

**Andhra Pradesh Mandala Praja Parishads, Zilla Praja
Parishads And Zilla Pranalika Abhivrudhi Manuals Act, 1986**

31 of 1986

[13 September 1986]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short little extent and Commencement
2. Definitions

**CHAPTER 2 :-CONSTITUTION, INCORPORATION, COMPOSITION,
POWERS FUNCTIONS, ETC., OF MANDALA PRAJA PARISHADS**

3. Constitution and incorporation of Mandala praja Parishads
4. Composition of Mandala Praja Parishad
5. Election and tern of office of the President
6. Election and term of office of the Vice-President of a Mandala Praja Parishad and filling up of vacancies
7. Extension of term of the President and Vice-President
8. Term of Office of member of a Mandala Praja Prishad
9. Qualification of candidates for election
10. Disqualification for becoming a member
11. Disqualifications for continuing a member
12. Disqualification on the ground of defection
13. Disqualification on ground of defection not to apply in case of split
14. Disqualification on the ground of defection not to apply in case of merger
15. Intimation of disqualification
16. District Munsiff to decide questions of disqualification of members
17. Filling of certain casual vacancies
18. Resignation of President, Vice-President or member
19. Right of certain officers to participate in the Proceedings of Mandala Praja Parishad
20. President of a Mandala Praja Parishad may invite certain persons to attend its meetings
21. Rules for the conduct of the business at a meeting of a Mandala Praja Parishad
22. Power and functions of a Mandala Praja Parishad
23. Maintenance of common Water Work and other institutions

24. Power of Mandala Praja Parishad to call for documents from the Mandal Development Officer
25. Power of Mandala Praja Parishad to call for information from Village, Assistance
26. Powers and functions of the President and Vice-President
27. Right of individual member to draw attention in respect of Mandala Praja Parishad works etc.
28. Powers and functions of the Mandal development officer
29. The Mandal Development officer and other officer and staff of a Mandala Praja Parishad to be subordinate to the Mandal Praja Parishad
30. Officers and other employees of Mandala Praja Parishad
31. Allowances for attending a meeting of the Mandala Praja Parishad
32. Mandala Praja Parishad Fund
33. Income and expenses of a Mandala Praja Parishad
34. Election expenses to be borne by the Government
35. Budget of Mandala Praja Parishad
36. Accounts and Audit
37. Motion of no-confidence is Vice-President
38. Powers of Government to remove President, Vice-President or member of a Mandala Praja Parishad
39. Power of Government to withdraw Powers, etc. of the President
40. Power of Government to record a finding on President or vice-president
41. Joint committee of a Mandala Praja Parishad and other local authorities
42. Constitution, Powers and functions of the Joint Committee

CHAPTER 3 :-CONSTITUTION, INCORPORATION, COMPOSITION, POWERS FUNCTIONS ETC., OF THE ZILLA PRAJA PARISHADS

43. Constitution, Incorporation and composition of Zilla Praja Parishad
44. Election of Chairman and Vice-Chairman and term of office
45. Extension of term of office of Chairman and Vice Chairman
46. Appointment of District Development officer and his powers and functions
47. Section 47
48. Disqualifications
49. Filling up of certain casual vacancies
50. Resignations of Chairman-Vice-Chairman, or member
51. Standing Committees of Praja Parishad
52. Right of certain authorities and officers to participate in the proceeding of the Parishad or a Standing Committee thereof
53. Chairman or Vice-Chairman of a Parishad or the Chairman of a Standing Committee may invite certain persons to attend its meetings
54. Rules for conduct of the business at a meeting of a Parishad or a Standing Committee thereof

- 55. Power of parishad or its standing committee, to call for documents from District Development Officer
- 56. Powers and functions of the Parishad
- 57. Powers and functions of Chair man and Vice-chairman of the President
- 58. Right of individual Members to draw atteation in respeat of Pa-rished, works etc.
- 59. Emergency powers of District Collector
- 60. Officers and other employees of the Parishad
- 61. Allowances for attending meeting of a Parishad or a Standing Committed thereof
- 62. Fund of the Parishad
- 63. Income and expenses of a Parishad
- 64. The budget of the Parishad
- 65. Accounts and Audit
- 66. Motion of no-confidence in the Vice-Chairman
- 67. Power of Government to remove or to suspend or to record a finding on Chairman Vice-Chairman or member of a Parishad
- 68. Power of Government to withdraw Powers etc, of Chairman of a Parishad
- 69. Zilla Pranalika, Abhivrudhi Mandali

CHAPTER 4 :- MISCELLANEOUS

- 70. Transfer of Powers and functions of district board of Mandala Praja Parishad and Zilla Praja Parishad
- 71. Application of the relevant District Boards Act to Mandala Praja pari-shads and Zilla Praja Parishads
- 72. Disqualifications arising out of election offences and corrupt practices at elections
- 73. Power to cancel or suspend resolution of a Mandala Praja Parishad and the Zilla Praja Parishad
- 74. Power of Government f to take action In default of Mandala Praja Parishad or the Zilla Praja Parishad
- 75. Power of Government to supersede or dissolve a Mandala Praja Parishad or a Zilla Praia parishad
- 76. Appointment of special Officer
- 77. Acts of Mandala Praja Parishads and Zilla Praja Parishads not to be unvalidated by informality vacancy, etc.
- 78. Oath of allegiance
- 79. Administration report
- 80. Recovery of sums due to Mandala Praja Parishad or ZiUa Praja Parisbad as arrears of land revenue
- 81. Powers of entry of inspecting Officers
- 82. Power to call for records, etc.
- 83. Protection of sets done in good faith
- 84. Chairman, President, etc., to be public servants
- 85. Injunction not to be granted in election proceedings
- 86. Requisitioning of premises and vehicles for election purposes
- 87. Payment of compensation

- 88. Power to obtain information
- 89. Eviction from requisitioned premises
- 90. Penalty for contravention of any order regarding requisitioning
- 91. Breach of official duty in connection with elections
- 92. Power to make rules
- 93. Power of Mandala Praja Parishads and Zilla Praja Parishads to make bye-laws
- 94. Delegation of powers and power transfer institutions and works
- 95. Powers of division and review by Government
- 96. Power to remove difficulties
- 97. Repeal and saving Act 35 of 1959

CHAPTER 5 :- TRANSITIONAL PROVISION

- 98. Abolition of Panchayat Samithis and devolution of assets and liabilities etc. of 1959

SCHEDULE 1 :- THE SCHEDULE

Andhra Pradesh Mandala Praja Parishads, Zilla Praja Parishads And Zilla Pranalika Abhivrudhi Manuals Act, 1986

31 of 1986

[13 September 1986]

PREAMBLE

An Act to provide for the constitution of Mandala Praja Parishads, Zilla Praja Parishads and Zilla Pranalika, Abhivrudhi Mandals and for other matters incidental thereto.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh year of She 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,

CHAPTER 1 PRELIMINARY

1. Short title extent and Commencement :-

(1) This act may be called the Andhra Pradesh Mandala, Praja Parishads, Zilla Praja Parishads and Zilla Pranalika Abhivrudhi Mandals Act, 1986.

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

(3) It shall come into force on such date and in such areas as the Government may, by notification, appoint and they may appoint different dates for different areas and for different provisions.

2. Definitions :-

In this Act, unless the context otherwise requires :-

(a) Andhra Area means the territories of the State of Andhra Pradesh other than the Telangana area;

(b) Backward Classes means any socially and educationally backward classes of citizens recognised by the Government for purpose of Clause (4) of article 15 of the Constitution of India ;

(c) Chairman means the Chairman of a Zilla Praja Parishad elected under section 44; Extraordinary, dated the 23rd July, 1986 a; pages 97 & 98.

(d) Collector means any Officer incharge of a Revenue Division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector;

(e) Government means the State Government;

(f) Gram Panchayat means a Gram Panchaya-constituted under the Andhra Pradesh Gram Pancha yats Act, 1964 (Act 2 of 1964);

(g) Mandal means such area in a district as may be declared by the Government by notification to be a Mandal under section 3 of the Andhra Pradesh Districts (Formation) Act, 1974 (Act 7 of 1974);

(h) Mandala Development Officer means the Officer appointed by that designation by the Government or by such other authority as may be authorised by them in that behalf;

(i) Mandal Praja Parishad means a Mandala Praja Parishad constituted under section 3 or reconstituted under that section or section 75;

(j) notification means a notification published in the Andhra Pradesh Gazett and the word notified shall be construed accordingly;

(k) Prescribed means prescribed by rules made under this Act;

(l) President means the President of a Mandala Praja Parishad elected under section 5;

(m) registered voter in the Mandal or registered voter in the district means a person whose name appears in the electoral roll prepared and published under section 14-C of the Andhra Pradesh Gram Panchayats Act, 1964 (Act 2 of 1964) for any Gram Panchayats or Gram Panchayats comprised in the Mandal or as the case may be, in the district;

(n) relevant District Boards Act means in relation to the Andhra Area the Andhra Pradesh (Andhra Area) District Boards Act, 1920 (Act XIV of 1920), and in relation to the Telangana Area, the Andhra Pradesh Telangana Area) District Boards Act 1955 (Act 1 of 3056)

(o) Scheduled Castes and Scheduled Tribes shall have the meaning respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India ;

(p) State means the State of Andhra Pradesh;

(q) Telangana Area, means the territories specified in sub-section

(1) of section 3 of the States Reorganisation Act, 1956 (Act 6 of 1965);

(r) Zilla Praja Parishad means a Zilla Praja Parishad Constituted under section 43 or reconstituted under section 75;

(s) words and expressions, used but not defined in this Act shall have the meaning assigned to them in the relevant District Boards Act and in the Andhra Pradesh Gram Panchayats Act, 1964 (Act 2 of 1964) and the Andhra Pradesh Municipalities Act, 1965 (Central Act 37 of 1956).

CHAPTER 2 CONSTITUTION, INCORPORATION, COMPOSITION, POWERS FUNCTIONS, ETC., OF MANDALA PRAJA PARISHADS

3. Constitution and incorporation of Mandala praja Parishads :-

(1) The Government may, by notification from time to time and with effect on and from such date, as may be specified therein constitute a Mandala Praja Parishad for each Mandal.

(2) Where, under sub-section (2) of section 3 of the Andhra Pradesh Districts (Formation) Act, 1974 (Act 7 of 1974), a Mandal is redelimited or a new Mandal is formed, the Government may, by notification, reconstitute the Mandala Praja Parishad for the redelimited Mandal or constitute a new Mandala Praja Parishad for the new Mandal. On such reconstitution or constitution, the Mandala Praja Parishad or Mandala Praja Parishads concerned functioning immediately before such reconstitution or constitution, shall stand abolished :

Provided that in reconstituting the Mandala Praja Parishad the Government may direct that the President, the Vice-President, an elected member or a nominated member of the Mandala Praja Parishad which was functioning immediately before such redelimitation and who is otherwise qualified to hold such office in the reconstituted Mandala Praja Parishad shall be the President,

Vice-President, elected member or nominate member of the reconstituted Mandala Praja Parishad as it he was elected or nominated, as the case may be to such office in the reconstituted Mandala Praja

(3) Every Mandala Praja Parishad shall, by the name of the Mandal for which it is constituted or reconstituted, be a body corporate having perpetual succession and a common seal with power to acquire hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(4) The notification under sub-section (2) may contain such supplemental, incidental and consequential provisions as the Government may deem necessary and the Government may, from time to time, amend any such notification.

4. Composition of Mandala Praja Parishad :-

(1) Every Mandala Praja Parishad shall consist of the following members, namely:

(i) the Sarpanch of every Gram Panchayat in e Mandal, ex-officio:

Provided that,

(a) notwithstanding anything in the Andhra Pradesh Gram Panchayats Act, 1964 (Act 2 of 1964)⁷ if any Sarpanch of a Gram Panchayats refuses in writing addressed to the Collector to be a member of the Mandala Praja Parishad or resigns such member ship or otherwise cases to be such member he shall, with effect from the date of such refusal, resignation or cessation ceases to be the Sarpanch of the Gram Panchayat and the person who succeeds him in such office shall be the member of the Mandala Praja Parishad,

(b) in the case of a suspended or dissolved Gram Panchayat or in the case of a Gram Panchayat for which elections could not be held

for any reason the District Collector shall nominate a person residing in the area within the jurisdiction of such Gram Panchayat to be the member representing such Gram Panchayat.

Explanation:-For the purpose of the clause Sarpanch includes also the Upa-Sarpanch of the temporary Sarpanch, for the time being exercising the powers and performing the functions of/the Sarpanch under section 26 of the Andhra Pradesh Gram Panchayats Act, 1964 and shall be entitled to participate and vote at all meetings of the Mandala Praja Parishad except in cases where the Sarpanch notwithstanding his absence from the jurisdiction is able to attend the meetings of the Mandala Praja Parishad but such Upa-Sarpanch or temporary Sarpanch shall not be entitled to be elected to the office of Vice-President.

(ii) the Member of the Legislative Assembly of the State representing a constituency which comprises the Mandal :

Provided that a Member of the Legislative Assembly representing a constituency which comprises more than one Mandal including a portion of any Mandal shall be a member of the Mandala Praja Parishad of only one such Mandal which he chooses; and he shall also have the right to speak in and otherwise to take part in the proceedings of, any meeting of any other Mandala Praja Parishad constituted for each such Mandala but shall not be entitled to vote at any such meetings.

(iii) such Member of the House of the people representing a constituency which comprises the Mandal as the Government may, by order, specify, having regard to his choice expressed in the prescribed manner:

Provided that he shall also have the right to speak in and otherwise to take part in the proceedings of any meeting of any other Mandala Praja Parishad Constituted for other Mandals comprised within the Constituency, but shall not be entitled to vote at any such meetings.

(iv) such Member of the Council of States as the Government may, by order, specify, having regard to his choice expressed in the prescribed manner;

(v) one person belonging to minorities whether based on religion or language to be elected as member in the prescribed manner by the President and the members specified in clauses (i), (ii), (iii) and (iv) from among the persons who are registered voters in the Mandal and who are not less than twenty one years of age, but who are not already members of the Mandala Praja Parishad:

Provided that the choice exercised by-

(ii) a Member of the House of the people or referred to in clause (ii) may be revised at any time before the meeting is held for the election of the member specified in clause (v) and thereafter it shall be final and irrevocable;

(ii) a Member of the House of the people or Council of States referred to in clauses (iii) and (iv) may be revised at any time one day before the meeting is held for the election of the member specified in clause (v), subject to the approval of the Government and thereafter it shall be final and irrevocable.

(2) No person shall be a member in more than one of the categories specified in sub-section (1). A person who is or becomes a member of a Mandala Praja Parishad in more than one such category shall, by notice in writing signed by him and delivered to the Mandal Development Officer, within fifteen days from the date on which he so becomes a Member, intimate in which one of the said categories he wishes to serve, and thereupon he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period his membership in the Mandala Praja Parishad in the category acquired earlier shall, and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under this subsection shall be final and irrevocable:

Provided that if a person is or becomes an ex-officio member under clause (i) of sub-section (1) being already a member of the Mandala Praja Parishad in any of the other categories specified in the said sub-section he shall not cease to be such ex-officio member, but he shall, with effect from the date on which he becomes such ex-officio member, cease to be a member in such other category.

(3) No person shall be entitled to be a member of more than one Mandala Praja Parishad at a time.

5. Election and tern of office of the President :-

(1) There shall be a President for each Mandate Praja Parishad.

(2) Subject to the provisions of section 9, the President shall be elected in the prescribed manner by the persons who are registered voters in the Mandal from among themselves:

Provided that a member of the Legislative Assembly of the State or of either House of Parliament shall be eligible to be elected as President but he shall cease to hold office unless within fifteen days from the date of elections to such office, he ceases to be a Member of the Legislative Assembly of the State or of Parliament by resignation or otherwise; and if a President subsequently becomes a Member of the Legislative Assembly of State or of Parliament, he shall cease to hold such office unless within fifteen days from the date on which he so becomes such Member, he ceases to be a Member of the Legislative Assembly of the State or of either House of Parliament:

Provided further that,-

(a) all the offices of President of Mandala Praja Parishads constituted for the Mandals wholly situated in the Scheduled areas

in the district; and

(b) where the number of offices of President under clause (a) falls short of six percent of the total number of offices of President in the district, such number of offices of President in the non-scheduled areas of the district as are required to make the number of offices of President six percent of the total number of offices of President in the district;

shall be reserved by the District Collector for the members belonging to the Scheduled Tribes in the manner prescribed; and the Mandala Praja Parishad 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 Mandala Praja Parishad where the proportion of the population of Scheduled Tribes to the total Population of the Mandala is the largest, not being a Mandal which falls within or forms a substantial part of a Legislative Assembly Constituency reserved for a member belonging to the Scheduled Tribes:

Provided also that fifteen per cent of the total number of offices of President in a district (excluding the number of offices reserved for member belonging to the .Scheduled Tribes) shall be reserved by the District Collector, by rotation, from term to term for the members belonging to the Scheduled Castes in the manner prescribed; so, however, that the Mandala Praja Parishad in respect of which the office of President is so reserved shall, as far as practicable, be the Mandala Praja Parishad where the proportion of the population of Scheduled Castes to the total population of the Mandal is the largest not being a Mandal which falls within or forms a substantial part of, Legislative Assembly Constituency reserved for a member belonging to the Scheduled Castes:

Provided also that nine per cent of the total number of offices of President in a district shall be reserved by the District Collector, by rotation, for women in the manner prescribed: so however that the Mandal in respect of which the office of President is so reserved shall as far as practicable, be the Mandal where the proportion of

the population of women to the total population of the Mandal is the largest:

Provided also that after the offices of President are reserved for Scheduled Tribes, Scheduled casts and women in that order as aforesaid, twenty per cent of the total number of offices of President in a district shall be reserved by the District Collector, by rotation, for Backward Classes in the manner prescribed, so however that the Mandal in respect of which the Office of President is so reserved shall, as far as practicable, be the Mandal where the Proportion of the population of Backward Classes to the total population of the Mandal is the largest :

Provided also that more than one-half of the total number of offices of President in a Legislative Assembly Constituency (other than a constituency falling within the Scheduled Areas) shall not be reserved, except in cases where it becomes impracticable to reserve the specified percentage of offices to Scheduled

Tribes, Scheduled castes, Women and Backward Classes:

Provided also that where no President is elected at an election held under this sub-section, a fresh election shall be held.

(3) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the President, who is elected at an ordinary election shall be five years from the date appointed by the Election Authority for the first meeting of the Mandala Praja Parishad after the ordinary election

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the President shall be filled by a fresh election under sub-section (2) and a person elected as President in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(5) Unless the Government otherwise direct, no casual vacancy in the office of the President shall be filled within three months before the date on which the ordinary election of the President under subsection (1) is due.

(6) The provisions of sections 10 and 11 shall apply in relation to the office of the President as they apply in relation to the office of a member of the Mandala Praja Parishad.

(7) The President shall be an ex-officio member of the Mandala Praja Parishad and shall be entitled to vote at meetings of the Mandala Praja Parishad.

(8) For the purposes of election to the office of President, the District Collector may, by notification, specify the symbols including the symbols reserved for a recognised political party for exclusive allotment to contesting candidates set up by that party, that may be chosen by the candidates contesting at an election to that office and the restrictions to which their choice shall be subject.

Explanation:-In this sub-section, the term "recognised political party" shall have the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968, under Article 324 of the Constitution of India.

6. Election and term of office of the Vice-President of a Mandala Praja Parishad and filling up of vacancies :-

(1) There shall be a Vice-President for each Mandala Praja Parishad who shall be elected by the members of the Mandala Praja Parishad from among themselves:

Provided that a member specified in clause (ii) clause (iii) and clause (iv) of sub-section (1) of section 4, shall not be eligible for being elected as Vice-President.

(2) On the same day, soon after the election of the member specified in clause (v) of sub-section (1) of section 4, the Vice-President shall also be elected in the prescribed manner. For the election of the Vice-President, the President shall preside at such meeting:

Provided that if, for any reason the election of the Vice-President is not held on the same day as aforesaid, the meeting for the election of the Vice-President shall be held on the next day whether or not it is a holiday observed by the Mandala Praja Parishad.

(3) For filling up a casual vacancy in the office of the Vice-President, a meeting of the Mandala Praja Parishad shall be convened by the President and the election shall be held in the prescribed manner. The President shall preside at such meeting.

(4) Save as otherwise provided in this Act, the term of office of the Vice-President shall be five years from the date appointed by the Election Authority for the first meeting of the Mandala Praja Parishad after the ordinary election. The Vice-President shall cease to hold the office of Vice-President on his ceasing to be a member of the Mandala Praja Parishad or on his election as President or as Chairman of the Zilla Praja Parishad. When a vacancy occurs in the office of Vice-President before the expiration of the term, the person elected as Vice-President in the vacancy shall hold office for the residue of the term of his predecessor.

7. Extension of term of the President and Vice-President :-

The Government may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of President or Vice-President be extended upto such date as may be specified in the notification, such date being not later than one year from the date on which such term expires under section 5 or section 6, as the case may be; so however that the term of office shall not in the aggregate exceed six years; and the Government may, from time to time, by notification, alter such date, and fix another date instead, within the period of one year aforesaid:

Provided that if, for any reason, the election of the President or Vice-President is not completed before the expiration of the period for which the term of office is extended, the Collector shall exercise the powers and perform the functions of the President until a new President or Vice-President is elected; or until such period not exceeding one hundred and twenty days whichever is earlier.

8. Term of Office of member of a Mandala Praja Prishad :-

Save as, otherwise provided in this Act-

(i) (a) an ex-officio member specified in clause (i) of sub-section (1) of section 4 shall hold office so long as he continues to be the Sarpanch of the Gram panchayat which he represents;

(b) a member nominated under proviso (b) to clause (i) of sub-section (1) of section 4 shall hold office for a term of five years from the date of his nomination, or where the Gram Panchayat is reconstituted until the Sarpanch of the reconstituted Gram Panchayat is elected or where election to the Gram Panchayat are held until the Sarpanch enters upon his office whichever is earlier.

(ii) a member elected at an ordinary election under clause (v) of sub-section (1) of section 4 shall hold office for a term of five years from the date appointed by the election authority for the first meeting of the Mandala Praja Parishad after the said ordinary election :

Provided that the Government may, by notification, for sufficient cause which shall be stated therein, direct that the said term of five years, be extended upto such date as may be specified in the notification, such date being not later than one year from the date on which such term expires under this clause; so, however that the term of office shall not in the aggregate exceed six years; and the Government may, from time to time, by notification, alter such date and fix another date instead, within the period of one year aforesaid; and

(iii) a member specified in Clause (ii), Clause (iii) and Clause (iv) of Sub-section (1) of Section 4 shall hold office so long as he continues to be the Member of the Legislative Assembly of the State or of the respective House of Parliament, as the case may be.

9. Qualification of candidates for election :-

No person shall be eligible for election as member or President of a Mandala Praja Parishad or Chairman of a zilla Praja Parishad unless he has completed the age of twenty one years.

10. Disqualification for becoming a member :-

Subject to the provisions of this Act, a person shall be disqualified to become a member of the Mandala Praja Parishad, if such person, on the date fixed for scrutiny of nominations for election under Sub-section (1) of Section 4 or on the date of becoming a member as the case may be--

(a) has been sentenced by a criminal court to imprisonment for a period of more than six months for any offence involving moral delinquency, such sentence not having been reversed or the offence pardoned, and a period of five years has not elapsed from the date of the expiration of such sentence:

(b) has been sentenced to imprisonment for an offence under the protection of Civil Rights Act, 1955 (Central Act 22 of 1955).

(c) is of unsound mind, a deaf-mute or a leper;

(d) is an applicant to be adjudicated as an insolvent or an undischarged insolvent;

(e) is interested in a subsisting contract made with, or any work being done for, the Mandala Praja Parishad except as a shareholder other than a director in a Company or, except as may be prescribed;

(f) is employed as paid legal practitioner on behalf of the Mandala Praja Parishad or as legal practitioner against it;

(g) is disqualified to become or continue as a member of a Gram Panchayat under Section 17 of the Andhra Pradesh Gram Panchayats Act, 1964;

(h) is an honorary magistrate under the Code of Criminal Procedure, 1973 (Act 2 of 1974), with jurisdiction over any part of the Manual;

(i) is a servant or an employer or the office subordinate or official superior of a member of the Mandala Praja Parishad holding office at the said date;

(j) is in arrears of any dues, otherwise than in a fiduciary capacity to the Mandala Praja Parishad upto and inclusive of the previous financial year, in respect of which a bill or notice has been duly served upon him and the time, if any specified therein for payments has expired:

Provided that where any person has paid such dues into the Government treasury or into a bank approved by the Government to the credit of the Mandala Praja Parishad Fund and obtained a challan or receipt therefor in token of such payment, he shall not be disqualified to become a member of the Mandala Praja Parishad on and from the date of such payment; or

(k) is an officer or servant of an authority constituted under this Act.

11. Disqualifications for continuing a member :-

(1) Subject to the provisions of section 16, a member of a Mandala Praja Parishad shall cease to be a member, if he,--

(a) is or becomes subject to any of the disqualifications specified in section 10;

(b) has absented himself from three or more consecutive meetings of the Mandala Praja Parishad held within a period of not less than six months reckoned from the date of commencement of his term of office or of the last meeting which he attended or his resuming the office of member by virtue of an order under this sub-section or of his restoration to the office of member under Sub-section (2), as the case may be :

Provided that where on an application made by him within thirty days of the receipt by him of the intimation under Section 15 the Government are satisfied that he had sufficient cause for such absence they may, by order declare that he has not ceased to be a member under this clause :

Provided further that no meeting from which a member absented himself shall be counted against him under this clause if notice of that meeting was not given to him in the prescribed manner, or the meeting was adjourned without transacting any business either for want of quorum or for any other reason or the meeting was held before he makes the oath of affirmation as laid down in Section 78.

Explanation:-Where a meeting which shall not count against a member under this proviso intervenes between two meetings which count against him, these two meetings shall be regarded as being consecutive to each other for the purpose of this proviso:

Provided also that nothing in this clause shall apply to a member of the Mandala Praja Parishad specified in Clause (ii), Clause (iii) or Clause (iv) of Sub-section (1) of Section 4.

(2) Where a person ceases to be a member under Clause (a) of Section 10 he shall be restored to office for such portion of the term of office as may remain unexpired at the date of such

restoration, if the sentence is reversed or quashed on appeal or revision or the offence is pardoned; and any person filling the vacancy in the interim shall, on such restoration, vacate, the office.

12. Disqualification on the ground of defection :-

(1) Subject to the provisions of sections 13 and 14, a President of a Mandala Praja Parishad belonging to any political party shall be disqualified for being such member-

(a) if he has voluntarily given up his membership of such political party; or

(b) if he votes or abstains from voting in such Zilla Praja Parishad contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and, such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation :--For the purposes of this sub-section, a President shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such President.

(2) An elected President of a Mandala Praja Parishad who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being President if he joins any political party after such election.

13. Disqualification on ground of defection not to apply in case of split :-

Where a President of a Mandala Praja Parishad makes a claim that he and any other members of his party constitute the group

representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the member of such party,

(a) he shall not be disqualified under sub-section (1) of section 12 on the ground

(i) that he has voluntarily given up his membership of his original political party; or

(ii) that he has voted or abstained from voting in such Mandala Praja Parishad contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purpose of Sub-section (1) of Section 12 and to be his original political party for the purposes of this

14. Disqualification on the ground of defection not to apply in case of merger :-

(1) A President of a Mandala Praja Parishad shall not be disqualified under Sub-section (1) of section 12 where his political party merges with another political party and he claims that he and any other members of his original political party,--

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or group, as the case may be, shall be deemed to be

the political party to which he belongs for the purposes of subsection (1) of section 12 and to be his original political party for the purposes of this sub-section.

(2) For the purposes of sub-section (1) of section 12, the merger of the original political party of a President of a Mandala Praja Parishad shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the party concerned have agreed to such merger.

Explanation :--For the, purposes of sections 13 and 14, Original Political Party in relation to a President means the political party to which he belongs for the purposes of section 12.

15. Intimation of disqualification :-

(1) Where the Mandal Development Officer is satisfied that a person has ex-officio ceased to be a President or member having incurred any of the disqualification specified in sub-section (1) of section 11, he shall forthwith intimate that fact by registered post to the President or member concerned and report the same to the Mandala Praja Parishad at its next ordinary meeting. If such intimation relates to a disqualification under clause (b) of the said sub-section and if the President or member applies for restoration of his office to the Mandala Praja Parishad within thirty days of the receipt by him of such intimation, he shall be deemed to have been restored to his office and the Mandal Development Officer shall report the fact of such restoration to the Mandala Praja Parishad at its next meeting. Pending such restoration, the President or member shall be entitled to act as if he were not disqualified :

Provided that a President or member shall not be so deemed to have been restored more than once during his term of office :

Provided further that an intimation in respect of a disqualification incurred by the President under section 12 shall be given by the District Collector.

(2) Where an ex-officio member specified in clause (i) of sub-section (1) of section 4 is deemed to have been restored to his membership under subsection (1), he shall, with effect from the date of such restoration, be deemed to have been restored also to the office of the Sarpanch of the Gram Panchayat of which he has ceased to be the Sarpanch, by operation of proviso (a) to clause (7) of sub-section (1) of section 4.

16. District Munsiff to decide questions of disqualification of members :-

(1) Where intimation is given by the Mandal Development Officer under sub-section (1) of section 15 that a person has ceased to be a President or member of the Mandala Praja Parishad or where any allegation to that effect is made by any person or, authority to the Mandal Development Officer in writing and the Mandal Development Officer has given intimation of such allegation to the President or member and such President or member disputes the correctness of the fact so intimated or the allegation so made, or where any President or member himself entertains any doubt whether or not he has become disqualified under that section, such President or member or any other member may, and the President at the request of the Mandala Praja Parishad shall, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, apply to the District, Munsiff having jurisdiction over the area in which the Office of the Mandala Praja Parishad is situated, for decision.

(2) The District Munsiff, after making such enquiry as he considers necessary, shall determine whether or not such President or member is disqualified under Section 11 or section 12 and his decision shall be final.

(3) Pending such decision, the President or member shall be entitled to act as if he were not disqualified.

Explanation : In this section, the expression District Munsiff shall,

in relation to the Scheduled Areas mean the Agency Divisional Officer.

17. Filling of certain casual vacancies :-

Any vacancy occurring in the Office of a nominated or an elected member before the expiration of his term shall be filled by nomination or election as the case may be of another person in the manner provided in section 4 and the person so nominated or elected shall hold office for the residue of the term of his predecessor.

18. Resignation of President, Vice-President or member :-

The President, the Vice-President or any member may resign his Office as such President, Vice-President or member by giving notice in writing to the Mandala Prajd Parishad. Except in a case where the person resigning delivers the notice of resignation personally to the Collector, the Collector shall, on receipt of a notice of resignation, obtain confirmation from the person concerned as to its genuineness. A resignation delivered personally or confirmed as aforesaid shall take effect on and from the date on which the notice was received.

19. Right of certain officers to participate in the Proceedings of Mandala Praja Parishad :-

The Collector, District Collector and such other officers as the Government may, by order, specify, shall have the right to speak in and otherwise to take part in the proceedings of any meeting of a Mandala Praja Parishad functioning within the local limits of their respective jurisdiction but shall not, by virtue of this section, be entitled to vote at any such meeting.

20. President of a Mandala Praja Parishad may invite certain persons to attend its meetings :-

(1) The President of a Mandala Praja Parishad may for purposes of consultation, invite any person other than an Office, bearer of any political party having experience and specialised knowledge of any subject under the consideration of the Mandala Praja Parishad to attend the meeting of the Mandala Praja Parishad. Such person

shall have the right to speak in, and otherwise to take part in the Proceedings of such meeting, but shall not, by virtue of such section, be entitled to vote at any such meeting.

(2) A person attending a meeting under subsection (1) shall be entitled to such allowances as may be prescribed.

21. Rules for the conduct of the business at a meeting of a Mandala Praja Parishad :-

Every Mandala Praja Parishad shall, in regard to the conduct of business at its meeting follow such rules as may be prescribed.

22. Power and functions of a Mandala Praja Parishad :-

(1) Subject to the provisions of this Act, administration of the Mandal shall vest in the Mandala Praja Parishad. Every Mandala Praja Parishad shall endeavour to instil among the people within its jurisdiction spirit of self-help and initiative and harness their enthusiasm for raising the standard of living. It shall exercise all the powers conferred on, and perform all the functions entrusted to it by or under this Act, and such other powers and functions as may be conferred on, and entrusted to it by the Government for carrying out the purposes of this Act, but it shall not exercise the powers or perform the functions expressly assigned by or under this Act, or any other law to its President or to the Mandal Development Officer or to the Zilla Praja Parishad or any other authority. It may, with the previous approval of the Government and subject to such terms and conditions as may be prescribed, borrow moneys for carrying out the purposes of this Act. It shall also exercise and perform such of the powers and functions of the district board including the powers to levy any tax or fees as may be transferred to it under this Act.

(2) In particular, the Mandala Praja Parishad shall exercise the powers and perform the functions specified in the Schedule.

(3) Notwithstanding anything in the Andhra Pradesh Gram Panchayatf Act, 1964 (25 of 1964), the Mandala Praja Parishad

may with the prior approval of the Zilla Praja Parishad levy contributions from the funds of the Gram Panchayats in the Mandal,

(4) Every Mandala Praja Parishad may levy with the prior sanction of the Government a duty in the form of a surcharge on any tax imposed by a Gram Panchayat or on land cess or local cess levied within its jurisdiction in such manner and subject to such maximum as may be prescribed.

23. Maintenance of common Water Work and other institutions :-

(1) Notwithstanding anything in the Andhra Pradesh Gram Panchayats Act, 1964 and subject to the provisions of this Act, and the rules made thereunder, two or more Gram Panchayats may

(i) construct and maintain water works for supply of water for washing and bathing purposes and of protected water for drinking purposes from a common source, and

(ii) entrust to Mandala Praja Parishad with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work.

(2) Power of Mandala Praja Parishad to call for documents from the Mandal Development Officer power of Mandala Praja Parishad to call for formation from Village, Assistance.--Subject to the provisions of this Act, and the rules made thereunder;

two or more Mandala Praja Parishads may establish and maintain common dispensaries, child welfare centres and institutions of such other kind, as may be prescribed.

24. Power of Mandala Praja Parishad to call for documents from the Mandal Development Officer :-

A Mandala Praja Parishad may, at any time require the Mandal Development Officer to furnish any document in his custody. The Mandal Development Officer shall comply with every such requisition.

25. Power of Mandala Praja Parishad to call for information from Village, Assistance :-

A Mandala Praja Parishad may require any Village assistant of any village within the jurisdiction of the Mandala Praja Parishad to furnish any information on any matter falling within such categories as may be prescribed in respect of such village or any person or property therein required for the purposes of this Act.

26. Powers and functions of the President and Vice-President :-

(1) The President of a Mandala Praja Parishad shall :

(a) exercise administrative control over the Mandal Development Officer for the purposes of this Act;

(b) convene, preside over and conduct the meetings of the Mandala Praja Parishad; and

"(c) have full access to all records of the Mandala Praja Parishad.

(2) In case of emergency the President, may in consultation with the Mandal Development Officer direct the execution of any work or the doing of any act which requires the sanction of the Mandala Praja Parishad and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the general public, but he shall report the action taken under this sub-section and the reasons therefor to the Mandala Praja Parishad at its next meeting :

Provided that he shall not direct the execution of any work or the doing of any act in contravention of any order of the Government.

(3) The Vice-President shall exercise such powers and perform such functions of the President as the President may from time to time delegate to him in writing.

(4) when the office of the President is vacant the Vice-President of the Mandala Praja Parishad shall exercise the powers and perform the functions of the President until a new President is elected.

(5) If the President has been continuously absent from, the, Mandal for more than fifteen days or is incapacitated for more than, fifteen days, his powers and functions during such absence or incapacity shall devolve on the Vice-President.

(6) When the Office of the President is vacant or the President has been continuously absent from the Mandal for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the Vice-President or the Vice-President has been continuously absent from the Mandal for more than fifteen days or is incapacitated for more than fifteen days, the powers and functions of the President shall devolve on a member of the Mandala Praja Parishad appointed by the Government in this behalf. The member so appointed shall be styled as the temporary President and he shall exercise the powers and perform the functions of the President subject to such restrictions and conditions as may be prescribed until a new President or Vice-President assumes office after his election or until the President or the Vice-President, returns to the Mandal or recovers from his incapacity as the case may be.

(7) It shall be the duty of the President or the person for the time being exercising the powers and performing the functions of the President to convene the meetings of the Mandala Praja Parishad so that at least one meeting of the Mandala Praja Parishad is held in every sixty days. If the President or such person fails to discharge that duty with the result that no meeting is held within the said period of sixty days or within thirty days following such period, he shall, with effect from the date of expiration of the thirty

days aforesaid, cease to be the President, or as the case may be, cease to exercise the powers and perform the functions of the President unless such cessation has otherwise occurred before that date and for a period of one year from such date he shall not be eligible to be elected as President or to exercise the powers and perform the functions of the President.

27. Right of individual member to draw attention in respect of Mandala Praja Parishad works etc. :-

Any member of a Mandate Praja Parishad may draw the attention of the President or the Mandal Development Officer to any neglect in the execution of Mandala Praja Parishad work, to any waste of Mandala Praja Parishad property or to the needs of any locality and may suggest any improvement which may appear desirable.

28. Powers and functions of the Mandal development officer :-

(1) The Mandal Development Officer shall be the Chief Executive Officer of the Mandate Praja Parishad. He shall be responsible for implementing the resolutions of the Mandate Praja Parishad and shall also exercise such powers and perform such functions as may be entrusted to him by the Government. Notwithstanding anything in the Andhra Pradesh Gram Panchayats Act, 1964 (Act 2 of 1964), he shall exercise such powers of supervision over the Gram Panchayats in the Mandal as may be prescribed.

(2) The Mandal Development Officer shall ordinarily attend the meetings of the Mandate, Praja Parishad and shall be entitled to take part in the discussions thereat but he shall not be entitled to vote or to move -ny resolution.

(3) Subject to the provisions of section 26, the staff borne on the establishment of the Mandate Praja Parishad and the staff working in institutions and schemes transferred by the Government or the Head of Department of Government to the Mandate Praja Parishad shall be under the administrative control and supervision of the Mandal Development Officer.

(4) Notwithstanding anything in sub-section (1) of section 22 and subject to all other provisions of this Act, and the rules made thereunder, the Mandate Praja Parishad shall have power to issue such specific direction as it may think of it regarding the performance by the Mandal Development Officer of any of the functions assigned to him under this Act.

(5) The Government shall, pay out of the Consolidated Fund of the State, the salaries allowances, leave allowances, pension and contribution if any, towards the provident fund or provident fund-Cum-pension fund of the Mandal Development Officer appointed by them for a Mandate Praja Parishad.

(6) The Government shall have power to make rules to regulate the classification and methods of recruitment conditions of service, pay and allowances and disciplinary conduct of the Mandal Development Officer.

29. The Mandal Development officer and other officer and staff of a Mandala Praja Parishad to be subordinate to the Mandal Praia Parishad :-

The Mandal Development Officer and other officers and staff of a Mandate Praia Parishad and the staff employed in the institutions and schools under the Mandala Praja Parishad shall be subordinate to the Mandala Praja Parishad.

30. Officers and other employees of Mandala Praja Parishad :-

(1) The Government may at any time create such posts of officers as they may consider necessary for carrying out the purposes of this Act.

(2) All appointments to the posts created under sub-section (1) and transfer of the holders of such posts shall be made subject to the provisions of the Andhra Pradesh Public Employment (Regulation of

Age of Superannuation) Act, 1984 and such rules as may be made under the proviso to article 309 of the Constitution.

(3) The Government shall pay, out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any, towards the provident fund or pension-cum-provident fund of the officers and other employees of a Mundala Praja Parishad who hold any of the posts referred to in sub-section (1).

(4) the classification and methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and other employees referred to in sub-section (3), shall be regulated in accordance with the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 and such rules as may be made under the proviso to article 309 of the Constitution.

(5) (a) Every holder of the post in a Maudala Praja Parishad specified in clause (b), who is appointed immediately before the commencement of this Act shall, notwithstanding anything in this Act, continue to hold such post, subject to the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 and such rules as may be made under the proviso to article 309 of the Constitution; and until such provision in that behalf is so made, the law for the time being in force regulating the recruitment and conditions of service applicable to such holder immediately before such commencement, shall continue to apply to such holder.

(b) The posts specified for the purpose of this sub-section are the following, namely:-

(1) Managers; (2) Superintendents; (3) Senior Assistants and Senior Accountants (formerly called as Upper Division Clerks); (4) Loans Inspector; (5) Junior Assistants (formerly called as Lower Division Clerks) (6) Junior Accountants; (7) Seed Store Clerks, (8) Typists, (9) Steno-typists; (10) Record Assistants; (11) Laboratory

Attenders; (12) Library Attenders; (13) Librarians; (14) Daffedars; (15) Attenders; (16) Drivers; (17) Medical Officers in Local Fund Dispensaries and the staff attached to them; (18) Teachers working in the schools under the control of Mandala Praja Parishad.

(6) The Government may, from time to time by order give such directions to any Mandala Praja Parishad or any officer, authority, or person thereof as may appear to them to be necessary for the purpose of giving effect to the provisions of this section and the Mandal Development Officer, authority or person shall comply with all such directions.

31. Allowances for attending a meeting of the Mandala Praja Parishad :-

(1) There shall be paid to the members of a Mandala Praja Parishad including its President and Vice-President, and to the Members of the Legislative Assembly and of either House of Parliament for attending a meeting of the Mandala Praja Farishad such allowances as may be prescribed.

(2) There shall also be paid to the President in respect of his tours on duty whether within or outside the Mandal but within the District such allowances as may be prescribed.

32. Mandala Praja Parishad Fund :-

(1) All moneys received, by a Mandate Praja Parishad shall constitute a fund called the Mandala Praja Parishad Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed,

(2) All moneys received by the Mandala Praja Parishad shall be lodged, in the nearest Government treasury or with the sanction of the Government "in any bank approved by them.

(3) All orders or cheques against the Mandala Praja Parishad Fund shall be signed by the Mantel Development Officer.

33. Income and expenses of a Mandala Praja Parishad :-

(1) The sources of income of a Mandala Praja Parishad shall consist of,

(i) funds relating to institutions and schemes transferred by the Government or Heads of Departments of the Government to the Mandala Praja Parishad;

(ii) funds relating to the Community Development Programme;

(iii) Central and State aid and aid received from the All-India bodies and institutions for the development of cottage and village industries, Khadi silk, coir, handicrafts and the like;

(iv) donations and contributions received by the Mandala Praja Parishad from Gram Panchayats or from the public in any form;

(v) such income of the district boards as the Government may, by order, allocate to it;

(vi) such share of the land revenue, State taxes or fees as may be prescribed;

(vii) proceeds from taxes, surcharge or fees which the Mandala Praja Parishad is empowered to levy under this Act or any other law;

(viii) such contributions as the Mandala Praja Parishad may levy from gram Panchayats;

(ix) any other income from remunerative enterprises and the like.

(2) The expenses of the Mandala Praja Parishad shall include the salaries and allowances of its officers and other employees, the allowances to be paid under sections 20 and 31, any item of expenditure directed by the Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes.

34. Election expenses to be borne by the Government :-

The cost of the election expenses including the conduct of elections to the Mandala Praja Parishad and the cost of maintenance of election establishment employed in connection therewith shall be borne by the Government.

35. Budget of Mandate Praja Parishad :-

(1) The Mandal Development Officer shall, in each year frame and place before the Mandala Praja Parishad on or before the prescribed date a budget showing the probable receipts and expenditure during the following year, and the Mandala Praja Parishad shall sanction the budget, with such modifications, if any, as it thinks fit.

(2) The budget as so sanctioned shall be submitted by the Mandal Development Officer on or before such date as may be prescribed, to the Zilla Praja Parishad and where there is no such Zilla Praja Parishad to the District Collector, and if the Zilla Praja Parishad or the District Collector as the case may be is satisfied that adequate provision has not been made therein for giving effect to provisions of this Act, it or he shall have power to approve the budget with such modifications as may be necessary to secure such provision.

(3) If, for any reason the budget is not sanctioned by the Mandala Praja Parishad under sub-section (1) before the date referred to in subsection (2), the Mandal Development Officer shall submit the budget to the District Collector who shall sanction it with such modifications, if any, as he thinks fit and forward it to the Zilla

Praja Parishad which shall thereupon approve the budget as if it were submitted to it under sub-section (2). Where there is no Zilla Praja Parishad for the district, the sanction accorded by the District Collector shall be final.

(4) If, in the course of a year, the Mandala Praja Parishad finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure, a revised or supplemental budget may be framed, submitted and sanctioned or approved as far as may be, in the manner provided in sub-sections (1), (2) and (3).

36. Accounts and Audit :-

(1) The Mandala Praja Parishad shall keep such accounts and submit such statements to the Government and the Zilla Praja Parishad and if no such Zilla Praja Parishad is constituted for the district, to the District Collector, as may be prescribed.

(2) (a) Accounts of receipts and expenditure of every Mandala Praja Parishad shall be maintained for every financial year in such form as may be prescribed.

(b) An abstract of every annual account of a Mandala Praja Parishad showing its income under each head of receipt, the charges for the establishments works undertaken, the sum expended on each work, the balance, if any, remaining unexpended and such other information as may be required by rules, shall be prepared by the Mandala Praja Parishad. in such form as may be prescribed and submitted, to the Government and the Zilla Praja Parishad and if no: such Zilla Praja Parishad is constituted for the district to the District Collector, not later than the fifteenth day of second, month of the next financial year.

(c) An abstract of the accounts specified in clause (a) or clause (b) for any specified period in respect of any matter shall be prepared by a Mandala Praja Parishad in such form, and within such time as may be prescribed and submitted to the Government and the Zilla

Praja Parishad where so required by the Government. The account so prepared shall be examined and audited by the auditors appointed by the Government in this behalf within such time as may be prescribed.

(3) All annual accounts and all accounts, kept under sub-section (1) shall be examined and audited, as soon as may be, after the end of each financial year by such person or authority as the Government may appoint in this behalf. The auditors so appointed shall be deemed to be Public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(4) A copy of every annual account as audited under sub-section (3) shall be submitted by the Mandal Development Officer of every Mandala Praja Parishad through the Zilla Praja Parishad concerned to the Director of Local Fund Audit, who shall consolidate all such annual accounts in such, form as may be prescribed and, forward the same to the Government for being laid before the Legislative Assembly of the State as soon as may be, after the receipt thereof together with remarks, if any.

(5) (i) The auditors may disallow every item of expenditure incurred contrary to law and surcharge the same on the person incurring or authorising the incurring of, such expenditure, and may charge against any person responsible therefor. the amount of any deficiency, loss or unprofitable outlay occasioned by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

Explanation :-It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding, his negligence or misconduct the deficiency or loss would not have occurred, but for the negligence or misconduct of some other person.

(ii) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and a copy of

such decision shall be served on the person against whom it is made in the manner laid down for the service of summons in the Code of Civil Procedure, 1908 (Central Act V of 1908).

(iii) Any person aggrieved by any disallowance, surcharge or charge may, within fourteen days after the date of service on him of the decision of the auditors either.

(a) make an application to the concerned principal civil court of original jurisdiction to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances or;

(b) in lieu of such application, may appeal to the Government who shall pass such orders as they think fit.

(iv) Where an application is made to the court under sub-clause (a) of clause (iii) the auditors shall be the sole respondents thereto, and the applicant shall not make either the Government or any other person a party to the proceedings.

(v) From the decision of the court under sub-clause (a) of clause (iii), an appeal shall lie to the High Court.

(vi) Every sum certified by the auditors to be due from a person under this Act shall be paid by such person to the Mandal Development Officer within fourteen days after the date of service on him of the decision of the auditors unless within that time such person has made an application to the court or an appeal to the Government against the decision; and such sum, if not so paid, or such sum as the court or the Government declare to be due, shall be recoverable as if it were an arrear of land revenue.

(vii) Notwithstanding anything in this section the Government may

at any time direct that the recovery of the whole or any part of the amount certified by the auditors or declared by the court or the Government to be due from any person under this Act shall be waived if in their opinion such a course is justified considering all the circumstances of the case.

37. Motion of no-confidence is Vies-President :-

(1) A motion expressing want of confidence in the Vice President of a Mandala Praja Parishad may be made in accordance with the procedure laid down in the following sub-sections:

(2) A written notice of intention to make the motion, in such form as may be prescribed, signed by not less than one-half of the total number of members of the Mandala Praja Parishad together with a copy of the proposed motion shall be delivered in person, by any two of the members signing the notice, to the Collector having jurisdiction over the Mandala Praja Parishad.

Explanation : For the removal of doubts, it is hereby declared that for the purposes of this section the expression "total number of members of the Mandala Praja Parishad" shall mean the total number of members inclusive of its President, but irrespective of any vacancy existing in the office of member at the time of meeting.

(3) The Collector shall then convene a meeting for the consideration of the motion at the office of the Mandala Praja Parishad on a date appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the members notice of not less than fifteen clear days of such meeting in such manner as may be prescribed :

Provided that where the holding of such meeting is stayed by an order of a court the meeting shall be adjourned; and the Collector shall hold the adjourned meeting on a date not later than thirty

days from the date on which he receives the intimation about the vacation of stay, after giving to the members notice of not less than fifteen clear days of such adjourned meeting.

(4) The quorum for such a meeting shall be the majority of the total number of members of the Mandate Praja Parishad and the Collector or his nominee not below the rank of Mandal Revenue officer shall preside at such meeting.

(5) If the Collector, or his nominee is unable to conduct the meeting, he may after recording his reasons in writing adjourn the meeting to such other date as he may appoint. The date so appointed by him shall not be later than thirty days from the date fixed for the meeting under sub-section (3). Notice of not less than ten clear days shall be given to the members of the adjourned meeting.

(6) Save as provided in sub-sections (3) and (5) a meeting convened for the purpose of considering a motion Under this section shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section commences the Collector or his nominee shall read to the Mandate. Praja Parishad the motion for the consideration of which the meeting has been convened and declare it to be open for debate.

(8) No debate on the motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiration of two hours from the time appointed for the commencement of the meeting if it is not concluded earlier. On the conclusion of the debate or on the expiration of the said period of two hours, whichever is earlier, the motion shall be put to vote.

(10) The Collector or his nominee shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall be forwarded forthwith on the termination of the meeting by the Collector or his nominee to the Government.

(12) If the motion is carried with the support of the majority of the total number of members of the Mandala Praja Parishad, the Government shall, by notification, remove the Vice-President and the resulting vacancy shall be filled, in the manner specified in section 6 within the prescribed time.

(13) If the motion is not carried by such a majority as aforesaid or if the meeting could not be held, for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same Vice-President shall be made until after the expiration of one year from the date of the meeting.

(14) No notice of a motion under this section shall be made within one year of the assumption of office by a Vice-President.

38. Powers of Government to remove President, Vice-President or member of a Mandala Praja Parishad :-

(1) If, in the opinion of the Government the President or the Vice-President of a Mandala Praja Parishad wilfully omits or refuses to carry out the order of the Government for the proper working of the Mandala Praja Parishad or abuses his position the powers vested in him they may, by order, remove such President or Vice-President as the case may be. after giving him an opportunity for explanation.

(2) Where the President or the Vice-President of a Mandala Praja Parishad is removed under subsection (1) the vacancy shall, subject to the provisions of sub-section (3) be filled in the manner specified in section 5 or section 6, as the case may be, within the prescribed time.

(3) A President or a Vice-President removed from his office under this section shall not be eligible for re-election as President or Vice-President for a period of two years from the date of the removal.

(4) If the Government are satisfied that any member of a Mandala Praja Parishad is guilty of any misconduct while acting or purporting to act in the discharge of his duties, or in the performance of his functions, under this Act, they may, by order, remove such member, after giving him an opportunity for explanation, and any member so removed shall not be eligible for re-election or re-nomination as a member for a period of two years from the date of removal.

(5) Where a member of a Mandala Praja Parishad is removed under sub-section (4), the vacancy shall be filled in the manner provided in section 4 within the prescribed time.

(6) The Government shall have power to review any order issued under sub-section (1) or sub-section (4).

(7) If the Government are of the opinion that the President or Vice-President of the Mandala Praja Parishad wilfully omitted or refused to carry out the order of Government for the proper working of the Mandala Praja Parishad or abused his position or the powers vested in him, and that the further continuance of such person in office would be detrimental to the interests of the Mandal Parishad or the inhabitants of the Mandal, the Government may, by order, suspend the President or Vice-President, as the case may be, from office for a period not exceeding three months, pending investigation into the said charges and action thereon under the foregoing provisions of this section:

Provided that it shall be competent for the Government to extend, from time to time, the period of suspension for such further period not exceeding three months, so however that the total period of suspension shall not exceed six months.

39. Power of Government to withdraw Powers, etc. of the President :-

Notwithstanding anything in this Act or the rules made thereunder, where in the opinion of the Government, the President wilfully omits or refuses to carry out the orders of the Government for the proper working of the Mandala Praja Parishad or abuses his position or the powers vested in him, they may, by order, withdraw all or any of the powers vested in him by or under this Act pending investigation into such omission, refusal or abuse of position or power, and cause all or any of the powers and functions of the President to be exercised and performed by such person or authority as the Government may appoint in that behalf.

40. Power of Government to record a finding on President of vice-president :-

(1) Notwithstanding that a person holding the office of the President or the Vice-President has ceased to hold the office as such either by efflux of time, resignation or otherwise, the Government may, by notification, record a finding with reasons therefor, that such person is guilty of wilful commission or refusal to carry out, or disobedience of, the provisions of the Act or any rules, bye-laws, regulations or lawful orders made thereunder or abuse, of the position or powers vested in him, while he held the office of the President or Vice-President as the case may be :

Provided that the Government, shall, before issuing such notification, give the person concerned an opportunity for explanation :

Provided further that no action under this section shall be taken after the expiration of two years from the date on which the person has ceased to hold the office as such.

(2) A person aggrieved by the notification issued under sub-section (1) may, within thirty days from the date of publication of such notification, prefer a review petition to the Government and the Government shall have power to cancel such notification and

pending such cancellation, to stay the notification.

(3) A person in respect of whom a notification was issued under sub-section (1) shall, unless the notification is cancelled under sub-section (2), be ineligible for election as President or Vice-President for a period of two years from the date of publication of such notification.

41. Joint committee of a Mandala Praja Parishad and other local authorities :-

A Mandala Praja Parishad may, and if so required by the Government shall, join with one or more than one, other local authority in constituting a joint Committee for any purpose for which they are jointly responsible.

42. Constitution, Powers and functions of the Joint Committee :-

The constitution, power and procedure of the Joint Committee referred to in section 41 and the method of settling differences of opinion arising in connection with such Committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

CHAPTER 3 CONSTITUTION, INCORPORATION, COMPOSITION, POWERS FUNCTIONS ETC., OF THE ZILLA PRAJA PARISHADS

43. Constitution, Incorporation and composition of Zilla Praja Parishad :-

(1) The Government may, by notification constitute a Zilla Praja Parishad for a district with effect from such date as may be specified therein.

(2) Every Zilla Praja Parishad shall, by the name of the district for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may be its corporate name, sue and be sued.

(3) Every Zilla Praja Parishad shall consist of the following members, namely :--

(i) the President of every Mandala Praja Parishad in the district, ex-officio:

Provided that if any President of a Mandala Praja Parishad refuses in writing addressed to the district Collector to be member of the Zilla Praja Parishad or resigns such membership or otherwise ceases to be such member, he shall, with effect from the date of such refusal, resignation or cessation, cease to be the President of the Mandala Praja Parishad and the person who succeeds him to such office shall be the member of the Zilla Praja Parishad.

Explanation :--For the purposes of this clause President includes a Vice-President or a temporary President, for the time being exercising the powers and performing of the functions of the President under section 26 and he shall be entitled to participate and vote at all meetings of the Zilla Praja Parishad except in cases where the President, notwithstanding his absence from the Mandal is able to attend the meetings of the Zilla Praja Parishads; but such Vice-President or temporary President shall not be entitled to Contest to the office of Vice-Chairman or to the office of member of any Standing Committee of the Zilla Praja Parishad.

(ii) the Member of the Legislative Assembly of the State who is a member of a Mandala Praja Parishad in the District :

Provided that such member of the Legislative Assembly shall have the right to speak in and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad but he shall not be entitled to vote at a meeting of such Standing Committee, unless he is also a Member of that Standing Committee :

Provided further that no Member of the Legislative Assembly

representing a constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations or of any of the municipalities in the State shall be the member of the Zilla Praja Parishad of the concerned district; (iii) the Member of the House of the people who is a member of a Mandala Praja Parishad in the district :

Provided that no Member of the House of the People representing a constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations in the State shall be the member of the Zilla Praja Parishad :

Provided further that a member of the House of the People representing a Constituency which comprises more than one district including a portion of any district, shall be a member of the Zilla Praja Parishad of any district of which he is a member as aforesaid, and he shall have the right to speak in, and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Praja Parishad, but he shall not be entitled to vote at a meeting of any Standing Committee unless he is also a member of that Standing Committee. He shall also have the right to speak in and otherwise to take part in the proceedings of, any meeting of any other Zilla Praja Parishad constituted for each such district; but shall not be entitled to vote at any such meeting;

(iv) the Member of the Council of States who is a member of a Mandal Praja Parishad in the district:

Provided that such Member of the Council of States shall have the right to speak in, and otherwise to take part in the proceedings of, a meeting of any Standing Committee the Zilla Praja Parishad, but he shall not be entitled to vote at a meeting of that Standing Committee, unless he is also a member of that Standing Committee;

(v) one person belonging to minorities whether based on religion or language to be elected as member in the prescribed manner by the members specified in clauses (i), (ii), (iii) and (iv) from among the

persons who are registered voters in the district and who are not less than twenty one years of age, but who are not already members of the Zilla Praja Parishad.

(vi) the District Collector, ex-officio.

(4) No person shall be a member in more than one of the categories specified in sub-section (3). A person who is or becomes a member of a Zilla Praja Parishad in more than one such category, shall, by notice in writing signed by him and delivered to the District Development Officer, within fifteen days from the date on which he so becomes a member, intimate in which one of the said categories he wishes to serve, and thereupon, he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Zilla Praja Parishad in the category acquired earlier shall, and his membership acquired later in the other category shall not cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable :

Provided that if a person is or becomes an ex-officio member under clause (i) of sub-section (3), being already a member of the Zilla Parishad. in any of the other categories specified in the said subsection, he shall not cease to be such ex-officio member but he shall with effect from the date on which he becomes such ex-officio member, cease to be a member in such other category.

(5) No person shall be entitled to be a member of more than one Zilla Praja Parishad at a time.

44. Election of Chairman and Vies-Chairman and term of office :-

(1) for every Zilla Praja Parishad there shall be a Chairman who shall be elected, subject to the provisions of section 9, by the registered voters in the district from among themselves and a Vice-Chairman who shall be elected by the Members of the Zilla Praja

Parishad from among themselves :

Provided that a Member of the Legislative Assembly of the State or a Member of either House of Parliament shall be eligible to be elected as Chairman of the Parishad, but he shall cease to hold office 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 Chairman subsequently becomes a member of the Legislative Assembly of the State or either House of Parliament, he shall cease to hold such office unless within fifteen days from the date on which he so becomes such member, he ceases, to be a member of the Legislative Assembly of the State or of either House of Parliament:

Provided further that out of the total number of offices of Chairman in the State, three shall be reserved by the Government by notification, for the members belonging to the Scheduled Castes by rotation; so however that the Zilla Praja Parishad in respect of which the offices of Chairman are reserved for the Scheduled Castes shall, as far as practicable, be the Zilla Praja Parishads of the districts where the proportion of their population to the total population is comparatively large :

Provided also that out of the total number of offices of Chairman in the State, one shall be reserved by the Government by notification, for the members belonging to the Scheduled Tribes by rotation; so however, that the Zilla Praja Parishad in which the office of Chairman is reserved for the Scheduled Tribes shall, as far as practicable, be the Zilla Praja Parishad of the district where the proportion of the population of the Scheduled Tribes to the total population is the largest;

Explanation : For purposes of the second and third provisos, the areas included in any Municipal Corporation, Municipality mining settlement or a cantonment shall be excluded.

Provided also that where no Chairman is elected at an election held

under this sub-section, a fresh election shall be held.

(2) Save as otherwise expressly provided in or prescribed under this Act, the term of office of the Chairman, who is elected at an ordinary election shall be five years from the date appointed by the election authority for the first meeting of the Zilla Praja Parishad after the ordinary election.

(3) Subject to the provisions of sub-section (4) any casual vacancy in the office of the Chairman shall be filled by a fresh election under sub-section (1) and a person elected as Chairman in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) Unless the Government otherwise direct no casual vacancy in the office of the Chairman shall be filled within three months before the date on which the ordinary election of the Chairman under sub-section (1) is due.

(5) The provisions of sections 10, 11, clause (a) of sub-section (1) of section 12, 15 and 16 shall apply to the Chairman of the Zilla Praja Parishad subject to this variation that for the expressions Mandal, Mandal Praja Parishad, President, Mandal Development Officers, and District Munsif, the expressions District Zilla Praja Parishads, Chairman, District Development Officer, and District Judge, shall respectively be substituted.

(6) The Chairman shall be an ex-officio member of the Zilla Praja Parishad and shall be entitled to vote at meetings of the Zilla Praja Parishad.

(7) For the purpose of election to the office of Chairman, the District Collector may, by notification specify the symbols including the symbols reserved for a recognised Political party for exclusive allotment to contesting candidates set up by the party, that may be chosen by the candidates contesting at an election to that office

and the restrictions to which their choice shall be subject.

Explanation : In this sub-section, the terra recognised political party shall have the meaning assigned to it in the Election Symbols (Reservation and Allotment) order, 1968, issued under article 324 of the Constitution of India.

(8) On the same day on which a special meeting is held for the election of the member specified in clause (v) of sub-section (3) of section 43 and soon after the election of the said member, the District Collector shall hold at the Office of the Zilla Praja Parishad a meeting of the members of the said Parishad for electing the Vice Chairman and the election shall be held in the prescribed manner. If for any reason the election of the Vice Chairman is not held on the same day as the election of the member specified in clause (v) aforesaid the meeting for the election of the Vice-chairman shall be held on the next day whether or not it is a holiday observed by the Parishad The Chairman shall preside at such meeting

(9) For filling up a casual vacancy in the office of the Vice Chairman, a meeting of the Zilla Praja Parishad shall be convened by the Chairman and the election shall be held in the prescribed manner. The Chairman shall preside at such meeting.

(10) Save as there wise provided the term of office of the Vice-Chairman elected at an ordinary election, shall be five years from the date appointed by the election authority for the first meeting of the Zilla Praja Parishad after the ordinary election. The Vice-Chairman shall however cease to hold office before the expiration of such term on his ceasing to life a member of the Zilla Praja Parishad. When a vacancy occurs in the office of Vice-Chairman before the expiration of the term the person elected in that vacancy shall hold office for the residue of the term of his predecessor.";

45. Extension of term of office of Chairman and Vice Chairman :-

Notwithstanding anything contained in section 44, the Government

may by notification for sufficient cause which shall be stated therein direct that the term of office of the Chairman or the Vice-Chairman be extended upto such date as may be specified in the notification, such date being not later than one year from the date on which such term expires; and the Government may from time to time by notification alter such date and fix another date instead within the period one year aforesaid:

Provided that if, for any reason the election of the Chairman and the Vice-Chairman is not completed before the expiration of the period for which that term is extended the District Collector shall exercise the powers and perform the functions of the Chairman until a new Chairman or a Vice-Chairman is elected.

46. Appointment of District Development officer and his powers and functions :-

There shall be a District Development Officer for every Zilla Praja Parishad who shall be appointed by the Government.

(2) Every District Development Officer shall be liable to be transferred by the Government.

(3) Save as otherwise expressly provided by or under this Act the executive power for the purpose of carrying out the provisions of this Act, shall vest in the District Development Officer who shall,

(a) exercise all the powers and perform all the functions specially conferred or imposed upon him by or under this Act, or under any other law for the time being in force; and

(b) lay down the duties of all Officers and servants of, or holding Office under Zilla Praja Parishad in accordance with rules made by the Government.

(4) Subject to the provisions of this Act and the rules made thereunder the District Development Officer,

(a) shall be entitled to--

(i) attend the meeting of the Zilla Praja Parishad or any of its Standing Committees (including any meeting of the Mandala Praja Parishad) and take part in the discussions there at but shall not be entitled to vote or to move any resolution;

(ii) call for any information, return, statement account or report from any Officer or servant of, or holding office under the Zilla Praja Parishad or a Mandala Praja Parishad;

(b) shall exercise supervision and control over the acts of the Officers and servants holding office under the Zilla Praja Parishad or the institutions thereunder in matters of executive administration and those relating to accounts and records of the Zilla Praja Parishad or the institutions thereunder;

(c) shall have custody of all papers and documents connected with the proceedings of the Zilla Praja Parishad and of its Standing Committees;

(d) shall be responsible for implementing the resolutions of the Zilla Praja Parishad and of the Standing Committees thereof :

(e) shall supervise and control the execution of all activities of the Zilla Praja Parishad;

(f) shall take necessary measures for the speedy execution of all works and development schemes of the Zilla Praja Parishad;

(g) shall have the power to enter on and inspect any work, scheme or institution under the management of the Zilla Praja Parishad;

(h) shall have the power to enter on and inspect any work, scheme or institution under the management of a Mandala Praja Parishad if

the Zilla Praja Parishad or any of its Standing Committees so direct;

(i) shall be the competent authority to enter into agreements and to sign and execute them in the name and on behalf of the Zilla Praja Parishad from time to time;

(j) shall implement such specific directions issued by the Zilla Praja Parishad, as it may think fit regarding the performance by him of any of the functions assigned to him under the Act:

Provided that such directions are in conformity with the terms and conditions governing planning Community Development and other Development activities entrusted by the Government or any other authority;

(k) shall immediately execute the orders passed by the Government in exercise of the powers conferred by the Act and rules made thereunder or any other law for the time being in force and shall forthwith send a compliance report to the Government and place a copy thereof before the Chairman and Vice-Chairman.

(l) shall exercise such other powers and perform such other functions as may be prescribed

(5) The Government shall pay out of the Consolidated Fund of the State, the salaries, allowance leave allowance, pension and contributions, if any towards the provident fund or provident fund-cum-pension fund of the District Development Officer appointed under sub-section (1).

(6) The Government shall have power to make rules to regulate the classification and methods of recruitment, conditions of service, pay and allowances and disciplinary conduct of the District Development Officer appointed under sub-section (1).

47. Section 47 :-

Term of office of members of Zilla Praja Parishad. Save as otherwise provided in this Act,-

(i) an Ex-Officio member specified in clause (i) of sub-section (3) of section 43 shall hold office so long as he continues to be the President of the Mandala Praja Parishad which he represents;

(ii) a member specified in clause (ii), (iii) or (iv) of sub-section (3) of section 43 shall hold Office so long as he continues to be the Member of the Legislative Assembly of the State or of the respective House of Parliament;

(iii) a member elected under clause (v) of subsection (3) of section 43 shall hold office for a term of five years from the date appointed by the election authority for the first meeting of the Zilla Praja Parishad after the ordinary election :

Provided that the Government may by notification for sufficient cause which shall be stated therein, direct that the said term of five years be extended upto such date as may be specified in the notification such date being not later than one year from the date on which such term expires under this clause; so however that the term of Office shall not in the aggregate exceed six years; and. the Government may, from time to time, by notification alter such date and fix another date instead, within the period of one year aforesaid.

48. Disqualifications :-

The provisions of sections 10, 11, 15 and 16 shall, apply to the members of the Zilla Praja Parishad subject to this variation that for the expressions Mandal" "Mandate. Praja Parishad", "President", "Mandate. Development Officer" and "District" "Munsit" the expressions "District" "Zilla Praja Parishads" "Chairman" the District Development Officer" and "District Judge", shall respectively be substituted:

Provided that where an Ex-Officio member specified, in clause (i) of

sub-section (3) of section 43 is deemed to have been restored to his membership under sub-section (1) of section 15 read with this section he shall, with effect from, the date of such restoration be deemed to have been restored also to the Office of the President of the Mandate Praja Parishad of which he ceased to be the president by operation of the proviso to clause (i) of sub-section (3) of section 43 :

Provided further that nothing in clause (b) of subsection (1) of section 11 shall apply to a member of the Zilla Praja Parishad specified in clause (ii), clause (iii) and clause (iv) of sub-section (3) of section 43.

49. Filling up of certain casual vacancies :-

Any vacancy occurring in the Office of a member elected under sub-section (3) of section 43 before the expiration of his term, shall be filled by election of another person under that sub-section, and the person so elected, shall hold office for the residue of the term of his predecessor.

50. Resignations of Chairman-Vice-Chairman, or member :-

The Chairman, the Vice-Chairman or any member may resign his office as such Chairman, Vice-Chairman or member by giving notice in writing to the Zilla Praja Parishad. Except in a case where the person resigning delivers the notice of resignation personally to the District Development Officer, the District Development Officer shall, on receipt of a notice of resignation, obtain confirmation from the person concerned as to its genuineness. A resignation delivered personally or confirmed as aforesaid shall take effect on and from the date on which the notice was received.

51. Standing Committees of Praja Parishad :-

(1) For every Zilla Praja Parishad there shall be constituted the following standing Committees the subjects assigned to each such Standing Committee, being those specified against it, namely :--

(i) Standing Committee for Development:--

Planning, Food and Agriculture including irrigation, wells, animal husbandry, reclamation including soil conservation, contour bunding forests and fisheries Co-operation thrift and small savings Industries including cottage village and small scale, industries trust rural housing and statistics;

(ii) Standing Committee for Education :--

Education including Social Education, Medical relief, public health and sanitation including drainage relief of distress in grave emergencies and self-help programme;

(iii) Standing Committee for Social Welfare :--

Social Welfare, Welfare of Scheduled Castes., Scheduled Tribes and Backward Classes and cultural affairs;

(iv) Standing Committee for Women Welfare :

Welfare of Women and Children;

(v) Standing Committee for Works;--Communications, rural water supply, power and irrigation excluding irrigation wells

(vi) Standing Committee for Finance :--.

Taxation and finance and Co-ordination of the work relating to all other Standing Committees.

2 (a) Every Standing Committee shall consist of the Chairman of the Zilla Praja Parishad and the District Collector, who shall be Ex-Officio member, and such number of members as may be arrived at

by dividing the total number of members of the Parishad by six :

Provided that each of the surplus number of members, if any remaining after such division shall be allocated to such standing Committee as the Parishad may decide.

(b) The members of the Standing Committee shall be elected by the members of the Parishad from among themselves in the manner prescribed :

Provided that atleast one representative of the Scheduled Castes or Scheduled Tribes or Backward Classless or minorities or women shall be elected to each of the Standing Committees other than the Standing Committees for Social Welfare or as the case may be, Women Welfare :

Provided further that where the total number of members of the Parishad belonging to the Scheduled Castes, Scheduled Tribes. Backward Classes and Minorities and Women members is not sufficient to provide representation in every Standing Committee as aforesaid or where the number of such members on the Parishad is sufficient to provide such representation, but yet a member belonging to the Scheduled Castes or Scheduled Tribes or Backward Classes or minorities or women member, is not elected to any Standing Committee for any other reason, such number of persons as are required to provide one representative in every Standing Committee shall be elected from among the Scheduled Castes or Scheduled Tribes or Backward Classes or minorities or women as the case may be who are registered voters in the district but not members of the Parishads :

Provided also that where the total number of members of the Parishad belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes is more than one-half of the number of members of the Standing Committee for Social Welfare not less than such number as is required to form a majority in the Standing Committee shall be the members of the Parishad belonging to such Castes or Tribes or Classes; but where such total number of

members of the Parishad is not sufficient to form a majority all such members shall be Ex-Officio members of the said Standing Committee; and where such total number of members of the Parishad is less than one-half such number of persons as are required, to make the number of members of the Standing Committee a majority shall be elected from among the persons belonging to such Castes or Tribes or Classes as the case may be, who are registered voters in the district but are not members of the Parishad:

Provided also that where the total number of women members of the Parishad is more than one-half of the number of members of the Standing Committee for Women Welfare not less than such number as is required to form a majority in the Standing Committee shall be Women member of the Parishad; but where such total number of women members of the Parishad is not sufficient to form a majority all such women members shall be Ex-Officio members of the said Standing Committee; and where such total number of women members of the Parishad is less than one half such number of women as are required to make the number of women members of the Standing Committee a majority shall be elected from among the women who are registered voters in the district but are not members of the Parishad.

(3) The Chairman of the Parishad shall be the Chairman of every Standing Committee. In the absence of the Chairman of the Parishad the District Collector and in the absence of both the Chairman and the District Collector a member chosen by the members present at the meeting of the Standing Committee shall preside;

(4) Every Standing Committee shall deal with such subjects as may be prescribed and exercise such of the powers and perform such of the functions of the Parishad in relation to such subjects, as the Government may, by order, specify.

(5) In the case of the Standing Committees constituted under subsection (1), except in the case of the Standing Committees for Social Welfare and Women Welfare no member of a Parishad other

than it Chairman and the District Collector shall be a member of more than one such Standing Committee at a time:

Provided that where the number of members of the Parishad is not sufficient to fill as aforesaid all the seats of every such Standing Committee, a member of a Parishad may become a member of any two such Standing Committees.

(6) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members of the Parishad shall be applicable, so far as may be, to the members of any Standing Committee.

(7) A member elected to a Standing Committee shall hold office for live years from the date appointed by the election authority for the first meeting of the Parishad after the ordinary election :

Provided that the Government may, by notification for sufficient cause which shall be stated therein direct that the said term of five years be extended upto such date as may be specified in the notification, such date being not later than one year from the date on which such term expires under this clause, so however, that the term of office shall not in the aggregate exceed six years; and the Government may, from time to time, by notification, alter such date and fix another date instead, within the period of one year aforesaid.

(8) Any vacancy occurring in the office of members of a Standing Committee before the expiration of his term shall be filled by election of another person in the manner provided in sub-section (2) and the person so elected shall hold office for the residue of he term of his predecessor,

(9) If a person who is an Ex-officio member of the Standing Committee under sub-section (2) other than the District Collector refuses to be a member of the Standing Committee for Social Welfare or Women Welfare or resigns such membership or

otherwise ceases to be such member,, such person shall, with effect from the date of such refusal, resignation or cessation, cease to be a member of the Parishad.

(10) Where a person elected as a member of Standing Committee from among the members of the Parishad ceases to be a member of tin Parishad on any date before the expiration of the term of his office as a member of the Standing Committee, he shall cease to be a member of the Standing Committee with effect on and from such date.

52. Right of certain authorities and officers to participate in the proceeding of the Parishad or a Standing Committee there of :-

Such district, regional and State officers, as the Government may, by order, specify, shall have the right to speak in, and otherwise to take part in the proceedings of any meeting of the Zilla Praja Parishad or any Standing Committee thereof, functioning within the local limits of their respective jurisdictions but shall not by virtue of this section be, entitled to vote at any such meeting.

53. Chairman or Vice-Chairman of a Parishad or the Chairman of a Standing Committee may invite certain persons to attend its meetings :-

(1) The Chairman or Vice-Chairman of a Zilla Praja Parishad or the Chairman of a Standing Committee thereof may, for purposes of consultation, invite any person other than an office bearer of any political party having experience and specialise knowledge of any subject under its consideration to attend its meeting. Such persons shall have the right to speak in, and otherwise to take part in the proceedings of such meeting, but shall not by virtue of this section, be entitled to vote at any such meeting.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.

54. Rules for conduct of the business at a meeting of a

Parishad or a Standing Committee thereof :-

Every Zilla Praja Parishad or a Standing Committee thereof shall, in regard to the conduct of business at its meeting follow such rules as may be prescribed.

55. Power of parishad or its standing committee, to call for documents from District Development Officer :-

A Zilla Praja Parishad or a Standing Committee thereof may, at any time, require the District Development Officer to furnish any document in his custody. The District Development Officer shall comply with every such requisition.

56. Powers and functions of the Parishad :-

(1) Every Zilla Praja Parishad shall have the power to--

(i) examine and approve the budgets of Mandal Panchayats in the district;

(ii) distribute the funds allotted to the district by the Central or State Government among the Mandala Praja Parishad and Mandala in the district for which Mandala Praja Parishad are not constituted;

(iii) Co-ordinate and consolidate the plans prepared in respect of the Mandal in the district and prepare plans in respect of the entire district;

(iv) secure the execution of plans, projects schemes or other works either solely relating to individual Mandala or common to two or more Mandala in the district;

(v) supervise generally the activities of the Mandala Praja Parishads in the district;

(vi) exercise and perform such of the powers and functions of the

District Board including the power to levy any tax or fees, as may be transferred to it under this Act;

(vii) exercise and perform such other powers and functions in relation to any development programme as the Government may, by notification confer on or entrust to it;

(viii) advise Government on all matters relating to development activities and maintenance of services in the district, whether undertaken by local authorities or Government;

(ix) advise Government on the allocation of work among Gram Panchayats and Mandal Praja Parishads and co-ordination of work between the said bodies and among the various Gram Panchayats themselves;

(x) advise Government on matters concerning the implementation of any statutory or executive order specially referred by the Government to the Zilla Praja Parishad;

(xi) collect such data as it deems necessary;

(xii) publish statistics or other information relating to the activities of the local authorities;

(xiii) require any local authority to furnish information regarding its activities;

(xiv) accept trusts relating exclusively to the furtherance of any purpose for which its funds may be applied;

(xv) establish, maintain, or expand secondary, vocational and industrial schools;

(xvi) borrow money for carrying out the purposes of this Act with the previous approval of the Government and subject to such terms and conditions as may be prescribed.

(2) The Zilla Praja Parishad may, with the prior approval of the Government, levy contributions from the funds of the Mandate Praja Parishads in the district.

57. Powers and functions of Chair man and Vice-chairman of the President :-

(1) The Chairman of a Zilla Praja Parishad shall--

(a) exercise administrative control over the District Development Officer for the purposes of this Act;

(b) convene, preside over and conduct the meetings of the Zilla. Praja Parishad;

(c) have full access to all records of the Zilla Praja Parishad.

(2) The Vice-Chairman shall exercise such powers and perform such functions of the Chairman as the Chairman may, from time to time, delegate to him in writing.

(3) When the office of the Chairman is vacant, the Vice-Chairman of the Zilla Praja Parishad shall exercise the powers and perform the functions of the Chairman until a new Chairman is elected.

(4) If the Chairman has been continuously, absent from the district for more than fifteen days or is incapacitated for more than fifteen days, his powers and functions during such absence or incapacity shall devolve on the Vice-Chairman.

(5) When the office of the Chairman is vacant or the Chairman has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the Vice-Chairman or the Vice-Chairman has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days, the powers and functions of the Chairman shall devolve on a member of the Zilla Praja Parishad appointed by the Government. The member so appointed shall be styled as the temporary Chairman and he shall exercise the powers and perform the functions of the Chairman subject to such restrictions and conditions as may be prescribed until a new Chairman or Vice-Chairman assumes office after his election, or until the Chairman or the Vice-Chairman returns to the district or recovers from his incapacity, as the case may be.

(6) It shall be the duty of the Chairman or the person for the time being exercising the powers and performing the functions of the Chairman to convene the meetings of the Zilla Praja Parishad so that atleast one meeting of the Zilla Praja Parishad is held in every ninety days. If the Chairman or such person fails to discharge that duty with the result that no meeting is held within the said period of ninety days or within thirty days following such period he shall, with effect from the date of expiration of the thirty days aforesaid, cease to be the Chairman or as the case may be, cease to exercise the powers and perform the functions of the Chairman, unless such cessation has otherwise occurred before that date; and for a period of one year from such date he shall not be eligible to be elected as Chairman or to exercise the powers and perform the functions of the Chairman.

58. Right of individual Members to draw attention in respect of Pa-rished, works etc. :-

Any member of a Zilla Praja Parishad may draw the attention of the Chairman or District Development Officer of the Parishad to any neglect in the execution of Parishad work, to any waste of Parishad property or to the needs of any locality and may suggest any improvement which may appear desirable.

59. Emergency powers of District Collector :-

(1) In case of emergency, the District Collector may direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Zilla Praja Parishad or of a Standing Committee thereof and the immediate execution of the doing of which is in his opinion necessary for the welfare or safety of the general public and may also direct that the expenses of executing such work or doing such act shall be paid from the Parishads Fund.

(2) Every case in which the power conferred by this section is exercised shall forthwith be reported to the Government by the District Collector with the reasons in full for the exercise of such power and a copy of the report shall, at the same time be sent to the Zilla Praja Parishad for information.

60. Officers and other employees of the Parishad :-

(1) The Government may, at any time, create such posts of officers and other employees of a Zilla Praja Parishad as they may consider necessary for carrying out the purposes of this Act.

(2) All appointments to the posts created under sub-section (1) and transfer of the holders of such posts shall be made, subject to the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 (Act 23 of 1924) and such rules as may be made under the proviso to article 309 of the Constitution.

(3) The Government shall pay, out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any, towards the provident fund or pension-cum-provident fund of the officers and other employees of a Parishad, who hold any of the posts referred to in sub-section (1).

(4) The classification and methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the

officer and other employees referred to in sub-section (1), shall be regulated in accordance with the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 (Act 23 of 1984) and such rules as may be made under the proviso to article 309 of the Constitution.

(5) (a) Every holder of the posts in a Parishad specified in clause (b), who is appointed immediately before the commencement of this Act shall, notwithstanding anything in this Act, continue to hold such posts, subject to the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 (Act 23 of 1984) and such rules as may be made under the proviso to article 309 of the Constitution; and until provision in that behalf is so made, the law for the time being in force regulating the recruitment and conditions of service applicable to such holder immediately before such commencement, shall continue to apply to such holder.

(b) The posts specified for the purposes of this sub-section are the following, namely :-

(1) Managers; (2) Superintendents; (3) Senior Assistants and Senior Accountants (formerly called as Upper Division Clerks); (4) Loans Inspectors; (5) Junior Assistants (formerly called as Lower Division Clerks); (6) Junior Accountants; (7) Seed Store Clerks; (8) Typists; (9) Stenotypists; (10) Record Assistants; (11) Laboratory Attenders; (12) Library Attenders; (13) Librarians, (14) Daffedars; (15) Attenders; (16) Drivers; (17) Medical Officers in Local Fund Dispensaries and the staff attached to them; (18) Teachers working in the schools under the control of the Parishad.

(6) The Government may, from time to time, by order, give such directions to any Parishad or any Officer, authority or person thereof, as may appear to them to be necessary for the purpose of giving effect to the provisions of this section; and the Parishad, officer, authority or person shall comply with all such directions.

61. Allowances for attending meeting of a Parishad or a

Standing Committed thereof :-

(1) There shall be paid to the non-official members of a Zilla Praja Parishad and a Standing Committee thereof such allowances as may be prescribed for attending a meeting of the Parishad or such Committee.

(2) There shall be paid to the Chairman or Vice-Chairman of the Parishad in respect of their his tours on duty, whether within or out-side the district but not outside the State, such allowances as may be prescribed.

62. Fund of the Parishad :-

(1) All moneys received by the Zilla Praja Parishad shall constitute a fund called the Zilla Praja Parishad Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

(2) All moneys received by the Parishad shall be lodged in the nearest Government. Treasury or with sanction of the Government in any bank approved by them.

(3) All orders or cheques against the Zilla Praja Parishad Fund shall be signed by the District Development Officer.

63. Income and expenses of a Parishad :-

(1) The sources of income of Zilla Praja Parishad shall consist of

64. The budget of the Parishad :-

(1) The District Development Officer shall in each year, frame and place before the prescribed date a budget showing the probable receipts and expenditure during the following year and the Zille Praja Parishad. shall sanction the budget with such modifications, if any, as it thinks fit.

(2) The budget so sanctioned shall be submitted to the Government by the District Development Officer through the Chairman on or before such date as may be fixed by the Government and if the Government are satisfied that adequate provision not been made therein or that it is otherwise has factory for giving effect to the provision of this Act, they shall have the power to approve the budget with such modifications as they may Consider necessary to secure such provision.

(3) If, in the course of a year, the Parishad finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure a revised or supplemental budget may be framed, submitted and sanctioned or approved as far as may be; in the manner provided in sub-sections (1), (2) and (3).

65. Accounts and Audit :-

The provisions of section 36 shall mutatis mutandis apply to the accounts of a Zilla Praja Parishad and the audit thereof.

66. Motion of no-confidence in the Vice-Chairman :-

The provisions of section 37 shall apply to a motion of no-confidence in the Vice-Chairman of a Zilla Praja Parishad subject to the variation that for the expression "MandaJa Praja Parishad", "Vice-President", and "Collector", wherever they occur, the expression "Zilla Praja Parishad". "Vice-Chairman" and "District Collector" shall respectively be substituted.

Explanation : For the removal of doubts it is hereby declared that while computing the total number of members of the Zilla Piaja Parishad for the purpose of moving a motion of no-confidence against the Vice-Chairman, the total number of members of the Zilla Praja Parishad, other than the ex-officio member specified in clause (vi) of sub-section (3) of section 43, shall be taken into account, irrespective of any vacancy existing in the office of member at the time of meeting.

67. Power of Government to remove or to suspend or to record a finding on Chairman Vice-Chairman or member of a Parishad :-

The provisions of sections 38 and 40 shall apply in relation to a Zilla Praja Parishad as they apply in relation to the Mandala Praja Parishad with the substitution of references to the Chairman, Vice-Chairman and member of a Parishad for references to the President, Vice-President and member of a Mandala Praja Parishad respectively.

68. Power of Government to withdraw Powers etc, of Chairman of a Parishad :-

The provisions of section 39 shall apply in relation to a Zilla Praja Parishad as they apply in relation to the Mandala Praja Parishad with the substitution of reference to the Chairman of a Zilla Praja Parishad for the reference to the President of a Mandala Piaja Parishad.

69. Zilla Pranalika, Abhivrudhi Mandali :-

(1) The Government may, by notification, constitute for each district a Zilla Pranalika, Abhivrudhi Mandali (hereinafter in this section referred to as the "Mandali" with effect from such date as may be specified therein.

(2) Every Mandal shall consist of the following members, namely :-

(i) the Chairman of the Zilla Praja Parishad concerned;

"(ii) all the members of the Legislative Assembly of the State and the House of the People elected from the district including the areas comprised in a Municipality or a Municipal Corporation and the members of the Council of State who are members of the Zilla Praja Parishad specified in clause (iv) of sub-section (3) of section 43";

(iii) the District Collector;

(iv) such other expert members not exceeding five in number as

may be nominated by the Government.

(3) There shall be a Chairman and Vice-Chair-man for each Mandali. Such Minister of the Council of Ministers as may be nominated by the Chief Minister shall be the Chairman of the Mandali, ex officio and the Chairman of the Zilla Praja Parishad concerned shall be the Vice-Chairman of the Mandali Ex Officio.

(4) The District Collector shall be the Member Secretary of the Mandali.

(5) The Mandali shall advise the Zilla Praja Parishad concerned the developmental activities that may be undertaken by the Zilla Praja Parishad and also perform such other functions as the Government may, by notification, entrust to it, from time to time.

CHAPTER 4 MISCELLANEOUS

70. Transfer of Powers and functions of district board of Mandala Praja Parishad and Zilla Praja Parishad :-

(1) Notwithstanding anything in the relevant District Boards Act or any other law, the Government may, by notification and subject to such control restrictions conditions and reservations as may be specified therein, direct that any powers exercisable or functions performable by a district board by or under the relevant District Boards Act or any other Law for the time being in force including the powers to levy any tax or fees, shall be transferred to a Mandala Praja Parishad or a Zilla Praja Parishad and there after the Mandala Praja Parishad or the Zilla Praja Parishad as the case may be, shall exercise and perform the powers and functions transferred to it.

(2) When any powers and funotions of the Distrcit Board are transferred to a Mandala Praja Parishad or a Zilla Praja Parishad under sub-section (1) all references m the relevant District Boards Act or any other law for the time being in force to the District Board with reference to such powers and functions shall be construed as

references to the Mandala Praja Parishad or the Zilla Praja Parishad as the case may be.

71. Application of the relevant District Boards Act to Mandala Praja pari-shads and Zilla Praja Parishads :-

(1) The Government may, by notification direct that such of the provisions of the relevant District Boards Act, including the provisions relating to the levy and collection of any tax or fee as may be specified in such notification, shall apply to the Mandala Praja Parishad and the Zilla Praja Parishad constituted under this Act. For the purpose of facilitating the application of these provisions to the Mandala Praja Parishad and Zilla Praja Parishad the Government may, by notification, make such adaptations and modifications of the relevant District Boards Act and the rules made thereunder whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon the relevant District Boards Act and the rules made thereunder shall have effect subject to the adaptations and modifications so made.

(2) Notwithstanding that no provision or insufficient provision has been made under sub-section (1) for the adaptations of the provisions of the relevant District Boards Act, or the rules made thereunder, any court, tribunal or authority required or empowered to enforce those provisions may, for the purpose of facilitating their applications to any Mandala Praja Parishad or the Zilla Praja Parishad construe those provisions in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the Court, Tribunal or authority.

72. Disqualifications arising out of election offences and corrupt practices at elections :-

(1) Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code, or under any law or rule relating to the infringement of the secrecy of an election shall be disqualified from voting or from being elected in any election under this Act or

from holding the office of a member of a Mandate Praja Parishad or a Zilla Praja Parishad or a Standing Committee, for a period of six years from the date of his conviction.

(2) If, at an enquiry into an election petition under the rules made under this Act, the election of any person is declared void on the ground that he was found guilty at such election of any corrupt practice specified in such rules, he shall be disqualified from being elected in any election under this Act or from holding the office of a member of a Mandate Praja Parishad or a Zilla Praja Parishad or a standing Committee, for a period of six years from the date on which such finding is given.

(3) The Government may, for reasons to be recorded, remove any disqualification under this section or reduce the period of any such disqualification.

73. Power to cancel or suspend resolution of a Mandala Praja Parishad and the Zilla Praja Parishad :-

(1) The Government may, by order in writing cancel any resolution passed by a Mandate Praja Parishad or a Zilla Praja Parishad or any Standing Committee of a Zilla Praja Parishad. if in their opinion such resolution:--

(a) is not legally passed; or

(b) is in excess or abuse of the powers conferred by or under this Act, or any other law; or

(c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

(2) The Government shall, before taking action under sub-section (1), give the Mandala Praja Parishad or the Zilla Praja Parishad, as the case may be, an opportunity for explanation.

(3) If in the opinion of the District Collector, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (c) of sub-section (1), he may make a report to the Government and the Government may, by order in writing suspend the resolution.

74. Power of Government f to take action In default of Mandala Praja Parishad or the Zilla Praja Parishad :-

(1) If at any time it appears to the Government that a Mandala Praja Parishad or the President of a Mandala Praja Parishad or a Zilla Praja Parishad or any of its Standing Committees or the Chairman of a Zilla Praja Parishad has made default in performing any function or discharging any duty imposed by or under this Act, or any relevant law for the times being in force, the Government may, by order in writing fix a period for performing such function or discharging such duty.

(2) If such function or duty is not performed or discharged by any authority aforesaid within the period so fixed the Government may appoint some person to perform that function or discharge that duty and may direct that the expense incurred in that regard shall be paid by the person having the custody of the Mandala Praja Parishad Fund or the Zilla Praja Parishad Fund, as the case may be, in, priority to any other charges against such fund except charges for the service of authorised loans.

75. Power of Government to supersede or dissolve a Mandala Praja Parishad or a Zilla Praia parishad :-

(1) (i) If, at any time, it appears to the Government that a Mandala Praja Parishad or a Zilla Praja Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the Mandala Praja Parishad or, as the case may be, the Zilla Praja Parishad, to remedy such in

competency, failure, excess or abuse or to give a satisfactory explanation therefor and if the Mandala Praja Parishad or the Zilla Praja Parishad fails to comply with such direction, the Government may supersede less the Mandala Praja Parishad or the Zilla Praja Parishad as the case may be, for a period not exceeding one year from a specified date or dissolve it with effect from a specified date and reconstitute it either immediately or with effect from another specified date, and cause any or all of the powers and functions of the Mandala Praja Parishad or the Zilla Praja Parishad to be exercised and performed by such person or authority as the Government may appoint in that behalf during the period of its supersession or until the Mandala Praja Parishad or the Zilla Praja Parishad is reconstituted in accordance with the provisions of this Act and any person or authority so appointed may, if the Government so direct, receive remuneration for the services rendered from the funds of the Mandala Praja Parishad or the Zilla Praja Parishad as the case may be.

(ii) On or before the expiry of the period of supersession notified under clause (i), the Government may, by notification for reasons to be stated in the notification, postpone the reconstitution of the Mandala Praja Parishad or, as the case maybe, of the Zilla Praja Parishad for a further period not exceeding six months.

(iii) With effect from the date specified for the supersession or dissolution of a Mandala Praja Parishad or Zilla Praja Parishad under clause (i), all its members including its President or Chairman, and Vice-President or Vice-Chairman, as the case may be, shall forthwith be deemed to have vacated their offices as such and they shall not be entitled to be restored to office after the expiration of the period of supersession. The members of a reconstituted Mandala Praja Parishad or Zilla Praja Parishad shall enter upon their offices on the date specified for its reconstitution.

(2) If, at any time it appears to the Government that a Standing Committee of a Zilla Praja Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in

force, the Government may direct the Standing Committee to remedy such in competency, failure, excess or abuse, or to give a satisfactory explanation therefor and if the Standing Committee fails to comply with such direction, the Government may dissolve Standing Committee and direct the Zilla Praja Parishad, to reconstitute the dissolved Standing Committee immediately thereafter.

76. Appointment of special Officer :-

(1) Notwithstanding anything in this Act, wherein the opinion of the Government it is not possible to hold the elections to a Mandala Praja Parishad or a Zilla Praja Parishad in accordance with the provisions of this Act before the date of expiration of the term or the extended term thereof and to bring the newly elected, members into office on the date of expiration aforesaid, the Government shall appoint a Special Officer, to exercise the powers and perform the functions of the Mandala Praja Parishad and its President or Vice-President or as the case may be, of the Zilla Praja Parishad and its Chairman or Vice-Chairman from the date of expiration aforesaid.

(2) The Special Officers shall cause arrangements for the election of the members and President of the Mandala Praja Parishad or, as the case may be, of the members, Chairman and Vice-Chairman of the Zilla Praja Parishad to be made before such date as may be fixed by the Government in this behalf;

Provided that the Government may, from time to time, postpone the date so fixed, if, for any reason the elections cannot be completed before such date.

77. Acts of Mandala Praja Parishads and Zilla Praja Parishads not to be unvalidated by informality vacancy, etc. :-

(1) No Act of a Mandala Praja Parishad shall be deemed to be invalid by reason only of a defect in the establishment of such

Mandala Praja Parishad or on the ground that the President, Vice-President or any member of such Mandala Praja Parishad was not entitled to hold, or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his nomination, or election, as the case may be, or by reason of such act having been done during the period of any vacancy in the Office of the President, Vice-President, or member of such Mandala Praja Parishad.

(2) The provisions of sub-section (1) shall mutatis mutandis apply to the acts of a Zilla Praja Parishad or a Standing Committee thereof.

78. Oath of allegiance :-

(1) Every person who is elected to be the President or a member of a Mandala Praja Parishad or a Chairman or a member of a Zilla Praja Parishad shall, before taking his seat make at any special meeting or any other meeting of the Mandala Praja Parishad or the Zilla Praja Parishad as the case may be, an oath or affirmation of his allegiance to the Constitution of India in the following form namely

"I.....having become a President/Member of the Mandala Praja Parishad/Chairman/Member of the Zilla Praja Parishad, swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any such President or Chairman or member who fails to make, within three months of the date on which his term of office commences, or at one of the first three meetings held after the said date whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) No such President or Chairman or member shall take his seat at a meeting of the Mandala Praja Parishad or, as the case may be, of the Zilla Praja Parishad or do any act as such member unless he has made the oath of affirmation as laid down in this section.

(4) Where a person ceases to hold office under sub-section (2), the Mandal Development Officer or, as the case may be, the District Development Officer shall report the same to the Mandala Praja Parishad or the Zilla Praja Parishad at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be a President or Chairman or member under that sub-section the Mandala Praja Parishad or the Zilla Praja Parishad may grant him further time which shall not be less than four months and not more than nine months for making the oath or affirmation and if he makes the oath or affirmation within the time so granted, he shall, notwithstanding anything in the foregoing subsections or in clause (b) of sub-section (1) of section 11 or as the case may be, in section 48, continue to hold his office.

(5) Where on an application made by a person who ceases to hold office under sub-section (2), the Government are satisfied that such person for reasons beyond his control, has not been able to make the oath or affirmation within the period specified in subsection (2) or within the further time, if any, granted to him under sub-section (4), they may by an order grant such further time as they deem fit to the person to make the oath or affirmation. If such person makes the oath or affirmation within the time so granted he shall, notwithstanding anything in the foregoing sub-sections or in clause (b) of sub-section (1) of section 11 or, as the case may be, in section 48, continue to hold his office.

(6) The provisions of this section shall mutatis mutandis apply to the members of a Standing Committee of a Zilla Praja Parishad who are not members of such Parishad.

79. Administration report :-

(1) Every Mandala Praja Parishad shall furnish to the Zilla Praja

Parishad and every such Zilla Praja Parishad shall furnish to the Government a report on its administration for each year, as soon as may be, after the close of such year, in such form and with such details as may be prescribed. The Mandala Praja Parishad shall, while furnishing the report to the Zilla Praja Parishad as aforesaid send a copy thereof to the Government.

(2) The Zilla Praja Parishad shall consider the administration report of each Mandala Praja Parishad and forward it to the Government with its marks.

(3) The report of the Mandala Praja Parishad shall be prepared by the Manda Development Officer and that of the Zilla Praja Parishad by its District Development officer and the Mandala Praja Parishad or the Zilla Praja Parishad shall consider and forward it to the Zilla Praja Parishad or the Government, as the case may be, with its resolution thereon.

80. Recovery of sums due to Mandala Praja Parishad or ZiUa Praja Parishad as arrears of land revenue :-

Any sum due to, or recoverable, by a Mandala Praja Parishad or a Zilla Praja Parishad under this Act may be recovered as if it were an arrear of Land Revenue.

81. Powers of entry of inspecting Officers :-

(1) Any officer or person whom the Government may empower in this behalf may enter on and inspect-

(a) any immovable property, or any work in progress under the control of any Mandala Praja Parishad or the Zilla Praja Parishad;

(b) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of, any Mandala Praja Parishad or Zilla Praja Parishad and any records, registers or other documents kept in such Institution; and

(c) the Office of any Mandala Praja Parishad or Zilla Praja Parishad and any records, registers or other documents kept therein.

(2) The Mandala Praja Parishad or the Zilla Praja Parishad shall be bound to afford to the Officer or person referred to in sub-section (1) such access at all reasonable times, to its property or premises, and to all documents as may, in the opinion of such officer or person, be necessary to enable him to discharge his duties under the said sub-section.

82. Power to call for records, etc. :-

The Government or any officer or person duly empowered by them in this behalf, may,-

(a) call for any record, register or other document in the possession or under the control of any Mandala Praja Parishad or Zilla Praja Parishad;

(b) require any Mandala Praja Parishad or Zilla Praja Parishad to furnish any return, plan, estimate, statement, account or statistics;

(c) require any Mandala Praja Parishad or Zilla Praja Parishad to furnish any information or report on any matter connected with such Mandala Praja Parishad or Zilla Praja Parishad; and

(d) record in writing for the consideration of any Mandala Praja Parishad or Zilla Praja Parishad any observations, the Government, Officer or person may think proper to make in regard to the proceedings or duties of such Mandala Praja Parishad or Zilla Praja Parishad.

83. Protection of acts done in good faith :-

No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is, in good faith, done or

intended to be done under this Act or under the rules made thereunder.

84. Chairman, President, etc., to be public servants :-

The Chairman, the Vice-Chairman or a member of a Zilla Praja Parishad, the President, Vice-President or a member of a Mandala Praja Parishad, the District Development Officer, the Mandal Development Officer, or any officer or servant of a Zilla Praja Parishad or a Mandala Praja Parishad, shall be deemed to be a public servant, within the meaning of Section 21 of the Indian Penal Code (Central Act 45 of 1860).

85. Injunction not to be granted in election proceedings :-

No Civil Court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election.

86. Requisitioning of premises and vehicles for election purposes :-

(1) If it appears to the Government that in connection with any election held under this Act-

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(b) any vehicle is needed or is likely to be needed for the purpose of transport of personnel or ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the Government may, by order in writing, requisition such premises or such vehicles as the case may be, and may make such further orders as may appear to be necessary or expedient, in connection with the requisitioning:

Provided that no vehicle which is being lawfully used by a candidate

or his agent for any purpose, connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation :-For the purposes of this section "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof, and vehicle" means any vehicle used, or capable of being used, for the purpose of road transport, whether propelled by mechanical power or otherwise.

87. Payment of compensation :-

(1) Whenever in pursuance of section 86 the Government requisition any premises, there shall be paid to the person interested, compensation, the amount of which shall be determined by taking into consideration the following namely:-

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that where any person interested, being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as the apportionment of the amount of compensation, it shall be referred by the Government to an arbitrator appointed in this behalf by the Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation :-In this sub-section, the expression person interested means the person who was in actual possession, of the premises requisitioned under section 86 immediately before the requisition, or Where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 86, the Government requisition any vehicle, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle :

Provided that where the owner of such vehicle being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine:

Provided further that where immediately before the requisitioning, the vehicle was, by virtue of a hire purchase agreement, in the possession of a person, other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between

that person and the owner in such manner as they may agree upon, and in default of agreement in such manner as an arbitrator appointed by the Government in this behalf may decide.

88. Power to obtain information :-

The Government may, with a view to requisitioning any property under section 86 or, determining the compensation payable under section 87, by order, require any person to furnish to such authority as may be specified in the order, such, information in his possession relating to such property as may be so specified.

89. Eviction from requisitioned premises :-

(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 86 may be summarily evicted from the premises by any officer empowered by Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

90. Penalty for contravention of any order regarding requisitioning :-

If any person contravenes any order made under section 86 or section 88, he shall be punishable with imprisonment for a term which may extend to, one year or with fine or with both.

91. Breach of official duty in connection with elections :-

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punished, with fine which may extend to five hundred rupees.

(2) An offence punishable under sub-section (i) shall be cognizable.

(3) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the Election Authority, District Election Authority, Election Officers, Assistant Election Officers, Polling Officers, Polling Clerks and any other person authorised therefor, or appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election or the conduct of elections otherwise; and the Expression official duty, shall, for the purposes of this section, be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

92. Power to make rules :-

(1) The Government may, by notification make rules for carrying out the purposes of this Act.

(2) Every rule made under the 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 and 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.

93. Power of Mandala Praja Parishads and Zilla Praja Parishads to make bye-laws :-

(1) Subject to such rules as may be made a Mandala Praja Parishad may, with the approval of the Zilla Praja Parishad and the Zilla Praja Parishad may with the approval of the Government, make bye-laws for carrying out any of the purposes for which it is constituted.

(2) The Government shall have power to make rules regarding the procedure for making of bye -laws under this section, the publication thereof and the date on which they shall come into effect.

94. Delegation of powers and power transfer institutions and works :-

(1) The Government may, by notification, delegate all or any of their powers under this Act except those conferred upon them by this section and section 92 to any person or authority subordinate to them and may, in like manner, withdraw any power so delegated. In exercise of any powers delegated under this sub-section shall be subject to such restrictions, limitations and conditions and to such control and revision by such authority as may be specified in the notification.

(2) A Mandala Praja Parishad or a Zilla Praja Parishad or any person exercising or performing any powers or functions by or under the provisions of this Act may delegate its or his powers or functions in writing to any person or authority, subject to such restrictions, limitations and conditions as may be, prescribed and also to control and revision by the Government:

Provided that the President of a Mandala Praja Parishad or the Chairman of a Zilla Praja Parishad shall not delegate his powers to any person or authority other than the Vice-President of the Mandala Praja Parishad or the Vice-Chairman of the Zilla Praja Parishad as the case may be, if he is in office.

(3) The Government may transfer any institution or work under their management or control to a Zilla Praja Parishad or a Mandala Praja Parishad and a Zilla Praja Parishad may transfer any institution under its management or control to any Mandala Praja Parishad or Gram Panchayat, subject to such conditions, limitations and restrictions as may be specified by the Government or the Zilla Praja Parishad as the case maybe;

Provided that no such transfer shall be made unless the prior consent of the concerned Zilla Praja Parishad, Mandala Praja Parishad or Gram Panchayat, as the case may be, is obtained.

95. Powers of division and review by Government :-

(1) The Government may, either suo motu or on application from any person interested, call for and examine the record of a Mandala Praja Parishad or Zilla Praja Parishad or of its Standing Committees or of any authority, officer or person, in respect of any proceeding to satisfy themselves as to regularity or such proceeding or the correctness, legality or propriety of any decision or order passed therein and, if, in any case, it appears to the Government that any such decision or order should be modified, annulled or reversed or remitted for re-consideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

(3) The Government may suo motu at any time or on an application received from any person interested within ninety days of the passing of an order under sub-section (1), review any such order if it was passed by them under any mistake, whether of fact or of law, or in ignorance of any material fact. The provisions

contained in the proviso to subsection (1) and in sub-section (2) shall apply in respect of any proceeding under this sub-section as they apply to a proceeding under sub-section (1).

(4) Every application preferred under sub-section (1) or sub-section (3) shall be accompanied by a fee of fifteen rupees.

96. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

97. Repeal and saving Act 35 of 1959 :-

(1) The Andhra Pradesh Panchayat Samithies and Zilla Parishads Act, 1959 is hereby repealed.

(2) On such repeal the provisions of sections 8 and 18 of the Andhra Pradesh General Clauses Act 1891 (Act of 1891), shall apply.

CHAPTER 5 TRANSITIONAL PROVISION

98. Abolition of Panchayat Samithis and devolution of assets and liabilities etc. of 1959 :-

(1) With effect on and from the constitution of Mandala Praja Parishads therefor, under this Act, a Block formed under section 3 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 (herein after referred to as the Panchayat Samithis Act) shall cease to exist and the Panchayat Samithi constituted therefor shall stand abolished.

(2) On such abolition of a Panchayat Samithi under sub-section (1),---

(a) the Collector may pass such orders as he deems fit as to the devolution on the Mandala Praja Parishads comprised in the area of such Block of the assets or institutions belonging to such Panchayat Samithis or as to the disposal otherwise of such assets;

(b) all rights vesting in a Panchayat Samithi and all liabilities against it shall devolve on the Mandala Praja Parishad concerned;

(c) all contracts made by or on behalf of a Panchayat Samithi prior to its abolition and subsisting on the day of such abolition may be transferred by the Collector to the Mandala Praja Parishads or Panchayats concerned.

(3) In respect of all arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation, or otherwise due to the said Panchayat Samithi on such abolition it shall be competent for the Collector to pass such orders as he may deem fit for their recovery by the Mandala Praja Parishads as if they had accrued to them and had become due, under the provision of this Act.

(4) All taxes, fees and duties, which immediately before such abolition were being levied by the said Panchayat Samithi shall be deemed, to have been levied by the relevant Mandala Praja Parishad under the provisions of this Act and shall continue to be in force accordingly until, such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(5) All proceedings taken by or against the Panchayat Samithi or authority or any person under the Panchayat Samithis Act, may be continued by or against the Mandala Praja Parishad authority or person as if the said, proceedings had been started under the provisions of this Act.

(6) Any action taken under the Panchayat Samithis Act by any

authority before such abolition shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(7) With effect on and from the constitution, of Zilla Praja Parishad for any district under this Act, the Zilla Parishad constituted for such district under sub-section (1) of section 36 of the Panchayat Samithi Act shall stand abolished.

(8) All assets and rights vesting in a Zilla Parishad at the time of its abolition under sub-section (7) and all liabilities against it at such abolition under the Panchayat Samithi Act or any other law for the time being in force, shall devolve on the Zilla Praja Parishad constituted under sub-section (1) of section 43.

(9) Notwithstanding anything in this Act, every officer or employee who immediately before, such abolition was in the service of the Zilla Parishad shall be deemed to be an officer or employee of the Zilla Praja parishad under this Act and every officer or employee who, immediately before the abolition of the Panchayat Samithi was in the service of the Panchayat Samithi shall be the employee of one of the Mandala, Praja Parishads as may be ordered by the Collector and it shall also be competent for the Collector to transfer such officer or employee to any other service as may be directed by the Government

Provided that,-

(i) the terms and conditions applicable to such officers and employees consequent on their absorption in the service of the Zilla Praja Parishad or Mandala Praja Parishad shall not be less favourable than those applicable to such employees immediately before such abolition as respects pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(ii) the service rendered by any such Officer or other employee under the Zilla Parishad or Panchayat Samithi upto such abolition

shall be deemed to be service under the Zilla Praja Parishad constituted under this Act or as the case may be of the Mandala Praja Parishad and he shall be entitled to count that service for the purpose of increments, leave, pension, or provident fund and gratuity.

SCHEDULE 1

THE SCHEDULE

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THE SCHEDULE (See Section 22)

Powers and functions of the Mandala Praja Parishads

1. COMMUNITY DEVELOPMENT

The execution of all programmes under Community Development in association with panchayats co-operative societies, voluntary organisations and the people.

2. AGRICULTURE

The doing of everything necessary to step up Agricultural Production and in particular,-

- (i) multiplication and distribution of improved seeds;
- (ii) distribution of fertilisers;
- (iii) popularisation of improved techniques, methods and practices and improved implements;
- (iv) achieving self-sufficiency in green manure and composting of farmyard manure;
- (v) encouraging fruit and vegetable cultivation;
- (vi) reclamation of land and conservation of soil;
- (vii) providing credit for agricultural purposes;
- (viii) propagating and assisting in plant protection methods;
- (ix) laying out demonstration plots and working out better methods of farm management;
- (x) bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining Government minor irrigation sources and supply channels;
- (xi) utilising more power for agricultural purposes;
- (xii) exploiting underground water sources by sinking wells, filter points and tube wells;
- (xiii) Tree planting;
- (xiv) Growing of village forests.

3. ANIMAL HUSBANDRY AND FISHERIES

- (i) Upgrading local stock by introducing pedigree breeding bulls and castrating scrub bulls.
- (ii) Introducing improved breeds of cattle, sheep, pigs and poultry.
- (iii) Controlling contagious diseases by systematic protection.
- (iv) Introducing improved fodders and feeds.
- (v) Establishing and maintaining of artificial nomination centres, first aid centres and minor veterinary dispensaries.
- (vi) Dairing and milk supply.
- (vii) Educating the people about the importance of better cattle for both milk and draught.

4. HEALTH AND RURAL SANITATION

- (i) Expanding existing medical and health services and bringing them within the

reach of people.

- (ii) Establishing and- maintaining Primary-Health Centres and Maternity Centres.
- (iii) Providing protected drinking water facilities.
- (iv) Ensuring systematic vaccination.
- (v) Controlling epidemics.
- (vi) Providing drains and soakage pits for Village and house drainage.
- (vii) Encouraging the use of sanitary type of latrines and utilising human waste.
- (viii) Popularising of smokeless chullas.
- (ix) Supervising the work in Government Hospitals.
- (x) Enlisting peoples participation for the improvement of such hospitals.
- (xi) Securing the co-operation of the people and the panchayats during epidemics.
- (xii) Carrying on environmental sanitation campaigns and educating the public in (a) nutrition (b) maternity and child health, (c) communicable diseases and. (d) family planning and the like.
- (xiii) Implementing health programme subject to the technical control of concerned District Officers.

5. EDUCATION

Maintenance and expansion of Elementary and Basic Schools and in particular-

- (i) management of Government and taken over Aided Elementary and Higher Elementary Schools;
- (ii) establishment of Adult Education Centres and Adult Literacy Centres;
- (iii) provision and improvement of accommodation for schools with peoples participation; conversion of existing Elementary Schools into Basic school;
- (v) taking of such action as may be necessary for the promotion of education for all children until they complete the age of fourteen years.

6. SOCIAL EDUCATION.

The creation of a new outlook among the people and making them self-reliant, hard working and responsive to community action and in particular-

- (i) establishment of information, community and recreation centres;
- (ii) establishment of Youth Organisations, Mahila Mandals, Farmer Clubs, and the like;
- (iii) establishment and popularisation of libraries;
- (iv) organisation of watch and ward;
- (v) encouragement of physical and cultural activities;
- (v) organisation of voluntary sanitary squad;
- (vi) training and utilisation of the services of Gram Sahayaks.

7. COMMUNICATIONS

- (i) Formation and maintenance of inter village roads;
- (ii) Rendering such assistance as may be necessary for the formation and maintenance of village roads which serve as feeders.

8. CO-OPERATION.

The securing of economic development along democratic lines by the application of co-operation in its infinitely varying forms and in particular,-

- (i) establishment of Co-operative Credit, Industrial, Irrigation, Farming and. Multi-purpose Societies in order to serve the maximum number of families;
- (ii) encouragement of thrift and small savings;

9 COTTAGE INDUSTRIES.

Development of Cottage, Village and Small Scale Industries in order to provide better employment opportunities and there by raise the standard of living and in particular;

- (i) the establishment and maintenance of pro duction-cum-training centres;
- (ii) the improvement of the skills of artisans and craftsmen;
- (iii) the popularisation of improved implements; and
- (iv) implementation of schemes for the development of cottage, Village and Small Scale Industries financed by the Khadi and Village Industries Commission and the All India Boards.

10. WOMEN WELFARE.

The implementator of schemes specially designed for the Welfare of women and children and in particular the establishment of Women and Child Welfare Centres,

Literacy Centres, Crafts and Dress making Centres and the like.

11. SOCIAL WELFARE.

- (i) Management of hostels subsidised by Government for the benefit of Scheduled Tribes, Scheduled Castes and Backward Classes;
- (ii) Implementation of Rural Housing Schemes;
- (iii) Maintenance of diseased beggars and control of vagrancy;
- (iv) Strengthening of voluntary social welfare organisations and co-ordinating their activities.
- (v) Propagation of temperance and prohibition.
- (vi) Removal of untouchability.

12. EMERGENCY RELIEF :

Provision of emergency relief through voluntary effort in case of distress owing to fires, floods, epidemics and other wide spread calamities.

13. COLLECTION OF STATISTICS :

Collection and compilation of such statistics as may be found necessary either by the Mandala Praja Parishad, the Zilla Praja Parishad or the Government.

14. SELF-HELP PROGRAMME :

Formulation and execution of suitable programmes for stepping up production and for raising the incomes and standards of living, for the improvement of sanitation and for the provision of amenities for the people.

15. TRUSTS :

Management of trusts for the furtherance of any purpose to which the funds of the Mandala Praja Parishad may be applied.