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PART IV-B

Rules and Orders (Other than those published in Part I, I-A and I-L) made
by the Government of Gujarat under the Gujarat Acts.

NARMADA, WATER RESOURCES, WATER SUPPLY AND KALPASAR DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 18th November, 2010.

GUJARAT WATER USERS' PARTICIPATORY IRRIGATION MANAGEMENT ACT, 2007 .

DRAFT NOTIFICATION NO 14 PIM-2010/(2)/K(i) .- The following draft of a notification which is proposed to be issued under section 58 of the Gujarat Water Users' Participatory Irrigation Management Act, 2007 (Guj.18 of 2007) is published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Gujarat on or after the expiry of thirty days from the date of publication of this notification in the *Official Gazettee*.

2. Any objection or suggestion which may be received by the Secretary to the Government of Gujarat, Narmada, Water Resources, Water Supply and Kalpsar Department, Sachivalaya, Gandhinagar from any person with respect to the said draft on or before the expiry of the aforesaid period will be considered by the Government.

CHAPTER I.

PRELIMINARY

1. (1) This Rules may be called the Gujarat Water Users' Participatory Irrigation Management Rules, 2010.
- (2) It extends to the whole of the State of Gujarat.

Short title,
extent and
commencement.

- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Rules.

IV-B- EX.-392-1

392-1

Definitions. 2. In this Rules, unless the context otherwise requires,—

- (1) “Association” means a Water Users’ Association of a minor canal service area established under section 5;
- (2) “Committee” means a Managing Committee;
- (3) “Competent Authority in relation to a minor canal service area” means such officer of the State Government as it may, by notification in the *Official Gazette*, appoint for such service area as may be specified therein;
- (4) “field channel” means any channel or pipe (not being a water course) beyond an outlet or, as the case may be, a turn out constructed by the State Government to supply water from a water course or an outlet and maintained by the holder of land either by himself or jointly with other holders of lands or constructed and maintained by the holder of land by himself or jointly with other holders of lands to obtain water from a water course or an outlet, and includes all subsidiary works connected with any such channel or pipe;
- (5) “holder of land” or “land holder” means a person who is lawfully in possession of such land, whether such possession is actual or not;
- (6) “irrigable command area of a minor canal” means such area of land as is irrigated or is capable of being irrigated from the minor canal, being under its command and includes—
 - (a) such area of cultivated land which, in the opinion of a Competent Authority, receives by percolation or otherwise from a minor canal an advantage beneficial to crop in such land and
 - (b) hydraulically managed irrigated area or an area capable of being irrigated either by gravitational flow or by lift irrigation;
- (7) “minor canal service area” means the area determined as a minor canal service area by the Competent Authority under sub-section (1) of section 3;
- (8) “Managing Committee” means a Managing Committee of an Association constituted under section 29;
- (9) “outlet” means an opening which is constructed by the State Government in a minor canal through which water is delivered into a water course or a field channel;
- (10) “prescribed” means prescribed by rules made under this Act;
- (11) “rotational water supply system” means the system of allocation and distribution of water to land in a service area equitably, in such proportion as the area of culturable command of such land bears to the total area of culturable command of a service area, according to the schedule for supply of water specifying among other things the day, turn, time and duration of such supply of water;
- (12) “service area” means the minor canal service area;
- (13) “turn out” means an opening which is constructed in a water course through which water is delivered into a field channel;
- (14) “water course” means a channel / sub-minor constructed and maintained by the Government to supply water from an outlet.

- (15) “year” means the financial year commencing on and from the 1st April of one year and ending on the 31st March of the next year;
- (16) “Act” means the Gujarat Water Users Participatory Irrigation Management Act, 2007.
- (17) “Annexure” means the Annexures appended with these rules
- (18) “Election Officer” means an officer appointed by the Appropriate Authority for the conduct of election of the Members of Managing Committee of the Water Users’ Association;
- (19) “Form” means the forms appended with these rules;
- (20) the expressions “land holders and occupiers of land” shall have the meaning respectively assigned to them in the Gujarat Land Revenue Code ;
- (21) “Rules” means a rule of the Gujarat Water Users` Participatory Irrigation Management RULES-2010 ;
- (22) “Section ” means a section of the Gujarat Water Users` Participatory Irrigation Management ACT-2007 ;
- (23) other words and expressions used but not defined in this Act shall have the meanings respectively assigned to them in the Bombay Irrigation Act, 1879 and General Clauses Act-1948. **Bom. VII of 1879.**

Declaration of minor canal service area.

3. (1) For the purposes of this Rules, the Officer not below the rank of Deputy Executive Engineer in-charge of the minor canals of the irrigation project shall adopt the procedure as specified in **ENCLOSURE-I** and determine the irrigable command area of all outlets of a minor canal and declare the same, by notification in the *Official Gazette*, as a minor canal service area.

(2) Where the Officer not below the rank of Executive Engineer in-charge of the project is of the opinion that it is necessary so to do in the interest of efficient and equitable management of irrigation in the service area, it may, subject to such rules as may be made in this behalf, by notification in the *Official Gazette*,-

- (a) increase the limits of the service area,
- (b) decrease the limits of the service area, or
- (c) alter the boundaries of the service area.

(3) Alteration of area in Minor Canal Service Area. :

Notification under section 3, making amalgamation, division or in any way altering the boundaries of the Minor Canal Service Area at all levels shall not be issued by not below the rank of Executive Engineer in-charge of Minor Canal of the Project unless, a fifteen days public notice calling objections and suggestions regarding such amalgamation, division or alteration from the concern Water Users’ Association and holders or occupiers of the lands likely to be affected thereby, is displayed on the notice board of the office of the concerned Canal Officer and also at the prominent public places in the area of operation of the concerned Water Users’ Association; and the objections and suggestions so received are duly considered by him.

CHAPTER II.

ESTABLISHMENT OF WATER USERS’ ASSOCIATION

4. In this Chapter, unless the context otherwise requires, a “member” means a member of the Association. **Definition.**

5. (1) For the purpose of registration of Water User's association for carrying out various activities of participatory irrigation management laid down under this rules, the officer not below the rank of Superintending Engineer shall be empowered. **Establishment of Water Users’ Association.**

- (2) For the purposes of this Rules, there shall be formed by the Officer not below the rank of Superintending Engineer, a Water Users' Association for each Minor canal service area consisting of as specified in section 5 of the Act.
- (3) After the area of operation of the Water Users' Association at Minor Level has been declared under rule 6, the holders and occupiers of the land so declared shall form a Water Users' Association. As soon as the association is formed, the officer not below the rank of Executive Engineer in charge of the project shall on verification and identification of the membership of the Water Users' Association call a first General Meeting of all the members so identified by giving proper prior publicity by way of displaying the notice of the said meeting at prominent public places in the area of operation of the Water Users' Association.
- (4) The notice of the meeting under sub-rule(3) of rule 5 shall be displayed at least seven days prior to the actual date of the meeting.
- (5) Such meeting of the holders / occupiers of land in the service area as specified in section 5 of the Act, shall be presided over by the officer not below the rank of Deputy Executive Engineer, shall inform all the members present therein about the registration of the Water Users' Association, election of President and formation of Working Committee consisting of three members, one from each Head, Middle and Tail reaches. The members present in the meeting shall decide the suitable name of Water Users Association and elect President and Working Committee by passing a resolution with majority. Executive Engineer in charge of the project shall send the proposal to concerned Superintending Engineer in charge of the project for registration of Water Users' Association.
- (6) The WUA for participatory irrigation management, if any, registered prior to the effective date of the Act or registered under any act or by any official of the government, shall be deemed to be registered under this Act. Executive Engineer in charge of the project shall send the proposal to concerned Superintending Engineer in charge of the project for fresh registration certificate to that effect for such Water Users' Association also.
- (7) The Superintending Engineer in charge of the project shall enter the said name of the Water Users' Association as mentioned in sub-rule (5) and (6),of rule-5 in the register in **Form-II of Annexure-1** to be maintained at the circle office and shall issue the registration certificate to Water Users' Association in the format specified in **Form I of Annexure-1**.
- (8) The Officer authorized by Executive Engineer in-charge of the project shall display at the prominent places in the Minor Canal service Area of the Water Users' Association, the name of the Association, its registration number, the date of registration and the Minor Canal service Area of the Water Users' Association.
- (9) A year-wise permanent register of Water Users' Association shall be maintained in **Form-II of Annexure-1**, at the Division and Sub Division Level by the officer designated in this behalf.
- (10) If, in any area of operation of a Water Users' Association at Minor Level no such Water Users' Association is constituted, the officer not below the rank of Superintending Engineer in-charge of the project shall entrust the functions of such Water Users' Association to any Government agency or Non-Government Organisation or Cooperative society or any other Water Users' Association by order, till such Association is constituted and functioned. The officer not below the rank of Superintending Engineer in-charge of the project shall entrust such functions for a period not exceeding to one year. However, the officer not below the rank of Superintending Engineer may extend for further one year period on reviewing the situation and performance of the agency involved during last one year.

Provided that, he shall be before issuing any such order of entrusting such functions shall ascertain the willingness of such agency or Non-Government Organisation or Co-operative Society or, as the case may be, an Association.

(10A) As specified in sub- rule (10) above, for the purpose of formation or establishment of Water User's association and carrying out various activities of participatory irrigation management laid down under this rules, the officer not below the rank of Superintending Engineer may invite and engage the competent and reputed Non-Government Organisation (NGO) or a successful Water Users' Association which works actively in different irrigation sectors and is capable of promoting Water

User's Associations and supporting them in participatory irrigation management through motivation. Government shall give financial assistance to them as per the norms laid down from time to time as facilitator or community organisor. After completion of period specified in sub- rule (10) above, the required services of Non-Government Organisation or successful Water Users' Association as facilitator or community organisor may be continued at the cost of Water User's Association, if that Water User's Association desires.

(10B) As specified in sub- rule (10) above, for the purpose of formation or establishment of Water User's association and carrying out various activities of participatory irrigation management laid down under this rules, in case of non-availability facilitator or community organizer as specified in sub-rule (10A) above, the officer not below the rank of Superintending Engineer may assign the competent Assistant Engineer or Additional Assistant Engineer who is devotee and capable of promoting Water User's Associations and supporting them in participatory irrigation management through motivation. Government shall give incentive to that Assistant Engineer or Additional assistant Engineer for such assigned activity as per the norms laid down from time to time for payment to facilitator or community organisor.

(11) Participation of Water Users' Association in execution of on-going projects.- With the primary object of formation of the Water Users' Association, the following procedure may be adopted for the participation of the Water Users' Association at Minor Level in the execution of the work of distribution system.

- (a) The command plan of proposed distribution system showing alignment of minors, water course/ sub-minors, field channels, location and level of all structures on the channels, command area boundaries of all channels, village boundaries, natural drains, gaothans, alongwith prescribed water use entitlement, shall be displayed in the office of the concerned sub division canal Officer at least for the period of fifteen days for study by the farmers and offering their comments or suggestions.
- (b) The Sub Division Canal Officer shall call the meeting of all probable beneficiaries and explain the proposal to them.
- (c) Any suggestions or comments on the proposed distribution system shall be submitted by the probable beneficiaries to the concerned Sub Division Canal Officer within a period of thirty days.
- (d) All the suggestions or comments received shall be discussed in the meeting of farmers called for this purpose and appropriate decisions shall be taken in this meeting and kept on record. In case of disagreement, the decision given by the concerned Executive Engineer, shall be final.
- (e) Plans and estimates may be revised, if necessary, based on the decisions taken in the said meeting.
- (f) After finalizing the proposal, the Sub Division Canal Officer shall initiate and complete the process of entrusting the works to Water Users' Association.
- (g) The execution of the work may start by following the usual procedure adopted in the Department.
- (h) The Chairperson of Managing Committee and Chair person of sub-committees of Water Users' Association at Minor Level shall inspect the work going on and look after the quality of the works.
- (i) The completed system, after testing at Full Supply Level / designed capacity, shall be handed over to the concerned Water Users' Association.

* For Sardar Sarovar Project as far as this clause No.5 is concerned the word "Superintending Engineer" should be replaced by "Executive Engineer" and the word "Executive Engineer" should be replaced by "Deputy Executive Engineer"

6. (1) The first members of the Water Users' Association and all persons, who may hereafter become members thereof so long as they continue so to be, are hereby constituted a body corporate by the name as specified in the sub-section (1) of section -6 of the Act.

**Incorporation
of Water
Users'
Association.**

(2) The said body shall have perpetual succession and a common seal and may sue or be sued in its corporate name and shall, subject to the provisions of the Act, be competent to acquire, hold or dispose off property, movable or immovable, to raise loans on the security of its fund in such manner and subject to such limits and other requirements including guarantee as may be prescribed and to contract and do all things necessary for the purposes of the Act.

President of Water Users' Association 7. (1) The President and the Working Committee, elected in the first meeting of the Association as above in sub-rule -(5), of rule 5 shall complete the procedure of registration of Water Users' Association as specified in rule-5, incorporation of Water Users' Association as specified in Rule-6 and shall enter in to an agreement or Memorandum of Understanding prescribed by the Government with the Executive Engineer in charge of the project for entrusting minor canal for participatory irrigation management before or after rehabilitation of minor canal and shall also call the successive meeting of the Association for the election of members of the Managing Committee of Water Users' Association as specified in rule-29 within the period not more than Ninety days from the date of registration of Water Users' Association.

(2) The President and the members of the Working Committee shall have to contest the election to become the members of the Managing Committee of Water Users' Association.

(3) On the constitution of the Managing Committee and its Chair Person, all the powers and functions vested in to the President and the Working Committee under this Rules shall be deemed to be transferred to the constituted Managing Committee and the Chair Person immediately on the day of the result of the election of Chair Person.

Meetings of Association. 8. (1) The Association shall meet at such time and place and shall, subject to sub-rule (2), observe such rules of procedure with regard to the transaction of business at its meeting as prescribed under.

(a) All the members of the Association shall be intimated at least before Seven days for the time and place of the meeting.

(b) All the questions at a meeting of the Association shall be decided by a majority of votes of the members present and voting on the question and when there is an equality of votes, the Chair Person shall have the second or casting vote;

(c) The quorum of the meetings of the Association shall not be less than one-third of members of the WUA:

Provided that the members of the Association falling under section 5 of the Act, shall have the right to speak or otherwise take part in the proceedings of a meeting of the Association held under clause (a) of sub-section (1) of section 7 or under sub-section (1) but shall not be entitled to vote.

(2) Meetings of the Association.-

1. The Water Users' Association shall, at least meet immediately before commencement of each irrigation season. Every meeting of the Association shall be presided over and regulated by the Chairperson and in his absence, by such one of the members present of the Managing Committee as may be chosen in such meeting to be Chairperson for the occasion.

2. A Chairperson, may, on his own motion, or on the written requisition signed by not less than one third numbers of the total members of the Water Users' Association having a right to vote, call the meeting of the Association.

3. A meeting of the Association may also be held on receipt of a direction in that regard from the Deputy Executive Engineer in-charge of the project.

(3) Quorum:-

1. At all the meetings of the Association, the quorum shall be one third of the total number of members of Water Users' Association.

2. If there is no quorum for the meeting, the meeting shall be adjourned and be convened again on a date after seven days of the original meeting.

3. For the adjourned meeting of the Association, no quorum is required and resolution shall be carried by a majority of the members present and voting.
4. At a meeting of the Association, the items specified in the agenda shall be discussed and no other subjects will be discussed without the permission of the Chairperson.
- (4) Every proceeding of the meeting of the Association shall be recorded in the minute book maintained for the purpose and authenticated by the Chairperson or the person who has presided over the meeting, as the case may be. A copy of the minutes shall be sent to Executive Engineer in-charge of the project through Deputy Executive Engineer.
9. (1) The Association, to perform its functions, may appoint, required establishment as specified and provided in section-9 of the Act.
- (2) Unless otherwise provided in the Act or rules made there under, any member or the Secretary specifically empowered in that behalf by the Managing Committee shall discharge the functions of the Water Users' Association to achieve the objectives of the Act.
- (3) The salary and allowances payable to, and other conditions of service of the secretary, minor canal operator and other officers and employees shall be such as may be determined and borne by the Association. The pay and allowances of the Secretary and the other appointed staff shall be fixed by the Managing Committee of the Water Users' Association considering the area of operation and responsibilities required to be discharged by them. The pay and allowances so fixed shall be paid exclusively by the concerned Water Users' Association and the Government shall not in any way responsible for such payments or for any other liability as such.

Officers and employees of Association.

CHAPTER III.

PARTICIPATOROY IRRIGATION MANAGEMENT AND OTHER FUNCTIONS OF ASSOCIATION.

10. In this Chapter, unless the context otherwise requires—
- (a) “designated person” means the Chairman of the Committee,
- (b) “entrusted minor canal” means the minor canal the irrigation management of which is entrusted to an Association under sub-section (1) of section 16.of the Act.
11. For the purpose of enabling an Association to undertake participatory irrigation management, the Deputy Executive Engineer shall, so far as possible, provide an assured supply of water from a minor canal on volumetric basis, or such other basis as may be prescribed, to the service area by ensuring that, —
- (a) there is a measuring device at the minor canal and
- (b) the minor canal is operated in accordance with a programme for supply of water for each season prepared by the Deputy Executive Engineer in consultation with the designated person.
- (c) Looking to the applicable water entitlement as approved by the officer not below the rank Executive Engineer in-charge of the project, the available storage of irrigation water shall be supplied from time to time as per the consent of the Water Users' Association. It shall be the responsibility of the WUA of the minor canal to monitor and ensure that every member of the Water Users' Association receives the quantum of water as per applicable water entitlement.
12. The Assistant Engineer / Additional Assistant Engineer shall ascertain from the designated person the willingness or otherwise of the Association to participate in the irrigation management of the minor canal from which water is to be supplied to the service area for irrigation.

Definitions.

Competent Authority to provide assured supply of water.

Ascertainment of willingness of Association to undertake irrigation management.

13. (1) Where an Association expresses its willingness to participate in irrigation management under section- 12 of the Act, it shall be required to enter into an agreement with the State Government, in such form as may be prescribed, providing for such participation **Annexure-2**.

(2) A year-wise permanent register of Agreements between Water Users' Association and Executive Engineer shall be maintained in **Form-A**, in the office of the Division Level by the officer designated in this behalf.

Joint
inspection of
minor
canal.

14. (1) As soon as an agreement is entered into by the Association with the State Government under section 13 of the Act, there shall be carried out inspection of the minor canal, which is to be managed by the Association under the agreement, jointly by the Assistant Engineer / Additional Assistant Engineer and the designated person.

(2) The inspection under sub-rule (1) shall also be carried out of water courses, if any, existing in the service area, which are to be managed by the Association along with the minor canal.

Repairs
to canal.

15. (1) Where, on account of the joint inspection of the minor canal and water courses under section 14 of the Act, it appears, both to the Assistant Engineer / Additional Assistant Engineer and the designated person, that it is necessary to carry out repairs to the minor canal and any of the water courses, as mutually agreed upon in agreement annexed to **Annexure-3**, before entrustment of the irrigation management of the minor canal along with the water courses, the Association shall carry out the repairs to the minor canal and water course.

(2) The cost of the repairs to the minor canal and water course carried out under sub-rule (1) shall be borne both by the State Government and the Association for such proportion as may be determined by the Department from time-to-time.

(3) Where Association denies to carry out repairs as listed after joint inspection or fails to carry out repairs under sub-rule(2) within such time as may be stipulated by the Executive Engineer, the same shall be carried out by the Executive Engineer, the cost of such work shall be borne as provided in sub-rule (2).

Entrustment
of irrigation
management
to
Association.

16. Where repairs to the minor canal and water courses are carried out under section 15 of the Act, the Executive Engineer shall, by an order in writing, entrust the irrigation management of the minor canal and water courses to the Association. Also, the Association shall take over the irrigation management of the minor canal and water courses as specified in the sub-section (2) of section 16 of the Act.

Constru -
ction of
water
courses by
Association.

17. (1) Where there do not exist water courses / sub minors in the service area at the time when irrigation management of the minor canal is entrusted to the Association, the Association shall construct the water courses / sub minors in the service area.

(2) For the purpose of construction of water courses/ sub minors by the Association, the Executive Engineer shall prepare a draft scheme for construction of water courses / sub minors in the service area and for that purpose, the provisions of sub-section (2) of section 20A and sections 20B to 23 of the Bombay Irrigation Act, 1879 shall, so far as may be, apply as if—

- (a) for the words "field channel" wherever they occur, the words "water course/ sub minor" had been substituted;
- (b) in clause (vi) of sub-section (2) of section 20A, for the words "the canal to this land" appearing at the end, the words "from the outlet of the entrusted minor canal" had been substituted,
- (c) for the words "the authorised canal officer" or "canal officer", wherever they occur, the words "Competent Authority" had been substituted.

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Constru-
ction of
field
channels by
Association.

18. Where there does not exist field channels in the service area at the time when irrigation management of minor canal is entrusted to the Association, the Association shall construct field channels in accordance with the provisions of Part III of the Bombay Irrigation Act, 1879, in so far as they are applicable, as if—

- (a) for the words "the authorised canal officer" or "canal officer", wherever they occur, the words "Competent Authority" had been substituted,

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of 1879.

- (b) in clause (vi) of sub-section (2) of section 20A, for the words “the canal to this land” appearing at the end, the words “from the entrusted minor canal to this land” had been substituted.

**Functions
of
Association.**

19. The Association, which enters into an agreement with the State Government under section 13 of the Act and rule-13 of the said rules to which irrigation management of a minor canal and water courses are entrusted under sub-section (1) of section – 16 of the Act and rules 16 of the sub-rules, shall generally undertake irrigation management of the entrusted minor canal and water courses and particularly perform the following functions, namely:—

- (a) to ascertain the demand of water of each holder of land in the service area;
- (b) (i) to measure and receive the quantity of water at the measuring device and to ensure proper apportionment and distribution of the water so received to all holders of land in the service area and for that purpose, to prepare rotational water supply system and implement it;
- (ii) Flow Measurement, its record and periodic evaluation of flow measuring device.-The procedure for accurate flow measurement, its proper record, periodic evaluation of measuring devices and ascertaining the volume of water for a period in which measuring device is out of order shall be as specified in **Enclosure-3**.
- (c) to inquire into complaints regarding distribution of water and to take immediate action to remedy them;
- (d) to take steps to prevent unauthorised use of water or waste of water or damage to the entrusted minor canal;
- (i) The Water User’s Association shall take all possible measures to keep ground water table in its area of operation below 3 meters from ground level, to avoid the incidents of salinity and water logging. The Water User’s Association shall duly promote the use of ground water to meet these objectives.
- (ii) In order to ensure equity of water supply within a project and to protect environment the officer not below the rank of Executive Engineer in-charge of the project shall, whenever and wherever found necessary, impose any of the following restrictions on the use of ground water.-
- (a) Horizontal or lateral bores shall not be taken.
- (b) The depth of the bore holes or dug wells shall be as specified by the Project Authority.
- (c) The Water Users’ Association shall utilize ground water in its area of operation only. However, officer not below the rank of Executive Engineer in-charge of Project may permit the use of ground water beyond the area of operation of Water Users’ Association only for valid purposes.
- (e) to carry out normal maintenance and repairs of the entrusted minor canal in accordance with the terms and conditions of the agreement entered into under rule-13,
- (f) to recover and to pay the water rates levied under section- 44 of the Bombay Irrigation Act, 1879 or the occasional water charges levied under section- 45 of the Bombay Irrigation Act to the State Government on or before the due dates for their payment,
- (g) for the purpose of payment of water rates under clause (f), to determine the water rates or, as the case may be, the occasional water rates payable by the land holders and collect the water rates or, as the case may be, the occasional water charges, so determined from the land holders;
- (h) (i) to maintain proper accounts of water received and distributed, and of money and materials received and used;
- (ii) to furnish requisite information in time and in the format specified in **Annexure-7** or in the format asked for by the Deputy Executive Engineer in-charge of the project for compilation of Annual Irrigation Status Report.

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of 1879.**

(iii) to furnish the requisite information for the monitoring / evaluating the performance of Water Users' Associations. Following parameters are to be used for evaluating the performance of Water Users' Association.

A. Functional Parameters:

1. Whether there is elected Managing Committee for the Water Users' Association.
2. Whether two General Body meetings have been conducted preferably before the commencement of the irrigation season in any Irrigation year.
3. Whether the management of distribution of water have been done by the Water Users' Association

B. Financial Parameters:

1. Whether the Water User's Association has opened its account in the Bank as provided in section- 23 of the Act.
2. Whether the Water User's Association has maintained its various accounts in **Forms-D** and **E**, respectively, and ledgers in **Form-F** properly.
3. Whether the Water User's Association has started collection of water charges as per the Water Bill specified in **Form-G** from its members so also issued Receipt therefore in **Form-H** and promptly remitted it in its Bank account.
4. Whether the Water Users' Association has issued proper Receipts in **Form-I**, maintained a Cash Book in **Form-J** and also maintained a Payment Register in respect of the payments made in **Form-K** and Dead-Stock Register in **Form-L**.
5. Whether the Water User's Association has started remitting the water charges against the bills received from the Deputy Executive Engineer in-charge of the project.

C. Administrative parameters:

1. Whether the Water User's Association has appointed its Secretary.
2. Whether the record of its members within the area of operation i.e., Registration Book for members in **Form-M** and a Pass Book in **Form-N** has been correctly maintained and updated.
3. Whether various books of key records listed below as prescribed by the Department and its undertakings are maintained,
 - i. A register of members of the Water Users' Association, containing the names of the members, details of their holding of lands in the area of operation of the Water Users' Association and their water entitlements in the normal year.
 - ii. A copy of the Act, and the rules made there under duly modified up-to-date.
 - iii. A map of the area of operation of the Water Users' Association along with a map of the structure and canal systems.
 - iv. A statement of assets and liabilities.
 - v. A register of the proceedings of the General Body meetings.
 - vi. A register of the proceedings of the Managing Committee meetings.
 - vii. A register of the proceedings of the elections and recall of the members of the Managing Committee.
 - viii. Books of account showing receipt and payments along with money receipt book, cheque register, voucher files and the like.

- ix. Books of account of all purchases and sales of goods by the Water Users' Association.
 - x. Register of measurement books, level field books, work orders and the like.
 - xi. Copies of the audit reports and inquiry reports.
 - xii. Water Accounts.
 - xiii. A map showing boundaries of the land acquired by the Department for the purpose of construction of water conveyance system (Canal and Structures) and other allied activities.
 - xiv. Register of wells, tube-wells situated within the area of jurisdiction of Water Users' Association.
 - xv. Irrigation log-book/ passbook.
 - xvi. Water charges recovery register.
 - xvii. Register of work executed by the Water Users' Association.
 - xviii. Register of area irrigated.
 - xix. Annual financial budget as specified in **Annexure-8**.
 - xx. Complaint Register.
- (i) to carry out other duties and functions imposed upon the Association by or under this Act and to act according to the terms and conditions of the agreement entered into under Rule 13;
- (j) to refrain from doing anything which is contrary to the Act or the rules made there under and the terms and conditions of the agreement entered into under Rule 13.
- 20.** (1) The Assistant Engineer / Additional assistant Engineer may, from time to time, inspect, —
- (a) the water distribution by the Association in the service area of the entrusted minor canal, and
- (b) the records maintained by the Association in relation to such water distribution or other functions of the Association.
- (2) The Deputy Executive Engineer may issue to the Association such directions as it deems necessary, —
- (a) where, on inspection under sub-rule (1), the Deputy Executive Engineer is of the opinion that—
- (i) the water distribution is faulty or
 - (ii) the records are not maintained or are maintained but not properly, or
- (b) to ensure compliance by the Association of the provisions of this Act and the rules made there under or of the terms and conditions of the agreement entered into by the Association with the State Government.
- (3) The Association shall carry out the directions issued to it by the Deputy Executive Engineer under sub-rule (2).
- (4) Where the Association makes persistent default in carrying out the directions issued to it under sub-rule (2), the Superintending Engineer, after ascertaining the procedure laid down in rule 36 is completed by the Executive Engineer in-charge of the project, may, notwithstanding anything contained in the agreement, in consultation with the Government, terminate the agreement or memorandum of understanding or may take steps against such Association, such as stoppage of supply of water for one season.

**Power of
Competent
Authority to
inspect and
give directions.**

(5) In addition to above functions, powers and duties, the Department shall have the following other functions:-

- (a) to determine and notify by the Executive Engineer in-charge of the project the Applicable Water Entitlement for Water Users' Association by following the guidelines specified in **Annexure-6 and Enclosure-4**;
- (b) based on Applicable Water Entitlement determined by the Executive Engineer in-charge of the project in normal or deficit or surplus year, it shall be the responsibility of the Deputy Executive Engineer in-charge of the project to notify the Applicable Water Entitlement and to ensure the supply of water as per the Applicable Water Entitlement on bulk basis measured volumetrically to the Water Users' Association at agreed intervals every year;
- (c) to carry out the procedure by the Deputy Executive Engineer in-charge of the project for recall of a member of a Managing Committee of a Water Users' Association under rule-35 of the said rules;
- (d) to enter into an agreement by the Executive Engineer in-charge of the project with the Water Users' Association ;
- (e) to perform the functions of the Managing Committee by the Deputy Executive Engineer in-charge of the project during pendency of the reconstitution of the Managing Committee under rule 36.
- (f) to monitor and ensure whether the Deputy Executive Engineer in-charge of the project is providing assistance and technical guidance to the Water Users' Association;
- (g) to resolve dispute or differences arising between the members of the Managing Committee of a Project
- (h) to guide for preparation of water budgeting of the Water Users' Association;
- (i) to help in training the members and other persons nominated by the Water Users' Association for efficient discharge of their duties by the Deputy Executive Engineer in-charge of the project.
- (j) to follow the guidelines issued by the Department to accomplish the objectives of the Water Users' Association, from time to time.

Determination and collection of water charges by Association. **21.** An Association may determine the water charges due from its members for the water supplied from the minor canal to their land for irrigation and collect the same.

Other functions of Association. **22.** The Association shall perform the following functions, namely:—

- (1) to receive applications for use of water for irrigation from its members accompanied by such fees as may be determined by the Association,
- (2) to register its members,
- (3) to collect such fees, as are determined by it, from its members,
- (4) to permit supply of water for irrigation to its members,
- (5) to regulate use of water,
- (6) to promote economy in the use of water,
- (7) to encourage members to adopt water saving devices or techniques such as drip, sprinklers and to recommend to the State Government remission of water rates, payable by members who adopt water saving devices and the State Government may, after verification, grant remission subject to such principles as may be prescribed;

- (8) to collect water rates levied under section- 44 or 45 of the Bombay Irrigation Act, 1879 from its members,
- (9) The bill and receipts of water charges for water supplied to the Water Users' Association shall be in the format specified in **Forms-B and C**, respectively.
- (10) to collect such water charges from members for use of water for purposes other than irrigation as may be determined by the State Government,
- (11) to make payment to the State Government of water rates collected from its members after deducting thereupon such percentage of cost of collection as may be prescribed,
- (12) to prepare plan for maintenance of the entrusted minor canal and for construction and maintenance of water courses and field channels and all other works related to the entrusted minor canal, water courses and field channels,
- (13) to collect from its members expenses incurred by it in carrying out normal maintenance and repairs of the entrusted minor canal,
- (14) to maintain such records as may be prescribed. Initially, the sample copies of the records, as prescribed in rule 19 shall be provided by the Department.
- (15) If there are any encroachments in the area of operation of Water Users' Association, the concerned Water Users' Association shall take the following steps to remove the encroachments,
 - (1) Discuss and accordingly take decision about the encroachment in the meeting of the Managing Committee.
 - (2) As per the decision taken by the Management Committee, the Water Users' Association shall make efforts to remove the said encroachment.
 - (3) In case of a failure to remove the encroachment, the Managing Committee shall inform the concerned Deputy Executive Engineer in-charge of minor canals in writing about the decision and efforts taken by the Committee for removal of encroachment.
 - (4) Help the concerned Deputy Executive Engineer in carrying out the survey and preparing official report about the encroachment.
 - (5) Assist the concerned Deputy Executive Engineer in removing the encroachment as per the directions issued by the Government from time to time.
- (16) The Water Users' Association for giving its water quota, by consent of Majority of members may enter into an annual tri-partite agreement between the Water Users' Association, Executive Engineer in-charge of the project and private bodies or company. All the parties to the agreement can enter into a new agreement at the end of every year with their mutual consent. As far as possible while entering into such agreement, the following factors shall be observed:
 - (1) Consent of majority of the members of the Water Users' Association in the form of a resolution of its General Body shall be necessary for entering into the tri-partite agreement, and for its renewal or modifications, if any.
 - (2) The draft of tri-partite agreement shall be prepared by the Deputy Executive Engineer in-charge of the project and shall be consented to and finalised by all the parties to the tri-partite agreement. The original draft or the modified or renewed draft of the tri-partite agreement shall be prepared by the parties concerned and approved by the Superintending Engineer in charge of the project giving due thought to the Water Users' Association, water use entitlement, soil-crop-climate in the area of operation of the Water Users' Association and other relevant socio-economic aspects of irrigated agriculture.
 - (3) The Deputy Executive Engineer in-charge of the project shall be responsible to check whether the agreement is as per the provisions of the Act and the rules there under and also to safeguard and protect the Canal System and Government property.

- (4) The terms and conditions regarding services to be provided by the private body or the company to the Water Users' Association shall be the sole responsibility of such private body or the company and the Water Users' Association. The Executive Engineer in-charge of the project and the Department shall not in any way responsible for such services or for any compensation or any such matter related to the tri-partite agreement.
 - (5) The tri-partite agreement shall be valid only in the area of operation of the Water Users' Association and it shall exclusively be related to the irrigated agriculture only.
 - (6) Disputes or conflicts, which may arise in respect of the tri-partite agreement, shall be resolved as per the provisions made in the agreement itself.
 - (7) The original copies of tri-partite agreement shall be kept with each of the parties to the Agreement. Copy of such agreement shall be made available to the concerned members of the Water Users Association on written demand and on advance payment of fee as fixed by Executive Engineer in-charge of the project from time to time.
- (17) to perform such other functions as are laid down by or under the Act and this rules.

CHAPTER IV

FINANCE, ACCOUNTS, AUDIT AND REPORTS OF ASSOCIATION

Fund of Association.

- 23.** (1) The Association shall have its own fund and all receipts of the Association shall be credited thereto and all payments by the Association shall be made therefrom.
- (2) The Association may accept grants, subventions, donations and gifts from the Central Government or the State Government or a local authority or any individual or body, whether incorporated or not, for the purposes of this Act.
- (3) The Association may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as expenditure payable out of the fund of the Association.
- (4) All moneys belonging to the fund or Sinking Fund of the Association shall be kept in any corresponding new Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882 at the discretion of the Association.
- (5) Utilization of Funds:
- (1) All funds received by a Water Users' Association in accordance with the provisions of the Act and all sums accruing to it under the provisions of any law for the time being in force shall be credited forthwith to the Banks mentioned in section- 23 of the Act and the funds shall be utilized to fulfill the objects of the Water Users' Association.
 - (2) The estimate of the probable expenditure on various items for the next financial year shall be prepared and got approved in the Annual General Meeting before the commencement of the said financial year.
 - (3) The expenditure up to rupees five thousand can only be made with the prior written permission of the Chairperson. Any expenditure more than rupees five thousand shall be approved in advance in the meeting of the Managing Committee. The procedure of calling quotations or tenders shall be followed for the purchases or execution of works. The procedure shall ensure transparency, competition and workable rates.

- (4) The Water Users' Association may allow its Secretary to keep a cash in hand not exceeding rupees two thousand for meeting current expenditure.
- (5) The Managing Committee shall ensure that the expenditure on inauguration and other functions, office building and decoration, transport, furniture, meetings, photographs, publication of annual reports and on any such matters shall be minimum, so that the maximum amount can be utilised on actual maintenance, repairs and management.
- (6) All the payments more than rupees one thousand shall be made by cheque.
- (7) The Water Users' Association shall lay down the procedure for collection of water charges as provided in the Act from their members taking into consideration the Government dues for supply of water as well as operating expenses of the Water Users' Association as in relevance to the procedure laid by the Department from time to time.
- (8) Water Users' Association shall not create any debts or raise loans which are disproportionate to the assets of the Water Users' Association. Short-term loans, however, can be taken by the Water Users' Association to meet its objects, with the prior approval of the Managing Committee. Debts or loans shall not be raised by Water Users' Association against the Government assets handed over to the Water Users' Association for use.

24. (1) Whenever the Association raises a loan for the purposes of this Act, it shall establish a fund to be called a Sinking Fund and shall pay into it on such dates as may be approved by the Executive Engineer in charge of the project such sum as will, with accumulations of compound interest, be sufficient after payment of all expenses to pay up the loan within the stipulated period: Sinking Fund.

Provided that if, at any time, the sum standing to the credit of the Sinking Fund is of such amount that if allowed to accumulate at compound interest, it is sufficient to repay the loan within the stipulated period, then, with the permission of the Executive Engineer in charge of the project, further payments into such fund may be discontinued.

(2) The Association may apply a Sinking Fund or any part thereof in or towards the discharge of the loan for which the fund is established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose.

(3) Every Water Users' Association shall create a Reserve Fund as required under section- 24 of the Act. Ten per cent of water charges collected by the Water Users' Association and ten per cent of profit accrued to the Water Users' Association shall be deposited every year in the account maintained separately for this purpose. Generally, it is expected that the accrued reserve fund shall be utilized for special or emergency repairs of the physical system in the jurisdiction of the Water Users' Association whenever required as approved by the Managing Committee.

25. (1) (a) The Association shall prepare annually on or before such date and in such form and manner, as may be prescribed, a budget for the next financial year, showing the estimated receipts and expenditure. Budget.

(b) The Association shall, as soon as may be after the said date, consider the budget estimate so prepared and approve the same subject to such modification as it may make.

(2) Except in the case of emergency, no sum shall be expended by or on behalf of the Association unless the expenditure is covered by provision in the budget as approved.

(3) Budget.-

(1) In every financial year, the Managing Committee of a Water Users' Association shall prepare a draft budget in the format specified in **Annexure-8** in respect of next financial year. The budget shall be placed before the meeting of the General Body to be held before 15th of March every year.

(2) A brief note explaining the following shall be accompanied to the draft budget,-

(a) Remarks from latest Audit Report and its compliance.

- (b) Budget proposals and their justifications.
- (3) The draft budget with explanatory note as required under sub-rule (2) shall be made available in the office of the Water Users' Association at least one week before the day fixed for General Body meeting.
- (4) The draft budget shall be approved by the General Body with necessary changes, if any.
- 26.** (1) The accounts of the Association shall be prepared and maintained in such form and manner as may be prescribed.
- (2) The Association shall cause to be prepared for each financial year an annual statement of accounts in such form as may be prescribed.
- (3) The accounts of the Association shall be audited by an auditor who is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949.
- (4) The said auditor shall be appointed by the Association.
- (5) Every auditor appointed to audit the accounts of the Association under this Act shall have a right to demand the production of books of accounts, connected vouchers and other documents and papers, to inspect the offices of the Association and to require such information from the Association as he may think necessary for performance of his duty as an auditor.
- (6) The auditor shall send a copy of his report together with a copy of audited accounts to the Association which shall, as soon as may be after the receipt of the audit report, forward the same to the Deputy Executive Engineer in charge of the project.
- (7) The books of accounts and other records maintained by the Water Users' Association shall be open for information to all the members of such Association free of cost during working hours on any working day at the office of the Water Users' Association. Such accounts and records shall be open to others under Right To Information Act-2005.

Accounts
and Audit

However, if a copy of any document is required by any member, the same shall be made available by the concerned Water Users' Association on written demand and on payment of a fee as stipulated by the Managing Committee, from time-to-time.

(8) Financial Audit:

- (1) At the end of each financial year, and not later than three months after the commencement of the new financial year, the Water Users' Association shall cause its accounts to be audited in the following manner,-
- (i) The Auditor so appointed by the Water Users' Association shall take all steps necessary to scrutinize the accounts of receipts and expenditure, within thirty days of his appointment and furnish the audit report along with the statement of accounts and balance sheet to the Chairperson of the concerned Water Users' Association before the 30th June of every year.
- (ii) The Managing Committee of a Water Users' Association shall take note of the Audit Report and prepare audit rectification report, if necessary, which shall be submitted to the Auditors within one month of its receipt.
- (iii) The audit report shall be submitted to the General Body in its meeting before the 31st August of every year. The General Body will take note of the audit report.
- (iv) The Managing Committee of a Water Users' Association shall furnish the "Action Taken Report" to the General Body.
- (v) The financial year of the Water Users' Association shall commence from 1st April to 31st March.
- (2) The Secretary of the Water Users' Association shall be responsible for maintaining, safe keeping and custody of all the financial documents such as cash book, ledgers, and such other documents and the Chairperson and the Secretary shall authenticate the

necessary documents on behalf of the Water Users' Association as and when authorized by the Managing Committee of the said Water Users' Association.

- (3) The Audit under section- 26 of the Act shall include in addition to the other matters the examination and verification of the following items, namely:-
- i. Over dues of debts, if any.
 - ii. Cash balance and securities and valuation of the assets and liabilities of the Water Users' Association.
 - iii. Whether loan and advances and debts made by the Water Users' Association on the basis of security have been properly secured and the terms on which such loans and advances are made or debts are incurred are not prejudicial to the interest of the Water Users' Association and its members.
 - iv. Whether the Water Users' Association has properly utilized the financial assistance, if any, granted by the Department or financing institutions, for the purpose for which such assistance was granted.
 - v. Whether the Water Users' Association is properly carrying out its objects and obligations towards its members.
- (4) The Section Officer in-charge of the project shall, for the purpose of audit, at all times have access to all the books, accounts, documents, papers, securities, cash and other properties belonging to, or in the custody of the concerned Water Users' Association and may summon any person in possession or responsible for the custody of any such books, accounts, and such other documents to produce the same at the headquarters of the Section Officer or Assistant Engineer or Additional Assistant Engineer or Deputy executive Engineer.
- (5) The auditor selected by the Superintending Engineer in charge of the project shall, for the purpose of Scrutinizing the audit report made by the Water Users' Association carry out the sample Audit and may summon any person in possession or responsible for the custody of any such books, accounts and such other documents to produce the same at the headquarter of the concerned Deputy Executive Engineer. For this purpose, the Superintending Engineer in charge of the project shall invite application from desirous and competent Chartered Accountants to work as Auditors for Water user Association and prepare of a panel of such duly selected Chartered Accountants.

Annual report.

27. The Association shall, during each financial year, prepare, in such form in **Annexure-7** and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and an account of activities likely to be undertaken by it in the current financial year and copies of such report shall be forwarded to the Executive Engineer through Deputy Executive Engineer in charge of the project.

CHAPTER V.

CONSTITUTION OF MANAGING COMMITTEE

Definition. 28. In this Chapter, unless the context otherwise requires, "member" means a member of the Committee.

Constitution of Managing Committee. 29. (1) A Managing Committee of an Association shall consist of, -

- (a) a Chairperson and such number of other members not exceeding eleven as may be determined by the Deputy Executive Engineer having regard to the number of members of the Association falling under section- 29 of the Act, and
- (b) an officer not below the rank of Additional Assistant Engineer of a division under which the minor canal exists, as may be nominated by an Executive Engineer of such division, *ex-officio*,

- (c) the member referred to in clause (b) shall have the right to speak or otherwise take part in the proceedings of a meeting of the Committee, but shall not be entitled to vote.
- (2) The members of the Managing Committee shall be elected by members of the Association falling under section- 29 of the Act, from amongst themselves in such manner as to give equal representation to all the parts of the service area referred to in sub-section (3).
- (3) For the purpose of sub-rule (2), the Deputy Executive Engineer shall divide the service area in three parts, namely, head reach, middle reach and tail reach.
- (4) As provided in the section 29 of the Act, the members of the committee shall be elected by the members of the said Water Users' Association.

Provided that, from amongst the elected members there shall be not less than one woman member each from the Head, Middle and Tail reach territorial constituencies of the concerned Water Users' Association:

Provided further that, in the remaining members, there shall be equal members from each Head, Middle and Tail reach territorial constituencies.

(5) The Election of Members of Managing Committee of Water Users' Association shall be held in accordance with such rules as prescribed here under relating to election and in particular in respect of matters such as electoral roll, nomination of candidates, manner of voting, counting of votes, declaration of results of voting, resolution of disputes.

- (i) Deputy Executive Engineer in the charge of the project shall make arrangements for conduct of elections of the Members of the Managing Committee of the concerned Water Users' Association including for securing the assistance of various Government agencies as and when required. The procedure for conducting the elections is as specified in **Enclosure-2**.
- (ii) For holding elections of the Managing Committee the area of operation of the Water Users' Association shall be subdivided into three exclusive areas, such as, Head Reach Area, Middle Reach Area and Tail Reach Area which constitute individually as the territorial constituencies for the purpose of elections. as approved by Executive Engineer in-charge of the project The members belonging to these three areas shall constitute the Head, Middle and Tail reach territorial constituencies for election purposes. The member who has completed eighteen years of age is entitled to vote and the member who has not completed eighteen years of age his legal guardian shall be eligible to participate in the process of election on behalf of the minor member subject to the provision that a single person shall enjoy only one vote.
- (iii) The applications for Co-opted members shall be called within a period of seven days from the date of the election of the Chairperson of the Managing Committee of the said Water User's Association. Upon receipt of such applications, the Managing Committee shall convene a meeting within a period of three days from the last date fixed for receipt of the applications. In such meeting the elected

Members of the Managing Committee shall nominate the Co-opted members as per section-30 of the Act, from amongst the applicants by majority vote.

- (iv) The Co-opted members shall have right to speak or otherwise take part in the proceedings of the meeting of the committee, but shall not be entitled to vote. They shall have no right to contest the election for the post of Chairperson of the Water User's Association, as provided in the section- 31 of the Act.
- (v) The Deputy Executive Engineer as a election officer shall call for members of the committee having equal representation from Head, Middle and Tail reach territorial constituencies as stipulated in sub rule 3 of rule 29 and rule 6.
- (vi) For contesting the election from Head or Middle or Tail territorial reach constituency, the member shall be from the particular reach only. Where a landholder or occupier holds or occupies a land situated in the area of operation of more than one territorial reach constituency of the Water Users' Association, such member shall be eligible to contest the election of the member of committee from only one territorial constituency opted by him in the nomination paper submitted to the Deputy Executive Engineer, in-charge of minor canal as an Election

Officer in **Form-VI to Annexure-4**. Provided that any member/ s of a dissolved Managing Committee shall not be entitled to contest next election of Managing Committee.

- (vii) The procedure for the conduct of election of the Managing Committee of the Water Users' Association shall be as specified in **Enclosure-2**. While conducting such elections the Deputy Executive Engineer, in-charge of the minor canal shall follow the orders or directions issued by the Department, from time to time, for fair and free elections.
- (viii) The expenditure on account of holding the very first election to the Managing Committee of the Water Users' Association shall be borne by the Department. If the election of all the members of the Managing Committee of any Water Users' Association is unanimous then such amount as an approximate probable expenditure on account of the process of election as determined by the Department from time-to-time, shall be paid to the concerned Water Users' Association as a grant from the Government. However, the expenditure for holding subsequent elections shall be borne by the concerned Water Users' Association.
- (ix) Where due to exceptional circumstances such as scarcity, drought, flood, fire or any other natural calamity or any election programme of the State Legislature or the Parliament or a local authority coinciding with the election programme of any Water Users' Association or such other reasons as, in the opinion of the officer not below the rank of Superintending Engineer are exceptional and it is not in the public interest to hold elections to any Water Users' Association, He/She may, for reasons to be recorded in writing, by general or special order, postpone the election of any Water Users' Association, for a period not exceeding six months.
- (x) The Officer not below the rank of Executive Engineer may, pending election and constitution of a Managing Committee appoint an Ad-hoc Managing Committee having members not less than three in numbers and the tenure of such Ad-hoc Managing Committee in any case shall not exceed one year from the date of appointment of Adhoc Management Committee. Such committee shall exercise powers and functions vested in, by this rules to the Managing Committee.

30. On constitution of the Committee, the Committee may co-opt not more than four members from the persons referred to in section- 5 and 30 of the Act and the representatives of Non-Government Organisation or Other Water Users' Association working as facilitator or community organisor in the area of Water User's Association. The members so co-opted shall have the right to speak or otherwise take part in the proceedings of a meeting of the Committee but shall not be entitled to vote. **Co-option of members.**

31. Election of Chairperson of Managing Committee of Water Users' Association :

Election of Chairperson.

(1) The officer not below the rank of Deputy Executive Engineer shall make arrangements for conduct of elections of the Chairperson of the concerned Water Users' Association at Minor Level including for securing the assistance of various Government agencies as and when required.

(2) On the constitution of the Committee, there shall be called the first meeting thereof for the election of its Chairperson from amongst the members, on such a date within a period of four weeks as may be fixed by the Deputy Executive Engineer in-charge of minor canals from the date on which the Managing Committee is constituted /elected. The Chairperson of the Water Users' Association shall be elected by the simple majority from amongst the elected members either by show of hands or through secret ballots as decided initially by the Deputy Executive Engineer as a election officer.

(3) The meeting shall be presided over by the Assistant Engineer or Additional Assistant Engineer who shall have such powers and follow such procedure as he deems fit but shall not have the right to vote.

(4) The tenure of the Chairperson shall be for a period of two years from the date of election as Chairperson and the office of Chairperson shall be rotated in the cyclic order as amongst Tail, Middle and Head territorial reaches if possible.

32. Term of office of a member shall be six years from the date of his election.

Term of office of members.

Filling of vacancy. 33. (i) On occurrence of any vacancy in the office of a member due to death, resignation or any other reason, the same shall be filled in by the Association by election or by selection of majority of the members of that Water Users' Association.

(ii) Vacancy arising for the post of member of Managing Committee on account of death, resignation, recall, disqualification or by any other reason, shall be filled by the Managing Committee by nomination of any of the eligible member of the concerned Water Users' Association. Such nomination shall be done within a period of forty-five days from the date of arising of such vacancy. Normally, the nomination shall be done through unanimous resolution passed in the meeting of the Association. If, unanimous decision regarding filling of such vacancy is not reached, the decision shall be taken by the majority of the members present and voting by show of hands or by voice vote or by secret ballot.

**Dis-
Qualifica-
tions.**

34. Chair person or a member of the Association shall be disqualified for being elected or being a member of the Committee, if such member of the Association —

(a) is an officer or employee of the Government or of a local authority or of any institution receiving grant in aid from the Government;

(b) is, or at any time, adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors;

(c) is of unsound mind and stands so declared by a competent court;

(d) is or has been convicted of any offence which, in the opinion of the Competent Authority, involves moral turpitude;

(e) fails to pay any arrears of land revenue or water rates payable to the State Government or charges payable to the Association within the period provided for such payment;

(f) has, directly or indirectly, interest in any contract by or on behalf of the Association;

(g) ceases to be a holder of land in the service area;

**Removal
or Resigna-
tion of a
member.**

35. (1) Notwithstanding anything contained in section-32 of the Act, the Executive Engineer may, at any time, remove Chair person or any member from office if, in its opinion, such Chair person or a member—

(a) is or has become subject of any of the disqualifications mentioned in section- 34 of the Act.

(b) has been guilty of misconduct in discharge of his duties,

(c) has become physically or mentally incapable of discharging his duties as a member,

(d) has so abused his position as to render his continuance in office prejudicial to the public interest, or

(e) has, without reasonable cause, refused or failed to attend three consecutive meetings of the Committee:

Provided that no chair person or member shall be removed from his office unless an opportunity of being heard is given to the chair person or the member.

(2) Any member may, by writing under his hand addressed to the Association, resign his office.

(3) The members of the Water Users' Association who desire to move a motion of recall against any member of a Managing Committee of the Water Users' Association shall give notice thereof in **Form-XI to Annexure-4**, to the officer not below the rank of Deputy Executive Engineer in-charge of the project shall follow the procedure as specified in of **Enclosure-2**.

(4) Before removal of the Chair person or any member from office of that Water Users' Association, the following steps shall be taken by the concerned Executive Engineer of the project, after exercising the powers conferred in this rule above to the Executive Engineer in charge of the project.

- (i) Issue a show cause notice indicating the lapses or defaults made by the Chair person or any member Water Users' Association;
- (ii) Provide necessary guidance and counseling for improving the performance of that member or Chair person of that Water Users' Association in respect of the lapses or defaults notified;
- (iii) Monitor the performance of that member or Chair person of that Water Users' Association from the collection of opinions of some of the members or Chair Person or Managing Committee of that Water Users' Association for one month from the date of issue of such show cause notice; and an opportunity of being heard is given to that chair person or that member.
- (iv) If no improvement in the performance of that member or Chair person of that Water Users' Association to the satisfaction of the Executive Engineer is observed, even after the steps mentioned above are taken, the Executive Engineer shall, in consultation with the Superintending Engineer, as the case may be, remove such member or Chair person of that Water Users' Association.
- (v) That member or that Chair person shall have right to appeal within the period of Thirty days from the date of issue of order of removal. The appeal shall be made by him to the concerned Superintending Engineer in charge of the project.
- (vi) Immediately after completing the above procedure for removal of such member or Chair person of that Water Users' Association or on removal of any member or Chair Person or on resignation of any member or Chair Person, the Executive Engineer in charge of the project shall carry out the procedure for election of member/ s or Chair person of that Water Users' Association as prescribed in rule-29 or 33.

36 Dissolution of Managing Committee of Water Users' Association and transitional arrangements:- Before dissolving the defaulting Water Users' Association, the following steps shall be taken by the concerned Executive Engineer of the project, after exercising the powers conferred in rule 35 to the Executive Engineer in charge of the project.

- (i) Issue a show cause notice indicating the lapses or defaults made by the Water Users' Association;
- (ii) Provide necessary guidance and counseling for improving the performance of the defaulter Water Users' Association in respect of the lapses or defaults notified;
- (iii) Monitor the performance of the Water Users' Association for six months from the date of issue of such show cause notice;
- (iv) If no improvement in the performance of the Water Users' Association to the satisfaction of the Superintending Engineer is observed, even after the steps mentioned above are taken, the Executive Engineer shall, in consultation with the Deputy Executive Engineer, as the case may be, dissolve such defaulting Managing Committee of that Water Users' Association.
- (v) Immediately after dissolution of the Managing Committee, the Executive Engineer in charge of the project shall carry out the procedure for reconstitution of the Management Committee as prescribed in rule-29.
- (vi) If such reconstituted Managing Committee fails to function, the Executive Engineer in charge of the project shall entrust the functions of the Committee to the Committee of any other Water Users' Association or non-Government Organisation or Government Agency for the period not exceeding one Irrigation year.
- (vii) If such arrangement as specified in sub-section (vi) above is not made possible, the Superintending Engineer in charge of the project may stop the supply of water in consultation with the Government.

Construction of Sub-Committees

37. (1) The Managing Committee of a Water Users' Association may constitute Sub-Committees comprising of minimum three members each for carrying out different functions vested in such Water Users' Association particularly taking into consideration the aspects of agriculture, water

management, animal husbandry and dairy development, financial matters, dispute resolution, construction activity etc.

(2) The members of such Sub-Committees shall be nominated by the Managing Committee of a Water Users' Association either from its Members of the committee or from amongst the members of Water Users' Association and if necessary, the professionals from outside.

(3) The Leader of each Sub-Committee shall also be appointed by the Managing Committee from amongst the members of the Sub-Committee.

(4) The role of such Sub-Committee shall be advisory in nature and its advice shall be in the form of the recommendations. The Managing Committee is empowered to take the final decision on the recommendations of such Sub-Committee.

38. (1) The Committee shall meet at such times and places and shall, subject to sub-rules (2) and (3), observe such rules of procedure with regard to transaction of business at its meetings as may be prescribed by the Committee. **Meetings of Committee.**

(2) The Chairperson or if, for any reason, he is unable to attend any meeting, any other member of the managing Committee, authorised by the Chairperson and present at the meeting, shall preside over the meeting of the Committee.

(3) (a) All the questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting on that question and the presiding member shall have the second or casting vote when there is an equality of votes.

(b) The quorum of the meetings of the Committee shall not be less than fifty percent members.

CHAPTER VI.

FUNCTIONS OF COMMITTEE

39. 1) On constitution of the managing committee, the Water Users' Association shall assign all the functions of it as prescribed in Rule-19, to the Managing Committee. **Performance of functions.**

2) The Committee shall perform such of the functions of the Association as are from time to time assigned to it by the Association.

CHAPTER VII.

OFFENCES AND PENALTIES

40. Whoever voluntarily and without proper authority—

(a) damages, alters, enlarges or obstructs entrusted minor canal; or borrows the earth from the area within canal boundary of any canal;

(b) interferes with or increases or diminishes the supply of water in, or the flow of water from, through, over or under any entrusted minor canal, or, by any means, raises or lowers the level of the water in such canal; or pumps water from canals for any purpose;

(c) pollutes or fouls the water of entrusted minor canal so as to render it less fit for the purposes for which it is ordinarily used;

(d) destroys, defaces or removes any land or level mark or water gauge fixed by the authority of a public servant;

(e) destroys, tampers with, or removes any apparatus or part of any apparatus for controlling, regulating or measuring the flow of water in an entrusted minor canal;

(f) passes or causes animals or vehicles to pass, in or across any of the works banks or channels of an entrusted minor canal contrary to regulations made under section- 59 of the Act;

Penalty for damaging minor canal, etc.

- (g) causes or knowingly and wilfully permits cattle to graze upon any entrusted minor canal or flood embankment, or tethers or causes or knowingly and wilfully permits cattle to be tethered, upon any such entrusted minor canal or embankment, or roots up any grass or other vegetation growing on any such entrusted minor canal or embankment, or removes, cuts or in any way injures, or causes to be removed, cut or otherwise injured, any tree, bush, grass or hedge intended for the protection of such entrusted minor canal or embankment;
- (h) violates any rule made under section-58 of the Act for breach whereof, the State Government may, in such rules, direct that a penalty shall be incurred;
and whoever—
- (i) being responsible for the maintenance of a field channel, or using a field channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water there from, or uses such water in an unauthorised manner;

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, on conviction, be punished in the case of a first offence with fine which may extend to two thousand rupees, and in the case of a second and subsequent offence, with fine which may extend to five thousand rupees:

45 of
1860.

41. Whoever, without proper authority,—

For
endangering
stability of
minor canal,
etc.

- (a) pierces or cuts through or attempts to pierce or cut through or otherwise to damage, destroy or endanger the stability of any entrusted minor canal;
- (b) opens, shuts or obstructs, or attempts to open, shut or obstruct any sluice in any entrusted minor canal;
- (c) makes any dam or obstruction for the purpose of diverting or opposing the current of a drain or a river or an entrusted minor canal on the bank whereby there is a flood embankment, or refuses or neglects to remove any such dam or obstruction when lawfully required so to do;

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, on conviction, be punished in the case of a first offence with fine which may extend to two thousand rupees, and, in the case of a second and subsequent offence with fine which may extend to five thousand rupees.

45 of
1860.

42. (1) When ever any person is convicted under either section- 40 or 41 of the Act, the Managing Committee or authorised representative of it may order that he shall remove the obstruction or repair the damage in respect of which he is convicted within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, the Managing Committee or authorised representative of it, may remove such obstruction or repair such damage and the cost of such removal or repair, as certified by the said canal officer, shall be leviable from such person by the committee within one week.

Obstruction to
be removed
and damage
repaired.

(2) If such person fails to pay such amount as per sub-rule (1) above, the committee may stop the supply of water to such person against its offences.

(3) If such person fails to pay such amount as per sub-rule (1) above within six months, the authorized representative of the Collector shall levy such amount with penalty/ interest as per Land Revenue Code from such person as an arrear of land revenue against its offences.

43. (1) Where an offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly by the canal officer on receipt of the details of the offence of the company from the Managing Committee:

Offences by
companies.

Provided that nothing contained in this sub-rule shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-rule(1) of Rule- 43, where an offence under the Act has been committed by a company and it is proved that the offence has been committed with the

consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be prosecuted against and punished accordingly by the canal officer on receipt of the details of the offence of the company from the Managing Committee.

Explanation.—For the purpose of this rule,—

- (a) “company” means a corporate body and includes a firm or other association of individuals, and
- (b) “director in relation to firm” means a partner in the firm.

44. Any person in charge of, or employed upon, any entrusted minor canal, may remove from the lands or buildings belonging thereto, and take forthwith to the nearest police station, to be dealt with according to law, any person who within his view—

- (a) wilfully damages, obstructs or fouls any entrusted minor canal; or
- (b) without proper authority interferes with the supply or flow of water, in or from any entrusted minor canal, or in any river, or drain or stream so as to endanger, damage or render less useful any entrusted minor canal.

Persons employed on entrusted minor canal may take offenders into custody.

Saving of prosecution under other laws.

45. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Act.

Payment of fine as award to informant.

46. (1) Whenever any person is fined for an offence under this Act, the court, which imposes such fine, or which confirms in appeal or revision sentence of such fine, or a sentence of which such fine forms part, may direct that the whole or any part of such fine may be paid as an award to any person who gave information leading to the detection of such offence or to the conviction of the offender.

(2) Where the fine be awarded by the court whose decision is subject an appeal or revision, the amount awarded shall not be paid until the period prescribed for presentation of the appeal has elapsed or, if an appeal be presented till after the decision of the appeal.

Cognizance of offences.

47. No court shall take cognizance of an offence punishable under this Act except on a complaint made by the President of the Association or the Chairperson of the Committee or the Canal Officer.

Compounding of offences.

48. (1) The Association may, either before or after the institution of proceedings for any offence punishable under this Chapter, accept from any person charged with such offence, by the way of composition of offence such amount not less than five hundred rupees and not more than five thousand rupees as may be determined by it ;

(2) On payment of such amount as may be determined by the Association under sub-rule (1), of rule-48 no further proceedings shall be taken against the accused person in respect of the same offence and any proceedings, if already taken, shall stand abated.

Explanation.—For the purposes of this Chapter, the expression “entrusted minor canal” shall have the meaning assigned to it by clause (b) of section 10 of the Act and shall include a water course and a field channel into which the water of the entrusted minor canal flows.

CHAPTER VIII.

MISCELLANEOUS

Consequences of alteration of limits of service area.

49. Where, by notification under section- 3 of the Act, the limits of any service area has been,—

(i) increased; or

(ii) decreased,

the Executive Engineer in charge of the project may, notwithstanding anything contained in this Act or rules, by order published in the *Official Gazette*, provide for following matters, namely:—

- (a) in the case under clause (i) above, require the Association to include holders of land in the service area so increased as its members and to elect a holder of land in that area as a member of the Committee,
- (b) in the case under clause (ii) above ;
 - (i) require the Association to exclude its member who are holders of land in the service area so decreased ; and
 - (ii) removal of members of the Committee representing the area so decreased.

Power to
Reduce
Water
rates.

50. Where an Association pays water rates before the date stipulated for its payment, the State Government may, by resolution or notification in the *Official Gazette*, reduce the water rates payable by such Association to such extent as it deems fit.

Settlement
of
disputes.

51. Any dispute or difference arising between members of the Association shall be presented in written to the Chairperson of the Committee within a period of thirty days from the date it has arisen and the Chairperson may pass such order as he may deem just and proper.

1. The member of the Water Users Association having a dispute or differences related to the water distribution shall submit an application stating therein the particulars of the dispute to the Water Users' Association concerned in person during the office hours or forward the same through post to the Managing Committee of the Water Users' Association. The Managing Committee of the Water Users' Association or the Sub-committee of it, shall dispose off the said application within one day from the date of receipt of the same. The decision or recommendation of the sub-committee or the Managing Committee shall be binding to all members of that Water Users' Association.
2. The member of the Water Users Association having a dispute or differences with the constitution, management, powers or functions of the Water Users' Association shall submit an application within a period of fifteen days from the date of occurrence of such a dispute or differences, stating therein the particulars of the dispute along with a fees of rupees twenty payable to the Water Users' Association concerned in person during the office hours or forward the same through post to the Managing Committee of the Water Users' Association. The Managing Committee of the Water Users' Association shall dispose off the said application within a period of forty-five days from the date of receipt of the same : Provided that the individual or the Association against whom the application has been made shall be given a reasonable opportunity of being heard.
3. The person who is a member of the Water Users' Association and who has a dispute or differences with the Managing Committee of Water Users' Association who is having a dispute or difference with the other Water Users' Association shall submit an application within a period of fifteen days from the date of occurrence of such a dispute, stating therein the particulars of the dispute, during the office hours or forward the same through post to the Sub-Divisional level Canal Officer. The applicant shall pay a fees of rupees fifty to the Sub-Divisional level Canal Officer, as the case may be, alongwith the application. The sub-divisional Canal Officer shall disposed off the application within a period of forty-five days from the date of receipt of the same, provided that, the Managing Committee of the Water Users' Association against whom the application has been made, shall be given a reasonable opportunity of being heard.
4. Notwithstanding anything contained in sub-rule (2) and (3) of rule-51, the Authority to whom dispute has been preferred may for sufficient reasons to be recorded in writing condone the delay in filing the application of dispute beyond fifteen days.

Appeal.

52. (1) An appeal shall lie before such officer of the State Government as it may, by notification, specify, against any order or decision of the Association or the Managing Committee affecting a member of the Association or any other individual.

(2) Such appeal shall be made within a period of thirty days from the date of order or decision.

(3) The specified officer may pass such order on the appeal as he may deem just and proper and the order so passed shall be final.

(4) Appeals.-

1. Every order passed by the Managing Committee of the Water Users' Association shall be appealable to the sub divisional officer or the Deputy Executive Engineer of the project.

2. Every order passed by the sub division officer as a appellant authority shall be appealable to the Executive Engineer of the project.

3. Every order passed by the Executive Engineer as a appellant authority shall be appealable to the Superintending Engineer in-charge of the project.

4. All appeals preferred under the Act or under sub-rule (1) of rules-52 shall be in writing signed by the appellant alongwith a fee of rupees hundred payable to the Appellate Authority. Such appeal may be delivered at the office of the Appellate Authority by the appellant in person during the office hours or forward the same through post : Provided that the individual or the Water Users' Association against whom an appeal has been lodged shall be given a reasonable opportunity of being heard.

5. All the relevant record in respect of the conflict resolution shall be maintained properly in the office of the concerned Water Users' Association and in the office of the concerned Canal Officer.

Revision.

53. (1) An officer of the State Government authorised by the notification published in the *Official Gazette*, may on of his own motion within two years or, on an application made to him, within one year from the date of any order or decision of the Competent Authority or the Association or the Committee, call for and examine the record of any such order or decision for the purpose of satisfying himself as to the legality, regularity or propriety of such order or decision, and pass such order thereon as he thinks just and proper, within twelve months from the date of service of notice for revision.

(2) Where an appeal lies under rule 52 and no appeal has been filed, no proceedings in revision under this section shall be entertained upon application.

(3) No order shall be passed under this section which adversely affects any person, unless such person has been given reasonable opportunity of being heard.

54. (1) Where any amount is due from a member of the Association, the Association shall, with the least practicable delay, cause to be presented to the member liable for the payment thereof a bill for the amount due from him specifying the date on or before which the amount shall be paid.

Recovery of dues.

(2) The Managing Committee of Water Users' Association may nominate a sub-committee for recovery of dues, and / or may frame and impose its own rules for recovery of dues for the members of that Water Users' Association.

(3) If the Association or the committee is unable to recover the amount due to it from a member, it shall be recovered as an arrear of land revenue.

(4) In case of sub-rule (3) above, the committee shall repay dues on behalf of that member and afterwards shall may recover from that member as above and may take action against that member up to stoppage of supply of water.

(5) The Executive Engineer in charge of the project shall give notice to that member on receipt of application of the Association after following the procedure narrated above in sub-rule (1) to (4) within three months time.

Power of State Government to issue directions to Association.

55. (1) In the performance of its functions under this Act, the Association shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time.

- (2) The decision of the State Government whether a question is one of policy or not shall be final.

Power of Association to issue directions.

56. (1) In the performance of its functions under the Act, the Committee shall be bound by such directions on questions of policy as the Association may give in writing to it from time to time:

Provided that the Committee shall be given an opportunity to express its views before any direction is given under this sub-section.

- (2) The decision of the Association whether a question is one of policy or not shall be final.

Protection of action taken in good faith.

57. No suit, prosecution or other legal proceedings shall lie against the Project Authority, the Association or, as the case may be, the Committee or any member, officer or servant of the Association or, as the case may be, the Committee for anything which is, in good faith, done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.

Power of the State Government to make rules.

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by the Act to be prescribed by the rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

59. The Association may, with the previous approval of the State Government, make regulations not inconsistent with this Act or the rules made there under for enabling it to perform its functions under the Act or this rules.

Power of Association to make regulations.

60. If any difficulty arises in giving effect to the provisions of this rules, the State Government may, by Resolution or by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this rules as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

61. The provisions of the Act or these rules shall be in addition to and not in derogation of the Bombay Irrigation Act, 1879 and the Gujarat Canal Rules, 1962.

Savings.

CHAPTER IX.

PANCHAYAT MINOR CANAL

62. In this Chapter, unless context otherwise requires, “panchayat minor canal” means a minor canal constructed and maintained or controlled by—

Definition.

(a) a taluka panchayat in the exercise of its functions in the sphere of agriculture and irrigation as described in Schedule II to the Gujarat Panchayats Act, 1993,

(b) a district panchayat in the exercise of its functions in the sphere of a minor irrigation project as described in Schedule III to the said Act.

Application of the Act to panchayat minor canal.

63. The provisions of this Act shall apply to a panchayat minor canal as if in the Act,—

(1) for the words “minor canal” wherever they occur, the words “panchayat minor canal” had been substituted;

(2) in clause (3) of section 2, for the words “such officer of the State Government”, the words “such officer of the Taluka Panchayat or, as the case may be, the District Panchayat” had been substituted;

- (3) in Chapter III, for the words “the State Government” wherever they occur, the words “taluka panchayat in relation to the taluka panchayat minor canal or, as the case may be, the district panchayat in relation to the district panchayat minor canal” had been substituted.

ENCLOSURE -1

(see rule 3)

Guidelines for Declaration of Minor Canal Service Area:

1. **Declaration of Minor Canal Service area :** The Deputy Executive Engineer in-charge of the project shall follow the “From whole to part” approach for planning the overall process of declaration of Minor Canal Service Area of Water Users’ Associations (hereinafter referred to as “declaration”) in the project based on the following criteria namely:-

- (1) Development of Command Area : Command area notified under clause 3 of the Bombay Irrigation Act, 1879 should be considered first for the delineation. Declaration should be completed in the remaining part of the command area as soon as the canal system is notified under **clause 3** of the Bombay Irrigation Act, 1879.

Explanation.- (i) Area under all types of irrigation viz. flow, lift, percolation (including wells), etc. is expected to be notified first under clause 3 of the Bombay Irrigation Act, 1976. If it is found that the area is not so notified the command notification is to be issued immediately.

(ii) Utmost care may be taken before declaration of Minor Canal Service Area for Water Users' Association to denotify, if necessary, following from the command of flow irrigation,-

- (a) area encroached upon by approved non-agricultural activities,
- (b) lift irrigation (renotify area under lift irrigation separately),
- (c) if others, any

- (2) Availability of Water: The Executive Engineer in-charge of the project shall take a critical review of availability of water for irrigation (both lift and flow) at project level and workout a prescribed unit of water entitlement for the project as a whole after giving due thought to the basin or sub-basin level macro issues related to allocation of water for irrigation and non-irrigation.

2. Steps for systemic declaration:-

- (1) For the purpose of systemic declaration of the areas a latest or updated command map of the concerned project should contain the following details:-

(a) Chainage-wise location of -

- (i) all offtakes,
- (ii) all measuring devices,
- (iii) all Cross Regulator cum escapes,
- (iv) all Types of Weirs,

(v) lifting points of all individual lifts and all lift irrigation schemes (including those on reservoir, river, canal etc.).

(b) Command areas (with survey numbers or gat numbers) of-

- (i) all Direct Outlets, Minors, Distributories, Branch Canals, Canals,
- (ii) all Types of Weirs,
- (iii) all individual lift irrigation and lift irrigation schemes,
- (iv) existing Water Users’ Associations (both flow and lift).

- (c) Administrative boundaries of sections, Sub-Divisions, Divisions etc.
 - (d) Village, Taluka and District boundaries.
 - (e) Parts of command areas (both flow & lift) which are-
 - (i) fully developed and under regular irrigation,
 - (ii) problematic and not under regular irrigation,
 - (iii) being developed.
- (2) An Updated command map of the project with details as mentioned in para 2(1) shall be used by the Deputy Executive Engineer in-charge of the project for declaration. Schematic diagrams may be used as guidelines for declaration. The Deputy Executive Engineer in-charge of the project shall prepare a plan for declaration. Water Users' Associations on the said map together as one comprehensive exercise for complete project based on basic principles given in para 3. Notification of Water Users' Association as planned may be issued in batches or in a phased manner based on administrative considering the provisions in **Clause 3** of the Act.

3. Basic principles of declaration.

1. Minor Canal Service Area of Water Users' Association may be maximum up to 1000 hectares (in terms of Culturable Command Area), and shall, as far as possible, be a contiguous block of land identified on hydraulic basis. In exceptional cases, the minor canal service area may be increased after stating the reasons therefore in writing.
2. Minor Canal Service Area may comprise any of the following :-
 - (i) area under one (small) distributory / branch/ main canal level,
 - (ii) area under one (large) minor level only,
 - (iii) area under more than one (small) neighbouring or adjacent Minors,
 - (iv) area under one Minor and neighbouring or adjacent direct outlets,
 - (v) area under one Minor and neighbouring or adjacent area under individual lift irrigation,
 - (vi) area under one (large) Lift Irrigation Scheme,
 - (vii) area under more than one (small) neighbouring or adjacent Lift Irrigation Scheme,
 - (viii) area under group of neighbouring or adjacent individual lift irrigation,
- i. area under one Minor Irrigation Scheme.

Note: Contiguous block of land means neighbouring or adjacent blocks of land separated only by natural drainage and / or some minor topographical feature. Minor Canal Service Area of some other Water Users' Associations should not get sandwiched in the Minor Canal Service Area of any other Water Users' Associations.

- 3 Declaration of Minor Canal Service Area and consequent notification for the Water Users' Associations which are already in existence may also be got completed immediately under the provision of this Act and the Rules made there under.

4. The procedure of notification regarding declaration of Minor Canal Service Area:

- (1) The Executive Engineer in-charge of the project, appointed and empowered under the provisions of the Act shall issue notification in proforma appended as **Form-III of Annexure-I** in the Official Gazette, to declare the command area of the Water Users' Associations at Minor Level based on the above mentioned guidelines. Every Water Users' Association shall have distinct names.
- (2) The Executive Engineer, in-charge of the project, may either suo-moto, or on an application made to him, for the reasons to be recorded in writing revise or rectify the declaration published by the notification in the *Official Gazette*.

- (3) The certified copy of the updated map and the list of the landholders or occupiers of the area of operation of the Water Users' Association showing all the details as specified in **Form-II to Annexure-1**, shall be displayed on the notice board of the offices of the concerned village Panchayat Irrigation Section, Sub-Division and Division within seven days of the publication of the notification of declaration in the *Official Gazette*.
- (4) Updated maps of Minor Canal Service Area.
- Following details shall be shown on the updated map (preferably to the scale of 1 : 2000 to 1 : 4000) of taluka minor canal service area.
- (i) Name of the Project, Village, Taluka, District and River Sub-Basin.
- (ii) Reach of parent channel (canal, branch-canal, distributory, minor on which the Water Users' Associations is situated).
- (iii) Location, chainage, number and capacity (i.e. designated discharge in both Liter Per Second and Cusec) of Head Regulator.
- (iv) Alignment of minor with type and location of structures thereon.
- (v) Boundaries of the Government acquired land and the Government structures thereon; Area (in hectares) of the Government acquired land; Types and numbers of the Government structures.
- (vi) Boundaries of area of operation of Water Users' Associations specifying bordering features (village boundary, another Water Users' Associations, etc.).
- (vii) Block Numbers or Survey Numbers and their sub-parts with areas in hectares as per the latest officially obtained revenue record.
- (viii) Alignment and name (if any) of all natural streams and existing structures thereon.
- (ix) Alignment of all artificially constructed drains with existing structures thereon.
- (x) Head, middle and tail reaches of the Water Users' Associations command (Full chak to be in one reach only) The Head, Middle and Tail reaches shall be declared using the following criteria:
- (a) The Culturable Command Area of each Head, Middle and Tail reach shall be approximately 1/3rd of the total Culturable Command Area of Water Users' Associations.
- (b) While declaration the constituencies of Head, Middle and Tail reaches, the command of any one outlet must not get divided into two or three constituencies.
- (c) Firstly the Head reach and then the Tail reach constituency shall be identified and the remaining area will automatically get identified as Middle reach which shall be the Middle reach constituency.
- (xi) All dug wells and bore wells used for irrigation and non-irrigation purposes.
- (xii) All water storage structures, such as weirs, bandharas, percolation tanks, nalla bunds, village tanks, underground bandharas, etc
- (xiii) Intake point, source and area of all existing and / or proposed lift irrigation (excluding area on wells) schemes in the Minor Canal Service Area.
- (xiv) Details of notification such as Part of Gazette, number and date of notification.
- (xv) Name, designation and office of the notifying officer.
- (xvi) Certificate of the notifying officer stating that "This map is as per the requirement of clause 3 of the Act, and it is hereby certified that the details shown on this map are as per the available records".
- (xvii) Any subsequent alterations in the map under the provisions of this Act with particular reference to clause 3 of the Act and or order of the Appellate Officer shall be duly shown with the relevant details associated with such alterations.

- (5) Updated list of holders and occupiers of the land: Updated list of holders and / or occupiers of the lands shall be prepared in **Form-III of Annexure-1** which shall be based on the written information given by the holders and / or occupiers of the lands.
- (6) The fees for obtaining a copy of the said notification shall be as decided by the Government, from time to time.
- (7) After publication of the said notification regarding declaration, the concerned Executive Engineer in-charge of the project shall also notify in the vicinity of the area of operation about the declaration minor canal service area to draw public attention towards the said notification.

ENCLOSURE-2.

Conduct of Elections

(see rules- 7,8, 29,31 and 35)

PART -I

Appointment of Competent Authority, Election Officer, Assistant Election Officer and their duties

1. Control over election.-(1) Election of Members of the Managing Committee of the Water Users' Associations under the Act shall be held under the general superintendence and control of the Deputy Executive Engineer in-charge of the project or officers duly appointed by notification in the Official Gazette. For the purposes of the elections under this Act, the said Canal Officers shall be deemed to be an Election Officer.

(2) The Deputy Executive Engineer in-charge of the project shall observe the period specified in **Form-I of Annexure-4** while conducting the elections.
2. Appointment of Assistant Election Officers and their duties.-(1) The Election Officer may appoint one or more persons as Assistant Election Officers to assist the Election Officer in the performance of his functions of elections : Provided that, every such person shall be an officer of the State Government.

(2) Every Assistant Election Officer shall, subject to the control of the Election Officer, be competent to perform all or any of the functions of the Election Officer provided that, no Assistant Election Officer shall perform any of the functions of the Election Officer, which relate to the scrutiny of nomination papers unless the Election Officer is unavoidably prevented from performing the said functions.

(3) It shall be the general duty of the Election Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided under these rules or orders made there under.

PART - II

Voter List

3. Preparation of voters list. - (1) The Deputy Executive Engineer in-charge of the project shall prepare territorial reach wise lists for Head, Middle and Tail reaches of the members who are the holders and occupiers of the land and have completed 18 years of age. Such territorial reach-wise lists prepared in **Form-II of Annexure-4** shall be referred to as an electoral roll of concerned Water Users' Associations. The Election Officer shall renew the electoral roll ninety days before the commencement of election procedure on the basis of Record of Rights.

(2) The Election Officer shall publish the roll prepared under sub-para (1) by displaying it on the notice board or boards of the concerned office or local offices of the village panchayat and Water Users' Association alongwith a notice inviting objections within a period of seven days from the date of display of the said notice.

4. Forms of claims and objections.- (1) Any person, whose name is not entered in electoral roll or is entered at an incorrect place or in an incorrect manner or with incorrect particulars or any person whose name is entered in the roll and who objects to the inclusion of his own name or the name of any other person in that roll, may prefer a claim in **Form-III of Annexure-4** or objection for such inclusion in **Form-IV of Annexure-4**, or by sending it by post to the Office of the Deputy Executive Engineer for in-charge of the project. All objections or claims shall be received within a prescribed period, that is, seven days and no claim or objection received after that period shall be entertained.
- (2) Every claim for inclusion of name in the roll shall be made in **Form-III of Annexure-4** and shall be signed by the person desiring his name to be included in the electoral roll.
- (3) Every objection in **Form-IV of Annexure-4** to the inclusion of name in the roll shall be preferred by the person whose name is already included in the roll of concerned Water Users' Association.
- (4) Every objection in **Form-V of Annexure-4** to a particular or particulars of entry in the roll shall be preferred by the person whose name is included in the voter list.
- (5) Every such claim or objection, as the case may be, shall be accompanied by the certified documents on which the claimant or objector relies.
- (6) No claim or objection shall be entertained unless a copy of such claim or objection has been submitted in the office of the Deputy Executive Engineer in-charge of the project.
- (7) Any claim or objection, which is not lodged within a specified period, or in the prescribed form and manner, shall be rejected.
5. Disposal of claims and objections.- (1) The Election Officer shall serve notice, -
- (a) to the claimant for his claim;
- (b) to the objector for his objections;
- (c) to the Section Officer in-charge of the project for submitting his report within a period of seven days of the receipt of the notice regarding the matter under dispute:
- Provided that, it shall not be necessary to serve any such notice where the Election Officer on being satisfied as to the validity of the claim or objection and decides to allow it without further inquiry:
- Provided further that, a list containing the names and addresses of the persons applying for inclusion or exclusion of their names shall be exhibited on the notice board of the office of the Deputy Executive Engineer, in-charge of the project Water Users' Association and village panchayat.
- (2) A notice under sub-para (1) shall be given either personally or by registered post or by affixing it to the person's residence or last known residence within the constituency or left in the office of Deputy Executive Engineer in-charge of the project, if it is not necessary to serve the notice to the claimant.
- (3) The Election Officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under sub-para (1) and shall consider the report of the concerned Section Officer, if any, and record his decision thereon.
- (4) At the hearing, the claimant or as the case may be, the objector and the person objected to and any other person who, in the opinion of the Election Officer is likely to be of assistance to him, shall be entitled to appear and be heard.
- (5) The Election Officer may in his discretion:-
- (a) require any claimant, objector or person objected to, to appear in person before him.
- (b) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose or may require the evidence be tendered by filing affidavit duly attested.

- (6) No person shall be represented by any legal practitioner in any proceeding under this para. The Election Officer shall also correct any clerical or printing errors which he may discover in the roll.
6. Inclusion of names inadvertently omitted and deletion of names of dead electors and persons who are not entitled to be registered. - If it appears to the Election Officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise the names of any electors have been left out of the roll or the name of dead persons or of persons who are otherwise not entitled to be registered in that roll have been included in the roll and that remedial action should be taken under this rule, the Election Officer shall,-
- (a) prepare a list of the names and other details of such electors;
 - (b) exhibit on the notice board of his office and office of the Water Users' Association a copy of the list together with a notice as to the time and place at which the question of deletion or inclusion of these names, as the case may be, from the roll shall be considered, and also publish the list and the notice in such other manner as he may think fit; and
 - (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll or included in the roll, as the case may be.
7. Final publication of roll:- (1) The Election Officer shall thereafter,-
- (a) prepare a list of amendments to carry out his decisions under paras 6 and 7 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll; and
 - (b) publish the roll together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice at his office and may also publish it in the office of the concerned Water Users' Association in the same manner.
- (2) On such publication the roll together with the list of amendments shall be the electoral roll of the Water Users' Associations.
8. Duration of electoral rolls:- Every electoral roll referred in sub-para (2) of para 7 shall continue to be in force until revised in accordance with para 10.
9. Revision of rolls:- (1) The roll for every Water Users' Associations shall be revised either intensively or summarily or partly intensively and partly summarily, as the Election Officer may direct with reference to the qualifying date, i.e. ninety days before the commencement of election procedure.
- (2) Where the roll is to be revised intensively, it shall be prepared afresh and provisions of para 5, 6, 7 and 8 shall apply in relation to such revision as they apply in relation to the preparation of a roll for the first time.
- (3) When the roll or any part thereof is to be revised summarily, the Election Officer shall cause to be prepared a list of amendments to the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft.
- (4) Notwithstanding anything contained in sub-para (1), the Election Officer may at any time for reasons to be recorded in writing, direct a special revision of the electoral roll for any Water Users' Associations in such manner as it may deem fit : provided that the electoral roll as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.
10. Interim alteration.- (1) If the Election Officer on his own motion or on the application made to him is satisfied after such inquiry as he thinks fit, that any entry in a electoral roll, -
- (a) is erroneous or defective in any particular; or
 - (b) should be transposed to the electoral roll of another Water Users' Associations on the ground that the person concerned has exchanged his land; or

- (c) should be deleted on the ground that the person concerned is not entitled to be registered in the roll; or
- (d) should be deleted on the ground that the person concerned is dead or is not entitled to be registered in the roll, he shall subject to such general or special directions, if any, in this behalf, amend, transpose or delete the entry provided that before taking any action under this para on the ground that the person concerned is not entitled to be registered in the electoral roll of that constituency, the Election Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.
- (2) Any person whose name is not included in the electoral roll of a Water Users' Associations, may apply to the Election Officer for inclusion of his name in that roll and the aforesaid officer, if satisfied that the applicant is entitled to be registered in such roll direct his name to be included therein.
- (3) A list of persons applying under sub-para (1) or (2) shall be exhibited on the notice board of the Election Officer and office of Water Users' Association for a period of three clear days before making an order.
- (4) No amendment, transposition, or deletion of any entry shall be made under sub-para (1) and no direction for the inclusion of a name in the electoral roll shall be given under sub-para (2) after the issue of the public notice for election under para 14 and until completion of elections.
- (5) The Election Officer may cause to correct any clerical error in the electoral roll at any time.
- (6) The electoral roll altered in accordance with this para shall be deemed to be the roll for the time being in force.
- (7) The application referred to in sub-para (1) and (2) shall be in **Forms II, III and IV of Annexure-4**, respectively.
11. Appeals:- (1) An appeal shall lie to the Executive Engineer in charge of the project from an order made under para 5 or 10 by an Election Officer within a period of seven days from the date of order:
- Provided that an appeal shall not lie where a person desiring to appeal has not availed himself of his right to be heard by, or to make representation to, the Election Officer on the matter, which is the subject of appeal.
- (2) Such appeal shall be (a) in the form of memorandum signed by the applicant; (b) accompanied by a copy of the order appealed and fee of rupees hundred shall be paid in the form of non-judicial stamps; and (c) presented to the Executive Engineer in charge of the project or sent by registered post so as to reach him within the said period.
- (3) The presentation of an appeal under this para shall not have the effect of staying or postponing any action to be taken by the Election Officer under para 7 or 9:
- Provided that, order shall not be stayed in case where the subject of appeal is an order made under para 10.
- (4) The Executive Engineer in charge of the project shall take decision within a period of seven days from the date of receipt of the Memorandum regarding appeal in his office.
- (5) Decision of the Executive Engineer in charge of the project shall be final, but in so far as it reverses or modifies the decision of the Election Officer, it shall take effect only from the date of decision in appeal.
12. Custody and preservation of rolls:- (1) After the roll for a constituency has been finally published the following papers shall be kept in the office of the Election Officer until the completion of the next intensive revision of that roll: - (i) One complete copy of the electoral roll duly authenticated by the Election Officer; (ii) All applications in regard to the preparation of draft electoral roll; (iii) All manuscript copies prepared by the enumerating agencies and used for compiling the draft electoral roll; (iv) All claims and objections to the draft electoral roll; (v) All decisions passed on the claims and objections; (vi) Papers relating to appeals under para 11; and (vii) Applications under para 10.

(2) One complete copy of the roll for each Water Users' Associations duly authenticated by the Election Officer shall also be kept in the office of the Election Officer until the completion of the next intensive revision of that roll.

(3) The papers referred to in sub-para (1) shall, on the expiry of the period specified by the Election Officer, be disposed of in such manner as the Election Officer may direct.

(4) Copies of electoral rolls, until disposed of under sub-para (3) shall be made available for sale to the public at such price fixed by the Election Officer.

PART- III

Election of Members of the Managing Committee of the Water Users' Association at Minor level

13. Notice and fixation of Election.-

(1) The election of the members of Managing Committee of Water Users' Association shall be held on the day fixed by the Election Officer.

(2) The notice for conduct of election shall be given by the Election Officer to the members by one or more of the following modes:-

(a) by affixing at the notice board of Water Users' Association; or

(b) by affixing at the notice board of the concerned village panchayat; or

© by affixing on conspicuous place in the area of operation of Water Users' Associations as may be decided by the Election Officer;

(3) The notice shall contain information regarding, -

(a) the number of the posts or vacancies for which election is being held;

(b) constituency from which the members are to be elected ;

© the day on which, the place at which and the time during which nomination papers are to be presented. Such date not be less than seven clear days before the date fixed for election; or if that day is a public holiday, the next succeeding day which is not a public holiday.

Explanation.- In this para "Public holiday" means any day, which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (Act XXVI of 1881), or any day, which has been notified by the Government to be a holiday for the Government Offices in the State;

(d) the day on which, the place at which, and the time during which the nomination papers will be scrutinized;

(e) the day on which, and the time during which nomination may be withdrawn; and

(f) the day on which, the place at which, and the time during which the poll shall be taken.

14. Presentation of Nomination Papers.-

(1) On or before the date appointed under sub-clause (c) of sub-para (3) of para 13, each candidate shall send by registered post with acknowledgement due or deliver in person to the Election Officer a nomination paper in **Form-VI of Annexure-4** for the election of member of Managing Committee. A nomination form shall be supplied by the Election Officer to a member on payment of stipulated fees.

(2) Every nomination paper shall be signed by the voter whose name is included in the voters list or roll prepared under these rules as proposer. The nomination paper shall also contain a declaration signed by the candidate proposed for election to the effect that he is willing to contest the election.

(3) Every nomination paper accompanied with the stipulated security amount shall be

presented in person to the Election Officer, by the candidate himself or by his proposer, before the date and hour specified for nomination in notice referred to in sub-para (3) of para 13.

- (4) On receipt of each nomination paper the Election Officer shall endorse thereon the serial number of the paper, the date and the hour at which the nomination paper is received by him and also immediately acknowledge the receipt of the nomination paper.
- (5) A nomination paper which is not received on or before the date and hours appointed by the Election Officer in that behalf, shall be rejected.
- (6) If the candidate is a defaulter in respect of the irrigation water charges, in that case the nomination paper submitted by the candidate shall be rejected.

15. Scrutiny of nomination papers.-

- (1) On the date and the time appointed by the Election Officer for scrutiny of the nomination papers, the candidates and the proposers may present in the office of the Election Officer.
- (2) The Election Officer shall allow all reasonable facilities to all the contesting candidates or their proposers to examine the nomination papers of all the candidates which have been received by him as aforesaid.
- (3) The Election Officer shall scrutinize the nomination papers received by him and decide all objections that may arise as to do validity of any nomination and his decision thereon shall be final:

Provided that in case of any objection is raised by the Election Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day, and the Election Officer shall record his decision on the very day or on the day the proceeding have been adjourned:

Provided further that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or of any other particulars relating to the candidate or his proposer as entered in the voter list prepared under these rules, if the identity of the candidate or proposer, as the case may be, is established otherwise beyond reasonable doubt.

- (4) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection.
- (5) The list of valid nominations containing the description similar to those contained in the nomination paper, both of the candidate and of the proposer shall be published in **Form-VII of Annexure-4** on the notice board of the office of the election officer on the same day on which the scrutiny is completed.

16. Withdrawal from Candidature.

Any candidate may withdraw his candidature by notice in writing signed by him and delivered it to the Election Officer before the date fixed under clause (e) of sub-para (3) of para 13. A notice may be given either by the candidate in person or by the proposer or election agent who has been authorised in this behalf in writing by the candidate:

Provided that no notice of withdrawal shall be entertained after the day and hours fixed for such withdrawal. A notice of withdrawal of candidature once given shall be final.

17. Preparation of the list of contesting candidates.

- (1) Immediately after the expiry of the period within which candidates may be withdrawn under sub-para (1) of para 16, the Election Officer shall prepare a list of contesting candidates in **Form-VIII of Annexure-4** and shall publish it on the notice board of the office of the Election Officer. The list shall be prepared in such language or languages as the Election Officer may direct.
- (2) The said list shall contain the names (in alphabetical order) and the addresses of the contesting candidates as given in the nomination papers.

18. Allotment of Symbols by Election Officer.-

If, there is only one candidate, for the election of a Member of the Managing Committee from any constituency for which election is to be held and his nomination has been accepted, the Election Officer shall forthwith declare him to be duly elected. If the number of the valid nominated candidates is more than one, the Election Officer shall specify the symbols that may be chosen by the candidates out of the following list, notified by the Election Officer:-

i	Hand pump	viii	Cycle
ii	Radio or TV	ix	Umbrella
iii	Pump set	x	Spade
iv	Telephone	xi	Cart
v	Electric pole	xii	Wrist-Watch
vi	Sword	xiii	Lock
vii	Bus		

Note.-If the number of contesting candidate exceeds thirteen the Election Officer may allot any other symbol (other than symbol of any political party).

19. Publication of list of contesting candidates.

1. Immediately after the allotment of symbol to the contesting candidates, the Election Officer shall prepare a list of contesting candidates for the election of Member of Managing Committee separately in **Form-IX of Annexure-4**, giving the names of all contesting candidates and symbols allotted to them and display it on the notice board of his office and also arrange to display at public places of the area or polling station. The Election Officer shall, of such notice immediately after the preparation of the list and a copy of the list to each of the contesting candidates.
2. If more contesting candidates then one have indicated their preference for the same symbol, the Election Officer shall decide by lot to which of such candidates the symbol will be allotted.
3. The Election Officer shall arrange the ballot boxes or Electronic Voting Machines, ballot papers, copy of the list of voters and such other articles as may be necessary for the conduct of the election. The ballot box shall be such that ballot papers can be inserted therein but cannot be taken out there from without the box being unlocked.
4. Any contesting candidate at an election may, by a letter to the Election Officer, appoint an agent to act as polling agent of such candidate at each polling station where polling is held. Such letter shall contain the consent in writing of the agent concerned.
5. Immediately before the commencement of the poll, the Election Officer and in his absence, the Assistant Election Officer, shall show the empty ballot box to such persons as may be present at the time and shall then lock it and place his seal up on it in such manner as to

prevent its being opened without breaking the seal. The candidate or his agent will be permitted to affix their own seals, if they so desire.

21. Form of ballot paper.

1. Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in **Form-X of Annexure-4**.
2. The names of the candidates shall be arranged on the ballot papers in the same order in which they appear in the list of contesting candidates prepared under para 18. If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
3. The particulars on the ballot paper shall be in Gujarati script.
4. The ballot papers shall be serially numbered; the serial numbers being printed or written on the counterfoil and on the front of the ballot paper.
5. The symbol allotted to the candidates under para 18 shall be shown alongside the name of the candidate on the ballot paper.
6. The space allotted to each candidate on the ballot paper shall have the same dimensions.
7. The line of the shaded area separating the space provided for different candidates shall be the same on the ballot paper.

22. Procedure for issue of ballot paper to a voter.

- (1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.
- (2) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the Polling station at the time of the closing the poll. Such voters shall be allowed to record their votes if after the poll closes.
- (3) For the election of member of Managing Committee separate ballot paper shall be issued to every voter. Every ballot paper before it is issued to a voter and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Election Officer may direct and every ballot paper before it is issued, shall be signed on its backside by the Election Officer.
- (4) At the time of issuing a ballot paper to a voter, the Election Officer shall,-
 - (a) record on its counterfoil the serial number of the voter in the list of the voters as entered in the marked copy of the List of Voters,
 - (b) obtain the signature or thumb impression of that voter on the said counterfoil; and
 - © mark the name of the voter in the marked copy of the list of voters to indicate that a ballot paper has been issued to him without recording therein the serial number of the ballot paper issued to that voter:

Provided that no ballot paper shall be delivered to a voter unless he has put his signature or thumb impression on the counterfoil of that ballot paper;

- (5) (a) Before issuing a ballot paper to a voter, the Election Officer shall cause a mark to be put on the left forefinger of the voter with indelible ink:

Provided that where such a mark already exists on the left forefinger of the voter, it shall be deemed that he had cast his vote already at the election and shall not be given any ballot paper:

Provided further that no ballot paper shall be given to a voter unless he has allowed a mark to be put on his left forefinger with indelible ink.

(b) Any reference in this para to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger on his left hand and shall, in the case where all the fingers of his left hands are missing, to be construed as a reference

to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, to be construed as reference to such extremity of his left or right arm as he possesses.

- (6) It shall not be necessary for any election officer or Assistant Election Officer or any other officer to attest the thumb impression of the voter on the counterfoil.
- (7) No person in the polling station shall note down the serial numbers of the ballot papers issued to a particular voter.

23. Voting-

- (1) Save as hereinafter provided, all voters voting at an election shall do so in person at the polling station provided for them and for that purpose observe the voting procedure here-in- after laid down.
- (2) The voter on receiving the ballot paper shall forth with,-
 - (a) Proceed to one of the voting compartments;
 - (b) make a mark on the ballot paper with the instrument supplied for the purpose on the symbol or the name of the candidate or in column of the candidate for whom he intends to vote;
 - (c) fold the ballot paper so as to conceal his vote;
 - (d) if required, show to the presiding officer the distinguishing mark on the backside of the ballot paper;
 - (e) insert the folded ballot paper into the ballot box; and
 - (f) quit the polling station.
- (3) Every voter shall vote without undue delay.
- (4) No voter shall be allowed to enter a voting compartment when another voter is inside.
- (5) If a voter to whom a ballot paper has been issued, refuses after warning given by the Election Officer, to observe the procedure as laid down in sub-para (2) the ballot paper issued to him shall whether he has recorded his vote thereon or not, be taken back from him by the Election Officer or Assistant Election Officer under the direction of the Election Officer.
- (6) After the ballot paper has been taken back, the Election Officer shall record on its back, the words "Cancelled.- voting procedure violated" and put his signature below these words.
- (7) All the ballot papers on which the words "Cancelled- voting procedure violated" are recorded shall be kept in a separate cover which shall bear on its face the words "Ballot papers- voting procedure violated".
- (8) Without prejudice to any other penalty to which such voter, may be liable, the vote if any, recorded on such ballot paper shall not be counted.

24. Assistance to voter.

The Election Officer shall give such assistance as may be required by any voter who is by reason of infirmity or blindness or illiteracy unable to vote in the manner prescribed in para 23.

25. Identity of voter.-

At any time before a ballot paper is delivered to a voter the Election Officer may on his own accord, if he has reason to doubt the identity of the voter or his right to vote at such polling station and shall, if so required by a candidate or polling agent satisfy himself by putting to the voter such questions as he may deem necessary that such person is identical with the voter to whom such entry relates.

- 26. Closing of poll.-** The Election Officer shall close a polling station at the hour fixed in that behalf under para 13 and shall not thereafter admit any voter into the polling station provided that all voters present at the polling station before it is closed shall be allowed to cast their votes.

27. Sealing of ballot boxes.- (1) As soon as practicable after the closure of the poll the Election Officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-paras (1) and (2) before another ballot box is put in to use.

28. Counting of votes-

(1) The ballot papers taken out of each ballot box shall be arranged in bundles. The counting of votes shall commence immediately after the polling is completed. Votes shall be counted by or under the supervision of the Election Officer. Each candidate and his authorized agent shall have a right to be present at the time of counting.

(2) The Election Officer or Assistant Election Officer shall,-

(i) reject a ballot paper :-

(a) if it bears any mark or writing by which the voter member who has voted can be identified; or

(b) if it does not bear the distinguishing mark: or

(c) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given.

(ii) The authority competent to reject a ballot paper shall be the Election Officer.

(3) Soon after the counting of votes is over, the Election Officer shall prepare and certify a statement setting forth

(a) the total number of ballot papers issued;

(b) the number of valid votes given to each candidate; and.

(c) the number of ballot papers declared to be invalid or rejected.

29. Declaration of result.-

On the basis of statement prepared under sub-para (3) of para 28 the candidates who have secured the largest number of valid votes shall be declared elected and their names shall be published on the notice board of polling station under the signatures of the Election Officer, and in case if equality of votes polled in favour of two or more candidates, lots shall be drawn in such manner as the Election Officer may decide to determine the name or names of the successful candidate or candidates. The result of the election declared by the Election Officer shall be supplied to the contesting candidate soon after the declaration of the result.

Custody and destruction of election papers- Upon completion of the counting and after the result has been declared, the Election Officer shall take custody of the ballot papers. The ballot papers and other records relating to the election shall be secured in a container, which shall be affixed with the seal of the Election Officer and of the candidates who desire to affix their seals. All ballot papers and other election material so sealed and secured in a container shall be kept by the Election Officer in safe custody and retain the same for a period of three months from the date of the poll, and there after be destroyed after the said period of three months, if no dispute relating to or in connection with that election arises.

PART- IV

Rules for Recall of member of Managing Committee

30. Recall :

- (1) The notice for recall in respect of a member of the Managing Committee of any Water Users' Association shall be addressed to the concerned Deputy Executive Engineer in-charge of the project.
- (2) The notice required to be given in **Form-XI of Annexure-4**, shall be accompanied with additional copies thereof, and the Deputy Executive Engineer in-charge of the project shall send one copy to the concerned member of Water Users' Association where the members desire to move the motion of recall against more than one Member they shall give separate notice for each member proposed to be recalled.
- (3) The Deputy Executive Engineer in-charge of the project who is also the Election Officer for the Water Users' Associations shall, immediately on receipt of a notice under para 1, satisfy himself that the notice has been given by not less than one half of the total number of the members of the concerned Water Users' Association who are entitled to vote at any meeting of the Water Users' Association and then convene a special meeting for the purpose within a period of seven days from the date of receipt of such notice and such meeting shall be presided over by the Election Officer :

Provided that no such motion of recall against any office bearers shall be allowed within a two years from the date of assumption of office by such office bearer provided further that the members who are defaulters in respect of water charges shall not be allowed to sign the recall motion.
- (4) If the motion referred of no-confidence is carried with the support of more than two-third of the members present and voting the motion shall be deemed to have been passed.
- (5) All Members of the concerned Water Users' Association shall be allowed to vote to recall the members from the reserved category. However, only the members from a particular reach shall be allowed to recall the members from that respective reach only.
- (6) The Election Officer shall record the proceedings of such meeting.
- (7) The concerned Election Officer on receipt of proceeding of meeting will pass order for removal of the person from the office against whom motion is carried and will initiate appropriate action for filling of the vacancy so caused.
- (8) Immediately after removing of the member, the Deputy Executive Engineer can communicate to the Water Users' Associations and the Executive Engineer in charge of the project, the names of all the members of the Water Users' Association who are present at a meeting, the decision taken on motion and the number of votes in favour of, or against, the motion.

ENCLOSURE -3

(See Rule 19)

Flow Measurement and its Record

(A) Flow Measurement and its Record:

- (i) Copy of record drawing and discharge table of measuring devices shall officially be given to Water Users' Association and kept with Section Officer, Work Assistant, Karkoon, Chowkidar.
- (ii) All the dimensions as well as control levels of measuring device as per design be checked before handing over the same to Water Users' Association. If there are any deviations or errors, the same should be rectified.
- (iii) Ensure that the device is hydraulically functioning properly (e.g. formation of hydraulic jump, free flow condition, etc.)
- (iv) Ensure that gauge is accurate and readable.
- (v) If measuring device consists of some moving components, they shall be maintained periodically (e.g. oiling, greasing, filling of ink, replacement of data sheets or pens, etc.)
- (vi) In case of manual discharge measurements, the gauge and discharge measurements shall be taken at least twice in a day (12 hours interval) in the presence of the representatives of the Department

and Water Users' Association and signed by the authorized persons of both the agencies in conformity. The measurements may be recorded in the format as given in **Statement-I of Annexure-5**.

- (vii) In case of automatic measuring device, the result sheets shall be signed by the authorised persons of both the agencies. As far as flow meters in pressure pipe lines are concerned, the measurements may be taken once in a day and signed by the authorised persons of both the agencies.

(B) Periodic Evaluation of Measuring Devices:

(1) Evaluation of measuring devices in open channel:

The evaluation of measuring devices in open channel shall be done at least once in a year by the Deputy Executive Engineer in-charge of the project or his nominee. Following general procedure may be followed (The specific items to be included in evaluation will depend upon the type of measuring device):

- (i) Obtain design drawing and discharge table.
- (ii) Before releasing water, take actual dimensions of all components and control levels (e.g. Upstream Canal Bed Level, Downstream Canal Bed Level, hump level/sill level, level of zero of the gauge etc.).
- (iii) Note down condition of gauge chamber (e.g. extent of silting, readability and accuracy of gauge plate, functioning of connecting pipes etc.).
- (iv) After releasing water observe the hydraulic performance (e.g. formation of hydraulic jump, free flow condition, etc.).
- (v) Compare actual dimensions, levels and hydraulic performance with the designed one and if there are any variations or deviation, the same shall be rectified.
- (vi) Ensure that discharge table is based on actual dimensions or levels or appropriate discharge coefficients.
- (vii) In case of measuring devices provided with automatic recorders, the measurements should be verified with manual measurements (e.g. volume recorded by automatic recorder in a given period be verified by manual measurements). These automatic devices be calibrated periodically from the authorized agencies.
- (viii) After evaluation if any deviations or errors are detected, the reasons for the same should be identified and remedial measures be suggested to bring back the device in proper working condition. This should be brought to the notice of the concerned Water Users' Association.

Thereafter the concerned Water Users' Association shall get the same repaired and set right at its own cost within a period of thirty days.

(2) Evaluation of Water meters in pressure pipelines:

The responsibility of providing, installing and calibration of water meters for flow measurement in every water lifting device lies with the Water Users' Association. The water meters shall have to be as per Bureau of Indian (ISI) standards. The section officer, duly empowered in this behalf, has the powers to inspect and test the water meters. The measurements shall be verified based on discharging capacity of the pump considering suction head, delivery head, head loss in pipe line, horse power of the pump, etc. and running period. This shall be done at least twice in a year. If the meter is found to be defective, the concerned Water Users' Association shall get the same repaired and set right at its own cost within a period of thirty days.

(C) Ascertaining Volume of Water during the period of non-functioning of measuring device:-

Following procedure may be followed to ascertain the volume of water during the period of non-functioning of measuring device.

(1) Open Channels:

The head regulator through which water supply is regulated in open channel, or falls, pipe crossing, if available at convenient location may be calibrated to estimate the discharge. The arrangements for measuring actual water levels at these structures will have to be provided. The measurements and discharge be recorded as usual i.e. twice in a day and signed by the authorized persons of both the agencies. The period of non-functioning of measuring device shall not be more than thirty days i.e. it shall be repaired and brought into use within thirty days by the concerned Water Users' Association. If the device remains out of order for a period exceeding thirty days, the quantity of water measured using other structures as mentioned earlier shall be increased by twenty five per cent for billing purposes.

(2) Lift Irrigation Schemes:

The discharging capacity of the pump considering minimum suction head, actual delivery head, head losses in the pipe line, horse power of the pump shall be computed. The volume of water pumped may be estimated considering this discharging capacity and average running period per day. This volume may be increased by twenty five per cent as a penalty for not keeping the meter in working condition, if the measuring device is not repaired and brought into use within a period of thirty days.

ENCLOSURE – 4.

(see rule 19)

Determining Water Entitlement

(A) Unit of Water Entitlement at Minor Level for flow irrigation in Kharif season in a normal year: While arriving at preserving Unit for Water use entitlement, the following procedure shall be adopted:

- (1) Consider the planned or latest approved utilization of water in Kharif season taking into account the water required for irrigation and non-irrigation purposes and losses.
- (2) Deduct from (1):
 - (i) Actual evaporation and other losses like seepage, etc. (If this information is not available for new projects, the losses assumed during project planning may be considered till the actual data is available).
 - (ii) Non-irrigation water requirement from reservoir (existing or sanctioned whichever is lower).
 - (iii) Non-irrigation water requirement from canal system (existing or sanctioned whichever is lower) considering conveyance efficiencies at all levels of the system as per Table appended to this Annexure.
 - (iv) Net river losses, if any, in the case of storage cum pickup weir system (to be estimated based on ten years data).
 - (v) Water allocation as sanctioned by the Government, if any, for bulk consumers.
- (3) Estimate water available for irrigation in Kharif season at canal head, that is, (1) minus (2).
- (4) Deduct from (3):
 - (i) Water Allocation for lift irrigation schemes on reservoir including pressurized irrigation schemes (permissible or sanctioned, whichever is lower).
 - (ii) Water Allocation at canal head for lift irrigation schemes on canal system including pressurized irrigation schemes (permissible or sanctioned, whichever is lower) considering the appropriate efficiencies (Refer Table appended to this Annexure for efficiencies).
- (5) Estimate net water available for flow irrigation at the head of the Water Users' Association, that is (3) minus (4) multiplied by conveyance efficiency from canal head to head of the Water Users' Association (Refer Table appended to this Annexure for efficiencies).

(6) Estimate Net Culturable Command Area for flow irrigation deducting the following areas from the total Culturable Command Area of the project.

(i) Cultural Command Area under lift irrigation schemes on reservoir and canal system including area under pressurised irrigation schemes (permissible or sanctioned whichever is lower), and

(ii) Cultural Command Area of bulk consumers.

(7) Compute unit entitlement per hectares of Net Culturable Command Area by dividing net water available for irrigation on flow by Net Culturable Command Area, that is (5) or (6).

(The total Water Entitlement of the Water Users' Association is the product of unit entitlement per hectares of Net Culturable Command Area as computed in (7) above and Net Culturable Command Area of the concerned association. The Net Culturable Command Area of association is a product of the total Culturable Command Area and ratio of Net Culturable Command Area to the total Culturable Command Area of project as a whole.)

(Illustrative example enclosed as **Statement-I of Annexure-6**).

(B) Unit of Water Entitlement at Minor level for flow irrigation in Rabi and Hot Weather Season in a Normal year: The prescribed unit for water entitlement in a normal year is to be computed as given below.-

(1) Consider the planned or latest approved utilization of the project for Rabi and H.W. season.

(2) Deduct from (1) :

(i) Reduction in the live storage due to siltation (actual or based on water balance study till actual data is available).

(ii) Approved carryover, if any.

(iii) Net losses from the reservoir i.e. evaporation and seepage duly considering post monsoon flow based on water balance study of last ten years. (If this information is not available for new projects, the assumption made during project planning may be considered till actual data is available).

(iv) Net losses in the river if it is storage-cum-pickup weir system. The same shall be computed considering river gains and losses based on last ten years data.

(v) Non-irrigation water requirement from reservoir (existing or sanctioned, whichever is lower).

(vi) Non-irrigation water requirement from canal system (existing or sanctioned, whichever is lower) duly considering conveyance efficiencies at different levels of system as per Table appended to this Annexure.

(vii) Water allocation as sanctioned by the Government, if any, for bulk consumers.

(3) Estimate water available for irrigation in Rabi and Hot Weather seasons at canal head, that is, (1) minus (2).

(4) Deduct from (3):

(i) Water Allocation for lift and pressurized irrigation schemes on reservoir (permissible or sanctioned, whichever is lower).

(ii) Water Allocation at canal head for lift and pressurized irrigation schemes on canal system (permissible or sanctioned, whichever is lower) considering the appropriate efficiencies as per Table appended to this Annexure.

(iii) Water allocation for lift and pressurized irrigation schemes on river between dam and pickup weir, if any, (permissible or sanctioned whichever is lower).

(5) Estimate net water available for flow irrigation at head of the Water Users' Association, that is, (3) minus (4) multiplied by conveyance efficiency from canal head to head of the Water Users' Association (Refer Table appended to this Annexure for efficiencies).

- (6) Compute season wise allocation of this water available for flow irrigation at minor head based on planned or revised allocation of water in the project design.
- (7) Estimate Net Culturable Command Area for flow irrigation deducting the following areas from the total Culturable Command Area of the project.
 - (i) Culturable Command Area under lift and pressurised irrigation schemes on reservoir, canal system and river between dam and pick up weir (existing or sanctioned, whichever is lower).
 - (ii) Culturable Command Area of bulk consumers.
- (8) Compute seasonwise unit entitlement per hectare of Net Culturable Command Area by dividing seasonwise net water available for irrigation on flow by Net Culturable Command Area, that is (6) or (7).

(The total Water Entitlement of the Water Users' Association is the product of unit entitlement per hectare of Net Culturable Command Area as computed in (8) above, and Net Culturable Command Area of concerned association. The Net Culturable Command Area of association is a product of total Culturable Command Area and ratio of Net Culturable Command Area to the total Culturable Command Area of project as a whole.)

(Illustrative example enclosed as **Statement-II of Annexure-6**).

- (E) Unit of Water Entitlement for Lift Irrigation Water Users' Association on Storage without Canal System including Weirs without Backup Storages in a normal year.
 - (1) Consider the planned or revised utilisation in different seasons.
 - (2) Deduct from (1):
 - (i) Net losses from the reservoir considering the evaporation, seepage and post monsoon flow based on water balance study of last ten years. (If this data is not available for new projects, the assumptions made during project planning may be considered).
 - (ii) Reduction in the storage due to silting (actual or based on water balance study)
 - (iii) Non-irrigation water requirement from storage, if any.
 - (3) Estimate net water available for irrigation, which is the prescribed water entitlement for the concerned Lift Irrigation Water Users' Association.
- (F) Water Entitlement for Lift Irrigation Water Users' Association on Rivers or Streams without any back up storage:

The flow in the rivers or streams without any back up storage is not certain and hence water entitlement for the same shall not be prescribed.

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FORM-I**ANNEXURE-1**

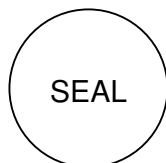
(See rule 5)

*GOVERNMENT OF GUJARAT***NARMADA, WATER RESOURCES, WATER SUPPLY
AND KALPASAR DEPARTMENT,****Certificate for Registration of Water Users Association for Participatory Irrigation
Management**Regi. No. [*Name of Main /Branch Canal/No./Year*]

This is to certify that **Narmada, Water Resources, Water Supply and Kalpasar Department** as empowered vide Gujarat Water Users Participatory Irrigation Management Act, 2007 gives registration to Water Users' Association of village....., Taluka, District for Minor Canal of Canal Network of irrigation Project.

Place:

Date:



Superintending Engineer

..... Circle

FORM-II
ANNEXURE-1

(See rule 5)

Register of Registration of Water Users' Association

_____ (Name) _____ **Irrigation Division** _____, _____ (Place) _____

_____ (Name) _____ **Project (Major/Medium/Minor)**

Sr. No	Name and Address of WUA.	Registration No. and date.	Category of WUA	Name / Number of Minor	Total Area (CCA) (Ha).	No. of Beneficiaries.	No. and Name of the villages benefited	Remarks
1	2	3	4	5	6	7	8	9

1. Flow/Lift/Combined

ANNEXURE-2

MEMORANDUM OF UNDERSTANDING

**THE FORM OF AGREEMENT TO BE ENTERED BETWEEN NARMADA AND WATER
RESOURCE DEPARTMENT, GOVERNMENT OF GUJARAT AND WATER USERS'
ASSOCIATION (WUA) FOR WATER DISTRIBUTION MANAGEMENT OF
GOVERNMENT CANAL**

This MOU is entered into on date _____ between the Executive Engineer on behalf of governor of Gujarat state on one side and on other the president of the _____ WUA (it will be referred later in the MOU as "WUA") which is registered under **Gujarat Water Users' Participatory Irrigation Management Act, 2007.**

According to this agreement the command area of _____ irrigation project is handed over for the irrigation management for the specified period mentioned in MOU. (A map is enclosed herewith) but the ownership of canals with all C.D.works executed from government resources and the land acquired for the canal construction and all works executed as the expenditure of government would lie fully with government.

The conditions and understanding mentioned in the MOU are accepted to both the parties and the changes can be made by the consent of both.

- 1) Get higher agriculture production by increasing productivity in the maximum command area by scientific approach and economical use of irrigation water through WUA in a participatory irrigation management.
- 2) The WUA organized for taking up the responsibility if irrigation management in the command area of _____ irrigation project, is registered on _____ by _____ registration number. (copy enclosed) Minimum 51% of command area should be covered by the WUA for irrigation and at least 51% of the farmers of command area should be the members of the WUA.
- 3) After the MOU is entered into and before the responsibility of irrigation water management and distribution is assigned to the WUA up to level of minor canal with C.D.works falling within the command area will be jointly inspected. Necessary special repairs, rehabilitation and canal improvement repairing will be done at Department cost. After this, the WUA will be taken into confidence about the capacity of canal system and supply of water through joint inspection and testing. Both the parties, as mutually agreed upon, will decide type of the works to be taken up, their priority and arrangement for execution and for maintaining the quality of work. WUA's contribution towards the cost of necessary work of canal rehabilitation and in other related matters government policy instructions will have to be followed. There after the WUA will take over the responsibility of the irrigation management through executing this MOU. However, transfer of canals to the Water Users' Association willing to take over the canals for participatory irrigation management before rehabilitation can be done and for that purpose MOU shall be signed. Before transfer of canals, joint inspection shall be done and based on that physical and financial planning of rehabilitation works shall be decided and works shall have to be completed accordingly as mutually agreed upon. The rehabilitation works, their management, priority and quality control etc. shall be as per the decision of both the parties. The policy of the Government and instructions there on regarding WUAs' contribution and other relevant matters shall have to be followed.
- 4) Every year, at the end of rainy season, say in September, after calculating the water collected in the reservoir, the canal officers would allot estimated volume of water for the year means from October to June of next year in consultation with the representatives of the WUA regarding available quantity of water. The decision of concerned Executive Engineer would be treated as final and will be binding to WUA. In consultation with WUA, Executive Engineer will decide before a month from each season as mentioned below, the actual quantity of water to be released in each season i.e. Kharif, Rabi and Summer looking to the available quantity of water for that period of irrigation.

Period of season for irrigation and the dates of allotment of quantity of water will be observed as under.

Season	Date of allotment of quantity of water	Time of season of irrigation
Kharif	15th August	16th June to 15th Nov.
Rabi	30th September	15th October to 15th March (Next Year)
Summer	16th January	16th February to 15th June

The timing of release of water can be changed with mutual understanding with the WUA.

5) Initially water rate for the water supplied to the WUA will be charged on crop area basis. The government may decide norms/standard for water rates on volumetric basis in future when it is found feasible and proper. WUA will be responsible to decide the norms/standards and methods for distribution of water supplied to it by the Department, for its equitable distribution to its members. Volumetric method of assessment, when introduced, will be introduced step wise. WUA would get acquainted with the arrangements of measurement of quantity/volume before introduction of supply of water on volumetric basis.

6) The WUA would take over the responsibility of ordinary repairs of irrigation facilities up to minor canal level as mentioned below and will be responsible to make payment to the Government of water rates collected from its members after deducting the rebate of 30% of the total amount of water rates collected.

- 1) Maintenance and de-silting of distributaries and minors.
- 2) Keeping the service roads and inspection paths in good condition.
- 3) Removal of weeds, shrubs and trees from the canal site.
- 4) Keeping the structures in good condition.
- 5) Keeping outlets, gate seals etc. in good condition.
- 6) Maintenance of water course and troughs.

Apart from the ordinary repairs mentioned above, the works of special repairs required due to the reasons beyond the control of the WUA and due to natural calamities would be carried out in consultation with WUA.

7) The office bearers and members of the WUA will have to take necessary training of irrigation management.

8) For every season, the WUA will furnish consolidated demand of required water and area to be irrigated for its members to the canal officer. Keeping in view the possible area that may be irrigated, as determined by the Department the WUA will be responsible to get its approval from the Department and to operate the outlets according to the arrangement of rotation for the farmers taking water from an outlet.

9) The water will be supplied to the WUA only for irrigation purposes and it can not be used for other purposes. But if the need of additional water arises for saving agricultural crop, a separate demand for additional water allotment would have to be put forward for approval from the Department. Department may consider such demands of WUA according to the availability of water, if any.

10) WUA may supply water to the non-members too subject to the prior necessary approval to that effect from the Department. For that WUA can decide special water charges which should not be more than 30 % over and above the water rates normally charged from its members.

11) The WUA may also supply water to the area declared as non-irrigable within the command area of the project subject to the prior necessary approval to that effect from the Department. The WUA will have to pay special rates, as may be decided by the government considering the case merit.

12) When the water rates is decided on volumetric basis with the consent of the WUA, WUA will maintain the records in the prescribed register in which the authorized committee members of the WUA will counter sign for its authenticity.

13) If water is flowing in the ravine due to leakage of water or rise in ground water level, farmers can not lift such water without permission of the WUA. The WUA can give the permission after taking government approval. For which, the WUA can recover water charges as decided and approved by the Government.

14) WUA will be responsible for distribution of water and recovery of water rates/charges. WUA is eligible to get rebate at the rate of 20 % of the total water rates collected if WUA collects 100% recovery of water charges and makes the payment of remaining amount of total water charges collected to the Government before the stipulated date of payment.

15) The Department, at the end of the rainy season, i.e. at the end of September each year, will estimate availability of irrigation water and area can be irrigated from it, as accurate as possible in consultation with the WUA. Accordingly WUA shall frame and place before the canal officer the required demand proposal for approval. During the successful irrigation years, if due to reasons beyond the control of the government farmers do not get the normal yields of the crops as a result of failure of the Department to supply mutually agreed quantum of water as per the agreed schedule, the Department as a part to its agreed responsibility, will be responsible to compensate the farmers. For that the following matters will be binding.

(A) The reasons for not supplying the agreed upon water supply for irrigation to the farmers of the WUA as per fixed schedule should be for reasons beyond the control of government.

(B) The farmers can claim compensation for their loss in yield only if the loss is more than 25 % as compared to the standards yields for different crops as decided by the government's agriculture Department in the district.

(C) In the cases where the deficit in yield is within 25 % of the standards of yield decided by the agriculture Department for different crops for that district, farmers will not be entitled to get compensation. Only in the cases where the deficit is more than 25 %, the compensation can be claimed for the damage in production in excess of 25 %.

(D) In case of any serious dispute, it can be resolved by arbitrator appointed with the consent of both parties.

16) When decision is taken to decide and collect water charges on volumetric basis, the water rates should not be higher than the water rates of government in-force at that time, based on crop area basis.

17) The bill of water used will be recovered from the WUA by the Department as per the following schedule.

SR NO.	DESCRIPTION	KHARIF	RABI	SUMMER
1	DATE OF GIVING BILL TO WUA FROM DEPARTMENT	10 TH NOV.	15 TH APRIL	15 TH JULY
2	DATE OF MAKING PAYMENT TO DEPARTMENT FROM WUA	1 ST FEB.	1 ST MAY	15 TH SEPT.
3	LAST DATE OF PAYMENT OF BILL	30 TH APRIL	31 ST JULY	30 TH NOV.

If the bill to be paid by the WUA is paid after the time limit mentioned in second row of the table, 10 % surcharge will be recovered as penalty. If the payment is made before stipulated dates, WUA is eligible to get rebate at the rate of 20 % of the water rates collected and shall have to make the payment of remaining amount of total water charges collected to the Government. If the payment of the bill is not made till the dates mentioned in row no. 3 of the above mentioned table, Department will stop the supply of water. The WUA would be fully responsible for the consequences.

18) When the water rates are to be paid to the government on crop area basis, the WUA would have to give the information to the Department about the actual area irrigated by each of its members. If, on verification it is found that any of its members have utilized water to irrigate the area more than area agreed upon both the parties, the provision of penalty at prevailing rates will be applicable.

19) If the allotted water quantity is more than required for the area likely to be covered under irrigation, the WUA will have to inform the Department in writing before the start of the season. Otherwise the WUA will have to pay for the allotted quantity of water.

If the WUA envisage more irrigated area and would need more quantity of water than allotted, the WUA will have to inform the Department and put its demand in writing in the beginning of the season. Government may accept the demand as per available in the reservoir.

20) For utilizing canal water in irrigation through drip and sprinkler system the canal officer of the Department and WUA involved in PIM implementation shall have to implement through people's participation the following provisions in their jurisdiction.

1. For drip and sprinkler irrigation, storage of water is necessary. For this purpose, WUA with the permission of Department can be allowed to feed canal water in the tanks, farm ponds, check dams, small new tanks, sumps or such other developed sites near the canals from where drip and sprinkler irrigation can be done. WUA shall pay contribution in the capital cost as laid down in this RULES.
2. Five years master plan to develop Drip & Sprinkler Irrigation System from all irrigation water resources such canals, tanks, tube wells, check dams, wells, rivers and rivulets shall be prepared and implemented. The WUA practicing flow irrigation shall have to switch over to Drip and Sprinkler Irrigation in a phased manner during period of five years, closing the present practice of flow irrigation.
3. One of the Governments intension/emphasis is to recharge ground water storage and to increase ground water storages by filling tanks from canals, rivers and dams. The filled water shall be utilized in recharge as well as evaporation. To charge fees on water utilized in evaporation and recharge does not seem advisable and lawful. The WUA shall be charged fees on water actually lifted by the farmers from the sources to use in drip and sprinkler irrigation. The WUA shall pay water fees based on volumetric basis, measured through meters, hectare basis or as per watering basis as per the Irrigation Act.

21) Concerned canal officer will have the right to ensure implementation of the provisions and conditions of this MOU and to inspect the water distribution system/management in the command area. The canal officer can scrutinise from time to time the records of the WUA related to the water distribution. The WUA shall comply with the observations/remarks.

22) The time limit of this MOU will be five years from the date of agreement and it can be extended with the consent of both the parties.

23) To develop participatory irrigation management through Water Users' Association the provisions made under the Act and the Rules will be applicable and binding to both the parties.

24) During the period of MOU, the changes in the provisions can be made with consent of both the parties.

25) In case of any disputes regarding the interpretation of conditions and contents of this MOU, the decision of the government will be binding to the WUA.

26) The signatories on behalf of the WUA who have signed this agreement have given assurance that they are competent to sign this agreement, with this understanding both parties have read,

understood and agreed and accepted this agreement, and signed this agreement in the presence of following witnesses.

For government _____ For WUA _____

Witnesses

1) Name : _____

Address : _____ Signature: _____

2) Name : _____

Address : _____ Signature: _____

ANNEXURE-3

**THE FORM OF AGREEMENT TO BE ENTERED INTO BETWEEN THE GOVERNMENT
AND WUA FOR EXECUTING NEW WORKS, REMODELLING AND REHABILITATION
WORKS BY WUA**

This agreement is entered into on (date) _____ Month _____ 200____ between the Narmada, Water Resources Water Supply & Kalparar Department / Panchayat / Corporation / Govt. Department / Govt. Organisation / Govt. agency (which is herein after referred to as "Establishment" and in the expression their successors officers of their office are included) on one side and on the other _____ irrigation co-operative WUA which is registered WUA / organisation under Gujarat Water Users' Participatory Irrigation Management Act, 2007 in the office of _____ vide registration no. situated at village _____ of _____ Taluka in _____ District which shall hereafter referred to as 'WUA' in this agreement. In the expression lawfully appointed president/chairperson and his successors of the WUA with the terms and conditions as below:-

Application to form WUA has been forwarded on date _____ In the meantime, Superintending Engineer has given recognition by his order dated _____ (The copy of the registration should be attached, if the WUA is registered)

The work to be done has been included in the purpose of the WUA. The undersigned president/representative/administrator in this agreement are lawfully appointed president/chairperson/representative/administrator of this WUA and their names are registered in the said office.

The plans estimates are prepared by _____ as per the schedule of rates (S.O.R.) for the year 200 _____. The market rate analysis is prepared for the items of which prevailing market rates are higher than the approved schedule of rates and for the items which are not included in schedule of rates. The administrative and technical sanction of the approved work has been obtained. The details of which are as below :

- 1) Name of work :
- 2) Details of sanctioning authority :
- 3) The details of administrative sanction :
 - a) Estimated amount :
 - b) Date and No. of order
- 4) Details of technical sanction :
 - a) Estimated amount :
 - b) Date and No. of the order :

For the work to be executed under this agreement and as per the above details, the consent of the _____WUA and it's resolution dated _____, in this regard, is received by the 'establishment'. Therefore, the works shall be carried out as per following conditions, schedule-B and technical specification. It shall remain binding to both the parties.

As mentioned above, this agreement is executed to carry out the following works by WUA.

1. Name of work and it's nature/ type :
2. Estimated amount :
3. Time limit for completion of the work :
4. for controlling officer of the Establishment :

Office particulars :

Sub-Division :

Division :

The terms & conditions of the Agreement :-

1. As the WUA itself is contributing in the cost of the work and participating and working without any aim of profit, the work entrusted to the WUA shall be treated equivalent to the work carried out departmentally as per the policy of the Government. Earnest money or security deposit shall not be asked from the WUA. Since the WUA is working on the principles of no-profit, as per the provision made in the resolution no. 197/13/93/TTA/T dated 28-1-93 of Ministry of Finance, Govt. of India, deduction of income-tax shall not be made at the time of payment for the work done, provided it is not being contrary to the provision of law for the same.
2. (A) Implementation of the approved work shall be done efficiently and economical by the WUA. The WUA shall bear its own administrative cost. 2% of the estimated cost of work can be added as contingency.
(B) Inclusion of labors welfare up to 2% and outside consultancy cost up to 10% shall be acceptable provided these expenses do not exceed the approved estimated cost.
3. As per the provision of Gujarat Water Users' Participatory Irrigation Management Act, 2007 and the RULES made under the ACT the WUA shall have to share 10 % of estimated amount as contribution to implement the works of repairs & rehabilitation. In case of new works, WUA shall have to share as contribution 5% of the estimated amount. While releasing funds to the WUA by the Government, respective amount either of 10% or 5% of estimated amount shall be deducted. If WUA wants, it can give more contribution.
4. At the time of entrusting the sanctioned work to the WUA, 1/3 rd of sanctioned amount shall have to be given to the WUA without any mortgage. When the WUA furnishes account of use of 75% of the first advance, the concerned Executive Engineer of the Division, who gives financial assistance, shall give certificate after necessary verification of work and expenditure details, on which 1/3 rd amount of estimated cost will be paid to the WUA as a second installment of an advance. On the same basis of 75 % utilization of the paid advance, the concerned Executive Engineer may release third and final installment of an advance retaining 10 % of the estimated cost from the total amount of third and final installment. The amount of second & third installment shall have to be made available to the WUA within a month after WUA furnishes the relevant details of expenditure.
5. The plans & estimates, Schedule B and technical specifications of work to be carried out under this agreement, are acceptable by both the parties.
6. The progress of the work entrusted to the WUA shall be maintained satisfactorily as per technical planning, design, specification and the quality etc. which has been fixed after discussing with the WUA about the nature of work, circumstance and it's time-limit. For that, it shall be the responsibility of the WUA to arrange all type of necessary materials, labour, required equipments etc. according to provisions made in the agreement.
7. As regard to the work entrusted to the WUA, if it is possible for the Establishment to provide materials & equipments, it can be provided on demand from the WUA. The material and equipments thus provided by the Establishment will have to be preserved and maintained and used only for the purpose under the guidance of the Establishment by the WUA. As per the terms and conditions of agreement, the prevailing norms of the Establishment shall remain acceptable for the recovery of charges. The local carting/transport expenses, godown /storage charges etc. shall be done as per the prevailing norms of the Establishment.
8. For the works entrusted to the WUA, the officers/employer of the divisions under the control of the Establishment shall perform responsibilities of it's administrative and technical supervision, accounting control and quality control and the responsibility of testing, after completion of work and/or during the progress, shall be performed by the Establishment in consultation with the WUA.
9. To maintain arrangements, quality control, specifications and technical standards of the work entrusted to the WUA and for proper execution of canals or construction according to it's design, a co-ordination committee for the purpose shall be formed. The concerned Executive Engineer will be the chairperson of the committee. It shall consist of three representatives from the members of the WUA and one representative from the voluntary organisation. If WUA is not associated with any voluntary organisation, any reputed person acceptable to the Establishment will be a member. The meeting of

co-ordination committee will be held at every month. Its' main functions will be the planning of the work entrusted to the WUA, monitoring of progress, and to solve the problem, if any.

10. If the market rate of any item is higher than the approved rate of sanctioned estimate and WUA has actually incurred such expenditure, on examining such consequences excess expenditure shall be acceptable after obtaining approval of the committee constituted by the below mentioned members. After timely discussion such committee shall have to take decision in the interest of work looking to the technical standards, requirement, circumstances and the situation.

- | | | |
|----|---|-------------|
| 1) | Concerned Superintending Engineer. | Chairperson |
| 2) | Concerned Executive Engineer | Secretary |
| 3) | Representative of the concerned voluntary organisation and if the voluntary organisation is not working in the respective area, then one reputed person of the area acceptable to both parties. | Member |
| 4) | The president/chair person of WUA. | Member |

11. The canal officer shall prepare the details of work entrusted to the WUA as per the format and as per measurement book prescribed by the Government. During this activity, the president & representatives of the WUA will remain present and countersign for it's authenticity at the fixed space provided for it. Thereafter the concerned Executive Engineer shall make the payment of balance amount of the estimated cost to the WUA. At the time of issuing certificate for advance payment or when work is completed, if the work entrusted and executed is found acceptable in view of quality and technical requirements and the WUA has given satisfactory reasons for variation in quantity/quality of different items and same is found to be acceptable, then the concerned Executive Engineer can make the payment of payable amount within the limit of total estimated amount. After the completion of work, as above and the WUA submits detail regarding it, the concerned Executive Engineer shall issue completion certificate within one month thereon.

12. The works of extra items, which is necessary but not included in the technical sanction, can be executed with the approval of committee as mentioned in Para No.10 above. Payment purposes for such works which is based on the details of the measurement of actual work done and the rate eligible for the such items as per schedule of rate or based on the eligible amount from the proper rate analysis at prevailing market rates.

13. If the land to be acquired as per the requirement of the nature of work, it's alignment and area of work for the work under the agreement, the Establishment shall solemnly be responsible for the same. In connection of this, co-ordination at local level shall be required to be maintained to get farmers' co-operation and to see that as far as possible, the work may not with held due to land acquisition. Required land shall be obtained from the concerned farmer by executing sale deed in accordance with the prescribed rate and standards of the Establishment. The authority shall make payment of amount as per sale deed to the relevant farmer.

14. The WUA shall have to maintain accounts of sanctioned work separately and it shall be submitted before the payment of final bill duly certified by the auditor of the WUA. The information asked by the Accountant General & the concerned Executive Engineer shall be furnished. The canal officer shall have right to monitor the sanctioned work and to examine the work on site and records.

15. The ownership of the irrigation assets created by implementation of the scheme is and shall remain with the Establishment. The operation and maintenance of these properties shall be done by the WUA.

16. The WUA undertakes to use the fund allotted for the sanctioned work of the scheme solemnly for that work and not for any other purposes.

17. The objective of entrusting work to the WUA under this agreement is to complete the good quality work in accordance with necessary administrative and technical standards in shortest possible

time for the benefit of the beneficiaries. Therefore, in spite of provision made in above Para-9, if any dispute is arisen, same shall have to be solved at the committee level. (It is expected). However, if dispute can not be solved, the committee at the Superintending Engineer level, mentioned in above Para-10, shall solve the same. If the committee fails to tackle the issue the matter can be represented to Chief Engineer at Government level. The decision given by him, after considering representations from both the parties, shall be final and binding to both the concerned parties.

18. If the concerned Executive Engineer finds that the WUA is not implementing as per the agreement of sanctioned work or the fund allotted to the WUA is not utilised properly as per the financial agreement, he can cancel the sanctions so given, if found necessary, after giving necessary opportunity for written explanation to the WUA. In that case, the WUA shall refund the amount paid so far along with bank charges and it's interest, to the concerned division. And the recovery of such amount shall be recoverable under Gujarat Public Money (Recovery of Dues) Act 1979 or under the Bombay Land Revenue code as dues of land revenue. There shall be a right of appeal to the competent level against the decisions and orders of the concerned Executive Engineer within thirty days from the date of such order.

19. The WUA shall use the quality material, machinery and equipments required for construction of the scheme. If the concerned Executive Engineer opined that the materials, labour works and other works are of inferior quality, then after giving opportunity to the WUA to explain in written, the WUA shall have to replace such materials without any charge for it. Further, the WUA shall have to remove the works of sub standard and of inferior quality, done so far, without any charge including material, labour and other expenditure and shall have to reconstruct the same. For this purpose, the WUA shall form "Construction Committee" from representatives of beneficiary farmers. The members of this 'Construction Committee' shall take necessary training with help of the Establishment and voluntary organisation.

20. As per the provision of Gujarat Water Users' Participatory Irrigation Management Act, 2007 and the RULES made under the ACT, this agreement shall be executed on the stamp paper of required amount as per the provision made in the Bombay Stamp Act 1958. The cost of which shall be borne by the WUA.

21. The canal officer and the representatives of the WUA shall work together with cooperation and coordination for speedy and satisfactory execution of the sanctioned work which is intended to raise the livelihood of the people in rural areas under participatory irrigation management.

22. Concerned Canal officers shall supervise execution of the works. The WUA undertakes to follow the instructions given by such canal officers during the construction of works.

23. If the responsibility or any damage is arisen due to action or inaction of the WUA or its representative during the course of construction of work of the scheme, the damage or responsibility/liability for it shall be borne completely by the WUA. In such circumstances, if it is found necessary, concerned Executive Engineer is hereby authorised to take necessary actions at the risk and cost of such WUA.

24. The provisions made in the agreement can be revised only with the consent of both the parties during stipulated time-limit.

25. The president/chair person who signed below this agreement has been empowered for the same under the constitution of the WUA and they shall be competent to sign in this agreement for which assurance is given by them. Having so understood, both the parties have signed this agreement with due understanding and same is acceptable and binding to them in presence of witnesses who have signed below which is acceptable and agreeable to both the parties.

In witness of the above agreement the concerned Executive Engineer _____ of _____ Division of _____ Scheme under _____ Department of the Establishment under his seal and Signature and the president of the _____ WUA Shri _____ Designation _____ has signed in presence of the witnesses which is agreeable and binding to both the parties.

Signature of witnesses:

Name: Shri
Address: Executive Engineer,
_____ Division.

Name: Shri
Address: Designation:

Signature of witness:

Name: Shri
Address: Designation:
'President of WUA'

Name: Name of the WUA:

Address:

For the president /
Chair person:

FORM-I
ANNEXURE-4

Elections Programme of Members of Managing Committee of Water Users' Associations

(See rule 29 and ENCLOSURE-2, Para 1(2))

Sr. No.	Activity	Day*
	Part-A	
1	Preparation of Voter list (VL)	1 – 10
2	Displaying VL with notice inviting objections	11
3	Receiving objections	12 – 14
4	Disposal of claims	
	• Issuing notices [Rule 5 (1)]	20
	• Displaying lists as under Rules 5 and 6	21 – 23
	• Holding summary enquiry 30	
5	Publishing draft electoral roll	37
6	Period of Appeal on draft roll	44
7	Decision of Appellate Officer	45 – 47
8	Final publication of Roll	50
	Part-B	
9	Notice of Election	1
10	Receipt of nomination up to	8
11	Scrutiny of nominations and Publication of valid nominations	9
12	Withdrawal of nominations	13
13	Publication of list of contesting candidates with symbols	14
14	Period for – • Preparation of Election by Election Officer (Printing ballot papers, etc.) • Canvassing	15-23
15	Elections (Polls) and even counting and results, if possible	24
16	If counting is not possible on same day then it may be done on next day	24/25

* Day(s) from the commencement of procedure.

FORM-III
ANNEXURE-4

**CLAIM APPLICATION FOR INCLUSION OF NAME
IN THE ELECTORAL ROLL**

(See ENCLOSURE-2, Para 4 (1) 4(2) and 10(7))

To,
The Election Officer,
..... Water Users' Association.

Sir,

I request that my name is to be included in the electoral roll of (Name of Water User Association).

1. Name (in full):
2. Father's / mother's / husband's name :
3. Particulars of my place of residence are:
- a) Street:
- (b) Town/Village:
- (c) Post Office:
- (d) Taluka:
4. Particulars of land holding:
- (a) Name of the Irrigation Scheme:
- Canal _____, Distributory _____, Minor _____, Outlet _____
- (b) Name of the Village:
- (c) Survey No:
- (d) Gat No:
- (e) Area (in hectares):

I hereby declare that to the best of my knowledge and belief

- (i) I am a citizen of India:
- (ii) My age on the first day of January,(year).....is.....years and.....months.
- (iii) I am landholder / occupier of this Water Users Association at the particulars given as above.

Place:

Signature or Thumb Impression

Date:

of Claimant.

FORM-IV

ANNEXURE-4

OBJECTION AGAINST INCLUSION OF NAME

(See ENCLOSURE-2, Para 4 (1) 4(3) and 10(7))

To
The Election Officer,
.....Water Users' Association.

Sir,

I object against the inclusion of the name of Shri / Smt. in the electoral roll at serial No. ofWater User Association for the following reason(s).

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

My name has been included in the electoral roll for this Water Users' Association as follows:

Name (in Full) -----

Father's/mother's/husband's name -----

Serial No. -----

Signature/Thumb Impression of Objector
(Full Postal Address)

Date:

FORM-V
ANNEXURE-4

**APPLICATION FOR OBJECTION TO ENTRIES IN THE
ELECTORAL ROLL**

(See ENCLOSURE-2, Para 4 (4))

To,
The Election Officer,
..... Water Users' Association.

I, Son / Daughter / Wife of a voter of the
..... Water Users' Association do object to the following entries in the electoral roll.

Sr.No.	Present entry which has been objected.	Corrected entry to be inserted.

Place:

Date: (Signature or Thumb impression of the Objector)

FORM-VI
ANNEXURE-4
NOMINATION PAPER

(See rule 29 and ENCLOSURE-2 (Para 14 (1)))

SC	ST	GENERAL
----	----	---------

Sr. No. -----

To,

The Election Officer,

(pre-printed)

Serial number of

(Name of the Water Users' Association)

nomination form.

(as received during election)

I wish to contest the election for the following post and furnish my personal details hereunder.

Name of the post contesting: Member / Chairperson [*Please put tick (√) mark*]

Irrigation System: ----- (Name of Irrigation system)

Water Users' Association: ----- (Name of the WUA)

Territorial Reach of Water Users' Association: (Head / Middle / Tail)

Category: SC ST GENERAL

Town / Village ----- Taluka ----- District -----

1. Personal particulars:

(a) Full Name: Shri/Smt/Kum -----

(b) Father/Husband Name: Shri -----

(c) Serial No. in the voters list (contesting candidate)

(d) Whether belongs to Category (please put tick √ mark)

SC	ST	GENERAL
----	----	---------

(e) Age: _____ years

(f) Gender (please put tick √ mark):

Male	Female
------	--------

(g) Total extent of land: (i) Owned _____ hectares.

(ii) Leased _____ hectares.

(h) Occupation: _____

(i) Educational qualification: _____

(j) Address of contesting candidate:

House No. ----- Street No. -----

Town/village ----- Taluka ----- District -----

2. Details of Proposer:

(a) Full name: Shri/Smt/Kum -----

(b) Father/Husband Name: Shri -----

(c) Serial No. in the Voters list _____ (Proposer)

I hereby propose Shri/Smt/Kum ----- as a candidate for the office of the Member / Chairperson of Managing Committee of ----- Water Users' Association.

Signature or Thumb Impression -----

(proposer)

3. Declaration as to choice of symbol:

I do hereby declare that the symbols which I have chosen for my election are shown below in the order of my preference.

(1)

(2)

(3)

Signature or Thumb Impression

(contesting candidate)

4. Declaration (by the contesting candidate):

I solemnly affirm and state as follows:

1. I am a registered voter in the current voters list at serial number and that my proposer is also a registered voter in the current voters list at serial number
2. I am years (in words) old as on the date of this nomination
3. I am not a village servant or an officer or a servant of the Government of India or any State Government or a local authority or an employee of any institution receiving aid from the funds of the Government.
4. I was not convicted by a criminal Court for any offence involving moral turpitude committed under any law for the time being in force.
5. I am with a sound mind and I am not an applicant to be adjudicated as an insolvent or an undercharged insolvent.
6. I am not a defaulter of land revenue or water tax or charges payable either to the Government or to the Water Users' Association.
7. I am not interested in a subsisting contract made with, or any work being done for, a Municipal Council or Corporation or the *Panchayat Samiti* or a *Gram Panchayat/ Taluka Panchayat/ Zilla Panchayat* or any State or Central Government or the Water Users' Association.
8. I was not removed from any post of office bearer in the Water Users' Association previously by the Appropriate Authority.

9. I am eligible for contesting election and I am not disqualified under any of the provisions of Section 34 of the Gujarat Water Users participatory Irrigation Management Act 2007 (Act No. 18 of 2007)

10. I hereby opt to contest the elections of Water Users' Association and reach mentioned and declare that I shall not contest elections of similar type of Water Users' Association elsewhere.

The above particulars furnished by me are true to the best of my knowledge and if they are found to be incorrect at any time during my tenure, I am liable for removal from the post or posts I hold in the Water Users' Association and I shall be debarred from contesting for any post in Water Users' Association for six years from the date of the order.

Station:

Date: Signature or Thumb Impression
(contesting candidate)

Witnesses: Signature
Full name
Address.....
Witnesses: Signature
Full name.....
Address.....

5. Receipt for Nomination Paper and Notice of Scrutiny:

(To be handed over to the person presenting the Nomination paper)

Serial Number of Nomination Paper The Nomination Paper of Shri / Smt. a candidate for the election from the constituency of Water Users' Association was delivered to me at my office at (hours) on (date) by candidate / proposer of candidate.

All nomination papers will be taken up for scrutiny at (hour) on (date) at

Place :

Date : Signature of Election Officer.

FORM-VII
ANNEXURE-4
LIST OF VALID NOMINATIONS
(See ENCLOSURE-2, Para 15 (5))

Name of Water Users' Association:

Name of the Territorial Reach (Head / Middle / Tail)

Election to Member/ Chairperson of Managing Committee / Water Users' Association

Sr. No. Allotted	Name of the Candidate	Category	Territorial Reach Head /Middle/ Tail	Sr. No. in voter list

Place :

Date :

Election Officer.

FORM-VIII
LIST OF CONTESTING CANDIDATES
(See ENCLOSURE-2, Para 17 (1))

Name of Water Users' Association:

Election to Member / Chair Person of Managing Committee of Water Users' Association

Sr. No.	Name of the Candidate	Category	Territorial Reach Head/ Middle/ Tail	Sr.No. of Voter list

Place :

Date :

Election Officer.

FORM-IX
ANNEXURE-4
FINAL LIST OF CONTESTING CANDIDATES
(See ENCLOSURE-2, Para 19(1))

Name of Water Users' Association:

Election to Member or Chair Person of Managing Committee of Water Users Association

Sr. No.	Name of the Candidate	Category	Territorial Reach head / Middle / Tail	Sr.No. of Voter list.	Symbol allotted/ assigned
1	2	3	4	5	6

Place :

Date :

Election Officer.

FORM-X
BALLOT PAPER
(See ENCLOSURE-2, Para 21 (1))

No.....

COUNTER FOIL

BALLOT PAPER FOR ELECTION TO MEMBER OF MANAGING COMMITTEE /
 CHAIRPERSON OF.....

(Name of Water Users Association)

Sr.No. of the Voter: _____

Signature or Thumb Impression of Voter

.....

.....

No.....

BALLOT PAPER FOR ELECTION TO CHAIRPERSON / DIRECTOR

.....
 (Name of Water Users' Association)

Name of the Candidate (in Gujarati and in Alphabetical order in the box space)	Symbol allotted
1	
2	
3	
4	

FORM-XI**ANNEXURE-4****Letter accompanying Motion for Recall**

(See rule 35 and ENCLOSURE-2, Para 30(2))

Place : _____

Date : _____

To,

Deputy Executive Engineer / Executive Engineer / Election Engineer

_____ Water Users' Association _____

(Name)

(Place)

Subject: Motion for Recall of Director of Managing Committee of Water Users' Association.

Sir,

Whereas Shri / Smt. _____, Member of Managing Committee elected from _____ (Name) Constituency of _____ (Place) Water Users' Association _____ has completed two years from the date of assumption of Office of the Member of Managing Committee of the said Water Users' Association, Whereas, we the undersigned members of the _____ (Name) Water Users' Association _____ (Place) have paid the irrigation water charges and are not defaulters in any manner in respect of irrigation water charges; And Whereas, we the undersigned members of said Water Users' Association have lost the faith in Shri / Smt. _____, Member of Managing Committee of the said Water Users' Association;

We the undersigned members of _____ (name) the Water Users' Association _____ (Place) herewith submit the motion for recall of Shri / Smt _____ Member of the Managing Committee of the said Water User's Association

on _____, at _____ hours for further immediate lawful action. We the undersigned members of _____ (name) Water Users' Association _____ (Place) also hereby authorize Shri / Smt. _____ to propose the said motion and Shri / Smt. _____ to second the said motion in the General Body Meeting specially convened for the purpose.

Encl: Said Motion.

Signatures:

Sr. No.	Name	Sr.No. in the territorial reachwise voter list of Water Users' Association.	Signatures or thumb impressions.

Accompaniment of Water Users' Association letter No.....dated the Motion for Recall of Member of Managing Committee of Water Users' Association.

We the undersigned members of the _____ (name) Water Users' Association _____ (Place) _____ have lost the faith in Shri/Smt. _____ Member of the Managing Committee elected from _____ (Name) _____ Constituency of _____ (Place) _____ Water User's Association _____, for following specific reasons related to the functioning of the said Water Users' Association.

Shri/Smt. _____ Member of Managing Committee of _____ (name) Water Users' Association _____ (Place) may be recalled.

Encl: Said Motion.

Name and Signature of thumb Impressions of :

Proposer :

Secunder :

Place :

Date :

Statement-1
ANNEXURE-5

Discharge Measurement
(See Rule 19 and Enclosure-3)

Project _____

Canal _____

Offtake No. _____

Chainage _____

Date	Gauge		Discharge (lit/sec)			Volume (m ³)		Total units of water user (1000 cubic meter)	Remarks	Signature	
	a m	p m	a m	p m	average	Daily	Cummu- lative			Water Resources Department	Water Users' Association

ANNEXURE – 6

Statement-I

Prescribed Unit of Water Use Entitlement at Minor level for Flow Irrigation in

*Kharif Season in a Normal year**(Illustrative Example)*

1)	Planned utilisation for Kharif season as per project report including water required for irrigation, Non-irrigation purposes and losses.		461 Mm ³
2)	Deduct:- i) Evaporation and other losses like seepage, etc. ii) Non-irrigation water requirement from reservoir iii) Non-irrigation requirement from canal system (4 Mm ³ /0.95x0.9) = 4.7 Mm ³ iv) Net river losses in case of storage cum pick weir scheme. v) Water allocation for bulk consumers	215 Mm ³ 14 Mm ³ 4.7 Mm ³ Not Applicable 3.0 Mm ³	
	Total deductions	236.7 Mm ³	
3)	Water available for irrigation in Kharif season at canal head i.e. (1- 2)		224 Mm ³
4)	Deduct from (3): i) Water Allocation for lift irrigation including pressurized irrigation schemes on reservoir ii) Water Allocation at canal head for lift and pressurized irrigation schemes on canal system (5 ÷ 0.95)	20 Mm ³ 5.25 Mm ³	
		25.25 Mm ³	
5)	Net water available for flow irrigation at the head of WUA (3 - 4) x efficiency from canal head to minor head (224.3- 25.25) x (0.95 x0.9) (Refer Table-1) = 170.19	170.19 Mm ³	

ANNEXURE – 6

Statement-II

**Unit of Water Entitlement at Minor level for Flow Irrigation
in Rabi and Hot Weather Season in a Normal year**

(Illustrative Example)

1	Planned utilisation for Rabi and Hot Weather season	2791 Mm ³	
	- Total utilisation (planned)	461 Mm ³	
	- Deduct planned utilisation in Kharif		
	Net for Rabi and Hot Weather	2330	2330 Mm ³
2	Deduct: from (1)		
	i) Reduction in the live storage due to siltation (assumed)	30 Mm ³	
	ii) Carry over	732 Mm ³	
	iii) Net losses from reservoir considering post monsoon flow (based on water balance study)	451 Mm ³	
	iv) Net river losses in case of storage cum pick-up weir scheme (Not applicable in this case)	-- 33 Mm ³	
	v) Non irrigation requirement from reservoir		
	vi) Non-irrigation requirement from canal system $9/(0.95 \times 0.9)$ (Refer Table-1) =10.5	10.5 Mm ³	
	vii) Water allocation for bulk consumers		
	viii)	5 Mm ³	
	Total deductions:	1261.5 Mm ³	1261.5 Mm ³
3	Water available for irrigation at canal head in Rabi & Hot Weather seasons i.e. (1- 2)		1068.5 Mm ³
4	Deduct from (3):		
	i) Water Allocation for lift and pressurized irrigation schemes on reservoir	80 Mm ³	
	ii) Water Allocation at canal head for lift and pressurized irrigation schemes on canal $(25 \div 0.95)$. (Refer Table-1)	26.32 Mm ³	
	1 6		

ANNEXURE – 6**Statement-III****Water Entitlement for Lift Irrigation on Storage with out canal system
with out backup storage in a Normal year***(Illustrative Example)*

1	Planned utilisation in different seasons (Being K.T.Weir, Utilisation is planned for Rabi season only) - Rabi Utilisation		1.246 Mm ³
2	Deduct: from (1)		
	i) Net losses from reservoir considering evaporation, seepage , post monsoon flow ii) Reduction in storage due to silting. iii) Non-irrigation requirement, if any.	0.145 Mm ³ 0	
	Total deductions:	0.145 Mm ³	0.145 Mm ³
3	Net Water available for use (1- 2)		1.101 Mm ³
4	Net CCA for lift irrigation: 262 Ha.		
5	Unit entitlement per ha - Rabi 4200 m ³ /ha of Net CCA		

NOTE:- This is only an illustrative example. The concern Project Officer shall work out water entitlement considering the efficiencies and other parameters for their projects.

ANNEXURE-7*(See rule 19 and 27)***Name of Water Users' Association:****Yearly Information Statement (Year-----)**

* General information regarding Water Users' Association.

- 1) Name of Water Users' Association:
- 2) Date of Registration:
- 3) Registration No.:
- 4) Area of work (Area under Water Users' Association):
- 5) On date -----Number of members: Men-----Women-----Total -----
- 6) Rate of Dividend Declared:
(On date: 31/ 03 /-----)
- * Audit of Accounts
- 7) Audit of accounts for the year ----- is done: Yes / No
- 8) If yes, Name of Auditor:
- 9) Date of General Body meeting for the year:
- 10) Tenure of managing committee.
- 11) (a) Date of Election conducted :
(b) If election is not conducted then whether administrator has been appointed:
Yes / No
(c) First date of meeting of all elected management committee members after elections
- 12) Objectives achieved or not
- 13) Economic condition:
 - a) Share Capital
 - b) Credits
 - c) Loan
- 14) Reserve fund:
- 15) Fix:
- 16) other payments:
- 17) Working Capital:

- 18) Permanent / Substantive income:
- 19) Dues:
- 20) Investment:
- 21) All other Income:
- 22) Profit /Loss:
- 23) Present working condition:
- 24) Water Users' Association runs well / not working:
- 25) If not working since ----- years -----months
- 26) Reasons for closed down of Water Users' Association:
- 27) WUA is dissolved: Yes/No
- 28) If dissolved Date of dissolution:
- 29) Present status:

Secretary /Chairman

ANNEXURE-8*(See rule 25)***PART-I****Annual Financial Budget of Water Users' Association****Name of Water Users' Association:****Estimate**

Details of Receipts	Estimates for current years	Actual	Excess / surplus.	Less Receipts / Deficit	Estimates for next year
Water charges collected (Water Users' Association)					
Bank Interest i.e. Interest on deposits.					
Deposits from members.					
Borrowings					
Donations					
Grants					
Contributions					
Penalties					
Reserve Fund					
Fees for services rendered.					
Other Receipts					
Total Income					

PART-II

Profit - Loss Account of the year _____					
Name of Water Users' Association:					
Details of Receipts	Estimates for current years.	Actual	Excess / surplus	Less Receipts / Deficit	Estimates for next year
Salary Account					
Officer Rent					
Printing and Stationery					
Miscellaneous					
Maintenance of Canal (Minor)					
Water Charges (To Water Resources Department / Govt.)					
Kharif Rotation Allowance					
Rabi Rotation Allowance					
Hot Weather Rotation Allowance					
Insurance					
Recurring expenditure					
Maintenance of vehicle.					
Traveling					
Audit Fee					
Commission					
Depreciation of Dead Stock					
Allowances					
Education Fund					
Functions					
Telephone bill					
Removal of Silt					
Water conservation fee					
Expected / estimated expenditure					
Expected / estimated Benefit					
Total					

FORM - A*(See Rule 13)***Register of Agreements between Water Users' Association and Canal Officer**

Name of Scheme: _____ Type of Scheme: _____

_____ Irrigation Section, Irrigation Sub Division _____

Sr.No.	Name and Address of Water Users' Association	Registration Details		Date of Constitution of Water Uses' Association	Canal Officers' Designation and Address	Date of Agreement
		No.	Date			
1	2	3	4	5	6	7

FORM - B*(See Rule 22)***Irrigation Division****Volumetric Supply to Water Users' Association****Bill of Water Charges****Irrigation Section, Irrigation Sub Division**

Water Users' Association		Season	Year	Entitlement (Tm3)		Water Rate (Rs/Tm3)	Basic Water Charges in Rs.	Local Fund in Rs. 20% of 8	Penalty **	Current Assessment in Rs. 8+9+10	Previous dues in Rs.	Total Bill in Rs. 11+1
ID	Name			Applicable	Used							
1	2	3	4	5	6	7	8	9	10	11	12	13

Note : Season-wise last dates for payment of Bill : Kharif1 30 Apr, Rabi 31 July, Hot Weather 30 Nov.

2) Twenty per cent Concession [Twenty per cent of Col. 18] shall be given if payment of bill is made on or before last date.

3) Ten percent Surcharge / year shall be levied for late payment [Ten percent of col. 11] i.e. paid after the date: For Kharif1 30 Apr, Rabi 31 July, Hot Weather 30 Nov.

* In case of Hot Weather Season, Applicable entitlement shall be inclusive of water allowed to carry over to Hot Weather (condition apply)

** Penalty is imposed on Water Users' Association for violation of the Act and rules thereof as per details specified below:

Penalty is imposed on Water Users' Association for violation of the Act and rules thereof as per details specified below is to be included in the above **Bill of Water Charges

Sr. No.	Offence / irregularity	Section of the Act	Rule No.	Penalty Amount
			Total	

Section Officer
Irrigation Section

FORM - C

(See RULE 22)

Irrigation Division

Receipt of Water Charges

Irrigation Section, Irrigation Sub Division

Bill No.

Payment Date:

(in time / late)

Receipt No. :

Receipt Date:

Water Users' Association		Details of Bill						Details of Amount Paid				
ID	name	Basic Water Charges in Rs.	Local Fund	Penalty (Rs.)	Current Assessment	Previous dues in Rs.	Bill Amount in Rs.	Concession (Rs.) 20% of Col.8	Surcharges (Rs.) 10% / Year of Col. 8	Revised Bill Amt. Rs.	Amount Paid Rs.	Dues Rs.
1	2	3	4	5	6	7	8	9	10	11	12	13

Note: If amount paid is less than Revised Bill Amount, mention / highlight one of the remarks given below :

1. Water Users' Association agrees to pay the complete bill in principle but paid in part because of certain difficulties mentioned in its application.
2. Water Users' Association does not agree to pay Rs. _____ towards _____ for reason mentioned in its application (Note : if remarks -2 is applicable, fill in the details in the remarks).

FORM- D*(See rule 19)***Savings Account****Chalan No. :****Account Book:****Account page:****Name of Book:****Branch:****Rs.**

Name Shri _____

Amount Rs. (in words) _____

Be credited in Saving Account No. (of Water Users' Association) _____ Details
of amount given on backside.

Accountants Signature.

Signature of person crediting amount.

FORM-E

(See rule 19)

Name of Water Users' Association: _____**Register to keep Account of Water Users' Association**

Sr. No.	Date	Particulars	Credit	Amount
		Bank (saving Account)		
		Opening Account		
		Recurring Account		
		Interest account		
		Hot Weather water charges		
		Rabi water charge		
		Dues of water charges		
		Delayed recovery		
		Phone Bill		
		Printing		
		Stationery		
		Maintenance of main canal		
		Canal maintenance account		
		Commission		
		Water charge		
		Advance		
		Others		
		Postage		
		Travelling charges		
		Meeting		
		Office Expenses		
		Recurring allowance		
		Govt. office expenses		
		Audit fee		
		Fixed deposit		
		Others		

Signature of Chairman.

FORM - F

No. -----

Name of Account holder -----

Date	Details	Page No. of Cash book	Credit		Debit		Balance	
			Rs.	Paise	Rs.	Paise	Rs.	Paise

FORM- G

(See rule 31(B)(3))

Water – Bill**Name of Water Users Association:****Bill No.** _____ **Date:** _____

Shri: _____ Member

Please remit the water bill as mentioned below.

Details Amount	Rotations	Hours/ Area	Rate/ Crop	Amount
<i>Kharif</i>				
1.				
2.				
3.				
Rabi				
1.				
2.				
3.				
Hot Weather				
1.				
2.				
3.				
Management expenditure				
Charges (without demand)				
Previous dues				
Others, if any. (mention details)				
Total				

Chairman

Secretary

Signature of one who collects money

Received

(Name)

FORM- H

(See rule 19)

Water – Bill**Name of Water Users Association:**

Name of Water Users Association :

Date:

Receipt of Water Charges:

Reg. No. -----/-----/-----/ Year -----
-----/-----

Shri -----

Member of Water Users' Association

Received amount Rs. (in words) -----

As mentioned in details below

Details	Rate / Crop-amount (Rs/Ha.)	Total Amount	
		Rs.	Ps.
<i>Kharif</i>			
1.			
2.			
Rabi			
1.			
2.			
Hot Weather			
1.			
2.			
Management expenditure.			
Charges (without demand).			
Previous dues			
Others if any (mention details)			
Others, if any. (mention details).			
Total:			

Chairman/ Secretary

Signature of one who collects money Received
(Name)

FORM- I*(See rule 19)***RECEIPT (General)****Name of Water Users Association:**

Receipt No. :

Date:

To,

Name of Member: -----

A/c No. : -----

The undersigned (Name) -----

Gives receipt that the amount mentioned below is received from you.

Details	Rs.	Paise
Total:		

(Rs. In words) _____

Received in cash.

Signature of the one who receives money.

FORM- J*(See rule 19)***Name of Water Users Association:****Cash- Book - II**

CREDITS						DEBIT					
Date	General ledger page No.	Receipt No.	Details	Amount	Total Amount	Date	General Ledger Page No.	Receipt No.	Details	Amount	Total Amount

FORM-K*(See rule 19)***PAYMENT REGISTER****Name of Water Users Association:**

Date	Particulars	Ledger Folio	Amount	Total

FORM-L*(See rule 19)***Dead-stock Register****Name of Water Users Association:**

Year _____ to _____

Sr. No.	Particulars	No. of units	Details of purchase	Cost	Depreciation	Depreciated amount.
1	Lock/key					
2	Table					
3	Chair					
4	Stool					
5	Phone					
6	Glass					
7	Measuring Tape					
8	Battery					
9	Cycle					
10	Fan					

Signature of Chairman/ President

FORM - M

(See rule 19)

REGISTRATION BOOK FOR MEMBERS**Name of Water Users Association:**

SR. NO.	MEMBERSHIP FORM	
	DATE	
	NAME	
	ADDRESS	
	OCCUPATION	
	AGE	
	ENTRANCE FEE RS.	

(Rs. in words

Signature of Secretary

FORM - N*(See rule 19)***PASS BOOK OF MEMBERS****Name of Water Users Association:**

Name of member -----

Address -----

Occupation -----Account

No. of member and page number -----

Page No. 2

Name of the Water Users' Association:

Date	Opening Balance	Details	Credits	Details	Balance		Signature
					Credits	Debits	
1	2	3	4	5	6	7	8

By order and in the name of the Government of Gujarat.

(B.S.PATEL)

Officer on Special Duty to Government

Government Central Press, Gandhinagar.