

Pilikula Development Authority Act, 2018

KARNATAKA

India

Pilikula Development Authority Act, 2018

Act 09 of 2018

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Pilikula Development Authority Act, 2018(Karnataka Act No. 09 of 2018)Statement of Objects and Reasons - Act 9 of 2018. - It is considered necessary to provide for, constitution the Pilikula Development Authority for conservation of biodiversity, heritage and culture of Western Ghats and coastal Karnataka as well as creating a stimulating environment for learning of science for students and inculcating an awareness in science, technology engineering and mathematics based developments for the general public, besides the promotion of tourism for the purposes related thereto, in the Pilikula area at Mangaluru, Dakshina Kannada District and to;(i) Popularization of Science and Technology Developments for human welfare.(ii) Development of a good educational and resource centre for students and teachers for enriching their knowledge in one stop destination.(iii) Creating an awareness and development of scientific attitude and thinking among the general public.(iv) Conservation of biodiversity and facilities for research and development.(v) Protection of culture and heritage of Western Ghats and Coastal Karnataka.(vi) Development of scientific attitude for environment and promotion of Eco-education and Eco-tourism.(vii) Dissemination of scientific information and better practices for various target groups.(viii) To identify, encourage and nurture creative scientific talent especially among children and youth.(ix) To identify priority areas of Science and Technology, which are useful for long term development of the State.(x) To organize and/or assist in organizing training courses, workshops, seminars, conferences, discussions, invited talks, consultancy services and exhibitions.(xi) To supplement science education through hands-on minds-on concept and through experimentation to foster a spirit of scientific enquiry and creativity among students.(xii) To popularize astronomy based education and related branches such as space science, technology and innovation among students and general public through creating an interesting and stimulating learning situation.(xiii) Learning science as an enjoyment, creating a positive experience about science, its history and philosophy along with heritage and culture.(xiv) Providing a platform for other educational outreach activities including social studies, art and culture.(xv) Exploration of various components of Pilikula through the concept of Science through tourism and tourism through science.Hence, the Bill.[L.A. Bill No.54 of 2018, File No. Samvyashae 08 Shasana 2018][entries 32, 33 and 35 of List II of the Seventh Schedule to the Constitution of India.](First Published in the Karnataka Gazette Extra-ordinary on the Ninth day of March, 2018)(Received the assent of the Governor on Seventh day of March

2018)An Act to provide for the establishment of an Authority for conservation of biodiversity, heritage and culture of Western Ghats and coastal Karnataka as well as creating a stimulating environment for learning of science for students and inculcating an awareness in science, technology engineering and mathematics based developments for the general public, besides the promotion of tourism for the purposes related thereto, in the Pilikula area at Mangaluru, Dakshina Kannada District. Whereas it is expedient to provide for the establishment of an Authority for conservation of biodiversity, heritage and culture of Western Ghats and coastal Karnataka as well as creating a stimulating environment for learning of science for students and inculcating an awareness in science, technology engineering and mathematics based developments for the general public, besides the promotion of tourism for the purposes related thereto, in the Pilikula area at Mangaluru, Dakshina Kannada District and for matters connected therewith or incidental thereto; Be it enacted by the Karnataka State Legislature in the Sixty-ninth year of the Republic of India as follows:-Chapter-I Preliminary

1. Short title and Commencement.

(1)This Act may be called the Pilikula Development Authority Act, 2018.(2)It shall come into force from such date as the Government may by notification appoint and different dates may be appointed for different provisions of the Act.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Advisory Committee" means the State Level Advisory Committee constituted under section 8;(b)"Amenity" includes roads, streets, sub-ways, lighting, drainage, sanitation, electricity and water supply or other convenience, public works, market places, post office, bank, hospitals, dispensary, police station, fair price shop, milk booth, library, recreation centers, service stations of any public utility service authorized by the Authority or other facility; and such other amenity the Government may notify from time to time;(c)"Authority" means the Pilikula Development Authority constituted under section 3;(d)"Chairman" means the Chairman of the Authority;(e)"Commissioner" means the Commissioner of the Authority appointed under section 13;(f)"Development" with its grammatical variations means the carrying out of building, engineering or other operations in or over or under any land or the making of any material change in any building or land or in the use of any building, or land and includes redevelopment and establishment of new buildings to promote the objectives of the authority, infrastructures and sub-division of any land including amenities;(g)"Fund" means the fund of the Authority;(h)"Government" means Government of Karnataka;(i)"Local Authority" means a Municipal Corporation, Municipal Council, Town Municipal Council, Town Panchayat, Zilla Panchayat, Taluk Panchayat, Grama Panchayat and a local authority is a "local authority" concerned, if any land within its local limits fall in the area of a plan prepared or to be prepared under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963);(j)"Land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;(k)"Natural Environs" includes the rivers, river beds, rocks, water sources, wild life and vegetation located in the Pilikula area;(l)"Member" means a member of the Authority;(m)"Pilikula Area" means and includes Pilikula Nisargadhama Area specified in the

schedule and such other area declared by the State Government, by notification from time to time;(n)"Regulations" means the regulations of the Authority made under section 40;(o)"Schedule" means a schedule appended to this Act;(p)"Society" means the Dr. Shivaram Karanth Pilikula Nisargadhama Society or the Pilikula Regional Science Centre Society; andChapter-II Pilikula Development Authority

3. Constitution of the Authority.

(1)As soon as may be, after the commencement of this Act, there shall be established for the purposes of this Act, an Authority called the Pilikula Development Authority.(2)The Authority shall have its head quarters at Pilikula in Mangaluru, Dakshina Kannada District.(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 to contract and shall by the said name sue and be sued.(4)The Authority shall consist of following members, namely:-

1	The Deputy Commissioner, Dakshina Kannada District	Chairman
2	The Members of Legislative Assembly, Mangaluru South, Mangaluru North and Mudubidre Constituencies.	Members
3	The Commissioner, Department of Public Instructions	Ex-officio Member
4	The Commissioner, Department of Archaeology, Museums and Heritage	Ex-officio Member
5	The Chief Executive Officer, Zilla Panchayat, Dakshina Kannada.	Ex-officio Member
6	The Commissioner of Police, Mangaluru	Ex-officio Member
7	The Commissioner, Mangaluru City Corporation.	Ex-officio Member
8	The Commissioner, Mangaluru Urban Development Authority, Mangaluru.	Ex-officio Member
9	The Director General, National Council of Science Museums, Kolkata.	Ex-officio Member
10	The Conservator of Forest, Mangaluru Circle	Ex-officio Member
11	The Director, Department of Science and Technology.	Ex-officio Member
12	The Director, Department of Tourism.	Ex-officio Member
13	The Director, Department of Kannada and Culture	Ex-officio Member

14	The Director, Department of Horticulture.	Ex-officio Member
15	The Member Secretary, Coastal Development Authority.	Ex-officio Member
16	Director, National Institute of Technology Karnataka or his Representative	Ex-officio Member
17	The Registrar, Mangalore University	Ex-officio Member
18	The Superintendent Engineer, Public Works, Ports and Inland Water Transport Department.	Ex-officio Member
19	The Managing Director, Mangaluru Electricity Supply Company.	Ex-officio Member
20	The Captain, Pilikula Golf Course	Member
21	The President, Moodushedde Grama Panchayat	Member
22	Three Members who are experts in the field of Culture, Wildlife, Plant Life, Science, Technology, Heritage, Fisheries and Tourism - to be nominated by the Government.	Non-official Members
23	The Commissioner, Pilikula Development Authority	Ex-officio Member Secretary

(5) The Ex-officio members may nominate their representatives, in case of their inability to attend the meetings of the Authority personally.

4. Objectives.

- An overall objective of the Pilikula Development Authority is to develop the Centre in an integrated and scientific way to provide an opportunity for learning of science through tourism and learning of tourism through science. The detailed objectives are as follows:-(i) popularization of Science and Technology Developments for human welfare; (ii) development of a good educational and resource centre for students and teachers for enriching their knowledge in one stop destination; (iii) creating an awareness and development of scientific attitude for environment and promotion of Eco-education and Eco-tourism and thinking among the general public; (iv) conservation of biodiversity and facilities for research and development; (v) protection of culture and heritage; (vi) dissemination of scientific information and better practices for various target groups; (vii) to identify, encourage and nurture creative scientific talent especially among children and youth; (viii) to identify priority areas of Science and Technology, which are useful for long term development of the State; (ix) to organize and/or assist in organizing training courses, workshops, seminars, conferences, discussions, invited talks, consultancy services and exhibitions; (x) to supplement science education through hands-on minds-on concept and through experimentation to foster a spirit of scientific enquiry and creativity among students; (xi) to popularize astronomy based education and related branches such as space science, technology and innovation among students and general public through creating an interesting and stimulating learning situation; (xii) learning

science as an enjoyment, creating a positive experience about science, its history and philosophy along with heritage and culture;(xiii)providing a platform for other educational out reach activities including social studies, art and culture; and(xiv)exploration of various components of Pilikula through the concept of Science through tourism and tourism through science;

5. Term of Office and Conditions of Services.

(1)Subject to the pleasure of the Government, the non-official members nominated by the Government shall hold office for a period of three years.(2)Any non-official nominated member may resign his office by writing addressed to the Chairperson of the Authority but shall continue in his office until his resignation is accepted by the Government.(3)The non-official member shall receive such allowances as may be prescribed.

6. Disqualification for nominated membership.

- A person shall be disqualified for being appointed as and for being a member if he,-(i)has been convicted and sentenced to imprisonment for an offence which in the opinion of the Authority involves moral turpitude; or(ii)is of unsound mind and stands so declared by a competent authority; or(iii)is an undercharged insolvent; or(iv)has been removed or dismissed from service of the Central or State Government or a body or corporation owned or controlled by the Central Government or a State Government; or(v)has directly or indirectly by himself or as partner, has any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority; or(vi)is employed as a paid legal practitioner on behalf of the Authority or accept employment as legal practitioner against the Authority:Provided that no person shall be disqualified under clause (v) 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 relation to the affairs of the Authority is inserted.

7. Removal of member.

(1)The Government shall remove a member if,-(a)he becomes subject to any of the disqualifications mentioned in section 6:Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (v) of section (6), unless he has been given an opportunity of making his representation against the proposal; or(b)he refuses to act or become incapable of acting; or(c)he 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 members; or(d)in the opinion of the 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.

8. Meetings of the Authority.

(1)The meetings of the Authority shall be convened by the Chairperson or the Commissioner with the prior 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 head quarters of the authority and at such time, as may be determined by the Chairperson.(2)The Authority shall observe such rules of procedure with regard to the transaction of business at its meetings as may be specified by regulations not inconsistent with the provisions of this Act and rules made these under(3)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.(4)A member shall not, at any meeting of the Authority take part in the discussion or vote on any matter in which he has directly or indirectly by himself or his partner, any share or interest.(5)The 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 Government and the decision of the Government in such matters shall be final and conclusive: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 Government or is prejudicial or detrimental to the interests of the Authority of the interests of the development and maintenance of Pilikula area he shall within fifteen days of the passing of the resolution, refer the matter to the Government for orders thereon and inform the Authority at its next meeting, of the action taken by him and until orders of the Government on receipt of such reference the commissioner shall not bound to give effect to such resolution,

9. State Level Advisory Committee.

(1)There shall be a State Level Advisory Committee consisting of the following members, namely:-

1	The Minister incharge of Science and Technology	President
2	The Minister Incharge of Dakshina Kannada District	Co-President
3	The Minister incharge of Tourism	Co- President
4	The Member of Parliament representing the district of Dakshina Kannada	Member
5	The Members of Legislative Assembly, Mangaluru South, Mangaluru North and Mudubidre Constituencies	Member
6	The Members of Legislative Council who are registered as voter in the constituencies of Mangaluru South, Mangaluru North and Mudubidre	Member
7	The President, Zilla Panchayat Dakshina Kannada	Member
8	The Mayor, Mangalore City Corporation	Member
9	The Chairperson, Mangalore Urban Development Authority, Mangaluru	Member
10	The Development Commissioner cum Additional Chief Secretary, Government of Karnataka	Ex-officio Member

11	The Additional Chief Secretary/Principal Secretary/Secretary to Government, Department of Finance	Ex-officio Member
12	The Additional Chief Secretary/Principal Secretary/Secretary to Government, Department of Commerce and Industry	Ex-officio Member
13	The Additional Chief Secretary/Principal Secretary to Government, Department of Energy	Ex-officio Member
14	The Additional Chief Secretary/Principal Secretary to Government, Department of Forest, Ecology and Environment	Ex-officio Member
15	Secretary, Government of India, Ministry of Environment and Forest or his representative.	Ex-officio Member
16	The Principal Secretary/Secretary to Government, Department of Information Technology, Biotechnology and Science and Technology	Ex-officio Member
17	The Additional Chief Secretary/Principal Secretary to Government, Rural Development and Panchayat Raj	Ex-officio Member
18	The Additional Chief Secretary/Principal Secretary to Government, Department of Education (Primary and Secondary Education)	Ex-officio Member
19	The Principal Secretary to Government, Department of Tourism	Ex-officio Member
20	The Secretary to Government, Department of Kannada and Culture	Ex-officio Member
21	The Secretary to Government, Department of Fisheries	Ex-officio Member
22	The Secretary to Government, Department of Agriculture and Horticulture	Ex-officio Member
23	The Deputy Commissioner, Mangalore	Ex-officio Member
24	The Vice-Chancellor, Mangalore University	Ex-officio Member
25	The Director General, National Council of Science Museum	Ex-officio Member
26	The Member Secretary, Karnataka State Pollution Control Board	Ex-officio Member
27	Three Members who are experts in the field of Culture, Wildlife, Plant Life, Science, Technology, Environment, Heritage, Fisheries and Tourism - to be nominated by the Government.	Non-official Members
28	The Commissioner, Pilikula Development Authority	Member Secretary

(2) The Advisory Committee may if it deems necessary invite any person who is an expert in the field of Culture, Wildlife, Plant Life, Science, Technology, Environment, Heritage, Fisheries, Tourism and other related fields. (3) 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 biodiversity,

heritage and culture of Western Ghats and coastal Karnataka as well as creating a stimulating environment for learning of science and technology for students and inculcating an awareness in science and technology developments for the general public, besides the promotion of tourism within the Authority.(4)The Commissioner of Authority shall function as Member Secretary of the Advisory Committee and he shall convene the meeting of the committee atleast once in six months, at such place and at such time and shall adopt such procedure as may be prescribed.(5)The Chairperson of the Authority shall present the development plan and place the Accounts of the previous year and also the budget for the current year before the Advisory Committee.(6)Advisory Committee shall go through the Audited accounts of the last year, Budget of the Current year and Annual Development Plan of the Project.(7)Advisory Committee shall give suggestions in terms of Development of the Project, Finances, Administration, for which Authority shall give due importance while administrating and managing various projects of the Authority.(8)The decisions of the Advisory Committee shall ordinarily be adopted by the Authority. If for any reasons, the Authority does not implement suggestions, the Authority shall come back to Advisory Committee with reasons. If Advisory Committee does not accept the stated reasons, the matter shall be referred to the Government. The decision of the Government shall be final in all such cases.

10. Powers and functions of the Authority.

(1)The Authority shall have power generally to do anything that in its opinion is necessary to do or to give effect to the intent and provisions of this Act, except such acts as are specifically laid in the Act to be performed by other authorities.(2)Subject to the provisions of this Act and the rules made there-under, the functions of the Authority shall be to,-(i)manage and administer all affairs, funds and properties of the Authority;(ii)sanction all posts of different cadres in the Authority on permanent or temporary basis with the approval of Government;(iii)appoint the Chairperson and members of the committees or sub-committees of the Authority;(iv)grant administrative sanction for all works within such limit as may be prescribed, to call for tenders or services to be taken for the Authority in accordance with the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 12 of 1999);(v)acquire land by purchase, gift, exchange lease, hire or otherwise, whomsoever, from the Government and other public bodies or private individuals, movable and immovable properties or other funds together with any attendant obligations and engagements not inconsistent with the objects of the Authority and the provisions of this Act and rules made thereunder;(vi)negotiate, enter into and execute agreements, contracts and documents on behalf of the Authority and vary and withdraw such agreements, contracts and documents;(vii)borrow or raise money which may be required for the purpose of the Authority upon bonds, debentures, or other obligations or securities of the Authority or by mortgage, charge hypothecation or pledge of any movable or immovable properties of the Authority;(viii)verify financial accounts every three months and pass the accounts;(ix)appoint such other advisory bodies and other special Committees for such purposes and with such powers as the Authority may decide and also to dissolve any of the Committees and advisory bodies so constituted;(x)delegate to any Committee or officer of the Authority such administrative, financial or other powers of the Authority as it deems proper and also to prescribe limitations within which these powers and duties are to be exercised or discharged and provide guidelines in that regard;(xi)institute, conduct, compound or abandon any legal proceedings by or against the Authority or its officers or otherwise concerning the officers and also

to compound and allow time for payment or settlement of any debts due and of any claims or demands by or against the Authority and refer any differences or arbitration and observe and perform any award made thereon;(xii)do all such acts, deeds, matters and things as are incidental or conducive to the attainment of the objects specified in the Act;(xiii)discuss and pass or approve the(a)annual Budget;(b)annual Action Plan;(c)annual Administrative Report; and(d)annual Audit Report;(xiv)alter, accept or reject any decisions or reports of the Committees, advisory bodies and also to give directions to the Committees in the best interest of the Authority;(xv)decide on the issues of enhancing financial resources and to balance the income and expenditure of the Authority;(xvi)decide on the issues of safety and security of the assets of the Authority;(xvii)fix the financial powers of the Commissioner in terms of sanctions and payments;(xviii)approve Project reports for seeking financial assistance from central government or State Government or any other organizations;(xix)approve various programmes to be undertaken or to be organized from time to time and to sanction financial grants for such programmes for organizing the same;(xx)function as an appellate authority for decisions under sub section (3) of section 17 against the staff of the Authority, including Commissioner, Directors, Heads of the Departments of sections, their promotions and other service matters and on all issues relating to staff of the Authority;(xxi)sanction leave to the Commissioner and to make in charge arrangements to the post of the Commissioner during his absence from office;(xxii)appoint consultants for the project and fixing their remunerations based on the need and requirements;(xxiii)look into the matters of security, health and cleaning, water supply, well being of wild animals in Zoo, staff welfare issues, augmenting the resources, publicity and brand building of Pilikula project etc;(xxiv)decide on the projects to be given on Public Private Partnership on Build-Own and Transfer Scheme to decide on lease or giving a contract for better utilization of the facilities of the Authority: provided that the role of any private partners under Public Private Partnership must be clearly defined. Their profit shall not exceed the profit of the Government in the project. There has to be equal financial contribution by the private partner;(xxv)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;(xxvi)make provision for the maintenance of Pilikula area, which shall include the manner in which the properties shall be managed, the rates, fees or other charges that shall be collected from the visitors to Pilikula area for the various facilities that they shall make use of in Pilikula and for such other matters as may be convenient, like power to levy license fee, as may be determined by the Authority, from the licensee or persons in possession of the properties of Authority;

11. Special Powers of the Chairperson.

- The Chairperson shall have such special power to act on his own and direct measures for effective realization of the object in case of urgency where there is no sufficient time to convene a meeting of the Authority, the chairperson shall take action and place the subject before the authority at its immediate next meeting and seek ratification. The quorum shall be fifty percent or more.

12. Committees of the Authority.

(1)The Authority may, for any specific purpose constitute committees consisting of such number of members including the Chairperson, but shall not be more than nine members including the Chairperson.(2)The Authority shall nominate the Chairperson of the committee and if required may appoint outside experts as Chairperson and Members of the committees by virtue of their expertise.(3)The Commissioner of the Authority shall be invariably the Member Secretary of committees.(4)The committees shall exercise such of the powers and perform such duties of the Authority, which are delegated by the Authority.(5)The Committee shall meet as many times as the Chairperson decides and complete the task given by the Authority within the time limit prescribed.Chapter-III Officers of the Authority and their Duties

13. Appointment of the Commissioner.

(1)As soon as may be after the commencement of this Act, the Government shall appoint an officer belonging to senior scale of the Karnataka Administrative Service or any State civil service officer not below the rank of Deputy Secretary to the Government to be the Commissioner of the Authority.(2)The Commissioner shall receive such salary and other allowances as the Government may, from time to time, determine.

14. Powers and Duties of the Commissioner.

(1)The commissioner shall be the Chief Executive Officer and administrative of the Authority and shall be responsible for the management of the whole affairs of the Authority subject to the superintendence, control and direction of the Authority.(2)The Commissioner shall, in addition to performing such functions as are conferred on him by or under this Act or under any law for the time being in force,-(i)to implement the resolution of the Authority which is within the Government guidelines;(ii)to conduct the business of the Authority and keep correspondence;(iii)to carry out and execute such schemes and works as the Authority may direct and incur necessary expenditure there-of;(iv)to operate the Bank accounts of the Authority and be responsible for the maintenance of the accounts of the Authority;(v)to exercise supervision and control over the officers and officials of the Authority in matters of executive, administration and service conditions of such officers and officials and regulation of their pay and allowances;(vi)to furnish to the Government a copy of the minutes of the proceedings of the Authority and any returns, or other information which the Government may, from time to time, call for;(vii)to discharge such other functions which are conferred on him by or under this Act or any other law for the time being in force at the time;(viii)he shall prepare the Annual report and Audited Accounts of the Authority and place before the Authority for approval;(ix)he shall represent before any court of law, legal authority or any statutory body on behalf of the Authority and to appoint any legal counsel, consultant or the experts on behalf of the Authority to represent or to defend the Authority;(x)he shall be the custodian of all the records of the Authority;(xi)he shall protect all assets and properties of the Authority and take all such actions in consultation with the Authority to protect them;(xii)he shall be the legal signatory on behalf of the Authority before any authority or court of law or for any contracts or agreements on behalf of the Authority; and(xiii)he shall exercise such administrative and financial powers as the

Authority decides and delegates from time to time.

15. Appointment of Accounts Officer.

(1)The Government shall appoint an officer of the State audit and Accounts Department, 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.

16. Method of Recruitment and Conditions of Service of Officers and Staff.

(1)The Government shall provide such other officers and staff as may be necessary to the Authority. The method of recruitment and the conditions of service and other officers and staff of the Authority and the powers and duties of the Commissioner shall be such as may be prescribed by rules.(2)The Administrative expenses, salary and allowances of the officers and staff of the Authority shall be defrayed out of the fund of the Authority.

17. Employees of the Authority.

(1)Subject to such rules as may be prescribed, the Authority may appoint through the Government such number of employees as sanctioned earlier for effective implementation of the Act and to develop the projects:Provided that, until the Government prescribe rules, under this Act, the method of recruitment and conditions of service of the employees working in Dr. Shivarama Karantha Pilikula Nisargadhama and Pilikula Regional Science Centre Society on the date of commencement of this Act shall be continued under the existing terms and conditions of service.(2)The existing employees of Dr.Shivaram Karantha Pilikula Nisargadhama Society and Pilikula Regional Science Centre Society shall on priority become the employees of Pilikula Development Authority. The salaries, allowances and other conditions of service of the employees referred to in sub-section (1), shall be as may be prescribed by the Government.(3)The absorption of the staff and the fixation of the scale of pay shall be as per the approval of the Government, including creation of required staff strength.(4)The Authority shall be the appellate authority in respect of disciplinary matter of the employees of the Authority and shall exercise general control and supervision over the employees of the Authority.

18. Officers of the Department.

(1)Pilikula shall have staff on deputation from concerned line Departments to look after works related to their respective Departments. These posts shall be sanctioned by the Government.(2)Each Components shall be headed by a senior officer from the respective Departments, who shall be responsible for efficient running of the Component.(3)The power and responsibility for each heads of the component shall be decided by the Authority from time to time.

19. General disqualification for services under the Authority.

(1) 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 or in any employment under, by or on behalf of the Authority, otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the Authority. (2) The Authority shall define roles and responsibility of each officer by creating a job chart which shall be followed along with other unforeseen works and duties assigned by the Authority from time to time. The Commissioner shall supervise the working conditions of all employees.

Chapter-IV Development and Maintenance

20. Preparation of developmental Plan, its approval and execution.

(1) The Authority shall, as soon as may be, after its constitution, prepare a plan for the development of Pilikula area for the conservation of bio diversity, heritage and culture, and promotion and creation of awareness in science and technology among general public and students as well as promotion of tourism. The development plan shall be. - (i) for protection and promotion of wild life, and propagation of awareness and knowledge among the people regarding the importance of conservation of Wild Life for maintaining an ecological balance; (ii) for propagation of knowledge about the flora and fauna, importance of developing gardens etc.; (iii) for propagation of knowledge of marine Life, Ocean awareness for which establishment of Ocean Awareness Center and Marine and Fresh Water Aquarium to undertake study on native fresh water fish species and Marine species; (iv) for reclaiming and upgrading the degraded forests as well as preservation, and management of the biodiversity found in the area including micro flora and fauna; (v) for recharge of rain water for improvement of underground water table; (vi) for creation of awareness about Western Ghats for maintaining ecological and environmental balance and for establishment of Western Ghats Resource Centre; (vii) for creation and awareness about traditional Medicinal Plants and establishment of Medicinal plants park; (viii) for providing facilities for studies and research for students; (ix) for promotion and dissemination of scientific knowledge and to create interest in various fields of science and technology among general public and students, and to facilitate them to have hands on experience; (x) for providing practical demonstrations or observations of living examples; (xi) to update the latest developments in the field of space science, biotechnology, nanotechnology, information science and to pass the knowledge to the younger generation; (xii) to establish linkages with national/international institutions for developing a network of scientists, engineers, technocrats and others who serve the society; (xiii) to have on-line dialogues through "video conferencing" with leaders in industry, Scientists, people of eminence in their fields, for better motivation and interaction with rural children; (xiv) to demystify science to common man and towards this end, conduct programmes and eradicate superstitions; (xv) to motivate the students and teachers by providing a challenging and creative environment through regular programmes; (xvi) to encourage people to participate in interactive sessions in understanding issues concerning environment, biodiversity, water conservation, organic farming etc for building up their confidence and improving their economic level; (xvii) to serve as resource centre for science teaching and learning by establishing galleries, workshops and developing science kits useful for such purpose; (xviii) to provide an atmosphere to children to explore and discover and develop a sense of excitement in doing things by themselves. For achieving these objectives, establishing hobby centre

and starting a Museum Bus;(xix)to serve as a "centre of excellence" and "Resource Centre" in spreading scientific literature and to bring "Scientific awareness" to community at large. Science should become a way of life and critical thinking should be a habit;(xx)for creation of interest in the History, Art and Culture of the Region;(xxi)for promotion of activities related to Khadi and Gramodyog and to promote Khadi and Village Industries, Handloom activities etc;(xxii)for educational and research programmes in the fields of science and technology, art, culture, heritage, Local history, flora and fauna, importance of Western Ghats, coastal environment, fresh water and Marine species of fish, Medicinal plants, Wild life, tourism, environment, Ground water recharging, rain water harvest, eco-friendly farming and to establish institutions necessary to promote such activities;(xxiii)for promotion of tourism and recreation facilities and setting up of Boating at Pilikula Lake, Rope way, Toy Train, Cafeteria, Cottages, Musical Fountain, Amusement Park, Golf Course etc.;;(xxiv)for putting up public parks, horticultural or zoological gardens, fountain gardens, artificial waterfalls, game parks, lakes with boating or other water games or such other tourist attractions;(xxv)for construction of choultries, lodging houses, cottages, hotels, restaurants and boarding houses to cater to different classes of tourists;(xxvi)for construction of necessary chain of shops or shopping complexes;(xxvii)for provision of amenities as defined in clause (b) of section 2;(xxviii)for laying and relaying of all or any land including construction and reconstruction of buildings;(xxix)for raising any land which the authority may consider expedient to raise to facilitate its plan of action in general and better drainage in particular;(xxx)for the demolition of all buildings unfit for human habitation and not fitting into the development plan by obtaining permission from the Government;(xxxi)for the demolition of obstructive building or portions of buildings;(xxxii)for provision of facilities for communication and transport (innovative and environment friendly) with parking facilities;(xxxiii)for the approved development plan of the Authority shall be forwarded to the Government for approval by the Commissioner;(xxxiv)to undertake works and incur expenditure for execution of development of approved plans in accordance with the provisions of the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 29 of 2000);(xxxv)to disseminate appropriate technologies and agricultural practices to rural people and to advise them on the latest developments in farming sector;(xxxvi)for acquiring land by acquisition or purchase, exchange or otherwise, which in the opinion of the Authority is necessary for execution of the development plan;(xxxvii)the sale, letting or exchange of any property comprised in the scheme, subject to the prior approval of the Government;and(xxxviii)the Annual Plan prepared by the authority shall comprise Government funds as well as own funds;(2)Establishment of Pilikula area in such other places in the State of Karnataka, to fulfill the above mentioned objectives. Any other matter for which in the opinion of the Authority, it is expedient and incidental to make provision with a view to develop and maintain Pilikula for protection and promotion of Bio-diversity and propagation of awareness and knowledge in Science and Technology among the people regarding the importance of conservation of Bio-diversity for maintaining ecological balance and for the purposes related thereto.

21. Subsequent Development Works.

- After execution of the development plan under section 20, the Authority may, from time to time, make and take up any new additional development schemes, out of its own or borrowed financial resources or philanthropic support or CSR or funds from the State or Central Government after

obtaining clear approval from the Government.

22. Delegation of Powers.

- The Authority may by resolution, delegate any of the powers conferred on it by or under this Act, to the Chairperson and to the Commissioner except the power to make rules under section 39.

23. Application of Karnataka Act 32 of 1974.

(1)the Karnataka Public Premises (Eviction of Unauthorized Occupants) Act, 1974 (Karnataka Act 32 of 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).(2)the aforesaid Act, and the rules made under shall apply to the premises of the Authority with the following modifications, that is to say,-(i)the Government may appoint any officer of the Government or the Authority as it thinks fit, to be the competent officer for the purposes of the aforesaid Act;(ii)references to "public premises" in that Act and rules those made here under shall be deemed to be references to premises of the Authority, and references to "the Government" shall be deemed to be references to the Authority; and(iii)all the assets created by the authority shall be the property of the Government.Chapter-V Finance and Property

24. Fund of the Authority.

(1)There shall be a Fund called "Pilikula Development Authority Fund".(2)There shall be credits to the said Fund,-(i)all grants, subventions, donations and gifts made by the Central Government or State Government or any local authority or anybody, whether incorporated or not or any person;(ii)the amount borrowed by the Authority;(iii)all other sums received by or on behalf of the Authority from any sources whatsoever;(iv)all money credited to the Fund shall be invested in any scheduled Bank decided by the Authority based on competitive interest rates; and(v)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 paid out of the fund of the Authority.

25. Application of Fund.

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

26. Grant by the Government.

(1)The Government shall every year make a grant to the Authority towards the administrative expenses, until the Authority reaches self-sustainable stage out of its own resources.(2)The authority within three to four years from its inception shall work towards self-sustainability and from fifth year onwards make an all-out efforts to maintain, run and develop from its own earnings.(3)The

Authority may borrow funds from other sources only with the prior approval of the Government.

27. Budget.

(1)The Authority shall prepare and sanction 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 and shall forward it to the Government for necessary action.(2)The Department of Science and Technology, Government of Karnataka shall be the nodal Department for the Authority on behalf of Government to exercise supervision, control and to issue directions to the Authority.(3)Expenditure shall be incurred out of the sanctioned budget by the Authority and as per the approved plan. In case of any emergency for expenditures related to other matters or issues or plans, a special meeting of the Authority shall be convened to decide on the same.(4)The Authority shall not have power to re-appropriate funds from one unit of expenditure to another unit beyond the permissible limits as stipulated by the Government. However, prior approval of the Government is required for any re-appropriation beyond permissible limits,.

28. Accounts and Audit.

(1)The Commissioner shall be responsible in maintaining 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 the 1st April of each calendar year and end on 31st March of the succeeding calendar year.(3)The accounts of the Authority shall be audited annually by a Registered Chartered Accountant empanelled by the Controller and Auditor General. The Authority or the Government may order concurrent and special audits, if it feels necessary.(4)The auditor shall, for the purposes of the audit, have access to all the accounts and other records of the Authority.(5)Within 15th July of every year, after 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 Government, along with its explanations 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.(6)The 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.

29. Reports.

(1)The Authority shall prepare an Annual Report of its working for each financial year and submit it to the nodal Department of the Government along with other reports under section 28.(2)The Authority shall before such date, in such form and at such intervals as may be prescribed, submit the prescribed reports to the Government.(3)The audit report and annual report of the authority shall be laid before both the Houses of the State Legislature by the Government.(4)The physical and financial performance report as per the approval plan shall be submitted to the Government within two months of the end of the financial year.

30. 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.

31. 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.

32. Default in performance of duty.

(1) If the Government is satisfied that the Authority has made default in performing any duty imposed on it by or under this Act, it may initiate suitable action as deemed fit. (2) If in the opinion of the Government, the Authority fails or neglects to perform such duty as approved in the plan, it shall be lawful for the Government notwithstanding anything contained in section 3 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 Government or by such officer or officers, as the Government may appoint for this purpose. Such officer may be designated as "Administrator".

33. Dissolution of the Authority.

(1) The Government may, by notification, declare that with effect from such date as may be specified in the notification, the Authority shall be dissolved. (2) With effect from the date specified in the notification under sub-section (1), all properties, funds and dues which are vested in and realizable by the Authority shall vest in and be realizable by the Government.

34. General administrative control by the Government.

(1) The Government shall have general administrative control and supervision over all the activities and affairs of the Authority. (2) The 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 shall pass such order with respect thereto in accordance with the provisions of the Act: Provided that no order shall be passed or modified or annulled by the Government unless a reasonable opportunity is afforded to the persons who are affected by the order of the Government.

35. Government's Powers to give Directions.

- In an extraordinary case, the 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 after bringing to the notice of the Advisory Committee.

36. Removal of Difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by notification, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty. Provided that, no such notification shall be issued after the expiry of two years from the date of commencement of this Act. (2) All orders made under this section, shall as soon as laid before both houses of the State legislature.

37. Act to over-ride 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.

38. Power to amend the Schedule.

(1) The Government may by notification insert, amend or omit any of the entries of the schedule. (2) Every notification issued under sub-section (1) shall be laid before both house of the legislature.

39. Power to make Rules.

(1) The 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. Both Houses agree 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 Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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.

40. Power to make Regulations.

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

41. Transitory provisions.

(1) Any rule, notification, order or appointment, made or issued under the Pilikula Nisargadhama Society registered under the Karnataka Society's Registration Act, 1960 as per Order No.12/97-98 dated 23.04.1997 and Pilikula Regional Science Centre Society registered under Karnataka Societies Registration Act, 1960 as per order No. 95/05-06 dated 23.08.2005 and such other area declared by the Government, by notification from time to time; or otherwise providing for or relating to any of the matters before the commencement of this Act and in force on the date of commencement of this Act, to the extent they are not inconsistent with the provisions of this Act, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Act unless and until superseded by anything done or any action taken or any rule, notification, order or appointment, made under this Act. (2) Notwithstanding anything contained in any law for the time being in force under which the ownership, administration and complete management of movable and immovable properties of the society shall vest with Authority. (3) The existing Dr. Shivaram Karantha Pilikula Nisargadhama Society and Pilikula Regional Science Centre shall stand dissolved forthwith and all the movable and immovable properties including finances, all assets and finances, assets and liabilities shall become the properties, finances, assets and liabilities of the Authority.

Schedule

(See clause (o) of section 2) (1) An area of 356 acres and 20.50 cents of land in Moodushedde and Thiruvail village, D.K. District (On lease from Government of Karnataka). North-Moodushedde village Sy.No.76 (p), 89(1)(p), 65(p), 83.2, 74-1A1 East-Thiruvail village Sy.No.98-p, 97, 85, 98, 99 South-Thiruvail and Pachanady village boundary West-Moodushedde village Sy.No.36(p), 104, 86 (p) (2) Pump House in an extent of 0.75 acres in the bank of Gurupur River.