

O/o Commissioner, CAD,
Irrigation & CAD Dept, Jalasoudha,
Errummanzil, Hyderabad.

Circular Memo No. Com/CAD/DEE.1/WUA elections/2002, Dated: 30.8.2005.

Sub:- Certain clarifications regarding functioning of Farmers Organizations –
Reg.

Ref:- Amendments brought to APFMIS Act 1997 vide Act 7 of 2003.

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Elections were conducted to the 90% of the WUAs in the state. The WUAs have taken over the charge of the Irrigation Systems. Amendments were brought to the APFMIS Act 1997 vide Act 7 of 2003 for bringing more transparency in working of the Farmers Organizations. Previously clarifications were issued on certain issues. Now some other clarifications are being issued on certain other issues.

The clarifications in comprehensive way (which includes the previous clarifications) are as follows:

1. Filling up of casual vacancies

The casual vacancy of President/Chairman arisen due to resignation (or) recall (or) removal (or) death is to be filled by the Vice President / Vice-Chairman. Managing Committee will nominate one MC member for joint operation of WUA Account.

The casual vacancy of Vice President/Vice Chairman is to be filled through nomination of one Managing Committee member by the Managing Committee

The casual vacancy of TC member is to be filled through nomination of one farmer from the Territorial Constituency by the Managing Committee.

The nominated persons will continue till the casual vacancies are filled by election.

2. Settlement of disputes

a) Major Irrigation System

The dispute between water users is to be determined by the MC of WUA. Dispute between Water User & MC of WUA or between two or more WUAs is to be determined by MC of DC.

Dispute between two or more DCs is to be determined by PC.

Dispute between two or more PCs is to be determined by Apex Committee.

b) Medium Irrigation System

The dispute between water users is to be determined by the MC of WUA. Dispute between Water User & MC of WUA or between two or more WUAs is to be determined by MC of DC.

Dispute between two or more WUAs is to be determined by PC.

Dispute between two or more PCs is to be determined by Apex Committee.

c) Minor Irrigation System

The dispute between water users is to be determined by the MC of WUA. Dispute between water user and MC of WUA or between two or more WUAs is to be determined by EE concerned.

The dispute is to be settled within 15 days.

3. Appeals

The party aggrieved by the decision on the dispute may appeal to the next higher tier. However, in case of minor irrigation sector the appeal may be to the SE concerned on the decision of EE. The appeal is to be made within 30 days from the date of dispute resolution and is to be disposed within 15 days.

4. Acceptance of Resignations

The Superintending Engineer concerned has to accept the resignations of the TC members, President and Vice President of the WUA.

The Chief Engineer concerned has to accept the resignations of the DC President and Vice President. Commissioner has to accept the resignations of the PC Chairman and Vice Chairman.

However, before accepting the resignations any dues or charges against the resigning candidate are to be verified and suitable action is to be taken in this regard.

5. Duties of the Vice President and Vice Chairman:

Vice President or Vice Chairman will act as President or Chairman in the absence of President or Chairman, Vice President or Vice Chairman will be the joint account holder for operation of the FO's Bank Account. Vice President or Vice Chairman will be the convener for water management sub committee for effective water management.

6. Power to give directions and action against erring Presidents:

As per the provisions of the Act (Section 41A(1), the Superintending Engineers concerned is authorized to give directions to the Farmers Organizations for proper functioning of the Farmers Organizations and the Farmers Organizations shall implement those directions given by the Superintending Engineer.

If the President or Vice President, Chairman or Vice Chairman or member of Managing Committee of Farmers Organisation willfully omitted or refused the directions or abused the position or power vested in him or guilty of misconduct or persistently defaulted in the performance of his functions or defaulted in carrying out financial audit or defaulted in conducting General Body meetings or defaulted in formation of sub committees or incurred any disqualifications under the provision of Act, as per Section 41 A(2) action can be initiated against the erring Officer bearers and they can be removed from the posts of the Farmers Organisations after giving him reasonable opportunity of making representation against such action. As per G.O. 541 I&CAD (CAD.IV) Dept., dated 27.12.1997 the Farmers Organisations have

to conduct at least 2 General body meetings yearly, from 4 sub committees for carrying out different activities and audit is to be conducted. Conduct of financial audit, conduct of General Body meetings and formation of sub committees is the personal responsibility of the Farmers Organisation. The details of removing authority and appellate authority for different tiers of Farmers Organisations are as follows.

<u>Tier of FO</u>	<u>Removing authority</u>	<u>Appellate authority</u>
TC member, President and Vice President of WUA	Superintending Engineer	District Collector
President and Vice President of DC	Chief Engineer	Commissioner
Chairman and Vice Chairman	Commissioner	Commissioner

All appeals will have to be made before the appellate authority within thirty days from the date of serving the orders of removal and the decision of the appellate authority shall be final.

The field officers are requested to guide the Farmers Organisations in carrying out their duties working in close coordination with the Farmers Organizations is required for better water use efficiency, increased agricultural production and there by welfare of the farmers.

Sd/-
for Commissioner, CAD

To
The Superintending Engineers of Irrigation & Project Circles
Copy to the Prl.Secretary to Govt. (Irrigation), I&CAD (Genl.IV) Dept., for information.
Copy to the Engineer-in-Chief (Major), Director General, WALAMTARI, Chief Engineer (Minor). Chief Engineer (NSP), Chief Engineer (SRSP) for information and necessary action.
Copy to the District Collectors for information and necessary action.