

GOVERNMENT OF MADHYA PRADESH
WATER RESOURCES DEPARTMENT

MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON
KI BHAGIDARI ADHINIYAM, 1999

(MADHYA PRADESH ACT No. 23 of 1999.)

{As on 17th May 2021}

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THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI
BHAGIDARI ADHINIYAM, 1999

(MADHYA PRADESH ACT No. 23 of 1999)

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MADHYA PRADESH ACT No. 23 OF 1999.

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI ADHINIYAM, 1999.

[Received the assent of the Governor on the 12th August, 1999; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 18th August, 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 extent to the whole of the Madhya Pradesh.

(3) It shall come into force 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 pressurized pipe irrigation system or by any other method from a Government or the Government aided source and includes every such area whether it is called 'ayacut' or by any other name under any law for the time being in force;

(d) "competent, authority" means the competent authority appointed under Section 21;

(e) "distributory system" means and includes, —

- (i) all main canals , branch canals ,distributories and minor canals constructed for the supply and distribution of water for irrigation;
- (ii) all works, structures and appliances connected with the distribution of water for irrigation; and
- (iii) all field channels and other related channels and structures under a pipe outlet ;
- ** (iv) all structures and accessories relating to pressurized pipe irrigation system distribution centre;

(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 include,-

- (i) water users' association at the primary level consisting of all the water users' as constituted under section 3;
- (ii) distributory committee at the secondary level as constituted under section 5; and
- (iii) project committee at the project level, as constituted under section 7;

* Please see the Amendment in Clause (c) of Sub section (1) of Section 2 of Principal Act ,MP Gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

** Please see the Sub clause added in section (e) of Sub section (1) of Section 2 of Principal Act ,MP Gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

- (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 head works, 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 irrigation schemes, tanks, wells and the like and such irrigation system irrigating an area greater than 40 hectares; system irrigating an area greater than 40 hectares;
- Explanation:**--(i) 'major irrigation system' means irrigation system under major irrigation project having irrigable command area of more than 10,000 hectare;
- (iii) 'medium irrigation system' means irrigation system under medium irrigation project having irrigable command area of more than 2,000 hectares and up to 10,000 hectares;
- (iii) 'minor irrigation system' means irrigation system under minor irrigation project having irrigable command area up to 2,000 hectare
- (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;

* Please see the Amendment in Clause (l) of Sub section (1) of Section 2 of Principal Act, MP gazette (Extra Ordinary) no 232 dated 26 April 2003 in page 37-38

- ** (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;
- (oa) pressurized pipe irrigation system means an irrigation system in which water is pressurized and precisely applied to the plants through a system of pipes;
- (ob) pressurized pipe irrigation system distribution centre means a civil or mechanical structure from where distribution of water to irrigate a specific water users' area is controlled;
- (p) " warabandi " 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 Water Resources Department or the Narmada Valley Development Department namely: —
- (a) The Chief Engineer;
 - (b) Superintending Engineer;
 - (c) Executive Engineer;
 - (d) Sub-Divisional Officer; and
 - (e) Canal Deputy Collector.

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

* Please see the Amendment in clause (s) of Sub section (1) of section 2 of Principal Act ,MP gazette (Extra Ordinary)no 571 dated 03 October 2001 in page 34-35

** Please see New Clause added in clause (o) of Sub section (1) of section 2 of Principal Act ,MP gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

CHAPTER-I I— FARMERS' ORGANISATION

3. Delineation of water users' area and constitution of an association.-

*,***(1) The State Government, may by notification and in accordance with the rules made under this Act, in this behalf, delineate every command area under each of the irrigation systems on a hydraulic basis or distribution centre wise in the case of pressurized pipe irrigation system 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 be six in case of minor irrigation system and twelve in case of major and medium irrigation systems.

(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 purpose of this Act:

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

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

*Please see the Amendment in Sub section (1) of section 3 of Principal Act ,MP gazette (Extra Ordinary)no 55 dated 25 February 2005 in page 39-40

**Please see the Amendment in Clause (a) of Sub section(4) of Section 3 of Principal Act ,MP gazette (Extra Ordinary)no 55 dated 25 February 2005 in page 39-40

***Please see the Amendment in Sub section(2) of Section 3 of Principal Act ,MP gazette (Extra Ordinary)no 198 dated 26 April 2013 in page 43-49

****Please see the Amendment in Sub section (1) of section 3 of Principal Act ,MP gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

- ***(iii)** three ex-officio members one of Amin Cadre and one of Sub-Engineer Cadre from the Water Resources Department or the Narmada Valley Development Department who will Act as Co-ordinator between the Government Departments and the farmers' Association and the third from the Agriculture Department or Ayacut Department who will Act as Adviser.
- (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 a 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 each Water Users' Association comprising members of territorial constituencies as specified in sub – section (2) of section 3 elected directly by the water users' as specified in sub – clause (i) of clause (a) of sub – section (4) of section 3 from their respective territorial constituencies.
- (2) The Managing Committee of Water Users' Association shall be a continuous body, with one third of its elected members retiring every two years as specified in sub – section (3)

* Please see the Amendment in Section(iii)of clause (a) of Sub clause (4) of Section 3 of Principal Act,MP gazette (Extra Ordinary)no 571 dated 03 October 2001 in page 34-35

** Please see the Substitution of Section 4 of The principal Act ,MP gazette (Extra Ordinary)no 198 dated 26 April 2013 in page 43-49

*** Please see the Substitution of Section 4 of The principal Act,MP gazette (Extra Ordinary)no23 dated 23 January 2020 in page 50-52

**** Please see the Substitution of Section 4 of The principal Act,MP gazette (Extra Ordinary)no228 dated 17 May 2021 in page 53-54

- (3) The term of office of members of territorial constituencies shall, if not recalled or removed or disqualified under the provision of the Act, be six years from the date of appointment of the competent authority under sub – section (1) of section 21:

Provided that at the first election,all the territorial constituency members shall be elected at one time,out of which one third of members there of shall retire on the completion of two years,another one third members shall retire after completion of four years and the remaining one third shall retire after completion of six years in office and their terms of retirement shall be decided before the commencement of first election of the members of the territorial constituencies by drawal of lots.

- (4) The District Collector shall cause arrangements for the election of a Managing Committee consisting of one member from each of the territorial constituency of a water user' area by the method of secret ballot in the prescribed manner.
- # (5) The District Collector shall cause arrangements for the election of a President of the Managing Committee from amongst the members of the Managing Committee of the water user' association,in the prescribed manner.
- (6) If,at an election held under sub – sections (4) and (5), the President or the members of the territorial constituencies of water user' association are not elected,fresh election shall be held in the prescribed manner.
- (7) The President of the Managing Committee of water users' association shall,if not recalled or removed or disqualified under the provisions of the Act,be in office expire for a period of two years from the date of election or his tenure as member of territorial constituency,whichever is earlier.
- (8) The term of office of the President, and the members of Managing Committee of all the water users' associations formed subsequent to general election,shall also expire at the time at which it would have expired ,if he had been elected at the general election.
- (9) The Managing Committee shall exercise the powers and perform the functions of the water users' association.

Please see the Amendment in clause (5) of section 4 of The Principal Act,MP gazette (Extra Ordinary)no 50 dated 31 January 2006 in page 41

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 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 Water Resources or the Narmada Valley Development Department, who will work as a Co-ordinator between the various departments, Water Users' Associations and Distributory Committee, and the second member will Act as an Advisor who will be from Agriculture or Ayacut Department,

* Please see the amendment in Sub section (3) of section 5 of the Principal Act ,MP gazette (Extra Ordinary) no 55 , dated 25 February 2005 in page 39-42

** Please see the amendment in Sub section (3) of section 5 of the Principal Act ,MP gazette (Extra Ordinary) no 198 , dated 26 April 2013 in page 43-49

,**,6. Election of Managing Committee of the Distributory Committee.**

- (1) There shall be a Managing Committee for every Distributory Committee,consisting of all members of the General Body of 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, from amongst the members of the Managing Committee of the Distributory Committee.
- (3) If,at an election held under sub – section (2), the President is not elected, fresh elections shall be held as prescribed.
- (4) 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.
- (5) The term of office of the President and the Managing Committee of the Distributory Committee shall,if not recalled or removed or disqualified under the provisions of the Act earlier,be coterminous with the term of General Body specified in sub – section (3) of Section 5.
- (6) The Managing Committee shall exercise the powers and perform the functions of the Distributory Committee.

* Please see the Substitution of section 6 of the Principal Act ,MP gazette (Extra Ordinary)no 198, dated 26 April 2013 in page 43-49

** Please see the Amendment of section 6 of the Principal Act ,MP gazette (Extra Ordinary)no 23, dated 23 January 2020 in page 50-52

*** Please see the Amendment of section 6 of the Principal Act ,MP gazette (Extra Ordinary)no 228, dated 17 May 2021 in page 53-54

7. Delineation of Project area and construction of the 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) All the Presidents of the Distributory Committee of the project area of major irrigation projects and all the Presidents 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 including two nominated members, one of whom shall act as a coordinator between various departments and Farmers' Organisations and who will be an Executive Engineer of the 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 advisor who will be from the Farmers Welfare and Agriculture Department. The nominated member shall not have right to vote.

* Please see the amendment in Sub section (3) of Section 7 of the Principal Act ,MP gazette (Extra Ordinary)no 571 dated 3 October 2001 in page 34-35

** Please see the amendment in Sub section (3) of Section 7 of the Principal Act ,MP gazette (Extra Ordinary)no 232 dated 26 April 2003 in page 37-38

*** Please see the amendment in Sub section (3) of Section 7 of the Principal Act ,MP gazette (Extra Ordinary)no 55 dated 25 February 2005 in page 39-40

**** Please see the amendment in Sub section (3) of Section 7 of the Principal Act ,MP gazette (Extra Ordinary)no 198 dated 26 April 2013 in page 43-49

*** , ** , *** , **** 8. Election of Managing Committee of Project Committee.**

- (1) There shall be a Managing Committee, for every Project Committee, consisting of all members of General Body of the Project Committee.
- (2) (a) The District Collector shall cause arrangements in such manner as may be prescribed for the election, by the method of secret ballot, of Chairperson from amongst the members of Managing Committee of the Project Committee.

(b) The Chairperson of the Project Committee of Major Projects shall be elected amongst the President of Distributory Committee of the project area while the Chairperson of Medium Projects shall be elected amongst the Presidents of Water Users' Association of the project area.
- (c) If, at an election held under clause (a) and (b), the Chairperson is not elected, fresh election shall be held in prescribed manner.
- (3) If the Managing Committee of the Project 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
- (4) The term of office of the Chairperson and the members of the Managing Committee of Project Committee shall, if not recalled or removed or disqualified under the provisions of the Act earlier, be coterminous with the term of General Body specified in sub – section (3) of Section 7.
- (5) The Managing Committee shall exercise the powers and perform the functions of Project Committee.

* Please see the amendment in Sub section (2) of Section 8 of the Principal Act ,MP gazette (Extra Ordinary)no 232 dated 26 April 2003 in page 37-38

** Please see the substitution in Sub section (1),(2)& (4) of Section 8 of the Principal Act ,MP gazette (Extra Ordinary)no 198 dated 26 April 2013 in page 43-49

*** Please see the amendment in Section 8 of the Principal Act ,MP gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

**** Please see the amendment in Section 8 of the Principal Act ,MP gazette (Extra Ordinary)no 228 dated 17 May 2021 in page 53-54

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.
- (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 yh proviions of this Act ; and
 - (b) give such directions to any farmrs' organisation as may be considered necessary, in exercising their powers and prforming their functions in accordance with the provisions of this Act.

* Please see the amendment in Sub section (iv) of Section 9 of the Principal Act ,MP gazette (Extra Ordinary)no 571 dated 3 October 2001 in page 34-35

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 person against whom the motion is sought to be moved.

(2) If the motion is carried with the support of two third majority of the members present and voting and half of the total number of members of the association voting at the 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. The Managing Committees of a farmers' organisation** shall constitute the following sub – committees to carry out all or any of the functions vested in each organisation under this Act

- (i) Water Distribution Management Sub – Committee;
- (ii) Works Sub – Committee;
- (iii) Canal Disputes and Offences Eradication Sub- Committee;
- (iv) Resources, Financial Audit and Social Audit Sub – committee;
- (v) Irrigation Revenue Recovery Co – operation Sub – Committee ; and
- (vi) Women's Participation Sub – Committee.

* Please see the amendment in Section 11 of the Principal Act ,MP gazette (Extra Ordinary)no 55 dated 25 February 2005 in page 39-40

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 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 un discharged 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 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 the 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 sub-section (1) 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 become disqualified to continue the office, if he/she ceases to be a land holder;

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

- (a) a vacancy in the Water Users' Association shall be filled, by nomination by the managing committee of the Distributory Committee in the manner prescribed;
 - (b) a vacancy in the Distributory Committee shall be filled, by nomination by the managing 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 nomination 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 — OBJECT 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 the 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 or distribution centre 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;

*Please see the amendment in clause (c) of Section 17 of the Principal Act ,MP gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

- (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 well only of Water Resources Department or Narmada Valley Development Department to utilize the amount so collected or recovered for operation, including payment of electric energy charges and maintenance of pumps, motors, pipeline, jack well and canal system of Lift Irrigation Schemes/Tube Wells only of the watr Resources Department or Narmada Valley Development Department
- (k) to maintain accounts;
- (l) to cause annual audit of its accounts;
- (m) to assist in the conduct of 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 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;

* Please see the amendment in clause (j) of Section 17 of the Principal Act ,MP gazette (Extra Ordinary)no 210 dated 03 May 2002 in page 36

- (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 seasons 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 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 water 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 seasons..

- (b) To approve a plan. for the maintenance of irrigation system including the major drains within its areas of operation at the of each crop season and execute the maintenance work 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 Project Committee for the purpose of regulation and maintenance of irrigation system;
- (c) to maintain a list of the distributory committee and Water User's Association 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 account;
- (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 water 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 such fee as may be prescribed from time to time.

21 . Appointment of competent authority and his function. (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 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 IV A— CONTROL

22 A. Definition.- For the purpose of this Chapter “Appropriate Authority” means Division Commissioner in case of Project Committee, District Collector in case of Distributory Committee and Sub – Divisional Officer Revenue in case of Water Users' Association.

Please see the Insertion of Chapter IV A containing sections 22 A to 22 I after Chapter IV Section 22 of the Principal Act, MP Gazette (Extra ordinary)no 198 dated 26 April 2013 in page 43-49

22 B. Office bearers and officers or servant of Farmers' Organisation to be public servant. – Every office bearer of Farmers' Organisation and every officer or servant thereof shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

22 C. Inquiry into affairs of Farmers' organization.- The State Government or Appropriate Authority may, from time to time, cause an inquiry to be made on matters relating to maintenance or construction works by Farmers' Organization.

22 D. Power to suspend execution of orders etc.- (1) The State Government or Appropriate Authority may, by an order in writing and for reasons to be stated therein, suspend the execution of any resolution passed, order issued, licence or permission granted, or prohibit the performance of any act by Farmers' Organization, if in its opinion,-

- (a) Such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or is contrary to any law; or
- (b) The execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause loss, waste or misapplication of any money or damage to any property vested in Farmers' Organization.

(2) Whenever an order is made by the Appropriate Authority under sub – section (1), it shall forthwith and in no case later than ten days from the date of order, forward to the State Government or an officer nominated by the State Government for this purpose, copy of the order with the statement of reasons for making it, and the State Government or the officer nominated by it may confirm, set aside, revise or modify the order or direct that it shall continue to be in force with or without modification permanently or for such period as may be deemed fit:

Provided that no order of the appropriate authority passed under sub – section (1) shall be confirmed, set aside, revised or modified by the State Government or the officer nominated by it without giving the Farmers' Organization concerned a reasonable opportunity of being heard against the proposed order.

22 E. Suspension of office bearer of Farmers' Organization.- (1) The State Government or Appropriate Authority may suspend any office bearer of a Farmers' Organization-

- (a) against whom charges have been framed in any criminal proceeding under any law for the time being in force ;or
 - (b) against whom an enquiry has been initiated under section 22 C for serious negligence in discharge of duty under this Act or financial irregularities.
- (2) An order of suspension by an Appropriate Authority under sub – section (1) shall be reported to the State Government in case of Project Committee, Divisional Commissioner in case of Distributory Committee and district collector in case of water users' association within a period of ten days and shall be subject to such orders as the State Government / Divisional Commissioner / District Collector, as the case may be, may deem fit to pass and if the order of suspension is not confirmed by the State Government / Divisional Commissioner / District Collector, as the case may be, within 90 days from the date of receipt of such report it shall be deemed to have been vacated.
- (3) In the event of the Chairperson / President, members of Managing committee, of Farmers' Organisation, as the case may be, is suspended under sub – section (1) , the competent authority of the concerned Farmers' Organization shall cause to call a special meeting of the Farmers' Organization immediately, but not later than fifteen days from the receipt of information from concerning authority and the member shall elect from amongst themselves, a person to hold the office of Chairperson / President, members of Managing Committee, temporarily, as the case may be, and such officiating Chairperson / President and members of managing Committee, shall perform all the duties and exercise all the powers of Chairperson or president, members of Managing Committee, as the case may be,

during the period for which such suspension continues.

- (4) A person who has been suspended under sub – section (1) shall also forthwith stand suspended from the office of Chairperson / President, members of Managing Committee, of any other Farmers' Organization of which he is a member or office bearer and such person shall also be disqualified for being elected under the Act during his suspension.

22 F. Removal of office bearer of Farmers' Organization.- (1) The State Government or Appropriate Authority may, after such inquiry initiated under section 22 C as it may deem fit to make at any time, remove an office bearer of the concerned Farmers' Organization-

- (a) If he has been found guilty of serious negligence in the discharge of his duties under this Act;
- (b) if his continuance in office is undesirable in the interest of the public:

Provided that no person shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office:

Provided further that the final order in the inquiry shall be passed within 90 days from the date of issue of show cause notice to the concerned office bearer and where the pending case is not decided within 90 days, the appropriate authority shall inform all facts to his next senior officer in writing and request for extension of time for disposal of enquiry but such extension of time shall not be more than 30 days.

- (2) A person who has been removed under sub – section (1) shall forthwith cease to be a member of any such Farmers' Organization of which he is a member and such person shall also be disqualified for a period of six years to be elected under this Act.

22 G. Liability of President / Chairperson for loss, waste and misappropriation.- (1) Every President / Chairperson, member, office – bearer or servant of Farmers' Organization shall be personally liable for loss, waste or misapplication of any money or other property of farmers' Organisation to which he has been a party or which has been caused by him by misconduct or gross neglect of his duties and amount required for reimbursing such loss, waste, or

misapplication shall be recovered by the Appropriate Authority:

Provided that no recovery shall be made under this section unless the person concerned has been given a reasonable opportunity of being heard.

- (2) if the person concerned fails to pay the amount, such amount shall be recovered as arrears of land revenue and credited to the funds of the Farmers' Organisation concerned.

22 H. Power to recover records, articles and money.- (1) where the Appropriate Authority is of the opinion that any person has unauthorizedly in his custody any record or article or money belonging to the Farmers' Organization, he may, by written order, require that the record or article or money be delivered or paid forthwith to the Farmers' Organisation, in the presence of such officer as may be appointed by the concerning authority in this behalf.

- (2) If any person fails or refuses to deliver the record or article or pay the money as directed under sub – section (1), the Appropriate Authority may cause him to be apprehended and may send him with a warrant in such form as may be prescribed, to be confined in a civil jail for a period not longer than thirty days.
- (3) The Appropriate Authority may –
 - (a) for recovering any such money direct that such money be recovered as an arrear of land revenue ; and
 - (b) for recovering any such record or articles issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (No. 2 of 1974).
- (4) No action under sub – section (1) or (2) or (3) shall be taken unless a reasonable opportunity has been given to the person concerned to show cause why such action should not be taken against him.
- (5) A person against whom an action is taken under this section shall be disqualified to be member of any Farmers' Organisation for a period of six years commencing from the initiation of such action.

- 22 I. Inspection of works of Farmers' Organization.-** (1) The officer of the State Government namely, concerned Sub – Divisional Officer, Executive Engineer and Superintending Engineer of the Water Resources Department or Narmada Valley Development Department or any other officer of the State Government duly authorized by the State Government may inspect the works and records of Farmers' Organization and shall submit inspection report regarding irregularities found in inspection to the State Government or Appropriate Authority, who can take punishable action as per the provision of the Act.
- (2) The office bearers and competent authority of Farmers' Organization shall be bound to provide all information and records demanding by inspecting officer.

CHAPTE R-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 water of the water thereof, or interferes with the authorised distribution of the water there from 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 of a canal officer;
- * (ha) distroys, damages, steals or interferes with flow of water in any way to pressurized pipe irrigationsystem or its accessories.

(i) causes animals or vehicles to pass on or across any of the works, banks or channels or any canal after such passage has been prohibited by a canal officer;

(j) causes or knowingly and wilfully permits animals to graze or be tethered upon the bank or border of any canal after such grazing or tethering has been prohibited by a canal officer;

(k) removes or injures any tree, bush, grass or other vegetation growing on any canal; or

(l) eases himself on the banks or in the channel of a canal.
shall on complaint made by a Farmer's Organisation: —

*Please see the Insertion of clause (ha) after clause (h) of section 23 of the Principal Act, MP Gazette (Extra ordinary)no 23 dated 23 January 2020 in page 50-52

***(i)** be punishable in respect of offences mentioned in clauses (a) to (ha), 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 ten 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) Minimum Penalty.-** be punishable in respect of offences mentioned in clauses (i) to (l) with fine which shall not be less than rupees one thousand but which may extend 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 law for the 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.-** (I) 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 there under, a sum of money not less than rupees one thousand in case of offences mentioned in clause (a) to (ha) of Section 23 and Rs. Five hundred for the offences mentioned in clause (i) to (l) of Section 23 by way of composition.

*,** Please see the amendment in clause (i) and (ii) of last paragraph pertaining to penalties of sub section(l) of section 23 of the Principal Act, MP Gazette (Extra ordinary)no 23 dated 23 January 2020 in page 50-52

*** Please see for amendment of section 25 in the MP gazette (Extra Ordinary) notification, , no 23 dated 23 January 2020 in page 50-52

- (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' Organisations.

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' Association shall be determined by the managing committee of the Distributory Committee.

(3) Any such dispute or difference arising between a member and the managing Committee of a Distributory Committee or between two or more Distributory Committees shall be determined by the managing Committee of the Project Committee.

(4) Any such dispute or difference arising between a member and the managing committee of a project committee or between two or more project committees shall be determined by the Apex Committee, whose decision shall be final.

(5) Every dispute or difference under this section shall be disposed of within fifteen days from the date of reference of the dispute or difference.

27. Appeals. - (1) A party to a dispute or difference aggrieved by any decision made or order passed by the managing committee of a Water Users' Association may appeal to the managing committee of the Distributory Committee, whose decision thereon shall be final.

(2) Any party to a dispute or difference aggrieved by any decision made or order passed by the managing committee of a Distributory Committee may appeal to a

Project Committee, whose decision thereon shall be final.

- (3) Any 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.

CHAPETER- VII —MISCELLANEOUS

28. Records.- (1) Every farmers' organisation shall keep at its office the following account , records and documents, namely: —

- (a) a map of the area of operation of the farmers' organisation along with 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 receipt 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 there of 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** .(1) The State Government may, by notification, appoint controlling officers not below the rank of a Commissioner of a 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 there under.

(2) The powers to be exercised and the functions to be performed by the controlling, officers shall be such as may be prescribed.

* Please see for appointment of controlling officers in the MP gazette (Extra Ordinary) notification, , no734 dated 06November 1999 in page 42

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 there of 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 informality or 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 there under.

41. Power 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 Sabha.

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.

AMENDMENTS

MADHYA PRADESH ACT

No. 22 or 2001.

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI (SANSKODHAN) ADHINIYAM, 2001.

[Received the assent of the Governor on the 26th September, 2001; assent first published in the Madhya Pradesh Gazette (Extra-ordinary) No. 571 dated 3rd October, 2001].

An Act to amend the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-Second year of the Republic of India as follows:

1. **Short Title.**—This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanskodhan) Adhiniyam, 2001.
2. **Amendment of Section 2.**—In Section 2 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999 (hereinafter referred to as the Principal Act), in clause (s) of sub-section (1), for the words "the Water Resources Department" the words "the Water Resources Department or the Narmada Valley Development Department" shall be substituted.
3. **Amendment of Section 3.**—In sub-section (4) of Section 3 of the Principal Act, in sub-clause (iii) of clause (a), for the words "the Water Resources Department" the words "the Water Resources Department or the Narmada Valley Development Department" shall be substituted.
4. **Amendment of Section 5.**—In sub-section (3) of Section 5 of the Principal Act, for the words "the Water Resources Department" the words "the Water Resources Department or the Narmada Valley Development Department" shall be substituted.

5. **Amendment of Section 7.**--For sub-section (3) of section 7 of principal Act, the following sub-section shall be substituted, namely –

"(3) All the Presidents, of the Distributor irrigation projects area and all the Association of the Medium Irrigation projects area and all the Presidents of Water User's Association of the Medium Irrigation Projects area so long as they hold such office, shall constitute the general body for the project Committee. The Project Committee shall have two nominated members, one of whom shall act as a coordinator between various departments and farmers' associations and who will 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 members shall not have the right to vote".

6. **Amendment of Section 9,** In sub-section (1) of Section 9 of the Principal for clause (iv), the following clause shall be substituted, namely :

"(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".

By order and in the name of Governor of Madhya Pradesh ,

R.K.Sitoke, Additional Secy.

MADHYA PRADESH ACT

No. 8 of 2002.

THE MADHYA PRADESH SINCHAI KI BHAGIDARI (SANSHODHAN)
ADHINIYAM, 2001. PRABANDHAN ME KRISHKON

[Received the assent of the Governor on the 26th April, 2002; assent first published in the Madhya Pradesh Gazette (Extra-ordinary) No. 210 dated 3rd May, 2002].

Act to amend the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-Second year of the Republic of India as follows:

1. Short Title Commencement —

- (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Adhinyam, 2001.
- (2) It shall come into force on such date as the State Government may, by notification, in the official Gazette, appoint.

2. Amendment of Section 17. —In Section 17 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999), after clause (j) the following clause shall be inserted, namely -

(jj) to determine the irrigation water rates for the command area of Lift Irrigation Schemes / Tube Well only of water resources Department or Narmada Valley to utilize the amount so collected or recovered for operation, including payment of electric energy charges and maintenance of pumps, motors, pipeline, jack well and canal system of Lift Irrigation Schemes/Tube wells only of the Water Resources Department of Narmada Valley Development Department."

By order and in the name of Governor of Madhya Pradesh ,

R.K.Sitoke, Additional Secy.

MADHYA PRADESH ACT

No. 12 of 2003

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI (SANSHODHAN) ADHINIYAM, 2003.

[Published in the Madhya Pradesh Gazette (Extra-ordinary)No.232 dated 26th April, 2003].

An Act further to amend the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-third year of the Republic of India as follows:

1. Short Title.—This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Adhiniyam, 2003.
2. Amendment of Section.—For clause (l) of sub-section (1) of Section 2 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999) (hereinafter referred to as the Principal Act), the sub-section shall be substituted namely :

"(l) "Irrigation system" means such major, medium and minor irrigation system for harnessing water for irrigation and other allied uses from Government sources and also sources created by means of community participation, which is duly permitted by the District Collector and includes reservoirs, open head channels, diversion system, anicuts, stop dams, lift irrigation schemes, tanks, well and the like and such irrigation system irrigating an area greater than 40 hectares;

Explanation.—(i) 'major irrigation system' means irrigation system under major irrigation project having irrigable command area of more than 10,000 hectares;

(ii) 'medium irrigation system' means irrigation system under medium irrigation project having irrigable command area of more an 2,000 hectares and up to 10,000 hectares;

(ii) 'minor irrigation system' means irrigation system under minor irrigation project having irrigable command area up to 2,000 hectares,".

3. **Amendment of Section 7.** - For sub-section (3) of Section 7 of the Principal Act, the following sub-section shall be substituted, namely :

"(3) (i) All the Presidents and Territorial constituency members of the Water Users' Associations of the major and medium Irrigation Projects area so long as they hold such office shall constitute the General Body of the Project Committee.

(ii) The Project Committee shall have two nominated members, one of whom shall act as coordinator between various departments and farmers' Associations and who will be an Executive Engineer of Water Resources

Department for Major Projects or an Assistance 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."

4. Amendment of Section 8.—For sub-section (2) of section 8 of the Principal Act, the following sub-section shall be substituted namely:

"(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 User's 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 User's Association."

By order and in the name of Governor of Madhya Pradesh,

Akhilesh Pandya, Additional Secy.

MADHYA PRADESH ACT

No. 3 or 2005.

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KE
BHAGIDARI(SANSHODHAN) ADHINIYAM, 2004.

[Received the assent of the Governor on the 11th February, 2005: assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 25th February, 2005.

An Act further to amend the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ke Bhagidari Adhinyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the Fity-fifth Year of the Republic of India as follows :

1. This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Short title. Bhagidari (Sanshodhan) Adhinyam, 2004.

2. In Section 3 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act),

(i) in sub-section (1), for the words "District Collector" the words "State Government" shall be substituted;

(ii) in sub-section (4), in clause (a), for sub-clause (i) the following sub-clause shall be substituted, namely :

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

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

3. In sub-section (3) of Section 5 of the principal Act, after the word "Presidents" the words "and the territorial constituency members" shall be inserted.

4. In sub-section (3) of Section 7 of the principal Act,—(i) for clause (i), the following new clause shall be substituted, namely :

"(a) All the Presidents of the Water Users' associations of the project area of major irrigation projects and all the Presidents and territorial constituency members of the Water Users' Associations of the project area of medium irrigation projects, so long as they hold such office, shall constitute the general body of the Project Committee.";

(ii) Clause (ii) shall be renumbered as clause (b).

5. For Section 11 of the principal Act, the following Section shall be substituted, namely :

"11. The Managing Committees of a farmers' organisation shall constitute the following sub-committees to carry out all or any of the functions vested in each organisation under this Act.

- (i) Water Distribution Management Sub-Committee;
- (ii) Works Sub-Committee;
- (iii) Canal Disputes and Offences Eradication Sub-Committee;
- (iv) Resources, Financial Audit and Social Audit Sub-Committee;
- (v) Irrigation Revenue Recovery Co-operation Sub-Committee; and
- (vi) Women's Participation Sub-Committee."

By order and in the name of Governor of Madhya Pradesh,

M.P.Nema, Additional Secy.

MADHYA PRADESH ACT

No. 3 OF 2006

**THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI
BHAGIDARI
(SANSHODHAN) ADHINIYAM, 2005**

[Received the assent of the Governor on the 30th January, 2006; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 31st January, 2006.]

An Act further to amend the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the Fifty-sixth Year of the Republic of India as follows:

1. This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Short title. (Sanshodhan) Adhiniyam, 2005.

2. For sub-section (5) of Section 4 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Amendment of Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999), the following sub-section shall be substituted, Section 4, namely:

"(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."

3. (1) The Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Repeal and Adhyadesh, 2005 (No. 4 of 2005) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, any thing done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

By order and in the name of Governor of Madhya Pradesh,

Akhilesh Pandya, Additional Secy.

WATER RESOURCES DEPARTMENT

Mantralaya ,Ballabh Bhawan Bhopal

Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 734

dated 6 November , 1999

No.32-1-M-XXXI -In exercise of the power conferred by sub-section (1) of Section 33 of Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999.(No.23 of 1999), the State Government hereby appoint all the Commissioners of Revenue Divisions as a Controlling Officers ,within their respective jurisdiction, for the purposes of said Section .

By order and in the name of Governor of Madhya Pradesh ,

V.S.VERMA ,Secy.

MADHYA PRADESH ACT

NO.23 of 2013

**THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI
(SANSHODHAN) ADHINIYAM, 2013**

[Received the assent of the Governor on the 25th April, 2013; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 26th April, 2013.]

**An Act further to amend the Madhya Pradesh Sinchai Prabandhan
Me Krishkon Ki Bhagidari Adhinyam, 1999.**

Be it enacted by the Madhya Pradesh Legislature in the sixty – fourth year of the Republic of India as follows:—

1. (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Adhinyam, 2013.
- (2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas of the State of Madhya Pradesh.

2. In section 3 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon KiBhagidari Adhinyam, 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Every water users' area shall be divided into territorial constituencies, which shall be six in case of minor irrigation system and twelve in case of major and medium irrigation systems."

3. For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. (1) There shall be a Managing Committee for each Water Users' Association comprising members of the territorial constituencies as specified in sub-section (2) of section 3 elected directly by the water users' as specified in sub-clause (i) of clause (a) of sub-section (4) of section 3 from their respective territorial constituencies.

(2)The Managing Committee for Water Users' Association shall be a continuous body, with one third of its elected members retiring every two years as specified in sub-section (3).

(3) The term of office of the members of the territorial constituencies shall, if not recalled or removed or disqualified under the provisions of the Act, be

six years from the date of appointment of the competent authority under sub-section (1) of section 21:

Provided that at the first election, all the territorial constituency members shall be elected at one time, out of which one third of the members thereof shall retire on the completion of two years, another one third members shall retire after completion of four years and the remaining one third shall retire after completion of six years in office and their terms of retirement shall be decided before the commencement of first election of the members of the territorial constituencies by drawal of lots.

- (4) The District Collector shall cause arrangements for the election of a Managing Committee consisting of one member from each of the territorial constituency of a water users' area by the method of secret ballot in the manner prescribed.
- (5) The District Collector shall also cause arrangements for election of a President of the Managing Committee from amongst the members of the Managing Committee of the water users' association, in the manner prescribed.
- (6) If, at an election held under sub-sections (4) and (5), the President or the members of the territorial constituencies of water users' association are not elected, fresh election shall be held in the manner prescribed.
- (7) The President of the Managing Committee of water users' association shall, if not recalled or removed or disqualified under the provisions of the Act, be in office for a period of two years from the date of election or his tenure as member of territorial constituency, whichever is' earlier.
- (8) The term of office of the President, and the members of Managing Committee of all the water users' associations formed subsequent to ordinary election, shall also expire at the time at which it would have expired, if he had been elected at the ordinary election.
- (9) The Managing Committee shall exercise the powers and perform the functions of the water users' association."

4. In Section 5 of the principal Act, in sub-section (3), the words "and the territorial constituency members" shall be omitted.

5. For Section 6 of the principal Act, the following section shall be substituted, namely:—

"6 (1) There shall be a Managing Committee for every Distributory Committee, consisting of all members of the General Body of 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, from amongst the members of the Managing Committee of the Distributory Committee.

- (3) If, at an election held under sub-section (2), the President is not elected, fresh elections shall be held as prescribed.
 - (4) 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.
 - (5) The term of office of the President and the Members of the Managing Committee of the Distributory Committee shall, if not recalled or removed or disqualified under the provisions of the Act earlier, be coterminous with the term of General Body specified in sub-section (3) of Section 5.
 - (6) The Managing Committee shall exercise the powers and perform the functions of the Distributory Committee".
6. In Section 7 of the principal Act, for sub section (3), the following sub-section shall be substituted, namely:—
- "(3) All the Presidents of the Distributory Committee of the project area of major irrigation projects and all the Presidents 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 including two nominated members, one of whom shall act as coordinator between various departments and Farmers' Organizations and who will be an Executive Engineer of the Water Resources Department or Narmada Valley Development Department for Major Projects or an Assistant Engineer of the Water Resources Department or Narmada Valley Development Department for Medium Projects and second member will act as an adviser who will be from the Farmers Welfare and Agriculture Development Department. The nominated member shall not have right to vote."

7. In section 8 of the principal Act, for sub-sections (1), (2) and (4), the following subsections shall be substituted, namely :—

"(1) There shall be a Managing Committee, for every Project Committee, consisting of all members of General Body of the Project Committee.

(2) (a) The District Collector shall cause arrangements in such manner as may be prescribed for the election by the method of secret ballot of Chairperson from amongst the members of Managing Committee of the Project Committee.

(b) The Chairperson of the Project Committee of Major Projects shall be elected amongst the Presidents of Distributory Committee of the project area while the Chairperson of Medium Projects shall be elected amongst the Presidents of Water Users' Association of the project area.

(c) If, at an election held under clause (a) and (b), the Chairperson is not elected, fresh elections shall be held in prescribed manner.

- (4) The term of office of the Chairperson and the members of the Managing Committee of Project Committee shall, if not recalled or removed or disqualified under the provisions of the Act earlier, be coterminous with the term of General Body specified in sub-section(3) of Section 7."

8. In the principal Act, after Chapter IV, the following Chapter containing sections 22 A to 22 I shall be inserted, namely:—

"CHAPTER IV A CONTROL

- 22 A. For the purpose of this Chapter "Appropriate Authority" means Division Commissioner in case of Project Committee, District Collector in case of Distributory Committee and Sub-Divisional Officer Revenue in case of Water Users' Association.
- 22.B. Every office bearer of Farmers' Organization and every officer or servant thereof shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860)
- 22 C. The State Government or Appropriate Authority may, from time to time, cause an inquiry to be made on matters relating to maintenance or construction works by a Farmers' Organization.
- 22 D. (1) The State Government or Appropriate Authority may, by an order in writing and for reasons to be stated therein, suspend the execution of any resolution passed, order issued, license or permission granted, or prohibit the performance of any act by a Farmers' Organization, if in its opinion,—
- (a) such resolution, order, license, permission or act is in excess of the powers conferred by this Act or is contrary to any law; or
- (b) the execution of such resolution or order, or the continuance in force of such license or permission or the doing of such act is likely to cause loss, waste or misapplication of any money or damage to any property vested in the Farmers' Organization.
- (2) Whenever an order is made by the Appropriate Authority under sub-section (1), it shall forthwith and in no case later than ten days from the date of order, forward to the State Government or an officer nominated by the State Government for this purpose, copy of the order with the statement of reasons for making it, and the State Government or the officer nominated by it may confirm, set aside, revise or modify the order or direct that it shall continue to be in force with or without modification permanently or for such period as may be deemed fit:
- Provided that no order of the appropriate authority passed under sub-section (1) shall be confirmed, set aside, revised or modified by the State Government or the officer nominated by it without giving the Farmers' Organization concerned a reasonable opportunity of being heard against the proposed order.
- 22 E. (1) The State Government or Appropriate Authority may suspend any office bearer of a Farmers' Organization—

(a) against whom charges have been framed in any criminal proceeding under any law for the time being in force; or

(b) against whom an enquiry has been initiated under section 22 C for serious negligence in discharge of duty under this Act or financial irregularities.

(2) An order of suspension by an Appropriate Authority under sub-section (1) shall be reported to the State Government in case of Project Committee, Divisional Commissioner in case of Distributory Committee and District Collector in case of water users' association within a period of ten days and shall be subject to such orders as the State Government/ Divisional Commissioner/ District Collector, as the case may be, may deem fit to pass and if the order of suspension is not confirmed by the State Government/Divisional Commissioner/District Collector, as the case may be, within 90 days from the date of receipt of such report it shall be deemed to have been vacated.

(3) In the event of the Chairperson/President, members of Managing Committee, of Farmers' Organization, as the case may be, is suspended under sub-section (1), the competent authority of the concerned Farmers' Organization shall cause to call a special meeting of the Farmers' Organization immediately, but not later than fifteen days from the date of receipt of information from concerning authority and the member shall elect from amongst themselves, a person to hold the office of Chairperson/President, members of Managing Committee, temporarily, as the case may be, and such officiating Chairperson/President and members of Managing Committee, shall perform all the duties and exercise all the powers of Chairperson or President, members of Managing Committee, as the case may be, during the period for which such suspension continues.

(4) A person who has been suspended under sub-section (1) shall also forthwith suspended from the office of Chairperson / President, members of Managing Committee, of any other Farmers' Organization of which he is a member or office bearer and such person shall also be disqualified for being elected under the Act during his suspension.

22 F. (1) (1) The State Government or Appropriate Authority may, after such inquiry initiated under section 22 C as it may deem fit to make at any time, remove an office bearer of the concerned Farmers' Organization—

(a) if he has been found guilty of serious negligence in the discharge of his duties under this Act;

(b) if his continuance in office is undesirable in the interest of the public:

Provided that no person shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office:

Provided further that the final order in the inquiry shall be passed within 90 days from the date of issue of show cause notice to the concerned office bearer and where the pending case is not decided within 90 days, the appropriate authority shall inform all facts to his next senior officer in writing and request for extension of time for disposal of enquiry but such extension of time shall not be more than 30 days.

(2) A person who has been removed under sub-section (1) shall forthwith cease to be a member of any such Farmers' Organization of which he is

a member and such person shall also be disqualified for a period of six years to be elected under this Act.

22 G. (1) Every President /Chairperson, member, office-bearer, officer or servant of Farmers' Organization shall be personally liable for loss, waste or misapplication of any money or other property of the Farmers' Organization to which he has been a party or which has been caused by him by misconduct or gross neglect of his duties and the amount required for reimbursing such loss, waste, or misapplication shall be recovered by the Appropriate Authority:

Provided that no recovery shall be made under this section unless the person concerned has been given a reasonable opportunity of being heard.

(2) If the person concerned fails to pay the amount, such amount shall be recovered as arrears of land revenue and credited to the funds of the Farmers' Organization concerned.

22 H. (1) Where the Appropriate Authority is of the opinion that any person has unauthorizedly in his custody any record or article or money belonging to the Farmers' Organization, he may, by written order, require that the record or article or money be delivered or paid forthwith to the Farmers' Organization, in the presence of such officer as may be appointed by the concerning authority in this behalf.

(2) If any person fails or refuses to deliver the record or article or pay the money as directed under sub-section (1), the Appropriate Authority may cause him to be apprehended and may send him with a warrant in such form as may be prescribed, to be confined in a civil jail for a period not longer than thirty days.

(3) The Appropriate Authority may—

(a) for recovering any such money direct that such money be recovered as an arrear of land revenue ; and

(b) for recovering any such record or articles issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (No. 2 of 1974).

(4) No action under sub-section (1) or (2) or (3) shall be taken unless a reasonable opportunity has been given to the person concerned to show cause why such action should not be taken against him.

(5) A person against whom an action is taken under this section shall be disqualified to be member of any Farmers' Organization for a period of six years commencing from the initiation of such action.

22 I. (1)The officer of the State Government namely, concerned Sub-Divisional Officer, Executive Engineer and Superintending Engineer of the Water Resources Department or NarmadaValley Development Department or any other Officer of the State Government duly authorized by the State Government may inspect the works and records of Farmers' Organization and shall submit inspection report regarding irregularities found in inspection to the State

Government or Appropriate Authority, who can take punishable action as per the provision of this Act

- (2) The office bearers and competent authority of Farmers' Organization shall be bound to provide all information and records demanded by inspecting officer."

By order and in the name of Governor of Madhya Pradesh

Rajesh Yadav, Additional Secy.

MADHYA PRADESH ACT

No. 5 of 2020

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI (DWITIYA SANSHODHAN) ADHINIYAM, 2019

[Received the assent of the Governor on the 21st January, 2020; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 23rd January, 2020.]

An Act further to amend the Madhya Pradesh Sinchai Prabandhan MeKrishkonKi Bhagidari Adhiniyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the seventieth year of the Republic of India as follows :—

1. (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Dwitiya Sanshodhan) Adhiniyam, 2019.
- (2) It shall come into force on the date of its publication in the Madhya Pradesh Gazette.
2. In Section 2 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act), in sub-section (1),-
 - (i) in clause (c), after the words "by lift irrigation", the words "or by pressurized pipe irrigation system" shall be inserted;
 - (ii) in clause (e), after sub-clause (iii), the following new sub-clause shall be added, namely:-

"(iv)all structures and accessories relating to pressurized pipe irrigation system
distribution centre;"
 - (iii) after clause (o), the following clauses shall be inserted, namely:-

"(oa) "pressurized pipe irrigation system" means an irrigation system in which water is pressurized and precisely applied to the plants through a system of pipes;

(ob) "pressurized pipe irrigation system distribution centre" means a civil or mechanical structure from where distribution of water to irrigate a specific water users' area is controlled;"

3. In Section 3 of the principal Act, in sub-section (1), after the words "on a hydraulic basis", the words "or distribution centre wise in the case of pressurized pipe irrigation system" shall be inserted.

4. For Section 4 of the principal Act, the following Section shall be substituted, namely:—

"4.(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 Collector shall make arrangements for the election of President of the managing committee of the water users' association by direct election through the method of secret ballot in such manner as may be prescribed.

(3) The Collector shall also cause arrangements for the election of the members of managing committee through the method of secret ballot in such manner as may be prescribed.

(4) If at an election held under sub-sections (2) and (3), the President or the members of any territorial constituency of water users' association are not elected, fresh election shall be held in such manner as may be prescribed.

(5) If the managing committee of the water users' association 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 farmer's organization area.

(6) The President and the members of the managing committee shall, if not recalled earlier, be in office for a period of five years from the date of appointment of competent authority under sub-section (1) of Section 21:

Provided that on expiry of 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 member of the managing committee for further period of six months from the date of such expiration, recording the reason for extension.

(7) The managing committee shall exercise the powers and perform the functions of the water users' association.

(8) The State Government may, by notification, dissolve the managing committee of water users' association before the period of five years, recording the reasons therefor and the new elections shall be conducted in such manner as may be prescribed."

5. In Section 6 of the principal Act, after sub-section (6), the following new Section shall be added, namely:-

- "(7) If the managing committee of the water users' association is dissolved before the period of five years under sub-section (8) of Section 4, in that case the managing committee of the distributary committee shall be deemed to be dissolved automatically."
6. In Section 8 of the principal Act, after sub-section (5), the following new sub-section shall be added, namely:-
- "(6) If the managing committee of the water users' association is dissolved before the period of five years under sub-section (8) of Section 4, in that case the managing committee of the project committee shall be deemed to be dissolved automatically."
7. In Section 17 of the principal Act, in clause (c), after the words "pipe outlet", the words "or distribution center" shall be inserted.
8. In Section 23 of the principal Act,-
- (i) after clause (h), the following clause shall be inserted, namely:"
- (ha) destroys, damages, steals or interferes with flow of water in any way topressurized pipe irrigation system or its accessories.";
- (ii) in the last paragraph pertaining to penalties,—
- (a) in clause (i), for the bracket and letter "(h)", the bracket and letters "(ha)"shall be substituted and for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted;
- (a) in clause (ii), for the words "rupees five hundred", the words "rupees onethousand" shall be substituted.
9. In Section 25 of the principal Act, for bracket and letter "(h)" the bracket and letter "(ha)" shall be substituted.

By order and in the name of Governor of Madhya Pradesh

Rajesh Yadav, Additional Secy.

MADHYA PRADESH
ACT No. 19 OF 2021
THE MADHYA PRADESH SIN CHAI PRABANDHAN ME KRISHKON KI
BHAGIDARI
(SANSHODHAN) ADHINIYAM, 2021

[Received the assent of the Governor on the 11 ' May, 2021; assent first published in the " Madhya Pradesh Gazette (Extra-ordinary)", dated the 17 th May, 2021.]

An Act further to amend the Madhya Pradesh Sinchai Prabandhan Me Krishlion ki Bhagidari
Adhinyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the seventy- second year of the
Republic of India as follows :-

1. (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me
Krishkon Ki Bhagidari(Sanshodhan) Adhinyam, 2021.

(2) It shall come into force on the date of its publication in the Madhya Pradesh
Gazette.

2. For Section 4 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki
Bhagidari Adhinyam, 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act),
the following saction shall be substituted, namely : -

- "4. (1) There shall be a Managing Committee for each Water Users' Association
comprising members of the territorial constituencies as specified in sub-section
(2) of Section 3 elected directly by the water users' as specified in sub-clause (i) of
clause (a) of subsection (4) of Section 3 from their respective territorial
constituencies.
- (2) The Managing Committee for water Users' Association shall be a continuous
body, with one third of its elected members retiring every two years as specified
in subsection (3).
- (3) The term of office of the members of the territorial constituencies shall, if not
recalled or removed or disqualified under the provisions of the Act, be six years
from the date of appointment of the Competent Authority under sub-section (1)
of Section 21:

Provided that at the first election, all the territorial constituency members
shall be elected at one time, out of which one third of the members thereof shall
retire on the completion of two years, another one third members shall retire after
completion of four years and the remaining one third shall retire after completion
of six years in office and their terms of retirment shall be decided before the
commencement of first election of the members of the territorial constituencies by
drawal of lots.

- (4) The District Collector shall cause arrangements for the election of a Managing Committee consisting of one member from each of the territorial constituency of a water users' area by the method of secret ballot in the prescribed manner
- (5) The District Collector shall also cause arrangements for election of a President of the Managing Committee from amongst the members of the Managing Committee of the water users' association, in the prescribed manner.
- (6) If, at an election held under sub-section (4) and (5), the President or the members of the territorial constituencies of water users' association are not elected, fresh election shall be held in the prescribed manner.
- (7) The President of the Managing Committee of water users' association shall, if not recalled or removed or disqualified under the provisions of the Act, be in office for a period of two years from the date of election or his tenure as member of territorial constituency, whichever is earlier.
- (8) The term of office of the President and the members of Managing Committee of all the water users' associations formed subsequent to general election, shall also expire at the time at which it would have expired, if he had been elected at the general election.
- (9) The Managing Committee shall exercise the powers and perform the functions of the water users' association".

3. Sub-section (7) of Section 6 of the principal Act shall be deleted.

4. Sub-section (6) of Section 8 of the principal Act shall be deleted.

By order and in the name of Governor of Madhya Pradesh ,

R.P.Gupta, Under Secy.