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**Andhra Pradesh Gram Panchayats (Third Amendment) Act,  
1986****32 of 1986****[13 September 1986]****CONTENTS**

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**Andhra Pradesh Gram Panchayats (Third Amendment) Act,  
1986****32 of 1986****[13 September 1986]**

An Act further to amend the Andhra Pradesh Gram Panchayats Act, 1964. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh Year of the Republic of India as follows: \* Received the assent of the Governor on the 11th September, 1986. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette Part IV-A, Extraordinary, dated the 23rd July, 1986, at page 3.

**1. Short Title And Commencement :-**

(1) This Act may be called the Andhra Pradesh Gram Panchayats (Third Amendment) Act, 1986.

(2) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

**2. Amendment Of Section 9 :-**

(1) In section 2 of the Andhra Pradesh Gram-Panchayats Act, 1964 ( Act 2 of 1964) (hereinafter referred to as the principal Act),  
(i) after clause (17), the following clause shall be inserted, namely :-

"(18) Mandala Praja Parishad means a Mandala Praja Parishad as defined in clause (j) of section 2 of the Andhra Pradesh Mandala Praja Parishads, Zilla Praja Parishads and Zilla Pranalika, Abbivrudhi Mandals Act, 1986;"

(ii) clause 24 shall be omitted;

(iii) in clause (24-a) for the words "last preceding census" the words "last census" shall be substituted;

(iv) for clause (34), the following clause shall be substituted, namely :-

"(34) Zilla Praja Parishad, means a Zilla Praja Parishad as defined in clause (r) of section 2 of the Andhra Pradesh Mandala Praja Parishads, Zilla Praja Parishads and Zilla Pranalika, Abbivrudhi Mandala Act, 1986;"

(2) Throughout the Principal Act;

(i) for the words "Panchayat Samithi" "Zilla Parishad" and "Block Development Officer" the words "Mandala Praja Parishad" "Zilla Praja Parishad" and "Mandal Development Officer" shall respectively be substituted;

(ii) for the expression "the Code of Criminal procedure 1898" the expression "the Code of Criminal procedure, 1973" and for the expression "Central Act 5 of 1898" the expression "Central Act 2 of 1974" shall respectively be substituted.

### **3. Section 3 :-**

In section 9 (Amendment of section 9) of the principal Act, in sub-section (1), Explanation-II shall be omitted.

### **4. Section 4 :-**

In section 12 (Amendment of section 12) of the principal Act ,

(1) (i) in sub-section (1)

(i) in the first proviso for the words member of Panchayat Samithi (other than as Sarpanch), President of the Panchayat Samithi and Chairman of Zilla Parishad" the words "Member of Mandala Praja Parishad (other than as Sarpanch), President of Mandala Praja Parishad and Chairman of a Zilla Praja Parishad" shall be substituted.

(ii) in the second proviso, for the words "fourteen percent" the words "fifteen percent" for the word "Block" the word. "Mandal" and for the words by "rotation" the words "by the District Collector by rotation" shall be substituted;

(iii) for the third proviso, the following proviso shall be substituted, namely;-

"Provided further that,

(a) all the officers of Sarpanchas of the Gram Panchayats constituted, for village where the population of the Scheduled Tribes is not less than twenty five and wholly situated in the Scheduled Areas in the Mandal; and

(b) where the number of officers of Sarpanch under clause (a) falls short of the six percent of the total number of offices of Sarpanch in the Mandal Substitution of the Code of Criminal Procedure, 1973 for the criminal procedure 1898. such number of Offices of Sarpanch in the non-Scheduled areas of the Mandal as are required to make the number of offices of Sarpanch six per cent of the total number of Offices of Sarpanch in the Mandala , shall be reserved by the District Collector for the members belonging to the Scheduled Tribes in the manner prescribed; and the Gram Panchayat in respect of which the office is so reserved in areas other than the Scheduled Areas shall be by rotation and as far as practicable, be the Gram Panchayat where the proportion of the population of Scheduled Tribes to the total population of the village is the largest;"

(iv) for explanations I and. II the following shall be substituted, namely:-

"Explanation I:-In this sub-section the term "Mandal" shall have the same meaning as defined in clause (h) of section 2 of the Andhra Pradesh Mandala Praja Parishads. Zilla Praja Parishads and Zilla Pranalika Abhivrudhi Mandals Act, 1986.

Explanation II:-For the removal of doubts it is hereby declared that for purposes of reservation of Offices of Sarpanch under this Act, the relevant population figures of the last Census conducted in the year 1981 shall be taken as the basis".

(2) For sub-section (1A), the following subsection shall be substituted, namely:-

"(1A) A Member of the Legislative Assembly of the State or a Member of either House of Parliament shall be eligible to be elected as Sarpanch of the Gram Panchayat; but he shall cease to hold the Office of Sarpanch unless within fifteen days from the date of election to such office, he ceases to be a Member of the Legislative

Assembly of the State or of either House of Parliament by resignation or otherwise; and if a Sarpanch subsequently becomes a Member of the Legislative Assembly of the State or of either House of Parliament, he shall cease to hold the Office of Sarpanch, unless within fifteen days from the date on which he so become such Member, he ceases to be a Member of the Legislative Assembly of the State or of either House of Parliament by resignation or otherwise".

## **5. Amendment Of Section 17 :-**

For section 17 of the Principal Act, the following section shall be substituted, namely:-

17. "Disqualification of officers and servants of State or Central Government or of Local Authorities or employees or workmen of Industrial Undertakings--No Village servant and no other officer or servant of the State or Central Government or of a Local Authority or and employee of any Co-operative Society registered under the Andhra Pradesh Co-operative Societies Act, 1964 or an employee of any, Corporation or any Industrial Undertaking owned or controlled by the State or Central Government shall be qualified for being chosen as or for being a Member of a Gram Panchayat.

Explanation .-For the purpose of this section, the expression "village servant" means in relation to,-

(i) the Andhra area, any person who holds any of the village offices of neeraganti, neeradi, vetti, kawalker, toti, talayar, tandalagar, sethsindhi or any such village office by whatever designation it may be locally known;

(ii) the Telangana area, any person who holds any of the village offices of neeradi, kawalkar, sethsindhi or any such village office by whatever designation it may be locally known".

## **6. Amendment Of Section 24 :-**

In section 24 of the Principal Act, for subsection (1), the following sub-section shall be substituted, namely:-

"(1) The Sarpanch shall cease to hold the office as such;-

(a) on his ceasing to be a Member of the Mandala Praja Parishad under the proviso (a) to clause (i) of sub-section (1) of section 4 of the Andhra Pradesh Mandala Praja Parishads, Zilla Praja Parishads and Zilla Pranalika, Abhivrudhi Mandals Act, 1986:

Provided that in a case falling under clause (c) of sub-section (1) of section 11 of the said Act, the Sarpanch shall continue to hold his

Office as such until any application for restoration as Member of the Mandala Praja Parishad made under sub-section (1) of section 15 of the said Act has been finally disposed off.

(b) on his election as President of the Mandala Praja Parishad."

## **7. Omission Of Section 78 :-**

Section 78 of the principal Act shall be omitted.

## **8. Amendment Of Section 138 :-**

In section 138 of the Principal" Act,-

(a) for sub-section (1) and the explanation thereunder, the following sub-section and explanation shall be substituted, namely:-

"(1) The executive authority may, by an order in writing require the Village Assistant having jurisdiction over the Gram Panchayat to furnish him information on any matter falling within such categories as may be prescribed in respect of villages within his Jurisdiction or any part thereof or any person or property therein and such Village Assistant shall comply with such order."

Explanation :- In this sub-section "Village Assistant" means an officer appointed as or discharging the functions of, a Village Assistant under the Andhra Pradesh Abolition of posts of part-time Village Officers Act, 1985

(b) in the marginal note, for the words "Village headman, village munsiff and Karanam", the words "Village Assistant" shall be substituted.

## **9. Amendment Of Section 203 :-**

In section 203 of the principal Act, for the Expression "section 488, 489 and 490 of the Code, of Criminal Procedure, 1898 expression sections 345 (1) 127(1) and (2) and section 128 of the Code of Criminal Procedure, 1973" shall respectively be substituted.

## **10. Amendment Of Section 213 :-**

In section 213 of the principal Act, for the expression "sections 403, 476, 476-A and 476B of the Code of Criminal Procedure, 1898" the expression "sections 300, 340, 340 (2) and 341 (1) of the Code of Criminal Procedure, 1973" shall respectively be substituted.