

**THE BANGALORE PALACE (ACQUISITION AND TRANSFER)
ACT, 1996**

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STATEMENT OF OBJECTS AND REASONS

Act 18 of 1996 .- The Palace at Bangalore popularly known as the Bangalore Palace, Karnataka unique historical and architectural heritage is singularly suited with its immediate surroundings, which no other palace in the city of Bangalore does possess, and thereby deserving in its own majesty in public interest to be preserved as a monument with the surrounding open space developed into an exclusive Botanical Museum or Horticultural Garden and Tree Park to serve also the accutely affected ecological needs of lung space and park areas.

Hence, it is considered necessary to acquire and transfer by law the Bangalore Palace and open space around it in the public interest and for its preservation, maintenance and for matters connected therewith and after vesting of the said palace in the Government with the Board of Trustees for the administration and management thereof.

Hence the Bill.

(Obtained from L.A. Bill No. 9 of 1996).

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KARNATAKA ACT 18 OF 1996

(First Published in the Karnataka Gazette Extraordinary dated the Eighteenth day of November, 1996)

THE BANGALORE PALACE (ACQUISITION AND TRANSFER) ACT, 1996

(Received the assent of the President on the Fifteenth day of November, 1996)

An Act to provide for the acquisition and transfer of the Bangalore Palace and open space around it in the public interest and for its preservation and for matters connected therewith.

WHEREAS, the Palace at Bangalore popularly known as the Bangalore Palace, Karnataka's unique historical and architectural heritage, is singularly suited with its immediate surroundings, which no other Palace in the City of Bangalore does possess, and thereby deserving in its own majesty, in public interest to be preserved as a monument with the surrounding open space developed to serve public purpose, into an exclusive Botanical Museum and Horticultural Garden and Tree Park and to serve also the acutely affected ecological needs of Bangalore City which in its course of rapid growth has become highly deficient in lung-space and park areas and therefore to provide for its acquisition and transfer by law;

WHEREAS the competent authority under the Urban Land (Ceiling and Regulation) Act, 1976 has held that the Bangalore Palace and surrounding land came within the regulation of the said Act and has passed an order declaring substantial portion of the land surrounding Bangalore Palace as surplus land to be surrendered to the State Government and the said order is upheld in appeal before the Karnataka Appellate Tribunal;

WHEREAS the legal representatives and heirs and transferees of late Jayachamarajendra Wadeyar have in some writ petitions questioned the legality of the order passed by the Appellate Authority and these writ petitions are pending hearing before the High Court of Karnataka. It has become necessary to pass a law different from the provisions of the Land Acquisition Act, 1894 and to make provision for appointment of a Commissioner of payment to pass appropriate orders in conformity with the final decision in the above writ petitions in determining the amount payable in respect of the entire holding; and

WHEREAS, for the purposes hereinbefore stated, it is expedient to provide for the acquisition and transfer of the Bangalore Palace and the open space around it, by legislation.

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

CHAPTER I

PRELIMINARY

1. Short title and commencement.- (1) This Act may be called the Bangalore Palace (Acquisition and Transfer) Act, 1996.

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

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

(1) "appointed day" means the date appointed under sub-section (2) of section 1 of this Act;

(2) "Bangalore Palace" means the Palace of Bangalore and all the vacant land attached thereto including the buildings, regalia, paintings, sculptures and all other pieces of art, whether moveable or immovable and more fully described in Schedule I.

(3) "Board" means the Board of Trustees constituted under section 22;

(4) "Commissioner" means the Commissioner of payment appointed under section 13;

(5) "legal representatives" and "heirs" means the legal representatives and heirs respectively of the late Sri Jayachamarajendra Wodeyar, former Maharaja of Mysore;

(6) "others", "other persons" and "other interested persons" include transferees from Late Jayachamarajendra Wodeyar or from his "legal representatives" and "heirs", in relation to the Bangalore Palace;

(7) "Schedule" means the Schedule to this Act;

(8) "year" means the year commencing on the first day of April.

3. Declaration.- In pursuance of Article 31C of the Constitution of India, it is hereby declared that the provisions of this Act are enacted for giving effect to the policy of the State towards securing the principles specified in clause (b) of Article 39 of the Constitution.

CHAPTER II

TRANSFER AND VESTING OF THE BANGALORE PALACE

4. Transfer and vesting of the palace in the State Government.- On the appointed day, the Bangalore Palace (hereinafter referred to as the "Palace") and the right, title and interest of the legal representatives or heirs or other persons in relation to the Palace, shall, by virtue of this Act stand transferred to, and shall vest absolutely in the State Government.

5. General effect of vesting.- (1) The Palace shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges and all property, moveable and immovable, including, buildings, regalia, painting, art works, sculptures and all other rights and interests in or arising out of such property as were immediately before the appointed day in the ownership, possession, power or control of the legal representatives or heirs or other interested persons and all books of accounts, registers and other documents of whatever nature relating thereto.

(2) All properties aforesaid, which have vested in the State Government under section 4 shall, by virtue of such vesting be freed and discharged from any trust, obligation, mortgage, lease, charge, lien and all other encumbrances affecting them and attachment, injunction or decree or order of any court or authority restricting the use of such property in any manner shall be deemed to have been withdrawn.

(3) Every legal representative, heir or other person who has, on the appointed day, any right, title or interest in relation to the Palace shall have the right to prefer his claim in the prescribed manner before the Commissioner for payment of amount out of the amount specified in section 8 and also out of the amount determined under section 9.

(4) Every mortgagee of any property which has vested under this Act in the State Government and every person holding any charge, lease, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, lease, lien or other interest.

(5) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (4) or other person holding any charge, lease, lien or other interest in or in relation, to any such property shall be entitled to claim in accordance with his rights or interest, payment of the mortgage money or other dues in whole or in part out of the amount specified in section 8 and also out of the amount determined under section 9, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the State Government.

(6) If, as on the appointed day, any suit, appeal or other proceeding of whatever nature, in relation to any property which has vested in the State Government under section 4, instituted or preferred by or against the legal representatives or heirs or other interested persons, is pending, the same shall not abate, be discontinued, or in any way prejudicially affected by reason of the transfer of the Palace or anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the State Government, or, where the Palace is directed under section 7 to vest in the Board by or against the Board.

6. Legal Representative or heir or interested person to be liable for certain prior liabilities.- (1) Every liability of the legal representatives or heirs or other persons in relation to the Palace in respect of any period, prior to the appointed day, shall be the liability of such legal representatives or heirs or others, as the case may be, and shall be enforceable against them and not against the State Government or where the Palace is directed under section 7 to vest in the Board, against the Board.

(2) For the removal of doubts, it is hereby declared that,-

(a) save as otherwise expressly provided in this section or in any other section of this Act, no liability of legal representatives or heirs or others in relation to the Palace in respect of any period prior to the appointed day shall be enforceable against the State Government, or where the Palace is directed under section 7 to vest in the Board against the Board;

(b) no award, decree or other order of any court, tribunal or other authority in relation to the Palace passed after the appointed day in respect of any matter, claim, or dispute in relation to any matter which arose before that day, shall be enforceable against the State Government or where the Palace is directed under section 7 to vest in the Board, against the Board;

(c) no liability incurred by the legal representatives or heirs or other persons before the appointed day, for the contravention of any provision of any law for the time being in force shall be enforceable against the State Government or where the Palace is directed under section 7 to vest in the Board, against the Board.

7. State Government to direct vesting of the Palace in the Board.- (1) Notwithstanding anything contained in sections 4 and 5, the State Government shall subject to such terms and conditions as it may think fit to impose direct by notification, that the Palace which has vested in the State Government under section 4 shall instead

of continuing to vest in the State Government vest in the Board either on the date of notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest in relation to the Palace vest in the Board under sub-section (1), the Board shall, on and from the date of such vesting be deemed to have become the owner in relation to such Palace and all the rights and liabilities of the State Government under the Act on and from the date of such vesting be deemed to have become the rights and liabilities of the Board.

8. Amount to be given to legal representatives or heirs or other interested persons .- For the transfer to and vesting in the State Government of the Palace under section 4 and the right, title and interest in relation to the Palace, the State Government shall pay an amount of rupees eleven crores by depositing the same with the Commissioner and the said amount shall be paid to the legal representatives or heirs or such other persons entitled thereto in the manner specified in Chapter-IV.

9. Payment of further amount.- (1) The amount specified in section 8 shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the State Government to the Commissioner.

(2) The amount determined in accordance with the provisions of sub-section (1) shall be given by the State Government to the legal representatives or heirs or such other persons entitled thereto, as the case may be, in addition to the amount specified in section 8.

(3) For the removal of doubts, it is hereby declared that the liability of the legal representatives or heirs in relation to the Palace which has vested in the State Government under section 4 shall be discharged from the amount referred to in section 8, and also from the amounts determined under sub-section (1), in accordance with the rights and interests of the creditors of the legal representatives or heirs, or other persons, as the case may be.

CHAPTER III

MANAGEMENT OF THE PALACE

10. Management of the Palace.- The general superintendance, direction, control and management of the Palace, the right, title and interest in relation to the Palace which has vested in the State Government under section 4, shall, where a direction has been made by the State Government under sub-section (1) of section 7, vest in the Board and thereupon the Board shall be entitled to exercise, to the exclusion of all other persons all such powers and do all such things as the Board is authorised to exercise and do in relation to the Palace.

11. Duties of persons in-charge of management of the Palace.- (1) On the vesting of the management of the Palace in the Board all persons in-charge of the management of the Palace immediately before such vesting shall be bound to deliver to the Board all assets, books of accounts, registers or other documents in their custody relating to the Palace.

(2) The State Government may issue such directions as it may deem desirable in the circumstances of the case to the Board and the Board may also, if it is considered necessary so to do, apply to the State Government at any time for instructions as to the manner in which the management of the Palace shall be conducted or in relation to any other matter arising in the course of such management.

12. Duty of persons to account for assets in their possession.-(1) Any person who has, on the appointed day, in his possession or under his control, any assets, books, documents and other paper relating to the Palace which has vested in the State Government or in the Board under this Act and which belong to the legal representatives or heirs or other persons or would have so belonged, if the Palace had not vested in the State Government or the Board, shall be liable to account for the said assets, books, documents and other papers to the State Government or the Board or such person or persons as the State Government or the Board may specify in this behalf.

(2) The State Government or the Board may take or cause to be taken all necessary steps for securing possession of the Palace which has vested in the State Government or the Board under this Act.

(3) The legal representatives or heirs or others, as the case may be, shall within such period as the State Government may allow in this behalf, furnish to the State Government a complete inventory of all properties and assets, as on the appointed day, pertaining to the palace which has vested in the State Government under section 4 and for this purpose, the State Government or the Board shall afford to the legal representatives or heirs or others all reasonable facilities.

CHAPTER IV

COMMISSIONER OF PAYMENTS

13. Appointment of Commissioner of payments.- (1) The State Government shall, for the purpose of disbursing the amount payable under section 8 and 9, by notification in the Official Gazette, appoint a Commissioner of payments.

(2) The State Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise these powers in the same manner and with the same effect, as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section, shall be defrayed out of the Consolidated Fund of the State.

14. Payment by the State Government to the Commissioner.- (1) The State Government shall, within thirty days from the appointed day deposit, in cash, with the Commissioner, for payment, to the legal representatives, heirs and other interested persons , -

- (a) an amount equal to the amount specified in section 8; and
- (b) an amount equal to the amount payable under section 9.

(2) A deposit account shall be opened by the State Government in favour of the Commissioner in the public account of the State, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the Palace in relation to which payments have been made to him under this Act.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the legal representatives or heirs and other interested persons.

15. Certain powers of the State Government and the Board.- (1) The State Government or the Board, as the case may be, shall be entitled to receive upto the appointed day, to the exclusion of all other persons, any money due in respect of the Palace which has vested in the State Government or the Board, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The State Government or the Board, as the case may be, may make a claim to the Commissioner with regard to every payment made by the State Government or the Board after the appointed day for discharging any liability of the legal representatives or heirs or other interested persons in relation to the Palace in respect of any period prior to the appointed day. Every such claim shall have priority in accordance with the priorities attached under this Act to the matters in relation to which such liability has been discharged by the State Government or the Board.

(3) Save as otherwise provided in this Act, the liabilities of the legal representatives or heirs or other interested persons in relation to the Palace in respect of any transaction prior to the appointed day, which have not been discharged on or before such day shall be the liabilities of the legal representatives or heirs or other interested persons as the case may be.

16. Claims to be made to the Commissioner.- Every person having a claim with regard to any of the matters specified in Schedule II in relation to the Palace before the appointed day shall prefer such claim before the Commissioner within thirty days from the appointed day:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the period of thirty days, he may entertain the claim within a further period of thirty days but not thereafter.

17. Priority of claims.- The claims made under section 16 shall have priority in accordance with the following principles, namely:-

(a) category I shall have precedence over all other categories and Category II shall have precedence over Category III and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but if the amount is not sufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if surplus is left after meeting all the liabilities specified in the immediate higher category.

18. Examination of claims.- (1) On receipt of the claims made under section 16, the Commissioner shall arrange the claims in the order of priority specified in Schedule II and examine the same in accordance with such order of priority.

(2) If, on examination of the claims the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category he shall not be required to examine the claims in respect of such category.

19. Admission or rejection of claims.- (1) After examining the claims with reference to the priorities specified in Schedule II, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days notice of the date so fixed shall be given by an advertisement in one issue of a daily newspaper in the English language having wide circulation in the country and one issue of a daily news paper in the Kannada language having wide circulation in the State and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant, who fails to file the proof of his claim within the time specified by the Commissioner, shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall after such investigation as may, in his opinion, be necessary and after giving the claimant a reasonable opportunity of being heard, determine the nature and extent of such claims and by order in writing admit or reject the claim in whole or in part and in determining the nature and extent of the claims of the legal representatives or heirs or other persons, the Commissioner shall take into consideration, the effect of the final order passed in the writ petitions pending against the orders of the Competent Authority under the Urban Land (Ceiling and Regulation) Act, 1976, and the rights of the State Government thereunder. The Commissioner shall also decide any dispute as to the person or persons who are entitled to the amount and any dispute as to who are the legal representatives of any deceased claimant.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document;

(c) the receiving of evidence by affidavit;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Penal Code 1860 and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(7) A claimant, who is aggrieved by the decision of the Commissioner, may prefer an appeal against the decision to the City civil court, Bangalore within the local limits of whose jurisdiction the Palace is situated.

20. Disbursement of the amount by the Commissioner to the claimants .- After admitting a claim under this Act the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due and on such payment the liability in relation to the Palace in respect of such claims shall stand discharged.

21. Undisbursed or unclaimed amount to be deposited to the General Revenue Account.- Any amount paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, to the General Revenue Account of the State Government, but a claim to any amount so transferred may be preferred to the State Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim, being treated as an order for the refund of revenue.

CHAPTER V

BOARD OF TRUSTEES

22. The Board of Trustees- (1) There shall be a Board of Trustees for the administration and management of the Palace, consisting of the following:-

- | | |
|--|----------------------|
| (1) The Chief Secretary to Government of Karnataka | Chairman |
| (2) The Secretary to Government Revenue Department | Member |
| (3) The Secretary to Government
Urban Development Department | Member |
| (4) The Secretary in charge of Finance Department | Member |
| (5) The Secretary to Government Department of Law | Member |
| (6) The Secretary to Government
in charge of Forest Department | Member |
| (7) The Secretary to Government in charge of Horticulture | Member |
| (8) The Secretary to Government Information,
Tourism & Youth services | Member |
| (9) The Director of Archeology | Member |
| (10) The Executive Officer | Member-
Secretary |

(2) The Board shall meet at such time, at such place and shall conduct its business in such manner as may be prescribed.

23. Powers and duties of the Board.- Subject to the rules made under this Act, the powers and duties of the Board shall be,-

- (a) to administer and manage the Palace;
- (b) to layout and maintain public park and to preserve tree growth in the Palace;
- (c) to utilise the land surrounding the Palace for developing it as a Tree Park and Horticultural Garden and Botanical Museum exclusively, or partly for that purpose and partly for any other public purpose necessary for civic life;

(d) to levy, subject to such conditions as the State Government may impose, fees for entry into the Palace, Horticultural Garden and Botanical Museum; and

(e) to do such other acts as may be prescribed and as are incidental or conducive to the efficient administration of the Palace by the Board.

24. Appointment of Executive Officer and other officers.- (1) The State Government shall appoint an Executive Officer to the Board and such number of other officers as it considers necessary to assist him.

(2) The salary and other allowances payable to the Executive Officer and other Officers appointed under sub-section [1] shall be met out of the fund of the Board.

(3) The Executive Officer and other officers appointed by the State Government shall be deemed to be public servants within the meaning of section 21 of the Penal Code, 1860.

25. Powers and duties of the Executive Officer and other officers.- (1) Subject to such restrictions and conditions as may be laid down by the State Government in the rules or in any general or special order and subject to the general control of the Board, the Executive Officer,-

(a) shall have power to manage the affairs of the Board;

(b) shall be responsible for the proper custody of all properties, records, moneys, paintings, funds and other valuable belongings of the Board;

(c) shall arrange for the proper collection of the income and for the incurring of the expenditure of the Board.

(2) The Executive Officer may, in case of emergency, direct execution of any work or doing of any act which is not provided for in the budget of the year and the immediate execution of the doing of which is, in his opinion necessary for the preservation of the properties of the Board and may direct that the expenses of executing such work or the doing of such act shall be paid from the fund of the Board:

Provided that the Executive Officer shall report forthwith to the Board any action taken by him under this sub-section and reasons therefor.

(3) The Executive Officer may delegate any of the powers conferred or duties imposed on him by or under this Act to any officer appointed under section 24 to assist him, subject to such restriction and control as the Board may, by general or special order, lay down and also subject to such limitation and conditions, if any, as may be specified in the order of delegation.

(4) The Board may delegate to the Executive Officer such of its powers, duties or functions as may be prescribed.

26. Suits and other legal proceedings by or against the Board.- In all suits or other legal proceedings by or against the Board, the pleadings shall be signed and verified by the Executive Officer and all processes in such suits and proceedings shall be issued to or served on the Executive Officer.

27. Fund.- (1) There shall be a fund called the Board Fund which shall be administered by the Board.

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

(i) the income from the Palace or proceeds or any property vested in the Board;

(ii) all fees and charges paid to or levied by or on behalf of the Board under this Act;

(iii) all grants, and contributions made by the State Government or any other authority;

(iv) all contributions and donations made by any person;

(v) sums raised by way of loan by the Board with the previous sanction of the State Government; and

(vi) any other sums.

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

29. Utilisation of the Fund.- The Fund may be utilised for all or any of the following purposes, namely:-

(i) maintenance, management and administration of the Palace;

(ii) laying out and maintenance of public park;

(iii) preservation of tree growth in the premises of the Palace;

(iv) for development of Botanical Museum and Horticulture garden in the Palace premises;

(v) for payment of salaries and allowances of the Executive Officer and other officers appointed under section 24; and

(vi) for any other purposes as may be prescribed.

30. Audit.- (1) The State Government shall appoint annually an Auditor to audit the accounts of the Board and fix the remuneration which shall be paid to such Auditor from the Board Fund. The Auditor shall send his report to the State Government.

(2) The State Government shall send a copy of the audit report to the Board and it shall be the duty of the Board to remedy, within such time as may be specified by the State Government any defects or irregularities pointed out by the auditor and report the same to the State Government.

31. Budget.- (1) The Executive Officer shall, every year prepare within such time and in such form as may be prescribed, a budget and an estimate of receipt and expenditure of the Board for the following year and place it before the Board which may approve it without modification or with such modification as it deems fit.

(2) A copy of the budget passed by the Board shall be forwarded to the State Government not less than two months before the end of the year previous to that for which the budget is prepared.

CHAPTER VI

MISCELLANEOUS

32. Act to have overriding effect.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court, tribunal or any other authority.

33. Contract to cease to have effect unless ratified by Board.- Every contract entered into by the legal representatives or heirs or other persons in relation to the

Palace which has vested in the State Government under section 4 and in force immediately before the appointed day, shall on and from expiry of thirty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified in writing by the Board and in ratifying such contract, the Board may make such alteration or modification therein as it may think fit:

Provided that the Board shall not omit to ratify a contract and shall not make any alteration or modification in a contract,-

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interest of the Board, and

(b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusing to ratify the contract or for making any alteration or modification therein.

34. Protection of action taken in food faith.- (1) No suit, prosecution or other legal proceedings shall lie against the State Government or the Board, or any Officer or other employee of the State Government or the Board or other person authorised by the state Government or the Board for anything which is in good faith done or intended to be done under this Act.

(2) No suit or any legal proceeding shall lie against the State Government or the Board or any officer or other employee of the State Government or the Board or other person authorised by the State Government or the Board for any damage caused or likely to be caused by anything which is in good faith done or intended to be done.

35. Penalties.- Any person who,-

- (a) having in his possession, custody or control of any property forming part of the Palace wrongfully withholds such property from the State Government or the Board; or
- (b) wrongfully obtains possession or retains any property forming part of the Palace; or
- (c) wilfully withholds or fails to furnish to the State Government or the Board or to any person or body of persons specified by the State Government or the Board, as the case may be, any documents or inventory relating to the Palace which may be in his possession, custody or control; or
- (d) wrongfully removes or destroys any property forming part of the Palace; or
- (e) prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate:

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

36. Offences by companies.- (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his

knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of the director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) "Company" means any body corporate and includes a firm or other association of individuals;

(b) "director" in relation to a firm, means a partner in the firm.

37. Revision.- (1) The State Government may call for and examine the records of the Board or the Executive Officer in respect of any proceeding to satisfy itself as to the regularity of such proceedings or correctness, legality or propriety of a decision or an order passed therein.

(2) If it appears to the State Government that the decision or order should be modified, reversed or remitted or reconsidered, it may pass an order accordingly.

(3) The State Government shall not pass any order affecting any party under sub-section (2) without giving him an opportunity of being heard.

(4) The State Government may stay the execution of any decision or order of the nature referred to in sub-section (1) pending the exercise of its powers under sub-section (2).

38. Power to make rules.- (1) The State Government may by notification, make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:-

(a) the time within which and the manner in which an intimation referred to in sub-section (4) of section 5 shall be given;

(b) the convening of meetings and transaction of business of the Board under section 22;

(c) the restrictions and conditions subject to which the Executive Officer may exercise his powers and perform his duties under section 25;

(d) the conditions subject to which the Board may borrow any sum under section 28;

(e) other purposes for which the fund may be utilised under section 29;

(f) the preparation of the budget estimates for the Board under section 31;

(g) the maintenance and custody of the accounts, records and the documents of the Board;

(h) any other matter which is required to be or may be prescribed.

(3) Every rule made by the State Government 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 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 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.

39. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order not inconsistent with the provisions of this Act, remove the difficulties:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

40. Abatement of proceeding under the Land Acquisition Act, 1894.- On and from the appointed day all notifications issued under any of the provisions of the Land Acquisition Act, 1894 in respect of the Palace shall stand withdrawn and proceedings if any taken in pursuance of such notification shall abate.

SCHEDULE I

(See Section 2(2))

Survey No.	Kind	Boundries				Approximate extent A-G
		East	West	North	South	
1	2	3	4	5	6	7
1. Rajmahal Vilas Bangalore	Vacant land and buildings	Jaymahal Road	Bellary Road	Mekhri Circle and Road	Bangalore Madras Railway line and Road	472-16

SCHEDULE II

(See Sections 16, 17, 18 and 19)

Order of priority for the discharge of liabilities in relation to the Palace.

CATEGORY I

Principal amount of secured loans advanced by,-

- (i) the Central Government;
- (ii) the State Government;
- (iii) Banks;
- (iv) Public Finance institutions;
- (v) others.

CATEGORY II

Principal amount of unsecured loan advanced by,-

- (i) the Central Government;
- (ii) the State Government;
- (iii) the Bank;
- (iv) Public Financial Institutions;

CATEGORY III

(a) Any dues payable to the Karnataka Electricity Board, the Bangalore Water Supply and Sewerage Board or other State Government or semi Government Institutions for supply of goods or services;

(b) Arrears of interest on loans and advances or other dues falling under Category I or II.

CATEGORY IV

(a) Revenue, taxes, cesses, rates or other dues to the Central or State Government and local authorities, and

(b) Any other loans or dues.

(The above translation of the ಬೆಂಗಳೂರು ಅರಮನೆ (ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ) ಅಧಿನಿಯಮ, 1996 was published in the official Gazette (Extraordinary) Part IV-2B dated 27.11.1996 as No.1429 under clause (3) of Article 348 of the Constitution of India).

ಅಧಿಸೂಚನೆ

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 21ನೇ ನವೆಂಬರ್ 1996 (ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 37 ಪಿಎಸ್‌ಆರ್ 86 (ಪಿ 2))

ಬೆಂಗಳೂರು ಅರಮನೆ (ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ) ಅಧಿನಿಯಮ, 1996 (1996ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 18) ಪ್ರಕರಣ 1ರ ಉಪಪ್ರಕರಣ (2) ರಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ, ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಈ ಮೂಲಕ ಸದರಿ ಅಧಿನಿಯಮದ ಎಲ್ಲಾ ಉಪಬಂಧಗಳು 21ನೇ ನವೆಂಬರ್ 1996 ರಂದು ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದೆಂದು ಗೊತ್ತುಪಡಿಸುತ್ತದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

(ಎಲ್.ಕೆ. ಅತೀಶ)

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿಗಳು,

ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ ಇಲಾಖೆ (ಸೇವೆಗಳು).

**THE BANGALORE PALACE (ACQUISITION AND TRANSFER)
ACT, 1996 has been amended by the following Acts, namely:-**

Amendments (Chronological)

Sl. No.	Act No. and Year	Sections Amended	Remarks
1	18 of 1996	--	w.e.f. 21.11.1996 vide Notification No. DAPR 37 PSR 86 (P-2) dt. 21.11.1996

Amendments (Section-wise)

Sections Amended	Act No. and Year	Remarks
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