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**GOLF DEVELOPMENT AND  
MANAGEMENT AUTHORITY  
ACT, 2013.**

**(Act No. VIII of 2013)**

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**THE JAMMU AND KASHMIR GOLF DEVELOPMENT AND  
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**THE JAMMU AND KASHMIR GOLF DEVELOPMENT AND  
MANAGEMENT AUTHORITY ACT, 2013.**

**(Act No. VIII of 2013)**

*[Received the assent of the Governor on 24th April, 2013 and published  
in the Government Gazette dated 25th April, 2013.]*

An Act to provide for maintenance, creation, marketing, management and other affairs of the Golf Courses in the State.

Be it enacted by the Jammu and Kashmir Legislature in the Sixty-fourth Year of the Republic of India as follows :—

1. *Short title, application and commencement.*—(1) This Act may be called the Jammu and Kashmir Golf Development and Management Authority Act, 2013.

(2) It shall be applicable to such Golf Courses as may be notified by the Government from time to time.

(3) It shall come into force from the date of its publication in the Government Gazette.

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

- (a) “Act” means the Jammu and Kashmir Golf Development and Management Authority Act, 2013 ;
- (b) “Authority” means the Jammu and Kashmir Golf Development and Management Authority constituted under section 3 ;
- (c) “Authority Fund” means such grant-in-aid as may be received from the State/Central Government contributions from persons, members, non-governmental organizations and registration fee which may be required to be paid under this Act or any such contribution as may be prescribed by the Government from time to time ;

- (d) “Chairman” means the Chairman of the Golf Development and Management Authority ;
- (e) “Government” means the Government of Jammu and Kashmir ;
- (f) “Member” means the member of the Golf Development and Management Authority ;
- (g) “Managing Committee” means the committee to be appointed under section 16 of the Act ;
- (h) “prescribed” means prescribed by the rules made under the Act ;
- (i) “Vice-Chairman” means the Vice-Chairman of the Golf Development and Management Authority.

3. *Jammu and Kashmir Golf Development and Management Authority.*—

(1) The Government may, by notification in the Government Gazette, constitute an authority by the name of the Jammu and Kashmir Golf Development and Management Authority for the administration, management and governance of such Golf Courses as may be notified by the Government from time to time. The Authority consist of a Chairman, Vice-Chairman and not more than fifteen members. The composition of the Authority shall be as follows :—

- |   |     |                      |
|---|-----|----------------------|
| (i) Chief Minister  | ... | Ex-officio Chairman. |
| (ii) Minister for Tourism   | ... | Vice-Chairman.       |
| (iii) Minister of State for Tourism                                   | ... | Member.              |
| (iv) Chief Secretary  | ... | Member.              |
| (v) Director General of Police  | ... | Member.              |
| (vi) Principal Secretary to<br>Chief Minister                         | ... | Member.              |
| (vii) Administrative Secretary, Planning<br>& Development Department. | ... | Member.              |

- |        |   |     |                   |
|--------|---|-----|-------------------|
| (viii) | Administrative Secretary, Finance,<br>Department.   | ... | Member.           |
| (ix)   | Administrative Secretary, Tourism<br>& Culture Department.  | ... | Member.           |
| (x)    | Director Tourism, Kashmir.  | ... | Member.           |
| (xi)   | Director Tourism, Jammu.  | ... | Member.           |
| (xii)  | Managing Director-cum-<br>Chief Executive Officer,<br>Golf Development and<br>Management Authority.       | ... | Member-Secretary. |
| (xiii) | Two persons to be nominated<br>by the Chairman from the<br>eminent Golfers.                               | ... | Members.          |
| (xiv)  | Two persons to be nominated<br>by the Chairman from the<br>eminent sports persons other<br>than Golfers ; | ... | Members.          |

(2) A person shall not be eligible for being nominated as a member or for being a member of the Authority, if he suffers from or incurs any of the disqualifications specified in section 8 of the Act.

4. *Objects of the Authority.*—The objects of the Authority shall be to promote and secure the development of the Golf Courses which may be notified by Government under the Act, according to plan, carry out building, engineering and other operations, to execute works in connection with supply of water and electricity, disposal of sewerage and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto.

5. *Incorporation.*—The Authority shall be a body corporate and shall have perpetual succession and a common seal and may by the said name sue and be sued.

6. *Term of the office of the members.*—The nominated members of the Authority shall hold office for a term of two years from the date of their nominations under section 3 :

Provided that the Governnment may re-nominate any member for another term of two years only.

7. *Removal of member.*—The Chairperson may for good and sufficient reasons, remove any member :

Provided that no member shall be removed unless an opportunity of being heard is provided to him/her.

8. *Disqualifications for membership of Authority.*—A person shall be disqualified from being nominated as a member of the Authority—

- (a) if he is of an unsound mind and stands so declared by a competent court ;
- (b) if he is an un-discharged insolvent ;
- (c) if, in the opinion of the Chairman, he has acted against the interests of the Authority ; or
- (d) if he is or has been sentenced by a Court of competent jurisdiction for an offence involving moral turpitude.

9. *Filling of vacancies.*—(1) Casual vacancies in the office of the Authority shall be filled in the same way as provided in section 3 of the Act.

(2) The term of a member nominated to fill a casual vacancy shall expire on the day on which the term of member in whose vacancy the appointment has been made would have expired.

(3) Nothing done by the Authority shall be invalid by reason only of there being a casual vacancy.

10. *Resignation.*—Any member may resign from the office by giving notice in writing to the Managing Director-cum-Chief Executive Officer and his office shall become vacant from the date of acceptance of the same by the Chairman.

11. *Appointment of staff.*—(1) The Authority, for the efficient discharge of the functions assigned to it under the Act, may appoint Managing Director-cum-Chief Executive Officer and such other officers and officials (including experts for technical work) as may be necessary for such purpose and may assign to them such duties and pay such salary and allowances as it may determine from time to time :

Provided that the creation of the posts shall be made after prior approval of the Government with the concurrence of the Finance Department :

Provided further that the Managing Director-cum-Chief Executive Officer of the Authority will not be less in rank than that of a Special Secretary to Government and the Chief Accounts Officer of the Authority not less in rank than a Deputy Director, Accounts and Treasuries and both of them shall be deputed by Government.

(2) In the discharge of their functions under the Act, the officers and employees referred to in sub-section (1) shall be subject to the exclusive administrative control and decision of the Authority.

12. *Functions and duties of the Authority.*—The Authority shall have following functions and duties :—

- (a) to build, maintain, manage and promote all types of golf infrastructure in the State ;
- (b) to establish Golf Information Centers and Golf Courses ;
- (c) to hold golf tournaments and events ;
- (d) to engage consultants and turf experts for maintenance and up-gradation of the Golf Courses ;
- (e) to formally request for acquisition of properties for carrying out all or any of its activities for promotion and management of the Golf Courses ;

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- (f) to conduct or organize tournaments, competitions, training courses, exhibitions, tours and other items which help in the promotion of golf in the State ;
- (g) to purchase machinery and equipment, engage experts/consultants in various fields like turf management, layout of Golf Courses, holding of golf tournaments, coaching etc ;
- (h) to raise funds generally for betterment of the Golf Courses and carrying on the activities of the Golf Courses ;
- (i) to utilize the funds for infrastructural development of golf ;
- (j) to make provisions for conducting competitions in golf in the State at national, international, inter-state or local levels and to arrange golf tours ;
- (k) to fix criteria for the approval and working of golf associations within the State ;
- (l) to do any other act that may be conducive to the furtherance of the objects of the Act ;
- (m) to prescribe the service conditions of the employees to be appointed or taken over from the existing Golf Courses ; and
- (n) to appoint such staff as may be required by the Authority for different Golf Courses in consultation with the Government.

13. *Funds.*—(1) The funds received by the Authority in any kind including any grant-in-aid received from Government Organizations/Persons/Non-Governmental Organizations and registration fee shall be deposited in such banks and invested in such manner as the Authority may decide from time to time.



(2) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet, in such form as may be prescribed under bye-laws by the Authority. The accounts of the Authority shall be audited annually by the auditors to be appointed by the Authority.

(3) The Authority shall annually prepare a report on the Administration of Affairs of the Golf Courses and publish it for information of the public in atleast two local dailies having wide circulation in the State.

14. *Meetings of the Authority.*—(1) The meetings of the Authority shall be presided over by the Chairman and in his absence the Vice-Chairman of the Authority and in absence of both the senior member of the Authority.

(2) Every decision of the Authority shall, except as expressly provided by the Act, be passed by a inajority of members present and voting and in case of equality of votes, the person presiding shall have a second or casting vote.

15. *Quorum.*—Two-third of the members of Authority as at section 3 will constitute the quorum.

16. *Managing Committee.*—(1) The Authority shall appoint Managing Committee for Golf Courses which shall consist of Managing Director-Cum-Chief Executive Officer of the Authority, Director Tourism, Kashmir/Jammu, as the case may be, Secretary of the Authority and Administrator of the concerned Golf Course.

(2) The Managing Director-cum-Chief Executive Officer shall function as Chairman of the Committee and the Secretary of Authority shall function as Member-Secretary of the Managing Committee.

(3) The Managing Committee shall—

- (a) carry out the executive duties relating to the functions of the Authority ;

- (b) be responsible for ensuring that the directives of the Authority are fully and properly implemented ;
- (c) prepare the annual budget for being presented to the Authority for sanction ;
- (d) exercise general administrative control over the Golf Course ;
- (e) liaise with the Government and its various departments on behalf of the Authority ;
- (f) to carry out any function entrusted by the Authority ;
- (g) sanction alterations, renovations or improvements in the building or the facilities provided to the Golf Courses keeping into consideration the overall technological changes, which might have taken place in other such centers to make the facilities of the centre competitive ;
- (h) sanction the purchase of various equipments, accessories, stores etc. which might be needed for the smooth functioning of the Golf Courses, as may be proposed by the Secretary ; and
- (i) sanction the execution of contracts with various agencies for the maintenance of equipments, production of provisional material and providing of specialized services by the Golf Course as may be deemed necessary.

(4) The Managing Committee shall normally meet once every month unless an extraordinary meeting is called by the Managing Director-cum-Chief Executive Officer. The Secretary of the Golf Course in consultation with Managing Director-cum-Chief Executive Officer shall fix the date and time of the meeting.

17. *Contracts and other instruments.*—All contracts and other instruments relating to the Authority shall be expressed to be made in the name of the Authority and shall be executed on behalf of the Authority by the Managing Director-cum-Chief Executive Officer of the Authority.

18. *Application of rules to the employees of the Authorities.*—The Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, Jammu and Kashmir Civil Services Regulations and The Jammu and Kashmir Civil Services (Leave) Rules, 1979 shall *mutatis mutandis* be applicable to the employees of the Authority.

19. *Powers to make bye-laws.*—The Authority may make bye-laws not inconsistent with the Act for—

- (a) entrustment of duties and functions to the Managing Director-cum-Chief Executive Officer of the Authority ;
- (b) the manner in which decisions of the Authority may be taken otherwise than at the meetings ;
- (c) the procedure and conduct of business at meetings of the Authority ;
- (d) the delegation of powers of the Authority to the Chairman, individual members or to committees ;
- (e) the books and accounts to be kept at the office of the Authority ;
- (f) the custody and investment of the Authority funds ;
- (g) the details to be included in the budget of the Authority ;
- (h) the time and place of the meetings ;
- (i) the manner in which notice of its meetings shall be given ;
- (j) the manner in which the proceedings of the Authority shall be recorded and published ;
- (k) the manner/procedure how to take over the existing staff of the Golf Courses taken over under the Act, their requirements, technical qualifications etc ;

- (l) the maintenance of orders inside the Golf Courses and regulating the entry of persons therein ;
- (m) fixation of rates, tariffs, service charges and such fee for using the Golf Courses by the golfers ;
- (n) all other matters expressly required or which may be required for carrying out the purpose of the Act.

20. *Repeal and Savings.*—All the Acts, Rules, Regulations and Orders issued from time to time for different Golf Courses notified under section 3 of the Act in the State shall stand repealed.

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