

# **The Assam Farmers (Group Irrigation) Rules, 1983**

ASSAM

India

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### **Rule THE-ASSAM-FARMERS-GROUP-IRRIGATION-RULES-1983 of 1983**

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The Assam Farmers (Group Irrigation) Rules, 1983 Last Updated 12th February, 2020

#### **1. Short title.**

(1) These rules may be called the Assam Farmers (Group Irrigation) Rules, 1983. (2) They shall extend to the whole State of Assam. (3) They shall come into force at once.

#### **2. Definitions.**

- In these rules, unless there is anything repugnant in the subject or context-(a)'Act' means the Assam Farmers (Group Irrigation) Act, 1978 ;(b)'Section' means a section of the Act;(c)'Former' means a persons owning or having a right in any agricultural land.

#### **3. Publication of notifications issued under the Act.**

- All notifications issued under the Act shall be published in the official Gazette.

#### **4. Formation of irrigation group under Section 2(e) and application for preparing a scheme under Section 3(1) the Act.**

- Two or more farmers owning or having a right in agricultural land in a specified compact area shall form a group under Section 2(e) and apply to the Executive Engineer/Sub-divisional Officer, Irrigation for registration and to frame a scheme under Section 3(1). Such application shall-(i) be either type written or written in ink/ball pen in legible handwriting;(ii) state clearly the purpose of forming the group ;(iii) accompany with the resolution of the meeting forming the irrigation group and also the name of the elected President and Secretary and Members of the group ;(iv) accompany

with the list of farmers forming the group.

## **5.**

(i)The group members will authorise one of the members preferably the Secretary of the group with whom all correspondences in connection with the scheme will be made.(ii)It will be obligatory on the part of the Secretary/authorised member to take into confidence all the the members when a decision is to be taken.

## **6.**

Group can be formed for a minimum area of acres in case of shallow tube-well/small lift point and 20 acres in case of medium deep tube-well (capacity  $\frac{1}{2}$  to 1 cusec) and for other irrigation structures including heavy deep tube-well (capacity above 1 cusec) 40 acres.

## **7. Verification of land records.**

(1)The Irrigation Engineer, on receipt of application from the groups under Rule 4 (iv) in duplicate will forward the same Annexure 'A' to the Sub-Deputy Collector within whose jurisdiction the specified area is situated for verification of land record within 7 (seven) days.(ii)The Sub-Deputy Collector will arrange mutation in respect of a farmer who has right over the land by virtue of lawful occupation, inheritance or transfer.(iii)The Sub-Deputy Collector will return one copy of the application with the Annexure to the Irrigation Officer within 15 days of the receipt of the same from the Irrigation Officer after verification with necessary correction if there be any, after observing Rule 7 (ii).

## **8. Issue of non-encumbrance certificate.**

- (A) (i) Irrigation Officer will forward the Annexure 'A' with application in similar manner as under Rule 7 (i) to the Sub-Registrar within whose jurisdiction specified area is situated to issue non-encumbrance certificate in respect of lands belonging to all members of the group.(ii)Sub-Registrar will issue the non-encumbrance certificate within time limit as mentioned under Rule 7 (iii) and forward the same to the Irrigation Officer.(B)(i)Irrigation Officer will forward the Annexure 'A' in similar manner as under Rule 7 (i) to the Block Development Officer and the other Government agencies dealing with the subsidy to give clearance about the availability of subsidy.(ii)The Block Development Officer shall issue the certificate on category of farmers and forward the same to the Irrigation Officer within 7 (seven) days.

## **9. Preparation of draft scheme under Section 3 (2).**

(a)The Irrigation Officer on receipt of application will prepare the draft scheme after physical verification of the land about the suitability of the land about irrigation and also feasibility of the scheme after conducting survey if necessary. The draft scheme will include-(i)brief report about the

specified area ;(ii)type of scheme proposed ;(iii)cropping pattern with incremental benefit (to be obtained from the agricultural department);(iv)the list of farmers of the group ;(v)estimate;(vi)repayment schedule (farmer-wise) as determined by the financing institution.(b)The draft scheme will be forwarded to the Secretary or the authorised members of the group in duplicate.(c)One copy of the draft scheme shall be returned by the group to the Irrigation Officer with objection and suggestions if there be any within 7 (seven) days of receiving of draft scheme from the Irrigation Officer.(d)The Irrigation Officer may make necessary modification after considering the suggestions, if any, of the group and the draft scheme so modified will be forwarded to the bank along with the various certificates as mentioned under Rules 7 (ii), 8 (A) and 8 (B).(e)The bank shall indicate its willingness or otherwise in writing within 10 (ten) days of receiving the scheme from the Irrigation Officer.

## **10.**

Cropping pattern to be adopted as mentioned in Rule 9 (a) (iii) shall be given by the concerned Agriculture Officer within 7 (seven) days of receiving the intimation from the Irrigation Officer. The proposed cropping pattern will be signed by the Agricultural Extension Officer of the block for area up to 20 acres and by the Sub-divisional Agricultural Officer for an area above 20 acres.

## **11.**

The draft scheme when returned under Rule 9 (c) to the Irrigation Officer by the group, all the members of the group will give an undertaking in the manner as per Annexure 'B' in duplicate.

## **12. Margin money under sub-section (5) of Section 3.**

(a)The margin money will be 10% of the established cost of the draft scheme framed by the Irrigation Officer.(b)The total quantum of margin money worked out as per Rule 12 (a) shall be proportionately divided amongst the members on the basis of holding as per record received from Sub-Deputy Collector under Rule 7 (iii).(c)The Bank shall issue notice to the individual members of the irrigation group to deposit the margin money and to execute any document or mortgage deed etc. within 7 (seven) days of indicating their willingness under Rule 9 (e).(d)The group members shall deposit the margin money with the Bank within 15 (fifteen) days of issuing of notices in case of bank draft and also execute the documents as required by the Bank.(e)The margin money of the defaulting member deposited by other member or members under Section 3 (5) shall be added to his loaned amount and the loaned burden of member/members who has/have deposited the margin money of the defaulting member shall be correspondingly reduced.(f)Any subsidy given by the Government may be adjusted against the margin money referred to in Rule 12 (a), (b) (c).

## **13. Enforcement of scheme on unwilling farmers under provision of sub-section (1) of Section 4.**

(a)The Irrigation Officer, after proper survey as he may feel necessary, may ask the unwilling farmer or farmers to give the grounds of his or their of not joining the group. The grounds of objection shall be invited within 7 (seven) days of receiving the application as under Rule 4 and the reply to be given by the unwilling farmer within 7 (seven) days of receiving the same. The ground on which a farmer or farmers' appeal may be considered for exempting from joining the group are the following provided that the land is kept for-(i)public purpose such as school, place of worship and prayer ;(ii)family cremation ground ;(iii)residential purpose.(b)The Irrigation Officer while considering the grounds of objection shall have the power to examine on oath or affirmation any person summoned by him, to reduce into writing any statement made by the person so examined and to record his decision in the appeal after hearing arguments of the unwilling farmer or his agent duly authorised by him in writing in that behalf.(c)After considering the grounds of objection and recording his decision as aforesaid, the Irrigation Officer shall intimate his decision in writing to the unwilling farmer and thereafter Rule 12 (a), (b), (c), (d), (e) and (f) under Section 3(5) shall be applicable on him/them.

## 14.

The Bank shall issue the sanctioning order within 5 (five) days of documentation.

## 15. Appeal under Section 8 (1) against order of Irrigation Officer.

(a)Any person owning or having a right in the agricultural land in the specified compact area as mentioned under Rule 4 aggrieved by any order of the Irrigation Officer may prefer before the Superintending Engineer an appeal under sub-section (1) Section 8 by filing a memorandum of appeal in duplicate. Such memorandum shall be signed and presented by the appellant or by his agent duly authorised by the appellant in writing in that behalf, shall be accompanied by a copy of relevant order and shall bear a court fee stamp of seventy-five paise. The memorandum shall have to be filed within 15 (fifteen) days of receipt of the order of Irrigation Officer. Such memorandum shall-(i)be either type written or written in ink/ball pen in legible handwriting ;(ii)state the name and address of the appellant and also those of the respondents;(iii)state clearly the grounds of objection on which the appeal is preferred(iv)state precisely the relief that the appellant claims.(b)On receipt of the memorandum the Superintending Engineer shall send duplicate copy of the memorandum to the Irrigation Officer whose order is appealed against and directing such Irrigation Officer to forward within 7 (seven) days from the date of receipt of the Superintending Engineer's requisition, the records of the case along with a report of such Irrigation Officer on the memorandum.(c)On receipt of the records from the Irrigation Officer who passed the order, the Superintending Engineer may, for reasons to be recorded by him in writing, reject the memorandum, or if he thinks fit, may himself make further enquiry and may after hearing arguments of the appellant or his agent duly authorised by him in writing in that behalf record his decision in the appeal. For the purposes of such enquiry, the Superintending Engineer shall have the power to examine on oath or affirmation any person summoned by him, to reduce into writing any statement made by the person so examined and also to enter upon and inspect any land.(d)An authenticated copy of Superintending Engineer's decision under sub-section (2) of Section 8, shall be forwarded to the Irrigation Officer concerned as well as the appellant within 7 (seven) days from

the date of such decision.

## **16. Appeal against the order of Superintending Engineer under Section 9(1).**

(a)The appellate authority under sub-section (1) of Section 9 shall be the Secretary, Irrigation Department, Assam.(b)An appeal under sub-section (1) of Section 9 may be preferred before the appellate authority by filing a memorandum of appeal. The memorandum shall have to be filed within 15 (fifteen) days of passing of order under Section 8 (2) and in the manner as laid down in Rule 15 (a).(c)The memorandum of appeal shall be accompanied by an additional copy of memorandum.(d)On receipt of the memorandum the appellate authority shall send the additional copy to the Superintending Engineer to forward within 7 (seven) days from the date of receipt of the appellate authority's requisition, and the records of the case along with a report from the Superintending Engineer on the memorandum.(e)On receipt of the records from the Superintending Engineer whose order is appealed against, the appellate authority may, for reasons to be recorded in writing, reject the memorandum or may make further enquiry or direct such enquiry to be made by any other officer subordinate to him, specifying the points on which such enquiry is necessary. For the purpose of such enquiry, the appellate authority or the officer aforesaid shall have the power to examine on oath or affirmation any person summoned by it or him, to reduce into writing any statement made by the person so examined and also to enter upon and inspect any land.(f)Pending decision of the appeal preferred under Section 9(1), the appellate authority may, on sufficient grounds being shown, stay the order of Superintending Engineer. When such order is made a copy thereof shall forthwith be forwarded to the concerned Superintending Engineer and Irrigation Officer.(g)At the hearing of the appeal the appellate authority may hear arguments of the appellant or his agent duly authorised by him in writing in that behalf and record its decision, in the appeal. An authenticated copy of the appellate authority's final decision under sub-section (2) of Section 9 shall be sent to the Superintending Engineer and Irrigation Officer concerned within 7 (seven) days from the date of such decision.

## **17.**

(a)The Irrigation Officer shall take up the work within 15 (fifteen) days of receiving the sanction from the Bank.(b)All expenditure to be incurred for implementation of the scheme shall be initially borne out of the revolving fund to be provided by the Government or shall be booked under miscellaneous advance and subsequently adjusted on receipt of payment from the Bank. Cost of unsuccessful tube-well shall be borne by the Government.(c)Sufficient stock of materials like pipe, strainer etc. shall be maintained by the Department so that the execution of work is not delayed for want of such materials.(d)The work shall be executed as per departmental norm.(e)As far as practicable the Irrigation Officer may execute the work through 'Irrigation group' and in such case the rate allotted shall be the estimated rate.(f)For arranging after sale, proper service brand of pump in case of shallow tube-well shall be fixed block wise and the Irrigation Officer shall accordingly indicate the brand in the draft scheme itself.(g)The tube-well assembly particularly in case of shallow tube-well shall be lowered in presence of the authorised member and measurement taken in his presence. The authorised member shall sign the necessary certificates in this regard as per Annexure 'C' in duplicate.(h)Physical demonstration in the presence of the authorised member

about discharge of the shallow tube-well shall be given for (4) four hours continuous run and thereafter the discharge shall be measured which will be taken as discharge of shallow tube-well and the authorised member shall sign the certificate as per Annexure 'D' in duplicate, shallow tube-well giving discharge of less than 5,000 gallons per hour shall be considered as unsuccessful.(i)Performance certificate of the pump shall be obtained by the supplier in triplicate from the authorised member after giving proper demonstration in the presence of Department Officer and handed over two copies to the Irrigation Officer.(j)The completion certificate of the scheme as a whole shall be obtained in duplicate as per Annexure 'E' and signed by the authorised member or the Secretary of the group.(k)The Irrigation Officer (Executive Engineer or Sub-divisional Officer) shall submit bill to the concerned Bank within 10 (ten) days of completion of scheme. One copy of certificate as mentioned in sub-rules (7), (8), (9) and (10) above shall have to be enclosed with the bill.(l)The Bank shall make payment within 10 (ten) days of receiving the bill from the Irrigation Officer.(m)Necessary guidelines for the estimate may be issued by the Department from time to time as it deems fit.(n)Any dispute in regard to implementation between the Irrigation Officer and the group shall be settled as per provision laid down under Sections 8 (1) and (2) and 9 (1) and (2).

## 18. Maintenance of scheme under Section 5(2).

(a)The Irrigation Department shall give the necessary guidelines for maintenance and operation of the scheme and the group shall follow such guidelines.(b)The pump supplier shall supply the service manual to the group for every pump set supplied by them and the instruction given in the manual shall be followed by the group.(c)Maintenance and operational cost shall be borne by the members of the group proportionately on the basis of holding.(d)Log book in proforma fixed by the Department shall be maintained by the group.(e)History of the scheme which shall include detailed informations about the operational cost, repairing carried out with cost etc., shall be maintained by the group as per departmental guidelines.(f)The group shall also be eligible to get loan for maintenance of the scheme as well as crop loan.

## 19.

The cost of unsuccessful boring shall be borne by the Government.

## 20.

The Government may, by notification, delete, alter, add or amend any or more of the provisions of the rules in the interest of better implementation of the provisions of the Act. Annexure 'A' Farmers' list in respect of request for framing a scheme under Section 3 (1) of the Act Name of Irrigation Group.....Thana .....Sub-Division.....Lands with names of Farmers.....Records of land for the purpose of scheme .....

Sl. No.	Name of farmer with	Father's or Husband's	Dag No.	Patta No.	Area Mouza	Total land holding	Signature of the member
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address		Name	possessed by the member							
Patta No.	Area	Mouza								
1	2	3	4	5	6	7	8	9	10	11

Annexure 'B' Undertaking of the members of the Irrigation Group We the following members of the.....Irrigation group hereby give the following undertaking in good faith and knowing fully well the implication of such undertaking state-(1)that if the scheme is implemented the decision of the Irrigation Department will be binding on us ;(2)that we shall adhere to the recommended cropping pattern and improved agricultural practices as suggested;(3)that we shall adhere to the repayment schedule as may be prescribed by the Bank;(4)that we shall deposit the necessary margin money within the time limit as and when notice received from the Bank;(5)that we shall execute mortgage deed or deeds of charge in respect of land made chargeable on specified day;(6)that we shall sign the completion certificate as soon as shallow tube well is installed and demonstration of tube well is given about the discharge;(7)that we shall take crop loan for the purchase of land on patta for improved practices;(8)that we shall not ask for disbursement of loan in cash ;(9)that we shall accept the shallow tube well as successful when it gives a discharge not less than 5,000 gallons per hour ;(10)that we shall be responsible for running and maintenance of the scheme as per departmental guidelines. Full name of the members :Signature of the member Annexure 'C' Certificate of discharge and utilisation of materials in the Group Irrigation Scheme Unit Quantity Measurement

### 1. Depth of boring.....

### 2. Length of assembly.....

### 3. Materials utilised.....

(a) Galvanised Iron pipe.....(b).....(c).....Certified that the measurement taken in my presence and materials mentioned above have been utilised in the structure. Signature of witnesses:

1.

2.

Signature of the authorised member of-----Irrigation Group Annexure 'D' Discharge Certificate The discharge of the Irrigation structure has been physically demonstrated in my presence and found to be-----Signature of witnesses:

1.

2.

Signature of the authorised member of-----Irrigation Group  
Signature of S.O. Annexure 'E' This is to certify that the-----Group Irrigation Scheme as per specification in draft scheme has been duly completed and handed over to the-----Irrigation Group. Signature of the Irrigation Officer  
Taken over by me on behalf of Irrigation Group after duly satisfied with the workmanship and performance. Signature of the authorised member of-----Irrigation Group.