

THE KARNATAKA CAUVERY BASIN IRRIGATION PROTECTION ACT, 1991.

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STATEMENT OF OBJECTS AND REASONS

Act 27 of 1991.- It became necessary in the interest of the general public, to protect and preserve the irrigation in the irrigable areas of the Cauvery basin in Karnataka dependent on the waters of the Cauvery River and its tributaries.

The Karnataka Cauvery Basin Irrigation Protection Ordinance, 1991 was promulgated for the above purpose.

This Bill seeks to replace the above Ordinance.

Hence the Bill.

(Obtained from L.A. Bill No. 20 of 1991 File No.LAW 46 LGN 91.)

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KARNATAKA ACT No. 27 OF 1991

(First published in the Karnataka Gazette Extraordinary dated Twelfth day of October 1991)

THE KARNATAKA CAUVERY BASIN IRRIGATION PROTECTION ACT, 1991.

(Received the assent of the Governor on the Twelfth day of October, 1991)

An Act to provide in the interest of the general public for the protection and preservation of irrigation in irrigable areas of the Cauvery basin in Karnataka, dependent on the waters of the Cauvery river and its tributaries.

WHEREAS it is expedient to provide in the interest of the general public for the protection and preservation of irrigation in the irrigable areas of the Cauvery basin in Karnataka, dependent on the waters of Cauvery river and its tributaries;

BE it enacted by the Karnataka State Legislature in the Forty-second year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Karnataka Cauvery Basin Irrigation Protection Act, 1991.

(2) It extends to the whole of the State of Karnataka.

(3) It shall be deemed to have come into force on the twenty fifth day of July, 1991.

2. Definitions.- In this Act unless the context otherwise requires,-

(a) "Cauvery basin" means the basin area of the Cauvery river and its tributaries lying within the territory of the State of Karnataka;

(b) "irrigable areas" means the areas specified in the Schedule;

(c) "Schedule" means the Schedule annexed to this Act;

(d) "water year" means the year commencing with the 1st day of June of a calendar year and ending with the 31st day of May of the next calendar year.

3. Protection of Irrigation in irrigable areas.- (1) It shall be the duty of the State Government to protect, preserve and maintain irrigation from the waters of the Cauvery river and its tributaries in the irrigable areas under the various projects specified in the Schedule.

(2) For the purpose of giving effect to sub-section (1) the State Government may abstract or cause to be abstracted, during every water year, such quantity of water as it may deem requisite, from the flows of the Cauvery river and its tributaries, in such manner and during such intervals as the State Government or any officer, not below the rank of an Engineer-in-Chief designated by it, may deem fit and proper.

4. Over-riding effect of the Act.- The provisions of this Act and of any rules and orders made thereunder shall have effect notwithstanding anything contained in any order or report or decision of any Tribunal (whether made before or after the commencement of this Act), save and except a final decision under the provisions of sub-section (2) of section 5 read with section 6 of the Inter-State Water Disputes Act, 1956.

5. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order as occasion requires, do anything (not inconsistent with the provisions of this Act) which appears to be necessary for the purpose of removing the difficulty.

6. Power to make rules.- (1) The State Government may, by notification in the official Gazette make rules to carry out the purposes of this Act.

(2) Every rule or order 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 said period, either House of the State Legislature makes any modification in any rule or order or directs that any rule or order shall have no effect, and if the modification or annulment is agreed to by the other House, such rule or order 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 or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

7. Repeal and Savings.- (1) The Karnataka Cauvery Basin Irrigation Protection Ordinance, 1991 (Karnataka Ordinance No. 6 of 1991) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have done or taken under this Act.

SCHEDULE

(See section 2(b))

IRRIGABLE AREAS IN CAUVERY BASIN OF KARNATAKA

Sl. No.	Name of the project	Irrigable Area (1000 hectares)
1	2	3
1.	Anicut channels	77.1
2.	Krishnaraja sagara	79.3
3.	Kanva	2.0
4.	Byramangala	1.6
5.	Marconahalli	6.1
6.	Hebbahalla	1.2
7.	Nugu	10.5
8.	Chikkahole	1.7
9.	Mangala	0.8
10.	Suvarnavathy	2.8
11.	Gundal	4.0
12.	Nallur Amanikere	1.3
13.	Kamasamudra Lift Irrigation Scheme	3.1
14.	Hutchanakoppalu Lift Irrigation Scheme	2.3
15.	Hemavathy	283.6
16.	Votehole	7.5
17.	Yagachi	21.5
18.	Kabini	87.9
19.	Harangi	54.6
20.	Chiklihole	1.7
21.	Manchanabele	3.8
22.	Taraka	7.0
23.	Arakavathy	8.6
24.	Iggalur	4.0
25.	Shri D. Devaraj Urs (Varuna) Canal	32.4
26.	Uduthorehalla	6.3
27.	Modernisation of Krishnarajasagara	2.0
28.	Minor Irrigation	135.0
	Total	849.70

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(The above translation of the ಕರ್ನಾಟಕ ಕಾವೇರಿ ಜಲಾನಯನ ಪ್ರದೇಶ ನೀರಾವರಿ ಸಂರಕ್ಷಣಾ ಅಧಿನಿಯಮ, 1991 (೧೯೯೧ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: ೨೭) was published in the official Gazette (extraordinary) Part IV-2B dated 8-11-1991 as No.722 under clause (3) of Article 348 of the Constitution of India)

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