

EXTRAGRDNARY REGISTERED No. \$.—2771.

THE BALUCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

No. 64 QJETTA THU.ASDAY APRIL 30, 1981.

GOVERNMENT OF BALUCHISTAN A
LAW DEPARTMENT,

NOTIFICATIO4.

Dated Quetta, the 30th April, 1981. i

No. Legis: 1-60/Law/80/ The following Ordinance made by the Gorkgument of Baluch-
{stan on 29th April, 1981 is hereby published for general information: —

BALUCHISTAN ORDINANCE NO. V OF 1981,
THE BALUCHISTAN WATER USERS, ASSOCIATIONS ORDINANCE, 1981,
AN
ORDINANCE

to provide for the formation, operation and promotion of water users, associations in
the Provinee of Baluchistan.

Piiated by the Manager Government Printing and Stationery Department Baluchistan, Quetta.

G.P.(Q) 972-450-Cop'es-7-1981.

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WHEREAS it is expedient to provide for the formation, operation and maintenance of water users' associations in the Province of Baluchistan and matters ancillary thereto in the manner hereinafter appearing;

AND Linares are reasons which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1) and in exercise of all powers enabling in that behalf, the Governor of Baluchistan to promulgate the following Ordinance

CHAPTER-I
PRELIMINARY.

1. (1) This Ordinance may be called the Baluchistan Water Users'

(2) It extends to whole of the Province of Baluchistan.

(3) This section shall come into force at once and all or any of the remaining provisions of this Ordinance shall come into force in such area and on such date or dates as Government may, by notification,

2. In this Ordinance, unless there is anything repugnant in the subject or context:

(a) "Association means an irrigation association (Anjuman-e-ab-pashi), or any other association of persons engaged in irrigation or water supply;

(b) "Association in good standing" means an Association that is not in default of any financial or legal obligations;

(c) "Pectaminate village" means that area of land situated at the source of water developed or utilized by the association;

(d) "Board of Directors" means the governing body of the representatives elected by the General Body;

(e) "Bye-laws" means bye-laws of the Association;

(f) "Canal Officer" means the Canal Officer as defined in the Baluchistan and Canal Drainage Ordinance, 1980 (XX of 1980);

(g) "Collector" means the Collector of the District of Baluchistan, Land Revenue Act, 1967 (XVII of 1967);

"General Body" means the collective of

(h) "Proprietor" means body of membership

"Operator" means the operator of a separate farm, whether he

(i) is an owner of land, tenant or renter, and includes the representative chosen by the proprietor or joint operators of a jointly

Ordinance to

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Formation of
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@ "Member in good standing" means any member whose payment of assessment is not in arrears by more than one year, or who is not under conviction for a criminal offence, or is not a minor;

&® "Membership" means all the irrigators who are members of the _ and are entitled to participate in the general assembly >

() "Outlet/tube-well" means that portion of land irrigated from a particular canal outlet or Government tube-well; and

(m) "Water-course" means the main channel from the canal outlet (mogha) and laterals.

3. The provisions of this Ordinance and the rules made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

CHAPTER-2

PURPOSE, POWERS AND FORMATION.

4, (1) The primary purpose of the Association shall be:—

(i) the operation, maintenance, improvement and rehabilitation of the Watercourse;

(ii) the improvement of water supply from surface or ground water;

(iii) the Improvement of On-Farm Water Management.

(2) The secondary purpose of the Association shall be to perform such other functions as relate to the obtaining of other agricultural inputs and economic and social well being of the membership.

5. An Association shall be a body corporate by the name under which it is registered, having perpetual succession with power to hold property, both movable and immovable, and shall by the said name sue and be sued.

6. (1) Whenever at least fifty-one percent of the irrigators on a

. Watercourse who are above the age of eighteen agree to the formation

and operation of an irrigator's Association (An\ juman-c-abrashi), they shall make an application to the Director, Agriculture (Extension)/Project Director, "Farm Water Management, through his Field Officer.

(2) Upon receipt of application, the Field Officer shall review the application and convene a meeting for all irrigators in the watercourse command area,

(3) If seventy-five percent of the irrigators, who are above the _ eighteen years, consent to formation of the Association, membership of Non-consenting irrigators or those who are not capable of so consenting under any law for the time being in force shall be deemed to have consented to be the members of the Association.

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(4) Upon receipt of complete membership list and after ascertaining the facts as mentioned in sub-section (1) or, as the case may be, sub-section (3), the Field Officer shall, approve the location, register the Association Ledger and particulars of the Association in a register to be kept for use, send one copy of the list to the Director, Agriculture (Extension) and District Director, On-Farm Water Management; and provide the Association with a certificate of formation as evidence of legal existence.

(5) The membership list shall be kept current by the Association,

(6) The Field Officer shall examine and approve the membership

and shall determine that each member is a bona-fide land owner or an owner or tenant,

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(7) Any person aggrieved by the decision of the Field Officer may file an appeal to the Collector, whose decision thereon shall be final. 3

(8) The list of Associations and names of Officers of Associations shall be sent to the Irrigation, Agriculture, Revenue and other requesting departments.

(9) The Association shall, within 30 days of the receipt of the Membership list, convene a meeting of the General Body, elect the Board of Directors, adopt bye-laws and open a bank account.

10. The level of formation of an irrigators' Association shall be at the outlet village or tubewell village. The Association may increase its irrigated area by tubewells, and Associations sharing a common Government or Private tubewell may make provisions in bye-laws for operation and maintenance of the same.

Powers of Association. In exercise of the functions under the Ordinance the Association shall generally have the powers.

(i) to improve, rehabilitate, operate and maintain the watercourses;

(ii) to improve the water supply from surface or sub-surface sources;

(iii) to lease, own, create and maintain tubewells and lift-pumps in the name of the Association;

(iv) to sanction upgrading and maintenance of farm ditches and field outlets;

(v) to encourage adoption of improved on-farm water use and management practices and other improved land and agricultural input practices;

(vi) to participate in programmes to improve water courses, land levelling and agronomic practices, and to lease, own, operate and maintain equipment, structures and other matters associated with improvement efforts;

vii) to establish water delivery schedules and supervise water allocation and distribution in the Association village in such a manner so as not to interfere with canal water delivery;

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(vii) to set and collect general and special assessments?
(ix) to conscript labour for emergency repair of watercourse;
(j) to locate, install and maintain drainage facilities for fields;
(zi) to remove obstructions in watercourse during realignment,
operation and maintenance ;

Gili) to enter into contracts for obtaining loans and grants and
@ repayment schedule;

(xiii) to insure that all members rights under the laws are respected,
and tht each rember ge hs fair share of water in a timely

ion;

Giv) to insure that all members of the Association contribute their
fair share of labour, money and other services for improve-
Ment, maintenance and operation of the watercourse.

CHAPTER-3 GENERAL BODY

8. The irrigators of an Association shall constitute the General Body.

General meetings. 9. Every Association shall call an annual general meeting of the mem

Special meeting.

Duties of
General

Voting.

disputies.

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bership and not less than one other general meeting per year.

10. On request of not less than one-fifth of the members of the Asso-
ciation or at the request of the Board of Directors, the Chairman shall
call a special meeting of the membership.

11. The General Body shall elect the Board of Directors, make or
approve organizational policies, and plan of operation, approve and amend
bye-laws approve assessment and budzet, approve ion of ditch
tenders aud' aageoiantat collectors, approve adoption of improve nent
programmes and leasing, purchasing or otherwise obtaining equ eat,
Pumps, seeds. fertilizer, chemical and other like products am! do
all other things necessary to cacry out the purpose; of th's Ordinance
and the Association's bye-laws.

12, (1) All ii rs shall be entitled to vote on issues requiring voti

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in carrying out the duties of the Gi

(2) Each decision by the General Body shall require two third majority of votes.

13. (1) The General Body may either elect a special body to, or d to the Board of Directors the authority to, hear and decide Padbrwey or ween members of the Association, .

(2) Violation of the decision of the Board or the special body shall only be punishable with a fine , and not suspension of water delivery unless approved by the General Body. ,

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CHAPTER-4

BOARD OF DIRECTORS

14. (1) There shall be elected by the General Body, using secret ballot, «
Board of Directors i

consisting of not less than five members in good standing,

(2) The General Body shall decide and include in the Association
Uzetaws whether the representatives to the Board of Directors are to be

from geographic portions of the watercourses (head, middle and tail)
or by social group or at large.

(G) No member elected to the Board of Directors shall enjoy any
greater than any other member by virtue of his elected position,

(4) Members of the Board of Directors shall be elected for two years
term, except in the first election after organization when one-half or
thereabouts shall be elected for one yeat. Thereafter half or the c.abouts
shall be elected annually. A person shall not serve for more than two
Consecutive terms on the Board of Directors,

15. The members of the Board of Directors shall annually choose a
Secretary and Treasurer. If the bye-laws so ify, the Chair.
man may be by rotation and Vice-Chairman also appointed,

16. Action by the Board of Directors shall require twothird vote of the total
members of the Board.

17. Members of the Board of Directors shall make an oath to uphold
the purposes and duties of the Association and if they be muslims , to also
uphold the tenets of Islam.

18. The Board of Directors shall be responsible for carrying out the purposes
of this Ordinance, the Association bye-laws and more particularly shall;

(i) manage the Association activities in delivery of water:

(ii) orion 8 plan of operation, maintenance, improvement and
rehabilitation of the watercourse;

(iii) supervise the construction and maintenance of the watercourse
and other improvement activities: :

(iv) employ and discharge ditch tenders, collectors and construction
personnel;

(v) exercise emergency powers to repair water course breakage;

(vi) negotiate ane contract with government pacer Pag =

institution for improvement grammes acceptal to
General Body; as

(vii) serve as the communication link between government
agancies in dissemination of information and all matters
Tepresenting the views and requests of the Irrigators Associations;

23.

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iii) maintain the financial and organization⁴ records of the
ee nen

call special of the General Body for any matters
bad involving ori expenditure and other important is.ues
involving the general membership.

19. The Chairman shall be responsible to call and conduct meeting of the
Board of Directors and General Body and to otherwise act on behalf of

ion in all other matters. The Chairman may a temporary
een Nog yon ede igor soma ty that if there isa
Vice-Chairman, he shall act as the Chairman. Chairman and the
Secretary shall sign all contracts and othe: obligations of the Association .

20. The Secretary shall keep a record of minutes of the Association.

21. The Treasurer shall keep and maintain financial records of the
Association. The

Treasurer may make deposits in the Association's acc-
Chairman .

ount, but all withdrawals shall require the signatures of both the
and Treasurer.

22, The Board of Directors may appoint a n it to perform
the duties of Becectary or Treasure “84 eee sig sinnliny or Treasurer in
the performance of their duties.

CHAPTER -5 FEDERATION OF ASSOCIATIONS.

(1) The Irrigators' Associations on each distributary may form a
'ederation of Associations (heteinaftar called the Distributary ——.
Such an Association, when formed, shall be called by the name of
distiibutary concerned.

on the same distributary shall immediately become constituent member of
the Distributary Association.

(3) Each Irrigators' Association shall send one represetative to the
Listuibutary Association.

(4) The Chairman of the Irrigators' Association shall act as the
Te rresentative of his Association to the Distributary Association.

(5) The members of the Distributary Association shall select a Chair-

man and other officers as needed.

24. (1) On each major Canal/or any other source of perennial water all the re amnainns may Ken 5 Folaentes, of Association (hereinafter called the W/or any other source of perennial water Association). Such an Association, when formed , shall be called by the name of the canal /or any other source of perennial water concerned.

Registry of
Distributaries

and Canal
Association

Duties and

Capital
Expenditure
and

@) When more than half of the distributaries on a major canal/or Any other source of perennial water are organized into Distributary Association, they may form a canal Association. Any other distributary Association formed thereafter on the — distributaries shall immediately become constituent member of the Canal Association,

(3) Each Canal Association shall have a Board of Directors and the Chairman of each Distributary Association shall be the representative to the Board of Directors of the Canal Association,

(4) The members of the Canal Association shall select Chairman and officers as is needed.

25. The Distributary Association and the Canal Associations shall be registered with the Director of On-Farm Water Management Project. A copy of the registry and name of Chairman shall be provided to all other concerned departments.

26. (1) The Distributary Association or Canal Association shall;—

(i) represent its members in issues and problems related to the distributary or, = the case may be, more than one distributary or the whole canal ;

(ii) represent its respective constituent members to the Department of Irrigation, Agriculture and any other Department;

(iii) serve as channel of communication between the Irrigation Department and the constituent members of the Association;

(iv) participate actively with the Irrigation Department in the improvement, maintenance and operation of the distributaries and canals;

(v) maintain financial records and minutes of meetings, levy assessments upon member Associations and exercise collection authority on a voluntary basis or in case of default by certifying the amount for collection to the Collector ; and

(vi) make by-laws and rules of operation .

(@) The Distributary Associations or Canal Association may :—

@ make recommendations and requests for distribution of water into a minor or distributary on a demand or fixed delivery basis.

(ii) make recommendations and requests to the Irrigation Department for construction of bridges, regulators, drop structures, new minor canals, etc, at Association cost or cost-sharing.

27. The Board of Directors of the Distributary or Canal Association shall, before commencing or making any major capital expenditure of improvements, obtain the approval from membership of their

Improvements. respective Irrigator's

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CHAPTER -6

MISCELLANEOUS PROVISIONS.

20. If, the holder of any right of any type of rights holding 45° irrigator who previously was: member of the Irrigator's Association, the membership in the Association shall also stand as

30. 1) General Assessments shall be to: carry out the primary and secondary purposes
(2) Special Assessments shall be to carry out the second of the

Assessments should be allocated in proportion to cultivable lands in
at proportion in

34, (1) The Board of Directors may certify to the Collector the amount recoverable from a member as fines or fees, which the members refuse to pay on demand collectable as arrears of land revenue -

(2) The Collector shall recover the said amount so certified and reimburse this amount to the Association.

35. The Association may acquire lands necessary for location or relocation of watercourses and installation of tubewells on a voluntary basis, with compensation to be paid accordingly for the land so acquired

36, The Association or Federation of Associations at any level may contract with the Irrigation Department for the supply of canal water on a contract basis at the outlet, or contract on volumetric rate basis at the minor or distributary canal, as provided in the canal rules, instead of the crop rate basis commonly used. In this case, the Association will collect and pay the agreed rate to Government.

37. Any Association or Federation of Associations which desires to improve the distributary or riparian improvement process on the distributary or canal must first have the approval and supervision of the Canal Officer.

Preferential 38. The Departments of Irrigation, Agriculture, Revenue and Cooperatives
Sonal pe 'eis a
is to take
, inance to facili
Preparation of 39. The Directorate, On-Farm Water Management, shall Leeper necessary

forms to expedite and facilitate formation: of Irrigator
Federations of Associations.

Power to 40). The Government of Baluchistan may make rules for carrying out the
main rules. purposes of of his Ordinance, ; : se

7 Lt. Gen: ee Khan,
Dated the 29th April 1981. .

FAKHRUDDIN .H. SHAIKH.

"Secretary,
Law Division