

## **ANDHRA PRADESH GRAM PANCHAYATS (TRANSITIONAL ARRANGEMENTS) ACT, 1995**

**6 of 1995**

[ ]

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## **ANDHRA PRADESH GRAM PANCHAYATS (TRANSITIONAL ARRANGEMENTS) ACT, 1995**

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Statement of Objects and Reasons "The Andhra Pradesh Gram Panchayats (Transitional Arrangements) Ordinance, 1994 (Andhra Pradesh Ordinance No.1 of 1994) was promulgated by the Governor on the 26th April, 1994 providing for the administration of the Gram Panchayats in the State by constituting a Committee for each Gram Panchayat with the Sarpanch and members of the respective Panchayats who ceased to hold their respective offices on 23-4-1994 as person-in-charge and members of the said Committees till such time the ordinary elections are held to the Gram Panchayats under the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994). The Andhra Pradesh Gram Panchayats (Transitional Arrangements) Bill, 1994 (Legislative Assembly Bill 18 of 1994) was introduced in the Legislative Assembly on the 14th July, 1994 to replace the aforesaid Ordinance and the same could not be passed by the Legislative Assembly for want of time. Under Article 213(2)

(a) of the Constitution of India, the aforesaid Ordinance promulgated by the Governor on 26-4-1994, would have ceased to operate on the expiration of six weeks from the reassembly of the Legislative Assembly, i.e., on 21st August 1994 thereby creating legal vacuum. As the Legislative Assembly of the State was not then in session having been prorogued and in order to avoid the aforesaid legal vacuum, it has been decided to promulgate another Ordinance on the lines of Legislative Assembly Bill No.18 of 1994. Accordingly, the Andhra Pradesh Gram Panchayats (Transitional Arrangements) Second Ordinance, 1994 was promulgated by the Governor on the 17th August, 1994. This bill seeks to replace the said ordinance."

### **1. Short title and commencement :-**

(1) This Act may be called the Andhra Pradesh Gram Panchayats (Transitional Arrangements) Act, 1995.

(2) It shall be deemed to have come into force on the 23rd April, 1994.

### **2. Cessation of office of Sarpanches etc. :-**

Notwithstanding anything contained in the Andhra Pradesh Gram Panchayats Act, 1964 or in any notifications issued thereunder, every Sarpanch, Upa-Sarpanch and members of all Gram Panchayats in the State who completed the normal term of office of five years and are continuing in office after the expiry of their normal term of office on the date of commencement of this Act shall be deemed to have ceased to hold office on the afternoon of the 23rd April, 1994.

### **3. Appointment of Committees :-**

Notwithstanding anything contained in any law relating to Gram Panchayats for the time being in force, the person who ceased to hold the office of the Sarpanch and the persons who ceased to hold the office of members of the Gram Panchayat concerned under Section 2 shall be deemed to have been constituted into a Committee (hereinafter in this Act referred to as the Committee') with the person earlier holding the office of Sarpanch as the person-in-charge of the Committee to carry on the administration of the Gram Panchayat:

Provided that where the office of the Sarpanch was vacant or where the Sarpanch was under suspension or where a notice for the removal of the Sarpanch was served prior to the commencement of

this Act, the person holding the office of Upa-Sarpanch shall be the person-in charge of the Committee;

Provided further that where a notice for expressing want of confidence in the Upa-Sarpanch was served or where a notice for the removal of the Upa-Sarpanch was served or where the office of Upa-Sarpanch is also vacant, it shall be competent for the District Collector to appoint a person-in-charge from among the persons who were holding the office of member of the Gram Panchayat prior to the commencement of this Act.

#### **4. Application of the provisions of the law relating to Gram Panchayats :-**

Subject to the provisions of this Act, the provisions of the law relating to Gram Panchayats for the time being in force in the State shall apply mutatis mutandis to the person-in-charge, members of the Committee and the Committee as they apply to the Sarpanch, members and the Gram Panchayat respectively.

#### **5. Term of Office of the Committee :-**

The term of office of the Committee constituted under Section 3 shall be for a period of three months from the date of the commencement of this Act:

Provided that it shall be competent for the Government to extend by notification published in the Andhra Pradesh Gazette the term of office of the Committee for a period not exceeding three months at a time; so however that the term of office of the Committee in the aggregate shall not exceed a period of one year from the date of commencement of this Act.

#### **6. Powers and functions of the Committee :-**

(1) Subject to such rules as may be made in this behalf, the administration of the Gram Panchayat shall be carried on by the Committee in accordance with the provisions of the law relating to Gram Panchayats for the time being in force.

(2) All cheques against the Gram Panchayat Fund shall be signed by the Executive Officer where there is one, and where there is no Executive Officer by the Group Executive Officer appointed by the Collector.

#### **7. Power to give directions :-**

For the purpose of giving effect to the provisions of this Act it shall

be competent for the Government to issue such direction as they may deem fit to the person-in-charge, the Committees and to any officer, authority or person subordinate to the Government.

**8. Overriding effect :-**

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994).

**9. Power to makes rules :-**

(1) The Government may, by notification, make Rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, 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 the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is 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.

**10. Repeal of Ordinance :-**

The Andhra Pradesh Gram Panchayats (Transitional Arrangements) Second Ordinance, 1994, (14 of 1994) is hereby repealed.