

ANDHRA PRADESH GRAM PANCHAYAT, PUBLIC OR GOVERNMENT FERRIES RULES, 2000

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In exercise of the powers conferred by sub-section (1) of Section 268 read with sub-section (3) of Section 57 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994), and in supersession of the Rules issued in G.O. Ms. No.174, Panchayat Raj (Samithi X) Department, dated the 11th July, 1973, the Governor of Andhra Pradesh hereby makes the following Rules relating to constitution, power and procedure to be adopted by any Joint Committee for Management of Public/Government Ferries in Gram Panchayats and Mandal Parishads.

1. Short title :-

These Rules may be called the Andhra Pradesh Gram Panchayat, Public or Government Ferries Rules, 2000. Constitution of Joint Committees of the Gram Panchayats, Mandal Parishads in Respect of Certain Cases

2. . :-

There shall be constituted Joint Committees of the Gram Panchayats/Mandal Parishads for management of ferries in respect of the following cases, namely

(i) in the case of a ferry connecting any public road under the management of a Gram Panchayat and lying within the jurisdiction of more than one Gram Panchayat; and

(ii) in the case of a ferry connecting any public road under the management of a Mandal Parishad and lying within the jurisdiction of more than one Mandal Parishads. Members of Joint Committees of Gram Panchayats

3. . :-

A Joint Committee of the Gram Panchayat concerned under Rule 2, shall consist of the following Members, namely :

(i) the Sarpanches of all those Gram Panchayats in the jurisdiction and management of which the public road connecting a ferry lies, shall be ex officio members :

Provided that where the office of the Sarpanch of a Gram Panchayat is vacant, the Upa-Sarpanch of the said Gram Panchayat or the person, who performs the functions of the Sarpanch, shall act as a member representing such Gram Panchayat till such time the Sarpanch is elected and assumes office.

(ii) one person from each of the Gram Panchayats concerned, who is a Mandal Parishad Territorial Constituency Members or a registered voter in the area of the respective Gram Panchayat and who is interested in the affairs relating to the management of the ferry, shall be nominated by the Gram Panchayat concerned; and

(iii) the Extension Officer (Panchayats) or Extension Officers (Panchayats) of the Mandal(s) in which the Gram Panchayats concerned lie.

4. Members of the Joint Committee of the Mandal Parishad :-

A Joint Committee of the Mandal Parishad falling under item (ii) of Rule 2 shall consist of the following Members namely

(i) the Presidents of all those Mandal Parishads in the jurisdiction and management of which the public road connecting a ferry lies, shall be ex officio members:

Provided that where the office of the President of a Mandal Parishad is vacant, the Vice-President of the Mandal Parishad or the person, who performs the functions of the President, shall act as a member representing such Mandal Parishad till such time the President is elected and assumes office;

(ii) One person from each of the Mandal Parishad concerned, who is a Zilla Parishad Territorial Constituency Member or a registered voter in the area of the respective Mandal Parishad and who is interested in the affairs relating to management of ferry, shall be nominated by the Mandal Parishad concerned; and

(iii) the Divisional Panchayat Officer or Divisional Panchayat Officers in whose jurisdiction(s) the Mandal Parishad concerned, situate.

5. Sarpanch or President to act as Chairman :-

The Sarpanch of the Gram Panchayat or the President of the Mandal Parishad, in the immediate jurisdiction and the road connecting it lie, shall be the Chairman of the Joint Committee of the Gram Panchayat or the Mandal Parishads concerned as the case may be.

6. Terms of the Chairman and Members of the Joint Committee :-

(1) The Chairman and ex-officio members of the Joint Committee of the Gram Panchayats or Mandal Parishad concerned shall hold office so long as they hold the office of the Sarpanch of a Gram Panchayat or the President of a Mandal Parishad as the case may be; and

(2) The term of office of nominated members of the Joint Committees of the Gram Panchayats or Mandal Parishad concerned, as the case may be, shall be three (3) years from the date of nomination. If the nominated Member happens to be an Mandal Parishad Territorial Constituency, Zilla Parishad Territorial Constituency Member he shall hold the office so long as he holds the office of the Mandal Parishad Territorial Constituency or Zilla Parishad Territorial Constituency as the case may be.

7. Convenor of the Joint Committee :-

(1) The Executive Officer of the Gram Panchayat or the Mandal Parishad Development Officer of the Mandal Parishad in the immediate jurisdiction of which the ferry and the road connecting it

lie, shall be the convenor of the Joint Committee of the Gram Panchayats or the Mandal Parishad concerned, as the case may be, and

(2) The convenor shall prepare the agenda for the meeting in consultation with the Chairman.

8. Convening the meetings of the Joint Committee :-

The Chairman shall convene the meetings of the Joint Committees and preside over them for transacting the business. In the absence of the Chairman, a member, other than the official member, chosen by the members present at the meeting, shall preside over the meetings.

9. Meetings of the Joint Committee :-

(1) The Joint Committee shall meet at least once in every two months in the Office of the Gram Panchayat or Mandal Parishad to which the Chairman and the convenor of the Joint Committee of the Gram Panchayats or Mandal Parishad concerned belong, as the case may be.

(2) No meeting of the joint Committee shall be held unless notice of place, date and time of the meeting and of the business to be transacted thereat, is given at least six clear days before the date of commencement of the meeting, and

(3) In the case of urgency the Chairman may convene a meeting on giving shorter notice than that specified in sub-rule (2).

10. Quorum :-

(1) No business shall be transacted at a meeting of any joint Committee unless there be present at least half the number of members on the Committee. Any fraction arrived at in calculating the number shall be ignored.

(2) All questions which may come before the Joint Committee at the meeting shall be decided by a majority of the members present and voting at the meeting and in every case of equality of votes the presiding member shall have and exercise a second or casting vote.

11. Modification or cancellation of resolution :-

No resolution of the Joint Committee shall be modified or cancelled within three months after the passing thereon, except at a meeting

specially convened in that behalf and by a resolution of the joint committee supported by not less than two-thirds of the total number of members of the Joint Committee. Any fraction arrived at the calculating the number shall be ignored.

12. Duties of the Joint Committee :-

(1) It shall be the duty of the Joint Committee to look after the affairs for the proper management of the ferry or ferries concerned;

(2) The Joint Committee, if it is considered desirable, may lease out the ferry by public auction in accordance with the relevant Rules made under the Andhra Pradesh Panchayat Raj Act, 1994.

(3) The Joint Committee may levy tolls at such rates as they may fix, keeping in view the rate fixed for the Government ferries upon animals, vehicles of any passenger, goods conveyed across the ferry.

(4) The Joint Committee shall exhibit a notice in English and in the language of the area, specifying the tolls leviable at a ferry, to public view on each side of the ferry.

(5) The Joint Committee may make conditions as are necessary in connection with the proper functioning of the ferry for all or any of the following purposes namely :—

(i) declaring power to be exercised by the persons appointed in connection with the management of the ferry.

(ii) Providing for inspection of licensed vessels and for their maintenance in good condition.

(iii) prescribing procedure to be followed in case of non-payment of tolls etc., when demanded by the person duly appointed or empowered to collect or impose the same and also for unauthorised levy of tolls when a lease has been given.

(iv) Providing for payment of instalments recoverable from the lessee.

(v) Providing for regulating the number, kind, dimensions and equipments of boats, for the number of sailors to be kept by the lessee on each boat, for the maintenance of boats continuously in good condition, for the hours during which the lessee shall ply boats and for the number of passengers, animals vehicles and bulk and weight of other things which may be sent in the boat in view or

its kind, and

(vi) keeping ferry in working condition.

13. Fund of the Joint Committee :-

(1) The fund for the working of the Joint Committee shall consist of;

(i) the collections made at ferry points;

(ii) the sale proceeds of the ferry, and

(iii) such grants as may be obtained from the Government.

(2) The fund collected and obtained shall be deposited in the nearest Government Treasury or in the nearest Post Office Savings Bank or in both, in the name of the Joint Committee.

(3) The funds shall be operated upon by the Chairman and he shall be responsible for the proper accounting of all receipts and expenditure.

(4) The funds shall be utilised primarily;

(i) for the maintenance of road leading to the ferry.

(ii) for providing amenities to passenger who cross the ferry by way of providing shelter, drinking water, latrines, etc., and

(iii) for meeting any other incidental expenditure in connection with management of the ferry.

14. Apportionment :-

The net income realised, after meeting the permissible expenditure connected with the management of the ferry or ferries, shall after the closure of financial year, be apportioned between the Local Bodies concerned equally, which shall form part of the funds of such Local Body.

15. Application of certain provisions of Act 1994 :-

All provisions of Sections 13, 14, 20, 21, 22, 23, 24, 29, 39, 44, 51, 74, 245, 246, 247, 249, 250, 262 of the Andhra Pradesh Panchayat Raj Act, 1994 and relevant Rules issued there under shall be applicable to Joint Committees.

16. Powers to give directions by the Government :-

The Government may issue such directions as they may think necessary or desirable in respect of any of the matters mentioned

in these Rules and for distribution of assets and liabilities of the Joint Committees among the Local bodies concerned either on the dissolution of the Joint Committee or on the withdrawal of any such Local Body from the Joint Committee.

17. Difference of opinion and decision of Collector and Government :-

If any difference of opinion arises between the Local Bodies concerned under any of the foregoing provisions, it shall be referred to the District Collector concerned for his decision. If the local body is not satisfied with this decision it may move to the matter to the Government through a revision petition under Section 264 of the Andhra Pradesh Panchayat Raj Act, 1994 and the decision of the Government thereon shall be final and binding.