

## THE KARNATAKA IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT, 1957.

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### STATEMENT OF OBJECTS AND REASONS

#### I

**Act 28 of 1957.**— The principle of levying betterment contribution and water rates in respect of lands benefited from the irrigation work is now accepted universally. There is no uniformity in the provisions made in this regard in the irrigation laws in force in the areas which have been integrated into the new State of Mysore. The question of introducing a single irrigation law to the extent possible, applicable to the whole State is under consideration. In the meantime it is considered necessary to consolidate the laws relating to the levy of betterment contribution and water rate and amend them so as to suit the conditions obtaining all over new Mysore State. Hence this Bill.

(Obtained from L.A. Notification No. 5847 dated 20-6-1957)

#### II

**Amending Act 23 of 1961.**— Betterment contribution and water rate in respect of lands under irrigation works in the State will have to be levied under the provisions of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, which was passed into law in October 1957. Section 4 of the Act deals with the question of levy of contribution and provides that contribution shall in no case exceed five hundred rupees per acre. It is found that in a number of cases the beneficiaries would be willing to pay even a higher contribution in order to secure the benefits of an irrigation work. There would also be instances where the increase in the land value would be more than Rs. 1,000 per acre and the ceiling now fixed on the contribution amount would come in the way of Government recovering even half of the betterment value in such cases. Moreover, estimates for irrigation works are sanctioned with reference to the expected financial return in more instances and it may happen that in a number of cases the

minimum return could be secured if the proviso to section 4 is amended so as not to restrict the contribution amount to Rs. 500 per acre.

Section 10 of the Act deals with the levy of water rate. According to the proviso to the said section, no water rate is leviable in certain classes of cases. In order that water rate may also be levied on lands which are now assessed as wet in cases in which such levy is justifiable in view of the assured nature of water supply and of the increase in the cost of maintenance of irrigation works, it is considered necessary to delete the proviso.

A new section is proposed to be inserted in order to provide for the assent of the President to the framing of rules in cases relating to works of an Inter-State character.

The other amendments proposed are verbal in nature.

(Published in Karnataka Gazette, PART IV—2A, dated 9th April 1959, at page. 147.)

### III

**Amending Act 8 of 1964.**—The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 provides for the levy and collection of betterment contribution from lands benefited by the construction, restoration, expansion or alteration by Government of any irrigation work and also for the levy of water rate. It has been found that the work involved in determining the contribution in accordance with the procedure laid down in the Act and the rules made thereunder is considerable and complicated and that this has been responsible for slow progress of the work connected with the levy of betterment contribution. It is considered that the rates of the betterment contribution may be specified in the Act itself and that the procedure laid down in the Act may be simplified by suitably amending the Act. It is proposed to classify irrigation works as major irrigation work medium irrigation work and minor irrigation work and betterment contribution as basic contribution and special benefit contribution. The rates of such betterment levy are also specified.

It is also considered necessary to regularise certain collections of irrigation cess made in Bellary District under the Madras Irrigation Cess Act, 1865.

Hence the Bill.

### IV

**Amending Act 18 of 1965.**—At present water rate is leviable under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 with reference to water supplied, made available or used with reference to different crops grown or which may be grown.

It is considered necessary to amend section 10 (1) providing for the levy of water rate which may be different in respect of water supplied, made available or used from different irrigation works with or without reference to crop or crops grown or which may be grown on the land.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 16th October 1965, as No. 202, at page. 3.)

### V

**Amending Act 13 of 1966.**—The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 as amended by Act No. 8 of 1964 provides for the levy and collection of betterment contribution at certain specified rates in respect of lands benefited by different irrigation works. It is considered that the levy should be related to increase in the value of the lands benefited, and hence it is proposed to amend sections 3 and 4.—

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 24th February 1966, as No. 31, at page 6.)

## VI

**Amending Act 16 of 1968.** —The maximum amount of betterment contribution payable in respect of any land under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 has been fixed at three hundred rupees per acre. It is considered necessary to enhance the maximum limit to five hundred rupees.

Hence the Bill.

(Published in the Karnataka Gazette, PART IV—2A, dated 22nd August 1968, at page. 37.)

## VII

**Amending Act 29 of 1974.**—According to the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 the rate of betterment contribution was half the increase in value subject to a maximum of Rs. 500 per acre. Having regard to the actual increase in the value of irrigated lands it was considered necessary to raise the said maximum from Rs. 500 to Rs. 1,500 per acre.

As the Legislative Assembly was not in session, an Ordinance amending the Act for the purpose was promulgated on 22nd June, 1974. Incidental provision regarding service of notices was also made.

The Bill seeks to replace the said Ordinance.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 14th August 1974, as No. 2591, at page. 4.)

## VIII

**Amending Act 16 of 1995.**—In order to achieve better results in water management, it is considered necessary to handover the responsibility of water management and collection of water charges to Water User's Co-operative Societies, by amending section 10 of Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 19th April 1995, as No. 470, at page. 4.)

## IX

**Amending Act 21 of 1995.**— It is considered necessary to amend the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 suitably to entrust the Krishna Bhagya Jala Nigama with the work of supply of water for any irrigation works and to empower the said Nigama with the responsibility of fixing and collecting water rates.

Hence the Bill.

(Obtained from the relevant Bill i.e., LA Bill No. 17 of 1995.)

## X

**Amending Act 24 of 2000.**— To achieve better results in water management, it is considered necessary to involve and empower farmers through Water Users Co-operative Societies and their Federations in irrigation water management. Accordingly, it is considered necessary to amend the Karnataka Irrigation Act, 1965,-

(i) to provide for entrustment of control, maintenance and monitoring of irrigation works to Water User Societies;

(ii) to enable, Water Users Societies to provide the means of crossing canals and to construct culverts etc., to prevent obstructions to drainage;

(iii) to empower the Water User Society to construct drainage works wherever necessary;

(iv) to empower the Water User Society to repair the field channel in the event of failure by the user to repair the field channel and recover the costs from the user;

(v) to provide for consulting the Water Users Project Level Federation for regulating water supply from irrigation work;

(vi) to empower water user society to levy water charges when water is temporarily made available as well as when water is used unauthorisedly;

(vii) to empower Water User Society to stop supply of water in the event of violation of cropping pattern and non-payment of water charges and to levy penal water charges in cases of crop violations;

(viii) to exempt levy of maintenance cess in respect of lands situated within the jurisdiction of Water User Societies;

(ix) to provide for compounding of offences;

(x) to provide for compensation of Water Users Apex Level Federation;

(xi) to outline the functions of Water User Society, Water Users Distributary Level Federation, Water Users Project Level federation and Water Users Apex Level Federation.

Further it is also considered necessary to amend the Karnataka Irrigation (Levy of Betterment, Contribution and Water Rates) Act, 1957 to restrict the application of the Act only to the Water Users Co-operative Societies and not to the societies registered under the Karnataka Societies Registration Act, 1960.

Certain consequential amendments are also made.

As the matter was urgent and the Karnataka Legislature Council was not in session, Karnataka Irrigation and Certain Other Laws (Amendment) Ordinance, 2000 was promulgated.

This Bill seeks to replace the said Ordinance.

Hence the Bill

(Obtained from L.A. Bill No. 29 of 2000)

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## XI

### **Amending Act 8 of 2002.—**

It is considered necessary to provide for Water Users Societies to become members of the Water Users Project Level Federation by suitably amending the Karnataka Irrigation Act, 1965.

It is also considered necessary to amend the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 to entrust the work of supplying the water from any irrigation work and levying and collecting the water rates thereby to the Karnataka Neeravari Nigam Limited .

Since the matter was urgent and the Karnataka Legislative Council was not in session, the Karnataka Irrigation and Certain Other Law (Amendment) Ordinance, 2001 (Karnataka Ordinance 6 of 2001) was promulgated to achieve the object.

Hence the Bill.

(L.A. Bill No. 2 of 2002)

## XII

### **Amending Act 9 of 2002.—**

It is considered necessary to amend the Karnataka Irrigation Act, 1965, to provide for,-

- (i) a separate definition of "Water Users Association" and to make a provision for continuing the existing Water Users Societies registered prior to the commencement of this Amendment Act in respect of the minor Irrigation tanks irrigating less than 2000 hectares till a Water Users Association is registered under the Karnataka Societies Registration Act, 1960.
- (ii) Conferring certain powers under Sections 4, 10, 14 and 27 on the Water Users Association.
- (iii) Exempting Water Users Association from the levy of maintenance cess.
- (iv) Defining the functions of the Water Users Association.

It is also considered necessary to amend the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 enable levy of water rate on Water Users Association who in turn may collect water charges from the water users.

Since the matter was urgent and the Karnataka Legislative Council was not in session, the Karnataka Irrigation and Certain Other Law (Amendment) Ordinance, 2002 (Karnataka Ordinance 1 of 2002) was promulgated to achieve the object.

Hence the Bill.

(L.A. Bill No. 7 of 2002)

## XIII

### **Amending Act 29 of 2010.-**

1. It is considered necessary to amend the Karnataka Irrigation Act, 1965 to provide for supply of water in bulk on volumetric basis by the Cauvery Neeravari Nigam Limited to the Water Users Co-operative Societies.
2. It is considered necessary to amend the Karnataka Irrigation (Levy of Betterment Contribution and Water Rates) Act, 1957, to enable the Cauvery Neeravari Nigam Ltd., to levy and collect water rates for the water supplied or made available from an irrigation network in any area or areas by the Nigam.

Hence the Bill.

[L.A. Bill No. 15 of 2010, File No.DPAL 23 Shasana 2008]

[Entry 17 and 18 of List II of the Seventh Schedule to the Constitution of India.]

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**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. 28 OF 1957**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Thirty-first day of October, 1957.)*

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT, 1957.**

*(Received the assent of the Governor on the Twenty-fourth day of October, 1957.)*

(As amended by Karnataka Act 23 of 1961, 8 of 1964, 18 of 1965, 13 of 1966, 16 of 1968, 29 of 1974, 16 of 1995, 21 of 1995, 24 of 2000, 8 of 2002, 9 of 2002 and 29 of 2010)

**An Act to consolidate and amend the laws providing for the levy of betterment contribution and water rate in the <sup>1</sup>[State of Karnataka]<sup>1</sup>.**

WHEREAS it is expedient to consolidate and amend the laws relating to the levy of betterment contribution and water rate 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 Eighth year of the Republic of India as follows:—

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

**1. Short title and extent.-** (1) This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

*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 Government may by a notification appoint.

*1. This Act has come into force w.e.f. 1.9.1960 by Notification. Text of the Notification is at the end of the Act.*

**2. Definitions.-** (1) In this Act, unless the context otherwise requires,—

<sup>1</sup>[(a) ‘Deputy Commissioner’ means the Deputy Commissioner of a District or such other officer not below the rank of an Assistant Commissioner as the Government may appoint to discharge the functions of the Deputy Commissioner under this Act;]<sup>1</sup>

*1. Substituted by Act 23 of 1961 w.e.f. 16.11.1961.*

<sup>1</sup>[(b) ‘Betterment Levy Officer’ means such officer as the Government may appoint to be the Betterment Levy Officer in respect of any area or irrigation work;

(ba) ‘contribution’ means the tax payable as <sup>2</sup>[betterment contribution]<sup>2</sup> under sections 3 and 4;]<sup>1</sup>

*1. Substituted by Act 8 of 1964 w.e.f. 31.10.1957.*

*2. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.*

(c) ‘drainage work’ includes,—

(i) channels, whether natural or artificial, for the discharge of waste or surplus water and all works connected with and auxiliary to such channels;

(ii) the escape channels from an irrigation work;

(iii) dams, weirs, embankments, sluices and groynes;

(iv) all works for the protection of lands from floods or from erosion, which are owned or controlled by the Government, but does not include works for the removal of sewage;

(d) 'Government' means the State Government;

(e) 'irrigation work' includes,—

(i) all canals, channels, tanks, wells, reservoirs, anicuts, bandharas, ponds, spring ponds, kuntas, talapariges and madugus used for the supply or storage of water, and all works, embankments and structures, installations, including the installation of a pumping set, supply and escape channels connected therewith or auxiliary thereto which are owned or controlled by the Government.

(ii) all such lakes and other natural collections of water or parts thereof as are situated on lands which are the property of the Government;

(iii) all natural waterways, rivers and streams or parts thereof;

(f) 'landholder' or 'holder' signifies the person in whom a right to hold land is vested, whether solely on his own account, or wholly or partly in trust for another person or for a class of persons or for the public; and includes a mortgagee vested with a right to possession:

Provided that in respect of any land in the possession of a walawargadar, a kayamgenidar, a permanent tenant or a mulgeni tenant in the South Kanara District, such walawargadar, kayamgenidar, permanent tenant or mulgeni tenant, as the case may be, shall be deemed to be the landholder in respect of such land;

<sup>1</sup>[(fa), (fb), (fc) x x x]<sup>1</sup>

1. Omitted by Act 13 of 1966 w.e.f. 1.9.1960.

(g) 'notification' means a notification published in the Official Gazette;

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

<sup>1</sup>[(ha) 'prescribed officer' means the officer specified in rules made under this Act and different officers may be specified for different areas, irrigation works or purposes;]<sup>1</sup>

1. Inserted by Act 8 of 1964 w.e.f. 31.10.1957.

(i) 'work' means an irrigation or drainage work whether completed or not.

<sup>1</sup>[(2) x x x]<sup>1</sup>

1. Omitted by Act 23 of 1961 w.e.f. 16.11.1961.

**3. Levy of betterment contribution.**— <sup>1</sup>[(1) There shall be levied a tax called betterment contribution, <sup>2</sup>[in accordance with the provisions of this Act from the landholder or the holder of any land which is benefitted]<sup>2</sup>]<sup>1</sup> by the construction, restoration, expansion or alteration of any work by the Government, whether after the commencement of this Act or at any time before such commencement, but not earlier than,—

(i) the first January 1944 in the Mysore Area;

(ii) the first January 1947 in the <sup>3</sup>[Mangalore and Kollegal Area]<sup>3</sup>;

(iii) the first August 1947 in the <sup>3</sup>[Gulbarga Area]<sup>3</sup>; and

(iv) the first January 1950 in the <sup>3</sup>[Belgaum Area]<sup>3</sup> and the Coorg District.

1. Renumbered and Substituted by Act 8 of 1964 w.e.f. 31.10.1957.

2. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

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



**Explanation I.**—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed, provided such non-enjoyment is due solely to action or inaction on the part of that person or persons interested in such land.

**Explanation II.**—A land shall not be deemed to be benefited merely by reason of the execution of ordinary repairs, and maintenance of an existing work wholly or partly at the expense of Government.

<sup>1</sup>**Explanation III.**—In this sub-section, the expression “Government” shall be deemed to include the authority established under section 66 of the Andhra State Act, 1953 (Central Act 30 of 1953).]<sup>1</sup>

1. Inserted by Act 8 of 1964 w.e.f 31.10.1957.

<sup>1</sup>[(2) For the purposes of levy of betterment contribution, the prescribed officer shall, by notification, specify,—

(i) the dates of commencement and completion of the construction, restoration, expansion or alteration of any irrigation work;

<sup>2</sup>[(ii), (iii) x x x]<sup>2</sup>

and different dates of commencement and completion of any irrigation work may be specified in respect of different lands benefited by the same irrigation work depending upon the dates on which water is made available to such lands.

(3) The Government may either *suo motu* or on application by any landholder affected by a notification issued under sub-section (2), if satisfied that there is any error in any such notification, direct such modification of the notification as it deems fit and the notification shall be modified accordingly by the prescribed officer.]<sup>1</sup>

1. Inserted by Act 8 of 1964 w.e.f 31.10.1957.

2. Omitted by Act 13 of 1966 w.e.f. 1.9.1960.

<sup>1</sup>**4. Amount of betterment contribution.**— (1) The amount of betterment contribution payable in respect of any land referred to in section 3 shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration:

Provided that the amount of betterment contribution payable in respect of any land shall not be more than <sup>2</sup>[one thousand and five hundred rupees]<sup>2</sup> per acre:

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

(i) which is unarable (Kharab); or

(ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bandhara, pond, spring pond, kunta, talaparige or madugu, which is not capable of irrigating more than one hundred acres of land:

Provided also that for purposes of this sub-section, the increase in the market value of the land consequent upon any improvement of the land made by the landholder shall be excluded.

1. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

2. Substituted by Act 29 of 1974 w.e.f. 1.9.1960.



(2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent of irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the landholders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at a time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state,—

(a) their objections,—

(i) to the inclusion of the lands in the statement as lands under the irrigable command of the irrigation work;

(ii) to the inclusion of the lands in the statement as lands of any specified nature and extent of irrigability; and

(b) in respect of payment of betterment contributions, the basis on which they claim that the amount of betterment contribution has to be computed, such statement shall be made in writing and signed by the party or his agent.

<sup>1</sup>[(4) The Betterment Levy Officer shall also serve notice to the same effect on the landholder of such land in the manner provided in section 30 of the <sup>2</sup>[Karnataka]<sup>2</sup> Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for service of notices.]<sup>1</sup>

1. Substituted by Act 29 of 1974 w.e.f. 1.9.1960.

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

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the <sup>1</sup>[Karnataka]<sup>1</sup> Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order specifying,—

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

(a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;

(b) the amount of betterment contribution payable in respect of the said lands; and

(c) the date from which such betterment contribution shall be payable.

(6) The Government or any person aggrieved by an order made under sub-section (5) may, within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of the Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any court of law.]<sup>1</sup>

**5. When contribution becomes payable.-** (1) <sup>1</sup>[The <sup>2</sup>[contribution]<sup>2</sup>]<sup>1</sup> shall become payable under this Act on a written notice of demand therefor issued by <sup>1</sup>[the Betterment Levy Officer]<sup>1</sup> being served on land holder <sup>3</sup>[in the same manner as the notice under sub-section (4) of section 4 is required to be served.]<sup>3</sup>

<sup>4</sup>[Provided that no notice of demand shall be served on a landholder until an order made under sub-section (5) of section 4 becomes final;]<sup>4</sup>

1. Substituted by Act 8 of 1964 w.e.f. 31.10.1957.

2. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

3. Inserted by Act 29 of 1974 w.e.f. 22.6.1974.

4. Inserted by Act 13 of 1966 w.e.f. 1.9.1960.

(2) For the avoidance of doubt, it is hereby declared that it shall not be necessary to serve notice on any person other than the landholder, who has an interest in the land or on a successor-in-interest of the landholder or in respect of any instalment of the <sup>1</sup>[contribution.]<sup>1</sup>

1. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

<sup>1</sup>[(3) x x x]<sup>1</sup>

1. Omitted by Act 13 of 1966 w.e.f. 1.9.1960.

**6. Mode of payment of contribution.-** (1) The landholder of any land, in respect of which any <sup>1</sup>[contribution]<sup>1</sup> is payable, shall pay it in the manner prescribed either by surrendering to the Government a portion of his land the value whereof is equal to the amount of <sup>1</sup>[contribution]<sup>1</sup>, or in cash, or partly by surrendering land and partly in cash.

1. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

(2) Where the landholder chooses to pay the whole or part of the <sup>1</sup>[contribution]<sup>1</sup> by surrendering land, the surrender shall be subject to the following conditions:—

1. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

(a) the value of the land offered for surrender shall, for the purpose of payment of <sup>1</sup>[contribution]<sup>1</sup>, be determined by the <sup>2</sup>[Deputy Commissioner]<sup>2</sup> in the prescribed manner;

1. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

2. Substituted by Act 23 of 1961 w.e.f. 16.11.1961.

(b) the owner of the land shall prove to the satisfaction of the <sup>1</sup>[Deputy Commissioner]<sup>1</sup> that such land is free from all encumbrances; the <sup>1</sup>[Deputy Commissioner]<sup>1</sup> shall notify the proposed surrender and invite objections in such manner and within such period as may be prescribed; if any objection is received and the <sup>1</sup>[Deputy Commissioner]<sup>1</sup> is satisfied that the land is not free from encumbrance, he shall refuse to accept the surrender and shall recover the contribution in cash; if no objection is received and the <sup>1</sup>[Deputy Commissioner]<sup>1</sup> is satisfied that the land is free from encumbrance, he shall by order in writing accept the surrender and after such acceptance, the land shall vest in the Government free from all encumbrances and the Government may dispose of it in such manner as it deems fit:

Provided that the <sup>1</sup>[Deputy Commissioner]<sup>1</sup> may on the ground of inaccessibility or inconvenient location of the land or such other grounds as may be prescribed refuse to accept the surrender.

1. Substituted by Act 23 of 1961 w.e.f. 16.11.1961.

(3) The Government may by general or special order direct that in respect of any work, or class of cases the <sup>1</sup>[contribution]<sup>1</sup> shall be payable only in cash and not by surrendering land.

1. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

(4) Where the <sup>1</sup>[contribution]<sup>1</sup> is payable in cash, it shall be payable in such number of annual instalments not exceeding twenty and at such times as may be prescribed:

Provided that if, on or before the date on which the first instalment is payable, or at any subsequent date within a period of two years from that date, the owner pays the entire <sup>1</sup>[contribution]<sup>1</sup> or the balance of <sup>1</sup>[contribution]<sup>1</sup>, as the case may be, he shall be entitled to a rebate of ten percent of such <sup>1</sup>[contribution]<sup>1</sup> or balance of <sup>1</sup>[contribution]<sup>1</sup>, as the case may be:

Provided further that if the amount of <sup>1</sup>[contribution]<sup>1</sup> falls into arrears, interest shall be payable at the prescribed rate on the amount of such arrears.

1. Substituted by Act 13 of 1966 w.e.f. 1.9.1960.

**7. Contribution recoverable as arrears of land revenue.-** Contribution payable under this Act in respect of any land shall be deemed to be a revenue demand due upon the said land; and the land, its products and the building (owned by the landholder) standing upon the land, shall be deemed to be the security for the contribution. When any instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment shall be deemed to be an arrear of land revenue and the provisions of the law in force regulating the recovery of land revenue, shall apply to the recovery of the said arrear together with the interest due thereon, as it applies to the recovery of the land revenue due on that land.

**8. Payment of contribution by person having interest in land.-** Any person having interest in a land may, notwithstanding that he is not the landholder of such land, pay the contribution payable by the holder in respect of such land and shall, if such person pays the entire contribution within a period of two years from the date on which the landholder becomes liable to pay the contribution, be entitled to a rebate of ten percent.

**9. Right of reimbursement in respect of contribution.-** Where the landholder (not being in the South Kanara District a walawargadar, a kayamgenidar, a permanent tenant or a mulgeni tenant) liable to pay contribution under this Act is not the owner of the land or is a co-owner of the land, nothing in this Act shall be deemed to affect his right to reimbursement from the owner or to recover proportionate part from the co-owner, as the case may be.

**10. Levy of water rate.-** (1) Whenever,—

<sup>1</sup>[(a) x x x]<sup>1</sup>

1. Omitted by Act 18 of 1965 w.e.f. 11.11.1965.

(b) <sup>1</sup>[water is supplied, made available or used for purposes of irrigation or any other purpose]<sup>1</sup> from any work belonging to, or constructed by, or on behalf of the Government; and

1. Substituted by Act 8 of 1964 w.e.f. 27.2.1964.

(c) water from any such work, by direct flow or percolation or by indirect flow, percolation or drainage from or through adjoining land irrigates any land under cultivation or flows into a reservoir and thereafter, by direct flow or percolation or

by indirect flow, percolation or drainage from or through adjoining land irrigates any land under cultivation and, in the opinion of the <sup>1</sup>[Deputy Commissioner]<sup>1</sup> such irrigation is beneficial to and sufficient for the requirements of crop on such land,

<sup>1</sup>. Substituted by Act 23 of 1961 w.e.f. 16.11.1961.

<sup>1</sup>[(d) water supplied or made available to the Government by the authority established under section 66 of the Andhra State Act, 1953, is supplied, made available or used for purposes of irrigation or any other purpose.]<sup>1</sup>

the Government shall be entitled to levy a separate charge for such water hereinafter referred to as water rate and <sup>2</sup>[the Government may prescribe the rates at which such water rates shall be levied, which may be,—

(i) different in respect of water supplied made available or used for different purposes;

<sup>3</sup>[(ii) different in respect of water supplied, made available or used from different irrigation works, and when water is supplied, made available or used for irrigation of any land, with or without reference to the crop or crops grown or which may be grown on such land;]<sup>3</sup>

(iii) in lieu of water rate, if any, payable under any other law;

and the manner in which and the authority by which the amount of water rate levied shall be determined.]<sup>2</sup>

<sup>1</sup>. Inserted by Act 8 of 1964 w.e.f. 27.2.1964.

<sup>2</sup>. Substituted by Act 8 of 1964 w.e.f. 27.1.1964.

<sup>3</sup>. Substituted by Act 18 of 1965 w.e.f. 11.11.1965.

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

<sup>1</sup>. Omitted by Act 23 of 1961 w.e.f. 16.11.1961.

<sup>1</sup>[Provided that if in any area or areas water is supplied or made available from any irrigation work by or on behalf of the Krishna Bhagya Jala Nigam Limited <sup>2</sup>[or Karnataka Neeravari Nigam Limited]<sup>2</sup> <sup>3</sup>[or Cauvery Neeravari Nigam Limited or any other body or Corporation established by the State Government for this purpose]<sup>3</sup> (hereinafter called as Nigam) the water rates shall be levied and collected by the said Nigam in such area or areas.]<sup>1</sup>

<sup>1</sup>. Inserted by Act 21 of 1995 w.e.f. 1.7.1997 by notification text of the notification is at the end of the Act.

<sup>2</sup>. Inserted by Act 8 of 2002 w.e.f. 13.11.2001.

<sup>3</sup>. Inserted by Act 29 of 2010 w.e.f. 27.07.2010.

<sup>1</sup>[(1A) Notwithstanding anything contained in sub-section (1), the <sup>2</sup>[Government or Nigam, as the case may be may supply]<sup>2</sup> or make available water for the purpose of irrigation, to water users societies registered under the Karnataka Co-operative Societies Act 1959 (Karnataka Act 11 of 1959) <sup>4</sup>[or Water Users Associations registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960)]<sup>4</sup> <sup>3</sup>[x x x]<sup>3</sup> and the <sup>2</sup>[Government or the Nigam, as the case may be, shall levy]<sup>2</sup> and collect from such societies <sup>4</sup>[or such Association]<sup>4</sup> the water rates, on volumetric basis. The Government may prescribe the rate at which such water rates shall be levied and the manner in which and the authority by which the amount of water rate levied shall be determined. Such societies <sup>4</sup>[or such Association]<sup>4</sup> may supply water to farmers and collect water charges from the individual farmers.

1. Subsection (1A) and (1B) inserted Act 16 of 1995 w.e.f. 16.5.1995.

2. Substituted by Act 21 of 1995 w.e.f. 1.7.1997.

3. Omitted by Act 24 of 2000 w.e.f. 14.6.2000.

4. Inserted by Act 9 of 2002 w.e.f. 25.2.2002.

(1B) Notwithstanding anything contained in the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) <sup>1</sup>[or Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960)]<sup>1</sup> <sup>2</sup>[x x x]<sup>2</sup> Government may issue direction from time to time for the purpose of implementing the provisions of sub-section (1A), to ensure equitable distribution of water and efficient collection of <sup>3</sup>[water charges]<sup>3</sup> which shall be binding on the water users societies.]<sup>1</sup> <sup>1</sup>[or as the case may be Water Users Association]<sup>1</sup>

1. Inserted by Act 9 of 2002 w.e.f. 25.2.2002.

2. Omitted by Act 24 of 2000 w.e.f. 14.6.2000.

3. Substituted by Act 24 of 2000 w.e.f. 14.6.2000.

<sup>1</sup>[(2) x x x]<sup>1</sup>

1. Omitted by Act 8 of 1964 w.e.f. 27.2.1964.

(3) The amount of water rate <sup>1</sup>[or the water charges, as the case may be]<sup>1</sup> shall be recoverable in the same manner as arrears of land revenue due on the land.

1. Inserted by Act 24 of 2000 w.e.f. 14.6.2000.

**<sup>1</sup>[10-A. Application of this Act to the Tungabhadra Project.-** The provisions of this Act relating to the levy of water rate shall be applicable in respect of any water stored, consumed, distributed or sold by the authority established under section 66 of the Andhra State Act, 1953 (Central Act 30 of 1953):

Provided that no rule or order for the fixation of the water rate and other incidents in respect of such water rate shall be made except with the previous consent of the President of India.]<sup>1</sup>

1. Inserted by Act 23 of 1961 w.e.f. 16.11.1961.

**11. Power to make rules.-** (1) The Government may subject to the condition of previous publication, by notification make rules to carry out the purposes of this Act <sup>1</sup>[and such rules may be general for all irrigation works or may be special for one or more irrigation works, as may be specified in such rules.]<sup>1</sup>

1. Inserted by Act 23 of 1961 w.e.f. 16.11.1961.

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

(a) for the delegation of powers of the Government to such authority or authorities as may be notified;

(b) for the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated; and

(c) for all matters expressly required or allowed by this Act to be prescribed.

<sup>1</sup>[(3) A rule made under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (4), every rule made under this Act shall have effect as if enacted in this Act.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the 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.]<sup>1</sup>

1. Substituted by Act 8 of 1964 w.e.f. 27.2.1964.

**12. Repeal and savings.-** Chapter VI of the Mysore Irrigation Act, 1932 (Mysore Act I of 1932); section 53 of the Mysore Land Revenue Code, 1888 (Mysore Act IV of 1888); section 55 of the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879); section 53 of the Hyderabad Land Revenue Act, 1317 F. (Hyderabad Act VIII of 1317 Fasli); sections 44, 48, 48A, 49, 50, 51, 52, 53, 54, 55, 56, 56A, 56B, 56C, 56D, 56E and 56F of the Bombay Irrigation Act, 1879 (Bombay Act VII of 1879); the Madras Irrigation (Levy of Betterment Contribution) Act, 1955 (Madras Act III of 1955); the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865); the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952 (Hyderabad Act V of 1952); and the Coorg Irrigation Cess Act, 1943 (Coorg Act IV of 1943) are hereby repealed:

Provided that such repeal shall not affect,—

(i) the previous operation of the said provisions or anything duly done or suffered thereunder; or

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(iii) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or forfeiture as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such forfeiture may be imposed as if this Act had not been passed:

Provided further that the provisions of this Act relating to levy of betterment contribution shall not be applicable to lands in respect of which contribution or betterment charges have already been levied under any repealed enactment and such contribution or betterment charges shall continue to be collected as if this Act had not been passed:

Provided also that the water rate, water cess or irrigation cess levied in respect of any land under any repealed enactment shall continue to be levied until water rates are levied in accordance with the provisions of this Act.

\* \* \* \*

## NOTIFICATION

I

**Bangalore, dated 20th August 1960 (Shravana 29, Saka Era 1882).**

**[ No. PWD 47 GIG 59 ]**

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 Mysore Act No. 28 of 1957), the

Government of Mysore hereby appoints the first day of September, 1960, as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

(C. J. VENKATESA DAS)

*Deputy Secretary to Government,*

*Public Works Department (Irrigation).*

II

**Bangalore dated 18th August 1997.[ No. PWD 47 GIG 59]**

In exercise of the powers conferred by sub-section (2) of Section 1 of the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) (Second Amendment) Act, 1995, [Act 21 of 1995] the Government of Karnataka hereby appoints First Day of July 1997 as the date on which the said amendment Act shall come into force.

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

(J. C. CHIDAMBARA MURTHY)

*Under Secretary to Government*

*(Technical), Irrigation Department.*

(S.O. 1241, Page 851, Part IV-2C (ii) of Gazette dated 18.9.1997.)

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