

HAMPI WORLD HERITAGE AREA MANAGEMENT AUTHORITY ACT, 2002

' of

[16th April, 2003]

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SCHEDULE 1 :- SCHEDULE

HAMPI WORLD HERITAGE AREA MANAGEMENT AUTHORITY ACT, 2002

' of

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An Act to provide for conservation of the cultural heritage of Hampi with all its archaeological remains and natural environs; to preserve its cultural identity and to ensure sustainable development of the Hampi World Heritage Area, in the State of Karnataka and to constitute Hampi World Heritage Area Management Authority. Whereas, it is expedient to provide for. (a) the conservation of the Cultural Heritage and natural environs of Hampi and its surroundings; (b) the preservation of the historical and cultural identity of Hampi as a World Heritage Centre; (c) preventing uncontrolled development and commercial exploitation of the area; (d) sustained development of the area which is conducive to the above objectives, and (e) for matters incidental thereto. Be it enacted by the Karnataka State Legislature in the fifty-third year of the Republic of India as follows:

CHAPTER 1 Preliminary

1. Short title and commencement :-

(1) This Act may be called the Hampi World Heritage Area Management Authority Act, 2002.

(2) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed

for different provisions of the Act.

2. Definitions :-

(2) Other words and expressions used but not defined in the Act shall have meanings respectively assigned to them in the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963).

CHAPTER 2

Hampi World Heritage Area Management Authority

3. Constitution and incorporation of the Authority :-

(1) As soon as may be after the appointed day there shall be established for the purposes of this Act, an Authority to be called the Hampi World Heritage Area Management Authority.

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

(4) The Headquarters of the Authority shall be at Hospet.

4. Meetings of the Authority :-

(1) The meetings of the Authority shall be convened by the Chairperson or the Commissioner with the express approval of the Chairperson and it shall ordinarily meet at least once in three months at such place within the jurisdiction of the Authority or at the headquarters of the Authority and at such time as the Chairperson may decide.

(2) The Authority shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at meetings) as may be specified by regulations.

(3) The Chairperson or, if for any reason he is unable to attend any meeting, the Vice-Chairperson or if for any reason he is also unable to attend the meeting, any other member chosen by the members present at the meeting, shall preside at the meeting of the Authority.

(4) All questions which come up before any meeting of the Authority shall be decided by majority of the votes of the members present and voting and in the event of an equality of votes, the Chairperson or in his absence the person presiding, shall have and

exercise a second or casting vote.

(5) A member shall not, at any meeting of the Authority or a committee thereof, take part in the discussion of or vote on any matter in which he has directly or indirectly by himself or his partner, any share or interest.

5. Authority security force :-

(2) The Authority Security Force shall consist of such number of supervisory officers and members as may be determined by the Authority and shall be provided by the State Government.

(3) The Chairperson shall exercise powers of superintendence and control over the Authority Security Force.

6. State Level Advisory Committee :-

(2) The Advisory Committee may co-opt three persons who are experts in the field of Heritage, Archaeology, Tourism or Environment as members.

(3) The Advisory Committee may if it deems necessary invite any person who is an expert in the field of Heritage, Archaeology, Tourism or Environment.

(4) The Advisory Committee shall co-ordinate and monitor the activities of the Authority and advise the Authority on all matters concerning the conservation of the Cultural Heritage and the Natural Environs within the Heritage area.

(5) The Advisory Committee shall meet at least once in six months at such place and at such time and shall adopt such procedure as may be prescribed.

CHAPTER 3

Officers of the Authority and their duties

7. Appointment of the Commissioner :-

The State Government shall appoint, an officer of the State Civil Service or any person working in the University or any local or other Authority who is familiar with the historical and cultural development to be the Commissioner of the Authority.

8. Duties of the Commissioner :-

(1) The Commissioner shall be the Chief Executive and Administrative Officer of the Authority.

9. Appointment of the Planning Officer :-

(1) The State Government shall appoint an officer of the Town Planning Department not below the rank of an Assistant Director of Town Planning, to be the Planning Officer.

(2) The Planning Officer shall report to the Commissioner, and shall exercise such powers and perform such duties as may be prescribed.

10. Appointment of Accounts Officer etc. :-

(1) The State Government shall appoint an officer of the State Accounts Service, not below the rank of a Group 'A' (junior Scale) Officer to be the Accounts Officer of the Authority.

(2) The Accounts Officer shall report to the Commissioner and shall exercise such powers and perform such duties as may be prescribed.

(3) The State Government shall provide such other officers and staff as may be necessary to the Authority. The conditions of service and the powers and duties of officers and staff of the Authority shall be such as may be determined by regulations.

(4) The administrative expenses, salary and allowances of the officers and staff of the Authority shall be defrayed out of the fund of the Authority.

CHAPTER 4

Powers and functions of the Authority

11. Functions of the Authority :-

12. Special powers of the Chairperson :-

The Chairperson shall have special powers to act on his own and direct measures for effective realisation of the object in cases of urgency where there is no sufficient time to convene a meeting of the Authority, but he shall place the subject before the Authority at its immediate next meeting and seek ratification.

13. Power to delegate :-

The Authority may, by notification, direct that any power exercisable by it under this Act except the power to make regulation may also be exercised by the Chairperson or such officer of the Authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein.

14. No other Authority or person to undertake development without permission of the Authority :-

(1) Notwithstanding anything contained in any law for the time being in force, except with the previous permission of the Authority, no other Authority or person shall undertake any development within the Heritage Area, of the types as the Authority may from time to time specify by notification published in the Official Gazette.

(2) No local Authority shall grant permission for any development referred to in sub-section (1), within the Heritage Area, unless the Authority has granted permission for such development.

(3) Any Authority or person desiring to undertake development referred to in sub-section (1) shall apply in writing to the Authority for permission to undertake such development.

(4) The Authority may, after making such inquiry as it deems necessary grant such permission without or with such conditions, as it may deem fit, to impose or refuse to grant such permission.

(6) In case any person or Authority does anything contrary to the decision given under sub-section (4) as modified in sub-section (5), the Authority shall have power to pull down, demolish or remove any development under taken contrary to such decision and recover the cost of such pulling down, demolition or removal from the person or Authority concerned.

15. Power of entry :-

The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purposes of.

(a) making any enquiry, inspection, measurement or survey or taking levels for such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) making such levels, boundaries and lines by placing marks and cutting trenches;

(f) ascertaining whether any land is being or has been developed in contravention of any plan or in contravention of any conditions subject to which such permission has been granted; or

16. Levy of fee :-

(1) It shall be lawful for the Authority to levy, at such rate as may, by regulations be specified, a fee for grant of permission under Section 14.

(2) All fee realised under this Act shall be credited to the Authority fund.

17. Authority fund :-

(1) The Authority shall have a fund to be called the Authority fund which shall be operated by such officers as may be authorised by the Authority.

(2) The Authority may accept grants, subventions, contributions, donations and gifts from the Central Government, the State Government, a local Authority, any International organisation or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.

(3) The State Government shall, every year, make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority till the Authority is able to meet its administrative expenses out of its own resources.

(4) All moneys received by or on behalf of the Authority by virtue of this Act, and all interests, profits and other moneys accruing to or borrowed by the Authority, shall be credited to the fund.

(5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the Fund shall be deposited in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or invested in such securities, as may be approved by the State Government.

(6) The fund and all other assets vesting in the Authority shall be held and applied by it, subject to the provisions of and for the purposes of this Act.

18. Budget :-

The Authority shall prepare, every year, in such form and at such time as may be prescribed, an annual budget estimate in respect of

the next financial year showing the estimated receipts and disbursements of the Authority and shall submit a copy thereof to the State Government.

19. Annual report :-

The Authority shall, after the end of each year prepare in such form and before such date as may be prescribed, a report of its activities during such year and submit to the State Government and the State Government shall cause a copy of such report to be laid before both Houses of the State Legislature.

20. Subventions and loans to the Authority :-

(1) The State Government may, from time to time, make subventions to the Authority for the purposes of this Act on such terms and conditions as the State Government may determine.

(2) The State Government may, from time to time advance loans to the Authority on such terms and conditions; not inconsistent with the provisions of this Act, as the State Government may determine.

21. Power of Authority to borrow :-

The Authority may from time to time, with the previous sanction of the State Government and subject to the provisions of this Act, and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

22. Accounts and audit :-

(1) The Authority shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.

(2) The Authority shall cause its accounts to be audited annually by such persons as the State Government may direct.

(3) As soon as the accounts of the Authority have been audited, the Authority shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof for sale at a reasonable price.

(4) The Authority shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

23. Directions by the Authority :-

(1) The Authority may, in order to carry out the development plans and schemes formulated under Section 11 or any town planning scheme issue directions to any local Authority. Urban Development Authority concerned, Karnataka Urban Water Supply and Sewerage Board, Karnataka Power Transmission Corporation and such other bodies as are connected with developmental activities in the Heritage Area.

(2) Notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with by the body to whom it is issued. On failure, it shall be competent for the Authority to take necessary action to carry out the directions issued under sub-section (1) and recover expenses, if any, incurred therefor from the body concerned.

24. Penalty for breach of the provisions of the Act :-

Whoever contravenes any of the provisions of this Act or of any rule, regulation, or bye-law or scheme made or sanctioned thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both and in the case of continuing contravention, with additional imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both for each day after the first during which the contravention continues.

25. Offences by companies :-

26. Sanction of Prosecution :-

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or any officer of the Authority authorised by it in this behalf.

27. Authority may compromise claims by or against it :-

The Authority may compound or compromise any claim or demand arising out of any contract entered into by it under this Act or any action or suit instituted by or against it for such sum of money or other compensation as it shall deem sufficient:

Provided that no such claim or demand exceeding fifty thousand rupees shall be compounded or compromised except with the

previous approval of the State Government.

28. Fines realised to be credited to the Fund :-

All fines realised in connection with prosecutions under this Act shall be credited to the Authority Fund.

29. Members and officers to be public servants :-

Every member, every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

30. Protection of action taken in good faith :-

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

31. Control by the State Government, etc. :-

(1) The State Government may give such directions to the Authority as in its opinion are necessary or expedient for carrying out the purposes of the Act. The Authority shall carry-out such directions as may be issued from time to time by the State Government for the efficient administration of this Act and it shall be the duty of the Authority to comply with such directions.

(2) The Authority shall furnish to the State Government such reports, and other information as the State Government may from time to time require.

(3) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act, any dispute arises between the Authority, and a local Authority, the decision of the State Government on such dispute shall be final.

32. Act to override other laws :-

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

33. Power to make rules :-

(1) The State Government may, by notification, subject to the condition of previous publication, make rules to carry-out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it

is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or to be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

34. Regulations :-

The Authority may, by notification and with previous sanction of the State Government, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act. Regulations may be made in respect of any matter which is required to be or may, in the opinion of the Authority be provided by regulations.

35. Removal of difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the Official Gazette, as the occasion may require do anything which appears to it to be necessary to remove the difficulty.

(2) Every order made under sub-section (1) shall as soon as may be after it is published, be laid before both Houses of the State Legislature and shall, subject to any modification which the State Legislature may make, have effect as if enacted in this Act.

36. Amendment of Karnataka Town and Country Planning Act, 1961 :-

In the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963).

(1) in Section 2, in clause (7), after item (ia) of sub-clause (a), the following item shall be inserted, namely. "(ib) the heritage area as defined in the Hampi World Heritage Area Management Authority Act, 2002 (hereinafter referred to as 'heritage area'), the Hampi World Heritage Area Management Authority constituted, under that Act".

37. Application of (Karnataka Act 32 of 1974) to Authority premises :-

(1) The State Government, may by notification provide from such date as may be specified in such notification that the Karnataka Public Premises (Eviction of Unauthorised Occupant) Act, 1974 shall apply to premises belonging to, vesting in, or leased by, the Authority as that Act applies in relation to public premises but subject to the provisions of sub-section (2).

SCHEDULE 1

SCHEDULE

SCHEDULE

(See Section 2(q))

Part A Core Area Zone

Area of 41.80 sq. kms. notified by the State Government as protected area under Notification No. ITY 137 KMV 84, dated 22-10-1988.

Part B Buffer Zone

53.0 sq. kms. of area extending upto 1 km. beyond the limits of the Core Area Zone on all sides.

Part C Peripheral Zone

31.0 sq. kms. of area extending upto 1 km. beyond the limits of the Buffer Zone on all sides.