

THE KARNATAKA IRRIGATION AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2000

This document is available at www.ielrc.org/content/e0003.pdf

An Act further to amend the Karnataka Irrigation Act, 1965 and the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Whereas it is expedient further to amend the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965) and the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Karnataka Act 28 of 1957) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the fifty first year of the Republic of India, as follows:

1. Short Title and Commencement

(1) This Act may be called the Karnataka Irrigation and Certain Other Law (Amendment) Act, 2000.

(2) It shall be deemed to have come into force with effect from the fourteenth day of June, 2000.

2. Amendment of Karnataka Act 16 of 1965

In the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965).

(1) In section 2.

- (i) after clause (b), the following clause shall be inserted, namely:
 - (bb) 'Command Area Development Authority' means the Command Area Development Authority established under the Karnataka Command Area Development Act, 1980 (Karnataka Act 6 of 1980).
- (ii) after clause (o), the following clauses shall be inserted, namely:
 - (p) 'Water Users Apex Level Federation' means a Water Users Apex Society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) which shall consist of members as specified in its bye-laws:
 - (q) 'Water Users Distributory Level Federation' means a Federation of Water Users Societies at Distributory Level registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) the members of which consist of not less than fifty one percent of the Water Users Societies within an area in relation to a distributory of a major or medium irrigation project, as may be notified by the State Government:
 - (r) 'Water Users Project Level Federation' means.
 - (i) in the case of a major irrigation project, a Federation of Water Users Distributory Level Federations at the project level registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) the members of which consist of not less than fifty one percent of Water Users Distributory Level Federation within an area in relation to the major irrigation project as may be notified by the State Government:
 - (ii) in the case of a medium irrigation project, a Federation of Water Users Societies at the project level registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) the members of which consist of not less than fifty one percent of Water Users Societies within an area in relation to the medium irrigation project as may be notified by the State Government.

- (iii) in the case of a minor irrigation or lift irrigation works, a Federation of Water Users Societies at relation to such minor irrigation or lift irrigation works registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) the members of which consist of not less than fifty one percent of Water Users Societies within such area as may be notified by the State Government.
- (s) 'Water Users Society' means a Water Users Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959),
 - (a) members of which consist of not less than sixty percent of the Water Users for cultivation of land; or
 - (b) majority of members of which consists of Water Users for cultivation of land and holding not less than fifty one percent of land under an irrigation work within the area of operation of the society.

Explanation

For the purpose of this clause 'area of operation' means an area comprising a contiguous block of land within an irrigation work as may be notified by the Irrigation Officer.

(2) in section 4, after sub-section (1), the following proviso shall be inserted, namely: 'Provided that the State Government may entrust to a Water Users Society control, maintenance and monitoring of any irrigation work either wholly or in part and thereupon such Water Users Society shall be responsible for the control, maintenance and monitoring of such irrigation work'.

(3) in section 10, after the words 'the State Government' the words 'or the Water Users Society in respect of any irrigation work entrusted to it, as the case may be' shall be inserted.

(4) in section 14,

- (i) for the words, 'appears to the State Government', the words 'appears to the Water Users Society in case of any irrigation work entrusted to it and in other cases to the State Government' shall be substituted;
- (ii) for the words 'the State Government may' the words 'the State Government or as the case may be, Water Users Society' shall be substituted;
- (iii) after the words 'authorised by the State Government' the words 'or as the case may be, Water Users Society' shall be inserted.

(5) in section 24, after sub-section (1), the following proviso shall be inserted, namely: 'Provided that in respect of an irrigation work entrusted to a Water Users Society such expenses shall be deemed to be dues by such user to a Co-operative Society and shall also be recoverable in accordance with the provisions of the Karnataka Co-operative Societies Act, 1959.'

(6) in section 27, the following proviso shall be inserted at the end, namely:

'Provided that where an irrigation work is entrusted to a Water Users Society, the Irrigation Officer, instead of consulting the committee so appointed by the State Government, shall,

- (i) in the case of a Water Users Society whose area of operation extends to one or more minor irrigation or lift irrigation works, consult such Water Users Society; and
- (ii) in other cases, consult the Water Users Project Level Federation.'

(7) in section 28,

- (i) in sub-section (3), after the words 'water rate' in the two places where they occur, the words 'or water charges, as the case may be' shall be inserted,

- (ii) in sub-section (5),
 - (a) after the words 'water rate' the words 'or as the case may be, water charges' shall be inserted;
 - (b) after the words 'thirty times the rate' the words 'or the water charges, as the case may be' shall be inserted;
- (8) in section 29, after clause (f), the following shall be inserted, namely:
 - (g) 'whenever and so long as water is used for sowing planting or growing crops in contravention of notification issued under sub-section (2) of section 32;
 - (h) whenever and so long as stoppage of supply of water is necessitated due to any cause beyond the control of Irrigation Officer;
 - (i) whenever and so long as a person does not pay the arrears of water rate or as the case may be water charges.'
- (9) in section 32, in sub-section (4), in clause (b), after the words 'water rate' in the two places where they occur, the words 'or water charges as the case may be' shall be inserted;
- (10) in section 44, in sub-section (1),
 - (i) for the words 'Taluk Development Board' the words 'Zila Panchayat or a Taluk Panchayat' shall be substituted.
 - (ii) after the second proviso, the following proviso shall be inserted, namely: 'Provided also that no maintenance cess shall be levied and collected under this sub-section in respect of any land in the area benefited by any irrigation work maintained by a Water Users Society'.
- (11) in section 45, for the words 'Taluk Development Board' in the two places where they occur, the words 'Zilla Panchayat or Taluk Panchayat' shall be substituted.
- (12) after section 60, the following section shall be inserted, namely:

60A. Compounding of Offences

- (1) 'Subject to such restrictions and conditions and in such manner as may be prescribed, Irrigation Officer may either before or after initiation of any proceeding for an offence punishable under this Act or the rules made thereunder accept a sum of money not exceeding five thousand rupees by way of composition of an offence which such person has committed or is suspected to have committed.
- (2) On payment of such money, such person if, in custody, shall be discharged, property, if any, seized shall be released and no further proceeding shall be taken against such person or property.'
- (3) after Chapter IX and section 62, the following chapter and sections shall be inserted, namely:

CHAPTER IXA FUNCTIONS OF WATER USERS SOCIETY ETC.

62A. Functions of Water Users Society

Water Users Society shall perform the following functions, namely:

- (1) to develop irrigation infrastructure by availing institutional finance.
- (2) to procure water in bulk on volumetric basis from the Irrigaion Department or Krishna Jala Bhagya Nigam or Karnataka Neeravari Nigam and distribute it to the land holders in accordance with the principles laid down by the General Body for equitable distribution of water.
- (3) to operate and maintain canals situated within its jurisdiction.
- (4) to levy and collect water charges and service charge from the land holders.
- (5) to educate and train land holders in the efficient and economical use of water and adoption of new technology as well as to implement necessary programmes.

- (6) to prepare water budget and financial budget for each irrigation season.
- (7) to resolve disputes that may arise among land holders.
- (8) to mobilise financial resources for undertaking activities and efficient management of the society.
- (9) to implement or execute on-farm development works.
- (10) to assist the Irrigation Department and Command Area Development Authority in implementing irrigation and drainage works.
- (11) to levy water charges and service charges on non-members at rates approved by the General Body of the Society.
- (12) to send annually to the prescribed authority on or before the prescribed date, an audit statement of all receipts and expenditure for the year ending.
- (13) to send a statement of the assets and liabilities of the society on or before such date and to such authority as may be prescribed.
- (14) The General Body of the Society shall prepare guidelines and decide the procedures for its day to day functioning, in conformity with the byelaws of the society and conditions of the agreement to be entered into with the Executive Engineer concerned.
- (15) The Society shall furnish such information as may be prescribed to the prescribed authority.
- (16) to encourage avenue plantation in its area of operation.
- (17) to do such other acts as may be prescribed.

62B. Functions of Water Users Distributory Level Federation

The Water Users Distributory Level Federation shall perform the following functions, namely:

- (1) to prepare an operational plan based on its entitlement, area, soil and cropping pattern at the beginning of each irrigation season consistent with the operational plan prepared by the project level federation;
- (2) to identify the critical maintenance work that are to be carried out and prioritise these works;
- (3) to monitor the maintenance works being executed and ensure that they conform to prescribed standards;
- (4) to monitor and regulate the use of water among various societies in its area of operation;
- (5) to abide by the decisions of the Water Users Project Level Federation;
- (6) to undertake periodical social audit;
- (7) to promote economy in the use of water;
- (8) to encourage avenue plantation in its area of operation;
- (9) to prepare water budgets and crop plans.

62C. Functions of Water Users Project Level Federation

The Water Users Project Level Federation shall perform the following functions namely:

- (1) to prepare an operational plan based on its entitlement area, soil and cropping pattern at the beginning of each irrigation season;
- (2) to identify the critical maintenance works that are to be carried out and prioritise these works;
- (3) to monitor the maintenance works being executed and ensure that they conform to prescribed standards;
- (4) to prepare water budgets and crop plans;
- (5) to undertake periodical social audit;
- (6) to promote economy in the use of water;
- (7) to encourage avenue plantation in its area of operation.

62D. Water Users Apex Level Federation

(1) The committee of management of the Water Users Apex Level Federation shall consist of the following members, namely;

- (a) the Minister-in-charge of Major and Medium Irrigation, Government of Karnataka who shall be the Chairperson;
- (b) the Minister-in-charge of Minor Irrigation, Government of Karnataka who shall be the Co-chairperson;
- (c) the Secretary of Government, Irrigation Department, Government of Karnataka;
- (d) one expert in the field of participatory irrigation management nominated by the State Government;
- (e) Chief Executive/Managing Director of the Water Users Apex Level Federation;
- (f) Chairpersons of all the Command Area Development Authorities;
- (g) such number of persons representing different projects and minor irrigation and lift irrigation works in the State and elected in such manner as may be specified in the bye-laws of the Water Users Apex Level Federation.

(2) Vice-Chairperson shall be elected from amongst the members of the Water Users Apex Level Federation.

(3) The Water Users Apex Level Federation shall make recommendation to the State Government on the policies to be adopted and the guidelines to be formulated regarding construction, maintenance and regulation of irrigation work and supply of water therefrom.

(2) The Water Users Apex Level Federation may give directions to the Water Users Project Level Federation, Water Users Distributory Level Federation and the Water Users Society to carry out the purposes of this Act.

62E. Effect of Other Laws

‘Save as otherwise provided in this Act, the provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.’

62F. Power to Exempt Certain Projects

The State Government having regard to the size and nature of any irrigation project or works, may, by notification, exempt such project or works from the application of the provisions relating to Water Users Distributory Level Federation or Water Users Project Level Federation.

3. Amendment of Karnataka Act 28 of 1957

In the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Karnataka Act 28 of 1957), in section 10,

- (i) in sub-section (1A), the words, figures and brackets or the ‘Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960)’ shall be omitted,
- (ii) in sub-section (IB),
- (a) the words, figures and brackets ‘or the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960)’ shall be omitted.
- (b) for the words ‘water rate’, the words ‘water charges’ shall be substituted.
- (iii) in sub-section (3), after the words ‘water rate’ the words ‘or the water charges, as the case may be’ shall be inserted.

4. Repeal and Savings

The Karnataka Irrigation and Certain Other Law (Amendment) Ordinance, 2000 (Karnataka Ordinance No. 3 of 2000) is hereby repealed. (2) Notwithstanding such repeal anything done or any action taken under the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965) and the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Karnataka Act 28 of 1957) as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.

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

(M. R. Hegde)
Secretary to Government,
Department of Parliamentary Affairs
and Legislations

Note: This document has been provided online by IELRC for the convenience of researchers and other readers interested in water law. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.