

**THE KARNATAKA DRAMATIC PERFORMANCES ACT, 1964**

## ARRANGEMENT OF SECTIONS

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**STATEMENT OF OBJECTS AND REASONS**

**Act 39 of 1964.**—The Dramatic Performances Act, 1876 (Central Act 19 of 1876) is in force in the Bombay Area, Coorg District and Bellary District. The Madras Dramatic Performances Act, 1954 (Madras Act 33 of 1954) is in force in the Madras Area. There is no corresponding law on the subject in the Hyderabad Area and the Mysore Area.

In the year 1954 the Madras High Court held that section 6 of the Central Act is repugnant to the Constitution and is therefore void. In a later decision, the Allahabad High Court declared the Central Act as ultra vires the Constitution, and the Punjab High Court has also taken a similar view. The Government of India have suggested the enactment of a new law replacing the Central Act on the lines of the Madras Dramatic Performances Act, 1954. It is therefore proposed to repeal the Central Act and enact a uniform law applicable to the whole of the State of Mysore providing for the regulation and control of public dramatic performances in the State.

(Published in the Karnataka Gazette (Extraordinary), PART IV—2-A, dated 13th March 1963 at page. 32.)

**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. 39 OF 1964**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Twenty-fourth day of September, 1964.)*

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> DRAMATIC PERFORMANCES ACT, 1964.**

*(Received the assent of the Governor on the Twenty-ninth day of July, 1964.)*

**An Act to provide for the better control of public dramatic performances in the <sup>1</sup>[State of Karnataka]<sup>1</sup>.**

WHEREAS it is expedient to provide for the better control of public dramatic performances in the <sup>1</sup>[State of Karnataka]<sup>1</sup>;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Fifteenth year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order. 1973 w.e.f. 01.11.1973

**1. Short title and extent.**—(1) This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> Dramatic Performances Act, 1964.

1. Adapted by the Karnataka Adaptations of Laws Order. 1973 w.e.f. 01.11.1973

(2) It extends to the whole of the <sup>1</sup>[State of Karnataka]<sup>1</sup>.

1. Adapted by the Karnataka Adaptations of Laws Order. 1973 w.e.f. 01.11.1973

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

(1) "objectionable performance" means any play, pantomime or other drama, which is likely to,—

(i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

(ii) incite any person to commit murder, sabotage or any offence involving violence; or

(iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruitment or discipline of any such force; or

(iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or which,-

(v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or

(vi) is grossly indecent, or is scurrilous or obscene or intended for blackmail;

**Explanation I.**—A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

**Explanation II.**—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.

(2) "public place", means any building or enclosure, or any place in the open air, and any pandal where the sides are not enclosed, to which the public are admitted to witness a performance.

**3. Power to prohibit objectionable performance.**—(1) If any play, pantomime or other drama performed or about to be performed in a public place is in the opinion of the State Government an objectionable performance, it shall, by notice, stating therein the grounds on which it is considered that the performance is objectionable, require the organisers or other principal persons responsible for the conduct of the performance or the owner or occupier of such public place, to show cause within a specified period, why the performance should not be prohibited.

(2) (a) If the persons to whom a notice is issued under sub-section (1),—

(i) show cause as aforesaid; and after considering the representations made and any evidence adduced, the State Government is satisfied that the performance is not objectionable; or

(ii) undertake to modify the performance by omitting the utterance of words or the signs or visible representations which are objectionable;

the State Government shall drop further proceedings.

(b) If the persons to whom a notice is issued under sub-section (1),—

(i) do not show cause as aforesaid; or

(ii) shows cause as aforesaid, and after considering the representations made and any evidence adduced, the State Government is satisfied that the performance is objectionable,

—the State Government may, by order, stating the grounds on which it considers the performance objectionable, prohibit the performance.

(3) Every order made under clause (b) of sub-section (2) shall forthwith be published in the official Gazette.

(4) Any order made under clause (b) or sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

**4. Power to prohibit objectionable performances temporarily.**—(1) The Deputy Commissioner may, if he is of opinion that any play, pantomime or other drama performed or about to be performed, being of the nature specified in section 2, is likely to lead to a breach of the peace, by order stating the grounds for such opinion, prohibit its performance:

Provided that the Deputy Commissioner may review such order on an application made by the person or party affected by such order.

(2) Subject to any order made by the Court on appeal under section 10, an order under this section shall remain in force for two months from the making thereof:

Provided that the Deputy Commissioner, may if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

**5. Service of order of prohibition.**—A copy of the order made under clause (b) of sub-section (1) of section 3, or under sub-section (1) or sub-section (2) of section 4, shall be served personally or in such other manner as may be prescribed by rules made under section 14, on the organisers or other principal persons responsible for the conduct of, or any person about to take part in, the performance so prohibited, or on the owner or occupier of the public place, in which such performance is to take place.

**6. Penalty for disobeying order or contravening undertaking.**—Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does, or willingly permits, any act in disobedience of such order, and any person who contravenes or willingly permits any act in contravention of an undertaking under sub-clause (ii) of clause (a) of sub-section (2) of section 3 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

**7. Penalty for disobeying prohibition.**—(1) Any person who, after the publication of an order under sub-section (3) of section 3 or during the period when an order made under sub-section (1) or sub-section (2) of section 4 is in force organises or is responsible for the conduct of, or who with the knowledge that such an order under section 3 or section 4 is in force takes part in the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened, kept or used for any such

performance, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

**8. Power to call for information.**—(1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the State Government or such officer as it may empower in this behalf, may, by order, require the organisers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the State Government or such officer may think necessary.

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code (Central Act XLV of 1860).

**9. Power to call for copy of purport of drama, etc.**—(1) If the State Government or the Deputy Commissioner has reason to believe that an objectionable dramatic performance is about to take place, it or he, as the case may be, may by order, direct that no such dramatic performance shall take place in any public place within any area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance, to the State Government or the Deputy Commissioner aforesaid.

(2) A copy of any order made under sub-section (1) shall be served on the organisers or other principal persons responsible for the conduct of the dramatic performance or the owner or occupier of the public place in which such performance is intended to take place, and if thereafter any such person does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

**10. Appeal to High Court.**—(1) Any person aggrieved by an order under clause (b) of sub-section (2) of section 3 or under sub-section (1) or sub-section (2) of section 4, may, within sixty days of the publication of such order under sub-section (3) of section 3 or as the case may be, within sixty days of the date on which an order under sub-section (1) or sub-section (2) of section 4, is made, prefer an appeal to the High Court; and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from and may pass such consequential or incidental orders as may be necessary.

(2) Every such appeal shall be heard by a Bench of not less than two Judges.

**11. Offences by companies.**—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct 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 provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an 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 that the commission of the offence is attributable to any neglect on the part of, any Director, Managing Agent, Secretary, Treasurer, Manager, Secretary or other officer of the company, such Director, Managing Agent, Secretary, Treasurer, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.**—For the purposes of this section,—

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

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

**12. Saving of prosecutions under other laws.**—Where no order under section 3 or section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code (Central Act XLV of 1860), or any other law.

**13. Protection for acts done in good faith.**—No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

**14. Power to make rules.**—(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may 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 or sessions immediately following, 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 modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Subject to any modification made under sub-section (2), every rule made under this Act shall have effect as if enacted in this Act.

**15. Repeal.**—The Dramatic Performances Act, 1876 (Central Act XIX of 1876), as in force in the <sup>1</sup>[Belgaum area]<sup>1</sup>, Coorg District and Bellary District and the Madras Dramatic Performances Act, 1954 (Madras Act XXXIII of 1954), as in force in the <sup>1</sup>[Mangalore & Kollegal area]<sup>1</sup> are hereby repealed.

1. Adapted by the Karnataka Adapatations of Laws Order. 1973 w.e.f. 01.11.1973

**THE KARNATAKA DRAMATIC PERFORMANCES ACT, 1964 has been amended by the following Acts, namely.-**

**Amendments (Chronological)**

SI. No.	Act No. and Year	Sections Amended	Remarks
1.	39 of 1964	--	The Act has come into force w.e.f. 24.9.1964.
2.	KAL Order, 1973	Title, Preamble, 1(1)(2), 15	w.e.f. 1.11.1973

**Amendments (Section-wise)**

Sections	No and Year of the Act	Remarks
Title, Preamble	KAL Order, 1973	w.e.f. 1.11.1973
1(1)(2)	KAL Order, 1973	w.e.f. 1.11.1973
15	KAL Order, 1973	w.e.f. 1.11.1973

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**THE KARNATAKA FIRE FORCE ACT, 1964**  
**ARRANGEMENT OF SECTIONS**

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## STATEMENTS OF OBJECTS AND REASONS

### I

**Act 42 of 1964.**—There are at present different forest laws in force in the five integrating parts of the Mysore State. As it is administratively difficult and inconvenient to enforce different laws in different parts, the present bill has been prepared to bring uniformity of forest laws throughout the State.

The more important provisions in the Bill are the following:—

Provision has been made in the Bill for control over forests and lands not being the property of the Government, in Chapter V on the lines of the provisions now in force in the Bombay and Madras areas. The object is to prevent private owners from recklessly exploiting the tree growth and forest produce with the sole idea of making immediate and huge profits, without regard to ensuring sustained yield for the benefit of the community in future. There is power to assume management of forests in certain circumstances. In Chapter X, provision has been made that all sandal trees which may grow in any land after the date of commencement of this Act will be the exclusive property of Government and exploitation of all sandalwood trees, the rights over which is alienated, should be done by the Forest Department only on behalf of the owner. These provisions are made to prevent smuggling of sandalwood. Special provisions relating to catechu, an important commercial produce, is made in Chapter XI.

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### II

**Amending Act 40 of 1964.**—Fire Force is an emergency and essential service. It is therefore, necessary that the services of members of the Fire Force should be available to the people in an uninterrupted manner.

Section 123 of the Karnataka Police Act, 1964 provides penalty for a member of Police Force who intentionally causes or does any act which he knows that it is likely to cause disaffection towards Government among the members of the Police Force. Such a provision is not found in the Karnataka Fire Force Act, 1964. Therefore, it is considered necessary to have an analogous provision in the Karnataka Fire Force Act, also. Hence the Bill.

(Obtained from L.A. Bill No. 21 of 1962)

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**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. 42 OF 1964**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Twelfth day of November, 1964.)*

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> FIRE FORCE ACT, 1964.**

*(Received the assent of the Governor on the Fifth Day of November, 1964.)*

*(As amended by Karnataka Act 40 of 1994.)*

**An Act to provide for the maintenance of a Fire Force for the <sup>1</sup>[State of Karnataka]<sup>1</sup>.**

WHEREAS it is expedient to provide for the maintenance of a Fire Force for the <sup>1</sup>[State of Karnataka]<sup>1</sup>;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Fifteenth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

### CHAPTER I PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> Fire Force Act, 1964.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) It extends to the whole of the <sup>1</sup>[State of Karnataka]<sup>1</sup>.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(3) It shall come into force in any area on such <sup>1</sup>[date]<sup>1</sup> as the State Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different areas.

1. The Act has come into force on different dates in different areas by different notifications. Gist of those available notifications are at the end of the Act.

**2. Definition.**—In this Act, unless the context otherwise requires,—

(a) "Director" means the Director of the Fire Force appointed under section 4;

(b) "Fire-fighting property" includes,—

(i) lands and buildings used as fire-stations,

(ii) fire engines, equipments, tools, implements and things whatsoever used for fire-fighting,

(iii) motor vehicles and other means of transport used in connection with fire-fighting, and

- (iv) uniforms and badges of rank;
- (c) "fire-station" means any post or place declared, generally or specially, by the State Government to be a fire-station;
- (d) "Force" means the <sup>1</sup>[Karnataka Fire Force]<sup>1</sup> maintained under this Act;
- (e) "officer-in-charge of a fire-station" includes, when the officer-in-charge of the fire-station is absent from the station or unable from illness or other cause to perform his duties, the fire officer present at the station who is next in rank to such officer;
- (f) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

### MAINTENANCE OF THE FIRE FORCE

**3. Maintenance of Fire Force.**—There shall be maintained by the State Government a Fire Force to be called the <sup>1</sup>[Karnataka Fire Force]<sup>1</sup> for services in the local areas in which this Act is in force.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**4. Appointment of Director of Fire Force.**—The State Government shall appoint a person to be the Director of Fire Force.

**5. Superintendence and control of the Force.**—(1) Subject to the control of the State Government, the superintendence and control of the Force shall vest in the Director and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(2) The State Government may appoint such officers as it may deem fit to assist the Director in the discharge of his duties.

**6. Appointment of members of the Force.**—The Director or such other officer of the Force as the State Government may authorise in this behalf shall appoint members of the Force in accordance with the rules made under this Act.

**7. Issue of certificate to members of Force.**—(1) Every person shall, on appointment to the Force, receive a certificate in the prescribed form under the seal of the Director or an officer authorised in this behalf by the State Government; and thereupon such person shall have the powers, functions and privileges of a member of the Force under this Act.

(2) The certificate referred to in sub-section (1) shall cease to have effect when the person named therein ceases for any reason to be member of the Force; and on his ceasing to be such member, he shall forthwith surrender the certificate to any officer empowered to receive the same.

(3) During any term of suspension, the powers, functions and privileges vested in any member of the Force shall be in abeyance; but such member shall continue to be

subject to the same discipline and penalties as he would have been if he had not been suspended.

**8. Auxiliary Fire Force.**—(1) Whenever it appears to the State Government that it is necessary to augment the Force, it may raise an auxiliary force by enrolment of volunteers for such area and on such terms and conditions as it may deem fit.

(2) Every member of the auxiliary force enrolled under sub-section (1) shall,—

- (a) receive a certificate in a form approved by the State Government;
- (b) be vested with all or such of the powers, privileges and duties of a member of the Force as are specially mentioned in the certificate; and
- (c) be subject to the orders of the Director.

### CHAPTER III

## POWERS OF THE STATE GOVERNMENT, THE DIRECTOR AND MEMBERS OF THE FORCE

**9. Power of State Government to make regulations.**—The State Government may, by notification in the official Gazette, make such regulations as it thinks fit,—

- (a) for providing the Force with such of water and for equipments as it deems proper;
- (b) for providing adequate supply of water and for securing that it shall be available for use;
- (c) for constructing or providing stations or hiring places for accommodating the members of the Force and its fire-fighting appliances;
- (d) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Force on the occurrence of fires;
- (e) for the training, discipline and good conduct of the members of the Force;
- (f) for the speedy attendance of members of the Force with necessary appliances and equipment on the occasion of any alarm of fire;
- (g) for sending members of the Force with appliances and equipment beyond the limits of any area in which this Act is in force for purpose of fire fighting in the neighborhood of such limits;
- (h) for the employment of the members of the Force in any rescue, salvage or other similar work;
- (i) for regulating and controlling the powers, duties and functions of the Director; and
- (j) generally for the maintenance of the Force in a due state of efficiency.

**10. Powers of members of the Force on occurrence of fire.**—On the

occurrence of fire in any area in which this Act is in force, any member of the Force who is in charge of fire-fighting operations on the spot may—

(a) remove, or order any other member of the Force to remove any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which a fire is burning;

(c) for the purpose of extinguishing fire, break into or break through or pull down, any premises for the passage of hose or appliances or cause them to be broken into or broken through or pulled down, doing as little damage as possible;

(d) require the authority in charge of water supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where fire has broken out and utilise the water of any stream, cistern, well or tank or of any available source of water, public or private, for the purpose of extinguishing or limiting the spread of such fire;

(e) exercise the same powers for dispersing an assembly of persons likely to obstruct the fire-fighting operations as if he were an officer-in-charge of a police station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers;

(f) generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property.

**11. Power of Director to make arrangements for supply of water.**—The Director may, with the previous sanction of the State Government, enter into an agreement with the authority in charge of water supply in any area for securing an adequate supply of water in case of fire, on such terms as to payment or otherwise as may be specified in the agreement.

**12. Power of Director to enter into arrangements for assistance.**—The Director may, with the previous sanction of the State Government, enter into arrangements with any person who employs and maintains personnel or equipment or both for fire-fighting purposes, to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the provisions by that person of assistance for the purpose of dealing with fires occurring in any area in which this Act is in force.

**13. Preventive measures.**—(1) The State Government may by notification in the official Gazette, require owners or occupiers of premises in any area or any class of premises used for purposes which in its opinion are likely to cause a risk of fire, to take such precautions as may be specified in such notification.

(2) Where a notification has been issued under sub-section (1), it shall be lawful for the Director or any officer of the Force authorised by the State Government in this behalf to direct the removal of objects or goods likely to cause a risk of fire, to a place of safety; and on failure of the owner or occupier to do so, the Director or such officer may, after giving the owner or occupier a reasonable opportunity of making representation, seize, detain or remove such objects or goods.

## CHAPTER IV

### EXPENDITURE ON MAINTENANCE OF FORCE

**14. Expenditure on the Force.**—(1) The entire expenditure in connection with the Force shall be met out of the Consolidated Fund of the State.

(2) Notwithstanding anything contained in any law for the time being in force, the local authority of any area in which this Act is in force shall pay to the State Government such contribution towards the cost of the portion of the Force maintained in that area as the State Government may direct from time to time.

**15. Levy of fire tax.**—(1) The State Government may levy a cess called fire tax on lands and buildings which are situated in any area in which this Act is in force and on which property tax by whatever name called is levied by any local authority in that area.

(2) The fire tax shall be levied in the form of a surcharge on the property tax at such rate not exceeding ten percent of such property tax as the State Government may, by notification, in the official Gazette, determine.

**16. Mode of assessment, collection, etc., of fire tax.**—(1) The authorities for the time being empowered to assess, collect and enforce payment of property tax under the law authorising the local authority of the area to levy such tax shall, on behalf of the State Government and subject to any rules made under this Act, assess, collect and enforce payment of the fire tax in the same manner as the property tax is assessed, paid and collected; and for this purpose, they may exercise all or any of the powers they have under the law aforesaid and the provisions of such law including provisions relating to returns, appeals, reviews, revisions, references and penalties shall apply accordingly.

(2) Such portion of the total proceeds of the fire tax as the State Government may determine shall be deducted to meet the cost of collection of the tax.

(3) The proceeds of the fire tax collected under this Act reduced by the cost of collection shall be paid to the State Government in such manner and at such intervals as may be prescribed.

**17. Fees.**—(1) Where members of the Force are sent beyond the limits of any area in which this Act is in force, in order to extinguish a fire in the neighbourhood of such

limits, the owner or occupier of the premises where the fire occurred or spread shall be liable to pay such fee as may be prescribed in this behalf:

Provided that in case where members of the Force are so sent in order to extinguish a fire occurring in or spreading to a hay stack, a fodder stack or a thatched hut, the owner or occupier of the premises where such fire occurred or spread shall not be liable to pay such fee.

(2) The fee referred to in sub-section (1) shall be payable within thirty days of the service of a notice of demand by the Director on the owner or occupier and if it is not paid within that period, it shall be recoverable as an arrear of land revenue.

## CHAPTER V

### TRANSFER OF ASSETS AND LIABILITIES OF FIRE SERVICE OF LOCAL AUTHORITY

**18. Transfer of assets and liabilities of Fire Service of Local Authority.**—(1) On the date on which this Act comes into force in an area within the jurisdiction of a local authority (hereinafter in this Chapter referred to as the appointed day), all the assets and liabilities appertaining to the Fire Service maintained by such local authority shall stand transferred to and vest in the State Government.

(2) The assets appertaining to the Fire Service shall be deemed to include all rights and powers, and all property whether movable or immovable appertaining to the Fire Service including in particular all fire fighting property and all interests and rights in or arising out of such property as may be in possession of the local authority and all books of account or documents relating to the Fire Service of the local authority; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind then existing and appertaining to the Fire Service of the local authority.

**19. Provident, superannuation and other like funds.**—(1) Where a local authority referred to in sub-section (1) of section 18, has established a provident fund or superannuation fund or any other like fund for the benefit of the employees of such local authority, the money standing to the credit of any such fund on the appointed day together with any other assets belonging to such fund, shall in so far as they relate to employees of the local authority who become employees of the State Government under section 21, stand transferred to and vest in the State Government on the appointed day.

(2) The apportionment under sub-section (1) shall be made by the State Government, and its decision in this behalf shall be final and binding on the local authority.

**20. General effect of transfer of assets and liabilities of Fire Service of a local authority.**—(1) All contracts, agreements and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which a local



authority referred to in sub-section (1) of section 18 is a party or which are in favour of such local authority shall in so far as they relate to the Fire Service of the local authority be of as full force and effect against or in favour of the State Government, as the case may be, and may be enforce or acted upon as fully and effectually as if, instead of the local authority, the State Government had been a party thereto or as if they had been entered into or issued in favour of the State Government.

(2) If on the appointed day any suit, appeal or other legal proceeding of whatever nature is pending by or against a local authority referred to in sub-section (1) of section 18, then, in so far as it relates to the Fire Service of such local authority, it shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer of the assets and liabilities of the local authority in so far as they relate to such Fire Service, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the State Government.

**21. Transfer of service of employees of local authority.**—(1) Every whole-time employee of a local authority referred to in sub-section (1) of section 18 and who was employed by such local authority wholly or mainly in connection with the Fire Service of such local authority immediately before the appointed day, shall, on and from the appointed day, become an employee of the State Government, and shall hold his office under the State Government on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same under the local authority as if its assets and liabilities relating to the Fire Service had not been transferred to the State Government, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

(2) If any question arises whether any person was a whole-time employee of a local authority or as to whether any employee was employed wholly or mainly in connection with the Fire Service of a local authority immediately before the appointed day, the question shall be decided by the State Government and its decision shall be final.

**22. Duty to deliver possession of property and documents relating thereto.**—(1) Where any property has been transferred to and vested in the State Government under section 18, every person in whose possession or custody or under whose control the property may be, shall deliver the property to the State Government forthwith, and until it is so delivered, such person shall from the appointed day, be deemed to be in possession, custody or control of the property on behalf of the State Government.

(2) Any person who, on the appointed day, has in his possession or custody or under his control any books, documents or other papers which have been transferred to and vested in the State Government under section 18 shall be liable to account for

the said books, documents and the papers to the State Government and shall deliver to the State Government or to such person as the State Government may direct.

(3) Without prejudice to the other provisions contained in this section, it shall be lawful for the State Government to take all necessary steps for securing possession of all properties which have been transferred to and vested in the State Government under this Chapter.

## CHAPTER VI PENALTIES

**23. Penalty for violation of duty, etc.**—Any member of the Force who,—

(a) is found to be guilty of any violation of duty or wilful breach of any provision of this Act or any rule or order made thereunder, or

(b) is found to be guilty of cowardice, or

(c) withdraws from the duties of his office without permission or without having given previous notice of at least two months, or

(d) being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave, or

(e) accepts any other employment or office in contravention of the provisions of section 28,

shall be punishable with imprisonment which may extend to three months or with fine which may extend to an amount not exceeding three months' pay of such members or with both.

**<sup>1</sup>[23A. Penalty for causing disaffection etc.**—Whoever intentionally causes or attempts to cause or does any act, which he knows is likely to cause, disaffection towards the Government established by law in India, among the members of the Force, or induces or attempts to induce or does any act which he knows is likely to induce, any member of the Force to withhold his services or to commit a breach of discipline shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both.

**Explanation.**—Expression of disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, or of the disapprobation of the administrative or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or likely to cause disaffection.]<sup>1</sup>

1. Inserted by Act 40 of 1994 w.e.f. 10.10.1994.

**24. Failure to give information.**—Any person who without just cause fails to communication information in his possession regarding an outbreak of fire as required

by section 37, shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

**25. Failure to take precautions.**—Whoever fails without reasonable cause to comply with any of the requirements specified in a notification issued under sub-section (1) of section 13 or of a direction issued under sub-section (2) of that section shall be punishable with fine which may extend to five hundred rupees.

**26. Wilfully obstructing fire-fighting operations.**—Any person who wilfully obstructs or interferes with any member of the Force who is engaged in fire-fighting operations shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

**27. False report.**—Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorised to receive such report by means of a treatment, message or otherwise shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

## CHAPTER VII GENERAL AND MISCELLANEOUS

**28. Bar to other employment.**—No member of the Force shall engage in any employment or office whatsoever other than his duties under this Act.

**29. Transfer to other area.**—The Director or any officer authorised by the State Government in this behalf may, on the occasion of a fire or other emergency in any neighbouring area in which this Act is not in force, order the despatch of the members of the Force with necessary appliances and equipments to carry on fire-fighting operations such neighbouring area and thereupon notwithstanding the provisions of sub-section (3) of section 1, all the provisions of this Act and the rules made thereunder shall apply to such area, during the period of fire or emergency or during such period as the Director may specify.

**30. Employment on other duties.**—It shall be lawful for the State Government or any officer authorised by it in this behalf to employ the Force in any rescue, salvage or other work for which it is suitable by reason of its training, appliances and equipment.

**31. Liability of property owner to pay compensation.**—(1) Any person whose property catches fire on account of any action of his own or of his agent done deliberately or negligently shall be liable to pay compensation to any other person suffering damage to his property on account of any action taken under section 10 of this Act by any officer mentioned therein or any person acting under the authority of such officer.

(2) All claims under sub-section (1) shall be preferred to the Deputy Commissioner within thirty days from the date when the damage was caused.

(3) The Deputy Commissioner shall, after giving the parties an opportunity of being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same, and the order so passed shall have the force of a decree of a civil court.

**32. Power to obtain information.**—Any officer of the Force not below the rank of officer in-charge of a fire-station may for the purpose of discharging his duties under this Act require the owner or occupier of any building or other property, to furnish information with respect to the character of such building or other property, the available water supplies and the means of access thereto and other material particulars, and such owner or occupier shall furnish all the information in his possession.

**33. Power of entry.**—(1) The Director or any member of the Force authorised by him in this behalf may enter any of the places specified in any notification issued under section 13 for the purpose of determining whether precautions against fire required to be taken on such place have been so taken.

(2) Save as otherwise expressly provided in this Act, no claim shall lie against any person for compensation for any damage necessarily caused by any entry under sub-section (1).

**34. Consumption of water.**—No charge shall be made by any local authority or other person for water consumed in fire-fighting operations by the Force.

**35. No compensation for interruption of water supply.**—No authority in charge of water supply in an area shall be liable to any claim for compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (d) of section 10.

**36. Police Officers to aid.**—It shall be the duty of police officers of all ranks to aid the members of the Force in the execution of their duties under this Act.

**37. Information on outbreak of fire.**—Any person who possesses any information regarding an outbreak of fire shall communicate the same without delay to the nearest fire station.

**38. Indemnity.**—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

**39. Power to make rules.**—(1) The State Government may, by notification in the official Gazette, make for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide for,—

(a) the number and grades of officers and members of the Force;

- (b) the manner of appointment of members of the Force;
- (c) the form of the certificate to be issued to the members of the Force;
- (d) the conditions of service of the members of the Force including their ranks, pay and allowances, hours of duty and leave, maintenance of discipline and removal from service;
- (e) the circumstances in which and the conditions subject to which members of the Force may be despatched to carry on fire-fighting operations in neighbouring areas;
- (f) the conditions subject to which members of the Force may be employed on rescue, salvage or other work;
- (g) the manner in which and the intervals at which the proceeds of the fire tax levied under this Act shall be paid to the State Government;
- (h) the manner of service of notice under this Act;
- (i) for the determination of the question whether any property appertains to the Fire Service maintained by a local authority or whether any rights, powers, liabilities or obligations were acquired or incurred or any contract or agreement or other instrument was made by the local authority for the purposes of the Fire Service or whether any documents relate to those purposes;
- (j) the payment of rewards to persons, not being members of the Force, who render services for fire-fighting purposes;
- (k) the compensation payable to members of the Force in case of accidents or to their dependents in case of death while engaged on duty;
- (l) the employment of members of the Force or use of any equipment outside the area or on special services fee payable therefor; and
- (m) any other matter which is to be or may be prescribed.

(3) 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 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 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.

**40. Repeal and saving.**—(1) If immediately before the day on which this Act comes into force in an area, there is in force in that area any law, rule, regulation or

bye-law having the force of law which corresponds to any provision of this Act, such law, rule, regulation or bye-law, shall so far as it relates to any matter for which provision has been made in this Act shall on that day stand repealed.

(2) Notwithstanding the repeal of any law, rule, regulation or bye-law by sub-section (1), the general responsibility of any local authority under the law governing such authority, shall not be deemed to be limited, or modified, in so far as such law requires the local authority,—

(a) to provide and maintain such water supply and fire hydrants for fire-fighting purposes as may be directed by the State Government from time to time;

(b) to frame bye-laws for the regulation of dangerous trades;

(c) to order any of its employees to render aid in fighting a fire when reasonably called upon to do so by any member of the Force; and

(d) generally to take such measures as will lessen the likelihood of fires or preventing the spread of fires.

\* \* \* \*

### NOTIFICATIONS

**Note.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Fire Force Act, 1964 (Karnataka Act 42 of 1964), the Government of Karnataka has brought the said Act into force in the different areas of the State by different notifications and with effect from different dates. The Act was brought into force in the areas of the State mentioned in column (2) of the table below with effect from the dates and by the Notifications mentioned in the corresponding entries in columns (3) and (4) thereof.

TABLE

Sl. No.	Area	Date	Notification
(1)	(2)	(3)	(4)
1) (i)	Kolar Town Municipality	1.6.78	HD 6 SFB 78 dt. 26.5.78
(ii)	Tumkur Town Municipality		
(iii)	Hassan Town Municipality		
(iv)	Sandur Town Municipality		
2)	Mandya Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality.	3.2.83	HD 122 SFB 84(ii) dt. 27.6.84

- 3) Kushala Nagar Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality 22.8.89 HD 187 SFB 89 dt. 14.9.89
- 4) Challakere Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 22.6.92 HD 104 SFB 92 dt. 22.6.92
- 5) Channarayapatna Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 24.6.92 HD 137 SFB 92 dt. 24.6.92
- 6) Kundapur Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 24.6.92 HD 136 SFB 92 dt. 24.6.92
- 7) Harapanahalli Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 21.11.92 HD 211 SFB 92 dt. 21.11.92
- 8) Sindhanoor Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 5.12.92 HD 247 SFB 92 dt. 5.12.92
- 9) Bhadravathi Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 15.12.93 HD 108 KAASE 93 dt. 15.12.93
- 10) Sagar Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 15.12.93 HD 91 KAASE 93 -do-
- 11) Chikkodi Town Municipality and area within the radius of 40 K.M. from the limits of the said Town Municipality. 15.12.93 HD 271 KAASE 93 -do-

- 12) Madikeri Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 15.12.93 HD 153 KAASE 93 -do-
- 13) Humanabad Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 15.12.93 HD 272 KAASE 93 -do-
- 14) Jeevargi Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 15.12.93 HD 90 KAASE 93 -do-
- 15) Jamakhandi Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 20.12.93 HD 282 KAASE 93 dt. 20.12.93
- 16) Sirasi Town Municipality and the area within the radius of 40 K.M. from the limits of said Town Municipality. 25.3.94 HD 73 KAASE 94 dt. 25.3.94
- 17) Shira Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 25.3.94 HD 72 KAASE 94 dt. 25.3.94
- 18) Tiptur Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 29.7.94 HD 144 KAASE 94 dt. 29.7.94
- 19) Bylahongala Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 29.7.94 HD 47 KAASE 93 dt. 29.7.94
- 20) Chikkaballapur Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality. 4.10.96 HD 193 KAASE 96 dt. 4.10.96



21)	Kanakapura Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality.	8.11.96	HD 180 KAASE 98 dt. 8.11.98
22)	Holenarasipura Town Municipality	16.11.96	HD 163 KAASE 97 dt. 12.1.98
23)	Kudligi Town Municipality	8.12.96	-do- -do-
24)	Kuknoor Town Municipality	11.12.96	-do- -do-
25)	Hunasur Town Municipality	11.12.96	-do- -do-
26)	Siraguppa Town Municipality	6.1.97	-do- -do-
27)	Savadatti Town Municipality	12.1.97	-do- -do-
28)	Huvinahadagali Town Municipality	-do-	-do- -do-
29)	Chintamani Town Municipality	24.1.97	-do- -do-
30)	Moodabidre Town Municipality	3.3.97	-do- -do-
31)	Gundlupete Town Municipality	13.3.97	-do- -do-
32)	Malavalli Town Municipality	16.2.97	-do- -do-
33)	Athani Town Municipality	28.4.97	-do- -do-
34)	Alanda Town Municipality	1.5.97	-do- -do-
	Sl. No. 22 to 34 Town Municipalities and the area within the radius of 40 K.M. from the limits of the said Town Municipalities.		
35)	Lingasugur Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality.	21.9.98	HD 136 KAASE 98 dt. 21.9.98
36)	Hiriyur Town Municipality and the area within the radius of 40 K.M. from the limits of the said Town Municipality.	4.10.98	HD 199 KAASE 99 dt. 4.10.98
37)	Koppala, Town Municipality	10.11.98	HD 24 KAASE 99 dt. 9.5.99
38)	Harihara Town Municipality	3.11.98	-do- -do-
39)	Hanagal Town Municipality	3.11.98	-do- -do-

40)	Kunigal Town Municipality	9.1.98	-do-	-do-
41)	Soraba Town Municipality	15.12.98	-do-	-do-
42)	Sankeshwara Town Municipality	4.01.99	-do-	-do-
43)	Sadalaga Town Municipality	4.01.99	-do-	-do-
44)	Mundaragi Town Municipality SI. No. 37 to 44 Town Municipalities and the area within the radius of 40 K.M. from the limits of the said Town Municipalities.	19.01.99	-do-	-do-
45)	K.G.F. Town Municipality	12.2.99	HD 147 KAASE 99, dt. 23.7.99	
46)	Honnali Town Municipality	17.5.99	-do-	-do-
47)	Nanjanagudu Town Municipality SI. No. 45 to 47 Town Municipalities and the area within the radius of 40 K.M. from the limits of the said Town Municipalities.	19.6.99	-do-	-do-
48)	ಕನಕಪುರ ಪಟ್ಟಣ ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ 40 ಕಿ.ಮಿ. ವ್ಯಾಪ್ತಿ	28.11.98	ಬಇ 180ಕಅಸೆ 98	

सत्यमेव जयते

**THE KARNATAKA HIGHWAYS ACT, 1964**  
**ARRANGEMENT OF SECTIONS**

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**SCHEDULE**

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## STATEMENTS OF OBJECTS AND REASONS

### I

**Act 44 of 1964.**—At present the Mysore Highways Act (IV of 1920) provides for the regulation of traffic and preservation of the surface of public roads and places in the Mysore Area. But this Act has yet been brought into force.

The Bombay Highways Act, 1955 provides for the restriction of ribbon development along the Highways, for the preservation of encroachment thereon, for the construction and development etc., of Highways, and for the levy of betterment charges. This Act is in force in the Bombay Area. There are no enactments of the kind in the other parts of the State.

With a view to have an uniform Act applicable in the whole of the State of Mysore providing for the restriction of ribbon development along the Highways, for the prevention of encroachment thereon, for the construction and development of the Highways, for the levy of betterment charges and for certain other matters this Bill has been prepared.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A dated 16th December, 1963 as No. 165, at page. 45.

### II

**Amending Act 15 of 1983.**—The Chief Minister had indicated in his speech while presenting the Budget Estimates for 1983–84 that substantial funds have been invested by the State Government on construction of bridges across major rivers on State Highways. There is an

increasing demand for construction of additional bridges for facilitating communications with inaccessible areas and this would require additional outlays. In respect of bridges on National Highways the Government of India has been collecting toll charges on vehicles. On similar lines, it is proposed to introduce legislation to provide for the levy of fees in respect of motor vehicles and two wheelers using bridges on State Highways.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 30th March 1983 as No. 208 at page. 3.)

### III

**Amending Act 35 of 1998.**—It is considered necessary to amend the Karnataka Highways Act, 1964, to enable the State Government to enter into agreement with any person for development and maintenance of State Highways and to empower such person to collect and retain fees at specified rate for service or benefits rendered by him and to regulate and control the traffic in accordance with the provisions of the

Motor Vehicles Act, 1988 and also to provide for penalty for committing mischief to the extend of five years imprisonment with a fine or with both.

Hence the Bill.

(Obtained from LA Bill No. 8 of 1997 File No. 42 of 1996.)

**IV**

**Amending Act 22 of 2000.-** Note: By this Act certain obsolete laws were repealed and some clerical minor amendments were made to some other Acts including Act 44 of 1964.

**IV**

**Amending Act 31 of 2010.-** It is considered necessary to amend the Karnataka Highways Act, 1964, to provide for enabling provision to levy and collect from the users, the amount in form of fee for the service or benefit rendered by it to meet the expenditure involved in improvement of State highway / major district road constructed, developed and maintained under Public Private partnership on annuity basis.

Hence the Bill.

[L.A. Bill No. 23 of 2010, File No. DPAL 28 Shasana 2010]

[Entry 13 and 59 of List II of the Seventh Schedule to the Constitution of India.]

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सत्यमेव जयते



**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. 44 OF 1964**

(First published in the <sup>1</sup>[Karnataka]<sup>1</sup> Gazette on the Third day of December, 1964.)

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> HIGHWAYS ACT, 1964**

(Received the assent of the President on the Fifth day of November, 1964.)

(As Amended by Karnataka Acts 15 of 1983, 35 of 1998, 22 of 2000 and 31 of 2010)

**An Act to provide for the restriction of ribbon development along highways, for the prevention and removal of encroachment thereon, for the construction, maintenance and development of highways, for the levy of betterment charges and for certain other matters.**

WHEREAS, it is expedient to provide for the restriction of ribbon development along the highways, for the prevention and removal of encroachment thereon, for the construction, maintenance and development of highways, for the levy of betterment charges and for certain other matters;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Fifteenth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**CHAPTER I  
PRELIMINARY**

**1. Short title, extent, application and commencement.**—(1) This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> Highways Act, 1964.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) It shall extend to the whole of the <sup>1</sup>[State of Karnataka]<sup>1</sup>.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(3) It applies to the highways of the State except the National Highways declared as such by the Central Government under the National Highways Act, 1956.

(4) This section shall come into force at once. The State Government may, by notification in the official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in such area and on such <sup>1</sup>[date]<sup>1</sup> as may be specified in the notification:

1. The remaining provisions of this Act came into force w.e.f. 16.8.1969 by notification. Text of notification is at the end of the Act.

Provided that the State Government may, by notification issued in like manner, exclude any road or way or class of roads or ways situate in such area from the operation of all or any of the provisions of this Act.

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

(a) "animal" means any domestic or captive animal;

(b) "building" includes any erection of whatsoever material and in whatsoever manner constructed (including a farm building for agricultural purposes) and also includes plinths, door-steps, walls (including compound walls and fences) advertisement boards and the like;

(c) "building line" means a line on either side of any highway or part of a highway fixed in respect of such highway or part by a notification under sub-section (1) of section 7;

(d) "Cantonment" means a Cantonment established under the Cantonments Act, 1924 (Central Act 2 of 1924);

(e) "control line" means a line on either side of a highway or part of a highway beyond the building line fixed in respect of such highway or part by notification under sub-section (1) of section 7;

(f) "encroachment" means any unauthorised occupation of any highway or part thereof and includes an unauthorised,-

(i) erection of a building or any other structure, balconies, porches, projections on or over or overhanging the highway;

(ii) occupation of a highway beyond the prescribed period, if any, for stacking building materials or goods of any other description, for exhibiting articles for sale, for erecting poles, awnings, tents, pendals, hoardings and other similar erections or for parking vehicles or stabling animals or for any other purpose;

(iii) excavations or dumps of any sort made or extended on any highway or underneath such highway.

(g) "to erect" with its grammatical variations in relation to a building means to construct, reconstruct, extend or alter structurally a building;

(h) "excavation" relating to any piece of land does not include any workings which do not pierce the surface of that piece of land, but includes wells and tanks;

(i) "highway" means any road or way over which the public have a right of way or are granted access and which is declared to be a highway under section 3.

The expression includes,—

(i) any land acquired or demarcated with a view to construct a highway along it;

(ii) the slopes, berms, burrow-pits, foot-paths, pavements and side, catch and boundary drains attached to such a road or way;

(iii) all bridges, culverts, causeways, carriageways and other structures built on or across such road or way; and

(iv) the trees, fences, posts, boundary, half kilometre and kilometre stones and other highway accessories and materials and materials stacked on the road or way;

(j) "Highway Authority" means the authority appointed as such or to which the functions of such authority are entrusted under section 4;

(k) "highway boundaries" means the boundaries of a highway fixed in respect of such highway by a notification under sub-section (1) of section 7;

(l) "means of access" includes any means of access whether private or public, for vehicles or for foot passengers and includes any street;

(m) "middle of highway" means a point half-way between the highway boundaries;

(n) "occupier" includes,—

(i) any person who for the time being, is paying or is liable to pay to the owner rent or any portion of the rent of the premises in respect of which such rent is paid or is payable;

(ii) an owner living in or otherwise using the premises;

(iii) rent-free tenant;

(iv) licensee in occupation of any premises; and

(v) any person who is liable to pay to the owner damages for the use and occupation of any premises;

(o) "owner" means,—

(a) When used with reference to any premises, the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let and includes,—

(I) an agent or trustee who receives such rent on account of the owner;

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes;

(iii) a receiver or manager appointed by any court of competent jurisdiction; and

(iv) a mortgagee-in-possession;

(b) when used with reference to an institution or a body corporate, the manager of such institution or body corporate;

(p) "prescribed" means prescribed by rules made under this Act;

(q) "railway administration" has the same meaning as in the Indian Railways Act, 1890;

(r) "vehicle" includes a barrow, sledge, plough, drag and a wheeled conveyance of any description capable of being used on a highway;

(s) the expressions "land," "persons interested" and "persons entitled to act" used in this Act shall have the same meaning as the said expressions have in the Land Acquisition Act, 1894.

## CHAPTER II

### DECLARATION OF HIGHWAYS, HIGHWAY AUTHORITIES AND THEIR POWERS AND FUNCTIONS

**3. Declaration of roads, ways or lands as highways.**—The State Government may, by notification in the official Gazette, declare any road, way or land to be a highway and classify it as,—

- (i) a State highway (Special);
- (ii) a State highway;
- (iii) a major district road;
- (iv) other district road; or
- (v) a village road.

**4. Appointment of Highway Authorities.**—The State Government may, by notification in the official Gazette, appoint for the purpose of this Act or any of its provisions any person or any authority to be a Highway Authority for all highways in the State or in parts of the State, or for any particular highway or highways in the State specified in the notification.

**5. Powers and duties of Highway Authorities.**—Subject to such conditions as may be specified in the notification appointing a Highway Authority and subject to the general or special orders of the State Government, a Highway Authority shall exercise powers and discharge duties in accordance with the provisions of this Act for the restriction of ribbon development along highways, for the prevention and removal of encroachments and for all matters necessary and incidental to any or all of the above subjects. Subject to the approval of the State Government and to such general or special orders which the State Government may make in this behalf, it shall be lawful to a Highway Authority to undertake the construction, maintenance, development or improvement of highways.

**6. Officers and servants of Highway Authority.**—For the purpose of enabling a Highway Authority to exercise the powers conferred and to discharge the duties imposed upon it by or under the provisions of this Act, the State Government may appoint such officers or servants as it deems necessary to work under such Authority.

### CHAPTER III RESTRICTION OF RIBBON DEVELOPMENT

**7. Power to fix boundary of building and control lines of Highways.**—(1) In any area in which the provisions of this Act have been brought into force; and

(i) where any road, way or land has been declared to be a highway under section 3, or

(ii) where the construction or development of a highway is undertaken,

the State Government may, by notification in the official Gazette, fix, as respects such highway, the highway boundary, the building line and the control line:

Provided that having regard to the situation or the requirements of a highway or the condition of the local area through which the highway passes, it shall be lawful for the State Government,—

(i) to fix different building or control lines, or

(ii) not to fix building or control lines,

- in respect of any highway or portion thereof;

(2) Not less than sixty days before issuing a notification under sub-section (1), the State Government shall cause to be published in the official Gazette and in the prescribed manner in the village and at the headquarters of the taluk in which the highway is situated, a notification stating that it proposes to issue a notification in terms of sub-section (1), and specifying therein all the lands situated between the highway boundary and the control line proposed to be fixed under such notification and in case of new works, also lands benefiting by the construction or development of the highway, as the case may be, together with a notice requiring all persons affected by such notification, who wish to make any objections or suggestions with respect to the issue of such a notification, to submit their objections or suggestions in writing to the Highway Authority or appear before such Authority, within two months of the publication of the notification in the official Gazette or within one month from the date of publication of the notification in the village, whichever period expires later.

(3) The Highway Authority shall, after all such objections or suggestions have been considered or heard, as the case may be, and after such further enquiry, if any, as it thinks necessary, forward to the State Government a copy of the record of its proceeding held by it together with a report setting forth its recommendations on the objections or suggestions.

(4) If, before the expiry of the time allowed by sub-section (2) for filing or hearing of objections or suggestions, no objection or suggestion has been made the State Government shall proceed at once to issue the notification under sub-section (1). If any such objection or suggestion has been made, the State Government shall consider the record and the report referred to in sub-section (3) and may either,—

(a) abandon the proposal to issue the notification under sub-section (1), or

(b) issue the notification under sub-section (1) with such modification, if any, as it thinks fit.

(5) In considering the objections or suggestions the decision of the State Government on the question of issuing the notification under sub-section (1) shall be final and conclusive.

**8. Map to be prepared and maintained.**—Within two months from the date of publication of the notification under sub-section (1) of section 7 fixing the highway boundary, building line and control line with respect to any highway, the Highway Authority shall cause a map to be made of the area through which such highway passes and shall cause to be marked thereon the highway boundaries, and building and control lines and any other particulars necessary for the purposes of this Act and within one month from the date of making any alteration or addition thereto cause the said map to be corrected and such map with the date indicated thereon of the last time when the same shall have been so corrected shall be kept in the office of the Highway Authority.

Such map, which shall bear the seal of the Highway Authority shall be open to inspection. Copies of such map shall also be kept for inspection at such other places as may be prescribed.

**9. Restrictions on buildings between highway boundary and building line and between building and control lines.**—(1) Notwithstanding anything contained in any law, custom, agreement or instrument for the time being in force on or, after the appointed day, the following restrictions shall subject to the provisions of this Act, be in force, that is to say:-

No person shall, without the previous permission in writing of the Highway Authority,—

(a) upon any land lying between the highway boundary and the building line proposed to be fixed under sub-section (2) or fixed under sub-section (1) of section 7, as the case may be,-

- (i) construct, form or lay out any means of access to, or from, a highway, or
- (ii) erect any building, or
- (iii) materially alter any existing building, or
- (iv) make or extend any excavation, or
- (v) construct, form or lay out any works, or

(b) upon any land lying between the building line and the control line proposed to be fixed under sub-section (2) or fixed under sub-section (1) of section 7, as the case may be,-

- (i) construct, form or lay out any means of access to, or from, a highway, or
- (ii) erect any building, or
- (iii) materially alter any existing building;

(c) use any building or alter the use of any building already erected in a manner which in the opinion of Highway Authority, will, in any manner whatsoever, infringe any of the provisions of this Act or interfere with the use of a highway adjoining the land on which such building is erected.

(2) Every person desiring to obtain such permission under sub-section (1) shall make an application in writing to the Highway Authority in such form and containing such information as may be prescribed in respect of the building, alteration, excavation works or means of access, as the case may be, to which the application relates.

(3) On receipt of such application, the Highway Authority, after making such enquiries as it may consider necessary, shall, by order in writing, either,—

(a) grant the permission, subject to such conditions, if any, as may be specified in the order, or

(b) refuse to grant such permission:

Provided that,—

(i) permission under clause (a) of sub-section (1) to the making of any excavation or construction; formation or laying out of works in any land for the purpose of repairing, renewing, enlarging or maintaining any underground, sewer, drain, electrical line, pipe, duct or other apparatus shall not be withheld nor be made subject to any conditions save such as may be necessary for securing that the sewer, drain, electric line, pipe, duct or other apparatus shall be laid in such manner and at such levels, that the construction, maintenance, development or improvement of a road thereover will not be prevented or prejudicially affected thereby;

(ii) permission under clause (b) of sub-section (1) to the erection or alteration of a building or laying out any means of access to a highway which conforms to the requirements of public health and welfare, and of safety and convenience of traffic on the adjoining road shall neither be withheld nor made subject to unreasonable conditions:

Provided that in the case of means of access required for agricultural purposes such permission shall neither be withheld nor be made subject to any conditions save such as may be necessary for securing that the means of access shall be used for agricultural purposes only;

(iii) permission under clause (b) of sub-section (1) to the re-erection or alteration of a building which was in existence before the appointed day shall neither be withheld

nor made subject to restrictions unless such re-erection or alteration involves any material alteration to the outside appearance of the building.

(4) When the Highway Authority refuses permission, the reasons therefor shall be recorded and communicated to the applicant:

Provided that nothing herein contained shall disentitle a person from making a fresh application after omitting therefrom the objectionable features communicated to him as aforesaid on account of which such permission was refused.

(5) If at the expiry of a period of three months after an application for such permission specifying the name and address of the applicant has been made to the Highway Authority, or such further period not exceeding three months as may have been notified by the Highway Authority has elapsed and no decision has been notified in writing, posted or delivered to the applicant at that address, then (except as may otherwise be agreed in writing between the Highway Authority and the applicant) permission shall be deemed to have been given without the imposition by Highway Authority of any conditions.

(6) The Highway Authority shall maintain register with sufficient particulars of all permissions given or refused by it under this section and the register shall be available for inspection free of charge by all persons interested and such persons shall be entitled to take extract therefrom.

**Explanation.**—For the purpose of this section the "appointed day" shall, with reference to any highway boundary, building line or control line, means,—

(i) the day on which a notification is published in the official Gazette under sub-section (2) of section 7 proposing to fix such highway boundary, building line or control line, and

(ii) if any modification is made in such highway boundary, building line or control line, the day on which the notification is published under sub-section (1) of section 7 fixing such highway boundary, building line or control line.

**10. Appeal.**—(1) If any applicant is aggrieved by the decision of the Highway Authority under section 9 withholding permission, or imposing any condition, he may appeal to the prescribed authority within thirty days from the date on which such decision was communicated to him.

(2) The prescribed authority may, after giving an opportunity to the applicant to be heard, make such order as it thinks fit upon the appeal and its decision shall be final.

**11. Exemptions for works in progress, etc.**—No restriction in force under section 9 shall apply to erection or making of a building or excavation or to the construction, formation or laying out of any means of access or works begun before the appointed day referred to in section 9.



(2) No restriction in force under section 9 except restriction as to the construction, formation or laying out of means of access, shall apply to any land forming part of a burial or cremation ground or other place for disposal of dead, being the land which has, before the passing of this Act, been used for such purpose.

(3) No restriction in force under section 9 shall apply to any excavation or works necessary in connection with any drains, ditches, or other drainage works for agricultural purposes or to any works necessary for the repair, renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct, or other apparatus, constructed in or upon the land before the date on which the restriction came into force or with the consent of the Highway Authority on or after that date.

**12. Setting back of buildings to building line or control line.**—Whenever any building or any part thereof erected before the appointed day referred to in section 9 lies between the building line and the middle of the highway, the Highway Authority may, whenever any such building or part, has either entirely or in greater part, been taken down, burnt down or fallen down, by notice require such building or part when re-erected to be set back to the building line or control line.

**13. Regulation or diversion of right of access to highway.**—(1) The Highway Authority may, if it is considered essential in the interest of safety or convenience of traffic, regulate or divert any existing right of access to a highway across the land lying between the control line and the highway boundary:

Provided that the existing right of access shall not be diverted until alternative access has been given.

(2) Where the existing right of access is diverted, the point at which alternative access is given to the highway shall not be unreasonably distant from the existing point of access.

(3) The Highway Authority shall, by notification in the official Gazette, publish the date on which the existing right of access has been diverted and alternative access has been given.

**14. Powers of Highway Authority and officers and servants appointed under section 6 in respect of surveys.**—For the purpose of carrying out any of the provisions of this Act, the Highway Authority and the officers and servants appointed under section 6 may,—

(a) enter upon, survey and take measurements and levels of any land;

(b) mark such levels, dig or bore into sub-soil of any land;

(c) demarcate the boundaries of the highway by planting stones or other suitable marks in different colours of a durable nature at intervals all along the highway in such a manner that the imaginary line adjoining such stones or marks shows the road boundary correctly;

(d) where there are bends or kinks on the road boundary, locate the stone or marks in different colours so as to give the correct configuration of the boundary if they are joined by straight lines;

(e) give consecutive numbers to such boundary stones or marks and maintain them on the ground as if they constituted part of the highway;

(f) lay out the building and control lines by placing marks in different colours and cutting trenches;

(g) if the survey cannot otherwise be made or measurements or levels taken or boundaries marked and lines laid out, cut down and clear away any standing crop, tree, fence, jungle or any part thereof;

(h) do all other acts necessary in that behalf:

Provided that the Highway Authority shall not, except with the consent of the occupier thereof, enter or permit any of the officers or servants to enter any premises without previously giving such occupier at least twenty four hours' notice in writing of its intention to do so.

**15. Acquisition of land or right or interest in land.**—If at any time on the application of the Highway Authority, the State Government is satisfied that any land required for the purposes of a highway or any right or interest of any person in any land required for the said purposes should be compulsorily acquired or extinguished, as the case may be, it shall be lawful for the State Government to publish a notification to that effect in the official Gazette. Such notification shall also be published in such other manner as may be prescribed. A notification so published shall be deemed to be the declaration that the land is needed or, as the case may be the right or interest is required to be extinguished for the purposes of the highway; and such declaration shall be conclusive that the land is so needed, or the right or interest is so required to be extinguished.

**16. Land required to be marked and measured.**—The Highway Authority or any officer or servant authorised by the Highway Authority shall thereupon cause the land to be marked out. It shall also cause it to be measured and if no plan is made thereof, a plan to be made of the same.

**17. Public notice and other notices of such requirements for acquisition.**—(1) The Highway Authority shall then cause a public notice to be given at convenient places on or near such land stating that the State Government intends to take possession of the land, or as the case may be, to extinguish any right or interest in the land and that claims to compensation for all interest in such land, or any right or interest in land to be extinguished may be made to such officer as the Highway Authority may designate.

(2) Such notice shall state particulars of the land so needed or right or interest in land to be extinguished and shall require all persons interested in the land or in the right or interest to be extinguished to appear personally or by agent before such officer as may be designated at the time therein mentioned (such time not being earlier than fifteen days after the date of the publication of the notice) and to state the nature of their respective right or interest in the land or, as the case may be, in the right or interest to be extinguished and the amount and the particulars of their claims to compensation for such right or interest or both and their objections, if any, to the measurements made under section 16. The Highway Authority may in any case, require such statements to be made in writing and signed by the party or his agent.

(3) The Highway Authority shall also serve notice to the same effect on the occupier of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf within the district in which the land is situate.

(4) In case any person so interested resides elsewhere, a notice shall be served in the manner provided in section 71.

**18. Persons required to make statements regarding other persons having interest.**—(1) The Highway Authority or the officer authorised by it may also require any such person to make or deliver to it or him at a time not being earlier than fifteen days after the date of requisition, a statement containing, as far as may be practicable, the name of every other person possessing any interest in the land or in any part thereof or, as the case may be, in any right or interest in the land to be extinguished as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits if any, received or receivable on account thereof in respect of three years next preceding the date of such statement.

(2) Every person required to make or deliver a statement under this section or under section 17 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

**19. Taking possession of land.**—At any time after the publication of the notification under section 15, the State Government may direct that the lands specified in the notification shall be taken possession of, or as the case may be, the right or interest specified therein shall be extinguished from such date as may be specified in the direction. From such date the said land shall vest absolutely in the State Government free from all encumbrances, or as the case may be, such right or interest therein shall be extinguished.

**<sup>1</sup>[CHAPTER III-A****POWER TO ENTER INTO AGREEMENT AND PENALTY FOR MISCHIEF**

**19A. Power of the State Government to enter into agreement for development and maintenance of Highways.**— (1) Notwithstanding anything contained in this Act or any other Act for the time being in force, the State Government may enter into an agreement with any person in relation to the construction, development and maintenance of the whole or any part of the Highway.

(2) To facilitate or secure such construction, development and maintenance, the agreement may, subject to such terms and conditions as may be prescribed, provide for the transfer of any land belonging to or to be acquired by the State Government under this Act or any other Act, for the time being in force, to such person or persons by way of lease or otherwise during the period of such agreement.

(3) Notwithstanding anything contained in section 48A the person referred to in sub-section (1) is entitled to collect and retain fee at such rate or rates, for service or benefits rendered by him as the State Government may by notification in the official Gazette, specify having regard to the expenditure involved in cost of acquisition of land and construction, development and maintenance of highway.

<sup>1</sup>[(3A) Notwithstanding anything contained in section 48A, the Government may levy and collect, such rate of fee from the user of highways for service or benefits rendered by it, as may be notified by it in the official Gazette, different rates may be notified for different highways over different period of time, having regard to the expenditure involved in cost of acquisition of land and construction, development and maintenance of highway developed under public private partnership on annuity basis or by raising any loan or otherwise.]<sup>1</sup>

1. Inserted by Act 31 of 2010 w.e.f. 27.07.2010.

(4) A person referred to in sub-section (1) <sup>1</sup>[or State Government]<sup>1</sup> shall have powers to regulate and control the traffic in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) on the highway forming subject matter of such agreement, for proper management thereof.

1. Inserted by Act 31 of 2010 w.e.f. 27.07.2010.

**19B. Punishment for mischief by injury to highway.**—Whoever commits mischief by doing any act which renders or which he knows to be likely to render any highway referred to <sup>2</sup>[in sub-section(1) and sub-section (3A) of section 19A]<sup>2</sup> impassable or less safe for travelling or conveying property shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

**Explanation.**—For the purpose of this section, the expression "mischief" shall not

include any peaceful demonstration or agitation held by any person or group of persons on any highway urging fulfilment of any legitimate demand.]<sup>1</sup>

1. Chapter IIIA Inserted by Act 35 of 1998 w.e.f. 23.12.98.

2. Substituted by Act 31 of 2010 w.e.f. 27.07.2010.

## CHAPTER IV

### PREVENTION OF UNAUTHORISED OCCUPATION OF AND ENCROACHMENT ON A HIGHWAY AND REMOVAL OF ENCROACHMENT

**20. Lands forming part of Highway deemed to be Government property.**—All lands forming part of the highway which do not already vest in the State Government shall, for the purpose of this Chapter, be deemed to be the property of the State Government.

21. Prevention of unauthorised occupation of highway.—(1) No person shall occupy or encroach on any highway within the highway boundary without obtaining the previous permission in writing of the Highway Authority or an officer authorised in this behalf by the Highway Authority.

(2) The Highway Authority or an officer authorised by the Highway Authority in this behalf may with due regard to the safety and convenience of traffic and subject to such conditions as may be imposed and such rules as may be prescribed by the State Government, and on payment of such rent or other charges as may be prescribed under such rules permit any person,—

(i) to place a temporary encroachment on any highway in front of any building owned by him or make a temporary structure overhanging the highway, or

(ii) to put up a temporary awning or tent, pendal or other similar erection or a temporary stall or scaffolding on any highway, or

(iii) to deposit or cause to be deposited building materials, goods for sale or other article on any highway, or

(iv) to make a temporary excavation for carrying out any repairs or improvements to the adjoining buildings:

Provided that no such permission shall be deemed to be valid beyond the period of one year unless expressly renewed by the Highway Authority or the authorised officer.

(3) The permission so granted shall clearly specify the date up to which the person is authorised to occupy the highway, the periods for which occupation is authorised and the exact portion of the highway permitted to be occupied, and shall also be accompanied by a plan or a sketch of that portion of the highway, if necessary.

(4) The person in whose favour such a permission has been given shall produce the permit for inspection whenever called upon to do so by the Highway Authority or

any officer by a general or special order empowered in that behalf and shall at the end of the period specified in the permit release the land occupied by him after restoring to it the same state as before the occupation by him.

(5) The Highway Authority or the officer issuing the permission shall maintain a complete record of such permission issued, and shall also cause a check-up to be made in every case at the expiry of the period up to which occupation has been authorised to ensure that the land has actually been vacated.

**22. Power to cancel permit.**—(1) The Highway Authority, may cancel any permission granted under section 21, —

(a) if any rent or charge is not duly paid;

(b) if the purpose for which the permission was given has ceased to exist;

(c) in the event of any breach by the holder of such permission of any terms or conditions of such permission;

(d) if the land on which such encroachment has been made is required for any public purpose or such encroachment is causing impediment or danger to traffic.

(2) Where the permission has been cancelled under clause (b) or (d) of sub-section (1) any rent or charge paid in advance shall be refunded to the holder of such permission less the amount, if any, due to the State Government.

**23. Prevention of encroachment.**—(1) When as a result of check of highway boundaries made or otherwise it transpires that an encroachment has taken place on a highway, the Highway Authority or the officer authorised under sub-section (1) of section 21 shall serve a notice on the person responsible for the encroachment or his representative requiring him to remove such encroachment and restore the land its original condition before the encroachment within the period specified in the notice.

(2) The notice shall specify the land encroached upon and the time-limit within which such encroachment shall be removed and shall also state that failure to comply within the specified period shall render the person liable to prosecution and also to summary eviction.

(3) If the encroachment is not removed within the time limit specified in the notice and no valid cause is shown for non-compliance, the Highway Authority or the authorised officer referred to in sub-section (1) may prosecute such person for his having made or caused the encroachment and for his failure to remove it within the specified time.

(4) Where the encroachment is made for the purpose of exposing articles for sale, opening temporary booths for vending or other like purpose of a trivial nature, the Highway Authority or the authorised officer referred to in sub-section (1) may with the help of the police, if necessary, have such encroachment summarily removed without

issuing a notice as required by sub-section (1) or in lieu of removal of encroachment, may give the person responsible the encroachment option of executing a lease in favour of the Highway Authority on payment of rent for the area encroached.

(5) When the encroachment is of a temporary nature and can easily be removed, but is not such as can be described as trivial within the meaning of sub-section (4), the Highway Authority or the authorised officer referred to in sub-section (1) may in addition to or in lieu of prosecuting the person responsible for the encroachment under sub-section (3) have the encroachment summarily removed with the assistance of the police, if necessary.

(6) Where the encroachment is of such a nature that its immediate removal is considered essential in the interests of safety of traffic on the highway or the safety of any structure forming part of the highway, the Highway Authority or the authorised officer referred to in sub-section (1) may in addition to the prosecution of the person under sub-section (3), either,—

(i) have such protective work as may be feasible at a reasonable cost carried out so as to minimise the danger to traffic on the highway, or

(ii) have the encroachment removed with the help of the police, if necessary.

**24. Appeal against notice served under sub-section (1) of section 23.**—Where the person on whom notice to remove an encroachment has been served under sub-section (1) of section 23 lays claim that the land in respect of which encroachment has been alleged is his property or that he has acquired a right over it by virtue of adverse possession or otherwise he shall, within the time limit prescribed in the notice for the removal of encroachment, file an appeal before the Deputy Commissioner under intimation to the Highway Authority or the officer authorised under sub-section (1) of section 21, as the case may be. The Deputy Commissioner shall, after due enquiry, record his decision in writing and communicate the same to the appellant and the Highway Authority or such officer. The Highway Authority or such officer shall till then desist from taking further action in the matter.

**25. Recovery of cost of removal of encroachment.**—(1) Whenever the Highway Authority or the officer authorised under sub-section (1) of section 21 has, under provision of section 23, removed any encroachment or carried out any protective works in respect of any encroachment, the expenditure involved shall be recovered from the person responsible for the encroachment in the manner hereinafter provided.

(2) A bill representing expenditure incurred shall be served by the Highway Authority or the authorised officer referred to in sub-section (1) on the person responsible for the encroachment or his representative with a direction to pay up the amount within the specified period to the authority mentioned in the bill.

(3) The bill shall be accompanied by a certificate from the Highway Authority or the

authorised officer referred to in sub-section (1) to the effect that the amount of expenditure indicated in the bill represents the charge incurred and such a certificate shall be conclusive proof that the charge had actually been incurred.

(4) The material, if any, recovered as a result of the removal of any encroachment shall be handed over to the person responsible for the encroachment, on payment of the amount of the bill by him, but in the event of his failure to pay up the amount within the specified period, the materials may be auctioned and after deducting the amount of the bill from the proceeds, the balance, if any, shall be paid to such person.

(5) If the proceeds of the auction sale do not cover the total amount billed for, the excess over the amount realised by the sale of the materials or if there are no materials to be disposed of and the billed amount has not been paid by the person responsible for the encroachment within the specified period, the entire amount of the bill shall be recovered from such person as an arrear of land revenue.

## CHAPTER V COMPENSATION

**26. Doing minimum damage in certain cases and compensation.**—In the exercise of the powers under the following provisions by the Highway Authority or any officer or servant appointed under section 6 or any other person authorised by or under this Act by the State Government, as little damage as can be, shall be done and compensation in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely:—

- (a) the imposition of restriction under section 9;
- (b) the setting back of any building or part thereof under section 12;
- (c) the regulation or diversion of any right of access to a highway under section 13;
- (d) the entry, survey, measurement and doing of any of the acts on any land under section 14;
- (e) the acquisition of any land or extinguishment of any right or interest in the land under section 15;
- (f) the closure of any highway or part thereof under section 52.

**27. Determination of amount of compensation by agreement.**—The amount of compensation payable under section 26, the persons to whom it is to be paid and the apportionment of such amount among the persons interested therein, shall be ascertained by agreement. —In the exercise of the powers under the following provisions by the Highway Authority or any officer or servant appointed under section 6 or any other person authorised by or under this Act by the State Government, as little damage as



can be, shall be done and compensation in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely:—

- (a) the imposition of restriction under section 9;
- (b) the setting back of any building or part thereof under section 12;
- (c) the regulation or diversion of any right of access to a highway under section 13;
- (d) the entry, survey, measurement and doing of any of the acts on any land under section 14; (e) the acquisition of any land or extinguishment of any right or interest in the land under section 15; (f) the closure of any highway or part thereof under section 52.

**27. Determination of amount of compensation by agreement.**—The amount of compensation payable under section 26, the persons to whom it is to be paid and the apportionment of such amount among the persons interested therein, shall be determined by agreement between the Highway Authority or any officer authorised by the State Government and the person or persons claiming interest therein.

**28. Determination of amount of compensation in default of agreement.**—(1) In default of any agreement under section 27, the Highway Authority or the officer authorised by the State Government shall, subject to the provisions of this Act, after holding an enquiry, make an award determining,—

- (a) the true area of the land, if any, acquired;
- (b) the amount of compensation to be paid under section 26;
- (c) the apportionment, if any, of such compensation amount among all persons known or believed to be entitled thereto.

(2) In determining the amount of compensation, the matter specified in sections 23 and 24 of the Land Acquisition Act, 1894, as amended by the Schedule to this Act, shall be taken into consideration.

**29. No compensation if similar restriction in force under any other law or if compensation already received.**—No compensation shall be awarded,—

- (i) if and in so far as the land is subject to substantially similar restrictions in force under some other law which was in force on the date on which the restrictions were imposed by this Act;
- (ii) if compensation in respect of the same restrictions imposed under this Act or substantially similar restrictions in force under any other law has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

**30. Compensation for refusal of permission to build not to exceed difference between its value when it was refused and when it would have been granted.**—When permission to erect any building has been refused under section 9

or 10 the amount of compensation shall not exceed the difference between the value of the land as determined by section 23 or 24 of the Land Acquisition Act, 1894, as amended by the Schedule to this Act and the value which it would have had if the permission had been granted. In determining such value any restrictions to which the land is subject under any other law for the time being in force in regard to right of person claiming compensation to erect a building on the land or otherwise to use, hold or dispose of the same shall be taken into consideration.

**31. Compensation for diversion of access not to exceed cost of alternative access.**—Where the right of access to a highway has been destroyed as a result of the diversion or closure thereof and an alternative access has been given, the amount of compensation shall in no case exceed the cost of laying a new means of access from the property of the claimant to such alternative route.

**32. Compensation for cutting of standing crops, trees, etc.**—(1) At the time of an entry, survey or measurement or doing any of the things under section 14, the officer making the entry, survey or measurement or doing any other thing, shall pay or tender to any person entitled compensation for all necessary damage done as a result of such entry, survey, measurement or execution of work including the cutting of standing crops, trees, or removal of temporary structures, if any, on the land. If the sufficiency of the amount so paid or tendered is disputed, the officer concerned shall at once refer the dispute to the Highway Authority and the said Authority shall, with the least practicable delay, decide the dispute and pay the person entitled the amount determined as compensation. The decision of the Highway Authority shall be final.

(2) If at the time of taking possession of the land under section 19, there are any standing crops, trees or temporary structures on the land, the Highway Authority shall pay or tender to the person entitled the amount of compensation for such standing crops, trees or temporary structures. If the sufficiency of such amount is disputed the value of such crops, trees and temporary structures shall be taken into consideration in determining the amount of compensation for the land under section 28.

**33. No compensation for unauthorised erections.**— If any person has unauthorisedly erected, re-erected, added or altered a building on any land which is acquired for the purpose of a highway, then any increase in the value of the land for such erection, re-erection, addition or alteration shall not be taken into account in estimating the value of the land.

**34. No compensation for removal of encroachment.**—No compensation shall be payable for the removal of any encroachment.

**35. Reference against the award of Highway Authority or authorised officer under section 28.**—(1) Any person aggrieved by the award of the Highway Authority or the officer authorised under section 28 may, by written application to the Highway Authority or such officer, require that the matter be referred to the Court of the Civil

Judge within the limits of whose jurisdiction the land in relation to which the award is made is situate.

(2) Any such application shall be made within six weeks from the date of the award, and shall be in such form as may be prescribed.

(3) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1963, shall apply to the computation of the time fixed for reference under sub-section (2).

(4) The Highway Authority or the officer authorised shall make the reference in such manner as may be prescribed.

**36. Procedure and powers of the authorities empowered to decide references under sections 35 and 44.**—(1) References under sections 35 and 44 shall be deemed to be proceedings within the meaning of section 141 of the Code of Civil Procedure, 1908, and in the trial thereof, the authorities empowered to decide such references may exercise all the powers of a Civil Court under that Code.

(2) The scope of the enquiry in a reference under sections 35 and 44 shall be restricted to a consideration of the matters referred to the authorities mentioned in sub-section (1) in accordance with the provisions of this Act.

**37. District Superintendent of Police to enforce surrender or remove any encroachment.**—If the Highway Authority or any officer or servant is opposed or impeded in taking possession of any land or in executing any work or in removing any encroachment under this Act, the Highway Authority or officer or servant concerned shall apply to the Commissioner of Police, the Superintendent of Police or such Police Officer as the State Government may empower in this behalf and the Commissioner of Police or the Superintendent of Police or the officer so empowered shall enforce the surrender, removal or execution, as the case may be.

**38. Decisions of authorities under sections 35 and 44 to be enforced as decrees of Civil Court.**—The decisions of the authorities empowered to decide references under sections 35 and 44 shall be enforceable as a decree of a Civil Court.

**39. Payment of compensation awarded.**— (i) On the determination of the compensation by agreement under section 27, or

(ii) on making of an award under section 28, or

(iii) if a reference is made under section 35 against such an award, after the decision of the Authority under that section, the Highway Authority shall make the payment of compensation awarded to person entitled thereto in accordance with the agreement, its award or the decision of the Authority empowered to decide reference under section 35, as the case may be. The provisions of sections 31 to 34 (both inclusive) of the Land Acquisition Act, 1894, shall mutatis mutandis, apply to such payment.

**40. Payment by adjustment.**—All payments due to be made to any person by way of compensation by the Highway Authority under this Act shall, as far as possible, be made by adjustment in such person's account regarding betterment charges, if any, due from such person under Chapter VI.

## CHAPTER VI LEVY OF BETTERMENT CHARGES

**41. Notice to owners and persons interested.**—Where any work which the Highway Authority is empowered to undertake by or under the provisions of this Act is undertaken, the officer authorised by the State Government in this behalf shall give notice to the persons known or believed to be the owners of or interested in the lands benefited by such work requiring them to appear before him either personally or by an agent at a time and place therein mentioned (such time not being earlier than thirty days from the date of the notice) to state their objections, if any, to the imposition and recovery of betterment charges on such lands:

Provided that no such notice shall be given unless the Deputy Commissioner with the previous sanction of the State Government has declared that value of such lands is likely to increase or has increased by reason of construction of such work.

**42. Inquiry and order.**—On the date fixed under section 41 or on such other date to which the inquiry may be adjourned, the officer authorised under section 41 shall, after holding an inquiry in the prescribed manner and after hearing objections, if any, stated by the persons as required by notice under section 41, make an order. The order shall specify,—

- (a) the lands benefited by the constructions of the work;
- (b) the increase in the value of such lands by the proposed construction;
- (c) the amount of the betterment charges leviable on each of the said lands;
- (d) the date from which such betterment charges shall be leviable:

Provided that no betterment charges shall be leviable in respect of any land,—

- (i) which is unsuitable for development as a building site, or
- (ii) which is situated beyond a distance of one furlong from the middle of the highway on either side.

**43. Increase in value and betterment charges.**—The increase in value on account of construction for such work shall be the amount by which the value of the land on the date of completion of the proposed work is likely to exceed or has exceeded the value of the land on the date of the commencement of the said work and the betterment charges shall be one half of such increase in value.

**Explanation:**—For the purpose of this section, the State Government shall, by notification in the official Gazette, specify,—

- (a) the date of the commencement of the construction of any work,
- (b) the date of completion of such work.

**44. Reference against order of authorised officer under section 42.—**(1) Any person aggrieved by the order fixing the betterment charges may, by written application to the officer authorised under section 41, require that the matter be referred to the Civil Judge within the limit of whose jurisdiction the land is situate.

(2) Any such application shall be made within six weeks from the date on which the order of the officer referred to in sub-section (1) was communicated to such person and shall be in such form as may be prescribed.

(3) The provisions of sections, 5, 12 and 14 of the Indian Limitation Act, 1963, shall apply to the computation of the time fixed for reference under sub-section (2).

(4) The officer authorised under section 41 shall make the reference in such manner as may be prescribed.

**45. Finality of order fixing betterment charges and of decision on reference.—**The order fixing betterment charges made under section 42, subject to a reference to the Authority under section 44 and the decision of the Authority on reference under section 44, shall be final.

**46. Betterment charges to be first charge on land next to land revenue.—**From the date specified in the order fixing the betterment charges as the date from which such charges shall be leviable, or from such date as may be otherwise specified by the Authority under section 44 as the date from which such charges shall be leviable, the betterment charges recoverable in respect of any land shall, subject to prior payment of land revenue, if any, due to the State Government thereon be a first charge on the land in respect of which such betterment charges are leviable.

**47. Payment of betterment charges.—**The betterment charges shall be payable on the date fixed under the rules made by the State Government under section 72:

Provided that the owner of the land on which such charges are imposed may execute an agreement in favour of the State Government agreeing to pay the amount of such charges by annual instalments together with interest at such rate and within such period as may be prescribed.

**48. Relinquishment of or exchange of land in lieu of payment of betterment charges.—**Notwithstanding anything contained in section 47, the State Government may allow the owner of the land on which betterment charges may be payable to relinquish the whole or any part of the land or to deliver it in exchange in lieu of payment of the charges in favour of the State Government on such conditions as may be prescribed:

Provided that no such relinquishment or exchange shall be permitted unless the land is free from encumbrances.

**<sup>1</sup>[CHAPTER VI-A  
<sup>2</sup>[LEVY OF TOLL]<sup>2</sup>**

**48A. Levy of toll.**—(1) The State Government may, by notification in the official Gazette, levy toll on all motor vehicles entering such bridges, causeways and tunnels and at such rate not exceeding fifteen rupees per vehicle as may be prescribed, and different rates may be prescribed for different classes of vehicles and different classes of bridges, causeways and tunnels:

Provided that the State Government may, if in its opinion it is necessary in public interest so to do, by notification and subject to such restrictions and conditions as may be specified in the notification, exempt the toll payable in respect of any class of motor vehicles.

(2) The toll payable under sub-section (1) shall be levied and collected in such manner as may be prescribed.

(3) The toll collected under this section shall be credited into the Karnataka Roads and Bridges Fund constituted under section 17A of the Karnataka Motor Vehicles Taxation Act, 1957.]<sup>1</sup>

1. Inserted by Act 15 of 1983. Notification bringing it into force not available.

2. Inserted by Act 22 of 2000 w.e.f. 29.11.2000.

**CHAPTER VII  
SUPPLEMENTAL PROVISIONS TO SECURE SAFETY OF TRAFFIC AND  
PREVENTION OF DAMAGE TO HIGHWAYS**

**49. Prevention of obstruction of view of persons using any highway.**—(1) Whenever the Highway Authority is of opinion that it is necessary for the prevention of danger arising from obstruction of the view of persons using any highway, especially at any bend or corner of the highway, it may, save as otherwise provided in section 11, serve a notice upon the owner or occupier of land alongside or at the bend or corner of such highway to alter within such time and in such manner as may be specified in the notice, the height or character of any existing wall (not being a wall forming part of a permanent structure), fence, hedge, tree, advertisement post, bill board or any other object thereon, so as to cause it to conform with any requirements specified in the notice.

(2) If any person upon whom a notice has been served under sub-section (1) objects to comply with any requirement of such notice, he may, within one month of its receipt, send to the Highway Authority his objection in writing stating the grounds thereof.

(3) The Highway Authority shall, within one month of the receipt of the objection, consider the grounds advanced and shall, by order in writing, either withdraw the notice or amend or confirm it.

(4) If a person is aggrieved by an order issued by the Highway Authority under sub-section (3), he may prefer an appeal within fifteen days from the date when such order was communicated to him, to the Deputy Commissioner whose decision in the matter shall be final.

(5) If any person fails to comply with the notice served on him under sub-section (1) as amended or confirmed, as the case may be, under sub-section (3), the Highway Authority may take action to alter the object causing obstruction of view at its own expense, and such expenditure shall be recovered from such person in accordance with the provisions of section 25, without prejudice to any other action which may be taken against him.

**50. Highway Authority to regulate traffic when highway declared unsafe.**—If at any time it appears to the Highway Authority that any highway in its charge or any portion thereof is or has been rendered unsafe for vehicular or pedestrian traffic by reason of damage or otherwise, it may, subject to such rules as may be prescribed in this behalf, either close the highway or the portion of it to all traffic or to any class of traffic, or regulate the number and speed or weight of vehicles using the highway.

**51. Prohibition of use of heavy vehicles on certain highways.**—Where the Highway Authority is satisfied that any highway or a portion thereof, or any bridge, culvert or causeway built on or across any highway, is not designed to carry vehicles of which the laden weight exceeds such limit as may be fixed in this behalf, it may, subject to such rules as may be prescribed in this behalf, prohibit or restrict the plying of such vehicles on or over such highway or such part of the highway or such bridge, culvert or causeway.

**52. Procedure to be followed when Highway Authority desires permanently to close any highway.**—(1) Where in exercise of the powers conferred on it by section 50 the Highway Authority desires permanently to close down any highway or part thereof, it shall give notice of its intention so to do in the official Gazette. The notification shall also be published in at least two newspapers, which have circulation in the place in which the highway is situate.

(2) The notice shall indicate the alternative route, if any, which is proposed to be provided or which may already be in existence, and shall also invite objections, if any, to the proposal to be submitted within such time as may be specified.

(3) The Highway Authority shall finalise its proposal to close down any highway or part of it after considering the objections, if any, received within the specified time and shall submit the final proposal to the State Government for approval together with

such objections as may have been received against the proposal.

(4) The State Government may either approve the proposal with or without modification, or reject it.

(5) When the State Government has approved the proposal it shall publish its orders in the official Gazette.

(6) When the orders of the State Government have been published in the official Gazette, the Highway Authority shall arrange for further publicity to be given to the orders in at least two newspapers having circulation in the place in which such highway is situate and the highway or part thereof shall then be closed.

(7) Whenever any highway or any part thereof has been so closed, reasonable compensation shall be paid to every person who was entitled otherwise than as a mere member of the public, to use such highway or part thereof as a means of access to or from his property and has suffered damage by such closure.

**53. Consent of Highway Authority required to do certain acts on highway.**—(1) Notwithstanding anything contained in any other enactment for the time being in force but subject to the provisions of section 73, no person other than the Highway Authority or any person authorised by it shall construct or carry any cable, wire, pipe, drain, sewer or channel of any kind through, across, under or over any highway, except with the permission in writing of the Highway Authority.

(2) In giving its consent, the Highway Authority may impose such conditions as it may deem to be necessary and may also impose a rent or other charge for any land forming part of the highway occupied by or applied to the proposed work.

(3) If any person constructs or carries out any work in contravention of sub-section (1), the Highway Authority may arrange for the removal of such work and restoration of the highway to its former condition in accordance with the provisions of section 23 as if the work constituted an encroachment on the highway, and such expenses as the Highway Authority may incur for this purpose, shall without prejudice to any other action that may be taken against such person, be recovered from him in accordance with the procedure provided in section 25 in so far as that procedure is applicable.

**54. Prevention and rectification of damaged highway.**—(1) No person shall wilfully cause, or allow any vehicle or animal in his charge to cause any damage to any highway.

(2) Where in contravention of sub-section (1), any damage has been caused to any highway, the Highway Authority shall have the damage repaired and the expenses involved shall, without prejudice to any other action that may be taken against the person responsible for the contravention of sub-section (1), be recovered from him in accordance with the procedure provided in section 25 in so far as that procedure is applicable.



## CHAPTER VIII

### PENALTIES

**55. Disobedience of orders, instructions and refusal to give information, etc.**—Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions that such person or authority is required or empowered under this Act to discharge, or, being required by or under this Act to supply any information, withholds such information or gives information which he knows to be false or which he does not believe to be true, shall, on conviction, be punished with fine which may extend to two hundred rupees.

**56. Contravention of restrictions relating to access or erecting any building, etc.**—Whoever erects, alters or extends any building, or makes any excavation, or constructs any means of access to or from a highway or does any other work in contravention of the provisions of section 9, shall, on conviction, be punished,—

(a) with fine which may extend to five hundred rupees, and

(b) with further fine which may extend to one hundred rupees for each day after such conviction, during which the offending structure or work is not removed, demolished or cleared and the site not restored to its original condition.

**57. Unauthorised occupation of highway.**—Whoever,—

(a) occupies or makes any encroachment on any highway in contravention of the provisions of sub-section (1) of section 21, or

(b) fails to comply with the notice served on him under sub-section (1) of section 23 for no valid reason, shall, on conviction, be punished,—

(i) for a first offence with fine which may extend to two hundred and fifty rupees,

(ii) for a subsequent offence in relation to the same encroachment with fine which may extend to five hundred rupees plus a further fine not exceeding fifty rupees per day on which such occupation of the highway or encroachment continues.

**58. Causing damage to highways.**—Whoever in contravention of sub-section (1) of section 54 wilfully causes, or allows any vehicle or animal in his charge to cause any damage to any highway, shall, on conviction, be punished with fine which may extend to one thousand rupees.

**<sup>1</sup>[58A. Entry to bridges etc., without paying toll.**—Whoever enters a bridge, causeway or tunnel without paying the toll prescribed under section 48A shall, on conviction, be punished,—

(a) for the first offence with a fine which may extend to one hundred rupees;

(b) for a subsequent offence with a fine which may extend to four hundred rupees.]<sup>1</sup>

1. Inserted by Act 15 of 1983. Notification bringing it into force not available.

**59. General provision for punishment of offences.**—Whoever contravenes any provisions of this Act or of any rule or order made thereunder shall, if no other penalty is provided for the offence, on conviction, be punished,—

(a) for a first offence with fine which may extend to fifty rupees,

(b) for a subsequent offence with fine which may extend to two hundred rupees.

**60. Power to compound offences.**—Any offence committed under this Act may be compounded by the Highway Authority and if any proceedings have been instituted against any person in any criminal court, then on the terms of the compromise being carried out, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or any property of such person with reference to the same facts.

## CHAPTER IX MISCELLANEOUS

**61. Revision.**—The State Government may at any time call for and examine the records relating to any order passed or proceeding taken under this Act by the Deputy

Commissioner or the Highway Authority or any officer subordinate to the Deputy Commissioner or the Highway Authority for the purpose of satisfying itself as to the legality or correctness of such order or proceeding and may pass such order in reference thereto as it thinks fit:

Provided that no order shall be modified, annulled or reversed unless notice has been served on the parties interested and opportunity given to them for being heard.

**62. Powers and duties of police.**—Every Police Officer shall forthwith furnish information to the nearest Highway Authority or the nearest officer subordinate to the Highway Authority of any offence coming to his knowledge which has been committed against this Act or any rule made thereunder and shall be bound to assist the Highway Authority and its officers and servants in the exercise of their lawful authority.

**63. Duties of village officials.**—Every village headman, village accountant, village watchman or other village official by whatever name called, shall forthwith inform the nearest police station or the nearest Highway Authority or any officer duly authorised by the Highway Authority, whenever he becomes aware that any survey mark or any boundary mark of any highway or any mark showing the building or control line determined in respect of a highway has been destroyed, damaged, removed, displaced or otherwise tampered with, or that any damage to any highway or encroachment on any highway has been made.

**64. Power to utilise highway for other than road purposes.**—The Highway

Authority may utilise temporarily for other than road purposes land forming part of a highway which is not immediately required for the passage of traffic.

**65. Summary eviction.**—Any person wrongfully occupying any land,—

(a) which is part of a highway,

(b) the occupation of which contravenes any of the provisions of this Act and the said provisions do not provide for the eviction of such person,

shall be summarily evicted by the Deputy Commissioner in the prescribed manner on being required to do so by the Highway Authority or any officer authorised in this behalf by the State Government.

**66. Inquiries.**—(1) The Highway Authority or the officer authorised by the State Government in this behalf shall, if he desires to make any inquiry for the purposes of this Act, make the inquiry in the prescribed manner.

(2) The Highway Authority and an officer authorised by the State Government or the Highway Authority under this Act shall have the power to take the evidence on oath and to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce documents for the purpose of the inquiry under sub-section (1).

(3) Any person summoned under sub-section (2) shall be bound to attend either in person or by an authorised agent as directed in the summons:

Provided that exemptions under sections 132 and 133 of the Code of Civil Procedure, 1908, shall be applicable to requirements for attendance under this Act.

(4) Every person summoned under sub-section (2) either to be examined as a party or to give evidence as a witness shall be bound,—

(i) to state the truth upon any subject respecting which he is examined or makes a statement; or

(ii) to produce such documents as may be required.

(5) Any person summoned merely to produce a document shall be deemed to have complied with the summons by causing the production of such document instead of attending personally to produce the same.

**67. Registration of map made under section 8 not required.**—(1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any map made under section 8.

(2) All such maps shall, for the purposes of sections 49 and 50 of the Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act:

Provided that the maps shall be accessible to the public in the manner prescribed.

**68. Certain persons to be public servants.**—The Highway Authority, the officers and other persons authorised or appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**69. Bar of jurisdiction.**—No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act, required to be settled, decided or dealt with by the Highway Authority, the Deputy Commissioner, an officer or person authorised under this Act, any Authority under section 35 or section 44 or the State Government.

**70. Protection of persons acting in good faith and limitation of suit or prosecution.**—(1) No suit or prosecution or other legal proceeding shall be instituted against any public servant or officer or persons duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act, or the rules or orders made thereunder.

(2) No suit or prosecution shall be instituted against any public servant or officer or person duly authorised under this Act in respect of anything done or intended to be done under this Act, except with the previous sanction of the State Government.

**71. Service of notices and bills.**—(1) Every notice or bill issued or prepared under this Act, may be served or presented,—

(a) by delivering or tendering it or sending it by registered post to the person to whom it is addressed, or to his agent, or

(b) if such a person or his agent is not found, then by leaving it at his usual or last known place of abode or by delivering or tendering it to some adult male member of his family or by causing it to be fixed on some conspicuous part of the building or land, if any, to which it relates.

(2) Where a notice under this Act is required to be served upon an owner or occupier of a building or land, it shall not be necessary to name the owner or occupier, and the service thereof may be effected either,—

(a) by delivering or tendering the notice or sending it by registered post to the owner or occupier or if there be more owners or occupiers than one, to any one of them, or

(b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his family or by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Whenever the person to whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

**72. Power to make rules.**—(1) The State Government may, by notification in the official Gazette, and subject to the condition of previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters:—

(a) the manner in which the notification may be published in the village and at the headquarters of the taluk under sub-section (2) of section 7;

(b) the other places at which copies of map may be open to inspection under section 8;

(c) the form of application and its contents under sub-section (2) of section 9;

(d) the other manner of publishing the notification under section 15;

(e) the conditions on which and the amount of rent or charge on payment of which encroachments may be made on a highway;

(f) the manner in which a reference shall be made under section 35 or 44;

(g) fixation of the date on which the betterment charges shall be payable under section 47 and instalments together with the rate of interest and the period within which such instalments shall be paid under the proviso to the said section;

(h) the conditions on which any land may be relinquished or delivered in exchange in favour of the State Government under section 48;

(i) rules subject to which any highway or portion of it may be closed to traffic or any class of traffic or the number and speed or weight of vehicles using the highway may be regulated under section 50;

(j) rules subject to which plying of vehicles may be prohibited under section 51;

(k) the prevention of obstruction of view of persons using highways and of annoyance, danger or injury to the public;

(l) the prevention of obstruction, encroachment and nuisance on or near and of damages to highways

(m) the proper maintenance of boundary marks demarcating highway boundaries and building and control lines;

(n) the prescription of various forms of applications required to be made and the forms of notice and bills required to be served on persons, the charges to be made for the supply of copies of maps, and the rent or other charges to be imposed or levied under the provisions of this Act;

(o) the general guidance of the Highway Authority in the discharge of its functions under this Act;

(p) regulation or diversions of existing rights of access;

- (q) the manner of holding an enquiry under section 65 or section 66;
- (r) any other matter which is to be or may be prescribed.

**73. Savings.**—(1) Subject to the provisions of this section, nothing in this Act shall affect,—

(a) the rights of any local authority to make any excavation for the purpose of laying, making, altering, repairing or renewing any sewer, drain, water course or other work; or

(b) the rights of any authority appointed under any law for the time being in force for water, electricity, railways, or trolley vehicles to erect any support or make any excavation for the purpose of laying, making, altering, repairing or renewing any main, pipe, sluice, weir, electric line, duct, drain or other apparatus; or

(c) any land belonging to a railway administration or belonging to or used by a person holding a license or sanction for the generation, transformation or distribution of electricity under the Indian Electricity Act, 1910, when such land is held or used by the Railway administration or such person, as the case may be, for the purpose of its railway or for generation, transformation or distribution of electricity, except in so far as they may consent thereto; or

(d) any land within the limits of a Cantonment or a port declared by or under any law made by Parliament or existing law to be a major port;

(e) any land within the jurisdiction of a local authority under the administrative control of the Central Government:

Provided that,—

(i) any restriction in force under section 9 as to construction, formation or laying out of means of access to, or from, any road, shall without any such consent as aforesaid, extend to any such land as is specified in clause (c) in so far as the restrictions relate to means of access over or under such land to, or from, land other than land so specified; and

(ii) any consent required for the purpose of this section shall not be unreasonably withheld and the question whether or not the consent so required is unreasonably withheld shall be determined by the State Government and the decision of the State Government on the question shall be final.

(2) Nothing in this Act shall affect any powers and duties of the telegraph authority under the provision of the Indian Telegraph Act, 1885.

**Explanation:**—For the purposes of this section the <sup>1</sup>[Karnataka]<sup>1</sup> Housing Board constituted under the <sup>1</sup>[Karnataka]<sup>1</sup> Housing Board Act, 1963, shall be deemed to be a local authority.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**74. Provisions of this Act or rules to prevail over inconsistent provisions in other laws.**—Save as provided in section 72, the provisions of this Act or rules made thereunder in regard to any matter dealt with thereby shall prevail over the provisions of any other law made by the State Legislature or any law which the State Legislature is competent to make or to amend, in so far as such law is inconsistent with the said provisions or rules, and such law to the extent of such inconsistency shall cease to apply or shall not apply to any such matter.

**75. Building and control lines along National Highways.**—For the avoidance of doubt it is hereby declared that nothing in this Act shall apply to highways which are or have been declared by or under any law made by Parliament to be National Highways:

Provided that if any highway is declared to be a National Highway by or under any law made by Parliament, it shall be lawful for the State Government to fix or not to fix the building and control lines for different portions of the said highway under section 7 and thereafter the provisions of this Act in so far as they apply to the restrictions on buildings between the highway boundary and the building line or between the building line and the control line and other provisions relating to such building and control lines shall, mutatis mutandis, apply.

**76. Repeal.**—The Bombay Highways Act, 1955 (Bombay Act LV of 1955) and the Mysore Highways Act, 1920 (Mysore Act IV of 1920) are hereby repealed.

## SCHEDULE

[See sections 28(2) and 30]

### Amendments to the Land Acquisition (Act, 1894)

**1. Amendment of section 23 of Act I of 1894.**—For section 23 of the Land Acquisition Act, 1894, the following shall be substituted, namely :—

**"23. Matters to be considered in determining compensation.**—In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the following matters shall be taken into consideration:—

(1) the market value at the date of the publication of the declaration under section 15 of the <sup>1</sup>[Karnataka]<sup>1</sup> Highways Act, 1964;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) the use to which the land was put at the date of such declaration;

(3) the damage sustained by the person interested by reasons of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him;

(4) the damage (if any) sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land;

(5) the damage (if any) sustained by the person interested at the time of the possession being taken from him of the land by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner or his earnings;

(6) if in consequences of the acquisition of the land the person interested is compelled to change his residence, or place of business, the reasonable expenses, if any, incidental to such change."

**2. Amendment of section 24 of Act I of 1894.**—For section 24 of the Land Acquisition Act, 1894, the following shall be substituted, namely :—

**"24. Matters to be neglected in determining compensation.**—But the Court shall not take into consideration the following matters:—

(1) the degree or urgency which has led to the acquisition;

(2) any disinclination of the person interested to part with the land acquired;

(3) any damage sustained by him which, if caused by private person, would not render such person liable to a suit;

(4) any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under section 15 of the <sup>1</sup>[Karnataka]<sup>1</sup> Highways Act, 1964; by or in consequence of the use to which it will be put;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(5) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

(6) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

(7) any outlay or improvements on, or for the disposal of the land acquired, commenced, made or effected without the sanction of the Highway

Authority after the date of the publication of the declaration under section 15 of the <sup>1</sup>[Karnataka]<sup>1</sup> Highways Act, 1964; (8) the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law or for which there is no market apart from the special needs of the Highway Authority; (9) any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health."

\* \* \* \*



**NOTIFICATION**

I

**Bangalore, dated the 6th August 1969. [No. PWD 17, CSR 65]**

**S.O. 1638.-** In exercise of the powers conferred by sub-section (4) of section 1 of the Karnataka Highways Act, 1946 (Karnataka Act 44 of 1964), the Government of Karnataka hereby directs that all the provisions of the said Act other than section 1 thereof shall come into force in the whole of the State of Karnataka on the 16th day of August 1969.

By order and in the name of the Governor of Karnataka

Deputy Secretary to the Government  
Public workers and Electric Department.

II

**Amending Act 15 of 1983.-** Notification is not Available.

सत्यमेव जयते

## THE KARNATAKA (REGISTRATION OF DOCUMENTS) VALIDATION ACT, 1964

### ARRANGEMENT OF SECTIONS

Sections:

1. Short title.
2. Validation of registration of certain documents relating to properties situated in Yadiyur Hobli, Kunigal Taluk.

\* \* \* \* \*

### STATEMENT OF OBJECTS AND REASONS

**Act 45 of 1964.**- A new Sub-Registry Office was formed with effect from 1st August 1961 at Bellur, Nagamangala Taluk, Mandya District with jurisdiction over;

(1) 63 Villages of Yedyur hobli which were in the jurisdiction of Sub-Registry Office, Kunigal;

(2) 5 Villages of Mayasandra hobli which where in the jurisdiction of the Sub-Registry Officer, turuvekere;

(3) 83 Villages of Nelligere hobli which were in jurisdiction of the Sub-Registry Office, Nagamangala;

(4) 75 Villages of Bindignavala hobli which were in jurisdiction of the Sub-Registry Office, Nagamangala.

On the eve of the formation of this Office, the public of Yadiyur hobli represented that their villages may be continued under the jurisdiction of the Sub-Registry Officer at Kunigal. Pending consideration of the request, the documents relating to the properties in the 63 Villages of Yadiyur hobli were ordered to be registered at the Sub-Registry Officer, Kunigal. It was subsequently ordered that these 63 Villages be transferred to the jurisdiction of the Kunigal Sub-Registry Office. Thus 63 Villages of Yadiyur hobli were included within the jurisdiction of the Sub-Registry Officer at Bellur from 1st August 1961 to 30th April 1962 but the documents relating to the properties situated in these Villages were registered at Sub-Registry Office, Kunigal, during the said period.

It is necessary to validate the registration of the said Documents.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 2nd April, 1964 as No. 70 at page. 3)

\* \* \* \* \*

**<sup>1</sup>[KARNATAKA ACT]<sup>1</sup> NO. 45 OF 1964**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Tenth day of December, 1964)*

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> (REGISTRATRIION OF DOCUMENTS)  
VALIDATION ACT, 1964.**

*(Received the assent of the President on the Twenty-sixth day of November, 1964)*

**An Act to provide for the validation of documents relating to property situate in Yadiyur Hobli, Kunigal Taluk, Tumkur District registered in the office of the Sub-Registrar, Kunigal.**

WHEREAS Yadiyur Hobli in Kunigal Taluk, Tumkur District, was within the jurisdiction of Kunigal Sub-district;

And WHEREAS the said Yadiyur Hobli was included within the jurisdiction of the sub-district of Bellur, Mandya District, from the 1st August 1961 to 30th April 1962;

And WHEREAS documents relating to property situated in the said Yadiyur Hobli were during the said period registered in the office of the Sub-Registrar, Kunigal;

And WHEREAS it is deemed expedient to validate the registration of the said documents;

Be it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Fifteenth Year of the Republic of India as follows:-

**1. Short title.-** This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> (Registration of Documents) Validation Act, 1964.

**2. Validation of registration of certain documents relating to properties situated in Yadiyur Hobli, Kunigal Taluk.-** Notwithstanding anything contained in the Indian Registration Act, 1908 (Central Act XIV of 1908), documents relating to any property situated in Yadiyur Hobli, Kunigal Taluk, Tumkur District, which were registered during the period commencing from 1st August 1961 and ending on 30th April 1962, in the office of the Sub-Registrar, Kunigal, Tumkur District, shall be deemed to have been validly registered in that office, and no such registration shall be called in question merely on the ground that it was not registered in the Office of the Sub-Registrar, Bellur, Mandya District.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

## **THE KARNATAKA PUBLIC LIBRARIES ACT, 1965**

### **ARRANGEMENT OF SECTIONS**

Statement of Object and Reasons

Sections:

#### **CHAPTER I**

##### **PRELIMINARY**

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

#### **CHAPTER II**

##### **THE KARNATAKA STATE LIBRARY AUTHORITY**

3. Constitution and composition of the State Library Authority.
4. Functions of the State Library Authority.
5. Nomination of members in default of election.
6. Term of Office.
7. Vacancies.
8. Disabilities for continuing as member.
9. Disqualifications.
10. Meetings of the State Library Authority.
11. Procedure of State Library Authority.

#### **CHAPTER III**

##### **DEPARTMENT OF PUBLIC LIBRARIES**

12. Department of Public Libraries.
13. Functions of the Department.
14. Director of Public Libraries.
15. State Library Service.

#### **CHAPTER IV**

##### **LOCAL LIBRARY AUTHORITIES**

16. Constitution of Local Library Authorities.
17. Composition of City Library Authorities.
18. Composition of District Library Authorities.
19. Nomination of members in default of election.

20. Term of Office.
21. Vacancies.
22. Disabilities for continuing as a member.
23. Disqualifications.
24. Meetings of the Local Library Authorities.
25. Powers and duties of Chairman and Vice-Chairman.
26. Powers and functions of Local Library Authorities.
27. Library Development Plan.
28. Local Library Authority to appoint committees.
29. Advisory Library Committees.

**CHAPTER V  
FINANCE AND ACCOUNTS**

30. Library Cess.
31. Government grant to District Library Authority of a portion of land revenue.
32. City and District Library Funds.
33. State Library Fund.
34. Accounts.

**CHAPTER VI  
STATE CENTRAL LIBRARY**

35. Vesting of Bangalore Public Library in the State Library Authority.
36. Karnataka State Central Library.
37. Sections of State Central Library.

**CHAPTER VII  
REPORTS, RETURNS AND INSPECTION**

38. Reports and returns.
39. Inspection of Libraries.
40. Annual Report.

**CHAPTER VIII  
MISCELLANEOUS**

41. Power to make rules.
42. Power of State Library Authority and Local Library Authorities to make bye-laws.

43. Offences and penalties.
44. Control of Local Library Authority by Government.
45. Liability of members for loss, waste or misapplication.
46. Members and employees of Library Authorities to be public servants.
47. Savings of validity of acts and proceedings.
48. Provisions relating to suits, etc.
49. Power to remove difficulties.
50. Transfer of certain libraries.
51. Amendment of the Press and Registration of Books Act, 1867 in its application to the State of Karnataka.
52. Repeal and savings.

### STATEMENTS OF OBJECTS AND REASONS

#### I

**Act 10 of 1965.-** The Madras Public Libraries Act, 1948, is in force in the Madras Areas and in Bellary District. The Hyderabad Public Libraries Act, is in force in the Hyderabad Area. There are no corresponding enactments in the other areas in the State. Government in their order No. ED 52 TEL 61, dated the 11 the September 1961 constituted a committee for drafting a Bill on public libraries with Dr. S.R. Ranganathan as Chairman. The Committee submitted its Report on 16th February 1963. The present Bill is based on the draft bill prepared by the Committee. This Bill is intended to bring about uniformity in the law relating to public libraries and enable the establishment and maintenance of a system of public libraries, and for the comprehensive development and organisation of city, rural, and other classes of library service in the State. The Bill provides, among the other things, for the following, namely.-

- (1) constitution of the Mysore State Library Authority;
- (2) establishment of a Department of Public Libraries;
- (3) constitution of local library authorities in the Cities and in the Districts;
- (4) levy of Library cess;
- (5) creation of a State Central Library by vesting the Bangalore Public Library in the State Central Library Authority.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV - 2A No. 135 dated 9-6-1964 at page 33.)

## II

**Amending Act 45 of 1976.-** At present the Minister incharge of Education will be the Ex-Officio President of the State Library Authority, it may so happen that the Minister for Education may not be incharge of Public Libraries. It is therefore considered necessary to make the Minister incharge of Public Libraries the Ex-Officio President of the State Library Authority.

The Library cess is collected by the local authorities. It is proposed to give ten per cent of the cess collected to the local authorities concerned towards costs of collection.

Opportunity has been taken to incorporate the new designation of the District Educational Officer and to omit the reference to Bangalore District (Rural) and Bangalore District (Urban) which are no longer in existence.

(Obtained from L.A. Bill No. 6 of 1976)

## III

**Amending Act 30 of 1984.-** In the State of Karnataka the Head of the Department of Libraries is designated as "State Librarian". It is considered necessary to redesignate the said post, as Director of Public Libraries. In the neighbouring States of Andhra Pradesh, Tamil Nadu and Maharashtra, also the Head of the Department of Libraries is called as Director of Public Libraries. The Karnataka Public Libraries Act, 1965 (Karnataka Act No. 10 of 1965), is proposed to be amended for the above mentioned purpose.

(Obtained from L.A. Bill No. 2 of 1984. File No. LAW 28 LGN 1983.)

## IV

**Amending Act 31 of 1998.-** The State Government grants annually to every District Library Authority an amount equal to 3% of the Land Revenue Collection of the district. To improve infrastructure of the libraries in the district, Government has decided to grant annually 6% instead of 3%. Therefore, it is considered necessary to amend the Karnataka Public Libraries Act.

As the matter was urgent and the Karnataka Legislative Council was not in session the Karnataka Public Libraries (Amendment) Ordinance, 1998 (Karnataka Ordinance 7 of 1998) was promulgated.

Hence this Bill.

(Obtained from L.C. Bill No. 6 of 1998.)

\* \* \* \*

**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT NO. 10 OF 1965.**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Thirteenth day of May, 1965).*

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> PUBLIC LIBRARIES ACT, 1965.**

*(Received the assent of the President on the Twenty-second day of April, 1965).*

(As Amended by Acts 45 of 1976, 30 of 1984 and 31 of 1998)

**An Act to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the <sup>1</sup>[State of Karnataka]<sup>1</sup>**

WHEREAS it is expedient to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the <sup>1</sup>[State of Karnataka]<sup>1</sup> and for matters connected therewith;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Sixteenth Year of the Republic of India as follows:-

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**CHAPTER I  
PRELIMINARY**

**1. Short title, extent and commencement.-** (1) This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> Public Libraries Act, 1965.

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It extends to the whole of the <sup>1</sup>[State of Karnataka]<sup>1</sup>

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) It shall come into force on such <sup>1</sup>[date]<sup>1</sup> as the State Government may, by notification, appoint.

1. Act came into force w.e.f. 1.4.1966 vide Notification No. ED 23 SLS 66 dt. 28.3.1966

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

(1) 'academic library' means a library maintained by a university, college, school or research institution;

(2) 'aided library' means a library declared by the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> to be eligible for aid from the Government in accordance with the rules made under this Act;

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

(3) 'book' includes,-

(i) every volume, part or division of a volume, and pamphlet, in any language;



(ii) every sheet of music, map, chart or plan separately printed or lithographed:

(iii) newspapers, periodicals and other such materials;

(4) 'Chief Librarian' means the Librarian appointed to be in charge of a City Central Library or a District Central Library and other Libraries and the library service under the control of a City Library Authority or a District Library Authority, as the case may be;

(5) 'City Library Authority' means a Library Authority constituted for a city or other urban area under sections 16 and 17;

(6) 'State-owned Library' means a library maintained by a Department of the State Government, the State Legislature, the High Court or any other court or any authority of the State;

(7) 'district' means a revenue district;

(8) 'District Library Authority' means a Library Authority constituted for a district under sections 16 and 18;

(9) 'library cess' means a cess levied under section 30;

(10) 'Local Library Authority' means a City Library Authority or a District Library Authority;

(11) 'notification' means a notification published in the official Gazette;

(12) 'outlier library' means any library other than a public library;

(13) 'prescribed' means prescribed by rules made under this Act;

(14) 'public library' means,-

(a) a library established or maintained by a Local Library Authority, including the branches and delivery stations of such library;

(b) a library established or maintained by the State Government and declared open to the public;

(c) a library established or maintained by any local authority and declared open to the public;

(d) a library declared to be eligible for aid and receiving aid from the State Government; and includes, any other library notified by the State Government as a public library for the purposes of this Act;

(15) 'State Central Library' means the library declared to be the State Central Library under Chapter VI;

(16) '[Director of Public Libraries]' means the '[Director of Public Libraries]' appointed under this Act;

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

(17) 'State Library Authority' means the Authority constituted under section 3;

(18) 'year' means the financial year.

## CHAPTER II

### THE '[KARNATAKA STATE LIBRARY AUTHORITY]'

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**3. Constitution and composition of the State Library Authority.-** (1) As soon as may be after the commencement of this Act, the State Government shall, by notification, constitute for the purposes of this Act, an authority to be called the State Library Authority. Such authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

(2) The State Library Authority shall consist of,-

(a) '[the Minister in charge of Public Libraries]'<sup>1</sup> who shall ex-officio be the President of the Authority;

1. Substituted by the Act 45 of 1976 w.e.f. 5.6.1976

(b) four persons elected by the '[Karnataka Legislative Assembly]'<sup>1</sup> from among its members;

(c) two persons elected by the '[Karnataka Legislative Council]'<sup>1</sup> from among its members;

(d) one person elected by the Syndicate of each of the Universities in the State from among the members of the Syndicate;

1. Adaptation of the Karnataka Laws Order 1973 w.e.f. 1.11.1973

**Explanation.-** For purposes of this clause, in respect of the University of Agricultural Sciences, "Syndicate" means the Board of Regents.

(e) one person elected by the Executive Committee of the '[Karnataka Library Association]'<sup>1</sup> from among the members of the Association;

1. Adaptation of the Karnataka Laws Order 1973 w.e.f. 1.11.1973

(f) one person elected by the City Library Authority of the City of Bangalore from among its members;

(g) one person elected by the City Library Authority of one of the cities in the State other than the City of Bangalore for which a City Library Authority is established, from among the members of such Authority, subject to the condition that such election shall be made by each City Library Authority for one term in such order or rotation as the State Government may by order determine;

- (h) one person elected by the District Library Authority of one of the Districts in each Revenue Division of the State from among the members of such Authority, subject to the condition that such election shall be made by each District Library Authority in every Revenue Division for one term in such order of rotation as the State Government may by order determine;
- (l) the Secretary to the Government, Education Department;
- (j) the 1[Director of Public Instruction in Karnataka]1 ;
- (k) three persons nominated by the State Government who in the opinion of the State Government are experts in library science:

1. Adaptation of the Karnataka Laws Order 1973 w.e.f. 1.11.1973

Provided that at the first constitution of the Authority for purposes of clauses (f), (g) and (h), six persons ordinarily resident in the cities and districts of the Revenue Divisions for which the Library Authorities may be established, shall be nominated by the State Government.

(3) The <sup>1</sup>[Director of Public Libraries]<sup>1</sup> shall ex-officio be the Secretary of the State Library Authority.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

**4. Functions of the State Library Authority.-** The State Library Authority shall advise the State Government on all matters connected with the administration of this Act, shall be the managing authority for the State Central Library, and shall exercise and perform such powers and duties conferred and entrusted to the said Authority by this Act, and such other powers and duties as may be prescribed.

**5. Nomination of members in default of election.-** If any of the bodies referred to in sub-section (2) of section 3 does not, by such period as may be prescribed, elect a person to be a member of the State Library Authority, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

**6. Term of office.-** (1) Save as otherwise provided in this Act, the term of office of members of the State Library Authority, other than ex-officio members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under section 3.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

**7. Vacancies.-** In the event of a vacancy arising out of death, resignation, disability

or otherwise, previous to the expiry of the term of office of any member of the State Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in sub-section (2) of section 3, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

**8. Disabilities for continuing as member.**- If any member other than an ex-officio member of the State Library Authority, during the period for which he has been nominated or elected,-

- (a) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority; or
- (b) in the case of a member elected by any body referred to in sub-section (2) of section 3, ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

**9. Disqualifications.**- A person shall be disqualified for being chosen as, and for being, a member of the State Library Authority,-

(a) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence;

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court.

**10. Meetings of the State Library Authority.**- (1) The State Library Authority shall meet at least twice a year on dates to be fixed by the President. One of such meetings shall be the annual meetings.

(2) The President may also, whenever he thinks fit, convene a special meetings of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions special meetings shall be convened by the President to discuss matters of urgent importance upon a requisition by the members of the Authority.

(4) Two-fifths of the total number of members of the Authority, shall be the quorum for a meeting of the State Library Authority.

(5) The President, if present, shall preside at every meeting of the Authority. In the absence of the President, the members present at the meeting shall choose one from among themselves to preside.

**11. Procedure of State Library Authority.-** The State Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

### CHAPTER III

#### DEPARTMENT OF PUBLIC LIBRARIES

**12. Department of Public Libraries.-** For the purposes of this Act, a Department of Public Libraries shall be constituted with a <sup>1</sup>[Director of Public Libraries]<sup>1</sup> as its head and such other officers and servants as the Government may by order specify.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

**13. Functions of the Department.-** (1) Subject to the control of the State Government, the Department of Public Libraries shall be responsible for the administration of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Department shall,-

- (a) superintend and direct all matters relating to all public libraries;
- (b) promote the establishment of public library service so as to achieve the purposes of this Act;
- (c) supervise and direct all matters relating to libraries receiving aid from the State Government;
- (d) maintain State Registers of Libraries and of Librarians;
- (e) superintend, direct, and deal with the exercise of powers and the performance of duties by Local Library Authorities under this Act;
- (f) ensure the proper utilisation of the Library Funds and library man-power of the State;
- (g) perform such other functions as may be entrusted to the Department by or under the provisions of this Act.

**14. <sup>1</sup>[Director of Public Libraries]<sup>1</sup>.-** (1) A whole-time officer having the prescribed qualifications to practise the library profession shall be appointed by the State Government as the <sup>1</sup>[Director of Public Libraries]<sup>1</sup>.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

(2) The <sup>1</sup>[Director of Public Libraries]<sup>1</sup> shall,-

- (a) function as the Librarian of the State Central Library;
- (b) superintend, direct, and deal with all matters relating to the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) and to the maintenance and service of the books sent under the said Act;

- © control the appointments, postings, and transfers of officers and servants in the State Library Service;
- (d) generally assist the State Library Authority in performing its functions;
- (e) exercise such other powers and performs such other duties as may be conferred or imposed on him by or under this Act.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

**15. State Library Service.-** (1) Notwithstanding anything contained in any other law, all posts in the Department of Public Libraries, the State Central Library and every Local Library Authority shall be filled by appointment of persons belonging to the <sup>1</sup>[Karnataka State Library Service]<sup>1</sup>.

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) The <sup>1</sup>[Karnataka State Library Service]<sup>1</sup> shall consist of the <sup>2</sup>[Director of Public Libraries]<sup>2</sup>, Chief Librarians of Cities and Districts, Librarians and such other classes and categories of posts as the State Government may from time to time determine. All members of the said service shall be Government servants, and their recruitment and conditions of service shall, subject to the provisions of Article 309 of the Constitution, be regulated by such rules as may be prescribed.

1. Adapted by the karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

2. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

3) The salary, allowances, gratuity, pension and other benefits of the members of the <sup>1</sup>[Karnataka State Library Service]<sup>1</sup> shall be met from the Consolidated Fund of the State.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

## CHAPTER IV.

### LOCAL LIBRARY AUTHORITIES

**16. Constitution of Local Library Authorities.-** (1) For the purpose of organising and administering Public Libraries in the State, there shall be constituted Local Library Authorities,-

- (a) for the Cities of Bangalore, Hubli-Dharwar, Mangalore, Mysore and Belgaum, and for such other urban area having a population of more than one lakh, as the State Government may by notification specify, called the City Library Authority; and
- (b) for each revenue district, excluding the area for which a City Library Authority is constituted, called the District Library Authority;

<sup>1</sup>[Proviso x x x]<sup>1</sup>

1. Omitted by Act 45 of 1976 w.e.f. 5.6.1976

(2) Every Local Library Authority shall by the name of the area for which it is constituted, be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

**17. Composition of City Library Authorities.-** (1) Every City Library Authority shall consist of,-

- (a) the Mayor of the municipal corporation or the President of the municipal council or other municipal body of the City who shall ex-officio be the Chairman of the Authority;
- (b) a principal of a First Grade College in the city nominated ex-officio by the State Government, who shall be the Vice-Chairman of the Authority;
- © two persons elected by the municipal corporation, municipal council or other municipal body of the city from among its members;
- (d) one person nominated by the State Government from among the members of governing bodies of aided libraries in the city;
- (e) a Headmaster of a High School in the city nominated ex-officio by the State Government;
- (f) one person nominated by the council of the city branch, if any, of the <sup>1</sup>[Karnataka Library Association]<sup>1</sup>;
- 1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973
- (g) an officer of the Department of Public Instruction having jurisdiction over the city, nominated ex-officio by the State Government.
- (h) two persons nominated by the State Government from among persons ordinarily resident in the city.

(2) The Chief Librarian of the city shall ex-officio be the Secretary of the City Library Authority and of the Committees of the said Authority.

**18. Composition of District Library Authorities.-** (1) Every District Library Authority shall consist of,-

- (a) the Deputy Commissioner of the district who shall ex-officio be the Chairman of the Authority;
- <sup>1</sup>[(b) the Deputy Director of Public Instructions incharge of the district;]<sup>1</sup>
- 1. Substituted by Act 45 of 1976 w.e.f. 5.6.1976
- (c) two persons elected from among its members by the District Development Council;
- (d) one person elected from among its members by each municipal council or

other municipal body in the district with jurisdiction over a municipal area other than an area for which a City Library Authority is established having a population of not less than fifty thousand;

- (e) two persons nominated by the State Government from among the members of municipal councils or other municipal bodies in the district with jurisdiction over a municipal area having a population of less than fifty thousand;
- (f) one person nominated by the council of the District Branch, if any, of the <sup>1</sup>[Karnataka Library Association]<sup>1</sup>;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

- (g) one person nominated by the State Government from among the members of the Taluk Development Boards in the district;
- (h) two persons nominated by the State Government from among the members of the village panchayats and town panchayats in the district;
- (i) two persons nominated by the State Government from among the members of the governing bodies of aided libraries in the district;
- (j) a Principal of a First Grade College in the district nominated ex-officio by the State Government ;
- (k) a Headmaster of a High School in the district nominated ex-officio by the State Government ;
- (l) an officer of the Department of Public Instruction having jurisdiction over the district or a part thereof nominated ex-officio by the State Government;
- (m) three persons nominated by the State Government from among persons ordinarily resident in the district;

(2) The Vice-Chairman of the District Library Authority shall be elected by the members from among themselves.

(3) The Chief Librarian of the district shall ex-officio be the Secretary of the District Library Authority and of the Committees of the said Authority;

**19. Nomination of members in default of election.-** If any of the bodies referred to in section 17 or 18 does not by such period as may be prescribed elect or nominate a person to be a member of the City Library Authority or the District Library Authority, as the case may be, the State Government shall, by notification, nominate to the vacancy, a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

**20. Term of office.-** (1) Save as otherwise provided in this Act, the term of office of members of a Local Library Authority, other than ex-officio members, shall be for a period of three years commencing from the date on which the first meeting of the



Authority is held after the election or nomination of the members under sections 17, 18 and 19.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

**21. Vacancies.-** In the event of a vacancy arising out of death, resignation, disability or otherwise, before the expiry of the term of office of any member of a Local Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in section 17 or section 18, as the case may be, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

**22. Disabilities for continuing as member.-** If any member other than an ex-officio member of a Local Library Authority, during the period for which he has been nominated or elected,-

(a) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority; or

(b) in the case of a member elected by any body referred to in section 17 or section 18 ceases to be member of the body concerned, his office in the Authority shall become vacant.

**23. Disqualifications.-** A person shall be disqualified for being chosen as, and for being, a member of the Local Library Authority,-

(a) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence;

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court.

**24. Meetings of Local Library Authorities.-** (1) Every Local Library Authority shall meet at least twice a year on dates to be fixed by the Chairman. One of such meetings shall be the annual meeting.

(2) The Chairman may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions, special meetings shall be convened by the Chairman to discuss matters of urgent importance upon a requisition by the members of the Authority.

(4) A Local Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

**25. Powers and duties of Chairman and Vice-Chairman.-** (1) The Chairman of a Local Library Authority shall,-

- (a) preside at the meetings of the Authority;
- (b) watch over the financial and executive administration of the Authority and exercise general supervision and control.

(2) The Vice-Chairman of a Local Library Authority shall,-

- (a) in the absence of the Chairman, preside at the meetings of the Authority;
- (b) exercise such powers and perform such duties of the Chairman as the Chairman may, from time to time, delegate to him.

**26. Powers and functions of Local Library Authorities.-** (1) It shall be the duty of every City Library Authority and every District Library Authority to provide library service to the persons residing in the area within its jurisdiction. The Library Authority shall in every City establish a City Central Library and Branch Libraries and in every district establish a District Central Library and branch libraries.

(2) For purposes of sub-section (1), a Local Library Authority may,-

- (a) provide suitable lands and buildings for public libraries, and the furniture, fittings, equipment and other conveniences necessary for the purpose;
- (b) provide such libraries with books, periodicals, newspapers, maps, gramophone records, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like;
- (c) with the previous sanction of the Government shift or close any public library;
- (d) accept any endowment or gift for any purpose connected with its activities;

Provided that no gift or endowment of an immovable property shall be accepted without the previous sanction of the State Government;

- (e) provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act;
- (f) with the consent of the management and the previous sanction of the State Government acquire any library on such conditions as may be approved by the State Government ;
- (g) with the sanction of the State Government do any other thing that may be conducive to the furtherance of the purposes of this Act;

- (h) exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act.

**27. Library Development Plan.-** (1) Subject to the general or special orders of the State Government , as soon as possible after a Local Library Authority is constituted and thereafter as often as may be required by the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> every Local Library Authority shall, and whenever it considers it necessary so to do, a Local Library Authority may, prepare a plan (hereinafter referred to as the 'Local Library Development Plan') for establishing libraries and spreading library service within the jurisdiction of such Authority in such form and manner and containing such particulars as may be prescribed.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

(2) The salient features of every Local Library Development Plan prepared under sub-section (1) shall be published in such manner as may be prescribed along with a notice inviting objections and suggestions from all persons interested in the Plan within such period as may be specified in the notice. Any objection or suggestion which may be received from any person with respect to the Local Library Development Plan shall be considered by the Local Library Authority and such modifications in the Plan shall be made as the Authority deems fit.

(3) The Local Library Development Plan shall thereafter be sent to the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> along with a copy of the objections and suggestions received under sub-section (2). The <sup>1</sup>[Director of Public Libraries]<sup>1</sup> shall with his comments on the Local Library Development Plan submit it to the State Government for sanction.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

(4) The State Government may if it deems fit after ascertaining the views of the State Library Authority sanction the Local Library Development Plan with such alterations as it considers necessary. The State Government may on application by the Local Library Authority concerned, modify any Local Library Development Plan sanctioned under this sub-section.

(5) (a) As soon as may be after the State Government sanctions a Local Library Development Plan under sub-section (4), the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> shall in conformity with the provisions of the said Plan make an order called the Local Library Order for the area, specifying the Central Library and the Branch Libraries including branches, to be located in educational institutions, prisons and hospitals and the service stations, which shall be established and maintained by the Local Library Authority, the measures to be taken by the Local Library Authority for providing adequate library service to the people in the area and the stages in which such measures shall be taken.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

- (b) A Local Library Order made under clause (a) may be amended in consultation with the Local Library Authority, whenever the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> considers it expedient to do so.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

(6) Every Local Library Authority shall give effect to the Local Library Development Plan as sanctioned by the State Government and the Local Library Order made under sub-section (5).

**28. Local Library Authority to appoint committees.-** (1) Every Local Library Authority shall constitute the following committees by election from among its members, namely:-

- (i) the Executive Committee; and
- (ii) the Finance Committee.

(2) A Local Library Authority may constitute committees for such other purposes as it deems fit.

(3) The Chairman of the Local Library Authority shall ex-officio be a member and Chairman of the Executive Committee, and the Finance Committee.

(4) (a) The Executive Committee shall be responsible for the executive functions of the Local Library Authority.

- (b) The Finance Committee shall scrutinise proposals for increase of revenue, examine the receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Local Library Authority.

**29. Advisory Library Committees.-** (1) For the purpose of advising on local requirements relating to library service of each branch library and each service station in a village served by travelling library service, Advisory Committees shall be constituted in accordance with the provisions of this section.

(2) Every Branch Library Committee shall consist of,-

- (a) the Branch Librarian who shall ex-officio be the Chairman and convener of the Committee;
- (b) one person representing the area which the Branch Library serves, on the municipal council or other municipal body or the panchayat having jurisdiction over that area, elected by the body concerned;
- (c) three teachers of educational institutions in the area in which the branch library is located, nominated by the Chief Librarian of the City or the Chief Librarian of the district, as the case may be;
- (d) three persons from among the registered borrowers of the branch library

nominated by the Chief Librarian of the City or the Chief Librarian of the district, as the case may be.

(3) Every Village Service Library Committee shall consist of,-

- (a) the Travelling Librarian visiting the service station in the village who shall ex-officio be the Chairman and convener of the Committee;
- (b) two teachers of educational institutions in the area served by the service station, nominated by the Chief Librarian of the District;
- (c) two persons from among the registered borrowers in the area served by the service station, nominated by the Chief Librarian of the district.

(4) The nominated members of the Branch Library Committee and the Village Service Library Committee shall hold office for a period of three years or until their successors are nominated.

## CHAPTER V

### FINANCE AND ACCOUNTS

**30. Library Cess.-** (1) With effect from the date of commencement of this Act,-

(a) a library cess in the form of a surcharge on,-

- (i) tax on lands and buildings;
- (ii) tax on entry of goods into the local area for consumption, use or sale therein;
- (iii) tax on vehicles;
- (iv) tax on professions, trades, calling and employments;

shall be levied in the area within the jurisdiction of every City Library Authority under the relevant laws relating to local authorities providing for the levy of such taxes, at the rate of three paise for every rupee of the taxes so levied;

(b) a library cess in the form of a surcharge on tax on lands and buildings shall be levied in the area within the jurisdiction of every District Library Authority, under the relevant laws relating to local authorities providing for the levy of such tax at the rate of three paise for every rupee of the tax so levied.

(2) A City Library Authority or District Library Authority may, with the previous sanction of the State Government, by notification, increase the rate of library cess levied on any item of tax specified in clause (a) or (b) of sub-section (1), subject to the condition that the rate shall not exceed six paise for every rupee of the tax levied.

(3) The cess levied under clause (a) or clause (b) of sub-section (1) or increased under sub-section (2) shall be collected by the municipal corporation, municipal

council or other municipal body, or the village panchayat or other local authority having jurisdiction over the area as if the cess were a tax referred to in the said clause payable under the relevant laws for the time being in force in the area, and all the provisions of the said laws relating to the levy and collection of the said tax shall apply subject to such modifications as may be prescribed.

<sup>1</sup>[(4) Out of the cess collected by it under sub-section (3) every local authority shall be entitled to retain ten per cent of the amount collected towards the cost of collection and the balance shall be paid to the City Library Authority or the District Library Authority, as the case may be.]<sup>1</sup>

1. Substituted by Act 45 of 1976 w.e.f. 1.4.1969

**31. Government grant to District Library Authority of a portion of land revenue.-** (1) The State Government shall make annually a grant to every District Library Authority of an amount equal to <sup>1</sup>[six per cent]<sup>1</sup> of the land revenue collection of the district.

1. Substituted by Act 31 of 1998 w.e.f. 24.11.1998

(2) The amount granted to a District Library Authority under sub-section (1) shall be credited to the District Library Fund at such times and in such manner as may be prescribed.

(3) Land Revenue collection of a district for the purposes of sub-section (1) shall mean,-

- (a) until the revision settlement of land revenue under Chapter X of the <sup>1</sup>[Karnataka]<sup>1</sup> Land Revenue Act, 1964, the land revenue determined on the basis of the average land revenue collection of the district for a period of three years preceding the date of such determination;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

- (b) after the determination of land revenue on the basis of the aforesaid revision settlement, the land revenue collected during the year preceding the year for which the grant is made.

**32. City and District Library Fund.-** (1) Every City Library Authority and District Library Authority shall maintain a Fund called the City Library Fund and the District Library Fund, as the case may be, from which all its payments under this Act shall be met.

(2) There shall be credited to the City Library Fund and the District Library Fund, as the case may be, the following sums, namely :-

- <sup>1</sup>[(a) the amount of cess paid by the local authority under sub-section (4) of section 30;]<sup>1</sup>

1. Substituted by Act 45 of 1976 w.e.f. 1.4.1969

- (b) the grant under section 31;
- (c) contributions, gifts, and income from endowments, made to the Library Authority for the benefits of public libraries;
- (d) grant which the Central Government or the State Government may make;
- (e) funds and other amounts collected by the Local Library Authority under rules or bye-laws made under this Act.

**33. State Library Fund.-** (1) The State Library Authority shall maintain a Fund called the State Library Fund from which all its payments under this Act shall be met.

(2) There shall be credited to the State Library Fund the following sums, namely :-

- (a) the grants made by the State Government to the State Library Authority to perform the duties entrusted to it;
- (b) grants which the Central Government may make;
- (c) contributions and gifts made to the State Library Authority;
- (d) funds and other amounts collected by the State Library Authority under the rules or bye-laws made under this Act.

**34. Accounts.-** (1) An account shall be kept of the receipts and expenses of the State Library Authority and of each City Library Authority and District Library Authority.

(2) The accounts shall be open to inspection, and shall be subject to audit, disallowance and surcharge and shall be dealt with in all other respects in such manner as may be prescribed.

## CHAPTER VI STATE CENTRAL LIBRARY

**35. Vesting of Bangalore Public Library in the State Library Authority.-** (1) With effect from such date as the State Government may, by notification appoint (hereinafter referred to in this Chapter as the appointed day), the entire management and control of the Public Library, Bangalore, now vested in the Committee of Management of the Public Library, Bangalore, shall be vested in the State Library Authority.

(2) As from the appointed day, the Committee of Management of the Public Library, Bangalore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the <sup>1</sup>[Karnataka]<sup>1</sup> Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the State Library Authority and shall be applied for the purposes specified in this Act and such other purposes as may be prescribed.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the State Library Authority.

(4) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government as a member of the <sup>1</sup>[Karnataka State Library Service]<sup>1</sup> on the same tenure, at the same remuneration, and upon the same terms and conditions, and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same, as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**36. <sup>1</sup>[Karnataka State Central Library]<sup>1</sup> .-** (1) As from the appointed day, the Public Library, Bangalore, shall be the <sup>1</sup>[Karnataka State Central Library]<sup>1</sup>.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) (a) The <sup>1</sup>[Karnataka State Central Library]<sup>1</sup> shall be maintained as a reservoir of books and other materials for the proper functioning of the State Library system.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(b) In addition to a general library, the State Central Library shall consist of the following sections namely.-

- (i) a State Bureau of Copyright Collections;
- (ii) a State Library for the Blind;
- (iii) a State Bureau of inter-library loans;
- (iv) a State Bibliographical Bureau;
- (v) a State Bureau of Technical Service;
- (vi) such other sections as may be prescribed.

**37. Sections of State Central Library.-** (1) (a) One copy of each book received under the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) shall be kept in the State Central Library as a Bureau of Copyright.

(b) Copies of books in the Bureau of Copyright shall not be issued by way of loan of any kind but may be made available for reference in the library premises.

(2) (a) The production and storage of books, sound records of books and kindred materials for the blind and the issue of such books and materials for the use of the blind shall be dealt with in the section relating to the State Library for the Blind.



(b) The State Central Library may collaborate with other Libraries for the Blind in India and undertake such work as may be necessary for purposes of such collaboration.

(3) (a) The State Bureau of inter-library loan shall implement such schemes of inter-library loans among the public libraries, academic libraries, State-owned libraries, aided libraries and the outlier libraries in the State as may be prescribed.

(b) The State Central Library may with the approval of the State Government, collaborate in any scheme of inter-State library loans.

(4) (a) The State Bibliographical Bureau shall undertake such bibliographical work as may be prescribed and may for this purpose collaborate with Departments of Government and educational and other bodies in the State.

(b) The State Central Library may, with the approval of the State Government, collaborate with Bibliographical Bureaux or agencies in India and undertake such bibliographical work as may be necessary for purposes of such collaboration.

(5) (a) The State Bureau of Technical Service shall be maintained for centralised technical services, such as, acquisition, classification and cataloguing of books for public libraries, academic libraries, State owned libraries, aided libraries and outlier libraries, in accordance with such schemes as may be prescribed.

(b) The State Central Library may, with the approval of the State Government, collaborate with other similar Bureaux of Technical Service in India and undertake such technical work as may be necessary for purposes of such collaboration:

Provided that no scheme under sub-section (3) or sub-section (5) shall be implemented in respect of any library other than a library owned or controlled by the State, except with the concurrence of the authority which owns or controls such library.

## CHAPTER VII REPORTS, RETURNS AND INSPECTION

**38. Reports and returns.-** Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> or any person authorised by him in this behalf as the said librarian or authorised person may, from time to time, require.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

**39. Inspection of libraries.-** The <sup>1</sup>[Director of Public Libraries]<sup>1</sup> or any person authorised by him in this behalf may inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and bye-laws made thereunder are duly carried out.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

**40. Annual Report.-** (1) The <sup>1</sup>[Director of Public Libraries]<sup>1</sup> shall, in respect of each financial year, prepare an annual report of the progress made by the Local Library Authorities during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

(2) The <sup>1</sup>[Director of Public Libraries]<sup>1</sup> shall, in respect of each financial year prepare an annual report of the activities of the State Library Authority during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

## CHAPTER VIII MISCELLANEOUS

**41. Power to make rules.-** (1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for, -

- (a) the method of election or nomination of members to the State Library Authority, the Local Library Authorities, the Branch Library Committees and the Village Service Library Committees;
- (b) the maintenance of a State Library Fund and the City and District Library Funds;
- (c) the administration, inspection and management of the State Central Library;
- (d) the maintenance of accounts by the State Library Authority and the Local Library Authorities and the publication of audited statement of accounts and the reports of auditors;
- (e) the grants-in-aid to aided libraries and the standards to be maintained by such libraries;
- (f) the maintenance of State Registers of Libraries, and of Librarians;
- (g) the constitution of committees by the State Library Authority and the Local Library Authorities;

- (h) the restrictions and conditions subject to which the State Library Authority or a Local Library Authority may enter into contracts, or acquire, hold or dispose of property.

(3) Every rule made under this Act shall, as soon as may be after it is made, be laid 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 sessions immediately following, 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.

**42. Power of State Library Authority and Local Library Authorities to make bye-laws.-** (1) The State Library Authority and every Local Library Authority may, subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the State Government, by notification, make bye-laws generally to carry out the purposes of this Act.

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

- (a) the admission of the public to the public libraries under the control of the State Library Authority or the Local Library Authority subject to such conditions as may be specified in such bye-laws:

Provided that no fees shall be charged for such admission;

- (b) the guarantee or security to be furnished by persons desiring to use such libraries, against injury to, or misuse, destruction or loss of the property of such libraries;
- (c) the manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction or loss;
- (d) the authority to be exercised by the officers and servants of the State Library Authority or the Local Library Authority for the purpose of exclusion or removal from any such library of any person who contravenes or does not comply with any provisions of this Act or any rule or bye-law made thereunder;

(3) Every bye-law made under this section shall be subject to the condition of previous publication for a period of not less than thirty days, and such publication shall be in the official Gazette and in such other manner as may be prescribed.

(4) The State Government may by notification modify or cancel any bye-law made by State Library Authority or a Local Library Authority under this section:

Provided that before modifying or cancelling any bye-law, the State Government shall give the State Library Authority or the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

**43. Offences and penalties.** - Whoever,-

- (a) in a public library or other institution maintained under this Act acts in any manner likely to cause annoyance or disturbance to any person using such library or institution, or behaves in a disorderly manner or uses violent or abusive language in any such library or institution; or
- (b) after due warning persists in remaining therein beyond the hours fixed for closing, shall be liable to be removed from such library or institution and shall also be punishable with fine which may extend to rupees ten and for a second or subsequent offence with fine which may extend to rupees fifty.

**44. Control of Local Library Authorities by Government.** - (1) If, at any time, it appears to the State Government that a Local Library Authority has failed to perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the State Government may communicate the particulars thereof to the Local Library Authority, and if the Local Library Authority omits to remedy such failure, excess or abuse or to give an explanation which in the opinion of the State Government is satisfactory within such time as the State Government may fix in this behalf, the State Government may supersede the Local Library Authority for such period as the State Government may direct.

(2) If a Local Library Authority is superseded,-

- (a) all the powers and duties of the Authority shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may from time to time appoint in this behalf;
- (b) all property vested in the Local Library Authority shall during the period of supersession, vest in the State Government; and
- (c) on the expiry of the period of supersession, the Local Library Authority shall be reconstituted in the manner provided in this Act.

**45. Liability of members for loss, waste or misapplication.** - (1) Every member of a Local Library Authority shall be personally liable for the loss, waste or misapplication of any money or other property of the Authority to which he has been a party, or which has been caused or facilitated by his misconduct or neglect of his duty as a member.

(2) If after giving the member or members concerned a reasonable opportunity for showing cause to the contrary the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> is satisfied that the loss, waste or misapplication of any money or other property of the Local Library Authority is a direct consequence of misconduct or neglect on his or their part, the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> shall by order in writing direct such member or members to pay to the Local Library Authority before a specified date, the amount required to reimburse it for such loss, waste or misapplication.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

(3) If the amount is not so paid, it shall be recoverable as an arrear of land revenue.

(4) An appeal shall lie from the decision of the <sup>1</sup>[Director of Public Libraries]<sup>1</sup> to the <sup>1</sup>[Karnataka Revenue Appellate Tribunal]<sup>1</sup> within such period as may be prescribed, and the decision of the <sup>1</sup>[Karnataka Revenue Appellate Tribunal]<sup>1</sup> on such appeal shall be final.

1. Adapted by the Karnataka Adaptations of laws Order 1973 w.e.f. 1.11.1973

**46. Members and employees of Library Authorities to be public servants.-**

Every member of the State Library Authority or a Local Library Authority and every officer and servant employed under such authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**47. Savings of validity of acts and proceedings.-** No act done, or proceedings taken under this Act shall be questioned merely on the ground,-

(a) of any vacancy or defect in the constitution of any Authority or any committee thereof; or

(b) of any defect or irregularity in such act or proceedings not affecting the merits of the case.

**48. Provisions relating to suits, etc.-** (1) No suit or other legal proceeding shall be instituted against the State Library Authority or a Local Library Authority or any of its officers or any person acting under its direction until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Authority or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff.

(2) No suit or other legal proceeding shall lie against the State Government, the <sup>1</sup>[Director of Public Libraries]<sup>1</sup>, the State Library Authority or a Local Library Authority, or any member, officer, servant or agent of such Authority acting under its direction, in respect of anything done or intended to have been done lawfully and in good faith under this Act or any rule, bye-law or order made thereunder.

1. Substituted by Act 30 of 1984 w.e.f. 22.5.1984

**49. Power to remove difficulties.**- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

**50. Transfer of certain libraries.**- (1) (a) With effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the appointed day), the entire management and control of the Public Library, Mysore, now vested in the Committee of Management of the Public Library, Mysore, shall be vested in the Mysore City Library Authority.

(b) As from the appointed day, the Committee of Management of the Public Library, Mysore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the <sup>1</sup>[Karnataka] Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the Mysore City Library Authority and shall be applied for purposes specified in this Act and such other purposes as may be prescribed.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(c) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the Mysore City Library Authority.

(d) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government as a member of the <sup>1</sup>[Karnataka State Library Service] on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) (a) The State Government may by notification transfer the Mahatma Gandhi Public Library, Mercara, to the Coorg District Library Authority, with effect from such date as may be specified in such notification.

(b) With effect from the day on which such transfer takes place, all assets and liabilities appertaining to the said library shall stand transferred to and vest in the Coorg District Library Authority.

(c) With effect from the day on which such transfer takes place, every person employed by the Government in connection with the said public library shall hold his

office under the State Government as a member of the <sup>1</sup>[Karnataka State Library Service]<sup>1</sup> on the same tenure, at the same remuneration and upon the same terms and conditions and with same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same if the transfer had not taken place and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) (a) Notwithstanding anything contained in section 47, with effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the specified day), the entire management and control of Karnad Sadashiva Rao District Central Library, Mangalore shall stand transferred to the Mangalore City Library Authority.

(b) As from the specified day, the assets and liabilities of the South Kanara District Library Authority appertaining to the said District Central Library shall vest in the Mangalore City Library Authority, and the South Kanara District Library Authority in such proportion and in such manner as the State Government may direct.

(c) Every employee of South Kanara District Library Authority who was employed by the said Authority wholly or mainly in connection with the said District Central Library shall, as from the specified day, become an employee of the State Government and shall hold his office under the State Government as a member of the <sup>1</sup>[Karnataka State Library Service]<sup>1</sup> on the same tenure, at the same remuneration, and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the South Kanara District Library Authority, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**51. Amendment of the Press and Registration of Books Act, 1867 in its application to the <sup>1</sup>[State of Karnataka]<sup>1</sup>.**- The Press and Registration of Books Act, 1867 (Central Act XXV of 1867) shall, in its application to the <sup>1</sup>[State of Karnataka]<sup>1</sup>, be amended as follows:-

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.1.1973

(i) in the first paragraph of section 9, for clause (a), the following clause shall be substituted, namely:-

"(a) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, three such copies, and";

(ii) in the last paragraph of section 9, for clause (i), the following clause shall be substituted, namely:-

"(i) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, block prints or other engraving belonging to the book have been made, and three copies of the first or some preceding edition of which book have been delivered under this Act, or"

(iii) in section 11, for the first sentence, the following sentence shall be substituted, namely:-

"Out of the three copies delivered pursuant to clause (a) of the first paragraph of section 9 of this Act, one copy shall be sent to the State Central Library, Bangalore, referred to in the '[Karnataka]'<sup>1</sup> Public Libraries Act, 1965, and the remaining two copies shall be disposed of in such manner as the State Government may, from time to time determine."

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.1.1973

**52. Repeal and savings.**- (1) The Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) and the Hyderabad Public Libraries Act, 1955 (Hyderabad Act III of 1955) are hereby repealed.

(2) Notwithstanding such repeal,-

- (a) the members of the Local Library Authorities constituted under the Madras Public Libraries Act, 1948, and holding office immediately before the commencement of this Act shall be deemed to be the members of the Local Library Authorities constituted under this Act and shall exercise all powers and perform all duties conferred on such Authorities in the respective areas in which they are functioning at such commencement until their present term expires or until new authorities are constituted under this Act, whichever is later;
- (b) anything done or any action taken (including any appointment or delegation made, fee or cess imposed, notification, order, instrument or direction issued, rule, regulation, form, or scheme framed) under the said Acts and in force at the commencement of this Act, shall be deemed to have been done or taken under the provisions of this Act and shall continue to be in force accordingly until they are superseded or modified by anything done or any action taken under this Act.

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**NOTIFICATION**

**Bangalore, dated 28th March 1966 [No.ED 23 SLS 66.]**

**S.O. 4074** - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Public Libraries Act, 1965 (Karnataka Act 10 of 1965) the Government of Karnataka hereby appoints the 1st April 1966 as the date on which the said Act shall come into force.

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

(B.R. VERMA)

*Secretary to Government,  
Education Department.*

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C (ii) dated 28-3-1966 as No. 60.)

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