

THE COMMISSION FOR DEVELOPMENT OF BACKWARD AREAS OF
ANDHRA PRADESH ACT, 2008

Act No.19 of 2008

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THE COMMISSION FOR DEVELOPMENT OF BACKWARD AREAS OF
ANDHRA PRADESH ACT, 2008

Act, No.19 of 2008

[28th April, 2008]

AN ACT TO CONSTITUTE A COMMISSION FOR DEVELOPMENT OF
BACKWARD AREAS IN THE STATE OF ANDHRA PRADESH AND FOR
MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

Be it enacted by the Legislature of the State of Andhra Pradesh in the Fifty-Ninth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title and Extent - (1) This Act may be called the Commission for Development of Backward Areas of Andhra Pradesh Act, 2008.

(2) It extends to the whole of the State of Andhra Pradesh.

2. Definitions - In this Act unless the context otherwise requires,-

(a) "Backward areas" for the purpose of this Act means such backward areas of Andhra Pradesh as may be identified by the Commission;

(b) "Commission" means Commission for Development of Backward Areas of Andhra Pradesh constituted under section 3;

(c) "District" means a District as construed in the Andhra Pradesh District (Formation) Act, 1974;

(d) "Government" means the State Government of Andhra Pradesh;

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

(f) "notification" means a 'notification' published in the Andhra Pradesh gazette and the word notified shall be construed accordingly;

(g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

COMMISSION FOR DEVELOPMENT OF BACKWARD AREAS OF ANDHRA
PRADESH

3. Constitution of Commission for Development of Backward Areas of Andhra Pradesh - (1) The Government may constitute a body to be known as the Commission for Development of Backward Areas of Andhra Pradesh to exercise the powers conferred on and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of the following Members nominated by the Government:-

(a) Chairperson will be an eminent person of public standing;

(b) Two eminent persons from the disciplines of Economics/ Sociology/Public Administration to be nominated;

(c) a Member-Secretary who shall be an officer of the Government not below the rank of Secretary to Government.

4. Term of Office and conditions of Service of Chairperson and Members -

(1) Every Member shall hold office for a term of three years from the date he assumes office:

Provided that the Government may by notification, and for reasons specified therein extend the term of office of the member for a period not exceeding six months at a time.

(2) A Member may by writing under his hand addressed to the Government resign from the office of Chairperson or as the case may be a Member at any time.

(3) The Government may remove a person from the office of Member if that person,-

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence with in the opinion of the Government involves moral turpitude;

(c) becomes unsound mind and stand so declared by competent Court;

(d) becomes incapable of acting;

(e) has in the opinion of the Government, so abused the position of Chairperson or Member as to render that person's continuance in the office detrimental to the public interest:

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled in by fresh nomination.

(5) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed.

5. Officers and other employees of the Commission - (1) The Government may provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

(2) Necessary assistance for collection of data shall be provided by all the Departments of the Government.

(3) The salaries and allowances payable to and the other terms and conditions of service of the officers and others employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. Salaries and Allowance to be paid out of grants - The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in sub-section (1) of section 5 shall be paid out of the grants referred to in sub-section (1) of section 11.

7. Vacancies etc., not to invalidate proceedings of the Commission - No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

8. Procedure to be regulated by the Commission - (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may deem fit.

(2) The Commission shall regulate its own procedure.

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

CHAPTER III FUNCTIONS AND POWERS OF THE COMMISSION

9. Functions of the Commission - (1) The Commission shall study and analyse so as to assess the socioeconomic disparities amongst Districts in the State.

(2) The Commission shall make recommendations to correct the disparities and steps to be taken for equitable development of all the areas in the State.

(3) The Commission is empowered to recommend the budgetary allocations to be earmarked to redress the challenge of Equitable Development and for achieving balanced development of the entire State.

(4) The Commission shall submit their report and recommendations to the Government every year before the end of October. It would help to take a decision for providing necessary budgetary provisions during the ensuing financial year for undertaking various developmental Schemes.

10. Powers of the Commission Central Act No. 5 of 1908 - (1) The Commission shall have the same powers as are vested in the Civil Courts under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters, namely: -

(a) enforcing the attendance of any person and examining him.

(b) Compelling the production of documents.

(c) Issuing of Commissions for the examination persons.

CHAPTER IV FINANCE, ACCOUNTS AND AUDIT

11. Grants by the Government - (1) The Government shall after due appropriation made by the Legislature of the State by law in this behalf pay to the Commission by way of grants such sums of money as the Government may think fit for being utilized for the purpose of this Act.

(2) The Commission may spend such sum as it thinks fit for performing the functions under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

12. Accounts and Audit - (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, Andhra Pradesh.

(2) The accounts of Commission shall be audited by the Accountant General, Andhra Pradesh 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, Andhra Pradesh.

(3) The Accountant General, Andhra Pradesh 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 the authority in connection with such audit as the Accountant General, Andhra Pradesh 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.

13. Annual Report - The Commission shall prepare in such form and at such time for each financial year as may be prescribed its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the Government.

14. Annual Report and Audit Report to be laid before the Legislature of the State - The Government shall cause the annual report together with a memorandum of action taken on the advice rendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice and the audit report to be laid as soon as may be after they are received before the Legislature of the State.

CHAPTER V MISCELLANEOUS

15. Chairperson, Members and employees of the Commission to be public servants, Central Act 45 of 1860 - The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860, (Central Act 45 of 1860).

16. Power to remove difficulties - (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the Official Gazette make provisions not inconsistent with the provisions of the Act as appear to them to be necessary or expedient for removing the difficulty.

(2) Every notification made under this section shall, as soon as may be after it is made, be laid before the Legislature of the State of Andhra Pradesh.

17. Power to make rules - (1) The Government may by notification in the Official Gazette, make rules for carrying out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:-

(a) Salaries and allowances payable to and the other terms and conditions of service of the Chairperson and Members under sub-section

(5) of section 4 and of officers and other employees under sub-section (1) of section 5;

(b) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 12;

(c) the form and the time of which the annual report shall be prepared under section 13;

(d) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall with effect from the date of notification of such modification or annulment in the Andhra Pradesh Gazette, be notified have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.