



International E-mail Conference on Irrigation Management Transfer

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WUA Legislation Country Profiles: INDIA (State of Andhra Pradesh)

Constitutional framework. India is a federal state; the management of water is a responsibility of state Governments. The analysis below refers to the state of Andhra Pradesh.

1. Name of organization

The generic term used by the law (see references below) is “farmers’ organization”. There are three different layers of organizations: Water Users’ Associations (WUA) at the minor canal (or “primary”) level, Distributory Committees at the secondary canal level and Project Committees at the project or main system level. This analysis focuses on WUAs, the other organizations are presented incidentally.

2. Purpose

The law spells out the objectives of WUAs, as well as of farmers’ organizations in general: to promote and secure distribution of water among its users, to provide adequate maintenance of the irrigation system, to ensure efficient and economical utilisation of water to optimise agricultural production, to protect the environment and to ensure ecological balance.

3. Legal status and capacity

WUAs are bodies corporate, can enter into contracts, sue and be sued.

4. Establishment

WUAs are established following a decision by the Government to delineate a command area to be a water users’ service area. There are no provisions on the procedure for establishment of WUAs.

5. Membership

See 5.1

5.1 Eligibility criteria

All landholders, whether owners or tenants, in the command area designated by the Government. Where the tenant is the land user, it is the tenant who is eligible for membership. All water users in the service area of the WUA can be co-opted as members.

5.2 Rights and Duties of members

No specific provision

6. Internal structure

The general Body or Assembly is composed of all members of the WUA.

The Management Committee is the executive body of the WUA, which is elected by the WUA’s members in compliance with the arrangements prescribed by the Government. It consists of one member elected by each of the Territorial Constituencies (or area sub-units) of

the WUA. The Government regulates procedures for the election of the President of the Management Committee. The President and the members of the Committee are elected for five years.

The law spells out reasons for disqualification of candidates to the presidency of WUAs or to the Management Committee of any WUA. It also specifies justifications to remove officers from office.

7. Functions, Powers and Rights

7.1 Functions

Delivery of irrigation water and operation and maintenance of canals

Dispute settlement WUAs are responsible for settling disputes among their members and non-member water users in their area of operation. The law prescribes that disputes shall be disposed of within fifteen days from the date of reference.

Others WUAs are responsible for the preparation and implementation of schedules for each irrigation season; for assisting the Government in setting and collecting water rates, for maintaining a register of landholders and an inventory of the irrigation system, for promoting efficiency in the use of water allocated and for maintaining accounts and having these audited annually.

WUAs must abide by the decisions of the Distributory and Project Committees.

7.2 Powers

Levy and collection of assessments The law authorises WUAs, as well as other farmers' organizations, to levy and collect charges from their members, and from non-members, for the services provided.

Imposition of fines No specific provision.

7.3 Rights

Water rights No specific provision.

Rights in the infrastructure No specific provision.

Rights of way No specific provision.

8. Financing

Sources of income The law lists the resources of WUAs which include: grants received from the Government as a share of the "water tax" collected in the area of operation of the WUA; funds that may be granted by the State or Central Government for the development of the area of operation; resources raised from any financing agency; income from the properties and assets attached to the irrigation system in its area of operation and charges collected from members and non-members for the services provided. WUAs can obtain loans.

9. Government role

The Government may form new WUAs by separating the area from any other FO; it can also increase, diminish or alter the boundaries of the area of operation of a WUA.

If any difficulty arises as to the constitution or reconstitution of any WUA (or other farmers' organizations), the Government must do anything necessary to remove the difficulty.

The Government can issue directions to WUAs (or other farmers' organizations) for their effective functioning.

On its own initiative or on the basis of an application, under the circumstances spelled out in the law, the Government may remove members of the Managing Committee or the President.

The Government may appoint an officer to oversee the implementation of decisions taken by WUAs.

The Government, on its own initiative or on the basis of an application, can examine the records of any WUA to verify their correctness and compliance with applicable legislation. In case the records show that any decision of the WUA should be modified, reversed or annulled, the Government shall pass orders accordingly.

The Government regulates the procedures for the election of members and Presidents of the Managing Committees of WUAs (and of other farmers' organizations) and can postpone an election when it deems fit.

The Governments reserves the power to regulate matters in relation to WUAs.

10. Dissolution

No specific provision.

11. Federation of Associations

The law establishes a multi-layered system, as follows:

11.1

Name. Distributory committees, at the secondary canal level.

Establishment On Government initiative.

Purpose and Functions Main purpose is the coordination of the activities of WUAs. Functions of the Distributory Committee include preparation of plans for the maintenance of distributories and medium-size drains in their area of operation, regulation of the use of water among the various WUAs in its area of operation, solving of disputes among member WUAs, maintaining a register of WUAs in its area of operation and an inventory of the irrigation infrastructure within its service area. Distributory Committees must abide by the decisions of the Project Committee.

Membership Open to all WUAs in the area declared by the Government to be within the service area of the Distributory Committee.

Internal structure. General Body composed of the Presidents of all member WUAs. Managing Committee composed of no more than five members and a President elected by the members of the General Body from among themselves. The term of office of the members and president of the Managing Committee shall be co-terminous with the term of the General Body of the WUA.

11.2

Name. Project Committees, at the project level.

Establishment On Government initiative.

Purpose and Functions. Main purpose is the coordination of activities of Distributory Committees. Functions of Project Committees include approving an operational plan for the entire project area, approving a plan for the maintenance of the irrigation system in their area of operation, maintaining a list of Distributory Committees and WUAs in their area of operation, solving of disputes among Distributory Committees, maintaining accounts and having these audited annually.

Membership. Open to all Distributory Committees in the area declared by the Government as a project area.

Internal structure. General Body composed of the Presidents of all member Distributory Committees. Managing Committee, composed of no more than nine members and a President elected by the members of the General Body from among themselves, in compliance with directions given by the Government. The term of office of the members and President of the Managing Committee shall be co-terminous with the term of the General Body of the distributory committee.

References

Legislation

Andhra Pradesh Farmers Management of Irrigation Systems Act (Act No. 11 of 1997) – 7 April 1997, including amendments introduced under Bill No. 32 of 1998. Available in the FAOLEX database at URL <http://faolex.fao.org/faolex>

Literature

Oblitas, K. and Peter, R., **Transferring Irrigation Management to Farmers in Andhra Pradesh, India** World Bank Technical Paper 449, The World Bank: Washington D.C., 1999.