THE PUNJAB IRRIGATION AND DRAINAGE AUTHORITY ACT, 1997

(XI OF 1997)

CONTENTS

1. Short title and commencement
2. Constitution of the Authority
3. Composition of the Authority
4. Board of Management
5. Powers and duties of the Authority
6. Right of entry
7. Arrangement with local bodies or other agency
8. Control over Provincial water resource
9. Appointment of officers, servants, etc
10. Delegation of powers to Managing Director, etc
11. Persons serving in the Provincial Irrigation and Power Department
12. Authority Fund
13. Budget, audit and accounts
14. Establishment of Area Water Boards, etc
15. Transfer of rights and liabilities
16. Rules
17. Regulations
18. Removal of difficulties
19. Repeal

TEXT

[1]THE PUNJAB IRRIGATION AND DRAINAGE AUTHORITY ACT 1997

(XI of 1997)

[2nd July, 1997]

An

Act

to provide for the establishment of the Punjab Irrigation and Drainage Authority.

Preamble.— Whereas, it is expedient to establish the Punjab Irrigation and Drainage Authority to implement the strategy of the Government of Punjab for streamlining the Irrigation and Drainage System; to replace the existing administrative setup and procedures with more responsive, efficient and transparent arrangements; to achieve economical and effective operation and maintenance of the irrigation, drainage and flood control system in the Province; to make the irrigation and drainage network sustainable on a long-term basis and introduce participation of beneficiaries in the operation and management thereof;

It is hereby enacted as follows-

1. Short title and commencement.— (1) This Act may be called the Punjab Irrigation and Drainage Authority Act 1997.

(2) It shall come into force at once.

2. Constitution of the Authority.— (1) There shall be established an Authority to be known as the Punjab Irrigation and Drainage Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and shall by the said name sue and be sued.

3. Composition of the Authority.— (1) The Authority shall consist of such number of members as may be notified by the Government.

(2) The Minister for Irrigation and Power shall be the Chairman of the Authority.

(3) Not less than six members shall be farmers and the number of non-farmer members shall not exceed the number of the farmer members [2][out of whom at least four shall be women].

(4) In the absence of the Chairman in a meeting the members present in the meeting may elect a member from amongst themselves to act as Chairman of the meeting.

4. Board of Management.— (1) Subject to the control and guidance of the Authority the

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[1] This Act was passed by the Punjab Assembly on 27th June, 1997; assented to by the Governor of the Punjab on 29th June, 1997; and, was published in the Punjab Gazette (Extraordinary), dated 2nd July, 1997, pages 1063 to 1068.

[2] Inserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014), w.e.f. 12.3.2014, s.2 and the Schedule; and published in the Punjab Gazette (Extraordinary), pages 2733-2744.

management of the affairs of the Authority shall be carried out by the Board of Management appointed by the Authority with the prior approval of the Government and comprising a Managing Director and three General Managers.

(2) The Managing Director and the General Managers shall have technical background and practical experience in the profession relevant to their job description.

5. Powers and duties of the Authority.— The Authority shall have the following powers and duties—

(1) To receive irrigation supplies at the barrages falling within the province and from the inter-provincial or link canals and deliver the same in agreed quantities to the various water users and Area Water Boards in the Province.

(2) To ensure conveyance of drainage effluent to the outfall in co-ordination with Area Water Boards and Farmers Organisations as the case may be.

(3) To exercise all the powers under the Canal and Drainage Act 1873, the Soil Reclamation Act 1952 and any other law for the time being in force relating to the subject matter of these Acts.

(4) To fix the rates in consultation with the Government for the supply of irrigation water and of the drainage cess payable for the disposal of the drainage effluent.

(5) To levy appropriate surcharge for late payments and recover arrears from defaulters under the Land Revenue Act provided that in case the Government declares a remission, waiver, re-scheduling or suspension of payment of any of the dues of the Authority, the same shall be debited to the account of the Government who shall simultaneously notify how the Authority shall be compensated for the loss thereby caused to the Authority or any other entity established under this Act.

(6) To formulate and implement policies in the water resources sector with a view to continuously improve and achieve effective, economical and efficient utilization, preservation and improvement of such water resources by the water users of the Province on a sustainable basis.

(7) To formulate and implement policy guidelines and procedures for the proper and efficient exercise of powers available under this Act by the various entities and their directors and employees and to prescribe training requirements and programmes which may be conducted by the various entities under this Act in this behalf.

(8) To conduct any inquiries and hear any complaints and adjudicate on any dispute or differences of opinion between the Authority and different entities established under this Act and any individual and the said entities in accordance with the principles of natural justice relevant thereto and to faithfully and punctually implement such decisions as per letter and spirit thereof.

(9) To prescribe and adhere to the procedures for the filing of documentation regarding water allocation in the Province and all concessions, licences and leases granted by any entity under this Act and to ensure availability thereof to the general public for inspection and taking of copies thereof.

(10) To establish criteria and procedures for granting, modifying, reassigning, renewing, suspending or revoking any concessions, licences or subleases granted by the Authority to any other entity or person and for the management of the infrastructure in the event of suspension or revocation of a concession, licence or sublease.

(11) To operate and maintain the irrigation tube-wells, drainage, storage reservoirs and flood control infrastructure in the Province including hill torrent control and development works for irrigation of adjoining lands including watershed management practices in catchment areas.

(12) To plan, design, construct and improve the irrigation, drainage, storage reservoirs and flood control system with a view to ensure optimal utilization of the water resources of the Province on an equitable and efficient basis.

(13) To maintain all relevant and necessary records, registers and data banks as may be relevant or necessary for the effective performance of any or all of its powers and duties.

(14) To issue such directions and take all such steps as may reasonably be necessary for the prevention and removal of encroachments and unauthorized construction along or on the properties of the Authority.

(15) To prescribe rates, fees and other charges to be payable in respect of various types of services which the Authority may be required to render or provide under this Act.

(16) To operate and maintain the equipment, machinery and stores of the Authority effectively, efficiently and in a business like manner.

(17) To undertake anti-erosion operations including conservation of forests and reafforestation and with a view to achieve this purpose, to restrict or prohibit by general or special order the clearing or breaking up of land in the catchment areas of any rivers, hill torrents and other streams.

(18) To undertake any work, incur any expenditure, procure machinery, plant and stores required for use by the Authority and to negotiate, execute, adopt and ratify all such contracts as may be considered necessary or expedient.

(19) To acquire and dispose of any land, property or machinery or equipment or any other interest in or regarding any land or property.

(20) To direct that any work required to be carried out by a person in connection with training of rivers, hill torrents and any other streams or undertaking of anti-erosion measures including conservation of forests and reafforestation but remaining undone shall, after reasonable notice to such person and due consideration of any objections raised by him in this regard, be undertaken by the Authority and determine the cost to be borne by such person, or after notice and due enquiry, by any other person who may be held by the Authority to be liable for the same.

(21) To utilize the Authority Fund to meet the cost and expenses incurred on account of and in connection with the due performance of the various functions of the Authority under this Act including the payment of salaries and other remunerations to the management and employees of the Authority.

(22) To formulate, implement and continuously review and improve the policies and procedures relevant to the management of finances and maintenance of the accounts of the Authority as well as for the inventory and assets valuation and disposal and for the recruitment, promotion, retirement (upon attainment of age of superannuation or otherwise) and earlier conclusion of employment of the employees of the Authority.

(23) To formulate financial policies aimed at ensuring that the finances of the Authority are managed in a consistent, conservative and diligent manner as to protect its assets including providing for their maintenance and periodic replacement as necessary,

preserve its capital and reserves, and promptly service its debts and obligations.

(24) To formulate, adopt and implement policies aimed at promoting, formation, growth and development of Area Water Boards, Farmers Organizations and compilation and faithful monitoring of the results thereof as per the requirements prescribed under this Act and to ensure orderly and systematic induction thereof into the operations of the Authority.

(25) To prepare or cause to be prepared and regularly update or cause to be updated Staffing, Operational and Financial Plans.

(26) To prepare and implement policies with a view to ensure that the staffing levels within the Authority and other entities under this Act conform with the corresponding levels indicated in the Staffing, Operational and Financial Plans prepared and updated as above.

(27) To formulate and implement policies with a view to ensure that the Authority and other entities as the case may be under this Act become fully operative as self supporting and financially self sustaining entities, to the extent of full recovery of O&M cost of canals and subsidiary drains within a period of 7 to 10 years.

(28) To formulate, implement and regularly update policies, studies and research programmes with a view to development and management of water resources, solve and eliminate and prevent water logging and salinity, and to develop irrigated agriculture in the Province.

(29) To conduct studies with a view to regularly analyze and evaluate the impact of the operations and policies of the Authority on the ecology and environment within the Province with a view to establish the various available options for the minimization of the adverse impact of such operations and policies, if any, and to adopt the optimal options for further action.

(30) To coordinate and regulate the measures being undertaken or required to be undertaken in the Province for recording and gauging surface waters, monitoring of groundwater table and quality of water and the compilation of data relevant thereto and in this regard to establish and regularly maintain proper liaison with similar work being undertaken in other provinces.

(31) To cause studies, surveys, experiments, technical investigations and research to be conducted in connection with or regarding the functions and duties of the Authority or of any other entity under this Act.

(32) To publish or cause to be published various policies, details, data and information relevant to the affairs of the Authority on a regular basis and to ensure reasonable access of the public to the same.

6. Right of entry.— (1) The Managing Director, or any other person authorized by him in writing, may, after reasonable prior notice to that effect, enter upon and survey any land, erect pillars for the determination of intended lines of work, make borings and excavations and do all other acts which may be necessary for the preparation and implementation of any scheme under any provision of this Act.

(2) If the affected land does not vest in the Authority, the power conferred by the above sub-section shall be exercised in such manner as to cause the least interference with and damage to such land and the rights of the owner thereof.

(3) When any person enters into or upon any land pursuant to sub-section (1)

above, he shall, at the time of such entry or as soon thereafter as may be practicable but in no case later than 60 days from the date of such entry, pay or tender payment for all necessary damage likely to be caused on account of any operations proposed to be carried out or carried out under sub-section (1) above.

(4) In case of any dispute, the same shall be referred to the Collector/Deputy Commissioner of the district who shall decide the same within a maximum period of 60 days from the date of such reference.

7. Arrangement with local bodies or other agency.— (1) As soon as any scheme has been completed by the Authority or at a later date, the Authority may arrange by a written agreement with a Local Body or other agency within whose jurisdiction any particular area covered by the scheme lies, to take over and maintain any of the works comprising such scheme in the said area.

(2) The Government shall have the power to direct the Authority to hand over any schemes completed by the latter to any agency of the Government or a Local Body or take over such schemes completed by any Agency.

(3) In any such case, the Authority shall be entitled to receive the expenditure incurred on such schemes.

8. Control over Provincial water resources.— Subject to the Indus Water Treaty (1960) and Water Apportionment Accord (1991), the Authority shall have control over all the rivers, canals, drains, streams, hill torrents, public springs, natural lakes, reservoirs (except such reservoirs as are under the control of WAPDA) and underground water resources within the Province to give effect to schemes to be prepared under this Act in relation to public purposes.

9. Appointment of officers, servants etc.— The Authority may employ such officers and servants, or appoint such experts or consultants as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit.

10. Delegation of powers to Managing Director etc.— The Authority may, by general or special order, delegate to the Managing Director, a Member of the Board of Management or officer or servant of the Authority any of its powers, duties or functions, under this Act subject to such conditions as it may deem fit to impose.

11. Persons serving in the Provincial Irrigation and Power Department.— (1) All employees of the Irrigation Wing of the Provincial Irrigation and Power Department except such employees as may be specified by the Government in this behalf shall, subject to any other provisions contained herein, on coming in force of this Act, become the employees of the Authority.

(2) Employees under sub-section (1) shall serve the Authority on such terms and conditions as may be prescribed by rules and regulations of the Authority but in any case not less favourable than their existing terms and conditions of service.

(3) The Authority shall, through adoption of policies of hiring freeze, reassignment, non-replacement of employees retiring upon attainment of age of superannuation and providing incentives for early retirement, bring the number of its employees in conformity with the corresponding numbers indicated in the relevant Staffing, Operational and Financial Plans.

(4) The government shall contribute to the pension, gratuity and final payment of provident fund of the employees of the Provincial Irrigation & Power Department who become the employees of the Authority under sub-section (1) as per the relevant Rules.

12. Authority Fund.— There shall be a fund to be known as the "Punjab Irrigation and Drainage Authority Fund" vested in the Authority to which shall be credited all sums received by the Authority.

13. Budget, audit and accounts.— The budget of the Authority shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed.

14. Establishment of Area Water Boards, etc.— (1) The Government may establish Area Water Boards and Farmers' Organizations and assign to them such functions as it may deem fit:

Provided that the Area Water Boards shall comprise not less than eight members who shall be representatives of the farmers three out of whom shall be from the tail reaches of canals; the Chairman of the Area Water Boards shall be a representative of the farmers and the number of non-farmer members of the Boards shall not exceed the farmer members.

(2) The Authority shall, within one year of its establishment, devise and implement pilot programmes, policies and take steps thereunder to ensure that an Area Water Board covering selected canal command and Farmers Organisations at the minor and distributary level are formed in a phased manner in accordance with the relevant Bye-Laws and Regulations framed by the Authority.

(3) The pilot Area Water Board and Farmers Organisations shall be vested with such functions and power as would be required to enable them to become financially self-sustaining and self-sufficient to the extent of recovering complete O&M charges for maintaining canals and subsidiary drains within a maximum period of ten (10) years in the case of Area Water Board and seven (7) years for Farmers Organisations from the respective dates of their formation.

(4) The process of setting up of further Area Water Boards and Farmers Organisations will depend upon the successful functioning of the pilot project.

15. Transfer of rights and liabilities.— Upon coming into force of this Act all assets and liabilities and all rights and obligations of the Irrigation Wing of Provincial Irrigation and Power Department shall stand transferred to the Authority, on such terms and conditions particularly as regards use and disposal of the said assets as may be prescribed by the Government.

16. Rules.— The Government may, by notification, make rules for carrying out the purposes of this Act.

17. Regulations.— The Authority may by notification make regulations not inconsistent with the provisions of this Act and the rules made thereunder for the administration and management of the affairs of the Authority.

18. Removal of difficulties.— If any difficulty arises in giving effect to any of the provisions of this Act the Government may `make such orders, not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing the difficulty.

19. Repeal.— The Punjab Irrigation and Drainage Authority Ordinance 1997 (XX of 1997) is hereby repealed.