

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Hardwar Anant Kumbh Nidhi Act, 2003 (Uttaranchal Adhiniyam Sankhya 31 of 2003) for general information :

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on January 16, 2004.

No. 503/Vidhayee and Sansadiya Karya/2003  
Dated Dehradun, January 19, 2004

### NOTIFICATION

#### Miscellaneous

### HARDWAR ANANT KUMBH NIDHI ACT, 2003

(ACT No. 31 OF 2003)

To Establish fund for conservation and development of the Kumbh Mela area

AN  
ACT

IT IS HEREBY enacted in the Fifty-fourth year of the Republic of India as follows:--

#### **Chaper--1**

Short title,  
Commencement  
& Extent

- 2003.
1. (1) This Act may be called Hardwar Ananth Kumbh Nidhi Act,
  - (2) It extends to the whole of Uttaranchal.
  - (3) It shall be deemed to have come into force at once.

Definitions

2. In this Act, unless the context otherwise require--

- (a) "Anant Kumbh Nidhi" Hardwar means fund established for conservation & development of the Kumbh Mela Area;
- (b) "Chairman" means Chairman of the Executive Committee of Anant Kumbh Nidhi, Hardwar;
- (c) "Vice Chairman" means Vice Chairman of the Executive Committee of Anant Kumbh Nidhi, Hardwar;
- (d) "Member Secretary" means Secretary of the Executive Committee of Anant Kumbh Nidhi, Hardwar;
- (e) "Year" means 12 months commencing on the first day of April;
- (f) "Fund" means the receipts received as per the provisions of this Act;
- (g) "State Government" means the Government of Uttaranchal.

#### **Chaper--2**

Executive  
Committee of  
the Fund

3. (1) There shall be an Executive Committee for the management of the affairs of the Fund and discharging the functions assigned to it by or under the Act. All affairs of the Fund, pecuniary and otherwise, shall be administered by the Executive Committee. It shall be a body corporate and shall have a perpetual succession and a common seal.

- (2) The following shall be the members of the executive committee :--

#### **(a) Ex-Officio Members :**

- |                                                                |               |
|----------------------------------------------------------------|---------------|
| (1) Chief Minister of the State of Uttaranchal                 | Chairman      |
| (2) Minister for Urban Development of the State of Uttaranchal | Vice Chairman |
| (3) Chief Secretary to the Govt. of Uttaranchal                | Member        |
| (4) Secretary Planning to the Govt. of Uttaranchal             | Member        |



|                                                              |                  |
|--------------------------------------------------------------|------------------|
| (5) Secretary Finance to the Govt. of Uttaranchal            | Member           |
| (6) Secretary Health to the Govt. of Uttaranchal             | Member           |
| (7) Secretary Tourism to the Govt. of Uttaranchal            | Member           |
| (8) Secretary Culture to the Govt. of Uttaranchal            | Member           |
| (9) Secretary Urban Development Govt. of Uttaranchal         | Member Secretary |
| (10) Commissioner, Garhwal Division                          | Member           |
| (11) Kumbh Mela Adhikari, Hardwar                            | Member           |
| (12) President, Akhara Parishad, Hardwar                     | Member           |
| (13) Authorised Representative of Shri Ganga Sabha, Hardwar. | Member           |
| (14) District Magistrate, Dehradun, Hardwar, Pauri & Tehri   | Member           |

**(b) Nominated Members :**

(1) The Executive Committee may nominate maximum four members, for a maximum period three years.

(2) Eminent persons from business & Industry, Science & Technology, Art & Culture, Social Service and Literature may be bestowed with the status of 'Patron' by the Executive Committee. These Patrons may be invited to render valuable advice/guidance in furtherance of the aims and objects of the Fund.

4. (1) The affairs of the Fund shall be carried on and managed by the Executive Committee who shall exercise such power and authority of the Fund as may be necessary and prudent for its smooth conduct consistent with the stated aims and objects.

(2) All properties, moveable and immovable or of any kind of the Fund shall stand vested in the Executive Committee.

(3) Without prejudice to the generality of the forgoing provisions, the Executive Committee shall have following powers :

- (i) acquire by gift, donations, grants, exchange, lease lands, buildings or other immovable properties together with all rights appertaining thereto;
- (ii) to manage the properties of the Fund;
- (iii) to raise funds for the Fund through gifts, donations, grants etc;
- (iv) to receive monies, securities, instruments and/or any other movable properties for and on behalf of the Fund;
- (v) to issue receipts, to sign and execute instruments and to endorse or discount cheque or other negotiable instruments through its accredited agents;
- (vi) to make, sign and execute such documents and instruments as may be necessary and proper for carrying out the management of the property and affairs of the Fund;
- (vii) to manage, transfer, dispose of any, movable or immovable property of the Fund;
- (viii) to prescribe powers, functions and duties of the office bearers;
- (ix) to appoint an auditor or auditors for auditing the accounts of the Fund;
- (x) to engage, from time to time, such and as many persons and on such terms and conditions, as may be fit for carrying out the affairs of the Fund for conducting studies, investigations, researches, training and other activities undertaken by the Fund;

Powers,  
Duties and  
Rights of  
Executive  
Committee



- (xi) to exercise control and super ordination over the staff of Fund;
- (xii) The Executive Committee shall have the power to make bye laws in respect of the following matter:—
  - (a) Management of properties, funds, affairs and works of the Fund;
  - (b) Procedure for convening and conducting of the meetings of the Executive Committee and such other bodies as may be set up from time to time;
  - (c) Such other purpose as may be found necessary.

Powers and  
Duties of the  
Office Bearers  
Chairman/  
Member  
Secretary

5. (1) Powers/Duties as prescribed in section-4 the following powers/duties of Chairman/Member Secretary shall be in addition :--

- (a) **The Chairman** shall be the head of the fund, who shall preside over all the meetings of the Executive Committee and issue instructions to office bearers and members of the Executive Committee. He can call any emergency meeting of the Executive Committee.
- (b) **Vice Chairman** shall preside over all the meetings of the Executive Committee in absence of the Chairman, and perform all the duties of the Chairman and shall be vested with all the powers which will be formally assigned to him by the Chairman in writing.
- (c) **Member Secretary** shall exercise control over the property of the Fund and look after the administrative and legal matters of the Fund. Member Secretary shall be responsible for proper maintenance and prescribed annual audits of accounts of the Fund. He/she shall put up proposals and estimates for the works to be undertaken before the Executive Committee in consultation and with prior approval of the Chairman.

Meetings of the  
Executive  
Committee

6. The Executive Committee shall meet annually but in special case may meet whenever necessary with the permission of the Chairman. A fortnight's notice will be required for Executive Committee meeting. Under emergent circumstances meeting may be called by the Secretary with the approval of the Chairman at short notice.

Staff and their  
Remuneration

7. For the efficient performance of its duties and functions, the Executive Committee may engage on contract or deputation, for a fixed term not exceeding three years in any case, such person or persons on the staff as it deems necessary and prescribe the terms and conditions of such engagement and their remunerations. The expenditure to be incurred for such engagements shall be met out of the Nidhi funds.

### Chaper--3

Office of Fund

8. The office of the Fund shall be formed as a separate cell adjunct to the office of the Secretary, Urban Development, Govt. of Uttaranchal, Dehradun, i.e. Ex-Officio Secretary of the Fund.

Finances of the  
Fund

9. (1) There shall be established a Fund under the management and control of the Executive Committee into which shall be paid all monies. (including donations and grants etc.) received by the Fund and out of which shall be met all expenses including any payments or grants made and liabilities incurred by the Fund.

(2) The Fund will raise funds from the various sources, including donations and contributions from individuals, public and private institutions, trusts, bodies corporate, and both Union and State Governments.

(3) The Executive Committee may invest any money for the time being standing to the credit of the Fund in fixed deposits with the nationalized banks.



(4) The Executive Committee by a resolution passed by simple majority authorize spending of moneys, limited to two thirds of its total receipts, on works/ activities consistent with the aims and objects of the Fund in such manner as it deems fit and proper.

(5) The annual accounts of the Fund shall be subject to audit by a Chartered Accountant in practice within the meaning of the Chartered Accountant Act, 1949 (38 of 1949), to be appointed annually by the Executive Committee.

(6) As soon as may be practicable after the end of each year, but not later than the 30<sup>th</sup> day of September of the year next following, the Executive Committee shall cause to be published in the Gazette of Uttaranchal a copy of the audited accounts and the report of the Executive Committee for that year and copies of the said accounts and report shall be forwarded to the State Government and to all the members of the Fund.

(7) The bank accounts of the fund shall be opened with the State Bank of India Main Branch, Dehradun and Hardwar, which shall be operated jointly by the Joint Secretary and the Treasurer of the fund.

10. The Executive Committee shall annually submit to the State Government a report on the administration of the affairs of the Fund by such time as the State Governments may prescribe.

Annual  
Administrative  
Report

#### Chapter--4 (Miscellaneous)

11. The State Government shall have power to call for such information and accounts as may in their opinion be necessary for reasonably satisfying themselves that the Fund is properly managed, maintained and administered, and the Executive Committee shall, on such requisition, furnish forthwith such information and accounts to the State Government.

Power of the  
State  
Government to  
call for  
information and  
accounts

12. No suit or proceedings shall lie in any court against the Executive Committee or its Members for anything done or purported to be done by them in good faith in pursuance of the aims and objects of the Fund under the provisions of this Act.

Bar to suit or  
proceedings

13. (1) The Committee may make bye-laws not inconsistent with this Act or any other law for the following provisions :--

Power of the  
Executive  
Committee to  
make bye-rules

- (a) the division of duties among the Chairman, the Vice-Chairman, the Member Secretary and the members of the Executive Committee;
- (b) the manner in which their decision may be ascertained otherwise than at the meetings;
- (c) the procedure and conduct of business at meetings of the Executive Committee;
- (d) the delegation of powers of the Executive Committee to individual members or to a sub-committee or sub-committees;
- (e) the books of accounts to be kept at the office of the Executive Committee;
- (f) the custody and deployment of the Fund;
- (g) the details to be included in or excluded from the budget of the Executive Committee;
- (h) the time and place of its meetings;
- (i) the manner in which notice of its meetings shall be given;
- (j) the manner in which the proceedings of its meetings shall be recorded and published;
- (k) the persons by whom receipts may be issued for monies paid to the committee;
- (l) the performance of duties.



Power to  
Remove  
Difficulties

(2) All bye-laws or cancellation or alteration of existing bye-laws after they have been confirmed by the State Government shall be published in the official Gazette, and shall thereafter have the force of law.

14. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, take action not inconsistent with this Act for the purpose of removing the difficulty.

By Order,

**BHAROSI LAL,**  
Secretary.