

**Karnataka Irrigation And Certain Other Law (Second
Amendment) Act, 2002**

9 of 2002

[12 August 2002]

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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 third 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 (Second Amendment) Act, 2002.
- (2) It shall be deemed to have come into force on the Twenty fifth day of February, 2002.

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 (p), the following clause shall be inserted namely:-
"(pp) "Water Users Association" means "a Water Users Association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960),-

(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 consist of Water Users for cultivation of land and holding not less than fifty one percent of land;

under an irrigation work being a tank irrigating less than two thousand hectares but excluding tanks within the command area of a major or medium irrigation project.

Provided that a Water Users Society registered under the Karnataka Co-operative Societies Act, 1959 in respect of such tank prior to the commencement of the Karnataka Irrigation and Certain Other Law (Second Amendment) Act, 2002, may continue till a water Users Association is registered."

(ii) in clause (s),-

(a) after the words "area of operation of the society" the words "but excluding a tank irrigating less than two thousand hectares and not falling within the command area of a major or medium irrigation project" shall be inserted.

(b) in the Explanation, after the words "Irrigation Officer" the words "from time to time" shall be inserted;

(2) in section 4, in sub-section (1), in the proviso, after the words "Water Users Society" in the two places where they occur, the words "or Water Users Association as the case may be" shall be inserted;

(3) in section 10, after the words "Water Users Society" the words "or Water Users Association" shall be inserted;

(4) in section 14, after the words "Water Users Society" wherever they occur, the words "or Water Users Association" shall be inserted;

(5) in section 27, after the proviso, the following proviso shall be inserted, namely:-

"Provided further that when an irrigation work is entrusted to a Water Users Association the irrigation officer instead of consulting the committee so appointed by the State Government shall consult Water Users Association".

(6) in section 44, in sub-section (1), in the third proviso, after the words "Water Users Society" the words "or a Water Users Association" shall be inserted;

(7) in Chapter IX-A in the heading, for the words "Water Users Society etc.," the words "Water Users Society and Water Users Association etc.", shall be substituted;

(8) after section 62A, the following section shall be inserted, namely:-

"62 AA. Functions of Water Users Association.-

Water Users Association 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 Irrigation Department or Krishna Jala Bhagya Nigam or Karnataka Neeravari Nigam and distribute it to the land holders in accordance with the principles laid down at the General meeting for equitable distribution of water;

(3) to operate and maintain canals within its jurisdiction;

(4) to collect water charges and service charges from the landholders;

(5) to educate and train landholders 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 landholders;

(8) to mobilize financial resources for undertaking activities and efficient management of the Water Users Association;

(9) to implement or execute on farm development works;

(10) to assist the Irrigation Department in implementing irrigation and drainage works;

(11) to collect water charges and service charges from non-members at rates approved in the General meeting of the Water Users Association;

(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 Water Users Association on or before such date and to such authority as may be prescribed;

(14) to get approval in the General meeting of the Water Users Association to the guidelines and procedures for the day to day functioning of the Association in conformity with rules and regulations of the Water Users Association and also the conditions

of the agreement to be entered into with the Executive Engineer concerned;

(15) to 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."

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,-

(1) in sub-section (1A),-

(a) after the words, figures and brackets, "(Karnataka Act 11 of 1959)" the words, figures and brackets "or Water Users Associations registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960)" shall be inserted;

(b) after the words "such society" in the two places where they occur, "or such Association" shall be inserted.

(2) in sub-section (1B).-

(a) after the words, figures and brackets "(Karnataka Act 11 of 1959)", the words, figures and brackets" or the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960)" shall be inserted.

(b) After the words "water users societies" the words "or as the case may be Water Users Associations" shall be inserted.

4. Repeal And Savings :-

(1) The Karnataka Irrigation and Certain Other Law (Amendment) Ordinance, 2002 (Karnataka Ordinance 1 of 2002) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Karnataka Irrigation Act, 1965 and the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 as amended by the said Ordinance shall be deemed to have been done or taken under the those Acts as amended by this Act.