

The M.P. Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999

MADHYA PRADESH

India

The M.P. Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999

Act 23 of 1999

- Published on 12 August 1999
- Commenced on 12 August 1999
- [This is the version of this document from 12 August 1999.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999(M.P. Act No. 23 of 1999)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.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 :-

Chapter I 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] [W.e.f. 15-9-199; vide Notification No. PC-32-1-98-Med-XXXI, dated 15-9-1999; Published in M.P. Rajpaura (Asadharan), dated 15-9-1999.] 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.

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)"distributary 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)distributary 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;(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 irrigate schemes, tanks, well and the like, and such irrigation system irrigating an area greater than 40 hectares; [Substituted by M.P. Acl No. 12 of 2003.]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 upto 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 [The Water Resources Department or the Narmada Valley Development Department] [Substituted by M.P. Act No. 22 of 2001.] 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).

Chapter II

Farmers' Organisation

3. Delineation of Water Users' Area and constitution of an association.

(1)The [State Government] [Substituted by M.P. Act No. 3 of 2005.], 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)[(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: [Substituted by M.P. Act No. 3 of 2005.]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 [The Water Resources Department or the Narmada Valley Development Department] [Substituted by M.P. Act No. 22 of 2001.] 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 sub-clause (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.

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. (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.] [Substituted by M.P. Act No. 3 of 2006.] (6) The Managing Committee shall exercise the powers and perform the functions of the Water Users' Association.

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 [and the territorial constituency members] [Inserted by M.P. Act No. 3 of 2005.] 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 [the Water Resources Department or the Narmada Valley Development Department] [Substituted by M.P. Act No. 22 of 2001.], 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.

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 Distributor)' 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).(3)[(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.] [Substituted by M.P. Act No. 12 of 2003.](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.]

8. Election of Managing Committee for Project every Committee.

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

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(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.] [Substituted by M.P. Act No. 22 of 2001.](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.

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 Distributor)' Committee in the manner prescribed;(b)a vacancy in the Distributor)' 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 III

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;(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.] [Inserted by M.P. Act No. 8 of 2002.](k)to maintain accounts;(l)to cause annual audit of its accounts;(m)to assist in the conduct of

elections 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.

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 IV 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 V 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)leases 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 VI

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 Distributor)' 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.

Chapter VII

Miscellaneous

28. Records.

(1)Every Farmers' Organisation shall keep at its office the following accounts, records and documents, namely :-(a)a map of the area of operation of the Farmers' Organisation alongwith map of the structures and distributory networks prepared in consultation with the Water Resources Department;(b)a statement of the assets and liabilities;(c)minutes book;(d)books of account showing receipts and payments;(e)books of account of all purchases and sales of goods by the Farmers' Organisation;(f)register of measurement books, level field books, work orders and the like;(g)copies of audit reports and enquiry reports;(h)all such other accounts, records and documents as may be prescribed from time to time;(i)stock register;(j)list of users with details of land holding;(k)register of penalties.(2)The books of accounts and other records shall be open for information to the members of the Farmers' Organisation.

29. Audit.

- Every Farmers' Organisation shall get its accounts audited once in a year in the manner prescribed.

30. Recovery of dues.

- All the amounts payable or due to a Farmers' Organisation shall be recoverable as arrears of land revenue.

31. Meetings.

- The meetings of the Farmers' Organisation and the Managing Committees thereof at such intervals, the procedure, the presidency and the quorum thereof shall be, such as may be prescribed.

32. Resignation.

(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 Chairperson or President of the Managing Committee concerned.(2)The President of the Managing Committee of a Water Users' Association may resign his office by a letter sent by registered post or tendered in person to the President of the Distributory Committee concerned.(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 Chairperson of the Project Committee concerned.(4)The Chairperson 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 Chairperson of the Apex Committee.(5)The resignation as above mentioned shall take effect from the date of its acceptance or on the expiry of 30 days from the date of its receipt whichever is earlier.

33. Appointment of Controlling Officer.

(1)The State Government may, by notification, appoint Controlling Officers not below the rank of a Commissioner of Revenue Division 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.(2)The powers to be exercised and the functions to be performed by the Controlling Officers shall be such as may be prescribed.

34. Transitional arrangements.

- 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.

35. Authentication of orders and documents of organisation.

- All permissions, orders, decisions and other documents of the Farmers' Organisation shall be authenticated by the signature of the Chairperson or President of the Farmers' Organisation or any other member of the Managing Committee authorised by the Managing Committee in this behalf.

36. Acts not to be invalidated by the informality of vacancy etc.

- 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 the said committee.

37. Deposit and administration of the funds.

(1)The Farmers' Organisation shall keep their funds in a Nationalised Bank or a Co-operative Bank namely; the District Co-operative Central Bank or the Madhya Pradesh State Apex Co-operative Bank.(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.

38. Sinking Fund.

(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.

39. Budget.

- 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.

40. Protection of acts done in good faith.

(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.

41. Powers to remove difficulties.

(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, as the occasion may require by order published in the Madhya Pradesh 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 Sahha.

42. Savings.

(1) Nothing contained in this Act shall effect 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. (2) Nothing contained in this Act shall apply to the minor water bodies in the Scheduled Area of the State.

43. Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) Every rule made under this Act shall as soon as after it is made be laid before Vidhan Sabha. [Substituted by M.P. Act No. 12 of 2003.]