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STATEMENT OF OBJECTS AND REASONS

I

Act 38 of 1994.-The Bayaluseeme which comprises fifty-six taluks of the State which have been recognised as drought prone taluks poses special problems of development.

In order to hasten the phase a development of this area for bringing it to the level of other parts of the State it was considered necessary to have a comprehensive legislation which among other things provides for the following:-

- (i) establishment of a Bayaluseeme Development Board saddled with responsibility of;
 - (a) Development and conservation of water resources;
 - (b) adopting soil and water conservation measures in rainfed agriculture systems and forest development;
 - (c) promotion of Horticulture development;
 - (d) promotion of Animal Husbandry;
 - (e) promoting and supporting activities in the Agriculture and allied sectors:
- (ii) Constitution of an implementation Committee;
- (iii) empowering the Board to prepare a plan for the Bayaluseeme and supervising implementation of the Scheme under the plan and to co-ordinate functioning of all departments and Zilla Parishads and other non-governmental organisations in the Bayaluseeme;
- (iv) providing for financial allocation in the State Plan to the Board;

Certain consequential provisions are also made.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV - 2A No.722 dated 2-9-1994. at page 14.)

II

Amending Act 16 of 2000.- It is considered necessary to amend the Bayaluseeme Development Board Act, 1994 (Karnataka Act 38 of 1994).-

- (i) to revise the schedule specifying the taluks coming under each district in view of the re-organisation of Revenue District; and
- (ii) to authorise the Secretary of the Board to convene the meeting of the Board for the effective functioning of the Board, when the post of Chairman of the Board is vacant;

Hence the Bill.

(Obtained from L.A. Bill No. 3 of 2000)

KARNATAKA ACT No. 38 OF 1994

(First published in the Karnataka Gazette (Extraordinary) dated Seventh day of October 1994)

THE BAYALUSEEME DEVELOPMENT BOARD ACT, 1994.

(Received the assent of the Governor on the Sixth day of October 1994)

(As amended by Act 16 of 2000.)

An Act to provide for establishment of a Development Board for Bayaluseeme which shall prepare an annual plan containing programmes and projects for development of Bayaluseeme and to supervise the implementation of projects and programmes and monitor, and evaluate the implementation of its plan;

WHEREAS it is expedient to provide for establishment of a Development Board for Bayaluseeme which shall prepare annual plan containing programmes and projects for development of Bayaluseeme and to supervise the implementation of projects and programmes and monitor and evaluate the implementation of its plan;

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

CHAPTER I

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

(2) It extends to the whole of Bayaluseeme.

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

1. Act has come into force w.e.f. 26.1.1995 by notification. Text of the notification is at the end of the Act.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "Bayaluseeme" means the area specified in the Schedule appended to this Act;

(b) "Board" means the Bayaluseeme Development Board constituted under section 3;

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

(d) "development department" means, all departments of the State Government functioning in Bayaluseeme including any body or corporation established by the State Government by or under any law, having jurisdiction over that area but excluding police and judicial departments:

(e) "Implementation Committee" means, the Implementation Committee constituted under section 10;

(f) "member" means, a member of the Board;

(g) "plan" means, the annual plan prepared by the Board for development of Bayaluseeme but excluding the district plan of the zilla panchayat and of various development departments;

(h) "Secretary" means, Secretary of the Board.

CHAPTER II

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 for Bayaluseeme to be called the Bayaluseeme Development Board, with its head-quarters at Chitradurga.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and 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.

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

(a) Members of the Parliament and the State Legislature representing a part or whole of Bayaluseeme whose constituencies lie within the jurisdiction of the Board;

(b) the Adyakshas of the Zilla Panchayats having jurisdiction over Bayaluseeme;

(c) not exceeding ten persons nominated by the State Government of whom two persons shall be from amongst the persons belonging to Scheduled Castes and one from Scheduled Tribes;

(d) the Divisional Commissioner of each division in Bayaluseeme;

(e) the Secretary of the Board; and

(f) the Deputy Commissioner of each district in Bayaluseeme.

(4) The State Government shall appoint a person from amongst the members to be the Chairman of the Board.

(5) The State Government shall also appoint an officer not below the rank of the Divisional Commissioner to be the Secretary of the Board.

(6) The State Government shall provide the Board with such other officers and employees as it considers necessary for carrying out the functions of the Board under this Act.

(7) The administrative expenses of the Board including the salaries, allowances and pensions payable to the Secretary and other officers and employees of the Board shall be defrayed out of the Fund of the Board.

4. Terms of office and conditions of service.-(1) Subject to the pleasure of the State Government, the Chairman and other members appointed by the State Government shall hold office for a period of three years.

(2) The Chairman or a member other than an 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 Chairman and other members shall receive such allowances as may be prescribed.

(4) The allowances payable to the Chairman and other members shall be defrayed out of the Fund of the Board.

(5) No act or proceedings of the Board shall be invalid by reason only of the existence of any vacancy or defect in the constitution of the Board.

5. Disqualification for office of membership.- (1) 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 his partner 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.

(2) A person shall not 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 the Chairman or other member if,-

(a) he becomes subject, to any of the disqualifications mentioned in section 5:

Provided that no Chairman or 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 becomes incapable of acting; or

(c) he without obtaining leave of absence from the Board, absents from three consecutive meetings of the Board; 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. Secretary.- (1) The Secretary shall receive such salary and other allowances as the State Government may determine from time to time.

(2) The State Government may grant from time to time such leave of absence to the Secretary;

(3) The Secretary shall be the chief executive of the Board and shall,-

(a) be responsible for implementing the schemes approved by the Board;

(b) operate the fund of the Board;

(c) cause to be maintained accounts of the Board; and

(d) discharge such other functions which are conferred on him by or under this Act or any other law for the time being in force.

8. Meetings of the Board.- (1) The meetings of the Board shall be convened by the Chairman or by the Secretary with the prior approval of the Chairman and shall be held at any place within the jurisdiction of the Board or at the State Head Quarters.

(2) The Board shall meet at least once in every three months.

(3) The Chairman may if he feels it necessary convene special meeting or the Secretary with the prior approval of the Chairman may convene such meeting which

shall be held at any place within the jurisdiction of the Board or at the State Head Quarters:

¹[Provided that where the office of Chairman is vacant, the Secretary may convene meeting of the Board to discuss any urgent matter.]¹

1. Inserted by Act 16 of 2000 w.e.f. 6.11.2001 by notification. Text of the notification is at the end of the Act..

(4) The Board shall observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.

(5) Every meeting shall be presided over by the Chairman and if for any reason, the Chairman is unable to attend any meeting ²[or the office of Chairman is vacant]², any other member chosen by the members present at the meeting shall preside at the meeting.

1. Inserted by Act 16 of 2000 w.e.f. 6.11.2001 by notification. Text of the notification is at the end of the Act..

(6) Twenty members shall form the quorum.

9. 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 proceedings of the Board if such act or proceeding is otherwise in accordance with the provisions of this Act.

10. Implementation Committee.-There shall be an Implementation Committee consisting of the following members, namely:-

- (a) Secretary of the Board who shall be the Chairman;
- (b) the Deputy Commissioner of each district in Bayaluseeme;
- (c) the Chief Executive Officers of the Zilla Panchayats having jurisdiction over Bayaluseeme;
- (d) the Director of Horticulture;
- (e) the Director of Agriculture;
- (f) the Director of Sericulture;
- (g) the Director of Animal Husbandry and Veterinary Sciences;
- (h) the Director, Development Programme, State Water Shed;
- (i) the Chief Engineer, minor irrigation;
- (j) the Chief Engineers having jurisdiction over Bayaluseeme;
- (k) the Chief Conservator of Forests having jurisdiction over Bayaluseeme;
- (l) the Vice Chancellors of the Agriculture Universities established under the Karnataka Universities of Agricultural Sciences Act, 1963.
- (m) such other officers as may be appointed by the State Government.

11. Power of Implementation Committee.- (1) The Implementation Committee shall exercise such of the powers of the Board which are delegated to it by the Board.

(2) The Implementation Committee shall meet at least once in a month.

(3) The implementation Committee shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.

CHAPTER III

12. Objects of the Board.- The objects of the Board shall be,-

- (i) to promote the development and conservation of water resources in the Bayaluseeme;
- (ii) to adopt soil and water conservation measures in rainfed agriculture systems of the Bayaluseeme;
- (iii) to promote development of forest in the Bayaluseeme;
- (iv) to promote horticulture development in the Bayaluseeme;
- (v) to promote and support activities in the agriculture and allied sectors in the Bayaluseeme.
- (vi) to promote animal husbandry in the Bayaluseeme.

13. Preparation of plan and approval of schemes.- (1) The Board shall every year prepare an annual plan for the development of Bayaluseeme and forward it to the State Government for approval. The State Government may approve the plan with or without modification.

(2) Subject to the provisions of this Act and the control of the State Government, schemes formulated in accordance with the plan by Development Departments, Zilla Panchayats and non-Governmental organisations recognised by the Board functioning in Bayaluseeme shall be approved by the Board.

14. Supervision.- The Board shall have power to supervise and review the progress of expenditure incurred under the plan and performance of various Development Departments, Zilla Panchayats and non-governmental organisations recognised by the Board functioning in Bayaluseeme, with reference to the plan.

15. Co-ordination.- The Board shall co-ordinate functioning of all Developmental Departments, Zilla Panchayats and non-governmental organisations recognised by the Board which implement in Bayaluseeme, the development schemes included in its plan and shall also review the personnel positions of such Development Departments, Zilla Panchayats and non-governmental organisations recognised by the Board and may make suggestions in this behalf to the State Government.

16. Implementation of schemes.- The Board shall be responsible for implementation of schemes included in annual plan and five year plans through the Development Departments and Zilla Panchayats and non-governmental organisations recognised by the Board functioning in the Bayaluseeme. The Board may subject to such rules as may be prescribed reappropriate funds from one Development Department to another, if for any reason a Development Department is not likely to incur full expenditure out of the amount allocated to it under the plan.

17. Obtaining information.- The Board may for the purposes of this Act seek and obtain information from any Zilla Panchayat in Bayaluseeme or from any officer of the State Government having jurisdiction over any area in Bayaluseeme and such Zilla Panchayat or officer shall be bound to furnish the information sought by the Board.

18. Delegation of power.- The Board may, by notification delegate to the Implementation Committee or the Secretary any of the powers conferred on it by or under this Act except the power to make regulations under section 29;

CHAPTER IV

19. Fund of the Board.- (1) There shall be a fund called the Board Fund.

(2) The following shall form part of, or be paid into the Board Fund, namely:-

(i) all grants, subventions, donations and gifts made by the Central Government, State Government, any local authority, any body whether incorporated or not or any persons;

(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 money credited to the Fund shall be invested in any Scheduled Bank.

20. Application of the Fund.-The Board Fund and all property held or vested in the Board shall be applied for the administration of this Act:

Provided that not less than sixty percent of the fund shall be applied for the purpose of implementing the objectives of the Board specified in section 12.

21. Allocation in plan.-The State Government shall keeping in view the plan of the Board make financial allocations to the Board in the annual plan of the State.

22. Grant by 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.

23. Power to borrow.-The Board may from time to time with the previous sanction of the State Government and subject to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

24. Account and audit.- (1) Accounts of the income and expenditure of the Board fund shall be kept in accordance with such rules as may be prescribed.

(2) The Board, shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The accounts of the Board shall be audited annually by such auditor as the State Government may appoint.

(4) The auditor shall for the purposes of the audit, have access to all the accounts and other records of the Board.

(5) The Board shall pay from its fund such charges for the audit as may be prescribed.

(6) As soon as may be after the receipt of the report of the auditor the Board shall send a copy of the annual statement of accounts together with a copy of the report of the auditor to the State Government and shall cause to be published the annual statement of accounts in such manner as may be prescribed.

(7) The State Government may after perusal of the report of the auditor give such directions as it thinks fit to the Board and the Board shall comply with such directions.

25. Report.-The Board shall before such date, in such form and at such interval as may be prescribed, submit the prescribed report to the State Government.

26. Budget of the Board.-The Board shall prepare every year before such date and in such form 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.

27. Power of the Government to direct the Board.- Notwithstanding anything contained in this Act or in any other law for the time being in force, if in the opinion of the State Government it is expedient in public interest, so to do, it may by general or special order issue such directions to the Board as are necessary to carryout the purposes of the Act. It shall be the duty of the Board to comply with such directions.

28. Power to make rules.- (1) The State Government may, after previous publication, by notification make rules to carryout 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 in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or decide that any rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

29. Power of Board to make regulations.-The Board may subject to the provisions of this Act and the rules made under section 28 and with the previous sanction of the State Government, by notification make regulations to carryout the purposes of this Act.

SCHEDULE

[See. Section 2 (a)]

Sl.No.	Districts	Taluks
1	2	3
1.	Bangalore (Rural)	(1) Channapatna (2) Devanahalli (3) Kanakapura (4) Ramanagara (5) Doddaballapura (6) Nelamangala (7) Hosakote (8) Magadi
2.	Tumkur	(9) Chiakkanayakanahalli (10) Koratagere (11) Kunigal (12) Pavagada (13) Tiptur (14) Thuruvekere (15) Madhugiri (16) Gubbi (17) Tumkur (18) Sira

1	2	3
3.	Kolar	(19) Mulabagal (20) Bagepalli (21) Chikkaballapura (22) Chintamani (23) Malur (24) Srinivasapura (25) Shidlagatta (26) Gudibande (27) Kolar (28) Bangarpet
4.	Hassan	(29) Arasikere
5.	Chitradurga	(30) Challakere (31) Chitradurga (32) Holalkere (33) Hosadurga (34) Jagalur ¹ [(35) x x x] ¹ 1. Omitted by Act 16 of 2000 w.e.f. 6.11.2001.
6.	Dharwad	(36) Hiriyyur (37) Hubli ¹ [(38) x x x] ¹ 1. Omitted by Act 16 of 2000 w.e.f. 6.11.2001. (39) Kundgol ¹ [(40), (41), (42), (43), (44) x x x] ¹ 1. Omitted by Act 16 of 2000 w.e.f. 6.11.2001.
7.	Belgaum	(45) Chikkodi (46) Athani (47) Ramadurga (48) Gokak
8.	Bijaur	¹ [(49), (50) x x x] ¹ 1. Omitted by Act 16 of 2000 w.e.f. 6.11.2001. (51) Basavan Bagewadi ¹ [(52), (53) x x x] ¹ 1. Omitted by Act 16 of 2000 w.e.f. 6.11.2001. (54) Muddebihal (55) Bijapur (56) Indi (57) Sindhgi
¹ 9.	Davangere	(58) Jagalur
10.	Haveri	(59) Haveri (60) Ranebennur

1	2	3
11.	Gadag	(61) Gadag (62) Shirathatti (63) Mundargi (64) Ron
12.	Bagalkot	(65) Bagalkot (66) Badami (67) Bilagi (68) Hunagund] ¹

1. Inserted by Act 16 of 2000 w.e.f. 6.11.2001.

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(The above translation of the ಬಯಲುಸೀಮೆ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಲಿ ಅಧಿನಿಯಮ, 1994 (1994ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 38) was published in the official Gazette(Extraordinary) in Part IV-2B dated 22.2.1995 as No. 282 under clause (3) of article 348 of the Constitution of India.)

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NOTIFICATION

Bangalore, dated 5th November, 2001 [NO. PD 72 PTP 2001]

In exercise of powers conferred by sub-section (2) of section 1of the Bayaluseeme Development Board (Amendment) Act, 2000 (Karnataka Act 16 of 2000), the Government of Karnataka hereby appoints the 6th day of November 2001 as the date on which the said Act shall come into force.

By order and in the name of the Governor of Karnataka,

(P.G. PRASAD)

Under Secretary to Government-2
Planning, Statistis & Science &
Techonology Department.

THE BAYALUSEEME DEVELOPMENT BOARD ACT, 1994 has been amended by the following Acts, namely.-

Amendments (Chronological)

Sl. No.	Act No. and Year	Sections Amended	Remarks
1	38 of 1994	-	The Act has come into force from 26 th January, 1995 vide notification No. ಕೃತೋಷ ೧೭೬ ಕೃಯೋಕಾ ಫಾ(ಭಾ) dt. 4th January, 95
2	16 of 2000	8(3) (5), Schedule-SI.No.5(34), SI.No. 6(38)(40)(41)(42)(43)(44), SI.No. 8(49)(50)(52)(53) SI.No. 9 SI.No.10 SI.No.11 SI.No.12	w.e.f. 6th November, 2001

Amendments (Section-wise)

Sections	No and Year of the Act	Remarks
8(3)(5)	16 of 2000	w.e.f. 6th November, 2001
Schedule- SI.No.5(34)	16 of 2000	w.e.f. 6th November, 2001
SI.No. 6(38)(40)(41)(42)(43)(44),	16 of 2000	w.e.f. 6th November, 2001
SI.No. 8(49)(50)(52)(53)	16 of 2000	w.e.f. 6th November, 2001
SI.No. 9	16 of 2000	w.e.f. 6th November, 2001
SI.No.10	16 of 2000	w.e.f. 6th November, 2001
SI.No.11	16 of 2000	w.e.f. 6th November, 2001
SI.No.12	16 of 2000	w.e.f. 6th November, 2001