

## **KARNATAKA IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION) RULES, 1964**

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## **KARNATAKA IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION) RULES, 1964**

In exercise of the powers conferred by Section 11 of the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Karnataka Act 28 of 1957), the Government of Karnataka hereby makes the following rules, the draft of the same having been published in Notification No. PWD 11 LBW 63, dated the 3rd July, 1964; in the Karnataka Gazette, dated 28th July, 1964, as required by sub-section (1) of the said section, namely :-

### **1. Title :-**

These rules may be called the Karnataka Irrigation (Levy of Betterment Contribution) Rules, 1964.

### **2. Definitions :-**

In these rules unless the context otherwise requires.

(1) "Act" means the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957;

(2) "Form" means a form appended to these rules;

(3) "Section" means a section of the Act;

(4) "Year" means the year commencing from the First day of July.

### **3. Prescribed Officer :-**

In respect of lands under an irrigation work costing. <sup>1</sup>

(i) more than rupees fifteen lakhs, the Superintending Engineer of the Circle;

(ii) not more than rupees fifteen lakhs, the Executive Engineer of the Division in which the irrigation work is situated shall respectively be the prescribed officers for purposes of Section 3.]

1. Rule 3 substituted by GSR 124, dated 3-3-1967

### **4. Notification to be forwarded to Betterment Levy Officers [x x x x x] :-**

<sup>1</sup>The Officer specified in Rule 3 shall forward a copy of the notification issued by him under sub-section (2) of Section 3 to the Betterment Levy Officer <sup>2</sup> [x x x x x] in whose jurisdiction any benefited land is situated.

1. The words "and Tahsildars" omitted by GSR 124, dated 3-3-1967

2. The words "and the Tahsildar" omitted by GSR 124, dated 3-3-1967

### **5. Procedure to be adopted by the Betterment Levy Officer :-**

<sup>1</sup> The statement being with a public notice required to be published under sub-section (3) of Section 4 in the village chavadi and the taluk office shall be published by the Betterment Levy Officer in Form I. Copies of the statement shall also be published at such convenient places as the Betterment Levy Officer thinks fit in the locality where the lands are situated. The notice to be served under sub-section (4) of Section 4 by the Betterment Levy Officer shall be in Form II.]

1. Rule 5 substituted by GSR 124, dated 3-3-1967

### **6. Appeals :-**

x x x x x.]<sup>1</sup>

1. Rule 6 omitted by GSR 124, dated 3-3-1967

### **7. Notice of Demand :-**

<sup>1</sup> (1) The Betterment Levy Officer shall issue a notice of demand in Form III to the person liable to pay the contribution.]

(2) Such notice shall be served on the assessee personally, and if he cannot be found on any adult member of his family residing with him or by affixture at his last known place of residence or sent by registered post to his last known address.

1. Rule 7(1) substituted by GSR 124, dated 3-3-1967

**8. Payment of [contribution] :-**

**12** [The contribution] shall be payable in twenty annual instalments, the first instalment being payable before the 30th April following the date of service of the written notice of demand under Rule 7.

1. Substituted for the words "basic contribution" by GSR 124, dated 3-3-1967

2. Substituted for the words "The basic contribution" by GSR 124, dated 3-3-1967

**9. Rate of interest on arrears :-**

Interest at the rate of six per cent per annum shall be payable on all amounts of arrears of <sup>1</sup> [contribution].

1. Substituted for the words "basic contribution" by GSR 124, dated 3-3-1967

**10. Surrender of lands :-**

(1) A landholder liable to pay the <sup>1</sup>[contribution], who desires to surrender the whole or any part of his land in lieu of the contribution payable by him shall make an application in that behalf to the Deputy Commissioner within thirty days from the date of service of notice under Rule 7.

(2) The application under sub-rule (1) shall contain the following particulars, namely.

(1) The village in which the land is situated;

(2) The survey number and measurement of the land and assessment fixed in respect of the land;

(3) The price of the land as calculated by the applicant;

(4) The amount of <sup>2</sup> [contribution] levied in respect of the land;

(5) If the applicant is surrendering only a part of the land, the measurement of such part and the price of such part as calculated by him.

(3) The Deputy Commissioner shall, on receipt of the application under sub-rule (2) and after such enquiry as he deems fit, determine the price of the land or part of the land proposed to be surrendered, as the case may be, having regard to.

(a) the statistics of sales of similar land in the neighbourhood; and

(b) the increase in capital value of the land.

1. Substituted for the words "basic contribution" by GSR 124, dated 3-3-1967

2. Substituted for the words "basic contribution" by GSR 124, dated 3-3-1967

**11. Notice by Deputy Commissioner of the proposal to surrender :-**

(1) The Deputy Commissioner shall publish a notice containing the proposal to surrender the lands, the details of such lands and value fixed therefor.

(2) The notice under sub-rule (1) shall be published in the village where the benefited land is situated and the officer authorised to make such publication shall furnish a certificate attested by at least two persons who are residents of the village, that the notice was duly published in the village. A copy of the notice shall also be served in the manner specified in sub-rule (2) of Rule 7 on all persons interested in the land as shown in the Record of Rights relating to such land.

(3) Objections, if any, to the proposal to surrender shall be submitted to the Deputy Commissioner within sixty days from the date of publication or receipt of the notice, as the case may be.

(4) After the expiry of the period specified in sub-rule (3), the Deputy Commissioner shall consider the objections received and either accept or refuse to accept the offer of surrender of land.

(5) The Deputy Commissioner may refuse to accept the offer of surrender in the following cases, namely.

(i) inaccessibility or inconvenient location of the land offered to be surrendered;

(ii) where such land is not irrigable or is not included in any area subject to a localised scheme of irrigation;

(iii) where such land is a fragment or where the acceptance of the

surrender : results in fragmentation of the holding which is prohibited under any law for the time being in force relating to consolidation of holdings or prevention of fragmentation of holdings;

(iv)where such land is not free from encumbrances.

**12. Repeal :-**

The Karnataka Irrigation (Levy of Betterment Contribution) Rules, 1961 are hereby repealed.