



झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

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संख्या 645 राँची, गुरुवार

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अधिसूचना

3 सितम्बर, 2015

संख्या-एल0जी0-38/2015-81--लेज0 झारखण्ड विधान मंडल का निम्नलिखित अध्यादेश जिस पर राज्यपाल दिनांक 3 सितम्बर, 2015 को अनुमति दे चुके हैं इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है ।

बाबा बैद्यनाथधाम बासुकीनाथ शराईन एरिया डेभलपमेन्ट आथरिटी अध्यादेश, 2015

(झारखण्ड अध्यादेश, 04, 2015)

**BABA BAIDYANATH DHAM – BASUKINATH SHRINE AREA
DEVELOPMENT AUTHORITY ORDINANCE, 2015**

An Ordinance to promulgate The Baba Baidhyanath Dham - Basukinath Shrine Area

Development Authority Ordinance, 2015

Preamble - Whereas the legislative assembly of the state of Jharkhand is not in session and, whereas the Governor of Jharkhand is satisfied that circumstances exist, which render it necessary for her to take immediate action to provide for the constitution of an Authority for the purpose of development, regulation and management of Baba Baidyanath Dham & Basukinath Dham Shrine Area located at Deoghar and Basukinath (Dumka), including the Shrawani Mela in the State of Jharkhand.

Shrawani Mela is a religious and cultural fair and is held every year in Deoghar and Basukinath (Dumka) in the State of Jharkhand wherein along with local people, lakhs of pilgrims from within the country as well as from abroad, participate. Apart from that a large number of pilgrims visit this combined shrine area throughout the year. A need has been felt to provide for an authority in the State, which can take necessary action for development, management and regulation of this Shrine area. It has been felt by the State Government that an authority should be constituted for development, regulation and management of Shrine area of Baba Baidyanath Dham and Basukinath Dham including Shrawani Mela held in the month of Shrawan (mostly in the month of July-August) with participation of officials as well as non-official members.

Now, therefore in exercise of powers conferred by clause (1) of Article 213 of Constitution of India, Governor of Jharkhand is pleased to promulgate the following ordinance.

CHAPTER-1

1. Short title, extent and commencement –

- i. This Ordinance may be called the Baba Baidyanath Dham – Basukinath Shrine Area Development Authority Ordinance, 2015.
- ii. It shall extend to the whole Baba Baidyanath Dham Area including temple complex, Basukinath Dham temple complex, mela area of the districts of Deoghar and Dumka (Basukinath) and any other area notified by the Government of the State of Jharkhand.
- iii. It shall come into force on such date as the State Government may, by notification in the official gazette, appoint in this behalf.-

2. Definition - In this Act, unless there is something repugnant to the subject or context:-

- a) **Shrine Area:** means the Baba Baidyanath Dham temple complex, Basukinath Dham temple complex, other area and locations where pilgrims come, stay, visit and profess religious, cultural, traditional sanskara or any related activities including Mela area.
- b) **Mela:** means Shrawani Mela notified by State govt. for management through the Baba Baidyanath Dham – Basukinath Shrine Area Development Authority Act.

- c) **Authority:** means **Baba Baidyanath Dham – Basukinath Shrine Area Development Authority** constituted under section-3 of the Act.
- d) **Pilgrim:** includes the person, who visits a place of pilgrimage with the object, among others, of performing such rites as are usually performed by pilgrims.
- e) **Chief Minister:** means the Chief Minister of Jharkhand.
- f) **Minister:** means a member of State Cabinet.
- g) **Commissioner:** means the Divisional Commissioner of Santhal Pargana (Dumka).
- h) **Secretary:** means Principal Secretary/Secretary of a Department of the State Government:
- i) **Deputy Commissioner:** means District Magistrate-cum-Deputy Commissioner of the District.
- j) **Superintendent of Police:** means Superintendent of Police of the District.
- k) **Additional District Magistrate:** means an officer of Indian Administrative Service/ State Administrative Service authorised by the state government to perform the duties of Additional District Magistrate under CrPC.
- l) **Additional Superintendent of Police:** means an officer of Indian Police Service/State Police Service authorised by the state government to perform the duties of Superintendent of Police.
- m) **Sub-Divisional Officer:** means an officer duly appointed by the State Government for the Sub-Division
- n) **Member of Parliament:** means Duly elected Member of Lok Sabha, representing a particular Lok Sabha constituency.
- o) **Member of Legislative Assembly:** means duly elected Member of a Legislative Assembly constituency.
- p) **Prescribed:** means prescribed by rules made under this Act.
- q) **Regulation:** means regulation made by the Authority under this Act.
- r) **Rules:** means rules made by the Authority under this Act.

CHAPTER II CONSTITUTION OF AUTHORITY

3. Constitution of Authority-

- i. With effect from such date as the State Government may, by notification in the official Gazette, appoint in this behalf, there shall be constituted, for the purpose of this Act, an Authority, to be called Baba Baidyanath Dham – Basukinath Shrine Area Development Authority.
- ii. The Authority shall be constituted with the following members:-
 - A. Chief Minister – Chairman
 - B. Minister holding the Charge of Tourism Department / Ministry–Vice Chairman
 - C. Chief Secretary – Vice Chairman
 - D. Secretary, Finance and Planning – Member
 - E. Secretary, Home and Disaster Management – Member
 - F. Secretary, Health - Member
 - G. Director General of Police - Member
 - H. Commissioner, Santhal Pargana – Member cum CEO of Authority
 - I. Deputy Commissioner, Deoghar – Member
 - J. Deputy Commissioner, Dumka – Member
 - K. Deputy Inspector General of Police, SP – Member
 - L. Mayor, Deoghar Municipal Corporation – Member
 - M. Head of Basukinath Nagar Panchayat - Member
 - N. Secretary, Tourism – Member Secreatry
 - O. Members of Parliament of Lok sabha Constituency where Baba Baidyanath and Basukinath Temple are situated – Members
 - P. Members of Legislative Assembly where Baba Baidyanath and Basukinath Temple are situated – Members
 - Q. Chairman, Jharkhand Hindu Religious Trust Board, or his representative - Member
 - R. Head of Panda Dharma-rakshini Sabha (located at Deoghar) and one more representative – Members
 - S. One representative of any existing society of Panda (priests) of Basukinath Dham - Member
 - T. Two eminent and distinguished Non-Government Persons, who evince interest in development of Shrine area of Baba baidyanath and Basukinath area, to be nominated by State Government, for three years. - Members
- iii. If the Chairman or Any of the other members mentioned in section 3(ii) or in section 21 be not a Hindu, the state government may nominate any eminent person professing Hindu religion, holding similar status and discharging similar

duties.

- iv. The Baba Baidyanath Dham – Basukinath Shrine Area Development Authority ("Authority" in brief) may associate with itself in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of the Act and a person so associated shall have the right to take part in the discussion of the Authority relevant to the purpose for which he has been associated but shall not be entitled to vote.
- v. The Authority shall be responsible for development of the Shrine area with particular reference to the welfare, safety, security and provision of facilities to pilgrims and visitors and may from time to time deliberate and take initiative on, welfare of and facility to pilgrims and visitors, policy, direction, implementation; ways to augment resources including revenue from Mela and Temple, Outsourcing, Financial management, Security and other matters of importance and utility for Mela and temple and advise and direct the Divisional and district level administrative officers as well as officers of all departments related with administration and management of Temple and Mela.
- vi. The Headquarter of the Authority shall be located at Dumka (Santhal Pargana), but the Authority may, with prior approval of the state government, set up camp office at Deoghar and/or at Basukinath, for any period.

4. Powers and functions of the Chairman and Vice-Chairman of the Authority-

- I. The chairman of the authority shall, in addition to presiding over the meetings of the authority, exercise and discharge such power and function of the authority. In case of any emerging requirement, the Chairman shall be competent to take any decision on the issues related to the purpose of the Authority, but the same shall be discussed and ratified by the authority.
- II. The Vice-Chairman of the authority shall exercise and discharge such powers and functions as may be prescribed or as may be delegated to him by the chairman.

5. Removal of the non-official members from their office- The State Government may remove from the authority any member who in its opinion-

- a) refuses to act ;
- b) has become incapable to act ;
- c) has so abused his office as to render his continuance in office detrimental to the public or Government interest; or
- d) is otherwise unsuitable to continue as a member .

6. Chief Executive Officer and Additional District magistrate, Additional Superintendent of Police & Other officers –

- i. There may be Additional District Magistrate duly notified by the Government who will assist CEO and working under district Magistrate and also manage the affairs of authority under the guidance of CEO.

- ii. There shall be a Additional Superintendents of Police, duly notified by the Government who will be working under the Superintendent of police.
- iii. For the Shrine area, the government may further notify Sub-Division & Police stations, recommended by Authority for the any such period, which the government feels expedient to do so, and also depute additional sub divisional magistrates and additional sub divisional police officers for such period.

7. **Meetings of the Committees-** (1) The Authority shall meet at least twice during the year, provided that at least one meeting must be held three months prior to the commencement of Shrawani Mela.

(2) The Authority may meet at any time and convene meetings keeping in view the commencement of Shrawani mela and / or as and when desired by the Chairman.

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

8. Powers and Functions of the Authority-

- I. The Authority may take decision as the case may be, for proper functioning, development, regulation and management of Shrine Area, with particular reference to the welfare, safety, security and provision of facilities to pilgrims and visitors.
- II. The Authority may direct and decide policy for the augmentation of revenue sources, arrangement of fund, by grants, outsourcing, Government or other sources.
- III. **Impose entry & Toll fees-** The Authority shall have powers to impose an entry fee and surcharge for the any period, on mechanical transport, lodging houses, retail shopkeepers' advertisements, entertainment programmes (theatre, Circus etc) and such items as the authority deems fit, to be specified by the Authority from time to time, and may or may not be same for various activities or locations. It also includes tolls on any vehicle or animal entering or any person bringing goods or sale into such area. It also includes fees on registration of animals sold within such area.
- IV. **Power to provide amenities:** The Authority shall be responsible and shall provide amenities to the visitors, pilgrims, persons or associations, group of persons, associated with Shrine area including mela and shall have the power to collect user fee for the same.
- V. The Authority may undertake charitable functions for the benefit of pilgrims, poor and destitute and any other such people related to affairs of Shrine

Area.

VI. The Authority shall have powers to advise and direct the Divisional and district level administrative officers as well as officers of all departments related with development, administration and management of Shrine Area.

VII. The Authority shall prepare, for the Shrine area, any master plan and make regulations for imposition of restrictions on such activities, which may be detrimental to the conduct of pilgrimage affairs as well as danger to human beings and animals.

9. **Special Powers of the Authority-** The Authority shall have powers to make recommendations for bringing any new area or activities related to pilgrimage, or any such functions under its authority, considering its cultural, social and religious importance or on the basis of receipt of information in this regard from other sources.

10. **Control and Guidance-** During mela period or implementation of activities falling under the jurisdiction of Authority, Divisional, district and other field level officers and employees of all departments of the State Government as well as officers and personals of local bodies associated with development of Shrine Area including management of mela, will act under the guidance of Authority.

11. **Recommendation for taking action-** The Authority will have powers to recommend action against any officer or employee of the State Government associated with the development of Shrine area including management of mela, according to the prevailing Act and Rules made by the State Government, in this regard.

12. **Powers to make Rules:** (1) The Authority may make rules generally for carrying out the purposes of this Act, and in particular for:

- i. The work distribution of employees deputed to the Authority
- ii. Sanitation in Shrine area,
- iii. Smooth conduct of Mela

(2) The rules made by the Authority shall be applicable after its ratification by the state government.

CHAPTER IV

POWER AND FUNCTION OF CHIEF EXECUTIVE OFFICER & ADDITIONAL DISTRICT MAGISTRATES AND ADDITIONAL SUPERINTENDENT OF POLICE

13. **The Chief Executive Officer (CEO) -** The State Government shall confer the power of District Magistrate define under Cr.P.C. 1973 for Shrine area as well as other powers to CEO to regulate the Shrine Area including the mela.

14. The CEO shall function and discharge all the duties conferred upon him by the authority.

15. The CEO shall have, apart from any other function, following powers and duties:

- a) To take stock of Law & Order situation and make proper arrangements for requisite precautionary measures as well as deputations of magistrate & police force in consultation of DC, SP as well as DIG of the concerning Jurisdiction.
- b) To impose toll on any vehicle or animal entering, or any person bringing goods for sale into such area and to impose any other fee on registration of commercial activities within Shrine area, after consulting the Authority.
- c) To temporarily allot any government space for various purposes directly or indirectly related to the affairs of the Shrine area, falling under Shrine area in the manner, duly discussed and passed by the authority. This shall include following activities:
 - i. Religious societies with which the Shrine area is connected.
 - ii. Social and other societies and organisation.
 - iii. Officials
 - iv. Market places
 - v. Latrines, urinals and rubbish heaps
 - vi. Bathing Places
 - vii. Recreation and entertainment and
 - viii. Any other Exhibitions and demonstration
- d) To liaison with Local non-governmental organizations, public representatives, government officials, local authorities and state government.
- e) To demolish any structure in case of an outbreak of fire in a manner so that the loss to the affected person or organization is minimal.
- f) To implement any penalties prescribed in the Act.
- g) To delegate any or such powers to the other officers, duly notified for the purpose specified, by the government for any period, in Shrine area.

16. Subject to the rules made under sub-section 12(i), the CEO may give appropriate directions against the outbreak or spread of fire, and particularly for the following purposes :

- i. Providing for the safety of buildings and structures put up in the Shrine area, and of articles brought in the shrine area.
- ii. Prescribing conditions subject to which huts and other structure may be constructed including limits to the height of such huts or a structure and the area on which they are to be built and distances between them.
- iii. Providing for the supply of sand and jars of water at each but or elsewhere, and
- iv. Restricting the use of fires, for cooking or for any other purpose.

17. The Chief Executive Officer may remove any unauthorised construction which is not in consonance with master plan of the Shrine area, and the cost of such removal may be recovered from the person making such construction, as an arrear of land revenue.
18. The CEO or the officers to whom this power is duly delegated by CEO, shall have powers to penalise the person as per Sec 23 of the Act.
19. **Powers and Functions of Additional Superintendent of Police (ASP) :** The Additional SP shall have following powers and duties:
 - a) To act under the guidance of SP of the district.
 - b) To assist the CEO for any affair, which he feels expedient to be assisted, for conduct of affairs of Authority including mela.
 - c) To implement the decisions of Authority.
 - d) To suggest to Authority for creation of Police sub-divisions, local police stations, in Shrine area, in consultation with District Magistrate, for the purpose of Law and Order Maintenance, whereas the regular criminal investigation affairs shall remain with the original police station.
 - e) To coordinate with the local administration and the authority.

20. **Powers and Functions of Additional District Magistrate :-** The Additional District magistrate has following power and duties.
 - a) To act under the guidance of District magistrate in the Shrine area including mela area.
 - b) To assist the CEO for any affair, which he feels expedient to be assisted.
 - c) To implement the decisions of Authority.
 - d) To suggest to Authority for creation of Police sub-divisions, local police stations, in Shrine area, in consultation with District Magistrate, for the purpose of Law and Order Maintenance, whereas the regular criminal investigation affairs shall remain with the original police station.
 - e) To coordinate with the local administration and the authority.

CHAPTER V

FORMATION OF EXECUTIVE COUNCIL

21. There shall be an executive council for the execution and implementation of the decision taken by the authority under the Chairmanship of CEO. (1) The executive council consists of following members.

i.	Divisional Commissioner –cum-CEO Santhal Pargana (Dumka)	-	Chairman
ii.	DIG, Santhal Pargana (Dumka)	-	Member
iii.	Deputy Commissioner, Deoghar	-	Member
iv.	Deputy Commissioner, Dumka	-	Member
v.	Superintendent of Police, Deoghar	-	Member
vi.	Superintendent of Police, Dumka	-	Member
vii.	Executive Engineer Deoghar – (Building, Road Construction Department, Drinking Water & Sanitation, Electricity, Rural Engineering Department)	-	Member
viii.	Municipal Commissioner, Deoghar Municipal Corporation	-	Member
ix.	Chief Executive Officer, Basukinath Nagar Panchayat	-	Member
x.	Civil Surgeon, Deoghar	-	Member

(2) The Authority if so desire, may nominate two additional members.

22. Powers and functions of Executive Council: The Executive Council shall have the following powers and functions:

- i. To implement the directives & decisions of Authority
- ii. To coordinate between the various departments
- iii. To advice & suggest the Authority on the matters and subjects related to Shine Area.
- iv. Actual implementation of the projects or assist the schemes sanctioned and implemented by any other department.

CHAPTER VI

MISCELLANEOUS

23. Penalties-Any Person who-

- (a) Makes any unauthorised construction, or
- (b) Uses any unauthorized place as latrine, urinal or rubbish dump, or

- (c) Plies any profession, trade or calling without a licence obtained under the provisions of section 7 or commits a breach of the conditions of such licence, or
- (d) Contravenes any of the provisions of the Act or any rules made under the Act, or
- (e) disobeys any order or direction in writing lawfully under this Act, shall be punishable on conviction with a fine which may extend to Rs. 1,000 and where the offence is a continuing or recurring one with a further fine which may extend to Rs. 1,000 and where the offence is a continuing for recurring one with a further fine which may extend to Rs. 100 for every day after the date of the first conviction during which the offender is proved to have persisted in such offence.

24. Functions of the Authority-

- I. Without prejudice to the foregoing provisions of this Act, the authority in the discharge of its functions and duties under this Act shall be bound by such directions on questions of policy as the State Government may give, in writing, to it from time to time.
- II. The decision of the State Government shall be final and binding upon the Authority as well as on Executive Council.

25. Delegation of Power- The Authority by an order in writing, may delegate to the Chairman or Vice-Chairman of the authority or CEO or any other member, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

26. Authentication of orders- All orders and decisions of the Authority shall be authenticated by the signature of the Chairman or any other member authorized by the authority in this behalf.

27. Protection of action taken in Good Faith-

No action could be taken, in respect of anything which is done or intended to be done in good faith under this Act.

28. Supersession of the Authority –

- i. If, at any time, the State Government is of the opinion-
 - a) That on account of grave emergency, the authority is unable to discharge its function and duties imposed on it by or under the provisions of this Act; or
 - b) That circumstances exist which render it necessary in the public interest so to do; the State Government may, by notification in the official Gazette, supersede the Authority;
- ii. Upon publication of a notification under sub-section (1) for superseding the authority, all the members shall, as from the date of supersession vacate their offices as such;
- iii. All the powers, functions and duties which may, by or under the provisions of

this Act, be exercised and discharged by or on behalf of the authority, shall until the authority is reconstituted under sub-section be exercised and discharged by such person or persons as the State Government may direct in this behalf.

iv. On the expiration of the period of supersession specified in the notification issued under sub-section (1) the State Government may,

- a) extend the period of supersession as it may consider necessary; or
- b) Reconstitute the authority within one year from supersession.

29. Power to make Regulations- The authority, with the previous approval of the Government, by notification in the official Gazette may make regulations consistent with this Act and the Rules, to carry out the purposes of this Act.

30. Administrative Department of the Authority- The Administrative Department of the Authority shall be Department of Tourism, Art Culture, Sports and Youth Affairs, Government of Jharkhand, Ranchi.

31. Administrative arrangement of the authority- Department of Tourism, Art Culture, Sports and Youth Affairs, Government of Jharkhand, Ranchi and Office of Commissioner, Santhal Pargana shall provide ministerial support to the Authority, by recruitment/deputation, for day to day functioning of authority.

CHAPTER VII

FINANCE, ACCOUNT AND AUDIT

32. Constitution of Shrine Area Development Fund- There shall be a duly constituted fund to be called Shrine area development and management Fund (SADMF) and there shall be credited.

- i. Any grants and loans made to the Authority by the State or Central Government.
- ii. All the fees and surcharge receive by the Authority under this Act.
- iii. All sums received by the Authority from such other sources as may be decided by the State Government.
- iv. The donations received as per the guidelines of the Government of India and the State Government.
- v. Any other donations received by the Authority from any society, body or individual for development of Shrine Area.

33. Account of the Authority- The surcharge and entry fee will be deposited in the State Bank of India or any other Nationalized Bank, in a separate Account.

34. Manner of collection of Surcharges and entry fee- The surcharges and entry fee levied under section-13 of the Act shall be collected and managed in such manner as may be determined by rules and regulations made under the Act.

35. Use of Mela Fund-

- I. The Shrine Area development and management fund (SADMF) shall be utilized for meeting expenses of the Authority for discharging its functions

under section-8 of this Act.

- II. The SADMF shall be used to meet expense for fulfilment of objects and purposes, authorized by the Authority.

36. Preparation of Budget- The Authority, shall prepare, in such form and at such time of each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Finance-cum-Planning Department of the Government of Jharkhand.

37. Annual Report- The Authority shall prepare, in such form at such time of each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and submit it to the Revenue Department of the State Government.

38. Accounts and Audit of Accounts-

- I. Maintenance of account of the authority shall be responsibility of the secretary to the authority.
- II. The accounts of the fund received from the State Government shall be audited by Accountant General, Jharkhand as well as audit section of the department of finance and the audit report will be submitted to the authority.
- III. The annual account of the authority will be audited by any recognised charted accountant who will forward the same together with the budget to the revenue and land reforms department.

Draupadi Murmu,
Governor of Jharkhand.

झारखण्ड राज्यपाल के आदेश से,
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प्रधान सचिव-सह-विधि परामर्शी,
विधि (विधान) विभाग, झारखण्ड, राँची

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झारखण्ड गजट (असाधारण) 645-50 ।