (a) the scale of expenditure for the time being in force and customary expenditure;
 - (b) the due discharge of all liabilities binding on the shrine;
 - (c) the expenditure on religious, educational and charitable purposes not inconsistent with the objects of the Shrine;
 - (d) the encouragement and the spread of religious instructions according to the tenets of the Shrine; and
 - (e) the expenditure on the repairs and renovation of the buildings and preservation and protection of the properties and assets of the Shrine.

(3) The Board may, on receipt of the budget make such alterations, omissions or additions therein, as it may deem proper.

(4) Notwithstanding anything contained in any other law for the time being in force or in any custom, usage or practice to the contrary, the provisions made for remuneration of any office holder or for any other item of expenditure in respect of the Shrine may be increased, decreased or modified by the Board if such increase, decrease or modification is considered necessary in view of the financial condition and the interest of the Shrine.

32. (1) The officer authorized by the Board shall keep regular accounts of all receipts and disbursements. Such accounts shall be kept for each calendar year separately in such form and shall contain such particulars as may be prescribed. Accounts.

(2) The accounts of the Shrine shall be audited annually by a person who is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (No. 38 of 1949), or by such other person as may be authorized in this behalf by the Government.

(3) Every auditor conducting the audit under sub-section (2) shall have access to the accounts and to all books, vouchers, other documents and records in possession of or under the control of the officer authorized by the Board.

33. If any pujari, officer, servant or any other person concerned with the administration of the Shrine,—

- (a) refuses or willfully fails to comply with the provisions of this Act or the rules framed there under or the orders and directions issued there under or obstructs any proceedings taken under this Act or the rules framed there under; or

Penalty for refusal by pujaris, etc. to comply with the provisions of this Act.

(b) refuses or willfully fails to furnish any reports, statements, accounts or other information called for under this Act,

he shall be removed without any notice.

Penalty for wrongful withholding of property obliging to Shrine.

34. Any person who,—

(a) having possession, custody or control of any property, document or books of accounts belonging to the Shrine, the management and control of which has been regulated under the provisions of this Act or the rules framed there under, wrongfully withholds such property or documents or books of accounts from the Board or any other person duly authorized by the Government or the Board to inspect or call for the same; or

(b) wrongfully obtains possession of or retains any property, document or books of accounts of the Board or willfully withholds or fails to furnish or deliver to the Board or any other person duly authorized by it in this behalf; or

(c) wrongfully removes, destroys or mutilates property, documents or books of accounts of the Shrine,

shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Protection of action taken under this Act.

35. (1) No officer or servant of the Government shall be liable in any civil or criminal proceedings in respect of any act done or purporting to be done under this Act or under the rules made there under, if the act has been done in good faith and in the course of the duties imposed or in discharge of the functions assigned by or under this Act or the rules framed there under.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything done in good faith or intended to be done in pursuance of this Act or the rules made there under.

Power to give directions.

36. The Government may, from time to time, give such general or specific directions, in writing, to the Board for the effective implementation of the provisions of this Act and while doing so, may rescind, alter or modify any order made by the Board and the Board shall follow them in the discharge of its duties.

37. The Government may, *suo motu* or on an application moved by any person considering himself aggrieved from any order or decision of the Board made under this Act, review such order or decision and make such order thereon as it thinks fit :

Power of Government to review.

Provided that before any order is made under this section, the Government shall afford to any person, likely to be adversely affected by such order, an opportunity of being heard.

38. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act as appear to it necessary or expedient for removing the difficulty.

Power to remove difficulties.

39. Save as expressly provided in this Act, no civil court shall have jurisdiction to entertain or adjudicate upon any dispute or matter which is to be decided by any officer or authority under this Act and in respect of which the decision or order of such officer or authority has been made final and conclusive.

Bar of jurisdiction.

40. (1) The Government may, subject to the condition of previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

Power to make rules.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for,—

- (a) the form and manner in which the registers are to be maintained under section 20;
- (b) the scrutiny of the entries in the registers under section 21;
- (c) the manner in which inquiry is to be conducted under section 24;
- (d) the authority to which and the manner in which appeal is to be preferred under section 28;
- (e) the form and manner in which the budget is to be prepared under section 31;
- (f) the form of statements, returns and other forms required to be maintained by or under this Act and the manner in which these are to be maintained;
- (g) the returns, accounts or other information to be submitted by the officer authorized by the Board;

- (h) the preservation, maintenance, management and improvements of the properties and buildings of the Shrine;
- (i) the preservation of idols and images in temples; and
- (j) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made under this section, shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Certain enactments to cease to apply to the Shrine.

41. On and from the date on which the provisions of this Act are made applicable to the Shrine, the provisions of any other law which might be applicable to the Shrine shall cease to apply thereto :

Provided that such cessation shall not in any way affect,—

- (a) any right, title, interest, obligation or liability already acquired, accrued or incurred; or
- (b) any legal proceeding instituted and for any remedy in respect of such right, title, interest, obligation or liability; or
- (c) anything duly done or suffered.

CHANDIGARH :
The 10th January, 2017.

SHASHI LAKHANPAL MISHRA,
Secretary.