



**TAMIL NADU
GOVERNMENT GAZETTE**

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**Part IV – Section 2
Tamil Nadu Acts and Ordinances.**

**THE TAMIL NADU FARMERS' MANAGEMENT OF IRRIGATION
SYSTEMS ACT 2000**

ARRANGEMENT OF SECTIONS.

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 25th February 2001 and is hereby published for general information:-

ACT No. 7 OF 2001

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

WHEREAS the State of Tamil Nadu is essentially an agricultural State depending on efficient and equitable supply and distribution of water, which is a National wealth ensuring optimum utilisation by farmers for improvement of agricultural production;

AND WHEREAS it is essential to promote and secure distribution of water among its users, adequate maintenance of the irrigation system, efficient and economical utilisation of water to optimize agricultural production, by involving the farmers and inculcating a sense of ownership of the irrigation system in them in accordance with the water budget and the operational plan;

AND WHEREAS scientific and systematic development and maintenance of irrigation infrastructure is considered best possible through farmers organisations;

AND WHEREAS such farmers organisations have to be given an effective role in the management and maintenance of the irrigation system for effective and reliable supply and distribution of water.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-first Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

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| 1. | <p>(1) This Act may be called the Tamil Nadu Farmers' Management of Irrigation Systems - Act, 2000.</p> <p>(2) It extends to the whole of the State of Tamil Nadu.</p> <p>(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different areas and for different provisions of this Act.</p> | Short title, extent and commencement |
| 2. | <p>In this Act, unless the context otherwise requires, -</p> <p>(a) 'Apex Committee' means the Apex Committee constituted under Section 12;</p> <p>(b) 'area of operation' in relation to a farmers organisation means a contiguous block of land in the command area as the Government may, by notification, specify in this behalf;</p> <p>(c) 'ayacut road' means a road within the area of operation, but does not include any road vested in a Village Panchayat, Panchayat Union, Town Panchayat, Municipality, Municipal Corporation and Highways;</p> <p>(d) 'canal system; means-</p> <p style="margin-left: 20px;">(i) main canals, branch canals, distributories and water courses constructed for the supply and distribution of water for irrigation;</p> <p style="margin-left: 20px;">(ii) all works, structures and appliances connected with the distribution of water for irrigation; and</p> <p style="margin-left: 20px;">(iii) all field channels and other related channels and structures under an irrigation sluice.</p> <p>(e) 'Collector' means the Collector of a district in which the irrigation system is situated and includes any officer specially appointed by the Government to perform all or any of the functions of the Collector under this Act;</p> <p>(f) 'command area' means an area irrigated under any irrigation system either by gravitational flow or by lift</p> | Definitions |

irrigation or by any other method from a Government 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;

- (g) 'competent authority' means the authority appointed under Section 26;
- (h) '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;
 - (j) escape channels from an irrigation or canal system and other works connected therewith, but does not include works for removal of sewage;
 - (k) all collecting drains and main drains to drain off surplus water from field drains; and
 - (l) all field drains and related structures under irrigation sluices;
- (i) 'farmers organisation' means the-
 - (i) 'Water Users Association' at the primary level consisting of all the water users, as constituted under Section 4: or
 - (ii) 'Distributory Committee' at secondary level, as constituted under Section 7: or
 - (iii) 'Project Committee' at the project level, as constituted under Section 10;
- (j) 'field channel' includes a channel existing or to be constructed by the Government or by the water users or by any agency to receive and distribute water from a sluice;
- (k) 'field drain' includes a channel excavated and maintained by the water users or by any other agency, to discharge waste or surplus water from the land holding under a sluice and includes drains, escape channels and other similar works existing or to be constructed;
- (l) '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;
- (m) 'Government' means the State Government;
- (n) 'Government source' means any source of water under the control of the Water Resources Organisation;

- (o) 'hydraulic basis' means the basis for identifying a viable irrigated area served by one or more hydraulic structures such as head works, main canal, branches, distributories, sluices and the like;
- (p) 'irrigation system' means such major, medium and minor irrigation system for harnessing water for irrigation and other allied uses from Government source and includes reservoirs, open head channels, diversion systems, lift irrigation schemes, anicuts, tanks, wells and the like.

Explanation – For the purpose of this clause, --

- (i) 'Major Irrigation System' means irrigation system under Major Irrigation Project having irrigable command area of more than 10,000 hectares.
- (ii) 'Medium Irrigation System' means irrigation system under Medium Irrigation Project having irrigable command area of more than 2,000 hectares and upto 10,000 hectares;
- (iii) 'Minor Irrigation System' means irrigation system under Minor Irrigation Project having irrigable command area upto 2,000 hectares;
- (q) 'land' means any land under any registered ayacut of any irrigation system;
- (r) '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 the proper distribution of water to the lands;
- (s) 'managing committee' means the managing committee of any farmers organisation;
- (t) 'operational plan' means a schedule of irrigation deliveries with details of the mode and duration of supplies drawn up for regulation of irrigation in any command area;
- (u) 'Rotational Water Supply' means a system of distribution of water to water users by turn, according to an approved schedule, indicating the day, duration and time of supply;
- (v) 'territorial constituency' means a contiguous block of command area of one or more sluices under a Water Users Association area;
- (w) 'water allocation' in relation to an irrigation system means the distribution of water determined from time to time by a farmers organisation in its area of operation;
- (x) 'Water Resources Organisation' means the Water Resources Organisation of the Public Works Department of the Government;

- (y) 'water user' means any farmer holding any land either as the owner or as the tenant recorded as such in the revenue records of rights in respect of such land and includes any other individual or body or a society using water for agriculture, from a Government source.

CHAPTER II FARMERS ORGANISATION

3. (1) The Collector may, in such manner as may be prescribed, delineate command area under each irrigation system on a hydraulic basis, which may be administratively viable, and declare it to be a Water Users Association area for the purposes of this Act;

Delineation of Water Users Association area

Provided that in respect of the command area under the minor irrigation systems, the entire command area may as far as possible, form a single Water Users Association area.

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

4. (1) There shall be a Water Users Association called by its local distinct name for every Water Users Association area delineated under Section 3.

Constitution of Water Users Association

(2) Every Water Users Association shall consist of all the water users in such Water Users Association area, as members:

Provided that any person, who is in lawful possession and enjoyment of any land, may, on proof of such possession and such enjoyment in a crop year, claim membership, notwithstanding whether he is a recorded land holder or not, in which case the Water Users Association shall not refuse the membership of such person for the purposes of this Act, and such person shall be liable to pay the fees, as if he is the water user:

Provided further that any person who is eligible to become a member for more than one territorial constituency of a Water Users Association shall be entitled to be a member of only one territorial constituency, at his option.

(3) The members specified in sub-section (2) shall constitute the general body for the respective Water Users Association and such members alone shall have the right to vote.

5. (1) There shall be managing committee for every Water Users Association.

Constitution of managing committee of Water Users Association and election of its President and members

- (2) The Collector shall make arrangements for the election of the President of the Managing Committee of the Water Users Association by direct election from among its members, by the method of secret ballot, in such manner as may be prescribed.
- (3) The Collector shall also make arrangements for the election of the members of the managing committee, consisting of one member from each of the territorial constituency of the Water Users Association area, by the method of secret ballot, in such manner as may be prescribed.
- (4) If at an election held under sub-section (2) or (3), the President or the member in any territorial constituency is not elected, fresh election shall be held in the same manner as specified in sub-section (2) or (3), as the case may be :

Provided that the Government may, for the reasons to be recorded in writing, from time to time, postpone the election.

(5) The President and the members of the managing committee shall, if not recalled under section 13, be in office for a period of five years and six months*, from the date of the first meeting of the managing committee.

*Amendment of section 5
T.N.Govt Gazettee
Extraordinary
No.26/29.1.2009

(6) The managing committee shall exercise the powers and perform the functions of the Water Users Association.

6. The Government may, in such manner as may be prescribed, delineate command area of each major and medium irrigation system, comprising of two or more Water Users Associations, and declare it to be a Distributory Committee area for the purposes of this Act.

Delineation of
Distributory
Committee area

7. (1) There shall be a Distributory Committee called by its local distinct name for every Distributory Committee area declared as such under Section 6.

Constitution of
Distributory
Committee

(2) The President of every Water Users Association in a Distributory Committee area, shall be the member of such Distributory Committee *ex-officio*, and all such members shall constitute the general body of such Distributory Committee.

8. (1) There shall be a managing committee for every Distributory Committee.

Constitution of
managing committee
of Distributory
Committee and
election of its
President and
members

(2) The Collector shall make arrangements for the election of the President of the managing committee of the Distributory Committee by direct election from among its members, by the method of secret ballot, in such manner as may be prescribed.

(3)The Collector shall also make arrangements for the election of the members of the managing committee of the Distributory Committee from among the members of such Distributory Committee, who shall not be more than five, in such manner as may be prescribed:

Provided that the Government may, for the reasons to be recorded in writing, from time to time, postpone the election.

(4) If, at an election held under sub-section (2) or (3), the President or the members of the managing committee are not elected, fresh election shall be held in the same manner as specified in sub-section (2) or (3), as the case may be.

(5) The term of office of the President and the members of the managing committee shall, if not recalled under section 13, be coterminous with the term of members of the general body specified in sub-section (2) of section 7.

(6) The managing committee shall exercise the powers and perform the functions of the Distributory Committee.

9. The Government may, in such manner as may be prescribed, delineate every command area or part thereof, of a Major Irrigation System, and declare it to be a Project area for the purposes of this Act.

Delineation of
Project area

10. (1) There shall be a Project Committee called by its distinct name for every Project Area declared under Section 9.

Constitution of
Project
Committee

(2) The President of every Distributory Committee in the Project area shall be the member of such Project Committee, *ex-officio*, and all such members shall constitute the general body for such Project Committee.

11. (1) There shall be a managing committee for every Project Committee.

Constitution of
managing committee
of Project Committee
and election of its
chairman members

(2) The Collector shall make arrangements for the election of the Chairman of the managing committee of the Project Committee by direct election from among its members, by the method of secret ballot, in such manner as may be prescribed.

(3) The Collector shall also make arrangements for the election of the members of the managing committee of the Project Committee from among the members of such Project Committee, who shall not be more than nine, in such manner as may be prescribed.

Provided that the Government may, for the reasons to be recorded in writing, from time to time, postpone the election.

(4) If, at an election held under sub-section (2) or (3), the President or the Members of the managing committee are not elected, fresh election shall be held in the same manner as specified in sub-section (2) or (3), as the case may be.

(5) The term of office of the Chairman and the members of the managing committee shall, if not recalled under section 13, be coterminous with the term of members of the general body specified in sub-section (2) of section 10.

(6) The managing committee shall exercise the powers and perform the functions of the Project Committee.

12. (1) The Government may, by notification, constitute an Apex Committee with a Chairman and such number of members as may be prescribed.

Constitution of Apex
Committee

(2) The Apex Committee constituted under sub-section (1) may exercise such powers and functions as may be prescribed so as to lay down the policies and guidelines for implementation of the provisions of this Act.

13. (1) A motion for recall of a Chairman or a President or Member, as the case may be, of the managing committee of any farmers organisation may be made by giving a notice in writing in such form as may be prescribed, signed by not less than one-third of the total number of members of such farmers organisation, who are entitled to vote.

Procedure for recall

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

(2) If the motion is carried with the support of majority of the members present and voting at a meeting of the general body specially convened for the purpose, the Collector or the Government, as the case may be, shall by order, remove such person from office and the resulting vacancy shall be filled in the same manner as a casual vacancy.

14. The managing committee may constitute such number of sub-committees, from amongst the members of the farmers organisation concerned, as may be necessary to carry out all or any of the functions vested in it under this Act.

Constitution of Sub-
committee in farmers
organisation

15. Every farmers organisation referred to in clause (i) of section 2 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 purpose for

Farmers
organisation to be a
body corporate

which it is constituted and it shall sue or be sued in its corporate name represented by the Chairman or 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.

16. The Government may, in the interest of farmers organisation in any command area, by notification and in accordance with the rules made in this behalf,--

Changes in farmers organisation

- (a) form a new farmers organisation, by separating the area from any existing farmers organisation; or
- (b) increase the area of any farmers organisation; or
- (c) diminish the area of any farmers organisation; or
- (d) alter the boundaries of any farmers organisation; or
- (e) cancel a notification issued under this section for rectifying any mistake;

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

17. (1) A person shall be disqualified for being chosen as or for being a Chairman or President or a Member of any managing committee, if-

Disqualification of candidates or members

(a) he is a village servant or officer or servant of the Government of India or of any State Government or of any local authority or an employee of any institution receiving aid from the funds of the Government.

(b) he has been convicted by a criminal court for any offence involving moral turpitude committed under any law for the time being in force;

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

(d) he is an applicant to be adjudicated as an insolvent or an undischarged insolvent; or

(e) he is a defaulter of land revenue or water charges or fees payable either to the Government or to the farmers organisation;

(f) he is interested in a subsisting contract made with, or any work being done in the area of the concerned farmers organisation, for the Village Panchayat or Panchayat Union or Town Panchayat or Municipality or Municipal Corporation or State or Central Government or farmers organisation;

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

- (i) a company as a mere share holder, but not as a director; or
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money or any security for the payment of money only; or
- (iv) any newspaper, in which any advertisement relating to the affairs of the farmers organisation is inserted.

Explanation:- For the removal of doubts, it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Village Panchayat, Panchayat Union, Town Panchayat, Municipality, Municipal Corporation, Farmers Organisation, State or Central Government, as the case may be, has not performed its part of the contractual obligations.

(2) A Chairman or President or Member of any managing committee of a farmers organisation shall also become disqualified to continue in office and shall cease to hold office forthwith, if he-

- (a) is convicted in a criminal case involving moral turpitude; or
- (b) absents for three consecutive meetings without reasonable cause;

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

(3) A member of the Water User Association shall cease to be a member or a Chairman or a President, as the case may be, of a managing committee and shall become disqualified to continue in office, if he ceases to be a water user.

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

Resignation

(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 Chairman of the Project Committee concerned.

(4) The Chairman 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 Chairman of the Apex Committee.

(5) Any resignation under this section shall take effect from the date of acceptance or on the expiry of thirty days from the date of its receipt, whichever is earlier.

19. (1) A vacancy arising in any managing committee, either due to disqualification under sub-section (2) or (3) of section 17 or due to death or resignation or any other reason, such vacancy shall be filled up, by nomination, till the vacancy is filled up by election under sub-section (2), in the following manner:-

Filling up of vacancies

(a) A vacancy in the Water Users Association shall be filled by the managing committee of the Distributory Committee, in such manner as may be prescribed;

(b) A vacancy in the Distributory Committee shall be filled by the managing committee of the Project Committee, in such manner as may be prescribed; and

(c) A vacancy in the Project Committee shall be filled by the Apex Committee, in such manner as may be prescribed.

(2) The 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 Chairman of the 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.

20. No act or proceedings of any managing committee shall be invalid by reason only of the existence of any vacancy in, or defect in the constitution of, the said managing committee.

Acts not to be invalidated by vacancy etc.

21. The meetings of the farmers organisation and the managing committee thereof shall be at such intervals, by such procedure, and with such quorum, as may be prescribed.

Meetings

CHAPTER III FUNCTIONS OF FARMERS ORGANISATION.

22. The Water Users Association shall perform the following functions, namely:-

Functions of Water Users' Association

- (a) to prepare and implement an operational plan and a Rotational Water Supply for each irrigation season, consistent with the operational plan, prepared by the Distributory Committee and the Project Committee, and based upon the entitlement, area, soil and

cropping pattern as approved by the managing committee or Distributory Committee, or as the case may be, of 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, water courses and field drains in its area of operation with the funds of the Water Users Association, from time to time;
- (c) to regulate the use of water among the various sluices under its area of operation according to the Rotational Water Supply;
- (d) to promote economy in the use of water allocated;
- (e) to assist the authorities of the Revenue Department of the Government, in the preparation of demand and collection of water charges;
- (f) to maintain a register of water users, as published by the Revenue Department of the Government;
- (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 of the Water Users Association in its area of operation;
- (j) to raise resources;
- (k) to maintain accounts;
- (l) to cause annual audit of its accounts;
- (m) to assist in the conduct of elections to the managing committee.
- (n) to maintain such other records, as may be prescribed;
- (o) to abide by the decisions of the Distributory Committee and Project Committee;
- (p) to conduct general body meetings, in such manner as may be prescribed;
- (q) to encourage avenue for plantation on canal and tank poramboke, and to protect and maintain such plantations;
- (r) to conduct regular water budgeting and also to conduct periodical social audit, as may be prescribed; and
- (s) to remove the encroachments on canal, drains and tank poramboke in the area of jurisdiction of the Water Users Association.

23. The Distributory Committee shall perform the following functions, namely:-

Functions of
Distributory
Committee.

(a) to prepare an operational plan based on its entitlement, area, soil, cropping pattern at the beginning of each irrigation season, consistent with the operational plan prepared by the Project Committee.

(b) to prepare a plan for the maintenance of branch canals, distributories and medium drains within its area of operation as the end of each crop season and execute the maintenance works with its funds, from time to time;

(c) to regulate the use of water among the various Water Users Associations under its area of operation;

(d) to resolve disputes, if any, between the Water Users Associations in its area of operation;

(e) to maintain a register of Water Users Association in its area of operation;

(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 of its accounts;

(j) to maintain such other records, as may be prescribed;

(k) to monitor the flow of water for irrigation;

(l) to conduct general body meetings, 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, as may be prescribed;

(o) to assist in the conduct of elections to the managing committee

(p) to encourage avenue for plantations in its area of operation;

and

(q) to remove the encroachments on canal, drains and tank poramboke in the area of jurisdiction of the Distributory Committee.

24. The Project Committee shall perform the following functions, namely:-

(a) to approve an operational plan, based on its entitlement, area, soil cropping pattern, as prepared by the competent authority, in respect of the entire project area at the beginning of each irrigation season;

Functions of
Project
Committee

(b) to approve a plan for the maintenance of irrigation system, including the major drains, within its area of operation at the end of each crop seasons and execute the maintenance works with the fund of the Project Committee

(c) to maintain a list of the Distributory Committees and Water Users Associations in its area of operation;

(d) to maintain an inventory of the branch canals, distributories and drainage systems in its area of operation;

(e) to resolve disputes if any, between the Distributory Committees;

(f) to promote economy in the use of water;

(g) to maintain accounts;

(h) to cause annual audit of its accounts;

(i) to maintain such other records, as may be prescribed;

(j) to conduct general body meetings, as may be prescribed;

(k) to cause regular water budgeting and also the periodical social audit, as may be prescribed.

(l) To encourage avenue for plantations in its area of operation; and

(m) To remove the encroachments on canal, drains and tank paramboke in the area of jurisdiction of the Project Committee.

25. A farmers organisation may, for carrying out the purposes of this Act, and for achieving the objects of such organisation and performing its functions, levy and collect such fees not exceeding five hundred rupees per hectare per year from every water user, as may be prescribed, from time to time.

Power to levy and collect fees

26. (1) The Government may, by notification, appoint such officer of the Water Resources Organisation, as they consider necessary, to be the competent authority to every farmers organisation, for the purposes of this Act.

Appointment of competent authority and his functions

(2) The competent authority appointed under sub-section (1) shall assist the respective farmers organisation in the implementation and execution of all decisions taken by such farmers organisation.

(3) Every farmers organisation shall extend such co-operation or assistance, as may be required by the competent authority, for carrying out the purposes of this Act.

CHAPTER IV FUNDS OF FARMERS ORGANISATION

27. There shall be a Fund for every farmers organisation, which shall comprise of the following sources, namely:-

Fund of Farmers
Organisation

(1) grants received from the Government as a share of the water charges collected in the area of operation of the farmers organisation, at such rates as may be prescribed.

(2) such other funds as may be granted by the State and Central Government for the development of the area of operation;

(3) resources raised from any financing agency for undertaking any economic development activities in its area of operation;

(4) such income from the properties and assets attached to the irrigation system within its area of operation, as may be granted by the Government;

(5) fees collected under section 25;

(6) amounts received from any other source;

28. (1) The farmers organisation shall keep its Fund in a Nationalised Bank or a Co-operative Bank or any Agricultural Co-operative Society.

Deposit and
administration of the
Fund.

(2) The Fund 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.

29. (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.

Sinking Fund

(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.

30. Every farmers organisation shall get its accounts audited annually in such manner and by such auditors, as may be prescribed.

Audit

31. The managing committee of a farmers organisation shall prepare in such form in every financial year a budget in respect of next financial year, showing the estimated receipts and expenditure of

Budget.

such committee and shall place before its general body for its approval in such manner, as may be prescribed.

CHAPTER V OFFENCES AND PENALTIES

32. Whoever, without any lawful authority, does any of the following acts, namely:-

Offences and penalties.

(a) damages, alters, enlarges, or obstructs any irrigation system; or

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

(c) being responsible for the maintenance of the irrigation system, neglects to take proper precautions for the prevention of wastage of the water thereof or interferes with the authorised distribution of water there from or uses water in an unauthorised manner, or in such manner as to cause damage to the adjacent land; or

(d) corrupts or fouls, water of any irrigation system so as to render it less fit for the purposes for which it is ordinarily used; or

(e) obstructs or removes any level marks or water gauge or any other mark or sign fixed by the authority of a public servant; or

(f) opens, shuts, or obstructs or attempts to open, shut or obstruct any sluice or outlet or any other similar contravence in any irrigation system; or

(g) violates the Rotational Water Supply or water distribution and regulation made by the Water Users Association or Distributory Committee or the Project Committee, shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees, or with both.

33. No court shall take cognizance of an offence under this Act, except on complaint made by the competent authority or the President or Chairman, as the case may be, of the managing committee of any farmers organisation.

Cognizance of offences.

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

Punishment under other laws not barred.

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

35. (1) Any offence punishable under section 32 may, either before or after making the complaint under section 33, be compounded by the competent authority or the President or the Chairman, as the case may be, of the managing committee of a farmers organisation, on payment, for credit to the Government, of such sum as the competent authority or the Chairman or the President, as the case may be, specify;

Compounding of offences

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

(2) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender, in respect of the offence so compounded, and the offender if in custody, shall be discharged forthwith.

(3) No offence punishable under this Act shall be compounded except as provided by this section.

CHAPTER VI SETTLEMENT OF DISPUTES.

36. (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 such farmers organisation.

Settlement of
disputes

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

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

(4) Any such dispute or difference arising between a member and 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.

37. (1) Any 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.

Appeals

(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 the managing committee of the 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 fifteen days of communication of the decision or the order to the person aggrieved.

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

CHAPTER VII MISCELLANEOUS

38. (1) Every farmers organisation shall keep at its office, the following accounts, records and documents, namely :-

Records

- (a) an up-to-date copy of this Act;
- (b) a map of the area of operation of the farmers organisation along with the map of the structures and distributory networks prepared in consultation with the Water Resources Organisation;
- (c) a statement of the assets and liabilities;
- (d) minutes book;
- (e) books of account showing receipts and payments;
- (f) books of account of all purchases and sales of goods made by the farmers organisation;
- (g) register of measurement books, level field books, works orders and the like;
- (h) copies of audit reports and enquiry reports;
- (i) such other accounts, records and documents as may be prescribed, from time to time;

(2) The books of accounts and other records shall be open for information to the members of the respective farmers organisation.

39. Without prejudice to any other mode of recovery which is being taken or may be taken under this Act or any other law for the time being in force, any moneys due to farmers organisation may be recovered as if it were an arrears of land revenue and for the purposes of such recovery, the competent authority shall have the powers of a Collector under the Tamil Nadu Revenue Recovery Act, 1864.

Recovery of moneys due to farmers organisation as arrears of land revenue.

40. The meeting of the farmers organisation and the managing committee thereof, its procedure, intervals, presidency and quorum thereof shall be such as may be prescribed.

Meetings

41. (1) The Government may, by notification, appoint a Commissioner to exercise general control and superintendence over the competent authorities and the Collectors in performance of their functions under this Act or the rules made there under.

Appointment of Commissioner.

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

42. (1) Any farmers association already formed and registered under the Tamil Nadu Societies Registration Act, 1975 for the purpose of carrying out the functions of participatory Irrigation Management prior to the coming into force of this Act and functioning in any area declared to be a Water Users Association Area under section 3 shall, as soon as the Managing Committee of the Water Users Association is constituted in accordance with section 5 in such area, cease to exist:

Merger of already formed and registered farmers associations and transitional arrangements.

Provided that where any such farmers association which has entered into a Memorandum of Understanding with any authority of the Water Resources Organisation before coming into force of this Act shall continue to exercise the powers and functions of a Water Users Association in the respective area from the date of coming into force of this Act and till the constitution of the managing committee of the Water Users Association in accordance with this Act.

(2) The Government may, by notification, appoint officers from the Water Resources Organisation to exercise the powers and perform the functions of a farmers organisation and the managing committee thereof, till such time such farmers organisation is duly constituted or reconstituted and such managing committee assumes office under the provisions of this Act.

43. All permissions, orders, decisions, notices and other documents of the farmers organisation shall be authenticated by the signature of the Chairman or President of such farmers organisation or any other member of the managing committee as may be specifically authorised by such managing committee in writing in this behalf.

Authentication of orders and documents of the farmers organisation.

44. No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of action taken in good faith

45. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Tamil Nadu Government Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty.

Power to remove difficulties

Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

46. (1) The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take appropriate proceedings under this Act in any case specified in the order, and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

Power of Government to give directions

(2) The Government may issue such orders and directions of a general character as they may consider necessary in respect of any matter relating to the powers and duties of the competent authority or the farmers organisation and thereupon the competent authority or the farmers organisation shall give effect to such orders and directions.

47. The Commissioner may, either on his own motion or on application made, call for and examine the records of any farmers organisation or as the case may be, the records of the Apex Committee in respect of any decision, order, or other proceedings made under this Act, to satisfy himself as to the correctness, legality or propriety of any such decision or order, or as to the regularity of such proceedings and if, in any case, it appears to the Commissioner that such decision, order or proceedings should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly.

Revision by Commissioner.

Provided that the Commissioner shall not pass any order prejudicial to any person unless he has been given an opportunity of making a representation.

48. The provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force.

Operation of other laws not affected.

49. Nothing contained in this Act shall affect the rights or properties vested in a Village Panchayat, Panchayat Union, Town Panchayat, Municipality or Municipal Corporation under any law for the time being in force.

Savings

50. (1) The Government may make rules to carry out all or any of the purposes of this Act.

Power to make rules.

(2) Every rule or order made under this Act shall, as soon as possible, after it is made, be placed on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or order, or the Assembly decides that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

(By order of the Governor)

K. PARTHASARATHY,
Secretary to Government,
Law Department.