

THE  
KARNATAKA  
IRRIGATION (LEVY OF BETTERMENT  
CONTRIBUTION) RULES,1964  
CONTENTS

*Rules*

1.	Title.....	.....
2.	Definitions.....	.....
	(1)Act.....	.....
	(2) Form.....	.....
	(3) Section.....	.....
	(4) Year.....	.....
3.	Prescribed Officer.....	.....
4.	Notification to be forwarded to Betterment Levy Officers.....	.....
5.	Procedure to be adopted by the Betterment Levy Officers.....	.....
6.	Appeals [Omitted].....	.....
7.	Notice of Demand.....	.....
8.	Payment of Contribution.....	.....
9.	Rate of interest on arrears.....	.....
10.	Surrender of lands.....	.....
11.	Notice by Deputy Commissioner of proposal to surrender.....	.....
12.	Repeal.....	.....
	FORMS I to III.....	.....
	AMENDMENT RULES.....	.....

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(As amended by GSR 124, dated 3-3-1967

and GSR 242, dated 20-5-1967.)

GSR 281, - In exercise of the powers conferred by Section 11 of the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957( Karnataka Act 28 of 1957), the Government of Karnataka hereby makes the following rules, the draft of the same having been published in Notification No. **PWD 11 LBW 63, dated the 3<sup>rd</sup> July, 1964; in the Karnataka**

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## RULES

1. **Title:-** These rules may be called the **Karnataka Irrigation ( Levy of Betterment Contribution) Rules, 1964.**

2. **Definition,-** In these rules unless the context otherwise requires.-

(1) “**Act**” means the Karnataka Irrigation (Levy of Betterment Contribution and Water rate) Act, 1957;

(2) “**Form**” means a form appended to these rules;

(3) “**Section**” means a section of the Act;

(4) “**Year**” means the year commencing from the First day of July.

<sup>1</sup>[ 3. **Prescribed Officer.-** In respect of lands under an irrigation work costing.-  
(i) more than rupees fifteen lakhs, the Superintending Engineer of the Circle;  
(ii) not more than rupees fifteen lakhs, the Executive Engineer of the Division in which the irrigation work is situated shall respectively be the prescribed officers for purposes of Section 3.]

## CASE LAW

**Rule 3-** Karnataka Irrigation Betterment Contribution and Water Rates Rules ( before amendment).

*Govinda Bhat and Jagannatha Shetty, JJ.-* Different rates on the basis of capacity of irrigation works to irrigate achkat areas of 100acres and more, not valid .- *Achut Rao v State of Mysore, 1971 Mys L.J Sh N 250.*

Rule 3(1)- As amended –Classification of land for levy of water rate on the basis of crops grown on them is not inconsistent with Section 10 of the Act. Nor is there violation of Article 14 of the Constitution.-*H.Sharanappa Swamy Gownda v State of Mysore, 1975(1) Kar.L.J 208.*

4. **Notification to be forwarded to Betterment Levy Officers** <sup>2</sup>[xxxxx].-

The officer specified in Rule 3 shall forward a copy of the notification issued by him under sub-section (2) of Section 3 to the Betterment Levy Officer <sup>3</sup>[xxxxx] in whose jurisdiction any benefited land is situated.

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1. Rule 3 substituted by GSR 124, dated 3-3-1967
  2. The words “ and Tahsildars” omitted by GSR 124, dated 3-3-1967.
  3. The words “ and the Tahsildar” omitted by GSR 124, dated 3-3-1967

## CASE LAW

### Rule 4 — Procedure under.

*Venkataramiah, J.* —Under the rules the amount determined by the Tahsildar as water rate payable cannot be recovered from the landholder if he raises any objection within the prescribed time before the Assistant Commissioner. A notice of demand served by the Tahsildar on a landholder who has an objection to it would partake of the character of a mere proposal until the Assistant Commissioner passes his order after giving reasonable opportunity to the landholder to show cause against the levy.

It is not necessary for the Tahsildar to issue notice to each landholder liable to pay water rate. — *Basavanappa Siddappa Walikar v State of Karnataka*, **ILR 1975 Kar. 1873 : 1975(2) Kar. L.J. 269.**

<sup>1</sup>[**5. Procedure to be adopted by the Betterment Levy Officer.**—The statement being with a public notice required to be published under sub-section (3) of Section 4 in the village chavadi and the taluk office shall be published by the Betterment Levy Officer in Form I. Copies of the statement shall also be published at such convenient places as the Betterment Levy Officer thinks fit in the locality where the lands are situated. The notice to be served under sub-section (4) of Section 4 by the Betterment Levy Officer shall be in Form II.]

<sup>2</sup>[**6. Appeals.** —x x x x x.]

**7. Notice of Demand.** —<sup>3</sup>[(1) The Betterment Levy Officer shall issue a notice of demand in Form III to the person liable to pay the contribution.]

(2) Such notice shall be served on the assessee personally, and if he cannot be found on any adult member of his family residing with him or by affixture at his last known place of residence or sent by registered post to his last known address.

**8. Payment of <sup>4</sup>[contribution].**—<sup>5</sup>[The contribution] shall be payable in twenty annual instalments, the first instalment being payable before the 30th April following the date of service of the written notice of demand under Rule 7.

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1. Rule 5 substituted by GSR 124, dated 3-3-1967
  2. Rule 6 omitted by GSR 124, dated 3-3-1967
  3. Rule 7(1) substituted by GSR 124, dated 3-3-1967
  4. Substituted for the words “The basic contribution” by GSR 124, dated 3-3-1967

5. Substituted for the words “The basic contribution” by GSR 124, dated 3-3-1967

9. **Rate of interest on arrears .-** Interest at the rate of six percent per annum shall be payable on all amounts of arrears of <sup>1</sup>[contribution].

10. **Surrender of lands.- (1)** A landholder liable to pay the <sup>2</sup>[contribution], Who desires to surrender the whole or any part of his land in lieu of the contribution payable by him shall make an application in that behalf to the Deputy Commissioner within thirty days from the date of service of notice under Rule 7.

(2) The application under sub-rule (1) shall contain the following particulars, namely.-

- (1) The village in which the land is situated;
- (2) The survey number and measurement of the land and assessment fixed in respect of the land;
- (3) The price of the land as calculated by the applicant;
- (4) The amount of <sup>3</sup>[contribution] levied in respect of the land;
- (5) If the applicant is surrendering only a part of the land, the measurement of such part and the price of such part as calculated by him.

(3) The Deputy Commissioner shall, on receipt of the application under sub-rule (2) and after such enquiry as he deems fit, determine the price of the land or part of the land proposed to be surrendered, as the case may be having regard to.-

- (a) the statistics of sales of similar land in the neighbourhood; and
- (b) the increase in capital value of the land.

#### **11. Notice by Deputy Commissioner of the proposal to surrender.-(1)**

The Deputy Commissioner shall publish a notice containing the proposal to surrender the lands, the details of such lands and value fixed therefor.

(2) The notice under sub-rule (1) shall be published in the village where the benefited land is situated and the officer authorised to make such publication shall furnish a certificate attested by at least two persons who are residents of the village, that the notice was duly published in the village. A copy of the notice shall also be served in the manner specified in sub-rule (2) of Rule 7 on all persons interested in the land as shown in the Record of Rights relating to such land.

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1. Substituted for the words “basic contribution” by GSR 124, dated 3-3-1967

2. Substituted for the words “basic contribution” by GSR 124, dated 3-3-1967

3. Substituted for the words “basic contribution” by GSR 124, dated 3-3-1967

(3) Objections, if any, to the proposal to surrender shall be submitted to the Deputy Commissioner within sixty days from the date of publication or receipt of the notice, as the case may be.

(4) After the expiry of the period specified in sub-rule (3), the Deputy Commissioner shall consider the objections received and either accept or refuse to accept the offer to surrender of land.

(5) The Deputy Commissioner may refuse to accept the offer of surrender in the following cases, namely.-

- (i) inaccessibility or inconvenient location of the land offered to be surrendered;
- (ii) where such land is not irrigable or is not included in any area subject to a localised scheme of irrigation;
- (iii) where such land is a fragment or where the acceptance of the surrender results in fragmentation of the holding which is prohibited under any law for the time being in force relating to consolidation of holdings or prevention or fragmentation of holdings;
- (iv) where such land is not free from encumbrances.

**12. Repeal.-** The Karnataka Irrigation (Levy Of Betterment Contribution) Rules, 1961 are hereby repealed.

<sup>1</sup>[FORM I]

[See rule 5]

### **Public Notice**

The landholders of lands under the irrigable command of the irrigation work, namely.....\*\*specified in the statement annexed to this notice are hereby required to appear before the Betterment Levy Officer either personally or by Agent at .....\*\*\* on .....\*\*\*and to state (1) their objections, if any, to the inclusion of the lands in the statement as lands (a) under the irrigable command of the irrigation work, or (b) of any specified nature and extent of irrigability; and (2) in respect of payment of betterment contribution the basis on which they claim that the amount of betterment contribution has to be computed. The Statement shall be made in writing and signed by the party or his Agent.

\*\*Here specify the name of the Irrigation work

\*\*\*Here specify the place, time and date. The time to be specified in the notice should be earlier than one month from the date of publication of the notice.

**STATEMENT**

Name of the Land-holders	Survey number or other particulars of the lands under the irrigable command of the irrigation work	Extent of lands	Nature and extent of the irrigability of the lands	Remarks
(1)	(2)	(3)	(4)	(5)

Place.

Date.

Betterment Levy Officer

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**FORM II**  
 [See Rule 5]  
**Notice**

To

.....  
 .....

Whereas, you are the landholder of lands under the irrigable command of the irrigation work namely.....\*\*.....specified in the statement annexed to this notice.

You are hereby required to appear before the Betterment Levy Officer either personally or by agent at ....\*\*\*....on .....\*\*.....and to state (1) your objection, if any, to the inclusion of the lands in the statement as lands(a) under the irrigable command of the irrigation work or (b) of any specified nature an extent of irrigability; and (2) in respect of payment of betterment contribution, the basis on which you claim that the amount of betterment contribution has to be computed. The statement shall be made in writing and signed by you or your agent.

\*\*Here specify the name of irrigation work.

\*\*\*Here specify the place and date and time.

## STATEMENT

Name of the Land-holders	Survey number or other particulars of the lands under the irrigable command of the irrigation work	Extent of lands	Nature and extent of the irrigability of the lands	Remarks
(1)	(2)	(3)	(4)	(5)

Place.

Date.

Betterment Levy Officer

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### FORM III

*[See Rule 7]*

### Notice of Demand

Shri.....

.....

Take notice that in respect of your land or lands particulars of which are given in the statement annexed to this notice, a contribution specified therein has been determined and you should pay the amount due in twenty annual instalments, the first instalment being payable before \*\*\* you have the option to pay the entire amount in two years from the date of service of this notice in which case you will be allowed a rebate of ten percent.

\*\*\*\*\* Here specified the date. The date must be a date before 30<sup>th</sup> of April of the year following the date of service of notice.

## STATEMENT

Name of the work	Classification of work	Village or villages in which the lands are situated	Class of land	Survey No. of land	Extent of land
(1)	(2)	(3)	(4)	(5)	(6)

Amount of contribution payable	Amount of contribution if any previously paid to Government	Balance of Contribution payable	Amount of annual instalment	Remarks
(1)	(2)	(3)	(4)	(5)

Place:

Date:

Betterment Levy Officer

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THE  
KARNATAKA  
IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION)  
(AMENDMENT) RULES, 1967

GSR 124.- In exercise of the powers conferred by Section 11 of the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Karnataka Act 28 of 1957), the Government of Karnataka hereby makes the following rules, the draft of the same having been published in Notification No. PWD 33 LBW 64 Part III, dated 19<sup>th</sup> December, 1966, in the Karnataka Gazette, dated 22<sup>nd</sup> December, 1966, as required by sub-section (1) of the said section, namely.-

1. Title.- These rules may be called the **Karnataka Irrigation (Levy of Betterment Contribution) (Amendment) Rules, 1967.**

2. **Substitution of new rule for Rule 3.-** In the Karnataka Irrigation (Levy of Betterment Contribution) Rules, 1964 (hereinafter referred to as the principal rules), for Rule 3, the following rule shall be substituted, namely.-

**“3. Prescribed Officer.-** In respect of lands under an irrigation work costing.-

- (i) more than rupees fifteen lakhs, the Superintending Engineer of the Circle;
- (ii) not more than rupees fifteen lakhs, the Executive Engineer of the Division in which the irrigation work is situated shall respectively be the prescribed officers for purposes of Section 3.”

3. Amendment of Rule 4.- In Rule 4 of the principal rules, the words” and Tahsildars” occurring in the heading and the words” the Tahsildar” shall be omitted.

4. Substitution of new rule for Rule 5.- For Rule 5 of the principal rules, the following rule shall be substituted, namely.-

**“5. Procedure to be adopted by the Betterment Levy Officer.-** The statement being with a public notice required to be published under sub-section (3) of Section 4 in the village chavadi and the taluk office shall be published by the Betterment Levy Officer in Form I. Copies of the statement shall also be published at such convenient places as the Betterment Levy Officer thinks fit in the locality where the lands are situated. The notice to be served under sub-section (4) of Section 4 by the Betterment Levy Officer shall be in Form II”.

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1. Published in the Karnataka Gazette, dated 9-3-1967, vide Notification NO.PWD 33 LBW66, Part III, dated 3-3-1967

5. **Omission of Rule 6.**-Rule 6 of the principal rules shall be omitted.
6. **Substitution of new rule for Rule 7.**- For Rule 7(1) of the principal rules, the following rule shall be *substituted*, namely.-  
“7. **Notice of demand.**- (1) The Betterment Levy Officer shall issue a notice of demand in Form III to the person liable to pay the contribution”.
7. **Amendment of Rule 9.**- In Rule 8 of the principal rules, for the words “basic contribution” occurring in the heading, the word “contribution” shall be *substituted* and for the words “The basic contribution”, the words “the contribution” shall be *substituted*.
8. Amendment of Rule 9.- In Rule 9 of the principal rules, for the words “basic contribution” the word “contribution” shall be substituted.
9. Amendment of Rule 10.- In Rule 10 of the principal rules.-
  - (a) In sub-rule (1), for the words “basic contribution”, the word “contribution” shall be *substituted*.
  - (b) In sub-rule (2), in clause (4), for the words “basic contribution”, the word “contribution” shall be *substituted*.
10. Substitution of new forms for Forms I, II and III.- For Forms I, II and III appended to the principal rules, the following forms shall be substituted, namely.-

“FORM I  
Public Notice  
[See Rule 5]

The landholders of lands under the irrigable command of the irrigation work, namely **\*\*specified** in the statement annexed to this notice are hereby required to appear before the Betterment Levy Officer either personally or by Agent at **\*\*\*on\*\*\*** and to state (1) their objections, if any, to the inclusion of the lands in the statement as lands (a) under the irrigable command of the irrigation work, or (b) of any specified nature and extent of irrigability; and (2) in respect of payment of betterment contribution the basis on which they claim that the amount of betterment contribution has to be computed. The statement shall be made in writing and signed by the party or his Agent.

**\*\*Here specify the name of the Irrigation work.**

**\*\*\* Here specify the place, time and date. The time to be specified in the notice should be earlier than one month from the date of publication of the notice.**

STATEMENT

Name of the Land-holders.	survey number or other particulars of the lands under the irrigable command of the irrigation work	Extent of lands	Nature and extent of the irrigability of the lands	Remarks
(1)	(2)	(3)	(4)	(5)

Place.

Date.

Betterment Levy Officer.

\_\_\_\_\_  
 “FORM II  
 Notice  
 [See Rule 5]

To

.....  
 .....

Whereas, you are the landholder of lands under the irrigable command of the irrigation work namely.....\*\*.....specified in the statement annexed to this notice.

You are hereby required to appear before the Betterment Levy Officer either personally or by agent at.....\*\*\*.....on.....\*\*\*.....and to state (1) your objection, if any, to the inclusion of the lands in the statement as lands (a) under the irrigable command of the irrigation work or (b) of any specified nature an extent of irrigability; and (2) in respect of payment of betterment contribution, the basis on which you claim that the amount of betterment contribution has to be computed. The statement shall be made in writing and signed by you or your agent.

\*\*Here specify the name of the irrigation work.

\*\*\*Here specify the place and date and time.

**STATEMENT**

Name of the land holder	Survey number or other particulars of the lands under the irrigable command of the irrigation work	Extent of land	Nature and extent of irrigability of the lands.	Remarks
(1)	(2)	(3)	(4)	(5)

Place.

Date.

Betterment Levy Officer.

—  
**“FORM III**  
**Notice of Demand**  
**[See Rule 7]**

Shri.....

.....

Take notice that in respect of your land or lands particulars of which are given in the statement annexed to this notice, a contribution specified therein has been determined and you should pay the amount due in twenty annual instalments, the first instalment being payable before\*\*\*you have the option to pay the entire amount in two years from the date of service of this notice in which case you will be allowed a rebate of ten per cent.

\*\*\*Here specified the date. The date must be a date before 30<sup>th</sup> of April of the year following the date of service of notice.

**STATEMENT**

Name of the work	Classification of work	Village or villages in which the lands are situated	Class of land	Survey No. of land	Extent of land
(1)	(2)	(3)	(4)	(5)	(6)

Amount of contribution payable	Amount of contribution if any previously paid to Government	Balance of contribution payable	Amount of annual instalment	Remarks
(7)	(8)	(9)	(10)	(11)

Place:

Date:

Betterment Levy Officer.”

<sup>1</sup>CORRIGENDUM

GSR 242.- For the words viz., “for Rule 7” occurring in Rule 6 of the Karnataka Irrigation (Levy of Betterment Contribution)(Amendment) Rules,1967 – published in the Gazette, dated 9<sup>th</sup> March,1967(page 663-as GSR 124) please read as “for Rule 7(1)” of the principal rules.

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1. Published in the Karnataka Gazette, dated 8-6-1967, vide Notification No.PWD 33 LBW 64, Part III,dated 20-5-1967.