

The M.P. Farmers' Organisation Constitution Rules, 1999

MADHYA PRADESH

India

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The M.P. Farmers' Organisation Constitution Rules, 1999 Published vide Notification No. 32-1-99-M-21, M.P. Rajpatra (Asadharan), dated 18-10-1999 In exercise of the powers conferred by Section 43 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999) the State Government hereby makes the following rules ;-

1. Short title.

(1) These rules may be called the Madhya Pradesh Farmers' Organisation Constitution Rules, 1999. (2) They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires :-(a) "Act" means the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999; (b) "Authorised Officer" means an officer authorised by the District Collector not below the rank of a Naib Tehsildar; (c) "Forms" means a form appended to these rules; (d) "Farmers Organisation" means Water Users' Association at the primary level, Distributory Committee at the secondary level and Project Committee at the project level. (e) "Notice" means notice appended to these rules.

3. Delineation of Command Area of an Irrigation System.

(1) The District Collector, may by notification delineate the command area under each of the irrigation system within his district on a hydraulic basis which may be administrative viable; and declare it to be a water users' area for the purpose of the Act and publish a notification in Form A. The Farmers' Organisation shall have distinct name; by amending the notification published under this sub-rule. (2) For the purpose of this rule, every Water Users' Association shall have the name of a village as its distinct name in which the major extent of the command is situated. If there is more than one association in such village, then such association shall be called by adding numerals to the

distinct name.(3)For each of the irrigation system the Collector shall cause to be prepared the maps or sketches, indicating the distribution system like majors, minors and outlets along with the related structures in the command area. In the map or sketch the village boundaries, the drains, ayacut roads and all structures shall be marked.(4)The areas irrigated or planned to be irrigated under each of the distributory, minor, survey numberwise shall be prepared.(5)The command area for each water user area shall be delineated on hydraulic basis, each to be served by a distinct segment of the irrigation system and with a control structure or a mechanism at its head for supply of allocated or designed quantity of water for that command area.(6)The delineated area may have one or more distributories or minors or sub-minors or direct pipes or outlets or a combination of two or more thereof, serving its command. It shall also have a distinctly demarcated boundary which could be a drain, or a bund or an uncommendable land.(7)In case of minor irrigation system, including tanks, diversion channels, lift irrigation schemes, wells, and such other smaller irrigation systems each shall form into one water user area.(8)In case major and medium irrigation system such water user areas shall be more than one.(9)To ensure administrative viability, the area of operation of each of the Water Users' Area shall be the limits of a village or contiguous villages situated within a Revenue Circle, as far as possible.(10)The District Collector shall divide each of the water user area in a Major Irrigation Project, as far as possible equally into such even number of territorial constituencies as specified below :-

upto 1000 hectares	4 territorial constituencies
from 1001 to 1500 hectares	6 territorial constituencies
from 1501 to 2000 hectares	8 territorial constituencies
more than 2000 hectares	10 territorial constituencies

and in respect of minor irrigation projects, the water user area as far as possible be equally divided into such even number of territorial constituencies as specified below:-

upto 200 hectares	4 constituencies
from 201 hectares to 400 hectares	6 constituencies
from 401 hectares to 600 hectares	8 constituencies
from 600 hectares to 2000 hectares	10 constituencies

Note : - The command area under a direct pipe outlet shall not be bifurcated while dividing territorial constituencies.(11)The draft command area map or sketch of the Water Users' Area demarcating the boundaries of territorial constituencies in the area of operation shall be prepared. The particulars containing the survey numbers of the lands situated in each of such territorial constituency in Form "A" shall be displayed together with such map or sketch on the notice board of the Gram Panchayat and the Janpad Panchayat, for information of the land holders.(12)Objections or suggestions against the delineation of water user area of the division of territorial constituencies, if any, may be filed, by the landholders in the area of operation, before the District Collector within a period of seven days excluding the date of display. -(13)Within two days of the receipt of the objections or suggestions, the District Collector shall after conducting a summary enquiry make such changes or modifications wherever considered necessary in the maps or sketches duly recording reasons thereof, whose decision thereon shall be final.(14)A final map or sketch in pursuance of sub-rule (13) shall immediately be displaced in the office of the Gram Panchayat and Janpad Panchayat in Form "B" by the District Collector.

4. Preparation of Landholders List, Voters List and other Water Users' List.

(1)The District Collector shall prepare or cause to be prepared by the authorised officer, the list of landholders on the basis of record of rights, in Form "C". On the basis of the list as so prepared, he shall prepare or cause to be prepared territorial constituency-wise voters list in Form "D ", consisting of those landholders who have completed eighteen years of age as on the date of issue of notification for conducting elections in a Water Users' Area for electing the President and the Members of the Managing Committee of the Water Users' Association.(2)The lists prepared under sub-rule (1) shall be displayed on the notice board of the office of the concerned Gram Panchayat and the Janpad Panchayat.(3)Before finalising the lists mentioned in sub-rule (1), the District Collector shall invite objections in Form "E" against inclusion of any name or names in Form "F" and for deletion of any name or names in Form "G" within a week of display under sub-rule (2). After receiving the objections if any, the District Collector shall consider all such objections within a week and finalise such lists, by appending the names to be deleted or incorporated, at the end of each list and a final notice thereof shall be published in Form "H" for verification.(4)Each landholder in the Water Users' Area shall have one vote only irrespective of his land holdings in the said area.(5)(i)In case, a landholder has land in more than one Territorial Constituency of a Water Users' Area, the land holder shall opt for one constituency by giving a declaration as specified in Form "I" to the Authorised Officer.(ii)In case no such option is exercised by the landholder, the Authorised Officer shall, allot his vote to the constituency in which the landholder holds the maximum extent of land; where such land held is the same in two constituencies any of the constituency may be allotted.(6)The lists prepared under sub-rule (1) shall be revised six months before the commencement of the subsequent elections in accordance with the provisions of the Madhya Pradesh Farmers' Organisation Election Rules, 1999.

5. Delineation of distributory areas.

(1)The Government, keeping in view the operational validity and in consultation with the District Collector, for the purpose of constituting the Distributory Committees, delineate the command area by a notification in Form "J" under a major project into such number of distributory areas as they consider proper.(2)A distributory area may contain two or more contiguous Water Users' Area.(3)In delineating a distributory area, no water user area shall be divided or bifurcated into parts.

6. Delineation of project areas.

(1)The Government, keeping in view the operational viability and in consultation with the District Collector, delineate, the command area by a notification in Form "K" under a major irrigation project into one or more project areas for the purpose of constituting a Project Committee or Committees.(2)The entire command area under a medium irrigation project shall be treated as a single unit and notified by the Government as a Project Area.

7. Procedure for conducting elections.

(1)The election to the office of the Chairperson or the President and the members of a Farmers' Organisation shall be conducted in accordance with the provisions of the Farmers' Organisation Election Rules, 1999.(2)No Member shall hold more than one elective office in a Water Users' Association. If a person is elected as President of Water Users' Association and also as a Member of the Managing Committee, he shall resign one of such offices within 15 (fifteen) days of the declaration of the results by a letter addressed to the concerned Competent Authority. If he fails to do so, he shall cease to be a Member of the Managing Committee of the Water Users' Association. The Competent Authority then shall immediately inform the fact of resignation or cessation of such office to the District Election Officer and the President, Distributory Committee where such committee exists. Such casual vacancy shall be filled in accordance with the provisions of Section 15 of the Act.

8. Recall.

(1)The Competent Authority for receiving the recall notice in respect of a Chairperson or a President or a Member of the Managing Committee by any Farmers' Organisation shall be the District Collector or an officer nominated by him.(2)The recall notice in Form "L" shall be signed by one-third of the total voters in respect of the President or a Member of the Managing Committee of a Water Users' Association, and one-third of the total members of the General Body in respect of the President or the Chairperson or a Member of a Managing Committee of a Distributory Committee or the Project Committee.(3)On receipt of such notice, the Competent Authority shall verify the notice in Form "M".(4)The officer nominated by the District Collector shall call for a meeting of the voters or the members of the General Body, as the case may be, of the respective Farmers' Organisation within seven days after verification of the notice.(5)Two-third majority of the total voters present and voting and half of the total number of members of the association voting at a General Body meeting specially convened for this purpose have voted in favour of the motion for recall, the motion shall be deemed to have been passed.(6)After the motion passed under sub-rule (5), the Competent Authority shall issue the proceedings of motion to the concerned Chairperson, President or the Member of the respective Farmers' Organisation immediately stating that the recall became effective from the date of passing of the resolution; and accordingly he shall cease to hold such office.

9. Casual Vacancies.

- A vacancy arising in any of the Farmers' Organisation either due to disqualification or due to death or resignation/recall or by any reason, such vacancy shall be filled in the following manner:-(a)(i)If a vacancy in the office of the President of the Water Users' Association arises the President of the Managing Committee of the Distributory Committee in which the Water Users' Association is situated, shall nominate one of the member of the Distributory Committee as President of the Water Users' Association.(ii)If a vacancy of a Member of Managing Committee of Water Users' Association arises, the President of the Managing Committee of the Distributory Committee shall nominate, any one of the land holders from that particular constituency in which vacancy has arisen, as a Member of the Managing Committee.(b)(i)If a vacancy in the office of a President of a Distributory

Committee arises, the Chairperson of the Managing Committee of the Project Committee in which the Distributory area is situated, shall nominate one of the members of the Managing Committee of the Project Committee as the President of the Distributory Committee.(ii)If a vacancy of a Member of Managing Committee of a Distributory Committee arises, the Chairperson of the Project Committee shall nominate one of the members of the General Body of the Distributory Committee as a Member.(c)(i)If a vacancy in the office of the Chairperson, of the Project Committee arises, the Apex Committee or the Government shall nominate one of the members of the Managing Committee of the Project Committee as the Chairperson.(ii)If a vacancy of a Member of the Managing Committee of a Project Committee arises, the Apex Committee or the Government shall nominate one of the General Body members of the Project Committee as a Member.(d)[If a vacancy of the President of Water Users' Association of Minor Irrigation Projects arises, the Managing Committee shall nominate one of the members of the Managing Committee as a President till the elected President takes over charge of the office of the President. [Substituted by Notification No. 32-1-99-M-XXXI, dated 18-10-2000.](c)If a vacancy of the President of Water Users' Association of Medium/Major Irrigation Projects arises and Distributory Committee/Project Committee is not constituted, in such event, the Managing Committee shall nominate one of the members of the Managing Committee as President, till the elected President takes over charge of the office of the President.]Form ANotification[See sub-rule (1) of Rule 3] [Substituted by Notification No. 32-1-99-M-XXXI, dated 6-11-1999.]Whereas, it has been decided to delineate the entire command area into Water Users' Areas on hydraulic basis and which are found to be administratively viable;And whereas, the water users' areas as so divided shall be further divided equally as far as possible into such even number of territorial constituencies for the purpose of forming the Water Users' Associations;Now, therefore, under [sub-rules (2) to (10) of Rule 3] [Substituted by Notification No. 32-1-99-M-XXXI, dated 6-11-1999.] of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999), I the Collector and District Magistrate of..... District/Authorised Officer hereby delineate Water Users' Area into territorial constituencies, and direct that the maps and sketches indicating the various Water Users' Areas and the territorial constituencies shall be displayed on the notice board of theGram Panchayat and on the notice board of the office of the Janpad Panchayat.Any objections or claims against the delineation detailed below may be filed before the authorised officer within seven days excluding the date of display on the notice board of the office of Gram Panchayat or the Janpad Panchayat.....Irrigation System.....Water Users' Association.Name of the village Total Nos. of Territorial constituencies.....Name of the Tehsil Name of the major/minor.....Total Command Area in Acres Territorial Constituency No.....(Part No)

S.No.	Location of Off-Take Sluice	Command Area	Village
Survey No.	Extent in Ha.		
(1)	(2)	(3)	(4) (5)

Collector & District Magistrate/Authorised Officer.....DistrictForm "B"[See sub-rule (14) of Rule 3]Whereas, the objections received against Form "A" displayed on(Date)

have been considered and thoroughly examined. And whereas, it is considered that the amendments to Form "A" are considered necessary; and accordingly they are hereby made and revised in the table hereunder..... Irrigation System..... Water Users' Association. Name of the Village Total Nos. of Territorial constituencies..... Name of the Tehsil..... Name of the major/minor..... Total Command Area in Ha..... Territorial Constituency No..... (Part No.....)

S.No. Location of Off-Take Sluice Command Area Village
Khasra No. Extent in Ha.

(1) (2) (3) (4) (5)

Collector & District Magistrate/Authorised Officer..... District Form "C" [See Rule 4(1)] Under sub-rule (1) of Rule 4 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999), I, the Tehsildar of the Tehsil being the Authorised Officer hereby publish the land holders list as in the table below. Any objections or claims against the above list may be filed before me within a week from the date of display of this list. Name of the Water Users' Association..... Name of the Village..... Name of Tehsil..... Name of major/minor..... District..... Total Command Area..... Total Territorial Constituencies..... Territorial Constituency No..... (Part No.....) Land Holders List

Sl.No.	Name of the land holder Father's name	Extent of Holding (Ha.)	Khasra No.	Name of Village	Age
(1)	(2)	(3)	(4)	(5)	(6)

Collector & District Magistrate/Authorised Officer..... District/WUA [See Rule 4 (1)] Under sub-rule (1) of Rule 4 of Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999), I, the Tehsildar Tehsil being the Authorised Officer hereby display in this form the list of all the voters who are the land holders and have completed eighteen years of age on the date of issue of Notification prepared territorial constituencywise, for electing the President and Members of the Managing Committee of the Water Users' Association specified below. Any objection against the list may be filed before the undersigned within a week for consideration and finalisation. Voters List of..... Water Users' Association Name of the Water Users' Association..... Name of the Village..... Name of Tehsil..... District..... Total Command Area..... Total Territorial Constituencies..... Territorial Constituency No..... (Part No.)..... List of all other Water Users

Sl.No.	Name of the voter	Father's name	Age	Name of village	Land Holding
(1)	(2)	(3)	(4)	(5)	(6)

Khasra No. Extent

Collector & District Magistrate/Authorised Officer.....District/WUA[See Rule 4 (3)]Objection to inclusion of nameTo,The Authorised Officer,.....Water Users' AssociationSir,I object to the inclusion of the name of.....at Serial No.....in.....Water Users' Association electoral roll for the following reason(s).I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.My name has been included in the electoral roll for this Water Users' Association as follows :-Name (in full).....Father's/Mother's/Husband's name.....Serial No.....Date.....Signature/Thumb Impression of Objector(Full Postal Address).....I am an elector included in the same electoral roll in which the name objected to appear, my serial number therein is.....I support this objection and countersign it.Signature of the ElectorName (in full).....Note . - Any person who makes a statement or declaration which he either knows or believes to be false or does not believe to be true is punishable under provisions of Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999).[See Rule 4 (3)]To,The Authorised Officer,.....Water Users' AssociationSir,I request that my name be included in the electoral roll for the above Water Users' Association.

1. Name (in full).....

2. Father's/Mother's/Husband's name.....

3. Particulars of my place of residence are.....

(a)House

No.....(b)Street/Mohalla.....(c)Town/Village.....

Office.....(e)Police

Station/Tehsil.....(f)District.....

4. Particulars and holding.....

(a)Survey

No.....(b)Extent.....(c)Name of the Village.....(d)Name of the Irrigation System.....I hereby

declare that to the best of my knowledge and belief :-(i)that I am a citizen of India;(ii)that my age on the first day of January 1st/July 1st wasyears and.....months;(iii)that I am water user of this Water Users' Association at the address given below

:-Place.....Date.....Signature or thumb impression of claimant.[See Rule 4

(3)]Application for Deletion of entry in Electoral RollTo,The Authorised Officer,.....Water Users' Association.Sir,I submit that the entry at Serial No. of the electoral roll for the Water Users' Association relating to *Shri/Smt..... son/wife/daughter of requires to be deleted as the said person is *dead/is not a water user in this Water Users' Association/his name is already included in the voters list at Serial No.....as such he is not entitled to be

registered in the electoral roll for the following reasons:-I hereby declare that the facts mentioned above are true to the best of my knowledge and belief :-I declare that I am an elector of this Water Users' Association being enrolled at Serial No.....of the roll.Place.....Date.....Signature/Thumb Impression of Objector(Full Postal Address).....Note. - Any person who makes a statement or declaration which is false of which he either knows or believes to be false or does not believe to be true is punishable under provisions of Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999).*Strike out the inappropriate words.I am an elector.....included in the electoral roll of the same Water Users' Association in which the claimant has applied for deletion. My Serial No. therein is.....I support this claim and countersign it.Signature of the ElectorName (in full).....Note. - Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under provisions of Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999).Form "H"[See sub-rule (3) of Rule 4]Notice of final publication of electoral rollIt is hereby notified for public information that the list of amendments to the draft landholders list, voters list and other water users' list of the Water Users' Association have been prepared in accordance with the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999), and a copy of the said lists together with the lists of amendments have been published and will be available for inspection at my office.Place.....Date.....Authorised OfficerDesignation..... DistrictForm "I"[See sub-rule (5) (i) of Rule 4]DeclarationI.....son of Shri..... resident at Door No.....of.....village aged about.....years hold lands as follows :-

Survey No. Extent in Ha. Village Territorial Constituency No.

(1) (2) (3) (4)

I declare that I intend to vote in Territorial Constituency

No.....Place.....Date.....(Signature.....)To,The Authorised Officer,.....Water Users' Area.....Tehsil.....DistrictI, the Authorised Officer for the.....WUA, do hereby allot.....Territorial Constituency to Shri..... for the following reasons :-

1. Based on the applicant request.

2. Based on the extent of land held.

3. Others.

Authorised Officer.....AcknowledgmentReceived an application form for exercise of option to Territorial Constituency in WUA from Shri.....Authorised Officer.....Form "J"[See Section 5(1)]In exercise of the powers conferred by sub-section (1) of Section 5 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999), the Government hereby delineate the distributory areas.....Irrigation System, for the purpose of constituting Distributory Committees as specified in the table below :-.....Irrigation

System.....District

Sl.No.	Name of the Distributory Committee	Location of the Off Take Sluice	Name of the WUAs	Name of the Tehsil	Name of the District
(1)	(2)	(3)	(4)	(5)	(6)

Form "K"[See Section 6(1)]In exercise of the powers conferred by sub-section (1) of Section 6 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999), the Government hereby delineate the project areas for.....Irrigation System, for the purpose of constituting Project Committees as specified in the table below :-.....Irrigation System.....District

S.No.	Name of the Project Committee	Location of the Off-Take Sluice	Names of the DC	Name of the Tehsil	Name of the District
(1)	(2)	(3)	(4)	(5)	(6)

Form "L"[See Rule 8 (2)]Recall NoticeThe undersigned persons constitute one-third of the total number of voters/members of the General Body of the Water Users' Association/ Distributory Committee/Project Committee, situated inTehsil/Tehsils..... District. We have lost confidence in the President/Member Managing Committee/Chairperson of the said Water Users' Association/Distributory Committee/Project Committee. We propose to recall him.Accordingly, it is requested to call for a meeting of the following voters/Members of the General Body of the said.....Water Users' Association/Distributory Committee/Project Committee under sub-rule (4) of Rule 8 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999), rules, and to move the motion for recall and conduct voting for the purpose of passing a resolution thereat.Date.....

Sl.No.	Name	Village	Sl. No. in voters list	Signature
(1)	(2)	(3)	(4)	(5)

To,The Authorised/Nominated Officer,Tehsil/Office of the Collector andDistrict Magistrate.....DistrictForm "M"[See Rule 8 (3)]VerificationI being the Authorised Officer/Nominated Officer has received the Recall Notice for the purpose of recalling the President/Member of the Managing Committee/Chairperson of the Water Users' Association/ Distributory Committee/Project Committee situated in.....Tehsil/Tehsils/District has verified the signature of the persons subscribe to the Recall Notice with the concerned voters lists/lists of the concerned General Bodies and found their names given therein to be correct and genuine. Accordingly, I proceed to take further action in the matter.Authorised Nominated OfficerStation.....District.....