



## International E-mail Conference on Irrigation Management Transfer

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### WUA Legislation Country Profiles: PAKISTAN (Punjab Province)

**Constitutional framework** Pakistan is a federal state. The management of water is a responsibility of provincial governments. The analysis below refers to the Province of Punjab.

#### 1. Name of organization

Farmers Organizations (FOs)

#### 2. Purpose

Management of water distribution systems (irrigation).

#### 3. Legal status and capacity

No specific provision.

#### 4. Establishment

The Government may establish FOs and assign to them functions as it deems fit. Procedure for establishment. FOs need to register with the relevant Area Water Board, which are institutions established by the Government, composed of no less than eight members who shall be representatives of farmers and non-farmers within their area of jurisdiction. Registration is subject to a fee.

#### 5. Membership

Voluntary, open to all farmers within the area of jurisdiction of the FO.

##### 5.1 Eligibility criteria

The law specifies that there shall be no discrimination in the admission of new members, the Government is responsible for deciding on issues of eligibility.

##### 5.2 Rights and Duties of members

The law spells out the rights and duties of members. Among others, members have the right to an equitable share of water as per distribution criteria, to elect representatives and to contest elections, and to access all services provided by the FO and all records of the FO. Among other obligations, members have the obligation to pay all charges and dues determined in compliance with the relevant legislation, to observe the lawful decisions of the FO, and to allow inspection of their lands, crops and irrigation systems.

#### 6. Internal structure

General Body, composed of a number of representatives equal to the number of watercourses in the area of jurisdiction of the FO. Farmers using a watercourse shall each elect one representative to the FO. Elections of the representatives are conducted under the authority of an Election Officer appointed by the Government. Fifty percent of members constitute a quorum of the General Body. If not otherwise provided, decisions are taken by a simple

majority vote. The General Body shall meet at least twice a year and in special session at any other time on request of one third of members of the FO. The law spells out the functions and powers of the General Body.

Management Committee, composed of no more than nine members elected for three years by the General Body. In general, the Management Committee consists of a President, a Vice President, a Secretary, a Treasurer and five Executive Officers. The law specifies the conditions under which a member of the FO cannot be elected to the Management Committee, as well as conditions for the termination, removal and resignation of members. The Committee shall meet at least once a month and at any other time fifty percent of the members of the Committee so require. The law spells out the functions and powers of the Management Committee and of each of its members. The Committee shall prepare the annual budget and submit it for approval to the General Body. The Committee shall maintain and update a register of members, an irrigation schedule register, a monthly cash transactions register, a bank accounts register and a complaints register.

The General Body shall constitute a Board (*Nehri Panchayat*), composed of three or five members, to solve disputes among members or other water users. Decisions of the Board can be appealed to the Irrigation Tribunal for the area.

FOs can form Sub-Farmers' Organizations in their area of operation.

## **7. Functions, Powers and Rights**

### **7.1 Functions**

Delivery of irrigation water and operation and maintenance of canals and of infrastructure.

Dispute settlement. FOs are responsible for settling disputes among members as well as among non-members in their area of jurisdiction.

Others. The law states that FOs can perform any duty, function or responsibility which is incidental or implied in the duties, functions and responsibilities of the FO.

FOs shall maintain proper accounts and financial records on a commercial basis.

### **7.2 Powers**

Levying and collection of assessments. FOs set and collect water charges from their members and other water users to whom they provide their services. FOs can set charges on other services they provide to members and non-members.

Imposition of fines. FOs can impose fines on defaulters of water charges or other dues.

Others. FOs can hold and dispose of movable property necessary to carry out their functions. FOs can enter into contracts. FOs can hire or employ personnel as may be necessary for the performance of their functions.

### **7.3 Rights**

Water rights. FOs can obtain water supplies subject to payment of a charge to the Government or to the concerned Area Water Board.

Rights in the infrastructure. No specific provision.

Rights of way. No specific provision.

## **8. Financing**

Sources of income. Revenue from the collection of charges levied on members. Every FO shall keep a special Fund for the use and disposition of its resources.

## **9. Government role**

FOs are subject to the overall control of the Government, in particular of the Punjab Irrigation and Drainage Authority (PIDA), and of the Area Water Board concerned.

The Government may, in the public interest, give directions to FOs. It can also call for reports on any matter relating to the affairs of the FO and order inquiries. If a FO fails to follow directions or to submit accurate reports, the Government shall take the actions it deems necessary in the public interest.

The Government, on its own initiative or following the application of an aggrieved person, may suspend the operation of an FO if it is satisfied that the FO is acting against the public interest.

The Government may form the first General Body of an FO without recourse to elections, comprising such farmers who, in its opinion, are considered acceptable to their constituents.

## **10. Dissolution**

Registration of an FO can be cancelled, with consequent loss of all its functions and prerogatives, if the FO fails to pay its dues to the Area Water Board or to the Government. No provisions are made regarding payment of such dues by FOs. Cancellation may be made either by the Area Water Board or, in case of inaction, by the Government. Registration can be restored after payment of outstanding dues.

On its own initiative or following the application of an aggrieved person, the Government may start proceedings for the dissolution of an FO. In this case, it can suspend the operation of the FO and shall call the Management Committee for a hearing. The law specifies the reasons for dissolution, among which include: violations of relevant laws, blatant misuse of power, gross neglect of duty and mismanagement or inefficiency.

## **11. Federation of Associations**

No specific provision.

## **References**

### Legislation

Punjab Irrigation and Drainage Authority Act, 1997 (No. XI of 1997). An Act to provide for the establishment of the Punjab Irrigation and Drainage Authority , 2 July 1997;

Punjab Irrigation and Drainage Authority (Pilot Farmers Organisations) Rules, 1999 – 1 January 1999;

Farmers Organisations - Conduct of Business Regulations, 1999 – 1 January 1999.

All documents are available in the FAOLEX database at URL <http://faolex.fao.org/faolex>

### Links

Punjab Government keeps an updated site with relevant information about irrigation policies and projects.

Access through the Internet at URL <http://www.punjab.gov.pk/irrigation/index.htm>