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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 503]

भोपाल, गुरुवार, दिनांक 19 दिसम्बर 2019—अग्रहायण 28, शक 1941

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 19 दिसम्बर 2019

क्र. 21757-332-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश सिंचाई प्रबंधन में कृषकों की भागीदारी (द्वितीय संशोधन) विधेयक, 2019 (क्रमांक 28 सन् 2019) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL

NO. 28 OF 2019

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

TABLE OF CONTENTS

Clauses:

1. Short title and commencement.
2. Amendment of Section 2.
3. Amendment of Section 3.
4. Substitution of Section 4.
5. Amendment of Section 6.
6. Amendment of Section 8.
7. Amendment of Section 17.
8. Amendment of Section 23.
9. Amendment of Section 25.

MADHYA PRADESH BILL
No. 28 OF 2019

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

A Bill Further to amend the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999.

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

Short title and commencement.

1. (1) This Act may be called the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari (Dwitiya Sanshodhan) Adhiniyam, 2019.

(2) It shall come into force on the date of its publication in the Madhya Pradesh Gazette.

Amendment of Section 2.

2. In Section 2 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999) (hereinafter referred to as the principal Act), in sub-section (1),-

(i) in clause (c), after the words “by lift irrigation”, the words “or by pressurized pipe irrigation system” shall be inserted;

(ii) in clause (e), after sub-clause (iii), the following new sub-clause shall be added, namely:-

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

(iii) after clause (o), the following clauses shall be inserted, namely:-

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

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

Amendment of Section 3.

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

Substitution of Section 4.

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

Managing Committee of water users’ association.

“4.(1) There shall be a managing committee for every water users’ association, which shall consist of a President and one member from each of the territorial constituencies of the water users’ area.

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

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

- (4) If at an election held under sub-sections (2) and (3), the President or the members of any territorial constituency of water users' association are not elected, fresh election shall be held in such manner as may be prescribed.
- (5) If the managing committee of the water users' association does not have a woman member, the managing committee shall co-opt a woman as a member who shall ordinarily be a resident of the farmer's organization area.
- (6) The President and the members of the managing committee shall, if not recalled earlier, be in office for a period of five years from the date of appointment of competent authority under sub-section (1) of section 21:

Provided that on expiry of term of the President and the members of the managing committee, a new managing committee is not constituted, the State Government may, by notification, extend the term of the President and the member of the managing committee for further period of six months from the date of such expiration, recording the reason for extension.

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

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

Amendment of Section 6.

- “(7) If the managing committee of the water users' association is dissolved before the period of five years under sub-section (8) of Section 4, in that case the managing committee of the distributary committee shall be deemed to be dissolved automatically.”.

6. In Section 8 of the principal Act, after sub-section (5), the following new sub-section shall be added, namely:-

Amendment of Section 8.

- “(6) If the managing committee of the water users' association is dissolved before the period of five years under sub-section (8) of Section 4, in that case the managing committee of the project committee shall be deemed to be dissolved automatically.”.

7. In Section 17 of the principal Act, in clause (c), after the words “pipe outlet”, the words “or distribution center” shall be inserted.

Amendment of Section 17.

8. In Section 23 of the principal Act,-

Amendment of Section 23.

- (i) after clause (h), the following clause shall be inserted, namely:-

“(ha) destroys, damages, steals or interferes with flow of water in any way to pressurized pipe irrigation system or its accessories.”;

- (ii) in the last paragraph pertaining to penalties,-

- (a) in clause (i), for the bracket and letter “(h)”, the bracket and letters “(ha)” shall be substituted and for the words “five thousand rupees”, the words “ten thousand rupees” shall be substituted;
- (b) in clause (ii), for the words “rupees five hundred”, the words “rupees one thousand” shall be substituted.

Amendment of Section 25. 9. In Section 25 of the principal Act, for bracket and letter “(h)” the bracket and letter “(ha)” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

At present following provisions are in sub-sections (2), (3) and (5) of section 4 of the Madhya Pradesh Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999 (No. 23 of 1999):-

- (1) The managing committee of water users' association shall be a continuous body, with one third of its elected members retiring every two years as specified in sub-section (3).
- (2) The term of office of the members of the territorial constituencies shall, if not recalled or removed or disqualified under the provisions of the Act, be six years from the date of appointment of the competent authority under sub-section (1) of section 21.
- (3) The Collector shall also cause arrangements for election of a President of the managing committee from amongst the members of the managing committee of the water users' association, in the manner prescribed.

2. After the constitution of water users' association in the period of year 2015 to 2017 as above, the President of the water users' association and territorial consistencies members found disinterested during the training and inspection of sites in command area and showed dissatisfaction with present provision of this Act. Therefore the term of managing committee of water users' association and territorial constituencies were five years and the President and members of the association proposed to be elected through direct election.

3. As stated in the para 2 above, due to the proposed amendment, the existing managing committee of water users' association need to be dissolved. If the managing committee of water users' association is dissolved before the period of five years under sub-section (8) of section 4, consequential amendments are also proposed in section 6 and 8 that the managing committee of the distributary committee and the managing committee of the project committee shall be deemed to be dissolved automatically.

4. Therefore, in the interest of public and in order to proper operation and maintenance of canals in irrigation project suitable amendments are proposed in the Act. In addition to above, for irrigation through micro irrigation system, construction work of new large, medium and small projects are in progress in the State, so it is required to make provision in the Act, for pressurized pipe irrigation system, also.

5. There are provisions of penalties in section 23 of the Act for those persons who damages, obstructs any canal or irrigation system. In this section penalty is enhanced so as to overcome the offences mentioned in this section.

6. Hence this Bill.

BHOPAL :
Dated, the 7th December, 2019.

HUKUM SINGH KARADA
Member-in-Charge.