

**KARNATAKA KRISHNA BASIN DEVELOPMENT AUTHORITY
ACT, 1992**

12 of 1996

[7th September, 1994]

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SCHEDULE 1 :- SCHEDULE

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KARNATAKA KRISHNA BASIN DEVELOPMENT AUTHORITY ACT, 1992

12 of 1996

[7th September, 1994]

An Act to provide for the constitution of an authority for the expeditious utilisation of the Karnataka's share of waters of Krishna River and its tributaries to facilitate speedy execution and maintenance of irrigation, Power and other projects and works

relating thereto in the Krishna Basin Area and to promote Agricultural and General Economic Development of the Krishna Basin Area. Whereas, it is expedient to provide for the constitution of an authority for the comprehensive, systematic and expeditious utilisation of the State's share of the Krishna River and its tributaries and expeditious development of the irrigation power and other projects and works relating thereto in the Krishna Basin Area and for matters connected therewith. Be it enacted by the Karnataka State Legislature in the Forty-third year of the Republic of India as follows.

CHAPTER 1

Preliminary

1. Short title and commencement :-

(1) This Act may be called the Karnataka Krishna Basin Development Authority Act, 1992.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires.

(a) "Authority" means (he Karnataka Krishna Basin Development Authority;

(b) "Chairman" means the Chairman of the authority;

(c) "Chief Executive" means the Chief Executive of the Authority appointed under Section 14 of the Act;

(d) "Code" means, in relation to scheduled disputes, the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and in relation to scheduled offences, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(e) "Krishna Basin" means the basin area of the Krishna River and its tributaries lying within the territories of the State of Karnataka;

(f) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in the Land Acquisition Act, 1894 (Central Act 1 of 1894) as amended by the Land Acquisition (Karnataka Extension and Amendment) Act, 1961;

(g) "Member" means the member of the authority;

- (h) "Regulations" means the regulations made under this Act;
- (i) "Rules" means the rules framed under this Act;
- (j) "Special Court" means the Special Court constituted under Section 31 of this Act;
- (k) "Scheduled disputes" means the disputes specified under Schedule I appended to this Act;
- (1) "Scheduled Offences" means the offences specified under Schedule II appended to this Act;
- (m) "Special Land Acquisition Officer" means the Land Acquisition Officer of the Authority appended under Section 29 of the Act;
- (n) "Special Government Pleader-cum-Public Prosecutor" means the Special Government Pleader-cum-Public Prosecutor of the authority appointed under Section 36 of this Act.

CHAPTER 2

Constitution and Incorporation of the Authority

3. Constitution and incorporation of the Authority :-

- (1) As soon as may be after the date of commencement of this Act, the State Government shall by notification, constitute for the Krishna Basin, an authority to be called the Karnataka Krishna Basin Development Authority.
- (2) The said authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power, subject to the provisions of this Act to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name sue or be sued.

4. Limits of Krishna Basin and area of operation :-

- (1) The State Government shall, by notification in the Official Gazette, specify the limits of the Krishna Basin.
- (2) The authority shall carry out all or any of its functions and exercise all or any of its powers within the Krishna Basin.
- (3) The State Government may by notification in the Official Gazette, direct that the authority shall carry out such additional functions and exercise such additional powers in such other area as may be specified therein and the area so specified shall be called "area of operation" of the authority.

5. Constitution of the authority :-

The authority shall consist of the following members, namely.

6. Meetings of the authority :-

(1) The meetings of the authority shall be held at such times and places and subject to sub-sections (2) and (3), the proceedings of the authority shall be conducted in such manner as may be

provided by regulations.

(2) The Chairman or in his absence, the Vice-Chairman or in his absence, any person chosen by the members present from among themselves shall preside at the meeting.

(3) At a meeting of the authority all questions shall be decided by majority of votes of the members present and for this purpose each member shall have one vote and in case of equality of votes the Chairman or Vice-Chairman or in his absence the person presiding at the meeting shall have a second casting vote.

(4) The quorum for the meeting of the authority shall be six.

CHAPTER 3

Powers and Functions of the Authority

7. Functions of the Authority :-

The authority shall have the following functions, namely.

(a) to undertake planning, investigation, estimation, execution, operation and maintenance of all irrigation project and works;

(b) to promote and operate schemes for irrigation, water supply and drainage;

(c) to promote and control navigation in the river and its tributaries, canals and channels;

(d) to formulate and execute schemes for the comprehensive development of the Krishna Basin;

(e) to undertake resettlement and rehabilitation of the people affected by the construction of the projects and works in the Krishna Basin;

(f) to construct proper drainage systems and take such other measures as are necessary to prevent water logging and salinity in the Krishna Basin;

(g) to undertake measures for protection and improvement of the environment including the treatment of catchment areas of the projects and works; and

(h) to undertake such other functions as may be necessary for the efficient utilisation of State's share with the water of River Krishna and its tributaries and as may be entrusted to it from time to time by the State Government.

8. General Powers of the Authority :-

(1) The authority shall have the power to do anything which may be necessary or expedient for the purposes of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provisions, such power shall include the power.

(i) to acquire and hold such movable and immovable property as it may deem necessary and to lease, sell or otherwise transfer any such property;

(ii) to construct or cause to be constructed such dams, barrages, reservoirs, power houses, power structures, electrical transmission lines and sub-stations, navigations works, irrigation, navigation and drainage canals and such other works and structures as may be required;

(iii) to prevent pollution of any water under its control and to take all measures to prevent discharge into such water effluents which are harmful to water supply, irrigation, public health or fish life;

(iv) to stock its reservoirs or water courses with fish and to regulate or prohibit taking out fish from the water under its control;

(v) to undertake rehabilitation and re-location and resettlement of the population displaced by the dams, acquisition of land for reservoirs canals and roads and protection of water sheds;

(vi) to aid in the establishment of co-operative societies and other organisations for the better use of facilities made available by the authority;

(vii) to compound or compromise any claim or demand arising out of any contract entered into by it under this Act or any action or suit instituted by or against it for such money or other compensation as it shall deem sufficient.

9. Rates for supply of water for irrigation, industrial and domestic purposes :-

The authority shall have the power to levy and collect water charges for supply of water for irrigation, industrial, and domestic purposes, at such rates as specified by regulations under this Act and shall also have the power to fix the minimum quantity of water which shall be made available for such purposes.

10. Supply of water where supply has been stopped or reduced :-

If with a view to operating its schemes, the authority has stopped or reduced the supply of water to any person for agricultural, industrial or domestic purposes which such person was prior to such stoppage or reduction, enjoying by virtue of any prescriptive right, the authority shall arrange such supply of water on the same terms as before.

11. Directions by the authority :-

(1) The authority in order to carry-out the purposes of this Act, may issue directions to the Karnataka Urban Water Supply and Drainage Board, Karnataka Electricity Board and such other bodies as are connected with the development activities in the Krishna Basin and provide the funds to comply with the same.

(2) Notwithstanding anything in any other law for the time being in force, every such direction shall be complied with by the body to whom such directions are issued. On failure, it shall be competent for the authority to take necessary action in this behalf and recover expenses if any incurred therefor from the body concerned.

(3) Any dispute which arises between the authority and the Boards or other bodies referred to in sub-section (1), in respect of the directions issue to them, shall be determined by the Government whose decision shall be final.

(4) Notwithstanding anything in the Command Areas Development Act, 1980, in order to carry-out the purposes of this Act, the authority shall have power to issue directions from time to time to the Command Areas Development Authorities of Bhadra Project, Tungabhadra Project, Ghataprabha and Malaprabha Project and Upper Krishna Project.

12. Power to delegate :-

The authority may, by notification direct that any power exercisable

by it under this Act, except the power to make regulations may also be exercised by the Chief Executive or such whole time member or Officer of the authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein.

13. Exercise of the powers under the Command Areas Development Act, 1980 :-

Notwithstanding anything contained in the Command Areas Development Act, 1980, the powers of the State Government under the said Act shall be exercised by the authority.

CHAPTER 4

Appointment of Officers

14. Appointment of the Chief Executive :-

(1) The State Government shall appoint an Officer who shall be the Chief Executive and Administrative Officer for the authority.

(2) The Chief Executive shall receive monthly salary and other allowances as the authority may from time to time determine.

(3) The Chief Executive shall have all the powers of a Secretary to the Government.

15. Powers and duties of the Chief Executive :-

(1) The Chief Executive shall be the Executive head and Chief Administrative Officer of the authority.

(2) The Chief Executive shall in addition to performing such functions as are conferred on him by or under this Act or under any law for the time being in force.

(a) carry into effect the resolutions of the authority;

(b) keep and conduct the authority's correspondence;

(c) carry-out and execute such schemes and works as the State Government may direct and incur necessary expenditure therefor;

(d) be responsible for implementing the schemes of the authority;

(e) create the accounts of the authority and be responsible for the maintenance of the accounts of the authority;

(f) exercise supervision and control over the accounts and proceedings of all Officer and servants of the authority in matters of

executive, administration and in the matters concerning the accounts and records of the authority and to the extent specified in sub-section (1) of Section 5 dispose of all questions relating to the service of such Officers and servants and their pay, privileges and allowances; and

(g) authenticate by his signature all permissions, orders, decisions, notices and other documents of the authority and the orders of the Chairman.

16. Conditions of service of Officers and servants of the authority :-

(1) Subject to such rules as may be prescribed, the authority may appoint such other Officers and employees as it may deem necessary for the efficient discharge of its functions.

(2) The recruitment and terms and conditions of service of the Officers and servants specified above shall be such as may be prescribed.

17. Powers of appointment etc., of Officers and Servants of the Authority :-

Subject to the provisions of the regulations framed under Section 41, the power of appointing, promoting, suspending, dismissing, reducing in rank or pay of the Officers and servants of the Authority, shall be exercised by the Chief Executive.

CHAPTER 5

Finance, Accounts and Audit

18. Vesting of property in the Authority :-

All property acquired and works constructed by the State Government in the Krishna Basin, before the Constitution of the authority, shall vest in the Authority and all income derived and expenses incurred in this behalf shall be brought into books of the authority.

19. Fund of the Authority :-

(1) The authority shall have its own funds and all receipts of the authority shall be carried thereto and all payments by authority shall be made therefrom.

(2) The fund of the authority shall consist of.

(a) the amount allocated in the State Budget for all irrigation

projects, in Krishna Basin Area and transferred to the authority Fund by appropriation from out of the Consolidated Fund of the State;

(b) All grants, subventions, donations, gifts made by the Central or State Government, any Local Authority, and anybody whether incorporated or not;

(c) the amount borrowed by the authority; and

(d) income of the authority.

20. Application of Fund :-

The fund of the authority and all property held or vested in the authority shall be applied for the administration of this Act.

21. Power to borrow :-

The authority may from time to time and subject to such conditions as may be prescribed in this behalf, raise loans, shares, debentures, irrigation bonds and otherwise secure funds for the purposes of this Act.

22. Account and Audit :-

(1) Accounts of the income and expenditure of the Fund of the authority shall be kept in accordance with such rules as may be prescribed.

(2) The authority shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The Accounts of the authority shall be audited annually by such auditor as the State Government, may direct.

(4) The auditor shall for the purposes of the audit have access to all the accounts and other records of the authority.

(5) The authority shall pay from its fund such charges for the audit as may be prescribed.

(6) As soon as may be after the receipt of the report of the auditor the authority shall send a copy of the annual statement of accounts, together with a copy of the report of the auditor to the State Government and shall cause to be published the annual statement of accounts in such manner as may be prescribed.

(7) The Government may after perusal of the report of the auditor give such directions as it thinks fit to the authority and the

authority shall comply with such direction.

23. Report :-

The authority shall before such date in such form and at such intervals as may be prescribed submit in such manner report to the State Government.

24. Budget of the Authority :-

The authority shall prepare every year before such date and in such form as may be prescribed budget estimate of its income and expenditure for the financial year to commence on the First day of April next following.

CHAPTER 6

Land Acquisition

25. Land Acquisition :-

(1) If at any time, in the opinion of the Chief Executive any land is required for the purpose of this Act, the Chief Executive may give notice of his intention to acquire such land.

(2) Such notice shall require the owner or where the owner is not the occupier, the occupier of the land and on all such persons known or believed to be interested therein to show-cause, within thirty days from the date of service of the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land or the occupier or by any other person interested therein, and after giving such owner, occupier or person an opportunity of being heard, the Chief Executive may pass such orders as he deems fit.

(4) After orders are passed under sub-section (3) where the Chief Executive is satisfied that any land should be acquired for the purpose specified in the notice issued under sub-section (1), a declaration shall, by notification be made to that effect.

(5) On the publication of the notification under sub-section (4) on the Notice Board of the authority and through local newspapers both in Kannada and English, the land shall vest absolutely in the authority free from all encumbrances.

(6) Where any land is vested in the authority under sub-section (5) the Chief Executive may by notice in writing order any person who may be in possession of the land to surrender or deliver possession thereof to the authority or any person duly authorised by it in this

behalf within thirty days of the service of the notice.

(7) If any person refuses or fails to comply with an order made under sub-section (6), the Chief Executive or any Officers authorised by him in this behalf may take possession of the land and may for that purpose use such force as may be necessary.

26. Amount Payable :-

(1) Where any land is acquired by the authority under this Act, the Chief Executive shall pay for such acquisition an amount in accordance with the provisions of this section.

(2) Where the amount has been determined by agreement between the authority and the person whose land has been acquired, it shall be paid in accordance with such agreement.

(3) Where no such agreement can be reached the Chief Executive shall refer the case to the Special Land Acquisition Officer for determination of the amount to be paid on such acquisition as also the person or persons to whom such amount shall be paid.

(4) For the purpose of determination of the amount and person or persons to whom such amount shall be paid the Special Land Acquisition Officer shall serve notice on the owner or occupier of such land and on all persons known or believed to be interested therein to appear before him and state their respective interests in the said land.

27. Application of Land Acquisition Act, 1894 :-

The provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), as amended by the Land Acquisition (Karnataka Extension and Amendment) Act, 1961 shall mutatis mutandis apply in respect of enquiry and award by the Special Land Acquisition Officer, the reference to the Special Court, the apportionment of amount and the payment of amount in respect of lands acquired under this Act.

28. Compulsory acquisition of land for the authority :-

Any land required by the authority for carrying out its functions under this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the authority as if the provisions of Part VII of the Land Acquisition Act, 1894 were applicable to it.

29. Exercise of power under Land Acquisition Act :-

Notwithstanding anything in the Land Acquisition Act, 1894.

- (i) the power of the State Government in relation to acquisition of land under this Act, shall be exercised by the Chief Executive; and
- (ii) the authority shall appoint a Special Land Acquisition Officer for the purposes of this Act, who shall exercise all the powers conferred on the Deputy Commissioner under the Land Acquisition Act, 1894.

30. . :-

Authority to have power to acquire land by agreement Subject to the provisions of this Act, the authority may enter into an agreement with the owner of any land or any person interested therein, situated within the limits of the Krishna Basin for the purchase of such land.

CHAPTER 7

Settlement of Disputes, Offences and Penalties

31. Constitution of Special Courts :-

(1) The State Government may by notification in the Official Gazette constitute one or more special Courts for such areas in Krishna Basin or any part thereof as may be specified in the notification for the purpose of adjudication of scheduled disputes arising in relation to function of the authority and trial of scheduled offences committed in the Krishna Basin.

(2) A Special Court shall consist of a single Judge as the State Government may deem fit to appoint.

(3) A person shall not be qualified for appointment as a judge of the Special Court unless he is or has been a Civil Judge.

(4) Where two or more Special Courts are constituted for Krishna Basin, the State Government may by general or special order regulate the distribution of work among them.

32. Jurisdiction of Special Court :-

(1) Notwithstanding anything contained in the Code or any other law, the Special Court shall have the following jurisdiction.

(a) to adjudicate the scheduled disputes including references, under Section 18 and Section 30 of the Land Acquisition Act, 1894, read with Section 27 of this Act, specified in Schedule I; and

(b) to try the scheduled offences specified in Schedule II.

(2) When trying any scheduled offences, the Special Court may also

try any offence other than the scheduled offence with which the accused may under the Code, be charged at the same trial if the offence is connected with the scheduled offence.

33. Procedure and powers of Special Courts :-

- (1) Every scheduled offence shall be Cognisable and Bailable.
- (2) In trying scheduled offences, the Special Court shall follow the procedure prescribed for summary trials under Chapter XXI of Code of the Criminal Procedure, 1973.
- (3) In adjudicating the scheduled disputes, the Special Court shall follow the procedure prescribed for trial of small cause suits under Chapter XXXVII of the Code of Civil Procedure, 1908.
- (4) In respect of land acquisition references, the Court shall follow the procedure prescribed under Part III of the Land Acquisition Act, 1894.
- (5) The Special Court shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying scheduled disputes all the powers of the Criminal Court under the Code of Criminal Procedure, 1973, while trying Schedule Offence and all the powers of Court under the Land Acquisition Act, 1894 while trying references under Sections 18 and 30 of the Land Acquisition Act, 1894.
- (6) Every decree or order made by the Special Court may be enforced by it in the same manner as if it were a decree or order made by a Civil Court and for this purpose the provisions of Sections 51 to 74 of the Civil Procedure Code, 1908 shall apply to all proceedings before the Special Court.
- (7) Every award passed by the Special Court may be enforced by it in any manner as if it were an award made by a Court under the Land Acquisition Act, 1894, and for this purpose the provisions of Part V of the Land Acquisition Act, 1894 shall apply to all proceedings before the Special Court.
- (8) All sentences passed by the Special Court upon trial of scheduled offences shall be forwarded to the nearest Magistrate of the First Class, who shall proceed to execute it as if it were an order passed by himself.
- (9) All proceedings before a Special Court shall be deemed to be

judicial proceedings.

34. Revision :-

(1) The District and Sessions Judge having jurisdiction over the area of the jurisdiction of Special Court may at any time call for and examine any order passed or proceeding taken by a Special Court under this Act for the purpose of satisfying himself as to the legality or correctness of such order or proceeding and may pass such order in reference to hereto as he thinks fit. The order of the District Judge shall be final.

(2) The provisions of the Indian Limitation Act, 1908 shall be applicable to the filing of any application for revision under this section.

35. Bar of jurisdiction :-

(1) No Civil Court shall have jurisdiction to settle decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Special Court.

(2) Except to the extent provided in Section 32 no order of the Special Court made under this Act shall be questioned in any Civil or Criminal Court.

36. Appointment of Special Government Pleader-cum-Public Prosecutor :-

For every Special Court, the State Government shall by notification in the Official Gazette appoint a Special Government Pleader-cum-Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER 8

Miscellaneous

37. Officers and Servants of the authority to be Public Servants :-

All Officers and servants of the authority whether appointed by the Government or the authority shall be deemed, when acting for purporting to act in pursuance of the provisions of this Act, to be public servants, within the meaning of Section 21 of the Indian Penal Code, 1860.

38. Protection of action taken under this Act :-

(1) No suit, prosecution or legal proceedings shall lie against any person in the employment of the authority for anything which is in

good faith done or purporting to be done under this Act.

(2) Save as otherwise provided in this Act, no suit or other legal proceedings shall lie against the authoring for any damage caused or likely to be caused by anything in good faith to be done or purported to be done under this Act.

39. Over-riding effect of the Act :-

(1) The provisions of this Act shall have effect notwithstanding anything in the Code or any other law, but save as expressly provided in this Act, the provisions of the Code shall in so far as they are not inconsistent with the provisions of this Act apply to the proceedings before a Special Court and for the purposes of the said provisions of the Code, the Special Court shall be deemed to be a Court of Session and the persons conducting a prosecution before a Special Court shall be deemed to be a Public Prosecutor.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the provisions of Sections 326 and 475 of the Criminal Procedure Code shall, so far as may be apply to the proceedings before a Special Court and for this purpose references in those provisions to a Magistrate shall be construed as references to the Special Court.

40. Bar of Suits etc :-

(1) No order passed or proceedings taken by an Officer or authority under this Act, shall be called in question in any Court, in any suit or application and no injunction shall be granted by any Court in respect of any action taken or about to be taken by such Officer or authority in pursuance of any power conferred by or under this Act.

(2) No suit, prosecution or other proceeding shall lie against any Officer or servant of the State Government for any act done or purported to be done under this Act, without the previous sanction of the State Government.

(3) No Officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of execution of duties or the discharge of the functions imposed by or under this Act.

(4) Save as otherwise provided in this Act, no suit shall be instituted against the State Government in respect of any act done unless the suit is instituted within six months from the date of the

act complained of.

(5) In the case of an intended suit against any Officer or servant of the State Government under sub-section (1), the person intending to such shall be bound to give the Officer or servant, as the case may be, at least one month's notice of the intended suit with sufficient description of the cause of action failing which such suit shall be dismissed.

41. Power to make rules :-

(1) The State Government may after previous publication, by notification, in the Official Gazette make rules to carry out of the purposes in this Act.

(2) Every rule made under this Act, shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both houses agree in making any modification in the rule or decide that any rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification of annulment shall be without prejudice to the validity of anything previously done under that rule.

42. Powers of authority to make regulations :-

The authority may subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the Government, by notification in the Official Gazette make regulations to carry out the purposes of this Act.

43. Power of entry :-

Any Officer or servant of the authority may at all reasonable times enter upon any land or premises and do such things as may be reasonably necessary for the purpose of lawfully carrying-out its works or of making any survey examination, investigation preliminary or incidental to the exercise of powers or the performance of function by the authority under this Act.

44. Removal of difficulties :-

(1) If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may by notification make such

provision as appear to it to be necessary or expedient for removing the doubt or difficulty:

Provided that no such notification shall be issued under this section after the expiry of two years from the date of commencement of this Act.

(2) The provisions made by any notification under sub-section (1) shall have effect as if enacted in this Act and any such notification may be made so as to be retrospective to any date not earlier than the date on which the Act has come into force.

45. Power to transfer cases to regular Courts :-

Where after taking cognizance of any offence, a Special Court is of the opinion that the dispute is not a scheduled dispute or the offence is not a scheduled offence it shall, notwithstanding that it has no jurisdiction to try the case, transfer the case for trial to any Court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the case as if it had taken cognizance of the offence or had been seized of the dispute.

46. Amendment of Karnataka Act 34 of 1987 :-

(1) In the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987), in Section 78, the words "the Bagalkot Town Development Authority" wherever they occur, shall be omitted.

(2) The moneys standing to the credit of fund in the Bagalkot Town Development Authority on the date of commencement of this Act together with any other assets belonging to such fund shall stand transferred to and vest in the authority and the authority shall be liable to discharge the obligations of Bagalkot Town Development Authority in respect of such funds.

SCHEDULE 1
SCHEDULE

SCHEDULE I

SCHEDULE

SCHEDULE II