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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TR&B Department - 73rd Constitutional Amendment and the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994) - Devolution of Powers and functions to Panchayat Raj Institutions - Orders - Issued.

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TRANSPORT, ROADS & BUILDINGS (R.VII) DEPARTMENT

G.O. Ms. No. 174.

Dated: 21-10-1998
Read the following:

1. Note sent by the Prl. Secy., PR&RD Dept. vide C.No. 30922/Md1/A2/ 97 Dt. 22-4-98.
2. From Prl. Secy., PR&RD Dept., D.O. Lr.No. 30922/M1/A2/97 Dt. 27-6-98
3. From Prl. Secy., PR&RD Dept., D.O. Lr.No. 30922/M1/A2/97 Dt. 2-7-98
4. From Prl. Secy., PR&RD Dept., D.O. Lr.No. 30922/M1/A2/97 Dt. 4-7-98
5. From Prl. Secy., PR&RD Dept., D.O. Lr.No. 30922/M1/A2/97 Dt. 16-7-98
6. From ENC (R&B) Lr.No. 20998/TA. 3/T&P. 1/98 Dt. 20-8-98.

O R D E R:

Article 243-G of the Constitution enables the Legislature of a State to endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-Government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein. Accordingly, the Andhra Pradesh Panchayat Raj Act, 1994 was enacted and it has come into force with effect from 30-5-94. Under this Act;

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- (i) the Zilla Parishads are responsible for construction and maintenance of District Roads and Culverts, Causeways and Bridges excluding State Highways and Village Roads;
 - (ii) the Mandal Parishads are responsible for construction and maintenance of Public Roads, Drains, Culverts and other means of communication which are not under the control of any other local authority or the Government and maintenance of Boats, Ferries & Waterways; and
 - (iii) the Gram Panchayats are responsible for construction and maintenance of Village Roads, Drains and Culverts and maintenance of Boats, Ferries and Waterways.

2. In the light of the above provisions, the Staff, Budget and items of work to be transferred to Panchayat Raj Institutions has been examined. While the Andhra Pradesh Panchayat Raj Act, 1994 entrusts the construction and maintenance of District Roads excluding State Highways to the Zilla Parishads, the Roads &

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Buildings Department is responsible for nearly 35,000 KMs of Major and other District Roads. There is a demand to takeover 15,000 KMs from the Panchayat Raj Dept., to the Roads & Buildings Department so that they can be improved and upgraded. The State has a total road length of 1.7 lakh KMs of which 47,000 KMs are managed by the Roads & Buildings Department, and the balance 1.13 lakh KMs are managed by the Panchayat Raj Department. There is need to increase the road network to nearly 4 lakh KMs and to improve the quality and condition of the roads both under Roads & Buildings and Panchayat Raj Departments. In these circumstances, pending declaration of all the roads under the management and control of Roads & Buildings Department, as National Highways or State Highways, it is felt that transferring the major District Roads and other District Roads under the control of the Roads & Buildings Department, to the Panchayat Raj Department will be a retrograde step. On the other hand, the Panchayat Raj Dept., should be encouraged to increase the road length under their control from 1.13 lakh KMs to 3.5 lakh KMs by taking up the formation of new roads to improve the connectivity among the various habitations in the State.

3. In view of the foregoing, the Government hereby order that no roads, bridges and buildings pertaining to Roads & Buildings Department are to be transferred from the Roads & Buildings Department to the Zilla Parishads, the Mandal Parishads or Gram Panchayats.

4. The Andhra Pradesh Panchayat Raj Act authorises the Mandal Parishad and the Gram Panchayat to maintain Boats, Ferries and Waterways. The Roads & Buildings Department, at present, is auctioning 18 ferry points in the State (list of the 18 ferries is annexed). The ferries are run by private persons who offer the highest amount to the Government by way of auction. The revenue from these 18 ferries for the year 1998-99 is about Rs.170 lakhs. For these ferries, the R&B Dept., has no separate staff or budget. The Executive Engineer, having jurisdiction over the ferry point, conducts the auction. In view of the provisions of the A.P. Panchayat Raj Act, 1994, the Government hereby direct that the right to auction these 18 ferry points should be transferred to the Mandal Parishad/Gram Panchayat. The Government in Panchayat Raj & Rural Development Dept., will issue orders seperately specifying whether Mandal Parishad should conduct the auction or the Gram Panchayat should conduct the auction and how the auction income should be shared between the 2 local bodies. The Government also direct that the Mandal Parishad/Gram Panchayat may identify new ferry points in their jurisdiction and auction the same for the convenience of the travelling public. In view of the past accidents resulting in loss of life due to overloading of boats or use of boats not in condition, the Mandal Parishad/Gram Panchayat should take necessary safeguards to prevent the occurrence of accidents due to these 2 causes and other possible causes. They should strictly comply with the provisions of the Andhra Pradesh (Andhra Area) Canals and Public Ferries Act, 1890. The lease hold rights in respect of existing 18 ferry points expire on 31-3-1999. The next auction for these ferries should be held in the months of December, 1998/January, 1999. The Mandal Parishads and Gram

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Panchayats should take necessary action to conduct the auctions in time so as to avoid loss of income and to avoid inconvenience to the travelling public.

5. This order issues with the concurrence of Finance & Planning Department vide their U.O.No.1632/PFs/98 Dt.29-7-98.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. ANANDARAU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Panchayat Raj & Rural Development Department.
The Commissioner of Panchayat Raj, Hyderabad.
The Engineer-in-Chief (R&B) Roads, Hyderabad.
The Accountant General, A.P., Hyderabad.
The Pay & Accounts Officer, Hyderabad.
Concerned Zilla Parishads through the
Engineer-in-Chief (R&B) Roads, Hyderabad.
The T.R.&B (Roads-V) Department.

Copy to:
The Fin. & Plg. (PFS) Dept.
PS to Dy. Secretary to CM.
PS to Spl.Chief Secretary to Govt., TR&B Dept.
PS to Secy. to Govt., TR&B Dept.
PS to Minister (Roads & Buildings).
PS to Minister, Panchayati Raj.
The Law (E) Department.
~~SE/SC~~
The concerned District Collectors.
~~ST/SCS~~

// forwarded by order //

M. N. A. zu
SECTION OFFICER.

| Sl. No. | Name of the Ferry | Name of the District. | Name of the Division. | Present status |
|---------|-------------------|-----------------------|-----------------------|---|
| (1) | (2) | (3) | (4) | (5) |
| 1. | Nivagam | Srikakulam | Srikakulam | EE(R&B), Srikakulam has confirmed the lease in favour of Sri Thota Ramulu, for Rs.450/- for the year 1998-99. |
| 2. | Calingapatnam | Srikakulam | Srikakulam | Auction not confirmed by the S.E (R&B), Visakhapatnam. |
| 3. | Baluda | Srikakulam | Srikakulam | The EE (R&B) Srikakulam has confirmed the lease in favour of Sri Gaya Jitendra Behar for Rs.1001-00 for the year 1998-99. |
| 4. | Dolphin's Nose | Visakhapatnam | Visakhapatnam | Proposals sent to Govt., vide ENC(R) Lr.No.2017/TA.3 T&P.1/98 for closure of the Ferry. In |
| 5. | Kapileswarapuram. | East Godavari | Kakinada | The ENC(R) Proc.No.9954/TA3/t&P1/98, dt.20-4-98 the sale of leasehold rights have confirmed, in favour of Sri Venkata Padmavathi Labour Contract Co-op. Society, Kotipally, for Rs.1.95 lakhs for the year 1998-99 . 1998-99 |
| 6. | Kotipally | East Godavari | Kakinada | Govt. in G.O.Rt.No.279, TR&B Dept., dt.31-3-98 have confirmed the lease in favour of Sri M.A.V.Satyanarayana for Rs.22.20 lakhs. |
| 7. | Yedurulanka | East Godavari | Kakinada | Govt. in G.O.Rt.No.223, TR&B Dept., dt.18-3-98 have confirmed the lease in favour of M/s.Fishermen Co-op. Society Ltd. Janupally for Rs.57.1 lakhs. |
| 8. | Devipatnam | East Godavari | Rajahmundry | EE/R&B/Rajahmundry has confirmed the lease in favour of Sri U.Harinada Babu, for Rs.29,600/- |
| 9. | Bodasakurru | East Godavari | Amalapuram | Govt., in G.O.Rt.No.297, TR&B Dept., dt.13-4-98 have confirmed the lease in favour of the Fishermen co-op. Society in Amalapuram for Rs.15.90 lakhs. |

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| (1) | (2) | (3) | (4) | (5) |
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| 10. | Prakkilanka | West Godavari | Eluru | EE/R&B/Eluru has confirmed the lease in favour of Sri M.Rama Chandra Rao for Rs.7,800/- |
| 11. | Madhavayapalem | West Godavari | Bhimavaram | Govt. in G.O.Rt.No.301, TR&B Department, dt.17-4-98 have confirmed the lease in favour of Sri Laxmi Labour Contract Co-op Society Ltd., Kadiyaplanka for Rs.55.11 lakhs. |
| 12. | Doddipatla | West Godavari | Bhimavaram | Govt. in G.O.Rt.No.313, TR&B Department, dt.22.4.98 have confirmed the lease in favour of Sri Jangamodilanka Fishermen Co-op Society, Jangamodilanka for Rs.5.23 lakhs. |
| 13. | Koderu | West Godavari | Bhimavaram | In ENC(R) Proc.No.1955/TA3/T&P1/98, dt.5-3-98 have confirmed the lease in favour of Sri Ganesul Sitaramanjuneya Swamy Naidu for Rs.1,60,400/- |
| 14. | Iluru | Krishna | Eluru | The SE/R&B/Eluru has confirmed the lease in favour of Sri K. Venkataswara Rao, Kanigirilanka for Rs.99,000/- |
| 15. | Dharanikota | Guntur | -- | For the year 1988-99 Panchayat Raj Department have to auction this ferry. |
| 16. | Kolluru | Guntur | Tenali | The EE/R&B/Tenali has confirmed the lease in favour of Sri Kanaka Durga Fishermen Co-op. Society, Gajulanka for Rs.47,450/- |
| 17. | Kunavaram | Khammam | Bhadrachalam | SE/R&B/Khammam has confirmed the lease in favour of Sri Kommani Bala Krishna for Rs.80,000/- |
| 18. | Taliperu | Khammam | Bhadrachalam | EE/R&B/Bhadrachalam has confirmed the lease in favour of Sri J.Venakateswarlu, Gummugudem for Rs.4,300/- |

M. N. S. in
SECTION OFFICER