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Dated Lucknow, February 20, 2009

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sahabhagi Sinchai Prabandhan Adhiniyam, 2009 (Uttar Pradesh Adhiniyam Sankhya 4 of 2009) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 19, 2009 .

THE UTTAR PRADESH PARTICIPATORY IRRIGATION MANAGEMENT ACT, 2009

(U. P. ACT No. 4 of 2009)

(As passed by the Uttar Pradesh Legislature Assembly)

AN

ACT

to provide for empowering the water users' association to play their role as effective instruments of participatory irrigation management and for matters connected therewith or incidental thereto.

WHEREAS the State Government has in its State Water Policy declared in 1999 resolved to adopt integrated water resources management through participatory approach;

AND WHEREAS, water users' associations have to be given an effective role in equitable distribution of water and its efficient and optimum use, operation and maintenance of irrigation and drainage systems, promotion of conjunctive use of surface and ground water, command area development, assessment and recovery of water charges and protection of environment and ecology.

IT IS HEREBY enacted in the Sixtieth Year of the Republic of India as follows :-

CHAPTER - I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Uttar Pradesh Participatory Irrigation Management Act, 2009.

(2) It extends to the whole of Uttar Pradesh.

(3) Save as otherwise expressly provided in this Act, it shall come into force on such date as the State Government may, by notification in the Gazette appoint and different dates may be appointed for different areas, different irrigation systems, different levels (e.g. minor canal level, distributary canal level and other higher levels) of an irrigation system and for different provisions of this Act.

Definitions

2. (1) In this Act, unless the context otherwise requires,—

- (a) "Agreement" means an agreement between the lower level water users' association and upper level water users' association or the competent canal officer, as the case may be, for the supply of water on volumetric or area basis for irrigation water and handing over of operation, maintenance and management;
- (b) "Apex Committee" means a state level committee constituted by the State Government for monitoring, evaluation and research on participatory approach to water management so as to give feedback and advice to Government on related policy matters;

- (c) **"Appellate Officer"** means an officer authorised by the State Government to hear and decide the appeal against order and decision of a competent canal officer or a water users' association, as the case may be;
- (d) **"Area of Operation"** or **"Delineated Area"** in relation to a water users' association means a contiguous block of land in the command area of an irrigation system delineated by a competent canal officer on topographic, hydraulic and/or administrative basis, as may be notified by the State Government;
- (e) **"Branch"** means a canal with all works whose designed head discharge is 500 cusec or more;
- (f) **"Canal"** means a channel with all works used for irrigating fields including water courses, drains and their appurtenant structures in the command area. It also includes all lands occupied by the State Government for the purposes of a canal, and all buildings, machinery, fences, gates and other erections, trees, plantations or other produce occupied by or belonging to the State Government upon such lands;
- (g) **"Canal System"** means a canal including the canals linked therewith;
- (h) **"Command Area"** means an area whether irrigated or capable of being irrigated under any irrigation system either by gravity flow or by lift or by any other method within prescribed area of operation, for which a water users' association is formed;
- (i) **"Competent Authority"** means the State Government or any authority notified by the State Government;
- (j) **"Competent Canal Officer"** means an officer of Irrigation Department, Uttar Pradesh authorized by the State Government to perform any function under this Act within the area of his jurisdiction;
- (k) **"Competent Investigating Agency"** means an upper level water users' association or the competent canal officer, as the case may be, responsible for investigating the offences under this Act;
- (l) **"Culturable Command Area"** means a culturable area within the gross command area;
- (m) **"Designed Discharge"** means the maximum discharge for which a canal system has been designed;
- (n) **"Deficit Year"** in relation to a diversion system or reservoir based canal system, means a year in which the water availability at the head works is less than that in a normal year;
- (o) **"Discharge"** means volume of water passing through a canal per unit of time;

- (p) **"Distributary"** means a canal so designated by the irrigation department or a canal with all works, whose designed head discharge is between 20 cusec and 500 cusec;
- (q) **"Collector"** shall include an officer appointed to exercise all or any of the powers of a Collector provided under this Act;
- (r) **"Election Officer"** means an officer authorised by the State Government to perform functions related to elections of representative of a water users' association;
- (s) **"Field"** means agricultural field;
- (t) **"Field Drain"** means a channel with all subsidiary works to discharge waste or surplus water from a field to the nearest drain;
- (u) **"Gauge"** means a graduated scale or measuring device to measure the flow or level of water at a particular section of canal;
- (v) **"General Body"** in relation to a kulaba samiti shall mean a body consisting of all members of that kulaba samiti and in relation to a upper level water users' association shall mean the body consisting of all members of managing committee of immediate lower level water users' associations;
- (w) **"Gross Command Area"** means a gross area commanded by an irrigation system and bounded by natural drains;
- (x) **"Hydraulic Basis"** means the basis for identifying an area of operation of a water users' association served by a canal system on topographical basis bounded by natural depressions or drains having major area that can receive irrigation water by gravity flow;
- (y) **"Immediate Lower Level Water Users' Association"** in relation to a water users' association in the command area of a canal means a water users' association in the command area of a direct offtake from that particular canal;
- (z) **"Immediate Upper Level Water Users' Association"** in relation to a water users' association means a water users' association in the command area of the particular parent canal from which canal system of that water users' association offtakes;
- (aa) **"Irrigation Department"** means Irrigation Department of the Uttar Pradesh Government ;
- (ab) **"Irrigation System"** means an irrigation project for harnessing water for irrigation and other allied uses which includes reservoir-fed and/ or river diversion system of canals, open head channels, lift irrigation schemes, tanks and the like including the field drains to discharge waste or surplus water from the fields in a canal command to the nearest drain;
- (ac) **"Land-holder"** means owner as per khatouni or register-bandobast or a tenant or sub-tenant or a mortgagee in possession or licensee or tenure holder or lessee or otherwise, and includes person who is to be benefited by irrigation;
- (ad) **"Lift Irrigation"** means the irrigation in which water needs to be lifted from its source and supplied to the lands situated on higher level;

- (ae) "Lift Irrigation Scheme" means the irrigation scheme in which water is lifted from its source and is supplied to a canal system;
- (af) "Lower Level Water Users' Associations" in relation to a water users' association means all the water users' associations at lower level, in the delineated area of operation of that particular water users' association;
- (ag) "Managing Committee" means a committee of members elected or nominated or designated as such in such manner as may be prescribed;
- (ah) "Minor" means a canal designated as such by the irrigation department or canal with all works whose designed head discharge is not more than 20 cusec;
- (ai) "Normal Year" in relation to a diversion system or a reservoir based canal system means a calendar year in which the water available at the head works (including the water that is allowed to be discharged from the reservoir and losses there from) is as envisaged in the Irrigation Project Report or as revised subsequently by the State Government;
- (aj) "Office Bearer" means the Chairperson, the Secretary or the Treasurer of a water users' association;
- (ak) "Outlet or Kulaba" means a structure along with its appurtenant works fixed or constructed on minor, distributary or branch canal or main canal or pucca water course to receive water from canal and to deliver it to fields through water course;
- (al) "Participatory Irrigation Management" means participation of stakeholders at all levels of irrigation system and in all aspects of irrigation management;
- (am) "Previous Dues" in relation to assessment and recovery of water charges means amount mentioned in a bill or in a notice sent to land-holders or water users' associations but not paid by them;
- (an) "Registrar" means an officer of irrigation department authorized by the State Government to perform the functions of registration etc. in respect of water users' associations;
- (ao) "Reserve Fund" means a fund under section 31;
- (ap) "Tail Gul" will carry similar meaning as outlet or kulaba defined in para (ak). Wherever outlet or kulaba is referred it would automatically include "Tail Gul";
- (aq) "Upper Level Water Users' Associations" means all the higher level water users' associations to of that water users' association in the delineated area of operation of the irrigation system.
- (ar) "Wastage of Water" means wasteful running of water through escape channel (except for canal safety) or otherwise instead of using it as per irrigation plan and other legitimate purposes;
- (as) "Water Charges" means such sum of money payable by a water users' association/a land-holder to the Irrigation Department/higher level water users' association/ lower level water users' association as the case may be for the supply of water to it at such rates as may be notified from time to time by the State Government;

- (at) "Water Rate" means price chargeable at point of supply per unit area/quantity of water;
- (au) "Water Course" or "Field Channel" or "Gul" means a channel with all subsidiary works which receives water through an outlet and distributes it to the fields;
- (av) "Water User" means an individual or body corporate or an association or a group, using water in a command area;
- (aw) "Water Users' Association" means a body of water users at a particular level of a canal system for flow as well as lift irrigation;
- (ax) "Water Users' Association at Project Level" means a water users' association constituted at project level to be known as Pariyojna Samiti;
- (ay) "Water Users' Association at Branch Level" means a water users' association constituted at branch level to be known as Shakha Samiti;
- (az) "Water Users' Association at Distributary Level" means a water users' association constituted at distributary level to be known as Rajwaha Samiti;
- (aaa) "Water Users' Association at Minor Level" means a water users' association constituted at minor level to be known as Alpika Samiti;
- (abb) "Water Users' Association at Outlet Level" means a water users' association constituted at outlet level whether of the minor or the distributary or the branch or the main canal to be known as Kulaba Samiti;
- (acc) "Lands under Participatory Irrigation Management Act" means the lands under culturable command of an irrigation system.
- (2) Words and expressions not defined shall have the meanings assigned to them in the Northern India Canal and Drainage Act, 1873.

CHAPTER - II

WATER USERS' ASSOCIATIONS, THEIR CONSTITUTION, POWERS AND FUNCTIONS

3. Every water users' association (WUA) constituted and registered under this Act by the Registrar shall be a body corporate and shall besides the powers of a body corporate have the power to manage and maintain the irrigation system given in its charge, and to do all things necessary, proper or expedient for the safety and security of the Government property under its control and management provided that no water users' association shall have the power to alienate in any manner any property handed over to it by the Government.

4. The main objective of water users' association is to bring about water users' participation in water management and also to create among the water users' a sense of ownership of irrigation system in their area. More specifically, a water users' association shall:-

- (i) promote and secure equitable, efficient and timely water distribution;
 - (ii) motivate water users for adopting practices of scientific and economic use of water;
 - (iii) encourage conjunctive use of surface and ground water;
 - (iv) encourage intensified and diversified agricultural production system;
- and
- (v) protect environment and ecology.

Water users' association to be body corporate

Objectives of water users' association

5. (1) A water users' association shall have powers:-Powers and
functions of water
users' association

(i) to enter on any land, remove obstructions, close any channel, and do other things necessary for carrying out its functions;

(ii) to cut down or/ and clear away any part of any standing crop, fence or bush if it is necessary to carry out its functions;

(iii) to enter into any building or water-course for the purpose of inspecting or regulating the use of canal water, or for measuring the lands irrigated thereby and chargeable with a water rate and to do all things necessary for the proper regulation and management of such canals;

(iv) to enter in case of any accident happening or being apprehended to a canal, water users' association upon any lands adjacent to such canal, and may execute all work which may be necessary for the purpose of preventing such accident:

Provided that if a water users' association proposes to enter into any building or enclosed court or garden attached to a dwelling-house not supplied with canal water, it shall previously give the occupier of such building, court or garden at least seven day's notice in writing of its intention to do so :

Provided further that every case of entry under this section, the water users' association shall at the time of such entry, tender compensation for any lawful claim of damage which may be occasioned by any proceeding under this section: and in case of dispute as to the sufficiency of the amount so tendered, it shall forthwith refer the same to the competent canal officer for decision. The decision of competent canal officer shall be final.

(2) (a) A water users' association at kulaba, minor or distributary level shall perform the following functions in the area of its operation:-

(i) to inform members regarding canal statistics and water use status and invite suggestions, if any, for efficient management of the available water in the general body meeting;

(ii) to prepare crop plan as per water budget and soil condition;

(iii) to prepare water indent and submit it to immediate upper level water users' association or competent canal officer, as the case may be;

(iv) to receive water from immediate upper level water users' association or competent canal officer, as the case may be, on volumetric basis and to supply it to its immediate lower level water users' associations or land-holders in an equitable and transparent manner;

(v) to design, implement, regulate and monitor its own water sharing arrangement, in the manner prescribed;

(vi) to prepare water budget and maintain water account in such manner as may be prescribed;

(vii) to prevent unauthorized irrigation and wastage of water, to ensure timely reporting of offences under section 33 to immediate upper level water users' association/competent canal officer, as the case may be, and to cooperate with the investigating agencies;

(viii) to prepare and submit crop season wise or annual reports including water audit to general body and to upper level water users' association or the competent canal officer as the case may be;

(ix) to plan, design and implement activities relating to command area development in its area of operation;

(x) to assist and participate in such manner as may be prescribed in the process of recording of irrigation and assessment and recovery of water charges;

(xi) to prepare inventory of assets in its charge and maintain it with other records in such manner as may be prescribed;

(xii) to resolve dispute or difference among its members or lower level water users' associations;

(xiii) to undertake any other activities required for accomplishing the objectives of this Act.

(b) A water users' association at kulaba level shall perform the following additional functions in the area of its operation:-

(i) to construct and maintain water courses and field drains;

(ii) to distribute available water among land holders.

(c) A water users' association at minor or distributary level shall perform the following additional functions in the area of its operation:-

(i) to carry out annual maintenance and repairs of the irrigation system in its charge before commencement of each irrigation season;

(ii) to implement special maintenance and repairs of the irrigation system in its charge;

(iii) to monitor and coordinate the activities of the lower level water users' associations.

(d) A shakha samiti shall perform the following functions in the area of its operation:

(i) to give advice to the lower level water users' associations or the competent canal officer, as the case may be, regarding annual maintenance and recovery of previous and current water charges etc;

(ii) to prepare and issue a public notice of water budget and preliminary irrigation program for the branch before commencement of each irrigation season considering number of rotations and irrigation interval in consultation with the competent canal officer;

(iii) to prepare canal operation schedules in consultation with lower level water users' associations and the competent canal officer;

(iv) to monitor and coordinate the activities of the lower level water users' associations.;

(e) The pariyojana samiti shall give advice to competent canal officer and apex committee on problems and issues related to water management within the project area.

(3) Where there is no water users' associations at kulaba level the powers and function thereof shall vest in the water users' association at minor level and where there is no water users' association at minor level also the powers and functions of water users' association at kulaba level shall vest in the competent canal officer.

(4) Where there is no water users' associations at minor level the powers and function thereof shall vest in the water users' association at distributary level and where there is no water users' association at distributary level also the powers and functions of water users' association at minor level shall vest in the competent canal officer.

(5) Where there is no water users' association at distributary level, branch level and project level the powers and function thereof shall vest in the competent canal officer.

6. (1) The competent canal officer may, by notification in the official gazette, delineate or modify on hydraulic and/or administrative basis, the command area of an irrigation project or part thereof to be an area for which water users' association of appropriate level shall be constituted in such manner as may be prescribed :

**Delineation
of area of
operation of
water users'
association**

Provided that no such notification regarding modification of a delineated area shall be issued unless a reasonable opportunity is provided to the water users' associations and land-holders likely to be affected.

(2) The notification under sub-section (1),-

(a) shall consist of a certified copy of updated shajra map of area of operation and other documents as may be prescribed.

(b) shall be widely displayed in and in the vicinity of the area of operation of the water users' association.

(c) on demand by any interested land-holder, the copies shall be made available to him on such payment as may be prescribed.

(3) Any person aggrieved by the notification or part thereof may within thirty days from the date of notification, file an appeal before the appellate officer.

(4) The appellate shall within three months of receipt of the appeal pass such order as he thinks fit and thereupon the notification shall from the date specified in such order stand modified. Provided that no such order shall be made without giving the person concerned an opportunity of being heard.

7. (1) For the area delineated as an area of operation of an outlet, water users' association shall be constituted.

**Constitution of
water users'
association at
outlet level
(Kulaba samiti)**

(2) All the water users of the outlet shall constitute the general body of the kulaba samiti and only the adult members with prescribed eligibility shall have the right to vote. In case of non adult members, their natural guardians may represent them in the general body and shall also have the right to vote. If the natural guardian is already a member of the general body then he/she shall have the right to exercise his/her vote only once.

(3) No person who is not eligible to be elected to an office of the Gram Panchayat, shall be eligible to stand for election to the managing committee of a kulaba samiti.

8. (1) The command of an outlet shall be divided into such number of subcommands as may be prescribed. Each subcommand shall have almost equal number of landholders.

**Managing
committee of
water users'
association at
outlet level
(Kulaba samiti)
and election of
its members and
office bearers**

(2) There shall be a managing committee for every kulaba samiti headed by a Chairperson. The committee shall have one representative each from every subcommand. If there is no representation of person belonging to Schedule Castes or Schedule Tribes or of women or panchayats in the managing committee, one person against each unrepresented category and chairman of jal prabandhan samiti of gram panchayat shall be co-opted by the managing committee from amongst members of the general body. Such managing committee shall be responsible to discharge the functions of the kulaba samiti.

(3) The representative of subcommand shall be directly elected from amongst the land-holders of the subcommand for such period and in such manner as may be prescribed. The Chairperson and other office bearers of the managing committee shall be elected by itself from amongst the representatives of the subcommands in the first meeting of Kulaba Samiti. The first meeting of such Kulaba Samiti shall be presided over by the competent canal officer. The tenure of the Chairperson and other office bearers shall be such as may be prescribed :

Provided that no member of the general body shall hold more than one post of office bearer in the managing committee :

Provided further that no member of the general body who is an office bearer in the managing committee of a kulaba samiti shall be an office bearer in the managing committee of any other water users' association at any level. In case an office bearer of a kulaba samiti is elected as office bearer of an upper level water user association, he shall cease to be an office bearer of the kulaba samiti.

(4) If any member of managing committee fails to discharge the duties under this Act, he may be recalled in such manner as may be prescribed.

(5) If a member of the managing committee has been elected to upper level water users' association, has been recalled or is dead, the position thus falling vacant shall be filled within prescribed time.

(6) If an outlet directly offtakes from distributary or branch then the competent canal officer shall move for constitution of a water users' association comprising of specified number of kulaba samitis of direct offtakes and its affiliation with water users' association at distributary or the branch as the case may be. The status of such water users' association shall be that of a water users' association at minor level. Further, the managing committee of such water users' association shall form the general body of water users' association at distributary or branch level as the case may be for purpose of representation and other functions.

(7) If the constitution of water users' association as aforesaid in sub-section (6) is not feasible, then the level of affiliation of kulaba samitis concerned shall be determined after consultation as prescribed with each such kulaba samiti and affiliating water users' association. The managing committee of the kulaba samiti in such case shall form the general body of the affiliating water users' association for purpose of representation and other functions. In case, affiliation is not feasible, the competent canal officer shall discharge all functions and powers of immediate upper level water users' association for such kulaba samiti(s) till such affiliation.

Explanation : For the purpose of constitution and federation of cluster of direct offtaking kulaba samitis, the principle of contiguity and common hydrological flow shall be prime consideration. In case of exceptional situation of inability to constitute and affiliate as in sub-sections (6) and (7), competent canal officer shall discharge all functions and powers of immediate water users' associations for such kulaba samiti.

(8) If kulaba directly offtakes from main canal, the competent canal officer shall discharge all functions and powers of immediate upper level water users' association for such kulaba samiti(s).

(9) (1) For the area delineated as area of operation of a minor, distributary and branch level water users' association, water users' associations shall be constituted which shall be known as alpika samiti, rajbaha samiti and shakha samiti respectively.

(2) All the members of the managing committee of immediate lower level water users' associations in its area of operation shall constitute the general body of alpika samiti, rajbaha samiti or shakha samiti as the case may be.

Constitution of water users' associations at alpika, rajbaha and shakha levels

(3) In the case of minors off-taking from branch canal, a water users' association comprising of specified number of water users' associations at minor level may be constituted and affiliated with water users' association at branch level. The status of such water user association shall be that of a water user association at distributary level. Further the managing committee of such water users' association shall form the general body of water users' association at branch level for the purpose of representation and other functions.

(4) If the constitution of water users' association as aforesaid in sub-section (3) is not feasible, then the level of affiliation of alpika samiti concerned shall be determined after consultation as prescribed with each such alpika samiti and affiliating water users' association. The managing committee of the water users' association at minor level in such case shall form the general body of the affiliating water users' association for purpose of representation and other functions.

(5) If a minor directly off-takes from main canal, the competent canal officer shall discharge all functions and powers of a distributary level water users' association for such alpika samiti(s) till such affiliation.

10. (1) There shall be a managing committee for each water users' association at minor, distributary or branch level. The committee will be comprised of a Chairperson, a Secretary, a Treasurer and such number of other members as may be prescribed. If there is no representation of persons belonging to the Schedule Castes or Schedule Tribes or of women or panchayats of appropriate level situated at the tail end of canal, in the managing committee, then one person against each unrepresented category shall be co-opted by the managing committee from amongst members of the general body or panchayats of appropriate level situated at the tail end of canal, as the case may be. Such managing committee shall be responsible to discharge the functions of the water users' association in its area of operation.

(2) The members of the managing committee of the water users' association at minor, distributary and branch level shall be elected for such period and in such manner as may be prescribed.

(3) If any member of the managing committee fails to discharge the duties under this Act, he may be recalled in such manner as may be prescribed.

(4) The office bearers of the managing committee shall be elected by the committee itself from amongst its elected members.

11. (1) All Chairpersons of branch committee shall constitute the pariyojna samiti.

(2) The members of pariyojna samiti shall select a Chairperson from amongst themselves by consensus in such manner as may be prescribed.

12. (1) Resignation of a member of the managing committee of a water users' association, at any level may be accepted by the managing committee of the water users' association concerned.

(2) Resignation of the Chairperson of a water users' association may be accepted by the managing committee of immediate upper level water users' association or competent canal officer as the case may be.

Managing committee of alpika samiti, rajbaha samiti and shakha samiti

Constitution of Water users' associations at project level (Pariyojna samiti)

Acceptance of resignation

Act to apply to existing water users' associations

13. Any existing water users' associations in a delineated area constituted in accordance with Government Order no. 2188/27-4-67W/96 Dated, 1-5-2006 prior to the date of commencement of this Act, shall continue to function if the provisions of the agreement entered into between the competent canal officer and the water users' association is not inconsistent with the provisions of this Act and the rules made thereunder.

Authentication of orders and documents of water users' association

14. All permissions, orders, decisions, notices and other documents, of the general body or managing committee of a water users' association shall be authenticated by the signature of the secretary of water users' association.

Act not to be invalidated by infirmity or vacancy etc.

15. No actions or proceedings of the general body or the managing committee of a water users' association shall be invalid by reason only of the existence of any vacancy or defect in the constitution of such water users' association, if minimum quorum as prescribed and the chairperson are present, in such meeting

Transfer of management of Irrigation System to water users' associations

16 (1). After notification of constitution of a water users' association under sub-section (1) of section 7 or sub-section (1) of section 9 management of the part of irrigation system falling in its area of operation shall be handed over by the Irrigation Department in the forthcoming crop season (rabi or kharif as the case be) to outlet/minor or distributary level water users' association as the case may be. If such crop season falls within one month then such handing over shall be given effect on coming of next following season.

(2). Civil works such as rehabilitation of minors planned and funded by the State Government shall be implemented by water users' association after transfer of management under sub section (1) of section 16 where any water users' association is unable to implement the plan, the irrigation department may carry out these works as a special case on behalf of water users' association to the satisfaction of the water users' association.

Ownership of Irrigation System to rest with State Government

17. The ownership of the irrigation system, whose management has been transferred to the water users' association for fulfilling the objective of this Act, shall remain with the State Government.

Agreement between the Government and water users' association and between water users' associations

18 (1). For the purpose of supply of bulk water to the water users' associations and related issues, the distributary level water users' association shall enter into an agreement with the Irrigation Department in such manner as may be prescribed. Every other lower level water users' association shall enter into similar agreement with its immediate upper level water users' association.

(2) In the absence of a written agreement, or non renewal of any existing agreement, every supply of canal water shall be deemed to be given at the rates and subject to the conditions laid down by the State Government or the competent authority so designated for the purpose.

(3) No right to the use of the water from a canal shall be, or be deemed to have been acquired, nor shall the Irrigation Department/water users' association, as the case may be, be bound to supply to any water users' association/land-holder with available water except in accordance with the terms and conditions of the agreement.

(4) The competent canal officer or the water users' association, as the case may be, shall not stop the supply of water to a lower level water users' association or a land-holder except in the following cases: -

(i) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered and sanctioned by the competent canal officer;

(ii) whenever and so long as a canal or water course is not maintained in such proper shape and repair is necessary to prevent wasteful escape of water therefrom;

(iii) within such period as may be fixed from time to time by the competent canal officer;

(5) (i) No water users' association shall sell or sublet or otherwise affect its function of water distribution.

(ii) No water users' association shall be entitled to sell or sublet or otherwise affect the right to use any work, building or land allotment to any canal.

(iii) If it is found that the managing committee of a water users' association is unable to perform its functions, then the competent canal officer shall assist it and try to strengthen it to enable it to perform its functions. If the managing committee fails to perform even after such assistance the competent canal officer may initiate its dissolution and constitution of a new managing committee in such manner as may be prescribed.

19. Every water users' association shall prepare its crop plan according to its water budget taking into account conjunctive use of surface and ground water well before the crop season and accordingly plan a preliminary irrigation programme, in consultation with the competent canal officer. Such cropping pattern and irrigation programme shall be consistent with the State Government's agriculture and irrigation policies.

Water budgeting

20. The competent canal officer shall provide and maintain a measuring device for volumetric measurement of water at the point of supply to water users' associations as prescribed and also determine the water carrying capacity every year for every season considering practical situation and directives issued by State Government.

Installation of measuring device

21. Water shall be supplied by the Irrigation Department to the distributary level water users' associations measured volumetrically at supply point. The competent canal officer and the water users' association shall jointly check the discharge at the beginning of each crop season. Such joint measurements of discharges may also be made at other points of time if so required for correct assessment of water delivery to water users' association during the fasal period. Water charge shall be impressed at the end of each crop season fasal wise.

Modes and rates for supply of water to water users' association

22. Without prejudice to any other mode of recovery, which is being taken or may be taken under this Act or any other law for the time being in force, any sum lawfully due under this Act and certified by the managing committee of a water users' association which remains unpaid by the land owner/water users/ water users' associations shall be recovered by the Collector as if it were an arrears of land revenue

Recovery of dues as arrears of land revenue

23. No claim shall be made against the State Government or the water users' association for compensation in respect of loss caused by the failure or stoppage of the water in a canal, by reason of any cause beyond the control of the State Government or water users' association, or of any repairs, alterations or additions to the canal, or of any measures taken for regulating the proper flow of water therein or for maintaining the established course of the irrigation which the competent canal officer considers necessary; but the land-holder suffering such loss as prescribed may claim such remission of the ordinary water charges payable for the use of the water as is authorised by the State Government on the recommendations of water users' association or competent canal officer as the case may be.

Claims to compensation and remission in case of failure or stoppage of water supply

Apex committee:
(Sheersh samiti)

24. (1) The State Government may constitute a State level committee to be called the Sheersh Samiti with a Chairperson and such number of members not exceeding 20 of which half members shall be Government official having such qualifications as may be prescribed and the rest shall be the chairpersons of water users' associations as may be prescribed.

(2) The committee shall be responsible for monitoring, evaluation and research on the participatory irrigation management process in the State and shall provide necessary feedback to the State Government and advise it on policy matters.

(3) The committee shall exercise such powers and functions as may be prescribed.

Appointment of registrar, election officer, competent canal officer and appellate officer

25. (1) The State Government may by notification in the Gazette appoint such officers of the State Government as the Registrar, Election Officer, competent canal officer and appellate officer.

(2) The powers and functions of officers appointed under sub-section (1) shall be such as may be prescribed

Deputation of Government employees to water users' association

26. (1) The State Government may, on request, depute its employees to a water users' association in such manner as may be prescribed.

(2) The water users' association may hire / appoint any person to carry out day-to-day work related to office/field at wages as approved in the form of pay and/or food grains.

(3) The remuneration and allowances and other service conditions of office bearers as well as of regular employees of water users' associations shall be such as may be prescribed.

Chapter III

SOURCES OF FUNDS

Sources of funds of water users' association

27. (1) The main source of funds of a water users' association shall be its share as determined by the State Government in the water charges recovered in respect of water supplied by it.

(2) A water users' association may also raise funds through the following sources:

(i) income from the properties and the assets in the area of operation of the irrigation system with approval of competent canal officer.

(ii) penalty and compounding of fees.

(iii) contributions from land-holders.

(iv) donations.

(v) interest on deposits.

(vi) borrowings.

(vii) fees for services.

(viii) grants from State or Central Government.

(ix) income from such other source, as may be prescribed.

28. The funds of the water users' association shall be utilized towards fulfillment of its objectives and the performance of its functions.

Utilization of funds

Budget

29. The managing committee of a water users' association shall prepare an annual budget for the next financial year showing the estimated receipts and expenditure, which shall be placed before the general body for approval in the prescribed manner.

Deposit and administration of the funds

30. A water users' association shall keep its funds in the accounts opened in its name in either a scheduled bank or a post office

Reserve fund

31. Every water users' association shall maintain a reserve fund in a separate account which shall be utilized in such manner as may be prescribed.

Audit

32. Every water users' association shall get its annual accounts audited by such auditor as may be prescribed.