

Government of West Bengal

Water Resources Investigation & Development Department

Writers' Building

Kolkata - 7000 01

No 1710-MI/2R-3/2004

dated 16<sup>th</sup> August 2011

NOTIFICATION

1. Whereas, the State Government has been funding the creation of large number of minor-irrigation works and schemes to provide benefit to small and marginal farmers, under different sources of funds viz, RIDF, RKVY, SCP, TSP, and AIBP, etc..

2. Whereas, it has come to light that in many cases truly representative Committee of farmers have not been constituted, and formal handing over of assets has not been made effective till date.

3. Whereas, in situations arising out of non-formation of the Beneficiary Committee or in the event of formal handing over the assets not taking place, raising of the electricity bill and payment thereof, has been a constant issue between the WRIDD and the WBSEDC Ltd. .

5. Hence, for the purpose of making the Operations and Management of the Minor Irrigation Schemes, implemented out of the funds of the State Government, more efficient, the Governor is pleased to direct the undersigned to issue fresh notification, by supersession of the Notification No 2353/MI/2R-3/2004 dated 17<sup>th</sup> August, 2004 and make The Operation and Management Rules for Minor Irrigation Schemes - 2011, effective from the date of this notification.

  
(Subrata Biswas)

Secretary

Government of West Bengal

The Operation and Management Rules for Minor Irrigation Schemes-2011

1. **Formation of Minor Irrigation Scheme Management Committee** – The Assistant Engineer or the Executive Engineer of the Water Resources Development Department (WRIDD), under whose jurisdiction the *scheme* lies, on receiving the sanction order shall notify in the local language the **Scheme Development and Management Plan (SDMP)**, prepared in the form prescribed by the State Government.
2. Having made publication of the SDMP in Rule 1, he shall invite application from the cultivators, *raiylats* or bargadars of the land, which is likely to gain irrigation out of the *scheme*, who are willing to become the member of **The Minor Irrigation Scheme Management Committee**. He shall clearly mention the date and time by which the applications will be received in his office, provided that not less than seven clear days have been given to make such application.
3. The notification under Rule 1 and rule 2 should be made at a prominent place near the works site and also in the notice board of the Gram Panchayat, Panchayat Samity, and the Zilla Parishad.
4. He shall then proceed towards formation and registration of the **Minor Irrigation Scheme Management Committee**.
5. **The Minor Irrigation Scheme Management Committee** shall comprise of all members who are *cultivators, raiylats* or bargadars and who are likely to derive benefit out of a minor irrigation scheme and who have expressed in writing to become member of the Committee on their own free will after having read or heard of the notified Scheme Development and Management Plan (SDMP).
6. Within fifteen days from the last date for submission of application made under Rule 2, the Assistant Engineer or the Executive Engineer of the WRDD, shall declare the names of the members of **The Minor Irrigation Scheme Management**

Committee by making a specific Order, after making summary scrutiny of the applications received.

7. Assistant Engineer or Executive Engineer shall convene the First General Meeting of the *Minor Irrigation Scheme Management Committee*, within twenty one days of the specific order, made under Rule 6.
8. **Appointment of the Directors of the Minor Irrigation Scheme Management Committee** – The Assistant Engineer or the Executive Engineer shall preside over the First Meeting of the General Body of the Committee wherein he shall appoint from amongst the member of the *Minor Irrigation Scheme Management Committee*, by majority decision, Directors in accordance with provisions made under Rule 9.
9. **Board of Directors** – The Assistant Engineer or the Executive Engineer shall appoint a Board of Directors of the *Minor Irrigation Scheme Management Committee* in the manner given below, provided that no less than one third of the Directors shall be women:-
  - a. One member of the *Minor Irrigation Scheme Management Committee*, who has donated highest quantum of land for the implementation of the scheme, shall be appointed the Chairman of the Board of Directors.
  - b. One member of the *Minor Irrigation Scheme Management Committee* belonging to Scheduled Caste Community as Director (if available).
  - c. One member of the *Minor Irrigation Scheme Management Committee* belonging to Scheduled Tribe Community as Director (if available).
  - d. One member of the *Minor Irrigation Scheme Management Committee* belonging to OBC Community as Director (if available).
  - e. Such number of Women of the *Minor Irrigation Scheme Management Committee* as would be adequate to make one third representation as Executive Director(s).



f. Any one member of the *Minor Irrigation Scheme Management Committee* with the majority decision in the First General Body Meeting to act as Secretary of the Board to assist the Chairman in the discharge of his duties under the Rules.

**10. Registration of the Minor Irrigation Scheme Management Committee** – The Assistant Engineer or the Executive Engineer shall direct the Chairman of the Board to get the *Minor Irrigation Scheme Management Committee* registered under the **West Bengal Cooperative Societies Act, 2006** by making a specific order.

**11. Handing over the Assets of the scheme** – The Assistant Engineer or The Executive Engineer on completion of the scheme and on satisfaction that the *Minor Irrigation Scheme Management Committee* has been registered as per Rule-10, shall handover all assets created under the scheme to the Chairman of the Board of Directors, subject to such conditions that shall be mentioned in the transfer deed, provided that State Government has not restrained or prohibited the transfer by issuing specific order against the scheme.

**12. Functions of the Board of Directors**- The Board of Directors shall perform the following functions:-

- a. Keep in safe custody all assets under the scheme and to prevent theft or loss of assets. In the event of damage, theft of any asset including electric poles, wires and transformers the Chairman of the Board of Director shall report the same in the Police Station and the Office of the Assistant Engineer.
- b. To prepare cropping programme suitable to all its members.
- c. To manage the minor irrigation scheme handed over to the Committee under the Rule.
- d. To regulate the use of irrigation water amongst the committee members so as to achieve full utilization of irrigation potential created under the scheme.
- e. To promote economy in the use of water allocated.

- f. To assist the State Government employees in preparation of demand and collection of water rates.
- g. To collect money from the members of the committee for payment of energy charges, for repair, Management of machines and conveyance system and make provision in the sinking fund for offsetting the depreciation of asset.
- h. To monitor and meter flow of water.
- i. To resolve the disputes, if any between the members of the Committee.
- j. To maintain accounts of the
- k. To publish accounts at the end of the year as prescribed under the provisions of the **West Bengal Cooperative Societies Act, 2006**.
- l. To maintain records mandated under the provisions of the **West Bengal Cooperative Societies Act, 2006**.
- m. To conduct General Body Meetings under the provisions of the **West Bengal Cooperative Societies Act, 2006**.
- n. To abide by directions or prohibitions issued under general or specific order of the State Government.
- o. All correspondence will be under the signature and name of the Chairman.

**13. Funds of the *Minor Irrigation Scheme Management Committee* - Funds of the Committee shall consist of the following:-**

- a. Resources raised by the committee by way of loans, donations or grants from non members,
- b. Fees collected from committee members against availing irrigation service.

**14. Bank Account-** The funds of the *Minor Irrigation Scheme Management Committee* shall be kept in any suitable bank.

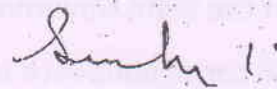
**15. Powers of the Engineer –** the Assistant Engineer or the Executive Engineer shall have the powers to summon any member of the *Minor Irrigation Scheme Management Committee* or call for producing such documents as will be

necessary to establish claims made by any member, or inspect the scheme site and give directions or prohibit any action being perpetuated by any member.

16. **Appeal against action of the Engineer** – Any member of the *Minor Irrigation Scheme Management Committee* aggrieved by any action of the Engineer under the Rules may file an appeal before the Secretary, Water Resources Investigation and Development Department.

17. **Dissolution of the Committee by the State Government**- Persistent departure from the responsibilities under Rule 10 shall be ground on which the State Government may dissolve the committee and take upon itself the management of the scheme, provided that State Government may before making a specific order to this effect cause an enquiry and give opportunity of hearing to the Committee.

Issued by the order of the Governor



SD/

Secretary

Dated 16<sup>th</sup> August 2011

No. 1710/1(I)-MI/2R-3/2004

Dated, 16<sup>th</sup> August, 2011.

Copy forwarded to the Superintendent, West Bengal Govt. Printing Press, 38, Gopal Nagar Road, Kolkata-700027 with the request kindly to publish the above Notification in extra-ordinary Calcutta Gazette and send 200 copies of the same to this Department.

Joint Secretary.



5-1077-1

**GOVERNMENT OF WEST BENGAL**  
Office of The Registrar of Firms, Societies & Non-Trading Corporations,  
West Bengal. P-15 India Exchange Place Extension,  
Todi Mansion, (8th Floor), Kolkata - 700 073.

**Modus operandi to be followed for granting registration to prospective Water Users' Associations in West Bengal**

To meet the gravity of the situation which calls for immediate action for granting registration to the Water User's Associations throughout the State for implementation of WBADMI projects (400 such prospective entities in the State during 2012-2013) under the Water Resources Investigation & Development Department, Govt. of West Bengal, the following steps may be taken up :

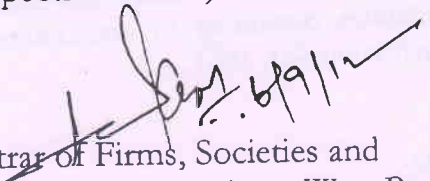
1. Nodal officer in the respective district under the Department of Water Resources Investigation & Development Department shall, in consultation with the Registrar of Firms, societies and Non-trading Corporation, West Bengal, prepare the Memorandum of Association and Regulation of the respective Water Users' Association in compliance of the provisions of the West Bengal Societies Registration Act, 1961 to let the same legally acceptable.
2. The nodal officer or his authorized representative of each district shall get such document (Memorandum of Association and Regulation) signed by at least 7 (seven) members of the prospective WUA as per format prepared in consultation with the Registrar of Firms, societies and Non-trading Corporation, West Bengal.
3. The nodal officer or his authorized representative of each district shall collect all such Memorandum of Association and Regulation duly prepared and complete in all respect from the prospective WUAs and furnish the entire lot of said documents (Memorandum of Association and Regulation) at a time in respect of all such associations of his district to the Registrar of Firms, Societies and Non-trading Corporation, West Bengal at Todi Mansion, P-15, India Exchange Place Extension (8<sup>th</sup> floor), Kolkata-700 073.
4. Each district nodal officer shall authorize one officer of his district to liaison the function of registration on behalf of all the prospective WUAs in respect of his district with the office of the Registrar of Firms, Societies and Non-trading Corporation, West Bengal. Necessary authority by the concerned nodal officer in favour of the concerned liaison officer for the purpose may be endorsed to the Registrar.

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Thus personal appearance of the members of the governing body (viz. president or secretary) of the prospective WUA at hearing before the Registrar for verification of said Memorandum of Association and Regulation is dispensed with. The liaison officer selected and deputed by the respective district nodal officer will act on behalf of the said WUAs of his district.

5. The liaison officer thus deputed by the district nodal officer will be responsible for collecting Registration Certificates on behalf of each such WUA of the concerned district from the office of the Registrar of Firms, Societies and Non-trading Corporation, West Bengal at Todi Mansion, Kolkata with due acknowledgement and hand over the same to the president /secretary of the respective WUAs of his district also against due acknowledgement from them (respective WUA).

  
Registrar of Firms, Societies and  
Non-trading Corporations, West Bengal



*(to be attached with the Memorandum of Association to be submitted for registration at the office of the Registrar of Firms, societies and Non-trading Corporations, West Bengal)*

Authorization by the secretary/president, prefix area name Water Users' Association, name of the district in favour of the Nodal / Liaison Officer deputed by the District authority of Water Resources Investigation and Development Department, Govt. of West Bengal.

I, .....do hereby authorize Sri/Smt.....  
.....name & designation of the nodal/liaison officer deputed for the purpose to act on behalf of the Water Users' Association of which I am the secretary/president in respect of all formalities pertaining to registration of the said association as per West Bengal Societies Registration Act, 1961.

Date :

Signature of Secretary/President

Address of the registered office

Name of the Society

**List of the prospective Water Users' Associations in *name of District* to be registered under the West Bengal Societies Registration Act, 1961**

Sl No.	Name of Association	Address of the registered office	Name of secretary/president	Signature of secretary/president	Remarks (if any)

I, hereby authorize Sri.....(*designation*) to act on behalf of the above mentioned Water Users' Associations in (*name of district*) pertaining to the registration formalities under the provisions of WBSR, 1961 with the office of the Registrar of Firms, Societies and Non-trading Corporations, West Bengal.

Signature of the District Authority  
Water Resources Investigation & Development Department, West Bengal