

**The Nagaland Farmer's Participation in Management of irrigation system
Act, 2013 (Act No.7 of 2014)**

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An
-Act-

An Act to provide for farmers participation in the management of irrigation
systems and for matters connected herewith or incidental thereto.

Whereas Nagaland is essentially an agricultural State whose economy largely
depends on agricultural crop productivity in which irrigation plays the vital role for
optimum yield;

And whereas it is imperative to allow farmers to play an important role in
various aspect of irrigation system for effective and reliable supply and distribution of
water;

Be it enacted by the Nagaland State Legislative Assembly in the sixty fourth year of the
republic of India as follows:-

Chapter 1

PRELIMINARY

1. Short title extent and commencement:

- (i) This Act may be called the Nagaland Farmers Participation in Management of Irrigation System Act 2013.
- (ii) It extends to the whole of the state of Nagaland.
- (iii) It shall come into force on such date as the government may by notification in the Nagaland Gazette , appoint and may appoint different dates for different areas and for different provisions.

2. Definitions:

- (i) In this Act, unless the context otherwise require:
 - (a) “Administrative Head” means Administrative Head of Irrigation & Flood Control Department which could be Principal secretary or Commissioner & Secretary or a Secretary.
 - (b) “area of operation” in relation to the water User’s Association means a continuous block of land in the command area of an Irrigation system as may be notified for the purpose of this Act.
 - (c) “Catchment area” means the area of land draining surface flow water into a stream or a water course at a given location.
 - (d) “Chairman” means Chairman of the Co-ordination Committee.
 - (e) “Chief Engineer” means the chief Engineer of Irrigation & Flood Control Department.
 - (f) “Coordination Committee” means the coordination committee for two or more Water User’s Association in contiguous areas.
 - (g) “command areas” in relation to follow and lift Irrigation on a canal, means the land under irrigable command of a canal bound by hydraulic or other boundaries for which a water User’s Association is formed.
 - (h) “Culturable Command Area” means the area, under an Irrigation Project, which can be physically irrigated and is fit for cultivation.
 - (i) “Department” means the Department of Irrigation & Flood Control.
 - (j) “Divisional Office” means the office of the Executive Engineer, Irrigation & Flood Control Department which are located in all the districts of Nagaland and headed by an Executive Engineer.
 - (k) “drainage system” in relation to an irrigation system includes;

- (i) Channels either natural or artificial for the discharge of waste or surplus water and all works connected therewith or ancillary thereto.
- (ii) Escape channels from an irrigation system or other works connected herewith or ancillary thereto.
- (iii) All collecting drains and main to drain off surplus water from field drains; and
- (iv) All fields drains and related structures under outlets.
- (e) “Executive Committee” means the executive Committee of water Users’ Association/Co-ordination Committee.
- (m) “Executive Engineer” means the Executive Engineer of Irrigation & Flood Control Department.
- (n) “field channel” includes a channel existing or to be constructed by the Government or by the land holders or water users or by any agency to receive and distribute water from an outlet.
- (o) “field drain” includes a channel excavated and maintained by the land holder or by any other agency, to discharge waste or surplus water from the land holding under a pipe outlet; and includes drains, escape channels and other similar works existing or to be constructed.
- (p) “financial year” means a year commencing from the 1st April if the relevant year to the 31st March of the ensuing year.
- (q) “Government” means the Government of Nagaland.
- (r) “irrigation system” means such major, medium and minor irrigation system for harnessing water for irrigation and other allied users from Government or Private source and include reservoirs, diversion system, embankment, lift irrigation, wells, water harvesting structures, micro irrigation systems and the like;

Explanation:

- (i) “Major Irrigation System” means irrigation system under major Irrigation Project having a Culturable Command Area (CCA) of more than 10,000 hectares.
- (ii) “Medium Irrigation System” means irrigation system under Medium Irrigation Project having a Culturable Command Area (CCA) of more than 2000 and upto 10,000 hectares.
- (iii) “Minor Irrigation System” means irrigation system under Minor Irrigation Project having a Culturable Command Area (CCA) upto 2000 hectares.
- (iv) “Micro Irrigation System” means irrigation system through drip irrigation or sprinkler method or both.
- (r) “maintenance” means execution and continuance of such works on the irrigation system as are necessary to ensure that the physical system

designed to the standard operators for proper distribution of water to the land owners in the area of operation.

- (s) "notification" means a notification published in the official Gazette.
- (t) "office bearers" means office bearers of water Users' Association.
- (u) "operational plan" means a schedule of irrigation deliveries with detail of mode and duration supplies drawn up for regulation of irrigation in the command area of an irrigation system.
- (v) "outlet" means an opening constructed in main canal/branch canal and reservoir or through lift irrigation or micro irrigation system which passes water in the field channel or directly on any land/field.
- (w) "owner" means owner of the land and includes his agent, attorney or caretaker but does not include the tenant/sub-tenant
- (x) "President" means the President of Water Users' Association
- (y) "Secretary" means the secretary of water Users' Association/Co-ordination committee.
- (z) "Treasurer" means the treasurer of water Users' Association.
- (aa) "Rotational Water Supply (RWS)" means a system of distribution of water allocation to water users by turn, according to an approval schedule indicating day, duration and time of supply.
- (ab) "Water users" means and includes an individual or body corporate or a society or a farmers association, using water for agriculture, domestic, power, industrial or any other purpose from a Government source of irrigation.
- (ac) "Water Users' Association" in relation to management of irrigation systems by farmers means all types of water Users' Association at all levels/tiers of canal system of flow.

Chapter 2

WATER USERS ASSOCIATION.

3. Delineation of area of operation for Water Users' Association:

- (i) The water Users' Association shall be constituted in such manner that:-
 - (a) A contiguous area whether irrigated or capable of being irrigated by an irrigation system shall normally come under one Water Users' Association:
 - (b) The command areas of different canals shall be distinct and shall not overlap one another.

4. Constitution of Water Users' Association:

- (i) There shall be water Users' Association called by its local distinct name for every water users' area delineated under section 3-(i)-a

- (ii) Every Water Users' Association shall consist of all water users who are land owners in such Water Users; area as members.
- (iii) All members specified in clause-(ii) shall constitute the general body of the Water Users' Association and shall have right to vote.

5. Executive Committee of Water Users' Association and Election of its office bearers:

- (i) There shall be an Executive Committee for every Water Users' Association.
- (ii) The Water Users' Association shall make arrangements for the election of its Office Bearers consisting of President, Secretary and Treasurer by direct election or by method of secret ballot in the manner prescribe.
 - : Provided that the Department for the reason to be recorded in writing may vary the time of election from time to time, or postpone elections.
 - : Provided further that where a land owner holds land in more than one Water Users' area, he shall be eligible to become a member in both the Water Users' Association but he shall be eligible to take part in election for executive Committee only of one Water Users' Association for which he opts in the manner as many be prescribed.
- (iii) The Water Users' Association Shall also make arrangement for appointment of executive members which must constitute at least 2(two) but not exceeding village.
- (iv) In case of inability to elect the office bearers by the Water Users' Association themselves, the Executive Engineer of the concerned division shall cause arrangements for the election of the office bearers.
- (v) The Office Bearers and the members of the Executive Committee shall if not recalled, be in the office for a period of 5(five) years from the date of its appointment and shall be eligible for re-election.
- (vi) No person shall hold more than one post of office bearers in the Executive Committee.
- (vii) The Executive Committee shall exercise the powers and perform the functions of the Water Users' Association.

6. Co-ordination Committee for water Users' Association.

- (i) There shall be a Co-ordination Committee called by its local distinct name for those Cluster Projects comprising of two or more Water Users' Association.
- (ii) All the Presidents and Secretaries of Waters Users' Association in the Cluster Project area so long as they hold offices, shall constitute the members of the Co-ordination Committee.
- (iii) There shall be an Executive Committee for every Co-ordination Committee.

- (iv) (a): The members of the co-ordination committee shall make arrangement for the Appointment of Executive Committee which will consist of Chairman, General Secretary with 2(two) to 5(five) members from amongst themselves either method or by secret ballot.
- : Provided that the Department may, for reasons to be recorded in writing from time to time postpone elections.
- (b) The Executive Committee of the Co-ordination committee may co-opt 1(one) person from amongst the NGOs working for the welfare of farmers within its jurisdiction as member of the Co-ordination Committee. .
- (v) In case of inability of elect the Executive Committee by the members themselves, the Executive Engineer of the concerned Division shall cause arrangement for the election of the Executive Committee.
- (vi) The chairman and members of the Co-ordination Committee, shall if not recalled, be in office for a period of 5(five) years from the date of its appointment and shall be eligible for re-election.
- (vii) The Executive Committee shall exercise the powers and perform the functions of the Co-ordination Committee.

7. Apex Committee:

- (i) The Governor may, by notification constitute an Apex Committee at the State Level with such members as may be considered necessary.
- (ii) The Committee, constituted under sub-section (i); may exercise powers and functions as may be necessary to;
 - (a) Lay down the policies for implementation of the provision of this Act, and
 - (b) Give such directions to any Co-ordination Committee or Water User's Associations or to the Department as may be considered necessary in exercising their powers and performing their functions in accordance with the provisions of this Act.

8. Procedure for recall:

- (i) A motion for recall of a Chairman or President or Secretary or an Executive members, as the case may be of a Water User's Association or Co-ordination Committee may be made by giving a written notice as may be prescribed, approved by not less than one-third of the total number of members who are entitled to vote.
- : provided that no notice of motion under this section shall be made within one year form the date of assumption of office by the person against whom the motion is sought to be moved.

- (ii) If the motion is carried with the support of majority of the members present and voting at the meeting of the General Body specially convened for the purpose, the Executive Engineer or the Chief Engineer as the case may be shall by order remove him from office and the resulting vacancy shall be filled in the same manner as casual vacancy is filled.

9. Water User's Association to be a body corporate:

Every Water User's Association shall be a body corporate with a distinct name having perpetual succession and a common seal and subject to the provisions of this Act vested with the capacity of entering into contracts and of doing all things necessary, proper or expedient for which it is constituted and it shall sue or be sued in its corporate name represented by the Chairman or the President as the case may be

- : provided that no Water User's Association shall have the power to alienate in any manner, any property vested to it.

10. Changes in Water User's Association:

The Department may in the interest of the Water User's Association in the command area, by notification and in accordance with the rules made in this behalf,

- (a) form a new Water User's Association by separating the area from any Water User's Association;
 - (b) increase the area of any Water User's Association;
 - (c) diminish the area of any Water User's Association;
 - (d) alter the boundaries of any Water User's Association;
 - (e) cancel a notification issued under this Act or rectifying any mistake;
- : provided that, no such separation, increase, diminution, alteration and cancellation shall be effected unless a reasonable opportunity is given to the organisation likely to be affected.

11. Disqualification:

- (i) A person who is an employee of the Government of India or any State Government or of an institution receiving aid from the funds of the Government shall be disqualified for election or for continuing as a Chairperson or as a President or a member of the Executive Committee of Water User's Association or Co-ordination Committee.
- (ii) No person who has been convicted by a criminal court for any offence involving moral turpitude committed under any law for the time being in force shall be qualified or continuing in the office of a Chairperson or a

President or a member of an Executive Committee of a Water User's Association or Co-ordination Committee.

- (iii) A person shall be disqualified for being chosen as a Chairperson or a President or a member of the Executive Committee of a Water User's Association or Co-ordination committee if on the date of nomination of elections he is-
 - (a) of unsound mind and stands so declared by a competent court.
 - (b) a defaulter of land revenue or water tax or charges payable either to the Government or to the Water User's Association.
 - (c) interested in a subsisting contract made with or any work being done for village council or State or Central Government or the Water User's Association.
 - : provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having share or interest in ;
 - (i) a company as a mere share holder but not as a Director, or
 - (ii) any lease, sale or purchase of immovable property or any agreement for the same, or
 - (iii) any agreement for the loan of money or any security for the payment of money only or,
 - (iv) any newspaper in which any advertisement relating to the affair of the Water User's Association in inserted.
 - (v) A Chairman or President or a member of the Executive Committee shall also become disqualified to continue in office, if he;
 - (a) is convicted in a criminal case involving moral turpitude, or
 - (b) remain absent for 3 consecutive meeting without reasonable cause;
 - : provided that such disqualification under item-(b) shall not apply in the case of women who are in an advanced stage of pregnancy and for a period of 3 months after delivery.

12. Filling up of vacancies:

- (i) a vacancy arising either due to disqualification under section 2-(9) or due to death or resignation or by any reason, such vacancy shall be filled up by nomination by the Executive Committee of that Water User's Association/ Co-ordination Committee in the manner prescribed.
- (ii) The Executive Engineer shall take necessary action to ensure that elections are conducted to fill up any vacancy within a period of one month from the date of occurrence of such vacancy.

- (iii) The term of office of a member or a President or a Chairman elected under Sub-section-ii above shall expire at the time of which it would have expired if he had been elected at the ordinary election.

13. Registration of Water User's Associations:

- (i) Every Water User's Association shall be required to register from the Government in the manner prescribed;
- (a) They shall frame the bye-law and prepare a list of all their members along with the office bearers and Executive Committee members duly signed by the President and Secretaries of their respective Water User's Associations.
- (b) The list so prepared shall indicate the name of the land owner and the area cultivated for various crops during Kharif and Rabi season.
- (c) This shall be submitted to the Executive Engineer of the concerned division and after scrutiny shall forward it to the Chief Engineer, who shall then recommend it to the Administrative Head for approval and registration.
- (d) Formation and registration of Water User's Association is mandatory for implementation of any irrigation scheme under the Department.

CHAPTER – 3 : OBJECTIVES,FUNCTIONS & POWERS OF THE WATER USER'S ASSOCIATION.

14. The objectives:

The objective of the Water User's Association shall be:

- a. To promote and secure distribution of water among its users.
- b. Adequate maintenance of the irrigation system, efficient and economical utilization of water to optimize agricultural production.
- c. To protect the environment and to ensure ecological balance.
- d. Involve the farmers to develop a sense of ownership of the irrigation system in accordance with the water budget and operational plan.

15. Functions of Water User's Association:

The Water Users' Association shall perform the following functions:-

- (i) Implement the civil works of the irrigation schemes introduced to the area being funded by the Central Government or State Government or both or from funding agency by entering into an agreement with the Department through an Memorandum of understanding (MoU).
: provided the works can be executed by them without compromising on the quality of works and as per design specification, or otherwise should be

- executed by an experienced and capable contractor identified by the Water Users' Association and with the approval of the Department, implement the works on behalf of the Water Users' Association.
- : provided the Department desires that the civil works require high quality and precision which cannot be implemented by the Water Users' Association, such works shall be implemented by contract through tendering system in the manner prescribed in "The Nagaland Public Work and Account Rule 2012".
- (ii) To prepare and implement RWS schedule for each irrigation season consistent with
The operational plan, based upon the entitlement, area soil and cropping pattern as approved by the Executive Committee of Water Users' Association, or as the case may be, the Co-ordination Committee.
 - (iii) To prepare a plan for the maintenance of system in the area of its operation at the beginning of each crop season and to cry out the maintenance works of main channel, branch channel and field drains in its area of operation with the funds of the association from time to time.
 - (iv) to regulate the user of water among the various outlets under its area of operation according to the RWS schedule of the system.
 - (v) to promote economy in the use of water allocated.
 - (vi) to assist the Department in fixation of water rates.
 - (vii) to collect water charges.
 - (viii) to maintain a register of land and holders as per record.
 - (ix) to prepare and maintain a register of co-opted members
 - (x) to prepare and maintain an inventory of the irrigation system within the area of operation.
 - (xi) to monitor flow of water for irrigation.
 - (xii) to resolve the disputes, if any, between the members and water users in its area of operation.
 - (xiii) to raise resources.
 - (xiv) to maintain accounts.
 - (xv) to cause annual audit of its accounts.
 - (xvi) to assist in the conduct of election to the Executive Committee.
 - (xvii) to maintain other records as may be prescribed.
 - (xviii) to abide by the decisions of their Executive Committee as the case may be.
 - (xix) to conduct General Body meeting, as may be prescribed.
 - (xx) to encourage avenue for plantation on canal bunds and catchment areas.
 - (xxi) to conduct water budgeting and periodical audit, as may be prescribed.

16. Functions of Co-ordination committee:

- (i) to regulate the use of water among the various Water Users' Association under its area of operation.
- (ii) to resolve disputes, if any, between the various Water Users' Association under its area of operation.
- (iii) to maintain a register of Water Users' Association in its area of operation.
- (iv) to maintain an inventory of the irrigation system in the area of its operation, including drains.
- (v) to promote economy in the use of water allocated.
- (vi) to maintain such other records, as may be prescribed.
- (vii) to maintain the flow of water for irrigation to various Water User's Association in its area of operation.
- (viii) to conduct General Body meetings in the manner, as prescribed.
- (ix) to abide by the decisions of the Department and the Apex Committee as the case may be.
- (x) to cause regular water budgeting.
- (xi) to assist in the conduct of elections to office bearers of the Executive Committee.
- (xii) to encourage avenue plantations in its area of operation.

17. Power to levy and collect fee:

A Water User's Association may, for carrying out the purpose of this Act, and for achieving the objectives and perform its functions, levy and collect such fees as may be prescribed from time to time.

18. Power to remove encroachments:

A Water User's Association or the Co-ordination Committee or both shall remove encroachments from property attached to the irrigation system within its area of operation in accordance with the procedure as may be prescribed.

19. The functions of the President of Water User's Association shall be:

- (i) to conduct the affairs of Water User's Association in a democratic, fee fair and transparent manner.
- (ii) to preside over General Body meetings and regular fortnightly and monthly meetings as the case may be of Executive Committee in a peaceful and democratic manner.
- (iii) to exercise his vote only in case of tie of votes on any matter decided upon by Executive Committee or General Body.
- (iv) to be an authorized representative of Water User's Association at all forums, meetings called by an authority.

- (v) to form sub-committee of Water User's Association if so required and assigned roles and duties accordingly.
- (vi) to monitor equitable distribution of water.
- (vii) to send reports, estimates, letters etc. to the Department or any other concerned authority.
- (viii) to deploy employee for a particular job preferably landless person under his area of operation and take decision about honoraria etc. of the deployed employee.
- (ix) to conduct walk through and invite special invitee in the meetings.
- (x) to establish co-ordination with Department and other Water User's Associations.
- (xi) to authorize passed vouchers for payments for work done.

20. The functions of the Secretary of a Water User's Association shall be:

- (i) to assist the President of the Water User's Association regarding the functions of Water User's Associations.
- (ii) to convene General Body Meetings and regular fortnightly or monthly as the case may be, meetings of Executive Committee of Water User's Associations.
- (iii) to record and maintain the minutes of meetings with the consent of the President.
- (iv) to issue orders and resolutions of Executive Committee.
- (v) to maintain all records of Water User's Association.
- (vi) to operate account of Water User's Association jointly with the Treasurer.
- (vii) to get annual account audited by the authorized auditor.
- (viii) to do all correspondence with Department, other Water User's Association, members of Water User's Association and other authorities on behalf of the President.
- (ix) to authenticate all permissions, orders, decisions, notices and other documents of General Body and Executive Committee.

21. The functions of the Treasurer of a Water User's Association shall be:

- (i) to maintain all receipts, vouchers of expenditure and other related records.
- (ii) to maintain and update cashbook, cheque book, bills and other registers.
- (iii) to get annual account audited by authorized auditor.
- (iv) to prepare annual financial budget.
- (v) to make payments on orders of the President.
- (vi) to get funds from different resources.

CHAPTER 4 : DISSOLUTION & RE-CONSTITUTION OF THE EXECUTIVE COMMITTEE OF A WATER USER'S ASSOCIATION.

22. Dissolution & Re-Constitution:

- (i) If the Executive Committee of a Water User's Association fails to perform its functions even after the assistance of the Department, the Executive Engineer may proceed to dissolve and constitute a new Executive Committee.
- (ii) The Executive Engineer shall make assessment of a Water User's Association whether proper records are maintained by the Executive Committee.
- (iii) The Executive Engineer if finds any shortcomings in the Water User's Association, shall assist in the strengthening of the Water User's Association for improvement in their performance.
- (iv) In case the performance of a Water User's Association is not improving to the satisfaction of the Executive Engineer in continuous 2 assessments conducted, he may proceed to dissolve such Water User's Association in the manner that;
 - (a) The Executive Engineer shall give in written a notice to the Water User's Association for its dissolution.
 - (b) The Executive Engineer, after 15 days from the date of notice shall call a General Body meeting of the Water User's Association. He will move for dissolution of the managing committee along with assessment and resistant report. If the resolution is passed by more than 50% of the members present and voting in the meeting having quorum, the Executive Committee of the concerned Water User's Association shall stand dissolved. Secrecy of voting if required shall be maintained during passing of resolution by the Executive Engineer.

Chapter 5 : Sources of funds.

23. Resources:

The fund of the Water User's Association shall comprise of the following, namely:-

- (i) Grants received from the Government as a share of the water tax collected in the area of operation of the Water User's Association.
- (ii) such other funds as may be granted by the State and Central Government for the development of the area of operation.
- (iii) resources raised from any financing agency for undertaking any economic development activities in its area of operations.
- (iv) income from the properties and assets attached to the irrigation system within its area of operation.

- (v) fees collected by the Water User's Association for the services rendered in better management of the irrigation system; and
- (vi) amount received from any other sources such as grant/donation/loan on the basis of the approval of the Executive Committee.

Chapter 6 : OFFENCE AND PENALTIES

24. Offences and Penalties:

Whoever without and lawful authority does any of the following acts namely:-

- (a) damages, alters, enlarges or obstructs any irrigation system,
- (b) Interferes with increases, diminishes the water supply in or the flow of water from, through, over or under any irrigation system.
- (c) Being responsible for the maintenance of the irrigation system neglects to take proper precautions for the prevention of wastage of the water thereof or interferences with the authorized distribution of water there from or use water in an unauthorized manner or in such manner to cause damage to the adjacent land holdings,
- (d) Corrupts or fouls, water of any irrigation system so as to render it less fit for the purposes for which it is ordinarily used,
- (e) obstructs or remove any level Marks or Water Gauge or any other mark or signed fixed by the Authority or a Public Servant, and
- (f) Opens, shuts, obstructs or attempts to open, shut or obstruct any sluices or any other similar structures in any irrigation system, shall, on a complaint made by a farmers' organization, if convicted, be punished with imprisonment which may extend to one year or with fines which may extend to five thousand rupees or with both.

25. Punishment under other laws not barred:

Nothing in this Act shall prevent any person being prosecuted and punished under any law for the time being in force for any act or omission made punishable by or under this Act.

- : provide that no person shall be prosecuted and punished for the same offences more than once.

26. Compounding of offences:

- (i) Water Users' Association may accept from any person who committed or in respect to whom a reasonable belief can be inferred that he has committed an offence punishable under this Act of the rules made there under, a sum of

money not exceeding Rupees two thousand by way of compounding of such offence.

- (ii) On payment of such sum of money, the said person, if in custody, shall be discharged and no further proceeding shall be taken against him in regard to the offences so compounded.

Chapter 7 : SETTLEMENT OF DISPUTES

27. Settlement of disputes:

- (i) Any disputes or difference touching the constitution, management, powers or functions of a Water Users' Association arising between members, shall be determined by the Executive Committee of Water Users' Association.
- (ii) Any such disputes or difference arising between a member and the Executive Committee or a Water Users' Association or between two or more Water Users' Associations shall be determined by the Executive Committee of the Co-ordination Committee. However, in absence of a Co-ordination, the Executive Engineer of the concerned division determined.
- (iii) Any such dispute or differences which cannot be determined by the Executive Engineer of the concerned division shall be referred to the Chief Engineer.
- (iv) Any such disputes or differences which cannot be determined by the Department shall be determined by the Apex Committee, Whose decision shall be final.
- (v) Every disputes or difference under this section shall be disposed of with 30(thirty) days from the date of reference of the dispute or difference.

28. Appeals:

- (i) A party to a dispute or difference aggrieved by any decision made or order passed by the Executive Committee of Water Users' Association may appeal within 15 days to the Executive Committee of the Co-ordination Committee and in absence of the Co-ordination Committee, the Executive Engineer of the concerned division whose decision shall be final.
- (ii) Any party to a dispute or difference aggrieved by any decision made or order passed by the Executive Committee of Co-ordination Committee may appeal to the Executive Engineer of the concerned division thereof shall be final.
- (iii) Any appeal made under sub-division (i) or sub-section (ii) shall be preferred within 15 days of communication of the decision of the order to the person aggrieved.

- (iv) Every appeal under this section shall be disposed of within 15 days from the date of filing of the appeal.

CHAPTER 8 : MISCELLANEOUS.

29. Records:

- (i) Each Water Users' Association shall keep at its office of the following accounts, records and documents, namely:-
- (a) An up to date copy of this Act
 - (b) A map of the area of operation of the farmers' organization along with the map of the structure and distribution networks prepared in consultation with the Department;
 - (c) a statement of assets and liabilities;
 - (d) minutes book;
 - (e) books of accounts showing receipt and payments;
 - (f) books of accounts of all purchase and sales of goods by the Associations;
 - (g) a register of measurement book, level field books, work orders and the like;
 - (h) copies of audit reports and enquiry reports;
 - (i) all such accounts, records and documents as may be prescribed from time to time.
 - (ii) the books of account and other records shall be opened for information to the member of Water Users' Association.

30. Audit:

Every Water Users' Association shall get its account audited in the manner prescribed.

31. Recovery of Dues:

All the amounts payable or due to Water Users' Association shall be recovered as arrears by the Department.

32. Meetings:

The meeting of the Water Users' Association and the Executive Committee thereof such intervals, the procedure, the presidency and the quorum thereof and the cessation of membership thereof shall be such as may be prescribed. The quorum shall be 1/5th of the total number of members of a General Body present and voting.

33. Resignation:

- (i) A member of Executive Committee of Water Users' Association may resign his office by a letter sent by a registered post or tendered in person to the Chairman or President of the Water Users' Association concerned.

- (ii) The President of the Water Users' Association may resign his office by a letter sent by registered post or tendered in person to the Chairman of the Co-ordination Committee concerned or in absence of a Co-ordination Committee, the Executive engineer of the concerned division.
- (iii) The Chairman of the Co-ordination Committee may resign his office by a letter sent by registered post or tendered in person to the Executive Engineer of the concerned division.
- (iv) Such resignation as mentioned above shall take effect from the date of its acceptance or on the expiry of 30 days from the date of its receipt whichever is earlier.
- (v) Such resignation as mentioned above shall be intimated to the Apex Committee within 15 days for record.

34. Authentication of orders and documents of the Association.

All permission, orders, decision and other documents of the Water Users' Association shall be authenticated by the signature of the President or Secretary or any other member of the Executive Committee authorised by the Executive Committee in this behalf.

35. Bill not to be invalidated by informality or vacancy etc:

No act of proceedings of the Executive Committee of Water Users' Association shall be invalidated by reason only of the existence of any vacancy in or defect in the constitution of the said committee.

36. Deposits and administration of the fund:

- (i) The farmers' organisation shall keep their funds in a nationalised or scheduled bank or a co-operative bank or a post office.
- (ii) The fund shall be applied towards meeting of the expenses incurred by the Executive Committee of the concerned Water Users' Association in the administration of this Act, and for no other purpose.

37. Sinking Fund:

- (i) The meeting Committee of the Water Users' Association shall maintain a sinking fund for the repayment of the money borrowed and shall pay year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all the money so borrowed
- (ii) The sinking fund or any other part thereof shall be applied in or towards the discharge of the loan for which such was created and until such loan is wholly discharged; it shall not applied for any other purpose.

38. Budget:

- (i) The Executive Committee of the Water Users' Association shall prepare in such form in every financial year budget in respect of the financial year next, showing the estimated receipts and expenditure and shall place before the General Body of the Water Users' Association for its approval as may be prescribed.
- (ii) The Government shall provide budgetary support annually for the repair and maintenance of the irrigation infrastructures constructed by the Department in proportionate to the revenue on water charges deposited by Water Users' Association such funds shall be transferred to the Department.

39. Powers to remove difficulties:

- (i) If any difficulty arises in giving effect to the provision of this Act or as to the first constitution or re-constitution of any Water Users' Association after the commencement of this Act, the Government as the occasion may require by order published in Nagaland Gazette, do anything which appears to them necessary for removing the difficulty.
- (ii) All orders made under sub-section(a) shall as soon as may be, after they are made, be placed on the table of the Nagaland Legislative Assembly and shall be subject to such modification by way of amendments or appeal as the Legislative Assembly may either in the same session or in the next session.

40. Savings:

- (i) Nothing contained in this Act shall affect the right or properties vested in Village Councils or Municipals Councils or Town Committee under any law for the time being in force.

41. Power to make rules:

- (i) The Government may, by notification in the official Gazette, make rules for carrying out purpose of this Act.
- (ii) All rulers made by the Government under this Act shall, as soon as may be after they are made be laid before Nagaland Legislative Assembly while it is session, for a total period of not less than 14(fourteen) days which may be comprised in one session or two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislative Assembly may, during the said period agree to make so however, that any such, modification or

annulments shall be without prejudice to the validity of anything previously done there under.

42. Protection of acts done in good faith:

No suit, prosecution or any other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or under the rules made there under.

43. Merger of societies:

All the societies registered under the Nagaland Society Registration Act 1969 prior to the commencement of Act for the purpose of carrying out the functions of participation in Management of Irrigation System shall cease to exist and shall stand merged with Water Users' Association having the same area of operation with effect from date, the Executive Committee of the Water Users' Association is formed in accordance section-5 of this Act.