

**Andhra Pradesh Mandala Praja Parishads, Zilla Praja
Parishads And Zilla Pranalika, Abhivrudhi Mandals
(Amendment) Act, 1987**

3 of 1987

[01 February 1987]

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An Act to amend the Andhra Pradesh Mandala Praja Parishads, Zilla Praja Parishads and Zilla Pranalika; Abhivrudhi Mandals Act, 1986. BE it enacted by the Legislative Assembly of the State Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows :- * Received the assent of the Governor on the 30th January, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A; Extraordinary, dated the 20th January, 1987 at pages 12 and 13.

1. Short Title :-

This Act may be called the Andhra Pradesh Mandala Praja Parishads, Zilla Praja Parishads and Zilla Pranalika, Abhivrudhi Mandals (Amendment) Act, 1987.

2. Amendment Of The Long Title :-

In the Andhra Pradesh Mandala Praja Parishads, Zilla Praja Parishads and Zilla Pranalika, Abhivrudhi Mandals Act, 1986 (Act 31 of 1986) (hereinafter referred to as the principal Act) in the long title, for the words "Zilla Pranalika, Abhivrudhi", the words "Zilla Abhivrudhi Sameeksha" shall be substituted.

3. Amendment Of Section 1 :-

In section 1 of the principal Act, in subsection (1), for the words "Zilla Pranalika, Abhivrudhi", the words "Zilla Abhivrudhi Sameeksha" shall be substituted.

4. Amendment Of Section 5 :-

In section 5 of the principal Act,--

(1) in sub-section (2).--

(i) in the second proviso, for the opening paragraph and clause (a), the following shall be substituted, namely:-

"Provided further that six per cent of the total number of offices of President in the district shall be reserved for the members belonging to the Scheduled Tribes in the following manner, namely:--

(a) all the offices of President of Mandala Praja Parishads constituted for the Mandals wholly situated in the Scheduled Areas of the district, notwithstanding that the number of such offices exceed six per cent of the total number of offices of President in the district; and";

(ii) in the third proviso, for the brackets and words "(excluding the number of offices reserved for members belonging to the Scheduled Tribes)", the brackets and words "(excluding the number of offices reserved under clause (a) of the second proviso)"; shall be substituted.

(iii) in the fourth proviso, after the words "in a district", the brackets and words "(excluding the number of offices reserved under clause (a) of the second proviso)" shall be inserted;

(iv) in the fifth proviso, alter the words "in a district", the brackets and words "(excluding the number of offices reserved under clause (a) of the second proviso)", shall be inserted and for the words "by rotation", the words "by rotation from term to term" shall be substituted;

(v) the following Explanation shall be added at the end, namely:-

"Explanation:--For the removal of doubts it is hereby declared that,-

(i) the principle of rotation from term to term for purposes of reservation of offices under this sub-section shall commence from the first ordinary elections to be held under this Act;

(ii) for reserving the office of President to the members belonging to the Backward Classes, the population figures of the Backward Classes gathered in the socio-economic survey conducted by the Andhra Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad shall be taken as the basis;

(iii) for the purposes of this sub-section the population in the areas included in any Municipal Corporation, Municipality or a Cantonment shall be excluded".

(2) in sub section (4), for the words "shall be filled", the words "shall be filled within a period of six months from the date of occurrence of the vacancy" shall be substituted;

(3) in sub-section (5), for the words "within three months", the words "within six months" shall be, substituted.

5. Amendment Of Section 12 :-

In section 12 of the principal Act,-

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

(a) in the opening paragraph, for the words; "a. President of a Mandala Praja Parishad belonging to any political party shall be disqualified for being such member" the expression "a member referred to in clause (ii), clause (iii) or clause (iv) of sub-section (1) of section 4 or a President of a Mandala Praja Parishad belonging to any political party shall cease to be such member or President" shall be substituted;

(b) after clause (b) and before the Explanation, the following clause shall be inserted, namely:--

"(c) if he has been expelled from such political party in accordance with the procedure established by the constitution, rules or regulation of such political party";

(c) to the Explanation, the following shall be added, namely:-

"and a member shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as a Member of the Legislative Assembly, House of the people or the council of states, as the case may be";

(ii) in sub-section (2), for the words "shall be disqualified for being president if he join any political party after such election", the words "may join any political party with a period of six months and on Such joining he shall be deemed to belong to such political party as if he was set up as a candidate for election as President by that political party for purposes of this section" shall be substituted;

(iii) after sub-section (2), the following sub-section shall be added, namely:--

"(3) An intimation that a member or President has ex-facie ceased to hold office under this section shall be given by the District Development Officer".

6. Amendment Of Section 15 :-

In section 15 of the principal Act, in sub-section (1), the second proviso shall be omitted.

7. Amendment Of Section 16 :-

In section 16 of the principal Act, after sub-section (1), the following sub-section shall be inserted; namely:--

"(1A) Where an intimation is given by the District Development Officer under sub-section (3) of section 12 that a person has ceased to be a member or President, such person may, within a period of two months from the date on which such intimation is given, apply to the District Munsiff for a decision on the correctness of the fact so intimated."

8. Substitution Of New Section For Section 18 :-

For section 18 of the principal Act, the following section shall be substituted, namely:--

18. Resignation of President, Vice-president or member.--The President, the Vice-President or member specified in clause (i) or clause (v) of sub-section (1) of section 4 may resign his office as such President, Vice-President or member by giving notice in writing to the District Development Officer 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.

9. Amendment Of Section 33 :-

In section 33 of the principal Act, after subsection (1), the following sub-section shall be inserted, namely:--

"(1A) Government shall also make an annual grant at the rate of five rupees per person residing in the Mandal calculated on the basis of the last preceding census of which figures are available."

10. Amendment Of Section 38 :-

In section 38 of the principal Act, sub-section (6) shall be omitted.

11. Amendment Of Section 44 :-

In section 44 of the Principal Act,-

(1) in sub-section (1), for the second and third provisos and the Explanation thereunder, the following shall be substituted, namely:--

"Provided further that six per cent of the total number of offices of Chairman in the State shall be reserved by the Government by rotation, from term to term, for the members belonging to the Scheduled Tribes in the manner prescribed; so however that the district in respect of which the office of Chairman is so reserved shall, as far as practicable, be the district where the proportion of the population of the Scheduled Tribes to the total population of the district is the largest:

Provided also that fifteen per cent of the total number of offices of Chairman in the State shall be reserved by the Government, by rotation, from term to term, for the members belonging to the Scheduled Castes in the manner prescribed; so however, that at least one office of Chairman is reserved in each of the three regions of the State consisting of Coastal Andhra, Telangana and Rayalaseema and the district in respect of which the office of Chairman is so reserved shall, as far as practicable, be the district where the proportion of the population of the Scheduled Castes to the total population of the district is the largest.

Provided also that nine per cent of the total number of offices of Chairman in the State shall be reserved by the Government, by

rotation, from term to term, for women in the manner prescribed; so however that not more than one office of Chairman is reserved in each of the three regions of the State consisting of Coastal Andhra, Telangana and Rayalaseema and the district in respect of which the office of chairman is so reserved shall, as far as practicable, be the district where the proportion of the population of women to the total population of the district is the largest:

Provided also that after the offices of Chair-man are reserved for Scheduled Tribes, Scheduled castes and women in that order as aforesaid, twenty percent of the total number of offices of Chairman in the State shall be reserved by the Government, by rotation, from term to term for Backward Classes in the manner prescribed; so however, that at least one office of Chairman is reserved in each of the three regions of the State consisting of coastal Andhra, Telangana and Rayalaseema and the district in respect of which the office of chairman is so reserved shall as far as practicable, be the district where the proportion of the population of the Backward classes to the total population of the district is the largest:

Provided also that the reservation of office of the Chairman to all the categories out together shall be in the ratio of 2:2:1 in respect of the three regions of State, namely, Coastal Andhra, Telangana, Rayalaseema, respectively.

Explanation:--For the removal of doubts it is hereby declared that.--

(i) the office of Chairman of the Zilla Praja Parishad of a district for which a Zilla Parishad was constituted under the repealed Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 shall not be reserved for the Scheduled Castes or the Scheduled Tribes in the first ordinary elections to be conducted under this Act if the Office of Chairman of such Zilla Parishad was reserved for the same category in the ordinary elections held to such Zilla Parishad immediately prior to the commencement of this Act;

(ii) for reserving the office of Chairman to the members belonging to the Backward Classes the population figures of the Backward Classes gathered in the socio-economic survey conducted by the Andhra Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad, shall be taken as the basis;

(iii) for purposes of this sub-section the population in the areas included in any Municipal Corporation, Municipality or a Cantonment shall be excluded;

(iv) The expression "Coastal Andhra" shall mean the region comprising the Srikakulam, Vizianagaram, Visakhapatnam, East

Godavari, West Godavari, Krishna, Guntur, Prakasam and Nellore districts, the expression "Telangana" shall mean the region comprising the Mahabubnagar, Rangareddy, Medak, Nizamabad, Adilabad, Karimnagar. Warangal, Khammam and Nalgonda districts and the expression "Rayalaseema" shall mean the region comprising the Kurnool, Cuddapah, Anantapur and Chittoor Districts."

(2) in sub-section (3), for the words shall be filled", the words "shall be filled within a period of six months from the date of occurrence of the vacancy", shall be substituted;

(3) in sub-section (4), for the words "three months", the words "six months"; shall be substituted;

(4) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) The provisions of sections 10 to 16 shall apply to the Chairman of the Zilla Praja Parishad subject to this variation that for the expressions Mandal, Mandala Praja Parishad, President, Mandal Development Officer, District Development Office and District Munsiff the expression District, Zilla Praja Parishad, Chairman, District Development Officer, District Collector and District Judge shall respectively be substituted;"

12. Amendment Of Section 48 :-

In section 48 of the principal Act, for the expression, "sections 10, 11, 15 and 16," the expression "sections 10 to 16" shall be substituted.

13. Substitution Of New Section For Section 50 :-

For section 50 of the principal Act, the following section shall be substituted, namely:-

50. "Resignation of Chairman Vice-Chair-man or member.--The Chairman, the vice Chairman or a member specified in clause (i) or clause (v) of sub-section (3) of section 43 may resign his office as such Chairman, Vice-Chairman or member by giving notice in writing to the District Collector. Except in a case where the person resigning delivers the notice of resignation personally the District Collector, the District 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."

14. Amendment Of Section 63 :-

In section 63 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) The Government shall also make an annual grant at the rate of two rupees per person residing in the district calculated on the basis of the last preceding census of which figures are available."

15. Substitution Of New Section For Section 69 :-

For section 69 of the principal Act, the following section shall be substituted, namely:-

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

(2) Every Mandali shall consist of the following member namely:-

(i) the Chairman of 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 States who are members of the Zilla Praja Parishad specified in clause (iv) of sub-section (3) of section 43;

(iii) the District Collector, who shall also be the Member secretary of the Mandal.

(3) Such Minister of the Council of Ministers as may be nominated by the Chief Minister shall be the Chairman and the chairman of the Zilla Praja Parishad concerned shall be the Vice-chairman of the Mandali.

(4) The Mandali shall review the develop-mental activities of all departments in the district and also perform such other functions as the Government may, by notification, entrust to it, from time to time.

(5) The Mandali shall meet at least ones in three months at such place as may be prescribed and shall, in regard to the conduct of business at its meetings follow such rules as may be prescribed."

16. Insertion Of New Section 91A :-

Alter section 91 of the principal Act, the following section shall be inserted namely:--

91-A Reservation of office of President and Chair-man to cease

after ten years.--The provisions of this Act relating to reservation of offices of President and Chairman for the scheduled Tribes, Scheduled Castes, Women and Back-ward Classes shall cease to have effect on the expiration of a period of ten years from the commencement of this Act."