



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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गुरुवार, जुलै १३, २०१७/आषाढ २२, शके १९३९

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असाधारण क्रमांक १००

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Shree Sai Baba Sansthan Trust (Shirdi) (Amendment) (Mah. Ord. XII of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

P. H. MALLI,

Principal Secretary (Legislation) to Government,
Law and Judiciary Department.

(Translation in English of the Shree Sai Baba Sansthan Trust (Shirdi) (Amendment) (Mah. Ord. XII of 2017), published under the authority of the Governor.)

LAW AND JUDICIARY DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 13th July 2017.

MAHARASHTRA ORDINANCE No. XII OF 2017.

AN ORDINANCE

further to amend the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Shree Sai Baba Sansthan Trust (Shirdi)(Amendment) Ordinance, 2017.

Short title and commencement.

(2) It shall come into force at once.

Amendment
of section 2
of Mah. XIV
of 2004.

2. In section 2 of the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 Mah. (hereinafter referred to as "the principal Act"), after clause (c), the following clause shall be inserted, namely :— XIV of 2004.

"(c-1) "Chief Executive Officer" means the Chief Executive Officer of the Committee;".

Amendment
of section 11
of Mah. XIV
of 2004.

3. In section 11 of the principal Act,—

(a) to sub-section (2), the following proviso shall be added, namely :—

"Provided that, when a quorum is required but not present, the presiding authority shall adjourn the meeting for thirty minutes and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of in such adjourned meeting, whether there be a quorum present or not. ";

(b) in sub-section (5), for the words "the Executive Officer" the words "the Chief Executive Officer" shall be substituted.

Amendment
of section 13
of Mah. XIV
of 2004.

4. In section 13 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "the Executive Officer" the words "the Chief Executive Officer" shall be substituted;

(ii) in the proviso, for the words "the Executive Officer", where they occur, the words "the Chief Executive Officer" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Chief Executive Officer shall be selected from amongst the officers from the cadre of Indian Administrative Services :

Provided that, such officer shall be a devotee of Shree Sai Baba and shall make such declaration in the prescribed form :

Provided further that, the officer belonging to the Indian Administrative Services appointed as the Executive Officer prior to the date of commencement of the Shree Sai Baba Sansthan Trust (Shirdi) (Amendment) Ordinance, 2017, and working on that date shall be deemed to have been appointed as the Chief Executive Officer under this section.;"

Mah.
Ord. XII
of 2017.

(c) in sub-section (3), for the words "the Executive Officer", at both the places where they occur, the words "the Chief Executive Officer" shall be substituted;

(d) in sub-section (4), for the words "the Executive Officer" the words "the Chief Executive Officer" shall be substituted;

(e) in the marginal note, for the words "Executive Officer" the words "Chief Executive Officer" shall be substituted.

5. In section 14 of the principal Act,—

(a) in sub-section (1), for the words "The Executive Officer" the words "The Chief Executive Officer" shall be substituted;

(b) in sub-section (2),—

(i) for the words "the Executive Officer" the words "the Chief Executive Officer" shall be substituted;

(ii) for clause (a), the following clause shall be substituted, namely:—

" (a) (i) to transfer any officer or employee as and when needed;

(ii) to take disciplinary action against any officer or employee of the Committee;

(iii) to propose the suspension of any officer or employee of the Committee to the Committee;"

(iii) in clause (b), for the words "twenty-five thousand rupees" the words "five lakh rupees" shall be substituted;

(c) in sub-section (3), for the words "the Executive Officer" the words "the Chief Executive Officer" shall be substituted;

(d) after sub-section (3), the following sub-section shall be added, namely:—

"(4) The Chief Executive Officer may, in case of emergency, direct execution of any work or the doing of any act, involving expenditure not exceeding rupees five lakh, which is not provided for in the budget for the year and the immediate execution or the doing of which is in his opinion necessary for the preservation of the properties of the Trust or for the services or safety of the pilgrims resorting to the Sansthan and may also direct that such expenses not exceeding five lakh rupees for executing such work or doing of such act, shall be paid from the Trust Fund.

The Chief Executive Officer shall forthwith report to the Committee, the action taken under this section for approval alongwith the reasons therefor."

6. After section 14 of the principal Act, the following section shall be inserted, namely:—

Insertion of
section 14A
in Mah. XIV
of 2004.

" 14A. For the purpose of execution of proposals included in the development plan of Shree Sai Baba Mahasamadhi Centenary Celebration, duly approved by the Action Plan Committee constituted under the Government Resolution, Law and Judiciary Department, No. SSV. 2013/C.R. No. 1/D-16, dated the 22nd October 2013,—

Powers for
execution of
development
plan of Shree
Sai Baba
Mahasamadhi
Centenary
Celebration.

(a) the Chief Executive Officer shall have power to sanction the expenditure upto twenty-five lakh rupees;

(b) the Committee shall have power to sanction the expenditure upto one crore rupees; and

(c) the proposals involving expenditure of more than one crore rupees shall be sanctioned by the State Government."

Amendment
of section 15
of Mah. XIV
of 2004.

7. In section 15 of the principal Act,—

(a) in sub-section (1), for the words "The Executive Officer" the words "The Chief Executive Officer" shall be substituted;

(b) in sub-section (3), for the words "the Executive Officer" the words "the Chief Executive Officer" shall be substituted;

(c) in the marginal note, for the words "Executive Officer" the words "Chief Executive Officer" shall be substituted.

Amendment
of section 17
of Mah. XIV
of 2004.

8. In section 17 of the principal Act, in sub-section (2), in clause (d), for the words "Executive Officer" the words "the Chief Executive Officer" shall be substituted.

Amendment
of section 18
of Mah. XIV
of 2004.

9. In section 18 of the principal Act,—

(a) in sub-section (1), after clause (viii), the following clauses shall be inserted, namely:—

"(viii-a) one officer nominated by the State Government from the Indian Revenue Services or the Indian Audit and Accounts Services;

(viii-b) one officer or representative nominated by the State Government from the Information Technology Department;

(viii-c) one Joint Secretary or Deputy Secretary from the Law and Judiciary Department who shall be nominated by the Principal Secretary and Remembrancer of Legal Affairs;

(viii-d) one Architect or person holding equivalent qualifications in State Services, nominated by the State Government;

(viii-e) two devotees of Shree Sai Baba nominated by the Committee;

(viii-f) the Joint Director, Town Planning, Nashik ;";

(b) in sub-section (3), for the words "The Executive Officer" the words "The Chief Executive Officer" shall be substituted.

Amendment
of section 23
of Mah. XIV
of 2004.

10. In section 23 of the principal Act, for the words "the Executive Officer", at both the places where they occur, the words "the Chief Executive Officer" shall be substituted.

Amendment
of section 27
of Mah. XIV
of 2004.

11. In section 27 of the principal Act, for the words "Deputy Secretary" the words "Joint Secretary" shall be substituted.

Amendment
of section 28
of Mah. XIV
of 2004.

12. In section 28 of the principal Act,—

(a) in sub-section (1); for the words "the Executive Officer" the words "the Chief Executive Officer" shall be substituted;

(b) to sub-section (1), the following proviso shall be added, namely :—

“Provided that, the Chief Executive Officer may send such of the resolutions of the Committee to the Government which he thinks it necessary to be brought to the notice of the Government.”;

(c) in sub-section (2), for the words “decision or order of the Executive Officer”, at both the places where they occur, the words “decision, resolution or order of the Chief Executive Officer” shall be substituted.

13. In section 29 of the principal Act, in sub-section (1), for the words, figures and letters “the 30th June” the words, figures and letters “the 30th September” shall be substituted. Amendment of section 29 of Mah. XIV of 2004.

14. In section 30 of the principal Act,—

(a) in sub-section (1), for the words “the Executive Officer” the words “the Chief Executive Officer” shall be substituted;

Amendment of section 30 of Mah. XIV of 2004.

(b) in sub-section (4), for the words “the Executive Officer” the words “the Chief Executive Officer” shall be substituted.

15. In section 34 of the principal Act, in sub-section (3), for the words “below the rank of Collector” the words “below the rank of Divisional Commissioner” shall be substituted. Amendment of section 34 of Mah. XIV of 2004.

STATEMENT.

The Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 (Mah.XIV of 2004) has been enacted to re-constitute the Shirdi Sansthan of Shri Sai Baba Trust at Shirdi by the name of "the Shree Sai Baba Sansthan Trust (Shirdi)", and to provide for the efficient management of it by a Management Committee directly under the supervision and control of the State Government and to enable the said Trust to carry out its charitable activities more effectively and efficiently and to provide for more facilities for its devotees and to undertake wider welfare activities from its surplus funds for the general public.

2. As per the provisions of the said Act, it is one of the primary and important duty of the Management Committee of the said Trust to provide necessary facilities and amenities to the devotees and to apply the income of the said Trust to the objects and purposes for which the Trust is to be administered under this Act. It has been observed that there is constant increase in the number of devotees visiting Shirdi for darshan of the deity, therefore, there is a growing need for infrastructural facilities in Shirdi. In such circumstances, sub-section (1A) has been inserted in section 21 of the said Act, in order to provide more and more infrastructural facilities to the devotees.

3. Now, in the Special Leave Petition bearing No. 19856/2014, the Hon'ble Supreme Court has directed, *vide* its order dated the 17th February 2017, to appoint the officer from the cadre of Indian Administrative Services on the post of Executive Officer of Shree Sai Baba Sansthan Trust, Shirdi. Accordingly, the State Government has appointed the officer from the cadre of Indian Administrative Services on the post of Executive Officer, as a result of which it is expedient to carry out certain amendments in the said Act. As also, the Trust has organised the centenary year celebration of the Shree Sai Baba's Samadhi in the year 2017-2018.

4. In the backdrop of the above situation as well as due to few changes occurred in the changing circumstances since the year 2004, it is expedient further to amend sections 2, 11(2), 13(2), 14, 15, 17(2), 18, 23, 27, 28, 29(1), 30 and 34(3) of the said Act, suitably, and to insert new sub-section (4) in section 14 and section 14A in the said Act.

5. Salient features of the proposed amendments in the said Act are as under :—

It is proposed,—

(i) to amend section 2 and other relevant sections of the said Act, so as to provide for the change in the designation of the Executive Officer of the Trust as the Chief Executive Officer of the Trust ;

(ii) to amend section 11(2), so as to make provisions regarding adjournment of the meeting of Management Committee in the absence of quorum;

(iii) to amend section 13(2), so as to provide for the selection of the officer on the post of Chief Executive Officer of the Trust from the cadre of Indian Administrative Services ;

(iv) to amend section 14(2), so as to make the provisions regarding transfer, disciplinary action, suspension, etc., of any employee of the Committee ;

(v) to amend section 14, by adding new sub-section (4), so as to give special powers to the Chief Executive Officer of the Committee in case of emergency to execute any work involving expenditure not exceeding the amount of five lakh rupees or the doing of any act, which is not provided for in the budget for the year and the matters connected therewith which are, in his opinion, necessary for the preservation of the properties of the

Shree Sai Baba Sansthan Trust, Shirdi or for the services to the pilgrims or safety of the pilgrims resorting to the Shree Sai Baba Sansthan Trust, Shirdi from the Trust Fund ;

(vi) to insert new section 14A, so as to make provisions regarding execution of development plan of Shree Sai Baba Mahasamadhi Centenary Celebration ;

(vii) to amend section 18(1), so as to empower the State Government to nominate officer from the Indian Revenue Services or the Indian Audit and Accounts Services, officers from the Information Technology Department, Joint Secretary or Deputy Secretary from the Law and Judiciary Department and Architect or person holding equivalent qualifications in the State Services, and to empower the Management Committee to nominate two devotees of Shree Sai Baba, as a member of the Advisory Council to advise the Management Committee and to appoint Joint Director, Town Planning, Nashik thereof as a member, for the effective working of the Advisory Council ;

(viii) to amend section 27, so as to provide that the inspection of movable or immovable property, records, correspondence, plans, accounts and other documents relating to the Sansthan Trust shall be carried out as per the order of the State Government by the officer not below the rank of Joint Secretary of the State Government instead of Deputy Secretary ;

(ix) to amend section 28(1), so as to provide that, the Chief Executive Officer may send resolutions of the Management Committee to the Government;

(x) to amend section 29(1), so as to provide that the copy of the annual report of the Trust shall be submitted to the State Government and the Charity Commissioner not later than the 30th September of that year instead of the 30th June of that year ;

(xi) to amend section 34(3), so as to provide for the appointment of a person as an Administrator from amongst the persons in the active service of the State Government or from the persons who have retired from the post not below the rank of a Divisional Commissioner instead of the Collector ;

6. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 (Mah. XIV of 2004), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 13th July 2017.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

By order and in the name of the
Governor of Maharashtra,

N. J. JAMADAR,

Principal Secretary and Remembrancer
of Legal Affairs to Government.