




LEGISLATIVE ASSEMBLY OF GOA

**The Goa Command Area
Development
(Amendment) Bill, 2001**

(Bill No. 30 of 2001)


~~(To be introduced in the Legislative Assembly)~~

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM,
MARCH, 2001**

The Goa Command Area Development (Amendment) Bill, 2001

(Bill No. 30 of 2001)

A

BILL

to amend the Goa Command Area Development Act, 1997 (Goa Act 27 of 1997).

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Command Area Development (Amendment) Act, 2001.

(2) It shall come into force from the date of commencement of the Goa Command Area Development Act, 1997 (Goa Act 27 of 1997).

2. *Amendment of sections 2 and 9.* — In sections 2 and 9 of the Goa Command Area Development Act, 1997 (Goa Act 27 of 1997) (hereinafter referred to as the " principal Act"), for the words "Irrigation Department", wherever they occur , the words "Department of Water Resources" shall be substituted .

3. *Amendment of sections 4 and 6.* — In sections 4 and 6 of the principal Act, for the words "Irrigation", wherever they occur, the words "Water Resources" shall be substituted.

Statement of Objects and Reasons

The Bill proposes to amend sections 2,4,6 and 9 of the Goa Command Area Development Act,1997 (Goa Act 27 of 1997) so as to substitute words "Irrigation Department" and "Irrigation" appearing in said sections by words "Department of Water Resources" and "Water Resources" respectively, as the Government has renamed the Irrigation Department as the Department of Water Resources.

This Bill seeks to achieve the above objects.

Panaji-Goa.
17 March,2001.

RAMAKANT KHALAP
Minister for Water Resources.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,
Porvorim ,Goa.
17 March,2001.

R. KOTHANDARAMAN
Secretary (Legislature)

Annexure

Extract of sections 2, 4, 6 and 9 of the Goa Command Area Development Act, 1997 (Goa Act 27 of 1997)

2. *Definitions.* – In this Act, unless the context otherwise requires,—

(1) "Command area" means an area irrigated or capable of being irrigated either by gravitational flow or by lift irrigation or by any other method, under any major or medium irrigation system, project, to be specified by notification by CAD Board;

(2) "Command area development work" means any work undertaken under this Act;

(3) "Comprehensive command area development" includes:—

(a) systematic land development for conservation of land and water;

(b) water use management for optimum use of water, including irrigation by turns, volumetric measurement of water and other enabling measures to avoid waste water logging, salinity, alkalinity and the like;

(c) conjunctive use of surface and ground water for multiple cropping and proper utilisation of available water resources;

(d) regulation, maintenance and repairs of irrigation system;

(e) bringing the land records upto date for consolidation of land holdings, land survey and mapping;

(f) realignment of fields boundaries and consolidation of land holdings under a pipe outlet or under an adjacent pipe outlet, for efficient farm management;

(g) grouping of small holding in a contiguous area nearer the outlet and larger ones further away;

(h) all round development of the farms in the areas pertaining to agriculture, horticulture, sericulture, farm forestry, animal husbandry, fisheries, communication, agro-based industry and co-operation;

(4) "Command Area Development Board" or CAD Board means a statutory body constituted under section 3 of the Act;

(5) "Chairman" means the Chairman of the Command Area Development Board, unless and otherwise specified/ referred as Chairman(s) of any other Body, Institution, Corporation, etc. under this Act;

(6) "Credit Incharge: means an Officer of the rank of Assistant Registrar of Co-operative Societies of the office of the registrar of Co-operative Societies on deputation to CAD Board;

(7) "Deputy Director of Agriculture" means an Officer of CAD Board not below the rank of Deputy Director of Agriculture of Agriculture Department deputed to the CAD Board;

(8) "distribution system" includes:-

(a) all main canals, branch, distributories, minor canals and water courses constructed for the supply and distribution of water for irrigation;

(b) all works, structures and appliances connected with the distribution of water for irrigation;

(c) all field channels and farm channels and related structures under a pipe outlet;

(9) "drainage system" includes:—

(a) channels, either natural or artificial, for the discharge of waste or surplus water and all works connected therewith or ancillary thereto;

(b) escape channels from an irrigation or distribution system and other works connected therewith but does not include works for removal of sewage;

(c) all connecting drains and main drains to drain off surplus water from field drains;

(d) all field drains and related structures under pipe outlet;

(10) "Executive Engineer/Canal Officer" means an Officer of the rank of Executive Engineer of a Works Division of Irrigation Department on deputation to CAD Board with all powers as delegated to the Officer of equivalent rank in Irrigation Department and in addition the powers of Canal Officer empowered by the Goa, Daman and Diu Irrigation Act, 1973 (Act 17 of 1973);

(11) "Farm road" means a road serving lands under a pipe outlet;

(12) "financing agency" means any commercial bank or any co-operative society, including a co-operative agricultural development bank, the main object of which is to lend money or any Regional Rural Bank established under the Regional Rural Bank Act, 1976 (Central Act 21 of 1976); and includes and other agency selected for providing credit facility for comprehensive command area development;

(13) "field channel"/water course" means a channel constructed or to be constructed by the Government or by the land holder or by or by any other agency to receive and distribute water from a pipe outlet and having capacity not exceeding 0.042 cumec. Discharge or 42 litres per second;

(14) "field drain" means a channel excavated and maintained by the land holder or by any other agency on his behalf to discharge waste or surplus water from the land holding under a similar work constructed or to be constructed and maintained by the owners or occupiers or by the Government;

(15) "Government" means the Government of the State of Goa;

(16) "Ineligible person" means a person not eligible for ordinary land development loans and belonging to one of the following categories, namely:-

(i) Farmers occupying the lands without any valid title to mortgage such lands;

(ii) minors without guardians;

(iii) Farmers occupying the Government land which have not been assigned to them, or Government lands assigned but which revert to the Government in case the assignee mortgages the same;

(iv) Land holders unable to get loan from any credit agency because of overdues which are to be cleared before obtaining any loan for further capital investment; and

(v) Farmers who are unwilling to apply for land development loans;

(17) "Input and Extension In -charge", "Soil Survey Incharge" and "Water Mangement Specialist" mean the Officers of the rank of Agriculture Officers (Grade -I) of Agriculture Department on deputation to (Office of) the CAD Board;

(18) "Irrigated dry land" or "Irrigated land" means localised for light irrigation of crops , other than paddy , sugarcane and banana;

(19) "Irrigation Officer" in relation to a command area means an Officer of the Revenue Department not below the rank of the Revenue Sub-Divisional Officer having jurisdiction over such area or an Officer of the Command Area Development Board not below the rank of an Assistant Engineer, exercising control over the irrigation system in the command area and includes any other officer appointed by the Government to perform the functions of an Irrigation Officer under this Act;

(20) "Irrigation system" includes -

(a) the distribution system; and

(b) the drainage system;

(21) "irrigation system under a pipe outlet" includes the field channels and field drains, with all the related structures including roads thereto;

(22) "land holder" means a person in actual possession of the land , whether as an owner or as a tenant or sub-tenant or as a mortgagee in pssession or as a licensee, or otherwise and includes a person who is likely to be benefitted by the Command Area development work, and the expression "Land holding" shall be construed as land held by a land holder;

(23) "Member" means the member of the Command Area Development Board, unless and otherwise specified /referred as member of any other body, institution, corporation, etc. under this Act;

(24) " Notification" means a Notification published in the Goa State Gazette and the expression " notified" shall be construed accordingly;

(25) "pipe outlet" means an opening or contrivance constructed by the State Government in an irrigation system through which water is delivered for irrigation at the periphery of the localised area ordinarily not exceeding 40 hectares;

(26) "prescribed" means prescribed by rules made this Act;

(27) "Scheduled Castes" and "Scheduled Tribes" shall have same meaning as assigned to them in the Constitution;

(28) "Small farmer" means a person who holds, whether as owner, tenant or mortgagee with possession or partly in one capacity or partly in another capacity a land, as defined for the purpose for availing benefits of RDA Schemes in Goa;

(29) "Superintending Engineer CAD" means an Officer of the rank of Superintending Engineer of Irrigation Department on deputation to CAD Board, with all powers as delegated to the officer of equivalent rank in Irrigation Department;

(30) "systematic land development" includes all or any of the following works:-

(a) construction of field channels and water courses with related structure;

(b) construction of field drains with related structures;

(c) land shapping, including grading levelling, bunding and the like;

(d) realignment of field boundaries and rectangulation of plots and consolidation of land holding under a pipe outlet, or under an adjacent pipe outlet, wherever necessary, for efficient farm management;

(e) lining of field channels, wherever necessary, with suitable material to prevent seepage of water;

(f) construction of farm roads with related structures;

(31) "Water Distribution Co-operative Society" also called as "Pani Vantap Vyavstha Sahakari Saunstha Maryadit" means co-operative society of farmers of command area of any irrigation project formed at a hydraulic Unit like water course(s) and registered under the relevant Co-operative Societies Act, for the purpose of efficient water management and implementation of CAD programmes;

(32) "wet land" means land localised for heavy irrigation crops, like, paddy, sugarcane and banana.

4. Composition of the Command Area Development Board.— The Command Area Development Board shall comprise of the following members, namely —

(i) The Minister in-charge of the Command Area Development Programme/Irrigation of the Government of Goa-Chairman;

(ii) The concerned Members of the Legislative Assembly and Parliament, as members of the Command Area Development Board;

(iii) The Secretary, CAD/ Irrigation as Chief Executive of the CAD Boards;

(iv) the Secretary, Finance or his representative not below the rank of joint Secretary, Finance, as members;

(v) the Chief Engineer, Irrigation, Government of Goa as Member;

(vi) The Superintending Engineer, the Command Area Development Board, as Member-Secretary;

(vii) The Director of Agriculture, member;

(viii) The Registrar of Co-operative Societies, Member;

(ix) The Director of I.C.A.R., Member;

- (x) The Director of Veterinary Services, Member;
- (xi) The Sr. Hydrogeologist, Ground Water Cell, Member;
- (xii) The Chairperson of Goa Horticulture Development Corporation, Member;
- (xiii) One Deputy Collector (Revenue) having jurisdiction in the Command Area of respective CAD Board, as Member;
- (xiv) One representative of the Government of India to be nominated by the Ministry of Water Resources, as Member;
- (xv) Four elected representatives of Panchayat Raj Institution within the Command Area of CAD Board, to be nominated by the Government as Member;
- (xvi) Seven Chairman of Registered Water Distribution Co-operative Societies, formed within the jurisdiction of Command Area of CAD Board, to be nominated by the Government, as Member;
- (xvii) Two representatives from NGOs, to be nominated by the Government, as Member;
- (xviii) One academician to be nominated by the Government, as Member;
- (xix) Five progressive farmers of the respective Command area to be nominated by the Government as Member;
- (xx) The Director of the Land Survey, as Member.

6. *Term of Office.*— (1) The Chairman shall hold the office of Command Area Development Board as long as he holds the Office of Minister for Irrigation/ / CAD, Government of Goa. No sooner he relinquishes the Office of the Minister for Irrigation/ CAD, he shall

automatically cease to be the Chairman of the Command Area Development Board and under such circumstances , the Chief Executive of the Board shall officiate.

(2) The terms of the concerned Members of the Legislative Assembly and Parliament as Members of the Command Area Development Board shall be for a period of five years or so long as they continue to be the M.L.A.s or M.P.s of the concerned area, whichever is earlier.

(3) Elected representative of Panchayat Raj Institutions shall continue to be Member/s for a maximum period of 5 years or so long as they continue to be members of Panchayat Raj Institutions, whichever is less.

(4) Chairman of registered water distribution co-operative societies shall continue to be the Member of the Board as long as he holds the office of Chairman of such society or for a period of 5 years whichever is less.

(5) The terms of the nominated representatives from NGOs, academicians and progressive farmers shall be for 5 years.

9. *Composition of CAD Circle and its Divisions.*— For the purpose of discharge of duties and functions of the Command Area Development Board as specified in section 10 of the Act, following staff of the Irrigation, Agriculture, Co-operative and Accounts Department of the Government of Goa, shall be deputed to the CAD Office of the Command Area Development Board . It will function as one of the Circle of Irrigation Department so far as technical control is concerned, The Superintending Engineer CAD will be reporting to the Chief Executive of the Command Area Development Board through the Chief Engineer, Irrigation Department.

(1) A Superintending Engineer with full staff strength of a Circle office of the Irrigation Department along with one or more Deputy Director of Agriculture and three or more Agriculture Officers , Grade-I, one or more Officer, of the rank of Asst. Registrar of Co-operative Societies, one

or more Accounts Officer , will be deputed from respective Departments. This will be called CAD Board Circle Office.

(2) Three or more Executive Engineers with full divisional component Sub-Divisional Staff of Irrigation Department i.e. one Division each for S.I.P, T.I.P and A.I.P. all on deputaion from Irrigation Department will work under the above said Circle Office of Command Area Developement Board. These Divisions will be called CAD Divisions.

(3) Agriculture Foremen to be appointed by the Command Area Developement Board as per the requirement.

Assembly Hall,
Porvorim, Goa.
17 March, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)