

Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997

ANDHRA PRADESH

India

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Act 11 of 1997

- Published on 9 April 1997
- Commenced on 9 April 1997
- [This is the version of this document from 9 April 1997.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997(Andhra Pradesh Act No. 11 of 1997)Last Updated 26th October, 2019Statement of Objects and Reasons. - Water is a scarce source 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 net work 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 utilization of water which 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, increased area brought legitimately under irrigation by the savings so generated, 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 Departments 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. Hence the bill seeks to give effect to the above decisions.Statement of Objects and Reasons - (Act No. 1 of 1999). - In order to overcome certain practical difficulties in implementation of the provisions of the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997, Government have decided to amend the said Act

suitably. The salient features of the Bill are as follows:-(1) Any person who is in lawful possession and enjoyment of the land can claim membership and shall pay the water charges and the fees as may be prescribed.(2) The President and the members of the Managing Committee shall hold office for a period of 5 years from the date of the first meeting instead of 3 years.(3) The Government is empowered to delineate every command area of the irrigation system comprising of two or more water users organisations and declare it to be a distributary area.(4) A member of the water users association shall cease to be a Member or a Chairman or a President or a Member of the Managing Committee as the case may be and shall become disqualified to continue in office, if he ceases to be a land holder.(5) If any person violates the Warabandi or the Water distribution and regulation schedule made by the water users association or the Distributary Committee or the Project Committee as in the case may be, it shall be an offence under the provisions of this Act.(6) The Government or as the case may be Commissioner is empowered to give directions to any farmers organisation for the proper working of the organisation and such farmers organisation shall implement those directions and if the member of the organisation violates any of the provisions of the Act, wilfully omits or refuses to carry out the directions, abuses his position, guilty of misconduct and violates any of the provisions of the Act or the Rules, they are empowered to remove such members or the President, after giving reasonable opportunity.(7) The Government or the Commissioner may exercise revisional powers and pass orders after giving an opportunity of making a representation.(Appended to L.A. Bill No. 32 of 1998)[Dated 9.4.1997]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 is concerned best possible through Farmers' Organizations; 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 a Gram Panchayat, Mandal Parishad, Zilla Parishad, Municipality, Municipal Corporation or Roads and Buildings Department of the Government;

(bb) ["Chief Engineer" means the Chief Engineer of Irrigation and Command Area Development Department, who is in charge of concerned Farmers Organisations; [Inserted by Act No. 7 of 2003, dated 23.4.2003.]]

(bbb) "Commissioner" means an officer appointed by the Government as Commissioner under Section 33;

(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 the 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 (Agriculture)" means an officer of the Agriculture Department appointed as such under Section 21; [Substituted by Act No. 7 of 2003, dated 23.4.2003.]]

(dd) "Competent authority (Engineering)" means an officer of an Engineering Department appointed as such under Section 21;

(e) "corporation" means the Andhra Pradesh Water Resources Development Corporation constituted under the Andhra Pradesh Water Resources Development Corporation Act, 1997 (Act 12 of 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 situated and includes any officer specially notified by the Government to perform all or any of the functions of the district Collector under this 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 field drains; and
- (iv) all field drains and related structures under pipe outlets.

(i) "Farmers' Organisation" whenever 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 State 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 include 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.[Such system may have three tiered farmers organisation, namely:- [Added by Act No. 7 of 2003, dated 23.4.2003.](i)Water Users Association at primary level;(ii)Distributory Committee at Secondary level; and(iii)Project Committee at Project level.](2)'Medium Irrigation System' means irrigation system under Medium Irrigation Project having irrigable command area of more than 2000 hectares and upto 10,000 hectares.[Such system may have two tiered farmers organisation, namely:- [Added by Act No. 7 of 2003, dated 23.4.2003.](i)Water Users Association at Primary level; and(ii)Project Committee at Project level.](3)'Minor Irrigation System' means irrigation system under Minor Irrigation Project having irrigable command area upto 2,000 hectares.[Such system may have single tiered farmers organisation, namely:- [Added by Act No. 7 of 2003, dated 23.4.2003.]Water Users Association.](q)"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 (Act 26 of 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.(uu)['Superintending Engineer' means the Superintending Engineer of Irrigation and Command Area Development Department incharge of concerned Farmers Organisations.] [Inserted by Act No. 7 of 2003, dated 23.4.2003.](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 the 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 2

Farmers' Organisation

3. Delineation of Water Users' Area and Constitution of an 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 be six in Minor Irrigation systems and twelve in Major and Medium Irrigation Systems.] [Substituted by Act No. 7 of 2003, dated 23.4.2003.](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 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.] [Added by Act No. 1 of 1999, dated 1.1.1999.](ii)all other water users co-opted in a Water Users' Area;(iii)members specified in Clauses (i) 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, Vice-President and members of the Managing Committee of Water Users Association. [Substituted by Act No. 7 of 2003, dated 23.4.2003.]

(1)There shall be a Managing Committee for each Water Users Association comprising members of the Territorial Constituencies as specified in subsection (2) of Section 3 elected directly by the Water Users as specified in clause (i) of sub-section (4) of Section 3 of the Act from their respective Territorial Constituencies.[Provided that two members nominated by the Gram Panchayat of whom one shall be a woman, shall be the members of the Managing Committees of Minor Irrigation Water Users' Associations, without voting rights, in the manner prescribed.](2)[***] [Omitted '(2) The Managing Committee for Water Users Association shall be a continuous body, with one third of its members thereof retiring every two years as specified in sub-section (3).' by Act No. 4 of 2018, dated 2.1.2018.](3)The term of office of the members of the Territorial Constituencies shall, if not recalled or removed or disqualified under the provisions of the Act, shall be six years from the date of first meeting of the Managing Committee appointed by the Commissioner;[***] [Omitted 'Proviso' by Act No. 4 of 2018, dated 2.1.2018.](4)[If any vacancy arises in a territorial constituency for any valid reason such vacancy shall be filled up as per sub-section (1) and the member shall hold office only so

long as the member in whose place he is selected would have been entitled to hold office if the vacancy had not occurred.] [Substituted by Act No. 4 of 2018, dated 2.1.2018.](5)[The District Collector shall cause arrangements, for the selection of a managing committee consisting of one member from each of the territorial constituencies of water users area by a simplified procedure of selecting the representative by consensus and where there is no consensus, it shall be by simplified procedure like show of hands or distribution slips in the manner prescribed:Provided that where the selection of the member could not succeed in any of the constituency, the Water User Association member of that constituency identified by the District Collector or any of the office notified by the District Collector shall exercise the powers and perform of the managing committee member of the territorial constituency.] [Substituted by Act No. 4 of 2018, dated 2.1.2018.](6)The District Collector shall also cause arrangements for the election of a President and a Vice-President of the managing committee from among the members of the managing committee of the water users association in the manner prescribed:[Provided that where the election of the President or Vice-President could not succeed, the Government may by notification, appoint any of the Managing Committee Member of the Water Users Association or any of the officer, to exercise the power and perform the functions of the President or Vice-Present, as the case may be.] [Substituted by Act No. 4 of 2018, dated 2.1.2018.](7)If at an election held under subsections (5) and (6), the President or the Vice-President or the members of the Territorial Constituencies of water users association are not elected, fresh elections shall be held in the manner prescribed.(8)The President and the Vice-president of the managing committee of water users association shall, if not recalled or removed or disqualified by the provisions of the Act, be in office for a period of two years from the date of election or his tenure as member of Territorial Constituency, whichever is earlier.(9)The term of office of the President, the Vice-President and the members of managing committee of all the water users associations formed, subsequent to ordinary election, shall also expire at the time at which it elected at the ordinary election, be reckoned from the date as appointed by the Commissioner, as specified in subsection (3).(10)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 five or more] [Substituted 'comprising of two or more' by Act No. 7 of 2003, dated 24.4.2003.] 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 office, 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 consisting of all the members of the General Body] [Substituted by Act No. 7 of 2003, dated 24.4.2003.];[Provided that all Presidents of the Mandal Parishads within the distributory area nominated by the District

Collector shall be the members of the Managing Committee of the Distributory Committee without voting rights, in the manner prescribed.] [Added by Act No. 39 of 2005, dated 8.11.2005.](2)[The District Collector shall cause arrangements for the election of the President and the Vice-President from among the members of the Managing Committee of the Distributory Committee of the Distributory Committee, in the manner prescribed:[Provided that where the election of the President or Vice-President could not succeed, the Government may, by notification, appoint any of the managing committee member of the distributory committee or any of the officer, to exercise the power and perform the functions of the President or Vice-President, as the case may be.] [Substituted by Act No. 7 of 2003, dated 24.4.2003.](3)[***] [Omitted by Act No. 4 of 2018, dated 2.1.2018.](4)[The term of office of the President, the Vice-President and the members of the Managing Committee of the Distributory Committee shall, if not recalled or removed or disqualified under the provisions of the act earlier, be coterminus with the term of the general body specified in sub-section (3) of Section 5] [Substituted by Act No. 7 of 2003, dated 24.4.2003.];(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 or part thereof, of 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 office, 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.[Provided that all Members of the Legislative Assembly, all Members of the Parliament and Chairpersons of Zilla Parishads within the Major Project area nominated by the Government shall be the members of the Managing Committee of the Major Project Committee without voting rights, in the manner prescribed:Provided further that all members of the Legislative Assembly, all Members of the Parliament and Presidents of Mandal Parishads within the Medium Project area nominated by the District Collector shall be the members of the Managing Committee of the Medium Project Committee without voting rights, in the manner prescribed.] [Added by Act No. 39 of 2005, dated 8.11.2005.](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 where the election of the Chairman or Vice-Chairman could not succeed, the Government may, by notification, appoint any of the managing committee member of the project committee or any of the officer, to exercise the power and perform the functions of the Chairman or Vice-Chairman, as the case may be.] [Substituted by Act No. 4 of 2018, dated 2.1.2018.](3)[***] [Omitted by Act No. 4 of 2018, dated 2.1.2018.](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 sub-section (3) of Section 7.(5)The Managing Committee shall exercise the powers and 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 a 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 [with prior approval of Commissioner, Command Area Development Authority] [Inserted by Act No. 4 of 2018, dated 2.1.2018.] 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 [entrusted to it by the Government for the Operation and maintenance.] [Substituted 'vested in it' by Act No. 4 of 2018, dated 2.1.2018.]

13. Changes in Farmers Organisation.

- The Government may in the interest of a 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 or 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 affected.

14. Disqualification 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 any person who holds any of the village offices of neeruganti, neeradi, vetti, kawalkar, toti, talayari, tandalagar, sathsindhi or any such village office by whatever designation it may be locally known.] [Substituted by Act No. 4 of 2018, dated 2.1.2018.] (i) the Andhra Area, any person who holds any of the village offices of Neeruganti, Neeradi, 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 [***] [Omitted 'a Chairman or Vice-Chairman or President or Vice-President or' by Act No. 4 of 2018, dated 2.1.2018.] a member of [any of] [Inserted by Act No. 4 of 2018, dated 2.1.2018.] the Managing Committee if on the date fixed for [formation] [Substituted 'scrutiny of nominations for election, or on the date of nomination he' by Act No. 4 of 2018, dated 2.1.2018.] 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; or (c) a defaulter of land revenue or water tax or charges payable either to the Government or to the Farmers' Organisation. (d) interested in a subsisting contract made with, or any work being done for, the Gram Panchayat, Mandal Parishad, Zilla Parishad or any State or Central Government or the Farmers Organisation : Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having share or interest in (i) a company as a mere share-holder but not as a director; (ii) any lease, sale or purchase of immovable property or any agreement for the same; or (iii) any agreement for the loan of money or any security for the payment of money only; or (iv) any newspaper in which any advertisement relating to the affairs of the Farmers' Organisation is inserted. Explanation. - For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Gram Panchayat, Mandal Parishad, Zilla Parishad, the Farmers' Organisation, the State or Central Government has not performed its part of the contractual obligations. (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 causeProvided 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.(4A)[A member of the Water User 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 landholder.] [Inserted by Act No. 1 of 1999, dated 1.1.1999.](5)A person having more than two children shall be disqualified for [selection] [Substituted 'election' by Act No. 4 of 2018, dated 2.1.2018.] 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 purpose of this sectionProvided 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; and(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 3

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 irrigation system in the area of its operation at the end of the each crop season and carry out the maintenance works of both distributory system and minor and field drains in its area of operation with the funds of the association from time to time [subject to such terms and conditions as may be prescribed;] [Added by Act No. 39 of 2005, dated 8.11.2005.];(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 co-opted 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 [formation of] [Substituted 'conduct of elections to' by Act No. 4 of 2018, dated 2.1.2018.] 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 plantations 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 irrigational 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 [subject to such terms and conditions as may be prescribed] [Added by Act No. 39 of 2005, dated 8.11.2005.];(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' Association 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 use 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 [formation of] [Substituted 'conduct of elections to' by Act No. 4 of 2018, dated 2.1.2018.] to the Managing Committee; and(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 [subject to such terms and conditions as may be prescribed;] [Added by Act No. 39 of 2005, dated 8.11.2005.];(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 general water budgeting and also the periodical social audit as may be prescribed;(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 [Water Resources] [Substituted 'Irrigation and Command Area Development ' by Act No. 4 of 2018, dated 2.1.2018.] 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 purpose of this Act.(2)The competent authority appointed under sub-section (1) shall be responsible to the respective Farmers' Organisation in the implementation and execution of all decisions taken by the Farmers' Organisation.

Chapter 4

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)[***] [Omitted by Act No. 4 of 2018, dated 2.1.2018.](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; and(vi)amounts received from any other source [as permitted by the Government.] [Inserted by Act No. 4 of 2018, dated 2.1.2018.]

Chapter 5

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, increase, 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 therefrom or uses water in an authorised 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, 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.(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.] [Inserted by Act No. 1 of 1999, dated 1.1.1999.]

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 [and such prosecution shall not be initiated except on a complaint made by an officer not below the rank of Executive Engineer having jurisdiction over the area.] [Added by Act No. 4 of 2018, dated 2.1.2018.]Provided that no person shall be prosecuted and punished for the same offence more than once.

25. Composition of offences.

(1)A [designated officer not below the rank of Deputy Executive Engineer] [Substituted 'Farmers Organisation' by Act No. 4 of 2018, dated 2.1.2018.] 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 [ten thousand] [Substituted 'one thousand' by Act No. 4 of 2018, dated 2.1.2018.] 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 6

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 Committees 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 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 7

Miscellaneous

28. Records.

(1)Every Farmers' Organisation shall keep at its office the following accounts, records and documents, namely:-(a)an up-to-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 [Water Resources] [Substituted 'irrigation' by Act No. 4 of 2018, dated 2.1.2018.] 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)[***] [Omitted by Act No. 4 of 2018, dated 2.1.2018.](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 the Farmers' Organisation shall be recovered as arrears of land revenue.

31. Meetings.

- The meetings of the Farmers' Organisation 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 whichever 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 officers 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 Cooperative Society or the District Cooperative 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. [[Omitted by Act No. 4 of 2018, dated 2.1.2018.]

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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 may be 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, 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.

41A. [Power to give direction, etc. [Inserted by Act No. 1 of 1999, dated 1.1.1999.]

(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 may 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 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.

41B. Revisions by the Government or the Commissioner.

- The Government or the Commissioner may either on its own accord or an application may call for and examine the records of any Committee of a Farmer's 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 proceeding 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 carry out 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.