
KARNATAKA IRRIGATION (LEVY OF WATER RATES) RULES, 1965

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KARNATAKA IRRIGATION (LEVY OF WATER RATES) RULES, 1965

In exercise of the powers conferred by Section 11 of the Karnataka Irrigation (Levy of Betterment Contribution and Water Rates) Act, 1957 (Karnataka Act 28 of 1957), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published as required by sub-section (1) of the said section, in Notification No. PWD 33 LBW 64, dated the 8th November, 1965 as GSR 726 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated the 11th November, 1965, namely.

1. Title and commencement :-

- (1) These rules may be called the Karnataka Irrigation (Levy of Water Rates) Rules, 1965.
- (2) They shall be deemed to have come into force on the First day of July, 1965.

2. Definitions :-

In these rules, unless the context otherwise requires.

- (1) "Act" means the Karnataka Irrigation (Levy of Betterment

Contribution and Water Rates) Act, 1957;

(2) "Assistant Commissioner" means the Assistant Commissioner in charge of the Revenue Sub-Division of the area in which the land in respect of which water rate leviable is situated;

¹ (2A) "Lift Irrigation Works" means an Irrigation work wherein water is lifted by mechanical contrivance from a natural stream or halla or river or from a reservoir, pond, anicut and canal belonging to Government and used for irrigation purpose, and shall include all intake works, machinery and appurtenances required for the suction, delivery and distribution of water;]

(3) "Revenue year" means the year commencing on the First day of July;

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

(5) "Tahsildar" means the Tahsildar entrusted with the land revenue administration of the taluk in which the land in respect of which water rate is leviable is situated.

1. Clause (2-A) inserted by GSR 187, dated 30-6-1976 and shall be deemed to have come into force w.e.f. 1-7-1976

3. Levy of Water Rates for the use of water from Irrigation works :-

1

(1) In respect of water supplied, made available or used from any ²[major or medium irrigation work] for growing the crops specified in column (2) of the Table below, water rates at the rate specified in the corresponding entries in column (3) thereof shall, in respect of each such crop grown, be levied.

TABLE

SI. No.	Crops	Water rate in rupees per acre.
1.	Sugarcane to be harvested within 12 months.	One hundred and fifty.
2.	Sugarcane to be harvested after 12 months but within 18 months.	Two hundred and Twenty-five.
3.	Paddy	Thirty-five for the first crop, Forty for each of the second and subsequent crops.
4.	Wheat	Twenty-two
5.	Jowar	Twenty

6.	Groundnut	Twenty-four
7.	Tobacco	Twenty-four
8.	Cotton	Forty
9.	Maize, Ragi, Navane, Sajje, Greengram, Sweet Potato, Gingelly, Onion, Coriander	Twenty
10.	Pulses	Fifteen
11.	Manurial Crops	Eight
12.	Garden Crops	Forty.

3[Explanation. Malnad Areas having rainfall of 1250 mm for purposes of Sl. No. 2(a) means the following areas, in the Districts specified therein.

District		Area
(1)	Belgaum District	(a) Belgaum Taluk (b) Khanapur Taluk
(2)	North Kanara District	(a) Haliyal Taluk (b) Supa Taluk (c) Karwar Taluk (d) Yallapur Taluk (e) Ankola Taluk (f) Sirsi Taluk (g) Kumta Taluk (h) Siddapur Taluk (i) Honnavar Taluk (j) Bhatkal Taluk
(3)	Shimoga District	(a) Sorab Taluk (b) Sagar Taluk (c) Hosanagar Taluk (d) Thirthahally Taluk
(4)	South Kanara District	(a) Coondapur Taluk (b) Udipi Taluk (c) Karkal Taluk (d) Mangalore Taluk (e) Bantwal Taluk (f) Puttur Taluk (g) Sullia Taluk (h) Belthangady Taluk
(5)	Chickmagalur District	(a) Narasimharajapura Taluk (b) Koppa Taluk (c) Sringeri Taluk (d) Mudigere Taluk
(6)	Hassan District	(a) Belur Taluk (b) Alur Taluk (c) Sakleshpura Taluk
(7)	Coorg District	(a) Mercara Taluk (b) Somwarpet Taluk (c) Virajpet Taluk.]

4(1A) Where the water is supplied, made available or used from any minor irrigation work for irrigating any land, the water rate

shall be levied.

Provided that the water rate levied under this sub-rule shall not be less than one and half times or more than two times of the difference between the land revenue leviable on a wet land and dry land in accordance with the land revenue settlement for the time being in force in the area.

Explanation. For the purpose of this sub-rule and sub-rule (1).

(i) "major irrigation work" means an irrigation work having an irrigable area of more than 10,000 hectares;

(ii) "medium irrigation work" means an irrigation work having an irrigable area of more than 2,000 hectares and upto 10,000 hectares;

(iii) "minor irrigation work" means an irrigation work having an irrigable area upto 2,000 hectares.]

5[(2) Where water is supplied, made available sourced from any irrigation work for irrigating any land on which any of the crops specified in Sl. Nos. 2 and 3 of the Table to sub-rule (1) is grown twice in a revenue year, water rate on the second crop of such crops also should be levied at the same rate as for the first crop.]

(3) Where water supplied or made available from any irrigation work cannot be used for irrigating any land without baling or using a mechanical contrivance and the water supplied or made available is used for irrigation after such bailing by using mechanical contrivance, water rates shall be levied at half the rates specified in sub-rules (1) and (2).

6 [(4) Where water is supplied made available or used for irrigating any land which had not been irrigated by water before coming into force of these rules, no water rates shall be levied for the period of the first five years from the date water is supplied, made available or used for irrigating such land.]

1. Rule 3 substituted by GSR 214, dated 13-7-1971 and shall be deemed to have come into force w.e.f. 1-7-1965

2. Substituted for the words "irrigation work" by GSR 293, dated 4-11-1987, w.e.f. 1-7-1985

3. Explanation inserted by GSR 411, dated 30-11-1976 and shall be deemed to have come into force w.e.f. 1-7-1976

4. Sub-rule (1-A) and the Explanation inserted by GSR 293, dated 4-11-1987, w.e.f. 1-7-1985

5. Sub-rule (2) substituted by GSR 6, dated 29-12-1975
6. Sub-rule (4) substituted by GSR 84, dated 6-3-1984, w.e.f. 5-4-1984

3A. Levy of Water rate where no crop is grown :-

¹ Notwithstanding anything contained in Rule 3 where water is supplied made available or used for growing any crop or the irrigation of any land but no crop is actually grown, water rate shall be levied at the rates prescribed in the said rule as if the concerned crop was grown'.]

1. Rule 3-A inserted by GSR 104, dated 2-4-1968 and shall be deemed to have come into force w.e.f. 1-7-1965

3B. Levy of water rate for use of water from natural waterways, etc :-

(1) Where water is used from natural waterways, rivers and streams or parts thereof after obtaining permission for such use, for irrigation of any land ¹ [x x x x x], water rate at four rupees per acre shall be levied in respect of each revenue year.

(2) The provisions of Rule 4 applicable to the determination of water rate levied under Rule 3 shall mutatis mutandis apply to the determination of water rate payable under sub-rule (1).]

1. The words "after bailing or using a mechanical contrivance" omitted by GSR 27, dated 25-1-1973, w.e.f. 8-2-1973

3C. Levy of Water Rate for use of Water from Lift Irrigation Works :-

¹ In respect of water supplied made available or used from any lift irrigation work owned and maintained by Government for irrigation of any land, water rates shall be levied as below.

1. Rule 3-C inserted by GSR 187, dated 30-6-1976 and shall be deemed to have come into force w.e.f. 1-7-1976

3D. Levy and determination of water rate for use of water for purposes other than agriculture :-

¹

(1) Where water is used from any irrigation work for any purpose other than agriculture, after obtaining necessary permission, there shall be levied a water rate as follows, namely.

(A)	if water is used for domestic purpose; and	Rupees one hundred and fifty per million cubic feet of water;
(B)	if water is used for any other	

	purpose;	
	(i) drawn from natural waterways, rivers or streams	Three hundred and fifty rupees per million cubic feet of water
	(ii) drawn from a canal, tank, reservoir, anecut, bandhara, pond, kunta, talaparigs and madagus, belonging to the Government	Seven hundred rupees per million cubic feet water:

Provided that, where water drawn for such purposes is returned unpolluted to such canal, tank, reservoir, anecut, bandhara, pond, kunta, talaparigs or madagu, then the water rate for the quantity of water so returned shall be limited to three hundred and fifty rupees per million cubic feet of water:

Provided further that, no water rate shall be levied for water used by an industry for a period of five years from the date of starting such industry.

(2) Necessary approved measuring device shall be installed by the person drawing water to measure the water drawn and returned.

(3) The Executive Engineer in charge of the Irrigation work shall determine and recover the amount of water rate levied under sub-rule (1). The amount of water rate levied under sub-rule (1) shall be paid within fifteen days from the date of the demand notice, failing which supply of water may be stopped.

(4) Any person objecting to the levy of water rate as specified in the notice under sub-rule (3), may within thirty days from the date of service of such notice appeal to the Superintending Engineer who shall after giving the appellant an opportunity of being heard pass such orders as he thinks fit and the order of the Superintending Engineer on such appeal shall be final:

Provided that the Superintending Engineer may admit an appeal preferred after the period of thirty days if he is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.]

1. Rule 3-C inserted by GSR 11, dated 1-1-1980 and shall be deemed to have come into force w.e.f. 1-3-1967

4. Determination of water rates :-

¹ (1) In respect of each crop or revenue year, as the case may be, an officer of the Revenue Department nominated by the Tahsildar and an officer of the Irrigation Department nominated by the

Assistant Executive Engineer shall jointly inspect and prepare a statement of each survey number to which water was supplied, made available or used for irrigation and the crops raised therein. As far as possible the joint inspection shall be held and the statement shall be prepared in the presence of the landholder concerned and signature of the concerned landholder shall be taken to the statement and the same shall be submitted to the concerned Assistant Executive Engineer who shall after satisfying himself of the correctness of the statement, prepare a statement of water rates payable by each landholder. The statement so prepared shall be notified in the village chavadi, Panchayat office and such other public offices and places as the Assistant Executive Engineer may deem fit inviting objections, if any, in writing, by the concerned landholders. If no objections are received, the Assistant Executive Engineer shall send the statement to the Tahsildar for collection of the water rates specified therein. If any objection is received by the Assistant Executive Engineer, he shall, along with the Tahsildar concerned, inspect the lands in respect of which objections have been received and after giving the landholder concerned an opportunity of being heard, revise the statement if he thinks fit to do so. The revised statement shall be forwarded to the Tahsildar for collection of water rates specified therein.]

(2) After the preparation of the statement of water rates payable by each landholder under sub-rule (1), the Tahsildar shall issue a notice of demand to the person liable to pay the water rate and cause such notice to be served on such person by tendering or delivering it to such person or his agent, if any, or if he or his agent cannot be found by tendering or delivering it, to an adult member of his family residing with him, or by affixing a copy thereof on his place of residence, or by sending the same by registered post to his last known place of residence.

(3) Any person objecting to the levy of water rate as specified in the notice of demand served on him may, within thirty days from the date of service of such notice appeal to the Assistant Commissioner who shall after giving the appellant an opportunity of being heard, pass such orders on the appeal as he thinks fit:

Provided that the Assistant Commissioner may admit an appeal preferred after the period of thirty days if he is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(4) The amount of water rate specified in the notice of demand served under sub-rule (2) shall be paid within fifteen days from the date of service of such notice and where an appeal has been preferred under sub-rule (3) against such notice of demand, the amount of water rate payable in accordance with the decision of such appeal, shall be paid within fifteen days from the date of the appellate order.

1. Sub-rule (1) substituted by GSR 11, dated 1-1-1980, w.e.f. 17-1-1980 but the entire Rule 4 shall be and shall be deemed always to have been omitted by GSR 356, dated 3-8-1967

4A. Levy of Water Rates for the use of water from irrigation works from Nigam :-

¹ In respect of the water supplied, made available or used from any irrigation work by or on behalf of the Krishna Bhagya Jala Nigam Limited incorporated under the Companies Act, 1956 (Central Act 1 of 1956) (hereinafter referred to as the Nigam) for growing crops, water rates shall be as follows.

1. Rules 4-A and 4-B inserted by GSR 80, dated 4-7-1997, w.e.f. 24-7-1997

4B. Determination of Water Rates :-

(1) In determining the water rates levied under Rule 4-A in respect of each crop of revenue year, an officer authorised by the Nigam in this behalf (hereinafter referred to as the empowered officer) shall notify in the village chavadi and inform through tom tom the date on which the statement regarding water used for irrigation and crops raised therein shall be prepared and inform the landholders or their agents to be present and prepare a statement of each survey number to which water was supplied or made available or used for irrigation and the crops raised therein. The statement shall be prepared in the presence of the landholder or his agent duly authorised by him and the signature of the landholder obtained. Based on the statement prepared, entries shall be made in the pass book issued to the landholders. The Assistant Executive Engineer in charge of the area in which the land in respect of which water rate is leviable is situated (hereinafter referred to as the Sub-Divisional Officer) shall issue a notice of demand to the person liable to pay the water rate and cause such notice to be served on such person or his agent, if any, or if he or his agent cannot be found by tendering or delivering it to an adult member of his family residing with him, or by affixing a copy thereof on his place of residence.

The time limit fixed for issuing a notice of demand is 30th September for Khariff crops and 31st January for Rabi crops.

(2) Any person objecting the levy of water rate as specified in the notice of demand served on him may within 30 days from the date of service of such notice appeal to the empowered officer, who shall after giving the Appellant an opportunity of being heard pass such order on the appeal as he thinks fit:

Provided that the empowered officer may admit an appeal preferred after a period of thirty days if he is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(3) The amount of. water rate specified in the notice of demand served under sub-rule (1), shall be paid in the Office of the Sub-Divisional Officer or at a Bank as may be designated by the Nigam before 15th November in the case of Khariff crops and 15th March, in the case of Rabi crops and where an appeal has been preferred under sub-rule (2) against such notice of demand, the amount of water rate payable in accordance with the decision of such appeal shall be paid within 15 days from the date of the appellate order. When remittances are made in the Bank, the remitter shall get the entries made in the demand, collection and balance register at the office of Sub-Divisional Officer.

(4) For water supplied to Water Users Societies, the Sub-Divisional Officer shall determine and recover the water rate in accordance with the provisions of the agreement entered into by the Nigam with the Water Users' Society.]

5. Repeal and savings :-

The provisions made for the levy of water rate, water cess or irrigation cess in respect of any lands under any enactment repealed by Section 12 are hereby repealed:

Provided that the said repeal shall not affect the levy and collection of such water rate, water cess or irrigation cess payable under the said provisions before the commencement of these rules and such levy and collection may be made as if the said provisions had not been repealed by these rules.