



**The Andhra Pradesh Gram Panchayats (Transitional) (Arrangement) Act,
1995**

Act 6 of 1995

Keyword(s):

Grama Sabha, Gram Panchayat, Finance Commission

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THE ANDHRA PRADESH GRAM PANCHAYATS
TRANSITIONAL ARRANGEMENTS) ACT, 1995.

ACT No. 6 OF 1995 * [3rd Feb, 1995]

An Act to provide for the Administration of the Gram Panchayats in the State until the next ordinary Elections are held to them and for matters connected therewith or incidental thereto.

WHEREAS the Constitution (Seventythird Amendment) Act 1992 (hereinafter referred to as "the Constitution Amendment Act") came into force with effect from the 24th April, 1993 ;

AND WHEREAS clause (1) of article 243E inserted by the Constitution Amendment Act, in the Constitution of India provides that every Panchayat, 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, under article 243N, any provision of any law relating to the Panchayats, in force in a State immediately before the commencement of the said Constitution Amendment Act, which is inconsistent with the provisions of Part IX of the Constitution shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier ;

AND WHEREAS sub-section (2) of section 11 of the Andhra Pradesh Gram Panchayats Act, 1964 (hereinafter referred to as 'the Gram Panchayats Act') , which provides for the extension of the term of office of the Sarpanch, Upa-Sarpanch and the

*Received the assent of the Governor on the 3rd Feb 1995. For statements of objects & Reasons please See the *Andhra Pradesh Gazette*, part IV-A, Extra ordinary, dt 18-1-95 a pages 8&9.

members of any Gram Panchayat as a whole, after the expiration of their normal term of office of five years is inconsistent with the provisions of article 243N ceased to be in force with effect from the 23rd April, 1994 ;

AND WHEREAS, the Sarpanchos, Upa-Sarpanchos and the members of the Gram Panchayats in the State whose term of office expired on the 30th March, 1993 were continuing in office as a consequence of the extension of their term of office under sub-section (2) of section 11 of the Gram Panchayats Act ;

AND WHEREAS, on the cessation of operation of sub-section (2) of section 11 of the Gram Panchayats Act, with effect from the 23rd April, 1994 and by virtue of article 243N of the Constitution, the Sarpanchos, Upa-Sarpanchos and members of Gram Panchayats in the entire State who completed their normal term of office of five years and are continuing in office beyond that term, ceased to hold office automatically on the said date ;

AND WHEREAS, the Andhra Pradesh State has enacted recently Act 13 of the Andhra Pradesh Panchayat Raj Act, 1994, which is a comprehensive law for establishing a three-tier system of Panchayat Raj in the State in accordance with the said constitution Amendment Act ;

AND WHEREAS, it takes quite sometime to complete all the preliminary steps and hold ordinary elections to Panchayat Raj bodies under the said new Act ;

AND WHEREAS, in the above circumstances, it is necessary to make transitional arrangements for the administration of, the Gram Panchayats until ordinary elections are held to the Gram Panchayats under the said new Act ;

AND WHEREAS, the Bill to provide for the administration of the Gram Panchayats in the State until the next ordinary elections are held to them and for matters connected therewith or incidental thereto which has been introduced in the Legislative Assembly of the State, has not been passed by the Legislative Assembly ;

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

Short title
and com-
mencement.

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

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

Cessation o
office of
Sarpanches,
etc.
Act 7 of
1964.

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

Appoint-
ment of
Committees

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

Provided that where the office of the Sarpanch was vacant or where the Sarpanch was under suspension or where a notice for the removal of the Sarpanch was served prior to the commencement of this Act, the person holding the office of Upa-Sarpanch, shall be the Person-in-Charge of the Committee :

Provided further that where a notice for expressing want of confidence in the Upa-Sarpanch was served or where a notice for the removal of Upa-Sarpanch was served or where the office of Upa-Sarpanch is also vacant, it shall be competent for the District

Collector to appoint a Person-in-Charge from among the persons who were holding the office of member of the Gram Panchayat prior to the commencement of this Act.

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

Application of the provisions of the law relating to Gram Panchayats.

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

Term of office of the Committee

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

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

Powers and functions of the Committee

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

7. For the purpose of giving effect to the provisions of this Act, it shall be competent for the Government to issue such directions as they may deem fit to the persons-in-Charge, the Committees and to any officer, authority or person subordinate to the Government.

Power to give directions.

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

Overriding effect.
Act 13 of 1994.

Power to
make rules.

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

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of
Ordinance
14 of 1994.

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