

NOTIFICATION

The Punjab Irrigation and Drainage Authority (Area Water Board) Rules, 2010

No. OSD/L&WD/6/98-III. In exercise of the powers conferred under section 16 of the Punjab Irrigation and Drainage Authority Act 1997(XI of 1997), the Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.–

- (1) These rules may be cited as the Punjab Irrigation and Drainage Authority (Area Water Board) Rules, 2010.
- (2) These shall come into force at once.

2. Definitions. – (1) In these rules:

- (a) "Act" means the Punjab Irrigation and Drainage Authority Act 1997(XI of 1997);
- (b) "Area Water Board" means an Area Water Board established under the Act and these rules;
- (c) "Authority" means the Punjab Irrigation and Drainage Authority established under the Punjab Irrigation and Drainage Authority Act 1997(XI of 1997);
- (d) "Chairman" means the Chairman of the Area Water Board;
- (e) "Chief Executive" means the Chief Executive of the Area Water Board;
- (f) "Farmer Member" means a member of the Area Water Board elected under rule 5 of these rules;
- (g) "Farmers Organization" means a Farmers Organization or Nehri Panchayat established under the Punjab Irrigation and Drainage Authority (Farmers Organizations) Rules 2010;
- (h) "Farmers Assembly" means the Farmers Assembly established under rule 14 of these rules;
- (i) "Government" means the Government of the Punjab;
- (j) "member" means a member of the Area Water Board;
- (k) "misconduct" includes the conduct prejudicial to the rights and interests of the Area Water Board, illegality or neglect in discharge of duties or misappropriation or conduct unbecoming of a gentleman or willful or wanton disregard or deliberate violations of directions, orders or instructions of the Government or the Authority;
- (l) "Nehri Panchayat" means a Nehri Panchayat established under the Punjab Irrigation and Drainage Authority (Farmers Organizations) Rules 2010;

- (m) "Non-Farmer Member" means a member of the Area Water Board other than a Farmer Member;
 - (n) "Secretary" means the Secretary of the Area Water Board; and
 - (o) "Vice Chairman" means the Vice Chairman of the Area Water Board.
- (2) All other expressions used in these rules but not defined herein shall have the same meanings as assigned to them in the Canal and Drainage Act 1873 (VIII of 1873) rules framed by the Government and their ordinary usage in the irrigation and drainage system of the Punjab.

3. Area Water Board.— The Area Water Board shall comprise the following:

- (a) Chairman;
- (b) Vice Chairman;
- (c) one Farmer Member (including Chairman and Vice Chairman) from each territorial unit;
- (d) nine Non-Farmer Members; and
- (e) Chief Executive.

4. Chairman and Vice Chairman.— (1) The Chairman and the Vice Chairman shall be elected by the Farmer Members from amongst themselves, in accordance with the procedure determined by the Authority, and shall hold office for a period of one year unless resigned, removed or ceased earlier.

(2) The Chairman or the Vice Chairman may resign from his office in writing addressed to the Managing Director of the Authority.

(3) The Chairman or the Vice Chairman may be removed by the Authority for misconduct, after a show cause notice and inquiry by a committee constituted by Authority for this purpose.

(4) The Chairman or the Vice Chairman may be removed by a vote of no confidence, passed by at least sixty six percent of the Farmer Members (a fraction counted as one), in a meeting held for this purpose, after a notice of at least ten days issued by the Chief Executive on a no confidence motion moved in writing by at least one third of the Farmer Members.

(5) The Authority may remove a Chairman or a Vice Chairman if, in the opinion of the Authority or a committee duly authorized in this behalf, the Chairman or the Vice Chairman has ceased to be a Farmer Member:

Provided that the Chairman or the Vice Chairman shall not be removed without affording him an opportunity of hearing against the proposed action.

(6) Whenever the office of the Chairman is vacant because of his death, resignation, removal or ceasure, or the Chairman is unable to perform his duties, for any reason, the Vice Chairman shall act as Chairman, till such time that a Chairman is elected or the Chairman is able to perform his duties.

(7) Whenever the office of the Vice Chairman is vacant because of his death, resignation, removal or ceasure, or the Vice Chairman is unable to perform his duties for any reason, the Farmer Members may nominate another Farmer Member to act as the Vice Chairman till such time that the Vice Chairman is elected.

(8) The election to fill the vacancy of the office of Chairman or Vice Chairman shall be held within thirty days of the occurrence of the vacancy.

5. Farmer Members.– (1) For the purpose of election of the Farmer Members, the Authority shall divide the command area of the Area Water Board into different territorial units.

(2) The number of these territorial units shall not be less than ten and each unit shall elect one Farmer Member:

Provided that:

- (a) every unit comprises contiguous area within the Canal Division;
- (b) a distributary shall not fall in more than one unit;
- (c) at least three units are allocated to tail reaches of the Canal Circle as may be determined by the Authority; and
- (d) as far as possible, the units of tail reach, be allocated to different Canal Divisions.

(3) The Chairmen of the Khal Punchayats of the Farmers Organizations of each territorial unit shall elect a Farmer Member from amongst the farmers enlisted as voters in that territorial unit, in accordance with the procedure determined by the Authority.

(4) Subject to sub-rule (3) of this rule, a farmer shall not be eligible to be a Farmer Member if he is not eligible to be an office bearer of a Farmers Organization or Chairman Khal Punchayat.

(5) A Farmer Member may resign from the membership of Area Water Board in writing addressed to the Chairman Area Water Board.

(6) A Farmer Member may be removed by the Authority, for misconduct after a show cause notice and inquiry conducted by a Committee constituted by the Authority.

(7) A member removed under these rules shall not be eligible to be elected as member of the Area Water Board in the next election held to fill his position.

6. Prohibition against dual membership.– A Farmer Member shall not be:

- (a) a member for more than one territorial units;
- (b) a member of more than one Area Water Boards; and
- (c) an office bearer of the Management Committee of a Farmers Organization / Chairman of a Khal Punchayat of the same or any other Area Water Board.

7. Disqualification of members.– (1) A person shall be disqualified to become or to remain a member of the Area Water Board if he has:

- (a) defaulted in the payment of the water rates for the last one crop season; and
- (b) been convicted of an offence under section 70 of the Canal and Drainage Act, 1873 (Act No. VIII of 1873) or section 430 of the Pakistan Penal Code 1860.

(2) A person shall be disqualified to become or to remain as a Farmer Member if he is disqualified to be an office bearer of the management committee of a Farmers Organization.

(3) A Chairman Khal Punchayat or an office bearer of a management committee of a Farmers Organization shall not be eligible to be elected as Farmer Member, unless before filing the nomination papers, he resigns as Chairman Khal Punchayat or, as the case may be, the office bearer of the management committee of Farmers Organization.

(4) If a member of the Area Water Board incurs any disqualification, he shall be removed from the membership of the Area Water Board by the Authority, or by a

committee duly authorized by Authority for this purpose, after affording the Member an opportunity of hearing.

8. Elections.– (1) The elections of the Chairman, Vice Chairman and Farmer Members shall be conducted according to the procedure determined by the Authority:

Provided that the election of a Farmer Member may be held in special cases and with the approval of the Authority if the Chairman of Khal Panchayats of eighty percent of the water courses of that territorial units have been elected and notified accordingly.

(2) A person aggrieved by the final result of the election under sub-rule (1) of this rule, may appeal to the Authority within thirty days of the notification of the election result.

(3) The decision of the Authority or of a dispute resolution committee constituted by the Authority shall be final.

9. Non-Farmer Members.– In addition to the Farmer Members, there shall be following Non-Farmer Members:

- (a) the Chief Executive;
- (b) one Executive Engineer from the concerned Canal Circle;
- (c) an EDO (Agriculture) of a District falling within the concerned Canal Circle to be nominated by the Secretary Agriculture Department;
- (d) an E.D.O.(Revenue) of any district falling within the area of the concerned Canal Circle, to be nominated by the Authority in consultation with the Senior Member, Board of Revenue;
- (e) a representative of the Chamber of Commerce and Industry, to be nominated by the Authority in consultation with the said Chamber;
- (f) a University Teacher having relevant qualifications and experience, nominated by the Authority in consultation with the University;
- (g) the representative of the Provincial Environmental Protection Agency performing duties in the area falling within the concerned Canal Circle to be nominated by the Authority in consultation with the Director General of the Agency;
- (h) a Senior Police Officer of the area nominated by the Chief Secretary; and
- (i) a legal expert nominated by the Authority.

10.Privileges of the Chairman, Vice-Chairmen and members.– The Authority shall determine the honoraria, allowances and other privileges of the Chairman, Vice Chairman, Farmer Members and the Non-Farmer Members:

Provided that the Chairman, Vice Chairman or a Member shall not receive any privilege under this Rule, for the period prior to the holding of the first meeting of the Area Water Board:

Provided further that Non-Farmer Members shall not be entitled to any higher privileges than those of the Farmer Members.

11.Tenure of the members.– (1) Subject to these rules, the tenure of the members of Area Water Board, other than the ex-officio members, shall be three years commencing from the date notified by the Authority for this purpose.

(2) Subject to these rules, a member elected or appointed to any vacancy, shall be a member for the remaining period only.

12. Chief Executive.– (1) The Superintending Canal Officer of the Circle shall be the Chief Executive of the Area Water Board.

(2) The Chief Executive shall provide technical and administrative support to the Area Water Board and shall be responsible for implementing the decisions of the Area Water Board. The subordinate officers and other persons working in the Circle shall assist the Chief Executive in the performance of his duties till such time that the Area Water Board becomes self-sustainable.

(3) The Chief Executive shall be bound to provide such information, reports, record and documents to the Authority or to a duly authorized officer of the Authority, as may be required by the Authority or the officer.

(4) In an emergency, which requires immediate action, the Authority or an officer authorized by it, may direct the Chief Executive to take such action as is specified in the direction and the Chief Executive shall be bound to comply with such a direction.

13. Secretary.– (1) There shall be a Secretary of the Area Water Board who shall be responsible for maintaining the records of the Area Water Board.

(2) The Managing Director shall in consultation with the Chief Executive appoint the Secretary from amongst the officers of the Canal Circle.

(3) The Secretary shall be responsible for receiving and sending letters, documents, reports, record and other information, etc on behalf of the Area Water Board and shall discharge his duties under the superintendence of the Chairman.

(4) The Secretary shall be entitled to attend the meetings of the Area Water Board and to provide necessary information and documents in a meeting, but shall not be entitled to vote.

(5) The Secretary shall be responsible to record the minutes of the meetings and to submit the minutes to the Chairman for confirmation.

14. Farmers Assembly.– (1) There shall be a Farmers Assembly in each Area Water Board comprising all the members of Area Water Board and the Presidents of the Farmers Organizations of the Area Water Board.

(2) The Farmers Assembly shall discuss the matters relating to the functioning of Area Water Board and the Farmers Organizations and make recommendations to the Punjab Irrigation and Drainage Authority on the working of these entities. The Farmer Assembly may also advise the Area Water Board or any Farmers Organization on matters relating to their working.

(3) The Chairman Area Water Board or, in his absence, any other person prescribed by the regulations to preside over the meetings of Area Water Board, shall preside over the meetings of the Farmers Assembly.

(4) The Secretary, Area Water Board, shall be the Secretary of the Farmers Assembly.

(5) There shall be at least one meeting of the Farmers Assembly in each crop season.

(6) The Secretary Area Water Board shall submit the report of each meeting of the Farmers Assembly to Area Water Board and the Authority within fifteen days of the meeting.

15. Functions of the Area Water Board.– (1) Subject to the general supervision and control of the Authority, the Area Water Board shall perform the following functions:

- (a) review and monitor the operation and maintenance work plan of the Canal;

- (b) recommend development schemes of original nature for inclusion in the Annual Development Program (ADP) of the Government and to review progress on such program;
- (c) participate in the preparation, implementation and regulation of the rotational program of water distribution in the Area Water Board;
 - (d) monitor the operation of irrigation system in the area;
- (e) plan and implement measures for preventing and checking of the water theft and other offences under irrigation laws to ensure equitable distribution of canal water and to address tail shortages;
- (f) review and supervise collection of water rates and provide support in the recovery of water charges;
- (g) review and monitor expenditure vis-a-vis budget allocations;
- (h) encourage participation of the water users in the irrigation management;
- (i) assist the Authority and the Government in the formation, promotion and development of the Farmers Organizations including Khal Punchayats;
- (j) monitor the working of the Farmers Organizations including Khal Punchayats and recommend measures to improve their working for consideration of the Authority;
- (k) receive any grant, donation or other money from the Government, the Authority or any other person or organization, with the approval of the Authority;
- (l) utilize its fund, to the extent and in the manner, as may be determined by the Authority;
 - (m) ensure regular meetings of the Farmers Assembly;
 - (n) deal with emergencies; and
- (o) perform any other related functions which may be assigned to it by the Authority.

16. Conduct of business.– (1) The Area Water Board shall conduct its business in accordance with the procedure as may be determined by the Authority.

(2) In the absence of the procedure determined by the Authority, the Area Water Board shall conduct its business in the manner determined by its resolutions.

17. Funds, accounts and audits.– (1) The Area Water Board shall establish a fund and all sums received by it shall be credited to the fund:

Provided that the Area Water Board shall establish a Special Emergency Fund to which every Farmers Organization shall make one time contribution of five percent of its share of one year Abiana to meet the expenses made on the urgent repair of the channels and their structures. The amount so spent, shall be recovered from the said Farmers Organization in due course of time.

(2) The fund shall be utilized in accordance with the financial procedure, as may be determined by the Authority.

(3) The accounts of the Area Water Board shall be maintained and audited in such manner as may be determined by the Authority.

18. Suspension, inquires, etc.– (1) The Authority may suspend the working of Area Water Board, if after enquiry under clause (c) of sub rule (2) of rule 19, it is satisfied that further working of Area Water Board is not in the public interest.

(2) The order of suspension shall remain in force for a period of three months unless withdrawn earlier.

(3) Where the working of the Area Water Board is suspended, the Authority shall make necessary consequential arrangements in the public interest.

19. Dissolution.– (1) The Authority, after suspending the working of Area Water Board under rule 18 above, may commence the proceedings of dissolution on any of the grounds mentioned in sub rule (2) of this rule.

(2) The Authority shall issue a show cause notice to the Chairman and to all the members of the Area Water Board and shall fix a date and place of hearing which shall not be earlier than fifteen days nor it shall be later than thirty days from the date of issuance of the notice, and on the said date of hearing or any other date to which the case is adjourned, it shall hear the parties and after such inquiry as is necessary in the circumstances may order the dissolution of the Area Water Board if it is satisfied that the Area Water Board is guilty of:

- (a) serious violation of the Act, rules, regulations or directions of the Authority;
- (b) misuse of power;
- (c) neglect of duty;
- (d) misconduct;
- (e) embezzlement of funds or resources; or
- (f) mismanagement or inefficiency due to which continuation of the Area Water Board is not in the public interest.

(3) Where the Area Water Board is dissolved under these rules, the Authority shall make consequential arrangements and pass necessary orders in this regard.

20. Directions, reports and inquires.– (1) The Authority may:

- (a) give such directions to the Area Water Board which it may deem appropriate in the public interest;
- (b) call for any report from the Area Water Board on any matter relating to the affairs of the Area Water Board; or
- (c) order an inquiry into the affairs of the Area Water Board and, on the basis of the result of the inquiry, may take such action as it deems necessary in the public interest.

(2) Where the Area Water Board fails to follow the directions or fails to submit a fairly accurate report, the Authority may take such action and may pass such orders as it deems fit.

21. Complaints and disputes resolution.– (1) All complaints and disputes regarding the Area Water Board and its Members shall be dealt with and decided by the Authority or by a dispute resolution committee constituted by the Authority.

(2) The decision, order or direction of the Authority, or the committee shall be binding upon parties to the dispute.

22. Removal of difficulties.– If any difficulty arises, in relation to implementation of these rules, the Authority may take such action or pass such orders as it deems fit in the public interest.

23. Repeal, savings and succession.– (1) The Pilot Area Water Board Rules 2005 are hereby repealed.

(2) Notwithstanding the provisions of sub-rule (1) of this rule:

- (a) any Area Water Board established, appointments made, orders passed, actions taken, instruments and instructions issued under the repealed rules shall be deemed to have been made, passed, taken and issued under these rules; and
- (b) elections held under the repealed rules shall remain valid for the purposes of these rules.

(RAB NAWAZ)
SECRETARY
GOVERNMENT OF THE PUNJAB
IRRIGATION & POWER DEPARTMENT

Even No. & Date

A copy is forwarded to Superintendent, Government Printing Press Lahore for arranging publication of the Notification in the official Gazette and supplying 200 copies thereof to this Department at the earliest.

ADDITIONAL SECRETARY
(TECHNICAL)

Even No. & Date

A copy is forwarded to;

1. Chairman PIDA/ Minister for Irrigation & Power, Government of the Punjab, Lahore.
2. Chairman, Planning and Development Board, Punjab Lahore.
3. Secretary to Government of the Punjab, Finance Department, Lahore.
4. Secretary to Government of the Punjab Agriculture Department, Lahore.
5. Managing Director PIDA, Irrigation Secretariat premises, Old Anarkali, Lahore.
6. All Farmer Members PIDA.
7. General Manager (Transition Management) PIDA, Irrigation Secretariat premises, Old Anarkali, Lahore.
8. General Manager (Operation) PIDA, Irrigation Secretariat premises, Old Anarkali, Lahore.
9. General Manager (Finance) PIDA, Irrigation Secretariat premises, Old Anarkali, Lahore.
10. Chief Engineers, Irrigation:-
 - (i) Lahore
 - (ii) Faisalabad
 - (iii) Sargodha
 - (iv) Multan
 - (v) Bahawalpur
 - (vi) D.G.Khan
 - (vii) Drainage and Flood
 - (viii) Development
 - (ix) Research
 - (x) Planning & Review
11. Chief Executive Area Water Board/ Superintending Engineer, Irrigation LCC (East) Circle, Faisalabad.
12. Chief Executive Area Water Board/ Superintending Engineer, Irrigation LCC (West) Circle, Faisalabad.

13. Chief Executive Area Water Board/ Superintending Engineer, Irrigation LBDC Circle, Sahiwal.
14. Chief Executive Area Water Board/ Superintending Engineer, Irrigation Bahawalnagar Canal Circle, Bahawalnagar.
15. Chief Executive Area Water Board/ Superintending Engineer, Irrigation Derajat Canal Circle, D.G.Khan.
16. Head, Project Management Office (PMO), PISIP, Irrigation Deptt. Lahore.
17. Project Director, Project Management Unit (PMU), LBDCIP, Irrigation Deptt. Canal Bank, Mustafabad, Lahore.
18. Superintending Engineer, Drainage Circle, Faisalabad.
19. Chairman Area Water Board, LCC (West) Circle, Faisalabad.

**ADDITIONAL SECRETARY
(TECHNICAL)**

CC:

1. Secretary to Chief Minister, Punjab, Lahore.
2. Additional Secretary/Staff Officer to Chief Secretary, Govt. of the Punjab, Lahore
3. P.S to Senior Minister / Minister for Irrigation & Power, Punjab Lahore.
4. PS to Secretary Irrigation & Power Deptt. Lahore.