

KARNATAKA IRRIGATION RULES, 1965

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KARNATAKA IRRIGATION RULES, 1965

In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), in 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 63 LBW 64, dated 18th December, 1965 as GSR 773 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 20th December, 1965.

1. Title :-

These rules may be called the Karnataka Irrigation Rules, 1965.

2. Definitions :-

In these rules unless the context otherwise requires.

(a) "Act" means the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965);

(b) "Executive Engineer" means an Executive Engineer of the Public Works Department;

(c) "Form" means a Form annexed to these rules;

(d) "Major irrigation work" means an Irrigation Work costing more than rupees five crores;

(e) "Outlet" means an opening through which water passes from a tank, canal, branch canal, distributary or water course to a field channel;

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

(g) "Sectional Officer" means an officer of Public Works Department subordinate to Assistant Engineer and of the rank of a Junior Engineer or a Supervisor who is in charge of Irrigation Works;

(h) "Well" means a structure constructed for the purpose of tapping underground resources of water for the purpose of diversion and collection of surface flow of water.

3. Construction, control and maintenance of irrigation works :-

(1) Any person desirous of constructing, controlling or maintaining a reservoir, tank, anicut, bhandara, pond, spring pond, canal, ¹ [x x x x], talaparige, channel or aqueduct shall make an application for sanction to the State Government through the Executive Engineer having jurisdiction over irrigation works in the area concerned.

(2) Every application received by the Executive Engineer under

sub-rule (1) shall as soon as possible after its receipt, be forwarded by him with his remarks to the State Government.

(3) On receipt of an application under sub-rule (2), the State Government shall, after giving a reasonable opportunity of being heard to the applicant, pass such orders thereon as it deems fit.

1. The words "field channel," omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972

4. Construction of wells in controlled areas :-

(1) Any person desirous of constructing a well in any area notified under sub-section (2) of Section 4, shall make an application for sanction through the Executive Engineer having jurisdiction over irrigation works in the area concerned. Such application shall contain particulars regarding the location, purpose and general dimensions of the well.

(2) Every application received by the Executive Engineer under sub-rule (1) shall as soon as possible after its receipt be forwarded by him with his remarks to the State Government or the authority authorised by it under sub-section (2) of Section 4.

(3) On receipt of an application under sub-rule (2), the State Government or the authorised authority shall after giving a reasonable opportunity of being heard to the applicant, pass such orders thereon as it deems fit. Rule 4(2) Levy of penalty. Basavangoud B.L. and Another v Deputy Commissioner, Bellary and Others, 1981(1) Kar. L.J. 454. Sanction for construction of irrigation tank Locus standi to challenge. Puttaswamy, J., Held. Owners of land in and around the area where the tank is to be constructed can be described as persons that have suffered a personal injury by the proposal. Assuming that they have not suffered a personal injury, in such an event also, they have sufficient interest in the subject-matter and have locus standi to challenge the order. Appana v State of Karnataka and Others, 1980(2) Kar. L.J. 92 : AIR 1980 Kant. 113.

5. Notice to occupier of building, etc :-

The notice to an occupier of a building, enclosed Court or garden attached to a dwelling house referred to in Section 9, shall be in Form 1.

6. Procedure when person liable to pay expenses fails to make payment :-

When a person to whom an order is issued under Section 13 does not pay the expenses as required by the said section, the Irrigation Officer shall send intimation to the Deputy Commissioner for recovery of the amount due to be as an arrear of land revenue.

7. Notification under Section 15 :-

A notification under sub-section (1) of Section 15 shall be in Form 2 and a notification under sub-section (2) of Section 15 shall be in Form 3.

8. Fixation of boundary marks of lands acquired for field channels :-

The boundary marks to be fixed under Section 17 shall be in stones or concrete blocks, of 15.24 cm x 15.24 cm x 76.2 cm x (6" x 6" x 2½") thick, and the said marks shall be fixed at every point where the boundary of the lands for the field channels crosses the survey number or sub-division of a survey number, at every corner of the alignment and at such other points as the Irrigation Officer may deem necessary.

9. Maintenance of boundary marks :-

(1) The holder of a survey number or sub-division of a survey number in which boundary marks are fixed shall be bound to maintain the boundary marks in position.

(2) A contravention of sub-rule (1) shall be an offence punishable under Section 55.

10. Procedure for construction of field channels :-

¹ x x x x x.

1. Rules 10 and 11 omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972

11. Declaration by Irrigation Officer that construction of field channel will be made by the State Government :-

x x x x x.]

12. Terms under which water may be used from field channel :-

The terms subject to which every user of a field channel ¹ [x x x x x] shall be entitled to have a supply of water by such field channel shall be as follows.

(i) a suitable system of water channel shall be maintained in such manner that water required for irrigation of any part of land in a

survey number or sub-division of a survey number can be supplied directly from the field channel;

(ii) water shall not be drawn from the field channel except from the points fixed by the Irrigation Officer;

(iii) the order in which water shall be supplied to the different lands from the field channel shall be determined by the Irrigation Officer.

1. The words "and every person duly authorised to use a field channel" omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972

13. r use of field channel by other persons :-

¹ x x x x x.]

1. Rule 13 omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972

14. Notice under Section 24(1) :-

A notice to be issued under sub-section (1) of Section 24 shall be in Form 13.

15. Inquiry under Section 25 :-

¹ x x x x x.]

1. Rule 15 omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972

16. Constitution of Consultative Committees under Section 27 :-

(1) A Consultative Committee in respect of a major irrigation work shall consist of seven official members and eight non-official members, and the Chairman of the Committee shall be a member nominated by the State Government.

(2) The Consultative Committee in respect of an irrigation work other than a major irrigation work shall consist of four official members and ¹ [seven non-official members] and the Chairman of the Committee shall be a member nominated by the State Government.

1. Substituted for the words "five non-official members" by GSR 181, dated 18-5-1974, w.e.f.

17. Application for permission to use water from irrigation work :-

An application for permission to use water from an irrigation work under sub-section (1) of Section 28 shall be in Form 14.

17A. Prescribed Officer for the purposes of sub-section (5)

of Section 28 :-

¹ The prescribed officer for purposes of sub-section (5) of Section 28 shall be the [Assistant Engineer within the area of whose jurisdiction the irrigation work lies.]

1. Rule 17-A inserted by GSR 105, dated 2-4-1968, w.e.f. 18-4-1968

17B. Application for permission to use water from a natural stream :-

¹ An application for permission to use water from a natural stream shall be in Form 15.]

1. Rule 17-B inserted by GSR 29, dated 25-1-1973, w.e.f. 8-2-1973

18. Competent Authority for purposes of Section 29 :-

The Superintending Engineer in charge of the work shall be the Competent Authority in respect of a major irrigation work and the Executive Engineer in charge of the work shall be the Competent Authority in respect of an irrigation work other than a major irrigation works for purposes of clause (a) of Section 29.

19. Regulation of cultivation :-

(1) An order under sub-section (1) of Section 31 shall be published by affixture of a copy of such order on the notice board of the office of the Irrigation Officer and by causing affixture of copies of such order on the notice board of the office of the Tahsildar of the taluk and in the chavadies of the villages concerned.

(2) The Irrigation Officer shall determine the areas or lands ¹ [x x x x x] in the irrigable area of an irrigation work to be cultivated with any crop or crops specified in sub-section (1) of Section 31 in any year, within two

1. The words "or portions of the wet lands" omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972

19A. Manner of Publication of notification issued under sub-section (2) of Section 32 :-

¹

(1) ² [A notification under sub-section (2) of Section 32 shall be in Form 16 and] shall be published by affixture of a copy of such notification on the Notice Board of the office of the Irrigation Officer and also causing affixture of copies of such notification on the

Notice Board of the office of the Tahsildar of the Taluk and in the chavadies of the villages concerned.]

(2) The notification referred to in sub-rule (1) shall be published within two months before the commencement of the sowing and planting operation for the cultivation of the kinds of crops specified in the notification.]

1. Rule 19-A inserted by GSR 136, dated 28-5-1973, w.e.f. 7-6-1973

2. Substituted for the words, brackets and figures "A notification issued under sub-section (2) of Section 32" by GSR 272, dated 28-8-1978, w.e.f. 7-9-1978

20. Preparation of list of able-bodied persons who may be required for urgent works, repairs, etc :-

(1) The Tahsildar of the taluk shall, from time to time, cause a list to be prepared of the able-bodied persons who reside or hold land in or near the locality where any irrigation work exists, who can be called upon to assist in the execution of any work, repair or clearance under sub-section (1) of Section 40.

(2) A copy of the list so prepared shall be affixed on the notice board of the office of the Tahsildar and in the chavadi of the village concerned.

21. Inquiry under Section 43 :-

The inquiry to be made under the second proviso to Section 43 shall be a formal inquiry in accordance with the provisions of Chapter III of the Karnataka Land Revenue Act, 1964.

21A. Determination of maintenance cess leviable under Section 44 :-

(1) For determining the maintenance cess leviable under Section 44, the Tahsildar shall after making such enquiry as he deems fit, issue notice to every landholder in the area benefited by any irrigation work maintained by the State Government indicating the extent of land benefited by such work and the maintenance cess leviable thereon. The Tahsildar shall also specify in the notice the date on or before which the land holder may make representations either orally or in writing to the proposed levy. On considering the representations if any made, the Tahsildar shall, by order, determine the maintenance cess leviable in respect of such lands.

(2) Any landholder, aggrieved by the order of the Tahsildar under

sub-rule (1) may within sixty days from the date of the receipt of the order appeal to the Assistant Commissioner, whose decision shall be final.]

22. Manner of payment of maintenance cess to Tungabhadra Board, etc :-

The amount collected as maintenance cess on lands benefited by any irrigation work maintained by the Tungabhadra Board, the Taluk Development Board or any other authority shall after the financial year in which the collection is made, be paid to the Tungabhadra Board, the Taluk Development Board or other authority concerned in the form of grants by orders made by the State Government.

23. Passing of persons, animals or vehicles in or across canals :-

(1) No person shall pass, or cause any animal or vehicle to pass in or across the bank, or channel of any irrigation work at any place except at a place fixed by the Executive Engineer. A Notice Board shall be caused to be erected at the place so fixed by the Executive Engineer.

(2) In fixing places under sub-rule (1), the Executive Engineer shall have due regard to the reasonable convenience of the persons residing or holding lands in the vicinity who may have to cross the canal or provide water for their animals.

(3) A contravention of sub-rule (1), shall be an offence punishable under Section 55.

23A. Charges recoverable under Section 64 :-

¹ The charges recoverable by the Irrigation Officer under sub-section (1) of Section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission.]

1. Rule 23-A inserted by GSR 134, dated 4-3-1969, w.e.f. 17-4-1969

23B. Grant of certified copies :-

¹ The officers empowered to pass orders under this Act may grant certified copies of orders passed by them. Charges for preparation of certified copies shall be calculated at the rate of fifty paise per each typed or written page or part thereof.]

1. Rule 23-B inserted by GSR 93, dated 7-3-1979, w.e.f. 15-3-1979

24. Repeal and saving :-

All rules corresponding to the foregoing rules continued in force by virtue of sub-section (1) of Section 72 of the Act are hereby repealed; provided that the said repeal shall not affect the previous operation of the said rules and the provisions of Section 6 of the Karnataka General Clauses Act, 1899, shall be applicable as if the said rules had been repealed by a Mysore Act.