[1]THE KARNATAKA IRRIGATION RULES, 1965

(As amended by GSR 105, dated 2-4-1968; GSR 134, dated 4-3-1969; GSR 261, dated 17-8-1971; GSR 268, dated 17-8-1961; GSR 272, dated 7-9-1971; GSR 354, dated 26-10-1972; GSR 29, dated 25-1-1973; GSR 33, dated 25-1-1973; GSR 136, dated 28-5-1973; GSR 149, dated 28-5-1973; GSR 322, dated 20-12-1973; GSR 174, dated 6-5-1974; GSR 181, dated 18-5-1974; GSR 204, dated 26-6-1974; GSR 272, dated 28-8-1978 **and GSR 93, dated 7-3-1979**.)

GSR 785.- 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;

1.Published in the Karnataka Gazette, Extraordinary, dated 31-12-1965, \ plain\ i vide\ plain Notification No. PWD 63 LBW 64, dated 31-12-1965

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 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.

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.

CASE LAW

Rule 4(2)- Levy of penalty.- *Basavangoud B.L. and Another Vs. 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 tanks is to be constructed can be described as persons that have suffered a

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

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 – *Appanna 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 I.

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 block, of 15.24 cm x 15.24 cm x 76.2 cm x (6″ x 6″ x 2 ½″) 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.

[1]**[10.Procedure for construction of field channels.-** xxxxx.

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 [2][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

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

2.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

survey number or sub- division or 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]**[13. Arrangement for use of field channel by other persons. –** x x x x x]

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

[2]**[15.Inquiry under Section 25.-** x x x x x]

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 3[seven non official members] and the Chairman of the Committee shall be a member nominated by the State Government.

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.

4[**17-A. Prescribed Officer for the purposes of sub- section (5) of Section 28**.– The prescribed officer for purposes of sub- section (5) of Section 28 shall be the 5[Assistant Engineer within the area of whose jurisdiction the irrigation work lies.]

6[**17-B. Application for permission to use water from a natural stream.**- An application for permission to use water from a natural stream shall be in From 15.]

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 work for purpose of clause (a) of Section 29.

1. Rule 13 omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972
2. Rule 15 omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972
3. Substituted for the words "five non-official members" by GSR 181, dated 18-5-1974, w.e.f. 6-6-1974
4. Rule 17-A inserted by GSR 105, dated 2-4-1968, w.e.f. 18-4-1968
5. Substituted for the words " Tahsildar of the Taluk" by GSR 204, dated 26-6-1974, w.e.f. 11-7-1974 6. Rule 17-B inserted by GSR 29, dated 25-1-1973, w.e.f. 8-2-1973

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 Tahsildar of the taluk and in the chavadies of the villages concerned.

(2) The Irrigation Officer shall determine the areas or land 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 months before the commencement of sowing operations for the cultivation of such crop or crops.

2[**19-A.– Manner of publication of notification issued under sub-section (2) or Section 32.** – (1) 3[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.]

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 of 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.

1. The words "or portions of the wet land" omitted by GSR 272, dated 7-9-1971,w.e.f. 3-8-1972. 2. Rule 19-A inserted by GSR 136, dated 28-5-1973, w.e.f. 7-6-1973.

3. 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.

1[**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 benefitted by any irrigation work maintained by the State Government indicating the extent of land benefitted 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 benefitted 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.

[2][**23-A. 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.]

[3][**23B. Grant of certified copies.** – 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 thereo.]

1.Rule 21-A inserted by GSR 354, dated 26-10-1972, w.e.f. 2-11-1972
2.Rule 23-A inserted by GSR 134, dated 4-3-1969, w.e.f. 17-4-1969 3.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.

FORM 1

[See Rule 1]

Notice of entry into Building or enclosed Court or Garden attached so Dwelling House under Section 6, 7 or 8 of the Karnataka Irrigation Act, 1965.

To

…….

…….....

I, …….. Irrigation Officer ……..hereby give notice that it is proposed to enter into the building/ enclosed court/ garden attached to dwelling house in survey No. …….of ……village……. Taluk……. District which is in your occupation for the purpose of …….. at…… on …….

I request you to allow any person acting on my behalf and under my orders to (here enter the purpose) …….

Irrigation Officer,

……..

FORM 2

NOTIFICATION

Notification under Section 15(1) of the Karnataka Irrigation Act, 1965

Whereas, I,…….. Irrigation Officer,……. am satisfied that the construction of field channels for the lands specified in the Schedule hereto is necessary in public interest for supply of water to lands requiring such supply for purposes of cultivation from outlet No……. at chainage …… of Distributary/ Sub-Distributary ……..

Now, therefore, in exercise of the powers conferred on me by sub- section (1) of Section 15 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), I, ……. Irrigation Officer ……hereby declare that the field channels may be constructed for this area after …….

Schedule of Lands for which field channels are necessary

Name of district	Taluk	Name of village	1[Survey numbers of the lands comprised within the area with a running description of the boundaries of such area].	Area likely to be irrigated
(1)	(2)	(3)	(4)	(5)

Irrigation Officer,
…….Division.

To

FORM 3

Notification under Section 15(2) of the Karnataka Irrigation Act, 1965

Whereas, in my opinion, it is necessary to occupy the lands specified in the schedule hereto for construction of field channels under outlet No……. at chain …… of Distributary/ sub-Distributary …….. for purpose of supply of water to lands requiring such supply for purposes to cultivation, and such lands have been marked out.

Now, therefore, in exercise of the powers conferred on me by sub-section (2) of Section 15 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965) I, ……. Irrigation Officer ……hereby declare that the said lands have been marked out for the construction of field channels.

1.Substituted for the words " Survey number" by GSR 174, dated 6-5-1974, w.e.f. 6-6-1974.

SCHEDULE

Sl.No	Name of district	Taluk	Name of village	[1]Survey numbers of the lands comprised within the area with a running description of the boundaries of such area	Area marked out for construction of field channels.
(1)	(2)	(3)	(4)	(5)	(6)

Irrigation Officer,

Division.

Copy to.-

1. The Tahsildar……. Taluk for information and publication in every village through which the field channel passes in accordance with Section 15(2) of the act.
2. The Assistant Engineer…….. Sub division.
3. The Deputy Commissioner …… District.
4. The Superintending Engineer …….Circle.
5. Notice board.

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[2][FORM 4 to 12]

x x x x x]

SCHEDULES

APPENDIX XI

APPENDIX XIV

FORM 13

Notice under Section 24(1)

Office of the Irrigation Officer,

…… Division.

To

Shri/smt…….

1.Substituted for the words" Survey number" by GSR 174, dated 6-5-1974, w.e.f. 6-6-61974

2.Forms 4 to12 omitted by GSR 272, dated 7-9-1971, w.e.f. 3-8-1972.

Whereas, it has come to my notice that you have failed to fulfil the obligation imposed by clause (a) of sub- section (1) of Section 20 of the Karnataka Irrigation Act, 1965, to maintain the field channel or channels under outlet No……. at chain……of Distributary/ sub-Distributary watercourse No. …… in a fit state of repair.

Now, therefore, in exercise of the powers vested in me under sub- section 24(1) of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), I, ……. Irrigation Officer, ……direct you to execute the necessary repair works within …… days, failing which the same will be executed by me and all expenses incurred in the execution of such repair will be recoverable from you as arrears of land revenue.

Irrigation Officer,

.....

.Division.

Copy to the Assistant Engineer.

FORM 14

Application for Water for Irrigation

No. of Application:

To

The Irrigation Officer,
.....Division,
.....

I,.....resident of village.....Taluk.....District .....make this application for supply of water from ……. Canal for the purpose of irrigation of the land herein after described subject to the provisions of the Karnataka Irrigation Act, 1965, and any other law for the time being in force relating to irrigation and the provisions of the Karnataka Irrigation Rules, 1965, and subject to the conditions specified on this application to which I agree.-

Name of village	Name of Distributary	Name of sub-Distributary	Outlet No.	Survey No. and sub-survey No.
(1)	(2)	(3)	(4)	(5)
Area of Survey No.	Area of holding	Area to be irrigated	Crop	Period for which water is required
(6)	(7)	(8)	(9)	(10)

2. I am the ……. of the lands for which water has been applied for.

3. The name and address of the applicant to whom the orders on this application should be communicated are ……

Signature or left Hand Thumb
Impression of the applicant Date:

Signature of the witness –
(All the details of the application have to be filled up by the applicant).

Forwarded for sanction as follows –

(1) Area to be sanctioned From …….

To ……..

(3) Water rate to be charged Dated

(2) Period of sanction

Per acre ……..

Sanctioned Signature

Date: Signature

INSTRUCTIONS

1. The application should be submitted in duplicate to the irrigation Officer or to any officer authorised by him to receive such applications. It may be sent through a messenger, presented personally, or sent by post.

2. When order is passed, the duplicate form will be returned to the applicant endorsed with the Irrigation Officer's order.

3 No sanction will ordinarily be given for the irrigation of any land to any person other than (1) the sole occupant or all joint occupants, (2) the sole superior holder or all joint superior holders, (3) a person having the right to carry on irrigated cultivation of the land for the period of the sanction, or (4) a person duly authorised on behalf of any of these to receive such sanction.

4. The applicant must state in para 2 of the form the nature of his interest in the land or of his authority to apply for sanction for carrying or irrigated cultivation in the land.

5. Sanction will be refused for the irrigation of any land which is found to be unsuitable for this form of irrigation.

CONDITIONS

1. After an application has been sanctioned, full water rates shall be payable for the area and period sanctioned by the Irrigation Officer, whether the area is irrigated or not, provided water was available during the period. No water rate shall be charged in case of perennial crops when the applicant gives a written intimation to the Irrigation Officer within one month from the date of sanction of the application that water is not required.

2. Each type of crop (namely, sugarcane, betel leaves, ordinary perennial, two season and seasonal) shall be grown only to the extent of the sanction shown on the pass, but an equal area of any lower rated type may be substituted.

3. The area sanctioned shall not be exceeded.

4. The sanction is liable to be cancelled or the supply to any crop irrigated under the sanction is liable to be withheld or stopped entirely without notice for breach of any provision of the Karnataka Irrigation Act, 1965, or of any rule of the Karnataka Irrigation Rules, 1965, or of any of the conditions of this application.

5. Water shall be given for the whole season if available, or at the discretion of the Irrigation Officer, for as many watering as may be possible.

6. Full water supply is not guaranteed but an intimation of the possibility of a shortage of water during the season for which application is made shall be given at the earliest date possible.

7. Water for any area of sugarcane sanctioned is subject to the condition that water is liable to be withheld from new sugarcane area after 31st May, if necessary. Each consecutive watering after 31st May shall require the sanction of the Irrigation Officer. Such sanction shall be accorded if water is available in the irrigation work for agriculture purpose but if it is insufficient at any time of the seasons all further watering may be stopped and the irrigator shall not in that case claim compensation for any damage to the sugarcane crop due to shortage of water.

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[1][FORM 15

Application for permission to use water from natural stream for irrigation

To
The Irrigation Officer,
.....Division,
.....

I, ...resident of village ..... Taluk.....District ..... make this application for permission to use water from natural stream/ river for the purpose of irrigation of the land herein after described, subject to the provisions of the Karnataka Irrigation Act, 1965, and any other law for the time being in force relating to irrigation and the provisions of the Karnataka Irrigation Rules, 1965, and further subject to the provisions contained in the instructions and the conditions specified at the end of this application, to which I agree.-

Name of the village	Survey No. and area thereof	Area of holding	Area to be irrigated	Period for which permission is required
(1)	(2)	(3)	(4)	(5)

2. I am the ..... of the lands for the irrigation of which it is necessary to use water and for which permission is sought for.

3. The name and address of the applicant to whom the orders on the application should be communicated are .....

Date:

Signature of the witness

Signature or left hand thumb
Impression of the applicant

1.-------

2.--------

(All the details of the application have to be filled up by the applicant)

Forwarded for sanction as follows:

1.Form 15 inserted by GSR 29, dated 25-1-1973, w.e.f. 8-2-1973

1)Area to be sanctioned.

2)Period of sanction.

3)Water rate to be charged From To per acre

Dated: Signature.

Sanctioned
Dated: Signature.

INSTRUCTIONS

(1) The application should be submitted in duplicate to the Irrigation Officer or to any officer authorised by him to receive such applications. It may be sent through a messenger or presented personally, or sent by registered post.

(2) When an order is passed, the duplicate form will be returned to the applicant endorsed with the Irrigation Officer's orders.

(3) No sanction will ordinarily be given for the irrigation of any land to any person other than (a) the sole occupant or all joint occupants, (b) the sole superior holder or all joint superior holders, (c) a person having the right to carry on irrigated cultivation of the land for the period of the sanction, or (d) a person only authorised on behalf of any of these to receive such sanction.

(4) The applicant must state in clause 2 the nature of his interest in the land or of the nature of his authority to apply for permission to use water to carry on irrigated cultivation of the land.

(5) Permission will be refused for the use of water for the irrigation of any land which is found to be unsuitable for irrigation.

(6) The application is liable to be rejected if full particulars are not given in the application as detailed above and in the event of failure to furnish any information which the Irrigation Officer requires in this connection.

(7) Permission granted may be purely temporary and for a period of [1][five year] only and grant of such permission shall not entitle the party for any preferential treatment.

(8) Every order refusing permission or rejecting the application shall be in writing and shall indicate the reasons for the refusal or rejection.

1.Substituted for the words "one year" by GSR 322, dated 20-12-1973, w.e.f. 27-12-1973

CONDITIONS

1. After an application has been sanctioned, water rate shall be payable for the area and for the period sanctioned by the irrigation officer.

2. The area sanctioned shall not be exceeded.

3. The permission is liable to be cancelled or stopped entirely without notice for breach of any provision of the Karnataka Irrigation act, 1965, or of any rule of the Karnataka Irrigation Rules, 1965, or of any of the conditions of this application.]

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[1][FORM 16

[See Rule 19-A]

Whereas, the Government of Karnataka has made a declaration under Section 32 (1) of the Karnataka Irrigation Act, 1965, (*vide* Notification No……..dated……), to the effect that it is expedient and desirable in public interest to regulate the kinds of crops that should be grown on the land under……

Now, therefore, in exercise of the powers vested in me under Section 32(2) of the Karnataka Irrigation Act, 1965, I, ……..the irrigation officer in consultation with the Committee constituted under Section 27 of the said Act and with the approval of the Deputy Commissioner …….District hereby specify in the Schedule below, the kinds of crops to be grown in column 4, on the lands specified in the corresponding entries in column 3 and the period of sowing and planting in the corresponding entries in columns 5 and 6 thereof.

SCHEDULE

Sl.No.	Name of the irrigation work	Description of the land	Kind of crop	Period of sowing	Period of planting
(1)	(2)	(3)	(4)	(5)	(6)

1.FORM 16 inserted by GSR 272, dated 28-8-1978, w.e.f. 7-9-1978

[1]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1968

GSR 105.- In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965, (Karnataka Act 16 of 1965), 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 6 LBW 66 (Part II), dated 19th February, 1968 as GSR 52 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 22nd February, 1968, namely. –

1.Title and commencement.– (1) These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1968**.

(2) They shall come into force at once.

2.Insertion of new Rule 17-A.– After Rule 17 of the Karnataka Irrigation Rules, 1965, the following rule shall be *inserted*, namely. –

" **17-A. Prescribed Officer for the purposes of sub–section (5) of Section 28**.– The prescribed officer for purposes of sub-section (5) of Section 28 shall be the Assistant Commissioner of the concerned Revenue Sub- Division".

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[2]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1969

GSR 134.– In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Irrigation Rules, 1965, the draft of the said rules having been previously published as required by sub-section (1) of the said section in Notification No. PWD 7 LBW 65 (Part II), dated 4th November, 1968, as GSR 22, dated 4th November, 1968, in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 16th January 1969.

1. **Title and commencement.–** (1) These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1969.**

(2) They shall come into force at once.

PWD 6 LBW 66, dated 2-4-1968

2.Published in the Karnataka Gazett i vide/ plain Notification No.

PWD 7 LBW 65, dated 4-3-1969

2**Insertion of new Rule 23-A.–** In the Karnataka Irrigation Rules, 1965, after Rule 23, the following rule shall be *inserted*, namely. –

" 23-A. Charges recoverable under Section 64.– 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".

1THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1971

GSR 261.– In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), 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 107 LBW 69, dated 22nd January, 1970 as GSR 53 in Part IV, Section 2-C(i), of the Karnataka Gazette, dated 12th February, 1970, namely. –

1.**Title and commencement– (1)** These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1971**

(2) They shall come into force on 20th August, 1971.

(2) **Amendment of Rule 17-A. –** In Rule 17-A of the Karnataka Irrigation Rules, 1965, for the words "the Assistant Commissioner of the concerned Revenue Sub- Division", the words " Tahsildar of the taluk" shall be *substituted*.

2THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1971

GSR 268.– In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), 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 107 LBW 69, dated 22nd January, 1970 as GSR 53 in Part IV, Section 2-C(i), of the Karnataka Gazette, dated 12th February, 1970, namely. –

1. **Title and commencement** – (1) These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1971**

(2) They shall come into force on 20th August 1971.

2.**Amendment of Rule 17-A. –** In Rule 17-A of the Karnataka Irrigation Rules, 1965, for the words "the Assistant Commissioner of the concerned Revenue sub- division", the words " Tahsildar of the taluk" shall be *substituted*.

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[1]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1971

GSR 272.– In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), 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 66 LBW 71, dated 7th September, 1971 in Part IV, Section 2-C(i), of the Karnataka Gazette dated 3rd August, 1972, namely. –

1. **Title and commencement.– (1)** These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1971.**

(2) They shall come into force at once.

2. **Amendment of Rule 3.–** In sub rule (1) of Rule 3 of the Karnataka Irrigation Rules, 1965 (hereinafter referred to as the principal rules), the word "field channel" shall be *omitted*.

(3) **Omission of certain rules**.- Rules 10, 11, 13 and 15 of the principal rules shall be *omitted.*

(4) **Amendment of Rule 12.**– In Rule 12 of the principal rules, the words "and every person duly authorised to use a field channel" shall be *omitted*.

(5) **Amendment of Rule 19** – in sub- rule (2) of Rule 19 of the principal rules, the words "or portions of the wet lands" shall be omitted.

(6) **Omission of certain forms** – Forms 4, 5, 6, 7, 8, 9, 10, 11 and 12 annexed to the principal rules shall be omitted.

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[1]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1972

GSR 354.– In exercise of the powers conferred by Section 71 of the [2][Karnataka Irrigation Act, 1965] (Karnataka Act 16 of 1965), the Government of Karnataka hereby makes the following rules further to amend the [3][Karnataka Irrigation Rules 1965], the draft of the said rules having been published as required by sub-section (1) of the said section in Notification No. GSR 29 (PWD 43 LBW 71), dated 19th January, 1972 in the Karnataka Gazette, dated 20th January, 1972, namely.-

1. **Title and commencement.– (1)** These rules may be called the [4]**[Karnataka Irrigation (Amendment) Rules, 1972.]**

(2) They shall come into force at once.

2.**Insertion of new Rule 21-A.–** In the Karnataka Irrigation Rules, 1965, after Rule 21, the following rule shall be *inserted*, namely, –

"**21-A.Determination of maintenance cess leviable under Section 44.**- (1) For determining the maintenance cess leviable under Section44, the Tahsildar shall after making such enquiry as he deems fit, issue notice to every landholder in the area benefitted by any irrigation w State Government indicating the

extent of land benefitted by such work and the maintenance cess leviable thereon. The Tahsildar shall also specify in the notice the date on or before which the landholder 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".

1.Published in the Karnataka Gazette, dated 2-11-1972, vide Notification No.PWD 43 LWB 71, dated 26-10-1972

2.Read for "Karnataka Irrigation (Levy of Water Rates) Act, 1957" by GSR 33, dated 25-1-1973.

3.Read for "Karnataka Irrigation (Levy of Water Rates) Act, 1965" by GSR 33, dated 25-1-1973.

4.Read for "Karnataka Irrigation (Levy of Water Rates) Act, 1972" by GSR 33, dated 25-1-1973.

[1]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1972

GSR 29.– In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Irrigation Rules, 1965, the draft of the said rules having been published as required by sub-section (1) of the said section in Notification No. GSR 317 (PWD 41 LBW 70), dated 22nd/26th September, 1972 in the Karnataka Gazette, dated 28th September, 1972, namely.–

1.**Title and commencement.- (1)** These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1972.**

(2) They shall come into force at once

2.**Insertion of Rule 17-B.-** After Rule 17-A of the Karnataka Irrigation Rules, 1965 (hereinafter referred to as the principal rules), the following rule shall be *inserted* namely .–

"**17-B. Application for permission to use water from a natural stream.-** An application for permission to use water from a natural stream, shall be in From 15."

3.**Inclusion of new Form 15.-** After From 14 of the forms annexed to the principal rules, the following from shall be *added*, namely.-

"FORM 15

Application for permission to use water from natural stream for irrigation

To
The Irrigation Officer,
.....Division,
.....

I,.....resident of village.....Taluk.....District ..... make this application for permission to use water from natural stream/ river for the purpose of irrigation of the land hereinafter he provisions of the Karnataka

Irrigation Act, 1965, and any other law for the time being in force relating to irrigation and the provisions of the Karnataka Irrigation Rules, 1965, and further subject to the provisions contained in the instructions and the conditions specified at the end of this application to which I agree.-

Name of village	Survey No. and area thereof	Area of holding	Area to be irrigated	Period for which permission is required
(1)	(2)	(3)	(4)	(5)

2. I am the ..... of the lands for the irrigation of which it is necessary to use water and for which permission is sought for.

3. The name and address of the applicant to whom the orders on the application should be communicated are .....

Date:

Signature of the witness

Signature or left hand thumb Impression of the applicant

1.....

2.....

(All the details of the application have to be filled up by the applicant)

Forwarded for sanction as follows:-

1)Area to be sanctioned

2)Period of sanction

3)Water rate to be charged From To per acre

Dated: Signature

Sanctioned

Dated: Signature

INSTRUCTIONS

(1) The application should be submitted in duplicate to the Irrigation Officer or to any officer authorised by him to receive such applications. It may be sent through a messenger or presented personally, or sent by registered post.

2) When an order is passed, the duplicate form will be returned to the applicant endorsed with the Irrigation Officer's orders.

(3) No sanction will ordinarily be given for the irrigation of any land to any person other than (a) the sole occupant or all joint occupants, (b) the sole superior holder or all joint superior holders, (c) a person having the right to carry on irrigated cultivation of the land for the period of sanction, or (d) a person only authorised on behalf of any of these to receive such sanction.

(4) The applicant must state in clause 2 the nature of his interest in the land or of the nature of his authority to apply for permission to use water to carry on irrigated cultivation of the land.

(5) Permission will be refused for the use of water for the irrigation of any land which is found to be unsuitable for irrigation.

(6) The application is liable to be reject if full particulars are not given in the application as detailed above and in the event of failure to furnish any information which the Irrigation Officer requires in this connection.

(7) Permission granted may be purely temporary and for a period of one year only and grant of such permission shall not entitle the party for any preferential treatment.

(8) Every order refusing permission or rejecting the application shall be in writing and shall indicate the reasons for the refusal or rejection.

CONDITIONS

1.After an application has been sanctioned, water rate shall be payable for the area and for the period sanctioned by the irrigation officer.

2.The area sanctioned shall not be exceeded.

3.The permission is liable to be cancelled or stopped entirely without notice for breach of any provision of the Karnataka Irrigation Act, 1965 or of any rule of the Karnataka Irrigation Rules, 1965 or of any of the conditions of this application".

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[1]CORRIGENDUM

GSR 33.– In Notification No. PWD 43 LBW 71 relating to amendment to the Karnataka Irrigation Rules, 1965 published in GSR 354, dated 26th October, 1972 at page 783 of Part IV, Section 2-C(i) of the Karnataka Gazette, dated 2nd November, 1972. –

(i) for "Karnataka Irrigation (Levy of water Rate) Act, 1957" read "Karnataka Irrigation Act, 1965";

(ii) for "Karnataka Irrigation (Levy of water Rate) Act, 1965" read "Karnataka Irrigation Rules, 1965" ; and

(iii) for "Karnataka Irrigation (Levy of water Rate) (Amendment) Rules, 1972" read "Karnataka Irrigation (Amendment) Rules, 1972".

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[1]THE
KARNATAKA
IRRIGATION (AMENDMENT) RULES, 1973

GSR 136.– In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Irrigation Rules, 1965, the draft of the said rules having been published as required by sub-section (1) of the said section in Notification No. GSR 54 (PWD 74 LBW 71, dated 14th March 1973) published in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 22nd March, 1973, namely .–

1. **Title and commencement – (1)** These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1973.**

(2) They shall come into force at once.

2.**Insertion of new Rule 19-A.–** After Rule 19 of the Karnataka Irrigation Rules, 1965 the following rule shall be *inserted*. –

"**19-A**. **Manner of publication of notification issued under sub-section (2) Section 32.-** (1) A notification issued under sub section (2) of section 32 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".

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[1]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1973

GSR 149. – In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Irrigation Rules, 1965, the draft of the said rules having been published as required by sub-section (1) of the said section in Notification No. GSR 54 (PWD 74 LBW 71, dated 14th March, 1973) published in Part IV, Section 2-C(i) in the Karnataka Gazette, dated 22nd March, 1973, namely. –

1. Title and commencement.–(1) These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1973**

(2) They shall come into force at once.

2.**Insertion of new Rule 19-A.–** After Rule 19 of the Karnataka Irrigation Rules, 1965, the following rule shall be *inserted*. –

"**19-AManner of publication of notification issued under sub-section (2) Section 32.-** (1) A notification issued under sub section (2) of section 32 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".

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[2]THE KARNATAKA IRRIGATIO ULES, 1973

GSR 322.– In exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act ,1965 (Karnataka Act 16 of 1965), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Irrigation Rules, 1965, the draft of the said rules having been published, as required by sub-section (1) of the said section in Notification No. GSR 199 (PWD 41 LBW 70, dated 24th July, 1973) published in Part IV, Section 2-C(i) of the Karnataka Gazette dated 20th September, 1973.-

1.Published in the Karnataka Gazette, dated 14-6-1973, vide Notification No.PWD 74 LWB 71, dated 28-5-1973

2.Published in the Karnataka Gazette, dated 27-12-1973, vide Notification No.PWD 41 LWB 70, dated 20-12-1973

1. **Title and commencement.– (1)** These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1973.**

(2) They shall come into force at once.

2.**Amendment of Form 15.-** In Form 15 of the forms annexed to the Karnataka Irrigation Rules, 1965, in paragraph 7 of the "instructions" for the words "one year", the words "five years" shall be *substituted*.

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[1]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1974

GSR 174. – Whereas, the draft of the Karnataka Irrigation (Amendment) Rules, 1974 to amend the Karnataka Irrigation Act, 1965 was published as required by sub-section (1) of section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965) as GSR 90, dated 14th March, 1974 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 14th March, 1974 inviting objections or suggestions.

Whereas the objections and suggestions are considered by the State Government.

Now, in exercise of the powers conferred by Section 71 of the Act, the Government of Karnataka makes the following rules, namely .–

1. **Title and commencement.– (1)** These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1974.**

(2) They shall come into force at once.

(2) **Amendment of Forms.–** In the Karnataka Irrigation Rules, 1965. –

(i) In Form 2, in the Schedule, for the words "Survey number" occurring in the column heading to column 4, the words "Survey numbers of the lands comprised within the area with a running description of the boundaries of such area" shall be *substituted;*

(ii) In Form 3, in the Schedule, for the words "Survey number" occurring in the column heading to column 5, the words "Survey numbers of the lands comprised within the area with a running description of the boundaries of such area" shall be *substituted*.

[1]THE KARNATAKA IRRIGATION (SECOND AMENDMENT) RULES, 1974

GSR 181.– Whereas, the draft of the rules further to amend the Karnataka Irrigation Rules, 1965 was published, as required by sub-section (1) of section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965) in Notification No. GSR 62 (PWD 85 LBW 73), dated 15th January, 1974 inviting objections or suggestions from all persons likely to be affected thereby on or before 7th April, 1974.

And, Whereas the objections and suggestions received on the said draft have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by Section 78 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), the Government of Karnataka makes the following rules, namely. –

1. **Title and commencement.**– (1) These rules may be called the **Karnataka Irrigation (Second Amendment) Rules, 1974.**

(2) They shall come into force at once.

(2) **Amendment of Rule 16.-** In sub- rule (2) of Rule 16 of the Karnataka Irrigation Rules, 1965 for the words "five non-official members", the words " seven non- official members" shall be *substituted*;

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[2]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1974

GSR 204.– Whereas the draft of the rules further to amend the Karnataka Irrigation (Amendment) Rules, 1974, to amend the Karnataka Irrigation Rules, 1965, was published as required by sub-section (1) of section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965) as GSR 126, dated 15th April, 1974 in Part IV, Section 2-C(i) in the Karnataka Gazette, dated 25th March, 1974 inviting objections and suggestions.

Whereas, the objections and suggestions received are considered by the State Government.

Now, in exercise of the powers conferred by Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), the Government of Karnataka makes the following rules, namely. –

1. **Title and commencement.– (1)** These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1974.**

2.**Amendment of Rule 17-A.-** In Rule 17-A of the Karnataka Irrigation Rules, 1965, for the words "Tahsildar of the taluk", the words " Assistant Engineer within the area of whose jurisdiction the irrigation work lies" shall be *substituted*;

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[1]THE
KARNATAKA
IRRIGATION (AMENDMENT) RULES, 1978

GSR 272. – Whereas the draft of the rules further to amend the Karnataka Irrigation Rules, 1965, was published as required by sub-section (1) of section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), in Notification No. PWD 170 LBW 77, dated 20th June, 1978 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 29th June, 1978 inviting objections and suggestions on or before 15th July, 1978 from all persons likely to be affected thereby.

And, Whereas no objections and suggestions have been received.

Now, therefore in exercise of the powers conferred by sub-section (1) of Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), the Government of Karnataka makes the following rules, namely. –

1. **Title and commencement**.– (1) These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1978.**

2. **Amendment of Rule 19-A.-** In sub rule (1) of Rule 19-A of the Karnataka Irrigation Rules, 1965 (herein after referred to as the principal rules), for the words, brackets and figures "A notification issued under sub-section (2) of Section 32", the words, brackets and figures "A notification under sub-section (2) of Section 32 shall be in

Form 16 and" shall be *substituted*;

(3) **Addition of new Form 16.-** After Form 15 appended to the principal rules, the following form shall be *added*, namely. –

"FORM 16

[See Rule 19-A]

Whereas, the Government of Karnataka has made a declaration under Section 32 (1) of the Karnataka Irrigation Act, 1965 (*vide* Notification No……..dated……), to the effect that it is expedient and desirable in public interest to regulate the kinds of crops that should be grown on the land under……

Now, therefore, in exercise of the powers vested in me under Section 32(2) of the Karnataka Irrigation Act, 1965, I,……..the irrigation officer in consultation with the Committee constituted under Section 27 of the said Act and with the approval of the Deputy Commissioner …….District hereby specify in the Schedule below, the kinds of crops to be grown in column 4, on the lands specified in the corresponding entries in column 3 and the period of sowing and planting in the corresponding entries in columns 5 and 6 thereof.

SCHEDULE

Sl.No.	Name of the irrigation work	Description of the land	Kind of crop	Period of sowing	Period of planting
(1)	(2)	(3)	(4)	(5)	(6)

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[1]THE KARNATAKA IRRIGATION (AMENDMENT) RULES, 1979

GSR 93. – Whereas, a draft of the following rules further to amend the Karnataka Irrigation Rules, 1965, was published as required by sub-section (1) of section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), in Notification No. PWD 239 LBW 77, dated 22nd December, 1978 in Part IV, Section 2-C(i) in the Karnataka Gazette, dated 28th December, 1978 inviting objections and suggestions from all persons likely to be affected thereby on or before 31st January, 1979.

And, Whereas no objections and suggestions have been received on the said draft .

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 71 of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), the Government of Karnataka makes the following rules, namely. –

1. **Title and commencement**.– (1) These rules may be called the **Karnataka Irrigation (Amendment) Rules, 1979.**

(2) They shall come into force at once.

(2) **Insertion of Rule 23-B.-** After 23-A, of the Karnataka Irrigation Rules, 1965, the following rule shall be *inserted*, namely:

"**23-B. Grant of certified copies.** – 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.
