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Andhra Pradesh Farmers' Management of Irrigation Systems Act, 1997

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ANDHRA PRADESH FARMERS' MANAGEMENT OF IRRIGATION SYSTEMS ACT, 1997

Statement of Objects and Reasons

Water is a scarce resource which requires to be harnessed and utilised in the most efficient manner. The widespread deterioration of Irrigation Infrastructure with little or no participation from farmers has aggravated the low utilisation of Irrigation commands. Area in Irrigation is shrinking in most of the major and medium command which has to be arrested by improving the conductor system and the drainage network through farmers' organisations. It is therefore desirable and essential that management of irrigation system is restructured to make water management more efficient with farmers' participation.

Irrigation management is a social activity and has to be looked in the context of social inequality, conflicts, hierarchy, cultural and social Influence, local leadership, pattern of participation of local agencies and group dynamics in the rural areas. They have their own role to play and many a time they work at cross purposes. It is necessary to integrate the various forces working in rural areas and harness them for optimum utilisation of water is a vital National resource.

Experience in India and elsewhere has shown that involving the users in the whole process of management and operation results in optimum utilisation of any resource.

Farmers' Organisations would usher in improved water use efficiency and reduction, if not elimination, of wastage of this precious resource, greater crop discipline, elimination of concealment of unauthorised irrigation, equitable distribution of water, better collection of water rates, superior maintenance and operation of the irrigation system and higher accountability of the Government Department to the needs and aspirations of the farmers.

Government proposes to take the initiative by this legislation to promote farmers' participation in the management of irrigation systems.

Received the assent of the Governor on the 7th April, 1 997 published on the 9th April. 1997 in the Andhra Pradesh Gazette Part 1V-B (Ext).

Act No. 11 of 1997

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

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 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 1 PRELIMINARY

1. Short title, extent and commencement:-

- (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. Definitions:-

- (1) In this Act, unless the context otherwise requires—
 - (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 Gram Panchayat, Mandal Parishad, Zilla Parishad, Municipality, Municipal Corporation of 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 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 Ordinance, 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 channels 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 his 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 filed 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 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:— (1) '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 10000 hectares.

(3) 'Minor Irrigation - system' means irrigation system under minor irrigation project having irrigable command area upto 2000 hectares.

- (q) Record of Rights in Land Act 26th of 1971:- '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 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 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, 1984 (Act 15 of 1984).

CHAPTER II

FARMERS' ORGANISATION

3. Delineation of water users' area and constitution of association:—

(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:

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;
("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 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.)
- (ii) all other water users coopted in a water users' area;
- (iii) members specified in clause (1) 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 (1) shall alone have the right to vote.

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

- (1) There shall be a Managing Committee for every 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-section(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 five 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.

5. Delineation of Distributory area and constitution of the Distributory Committee:—

- (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 two 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 offices, shall constitute the general body of the committee.

6. Election of President and Constitution of Managing Committee:—

- (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 & 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. Delineation of Project area and constitution of Project Committee:—

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

(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 offices, shall constitute the general body for the project committee.

8. Election of Chairman and constitution of the Managing Committee:—

(1) There shall be a managing committee for every project 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 subsection (3) of Section 7.

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

9. Apex Committee:—

(1) The Government 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) lay down 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.

10. Procedure for recall:—

(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. Constitution of sub-committees in farmers' organisation:—

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.

12. Farmers' Organisation to be a Body Corporate:—

Every farmers' organisation shall be 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;

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

13. Changes in Farmers Organisation:—

The Government may, in the interest of farmers' organisation, in the command area by notification and in accordance with the Rules made in this behalf;

- (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.

14. Disqualifications of candidates or Members:—

(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, neeredi, 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.

(3) 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,

- (c) defaulter of land revenue or water tax or charges payable either to the Government or to the farmers' organisation;
- (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.
- (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 land holder.
- (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. Filling up of vacancies:—

- (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—
 - (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;
 - (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

16. Objects:—

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.

17. Functions of Water users Association: —

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 the irrigation system in the area of its operation at the end of each crop season and carry out the maintenance works of both the distributory system and minor and filed drains in its area of operation with the funds of the associations 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.

18. Functions of Distributory Committee:— 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 case 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.
- (p) to encourage avenue plantations in its area of operation.

19. Functions of Project Committee:—

The project committee shall perform the following functions; namely:—

- (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. Power to levy and collect fee:—

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.

21. Appointment of competent authority and his functions:—

- (1) The Government may by notification appoint such officer from the Irrigation & 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 purposes of this Act.
- (2) The competent authority appointed under sub-section (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. Resources of Farmers' organisation:—

The funds of the farmers' organisation shall comprise of the following, namely:—

- (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,
- (vi) amounts received from any other source.

CHAPTER V OFFENCES AND PENALTIES

23. Offences and penalties:—

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
- (f) opens, shuts, or obstructs or attempts to open, shut or obstruct any sluice or outlet or any other similar contrivance in any irrigation system,
- (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 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. Punishment under other laws not barred:—

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.

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

25. Composition of offences:—

(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.

(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. Settlement of disputes:—

(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,

(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 committee 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.

27. Appeals:—

(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 V MISCELLANEOUS

28. Records:—

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

- (a) an upto 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.

29. Audit:—

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

30. Recovery of dues:—

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

31. Meetings:—

The meetings of the farmers' organisations 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.

32. Resignation:—

- (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. Appointment of a commissioner:—

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

34. Transitional arrangements:—

The Government may by notification appoint an officer or offices 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.

35. Authentication of orders and documents of the Farmers' Organisation:—

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.

36. Acts not to be invalidated by informality or vacancy etc.:—

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.

37. Deposit and administration of the funds:—

(1) The farmers' organisation shall keep their funds in a Nationalised Bank or a Co-operative Bank namely a Primary Agricultural Co-operative 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.

38. Sinking Fund:—

(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 maybe 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. Budget:—

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.

40. Protection of acts done in good faith:—

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.

41. Power to remove difficulties:—

(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, may by order published in

the Andhra Pradesh Gazette, do anything which appears to them necessary for removing the difficulty.

(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.

41-A. Power to give direction, etc.:—

(1) Notwithstanding anything contained in this Act, it shall be competent for the Government or, as the case may be, the Commissioner 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 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 ;
- (ii) or 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 the 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.

41-B. Revision by the Government or the Commissioner: —

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,

42. Savings:—

(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.

43. Power to make Rules:—

(1) The State Government may, by notification in the Official Gazette, make Rules to carryout 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.

THE ANDHRA PRADESH FARMERS MANAGEMENT OF IRRIGATION SYSTEMS RULES, 1997

(G.O.Ms.No.45, Irrigation & Command Area Development (CAD-IV) dated 30-4-1997)

In exercise of the powers conferred by Section 43 read with Sections 3,4, 5, 6, 7, 8, 9, 10, 13, 17, 18, 19, 20, 28, 29 and 31 of the Andhra Pradesh Farmers' Management of Irrigation Systems Act, 1997 (Act 11 of 1997), the Governor of Andhra Pradesh hereby makes the following rules:

1. Short Title:—These rules may be called the Andhra Pradesh Farmers' Management of Irrigation Systems Rules, 1997.

2. Definition:— In these rules, unless the context otherwise requires: -

- (1) "Act" means the Andhra Pradesh Farmers' Management of Irrigation Systems Act, 1997.
- (2) "Authorised Officer" means an officer authorised by the District Collector not below the rank of a Deputy Tahsildar.
- (3) "Form" means a form appended to these rules.
- (4) "Farmers Organisation" means water users' association at the primary level, distributory committee at the secondary level and project committee at the project level.
- (5) "Notice" means Notice appended to these rules.

3. Delineation of Command Area of an Irrigation System:—

(1) The District Collector shall delineate or cause to be delineated by the authorised officer, the command area of each irrigation system within the district into areas of operation for the purpose of forming Water Users Associations, distributory committees and project committees in each of the said areas, and publish In notification -1, appended to these rules. The farmers organisation as so formed shall have distinct names.

Explanation:— For the purpose of this rule, it is hereby clarified that every water users' association shall have the name of a village as its distinct name in which the major extent of the ayacut is situate. If there is more than one association in such village, then such association shall be called by adding numerals to the distinct name.

- (i) for each of the Irrigation system he shall cause preparation of maps or sketches, indicating the distribution system like majors, minors and outlets alongwith the related structures in the command area. In the map or sketch the village boundaries, the drains, ayacut roads and all structures shall be marked.
- (ii) the areas Irrigated or planned to be irrigated under each of the distributory, minor, survey number-wise shall be prepared.
- (iii) the command area for each water user area shall be delineated on hydraulic basis, each to be served by a distinct segment of the irrigation system and with a control structure or a mechanism at Its head for supply of allocated or designed quantity of water for that command area.
- (iv) such delineated area may have one or more distributories or minors or subminors or direct pipes or outlets or a combination of two or more

thereof, serving its command. It shall also have a distinctly demarcated boundary which could be a drain, or a bund or an uncommandable land.

- (v) In case of minor irrigation system including tanks, diversion channels, lift irrigation schemes, wells, and such other smaller irrigation systems each shall form into one water user area.
- (vi) in case of major and medium irrigation system such delineated water user areas shall be more than one.
- (vi) to ensure administrative viability, the area of operation of each of the water users' area shall be within the limits of a village or contiguous villages situated within a Mandal, as far as possible.

[Provided that the District Collector may either suo motu or on an application made to him for the reasons to be recorded in writing revise or rectify, the delineation published in the notification I appended to these rules.]

(2) The District Collector shall divide each of the water users' area in a Major or Medium Irrigation Project as far as possible equally into such even number of territorial constituencies as specified below: and display the same.

upto 1000 hectares	4 territorial constituencies
from 1001 to 1500 ha.	6 territorial constituencies
from 1501 to 2000 ha.	8 territorial constituencies
more than 2000 ha.	10 territorial constituencies

In respect of minor irrigation projects the water users' area as far as possible be equally divided into such even number of territorial constituencies as specified below; and display the same.

upto 200 ha (500 Ac.)	4 constituencies
from 201 ha to 400 ha (1000 Ac)	6 constituencies
from 401 ha to 600 ha (1500 Ac)	8 constituencies
from 601 ha to 2000 ha (5000 Ac)	10 constituencies

Note:—The ayacut under a direct pipe or pipe outlet shall not be bifurcated while dividing territorial constituencies.

(3) The draft command area map or sketch of the Water Users' area demarcating the boundaries of territorial constituencies in the area of operation shall be prepared. The particulars containing the survey numbers of the lands situated in each of such territorial constituency in form "A" shall be displayed together with such map or sketch on the notice board of the Gram Panchayat and the Mandal Parishad under sub-rule (2), for information of the land holders.

the date of display.]

(4) Objections or suggestions against the delineation of Water Users' area or the division of territorial Constituencies, if any, shall be filed, by the land holders in the area of operation, before the District Collector or an officer nominated by him in this behalf, [within a period of seven days excluding the date of display].

(5) Within two days of the receipt of the objections or suggestions, the District Collector or the officer nominated in this behalf, shall after conducting a summary enquiry make such charges or modifications wherever considered necessary in the maps or sketches duly recording reasons thereof, whose decision thereon shall be final.

(6) A final map or sketch In pursuance of sub-rule (5) shall immediately be displayed in the office of the Gram Panchayat and Mandal Parishad in Form "AA" by the District Collector or by the Authorised Officer.

(7) Wherever the area of operation of a farmers' organisation falls in more than one district, the Commissioner may nominate an officer to exercise the powers and perform the functions of a Collector in such area.

[3-A. An appeal from the order of the Collector:— An appeal from the order of the District Collector made under sub-rule (1) of Rule 3 shall lie to the Commissioner. Command Area Development within seven days from the date of the order of the District Collector.

3-B. Power of revision and review by the Government:— (1) The Government may either *suo motu* or on an application from any person interested, call for and examine the records of the District Collect or in respect of any proceeding to satisfy themselves as to regularity of such proceeding or the correctness, legality or propriety of any decision or orders passed therein, and if in any case, it appears to the Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any person unless such person has had an opportunity of making a representation.

(2) The Government may stay the execution of any such decision or order pending exercise of their powers under sub-rule (1) in respect thereof.

(3) The Government may either *suo motu* at any time or on an application received from any person Interested within (90) ninety days of the passing of an order under sub-rule (1) or any order passed by the Government in respect of Distributory Committee or Project Committee, review any such order, if it was passed by them under any mistake whether of fact or of law, or in ignorance of any material fact.

The provisions contained in the proviso to sub-rule (1) and in sub-rule (2) shall apply in respect of any proceeding under this sub-rule as they apply to a proceeding under sub-rule (1).

4. Preparation of Landholders list, Voters List and other Water Users List:—

(1) The District Collector shall prepare or cause to be prepared by the authorised officer, the list of landholders on the basis of record of rights, in Form "B". On the basis of the list as so prepared, he shall prepare or cause to be prepared territorial constituency-wise voters list in Form "D", consisting of those landholders who have completed eighteen years of age as on the date of issue of notification for conducting elections In a Water Users' area for electing the president and the members of the managing committee of the Water Users' Association.

(2) The District Collector shall also prepare or cause to be prepared a list of all other Water Users In Form "C" which shall include the landholders or the tenants on the basis of record of rights in a non-notified area to be co-opted as members.

(3) The lists prepared under sub-rule (1) shall be displayed on the noticeboard of the office of the concerned Gram Panchayat and the Mandal Parishad.

(4) Before finalising the lists mentioned in sub-rules (1), (2) and (3) above the District Collector shall invite objections against inclusion of any names or names in Form "G", for incorporation of any name or names in Form "F", and for deletion of any name 'or names in Form "H" within a week of display under sub-rule (3). After receiving the objections if any, the District Collector or the Authorised Officer shall consider all such objections within a week, and finalise such lists, by appending the names to be deleted or incorporated, at the end of the each list and a final notice

thereof shall be published in Form T in respect of voters list and be made available for verification.

(5) Each land holder in the Water Users' area shall have one vote only irrespective of his land holdings in the said area.

(6) (a) In case, a land holder has land in more than one Territorial Constituency of a water user area the land holder shall opt for one constituency by giving a declaration as specified in Form 'E' to the Authorised Officer.

(b) In case no such option is exercised by the land holder the Authorised Officer shall allot his vote to the constituency in which the landholder holds the maximum extent of land; where such land held is the same In two constituencies any of the constituency may be allotted.

[(7) The lists prepared under sub-rule (1) shall be, revised six months before, the commencement of the elections in the manner prescribed.]

[4-A. Appeal for correction of voter lists:—

(1) Where the authorised officer is the Mandal Revenue Officer and has prepared territorial constituency-wise voters lists, as specified under sub-rule (1) of Rule 4, and if any discrepancy has been noticed by any person, such person may prefer an appeal to the Revenue Divisional Officer or as the case may be to the Sub-Collector of the area concerned.

(2) A second appeal shall lie against the order of the Revenue Divisional Officer or the Sub-Collector to the District Collector concerned.]

4-B. Power of revision and review by the Commissioner:— (1) The Commissioner, Command Area Development may either *suo motu* or on an application from any person interested, call for and examine the records of the Revenue Divisional Officer or Sub-Collector, as the case may be, in respect of any proceeding relating to correction of lists to satisfy themselves as to regularity of such proceeding or the correctness, legality or propriety of any decision or orders passed therein, and if in any case, it appears to the Commissioner, Command Area Development that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that the Commissioner shall not pass any order prejudicial to any person unless such person has had an opportunity of making a representation.

(2) The Commissioner, Command Area Development may stay the execution of any such decision or order pending exercise of his powers under sub- rule (1) in respect thereof.

(3) The Commissioner, Command Area Development may *suo motu* at any time or on an application received from any person interested within ninety days of the passing of an order under sub-rule (1) review any such order, if it was passed by him under any mistake whether of fact or of law, or in ignorance of any material fact. The provisions contained in the proviso to sub-rule (1) and in sub-rule (2) shall apply in respect of any proceeding under this sub-rule as they apply to a proceeding under sub-rule (1).

5. Delineation of distributory areas:—

(1) The Government keeping in view the operational viability and in consultation with the District Collector, for the purpose, of constituting the distributory committees, delineate the command area in Notification - III appended to these rules, under a major project into such number of distributory areas as they consider proper.

- (2) A distributory area may contain two or more contiguous Water User Areas.
- (3) In delineating a distributory area, no Water User area shall be divided or bifurcated into parts.

6. Delineation of project areas:—

- (1) The Government keeping in view the operational viability, and in consultation with the District Collector, delineate, the command area in Notification IV appended to these rules under a major or medium Irrigation project into one or more project areas for the purpose of constituting a project committee or committees.
- (2) The entire command area under a medium irrigation project, shall be treated as a single unit and notified by the Government as a Project area.

7. Procedure for conducting elections:—

- (1) The election to the Office of the Chairman or the President and the Members of a Farmers' Organisation shall be conducted in accordance with the procedure specified in the Election Manual appended to these rules.
- (2) No member shall hold more than one elective office in a Water Users Association. If a person is elected as President of Water Users Association and also as a Member of the Managing Committee, he shall resign one of such Offices within 15 (fifteen) days of the declaration of the results, by a letter addressed to the concerned competent Authority. If he fails to do so, he shall cease to be a Member of the Managing Committee of the Water Users Association. The competent authority when shall immediately inform the fact of resignation or cessation of such officer to the District Election Authority and the President Distributory Committee where such committee exists. The President of the Distributory Committee then shall fill up the vacancy as a casual vacancy as prescribed. The District Election Authority, shall also take steps to conduct Election to fill up the casual vacancy as provided in the Rules].

8. Recall:—

- (1) The competent authority to receive the recall notice in respect of a Chairman or a President or a Member of the Managing Committee by any farmers' organisation shall be the District Collector or an officer nominated by him.
- (2) The recall notice in Form "J" shall signed by one third of the voters in respect of the president or a member of the managing committee of a Water Users' Association; and one third of members of the general body in respect of the president or the chairman or a member of a managing committee of a distributory committee or the project committee.
- (3) On receipt of such notice the officer shall cause due verification of the notice in Form "K".
- (4) The officer nominated by the District Collector shall call for a meeting of the voters or the members of the general body, as the case may be, of the respective Farmers' Organisation within 7 days after verification of the notice.
- (5) In case 51 percent of the voters present have voted in favour of the motion for recall, the motion shall be deemed to have been passed.
- (6) The officer thereafter shall issue the proceedings of recall to the concerned Chairman, President or the member of the respective farmers' organisation immediately stating that the recall became effective from the date of passing of the resolution; and accordingly, he shall cease to hold such office.

9. Casual Vacancies:— A vacancy arising in any of the Farmers' Organisation either due to disqualification or due to death or resignation, recall, [removal or ceasing to be the owner of the lands while in office or by any reason, such vacancy shall be filled in the following manner]:

- (a) (i) If a vacancy in the office of the President of the Water Users' Association arises, the President of the Distributory Committee in which the Water Users' Association is situate, shall nominate one of the existing Managing Committee Members of the Distributory Committee as President of the Water Users' Association.
- (ii) If a vacancy of a member of Managing Committee of Water Users' Association arises, the President of the Distributory Committee shall nominate, any one of the landholders from that particular constituency in which vacancy has arisen, as a Member of Managing Committee.
- (b) (i) If a vacancy in the office of a President of a Distributory Committee arises, the Chairman an of the Project Committee in which the Distributory area is situate, shall nominate one of the Members of the Managing Committee of the Project Committee as the President of the Distributory Committee.
- (ii) If a vacancy of a Member of Managing Committee of a Distributory Committee arises the Chairman of the Project Committee shall nominate one of the members of general body of the Distributory Committee as a member.
- (c) (i) If a vacancy in the office of the Chairman, of the Project Committee arises, the Apex Committee or the Government shall nominate one of the members of the Managing Committee of the Project Committee as the Chairman.
- (ii) If a vacancy of a member of the Managing Committee of a Project Committee arises, the Apex Committee or the Government shall nominate one of the general body members of the Project Committee as a Member.
Provided that the Chairman, the President, or the member nominated shall continue as such till a new Chairman, President, or as the case may be, the member elected in accordance with the provisions of the Act.
- (d) (i) If any vacancy In the office of the President of the Water Users' Association of Minor Irrigation arises, the members of the Managing Committee shall choose one of the Managing Committee members to officiate as President during the absence of the elected President.
- (ii) If a vacancy in the office of a President of Water Users' Association of Major Irrigation arises, the President of the Distributory Committee may nominate one of the existing Managing Committee members of the Water Users' Association to officiate as the President during the absence of the elected President
- (iii) If a vacancy in the office of a President of Water Users' Association of Medium Irrigation arises, the Chairman of Project Committee shall nominate one of the existing Managing Committee members of the Water Users' Association to officiate as President.