

## **Andhra Pradesh Farmers Management Of Irrigation Systems (Amendment) Act, 1999**

### **1 of 1999**

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## **Andhra Pradesh Farmers Management Of Irrigation Systems (Amendment) Act, 1999**

### **1 of 1999**

AN ACT TO AMEND THE ANDHRA PRADESFARMERS' 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:- \* 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, date 24-11-1998 at pages 6-7.

#### **1. Short Title And Commencement :-**

- (1) This Act may be called the Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Act, 1999.
- (2) It shall be deemed to have come into force with effect from 11th September, 1398.

#### **2. Amendment Of Section 3 :-**

In the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 (Act 11 of 1987) (hereinafter referred to as the principal Act), in section 3, in subsection (4), after the proviso to clause (i) the following shall be added, namely:-

Provided farther 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.

### **3. Amendment Of Section 4 :-**

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.

### **4. Amendment Of Section 5 :-**

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. Amendment Section 14 :-**

In section 14 of the principal Act, after sub-section (4), the following 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 land holder."

### **6. Amendment Of Section 23 :-**

In section 23 of the principal Act, after clause-(f), the following 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. Amendment Of Section 41 :-**

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

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 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.

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

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

## **8. Repeal Of The Ordinance 7 Of 1998 :-**

The Andhra Pradesh Farmers Management of Irrigation Systems (Amendment) Ordinance, 1998 is hereby repealed.