

THE KUDALA SANGAMA DEVELOPMENT BOARD ACT, 1994.

ARRANGEMENT OF SECTIONS

Sections :

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

BOARD AND ITS EMPLOYEES

3. Constitution of the Board.
4. Term of office and conditions of service.
5. Disqualification for office of membership.
6. Removal of member.
7. Eligibility for reappointment.
8. Powers of the Board.
9. Sub-committee of the Board.
10. Appointment of Commissioner.
11. Powers and duties of the Commissioner.
12. Employees of the Board.
13. General disqualification for services under the Board.
14. Meetings of the Board.
15. Proceedings presumed to be good and valid.
16. Decisions of the Board by circulation of note.
17. Power of the Chairman to take decisions of the Board in certain cases.

CHAPTER III

DEVELOPMENT AND MAINTENANCE OF THE KSHETRA

18. Vesting of Shree Sangamanatha Temple in the Board.
19. Preparation of developmental plan, its approval and execution.
20. Subsequent development works.
21. Maintenance of Kudala Sangama Kshetra.
22. Delegation of powers.

CHAPTER IV

FINANCE AND PROPERTY

23. Fund of the Board.
24. Application of the Fund.
25. Grant by the State Government.
26. Budget of the Board.
27. Accounts and Audit.
28. Reports.

CHAPTER V

MISCELLANEOUS

29. Board not to sell any land within its jurisdiction.
30. Certain persons to be public servants.
31. Protection of action taken under this Act.
32. Default in performance of duty.
33. Dissolution of the Board.
34. Control by the State Government.
35. State Government's powers to give directions.
36. Removal of difficulties.
37. Power to make rules.
38. Power to make regulations.

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STATEMENT OF OBJECTS AND REASONS

I

Act 37 of 1994.- The State Government appointed a committee headed by Dr. B.D. Jatti, former Vice President of India to recommend the protection of Shri Sangamanatha Temple at Kudalasangama, which was proposed to be shifted to a new location on account of construction of dam across river Krishna. Later Shri. Vishwanatha Reddy Mudnal was appointed as Chairman of the Committee as Dr. B.D. Jatti, was unable to head the Committee. Sri. Mudnal Committee recommended various measures to protect Shri Snagamanatha Temple in its original place and also to develop the Kudalasangama Kestra as an international Pilgrim, culture and tourist centre in an area of about 400 acres.

It is considered necessary to constitute a independent statutory authority to entrust the work of development and maintenance of Kudalasangama Keshetra and to bring an enactment for this purpose.

The salient feature of this measure are :-

(a) constitution of Development Board under the Chairman of the Chief Minister with the concerned Ministers, Parliamentarians, legislators, non-officials and officials as members;

(b) appointment of a Commissioner who shall be the Chief Executive and administrative officer of the Board ;

(c) vesting of Sri Sangamanatha Temple and Lord Shri Basaveshwara Ikya Mantapa at Kudalasangama in the State Government and its transfer to the Board;

(d) preparation of development plan for the development of Kudalasangama Keshetra by the Board and its maintenance by it;

(e) constitution of a Fund called the Kudala Sangama Development Board Fund, which shall consist of grants, subvention, donations and gifts by Central Government, State Government, Local Authority etc.;

(f) application of the Fund;

(g) grant by the State Government every year;

(h) certain other incidental matters.

Hence the Bill.

(Obtained from L.A. Bill No. 27 of 1994)

II

Act 21 of 1997.- In the Kudala Sangama Development Board Act, 1994 (Karnataka Act 37 of 1994) it is proposed to amend sub-section (4) of section 3 to make the Chief Minister as Ex-officio Chairman instead of Chairman and in the proviso to clause (g) of sub-section (4) the words "PWD (C&B) is being omitted so as to remove the restriction of nominating persons who are working only in (C&B) of Public Works Department. In the proviso to clause (f) of section 5 it is proposed to insert the word "interest". In section 6, in proviso to clause (c), the word "non-official" should have been "ex-officio". Accordingly it is being modified. Clause (c) of section 8 is amended as after the word "appropriate" the word 'or apply' is necessary . In section 12, the controller of finance and Accounts should be appointed on deputation. Hence the word "deputation" is being inserted. In section 14 instead of "prescribe" the word "specify" is being substituted. In section 18. as the trust should be subsisting, instead of the word "or", the word "and" is being substituted. Other amendments are consequential in nature.

Hence the Bill

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KARNATAKA ACT 37 OF 1994

(First published in the Karnataka Gazette Extraordinary dated 7th October, 1994).

THE KUDALA SANGAMA DEVELOPMENT BOARD ACT, 1994.

(Received the assent of the Governor on 6th day of October, 1994).

(As Amended by Act 21 of 1997)

An Act to provide for the establishment of a Board to develop and maintain the Kudala Sangama Kshetra in Bijapur District.

WHEREAS it is expedient to provide for the establishment of a Board for development of the Kudala Sangama Kshetra in Bijapur District into an international pilgrim, cultural and tourist centre and also to maintain it;

BE it enacted by the Karnataka State Legislature in the Forty-fifth year of the Republic of India, as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Kudala Sangama Development Board Act, 1994.

(2) It extends to the area of Kudala Sangama Kshetra as defined in clause (f) of section 2.

(3) It shall come into force from such ¹[date]¹ as the State Government may, by notification, appoint.

1. The Act came into force w.e.f. 1.8.1995 by notification. Text of the notification is at the end 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 centres, 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 Kudala Sangama Development Board constituted under section 3;

(c) "Chairman" means the Chairman of the Board;

(d) "Commissioner" means the Commissioner of the Board appointed under section 10;

(e) "Fund" means fund of the Board;

(f) "Kudala Sangama Kshetra" means and includes Sri Sangama natha Temple and Lord Shree Basaweshwara Aikya Mantapa of Sangama village in Hungund Taluk of Bijapur District and lands acquired by Government from time to time for development of Kudala Sangama Kshetra and such other area declared by the State Government, by notification;

(g) "member" means a member of the board;

(h) "regulations" means regulations of the Board made under section 38.

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 established for the purposes of this Act, a Board called the Kudala Sangama 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 by the said name sue and be sued.

(4) The Board shall consist of the following members namely:-

(a) the Chief Minister, who shall be the ¹[*ex-officio* Chairman]¹ of the Board;

1. Substituted by Act 21 of 1997 w.e.f. 29.9.1997.

(b) the Minister in charge of rehabilitation and re-settlement of project displaced families of Upper Krishna Project;

(c) the Minister in charge of Major Irrigation;

(d) the Members of Parliament and the Members of the State Legislature representing a part or whole of the Kudala Sangama Kshetra, whose electoral constituencies lie within the limits of it;

(e) the President, Basava Samiti, Basava Bhavana, Basaveshwara Circle, Bangalore;

(f) the President, Akila Bharatha Veerashaiva Mahasabha, No 18, Seshadri Road, Bangalore;

(g) not exceeding five members nominated by the State Government who have served the cause espoused by Lord Sri Basaveshwara:

Provided that not less than one shall be a person,-

(i) holding a Bachelor degree in Civil Engineering awarded by any University established by law in India; ¹[and]¹

(ii) has held the office of Chief Engineer, ¹[Civil]¹;

1. Substituted by Act 21 of 1997 w.e.f. 29.9.1997.

(h) the Director of Rehabilitation and Resettlement, Upper Krishna Project;

(i) the Secretary to Government in charge of rehabilitation and resettlement works Upper Krishna Project;

(j) the Secretary to Government, Finance Department;

(k) the Secretary to Government, Irrigation Department;

(l) the Divisional Commissioner of Belguam Division;

(m) the Special Secretary to Government, Irrigation Department and Project co-ordinator, Upper Krishan Project;

(n) the Deputy Commissioner, Bijapur District;

- (o) the Chief Executive Officer, Bijapur Zilla Panchayat;
- (p) the General Manager, Rehabilitation and Resettlement, Upper Krishna Project;
- (q) the Director, Department of Archaeology and Museums in Karnataka;
- (r) such *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; ¹[or]¹

(b) is of unsound mind and stands so declared by a competent court; ¹[or]¹

(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; ¹[or]¹

(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; ¹[or]¹

(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 ²[any share or interest]² 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.

1. Inserted by Act 21 of 1997 w.e.f. 29.9.1997.

2. Substituted by Act 21 of 1997 w.e.f. 29.9.1997.

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 ¹[*ex-officio*]¹ members; or

1. Substituted by Act 21 of 1997 w.e.f. 29.9.1997.

(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, 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 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 ¹[or apply]¹ any land vested in or acquired by it, subject to section 35 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.

1. Inserted by Act 21 of 1997 w.e.f. 29.9.1997.

9. Sub-committee of the Board.- (1) The Board may for any specific purpose constitute a sub-committee consisting of the Commissioner as Chairman and such other members not exceeding five.

(2) The sub-committee shall exercise such of the powers and perform such duties of the Board which are delegated by the Board.

(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 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) keep and conduct the Board 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 accounts of the Board and be responsible for the maintenance of 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' ¹[on deputation]¹ either from the Indian Audit and Accounts Service or from the Karnataka State Accounts Service.

1. Inserted by Act 21 of 1997 w.e.f. 29.9.1997.

(2) The Controller of Finance and Accounts shall work under the control of the Commissioner. He 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, by or on behalf of 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 Kudala Sangama Kshetra, 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 ¹[by regulations specify the procedure]¹ with regard to the transaction of business at its meetings, not inconsistent with the provisions of this Act or the rules.

1. Substituted by Act 21 of 1997 w.e.f. 29.9.1997.

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, 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.

(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 Board in certain cases.- (1) Where the Chairman is of the opinion that a matter is so urgent that it cannot wait for 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 manner the decisions of the Board are implemented under section 14 and 16.

(2) The Chairman may also exercise his emergency power as in sub-section (1), in such cases which he considers frivolous, not necessitating convening of a meeting of the Board under section 14 or obtaining a decision of the Board under section 16.

(3) Every decision taken by the Chairman under this section shall be reported to the Board at its next meeting.

CHAPTER III

DEVELOPMENT AND MAINTENANCE OF THE KSHETRA

18. Vesting of Shree Sangamanatha Temple in the Board.- (1) Notwithstanding any custom, tradition, practice or terms of any ¹[trust created and subsisting] ¹ under any law for the time being in force, the full control, management and superintendence of Shree Sangamanatha Temple and Lord Shree Basaveshwara Aikya Mantapa at Kudala Sangama of Sangama Village in Hunagund Taluk of Bijapur District, shall vest in the State Government and thereafter it shall be transferred to the Board, immediately after its constitution under section 3.

1. Substituted by Act 21 of 1997 w.e.f. 29.9.1997.

(2) 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 Board shall, as soon as may be, after its constitution prepare a plan for the

development of Kudala Sangama Kshetra 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. While so preparing the developmental plan, the Board shall take into consideration the recommendations of the Mudnal Committee for development of Kudala Sangama Kshetra. The Development plan may include,-

(a) remantling Shree Sangamanatha Temple at Kudala Sangama, 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) provision of 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 Kudala Sangama Kshetra 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 29;

(q) provision of accommodation to the employees of the Board;

(r) provision of 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 Kudala Sangama Kshetra 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.

(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.

(5) Unless otherwise permitted by the State Government, the Board shall execute the development plan approved under this section, within a period of three years from the date from which this Act comes into force.

20. Subsequent development works.- After execution of the development plan under section 19, the Board 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 Kudala Sangama Kshetra.- The State Government may by rules on the recommendation of the Board or otherwise shall make provision for the maintenance of Kudala Sangama Kshetra which shall include the manner in which the properties of the Board including the Kudala Sangama temple can be employed, the rates, fees or other charges that can be collected from the devotees, pilgrims, tourists and other visitors to the Kudala Sangama Kshetra for the various facilities that they could make use of in Shree Sangamanatha temple and in the rest of the Kudala Sangama Kshetra; and for such other matters as may be expedient like power to evict persons from the premises of the Kudala Sangama Kshetra; power to recover rent or damages as arrears of land revenue etc.

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 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 38.

CHAPTER IV

FINANCE AND PROPERTY

23. Fund of the Board.- (1) There shall be a Fund called the Kudala Sangama 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.

24. 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.

25. Grant by the State Government.- The State Government shall 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.

26. 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, 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 reappropriate funds from one unit of expenditure to another unit, subject to a maximum of rupees one lakh at a time.

27. 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 (6), give such directions as it thinks fit to the Board and the Board shall comply with such directions.

28. 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 27.

(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

29. 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.

30. 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.

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 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.

33. 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 endorsable against the Board shall be endorsable against the State Government to the extent of the properties, funds and dues vested in and realised by the State Government.

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 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.

35. 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.

36. 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.

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 Board 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.

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(The above translation of the ಕೂಡಲ ಸಂಗಮ ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿ ಅಧಿನಿಯಮ, 1994 (1994ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 37) was published in the official Gazette Extraordinary Part IV 2B dated 04.02.1998 as No.165 under Clause (3) of Article 348 of the Constitution of India.)

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