

# PANCHAYAT RAJ ACT-1994

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## **PANCHAYAT RAJ ACT-1994**

- **The AP Panchayat Raj Act, 1994 was passed by State Assembly on 15<sup>th</sup> April'1994.**
- **Consented by President of India on 21<sup>st</sup> April,1994.**
- **Gazette Publication on 22<sup>nd</sup> April'1994 for enforcement.**
- **This Act is meant for establishing Gram Panchayats, Mandal Parishads and Zilla Parishads and related issues within the State of Andhra Pradesh.**

## PANCHAYAT RAJ ACT-1994

- **Section 1** deals with Jurisdiction of Implementation of Act and exemption applies to the AP Municipalities Act,1965, areas mentioned under Sec 389-A,AP Mines Act,1956( Telangana Region)-related to mines settlement and Cantonments Act,1924.
- **Section 2** deals with Terminology used in the Act.
- Sub Section 5 clarifies that Chairperson elected to ZP under Sec 181.
- Sub Section 15 defines Finance Commission that find place under article 235 of Indian Constitution.
- Subsection 17 mentions Panchayat and 18 defines Gram Sabha established by sec 6 of the Act.

## PANCHAYAT RAJ ACT-1994

- According to Section 5(22), Mandalam defined under Districts establishment act, 1974(7 of Act 1974) covered in its Section -3
- Mandal Parishad is that was established under Section (U/S)-148 of this Act or reorganisation of the same. Mandal Parishad Development Officer (MPDO) is the Officer appointed as per Section 168 of Act.
- Subsection 28-A mention that the Panchayat Secretary will be appointed under Section 30 of the Act. (added by Act 22 of 2002, w.e.f 20<sup>th</sup> June 2002).
- Grama Sarpanch was he who elected under Section 14 of the Act. and his tenure is for 5 years.
- Zilla Parishad was that established according to Section 177.

# PANCHAYAT RAJ ACT-1994

## Rights of Gram Sarpanch under section 25 of Act:

- Organise election for Upa-Sarpanch within 30 days of vacancy arises.
- Control over all Panchayat Records.
- Implementation of Panchayat or Committee resolutions and exercise administrative Control over Panchayat Secretary and other employees of Panchayat.
- Fulfil the provisions of Act, 1994 within the jurisdiction of rights and responsibilities conferred under Act.
- Can ask any information within Grama Panchayat jurisdiction needed to protect the Act Provisions.
- He has to inform the Zilla Panchayat officer about ineligibility of members falls under sections 16-20 of Act.
- Shall act following the approvals according to Panchayat resolutions only.

## PANCHAYAT RAJ ACT-1994

- **Section 31 of Act:** The Panchayat Secretary shall call for Panchayat meeting with prior approval of Sarpanch once in a month and in case Sarpanch fail to give such approval within 90 days, He has to conduct the meeting.
- **Sec 32** specifies the duties and responsibilities of Panchayat Secretary, and primarily he has to take action to implement Panchayat resolutions.
- In case such resolutions are outside and beyond purview of Act endangering the Public Health and Safety, he shall bring to the notice of Commissioner of Panchayat whose decision is final.
- **Section 40:** The beneficiary Committees and Joint Committees with in Panchayat over see the works execution, and Grama related Public Health, Water supply, Agriculture, education, Family Planning issues within frame work of the Act.

## PANCHAYAT RAJ ACT-1994

- **Section 43&44:** Every Gram Panchayat (GP) shall prepare Administrative Report annually in prescribed Form and by stipulated date by its executive authority (Panchayat Secretary) and place before Gram Panchayat. U/s 43.
- The Commissioner PR shall supervise the administration of all Gram Panchayats in the state and shall also exercise the powers and perform the functions vest in him u/s 44 under Act.
- **Section 45:** The Panchayat has duty to construct, maintain, and repair buildings in its jurisdiction and roads other than Mandal Parishad and Zilla Parishad too.
- Street lighting, drainage system, cleanliness of Panchayat, public latrines are also responsibility of Gram Panchayat.
- Prevention of epidemics or malaria, Cholera is to be attended by GP. So also drinking Water Supply and bore wells –Open wells shall be maintained by GP.
- Registration of Deaths and Births be done by GP. All other matters expressly declared obligatory by or under this Act or any other law falls under responsibility of GP.

## PANCHAYAT RAJ ACT-1994

Section of PR Act	Powers, Functions and Property of Gram Panchayat (GP)
45 &46	Duty of Gram Panchayat to Provide for Certain Matters.
47	Powers of GP for Common dispensaries,child welfare Centres..
48&49	Transfer of management of Forests to GP& Panchayats of Forests to GP.
50	Power of Commissioner Land Revenue to Transfer resume of control of Endowments and inams.
51	Limitation of power to accept donations and Trusts
52	Maintenanace of Cattle Ponds.
53	Vesting of Public roads in GP.
54	Collected Sewage etc.to belong to Gram Panchayat.
55	Vesting of Communal property or income in GP.
56	Maintenance of Irrigation works,execution of Kudimaramat.
57	Vesting of management of ferries in GP...
58	Certain Govt. porambokes to vest in GP....
59	Acquistion of immovable property required by GP..



# PANCHAYAT RAJ ACT-1994

## PART-III, MANDAL PARISHADS

- **Section 148: Constitution and Incorporation of Mandal Parishads.1)**
- There shall be constituted by the Government by Notification from time to time and with effect on and from such date, as may be specified there in, constitute a Mandal Parishad.
- **Section 149: Composition of Mandal Parishad-**
- There shall be Territorial Constituency Members elected by voters and one elected President and Vice President for the Mandal.
- One Minority Member will be co-opted for the Mandal Parishad.
- The other representatives such as MLA and MLC also are members of the Mandal Parishad.

## PANCHAYAT RAJ ACT-1994

### **Section 161: Powers and functions of Mandal Parishad:**

- The administration of Mandal vests with Mandal Parishad and it shall exercise all the powers conferred on, and perform all the functions entrusted to it by or under this Act, and such other powers and functions as may be conferred on, and entrusted to it by the Govt. for carrying out the Purposes of the Act.

### **Section 165:**

#### **Powers and functions of President and Vice President:**

- Exercise administrative control over the Mandal Parishad Development Officer (MPDO) for the purposes of implementation of resolution of the Mandal Parishad;
- Preside over and conduct the meetings of the Mandal Parishad; and
- Have full access to all records of the Mandal Parishad.

## PANCHAYAT RAJ ACT-1994

- **Section 173: Mandal Parishad Funds:** All Moneys received by MP shall be lodged in the Govt. treasury. But the Jawar Rozgar Yojana, Employment Assurance Schemes or other wage employment schemes shall be lodged in nearby Nationalised Banks or Co-Operative Banks or Post offices in such manner as may be prescribed.
- **Section 175 & 176: Joint Committee of MP and its Powers and Functions:** A Mandal Parishad may, and if so required by the Govt. shall, join with one or more than one other local authority in constituting a joint committee for any purpose for which they are joining responsible

Section of PR Act	Constitution,composition,Powers & Functions of Mandal Parishad
148	Constitution and Incorporation of MP
149	Composition of MP
150	Division of Mandal in to Constituencies
151	Election of Members from Territorial Constituencies
152	Reservation of seats of Members of MP
153	Election,reservation and term of members of office of President and Vice President...
154	Term of office of member of MP
155&156. 158	Qualification of Candidates for Election...and Disqualification. Permanent invites to MP
160	Rules for Conduct of the Business at a meeting of MP
161	Powers and Functions of a MP.
162	Maintenace of Common Water works and other Institutions,
165	Powers and functions of President and Vice President.
167	Powers and Functions of MPDO.
171	Mandal Parishad Fund

## **Powers and Functions of MPDO**

- MPDO is CEA of MP
- Convener to conduct MP Meetings on direction of President or on Constitutional Obligation(Monthly).
- Staff of MP will be under Admn control of MPDO(Section 168).
- MPDO take part in MP Meetings but no right to vote.
- MPDO is Financial Controlling Authority and operate Mandal Parishad Funds.
- Govt shall have power to make rules to regulate the classification and methods of Recruitment,conditions of Services, apy and allowances and Disciplinary conduct of the Manadal Parishad Development Officer.

## **PANCHAYAT RAJ ACT-1994**

- **There shall be one Mandal Engineering Officer (MEO) for construction and maintenance activities of buildings, Water supply and other Infra-Structure facilities within MP.**
- **He will be under administrative control of MPDO and technical control of Executive Engineer, Panchayat Raj Dept within the District.**
- **AEE/AE will Hold MEO post.**

# PANCHAYAT RAJ ACT-1994

## PART-IV, ZILLA PARISHADS

### Section 177:

#### Constitution, incorporation, Composition of Zilla Parishad (ZP):

- There shall be constituted by Govt. by notification a Zilla Parishad for a District w.e.f such date as may be specified there in.
- Every ZP shall, by name of the District for which it is constituted, be body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may be its corporate name, sue and be sued.
- **Every ZP shall consists of**
  - Persons elected u/s 179;
  - MLA/MLC.

## PANCHAYAT RAJ ACT-1994

- **Sections 178&179:** For purpose of electing members specified in clause (i) of sub section (3) of section 177 every Mandal in the District shall be a territorial constituency and the State Election Commissioner shall allot not more than one seat for each territorial constituency.
- **Section 181:** ZP Chairperson and Vice Chairperson shall be elected among one of the elected members as per section 178.



## PANCHAYAT RAJ ACT-1994

- **Section 186:** Appointment of Chief Executive Authority (CEA) and his Powers and Functions- There shall be CEA for every ZP who shall be appointed by the Govt.
- U/s 186(5), the CEA shall with the approval of, or on the direction of the Chairperson convene the ZP meetings and at least one meeting in a month be held.

# PANCHAYAT RAJ ACT-1994

## Section 187: Standing Committees (SC) of ZP –

- SC for Planning and Finance.
- SC for Rural Development.
- SC for Agriculture.
- SC for Education and Medical Services.
- SC for Women Welfare.
- SC for Social Welfare.
- SC for Works.

## PANCHAYAT RAJ ACT-1994

### □ Section 188:

#### Permanent invitees to ZP:

- ❖ DCCB- Chairperson.
- ❖ DCMS- Chairperson.
- ❖ Zilla Grandhalaya Samstha- Chairperson.
- ❖ District Collector;
- ❖ All Mandal Parishad Presidents of District

# PANCHAYAT RAJ ACT-1994

## Section 192: Powers and functions of ZP-

- 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 Engineering works of Zilla Parishad will executed by separate Enigneering Divisions under Panchayat Dept and Superintending Engineer will be Administrative and Technical head\*\*\*.**

# PANCHAYAT RAJ ACT-1994

## Powers and Functions of Zilla Parishad

- ✓ Approve Mandal Parishad Budgets.
- ✓ Distribute funds among MPs with in District that of state and Centre.
- ✓ Supervisor general activities of Mandal Parishads
- ✓ Exercise and perform of 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.
- ✓ Advise Govt on all developmental activities and Maintenance of services in the district,whether undertaken by local authorities or Govt,
- ✓ Advise Govt on the allocation of Work among GPs and Mandal Parishads and coordination of the work between the said bodies and among various GPs themselves.
- ✓ Publish statistics or other information relating to activities of local authorities.
- ✓ The ZP may,with the approval of Govt. levy contributions from the funds of the Mandal Parishads in the District.

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