

## **Kaginele Development Authority Act, 2009**

**10 of 2009**

**[23 March 2009]**

### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short Title, Extent And Commencement
2. Definitions

#### **CHAPTER 2 :- AUTHORITIES AND ITS EMPLOYEES**

3. Kaginele Development Authority
4. Term Of Office And Conditions Of Services
5. Disqualification For Office Of Membership
6. Removal Of Member
7. Eligibility For Reappointment
8. Powers Of The Authority
9. Sub-Committees Of The Authority
10. Appointment Of Commissioner
11. Powers And Duties Of The Commissioner
12. Employees Of The Authority
13. General Disqualification For Services Under The Authority
14. Meeting Of The Authority
15. Proceedings Presumed To Be Good And Valid
16. Decisions Of The Authority By Circulation Of Note
17. Power Of Chairman To Take Certain Decisions

#### **CHAPTER 3 :- DEVELOPMENT AND MAINTENANCE OF KAGINELE**

18. Heritage Sites At Kaginele
19. Power To Amend The Schedule
20. Preparation Of Development Plan, Its Approval And Execution
21. Maintenance Of Kaginele
22. Kaginele Development Authority To Be The Development Authority And Grama Panchaya For Kaginele
23. No Other Authority Or Person To Undertake Development Without Permission Of The Authority
24. Power Of Entry
25. Levy Of Fee
26. Delegation Of Powers Of The State Government To The Authority
27. Duty To Maintain Streets Etc.

- 28. Application Of (Karnataka Act No. 32 Of 1974) To The Authority Premises
- 29. Promotion Of Tourism And Pilgrimage By The Authority
- 30. Delegation Of Powers

#### **CHAPTER 4 :- FINANCE AND PROPERTY**

- 31. Fund Of The Authority
- 32. Application Of The Fund
- 33. Grant By The State Government
- 34. Budget Of The Authority
- 35. Accounts And Audit
- 36. Reports

#### **CHAPTER 5 :- MISCELLANEOUS**

- 37. Authority Not To Sell Any Land Within Its Jurisdiction
- 38. Certain Persons To Be Public Servants
- 39. Protection Of Action Taken Under This Act
- 40. Default In Performance Of Duty
- 41. Dissolution Of The Authority
- 42. Control By The State Government
- 43. State Governments Powers To Give Directions
- 44. Removal Of Difficulties
- 45. Power To Make Rules
- 46. Power To Make Regulations
- 47. Repeal And Savings

#### **SCHEDULE 1 :- Schedule I**

### **Kaginele Development Authority Act, 2009**

**10 of 2009**

**[23 March 2009]**

An Act to provide for the establishment of an Authority for development and maintenance of the heritage sites in and around Kaginele and Bada Villages in Haven District. Whereas, it is expedient to provide for the establishment of an Authority for development and maintenance of the heritage sites in and around Kaginele and Bada Villages in Haveri District into international pilgrim, cultural and tourist centers; Be it enacted by the Karnataka State Legislature in the Fifty-ninth year of the Republic of India as follows:-

#### CHAPTER 1 PRELIMINARY

#### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Kaginele Development Authority Act, 2009.
- (2) It extends to the area of Kaginele and Bada Villages as defined in clause (c) of Section 2.
- (3) It shall be deemed to have come into force with effect from the Thirtieth day of June, 2005.

## **2. Definitions :-**

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

- (a) "Amenity" includes roads, streets, sub-ways, lighting, drainage, sanitation, electricity and water supply or other conveniences, public works, market places, post offices, banks, hospitals, dispensaries, police stations, fair price shops, milk booths, libraries, recreation centers, service stations of any public utility service authorised by the Authority or other facility; and such other amenity as the State Government may, by notification specify;
- (b) "Authority" means the Kaginele Development Authority constituted under Section 3; "Kaginele" means and includes limits of Kaginele and Bada Villages and lands acquired by Government from time to time for development of heritage sites at Kaginele and Bada and such other area declared by the State Government, by notification;
- (c) "Chairperson" means the Chairman of the Authority;
- (d) "Commissioner" means the Commissioner of the Authority appointed under Section 10;
- (f) "Fund" means fund of the Authority;
- (g) "Heritage Site" means the whole of the area comprising the sites specified in the Schedule but excluding the area referred to as protected area under the Ancient Monuments and Historical Sites and Remains Act, 1958 (Central Act 24 of 1958);
- (h) "Members" means a member of the Authority;
- (i) "Regulations" means regulations of, the Authority .made under Section 46;
- (j) "Schedule" means Schedule appended to this Act.

### **CHAPTER 2**

#### **AUTHORITIES AND ITS EMPLOYEES**

## **3. Kaginele Development Authority :-**

- (1) As soon as may be, after the commencement of this Act, there shall be constituted for the purposes of this Act, the authority,

called the Kaginele Development Authority.

(2) The Authority shall have its headquarters at such place as may be determined by the Authority from time to time.

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

(4) The Authority shall consist of the following members, namely.--

(a) The Chief Minister, shall be the Ex Officio Chairman.

(b) The Minister in charge of Kannada and Culture.

(c) The Minister in charge of Revenue.

(d) The Minister in charge of Finance.

(e) The Minister in charge of Haveri District.

(f) The Members of the Parliament and members of the State Legislature representing a part or whole of the Kaginele and Bada Villages whose electoral constituencies lie within its limit.

(g) Adhyaksha, Zilla Panchayat, Haveri Member

(h) Not exceeding five persons nominated by the State Government who have served the cause espoused by Poet Saint Kanakadasa out of whom one person shall be a Civil Engineer or Architect with knowledge of temple Architecture and work experience of not less than ten years;

(i) The Secretary to Government, Kannada and Culture Department,

(j) The Secretary to Government, Revenue Department,

(k) The Secretary to Government, Finance Department.

(l) The Secretary- to Government, Rural Development and Panchayat Raj Department.

(m) The Deputy Commissioner of the Haveri District - Member

(n) The Director, Department of Archaeology and Museums - Member

(o) The Chief Executive Officer, Lake Development Authority - Member

(p) The Chief Executive Officer, Zilla Panchayat, Haveri - Member

(q) The Commissioner of Heritage - Member

(r) The Director of Kannada and Culture - Member

(s) The Commissioner of Tourism - Member

(t) The Director, Town and Country Planning - Member

(u) The Executive Officer, Taluk Panchayat, Byadagi - Member

(v) The Executive Officer, Taluk Panchayat Shiggabn - Member

(w) The Chairman, Village Panchayat, Kaginele -Member

(x) The Chairman, Village Panchayat, Bada - Member

(y) The Commissioner of the Authority who shall be the -Member Secretary

#### **4. Term Of Office And Conditions Of Services :-**

(1) Subject to the pleasure of the State Government the non-official members nominated by the State Government shall hold office for a period of three years.

(2) Any non-official member may resign his office by writing - under, his hand addressed to the State Government but shall continue in office until his resignation is accepted.

(3) The non-official members shall receive such allowance as may be prescribed.

#### **5. Disqualification For Office Of Membership :-**

A person shall be disqualified for being appointed as and for being a member if he.--

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or

(b) is of unsound mind and stands so declared by a Competent Court; or

(c) is an undischarged insolvent; or

(d) has been removed or dismissed from service of the Central Government or a State Government or a body or Corporation owned or controlled by the Central Government or a State Government; or

(e) has directly or indirectly by himself or as partner, has any share or interest in any work done by the order of the Authority in any contract or employment with or under or by or on behalf of the Authority; or

(f) is employed as a paid legal practitioner on behalf of the Authority or accepts employment as Legal Practitioner against the Authority:

Provided that no person shall be disqualified under clause (e) of subsection (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the Authority is inserted.

## **6. Removal Of Member :-**

(1) The State Government shall remove a member if.--

(a) he becomes subject to any of the disqualifications mentioned in Section 5: Provided that no member shall be removed on the ground that he has become subject to the Disqualification mentioned in clause (e) of subsection (1) of that section, unless he has been given an opportunity of making his representation against the proposal; or

(b) he refuses to act or becomes incapable of acting; or

(c) without obtaining leave of absence from the Authority absents from three consecutive meetings of the Authority:

Provided that this clause shall not be applicable in case of ex officio member

(d) in the opinion of the State Government he has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he has been given an opportunity of making his representation against the proposal.

## **7. Eligibility For Reappointment :-**

Any person ceasing to be a member shall unless disqualified under Section 6, be eligible for re-appointment as a member.

## **8. Powers Of The Authority :-**

(1) The Authority shall have power generally to do anything that in its opinion is necessary to do, to give effect to the intent and provisions of this Act:

Provided that nothing contained in this section shall be deemed to authorise the Authority to perform any such act as is specifically laid in the Act to be performed by any other authority.

(2) Without prejudice to the generality of sub-section (1), the Authority shall have power.--

(a) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act subject to such rules as may be prescribed and every contract shall be made on behalf of the Authority by the Commissioner:

Provided that no contract involving expenditure of rupees five lakhs and more shall be made without the previous sanction of the State Government;

(b) to borrow any sum required for the purposes of this Act from time to time with the previous sanction of the State Government and subject to such conditions as may be prescribed in this behalf;

(c) to lease, sell or otherwise transfer any movable or immovable property which belongs to it and to appropriate or apply any land vested in or acquired by it, subject to Section 42 and to such restrictions, conditions and limitations as may be prescribed, for the formation of open spaces or for building purposes or in any other manner for the purpose of a development scheme with prior approval of the State Government.

#### **9. Sub-Committees Of The Authority :-**

- (1) The Authority may for any specific purpose constitute one or more sub-committees consisting of the Commissioner as Chairman and such other members not exceeding five on each sub-committee.
- (2) The sub-committees shall exercise such of the powers and perform such duties of the Authority, which are delegated to them by the Authority.
- (3) Each sub-committee shall meet at least once in a month and shall observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.

#### **10. Appointment Of Commissioner :-**

- (1) The State Government shall appoint an officer not below the rank of a Deputy Secretary to Government, to be the Commissioner of the Authority.
- (2) The Commissioner shall receive such salary and other allowances as the State Government may, from time to time, determine.
- (3) The State Government may, from time to time, grant leave of absence for such period as it thinks fit to the Commissioner.

#### **11. Powers And Duties Of The Commissioner :-**

- (1) The Commissioner shall be the Chief Executive and Administrative Officer of the Authority.
- 2) The Commissioner shall, in addition to performing such functions as conferred on him by or under this Act or under any law for the time being in force --
  - (a) carry into effect the resolutions of the Authority;

- (b) conduct the business of the Authority and
- (c) Carry out and execute such schemes and works as the State Government may direct and incur necessary expenditure therefor;
- (d) be responsible for implementing the schemes of the Authority;
- (e) operate the Bank accounts of the Authority and be responsible for maintaining the accounts of the Authority;
- (f) exercise supervision and control over the officers and servants of the Authority in matters of executive, administrative and service conditions of such officers and servants and regulation of their pay and allowances;
- (g) furnish to the State Government a copy of the minutes of the proceedings of the Authority and any return, or other information which the State Government may, from time to time call for;
- (h) discharge such other functions which are conferred on him by or under this Act or any other law for the time being in force.

## **12. Employees Of The Authority :-**

(1) Subject to such rules as may be prescribed, the Authority may appoint such number of employees as it may find necessary for effective implementation of the Act:

Provided that, the State Government shall appoint a Controller of Finance and Accounts not below the rank of Group A, Junior Scale Officer on deputation either from the Indian Audit and Accounts Service or from the Karnataka State Accounts Service.

(2) The Controller of Finance and Accounts shall report to the Commissioner and shall ensure that financial rules are followed; and accounts are kept up-to-date, presenting a true and fair picture of the financial affairs of the Authority.

(3) The salaries, allowances and other conditions of service of the employees referred to in sub-section (1), shall be as may be prescribed.

(4) The Commissioner shall be the Appointing Authority in respect of employees of the Authority shall exercise general control and supervision over the personnel of the Authority.

## **13. General Disqualification For Services Under The Authority :-**

No person who has directly or indirectly by himself or through his partner or through his agent, any share or interest in any contract, by or on behalf of the Authority he or in any employment under the Authority, other than as an officer or employee thereof, shall



become or remain an officer or employee of the Authority.

#### **14. Meeting Of The Authority :-**

(1) Meetings of the Authority shall be convened by the Commissioner, with the previous approval of the Chairman at such intervals as the Chairman may deem fit and shall be held at such place, as may be determined by the Chairman.

Provided that the Authority shall meet at least twice in a calendar year.

(2) Every meeting shall be presided over by the Chairman and if for any reason, the Chairman is unable to attend any meeting, any other member chosen by the members present at the meeting, shall preside over the meeting.

(3) Decisions of the Authority shall be, by unanimous affirmative vote of the members present and voting. If there is any difference of opinion on any particular subject coming for decision before the Authority, the Commissioner shall refer the matter to the State Government and the decision of the State Government in such matters shall be final.

(4) The Commissioner shall give effect to the decisions of the Authority:

Provided that, if in the opinion of the Commissioner any resolution of the Authority contravenes any provision of this Act or any other law or of any rule, notification or regulation made or issued under this Act or any other law or of any order passed by the State Government or is prejudicial or detrimental to the interests of the Authority or the interests of the development and maintenance of Kaginele he shall within fifteen days of the passing of the resolution, refer the matter to the State Government for orders thereon and inform the Authority at its next meeting, of the action taken by him and until orders of the State Government on receipt of such reference, the Commissioner shall not be bound to give effect to such resolution.

(5) The Authority may by regulation specify the procedure with regard to the transaction of business at its meetings, not inconsistent with the provisions of this Act or the rules.

#### **15. Proceedings Presumed To Be Good And Valid :-**

No disqualification of or defect in the appointment of any person acting as Chairman or member shall be deemed to vitiate any act or proceeding of the Authority if such act or proceeding is otherwise

in accordance with the provisions of this Act.

#### **16. Decisions Of The Authority By Circulation Of Note :-**

(1) The Chairman may direct that any case may, instead of being brought up for discussion at a meeting of the Authority, be circulated by sending a note in the prescribed form amongst the members of the Authority for opinion. If all the members unanimously agree for the proposal contained in the note circulated, it shall be deemed to be affirmative decision of the Authority and further action taken accordingly. If there is any difference of opinion on any particular subject taken up for the decision of the Authority by circulation, the "Commissioner shall refer the matter to the State Government, and the decision of the State Government thereon shall be final.

(2) In cases which are circulated for opinion under sub-section (1), if any member fails to communicate his opinion to the Commissioner by a date to be specified in the-note, it shall be presumed that such member has accepted the proposal contained in the note circulated.

(3) The provisions of Section 14 shall mutatis mutandis apply to the decisions of the Authority by circulation under this section.

#### **17. Power Of Chairman To Take Certain Decisions :-**

Where the Chairman is of the opinion that a matter is so urgent that it cannot wait or that a matter is so frivolous, not necessitating convening of a meeting of the Authority, under Section 14 or for decision of the Authority by circulation under Section 16, he may pass such orders as he may deem fit and it shall be implemented in the same manner as the decisions of the Authority:

Provided that every decision so taken by the Chairman under this section shall be placed before the Authority at its next meeting.

#### **CHAPTER 3**

#### **DEVELOPMENT AND MAINTENANCE OF KAGINELE**

#### **18. Heritage Sites At Kaginele :-**

(1) Notwithstanding any custom, tradition, practice or terms of any trust created and subsisting under any law for the time being in force, the full control, ownership, management and superintendence of all or any of the heritage sites at Kaginele specified in the Schedule if not already vested in the State

Government shall be acquired by the State Government in accordance with the Land Acquisition Act, 1894 (Central Act 1 of 1894) and such land shall thereafter be transferred to the Authority from the date notified by the State Government:

Provided that the land acquired under this Act shall be deemed to have been acquired for public purpose under the Land Acquisition Act, 1894.

(2) The State Government may by general or special order make transitory provisions, if in the opinion of the State Government; it is expedient to do so.

### **19. Power To Amend The Schedule :-**

The State Government may by notification amend the Schedule by adding or modifying any entry therein, after following such procedure as may be prescribed.

### **20. Preparation Of Development Plan, Its Approval And Execution :-**

(1) The Authority shall, as soon as may be, after its constitution prepare a plan for the development of Kaginele into international pilgrim, cultural and tourist centre and a centre for deliberation and propagation of the tenets of poet saint Kanakadasa and his contemporaries and disciples. The development plan may include.--

(a) conservation and restoration of any heritage site of structure and programmes for its maintenance;

(b) proposals for acquiring land by acquisition or purchase, or exchange or otherwise, which in the opinion of the Authority is necessary for execution of the development plan;

(c) putting up public parks, horticultural or Zoological gardens, fountains, artificial water falls, game parks, lakes with boating or other water games of such other tourist attractions,

(d) construction of choultries, lodging houses, cottages, hotels, restaurants and boarding houses to cater to different classes of tourists;

(e) construction of necessary chain of shops or shopping complexes;

(f) construction of an auditorium in the style of Anubhava Mantapa;

(g) construction of prayer halls and meditation halls at strategic places;

(h) provision of amenities as defined in Section 2;

(i) laying and relaying of all or any land including, reconstruction

and reconstruction of buildings;

- (j) providing drainage, electricity and water supply and sanitation;
- (k) raising any land which the Authority may consider expedient to raise to facilitate its plan of action in general and better drainage in particular; for the better;
- (l) forming open spaces for the better ventilation of the area comprised in the Kaginele or in any adjoining area;
- (m) demolition of all buildings unfit for human habitation and not fitting into the developmental plan;
- (n) demolition of obstructive building or portions of buildings;
- (o) construction and reconstruction of buildings, their maintenance and preservation;
- (p) the sale, letting or exchange of any property comprised in the scheme, subject to the provisions of Section 26;
- (q) providing accommodation to the employees of the Authority;
- (r) providing facilities for communication and transport;
- (s) such adjustments and agreements with the existing religious institutions in the geographical area of developmental plan which can be allowed to continue so long as they fit into the scheme of the development plan;
- (t) any other matter which in the opinion of the Authority, is expedient and incidental, to develop and maintain the Kaginele as a cultural centre, place of pilgrimage and an international tourist centre and a centre for deliberation not only of poet saint Kanakadasa but also of his contemporaries and disciples; and to protect and develop other places of importance connected with the life and teachings of poet saint Kanakadasa and his contemporaries, and disciples and for the establishment of an educational and research centre for Dasa Sahitya Studies and specialised library on the subject;
- (u) excavation and exploration of archaeological nature to unearth ancient monuments if any believed to be buried in any of the historical and heritage sites within the territorial limits of the Authority:

Provided that nothing contained in this clause shall be deemed to override the provisions of the Ancient Monuments and Historical Sites and Remains Act, 1958 (Central Act 24 of 1958).

(2) The development plan prepared under sub-section - (1) shall be forwarded by the Commissioner to the State Government for its approval. The State Government may approve the plan with, or without any modifications.

(3) After approval of the development plan under sub-section (2),

the State Government may, on the recommendations of the Authority make such modifications to the plan as it deems necessary, from time to time.

(4) The Authority shall have power to undertake works and incur expenditure for the execution of the development plan approved by the State Government under this section.

## **21. Maintenance Of Kaginele :-**

The State Government may by rules on the recommendation of the Authority or otherwise make provision for the maintenance of Kaginele which shall include the manner in which the properties of the Authority including the heritage sites can be employed, the rates, fees or other charges that can be collected from the devotees, pilgrims, tourists and other visitors to the town for the various facilities that they could make use of and for such other matters as may be expedient from the premises of the heritage sites; power to recover rent or damages as arrears of land revenue etc.

## **22. Kaginele Development Authority To Be The Development Authority And Grama Panchaya For Kaginele :-**

Notwithstanding anything contained in the Karnataka Panchayat Raj Act, 1993 (Karnataka Act No. 14 of 1993) on and from the date of its constitution, the Authority shall be deemed to be the Development Authority and Village Panchayat for Kaginele, and the Authority shall have all the powers and perform all the functions of a Grama Panchayat as if the said Authority has been constituted under Section 4 of the Karnataka Panchayat Raj Act, 1993 (Karnataka Act No. 14 of 1993).

## **23. 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 authority or person shall undertake any development within Kaginele 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 Kaginele, 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 with or without conditions, as it may deem fit to impose or refuse to grant such permission.

(5) Any authority or person aggrieved by the decision of the Authority under sub-section (4) may, within thirty days from the date of the decision, appeal against such decision to the State Government, whose decision thereon shall be final:

Provided that, where the aggrieved authority submitting such appeal is under the Administrative Control of the Central Government, the appeal shall be decided by the State Government, after consultation with the Central Government.

(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 undertaken contrary to such decision and recover the cost of such pulling down, demolition or removal from the person or authority concerned.

## **24. 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 of 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

(g) doing any other thing necessary for the efficient administration of this Act:

Provided that.--

(i) no such entry shall be made except between the hours of

sunrise and sunset and without giving reasonable notice to the occupant, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women or children, if any, to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be, compatible with the exigencies of the purpose for which the entry is made, to the social and religious usage of the occupant of the land or building entered.

## **25. Levy Of Fee :-**

It shall be lawful for the Authority to levy, at such rate as may, by the regulations be specified, a fee for grant of permissions under Section 23.

## **26. Delegation Of Powers Of The State Government To The Authority :-**

Notwithstanding anything contained in the Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 (Karnataka Act No. 7 of 1962), the State Government may by notification delegate any of its powers to be exercisable by it to the Authority and on the issuance of such notification the Authority shall have such powers and perform such functions as may be specified in the notification.

## **27. Duty To Maintain Streets Etc. :-**

Notwithstanding anything contained in the Karnataka Panchayat Raj Act, 19<sup>o</sup>\* (Karnataka Act No.14 of 1993), it shall be incumbent on the Authority to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or take, for the following matters, namely.--

(a) the maintenance, keeping in repair, lighting and cleaning of the streets in Kaginele;

(b) the drainage, sanitary arrangement and water supply in respect of the streets in the Kaginele.

## **28. Application Of (Karnataka Act No. 32 Of 1974) To The Authority Premises :-**

(1) Subject to the provisions of sub-section (2) the State Government, may by notification provide from such date as maybe

specified in the notification that the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 shall apply to premises belonging to, vesting in, or leased by, the Authority as that Act applies in relation to public premises.

(2) On a notification being issued under sub-section (1), the aforesaid Act, and the rules made thereunder shall apply to the premises of the Authority with the following modifications, that is to say.--

(a) the State Government may appoint any officer of the State Government or of the Authority as it thinks fit, to be the Competent Officer for the purposes of the aforesaid Act;

(b) reference to "Public Premises" in that Act and those rules shall be deemed to be references to premises of the Authority and references to "the State Government" in Sections 6, 7, 8, 14, 15, 16 and 17 of that Act shall be deemed to be references to the Authority.

### **29. Promotion Of Tourism And Pilgrimage By The Authority :-**

The Authority may organise programmes and activities for promotion of tourism, cultural, historical and pilgrimage importance to give wider publicity to the heritage sites. Such programmes may include.--

(a) Kanakadasa Jayanthi Utsava.

(b) Dasa Sahityotsava.

(c) Art Exhibitions and Sales.

(d) Seminars, Symposia, workshops.

(e) Annual Fairs and Festivals of special nature.

### **30. Delegation Of Powers :-**

(1) The State Government, may by notification, delegate any of the powers conferred on it by or under this Act, to any other authority, except the power to make rules under Section 46.

(2) The Authority may by regulations, delegate any of the powers conferred on it by or under this Act to the Commissioner or other officers of the Authority except the power to make regulations under Section 47.

## **CHAPTER 4**

## **FINANCE AND PROPERTY**

### **31. Fund Of The Authority :-**



(1) There shall be a Fund called the Kaginele Development Authority Fund.

(2) There shall be credited to the said Fund.--

(i) all grants, subventions, donations and gifts made by the Central Government, State Government, any local authority or any body, whether incorporated or not or any person;

(ii) the amount borrowed by the Authority; and

(iii) all other sums received by or on behalf of the Authority from any source whatsoever.

(3) Except as otherwise directed by the State Government all moneys credited to the Fund shall be invested in any Scheduled Bank or in the State Government Treasury.

(4) The administrative expenses of the Authority including the salaries, allowances and pension if any, payable to the Commissioner and other officers and employees of the Authority shall be defrayed out of the fund of the Authority.

### **32. Application Of The Fund :-**

The Fund and all property held or vested in the Authority shall be applied for carrying out the purposes of this Act.

### **33. Grant By The State Government :-**

The State Government may every year make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority, until the Authority reaches self-maintenance stage out of its own resources.

### **34. Budget Of The Authority :-**

(1) The Authority shall prepare every year, before such date and in such form as may be prescribed, a budget estimate of its income and expenditure for the financial year to commence on the first day April next following and shall forward it to the State Government for sanction. The Authority may also prepare supplementary Budget Estimates, during the course of any financial year, if necessary.

(2) The State Government shall approve the Budget Estimates and Supplementary Budget Estimates with or without modifications.

(3) In cases of extreme urgency, it shall be competent for the Commissioner to incur expenditure not exceeding five lakhs of rupees in a financial year, notwithstanding the fact that such

expenditure has not been included in the annual or Supplementary Budget Estimate approved by the State Government under sub-section (2).

(4) The Commissioner shall also have power to reappropriate funds from one unit of expenditure to another unit, subject to a maximum of rupees one lakh at a time.

### **35. Accounts And Audit :-**

(1) The Commissioner shall cause to be maintained such books of accounts and other registers as may be prescribed and shall prepare in the prescribed manner an annual statement of accounts.

(2) The financial year of the Authority shall commence on 1st April of each calendar year and shall end on 31st March of the succeeding calendar year.

(3) The accounts of the Authority shall be audited annually by the Controller, State Accounts Department. The Authority or the State Government may order concurrent and special audits also.

(4) The auditor shall, for the purposes of the audit, have access to all the accounts and other records of the Authority.

(5) As soon as may be after the receipt of the annual statement of accounts and the report of the auditor, the Authority shall consider it in its meeting and send a copy of the annual statement of accounts together with a copy of the report of the auditor to the State Government, along with its explanation on the comments made by the auditor, if any, and a statement of action taken by the Authority to remedy the irregularities or loopholes, if any, pointed out by the auditor.

(6) The State Government may after perusal of the report of the auditor, and other documents submitted to it, as in sub-section (5), give such directions as it thinks fit to the Authority and the Authority shall comply with such directions.

### **36. Reports :-**

(1) The Authority shall prepare an Annual Report of its working for each financial year and submit it to the State Government along with other reports under Section 35.

(2) The Authority shall before such date, in such form and at such intervals as may be prescribed, submit the prescribed reports to the State Government.

## **CHAPTER 5**

## **MISCELLANEOUS**

### **37. Authority Not To Sell Any Land Within Its Jurisdiction :-**

The Authority shall not sell any land within its jurisdiction for any purpose and to any person except with the prior approval of the State Government.

### **38. Certain Persons To Be Public Servants :-**

All members, officers and servants of the Authority, 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.

### **39. Protection Of Action Taken Under This Act :-**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act.

### **40. Default In Performance Of Duty :-**

(1) If the State Government is satisfied that the Authority has made default in performing any duty imposed on it by or under this Act, it may fix a period for the performance of that duty.

(2) If in the opinion of the State Government, the Authority fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government, notwithstanding anything contained in Section 4 to supersede and reconstitute the Authority in the prescribed manner.

(3) After the supersession of the Authority and until it is reconstituted, the powers, duties and functions of the Authority under this Act shall be carried on by the State Government or by such officer or officers, as the State Government may appoint for this purpose.

### **41. Dissolution Of The Authority :-**

(1) The State Government may, by notification, declare that with effect from such date as may be specified in the notification, the Authority shall be dissolved:

Provided that no such declaration shall be made by the State Government unless, a resolution to that effect has been moved in and passed by both Houses of the State Legislature.

(2) With effect from the date specified in the notification under

sub-section (1).--

(a) all properties, funds and dues which are vested in and realisable by the Authority shall vest in and be realisable by the State Government;

( b ) all liabilities enforceable against the Authority shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realised by the State Government.

#### **42. Control By The State Government :-**

(1) The State Government shall have general administrative control and supervision over all activities and affairs of the Authority.

(2) The State Government may call for the records of any proceedings of the Authority, the Commissioner or any officer subordinate to the Authority, for the purpose of satisfying itself as to the correctness, legality or propriety of such proceedings and may pass such order with respect thereto as it thinks fit.

#### **43. State Governments Powers To Give Directions :-**

The State Government may give such directions to the Authority as in its opinion are necessary or expedient for carrying out the purpose of this Act and it shall be the duty of the Authority, to comply with such directions.

#### **44. Removal Of Difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the State Government may by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

#### **45. Power To Make Rules :-**

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

(2) Every rule or notification made under this Act shall be laid as sum as may be after it is made, before each Houses 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 immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule

or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall, from the date on which the modification or annulment is notified have effect only in such modified form or 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 previously done under that rule or notification.

#### **46. Power To Make Regulations :-**

The Authority may subject to the provisions of this Act and the rules made under Section 45 and with the previous sanction of the State Government, by notification make regulations to carry out the purposes of this Act.

#### **47. Repeal And Savings :-**

(1) The Kaginele Development Authority Ordinance, 2005 (Karnataka Ordinance No. 2 of 2005) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

#### **SCHEDULE 1**

##### **Schedule I**

[See clause (g) of Section 2]

#### **HERITAGE SITES AND MONUMENTS AT KAGINELE**

(1) Bada	1. Kanakadas Janmasthanala 2. Kengeri Kere 3. Kanakadasara Pancha Committee 4. Place of Ranganatha Temple
(2) Kaginele	1. Adikeshava Temple 2. Kalahastheshwar 3. Gurupeeta 4. Sangameshwar Temple 5. Bayalu Basaveshwar Temple 6. Veerbhadreshwar Temple 7. Someshwar Temple 8. Gachin math 9. Kanakadasar Aikyasthal
(3) Ingalagondi	1. Channakeshava Temple 2. Kalleshwar Temple Shasan and Satikallu
(4) Dasanakoppa	1. Maruthi Temple
(5) Kummur	1. Timmakeshav Temple

(6) Kadaramandalagi

1. Anjaneya (Kantesh) Temple and Shasan
2. Kalyani