

RNI No. MAHBIL/2009/37831

Reg. No. MH/MR/South-339/2011-13



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-ब

वर्ष ४, अंक १००] गुरुवार, जानेवारी २४, २०१३/माघ ४, शके १९३४ [पृष्ठे १९

किंमत : रुपये १.००

असाधारण क्रमांक ९

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

LAW AND JUDICIARY DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,

Mumbai 400 032, dated the 24th January 2013

NOTIFICATION

SHREE SAI BABA SANSTHAN TRUST (SHIRDI) ACT, 2004.

No.SSV-2012/C.R.33/DeskXVI.—In exercise of the powers conferred by clause (b) of section 8, sub-section (2) of Section 13 and sub-sections (1) and (2) and of the proviso to sub-section (3) of section 25 of the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 (Mah.XIV of 2004); and of all other powers enabling it in that behalf, the Government of Maharashtra, after being satisfied that circumstances exist which render it necessary to take immediate action and to dispense with the condition of previous

(२)

publication under proviso to sub-section (3) of the said section 25, hereby makes the following rules, namely :—

1. *Short title.*—These rules may be called the Shree Sai Baba Sansthan Trust (Shirdi) (Appointment of Members of Management Committee and Forms of Declarations) Rules, 2013.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “ Act ” means the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 (Mah. XIV of 2004);

(b) “ Committee ” means the Shree Sai Baba Sansthan Management Committee constituted by the State Government under Section 5 of the Act;

(c) “ Form ” means the form appended to these rules;

(d) “ Sansthan Trust ” means the Shree Sai Baba Sansthan Trust;

(e) “ Schedule ” means the Schedule appended to these rules.

(2) Words and expressions used in these rules but not defined hereinabove shall have the same meanings as respectively assigned to them under the Act.

3. *Appointment of Committee.*—(1) In accordance with the provisions of sub-section (2) of Section 5 of the Act, the State Government shall appoint to the Committee, persons,—

(i) who are permanent residents of the State of Maharashtra;

(ii) who are devotees of Shree Sai Baba; and

(iii) from the following categories, namely :—

Category	Number of Members
A. Woman	not less than 1
B. Socially and Economically weaker sections	not less than 1
C. Persons possessing professional or specialised knowledge within the meaning of sub-section (2) of Section 5 of the Act	not less than 8
D. General	upto 7:

Provided that, the number of members to be appointed shall not exceed 17 (including the Chairman and Vice-Chairman).

(2) The person belonging to category "C" above shall consist of not less than eight persons having educational background with professional or specialized knowledge, qualifications and practical experience in one or more of the following fields, namely :—

(i) Law ;

(ii) Business Management, Accountancy, Economics, Finance or Public Administration ;

(iii) Engineering; Architecture ;

(iv) Public Health; Medicine ;

(v) Rural Development :

Provided that, the Committee shall consist of at least one person from each of the fields mentioned at Serial Nos. (i) to (iv) above and not more than one person from the field mentioned at Serial No. (v) above. Provided further that the persons to be appointed under category C above shall possess the minimum qualifications and experience specified in column (3) of the Schedule.

(3) The person belonging to category "D" above shall consist of upto seven persons who shall be either Patrons or Life Members of the Bhakta Mandal.

Provided that, due regard may be had while making appointments in category "D" to all or any of the following factors :—

(i) possession of a bachelor's degree ;

(ii) residence in Shirdi or in the Ahmednagar District ;

(iii) contribution made by the person to a social or educational cause or to social or educational development.

(iv) that the person is a Member of Parliament representing Shirdi or a Member of the State Legislature representing the Shirdi assembly constituency.

4. *Qualifications for being a member.*—(1) Only if a person who is in a position to attend the activities of the Sansthan Trust for at least two days in a calendar month, shall be eligible to be appointed as a member of the Committee.

(2) The person to be appointed as a member of the Committee shall on the date of nomination be at least 25 years old and not more than 70 years old.

5. *Disqualifications for membership.*—The following persons shall be disqualified for appointment as a member of the Committee :—

(a) a minor ;

(b) a person of unsound mind who is so declared by a Competent Court;

(c) an undischarged insolvent;

(d) a person who has directly or indirectly any interest in a lease or any other transaction relating to the immovable property of the Sansthan Trust;

(e) a person who has any share or interest directly or indirectly in any contract for the supply of goods to or for execution of any work, or performance of any service, undertaken by the committee in respect of the Sansthan Trust;

(f) a person who is guilty of misconduct or who has been charge-sheeted for an offence involving moral turpitude or is otherwise found to be unfit;

(g) a person who is disqualified under sub-section (2) and (3) of section 8 of the Representation of People Act, 1951 (43 of 1951)

(h) a person who was a member of the Committee but had failed to attend three consecutive meetings of the Committee, without leave of absence and had vacated office as provided by Section 7(3) of the Act.

6. *Appointment of members.*—Appointment of members shall be made by the State Government by nomination :

Provided that, such appointment shall be made only after,—

(i) the person to be appointed as a Member submits his declaration in Form A to these Rules ; and

(ii) the State Government receives a police report or a police verification certifying that, such person has not been convicted or charge-sheeted by a court of competent jurisdiction for an offence involving moral turpitude or is otherwise found to be unfit.

7. *Tenure of Committee.*—A member shall hold office for a period of three years from the date his appointment has been notified in the *Official Gazette* :

Provided that, if a member, who is appointed by virtue of any office or by virtue of being a Member of Parliament or Member of the State Legislature representing Shirdi assembly constituency, cease to hold such office or ceases to be a Member of Parliament or Member of the State Legislature, as the case may be or upon the expiry of three years from the date of appointment, whichever is earlier, he shall vacate office as a member of the Committee :

Provided further that, the State Government may, by an order or orders published in the *Official Gazette* and for reasons to be recorded, extend the term of office of a member of the Committee beyond the said period of three years, for a further period which shall not exceed six months in the aggregate.

8. *Filling up of casual vacancy.*—Any casual vacancy caused by the death, resignation, removal or disqualification or for any other reason, shall be filled by the State Government as expeditiously as possible and the person chosen to fill the vacancy shall hold his office for the remainder of the term of the person in place of whom he is appointed :

Provided that, the State Government shall at all times comply with the provisions of the Act and of these Rules in making the appointment to fill the vacancy.

9. *Declaration under Section 8 and Section 13(2) of the Act.*—(1) A person to be appointed as a member of the Committee, shall, prior to his appointment, make a declaration, as required under Section 8 of the Act, in Form B.

(2) The officer to be appointed as an Executive Officer shall make a declaration, as required under sub-section (2) of section 13 of the Act, in Form C.

Schedule

[See rule 3(3)]

Serial No. (1)	Category (2)	Minimum Qualifications and Experience (3)
1	Law	Bachelor of Laws (LL.B.) and registered as an Advocate with the Bar Council of Maharashtra Goa, for at least ten years and holds a certificate evidencing practice issued by a District Judge or the Registrar, High Court.
2.	Business Management or Accountancy or Economics or Finance	Bachelor of Business Administration (BBA) or other equivalent degree with a minimum of ten years experience in a managerial position or a Chartered Accountant registered with the Institute of Chartered Accountants of India, for minimum period of ten years Degree in Economics or Finance
	Or Public Administration	Or Degree in Public Administration and minimum ten years experience or a person who retired from a post not lower rank than that of a District Collector.
3	Engineering	Bachelor of Engineering (B.E.) from a recognized University with minimum experience of ten years in Engineering activities
	Or Architecture	Or Bachelor of Architecture (B.A.) with minimum ten years practice

(1)	(2)	(3)
4	Public Health Or Medicine	A medical practitioner holding M.B.B.S / B.A.M.S / B.U.M.S. / B.H.M.S. and having an experience of not less than ten years in the hospital administration or health related institution.
5	Rural Development	Graduate in any discipline with a minimum ten years experience and having achieved distinction in the development of rural areas which is acknowledged by State or Central Government.

FORM A

(See rule 6 and section 8)

Affidavit to be filed for appointment as a member

Latest pass port
size photo of
the deponent

I (Name)
..... (address) (aged), hereby state on solemn affirmation that,

- (1) I am a permanent resident of the State of Maharashtra ;
- (2) I am a devotee of Shree Sai Baba, Shirdi and believe in the teachings and principles of Shree Sai Baba, Shirdi ;
- (3) I agree with the aims and objects of the Sansthan ;
- (4) I have read the rules and regulations of the Sansthan and agree to abide by them ;
- (5) I will not carry on any activities which may be detrimental or harmful to the interest of the Sansthan ;
- (6) I have not incurred any of the disqualifications under section 9 of the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004; (Mah. XIV of 2004) or the Shree Sai Baba Sansthan Trust (Shirdi) (Appointment of Members of Management Committee and Forms of Declarations) Rules, 2013 ;
- (7) I have not at any time in the past been convicted or charge-sheeted by a court of competent jurisdiction for an offence the punishment for which exceeds imprisonment for a term exceeding two years or for an offence involving moral turpitude ;
- (8) I agree and under take that I shall attend the activities of the Sansthan for at least two days in each calendar month.

I am filing this affidavit for being appointed as a member of the committee of Shree Sai Baba Sansthan Trust, Shirdi.

Dated :

Place :

Signature of the Deponent.

Verified that the information given in paragraphs (1) to (7) are true and correct to the best of my knowledge and belief.

Hence verified

Before me

Deponent.

FORM-B

[See rule 9(1)]

(Declaration under section 8)

Dated --/--/20--.

To,

The Principal Secretary,
Law and Judiciary Department,
Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032.

Subject : Declaration of Member of Management Committee as
per Section 8 of the Shree Sai Baba Sansthan Trust
(Shirdi) Act, 2004

Respected Sir,

I (Name) hereby declare that,—

- (1) I am a permanent resident of the State of Maharashtra ;
- (2) I am a devotee of Shree Sai Baba, Shirdi and believe in the teachings and principles of Shree Sai Baba, Shirdi ;
- (3) I agree with the aims and objects of the Sansthan ;
- (4) I have read the rules and regulations of the Sansthan and agree to abide by them ;
- (5) I will not carry on any activities which may be detrimental or harmful to the interest of the Sansthan.

BIO-DATA

- (1) Full Name :
(Surname) (First Name) (Middle Name)
- (2) Date of Birth : / /
- (3) Age :
- (4) Educational Qualifications :
- (5) Profession / Occupation :
- (6) Other activities
(Social Work etc.) :
- (7) Permanent Address :
- (8) Present Address :
- (9) Telephone No. : Office : Resi. :
- (10) Mobile No. :
- (11) Fax No. :
- (12) E-mail :

Signature of Member.

FORM-C

[See rule 9(2)]

(Declaration under section 13(2) of the Act)

Dated --/--/20--.

To,

The Principal Secretary,
Law and Judiciary Department,
Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032.

Subject : Declaration of the Executive Officer as per Section 13(2)
of the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004.

Respected Sir,

I (Name) hereby declare that,—

(1) I am a (designation) from
Department of Government of Maharashtra ;

(2) I am a devotee of Shree Sai Baba, Shirdi and believe in the teachings
and principles of Shree Sai Baba, Shirdi ;

(3) I agree with the aims and objects of the Sansthan ;

(4) I have read the rules and regulations of the Sansthan and agree to
abide by them ;

(5) I will not carry on any activities which may be detrimental or
harmful to the interest of the Sansthan.

BIO-DATA

- (1) Full Name :
(Surname) (First Name) (Middle Name)
- (2) Date of Birth : / /
- (3) Age :
- (4) Educational Qualifications :
- (5) Profession / Occupation :
- (6) Permanent Address :
- (7) Present Address :

(8) Telephone No. : Office : Resi. :
(9) Mobile No. :
(10) Fax No. :
(11) E-mail :

Signature of the Officer.

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

VIJAY ACHALIYA,
Principal Secretary and
Remembrancer of Legal Affairs.