



The Madhya Pradesh Sinchai Prabandhan Me Krishkon Ke Bhagidari
Adhiniyam, 1999

Act 23 of 1999

Keyword(s):

Ayacut Road, Command Area, Drainage System, Field Channel, Warebandi, Water User, Sinchai, Prabandhan, Krishkon, Bhagidari, Irrigation, Farmers, Participation

Amendment appended: 31 of 2012, 23 of 2013

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999

[Act No. 23 of 1999]

- Section 1 - Short title, extent and commencement-**
- Section 2 – Definitions-**
- Section 3- Delineation of Water Users' Area and constitution of an association-**
- Section 4 - Managing Committee of Water Users' Association-**
- Section 5- Delineation of Distributory area and constitution of the Distributory Committee-**
- Section 6 - Election of Managing Committee of Distributory Committee-**
- Section 7 - Delineation of Project area and construction of Project Committee-**
- Section 8 - Election of Managing Committee for Project every Committee-**
- Section 9 - Apex Committee-**
- Section 10 - Procedure for recall-**
- Section 11 - Constitution of Sub-Committees in Farmers' Organisation-**
- Section 12 - Farmers' Organisation to be a body corporate-**
- Section 13 - Changes in Farmers' Organisation**
- Section 14 - Disqualifications of Candidates or Members**
- Section 15 - Filling up of Vacancies-**
- Section 16 – Objects-**
- Section 17 - Functions of Water Users' Association-**
- Section 18 - Functions of the Distributory Committees-**
- Section 19 - Functions of Project Committees-**
- Section 20 - Power to levy and collect fee-**
- Section 21 - Appointment of Competent Authority and his functions-**

Section 22 - Resources of Farmers' Organisation-

Section 23 - Offences and Penalties-

Section 24 - Punishment under other laws not barred-

Section 25 - Composition of offences-

Section 26 - Settlement of disputes-

Section 27 – Appeals-

Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999

[Act No. 23 of 1999]

PREAMBLE

An Act to provide for Farmers' participation in the Management of Irrigation System and for matters connected therewith or Incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the Fiftieth Year of the Republic of India as follows:—

Section 1 - Short title, extent and commencement-

- (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999.
- (2) It extends to the whole of the State of Madhya Pradesh.
- (3) It shall come into force² on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas and for different provisions.

Section 2 – Definitions-

- (1) In this Act, unless the context otherwise requires :—
 - (a) "area of operation" in relation to Farmers' Organisation means a contiguous block of land in the command area of an irrigation system as may be notified by the State Government for the purposes of this Act;
 - (b) "ayacut road" means a road within the area of operation of a farmers' organisation for the purpose of irrigation and agriculture but does not include a road vested in a Gram Panchayat, Janpad Panchayat, Zila Panchayat, Nagar Panchayat, Municipal Council, Municipal Corporation or Public Works Department of the State Government;
 - (c) "command area" means an area irrigated or capable of being irrigated either by gravitational flow or by lift irrigation or by any other method from a Government or the Government aided source and includes every such area whether it is called 'ayacut' or by any other name under any law for the time being in force;
 - (d) "Competent Authority" means the Competent Authority appointed under Section 21;

(e) "distributory system" means and includes.—

(i) all main canals, branch canals, distributories and minor canals constructed for the supply and distribution of water for irrigation;

(ii) all works, structures and appliances connected with the distribution of water for irrigation; and

(iii) all field channels and other related channels and structures under a pipe outlet;

(f) "drainage system" in relation to an irrigation system includes.—

(i) channels either natural or artificial, for the discharge of waste or surplus water and all works connected therewith or ancillary thereto;

(ii) escape channels from an irrigation or distribution and other works connected therewith, but does not include works for removal of sewage;

(iii) all collecting drains and main drains to drain off surplus water from field drains; and

(iv) all field drains and related structures under pipe outlets;

(g) "Farmers' Organisation" wherever it occurs, shall mean and includes.—

(i) water users' association at the primary level consisting of all the water users' as constituted under Section 3;

(ii) distributory committee at the secondary level as constituted under Section 5; and

(iii) project committee at the project level, as constituted under Section 7;

(h) "field channel" includes a channel existing or to be constructed by the State Government or by the land holders or by any agency to receive and distribute water from a pipe outlet or an opening in a water course for irrigation of field belonging to Government or private owners;

(i) "field drain" includes a channel excavated and maintained by the land holder or by any other agency, to discharge waste or surplus water from the land holding under a pipe outlet and includes drains, escape channels and other similar works existing or to be constructed;

(j) "financing agency" means any commercial bank or any co-operative society or any other bank or organisation established or incorporated under any law for the time being in force, which lends money for the development of the area of operation of the Farmers' Organisation;

- (k) "hydraulic basis" means the basis for identifying a viable irrigated area served by one or more hydraulic structures such as headworks, distributories, minors, pipe outlets and the like;

Explanation :— (i) "major irrigation system" means irrigation system under major irrigation project having irrigable command area of more than 10,000 hectares;

(ii) "medium irrigation system" means irrigation system under medium irrigation project having irrigable command area of more than 2,000 hectares and up to 10,000 hectares;

(iii) "minor irrigation system" means irrigation system under minor irrigation project having irrigable command area upto 2,000 hectares.]

- (m) "land holder" means an owner and or a tenant recorded as such in the record of rights under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) in respect of land in the notified ayacut area of an irrigation system;

- (n) "maintenance" means execution of such works on the irrigation system as are necessary to ensure that the physical system designed to the standards operates for proper distribution of water to the land holders in the area of operation;

- (o) "operational plan" means a schedule of irrigation deliveries with details of the mode and duration of supplies drawn up for regulation of irrigation in the command area of an irrigation system;

- (p) "warebandi" means a system of distribution of water allocation to water users by turn, according to an approved schedule indicating the day, duration and the time of supply;

- (q) "water allocation" in relation to an irrigation system means distribution of water determined from time to time by a Farmers' Organisation in its area of operation;

- (r) "water user" means and includes any individual or body corporate or a society using water for agriculture, domestic, power, non-domestic, commercial, industrial or any other purpose from a Government source of irrigation;

- (s) "canal officer" means the following Officers of the 1[The Water Resources Department or the Narmada Valley Development Department] namely :—

(a) The Chief Engineer;

(b) Superintending Engineer;

- (c) Executive Engineer;
- (d) Sub-Divisional Officer; and
- (e) Canal Deputy Collector.

(2) The words and expressions used in this Act, but not defined, shall have the same meaning as assigned to them in the Madhya Pradesh Irrigation Act, 1931 (No. 3 of 1931).

Section 3 - Delineation of Water Users' Area and constitution of an association-

(1) The [State Government], may by notification and in accordance with the rules made under this Act, in this behalf, delineate every command area under each of the irrigation systems on a hydraulic basis which may be administratively viable; and declare it to be a water users' area for the purpose of this Act:

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

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

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

(4) Every Water Users' Association shall consist of the following members, namely:—

- (a) [(i) all the water Users' who are land holders in a water Users' area; the wives of such land holders, who do not hold land, shall be deemed to be the land holders for the purposes of this Act:

Provided that where both the owner and the tenant are land holders in respect of the same land, the tenant;]

- (ii) all other water users in a water users' area;

- (iii) three ex-officio members one of Amin Cadre and one of Sub-Engineer Cadre from the 6[The Water Resources Department or the Narmada Valley Development Department] who will Act as Co-ordinator between the Government Departments and the Farmers' Association and the third from the Agriculture Department or Ayacut Department who will act as Advisor.

(b) the member specified in sub-clauses (i) to (iii) of clause (a) shall constitute the general body of the Water Users' Association;

(c) a person eligible to become a member of more than one territorial constituency of Water Users' Association under subclause (i) of clause (a) shall be entitled to be a member of only one territorial constituency and he shall exercise his option thereof;

(d) the members specified in sub-clause (i) of clause (a) alone shall have the right to vote.

Section 4 - Managing Committee of Water Users' Association-

(1) There shall be a Managing Committee for every Water Users' Association, which shall consist of a President and one member from each of the territorial constituencies of the Water Users' Area.

(2) The District Collector shall make arrangements for the election of President of the Managing Committee of the Water Users' Association by direct election by the method of secret ballot in the manner prescribed.

(3) The District Collector shall also cause arrangements for the election of the members of Managing Committee by the method of secret ballot in the manner prescribed.

(4) If the Managing Committee of the Water Users' Association does not have a woman member, the Managing Committee shall co-opt a woman as member who shall ordinarily be a resident of the Farmers' Organisation area.

Provided that if on the expiry of the term of the President and the members of the Managing Committee, a new Managing Committee is not constituted, the State Government may by notification, extend the term of the President and the members of the Managing Committee only once for a period of six months from the date of expiry, with reasons for such extension being placed on record.]

(6) The Managing Committee shall exercise the powers and perform the functions of the Water Users' Association.

Section 5 - Delineation of Distributory area and constitution of the Distributory Committee-

(1) The State Government may, by notification and in accordance with the rules made in this behalf, delineate every command area of the irrigation system, comprising of two or more Water Users' Associations, and declare it to be a distributory area, for the purpose of this Act.

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

(3) All the Presidents 8[and the territorial constituency members] of the Water Users' Association in the distributory area, so long as they hold such office, shall constitute the general body of the Distributory Committee including two nominated official members, one of them shall be an Assistant Engineer of 9[the

Water Resources Department or the Narmada Valley Development Department], who will work as a Co-ordinator between the various departments, Water Users' Associations and Distributory Committee, and the second member will act as an Advisor who will be from Agriculture or Ayacut Department.

Section 6 - Election of Managing Committee of Distributory Committee-

(1) There shall be a Managing Committee for every Distributory Committee.

(2) The District Collector shall cause arrangements, in such manner as may be prescribed for the election by the method of secret ballot of the President, and Members of the Managing Committee which shall not be more than five from amongst the members of the General Body of the Distributory Committee.

(3) If the Managing Committee of the Distributory Committee does not have a woman member, the Managing Committee shall co-opt a woman as a member who shall ordinarily be a resident of the Farmers' Organisation area.

(4) The term of office of the President, and the members of the Managing Committee shall be five years from the date of the first meeting of the Managing Committee.

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

Section 7 - Delineation of Project area and construction of Project Committee-

(1) The State Government, may by notification and in accordance with the rules made under this Act in this behalf, delineate every command area or part thereof, and declare it to be a project area for the purposes of this Act.

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

[(3) [(i) All the Presidents of the Water Users' Associations of the project area of major irrigation projects and all the Presidents and territorial constituency members of the Water Users' Associations of the project area of medium irrigation projects, so long as they hold such office, shall constitute the general body of the Project Committee.]

(ii) The Project Committee shall have two nominated members, one of whom shall act as Co-ordinator between various departments and Farmers' Associations and who was be an Executive Engineer of Water Resources Department or Narmada Valley Development Department for Major Projects or an Assistant Engineer of Water Resources Department or Narmada Valley Development Department for Medium Projects and second member will act as an adviser who will be from the Agriculture Department. The nominated member shall not have right to vote.]

Section 8 - Election of Managing Committee for Project every Committee-

(1) There shall be a Managing Committee for every Project Committee.

[(2) (i) The District Collector, shall cause arrangements in such manner as may be prescribed for the election by the method of secret ballot of Chairperson and Managing Committee consisting of not more than nine members from amongst the members of the general body of the Project Committee.

(ii) The Chairperson and members of Managing Committee of Project Committee of Major Projects shall be elected amongst the President of Water Users' Association, while the Chairperson of Medium Project shall be elected amongst the President of Water Users' Association and members of Managing Committee of the Medium Project shall be amongst Presidents and Territorial Constituency members of the Water Users' Association.]

(3) If the Managing Committee of the Project Committee does not have a woman member, the Managing Committee shall co-opt a woman as member who shall ordinarily be a resident of the Farmers' Organisation area.

(4) The term of office of the Chairperson and the members of the Managing Committee shall be five years from the date of the first meeting.

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

Section 9 - Apex Committee-

(1) The State Government may, by notification, constitute an Apex Committee consisting of the following Members, namely:—

(i) The Minister Water Resources Department — Chairperson.

(ii) Five persons from amongst the Chairperson of the Project Committee;

(iii) two persons from non-government organisations; and

(2) The number of members may be increased by such number as may be considered necessary by the State Government.

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

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

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

Section 10 - Procedure for recall-

(1) A motion for recall of a Chairperson or President or member of a Managing Committee, as the case may be, of a Farmers' Organisation may be made by giving a written notice as may be prescribed, signed by not less than one-third of the total number of members of the Farmers' Organisation, who are entitled to vote :

Provided that no notice of motion under this section shall be made within one year of the date of assumption of office by the persons against whom the motion is sought to be moved.

(2) If the motion is carried with the support of the two-thirds majority of the members present and voting and half of the total number of members of the association, voting at a meeting of the general body specially convened for the purpose, the District Collector or the State Government, as the case may be, shall by order remove him from office and the vacancy shall be filled in the manner specified in Section 15.

Section 11 - Constitution of Sub-Committees in Farmers' Organisation-

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

Section 12 - Farmers' Organisation to be a body corporate-

Every Farmers' Organisation shall be a body corporate with a distinct name having perpetual succession and a common seal and subject to the provisions of this Act vested with the capacity of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted and it shall sue and be sued in its corporate name represented by the Chairperson or the President, as the case may be :

Provided that no Farmers' Organisation shall have the power to alienate in any manner, any property vested in it.

Section 13 - Changes in Farmers' Organisation

The State Government may, in the interest of a Farmers' Organisation in the command area, by notification, and in accordance with the rules made in this behalf.—

- (a) form a new Farmers' Organisation by separating the area from any Farmers' Organisation;

- (b) increase the area of any Farmers' Organisation;
- (c) diminish the area of any Farmers' Organisation;
- (d) alter the boundaries of any Farmers' Organisation; or
- (e) cancel a notification issued under this Act for rectifying of any mistake :

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

Section 14 - Disqualifications of Candidates or Members

(1) No officer or servant of the Government of India or any State Government or of a local authority or an employee of any institution receiving aid from the funds of the State Government shall be qualified for being chosen as or for being a Chairperson, or President or a member of a Managing Committee.

(2) No person who has been convicted by a Criminal Court for any offences involving moral turpitude shall be qualified for being chosen as or for being a Chairperson or President, or a member of a Managing Committee.

(3) A person shall be disqualified for being chosen as a Chairperson or a President or a member of a Managing Committee if on the date fixed for scrutiny of nominations for election he is :—

- (a) of unsound mind;
- (b) an applicant to be adjudicated as an insolvent or an undischarged insolvent; or
- (c) a defaulter of land revenue or water tax or charges payable either to the State Government or to the Farmers' Organisation;
- (d) interested in a subsisting contract made with, or any work being done for, the Gram Panchayat, Janpad Panchayat, Zila Panchayat or any State Government or Central Government or the Farmers' Organisation :

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of this having share or interest in.—

- (i) a company as mere share-holder but not as a Director;
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of the Farmers' Organisation is inserted;

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

(e) a person rendered landless due to sale or transfer of land of area or operation after constitution of Water Users' Association;

(f) employed in Government or Semi-Government organisation or local body.

(4) A Chairperson or a President or a member of a Managing Committee shall also become disqualified to continue in office if he.—

(a) absents from three consecutive meetings without reasonable cause;

(b) is a person who incurs any of the disqualifications mentioned in sub-sections (1), (2) and (3) and he shall cease to hold the office forthwith :

Provided that disqualification under clause (a) shall not apply in the case of women who are in advanced stage of pregnancy and for a period of three months after delivery.

(5) A member of the Water Users' Association or a Chairperson or a President or a member of a Managing Committee shall be disqualified to continue in the office, if he/she ceases to be a land holder.

Section 15 - Filling up of Vacancies-

(1) A vacancy arising either due to disqualification under sub-section (4) of Section 14 or due to death or resignation or by any reason such vacancy shall be filled up by nomination in the following manner, namely :—

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

(b) a vacancy in the Distributory Committee shall be filled, by Nomination Committee of the Project Committee in the manner prescribed;

(c) a vacancy in the Project Committee shall be filled by nomination by the Apex Committee in the manner prescribed; and

(d) a vacancy in the Apex Committee shall be filled by the State Government in the prescribed manner.

(2) The District Collector shall take necessary steps to conduct elections to fill up any vacancy caused within a period of one month from the date of occurrence of such vacancy.

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

Section 16 – Objects-

The objects of the Farmers' Organisation shall be to promote and secure distribution of water among its users; adequate maintenance of the irrigation system, efficient and economical utilisation of water to optimise agricultural production, to protect the environment, and to ensure ecological balance by involving the farmers, inculcating a sense of ownership of the irrigation system in accordance with water budget and the operational plan.

Section 17 - Functions of Water Users' Association-

The Water Users' Association shall perform the following functions, namely :—

- (a) to prepare and implement a warabandi schedule for each irrigation season, consistent with the operational plan based upon the entitlement, area, soil and cropping pattern as approved by the Distributory Committee, or as the case may be, the Project Committee;
- (b) to prepare a plan for the maintenance of irrigation system in the area of its operation at the end of each crop season and carry out the maintenance works of both distributory system and minor and field drains in its area of operation with the funds of the association from time to time and to provide funds for the maintenance of staff including such persons who are placed by the State Government with the Water Users' Association for the purpose of regulation and maintenance of irrigation system;
- (c) to regulate the use of water among the various pipe outlet under its area of operation according to the warabandi schedule of the system;
- (d) to promote economy in the use of water allocated;
- (e) to maintain a register of land holders as published by the revenue department;
- (f) to prepare and maintain a register of co-opted members;
- (g) to prepare and maintain an inventory of the irrigation system within the area of operation;
- (h) to monitor flow of water for irrigation;

- (i) to resolve the disputes, if any between the members and water users in its area of operation;
- (j) to raise resources;
- (k) to maintain accounts;
- (l) to cause annual audit of its accounts;
- (m) to assist in the conduct of ejections to the Managing Committee;
- (n) to maintain other records in such manner as may be prescribed;
- (o) to abide by the decisions of the Distributory and Project Committees;
- (p) to conduct general body meetings in such manner as may be prescribed;
- (q) to conduct regular water budgeting and also to conduct periodical social audit in such manner as may be prescribed.

Section 18 - Functions of the Distributory Committees-

The Distributory Committee shall perform the following functions, namely:—

- (a) to prepare an operation plan based on its entitlement area, soil, cropping pattern at the beginning of each irrigation season, consistent with the operational plan prepared by the Project Committee;
- (b) to prepare a plan for the maintenance of both distributories and medium drains within its area of operation at the end of each crop season and execute the maintenance works with the funds of the committee from time to time and to provide funds for the maintenance of staff including such persons who are placed by the State Government with the Distributory Committee for the purpose of regulation and maintenance of irrigation system;
- (c) to regulate the use of water among the various Water Users' Associations under its area of operation;
- (d) to resolve disputes, if any, among the Water Users' Associations in its area of operations;
- (e) to maintain a register of Water Users' Associations in its area of operations;
- (f) to maintain an inventory of the irrigation system in the area of its operation, including drains;
- (g) to promote economy in the use of water allocated;

- (h) to maintain accounts;
- (i) to cause annual audit;
- (j) to maintain other records as may be prescribed;
- (k) to monitor the flow of water for irrigation;
- (l) to conduct general body meetings in such manner as may be prescribed;
- (m) to abide by the decisions of the Project Committee;
- (n) to cause regular budgeting and also the periodical social audit in such manner as may be prescribed;
- (o) to assist in the conduct of elections to the Managing Committee.

Section 19 - Functions of Project Committees-

The Project Committee shall perform the following functions, namely:—

- (a) to approve an operational plan based on its entitlement, area, soil, cropping pattern as prepared by the Competent Authority in respect of the entire project area at the beginning of each irrigation season;
 - (b) to approve a plan for the maintenance of irrigation system including the major drains within its area of operation at the end of each crop season and execute the maintenance works with the funds of the committee from time to time and to provide funds for the maintenance of staff including such persons who are placed by the State Government with the Project Committee for the purpose of regulation and maintenance of irrigation system;
 - (c) to maintain a list of the Distributory Committee and Water Users' Associations in its area of operation;
 - (d) to maintain an inventory of the distributory and drainage systems in its area of operation;
 - (e) to resolve disputes if any among the Distributory Committees;
 - (f) to promote economy in the use of water;
 - (g) to maintain accounts;
 - (h) to cause annual audit of its accounts;
 - (i) to maintain other records in such manner as may be prescribed;
 - (j) to conduct general body meetings in such manner as may be prescribed;
- and

(k) to cause regular budgeting and also the periodical social audit in such manner as may be prescribed.

Section 20 - Power to levy and collect fee-

A Farmers' Organisation may, for carrying out the purposes of this Act, achieving the objects of the organisation and performing its functions, levy and collect fee as may be prescribed from time to time.

Section 21 - Appointment of Competent Authority and his functions-

(1) The State Government may, by notification, appoint such officer from the Water Resources Department, or any other department, as it considers necessary, to be the Competent Authority for every farmers' organisation for the purposes of this Act.

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

Section 22 - Resources of Farmers' Organisation-

The Funds of the Farmers' Organisation shall comprise of the following namely:—

- (i) grants and commission received from the State Government as a share of the water tax collected in the area of operation of the Farmers' Organisation;
- (ii) such other funds as may be granted by the State Government and Central Government for the development of the area of operation;
- (iii) resources raised from any financing agency for undertaking any economic development activities in its area of operation;
- (iv) income from the properties and assets attached to the irrigation system;
- (v) fees collected by the Farmers' Organisation for the services rendered in better management of the irrigation system; and
- (vi) amounts received from any other sources.

Section 23 - Offences and Penalties-

Whoever without any lawful authority does any of the following acts, that is to say:-

- (a) damages, alters, enlarges or obstructs any canal;

(b) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any canal;

(c) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any canal;

(d) being responsible for the maintenance of water course or using water course, neglects to take proper precautions for the prevention of the water thereof, or interferes with the authorised distribution of the water therefrom or uses such water in an unauthorised manner;

(e) receiving water in his fields for irrigation, neglects to take proper precautions for the prevention of waste of such water;

(f) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

(g) being a permanent holder occupier, cultivator or agricultural labourer, resident in a village in which a proclamation under Section 36 of the Madhya Pradesh Irrigation Act, 1931 (No. 3 of 1931) has been made, neglects to attend at the place appointed or refuses or neglects to carry out the duties allotted to him;

(h) destroys, injures, defaces or removes any land mark, level mark, water gauge or other apparatus fixed by the authority or a Canal Officer;

(i) causes animals or vehicles to pass on or across any of the works, banks or channels or any canal after such passage has been prohibited by a Canal Officer;

(j) causes or knowingly and wilfully permits animals to graze or be tethered upon the bank or border of any canal after such grazing or tethering has been prohibited by a Canal Officer;

(k) removes or injures any tree, bush, grass or other vegetation growing on any canal; or

(l) eases himself on the banks or in the channel of a canal, shall on complaint made by a Farmers' Organisation :—

(i) be punishable in respect of offences mentioned in clauses (a) to (h), with imprisonment which may extend to two years, or with fine which shall not be less than one thousand rupees but which may extend to five thousand Rupees or with both; and when the offence is a continuing one, with an additional fine not exceeding twenty rupees for every day after the first during which the offence has been persisted in; and

(ii) be punishable in respect of offences mentioned in clauses (a) to (l), with fine which shall not be less than rupees five hundred but which may extend to rupees two thousand and if the same person is subsequently convicted for a like

offence he shall be liable for imprisonment which may extend to six months for each such subsequent conviction.

Section 24 - Punishment under other laws not barred-

Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act:

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

Section 25 - Composition of offences-

(1) A Farmers' Organisation may accept from any person who committed or in respect of whom a reasonable belief can be inferred that he has committed an offence punishable under this Act or the Rules made thereunder, a sum of money not less than rupees one thousand in case of offences mentioned in clauses (a) to (h) of Section 23 and Rs. Five hundred for the offences mentioned in clauses (a) to (1) of Section 23 by way of composition.

(2) On payment of such sum of money, no further proceedings shall be taken against him/her in regard to the offence, so compounded by the Farmers' Organisation.

Section 26 - Settlement of disputes-

(1) Any dispute or difference touching the constitution, management, powers or functions of a Farmers' Organisation arising between members shall be determined by the Managing Committee of the Farmers' Organisation.

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

(3) Any such dispute or difference arising between a member and the Managing Committee of a Distributory Committee or between two or more Distributory Committees shall be determined by the Managing Committee of the Project Committee.

(4) Any such dispute or difference arising between a member and the Managing Committee of a Project Committee or between two or more Project Committees shall be determined by the Apex Committee, whose decision shall be final.

(5) Every dispute or difference under this section shall be disposed of within fifteen days from the date of reference of the dispute or difference.

Section 27 – Appeals-

(1) A party to a dispute or difference aggrieved by any decision made or order passed by the Managing Committee of a Water Users' Association may appeal to the Managing Committee of the Distributory Committee, whose decision shall be final.

(2) A party to a dispute or different aggrieved by any decision made or order passed by the Managing Committee of a Distributory Committee may appeal to a Project Committee, whose decision shall be final.

(3) A party to a dispute or difference aggrieved by any decision made or order passed by the Managing Committee of a Project Committee may appeal to the Apex Committee, whose decision thereon shall be final.

(4) Any appeal under sub-section (1) or sub-section (2) or sub-section (3) shall be preferred within 15 days of communication of the decision or the order to the person aggrieved.

(5) Every appeal under this section shall be disposed of within 15 days from the date of filing of the appeal.

इसे वेबसाईट www.govtpressmp.nic.in से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 372]

भोपाल, मंगलवार, दिनांक 21 अगस्त 2012—श्रावण 30, शक 1934

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 21 अगस्त 2012

क्र. 5759-264-इक्कीस-अ(प्रा.).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 16 अगस्त, 2012 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम

क्रमांक ३१ सन् २०१२

मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी (संशोधन) अधिनियम, २०१२

[दिनांक १६ अगस्त, २०१२ को राज्यपाल की अनुमति प्राप्त हुई; अनुमति "मध्यप्रदेश राजपत्र (असाधारण)", में दिनांक २१ अगस्त, २०१२ को प्रथमवार प्रकाशित की गई.]

मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी अधिनियम, १९९९ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के तिरसठवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

१. (१) इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी (संशोधन) अधिनियम, २०१२ है. संक्षिप्त नाम और प्रारंभ.

(२) यह राजपत्र में इसके प्रकाशन की तारीख से प्रवृत्त होगा.

२. मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी अधिनियम, १९९९ (क्रमांक २३ सन् १९९९) की धारा ४२ में, उपधारा (२) के पश्चात्, निम्नलिखित नई उपधारा जोड़ी जाए, अर्थात् :— धारा ४२ का संशोधन.

“(३) इस अधिनियम में अंतर्विष्ट कोई भी बात किन्हीं ऐसे जलाशयों, सिंचाई प्रणालियों, नलकूपों तथा सिंचाई परियोजनाओं को लागू नहीं होगी जो किसी निजी क्षेत्र के लिये चिन्हित हों या ऐसी प्रणाली या परियोजनाओं को संचालन के लिए निजी क्षेत्र को सौंपा जाना हो.”

भोपाल, दिनांक 21 अगस्त 2012

क्र. 5760-264-इक्कीस-अ (प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी (संशोधन) अधिनियम, 2012 (क्रमांक 31 सन् 2012) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT
No. 31 OF 2012

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KE BHAGIDARI
(SANSHODHAN) ADHINIYAM, 2012.

[Received the assent of the Governor on the 16th August, 2012; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 21st August, 2012.]

An Act further to amend the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the sixty-third year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Adhinyam, 2012.

(2) It shall come into force from the date of its publication in the official Gazette.

Amendment of Section 42.

2. In Section 42 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999), after sub-section (2), the following new sub-section shall be added, namely:—

“(3) Nothing contained in this Act shall apply to water bodies, irrigation systems, tube wells and irrigation projects which are earmarked for private sector or for handing over such system or projects to private sector for operation.”.

इसे वेबसाईट www.govtpressmp.nic.in
से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 198]

भोपाल, शुक्रवार, दिनांक 26 अप्रैल 2013—वैशाख 6, शक 1935

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 अप्रैल 2013

क्र. 2822-142-इक्कीस-अ-(प्रा.)-अधि..—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 25 अप्रैल 2013 को महामहिम राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

मध्यप्रदेश अधिनियम
क्रमांक २३ सन् २०१३

मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी (संशोधन) अधिनियम, २०१३

विषय-सूची

धाराएं :

१. संक्षिप्त नाम और प्रारंभ.
२. धारा ३ का संशोधन.
३. धारा ४ का स्थापन.
४. धारा ५ का संशोधन.
५. धारा ६ का स्थापन.
६. धारा ७ का संशोधन.
७. धारा ८ का संशोधन.
८. अध्याय ४ क का अंतःस्थापन.

मध्यप्रदेश अधिनियम

क्रमांक २३ सन् २०१३

मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी (संशोधन) अधिनियम, २०१३

[दिनांक २५ अप्रैल, २०१३ को राज्यपाल की अनुमति प्राप्त हुई, अनुमति "मध्यप्रदेश राजपत्र (असाधारण)", में दिनांक २६ अप्रैल, २०१३ को प्रथम बार प्रकाशित की गई.]

मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी अधिनियम, १९९९ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के चौसठवें वर्ष में मध्यप्रदेश विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

संक्षिप्त नाम और प्रारंभ.

१. (१) इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी (संशोधन) अधिनियम, २०१३ है.

(२) यह ऐसी तारीख को प्रवृत्त होगा जिसे राज्य सरकार, राजपत्र में अधिसूचना द्वारा नियत करे और मध्यप्रदेश राज्य के भिन्न-भिन्न क्षेत्रों और इस अधिनियम के भिन्न-भिन्न उपबंधों के लिए भिन्न-भिन्न तारीखें नियत की जा सकेंगी.

धारा ३ का संशोधन.

२. मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी अधिनियम, १९९९ (क्रमांक २३ सन् १९९९) (जो इसमें इसके पश्चात्, मूल अधिनियम के नाम से निर्दिष्ट है), की धारा ३ में, उपधारा (२) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:—

“(२) प्रत्येक जल उपभोक्ता क्षेत्र को प्रादेशिक निर्वाचन क्षेत्रों में विभक्त किया जाएगा जो लघु सिंचाई प्रणाली के मामले में छह और वृहद् तथा मध्यम सिंचाई प्रणालियों के मामले में बारह होंगे.”

धारा ४ का स्थापन.

३. मूल अधिनियम की धारा ४ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:—

जल उपभोक्ता संथा की प्रबंध समिति.

“४ (१) प्रत्येक जल उपभोक्ता संथा के लिए एक प्रबंध समिति होगी जो उनके अपने-अपने प्रादेशिक निर्वाचन क्षेत्रों से, धारा ३ की उपधारा (४) के खण्ड (क) के उपखण्ड (एक) में यथाविनिर्दिष्ट जल उपभोक्ताओं द्वारा प्रत्यक्षतः निर्वाचित धारा ३ की उपधारा (२) में यथाविनिर्दिष्ट प्रादेशिक निर्वाचन क्षेत्रों के सदस्यों से मिलकर बनेगी.

(२) जल उपभोक्ता संथा की प्रबंध समिति एक अभंग निकाय होगी, जिसके एक तिहाई निर्वाचित सदस्य उपधारा (३) में विनिर्दिष्ट किए गए अनुसार, प्रत्येक दो वर्ष में सेवानिवृत्त होंगे.

(३) प्रादेशिक निर्वाचन क्षेत्रों के सदस्यों की पदावधि, यदि उन्हें अधिनियम के उपबंधों के अधीन वापस नहीं बुलाया गया हो या हटाया नहीं गया हो या निरहित नहीं किया गया हो, धारा २१ की उपधारा (१) के अधीन सक्षम प्राधिकारी की नियुक्ति की तारीख से छह वर्ष होगी:

परन्तु प्रथम निर्वाचन में, समस्त प्रादेशिक क्षेत्रों के सदस्य एक बार में निर्वाचित किए जाएंगे, जिनमें से एक तिहाई सदस्य दो वर्ष पूर्ण हो जाने पर, दूसरे एक तिहाई सदस्य चार वर्ष पूर्ण होने के पश्चात्, तथा शेष एक तिहाई सदस्य पद के छह वर्ष पूर्ण हो जाने के पश्चात्, सेवानिवृत्त होंगे और उनकी सेवानिवृत्ति की अवधि को प्रादेशिक निर्वाचन क्षेत्रों के सदस्यों का प्रथम निर्वाचन प्रारंभ होने के पूर्व लॉट डालकर विनिश्चित किया जाएगा.

(४) जिला कलक्टर, किसी जल उपभोक्ता क्षेत्र के प्रत्येक प्रादेशिक निर्वाचन क्षेत्र से एक सदस्य से मिलकर बनने वाली प्रबंध समिति के निर्वाचन के लिए गुप्त मतदान द्वारा विहित रीति में व्यवस्था कराएगा.

- (५) जिला कलक्टर, विहित रीति में, जल उपभोक्ता संथा की प्रबंध समिति के सदस्यों में से प्रबंध समिति के एक अध्यक्ष के निर्वाचन की भी व्यवस्था करेगा.
- (६) यदि उपधारा (४) और (५) के अधीन किसी निर्वाचन में जल उपभोक्ता संथा के अध्यक्ष या प्रादेशिक निर्वाचन क्षेत्रों के सदस्य निर्वाचित नहीं किए जा सके हों तो विहित रीति में नया निर्वाचन कराया जाएगा.
- (७) जल उपभोक्ता संथा की प्रबंध समिति का अध्यक्ष, यदि उसे अधिनियम के उपबंधों के अधीन वापस नहीं बुलाया गया हो या हटाया नहीं गया हो या निरहित नहीं किया गया हो, निर्वाचन की तारीख से दो वर्ष की कालावधि के लिए या प्रादेशिक निर्वाचन क्षेत्र के सदस्य के रूप में उसका कार्यकाल पूरा होने तक जो भी पूर्वतर हो, पद पर रहेगा.
- (८) साधारण निर्वाचन के पश्चात् बनाई गई समस्त जल उपभोक्ता संथाओं की प्रबंध समिति के सदस्यों तथा अध्यक्ष की पदावधि भी उसी समय समाप्त हो जाएगी जबकि वह उस समय समाप्त होती यदि वह सामान्य निर्वाचन में निर्वाचित हुआ होता.
- (९) प्रबंध समिति, जल उपभोक्ता संथा की शक्तियों का प्रयोग और कृत्यों का पालन करेगी.”.

४. मूल अधिनियम की धारा ५ में, उपधारा (३) में, शब्द “और प्रादेशिक निर्वाचन क्षेत्र के सदस्य” का लोप किया जाए. धारा ५ का संशोधन.

५. मूल अधिनियम की धारा ६ के स्थान पर, निम्नलिखित धारा स्थापित की जाए, अर्थात्:— धारा ६ का स्थापन.

“६. (१) प्रत्येक वितरिका समिति के लिए, वितरिका समिति के साधारण निकाय के समस्त सदस्यों से मिलकर बनने वाली एक प्रबंध समिति होगी. वितरिका समिति की प्रबंध समिति का निर्वाचन.

(२) जिला कलक्टर, वितरिका समिति की प्रबंध समिति के सदस्यों में से अध्यक्ष के निर्वाचन के लिए गुप्त मतदान द्वारा ऐसी रीति में जैसी कि विहित की जाए, इंतजाम करेगा.

(३) यदि उपधारा (२) के अधीन कराए गए निर्वाचन में अध्यक्ष निर्वाचित नहीं किया जाता है तो यथाविहित रीति में नए निर्वाचन कराए जाएंगे.

(४) यदि वितरिका समिति की प्रबंध समिति में कोई महिला सदस्य नहीं है तो प्रबंध समिति, सदस्य के रूप में एक महिला को सहयोजित कर सकेगी जो कि साधारणतः कृषक संगठन क्षेत्र की निवासी होगी.

(५) वितरिका समिति की प्रबंध समिति के अध्यक्ष तथा सदस्यों की पदावधि, यदि अधिनियम के उपबंधों के अधीन पूर्व में ही उन्हें वापस नहीं बुलाया गया हो या जब तक उन्हें हटाया न गया हो या निरहित न किया गया हो, धारा ५ की उपधारा (३) में विनिर्दिष्ट साधारण निकाय की अवधि की सहविस्तारी होगी.

(६) प्रबंध समिति, वितरिका समिति की शक्ति का प्रयोग तथा कृत्यों का पालन करेगी.”.

६. मूल अधिनियम की धारा ७ में, उपधारा (३) के स्थान पर, निम्नलिखित उपधारा स्थापित की जाए, अर्थात्:— धारा ७ का संशोधन.

“(३) वृहद् सिंचाई परियोजना के परियोजना क्षेत्र की वितरिका समिति के समस्त अध्यक्षों तथा मध्यम सिंचाई परियोजनाओं की परियोजना क्षेत्र के जल उपभोक्ता संथा के समस्त अध्यक्षों से जब तक

वे ऐसे पद पर रहें, परियोजना समिति के साधारण निकाय का गठन होगा जिसमें दो नामनिर्दिष्ट सदस्य सम्मिलित होंगे जिसमें से एक विभिन्न विभागों तथा कृषकों के संगठन के बीच समन्वयक के रूप में कृत्य करेगा तथा वह वृहद् परियोजना के लिए जल संसाधन विभाग या नर्मदा घाटी विकास विभाग का कार्यपालन यंत्री होगा या मध्यम परियोजना के लिए जल संसाधन विभाग या नर्मदा घाटी विकास विभाग का सहायक यंत्री होगा और दूसरा सदस्य सलाहकार के रूप में कार्य करेगा जो किसान कल्याण और कृषि विकास विभाग से होगा. नामनिर्दिष्ट सदस्य को मतदान करने का अधिकार नहीं होगा.”

धारा ८ का संशोधन.

७. मूल अधिनियम की धारा ८ में, उपधारा (१), (२) और (४) के स्थान पर, निम्नलिखित उपधाराएं स्थापित की जाएं, अर्थात्:—

“(१) प्रत्येक परियोजना समिति के लिए एक प्रबंध समिति होगी, जो परियोजना समिति के लिए साधारण निकाय के समस्त सदस्यों से मिलकर बनेगी.

(२) (क) परियोजना समिति की प्रबंध समिति के सदस्यों से सभापति (चेयरपर्सन) के गुप्त मतदान पद्धति द्वारा निर्वाचन के लिए जिला कलक्टर ऐसी रीति में व्यवस्था करवाएगा जैसी कि विहित की जाए.

(ख) वृहद् परियोजनाओं की परियोजना समिति के सभापति (चेयरपर्सन) परियोजना क्षेत्र की वितरिका समिति के अध्यक्षों में से निर्वाचित किए जाएंगे जबकि मध्यम परियोजनाओं के सभापति (चेयरपर्सन) परियोजना क्षेत्र की जल उपभोक्ता संथा के अध्यक्षों में से निर्वाचित किए जाएंगे.

(ग) यदि खण्ड (क) तथा (ख) के अधीन कराए गए निर्वाचन में सभापति (चेयरपर्सन) निर्वाचित नहीं होता है तो यथाविहित रीति में नये निर्वाचन कराए जाएंगे.

(४) परियोजना समिति की प्रबंध समिति के सभापति (चेयरपर्सन) और सदस्यों की पदावधि के पूर्व अधिनियम के उपबंधों के अधीन यदि उसे वापस नहीं बुलाया जाता या हटाया नहीं जाता या निरहित नहीं कर दिया जाता है तो धारा ७ की उपधारा (३) में विनिर्दिष्ट साधारण निकाय की अवधि सहविस्तारी होगी.”

अध्याय ४ क का अंतःस्थापन.

८. मूल अधिनियम में, अध्याय ४ के पश्चात्, निम्नलिखित अध्याय, जिसमें धारा २२ क से २२ झ तक अंतर्विष्ट है, अंतःस्थापित किया जाए, अर्थात्:—

“अध्याय ४ क

नियंत्रण

परिभाषा.

२२ क. इस अध्याय के प्रयोजन के लिए “समुचित प्राधिकारी” से अभिप्रेत है, परियोजना समिति की दशा में संभागीय आयुक्त; वितरिका समिति की दशा में जिला कलक्टर और जल उपभोक्ता संथा की दशा में उपखंड अधिकारी राजस्व.

कृषक संगठन के पदाधिकारियों और अधिकारियों अथवा सेवकों का लोक सेवक होना.

२२ ख. कृषक संगठन का प्रत्येक पदाधिकारी तथा उसका प्रत्येक अधिकारी या सेवक, भारतीय दण्ड संहिता, १८६० (१८६० का ४५) की धारा २१ के अर्थ के अंतर्गत लोक सेवक समझा जाएगा.

कृषक संगठन के मामलों की जांच.

२२ ग. राज्य सरकार या समुचित प्राधिकारी, समय-समय पर, कृषक संगठनों द्वारा साधारण या निर्माण कार्यों से संबंधित मामलों की जांच करवा सकेगा.

२२ घ. (१) राज्य सरकार या समुचित प्राधिकारी, लिखित में आदेश द्वारा और उसमें कथित किए जाने वाले कारणों से किसी कृषक संगठन द्वारा पारित किसी संकल्प, जारी आदेश, प्रदान की गई अनुज्ञप्ति या अनुज्ञा के निष्पादन को निलंबित कर सकेगा या किसी कृत्य के निर्वहन को प्रतिषिद्ध कर सकेगा, यदि उसकी राय में,—

आदेशों आदि के निष्पादन को निलंबित करने की शक्ति.

- (क) ऐसा संकल्प, आदेश, अनुज्ञप्ति, अनुज्ञा या कृत्य, इस अधिनियम द्वारा प्रदत्त शक्तियों के आधिक्य में है या किसी विधि के प्रतिकूल है; या
- (ख) ऐसे संकल्प अथवा आदेश का निष्पादन या ऐसी अनुज्ञप्ति या अनुज्ञा का प्रवर्तन में बने रहना, या ऐसे कृत्य के किए जाने से किसी धन की हानि, दुर्व्ययन अथवा दुरुपयोजन कारित होना संभाव्य है या कृषक संगठन में निहित किसी संपत्ति को नुकसान कारित कर सकता है.

(२) समुचित प्राधिकारी द्वारा जब भी उपधारा (१) के अधीन कोई आदेश किया जाए वह तुरन्त तथा किसी भी स्थिति में आदेश की तारीख से दस दिन के अपश्चात् राज्य सरकार अथवा इस प्रयोजन के लिए राज्य सरकार द्वारा नामनिर्दिष्ट अधिकारी को आदेश की प्रति इसे किए जाने के कारणों के विवरण के साथ अग्रेषित करेगा और राज्य सरकार या उसके द्वारा नामनिर्दिष्ट किया गया अधिकारी आदेश की पुष्टि कर सकेगा, उसे अपास्त कर सकेगा, पुनरीक्षित कर सकेगा या उपांतरित कर सकेगा अथवा यह निदेश दे सकेगा कि यह उपांतरण सहित या बिना किसी उपांतरण के स्थायी रूप से या ऐसी कालाधि के लिए जैसी कि वह उचित समझे निरंतर प्रवृत्त बना रहेगा :

परन्तु उपधारा (१) के अधीन प्राधिकारी द्वारा पारित किसी भी आदेश की राज्य सरकार द्वारा या उसके द्वारा नामनिर्दिष्ट किए गए अधिकारी द्वारा संबंधित कृषक संगठन को प्रस्तावित आदेश के विरुद्ध सुनवाई का युक्तियुक्त अवसर प्रदान किए बिना पुष्टि नहीं की जाएगी, उसे अपास्त, पुनरीक्षित या परवर्तित नहीं किया जाएगा.

२२ ड (१) राज्य सरकार या समुचित प्राधिकारी, कृषक संगठन के ऐसे किसी पदाधिकारी को निलंबित कर सकेगा—

कृषक संगठनों के पदाधिकारियों का निलंबन.

- (क) जिसके विरुद्ध तत्समय प्रवृत्त किसी विधि के अधीन किसी आपराधिक कार्यवाही में आरोप विरचित कर दिए गए हों; या
- (ख) जिसके विरुद्ध इस अधिनियम के अधीन कर्तव्यों के निर्वहन में गंभीर उपेक्षा या वित्तीय अनियमितता के लिए धारा २२ ग के अधीन कोई जांच प्रारंभ की गई हो.

(२) उपधारा (१) के अधीन समुचित प्राधिकारी द्वारा निलंबन का आदेश दस दिन की अवधि के भीतर परियोजना समिति की दशा में राज्य सरकार को, वितरिका समिति की दशा में संभागीय आयुक्त को और जल उपभोक्ता संथा की दशा में जिला कलक्टर को रिपोर्ट किया जाएगा और वह ऐसे आदेशों के अध्यक्ष होगा जिन्हें कि पारित करना, यथास्थिति, राज्य सरकार / संभागीय आयुक्त / जिला कलक्टर उचित समझे और यदि निलंबन के आदेश की ऐसी रिपोर्ट की प्राप्ति की तारीख से ९० दिन के भीतर राज्य सरकार / संभागीय आयुक्त / जिला कलक्टर द्वारा पुष्टि नहीं की जाती तो वह निष्प्रभावी हो गया समझा जाएगा.

(३) कृषक संगठन की प्रबंध समिति के, यथास्थिति सभापति (चेयरपर्सन) / अध्यक्ष और सदस्यों के उपधारा (१) के अधीन निलंबित किए जाने की दशा में, संबंधित कृषक संगठन का सक्षम प्राधिकारी तुरन्त किन्तु संबंधित प्राधिकारी से जानकारी प्राप्त होने के पन्द्रह दिन के अपश्चात् कृषक संगठन का विशेष सम्मेलन बुलाएगा तथा सदस्य अपने में से किसी एक व्यक्ति को प्रबंध समिति का यथास्थिति, सभापति (चेयरपर्सन) / अध्यक्ष, सदस्य का, अस्थायी रूप से पद धारण करने के लिए निर्वाचित करेंगे तथा प्रबंध समिति के सदस्य, यथास्थिति, और ऐसा स्थानापन्न सभापति (चेयरपर्सन) / अध्यक्ष और प्रबंध समिति के सदस्य उस अवधि के दौरान जिसके कि लिए ऐसा निलंबन जारी रहता है, यथास्थिति, प्रबंध समिति के सभापति (चेयरपर्सन) या अध्यक्ष या सदस्य प्रबंध समिति के समस्त कृत्यों का निर्वहन तथा समस्त शक्तियों का प्रयोग करेंगे.

(४) कोई ऐसा व्यक्ति, जो उपधारा (१) के अधीन निलंबित किया गया है, वह ऐसे किसी अन्य कृषक संगठन के सभापति (चेयरपर्सन) / अध्यक्ष, प्रबंध समिति के सदस्य के पद से भी तुरन्त निलंबित हो जाएगा, जिसका कि वह एक सदस्य या पदाधिकारी है तथा ऐसा व्यक्ति अपने निलंबन के दौरान अधिनियम के अधीन निर्वाचित होने से भी निरहित होगा.

कृषक संगठन के पदाधिकारियों का हटाया जाना.

२२ च. (१) राज्य सरकार या समुचित प्राधिकारी, धारा २२ ग के अधीन संस्थित की गई ऐसी जांच करने के पश्चात्, जैसी कि वह किसी भी समय करना आवश्यक समझे, संबंधित कृषक संगठन के किसी पदाधिकारी को हटा सकेगा—

- (क) यदि वह इस अधिनियम के अधीन अपने कर्तव्यों के निर्वहन में गंभीर उपेक्षा का दोषी पाया गया हो;
- (ख) यदि उसका पद पर बना रहना जन हित में अवांछनीय हो गया है;

परन्तु किसी व्यक्ति को तब तक नहीं हटाया जाएगा जब तक कि उसे यह कारण बताने का अवसर नहीं दे दिया जाता कि उसे क्यों न उसके पद से हटा दिया जाए:

परन्तु यह और कि जांच में अंतिम आदेश, संबंधित पदाधिकारी को कारण बताओ सूचना के जारी किए जाने की तारीख से ९० दिन के भीतर पारित किया जाएगा और जहां लंबित मामले का विनिश्चय ९० दिन के भीतर नहीं किया जाता है तो वहां समुचित प्राधिकारी, अपने अगले वरिष्ठ अधिकारी को लिखित में समस्त तथ्यों की जानकारी देगा और जांच के निपटारे के लिए समय बढ़ाने हेतु निवेदन करेगा किन्तु ऐसा समय ३० दिन से अधिक नहीं बढ़ाया जाएगा.

(२) ऐसा व्यक्ति, जिसे उपधारा (१) के अधीन हटा दिया गया है, तत्काल किसी ऐसे कृषक संगठन का, जिसका कि वह सदस्य है, सदस्य नहीं रह जाएगा और ऐसा व्यक्ति इस अधिनियम के अधीन छह वर्ष की कालावधि के लिए निर्वाचित होने से भी निरर्हित हो जाएगा.

हानि, दुर्व्ययन और दुर्विनियोग के लिए अध्यक्ष / सभापति (चेयरपर्सन) का दायित्व.

२२ छ. (१) कृषक संगठन का प्रत्येक अध्यक्ष / सभापति (चेयरपर्सन), सदस्य, पदाधिकारी, अधिकारी या सेवक उस कृषक संगठन के, जिसका कि वह एक पक्षकार रह चुका हो, किसी धन या अन्य संपत्ति की ऐसी हानि, दुर्व्ययन या दुर्विनियोग के लिए जो कि कदाचार या अपने कर्तव्यों की घोर उपेक्षा के कारण उसके द्वारा कारित हुई हो, व्यक्तिगत रूप से उत्तरदायी होगा और ऐसी हानि, दुर्व्ययन या दुर्विनियोग की प्रतिपूर्ति के लिए अपेक्षित राशि समुचित प्राधिकारी द्वारा वसूल की जाएगी:

परन्तु इस धारा के अधीन कोई वसूली तब तक नहीं की जाएगी जब तक कि संबंधित व्यक्ति को सुनवाई का युक्तियुक्त अवसर न दे दिया गया हो.

(२) यदि संबंधित व्यक्ति रकम का भुगतान करने में असफल रहता है तो ऐसी रकम भू-राजस्व के बकाया के तौर पर वसूल की जाएगी और संबंधित कृषक संगठन की निधि में जमा की जाएगी.

अभिलेख, वस्तुएं और धन वसूल करने की शक्ति.

२२ ज. (१) जहां समुचित प्राधिकारी की यह राय है कि कृषक संगठन से संबंधित कोई अभिलेख या वस्तु या धन किसी व्यक्ति ने अप्राधिकृत रूप से अपनी अभिरक्षा में रखा हुआ है तो वह लिखित आदेश द्वारा यह अपेक्षा कर सकेगा कि ऐसा अभिलेख या वस्तु या धन, कृषक संगठन को, ऐसे अधिकारी की उपस्थिति में, जिसे कि संबंधित प्राधिकारी द्वारा इस निमित्त नियुक्त किया जाए, तत्काल परिदत्त कर दिया जाए या उसका भुगतान कर दिया जाए.

(२) यदि कोई व्यक्ति उपधारा (१) के अधीन निदेशित किए गए अनुसार अभिलेख या वस्तु का परिदान या धन का भुगतान करने में असफल रहता है या उससे इंकार करता है तो समुचित प्राधिकारी उसे गिरफ्तार करवा सकेगा और ऐसे प्ररूप में वारंट के साथ, जैसा कि विहित किया जाए, तीस दिन से अनधिक की कालावधि के लिए उसे सिविल जेल में परिरुद्ध किए जाने के लिए भेज सकेगा.

(३) समुचित प्राधिकारी—

- (क) ऐसे किसी धन को वसूल करने के लिए निदेश दे सकेगा कि ऐसा धन भू-राजस्व के बकाया के तौर पर वसूल किया जाए; और

(ख) ऐसे किसी अभिलेख या वस्तुओं को वसूल करने के लिए तलाशी वारंट जारी कर सकेगा और उसके संबंध में उन समस्त शक्तियों का प्रयोग कर सकेगा जिनका कि प्रयोग दण्ड प्रक्रिया संहिता, १९७३ (१९७४ का २) के अध्याय ७ के उपबंधों के अधीन मजिस्ट्रेट द्वारा विधिपूर्वक किया जाता है।

(४) उपधारा (१) या (२) या (३) के अधीन कोई कार्रवाई तब तक नहीं की जाएगी जब तक कि संबंधित व्यक्ति को यह कारण दर्शाने का युक्तियुक्त अवसर न दे दिया जाए कि उसके विरुद्ध ऐसी कार्रवाई क्यों न की जाए।

(५) ऐसा व्यक्ति, जिसके विरुद्ध इस धारा के अधीन कार्रवाई की गई है, ऐसी कार्रवाई के प्रारंभ होने से छह वर्ष तक की कालावधि के लिए किसी कृषक संगठन का सदस्य होने से निरहित हो जाएगा।

२२ झ. (१) राज्य सरकार के अधिकारी अर्थात् जल संसाधन विभाग या नर्मदा घाटी विकास विभाग के उपखण्ड अधिकारी, कार्यपालन यंत्री और अधीक्षण यंत्री, राज्य सरकार द्वारा सम्यक् रूप से प्राधिकृत राज्य सरकार का कोई अन्य अधिकारी, कृषक संगठन के कार्यो तथा अभिलेखों का निरीक्षण कर सकेगा और निरीक्षण में पाई गई अनियमितताओं से संबंधित निरीक्षण रिपोर्ट राज्य सरकार को या समुचित प्राधिकारी को प्रस्तुत कर सकेगा जो इस अधिनियम के उपबंधों के अनुसार दण्डात्मक कार्रवाई कर सकेगा।

कृषक संगठन के कार्यो का निरीक्षण।

(२) कृषक संगठन के पदाधिकारी तथा सक्षम प्राधिकारी, निरीक्षणकर्ता अधिकारी द्वारा चाही गई समस्त जानकारियां तथा अभिलेख उपलब्ध कराने के लिए आबद्ध होंगे.''

भोपाल, दिनांक 26 अप्रैल 2013

क्र. 2823-142-इक्कीस-अ-(प्रा.)-अधि.— भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी (संशोधन) अधिनियम, 2013 (क्रमांक 23 सन् 2013) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH ACT

NO. 23 OF 2013

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI (SANSHODHAN) ADHINIYAM, 2013.

TABLE OF CONTENTS.

Sections:

1. Short title and commencement.
2. Amendment of Section 3.
3. Substitution of Section 4.
4. Amendment of Section 5.
5. Substitution of Section 6.
6. Amendment of Section 7.
7. Amendment of Section 8.
8. Insertion of Chapter IV A.

MADHYA PRADESH ACT

NO. 23 OF 2013.

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI
(SANSHODHAN) ADHINIYAM, 2013

[Received the assent of the Governor on the 25th April, 2013; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 26th April, 2013.]

An Act further to amend the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999.

Be it enacted by the Madhya Pradesh Legislature in the sixty – fourth year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Adhiniyam, 2013.

(2) 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 Act and for different areas of the State of Madhya Pradesh.

Amendment of section 3.

2. In section 3 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Every water users’ area shall be divided into territorial constituencies, which shall be six in case of minor irrigation system and twelve in case of major and medium irrigation systems.”.

Substitution of section 4.

3. For section 4 of the principal Act, the following section shall be substituted, namely:—

**M a n a g i n g
C o m m i t t e e o f
W a t e r U s e r s ’
A s s o c i a t i o n .**

“4. (1) There shall be a Managing Committee for each Water Users’ Association comprising members of the territorial constituencies as specified in sub-section (2) of section 3 elected directly by the water users’ as specified in sub-clause (i) of clause (a) of sub-section (4) of section 3 from their respective territorial constituencies.

(2) The Managing Committee for Water Users’ Association shall be a continuous body, with one third of its elected members retiring every two years as specified in sub-section (3).

(3) The term of office of the members of the territorial constituencies shall, if not recalled or removed or disqualified under the provisions of the Act, be six years from the date of appointment of the competent authority under sub-section (1) of section 21:

Provided that at the first election, all the territorial constituency members shall be elected at one time, out of which one third of the members thereof shall retire on the completion of two years, another one third members shall retire after completion of four years and the remaining one third shall retire after completion of six years in office and their terms of retirement shall be decided before the commencement of first election of the members of the territorial constituencies by drawal of lots.

(4) The District Collector shall cause arrangements for the election of a Managing Committee consisting of one member from each of the territorial constituency of a water users’ area by the method of secret ballot in the manner prescribed.

- (5) The District Collector shall also cause arrangements for election of a President of the Managing Committee from amongst the members of the Managing Committee of the water users' association, in the manner prescribed.
- (6) If, at an election held under sub-sections (4) and (5), the President or the members of the territorial constituencies of water users' association are not elected, fresh election shall be held in the manner prescribed.
- (7) The President of the Managing Committee of water users' association shall, if not recalled or removed or disqualified under the provisions of the Act, be in office for a period of two years from the date of election or his tenure as member of territorial constituency, whichever is earlier.
- (8) The term of office of the President, and the members of Managing Committee of all the water users' associations formed subsequent to ordinary election, shall also expire at the time at which it would have expired, if he had been elected at the ordinary election.
- (9) The Managing Committee shall exercise the powers and perform the functions of the water users' association.”.

4. In Section 5 of the principal Act, in sub-section (3), the words “and the territorial constituency members” shall be omitted.

Amendment of Section 5.

5. For Section 6 of the principal Act, the following section shall be substituted, namely:—

Substitution of Section 6.

“ 6 (1) There shall be a Managing Committee for every Distributory Committee, consisting of all members of the General Body of Distributory Committee.

Election of managing committee of Distributory Committee.

(2) The District Collector shall cause arrangements, in such manner as may be prescribed for the election by the method of secret ballot of the President, from amongst the members of the Managing Committee of the Distributory Committee.

(3) If, at an election held under sub-section (2), the President is not elected, fresh elections shall be held as prescribed.

(4) If the Managing Committee of the Distributory Committee does not have a woman member, the Managing Committee shall co-opt a woman as a member who shall ordinarily be a resident of the farmers' organisation area.

(5) The term of office of the President and the Members of the Managing Committee of the Distributory Committee shall, if not recalled or removed or disqualified under the provisions of the Act earlier, be coterminous with the term of General Body specified in sub-section (3) of Section 5.

(6) The Managing Committee shall exercise the powers and perform the functions of the Distributory Committee.”.

6. In Section 7 of the principal Act, for sub section (3), the following sub-section shall be substituted, namely:—

Amendment of Section 7.

“(3) All the Presidents of the Distributory Committee of the project area of major irrigation projects and all the Presidents of the Water Users' Associations of the project area of medium irrigation projects, so long as they hold such office, shall constitute the general body of the Project Committee including two nominated members, one of whom shall act as coordinator between various departments and Farmers' Organizations and who will be an Executive Engineer of the Water

Resources Department or Narmada Valley Development Department for Major Projects or an Assistant Engineer of the Water Resources Department or Narmada Valley Development Department for Medium Projects and second member will act as an adviser who will be from the Farmers Welfare and Agriculture Development Department. The nominated member shall not have right to vote.”.

Amendment of Section 8.

7. In section 8 of the principal Act, for sub-sections (1), (2) and (4), the following sub-sections shall be substituted, namely :—

- “(1) There shall be a Managing Committee, for every Project Committee, consisting of all members of General Body of the Project Committee.
- (2) (a) The District Collector shall cause arrangements in such manner as may be prescribed for the election by the method of secret ballot of Chairperson from amongst the members of Managing Committee of the Project Committee.
- (b) The Chairperson of the Project Committee of Major Projects shall be elected amongst the Presidents of Distributory Committee of the project area while the Chairperson of Medium Projects shall be elected amongst the Presidents of Water Users’ Association of the project area.
- (c) If, at an election held under clause (a) and (b), the Chairperson is not elected, fresh elections shall be held in prescribed manner.
- (4) The term of office of the Chairperson and the members of the Managing Committee of Project Committee shall, if not recalled or removed or disqualified under the provisions of the Act earlier, be coterminous with the term of General Body specified in sub-section(3) of Section 7.”.

Insertion of Chapter IV A.

8. In the principal Act, after Chapter IV, the following Chapter containing sections 22 A to 22 I shall be inserted, namely:—

“CHAPTER IV A CONTROL

Definition.

22 A. For the purpose of this Chapter “Appropriate Authority” means Division Commissioner in case of Project Committee, District Collector in case of Distributory Committee and Sub-Divisional Officer Revenue in case of Water Users’ Association.

Office bearers and officers or servant of Farmers’ Organization to be public servant.

22.B. Every office bearer of Farmers’ Organization and every officer or servant thereof shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

Inquiry into affairs of Farmers’ organization

22 C. The State Government or Appropriate Authority may, from time to time, cause an inquiry to be made on matters relating to maintenance or construction works by a Farmers’ Organization.

Power to suspend execution of orders etc.

22 D. (1) The State Government or Appropriate Authority may, by an order in writing and for reasons to be stated therein, suspend the execution of any resolution passed, order issued, license or permission granted, or prohibit the performance of any act by a Farmers’ Organization, if in its opinion,—

- (a) such resolution, order, license, permission or act is in excess of the powers conferred by this Act or is contrary to any law; or
- (b) the execution of such resolution or order, or the continuance in force of such license or permission or the doing of such act is likely to cause loss, waste or misapplication of any money or damage to any property vested in the Farmers’ Organization.

(2) Whenever an order is made by the Appropriate Authority under sub-section (1), it shall forthwith and in no case later than ten days from the date of order, forward to the State Government or an officer nominated by the State Government for this purpose, copy of the order with the statement of reasons for making it, and the State Government or the officer nominated by it may confirm, set aside, revise or modify the order or direct that it shall continue to be in force with or without modification permanently or for such period as may be deemed fit:

Provided that no order of the appropriate authority passed under sub-section (1) shall be confirmed, set aside, revised or modified by the State Government or the officer nominated by it without giving the Farmers' Organization concerned a reasonable opportunity of being heard against the proposed order.

22 E. (1) The State Government or Appropriate Authority may suspend any office bearer of a Farmers' Organization—

- (a) against whom charges have been framed in any criminal proceeding under any law for the time being in force; or
- (b) against whom an enquiry has been initiated under section 22 C for serious negligence in discharge of duty under this Act or financial irregularities.

(2) An order of suspension by an Appropriate Authority under sub-section (1) shall be reported to the State Government in case of Project Committee, Divisional Commissioner in case of Distributory Committee and District Collector in case of water users' association within a period of ten days and shall be subject to such orders as the State Government/ Divisional Commissioner/ District Collector, as the case may be, may deem fit to pass and if the order of suspension is not confirmed by the State Government/Divisional Commissioner/District Collector, as the case may be, within 90 days from the date of receipt of such report it shall be deemed to have been vacated.

(3) In the event of the Chairperson/President, members of Managing Committee, of Farmers' Organization, as the case may be, is suspended under sub-section (1), the competent authority of the concerned Farmers' Organization shall cause to call a special meeting of the Farmers' Organization immediately, but not later than fifteen days from the date of receipt of information from concerning authority and the member shall elect from amongst themselves, a person to hold the office of Chairperson/President, members of Managing Committee, temporarily, as the case may be, and such officiating Chairperson/President and members of Managing Committee, shall perform all the duties and exercise all the powers of Chairperson or President, members of Managing Committee, as the case may be, during the period for which such suspension continues.

(4) A person who has been suspended under sub-section (1) shall also forthwith stand suspended from the office of Chairperson / President, members of Managing Committee, of any other Farmers' Organization of which he is a member or office bearer and such person shall also be disqualified for being elected under the Act during his suspension.

22 F. (1) The State Government or Appropriate Authority may, after such inquiry initiated under section 22 C as it may deem fit to make at any time, remove an office bearer of the concerned Farmers' Organization—

- (a) if he has been found guilty of serious negligence in the discharge of his duties under this Act;
- (b) if his continuance in office is undesirable in the interest of the public:

Provided that no person shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office:

Provided further that the final order in the inquiry shall be passed within 90 days from the date of issue of show cause notice to the concerned office bearer and where

Suspension of office bearer of Farmers' Organizations.

Removal of office bearers of Farmers' Organization.

the pending case is not decided within 90 days, the appropriate authority shall inform all facts to his next senior officer in writing and request for extension of time for disposal of enquiry but such extension of time shall not be more than 30 days.

(2) A person who has been removed under sub-section (1) shall forthwith cease to be a member of any such Farmers' Organization of which he is a member and such person shall also be disqualified for a period of six years to be elected under this Act.

**Liability of
President/
Chairperson for
loss, waste and
misappropriation.**

22 G. (1) Every President /Chairperson, member, office-bearer, officer or servant of Farmers' Organization shall be personally liable for loss, waste or misapplication of any money or other property of the Farmers' Organization to which he has been a party or which has been caused by him by misconduct or gross neglect of his duties and the amount required for reimbursing such loss, waste, or misapplication shall be recovered by the Appropriate Authority:

Provided that no recovery shall be made under this section unless the person concerned has been given a reasonable opportunity of being heard.

(2) If the person concerned fails to pay the amount, such amount shall be recovered as arrears of land revenue and credited to the funds of the Farmers' Organization concerned.

**Power to recover
records, articles
and money.**

22 H. (1) Where the Appropriate Authority is of the opinion that any person has unauthorizedly in his custody any record or article or money belonging to the Farmers' Organization, he may, by written order, require that the record or article or money be delivered or paid forthwith to the Farmers' Organization, in the presence of such officer as may be appointed by the concerning authority in this behalf.

(2) If any person fails or refuses to deliver the record or article or pay the money as directed under sub-section (1), the Appropriate Authority may cause him to be apprehended and may send him with a warrant in such form as may be prescribed, to be confined in a civil jail for a period not longer than thirty days.

(3) The Appropriate Authority may—

(a) for recovering any such money direct that such money be recovered as an arrear of land revenue ; and

(b) for recovering any such record or articles issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (No. 2 of 1974).

(4) No action under sub-section (1) or (2) or (3) shall be taken unless a reasonable opportunity has been given to the person concerned to show cause why such action should not be taken against him.

(5) A person against whom an action is taken under this section shall be disqualified to be member of any Farmers' Organization for a period of six years commencing from the initiation of such action.

**Inspection of
works of
Farmers'
Organization.**

22 I. (1) The officer of the State Government namely, concerned Sub-Divisional Officer, Executive Engineer and Superintending Engineer of the Water Resources Department or NarmadaValley Development Department or any other Officer of the State Government duly authorized by the State Government may inspect the works and records of Farmers' Organization and shall submit inspection report regarding irregularities found in inspection to the State Government or Appropriate Authority, who can take punishable action as per the provision of this Act.

(2) The office bearers and competent authority of Farmers' Organization shall be bound to provide all information and records demanded by inspecting officer.”.