

**Uttar Pradesh Dr. Bhim Rao Ambedkar Samajik Parivartan
Sthal Act, 2007**

43 of 2007

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**Uttar Pradesh Dr. Bhim Rao Ambedkar Samajik Parivartan
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An Act to provide for the establishment of the Board of Management for the preservation, development, protection and maintenance of Dr. Bhim Rao Ambedkar Samajik Parivartan Sthal, situated at Vipin Khand of Gomti Nagar, Lucknow in Uttar Pradesh and for the matters connected therewith or incidental thereto It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-- 1. Received the assent of the Governor on December 6, 2007 and published in the U.P. Gazette, Extra., Part 1. Section (Ka), dated 7th December, 2007, pp. 7-11

1. Short Title And Commencement :-

(1) This Act may be called the Uttar Pradesh Dr. Bhim Rao Ambedkar Samajik Parivartan Sthal Act, 2007.

(2) It shall be deemed to have come into force on August 16, 2007.

2. Definitions :-

In this Act, unless the context otherwise requires--

(a) "Board" means the Board of Management constituted under Section 4;

(b) "Chief Executive Officer" means an officer appointed by the Board of Management under Section 8;

(c) "development", with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in any building or land, of the Sthal;

(d) "maintenance", with its grammatical variations and cognate expressions, means the fencing, covering in, repairing, restoring, and cleansing of the Sthal, and the doing of any act which may be necessary for the purpose of preserving the Sthal;

(e) "preservation", with its grammatical variations and cognate expressions, means the protecting, conserving, safeguarding, maintaining and upkeeping of the Sthal;

(f) "protection" mean safeguarding the Sthal and works of art from future deterioration, deface, neglect or damage;

(g) "Sthal" means Dr. Bhim Rao Ambedkar Samajik Parivartan Sthal including Dr. Bhim Rao Ambedkar Smarak, Dr. Bhim Rao Ambedkar Samajik Parivartan Sanghralaya, Samtamulak Samaj Vyavastha Sthal and other structures appurtenant thereto, bound by the four roads namely the road between the Hotel Taj and the Sthal on the North side, the road between Vipul Khand of Gomti Nagar Scheme and the Sthal on the East side, the road between the Sahara City and the Sthal on the South side and the road between the Gomti River Bandha and the Sthal on the West side, excluding the area measuring fifteen acres of land situated at the South-East corner of the Sthal.

3. Incorporation Of The Sthal :-

(1) The Chairman, Vice-Chairman and all the members of the Board as enumerated in sub-section (2) of Section 4 shall constitute a body corporate by the name of Dr. Bhim Rao Ambedkar Samajik Parivartan Sthal.

(2) All the properties, referred to in clause (g) or Section 2 along

with assests and liabilities shall vest in the Sthal.

4. Constitution Of The Board :-

(1) The State Government shall, by notification, in the Gazette establish a Board for the management of the affairs of the Sthal.

(2) The Board shall consist of:

(i) the Chief Minister of Uttar Pradesh, ex-officio; Chairman

(ii) the Minister for Housing and Urban Planning, Government of Uttar Pradesh, ex-officio; Vice-Chairman

(iii) the Chief Secretary to the State Government, or any Principal Secretary nominated by him, ex-officio; Member

(iv) the Principal Secretary to the State Government in the Department of Law, ex-officio; Member

(v) the Principal Secretary to the State Government in the Department of Finance, ex-officio; Member

(vi) the Principal Secretary to the State Government in the Department of Urban Development, ex-officio; Member

(vii) the Principal Secretary/Secretary to the State Government in the Department of Housing & Urban Planning, ex-officio; Member

(viii) the Principal Secretary to the State Government in the Department of Public Works, ex-officio; Member

(ix) the Principal Secretary to the State Government in the Department of Tourism, ex-officio; Member

(x) the Principal Secretary to the State Government in the Department of Energy, ex-officio; Member

(xi) the Commissioner, Lucknow Division, Lucknow, ex-officio; Member

(xii) Chief Executive Officer; Member-Secretary

5. Objects Of The Sthal :-

The objects of the Sthal shall be:--

(a) to serve as a symbol inspiring social, educational and political awareness and the establishment of an equality based social structure amongst the suppressed, weaker and oppressed segments of the society, especially amongst the Scheduled Castes, Scheduled Tribes and the Other Backward Classes;

(b) to collect and preserve the works, thoughts, materials used, research papers, etc. related with the life struggle of the eminent protagonists of social change, like Mahatma Gautam Buddha, Sant Kabir Das, Sant Ravi Das, Guru Ghasi Das, Mahatma Birsa Munda, Mahatma Jyotiba Phule, Chhatrapati Shahuji Maharaj, Narayana

Guru, Dr. Bhim Rao Ambedkar, Manyawar Kanshiramji etc.; who devoted their lives for bringing about a social change from the inequality based social structure to the equality based social structure in India;

(c) to provide a forum for useful dialogue on elimination of social, economic, religious and other inequalities and to promote establishment of an equality based social structure, as well as national integration.

6. Powers And Functions Of The Board :-

Subject to the provisions of this Act and the rules made thereunder, the powers and functions of the Board shall be,--

(a) to preserve, develop, protect and maintain the Sthal on a sustainable basis and to manage its affairs in such a way so as to achieve the objects of the Sthal;

(b) to manage the funds of the Sthal;

(c) to execute the provisions of this Ordinance or rules made thereunder;

(d) any other functions as may be prescribed.

7. Delegation Of Powers :-

Subject to the provisions of this Act and the rules made thereunder, the Board may by general or special order delegate to any member of the Board, such of its powers and functions under this Act, as it may deem necessary.

8. Chief Executive Officer :-

(1) There shall be a Chief Executive Officer appointed by the Board, who shall be the Principal Administrative Officer of the Sthal and shall be responsible for the furtherance of the objectives of the Sthal, execution of the decisions of the Board and performance of the function provided in this Act. The other powers, functions and duties of the Chief Executive Officer shall be such as may be prescribed.

(2) The conditions of the service of the Chief Executive Officer shall be such as may be prescribed.

9. Other Officers And Employees Of The Sthal :-

(1) The Board may appoint such other officers and employees, as it considers necessary for the efficient management of the Sthal and

performance of other functions and duties provided in this Act and the rules made thereunder.

(2) The conditions of service of the officers and the employees of the Sthal shall be such as may be prescribed.

(3) The other officers and employees of the Sthal shall perform their functions and discharge their duties under the administrative control of the Chief Executive Officer.

10. Funds Of The Sthal :-

(1) Maintenance Fund.--There shall be a "Maintenance Fund" of the Sthal. The State Government, after due appropriation made by the State Legislature by law in this behalf, shall pay to the "Maintenance Fund" by way of grant, such sum of money as the State Government may think fit. Such sum of money shall be called the "Maintenance Fund" and shall be deposited in a separate account in a Scheduled Bank. The "Maintenance Fund" shall not be utilized for any other purpose and only the income accrued therefrom shall be utilized for the maintenance and upkeep of the Sthal.

(2) Development Fund.--The Sthal shall also establish a "Development Fund" to which the following moneys shall be credited:--

(a) grants made by the Government of India and the State Governments;

(b) voluntary contributions received by the Sthal;

(c) all donations moveable or immovable, gifts, and other moneys received by the Sthal in any other manner or from any other source. Such sum of money shall be called the "Development Fund" and shall be deposited in a separate account in a Scheduled Bank and no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

11. Restrictions On Construction Of Certain Buildings :-

No building shall be constructed within a distance of 50 mts the boundary of the Sthal, which exceeds half the height of the Dr. Bhim Rao Ambedkar Smarak dome.

12. Penalties :-

Whoever--

(a) destroys, removes, injures, alters, defaces, imperils, pollutes,

trespasses or misuses the Sthal; or

(b) removes from the Sthal any sculpture, carving, image, bas-relief, inscription, manuscript, or other like object; or

(c) does any act in contravention of Section 11:

shall be punishable with imprisonment which may extend to six months, or with fine, which may extend up to ten thousand rupees, or with both.

13. Power To Make Rules :-

(1) The State Government may, by notification in the Gazette, makes rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for--

(a) preservation, development, protection, maintenance and management of the Sthal;

(b) manner of appointment and duties and powers of the Chief Executive Officer and other employees;

(c) regulating and admission of persons in the premises of the Sthal;

(d) the right of access of the public to the Sthal and the fee if any, to be charged therefore;

(e) regulating the utilization of the Development Fund and the sum accrued on the Maintenance Fund;

(f) the time and place for the meetings of the Board, the manner of conduct of business of the meetings of the Board and the quorum of the meeting;

(g) other powers and functions of the Board;

(h) such other matters, not inconsistent with the provisions of this Act, as may be considered necessary to be prescribed.

14. Prohibition Of The Use Of Sthal :-

The Sthal, shall not except with the previous sanction of the Board, be used for any purpose other than the purpose for which it was created.

15. Overriding Effect Of This Act :-

The provisions of this Act shall have the overriding effect, notwithstanding anything contrary contained in any other law for the time being in force.

16. Accounts And Audit :-

- (1) The Chief Executive Officer shall maintain proper accounts and other relevant records and prepare an annual budget including the balance sheet in such form as may be prescribed.
- (2) The Chief Executive Officer shall prepare an annual statement of accounts and present before the Board for approval.
- (3) The accounts of the Sthal shall be subject to the audit annually by such Auditor as may be prescribed.
- (4) The Accounts of the Sthal, as certified by the Auditor together with audit report thereon, shall be forwarded to the State Government annually.

17. Power To Remove Difficulty :-

(1) The State Government may, for the purpose of removing any difficulty, direct that the provisions of this Act shall, during such period as may be prescribed, have effect subject to such adoption, by way of modifications, additions or omission as it may be necessary or expedient:

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

- (2) Every order made under sub-section (1), shall be laid before both houses of the State Legislature as soon as may possible after it is made.
- (3) No order made under sub-section (1) shall be called in question in any court of law on the ground that no difficulty as is referred to in that sub-section existed or was required to be removed.

18. Repeal And Saving :-

(1) The Uttar Pradesh Dr. Bhim Rao Ambedkar Samajik Parivartan Sthal Ordinance, 2007 (U.P. Ordinance No. 23 of 2007) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.