

ANDHRA PRADESH FARMERS MANAGEMENT OF IRRIGATION SYSTEMS RULES, 1997

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ANDHRA PRADESH FARMERS MANAGEMENT OF IRRIGATION SYSTEMS RULES, 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-I, appended to these rules. The farmers organisation as so formed shall have distinct names. {

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.}

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 major, minors and outlets along with 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 designated quantity of water for that command area.

(iv) such delineated area may have one or more distributories or minors or sub-minors 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.

(vii) 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.

(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

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 cc
from 601 ha. to 2000 ha. (5000 Ac.) -- 10 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.

(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 changes 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.

3A. 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.

3B. 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 Collector 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 Managing Committee of the Water Users's 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 notice board 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 two days, and finalise such lists, by appending the names to be deleted or incorporated, at the end of the leach list and a final notice thereof shall be published in Form "I" 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 landholder 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 land holder 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.}

4A. 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.

4B. 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 :-

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.

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 be 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 per cent 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 such vacancy has arisen, as a member of the Managing Committee.

(b)

(i) If a vacancy in the office of a President of a Distributory Committee arises, the Chairman 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 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.}