

SINDH IRRIGATION AND DRAINAGE AUTHORITY (SIDA) HYDERABAD

NOTIFICATION

No. MD/SIDA/NDP/RULES/ 19 /2000, dated January 05, 2000 - In exercise of the powers conferred by section 31 of the Sindh Irrigation and Drainage Authority Act, 1997 and with the approval of the Government, the Sindh Irrigation and Drainage Authority is pleased to make the following regulations:-

Short Title & Commencement

1. (1) These regulations may be called the Sindh Irrigation and Drainage Authority (Pilot Farmer Organization) Regulations, 1999.
- (2) They shall come into force at once.

2. (1) The Authority shall, as soon as may be, take steps for formation of FOs in such areas where an AWB has been established.

Provided that a FO may be formed, with the approval of the Authority, in such areas where no AWB has been established.

(2) The FOs may be formed at a minor distributary level:

Provided that in special cases, a FO may be formed on a part of a distributary.

- (3) A FO may form Sub-Farmers Organization on a part of a distributary, a minor, a sub-minor, a group of water-course or direct outlets within the area of the FO established under sub clause (1).
- (4) While forming FOs due regard shall be had to all factors relevant to the formation of FOs such as topography, water demand, socio-economic aspects, technical feasibility and size of the irrigation system.
- (5) The Authority shall ensure that the functions and duties are transferred to the FOs in an orderly manner after due consultation with the FOs.
- (6) The Authority shall prepare a scheme and ensure that the FOs become fully operative as self-supporting and self-sustaining entities to the extent of recovering O&M cost of canals etc. within a period of seven years.
- (7) The Authority may enter into an agreement with a FO to implement the said scheme.

Membership

3. (1) The membership of a FO shall be available to all farmers without any discrimination on the basis of sex, caste, religion and place of birth.
- (2) A FO shall comprise members equal to number of watercourses in the area constituting the FO and the farmers of each water-course shall elect one such member from amongst themselves.
- (3) If a question arises as to the eligibility of person to become a member of a FO, it shall be decided by the Authority or a person authorized by it.

4. (1) A FO shall comprise of a "General Body" and a "Management Committee".

(2) The General Body of a FO shall comprise the members of the FO mentioned in sub-clause (2) of clause 3.

(3) The Management Committee of a FO shall comprise such office bearers of the FO as may be specified by the Authority.

(4) The Management Committee shall perform the functions and exercise the powers of a FO except such functions and powers as are exercisable by the General Body of the FO.

(5) The Management Committee shall be elected for a period of three years by the General Body of the FO in the manner as may be laid down by the Authority.

- (6) A person shall be disqualified to be elected as an office bearer of the Management Committee if he-
- (i) is below the age of 18 years on the date of his nomination;
 - (ii) has not paid his water charges within a period of three months after these charges become due for payment;
 - (iii) has been declared insolvent;
 - (iv) has ceased to be a member of the FO;
 - (v) is of unsound mind;
 - (vi) has been convicted of an offence which involves moral turpitude unless a period of three years elapsed from the date of his conviction; or
 - (vii) has been dismissed or removed from any public service unless a period of three years has elapsed since the said dismissal or removal.

Performance of FOs

5. (1) In the performance of its duties and functions under the Act a FO may-
- (a) acquire, hold or dispose of movable property which is reasonably required for the carrying out of its functions.
 - (b) enter into contracts in all matter relevant to its functions, duties and responsibilities.
 - (c) Engage, hire or employ such experts, advisors, consultants and other personnel, as may be necessary for the performance of its functions.

Territorial Jurisdiction

6. The jurisdiction of a FO shall extend to the gross area falling within the boundaries of the irrigation system for which it has been established.

Suspension

7. (1) The Authority on its own motion, or the application of an aggrieved person, may after due notice to the FO suspend the working of a FO if the Authority is satisfied that the FO is working against the public interest.
- (2) The order of suspension shall remain in force for a period of six months unless earlier withdrawn.
- (3) Where the working of a FO is suspended, the Authority shall make necessary consequential arrangements to protect the public interest.

Dissolution

8. (1) The Authority, on its own motion, or on the application of an aggrieved person, may commence proceedings for the dissolution of FO organization.
- (2) The Authority may suspend the working of a FO on commencement of the proceedings for dissolution; provided that such period of suspension shall not exceed six months.
- (3) The Authority shall issue a notice to the Management Committee of the concerned FO and shall fix a place for, and a date of, hearing which shall not be earlier than fifteen days and later than thirty days after the issue of notice, and on the said date of hearing or any other date to which the case is adjourned, it shall bear the parties and after such inquiry as is necessary in the circumstances may order the dissolution of the FO if it is satisfied that the FO is guilty of the charge or charge leveled against it.
- (4) Where a FO is dissolved, the Authority shall make appropriate consequential.
- (5) Any person aggrieved by the decision of Authority may within thirty days of the decision may apply for review.

Directions, Reports and Inquiries.

9. (1) The Authority may-
- (a) give such directions to the FO which it may deem appropriate in public interest;
 - (b) call for any report from a FO on any matter relation to the affairs of the FO; or
 - (c) order for an enquiry into the affairs of a FO and on the basis of the result of the inquiry, may take such action as it may deem necessary in public interest.
- (2) Where a FO substantially fails to follow the directions or fails to submit a fairly accurate report, the Authority may take such action and may pass such order as may be necessary to protect the public interest.

Dispute among Farmers.

10. (1) The General Body of a FO shall constitute a Nehri Panchayat comprising three members of the FO or other person not exceeding two which shall Decide the dispute.
- (2) All disputes arising among the farmers or other water users shall be resolved preferably through mediation by the Nehri Panchayat of the FO concerned.
- (3) Where the Nehri Panchayat is unable to settle the dispute through mediation, it shall proceed to decide the case and , after such inquiry, which it may deem necessary, give its decision.
- (4) The decision of the Nehri Panchayat, shall be by majority of the members present and voting and in case of a tie the case shall be referred to the FO whose decision shall be final.
- (5) A person aggrieved by the decision under the preceeding sub-clause may appeal to the Authority.

Financial Resource & Expenditures

11. (1) Every FO shall establish a Fund to which shall be credited all sums received by the FO.

- (2) Subject to the financial procedure prescribed or directions given by the Authority, the funds of the FO shall be employed for -
- (a) meetings its operating and service costs;
 - (b) servicing its debt obligations;
 - (c) meetings its capital replacement and improvement charges; or;
 - (d) constitution of reserves.

(3) The Annual Budget shall be prepared by the Management Committee and presented to the General Body for approval.

Accounts Statements & Audit.

12. (1) A FO shall maintain proper books of accounts and financial records on a commercial basis, and shall prepare the following financial statements as per the standards of the Pakistan Institute of Chartered Accountants:-

- (a) the profit and loss account;
- (b) the receipt and expenditure of the previous years; and
- (c) A summary of the property and assets and liabilities giving such particulars as will disclose the general nature of the liabilities and assets and how the value of fixed assets has been arrived at.

(2) A FO shall not later than four months from the close of the relevant financial year, cause its accounts to be audited by Auditor General.

The audited financial statements submitted to the Authority at a date not later than six months from the close of the financial year.

(3) A FO shall provide to the Authority detailed information and explanation in regard to any observations, reservations, qualification or adverse remarks contained in the auditors report.

(SYED ALI GOHAR SHAH)
MANAGING DIRECTOR
SINDH IRRIGATION AND DRAINAGE AUTHORITY