

The Basavakalyan Development Board Act, 2005

KARNATAKA

India

The Basavakalyan Development Board Act, 2005

Act 13 of 2005

- Published in Gazette 13 on 20 July 2017
- Assented to on 20 July 2017
- Commenced on 20 July 2017
- [This is the version of this document as it was from 2 March 2019 to None.]
- [Note: The original publication document is not available and this content could not be verified.]

Basavakalyan Development Board Act, 2005(Karnataka Act No. 13 of 2005)Statement of objects and Reasons. - It is considered necessary to constitute by law a Board for preservation, development and maintenance of the heritage sites and monuments in and around Basavakalyan Town in Bidar District and to develop Basavakalyan in to an international pilgrimage, cultural and tourist centre. The Bill among other things provides for the constitution of the Board and to vest in it the powers of an Urban Development Authority and Planning Authority including power to levy fee, to organize cultural programmes and to promote tourism and incidentally to make its own regulations and for appointment of staff etc.Since the matter was urgent and both the Houses of the Karnataka State Legislature were not in session the Basavakalyan Development Board Ordinance, 2004 (Karnataka Ordinance 4 of 2004) was promulgated on 12th November 2004.This Bill seeks to replace the Ordinance.Hence, the Bill. (LC Bill No.3 of 2005)(Entry 5 and 32 of list II, Entries 20 and 40 of list III of Seventh Schedule to the Constitution of India.)(First published in the Karnataka Gazette Extra-ordinary on the Fifth day of April 2005)Statement of objects and Reasons - Amending Act 14 of 2019. - It is considered necessary to omit sections 22, 24, 25 and 27 and to amend section 23 of the Basavakalyan Development Board Act, 2005 to separate the Basavakalyan Urban Development Authority Functions from the Basavakalyan Development Board.Hence the Bill.[L.A. Bill No. 02 of 2019, File No. Samvyashae 41 Shasana 2017] [entry 32 of List II and entry 40 of List III of the Seventh Schedule to the Constitution of India.](Received the assent of the Governor on the second day of April 2005)An Act to provide for the establishment of a Board for development and maintenance of the heritage sites in and around Basavakalyan town in Bidar district.Whereas, it is expedient to provide for the establishment of a Board for development and maintenance of the heritage sites in and around Basavakalyan town in Bidar district into an international pilgrim, cultural and tourist center;Be it enacted by the Karnataka State Legislature in the fifty-sixth year of the Republic of India, as follows:-Chapter-1 Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Basavakalyan Development Board Act, 2005. (2) It extends to the area of Basavakalyan as defined in clause (b) 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, post office, bank, hospital, dispensary, police station, fair price shop, milk booth, library, recreation centers, service stations of any public utility service authorised by the Board or other facility; and such other amenity as the State Government may, by notification specify; (b) Board' means the Basavakalyan Development Board constituted under section 3; (c) "Basavakalyan" means and includes limits of Basavakalyan Town Municipal Committee and area within twelve kilo meters from the town and lands acquired by Government from time to time for development of Basavakalyan heritage sites and such other area declared by the State Government, by notification; (d) "Chairman" means the Chairman of the Board; (e) "Commissioner" means the Commissioner of the Board appointed under section 10; (f) "Fund" means fund of the Board; (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) "Member" means a member of the Board; (i) "Regulations" means regulations of the Board made under section 46; (j) "Schedule" means Schedule appended to this Act. Chapter-II Board and its Employees

3. Constitution of the Board.

(1) As soon as may be, after the commencement of this Act, there shall be constituted for the purposes of this Act, a Board called the Basavakalyan Development Board. (2) The Board shall have its headquarters at such place as may be determined by the Board from time to time. (3) The Board 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 Board shall consist of the following members namely: - (a) the Chief Minister, who shall be ex-officio Chairman of the Board; (b) the Minister in charge of Kannada and Culture Department; (c) the Minister in charge of Revenue Department; (d) the Members of Parliament and Members of the State Legislature representing a part or whole of the Basavakalyan whose electoral constituencies lie within its limits; (e) the President, Basava Samiti, Basava Bhavana, Bangalore; (f) the President, Akhila Bharata Veerashaiva Mahasabha, Bangalore; (g) not exceeding five members nominated by the State Government who have served the cause espoused by Lord Basaveshwara, out of whom one person shall be a person who has held the office of Chief Engineer, Civil; (h) the Secretary to Government, Kannada and Culture Department; (i) the Secretary to Government, Revenue Department; (j) the Secretary to Government, Finance Department; (k) the Secretary to Government, Urban Development/Municipal

Administration Department;(l)The Director, Municipal Administration Department;(m)The Director, Town and Country Planning;(n)The Deputy Commissioner, Bidar District;(o)The Chief Executive Officer, Zilla Panchayat, Bidar;(p)The President, Town Municipal Council, Basavakalyan;(q)The Director, Department of Archaeology and Museums in Karnataka;(r)such other ex-officio members not exceeding five nominated by the State Government;(s)the Commissioner of the Board 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 allowances 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 Board or in any contract or employment with or under or by or on behalf of the Board; or(f)is employed as a paid legal practitioner on behalf of the Board or accepts employment as legal practitioner against the Board:Provided that no person shall be disqualified under clause (e) of sub-section (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 Board 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 sub-section (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 become incapable of acting; or(c)he without obtaining leave of absence from the Board, absents from three consecutive meetings of the Board:Provided that 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 member shall unless disqualified under section 5, be eligible for re-appointment as a member.

8. Powers of the Board.

(1)The Board 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 Board 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 Board 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 Board 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 Board.

(1)The Board 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-committees.(2)The sub-committees shall exercise such of the powers and perform such duties of the Board which are delegated to it by the Board.(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 Board.(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 Board.(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)carry into effect the resolutions of the Board;(b)conduct the business of the Board and keep the correspondence;(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 Board;(e)operate the Bank accounts of the Board and be responsible for maintaining the accounts of the Board;(f)exercise supervision and control over the officers and servants of the Board in matters of executive, administration 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 Board 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 Board.

(1)Subject to such rules as may be prescribed, the Board 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 upto date, presenting a true and fair picture of the financial affairs of the Board.(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 Board and shall exercise general control and supervision over the personnel of the Board.

13. General disqualification for services under the Board.

- 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 Board or in any employment under the Board, otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the Board.

14. Meetings of the Board.

(1)Meetings of the Board 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 Board shall meet atleast 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 Board 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 Board, 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 Board:Provided that, if in the opinion of the Commissioner any resolution of the Board 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 Board or the interests of the development and maintenance of Basavakalyan, he shall within fifteen days of the passing of the resolution, refer the matter to the State Government for orders thereon and inform the Board 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 Board 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 Board if such act or proceeding is otherwise in accordance with the provisions of this Act.

16. Decisions of the Board 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 Board, be circulated by sending a note in the prescribed form amongst the members of the Board 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 Board and further action taken accordingly. If there is any difference of opinion on any particular subject taken up for the decision of the Board 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 Board 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 for that a matter is frivolous, not necessitating convening of a meeting of, the Board meeting under section 14 or for a Board decision, 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 Board:Provided that every decision so taken by the Chairman under this section shall be put up to the Board at its next meeting.

Chapter III

18. Vesting Of Heritage Sites In Basavakalyan In The Board.

(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, Management And Superintendence Of All Or Any Of The Heritage Sites At Basavakalyan Specified In The Schedule Shall Vest In The State Government And Thereafter It Shall Be Transferred To The Board, From The Date 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 Board shall, as soon as may be, after its constitution prepare a plan for the development of Basavakalyan into an international pilgrim, cultural and tourist centre and a centre for deliberation and propagation of the tenets of Lord Shree Basaveshwara and his contemporaries and disciples. The Development plan may include,-(a)remantling 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 Board is necessary for execution of the development plan;(c)putting up public parks, horticultural or zoological gardens, fountain gardens, artificial water falls, 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 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, construction and reconstruction of buildings;(j)providing drainage, electricity and water supply and sanitation;(k)raising any land which the Board may consider expedient to raise to facilitate its plan of action in general and better drainage in particular;(l)forming open spaces for the better ventilation of the area comprised in the Basavakalyan or in any adjoining area;(m)the demolition of all buildings unfit for human habitation and not fitting into the developmental plan;(n)the demolition of obstructive building or portions of buildings;(o)the 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 Board;(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 developmental plan;(t)any other matter for which in the opinion of the Board, it is expedient and incidental to

make provision with a view to develop and maintain the Basavakalyan as a cultural centre, place of pilgrimage and an international tourist centre and a centre for deliberation and propagation of the tenets of Lord Shree Basaveshwara; and to propogate Basava Dharma, Vachana Sahitya, not only of Lord Shree Basaveshwara but also of his contemporaries and disciples; and to protect and develop other places of importance connected with the life and dharma of Lord Shree Basaveshwara, his contemporaries and his disciples and for the establishment of an educational and research centre for Basava Studies and specialized 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 Board:Provided that nothing contained in this clause shall be deemed to over ride the provisions of 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 Board make such modifications to the plan as it deems necessary, from time to time.(4)The Board 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 Basavakalyan.

- The State Government may by rules on the recommendation of the Board or otherwise make provision for the maintenance of Basavakalyan which shall include the manner in which the properties of the Board 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. [*] [Omitted by Karnataka Act No. 14 of 2019, dated 2.3.2019.]**

22. Basavakalyana Development Board to be the Urban Development Authority for Basavakalyan.-

(1) Notwithstanding anything contained in the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987) on and from the date of its constitution, the Board shall be deemed to be the Urban Development Authority for the Basavakalyan, and the Board shall have all the powers and perform all the functions of an Urban Development Authority as if the said Authority has been constituted under section 3 of the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987).(2) The staff, assets and liabilities of the Basavakalyan Town Planning Authority shall stand transferred to the Basavakalyan Development Authority.

23. No other authority or person to undertake development without permission of the Board.

(1)Notwithstanding anything contained in any law for the time being in force, except with the previous permission of the Board, no authority or person shall undertake any development within

the [Basavakalyan Heritage sites] [Substituted 'Basavakalyan' by Karnataka Act No. 14 of 2019, dated 2.3.2019.], of the types as the Board may from time to time specify by notification published in the Official Gazette.(2)No local authority shall grant permission for any development referred to in sub-section (1), within the [Basavakalyan Heritage sites] [Substituted 'Basavakalyan' by Karnataka Act No. 14 of 2019, dated 2.3.2019.], unless the Board has granted permission for such development.(3)Any authority [***] [Omitted 'or person' by Karnataka Act No. 14 of 2019, dated 2.3.2019.] desiring to undertake development referred to in sub-section (1) shall apply in writing to the Board for permission to undertake such development.(4)The Board may, after making such inquiry as it deems necessary grant such permission without or with such conditions, as it may deem fit, to impose or refuse to grant such permission.(5)Any authority [***] [Omitted 'or person' by Karnataka Act No. 14 of 2019, dated 2.3.2019.] aggrieved by the decision of the Board 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 [*] **[Omitted 'person or' by Karnataka Act No. 14 of 2019, dated 2.3.2019.] authority does anything contrary to the decision given under sub-section (4) as modified in sub-section (5), the Board shall have power to pull down, demolish or remove any development under taken contrary to such decision and recover the cost of such pulling down, demolition or removal from [*]** [Omitted 'the person or' by Karnataka Act No. 14 of 2019, dated 2.3.2019.] authority concerned.[24 to 25. ***] [Omitted by Karnataka Act No. 14 of 2019, dated 2.3.2019.]

24. Power of entry.- The Board may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purposes of,-(a) making any enquiry, inspection, measurement or survey or taking levels for such land or building;(b) examining works under construction and ascertaining the course of sewers and drains;(c) digging or boring into the sub-soil;(d) setting out boundaries and intended lines of work;(e) making such levels, boundaries and lines by placing marks and cutting trenches;(f) ascertaining whether any land is being or has been developed in contravention of any plan or in contravention of any conditions subject to which such permission has been granted; or(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 occupier, 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 occupants of the land or building entered.25. Levy of Fee.- (1) It shall be lawful for the Board 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 on the Board.

- 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 exerciseable by it on the Board and on the issuance of

such notification the Board shall have such powers and perform such functions as may be specified in the notification.

27. [*] [Omitted by Karnataka Act No. 14 of 2019, dated 2.3.2019.]**

27. Duty to maintain streets etc.,- Notwithstanding anything contained in the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) it shall be incumbent on the board 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 cleansing of the streets in the Basavakalyan area; and (b) the drainage, sanitary arrangement and water supply in respect of the streets in the Basavakalyan area.

28. Application of (Karnataka Act 32 of 1974) to the Board 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 shall apply to premises belonging to, vesting in, or leased by, the Board 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 Board with the following modifications, that is to say, - (a) the State Government may appoint any officer of the State Government or of the Board 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 Board, 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 Board.

29. Promotion of Tourism and pilgrimages by the Board.

- The Board may organize programmes and activities for promotion of tourism, cultural, historical and pilgrimage to give wider publicity to the heritage sites. Such programmes may include.
- (a) Basavakalyan Utsava. (b) Sharana 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 45. (2) The Board may by regulations, delegate any of the powers conferred on it by or under this Act to the Commissioner or other officers of the Board, except the power to make regulations under section 46.

Chapter IV

Finance and Property

31. Fund of the Board.

(1) There shall be a Fund called the Basavakalyan Development Board 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 Board; and (iii) all other sums received by or on behalf of the Board 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 Board including the salaries, allowances and pension if any, payable to the Commissioner and other officer and employees of the Board shall be defrayed out of the fund of the Board.

32. Application of the Fund.

- The Fund and all property held or vested in the Board 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 Board of a sum equivalent to the administrative expenses of the Board, until the Board reaches self maintenance stage out of its own resources.

34. Budget of the Board.

(1) The Board 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 Board 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 Board 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 Board shall be

audited annually by the Controller, State Accounts Department. The Board 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 Board.(5)As soon as may be after the receipt of the annual statement of accounts and the report of the auditor, the Board 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 Board 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 Board and the Board shall comply with such directions.

36. Reports.

(1)The Board 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 32.(2)The Board shall before such date, in such form and at such intervals as may be prescribed, submit the prescribed reports to the State Government.

Chapter V Miscellaneous

37. Board not to sell any land within its jurisdiction.

- The Board 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 Board, 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.

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 Board 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 Board 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 Board in the prescribed manner.(3)After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board 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 Board.

(1)The State Government may, by notification, declare that with effect from such date as may be specified in the notification, the Board 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 Board shall vest in and be realisable by the State Government.(b)all liabilities enforceable against the Board 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 Board.(2)The State Government may call for the records of any proceedings of the Board, the Commissioner or any officer subordinate to the Board, 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 Government's powers to give directions.

- The State Government may give such directions to the Board as in its opinion are necessary or expedient for carrying out the purpose of this Act and it shall be the duty of the Board, 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 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, 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 Board 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 Basavakalyan Development Board Ordinance, 2004 (Karnataka Ordinance 4 of 2004) 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

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

1. Fort

2. Parusha-Katte

3. Basaveshwara temple

4. Kinnari Bommayya Cave

5. Moligeya Mavayyana Gudi at Molakri

6. Devar Dasimayya/Jedar Dasimayya Caves

7. Kambli Matha

8. Basava Bhavana

- 9. Sadananda Matha**
- 10. Haralayya cave and gudi**
- 11. Basava Vana**
- 12. Jatra Maidan**
- 13. Prabhudevara Gaddige**
- 14. Madivala Machayya Shrine and Honda (Pond)**
- 15. Shivapur Shiva Temple**
- 16. Narayanapur Shiva Temple**
- 17. Akka Nagammana Gavi**
- 18. Basaveshvara Mahamane spot-Arrival Gavi**
- 19. Tripurantakeshvara Temple**
- 20. Dharmashala**
- 21. Tiprant village holy sites**
- 22. Tripurantaka Tank**
- 23. Rudramuni and Vijnaneshwara Gavis**
- 24. New Anubhava Mantap**
- 25. Panchasutra Gavi**
- 26. Nuliya Chandayya's Gavi**
- 27. Bandavara Oni (street) Traditionally said to be so**

28. Yalahooti site

29. Museum of the Archaeology Department.

The above translation of the §, À^aÀPÀ⁻Áât C©ü^aÀøçP^aÀÄAqÀ^{1/2} Cçü×AiÀÄ^aÄÄ, 2005 (2005 GÀPÀ£ÁðlPÀ Cçü×AiÀÄ^aÄÄ, ÀASÉå: 13) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.