



The Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004

Act 14 of 2004

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**THE SHREE SAI BABA SANSTHAN TRUST
(SHIRDI) ACT, 2004**

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MAHARASHTRA ACT No. XIV OF 2004¹.

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

(This Act received the assent of the Governor on the 14th August 2004 ; assent was first published in the *Maharashtra Government Gazette* Part IV, on the 17th August 2004.

Amended by Mah. 4 of 2005 (23-8-2004)*

An Act to re-constitute a public trust of Shri Shirdi Sai Baba Sansthan registered under the Bombay Public Trusts Act, 1950 under the name " Shirdi Sansthan of Shri Sai Baba " at Shirdi, District Ahmednagar, and to provide for better management, administration, governance and control of the Trust to enable it to undertake wider welfare activities for the public.

WHEREAS the administration of the public trust of Shri Shirdi Sai Baba Sansthan registered under the Bombay Public Trusts Act, 1950, under the name " Shirdi Sansthan of Shri Sai Baba " at Shirdi, District Ahmednagar, popularly known as " Shree Shirdi Sai Baba Sansthan Trust of Shirdi ", vests in the Board of Management, under a scheme framed by the City Civil Court, Bombay, in Charity Suit No. 3457 of 1960 under its order dated the 18th October 1982, confirmed by the High Court of Judicature at Bombay in First Appeal No. 320 of 1983, decided on the 23rd July 1984 ;

AND WHEREAS on expiration of the term of five years of the previous Board of Management of Shirdi Sansthan of Shri Sai Baba Trust, the Charity Commissioner has, under his order dated the 31st August 1999, re-constituted the Board of Management of the said Trust ;

AND WHEREAS being aggrieved by the said order dated the 31st August 1999 of the Charity Commissioner in the matter of appointment of Trustees, two Writ Petitions No. 2866 and 2867 of 1999 were filed in the High Court of Judicature at Bombay, and the appointment of one of the Trustees has been quashed and set aside by the Hon'ble High Court ;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, dated the 27th May 2004, Extraordinary, Part V-A, Pages 85-86.

*Mah. Ord. XXVII of 2004 was repealed by Mah. IV of 2005, s. 10.

AND WHEREAS the said Trust has large properties and is very popular and is highly revered and has very large number of devotees all over India ;

AND WHEREAS the Government of Maharashtra considers it expedient that the development and management of this important and popular Trust should not be hampered or in way suffer by avoidable litigation, and that there should be a separate law to re-constitute the said Trust and to provide for the efficient management of the same by a Committee directly under the supervision and control of the State Government to enable the Trust to carry out its charitable activities more effectively and efficiently and to be able to give more facilities for its devotees and to undertake wider welfare activities from its surplus funds for the general public ; it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004.

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

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “ Advisory Council ” means the Shree Sai Baba Sansthan Advisory Council constituted under section 18 ;

(b) “ appointed day ” means the day appointed by the State Government under sub-section (2) of section 1 ;

(c) “ *Bhakta Mandal* ” means the Shree Sai Baba *Bhakta Mandal* referred and recognised under section 19 ;

(d) “ Committee ” means the Shree Sai Baba Sansthan Management Committee constituted under section 5 ;

(e) “ Executive Officer ” means the Executive Officer of the Committee ;

(f) “ Management Fund ” means the Management Fund constituted under section 22 ;

(g) “ member ” means a member of the Committee and includes the Chairman and Vice-Chairman of the Committee ;

(h) “ prescribed ” means prescribed by rules made by the State Government under this Act ;

(i) “ regulations ” means regulations made by the Committee under this Act ;

(j) “ Sansthan ” means Shree Shirdi Sai Baba Sansthan belonging to the Shirdi Sai Baba Temple Trust and popularly known as the Shree Shirdi Sai Baba Sansthan Trust of Shirdi ;

* 23rd August 2004, *vide* G. N., Law and Judiciary Department, No. CHC. 1100 /1883 / (269) / XVII, dated the 23rd August 2004.

(k) "Sansthan Trust" or "Trust" means the Shri Sai Baba Sansthan Trust (Shirdi) constituted under section 3;

¹[(k1) "Scrutiny Committee" means the Scrutiny Committee constituted under the proviso to sub-section (2) of section 21;]

(l) "Trust Fund" means the fund of the Sansthan Trust constituted under section 20;

(m) words or expressions used in this Act, but not defined, shall have the meanings, respectively assigned to them in the Bombay Public Trusts Act, 1950.

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3. (1) On the appointed day, in place of the public trust registered under the Bombay Public Trusts Act, 1950, by the name of "Shirdi Sansthan of Shri Sai Baba" at Shirdi, District Ahmednagar (hereinafter referred to as "the erstwhile trust"), a trust by the name of "the Shree Sai Baba Sansthan Trust (Shirdi)", shall be deemed to be re-constituted under this Act.

Reconstitution of Sansthan Trust and transfer to and vesting of properties in that Trust.

(2) On the appointed day, all the properties, whether movable or immovable (including all assets, rights, liabilities and obligations) of the erstwhile trust shall, by virtue of this Act, stand transferred to and vested in, the Sansthan Trust and the Executive Officer shall, on behalf of the Committee, be entitled to their possession and management from that day.

4. (1) The Board of Management of the erstwhile trust and every other person in possession of any immovable property of the erstwhile trust, which has vested under section 3 in the Sansthan Trust, shall hand over possession thereof, alongwith movable property thereon with a full inventory, to the Executive Officer on behalf of the Committee forthwith but in any case not later than one month or such longer period as may be allowed by the Committee, in writing.

Transfer of possession of properties to Sansthan Trust.

(2) The Board of Mangement of the erstwhile trust and every other person in possession of the movable property of the erstwhile trust which is in the form of deposits in banks or investment in shares shall, within thirty days or such longer period not exceeding sixty days in the aggregate from the appointed day, as the Committee may allow, transfer or cause to be transferred, such property, with a full inventory, to the Executive Officer on behalf of the Committee.

¹ Clause (K1) was inserted by Mah. IV of 2005, s 2.

(3) The Executive Officer shall prepare a list of the entire movable and immovable property vested under section 3 in the Sansthan Trust showing detailed description and approximate value of each property and submit a copy thereof to the Charity Commissioner and the Principal Secretary and Remembrancer of Legal Affairs, Law and Judiciary Department, within ninety days from the appointed day. The original list of the properties shall be preserved permanently in the office of the Sansthan Trust.

(4) Where any property is handed over or transferred as provided under sub-section (1) or (2), the Executive Officer shall, after due verification of the inventory, pass a receipt in writing for the same to the transferor, and thereupon, the Executive Officer shall be responsible for safe custody of such property.

(5) The Board of Management of the erstwhile trust and every other person who has handed over or transferred any property of the erstwhile trust to the Executive Officer and obtained the receipt thereof under sub-section (4) shall, stand indemnified, released and discharged from all accounts, suits or other legal proceedings, claims and demands or liability in respect of that property.

Constitution
of
Committee
of Manage-
ment of
Sansthan
Trust.

5. (1) For the purpose of management of the Sansthan Trust, on or after the appointed day, a Committee to be called " the Shree Sai Baba Sansthan Management Committee " shall be constituted by the State Government as provided in sub-section (2).

(2) The State Government shall, by notification in the *Official Gazette*, appoint, a Chairman, Vice-Chairman and not more than ¹[fifteen] other members to constitute the Committee as envisaged under sub-section (1):

Provided that, out of the total number of members not less than one member shall be a woman and one member shall be from the socially and economically weaker sections.

¹ This word was substituted for the word " thirteen " by Mah. IV of 2005, s. 3 (a)

¹[Provided further that, out of the total number of members, not less than eight members including the Vice-Chairman, shall be persons having educational background with professional or specialized knowledge, qualifications and practical experience in one or more of the fields such as law, Business Management, Public Administration, Engineering, Architecture, Public Health, Medicine or Rural Development.]

(3) The President of the *Shirdi Nagar Panchayat* shall be the *ex-officio* member of the Committee.

(4) Subject to the other provisions of this Act, the Committee shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

6. (1) There shall be paid from the Management Fund to each member such honorarium, fees and allowances as the Chairman, Vice-Chairman or as the case may be, member of the Committee, as may be determined by the State Government, from time to time.

Allowances
to member.

(2) Notwithstanding anything contained in any other law for the time being in force, a member shall not be disqualified for being chosen as, or for being a member of the State Legislature or a Local Authority, merely by reason of the fact that he is a member of the Committee or that he receives any honorarium, fees or allowances under this section.

7. (1) A member shall be appointed for a period of three years :

Term of
office of
member.

Provided that, the term of office of such out-going members shall be deemed to extend to and expire with, the date on which the notification constituting the new Committee is published in the *Official Gazette*.

(2) A member may, by writing under his hand addressed to the State Government, and a copy to the Chairman, resign his membership :

Provided that, such resignation shall not take effect until it is accepted by the State Government.

(3) If a member without obtaining leave from the Committee, remains absent for the three consecutive meetings of the Committee, he shall cease to be a member thereof, from the time the third meeting is duly terminated.

¹ This proviso was added by Mah. 4 of 2005, s. 3 (b).

Conditions
for being
member.

8. A person to be appointed as a member of the Committee shall be,—

(a) the permanent resident of the State of Maharashtra ;
and

(b) a devotee of Shree Sai Baba and shall, prior to his appointment as a member make such declaration in the prescribed form.

Disqualifi-
cation for
member-
ship.

9. (1) A person shall be disqualified for appointment as or for being, a member, if he—

(a) is a minor ;

(b) is of unsound mind, and is so declared by a Competent Court ;

(c) is an undischarged insolvent ;

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

(e) save as provided in sub-section (1) of section 6, is a paid servant of the Committee or has any share or interest directly or indirectly in any contract for the supply of the goods to or for execution of any work, or the performance of any service, undertaken by the Committee in respect of the Sansthan Trust ;

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

(2) If it appears to the State Government that a member has incurred any of the disqualifications as provided in sub-section (1), the State Government may, after giving such member an opportunity of showing cause and after considering any such cause shown, remove such person from membership, and the decision of the State Government shall be final.

Power to
appoint new
member.

10. The State Government may appoint a new member, when an existing member—

(a) resigns or dies ;

(b) is for a continuous period of six months absent from India, without obtaining leave from the Committee ;

(c) leaves India for the purpose of residing abroad ;

(d) desires to be relieved ;

(e) refuses to act or neglects to perform his duties as such member ;

(f) is removed or his membership is terminated by the State Government ;

(g) ceases or is disqualified to be or to continue to be, a member under any of the provisions of this Act.

11. (1) For the transaction of its business, the Committee shall meet at such intervals as it may determine, from time to time, so however, that not more than thirty days shall elapse between the two meetings.

Meeting of Committee and rules of procedure.

(2) The quorum for the meeting of the Committee shall be ¹[eight].

(3) Every meeting of the Committee shall be presided over by the Chairman and in his absence by the Vice-chairman and in their absence, by a member elected for the purpose by the members present.

(4) All questions arising at the meeting of the Committee shall be determined by the majority of the votes of the members present. In the case of equality of votes, the Chairman or the person presiding, as the case may be, shall have a right to exercise a casting vote.

(5) The Executive Officer appointed under section 13 shall be the Secretary of the Committee and shall be responsible for the maintenance of the minutes of the proceedings of every meeting duly countersigned by the Chairman or any other member presiding at the meeting.

(6) Consistent with the provisions of this Act and the rules made thereunder, the Committee shall make regulations for regulating its procedure and the conduct of its business.

12. No act or proceeding of the Committee shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in its constitution or in appointment of any member.

Act of Committee not invalid by reason of vacancy or defect.

¹ This word was substituted for the word "seven" by Mah. 4 of 2005, s.4.

Executive
Officer and
other
officers of
Committee.

13. (1) The State Government shall appoint the Executive Officer for the purposes of this Act, who shall hold the office ordinarily for a period of three years from the date of his appointment unless his term of office is determined earlier by the State Government by an order issued in this behalf :

Provided that, the person working as the Executive Officer of the erstwhile trust immediately before the appointed day shall continue to work as such, till the appointment of the Executive Officer by the State Government under this sub-section, and he shall exercise the powers and duties of the Executive Officer under this Act.

(2) The Executive Officer may be selected from amongst the officers not below the rank of the Deputy Collector :

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

(3) When a temporary vacancy occurs of the office of the Executive Officer, by reason of sickness or leave or any other similar reason, the State Government may fill up the vacancy by appointing a suitable person, for the period of absence of the Executive Officer.

(4) The Committee may appoint such officers (other than the Executive Officer) and employees as it deems necessary for the efficient management of the Sansthan Trust and performance of its duties and functions under this Act :

Provided that, no officer or employee, who is paid or is to be paid a salary of more than two thousand rupees per month, shall be appointed by the Committee, unless such post is first sanctioned as per the staffing pattern approved by the State Government.

Powers and
duties of
officers of
Committee.

14. (1) The Executive Officer shall be the Chief Administrative Officer of the Committee. He shall, subject to the general control of the Committee, have powers to carry out the decisions of the Committee in accordance with the provisions of this Act.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the Executive Officer shall be responsible for the custody of all properties and records of the Trust and shall make proper arrangements

for collection and deposit of offerings made in the Temple and shall have powers, subject to the control of the Committee,—

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

(b) to call for tenders for works or supplies and accept such tenders when the amount or value thereof does not exceed twenty-five thousand rupees ;

(c) to dispose of perishable offerings by auction or otherwise and credit the sale proceeds to the Trust Fund ;

(d) to undertake urgent repairs or measures required for safety or convenience of the devotees ;

(e) to do all other acts and things, which he is empowered to do by the Committee or under the regulations.

(3) The other officers and employees of the Committee shall exercise such powers and perform such duties and functions as are assigned to them by the Committee or the Executive Officer or under the regulations, from time to time.

15. (1) The Executive Officer of the Committee shall be appointed on such terms and conditions of service as may be determined by the State Government, from time to time.

Terms and conditions of service of Executive Officer and other officers and employees.

(2) Other officers and employees of the Committee shall be appointed on such terms and conditions of service as may be determined by regulations.

(3) The salary and allowances and other expenses of the Executive Officer and other officers and employees of the Committee shall be paid out of the Management Fund.

16. Any person who, immediately before the appointed day, has been in service and is serving in connection with the affairs of the erstwhile trust shall be deemed to have been allocated and appointed as from the appointed day, for service under the Committee in connection with the affairs of the Sansthan Trust, on the same salary and other terms and conditions of service which were applicable to him immediately before the appointed day ; and such conditions of service shall not be varied to his disadvantage or such employee shall not be removed from service by the Committee, except with the previous approval of the State Government :

Allocation of employees of public trust to Sansthan Trust.

Provided that, nothing in this section shall affect the powers of the Committee to terminate the services of any such person in accordance with the provisions of this Act or the rules.

Duties and
powers of
Committee.

17. (1) Subject to any general or special orders of the State Government, it shall be the duty of the Committee to manage the properties and affairs of the Sansthan Trust, efficiently, to make proper arrangement for the conduct and performance of rituals, worship ceremonies and festivals in the Temple according to the custom and usages, to provide necessary facilities and amenities to the devotees and to apply the income of the Trust to the objects and purposes for which the Trust is to be administered under this Act.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the Committee shall,—

(a) prepare the annual budget estimating the income and expenditure of the Trust and send a copy of it to the State Government and the Charity Commissioner ;

(b) maintain proper accounts and records of the properties and the income and expenditure of the Trust ;

(c) cause the accounts of the Trust to be audited annually by such person and by such date in the next succeeding year as the State Government may direct ;

(d) make regular payment of salaries, honorarium, fees and allowances and other sums payable to the members, Executive Officer and other officers and employees of the Committee from the Management Fund ;

(e) take measures for the recovery of lost property or any sums due to the Trust ;

(f) institute and defend suits, prosecutions and other legal proceedings relating to the Trust in a Court or before a Tribunal or other authority ;

(g) inspect or cause an inspection to be made of the properties of the Trust, from time to time, and to take prompt steps to remove any encroachments made on such properties ;

(h) supply such returns, statistics, accounts and other information with respect to the Trust as the State Government may, from time to time, require ;

(i) generally do all such acts as may be necessary for the purposes of proper management, maintenance and administration of the properties and affairs of the Trust;

¹(j) if deemed necessary, form a sub-committee from amongst its members or outsiders, to advise itself on the matters pertaining to the administration and management of the Sansthan Trust, and also lay down its composition and procedure for conduct of meetings and for the matters connected therewith including provisions for payment of sitting fees, and travelling and daily allowances to the members of such sub-committee who are other than the Committee members, and may also appoint a Chartered Accountant as recommended by the Scrutiny Committee to assist it in its functions; and may also appoint a sub-committee of not less than five of its members from the field of specialized or professional knowledge to monitor and report to the Committee the proper, full and timely utilization of the financial assistance granted by the Sansthan Trust to any Trust under sub-section (2) of section 21, and report any misutilisation of financial assistance by such trust to the Charity Commissioner, for necessary disciplinary or penal action under the Bombay Public Trusts Act, 1950 ;].

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(k) acquire or purchase lands or buildings required for the purpose of development and carrying out schemes of the Trust and to carry out the objectives or purposes of the Trust ;

(l) disseminate and propogate useful knowledge about the life, activities, *Leelas* and teachings of Shri Sai Baba, and maintain and expand the library of Shri Sai literature ;

(m) organise or undertake activities or programmes aimed at promoting the feelings of brotherhood, unity, faith and equality among the devotees of Shri Sai Baba ;

(n) promote or help secular education of all types and establish educational institutions at Shirdi, or other places ;

(o) promote any other noble cause aimed at achieving human well being or, to help human beings in calamities.

¹ Clause (j) was substituted by Mah. 4 of 2005, s. 5.

(3) No immovable property vested in the Trust shall be leased for more than a year, or mortgaged, sold or otherwise alienated, by the Committee, except with the previous sanction in writing of the State Government.

(4) No jewellery, ornaments and other valuable movable property vested in the Trust, the value of which is more than fifty thousand rupees, shall be sold, pledged or otherwise alienated by the Committee, except with the previous sanction in writing of the State Government.

(5) The Committee shall have no power to borrow money from any person or party, except with the previous sanction in writing of the State Government.

(6) Subject to the provisions of this Act, the Committee shall have all the power necessary for performing its duties and functions under this Act.

Advisory
Council.

18. (1) There shall be an Advisory Council to advise the Committee consisting of the following *ex officio* members, namely :—

- (i) the Chairman of the Committee ;
- (ii) the Collector of the Ahmednagar District ;
- (iii) the Superintendent of Police for the Shirdi area of the Ahmednagar District ;
- (iv) the District Government Pleader, Ahmednagar ;
- (v) the Divisional Controller of the Maharashtra State Transport Corporation, Ahmednagar Division ;
- (vi) the Executive Engineer, Irrigation Department, having jurisdiction over the Shirdi *Nagar Panchayat* ;
- (vii) the Executive Engineer, Operation and Maintenance Division, Sangamner of the Maharashtra State Electricity Board ;
- (viii) the District Health Officer, Ahmednagar; and
- (ix) one representative nominated by the State Government.

(2) The Chairman of the Committee shall be the *ex officio* Chairman of the Advisory Council.

(3) The Executive Officer shall act as the Secretary of the Advisory Council.

(4) The functions and duties of the Advisory Council shall be such as laid down by regulations. The Advisory Council shall observe such procedure in regard to transaction of business in meetings (including quorum) thereof as may be laid down by regulations.

19. (1) There shall be a *Bhakta Mandal* to recommend about ceremonies, festivals, *Poojas*, etc., which shall consist of Patrons, Life Members, Ordinary Members, Honorary Members, Associate Members and Institute Members (affiliated). The rate of subscription for each type of membership shall be such as may be laid down by regulations. *Bhakta Mandal.*

(2) The membership of the *Bhakta Mandal* shall be given to a person irrespective of his caste, religion or sex :

Provided that, such person has attained eighteen years of the age and is devotee of Shree Sai Baba.

(3) The rights, privileges and duties of the members of the *Bhakta Mandal* shall be such as may be laid down by regulations. The Committee shall also lay down by regulations the other terms and conditions to be fulfilled by an applicant applying for the membership of the *Bhakta Mandal*.

20. (1) The Sansthan Trust shall have its own fund to be called "the Shree Sai Baba Sansthan Trust Fund". Trust Fund.

(2) The following shall form part of or be paid into, the Trust Fund,—

(a) all funds vested in the Sansthan Trust by virtue of the provisions of section 3 ;

(b) all sums received by way of offerings, gifts or donations to the Sansthan Trust or by way of *Pooja* charges or by way of sale proceeds by auction of the things received in kind ;

(c) the income derived from the movable and immovable properties of the Trust and the proceeds of sale, lease or other transfer or mortgage of any such properties ;

(d) any contributions or grants made to the Trust by Government or by any local authority, trust or other institution or party or person ;

(e) any sums due to the Trust and recovered by the Committee; and

(f) all other sum received or collected by the Committee or any member for or on behalf of the Trust.

¹[(3) All monies and other valuable articles belonging to the Trust fund shall be deposited or kept only in the Nationalised Bank or Banks or be invested in "the public securities" as defined in clause (12) of section 2 of the Bombay Public Trusts Act, 1950.]

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(4) The Trust Fund shall be operated by a member or an officer authorised by the Committee in such manner and subject to such conditions as may be prescribed.

Utilization
of Trust
Fund.

²[21. (1) The Trust Fund shall, subject to the provisions of the Income Tax Act, 1961, be utilised or expended by the Committee for all or any of the following purposes, namely:—

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(a) the maintenance, management and administration of the Temple and the properties of the Trust;

(b) the conduct and performance of the rituals, worship ceremonies and festivals in the Temple according to the customs and usages;

(c) providing facilities and amenities to the devotees for *darshan* of the deity and for offering prayers or performing any religious service or ceremony in the Temple;

(d) to provide meals to the devotees and to run *Annachhatra*;

(e) for propogating the teaching of Shree Sai Baba;

(f) repayment of any sums borrowed by the Committee, with the sanction of the State Government;

(g) any sums required to satisfy any judgment, decree or award of any court or tribunal or any authority;

(h) the payment of any taxes, rent, compensation, charges and other sums payable by the Trust under any law for the time being in force;

(i) development of the properties of the Trust and acquisition of movable or immovable properties for the purposes of the Trust;

(j) construction and maintenance of rest houses for the accommodation and use of the devotees; and

¹. Sub-section (3) was substituted by Mah. 4 of 2005, s. 6.

². This section was substituted, *ibid.*, s.7.

(k) for fulfilling the duties specified in sub-section (2) of section 17.

(2) After making adequate provisions for the purposes referred to in sub-section (1), if there is a surplus in the Trust Fund, a portion of the surplus being not more than thirty per cent. of the distributable income of the trust, may be utilised and expended by the committee, from time to time for all or any of the following purposes, namely :—

(i) with the previous sanction of the State Government for the establishment and maintenance, by a registered public trust or registered society, of any educational institution, sports academy or institute, public library, hospital, dispensary, home for destitutes or physically disabled persons or other charitable or religious institution, or any other non-commercial cultural organisation set up by a registered public trust or registered society involved in the field of art or literature ; or

(ii) to Shirdi Nagar Panchayat for the improvement and augmentation of local civic services and amenities resulting in improvement of the facilities to the Sansthan :

Provided that, there shall be a Scrutiny Committee constituted by the State Government for the purposes of this sub-section, comprising of three members under the Chairmanship of a retired Judge of the Bombay High Court, appointed with the prior approval of the Bombay High Court, and two other members selected by the members of the Committee from amongst themselves ; and the term of the Scrutiny Committee shall be co-terminus with the term of the Committee :

Provided further that, the Scrutiny Committee shall frame regulations for holding and conducting of its meetings and also discharging its functions under this Act, and shall also frame and publish guidelines in consonance with the directions and guidelines issued by the Bombay High Court in Writ Petition No. 2764 of 2003, in the matter of Kewal R. Semlani, laying down the norms for recommendation of the applications received by the Committee from various registered public charitable trusts under the Act, for financial assistance from the Sansthan Trust.]

Management
Fund and
its
utilization.

22. (1) There shall be constituted a separate fund to be called the Management Fund which shall vest in, and be under the control of the Committee.

(2) Having regard to the balance, if any, available in the Management Fund, there shall be placed to the credit of this Fund, every year such sum, not exceeding ten per cent. of the approximate gross annual income of the Trust in the last preceding year, as may be fixed by the Committee, with the approval of the State Government. The State Government may, at any time, if found necessary, direct any additional sum to be credited to this Fund from the Trust Fund in any year.

(3) The Management Fund shall, subject to any general or special order of the State Government, be applied to—

(a) the payment of honorarium, fees and allowances to the Chairman, Vice-Chairman and other members of the Committee¹ [and the Chairman of the Scrutiny Committee and the outsider members of the Sub-committee constituted under clause (j) of sub-section (2) of section 17];

(b) the payment of salaries and allowances of other officers and employees of the Committee;

(c) the payment of any expenses lawfully incurred by the Committee or any member or officer or employees in the exercise of their powers and performance of their duties and functions under this Act.

Suits and
other
proceedings
by or
against Trust
or Committee.

23. In all suits and other legal proceedings by or against the Sansthan Trust or the Committee, the pleadings shall be signed and verified by the Executive Officer and all processes in such suits and proceedings shall be issued to, or served on, the Executive Officer.

Continuance
of legal
proceedings
by or
against
erstwhile
public trust
and
construction
of
references
to that
Trust.

24. (1) Where the erstwhile public trust by the name of "Shirdi Sansthan of Shree Sai Baba" at Shirdi, District Ahmednagar or any trustee thereof was, immediately before the appointed day, party to any legal proceedings with respect to any property, rights, liabilities or obligations since vested in the re-constituted Trust under section 3 by the name of "the Shree Sai Baba Sansthan Trust (Shirdi)", the said re-constituted Trust or its Committee, shall be deemed to have been substituted for the erstwhile public trust or its trustees, as a party to those proceedings, or added to as a party thereto, as the case may be, and the proceedings shall continue accordingly.

(2) Any reference to the erstwhile public trust or its trustees in any law for the time being in force or in any rule, regulation, notification or order issued thereunder, or in any instrument or other document shall, on and after the appointed day, unless the context otherwise requires, be construed as a reference to the Trust re-constituted under section 3 or its Committee, as the case may be.

¹ These words were added by Mah. 4 of 2005, s.8.

30. (1) When the State Government is of the opinion that the execution of any resolution, decision or order of the Committee or that the doing of any act which is about to be done or is being done by or on behalf of the Committee is in contravention of or in excess of the powers conferred by or under this Act or any other law for the time being in force, or is likely to lead to abuses or misuse of, or to cause waste of the Management Fund or against the interest of the public; the State Government may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act, for such period or periods as it may specify therein. A copy of such order shall be sent forthwith by the State Government to the Committee and to the Executive Officer.

Power of State Government to suspend or rescind any resolution or order, etc., of Committee in certain cases.

(2) On receipt of a copy of the order as aforesaid, the Committee may, if it thinks fit, within thirty days of receipt of such copy, make a representation to the State Government, in writing against the said order.

(3) The State Government may,—

(i) after considering the representation, if any, received from the Committee; or

(ii) where no such representation is received within a period of thirty days,

either cancel, modify or confirm the order made by it under sub-section (1) or take such other action in respect of the matter as may, in its opinion, be just or expedient, having regard to all the circumstances of the case. Where any order made under sub-section (1) is confirmed, the State Government may direct that the resolution or order of the Committee in respect of which the suspension order was made under sub-section (1), shall be deemed to be rescinded.

(4) Where any order made by the State Government under sub-section (3), it shall be the duty of every member of the Committee and the Executive Officer and all the officers and employees concerned to comply with such order.

Members of Committee and officers and employees of Trust to be public servants.

31. The members and all officers and employees of the Trust shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code and section 2(c) of the Prevention of Corruption Act, 1988.

45 of
1860.
49 of
1988.

Protection of action taken in good faith.

32. No suit, prosecution or other legal proceeding shall lie against the State Government, the Committee or any member, officer or employee of the Committee, for anything which is in good faith done or intended to be done under this Act or the rules and regulations made thereunder.

Act to override other laws, etc.

33. The provisions of this Act shall have effect, notwithstanding anything contained in the Bombay Public Trusts Act, 1950, or any other law for the time being in force, or in any scheme of management framed thereunder before the appointed day or in any judgement, decree or order of any court, tribunal, Charity Commissioner or other Competent Authority or in any custom or usage.

Bom.
XXIX
of
1950.

Dissolution and supersession of Committee.

34. (1) If the State Government is of the opinion that the Committee is not competent to perform, or makes default in performing the duties imposed on it under this Act, or exceeds or abuses its powers, the State Government may, after due enquiry, by notification in the *Official Gazette*, dissolve the Committee and constitute another Committee within a period of six months from the date of dissolution or supersede the Committee for such period not exceeding six months, as the State Government may deem fit.

(2) Before issuing a notification under sub-section (1), the State Government shall communicate to the Committee, in writing, the grounds on which they propose to do so, fix a reasonable time for the Committee to show cause against the proposed action and consider its explanation or objection, if any.

(3) Where the Committee is dissolved or superseded under sub-section (1), the State Government shall appoint 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 such service (such person not being below the

rank of a Collector) and who is a devotee of Shree Sai Baba and makes such declaration in the prescribed form, to exercise the powers and to perform the functions of the Committee under this Act, until the constitution of another Committee or till the expiry of the period of supersession, as the case may be.

(4) The State Government may fix remuneration and other conditions of service for such person appointed as the Administrator under sub-section (3), which shall be paid from the Management fund.

35. (1) If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Removal of difficulties.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३१]

गुरुवार, ऑगस्ट १८, २०११/श्रावण २७, शके १९३३

[पृष्ठे २, किंमत : रुपये १४.००

असाधारण क्रमांक ८७

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) Act, 2011 (Mah. Act No. XXX of 2011), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXX OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 18th August 2011).

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

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered 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 ; and, therefore, promulgated the Shree Sai Baba Sansthan Trust (Shirdi) (Amendment) Ordinance, 2011, on the 4th June 2011;

Mah.
XIV of
2004.
Mah.
Ord.
XIV of
2011.

(१)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

- Short title and commencement. 1. (1) This Act may be called the Shree Sai Baba Sansthan Trust (Shirdi) (Amendment) Act, 2011.
(2) It shall be deemed to have come into force on the 4th June 2011.
- Amendment of section 11 of Mah. XIV of 2004. 2. In section 21 of the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 (hereinafter referred to as "the principal Act"),—
(a) after sub-section (1), the following sub-section shall be inserted, namely :—
“(1A) Subject to the provisions of sub-section (1), the Trust may, with the previous sanction of the State Government, and subject to such maximum limit and such terms and conditions, as may be specified by the State Government by an order published in the *Official Gazette*, give grant-in-aid to the Government Departments, Government Corporations, Government Companies or Government undertakings for providing or augmenting infrastructural facilities such as bus terminals, railway station, airport and similar infrastructural facilities, for the convenience of the devotees.”;
(b) in sub-section (2), for the words, brackets and figure “sub-section (1)” the words, brackets, figures and letter “sub-sections (1) and (1A)” shall be substituted.
- Repeal of Mah. Ord. XIV of 2011 and saving. 3. (1) The Shree Sai Baba Sansthan Trust (Shirdi) (Amendment) Ordinance, 2011, is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.