

THE ORISSA PANI PANCHAYAT RULES, 2003

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WATER RESOURCES DEPARTMENT NOTIFICATION The 23rd April 2003

No. 14161-Irr-I-WB (FOT)-16/2003- In exercise of the powers conferred by section 43 of the Orissa Pani Panchayat Act, 2002, (Orissa Act 10 of 2002), the State Government do hereby make the following rules, namely :-

Short Title :- 1.(1)These rules may be called the Orissa Pani Panchayat Rules,2003.
(2) They shall come into force on the date of their publication in the Orissa Gazette.

Definitions:- 2.(1) In these rules, unless the context otherwise requires:-

- (a) "Act" means the Orissa Pani Panchayat Act, 2002,
- (b) "Annexure" means Annexure annexed to these rules,
- (c) "Executive Engineer" means the Executive Engineer under whose jurisdiction the Irrigation system is situated and includes any officer specially notified by Government to perform all or any of the functions of the Executive Engineer under the Act,
- (d) "Form" means a Form appended to these rules,
- (e) "President" means the President of the Farmers' Organisation,
- (f) "Secretary" means the Secretary of the Farmers' Organisation,
- (g) "Superintending Engineer" means the Superintending Engineer under whose jurisdiction the Irrigation system is situated and includes any officer specially notified by Government to perform all or any of the functions of the Superintending Engineer under the Act, and
- (h) "Treasurer" means the treasurer of the Farmers' Organisation.

(2) All other words and expressions used in these rules and not defined shall have the same meaning as respectively assigned to them in the Act.

Delineation of Pani Panchayat area

3.(1) The Superintending Engineer of a Major/Medium/Minor Irrigation project shall delineation every Pani Panchayat area by

issuing a notification to that effect observing the following stipulations, namely :-

- (a) The Pani Panchayat area shall ordinarily cover an ayacut area between 300 to 600 hectares for a Major/Medium Irrigation project.
 - (b) In respect of Minor Irrigation Flow Project, the Pani Panchayat area may be less than 300 hectares as per the ground condition, but shall not be less than 40 hectares.
 - (c) Every Pani Panchayat area shall be a contiguous patch of land having a distinct hydraulic boundary.
 - (d) The Pani Panchayat area shall avoid critical patches such as hills, rocks, sand dunes etc.
- (2) In respect of Lift Irrigation Projects the entire commanded area of the project may as far possible form the area of a single Pani Panchayat, which shall be notified by the concerned Executive Engineer of Orissa Lift Irrigation Corporation observing the above stipulations as per sub-rule(1) above.

Objects of the
Farmers'
Organisation

4. The objects of the Farmers' Organisation shall be:-

- (a) to function in democratic manner through consensus respecting the rights and duties of all members;
- (b) to make their organization a viable, vibrant and functioning entity;
- (c) to specially emphasize in making available water to tail end areas;
- (d) to ensure collection of dues, make prudent investment of their resources;
- (e) to utilize their assets in a manner that is essential, productive, beneficial and sustainable;
- (f) to work in close coordinate with Government departments and its agencies;
- (g) to maintain the distribution system for sustainable water resources management and development;
- (h) to ensure dissemination of information;
- (i) to build up a reliable database;
- (j) to adopt effective soil and water conservation techniques with the guidance of departmental agencies in the areas of high water requirement like cropped areas;
- (k) to follow sustainable and effective land use system;
- (l) to implement agro-forest ecosystem wherever soil erosion is a serious threat;
- (m) to adopt integrated watershed management system and integrated balanced nutrient management system;
- (n) to ensure that hydraulic structures are preserved and

protected, without any modification unless otherwise approved by an authority vested with such powers;

- (o) to work towards maintaining and sustaining an ecological balance and prevent degradation of the environment particularly soils and quality of water;
- (p) to strive towards becoming sustainable institution through a process of capacity building, skill up gradation and recovery of costs, wherever necessary; and
- (q) to devise suitable cropping programme every season in order to optimize productivity and production consistent with the availability of water supply;

Delineation of distributary area

5.(1) The Chief Engineer of a Major Irrigation project may delineate the entire commanded area of the project in to such number of distributary areas as the total number of distributaries in the project.

(2) The total ayacut area irrigated by a particular distributary shall be declared to be the distributary area of such distributary, which shall be duly notified by the Chief Engineer of the project.

(3) The areas of the different distributaries of the project shall be distinct and shall not overlap one another.

(4) All the Pani Panchayats situated within a particular distributary area shall form part of the distributary area.

Delineation of Project area

6.(1) The Government may issue a notification declaring the project area of a Major Irrigation Project, which shall consist of all the distributary areas of the project.

(2) The Chief Engineer in-charge of the Minor or Medium Irrigation Project may notify the entire commanded area of the Minor or Medium Irrigation Project to be the Project area of the Minor or Medium Irrigation Project.

Right and responsibilities of the Farmers' Organisation.

7. (1) The rights of the Farmers' Organisation shall be :-

- (a) to obtain information in time about water availability opening / closing of main canal, periods of supply and quantity of supply , closure of canals etc;
- (b) to receive water in bulk from the Irrigation Projects for distribution among the water users on agreed terms of equity and social justice;
- (c) to receive water according to an approved time schedule;
- (d) to allocate water to non-members;
- (e) to levy separate fees for maintenance of the system;
- (f) to levy any other fee or service charges, to meet management costs and any other expenses;
- (g) to utilize the canal bunds as long as such use is not obstructive, or destructive to hydraulic structures by

planting timber, fuel, or fruit bearing trees or grass for augmenting the income of the Farmers' Organisation;

- (h) to obtain the latest information about new crop varieties, and their pattern, Package of practices, weed control etc, for agriculture extension service and purchase inputs such as seeds, fertilizers and pesticides; for use of its members;
- (i) to have full freedom to grow any crop other than those expressly prohibited by a law and adjust crop areas within the total water allocated without causing injury to neighbouring lands;
- (j) to participate in planning, and designing of micro-system;
- (k) to suggest improvements / modifications in the layout of field channels / field drains to supply water to all the farmers in the command; and
- (l) to plan and promote use of the ground water.

(2) The responsibility of Farmer's Organisation shall be:-

- (a) to enter into an agreement with the Irrigation officer as per Form – 'A', for achieving the objects and functions of the Farmers' Organisation as provided under section 16 of the Act;
- (b) to prepare the schedules of water deliveries and communicate to the concerned officials;
- (c) to organise preparation of crop plan to match water deliveries with crop requirement;
- (d) to supply water to all members in the commanded area as per the approved terms;
- (e) to carryout timely maintenance and repairs to the distributary system including drains and other properties;
- (f) to organise repairs of the system by the farmers free of cost or on payment;
- (g) to avoid and prevent misuse and wastage of water;
- (h) to use water economically and furnish data if required to the Water Resources Department on water use, irrigated area irrigation efficiency and crop yields;
- (i) to maintain a register of land holders;
- (j) to prepare and maintain an inventory of the irrigation system within the area of operation;
- (k) to resolve the disputes, if any between the members and water users in its area of operation;
- (l) to raise resources;
- (m) to maintain accounts;
- (n) to cause annual audit of its accounts;
- (o) to assist in the conduct of elections to the Executive

Committee;

- (p) to maintain records as per rule 30;
- (q) to conduct General Body meetings, as per rule 10;
- (r) to conduct periodical social audit, as per rule 26;
- (s) to inspect water utilization by the farmers in the command assess irrigated crop areas and collect data on crop yields;
- (t) to impose and recover penalties or fines for misuse and wastage of water and tampering or damaging with the irrigation network controls, sluices, outlets etc., as per the provisions of the Act;
- (u) to educate farmers on preparing fields and adopting modern methods of field irrigation, such as borders, furrows, graded bunding for all round efficiency;
- (v) to educate farmers on new crop varieties, practices of using. Pesticides and weedcides, etc;
- (w) to procure hired implements and gadgets for agricultural operation where feasible and needed;
- (x) to improve the system for efficient and economical use of available / allocated water, for efficient production of crops;
- (y) to assist in collection of water rate;
- (z) to collect water rate from the users in case of European Community aided Minor Irrigation Project as per Water Resources Department Resolution No.48049 dt.04.12.1999 at Annexure-1;

to pay for the energy charges and maintain the Lift Irrigation point and to utilize the proceeds for maintenance of the distribution system by entering into an agreement as per Form B;

Right and responsibilities of the member users.

8 .(1) The rights of the member users shall be :-

- (a) to suggest improvements / modifications in water deliveries;
- (b) to get information relating to water availabilities, allocation, opening / closing of canals and outlets, period of supply and its frequency;
- (c) to receive water as per specified quota for use;
- (d) to have the freedom of growing any crop, other than those prohibited by law, adjusting the crop within the water allocated and the overall cropping plan of the command area;
- (e) to participate in the General Body meeting and receive annual reports; and
- (f) to receive equitable benefits from the activities of the organization.

(2) The responsibilities of the member users shall be :-

- (a) to maintain the micro-level system particularly, the

- turnouts, field channels, structures, and field drains;
- (b) to be aware of the rules of operation of water supply framed by the Farmers' Organisation for each season;
- (c) to adhere to the water delivery schedules;
- (d) not to tamper with the system by breaching, cross bunding, damaging the structure in the minor or field channel;
- (e) to close the turnout fully after the allotted turn or time is over;
- (f) to conserve water and make proper use of the irrigation supply;
- (g) to divert water if not required during the turn or time allotted, so as not to damage other farmer's field;
- (h) to follow proper irrigation methods like borders, furrows, check basins etc;
- (i) to get the lands leveled / shaped for efficient utilization of land and water and to prevent deep percolation leading to water logging and salinity in the downstream area;
- (j) to pay the irrigation fees, water rate and service charges regularly and in time;
- (k) to avoid misuse / wastage of water, taking water out of turn, taking more time than allotted;
- (l) to avoid trampling of field channels / field drains, by crossing at unauthorized points by men and cattle;
- (m) to maintain field channels / field drains in the reaches specified by the Pani Panchayat or contribute to labour / cost for maintenance, whenever required;
- (n) to permit the users for inspection of :
 - (i) irrigated area;
 - (ii) measurement of irrigated area;
 - (iii) observation of water levels in dug wells / bores / tube wells;
 - (iv) crop-cutting experiments for assessing productivity / production;
 - (v) to abide by the decision of the Farmers' Organisation, and
 - (vi) to respect elementary rights and other customary practices vogue in the system.

General Body

9. (1) The General Body of a farmers' Organisation shall consist of the members: -

- (a) in respect of a Pani Panchayat as specified under sub-section (4) of section 3 of the Act;
- (b) in respect of Distributary Committee as specified under sub-section (3) of section 5 of the Act; and
- (c) in respect of a Project Committee as specified under sub-section (3) of section 7 of the Act.

General Body Meeting.

(2) The General Body shall be assisted by the competent authority as notified under section 21 of the Act. The competent authority shall have the right to attend the meeting and record his views, but shall have no right to vote.

10. (1) The General Body shall meet at least twice a year, once before the Khariff and once before the Rabi season. The meetings shall be presided over by the President and in his absence by one of the members of the Executive Committee duly elected for this purpose.

(2) The General Body may also be called for at any time by the President or by the Executive Committee members through a majority resolution or by members of the organization through a requisition signed by no less than 1/3rd of the members with voting rights.

(3) A General Body meeting shall be held on receipt of a direction to do so from the Government or by the next higher tier of the Farmers' Organisation in respect of matters relating to urgent public importance.

Notice for the General Body

11. (1) On receipt of a notice either under sub-rule (2) or (3) of rule 10, the Executive Committee of the Farmers' Organisation shall convene a General Body meeting within 20 days by giving 7 days prior notice of the date, time and place of the meeting and also the agenda.

(2) Notice for the General Body meeting shall be sent at least 7 days in advance of the date of the meeting along with the agenda. Notice may be sent by hand / post / publication / beat of drum and display on the notice board of the organization.

Quorum for the General Body.

12. (1) At all the meeting of the General Body, the quorum shall be 1/3rd of the members and all resolutions shall be carried by majority of the members present and voting;

(2) If there is no quorum for the meetings, the meeting shall be adjourned and be convened again at a date and time not later than two days of the first meeting;

(3) For the adjourned General Body meeting, no quorum is required and resolution would be carried by a majority of the members present and voting; and

(4) At a requisitioned General Body meeting, the items specified in the agenda alone will be discussed. No other subject will be discussed without the express permission of the majority decision of the members present in the meeting.

Minutes of the meeting

13. Every proceeding of the General Body shall be recorded in the minutes book maintained for the purpose and authenticated by the President or the person who has presided over the meeting, as the case may be. A copy of the minutes shall be sent to the authority at the higher tier.

Power of General Body

14. The General Body shall have the following powers, namely:-

- (a) to approve the Operational Plan for each crop-season and review its implementation in the area of operation;
- (b) to allocate water amongst various main canals distributaries/ minors/ outlets, according to the operational plan approved;
- (c) to decide on the manner of regulation and distribution of water;
- (d) to prepare annual and long-term financial and works plans and priorities works for maintenance / repairs / upkeep, rehabilitation of the irrigation system;
- (e) to approve annual financial budget and review performance of the previous years budget;
- (f) to appoint auditors for the annual audit and / or concurrent audit and to fix fees for the same;
- (g) to set up sub-committees of Members for various activities and functions of the Organisation;
- (h) to create or / setup such fund as may be required for different activities / works;
- (i) to entertain and dispose appeals against the orders of Executive Committee between water users;
- (j) to levy, collect fees and water tax as provided under section 20 the Act;
- (k) to take decisions on raising of resources as provided under section 22 of the Act; to invest surplus funds in Banks or Government approved securities or as may be directed by Government from time to time for the benefit of the organization;
- (l) to take decision on collective marketing or agricultural produce, collective procurement of inputs, running of Agro Service Centers, providing credit facilities and taking up post harvest activities including processing of agricultural commodities.
- (m) to decide on permissible administrative expenses with the ceilings prescribed, from time to time; and
- (n) to carry out the recall proceedings as section 10 of the Act.

Executive
Committee.

15. The composition and quorum of the Executive Committee shall be :-

- (a) the Executive Committee in respect of a Farmers' Organisation shall consist of the President and members elected to the Executive Committee from the Chaks in respect of a Pani Panchayat as provided under sub-section (1) and (2) of section 4 of the Act; the President and members elected to the Executive Committee in respect of a Distributary Committee as provided under sub-sections (1) and (2) of section 6 of the Act; the President and members elected to

Executive Committee as provided under sub-section (1) and (2) of section 8 of the Act;

- (b) the meetings of the Executive Committee shall be held at least once in every month in the office of the organization. The meeting may be held more frequently if it so requires. A meeting requisitioned, shall be held within 7 days of the receipt of requisition for such a meeting by the President;
- (c) notice for the meeting shall be sent by hand / post / delivery and published on the Notice Board.
- (d) all meetings shall be presided over by the president of the Executive Committee. In his absence, the committee may elect one member amongst themselves to preside over the meeting.
- (e) every proceeding of the Executive Committee shall be recorded in the minutes book maintained for the purpose by the person chairing the meeting, a copy of the minutes shall be sent to the authority of the next higher tier;
- (f) the quorum for the meeting shall be 1/3rd of the members. All resolutions shall be carried by a majority of the members present and voting; and
- (g) if there is no quorum for the meeting shall be adjourned for one day and be convened again.

Note- For an adjourned meeting no quorum is required.

Filling up of
vacancies of the
Executive
Committees.

16. (1) If a vacancy occurs in the Executive Committee of a Pani Panchayat due to any reason, the Distributary Committee of the project under the jurisdiction of which the Pani Panchayat is situated, in a meeting of the General Body shall nominate to the Executive Committee one of the remaining two members of the Chak Committee to which the member so expired/resigned belongs.

(2) In case of a Project not having Distributary Committee, the Executive Committee of the concerned Project Committee shall fill up such vacancy in the Executive Committee of the Pani Panchayat by nominating one of the remaining two members of the Chak Committee to which the member so expired/resigned belongs.

(3) The concerned Election Authority shall follow the procedure as prescribed in rule 39 to fill up the vacancy in the Chak Committee, if any, and to directly elect one of the three members of the Chak Committee to be a member of the Executive Committee of the Pani Panchayat.

(4) After such election of the member from the Chak Committee to the Executive Committee of the Pani Panchayat, the earlier nomination made by the Executive Committee of the Distributary Committee/Project Committee shall automatically

cease.

(5) If a vacancy occurs in the Executive Committee of the Distributary Committee due to any reasons, the concerned Project Committee of the Major Irrigation Project under the jurisdiction of which the distributary area is situated, in a meeting of its General Body, shall nominate one of the members of the General Body of the Distributary Committee to which the member so expire/resigned belongs. The concerned Election Authority as per provisions of rule-41 shall fill up the vacancy so caused by nomination in a regular manner. The nomination shall automatically cease on election of the Executive Committee member in regular manner by the Election Authority.

(6) If a vacancy occurs in the Executive Committee of the Project Committee due to any reasons, Government in Department of Water Resources shall nominate one of the members of the General Body of the Project Committee to become a member of the Executive Committee of the Project Committee.

(7) The concerned Election Authority as per provisions of rule 38 shall fill up the vacancy so caused by nomination in a regular manner. The nomination shall automatically cease on election of the Executive Committee member in regular manner by the Election Authority.

Powers and functions of the Executive Committee.

17. The power and the functions of the Executive Committee shall be:-

- (a) to prepare and implement operational plan for each session in its area of operation;
- (b) to prepare and implement khariff and rabi plans for various crops to be grown;
- (c) to prepare budget and allocate resources for various activities;
- (d) to prepare and implement annual and long term plans for repairs, maintenance rehabilitation for development of the irrigation and drainage systems and to accord administrative sanction taking up works as per availability of resources on priority;
- (e) to prepare or cause to be prepared annual accounts of income and expenditures, and assets and liabilities;
- (f) to ensure equitable distribution of water among various water users;
- (g) to evolve and implement systems of regulation control, monitoring and reporting of water use and land use;
- (h) to recommend appointment of auditors for annual audit or concurrent audit to General Body.
- (i) to organize execution of works;
- (j) to raise resources and determine its deployment for

- various activities / functions of the organization;
- (k) to recommend formation of sub-committees to the General Body for undertaking various activities;
- (l) to settle disputes amongst members of the Farmers' Organisation;
- (m) to elect one of its members as Secretary and one as Treasurer to operate the funds of the agriculture;
- (n) to provide developmental services to the members related to irrigation and agriculture;
- (o) to take up training programme for members;
- (p) to prepare annual list of all Water Users and Members with voting rights;
- (q) to assist the Revenue, Water Resources and Agriculture Department in preparation and maintenance of basic records;
- (r) to maintain and operate a Reserve Fund;
- (s) to scrutinize the audit reports and rectify defects and report to the General Body;
- (t) to carry out and implement all decisions of the General Body; and
- (u) to establish a management information system and submit periodical report as may be specified by Government.

Duties of the President.

18. The duties of the President shall be:-

- (a) to conduct the affairs of the farmers' Organisation in a democratic, free, fair and transparent manner;
- (b) to preside over the General Body meetings and Executive Committee meetings and conduct the meetings in a peaceful and democratic manner;
- (c) to sign and authenticate the minutes of the meetings and also other records of the Farmers' Organisation as may be required;
- (d) to have only a casting vote in the event of equality of votes on any matter being decided upon by the General Body or by the Executive Committee, as the case may be;
- (e) to issue work orders on behalf of the Farmers' Organisation;
- (f) to have powers to operate the accounts jointly with the Secretary;
- (g) to represent the case of the Farmers' Organisation in any dispute before Distributary Committee or Project Committee or the Government, as the case may be;
- (h) to be an authorized representative of the Farmers' Organisation at all other forums, meetings called by any authority; and

Duties of the Secretary.

(i) to submit annual reports to the General Body on the activities of the Farmers' Organisation.

19. The duties of the Secretary shall be:-

- (a) to assist the President in all matters regarding functioning of the office of the Farmers' Organisation;
- (b) to convene all meetings of the Farmers' Organisation;
- (c) to record and maintain the minutes of the meetings;
- (d) to carry on all correspondences of the Farmers' Organisation;
- (e) to maintain and remain in-charge of such books and papers as may be directed by the Executive Committee;
- (f) to carry out the orders and resolution of the Executive Committee;
- (g) to be custodian of all records, properties of the Farmers' Organisations;
- (h) to render full and complete accounts of all transactions of the Farmers' Organisation;
- (i) to get the annual accounts audited by the authorized auditors;
- (j) to furnish an audited statements of all receipts and expenditures to the Executive Committee;
- (k) to execute all agreements and to sign all pleadings, warrants, power of attorney, vakalatnama, petitions, statements and to represent the Farmers; Organisation in all suits and matters instituted by or against the Farmers' Organisation; and
- (l) to attend the meetings of all sub-committees as a non-member and record the minutes in the minutes book to be approved by one of the members of sub-committees.

Duties of the Treasurer.

20. The duties of the Treasurer shall be:-

- (a) to receive all subscriptions fees, rates and charges, donations, grants and money from different sources and issue receipts for the same; and
- (b) to receive, disburse and maintain daily accounts (Cash Book), Bill Register etc. and get the same authenticated by the Secretary.

Procedure for recall

21. (1) A written notice in plain paper signed by not less than one third members of the General Body of the Pani Panchayat, the Distributary Committee or the Project Committee addressed to the Executive Engineer in case of Pani Panchayat, to the Superintending Engineer in case of Distributary Committee, to the Chief Engineer in case of the Project Committee and to the Executive Engineer of Orissa Lift Irrigation Corporation in case of Lift Irrigation point may be filed for recall/ removal of the Farmers' Organisation from his/her office:

Provided that the person can file no notice within one year from the date of assumption of the office against whom such

motion is proposed to be moved.

(2) The officer so moved, shall direct the Farmers' Organisation to convene the special General Body meeting by giving clear 15 days notice to all the members of the Farmers' Organisation by personal service which shall be presided over by him.

(3) The quorum of the specially convened General Body meeting shall be 50 % (fifty percent) of the total members of the General Body.

(4) The motion shall be placed before the specially convened General Body meeting for discussion and voting. If the motion gets the support of two-third majority of the members present through secret ballot, the motion shall be declared to have been passed by the General Body specially convened.

(5) The officer competent to declare a person elected shall, by order removed the person from office against whom the motion is passed.

(6) The resulting vacancy shall be filed up as a casual vacancy.

22. (1) The General Body of a Farmers' Organisation may constitute the following sub-committees under section 11 of the Act :-

- (a) Finance and Resource sub-committee
- (b) Works sub-committee.
- (c) Water Management sub-committee.

(2) The composition of the sub-committee shall be:-

- (a) the Convener of the sub-committee shall be the Secretary of the Executive Committee.
- (b) In the case of Pani Panchayat, the members not exceeding four shall be drawn from out of members of the Chak Committees;
- (c) In the case of the Distributary Committee, the members of the sub-committee, not exceeding four shall be selected from the Presidents of the Pani Panchayats;
- (d) In the case of a Project Committee, the members of the sub-committee, not exceeding four will be selected from Presidents of Distributay Committees in the Project;
- (e) No member shall represent more than one sub-committee.

(3) (i) Functions of the Finance and Resource sub-committee shall be:-

- (a) to mobilize and collect resources;
- (b) to ensure collection of dues from members as levied under section 20 of the Act;
- (c) to recommend to Executive Committee for the use and deployment of resources;

- (d) to approve all expenditure once a month.
- (ii) Functions of the Works sub-committee shall be :-
 - (a) to recommend estimate of works for administrative approval; and
 - (b) to supervise works and ensure quality control.
- (iii) Functions of the Water Management sub-committee shall be:-
 - (a) to prepare a draft cropping plan in consultation with the Farmers and Agricultural Experts;
 - (b) to carry out the decisions of the Executive Committee and of the General Body on water regulation, schedule of water release;
 - (c) to organize patrolling of the Canal, Channels and regulate the use of the water in accordance with the Operational Plan of Farmers' Organisation;
 - (d) to check the irrigation and drainage system regularly;
 - (e) to record the water deliveries;
 - (f) to amicably resolve disputes regarding water sharing and to report to the Executive Committee , any violations in the use of water; and
 - (g) to maintain records of land owners and water users.

Procedure for taking up works.

23. The procedure for taking up the works by the Farmers' Organisation shall be :-

- (a) The Maintenance works which may include :-
 - Desilting.
 - Weed removal.
 - Repairs and painting to shutters.
 - Repairs and masonry and lining; and
 - Emergent breach closing works and maintenance of inspection path.

Note:- The above works shall be executed by the Farmers' Organisation under the supervision of the Competent Authority of the Department of Water Resources.

- (b) Identification of normal operations and maintenance works Participatory Walk Through.

Note:- The President along the Competent Authority shall, prior to commencement of every crop season, organize participatory walk through within the area of operation of the Farmers' Organisation and identify all the critical reaches, which need immediate repair as listed out in above. The Competent Authority shall assist the Farmers' Organisation in preparation of detailed list of works to be undertaken.

- (c) Prioritizing works :-

Note:- The Executive Committee of the Farmers' Organisation shall discuss the list so prepared and fix up priority of works to be taken up immediately.

(d)Preparation of Estimates:-

Note:- The Committee Authority shall prepare estimate and accord technical sanction for the works so prioritized according to the schedule of rates within a fortnight.

(e) Administrative Approval :

Note: The Executive Committee of the Farmers' Organisation shall accord administrative approved for the estimates prepared subject to availability of funds. Each Administrative Approval shall be recorded in the Register of Administrative Approvals in Form-C.

(f) Technical Sanction :

Note:- The power of technical sanction by the Competent Authority shall be as per the prevailing Orissa Public Works Department(OPWD) Code.

(g) Manner of taking up works :

Note:- (I) Works as approved by the Committee of the Farmers' Organisation shall be taken up for execution by the Farmers' Organisation itself by an agency selected by the Committee.

(II) The work order shall be issued by the President and the Secretary with the executing agency shall execute the agreement.

(III) The detailed accounts including maintenance of muster roll of such of the works as may be executed by the Farmers' Organisation itself shall be maintained by the Secretary. All purchases in respect of these works will be approved by the Executive Committee.

(IV) The Competent Authority shall record the pre-measurement and final measurement works of the Farmers' Organisation for quantifying the work done by the Farmers' Organisation directly or through an agency for making payments by the Farmers' Organisation.

(V) The Competent Authority shall prepare the bill in accordance with the measurements taken by him. The bills will be passed for payment by the President in respect of the works executed by Agency.

(VI) In case of the work executed by the Farmers' Organisation itself the Competent Authority shall prepare a material statement basing on the measurement recorded by him for approval of expenditure.

(h) Limitation on Works:

Note:- No Farmers' Organisation shall have the power to interfere with the designed hydraulic particulars of an irrigation system.

(i) Publication of List of works to be taken up :

Note :- (I) The lists of works to be taken up along with the estimated amount and the names of the Executing Agency

shall be given wide publicity by means of display in the office of the Farmers' Organisation and institutions within the area.

(II) The members are free to contribute resources either in cash or by way of material or labour.

(j) Payment for the works done:

Note:- All payment for works done above Rs. 1000.00 (one thousand) shall be paid by cheque. The Treasurer shall maintain a record of all payments made in the cash book date-wise. The cheque will be jointly signed by the President and the Secretary.

Sinking Fund

24. (1) The Farmers' Organisation shall open a joint account in the names of its Secretary and Treasurer in a nationalized bank or a cooperative bank to operate the Sinking Fund.

(2) The Executive Committee of the Farmers' Organisation in the meeting shall decide to deposit a certain amount into the Sinking Fund every year, which shall be approved by the General Body. The Farmers' Organisation may augment the Sinking Fund by way of depositing the fund money in fixed deposits or in Kisan Vikas Patra.

(3) The Farmers' Organisation may utilize the Sinking Fund for repayment of money borrowed and shall repay back such sum into the Sinking Fund within a period fixed for the purpose.

Budget

25. (1) The Farmers' Organisation shall prepare the budget in respect of next financial year in Fund-L. The budget shall show the estimated receipts and expenditures of the Farmers' Organisation. The Executive Committee, after scrutinizing the same, shall place it before General Body of the Farmers' Organisation for its approval.

Social Audit of
Farmers'
Organisation.

26. (1) At the end of each cropping season there shall be General Body meeting where the President along with all the Executive Committee members shall render accounts of the utilization of Funds, including the works executed, the estimates and the names of the executing agency etc.

(2) At the same General Body meeting the Executive Committee shall also place the utilization of water against water budget.

Operational plan and
water Budgeting.

27. Water Budget for Farmers' Organisation:

(1) The Executive Committee of the respective Farmers' Organisation shall, along with the assistance of the competent authority, prepare a water budget for the area of operation under control as per specified below :-

(a) One month before the onset of the khariff season, the Project Committee shall, subject to such directions as may be given by Government from time to time, work out the anticipated inflow and existing water availability

in the reservoir and work out the water allocation to all the Distributary Committees. The Distributary Committees shall allocate the water made available to Pani Panchayat in its jurisdiction;

- (b) For the Rabi season, the Project Committee will determine the area to be thrown open for irrigation based upon the actual availability of water at the beginning of khariff season. The Water so available shall be allocated equitably among the Distributary Committee and Pani Panchayats adopting circular rotation;
- (c) Based on the availability of water the Pani Panchayat will draw up a suitable crop plan in consultation with the farmers and officials of Agriculture Department;
- (d) Each of the Farmers' Organisation, shall draw up an operational plan which shall specify the quantity of water to be drawn on a fortnightly basis;
- (e) The drawal of water shall be monitored each day at specified gauge points as decided by the Farmers' Organisation;
- (f) Review of drawal and distribution shall be done by each of the Farmers' Organisation at the end of each fortnight an corrective measures taken; and
- (g) At the end of each season the respective Farmers' Organisation shall prepare a report of water received and utilized along with the area irrigation, quantity of water supply and extent of crops produced.

Water Regulation.

28. After a water budget is prepared, the Farmers' Organisation shall draw up a plan of water regulation as follows :

- (a) The dates of release and closure shall be informed to all members well in advance :
- (b) Equitable distribution of water amongst all user shall be the main principle in water regulation;
- (c) A Farmers' Organisation shall draw water and monitor flows based on the operational plan prepared;
- (d) A Warabandi Schedule shall be prepared for each outlet in a Farmers' organization;
- (e) A Farmers' Organisation may, for the purpose of monitoring, install such devices as may be required within its jurisdiction.

Accounts/ Finance

29. (1) The Farmers' Organisation shall open an account in a Nationalized Bank or a Co-operative Bank in its name and shall be operated jointly by the President and the Secretary. The Treasurer shall maintain the Cash Book and accounts of expenditure with appropriate vouchers and receipts.

(2) Every expenditure shall be supported by a receipt or voucher, which shall be duly passed for payment by the President.

(3) All expenditure has to be approved by the Finance sub-committee/ Executive Committee, at least once a month.

(4) Every Farmers' Organisation shall maintain the following Registers: -

- (a) Cash Book;
- (b) Bill Registers;
- (c) Receipt Books;
- (d) Asset Register;
- (e) Register of demand and collection of Water Rate;
- (f) Register of Landholders; and
- (g) Register for Repair and Maintenance of canal.

Note :- Each of them shall bear the name, address and the seal of the Farmers' Organisation and shall be machine numbered.

Maintenance of other Records.

30. Each of the Farmers' Organisation shall maintain the following records:-

- (i) An up-to-date copy of the Act, Rules, Directions and orders of the Commissioner / Government;
- (ii) A map showing the boundaries and jurisdiction of the water conveyance system, within the boundaries of the association;
- (iii) A register containing the list of land holders and water user along with their land holding in Form-D;
- (iv) A register showing the area irrigated and the demand of water rate user wise and collection made every season in Form-E;
- (v) A Bill Register showing the list of works taken up during a season along with their estimate and expenditure in Form-F;
- (vi) Cash Book in Form G; which shall contain all daily receipts and expenditure of Farmers' Organisation;
- (vii) Receipt Book in Form-H;
- (viii) Asset Register in Form-I; and
- (ix) Register for repair and maintenance of canal in Form K;
- (x) Minutes Book;

Every proceeding of a General Body meeting and an Executive Committee meeting shall be recorded by the Secretary and approved by the President;

(xi) Every proceeding of a sub-committee meeting shall be recorded by the Secretary and shall be approved by a member of sub-committee.

Levy and collection of fees/water rate.

31. (1) A fee/water rate may be levied only on the resolution of General Body, the purpose of which shall be,-

- (a) to provide facilities; or
- (b) to provide specific service; or
- (c) to meet many urgent needs of the Farmers' Organisation; or

- (d) to build up assets of the Farmers' Organisation; or
- (e) to improve the system.

(2) In case of Lift Irrigation Points the water rate shall cover,-

- (a) Energy charge;
- (b) Charges for maintenance and repairs;
- (c) Charges to improve the system; and
- (d) Cost of replacement.

(3) The Executive Committee shall decide the amount of fee / water rate proportion to the land holding and issue demand notice in Form-J; and in case of Lift Irrigation Points, the Executive Committee may assess such minimum charges of water rate as may be decided by the General Body in respect of user farmers in the ayacut who don't take up any cultivation during a season.

(4) All fees / water rate collected shall be duly accounted for through proper receipts.

(5) (a) Where a member has defaulted in payment of such levy / water rate levied by the Farmers' Organisation, the Executive Committee shall prepare a list of defaulter along with amounts due, and publish the same in the notice board.

(b) The defaulters list so prepared under clause (a) shall be furnished to Tahasildar of the area on whose jurisdiction the area of operation of Farmers' Organisation lies; for recovery under the Orissa Public Demand recovery Act.

Financial Audit

32. At the end of each financial year, and not later than three months after the commencement of the new financial year, each of the Farmers' Organisation shall cause its accounts to be audited as follows :-

- (i) the Executive Committee shall appoint an Auditor who has adequate experience in normal auditing work;
- (ii) the Auditor so appointed shall be a person of repute in the area of operation of the Farmers' Organisation;
- (iii) the Auditor so appointed shall take all steps necessary to scrutinize the accounts of receipts and expenditure and furnish the audit report along with the statement of accounts and balance sheet to the President of the concerned Farmers' Organisation, duly attesting the same;
- (iv) the Audit Report shall be submitted to the General Body in its meeting for its approval;
- (v) the Executive Committee of a Farmers' Organisation shall furnish the implementation report to the General Body on all matters as pointed out in the audit report and the Executive Committee shall implement the decisions of the General Body in this regard; and
- (vi) if the overall transactions exceed Rs. 10,00,000 (Rupees ten Lakhs) per annum, the Farmers' Organisation shall

Offences and Penalties

engage the services of a Chartered Accountant;

(vii) the fees for the Auditor shall be as may be approved by the executive committee of the Farmers' Organisation.

33. (1) The Farmers' Organisation shall have a right to take action on any of the offences specified under section-23 of the Act.

(2) The President of the Farmers' Organisation or his nominees shall give a notice of the offences to the individual.

(3) The individual who has committed the offence shall be given reasonable opportunity, to explain his point of view.

(4) The Executive Committee after examination of the material as indicated in sub-rules (2) and (3) shall decide, by a majority, the nature and gravity of the offence.

(5) If the offence is proved beyond doubt, the Executive Committee may fix a reasonable amount as fine, as specified under section 25 of the Act keeping in view the nature of offence committed under section 23 of the act and recover it.

(6) The money recovered as per sub-rule (5) above shall be duly acknowledged and accounted for.

(7) In Case the offence is not compounded, the Secretary shall lodge complaint (F.I.R) in the Police-Station for necessary legal action under section 23 of the Act.

Function of Competent Authority

34. In the functioning of the Executive Committee of the Farmers' Organisation, the competent authority appointed under sub-section (1) of section 21 of the Act, shall:-

(a) attend the meetings convened by the Executive Committee and participate in the discussions but he shall not have any voting right.

(b) assist in the preparation of maintenance plan.

(c) prepare estimates for works identified for execution.

Note:- The estimate shall be prepared as per the norms and the rules prescribed by the Department of Water Resources.

(d) accord technical approval to the maintenance works, as per the powers delegated. The technical approval shall be limited to the administrative approval of the work.

(e) ensure that no alteration or change is made in the irrigation system, with reference to the approved hydraulic particulars.

(f) bring to the notice of Water Resources Department any tampering or change made in the system, by any farmers' Organisation in contravention of the hydraulic particulars. He shall ensure that action is taken in accordance with the Act.

(g) Provide technical details of the system to the member of the Committee.

(h) Assist the Executive Committee in the preparation and approval of operational plan.

- (i) Advise and assist on water regulation, based on the water supplies and seasonal condition.
- (j) Prepare water budgeting for the Farmers' Organisation.
- (k) Help in assessment of area irrigated.
- (l) Help in training any helpers appointed by the Farmers' Organisation in discharging their duties.
- (m) Guide the Farmers' Organisation in maintaining various registers; and
- (n) Record measurements for the work done and prepare the bills for payments by Farmers' Organisation based on the approval of the Works Sub-Committee.

Inspection.

35. Any officer of the Department of Water Resources above the rank of Assistant Engineer under whose jurisdiction the Farmers' Organisation is situated can inspect the records of the Farmers' Organisation and can submit a report of his visit to his next higher authority with a copy to the Farmers' Organisation so inspection.

General.

36. (1) The Farmers' Organisation shall assist the Government/ Commissioner/ Government authorities in implementing the various provisions of the Act and rules; and it shall abide by the directions/ orders given by the Government / Commissioner.

(2) The Farmers' Organisation shall assist the Chief Engineer / Superintending Engineer and Election Authorities in the conduct of elections.

(3) Those members who do not abide by the decision of the Executive Committee / General Body or who do not pay the water cess / taxes or who do not make contributions towards the activities of the Association shall be subjected to the following courses of action; namely :-

- (a) The Executive Committee may take decision not to supply water or provide benefits to such person;
- (b) The Executive Committee may order recovery of damages and cause reimbursement of the loss to the assets of income of the Farmers' Organisation; and
- (c) This is without prejudice to any penalty that may be imposed under any Act in force.

(4) In case of failure on the part of Executive Committee to discharge any of its functions as per law.

Election procedure for Farmers' Organisation.

37. (1) The superintendence, direction, control and conduct of election of members of Chak Committee, the Executive Committee and President / Secretary / Treasurer of the Farmers' Organisation under the Act in respect of vacancies including casual vacancies shall vest in the Election Authority of the concerned project.

(2) The Superintending Engineer of the concerned irrigation project in case of major, medium and minor irrigation

projects and the Executive Engineer in case of Lift Irrigation Project or any other officer authorized by Government shall be the Election Authority.

(3) The Election Authority may appoint an officer to be the Election Officer who shall be a Gazetted Officer of the State Government for conducting election within the appointed jurisdiction.

(4) The Election Authority may also appoint one or more officers of the State Government as Assistant Election Officers to assist the Election Officer.

(5) Every Assistant Election Officer shall, subject to the control of Election Officer, be competent to perform or any of the functions of the Election Officer.

(6) It shall be the general duty of the Election Officer / Assistant Election Officer at any election to carry out such functions as may be necessary for conducting the election in the manner provided under the Act and the Rules made thereunder.

(7) Election Authority or any other officer authorized by him shall appoint as many Polling Officers as he thinks necessary to assist him in the election process provided that such Polling Officers are Government servants.

General procedure
for election.

38. (1) No person shall be eligible to be either the proposer or the seconder of the candidate unless his name finds place in the electoral roll published by the Election Authority.

(2) The Election Authority by notification shall publish / shall cause to be published the date for election for an ordinary election or an election to fill up the vacancy caused due to death, resignation or recall provided that the notice for the election shall be published in the area of the Farmers' Organisation prior to the Provided further that the date of election notified by the Election Authority shall not be altered or deferred save with the prior sanction of the Government :

Provided also that the Government shall be competent to draw up and notify the programme of election.

(3) The Election Officer, to hold the election by the method of secret ballot, shall provide at least one ballot box after satisfying himself that such box is so made that the ballot papers can be inserted through an opening without affecting the secrecy of the voting. The ballot box shall be placed in the polling station in full view of the Election Officer.

(4) The symbol to be used in the election shall be notified by the Government from time to time which shall not include any symbol allotted to the political parties by the Election Commission of India.

Date of election:

(5) A vote shall be liable for rejection on either one or more

of the following grounds :-

- (a) If the ballot paper bears the signature of the voter.
- (b) If the arrow cross mark is placed on more than one candidate symbol for one office / post.
- (c) If the arrow crosses mark is so placed as to make it doubtful for which candidate the vote has been cast.
- (d) If the ballot paper does not bear the authentication mark of the Election Officer.
- (e) If no arrow cross mark is made against any candidate / symbol.

(6) (a) If at any time and in any case the proceedings of the election are interrupted or obstructed for any reason whatsoever and the Election officer is satisfied that true and fair conduct of election is affected thereby, he/she shall direct postponement of election and shall forthwith inform the Election Authority.

(b) The Election Authority on receipt of such information and after making such inquiry, as he may deem fit, declare, for reasons to be recorded in writing, the proceeding of the election as void and direct for conducting fresh election. The decision of the Election Authority in this regard shall be final.

(7) After the election process is over in respect of a particulars Farmers' Organisation, the Election Officer shall deposit all the election papers / materials including used and unused ballot papers, ballot box, proceedings of election, result sheet etc. to the Election Authority within 24 hours of the closure of election process.

Election of the
members of the
Chak Committee.

39. (1) The Election Authority shall publish, on the date of issue of notice for election, the electoral roll of the Chak in three parts i.e. upper reach, middle reach and lower reach consisting of all the land holders who have become members of the Pani Panchayat by depositing necessary fees.

(2) The Election Authority or his nominee shall publish / cause to be published by giving 15 days notice for election of the members of the Chak Committee and the members to be elected to the Executive Committee of the Pani Panchayat. The notice for the election shall be published in the notice board of the Pani Panchayat and in a conspicuous place of the Chak area. The Election Authority shall also announce the election schedule by beat of drum in the Pani Panchayat.

(3) Nomination can be presented to the Election Officer at the appointed date, time and place, specified in the notice, by the candidate:

Provided that any landowner or his/her nominee who is otherwise not disqualified as per section 14 of the Act and subject to the provisions of sub-section (1) of section 4 of the Act can file nomination for becoming a member of the Chak Committee in respect of the reach in which his/her lands are

situated:

Provided further that no election shall be hold for a reach in case of one candidate:

(4) In case of contest, the Election Officer, shall immediately after scrutinizing the nomination papers read out the names of the candidates whose nominations are found valid and prepare a list of validity candidates on a plain paper in Oriya.

(5) A validity nominated candidate contesting for the member of the Chak Committee may withdraw his/her candidature by presenting a written application in plain paper of the Election Officer on the spot before the appointed hour. After withdrawal of the candidature, the Election Officer shall prepare a final list of candidates on the spot election:

(6) The names of the valid candidates after withdrawal shall be legibly written on the ballot paper in Oriya in the following format:

Sl No.	Name of the candidate with name of father of husband.	Symbol
1.		
2.		
3.		

(7) Every member present and wishing to vote shall be supplied with a ballot paper duly authenticated by the Election Officer. The voters shall proceed one after another to the place set apart for the voting and put a rubber stamp bearing arrow cross mark on the symbol of the candidate for whom he or she wishes to vote and then fold and insert the ballot paper in the ballot box placed in full view of the Election Officer.

(8) The polling may take place during such hour as may be fixed by the Election Officer.

(9) After voting is over after the appointed hour, the Election Officer shall take steps to count the votes on the spot in presence of the available voters. After the counting is over, the Election Officer shall record the number of votes secured by each candidate in a plain paper. The Election Officer shall then declare the name of the winning candidate who obtains the highest number of valid votes. After election of the three members of the Chak Committee from the three reaches, the Election Officer shall follow the above procedure to directly elect one of the three elected members to be a member of the Executive Committee of Pani Panchayat either on the same day or on the following day.

(10) In case of Lift Irrigation points, the Executive Engineer of Orissa Lift Irrigation Corporation, who is the Election Authority, shall follow the above procedure to elect at least 10 per cent of the members of the General Body subject to

Election of
President, Secretary,
and Treasurer of the
Pani Panchayat.

minimum of four and maximum of ten members to become members of the Executive Committee of Pani Panchayat of the said point.

Note:- In the event of equality of votes between two or more candidates, the Election Officer shall draw a lot in presence of the candidates. The candidate whose name is first drawn shall be declared as duly elected.

40. (1) The Executive Committee of the Pani Panchayat shall be formed by all the elected executive members from Chak Committees at the rate of one from each Chak situated within the Pani Panchayat area.

(2) The election of the President, the Secretary and the Treasurer of the Pani Panchayat shall be held in the office of the Pani Panchayat or at such other public place as the Election Authority may determine in the notification under sub-rule (2) of rule 38.

(3) The Election Officer within three days of publication of result of election of Executive Committee members of the Pani Panchayat shall issue a notice in plain paper to all the members of the Executive Committee of the Pani Panchayat giving clear seven days time to hold the election of the President, the Secretary and the Treasurer of the Pani Panchayat at the appointed place. The notice of the election shall be served on all the members of the Executive Committee of the Pani Panchayat personally by obtaining acknowledgement of the member or any adult member of his family.

Note :- The notice shall also be published in the office of the Pani Panchayat. The Executive Committee of the Pani Panchayat shall hold its first meeting under the chairmanship of the Election Officer.

(4) (a) Nomination of every candidate shall be made in plain paper. Every nomination paper shall be signed by two members of Executive Committee as proposer and seconder and the candidate shall also sign expressing his willingness to contest the election to the office of the President / the Secretary / the Treasurer, as the case may be :

Provided that the same person cannot be proposer or seconder for more than one candidate for any of the offices.

(b) There shall be separate nomination papers for the post of the President, the Secretary and the Treasurer

(c) The candidates shall present nomination papers to the Executive Officer on the spot.

(5) The Election Officer, after receiving the nomination papers during the appointed hour, shall scrutinize them, make a list and read out the names of the candidates whose nominations

are found valid.

- (a) A validity nominated candidate may withdraw his/her candidature by presenting a written application in plain paper to the Election Officer on the spot. After withdrawal of the candidature, the Election Officer shall publish and read out the final list of the candidates for the election.
- (b) If there are two or more candidates for any of the offices, election shall be held by secret ballot and vote of the members present at the meeting shall be taken subject to the condition that no election shall take place unless more than 50 per cent of the members of the Executive Committee are present to cast their votes.
- (6) The names of the finally published valid candidates shall be legibly written on the ballot paper in Oriya in the following format :

Sl. No.	Name of the candidate with name of the father or husband	Symbol
President :		
1.		
2.		
Sl. No.	Name of the candidate with name of the father or husband	Symbol
Secretary :		
1.		
2.		
Treasurer :		
1.		
2.		

- (7) Every member present and wishing to vote shall be supplied with a ballot paper duly authenticated by the Election Officer.
- (a) The members shall proceed one after another to the place set apart for the voting and secretly place the rubber stamp bearing arrow cross mark on the symbol of the candidate(s) for whom he or she wishes to vote and then fold and insert the ballot paper on the ballot box placed in full view of Election Officer.
- (b) Immediately after the voting is over, the Election Officer shall count the votes in presence of the members present and record the number of votes secured by each candidate in a plain paper.
- (c) The candidate securing the highest number of valid votes shall declared by the Election Officer to have been elected to the post of the President / the Secretary / the Treasurer, as the case may be, on the same day.

Election of the Executive Committee, the President, the Secretary and the Treasurer of the Distributary Committee.

(d) In the event of equality of votes between two or more candidates, the Election Officer shall draw a lot in presence of the candidates. Candidate whose name is first drawn shall be declared as duly elected.

(8) The election Officer shall prepare a record of the proceeding of the meeting, sign it and attest with his initial every correction made therein and permit the members present at the meeting to affix their signature to the said record.

(9) The Election Officer shall also notify the names of the winning candidate on the notice board of the Pani Panchayat and forward a copy of the same to the Election Authority.

41. (1) The General Body of the Distributary Committee shall be formed by all the Presidents, the Secretaries and Treasurers of the Pani Panchayats situated within the distributary area.

(2) The Executive Committee of the Distributary Committee shall be formed with nine members who shall be elected from among the members of the General Body.

(3) The election of the Executive Committee, the President, the Secretary, the Treasurer of the Distributary Committee shall be held in the office of the Distributary Committee or at such other public place as the Election Authority may determine in the notification under sub-rule (2) of rule 38.

(4) The Election Officer within three days of the publication of results of election to all the Pani Panchayats situated within the Distributary area shall issue a notice in plain paper giving clear seven days time to all the members of the General Body of the Distributary Committee to hold election to elect nine members from among themselves to be the members of the Executive Committee, and the President, the Secretary and the Treasurer of the Distributary Committee.

(5) The General Body of the Distributary Committee shall hold its first meeting under the Chairmanship of the Election Officer.

(6) (a) Nomination paper of the candidate for the Executive Committee shall be signed by him expressing his willingness to contest the election which shall also be signed by at least two members of the General Body and shall be presented to the Election Officer on the date, time and place specified in the notice.

(b) The Election Officer shall scrutinize the nomination papers, make a list and read out the names of the candidates whose nominations are found valid.

(c) A validity nominated candidate may withdraw his/her candidature by presenting a written application in plain paper to the Election Officer on the spot. After withdrawal of the candidature, the Election Officer shall publish the final list of candidates for the election.

(d) There shall be no election if, after withdrawal of candidature, the number of contesting candidates remains at 9 (nine) or less. No election shall take place unless more than 50 per cent of the members of the General Body are present to cast their votes.

(7) The names of the valid candidates shall be legibly written on the ballot paper in Oriya in the following format:

Sl No.	Name of the candidate with the name of the father or husband	Symbol

(8) (a) Every member present shall be supplied with a ballot paper duly authenticated by the Election Officer, who shall proceed one after another to the place set apart for the voting and secretly place the rubber stamp bearing arrow cross mark against nine candidates/symbols for whom he/she wishes to vote and then fold and deposit the ballot paper in the ballot box placed in the full view of the Election Officer

(b) Immediately after the voting is over, the Election Officer shall count the votes in presence of the members and record the number of votes secured by each candidate in a plain paper.

(c) The Election Officer, shall then declare the first nine candidates who have secured highest number of votes in the descending order and declare them to be elected to the Executive Committee of the Distributory Committee.

(d) In the event of equality of votes between two or more candidates, for the ninth place, the Election Officer shall draw a lot in presence of the candidates. The candidate whose name is first drawn shall be declared as duly elected.

(9) The Election officer, immediately after election of the members of the Executive Committee, shall take steps for election of the President, the Secretary and the Treasurer from among the members of the Executive Committee.

(10) The nomination of every candidate shall be made in plain paper. Every nomination paper shall be signed by two members of the Executive Committee as proposer and seconder and the candidate shall also sign expressing his willingness to contest the election to the office of the President / Secretary / Treasurer, as the case may me.

(11) There shall be separated nomination papers for the post of the President, the Secretary and the Treasurer. The candidate shall present the nomination paper to the Election

Officer.

(12) The Election Officer, after receiving the nomination papers during the appointed hour, shall scrutinize them, make a list and read out the names of the candidates whose nominations are found valid.

(13) A validity nominated candidate may withdraw his candidature by presenting a written application in plain paper to the Election Officer on the spot.

(14) After withdrawal of the candidature, the Election Officer shall publish, read out the final list of candidates for the election.

(15) If there are two or more candidates for any of the offices, the election shall be held by secret ballot and vote of the members present at the meeting shall be taken subject to the condition that no election shall take place unless more than 50 per cent of the members of the Executive Committee are present to cast their votes.

(16) The names of the finally published valid candidates for the office of the President, Secretary and the Treasurer shall be legibly written on the ballot paper in Oriya in the following format :

Sl. No.	Name of the candidate with name of the father or husband	Symbol
A President :		
1.		
2.		
B Secretary :		
1.		
2.		
C Treasurer :		
1.		
2.		

(17) Every member of the Executive Committee present shall be supplied with a ballot paper duly authenticated by the Election Officer, who shall proceed one after another to the place set apart for voting and secretly place the rubber stamp bearing the arrow cross mark against names of the candidates / symbols for whom he/she wishes to vote for the office of the President, Secretary and the Treasurer and then fold and deposit the ballot paper in the ballot box placed in full view of the Election Officer.

(18) Immediately after the voting is over, the Election Officer shall count the votes in presence of the members of the Executive Committee present and record the number of votes secured by each candidate in a plain paper.

(19) After completion of counting the Election Officer shall declare the names of winning candidates to the offices of the President, the Secretary and the Treasurer who have secured the highest number of votes.

(20) In the event of equality of votes between two or more candidates, the Election Officer shall draw a lot in presence of the candidates. The candidate whose name is first drawn shall be declared duly elected.

(21) The Election Officer shall prepare a record of the proceedings of the meeting sign it and attest with his initial every correction made therein and permit the members present at the meeting to affix their signature to such record.

(22) The Election Officer shall also notify the names of the winning candidates on the notice board of the Distributary Committee and forward a copy of the same to the Election Authority.

Election of the Executive Committee, the President, the Secretary and the Treasurer of the Project Committee.

42. (1) The General Body of the Project Committee shall be formed by all the Presidents, the Secretaries and Treasurers of the Distributary Committee situated within the Project area.

(2) The Executive Committee of the Project Committee shall be formed with nine members who shall be elected from among the members of the General Body.

(3) The election of the Executive Committee, the President, the Secretary, the Treasurer of the Project Committee shall be held in the office of the Project Committee or at such other public place as the Election Authority may determine in the notification under sub-rule (2) of rule 38.

(4) The Election Officer within three days of the publication of results of election to all the Distributary Committees situated within the Project area shall issue a notice in plain paper giving clear seven days time to all the members of the General Body of the Project Committee to hold election to election to elect nine members from among themselves to be the members of the Executive Committee, and the President, the Secretary and the Treasurer of the Project Committee.

(5) The General Body of the Project Committee so called, shall hold its first meeting under the Chairmanship of the Election Officer.

(6) Nomination paper of the candidate for the Executive Committee shall be signed by him expressing his willingness to contest the election which shall also be signed by at least two members of the General Body and shall be presented to the Election Officer on the date, time and place specified in the notice.

(7) The Election Officer shall scrutinize the nomination papers, make a list and read out the names of the candidates

whose nominations are found valid.

(8) A validity nominated candidate may withdraw his/her candidature by presenting a written application in plain paper to the Election Officer on the spot. After withdrawal of the candidature, the Election Officer shall publish the final list of candidates for the election.

(9) There shall be no election if, after withdrawal of candidature, the number of contesting candidates remains at 9 (nine) or less. No election shall take place unless more than 50 per cent of the members of the General Body are present to cast their votes.

(10) The names of the valid candidates shall be legibly written on the ballot paper in Oriya in the following format:

Sl No.	Name of the candidate with the name of the father or husband	Symbol

(11) Every member present shall be supplied with a ballot paper duly authenticated by the Election Officer, who shall proceed one after another to the place set apart for the voting and secretly place the rubber stamp bearing arrow cross mark against nine candidates/symbols for whom he/she wishes to vote and then fold and deposit the ballot paper in the ballot box placed in the full view of the Election Officer.

(12) Immediately after the voting is over, the Election Officer shall count the votes in presence of the members and record the number of votes secured by each candidate in a plain paper.

(13) The Election Officer, shall then declare the first nine candidates who have secured highest number of votes in the descending order and declare them to be elected to the Executive Committee of the Project Committee.

(14) In the event of equality of votes between two or more candidates, for the ninth place, the Election Officer shall draw a lot in presence of the candidates. The candidate whose name is first drawn shall be declared as duly elected.

(15) The Election officer, immediately after election of the members of the Executive Committee, shall take steps for election of the President, the Secretary and the Treasurer from among the members of the Executive Committee.

(16) The nomination of every candidate shall be made in plain paper. Every nomination paper shall be signed by two members of the Executive Committee as proposer and seconder and the candidate shall also sign expressing his willingness to contest the election to the office of the President / Secretary / Treasurer, as the case may be.

(17) There shall be separated nomination papers for the post of the President, the Secretary and the Treasurer. The candidate

shall present the nomination paper to the Election Officer.

(18) The Election Officer, after receiving the nomination papers during the appointed hour, shall scrutinize them, make a list and read out the names of the candidates whose nominations are found valid.

(19) A validity nominated candidate may withdraw his candidature by presenting a written application in plain paper to the Election Officer on the spot.

(20) After withdrawal of the candidature, the Election Officer shall publish, read out the final list of candidates for the election.

(21) If there are two or more candidates for any of the offices, the election shall be held by secret ballot and vote of the members present at the meeting shall be taken subject to the condition that no election shall take place unless more than 50 per cent of the members of the Executive Committee are present to cast their votes.

(22) The names of the finally published valid candidates for the office of the President, Secretary and the Treasurer shall be legibly written on the ballot paper in Oriya in the following format :

Sl. No.	Name of the candidate with name of the father or husband	Symbol
A President :		
1.		
2.		
B Secretary :		
1.		
2.		
C Treasurer :		
1.		
2.		

(23) Every member of authenticated by the Election officer, who shall proceed one after another to the place set apart for voting and secretly place the rubber stamp bearing the arrow cross mark against names of the candidates / symbols for whom he/she wishes to vote for the office of the President, Secretary and the Treasurer and then fold and deposit the ballot paper in the ballot box placed in full view of the Election Officer.

(24) Immediately after the voting is over, the Election Officer shall count the votes in presence of the members of the Executive Committee present and record the number of votes secured by each candidate in a plain paper.

(25) After completion of counting the Election Officer shall declare the names of winning candidates to the offices of the President, the Secretary and the Treasurer who have secured the

highest number of votes for each office.

(26) In the event of equality of votes between two or more candidates, the Election Officer shall draw a lot in presence of the candidates. The candidate whose name is first drawn shall be declared duly elected.

(27) The Election Officer shall prepare a record of the proceedings of the meeting sign it and attest with his initial every correction made therein and permit the members present at the meeting to affix their signature to such record.

(28) The Election Officer shall also notify the names of the winning candidates on the notice board of the Project Committee and forward a copy of the same to the Election Authority, the Executive Committee present shall be supplied with a ballot paper duly.

The Orissa Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1658 CUTTACK, MONDAY, DECEMBER 13, 1999 / MARGASIRA 22, 1921

GOVERNEMENT OF ORISSA
DEPARTMENT OF WATER RESOURCES

RESOLUTION

The 4th December 1999

Subject :- Empowering Water User Association with legal rights for management of M.I. Schemes rehabilitated under European Community Assistance (Financing Agreement No. ALA 94/21)

In pursuance of the condition of Page 13, Annex. A of the Financing Agreement signed between European Community and Republic of India on the 11th July 1995 at Brussels, the Government of Orissa have been pleased to recognize the Water User Associations as independent legal entitles to manage the stored water and the distribution system.

- The Water User Associations shall be the legally constituted bodies of the water user farmers council, water management committees etc, for the purpose of management and distribution of water in the canals and water courses below the outlets delegated with functions as decided by the Government of Orissa.
- The minor irrigation schemes to be the rehabilitated under European Community assistance shall serve as models to prove the viability of user run management for other schemes in the Minor Irrigation Sector not covered under this agreement.
- The provision made herein can be extended to other M.I. Schemes to be rehabilitated under European Community Assistance. For other M.I. Schemes not covered under European Community Assistance the same provisions can also be extended.
- While the Government of Orissa shall be legally and financially responsible for the safety, security of the project, dams, reservoirs and diversion weirs as the case may be, and maintain them in a timely and efficient manner, the Water User Associations of the rehabilitated schemes in Minor Irrigation will manage the stored water and will be responsible for equitable distribution.
- Full maintenance grant as provided to Minor Irrigation by the Government of Orissa for these schemes shall be deposited annually into the Water User Associations bank account.
- The Government of Orissa will not collect any water tax from the farmers of the schemes to be rehabilitated under the Financing Agreement.
- The Government of Orissa through the Department of Water Resources and other like departments shall provide necessary technical support and advice to the Water User Associations.
- The Ownership of all acquired lands, constructed structures and the entire system shall remain with the Government of Orissa. The ownership of the field channels for which the

farmers will spare their land and which are to be constructed out of European Community funds and Water User Association contribution will remain with the Water User Association.

- To meet any eventualities arising out of natural calamity the W.U.As. should arrange an emergency fund by allocating a portion of water charges collected from the farmers.
- The functions delegated by the Government of Orissa after turnover to the constituted Water User Associations are as follows :
 1. The Water User Associations of the European Community rehabilitated Minor Irrigation Schemes shall determine the water rate and collect water charges from their members.
 2. The Water User Associations shall manage the schemes, at their own cost including the operation of the head works, distribution and drainage channels and structures, etc. and shall also be responsible for proper maintenance of the whole system except the dams, reservoirs and diversion weirs (including the head works) as the case may be.
 3. The Water User Associations can initiate the emergency repair of the head works when this is warranted.
 4. The Water User Associations with the permission from the Government of Orissa may take up the work of treatment of the catchments area by construction of check dams on afforestation to reduce siltation in the reservoir.

The resolution will be applicable to the identified schemes excluded from the operation of the Irrigation Act as notified in the Revenue and Excise Department Notification No. 30527, dated the 2nd June 1999.

Order :- Ordered that the Resolution be published in an Extraordinary issue of the Orissa Gazette for general Information

Ordered also that copies of the resolution be forwarded to :-

- The First-Counselor, Delegation of the European Commission in India, New Delhi
- The Desk officer (E. E. C.)
- Ministry of Water Resources, New Delhi.
- The Under-Secretary, Department of Economic Affairs, New Delhi.
- All the members of the Steering Committee (Through the P.S. / P.A. / Department / Office).
- Accountant- General (A & E), Orissa.
- Accountant- General (Audit), Orissa

- Senior Deputy Accountant- General (Works), Puri.
- P.S. to Chief Minister.
- P.S. to Minister of Water Resources.
- Project Director, Project Management Unit, Bhubaneswar.
- All the Departments of Government of Orissa.
- All the Heads of Departments.
- All the District Collectors.
- Director, printing, Stationery & Publication, Orissa, Cuttack

By order of the Governor
SRINIVAS RATH
Principle Secretary to Government

The Orissa Gazette
EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 809 CUTTACK, Wednesday, JUNE 2, 1999 / JAISTHA 12, 1912

**REVENUE AND EXCISE DEPARTMENT
NOTIFICATION**

The 2nd June 1999

S.R.O. No. 526 /99 :- In exercise of the powers conferred by section 2 of the Orissa Irrigation Act. 1959(Orissa Act 14 of 1959), the State Government do hereby exclude the Irrigation Works specified in the Schedule below from the operation of the said Act with effect from the 2nd June 1999.

SCHEDULE

Name of the Minor Irrigation Works (1)	Name of the Block (2)	Name of the District (3)
1. Koska M.I.P.	Khandapara	Nayagarh
2. Gosinganalla M.I.P.	Khandapara	-Do-
3. Ghagara M.I.P.	Gania	-Do-
4. Mahisanalla M.I.P.	Dasapalla	-Do-
5. Nuapoibadi M.I.P.	Dasapalla	-Do-
6. Dhulipaunsia M.I.P.	Nuagaon	-Do-
7. Panaskhal M.I.P.	Nuagaon	-Do-
8. Baliachatra M.I.P.(Panibandha)	Odagaon	-Do-
9. Darpanarayanpur M.I.P.	Ranapur	-Do-
10. Mohanguru M.I.P.	Nayagarh	-Do-

(No. 30527-IIIW-13/99-R.)

By order of the Governor
J. K. MOHAPATRA

Commissioner-cum-Secretary to Government.

FORM-A

See Rule 7 (2) (i)

AGREEMENT

This Agreement made on the _____ between the Governor of Orissa (hereinafter called the 'Government') of the one part and the _____ Pani Panchayat (Registration No. _____) which is registered under the Pani Panchayat Act, 2002 and having its head office at _____ Post Office. _____ Tahasil _____ P.S. _____ Hereinafter called the "PANI PANCHAYAT") on the other part.

Whereas for the purpose of smooth participation in irrigation work including maintenance thereof, the Government is handling over the responsibility of irrigation Management for equidistribution of water in an area of _____ Ha. of land under the command of the distribution system within the Pani Panchayat and the maintenance of minor / sub-minor including structures of (i) _____ Km. Length of _____ Canal (ii) _____ Km. of _____ Canal and (iii) _____ Canal of _____ Irrigation project belonging to the Department Water Resources to the Pani Panchayat on certain terms and conditions as hereinafter appearing: (A copy of the map showing the said commanded area with the land schedule and land plan of acquired land by Department of Water Resources, hydraulic particulars of each canal system, structure details in each canal and with such other related property list as may be in the account of the concerned canals are annexed herewith).

NOW THEREFORE THE PARTIES HERE TO HEREBY AGREE AS FOLLOWS :

1. RIGHTS AND RESPONSIBILITIES OF THE GOVERNMENT :

- (a) The Government will operate the head works, the main system and the head regulator of the minor / sub-minor.
- (b) It may suggest improvements if any, for operation and maintenance below the minor or sub-minor which is turned over to the Pani Panchayat.
- (c) It will ensure supply of the allocated quota of water to the Pani Panchayat at minor / sub-minor head as agreed upon or as may be decided by the Government.
- (d) If in any year water available in the reservoir / barrage pond of the Project is lesser than the flow expected in a normal year due to reasons like vagaries of monsoon, repair, restoration etc. of the project, then quantum of water allocated to the Pani Panchayat will be proportionately reduced and due intimation in advance in this regard will be given to the Pani Panchayat before the beginning of the season.
- (e) It will inspect the position of water supplies, irrigation works in the command, distributary / minor or sub-minor and field level structures under the jurisdiction of the Pani Panchayat to verify whether or not the agreement is implemented satisfactorily.

- (f) Government also reserves the right to sanction or reject extra demand for water, if any from the Pani Panchayat depending upon the availability of water in reservoir barrage/anicut/pond. If for any reason additional water demand of Pani Panchayat is not sanctioned by Government, the Government would not be responsible for any loss caused to the Pani Panchayat on account of non-supply of additional demand.
- (g) The allocation of water supplied to the Pani Panchayat is to be utilized for irrigation purpose only and the same shall not be utilized for any other purpose, if water is required for any other purpose, the Pani Panchayat may submit separate application to the executive Engineer concerned for the same and obtain sanction for this demand.
- (h) The rate of water supply on volumetric basis or any other basis as would be decided by the Government for irrigation (Khariff, Rabi and Hot weather) and for other purpose and the fees/cess etc, chargeable for the purpose will be fixed by the Government, from time to time, and the Pani Panchayat will abide by that, Government have also got the right to review the water rates, cess etc. at such intervals as it deems proper.
- (i) A monthly statement of water account will be made available to the Pani Panchayat for purpose of transparency on water availability.
- (j) The rights of ownership of the distribution system including all structures so handed over for operation and maintenance, land acquired by Government and all other works executed in Pani Panchayat area will remain with Government.

2. RIGHTS AND RESPONSIBILITIES OF THE PANI PANCHAYAT:

- (a) The Pani Panchayat will assume full responsibility for operation and maintenance of the minor/sub-minor and all structures turned over to it. It will also ensure construction/maintenance and repair of all the water courses, field channel and field drain in the said area as covered under the agreement within jurisdiction of the Pani Panchayat. For this purpose, the Pani Panchayat will establish its own operation and maintenance fund to meet the operation and maintenance expenditure. The following items of work are including repair and maintenance work, namely :-
 - (i) Removal of silt from minor/sub-minor/ water courses/ field channels and field drains and proper upkeep of the same.
 - (ii) Repair and maintenance of inspection path and service road to keep them in good condition.
 - (iii) Removal of grass, shrubs and bushes from the canal embankments, and canal beds.
 - (iv) Repairs and maintenance of all structures in the distribution system so handed over for operation and maintenance to keep them in good working condition.
 - (v) Earth work to restore banks to proper shape and profile.
 - (vi) Repairs to lining, painting, plastering, replacing damage portion repairs to masonry and other structures etc.

- (b) The Pani Panchayat shall ensure construction, maintenance and repair of all the water courses, field channels, field drains and other drains structure within the jurisdiction of the Pani Panchayat.
- (c) The Pani Panchayat will protect the entire system covered under the said area within its jurisdiction from any damage whatsoever.
- (d) The Pani Panchayat will undertake / suggest measures for improved water management at the level of minor/sub-minor.
- (e) The Pani Panchayat will receive water from the Government and shall distribute it amongst the water users, whether members or non-members according to the requirement of their area under crop. It will observe economy and equitability in this regard. Wherever possible water shall be supplied to Pani Panchayat on volumetric basis. It will organize better and improved water management methods at the farm level. It will decide for internal distribution of water.
- (f) The Pani Panchayat will have the right to decide its own cropping pattern within the allocated water.
- (g) The Pani Panchayat may ask for and obtain from the Department of Water Resources information on planned operation and maintenance activities in the entire system. It may also request and obtain assistance from the concerned Assistant Engineers of Department of Water Resources and the plan for operation and maintenance in the concerned distributaries / minors / sub-minor for proper asset management.
- (h) The Pani Panchayat may obtain permission from Government in Executive Engineer to utilize any unutilized land acquired by the Government in Department Of Water Resources. However, due care will be taken to protect environment and any damage or disadvantage to the irrigation system.
- (i) The Pani Panchayat shall notify to the project authorities promptly if there is any damage due to unforeseen natural calamities like earthquake, heavy rains, etc.
- (j) The Pani Panchayat shall facilitate collection of water rates from the members/non-members of the association as per the rate prescribed by the Government in accordance with provision of the Orissa irrigation Act, 1959 and rules made there under. The rates charged shall vary from time to time as determined by the Government.

3. IT IS HEREBY FURTHER AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS :

- (i) In case of negligence by the Pani Panchayat in maintenance of the system handed over to it by the Government, the Government will have the right to stop the supply of water by giving 15 days prior notice.
- (ii) In case of repeated negligence and when Pani Panchayat fails to take corrective action within a period as specified by the concerned Executive Engineer to bring in improvement in the system, Government shall terminate this agreement and take back the management and maintenance responsibilities from the Pani Panchayat.
- (iii) In the event of violation of any of the Provisions contained in the agreement with regard to water management system Government may also take similar action provided in sub-clause (ii) above.
- (iv) The concerned irrigation officer (Executive Engineers/assistant Engineers or their authorized representative) shall have to right to inspect the position of water

supply to the Pani Panchayat to inspect the said area cover under this agreement / jurisdiction and to verify whether the agreement entered into by the parties is being implemented properly or not. The Pani Panchayat will be duty bound to comply with the observation if any made by the Government officers in course of inspection.

(v) With view to achieve optimum utilization of available water :-

(a) Government may make provisions for grants to Pani Panchayat towards operation and maintenance on terms and conditions as stipulated by it from time to time and grant benefits of special schemes to Pani Panchayat, if any floated by Government.

(b) Besides, Pani Panchayat will spend out of their own funds towards operation and maintenance, which will include the collection from the non-members towards the cost of operation, and maintenance on pro rata basis of the acreage of land benefited.

(vi) A Committee comprising one nominee from the Project Committee and the Superintending Engineer concerned will resolve all disputes in respect of various provisions made under this agreement. In case of difficulty in resolving it, matter will be referred to concerned Chief Engineer and then to the Government in appropriate Department for settlement.

4. This agreement will remain in force for a period of two years with effect from the date of signing the agreement and will continue for such further period as may be decided by both the parties in writing before expiry of the period of a agreement.

IN WITNESS WHERE OF THE PARTIES HERETO HAVE HEREUNDER SIGNED THIS AGREEMENT ON THE DATE AND YEAR FIRST BEFORE WRITTEN.

Signed by Sri _____ in the Department /Office of _____ for and on behalf of the Governor of Orissa, in the presence of –

1st Witness-

Address :

Occupation :

2nd Witness-

Address :

Occupation :

Signed by Sri _____ Pani Panchayat _____ for and on behalf of the Pani Panchayat, in presence of –

1st Witness-

Address :

Occupation :

2nd Witness-

Address :

Occupation :

FORM-B

[See rule 7(2) (xxvii)]

AGREEMENT BETWEEN ORISSA LIFT IRRIGATION CORPORATION LTD. (OLIC) AND PANI PANCHAYAT (PP)

CHAPTER-I

PARTIES, SUBJECT OF AGREEMENT AND OBJECTIVES

Article 1-Constructual Parties

On behalf of the Orissa Lift Irrigation Corporation Ltd., (Hereinafter referred to as OLIC) the Executive Engineer, OLIC, Department of Water Resources and on behalf of the _____ Water Users' Association, Registration No. _____ (hereinafter referred to as Pani Panchayat) the Chairman of the said Pani Panchayat hereby executes the following agreement at _____ date _____.

Article 2-Subject of agreement

1. As per the present agreement and as specified in the following article, command area of hectares under the command of the Lift Irrigation Project _____ T.W./R.L.(hereinafter referred to as LIP) is being handed over from OLIC to the Pani Panchayat for the purpose of autonomous management of the LIP.
2. A copy of the map showing the said command area of the LIP is attached herewith vide Annexure-1 and forms part of the present agreement.
3. For this purpose, the terms and conditions as specified in the following Articles of the present agreement are accepted by both parties.

Article 3- Objectives

1. The primary objective in executing the present agreement is to promote the participate of the beneficiaries in irrigation management so as to achieve optimum utilization of the available water source aiming at maximization o crop production.
2. It is intended to reduce the cost of operation and maintenance of the LIP for the beneficiaries and to achieve a sustainable maintenance and development of the LIP by promoting an autonomous and responsible management by the cultivators.

CHAPTER II

TERMS AND CONDITIONS

Article 4- Status of Pani Panchayat

At the time of executive of the agreement, the Pani Panchayat has to be a legal and registered body. All the landowners or cultivators in the command area of the LIP have to be members of the Pani Panchayat. If the Landowner, who is a member of the Pani Panchayat, sells his land in the concerned command area, then he/she will cease to be a member of the Pani Panchayat and the new landowner will be eligible for membership of the association.

Article 5-Proper functioning of the LIP

1. Prior to handing over the LIP from OLIC to Pani Panchayat both the parties have jointly visited the LIP to identify any deficiency, omission, substandard or incomplete work or malfunctioning of the equipment. A separate protocol on the state of each component is attached here to vide Annexure-II. The signatures under the present agreement are the testimony of such verification.
2. In case of any malfunctioning at the moment of handing over of the LIP, OLIC guarantees to eliminate all malfunctioning parts within a time period mutually to be agreed upon in order to allow for smooth operation of the LIP.

Article 6-Ownership of the assets

1. The Pani Panchayat becomes the occupier of all assets of the LIP such as head works, distribution system and all other equipment handed over from OLIC to Pani Panchayat as per list enclosed the ownership of the assets, however, will continue to be with the OLIC.
2. Government in the Administrative Department (Water Resources Department) reserves the right to rescind the agreement. In case of inefficient management of the LIPs by the Pani Panchayat the agreement may be rescinded and the LIP may be handed over to any other body or association.

Article7-Operation and maintenance

1. The Pani Panchayat will assume full responsibility for operation and maintenance of the LIP. All repairs major and minor will be undertaken by the Pani Panchayat out to their own funds. OLIC may provide technical assistance to the Pani Panchayat as and when necessary. However, the full cost of repair and maintenance is to be borne by the Pani Panchayat.
2. The Pump Operator may be appointed by the Pani Panchayat.

Article 8-Contract for power supply

1. The Pani Panchayat will enter into agreement with Electric Supply Companies for supply of power to the LIP and will pay energy charges directly to Electric Supply Companies. It will not be responsible for the past liabilities of OLIC.
2. OLIC will inform Electric Supply Companies on the transfer of management of the LIP from OLIC to Pani Panchayat. OLIC will not take any liability of the point. It will however be responsible for the past liabilities of the point.
3. There shall be a tripartite agreement between the Electricity Supply Company, the OLIC and the Pani Panchayat in the above light

Article 9-Training of Pani Panchayat Personnel

OLIC will give training to the Pump Operate and a maximum of two other persons on the following topics-

- (a) Operation and maintenance of the Pump, its equipment and distribution system.
- (b) Carrying out minor repairs of the LIP.
- (c) Training of Pani Panchayat office bearer in book keeping and water tariff calculation as well as provision of model forms for books and registers.
- (d) The training will be free of charge.

Article 10- Water Charges and its collection

The Pani Panchayat has the right to decide upon the amount of water charges to be collected. The water charges will included all the costs for operation and maintenance including-

- (a) salary of pump operator if any,
- (b) energy charges,
- (c) repair charges,
- (d) administrative expenses, and
- (e) other expenses if any.

CHAPTER III

MISCELLANEOUS

Article 11-

1. Any change considered necessary by the Government in future in the Agreement or Bye-Laws will apply mutates mutandis to the existing agreement and Bye-Laws.
2. Any condition may be modified or extended from time to time if both the parties accord their consent thereto in a written form.

This agreement will remain in force with effect from the date of signing the present document until it is rescinded.

CHAIRMAN

EXECUTIVE ENGINEER

(Signature)
Pani Panchayat

(Signature)
O.L.I.C. Division.