

THE ANDHRA PRDESH FARMERS MANAGEMENT OF IRRIGATION SYSTEMS
(DELINEATION AND FORMATION OF WATER USERS ASSOCIATIONS) RULES, 2003.

[G.O.Ms.No. 20, Irrigation and Command Area Development (CAD.IV), Department 20th
February, 2003]

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 the Andhra Pradesh Farmers Management of Irrigation System Rules, 1997 issued in G.O.Ms.No. 45, I&CAD (CAD.IV) Department, dated 30.04.1997, the Governor of Andhra Pradesh hereby makes the following rules.

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.

2. Definition

In these rules, unless the context otherwise requires:-

- (1) "Act" means the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997.
- (2) "Authorised Officer" means an officer 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 Organization" 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) ¹["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."]

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-I, appended to these rules. The Farmers Organization as 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 district 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 district name.
 - (ii) For each of the irrigation system, the District Collector shall cause preparation of maps or sketches, 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 uncommandable 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 matter shall be referred to the Commissioner, whose decision shall be final.

1. Added as per G.O.Ms.No. 48, I&CAD (CAD.IV) Dept., dated 04.04.2003.

4. Delineation of Water Users Associations

- (1) In case of minor irrigation system, including tanks, diversion channels, lift irrigation schemes, wells and such other smaller irrigation systems each shall form into one water user area.
- (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 Association 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 redelineated depending upon the hydraulic feasibility and convenience of water management.

- (4) To ensure administrative viability, the area of operation of each of the water users areas shall be within the limits of a village or contiguous villages situated within a Mandal, as far as possible.
- (5) Since the Managing Committees of Water Users Associations are made a continuous bodies with one third of the Territorial Constituency members retiring once in every two years, it is essential to form the required number of territorial constituencies in each of the Water Users Associations. There shall be twelve territorial constituencies in each Water Users Association of Major and Medium Irrigation systems. In respect of Minor Irrigation systems, the number of territorial constituencies shall be six. Hence, the District Collector shall divide each of the water user area (i) in a major or medium irrigation system into twelve territorial constituencies as far as possible equally and (ii) into six territorial constituencies as far as possible equally in respect of minor irrigation systems.

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 redelineating a water user area, suitable reaches of the concerned Minor, Distributory, Canal, as the case may be considered.
- (6A) ¹[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 users area demarcating the boundaries of territorial constituencies in the area of operation shall be prepared. The particulars containing the survey numbers of the lands situated in each of such territorial constituency in form "A" shall be displayed together with such map or sketch on the notice board of the Gram panchayat and the Mandal Parishad for information of the land holders.
- (8) Objections or suggestions against the delineation of water users area or the division of territorial Constituencies, if any, shall be filed, by the land holders in the area of operation, before the District Collector or an officer nominated by him in this behalf, within a period of seven days excluding the date of display.

1. Added as per G.O.Ms.No. 48, I&CAD (CAD.IV) Dept., dated 04.04.2003.

- (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 Authorised 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, Command Area Development within seven 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 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 land holders in respect of the same land, the tenant and any person who is in lawful possession and enjoyment of the land under a water sources in a crop year have the right to vote in the elections to Water Users Association.
- (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 eighteen 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 the landholders or the tenants on the basis of records of rights in a non-notified area 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 from "G", for incorporation of any name or names in form "F", and for deletion of any name or names in form "H" within a week of display under sub-rule (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, a land holder 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) In case no such option is exercised by the land holder the Authorised 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.

(8) ¹[xxx]

10. Appeal for correction of Voter lists

²[Where the authorized officer is a Mandal Revenue Officer 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 Mandal Revenue Officer 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, Command Area Development may either suo motu or on an application from any person interested call for and examine the records of the ³[xxx] ⁴[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, it appears to the Commissioner, Command Area Development that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly.

Provided that the Commissioner shall not pass any order prejudicial to any person unless such person has had an opportunity of making a representation.

- (2) The Commissioner, Command Area Development may stay the execution of any such decision or order pending exercise of his power under sub-rule (1) in respect thereof
- (3) The Commissioner, Command Area Development may suo motu at any time or on an application received from any person interested within 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 whether 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).

1. Deleted as per G.O.Ms.No. 7 of I&CAD (CAD.IV) Dept., dated 17.01.2005.
2. Substituted as per G.O.Ms.No. 7 of I&GAD (CAD.IV) Dept., dated 17.01.2005.
3. Deleted as per G.O.Ms.No. 7 of I&CAD (CAD.IV) Dept., dated 17.01.2005.
4. Substituted as per G.O.Ms.No. 7 of I&CAD (CAD.IV) Dept., dated 17.01.2005.

