

THE TELANGANA WATER RESOURCES REGULATORY
COMMISSION ACT, 2009.

(ACT NO. 15 OF 2009.)

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**THE TELANGANA WATER RESOURCES REGULATORY
COMMISSION ACT, 2009.¹**

ACT NO. 15 OF 2009.

**CHAPTER I.
PRELIMINARY.**

1. (1) This Act may be called the ²Telangana Water Resources Regulatory Commission Act, 2009. Short title, extent and commencement.

(2) It extends to the whole of the State of ²Telangana.

(3) It shall come into force on such date as the State Government may, by notification in Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires:- Definitions.

(a) **“Category of Use”** means use of water for different purposes such as for domestic, agricultural irrigation, agro-based industries, industrial or commercial, environmental, etc., and includes such other purposes as may be prescribed;

(b) **“Chairperson”** means the Chairperson of the Commission;

1. The Andhra Pradesh Water Resources Regulatory Commission Act, 2009 received the assent of the Governor on 08.09.2009. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

2. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

(c) **"Commission"** means the ³Telangana Water Resources Regulatory Commission established under section 3;

(d) **"Government"** or **"State Government"** means the Government of ³Telangana;

(e) **"Irrigation Project"** means a project constructed to provide irrigation facilities to the land situated in the command area in accordance with the project reports and orders issued in this regard, as revised from time to time;

(f) **"Member"** means a Member of the Commission and includes the Chairperson;

(g) **"Notification"** means a notification published in the ³Telangana Gazette and the word notified shall be construed accordingly;

(h) **"Prescribed"** means prescribed by rules made under this Act;

(i) **"Selection Committee"** means a Selection Committee constituted under section 5;

(j) **"State"** means the State of ³Telangana;

(k) **"Water Users' Association"** means a Water Users' Association formed at the minor level or above, under the ⁴Telangana Farmers Management of Irrigation Systems Act, 1997;

(l) **"Water Users Association"** or **"Distributory Committee"** or **"Project Committee"** means the Committees

3. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

4. Adapted in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

constituted under the ⁵Telangana Farmers Management of Irrigation Systems, Act, 1997. Act No.11 of 1997.

(2) Words and expressions used and not defined in this Act but defined in various irrigation or water resources related Acts in the State shall have the meanings respectively assigned to them in those Acts.

CHAPTER II. ⁶TELANGANA WATER RESOURCES REGULATORY COMMISSION.

3. (1) The Government shall within three months from the date of the Commencement of this Act, by notification, establish a Commission to be known as the ⁶Telangana Water Resources Regulatory Commission to perform the functions and duties assigned to it.

Establishment
and incorporation
of Commission.

(2) The Commission established under sub-section (1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to contract, acquire, hold and dispose of property, both movable and immovable, and to do all things necessary for the purposes of this Act, and may sue or be sued by its corporate name.

(3) The Commission shall consist of a Chairperson and two other members.

(4) The Head Office of the Commission shall be at Hyderabad.

(5) The Chairperson and the other Members of the Commission shall be appointed by the Governor of

5. Adapted in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

6. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

⁷Telangana on the recommendation of the Selection Committee constituted under section 5.

Qualifications for appointment and the manner of selection of members.

4. (1) The Chairperson and the Members of the Commission shall be appointed as follows:-

(a) The Chairperson shall be a person who is or who was of the rank of Chief Secretary of the State or equivalent thereto or a person of eminence in the field of water resources management with proven track record;

(b) One Member shall be expert from the field of water resources engineering;

(c) One Member shall be expert from the field of water resources economy.

(2) The Commission may as and when needed and decided by them invite special invitees from,-

(a) experts who are having adequate knowledge, experience or proved capacity in dealing with the problems relating to engineering, agriculture, drinking water, industry, law, economics, commerce, finance or management for assisting the Commission in taking policy decisions;

(b) members from farmers organizations within the State.

(3) The Chairperson and other Members of the Commission shall not hold any other office of profit.

5. (1) The Government shall, by notification, for the purposes of selection of the Chairperson, and other

Constitution and functions of Selection Committee.

7. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

Members of the Commission, constitute a Selection Committee consisting of:-

(a) The Chief Secretary of the State Ex-officio Chairperson.

(b) Special Chief Secretary/Principal Secretary/ Secretary to Government of the following departments shall be the Ex-Officio Members,-

i) Finance

ii) Planning

iii) Irrigation & Command Area Development- Convener

(2) The Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or Member of the Commission, and six months before the superannuation or end of tenure of Chairperson or any Member, make a reference to the Selection Committee for selection.

(3) The Selection Committee shall finalize the selection of the Chairperson and Members within one month from the date on which the reference is made to it.

(4) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(5) Before recommending any person for appointment as the Chairperson or Member of the Commission the Selection Committee shall satisfy itself that such person does not have any financial or other interest, which is likely to affect prejudicially his functions as a Member.

(6) No appointment of the Chairperson and members of the Commission shall be invalid merely by reason of any vacancy in the Selection Committee.

Term of office of members.

6. (1) The Chairperson and Members of the Commission shall hold office for a period of five years or till attaining the age of 65 years, whichever is earlier.

(2) The Chairperson and the Members of the Commission shall not be eligible for second term appointment.

Salaries and allowances of members.

7. (1) The Chairperson and Members of the Commission shall be paid such fees or salaries and such allowances as may be prescribed by the Government.

(2) The salary and allowances and other conditions of service of the Chairperson and Members of the Commission shall not be varied to their disadvantage after appointment.

Conditions of service.

8. (1) Notwithstanding anything contained in section 6, the Chairperson and Members of the Commission may,-

a) relinquish the office by giving in writing to the Government, notice of not less than three months; or

b) be disqualified from his office in accordance with the provisions of sections 9 and 10.

(2) The Chairperson and Members of the Commission ceasing to hold office as such shall,-

a) not be eligible for further employment under the Government for a period of two years from the date the person ceases to hold such office;

b) not accept any commercial employment for a period of two years from the date the person ceases to hold such office.

Explanation:- For the purposes of this sub-section:-

i) "Employment under the Government" includes employment under any local or other authority within the territory of ⁸Telangana or under the control of the Government or under any corporation or society owned or controlled by the Government.

ii) "Commercial Employment" means employment, in any capacity under, or agency of, a person, engaged in trading, commercial, industrial or financial business in the Water Resources Sector and also includes a director of a company or partner of a firm and also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant.

9. (1) A person shall be disqualified for being appointed as, or for being, a Chairperson and Members of the Commission,-

**Disqualifications
for being a
member of the
Commission.**

a) if the person is of unsound mind or has become physically incapable of performing his duties,

b) if the person is an undischarged insolvent,

c) if the person has been convicted of an offence involving moral turpitude,

d) if the person has such financial or other interest as is likely to affect prejudicially his functions as a Member of the Commission,

8. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

e) if it is proved beyond reasonable doubt that the person has so abused his position as to render his continuance in office prejudicial to the public interest,

f) if he acts prejudicial to the public interest and Government directions.

(2) Subject to the provisions of sub-section (1), the Chairperson and Members of the Commission shall be removed from office by order of the Government on the ground of proved misbehaviour in an enquiry held in accordance with the procedure as may be prescribed.

(3) The Government may, during the period of inquiry as specified in sub-section (2), suspend the Chairperson and Members of the Commission.

Conflict of interest to disqualify members.

10. Before appointing a person to be the Chairperson and Member of the Commission, the Government shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially his functions as a Chairperson and Member of the Commission.

Power of Government to depute officers and employees to Commission and their service conditions.

11. (1) The Commission may, with the prior approval of the Government, appoint a Secretary and such number of officers and employees as it considers necessary either on contract or on deputation for the performance of its duties and functions.

(2) The Commission may engage consultants as and when required to assist the Commission in the discharge of its functions.

Proceedings of Commission.

12. (1) The Commission shall meet at the head office or at any place and at such time as the Chairperson may direct.

(2) Two out of three Members including the Chairperson shall constitute the Quorum for the meetings of the Commission.

(3) If the Chairperson is unable to attend a meeting of the Commission, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present among themselves shall preside at the meeting.

(4) All decisions of the Commission shall be on the basis of majority of the Members present and voting.

(5) In case of differences in opinion of any two Members on any issue or resolution, the full Commission shall decide the matter on a majority basis:

Provided that for a meeting of the Commission to review any previous decision taken by the Commission, the quorum shall be that all Members shall be present.

(6) Commission for any specific purpose may invite special invitee depending, upon the need to give expert opinions to the Commission. However, the special invitees shall not have any voting right.

(7) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Chairperson in this behalf.

13. (1) No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy in the Commission.

**Vacancies, etc.,
not to invalidate
act or proceeding.**

(2) In case of difference of opinion between the Chairperson and the Member, the view of the Chairperson shall prevail.

CHAPTER III. POWERS, FUNCTIONS AND DUTIES OF THE COMMISSION.

Powers, functions and duties of the Commission.

14. The powers, functions and duties of the Commission shall be as under:-

(1) a) to determine the water requirement for various categories of users (such as irrigation, municipal/ rural drinking water / industry etc) on a yearly / season basis,

b) to determine the requirement of irrigation water for the various levels of Farmers Organizations (namely, Project Committee, Distributor Committee and Water User Association) based on the cropping pattern approved by the project authorities on a yearly / season basis and implement the same.

(2) a) to determine the adequate operation and maintenance (O&M) cost of irrigation/multipurpose water projects,

(b) the State shall ensure provisions for full operation and maintenance requirements of such projects as determined by the Commission, through an appropriate budgetary support, to ensure that the quality of the service delivery is not allowed to suffer for want of systems operation and maintenance needs.

(3) To promote efficient management of irrigation water:-

a) Providing Guidelines / Procedures / modalities for plough back of operation and maintenance amount to the farmers organizations for the operation and maintenance of the irrigation systems as well as standards of services,

b) Monitoring the technical standards for operation and maintenance, cyclical repairs and minimum rehabilitation of irrigation system,

c) Ensure that the principle of "tail to head" irrigation is implemented by the project authorities.

(4) To promote efficient use of water resources and minimizing wastage of water by:-

a) Fixing and monitoring implementation of stipulated quality standards for management of water resources by various water users/departments and recommend actions against violations.

b) Fixing and monitoring implementation of stipulated quality standards for the services to be provided by various water resources service providers and recommendations against violations,

c) Fixing and monitoring implementation of stipulated quality standards for disposal of waste water by various water users and recommend actions against violations,

d) Fixing and monitoring implementation of stipulated standards for protection of all water resources in the State including pollution,

e) Supporting and aiding enhancement and preservation of water quality within the State in close coordination with the relevant State Agencies and in doing

so following the principle that "the person who pollutes shall pay".

(5) To ensure publication of an annual report containing following information by project authorities:-

a) Irrigation status containing all statistical data relating to irrigation including details of the project wise irrigation potential and its actual utilization, water user efficiency and productivity relating to the projects;

b) Bench marking of irrigation/multipurpose water projects to identify projects with best management practices for emulation by other projects;

c) Water Audit of Irrigation/multipurpose water projects giving a systematic and scientific water account of the projects.

(6) a) The Commission shall devise a suitable mechanism for financial incentives/disincentives to the farmer's organizations and other water users for ensuring delivery of services to their members as per the determination;

b) The Commission shall in case of non-compliance of the specific directions in discharge of the powers under this Act, recommend to the Government suitable disciplinary action against such Government officials.

(7) To perform any other powers, functions and duties as assigned to the Commission by the State Government by notification.

General policies
of the
Commission.

15. The Commission shall work according to the framework of the State Water Policy and other existing laws of the state.

**CHAPTER IV.
ACCOUNTS, AUDIT AND REPORTS.**

16. The Government may, after appropriation duly made by the State Legislature, by law in this behalf, make such grants and advances to the Commission as it may deem necessary for the performance of its functions and discharge of its duties under this Act and all grants and advances made shall be on such terms and conditions as the State Government may determine.

Grants and advances to Commission.

17. The Commission shall prepare in such form and at such time in each financial year as may be prescribed, its budget for the next financial year and forward it to the Government.

Budget of Commission.

18. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government in consultation with the Accountant General.

Accounts of Commission.

(2) The Accounts of the Commission shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The Accountant General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Accountant General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Government by the Commission and the Government shall cause the audit report to be laid, within a period of six months from the date of its receipt, before the State Legislature.

Annual Reports of Commission.

19. (1) The Commission shall prepare once in every year in such form, and at such time as may be prescribed an annual report, giving a summary of its activities during the previous year and copies of the report shall be sent to the Government.

(2) A copy of the report received under sub-section (1) shall be laid, within six months, after it is received, before the State Legislature.

CHAPTER V. MISCELLANEOUS.

General Powers of the State Government.

20. The Government shall have the power to issue policy directions to the Commission on matters concerning water in the State including the overall planning and co-ordination.

Members, officers and other staff of Commission to be public servants.

21. The Chairperson, members, officers and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or rules or regulations made there under to be the public servants within the meaning of section 21 of the Indian Penal Code.

Central Act 45 of 1860.

Protection of action taken in good faith.

22. No suit, prosecution or other legal proceedings shall lie against the Government or the Commission and officer of Government or any Members, officer or other employees of the Commission for anything done or purported to have

been done in good faith in pursuance of the provisions of this Act or rules or regulations made thereunder.

23. (1) The State Government may by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

Power to make Rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while in session for a total period of fourteen days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the Official Gazette, the rule shall, from the date of publication of such decision in the Official Gazette, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

24. (1) The Government by an order issued in its behalf authorize any competent officer or officers for each project as Primary Dispute Resolution Officer to resolve the disputes with regard to the issuance or delivery of determined water under the Act.

Dispute Resolution Mechanism.

(2) The Primary Dispute Resolution Officer shall follow such procedure as may be prescribed while hearing the disputes.

25. The Commission with the prior approval of the State Government may make regulations for discharging its duties consistent with this Act and the rules made thereunder.

Powers of Commission to make regulations.