

CHHATTISGARH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI ADHINIYAM, 2006

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2. This Act Inay be called the Chhattisgarh Sf (l) Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 2006.It extends to the whole of the State of Chhattisgarh (2) It shall come into force on such date as the State (3) Government may, by notification -in lthe OfTicial Gazette, appoint and difterent dates niay be appointed for different areas and for different provisions. In this Act, unless the context otherwise requires: (l) "agreernent" means an agreement bcnvecn (a) the' • Water 'Users' Association and the Project Committee or Canal Officer as the case Inay be, for all aspects of ilTigation manaoement including rehabilitation of the distributory system, supply water on volumetric basis for irrigation •and handing over. of physical system for operation, maintenance, management and related purposes; 'area of operation" in relation to fanners' (b) organisation means a contiguous block of land in the com;nand area of an , irrioiatioh svstem as nvav notified by the State Government for the purposes of this Act; (c) •avacut road 306 (46) 24 2006 include a road vestu in a Gram Panchayat, Janpad Panchayat, Zila Panchayat, Nagar Panchayat,' Municipal Council, • Municipal' Corporation or Public Works Department of the State Government. (d) "canal officer" means the • following Officers of .the Water Resources Department namely: -- (iii) (v) Chief Engineer; Superintending Engineer; Executive Engineer; Sub-Divisional Officer; Canal Deputy Collector and. Sub*Engineer (e) 'command area" means•an area irrigated or capable of irrigated either by gravitational flow or by lift irrigation or by any other method from a Government or the •Government aided source and includes every such area whether it is called 'ayacut' or by any other name under any law. for the time being in force; (f) "competent authority" means the competent' authority appointed under Section 29; (g) (h) "distributory system" means and includes, — all main canals, branch canals, distributories and minor canals constructed for the supply and distribution of water for irrigation. all works, structures and appliances connected with the distribution of water for irrigation; and all field channels and other related channels and structures under a pipe outlet; "drainage system" means and includes, Chtrtnels either natural or artificial, for the discharge of waste or surplus water 2006 306 (47) and all works connected therewith or ancillary thereto; escape channels from an irrigation or distribution and other works connected therewith, but does not include works for removal of sew.age; all collecting drains and main drains to drain off surplus water from field drains; and all field' drains and related structures under pipe outlets; "farmers' organisation" wherever it occurs, shall•mean and include, water users' association at the primary level consisting of all the water users as constituted under section 4;. distributory comm ittee at secondary level as constituted .under section project committee at tlie project level, as constituted under section IO; "farmers participation in management of irrigation system" means involvement of water users in all aspects. of- irrigation in the irrigation system including planning, designing, operation, maintenance, rehabilitation, modernization, administering rights, resolving .of confl.icts, determination and collection of Irrigation Water Rate, monitoring, evaluation, budgeting, and financial management, and extends to providing and coordinating irrigation and agriculture related services; (k) "field channel" includes a channer existing or to be constructed by the State Government or by the land holders or by an agency to receive and distribute water from a pipe outlet or an opening in a

water course for irrigation of field belonging to Government or private owners, — 'fick} drain" inc,uucs a channel excavated 306 (48) 24 2006 and maintained by the land holder or by any other agency, to discharge waste or surplus water from the land holding under a •pipe outlet and includes drains, escape channels and other silni•lar works existing or to be constructed; "financing agency" means any commercial (m) bank or any co-operative society or any other bank or organisation established or incorporated under any law for the time being in Torce, which lends money for the development of the area of operation of the farmers' organisation; "general body" in relation to Water Users' (n) Association; "hydraulic basis" means . the basis for (o) identifying a viable irrigated area served by one or more hydraulic structures such as headworks, distributories, minors, pipe outlets and Ilie like; 'irrigation system" means such major, (p) medium and minor irrigation system excluding those which are under the control of Panchayat for harnessing water for irrigation and other allied uses from Government sources and also sources created by means of community participation, which is duly permitted by the District Collector -and includes reservoirs, open head channels, diversion systems, anicuts, stop dams, lift irrigation schemes, bore/tube wells; tanks, wells• and the like and such •irrigation system irrigating an area greater than 40 hectares; 'major • •irrigation . system' Ekplanation: -- (i) means irrigation syQem under" major irrigation pproject having irrigable command area of more than system ' irrigation means (ii) 'medium irrigation system under medium irrigation project having irrigable command area of more than 2;000 hectares and up to 1 0,000 hectares; (iii) . 'minor irrigation system' means irrigation system under minor ilTig,ation project having irrigable •command area of more than 40 hectares and up to hectares; 24 2006 • 306 (49) "land ho der" Ineans an owner alid or a (q) tenant recorded as such in the record of rights under the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) in respect of land in the notified ayacut area of an irrigation system; "lift irrigation" or "lift irrigation scheme" in relation to lift irrigation Water Users' ASsociation -lif: irrigation Schemes, whcrein means all Government, permission is required for lifting water, but excluding the lift irrigation schemes on private open wells and bore wells; "lift and tube well irrigation water users' (s)' association" in relation to management of irrigation system by farmers, means an association constituted for the purpose of lift and tube well irrigation constituted in thé prescribed manner as provided under Sections 21 and 22 of the Act; 'Inaintenance" Ineans execution 'vvorks on the irrigation system as arc y ensure that the physical system .designed to the standards operates for proper distribution or to the land ehlders in arc.a a, committee: (u) manacuna managing committee of any farmers' organisation: "member" means the Incinber of any farmers' organisation. (w) "operationaL plan" .means a schedule of irrigation deliveries with details of the Inode and duration of supplies dra•wn up for regulation of irrigation in the command area of an • irrigation system; "presciibed" means prescribed by Rules (x) made under the Act; "territorial constituency" for the purposes (y) of this Act means an arca delineated on hydraulic ba.sis and to the .extent possible represents an area irrigated by one common canal; (z) ' •warabandi" means a system of distribution of water allocati01i to Wü(u- usus by turr.k, .Ä ifidletiii2 thc. dav. 306 (50) f?7iAi 24 2006 and the time of supply; in relation to an allocation" "watc:• irrigation system means distribution of water determined from time -to time by a farmer's organisation in its area of operation; Provided that the allocation at the Project areä level vould . be determined jo;ntly by the farmers organisations and ,the Canal Officer, as the case may be; (zb) "water user" means and includes any individual or body corporate or a society using water for agriculture, domestic, power, non- domestic, commercial, industrial or any other purpose from a Government source of irrigation; The words and expressions used in this Act, but not (2) defined, shali have the .smnc meaning as assigned to them in the Chhatti.sgarh Irrigation Act, 1931 (No. 3 of 1931). CHAPTER-11- CONSTITUTION OF FARMERS' ORGANISATION 3. AND DELINEATION OF COMMAND AREA THEREOF (l) The District Collector, may by notification and in Delineation of.water accordance with the rules made under this Act, "in this asers? area behalf, delineate every command area in consultation with the' farmers who are proposed beneficiaries under each of the irrigation systems and on a hydraulic basis which may be administratively viable; and declare it -to be a water users' area for the purpose of this Act: Provided that any water users' area in minor, .medium & major irrigation system shall not exceed 2000 hectares; '3d% command area under the minor and lift irrigation systems, the entire command area.. may, as far.yas .possiblq, form. a single water users' area; Provided further that for minor irrigation system including. irrigation systems comprising more than one minor scheme a Water Users' Association may be formed with an area of two hundred hectares and above, and to the extnt possible; 24 2006 306 (51) Constitution Of Water Users' Association 4. Provided further-

that there may be one Water User Association for more than one Minor Scheme when the aggregate command area of such schemes is less than 200 ha and are located next to each other or, are at reasonable distance from one another; (2) The modifications of delineated Water Users Association Area in sub-section (1) shall be notified by the District Collector and would be based on recommendations made by the Canal Officer in Charge of irrigation project and such canal. officer shall arrive at the recommendation made in this regard only after consultation with the farmers who are proposed beneficiaries under such Schemes; (3) Every Water Users Associations' Area shall be divided into territorial constituencies which shall be up to ten in minor irrigation systems and twelve in major and medium irrigation systems. Provided that there is no necessity of formation of ten territorial constituencies for constituting a Water Users' Association in cases of commanded area of less than two hundred hectares and no necessity of formation of any territorial constituency in case of Lift Irrigation Water Users' Association. (1) There shall be a Water Users' Association called by its local distinct name for every Water Users' Association's area delineated under Section 3. Every Water Users' Association shall consist of the following members, namely:- (a) all the water users who are land holders in a water users' area: (i) the owner and the landholders in respect of the same land, the holder of the deed of the land; (ii) the person who is in lawful possession and enjoyment of the land under a water source, on proof of such possession and such enjoyment in a crop year, may claim notwithstanding whether membership in which case the Water Users' Association shall not refuse the membership of such person for the purposes of this Act, and such person shall be liable to pay the water charges and the fees as may be prescribed as if he is the water user; Provided further that the wife / wives of such land holder, who do not hold land, shall be deemed to be the landholders for the purpose of this act. (b) (c) all other water users in a water users' area; Government may, by notification, nominate one officer each from the Water Resources Department and the Department of Agriculture or Ayacut Department to be the members of the Water Users' Association as advisors and without having the right to vote. (3). The number specified in sub-section (2) shall constitute the general body of the Water Users Association. (1) There shall be a Managing Committee for every Water Users' Association. (2) The Managing Committee for each Water Users Association would comprise of the elected representatives of the Territorial Constituencies as specified in sub-section (3) of Section 3. (3) The term of the office of the members of the territorial constituencies shall; if not recalled or removed or disqualified under the provisions of the Act, shall be five years from the date of first meeting of the Managing Committee Provided that the term of office can be extended up to one year by the State Government, under special circumstances. (4) The first Meeting of Managing Committee shall be held within 30 days after the declaration of election (5) The District Collector shall make arrangements for the election of President of the Managing Committee of Water Users' Association by direct election by the method of secret ballot in the manner prescribed. Constitution of Committee of Water Users Association and election of its President and Members (6) The District Collector shall cause arrangement for the election of a Managing Committee consisting of one member from each of the territorial constituencies of a Water Users area by a simplified election procedure in the manner-prescribed: Provided that a person eligible to become an elected representative of more than one territorial constituency of a Water Users' Association shall be entitled to be such a representative of only one territorial constituency, at his option and he/she shall exercise such option before filing his/her nomination for the election; Provided further that no person can be a member of a Managing Committee of more than one Water Users' Association. If at an election, the President or the members of (7) the territorial constituencies of Water Users' Association are not elected fresh election shall be held within a period of 90 days from the date of failure in the same manner as specified in sub-Section (5) or (6), as the case may be. The State Government may nominate an officer at (8) an appropriate level from the Water Resources Department without having the right to vote, to be the Secretary of the managing committee of the Water Users' Association. (9) The Managing Committee shall elect one Treasurer from among the members of the Managing Committee to assist the President and the Treasurer shall function as directed by the Managing Committee. (10) For the purposes of equitable distribution of water, adequate representation shall be given in the Managing Committee, to the water users from the Head, Middle and Tail reaches of the area of operation of the Water Users' Association as may be prescribed; (11) Seats shall be reserved in every Management Castes, Scheduled Tribes and other Backward Classes and the number of seats so

reserved shall bear as nearly as may be the same, proportion to the total number of seats to be filled by direct election in that Water Users' Association as the number of Scheduled Castes, Scheduled Tribes and other Backward Classes of the area. and such seats shall be allotted by the prescribed authority to different Territorial Constituency in that Water Users Association, in the prescribed manner. Provided that such reservation of seats shall not exceed fifty percent of the total members of the Managing Committee of the Water Users' Association. (12) The Territorial Constituency which have no population of Scheduled Castes, Scheduled Tribes Or other Backward Classes of water users, shall be excluded for allotment of seats reserved for Scheduled Castes or Scheduled Tribes or other Backward Classes as the case may be. (13) -One third of total number of seats reserved under subsection (1) and unreserved seats shall be reserved for women candidates and the reservation shall be horizontal. and compartment-wise. Explanation: "Horizontal and compartment-wise reservation" means reservations in each category namely, Scheduled Castes, Scheduled Tribes, Other Backward Classes and General. (14) Seats reserved for women may be allotted by the prescribed authority by drawing of lots and by rotation to different Territorial Constituency in a Water Users' Association in the prescribed manner. (15) There shall be nomination of one member from the Gram Panchayat, from among the Gram Panchayat(s) within the water users' area, to the Managing Committee and such member shall not have the right to vote. Provided that such nomination would be decided by the Managing Committee in concurrence with the Gram Panchayat(s) in the water users' area and in the prescribed manner. (16) The President of the Managing Committee of water users association shall, if not recalled or removed or disqualified by the provisions of the Act, be in office for a period of five years from the date of election or his tenure as member of territorial constituency, whichever is earlier. (17). The Managing Committee shall exercise the powers and perform the functions, of the Water Users' Association. (1) The State Government may, by notification and in accordance with the rules made in this behalf; delineate every command area of the irrigation system, comprising of three or more water users' association, and declare it to be a distributory area for the purpose of this Act: Provided that for medium and major schemes, a Distributory Committee may be formed only when its water distribution network so warrants. (2) The delineation in (1) shall be based on recommendations made jointly by the Canal Officer in charge of the concerned irrigation projects and the concerned Water User Associations (1) There shall be a Distributory Committee called by its local distinct name for every distributory area declared as such under sub-section (1) of Section 6. (a) All the Presidents and Managing Committee members of the water users associations in the distributory area, so long as they hold such office, shall constitute the general body of the committee. (b) Government may, by nominate one officer each from the Water Resources Department and the Department of Agriculture or Ayacut Department to be the members of the Distributory Committee as advisors and without having the right to vote. (1) There shall be a Managing Committee for every Distributory Committee. (2) The State Government shall cause arrangements, in such manner as may be prescribed, for the election by the method of secret ballot of the President and Members of the Managing Committee who shall be five or more in number but not more than fifteen and depending on the commanded area covered by that distributory command and from amongst the members of the general body of the Distributory Committee: Provided that if at an election, the President or the members of the Managing Committee for a Distributory Committee are not elected, fresh election shall be held within a period of 90 days from the date of failure in the same manner as specified above: (3) The State Government may nominate an officer at an appropriate level from the Water Resources Department without having the right to vote, to be the Secretary of the managing committee of the Distributory Committee. (4) The Managing Committee shall elect one Treasurer from among the members of the Managing Committee to assist the President and the Treasurer shall function at the direction of the Managing Committee. For the purposes of equitable distribution of water, (5) adequate representation shall be given in the Managing Committee from the Head, Middle and Tail reaches of the area of operation of the Distributory Committee in such manner as may be prescribed. Seats shall be reserved in every Managing Committee of Distributory Committee- for the Scheduled Castes, Scheduled Tribes and other Backward Classes and the number of seats so reserved shall bear as nearly as may be the same

proportion to the total number 'Of seats to be filed in •that Managing Committee as the number of Scheduled Castes, Scheduled Tribes and other Backward Classes of the water users in that distributory area bears to the total number of water users of that area and such seats shall be reserved by the •prescribed authority and in the prescribed manner. Provided that such reservation of seats shall not exceed fifty percent of the total members of the Managing Committee of the Distributory Committee. . - - 'One third 'of tofâi"flumger of séatsfreéérvéd under subsection (6) and unreserved seats shall be reS&ved for women candidates and the 'reservation shall be horizontal and compartment-wise and "Horizontal - Explanation: reservation" means reservations in each •categ01Y namely; Scheduled Castes, Scheduled Tribes, other Backward Classes and General. Seats reserved for women Inay be reserved in the (8) prescribed Inanner. 24 2006 306 (57) of Project area Constitution of Project Committee 9. IO. (9) There shall be nomination of one memberfrom the Janapad Panchayat, from among the Janapad Panchayat(s) within the Distributory area, to the Managing Committee and such member shall not have the right to vote. Provided thai such nomination would be decided by. the Managing Committee ili concurrence with the Janapad Panchayat(s) in .the Distributory area and in the prescribed manner. (IO) The term • of office • of the President and the members of the Managing Committee' shall be five years from the date of the . first meeting of. the Managing Committee, unless recalled earlier under section 14 of the Act. Provided that the term of office can be extended up to one year by the State Government, under special circumstances. (l l) The first meeing of Management Committee shall be held wifhin 30 days after the declaration of elections resu The Managing Committee shall exercisc the powels and pcrfon•n the functions of the Distributory Committee. (l) The State Government, may 'by notification and in accordance with the rules made under this Act in this behalf, delineate every cominand•, area or part thereof, and declare it to be•a project area for the purposes of this Act. lhe delineation in sub-section (l). shall be based .on (2) recommendations made jointly by the Canal Officer in Charge of the concerned irrigation projects and the Presidents of the Distributory Committees in the project area. (l) There shall be a Project Committee called by its distinct name for every project area declared as such under sub-section (l) of Section 9 above. rriiation systems; where there are distributory (2) committees all the •Presidents and member of managing committee of the Distributory Committees in the Project Area, so long as they •held such officg shall constitute the penerai of I he. Prnie.ct Cnmmittee. 306 (58) 11. 24 2006 In Irrigation systems, where there are 'no distributory committees all the Presidents and member of Inanaging committee of the Water Users Associations in the project area, so long .as they hold such office, shall constitute the general body of the Project Committee. (4) Government may, by notification, nominate one officer each from the Water Resources Department and the Department of Agriculture or Ayacut Departinent to be the members of the Proicct Committee as advisors and without having the right to vote.r (l) There shall be a Managing Committee for every Project Committee. (2) State Government shall' cause arrangements, in such manner as may be prescribed, for the election by the method of secret ballot of the mémbers of the Managing Committee who shall not be more than nine from amongst the members of the general body of the 'Project Committee. If, at an election held, President and the Members of the • Managing Committee are not elected, fresh elections shall be held in the prescribed manner. (3) The State Government may nominate an officer at an appropriate level from the Water Resources Department without having the right to vote, to be the Secretary of tthe managing committee of the Project Committee. (4) 'The Managing Committee shall elect one Treasurer from among the members of the Managing Committee to assist the President and the Treasurer shall function at the direction of.the Managing Committee. For, of •eqyitable distril?.ytion Qf water, adequate representation shall be given in ith9.,b44Phging Committee of the Project Committee from the - Head, Middle and Tail reaches of the •area of operation of.,the Project Committee in such manner as may be prescribed. shall be reserved in every Managi112 (6) Committee of the Project Committee for the Scheduled Castes, Scheduled Tribes and other Backward Classes and the number of seats so reserved shali- bear as nearly as rmay b,' (he saine proportion to the total nunn;er of seats "'filber of to be filed in that Nlanaging Committee as the Constitution of Managing Committee of Project Committee and election of its President and Members Rai*24 2006 Scheduled Castes, Scheduled Tribes and other Backward Classes of thé water users in that Project area bears to the total number of, water users of that area and such seats shall be reserved by the prescribed authority and in the prescribed manner. Provided that such reservatiön of seats shall npt exceed fifty percent of the total members of the Managing Committee of the Project Committee. (7) One third of total number of seats reserved under subsection. (6) and •unreserved seats

shall be reserved for women candidates and' the reservation shall be horizontal and compartment-wise. Explanation: "Horizontal and compartment-wise reservation" means reservations in each category namely; Scheduled Castes, Scheduled Tribes, other Backward Classes and General. Seats reserved for women may be reserved in the prescribed manner. (9) There shall be nomination of one member from the Zila Panchayat, from among the Zila Panchayat(s) within the Project area, to the Managing Committee and such member shall not have the right to vote. Provided that such nomination would be decided by the Managing-Committee in concurrence with the Zila Panchayat(s) in the Project area and in the prescribed manner.' (10) The term of office of the President and the members of the Managing Committee shall be five years from the date of first meeting of Managing Committee. Provided that the term of office can be extended up to the State Government under special 306 (59) clause. (VI) •The first meeting of management committee shall be held within 30 days after the declaration of election results. (12) The term of office of the President and the members of the Managing Committee of Project Committee shall if not recalled or removed or disqualified under the provisions of the Act earlier, be coterminous with their terms as specified. 306 (60) 12. 13. 24 2006 (13) The Managing Committee shall exercise the powers and perform the functions of Project Committee. The farmers' organisation under the Act may decide to federate and form a state level farmers' federation to facilitate interactions of the state government and non government organizations with the farmers, to support farmers participation in management of irrigation systems and further to deal with allied activities relating to irrigated agriculture. (1) • The State Government may by Notification, constitute a Policy Committee consisting of the following Members, namely: — The Minister in charge of Water Resources (a) Department — Chairperson; three persons from amongst the Presidents (b) of the Project Committee; two persons from amongst the Presidents of (c) Water User Associations from the minor irrigation systems; (d) two persons from non-government organisations including one person having knowledge in the field of participatory irrigation management : and three officers not below the rank of Chief (e) Engineer or equivalent including one each from the Water Resources Department, Agriculture Department and Ayacut Department of the State Government. (2) The number of members may be increased by such number as may be considered necessary by the State Government. (3) The committee constituted under sub-section (1) shall mandatorily have at least one third Women members from amongst the Presidents of the Project Committee and the Presidents of the Water Users' Associations and to the extent possible representatives of Government department and Non-Government Organizations (NGOs). shall also have at least one third women. Federation of Farmers Organization at the State Level State Level Policy Committee 24 2006 306 (61) Procedure for recall Procedure for Removal of the President by the Managing Committee Constitution of Sub- committees in farmers' organisation Farmers' organisation to be a body corporate 14. 15. 16. 17. (4) The Committee, constituted under sub-section (1) shall exercise such powers and functions as may be necessary to lay down the policies for implementation of the provisions of this Act (1) A motion for recall of a President or member of a Managing Committee, as the case may be, of a farmers' organisation may be made by giving a written notice as may be prescribed, signed by not less than one third of the total number of members of the farmers' organisation, who are entitled to vote. Provided that no notice of motion under this section shall be made within one year of the date of assumption of office by the person against whom the motion is sought to be moved. If the motion is carried with the support of the two thirds majority of the members present and Voting and half of the total number of members of the association, voting at a meeting of the general body specially convened for purpose the District collector or the state Government, as the case may be, shall by order remove him from office and the vacancy shall be filled in the manner specified in Section 20. The President of a farmers' organisation may be removed by the members of the Managing Committee of the same farmers' organisation through a resolution passed by two-thirds members of such managing committee. (1) The Managing Committee of a farmers' organization may constitute sub-committee to carry out all or any of the functions vested in each organization under the Act. : The sub-committee constituted under sub-section. (1) shall have a minimum of one-third women members from the concerned farmers' organisation. Every farmers' organisation shall be a body corporate with a distinct name having perpetual succession and a common seal and subject to the provisions of this Act vested with the capacity of entering into contracts and of doing all things necessary, proper or for the purposes for which it is constituted and it shall sue and be sued in its corporate name represented by the President, as the case 306 (62) 1-8. 19. 24 2006 Provided that no

farmers' organisation shall have the power to alienate in any manner, any property Vested The State Government may, •in the interest of a Farmers' Organisation in the command area and with prior consent of the concerned farmers' organisation, by notification, and in accordance with the rules made in this behalf, — (a) form a new farmers' organisation by separating the area from any farmers' organisation; increase the area of any farmers' (b) organisation; diminish the area of any farmers' (c) organisation; alter the boundaries of any farmers' (d) organisation; or cancel a notification issued under this Act (e) for rectifying of any mistake. Provided that no such separation, increase, diminution; alteration or cancellation shall be effected unless a reasonable opportunity of being heard is given to the organisation •likely to be affected.

(1) No officer or servant of the Government of India or any State Government or a local authority or an employee of any institution receiving aid from the funds of the State Government. It shall be qualified for being chosen as or for being a President or a member of a Managing Committee. (2) No person who has been convicted by a criminal court for any offences involving moral turpitude shall be qualified for being chosen as or for being a President, or a member of a Managing Committee. (3) A person shall be disqualified for being chosen as a President or a member of a Managing Committee if on the date fixed for scrutiny of nominations for election he is: — Changes in Farmers' organisation Disqualifications of Candidates or Members (b) of unsound mind; an applicant to be adjudicated as an insolvent or an undischarged insolvent; or (c) a defaulter of land revenue or water tax or charges payable either to the State Government or to the farmers' organisation: Provided that the defaulter as above, on payment of arrears for the previous three years would not be disqualified and such limit of the previous three years would apply. only for the purposes of the first election after the enactment of this Act; (d) interested in a subsisting contract made with or any work being done. for, the Gram Panchayat, Janpad Panchayat, Zila Panchayat; or any State Government or Central Government or the farmers' organisation: Provided that a person shall, not be deemed to have any interest in such contract or work by reason only of his having share or interest in: a company as a mere share-holder but not as a director; any lease, sale or purchase of immovable property or any agreement for the same; or any agreement for the loan of money or any security for the payment of money only; or in which any newspaper advertisement relating to the "affairs of the farmers' organisation is inserted: Explanation. for the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Gram Panchayat, Janpad Panchayat, Zila Panchayat, the Farmers' the Government or Central Government has not performed its part of the contractual obligations. (c) a person receiving landless or having 306 (63) 306 (64) 20. 24 2006 user due to sale or transfer of land in area of operation after constitution of Water Users' Association; , in Government or Semi Government organisation or local body; (4) . A President. or a Member of a Managing Committee shall also become disqualified to continue in office if he — absents from three consecutive meetings (a) without reasonable cause; is a person who incurs any of . the (b) disqualifications mentioned in sub-section (1), (2) and (3) and he shall cease to hold the office forthwith; Provided that disqualification under clause (a) shall not apply in the case of women who are in advanced stage of pregnancy and for a period of three months after delivery. A member of the Water Users' Association or a (5) President or a Member of a Committee shall become disqualified to continue the office, if he/she ceases to be a Water User. (1) A vacancy arising either due to disqualification • Filling up of under sections 14 and 19 or due to death or resignation or Vacancies by any reason, such vacancy shall be filled- up by nomination in the following manner, namely. In case of the vacancy of the Water Users (a) Association President, the Managing Committee of the Water Users' Association will select an acting President from • Failing to be able to make this decision, the Collector or • {shall appoint one member of the Managing Committee as the Acting President. In the case of the vacancy of a member of the Managing Committee, or .when a member of the Managing- Committee has been nominated as President. the Collector shall arrange an election in their respective Territorial 'Constituency in the prescribed manner; or, cancel' the President+ 306 (65) Water Users' Association for Lift and Tube well Irrigation Delineation of areas of operation of Lift 21. 22. 24 2006 Committee of • she Distributory Committee . will select an acting President from amongst themselves. Failing to be able to make this decision the vacancy shall be filled by nomination by the* managing committee of the Project Committee in the manner prescribed. In the case of the •vacancy of a member of the Managing Committee of the distributory committee, or when . a member of the Managing Committee has been nominated as President, concerned Chief Engineer appoint representative from the respective Water _ Users

Associations; (c) In case of a vacancy of the President of the project committee the Managing Committee of the Project Committee will select an acting President from amongst themselves. Failing to be able to make this decision, the concerned Chief Engineer will appoint one member of the Project Committee as the Acting President. In the case of the vacancy of a member of the Managing Committee of the Project Committee, or when a member of the Project Committee has been nominated as President, the concerned Chief Engineer shall appoint a representative from the respective District Committee. (2) Where the District Collector is required to arrange for an election for filling up of vacancies in sub-section (1), the Collector shall take necessary steps to conduct elections to fill up any vacancy caused within a period of two months from the date of occurrence of such vacancy. However, if it is within three months of the ordinary election, the election will be held as normally scheduled. (3) The term of office of a member or President of a farmers' organisation elected under sub-section (2) shall expire at the time at which it would have expired, if he had been elected at the ordinary election. For every Lift Irrigation and Tube Well Scheme under this Act, there shall be one Water Users' Association. A Canal Officer not below the rank of an Executive Engineer, duly empowered by the competent authority in the Official Order A.C.T 306 (66) 23. 24 2006 delineate command areas of Lift and Tubewell Irrigation Water Users' Associations, separately based on prescribed guidelines and declare, those areas to be the areas of operation of respective Lift and Tube Well Irrigation Water Users' Associations for the purposes of this Act. In order to avoid overlapping in command areas of flow and lift irrigation and complications arising thereby, a Canal Officer not below the rank of an Executive Engineer, duly empowered by the competent authority in this behalf with prior consent of the beneficiary farmers may give permission to form Lift Irrigation Water Users' Association, on notified rivers or streams in the command of flow irrigation, after delineating the area of flow and lift irrigation separately in the prescribed manner. Users' Associations may give permission to form Lift Irrigation Water Users' Associations on notified rivers or streams in command of flow irrigation / CHAPTER-III- OBJECTS POWERS AND FUNCTIONS OF THE 24. 25." FARMERS' ORGANISATION The objects of the farmers' organisation shall be to promote and secure equitable distribution of water among its users; adequate maintenance of the irrigation system, efficient and economical utilization of water to optimize agricultural production, to protect the environment, and to ensure ecological balance by involving the farmers, inculcating a sense of ownership of the irrigation system in accordance with the water budget and the operation plan. The farmers' organisation may also engage into any activity of common interest of members in the command area related to irrigation and agriculture such as procurement and distribution of seeds, fertilizers and pesticides; procurement and renting of agricultural implements; marketing and processing agricultural produce from the Command Area and supplementary business thereof. 24. 25." FARMERS' ORGANISATION Shall perform the following functions, namely: — to prepare and implement a warabandi (a) schedule for each irrigation season consistent with the operational plan based upon entitlement, area, soil and cropping pattern, as approved by the Objects Powers and Functions of Water Users' Association 24 2006 306 (67) Distributory Committee, or as the case may be, the Project Committee; to prepare a plan for the maintenance of (b) irrigation system in the area of its operation at the end of each crop season and carry out the maintenance works of both distributory system and minor and field drains in its area of operation with the funds of the association from time to time and to provide funds for the maintenance of staff including such persons who are placed by the State Government with the Water Users' Association for the purpose of regulation and maintenance of irrigation system; to seek information regarding canal (c) operation schedule from the upper level Committee or the concerned canal officer; to convene a meeting of the Managing (d) Committee before each irrigation season to guide and help the members regarding Canal operation schedule and water distribution programme. (ii) Maintenance of canal system. before commencement of season; the information about the latest taken by the upper decisions committees; to make recommendation to the Managing Committee for, and prior to, decisions relating to water allocation, cropping schedule; operation and maintenance of the irrigation system; (f) rate of water charges from the members of the Association including arrears that may arise after the coming into force of this Act and deposit the charges so collected in the manner prescribed; to collect the arrears on water charges arisen before the coming into force of this Act under an appropriate incentive scheme to be devised by the Minister. 306 (68) (h) 24 2006 to Carry out annual maintenance and repairs, of canal system falling under its jurisdiction; to regulate the use of the water among various pipe outlets under its area of operation according to the

warabandi schedule of the system; (j) to promote economy in the use of water allocated; (k) to maintain a register of land holders as published by the Revenue Department; to prepare and maintain a register of co-opted members; to prepare and maintain an inventory of the (m) irrigation system within the area of operation; to monitor flow of water for irrigation; (n) (o) to undertake all allied activities related to irrigated agriculture; to resolve the disputes, if any, between (p) members and water users in its area of operation; (q) (s) to raise resources; to maintain accounts; to cause annual audit of its accounts; to assist to conduct elections to the Managing Committee; to maintain other records in such manner as (u) may be prescribed; to abide by decisions of the Distributory (v) and Project Committees; to conduct General Body meetings in such (w) manner as may be prescribed; to conduct regular water budgeting and also (x) to conduct periodical social audit in such manner as may be prescribed. (2) (3) 2006 Power to remove encroachments:- A Water Users' Association may remove encroachments from property attached to the canal system within its area of operation in accordance with such procedure as may be prescribed. Agreement with the Water Users' Association:- There shall be an agreement between the (a) Water Users' Association and the upper level committee or the Canal Officer within three months of the constitution of the concerned Water Users' Association; Supply of water for irrigation to any water (b) Users' Association within the area of management of Irrigation systems by farmers and provisions for proper maintenance and repairs of irrigation systems within the area of a farmers' organisation shall be in accordance with the agreement; The Agreement shall contain the contents (c) as may be prescribed. 306 (69) Functions of Distributory Committees 26. The Distributory Committee shall perform the following functions, namely; to prepare an operational plan based on its (a) entitlement area, soil, cropping pattern, at the beginning of each irrigation season, consistent with the operational plan prepared by the Project Committee; prior to each season, identify the critical (b) maintenance works that are to be carried out prioritize these work, prepare a plan for the maintenance of distributories and medium drains within area of its operation, execute the maintenance works with the fund of the committee, monitor the maintenance works being executed and ensure that they conform to prescribed standards and to provide funds for the maintenance of staff including such persons who are placed by the State Government with the Distributory Committee for the purpose of regulation and maintenance of irrigation system. 306 (70) 27. 24 2006 (c) to regulate the use of water among the various Water User Associations and monitor the flow of water for irrigation under its area of operation; (d) to resolve disputes, if any, among the Water Users Associations in its area of operations; to maintain a register of Water User Association in its area of operations; (f) to maintain an inventory of the irrigation system in the area of its operation, including drains; to promote economy in the use of water allocated; (h) to maintain accounts; to cause annual audit; to maintain other records as may be prescribed; to monitor flow of water for irrigation; to conduct General Body meetings in such manner as may be prescribed; to abide by decisions of the Project Committee; (n) to cause regular water budgeting and also the periodical social audit in such manner as may be prescribed; (o) to assist in the conduct of elections to the Managing Committee. to establish bye-laws establishing rules and sanctions of the organization for implementing the above functions. The Project Committee shall perform the following functions, namely: Functions of Project Committees project system; (b) 24 2006 306 (71) area at the beginning of each irrigation plan for the extension, to approve a improvements, renovation, modernization and annual maintenance of irrigation system including the major drains within area of its operation at the end of each crop season and execute the maintenance works with the fund of the committee from time to time and to provide funds for the maintenance of staff including such persons who are placed by the State Government with the Distributory for the purpose of regulation and maintenance of irrigation system. (c) to maintain a list of Distributory Committees and Water User Associations in its area of operation; (d) to maintain an inventory of the distributory and drainage systems in its area of operations; (e) to resolve disputes, if any, among Distributory Committees; (f) (g) (h) to promote economy in the use of water; to maintain accounts; to cause annual audit of its accounts; to maintain other records in such manner as may be prescribed; to conduct General Body meetings in such manner as may be prescribed; (k) to cause regular water budgeting and also the periodical social audit in such manner as may be prescribed; to work with the Canal Officer duly empowered by the competent authority to estimate the water availability before each season in the entire project area of each irrigation system, 306 (72) 28. 30. 24 2006 to establish bye-laws establishing rules and (n) sanctions of the organisation for implementing the above functions. (l) *The State Government

may, by notification, Appointment of appoint such officer from the - Water • Resources competent authority and his Function Department, or any other department, as it considers necessary, to be the competent authority for every farmers' organisation for the purposes of this Act. (2) , The competent authority appointed under sub- section (1) shall be responsible to the respective farmers' organisations in the implementation and execution of all decisions taken by the farmers' organisation' in the prescribed manner and shall provide technical advice and ensure that the work is executed in accordance with the technical parameters. (1) • The State Government or Competent Authority Power of the State through a written Order may give directions to any farmers Government to organisation relating to carrying out •of duties or functions Execute some of the of the farmers organisation under this: Act where such Works of the duties or functions are . not being performed in an Farmers appropriate manner and where the State Government or Organisation the Competent Authority deems that the execution of such duties and functions is essential in public interest. (2) The farmers' organisation shall be bound to give effect to the directions made •Under sub-section (1) and if it fails to do so the State Government or the Competent Authority shall have the power to cause the carrying out of such duties and functions and from the funds of the farmers organisation, if any incurred and in the exercise of such power the State Government or •the Competent Authority shall: have the same power as would •have been available with the farmers' organisation under the Act. (-1) 'The State Government •or; the Competent Authority '-Power to Suspend•theu under this Act by a written order and with reasons therein, Effect of suspend any resolution or order or the effect of a Resolutions/Orders permission or the. carrying out of a function of a farmers organisation, if in its opinion- Such Resolution, Order, (a) permission accepted. or, read at (9 24 qi. •2006 (b) Such Resolution, Order, permission• or function is beyond the powers vested under this Act or is contrary to an any •law in force; (c) • The execution of such Resolution. Order of- continuance of permission may lead to — The misappropriation, mis- utilisation or damage of funds vested* in a farmers'.organisation or damage to property vested in such organisation; adverse impact on public health and convenience. The Competent Authority on making of an order under sub section (1) shall place before the State level Policy Committee constituted under (his Act a copy of the Order along with the reasons for it as early as possible and in no case later than ten days from the •d" 4 date of the making of the Order and the State level Policy would approve the Order or set it aside or if or it are not (hat •the Order could continue to in for the period •L.L.Å•C .b Provided that the approval, setting aside, review or modification of the Order under this Section by the State Level Policy Committee for this purpose shall not be made unless 'the concerned farmers' •organisation is given appropriate opportunity of hearing against the Order made under sub section (i) and before the State Government or the Competent Authority. CHAPTER-IV - FUNDS AND RESOURCES OF FARMERS' 306 (73) Resources of farmers' Organisation (1) . *The funds. of -the farmers' •organisation shall comprise of the following namely: — (a) grants' and commission received from the State-Government as a share of (the Irrigation Water farmers' organisation; our Nunes as *may granted 3 0_o 2006 State Government and Central Government for the development of the area of operation; resources raised from any •financing agency undertaking any economic development for activities in its area of operation; income from the properties and assets (d) attached to the irrigation system; fees collected by the farmers' organisation (e) for the services rendered in better management of the irrigation system, and amounts received from any other sources. (2) The State Government may authorize the farmers' organisation to have their own resources for • the maintenance of their irrigation system and growth of such farmers' organisation. (3) The water •charges collected by. the Water Users' Association shall be deposited with the treasury of •the State Government and on such deposit a minimum of twenty five percent of the deposited amount shall be assigned to the said Water Users' Association in prescribed manner. Provided further that the amounts assigned to the Distributory Committee and. the Project Committee. shall be as prescribed by rules made under the Act

32. A farmers' organisation may for carrying out its objects and functions under this Act, levy and collect such fee as may be decided by the organisation from time to time. If the funds received; raised the Water 34

35. Users' Association, if fulfil the objects of the Water' Users' Association in the prescribed manner. Every farmers' organisation shall get its accounts audited by independent auditor/s once in a year in the manner (1) The farmers' organisation shall keep their funds in a 'Nationalised Bank or a Co-operative Bank.. Power to levy and collect fee Utilization of Funds for Water Users' Association Audit

Deposit and 24 2006 306 (75) Sinking fund Budget Recovery of dues (2). The funds shall be applied towards meeting of the expenses incurred by the Managing Committee of the concerned farmers' organisation in the administration of this Act and for no other purpose. (1) The Managing Committee of the farmers' organisation shall maintain a sinking fund for the repayment of moneys borrowed and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed. (2) The sinking fund or any part thereof shall be applied in or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharged it shall not be applied for any other purpose. The Managing Committee of a farmers' organisation shall prepare in such form in every financial year a budget in respect of the next financial year, showing the estimated receipts and expenditure of the Committee and shall place before the general body of the farmers' organisation for its approval in such manner as may be prescribed. All the amounts payable or due to a farmers' organisation shall be recoverable as arrears of land revenue. CHAPTER-V - OFFENCES AND PENALTIES Whoever without any lawful authority does, any of the following acts, that is to say: - 36. 37. 38. 39. •Offences and Penalties damages, alters, enlarges or obstructs any (a) canal; interferes with, increases or diminishes the (b) 'yppqy' 'Of2Wâtét: the flow from, Canal; or, interferes with or alters the flow of water in (c) any river or stream, so as to endanger, damage or render less useful any canal; being responsible for the maintenance of (d) water course or using water course neglects to take proper precautions for the prevention of waste of water thereof. or interferes with the authorised distribution of the water therefrom or uses such water in an unauthorised manner; receiving water in his fields for irrigation, (e) neglects to take proper precautions for the prevention of waste (f) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used; being a permanent holder, occupier, cultivator or agricultural labourer, resident in a village in which a proclamation under Section 36 of the Chhattisgarh Irrigation Act, 1931 (No. 3 of 1931) has been made, neglects to carry out the duties allotted to him; destroys, injures, defaces or removes any land mark, level mark, water gauge, or other apparatus fixed by the authority of a canal officer; causes animals or vehicles to pass on or across any of the works, banks or channels or any canal after such passage has been prohibited by a canal officer; causes or knowingly and wilfully permits animals graze or be tethered upon the bank or border of any canal after such grazing or tethering has been prohibited by a canal officer; removes or injures any tree, bush, grass or (k) other vegetation growing on any canal; or eases himself on the banks or in the channel of a canal, shall on complaint by a farmer's organisation be punishable in respect of all (i) offences mentioned in clauses (a) to (h), with imprisonment which may extend to two years, or with fine which shall not be less than one thousand Rupees but which may extend to five thousand Rupees or with both; and when the offence is a continuing one the dissolution of Management Committee of Farmers' Organisation. Punishment under other laws not barred Composition of offences 40 • 41. 42. 24 2006 in; and Minimum Penalty - be punishable in respect of offences mentioned in clauses (i) to (i) with fine which shall not be less than Rupees five hundred but which may extend Rupees two thousand and if the same person is subsequently convicted for a like offence he shall be liable for imprisonment which may extend to six months for each such subsequent conviction. State Government may dissolve a Management (1) Committee of a farmers' organisation if such a Committee is found to be committing or have committed & gross misappropriation of Government funds. The dissolution of Management Committee under (2) sub section (1) shall be carried out following an investigation and enquiry and after serving a notice to such a Committee and receipt of reply from the Committee to the notice so served; Provided that where the Management Committee fails to reply to the notice served upon it within a reasonable time or as may be prescribed, the dissolution may be carried out without waiting for the receipt of reply from such Committee. Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act: Provided that no person shall be prosecuted and punished for the same offence more than once. (1) A farmers' organisation may accept any person who committed or in respect of whom a reasonable belief can be inferred that he has committed an offence punishable under this Act or the rules made there under, a sum of money not less than rupees one thousand in case of offences mentioned in clause (a) to (h) of Section 39 and Rs. Five hundred for the offences mentioned in clause (i) to (i) of Section 39 by way of composition. 306 (78) 43. 44

2006. CHAPTER-VI - SETTLEMENT OF DISPUTES Any dispute of touching the constitution, manage'nent, povcers or functions of a fanners' organization arising betM'een members shall be determined by the •Managing Co:nmittee of the farmers' organisation: Provided •that for resolution• of such disputes a separate Sub-Committee may be constituted under the rules made under the Act.(2) Any such dippute or difference arising betvvcen a men-Iber and the Managing Committee of a Water Users' Association or . between two or more Water IJusers' Associations shall be determined by the Managing Committee of the Distributory Committee. Any such dispute or arising between a (3) member and the Managing Committée .of a Distributory Connnittee or between two or more Distributory Conunittees shali •be determined by the, Managing. Committee of the Project Committee. Any such dispute or difference arising between a (4) ETIeIDber and the Managing '*Conunittee. of a project conunittee or between or more.' prqject comjnittees. shalt be determined by the State Level Policy Committee; whose decision shall be•final. Every dispute or difference under this section, shall; (5) be disposed of within fifteen days from the date of reference of dispute or difference. (1) A partv to a dispute or difference auarrieved by any decision made: or order passed by the Bhanaging \Water Users' Association may appeal to the Managing Comrnittee of the Distributory C'O'nnlittee, whose decision (hereon shall' be final. (2) Any party to a dispute or difference aggrieved by any •decision Inade or order passed by the Managing Conunittee of a Distributory Comrnittee may appeal Co the Project Committee, whose decision thereon shall be final. (3) Any party to a dispute or difference aggrieved any decision Inade or order passed by the Managing Settlement of disputes Appeals 306 (79) Reeords 24 2006 Committee ofa Project Committee may appeal to •the State Level Policy Comnlttee, whose decision thereon shall be (4) Every appeal under sub-section (1) or sub-section (2) or sub-Section (3) shall be preferred within 15 days of communication of the decision or the order to the person aggrieved. (5) Every appeal under this section shall be disposed of within 15 days from the date of filing of the appeal. CHAPTER-VI! - MISCELLANEOUS 45. Every farmers' organisation shall keep at its office (1) the following accounts, record and documents, namely: - (a) a map of the area of operation of the farmers' organisation along with map of the structures and distrihut_ory networks prepared in consultation with the Water Resources Departinent; a statement of the assets and liabilities: (b) an activity *Plan including seasonal irrigation schedules, cropping calendar and decisions related to important aspects of irrigation manaaement and irrigated agriculture; (d) • minutes book; (e) books of account •showing receipt and payments; books of account of all purchases and sales of goods by the farmers' oraanisation; register of measurement books, level field books, work orders and the like; enquiry-reports; (0 such other accounts, recorus and documents as may be prescribed from time to time; stock register; 306 (80) 46. 47. 48. (k) 24 2006 list of users With details of land holding; register of penalties; (2) The books of accounts and other records shall be open for info.rnation to the members of the farmers' organisation. The Ineetings •of the farmers' organisation and the Managing Committees thereof at such intervals, the procedure, the presidency and the quorum there of shall be, such as may be pre.scribed. (1) A member of the Managing Committee of a farmers' organisation may resign his office by a letter sent by registered post or tendered in person to the President of the managing committee concerned. (2) The President of the Managing Committee of a Water Users' Association may resign his-office by a letter sent by registered post or tendered in person to the President of the Distributory Committee concerned. The Pre>ident of the Managing Committee of a (3) Distributor.' Committee •nit}' resign his office by a •letter sent by registered post or tendered in person to the President of the Project Conunittee concerned. (4) The President of the Managing Committee of a Project Committee may resign his office by a letter sent by registered post or tendered in person to the Managing Committee of such Project Committee. (5) The resignation as abdv mentioned shall take effect from the date of its acceptance or on the expiry of 30 days from the date of its receipt whichever is earlier. (1) The State Government may by notification, appoint controlling officers not below the rank of the Secretary to the Government to exercise the general control and superintendence over the competent authorities and the District Collectors in performance of their iünctions under this Act or rules made thereunder. (2) The powers to be exercised and the functions to be performed by the controlling officers shall be such as may be prescribed. Meetings Resignation Appointment of Controlling Officers 306 (81) arrangements Authentication of orders and documents of organisation Acts not to be invalidated by informality or vacanc.y etc. Protection of Acts done in good faith Power to remove Savings Power to make rules 50. 51. 52. 53. 54. 55. 24 2006 or officers to exercise the powers and perform the functions ofa farmers'

