

**THE JAMMU & KASHMIR
SHRI MATA VAISHNO DEVI SHRINE
ACT,1988
(Act No. XVI of 1988)**

Received the assent on the Governor on 31st august,1988 and is here by published for general information :-

An Act to provide for better management, maintainence and better governance of Shri Mata Vaishno Devi shrine and its endowments including the lands and buildings attached or apartment to the Shrine , beginning from Katra up to the holy Cave and the adjoining hill locks currently under the Dharmath Trust.

Be it enacted by the Jammu and Kashmir state Legislature in the thirty- Ninth Year of Republic as follows :-

1. Short Title and Commencement :

- (1) This Act may be called the Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act,1988.
- (2) It shall be deemed to have come into force from 30-08-1986.

2. Act to over Ride Other Laws :

This Act shall have effect not withstanding anything to the contrary contained in any law or in any scheme of management, degree ,custom, usage or instruments.

3. Definitions :

In this Act , unless the context otherwise requires :-

- (a) “Board” means the Shri Mata Vaishno devi Shrine Board Constituted under this Act;
- (b) “Endowment” means all the property movable or immovable belonging to, or given or endowment for the improvement, maintenance of the worship in the Shrine or for the performance of any service or charity connected there with and includes the idols install there in, the premises of the Shrine, the land, buildings attached and appurtenant there to, beginning from Katra up to the Holy Cave and the adjoining Hill locks currently under the Dharmath Trust or property belonging to Baridar or baridar (s) association with in the area specified in the preamble of this Act :
- (c) “Shrine Fund “ means the endowments and includes all sum received by or on behalf of , or the time being held for the benefit of the shrine or any other deity there of in the name of any person,, or for the convenience, comfort or benefit of pilgrims as well as offerings made to any of the deities comprised inside the shrine;

- (d) "The Shrine" means the Shrine of Shri Mata Vaishno Devi Shrine and includes the Shrine , holy cave and temple with in the premises specified in the preamble of this Act;
- (e) "Prescribed" means prescribed bylaws made under this Act.

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 ,administration and use for the purpose of this Act.

5. The Board :-

- (1) The administration, management and governance of Shri Mata Vaishno Devi Shrine and the Shrine Fund shall vest in the 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 shall be ex-officio chairman of the Board and if the Governor be not a Hindu, he may nominate an eminent Hindu person who qualified to be a chairman.
 - (b) Nine person be nominated by the Governor of Jammu and 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 and financial matters;
 - (iv) Two eminent Hindus of the state of Jammu and Kashmir;
- (1) provided that during the period not exceeding three months from the commencement of this Act. The Governor shall Acts and exercise all the powers of the Board under this Act.
- (2) A person shall not be eligible from being nominated as a member or for being a member of the Board if he suffers or incur any of the disqualification specified in section 8.

6. **Incorporation :** The Board shall be a body corporate and shall have perpetual succession and a common seal and may be said name sue and be sued.
7. **Term of Office of the Members :-** The members of the Board, other than the Chairman, shall have provisions of section 8 and 9, hold office for a term of three years from the date of their nomination under section 5.

8. Disqualifications from the Membership of the Board :-

A person shall be disqualified from being the member of the Board :-

- (a) If such person is not a Hindu;
- (b) If he is of unsound mind and stands so declared by a competent Board or if he is a deaf mute, or is suffering from contagious leprosy or from any virulent contagious disease;
- (c) If he is an undischarged insolvent;
- (d) If he is sentenced by a criminal court for an offence involving moral turpitude, such sentence not having been reserved.
- (e) If in the opinion of the Governor, he has acted against the interest of the Shrine.
- (f) If he is an office holder or servant attached to the Board , provided that nothing in this clause shall apply to the Chief Executing Officer of the Board.
- (g) If he has been guilty of corruption or misconduct in the administration of the Board.
- (h) If he is addicted to intoxicant drugs or liquors.

9. Dissolution and Suppression of the Board

- (1) If in the opinion of the Governor the Board is not competent to perform or persistently make default in performing the duties imposed on it under this Act or exceeds or abuses its power , the Governor may after due enquiry and after giving the Board reasonable opportunity of being heard, by order dissolve or supersede the Board and reconstitute the Board under this Act.
- (2) When a Board is resolved or supersede under this section the Governor shall assume all the powers of the Board for a period not exceeding three months or until the Constitution of another Board which ever is earlier.

10. Filling of vacancies :-

- (1) Casual vacancies in the Office of the Board shall be filled in the same way as provided in section 5.
- (2) The term of a member nominated to fill a casual vacancy shall expire on the day on which the term of a member in whose vacancy the appointment has been made would have expired.
- (3) Nothing done by the Board shall be invalid by reason only there being a casual vacancy.

11. Registration

Any member may resign his office by giving notice in writing to the Chief Executing Officer and his Office shall become vacant from the date of acceptance of his resignation by the Governor.

12. Removal of A Member

The Governor may for Good or sufficient may remove any member after giving him an opportunity of showing cause against such removal and after considering the explanation offered thereof.

13. Office and Meetings of The Board

- (1) The Board shall maintain a office at such places as the Board may decide.
- (2) At the meeting of the Board, the chairman or in his absence one of the member for this purpose to be elected at the meeting shall preside.
- (3) No business shall be transacted at any meeting unless at least four members are present.
- (4) Every decision of the Board shall , except as expressly provided by this Act, by a majority of votes and in case of equality of votes the person presiding shall have a second or casting vote.

14. 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 Executing Officers and other officers and servants as it considers necessary with such designation , pay, allowances and other remuneration and prerequisites as the Board may determine from time to time.

Provided that the Chief Executing Officers of the Board will not be less in a rank that of district Magistrate of the district and the Chief Account Officer not less in rank that of Deputy Director of Accounts.

- (2) The Chairman of the Board subject to any by laws made under this Act shall have the power to transfer, suspend, remove or dismiss Any officer or servant on the breach of discipline, for carelessness, Unfitness, neglect of duty or misconduct of for any other sufficient Cases.

Provided that where the office or servant is a government servant, he may be reverted to his parent cadre or Department in the cadre.

15. Officers and Servants of the Board to be Public Servants :

The members, officers and servants of the Board, shall while acting of purporting to this act in pursuance of the provisions of this Act or any bye laws made there under be deemed to be public servants with in the meaning of section 21 of the State Ranbir Penal Code.

16. Liability of Members :

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

17. Alienation of Moveable 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 of the Board shall be alienated except by the resolution of the Board.

18. Duties of the Board :

Subject to the provisions of this Board and of any bye laws made there under, it shall be the duty of the Board :-

- (1) To arrange for the proper performance of worship at the shrine.
- (2) To provide facilities for the proper performance of worship by the pilgrims.
- (3) To make arrangements for the safe custody of Funds, valuable, security and jewellery and for the preservation of the Shrine Fund.

- (4) To under take for the benefits of worshippers and pilgrims
 - (a) The construction of Building for their construction.
 - (b) The construction of sanitary work and
 - (c) The improvement of means of communication
- (5) To undertake the developmental activities concerning the area of the Shrine and the surroundings
- (6) To make suitable arrangements for the imparting of religious instructions and general education.
- (7) To make provisions of medical relief of Worshippers and pilgrims.
- (8) To make provisions for the payment of suitable emoluments to the salaried staff.
- (9) To do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the Shrine and Shrine Funds and the convenience of the pilgrims.

19. Reappeal:

The Jammu and Kashmir Shri Mata Vaishno Devi Shrine Board Act, 1986 is hereby reappealed.