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No. 374—Irr.-I-WB(FOT)-9/2007(Pt.)-WR

GOVERNMENT OF ORISSA
DEPARTMENT OF WATER RESOURCES

RESOLUTION

The 4th January 2008

SUBJECT—Empowering the Pani Panchayats to levy, collect fee and water tax as per Section 20(3) and retain the same with them for operation and maintenance of Minor Irrigation Projects to be rehabilitated under the O.C.T.M.P. with the World Bank's assistance.

Government of Orissa in partnership with Government of India and the World Bank has undertaken. The Orissa Community Tank Management Project (O.C.T.M.P.) in the State for rehabilitation of the Minor Irrigation Projects and the livelihood of the stakeholders dependent on the system. During the rehabilitation and thereafter, the Farmers' Organisations are expected to play a pivotal role not only in implementation but also in the entire operation and management of Minor Irrigation Projects including head works, under Orissa Community Tank Management Project (O.C.T.M.P.).

In view of the above, delegating more powers and responsibilities to the Water Users Association has been under consideration of Government for some time. After careful consideration, Government have been pleased to entrust to Farmers' Organisation in Minor Irrigation (Tank) Projects, rehabilitated under the Orissa Community Tank Management Project (O.C.T.M.P.) funded by World Bank, the power to levy and collect fee and water tax under Section 20 (3) of the Orissa Pani Panchayat Act, 2002 and Rule 31 of Orissa Pani Panchayat Rules, 2003 with following terms and conditions :—

- (i) These provisions will be applicable to all the Minor Irrigation System rehabilitated under the Orissa Community Tank Management Project (O.C.T.M.P.).
- (ii) These Projects will be excluded from the purview of the Orissa Irrigation Act, 1959 from the financial year succeeding the year of such notification of exclusion by the competent authority.
- (iii) These Projects should have validly constituted Farmers' Organisation in accordance with the provisions of the Orissa Pani Panchayat Act, 2002 and Rules, 2003.
- (iv) In these Projects, The Farmers' Organisations shall levy fee and water tax and collect the same from their members. The rates of water tax levied by the Pani Panchayats, shall be, in no way less than the rate fixed by the Revenue & Disaster Management Department.

- (v) The Water Rate so collected, shall be deposited in the Joint Bank A/C of President and Secretary of the Farmers' Organisation and accounted for in accordance with the Orissa Pani Panchayat Act, 2002 and Rules 2003.
- (vi) In these projects, the Government of Orissa will not collect any water tax from the farmers and shall not provide any regular grants for the operation and maintenance of the project.
- (vii) The Farmers' Organisation shall undertake the entire operation and maintenance of the Minor Irrigation Project in accordance with the Orissa Pani Panchayat Act, 2002 and Rules, 2003 and meet the cost out of their Operation and Maintenance Account. Such operation and Maintenance shall be done under the guidance and supervision of the technical staff of the Department of Water Resources.
- (viii) The Farmers' Organisations can initiate emergency repair of the head works as and when the situation warrants in consultation with the competent technical authorities of the Department without compromising on the regular Operation and Maintenance of the Project.
- (ix) The Farmers' Organisation should work towards creating and building up a separate corpus of fund (Emergency Account) by levying additional fees, for meeting repairs of emergent nature in the event of any natural calamity.
- (x) This will come into force with effect from the first day of the financial year succeeding the year of notification of exclusion of the Minor Irrigation Projects from the purview of the Orissa Irrigation Act, 1959 under Section 2 of the Orissa Irrigation Act, 1959.
- (xi) To give effect to policy decision contained in this Resolution, necessary notification will be issued under sub-section (3) of Section 20 of the Orissa Pani Panchayat Act, 2002.

ORDER—Ordered that the Resolution be published in an Extraordinary issue of the *Orissa Gazette*. Copies of the same be forwarded to all Department/all Heads of Department/all Collectors/all Revenue Divisional Commissioners/Ministry of Water Resources/Department of Economy Affairs, New Delhi/A.G. (A. & E.) Orissa, Bhubaneswar/A.G. (Audit), Orissa/Senior D.A.G. (Works), Puri/Private Secretary to Chief Minister/P.D., O.C.T.D.M.S./World Bank.

By order of the Governor

AUROBINDO BEHERA

Principal Secretary to Government