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Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Act, 2017

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ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
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No. 4 AMARAVATI, TUESDAY, JANUARY 2, 2018.

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

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 29th December, 2017 and the said assent is hereby first published on the 2nd January, 2018 in the Andhra Pradesh Gazette for general information :

ACT No. 4 of 2018

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

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-eighth 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, 2017.

Short title and
Commencement.

(2) It shall be deemed to have come into force with effect on and from the 15th June, 2017.

2. In the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 (hereinafter referred to as the Principal Act), in section 2, in clauses (bb) and (uu), for the words "Irrigation and Command Area Development" the words "Water Resources" shall be substituted.

Amendment of
section 2
Act 11 of 1997.

3. In section 3 of the principal Act, in sub-section (2), for the words "six in Minor Irrigation systems and twelve in Major and Medium Irrigation Systems." the words "a minimum of six and a maximum of twelve depending on the extent of Command area and administrative feasibility." shall be substituted.

Amendment of
section 3.

Amendment of section 4.

1. In section 4 of the principal Act, -

- (i) in sub-section (1), for the words "elected directly" the word "selected" shall be substituted.
- (ii) sub-section (2), shall be omitted.
- (iii) in sub-section (3), for the word "six", the word "five", shall be substituted and the proviso shall be omitted.
- (iv) for sub-section (4), the following shall be substituted, namely,-

"(4) If any vacancy arises in a territorial constituency for any valid reason such vacancy shall be filled up as per sub-section (1) and the member shall hold office only so long as the member in whose place he is selected would have been entitled to hold office if the vacancy had not occurred."

- (v) for sub-section (5) and the proviso, the following shall be substituted, namely,-

"(5) The District Collector shall cause arrangements, for the selection of a managing committee consisting of one member from each of the territorial constituencies of water users area by a simplified procedure of selecting the representative by consensus and where there is no consensus, it shall be by simplified procedure like show of hands or distribution slips in the manner prescribed :

Provided that where the selection of the member could not succeed in any of the constituency, the Water User Association member of that constituency identified by the District Collector or any of the officer notified by the District Collector shall exercise the powers and perform the functions of the managing committee member of that territorial constituency."

- (vi) in sub-section (6), for the proviso, the following shall be substituted, namely,-

"Provided that where the election of the President or Vice President could not succeed, the Government may by notification, appoint any of the Managing Committee Member of the Water Users Association or any of the officer, to exercise the powers and perform the functions of the President or Vice President, as the case may be."

- (vii) In sub-section (8), for the word "two", the word "five" shall be substituted.
- (viii) in sub-section (9), for the words "to ordinary election", the word "processes" shall be substituted.

Amendment of section 6.

5. In section 6 of the principal Act, -

- (i) in sub-section (2), for the proviso, the following shall be substituted, namely,-

"Provided that where the election of the President or Vice President could not succeed, the Government may, by notification, appoint any of the managing committee member of the distributory committee or any of the officer, to exercise the powers and perform the functions of the President or Vice President, as the case may be."

- (ii) sub-section (3), shall be omitted.

6. In section 8 of the Principal Act,-
- Amendment of section 8.
- (i) in sub-section (2), for the proviso, the following shall be substituted, namely,-
- “Provided that where the election of the Chairman or Vice Chairman could not succeed, the Government may, by notification, appoint any of the managing committee member of the project committee or any of the officer, to exercise the powers and perform the functions of the Chairman or Vice Chairman, as the case may be.”.
- (ii) sub-section (3), shall be omitted.
7. In section 12 of the principal Act, after the words “the capacity of entering into contracts”, the words “with prior approval of Commissioner, Command Area Development Authority” shall be inserted and in the proviso for the words “vested in it.”, the words “entrusted to it by the Government for the Operation and maintenance.” shall be substituted.
- Amendment of section 12.
8. In section 14 of the principal Act,-
- Amendment of section 14.
- (i) in sub-section (1), for the explanation, the following shall be substituted, namely,-
- “Explanation :** For the purpose of this section the expression ‘village servant’ means 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) in sub-section (3), the words “a Chairman or Vice-Chairman or President or Vice- President or” shall be omitted and after the words “a member of” the words, “any of” shall be inserted and for the words “scrutiny of nominations for election, or on the date of nomination he” the word, “formation” shall be substituted.
- (iii) in sub-section (5), for the word “election” the word “selection” shall be substituted.
9. In section 15 of the principal Act,-
- Amendment of section 15.
- (i) in sub-section (2), for the words “expire at the time at which it would have expired, if he had been elected at the ordinary election” the words, “be co-terminous with the meeting of General Body” shall be substituted.
- (ii) in sub-section (3), in the proviso, for the words “in by elections.”, the word, “up.” shall be substituted.
10. In section 17 of the principal Act, in clause (n), for the words “conduct of elections to”, the words “formation of” shall be substituted.
- Amendment of section 17.
11. In section 18 of the principal Act, in clause (o), for the words “conduct of elections to”, the words, “formation of” shall be substituted.
- Amendment of section 18.
12. In section 21 of the principal Act, in sub-section (1), for the words “Irrigation and Command Area Development”, the words “Water Resources” shall be substituted.
- Amendment of section 21.

- Amendment of section 22. **13.** In section 22 of the principal Act,-
- (i) clause (iii), shall be omitted.
 - (ii) in clause (vi), after the words "other source.", the words "as permitted by the Government." shall be inserted.
- Amendment of section 24. **14.** In section 24 of the principal Act, at the end of section, the following shall be added, namely,-
- "and such prosecution shall not be initiated except on a complaint made by an officer not below the rank of Executive Engineer having jurisdiction over the area."
- Amendment of section 25. **15.** In section 25 of the principal Act, in sub-section (1) for the words "Farmers Organisation", the words "designated officer not below the rank of Deputy Executive Engineer" shall be substituted and for the words "one thousand", the words "ten thousand" shall be substituted.
- Amendment of section 28. **16.** In section 28 of the principal Act, in sub-section (1), in clause (b), for the word "Irrigation", the words "Water Resources" shall be substituted and clause (g) shall be omitted.
- Omission of section 38. **17.** Section 38 of the principal Act, shall be omitted.
- Repeal of Ordinance 1 of 2017. **18.** The Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Ordinance, 2017 is hereby repealed.

DUPPALA VENKATARAMANA,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.