

## **Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999**

**23 of 1999**

### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short Title, Extent And Commencement
2. Definitions

#### **CHAPTER 2 :- FARMERS' ORGANISATION**

- 3 . Delineation Of Water Users Area And Constitution Of An Association
4. Managing Committee Of Water Users Association
- 5 . Delineation Of Distributory Area And Constitution Of The Distributory Committee
6. Election Of Managing Committee Of Distributory Committee
- 7 . Delineation Of Project Area And Construction Of Project Committee
8. Election Of Managing Committee For Project Every Committee
9. Apex Committee
10. Procedure For Recall
11. Constitution Of Sub-Committees In Farmers Organisation
12. Farmers Organisation To Be A Body Corporate
13. Changes In Farmers Organisation
14. Disqualifications Of Candidates Or Members
15. Filling Up Of Vacancies

#### **CHAPTER 3 :-OBJECTSAND FUNCTIONS OF THE FARMERS' ORGANISATION**

16. Objects
17. Functions Of Water Users Association
18. Functions Of The Distributory Committees
19. Functions Of Project Committees
20. Power To Levy And Collect Fee
21. Appointment Of Competent Authority And His Functions

#### **CHAPTER 4 :- RESOURCES**

22. Resources Of Farmers Organisation

#### **CHAPTER 5 :- OFFENCES AND PENALTIES**

- 23. Offences And Penalties
- 24. Punishment Under Other Laws Not Barred
- 25. Composition Of Offences

## **CHAPTER 6 :- SETTLEMENT OF DISPUTE**

- 26. Settlement Of Disputes
- 27. Appeals

### **Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999**

**23 of 1999**

An Act to provide for Farmers' participation in the Management of Irrigation System and for matters connected therewith or Incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Fiftieth Year of the Republic of India as follows :- 1. Received the assent of the Governor on the 12th August, 1999; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated 18-8-1999.

#### CHAPTER 1 PRELIMINARY

#### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999.

(2) It extends to the whole of the State of Madhya Pradesh.

(3) It shall come into force<sup>1</sup> 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.

1. W.e.f. 15-9-1999; vide Notification No. PC-32-I-98-Med-XXXI, dated 15-9-1999; Published in M.P. Rajpatra (Asadharan), dated 15-9-1999.

#### **2. Definitions :-**

(1) In this Act, unless the context otherwise requires :-

(a) "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;

(b) "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;

(c) "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;

(d) "Competent Authority" means the Competent Authority appointed under Section 21;

(e) "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;

(f) "drainage system" in relation to an irrigation system 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;

(g) "Farmers Organisation" wherever it occurs, shall mean and includes.-

(i) water users association at the primary level consisting of all the water users as constituted under Section 3;

(ii) distributory committee at the secondary level as constituted under Section 5; and

(iii) project committee at the project level, as constituted under Section 7;

(h) "field channel" includes a channel existing or to be constructed by the State Government or by the land holders or by any 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;

(i) "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;

(j) "financing agency" means any commercial bank or any co-operative 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;

(k) "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;

1[(l) "Irrigation system" means such major, medium and minor irrigation system 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 system, anicuts, stop dams, lift irrigation schemes, tanks, well 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 upto 2,000 hectares.]

(m) "land holder" means an owner and or a tenant recorded as such in the record of rights under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) in respect of land in the notified ayacut area of an irrigation system;

(n) "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;

(o) "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;

(p) "warebandi" 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;

(q) "water allocation" in relation to an irrigation system means distribution of water determined from time to time by a Farmers Organisation in its area of operation;

(r) "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;

(s) "canal officer" means the following Officers of the 1[The Water Resources Department or the Narmada Valley Development Department] namely :-

(a) The Chief Engineer;

(b) Superintending Engineer;

(c) Executive Engineer;

(d) Sub-Divisional Officer; and

(e) Canal Deputy Collector.

(2) The words and expressions used in this Act, but not defined, shall have the same meaning as assigned to them in the Madhya Pradesh Irrigation Act, 1931 (No. 3 of 1931).

1 Substituted by M.P. Act No. 3 of 2005.

## CHAPTER 2

### FARMERS' ORGANISATION

### **3. Delineation Of Water Users Area And Constitution Of An Association :-**

(1) The 1[State Government], may by notification and in accordance with the rules made under this Act, in this behalf, delineate every command area under each of the irrigation systems 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 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.

(2) Every water users area shall be divided into territorial constituencies, which shall not be less than four but not more than ten, as may be prescribed.

(3) There shall be a Water Users Association called by its local distinct name for every water users area delineated under sub-section (1).

(4) Every Water Users Association shall consist of the following

members, namely:-

(a) 2[(i) all the water Users who are land holders in a water Users area; the wives of such land holders, who do not hold land, shall be deemed to be the land holders for the purposes of this Act:

Provided that where both the owner and the tenant are land holders in respect of the same land, the tenant;]

(ii) all other water users in a water users area;

(iii) three ex-officio members one of Amin Cadre and one of Sub-Engineer Cadre from the 2[The Water Resources Department or the Narmada Valley Development Department] who will Act as Co-ordinator between the Government Departments and the Farmers Association and the third from the Agriculture Department or Ayacut Department who will act as Advisor.

(b) the member specified in sub-clauses (i) to (iii) of clause (a) shall constitute the general body of the Water Users Association;

(c) a person eligible to become a member of more than one territorial constituency of Water Users Association under subclause (i) of clause (a) shall be entitled to be a member of only one territorial constituency and he shall exercise his option thereof;

(d) the members specified in sub-clause (i) of clause (a) alone shall have the right to vote.

1. Substituted by M.P. Act No. 22 of 2001.

2. Substituted by M.P. Act No. 3 of 2005.

#### **4. Managing Committee Of Water Users Association :-**

(1) There shall be a Managing Committee for every Water Users Association, which shall consist of a President and one member from each of the territorial constituencies of the Water Users Area.

(2) 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.

(3) The District Collector shall also cause arrangements for the election of the members of Managing Committee by the method of secret ballot in the manner prescribed.

(4) If the Managing Committee of the Water Users Association does not have a woman member, the Managing Committee shall co-opt a woman as member who shall ordinarily be a resident of the Farmers Organisation area.

1[(5) The President and the members of the Managing Committee shall, if not recalled earlier, be in office for a term of five years from

the date of appointment of the Competent Authority under sub-section (1) of Section 21:

Provided that if on the expiry of the term of the President and the members of the Managing Committee, a new Managing Committee is not constituted, the State Government may by notification, extend the term of the President and the members of the Managing Committee only once for a period of six months from the date of expiry, with reasons for such extension being placed on record.]

(6) The Managing Committee shall exercise the powers and perform the functions of the Water Users Association.

1. Substituted by M.P. Act No. 22 of 2001.

## **5. Delineation Of Distributory Area And Constitution Of The Distributory Committee :-**

(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 two or more Water Users Associations, and declare it to be a distributory area, for the purpose of this Act.

(2) There shall be a Distributory Committee called by its local distinct name for every distributory area declared as such under sub-section (1).

(3) All the Presidents 1[and the territorial constituency members] of the Water Users Association in the distributory area, so long as they hold such office, shall constitute the general body of the Distributory Committee including two nominated official members, one of them shall be an Assistant Engineer of 2[the Water Resources Department or the Narmada Valley Development Department], who will work as a Co-ordinator between the various departments, Water Users Associations and Distributory Committee, and the second member will act as an Advisor who will be from Agriculture or Ayacut Department.

1. Substituted by M.P. Act No. 3 of 2006.

2. Inserted by M.P. Act No. 3 of 2005.

## **6. Election Of Managing Committee Of Distributory Committee :-**

(1) There shall be a Managing Committee for every Distributory Committee.

(2) The District Collector 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 which shall not be more than five from amongst the members of the General Body of the Distributory Committee.

(3) If the Managing Committee of the Distributory Committee does not have a woman member, the Managing Committee shall co-opt a woman as a member who shall ordinarily be a resident of the Farmers Organisation area.

(4) 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.

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

## **7. Delineation Of Project Area And Construction Of Project Committee :-**

(1) The State Government, may by notification and in accordance with the rules made 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) There shall be a Project Committee called by its distinct name for every project area declared as such under sub-section (1).

1[(3) 2[(i) All the Presidents of the Water Users Associations of the project area of major irrigation projects and all the Presidents and territorial constituency members of the Water Users Associations of the project area of medium irrigation projects, so long as they hold such office, shall constitute the general body of the Project Committee.]

(ii) The Project Committee shall have two nominated members, one of whom shall act as Co-ordinator between various departments and Farmers Associations and who was be an Executive Engineer of Water Resources Department or Narmada Valley Development Department for Major Projects or an Assistant Engineer of Water Resources Department or Narmada Valley Development Department for Medium Projects and second member will act as an adviser who will be from the Agriculture Department. The nominated member shall not have right to vote.]

1. Substituted by M.P. Act No. 22 of 2001.

2. Substituted by M.P. Act No. 12 of 2003.

## **8. Election Of Managing Committee For Project Every Committee :-**



(1) There shall be a Managing Committee for every Project Committee.

1[(2) (i) The District Collector, shall cause arrangements in such manner as may be prescribed for the election by the method of secret ballot of Chairperson and Managing Committee consisting of not more than nine members from amongst the members of the general body of the Project Committee.

(ii) The Chairperson and members of Managing Committee of Project Committee of Major Projects shall be elected amongst the President of Water Users Association, while the Chairperson of Medium Project shall be elected amongst the President of Water Users Association and members of Managing Committee of the Medium Project shall be amongst Presidents and Territorial Constituency members of the Water Users Association.]

(3) If the Managing Committee of the Project Committee does not have a woman member, the Managing Committee shall co-opt a woman as member who shall ordinarily be a resident of the Farmers Organisation area.

(4) The term of office of the Chairperson, and the members of the Managing Committee shall be five years from the date of the first meeting.

(5) The Managing Committee shall exercise the powers and perform the functions of the Project Committee.

1. Substituted by M.P. Act No. 3 of 2005.

## **9. Apex Committee :-**

(1) The State Government may, by notification, constitute an Apex Committee consisting of the following Members, namely:-

(i) The Minister Water Resources Department - Chairperson.

(ii) Five persons from amongst the Chairperson of the Project Committee;

(iii) two persons from non-government organisations; and

1[(iv) three officers not below the rank of Chief Engineer or equivalent from the Water Resources Department, Agriculture Department or Narmada Valley Development 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 exercise such powers and functions as may be necessary to.-

(a) lay down the policies for implementation of the provisions of

this Act; and

(b) give such directions to any Farmers Organisation as may be considered necessary, in exercising their powers and performing their functions in accordance with the provisions of this Act.

1. Substituted by M.P. Act No. 12 of 2003.

#### **10. Procedure For Recall :-**

(1) A motion for recall of a Chairperson or 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 persons 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 the 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 15.

#### **11. Constitution Of Sub-Committees In Farmers Organisation :-**

The Managing Committee of a Farmers Organisation may constitute sub-committees to carry out all or any of the functions vested in each organisation under this Act.

#### **12. Farmers Organisation To Be A Body Corporate :-**

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 expedient for the purposes for which it is constituted and it shall sue and be sued in its corporate name represented by the Chairperson or 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.

#### **13. Changes In Farmers Organisation :-**

The State Government may, in the interest of a Farmers Organisation in the command area, 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;
- (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 is given to the organisation likely to be affected.

#### **14. Disqualifications Of Candidates Or Members :-**

(1) No officer or servant of the Government of India or any State Government or of a local authority or an employee of any institution receiving aid from the funds of the State Government shall be qualified for being chosen as or for being a Chairperson, or 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 Chairperson or President, or a member of a Managing Committee.

(3) A person shall be disqualified for being chosen as a Chairperson or 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;
- (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 this having share or interest in.-

- (i) a company as mere share-holder 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 due to sale or transfer of land of area or operation after constitution of Water Users Association;
- (f) employed in Government or Semi-Government organisation or local body.

(4) A Chairperson or a President or a member of a Managing Committee shall also become disqualified to continue in office if he.-

(a) absents from three consecutive meetings without reasonable cause;

(b) is a person who incurs any of the disqualifications mentioned in sub-sections (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 Chairperson or a President or a member of a Managing Committee shall be disqualified to continue in the office, if he/she ceases to be a land holder.

### **15. Filling Up Of Vacancies :-**

(1) A vacancy arising either due to disqualification under sub-section (4) of Section 14 or due to death or resignation or by any reason such vacancy shall be filled up by nomination in the following manner, namely :-

(a) a vacancy in the Water Users Association shall be filled, by nomination by the Managing Committee of the Distributory Committee in the manner prescribed;

(b) a vacancy in the Distributory Committee shall be filled, by

Nomination Committee of the Project Committee in the manner prescribed;

(c) a vacancy in the Project Committee shall be filled by nomination by the Apex Committee in the manner prescribed; and

(d) a vacancy in the Apex Committee shall be filled by the State Government in the prescribed manner.

(2) The District Collector shall take necessary steps to conduct elections to fill up any vacancy caused within a period of one month from the date of occurrence of such vacancy.

(3) The term of office of a member or a President or a Chairperson 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.

### CHAPTER 3

#### OBJECTS AND FUNCTIONS OF THE FARMERS' ORGANISATION

##### **16. Objects :-**

The objects of the Farmers Organisation shall be to promote and secure distribution of water among its users; adequate maintenance of the irrigation system, efficient and economical utilisation of water to optimise 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 water budget and the operational plan.

##### **17. Functions Of Water Users Association :-**

The Water Users Association shall perform the following functions, namely :-

(a) to prepare and implement a warabandi schedule for each irrigation season, consistent with the operational plan based upon the 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 regulate the use of water among the various pipe outlet under its area of operation according to the warabandi schedule of the system;
  - (d) to promote economy in the use of water allocated;
  - (e) to maintain a register of land holders as published by the revenue department;
  - (f) to prepare and maintain a register of co-opted members;
  - (g) to prepare and maintain an inventory of the irrigation system within the area of operation;
  - (h) to monitor flow of water for irrigation;
  - (i) to resolve the disputes, if any between the members and water users in its area of operation;
  - (j) to raise resources;
  - 1[(jj) to determine the irrigation water rates for the command area of Lift Irrigation Schemes/Tube Wells only of Water Resources Department or Narmada Valley Development Department to collect and recover the irrigation charges thereof and to utilize the amount so collected or recovered for operation, including payment of electric energy charges and maintenance of pumps, motors, pipelines, jack well and canal system of Lift Irrigation Schemes/Tube Wells only of the Water Resources Department or Narmada Valley Development Department.]
  - (k) to maintain accounts;
  - (l) to cause annual audit of its accounts;
  - (m) to assist in the conduct of ejections to the Managing Committee;
  - (n) to maintain other records in such manner as may be prescribed;
  - (o) to abide by the decisions of the Distributory and Project Committees;
  - (p) to conduct general body meetings in such manner as may be prescribed;
  - (q) to conduct regular water budgeting and also to conduct periodical social audit in such manner as may be prescribed.
1. Inserted by M.P. Act No. 8 of 2002.

### **18. Functions Of The Distributory Committees :-**

The Distributory Committee shall perform the following functions, namely :-

- (a) to prepare an operation 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) to prepare a plan for the maintenance of both distributories and medium drains within its area of operation at the end of each crop season and execute the maintenance works with the funds 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 regulate the use of water among the various Water Users Associations 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 Users Associations in its 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 the flow of water for irrigation;
- (l) to conduct general body meetings in such manner as may be prescribed;
- (m) to abide by the decisions of the Project Committee;
- (n) to cause regular 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.

### **19. Functions Of Project Committees :-**

The Project Committee shall perform the following functions, namely :-

- (a) to approve 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 season;
- (b) to approve a plan for the maintenance of irrigation system including the major drains within its area of operation at the end of each crop season and execute the maintenance works with the funds 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 Project Committee for the purpose of regulation and maintenance of irrigation system;

- (c) to maintain a list of the Distributory Committee and Water Users Associations in its area of operation;
- (d) to maintain an inventory of the distributory and drainage systems in its area of operation;
- (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; and
- (k) to cause regular budgeting and also the periodical social audit in such manner as may be prescribed.

## **20. Power To Levy And Collect Fee :-**

A Farmers Organisation may, for carrying out the purposes of this Act, achieving the objects of the organisation and performing its functions, levy and collect fee as may be prescribed from time to time.

## **21. Appointment Of Competent Authority And His Functions :-**

(1) The State Government may, by notification, appoint such officer from the Water Resources 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.

## **CHAPTER 4** **RESOURCES**

## **22. Resources Of Farmers Organisation :-**

The Funds of the Farmers Organisation shall comprise of the following namely :-



- (i) grants and commission received from the State Government as a share of the water tax collected in the area of operation of the Farmers Organisation;
- (ii) such other funds as may be granted by the State Government and Central Government for the development of the area of operation;
- (iii) resources raised from any financing agency for undertaking any economic development activities in its area of operation;
- (iv) income from the properties and assets attached to the irrigation system;
- (v) fees collected by the Farmers Organisation for the services rendered in better management of the irrigation system; and
- (vi) amounts received from any other sources.

#### CHAPTER 5

#### OFFENCES AND PENALTIES

### **23. Offences And Penalties :-**

Whoever without any lawful authority does any of the following acts, that is to say :-

- (a) damages, alters, enlarges or obstructs any canal;
- (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 the 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 Madhya Pradesh Irrigation Act, 1931 (No. 3 of 1931) has been made, neglects to attend at the place appointed or refuses or 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 or 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 Farmers Organisation :-
  - (i) be punishable in respect of 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 in; and
  - (ii) be punishable in respect of offences mentioned in clauses (a) to (1), with fine which shall not be less than rupees five hundred but which may extend to 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.

#### **24. Punishment Under Other Laws Not Barred :-**

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.

#### **25. Composition Of Offences :-**

(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 thereunder, a sum of money not less than rupees one thousand in case of offences mentioned in clauses (a) to (h) of Section 23 and Rs. Five hundred for the offences mentioned in clauses (a) to (1) of Section 23 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 Organisation.

## CHAPTER 6

### SETTLEMENT OF DISPUTE

#### **26. Settlement Of Disputes :-**

- (1) Any dispute or difference touching the constitution, management, powers or functions of a Farmers Organisation arising between members shall be determined by the Managing Committee of the Farmers Organisation.
- (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 Apex 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.

#### **27. Appeals :-**

- (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 shall be final.
- (2) A party to a dispute or different aggrieved by any decision made or order passed by the Managing Committee of a Distributory Committee may appeal to a Project Committee, whose decision shall be final.
- (3) A 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 Apex Committee, whose decision thereon shall be final.
- (4) Any 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.