

**CHHATTISGARH BILL (NO 7 OF 2006)
THE CHHATTISGARH SINCHAI PRABANDHAN ME
KRISHKON KI BHAGIDARI VIDHEYAK, 2006. TABLE OF CONTENTS**

Sections:

CHAPTER - I - PRELIMINARY

- 1.Short title, extent and commencement.
- 2.Definitions

CHAPTER-II-CONSTITUTION OF FARMERS' ORGANISATION AND DELINEATION OF COMMAND AREA THEREOF

- 3.Delineation of water users' area.
- 4.Constitution of Water Users Association.
- 5.Constitution of Managing Committee of Water Users Association and election of its President and Members.
- 6.Delineation of Distributory area.
- 7.Constitution of the Distributory Committee.
- 8.Constitution of Managing Committee of Distributory Committee and election of its President and Members.
- 9.Delineation of Project area.
- 10.Constitution of Project Committee.
- 11.Constitution of Managing Committee of Project Committee and election of its President and Members.
- 12.Federation of Farmers Organization at the State Level.
- 13.State Level Policy Committee.
- 14.Procedure for recall.
- 15.Procedure for Removal of the President by the Managing Committee.
- 16.Constitution of Subcommittees in farmers' organisation.
- 17.Farmers' organisation to be a body corporate.
- 18.Changes of Farmers' organisation.
- 19.Disqualification of Candidates or Members.
- 20.Filling up of Vacancies.
- 21.Water Users Association for Lift and Tube Well Irrigation.
- 22.Delineation of areas of operation of Lift and Tube Well Irrigation Water Users' Associations.
- 23.Permission to form Lift Irrigation Water Users' Association on notified rivers or streams in command of flow irrigation.

CHAPTER-III-OBJECTS, POWERS AND FUNCTIONS OF THE FARMERS' ORGANISATION

- 24.Objects.
- 25.Powers and Functions of Water Users' Association.
- 26.Functions of Distributory Committees.
- 27.Functions of Project Committees.
- 28.Appointment of competent authority and his function.
- 29.Power of the State Government to Execute some of the Works of the Farmers Organisation.
- 30.Power to Suspend the Effect of Resolutions/Orders.

CHAPTER-IV-FUNDS AND RESOURCES OF FARMERS ORGANISATION

- 31.Resources of farmers' Organisation.
- 32.Power to levy and collect fee.
- 33.Utilization of Funds for Water Users' Association.
- 34.Audit.
- 35.Deposit and administration of the funds.
- 36.Sinking Fund.
- 37.Budget.
- 38.Recovery of dues.

CHAPTER-V-OFFENCES AND PENALTIES

- 39.Offences and Penalties.
- 40.Dissolution of Management Committee of a Farmers' Organisation.
- 41.Punishment under other laws not barred.
- 42.Composition of offences.

CHAPTER-VI-SETTLEMENT OF DISPUTES.

- 43.Settlement of disputes.
- 44.Appeals.

CHAPTER-VII-MISCELLANEOUS

- 45.Records.
- 46.Meetings
- 47.Resignation
- 48.Appointment of Controlling Officers.

- 49. Transitional arrangement.
- 50. Authentication of orders and documents of organisation.
- 51. Acts not to be invalidated by informality or vacancy etc.
- 52. Protection of Acts done in good faith.
- 53. Power to remove difficulties.
- 54. Savings.
- 55. Power to make rule.
- 56. Power to make Model Byelaws and Regulations.
- 57. Repeal.

CHHATTISGARH BILL
No. 7 of 2006
THE CHHATTISGARH SINCHAI PRABANDHAN ME
KRISHKON KI BHAGIDARI VIDHEYAK, 2006.

A Bill to provide for Farmers Participation in the Management of Irrigation System and for matters connected therewith or Incidental thereto.

Be it enacted by the State Legislature in the Fifty Seventh Year of the Republic of India, as follows: –

CHAPTER I – PRELIMINARY

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|--------------------------------------|----|-----|--|
| Short title, extent and commencement | 1. | (1) | This Act may be called the Chhattisgarh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 2006. |
| | | (2) | It extends to the whole of the State of Chhattisgarh. |
| | | (3) | It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas and for different provisions. |
| Definitions | 2. | (1) | In this Act, unless the context otherwise requires: – |
| | | (a) | "agreement" means an agreement between the Water Users' Association and the Project Committee or Canal Officer as the case may be, for all aspects of irrigation management including rehabilitation of the distributory system, supply of water on volumetric basis for irrigation and handing over of physical system for operation, maintenance, management and related purposes; |

- (b) “area of operation” in relation to farmers’ organisation means a contiguous block of land in the command area of an irrigation system as may be notified by the State Government for the purposes of this Act;
- (c) “ayacut road” means a road within the area of operation of a farmers’ organisation for the purpose of irrigation and agriculture but does not include a road vested 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:
 - (i) Chief Engineer;
 - (ii) Superintending Engineer;
 - (iii) Executive Engineer;
 - (iv) Sub-Divisional Officer;
 - (v) Canal Deputy Collector and
 - (vi) Sub-Engineer
- (e) “command area” means an area irrigated or capable of being 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) “distributory system” means and includes,
 - (i) all main canals, branch canals, distributories and minor canals constructed for the supply and distribution of water for irrigation.
 - (ii) all works, structures and appliances connected with the distribution of water for irrigation; and
 - (iii) all field channels and other related channels and structures under a pipe outlet;

- (h) “drainage system” means and includes, –
 - (i) channels either natural or artificial, for the discharge of waste or surplus water and all works connected therewith or ancillary thereto;
 - (ii) escape channels from an irrigation or distribution and other works connected therewith, but does not include works for removal of sewage;
 - (iii) all collecting drains and main drains to drain off surplus water from field drains; and
 - (iv) all field drains and related structures under pipe outlets;
- (i) “farmers’ organisation” wherever it occurs, shall mean and include, –
 - (i) water users’ association at the primary level consisting of all the water users as constituted under section 4;
 - (ii) distributory committee at the secondary level as constituted under section 7; and
 - (iii) project committee at the project level, as constituted under section 10;
- (j) “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 conflicts, 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 channel 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, –
- (l) “field drain” includes a channel excavated 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 similar works existing or to be constructed;

- (m) “financing agency” means any commercial bank or any cooperative society or any other bank or organisation established or incorporated under any law for the time being in force, which lends money for the development of the area of operation of the farmers’ organisation;
- (n) “general body” in relation to Water Users’ Association means the body of all members of such Association;
- (o) “hydraulic basis” means the basis for identifying a viable irrigated area served by one or more hydraulic structures such as headworks, distributories, minors, pipe outlets and the like;
- (p) “irrigation system” means such major, 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;
Explanation:
 - (i) ‘major irrigation system’ means irrigation system under major irrigation project having irrigable command area of more than 10,000 hectares;
 - (ii) ‘medium irrigation system’ means irrigation system under medium irrigation project having irrigable command area of more than 2,000 hectares and up to 10,000 hectares;
 - (iii) ‘minor irrigation system’ means irrigation system under minor irrigation project having irrigable command area of more than 40 hectares and up to 2,000 hectares;
- (q) “land holder” means an owner and or a 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;

- (r) “lift irrigation” or “lift irrigation scheme” in relation to lift irrigation Water Users’ Association means all lift irrigation Schemes, wherein Government permission is required for lifting water, but excluding the lift irrigation schemes on private open wells and bore wells;
- (s) “lift and tube well irrigation water users’ 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 the prescribed manner as provided under Sections 21 and 22 of the Act;
- (t) “maintenance” means execution of such works on the irrigation system as are necessary to ensure that the physical system designed to the standards operates for proper distribution of water to the land holders in the area of operation;
- (u) “managing committee” means the managing committee of any farmers’ organisation;
- (v) “member” means the member of any farmers’ organisation.
- (w) “operational plan” means a schedule of irrigation deliveries with details of the mode and duration of supplies drawn up for regulation of irrigation in the command area of an irrigation system;
- (x) “prescribed” means prescribed by Rules made under the Act;
- (y) “territorial constituency” for the purposes of this Act means an area delineated on hydraulic basis and to the extent possible represents an area irrigated by one common canal;
- (z) “warabandi” means a system of distribution of water allocation to water users by turn, according to an approved schedule indicating the day, duration and the time of supply;
- (za) “water allocation” in relation to an 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 area level would be determined jointly 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, nondomestic, commercial, industrial or any other purpose from a Government source of irrigation;
- (2) The words and expressions used in this Act, but not defined, shall have the same meaning as assigned to them in the Chhattisgarh Irrigation Act, 1931 (No. 3 of 1931).

CHAPTER II – CONSTITUTION OF FARMERS’ ORGANISATION AND DELINEATION OF COMMAND AREA THEREOF

- 3. (1) The District Collector, may by notification and in accordance with the rules made under **Delineation of this Act**, in this behalf, delineate every command area in consultation with the farmers **water users’** who are proposed beneficiaries under each of the irrigation systems and on a hydraulic **area** 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; Provided that in respect of the command area under the minor and lift irrigation systems, the entire command area may, as far as possible 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 extent possible; 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 200ha 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 subsection (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.
- Constitution of4. 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.
- (2) 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:
 Provided that where both the owner and the tenant are landholders in respect of the same land, the tenant would be the deemed water user;
 Provided further that any 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 membership notwithstanding whether he is recorded land holder or not, 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 deemed to be the landholders for the purpose of this act.
- (b) all other water users in a water users' area;
- (c) 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 members specified in subsection (2) shall constitute the general body of the Water

Users' Association.

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| 5. | (1) | There shall be a Managing Committee for every Water User Association. | Constitution of
Managing
Committee of
Water Users
Association and
election of its
President and
Members |
| | (2) | The Managing Committee for each Water Users Association would comprise of the elected representatives of the Territorial Constituencies as specified in subsection (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 Management Committee shall be held within 30 days after the declaration of election results. | |
| | (5) | The District Collector shall make arrangements for the election of President of the Managing Committee of the Water Users' Association by direct election by the method of secret ballot in the manner prescribed. | |
| | (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. | |
| | (7) | If at an election, the President or the members of 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 subsection (5) or (6), as the case may be.

- (8) 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 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 Committee of Water Users' Association 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 filled by direct election in that Water Users' Association as the number of Scheduled Castes, Scheduled Tribes and other Backward Classes of the water users in that water users area bears to the total number of water users of that 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 (11) 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 Association. perform the functions of the Water Users'

**Delineation of
Distributory area**

6. (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.

**Constitution of the
Distributory
Committee**

7. (1) There shall be a Distributory Committee called by its local distinct name for every distributory area declared as such under subsection (1) of Section 6.

**Constitution of
Managing
Committee of
Distributory
Committee and
election of its
President and
Members**

- (2)
 - (a) All the Presidents and Management 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 notification, 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.
8.
 - (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
 - (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.
 - (5) For the purposes of equitable distribution of water, 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.
 - (6) 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 filled 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.

(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.

(8) Seats reserved for women may be reserved in the prescribed manner.

(9) There shall be nomination of one member from 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 that such nomination would be decided by the Managing Committee in concurrence with the Janapad Panchayat(s) in the Distributory 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 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.

(11) The first meeting of Management Committee shall be held within 30 days after the declaration of elections results.

(12) The Managing Committee shall exercise the powers and perform the functions of the Distributory Committee.

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Delineation of

9. (1) The State Government, may by notification and in accordance with the rules made

Project area

under this Act in this behalf, delineate every command area or part thereof, and declare it to be a project area for the purposes of this Act.

- (2) The delineation in subsection (1) shall be based on 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.

**Constitution of
Project Committee**

10. (1) There shall be a Project Committee called by its distinct name for every project area declared as such under subsection (1) of Section 9 above.
- (2) In Irrigation systems, where there are distributory committees all the Presidents and member of managing committee of the Distributory Committees in the Project Area, so long as they hold such office, shall constitute the general body of the Project Committee.
- (3) In Irrigation systems, where there are no distributory committees all the Presidents and member of managing 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 Department to be the members of the Project Committee as advisors and without having the right to vote.

11. (1) 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 members of the Managing Committee who shall not be more than nine from amongst the members of the general body of the Project Committee.
- (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 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.

**Constitution of
Managing Committee of
Project Committee and
election of its President
and Members**

- (5) For the purposes of equitable distribution of water, adequate representation shall be given in the Managing 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.
- (6) Seats shall be reserved in every Managing Committee of the Project 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 filled in that Managing Committee as the number of Constitution of Managing Committee of Project Committee and election of its President and Members Scheduled Castes, Scheduled Tribes and other Backward Classes of the 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 reservation of seats shall not 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 compartmentwise. Explanation: "Horizontal and compartmentwise reservation" means reservations in each category namely; Scheduled Castes, Scheduled Tribes, other Backward Classes and General.
- (8) 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 one year by the State Government, under special circumstances.

- (11) 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 respective terms as specified.
 - (4) The Committee, constituted under subsection (1) shall exercise such powers and functions as may be necessary to lay down the policies for implementation of the provisions of this Act
 - (13) The Managing Committee shall exercise the powers and perform the functions of Project Committee.
- 12 The farmers' organisation under the Act may decide to federate and form a state level **Federation of Farmers** farmers federation to facilitate interactions of the state government and non government **Organization at the** organizations with the farmers, to support farmers participation in management of **State Level** irrigation systems and further to coordinate and deal with allied activities relating to irrigated agriculture.
- 13 (1) The State Government may by Notification, constitute a Policy Committee **State Level Policy Committee** consisting of the following Members, namely: –
- (a) The Minister in charge of Water Resources Department – Chairperson;
 - (b) three persons from amongst the Presidents of the Project Committee;
 - (c) two persons from amongst the Presidents of Water User Associations from the minor irrigation systems;
 - (d) two persons from nongovernment organisations including one person having knowledge in the field of participatory irrigation management ; and
 - (e) three officers not below the rank of Chief 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 subsection (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.

(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

Procedure for recall

14. (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.

(2) 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.

Procedure for Removal of the President by the Managing Committee

15. The President of a farmers' organisation may be removed Removal of the by the members of the Managing Committee of the same President by the farmers' organisation through a resolution passed by two Managing third members of such managing committee.

Constitution of Sub-committees in farmers' organisation

16. (1) The Managing Committee of a farmers' committees in organization may constitute subcommittee to carryout all farmers' or any of the functions vested in each organization under organisation the Act.

(2) The subcommittees constituted under subsection

(3) shall have a minimum of one third women members from the concerned farmers'

**Farmers'
organisation to be
a body corporate**

- organisation.
17. Every farmers' organisation shall be a body corporate with organisation to be a distinct name having perpetual succession and a common body corporate 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 expedient 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 may be: Provided that no farmers' organisation shall have the power to alienate in any manner, any property vested in it.
 18. The State Government may, in the interest of a Farmers' Organisation in the command **Changes in Farmers'** area and with prior consent of the concerned farmers' organisation, by notification, and in **organisation** accordance with the rules made in this behalf, –
 - (a) form a new farmers' organisation by separating the area from any farmers' organisation;
 - (b) increase the area of any farmers' organisation;
 - (c) diminish the area of any farmers' organisation;
 - (d) alter the boundaries of any farmers' organisation; or
 - (e) cancel a notification issued under this Act 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.
 19. (1) No officer or servant of the Government of India or any State Government or of a **Disqualifications of** local authority or an employee of any institution receiving aid from the funds of **Candidates or** the State Government shall be qualified for being chosen as or for being a **Members** 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: –

- (a) of unsound mind
- (b) 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: –
 - (i) a company as a mere shareholder but not as a director;
 - (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
 - (iii) any agreement for the loan of money or any security for the payment of money only; or
 - (iv) any newspaper in which any 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' organisation, the State Government or Central Government has not performed its part of the contractual obligations.
- (e) a person rendered landless or having lost the possession of the land or ceasing to be a water user due to sale or transfer operation after constitution Association; of land in of Water area of Users'

- (f) employed in Government or semi-Government organisation or local body; or Semi
 - (4) A President or a member of a Managing Committee shall also become disqualified to continue in office if he—
 - (a) absents from three without reasonable cause; consecutive meetings
 - (b) is a person who incurs any of the disqualifications mentioned in subsection (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.
 - (5) A member of the Water Users' Association or a President or a member of a Managing Committee shall become disqualified to continue the office, if he/she ceases to be a Water User.
20. (1) A vacancy arising either due to disqualification under sections 14 and 19 or due to death or resignation or by any reason, such vacancy shall be filled up by nomination in the following manner, namely:
- (a) In case of the vacancy of the Water Users Association President, the Managing Committee of the Water Users Association will select an acting President from its members. Failing to be able to make this decision, the Collector 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 the respective Territorial Constituency in the prescribed manner;
 - (b) In case of the vacancy of the President of the Distributory Committee, the Managing Committee of the 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, the concerned Chief Engineer shall appoint a 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 Distributory 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 subsection (2) shall expire at the time at which it would have expired, if he had been elected at the ordinary election.
Water Users' Association for Lift and Tube Well Irrigation	21.	For every Lift Irrigation and Tube Well Scheme under this Act, there shall be one Water Users' Association.
Delineation of areas of operation of Lift and Tube Well Irrigation Water	22.	A Canal Officer not below the rank of an Executive Engineer, duly empowered by the Users' Associations competent authority in this behalf shall, by notification in the Official Gazette and in accordance with the Rules made under the Act, delineate command areas of Lift and Tubewell Irrigation Water Users' Associations, separately based on prescribed guidelines and declare those area to be the areas of operation of respective Lift and Tube Well

Irrigation Water Users' Associations for the purposes of this Act.

23. In Order to avoid overlapping in command areas of flow and lift irrigation and **Lift Irrigation Water** complications arising thereby, a Canal Officer not below the rank of an Executive Engineer, **Users' Association** on duly empowered by the competent authority in this behalf with prior consent of the **notified rivers or** beneficiary farmers may give permission to form Lift Irrigation Water Users' Association, on **streams in command of** notified rivers or streams in the command of flow irrigation , after delineating the area of **flow irrigation** flow and lift irrigation separately in the prescribed manner.

CHAPTER III – OBJECTS, POWERS AND FUNCTIONS OF THE FARMERS' ORGANISATION

24. The objects of the farmers' organisation shall be to promote and secure equitable distribution **Objects** 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 like dairy and fisheries.

25. (1) The Water Users' Association shall perform the following functions, namely: – **Powers and Functions of Water Users' Association**
- (a) to prepare and implement a warabandi schedule for each irrigation season consistent with the operational plan based upon entitlement, area, soil and cropping pattern, as approved by the Distributory Committee, or as the case may be, the Project Committee;

- (b) to prepare a plan for the maintenance of 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;
- (c) to seek information regarding canal operation schedule from the upper level Committee or the concerned canal officer;
- (d) to convene a meeting of the Managing Committee before each irrigation season to guide and help the members regarding -
 - (i) Canal operation schedule and water distribution programme;
 - (ii) Maintenance of canal system before commencement of season;
 - (iii) the information about the latest decisions taken by the upper level committees;
- (e) 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) to collect prescribed 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;
- (g) 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 state government and as prescribed under the rules;
- (h) to carry out annual maintenance and repairs of canal system falling under its jurisdiction;
- (i) 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

- (l) to prepare and maintain a register of co-opted members;
 - (m) to prepare and maintain an inventory of the irrigation system within the area of operation;
 - (n) to monitor flow of water for irrigation;
 - (o) to undertake all allied activities related to irrigated agriculture;
 - (p) to resolve the disputes, if any, between members and water users in its area of operation;
 - (q) to raise resources;
 - (r) to maintain accounts;
 - (s) to cause annual audit of its accounts;
 - (t) to assist to conduct elections to the Managing Committee;
 - (u) to maintain other records in such manner as may be prescribed;
 - (v) to abide by decisions of the Distributory and Project Committees;
 - (w) to conduct General Body meetings in such manner as may be prescribed;
 - (x) to conduct regular water budgeting and also to conduct periodical social audit in such manner as may be prescribed.
- (2) 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.
- (3) Agreement with the Water Users' Association:-
- (a) There shall be an agreement between the Water Users' Association and the upper level committee or the Canal Officer within three months of the constitution of the concerned Water Users' Association;
 - (b) Supply of water for irrigation to any water 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' organization shall be in accordance with the agreement;
 - (c) The Agreement shall contain the contents as may be prescribed.

**Functions of
Distributory
Committees**

- 26.** The Distributory Committee shall perform the following functions, namely:
- (a) to prepare an operational plan based on its entitlement area, soil, cropping pattern, at the beginning of each irrigation season, consistent with the operational plan prepared by the Project Committee;
 - (b) prior to each season, identify the critical maintenance works that are to be carried out ,prioritize these works, prepare a plan for the maintenance of both 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.
 - (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;
 - (e) to maintain a register of Water User Associations in it area of operations;
 - (f) to maintain an inventory of the irrigation system in the area of its operation, including drains;
 - (g) to promote economy in the use of water allocated;
 - (h) to maintain accounts;
 - (i) to cause annual audit;
 - (j) to maintain other records as may be prescribed;
 - (k) to monitor flow of water for irrigation;
 - (l) to conduct General Body meetings in such manner as may be

- prescribed;
- (m) 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.
- (p) to establish byelaws establishing rules and sanctions of the organization for implementing the above functions.
- (a) . The Project Committee shall perform the following functions, namely:**Functions of Project Committees**
 - to prepare an operational plan based on its entitlement area, soil, cropping pattern, as prepared by the Competent Authority in respect of the entire project area at the beginning of each irrigation system;
- (b) to approve a plan for the extension, 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 Committee 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 the Distributory Committees;
- (f) to promote economy in the use of water;
- (g) to maintain accounts;
- (h) to cause annual audit of its accounts;
- (i) to maintain other records in such manner as may be prescribed;
- (j) 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;
 - (l) 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;
 - (m) to allocate water shares to each Distributory Committee and Water User Association and promote economy in the use of water; 31
 - (n) to establish bye-laws establishing rules and sanctions of the organisation for implementing the above functions
- 28.** (1) The State Government may, by notification, appoint such officer from the Water **Appointment of** Resources Department, or any other department, as it considers necessary, to be **competent authority** the competent authority for every farmers' organisation for the purposes of this **And his function** 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.
- 29.** (1) The State Government or Competent Authority through a written Order may give **Power of the State** directions to any farmers organisation relating to carrying out of duties or **Government to** functions of the farmers organisation under this Act where such duties or **Execute some of the** functions are not being performed in an appropriate manner and where the **Works of the** State Government or the Competent Authority deems that the execution of such **Farmers** duties and functions is essential in public interest. **Organisation**
- (2) The farmers' organisation shall be bound to give effect to the directions made under subsection (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.
30. (1) The State Government or the Competent Authority under this Act by a written **Power to Suspend the order and with reasons therein, suspend any resolution or order or the effect of Effect of a permission or the carrying out of a function of a farmers' organisation, if in Resolutions/Orders its opinion**
- (a) Such Resolution, Order, permission or function has not been adopted, agreed or arrived at through the due legal process; Appointment of competent authority and his function Power of the State Government to Execute some of the Works of the Farmers Organisation
 - (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 or continuance of permission may lead to –
 - (i) The misappropriation, misutilisation or damage of funds vested in a farmers' organisation or damage to property vested in such organisation;
 - (II) adverse impact on public health and convenience.
- (2) The Competent Authority on making of an order under sub section (1) shall place before the State level Policy Committee constituted under this 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 date of the making of the Order and the State Level Policy Committee would approve the Order or set it aside or review it or modify it or may direct that the Order made with or without modification could continue to be in force for the period as the State Level Policy Committee may deem appropriate :
- 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 (1) and before the State Government or the Competent Authority.

CHAPTER IV – FUNDS AND RESOURCES OF FARMERS’ ORGANISATION

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 Rate collected in the area of operation of the farmers’ organisation
 - (b) such other funds as may be granted by the State Government and Central Government for the development of the area of operation;
 - (c) resources raised from any financing agency for undertaking any economic development activities in its area of operation;
 - (d) income from the properties and assets attached to the irrigation system;
 - (e) fees collected by the farmers’ organisation for the services rendered in better management of the irrigation system; and
 - (f) 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. **Power to levy and collect fee**
33. The funds received, raised and generated by the Water Users’ Association shall be utilized to fulfil the objects of the Water Users’ Association in the prescribed manner. **Utilization of Funds for Water Users’**

Association

Audi

Co-Deposit and

administration of the funds

34. Every farmers' organisation shall get its accounts audited. by independent auditor/s once in a year in the manner prescribed
35. (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
- (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. Sinking fund
- Sinking fund** 36. (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. Budget
- Budget** 37 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. Recovery of dues
- Recovery of dues** 38 All the amounts payable or due to a farmers' organisation shall be recoverable as arrears of land revenue.

CHAPTER-V – OFFENCES AND PENALTIES

Offences Penalties

- and 39. Whoever without any lawful authority does any of the following acts, that is to say:
- (a) canal; damages, alters, enlarges or obstructs any
- (b) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any canal;

- (c) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any canal;
- (d) being responsible for the maintenance of 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;
- (e) receiving water in his fields for irrigation, neglects to take proper precautions for the prevention of waste of such water;
- (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;
- (g) 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;
- (h) destroys, injures, defaces or removes any land mark, level mark, water gauge or other apparatus fixed by the authority of a canal officer;
- (i) 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;
- (j) causes or knowingly and wilfully permits animals to graze or be tethered upon the bank or border of any canal after such grazing or tethering has been prohibited by a canal officer;
- (k) removes or injures any tree, bush, grass or other vegetation growing on any canal; or
- (l) eases himself on the banks or in the channel of a canal, shall on complaint made by a farmer's organisation:
 - (l) be punishable in respect of all 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, with an additional fine not exceeding twenty rupees for every day after the first during which the offence has been persisted

- (II) Dissolution of 40. Management Committee of a Farmers' Organisation Punishment under 41. other laws not barred Composition of 42. offences in; and

**Dissolution of
Management
Committee of a
Farmers'
Organisation**

40. (1) State Government may dissolve a Management Committee of a farmers' organisation if such a Committee is found to be committing or have committed a gross misappropriation of Government funds.
- (2) The dissolution of Management Committee under 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.

**Punishment under
other laws not barred**

41. 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. Composition of offences

**Composition of
offences**

42. (1) A farmers' organisation may accept from 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 (l) of Section 39 by way of composition.
- (2) On payment of such sum of money, no further proceedings shall be taken against him/her in regard to the offence, so compounded by the farmers' organisations.

CHAPTER-VI – SETTLEMENT OF DISPUTES

- 43.** (1) Any dispute of difference touching the constitution, management, powers or functions of a farmers' organization arising between members shall be determined by the Managing Committee 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. **Settlement of disputes**
- (2) Any such dispute or difference arising between a member and the Managing Committee of a Water Users' Association or between two or more Water Users' Associations shall be determined by the Managing Committee of the Distributory Committee.
- (3) Any such dispute or difference arising between a member and the Managing Committee of a Distributory Committee or between two or more Distributory Committees shall be determined by the Managing Committee of the Project Committee.
- (4) Any such dispute or difference arising between a member and the Managing Committee of a project committee or between two or more project committees shall be determined by the State Level Policy Committee, whose decision shall be final
- (5) Every dispute or difference under this section shall be disposed of within fifteen days from the date of reference of the dispute or difference. Settlement of disputes
- 44.** (1) A party to a dispute or difference aggrieved by any decision made or order passed by the Managing Committee of a Water Users' Association may appeal to the Managing Committee of the Distributory Committee, whose decision thereon shall be final. **Appeals**
- (3) Any party to a dispute or difference aggrieved by any decision made or order passed by the Managing Committee of a Project Committee may appeal to the State Level Policy Committee, whose decision thereon shall be final.
- (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-VII – MISCELLANEOUS

Records

45. (1) Every farmers' organisation shall keep at its office 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 distributory networks prepared in consultation with the Water Resources Department;
 - (b) a statement of the assets and liabilities;
 - (c) an activity plan including seasonal irrigation schedules, cropping calendar and decisions related to important aspects of irrigation management and irrigated agriculture;
 - (d) minutes book;
 - (e) books of account showing receipt and payments;
 - (f) books of account of all purchases and sales of goods by the farmers' organisation;
 - (g) register of measurement books, level field books, work orders and the like;
 - (h) copies of audit reports and enquiry reports;
 - (i) all such other accounts, records and documents as may be prescribed from time to time;
 - (j) stock register;
 - (k) list of users with details of land holding;
 - (l) register of penalties;
- (2) The books of accounts and other records shall be open for information to the members of the farmers' organisation.
46. The meetings of the farmers' organisation and the Managing Committees thereof at such **Meetings** intervals, the procedure, the presidency and the quorum thereof shall be, such as may be

prescribed.

- 47.** (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. **Resignation**
- (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.
- (3) The President of the Managing Committee of a Distributory Committee may resign his office by a letter sent by registered post or tendered in person to the President of the Project Committee 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.
- 48.** (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 functions under this Act or rules made thereunder. **Appointment of Controlling Officers**
- (2) The powers to be exercised and the functions to be performed by the controlling officers shall be such as may be prescribed
- 49.** The Government may, by notification, appoint an officer or officers to exercise the powers and perform the functions of a farmers' organisation and the Managing Committee thereof till such time such farmers' organisation is duly constituted or reconstituted and such Managing Committee assumes office under the provisions of this Act. **Transitional arrangement**
- Authentication of orders and documents of organisation Acts not to be invalidated by** **50.** All permissions, orders, decisions and other documents of the farmers' organisation shall be authenticated by the signature of the President of the farmers' organisation or any other member of the Managing Committee authorized by the Managing Committee in this behalf.
- 51.** No act or proceedings of the Managing Committee of a farmers' organisation shall be invalid by reason only of the existence of any vacancy in, or defect in the constitution of

informality or vacancy etc.			the said committee.
Protection of Acts done in good faith	52.	(1)	No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith, done or intended to be done under this Act or under the rules made thereunder.
Power to remove difficulties	53.	(1)	If any difficulty arises in giving effect to the provisions of this Act or as to the first constitution or reconstitution of any farmers' organisation after the commencement of this Act, the Government, in consultation with the respective farmers' organisation and the higher-level farmers' organisations, and as the occasion may require by order published in the Official Gazette, do anything which appears to them necessary for removing the difficulty.
		(2)	All orders made under sub-section (1) shall as soon as may be laid on the table of the Vidhan Sabha.
Saving	54.		Nothing contained in this Act shall affect the rights or properties vested in a Gram Panchayat, Janpad Panchayat, Zila Panchayat, Nagar Panchayat, Municipal Council or Municipal Corporation under any law for the time being in force.
Power to make rules	55.	(1)	The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.
		(2)	Every rule made under this Act shall as soon as after it is made be laid before Vidhan Sabha.
	56.	(1)	The State Government shall publish model byelaws for Water Users' Association including model regulations for guidance and adoption by the Water Users' Association.
		(2)	The Water Users' Association shall adopt the model Bye-laws and regulations with necessary modifications as it deems appropriate subject to the provisions of the Act and not contrary to the essential nature and purpose of the model bye-laws and egulations
	57.		The Chhattisgarh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam 1999 (No. 23 of 1999) and orders resolution if any, in force immediately before the commencement of this

**Power to make
Model Bye-laws and
Regulations**

Repeal

Act, are hereby repealed or rescinded, as the case may be, in respect of matters covered by this Act.
Provided that any order made or action taken under the Act so repealed shall be deemed to have been made or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS _

Irrigation management is a key to sustain the development of agriculture in Chhattisgarh. The Chhattisgarh government has found it desirable and essential that management of irrigation system is restructured to make water management more efficient with farmers' participation. This is also a mandate of under the National Water Policy 2002.

This legislation introduces a participatory management process involving farmers in all phases of irrigation management including planning and delineation of water users' area, designing, operation, maintenance, rehabilitation, modernization, administering rights, resolving of conflicts, determination and collection of Water Tax, monitoring, evaluation and financial management including providing/coordinating activities of irrigated agriculture. It is believed that such a regime can lead to an economic upliftment of the farmers of the State and increase Government revenue through a rise in the collection of water charges. Further, the Act provides for more inclusive and equitable Water Users' Association, especially with increased representation of women and the landless. There is a mandate for more optimal / smaller sizes of Water Users Associations in the Minor Irrigation Systems and separate Water Users' Association for lift systems. The Act also provides for a State level Farmers federation to facilitate interactions with the State government and other agencies.

Hence this Bill.
Raipur
Date:

HEMCHAND YADAV
Minister of Water Resources
(MEMBER-IN-CHARGE)

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 55 of the Chhattisgarh Sinchai Prabandhan Me Krishkon Ki Bhagidari Bill, 2006 empowers the State Government to make rules for carrying out the purposes of the Bill and the delegation of legislative power is of a normal character.

Devendra Verma
Secretary
Chhattisgarh Vidhan Sabha