

Andhra Pradesh Fanners Management of Irrigation Systems (Recall) Rules, 2005

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Andhra Pradesh Fanners Management of Irrigation Systems (Recall) Rules, 2005

In exercise of the powers conferred by Section 43 read with Sections 3, 5, 6, 7, 8, 10, 17, 18, 19, 21, 30 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 shall be called the Andhra Pradesh Fanners Management of Irrigation Systems (Recall) Rules, 2005.

2. Definitions :-

In these rules, unless the context other wise requires,

(1) "Act" means the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 ;

(2) "Form" means a form appended to these rules;

(3) "Farmers Organization" means Water Users Association at the primary level, Distributory Committee at the secondary level and Project Committee at the Project level;

3. Notice of recall :-

The recall notice shall be submitted in Form-I to the concerned Competent Authority (Engineering), signed by not less than;

(a) One third of the voters of Water Users' Association in respect of

a Member of Managing Committee, President and Vice-President of a Water Users Association;

(b) One third members of the General Body in respect of a President or Vice-President of a Distributory Committee;

(c) One third members of the General Body in respect of a Chairman or Vice-Chairman of a Project Committee.

4. Authority to receive notice :-

The recall notice duly signed as per Rule 3 shall be handed over either in person or through registered post with acknowledgment due to the concerned Competent authority.

5. Verification :-

(1) The notice of recall shall be registered in the register maintained for the purpose on the same day by the Competent Authority.

(2) On receipt of such notice the Competent authority (Engineering) shall cause due verification of the authenticity of the notice in Form-II with in a priod of 7 days from the date of receipt of the recall notice.

6. Extraordinary General Body meeting :-

(1) After satisfying the authenticity of such notice the Competent Authority (Engineering) shall, (i) convene an Extraordinary General Body meeting of the concerned Farmers Organisation for the purpose within 14 days from the date of receipt of recall notice;

(I) Member of Managing Committee : President and Vice-President of Water User's Association

(ii) President and Vice-President of : Distributory Committee with

(iii) Chairman and Vice Chairman : of Project Committee

Explanation : I. In case of Distributory Committee and Project Committee, total members of General Body with voting rights means all the members including any vacancy existing in the General Body of Distributory Committee or Project Committee at the time of meeting.

II. In the determination of one-half or three-fourths of the total strength, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.

(1) (a) The Extraordinary General Body meeting convened under sub-rule (1) above shall be prescribed over the Competent Authority (Engineering) or the Farmers Organisation concerned.

(b) The Extraordinary General Body meeting for recall shall commence at the appointed time and place and the motion of recall shall be moved in the meeting by the person who has submitted the recall notice or any of the members who have affixed their signatures in the recall notice.

(c) The Competent Authority shall provide an opportunity to the candidate against whom the recall motion is initiated to defend himself.

(ii) arrange for wide publicity in all the Villages concerned through notices and tom-tom clearly specifying time, date, venue and purpose of extraordinary General body meeting.

(2) The Quorum for the extraordinary General Body meeting for recall shall be as follows : One half of the total members of General body of Water Users' Association with voting rights. Three fourths of the total members of General Body of Distributory Committee voting rights, and Three fourths of the total members of . General Body of Project Committee with voting rights.

(d) The Competent Authority shall put the motion to voting through simple chits ensuring secrecy.

(e) If the motion is carried out with the support of the majority of the members present, the Competent Authority (Engineering) shall by order remove him from the office forthwith in Form-III and the resulting vacancy shall be filled in the same manner as casual vacancy.

(f) If the recall motion is not passed in the General Body with the required majority it becomes infructuous and the candidate shall continue to hold post(s). No recall motion shall be initiated again against the same person within a period of one year.

7. Eligibility to hold other posts in Farmers Organisation :-

(a) If a person is recalled from the membership of a Territorial Constituency, he loses all the posts, if any held by him, in higher tiers of the Farmers Organisations viz., Water Users' Association level, Distributory Committee level and Project Committee level.

(b) If a person loses the post of President/ Vice-President in Water Users Association by way of recall, he loses all the posts, if any, held by him at Distributory Committee level and Project level. However he continues to be Territorial Constituency member in the Managing Committee of Water Users' Association.

(c) If a person loses the post of President/ Vice-President in Distributory Committee by way of recall, he loses all the posts, if any, held by him at Project Committee level, but continues to be the member of Managing Committee of the Distributory Committee.

(d) If a person loses the post of Chairman/ Vice-Chairman in Project Committee, by way of recall, he continues to be the member of Managing Committee of Project Committee.

8. Legal Action for Misappropriation :-

The person recalled shall hand over all records. Bank accounts etc., to the person authorized in the office order in a complete shape within one week, the Competent Authority shall initiate legal action against the person recalled, if there is any misappropriation of power or misuse of funds during his incumbency in the Organization or for not handing over the records.