

Draft

Notification

Ranchi, day ofmonth 2012

In exercise of the powers conferred to State Government under section 115 (1)¹ and (2)² of Bihar Irrigation Act 1997, the Governor of Jharkhand is pleased to make the following Rules, namely:

1. Name, Extent and Commencement:

These rules may be called 'Jharkhand Participatory Irrigation Management Rules' (2012). It shall be applicable to the whole of the state of Jharkhand. It shall be effective from the date of notification in the Jharkhand Gazette.

2. Definitions:-

- a) 'Act' means Bihar Irrigation Act 1997.
- b) 'Area of operation' in relation to Water User Association (WUA) or WUA Federation means a contiguous patch / block of land in the command area of an irrigation system as delineated by the PIM authority.

¹ *The State Government may by notification in Official Gazette make rules to carry out the purposes of this act or for matters connected therewith or which are required to be prescribed by rule under provisions of this act.*

² *No such rules shall be made by the state government until a draft of the same shall be published in the Official Gazette for one month*

- c) 'Command Area' means all lands which are fit for cultivation under irrigable command of an irrigation system or scheme.
- d) 'PIM' means Participatory Irrigation Management
- e) 'PIM Authority' means the authority appointed by Government for implementing PIM in the state.
- f) 'Water User's Association (WUA)' means an association of farmers at primary level of a canal or part there of or micro / lift irrigation system or any other irrigation system for distribution of water among farmers, operation and maintenance of the irrigation system
- g) 'Water User Associations' Federation' means a federated registered (under societies' registration act XXI of 1860) organization of WUA having contiguous command area at distributary or minor level for overall supervision, operation and maintenance of irrigation system.
- h) 'Project Committee' is the federated organization of WUA federations at project level, shall be applicable for medium and major irrigation projects.
- i) 'Distributary System'
 - i. Which takes off directly from main canal or branch canal or a larger distributary to distribute water to minors and water courses.
 - ii. 'Minor' which takes off from a distributary or sub distributary to distribute water to their minor water courses.

- iii. 'Water Course' which takes off from a distributary or a minor to distribute water to the field channels. Its capacity may be different in different projects/schemes.
 - iv. 'Outlet' which is an opening constructed in an irrigation conveyance system through which water is delivered to a field channel or directly to the fields.
- j) 'Field Channel' is a channel constructed from an outlet to or into the farmers' field.
 - k) 'Jharwater' means Jharkhand Water Resource Development Society created under Water Resource Department, Govt. of Jharkhand
 - l) 'Financing Agency' means Commercial Bank or Cooperative Society or any other bank or organization /donor established under any law which lends /grants money for the development of the area of operation for the farmers' organization.
 - m) 'Financial Year' means a year commencing from the 1st April of the relevant year to the 31st March of the ensuing year.
 - n) 'Government' means the Government of the State of Jharkhand.
 - o) 'Irrigation System' means major, medium and minor irrigation systems for harvesting and conveying water for irrigation and allied uses, from reservoirs, tanks, barrages, weirs , canals , channels, ponds, springs ponds, spring channels , lift irrigation schemes , sluices, etc.

- p) 'Land Owner' means an owner or a tenant recorded as such in the record of right under the prevailing law/s in Jharkhand.
- q) 'Notification' means a notification published in official Gazette of government of Jharkhand.
- r) 'Operational Plan' means a schedule of irrigation deliveries with details of the mode and duration of supplies drawn up for irrigation in the command area of an irrigation system.
- s) The words and expression used in the rule have taken from 'Bihar Irrigation Act, 1997'. The words and expression used in this rule but not defined shall have the meaning assigned to them in Bihar Irrigation Act 1997.

3. Objectives of PIM

- i. To promote Water User Associations (WUA) and its associated tiers for operation, future maintenance of irrigation infrastructures such as canal minors, distributaries, micro lift irrigations, water bodies which has been handed over to them,
- ii. To prepare plan for operation, maintenance, improvement and modernization of irrigation system including distributaries systems and field channels, etc. and submit the same to relevant agencies for seeking financial assistance (if required) and execution of plan,
- iii. To prepare crop plan and season wise water requirement for the entire command area and implement the same,

- iv. To receive water from canals / lift irrigation / water bodies, as agreed and given by Water Resource Department Government of Jharkhand, distribute the received water equitably among farmers,
- v. To undertake further construction (if required) of field channels and on farm development, installation of micro lift irrigation, execution of catchment treatment plan, installation of drip and other innovative irrigation system and their future maintenance,
- vi. To carry out repair in water conveyance system, water intake source, water lifting / diverting systems and other similar places/ infrastructure and command area development work in the command area,
- vii. To survey, record and collate data related to season wise command area utilized, water tariff receivable from farmers, collection and deposit of water tariff to concerned authority as per prevailing rules of the government,
- viii. To facilitate Capacity building of farmers, WUAs, officers on PIM, promotion of WUA, Water use efficiency, Crop production and productivity, on / off Farm Development Activities and other similar works,
- ix. To strengthen functioning of WUA and to maintain required books, database, Management Information System (MIS), etc. at various levels and ensure compliances to all concerned,
- x. Any other objective, that emerges or becomes important in due course of time for ensuring PIM in the state.

4. Institutional Arrangements for PIM:

A state level Executive Committee, Chaired by Principal Secretary, Water Resource Department, Government of Jharkhand shall be formed as following:

Sl. No.	Name	Designation
1	Principal Secretary/Secretary, Water Resource Department, Govt. of Jharkhand	Chair Person
2	Special Secretary cum Chief Executive Officer JHARWATER, Water Resource Department, Govt. of Jharkhand	Vice Chair Person
3	Engineer in Chief (I & II), Water Resource Department, Govt. of Jharkhand	Member
4	Chief Executive Officer, State level Nodal Agency, Rural Development Department, Govt. of Jharkhand	Member
5	Representative of Finance Department, Govt. of Jharkhand	Member
6	Representative from Forest department, Govt. of Jharkhand	Member
7	Chief General Manager, NABARD, Ranchi	Member
8	Representative from Revenue & Land Reform department, Govt. of Jharkhand	Member
9	Director, Jharkhand Space Application Centre, Govt. of Jharkhand	Member
10	Principal Scientist and Head, Horticulture and Agro forestry Research Project (HARP), Palandu, Ranchi	Member

11	Chief Engineer, Monitoring, Water Resource Department, Govt. of Jharkhand	Member
12	Director, Central Water Commission, Ranchi	Member
13	Director Agriculture/Horticulture, Govt. of Jharkhand	Member
14	In charge, Revenue Division, Water Resource Department, Govt. of Jharkhand	Member
15 & 16	Two representatives from Non Governmental Organizations (to be nominated by the Chair Person)	Member
17	State Program Manager, JHARWATER	Member Convener

Chair Person, may invite any special invitee in the Executive Committee meetings of the society

The committee shall provide overall guidance and strategic support for the implementation of PIM and Command Area Development works in the state. The committee shall finalize annual plan and budget, Approval of selected / identified Project facilitating agencies (Non Governmental Organizations, WALMI, etc), review the progress of implementation and any other for delivery of the envisaged objectives.

The above executive committee shall be co-terminus with the Executive Committee of Jharwater (Annexure 1). The office of Special Secretary, Water Resource Department, Government of Jharkhand cum Chief Executive Officer Jharwater shall function as PIM cell in the state. Prior to the creation of Jharwater, a temporary PIM cell shall be created and the cell shall facilitate PIM related planning, implementation and monitoring including empanelment of

PIM facilitating agency. After creation of Jharwater, the PIM cell shall be taken over by Jharwater. The five Divisional offices of Jharwater at divisional headquarters (Ranchi, Hazaribag, Dumka, Chaibasa and Palamu) shall function as PIM units for the respective divisions. The WUA and its associated tiers shall be directly implementing PIM and Command Area Development works under the Technical and managerial support / facilitation of Non Governmental Organizations and other agencies empanelled by the Executive Committee.

5. Water User's Association (WUA), WUA Federation and Project Committee:

It shall be at three levels:

Village or Hamlet level: The WUA shall be created in all villages / hamlets or outlet falling under the command area of canal, micro lift irrigation, water bodies, etc, having a command area of 10 hectares or more. Such WUA shall be informal conglomeration of farmers and shall not be registered; **however, if necessary, in special cases, for the compliance of guidelines of Ministry of Water Resources (MoWR) & Water Resources Department, Govt. of Jharkhand (WRD, GOJ) it may be registered.**

Minor/distributary level: The village or hamlet level or outlet level WUA shall be federated to form minor or distributary level federation namely 'WUA federation'. It shall be registered under Societies Registration Act 1860.

Project Level: The office bearers (Chair Person, Secretary and Treasurer) of minor or distributary level committee under a project shall form 'Project Committee' for entire command area of a project. This committee may not be

registered. For projects having smaller command area or where one or two minor /distributary committees have been formed, this committee may not be formed.

5.1 Details of WUA, WUA federation and project committee

- i) Name and address: To be suggested and decided by the farmers of the command area.
- ii) Operational area and membership: Command Area, for which the WUA/ WUA federation has been formed and farmers owning cultivable land or lease land or share cropper in the command area shall be the members.
- iii) Status: **WUA generally shall be unregistered (may be registered in special cases as per provision of sec-5) and WUA federation shall be registered farmer's institution.**
- iv) Documents to be kept in WUA and federation:
 - a. Command Area map showing cultivable³ and uncultivable land along with line diagram of irrigation infrastructure (canal or micro lift or flow irrigation system, etc.) and irrigable command area under each outlet,
 - b. Membership list with their land details (total cultivable land , irrigable area in Kharif and Rabi season),
 - c. Discharge details at outlets, especially for canal system,
 - d. Rules and Resolution of WUA/Federation ,

³ May be different for kharif and Rabi crops

- e. Details of schemes⁴ implemented / repaired (Detail Project Report, Estimate, Sanction Letter, etc), physical and financial progress reports, copies of utilization certificate submitted, etc.,
- f. Contribution register,
- g. Meeting register,
- h. Cash book, Ledger book, Passbook, Cheque book and Check register,
- i. Water distribution register (farmer wise ledger pages with irrigation details season wise),
- j. Water tariff collection register (farmer wise ledger pages with season wise collection details),
- k. Complain and visitor register,
- l. Printed vouchers (receipt, payment, others),
- m. Any other books⁵, as felt necessary by the WUA/federation

The project committee shall keep consolidated reports of all federations along with basic financial and administrative records.

The members of WUA, federation, project committee or government officers or public representative shall have right to view/inspect the above records. However, prior information and approval of WUA or federation or project committee for such inspection is expected.

⁴ CAD plan, Micro lift irrigation, RRR, Water conservation, Catchment treatment plan, watershed, etc

⁵ The WUA may decide, in their meeting, to drop maintaining few documents initially, as per their requirements.

6. Implementation of PIM:

Following steps are proposed for implementation of PIM:

- i. Approval of PIM Rules (2012), Jharkhand,
- ii. Issue of departmental circular / order for creation of PIM cell
 - a. The office of Chief Executive Officer of Jharwater or a temporary cell headed by Special Secretary Water Resource Department, Govt of Jharkhand may be notified.
 - b. The PIM cell shall be staffed and equipped as following:
 - i. One officer experienced in PIM – on deputation
 - ii. One programmer cum MIS officer and One assistant programmer - on contract
 - iii. The cell shall be required to be equipped with essential furniture and fixtures, computers, printers, scanners, etc.
 - iv. Each divisional PIM unit (at Ranchi, Hazaribag, Dumka, Chaibasa and Palamu) shall be staffed by one officer on deputation and one programmer cum MIS officer on contract basis along with essential furniture and fixtures, computers, printers, scanners, etc. The divisional PIM units may be created as per the requirements and readiness of command area for handing over for PIM.

- iii. Collation of irrigable command area⁶ (irrigation potential) created in the state under Canal or Micro lift or Ponds or Well or any other irrigation system which are ready or where irrigation can be commenced, to be handed over for PIM,
- iv. Preparation of perspective physical and financial plan for PIM during 12th five year plan. Step iii and iv shall be revisited as and when required
- v. Empanelment⁷ of PIM Facilitation Agencies from among competent, Non Governmental Organizations, WALMI and other Resource institutions fulfilling the following minimum criteria:
 - a. Registered
 - b. Minimum three years' of existence and work experience in community organization, water management, irrigation promotion or agriculture promotion or similar work in Jharkhand or other state
 - c. Fulltime adequate staff having agriculture or water management or irrigation and social work background
 - d. Programmatic outreach in significant villages with annual budget of Rs. 100 lakh or above in last three financial years
 - e. Not back listed by any department of Government or NABARD or CAPART or any other agency.

⁶ In case of micro lift irrigation, RRR, etc the PIM processes shall be started from planning stage itself.

⁷ The empanelment shall not be less than for a period of three years, as the agency would be required to support the farmers at least in two cropping cycles.

- f. Other additional criteria as decided by the department
- vi. Allocation of area, work and resources to PIM facilitating agencies by PIM authority,
- vii. Implementation of PIM by PIM facilitation agencies shall have broadly, the following steps:
- a. Orient the staff on PIM act, PIM rules, its process, envisaged outputs and outcomes and Prepare task time line for a period of 2 to 3 years,
 - b. Awareness creation and sensitization of farmers through organizing farmers' meetings at regular intervals, conducting exposure visits, audio –video shows on water management by farmers, etc and subsequently promotion of WUAs,
 - c. Capacity building of farmers and WUAs on crop planning, water requirements of crops, water distribution, operation schedule of outlets, maintenance of water conveyance system and other components of irrigation system,
 - d. Finalize system and procedure of WUA functioning (selection of Chair Person, Secretary and Treasurer of WUA, meeting regularity, norms and procedures), water tariff collection as per government direction. *In case of micro lift irrigation system, community shall decide on the water tariff and their collection mechanism.*
 - e. Preparation of water release / lift plan as per crop plan of WUA farmers and accordingly making water available in farmers field

- f. Prepare plan for on farm /off farm Development works, Repair Renovation and Restoration, Water conservation, Catchment treatment, watershed treatment and implement the same,
- g. Command area development, other farm development work and convergence with other programs: The plan for command area development work and other farm development works such as land leveling and bunding, construction of field channels, horticulture, etc shall be prepared by the WUA and farmers (at hamlet / village level) under facilitation of the PIM facilitating agency. The plan shall be vetted and recommended by the WUA or Gram Sabha and shall be sent for getting financial assistance from Water resource department and other departments through convergence (Mahatma Gandhi National Rural Employment Guaranty Act, National Horticulture Mission, Integrated Action Plan, National Food Security Mission, etc). The approved plan shall be implemented by the hamlet / village level WUAs. The PIM facilitating agency shall provide all technical and managerial support including marketing to WUAs,
- h. The office bearers of WUA and federation shall liaison with various departments, Resource agencies, Panchayat and other elected representatives for convergence and seeking support for efficient functioning and economic growth,
- i. Collect contributions (in cash or kind or person days form) from members to meet a part cost of schemes, if implemented,

- j. Collect water tariff, make payments to individuals / agencies / government, maintain required records and send physical, financial reports and utilization certificates to all concerned,
 - k. Organizing meetings for selecting representative for WUA federation. In canal irrigation system this shall be required in the early stages, however, in case of lift irrigation or other small irrigation system this may be done at later stage,
 - l. Register the WUA federation under society's registration act 1860,
 - m. Handover the responsibilities of operation and maintenance of irrigation structure to WUA federation by executing a formal agreement between the federation and PIM authority⁸,
 - n. Conflict resolution and troubleshooting as and when required at farmer or WUA or Federation level,
- viii. After handing over operation and maintenance work to WUA/federation the PIM cell shall
- a. Review and monitor the progress,
 - b. Gradation of WUA/federation, subsequently award prizes to better WUA / Federation and take corrective measures for weak WUA / federation,

⁸ Officer nominated by PIM cell

- c. Maintain database of the contribution /revenue collected, utilized for operation and maintenance, tariff deposited to Government and surplus carried forward,
- d. Organize divisional level (Ranchi, Hazaribag, Dumka, Chaibasa and Palamu) meetings/seminars for cross learning, standardizing systems in PIM and facilitate compliance to statutory body,
- e. Extend financial support for major repairs or other such works **as per prevailing guideline of Ministry of Water Resources (MoWR), Govt. of India and Water Resources Department, Govt. of Jharkhand (WRD, GOJ).**

6.1 Registration of WUA Federation

The registration of society shall be facilitated by the empanelled PIM facilitating agencies. For registration, an application along with following documents shall be required:

- a. Application form (annexure 2),
- b. Resolution by general body of the federation,
- c. Rules of the Federation,
- d. Any other, as per the requirement of registration department

6.2 Agreement between WUA Federation and PIM cell

- a. The Water User Federation shall apply in prescribed format (annexure - 3) for getting the required volume of water for irrigating their command area.
- b. The PIM authority shall issue an order (annexure- 4) allowing the federation to take water for their use on prevailing rate (approved by Government),
- c. The WUA federation and PIM authority shall sign agreement (annexure - 5) and the process of handing over the responsibility of operation and maintenance,

The PIM authority shall prepare an inventory of components of irrigation infrastructure, their status and this document shall form a part of the agreement as an annexure. The federation shall be responsible for operation and maintenance of all the components of irrigation infrastructure of distributary, minors, field channels, other micro systems and exercise all the powers conferred in PIM Rules Jharkhand (2012). In medium irrigation projects, where the command area is relatively smaller and PIM authority considers that it is manageable by WUA federation, the WUA federation shall be authorized by PIM authority to take up the responsibility of operation and maintenance of entire irrigation system including head works and main canals. In case of lift irrigation system, the WUA / federation shall maintain entire irrigation system including pump house, lifting devices, conveyance system, vats /outlets, storage tank, etc.

In case of any attempt to damage a part or a components of canal irrigation system or lift irrigation system or encroaches any part of canal/ distributary / minor / field channel or creates disturbance in any work of WUA/federation, the

federation shall have right to take action against the concerned people or group of people as per section 82 to 90 of Bihar Irrigation Act 1997.

For any legal matter, Secretary WUA / federation shall be responsible. The Secretary shall sign all the documents on behalf of the WUA/ Federation.

6.3 Review, Extension and Taking Over

Review of WUA's health and status of their works shall be done by Water Resource Department or hired competent agencies from open market. Based on the evaluation result, WUAs shall be graded. Subsequently prizes shall be awarded to better performing WUA / Federation and corrective measures shall be taken for weak WUA / federation. Water allocation term shall be reviewed and extended as per new prevailing rate of water tariff.

In cases where, the federation has been found involved in any embezzlement or misappropriation of fund, the PIM authority may take over the control of irrigation system. However, a new federation shall be created by PIM authority / facilitating agency within a period of six month from taking over the control and shall hand over the responsibility again to newly created federation.

7. Promotion of WUA and Federation⁹:

⁹ The promotion of Water User Association (WUA) requires close engagement of PIM facilitating agency and farmers for a period of 2-3 years. The facilitating agency needs to be well versed with the socio-economic context of the area, WUA promotion processes and growth path of WUA. After getting experienced for 2-3 years, the WUA shall not require any facilitation support and would function independently.

Water User's Association (WUA) shall consist of all the water users who are either land owners or lease land holders or share croppers or a combination of these in the command area.

7.1 Membership:

All the farmers (land owners, land lease holders, share croppers) including women from women headed family and marginal farmers, above 18 years of age who are engaged in agricultural practices in the command area under canal / micro lift / other irrigation system are eligible to become a member of WUA. A farmer can be a member in more than one WUA provided he/she owns land in more than one command area. A farmer needs to apply for membership along with required fee.

Membership of a farmer may be ceased due to non payment of requisite fee / tariff or non adherence of WUA's norm and procedures or by self resignation.

7.2 Operating Structure of WUA

- i. All the farmers shall meet and collectively form 'General Body' of WUA. Women members shall be encouraged to take part in the meeting
- ii. The general body shall select an Executive Committee, comprising of minimum seven members.
- iii. These seven members (out of seven, three or 40% which is higher, shall be women) shall be office bearers of the WUA. Following shall be the designation of Executive Committee members:
 - a. Chair Person – One

- b. Vice Chair Person – One
 - c. Secretary – One
 - d. Treasurer – One
 - e. Members - Three.
- iv. The General body shall decide on the term of Executive Committee as per their convenience (1 to 3 years). It is advisable to keep the term of General Body shorter in initial years.
- v. Continuation of a member in two consecutive terms as an office bearer of Executive Committee shall be discouraged and avoided. In case of non – availability of suitable new women members as office bearer in Executive Committee, 2nd consecutive term of old women member shall be allowed
- vi. A vacancy arising either due to death or resignation or by any reason, such vacancy shall be filled up by nomination.

7.3 Meetings:

- i. The General Body of WUA meet on annually in the month of April,
- ii. Executive Committee shall meet on monthly basis. In the 1st year and during crop season, this meeting may be more frequent,
- iii. Base on the requirement, Secretary may call special meeting of either General Body or Executive Committee by giving a notice, seven days before commencement of the meeting,

- iv. Any member, with signature of 1/3rd members of WUA, may request Secretary for calling a meeting for specific issues. Secretary shall call the meeting of General Body or EC within 15 days of receipt of such request.
- v. The information of general body meeting date, time, venue and agenda shall be given 15 days before commencement day of the meeting by letter or traditional way of communication as decided by the General body. Information related to Executive Committee meeting shall be given 7 days prior to the commencement day of the meeting,
- vi. 1/3rd member's presence in the meeting shall fulfill the quorum. In absence of quorum meeting shall not be organized. In case of non fulfillment of quorum, the same meeting shall be organized in the next week on same day and time.
- vii. Decision in the meeting shall be through consensus. However, in conflicting situations, i.e. in case of getting equal vote for and against of any decision, the Chair Person's vote may be deciding vote,
- viii. The proceedings of the meeting shall be recorded in the meeting register and the same shall be confirmed in the next meeting.

7.4 Functioning of WUA /federation:

- I. WUA/federation shall operate within the broad frame work of PIM Rule Jharkhand (2012) and as per additional norms set by the WUA /federation itself,

- II. Power of the General body of WUA /federation shall be as following:
- a. Within the broad framework of PIM rules Jharkhand (2012), formulation of operating norms and procedures for PIM implementation,
 - b. Prepare PIM plan (irrigation planning, water distribution schedule, crop plan, operation of irrigation system, water tariff collection system, envisaged repair and maintenance, etc.) , Implementation of plan, maintenance of irrigation infrastructure including conveyance /distributary or water lifting system and financial management,
 - c. Approve the physical progress, plan and budget (annual, regular and supplementary), expenditures and statement of accounts,
 - d. Prepare necessary bylaw and vet the same by respective Gram Sabha in order to make the work of WUA/federation more efficient and focused towards achieving the objectives of the society,
 - e. The WUA/federation shall have a seal and it shall be kept at secured place. The seal shall be used for the WUA/federation's work and shall be signed by Secretary,
 - f. Delegate powers to EC and officer bearers of WUA/federation,
 - g. Undertake any other activity / process which shall be relevant for achieving the objectives of PIM,
- III. The executive committee shall implement, supervise and monitor the plan of WUA /federation as per the direction of general body. Additionally, form

sub-committee for special tasks and dissolve previously constituted committees which have become redundant. The role responsibility of officer bearers of WUA /federation shall be as following:

IV. Responsibility and powers of Chair Person of WUA/Federation:

- a. The Chair Person shall be CEO of the WUA/federation,
- b. Chair General body meetings, Executive body meetings and other meetings,
- c. Cast the concluding vote, in case of equal vote by members in favour and against in the meeting,
- d. Sign the minutes of the meeting.

V. Responsibility and powers of Vice +Chair Person of WUA/Federation:

- a. Chair the meetings in absence of Chair Person,
- b. Undertake the work of Chair Person in his/her absence.

VI. Responsibility and powers of Secretary of WUA/Federation:

- a. Call the meetings, preparation of minutes and Action Taken Report (ATR),
- b. Implementation, monitoring and preparation of progress reports of WUA /federation,
- c. Record and book keeping of non- financial matters,
- d. Communication with members and all concerned authority,

e. Compliances.

VII. Responsibility and powers of Treasurer of WUA/Federation:

- a. Receiving water tariff and making payments to all concerned,
- b. Maintenance of cash book, ledger book, bills, vouchers and other financial records,
- c. Hiring services of auditors (from open market or empanelled by department or PIM cell) for annual auditing of accounts and preparation of statement of accounts (for federation only).

7.5 Participatory Irrigation management by WUA/federation:

Irrigation management constitutes operation of canal (including branch) / micro lift / other irrigation system, distribution of water, repair of canal / micro lift / other irrigation system including field channel, estimation and collection of water tariff, conflict resolution, enhancing the production and productivity of crops in the command area including marketing of produce.

To execute the above following steps shall be followed:

- a) The WUA Federation shall apply in prescribed format (annexure -II) for getting the required volume of water for irrigating their command area under canal irrigation system. Micro lift / water bodies/ traditional *Ahar - Pyne* system shall be exempted from this process,
- b) The PIM authority shall issue an order allowing the Water User Federation to take water for their use on prevailing rate (decided by

- Water Resource Department or Water Regulatory Authority, Jharkhand),
to be reviewed after every 5 years,
- c) The PIM authority shall release water from demarcated point /outlet. PIM authority shall try their best to meet the required discharge agreed by PIM authority,
 - d) The hamlet or village level WUA shall be free to lift water from rivulets/ stream /water bodies for agriculture purposes,
 - e) The PIM facilitating agency shall facilitate crop planning considering the water availability,
 - f) The WUA shall distribute water as per water requirement of crops in the command area in such a way that all the farmers get water timely for irrigating their farm,
 - g) The Executive Committee of WUA /Federation shall look after the water conveyance and distribution system including field channels and take necessary corrective measures for required repair and maintenance. All the repair work shall be undertaken after every crop season by the WUA or federation. For bigger or specialized repair and maintenance work, the federation shall try to execute the same by their internal financial resources. However, in situations, where the federation does not have adequate fund for such repair or maintenance, the federation may apply to PIM authority for seeking financial assistance. The PIM authority may support a part cost (rest to be shared by Federation), to be decided by the PIM authority on case to case basis.

- h) In low laying area, appropriate arrangements shall be done to ensure safe disposal of excess water,
- i) The WUA Federation shall give undertaking for safety of irrigation system to PIM authority,
- j) WUA Federation shall be authorized to collect the water tariff from farmers and deposit 30% or as decided by Water Regulatory Authority or Water Resource Department, Government of Jharkhand of the total collected water tariff to Water Resource Department, Government of Jharkhand. The WUA federation shall utilize rest fund for their operation and future maintenance,
- k) WUA /federation shall maintain water distribution and tariff collection register i.e. *Sudkar register'* which shall contain farmer wise details of land, number of irrigation provided. Based on these and prevailing water tariff rate per hectare / acre, farmer wise demand shall be prepared and accordingly money shall be collected from member farmers. This register will be open for inspection by any farmer,
- l) In case, lower volume of water than the demanded and agreed on by both the parties, supplied and due to that there was crop loss, the WUA federation shall apply for water tariff waiver to PIM authority; the application shall reach to the PIM authority at least before 20 days of crop cutting. The authority shall examine the situation, decide on the application and communicate the decision to the Secretary of WUA / federation. If the decision goes against the WUA/federation, they may go for further appeal to higher authority,

- m) The WUA Federation shall deposit water tariff every year in government treasury (as per agreement), by 31 March and 30th June for the previous Kharif and Rabi season respectively. In case the WUA federation defaults the payment, the Water Resource Department, Government of Jharkhand shall stop supply of water in the next season. Same shall be applicable to all defaulting farmers and WUA or WUA Federation shall stop supply of water in the next season to the defaulting farmers' farm,
- n) In natural calamity situations such as flood or drought or fire the government may waive the water tariff for that particular year.

7.6 Project Committee:

Project Committee shall be the federated structure of WUA federation on project level. The process of formation of project committee shall be similar to that of WUA federation. There shall be a Managing Committee for every Project Committee consisting of 7 to 11 members including chairperson, of which 40% members shall be women. The term and roles responsibility of Chairperson and the office bearers of project Committee or its Managing committee shall be similar to the terms and roles responsibility of WUA federation or their EC respectively. Any vacancy arising either due to disqualification or due to death or resignation or by any reason, such vacancy shall be filled up by nomination.

8. Finance, accounts and audit:

The funds of WUA shall comprise of the following:

- a. Contribution from farmers, fees collected from members as membership fee or fee from service rendered to farmers or any other saving,
- b. Grant or soft loan received from State or Central Government,
- c. Fund raised from financing agency such as donors or financial institutions,
- d. Income from the properties and assets,
- e. Working capital grant or loan from banks or corporations,
- f. Other receipts or income from any other source.

8.1 Financial procedures:

- a. Standard books of accounts and financial procedures shall be followed by WUA federation and accordingly standard books of accounts such as cash book, ledger book, cheque book, cheque register, etc shall be maintained,
- b. A saving bank account shall be opened in the name of WUA or WUA federation in nationalized bank or cooperative bank or post office,

- c. In the beginning of every financial year, the Executive Committee of WUA federation shall prepare a budget, showing all possible receipts, expenditure and shall place before the General body for its approval,
- d. As per approved plan, budget and available fund, WUA / federation shall utilize fund. Any new expenditure shall be made only after taking approval in the General Body,
- e. The withdrawal of money shall be through the joint signature of any two among the three (Chair Person, Secretary and Treasurer) designated members of Executive Committee. Same process shall be applicable for payment through cheque to any party,
- f. The accounts of federation shall be audited by the empanelled auditors by the department / PIM cell. The office of Registrar, government of Jharkhand or their auditors shall be allowed to inspect the accounts of WUA federation,
- g. Annual audit report and other financial report shall be submitted by Federation to PIM cell, Water resource department, office of registrar and other concerned offices and authority.

Water Resource Department Government of Jharkhand, reserves the right to amend, add or delete any point or a part or full of the section or para, as and when felt necessary, in the interest of farmers of Jharkhand.

9. Dissolution of WUA/Federation:

The dissolution of registered WUA federation shall be done as per the provisions laid down in Societies' Registration Act 1860 and accordingly dissolution shall be done by 3/5th majority of General body meeting. After the dissolution, the property shall not be transferred to any member or non member. It shall be passed on to any other society or Government working in the same field with similar objectives by 3/5th member's vote. In case of embezzlement, fraud, abuse of power and functions or any other act on the part of Executive Committee of WUA or Federation, the PIM authority shall have the power to dissolve the WUA or Federation and make transitory arrangements to carry out the functions of the society provided that an Executive committee shall be re-constituted with in a period of three months of such dissolution.

Annexure – 1

The Executive Committee of Jharwater

Sl. No.	Name	Designation
1	Principal Secretary/Secretary, Water Resource Department, Govt. of Jharkhand	Chair Person
2	Special Secretary cum Chief Executive Officer JHARWATER, Water Resource Department, Govt. of Jharkhand	Vice Chair Person
3	Engineer in Chief (I & II), Water Resource Department, Govt. of Jharkhand	Member
4	Chief Executive Officer, State Level Nodal Agency, Rural Development Department, Govt. of Jharkhand	Member
5	Representative of Finance Department, Govt. of Jharkhand	Member
6	Representative from Forest department, Govt. of Jharkhand	Member
7	Representative from Revenue & Land Reform department, Govt. of Jharkhand	Member
8	Director, Jharkhand Space Application Centre, Govt. of Jharkhand	Member
9	Principal Scientist and Head, Horticulture and Agro –forestry Research Project (HARP), Palandu, Ranchi	Member
10	Chief Engineer, Monitoring, Water Resource Department, Govt. of Jharkhand	Member
11	Director, Central Water Commission, Ranchi	Member
12	Director Agriculture/Horticulture, Govt. of Jharkhand	Member
13	In charge, Revenue Div, Irrigation Department	Member

14	One representative from Non Government Organization (to be nominated by Chairperson)	Member
15	State Program Manager, JHARWATER, Water Resource Department, Govt. of Jharkhand	Member Convener

The Chair Person, may invite any special invitee in the Executive Committee meetings of the society

†

Annexure - 2

Application format for Registration of WUA Federation

To

Inspector General Registration

Ranchi, Jharkhand

Subject: Application for registration of Federation

Sir,

Farmers under command area of irrigation scheme have consented to register Federation and for that two copies of required documents (attached) are being submitted to you.

You are hereby, requested to register the federation under Societies' Registration Act XXI of 1860.

Your's faithfully

Enclosures:

(Authorized Signatory)

- a. Bylaw of federation
- b. Resolution of federation
- c. Registration fee
- d. Other, as required

Name, Designation & Signature

Annexure - 3

Application format for water demand by WUA federation

To

PIM Authority

.....

Subject: Application for water allocation and release to Federation

Sir,

The farmers under command area of minor/ distributary have formed federation. The details of irrigable command area and villages are as following:

Name of village/ hamlet	Geographical area of the village /hamlet (ha.)	Irrigable command area (ha.)	Name and address of chairperson of WUA
Total			

On behalf of the federation, I apply for allocation and release of water from minor /distributary for Kharif, Rabi and Summer irrigation for a period of 5 years. Total planned irrigable command area in Kharif, Rabi and Summer crop annually shall be ha,ha and ha respectively. The federation and farmers shall abide by PIM rule Jharkhand (2012) and adhere to the following terms and conditions:

- i. Federation shall collect water tariff as per prevailing rate decided by the WRD, Government of Jharkhand

- ii. 30% of the total collected water tariff from farmers shall be deposited to PIM authority / Water Resource Department Government of Jharkhand and rest 70% shall be kept for operation and maintenance expenditure at federation level
- iii. Federation shall pay water tariff in two installments every year (by 31st March for previous summer and kharif, by 30th June for previous Rabi).

Signature with Seal

(Secretary, WUA Federation)

Enclosures

- a. Village / hamlet wise and season wise command area
- b. Copy of registration of federation
- c. Resolution of selection of applicant by federation

Annexure - 4

Water allocation format by PIM authority

Order no.

Application no.

Name of WUA federation:

Name of Chairperson / Secretary of federation:.....

Address: Village :....., Block....., District.....

Total Irrigable command area:ha (.. ha in Kharif,Ha in Rabi &ha in summer)

Name of minor / distributary

Location of minor or outlet and discharge:.....

Water tariff (rate):

- i. Kharif season:
- ii. Rabi season:
- iii. Summer season:

Date of payment: For Summer and kharif by next 31st March and
For Rabi by next 30th June

This order has been issued under PIM rule Jharkhand (2012) and Bihar Irrigation act 1997.

Signature

PIM Authority

Annexure - 5

Agreement format between WUA Federation and PIM Authority

This agreement is being executed between PIM authority (Representative of WRD) and Federation (Representative of farmers) on day of month and year 20....

The WRD, Government of Jharkhand has agreed to allocate and release water from Minor/ distributary to Federation for providing irrigation in kharif, Rabi and summer season in ...ha, ...ha and ...ha respectively.

The federation shall distribute water to farmers, collect water from farmers, pay requisite water tariff to department and undertake operation & maintenance work in command area including COMMAND AREA DEVELOPMENT and other farm development works. This has become effective from day ... month .. year (agreement day) to a period of 5 years.

However, the ownership of all irrigation structures, conveyance system, acquired land for irrigation system, trees, canal service path/road, etc. rests with the Government.

Both the parties have agreed and signed the agreement on ... day Month ... year in their full conscience.

Signature

Signature

Secretary..... Federation

PIM authority,
Water Resource Department, Govt. of Jharkhand

Witness: 1

Witness: 1

2

2

PIM Rules Drafting Committee and processes

Water Resource Department Government of Jharkhand constituted a committee headed by Shri B. C. Nigam, Special Secretary WRD, vide letter no. 2/ CEM-483/2002/70 dated 30th January 2012 for preparing Participatory Irrigation Management Rule, 2012 (Jharkhand) with the following composition:

- | | |
|---|-------------|
| i. Shri B. C. Nigam, Special Secretary, WRD | Chairperson |
| ii. Shri Y. N. Mishra, Consultant (MI works), WRD | Convener |
| iii. Dr. D. K. Singh, SE, Design, Planning & Monitoring | Member |
| iv. Shri A. K. Panjiyar, SE, Planning & monitoring -2 | Member |
| v. Shri Rajendra Prasad, AE, Planning & Monitoring -2 | Member |
| vi. Shri M. K. Singh, AE, Planning & Monitoring -1 | Member |

The task of the committee was to prepare and submit the draft by 21st February'12.

Procedures Followed:

- i. Meeting of committee members, responsibility of preparing draft PIM rule assigned to the consultant
- ii. Examination and analysis of departmental file and old text supplied by members,
- iii. Preparation of PIM rule 2012 (draft) by consultant and circulation to all members including chair person on 21st February
- iv. Meeting of committee on 22.02.12 (vide letter no. 1/PMC/works/483/2002 /143, dated 21.02.12) and 28.02.12 to get comments of members on draft
- v. Incorporation of comments in the draft and again circulation of final draft on 05.03.12 for final comment
- vi. Incorporation of final comments and preparation of final copy to be attached in file for approval on 30.03.12