



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FOURTH SESSION**

**SRI MALAI MAHADESHWARASWAMY KSHETHRA DEVELOPMENT
AUTHORITY (AMENDMENT) BILL, 2014
(L.A. Bill No. 50 of 2014)**

A Bill to amend Sri Malai Mahadeshwaraswamy Kshetra Development Authority Act, 2013.

Whereas it is expedient to amend Sri Malai Mahadeshwaraswamy Kshetra Development Authority Act, 2013 (Karnataka Act 37 of 2013) for the purposes hereinafter appearing:

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

1. Short title and commencement.-(1) This Act may be called Sri Malai Mahadeshwaraswamy Kshetra Development Authority (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of Section 3.- In the Sri Malai Mahadeshwaraswamy Kshetra Development Authority Act, 2013 (Karnataka Act 37 of 2013) (hereinafter referred to as the Principal Act), in section 3,-

- (i) in sub-section (2), for the words "Malai Mahadeshwara hills", the words "Malai Mahadeshwara hill" shall be substituted;
- (ii) In sub-section (4),-
 - (a) in clause (c), after the words "the Minister incharge of the District" the words "Vice Chairman" shall be inserted;
 - (b) for clause (f), the following shall be substituted, namely:-

"(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".

(c) in clause (h) , the words "or his nominee" shall be inserted, at the end;

(d) for clause (j), the following shall be substituted, namely:-

"(j) The Secretary to the Government, Revenue Department (Muzarai) or his representative;

(j-1) The Commissioner, Department of Religious and Charitable Endowment, Bangalore;

(j-2) The Chief Priest, Sri Malai Mahadeshwaraswamy Temple;"

3. Amendment of section 6.- In section 6 of the principal Act, in sub-section (1), for clause (c), the following shall be substituted, namely:-

"(c) he without informing the Authority absents from three consecutive meetings of the Authority:

Provided that, this clause shall not apply to the ex-officio members; or"

4. Amendment of section 8.- In section 8 of the Principal Act, in sub-section (2),-

(i) for the proviso to clause (a), the following shall be substituted, namely:-

"Provided that, a copy of every contract involving expenditure of rupees ten lakhs or more shall be sent to the State Government"; and

(ii) In clause (b), the following shall be inserted at the end, namely:-

"A compliance report shall be submitted to the State Government in this behalf."

5. Amendment of section 10.- In Section 10 of the principal Act,-

(i) for sub-section (1), the following shall be substituted, namely:-

"(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".

- (ii) in sub-section (2), after the words "The Secretary", the words "and other officers" shall be inserted.

6. Amendment of section 12.- In section 12 of the principal Act, in sub-section (1), for first proviso, the following shall be substituted, namely:-

"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.

7. Amendment of section 14.- In Section 14 of the Principal Act,-

- (i) in the proviso to sub-section (1), for the words "twice" the words "four times" shall be substituted; and
- (ii) in sub-section (2), for the words "Vice-Chairman shall preside over the meeting" the words "If in a meeting both the Vice-Chairmans are present the District incharge Minister shall preside over the meeting" shall be substituted.

8. Amendment of section 18.- In section 18 of the Principal Act,-

- (i) for sub-section (1), the following shall be substituted, namely:-

"(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."

(ii) for sub section (2) the following shall be substituted, namely:-

"(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."

9. Amendment of section 19.- In section 19 of the Principal Act, in sub-section (2), for the words "for its approval" the words "for information" shall be substituted.

10. Amendment of section 24.- In section 24 of the Principal Act, in sub-section (2), in clause (iii), for the proviso, the following shall be substituted, namely:-

"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.

11. Amendment of section 29.- In section 29 of the Principal Act, after sub section (2), the following shall be inserted, namely:-

"(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.

12. Amendment of section 38.- In section 38 of the Principal Act, for the words "under section 38" the words "under section 37" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

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.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

T.B. JAYACHANDRA
Minister for Law, Parliamentary Affairs,
Animal Husbandry and Muzrai

P. OMPRAKASHA
Secretary
Karnataka Legislative Assembly

ANNEXURE

**EXTRACT FROM SRI MALAI MAHADESHWARASWAMY
KSHETRA DEVELOPMENT AUTHORITY ACT, 2013
(KARNATAKA ACT 37 OF 2013)**

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3. Constitution of the Authority.- XXX XXX

(2) The Authority shall have its headquarters at Malai Mahadeshwara Hills in Kollegal taluk, Chamarajanagar district.

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

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(c) the Minister in charge of the Districts XXX XXX

(f) Not exceeding two members nominated by the State Government from among the leading personalities out of whom one shall be a person holding the office of the Chief Engineer (Civil);

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(h) the Secretary to Government, Finance Department;

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(j) the Secretary for Hindu Religious Institutions and Charitable Endowments, Bangalore;

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6. Removal of member.-

(1) The State Government shall remove a member if,-

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(c) he without obtaining leave of absence from the Authority, absents from three consecutive meetings of the Authority;

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8. Powers of the Authority.- (2) Without prejudice to the generality of sub-section (1) the Authority shall have power,-

(a) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act subject to such rules as may be prescribed and every contract shall be made on behalf of the Authority by the Secretary: Provided that no contract involving expenditure of rupees five lakhs or more shall be made without the previous sanction of the State Government;

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(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;

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10. Appointment of Secretary.- (1) The State Government shall appoint an officer not below the rank of Group-'A' senior scale of Endowment Department to be the Secretary of the Authority.

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(2) The Secretary shall receive such salary and other allowances as the State Government may, from time to time, determine.

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12. Employees of the Authority.- (1) Subject to such rules as may be prescribed, the Authority may appoint such number of employees as it may find necessary for effective implementation of the Act:

Provided that, the employees working including Archaks of Sri Malai Mahadeshwaraswamy temple shall be governed by the provisions of Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001) and the rules made thereunder.

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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 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, the Vice Chairman shall preside over the meeting. The quorum for the meeting shall be one third of the total members including the Chairman.

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

(1) The movable and immovable properties including jewellery of the temple shall be continued to be managed under the provisions of 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.

(2) The Authority shall not interfere in the Administration of Sri Malai Mahadeshwara temple and its subsidiary temples which will continue to be governed by the provisions of 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.

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19. Preparation of developmental plan, its approval and execution.-

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(2) The development plan prepared under sub-section (1) shall be forwarded by the Secretary to the State Government for its approval. The State Government may approve the plan with or without any modifications.

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24. Fund of the Authority.- XXX XXX

(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, kanike, seva fees and offering made to God in hundi's are exempted from the fund of the Authority.

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29. Reports.—(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.

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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.

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