

## CHAPTER XI

### RECOMMENDATIONS

#### 11.1 Approach

- 11.1.1 WUAs studied had a mixed impact specially from the point of view of agricultural production. Some of them could be regarded as very successful while others were only somewhat better than the alternative system and two (Loni and Karjon) were utter failures. But, on the whole, the impact was favourable and can be made more favourable if some of the factors adversely affecting performance are dealt with in a proper manner. The social impact of the associations was somewhat better. The gain in equity, reduction in social tension and acquisition of managerial capability at local levels are real gains to society. At the same time, in several cases, the Irrigation Department was saved from the botheration of keeping in touch with individual farmers receiving irrigation. It is another matter that I.D. did not reorganise its functioning to deploy the manpower released from earlier responsibilities to undertake more productive activities. It is hoped that this might come in due course specially when sizeable areas come under the jurisdiction of WUAs. Because of these gains - social, economic and administrative - it is in public interest to strengthen the on-going efforts towards formation of WUAs.
- 11.1.2 The above does not imply that WUA should be developed everywhere on a mandatory basis and that formation of WUA should be made a pre-condition for release of water from public irrigation system as one agency (People's Participation in Ecosystem Management, Pune) had recommended and which recommendation along with others were subsequently forwarded to State governments by Union Ministry of Water Resources in June 1998. Such an approach goes against the spirit of voluntarism which is necessary for effective participation of public in irrigation management. A basic lesson of history is that compulsion never pays in the long run when one has to deal with large mass of public as a whole. The recently enacted Andhra Pradesh law which has established WUAs on compulsory basis in all command areas does not seem to be appropriate on similar grounds. Instead the approach should be to create an environment having legal, institutional and financial components so that farmers themselves come forward to form WUAs in large numbers. In other words, formation of WUAs has to become a people's movement rather than a state sponsored imposed activity. How to bring this about is a real challenge to which we now turn.
- 11.1.3 Availability of water in adequate quality and at proper time turned out to be the most crucial element for the success or otherwise of any WUA. This might seem too obvious to require any mention. And yet it is necessary to highlight its importance since quite often this aspect is forgotten. Pious hopes are sometimes raised that establishment of a WUA alongwith appropriate legal and institutional backing would bring wonders in hither to irrigation starved

areas. Nothing can succeed if supply of adequate water is not available from the headwork. The legal provisions have only an enabling role. The role of water availability factor would gradually become more and more important as additional irrigated areas come under the jurisdiction of WUAs. If adequate water is not available, then a conflict between WUAs for limited supply of water might start. Institutional set up for dealing with such conflicts should also be visualised. At the same time all feasible and economically viable measures for water augmentation might be explored.

- 11.1.4 In view of the marked variations in agro - economic scenario in different parts of the country, all recommendations or a given set of those given below might not be applicable in all areas. A decentralised approach, therefore, is suggested. Further, it is well known that different types of factors interact with each other in a complex manner. Even then, for the sake of convenience, it has been thought useful to classify the recommendations under four broad headings viz. (i) Legal (ii) Institutional (iii) Operational and (iv) Financial. These recommendations are now listed below without elaborating on their rationale which has already been provided earlier in this as well as other chapters.

## **11.2 Legal Aspects**

- 11.2.1 The Irrigation Act of most states in India were designed for keeping irrigation administration in the hands of a technocratic bureaucracy. Farmers' participation did not form a part of it. Farmers organisations, therefore, did not have the authority, power or resources to deal with irrigation management in ways farmers might consider appropriate. All authority is vested in the Irrigation Department. And departmental officers are not accountable to water users as regards the supply of water and its timings. Farmers participation in irrigation management would require a legal framework wherein farmers' associations can have the necessary legal rights for managing the distribution of water among their members and for performing other necessary functions. It may be said that several WUAs have been established even without any changes in legal framework. But in many cases, this has been on account of supportive policies undertaken by State governments. e.g. administrative orders issued in Gujarat, Maharashtra or Bihar. But such orders do not have the same sanctity as the law. Moreover, it is easier to change orders as compared to law which require support of the legislature. It is therefore, helpful if Irrigation Acts are amended as an enabling measure. Such an amendment should comprise the following.

- (i) Farmers' right to quantum of water agreed with Irrigation authorities has to be recognised in law and rules framed under them.
- (ii) Farmers' organisation should have the legal right to distribute water fix water, rates and collect water charges from its membes and maintain water courses subject to certain institutional framework being observed. The broad list of functions that can be entrusted to

WUAs may be specified in the Irrigation Act. WUAs should have the power to impose penalties against offenders, including power to stop supply of water under certain conditions.

(iii) WUAs should also have rights with respect to decisions on cropping pattern, crop rotation etc. similar to the rights conferred so far on canal officers.

(iv) The Acts should also contain broad guidelines on institutional framework and financial management so as to ensure democratic functioning and avoid misuse of financial powers.

(v) As a result, existing provisions of the Acts which are not in harmony with the above or which put obstruction would need to be amended.

(vi) At the same time, the Canal Officer of the Irrigation Department should have the right to examine whether or not the agreement was being implemented properly. For this purpose, he should have the right to inspect the area under his jurisdiction.

(vii) In view of the functioning of Panchayati Raj institutions, it would be advisable to seek the opinion of the local Panchayat in case of any dispute between canal officer and WUA related to operational aspects of the agreement.

(viii) There should be a provision for a reference to Panchayats by WUA in cases of outstanding disputes between WUA and some of its members so that disputes are amicably settled at local levels as far as possible.

### **11.3 Institutional Aspects**

11.3.1 The institutional framework of a WUA should be such that its decisions are taken in the overall interest of its members, it enjoys their confidence, remains accountable to them and it has the flexibility to adjust to varying situations. There should be adequate scope for flexibility. Any rigid pattern should be avoided.

(i) WUA may be formed as a registered society or as a cooperative. It may start as an informal association, but in due course, it should be registered as a formal body.

(ii) Its membership must comprise of at least 51 percent of farmers in the command area.

(iii) The Managing Committee of the WUA should hold at least four meetings in a year of which the minimum quorum should be observed in at least two meetings.

(iv) The general body of the members should also meet once in a year with an explicit agenda circulated in advance.

(v) Elections to Managing Committee should be held as per stipulated intervals and after the society becomes fully operational the same persons should not hold office for more than two consecutive terms of about 3 years each.

(vi) A federation of grassroot level associations within a distributory or a region may also be

formed so as to sort out any common problem likely to be faced e.g. supply of water from the main canal.

(vii) In due course of time, federations may also be organised at state and national levels. These federations should be self-financing. Funds needed for the federation should come out of the contributions of WUAs.

(viii) All decisions including conflict resolution by WUA must be through consensus.

(ix) Accounts of the WUA must be audited every year within a year of the end of the financial year.

(x) WUA should invite a nominee of local Panchayat to its meetings. Similarly Panchayats should also be enabled to invite a nominee of WUA working within the area of its jurisdiction to its meetings.

(xi) In districts having a large number of WUAs Distributory level Joint meeting of a few representatives of WUAs, irrigation authorities and representatives of Zila Parishad be held every year to discuss problems regarding release of water to different WUAs.

#### **11.4 Operational Aspects**

(i) Norms for water scheduling be worked out by each WUA within three years of its formation to ensure equitable distribution of water. For this purpose, WUA may follow Maharashtra model of providing irrigation first to tail enders and then to those higher ups.

(ii) Farmers should have the freedom to grow whatever crops they want to grow within the quantum of available water as per common agreement. Government may influence their decision indirectly through the price mechanism and not through imposition of restrictions.

(iii) WUA with common consent of its members may take up any activity of common interest to farmers like marketing of produce, supply of inputs provided these are financially viable.

(iv) NGOs may be provided funds by central and state governments for promoting formation of WUAs and assisting them in initial years. The scale of funding should be higher for states or areas which are lagging behind in WUAs. At the national level funds for this purpose may be provided by CAPART (Ministry of Rural Development) for tubewell projects and by Ministry of Water Resources for canal irrigation projects.

(v) Government of India, Ministry of Water Resources (CAD Wing) in cooperation with state governments should launch a vigorous training programme for office bearers of WUAs, farmers as well as Junior staff of I.D. A time table for training be drawn up and substantially increased funds be provided for the purpose.

- (vi) A variety of courses of different duration for different set of participants be initiated. Government may seek the support of non governmental training institutions for identifying and conducting suitable training programmes and provide adequate funds to them for the purpose.
- (vii) Training programmes for officers should lay emphasis on modifying their traditional mindset on irrigation administration, while those for farmers should be oriented towards management and improved agricultural practices.
- (viii) Newly elected management committee members must get an opportunity to participate in training programmes within six months, of their election.
- (ix) For satisfactory operationalisation of the above, the Ministry of Water Resources (CAD Wing) should have a Training Wing, Similar wings be established at the state levels.
- (x) Selected farmers from poorly performing WUAs be encouraged to visit successful WUAs as part of their training. A token allowance may be paid by Government of India for this purpose.
- (xi) Government of India and state governments should continue holding national and state level workshops at least once in two years.
- (xii) Planning Commission/ Ministry of Water Resources should take up the issue of raising water rates in meetings of National Development Council and National Water Resources council.
- (xiii) Government of India should appoint a task force of eminent experts to assess the actual irrigation potential of major projects in states having rapid growth of WUAs and draw up long term measures for augmenting water supply.
- (xiv) Government of India should appoint a committee to review the types of work to be performed by village and block level irrigation bureaucracy in areas where WUAs have taken over full responsibilities of irrigation management.
- (xv) The Ministry of Water Resources in consultation with the Ministry of Rural Development, Government of India should set up a committee after two to three years to study the emerging relations between Panchayats and WUAs and make recommendations for more and more useful and effective relationship between the two.
- (xvi) There should be a system of review of the functioning of those WUAs which have unsatisfactory performance for more than 5 years by an expert agency appointed by WUA itself out of the panel of expert agencies approved by the state government. The cost of it would be borne by the WUA itself. The agency should be free to recommend closure of the unit or its replacement by a different one provided 50 percent of the members agree.

(xvii) WUAs are in an evolutionary phase. Hence an annual report containing latest statewise information on them be published on a regular basis by CAD wing of Ministry of Water Resources for which the CAD Wing may be suitably strengthened.

(xviii) Irrigation structure to be handed over to WUAs must be in a good condition. For this purpose, one may follow the Maharashtra model of having a joint survey by Irrigation Department and WUA followed by removal of identified deficiencies by I.D. before transfer to WUA.

(xix) Regular upkeep of main canal and field channels is absolutely necessary for successful performance by WUA.

(xx) Efforts should be made to reduce water losses.

(xxi) WUAs should have the responsibility for repair and maintenance of field channels. Maintenance of the headwork and main channel should continue to be the responsibility of the I.D.

## **11.5 Financial Aspects**

11.5.1 No WUA would succeed without financial viability. Every effort, therefore, should be made to strengthen WUAs to meet this condition. The following recommendations would be useful in this context.

i) All WUAs must aspire to generate an annual surplus out of their operations. For this purpose WUAs must have the power to levy and collect water charges from farmers.

ii) Water rates charged by WUAs from their members may be kept higher than the rates paid to government. This is facilitated if WUAs are required to pay water charges to government on volumetric basis and they receive water charges from farmers on crop / area basis.

iii) WUAs should have freedom to fix water rates to be collected from their members provided such rates are decided by them in their general body meeting either unanimously or through consensus.

iv) Water rates in the government canals should be raised to cover the full cost of irrigation. In order to be feasible, such a rise could be phased over a period of five to ten years depending up state level situations.

v) In the case of tubewells, the water rates should provide for accumulation of a replacement fund to replace obsolete tubewells after their life is over.

vi) The surplus generated every year out of water charges collected should be kept in a fixed deposit account to be utilised for periodic renovation and major repairs of the system.

vii) Funds provided for maintenance by government to WUAs be increased by 50 percent.

## **11.6 A word of caution**

11.6.1 Before concluding, we would like to repeat what was said earlier in Para 7.4.5 that there is no need to fit WUAs into straight jacket models. Local variations in organisations and functions should be permitted subject to WUAs satisfying the basic criteria of organisational and financial viability. WUAs should decide as to which of the several functions they should take over and when. A similar approach may be followed with respect to the number of tiers at which WUAs should function.