



The Andhra Pradesh Gram Panchayats (Amendment) Act, 1986

Act 8 of 1986

Keyword(s):

Gram Sabha, Gram Panchayat, Finance Commission

Amendments appended: 40 of 1987, 24 of 1986, 32 of 1986, 2 of 1987, 19 of 1988, 25 of 1989, 20 of 1990, 28 of 1991, 29 of 1991

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THE ANDHRA PRADESH GRAM PANCHAYATS (AMENDMENT) ACT, 1986.*

ACT No. 8 OF 1986

[15th April, 1986]

An Act further to amend the Andhra Pradesh Gram Panchayats Act, 1964.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh Year of the Republic of India as follows :—

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

2. In sub-section (2) of section 25 of the Andhra Pradesh Gram Panchayats Act, 1964, the words "or no meeting of gram sabha is held" and "or one hundred and eighty days as the case may be," shall be omitted. Amendment of section 25 Act 2 of 1964.

*Received the assent of the Governor on the 13th April, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette*, Part IV-A, Extraordinary, dated the 19th August, 1985, at page 2.

THE ANDHRA PRADESH GRAM PANCHAYATS
(SECOND AMENDMENT) ACT, 1986.

ACT No. 24 OF 1986.*

[8th August, 1986]

An Act further to amend the Andhra Pradesh Gram Panchayats Act, 1964.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty seventh Year of the Republic of India as follows:

Short title
and commence-
ment,

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

(2) It shall be deemed to have come into force on the 10th June, 1986.

Amendment
of section 11,
Act 2 of
1964.

2. In the Andhra Pradesh Gram Panchayats Act, 1964, in section 11,—

(i) in sub-section (2), for the words "term of office of the members of any Gram Panchayat", the words "term of office of the Sarpanch, Upa-Sarpanch and the members of any gram panchayat" shall be substituted.

(ii) Sub-section (2B) shall be omitted.

Repeal of
Ordinance
2 of 1986.

3. The Andhra Pradesh Gram Panchayats (Amendment) Ordinance, 1986 is hereby repealed.

*Received the assent of the Governor on the 8th August, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette*, Part - IV-A, Extraordinary, dated the 15th July, 1986, at pages 3 & 4.

THE ANDHRA PRADESH GRAMPANCHAYATS
(THIRD AMENDMENT) ACT

ACT No. 32 OF 1986*

[13th Sept. 1986]

An Act further to amend the Andhra Pradesh Gram Panchayats Act, 1964.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh Year of the Republic of India as follows:

Short title
and
commencement.

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

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

2. (1) In section 2 of the Andhra Pradesh Gram-Panchayats Act, 1964 (hereinafter referred to as the principal Act),

Amendment
of section
Act 2 of 1986.

(i) after clause (17), the following clause shall be inserted, namely :—

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

(ii) clause 24 shall be omitted ;

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

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

“(34) Zilla Praja Parishad, means a Zilla Praja Parishad as defined in clause (r) of section 2 of the Andhra Pradesh Mandala Praja Parishads, Zilla Praja

*Received the assent of the Governor on the 11th September, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette*, Part IV.A, Extraordinary, dated the 23rd July, 1986, at page 8.

Parishads and Zilla Pranalika, Abhivrudhi Mandals Act, 1986;”.

(2) Throughout the Principal Act ;

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

Substitution of the Code of Criminal Procedure, 1973 for the criminal procedure 1898.

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

Amendment of section 9.

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

Amendment of section 12.

4. In section 12 of the principal Act,

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

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

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

(iii) for the third proviso, the following proviso shall be substituted, namely:—

“Provided further that,

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

(b) where the number of officers of Sarpanch under clause (a) falls short of the six percent of the total number of offices of Sarpanch in the Mandal

such number of Offices of Sarpanch in the non-Scheduled areas of the Mandal as are required to make the number of offices of Sarpanch six per cent of the total number of Offices of Sarpanch in the Mandal, shall be reserved by the District Collector for the members belonging to the Scheduled Tribes in the manner prescribed; and the Gram Panchayat in respect of which the office is so reserved in areas other than the Scheduled Areas shall be by rotation and as far as practicable, be the Gram Panchayat where the proportion of the population of Scheduled Tribes to the total population of the village is the largest;"

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

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

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

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

“(1A) A Member of the Legislative Assembly of the State or a Member of either House of Parliament shall be eligible to be elected as Sarpanch of the Gram Panchayat; but he shall cease to hold the Office of Sarpanch unless within fifteen days from the date of election to such office, he ceases to be a Member of the Legislative Assembly of the State or of either House of Parliament by resignation or otherwise; and if a Sarpanch subsequently becomes a Member of the Legislative Assembly of the State or of either House of Parliament, he shall cease to hold the Office of Sarpanch, unless within fifteen days from the date on which he so become such Member, he ceases to be a Member of the Legislative Assembly

of the State of either House of Parliament by resignation or otherwise”.

Amendment
of section 17.

5. For section 17 of the Principal Act, the following section shall be substituted, namely:—

“Disqualification of Officers and servants of State or Central Government or of Local Authorities or employees or workmen of Industrial Undertakings.

17. No Village servant and no other officer or servant of the State or Central Government or of a Local

Authority or and employee of any Co-operative Society registered under the Andhra Pradesh Co-operative Societies Act, 1964 or an employee of any Corporation or any Industrial Undertaking owned or controlled by the State or Central Government shall be qualified for being chosen as or for being a Member of a Gram Panchayat.

Explanation.—For the purpose of this section, the expression “village servant” means in relation to,—

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

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

Amendment
of section 24.

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

“(1) The Sarpanch shall cease to hold the office as such,—

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

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

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

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

7. Section 78 of the principal Act shall be omitted. Omission of section 78.

8. In section 138 of the Principal Act,—

(a) for sub-section (1) and the explanation thereunder, the following sub-section and explanation shall be substituted, namely:— Amendment of section 138

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

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

(b) in the marginal note, for the words "Village headman, village munsiff and Karanam", the words "Village Assistant" shall be substituted. Act 8 of 1985

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

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

**THE ANDHRA PRADESH GRAM PANCHAYATS
(AMENDMENT) ACT, 1987.**

ACT NO. 2 OF 1987*.

[1st February, 1987.]

An Act further to amend the Andhra Pradesh Gram Panchayats Act, 1964.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:-

1. This Act may be called the Andhra Pradesh Gram Panchayats (Amendment) Act, 1987. Short title.

2. In the Andhra Pradesh Gram Panchayats Act, 1964, in section 11, to sub-section (2), the following proviso shall be added, namely:- Amendment of section 1 Act 2 of 1964.

*Received the assent of the Governor on the 27th January, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A; Extraordinary, dated the 7th January, 1987 at pages 3-4.

Act 5 of 1965. "Provided that where a notification under sub-section (1) of section 3 of the Andhra Pradesh Municipalities Act, 1965 is issued by the Government declaring their intention to include within a Municipality, in part or full, any local area comprised in a village or to constitute a village as a municipality, or where it is proposed under the relevant law relating to Municipal Corporations in force in the State to include a village in part or in full in a city for which a Municipal Corporation is constituted and a preliminary notification in that regard has been published, it shall not be necessary for the Government to extend under this subsection, the term of Office of the Sarpanch, Upa-Sarpanch and members of the Gram-Panchayat constituted to such village; and where the term of such offices is not extended, the provisions of section 226 shall, so far as may be, apply for the appointment of a Special Officer to such Gram Panchayat".

THE ANDHRA PRADESH GRAM PANCHAYATS (SECOND
AMENDMENT) ACT, 1987.

ACT No. 40 OF 1987.*

[2nd September, 1987]

An Act further to amend the Andhra Pradesh Gram Panchayats Act, 1964.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Gram Panchayats (Second Amendment) Act, 1987. Short title
and commence-
ment.

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

*Received the assent of the Governor on the 2nd September, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 13th August, 1987, at page 3.

Amendment
of Section 3,
Act 2
of 1964.

2. In the Andhra Pradesh Gram Panchayats Act, 1964 (hereinafter referred to as the principal Act) in section 3, in sub-section (1),—

(i) in the opening portion for the words “or any part of a revenue taluk”, the following shall be substituted, namely:—

“or any part of a revenue mandal having a population of as nearly as may be, fifteen hundred in the Scheduled Areas and three thousand in areas other than Scheduled Areas.”

(ii) in the Explanation, for the words “revenue taluk” and “taluk”, the words “revenue mandal” and “mandal” shall respectively be substituted.

Substitution
of new section
for
section 7.

3. For section 7 of the principal Act, the following section shall be substituted, namely:—

7. A Gram Panchayat shall consist of such number of members inclusive of its Sarpanch, as may be notified from time to time by the Commissioner in accordance with the following Table:—

T A B L E

Gram Panchayat with a population at the last census.	Number of members.
(1)	(2)
Upto 1,500	Between 5 and 9.
Exceeding 1,500 but not exceeding 3,000	11
Exceeding 3,000 but not exceeding 5,000	13
Exceeding 5,000 but not exceeding 10,000	15

(1)	(2)
Exceeding 10,000 but not exceeding 15,000	17
Exceeding 15,000 but not exceeding 20,000	19
Exceeding 20,000 but less than 25,000	21.2

names recommended by the Vice-Chancellor on the basis of merit as prescribed.

- (14) seven persons from the Alumni of the University representing one scheduled Castes one Scheduled Tribes, one Backward Classes, one Woman, one professor from such areas as Engineering, medicine or law, one management of the College, one representing Commerce and Industry nominated by the State Government ; and
- (15) such members of the executive council, who are not otherwise members of the Academic Senate” ;
- (9) for Statute 13, the following shall be substituted, namely :-

“THE PLANNING AND MONITORING BOARD”

Planning and Monitoring Board.

13(1) There shall be a planning and Monitoring Board consisting of :-

- (1) The Vice-Chancellor (Chairman);
- (2) four from among the Principals of University and professional colleges, Deans, Chairman of Faculties nominated by the Vice-Chancellor ;
- (3) two educationists nominated by the Government ;
- (4) two nominees of the University Grants Commission ;

THE ANDHRA PRADESH GRAM PANCHAYATS
(AMENDMENT) ACT, 1988.

ACT NO. 19 OF 1988.*

[30th April, 1988]

An Act further to amend the Andhra Pradesh
Gram Panchayats Act, 1964.

Be it enacted by the Legislative As-
sembly of the State of Andhra Pradesh in
the Thirty-ninth Year of the Republic of
India, as follows:-

1. (1) This Act may be called the
Andhra Pradesh Gram Panchayats (Amendment
Act, 1988. Short title
and Com-
mencement.

(2) It shall be deemed to have come
into force on the 8th February, 1988.

*Received the assent of the Governor on the 30th April,
1988. For Statement of Objects and Reasons, please see the
Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the
23rd March, 1988 at page 3.

Amendment
of section 12,
Act 2 of 1964.

2. In the Andhra Pradesh Gram Panchayats Act, 1964, in section 12, in sub-section (1), for the third proviso the following proviso shall be substituted namely:—

“Provided also that,—

(a) all the offices of Sarpanch of the Gram Panchayats constituted for villages wholly situated in the Scheduled Areas and where the population of Scheduled Tribes is not less than twenty five ; and

(b) such number of offices of Sarpanch in areas other than the Scheduled Areas as may be required to make the number of offices reserved for Scheduled Tribes, six percent of the total number of offices of Sarpanch in the State, shall be reserved subject to such conditions and in such manner as may be prescribed, for members belonging to the Scheduled Tribes by the Commissioner who shall allocate the offices to be reserved under clause (b) to each district where the number of offices reserved under clause (a) falls short of six percent of the total number of offices of Sarpanch in the District having due regard to the proportion of the population of the Scheduled Tribes in the district to the total population of the district and thereupon the District Collector shall reserve such number of offices of Sarpanch as are allocated to the concerned district, so however, that the gram panchayats in respect of which the office of Sarpanch is so reserved in areas other than the Scheduled Areas shall as far as practicable, be the gram panchayat where the proportion of the population of the Scheduled Tribes to the total population of the village is the largest.”.

Repeal of
Ordinance
2 of 1988.

3. The Andhra Pradesh Gram Panchayats (Amendment) Ordinance, 1988 is hereby repealed.

**THE ANDHRA PRADESH GRAMPANCHAYATS
(AMENDMENT) ACT, 1989***

ACT NO. 25 of 1989.*

[17th November, 1989]

**An Act Further to Amend the Andhra Pradesh
Gram Panchayats Act, 1964.**

Be it enacted by the Legislative Assembly
of the State of Andhra Pradesh in the
Fortieth Year of the Republic of India
as follows:-

1. This Act may be called the Andhra Pradesh Gram Panchayats (Amendment) Act, 1989. Short title

2. In the Andhra Pradesh Gram Panchayats Act, 1964 in section (5). Amendment
of Section 5,
Act, 2 of
1964.

*Received the assent of the Governor on the 16th November 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Extraordinary, Part IV-A, dated the 23rd March, 1989.

(a) in sub-section (1), after the words "a labour colony", the words "a project area" shall be inserted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely:-

"(3) In regard to any area declared to be a township, the Government shall, by notification in the Andhra Pradesh Gazette, constitute a township Committee, which shall consist of a Chairman to be nominated by the Government and the following official and non-official members, namely:-

A. OFFICIAL MEMBERS:

(i) in regard to a township constituted for an industrial or institutional colony, labour colony, project area or health resort, the highest official representing the industry, institution, project or health resort concerned and in the case of a township constituted for a place of religious importance, the Executive Officer or where there is no Executive Officer, the Chairman of the Trust Board or the Trustee, as the case may be, of the religious institution concerned;

(ii) the District Development Officer of the Zilla Praja Parishad concerned;

(iii) the Divisional Engineer, Electricity Board, in whose jurisdiction the township is located;

(iv) the Executive Engineer, Panchayat Raj of the Division in which the township is located; and

(v) an officer of the Tourism Department wherever necessary and in other cases an official representing the management of the industry, institution, project or health resort concerned or an employee of the religious institution concerned, as may be nominated by the Government; and

B. NON-OFFICIAL MEMBERS:

(i) the Member of the Lok Sabha in whose constituency the township is located;

(ii) the Member or Members of the Legislative Assembly in whose Constituency the township is located;

(iii) one woman member, who is a registered voter in the township to be nominated by the Government; and

(iv) two persons who are registered voters in the township, other than those persons specified in items (i) to (iii) and who are specially qualified to assist and advice the Township Committee on its various activities to be nominated by the Government:

Provided that one of the Members to be nominated under this clause shall be a member belonging to the Scheduled Castes or the Scheduled Tribes.

(3A) The Chairman and the non-official members of the Committee under items (iii) and (iv) shall hold office during the pleasure of the Government and the official members and non-official members under items (i) and

(11) shall hold office so long as they hold their respective offices;" ;

(c) in sub-section (4), clauses (i) to (iv) shall be omitted.

Transitional provisions. 3. Notwithstanding anything contained in the principal Act as amended by this Act, a Township Committee constituted and functioning at the commencement of this Act, shall continue to so function, and the Chairman and Members of such Committee holding office at such commencement shall continue to hold such office, until a new Township Committee is constituted in accordance with the provisions of the principal Act, as amended by this Act.

**ANDHRA PRADESH ACTS, ORDINANCES
AND REGULATIONS, ETC.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 8th November, 1990 and the said assent is hereby first published on the 9th November, 1990 in the Andhra Pradesh Gazette for general information:—

ACT No. 20 OF 1990

An Act further to amend the Andhra Pradesh Gram Panchayats Act, 1964.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Andhra Pradesh Short title Gram Panchayats (Amendment) Act, 1990.

Amendment
of Section 5
Act 2 of 1964

2. In the Andhra Pradesh Gram Panchayats Act, 1964, in section 5,—

(1) in sub-section (3),—

(a) in the opening paragraph after the words "In regard to any area," the words "other than a place of religious importance," shall be inserted;

(b) under the heading "A. Official Members",—

(i) in clause (i), the words "and in the case of a township constituted for a place of religious importance, the Executive Officer, or where there is no Executive Officer, the Chairman of the Trust Board or the Trustee, as the case may be, of the religious institution concerned" shall be omitted;

(ii) in clause (v), the words "or an employee of the religious institution concerned," shall be omitted;

(2) in sub-section (3A), for the expression "item (iii) and (iv)", the expression "items (iii) and (iv) of sub-section (3)" and for the expression "items (i) and (ii)", the expression "items (i) and (ii) of sub-section (3)", shall respectively be substituted;

(3) after sub-section (3A), the following sub-section shall be inserted, namely:—

"(3B) (a) In regard to any area declared to be a township constituted for a place of religious importance, the Government shall, by notification in the Andhra Pradesh Gazette, constitute a township committee which shall consist of the members elected in the prescribed manner and the members nominated by the Government from among persons who are registered voters in the township:

Provided that the number of members chosen by nomination by the Government shall not exceed one-third of the total number of members;

(b) a notification issued by the Government under clause (a), may direct that any functions vested in a Gram Panchayat by or under this Act shall be transferred to and performed by the township committee and shall provide for,—

(i) the total number of members of the township committee;

(ii) the persons to be nominated by Government to the township committee;

(iii) the person who shall be the Chairman of the township committee or the manner in which he shall be elected;

(iv) the term of office of members and the Chairman of the township committee;

(v) the restrictions and conditions subject to which the township committee may perform its functions, and

(vi) any other matter incidental to, or connected with, the transfer of the functions of a gram panchayat to the township committee including the apportionment of the revenues between the township committee and the gram panchayat concerned or any contribution or compensation that shall be paid by the township committee to the gram panchayat concerned."

P. V. VIDYA SAGAR,
Secretary to Government,
Law and Legislative Affairs,
Law Department.

**THE ANDHRA PRADESH GRAM PANCHAYATS
(AMENDMENT) ACT, 1991.**

ACT No. 28 OF 1991 *

[26th October, 1991]

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
GRAM PANCHAYATS ACT, 1964.**

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-second Year of the Republic of India, as follows:-

1. This Act may be called the Andhra Short Pradesh Gram Panchayats (Amendment) Act, 1991.

* Received the assent of the Governor on the 24-10-1991. For statement of object and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated 03-04-1990 at page 4.

Substitution of
new section for
sections 14,
14-A, 14-B and
14-C, Act 2 of
1954.

2. In the Andhra Pradesh Gram Panchayats Act, 1964 (hereinafter referred to as the principal Act) for sections 14, 14-A, 14-B and 14-C, the following shall be substituted, namely:-

*Preparation
and publication
of electoral
roll for a gram
panchayat.

14. (1) The draft of the electoral roll for gram panchayat shall be prepared by the person

authorised by such authority, in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the gram panchayat shall come into force immediately upon its final publication in accordance with the rules made by the Government in this behalf. The draft of the electoral roll for the gram panchayat shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, upto the qualifying date, as relates to the village or any portion thereof.

Central Act 43
of 1950.

Explanation:- Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the village, all persons whose names are entered in such roll under the registration area comprising the village and whose addresses as entered are situated in the village shall be entitled to be included in the electoral roll for the gram panchayat prepared for the purposes of this Act.

(2) The said electoral roll for a gram panchayat --

(a) shall, unless otherwise directed by the Government for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date --

(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the office of the Sarpanch and members of a gram panchayat; and

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Government:

Provided that if the electoral roll is not revised as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.

(3) The final electoral roll published under sub-section (1) shall be the electoral roll for the Gram Panchayat and it shall remain in force till a fresh electoral roll for the gram panchayat is published under this section.

(4) The electoral roll for the gram panchayat shall be divided into as many parts as there are wards so that the parts relating to all wards shall have equal number of voters:

Provided that the surplus number of voters, if any, remaining after such division shall be included in the part relating to the last ward.

(5) Every person whose name appears in the part of the electoral roll relating to a ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(6) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

Explanation:- In this section, the expression 'Assembly Constituency' shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly".

Amendment of
section 15.

3. In section 15 of the principal Act for the expression "under sub-section (1) of section 14-C", the expression "under sub-section (1) of section 14", for the words "the person authorised by the electoral authority in this behalf", the words "the person authorised by the prescribed authority in this behalf", and for the words "as the electoral authority may direct" the words "as the Government may direct", shall be substituted.

4. Sections 15A, 15B and 15C of the principal Act shall be omitted. Deletion of sections 15A, 15B and 15C.

5. In section 69 of the principal Act, in sub-section (1), -- Amendment of Section 69.

(a) in clause (bb), the word "and" shall be omitted;

(b) after clause (bb), the following shall be inserted, namely:-

"(bbb) a tax on advertisements; and"

6. In the principal Act, after section 72, the following shall be inserted, namely:- Insertion of new sections 72-A to 72-F.

<p style="text-align: center;">"Tax on advertisements."</p>	<p>72-A. Every person who erects, exhibits fixes or retains upon or over any land, building, wall, hoarding or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained, or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions as the Gram Panchayat may with the approval of the Zilla Praja Parishad by resolution determine:</p>
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Provided that the rates shall be subject to the maximum and minimum prescribed by the Government in this behalf:

Provided further that no tax shall be levied under this section on any advertisement or a notice, --

- (a) of a public meeting; or
- (b) of an election to any legislative body or to the Gram Panchayat, Mandala Praja Parishad, or Zilla Parishad; or
- (c) of a candidature in respect of such an election:

Provided also that no such tax shall be levied on any advertisement which is not a sky-sign and which --

- (a) is exhibited within the window of any building; or
- (b) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale entertainment or meeting to be held upon or in the same land or building; or
- (c) relates to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or
- (d) relates to the business of any railway administration; or

- (e) is exhibited within any railway station or upon any wall, or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

Explanation-I:- The word "structure" in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation-II:- The expression "Sky sign" shall in this section mean any advertisement, supported on or attached to any post, pole, standard, frame work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression "Sky sign" shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include --

(a) any flagstaff, pole, vane or weather-cock unless adopted or used wholly or in part for the purpose of any advertisement; or

(b) any sign or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or on the blocking course of any wall or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work, and does not extend in height more than one metre above any part of the wall or parapet or ridges, to, against or on which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or

(d) any advertisement relating exclusively to the business of a railway administration and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to railway administration and so placed that it can not fall into any street or public place; or

(e) any notice of land or building to be sold or let, placed upon such land or building.

Explanation-III:- "Public Place" shall for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

Prohibition of Advertisements without written permission of Executive Authority.

72-B. (1) No advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure, within the Gram Panchayat or shall be displayed in any manner whatsoever in any place without the written permission of the Executive authority.

(2) The executive authority shall not grant such permission, if --

- (i) the advertisement contravened any bye-law made by the Gram Panchayat under section 219;
- (ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of subsection (2), in the case of an advertisement liable to the advertisement tax, the executive authority shall grant permission for the period to which the payment of the tax relates and no fees shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement relating to the business of a railway administration erected, exhibited, fixed or retained on the premises of such administration.

Permission of the Executive Authority to become void in certain cases.

72-C. The permission granted under section 72-B shall become void in the following cases namely:-

(a) if the advertisement contravenes any bye-law made by the Gram Panchayat under section 219;

(b) if any addition to the advertisement be made except for the purpose of taking it secure under the direction of Engineer of the Panchayat Raj and Rural Development Department or the Mandal Development Officer.

(c) if any material change be made in the advertisement or any part thereof;

(d) if the advertisement or any part thereof falls otherwise than through accident;

(e) if any addition or alteration be made to or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained, if such addition or alteration involves the disturbance of the advertisement, or any part thereof; and

(f) if the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained, be demolished or destroyed.

72-D. Where any advertisement is erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 72-A or section 72-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period has expired or become void, the owner or person in occupation to be deemed responsible for such contravention shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention, unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

Removal of un-
authorised ad-
vertisements.

72-E. If any advertisement is erected, exhibited, fixed or retained contrary to the provisions of section 72-A or 72-D or after the written permission for the creation, exhibition, fixation or retention thereof for any period has expired or become void, the executive authority, may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon or over, which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed, and the costs thereof shall be recoverable in the same manner as property tax.

Collection of
Tax on adver-
tisements.

72-F. The executive authority may form out the collection of any tax on advertisement leviable under section 72-A for any period not exceeding one year at a time on such terms and conditions as may be determined by the Gram Panchayat".

P.V. VIDYASAGAR,
Secretary to Government,
Law and Legislative Affairs,
Law Department.

**THE ANDHRA PRADESH GRAM PANCHAYATS
(SECOND AMENDMENT) ACT, 1991.**

ACT No. 29 OF 1991*

[26th October, 1991]

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
GRAM PANCHAYATS ACT, 1964.**

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-second Year of the Republic of India, as follows:-

1. This Act may be called the Andhra ^{Short} Pradesh Gram Panchayats (Second Amendment) title Act, 1991.

* Received the assent of the Governor on the 24-10-1991. For statement of object and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated 05-10-1990 at page 12.

Amendment of 2. In the Andhra Pradesh Gram Panchayat Schedule II, Act, 1964 in Schedule II, in Part II, are Act 2 of 1964. 46 shall be omitted.