

ANDHRA PRADESH IRRIGATION UTILISATION AND COMMAND AREA DEVELOPMENT RULES, 1985

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ANDHRA PRADESH IRRIGATION UTILISATION AND COMMAND AREA DEVELOPMENT RULES, 1985

In exercise of the powers conferred by sub section (1) of Section 47 of the Andhra Pradesh Irrigation Utilisation and Command Area Development Act, 1984, (Act No. 15 of 1984) the Governor of Andhra Pradesh hereby makes the following rules:-

CHAPTER 1

Preliminary

1. Short title :-

These rules may be called the Andhra Pradesh Irrigation Utilisation and Command Area Development Rules, 1985.

2. Definitions :-

In these rules, unless the context otherwise requires:

(1) "Act" means the Andhra Pradesh Irrigation Utilisation and Command Area Development Act, 1984. (Act No. 15 of 1984).

(2) "Form" means a Form appended to these rules.

(3) "Notice" means Notice appended to these rules.

(4) "Section" means a section of the Act.

(5)

"(a) Ineligible Land Holder" means:

(i) such of the land holders ineligible to obtain credit under the normal rules of financing agency relating to advancing of loans for one reason or the other as may be so classified by the Government from time to time; and

(ii) a land holder who is unwilling to incur the expenditure by himself or to avail the credit facility under Section 28 or under sub section (1) of Section 29, for systematic land development of the

land held by him."

"(b) special loan means a loan advanced to the Command Area Development Authority or its nominee for systematic development of the lands held by the land holders ineligible to obtain credit under the normal rules of the financing agency or of the lands held by the unwilling land holders."

(c) "Nominee" of the command Area Development Authority means any officer, person or agency executing land development work.

(6) Officials of the Revenue Department means the officers of the Revenue Department authorised to collect water cess in the State."

CHAPTER 2

Powers and Functions of Commissioner, Pipe Committee and Irrigation Officer

3. Powers and Functions of the Commissioner :-

The Commissioner appointed under Section 4(1) of the Act, shall exercise the following powers and perform the functions in respect of areas for which the Command Area Development Authorities are constituted.

(1) He shall take necessary steps for an accelerated increase in Agricultural Production.

(2) He shall supervise, guide and review the works.

(3) He shall function as head of the department and exercise the powers and perform the functions in that capacity.

(4) He shall also lay down all details and decide matters according to the general directions of the Government.

(5) He shall also review the work of the Collectors, and the Administrators, and co ordinate their functions and other Departments and agencies connected with Command Area Development work.

(6) He shall also deal with all problems of Ayacut Development.

(7) He shall be in overall charge of implementation of the principles of localisation which shall be decided by the Government.

(8) He shall have the power to issue such directions or instructions from time to time to the district Collectors, Irrigation Officers, Land Development Officers and Pipe Committees as may be necessary.

(9) He shall co ordinate the work of the various departments

engaged in the systematic development of the ayacut.

(10) He shall be responsible for taking expeditious action the speedy redressal of public grievances. He may from time to time delegate such of the powers which are necessary for carrying out the Systematic Land Development effectively and speedily to the Administrators of the Command Areas.

4. Constitution of Pipe Committees :-

(1) The Pipe Committee constituted under sub section (1) of Section 5 of the Act shall consist of 5 to 7 members representing different zones under the pipe outlet.

(2) Persons eligible as voters:- The land holders as shown in Pattadars column in "Pahani" or Adangal" for the lands under the pipe who are in actual possession of the land as on that date shall only be enlisted as voters.

(3) Each land holder irrespective of his landholdings and extent under the "pipe outlet" shall be enlisted as a single voter. If the land holder is having lands under different pipe outlets, he shall be enlisted as a voter separately under different pipe outlets.

(4) The Land holder who is a major and of sound mind shall only be enlisted as a voter.

(5)

(a) Persons eligible as voters:- The land holder shall cease to be a voter, if he transfers his land through a registered sale deed with possession of the land to others and the purchaser will be enlisted as a voter, if he is in actual possession of that land.

(b) Any member who does not follow a cropping pattern prescribed by the Director of Agriculture under Section 26 of the Act, and any member who commits offence under the provisions of the Act, shall cease to be a voter.

(6) The voters list containing the names of all the land holders under the pipe outlet shall be prepared and published by way of affixing it on the village Chavadi or the Gram Panchayat office or the post office etc., by the "Irrigation Officer".

(7) All objections or suggestions, if any, shall be filed before the "Irrigation Officer" within seven days from the date of publication under sub rule (6) and his decision shall be final.

(8) After considering the objections or suggestion, if any, the "Irrigation Officer" shall publish the final list of the electoral rolls any time after the last date fixed for the receipt of such objections or suggestions by way of affixing the list at the places referred to in sub rule(6).

(9) The date of election of "pipe committee" shall be intimated to the voters by tom tom or by way of affixing at the places referred to in sub rule (6) before seven days of the date of election.

(10) The election of "pipe committee" shall be conducted in the village in which limits the pipe outlet is situated or at any other place convenient to the Irrigation Officer as decided by him.

(11) The "Irrigation Officer" or any other officer authorised by him shall be the presiding officer to conduct the election who shall record the list of all the members present and obtain signature or thumb impression as the case may be.

(12) The members of the pipe committed shall elect the President among themselves in a single sitting as decided by Irrigation Officer either by show of hands or by secret ballot.

5. List of elected members of the Pipe Committee :-

(1) The Irrigation Officer shall publish the list of members elected in the prescribed form (1) appended to these rules. It shall be affixed at the places referred to in sub rule (6) of Rule 4.

(2) All the appeals against orders of the "Irrigation Officer" shall be preferred to the Executive Engineer having jurisdiction within seven days from the date of election:

Provided that an opportunity of hearing shall be given to the affected parties before such order is passed.

(3) Election of member:- Any vacancy in pipe committee caused either due to the resignation or transfer of the land by the member or due to death of member shall be filled by election under the pipe outlet for the remaining term of the said committee, by the Irrigation Officer.

6. Revision :-

The Administrator may either suo motu or on an application call for the examine and record of orders passed by Irrigation Officer or Executive Engineer under sub rules (1) and (2) of Rule 5, for the

purpose of satisfying himself as to the legality or propriety of such order or to the regularity of such procedure and pass such order with respect thereto as he may think fit.

Provided that an opportunity of hearing shall be given to the affected parties before such order is passed.

7. Term of the Pipe Committee :-

The term of the pipe committee including the President shall be for a period of one year and shall continue to be in the office till a new committee is elected and assumes charge.

8. Meeting :-

The President shall call for the meeting of pipe committee, at least once in every quarter and shall compulsorily call for the meeting before the commencement of every Khariff and Rabi season.

9. Quorum :-

The Quorum for meeting shall not be less than half of the members. This quorum shall not apply to the postponed or the emergency meetings.

10. conduct of meetings of pipe committee :-

If for any reason the President of the Pipe committee fails to attend the meeting within half an hour of the Scheduled time, the remaining members may elect any one among them, as temporary President who shall conduct the meeting, provided there is quorum.

11. Requisition meeting of the pipe committee :-

The meeting of the pipe committee shall be called by the President on a requisition duly signed by at least half of the members of that committee.

(2) If the President fails to convene the meeting even on the requisition referred to in sub rule (1) the matter shall be reported to Irrigation Officer who shall fix up a date to convene the meeting.

12. Procedure to record proceedings of the meetings :-

(1) Proceedings of the meeting shall be recorded in writing in the register and it shall bear the signature of the President and any member willing to sign the register or to fix left thumb impression if illiterate.

(2) The Register intended for the meeting shall be in the custody of the President and it shall be accessible to the Irrigation Officer.

Copies of the proceedings should be sent to the Irrigation Officer for record as soon as possible.

(3) In case, the President fails to hand over the Register, the Irrigation Officer can record the proceedings in a separate register opened for this purpose.

13. Disqualification of the President and members :-

(1) If the President fails to convene pipe Committee shall cease to be the members of meeting a laid down in Rule 8 for two quarters of Khariff and Rabi or absents himself from two consecutive meetings, he shall cease to be the President as well as a member of the pipe committee.

(2) These members who fail to attend two consecutive meetings of the "Pipe Committee" shall cease to be members of pipe committee.

14. Maintenance, repairs and upkeep of Irrigation system under the "Pipe outlet" :-

(1) The Irrigation Officer shall issue a notice to the "Pipe Committee" specifying the details of the maintenance, repairs and upkeep of the Irrigation system, fixing a suitable time limit to complete the works.

(2) "The Pipe committee" in turn shall give notice to the land holders for carrying out the above works fixing a suitable time limit.

(3) If any land holder fails to complete the works in the prescribed time, the Irrigation Officer shall direct the Pipe Committee to carry out the works on behalf of the land holder fixing a suitable time limit.

(4) After completion of the work, the Irrigation Officer shall serve demand notice on the land holder giving details of the completion of work, the cost of the execution of work, and the amount payable by the land holder in Form No.2.

(5) If the land holder fails to pay the amount it will be recovered as if it is an arrear of Land Revenue.

CHAPTER 3

Obligations of Land Holders

15. Obligation of a land holder :-

The Administrator District collector shall prescribe such techniques

and regimes to use water for Irrigation economically and without wastage, as per the directions given by the Government from time to time by issuing a notification appended to these rules in Form 3:

16. Farm Management :-

The Director of Agriculture or an officer not below the rank of a Deputy Director of Agriculture nominated by him for the area shall be the authority under Section 9 of the Act to prescribe such scientific and modern techniques of farm management from time to time.

CHAPTER 4

Construction of Field Channels, Preparation of Scheme for Systematic Land Development and Powers of Land Development Officer to Enter and Survey

17. Construction of Field Channels :-

The Government shall declare the Command Area under an irrigation system or project, for the purpose of applying the provisions of Section 13 (1) of the Act, by issuing a notification in Form 4.

18. Publication of the Scheme in District Gazette :-

The Land Development Officer shall publish a scheme under sub section (3) of Section 13 of the Act in District Gazette in Form 5.

19. Finalisation of the Scheme and affixing it in important places :-

The Land Development Officer shall finalise the scheme under sub section (4) of Section 13 of the Act, and publish it in the District Gazette in Form 6 and by affixing it at the village chavadi Gram Panchayat and at post office, if any, and also by tom tom.

20. Fixation of Boundary Marks :-

After construction of the field channel, the Land Development Office shall fix the boundary marks as laid down in Survey and Boundaries Act, 1923.

21. Power of Land Development Officer to enter and survey etc. :-

If the Land Development Officer or other persons authorised to enter into any building or any enclosed court yard attached to a dwelling house, he shall give atleast a day s notice to the occupier of such building in writing of his intention to do so in Form 7.

22. Preparation of scheme for systematic Land Development :-

(1) Every scheme for systematic land development shall immediately, after preparation under sub section (3) of Section 15 of the Act, shall be published in the district Gazette in Form 8 by the Land Development Officer inviting Objections and suggestions.

(2) The notification publishing the scheme referred to in sub rule (1) above shall also be affixed in the village chavadi, gram panchayat and at post office, if any, and also by tom tom.

23. Finalisation of the scheme for systematic Land Development :-

(1) After considering the objections and suggestions received, if any the Land Development Officer shall finalise the Scheme under sub section (4) of Section 15 of the Act and publish in the District Gazette in Form 9.

(2) The notification publishing the scheme referred to in sub rule (1) above shall also be affixed in the village chavadi Gram Panchayat and Post Office, if any, and also by tom tom.

24. Implementation of systematic land development :-

(1) After publication of the scheme and also after disposal of the pending cases before the District Collector, the land Development Officer shall give notice under sub section (1) of Section 16 of the Act, that the work works shall be executed through the Agency appointed by him in Form 10.

(2) The notice shall be served upon the landholder in person or by Registered post. If the land holder is not found, it shall be served on his agent or any male member of his family or where none of the above sources is practicable, by affixing the notice at his last known place of residence or at the site or by sending it to his last known address by Registered post.

25. Demand Notice on the land holder :-

After completion of work the Land Development Officer shall serve demand notice under sub section (3) of Section 16 of the Act, on the land holder giving details of the completion of work, cost of the execution of work, and amount payable by the land holder in Form 11.

CHAPTER 5

Principle of Localisation

26. Classification of lands :-

The District Collector shall order by publishing in the District Gazette prescribing classification of lands for raising different crops according to availability of water within his jurisdiction in Form 12.

27. Cropping pattern, the period of sowing, and the duration of the crop :-

The State Government shall issue a notification in Andhra Pradesh Gazette containing the regulation of cropping pattern, the period of sowing, the duration of crop etc., in Form 13.

28. Irrigation system :-

The Director of Agriculture shall issue a notification in Andhra Pradesh Gazette specifying the kinds of crops that shall not be grown under the irrigation system, the period of sowing, duration in respect of non prohibited crops etc., in Form 14.

CHAPTER 6

CHAPTER

29. Levy and collection of road cess :-

(a) On the issue of a notification by the Government for the levy and collection of road cess under sub section (1) of Section 27, the officials of the Revenue Department shall levy and collect the cess in the manner hereinafter provided.

(b) The road cess shall be levied at the rate of rupees twelve and paise thirty five per hectare per annum, in the form of a tax on lands in the opinion of the Government, as notified under sub rule (a) are benefitted or are capable of being benefitted by any scheme undertaken under the Act.

(c) The amount so collected shall form a separate Road Cess Fund under the Irrigation Utilisation and Command Area Development Department to be for the purpose of laying out the roads within the command area and for their proper upkeep and maintenance.