

No. 599 (2)/LXXIX-V-1-2023-1-ka-23-2023

Dated Lucknow, December 8, 2023



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 Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Adhiniyam, 2023 (Uttar Pradesh Adhiniyam Sankhya 24 of 2023) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 7, 2023. The Paryatan Anubhag is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH SHREE DEVIPATAN DHAM TEERTH VIKAS PARISHAD
ACT, 2023

(U.P. ACT NO. 24 OF 2023)

[As Passed by the Uttar Pradesh Legislature]

AN

ACT

To provide for the constitution of Shree Devipatan Dham Teerth Vikas Parishad for the preparation of a plan for preserving, developing and maintaining the aesthetic quality of Devipatan Dham's in all hues-cultural, ecological and architectural; co-ordinating and monitoring the implementation of such plan and for evolving harmonized policies for integrated tourism development and heritage conservation and management in the region; giving advice and guidance to any Department/Local body/Authority in the District of Balrampur in respect of any plan, project or any development proposal which affects or is likely to affect the heritage resources of the Devipatan region and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Seventy fourth Year of the Republic of India as follows: -

CHAPTER-I

PRELIMINARY

1. (1) This Act may be called the Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Act, 2023 . Short title,
extent and
commencement

(2) It extends to the boundaries of Tulsipur tehsil situated within the revenue District of Balrampur in Uttar Pradesh.

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

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

Definitions

(a) "Devipatan Region" means the whole of the area within the revenue Tehsil of Tulsipur in District Balrampur of Uttar Pradesh;

(b) "Chief Executive Officer" means the Chief Executive Officer of the Parishad appointed under section 4;

(c) "Executive Committee" means the Executive Committee constituted under sub-section (1) of section 5;

(d) "Executive Vice-Chairperson" means the Executive Vice-Chairperson of the Parishad appointed under section 4;

(e) “Implementing agency” means a department of the State Government or a public undertaking under the jurisdiction of the State Government or the Government of India chosen for preparation and/or implementation of any Project plan;

(f) “Land” includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(g) “Local body” means a Development Authority, Municipal Body or any other local authority concerned with the urban development within the Balrampur District or any Gram Panchayat under the same;

(h) “Member” means a member of the Parishad or the Planning and Development Committee and includes the Chairperson thereof;

(i) “Parishad” means the Shree Devipatan Dham Teerth Vikas Parishad constituted under section 3;

(j) “Participating Department” means the State Government Departments or a Local Body in Balrampur District whose activities have or are likely to have bearing on the functions of the Parishad;

(k) “Plan” means the Shree Devipatan Dham Teerth Vikas Plan;

(l) “Planning and Development Committee” means the Planning and Development Committee constituted under section 6;

(m) “Prescribed” means prescribed by rules made under this Act;

(n) “Project Plan” means a detailed plan prepared to implement one or more elements to the Plan;

(o) “Regulations” means regulations made by the Parishad under this Act;

(p) “Shree Devipatan Dham Teerth Vikas Plan” means the plan prepared under this Act for the development of the Devipatan region and for the development of infrastructure facilities for tourism and culture essentially for religious activities and Spiritual Tourism. The function of the trust would be for conservation of the Heritage, both tangible and intangible, in the Devipatan region;

CHAPTER-II

THE SHREE DEVIPATAN DHAM TEERTH VIKAS PARISHAD

Constitution and
incorporation of
Shree Devipatan
Dham Teerth
Vikas Parishad

3. (1) The State Government shall, by notification in the *Gazette*, constitute for this Act, a Parishad, to be called the Shree Devipatan Dham Teerth Vikas Parishad.

(2) The Parishad shall be a corporate body.

(3) The Parishad shall consist of the following members, namely:-

(a) the Chief Minister, Uttar Pradesh who shall be the Chairperson of the Parishad;

(b) Vice-Chairperson-The Minister of Tourism Department, Government of Uttar Pradesh.



(c) Executive Vice-Chairperson-Appointed by Government of Uttar Pradesh under section 4(1).

(d) Member Co-ordinator-The Principal Secretary to Government of Uttar Pradesh in the Department of Tourism, *ex-officio*;

(e) The Principal Secretary to the Government of Uttar Pradesh in the Department of Housing and Urban Planning, *ex-officio*;

(f) The Principal Secretary to the Government of Uttar Pradesh in the Department of Finance, *ex-officio*;

(g) The Principal Secretary to the Government of Uttar Pradesh in the Department of Culture, *ex-officio*;

(h) The Principal Secretary to the Government of Uttar Pradesh in the Department of Religious Affairs, *ex-officio*;

(i) The Principal Secretary to the Government of Uttar Pradesh in the Department of Urban Development, *ex-officio*;

(j) The Principal Secretary to the Government of Uttar Pradesh in the Department of Transport, *ex-officio*;

(k) The Principal Secretary to the Government of Uttar Pradesh in the Department of Environment, Forest and Climate change, *ex-officio*;

(l) The Principal Secretary to the Government of Uttar Pradesh in the Department of Public Works, *ex-officio*;

(m) The Commissioner, Devipatan Division, *ex-officio*;

(n) The District Magistrate, (Balrampur) , *ex-officio*;

(o) The Chief Town and Country Planner, Uttar Pradesh, *ex-officio*;

(p) The Chief Executive Officer of the Parishad who shall be the Member-Secretary;

(q) The Chairman, Regulated area Development Authority, (Balrampur), *ex-officio*;

(r) The Executive Officer Balrampur Nagar Palika Parishad, *ex-officio*;

(s) Five eminent persons having knowledge, experience, exposure and track record of efforts for the conservation of heritage of Uttar Pradesh, to be nominated by the Chairperson in consultation with the State Government ;

(t) Donors who donate a sum of Rs. One crore or more shall be eligible to be considered as a nominated member for a period of three years and upon approval of the Parishad.

(4) The terms and conditions of office of the members nominated under clause (p) and (q) of sub-section (3) shall be such as may be prescribed.

4. (1) There shall be an Executive Vice-Chairperson of the Parishad to be appointed by the Chief Minister of Uttar Pradesh.

The Executive
Vice-
Chairperson
and the Chief
Executive
officer

(2) There shall be the Chief Executive Officer of the Parishad to be appointed by the State Government from amongst the Senior PCS officers of the State Government.

(3) The Chief Executive Officer shall be the officer of the Parishad and all the officers and employees appointed by the Government on deputation or taken on contractual basis shall be under the administrative control of the Chief Executive Officer.

(4) The Executive Vice-Chairperson and the Chief Executive Officer shall be entitled to receive from the fund of the Parishad such salaries and allowances as applicable to the rank held by him/her in the parent department or any special order of the Government and be governed by such conditions of service as may be determined by general or special order of the State Government in this behalf.

(5) All orders and decisions and other instruments of the Parishad shall be authenticated by the signature of the Chief Executive Officer.

(6) The Chief Executive Officer (hereinafter referred to as "CEO") will be supported by Assistant Chief Executive Officer who shall be of the rank of Additional District Magistrate. The CEO will be assisted by One Town Planner, One Executive Engineer, Two Assistant Engineer, Three Junior Engineer s and Four administrative staff who shall be on deputation from different departments of the State Government. The salary and other allowances for the staff shall be as in the parent department. The class IV employees shall be employed on contractual basis and their emolument and salary structure will be decided by the Parishad. Moreover, their recruitment and salary structure will be on the approval of the Parishad.

(7) The Parishad shall have the right to increase or decrease number of officers or staff as per the requirement.

The Executive Committee

5. (1) There shall be an Executive Committee to exercise the powers and the functions of the Parishad in the event of an emergency or other time-sensitive matters when it is not practicable to assemble the entire Parishad. The Executive Committee shall comprise of all the *ex-officio* members of the Parishad and shall be chaired by the Chief Secretary .

(2) The Parishad shall, in its next meeting, review the decisions of the Executive Committee and may modify, reject or rectify the action taken by the Executive Committee.

Composition of the Planning and Development Committee

6. (1) The Parishad shall, as soon as may be, after the commencement of this Act, constitute a Planning and Development Committee, for assisting the Parishad in the discharge of its functions.

(2) The Planning and Development Committee shall consist of the following members, namely: -

(a) the commissioner, Devipatan mandal , who shall be the Chairperson, *ex-officio*;

(b) the Chief Executive Officer, who shall be the Member Secretary,

(c) the Senior Superintendent of Police, Balrampur, *ex-officio*;

(d) the Divisional Forest Officer, Sohelwa Wildlife Division, *ex-officio*;

(e) the Chief Development Officer, Balrampur, *ex-officio*;

(f) the Additional Superintendent of Police, Balrampur *ex-officio* ;

(g) the Executive Officer, Balrampur Nagar Palika Parishad , *ex-officio*;

(h) the Sahyukt Niyojak, Nagar evam Gram Niyojan Vibhag, Ayodhya, Uttar Pradesh, *ex-officio*;

(i) the Superintending Engineer, Public Works Departments, Balrampur, *ex-officio*;



(j) the Superintending Engineer, Drainage Board Gonda, Devipatan, Irrigation and Water Resources Department, Uttar Pradesh, *ex-officio*;

(k) the Superintending Engineer, Madhyanchal Vidyut Vitran Nigam Limited (Urban and Rural), Balrampur, *ex-officio*;

(l) the Superintending Engineer, Uttar Pradesh Jal Nigam, Balrampur, *ex-officio*;

(m) the Regional Officer, UP Pollution Control Board, Balrampur/ Devipatan Division, *ex-officio*;

(n) the Regional Tourist Officer, Ayodhya, *ex-officio*;

(o) a Landscape Designer and interpretive planner, to be nominated by the State Government;

(p) an Environmentalist to be nominated by the State Government;

(q) an Eminent historian having experience in the cultural and mythological history of the state, to be nominated by the State Government;

(r) a Litterateur or an Artist of repute having experience of the state, to be appointed by the State Government;

(s) an Eminent lawyer, to be appointed by the State Government;

(t) two eminent public representatives or Social Workers, to be appointed by the State Government;

(3) The terms and conditions of office of the members nominated under clauses (q), (r), (s) and (t) of sub- section (2) shall be such as may be prescribed.

7. (1) The Parishad or the Planning and Development Committee may meet at any time and for such period as it thinks fit, co-opt any person or persons as a member or members of the Parishad or of the Planning and Development Committee; Power to co-opt

(2) A person co-opted under sub-section (1) shall exercise and discharge all the powers and functions of a member of the Parishad or of the Planning and Development Committee, as the case may be, but shall not be entitled to vote.

8. The headquarter of the Parishad shall be at Balrampur.

Headquarters of the Parishad

9. The Parishad shall meet at such times and at such place as may be determined by it from time to time.

Meetings of the Parishad

10. The Planning and Development Committee shall meet at such times as may be decided by the Chairperson of the Planning and Development Committee or directed by the Vice-Chairperson of the Parishad but the time between two consecutive meetings shall not exceed sixty days.

Meetings of the Planning and Development Committee

11. No act or proceeding of the Parishad or of the Planning and Development Committee shall be invalid merely by reason of the existence of any vacancy in, or any defect in the constitution of the Parishad or the Planning and Development Committee as the case may be.

Vacancies, etc. not to invalidate proceedings of the Parishad or the Planning and Development Committee

12. The quorum for the meetings of the Parishad and the Planning and Development Committee shall comprise of 2/3 rd of the members, rounded down to nearest integer.

Quorum of the meeting

CHAPTER-III

POWERS AND FUNCTIONS OF THE PARISHAD AND OF THE PLANNING AND DEVELOPMENT COMMITTEE



Power of the
Parishad

13. The powers of the Parishad shall include the powers to-

- (a) call for reports and information from the Participating Departments with regards to preparation, enforcement and implementation of the Plan and the Projects;
- (b) ensure that the preparation, enforcement and implementation of the Plan or the Project is in conformity with the Devipatan Culture and Architecture;
- (c) a committee will be formed by the Parishad under the Chairmanship of District Magistrate Balrampur for enforcement, regulation and implementation of the plan. The Parishad reserves the right to make any changes in the constitution of the committee;
- (d) indicate the stages for the implementation of the Plan;
- (e) review the implementation of the Plan and the Projects;
- (f) select and approve comprehensive projects from the participating Departments, call for priority development and provide such assistance for the implementation of those projects as the Parishad may deem fit;
- (g) levy fee or charges for providing services and facilities or for maintenance and development thereof from the tourists;
- (h) *suo-moto* take up any work/project to promote and secure the development, re-development and beautification of any area in the entire Devipatan region;
- (i) select an Implementing Agency for preparation and implementation of any Project plan in a transparent manner by following all the rules and regulations of the state government of Uttar Pradesh;
- (j) entrust to the Planning and Development Committee such other functions as it may consider necessary to carry out the provisions of this Act.

Functions of the
Parishad

14. The functions of the Parishad shall be-

- (a) to prepare the Plan;
- (b) to arrange for the preparation of projects by any of the Participating Departments (All departments of State Govt.);
- (c) to co-ordinate the enforcement and implementation of the Plan and the Projects through any one or more of the Participating Departments or Implementing Agencies;
- (d) to ensure proper and systematic programming by the participating departments regarding project formulation, determination of priorities in the Devipatan region and phasing of development of infrastructural facilities for tourism and conservation of the Devipatan Heritage in accordance with stages indicated in the Plan;
- (e) there will be budgetary provision for the Devipatan from the Department of Tourism and Fund will be raised from other sources like donations, rentals, utilization of infrastructure under PPP mode on profit sharing basis;
- (f) to make concerted efforts towards enhancing awareness and interest in intangible cultural heritage, and document, conserve, safeguard, promote, display and disseminate it systematically;
- (g) to undertake and encourage research in the field of heritage of the region;



(h) to undertake conservation and development of rivers and water bodies and their catchments in the Devipatan Region, to undertake measures for pollution control therein and development of river fronts and water bodies;

(i) to formulate Architectural Regulations to bring about uniformity of the buildings and structures in conformity with the heritage architecture of the region;

(j) to formulate policies to ensure co-ordination between various stakeholders-Government Departments, Local Bodies, Temple Management/Trusts, Self Help Groups, Researchers and Scholars for integrated development of tourism infrastructure and Activities/projects for strengthening, protecting, preserving and promoting the rich cultural heritage of the Devipatan region;

(k) to arrange for, and oversee, the financing of selected development projects in the Devipatan region through State funds and other sources of revenue like funds from Temple Trusts, donations, Non-government Organization, company/firms and tourists, etc;

(l) the Parishad may open Trust and Retention Account (TRA) account or Escrow Account for mobilization of funding;

(m) to coordinate with authorities in adjoining regions in matters and activities there that have or may have a bearing in Devipatan region to promote harmony in actions.

15. (1) The functions of the Planning and Development Committee shall be to assist the Parishad in-

Functions of
the Planning
and
Development
Committee

(a) the preparation and co-ordinated implementation of the Plan and the Projects;

(b) scrutinizing the projects of the Participating Department or an implementing agency to ensure that the same are in conformity with the Plan;

(c) making of such recommendations to the Parishad as it may think necessary to amend or modify any Plan;

(d) co-ordinating and Implementing different Projects at the District level;

(e) performing of such other functions, in connection with the administration of this Act, as may be entrusted to it by the Parishad.

(2) Different Government departments in the District having departmental budget sanctions and other implementing agencies shall also co-ordinate with the Planning and Development Committee to ensure convergence and co-ordination of their schemes/Projects with those which are under the Plan.

CHAPTER-IV

THE PLAN AND THE PROJECT PLANS

16. (1) The Plan shall be a written statement and shall be accompanied by such maps, diagrams, illustrations, and descriptive matters, as the Parishad may deem appropriate for explaining or illustrating the proposals contained in the Plan and every such maps, diagrams, illustration, and descriptive matters shall be deemed to be a part of the Plan;

Contents of
the Plan

(2) The Plan shall indicate the way the development activities in the Devipatan Region or conservation and such other matters, as are likely to have any important influence on the development of the tourism in Devipatan Region and conservation of Devipatan Heritage shall be undertaken. The Plan shall include the following elements needed to achieve objectives of the Plan, namely:-

- (a) the policy to regulate land-use and the allocation of land for different uses;
- (b) the proposals for major Urban settlement pattern and architectural regulations;
- (c) the proposals for providing suitable economic base for future growth;
- (d) the proposals regarding transport and communication including railways and arterial roads serving the region including local transport;
- (e) the proposal for the supply of urban services like drinking water, sewerage and drainage;
- (f) indication of the areas which require immediate development as priority areas;
- (g) the proposals towards enhancing awareness and interest in intangible cultural heritage, and document, conserve, safeguard, promote, display and disseminate it systematically;
- (h) such other matter as may be included by the Parishad in consultation with the concerned participating departments for the proper planning for the growth and balanced development of the Devipatan Region.

Surveys and
Studies

17. For the preparation of the Plan, the Parishad may cause such surveys and studies as it may consider necessary to be made by such participating departments or persons as it may appoint in this behalf and may also associate such experts or consultants for carrying out studies in relation to such specific matters as may be determined by it.

Procedure to be
followed for
preparation of
the Plan

18. (1) Before finalising the Plan, the Parishad shall prepare with the assistance of the Planning and Development Committee, a Plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and in such manner as may be prescribed inviting objections and suggestions from any person with respect to the draft Plan before such date as may be specified in the notice.

(2) The Parishad shall also give reasonable opportunities to every Local Authority/ Department, within whose local limits, any land affected in any manner by the Plan is situated, to make any representation with respect to the draft Plan.

(3) After considering all objections, suggestions and representations that have been received by the Parishad, the Parishad shall finally prepare the Plan.

Date of coming
into operation of
the Plan

19. Immediately after the Plan has been finally prepared, the Parishad shall publish, in such manner as may be prescribed, a notice stating that the Plan has been finally prepared by it and naming the places where a copy of the Plan may be inspected at all reasonable hours and upon the date of first publication of the aforesaid notice, the Plan shall come into force and will be deemed to have been duly prepared.

Modifications of
the Plan

20. (1) The Parishad may, subject to the provisions of sub-section (2) make such modifications in the Plan, as it may think fit, which in its opinion do not affect important character of the Plan and which do not relate to the extent of land uses or the standards of population density.

(2) Before making any modification in the finally prepared plan the Parishad shall publish a notice in such form and in such manner as may be prescribed indicating therein the modifications which are proposed to be made in the finally prepared Plan, and inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by it on or before the date so specified.

(3) Every modification made under this section shall be published in such manner as the Parishad may specify and the modification shall come into operation either on the date of such publication or on such later date as the Parishad may fix.



(4) If any question arises whether the modifications proposed to be made are modifications which affect important character of the Plan, it shall be decided by the Parishad whose decision thereon shall be final.

21. (1) After every five years from the date of coming into operation of the finally prepared Plan, the Parishad shall review such Plan in its entirety and may, after such review, substitute it by a fresh Plan or may carry out such modifications or alterations therein as may be found by it to be necessary in concurrence with Planning and Development Committee.

Review and
revision of the
plan

(2) Where it is proposed to substitute the Plan with a fresh Plan or where it is proposed to carry out any modification or alteration, such fresh Plan or, as the case may be, modifications or alterations, shall be published and dealt with in the same manner as if it were the Plan referred to in section 18 and 19 or as if they were the modifications or alterations in the plan made under section 20.

22. (1) A participating department may, by itself or in collaboration with one or more of the participating departments, as the case may be, prepare Project Plans for one more element of the Plan.

Preparation of
the Project
Plan, co-
ordination and
convergence

(2) Various participating departments in the district receiving grants, loans or budget sanctioned by the State Government, shall ensure convergence/co-ordination of their departmental schemes with the schemes/projects under the Plan.

CHAPTER-V

FINANCE, ACCOUNTS AND AUDIT

23. The State Government may, after due appropriation made by Legislature by law in this behalf, make to the Parishad grants, advances and loans of such sums of money as it may consider necessary to enable the Parishad to carry out its functions under this Act.

Grants,
advances,
loans by the
Government

24. (1) There shall be constituted a Fund to be called the **Shree Devipatan Dham Teerth Vikas Parishad Fund**, to be maintained in a separate bank account of its own and there shall be credited thereto,-

Constitution of
the fund

(a) any grants and loans made to the Parishad by the State Government under section 23;

(b) all sums paid to the Parishad by the participating departments;

(c) sums received from other sources such as Temple Trusts, donations from Non-Government Organization, companies, firms and individuals, etc; and

(d) any other sums received by the Parishad from such other sources as may be decided upon by the State Government in consultation with the Parishad.

(2) The sums credited to the Fund referred to in sub-section (1) shall be applied for-

(a) meeting the salaries, allowances and other remuneration of the Executive Vice-Chairperson, Chief Executive Officer, Additional Chief Executive Officer, the Finance Officer and other officers and employees of the Parishad and for meeting other administrative expenses of the Parishad;

(b) conducting surveys, preliminary studies and drawing up plans/projects for the Devipatan Region;

(c) providing financial assistance to the participating departments and Implementing Agencies for the implementation of the Plan and the projects;

(d) meeting any other expenses incurred by the Parishad in the administration of this Act.

Budget

25. The Parishad shall prepare in such form and at such time every year, as the State Government may specify, a budget for the next ensuing financial year and forward the same to the State Government at least ninety days prior to the commencement of the financial year.

Annual Report

26. The Parishad shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date as the State Government may specify and such report shall be laid before both Houses of the State Legislature.

Accounts and audit

27. (1) The Parishad shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as applicable to the various State Government Departments.

(2) The accounts of the Parishad shall be subject to audit annually by the Examiner, Local fund Accounts and/or the State Government may entrust the audit to the Accountant General, Uttar Pradesh or the Comptroller and Auditor General of India or to any other Auditor on such terms and conditions, in such manner, for such period and at such times as may be agreed upon between him and the State Government.

(3) The rights, authority and privileges of any person conducting audit under subsection (2) shall,

(a) in the case of Examiner, Local Fund Accounts, be the same as he has in connection with the audit of the accounts of local authority;

(b) in the case of the Accountant General, Uttar Pradesh or the Comptroller and Auditor General of India, be the same as he has in connection with the audit of Government accounts; and

(c) in the case of any other auditor, be as prescribed;

(4) The Parishad shall furnish, to the State Government annually or at such times as may be directed by it, a copy of its audited accounts together with the auditor's report thereon.

Annual report and Auditor's report to be laid before the State legislature

28. The State Government shall cause the annual report and the auditor's report to be laid as soon as may be after their receipts, before each House of the State Legislature while it is in session.

CHAPTER-VI

ACQUISITION AND DISPOSAL OF LAND

Acquisition of Land for the purpose of the Bill

29. (1) If, in the opinion of the State Government, any land is required for the development or for any other purpose under this Act, the State Government may acquire such land under the provisions of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no. 30 of 2013).

(2) Where any land has been acquired by the State Government, it may, after it has taken possession of the land, transfer the land to the Parishad for the purpose for which the land has been acquired on payment by the Parishad of the compensation awarded under the Act referred to in sub section (1) and of the charges incurred by the State Government in connection with the acquisition.



(3) Subject to any directions given by the State Government in this behalf, the land acquired by the State Government and transferred to the Parishad may be transferred by the Parishad to such agency owned or controlled by State Government, in such manner and subject to such terms and conditions as it may consider expedient for securing the development of the Devipatan region after undertaking or carrying out such development as it thinks fit for the purpose of this Act.

30. No change of purpose or related purposes for which land is originally sought to be acquired shall be allowed except for as provided in the Act referred to in sub-section (1) of section 29. No change of purpose allowed

31. When any land acquired for this Act remains unutilized it shall be disposed of according to the provisions of the Act referred to in sub-section (1) of section 29. Return of unutilised land

CHAPTER-VII

MISCELLANEOUS

32. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other Act or law for the time being in force. Provisions to be in addition to existing laws

33. The State Government may, from time to time, give such directions to the Parishad as it may think fit for the efficient administration of this Act and the Parishad shall be bound to comply with such directions. Power of the State Government to give directions

34. (1) The State Government may direct any of its departments to provide, on such terms and conditions as may be mutually agreed upon, such technical assistance to the Parishad as it may consider necessary. Technical Assistances to the Parishad/ Planning and Development Committee

(2) With a view to enabling the Planning and Development Committee to discharge its functions, the Parishad shall, out of the technical assistance received by it under sub-section (1) make available to the Planning and Development Committee such technical assistance as the Planning and Development Committee may require.

35. (1) The State Government may appoint one person each as Additional Chief Executive Officer and the Finance Officer of the Parishad who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Parishad or the Chief Executive Officer. Officers and employees of the Parishad

(2) Subject to such control and restrictions as may be determined by general or special order of the State Government, the Parishad may, subject to any rules that may be made in this behalf, make appointments on such post and determine the designations and grades of persons so appointed as may be necessary for the efficient discharge of its functions under this Act.

(3) There shall be a legal advisor to advise the Parishad in legal matters, who shall be appointed on contractual basis by the State Government as approved by Board of Trustees. The legal advisor shall be paid case to case basis.

(4) The qualifications, terms and conditions of service and functions and duties of officers and employees, appointed under sub-section (2), shall be such as may be prescribed.

(5) The Additional Chief Executive Officer, the Finance Officer and other Officers and employees of the Parishad shall be deputed from any department on deputation and shall be entitled to receive the salaries and allowances from the funds of the Parishad for a minimum period of 3 years and maximum period of 5 years with the approval of the State Government.

Delegation	<p>36. The Parishad may, by general or special order, direct that any function or power (other than the power to approve the Plan, modifications and alterations therein and to make regulations), or duty performed, exercised or discharged by it under this Act or the rules made there under shall, subject to such conditions, if any, as may specified in such order, be performed, exercised or discharged also by such officer as may be specified in the said order and where any such delegation of power is made, the officer to whom such power is delegated shall perform, exercise or discharge those powers.</p>
Power of entry	<p>37. Subject to any rules made in this behalf, any person generally or specially authorized by the Parishad in this behalf, may, at all reasonable times, enter upon any land or premises and do such things thereon as may be necessary for the purpose of lawfully carrying out any works or for making any survey, examination or investigation, preliminary or incidental to the exercise of any power or performance of any function by the Parishad under this Act :</p> <p>Provided that no such person shall enter any building, or any enclosed courtyard or garden attached to a dwelling- house without previously giving the occupier thereof at least three days' notice in writing of his intention to do so.</p>
Officers and employees of the Parishad to be public servants	<p>38. The Officers and other employees of the Parishad shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act no. 45 of 1860).</p>
Protection of action taken in good faith	<p>39. No suit, prosecution or other legal proceeding shall lie against the Parishad, Planning and Development Committee, their Members, officers or employees including any other person authorized by them to exercise any power or to discharge any function under this Act for anything which is done or intended to be done in good faith under this Act.</p>
Power to make rules	<p>40. (1) The State Government may, by notification in the <i>Gazette</i> , make rules to carry out the purposes of this Act.</p> <p>(2) Without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:-</p> <p>(a) the terms and conditions of the office of the members as required by sub-section (4) of section 3 and sub-section (3) of section 6;</p> <p>(b) the form and manner in which notice under sub-section (1) of section 18 and sub-section (2) of section 20 shall be published;</p> <p>(c) the manner in which notice under sub-section (1) of section 19 shall be published;</p> <p>(d) any other matter which is to be or may be prescribed or in respect of which provision is to be or may be made by rules;</p> <p>(e) the officer's staff for the Parishad may be taken from any of the Departments on the basis of deputation for a minimum period of 3 years and maximum period of 5 years with the approval of the State Government;</p> <p>(f) the Parishad must follow the general rules and guidelines issued by the Government, for all departments from time to time for bringing transparency and ethical work.</p>

41. (1) The Parishad may, with the previous approval of the State Government by notification in the *Gazette* make regulations not inconsistent with this Act and the rules made there under to carry out the provisions of this Act.

Power to
make
regulations



(2) In particular and without prejudice to the generality of the foregoing powers such regulations may provide for all or any of the following matters, namely:-

(a) the manner in which and the purpose for which the Parishad may associate with itself any person under section 17;

(b) the terms and conditions of service of the officers and employees of the Parishad under sub-section (4) of section 34;

(c) any other matter in respect of which provision is to be or may be made by Regulations.

42. (1) Where the State Government is satisfied that the purpose for which the Parishad was established under this Act have been substantially achieved or the Parishad has failed in its objectives, so as to render the continued existence of the Parishad in the opinion of the State Government unnecessary, the State Government may, by notification in the *Gazette*, declare that the Parishad shall be dissolved with effect from such date as may be specified in the notification; and the Parishad shall be deemed to have been dissolved accordingly.

Dissolution of
the Parishad

(2) From the said date—

(a) all properties, fund and dues which are vested in or, realizable by the Parishad shall vest in, or be realizable by, the State Government;

(b) all liabilities which are enforceable against the Parishad shall be enforceable against the State Government;

(c) for carrying out any work which has not been fully carried out by the Parishad and for realizing properties, funds and dues referred to in clause (a), the functions of the Parishad shall be discharged by the State Government.

(3) Nothing in this section shall be construed as preventing the State Government from reconstituting the Parishad in accordance with the provisions of this Act.

43. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, for removing such difficulty, by order published in the *Gazette*, direct that the provision of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary and expedient.

Power to
remove
difficulties

(2) No order under sub-section (1) shall be made after the expiration of a period of two years from the date of commencement of this Act.

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

STATEMENT OF OBJECTS AND REASONS

There has been felt a need to provide for the constitution of Shree Devipatan Dham Teerth Vikas Parishad for the preparation of a plan for preserving, developing and maintaining the aesthetic quality of Devipatan Dham in all hues-cultural, ecological and architectural; co-ordinating and monitoring the implementation of such plan and for evolving harmonized policies for integrated tourism development and heritage conservation and management in the region; giving advice and guidance to any Department/Local body/Authority in the District of Balrampur in respect of any plan, project or any development proposal which affects or is likely to affect the heritage resources of the Devipatan region and for matters connected therewith or incidental thereto.

In view of the above, it has been decided to make a law to provide for the establishment of Shree Devipatan Dham Teerth Vikas Parishad.

The Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Bill, 2023 is introduced accordingly.

By order,
ATUL SRIVASTAVA,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 792 राजपत्र-2023-(2266)-599 प्रतियां (कम्प्यूटर/टी०/ऑफसेट)।

पी०एस०यू०पी०-ए०पी० 143 सा० विधायी-2023-(2267)-300 प्रतियां (कम्प्यूटर/टी०/ऑफसेट)।