

Sri Malai Mahadeshwaraswamy Kshetra Development Authority Act, 2013

KARNATAKA

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Sri Malai Mahadeshwaraswamy Kshetra Development Authority Act, 2013

Act 37 of 2013

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Sri Malai Mahadeswaraswamy Kshethra Development Authority Act, 2013(Karnataka Act No. 37 of 2013)Statement of Objects and Reasons - (Act 37 of 2013). - It is considered necessary to enact a legislation to provide for constitution of an independent statutory Authority to undertake the work of development and maintenance of Sri Malai Mahadeswaraswamy Kshethra. The salient features of the said Bill are as follows,-(1) Constitution of an Authority under the Chairmanship of the Chief Minister with the concerned Ministers, Members of Parliament, Legislators, non-officials and officials as members.(2) Appointment of a Secretary who shall be the Chief Executive and Administrative Officer of the Authority.(3) Preparation of development plan for the development of Sri Malai Mahadeswaraswamy Kshethra by the Authority and its maintenance by it.(4) Constitution of a Fund called Sri Malai Mahadeshwaraswamy Kshethra Development Authority Fund.(5) Application of the Fund.(6) Other incidental matters.Hence the Bill.[L.A. Bill No.10 of 2013, File No. Samvyashae 06 Shasana 2013][Entries 5 and 32 of list II and entries 20 and 40 of list III of the Seventh Schedule to the Constitution of India.]Statement of Objects and Reasons - (Amending Act 36 of 2014). - Sri Malai Mahadeshwaraswamy Area Development Authority Act, 2013 has been enacted for the comprehensive development of Sri Malai Mahadeshwaraswamy temple Area, Mahadeshwara Hills, in Kollegal Taluk, Chamarajanagar District. It is considered necessary to amend few provisions of the Act, so as to enable the said authority to work more effectively.Hence, the Bill.[L.A. Bill No.50 of 2014, File No. Samvyashae 21 Shasana 2014][entry 5 and 32 of List II, 20 and 40 of list III of the Seventh Schedule to the Constitution of India.]Statement of Objects and Reasons - (Amending Act 15 of 2016). - It is considered necessary to amend the Sri Malai Mahadeshwaraswamy Kshetra Development Authority Act, 2013 (Karnataka Act 37 of 2013) to,-(i) nominate not more than two State Legislature Members including the member of the Karnataka Legislature Assembly as members of the Authority and(ii) provide for the more power to the Authority in executing the development plants of Sri Malai Mahadeshwaraswamy KshetraHence the

Bill[L.A. Bill No.07 of 2016, File No. Samvyashae 58 Shasana 2015][entry 5 and 32 of List II of the Seventh Schedule to the Constitution of India.](First Published in the Karnataka Gazette Extra-ordinary on the Sixteenth day of March, 2013)(Received the assent of the Governor on the Thirteenth day of March, 2013)An Act to provide for the establishment of an Authority to develop and maintain Sri Malai Mahadeswaraswamy temple, Mahadeswara Hills in Kollegal taluk, Chamarajanagar District. Whereas it is expedient to provide for the establishment of an Authority to develop and maintain Sri Malai Mahadeswaraswamy temple, Mahadeswara Hills in Kollegal taluk, Chamarajanagar District into an international pilgrim, cultural and tourist centre and also to maintain it; Be it enacted by the Karnataka State Legislature in the Sixty-Fourth year of the Republic of India as follows:-Chapter - I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called Sri Malai Mahadeswaraswamy Kshethra Development Authority Act, 2013.(2)It extends to the area of Sri Malai Mahadeswaraswamy Kshetra as defined in clause (f) of section 2.(3)It shall come into force from 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 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 centres, 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 Sri Malai Mahadeswaraswamy Kshethra Development Authority constituted under section 3;(c)"Chairman" means the Chairman of the Authority;(d)"Fund" means fund of the Authority;(e)"Secretary" means the Secretary of the Authority appointed under section 10;(f)"Sri Malai Mahadeswaraswamy Kshethra" means and includes Sri Malai Mahadeswaraswamy temple and all the subsidiary temples attached thereto, in Malai Mahadeswara Hills, Kollegal taluk in Chamarajangaar district, the entire area of Malai Mahadeswara Hills and lands acquired by Government from time to time for development of Sri Malai Mahadeswaraswamy Kshethra and such other area declared by the State Government, by notification;(g)"member" means a member of the Authority;(h)"regulations" means regulations of the Authority made under section 38.Chapter - II Constitution of Sri Malai Mahadeswaraswamy Kshethra Development Authority and its Employees

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 Sri Malai Mahadeswaraswamy Kshethra Development Authority.(2)The Authority shall have its headquarters at [Malai Mahadeswara hill] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.]in Kollegal taluk, Chamarajanagar 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 the following members namely:- (a)the Chief Minister shall be the ex-officio Chairman of the Authority;(b)the Minister in charge of Hindu Religious Institutions and Charitable Endowments Department, shall be the Vice Chairman of the Authority;(c)the Minister in charge of the District; [Vice Chairman] [Inserted by Act 36 of 2014 w.e.f. 06.09.2014.](d)the Peethadhipathi of Sri Salurumath, Malai Mahadeshwara Hills;(e)the Members of Parliament and the Members of the State Legislature representing a part or whole of the Sri Malai Mahadeshwaraswamy Kshethra, whose electoral constituencies lie within the limits of it;(f)[Not more than five members nominated by the State Government from among the leading personalities having wide knowledge about the historical background and mythology of Sri Malai Mahadeshwaraswamy Kshetra, out of whom at least one shall belong to the Scheduled Castes or the Scheduled Tribes and one shall be a women] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.](g)the Chief Engineer Communication and Building, Public Works Department;(h)the Secretary to Government, Finance Department; [or his nominee] [Inserted by Act 36 of 2014 w.e.f. 06.09.2014.](i)the Secretary to Government, in charge of Hindu Religious Institutions and Charitable Endowments, Revenue Department;(j)[The Secretary to the Government, Revenue Department (Muzarai) or his representative; [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.](j-1) The Commissioner, Department of Religious and Charitable Endowment, Bangalore;(j-2) The Chief Priest, Sri Malai Mahadeshwaraswamy Temple;](k)the Deputy Commissioner, Chamarajanagar district;(l)the Chief Executive Officer, Zilla Panchayath, Chamarajanagar district;(m)the Director, Department of Archaeology and Museums, Mysore;(n)the Secretary of the Authority who shall be the Member - Secretary.

4. Term of office and conditions of services.

(1)Subject to the pleasure of the State Government the non-official members nominated by the State Government shall hold office for a period of three years:Provided that the Peethadhipathi of Sri Salurumath shall be a permanent member.(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 membership.

- A person shall be disqualified for being appointed as and for being a member if he,-(a)has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or(b)is of unsound mind and stands so declared by a competent court; or(c)is an undischarged insolvent; or(d)has been removed or dismissed from service of the Central Government or a State Government or a body or corporation owned or controlled by the Central Government or a State Government; or(e)has directly or indirectly by himself or as partner, has any share or interest in any work done by the order of the Authority 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) 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 Authority is inserted.

6. Removal of member.

(1)The State Government shall remove a member if,-(a)he becomes subject to any of the disqualifications mentioned in section 5:Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of 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 informing the Authority absents from three consecutive meetings of the Authority: [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.]]Provided that, this clause shall not apply to the 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 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, except such acts as are specifically laid in the Act to be performed by other authorities.(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 Secretary:[Provided that, a copy of every contract involving expenditure of rupees ten lakhs or more shall be sent to the State Government"; and] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.](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;[A compliance report shall be submitted to the State Government in this behalf.] [Inserted by Act 36 of 2014 w.e.f. 06.09.2014.]

9. Sub-committee of the Authority.

(1)The Authority may for any specific purpose constitute a sub-committee consisting of the Secretary as Chairman and such other members not exceeding five among the members of the Authority.(2)The sub-committee shall exercise such of the powers and perform such duties of the Authority which are delegated by the Authority.(3)The 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 Secretary.

- [(1) The State Government shall appoint an officer belonging to Senior Scale of the Karnataka Administrative Services to be the Secretary of the Authority and Executive Officer of the Endowment Department to be the Deputy Secretary of the Authority] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.](2)The Secretary [and other officers] [Inserted by Act 36 of 2014 w.e.f. 06.09.2014.] 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 Secretary.

11. Powers and duties of the Secretary.

(1)The Secretary shall be the Chief Executive and Administrative Officer of the Authority.(2)The Secretary 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 carry into effect the resolutions of the Authority;(b)to conduct the business of the Authority and keep correspondence;(c)to carry out and execute such schemes and works as the State Government may direct and incur necessary expenditure therefor;(d)to implement the schemes of the Authority;(e)to operate the accounts of the Authority and be responsible for the maintenance of 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 return, or other information which the State Government may, from time to time, call for;(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, until the State Government frame rules, under this Act, the method of recruitment and conditions of service of the employees including Archaks working in Sri. Malai Mahadeshwaraswamy Temple of Malai Mahadeshwara Kshetra Development authority shall be continued to be governed under the provisions of the Hindu Religious and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001) and the rules made there under.] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.]Provided further that, the State Government shall appoint an Advisor of Finance and Accounts not below the rank of Group 'A' Junior Scale Officer on deputation from the Karnataka State Accounts Department and other officers from other departments as may be necessary.(2)The Advisor of Finance and Accounts shall work under the control of the Secretary. He shall ensure that financial rules are followed; and accounts are kept up to date, presenting a true and fair picture of the financial affairs of the Authority.(3)The salaries, allowances and other conditions of service of the employees referred to in

sub-section (1), shall be as may be prescribed.(4)The Secretary shall be the appointing and disciplinary authority in respect of employees of the Authority and shall exercise general control and supervision over the employees 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, 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.

14. Meetings of the Authority.

(1)Meetings of the Authority shall be convened by the Secretary, with the previous approval of the Chairman at such intervals as the Chairman may deem fit and shall be held at such place, as may be determined by the Chairman:Provided that the Authority shall meet atleast [four times] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.] 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, [and If such a meeting is attended by both the Vice-Chairman, the District incharge, Minister shall preside over the meeting] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.] The quorum for the meeting shall be one third of the total members including the Chairman.(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 Secretary shall refer the matter to the State Government and the decision of the State Government in such matters shall be final and conclusive.(4)The Secretary shall give effect to the decisions of the Authority:Provided that, if in the opinion of the Secretary any resolution of the Authority contravenes any provision of this Act or any other law or of any rule, notification or regulation made or issued under this Act or any other law or of any order passed by the State Government or is prejudicial or detrimental to the interests of the Authority or the interests of the development and maintenance of Sri Malai Mahadeswaraswamy Kshethra, 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 Secretary shall not be bound to give effect to such resolution.(5)The Authority may by regulations specify the procedure with regard to the transaction of business at its meetings, not inconsistent with the provisions of this Act and the provisions of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001) and Karnataka Hindu Religious Institutions and Charitable Endowments Rules, 2002.

15. Proceedings presumed to be good and valid.

- No disqualification of or defect in the appointment of any person acting as member shall be deemed to vitiate any act or proceeding of the Authority if such act or proceeding is otherwise in accordance with the provisions of this Act.

16. Decisions of the Authority by circulation of note.

(1)The Chairman may direct that any case may, instead of being brought up for discussion at a meeting of the Authority, be circulated, 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 Secretary 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 Secretary 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.(4)The contents of the note for circulation under sub-section (1), shall be as may be prescribed.

17. Power of the Chairman to take decisions of the Authority in certain cases.

(1)Where the Chairman is of the opinion that a matter is so urgent that it cannot wait for the Authority meeting under section 14 or for a Authority decision, by circulation under section 16, he may pass such orders as he may deem fit and it shall be implemented in the manner the decisions of the Authority are implemented under section 14 and 16.(2)Every decision taken by the Chairman under this section shall be reported to the Authority at its next meeting for ratification.(3)If the Authority disagrees with the decision of the Chairman the same shall be referred to the Government by the Secretary for suitable order.

18. Provision with regard to the Movable and Immovable Properties of the Temple.

- [(1) Notwithstanding anything contained in any, custom, usage or the provisions of any Law for the time being in force under which the Malai Mahadeshwaraswamy Temple is governed or the provisions of the Karnataka Hindu Religious institutions and charitable endowments Act, 1997 (Karnataka Act 33 of 2001), the ownership, administration and complete management of movable and immovable properties including jewellery and liabilities of the temple shall vest with the State Government from the date of commencement of Sri Malai Mahadeshwaraswamy Kshetra Development Authority (Amendment) Act, 2014 and shall be transferred to the authority thereafter.] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.](2)[Subject to sub section(1) of Section 12 on and from the date of commencement of the Sri Malai Mahadeshwaraswamy kshetra Development Authority (Amendment) Act, 2014 the Management of the employees of the Temple shall vest in the Authority.] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.](3)It shall be competent for the State Government, by order to make transitory provisions, if in the opinion of the State Government, it is expedient so to do.

19. 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 Sri Malai Mahadeshwaraswamy Kshethra into an international pilgrim, cultural and tourist centre and a centre for deliberation and propagation of the tenets of Sri Malai Mahadeshwaraswamy and other subsidiary deities. The Development plan may include,-(a)remantling Sri Malai Mahadeshwaraswamy temple programmes for its maintenance and other temple attached to the presiding deity;(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 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 prayer halls and meditation halls at strategic places;(g)provision of amenities as defined in section 2;(h)laying and relaying of all or any land including, construction and reconstruction of buildings;(i)provision of drainage, electricity and 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 Malai Mahadeshwaraswamy Kshethra or in any adjoining area;(l)the demolition of all buildings unfit for human habitation and not fitting into the developmental plan;(m)the demolition of obstructive building or portions of buildings;(n)the construction and reconstruction of buildings, their maintenance and preservation;(o)the sale, letting or exchange of any property comprised in the scheme, subject to the provisions of section 29;(p)provision of accommodation to the employees of the Authority;(q)provision of facilities for communication and transport with parking facilities;(r)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;(s)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 Sri Malai Mahadeshwaraswamy Kshethra as a cultural centre, place of pilgrimage and an international tourist centre and a centre for deliberation and to protect and develop other places of importance connected with Sri Malai Mahadeshwaraswamy;(2)The development plan prepared under sub-section (1) shall be forwarded by the Secretary to the State Government [for information] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.][***] [Omitted by Act 15 of 2016 w.e.f 14.07.2016.].(3)[***] [Omitted by Act 15 of 2016 w.e.f 14.07.2016.] 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 [***] [Omitted by Act 15 of 2016 w.e.f 14.07.2016.] in accordance with the provisions of the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 29 of 2000).

20. Subsequent development works.

- After execution of the development plan under section 19, 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 funds from the State Government.

21. Maintenance of Sri Malai Mahadeswaraswamy Kshethra.

- The State Government may by rules on the recommendation of the Authority or otherwise shall make provision for the maintenance of Sri Malai Mahadeswaraswamy Kshethra which shall include the manner in which the properties of the Authority including Sri Malai Mahadeswaraswamy Kshethra can be managed, the rates, fees or other charges that can be collected from the devotees, pilgrims, tourists and other visitors to Sri Malai Mahadeswaraswamy Kshethra for the various facilities that they could make use of in Sri Malai Mahadeswaraswamy Kshethra and for such other matters as may be expedient like power to levy license fee as may be determined by the Authority from the licensee or persons in possession of the properties of Sri Malai Mahadeswaraswamy Kshethra.

22. 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 37.(2)The Authority may by regulations, delegate any of the powers conferred on it by or under this Act to the Secretary or other officers of the Authority, except the power to make regulations under section 38.

23. Application of (Karnataka Act 32 of 1974) to Authority Premises.

(1)The State Government, may by notification provide from such date as may be specified in such notification that the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 shall apply to premises belonging to, vesting in, or leased by, the Authority as that Act applies in relation to public premises but subject to the provisions of sub-section (2).(2)On a notification being issued under sub-section (1), the aforesaid Act, and the rules made thereunder shall apply to the premises of the Authority with the following modifications, that is to say,-(a)the State Government may appoint any officer of the State Government or the Authority as it thinks fit, to be the competent officer for the purposes of the aforesaid Act;(b)references to "public premises" in that Act and those rules shall be deemed to be references to premises of the Authority, and references to "the State Government" in section 6,8,14,16 and 17 of that Act shall be deemed to be references to the Authority.

Chapter - IV Finance and Property

24. Fund of the Authority.

(1)There shall be a Fund called Sri Malai Mahadeswaraswamy Kshethra Development Authority Fund.(2)There shall be credited to the said Fund,- (i) all grants, subventions, donations and gifts made by the Central Government, State Government, any local authority or any body, whether incorporated or not or any person;(ii)the amount borrowed by the Authority; and(iii)all other sums received by or on behalf of the Authority from any source whatsoever:[Provided that the donations, Kanikes, Seva Fees and other offering made to God in Hundi shall be credited to the fund of the

Authority and out of which the net income of that temple the authority shall contribute to the common pool fund created under section 17 of the Karnataka Hindu Religious and Charitable Endowment Act, 1997 (Karnataka Act 33 of 2001) at such rate as specified in that section.] [Substituted by Act 36 of 2014 w.e.f. 06.09.2014.](3)Except as otherwise directed by the State Government all moneys credited to the Fund shall be invested in any Scheduled Bank or in the State Government Treasury.(4)The administrative expenses of the Authority including the salaries, allowances and pension if any, payable to the Secretary and other officer and employees of the Authority shall be defrayed out of the fund of the Authority.

25. Application of the Fund.

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

26. 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.

27. 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 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, the Secretary 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 Secretary 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.

28. Accounts and audit.

(1)The Secretary shall cause to be maintained such books of accounts and other registers as may be prescribed and shall prepare in the prescribed manner an annual statement of accounts.(2)The financial year of the Authority shall commence on 1st April of each calendar year and shall end on 31st March of the succeeding calendar year.(3)The accounts of the Authority shall be audited annually by the Controller, State Accounts Department. The Authority or the State Government may order concurrent and special audits also.(4)The auditor shall, for the purposes of the audit, have access to all the accounts and other records of the Authority.(5)As soon as may be after the receipt of

the annual statement of accounts and the report of the auditor, the Authority shall consider it in its meeting and send a copy of the annual statement of accounts together with a copy of the report of the auditor to the State Government, along with its explanation on the comments made by the auditor, if any, and a statement of action taken by the Authority to remedy the irregularities or loopholes, if any, pointed out by the auditor.(6)The State Government may after perusal of the report of the auditor, and other documents submitted to it, as in sub-section (6), 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 State 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 State Government.(3)[the audit report and annual report of the authority shall be laid before both the Houses of the State Legislature by the State Government.] [Inserted by Act 36 of 2014 w.e.f. 06.09.2014.]Chapter - V Miscellaneous

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 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.

33. 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 dissolution shall

be made by the State Government unless, a resolution to that effect has been moved in and passed by both Houses of the State Legislature.(2)With effect from the date specified in the notification under sub-section (1),-(a)all properties, funds and dues which are vested in and realisable by the Authority shall vest in and be realisable by the State Government.(b)all liabilities endorsable against the Authority shall be endorsable against Sri Malai Mahadeshwaraswamy Temple to the extent of the properties, funds and dues vested in and realised by Sri Malai Mahadeshwaraswamy temple.

34. Control by the State Government.

(1)The State Government shall have general administrative control and supervision over all the activities and affairs of the Authority.(2)The State Government may call for the records of any proceedings of the Authority, the Secretary 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 Government unless a reasonable opportunity is afforded to the persons who are affected by the order of the Government.

35. 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.

36. Removal of difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, in consequences of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement 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.(2)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions not inconsistent with the provisions of this Act and the provisions of the Karnataka Hindu Religious Institutions and Charitable Endowments Act of 1997 (Karnataka Act 33 of 2001) as appears to it be necessary or expedient for removing the difficulty.(3)The provisions made by any notification under sub-section (1) or sub-section (2) shall have effect as if enacted in this Act and any such notification may be made so as to be retrospective to any date not earlier than the appointed day.

37. Power to make rules.

(1)The State Government may, by notification make rules to carry out the purposes of this Act.(2)Every rule made under this Act shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the

session 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.

38. Power to make regulations.

- The Authority may subject to the provisions of this Act and the rules made under section 37 and with the previous sanction of the State Government, by notification make regulations to carry out the purposes of this Act.

39. Over riding effect of the Act.

- Notwithstanding any compromise, agreement scheme, judgement, decree or order of the court or other authority or any custom, usage governing Sri Malai Mahadeshwaraswamy temple, the provisions of the the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001) and the Karnataka Hindu Religious Institutions and Charitable Endowments Rules 2002, shall prevail in so far as they relate to administration and religious practices of Sri Malai Mahadeswaraswamy temple, Malai Mahadeswara Hills, which will remain as notified institutions under the provision of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001) even after the commencement of this Act.

40. Consequences of constitution of the Authority.

- Notwithstanding anything contained in this Act with effect from the date the Authority is constituted under Sri Malai Mahadeswaraswamy Kshethra Development Authority Act, 2013 such authority shall be the local planning authority for the local planning area comprising the Sri Malai Mahadeswaraswamy Kshethra and it shall exercise the powers, discharge the functions and perform the duties under this Act as if it were a local planning authority constituted for the Sri Malai Mahadeswaraswamy Kshethra. The above translation of

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