

THE RAJASTHAN FARMERS' PARTICIPATION IN

MANAGEMENT OF IRRIGATION SYSTEMS

ACT, 2000

(Act No. 21 of 2000)

[Received the assent of the Governor on the 18th day of November, 2000]

**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 Rajasthan State Legislature in the Fifty-first Year of the Republic of India, as follows:-

**CHAPTER-1**

**PRELIMINARY**

**1. Short title, extent and commencement** - (1) This Act may be called the Rajasthan Farmers' Participation in Management of Irrigation System Act, 2000.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall be deemed to have come into force on and from 20th day of July 2000.

**2. Definitions** - (1) In this Act, unless the context otherwise requires:-

(a) 'area of operation' in relation to Farmers Organization means a contiguous block of land in the command area of an irrigation system as may be delineated by the Project Authority under section 23 and as may be delineated and declared by the Government under section 8, for the purpose of this Act;

(b) 'command area' means an area irrigated or capable of being irrigated either by gravitational flow or by lift irrigation or by any other method from a Government source and includes every such area whether it is called 'Command Area' or by any other name under any law for the time being in force;

(c) 'Competent Authority' means the Authority appointed under section 22;

(d) 'distributary system' means and includes,-

(i) all main canals, branch canals, distributaries 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 water courses and other related channels and structures under an outlet;

(e) '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 system 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 outlets;

(f) 'Farmers Organization' 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 4;  
(ii) Distributary Committee at the secondary level, as constituted under section 6; and  
(iii) Project Committee at the project level, as constituted under section 8;

(g) '**field drain**' includes a channel excavated and maintained by the land owner or by any other agency, to discharge waste or surplus water from the land under an outlet; and includes drains, escape channels and other similar works existing or to be constructed;

(h) '**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;

(i) '**financial year**' means a year commencing from the 1st April of the relevant year to the 31st March of the ensuing year;

(j) '**Government**' means the Government of the State of Rajasthan;

(k) '**hydraulic basis**' means the basis for identifying a viable irrigated area served by one or more hydraulic structures such as head works, distributaries, minors, 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 the Government source and includes reservoirs, open head channel, diversion systems, anicuts, lift irrigation schemes, tanks, wells and the like;

## Explanation

(1) '**Major Irrigation System**' means irrigation system under Major Irrigation Project having irrigable command area of more than 10,000 hectares;

(2) '**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;

(3) '**Minor Irrigation System**' means irrigation system under minor irrigation project having irrigable command area up to 2,000 hectares;

(m) '**Land Owner**' means a person recorded as tenant / sub-tenant of land in the record of rights prescribed, prepared and maintained under the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) and rules made there under;

(n) '**maintenance**' means execution and continuance 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 owners in the area of operation;

(o) '**notification**' means a notification published in the Official Gazette, and the expression 'notified' shall be construed accordingly;

(p) '**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;

(q) '**osrabandi**' means and includes a system of distribution of water allocation to one or more group of water users in proportion of command area of such group / groups indicating duration of such water allocation in a cycle of irrigation;

(r) '**outlet**' means an opening constructed in main canal / branch canal/ distributary / minor and reservoir or through lift irrigation management which passes water into a water course or directly on any land;

(s) '**prescribed**' means prescribed by the Government by rules made under this Act;

- (t) 'Project Authority' means the authority appointed under section 23;
- (u) 'warabandi' means and includes 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;
- (v) '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;
- (w) 'water course' means any channel existing or to be constructed by the Government or by the land owners or by any agency to receive and distribute water from an outlet; and
- (x) '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.
- (2). The words and expressions used in this Act, but not defined, shall have the meaning assigned to them in the Rajasthan Irrigation and Drainage Act, 1954 (Act No. 21 of 1954).

## CHAPTER-II

### FARMERS' ORGANISATION

#### 3. Delineation of water users' area and territorial constituencies -

(1) The Project Authority may, by notification delineate every command area under each of the irrigation systems on a hydraulic basis which may be administratively viable; and declare it to be a water users area for the purpose of this Act :

Provided that in respect of the command area under the minor and lift irrigation systems, the entire command area may, as far as possible, form a single water users' area:

Provided further that Project Authority shall not delineate any area under this section unless he is satisfied that the Irrigation System in that area is in satisfactory working condition.

(2) Every water users' area shall be divided into territorial constituencies which shall not be less than four but not more than ten, as may be prescribed.

**4. Constitution of Water Users' Association -** (1) There shall be a Water Users' Association called by its local distinct name for every water users' area delineated under sub-section (1) of section 3.

(2) Every Water Users' Association shall consist of all the water users who are land owners in such water users' area as members.

(3) All members specified in clause (2) shall constitute the General body of the Water Users' Association and shall have right to vote.

#### **5. Managing Committee of Water Users' Association and Election of its President and Members -**

(1) There shall be a Managing Committee for every Water Users' Association.

(2) The Project Authority shall make arrangements for the election of President of the Managing Committee of the Water Users' Association by direct election from among its members by the method of secret ballot in the manner as may be prescribed.

(3) The Project Authority shall also cause arrangements for the election of a Managing Committee consisting of one Member from each of the territorial constituencies of a water users' area, by the method of secret ballot in the manner as may be prescribed.

Provided that where a land owner holds land in more than one territorial constituencies of the water users' area, he shall be eligible to take part in election for membership of the Managing Committee only from one territorial constituency for which he opts in the manner as may be prescribed.

(4) If, at an election held under sub-section (2) or (3), the President or the Members of the Managing Committee are not elected, fresh elections shall be held:

Provided that the Project Authority may, for the reasons to be recorded in writing from time to time, postpone elections.

(5) The President and the Members of the Managing Committee shall, if not recalled earlier under section 10, be in office for a period of five years, from the date of the first meeting.

(6) The Managing Committee shall exercise the powers and perform the functions of the water users association.

#### **6. Delineation of Distributary area and constitution of the Distributary Committee -**

(1) The Project Authority may, by notification delineate every Command Area of the irrigation system, comprising of two or more Water Users' Areas and declare it to be distributary area for the purpose of this Act.

(2) There shall be a Distributary Committee called by its local distinct name for every distributary area declared as such under sub-section (1).

(3) All the Presidents of the Water Users' Associations in the distributary area, so long as they hold such office by virtue of sub-section (5) of section 5, shall constitute the General Body of the Distributary Committee including two officials nominated by the Project Authority.

#### **7. Managing committee of Distributary Committee and election of its President and Members -**

(1) There shall be a Managing Committee for every Distributary committee and the said committee shall consist of such number of members, not exceeding five including President, as may be specified by the State Government.

(2) The Project Authority shall cause arrangements, in the prescribed manner, for the election by the method of secret ballot of the President and Members of the Managing Committee from among the Members of the General Body of the Distributary Committee:

Provided that the Government may, for the reasons to be recorded in writing, from time to time postpone elections.

(3) If, at an election held under sub-section (2), the President and the Members of the Managing Committee are not elected, fresh elections shall be held.

(4) The term of office of the President and the Members of the Managing committee shall, if not recalled earlier under section 10, be co-terminous with the term of general body specified in sub-section (3) of section 6.

(5) The Managing Committee shall exercise the powers and perform the functions of the Distributary Committee.

**8. Delineation of Project Area and constitution of Project Committee -** (1) The Government may, by notification, delineate every command area or part thereof, of an irrigation system 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 local name for every project area declared under sub-section (1).

(3) All the Presidents of the Disributary Committees in the project area, so long as they hold such office by virtue of sub-section (4) of section 7, shall constitute the General Body of the Project committee.

#### **9. Managing Committee of the Project Committee and Election of its Chairperson and Members -**

(1) There shall be a Managing Committee for every Project Committee consisting of nine Members including Chairperson.

(2) The Project Authority shall cause arrangements, in the prescribed manner for election by the method of secret ballot, of Chairperson and eight Members of Managing Committee from among the members of the General Body of the Project Committee:

Provided that the Government may, for the reasons to be recorded in writing, from time to time, postpone elections.

(3) If, at an election held under sub-section (2), the Chairperson and the Members of the Managing Committee are not elected, fresh elections shall be held in the prescribed manner.

(4) The term of office of the Chairperson and the Members of the Managing Committee shall, if not recalled earlier under section 10, be co-terminous with the term of general body specified in sub-section (3) of section 8.

(5) The Managing Committee shall exercise the powers and perform the functions of the Project Committee.

**10. Procedure for recall** - (1) A motion for recall of a Chairperson or a President or a Member, as the case may be, of a Managing Committee of a Farmers' Organisation may be made by giving a written notice in such form, 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 from the date of assumption of office by the person against whom the motion is sought to be moved.

(2) If the motion referred to in sub-section (1) is carried with the support of majority of the Members present and voting at a meeting of the General Body specially convened for the purposes, the Project Authority, shall by order remove the person, against whom motion is carried, from office and the resulting vacancy shall be filled in the manner a casual vacancy is filled.

**11. Constitution of sub-committees of Farmers' Organisation** - The Managing Committee of a Farmers' Organisation may constitute sub-committee to carry out all or any of the functions vested in each Organisation under this Act.

**12. Farmers' Organisation to be a body Corporate** - Every Farmers' Organisation shall be 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 or 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 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 any mistake:

Provided that no such separation, increase, diminution, alteration and cancellation shall be effected unless a reasonable opportunity of hearing is given to the Organisation likely to be affected.

**14. Disqualifications** - (1) A person, who is employee of the Government of India or any State Government of a Local Authority or any institution receiving aid from the funds of the Government, shall be disqualified for election or for continuing as a Chairperson or a President or a Member of a Managing Committee of a Farmers' Organisation

(2) No person who has been convicted by a criminal court for any offense involving moral turpitude committed under any law for the time being in force shall be qualified for election or continuing in the office of a Chairperson or a President or a Member of a Managing committee of a Farmers' Organisation.

(3) A person shall be disqualified for being chosen as a Chairperson or a President or a Member of the Managing Committee of a Farmers' Organisation if on the date fixed for scrutiny of nominations for election, or on the date of nominations, he is -

- (a) of unsound mind and stands so declared by a competent court;
- (b) an applicant to be adjudicated as an insolvent or an undercharged insolvent;
- (c) a defaulter of land revenue or water tax or charges payable either to the Government or to the Farmers' Organisation;
- (d) interested in a subsisting contract made with, or any work being done for, the Panchayat or Panchayat Samiti or Zila Parishad or any State 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 his having share or interest in, -

- (i) a company as a mere share-holder but not as a director; or
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money or any security for the payment of money only; or
- (iv) any newspaper in which an advertisement relating to the affairs of the Farmers' Organisation is inserted.

**Explanation:** - For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Panchayat, Panchayat Samiti, Zila Parishad, the Farmers' Organisation, the State or Central Government has not performed its part of the contractual obligations.

(4) A Chairperson or a President or a Member of Managing Committee shall not be disqualified for election to or continuing in office of Chairperson or President or Member of Managing Committee of a Farmers' Organisation if he absents from three consecutive meetings of the Managing Committee without reasonable cause:

Provided that the disqualification under this sub-section shall not apply in or the case of women, who during the advanced stage of pregnancy or during a period of three months after delivery, is unable to attend the meetings.

(5) A person having more than two children shall be disqualified for election as a Chairperson or a President or a Member of the Managing Committee:

Provided that a person having more than two children shall not be disqualified under this section for so long as the number of children he had on the date of such commencement does not increase:

Provided further that the birth of an additional child within one year from the date of commencement of this Act shall not be taken into consideration for the purposes of this section.

**Explanation** - For the purpose of sub-section (5), where any couple has only one child from the earlier delivery or deliveries on the date of commencement of this Act and thereafter, any number of children born out of a single delivery shall be deemed to be one entity.

(6) A person shall become disqualified to continue as Member of Water Users' Association or hold the office of Chairperson or President or Member of a Managing Committee of a Farmers' Organisation, if he ceases to be a land owner in the area of operation of concerned Farmers' Organization.

## 15. Filling up of Vacancies -

(1) A vacancy arising either due to disqualification under section 14 or due to death or resignation or by any reason, such vacancy shall be filled up by nomination in the following manner

(a) a vacancy in the Water Users' Association shall be filled, by nomination by the Managing Committee of the Distributary Committee in the prescribed manner;

(b) a vacancy in the Distributary Committee shall be filled, by nomination by the Managing Committee of the Project Committee in the prescribed manner; and

(c) a vacancy in the Project Committee shall be filled by nomination either by the Apex Committee constituted under section 34 or by the Government, as the case may be, in the prescribed manner.

(2) The term of office of a member or a President or a Chairperson of the Farmers' Organisation, nominated under sub-section (1), shall expire at the time at which it would have expired, had he been elected at the ordinary election.

## CHAPTER-III

### OBJECTS, FUNCTIONS AND POWERS 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 utilization of water to optimize agricultural production, to protect the environment, and to ensure ecological balance by involving the farmers, including a sense of ownership of the irrigation system in accordance with the water budget and the operational plan.

**17. Functions of the 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;

(b) to prepare a plan for the maintenance, extension, improvements, renovation and modernization of irrigation system in the area of its operation and carry out such works of both distributary system and field drains in its area of operation with the funds of the association from time to time;

(c) to regulate the use of water among the various outlets 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 prepare demand and collect water charges;

(f) to maintain a register of land owners as published by the revenue department;

(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 its Members and water users in its area of operation;

(j) to raise resources;

(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 such other records, as may be prescribed;

(o) to abide by the decisions of the Distributary and Project Committee;

(p) to conduct General Body meeting in the manner, as may be prescribed;

(q) to encourage avenue plantation on canal bunds and tank bunds by leasing such bunds, and

(r) to conduct regular water budgeting and also to conduct periodical social audit in the manner, as may be prescribed.

**18. Functions of the Distributary Committee** - The Distributary Committee shall perform the following functions, namely

- (a) to prepare an operational plan based on its entitlement area, soil, cropping pattern at the beginning of each irrigation season, consistent with the operational plan prepared by the Project Committee;
- (b) to prepare a plan for the extension, improvements, renovation, modernization and annual maintenance of both distributaries and medium drains within its area of operation;
- (c) to regulate the use of water among the various Water Users' Associations under its area of operation;
- (d) to resolve disputes, if any, between the Water Users' Associations in its area of operation;
- (e) to maintain a register of Water Users' Associations in its area of operation;
- (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 such other records, as may be prescribed;
- (k) to monitor the flow of water for irrigation;
- (l) to conduct General Body Meetings in the 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 the manner, as may be prescribed;
- (o) to assist in the conduct of elections to the Managing Committee; and
- (p) to encourage avenue plantations in its area of operation.

**19. Functions of the Project Committee** - The Project Committee shall perform the following functions, namely :-

- (a) to approve an operational plan based on its entitlement, area, soil, cropping pattern as prepared by the Competent Authority in respect of the entire project area at the beginning of each irrigation season;
  - (b) to approve a plan for the extension, improvements, renovation, modernization and annual maintenance of irrigation system including the major drains within its area of operation at the end of each crop season;
  - (c) to maintain a list of the Distributary Committees and Water Users' Associations in its area of operation;
  - (d) to maintain an inventory of the distributary and drainage systems in its area of operation;
  - (e) to resolve disputes, if any, between the Distributary Committees;
  - (f) to promote economy in the use of water;
  - (g) to maintain accounts;
  - (h) to cause annual audit of its accounts;
  - (i) to maintain such other records as may be prescribed;
  - (j) to conduct general body meetings in the manner, as may be prescribed;
  - (k) to cause regular water budgeting and also the periodical social audit in the manner, as may be prescribed;
- and
- (l) to encourage avenue plantations in its area of operations.

**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 fees as may be prescribed from time to time.

**21. Power to remove encroachments** - A Farmers Organisation shall remove encroachments from property attached to the irrigation system within its area of operation in accordance with the procedure as may be prescribed.

**22. Appointment of competent authority and his functions** - (1) the Government may by notification appoint such officer of the Irrigation Department or the Command Area Development Department or any other Department of the State, as may be considered necessary, to be the competent authority for every Farmers' Organisation for the purpose of this Act .

(2) The competent authority appointed under sub-section (1) shall be responsible to the respective Farmers' Organisation in the implementation and execution of all decisions taken by the farmers' Organisation in the manner as may be prescribed and shall provide technical advice and ensure that the work is executed in accordance with the technical parameters.

**23. Appointment of Project Authority and his functions** - (1) The Government may, by notification, appoint such officer, as may be considered necessary, to be the Project Authority for the project area for the purposes of



this Act .

(2) The project authority appointed under sub-section (1) shall perform following functions within his area of operation

- (a) delineation of Water Users' Area and its territorial constituencies; and delineation of distributary area;
- (b) cause arrangements for the election of Chairperson, President, Member of Managing Committee of Farmers' Organisation;
- (c) recall a Chairperson or a President or a Member of Managing Committee of a Farmers' Organisation against whom the motion is carried out and will cause arrangements for filling-up such vacancy within one month; and
- (d) will supervise the functioning of all the competent authorities.

## CHAPTER - IV

### RESOURCES

**24. Resources of Farmers' Organisation** - The funds of the Farmers' Organisation shall comprise of the following, namely:-

- (i) grants received from the 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 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 within its area of operation;
- (v) fees collected by the Farmers' Organisation for the service rendered in connection with better management of the irrigation system; and
- (vi) sums received from any other source.

## CHAPTER - V

### OFFENCES AND PENALTIES

**25. Offences and Penalties** - Whoever, without any lawful authority, -

- (a) damages, alters, enlarges or obstructs any irrigation system;
- (b) interferes with, increases, or diminishes the water supply in, or the flow of water from, through, over or under any irrigation system;
- (c) being responsible for the maintenance of the irrigation system neglects to take proper precautions for the prevention of wastage of the water thereof or interferes with the authorised distribution of water therefrom, or uses water in an unauthorised manner or in such manner so as to cause damage to the adjacent land holdings;
- (d) corrupts or fouls, water of any irrigation system so as to render it less fit for the purposes for which it is ordinarily used;
- (e) obstructs or removes any level marks or water gauge or any other mark or sign fixed by the authority of a public servant; and

(f) opens, shuts or obstructs or attempts to open, shut or obstruct any sluice or outlet or any other similar contrivance in any irrigation system; shall, on conviction, be punished with imprisonment which may extend to two years or with fine which may extend to rupees five thousand or with both.

**26. Punishment under other laws not barred** - Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act :

Provided that no person shall be prosecuted and punished for the same offence more than once.

**27. Composition of Offences** - (1) A Farmers' Organisation may accept from any person who has committed or in respect of whom a reasonable belief can be inferred that he has committed an offence punishable under this Act, a sum of money not exceeding rupees one thousand by way of composition for such offence.

(2) On payment of such sum of money, the said person, if in custody shall be discharged and no further proceedings shall be taken against him in regard to the offence, so compounded.

## CHAPTER - VI

### SETTLEMENT OF DISPUTES

**28. 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 concerned.

(2) Any dispute or difference arising between a Member and the Managing Committee of a Water Users' Association or between two or more Water Users' Associations shall be determined by the managing Committee of the Distributory Committee.

(3) Any 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 Project Committee.

(4) Any 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 forty five days from the date of reference of the dispute or difference.

**29. Appeals** - (1) Any persons aggrieved by any decision made or order passed by the Managing Committee of a Water Users' Association under sub-section (1) of section 28 may appeal to the Managing Committee of the Distributory Committee, whose decision thereon shall be final.

(2) Any person aggrieved by any decision made or order passed by the Managing Committee of a Distributory Committee under sub-section (1) or sub-section (2) of section 28 may appeal to the Managing Committee of a Project Committee, whose decision thereon shall be final.

(3) Any persons aggrieved by any decision made or order passed by the Managing Committee of a Project Committee under sub-section (1) or sub-section (3) of section 28 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 fifteen days of communication of the decision or the order to the person aggrieved.

(5) Every appeal under this section shall be disposed off within thirty days from the date of filing of the appeal by adopting summary procedure.

## CHAPTER - VII

### MISCELLANEOUS

**30. Records** - (1) Every Farmers' Organisation shall keep at its office, the following accounts, records and documents, namely

- (a) an up-to-date copy of this Act ;
- (b) a map of the area of operation of the Farmers' Organisation along with map of the structures and distributary networks prepared in consultation with the irrigation department;
- (c) a statement of the assets and liabilities;
- (d) minutes book;
- (e) books of account showing receipt and payments;
- (f) books of account of all purchases and sales of goods by the Farmers' Organisation;
- (g) register of measurement books, level field books, work orders and the like;
- (h) copies of audit reports and enquiry reports; and
- (i) all such other accounts, records and documents as may be prescribed from time to time.

(2) The books of accounts and other records shall be open for information to the Members of the Farmers' Organisation.

**31. Audit** - Every Farmers' Organisation shall get its accounts audited in such manner as may be prescribed.

**32. Recovery of dues** - All the amounts payable or due to a Farmers' Organisation if not paid on demand, shall be recovered as arrears of land revenue.

**33. Meetings** - The intervals, the procedure, the presidency and the quorum of the meetings of the Farmers' Organisation and the Managing Committee thereof shall be such, as may be prescribed.

**34. Resignation** - (1) A member of Managing Committee of a Farmers' Organisation may resign his office by a letter sent by registered post or tendered in person to the Chairman 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 Distributary Committee concerned.

(3) The President of the Managing Committee of a Distributary Committee may resign his office by a letter sent by registered post or tendered in person to the Chairman of the Project Committee concerned.

(4) The Chairman of the Managing Committee of a Project Committee may resign his office by a letter sent by registered post or tendered to the Government.

(5) Such resignation as above mentioned shall take effect from the date of its acceptance or on the expiry of thirty days from the date of its receipt whichever is earlier.

**35. Constitution of Apex Committee and appointment of Commissioner** - (1) The Government may, by notification, constitute an Apex Committee with such number of Members as may be considered necessary.

(2) The Committee constituted under sub-section (1) may exercise such powers and functions as may be necessary to,

(a) lay-down the policies for implementation of the provisions of this Act; and

(b) Give such directions to any Farmers' Organisation, as may be considered necessary, in exercising their powers and performing their functions in accordance with the provisions of this Act.

(3) The Government may appoint a Commissioner to exercise general control and superintendence over the competent authorities in performance of their functions under this Act or the rules made there under.

(4) The powers to be exercised and the functions to be performed by the Commissioner shall be such as may be prescribed by the Government.

**36. Transitional Arrangements** - The Government may by notification appoint an officer or officers to exercise the powers and perform the functions of a Farmers' Organisation and the Managing Committee thereof, till such time such Farmers' Organisation is duly constituted, or reconstituted and such Managing Committee assumes office under the provisions of this Act :

Provided that where a Farmers' Organisation registered under the Rajasthan Societies Registration Act, 1958 (Act No. - 28 of 1958) or the Rajasthan Co-operative Societies Act, 1965 (Act No. 13 of 1965) has entered into a Memorandum of Understanding with the Government for Participatory Irrigation Management of the system before promulgation of this Act, such Organisation will continue to exercise the powers and functions of a Water Users' Association for respective area of operation up to six months from the date of commencement of this Act and the Managing Committee of Water Users' Association for such water users area shall be constituted within six months.

**37. Authentication of orders and documents of the Farmers' Organisation** - All permission, orders, decisions, notices and other documents of the Farmers' Organisation shall be authenticated under the signature of the Chairperson or President of the Farmers' Organisation or any other Member of the Managing Committee authorized by the Managing Committee in this behalf.

**38. Acts not to be invalidated by reason of defect 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.

**39. Deposit and administration of the funds** - (1) The Farmers' Organisation shall keep their funds in a Nationalized Bank or a Co-operative Bank or a Post Office.

**Explanation:** - Co-operative Bank means a Primary Agricultural Co-operative Society or the District Central Co-operative Bank or the Rajasthan State 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.

**40. 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.

**41. Budget** - In every financial year, the Managing Committee of a Farmers' Organisation shall prepare 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 the manner, as may be prescribed.

**42. Protection of acts done in good faith** - 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.

**43. Power to remove difficulties** - 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 Official Gazette, make such provisions or take such measures not in consistent with any provisions of this Act as appears to it to be necessary for removing such difficulty :

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

**44. Merger of Societies** - All the Societies registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) or the Rajasthan Co-operative Societies Act, 1965 (Act No. 13 of 1965) prior to the commencement of this Act for purposes of carrying out the functions for Participatory Irrigation Management

shall cease to exist and shall stand merged with Water Users' Association having the same area of operation with effect from the date, the Managing Committee of the Water Users' Association is formed in accordance with section 5 of this Act.

**45. Dissolution of Managing Committee of a Farmers' Organisation** - In case of any embezzlement, fraud, abuse of powers and functions or any other act on the part of Managing Committee of a Farmers' Organisation in contravention of the provisions of this Act, the Competent Authority of the project area shall have power to dissolve the Managing Committee and to make transitional arrangements to carry out the functions of the Farmers' Organisation provided that in case of such dissolution the Managing Committee shall be re-constituted within a period of three months from the date of dissolution.

**46. Savings** - (1) Nothing contained in this Act shall affect the rights of or properties vested in, Panchayati Raj Institutions and Municipalities 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 Areas declared by the President of India under Part C of the Fifth Schedule of the Constitution of India, in the State of Rajasthan.

(3) All lawful acts performed/decisions taken, as well as any assets and liabilities created by Water Users' Association registered under the Rajasthan Societies Registration Act, 1958 (Act No.28 of 1958) or the Rajasthan Co-operative Societies Act, 1965 (Act No. 13 of 1965) prior to commencement of this Act, shall be deemed to have been performed/taken or created by the Water Users' Association formed under section 4 of this Act for the respective area.

(4) The operation and maintenance of the main canal, its branches and larger distributaries of major and medium projects shall continue to be the responsibility of the Irrigation/Command Area Development Department.

**47. Power to make rules** - (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act .

(2) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive session and if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification if any of such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done there under.

**48. Repeal and Savings** - (1) The Rajasthan Farmers' Participation in Management of Irrigation Systems Ordinance, 2000 (Ordinance No. 5 of 2000) is hereby repealed.

(2) Notwithstanding such repeal, all actions taken or orders made under the said Ordinance shall be deemed to have been taken or made under this Act.

**Harbans Lal,**  
**Secretary to the Government.**