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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, JAMMU.**

Under rule 64 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

**THE KASHMIRI HINDU SHRINES AND RELIGIOUS
PLACES (MANAGEMENT AND REGULATION)
BILL, 2008.**

[L. A. Bill No. 2 of 2008.]

A Bill to provide for the better management, protection, administration and governance of Kashmiri Hindu Shrines and Religious Places in the State and for matters connected therewith or incidental thereto.

Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-ninth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Kashmiri Hindu Shrines and Religious Places (Management and Regulation) Act, 2008.

(2) It shall come into force from such date as the Government may, by notification in the Government Gazette, appoint.

2. *Application.*—Notwithstanding anything to the contrary contained in any other law or scheme of management, custom, or usage for the time being in force, this Act shall apply to all Kashmiri Hindu Shrines and religious places in the State.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) 'Act' means the Kashmiri Hindu Shrines and Religious Places (Management and Regulation) Act, 2008.
- (b) 'Appellate Authority' means the District Judge having territorial jurisdiction of the area concerned ;
- (c) 'Board' means the Kashmiri Hindu Shrines Board constituted under section 6 of the Act ;

- (d) 'Chadhawa' means offerings made by the pilgrims at Kashmiri Hindu Shrines and religious places including the offerings made to anyone within the precincts of such shrines and places ;
- (e) 'Committee' means the District Management Committee of the area constituted under section 17 ;
- (f) 'Endowment' means all properties, movable or immovable, belonging to or endowed for the maintenance, improvement, additions to, or worship in the specified shrines or for the performance of any service or charity connected therewith and includes the idols installed therein, the premises of the specified shrines and gifts of property made to any one within the precincts of the shrine and lands and buildings attached or appurtenant thereto ;
- (g) 'Endowment fund' means the income or revenue received or receivable on account of any specified shrine and includes all such donations, offerings and gifts as are received on behalf of, or for the benefit of, any specified shrine by the Board or the Management Committee or any other person authorized by the Board or the Committee, as the case may be ;
- (h) 'Government' means the Government of the State of Jammu and Kashmir ;
- (i) 'Kashmiri Hindu' means a person professing Hindu religion, excluding Sikh as defined in section 2 of the Jammu and Kashmir Sikh Gurdwaras and Religious Endowment Act, 1973, born in Kashmir Province of the State, whether presently residing in the said province or at any other place in India and also includes those persons who are born in the families of such persons and are residing outside Kashmir Province ;

Provided that the children of Kashmiri Hindus born outside the State owing to the residence of their parents outside the State on account of their employment, trade, business, occupation or otherwise shall also be treated as Kashmiri Hindus for purposes of the Act ;

- (j) 'Kashmiri Hindu Shrines' means the shrines, temples, ashrams, mutts, endowments, springs and hillocks and includes other religious places and shrine properties, both movable and immovable, used by Kashmiri Hindus for their worship ;
- (k) 'Kashmir Province' means the area included within the territorial limits of the Districts of Anantnag, Shopian, Kulgam, Pulwama, Srinagar, Budgam, Ganderbal, Baramulla, Bandipora and Kupwara ;
- (l) 'Management Committee' means a Management Committee constituted under sub-section (1) of section 17 ;
- (m) 'prescribed' means prescribed by the bye-laws made by the Board under section 24 ; and
- (n) 'State' means the State of Jammu and Kashmir.

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CHAPTER II

Survey

4. Survey.—(1) The Government may, by notification in the Government Gazette, appoint one or more Special Officers, as may be necessary, for the purpose of making a survey of Kashmiri Hindu Shrines in Kashmir Province.

(2) Such appointment may be terminated by the Government at any time.

(3) The Special Officer shall be empowered to call for any information, document or record from any Government functionary or any other person or authority, as may be considered necessary, for conducting the survey and shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, Samvat 1977 (Act X of 1977) in respect of the following matters, namely :—

- (a) summoning and examining of witnesses ;
- (b) requiring the discovery and production of any document ;
- (c) requisitioning any public record from any court or office ;

(d) issuing commissions for the examination of witnesses or documents ; and

(e) making any local inspection and investigation.

(4) The Special Officer shall, after making such inquiry as he may deem necessary, submit a report to the Government containing the following particulars in respect of Kashmiri Hindu Shrines brought under the preliminary survey :—

- (i) name of the Shrine/religious place ;
- (ii) location with full address ;
- (iii) description of the Shrine/religious place including its property ;
- (iv) present status of the Shrine/place ;
- (v) ownership details of the Shrine property ;
- (vi) legal status of the organization holding the control of the Shrine/religious place and its property ;
- (vii) reference to the revenue records whereunder the property stands registered ;
- (viii) the gross income of the Shrine and its property during preceding three years ; and
- (ix) such other particulars relating to each Shrine/religious place as may be considered necessary to be mentioned by the Special Officer.

(5) The decision of the Special Officer whether a particular place or property is a Kashmiri Hindu Shrine shall, subject to any order made by the Appellate Authority on appeal, be final.

(6) Any person aggrieved by an order of the Special Officer may prefer an appeal to the Appellate Authority within sixty days from the date of order.

5. *Publication of list of properties.*—(1) On receipt of the report under sub-section (4) of section 4, the Government shall publish the

preliminary report of the Special Officer in the Government Gazette or in at least two local daily newspapers having wide circulation in the area concerned to invite public objections within a period of sixty days.

(2) After considering the objections, if any received, and after affording a reasonable opportunity to every person claiming any interest in such Shrine properties, the Government shall publish a final list of the Kashmiri Hindu Shrines.

CHAPTER III

Constitution and composition of the Governing Board

6. *Establishment of Shrine Board.*—(1) There shall be established a Kashmiri Hindu Shrine Board, which shall consist of two official members to be nominated by the Government and ten other members who shall be elected in the prescribed manner :

Provided that after the commencement of the Act, the members of the first Board shall be nominated by the Government who shall continue to function for a period of one year or till elections are conducted, whichever is earlier :

Provided further that in case it is not possible to hold the elections within the specified period, the Government shall, for reasons to be recorded in writing, authorize continuance of first Board till elections are held and the elected members assume their office.

(2) The Board shall be a body corporate and shall have a perpetual succession and a common seal and may by the said name sue or be sued.

7. *Disqualification for being a member of the Board.*—(1) A person shall not be eligible for nomination or election as a member of the Board, if he—

- (a) is not a Kashmiri Hindu ;
- (b) has not completed 35 years of age ;
- (c) is of unsound mind ;

- (d) is an undischarged insolvent ;
- (e) has been convicted of a criminal offence ;
- (f) is holding an office of profit under the Government of the State or the Government of India or any corporation or body established under any law for the time being in force ; provided that this condition shall not apply to a nominated member.
- (g) is a servant of any religious body or institution established under the Act ;
- (h) is a defaulter of any Kashmiri Hindu Shrine or religious place ; and
- (i) is not a permanent resident of the State of Jammu and Kashmir.

8. *Term of office.*—A member of the Board shall hold office for a period of three years and shall be eligible for renomination/re-election, as the case may be.

9. *Dissolution and supersession of the Board.*—(1) If in the opinion of the Government, the Board is not competent to perform its functions or persistently makes default in performing the functions imposed on it under the Act or exceeds or abuses its powers, the Government may, after due inquiry 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 the Act.

(2) Where a Board is dissolved or superseded under sub-section (1) the Government shall appoint an administrator who shall perform all the functions and exercise all the powers of the Board for a period not exceeding six months or until the constitution of another Board, whichever is earlier.

10. *Filling of vacancies.*—(1) Casual vacancies in the office of the Board shall be filled in the same manner as provided under section 6.

(2) No action taken by the Board shall be invalid by reason only of there being a casual vacancy.

11. *Resignation and removal of a member.*—(1) Any member may resign his office by giving a notice in writing to the Board and his office shall become vacant from the date of acceptance of the same by the Board.

(2) The Government may for good and sufficient reasons remove any member of the Board after giving him a reasonable opportunity of showing cause against such removal and after considering the explanation offered therefor.

12. *Office bearers of the Board.*—The members of the Board shall at its first general meeting elect from amongst themselves the following office bearers :—

- (i) President ;
- (ii) Vice-President ;
- (iii) Secretary ;
- (iv) Treasurer ;
- (v) Assistant Secretary ; and
- (vi) Assistant Treasurer.

13. *Office and meetings of the Board.*—(1) The Board shall maintain its office at such place as the Board may decide.

(2) The President or in his absence the senior most Vice-President shall preside over the meeting of the Board.

(3) The quorum for holding a meeting shall be half of the total members excluding the President.

(4) Every decision of the Board shall be passed by a majority of the votes and in case of a tie the President shall have a casting vote or second vote.

14. *Powers and duties of the Board.*—The powers and duties of the Board shall be to—

- (a) administer, manage and regulate the Kashmiri Hindu Shrines and to preserve, protect, administer and use the properties notified under section 5 ;
- (b) manage and administer the endowment fund in accordance with the provisions of the Act ;
- (c) pay salaries, allowances and perquisites and make all other payments due from the endowment fund ;
- (d) utilize endowment fund for upliftment of Kashmiri Hindus in the State ;
- (e) make provisions for relief to the indigent and the destitute ;
- (f) undertake development activities for the welfare of the Kashmiri Hindus in the State ; and
- (g) do all such other things as may be necessary to achieve the objectives of the Act.

15. *Liability of members.*—The members of the Board shall be individually and collectively liable for the loss, waste or misappropriation of the endowment fund if such loss, waste or misappropriation is a direct consequence of his/their wilful act or omission.

16. *Appointment of officers and employees of the Board.*—(1) For efficient discharge of the functions of the Board, it may appoint such officers as it considers necessary with such designations, pay, allowances and other remuneration as the Board may, from time to time, prescribe.

(2) The Board shall have the power to transfer, suspend, remove or dismiss any employee of the Board for breach of discipline, neglect of duty or misconduct.

CHAPTER IV

Management Committees

17. *Constitution of Management Committees.*—(1) There shall be established a Management Committee for every district of Kashmir Province consisting of nine members who shall be elected in accordance with the procedure as prescribed :

Provided that the first committee to be constituted in respect of a district after the commencement of the Act shall be nominated by the Board for a period which shall not exceed one year or till elections are held whichever is earlier.

(2) A Kashmiri Hindu who is registered as a voter for the State Legislative Assembly elections shall have a right to vote in the elections to the Management Committee of the district in which he is registered as a voter.

18. *Office bearers of the Committees.*—The members of Management Committee shall in its first meeting elect from amongst themselves a President, a Vice-President, a Secretary and a Treasurer.

19. *Disqualification for membership of Management Committee.*—A person shall not be eligible for nomination or election as a member of the Management Committee if he—

- (a) is not a Kashmiri Hindu ;
- (b) has not completed 21 years of age ;
- (c) is of unsound mind ;
- (d) is an undischarged insolvent ;
- (e) has been convicted of a criminal offence ;
- (f) is holding an office of profit under the Government of the State or the Government of India or any corporation or body established under any law for the time being in force :

Provided that this condition shall not apply to a nominated member ;

- (g) is a servant of any religious body or institution established under this Act ;
- (h) does not belong to the concerned district, it being immaterial whether he is currently residing in the district or not ;
- (i) is a defaulter of any Kashmiri Hindu Shrine or religious place ; and
- (j) is not a permanent resident of the State of Jammu and Kashmir.

20. *Term of office.*—A member of the Management Committee shall hold office for a period of three years.

21. *Powers, functions of the Management Committees and meetings of the Committees.*—(1) Subject to the overall superintendence and control of the Board, a Management Committee shall have the same functions and exercise the same powers within the jurisdiction of the district concerned as are vested in the Board under section 14.

(2) The provisions of the Act relating to the meetings of the Board shall apply, *mutatis mutandis*, for conducting the meetings of the Management Committees.

CHAPTER V

Finances

22. *Power to seek and receive grants, offerings and Chadawa.*—

(1) It shall be lawful for the Board or the Management Committee or any other person authorized by the Board or the Committee in this behalf to seek and receive any donations, grants, offerings and Chadawa against proper receipt and the donations, grants, offerings and Chadawa so received shall be deposited in a fund to be known as 'Endowment Fund'.

(2) Whoever solicits or receives any donations, grants offerings and Chadawa in the name of or on behalf of the Board, or the Management Committee in contravention of the provisions of the Act shall be punishable with a fine which may extend to ten thousand rupees or double the amount received, whichever is higher.

(3) The Board shall have the power to borrow money or raise loans for carrying out the objectives of the Act from Banks, financial institutions and other corporate bodies and also the power to invest money not immediately required in such securities, bonds etc. as it may deem proper and necessary.

23. *Audit.*—(1) The accounts of the Board and the Management Committees shall be audited and examined once in a year by a Chartered Accountant appointed by the Board for this purpose.

(2) The expenses incurred on the audit and examination of the accounts shall be paid out of the funds of the Board or the Management Committee as the case may be.

(3) The Board shall, within two months from the receipt of the Audit Report, submit it to the Government along with a explanation on the irregularities, if any, pointed out in the Report.

(4) The Government shall cause the Audit Report along with the explanation, if any, laid in each House of the State Legislature.

CHAPTER VI

Miscellaneous

24. *Power to make bye-laws.*—(1) The Board may make bye-laws for carrying out purpose of the Act.

(2) In particular and without prejudice to the generality of the foregoing powers such bye-laws may provide for—

(a) the manner and method by which elections to the Board and the Management Committees shall be conducted ;

- (b) the time and place, procedure and conduct of business at the meetings of the Board and the Management Committees ;
- (c) the facilities admissible and the allowances payable to the members of the Board and the Management Committees for attending the meetings and discharging other functions under the Act ;
- (d) the custody and investment of endowment fund ;
- (e) the form in which budget of the Board and the Management Committees shall be prepared ;
- (f) the form in which the details of properties of Kashmiri Hindu Shrines shall be maintained ;
- (g) the manner in which accounts of the Board and the Management Committees may be kept and audited ;
- (h) the manner of authentication of the decisions and orders of the Board ; and
- (i) all other matters which may be required to be prescribed for carrying out the purposes of the Act.

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