

NOTIFICATION

The Punjab Irrigation and Drainage Authority (Farmers Organization) Rules, 2010

No. OSD/L&WD/10/2002-II. 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 (Farmers Organizations) 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 the Area Water Board established under section 14 of the Act;
- (c) "Authority" means the Punjab Irrigation and Drainage Authority established under section 2 of the Act;
- (d) "Board of Management" means the Board of Management of the Authority appointed under section 4 of the Act;
- (e) "Farmer" means an owner or co-owner of land holding (Khata) who is using canal water and is directly engaged in cultivation of land within the area of the water course or a person, who is his tenant or lease holder authorized by the owner or co-owner to act as Farmer;
- (f) "Farmers Organization" means a Farmers Organization established under these rules;
- (g) "general body" means the general body of a Nehri Panchayat or a Farmers Organization constituted under these rules;
- (h) "Government" means the Government of the Punjab;
- (i) "Khal Panchayat" means a Khal Panchayat established under these rules;
- (j) "management committee" means the management committee of a Nehri Panchayat or a Farmers Organization constituted under these rules;

- (k) "misconduct" includes the conduct prejudicial to the rights and interests of the Farmers Organization, illegality or neglect in discharge of duties or misappropriation willful or wanton disregard or deliberate violations of directions, orders or instructions of the Government, the Authority or the Area Water Board;
- (l) "Nehri Panchayat" means a Nehri Panchayat established under these rules;
- (m) "regulations" means the regulations framed by the Authority under section 17 of the Act; and
- (n) "water charges" means all water rates leviable under the Canal and Drainage Act, 1873 (VIII of 1873) and other charges under the Act or any other law, but shall not include fines imposed under section 70 of the Canal and Drainage Act, 1873 (VIII of 1873).

(2) An expression used in these rules but not defined shall have the same meanings as assigned to it in the Act or the Canal and Drainage Act, 1873 (VIII of 1873), rules made under any of these Acts or in the ordinary usage in the irrigation and drainage system of the Punjab.

3. Establishment of Farmers Organizations.—(1) A Khal Panchayat may be established at a watercourse, including the watercourse of a main or branch canal.

(2) A Nehri Panchayat may be established, in exceptional cases, at a small distributary or part of a distributary, a minor, sub-minor or a reservoir, as may be determined by the Authority in particular cases.

(3) A Farmers Organization may be established at a distributary:

Provided that the Authority may establish an Irrigation Management Unit comprising a group of Farmers Organizations of small distributaries or a Farmers Organization of a distributary for their economical and sustainable working, on such terms and conditions as may be mutually agreed by the Farmers Organizations or, in the absence of such a mutual agreement, as determined by the Area Water Board or if the Area Water Board is not functioning, the Superintending Engineer of the canal circle.

(4) The water course of a main canal or a branch canal shall be included in the jurisdiction of the nearest distributary for the purpose of formation and working of the Farmers Organization of concerned distributary.

(5) The Authority shall take steps for the establishment and formation of the above Farmers Organizations in such areas where an Area Water Board has been established:

Provided that all or any of the Farmers Organizations may be established, with the approval of the Authority, in such areas where an Area Water Board has not yet been established.

(6) The Authority shall take all necessary steps for the elections of the Farmers Organizations in accordance with these rules and the regulations.

(7) In exercise of the powers under this rule, due consideration shall be given to all the factors relevant to the establishment of the Farmers Organizations such as topography, water demand, socio-economic aspects, technical feasibility and size of the irrigation system of the area.

4. Membership of the Farmers Organizations.– (1) The membership of the Farmers Organizations, Nehri Punchayats and Khal Punchayats shall be available to all farmers without discrimination on the basis of gender, caste, race, religion and place of birth.

(2) A person shall be disqualified to be elected or to remain as a Chairman or a member of a Khal Punchayat or be a member or office bearer of a Nehri Punchayat or a Farmers Organization if he:

- (a) is below the age of twenty one years on the last date of filing the nomination;
- (b) is not an enlisted voter of the water course;
- (c) is not an owner or co-owner within the water course;
- (d) has been convicted of an offence which involves moral turpitude unless a period of three years has elapsed from the date of his conviction;
- (e) has been dismissed from any public service on grounds of moral turpitude unless a period of three years has elapsed since the said dismissal;
- (f) has been convicted of an offence, under section 70 of the Canal and Drainage Act, 1873 (VIII of 1873) or under section 430 of Pakistan Penal Code, 1860 (XLV of 1860), unless a period of three years has elapsed since his conviction;
- (g) is holding a public office including an elected office under any law for the time being in force; or
- (h) has committed serious irregularities as a member of the management committee or any other Committee of a Farmers Organization or Nehri Punchayat.

(3) In case of a dispute as to the eligibility of a person to become a member of a Farmers Organization, Nehri Punchayat or Khal Punchayat, the decision of the Authority, or a duly authorized officer or that of the dispute resolution committee constituted by the Authority, shall be final.

5. Constitution of a Khal Punchayat.– (1) A Khal Punchayat shall be formed through election by the Farmers of the watercourse in accordance with the regulations and shall comprise a Chairman and four members.

(2) The Lambardar of the area falling within the culturable commanded area of the watercourse, and in case there are more than one Lambardars, the Lambardar of the largest part of that area, shall be ex-officio member of the Khal Panchayat.

6. Constitution of a Nehri Panchayat.– (1) Where a Nehri Panchayat is established under sub rule (2) of rule 3 above, it shall comprise a general body and a management committee.

(2) All Chairmen of the Khal Panchayats within the area of the Nehri Panchayat shall be the members of the General Body of a Nehri Panchaya:

Provided that where a Nehri Panchayat comprises less than twenty Khal Panchayats, the Members of Khal Panchayat shall also be Members of the General Body of the Nehri Panchayat.

(3) The management committee of the Nehri Panchayat shall comprise the following office bearers:

- (a) President;
- (b) Vice President;
- (c) Secretary;
- (d) Treasurer; and
- (e) five executive members, two from the middle and two from the tail reaches and one from the head reach of the channel, as determined by the Authority:

Provided that, the Board of Management may modify the size of the management committee of a Nehri Panchayat, if it is not feasible to have a normal management committee of the Nehri Panchayat.

(4) The office bearers of a management committee shall be elected by the general body of the Nehri Panchayat in accordance with the regulations.

7. Constitution of Farmers Organization.– (1) A Farmers Organization shall consist of all the Chairmen of the Khal Panchayats within the area of the Farmers Organization and they shall constitute the General Body of the Farmers Organization:

Provided that where a Farmers Organization comprises of less than twenty Khal Panchayats, the Members of Khal Panchayats shall also be Members of the General Body of the Farmers Organization.

(2) The management committee of a Farmers Organization shall be elected by its General Body in accordance with the regulations.

(3) The management committee shall comprise of the following office bearers:

- (a) President;
- (b) Vice President;
- (c) Secretary;

- (d) Treasurer; and
- (e) five executive members, two from the middle and two from the tail reaches, and one from the head reach of the channel, as determined by the Authority:

Provided that in case, it is not feasible to have a normal management committee of the Farmers Organization, the Board of management may modify the size of the management committee of a Farmers Organization.

(4) The Authority shall depute a suitable officer or official of the canal circle as Office Secretary who shall be the custodian of the record of the Farmers Organization and shall also perform such other duties as may be entrusted to him by the Farmers Organization.

8. Prohibition against double membership etc.– (1) No person shall hold more than one office in the management committee of a Nehri Panchayat or a Farmers Organization simultaneously; and, if a person is elected to more than one of these seats he shall hold only one office to which he is elected last and other offices shall be deemed to have been vacated by him.

(2) A Chairman, Vice Chairman or a Member of Area Water Board shall not be eligible to be an office bearer in the management committee of Farmers Organization or Nehri Panchayat unless, before filing his nomination papers, he resigns from his position in Area Water Board.

9. Tenure.– The tenure of the Farmers Organization or Nehri Panchayat shall be three years commencing from the date notified by the Authority, provided that the Authority may extend their respective tenures up to one year in the public interest.

10. Territorial jurisdiction.– The jurisdiction of a Farmers Organization, a Nehri Panchayat or a Khal Panchayat shall extend to the gross area falling within the boundaries of the irrigation system for which it has been established.

11. Registration.– (1) The Authority shall designate an officer working in the Area Water Board as Registrar for the Area Water Board and an officer working in the Head Office of the Authority as Registrar, at its head office, who shall perform all functions relating to the registration of the Farmers Organizations under these rules.

(2) A Farmers Organization shall get itself registered with the Registrar, soon after its constitution or re-constitution.

(3) No Farmers Organization shall be entitled to the rights, privileges, or powers of a Farmers Organization unless it is duly registered under these rules.

(4) An application for registration shall be made to the Registrar of the Area Water Board by the management committee of a Farmers Organization and shall be presented by the President or the Secretary of the Farmers Organization:

Provided that the application shall be made to the Registrar at the head office of the Authority if no Area Water Board has yet been established in the said area of the Farmers Organization.

(5) A Farmers Organization will be registered if:

- (a) the general body has been constituted in accordance with the rules and the regulations;
- (b) the Management committee has been duly elected;
- (c) the application is made by the management committee and is accompanied by the prescribed fee; and
- (d) agreement for participatory irrigation management or irrigation management transfer between the Authority and the Farmers Organization has been signed.

(6) An appeal against the decision relating to the registration of a Farmers Organization may be made to the Authority.

12. Cancellation of registration.– The registration of a Farmers Organization shall stand cancelled when the Farmers Organization is dissolved under these rules.

13. Suspension, Dissolution, Removal, etc.– (1) The management committee of Farmers Organization or Nehri Panchayat may be suspended or dissolved as under:

- (a) the Authority, on its own motion, or on the application of an aggrieved person, or on the recommendation of Area Water Board, may after due notice to the management committee of a Farmers Organization or a Nehri Panchayat and necessary inquiry, suspend the working of management committee of the Farmers Organization or the Nehri Panchayat on any of the grounds specified in rule 14;
- (b) the order of suspension shall remain in force for a period of ninety days unless earlier withdrawn;
- (c) where an order is made under clause (a) of sub rule (1) of this rule:
 - (i) the Authority shall make necessary consequential arrangements to protect the public interest; and
 - (ii) the Authority may start the proceedings for dissolution of management committee of a Farmers Organization or a Nehri Panchayat if, on the recommendation of the Area Water Board under clause (a) of sub rule (1) of this rule, it is satisfied

that there are sufficient grounds to proceed for dissolution against the management committee of the Farmers Organization or the Nehri Panchayat, under rule 14, sub-rule (2), clauses (a) to (f) of these rules; and

(d) the Authority, may at any time, withdraw an order of suspension if it deems fit in the public interest.

(2) The Authority may on the application of an aggrieved person or on its own motion or on the recommendation of the Area Water Board, or where Area Water Board has not yet been established by the Superintending Engineer of the Canal Circle after due notice and affording opportunity of hearing may suspend an Office Bearer of management committee or a Member of the General Body of a Farmers Organization or Nehri Panchayat, on any of the following grounds:

- (i) failure to perform duties according to the rules, regulations and directions of the Authority, Area Water Board or Farmers Organization;
- (ii) failure without sufficient reason to attend the three consecutive meetings of the General Body or management committee or Khal Panchayat;
- (iii) substantial neglect to provide assistance to the Farmers Organization as per assigned functions;
- (iv) violation of the provisions of the Act or the Canal and Drainage Act, 1873 (VIII of 1873) or rules or regulations framed thereunder;
- (v) misappropriation of the funds of the Authority, Area Water Board or Farmers Organization;
- (vi) patent misuse of office or abuse of power;
- (vii) act of indiscipline which is prejudicial to the official working; or
- (viii) misconduct.

(3) The order of suspension shall remain in force for a period of ninety days, unless withdrawn earlier.

(4) Where the order of suspension has been passed under this rule, the Authority, may after due notice and hearing of the parties or the persons involved, remove from the office, any Office Bearer of the management committee or a Member of the General Body of the Farmers Organization or Nehri Panchayat.

14. Dissolution.– (1) Notwithstanding the provisions of rule 13, the Authority may, on its own motion or on the application of an aggrieved person, after due notice and preliminary inquiry, commence proceedings for the dissolution of the management committee of a Farmers Organization or Nehri Panchayat.

(2) The Authority, or a committee authorized by it in this behalf, shall issue a notice to the management committee of Farmers Organization or Nehri Panchayat and shall fix a place and a date of hearing which shall not be earlier than fifteen days and, later than thirty days from the date of issuance of the notice.

(3) The Authority, or a committee authorized by it in this behalf may on the said date of hearing or on any subsequent date to which the hearing is adjourned after providing hearing to the parties and after such inquiry as is necessary in the circumstances, order for the dissolution of the management committee on all or any of the following grounds:

- (a) serious violation of the Act, rules, regulations or agreement mentioned in rule 21 of these rules;
- (b) patent misuse of power or abuse of authority;
- (c) neglect of duty;
- (d) misconduct;
- (e) misappropriation of funds or resources; or
- (f) mis-management or inefficiency due to which its continuance is not in the public interest.

(4) Where a management committee is dissolved under these rules, the Authority shall make appropriate consequential arrangements and pass necessary orders for that purpose.

(5) The consequential arrangements referred to in sub rule (4) of this rule and sub-rule (1) of rule 13 may include, among others:

- (a) appointing an adhoc management committee comprising the Farmers of the Farmers Organization or Nehri Panchayat; and
- (b) directing any canal officer to take over the management of the Farmers Organization or Nehri Panchayat.

(6) The Authority may, on its own motion or on the recommendation of the Area Water Board, and after due notice and inquiry, dissolve a Khal Panchayat, if it is satisfied that the Khal Panchayat is not properly performing its functions, and fulfilling its responsibilities under these rules.

(7) Where a Khal Panchayat is dissolved under these rules, the Authority shall make necessary consequential arrangements.

15. Directions, reports and inquiries.– (1) The Authority or the Area Water Board may:

- (a) give such directions to a Farmers Organization, which it deems appropriate and expedient in the public interest;
- (b) call for any report from a Farmers Organization on any matter relating to the affairs of the said Farmers Organization;

- (c) order for an inquiry into the affairs of a Farmers Organization and, on the basis of the result of the inquiry, may take such action as it deems necessary in the public interest; and
- (d) evaluate the performance of a Farmers Organization and issue directions to such Organization on the basis of the evaluation as it may deem appropriate.

(2) Where the Farmers Organization substantially fails to follow the directions or fails to submit a fairly accurate report, or its performance has been found unsatisfactory, the Authority or the Area Water Board may pass such orders as it may deem necessary in the public interest.

(3) In case a Farmers Organization fails to respond efficiently, to prevent and check canal water theft and equitable distribution of water to outlets, the Board of Management, or the Area Water Board or if the Area Water Board is not functioning, the Superintending Engineer of the Circle may take appropriate action in the public interest subject to submission of a report with details of action taken to the Authority which may pass such orders as it deems fit.

(4) In case of a breach or threat to the safety of channel or any other emergency, which is not being timely and appropriately addressed by the Farmers Organization, the Chief Executive of the Area Water Board, may take all necessary steps to protect the public interest according to the guidelines provided by the Area Water Board.

(5) The expenditure to carry out the necessary work under sub-rules (3) & (4) of this rule shall be made from the Area Water Board Emergency Fund which shall be regularly replenished by the concerned Farmers Organization whenever any such expenditure is made out of it.

(6) If the Area Water Board is satisfied that a Farmers Organization is not working as per agreement under rule 21 of these rules or not handling its finances appropriately, he may take suitable measures to streamline its working, expenditures and the payment to be made by the Farmers Organizations:

Provided that the Area Water Board may withdraw the order when he is satisfied that the Farmers Organization has started working with due diligence and propriety.

16. Elections.– (1) The elections under these rules shall be held and the lists of the eligible voters shall be prepared and revised in accordance with the regulations.

- (2) A person shall be disqualified to be a voter if he:
 - (a) is not a Farmer within the CCA of the water course; or
 - (b) has not attained the age of 18 years on the date of the publication of final voter list; or
 - (c) has defaulted in the payment of water charges for a period of three months from the date when these charges became

due or has failed to deposit with the Farmers Organization, or in its account, the water charges or other charges collected on behalf of the Farmers Organization within a period of one month; or

- (d) has been declared insolvent, or
- (e) is of unsound mind.

(3) All election disputes and disputes relating to the voter lists shall be decided by the Authority or a duly authorized Officer of the Authority or by a dispute resolution committee constituted by the Authority on the application of an aggrieved person.

17. Functions of Khal Panchayat.— Subject to the general supervision of the Farmers Organization or the Nehri Panchayat of the area or both, the Khal Panchayat formed under these rules shall perform the following functions:

- (a) mediate in disputes between Farmers for equitable distribution of the canal water;
- (b) prevent the entry of cattle in the minor or the distributary;
- (c) assist the Farmers Organization in the construction or maintenance of ponds for cattle through voluntary labour;
- (d) support the Farmers Organization in maintaining the watercourse through voluntary labour;
- (e) undertake the development activity of the watercourse;
- (f) report tampering of outlets to the Farmers Organization or the Nehri Panchayat;
- (g) provide assistance in the identification and prosecution of offenders under Section 70 of the Canal and Drainage Act, 1873 (VIII of 1873);
- (h) assist in the process of assessment of water rates, charges, distribution of bills and disposal of objections to the said assessment;
- (i) assist the Farmers Organization and the Nehri Panchayat in the process of remission of water rates;
- (j) report shortage of supply in the outlet;
- (k) provide timely information about rotational running of channels to the Farmers;
- (l) persuade the Farmers and other users of the canal water to make timely payment of the water charges etc;
- (m) protect the water course, its land and right of way along its route, and
- (n) exercise powers and perform such other functions as are necessary and proper for the performance of the above functions.

18. Functions of Farmers Organizations and Nehri Panchayats.–

(1) The Authority may, through Agreement under rule 21 of these rules, authorize a Farmers Organization with such functions relating to all or any of the matters mentioned in clauses (a) to (l) of sub-rule (2), as it may deem fit; provided that:

- (i) the formation of Farmers Organization and its empowerment may be gradual and incremental keeping in view all the attending circumstances;
- (ii) a performance based institutional maturity index shall be adopted and notified by the Authority and the Farmers Organization shall be entrusted with the powers and functions under these rules according to the maturity level relating to its technical and administrative maturity, performance and resource mobilization;
- (iii) the performance of the Farmers Organization shall be regularly evaluated at Area Water Board level on the basis of the above mentioned institutional maturity index.

(2) Subject to sub-rule (1), a Farmers Organization shall perform the following functions:

- (a) to manage, operate, and maintain the distributary, minor together with infra-structure including hydraulic structures according to the approved design;
- (b) to obtain authorized irrigation water supplies, as per availability from the main or branch canal at the head regulator of the distributary;
- (c) to supply the irrigation water equitably and efficiently to the Farmers and other canal water users within its area;
- (d) to protect the environment within its area including the water quality of the channels;
- (e) to assess the water charges and other irrigation related charges to be collected from the canal water users;
- (f) to collect the water charges, fees, rates and other dues from the persons liable to pay them;
- (g) to deposit the collected amount of water charges etc. with the Authority after retaining its share in the collected amount, as agreed with the Authority;
- (h) to levy and collect charges for additional services rendered by the Farmers Organization;
- (i) to collect surcharge from the canal water users in case of default in payment of their dues;
- (j) to settle disputes among the Farmers of the area including disputes mentioned in section 68 of the Canal and Drainage Act, 1873 (VIII of 1873) or other water users in accordance with these rules and regulations;

- (k) to exercise powers and to perform such other functions as are necessary and proper for the performance of the above functions;
- (l) to levy and collect special water charges (tawan) leviable under sections 33, 34 and Drainage Charges under the sections 59 and 59-A of Canal and Drainage Act, 1873 (VIII of 1873) and send report to the Area Water Board on regular periodical basis as per instructions of the Authority.

(3) Where a Nehri Panchayat has been established within the area of a Farmers Organization, the Nehri Panchayat shall assist the Farmers Organization in the performance of its duties and functions as per the directions of the Farmers Organization.

(4) Without prejudice to sub-rule (3), but subject to the provisions of sub rule (1) of this rule, the following functions and duties of the Farmers Organizations shall, if so and to the extent authorised by the Authority be performed by the Nehri Panchayat, where it has been established, under the general supervision of the Farmers Organization:

- (a) to receive and distribute the allocated share of the canal water equitably among the Farmers and other water users of its area and ensure that the downstream Nehri Panchayat (s) get the allocated share of the water;
- (b) to operate and maintain the irrigation channels, outlets and other structures according to the design;
- (c) to adjudicate on disputes etc. mentioned in section 68 of the Canal & Drainage Act, 1873 (VIII of 1873);
- (d) assist the Farmers Organization in preparation and finalization of cases under sections 20,20-B, 33 and 34 of the Canal and Drainage Act, 1873 (VIII of 1873);
- (e) to assist the Farmers Organization in assessment and collection of all types of water charges, fees and other dues;
- (f) to detect, report and assist the authorities in the prosecution of the offences under section 70 of the Canal and Drainage Act, 1873 (VIII of 1873);
- (g) to check the incidents of theft of the canal water and report the matter to Farmers Organization;
- (h) to supervise the working of staff within its area;
- (i) undertake maintenance, repair and development works of the channels on such terms and conditions and in such manner as agreed with the Farmers Organization:

Provided that in case the Nehri Panchayat and Farmers Organization fail to agree, the Area Water Board shall determine these terms and conditions;

- (j) assist the irrigation officers in the formulation of the rotational plan of the channels.

(5) The Farmers Organizations in carrying out their functions under these rules, may exercise all the necessary powers and authority including the powers and authority of a Divisional Canal Officer and his subordinates, to decide matters falling under the Canal and Drainage Act, 1873 (VIII of 1873), subject to any instructions given by the Authority.

19. Supervision.– (1) The Farmers Organizations shall perform their functions and exercise their powers subject to the superintendence of the Authority and an Area Water Board wherein established.

(2) The Chief Executive of the Area Water Board may take any action when urgently required to protect the public interest, subject to subsequent immediate reporting within one week to Area Water Board, which may pass such orders as it may deem fit.

(3) All the officers and other persons subordinate to the Superintending Engineer of the canal Circle shall, within their respective jurisdiction, provide assistance to the Authority, Area Water Board and the Chief Executive of the Area Water Board in implementation of their decisions and instructions for smooth functioning of the Farmers Organizations and to protect public interest.

(4) The Chief Executive may with the approval of the Area Water Board, give instructions to any officer mentioned in the sub-rule (3) above to:

- (a) observe the working of Farmers Organizations and submit a report to the Chief Executive of the Area Water Board highlighting the weaknesses, short-comings and irregularities observed by him along with his suggestions for remedial measures. The said Officer shall also simultaneously send a copy of this report to the Farmers Organizations;
- (b) provide support and assistance in case of any emergency or crisis with relation to the working of Farmers Organizations at their request or on the direction of the Area Water Board;
- (c) provide assistance and support to the Farmers Organization in the collection of abiana and control of water theft on the request of Farmers Organization;
- (d) ensure speedy trial of cases under Section 70 of the Canal & Drainage Act, 1873 (VIII of 1873) reported to them by the Farmers Organization;
- (e) provide assistance to Farmers Organizations, on their request, in the protection of the Government assets and in the prevention and removal of encroachments;
- (f) expeditiously provide technical advice and support to Farmers Organization on the request of the Farmers Organization or on the directions of Area Water Board;

- (g) facilitate liaison and coordination with the Government Departments, Local bodies, police and public representatives;
- (h) assist the Farmers Organizations in their capacity building relating to various responsibilities; and
- (i) take necessary steps including legal action to check the unauthorized irrigation, to maintain equity in water distribution if the Farmers Organization has consistently failed to take appropriate measures.

(5) The services of the Government support staff may be provided by the Chief Executive of the Area Water Board to a Farmers Organization on such terms and conditions as may be determined by the Authority

20. Functions of the Management Committee.– (1) The management committee of a Farmers Organization or a Nehri Panchayat shall perform all the functions and exercise all the powers of the said Farmers Organization or the Nehri Panchayat except such functions or powers as are exercisable by the general body of the Farmers Organization or the Nehri Panchayat.

(2) The management committee shall be collectively responsible for the conduct of business and the performance of functions by the Farmers Organization.

(3) The office bearers of the management committee shall be jointly and severally responsible for their acts or omissions, committed under the colour of their office.

21. Transfer of functions, etc.– The Authority shall ensure that the functions and duties are transferred to the Farmers Organizations in a phased and orderly manner and the Authority may enter into an agreement with a Farmers Organization or a Nehri Panchayat for this purpose:

Provided that the ownership of any property of the Authority shall not be transferred to a Farmers Organization or a Nehri Panchayat through any such agreement.

22. Adjudication of disputes.– (1) All disputes regarding the powers, functions and jurisdiction of the Farmers Organizations shall be dealt with and decided by the Authority or by a Dispute Resolution Committee constituted by the Authority:

Provided that the Dispute Resolution Committee shall act under the general supervision and the administrative control of the Authority.

(2) The decision, order or direction of the Authority or of the Dispute Resolution Committee shall be final and binding upon parties to the dispute:

Provided that the officer or the Dispute Resolution Committee shall act under the general supervision and the administrative control of the Authority.

23. Disputes among Farmers.– (1) All disputes relating to the use of the canal water between the Farmers or other water users including those matters which are covered under the Canal and Drainage Act, 1873 (VIII of 1873), and the rules framed thereunder, shall be resolved through mediation by the Khal Panchayat of the area:

Provided that a Farmer may submit his dispute to the President or Secretary of the Farmers Organization or Nehri Panchayat who shall forward it to the Chairman Khal Panchayat for resolution.

(2) Where the Khal Panchayat is unable to resolve the dispute within one month, it shall refer the case to the Farmers Organization or the Nehri Panchayat of the area:

Provided that if the Khal Panchayat fails to refer the dispute, a party to the dispute may make an application to the Nehri Panchayat or the Farmers Organization for resolution of the dispute.

(3) The Farmers Organization or the Nehri Panchayat shall thereafter proceed with the case in the manner provided in the Canal and Drainage Act, 1873 (VIII of 1873):

Provided that the Farmers Organization or the Nehri Panchayat shall consult the Khal Panchayat of the area before deciding the dispute.

(4) A person aggrieved by the decision under this rule may appeal to the Authority, or to a Committee constituted by the Authority and the decision of the Authority or Committee shall be final.

24. Financial resources and expenditures.– (1) Every Farmers Organization shall establish a fund to which shall be credited all sums received by the Farmers Organization.

(2) Subject to the financial procedure determined by the Authority and the directions of the Authority, the funds of a Farmers Organization shall be employed for:

- a) canal works as agreed with the Authority; or
- b) meeting its operational and service costs; or
- c) serving its debt obligations; or
- d) meeting its capital replacement and improvement charges; or
- e) constitution of reserves; or
- f) other related activities with the approval of the Authority.

(3) The annual budget shall be prepared by the management committee and presented to the general body of the Farmers Organization or the Nehri Panchayat for approval.

25. Accounts, statements and audit.– (1) A Farmers Organization or Nehri Panchayat shall maintain proper books of accounts and financial records on a commercial basis and shall prepare the following financial statements:

- (a) the income and expenditure accounts;

- (b) the receipts and payments of the previous years; and
- (c) the balance sheet.

(2) A Farmers Organization or a Nehri Punchayat shall, not later than four months from the close of the relevant financial year, cause its accounts to be audited by the auditors as per the directions of the Authority.

26. Removal of difficulties.– If any difficulty arises in the implementation of these rules, the Authority may take such action or make such orders, not inconsistent with the provisions of these rules, as may appear necessary for removal of the difficulty.

27. Repeal, savings and succession.– (1) The Punjab Irrigation and Drainage Authority (Pilot Farmers Organizations) Rules 2005 are hereby repealed.

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

- (a) any Farmers Organization, Nehri Punchayat or Khal Punchayat, established, or any order passed or action taken, any instrument or instruction issued under the repealed rules shall be deemed to have been established, held, 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	Drainage and Flood	
(vii) Development	(viii) Research	(ix) 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.