A.P. Farmers Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003

ANDHRA PRADESH India

A.P. Farmers Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003

Rule

A-P-FARMERS-MANAGEMENT-OF-IRRIGATION-SYSTEMS-DELINEAT of 2003

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A.P. Farmers Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003Published vide Notification No. G.O.Ms No. 20, Irrigation & Command Area Development (CAD 4) Department, Dated 20.2.2003Last Updated 13th June, 2019G.O.Ms No. 20. - In exercise of the powers conferred by section 43 read with sections 3,4,5,6,7,8,9,13,21,27,28 and 41-B of the Andhra Pradesh Farmers Management of Irrigation Systems Act 1997 (Act 11 of 1997) in supersession of G.O.Ms.No.45, Dt: 30-4-1997 the Andhra Pradesh Farmers Management of Irrigation Systems Rules, 1997 issued the Governor of Andhra Pradesh hereby make the following Rules.

1. Short Title.

- These rules may be called the Andhra Pradesh Farmers Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003(with updated amendments 2018).

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2. Definition.

- In these rules, unless the context otherwise requires:-

- 1. "Act" means the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997.
- 2. "Authorized Officer" means an officer not below the rank of a Deputy Tahsildar who is authorized by the District Collector.
- 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.
- 6. "Upper reaches" means the ayacut comprising of 50 percent of the total number of Territorial Constituencies which are adjacent to and nearby to the entry point of the water course based on the hydraulic particulars within the jurisdiction of the Water Users Association".
- 7. "Lower reaches" means the ayacut of a Water Users Association covered by the remaining 50 percent of the total number of the Territorial Constituencies."
- 8. "Commissioner" means an officer appointed by the Government as Commissioner, Command Area Development Authority.
- 3. Delineation of Command Area of an Irrigation System.
- 1. The District Collector shall delineate or cause to be delineated by the authorized officer, the command area of each irrigation system within the district into areas of operation for the purpose of forming Water Users Associations and publish in Notification-1, appended to these rules. The Farmers Organisations so formed shall have distinct names. The distinct name may be either the name of the irrigation system or the name of the tank as locally known. 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:i. 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 situated. If there is more than one association in such village, then such association shall be called by adding numerals to the distinct name.ii. For each of the Irrigation System, the district collector shall cause preparation of maps or sketch, indicating the Distribution System like Majors,

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.iii. The areas irrigated or planned to be irrigated under each of the distributory, minor, survey number wise shall be prepared.iv. 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 designed quantity of water for that command area.v. Such delineated area may have one or more distributaries 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 un-commendable land.

- 2. Wherever the ayacut of a Water Users Association spreads over more than one district, the District Collector of such district in whose jurisdiction the major extent of ayacut lies shall be the officer to exercise and perform the functions of a District Collector in such cases.
- 3. In case of any doubt or clarification the matters shall be referred to the Commissioner, whose decision shall be final.
- 4. Delineation of Water Users Associations.
- 1. In case of minor irrigation systems, including tanks, diversion channels, lift irrigation schemes, wells and such other smaller irrigation systems may have Water Users Association covering the ayacut with chain of tanks in a system, which is identified as Cascade or group of tanks or diversion channels. The grouping of tanks, diversion structures or channels, for the purpose of delineation under one water users area shall be done keeping in view, the hydraulic feasibility and administrative convenience.
- 2. In case of medium irrigation system such delineated water user areas shall be more than one and the ayacut in each Water Users Association shall be in between 400 ha. to 1000 ha..
- 3. In case of major irrigation system such delineated water user areas shall be more than one and the ayacut in each Water Users Associations shall be in between 400 ha. to 1600 ha.

Provided that the ranges given above are only for general guidance and the water user areas may be delineated or re-delineated depending upon the hydraulic feasibility and convenience of water management.

- 4. To ensure administrative viability, the area of operation of each of the water user's areas shall be within the limits of a village or contiguous villages situated within a Mandal, as far as possible.
- 5. The term of the office of the members is for 5 years if not resigned or recalled or removed or disqualified. And the water user area shall be divided into Territorial Constituencies which shall be a minimum of Six and maximum of Twelve depending on the extent of command area and administrative feasibility as per Sub-Section 2 of Section 3. Accordingly the existing Water Users Associations needs to be delineated or re-delineated, as the case may be.

Provided that the ayacut under a direct pipe or a pipe outlet as far as possible, not be bifurcated while dividing territorial constituencies.

- 6. In case any difficulty arises in dividing the ayacut under the command of a hydraulic structure for delineating or re-delineating a water user area, suitable reaches of the concerned Minor, Distributary, Canal, as the case may be considered.
- 6A. While delineating the Territorial Constituencies of Water Users
 Association based on hydraulic basis, half of them have to be demarcated as
 the Territorial Constituencies in the Upper reaches and the remaining half of
 them as the Territorial Constituencies of Lower reaches, based on their
 proximity to the water source and notify them accordingly.
- 7. The draft command area map or sketch of the water user's 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 for information of the land holders.
- 8. Objections or suggestions against the delineation of water user's 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.

- 9. 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.
- 10. A final map or sketch in pursuance of sub Rule (9) shall immediately be displayed in the office of the Gram Panchayat and Mandal Parishad in Form "AA" by the District Collector or by the Authorized Officer.
- 5. Appeal on the order of the Collector.
- An appeal on the Order of the District Collector made under Rule 4 shall lie to the Commissioner, within 7 days from the date of the order of the District Collector.
- 6. 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 irrigation system into such number of distributory areas as they consider proper.
- 2. A distributory area may contain five or more contiguous water user areas and not more than 12 water users' areas.
- 3. In delineating a distributory area, no water user area shall be divided or bifurcated into parts.
- 7. Delineation of Project areas.
- 1. The Government keeping in view the operation viability and in consultation with the District Collector(s), delineate, the command area in Notification -IV appended to the these Rules under a major irrigation system 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 system shall be treated as a single unit and notified by the Government as a project area.

8. 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).

- 9. Preparation of land holders list, Voters list and other Water Users list.
- 1. All the water users who are land holders and in case where both the owner and the tenant are landholders in respect of the same land, the tenant whose tenancy is recorded in revenue Registers with not less than one crop year have the right to vote in the elections to Water Users Associations.
- 2. The District Collector shall prepare or cause to be prepared by the authorized officer, the list of landholders in Form "B" on the basis of Adangal/ Pahani duly including all the persons who are in lawful possession and enjoyment of the land under a water source, on proof of such possession and such enjoyment in a crop year. 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 18 years of age as on the date of issue of Notification for conducting elections in a water users area for electing the members of the managing committee of the Water Users Association.

- 3. The District Collector shall also prepare or cause to be prepared a list of all other water users in Form "C" which shall include industrial units, bathing ghats, fishermen societies and such other categories to be co-opted as members.
- 4. The lists prepared under Sub-rule (2) shall be displayed on the notice board of the office of the concerned Gram Panchayat and the Mandal Parishad.
- 5. Before finalizing the lists mentioned in Sub-rules (2), (3) and (4) above, the District Collector shall invite objections against inclusion of any name 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 Subrule (4).
- 6. After receiving the objections if any, the District Collector or the authorized officer shall consider all such objections within a week and finalize such lists, by appending the names to be deleted or incorporated, at the end of the each list and

a final notice thereof shall be published in Form "I" in respect of voters list and be made available for verification.

7. Each landholder in the water users area shall have one vote only irrespective of his land holding in the said area.

a. In case, 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 authorized officer.b. Incase no such option is exercised by the landholder the Authorized Officer shall allot his vote to the constituency in which the landholder holds the maximum extent of land; where such land held is the same in two constituencies any of the constituency may be allotted.

10. Appeal for correction of Voter lists.

- Where the authorized officer is a Tahsildar and has prepared territorial constituency wise voters lists, as specified under Sub-rule (2) of Rule 9, and if any discrepancy has been noticed an appeal may be preferred within 7 days from the date of the publication of the voters list to the District Collector against the order of the Tahsildar and such appeal shall be disposed off within a week by the District Collector concerned.

11. Powers of revision and review by the Commissioner.

(1)The Commissioner may either suo-motu or on an application from any person interested call for and examine the records of the District Collector as the case may be, in respect of any proceeding relating to correction of voters 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, if appears to the Commissioner that any such decisions 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 may stay the execution of any such decision or order pending exercise of his power under Sub-rule (1) in respect thereof. (3) The Commissioner may suo-motu at any time or on an application received from any person interested within two weeks of the passing of an order under Sub-rule (1) review any such order, if it was passed by him under any mistake weather of fact or of law, or in ignorance of any material fact. The provisions contained in the proviso to Sub-rule (1) and Sub-rule (2) shall apply in respect of any proceeding under this sub Rule as they apply to a proceeding under Sub-rule (1).

12. Procedure for forming of a Water Users Association.

- 1. Every Water Users Association notified for formation after following due procedure of delineation or re-delineation shall be divided into Territorial Constituencies with minimum of Six and maximum of Twelve depending on the extent of ayacut, hydraulic feasibility and administrative convenience. The District Collector shall cause to prepare territorial constituency wise list of water users having right to vote under Sub-Section (4) (i) of Section 3 of the Act and this list is the basis for selection of a member of Territorial Constituency in the Water Users Association. The selection of members of Territorial Constituencies shall be by a simple procedure like arriving at consensus and where there is no consensus, it shall be by simplified procedure like show of hands, distribution of slips etc., The detailed procedure to be followed in this regard shall be as specified in the Election Manual appended to these Rules.
- 2. If the selection of the member could not succeed in any of the constituency, the member of Water Users Association of that constituency identified by the District Collector or any of the officer notified by the District Collector shall exercise the powers and perform the functions of the Managing Committee member of that Territorial Constituency.
- 3. The District Collector shall cause arrangements for the election to the office of the President and Vice-President in accordance with the procedure specified in the Election Manual appended to these Rules.

- 4. The election to the office of the President and Vice-President in case of Distributory Committee and also Chairman and Vice-Chairman in case of the Project Committee shall be conducted in accordance with the procedure specified in the Election Manual appended to these Rules.
- 5. No member shall hold more than one selective or elective office in any tier of Farmers Organisations. If a person is elected as President of Water Users Association, he shall resign as member of Territorial Constituency within (15) days of the declaration of the result, by a letter addressed to the concerned Competent Authority. If he fails to do so, he shall cease to be a member of Territorial Constituency of that Water Users Association. The Competent Authority then shall immediately inform the fact of resignation or cessation of such office to the District Election Authority and President, Water Users Association where such committee exists. All casual vacancies in respect of Water Users Association, Distributory Committee and Project Committee shall be filled up as stipulated in Rule 17C of the Andhra Pradesh Farmers Organisation Rules, 2018.
- 6. All such casual vacancies shall be filled up in normal course as per the Notification issued by the Commissioner every six months under Sub-Section (3) of Section 15 of the Act.

Notification - I[See Rule 3(1)]In exercise of the powers conferred by of Sub-Section 1 of section 3 of the Andhra Pradesh Farmer's Management of Irrigation Systems Act, 1997 (act 11 of 1997) the District Collector District hereby notifies the area of operation as specified in columns (6) and (7) of the table below.

S. No	Name of the	Nature of the	Name of the	Name of the	Area of	
	Irrigation System	Irrigation Source	Mandal	WUA	Operation	
Village	e Extent in Acres					
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Collect	or & District Magistra	te	District	Notification -	IIIn exercise of	f the
powers	s conferred by Sub-Sec	ction (1) of Section 21 of	of the Andhra Pr	adesh Farmer	's Management	of
Irrigati	ion Systems Act, 1997	the Governor of Andh	ra Pradesh herel	by appoints th	ie	
(design	nation)	as the Competent Aut	hority (Enginee	ring) for the p	ourpose of the sa	aid
Act, for	r the Farmers Oganiza	tions specified below i	namely:-			

Notification - IV[See Rule 7]In exercise of the powers conferred by of Sub-Section (1) of Section 7 of the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 (Act 11 of 1997) the

(3)

(4)

(5)

(1)

(2)

(6)

S. No

Village

A.P	. Farmers Management o	f Irrigation S	ystems (Deli	neation and format	ion of Water Users	s Associat	ions) Rules, 200	03
	Location of O.T	Notified		Non-Notified	l		Total	
	sluice	(Localiz	ed)	(Non-Localiz	ed)		Ayacut	
Survey No.	Extent in Acres	Survey 1	No.	Extent in Acr	res			
(1)	(2)	(3)		(4)		(5)	(6)	(7) (8)
Collector	& District Magistra	ite / Auth	orized O	fficer	•••••]	District.*St	rikeout
whichever	is not applicable.I	Form "B"	[See Rule	9 (2)]Under S	Sub-Rule (2)	of Rule	9 of the An	dhra
Pradesh F	armers Manageme	ent of Irri	gation Sy	rstem Rules, 2	003; I	• • • • • • • • • • • • • • • • • • • •		
The Tahsi	ldar of the		Man	dal being the a	authorized Of	ficer he	reby publis	h the
land holde	ers list Territorial C	Constitue	ncy wise	as in the table	below. Any o	bjectio	ns or claims	s against
the above	list may be filed be	efore me	within a v	week from the	date of displa	ay of thi	is list.Name	of the
Water Use	ers' Association			Name of t	the Village		Name o	of the
	Name		•					-
in acres	Total Territor	rial Const	ituencies	("a m	inimum of Si	ix and n	naximum of	f
Twelve")T	erritorial Constitu	ency No.	[((*) Upper Read	ch/ Lower Re	each]		
(Part No.) (As per definitio	ns 6/7)						
Land Hold	ders List							
S. No Nar	ne of the Land Hol	der/Fath	ner's	Extent of	Survey	Nan	ne of the	Λσο
Nar Nar	ne			holding	Nos.	Villa	age	Age
(1) (2)				(3)	(4)	(5)		(6)
Collector	& District Magistra	ite / Auth	orized O	fficer	•••••	l	District.*St	rikeout
whichever	is not applicable.I	Form "C'l	Under Su	b-rule (3) of R	tule 9 of the A	andhra i	Pradesh Fa	rmers
Managem	ent of Irrigation Sy	stem Ru	les, 2003	, I			,the T	ahsildar
of the	Manda	ıl being h	e Author	ised Officer he	ereby display	in form	'C' the list	of all
other wate	er users which shal	l include	Industria	al units , bathi	ng ghats, fish	ermen	societies an	id such
other cate	gories, to be co-op	ted as me	embers of	Water Users	Association.A	Any obje	ection again	ist the
•	e filled before the t						ılization.Na	me of
	Users' Association							
								ame of
the Major	/ Minor			District _				_Total
	of Twelve")Territo	orial Con	stituency	no		(part no.)Lis	st of all
other Wat	er Users							
Sl.No. N	ame of the Organi	sation	Water us	e Members name	Address			
1 2			3	4	5			
Collector	& District Magistra	ite / Auth	orised					
Officer,				District.For	m "D"(See Rı	ıle 9(2))Under Sub	-rule (2)
of Rule 9	of the Andhra Prad	lesh Farn	ners Man	agement of Irı	rigation Syste	m Rule	s, 2003, I	
			The	Tahsildar of tl	he	Ma	ındal being	he
	d Officer hereby di							
have comp	pleted eighteen yea	rs of age	on the da	ate of issue of	Notification p	prepare	d Territoria	ıl
Constitue	ncy wise for selecti	ng the m	embers o	f the Managin	g Committee	of the V	Nater Users	3

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1. Name (Full) :
2. Father's /Mother's /Husband 's name :
3. Particulars of my place of residence are:
(a)House No(b)Street/ Mohalla(c)Town / Village(d)Post office(e)Police Station / Mandal(f)District
4. Particulars of land holding
(a)Survey No,(b)Extent(c)Name of the village(d)Name of the irrigation systemI hereby declare that to the best of my knowledge and belief:(1)That I am a citizen of India(2)That my age on the first day of January 1st / July 1st
hereby declare that the facts mentioned above are true to the best of my knowledge and belief.My name has been included in the electoral roll for this Water Users Association as follows:Name (in full)Father's/Mother's /Husband's nameSerial No.
Date: Signature/Thumb Impression of Objector
Place: (Full Postal Address) I am an elector included in the same electoral roll in which the name objected to appear, my serial number therein is
reasonsI

hereby declare that the facts mentioned above are true to the best of my knowledge and belief.I

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declare that I am an elector of this Water Users Association being enrolled at Serial
Noof the roll.Signature/Thumb Impression of Objector(Full Postal
Address)Date:Place:Note Any person who makes a statement or declaration which is false or
which he either knows or believes to be false or does not believe to be true is punishable under
provisions of Andhra Pradesh farmers Management of Irrigation Systems Act, 1997, (Act 11 of
1997)*
Strike out the inappropriate words.I am an electorincluded in
the electoral roll of the same Water Users Association in which the claimant has applied for deletion
My Serial No. therein isI support this claim and countersign
it.Signature of the elector.Name (in full)Note Any person who makes a
statement or declaration which is false or which the either knows or believes to be false or does not
believe to be true is punishable under provisions of Andhra Pradesh Farmers Management of
Irrigation Systems Act, 1997 (Act 11 of 1997)Form "I"[See Rule 9(6)]Notice of Final Publication of
Electoral RollIt is hereby notified for public information that the list of amendments to the draft
landholders list, voters list and other water users list of the
Water Users Association have been
prepared in accordance with the Andhra Pradesh Farmers Management of Irrigation Systems Rules
and a copy of the said lists together with the lists of amendments have been published
and will available for inspection at my office. Authorized
Officer, DesignationPlace: Date: District: