

GOVERNMENT OF MADHYA PRADESH

WATER RESOURCES DEPARTMENT

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GOVERNMENT OF MADHYA PRADESH
WATER RESOURCES DEPARTMENT

MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON
KI BHAGIDARI ADHINIYAM, 1999

(MADHYA PRADESH ACT No. 23 of 1999.)

{As on 17th May 2021}

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THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI
BHAGIDARI ADHINIYAM, 1999

(MADHYA PRADESH ACT No. 23 of 1999)

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MADHYA PRADESH ACT No. 23 OF 1999.

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI ADHINIYAM, 1999.

[Received the assent of the Governor on the 12th August, 1999; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 18th August, 1999.]

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: —

CHAPTER-I—PRELIMINARY

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 extent to the whole of the Madhya Pradesh.

(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 areas and for different provisions.

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 pressurized pipe irrigation system 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 ;
- ** (iv) all structures and accessories relating to pressurized pipe irrigation system distribution centre;

(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 include,-

- (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;

* Please see the Amendment in Clause (c) of Sub section (1) of Section 2 of Principal Act ,MP Gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

** Please see the Sub clause added in section (e) of Sub section (1) of Section 2 of Principal Act ,MP Gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

- (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 head works, distributories, minors, pipe outlets and the like;
- * (l) "Irrigation system" means such major, medium and minor irrigation system for harnessing water for irrigation and other allied uses from Government sources and also sources created by means of community participation, which is duly permitted by the District Collector and includes reservoirs, open head channels, diversion system, anicuts, stop dams, lift irrigation schemes, tanks, wells and the like and such irrigation system irrigating an area greater than 40 hectares; system irrigating an area greater than 40 hectares;
- Explanation:**--(i) 'major irrigation system' means irrigation system under major irrigation project having irrigable command area of more than 10,000 hectare;
- (iii) '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 up to 2,000 hectare
- (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;

* Please see the Amendment in Clause (l) of Sub section (1) of Section 2 of Principal Act, MP gazette (Extra Ordinary) no 232 dated 26 April 2003 in page 37-38

- ** (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;
- (oa) pressurized pipe irrigation system means an irrigation system in which water is pressurized and precisely applied to the plants through a system of pipes;
- (ob) pressurized pipe irrigation system distribution centre means a civil or mechanical structure from where distribution of water to irrigate a specific water users' area is controlled;
- (p) " warabandi " 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 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).

* Please see the Amendment in clause (s) of Sub section (1) of section 2 of Principal Act ,MP gazette (Extra Ordinary)no 571 dated 03 October 2001 in page 34-35

** Please see New Clause added in clause (o) of Sub section (1) of section 2 of Principal Act ,MP gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

CHAPTER-I I— FARMERS' ORGANISATION

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 or distribution centre wise in the case of pressurized pipe irrigation system 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 be six in case of minor irrigation system and twelve in case of major and medium irrigation systems.

(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 purpose 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;

*Please see the Amendment in Sub section (1) of section 3 of Principal Act ,MP gazette (Extra Ordinary)no 55 dated 25 February 2005 in page 39-40

**Please see the Amendment in Clause (a) of Sub section(4) of Section 3 of Principal Act ,MP gazette (Extra Ordinary)no 55 dated 25 February 2005 in page 39-40

***Please see the Amendment in Sub section(2) of Section 3 of Principal Act ,MP gazette (Extra Ordinary)no 198 dated 26 April 2013 in page 43-49

****Please see the Amendment in Sub section (1) of section 3 of Principal Act ,MP gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

- ***(iii)** three ex-officio members one of Amin Cadre and one of Sub-Engineer Cadre from 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 Adviser.
- (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 a Water Users' Association under sub-clause (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;

**** , *** , **** 4. Managing Committee of Water Users' Association.**

- (1) There shall be a Managing Committee for each Water Users' Association comprising members of 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 of 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)

* Please see the Amendment in Section(iii)of clause (a) of Sub clause (4) of Section 3 of Principal Act,MP gazette (Extra Ordinary)no 571 dated 03 October 2001 in page 34-35

** Please see the Substitution of Section 4 of The principal Act ,MP gazette (Extra Ordinary)no 198 dated 26 April 2013 in page 43-49

*** Please see the Substitution of Section 4 of The principal Act,MP gazette (Extra Ordinary)no23 dated 23 January 2020 in page 50-52

**** Please see the Substitution of Section 4 of The principal Act,MP gazette (Extra Ordinary)no228 dated 17 May 2021 in page 53-54

- (3) The term of office of members of territorial constituencies shall, if not recalled or removed or disqualified under the provision 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 members there of 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 user' area by the method of secret ballot in the prescribed manner.
- # (5) The District Collector shall cause arrangements for the election of a President of the Managing Committee from amongst the members of the Managing Committee of the water user' association,in the prescribed manner.
- (6) If,at an election held under sub – sections (4) and (5), the President or the members of the territorial constituencies of water user' association are not elected,fresh election shall be held in the prescribed manner.
- (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 expire 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 general election,shall also expire at the time at which it would have expired ,if he had been elected at the general election.
- (9) The Managing Committee shall exercise the powers and perform the functions of the water users' association.

Please see the Amendment in clause (5) of section 4 of The Principal Act,MP gazette (Extra Ordinary)no 50 dated 31 January 2006 in page 41

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 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 Water Resources 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,

* Please see the amendment in Sub section (3) of section 5 of the Principal Act ,MP gazette (Extra Ordinary) no 55 , dated 25 February 2005 in page 39-42

** Please see the amendment in Sub section (3) of section 5 of the Principal Act ,MP gazette (Extra Ordinary) no 198 , dated 26 April 2013 in page 43-49

,**,6. Election of Managing Committee of the Distributory Committee.**

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

* Please see the Substitution of section 6 of the Principal Act ,MP gazette (Extra Ordinary)no 198, dated 26 April 2013 in page 43-49

** Please see the Amendment of section 6 of the Principal Act ,MP gazette (Extra Ordinary)no 23, dated 23 January 2020 in page 50-52

*** Please see the Amendment of section 6 of the Principal Act ,MP gazette (Extra Ordinary)no 228, dated 17 May 2021 in page 53-54

7. Delineation of Project area and construction of the 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) 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 a coordinator between various departments and Farmers' Organisations 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 Water Resources Department or Narmada Valley Development Department for Medium Projects and second member will act as an advisor who will be from the Farmers Welfare and Agriculture Department. The nominated member shall not have right to vote.

* Please see the amendment in Sub section (3) of Section 7 of the Principal Act ,MP gazette (Extra Ordinary)no 571 dated 3 October 2001 in page 34-35

** Please see the amendment in Sub section (3) of Section 7 of the Principal Act ,MP gazette (Extra Ordinary)no 232 dated 26 April 2003 in page 37-38

*** Please see the amendment in Sub section (3) of Section 7 of the Principal Act ,MP gazette (Extra Ordinary)no 55 dated 25 February 2005 in page 39-40

**** Please see the amendment in Sub section (3) of Section 7 of the Principal Act ,MP gazette (Extra Ordinary)no 198 dated 26 April 2013 in page 43-49

*** , ** , *** , **** 8. Election of Managing Committee of Project Committee.**

- (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 President 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 election shall be held in prescribed manner.
- (3) If the Managing Committee of the Project 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
- (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.
- (5) The Managing Committee shall exercise the powers and perform the functions of Project Committee.

* Please see the amendment in Sub section (2) of Section 8 of the Principal Act ,MP gazette (Extra Ordinary)no 232 dated 26 April 2003 in page 37-38

** Please see the substitution in Sub section (1),(2)& (4) of Section 8 of the Principal Act ,MP gazette (Extra Ordinary)no 198 dated 26 April 2013 in page 43-49

*** Please see the amendment in Section 8 of the Principal Act ,MP gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

**** Please see the amendment in Section 8 of the Principal Act ,MP gazette (Extra Ordinary)no 228 dated 17 May 2021 in page 53-54

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
 - * (iv) three officers not below the rank of Chief Engineer or equivalent from the Water Resources Department, Agriculture Department or Narmada Valley Development Department of the State Government.
- (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 yh proviions of this Act ; and
 - (b) give such directions to any farmrs' organisation as may be considered necessary, in exercising their powers and prforming their functions in accordance with the provisions of this Act.

* Please see the amendment in Sub section (iv) of Section 9 of the Principal Act ,MP gazette (Extra Ordinary)no 571 dated 3 October 2001 in page 34-35

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 person against whom the motion is sought to be moved.

(2) If the motion is carried with the support of two third majority of the members present and voting and half of the total number of members of the association voting at the 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.

*** 11. The Managing Committees of a farmers' organisation** shall constitute the following sub – committees to carry out all or any of the functions vested in each organisation under this Act

- (i) Water Distribution Management Sub – Committee;
- (ii) Works Sub – Committee;
- (iii) Canal Disputes and Offences Eradication Sub- Committee;
- (iv) Resources, Financial Audit and Social Audit Sub – committee;
- (v) Irrigation Revenue Recovery Co – operation Sub – Committee ; and
- (vi) Women's Participation Sub – Committee.

* Please see the amendment in Section 11 of the Principal Act ,MP gazette (Extra Ordinary)no 55 dated 25 February 2005 in page 39-40

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.

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.

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 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 un discharged 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 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 the 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 sub-section (1) 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 become disqualified to continue the office, if he/she ceases to be a land holder;

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 by the managing 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 nomination 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.

CHAPTER-III — OBJECT AND FUNCTIONS OF THE FARMERS' ORGANISATION.

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 the water budget and the operational plan.

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 or distribution centre 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;

*Please see the amendment in clause (c) of Section 17 of the Principal Act ,MP gazette (Extra Ordinary)no 23 dated 23 January 2020 in page 50-52

- (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;
- (jj) to determine the irrigation water rates for the command area of Lift Irrigation Schemes/ Tube well only of Water Resources Department or Narmada Valley Development Department to utilize the amount so collected or recovered for operation, including payment of electric energy charges and maintenance of pumps, motors, pipeline, jack well and canal system of Lift Irrigation Schemes/Tube Wells only of the watr Resources Department or Narmada Valley Development Department
- (k) to maintain accounts;
- (l) to cause annual audit of its accounts;
- (m) to assist in the conduct of elections 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.

18.Functions of 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;

* Please see the amendment in clause (j) of Section 17 of the Principal Act ,MP gazette (Extra Ordinary)no 210 dated 03 May 2002 in page 36

- (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 seasons 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 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 water 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.

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 seasons..

- (b) To approve a plan. for the maintenance of irrigation system including the major drains within its areas of operation at the of each crop season and execute the maintenance work 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 Project Committee for the purpose of regulation and maintenance of irrigation system;
- (c) to maintain a list of the distributory committee and Water User's Association 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 account;
- (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 water budgeting and also the Periodical social audit in such manner as may be prescribed.

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 such fee as may be prescribed from time to time.

21 . Appointment of competent authority and his function. (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 prescribed manner and shall provide technical advice and ensure that the work is executed in accordance with the technical parameters.

CHAPTER-IV—RESOURCES

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.

CHAPTER IV A— CONTROL

22 A. Definition.- 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.

Please see the Insertion of Chapter IV A containing sections 22 A to 22 I after Chapter IV Section 22 of the Principal Act, MP Gazette (Extra ordinary)no 198 dated 26 April 2013 in page 43-49

22 B. Office bearers and officers or servant of Farmers' Organisation to be public servant. – Every office bearer of Farmers' Organisation 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).

22 C. Inquiry into affairs of Farmers' organization.- 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 Farmers' Organization.

22 D. Power to suspend execution of orders etc.- (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, licence or permission granted, or prohibit the performance of any act by Farmers' Organization, if in its opinion,-

- (a) Such resolution, order, licence, 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 licence 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 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. Suspension of office bearer of Farmers' Organization.- (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' Organisation, 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 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. Removal of office bearer of Farmers' Organization.- (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 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.

22 G. Liability of President / Chairperson for loss, waste and misappropriation.- (1) Every President / Chairperson, member, office – bearer or servant of Farmers' Organization shall be personally liable for loss, waste or misapplication of any money or other property of farmers' Organisation to which he has been a party or which has been caused by him by misconduct or gross neglect of his duties and 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' Organisation concerned.

22 H. Power to recover records, articles and money.- (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' Organisation, 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' Organisation for a period of six years commencing from the initiation of such action.

- 22 I. Inspection of works of Farmers' Organization.-** (1) The officer of the State Government namely, concerned Sub – Divisional Officer, Executive Engineer and Superintending Engineer of the Water Resources Department or Narmada Valley 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 the Act.
- (2) The office bearers and competent authority of Farmers' Organization shall be bound to provide all information and records demanding by inspecting officer.

CHAPTE R-V—OFFENCES AND PENALTIES

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 water of the water thereof, or interferes with the authorised distribution of the water there from 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 of a canal officer;
- *(ha) distroys, damages, steals or interferes with flow of water in any way to pressurized pipe irrigationsystem or its accessories.

(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 Farmer's Organisation: —

*Please see the Insertion of clause (ha) after clause (h) of section 23 of the Principal Act, MP Gazette (Extra ordinary)no 23 dated 23 January 2020 in page 50-52

***(i)** be punishable in respect of offences mentioned in clauses (a) to (ha), 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 ten 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) Minimum Penalty.-** be punishable in respect of offences mentioned in clauses (i) to (l) with fine which shall not be less than rupees one thousand but which may extent 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.

24. Punishment under other laws not barred. Nothing in this Act shall prevent any person from being prosecuted and punished under any law for the 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 .

*****25. Composition of offences.-** (I) 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 there under, a sum of money not less than rupees one thousand in case of offences mentioned in clause (a) to (ha) of Section 23 and Rs. Five hundred for the offences mentioned in clause (i) to (l) of Section 23 by way of composition.

,* Please see the amendment in clause (i) and (ii) of last paragraph pertaining to penalties of sub section(l) of section 23 of the Principal Act, MP Gazette (Extra ordinary)no 23 dated 23 January 2020 in page 50-52

******* Please see for amendment of section 25 in the MP gazette (Extra Ordinary) notification, , no 23 dated 23 January 2020 in page 50-52

- (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' Organisations.

CHAPTER-VI—SETTLEMENT OF DISPUTE

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' Association 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.

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 thereon shall be final.

(2) Any party to a dispute or difference aggrieved by any decision made or order passed by the managing committee of a Distributory Committee may appeal to a

Project Committee, whose decision thereon shall be final.

- (3) Any 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.

CHAPETER- VII —MISCELLANEOUS

28. Records.- (1) Every farmers' organisation shall keep at its office the following account , records and documents, namely: —

- (a) a map of the area of operation of the farmers' organisation along with map of the structures and distributory networks prepared in consultation with the Water Resources Department;
- (b) a statement of the assets and liabilities;
- (c) minutes book;
- (d) books of account showing receipt and payments;
- (e) books of account of all purchases and sales of goods by the farmers' organisation,
- (f) register of measurement books, level field books, work orders and the like,
- (g) copies of audit reports and enquiry reports;
- (h) all such other accounts, records and documents as may be prescribed from time to time;
- (i) stock register;
- (j) list of users with details of land holding;
- (k) register of penalties;

(2) The books of accounts and other records shall be open for information to the

members of the farmers' organisation.

29. Audit. Every farmers' organisation shall get its accounts audited once in a year in the manner prescribed.

30. Recovery of dues -All the amounts payable or due to a farmers' organisation shall be recoverable as arrears of land revenue.

31. Meetings. -The meetings of the farmers' organisation and the managing committees thereof at such intervals, the procedure, the presidency and the quorum there of shall be, such as may be prescribed.

32. Resignation.

(1) A member of the managing committee of a farmers' organisation may resign his office by a letter sent by registered post or tendered in person to the Chairperson or President of the managing committee concerned.

(2) The President of the managing committee of a Water Users' Association may resign his office by a letter sent by registered post or tendered in person to the President of the Distributory Committee concerned.

(3) The President of the managing committee of a Distributory Committee may resign his office by a letter sent by registered post or tendered in person to the Chairperson of the Project Committee concerned.

(4) The Chairperson of the managing committee of a Project Committee may resign his office by a letter sent by registered post or tendered in person to the Chairperson of the Apex Committee.

(5) The resignation as above mentioned shall take effect from the date of its acceptance or on the expiry of 30 days from the date of its receipt which ever is earlier.

***33.Appointment** .(1) The State Government may, by notification, appoint controlling officers not below the rank of a Commissioner of a revenue division to exercise the general control and superintendence over the competent authorities and the District Collectors in performance of their functions under this Act or rules made there under.

(2) The powers to be exercised and the functions to be performed by the controlling, officers shall be such as may be prescribed.

* Please see for appointment of controlling officers in the MP gazette (Extra Ordinary) notification, , no734 dated 06November 1999 in page 42

34. Transitional arrangements. The Government may, by notification, appoint an officer or officers to exercise the powers and perform the functions of a farmers' organisation and the managing committee there of till such time such farmers' organisation is duly constituted or reconstituted and such managing committee assumes office under the provisions of this Act.

35. Authentication of orders and documents of organisation. All permissions, orders, decisions and other documents of the farmers' organisation shall be authenticated by the signature of the Chairperson or President-of the farmers' organisation or any other member of the managing committee authorised by the managing committee in this behalf.

36. Acts not to be invalidated by informality or vacancy etc. No act or proceedings of the managing committee of a farmers' organisation shall be invalid by reason only of the existence of any vacancy in, or defect in the constitution of the said committee.

37. Deposit and administration of the funds .-(1) The farmers' organisation shall keep their funds in a Nationalised Bank or a Co-operative Bank namely; the District Co-operative Central Bank or the Madhya Pradesh State Apex Co-operative Bank.

(2) The funds shall be applied towards meeting of the expenses incurred by the managing committee of the concerned farmers' organisation in the administration of this Act and for no other purpose.

38. Sinking fund. (1) The managing committee of the farmers' organisation shall maintain a sinking fund for the repayment of moneys borrowed and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

(2) The sinking fund or any part thereof shall be applied in or towards, the discharge of the loan for which such fund was created, and until such loan is

wholly discharged it shall not be applied for any other purpose.

39. Budget. - The managing committee of a farmers' organisation shall prepare in such form in every financial year a budget in respect of the next financial year, showing the estimated receipts and expenditure of the committee and shall place before the general body of the farmers' organisation for its approval in such manner as may be prescribed.

40. Protection of acts done in good faith. - (1) No. suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith, done or intended to be done under this Act or under the rules made there under.

41. Power to remove difficulties.-(1) If any difficulty arises in giving effect to the provisions of this Act or as to the first constitution or reconstitution of any farmers' organisation after the commencement of this Act, the Government, as the occasion may require by order published in the Madhya Pradesh Gazette, do anything which appears to them necessary for removing the difficulty.

(2) All orders made under sub-section (1) shall as soon as may be laid on the table of the Vidhan Sabha.

42. Savings.

(1) Nothing contained in this Act shall effect the rights or properties vested in a Gram Panchayat, Janpad Panchayat, Zila Panchayat, Nagar Panchayat, Municipal Council or Municipal Corporation under any law for the time being in force.

(2) Nothing contained in this Act shall apply to the minor water bodies in the Scheduled Area of the State.

43. Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall as soon as after it is made be laid before Vidhan Sabha.

AMENDMENTS

MADHYA PRADESH ACT

No. 22 or 2001.

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI (SANSHODHAN) ADHINIYAM, 2001.

[Received the assent of the Governor on the 26th September, 2001; assent first published in the Madhya Pradesh Gazette (Extra-ordinary) No. 571 dated 3rd October, 2001].

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

Be it enacted by the Madhya Pradesh Legislature in the Fifty-Second year of the Republic of India as follows:

1. **Short Title.**—This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Adhiniyam, 2001.
2. **Amendment of Section 2.**—In Section 2 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999 (hereinafter referred to as the Principal Act), in clause (s) of sub-section (1), for the words "the Water Resources Department" the words "the Water Resources Department or the Narmada Valley Development Department" shall be substituted.
3. **Amendment of Section 3.**—In sub-section (4) of Section 3 of the Principal Act, in sub-clause (iii) of clause (a), for the words "the Water Resources Department" the words "the Water Resources Department or the Narmada Valley Development Department" shall be substituted.
4. **Amendment of Section 5.**—In sub-section (3) of Section 5 of the Principal Act, for the words "the Water Resources Department" the words "the Water Resources Department or the Narmada Valley Development Department" shall be substituted.

5. **Amendment of Section 7.**--For sub-section (3) of section 7 of principal Act, the following sub-section shall be substituted, namely –

"(3) All the Presidents, of the Distributor irrigation projects area and all the Association of the Medium Irrigation projects area and all the Presidents of Water User's Association of the Medium Irrigation Projects area so long as they hold such office, shall constitute the general body for the project Committee. The Project Committee shall have two nominated members, one of whom shall act as a coordinator between various departments and farmers' associations and who will 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 members shall not have the right to vote".

6. **Amendment of Section 9,** In sub-section (1) of Section 9 of the Principal for clause (iv), the following clause shall be substituted, namely :

"(iv) three officers not below the rank of Chief Engineer or equivalent from the Water Resources Department, Agriculture Department or Narmada Valley Development Department of the State Government".

By order and in the name of Governor of Madhya Pradesh ,

R.K.Sitoke, Additional Secy.

MADHYA PRADESH ACT

No. 8 of 2002.

THE MADHYA PRADESH SINCHAI KI BHAGIDARI (SANSKODHAN)
ADHINIYAM, 2001. PRABANDHAN ME KRISHKON

[Received the assent of the Governor on the 26th April, 2002; assent first published in the Madhya Pradesh Gazette (Extra-ordinary) No. 210 dated 3rd May, 2002].

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

Be it enacted by the Madhya Pradesh Legislature in the Fifty-Second year of the Republic of India as follows:

1. Short Title Commencement —

- (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanskodhan) Adhinyam, 2001.
- (2) It shall come into force on such date as the State Government may, by notification, in the official Gazette, appoint.

2. Amendment of Section 17. —In Section 17 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999), after clause (j) the following clause shall be inserted, namely -

(jj) to determine the irrigation water rates for the command area of Lift Irrigation Schemes / Tube Well only of water resources Department or Narmada Valley to utilize the amount so collected or recovered for operation, including payment of electric energy charges and maintenance of pumps, motors, pipeline, jack well and canal system of Lift Irrigation Schemes/Tube wells only of the Water Resources Department of Narmada Valley Development Department."

By order and in the name of Governor of Madhya Pradesh ,

R.K.Sitoke, Additional Secy.

MADHYA PRADESH ACT

No. 12 of 2003

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI (SANSHODHAN) ADHINIYAM, 2003.

[Published in the Madhya Pradesh Gazette (Extra-ordinary)No.232 dated 26th April, 2003].

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 Fifty-third year of the Republic of India as follows:

1. Short Title.—This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Adhiniyam, 2003.
2. Amendment of Section.—For clause (l) of sub-section (1) of Section 2 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999) (hereinafter referred to as the Principal Act), the sub-section shall be substituted namely :

"(l) "Irrigation system" means such major, medium and minor irrigation system for harnessing water for irrigation and other allied uses from Government sources and also sources created by means of community participation, which is duly permitted by the District Collector and includes reservoirs, open head channels, diversion system, anicuts, stop dams, lift irrigation schemes, tanks, well and the like and such irrigation system irrigating an area greater than 40 hectares;

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 an 2,000 hectares and up to 10,000 hectares;

(ii) 'minor irrigation system' means irrigation system under minor irrigation project having irrigable command area up to 2,000 hectares,".

3. **Amendment of Section 7.** - For sub-section (3) of Section 7 of the Principal Act, the following sub-section shall be substituted, namely :

"(3) (i) All the Presidents and Territorial constituency members of the Water Users' Associations of the major and medium Irrigation Projects area 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 coordinator between various departments and farmers' Associations and who will be an Executive Engineer of Water Resources

Department for Major Projects or an Assistance 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."

4. Amendment of Section 8.—For sub-section (2) of section 8 of the Principal Act, the following sub-section shall be substituted namely:

"(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 User's 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 User's Association."

By order and in the name of Governor of Madhya Pradesh,

Akhilesh Pandya, Additional Secy.

MADHYA PRADESH ACT

No. 3 or 2005.

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KE
BHAGIDARI(SANSHODHAN) ADHINIYAM, 2004.

[Received the assent of the Governor on the 11th February, 2005: assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 25th February, 2005.

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

Be it enacted by the Madhya Pradesh Legislature in the Fity-fifth Year of the Republic of India as follows :

1. This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Short title. Bhagidari (Sanshodhan) Adhinyam, 2004.

2. In Section 3 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act),

(i) in sub-section (1), for the words "District Collector" the words "State Government" shall be substituted;

(ii) in sub-section (4), in clause (a), for sub-clause (i) the following sub-clause shall be substituted, namely :

"(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;"

3. In sub-section (3) of Section 5 of the principal Act, after the word "Presidents" the words "and the territorial constituency members" shall be inserted.

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

"(a) 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) Clause (ii) shall be renumbered as clause (b).

5. For Section 11 of the principal Act, the following Section shall be substituted, namely :

"11. The Managing Committees of a farmers' organisation shall constitute the following sub-committees to carry out all or any of the functions vested in each organisation under this Act.

- (i) Water Distribution Management Sub-Committee;
- (ii) Works Sub-Committee;
- (iii) Canal Disputes and Offences Eradication Sub-Committee;
- (iv) Resources, Financial Audit and Social Audit Sub-Committee;
- (v) Irrigation Revenue Recovery Co-operation Sub-Committee; and
- (vi) Women's Participation Sub-Committee."

By order and in the name of Governor of Madhya Pradesh,

M.P.Nema, Additional Secy.

MADHYA PRADESH ACT

No. 3 OF 2006

**THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI
BHAGIDARI
(SANSHODHAN) ADHINIYAM, 2005**

[Received the assent of the Governor on the 30th January, 2006; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 31st January, 2006.]

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 Fifty-sixth Year of the Republic of India as follows:

1. This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Short title. (Sanshodhan) Adhinyam, 2005.

2. For sub-section (5) of Section 4 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Amendment of Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999), the following sub-section shall be substituted, Section 4, namely:

"(5) The President and the members of the Managing Committee shall, if not recalled earlier, be in office for a term of five years from the date of appointment of the competent authority under sub-section (1) of Section 21:

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."

3. (1) The Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Sanshodhan) Repeal and Adhyadesh, 2005 (No. 4 of 2005) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, any thing done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

By order and in the name of Governor of Madhya Pradesh,

Akhilesh Pandya, Additional Secy.

WATER RESOURCES DEPARTMENT

Mantralaya ,Ballabh Bhawan Bhopal

Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 734

dated 6 November , 1999

No.32-1-M-XXXI -In exercise of the power conferred by sub-section (1) of Section 33 of Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999.(No.23 of 1999), the State Government hereby appoint all the Commissioners of Revenue Divisions as a Controlling Officers ,within their respective jurisdiction, for the purposes of said Section .

By order and in the name of Governor of Madhya Pradesh ,

V.S.VERMA ,Secy.

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:—

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.

2. In section 3 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon KiBhagidari 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."

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

"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.

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

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

7. In section 8 of the principal Act, for sub-sections (1), (2) and (4), the following subsections 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."

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

- 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.
- 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)
- 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.
- 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 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) (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 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.

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.

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.

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."

By order and in the name of Governor of Madhya Pradesh

Rajesh Yadav, Additional Secy.

MADHYA PRADESH ACT

No. 5 of 2020

THE MADHYA PRADESH SINCHAI PRABANDHAN ME KRISHKON KI BHAGIDARI (DWITIYA SANSHODHAN) ADHINIYAM, 2019

[Received the assent of the Governor on the 21st January, 2020; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 23rd January, 2020.]

An Act further to amend the Madhya Pradesh Sinchai Prabandhan MeKrishkonKi Bhagidari Adhiniyam, 1999.

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

1. (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Dwitiya Sanshodhan) Adhiniyam, 2019.
- (2) It shall come into force on the date of its publication in the Madhya Pradesh Gazette.
2. In Section 2 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act), in sub-section (1),-
 - (i) in clause (c), after the words "by lift irrigation", the words "or by pressurized pipe irrigation system" shall be inserted;
 - (ii) in clause (e), after sub-clause (iii), the following new sub-clause shall be added, namely:-

"(iv)all structures and accessories relating to pressurized pipe irrigation system
distribution centre;"
 - (iii) after clause (o), the following clauses shall be inserted, namely:-

"(oa) "pressurized pipe irrigation system" means an irrigation system in which water is pressurized and precisely applied to the plants through a system of pipes;

(ob) "pressurized pipe irrigation system distribution centre" means a civil or mechanical structure from where distribution of water to irrigate a specific water users' area is controlled;"

3. In Section 3 of the principal Act, in sub-section (1), after the words "on a hydraulic basis", the words "or distribution centre wise in the case of pressurized pipe irrigation system" shall be inserted.

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

"4.(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 Collector shall make arrangements for the election of President of the managing committee of the water users' association by direct election through the method of secret ballot in such manner as may be prescribed.

(3) The Collector shall also cause arrangements for the election of the members of managing committee through the method of secret ballot in such manner as may be prescribed.

(4) If at an election held under sub-sections (2) and (3), the President or the members of any territorial constituency of water users' association are not elected, fresh election shall be held in such manner as may be prescribed.

(5) If the managing committee of the water users' association 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 farmer's organization area.

(6) The President and the members of the managing committee shall, if not recalled earlier, be in office for a period of five years from the date of appointment of competent authority under sub-section (1) of Section 21:

Provided that on expiry of 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 member of the managing committee for further period of six months from the date of such expiration, recording the reason for extension.

(7) The managing committee shall exercise the powers and perform the functions of the water users' association.

(8) The State Government may, by notification, dissolve the managing committee of water users' association before the period of five years, recording the reasons therefor and the new elections shall be conducted in such manner as may be prescribed."

5. In Section 6 of the principal Act, after sub-section (6), the following new Section shall be added, namely:-

- "(7) If the managing committee of the water users' association is dissolved before the period of five years under sub-section (8) of Section 4, in that case the managing committee of the distributary committee shall be deemed to be dissolved automatically."
6. In Section 8 of the principal Act, after sub-section (5), the following new sub-section shall be added, namely:-
- "(6) If the managing committee of the water users' association is dissolved before the period of five years under sub-section (8) of Section 4, in that case the managing committee of the project committee shall be deemed to be dissolved automatically."
7. In Section 17 of the principal Act, in clause (c), after the words "pipe outlet", the words "or distribution center" shall be inserted.
8. In Section 23 of the principal Act, -
- (i) after clause (h), the following clause shall be inserted, namely:"
- (ha) destroys, damages, steals or interferes with flow of water in any way topressurized pipe irrigation system or its accessories.";
- (ii) in the last paragraph pertaining to penalties,—
- (a) in clause (i), for the bracket and letter "(h)", the bracket and letters "(ha)"shall be substituted and for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted;
- (a) in clause (ii), for the words "rupees five hundred", the words "rupees onethousand" shall be substituted.
9. In Section 25 of the principal Act, for bracket and letter "(h)" the bracket and letter "(ha)" shall be substituted.

By order and in the name of Governor of Madhya Pradesh

Rajesh Yadav, Additional Secy.

MADHYA PRADESH
ACT No. 19 OF 2021
THE MADHYA PRADESH SIN CHAI PRABANDHAN ME KRISHKON KI
BHAGIDARI
(SANSHODHAN) ADHINIYAM, 2021

[Received the assent of the Governor on the 11 ' May, 2021; assent first published in the " Madhya Pradesh Gazette (Extra-ordinary)", dated the 17 th May, 2021.]

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

Be it enacted by the Madhya Pradesh Legislature in the seventy- second year of the
Republic of India as follows :-

1. (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari(Sanshodhan) Adhinyam, 2021.
- (2) It shall come into force on the date of its publication in the Madhya Pradesh Gazette.
2. For Section 4 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act), the following saction shall be substituted, namely : -
 - "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 subsection (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 subsection (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 retirment 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 prescribed manner
- (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 prescribed manner.
- (6) If, at an election held under sub-section (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 prescribed manner.
- (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 general election, shall also expire at the time at which it would have expired, if he had been elected at the general election.
- (9) The Managing Committee shall exercise the powers and perform the functions of the water users' association".

3. Sub-section (7) of Section 6 of the principal Act shall be deleted.

4. Sub-section (6) of Section 8 of the principal Act shall be deleted.

By order and in the name of Governor of Madhya Pradesh ,

R.P.Gupta, Under Secy.

GOVERNMENT OF MADHYA PRADESH
WATER RESOURCES DEPARTMENT

Madhya Pradesh Farmers' Organisation Rules, 1999.
(As on 30th June 2022)

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Madhya Pradesh Farmers' Organisation Rules, 1999.

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Madhya Pradesh Farmers' Organisation Rules, 1999

(Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 703 ,Monday the 18th October , 1999.)

Bhopal, the 18th October 1999

No.32-1-99-M-XXXI.-In exercise of the powers conferred by Section 43 of the "Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999" (No. 23 of 1999), the State Government hereby makes the following Rules, namely:-

RULES

1.Short title and commencement. - (1) These rules may be called the Madhya Pradesh Farmers' Organisation Rules, 1999.

(2) They shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette".

* 2.Definitions. - In these Rules, unless the context otherwise requires, -

(1)(a)"Act" means the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999);

“(b) ‘drip System’ means a mechanical device to supply the irrigation water directly in the roots of plants in form of drops;

(c) ‘oms’ (Outlet Management System) means an electro mechanical and electronic system by which water is supplied to farmers for irrigation by using sprinkler or drip irrigation system;

(d) ‘rms’ (Rotation Management System) means an electro mechanical and electronic system used to control the supply of irrigation water through OMS;

(e) ‘Solar system’ means an electro mechanical system by which electrical energy produced from solar energy;

(f) ‘sprinkler system’ means a mechanical device to supply the irrigation water to crop in the form of droplets like rain;

(g) ‘valve’ means mechanical or electro mechanical/electronic device to control or shutdown the flow of water or air;”

(2) The words and expressions used in these rules, but not defined, shall have the same meaning as assigned to them in the Act.

* Substitution of clause (b) to (g) after clause (a) of rule 2 and renumbering of existing clause (b) of rule 2 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page 45 - 50

3. The General Body Meetings. -(1) The meetings of the General Bodies under clause (p) of Section 17, clause (1) of Section 18 and clause (j) of Section 19 of the Act, shall be held at least twice in a year, once before the Kharif and once before the Rabi season. The meetings shall be presided over by the Chairperson/President, as the case may be and in his absence the members present shall elect once person from amongst themselves to preside/chair the meeting.

(2) The meeting. of the General Body may also be called at any time by the President or Managing Committee members through a majority resolution or by members of the organisation through a requisition signed by not less than one third of the members who have Voting right.

(3) General Body meeting shall also be held on receipt of a direction from the Government or from the Commissioner, Ayacut or by the next higher Committee or the Farmers' Organisation in respect of matters relating to urgent public importance.

4. Notice of meeting. - (1) Notice of every meeting shall be given by the Managing Committee of Farmers' Organisation to all the members at least seven days in advance, specifying the place, date, time and agenda items for the meeting:

Provided that in cases of emergency a meeting may be called at three days advance notice.

(2) The notice may be sent by hand or post or publication or by beat of drum and shall be pasted on the notice board of the concerning organisation.

5. Quorum for the General Body. -(1) The quorum for a meeting shall be not less than one third of the total members of the concerning organisation.

(2) If there is no quorum for the meeting it shall stand adjourned and be convened on such date and time as the Managing Committee may determine. At such adjourned

meeting no quorum shall be necessary and the members present may transact the business for which the meeting was called.

(3) In a General Body meeting, the items specified in the agenda alone will be discussed. No other subjects will be discussed without the express permission of the Chairperson/President or the majority decision of the members present in the meeting.

6. Minutes of the Meeting.--(1) Every proceeding of the General Body shall be recorded in the minutes book maintained for the purpose and authenticated by the Chairperson or President or the person who has presided over the meeting, as the case, may be. A copy of the minutes shall be sent to the authority at the next higher committee.

7. Procedure for taking up works.-For the purposes of taking up works under clauses (b) an (n) of Section 17, clause (b) and (j) of Section 18 and clause (b) and (i) of Section 19 of the Act, the Farmers' Organisation shall adopt the following procedure:-

(1) System Diagnosis for Maintenance Works,-

(i) Prior to the commencement of every crops season (kharif & rabi) the Managing Committees and Competent Authority of every Farmers' Organisation shall undertake to assess the condition of the system (system diagnosis) through a participatory walk through exercise.

(ii) The Farmers' Organisation shall inspect each and every hydraulic structure and record its status.

* (2) All the works shall be categorised as below :

(A) For Gravitation Flow Irrigation		(B) For Pressurized Irrigation	
(i)	Normal Operation and Maintenance Works which includes ordinary repairs, such as:-	(i)	Normal Operation and Maintenance Works which includes ordinary repairs, such as:-
(a)	Desilting	(a)	Cleaning of OMS
(b)	Weed removal	(b)	Cleaning of Solar panel
(c)	Embankment repairs	(c)	Maintenance of Battery
(d)	Revetment	(d)	Maintenance of Electric Circuits
(e)	Repairs to shutters	(e)	Maintenance of OMS Box
(f)	Repairs to masonry and lining	(f)	Cleaning of Filter/Mesh
(g)	Cleaning & Oiling of screw gearing shutters	(g)	Maintenance of various valves
(h)	Painting of hoists and gates etc	(h)	Maintenance of control room
(i)	Emergent breach closing works, and	(i)	Maintenance of inspection paths.
(j)	Maintenance of inspection paths.		
(ii)	Deferred Maintenance Works (Rehabilitation Works) —	(ii)	Deferred Maintenance Works (Rehabilitation Works) —
(a)	Reconstruction of sluices	(a)	Reconstruction of RMS
(b)	Reconstruction / repairs to drops regulators	(b)	Reconstruction of OMS
(c)	Reconstruction of measuring devices	(c)	Reconstruction of other devices
(d)	Reconstruction of the system; and	(d)	Rehabilitation of the system; and
(iii)	Original Works —	(iii)	Original Works —
(a)	Modernization of System; and	(a)	Modernization of the System; and
(b)	Any other construction works in the irrigation system. The above works shall be executed by the Farmers' Organization, under the supervision of the Water Resources Department at the rates not exceeding estimated rates.	(b)	Any other construction works in the irrigation system. The above works shall be executed by the Farmers' Organization, under the supervision of the Water Resources Department at the rates not exceeding estimated rates.”.

* Substitution of sub rule (2) of Rule 7 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page 45 - 50

* (3) Identification of normal operation and maintenance works- participatory walk-through. -The Chairperson/President along with the Managing Committee members shall organise a participatory walk-through within the area of operation of the Farmers' Organisation and identify all the critical reaches, which need immediate repair as listed out above. The competent authority shall assist the Farmers' Organisation in preparation of detailed list of works to be undertaken.

(4) Prioritising Works. -The Managing Committee of the Farmers' Organisation shall discuss the list so prepared and fix up priority or works to be taken up immediately.

(5) Preparation of estimates. -The competent authority shall prepare estimates within a fortnight for the works so prioritised according to the hydraulic particulars as maintained by the Water Resources Department at the prevailing schedule of rates.

(6) Administrative approval. -The Managing Committee of the Farmers' Organisation shall accord administrative approval for the estimates prepared subject to availability of funds. Each administrative approval shall be recorded in the register of administrative approvals in Form-I.

*Amendment in sub-rule (3) of rule 7, vide MP Rajpatra (Extra Ordinary) Bhopal, no.345, dated 29th July 2013. Please see page 41-42.

*,#(7) Technical Clearance. --(a) The powers for giving technical clearance by the Competent Authority shall be as follows:-

- (i) Special Repairs:
 - (a) Executive Engineer Up to Rs. 1,00,000/-
 - (b) Superintending Engineer Up to Rs. 10,00,000/-
 - (c) Chief Engineer Full Power

- (ii) Ordinary Repair:
 - (a) Sub Engineer Up to Rs. 20,000/-(Competent Authority)
 - (b) Assistant Engineer Up to Rs. 50,000/-

- (c) Executive Engineer Full Power within the funds provided to Farmers Organisation.

#(b) a Competent Authority may accord technical clearance vested in an authority lower than him;

#(c) the Competent Authority, shall record all the technical clearances in the register of technical clearance in Form-I appended to the rules, and

#(d) the technical clearance shall not exceed the Administrative approval;

(e) in respect of a Distributory Committee, the Project Committee, the Competent Authority may cause the technical clearance to be given by an appropriate officer under his control as per the financial powers mentioned in clause (a).

*Amendment in clause (a) of sub – rule (7) of rule 7, vide MP Rajpatra (Extra Ordinary) Bhopal,no.663,dated 18th October 2000.Please see page- 38

#Sustitution of clause(a)to (e) of sub – rule (7) of rule 7, vide MP Rajpatra (Extra Ordinary) Bhopal,no.345,dated 29th July 2013.Please see page 41-42

(8) Manner of taking up works.--(a) Works as approved by the Managing Committee of the Farmers' Organisation shall be taken up for execution by the Farmers' Organisation itself;

(b) Under no circumstances Chairperson/President or Managing Committee Member of the Farmers' Organisation execute a work directly in his individual capacity.

(c) The cost of works executed shall not exceed the estimated costs; and

(d) The competent authority shall record the initial measurements and final measurements for quantifying the work done for making payments by the Farmers' Organisation.

(9) Maintenance and Adherence to the Designed Hydraulic Particulars -The competent authority shall be responsible for the maintenance and adherence to the approved hydraulic particulars. He shall ensure that the designed hydraulic particulars of an irrigation system are not altered with. He shall guide the Farmers' Organisation in supervising works.

(10) Limitations on Works .-No Farmers' Organisation shall have the power to interfere with the designed hydraulic particulars of an Irrigation system. Any violation will invite the penal provisions under section 23 of the Act; and the rules made there under.

(11) Publication of List of Works to be Taken-Up. - (a) The lists of works to be taken up should be given wide publicity by means of display in the office of the Farmers' Organisation and other public places and institutions within the area;

(b) Along with the lists other particulars of works, estimates, values, and mode of execution should be given wide publicity; and

(c) If any member wishes to have access to any of the records relating to works to be taken up, he may do so on payment of the fee as fixed by the Farmers' Organisation.

(12) Freedom to Add Other Funds or Extra Contributions. -The members are free to contribute resources either in cash or by way of material or labour.

- (13) Proof of Works Done. -The competent authority shall maintain Level Field Book, and Measurement Book for recording the work done by the Farmers' Organisation.
- (14) Payment for the Works Done. -All payments for works done above Rs. 1000/- shall be paid by cheque. The Farmers' Organisation shall maintain a record of all payments made in the Cash- book date-wise.
- (15) Original Works. -A Farmers' Organisation may take up any original work within its area of operation subject to the following conditions; namely : -
- (a) Specific approval shall be obtained from the authority vested with such powers to do so.
 - (b) The estimates for works shall be prepared by the Water Resources Department and works shall be let out to the Farmers' Organisation wherever they come forward for execution of such works at the estimated rates.
 - (c) If the Farmers' Organisation agrees to take up any work, an agreement shall be entered into with the Water Resources Department.
 - (d) Payments shall be made to the Farmers' Organisation based on the out turn of work on fortnightly basis or even earlier as may be mutually decided.
 - (e) Where the Farmers' Organisation does not come forward the procedure as prescribed under the "Works Department Manual" shall be followed or as per any direction given by the Government from time to time.

8. Social Audit of Farmers' Organisation. --(1) At the end of each crop season the Farmers' Organisation shall conduct Social Audit as detailed below:-

(i) Social Audit shall be done for both water utilisation against the water budgeting and expenditure incurred for maintenance of the system with reference to the funds available to each of the Farmers' Organisation.

(ii) The Social Audit shall cover: -

- (a) Equity in water distribution;
- (b) Increase in production;
- (c) Increase in productivity;
- (d) Crop diversification;
- (e) Multiple cropping;
- * (f) Method of irrigation viz. sprinkler/drip/hose/open and Water use efficiency;
- (g) Utilisation of resources for execution of works;
- (h) Improvement in the cultivated areas of the Farmers' Organisation compared to previous season; and
 - (i) Quality of works undertaken.

(2) The Social Audit so conducted shall be made known to all the beneficiaries under the Farmers' Organisation by way of displaying a list containing the benefits occurred with reference to funds spent on the notice board of the office of each of the Farmers' Organisation.

(3) Whenever a work is taken up, the estimated cost of the work, item of work proposed to be executed, details of the executors of the work etc., are to be exhibited on a board at the place of the work; so that every beneficiary under the Farmers' Organisation is aware of the details of the work being executed and expenditures to be incurred.

(4) The Competent Authority shall render all assistance in the conduct of the social audit. The revenue and agriculture officials shall also render the requisite assistance.

(5) The Social Audit so conducted shall be recorded and a copy thereof be sent to the Distributory Committee in the case of Water Users Association, to the Project Committee in the case of Distributory Committee; and to the Apex Committee and to the Government in the case of Project Committee.

* Amendment in sub clause (f) of clause (ii) of Rule 8 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page 45-50.

(6) The auditor shall incorporate the Social Audit Report in his annual audit report together with his specific observations on rectification of defects, if any, noticed in the social audit.

9. Operational Plan and Water Budgeting. – Water Budget for Farmers Organisation-The Managing Committee of the respective Farmers' Organisation shall, along with the assistance of the competent authority, prepare a water budget for the area of operation under its control as detailed below :-

(i) One month before the onset of the Kharif season, the Project Committee shall, subject to such directions as may be given by Government from time to time, work out the anticipated inflows and existing availability in the reservoir and work out the water allocation to all the Distributory Committees; the Distributory Committees in turn shall allocate the water made available to Water Users' Association in its jurisdiction: Provided that in the case of medium irrigation projects, the Project Committee shall allocate to the Water Users' Associations.

(ii) A Farmers' Organisation in distributing water to its member constituents shall have regard to allocations meant for drinking waters, or for any specified purpose as may be decided by Government from time to time.

(iii) For the Rabi season, the Project Committee will determine the area to be thrown open for irrigation based upon the actual availability of water at the beginning of Rabi Season. The water so available shall be allocated equitably among the Distributory Committees and Water Users' Associations. In the case of medium or minor irrigation system, equitable distribution shall be achieved by adopting circular rotation over a period.

(iv) Each of the Farmers' Organisation, shall draw up an operational plan which shall specify the quantity of water to be drawn on a fortnightly basis.

* (v) The drawls of water shall be monitored each day at specified gauge points or at distribution centres in case pressurized pipe irrigation system as decided by the Farmers' Organisation.

(vi) Review of the drawls and distribution shall be done by each of the Farmers' Organisation at the end of each fortnight and corrective measures taken.

* Amendment in sub rule (v) of Rule 9 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page 45-50 .

(vii) At the end of each season the respective Farmers' Organisation shall prepare a report of water received and utilised along with the area irrigated, quality of water supply and extent of crops.

(viii) The Farmers' Organisation shall analyse the shortcoming and deviations in water budget and report to the next higher tier.

(ix) In respect of a minor irrigation system the Water users' Association shall decide the operational plan, date of release of water, which are to be thrown open for irrigation depending upon the storage/inflows into the tank.

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

* (a) The dates of release and closer of water shall be informed to all members well in advance or in case of pressurized pipe irrigation system schedule in Form 16 and 17 shall be informed to all members well in advance;

(b) Equitable distribution of water amongst all users shall be the main principle in water regulation;

(c) A Farmers' Organisation shall draw water and monitor flows based on the operational plan prepared;

(d) A Warabandi Schedule (Turn-Schedule) shall be prepared for each outlet in a Farmers' Organisation;

(e) The Farmers' Organisation shall, record the crop wise area in the command areawith the assistance of the Competent Authority, and

(f) A Farmers' Organisation may, for the purpose of monitoring, install such devices as may be required within its jurisdiction.

* Amendment in sub rule (a) of Rule 10 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page 45-50

*,**11. Accounts/Finance. -(1)The Farmers' Organisation shall open an account in a Nationalised Bank or a Co-operative Bank namely, the District Co-operative Central Bank or the Madhya Pradesh State Apex Co-operative Bank in its name. The account shall be operated jointly by the President or Chairperson, as the case may be, and one member as nominated by the Managing Committee and Assistant Engineer in case of Water User Association of minor,medium and major irrigation project,Distributory Committee of major irrigation project and Project Committee of medium irrigation project,while Executive Engineer for Project Committee of major irrigation project as nominated by basin Chief Engineer related to the Farmers organization .The Competent Authority of the Farmers Organisation shall maintain the cash-book and accounts of expenditure with appropriate vouchers and receipts.

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

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

(4) Account Registers to be maintained. -EveryFarmers' Organisation shall maintain accounts register. Each of the following record shall bear the name, address and the seal of the Farmers' Organisation and shall be machine numbered; namely:-

- (a) Cash book;
- (b) Bill registers
- (c) Contingent registers;
- (d) Receipts books; and
- (e) Cheque register.

*Amendment in of sub – rule (1) of rule 11, vide MP Rajpatra (Extra Ordinary) Bhopal,no.272,dated 1st May 2001.Please see page- 40

**Substitution of sub – rule (1) of rule 11, vide MP Rajpatra (Extra Ordinary) Bhopal,no.553,dated1st December 2014.Please see page 43-44

12. Records to be maintained. -Each of the Farmers' Organisations shall maintain the following records, other than the records specifically mentioned in the Act in these rules. An up-to -date copy of the Act/Rules/Directions and orders of Commissioner / Government :-

(a) The following maps shall be maintained by each Water Users' Association; namely :-

(i) Map showing the boundaries and jurisdiction of the association, water conveyance system, within the boundaries of the association;

(ii) Map showing the notified command area with Serial numbers as prescribed in sub-rule (6) of rule 3 of the Farmers' Organisation Constitution, rules, 1999.

(b) the following registers shall be maintained; namely:-

(1) Property Register and Records. -These records shall contain the details of properties, assets and liabilities vested in a Farmers' Organisation like lands, buildings, canal banks etc.-

* (i) inventory Register (Component Register). --An inventory register in Form 2 or 2(A) shall contain particulars of hydraulic particulars of structures, including details of canals and pressurized pipe irrigation system with their hydraulic particulars.

(ii) Register of Vacant Land and Buildings in Form 3.

(iii) Miscellaneous Property Register.- Other minor properties such as trees grass etc. in form 4, and

(iv) Register of Machines-shall contain the list of machines working and condemned in Form-5.

(2) Membership Register and Records.- Registers relating to memberships as specified in sub-rule (1), (2) and (3) of Rule-4 of the Farmers' Organisation Constitution rules, 1999.

* Amendment in sub clause (i) of clause (1) in Rule 12 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page 45-50

*(3) Water Flows Register and Records.-Every Farmer' Organisation shall be supplied with water, based on the operational prepared plan. These flows need to be monitored daily at specified locations as decided by Farmers' Organisation-

(i) A Reservoir Gauge Register in Form-6

(ii) A Canal Gauge Register in Form-7 or 7(A).

(4) Area Crops Register and Records-

(i) Command Area Register in Form-8.

(ii) Farmer Wise Demand Register in Form-9

(5) Works Register and Records:

(i) Register of Administrative Sanctions in Form -1.

(ii) Register of Technical Clearance in Form - 1.

(6) Cash register and Records:

(i) Cash Book in Form-10.

(ii) Receipts Book in Form- 11.

(iii) Bill Register in Form-12.

(iv) Cheque Memo Register in Form-13.

(v) Special Fee Register in Form 14.

(7) Minutes Register and Records.-Every proceeding of a General Body meeting, a Managing Committee meeting, a Sub-Committee meeting shall be recorded separately in a minutes book.

13. Levy & Collection of Fees.--(1)The Farmers' Organisation may by resolution passed by the General Body of the concerning committee levy a fee.

(2)a fee under sub-rule (1) shall be levied for the following purposes for the Farmers' Organisation:-

(a) to provide facilities or;

(b) to provide specific services;

(c) to meet any urgent needs of the Farmers' Organisation;

(d) to build up assets of the Farmers' Organisation, and

(e) to improve the system.

* Amendment in sub clause (ii) of clause (3) in Rule 12 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page 45-50

(3) After passing the resolution by the General Body the competent authority shall prepare the estimate for the purpose as specified in sub-rule (2) and the Managing Committee shall decide a levy of fee proportionate to the land holding or to the number of members. The Managing Committee after its decision shall serve the demand notice to the concerned.

(4) all fees collected shall be duly accounted for and the receipt thereof be given to the concerning person.

(5) a fee collected for which specific purpose shall be used only for that purpose-

(a) In default of payment of fee by any member, the Managing Committee shall prepare a list of defaulters along with amounts due.

(b) The defaulters list so prepared in clause (a) shall be sent to the Sub-Engineer, Water Resources Department of the area in whose jurisdiction the area of operation of a Farmers' Organisation lies for recovery.

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

(i) the Managing Committee shall appoint an Auditor who has adequate experience in normal auditing work.

(ii) the Auditor so appointed shall be a person of repute in the area of operation of the Farmers' Organisation, who has reasonable knowledge in accounts;

(iii) the appointment of the Auditor shall be approved by the Managing Committee of the Farmers' Organisation;

(iv) the Auditor so appointed shall take all steps necessary to scrutinise the accounts of receipts and expenditure, within thirty days from the date of his appointment and furnish the audit report along with the statement of accounts and balance sheet to the President of the concerned Farmers' Organisation;

(v) the audit report shall be submitted to the General Body in its meeting for its approval;

(vi) the Managing Committee of a Farmers' Organisation shall provide the audit report to the General Body, and

(vii) if the overall transactions exceed Rs. 10 lakhs per annum, the Farmers' Organisation shall engage a Chartered Accountant for audit of accounts.

15.functions of Competent Authority. -In the functioning of the Managing Committee of the Farmers' Organisation, the Competent Authority, appointed under sub-section (1) of Section 21 of the Act, shall-

- (a) attend the meeting convened by the Managing Committee, and participate in the discussions but he has no voting right;
- * (b) prepare the maintenance plan;
- (c) prepare estimates for works identified for execution; the estimate shall be prepared as per the norms and the rules prescribed by the Water Resources Department in this regard.
- (d) accord technical clearance to the maintenance works, as per the powers delegated. The technical clearance shall be limited to the administrative sanctions for the work;
- (e) ensure that no alteration or change is made in the irrigation system, with reference to the approved hydraulic particulars;
- (f) bring to the notice of Water Resources Department any tampering or changes made in the system, by any Farmers' Organisation in contravention of the hydraulic particulars. He shall ensure that action is taken in accordance with the Act;
- (g) provide technical details of the system to the member of the Managing Committee;
- (h) assist the Managing Committee in the preparation and approval of operational plan,
- (i) advise and assist on water regulation, based on the water supplies and seasonal condition;
- (j) prepare water budgeting for the Farmers' Organisation;
- (k) help in assessment of areas irrigated;
- (l) help in training any helper appointed by the Farmers' Organisation in discharging their duties;

*Amendment in clause (b) of rule 15, vide MP Rajpatra (Extra Ordinary) Bhopal,no.731,dated the 5th December 2000.Please see page-39

* (m) guide the Farmers' Organisation in maintaining various registers and.”

(n) record measurements for the work done and pass the bills for payments by Farmers' Organisation based on the approval of the works sub-committee.

**16. Power to recover records, articles and money.-Sub – section (2) of Section 22H of the Madhya Pradesh Sinchai Prabandhan Me krishkon ki Bhagidari Adhiniyam,1999 (No. 23 of 1999), 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 Form 15, to be confined in civil Jail for a period not longer than thirty days.

*Amendment in clause (m) of rule 15, vide MP Rajpatra (Extra Ordinary) Bhopal,no.731,dated the 5th december 2000.Please see page-39

**New Rule 16 inserted, vide MP Rajpatra (Extra Ordinary) Bhopal,no.553,dated the 1st December 2014.Please see page 43-44

FORM 1

See Rule 7 (5) and 12(5) (i)

REGISTER OF TECHNICAL SANCTION / ADMINISTRATIVE SANCTION

(T.S.)

(A.S.)

Name of W.U.A./F.O.....

WAS/DAS/PAS WTS/DTS/P Sanction No.& Year	Sanctioned By	Head of Account	Name of Work	Amount of Estimate	Date of Sanction	Initial
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Note : -W.A.S. W.U.A' s Administrative Sanction.

W.T.S. W.U.A' s Technical Sanction by Competent Authority(Technical).

D.A.S. Distributory Committee's Administrative sanction

D.T.S. Distributory Committee's Technical sanction by Competent Technical Authority..

P.A.S. Project Committees Administrative Sanction.

P.T.S. Project Committees Technical Sanction by Competent Technical Authority.

FORM 2

[See Rule 12 (1) ((i)]

REGISTER OF COMPONENT OF WORK

Name of W.U.A./F.O..... of the Scheme.....

Sl. No	Distance from head	Position Right-(R)Left-(L)Across-(X)	Name and description of work	Reduced levels (m) or ft.			Dimensions (m) or ft.			Slopes of bank number of vents openings	Areas chargeable catchment or drainage (ha/Km.2)	Discharge capacity (million m or Mcft.	Remarks
				(5)	(6)	(7)	(8)	(9)	(10)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
			Canals channels, aqueducts or super passages	Bed (a)canal (b)drain	(a)FSL of canal (b)MEL of drain	(a)Top of lining (b)Bank/ parapet (c)Flood bank	(a)Canal BW/Bed fall (b)drain BW/bed fall	Depth or height (a)canal (b)side wall	Top width of bank R/1 (a)canal (b)flood bank	Front & Rear slopes (a)canal (b)flood bank	(a)Ayacut below (b)drain age area	At(a)FSL of canal (b)MFL of drain	1.In case of regulators & bridges the dimension under column (a)Should be up to bottom of girder

			Drops and canal falls	Sill	Front (a)Bed (b)FSL	Rear (a)Bed (b)FSL	Length (a)at sill (b)at top	Height of opening vent or notch	Overall length	Number of openings or vents	Ayacut below	At FSL of canal	
			Sluices or syphons	Sill or floor	(a)Canal bed From /rear (b)Drain bed	(a)Canal FSL from/rear (b)Drain MFL	Width sill at	Height of vent	Overall length of pipe or barrel	Number of vents	(a)Ayacut (i)parent canal (ii)off take canal	(a)At FSL (i)parent canal (ii)off take canal (b)At MFL of drain	2.The abbreviation tailoring FSL Full supply level
			Inlets outlets escape sluices	Crest or sill	MFL (a)above (b)below	Top (a)Canal bank (b)Canal bank operating	Width of wall (top/bottom of vent)	Height of wall or vent	Overall length	Number of vents	Drainage area	(a) At MFL (b) (b)At FSL	M F L Maximum flood level B/W Bed width R/L Right Left
			Regulators and bridge	Crest or sill	FSL (a)above (b)below	(a)Platform b)Road	Width of (a)vent (b)road way	Height of (a)vent (b)parapet	Overall length	(a)Number of vents (b)type of gates	Villages connected	At FSL	

* FORM 2 (A)
[See Rule 12(b) (1) ((i))]
REGISTER OF COMPONENT WORK

Name of the Scheme.....

Name of W.U.A./F.O.....

Sl. No	Distance from head	Position Right-(R) Left-(L) Across-(X)	Name and description of work	Reduced levels (m).			Dimensions/ Diameter/Numbers (m)			Pressure (Kg/cm ²)	Areas chargeable catchment or drainage (ha/Sqm)	Discharge in cum/sec or capacity in million Cum	Remarks
				(5)	(6)	(7)	(8)	(9)	(10)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
			Rising Main Pipeline										
			Air Release Valve										
			Delivery Chamber										
			Pipe Distribution Network										
			Outlet Management system										
			Wafer type BFV										
			Air Valve										
			PFCMD Valve										
			OMS Controller										
			Pressure Transmitter										
			Solar Panel										

* Substitution of form 2 (A) vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page

FORM – 3

(See Rule 12(1)(ii))

REGISTER OF BUILDINGS & LANDS

Name of the W.U.S./F.O.....

Building Type			Lands								Rent/ Auction Amounts						
Sl. No.	Village & S.No. Location	Name Description	Walls	Floor	Roof	Plinth in sft	Land	Standard Rent	Canal Drain	Reach	S.No.	Extent	Type Wet/Dry waste Barren	Remarks	Realised		
															1997	1998	1999
1	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

* FORM – 4

[See Rule 12(b)(1)(iii)]

REGISTER OF TREES – GRASS – OTHER MISCELLANEOUS PROPERTIES

Name of the W.U.S./F.O.....

Details of Miscellaneous Properties Items												Year-wise collection			
Sr. No.	M.P. Item No.	Tank Bund Canal/ Pressurized pipe Canal System Reach From... To	Location	No. of Tree	Name of Tree	Girth & Height of Trunk	Grass or Lulieflora	Fish	Born	Others	Min. Rent/ Bid Fixed	20...	20....	20..	20...
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

* Substitution of form - 4 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page

FORM – 5

(See Rule 12(1)(iv))

REGISTER OF MACHINES

Name of the W.U.S./F.O...

Sl .No.	Name of Machine	Make & Model	H.P.of Machine	Year of Purchase	Original Book Value	Hire Charges per km. Hour	Working Condition	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM – 6

[See Rule 12(3)(i)]

REGISTER OF GAUGE DISCHARGE

Name of Reservoir/Tank.....

Name of the W.U.A./F.O..... F.T.L.....MWL.....TBL.....

Date	Reservoir level to 8 A.M.	Capacity in meft	Front Gauge	Rear Gauge	Vent way & Opening	head	Discharge cusecs/Meft	Head over crest	Vent way & opening	Discharge cusecs/ Meft	In ft.	In Meft	Total out flow Meft	Rain fall	Rise/ fall of Res. Level In ft.	Net Impounding depletion Meft	Total Inflow Meft	Net utilisation Meft	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)	(10)	(11)	(12) (13)	(14)	(15)	(16)	(17)	(18)	19)	(20)	(21)	(22)

FORM – 7

[See Rule 12(3)(ii)]

CANAL GAUGE- DISCHARGE REGISTER

Name of parent canal/Distributory

Name of the W.U.A./F.O...At Start

At End

Bed Width.....

Bed Width.....

Full Supply Depth.....

Full Supply Depth.....

Gauge.....

Gauge.....

Discharge.....

Discharge.....

Date	Time	Gauge @ Start of F.O.	Discharge in Cusecs	Gauge @ end of FO	Discharge in Cusecs	Discharge	
						In Cuse cs	In Mcft.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

* “FORM – 7(A)
 [See Rule 12(b) (3)(ii)]
 PIPE CANAL PRESSURE DISCHARGE REGISTER

Name of Main Pipe Canal/Distributory Pipe Canal.....

Name of the W.U.A./F.O.

Diameter of Pipe at Start.....

Pressure at Start.....

Discharge at Start

Diameter of Pipe at End.....

Pressure at End.....

Discharge at End.....

Date	Time	Pressure at Start of F.O.	Discharge in Cumecs	Pressure at End of F.O.	Discharge in Cumecs	Discharge	
						In Cumecs	In MCM.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

* Substitution of form – 7(A) vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page

FORM – 8

[See Rule 12(4)(i)]

COMMAND AREA REGISTER

Name of Source.....

Name of the W.U.A./F.O.....

Sl .No.	Name of the Land Holder/Father's name	Name of Village	Survey Number	Extent of Command Area	Total	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM -9

[See Rule 12(4)(ii)]

REGISTER OF IRRIGATED AREAS AND DEMANDS

Name of Source

Name of the W.U.A./F.O.....

Sl.No	Name of the Land Holder/Father's name	Survey Number	Extent of holding	Actual area Irrigated	Type of Crop	No. of Watering	Water Charge Assessment	
							Rate	Amount
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM – 10

[See Rule 12(6)(i)]

CASH-BOOK

Name of the W.U.A./F.O.....

Receipt Side							Payment Side								
Date of Receipt	No. of Temporary Receipt if any with date.	No. of Vouchers received	From whom received	Amount	Head of Account	Details of Receipt	Dated Initials	Date of Payment	Voucher No.	To whom paid	Cash	Cheque	Head of Account	Details of Payments	Dated Initials
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

FORM –11
 RECEIPT BOOK
 [See Rule 12(6) (ii)]

ORIGINAL	DUPLICATE
TEMPORARY RECEIPT	TEMPORARY RECEIPT
(Stamp of Farmers Association)	(Stamp of Farmers Association)
Receipt No..... Date.....	Receipt No..... Date.....
Received Rupees	Received Rupees
.....
From Sri	From Sri.....
S/o	S/o.....
R/o	R/o.....
Towards the.....	Towards the.....
.....

Place : Signature Authorized

Place : Signature Authorized

Date : Authority of the Farmers Association Date :

Authority of the Farmers Association

FORM – 12

[See Rule 12(6)(iii)]

BILL REGISTER

Name of the W.U.A./F.O.....

S.N.	Date of Submission and dispatch	Name of Work	Amount of Estimate	Ref no Of Sanction	Amount of Bill	M.B.no. and page	Name of Agency	Initial
1	2	3	4	5	6	7	8	9

FORM – 13

[See Rule 12(6)(iv)]

REGISTER OF CHEQUE AND MEMO

Name of the W.U.A./F.O.....

Sl.No.	To whom the Cheque issued	Name of the work	Cheque No. & Date	Amount of the Cheque	Cheque Book No.	Amount of Budget	Balance Amount	Signature
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM – 14

[See Rule 12(6)(v)]

SPECIAL FEE REGISTER

Name of the W.U.A./F.O.....

Sl.No.	Date	Description of Special Fee	Period	From whom collected	Amount	Temp.Receipt No.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FORM – 15

See Rule (16)

Warrants under the sub – section (2) of Section 22 – H of the Madhya Pradesh
SinchaiPrabandhan Me Krishkon ki Bhagidari Adhinyam,1999 (No. 23 of 1999)

To,

The Officer - in- charge of the Jail at

Whereas Shri.....Son of
Shri.....resident of.....who in
in his capacity as an office bearer/officer/competent authority/Assistant Engineer/
Executive Engineer concerned of the.....Water User Association
(WUA)/Distributory Committee/Project committee in his custody the record or money
belonging to the said Water User Association)/Distributory Committee/Project committee
after his removal/suspension/resignation/retirement from his office, has been required by
a written order No.....dated..... to deliver or pay the record or
money specified in the Schedule below forth with to the Water User
Association)/Distributory Committee/Project committee but has failed or refused to deliver
the record or article or pay the money so directed has been apprehended and brought
before the Court in custody. This is to require you to receive the said.....in to
your custody and detain him in confinement in a Civil Jail for a period not longer than thirty
days or till he delivers up to the said record or pays the said money. The Court does
hereby fixper diem as the rate of the monthly allowance for the substance of,
the saidduring his confinement under this warrant.

Given under my hand and the seal of this Court this.....day
of20.....

SCHEDULE

(Strike out which is not applicable)

Appropriate Authority

* Form-16

[See Rule 10 (a)]

Name of W.U.A./F.O.

Territorial Constituency Number

Territorial Constituency code

Chak Number/OMS Number.....

Name of Territorial Constituency Member

Mobile Number of Territorial Constituency Member

Chak No./Sub Chak No.	Valve Number	Farmer to be benefitted	Culturable land(Ha.)	Crop	Date of Sowing	Expected date of first watering
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total						

Meeting of all concerned farmers of territorial constituency held. After discussion and consent of all farmers demand of water for irrigation decided to be from date and it is submitting here for needful.

Place –

Date -

Signature

TC Member

* Substitution of form – 16 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page

* Form – 17

[See Rule 10 (a)]

Name of W.U.A./F.O. -----

Code No of W.U.A. -----

Name of President -----

Mobile Number of President -----

Territorial constituency Number	Name of Territorial Constituency Member	Culturable land (Ha.)	Crop(%)					Date of first watering	Number of Watering
			Wheat	Gram	Mustard	#	#		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
T. C. No.-1									
T. C. No.-2									
T. C. No.-3									
T. C. No.-4									
T. C. No.-5									
T. C. No.-6									
T. C. No.-7									
T. C. No.-8									
T. C. No.-9									
T. C. No.-10									
T. C. No.-11									
T. C. No.-12									
Total									.”.

(# - can be use to notify other crops)

With the discussion and consent of all territorial constituency members of water users association, the proposed date for demand of water for irrigation decided is.....

Place –

Date -

Signature

President of WUA

* Substitution of form – 17 vide MP Gazette (Extraordinary) no. 349 dated 30 June 2022. page

AMENDMENT

Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 663

Wednesday dated 18 October ,2000

Bhopal, the 18th October 2000

No. 32-1-99-M-XXXI.—In exercise of the powers conferred under Section 43 of the Madhya Pradesh SinchaiPrabandhan Me Krishkon Ki BhagidariAdhiniyam, 1999 (No. 23- of 1999), the State Government hereby makes the following amendments in the Madhya Pradesh Farmers Organisation Rules, 1999, namely:

AMENDMENTS

In the said rules, -

For clause (a) of sub-rule (7) of rule 7, the following clause shall be substituted, namely:-

" (a) The powers for giving technical clearance by the competent Authority shall be as follows :

(i) Special repairs

- | | |
|-----------------------------|---------------------|
| (a) Executive Engineer | Upto Rs 1,00,000=00 |
| (b) Superintending Engineer | UptoRs 10,00,000=00 |
| (c) Chief Engineer | Full power |

(ii) Ordinary repair -

- | | |
|---|---|
| (a) Sub-Engineer
(Competent Authority) | Upto Rs. 20,000=00 |
| (b) Assistant Engineer | Upto Rs. 50,000=00 |
| (c) Executive Engineer | Full power within the funds provided to
Farmers Organisation". |

By order and in the name of the Governor of Madhya Pradesh,
M. L. VISHWAKARMA, Dy. Secy

Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 731

Tuesday dated 5 December ,2000

Bhopal, the 5th December 2000

No. 32-1-99- M-XXXI. In exercise of the powers conferred by Section 43 of the Madhya Pradesh SinchaiPrabandhan Me KrishkonKeBhagidariAdhiniyam, 1999 (No. 23 of 1999), the State Government here by makes the following amendment in the Madhya Pradesh Farmers Organisation Rules 1999, namely :

AMENDMENT

In the said rules, in rule 15, for clauses (b) and (m), the following clauses shall be substituted, namely :-

- "(b) prepare the maintenance plan;
- (m) maintain the various registers documents and accounts work; and. "

By order and in the name of the Governor of Madhya Pradesh,
M. L. VISHWAKARMA, Dy. Secy

Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 272

Tuesday dated 1 May ,2001

Bhopal, the 1st May 2001

No. 32-1-1999-M-XXXI.—In exercise of the powers conferred by Section 43 of the Madhya Pradesh SinchaiPrabandhan Me Krishkon Ki BhagidariAdhinyam, 1999 (No. 23 of 1999), the State Government hereby makes the following amendment n the Madhya Pradesh Farmers Organisation Rules, 1999, namely:

AMENDMENT

In the said rules, for sub rule (1) of rule 11 the following sub rule shall be substituted, namely:

- "(I) The Farmers' Organisation shall open an account in a Nationalised Bank or Co-operative Bank namely; the District Co-operative Central Bank or the Madhya Pradesh State Apex Co-operative Bank in its name. The account shall be operated jointly by the President or Chairperson as the case may be, one member of the Managing Committee 'as nominated by the Managing Committee and by the Competent Authority of the Farmers' Organisation. The Farmers' Organisation shall maintain the cash book and accounts of expenditure with appropriate vouchers and receipts."

By order and in the name of the Governor of Madhya Pradesh,

M. L. VISHWAKARMA, Dy. Secy

Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 345

Monday dated 29 July ,2013

Bhopal, the 29th July 2013

No. 32-18-2013-MIDIUM-XXXI-763.—In exercise of the powers conferred by Section 43 of the Madhya Pradesh SinchaiPrabandhan Me Krishkon Ki BhagidariAdhiniyam, 1999 (No. 23 of 1999), the State Government, hereby, makes the following amendments in the Madhya Pradesh Farmer's Organisation Rules, 1999, namely :—

AMENDMENTS

In the said rules, in rule 7,—

(i) for sub-rule (3), the following sub-rule shall be substituted, namely :—

“(3) Identification of normal operation and maintenance works participatory walk-through.—

The Chirperson/President along with the Managing Committee members shall organise a participatory walk-through within the area of operation of the Farmers' Organisation and identify all the critical reaches, which need immediate repair as listed out above. The competent authority shall assist the Farmers' Organisation in preparation of detailed list of works to be undertaken.”;

(ii) for sub-rule (7), the following sub-rule shall be substituted, namely:-

“(7) Technical clearance.—(a) The powers for giving technical clearance

By the Competent Authority shall be as follows :---

- (I) Special repairs—
- (a) Executive Engineer Upto Rs. 1,00,000/-
 - (b) Superintending Engineer Upto Rs. 10,00,000/-
 - (c) Chief Engineer Full power
- (II) Ordinary repair—
- (a) Sub-Engineer (Competent Authority) Upto Rs. 20,000/-
 - (b) Assistant Engineer Upto Rs. 50,000/-
 - (c) Executive Engineer Full power within the funds provided to Formers Organisation.

(b) A Competent Authority may accord technical clearance vested in a authority lower than him.

(c) The Competent Authority, shall record all the technical clearances in the register of technical clearance in Form-I appended to the rules.

(d) The technical clearance shall not exceed the administrative approval.

(e) In respect of a Water User Association, Distributory Committee and Project Committee, the Competent Authority may cause the technical clearance to be given by an appropriate officer under his control as per the financial powers mentioned in clause (a)."

By order and in the name of the Governor of Madhya Pradesh,

M. G. CHOUBEY, Secy.

Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 553

Monday dated 1 December ,2014

Bhopal, the 1st December 2014

No. 807-2014- ऋ -XXXI.—In exercise of the powers conferred by Section 43 of the Madhya Pradesh SinchaiPrabandhan Me Krishkon Ki BhagidariAdhinyam, 1999 (No. 23 of 1999), the State Government hereby, makes the following amendmentsin the Madhya Pradesh Farmers Organisation Rules, 1999, namely:

AMENDMENTS

In the said rules,-

(1) In rules 11, for sub- rule (1) the following sub- rule shall be substituted, namely:-

"(I) The Farmers' Organisation shall open an account in a Nationalised Bank ora Co-operative Bank namely, the District Co-operative Central Bank or the Madhya Pradesh State Apex Co-operative Bank in its name. The account shall be operated jointly by the President or Chairperson, as the case may be, and one member as nominated by the Managing Committee and Assistant Engineer in case of Water User Association of minor,medium and major irrigation project,Distributory Committee of major irrigation project and Project Committee of medium irrigation project,while Executive Engineer for Project Committee of major irrigation project as nominated by basin Chief Engineer related to the Farmers organization .The Competent Authority of the Farmers Organisation shall maintain the cash-book and accounts of expenditure with appropriate vouchers and receipts.

(2) After rules 15, the following rule shall be inserted, namely:-

“16.Power to recover records,articles and money.-Sub – section (2) of Section 22H of th Madhya Pradesh SinchaiPrabandhan Me krishkon ki Bhagidari Adhinyam,1999 (No. 23 of 1999), if any prson fails or rufuse to dliver 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 Form 15, to be confined in civil Jail for a priodnot longer than thirty days.

(3) After Form - 14, the following Form shall be added, namely:-

FORM – 15
See Rule (16)

Warrants under the sub – section (2) of Section 22 – H of the Madhya Pradesh
SinchaiPrabandhan Me Krishkon ki Bhagidari Adhinyam,1999 (No. 23 of 1999)

To,

The Officer - in - charge of the Jail at

Whereas Shri.....Son of
Shri.....resident of.....who in
in his capacity as an office bearer/officer/competent authority/Assistant Engineer/
Executive Engineer concerned of the.....Water User Association
(WUA)/Distributory Committee/Project committee in his custody the record or money
belonging to the said Water User Association)/Distributory Committee/Project committee
after his removal/suspension/resignation/retirement from his office, has been required by
a written order No.....dated..... to deliver or pay the record or
money specified in the Schedule below forth with to the Water User
Association)/Distributory Committee/Project committee but has failed or refused to deliver
the record or article or pay the money so directed has been apprehended and brought
before the Court in custody. This is to require you to receive the said.....in
to your custody and detain him in confinement in a Civil Jail for a period not longer than thirty
days or till he delivers up to the said record or pays the said money. The Court does
hereby fixper diem as the rate of the monthly allowance for the subsistence of,
the saidduring his confinement under this warrant.

Given under my hand and the seal of this Court this.....day
of20.....

SCHEDULE

(Strike out which is not applicable)

Appropriate Authority

By order and in the name of the Governor of Madhya Pradesh,

M. S.DHAKAD, Secy.

Thursday dated 30 June , 2022

Bhopal, the 30th June, 2022

No.F-35-31-2019-M-31-106

Bhopal, the 30th June 2022

In exercise of the powers conferred by Section 43 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999), the State Government, hereby, makes the following amendments in the Madhya Pradesh Farmers Organization Rules, 1999, namely:-

AMENDMENTS

In the said rules, -

1. In rule 2,

(1) after clause (a), the following clauses shall be added, namely:-

“(b) ‘drip system’ means a mechanical device to supply the irrigation water directly in the roots of plants in form of drops;

(c) ‘oms’ (Outlet Management System) means an electro mechanical and electronic system by which water is supplied to farmers for Irrigation by using sprinkler or drip irrigation system;

(d) ‘rms’ (Rotation Management System) means an electro mechanical and electronic system used to control the supply of irrigation water through OMS;

(e) ‘solar system’ means an electro mechanical system by which electrical energy produced from solar energy.

(f) ‘sprinkler system’ means a mechanical device to supply the irrigation water to crop in the form of droplets like rain;(g) ‘valve’ means mechanical or electro mechanical/electronic device to control or shutdown the flow of water or air;”.

(2) The existing clause (b) shall be renumbered as sub-rule (2)

2. In rules 7, for sub- rule (2), the following sub- rule shall be substituted, namely:-

“(2) All the works shall be categorised as below :

(A)For Gravitation Flow Irrigation		(B)For Pressurized Irrigation	
(i)	Normal Operation and Maintenance Works which includes ordinary repairs, such as:-	(i)	Normal Operation and Maintenance Works which includes ordinary repairs, such as:-
(a)	Desilting	(a)	Cleaning of OMS
(b)	Weed removal	(b)	Cleaning of Solar panel
(c)	Embankment repairs	(c)	Maintenance of Battery
(d)	Revetment	(d)	Maintenance of Electric Circuits
(e)	Repairs to shutters	(e)	Maintenance of OMS Box
(f)	Repairs to masonry and lining	(f)	Cleaning of Filter/Mesh
(g)	Cleaning & Oiling of screw gearing shutters	(g)	Maintenance of various valves
(h)	Painting of hoists and gates etc	(h)	Maintenance of control room
(i)	Emergent breach closing works, and	(i)	Maintenance of inspection paths.
(j)	Maintenance of inspection paths.		
(ii)	Deferred Maintenance Works (Rehabilitation Works) —	(ii)	Deferred Maintenance Works (Rehabilitation Works) —
(a)	Reconstruction of sluices	(a)	Reconstruction of RMS
(b)	Reconstruction / repairs to drops regulators	(b)	Reconstruction of OMS
(c)	Reconstruction of measuring devices	(c)	Reconstruction of other devices
(d)	Reconstruction of the system; and	(d)	Rehabilitation of the system; and
(iii)	Original Works —	(iii)	Original Works —
(a)	Modernization of System; and	(a)	Modernization of the System; and
(b)	Any other construction works in the irrigation system. The above works shall be executed by the Farmers' Organization, under the supervision of the Water Resources Department at the rates not exceeding estimated rates.	(b)	Any other construction works in the irrigation system. The above works shall be executed by the Farmers' Organization, under the supervision of the Water Resources Department at the rates not exceeding estimated rates.”.

3. In rule 8, in clause (ii) of sub-rule (I), in sub - clause (f), before the words “Water use efficiency”, the words “Method of irrigation viz. sprinkler/drip/hose/open and”, shall be inserted.
4. In rule 9, in sub - rule (5), after the words “gauge points”, the words “or at distribution centres in case of pressurized pipe irrigation system” shall be inserted.
5. In rule 10, in sub- rule (a) after the words “well in advance”, the words “or in case of pressurized pipe irrigation system schedule in Form 16 and 17 shall be informed to all members well in advance” shall be inserted.
6. “In rule 12, in sub- rule (b),-
 - (1) in sub – clause (i) of clause (1), after the words and figure “Form 2” the word, figure and letter “or 2(A)”, and after the words “canals” the words “and pressurized pipe irrigation system” shall be inserted respectively.
 - (2) In sub-clause (ii) of clause (3), after the words and figure “Form- 7”, the word, figure and letter “or 7 (A)” shall be inserted.

7. After the existing Form - 2, the following Form shall be added, namely :-

“FORM 2 (A)

[See Rule 12 (b)(1) ((i)]

REGISTER OF COMPONENT WORK

Name of the Scheme.....

Name of W.U.A./F.O.....

Sr. No.	Distance from head	Position Right-(R) Left-(L)Across - (X)	Name and description of work	Reduced levels (m).			Dimensions/ Diameter/Numbers (m)			Pressure (Kg/cm ²)	Areas chargeable catchment or drainage (ha/km ²)	Discharge in cum/sec or capacity in million Cum	Remarks
				(5)	(6)	(7)	(8)	(9)	(10)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
			Rising Main Pipeline										
			Air Release Valve										
			Delivery Chamber										
			Pipe Distribution Network										
			Outlet Management system										
			Wafer type BFV										
			Air Valve										
			PFCMD Valve										
			OMS Controller										
			Pressure Transmitter										
			Solar Panel										

8. For existing Form - 4, the following Form shall be substituted, namely:-

“FORM – 4

[See Rule 12(b)(1)(iii)]

REGISTER OF TREES – GRASS – OTHER MISCELLANEOUS PROPERTIES

Name of the W.U.S./F.O. -----

Details of Miscellaneous Properties Items												Year-wise collection			
Sr. No.	M.P. Item No.	Tank Bund Canal/ Pressurized pipe Canal System Reach From... To	Location	No. of Tree	Name of Tree	Girth & Height of Trunk	Grass or Lulieflora	Fish	Born	Others	Min. Rent/ Bid Fixed	20...	20. ...	20..	20
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

9. After existing Form - 7, the following Form shall be added, namely:-

“FORM – 7(A)

[See Rule 12(b) (3)(ii)]

PIPE CANAL PRESSURE DISCHARGE REGISTER

Name of Main Pipe Canal/Distributory Pipe Canal.....

Name of the W.U.A./F.O.

Diameter of Pipe at Start.....

Pressure at Start.....

Discharge at Start

Diameter of Pipe at End.....

Pressure at End.....

Discharge at End.....

Date	Time	Pressure at Start of F.O.	Discharge in Cumecs	Pressure at End of F.O.	Discharge in Cumecs	Discharge	
						In Cumecs	In MCM.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

10. After the existing Form 15, the following Forms shall be added, namely:-

“Form-16

[See Rule 10 (a)]

Name of W.U.A./F.O.

Territorial Constituency Number

Territorial Constituency code

Chak Number/OMS Number.....

Name of Territorial Constituency Member

Mobile Number of Territorial Constituency Member

Chak No./Sub Chak No.	Valve Number	Farmer to be benefitted	Culturable land(Ha.)	Crop	Date of Sowing	Expected date of first watering
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total						

Meeting of all concerned farmers of territorial constituency held. After discussion and consent of all farmers demand of water for irrigation decided to be from date and it is submitting here for needful.

Place –

Date -

Signature

TC Member

Form – 17
[See Rule 10 (a)]

Name of W.U.A./F.O. -----

Code No of W.U.A. -----

Name of President -----

Mobile Number of President -----

Territorial constituency Number	Name of Territorial Constituency Member	Culturable land (Ha.)	Crop(%)					Date of first watering	Number of Watering
			Wheat	Gram	Mustard	#	#		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
T. C. No.-1									
T. C. No.-2									
T. C. No.-3									
T. C. No.-4									
T. C. No.-5									
T. C. No.-6									
T. C. No.-7									
T. C. No.-8									
T. C. No.-9									
T. C. No.-10									
T. C. No.-11									
T. C. No.-12									
Total									.”.

(# - can be use to notify other crops)

With the discussion and consent of all territorial constituency members of water users association, the proposed date for demand of water for irrigation decided is.....

Place –

Date -

Signature

President of WUA

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
बी. एस. टेकाम,उपसचिव

Published in the "Madhya Pradesh Gazette (Extraordinary)" No.532

Thursday dated 29 September , 2022

जल संसाधन विभाग

मंत्रालय, वल्लभ भवन, भोपाल
भोपाल, दिनांक 29 सितम्बर, 2022

“शुद्धिपत्र”

एफ-35-31-2019-M-इकतीस-164.-इस विभाग की दिनांक 30 जून 2022 को मध्यप्रदेश राजपत्र (असाधारण) क्रमांक 349 में प्रकाशित अधिसूचना क्रमांक F-35-31-2019-M-इकतीस-106 में :-

- (1) पृष्ठ क्रमांक 698 (12) में शब्द, अंक तथा कोष्ठक “नियम 9 में, उप-नियम (5)” के स्थान पर शब्द, अंक तथा कोष्ठक “नियम 9 में, उप-नियम (पांच)” स्थापित हुआ समझा जाए एवं तदनुसार पढ़ा जाए .
- (2) पृष्ठ क्रमांक 698 (15) पर प्ररूप-17 के अन्त में स्थान व दिनांक के दाहिनी ओर रिक्त स्थान में पहली पंक्ति में “हस्ताक्षर”, एवं द्वितीय पंक्ति में हस्ताक्षर के नीचे “अध्यक्ष, ज.उ.सं.” स्थापित हुआ समझा जाए एवं तदनुसार पढ़ा जाए .

“CORRIGENDUM”

F-35-31-2019-M-XXXI-164.-In the Notification of this Department No. F-35-31-2019-M-XXXI-106, published in the Madhya Pradesh Gazette (Extraordinary) No. 349 dt. 30th June 2022 at the page no 698 (18) for the words, figures and bracket “In rule 9, in sub-rule (5)” the words, figures and bracket “In rule 9, in sub-rule (V)” be deemed to have been established and read accordingly.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही.एस.टेकाम, उपसचिव

GOVERNMENT OF MADHYA PRADESH
WATER RESOURCES DEPARTMENT

Madhya Pradesh Farmers' Organisation Constitution Rules, 1999.
(As on 30th June 2022)

Statutory warning:- This is a typed copy of Madhya Pradesh Farmers' Organization Constitution Rules, 1999, prepared exclusively for departmental use only. It may contain some typing mistakes and punctuations errors. Print of this copy or any part of this copy is strictly restricted to use for any other purposes.

Madhya Pradesh Farmers' Organisation Constitution

Rules, 1999.

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Madhya Pradesh Farmers' Organisation Constitution Rules, 1999
(Published in the "Madhya Pradesh Gazette (Extra-ordinary)" No. 703 ,Monday the 18th October , 1999.)

Bhopal, the 18th October 1999 ,

No.32-1-99-M-XXXI—In exercise of the, powers conferred by Section 43 of the "Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999" (Act 23 of 1999), the State Government hereby makes the following rules :-

RULES

1. Short title. - (1)These rules may be called the "Madhya Pradesh Farmers' Organisation Constitution Rules, 1999".

(2) They shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette".

2. Definition.—(a)In these rules, unless the context otherwise requires "Act" means the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999.

(b) "Authorised Officer" means an officer authorised by the District Collector not below the rank of a Naib Tahsildar.

(c) "Form" means a form appended to these rules;

(d) "Farmers' Organisation" means water users' Association at the primary level, Distributory Committee at the secondary level and Project Committee at the project level;

(e) "Notice" means notice appended to these rules.

* 3. Delineation of Command Area of an Irrigation System.--(1) The District Collector, may by notification delineate the command area under each of the irrigation system within his district on a hydraulic basis or distribution center wise in the case of pressurized irrigation system which may be administratively viable; and declare it to be a water users' area for the purpose of the Act and publish a notification in Form-A the Farmer's Organisation shall have distinct name; by amending the notification published under this sub-rule.

* Please see the amendment in clause (1) of rule 3 , in MP Gazette (Extraordinary) no. 349 dated 30 June 2022. Page 36 to 40

(2) For the purpose of this rule, every water's users association shall have the name of a village as its distinct name in which the major extent of the command is situated. If there is more than one association in, such village, then such association shall be called by adding numerals to the distinct name.

(3) For each of the irrigation system the Collector shall cause to be prepared the maps or sketches, indicating the distribution system like majors, minors and outlets along with the related structures in the command area. In the map or sketch the village boundaries, the drains', ayacut roads and all structures shall be marked.

(4) The areas irrigated or planned to be irrigated under each of the distributory, minor, survey number wise shall be, prepared.

* (5) The command area for each water user area shall be delineated on hydraulic basis or distribution center wise, each to be served by a distinct ,segment of the irrigation system and with a control structure or a mechanism at its head for supply of allocated or designed quantity of water for that command area. ,

* (6) The delineated area may have one or more distributories or minors or sub-minors or direct pipes or outlets or a combination of two or more thereof or distribution centre serving its command. It shall also have a distinctly demarcated boundary which could be a drain, or a bund or an uncommandable land.

* (7) In case of minor irrigation system. including tanks, diversion channels, lift irrigation schemes, wells or pressurized pipe irrigation system and such other smaller irrigation systems each shall form into one water user area.

(8) in case major and medium irrigation system such water user areas shall be more than one-.

(9) To ensure administrative viability, the area of operation of each of the Water User's Area shall be the limits of a village or contiguous villages situated within a Revenue Circle, as far as possible.

* Please see the amendment in clause (5), (6) and (7) of Rule 3, in MP Gazette (Extraordinary) no. 349 dated 30 June 2022. Page 36 to 40

*(10)The Managing Committees of Water Users Associations are made a continuous bodies with one third of the member of the Territorial Constituency shall retire on completion of every two years, it is essential to form the required number of territorial constituencies in each of the Water Users Associations. There shall be twelve territorial constituencies in each Water Users Association of Major and Medium irrigation systems. In respect of Minor irrigation systems, the number of territorial constituencies shall be six. Hence the District Collector shall divide each of the Water user area, namely:—

(i) in a Major or Medium irrigation system into twelve territorial constituencies as far as possible equally and;

(ii) into six territorial constituencies as far as possible equally in respect of minor irrigation systems:

Provided that the Command Area under a direct pipe outlet as far possible shall not be bifurcated while dividing territorial constituencies."

(11) The draft command area map or sketch of the water user's area demarcating the boundaries of territorial constituencies in the area of operation shall be prepared. The particulars containing the survey numbers of the lands situated in each of such territorial constituency in Form "A" shall be displayed together with such map or sketch on the notice board of the Gram Panchayat and the Janpad Panchayat, for information of the land holders.

(12) Objections or suggestions against the delineation of water user area or the division of territorial constituencies, if any, may be filed, by the landholders in the area of operation, before the District Collector within a period of seven days excluding the date of display.

(13) Within two days of the receipt of the objections or suggestions, the District Collector shall after conducting a summary enquiry make such changes or modifications wherever considered necessary in the maps or sketches duly recording reasons thereof, whose decision thereon shall be final.

*Please see the Amendment in clause (10) of rule 3 , in MP gazette (Extraordinary) no 554 dated 01 December 2014 in page 29-35

- (14) A final map or sketch in pursuance of sub-rule (13) shall immediately be displayed in the office of the Gram Panchayat and Janpad Panchayat in Form "B" by the District Collector.

4. Preparation of landholders list, Voters list and other Water User's List. –

*(1) The District Collector shall prepare or cause to be prepared by the authorized officer, the list of land holders on the basis of record of rights, in form-“C” on the basis of the list as so prepared, he shall prepare or caused to be prepared territorial constituency-wise voters list in Form-“D”, consisting of those landholders who have completed eighteen years of age as on the dated of issue of notification for conducting elections in water user's area for electing the member of the Territorial constituency of the Water User's Association”.

(2) The lists prepared under sub-rule (1) shall be displayed on the notice board of the office of the concerned Gram Panchayat and the Janpad Panchayat.

(3) Before finalising the lists mentioned in sub-rules (1), the District Collector shall invite objections in Form "E" against inclusion of any name or names in Form "F" and for deletion of any name or names in Form "G" within a week of display under sub-rule(2) after receiving the objections if any, the District Collector shall consider all such objections within a week and finalise such lists, by appending the names to be deleted or incorporated, at the end of each list and a final notice thereof shall be published in Form "H" for verification.

(4) Each land-holder in the water users' Area shall have one vote only irrespective of his land holdings in the said area.

(5) (i) In case, a land holder has land in more than one Territorial Constituency of a water user area the land holder shall opt for one constituency by giving a declaration as specified in Form "I" to the Authorised Officer.

(ii) In case no such option is exercised by the land holder, the Authorised Officer shall allot his vote to the constituency in which the landholder holds the maximum extent of land; where such land held is the same in two constituencies any of the constituency may be allotted.

* Please see the substitution of clause (1) of rule 4 , in MP gazette (Extraordinary) no 554 dated 01 December 2014 in page 29-35

(6) The list prepared under sub-rule (1) shall be revised six months before, the commencement of the subsequent elections in accordance with the provisions of the Madhya Pradesh Farmer's Organisation, Election Rules-1999.

*4-A Fixing the tenure of members of Territorial Constituencies at the time of first election.—In accordance to provision of sub-section (3) of Section 4 of the Principal Act, the tenure of the members of Territorial Constituencies shall be fixed as below:—

(a) the members of the Territorial Constituencies shall be elected for at one time out of which 1/3rd of the members thereof shall retire on the completion of two years, another 1/3rd members shall retire after completion of four years term and the remaining 1/3rd members shall retired after completion of six years in office;

(b) to decide their individual tenure, lots shall be drawn before the conduct of election of members of Territorial Constituencies is taken up and shall be recorded in Form-A 1 or A2 as the case may be

(c) to District Collector shall designate or nominate by order an officer who shall be as far as possible be a Gazetted Officer of the State Government not below the rank of Tehsildar to decide the individual tenure of Territorial Constituencies of each Water User's Association, lots shall be drawn 7 days in advance before the date of publication of notice in Form-1 of Madhya Pradesh Farmers Organization Election Rules, 2014;

(d) all members of Territorial Constituencies elected in the ordinary elections held subsequently, shall have tenure of six years uniformly as per the provisions of the Act.

(2) The following procedure shall be adopted to draw lots with regard to the fixing of tenure of the members of Territorial Constituencies elected in the first election.

(a) For Major and Medium Irrigation Systems—.

(i) Twelve identical square chits of white paper of equal size shall be prepared. Thereafter, the Territorial Constituency numbers from 1 to 12 shall be written on the above chits. These chits shall be kept in a single lot here in after called the "Territorial Constituency lot";

*Please see the addition of clause 4-A ,in MP gazette (Extraordinary)no554 dated 01 December 2014 in page 29-35

(ii) four identical square chits of white paper of equal size on which the words "two years" shall be written on each and rolled as described above. In a similar procedure four chits with the words "four years" and four more chits with the words "six years" shall be prepared. All these twelve rolled chits shall be kept as another lot, hereinafter called "Tenure lot";

(iii) to fix different tenures for the members of the Territorial Constituencies, the District Collector or an Officer not below the rank of Tehsildar as nominated by District Collector shall pick out one chit from the "Territorial Constituency lot" and shall also pick one chit from the "Tenure lot" after thorough shuffling of chits in each lot;

(iv) the District Collector or an officer not below the rank of Tehsildar as nominated by the District Collector shall enroll the chits so picked from the two lots and shall announce aloud the number of the Territorial Constituency and corresponding tenure. The picked up chits, after announcement, shall be kept separately;

(v) this information shall be simultaneously recorded in Form-A1 and the signatures of Executive Engineer or his authorized representative (not below the rank of Assistant Engineer) and Sub-Engineer concerned may be obtained as witness and authenticate such entry with signature;

(vi) the District Collector or an officer not below the rank of Tehsildar as nominated by the District Collector shall follow the same procedure till the tenures of all the members of the Territorial Constituencies are decided upon.

(b) For Minor Irrigation System :—

(i) Six identical square chits of white paper of equal size shall be prepared. The Territorial Constituency numbers from 1 to 6 shall be written on the above chits. The chits shall be rolled along one side of the square chit so prepared. The rolled chits shall be kept in a single lot, hereinafter called the "Territorial Constituency lot";

(ii) in the "Tenure lot" there shall be two chits containing the words as "two years". Another two chits containing the words as "four years" and the balance two chits containing the words as "six years";

(iii) for deciding of the Territorial Constituency members, the District Collector or an officer not below the rank of Tehsildar as nominated by District Collector shall adopt the same procedure as specified above, in the case of Major and Medium Irrigation Systems;

(iv) this information shall be simultaneously recorded in Form-A2 and the signature of Executive Engineer or his authorized representative (not below the rank of Assistant Engineer) and Sub-Engineer concerned may be obtained as witness and authenticate such entry with his signature.

Note.-----(1) The chits prepared for drawing lots shall be truly identical in all respects to maintain secrecy and principle of natural justice and in no case no one shall be able to identify and particular chit with a particular Territorial Constituency number.

(2) The fixing of tenures of the Territorial constituency members shall be taken up in the presence of Executive Engineer or his authorized representative (not below the rank of Assistant Engineer) and Sub-Engineer concerned before the election of Territorial Constituencies of Water User's Associations.

(3) Tenures shall be fixed for all the Territorial Constituencies in a Water Users Association, even though the posts of Territorial Constituencies are not filled up after elections.

(4) This whole exercise is limited to the first batch of elected members after the introduction of the concept of Water Users Associations, being continuous bodies.

*4-B. Restriction against holding more than one post Water User's Associations.—If any person elected as the member of Territorial Constituency form more than one Territorial Constituency from different Water Users Association areas, he can hold only one Territorial Constituency post of his choice, resigning the ohter posts."

5. Delineation of distributory areas--(1) The Government, keeping in view the operational viability and in consultation with the District Collector, for the purpose of constituting the Distributory Committees, delineate the command area by a notification in Form "J", under a major project into such number of distributory areas as they consider proper.

(2) A distributory area may contain two or more contiguous water users' areas.

(3) In delineating a distributory area, no water user area shall be divided or bifurcated into parts.

6. Delineation of project areas - (1) The Government, keeping in view the operational viability and in Consultation with the District Collector, delineate, the command area by a notification in Form "K" under a major irrigation project into one or more project areas for the purpose of constituting a Project Committee or Committees.

(2) The entire command area under a medium irrigation project shall be treated as a single unit and notified by the Government as a Project Area.

* Please see the addition of clause 4-B , in MP gazette (Extraordinary)no554 dated 01 December 2014 in page 29-35

****7. Procedure for conducting election -**

(1) The election of the office of Chairperson or the President and members of Territorial Constituencies/ Managing Committee of Farmer's Organization shall be conducted in accordance with the provision of Farmer's organization Election rule, 2014.

(2) If the Managing Committee of Farmer's Organization does not have a woman member, the Managing Committee shall nominate a woman as a member who shall ordinary be a resident of farmer's Organization area.

8. Recall .-(1) The competent authority for receiving the recall notice in respect of a Chairperson or a President or a Member of the Managing Committee by any Farmer's Organisation shall be the District Collector or an officer nominated by him.

(2) The recall notice in Form "L" shall be signed by one third of the total voters in respect of the president or a Member of the managing committee of a Water Users' Association , and one third of the total members of the General Body in respect of the President or the Chairperson or a Member of a Managing Committee of a Distributory Committee or the Project Committee.

(3) On receipt of such notice the Competent Authority Officer shall verify the notice in Form "M".

(4) The officer nominated by the District Collector shall call for a meeting of the voters or the members of the General Body, as the case may be, of the respective Farmers' Organisation within seven days after verification of the notice.

(5) Two third majority of the total voters present and voting and half of the total number of members of the association voting at a General Body meeting specially convened for the purpose have voted in favour of the motion for recall, the motion shall be deemed to have been passed.

(6) After the motion passed under sub-rule (5) the competent authority shall issue the proceedings of motion to the concerned Chairperson, President or the Member of the respective Farmers' Organisation immediately stating that the recall became effective from the date of passing of the resolution; and accordingly, he shall cease to hold such office.

****Please see the substitution of clause 7 , in MP gazette (Extraordinary)no554 dated 01 December 2014 in page 29-35**

9. Casual Vacancies.- Avacancy arising in any of the Fanners' Organisation either due to disqualification or due to death or resignation / recall, or by any reason, such vacancy shall be filled in the following manner .

(a) (i) If a vacancy in the office of the President of the Water Users' Association arises the President of the Managing Committee of the Distributory Committee in which the Water Users' Association is situated, shall nominate one of the member of the Distributory Committee as President of the Water Users' Association.

(ii) If a vacancy of a Member of Managing Committee of Water Users' Association arises, the President of the Managing Committee of the Distributory Committee shall nominate, any one of the land holders from that particular constituency in which vacancy has arisen, as a Member of the Managing Committee.

(b) (i) If a vacancy in the office of a President of a Distributory Committee arises, the Chairperson of the Managing Committee of the Project Committee in which the Distributory area is situated, shall nominate one of the members of the Managing Committee of the Project Committee as the President of the Distributory Committee.

(ii) If a vacancy of a Member of Managing Committee of a Distributory Committee arises the Chairperson of the Project Committee shall nominate one of the members of General Body of the Distributory Committee as a Member.

(c)(i) If a vacancy in the office of the Chairperson, of the Project Committee arises, the Apex Committee or the Government shall nominate one of the members of the Managing Committee of the Project Committee as the Chairperson.

(ii) If a vacancy of a Member of the Managing Committee of a Project Committee arises, the Apex Committee or the Government shall nominate one of the General Body members of the Project committee as a Member.

*(d) If the vacancy of the president of Water Users' Association of Minor Irrigation Projects arises, the Managing Committee shall nominate one of the members of the Managing Committee as a President till the elected president takes over the charge of the office of the president.

*(e) If the vacancy of the president of Water Users' Association of Medium / Major Irrigation Projects arises, and the Distributory Committee / Project Committee Managing Committee shall nominate one of the members of the Managing Committee as a President till the elected president takes over the charge of the office of the president.

* Please see the addition of clause (d) and (e) after clause (c) of Rule 9 , in MP gazette (Extraordinary) no663 dated 18 October 2000 in page 27

* (f) (a) To fill a vacancy of a Territorial Coinstituency member, the President shall convene a special meeting of the Managing Committee, which shall nominate a Water User, who is a voter in that territorial constituency, to act as a member of managing committee, with in fifteen days from the date of occurrence of such vacancy. However, such person is not eligible for election for the post of President in Water Users Association during the period of such transitional arrangements,

(b) The nominated member continues to hold the post only till a member of the territorial constituency is elected in the casual vacancy.

* Please see the addition of clause (f) (a) after clause (e) of rule 9 ,in MP gazette (Extraordinary) no.554 dated 01 December 2014 in page 29-35

*,**, # , # # FORM - A
NOTIFICATION
 [See sub-rule (1) of rule 3]

WHEREAS, it has been decided to delineate the entire command area into Water Users' Areas on hydraulic basis or distribution center wise and which are found to be administratively viable;

AND WHEREAS, the water users' areas as so divided shall be further divided in to twelve/six number of territorial constituencies equally as far as possible for the purpose of forming the Water Users' Associations in respect of Major/Medium or Minor Irrigation Systems respectively;

Now, THEREFORE under sub-rule (2) to (10) of rule 3 of the Madhya Pradesh Sinchai Prabandhan Me Krishikon Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999), I the Collector and District Magistrate of..... District/Authorised Officer hereby Delineate Water Users 'Area into twelve/six territorial constituencies, and direct that the maps and sketches indicating the various Water Users' Areas and the territorial constituencies shall be displayed on the notice board of the Gram Panchayat and on the notice board of the office of the Janpad Panchayat.

Any objections or claims against the delineation detailed below may be filed before the authorised officer within seven days excluding the date of display on the notice board of the office of Gram Panchayat or the Janpad Panchayat.

.....Irrigation System.
 Water Users' Association,

Name of the Village.....

Total Nos. of Territorial Constituencies twelve/six

Name of the Tehsil.....

Name of the major/minor projects

Total Command area in Hectare Territorial constituency No.....

(Part No.....)

SI. No.	Location of Off –Take - Sluice/Distribution Center	Command Area		Village
		Survey No.	Extent in Hectare	
(1)	(2)	(3)	(4)	(5)

(Strike out which ever is not applicable)

Collector and District Magistrate/Authorised Officer.

.....District...

* Please see the Amendment in Form A ,MP gazette (Extra Ordinary) no734 dated 6 November 1999 page 26

** Please see the substitution of Form A,MP gazette (Extra Ordinary) no554 dated 1 December 2014 in page 29-35

Please see the Substitution of Form – A,MP Gazette (Extraordinary) no. 349 dated 30 June 2022. Page 36-40

Please see the “Corrigendum”of Form-A, MP Gazette (Extraordinary) no. 532 dated 29 September 2022.

Election Territorial constituency Members

(Major and Medium Irrigation Systems)

***FORM-“A 1”**

[See sub-rule (1)(b) of rule 4-A]

Identification and Fixing of tenure of Territorial Constituency Members (By Lots)

Name of Water User's Association..... Code of

Water User's AssociationDistrict

S.No. (1)	T. C. No. (2)	Tenure (Years)	
		No of Years (3)	In Words (4)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

Witness Signature

Signature

1. Executive Engineer/Sub-Division Officer District Collector
of Water Resources Department or an Officer nominated by him
Full Name Full Name
2. Sub-Engineer
of Water Resources Department
Full Name

Place :

Date :

*Please see the substitution of Form - A 1,MP gazette (Extraordinary)no554 dated 1 December 2014 in page 29-35

Election Territorial Constituency Members

(Minor Irrigation)

***FORM-"A2"**

[See sub-rule (1)(b) of rule 4-A]

Identification and Fixing of Tenure of Territorial Constituency Members (By Lots)

Name of Water User's Association Code of

Water User's Association District

S.No. (1)	T. C. No. (2)	Tenure (Years)	
		No. of Years (3)	In Words (4)
1			
2			
3			
4			
5			
6			

Witness Signature

Signature

1. Executive Engineer/Sub-Division Officer
Of Water Resources Department
Full Name.
2. Sub-Engineer
of Water Resources Department
Full Name."

District Collector
or an Officer nominated by him
Full Name

Place :

Date :

*Please see the substitution of Form - A 2,MP gazette (Extraordinary)no554 dated 1 December 2014 in page 29-35

*** FORM B**

[See sub-rules (14) of rule 3]

Whereas, the objections received against Form-A displayed on..... (Date) have been considered and thoroughly examined.

And whereas, it is considered that the amendments to Form "A" are considered necessary; and accordingly they are hereby made and revised in the table hereunder.

.....Irrigation System.
..... Water Users' Association,

Name of the village

Total Nos. of Territorial constituencies

Name of the Tehsil

Name of the major/minor projects

Total Command Area in Ha..... Territorial constituency
No.....

(Part No.....)

Sl.No.	Location of Off –Take - Sluice/Distribution Center	Command Area		Village
		Khasra No.	Extent in Ha.	
(1)	(2)	(3)	(4)	(5)

Collector & District Magistrate/Authorised Officer

..... District ...

* Please see the Substitution of Form – B, MP Gazette (Extraordinary) no. 349 dated 30 June 2022.
Page 36 to 40

FORM "C"

[See rule 4 (1)]

Under -sub-rule (1) of rule 4 of the Madhya Pradesh SinchaiPrabandhan Me Krishikon Ki BhagidariAdhiniyam, 1999 (Act 23 of 1999), I..... the Tehsildar of the..... Tahsil being the Authorised Officer hereby publish the land holders list as in the table below. Any objections or claims against the above list may be filed before me within a week from the date of display of this list.

Name of the WATER USERS' ASSOCIATION

Name of the village

Name of the Tehsil.....

Name of the major/minor.....

District

Total Command Area.....

Total Territorial Constituencies

Territorial Constituency No..... (Part No.).....

Land Holders List

Sl. No.	Name of the land holder and Father's name	Extent of Khasra (Ha.)	Holding No.	Name of the village	Age
(1)	(2)	(3)	(4)	(5)	(6)

Collector & District Magistrate/

Authorised Officer
.....District

FORM "D"
[See rule 4 (1)]

Under sub-rule (1) of rule 4 of the Madhya Pradesh SinchaiPrabandhan Me Krishikon Ki BhagidariAdhinyam, 1999 (Act 23 of 1999), I,..... the Tehsildar.....Tehsil being the Authorised Officer hereby display in this form the list of all the voters who are the land holders' and have completed eighteen years of age on the date of issue of Notification prepared territorial constituency wise, for electing the, President and members of the managing committee of the Water Users' Association specified below.
Any objection, against the list may be filed before the undersigned within a week for consideration and finalisation.

Voters List of..... Water Users' Association

Name of the Water Users' Association.....
Name of the village..... Name of the Tehsil.....
District..... Total Command Area.....
Total Territorial Constituencies.....
Territorial Constituency No.....(Part No.).....

List of All Other Water Users'

Sl. No.	Name of the voter	Father's name	Age	Name of village	Land Holding	
					Khasra No.	Extent
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Collector & District Magistrate Authorised Officer
District.....

FORM "E"

[See rule 4(3)]

OBJECTION TO INCLUSION OF NAME

To,
'The Authorised Officer, -
.....Water User Association.
Sir,

I object to the inclusion of the name of.....at Serial No.....
in..... Water Users' Association electoral roll 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 User Association as
follows :

Name (in full).....

Father's / Mother's / Husband's name.....

Serial No.....

Date..... Signature/Thumb Impression of Objector

(Full Postal Address)

.....

I am an elector included in the same electoral roll in which the name objected to
appear, my serial number therein is..... I support this objection and
countersign it.

Signature of the elector.....

Name (in full)

Note. - Any person who makes a statement or declaration which he either knows or
believes to be false or does not believe to be true is punishable under provisions of
Madhya Pradesh SinchaiPrabandhan Me Krishikon Ki BhagidariAdhinyam, 1999 (Act
23 of 1999).

FORM "F"
[Seerule 4(3)]

To,
The Authorised Officer,
..... Water User Association.
Sir,

I request that my name be included in the electoral roll for the above Water Users' Association.

1. Name (in full).....
2. Father's / Mother's / Husband's name

3. Particulars of my place of residence are

- (a) House No.....
- (b) Street/Mohalla.....
- (c) Town/Village.....
- (d) Post Office.....
- (e) Police Station/Tehsil.....
- (f) District.....

4. Particulars and holding.....

- (a) Survey No.....
- (b) Extent.....
- (c) Name of the village.....
- (d) Name of the Irrigation System.....

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

- (i) that I am a citizen of India;
- (ii) that my age on the first day of January 1st / July 1st was..... years and..... months;
- (iii) that I am water User' of this Water Users' Association at the address given below.

Place.....

Date

Signature or thumb impression of claimant

FORM-“G”
[Seerule 4(3)]

APPLICATION FOR DELETION OF ENTRY IN ELECTROAL ROLL

To,
The Authorised Officer,
..... Water User Association.

Sir,

I submit that the entry at Serial No. of the.....electoral roll for the Water Users' Association relating to *Shri / Smt*son/wife/ daughter/..... of requires to be deleted as the said person is *dead / is not a water user in this Water Users' Association/his name is already included in the voters list at Serial No.....as such he is not entitled to be registered in the electoral roll for the following reasons.

.....
.....

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

I declare that I am an elector of this Water Users' Association being enrolled at Serial No.....of the roll.

Place :.....

Date

Signature/thumb Impression of Objector
(Full Postal Address)

.....

Note--Any person who makes a statement or declaration which is false of which he either knows or believes to be false or does not believe to be true is punishable under provisions of Madhya Pradesh SinchaiPrabandhan Me Krishikon Ki BhagidariAdhinyam, 1999 (Act 23 of 1999).

*Strike out the in appropriate words.

I am an elector..... included in the electoral roll of the same Water User's Association in which the claimant has applied for deletion. My Serial No. therein is..... I support this claim and countersign it.

Signature of the elector
Name(infull)

Note--Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under provisions of Madhya Pradesh SinchaiPrabandhan Me Krishikon Ki BhagidariAdhinyam, 1999 (Act 23 of 1999)

FORM "H"

[See sub-rule (3) of rule 4]

NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public Information that the list of amendments to the draft landholders list, voters list and other water users' list of the Water Users' Association have been prepared in accordance with the Madhya Pradesh SinchaiPrabandhan Me Krishikon Ki BhagidariAdhinium, 1999 (Act 23 of 1999), and a copy of the said lists together with the lists of amendments have been published and will be available for inspection at my office.

Place
Designation

Authorised Officer,

Date.....District.

FORM-“I”

[See sub-rule (5) (i) of rule 4]

DECLARATION

I..... son of Shri..... resident at Door No..... of..... village..... aged about..... years hold lands as follows :

Table with 4 columns: Survey No., Extent in Ha., Village, Territorial Constituency No. and rows (1), (2), (3), (4)

I declare that I intended to vote in Territorial Constituency No

Place..... Date

(Signature.....)

TO, The Authorised Officer,Water Users' AreaTehsil District

I, the Authorised officer for the.....WUA, do hereby allot.....

Territorial constituency to Shrifor the following reasons :

- 1. Based on the applicants request
2. Based on the extent of land held.
3. Others

Authorised Officer

Acknowledgement

Received an application form for exercise of option to territorial Constituency in WUA from Shri

Authorised Officer

*** FORM J**
[See section 5(1)]

In exercise of the powers conferred by sub-section (1) of section 5 of the Madhya Pradesh
Sinchai Prabandhan Me Krishikon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999) the State
Government, hereby, delineate the distributory areas, Irrigation System,
for the purpose of constituting Distributory Committees as specified in the table below.

TABLE

..... Irrigation System
..... District

TABLE

SI. No.	Name of the Distributory Committee	Location of the Off-Take Sluice / Distribution Center	Name of the WUAs	Name of the Tehsil	Name of the District
(1)	(2)	(3)	(4)	(5)	(6)

* Please see the Substitution of Form – J, MP Gazette (Extraordinary) no. 349 dated 30 June 2022. Page 36 to 40

*,**,# FORM - K

[See section 7(1)]

In exercise of the powers conferred by sub-section (1) of section 7 of the Madhya Pradesh Sinchai Prabandhan Me Krishikon Ki Bhagidari Adhiniyam, 1999, (Act 23 of 1999) the State Government, hereby, delineate the project areas for.....Irrigation System, for the purpose of constituting Project Committees as specified in the table below.

TABLE

..... Irrigation System
..... District

TABLE

SI. No.	Name of the Project Committee	Location of the Off-Take Sluice /Distribution Center	Names of the Distributary committee/ Water Users Association	Name of the Tehsil	Name of the District
(1)	(2)	(3)	(4)	(5)	(6)

* Please see the Amendment in Form K ,MP gazette (Extra Ordinary)no348 dated 27July 2002. Page 30

** Please see the Substitution of Form – K,MP Gazette (Extraordinary) no. 349 dated 30 June 2022. Page 36 to 40

Please see the CORRIGENDUM in Form – K,MP Gazette (Extraordinary) no. 370 dated 13 July 2022. Page 41

FORM "L"
[See rule8 (2)]

RECALL NOTICE

The undersigned persons constitute one third of the total number of voters/members of the General Body of the Water Uses Association/Distributory Committee/Project Committee, situated in.....Tehsil/Tehsils..... District. We have lost confidence in the President/Member Managing Committee/Chairperson of the said Water Users' Association/ Distributory Committee/Project Committee. We propose to recall him.

Accordingly it is requested to call for a meeting of the following voters/Members of the General Body of the said..... Water Users' Association/Distributory Committee /Project Committee under sub-rule (4) of rule 8 of the Madhya Pradesh SinchaiPrabandhan Me Krishikon Ki BhagidariAdhinyam, 1999 (Act 23 of 1999) rules, and to move the motion for recall and conduct voting for the purpose of passing a resolution there at.
Date

Sl. No.	Name	Village	Sl.No. in voters list	Signature
(1)	(2)	(3)	(4)	(5)

To,
The Authorised/Nominated Officer,
Tehsil/Office of the Collector and
District Magistrate.....District

FORM "M"
[See rule 8 (3)]
VERIFICATION

I being the authorised Officer/Nominated Officer has received the Recall notice for the purpose of recalling the President/Member of the Managing Committee Chairperson of the.....Water Users' Association/Distributory Committee/Project Committee situated in..... Tehsil/Tehsils / District has Verified the signature of the persons subscribe to the Recall Notice with the concerned Voters list/ lists of the concerned General Bodies and found their names given therein to be Correct and genuine.

Accordingly I proceed to take further action in the matter.

Authorised Nominated Officer,
Station.....

District.....

AMENDMENTS

Published in the "Madhya Pradesh Gazette (Extraordinary)" No. 734

Saturday dated 6 November ,1999

Bhopal, the 6th November 1999

No.32-1-M-XXXL-In exercise of the powers conferred by Section 43 of the Madhya Pradesh SinchaiPrabandhan Me Krishkon Ki BhagidariAdhinyam, 1999 (No. 23 of 1999), the State Government hereby makes the following amendments in the Madhya Pradesh Farmers Organisation Constitution Rules, 1999, namely:

AMENDMENTS

In the said rules, in Form A, -

- (1) for the bracket, words and figures "[see sub-rule (ii) of rule 3]" the bracket, words and figures "[see sub-rule (1) of rule 3]" shall be substituted.
- (2) for the bracket, figures and words " sub-rule (2) to (6) of rule 3" the bracket, figures and words "sub-rule (2) to (10) of rule 3" shall be substituted.

By order and in the name of the Governor of Madhya Pradesh,

V. S. VERMA, Secy.

Published in the "Madhya Pradesh Gazette (Extraordinary)" No. 663

Wednesday dated 18 October, 2000

Bhopal, the 18th October 2000

No.32-1-M-XXXL-In exercise of the powers conferred by Section 43 read with section 15 of Madhya Pradesh SinchaiPrabandhan Me Krishkon Ki BhagidariAdhiniyam, 1999 (No. 23 of 1999), the State Government hereby makes the following amendments in the Madhya Pradesh Farmers Organisation Constitution Rules, 1999, namely:

AMENDMENTS

In the said rules, after clause (C) of the rule 9, the following clauses shall be added namely :-

(d) If the vacancy of the president of Water User's Association of Minor Irrigation Projects arises, the Managing Committee shall nominate one of the members of the Managing Committee as a President till the elected president takes over the charge of the office of the president.

(c) If the vacancy of the president of Water User's Association of Medium / Major Irrigation Projects arises, and the Distributory Committee / Project Committee is not constituted, in such event, the Managing Committee shall nominate one of the members of the Managing Committee as a President till the elected president takes over the charge of the office of the president.

By order and in the name of the Governor of Madhya Pradesh,

M. L. VISHWAKARMA, Dy. Secy.

Published in the "Madhya Pradesh Gazette (Extraordinary)" No. 348

Saturday dated 27 July, 2002

Bhopal, the 27th July 2002

No. 32-1-1999-M-XXXI.—In exercise of the powers conferred by Section 43 of Madhya Pradesh SinchaiPrabandhan Me Krishkon Ki BhagidariAdhiniyam, 1999 o. 23 of 1999), the State Government hereby makes the following amendments in Madhya Pradesh Farmers Organisation Constitution Rules, 1999, namely:

AMENDMENTS

In the said rules, in Form 'K',-

- (1) For the bracket, words and figures "[see Section 6 (1)]" the bracket words and figures "[see Section 7 (1)]" shall be substituted.
- (2) In the preamble for the words and figure "Section 6" the words and figures "Section 7" shall be substituted.
- (3) In the table for the existing entries of column (4) the following entries shall be substituted, namely :-

"Name of the DC/WUA"

By order and in the name of the Governor of Madhya Pradesh,

VIJAY GUPTA, Dy. Secy

Monday dated 1 December, 2014

Bhopal, the 1st December 2014

No. 808 -2014 -प्र-XXXI.—In exercise of the powers conferred by Section 43 of Madhya Pradesh SinchaiPrabandhan Me Krishkon Ki BhagidariAdhiniyam, 1999(No. 23 of 1999), the State Government, hereby makes the following amendments in Madhya Pradesh Farmers Organisation Constitution Rules, 1999, namely:-

AMENDMENTS

In the said rules,—

(1)In rule 3, for sub-rule (10), the following sub-rule shall be substituted namely:—

"(10) The Managing Committees of Water Users Associations are made a continuous bodies with one third of the member of the Territorial Constituency shall retire on completion of every two years, it is essential to form the required number of territorial constituencies in each of the Water Users Associations. There shall be twelve territorial constituencies in each Water Users Association of Major and Medium irrigation systems. In respect of Minor irrigation systems, the number of territorial constituencies shall be six. Hence the District Collector shall divide each of the Water user area, namely:—

in a Major or Medium irrigation system into twelve territorial constituencies as far as possible equally and;

(ii) into six territorial constituencies as far as possible equally in respect of minor irrigation systems:

Provided that the Command Area under a direct pipe outlet as far possible shall not be bifurcated while dividing territorial constituencies."

(2)In rule 4, for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) The District Collector shall prepare or cause to be prepared by the authorized officer, the list of land holders on the basis of record of rights, in form-C on the basis of the list as so prepared, he shall prepare or caused to be prepared territorial constituency-wise voters list in Form-D, consisting of those landholders who have completed eighteen years of age as on the dated of issue of notification for conducting elections in water user's area for electing the member of the Territorial constituency of the Water User's Association".

(3) After rule 4, the following rules shall be inserted, namely :—

*4-A Fixing the tenure of members of Territorial Constituencies at the time of first election.—In accordance to provision of sub-section (3) of Section 4 of the Principal Act, the tenure of the members of Territorial Constituencies shall be fixed as below:—

(1) the Managing Committees of Water Users Associations being continuous

bodies, the following procedure shall be adopted for fixing the tenures of members of Territorial Constituencies. However this exercise is limited to the first election, only—

- (a) the members of the Territorial Constituencies shall be elected for at one time out of which 1/3rd of the members thereof shall retire on the completion of two years, another 1/3rd members shall retire after completion of four years term and the remaining 1/3rd members shall retire after completion of six years in office;
- (b) to decide their individual tenure, lots shall be drawn before the conduct of election of members of Territorial Constituencies is taken up and shall be recorded in Form-A1 or A2 as the case may be
- (c) to District Collector shall designate or nominate by order an officer who shall be as far as possible be a Gazetted Officer of the State Government not below the rank of Tehsildar to decide the individual tenure of Territorial Constituencies of each Water User's Association, lots shall be drawn 7 days in advance before the date of publication of notice in Form-1 of Madhya Pradesh Farmers Organization Election Rules, 2014;
- (d) all members of Territorial Constituencies elected in the ordinary elections held subsequently, shall have tenure of six years uniformly as per the provisions of the Act.

(2) The following procedure shall be adopted to draw lots with regard to the fixing of tenure of the members of Territorial Constituencies elected in the first election.

(a) For Major and Medium Irrigation Systems—.

(i) Twelve identical square chits of white paper of equal size shall be prepared. Thereafter, the Territorial Constituency numbers from 1 to 12 shall be written on the above chits. These chits shall be kept in a single lot hereinafter called the "Territorial Constituency lot";

(ii) four identical square chits of white paper of equal size on which the words "two years" shall be written on each and rolled as described above. In a similar procedure four chits with the words "four years" and four more chits with the words "six years" shall be prepared. All these twelve rolled chits shall be kept as another lot, hereinafter called "Tenure lot";

(iii) to fix different tenures for the members of the Territorial Constituencies, the District Collector or an Officer not below the rank of Tehsildar as nominated by District Collector shall pick out one chit from the "Territorial Constituency lot" and shall also pick one chit from the "Tenure lot" after thorough shuffling of chits in each lot;

(iv) the District Collector or an officer not below the rank of Tehsildar as nominated by the District Collector shall enroll the chits so picked from the two lots and shall announce aloud the number of the Territorial Constituency and corresponding tenure. The picked up chits, after announcement, shall be kept separately;

(v) this information shall be simultaneously recorded in Form-A1 and the signatures of Executive Engineer or his authorized representative (not below the rank of Assistant Engineer) and Sub-Engineer concerned may be obtained as witness and authenticate such entry with signature;

(vi) the District Collector or an officer not below the rank of Tehsildar as nominated by the District Collector shall follow the same procedure till the tenures of all the members of the Territorial Constituencies are decided upon.

(b) For Minor Irrigation System :—

(i) Six identical square chits of white paper of equal size shall be prepared. The Territorial Constituency numbers from 1 to 6 shall be written on the above chits. The chits shall be rolled along one side of the square chit so prepared. The rolled shall be kept in a single lot, hereinafter called the "Territorial Constituency lot";

(ii) in the "Tenure lot" there shall be two chits containing the words as "two years". Another two chits containing the words as "four years" and the balance two chits containing the words as "six years";

(iii) for deciding of the Territorial Constituency members, the District Collector or an officer not below the rank of Tehsildar as nominated by District Collector shall adopt the same procedure as specified above, in the case of Major and Medium Irrigation Systems;

(iv) this information shall be simultaneously recorded in Form-A2 and the signature of Executive Engineer or his authorized representative (not below the rank of Assistant Engineer) and Sub-Engineer concerned may be obtained as witness and authenticate such entry with his signature.

Note.-----(1) The chits prepared for drawing lots shall be truly identical in all respects to maintain secrecy and principle of natural justice and in no case no one shall be able to identify and particular chit with a particular Territorial Constituency number.

(2) The fixing of tenures of the Territorial constituency members shall be taken up in the presence of Executive Engineer or his authorized representative (not below the rank of Assistant Engineer) and Sub-Engineer concerned before the election of Territorial Constituencies of Water User's Associations.

(3) Tenures shall be fixed for all the Territorial Constituencies in a Water Users Association, even though the posts of Territorial Constituencies are not filled up after elections.

(4) This whole exercise is limited to the first batch of elected members after the introduction of the concept of Water Users Associations, being continuous bodies.

* 4-B. Restriction against holding more than one post Water User's Associations.—If any person elected as the member of Territorial Constituency form more than one Territorial Constituency from different Water Users Association areas, he can hold only one Territorial Constituency post of his choice, resigning the ohter posts."

(4) For rule 7, the following rule shall be substituted, namely

"7. Procedure for conducting Election -

(1) The election of the office of Chairperson or the President and members of Territorial Constituencies/ Managing Committee of Farmer's Organization shall be conducted in accordance with the provision of Farmer's organization Election rule, 2014.

(2) If the Managing Committee of Farmer's Organization does not have a woman member, the Managing Committee shall nominate a women as a member who shall ordinary be a residentof farmer's Organization area

(5) In Rule 9, after clause (e), the following clause shall be inserted, namely:-

(f) (a) To fill a vacancy ofa Territorial Coinstituency member, the President shall convene a specialmeeting of the Managing Committee, which shall nominate a Water User, who is a voter in thatterritorial constituency, to act as a member of managing committee, with in fifteen days fromthe date of occurrence of such vacancy. However, such person is not eligible for election for thepost of President in Water Users Association during the period of such transitional arrangements,

(b) The nominated member continues to hold the post only till a member of the territorial constituency isselected in the casual vacancy.

(6) For the existing Form-A, the following Forms shall be substituted, namely :—

"FORM "A"

NOTIFICATION

* [See sub-rule (2) of rule 3]

WHEREAS, it has been decided to delineate the entire command area into Water Users' Areas on hydraulic basis and which are found to be administratively viable;

And WHEREAS, the water users' areas as so divided shall be further divided in to twelve/six number of territorial constituencies equally as far as possible for the purpose of forming the Water Users' Associations in respect of Major/Medium or Minor Irrigation Systems respectively;

Now THEREFORE under sub-rule (2) to (6) of rule 3 of the Madhya Pradesh SinchaiPrabandhan Me Krishikon KiBhagidariAdhiniyam, 1999 (No. 23 of 1999), I
. the Collector and District Magistrate of..... District/Authorised Officer hereby Delineate Water Users 'Area into twelve/six territorial constituencies, and direct that the maps and sketches indicating the various Water Users' Areas and the territorial constituencies shall be displayed on the notice board of the Gram Panchayat and on the notice board of the office of the Janpad Panchayat.

Any objections or claims against the delineation detailed below may be filed before the authorised officer within seven days excluding the date of display on the notice board of the office of Gram Panchayat or the Janpad Panchayat.

.....Irrigation System.

..... Water Users' Association,

Name of the Village.....Total Nos. of Territorial Constituencies twelve/six Name of the Tehsil..... Name of the major/minor Total Command area in Hectare.....Territorial constituency No.....

(Part No.....)

Sl. No.	Location of Off-Take-Sluice	Command Area		Village
		Survey No.	Extent in hectare	
(1)	(2)	(3)	(4)	(5)

Collector and District Magistrate/Authorised Officer.

.....District

(Strike out which ever is not applicable)

Election Territorial constituency Members

(Major and Medium Irrigation Systems)

FORM-"A 1"

Identification and Fixing of tenure of Territorial Constituency Members (By Lots)

Name of Water User's Association..... Code of

Water User's AssociationDistrict

S.No. (1)	T. C. No. (2)	Tenure (Years)	
		No of Years (3)	In Words (4)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

Witness Signature

Signature

1. Executive Engineer/Sub-Division Officer
of Water Resources Department
Full Name

District Collector
or an Officer nominated by him
Full Name

2. Sub-Engineer
of Water Resources Department
Full Name

Place :

Date :

Election Territorial Constituency Members

(Minor Irrigation)

FORM-"A 2"

Identification and Fixing of Tenure of Territorial Constituency Members (By Lots)

Name of Water User's Association Code of

Water User's Association District

S.No. (1)	T. C. No. (2)	Tenure (Years)	
		No. of Years (3)	In Words (4)
1			
2			
3			
4			
5			
6			

Witness Signature

Signature

1. Executive Engineer/Sub-Division Officer
Of Water Resources Department
Full Name.

District Collector
or an Officer nominated by him
Full Name

2. Sub-Engineer
of Water Resources Department
Full Name."

Place :

Date :

By order and in the name of the Governor of Madhya Pradesh,
M. S. DHAKAD, Secy.

Published in the "Madhya Pradesh Gazette (Extraordinary)" No.349

Thursday dated 30 June , 2022

Bhopal, the 30th June, 2022

No.F-35-31-2019-M-31-102

Bhopal, the 30th June 2022

In exercise of the powers conferred by Section 43 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999), the State Government, hereby, makes the following amendments in the Madhya Pradesh Farmers Organisation Constitution Rules, 1999, namely:-

AMENDMENTS

In the said rules,—

1. in rule 3, -

- (1) In sub- rule (1), after the words “hydraulic basis” the words “or distribution center wise in the case of pressurized irrigation system” shall be inserted;
- (2) In sub- rule (5), after the words “on hydraulic basis”, the words “or distribution center wise” shall be inserted;
- (3) In sub- rule (6), after the words “combination of two or more thereof”, the words “or distribution centre” shall be inserted;
- (4) In sub- rule (7), after the words “wells”, the words “or pressurized pipe irrigation system” shall be inserted.

2. For the existing Form 'A', the following Form shall be substituted, namely :-

**"FORM - A
NOTIFICATION
[See sub-rule (2) of rule 3]**

WHEREAS, it has been decided to delineate the entire command area into Water Users' Areas on hydraulic basis or distribution center wise and which are found to be administratively viable;

AND WHEREAS, the water users' areas as so divided shall be further divided in to twelve/six number of territorial constituencies equally as far as possible for the purpose of forming the Water Users' Associations in respect of Major/Medium or Minor Irrigation Systems respectively;

Now, THEREFORE under sub-rule (2) to (6) of rule 3 of the Madhya Pradesh Sinchai Prabandhan Me Krishikon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999), I the Collector and District Magistrate of..... District/Authorised Officer hereby Delineate Water Users 'Area into twelve/six territorial constituencies, and direct that the maps and sketches indicating the various Water Users' Areas and the territorial constituencies shall be displayed on the notice board of the Gram Panchayat and on the notice board of the office of the Janpad Panchayat.

Any objections or claims against the delineation detailed below may be filed before the authorised officer within seven days excluding the date of display on the notice board of the office of Gram Panchayat or the Janpad Panchayat.

.....Irrigation System.
..... Water Users' Association,

Name of the Village.....

Total Nos. of Territorial Constituencies twelve/six

Name of the Tehsil.....

Name of the major/minor projects

Total Command area in Hectare Territorial constituency No.....

(Part No.....)

SI. No.	Location of Off –Take - Sluice/Distribution Center	Command Area		Village
		Survey No.	Extent in Hectare	
(1)	(2)	(3)	(4)	(5)

(Strike out which ever is not applicable)

Collector and District Magistrate/Authorised Officer.

.....District... ?".

3. For the existing Form “B”, the following Form shall be substituted, namely:-

"FORM B

[See sub-rules (14) of rule 3]

Whereas, the objections received against Form-A displayed on..... (Date) have been considered and thoroughly examined.

And whereas, it is considered that the amendments to Form "A" are considered necessary; and accordingly they are hereby made and revised in the table hereunder.

.....Irrigation System.
 Water Users' Association,

Name of the village

Total Nos. of Territorial constituencies

Name of the Tehsil

Name of the major/minor projects

Total Command Area in Ha..... Territorial
 constituency No.....

(Part No.....)

Sl.No.	Location of Off –Take - Sluice/Distribution Center	Command Area		Village
		Khasra No.	Extent in Ha.	
(1)	(2)	(3)	(4)	(5)

Collector & District Magistrate/Authorised Officer

..... District”.

4. For the existing Form “J”, the following Form shall be substituted, namely:-

"FORM J
[See section 5(1)]

In exercise of the powers conferred by sub-section (1) of section 5 of the Madhya Pradesh
Sinchai Prabandhan Me Krishikon Ki Bhagidari Adhiniyam, 1999 (Act 23 of 1999) the State
Government, hereby, delineate the distributory areas, Irrigation System,
for the purpose of constituting Distributory Committees as specified in the table below.

TABLE

..... Irrigation System
..... District

TABLE

SI. No.	Name of the Distributory Committee	Location of the Off-Take Sluice / Distribution Center	Name of the WUAs	Name of the Tehsil	Name of the District
(1)	(2)	(3)	(4)	(5)	(6)
					..”.

5. For the existing Form “K”, the following Form shall be substituted, namely:-

“FORM - K
[See section 7(1)]

In exercise of the powers conferred by sub-section (1) of section 6 of the Madhya Pradesh Sinchai Prabandhan Me Krishikon Ki Bhagidari Adhiniyam, 1999, (Act 23 of 1999) the State Government, hereby, delineate the project areas for..... Irrigation System, for the purpose of constituting Project Committees as specified in the table below.

TABLE

..... Irrigation System
..... District

TABLE

SI. No.	Name of the Project Committee	Location of the Off-Take Sluice /Distribution Center	Names of the Distributary committee/ Water Users Association	Name of the Tehsil	Name of the District
(1)	(2)	(3)	(4)	(5)	(6)

By order and in the name of the
Governor of Madhya Pradesh,
B.S.Tekam,Dy.Secretary

Published in the "Madhya Pradesh Gazette (Extraordinary)" No.370

Wednesday dated 13 July , 2022

जल संसाधन विभाग
मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 13 जुलाई 2022

"CORRIGENDUM"

F- 35-31-2019-M-XXXI-120.- In the Notification of this Department No. F-35-31-2019-M-XXXI-102, published in the Madhya Pradesh Gazette (Extraordinary) No. 349, dated 30th June 2022, at the page no. 698(9) in the preamble of FORM – K, for the words and figures "sub-section (1) of section 6" the words and figures "sub-section (1) of section 7" be deemed to have been established and read accordingly.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही.एस.टेकाम, उपसचिव

Published in the "Madhya Pradesh Gazette (Extraordinary)" No.532

Thursday dated 29 September , 2022

जल संसाधन विभाग
मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 29 सितम्बर, 2022

"शुद्धिपत्र"

एफ-35-31-2019-M-इकतीस-163. -इस विभाग की दिनांक 30 जून 2022 को मध्यप्रदेश राजपत्र (असाधारण) क्रमांक 349 में प्रकाशित अधिसूचना क्रमांक एफ-35-31-2019-M-इकतीस-102, के पृष्ठ क्रमांक 698 पर प्ररूप - क में :-

- (1) कोष्ठक, शब्द तथा अंक "[नियम 3 का उप नियम (2) देखिये]" के स्थान पर कोष्ठक, शब्द तथा अंक "[नियम 3 का उप नियम (1) देखिये]" स्थापित हुआ समझा जाए एवं तदनुसार पढ़ा जाए .
- (2) कोष्ठक, अंक तथा शब्द, "नियम 3 के उप-नियम (2) से (6)" के स्थान पर कोष्ठक, अंक तथा शब्द "नियम 3 के उप-नियम (2) से (10)" स्थापित हुआ समझा जाए एवं तदनुसार पढ़ा जाए .

"CORRIGENDUM"

F-35-31-2019-M-XXXI-163.-In the Notification of this Department No. F-35-31- 2019-M-XXXI-102, published in the Madhya Pradesh Gazette (Extraordinary) No. 349 dt.30th June 2022 at the page no 698 (5) in the FORM - A :-

- (1) for the bracket, words and figures "[See sub-rule (2) of rule 3]" the bracket, words and figures "[See sub-rule (1) of rule 3]" be deemed to have been established and read accordingly.
- (2) for the bracket, figures and words "sub-rule (2) to (6) of rule 3" the bracket, figures and words "sub-rule (2) to (10) of rule 3" be deemed to have been established and read accordingly.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही.एस.टेकाम, उपसचिव

GOVERNMENT OF MADHYA PRADESH
WATER RESOURCES DEPARTMENT

MADHYA PRADESH FARMER'S ORGANIZATION ELECTION
RULES ,2014 OF SINCHAI PRABANDHAN ME KRISHKON KI
BHAGIDARI ADHINIYAM, 1999

{As on 01 December 2014}

Madhya Pradesh Farmers' Organization Election Rules, 2014

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भोपाल, दिनांक...1.....दिसम्बर 2014

क्रमांक 809/2014/म/31 भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, इस विभाग की अधिसूचना क्रमांक 809/2014/म/31 दिनांक 1 दिसम्बर, 2014 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

(एम.एस.धाकड़)
सचिव.

Bhopal, the ..1.. December, 2014

No. 809/2014/म/31 In exercise of the powers conferred by section 43 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999), the State Government, hereby, makes the following rules for the elections of Farmers' Organization in Madhya Pradesh, namely:-

RULES CHAPTER-I

1. **Short title, application and Commencement.**-(1) These rules may be called the Madhya Pradesh Farmers' Organization Election Rules, 2014.

(2) These Rules shall apply to such water users' Association who have completed their term of election and shall not apply to such water users' Associations whose term of election has not expired at the commencement of these rules.

(3) They shall come into force from the date of their publication in the Madhya Pradesh Gazette.
2. **Definitions.**- In these rules, unless the context otherwise requires,-
 - (a) "Act" means The Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhinyam, 1999 (No. 23 of 1999);
 - (b) "competent authority " means the Authority appointed under section 21 of the Act;
 - (c) "District Election Officer" means the Collector of the District to conduct the election under these rules;

- (d) "forms" means the Forms appended to these rules;
- (e) "Returning Officer" means an officer appointed by the District Election Officer;
- (f) "voter list" means the list prepared under sub-rule (1) of rule 4 of the Madhya Pradesh Farmers' Organisation Constitution Rules, 1999.

CHAPTER-II

3. **Administrative Machinery for the Conduct of elections.-** (1) The Commissioner of a revenue division appointed under Section 33 of the Act shall be Divisional Election Authority for the purpose of conducting elections within their respective jurisdiction.
- (2) The elections of members of Territorial Constituency of the Water Users' Association and President/ Chairperson of the Farmers' Organisation shall be conducted under the superintendence, direction, control of the District Election Authority.
- (3) The District Collector shall be the District Election Authority. The functions of the Divisional Election Authority under these rules may also be performed by the District Election Authority within his jurisdictions, as may be authorized by Divisional Election Authority.
- (4) The Additional Collector of the District shall be the Additional District Election Authority. The Tehsildar or the Sub-divisional Officer (Revenue), as the case may be, in the district shall be the Deputy District Election Authority.
- (5) The Additional District Election Authority and the Deputy District Election Authority shall perform such of those functions, as may be assigned to them by the District Election Authority. The District Election Authority may authorize in writing, the Additional District Election Officer or the Deputy Election Authority to exercise in any local area in the District in regard to any Water Users' Association, the Distributory Committee or the Project Committee in that area any of the powers vested in him under these rules.
4. **Conduct of elections.-** Subject to the general superintendence, direction and control of the Divisional Election Authority, the district Election Authority shall be responsible for the conduct, co-ordination and supervisory of all

works in connection with the conduct of elections of the members of the Territorial Constituencies, President of Water Users' Association, Distributory Committee and the Chairperson of the Project Committee.

5. **Appointment of an Election Officer.-** For every election to fill the seats of member of Territorial Constituency, President of Water Users' Association and the Distributory Committee, and for the office of the Chairperson of the Project Committee, the District Election Authority shall designate or nominate by order an officer as an Election Officer, who shall be as far as possible be a Gazetted Officer of the State Government or of a local authority not below the rank of a Tehsildar.

6. **Appointment of Assistant Election Officer.-** The District Election Authority may appoint one or more persons as Assistant Election Officers to assist any Election Officer:

Provided that every such person shall be an officer of the State Government or of a local authority.

7. **Functions of an Assistant Election Officer.-** 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 functions of the Election Officer, which relate to the scrutiny of nominations papers unless the Election Officer is unavoidably prevented from performing the said functions.

8. **General duty of an Election Officer.-** 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 conducting the election in the manner provided under the Act and under these Rules or orders made thereunder.

9. **Arrangement of polling stations for elections.-** The District Election Authority shall, subject to such directions as may be issued by the Election Authority, provide as many polling stations as are necessary for the conduct of elections and shall in such manner as the Election Authority may direct a list

showing the polling stations and the areas or groups of voters for which they have been provided respectively.

10. **Appointment of Presiding Officer for polling station.-** (1) The District Election Authority or any officer authorized by him shall appoint a Presiding Officer for each polling station and such other polling officers as he thinks necessary but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about election:

Provided that if a polling officer is absent, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election to be the Polling Officer and inform the Election Officer accordingly:

Provided further that the polling personnel appointed for the conduct of poll for member of the Territorial Constituencies of Water Users' Association, any other officer authorized by him in this behalf under this rule may also conduct the poll for any other elective office for which the election is conducted simultaneously.

(2) A polling officer shall, if so directed the Presiding Officer, perform all or any of the functions of a presiding officer under these rules.

(3) If a Presiding Officer owing to illness or due to unavoidable cause, absents from the polling station his functions, shall be performed by such Polling Officer, as has been authorized by the Election Officer to perform such function during any such absence.

(4) It shall be the general duty of the Presiding Officer at the polling station to keep and maintain public order thereat, and to see that the poll is taken in a fair manner.

CHAPTER-III

ELECTION OF MEMBER OF THE TERRITORIAL CONSTITUENCY AND PRESIDENT OF WATER USERS' ASSOCIATION

11. Public Notice of Election- (1) The election shall be held for the purpose of constituting a Water Users' Association after the commencement of the Act and on the expiration of the term of the members of Territorial Constituencies of Water Users' Association or on vacancy in such office either by death, resignation or recall or disqualified, as the case may be.

(2) For the purpose of sub-rule (1) the Divisional Election Authority shall, subject to such directions as may be issued by the State Government in pursuance of and in consonance with the provisions of the Act in this behalf, publish a notice in Form-1, for conducting the election of the members of the Territorial Constituency of the Water Users' Association in accordance with the provisions of the Act, and rules and Orders made thereunder.

(3) The defaulter list shall be displayed 15 days in advance before the date of publication of this notice in Form-1.

Explanation.—'Defaulter' means a person who has not paid any sum due by him under the Madhya Pradesh Irrigation Act, 1931 (No. 3 of 1931) for a period of three years or more.

(4) On the issue of the notice under sub-rule (2), the Election Officer shall give public notice of the elections for members of Territorial Constituencies Water Users' Association, in Form-2 in Hindi language which shall be published at prominent places and in such manner as the Election Officer may direct.

(5) The dates fixed for the various stages of the election shall be, subject to the following conditions, namely:-

- (a) The last date for making nominations shall not be earlier than the fourth day and not later than the tenth day after the publication of the notice referred to in sub-rule (2), whether or not it is a public holiday;
- (b) The date for the scrutiny of nominations shall be the day immediately following the last date for making nominations whether or not it is a public holiday;
- (c) The last date and time for withdrawal of the candidature shall not be later than 3.00 p.m. of the third day succeeding the day appointed for scrutiny of the nominations, whether or not it is a public holiday;

(d) The date or dates on a poll shall be taken, which or first of which shall be a date not earlier than the tenth day after the last date for withdrawal of the candidature;

(e) The poll shall commence on the day fixed at 8.00 a.m. and shall be closed by 2.00 p.m. soon after the polling is over, counting shall commence and the results shall be declared on the same day.

12. **Fixing the tenure of members of Territorial Constituencies at the time of first election.**- In accordance to the proviso to sub-section (3) of section 4 of the Act the tenure of the members of Territorial Constituencies shall be fixed in a manner prescribed in rule 4A of Madhya Pradesh Farmers Organization Constitution Rules, 1999.

13. **Restriction against holding more than one post in Water Users' Associations:** There shall be a provision for restriction against holding more than one post under Rule 4 B of Madhya Pradesh Farmers Organization Constitution Rules, 1999.

14. **Special Election Programme.**— Notwithstanding anything contained in these rules, where the election process is interrupted or the election programme has to be altered on account of the orders of any Court of Law or for other valid reasons to be recorded in writing, it shall be competent for the Election Authority either generally or in respect of specified Water Users' Association to alter the election programme as he thinks fit, in the circumstances of the case without having regard to sub-rule (5) of rule 11 and the Election Officer shall give effect to the same :

Provided that where the election programme is re-notified under this rule commencing from the making of nominations, the nominations already made shall be disregarded and the deposits, if any, made under rule 17 shall be refunded.

15. **Nomination of Candidates.**—(1) Any person may be nominated as a candidate to fill the office of members of the Territorial Constituencies and President of Water Users' Association and Distributory Committee, Chairperson of Managing Committee of Project Committee, if he is qualified

to be chosen to fill the seat under the provisions of the Act. Every nomination paper shall be in Form-3, for Territorial Constituencies member, in Form 20 for President of Water Users' Association, in Form-29 for the Distributory Committee and in Form-38 for the Project committee and shall be presented on or before the date appointed, by the candidate or by his proposer in person in Form-3 for Territorial Constituencies member, in Form 20 for president of Water Users' Association, in Form-29 for the distributory Committee and in Form-38 for the Project Committee, between the hours specified (in sub-rule (5) of rule 11) duly signed by the candidate and by the proposer. The candidate shall sign the declaration on the nomination paper.

- (2) A candidate for the office of member of Territorial Constituencies or President of Water Users' Association, Distributory Committee and Chairperson of Project Committee and his proposer shall be such persons whose names are registered in the voters' list for that Particular Territorial Constituency of Water Users' Association, Distributory Committee or Project Committee respectively.
- (3) Each candidate shall be nominated on a separate nomination paper.
- (4) A candidate may be nominated by more than one proposer separately for the same elective office in a separate nomination form:

Provided that not more than four nominations shall be filed by or on behalf of a candidate.

16. Presentation of nomination paper and requirements of valid nomination.—(1) On or before the date appointed, each candidate either in person or, by his proposer deliver to the authorized election officer, during the time and the place specified in the notice issued under rule 11, a duly completed nomination paper in Form-3 and signed by the candidate and an eligible voter of the concerning Water Users' Association as proposer.

(2) On receiving nomination paper, the Election Officer shall forthwith number of the nomination paper serially in the order in which it is presented and give a receipt as provided in Form-3 for territorial constituency, in Form 20 for President of Water Users' Association, in Form-29 for the Distributory Committee and Form-38 for Project Committee and the election officer or such

other authorized person shall satisfied himself that the name and number of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral roll. Whether necessary, he shall direct that the nomination form be amended so as to be in accordance with the electoral roll.

(3) The Election Officer may while interpreting an entry in the voters' list overlook the clerical or printing errors, only, but he shall record the interpretation adopted by him, together with the reasons thereof, while making the formal acceptance or rejection on scrutiny of a nomination.

17. (a) Security Deposit/Nomination fee-

(1) Any eligible candidate who is desirous of contesting for the post of the member of the Territorial Constituency, President of Water Users Association, President of Distributory Committee, Chairman of Project Committee shall pay a nomination fee as mentioned hereunder in the table and obtain the nomination form from the Election Officer concerned.

Explanation: The above fees prescribed for various posts in Farmers Organizations, are exclusive for that post and are independent of each other.

Table

(see rule 17) Table: Security Deposit/ Nomination fee in Farmer Organization		
	Posts in Farmers Organisation	Security Deposit/ Nomination Fees
(a)	Water Users Associations (Major, Medium and Minor Irrigation Systems) (i) Member of Territorial Constituency (ii) President	Rs. 200 (Rupees two hundred only) Rs. 300 (Rupees three hundred only)
(b)	Distributory Committees (Major Irrigation Systems) (i) President	Rs. 500 (Rupees five hundred only)
(c)	Project Committees (Medium Irrigation Systems) (i) Chairman	Rs. 1000 (Rupees one thousand only)
(d)	Project Committees (Major Irrigation Systems) (i) Chairman	Rs. 2000 (Rupees two thousand only)

Note:- All amounts to be received from the contesting candidates towards security deposit nomination fee shall compulsorily be in cash only and no cheque or demand draft etc, shall be accepted by the Election Officer.

(b) Receipt book

- (i) Method of Printing of receipt books.-
- (a) the receipt for acknowledgment the nomination fee shall be in Form-46 in duplicate.
- (b) each receipt book shall contain twenty original receipts and twenty duplicate receipts printed in A4 Size paper (two receipts per sheet) with continuous serial numbers for the district.
- (c) each receipt book shall also contain an abstract of collections, instructions to Election Officer and District Election Authority and also instructions for printing of receipt books along with details of nomination fee payable by the contesting candidates.
- (d) all the sheets shall be pinned/stitched in booklet form with printed cover page, as per model receipt book.
- (e) each receipt book shall contain book numbers i.e. with continuous serial numbers.
- (ii) Issue and use of receipt book.-
- (a) receipt book shall be issued in sufficient numbers to each Election Officer for every election in Farmers Organization. The Election Officer shall use the next receipt book only after completion of current receipt book.
- (b) Receipt book partly used in one election shall not be issued for another election.
- (c) No receipt shall be cancelled by the Election Officer, except in the case of any defects in printing:

Provided that where a candidate has been nominated in more than one nomination paper, not more than one security deposit shall be required to be made.

(2) Refund of Deposit/Nomination Fee.-

If no nomination paper is received within the time appointed in that behalf, in respect of any person by whom/or whose behalf the security deposit referred to in sub-rule (1) has been made or if the nomination of any such person is rejected, or if he withdraws his candidature in the manner and within the time specified in sub-rule (1) of rule 20, the security deposit shall be returned immediately to the person by whom it made and if any candidate dies before commencement of the poll, any such security deposit if made by him shall be returned to his legal representative, if not made by the candidate, shall be returned to the person by whom it was made.

- (3) If a candidate by whom or on whose behalf the security deposit referred to in sub-rule (1) has been made, is not elected and the number of valid votes polled to him does not exceed one eighth of the total number of valid votes polled by all the candidates, the security deposit shall be forfeited to the Government.
- (4) The security deposit made in respect of a candidate shall, if it is not forfeited under sub-rule (3) be returned to the candidate or to the person who has made the security deposit on his behalf, as the case may be, within thirty days after publication of the result of election in accordance with rule 54.
- (5) A security deposit required to be returned to any person under sub-rule (4) shall, if such person is dead, be returned to his legal representative.
- (6) Notwithstanding anything contained in this rule immediately after publication of the result of election, the Election Officer or the person authorised by the District Election Authority in this behalf, shall pass an order as to whether a security deposit made under sub-rule (1) shall be refunded or forfeited. The Competent Authority of the concerning Water Users' Association shall within thirty days from the date of publication of the result, return the security deposit to the person who made the security deposit or to his legal representative when such security deposit is refundable. In the case of forfeited of security deposit under sub-rule (2), the Election Officer shall communicate an order to the person concerned who made the security deposit by giving the reasons for such forfeiture.

- (7) The amounts received towards election security deposit etc., credited to the Water Users' Association / Distributory Committee /Project Committee, as the case may be, the fund shall be remitted to Government Account by the concerning Competent Authority after deducting any refunds made to the concerned person for any reason provided under these rule.
18. **Publication of Nominations.**—Immediately after expiration of the time specified for receipt of the nomination papers on the date fixed for that purpose, the Election Officer or such other authorised person shall publish at his office in Hindi language a list in Form-4 for territorial constituency member, in Form 21 for President of for Water Users' Association, in Form-30 for Distributory Committee and in Form-39 for Project Committee of all the nominations received, with a notice that the nomination papers shall be taken up by the Election Officer for scrutiny at the specifying place, the date and time.
19. **Scrutiny of Nomination Papers.**—(1) On the date appointed for scrutiny of the nominations, the candidates, the proposer of each candidate and one other person duly authorized in writing by each candidate, may attend at such time and place as may be specified under rule 18. No other person shall be entitled to be present. The Election Officer may, however, admit such other persons as he thinks fit to assist him. The Election Officer give such persons all reasonable facilities to examine the nomination papers of all the candidates.
- (2) The Election Officer shall then examine the nomination papers and shall decide on all the objections which may be made to any nomination and may either on such objection or on his own motion after summary enquiry as he thinks necessary, reject any nomination on any of the following grounds, namely :
- (a) that the candidate is disqualified for election as Member of Territorial Constituency, President of Water Users' Association/Distributory Committee, and Chairperson of Project Committee as the case may be, under Section 14 of the Act; or
- (b) that the name of the candidate or of his proposer or both is or are not registered in the voters' list; or

- (c) that the candidate or his proposer has failed to comply with any of the provisions of rule 15 or 17; or
- (d) that the signature or the thumb impression of the candidate or the proposer in the nomination paper is not genuine :

Provided that the Election Officer shall not reject any nomination paper on the ground of mere clerical or printing error or any defect which is not of a substantial character.

(3) 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 brief statement of his reasons for such rejection. The scrutiny shall as far as practicable, be completed on the date appointed in this behalf under rule 18 and no adjournment of the proceedings shall ordinarily be permissible except to provide an opportunity to a candidate to rebut any contention raised against his candidature.

(4) For the purpose of this rule, a certified copy of an entry in the voters' list in force of a Territorial Constituencies/Water Users' Association/Distributory Committee/ Project Committee, as the case may be, shall be conclusive evidence of the fact that the person referred to in that entry is an elector for the Water Users Association/Distributory Committee/ Project Committee, unless it is proved that he is subject to any disqualification mentioned in the Act.

(5) Immediately after all the nomination papers have been scrutinized and the decision regarding accepting or rejecting the same have been recorded, the Election Officer shall prepare a list of validly nominated candidates, and affix it on the notice board of his office in Form 5 for territorial constituency member, in Form 22 for President of Water Users' Association, in Form 31 for Distributory Committee and in Form 40 for Project Committee as the case may be.

20. **Withdrawal of Candidature.**—(1) Any candidate may withdraw his candidature by notice in writing in Form 6 for territorial constituency member, in form 23 for President of Water Users' Association, in Form 32 for President

of Distributory Committee and in Form 41 for Chairperson of Project Committee, signed by him and delivered to the Election Officer either by such candidate in person or by his proposer or by his election agent at any time after the presentation of his nomination paper and not later than 3.00 p.m. of the third day succeeding the day appointed for scrutiny of the nominations in case of Territorial Constituency and between 1.00 p.m. to 1.30 p.m. of the same date in case of WUA Distributory Committee and Project Committee, whether or not it is public holiday. The Election Officer shall give a receipt for the same as provided in Form 6 for territorial constituency member, in Form 23 for President of Water Users Association, in Form 32 for President of Distributory Committee, in Form 41 for Chairperson of Project Committee on being satisfied as to the genuineness of the notice of withdrawal and the identity of the person delivering it.

(2) The Election Officer on receiving a notice of withdrawal under sub-rule (1) shall, as soon as may be, cause a notice of the withdrawal to be published in Form 7 for territorial constituency member, in Form 24 for President of Water Users' Association, in Form 33 for Distributory Committee and in Form 42 for Project Committee, as the case may be.

(3) A candidate who has withdrawn his candidature under sub-rule (1) shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

21. **Publication of list of contesting candidates.** (1) Two days after scrutiny of the nominations, the Election Officer shall prepare in Hindi language a list in Form 8 for territorial constituency member, in form 25 for President of Water Users' Association, and on the same day in Form 34 for Distributory Committee and in Form 43 for Project Committee of persons whose nominations have not been rejected and who have not withdrawn their candidature and affix it on the notice board of his office.

(2) The list shall contain the names of the candidates in alphabetical order in Hindi and shall describe them as in their nomination paper and if poll is found to be necessary it shall also specify the distinctive symbols allotted to them under sub-rule (3).

(3) If a poll is found to be necessary, the Election Officer shall assign to each candidate subject to such directions as may be issued by the Divisional Election Authority in that behalf, a distinctive symbol,

(4) In every case where a symbol is assigned to a candidate under sub-rule (3) such candidate or his election agent shall be informed forthwith regarding the symbol so assigned and be supplied with a specimen thereof by the election officer.

22. Declaration of Result of Uncontested Candidate—(1) If number of contesting candidates is more than one, poll shall be conducted.

(2) If there is only one validly nominated candidate, the Election Officer shall forthwith declare such candidate as duly elected in Form 9 for member of Territorial Constituting President of Water Users' Association, in Form 27 for President of W.U.A. in Form 36 for Distributory Committee and in Form 45 for Project Committee and send the same to the Divisional Election Authority and the District Election Authority.

23. Death of Candidate Before poll.- If a contesting candidate dies and a report of his death is received before commencement of the poll, the Election Officer shall after being satisfied of the fact of the death of the candidate, countermand the poll and election proceedings shall be started afresh in all respects as if it is a new election:

Provided that no fresh nomination, shall be necessary in the case a candidate who stood validly nominated at the time of countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under rule 20 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election of after such countermanding.

24. Appointment of agents.-(1) (a) A candidate at an election to the member of Territorial Constituencies of a Water Users Association, may appoint any one person to be his election agent. Such appointment shall be given in Form 10 by forwarding the same in duplicate to the Election Officer who shall return one

copy thereof to the election agent after affixing therein his seal and signature in token of his approval of the appointment.

(b) An election agent may perform such functions in connection with the election as are authorized by or under these rules to be performed by an election agent.

(2) (a) The number of polling agents that may be appointed by a contesting candidate of his election agent, shall, in respect of each polling station, be one agent and a relief agent.

(b) Every such appointment shall be made in Form 11 and shall be handed over to the polling agent for production at the polling station.

(c) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument of the appointment under sub-rule (2) after duly completing and signing. Before the Presiding Officer the declaration contained thereon.

(d) A polling agent may perform such functions in connection with the poll are authorized by or under these rules.

(3) (a) Each candidate may appoint such number of counting agents at the place or places fixed for counting as may be specified by the District Election Authority.

(b) Every such appointment shall be made in Form 12 in duplicate, one copy of which shall be forwarded to the Election Officer while the other copy shall be made over to the counting agent for production before the Election Officer not later than one hour before the time fixed for counting.

(c) A counting agent may perform such functions in connection with counting of votes as are authorized by or under these rules.

(4) (a) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station.

(b) A contesting candidate himself or his election agent may do any act of thing which any polling agent or the counting agent of such contesting candidate if appointed, would have been authorized by or under these rules so to do, or may assist any polling agent or counting agent or such contesting candidate in doing any such act or thing.

(5) Where any act or thing is required or authorised by or under these rules to be done in the presence of the polling or counting agents, the non attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act of thing is otherwise duly done, invalidate the act or thing done.

25. Voting.— (1) If poll has to be taken, the Election Officer shall appoint forthwith one or more presiding officers at each polling station and may pay the remuneration as fixed by the Government for their services. The Election Officer shall provided for each Presiding Officer such number of Polling Officers as may be necessary and also if necessary appoint one or more identifying officers to assist the presiding Officer in identifying the electors.

(2) The Presiding Officer shall see that the election is fairly conducted and to that end keep order at the polling station to regulate the number of electors to be admitted at one time, and shall exclude all persons other than,-

- (a) the candidates, and at each booth one polling agent at a time of each candidate appointed in writing by the candidate.
- (b) the police or other public servants on duty;
- (c) Polling officers and such persons as the presiding officers may from time to time admit for the purpose of identifying electors;
- (d) persons authorised by Government;
- (e) a child in arms accompanying an elector; and
- (f) a person accompanying a blind or infirm elector who cannot move without help

(3) Where a woman elector cannot be identified by the identifying officers appointed under sub-rule (1) by reason of her observing purda, she may be

required to be identified by any of her near relatives unless she otherwise satisfied the Presiding Officer of her identity.

Explanation: If any question arises as to whether a person is or is not a near relative within the meaning of this sub-rule be decided by the Presiding Officer and his decision shall be final.

26. Right to vote. — All electors voting shall vote in person at the polling station as provided under the rules.

27. Arrangements of polling station — (1) Outside each polling station there shall be displayed prominently-

- (a) a notice specifying the polling area, the serial number of electors in relevant voters' list who are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled;
- (b) copy of the list of contesting candidates with the serial numbers and the symbols assigned to them; and
- (c) each of the polling station shall contain one compartment in which electors are to cast their votes.

Note : the polling station should be able to accommodate voters by the Divisional Election Authority.

(2) There shall be one ballot box in the polling booths for the member of the Territorial Constituency of Water Users' Association

(3) The Election Officer shall provide at each polling station sufficient number of ballot boxes, together with copies of the electoral roll or such part thereof, may as contain the names of the electors entitled to vote at the station, and such other papers, and articles necessary for electors to mark the ballot papers, stationery and forms as may be necessary.

28. Preparation of ballot boxes.—(1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such candidates their election agents or the polling agents present as are desirous of affixing the same.

- (2) The Presiding officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall secure and seal the box in such manner that the slit for the insertion of ballot paper therein remains open.
 - (3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seal.
 - (4) Where it is not necessary to use paper seals or securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.
 - (5) Every ballot box used at a polling station shall bear label both inside and outside marked with-
 - (a) the description of the polling station;
 - (b) the serial number of the ballot box (to be filled in at the one of the polls on the label outside the ballot box only); and
 - (c) the date of poll.
 - (6) Immediately before the commencement of the poll the Presiding officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule(5).
 - (7) The ballot box shall be closed, sealed and secured and placed in full view of the Presiding Officer and polling agents.
 - (8) Immediately before commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other present the marked copy or, as the case may be, marked copies of the voters' list to be used during the poll.
29. **Form of ballot paper.**—(1) Every ballot paper shall have a counterfoil attached and the said ballot paper and the counterfoil shall be in such form as the Divisional Election Authority may, by order, direct.
- (2) Every ballot paper shall, before issue to an elector, be
 - (a) Stamped or shall be written on its back such of the details as may be specified by the Divisional Election Authority;
 - (b) Name and number of the polling station;

- (c) Name of the Water User Association and number of Territorial Constituencies;
- (d) signed in full on its back by the Presiding Officer.

30. **Issue of Ballot Papers.**—(1) Immediately before any ballot paper is issued to an elector the Presiding Officer shall-

- (a) call upon the number, name and description of the elector as stated in the voter list, and
- (b) record on its counterfoil the voters' list number of the elector as entered in the marked copy of the voters' list and obtain the signature or the thumb impression of the elector on the said counterfoil:

Provided that no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counter-foil of that ballot paper.

- (2) The Presiding Officer or Polling Officer, as the case may be, shall underline the entry relating to the elector in the marked copy of the voters' list with him in every case and where the elector is a female shall put a (√) mark also on the left hand side of the name of the female elector.
- (3) The Presiding Officer or Polling Officer, as the case may be, shall apply the indelible mark on the rid between the skin and the root of the nail of left-hand forefinger to him.
- (4) No person in the polling station shall note down the serial numbers of the ballot papers issued to any elector.

31. **Maintenance of Secrecy of voting by Electors and Voting Procedure.**—(1) Every elector to whom a ballot paper has been issued under rule 30 or under any other provisions of these rules shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereafter laid down.

- (2) The elector on receiving the ballot paper shall forthwith-
 - (a) proceed to the voting compartment,

- (b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol allotted to the candidate for whom he intends to vote,
 - (c) fold the ballot paper vertically first and thereafter horizontally so as to conceal vote,
 - (d) insert the folded ballot paper into the specified ballot box; and
 - (e) leave the polling station by the exit provided.
- (3) Every elector shall vote without undue delay.
 - (4) No elector shall be allowed to enter a voting compartment when another elector is inside it.
 - (5) If an elector to whom a ballot paper has been issued refuses, after warning given by Presiding Officer to observe the procedure laid shown in sub-rule (2) the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or Polling Officer under the direction of the Presiding Officer.
 - (6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the word "Cancelled voting procedure violated" and put his signature below these words and all such papers shall be kept in a separate cover which shall bear on its face the words "Ballot papers-voting procedure violated".
 - (7) Without prejudice to any other penalty to which an elector, from whom a ballot paper has been taken back under sub-rule (5), may be liable and the vote, if any recorded on such ballot paper shall not be counted.
- 32. Blind and Infirm Voters.**—(1) If owing to blindness or other physical infirmity an elector is unable to recognize the symbols on the ballot paper or to make thereon, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot-box.

- (2) While acting under this rule, the Presiding Officer shall observe secrecy and shall keep a brief record of each such instances but shall not indicate therein the manner in which any vote has been given.
33. **Facilities to Women Electors.**—Special facilities in accordance with the instructions, if any, issued by Divisional Election Authority in that behalf may be accorded to women elector.
34. **Identification of Electors.**— When a person presents himself to vote and at any time before a ballot paper is supplied to him, the Presiding Officer may of his own accord and shall, if so required by a candidate or his polling agent, put to such person either one or both of the following questions,-
- (i) Are you the person enrolled as follows (reading the whole entry from the roll)?
- (ii) Have you already at the present election at this polling station or at any other polling station? And the person shall not be supplied with a ballot paper unless he gives an unqualified answer to the question or questions put to him/her in the affirmative to the first and in the negative to the second or such questions except as mentioned herein, every person whose name is found on the voters' list shall be entitled to be supplied with a ballot paper.
35. **Tendered Votes.**—(1) If a person representing himself to be particular elector, applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions to mark ballot paper (hereinafter in these rules referred to as a "Tendered Ballot Paper") in the same manner as any other elector.
- (2) Every such person, shall before being supplied with a tendered ballot paper, sign his name against entry relating to him in a list in Form-13.
- (3) A tendered ballot paper shall be the same as the ballot paper used at the polling except that shall be-
- (a) taken serially from the bottom of the bundle of ballot papers issued for use at the polling stations in successive cases; and

- (b) endorsed on the back with the words "Tendered Ballot Paper" by the Presiding Officer in his hand and signed by him.
- (4) The elector, after making a tendered ballot paper in the voting compartment and folding it, shall instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specifically kept for the purpose.
- 36. Challenging of Identity.--**(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of Ten rupees in cash with the Presiding Officer for each such challenge.
- (2) On such a deposit being made, the Presiding Officer shall, —
- (a) warn the person challenged of the penalty impression;
- (b) read the relevant in the voters' list in full and ask him whether he is the person referred to in the entry;
- (c) enter his name and address in the list of challenger votes in form-14; and
- (d) require him to put his signature or thumb impression in the list.
- (3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose. —
- (a) require the challenger to produce evidence in proof of the challenge and the person challenged to produce evidence in proof of his identity;
- (b) put the person challenged any question necessary for the purpose of establishing his identity and enquire him to answer them on oath; and
- (c) administer on oath to the challenger and any, other person offering to give evidence.
- (4) If after the enquiry the Presiding Officer considers that the challenge has not been established, he shall allow the person, challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Government and in any other case he shall return it to the challenger at the conclusion of the inquiry.

37. Safeguards against Impersonation.—(1) Every. Elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall allow his left forefinger to be inspected by the Presiding Officer or polling Officer and an indelible ink mark to be put on it.

(2) Any reference in this rule to the left forefinger of an elector shall in case where the elector has his left forefinger missing be construed as a reference to any other finger of his left hand and shall, in case where all the fingers of his left hand are missing, be construed as a reference to the forefingers or any other finger of his right hand, and shall in case where all his fingers of both hands are missing, be construed as a reference in such extremity of his left or right arms as he possesses.

(3) The Presiding Officer shall be at liberty to refuse to deliver ballot paper to any person for voting at the polling station if at the time such person applies for a ballot paper has already an indelible ink mark referred in sub-rule (1) and (2). -

38. Spoilt and Returned ballot Papers.—(1) An elector who has inadvertently dealt with his ballot may, be delivering it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterfoil of, such ballot paper shall be marked as "Spoilt Cancelled" by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned Cancelled" by the Presiding Officer.

(3) All ballot paper cancelled under sub-rule (1) and sub-rule (2) shall be kept in a separate packet.

39. **Closing of poll and sealing of Ballot Boxes and covers after poll.**-(1) The Presiding Officer shall close the polling station at the hour appointed for closing under clause (e) of sub-rule (5) of rule 11 and shall not thereafter admit any elector into a polling station :

Provided that all elector present at the polling station before it is closed shall be allowed to cast their votes.

- (2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the Presiding Officer and his decision thereon shall be final.
- (3) The Presiding Officer of each polling station as soon as practicable after the close of the poll shall close the slit of ballot box and where the box does not contain any mechanical devise for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal. The ballot box shall thereafter be sealed and secured.
- (4) 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-rule (3) before another ballot box is put into use.
- (5) The foregoing provisions of this rule shall not apply to a Presiding Officer of a polling station to whom Divisional Election Authority has issued a direction asking him to proceed in accordance with sub-rule (6).
- (6) At any such polling station as may be specified under sub-rule (5) as soon as practicable, after the close of poll, the Presiding Officer shall-
 - (a) transfer all the ballot papers, contained in the ballot boxes used at that polling station, without examining or counting them and due regard to the secrecy of the ballot, into a cloth bag or cloth lined cover after demonstrating to the polling agents present that the bag or cover is empty; and
 - (b) allow the polling agent present to inspect each ballot box and demonstrate to them that it has been emptied.

- (7) The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of any candidate or polling agents who may be present make up the following into separate packets and seal with his own seal and the seals of such candidates or agents as may decide to affix their seals
- (i) the tendered ballot papers;
 - (ii) the unused ballot papers;
 - (iii) the spoilt and returned ballot papers;
 - (iv) the marked copy of the electoral roll;
 - (v) the tendered voters' list;
 - (vi) the list of challenged votes with the statement or statements mentioned in sub-rule (2) of rule 36;
 - (vii) counterfoils of used ballot papers; and
 - (viii) the ballot papers cancelled for violation of voting procedure under rule 31.
- (8) Each packet shall be numbered and shall bear a note as to its contents, description of the election and the polling stations. Where no vote has been recorded at any polling station, the Presiding Officer shall submit a 'Nil' report together with the statement in Form-15.
- 40. Account of Ballot Papers, Ballot Boxes, packet etc.**-(1) the packets shall be accompanied by a statement in a separate cover in Form-15, made by the Presiding Officer showing the number of ballot papers, in the ballot boxes and unused, spoilt, returned and tendered ballot papers. The Presiding Officer shall deliver or cause to be delivered to the election Officer at such place as the Election Officer may direct,-
- (a) the ballot boxes or, as the case may be, the bags or covers referred to in rule 30;
 - (b) the ballot paper account or accounts;
 - (c) sealed packets or sets of sealed packets referred to in rule 39;

- (d) all other papers used at the poll.
- (2) The Election Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until commencement of the counting of votes.
41. **Scrutiny of opening of ballot boxes and counting of votes-**(1) (a) The counting of votes shall commence on the day and at the place and hour appointed in this behalf.
- (b) the Election Officer shall at least three days before the date or the first of the dates, fixed for the poll appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent:
- Provided that, if for any reason the election officer finds it necessary to do so, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.
- (c) votes shall be counted by or under the supervision of the Election Officer. The Election Officer shall appoint such number of counting assistants as may be necessary to assist him in counting of votes.
- (d) each candidate, election agent of each candidate, and one representative of each candidate authorised in writing by the candidate shall have a right to be present except such person or persons as Election Officer may appoint to assist him in counting votes. No person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate or any person whatsoever connected with the election of a candidate.
- (2) (a) the Election Officer shall open, or cause to be opened, simultaneously the ballot box or boxes used at more than one polling station and shall have the total number of ballot papers found in such box or boxes counted and recorded in Part II of Ballot Paper Account in Form-15;

- (b) Discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers issued to voters as shown in item 3 of Part I of the Form-15 minus the number of ballot papers cancelled as shown in item 4 thereof and the number of papers as shown in item 5 thereof, shall also be recorded in Part II of Form-15;
- (c) Before any ballot box is opened for counting of votes the counting agents presents thereat shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that the ballot box is intact;
- (d) The Election Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with in any way;
- (e) If the Election Officer is satisfied that any ballot box has in fact been tempered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid in rule 46 in respect of that polling station.
- (3) The Election Officer shall, as far as practicable, precede continuously, with the counting of votes, and shall, during any necessary intervals during which the counting has to be suspended. Ballot papers, packets and other documents relating to the election under his own seal and seals of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their safe custody.
- 42. Admission to the place fixed for counting.**—The Presiding Officer shall exclude from the place fixed for counting of votes all persons except-
- (a) such persons to be known as counting supervisors and-counting assistants as he may appoint to assist him in the counting;
- (b) persons authorised by the Government;
- (c) public servants on duty in connection with the election; and
- (d) candidates, their election agents and one representative of each candidate appointed in writing by the candidates as counting agents.

- 43. Rejection of ballot papers.**—(1) Subject to such general or special directions, if any, as may be given by the Divisional Election Authority in this behalf, the ballot papers shall be counted polling station wise.
- (2) the election officer shall reject a ballot paper;
- (a) if it bears any mark of writing by which the elector can be identified; or
- (b) if it bears no mark at all to indicate the vote, it bears a mark elsewhere thereon or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherthan with the instrument supplied to the purpose; or
- (c) if votes are given on it is favour of more than one candidate; or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful as to which candidate the vote has been given, or
- (e) if it is a spurious ballot paper; or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (g) if it bears a serial number or is of a design, different from the serial numbers or, as the case may be, design of the ballot papers authorised for use at the particular polling station; or
- (h) if it does not bear both the distinguishing mark and the signature which it should have borne under the provisions of sub-rule (2) of rule 29:

Provided that where the Election Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer the ballot paper shall not be rejected merely by the reason of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be given for a particular candidate clearly appears from the way the paper is marked.

- (3) Before rejecting and ballot paper under sub-rule (1), the Election Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.
- (4) The Election Officer shall endorse on every ballot paper which he rejects the word "Rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.
- (5) All ballot papers rejected under this rule shall be bundled together.
- (6) Every ballot paper which is not rejected under this Rule shall counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

- (7) After counting of all ballot papers contained in all the ballot boxes used in a Water Users' Association have been completed, the Election Officer shall make the entries in a result sheet in Form 16, and announce the particulars.
 - (8) The decision of the Election Officer as to the validity of a ballot paper shall be final subject to security only.
- 44. Recount of votes.--**(1) After such announcement has been made under sub-rule (7) of rule 43, a candidate or, in his absence, his election agent or any of his counting agents may apply in writing to the Election Officer for recounting of the votes either wholly or in part stating the grounds on which he demands such recount.
- (2) On such an application being made the Election Officer shall decide the matter and may allow the application in whole or in part or may reject in wholly if it appears to him, to be frivolous or unreasonable.
 - (3) Every decision of the Election Officer under sub-rule (2) shall be in writing and contain the reason thereof.
 - (4) If the Election Officer decide under sub-rule (2) to allow a recount of the votes either wholly or in part he shall -
 - (a) arrange for the recounting in accordance with Rule 42 and 43;

- (b) amend the result sheet in Form 16 to the extent necessary after such recount; and
- (c) announce the amendments so made by him.
- (5) After the total number of votes polled by each candidate has been announced under sub-rule (4), the Election Officer shall complete and sign the Result Sheet in Form 16 and no application for a further or second recount shall be entertained thereafter.
45. **Equality of votes.**—If, after the counting of the votes is completed an equality of votes is found to exist between any candidates and the addition of one vote will lead to any of those candidates being declared elected, the Election Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received the additional vote.
46. **Disturbances at the time of counting of votes.**—(1) If at any time before the counting of votes is completed and ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Election Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station or place can not be ascertained, the Election Officer forthwith report the matter to the Divisional Election Authority.
- (2) Thereupon, the Divisional Election Authority after taking all material, circumstances in to account, either -
- (a) direct that the counting of votes shall be stopped, declare the poll at that polling station or place to be void, appoint a day, and fix the hours for taking a fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as he, may deem fit; or
- (b) if satisfied that the result of a fresh poll at that polling station or place shall not, in any way, affect the result of the election, issue such directions to the Election Officer as may deem proper for the resumption and completion of the election and for further conduct and completion of the election in relation to which the votes have been counted.

- (3) The provisions of these rules and any rules or orders made thereunder shall apply to any and every such fresh poll as they apply to the original poll.
47. **Sealing of used ballot papers.**—The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which, shall be sealed with the seals of the Election Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals, thereon, and on the packets be sealed shall be recorded the following particulars namely-
- (a) the number of the polling station, number of ward/name of Water User Association / Janpad Panchayat; and
 - (b) the date of counting.
48. **Transfer of ballot papers to cloth bags.**—The provisions of Rules 42, 43 and 47 shall apply so far as may be in relation to counting of ballot papers and votes, which have been transferred from ballot boxes to cloth bags or cloth lined covers under sub-rule (6) of Rule 39:
- Provided that every reference in the said rules to a ballot box, shall be construed as a reference to a bag or cover to which the contents of a ballot box have been transferred.
49. **Counting of votes in case of fresh poll.**—(1) If a fresh poll is held under sub-rule (7) of Rule 54, the Election Officer shall after completion of the poll recommence the counting of votes on the date and at the time and place which have been fixed by him- in that behalf and for which notice has been previously given to the candidates or their election agents.
- (2) The provisions of rules 40 and 47, shall apply so far as may be to such, further counting.
50. **Declaration of Result.**—(1) The Election Officer shall, subject to the provisions of rule 45, in so far as they apply to any particular case;
- (a) declare in Form 17 the candidate to whom the largest number of valid votes have been given (to be elected under Rule 43 and send signed

copies thereof to the Divisional Election Authority and the District Election Authority; and

(b) complete the entries of the result of election in Form 16 and send signed copies thereof to the Divisional Election Authority and the District Election Authority.

(2) Copies of result sheet in Form 16 shall be supplied to the contesting candidates on payment of fee as charged for supply of certified copies of other Government records, copies of Form 17 shall also be supplied to the contesting candidate on payment of rupees ten for each copy. The District Election Authority or Election Officer on receipt of an application shall issue the certified copies referred to above.

51. Grant of Election Certificate—As soon as may be, after a candidate has been declared by the Election Officer under rule 22 or as the case may be under rule 52, to be elected, the Election Officer shall grant such candidate a certificate of election in Form 18, and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement by a registered post to the District Election Authority under intimation to the Divisional Election Authority.

52. Publication of Results:—The Election Officer shall publish on the notice Board in the office of the Water Users' Association concerned a notification signed by him, stating the name of the candidate duly elected.

53. Disposal of ballot papers. (1) The Divisional Election Officer shall, after declaring the results forward a copy of the return of the competent authority concerned and shall hand-over to the officer authorised by the Election Authority the packets of ballot papers, whether counted, rejected or tendered. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of an authority competent to decide election disputes.

(2) The Officer so authorised shall return packets and the marked copies of the voters' list for a year and shall then, unless otherwise directed by the

orders of an authority competent to decide election disputes, cause them to be destroyed.

- 54. Adjournment of poll in emergencies.**—(1) Where the proceedings at any polling station are seriously interrupted or obstructed by any riot or open violence or other wise or where a large number of electors are unable to attend the poll at a polling station by reason of an Act of God, such as flood or fire, the Presiding Officer shall stop the poll, pending receipt of the orders of the District Election Authority. The fact that the poll has been so stopped shall be immediately announced by the Presiding Officer to the persons present at the polling stations.
- (2) Where a presiding Officer stops a poll under sub-rule (1), he shall observe the procedure laid down in Rules 39 and 40 and forthwith make a full report of the circumstances to the Election Officer, who shall forward the same expeditiously with his remarks thereon, if any to the Division Election Authority.
- (3) The Divisional Election Authority shall thereupon order-
- (a) that the poll continued at the polling station for the number of hours for which it was not held on the previous occasion provided that not more than 50% of the voters have cast their votes; or
 - (b) that the proceedings at the poll held at the polling station on the previous occasion be ignored and that a fresh poll be held at such polling station for the full number of hours for which it should have been held on the previous occasion; and
 - (c) any order passed by the Divisional Election Authority under this sub-rule shall be final.
- (4) An order passed under sub-rule (3), the particular shall contain-
- (i) the date on which, and the hours between which the continuation poll or the fresh-poll, the case may be as, shall be held; and
 - (ii) the date on which and the place and hour at which the Election Officer, will commence the counting of votes under rule 49; and

- (iii) be given wide publicity in the polling area concerned by the Election Officer, in such manner as the District Election Authority may direct, announcing the date, place and hour of polling fixed under clause (i).
- (5) (a) where an order is passed under clause (a) of sub-rule (3) for the continuation of the poll, the Election Officer shall proceed afresh under sub-rule (1) of rule-25 and return to the Presiding Officer appointment under that sub-rule all the packets received by him under sub-rule (2) of this rule.
- (b) the Presiding Officer shall open the packets just before commencement of the continuation poll in the presence of such persons as may present at the polling station and commence such poll precisely at the hour fixed therefore in the order passed by the Divisional Election Authority under clause (a) of sub-rule (3).
- (c) at the continuation poll, the Presiding Officer shall allow only such electors to vote as did not vote in the previous occasion.
- (d) the Election Officer shall not count votes cast at such election until such continuation poll or fresh poll has been completed.
- (e) the Election Officer shall provide the Presiding Officer of the polling station, at which such continuation poll is held with the sealed packet containing the marked copy of the electoral roll, ballot-boxes and such-other material required for the poll.
- (6) Where an order is passed under clause (b) of sub-rule (3) for holding a fresh poll the Election Officer shall proceed afresh under sub-rule (1) of Rule 25 and a fresh poll shall be held at the polling station concerned in accordance with the provisions of these rules in all respects as if, it is being held at such polling station for the first time.

Explanation.- There shall be no fresh nominations in case falling under this sub-rule.

- (7) Notwithstanding anything contained in this rule, if a candidate dies at any time before orders are passed by the Divisional Election Authority under sub-rule (3) or at any time after the passing of such orders but before commencement of the continuation poll, as the case may be, the Election Officer shall upon being

satisfied of the fact of the death of the candidate intimate such fact to the Divisional Election Authority, stop all further proceedings in connection with the election and start election proceedings afresh in all respects as if for a new election:

Provided that no fresh nomination shall be necessary in the case of the remaining candidates who stood nominated at the time when the poll was stopped.

55. **Filling up of-casual vacancies.**— Any casual vacancy of Member of Territorial Constituencies of a Water Users' Association shall be filled up with in a period of thirty days from the date of occurrence of such vacancy on issue of a notification by the Divisional Election Authority following the provisions of these rules and orders made thereunder.
56. **Power of Government in certain cases.**- If any question arises to the interpretation of these rules otherwise than in connection with an enquiry held under these rules for the decision of disputes as to the validity of an election or in removing any difficulty in giving effect to the provisions of the Act, the question shall be referred to the Government whose decision thereon shall be final.
57. **Power of Election Officer to fix dates etc, in certain cases**— Notwithstanding anything in these foregoing provisions of these rules, the Government or the Divisional Election Authority may, before the filing of nominations in the case of any Water Users' Association, in particular empower the Election Officer to fix dates and period other than those specified or fixed by or under these rules for all or any of the stages of the election proceedings connected therewith.

CHAPTER-IV

58. Election of the President of the managing committee of water Users Association

- (1) Notwithstanding anything contained in these rules, the election of the members specified in sub-section (5) of section 4 of the Act, shall be held in the office of

the notified Janpad Panchayat at a special meeting of the members of the Managing Committee of the Water Users Association specified in sub-section (1) of section 4 thereof the Election Officer shall be the Collector or any Gazetted officer of the Government authorised by the District Election Authority.

- (2) There shall be a managing Committee for every Water Users Association consisting of all Territorial members of the Water Users Association.
- (3) Special meeting of members of the Territorial Constituencies of Water Users Association shall be held by the Election Officer to elect the President in case fifty percent of total Territorial Constituency posts are filled up.
- (4) The elected members of Territorial Constituencies shall be present at the venue of election within 7 days as directed by the Election Officer, after the declaration of the results of Territorial Constituency members of the Water Users Association for electing the President a manner as prescribed below.-
 - (a) the Election Officer shall display the voters' list for the purpose of the election, and exhibit it on the notice board of the Janpad Panchayat along with the notice for election.
 - (b) the notice of election giving the date, place and time of the election in Form 19 shall be displayed in Hindi language and sent to the members of the Managing Committee of Water Users Association specified in sub-section (1) of section 4 of the Act atleast two clear days in advance of the date of election of the members under sub-section (5) of section 4 of the Act, by-the Election Officer
 - (c) The election shall be by secret ballot and shall conclude on a single day. The Programme shall be as follows:

(i)	Receipt of Nominations-	11.00 A. M. to 12.00 Noon
(ii)	Scrutiny of nominations and publication of final list of nominations	12:30 P.M. to 1.00 P.M.
(iii)	Withdrawal of nominations	1.00 P.M. to 1.30 P.M.
(iv)	Publication of final list of contestants	2.00 P.M.
(v)	Elections in the event of contest	3.00 P.M. to 5.00 P.M.
(vi)	Counting and declaration of results- Immediately after the poll:	

Provided that the procedure for filling of nominations shall be according to rules 15 to 21.

- (d) If the number of contesting candidates is more than one, poll shall be conducted. If there is only one validly nominated candidate, the Election Officer shall forthwith declare such candidate as duly elected in Form 27 and send the same to the Divisional Election Authority and the District Election Authority;
 - (e) Even if some of the elected members of Territorial Constituencies are not present at the venue by the appointed time, the election to the posts of President shall be held with the members present, as per schedule;
 - (f) If none of the members of Territorial Constituencies turns up at the appointed time or only one member of Territorial Constituency turns up, the Election Officer shall wait at the venue for 30 minutes and if there is no change in the situation, the Election Officer shall declare the posts of President as casual vacancies until the elections are held for these posts under Section 15 of the Act and record in Form 47 and same shall be submitted to District Election Authority. If the Territorial Constituency posts filled by election are less than fifty percent of the total posts, the same procedure shall be followed.
 - (g) Till such time, necessary transitional arrangements shall be made or if such arrangements are already in existence, the same may be continued as per Section 34 of the Act;
 - (h) If the members of Territorial Constituencies, though present in the special meeting fail to elect the President within the scheduled time, the same procedure as mentioned under sub-clause (f) shall be followed.
- (5) In the event of the contest, ballot papers shall be prepared in Form 26 containing names of the contesting candidates in Hindi language in alphabetical order, for the post of President of the Water User Association and the election shall be conducted as directed by the Divisional Election Authority.
- (6) At the end of the poll, the Election Officer shall arrange forthwith the counting of votes polled for the contesting candidates for President of the Managing

Committee and declare the candidates as elected in Form 27, and the candidate who secured the highest number of votes polled, for the post of President, as elected to the post of President of that Water Users Association.

- (7) In the event of equality of votes between the two candidates, the Election Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.
- (8) Immediately after the declaration of the result of the election, the Election officer shall prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the number of members who participated in the meeting. He shall also publish on the notice board of the Janpad Panchayat a notice signed by him stating the name of the person elected as a President of the Water Users' Association as specified under subsection (5) of section 4 of the Act and send a copy of such notice of the District Election Authority concerned and the Divisional Election Authority. A copy of this notice shall also be given to the candidate who is declared elected as president of Water User Association.
- (9) Notwithstanding anything contained in these rules, Election Officer may for sufficient reason to be recorded in writing, direct from time to time, the alteration of the date of the special meeting convened under rule 58 and inform the District Election Authority and Divisional Election Authority.

Chapter - V

59. **Election of President of the distributory committee-** Notwithstanding anything contained in these rules, the election of the president specified in sub-section (2) of section 6 of the Act, shall be held in the office of the notified Janpad Panchayat at a special meeting of the members of the Distributory Committee specified in sub-section (3) of section 5 thereof. The Election Officer shall be the Collector or any Gazetted officer of the Government authorised by the District Election Authority.

60. There shall be a Managing Committee for every Distributory Committee consisting of all members of the General Body of Distributory Committee.

61. **Holding of elections.-**

(1) Elections shall be held in a special meeting for the purpose of constituting Distributory Committees and on expiration of the term of the Distributory Committees or on vacation of such office or offices either by death, resignation, recall or for any other reasons.

(2) The quorum for the meeting shall be as described below,-

(a) No meeting for the conduct of election to the post of the President of a Distributory Committee shall be held, unless there shall be present at the meeting at least one-half of the total members of the Distributory Committee, who are entitled to vote at the election;

Explanation: Where the strength of the members of the Managing Committee of the Distributory Committee is an odd number, for the purpose of reckoning the fifty percent strength, it shall be rounded off to the next higher number.

(b) If the required quorum is not achieved for the first special meeting to elect the President of the Distributory Committee or if members present failed to elect the President though the quorum is achieved, a second and final meeting shall be held after a clear gap of **five days** from the date of the first meeting;

(c) If the required quorum is not achieved even in the second and final meeting also or if the members present failed to elect the President though the quorum is achieved, the Election Officer shall declare the posts of President as casual vacancies until the elections are held for these posts under Section 15 of the Act and record in Form-47 and the same shall be submitted to the District Election Authority;

(d) Till such time, necessary transitional arrangements shall be made or if such arrangements are already in existence, the same may be continued as per section 34 of the Act.

62. The Election Officer shall display the voters' list for the purpose of the election, and exhibit it on the notice board of the Janpad Panchayat along with the notice for election.
63. The notice of election giving the date, place and time of the election in Form 19 shall be displayed in Hindi language and sent to the members of the Distributory Committee specified in sub-section (3) of section 5 of the Act atleast two clear days in advance of the date of election of the members under sub-section (2) of section 6 of the Act, by the Election Officer.
64. The election shall be by secret ballot and shall conclude on a single day. The Programme shall be as follows:
- | | | |
|-------|--|---------------------------|
| (i) | Receipt of Nominations- | 11.00 A. M. to 12.00 Noon |
| (ii) | Scrutiny of nominations
and publication of final
list of nominations | 12:30 P.M. to 1.00 P.M. |
| (iii) | Withdrawal of nominations | 1.00 P.M. to 1.30 P.M. |
| (iv) | Publication of final list
of contestants | 2.00 P.M. |
| (v) | Elections in the event of
contest | 3.00 P.M. to 5.00 P.M. |
| (vi) | Counting and declaration of results- Immediately after the poll: | |

Provided that the procedure for filling of nominations shall be according to rules 15 to 21.

65. If the number of contesting candidates is more than one, poll shall be conducted. If there is only one validly nominated candidate, the Election Officer shall forthwith declare such candidate as duly elected in Form 36 and send the same to the Divisional Election Authority and the District Election Authority.
66. In the event of the contest, ballot papers shall be prepared in Form 35 containing names of the contesting candidates in Hindi language in alphabetical order, for the post of President and the election shall be conducted as directed by the Divisional Election Authority.

67. At the end of the poll, the Election Officer shall arrange forthwith the counting of votes polled for the contesting candidates for President of the Managing Committee and declare the candidates as elected in Form 36 and the candidate who secured the highest number of votes polled for the post of president, as elected to the post of President of that Distributory Committee.
68. In the event of equality of votes between the two candidates, the Election Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.
69. Immediately after the declaration of the result of the election, the Election officer shall prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the number of members who participated in the meeting. He shall also publish on the notice board of the Janpad Panchayat a notice signed by him stating the name of the person elected as a President of the Distributory Committee as specified under subsection (2) of section 6 of the Act and send a copy of such notice of the District Election Authority concerned and the Divisional Election Authority. A copy of this notice shall also be given to the candidate who is declared elected as president of the Distributory Committee.
70. Notwithstanding anything contained in these rules, Election Officer may for sufficient reason to be recorded in writing, direct from time to time, the alteration of the date of the special meeting convened under rule 59 and inform the District Election Authority and Divisional Election Authority.

Chapter- VI

71. **Election of Chairperson of the Project Committee** — Notwithstanding anything contained in these rules, the election of the Chairpersons specified in clause (a) and (b) of sub-section (2) of section 8 of the Act, shall be held in the office of the notified Janpad Panchayat at a special meeting of the members of the Project Committee specified in sub-section (3) of section 7 thereof, the

Election Officer shall be the Collector or any Gazetted Officer of the Government authorised by the District Election Authority.

72. There shall be a Managing Committee, for every Project Committee, consisting of all members of General Body of Project Committee.

73. **Holding of elections.-**

(1) Elections shall be held in a special meeting for the purpose of constituting Project Committees and on expiration of the term of the Project Committees or on vacation of such office or offices either by death, resignation, recall or for any other reasons.

(2) The quorum for the meeting shall be as described below:

(a) No meeting for the conduct of election to the post of the Chairperson of a Project Committee shall be held, unless there shall be present at the meeting at least one-half of the total members of the Project Committee, who are entitled to vote at the election.

Explanation: Where the strength of the members of the Managing Committee of the Project Committee is an odd number, for the purpose of reckoning the fifty percent strength, it shall be rounded off to the next higher number.

(b) If the required quorum is not achieved for the first special meeting to elect the Chairperson of the Project Committee or if members present failed to elect the Chairperson though the quorum is achieved, a second and final meeting shall be held after a clear gap of **five days** from the date of the first meeting;

(c) If the required quorum is not achieved even in the second and final meeting also or if the members present failed to elect the Chairperson though the quorum is achieved, the Election Officer shall declare the posts of Chairperson as casual vacancies until the elections are held for these posts under Section 15 of the Act and record in Form-47 and the same shall be submitted to the District Election Authority;

(d) till such time, necessary transitional arrangements shall be made or if such arrangements are already in existence, the same may be continued as per section 34 of the Act.

74. The Election Officer shall display the voters' list for the purpose of election and exhibit it on the notice board of the Janpad Panchayat along with the notice for election.
75. The notice of election giving the date, place and time of the election shall be displayed in Form 37 in Hindi language and sent to the members of the Project Committee specified in sub-section (3) of section 7 of the Act atleast two clear days in advance of the date of election of the members under clause (a) and (b) of sub-section (2) of section 8 of the Act, by the Election Officer.
76. The election shall be by secret ballot and shall conclude on a single day. The programme shall be as follows;
- | | | |
|-------|--|-----------------------------|
| (i) | Receipt of Nominations- | 11.00 A. M. to 12.00 Noon |
| (ii) | Scrutiny of nominations
and publication of final
list of nominations | 12.30 P.M. to 1.00 P.M. |
| (iii) | Withdrawal of nominations | 1.00 P.M. to 1.30 P.M. |
| (iv) | Publication of final list of
contestants | 2.00 P.M. |
| (v) | Elections in the event of contest | 3.00 P.M. to 5.00 P.M. |
| (vi) | Counting and declaration of results | Immediately after the poll: |

Provided that the procedure for filling of nominations shall be according to rules 15 to 21 in Chapter-III of the Election rules.

77. If the number of contesting candidates is more than one, poll shall be conducted. If there is only one validly nominated candidate, the Election Officer shall forthwith declare such candidate as duly elected in Form 45 and send a copy to the Divisional Election Authority and the District Election Authority.
78. In the event of the contest, ballot papers shall be prepared in Form 44 containing names of the contesting candidates in Hindi language in alphabetical order, for the post of Chairperson of the managing Committee, and the election shall be conducted as specified by the divisional Election Authority.

79. At the end of the poll, the Election Officer shall arrange forthwith, the counting of votes polled for the contesting candidates for Chairperson of the Managing Committee and declare the candidates as elected in Form 45, and the candidate who secured the highest number of votes polled, for the post of Chairperson as elected to the post of Chairperson of that Project Committee.
80. In the event of equality of votes between the two candidates, the Election Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.
81. Immediately after the declaration of the result of the election, the Election Officer shall prepare a record of the Proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the number of members who participated in the meeting. He shall also publish on the notice board of the Janpad Panchayat a notice signed by him stating the name of the person elected as Chairperson of the Project Committee as specified under sub-section (2) of section 8 of the Act and send a copy of such notice to the District Election Authority concerned and the Divisional Election Authority. A copy of this notice shall also be given to the candidate who is declared elected as Chairperson of the project committee.
82. Notwithstanding anything contained in these rules, the Election Officer may, for sufficient reasons to be recorded in writing, direct from time to time, the alteration of the date of the special meeting convened under rule 59 and inform the District Election Authority and Divisional Election Authority.

Chapter- VII

83. Manner, time limit and fee for filling of the election petition.-

Any person aggrieved by the result or procedure of election so adopted, may file an election petition, duly paying the fee thereof with in the time limit and to Officers as mentioned below:

- (i) Dispute regarding election of Water Users Association's President, and member of Territorial Constituency the petition shall be filed with Sub-Divisional Officer (Revenue).

- (ii) Dispute regarding election of Distributory Committee and Project Committees' President/Chairperson, the petition shall be filed with Collector (District Magistrate) of concerned District.
- (iii) From the date of declaration of polling result, a period of thirty days shall be reckoned to entertain the petition, failing which the petition shall not be entertained.
- (iv) For filing the said petition, a fee of Rs. 200/- shall be deposited by the appellant to the concerned Executive Engineer, Water Resources Department and thereafter this fee shall be remitted by Executive Engineer under the Head 0702-01 (Revenue Receipts), which shall not be refundable in any case and shall be deemed as forfeited.
- (v) The decision so awarded by the concerning officer, shall be final and binding on the petitioner and in case no appeal shall be entertained.
- (vi) In the event of completion of any election and declaration of election results, the time limit to file the election petition in all such cases as mentioned above, shall be thirty days from the date of declaration of election results:

Provided that any petition may be entertained after the prescribed period of thirty days if the petitioner satisfies the concerning officer that he had sufficient cause for not preferring the petition within such period and no petition shall be entertained beyond a period of six months from the date of declaration of election results.

84. **Repeal and saving.-** (1) The Madhya Pradesh Farmer's Organisation Election rule, 1999 which are in force before the commencement of these rules are hereby repealed:

Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

(2) Notwithstanding such repeal, as per the requirement of existing Water Users' Association whose term has not been expired on the commencement of these rules, it shall be deemed that the concerning provisions of repealed rules are in force.

FORM 1

[See Rule 11(2)]

Notice For The Election Of The Member Of
The Territorial Constituency..... Of The
Water Users' Association (S).....
in District.

It is hereby notified that the elections to the members of the Territorial Constituencies of the Water Users' Associations inDistrict shall be conducted as per the following:

- (i) Nomination papers shall be presented:
 - (a) on (date)
 - (b) Time..... between to hours
- (ii) Date of scrutiny of nomination papers
- (iii) Date of withdrawal of candidature
- (iv) Date of polling
- (v) Date of counting of votes by the Election Officer.
- (vi) Declaration and publication of results.

Divisional Election Authority / District Election Authority

FORM 2

[See Rule 11(4)]

Notice For The Election For Member Of The Territorial Constituency..... Of
TheWater Users Association

Notice is hereby given that-

- (1) An election to be held for election of the Member of the Territorial Constituency of the water Users Association.
- (2) Nomination papers may be delivered by a candidate or his proposer to the undersigned between 10.30 A.M. and 5.00 P.M. from to(date).

- (3) Forms of nomination papers may be obtained at the place and time aforesaid.
- (4) The nomination papers will be taken up for scrutiny at (place) on Date at(hrs)
- (5) Notice of withdrawal candidature may be delivered by a candidate or his proposer or his Election agent to the undersigned at office before 3.00 P.M. on the.....
- (6) In the event of election being contested the poll will be taken on..... between the 8.00 A.M. to 2.00 P.M.
- (7) Counting will commence after the Poll is over and results declared immediately thereafter.

ELECTION OFFICER

FORM 3

[See Rule 15(1)]

Water Users' Association'

NOMINATION PAPER

1. Name of the Office of the WUA.
2. Number of the territorial constituency.
3. Full name of the candidate
4. Father's or husband's name.
5. Serial number of candidate in the electoral roll
6. Age
7. Sex
8. Occupation and address
9. Full name of the proposer
10. Serial number of proposer in the electoral roll
11. Signature of the proposer;

Candidates' Declaration

I declare that I am eligible and willing to stand for election and my age as shown above is correct.

SIGNATURE OF THE CANDIDATE

The above declaration is solemnly affirmed before me (name of the officer in block letters) by..... who is personally known to me (who has been identified to my satisfaction-byof

Signature of village administrative officer or any other officer not below the rank of a mandal revenue officer (Endorsement by the Election Officer or other authorised person serial number):

This nomination paper was presented to me (person) at..... (date and hour).....

Signature of the election officer
or other authorised person

Decision of election officer accepting or rejecting the nomination paper.

I have explained this nomination paper in accordance with Rule 8 and decide as follows:

Election Officer

Date:

RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY

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

Serial No. of Nomination PaperThe nomination Paper ofa candidate for election of the Member of the Territorial Constituency of the water user association , territorial constituency No..... was delivered to me at (hour) an date) by the

Candidate/Proposer.

All nomination papers will be taken up for scrutiny at (houron..... (date) at(Place).

Date:

SIGNATURE OF ELECTION OFFICER

FORM 4
(See Rule 18)

LIST OF NOMINATIONS FOR MEMBERS OF TERRITORIAL CONSTITUENCY

No..... RECEIVED ON (DATE)

OF..... WATER USERS ASSOCIATION

S. No. of Nomination paper	Name of the Candidate	Father's Name	Age	Occupation and Address	Voters List No. of Candidate	Name of the Proposer	Voters List No. of Proposer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

The nomination papers will be taken up for scrutiny at AM/PM.
on..... the dateat (Place)

Place

Date:

Signature of the election officer
or other authorised person

FORM 5

[See Rule 19(5)]

LIST OF VALIDLY NOMINATED CANDIDATES

Name of District

Number of territorial constituency of Water User's Association

Election to the member of the Territorial Constituency ofWater User Association

S. No. Allotted	Name of the candidate	Address of the Candidate
(1)	(2)	(3)

- 1.
- 2.
- 3.
- 4.

Date:

Place:

Signature of Election officer

FORM 6

[See Rule 20 (1)]

NOTICE OF WITHDRAWAL

Election to the Member of Territorial Constituency No..... of Water
User Association.....

To,

The Election Officer,

I, a candidate validly nominated at the above election
do hereby give notice that I withdraw my candidature.

Place:

Date:

Signature of Candidate

This notice was delivered to my office at..... (Hours) on.....
..... (date) by (name) .

Date:

Signature of Election Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

(to be-handed over to the person delivering the notice)

This notice of withdrawal of candidature by..... a candidate at the election to
the Member of the Territorial Constituency. of WUA..... as delivered to
me by the at my office at (hours) on date.

Date:

Signature of Election officer

FORM 7

[See Rule 20 (2)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the Member of the Territorial Constituency No.....of
WUA.....

Notice is hereby given that the following validly nominated candidate/
candidates at the above election withdraws/withdraw his candidature/their candidature
today.

S. No.	Name of the candidate	Symbol Allotted
(1)	(2)	(3)
1.		
2.		
3.		
4.		

Date:

Place:

Signature of Election officer

FORM 8

[See Rule 21(1)]

NOTICE OF CONTESTING CANDIDATE

**Election to the Member of the Territorial Constituency No.....of
WUA.....**

S. No. Allotted	Name of the candidate	Address of the Candidate
(1)	(2)	(3)
1.		
2.		
3.		
4.		

Date:

Place:

Signature of Election officer

FORM 9

[See Rule 22 (2)]

**DECLARATION OF THE RESULTS OF ELECTION UNDER RULE 22(2) OF
THE ELECTION RULES**

In accordance with rule 22 (2) of the Election rules, I declare that the following candidate has been duly elected for the Member of the Territorial Constituency No.....of Water Users Association

Name

Address

Place:

Date:

Signature of Election Officer

FORM 10

[See Rule 24(1) (a)]

APPOINTMENT OF ELECTION AGENT

(To be submitted in two copies)

Election to the Member of the Territorial Constituency No.....of
WUA.....

To,

The Election Officer,

I a candidate at the above election for the post of the member of Territorial Constituency of Water User Association do hereby appoint of my election agent from this day at the above election.

Place:

Date:

Signature of Candidate

I accept the above appointment

Signature of Election Agent

I, hereby accept and approve the above appointment.

Place:

Date:

Signature of the Election Officer

FORM 11

{See Rule 24(2) (b)}

APPOINTMENT OF POLLING AGENT

**Election to the Member of the Territorial Constituency No.....of
Water User's Association.....**

I, a candidate/ the election agent of
..... who is a candidate at the above election do hereby appoint
..... as a Polling Agent to attend polling station No.
..... fixed for the poll at

Signature of candidate election agent

I, hereby accept and approve the above appointment.

Place:

Date:

Signature of Election Officer

FORM 12

[See Rule 24(3)(b)]

APPOINTMENT OF COUNTING AGENT

(To be submitted in duplicate)

Election to the Member of the Territorial Constituency No.....of WUA

To,

The Election Officer,

I, a candidate the election agent of
..... who is a candidate at the above election do hereby appoint the
following persons as may counting agent to attend the counting of votes at
.....

Name of the counting Agent	Address of the counting Agents
1.	
2.	
3.	

Signature of candidate election agent

I/We agree to act as such counting agents.

Signature of the agent

Place:

Date:

Signature of Election Officer

FORM 13

[See Rule 35 (2)]

LIST OF TENDERED BALLOT PAPERS

Polling station No Territorial Constituency No.
 WUA Election to the Member of
 the Territorial Constituency of the WUA.

S.No.	Name of the Elector	No. in the Voters List / Section No. Name of WUA	Serial No. of Tendered Ballot Paper	Signature of Elector or thumb impression of person tendering vote	Serial No. of Ballot paper issued to the person who has already voted
(1)	(2)	(3)	(4)	(5)	(6)

Place:

Date:

Signature of Presiding Officer

FORM 14

[See Rule 36 (2)(c)]

LIST OF CHALLENGED VOTES

Polling station No. Territorial Constituency No.
 WUA Election to the Member of
 the Territorial Constituency of the WUA.

S.No.	No. in the Voters List/Section No. Name of WUA	Name of the Elector	Signature or thumb impression of the person challenged and his address	Name of challenger	Signature or thumb impression of identifier, if any	Order of the Polling Officer	Signature of challenger on receiving refund of deposit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place:

Date:

Signature of Presiding Officer

FORM 15

[See Rule 40 (1)]

PART-I

BALLOT PAPER ACCOUNT

Election to the Member of the Territorial Constituency of WUA

No. and name of the polling station Territory Consistency No.
 WUA
 S.Nos. Total No.
 From To

1. Ballot papers received
2. Ballot papers unused
(i.e. not issued to voters)
 - (a) with the signature of polling Officer
 - (b) without the signature of Polling Officer

Total* (A+B)

3. * Ballot papers used at the Polling station (1-2=3)

4. Ballot papers used at the Polling stations but not inserted into the Ballot Box.)
 - (a) Ballot papers cancelled for violation of voting procedure under rule 22.
 - (b) Ballot papers cancelled for other reasons.
 - (c) Ballot papers used as tendered ballot papers.

Total* (A+B+C)

5. * Ballot papers to be found in the ballot box

(3 - 4 = 5)

* Strike Numbers need not be given.

Signature of the Presiding Officer

Part - II

RESULT OF COUNTING

S.No.	Name of Candidate	Name of Valid Votes Cast
1.		
2.		
3.		
4.		
5.		

II. Rejected Ballot Papers

III. Total

Whether the total number of ballot papers shown against item No. III above tally with the total shown against item No. 5 of Part-I or any discrepancy noticed between these two totals

Place :

Date:

Signature of Counting Supervisor

Place:

Date:

Signature of Election Officer.

* Strike of the words which are not applicable.

FORM 16

[See Rule 44 (5) and 50 (1) (b)]

FINAL RESULT SHEET

(To be used for recording the result of voting at Polling Station)

**Election to the Member of the Territorial Constituency No.....of
the WUA.....**

S.No.	Polling station No.	Name of valid votes cast in favour of				Total No. of valid votes	Total No. of rejected votes	Total	No. of Tendered Votes
		A	B	C	D				

Total No of votes recorded at Polling Stations.

Number of votes recorded on Postal Ballot Papers.

Place:

Date:

Signature of Election Officer.

FORM 17

[See Rule 50(1) (a)]

(For use in election when the seat is contested)

DECLARATION OF RESULT OF ELECTION UNDER RULE 52

In accordance with rule 52 of the Madhya Pradesh Farmers' Organisation Election Rules, 2014. I declare that the following candidates has been duly elected to the Member of the Territorial Constituency No.....of the WUA.....

Member, Territorial Constituency of WUA.....

Name

Address

.....

Signature of Election Officer.

Strike off the words which are not applicable.

Form 18

(See Rule 51)

CERTIFICATE OF ELECTION

I, election Officer for the Water User Association certify that on the (day) of 20 I have declared Shri to have duly elected to the Member of the Territorial Constituency No.....of the WUA..... and that in token thereof, I have granted to him this certificate of election.

.....

Signature of Election Officer

Seal

FORM 19

(See Rule 58(4)(b), 63)

**NOTICE OF ELECTION FOR THE OFFICE OF THE PRESIDENT OF THE
MANAGING COMMITTEE OF****WATER USERS ASSOCIATION OF IRRIGATION SYSTEM.....**

Notice is hereby given that -

1. An election will be held for electing the President of the Managing Committee ofWater Users Association Irrigation system on (Date).
2. Nomination papers may be delivered or filed by a candidate or his proposer or file before the undersigned between 11.00 A.M. and 12.00 Noon on (date) at (Place).
3. Forms of nomination papers may be obtained from the undersigned one hour before the time specified for filling as aforesaid.
4. The nomination papers will be taken up for scrutiny at (place) of Date between 12.00 P.M. to 1.00 P.M.
5. Notice of withdraw of candidature may be delivered by a candidate or his proposer to undersigned between 1.00 P.M. to 1.30 P.M. on theat
6. In the event of election being held, the poll will be taken on (Date) between the 15.00 Hrs. and 17.00 Hrs.
7. Counting will commence after the poll is over, and the results declared immediately thereafter.

Place:

Date:

Signature of Election Officer

FORM 20

[See Rule 15 (I)]

WATER USERS ASSOCIATION.....

Nomination Paper

1. Name of the Office:
President of the Managing Committee of Water User Association.....
2. Number of the Territorial Constituency for which he is elected as Member
3. Full name including surname of the candidate:
4. Father's or Husband's name:
5. Age:
6. Sex:
7. (a) Occupation :
(b) Address Permanent :
Address Temporary :
8. Full name of the proposer :
9. Territorial Constituency for which he is declared as Member:
10. signature of the Proposer : (Name in Capital Letters)
Date

Candidate's Declaration

I declare that I am eligible and willing to stand for election.

.....
Signature of the Candidate

(Name in Capital Letters)

This nomination paper was presented to me by -----
(person) atDate and Hour......
Signature of the Election Officer

or other Authorised Person.

The nomination papers will be taken up for scrutiny between 12.30 P.M. to 1.00 P.M,
on the date
at (place)

Place

Date :

Signature of Election Officer
or other authorised person.

FORM 22

(See Rule 19 (5))

LIST OF VALID NOMINATIONS AFTER SCRUTINY

Name of the Water Users Association
Election of President of the Managing Committee of
..... Water Users Association

S.No. Allotted	Name of Candidate	Number of the Territorial Constituency he represents
(1)	(2)	(3)
1.		
2.		
3.		
4.		
5.		

Place:

Date :

Signature of Election Officer

Form 23

[See Rule 20 (1)]

Notice of withdrawal given by the candidate

**Election of President of the
managing committee of Water Users Association.....**

I, being a candidate validly nominated at the above
election do hereby give notice that I withdraw my candidature.

Place:

Date:

Signature of the candidate

This notice was delivered to me at my office at
 (hours) on (date) by
 (name)

Date:

.....

Signature of Election Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

(to be handed over to the person delivering the notice)

This notice of withdrawal of candidature by..... a candidate at the election
 President of Managing Committee of WUA..... as delivered to me by the
 at my office at (hours) on date.

Date:

Signature of Election officer

Form 24

[See Rule 20 (2)]

NOTICE INTIMATING THE WITHDRAWAL MADE BY THE CANDIDATE

**Election of the office of the President of the managing
 committee of Water Users Association.....**

S.No.	Name of the candidate	Date of which withdrawal notice delivered
(1)	(2)	(3)
1.		
2.		
3.		
4.		
5.		

Place:

.....

Date :

Signature of Election Officer

Form 25

[See Rule 21 (1)]

LIST OF CONTESTING CANDIDATE

**Election of the President of the managing
committee of Water Users Association.....**

S.No. (1)	Name of the Candidate (2)
1.	
2.	
3.	
4.	
5.	

Place:

Date : Signature of Election Officer

Form 26

[See Rule 58(5)]

BALLOT PAPER..... **Water Users Association****Ballot paper for President of the Managing Committee**

S.No. of the Voter

R. No. Signature / Thumb Impression

..... **Water Users Association****Ballot Paper for President of the Managing Committee**

R. No.

R.No.

name of the Candidate in Hindi
in Alphabetical Order.

Put (✓) mark against one name only
in the box space provided.

1. Name

2. Name

- | | | |
|----|------|--------------------------|
| 3. | Name | <input type="checkbox"/> |
| 4. | Name | <input type="checkbox"/> |
| 5. | Name | <input type="checkbox"/> |
| 6. | Name | <input type="checkbox"/> |

1. Name of Water Users Association
2. Date of poll
3. Place of Poll

.....
Signature of the Election Officer

Form 27

(See Rule 58(4)(d))

DECLARATION OF THE RESULT OF ELECTION

In accordance with rule 58 (6) I declare that the following candidate(s) has / have been duly elected for the office of the President of WATER USERS ASSOCIATION

Name:

Address:

Place:

Date:

Signature of Election Officer

Form 28

(See Rule 75)

**NOTICE OF ELECTION FOR THE OFFICE OF THE PRESIDENT OF THE
MANAGING COMMITTEE OF**

DISTRUBUTORY COMMITTEE OF IRRIGATION SYSTEM

Notice is hereby given that -

1. An election will be held for electing the President of the Managing Committee of Distributory Committee Irrigation System on (date).

2. Nomination papers may be delivered or filed by a candidate or his proposer or file before the undersigned between 11.00 A.M. and 12.00 Noon on (date) at (Place).
3. Forms of nomination papers may be obtained from the undersigned one hour before the time specified for filling as aforesaid.
4. The nomination papers will be taken up for scrutiny at (place) of Date between 12.00 PM to 1.00 PM.
5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to undersigned between 1.00 PM to 1.30 PM on the at
6. In the event of election being held, the poll will be taken on (Date) between the 15.00 Hrs. and 17.00 Hrs.
7. Counting will commence after the poll is over, and the results declared immediately thereafter.

Place:

Date:

Signature of Election Officer

Form 29
(See Rule 15(1))

DISTRUBUTORY COMMITTEE.....

Nomination Paper

1. Name of the Office :
 - a) President of the Managing Committee
2. Name of the Water Users Association for which he is elected as President.....
3. Full name including surname of the candidate.....
4. Father's or Husband's Name:
5. Age :
6. Sex:
7. (a) Occupation:
- (b) Address permanent :
- Address Temporary:

8. Full name of the proposer:
9. Water Users Association for which he is declared as President
10. Signature of the Proposer:

(Name in Capital Letters)

Date

Candidate's Declaration

I declare that I am eligible and willing to stand for election.

.....
Signature of the candidate
(name in capital letters)

This nomination paper was presented to me by

..... (person) at Date and Hour.

.....
Signature of the Election officer
or other authorised person

Decision of Election Officer accepting or rejecting the nomination paper.

I have examined this nomination paper and decode as follows:

.....

Date:

Signature of Election Officer.

RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY

(To be handed to the person presenting the nomination paper)

Serial No. of Nomination paper The nomination paper of a candidate for Election of President of the Managing Committee of the DISTRUBUTORY COMMITTEE was delivered to me at (hour) on (date) by the Candidate / proposer.

All nomination papers will be taken up for scrutiny at (hours) on (date) at (place).

Date:

Signature of Election Officer

Form 30

(See Rule 18)

List of nominations received on (Date) for
the office of the President of the managing committee of

DISTRUBUTORY COMMITTEE

S.No. of Nomination paper	Name of the Candidate	Father's Name	Name of WUA	Occupation and address	S. No. in Voters List	Name of the Proposer	Name of WUA of the proposer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

The nomination papers will be taken up for scrutiny between 12.30 P.M. to 1.00 P.M,
on the..... date
at (place)

Place

Date :

Signature of Election Officer
or other authorised person.

Form 31

(See Rule 19(5))

List of valid nominations after scrutiny

Name of Distributory Committee

Election of President of the Managing Committee of
..... Distributory Committee

S.No. Allotted	Name of Candidate	Name of the Distributor Committee he represents
(1)	(2)	(3)
1.		
2.		
3.		

4.		
5.		

Place:

Date : Signature of Election Officer

Form 32

[See Rule 20(1)]

Notice of Withdrawal Given by the Candidate

Election of President of the Managing Committee of Distributory Committee

I, being a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place:

Date: Signature of the Candidate

This notice was delivered to me at my office at
 (hours) on (date) by
 (name)

Date:

Election Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

(to be handed over to the person delivering the notice)

This notice of withdrawal of candidature by..... a candidate at the election of President of Managing Committee of the Distributory Committee of..... Project as delivered to me at..... my office at (hours) on date.

Date:

Signature of Election officer

Form 33

(See Rule 20(2))

NOTICE INTIMATION THE WITHDRAWAL MADE BY THE CANDIDATE

Election of office of the President of Managing Committee of Distributory Committee

S.No. (1)	Name of Candidate (2)	Name of which withdrawal notice delivered (3)
1.		
2.		
3.		
4.		
5.		

Place:

.....

Date :

Signature of Election Officer

Form 34

[See Rule 21(1)]

LIST OF CONTESTING CANDIDATE

**Election to the President of the Managing Committee of Distributory
Committee**

S.No. (1)	Name of Candidate (2)
1.	
2.	
3.	
4.	
5.	

Place:

Date : Signature of Election Officer

Form 35

(See Rule 66)

BALLOT PAPER

..... DISTRIBUTORY COMMITTEE

Ballot Paper for President of the managing Committee

S.No. of the Voter

R. No.

Signature / Thumb Impression

..... Distributory Committee

Ballot paper for President of the managing Committee

R. No.	R.	No.
.....		
name of the Candidate in Hindi in alphabetical Order	Put (✓) mark against one name only in the box space provided.	
1. Name	<input type="checkbox"/>	
2. Name	<input type="checkbox"/>	
3. Name	<input type="checkbox"/>	
4. Name	<input type="checkbox"/>	
5. Name	<input type="checkbox"/>	
6. Name	<input type="checkbox"/>	

1. Name of Distributory Committee
2. Date of poll
3. Place of Poll

.....
Signature of the Election Officer

Form 36

(See Rule 65 and 67)

Declaration of the Result of Election

In accordance with Rule 65 and 67, I declare that the following candidate(s) has/have been duly elected for the Office of President of Managing Committee of Distributory Committee.

Name :

Address:

Place:

Date:

Signature of Election Officer

Form 37

(See Rule 75)

**NOTICE OF ELECTION FOR THE OFFICE OF THE CHAIRPERSON OF
THE MANAGING COMMITTEE OF**

PROJECT COMMITTEE OF IRRIGATION SYSTEM

Notice is hereby given that -

1. An election will be held for electing the Chairperson of the Managing Committee of project Committee Irrigation System on (date).
2. Nomination papers may be delivered or filed by a candidate or his proposer or file before the undersigned between 11.00 A.M. and 12.00 Noon on (date) at (Place).
3. Forms of nomination papers may be obtained from the undersigned one hour before the time specified for filling as aforesaid.
4. The nomination papers will be taken up for scrutiny at (place) of Date between 12.00 PM to 1.00 PM.
5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to undersigned between 1.00 PM to 1.30 PM on the at
6. In the event of election being held, the poll will be taken on (Date) between the 15.00 Hrs. and 17.00 Hrs.
7. Counting will commence after the poll is over, and the results declared immediately thereafter.

Place:Date:

Signature of Election Officer

*Form 38

(See Rule 15(1))

Project Committee
Nomination Paper

1. Name of the Office :
Chairperson of the Managing Committee
2. Name of the Water Users Association / Distributory Committee for which he is elected as President
3. Full name including surname of the candidate
4. Father's or Husband's Name:
5. Age :
6. Sex:
7. (a) Occupation:
(b) Address permanent :
Address temporary:
8. Full name of the proposer:
9. Name of the Water Users Association/ Distributory Committee for which he is elected as President
10. Signature of the Proposer:

(Name in Capital Letters)

Date

Candidate's Declaration

I declare that I am eligible and willing to stand for election.

.....
Signature of the Candidate
(name in capital letters)

This nomination paper was presented to me by

..... (person) at date and hour.

.....
Signature of the Election officer
or other authorised person

Decision of Election Officer accepting or rejecting the nomination paper.

I have examined this nomination paper and decode as follows:

Date:

Signature of the Election officer

RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY

(To be handed to the person presenting the nomination paper)

Serial No. of Nomination paper The nomination paper of a candidate for Election of chairperson of the Managing Committee of the project Committee was delivered to me at (hour) on (date) by the Candidate / proposer.

All nomination papers will be taken up for scrutiny at (hours) on (date) at (place).

Date:

Signature of the Election officer

*Form 39

(See Rule 18)

List of nominations received on (Date) for the office of the chairperson of the managing committee of Project Committee

S.No. of nomination paper	Name of the Candidate	Father's Name	Name and number of Water Users Association / Distributory Committee	Occupation and address	S. No. in Voters List	Name of the Proposer	Name and number of W.U.A. / D.C. of the Proposer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

The nomination papers will be taken up for scrutiny between 12.30 P.M. to 1.00 P.M., on the date at (place)

Place

Date :

Signature of election Officer
or other authorised person.

*Form 40

(See Rule 19(5))

List of valid nominations after scrutiny

Name of Project Committee

Election of Chairperson of the Managing Committee of
Project Committee

S.No. Allotted (1)	Name of Candidate (2)	Name and number of Water Users Association/ Distributory Committee he represents (3)
1.		
2.		
3.		
4.		
5.		

Place:

Date : Signature of Election Officer

Form 41

[See Rule 20(1)]

Notice of Withdrawal Given by the Candidate

Election of Chairperson of the Managing Committee ofProject
Committee

I, being a candidate validly nominated at the above
election do hereby give notice that I withdraw my candidature.

Place:

Date: Signature of the Candidate

This notice was delivered to me at my office at
 (hours) on (date) by (name)

Date:

Election Officer

RECEIPT FOR NOTICE OF WITHDRAWAL

(to be handed over to the person delivering the notice)

This notice of withdrawal of candidature by.....a
 candidate at the election of Chairperson of the Managing Committee of.....
 Project Committee as delivered to me by the.....at my office at
 (hours) on date.

Date:

Signature of Election officer

Form 42

(See Rule 20(2))

NOTICE INTIMATING THE WITHDRAWAL MADE BY THE CANDIDATE

**Election of office of the Chairperson of the Managing Committee of
 Project Committee**

S.No. (1)	Name of Candidate (2)	Name of which withdrawal notice delivered (3)
1.		
2.		
3.		
4.		
5.		

Place:

Date :

Signature of Election Officer

Form 43

[See Rule 21(1)]

LIST OF CONTESTING CANDIDATE

Election to the Chairperson of the Managing Committee of
.....Project Committee

S.No. (1)	Name of Candidate (2)
1.	
2.	
3.	
4.	
5.	

Place:

Date :

Signature of Election Officer

Form 44

(See Rule 78)

BALLOT PAPER

..... Project Committee

Ballot paper for Chairperson of the managing Committee

S.No. of the Voter

.....

R. No.

Signature / Thumb Impression

..... Project Committee

Ballot paper for Chairperson of Managing Committee

R. No.

R.No.

name of the Candidate in Hindi

Put (✓) mark against one name only

in alphabetical Order

in the box space provided.

- | | | |
|----|--------|--------------------------|
| 1. | Name : | <input type="checkbox"/> |
| 2. | Name: | <input type="checkbox"/> |
| 3. | Name: | <input type="checkbox"/> |
| 4. | Name: | <input type="checkbox"/> |
| 5. | Name: | <input type="checkbox"/> |
| 6. | Name: | <input type="checkbox"/> |

-
1. Name of Project Committee
 2. Date of poll
 3. Place of Poll

.....
Signature of the Election Officer

Form 45

(See Rule 79)

Declaration of the result of Election under rule 73 of Election Rules

In accordance with Rule 73 of the Election Rule, I declare that the following candidate(s) has/have been duly elected for the Office of the Chairperson of the Managing Committee ofProject Committee.

Name :

Address:

Place:

Date:

.....
Signature of Election Officer

Form – 46
(Rule 17(1) (B))
(Original Copy)
CASH RECEIPT

S.No.

Date

20

Received the sum of Rs.....(Rupees.....Only) form

Shri/Smt/Kum.....

(Full name of WUA Contesting candidate)

Son/Wife/daughter of Sri

towards the **nomination fee** for the election to the post of.....

in

(Full name of WUA/DC/PC as per records)

in(Village)of.....

(Tahsil).....

.....(District)

Signature.....

(Election Officer)

Rs.

[Corrections if any, shall be attested by the Election Officer]

.....please cut here.....

Form – 46

(Duplicate Copy)
CASH RECEIPT

S.No.

Date

20

Received the sum of Rs.....(Rupees.....Only)form

Sri/Smt/Kum.....

(Full name of WUA Contesting candidate)

Son/Wife/daughter of Sri

towards the nomination fee for the election to the post of.....

in

(Full name of WUA/DC/PC as per records)

in(Village)of.....

(Tahsil)

.....(District)

Signature.....

(Election Officer)

Rs.

[Corrections if any, shall be attested by the Election Officer]

Form – 47

(See rule)

Declaration of Casual Vacancies in
Farmers Organisations

In exercise of the powers conferred under the *Rule 55 *Rule 56 * Rule 67 of the Madhya Pradesh Farmers Organisation Election Rules 2014.

I....., the Election Officer for the
(name of the farmers organization)

declare the following post or posts as Casual Vacancies, because the members of the Managing Committee of the following farmers organization have failed to elect their respective office bearer(s) in the special meeting held on /.... /20... for the following reasons.

- (a) *Lack of quorum (applicable WUA /DC/PC election)
- (b) * No consensus among members
- (c) *None of the Members turned up
- (d) *Only one Member turned up
- (e) *The strength of elected members of WUA/DC/PC is less than 50% of the total strength.
- (f) Name of the Post

(i)(ii)

Name of Farmers Organisation.....

Village.....Tahsil.....

District.....

Place:

Signature.....

Date: /.... /20...

Full Name

(in Capital) (Election Officer)

*Strike off whichever is not applicable

By order and in the name of the Governor of Madhya Pradesh,
M. S. DHAKAD, Secy.