



The Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997

Act 11 of 1997

Keyword(s):

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**THE ANDHRA PRADESH FARMERS' MANAGEMENT
OF IRRIGATION SYSTEMS ACT, 1997.**

ACT No. 11 OF 1997*

[9th April, 1997.]

An Act to provide for Farmers' Participation in the Management of Irrigation Systems and for matters connected therewith or incidental thereto.

*Received the assent of the Governor on 7th March, 1997.
For Statement of the Objects and Reasons. Please see the
A.P. Gazette Part IV-A Extraordinary dated 20th March,
1997 at P-32.

Whereas the State of Andhra Pradesh is essentially an agricultural State depending on an efficient and equitable supply and distribution of water which is a National Wealth, ensuring optimum utilisation by farmers for improvement of agricultural production is the immediate need;

And whereas, scientific and systematic development and maintenance of irrigation infrastructure is considered best possible through farmers' organisations;

And whereas, such farmers' organisations have to be given an effective role in the management and maintenance of the irrigation system for effective and reliable supply and distribution of water.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India as follows:-

CHAPTER - I

PRELIMINARY

1. (1) This Act may be called the Andhra Pradesh Farmers' Management of Irrigation Systems Act, 1997.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint and they may appoint different dates for different areas and for different provisions.

2. (1) In this Act, unless the context otherwise requires,-

Short title,
extent and commen-
cement.

Definitions.

(a) 'area of operation' in relation to farmers' organisation means a contiguous block of land in the command area of an irrigation system as may be notified for the purposes of this Act.

(b) 'ayacut road' means a road within the area of operation of a farmers' organisation for the purpose of irrigation and agriculture but does not include a road vested in a Gram Panchayat, Mandal Parishad, Zilla Parishad, Municipality, Municipal Corporation or Roads and Buildings Department of the Government.

(c) 'command area' means an area irrigated or capable of being irrigated either by gravitational flow or by lift irrigation or by any other method from a government or the corporation source and includes every such area whether it is called 'ayacut' or by any other name under any law for the time being in force.

(d) 'competent authority' means the authority appointed under section 21.

(e) 'Corporation' means the Andhra Pradesh Water Resources Development Corporation constituted under the Andhra Pradesh Water Resources Development Corporation Act, 1997; Act 12 of 1997.

(f) 'distributory system' means and includes,—

- (i) all main canals, branch canals, distributories and minor canals constructed for the supply and distribution of water for irrigation;
- (ii) all works, structures and appliances connected with the distribution of water for irrigation; and

(iii) all field channels and other related channel and structures under a pipe outlet.

(g) 'District Collector' means the collector of the district in which the irrigation system is situate and includes any officer specially notified by the Government to perform all or any of the functions of the district collector under this Act;

(h) 'drainage system' in relation to an irrigation system includes,—

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

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

(iii) all collecting drains and main drains to drain off surplus water from field drains; and

(iv) all field drains and related structures under pipe outlets.

(i) "farmers' organisation" wherever it occurs, shall mean and include:—

(i) water users association at the primary level consisting of all the water users, as constituted under section 3;

(ii) distributory committee at the secondary level, as constituted under section 5; and

(iii) project committee at the project level, as constituted under section 7; .

(j) 'field channel' includes a channel existing or to be constructed by the Government or by the land holders or by any agency to receive and distribute water from a pipe outlet.

(k) 'field drain' includes a channel excavated and maintained by the land holder or by any other agency, to discharge waste or surplus water from the land holding under a pipe outlet; and includes drains, escape channels and other similar works existing or to be constructed.

(l) 'financial Year' means a year commencing from the 1st April of the relevant year to the 31st March of the ensuing year.

(m) 'financing agency' means any commercial bank, or any co-operative society or any other bank or organisation established or incorporated under any law, for the time being in force, which lends money for the development of the area of operation of the farmers' organisation.

(n) 'Government' means the State Government of Andhra Pradesh.

(o) 'hydraulic basis' means the basis for identifying a viable irrigated area served by one or more hydraulic structures such as headworks, distributories, minors, pipe outlets and the like.

(p) 'irrigation system' means such major, medium and minor irrigation system for harnessing water for irrigation and other allied uses from Government/or Corporation source and includes reservoirs, open head channels, diversion systems, anicuts, lift irrigation schemes, tanks, wells and the like;.

Explanation: (i) 'Major Irrigation system' means irrigation system under Major Irrigation Project having irrigable command area of more than 10,000 hectares.

(2) 'Medium Irrigation system' means irrigation system under Medium Irrigation Project having irrigable command area of more than 2000 hectares and upto 10,000 hectares.

(3) 'Minor Irrigation - system' means irrigation system under minor irrigation project having irrigable command area upto 2,000 hectares.

(q) 'land holder' means an owner and or a tenant recorded as such in the record of rights - under the Andhra Pradesh Record of Rights in Land Act Act 26 of 1971 in respect of land in the notified ayacut area of an irrigation system.

(r) 'maintenance' means execution of such works on the irrigation system as are necessary to ensure that the physical system designed to the standards operates for proper distribution of water to the land holders in the area of operation.

(s) 'notification' means a notification published in the Andhra Pradesh Gazette, and the expression 'notified' shall be construed accordingly.

(t) 'operational plan' means a schedule of irrigation deliveries with details of the mode and duration of supplies drawn up for regulation of irrigation in the command area of an irrigation system.

(u) 'prescribed' means prescribed by the Government by rules made under this Act.

(v) 'warabandi' means a system of distribution of water allocation to water users by turn, according to an approved schedule indicating the day, duration and the time of supply.

(w) 'water allocation' in relation to an irrigation system means distribution of water determined from time to time by a farmers' organisation in its area of operation.

(x) 'water user' means and includes any individual or body corporate or a society using water for agriculture, domestic, power, non-domestic, commercial, industrial or any other purpose from a government or the corporation source of irrigation.

(2) The words and expressions used in this Act, but not defined, shall have the same meaning assigned to them in the Andhra Pradesh Irrigation Utilisation and Command Area Development Act, Act 15 of 1984.

CHAPTER - II

FARMERS' ORGANISATION

3. (1) The District Collector may, by notification and in accordance with the rules made under this Act, in this behalf, delineate every command area under each of the irrigation systems on a hydraulic basis which may be administratively viable; and declare it to be a water users' area for the purpose of this Act:

Delineation of water users' area and constitution of an association.

Provided that in respect of the command area under the minor and lift irrigation systems, the entire command area may, as far as possible, form a single water users' area.

(2) Every water users' area shall be divided into territorial constituencies, which shall not be less than four but not more than ten, as may be prescribed.

(3) there shall be a water users' association called by its local distinct name for every water users' area delineated under sub-section (1).

(4) Every water users' association shall consist of the following members, namely:-

(i) all the water users who are land holders in a water users area:

Provided that where both the owner and the tenant are land holders in respect of the same land, the tenant;

(ii) all other water users coopted in a water users' area;

(iii) members specified in clause (i) and (ii) shall constitute the general body for a water users association;

(iv) a person eligible to become a member of more than one territorial constituency of a water users association under clause (i) shall be entitled to be a member of only one territorial constituency and he shall exercise his option thereof as prescribed;

(v) members specified in clause (i) shall alone have the right to vote.

4. (1) There shall be a Managing Committee for every water users' association.

Election of President and Members of the Managing Committee of Water Users Association..

(2) The District Collector shall make arrangements for the election of President of the managing committee of the water users' association by direct election by the method of secret ballot in the manner prescribed.

(3) The District Collector shall also cause arrangements for the election of a managing committee consisting of one member from each of the territorial constituencies of a water users' area, by the method of secret ballot in the manner prescribed.

(4) If at an election held under sub-sections (2) and (3), the president or the members of the territorial constituencies of water users' association are not elected, fresh elections shall be held in the manner prescribed.

Provided that the Government for the reasons to be recorded in writing may, from time to time, postpone elections.

(5) The President and the members of the managing committee shall, if not recalled earlier, be in office for a period of three years, from the date of the first meeting.

(6) The managing committee shall exercise the powers and perform the functions of the water users association.

**Delineation of
Distributory area
and constitution
of the Distributory
Committee.**

5. (1) The Government may, by notification and in accordance with the rules made in this behalf, delineate every command area of the irrigation system, comprising of one or more water users' associations, and declare it to be a distributory area for the purpose of this Act.

(2) There shall be a distributory committee called by its local distinct name for every distributory area declared as such under sub-section (1).

(3) All the Presidents of the water users associations in the distributory area, so long as they hold such office, shall constitute the general body of the committee.

**Election of Presi-
dent and Constitu-
tion of Managing
Committee.**

6. (1) There shall be a managing committee for every distributory committee.

(2) The District Collector shall cause arrangements, in the manner prescribed, for the election by the method of secret ballot of the President and members of the managing committee who shall not be more than five from among the members of the general body of the distributory committee:

Provided that the Government may, for the reasons to be recorded in writing, may from time to time postpone elections.

(3) If, at an election held under sub-section (2), the President and the members of the managing committee are not elected, fresh elections shall be held in the prescribed manner.

(4) The term of office of the President and the members of the managing committee shall, if not recalled earlier, be coterminous with the term of the general body specified in sub-section (3) of section 5.

(5) The managing committee shall exercise the powers and perform the functions of the distributory committee.

7. (1) The Government may by notification and in accordance with the rules made under this Act, in this behalf, delineate every command area or part thereof, of an irrigation system and declare it to be a project area for the purposes of this Act.

Delineation of
Project area and
constitution of
Project Committee.

(2) There shall be a project committee called by its distinct name for every project area declared under sub-section (1).

(3) All the Presidents of the distributory committees in the project area, so long as they hold such office, shall constitute the general body for the project committee.

8. (1) There shall be a managing committee for every project committee.

Election of Chair-
man and constitu-
tion of the
Managing Committee.

(2) The District Collector shall cause arrangements in the manner prescribed for election by the method of secret ballot of chairman and managing committee consisting of not more than nine members from among the members of the general body of the project committee:

Provided that the Government for the reasons to be recorded in writing may, from time to time, postpone elections.

(3) If, at an election held under sub-section (2), the chairman and the members of the managing committee are not elected, fresh elections shall be held in the prescribed manner.

(4) The term of office of the chairman and the members of the managing committee shall, if not recalled earlier, be coterminous with the term of general body specified in sub-section (3) of section 7.

(5) The managing committee shall exercise the powers & perform the functions of the project committee.

Apex Committee 9. (1) The Govt. may, by notification, constitute an Apex Committee with such number of members as may be considered necessary.

(2) The Committee, constituted under sub-section (1), may exercise such powers and functions as may be necessary to,—

- (a) laydown the policies for implementation of the provisions of this Act; and
- (b) give such directions to any farmers' organisation, as may be considered necessary, in exercising their powers and performing their functions in accordance with the provisions of this Act.

Procedure for recall.

10. (1) A motion for recall of a chairman or president or member of a managing committee, as the case may be, of a farmers' organisation may be made by giving a written notice as may be prescribed, signed by not less than one-third of the total number of members of the farmers' organisation, who are entitled to vote.

Provided that no notice of motion under this section shall be made within one year of the date of assumption of office by the person against whom the motion is sought to be moved.

(2) If the motion is carried with the support of majority of the members present and voting at a meeting of the general body specially convened for the purpose, the District Collector or the Government as the case may be shall by order remove him from office and the resulting vacancy shall be filled in the same manner as a casual vacancy.

11. The managing committee of a farmers' organisation may constitute sub-committees to carry out all or any of the functions vested in each organisation under this Act.

Constitution of sub-committees in farmers' organisation.

12. Every farmers' organisation shall be a body corporate with a distinct name having perpetual succession and a common seal and subject to the provisions of this Act vested with the capacity of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted and it shall sue or be sued in its corporate name represented by the chairman or the president, as the case may be:

Farmers' Organisation to be a Body Corporate.

Provided that no farmers' organisation shall have the power to alienate in any manner, any property vested in it.

13. The Government may in the interest of a farmers' organisation in the command area by notification and in accordance with the rules made in this behalf,—

Changes in Farmers Organisation.

- (a) form a new farmers' organisation by separating the area from any farmers' organisation;
- (b) increase the area of any farmers' organisation;

- (c) diminish the area of any farmers' organisation;
- (d) alter the boundaries of any farmers' organisation; or
- (e) cancel a notification issued under this Act for rectifying any mistake:

provided that no such separation, increase, diminution, alteration and cancellation shall be effected unless a reasonable opportunity is given to the organisation likely to be effected.

Disqualifications
of candidates or
Members.

14. (1) No village servant and no officer or servant of the Government of India or any State Government or of a local authority or an employee of any institution receiving aid from the funds of the Government shall be qualified for being chosen as or for being a chairman, or president or a member of a managing committee.

Explanation:- For the purpose of this section the expression 'village servant' means in relation to,—

- (i) the Andhra Area, any person who holds any of the village offices of neeruganti, neeradi, vetti, kawalkar, toti, talayari, tandalagar, sathsindhi or any such village office by whatever designation it may be locally known;
 - (ii) the Telangana Area, any person who holds any of the village offices of neeradi, kawalkar, sathsindhi or any such village office by whatever designation it may be locally known.
- (2) No person who has been convicted by a criminal court for any offence involving moral turpitude committed under any law for the time being in force shall be qualified for being chosen in or for being a chairman or president or a member of a managing committee,

14) A person shall be disqualified for being chosen as a chairman or a president or a member of the managing committee if on the date fixed for scrutiny of nominations for election, or on the date of nomination he is,-

- (a) of unsound mind and stands so declared by a competent court;
- (b) an applicant to be adjudicated as an insolvent or an undischarged insolvent; or
- (c) a defaulter of land revenue or water tax or charges payable either to the Government or to the farmers' organisation.
- (d) Interested in a subsisting contract made with, or any work being done for, the Gram Panchayat, Mandal Parishad, Zilla Parishad or any State or Central Government or the farmers organisation:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having share or interest in-

- (i) a company as a mere share-holder but not as a director;
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money or any security for the payment of money only; or
- (iv) any newspaper in which any advertisement relating to the affairs of the Farmers' Organisation is inserted.

Explanation:- For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Gram Panchayat, Mandal Parishad, Zilla Parishad, the Farmers' Organisation, the State or Central Government has not performed its part of the contractual obligations.

(4) A chairman or a president or a member of a managing committee shall also become disqualified to continue in office if he,-

- (a) is convicted in a criminal case involving moral turpitude; or
- (b) absents for three consecutive meetings without reasonable cause:

Provided that such disqualification under item (b) shall not apply in the case of women who are in an advanced stage of pregnancy and for a period of three months after delivery.

and he shall cease to hold the office forthwith.

(5) A person having more than two children shall be disqualified for election or for continuing as a Chairman or a President or a member of the Managing Committee:

Provided that the birth within one year from the date of commencement of this Act, hereinafter in this section referred to as the date of such commencement, of an additional child shall not be taken into consideration for the purposes of this section:

Provided further that a person having more than two children (excluding the child if any born within one year from the date of such commencement) shall not be disqualified under this section for so long as the number of children he had on the date of such commencement does not increase.

15. (1) A vacancy arising either due to disqualification under sub-section (4) of section 14 or due to death or resignation or by any reason, such vacancy shall be filled up by nomination in the following manner,-

Filling up of vacancies.

(a) a vacancy in the water users' association shall be filled, by nomination by the managing committee of the distributory committee in the manner prescribed;

(b) a vacancy in the distributory committee shall be filled, by nomination by the managing committee of the project committee in the manner prescribed; and

(c) a vacancy in the project committee shall be filled, by nomination either by the Apex Committee or by the Government, as the case may be, in the manner prescribed.

(2) The District Collector shall take necessary steps to conduct elections to fill up any vacancy caused within a period of one month from the date of occurrence of such vacancy.

(3) The term of office of a member or a President or a Chairman of the farmers' organisation, elected under sub-section (2), shall expire at the time at which it would have expired, if he had been elected at the ordinary election.

Chapter - III

Objects and Functions of the Farmers' Organisations:

Objects.

16. The objects of the farmers' organisation shall be to promote and secure distribution of water among its users, adequate maintenance of the irrigation system, efficient and economical utilisation of water to optimise agricultural production, to protect the environment, and to ensure ecological balance by involving the farmers, inculcating a sense of ownership of the irrigation system in accordance with the water budget and the operational plan.

Functions of Water Users Association.

17. The water users' association shall perform the following functions, namely:-

(a) to prepare and implement a warabandi schedule for each irrigation season, consistent with the operational plan, based upon the entitlement, area, soil and cropping pattern as approved by the distributory committee, or as the case may be, the project committee;

(b) to prepare a plan for the maintenance of irrigation system in the area of its operation at the end of each crop season and carry out the maintenance works of both distributory system and minor and field drains in its area of operation with the funds of the association from time to time;

(c) to regulate the use of water among the various pipe outlets under its area of operation according to the warabandi schedule of the system;

(d) to promote economy in the use of water allocated;

(e) to assist the revenue department in the preparation of demand and collection of water rates;

(f) to maintain a register of landholders as published by the revenue department;

(g) to prepare and maintain a register of coopted members;

(h) to prepare and maintain an inventory of the irrigation system within the area of operation;

(i) to monitor flow of water for irrigation;

(j) to resolve the disputes, if any, between the members and water users in its area of operation.

(k) to raise resources;

- (l) to maintain accounts;
- (m) to cause annual audit of its accounts;
- (n) to assist in the conduct of elections to the managing committee;
- (o) to maintain other records as may be prescribed;
- (p) to abide by the decisions of the distributory and project committees;
- (q) to conduct general body meetings, as may be prescribed;
- (r) to encourage avenue plantation on canal bunds and tank bunds by leasing such bunds; and
- (s) to conduct regular water budgeting and also to conduct periodical social audit, as may be prescribed.

Functions of Distributory Committee.

18. The distributory committee shall perform the following functions; namely:-

- (a) to prepare an operational plan based on its entitlement, area, soil, cropping pattern at the beginning of each irrigation season, consistent with the operational plan prepared by the project committee;
- (b) to prepare a plan for the maintenance of both distributories and medium drains within its area of operation at the end of each crop seasons and execute the maintenance works with the funds of the committee from time to time;

- (c) to regulate the use of water among the various water users' associations under its area of operation;
- (d) to resolve disputes, if any, between the water users' associations in its area of operation;
- (e) to maintain a register of water users associations in its area of operation;
- (f) maintain an inventory of the irrigation system in the area of its operation, including drains;
- (g) to promote economy in the use of water allocated;
- (h) to maintain accounts;
- (i) to cause annual audit;
- (j) to maintain other records as may be prescribed;
- (k) to monitor the flow of water for irrigation;
- (l) to conduct general body meetings as may be prescribed;
- (m) to abide by the decisions of the project committee;
- (n) to cause regular water budgeting and also the periodical social audit as may be prescribed;
- (o) to assist in the conduct of elections to the managing committee; and
- (p) to encourage avenue plantations in its area of operation;

19. The project committee shall perform the following functions; namely:-

Functions of
Project Committee.

- (a) to approve an operational plan based on its entitlement, area, soil, cropping pattern as prepared by the competent authority in respect of the entire project area at the beginning of each irrigation season;
- (b) to approve a plan for the maintenance of irrigation system including the major drains within its area of operation at the end of each crop season and execute the maintenance works with the funds of the committee from time to time;
- (c) to maintain a list of the distributory committees and water users association in its area of operation;
- (d) to maintain an inventory of the distributory and drainage systems in its area of operation;
- (e) to resolve disputes if any, between the distributory committees;
- (f) to promote economy in the use of water;
- (g) to maintain accounts;
- (h) to cause annual audit of its accounts.
- (i) to maintain other records as may be prescribed;
- (j) to conduct general body meetings as may be prescribed;
- (k) to cause regular water budgeting and also the periodical social audit as may be prescribed; and
- (l) to encourage avenue plantations in its area of operation.

20. A farmers' organisation may, for carrying out the purposes of this Act, achieving the objects of the organisation and performing its functions, levy and collect such fees as may be prescribed from time to time.

Power to levy and collect fee.

21. (1) The Government may by notification appoint such officer from the Irrigation and Command Area Development Department, or any other department or Corporation including Irrigation Development Corporation, as they consider necessary, to be the competent authority to every farmers' organisation for the purpose of this Act.

Appointment of competent authority and his functions.

(2) The competent authority appointed under subsection (1) shall be responsible to the respective farmers' organisations in the implementation and execution of all decisions taken by the farmers' organisation.

CHAPTER - IV

RESOURCES

22. The funds of the farmers' organisation shall comprise of the following, namely:-

Resources of Farmers' Organisation.

(i) grants received from the Government as a share of the water tax collected in the area of operation of the farmers' organisation;

(ii) such other funds as may be granted by the State and Central Government for the development of the area of operation;

(iii) resources raised from any financing agency for undertaking any economic development activities in its area of operation;

(iv) income from the properties and assets attached to the irrigation system within its area of operation;

(v) fees collected by the farmers' organisation for the services rendered in better management of the irrigation system; and

(vi) amounts received from any other source.

CHAPTER - V

Offences and Penalties.

Offences and Penalties:

23. Whoever without any lawful authority does any of the following acts, namely:-

- (a) damages, alters, enlarges, or obstructs any irrigation system;
- (b) interferes with, increases, or diminishes the water supply in, or the flow of water from, through, over or under any irrigation system;
- (c) being responsible for the maintenance of the irrigation system neglects to take proper precautions for the prevention of wastage of the water thereof or interferes with the authorised distribution of water there from or uses water in an unauthorised manner, or in such manner as to cause damage to the adjacent landholdings;
- (d) corrupts or fouls, water of any irrigation system so as to render it less fit for the purposes for which it is ordinarily used;
- (e) obstructs or removes any level marks or water gauge or any other mark or sign fixed by the authority of a public servant ; and

- (i) opens, shuts, or obstructs or attempts to open, shut or obstruct any sluice or outlet or any other similar contrivance in any irrigation system,

shall, on conviction, be punished with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

24. Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act:

Punishment under other laws not barred.

Provided that no person shall be prosecuted and punished for the same offence more than once.

25. (1) A farmers' organisation may accept from any person who committed or in respect of whom a reasonable belief can be inferred that he has committed an offence punishable under this Act or the rules made thereunder, a sum of money not exceeding rupees one thousand by way of composition for such offence.

Composition of offences.

(2) On payment of such sum of money, the said person, if in custody, shall be discharged and no further proceedings shall be taken against him in regard to the offence, so compounded.

CHAPTER - VI

Settlement of disputes

26. (1) Any dispute or difference touching the constitution, management, powers or functions of a farmers' organisation arising between members, shall be determined by the managing committee of the farmers' organisation.

Settlement of disputes.

(2) Any such dispute or difference arising between a member and the managing committee of a water users' association or between two or more water users' associations shall be determined by the managing committee of the distributory committee.

(3) Any such dispute or difference arising between a member and the managing committee of a distributory committee or between two or more distributory committees shall be determined by the managing committee of the project committee.

(4) Any such dispute or difference arising between a member and the managing committee of a project committee or between two or more project committees shall be determined by the apex committee, whose decision shall be final.

(5) Every dispute or difference under this section shall be disposed of within fifteen days from the date of reference of the dispute or difference.

Appeals.

27. (1) A party to a dispute or difference aggrieved by any decision made or order passed by the managing committee of a water users' association may appeal to the managing committee of the distributory committee, whose decision thereon shall be final.

(2) Any party to a dispute or difference aggrieved by any decision made or order passed by the managing committee of a distributory committee may appeal to a project Committee, whose decision thereon shall be final.

(3) Any party to a dispute or difference aggrieved by any decision made or order passed by the managing committee of a project committee may appeal to the apex committee, whose decision thereon shall be final.

(4) Any appeal under sub-section (1) or sub-section (2) or sub-section (3) shall be preferred within 15 days of communication of the decision or the order to the person aggrieved.

(5) Every appeal under this section shall be disposed of within 15 days from the date of filing of the appeal.

CHAPTER - VII

MISCELLANEOUS

28. (1) Every farmers' organisation shall keep Records. at its office the following accounts, records and documents, namely:-

- (a) an up-to-date copy of this Act;
- (b) a map of the area of operation of the farmers' organisation along with map of the structures and distributory networks prepared in consultation with the irrigation department;
- (c) a statement of the assets and liabilities;
- (d) minutes book;
- (e) books of account showing receipt and payments;
- (f) books of account of all purchases and sales of goods by the farmers' organisation;

- (g) register of measurement books, level field books, work orders and the like;
- (h) copies of audit reports and enquiry reports;
- (i) all such other accounts, records and documents as may be prescribed from time to time.

(2) The books of accounts and other records shall be open for information to the members of the farmers' organisation.

Audit.

29. Every farmers' organisation shall get its accounts audited in the manner prescribed.

Recovery of dues.

30. All the amounts payable or due to a farmer's organisation shall be recovered as arrears of land revenue.

Meetings.

31. The meetings of the farmers' organisation and the managing committees thereof, at such intervals, the procedure, the presidency and the Quorum thereof and the cessation of membership thereof shall be, as may be prescribed.

Resignation.

32. (1) A member of managing committee of a farmers' organisation may resign his office by a letter sent by registered post or tendered in person to the chairman or president of the managing committee concerned.

(2) The president of the managing committee of a water users' association may resign his office by a letter sent by registered post or tendered in person to the president of the distributory committee concerned.

(3) The president of the managing committee of a distributory committee may resign his office by a letter sent by registered post or tendered in person to the chairman of the project committee concerned.

(4) The chairman of the managing committee of a project committee may resign his office by a letter sent by registered post or tendered in person to the chairman of the apex committee.

(5) Such resignation as above mentioned shall take effect from the date of its acceptance or on the expiry of 30 days from the date of its receipt which ever is earlier.

33. (1) The Government may by notification appoint a Commissioner to exercise general control and superintendence over the competent authorities and the District Collectors in performance of their functions under this Act or the rules made thereunder.

Appointment of a
Commissioner.

(2) The powers to be exercised and the functions to be performed by the Commissioner shall be such as may be prescribed.

34. The Government may by notification appoint an officer or officers to exercise the powers and perform the functions of a farmers' organisation and the managing committee thereof till such time such farmers' organisation is duly constituted or reconstituted and such managing committee assumes office under the provisions of this Act.

Transitional
arrangements.

Authentication of orders and documents of the Farmers' Organisation.

35. All permissions, orders, decisions, notices and other documents of the farmers' organisation shall be authenticated by the signature of the chairman or president of the farmers' organisation or any other member of the managing committee, authorised by the managing committee in this behalf.

Acts not to be invalidated by informality or vacancy etc.

36. No act or proceedings of the managing committee of a farmers' organisation shall be invalid by reason only of the existence of any vacancy in, or defect in the constitution of, the said committee.

Deposit and administration of the funds.

37. (1) The farmers' organisation shall keep their funds in a Nationalised Bank or a Co-operative Bank namely a Primary Agricultural Cooperative Society or the District Co-operative Central Bank or the Andhra Pradesh State Co-operative Central Bank.

(2) The funds shall be applied towards meeting of the expenses incurred by the managing committee of the concerned farmers' organisation in the administration of this Act and for no other purpose.

Sinking fund.

38. (1) The managing committee of the farmers' organisation shall maintain a sinking fund for the repayment of moneys borrowed and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

(2) The sinking fund or any part thereof shall be applied in or towards, the discharge of the loan

for which such fund was created, and until such loan is wholly discharged, it shall not be applied for any other purpose.

39. The managing committee of a farmers' organisation shall prepare in such form in every financial year a budget in respect of the financial year next, showing the estimated receipts and expenditure of the committee and shall place before the general body of the farmers' organisation for its approval as may be prescribed.

Budget.

40. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act or under the rules made thereunder.

Protection of acts done in good faith

41. (1) If any difficulty arises in giving effect to the provisions of this Act or as to the first constitution or reconstitution of any farmers' organisation after the commencement of this Act, the Government, as the occasion may require, by order published in the Andhra Pradesh Gazette, do anything which appears to them necessary for removing the difficulty.

Power to remove difficulties.

(2) All orders made under sub-section (1) shall as soon as may be, after they are made, be placed on the table of the legislative assembly of the state and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make either in the same session or in the next session.

Savings.

42. (1) Nothing contained in this Act shall affect the rights or properties vested in a Gram Panchayat, Mandal Parishad, Zilla Parishad, Municipality or Municipal Corporation under any law for the time being in force.

(2) Nothing contained in this Act shall apply to the minor water bodies in the Scheduled Areas in the State of Andhra Pradesh.

Power to make rules.

43. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 1st January, 1999 and the said assent is hereby first published on the 2nd January, 1999 in the Andhra Pradesh Gazette for general information:-

ACT No. 1 OF 1999

**AN ACT TO AMEND THE ANDHRA PRADESH
FARMERS' MANAGEMENT OF IRRIGATION
SYSTEMS ACT, 1997.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-ninth Year of Republic of India, as follows:-

1. (1) This Act may be called the **Short**
Andhra Pradesh Farmers' Management of **title**
Irrigation Systems (Amendment) Act, **and**
1999. **commence-**
ment.

Received the assent of the Governor on the 1-1-1999. For statement of object and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dt. 24-11-1998 at pages 6-7.

(2) It shall be deemed to have come into force with effect from 11th September, 1998.

~~Amendment of~~ section 3
Act 11 of 1997

2. In the Andhra Pradesh Farmers' Management of Irrigation Systems Act, 1997 (hereinafter referred to as the principal Act); in section 3, in sub-section (4), after the proviso to clause (i) the following shall be added, namely:-

Provided further that any person who is in lawful possession and enjoyment of the land under a water source, on proof of such possession and such enjoyment in a crop year, may claim membership notwithstanding whether he is a recorded land holder or not, in which case the Water Users Association shall not refuse the membership of such person for the purposes of this Act, and such person shall be liable to pay the water charges and the fees as may be prescribed as if he is a land holder under a water source.

~~Amendment of~~ section 4.

3. In section 4 of the principal Act, in sub-section (5), for the words "for a period of three years", the words "for a period of five years", shall be substituted.

~~Amendment of~~ section 5.

4. In section 5 of the principal Act, in sub-section (1), for the words "comprising of one or more water users associations", the words "comprising of two or more water users associations," shall be substituted.

5. In section 14 of the principal ~~Amendment~~ of Act, after sub-section (4), the following ~~section 14.~~ new sub-section shall be inserted, namely:-

"(4-A) A member of the Water Users Association shall cease to be a Member or a Chairman or a President or a Member of a Managing Committee shall become disqualified to continue, in office, if he ceases to be a landholder."

6. In section 23 of the principal ~~Amendment~~ of Act, after clause (f), the following ~~section 23.~~ clause shall be inserted, namely:-

"(g) violates the Warabandi or the water distribution and regulation Schedule made by the Water Users Association or the Distributory Committee or the Project Committee."

7. After section 41 of the principal ~~Amendment~~ of Act, the following new sections shall be ~~section 41.~~ inserted, namely:-

"Power to give direction, etc.	41-A (1) Notwithstanding anything contained in this Act it shall be competent for the Govern-
--------------------------------	---

ment or, as the case may be, the Commissioner either on its own accord or an application made issue such directions, as they may consider necessary, to any Farmers' Organisation for the proper working of the said Organisation and such Farmers' Organisation shall implement those directions for effective functioning of the said Organisation.

(2) If in the opinion of the Government or, as the case may be, the Commissioner, the President or the Members of the Managing Committee of a Farmers' Organisation,--

(i) wilfully omitted or refused to carry out the directions of the Government or the Commissioner for the proper working of the Organisation; or

(ii) abused his position or the power vested in him; or

(iii) is guilty of misconduct in the discharge of his duties; or

(iv) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the concerned organisation or has become incapable of such performance; or

(v) violated any of the provisions of the Act or the rules made thereunder; or

(vi) incurred any of the disqualifications under the provisions of Act, the Government or, as the case may be, the Commissioner may proceed either suo-motu or on a representation or application, and may remove such member or the President after giving him reasonable opportunity of making a representation against such action.

Revision by the
Government or
the Commissioner.

41-B. The Government or the Commissioner may either on its own accord or on an application made call for and examine the records of any Committee of a Farmers' Organisation or, as the case may be, the records of the Apex Committee in respect of any decision, order or other proceedings made under this Act to satisfy themselves or himself as to the correctness, legality or propriety of any such decision or order or as to the regularity of such proceedings and if in any case it appears to the Government or to the Commissioner that such decision, order or proceedings should be modified, annulled, reversed or remitted for reconsideration, they or he may pass orders accordingly:

Provided that the Government or the Commissioner shall not pass any order prejudicial to any party unless he has been given an opportunity of making a representation."

8. The Andhra Pradesh Farmers' Management of Irrigation Systems (Amendment) Ordinance, 1998 is hereby repealed. - Repeal of the Ordinance 7 of 1998

G. BEAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

In order to overcome certain practical difficulties in implementation of the provisions of the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997, Government have decided to amend the said Act suitably.

The salient features of the Bill are as follows:-

(1) Any person who is in lawful possession and enjoyment of the land can claim membership and shall pay the water charges and the fees as may be prescribed.

(2) The President and the members of the Managing Committee shall hold office for a period of 5 years from the date of the first meeting instead of 3 years.

(3) The Government is empowered to delineate every command area of the irrigation system comprising of two or more water users organisations and declare it to be a distributory area.

(4) A member of the water users association shall cease to be a Member or a Chairman or a President or a Member of the Managing Committee as the case may be and shall become disqualified to continue in office, if he ceases to be a land holder.

(5) If any person violates the Warabandi or the Water distribution and regulation schedule made by the water users association or the Distributory Committee or the Project Committee as in the case may be, it shall be an offence under the provisions of this Act.

(6) The Government or as the case may be commissioner is empowered to give directions to any farmers organisation for the proper working of the organisation and such farmers organisation shall implement those directions and if the member of the organisation violates any of the provisions of the Act, wilfully omits or refuses to carry out the directions, abuses his position, guilty of mis-conduct and

violates any of the provisions of the Act or the Rules, they are empowered to remove such members or the President, after giving reasonable opportunity.

(7) The Government or the Commissioner may exercise revisional powers and pass orders after giving an opportunity of making a representation.

As the Legislative Assembly of the State was not then in Session and as it has been decided to give effect to the above decision immediately, the Andhra Pradesh Farmers' Management of Irrigation Systems (Amendment) Ordinance, 1998 (A.P. Ordinance No. 7 of 1998) has been promulgated by the Governor on the 10th September, 1998.

The Bill seeks to replace the said Ordinance.

TUMMALA NAGESWARA RAO,
Minister for Major & Medium
Irrigation.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 23rd April, 2003 and the said assent is hereby first published on the 24th April, 2003 in the Andhra Pradesh Gazette for general information.

ACT No. 7 OF 2003.

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH FARMERS MANAGEMENT OF IRRIGATION SYSTEMS ACT, 1997.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fourth Year of the Republic of India as follows:-

Short title and Commencement 1.(1) This Act may be called the Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Act, 2003..

(2) It shall be deemed to have come into force with effect from 25th September, 2002.

Amendment of Section 2, Act 11 of 1997. 2. In the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 (hereinafter referred to as the principal Act), in section 2, in subsection (1),-

(1) after clause (b), the following clauses shall be inserted, namely:-

"(bb) 'Chief Engineer' means the Chief Engineer of Irrigation and Command Area Development Department, who is incharge of concerned Farmers Organisations;

(bbb) 'Commissioner' means an officer appointed by the Government as Commissioner under section 33;"

(2) for clause (d), the following clauses shall be substituted; namely:-

"(d) 'Competent authority (Agriculture)' means an officer of the Agriculture Department appointed as such under section 21;

(dd) 'Competent authority (Engineering)' means an officer of an Engineering Department appointed as such under section 21;"

(3) in clause (p), under the heading Explanation,--

(a) to item (1), the following shall be added, namely:-

"Such system may have three tiered farmers organisation, namely:-

(i) Water Users Association at primary level;

(ii) Distributory Committee at Secondary level; and

(iii) Project Committee at Project level.";

(b) to item (2), the following shall be added, namely:-

"Such system may have two tiered farmers organisation, namely:-

(i) Water Users Association at primary level; and

(ii) Project Committee at Project level.";

(c) to item (3), the following shall be added, namely:-

"Such system may have single tiered farmers organisation, namely:-

Water Users Association.";

(4) after clause (u), the following clause shall be inserted, namely:-

"(uu) 'Superintending Engineer' means the Superintending Engineer of Irrigation and Command Area Development Department incharge of concerned Farmers Organisations.";

Amendment of Section 3. 3. In Section 3 of the Principal Act, for sub-section (2), the following shall be substituted, namely:-

"(2) Every Water Users Area shall be divided into Territorial Constituencies which shall be six in Minor Irrigation systems and twelve in Major and Medium Irrigation Systems."

Substitution of Section 4. 4. For Section 4 of the principal Act, the following shall be substituted, namely:-

Election of President, Vice-President and Members of the Managing Committee of Water Users Association

(1) There shall be a Managing Committee for each Water Users Association comprising members of the Territorial Constituencies as specified in sub-section (2) of Section 3 elected directly by the Water Users as specified in clause (i) of sub-section (4) of section 3 of the Act from their respective Territorial Constituencies.

(2) The Managing Committee for Water Users Association shall be a continuous body, with one third of its members thereof retiring every two years as specified in sub-section (3).

(3) The term of office of the members of the Territorial Constituencies shall, if not recalled or removed or disqualified under the provisions of the Act, shall be six years from the date of first meeting of the Managing Committee appointed by the Commissioner:

Provided that at the first election, all the Territorial Constituency members

shall be elected at one time, out of which one third of the members thereof shall retire as soon as may be on the completion of two years, another one third members shall retire after completion of four years and the remaining one third shall retire after completion of six years in office and their terms of retirement shall be decided by drawal of lots.

(4) The term of office of all the Territorial Constituency members elected subsequent to the first election against the vacancies of retirement, as specified in sub-section (3) shall be of six years, if not recalled or removed or disqualified under the provisions of the Act.

(5) The District Collector shall cause arrangements for the election of a managing committee consisting of one member from each of the Territorial constituencies of a Water Users area by a simplified election procedure in the manner prescribed:

Provided that for the reasons to be recorded in writing the Government may, from time to time, postpone the elections.

(6) The District Collector shall also cause arrangements for the election of a President and a Vice-President of the managing committee from among the members of the managing committee of the water users association in the manner prescribed:

Provided that for the reasons to be recorded in writing, the Government may, from time to time, postpone the elections.

(7) If at an election held under sub-sections (5) and (6), the President or the Vice-President or the members of the Territorial Constituencies of water users association are not elected, fresh elections shall be held in the manner prescribed.

(8) The President and the Vice-president of the managing committee of water users association shall, if not recalled or removed or disqualified by the provisions of the Act, be in office for a period of two years from the date of election or his tenure as member of Territorial Constituency, whichever is earlier.

(9) The term of office of the President, the Vice-President and the members of managing committee of all the water users associations formed, subsequent to ordinary election, shall also expire at the time at which it would have expired, if he had been elected at the ordinary election, be reckoned from the date as appointed by the Commissioner, as specified in sub-section (3).

(10) The managing committee shall exercise the powers and perform the functions of the water users association."

Amendment of Section 5. 5. In section 5 of the principal Act, in sub-section (1), for the words "comprising of two or more", the words "comprising of five or more" shall be substituted.

Amendment of Section 6. 6. In section 6 of the principal Act,--

(1) for sub-section (1), the following shall be substituted, namely:--

(1) "There shall be a managing committee for every Distributory Committee consisting of all the members of the General Body";

(2) for sub-section (2), the following shall be substituted, namely:--

"(2) The District Collector shall cause arrangements for the election of the President and the Vice-President from among the members of the Managing committee of the Distributory Committee, in the manner prescribed:

Provided that for the reasons to be recorded in writing, the Government may postpone the elections from time to time.";

(3) In sub-section (3), for the words "the President and the members of the Managing Committee", the words "the President or the Vice-President" shall be substituted.

(4) for sub-section (4), the following shall be substituted namely:--

"(4) The term of office of the President, the Vice-President and the members of the Managing Committee of the Distributory Committee shall, if not recalled or removed or disqualified under the provisions of the Act earlier, be coterminus with the term of the general body specified in sub-section (3) of section 5,";

(5) In the marginal heading, after the word "President", the words "Vice-President" shall be inserted.

Amendment of Section 7. 7. In section 7 of the principal Act, for sub-section (3), the following shall be substituted, namely:--

"(3) In Major Irrigation Systems, all the Presidents of the Distributory Committees in the Project Area, so long as they hold such Office, shall constitute the general body of the Project Committee:

Provided that such Project Committee shall have a minimum strength of five members.

(4) In the Medium Irrigation Systems, all the Presidents of the Water Users Association in the project area, so long as they hold such office, shall constitute the general body of the project committee:

Provided that such project committee shall have a minimum strength of five members."

Amendment of Section 8. 8. In Section 8 of the principal Act,--

(1) for sub-section (1), the following shall be substituted, namely:--

(1) "There shall be a managing committee for every Project Committee consisting of all the members of the general body.";

(2) for sub-section (2), the following shall be substituted, namely:--

"(2) The District Collector shall cause arrangements, for the election of the Chairman and the Vice-Chairman from among the members of the Managing Committee of the Project Committee, in the manner prescribed:

Provided that for the reasons to be recorded in writing, the Government, may postpone the election from time to time." ;

(3) in sub-section (3), for the words "Chariman and the members of the Managing Committee", the words "Chairman and Vice-Chariman" shall be substituted;

(4) for sub-section (4), the following shall be substituted, namely:--

"(4) The term of the office of the Chairman, Vice-Chairman and the members of the Managing Committee of Project Committee shall if not recalled or removed or disqualified under the provisions of the Act earlier, be coterminus with the term of general body specified in sub-section (3) and sub-section (4) of section 7." ;

(5) in the marginal heading, after the word "Chariman", the words "Vice-Chairman" shall be inserted.

9. In section 10 of the principal Act,-- Amendment of
Section 10.

(1) in sub-section (1), for the words "a Chairman or President", the words "a Chairman or Vice-Chairman or President or Vice-President" shall be substituted, and for the words "as may be prescribed", the words "as may be prescribed to the competent authority (Engineering) of the respective Farmers Organisation," shall be substituted;

(2) in sub-section (2), for the words "the District Collector or the Government as the case may be" the words "the competent authority (Engineering)" shall be substituted.

Amendment of Section 11. 10. In Section 11 of the principal Act, for the words "may", the word "shall" shall be substituted.

Amendment of Section 13. 11. In Section 13 of the principal Act, for the words "the Government", the words, "the Government or the District Collector" shall be substituted:

Amendment of Section 14. 12. In section 14 of the principal Act,--

(1) for the words "a Chairman or President" wherever they occur, the words "a Chairman or Vice-Chairman or President or Vice-President" shall be substituted.

(2) after sub-section (1), the following shall be inserted, namely:--

"(1A) No Member of Legislative Assembly or Member of Parliament or office bearer of any body constituted under a law made by the Legislative Assembly of the State or of Parliament shall be qualified for being chosen as or for being a Chariman or Vice-Chairman or President or Vice-President or member of the Managing Committee.";

(3) in sub-section (4), --

(a) in item (b), in the proviso, the words "and he shall cease to hold the office forthwith" shall be omitted.

(b) after clause (b), the following shall be added, namely:--

"(c) A person shall be disqualified for being chosen as or for being a Chairman or Vice-Chairman or President or Vice-President or Member of Managing Committee, if he is disqualified by or under any law for the time being in force for the purpose of elections to the Legislative Assembly of the State:

Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of eighteen years.

(d) A person shall be disqualified for a period of six years from the date of removal for being chosen as a Chairman or Vice-Chairman or President or Vice-President or Member of the Managing Committee, if he is removed from any post in the farmers organization, by the Government or Commissioner or any designated officer as prescribed.";

(4) in sub-section (4 A), the words "shall become disqualified to continue in office" shall be omitted;

(5) after sub-section (5), the following shall be added, namely:--

"(6) Any member who is disqualified under this section shall also be disqualified to hold any office in all the tiers of farmers organization,".

13. For section 15, of the principal Act, the following shall be substituted, namely:--

Substitution
of Section 15.

"Filling
up of
Vacan-
cies.

15.(1) A vacancy arising in a farmers organization either due to disqualification under section 14 or death or resignation or by any reason shall be filled in the manner prescribed.

(2) The term of office of a Member or President or Vice-President or Chairman or Vice-Chairman of the farmers organization, so filled up under subsection (1), shall expire at the time at which it would have expired, if he had been elected at the ordinary election.

(3) The Commissioner may issue notification for filling up the casual vacancies in all the farmers organizations every six months, in the manner prescribed:

Provided that no casual vacancy arising within the last six months period of the tenure of the post in farmers organizations, shall be filled in by-elections."

Amendment of
Section 16.

14. In Section 16 of the principal Act, after the words "utilisation of water", the words "to encourage modernization of agriculture" shall be inserted.

Amendment of
Section 17.

15. In Section 17 of the principal Act,--

(a) after clause (r), the word "and" shall be omitted;

(b) after clause (s), the following shall be added, namely:--

"(t) to encourage modernization of agriculture in its area of operation; and

(u) to maintain the feeder channels of minor irrigation tanks by the respective water users association in the manner prescribed."

16. In section 18 of the principal Act:-- Amendment of Section 18.

(a) after clause (o), the word "and" shall be omitted.

(b) after clause (p), the following shall be added, namely:--

"(q) to encourage modernization of agriculture in its area of operation."

17. In section 19 of the principal Act,-- Amendment of Section 19.

(a) after clause (k), the word "and" shall be omitted;

(b) after clause (l), the following shall be added, namely:--

"(m) to encourage modernization of agriculture in its area of operation."

18. For section 21 of the principal Act, the following shall be substituted namely:-- Substitution of Section 21

<p><u>Appointment of Competent authorities and their functions.</u></p>	<p>21(1) The Government may by notification appoint such officer from the Irrigation and Command Area Development Department, or any other Department or Corporation including Irrigation Development Corporation, as they consider necessary, to be the competent authority (Engineering) with specific functions as prescribed to every farmers organization for the purpose of this Act.</p>
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(2) The Government may also, by notification appoint an officer from the agriculture department, to be the competent authority (Agriculture) with the specific functions as prescribed, to every farmers organization for the purpose of this Act.

(3) For strengthening of the farmers organizations the Government may also, by notification appoint an officer or officers from any department or departments, to be the additional competent authority or authorities for discharging specific functions, as may be prescribed."

Substitution of Section 26. 19. For section 26 of the principal Act, the following shall be substituted, namely:--

"Settle-
ment of
disputes.

26. Any dispute or difference touching the constitution, management, powers or functions of a farmers organization arising between members, between a member and the managing committee of a water users association or between two or more water users associations or between two or more distributory committees or between two or more project committees shall be determined and disposed of in the manner prescribed."

Substitution of Section 27. 20. For section 27 of the principal Act, the following shall be substituted, namely:--

"Appeals

27. Any party to a dispute or difference aggrieved by a decision made or order passed by the managing

committee of farmers organization or by a designated officer, as the case may be, may appeal to the authority and such appeals shall be disposed of, in the manner prescribed."

21. In section 28 of the principal Act,-- Amendment of Section 28.

(1) for sub-section (2), the following shall be substituted, namely:--

"(2) The books of accounts and other records shall be open for information to the members of the Farmers Organisation and also for inspection to any officer or officers authorised by the Government or the Commissioner, as may be prescribed,";

(2) after sub-section (2) so amended the following shall be added, namely:--

"(3) to encourage effective functioning of the farmers Organisations, the Government may prescribe incentives and disincentives for farmers Organisations, based on their performance."

22. For Section 32 of the principal Act, the following shall be substituted, namely:-- Substitution of Section 32.

Resignation. 32. A Member or President or Vice-President or Chairman or Vice-Chairman of the Managing Committee of a farmers organization may resign his office through a letter sent by registered post or tendered in person to the authority designated and it shall be processed and disposed of in the manner prescribed,".

Amendment of Section 34. 23. In section 34 of the Principal Act, after the words "Officer or Officers", the words "or the outgoing President or Chairman of the farmers organization whose performance is adjudged as good, as prescribed" shall be inserted.

Amendment of Section 39. 24. In section 39 of the Principal Act, for the words "managing committee", the words "financial sub-committee" shall be substituted.

Substitution of Section 41-A. 25. For section 41-A of the principal Act, the following shall be substituted, namely:--

<p>"Power to give directions.</p>	<p>41-A.(1) Notwithstanding anything contained in this Act, it shall be competent for the Government or as the case may be, the Commissioner or designated officers not below the rank of a Superintending Engineer, either on its own accord or on application made, issue such directions, as they may consider necessary, to any farmers organisation for the proper working of the said organisation and such farmers organisation shall implement those directions for effective functioning of the said organization.</p>
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(2) If in the opinion of the Government or, as the case may be, the Commissioner or the officers as designated in sub-section (1), the President or Vice-President or Chairman or Vice-Chairman or the members of the managing committee of a farmers organisation,

(i) Wilfully omitted or refused to carry out the directions of the Government or the Commissioner or the officers

as designated in sub-section (1) for the proper working of the organization; or

(ii) abused his position or the power vested in him; or

(iii) is guilty of misconduct in the discharge of his duties; or

(iv) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the concerned organization or has become incapable of such performance; or

(v) violated any of the provisions of the Act or the rules made there under; or

(a) defaulted in carrying out the financial audit in the manner prescribed; or

(b) defaulted in conducting general body meetings in the manner prescribed; or

(c) defaulted in formation of sub-committees in the manner prescribed; or

(vi) incurred any of the disqualifications under the provisions of the Act, the Government or, as the case may be, the Commissioner or the officers designated in sub-section (1) may proceed either suo-moto or on a representation or application, and may remove such President or Vice-President or Chairman or Vice-Chairman or the Member or members of the Managing Committee, after giving reasonable opportunity of making a representation against such action.

(3) Any amount fallen due to be recovered, consequent to any financial irregularity committed by the Chairman or Vice-Chairman or President or Vice-President or Member or Members of the Managing Committee during their tenure, shall be recovered as per the Andhra Pradesh Revenue Recovery Act, 1864 or any Act for the time being in force and be credited to the respective farmers organization or Government, as the case may be.

(4) All appeals on the orders issued under sub-section (2) shall lay before an appellate authority not below the rank of District Collector as may be prescribed within a period of thirty days from the date of serving the said orders to the concerned person or persons and the decision of the appellate authority thereon shall be final."

Amendment of
Section 42.

26. In section 42 of the principal Act,--

(a) sub-section (1) of Section 42 shall be renumbered as Section 42;:

(b) sub-section (2) shall be omitted.

Cessation of
the existing
committees.

27.(1) Notwithstanding anything contained in the principal Act, in any rule, order, decree or any judgment of any Court, Tribunal or other authority, the Chairman or President or Member of the Managing Committee of Water Users Association and the Chairman or President or Member of the Managing Committee of the Distributory Committee as the case may be constituted and

functioning before the commencement of the Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Act, 2003 shall cease to hold such office of Chairman or President or Member of the said committees forthwith.

(2) Upon such cessation of such Managing Committee of Water Users Associations and the Distributory Committees, it shall be competent for the Government, by notification, appoint an officer or officers to exercise the powers and perform the functions of the farmers organisation and the Managing Committees thereof till such time the farmers organisation is reconstituted in accordance with the provisions of the Principal Act as amended by this Act.

(3) As soon as the Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Act, 2003 comes into force, the District Collector shall cause arrangements for the election of Managing Committees of such farmers organizations in accordance with the provisions of the principal Act as amended by this Act.

(4) No suit or any other proceedings shall be maintained or continued in any Court, Tribunal or other authority against the Government or any person or other authority whatsoever for extending their term of office and all such pending proceedings shall abate forthwith.

(5) No Court shall enforce any decree or order directing to continue the persons as Chairman or President or

Members of the Managing Committee of Water Users Association or the Distributory Committee as the case may be.

Repeal of
Ordinance
10 of 2002.

28. The Andhra Pradesh Farmers Management of Irrigation Systems (Second Amendment) Ordinance 2002 is hereby repealed.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

GCP-11

STATEMENT OF OBJECTS AND REASONS

In pursuance of the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 (Act 11 of 1997), about 10,292 Water User's Associations were constituted and elections were held on 17-6-1997 to bring into office the democratically elected Managing Committees of these Water Users Associations. Further 172 Distributory Committees for the Major Projects in the State were also constituted and elections were held in November, 1997.

After the completion of the first tenure of 5 (five) years, the Government have reviewed the performance of these bodies and observed that while the Water User's Associations programme has been successful by and large in achieving the basic objective of involving the farmers in the Management of the Irrigation Systems, certain deficiencies in its working have been noticed. Therefore, the Government decided to effect certain changes in the set-up of these organisations before conducting elections during the year 2002. In this direction, it is proposed to carryout certain changes in the present set-up of the Water User's Associations with the objective of achieving a more broad based and transparent Farmers Organisations to make them more effective instrument of farmer's participation in integrated water management and improving the agricultural productivity.

To achieve the above objective, it has become necessary to amend varrious provisions of the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 (Act 11 of 1997) suitably.

The salient features of the Bill are as follows :-

- (i) The Managing Committees of each Water Users Association shall consist of territorial members of six in the case of Minor Irrigation System and of twelve in the cases of Major and Medium Irrigation System, whose term shall be six years and it shall be a continuous body with one third members retiring every two years and their term of retirement at the first election shall be decided by drawal of lots ;

- (ii) In order to meet the administrative exigencies, the post of Vice-President has been created in the Farmers Organizations ;
- (iii) The President and Vice-President of the Managing Committee shall be elected from among the members of the Managing Committee of the water users Associations and their term shall be two years from the date of election ;
- (iv) Every Command area of the Major Irrigation System shall have minimum strength of five Distributory Committees and also one Project Committee ;
- (v) The term of Office of the President, Vice-President and Members of the Managing Committee of the Distributory Committee shall be co-terminus with the term of the general body of the Committee ;
- (vi) In the Major and Medium Irrigation Systems, all the Presidents of the Distributory Committee and Water Users Association respectively in the Project area shall constitute the general body of the Project Committee and shall have a minimum strength of five members.
- (vii) The term of Office of the Chairman, Vice-Chairman and Members of the Managing Committees of the Project Committees shall co-terminus with the term of general body of the Project Committees ;
- (viii) The Members of the Legislative Assembly or Members of Parliament or office bearers of any body constituted under any law shall be disqualified for being chosen as Chairman or Vice-Chairman or President or Vice-President or the Member of the Managing Committees ;
- (ix) If any Chairman or Vice-Chairman, President or Vice-President or members of a Managing Committee is removed by the Government or Commissioner or by any designated officer he shall be disqualified for six years from the date of such removal for being chosen as such posts ;

- (x) To empower the Government to appoint a competent authority (Agriculture) besides the existing competent authority (Engineering) and also to appoint additional competent authorities for discharging specific functions ;
- (xi) The preparation of budget has been entrusted to Financial Sub-Committee instead of Managing Committee ;
- (xii) The Minor Water bodies in the Schedule are in the State are also brought within the purview of the Act ;
- (xiii) A specific provision has been made for the cessation of the term of the existing committees.

As the Legislative Assembly of the State was not then in session having been prorogued and as it has been decided to amend the said Act immediately, the Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Ordinance, 2002 (A.P. Ordinance 9 of 2002) was promulgated by the Governor on the 24th September, 2002.

This Bill seeks to replace the said Ordinance.

KADIYAM SRIHARI,
*Minister for Major and
Medium Irrigation.*

Registered No. HSE/49

[Price : Rs. 0-60 Paise.



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 60] HYDERABAD, THURSDAY, NOVEMBER 10, 2005

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 8th November, 2005 and the said assent is hereby first published on the 10th November, 2005 in the Andhra Pradesh Gazette for general information.

ACT No. 39 OF 2005

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH FARMERS' MANAGEMENT OF
IRRIGATION SYSTEMS ACT, 1997.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-sixth Year of the Republic of India as follows:-

[1]

A.265-1

Short title and commencement. 1. (1) This Act may be called the Andhra Pradesh Farmers' Management of Irrigation Systems (Amendment) Act, 2005.

(2) It shall be deemed to have come into force on and from the 21st June, 2005.

Amendment of section 4, Act No. 11 of 1997. 2. In the Andhra Pradesh Farmers' Management of Irrigation Systems Act, 1997 (hereinafter referred to as the principal Act), in section 4,-

(1) after sub-section (1), the following proviso shall be added namely:-

“Provided that two members nominated by the Gram Panchayat of whom one shall be a woman, shall be the members of the Managing Committees of Minor Irrigation Water Users' Associations, without voting rights, in the manner prescribed.”.

(2) in sub-section (2), for the expression “one third of its members” the expression “one third of its elected members” shall be substituted.

Amendment of section 6. 3. In section 6 of the principal Act, to sub-section (1), the following proviso shall be added, namely:-

“Provided that all Presidents of the Mandal Parishads within the distributory area nominated by the District Collector shall be the members of the Managing Committee of the Distributory Committee without voting rights, in the manner prescribed.”.

Amendment of section 8. 4. In section 8 of the principal Act, to sub-section (1), the following provisos shall be added, namely:-

“Provided that all Members of the Legislative Assembly, all Members of the Parliament and Chairpersons of Zilla Parishads within the Major Project area nominated

by the Government shall be the members of the Managing Committee of the Major Project Committee without voting rights, in the manner prescribed:

Provided further that all Members of the Legislative Assembly, all Members of the Parliament and Presidents of Mandal Parishads within the Medium Project area nominated by the District Collector shall be the members of the Managing Committee of the Medium Project Committee without voting rights, in the manner prescribed.”.

5. In section 17 of the principal Act, in clause (b), the following shall be added at the end, namely:-

“subject to such terms and conditions as may be prescribed;”.

**Amend-
ment of
section
17.**

6. In section 18 of the principal Act, in clause (b), the following shall be added at the end, namely:-

“subject to such terms and conditions as may be prescribed;”.

**Amend-
ment of
section
18.**

7. In section 19 of the principal Act, in clause (b), the following shall be added at the end, namely:-

“subject to such terms and conditions as may be prescribed;”.

**Amend-
ment of
section
19.**

8. The Andhra Pradesh Farmers’ Management of Irrigation Systems (Amendment) Ordinance, 2005 is hereby repealed.

**Repeal
of Ordi-
nance
14 of
2005.**

T. MADAN MOHAN REDDY,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

Registered No. HSE/49

[Price : Rs. 0-30 Paise.



ఆంధ్రప్రదేశ్ రాజపత్రిక
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 8] HYDERABAD, TUESDAY, APRIL 6, 2010.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS ETC.**

The following Act of the Andhra Pradesh Legislature, received the assent of the Governor on the 31st March, 2010 and the said assent is hereby first published on the 6th April, 2010 in the Andhra Pradesh Gazette for general information.

ACT No. 4 OF 2010.

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH FARMERS MANAGEMENT OF
IRRIGATIONS SYSTEMS ACT, 1997.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty first Year of the Republic of India as follows:-

1. (1) This Act, may be called the Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Act, 2010.

[1]

A. 683

Short
Title
and
Commencement.

(2) It shall be deemed to have come into force on the 30th January, 2010.

Extension of term of Management Committee of Farmers Organization.

2. Notwithstanding anything contained in the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 and all rules made thereunder, the term of office of a Member or President, or Vice-President or Chairman or Vice-Chairman of the Managing Committee of the Farmers Organizations, who completes their term prior to 31st January, 2011, shall continue till 31st January, 2011 or till the Elections are conducted, whichever is earlier, if he is not recalled or removed or disqualified under the provisions of the Act.

Repeal of Ordinance 1 of 2010.

3. The Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Ordinance is hereby repealed.

R. RAMA CHANDRA REDDY,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.