

Andhra Pradesh Panchayat Raj (Amendment) Act, 2011

17 of 2011

[20 December 2011]

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PREAMBLE

An Act further to amend the Andhra Pradesh Panchayat Raj Act, 1994

Whereas, clause (1) of Article 243-E of the Constitution of India provides that every Panchayat (Village, Intermediate and District levels) unless sooner dissolved under any law for the time being in force shall continue for five years from the date appointed for its first meeting and no longer;

And whereas, an election to constitute a Panchayat shall be completed before the expiry of five years duration or in the case of a dissolved Panchayat, before the expiration of a period of six months from the date of its dissolution;

And whereas, the persons elected as Members to the Mandal Praja Parishad or as the case may be, the Zilla Praja Parishad shall hold office for a term of five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Praja Parishad or as the case may be, the Zilla Praja Parishad, after the ordinary elections held under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994;

And whereas, if for any reason the process of election to a Zilla Praja Parishad, Mandal Praja Parishad is not completed, there is no provision in the Andhra Pradesh Panchayat Raj Act, 1994 to have any alternative arrangement during the transitional period;

And whereas, a special provision in the case of Gram Panchayat has been provided in Section 143(3) and (4) stipulating that the Government, or as the case may be, an officer authorized by the Government, shall appoint a Special Officer or a person in-charge or a committee of persons-in-charge to a Gram Panchayat, if for any reason, the process of election to such Gram Panchayat is not completed and further the Special Officer or person-in-charge or the Committee of persons-in-charge, appointed under sub-section (3) shall exercise the powers and perform the functions of the Gram Panchayat and its Sarpanch and Executive Authority until the members and Sarpanch elected thereof assume office;

And whereas, the provisions for appointment of Special Officer akin to that of Section 143 of the Andhra Pradesh Panchayat Raj Act, 1994, do exist in the other Acts Governing the Municipalities and the Municipal Corporations in the State;

And whereas, it is considered necessary to make a similar arrangement for the Mandal Praja Parishad and Zilla Praja Parishad; Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-second Year of the Republic of India as follows:

1. Short title and commencement :-

(1) This Act may be called the Andhra Pradesh Panchayat Raj (Amendment) Act, 2011.

(2) It shall be deemed to have come into force with effect from the 21st July, 2011.

2. Insertion of new Section 250-A (Act 13 of 1994) :-

In the Andhra Pradesh Panchayat Raj Act, 1994, after Section 250, the following shall be inserted, namely.--

"250-A. "Special provision in the case of Mandal Praja Parishad and Zilla Praja Parishad.--

(1) The Government, or as the case may be, an officer authorized by the Government, shall appoint a Special Officer or a Person-in-charge or a Committee of persons-in-charge to a Mandal Praja Parishad or a Zilla Praja Parishad, if for any reason, the process of election to such Mandal Praja Parishad or Zilla Praja Parishad is not completed, in accordance with the Act.

(2) The Special Officer or Person-in-charge or the Committee of persons-in-charge, appointed under sub-section (1) shall exercise the powers, discharge the duties and perform the functions of the Mandal Praja Parishad or Zilla Praja Parishad until the members, the President and Vice-President of Mandal Praja Parishad and the members, the Chairman and Vice-Chairman of Zilla Praja Parishad elected thereof respectively, assume office.

(3) The term of the Special Officer or Person-in-charge or Committee of persons-in-charge appointed under subsection (1) shall be for a period of six months from the date of appointment or till the date of assumption of office, of the members and office bearers of Mandal Praja Parishad and Zilla Praja Parishad respectively, whichever is earlier.

(4) Subject to such rules; as may be made in this behalf, the administration of the Mandal Praja Parishad or as the case may be, the Zilla Praja Parishad shall be carried on by the Special Officers or a Person-in-charge or a Committee of persons-in-charge appointed under sub-section (1) in accordance with the provisions of the Act and the rules made thereunder."

3. Repeal of Ordinance 5 of 2011 :-

The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2011 is hereby repealed.