

# The Banavasi Development Authority Act, 2018

KARNATAKA

India

## The Banavasi Development Authority Act, 2018

### Act 08 of 2018

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The Banavasi Development Authority Act, 2018(Karnataka Act No. 08 of 2018)Statement of Objects and Reasons - Act 8 of 2018. - Banavasi is the place of birth of Kannada Adhikavi Pampa and it was the first independent state of Kannada rulers and the capital of Kadambas. Therefore, it is considered necessary to constitute an Authority for development and maintenance of the heritage area in and around Banavasi in Sirsi Taluk of Uttara Kannada District into an International Pilgrim, Cultural and Tourist Centre.Hence, the Bill. [L.A. Bill No.64 of 2018, File No. Samvyashae 47 Shasana 2017][entry 5 and 32 of List II and 40 of List III 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 Governor on the Seventh day of March, 2018)An Act to provide for the establishment of an Authority for development and maintenance of the heritage area in and around Banavasi in Sirsi Taluk of Uttar Kannada district.Whereas, it is expedient to provide for the establishment of an authority for development and maintenance of the heritage area in and around Banavasi in Sirsi taluk of Uttara Kannada district into an international pilgrim, cultural and tourist center;Be it enacted by the Karnataka State Legislature in the sixty ninth year of Republic of India as follows:-Chapter-I Preliminary

### 1. Short title, extent and commencement.

(1)This Act may be called the Banavasi Development Authority Act, 2018.(2)It extends to the area Banavasi of Sirsi Taluk of Uttara Kannada District as defined in clause (c) of section 2.(3)It shall come into force on such date as the State Government may, by notification appoint and different dates may be appointed for different provisions of the Act.

### 2. Definitions.

- In this Act, unless the context otherwise requires,-(a)'Amenity' includes road, streets, sub-ways, lighting, drainage, sanitation, electricity and water supply or other convenience, public works, market places, hospital, dispensary, library, 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 Banavasi Development Authority constituted under section 3;(c) `Banavasi' means and includes limits of Banavasi Gram Panchayat and an area within twenty kilo meters from the Banavasi Gram Panchayat and lands acquired by the Government from time to time for development of Banavasi heritage sites and such other area declared by the State Government, by notification;(d)'Chairperson' means the Chairperson of the Authority;(e)'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 Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958).(h)'Member' means a member of the Authority;(i)'Regulations' means regulations of the Authority made under section 44;(j)"Schedule" means Schedule appended to this Act; and(k) `Vice-Chairperson' means the Vice-Chairperson of the Authority;Chapter-II Authority and its Employees

### 3. Constitution of the Authority.

(1)As soon as may be, after the commencement of this Act, there shall be constituted for the purposes of this Act, an Authority called as the Banavasi Development Authority.(2)The Authority shall have its headquarters at Banavasi of Sirsi Taluk of Uttara 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 be the said name sue and be sued.(4)The Authority shall consist of the following members namely:-

(a) The Chief Minister	Chairperson
(b) In charge Minister of the Uttar Kannada District	Vice Chairperson
(c) The Minister in charge of Revenue Department	Ex officio Member
(d) The Minister in charge of Kannada and CultureDepartment	Ex officio Member
(e) The Members of Lok Sabha and Members of theKarnataka Legislative Assembly who are representing Banavasi areapartially or fully	Member
(f) The member of the Rajya Sabha and KarnatakaLegislative Assembly (Local) Who are registered voter in theBanavasi;	Member
(g) The Additional Chief Secretary or PrincipalSecretary to the Government, Finance Department	Ex-officio Member
(h) The Principal Secretary to the Government,Revenue Department	Ex-officio Member
(i) The Principal Secretary to Government, Kannadaand Culture Department	Ex-officio Member
(j) The Principal Secretary to Government, TourismDepartment	Ex-officio Member
(k) The Deputy Commissioner, Uttar Kannada, Karwar	Ex-officio Member
The Commissioner of the Authority, (m)Two non-official members who are	
(l) expert in the history and heritageof Banavasi to be nominated by the State Government.	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 allowances as may be prescribed.

#### **5. Disqualification for office of membership.**

- A person shall be disqualified for being appointed as and for being a non-official 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 or 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) 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 non official 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 section 5 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 non official this clause shall not be applicable in case of ex-officio members; or (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 non official member shall unless disqualified under section 5, be eligible for re-appointment as a non official 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 authorize 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; and(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 38 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-committee of the Authority.**

(1)The Authority may for any specific purpose constitute one or more sub-committee consisting of the Commissioner as Chairman and such other members not exceeding five on each sub-committee.(2)The sub-committee shall exercise such of the powers and perform such duties of the Authority which are delegated to it 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 the regulations.

## **10. Appointment of Commissioner.**

(1)The State Government shall appoint an officer not below the rank of a KAS (Senior Scale) or 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. The conditions of service of the commissioner shall be governed by the State Government as under the Karnataka Civil Service Rules.(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 are conferred on him by or under this Act or under any law for the time being in force,-(a)to implement the resolutions of the Authority;(b)conduct the business of the Authority and make the

correspondence;(c)to carryout and execute such schemes and works as the State Government may direct and incur necessary expenditure thereof;(d)to be responsible for implementing the schemes of the Authority;(e)to operate the Bank accounts of the Authority and be responsible for maintaining the accounts of the Authority;(f)to exercise supervision and control over the officers and servants of the Authority in matters of executive, administration and service conditions of such officers and servants and regulation of their pay and allowances;(g)to furnish to the State Government a copy of the minutes of the proceedings of the Authority and any written, or other information which the State Government may, from time to time, call for; and(h)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.

## **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 Audit 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 upto 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 and shall exercise general control and supervision over the Staff 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 or in any employment under the Authority, otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the Authority.

## **14. Meetings of the Authority.**

(1)Meetings of the Authority shall be convened by the Commissioner, with the previous approval of the Chairperson at such intervals as the Chairperson may deem fit and shall be held at such place, as may be determined by the Chairperson:Provided that the Authority shall meet atleast twice in a calendar year.(2)Every meeting shall be presided over by the Chairperson and if for any reason the Chairperson is unable to attend any meeting, the vice Chairperson shall preside over the meeting if for any reason the vice Chairperson is unable to attend the meeting, 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 regulations 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 the Authority, 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 made thereunder.

### **15. Proceedings presumed to be good and valid.**

- No disqualification of or defect in the appointment of any person acting as Chairperson 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 Chairperson 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 Chairperson to take certain decisions.**

- Where the Chairperson is of the opinion that a matter is so urgent that it cannot wait for that a matter is frivolous, not necessitating convening of a meeting of, the Authority meeting 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 put up to the Authority at its next meeting.

## **Chapter III**

## **18. Heritage Sites.**

(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 Banavasi Specified in the schedule shall vest in the State Government and if Necessary shall be acquired in accordance with the right to fair compensation and transparency in land acquisition (rehabilitation and resettlement) act, 2013 (Central Act 30 of 2013) and rules made thereunder by the state Government such land shall thereafter It shall be transferred to the authority, from the date of notified by the state Government;(2)The State Government may by general or special order make transitory provisions, if in the opinion of the State Government it is expedient so to do.

## **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 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 Banavasi into an international pilgrim, cultural and tourist centre and a centre for deliberation and propagation of the tenets of ancient poet Pampa and his contemporaries and disciples. The Development plan shall include,-(a)Conservation and resoration of any heritage site or structure and programmes for its maintenance;(b)proposals 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;(c)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;(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;(g)construction of prayer halls and meditation halls at strategic places;(h)provision of amenities as defined in section 2;(i)providing drainage, electricity, water supply and sanitation;(j)raising any land which the Authority may consider expedient to raise to facilitate its plan of action in general and better drainage in particular;(k)forming open spaces for the better ventilation of the area comprised in the Banavasi or in any adjoining area;(l)the demolition of obstructive building or portions of buildings;(m)the construction and reconstruction of buildings, their maintenance and preservation;(n)the sale, letting or exchange of any property comprised in the scheme, subject to the provisions of section 24;(o)providing accommodation to the employees of the Authority;(p)providing facilities for communication and transport;(q)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 developmental plan;(r)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 the Banavasi as a cultural centre, place of pilgrimage and an international tourist centre and a centre for deliberation and propagation of the tenets of ancient poet Pampa; and to protect and develop

other places of importance connected with the life and Dharma of ancient poet Pampa, his contemporaries and disciples and for the establishment of an educational and research centre for Banavasi studies and specialized library on the subject.(s)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 Act shall be deemed to over ride the provisions of Ancient Monuments and Archaeological 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 execution of development plans approved by the State Government under this section.

## **21. Maintenance of Banavasi Heritage Sites Development Authority.**

- The State Government may by rules on the recommendation of the Authority or otherwise make provision for the maintenance of Banavasi Heritage Sites 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 shall be collected from the devotees, pilgrims, tourists and other visitors to the town for the various facilities that they shall 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. Delegation of powers of the State Government on the Authority.**

- Notwithstanding anything contained in the Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 (Karnataka Act 7 of 1962) the State Government may by notification delegate any of its powers to be exercisable by it on 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.

## **23. Application of the Karnataka Public Premises (Eviction of unauthorized occupants) Act, 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 may be specified in the notification that the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974(Karnataka Act No. 32 of 1974) shall apply to premises belonging to, vested 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) of the aforesaid Act, and the rules made there under shall apply to the premises of the Authority with the following modifications, namely:-(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 rules made there under shall be deemed to be references to premises of the Authority, and references to the State Government in section 6,7,8,14, 15, 16 and 17 of that Act shall be deemed to be references to the Authority.

## **24. Promotion of Tourism and pilgrimages by the Authority.**

- The Authority may organize programmes and activities for promotion of tourism, cultural, historical and pilgrimage- to give wider publicity to the heritage sites such programmes shall include,-(a)Kadambotsav ;(b)Art Exhibitions and Sales ;(c)Seminars, Symposia, workshops; and(d)Annual Fairs and Festivals of special nature.

## **25. 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 under section 40.(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 44.

# **Chapter IV**

## **Finance and Property**

## **26. Fund of the Authority.**

(1)There shall be a fund called the Banavasi Development Authority Fund.(2)There shall be credited to the 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 money 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 officer and employees of the Authority shall be defrayed out of the fund of the Authority.

## **27. Application of the Fund.**

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

## **28. Grant by the State Government.**

- The State Government shall 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 and also provide grant-in-aid from time to time for development of heritage sites.

## **29. 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 of April next following and shall forward it to the State Government for sanction. The Authority shall 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, the commissioner shall be competent 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 re-appropriate funds from one unit of expenditure to another unit, subject to a maximum of rupees one lakh at a time.

## **30. 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 Audit and 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 under sub-section (5), give such directions as it thinks fit to the Authority and the Authority shall comply with such directions.

## **31. 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.(2)The State Government shall lay the Annual Reports before each house of the State Legislature.

## **Chapter V**

### **Miscellaneous**

#### **32. 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.

#### **33. 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.

#### **34. Protection of action taken good faith 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.

#### **35. 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 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 State Government or by such officer or officers, as the State Government may appoint for this purpose.

#### **36. 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; and (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.

### **37. Administrative 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 in accordance with the provisions of the Act.Provided that no order shall be passed or modified or annulled by the State Government unless a reasonable opportunity is afforded to the persons who are affected by the order of the State Government.

### **38. State Government's 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.

### **39. 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:Provided that no such notification shall be issued after the expiry of two years from the date of commencement of this Act.

### **40. Power to make rules.**

(1)The State Government may, after previous 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 soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses 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 thereafter 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.

### **41. Power to make regulations.**

- The Authority may subject to the provisions of this Act and the rules made under section 40 and with the previous sanction of the State Government, by notification make regulations to carry out the purposes of this Act.

## **Schedule**

[See clause (g) of section 2]Heritage Sites and Monuments at Banavasi

- 1. Sampoorna Madhukeshwar Temple ;**
- 2. Aadi Madhukeshwar Temple ;**
- 3. Koppal Durgamma (Gram Devi) ;**
- 4. Koppal Rameshwar ;**
- 5. Neelkantheshwar ;**
- 6. Kadambeshwar ;**
- 7. Stiti Kantheshwar ;**
- 8. Rathad Rakshana Mandir ;**
- 9. Maha Shandan Rath, Gift by 1608 Sonde Ramachandra Nayak Gift ;**
- 10. Lord Teru Tirumala ;**
- 11. Panchbrahma ;**
- 12. Lord Pete Venkataraman ;**
- 13. Hanumanth Temple ;**
- 14. Banashankari (Gram Devi) ;**
- 15. Sundareshwar ;**
- 16. Prabhu Temple ;**
- 17. Allama Prabhu ;**

