

Chapter	Rules and Regulations	Function	Regulations to be followed
Chapter 6	Regulations to be followed	Function	Regulations to be followed

Departmental execution and control of work

AP and CPD Accounts Code Vol. III

AP and CPD Accounts Code Vol. III

Establishment of work

AP and CPD Accounts Code Vol. III

Preparation of Material

Departmental procedures

Departmental procedures

Departmental procedures

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Chapter 6

Critical Provisions of the Act

The Andhra Pradesh Panchayat Raj Act, 1954 (Act No. 13 of 1954) and the Andhra Pradesh Panchayat Raj Rules, 1954 (Rules No. 13 of 1954) are the main legislative enactments relating to the Panchayat Raj system in Andhra Pradesh.

The Act is a comprehensive legislation which provides for the constitution, powers, functions, and control of Panchayats. It also provides for the election of members to Panchayats and the appointment of officers and employees to Panchayats.

The Rules are framed under the Act and provide for the details of the functioning of Panchayats. They also provide for the election of members to Panchayats and the appointment of officers and employees to Panchayats.

No.	Section
1	Section 1
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3	Section 3
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100	Section 100

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1. The Act provides for the constitution of Panchayats. It provides for the election of members to Panchayats and the appointment of officers and employees to Panchayats. It also provides for the powers and functions of Panchayats.

2. The Act provides for the election of members to Panchayats. It provides for the qualifications and disqualifications of members and the procedure for election.

3. The Act provides for the appointment of officers and employees to Panchayats. It provides for the qualifications and disqualifications of officers and employees and the procedure for appointment.

CRITICAL PROVISION(S) OF THE ENACTMENT(S)

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CRITICAL PROVISION(S) OF THE ENACTMENTS

Critical Provisions of the Enactments

The Andhra Pradesh Panchayat Raj Act 1994 (Act No. 13 of 1994) relates to Gram Panchayats, Mandal Parishads and Zilla Parishads

Though the act is not directly related to P.R. & RD Engineering Department, but there is a need for every PR & RD Engineering Department personnel to know certain sections which are associated with their functions.

All such sections have been identified and furnished in the format given below with time extracts

Sl. No.	Section No.	Critical provisions of the enactment
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1) All public water courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected and whether made laid or erected at the cost of the gram panchayat or otherwise for the use or benefit of the public, and also any adjacent land, not being private property, appertaining thereto shall vest in the gram panchayat and be subject to its control.

Provided that nothing in this sub-section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

2) Subject to such restrictions and control as may be prescribed, the gram panchayat shall have the fishery rights in any water work vested in it under sub-section (1), the right to supply water from any such work for raising seed beds on payment of the prescribed fee, and the right to use the adjacent land appertaining thereto for planting of trees and enjoying the usufruct thereof or for like purpose.

3) The Government may, by notification, define or limit such control or may, assume the administration of any public source of water supply and public land adjacent and appertaining to the district

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thereto after consulting, the gram panchayat and giving due regard to its objections, if any

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1) Not withholding anything in this Act and subject to the rules made in this behalf, two or more gram panchayats may

i) Construct and maintain water works for supply of water for washing and bathing purposes and protected water for drinking purposes from a common source, and

ii) Entrust to Mandal Parishad with its consent and on such terms as may be agreed, upon the management of any institution or the execution or maintenance of any work.

2) Subject to the provisions of this Act and the rules made thereunder, two or more Mandal Parishads may establish and maintain common dispensaries, child welfare centres and institutions of such other kinds, as may be prescribed.

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1) Every Zilla Parishad shall exercise such powers and perform such functions as may be entrusted to it by rules made in this behalf with regard to the subjects enumerated in the first Schedule. The Zilla Parishad shall also have the power to

i) Examine and approve the budgets of Mandal Parishads in the district

ii) Distribute the funds allotted to the district by the Central or State Government among the Mandal Parishads and Mandals in the district for which Mandal Parishad are not constituted

iii) Co-Ordinate and consolidate the plans prepared in respect of the Mandals in the district and prepare plans in respect of the entire district

iv) Secure the execution of plans, projects, schemes or other works either solely relating to the individual Mandals or common to two or more Mandals in the district

v) Supervise generally the activities of the Mandal Parishads in the district

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vi) Exercise and perform such of the powers and functions of the District Board including the powers to levy any tax or fees, as may be transferred to it under this Act

vii) Exercise and perform such other powers and functions in relation to any development programme as the Government may by notification confer on or entrust to it.

viii) Advise Government on all matters relating to development activities and maintenance of services in the district, whether undertaken by local authorities or Government.

ix) Advise Government on the allocation of work among gram panchayats and Mandal Parishads and Co-Ordination of work between the said bodies and among the various gram panchayats themselves.

x) Advise Government on matters concerning the implementation of any statutory or executive order specially referred by the Government to the Zilla Parishad

xi) Collect such data as deemed necessary

xii) Publish statistics or other information relating to the activities on the local authorities

xiii) Require any local authority to furnish information regarding its activities

xiv) Accept trusts relating exclusively to the furtherance of any purpose for which its funds may be applied

xv) Establish, maintain, or expand secondary, vocational and Industrial schools.

xvi) Borrow money for carrying out the purposes of this Act with the previous approval of the Government and subject to such terms and conditions as may be prescribed

2) The Zilla Parishad may, with the approval of the Government levy contributions from the funds of the Mandal Parishads in the district

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4 197 1) All moneys received by the Zilla Parishad shall constitute a fund called the Zilla Parishad Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed

2) All moneys received by the Zilla Parishad shall be lodged in the nearest Government Treasury

3) All orders or cheques against the Zilla Parishad Fund shall be signed by the Chief Executive Officer.

5 199 1) The Chief Executive Officer shall in each year, frame and place before the prescribed date, a budget showing the probable receipts and expenditure during the following year, and the Zilla Parishad shall sanction the budget, with such modifications, if any, as it thinks fit.

2) The budget so sanctioned shall be submitted to the Government by the Chief Executive Officer through the Chairman on or before such date as may be fixed by the Government and if the Government are satisfied that adequate provision has not been made therein or that it is otherwise unsatisfactory for giving effect to the provisions of this Act, they shall have the power to approve the budget with such modifications as they may consider necessary to secure such provision.

3) If, for any reason, the budget is not sanctioned by the Zilla Parishad under sub-section (1) before the date referred to in sub-section (2) the Chief Executive Officer shall submit the budget to the Government who shall thereupon approve the budget as if it were submitted to the under sub-section (2)

4) If, in the course of a year, the Zilla Parishad finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure a revised or supplemental budget may be framed, submitted and sanctioned or approved as far as may be, in the manner provided in sub-sections (1), (2) and (3)

6 235 1) The Governor shall on the recommendation of the State

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Government constitute a Finance Commission as soon as may be within one year from the date of commencement of the Constitution (Seventy third) Amendment Act, 1992 and thereafter on the expiration of every fifth year.

2) The Finance Commission shall consist of a Chairman and four other members of whom one shall be the Member Secretary. The Government shall by order appoint on the recommendation of the Government the Chairman and other members of the Commission

3) The Government shall make availability to the Finance Commission such staff as may be necessary for the discharge of the functions conferred on the Finance Commission.

1) The Finance Commission shall review the financial position of the Gram Panchayats, Mandal Parishads and Zilla Parishads and make recommendations to the Government as to

a) the principles which should govern

i) the distribution between the State and the said Gram Panchayats and Parishads of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them and the allocation between the said Gram Panchayats and Parishads at all levels of their respective shares of such proceeds.

ii) The determination of the taxes, duties, tolls and fees which may be assigned to or apportioned by, the said Gram Panchayats and Parishads.

iii) The Grant-in-aid to the said Gram Panchayats and Parishads from the consolidated Fund of the State.

b) The measures needed to improve the financial position of the said Gram Panchayats and Parishads.

2) The Government shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State

Sl. No.	Section No.	Critical provisions of the enactment
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8 242 1) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a Civil Court under the Code of Civil procedure, 1908 while trying a suit in respect of the following matters, namely.

- a) summoning and enforcing the attendance of witnesses
- b) requiring the production of any document
- c) requisitioning any public record from any court or office.

2) The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission and any person so required shall, notwithstanding anything contained in sub-section (2) of section 54 of the Indian Income Tax Act, 1922 in any other law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of section 176 of the Indian Penal Code.

3) The Commission shall be deemed to be a Civil Court for the purposes of section 345 (1) and 346 of the code of Criminal Procedure, 1973

Explanation: For the purpose of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of the State of Andhra Pradesh.

9 243 1) Notwithstanding anything in the relevant District Boards Act or any other law, the government may, by notification and subject to such control, restrictions, conditions and reservations as may be specified therein, direct that any powers exercisable or functions performable by a District Board by or under the relevant District Boards Act or any other law for the time being in force including the powers to levy any tax or fees, shall be transferred to a Mandal Parishad as the case may be, shall exercise and perform the powers and functions transferred to it.

2) When any powers and functions of the District Board are transferred to a Mandal Parishad or a Zilla Parishad under sub-section (1), all references in the relevant District Boards Act or

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any other law for the time being in force to the District Board with reference to such powers and functions shall be construed as references to the Mandal Parishad or the Zilla Parishad as the case may be.

10 244 1) the Government may, by notification, direct that such of the provisions of the relevant District Boards Act, including the provisions relating to the levy and collection of any tax or fee as may be specified in such notification, shall apply to the Mandal Parishad and the Zilla Parishad constituted under this Act.

For the purpose of facilitating the application of these provisions to the Mandal Parishad and Zilla Parishad constituted under this Act, the Government may, by notification, make such adaptations and modifications of the relevant District Boards Act and the rules made thereunder whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon the relevant District Boards Act and the rules made thereunder shall have effect subject to the adaptations and modifications so made.

2) Notwithstanding that no provision or insufficient provision has been made under sub-section (1) for the adaptations of the provisions of the relevant District Boards Act, or the rules made thereunder, any court, tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to any Mandal Parishad or the Zilla Parishad construe these provisions in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

11 261 The Government may transfer any institution or work under their management or control to a Zilla Parishad or a Mandal Parishad and a Zilla Parishad may transfer any institution under its management or control to any Mandal Parishad or Gram Panchayat, subject to such conditions, limitations and restrictions as may be specified by the Government or the Zilla Parishad, as the case may be.

Provided that no such transfer shall be made unless the prior consent of the concerned Zilla Parishad, Mandal Parishad as the case made be, is obtained.

Sl. No.	Section No.	Critical provisions of the enactment
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12. The accounts of the Gram Panchayats, Mandal Parishad and Zilla Parishad shall be maintained in such manner and in such form as may be prescribed. The accounts maintained by the said local bodies shall be audited by the Director of State Audit appointed under section 3 of the Andhra Pradesh State Audit Act, 1989.

13. For the purpose of proper maintenance of accounts and matters connected therewith or incidental thereto, it shall be competent for the Director of State Audit to issue such directions as he deems necessary to the Chief Executive Officer, who shall ensure that the said directions are carried out by the said local bodies.

1. Agriculture, including agricultural extension

2. Land improvement, implementation of land reforms, land consolidation and soil conservation

3. Minor irrigation, water management and watershed development

4. Animal husbandary, dairying and poultry

5. Fisheries

6. Social forestry and farm forestry

7. Minor forest produce

8. Small scale industries, including food processing industries

9. Khadi, villages and cottage industries

10. Rural housing

11. Drinking water

12. Fuel and fodder

13. Roads, Culverts, Bridges, Ferries, Waterways and other means of communication

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14. Rural electrification, including distribution of electricity

15. Non-conventional energy sources

16. Poverty alleviation programme

17. Education, including Primary and Secondary Schools

18. Technical Training and Vocational Education

19. Adult and non-formal education

20. Libraries

21. Cultural Activities

22. Markets and fairs

23. Health and sanitation, including, hospitals, primary health centres and dispensaries.

24. Family Welfare

25. Women and Child development

26. Social welfare, including welfare of the handicapped and mentally retarded.

27. Welfare of the weaker sections, and in particular, or Scheduled Castes and the Scheduled Tribes.

28. Public distribution system.

29. Maintenance of Community assets.

1. COMMUNITY DEVELOPMENT

14 Schedule-II

The execution of all programmes under Community Development in association with Panchayats, Co-operative societies, voluntary organisations and the people.

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2. AGRICULTURE

The doing of everything necessary to step up agriculture production and in particular

- multiplication and distribution of improved seeds
- distribution of fertilizers
- popularisation of improved techniques, methods and practices and improved implements
- achieving self-sufficiency in green manure and composting of farmyard manure
- encouraging fruit and vegetable cultivation
- reclamation of land and, conservation of soil
- providing credit for agricultural purposes
- propagating and assisting in plant protection methods
- laying out demonstration plots and working out better methods of farm managements
- bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining government minor irrigation sources and supply channels
- utilising more power for agricultural purposes
- exploiting under ground water sources by sinking wells, filterpoints and tube wells
- tree planting
- growing of village forests

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3. ANIMAL HUSBANDRY AND FISHERIES

- Upgrading local stock by introducing pedigree breeding bulls and castrating scrub bulls
- Introducing improved breeds of cattle, sheep, pigs and poultry
- Controlling contagious diseases by systematic protection
- Introducing improved fodders and fees
- Establishing and maintaining of artificial insemination centres, first aid centres and minor veterinary dispensaries
- Educating the people about the importance of better cattle for both milk and draught

4. HEALTH AND RURAL SANITATION

- Expanding existing medical and health services and bringing them within the reach of people
- Establishing and maintaining Primary Health Centres and Maternity Centres.
- Providing protected drinking water facilities
- Ensuring systematic vaccination
- Controlling epidemics
- Providing drains and soakage pits for village and house drainage.