



**The Andhra Pradesh Farmers' Management of Irrigation Systems
(Amendment) Act, 1999**

Act 1 of 1999

Keyword(s):
Water Users Association

Amendment appended: 7 of 2003

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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-
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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 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.*