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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 22nd March, 2023

No.2222/L.A.— The following Bill, which has been introduced in the Odisha Legislative Assembly on the 22nd March, 2023 is here with published under rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information

THE ODISHA PANI PANCHAYAT (AMENDMENT) BILL, 2023

A

BILL

FURTHER TO AMEND THE ODISHA PANI PANCHAYAT ACT, 2002

Be it enacted by the Legislature of the State of Odisha in the Seventy-fourth Year of the Republic of India as follows: —

Short title 1. This Act may be called the Odisha Pani Panchayat (Amendment) Act, 2023.

Amendment
of Section 2 2. In Section 2 of the Odisha Pani Panchayat Act, 2002 (hereinafter referred to as the principal Act), in sub-section (1)—

Odisha
Act 10 of
2002.

(a) in clause (c), for the words “one outlet” the words “one or more outlets shall be substituted;

(b) in clause (h), in sub-clause (i), for the words “and creek irrigation projects” the words “the Megalift irrigation and creek irrigation projects” shall be substituted;

(c) in clause (o), —

(i) for the words “minor and”, the words “Minor, Mega lift and” shall be substituted;

(ii) in the *Explanation*, after item (iii), the following item shall be inserted, namely : —

“(iv) “Mega lift Irrigation System” means an irrigation system under an irrigation project having irrigable commanded area of more than 500 hectars and up to 2000 hectars by direct pumping from river or reservoir or existing irrigation system or water bodies; and

(d) for clause (p), excluding the *Explanation* thereto, the following clause shall be substituted, namely:—

“(p)“landholder” means an owner of land or a tenant or both recorded as such in the record-of-rights under the Odisha Survey and Settlement Act, 1958 or any other Law for the time being in force.”

Odisha
Act 3 of
1959

Amendmet
of
Section 3

3. In the principal Act, in Section 3, —

(a) in sub-section (1),-

(i) In the opening portion, for the words “Superintending Engineer”, the words “Additional Chief Engineer” or “Chief Construction Engineer”, as the case may be shall be substituted; and

(ii) after the proviso, the following proviso shall be inserted, namely:-

“Provided further that in case of Mega lift Irrigation system the Additional Chief Engineer of the Mega lift, may, by notification, delineate a commanded area on a hydraulic basis ordinarily an area of less than 500 hectares which may be considered administratively viable and declare it to be the area of a Pani Panchayat for the purpose of the Act” .;

(b) in sub-section (2), —

(i) for the words “by one outlet”, the words “by one or more outlet” shall be substituted; and

(ii) for the words “Superintending Engineer”, the words “Additional Chief Engineer or Chief Construction Engineer”, as the case may be, shall be substituted; and

(c) in sub-section (4), for clause (i), excluding the proviso and explanations thereto, substituted, the following clause shall be inserted, namely:—

“(i) Every Pani Panchayat shall consist of all the water users who are land holders including the spouse, in the area of a Pani Panchayat”.

Amendment
of Section 4.

4. In the principal Act, in Section 4,-

(a) for sub-section (1), excluding the provisos and *Explanation* thereto, the following sub-section shall be substituted, namely:-

“(1) All the land holders in a Chak of the Pani Panchayat shall elect three members in the manner, as may be prescribed, to form a chak committee in such a way that there shall be one member from the upper reach, one from the middle reach and one from the lower reach within the Chak and simultaneously elect one among those three in the prescribed manner to represent the Chak in the Executive Committee of the Pani Panchayat”;

(b) after the second proviso, the following proviso to sub-section(1), shall be inserted, namely:—

“ Provided also that in case of Mega lift Irrigation Project all the land holders in a chak of Pani Panchayat shall elect one member in the manner as may be prescribed”; and

(c) the existing *Explanation* in sub-section(1), shall be renumbered as Explanation-I and after *Explanation-I* so renumbered, the following *Explanation* shall be inserted, namely —

“*Explanation II.* – If a member of the Chak Committee transfer all his lands in the reach of the Chak to which he represents, through a registered sale deed, he shall cease to be the member of that Chak Committee and shall vacate the concerned office from the date of execution of such deed”;

(d) for sub-section (1-a) including the proviso thereto, the following sub-section shall be substituted ,namely: —

“(1-a) The term of office of a member of a chak committee other than a member elected to fill up a casual vacancy, shall be five years”;

(e) in sub-section (3), for the words “Superintending Engineer”, the words “Additional Chief Engineer or Chief Construction Engineer, as the case may be”, shall be substituted;

(f) in sub-section (4), —

(i) in the opening portion, for the words “Superintending Engineer”, the words “Additional Chief Engineer or Chief Construction Engineer as the case may be “ , shall be substituted; and

(ii) for the words “Election of the President”, the words “Election of President, Secretary and Treasurer”, shall be substituted.

(g) for sub-section (6), including the *Explanation* thereto, the following sub-section shall be substituted, namely: —

“(6) The term of office of a member of the Executive Committee of a Pani Panchayat other than a member elected to fill casual vacancy shall be five years”;

(h) for sub-section (6-b), the following sub-section shall be substituted namely:-

“(6-b) The President, Secretary or Treasurer elected under sub-section (4) shall hold office for a period of five years or so long as they continue to be the member of the Executive Committee, whichever is earlier”;

(i) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) The members elected to the office of chak committee or Executive Committee of any Pani Panchayat under sub-section (1) or sub-section (6) immediately before commencement of the Odisha Pani Panchayat (Amendment) Act, 2022 shall continue to hold such office till expiration of their term of six years”.

Amendment
of
Section 7.

5. In the principal Act, in Section 7, —

(a) in sub-section (1), for the words “entire area of a Minor”, the words “entire area of a Mega lift or Minor” shall be substituted; and

(b) in sub-section (5) for the words “area of a medium” the words “ area of a Mega Lift, Medium” shall be substituted.

Amendment
of
Section 9.

6. In the principal Act, in Section 9, in sub-section (4) for the words “three years”, the words “five years” shall be substituted.

Amendment
of
Section 10.

7. In the principal Act, in Section 10,—

(a) in the sub-section (1), for the word “President”, wherever it occur, the words “President, Secretary and Treasurer” shall be substituted;

(b) in the sub-section (2),-

(i) for the word “President”, the words “President, Secretary or Treasurer” shall be substituted; and

(ii) after the words “Minor (flow) Irrigation Project” and before the word “and” ,the comma and words, “Additional Chief Engineer in case of Megalift irrigation Project” shall be inserted.

Amendment
of
Section 15.

8. In the principal Act, in Section 15, —

(a) in sub-section (1), in clause (a),after the word “Medium” and before the word “and”, the comma and words, “Mega lift” shall be inserted; and

(b) after the clause “(a)”, the following clause shall be inserted namely:-

“(a-1) In case of Lift Irrigation Point, a vacancy in the Executive Committee of Pani Panchayat shall be filled by nomination of Executive Committee from General Body in the manner as may be prescribed”; and

(c) in sub-section (2), for the words “Superintending Engineer”, the words “Additional Chief Engineer or Chief Construction Engineer, as the case may be” shall be substituted.

Amendment
of
Section 32.

9.In the principal Act, in Section 32, in the proviso to sub-section (2), after the words “Pani Panchayat of a” and before the word “Medium”, the words and comma “;Megalift” shall be inserted.

Statement of Objects & Reasons

Odisha Pani Panchayat Act 2002 came into force with effect from 15th November, 2002 and Odisha Pani Panchayat Rule 2003 came into force with effect from 23rd April, 2003 in order to strengthen the Pani Panchayat programme in the state of Odisha and to give legal backing to the existing Pani Panchayat of the state. Enforcement of Pani Panchayat Act in 2002 and Rules in 2003 have caused better Irrigation Management and thereby improvement in O&M practices.

2. Experiencing the bottlenecks while implementing the provisions of the said Act, necessary amendments to the said Act had made in the year 2008 and 2014 respectively. There are still some need of modification in the said Pani Panchayat Act, mainly with regard to membership, availability of women representation, election process from Chak Level to Project Committee, adoption of lottery in various stages and tenures of different Farmers' Organisations and office bearers for which amendment of the Existing Pani Panchayat Act is being felt necessary. Further, Mega Lift Irrigation Project are launched in the year 2012-13 covering commanded area 500 Ha. to 2000 Ha. Some of the existing provisions of the Odisha Pani Panchayat Act, 2002 needs to be modified in order to define Mega Lift as an Irrigation System under this Act for enabling the project Authorities to form Pani Panchayats and Higher Farmer's Organisation.

Similarly, after restructuring of Odisha Engineering Service Cadre in the Department of Water Resources, the functionaries at appropriate levels are to be assigned responsibilities under the Act.

A Committee was constituted on dated 9th July, 2021 consisting of members from Major, Medium, Minor, Lift, Megalift, WALMI and CAD-PIM Directorate to discuss and suggest the amendment to be made in the Pani Panchayat Act.

3. On the recommendation of the Committee and suggestions of Law Department following amendments are proposed now.

(i) Currently 'Chak' means an area irrigated by one outlet but with inclusion of Megalift Irrigation Projects definition of 'Chak' needs to be suitably modified. This will also enable formation of Pani Panchayats and higher farmers' bodies under Mega Lift Irrigation Projects.

(ii) Inclusion of spouses of the water users, who are land holders in the area of a Pani Panchayat, to increase women participation and greater representation in various bodies / committees.

(iii) Presently Superintending Engineer are Authorities for the purpose of delineation of the area of Pani Panchayat, constitution of Pani Panchayat and election of the Executive committee. After restructuring of the Odisha Engineering Cadre of the Department of Water Resources Superintending Engineer is to be substituted by Additional Chief Engineers or Chief Construction Engineers for assigning responsibilities to the functionaries at appropriate levels.

(iv) The term of office of a member of a Chak Committee and Executive Committee of the Pani Panchayats will be amended to five years to make uniformity in tenure.

(v) Inclusion of Secretary and Treasurer along with the President in the process of election, recall and also their tenure of five years as that of the President. The procedure for resignation by the President of Megalift Irrigation Project is also included.

4. These amendments will ensure formation of Pani Panchayats and higher farmer's bodies in Megalift Irrigation Projects, covering commanded area of 500 to 2000 Ha. to assign responsibilities to functionaries at appropriate levels after restructuring of Odisha Engineering Service Cadre and greater representation of women in various bodies / committees and hence greater say in Water governance besides other aspects.

The Bill seeks to achieve the above objectives.

(Tukuni Sahu)

Member-in-Charge

DASHARATHI SATAPATHY
OSD-CUM-SECRETARY
Odisha Legislative Assembly