



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
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No. 1] AMARAVATI, MONDAY, 11th JANUARY 2021.

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

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 8th January, 2021 and the said assent is hereby first published on the 11th January, 2021 in the Andhra Pradesh Gazette for general information :

ACT No. 1 of 2021.

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
PANCHAYAT RAJ ACT, 1994.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy First year of the Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Amendment) Act, 2020.

Short title and
commencement.

(2) It shall be deemed to have come into force on and from the 20th February 2020.

2. In the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as the principal Act), in section 2,-

Amendment of
section 2.

(i) for clause 3, the following shall be substituted, namely,-

Act No. 13 of 1994.

“ (3) ‘Building’ means any structure for whatsoever purpose and whatsoever materials constructed, and every part thereof whether used for human habitation or not. It includes foundation, Plinth, Walls, Floors,

Roofs, Chimneys, Plumbing and building services, fixed platforms, Verandah, Balcony, Cornice or projection, part of a building or anything affixed thereto or any wall enclosing or intended to enclose any land or space, and signs and outdoor display structures. Tents, Pandals, shamiyanas/tarpaulin shelters not be considered as buildings;”

(ii) after clause (42), the following new clause shall be inserted, namely,-

“(42a) ‘Ward’ means a territorial division of a Gram panchayat.”

Amendment of
section 9.

3. In the Principal Act, in section 9, in sub-section (1), the following proviso shall be added to clause (a).

“Provided that in the Tribal Habitations / Tribal Thandas with 100% Scheduled Tribes Population constituted as villages, all the wards of such villages shall be reserved for Scheduled Tribes only.”

Amendment of
section 15.

4. In the principal Act, in section 15, in sub-section (1), to clause (a), the following proviso shall be added, namely

“Provided that in the Tribal Habitations / Tribal Thandas with 100% Scheduled Tribes Population constituted as villages, all the Offices of Sarpanch of such villages shall be reserved for Scheduled Tribes only.”

Amendment of
section 19-A.

5. In the principal Act, to section 19-A, the following proviso shall be added, namely,-

“Provided that such convicted person shall cease to hold office in case he is already elected”.

Omission of
sections 20-A and
20-B.

6. In the principal Act, sections 20-A and 20-B shall be omitted.

Amendment of
section 25.

7. In the Principal Act, in section 25, after clause (g), the following clauses shall be added, namely,-

“(h) maintain sanitation in the village;

(i) take up plantation and maintain Green coverage in the village;

(j) for the purpose of effective functioning of the Gram Panchayat, the Sarpanch shall reside in the village and visit the Gram Panchayat office regularly.”

Substitution of
section 33.

8. In the Principal Act, for section 33 along with the proviso, the following shall be substituted, namely,-

Emergency
Powers of
Sarpanch.

“33. In case of any disaster as defined in the Disaster Management Act, 2005 or in case of emergency, like fire

accidents, epidemics, failure of drinking water supply, the Sarpanch, direct the execution of any work or the doing of any act which requires the sanction of the Gram Panchayat or any of its Committees 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 section and the reasons thereof to the Panchayat, Gram Sabha and the concerned Committee 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 or exceed an amount prescribed by the Government or the expenditure shall not exceed an amount prescribed by the Government.”.

9. In the Principal Act, in section 201-A,-

- (i) the existing section 201-A shall be re-numbered as 201-B.
- (ii) before section 201-B so re-numbered, the following new section shall be inserted.

Amendment of
section 201-A and
insertion of new
section.

Schedule for
Conduct of
Election.

“201-A. (1) Following schedule shall be followed for
conduct of Gram Panchayat Elections:

1. Issue of Election Notification by the State Election Commission : Day 1

2. Issue of Election Notice and receipt of nominations by the
Returning Officer : Day 3

(whether or not it is a holiday)

3. Last Day for receipt of Nominations : Day 5

(whether or not it is a holiday)

4. Scrutiny of Nominations : Day 6

(whether or not it is a holiday)

5. Appeal against rejection of Nomination before the Appellate Authority

: Day 7

(whether or not it is a holiday)

6. Disposal of appeals by appellate authority : Day 8
7. Last day for withdrawal of candidatures : Day 9 up to 3 P.M.
(whether or not it is a holiday)
8. Publication of Final List of Contesting candidates : Day 9 after 3 P.M.
(whether or not it is a holiday)
9. Conduct of Poll wherever necessary : Day 14
(whether or not it is a holiday)
10. Counting of Votes and Declaration of results : Day 14
(whether or not it is a holiday)

(2) Following schedule shall be followed for conduct of MPTCs and ZPTCs Elections:

1. Issue of Election Notification by the State Election Commission : Day 1
2. Issue of Election Notice and receipt of nominations by the
Returning Officer : Day 3
(whether or not it is a holiday)
3. Last day for receipt of Nominations : Day 5
(whether or not it is a holiday)
4. Scrutiny of Nomination : Day 6
(whether or not it is a holiday)
5. Appeal against Rejection of Nomination
before the Appellate Authority : Day 7
(Whether or not it is a holiday)
6. Disposal of appeals by appellate authority : Day 8
7. Last day for withdrawal of Candidatures : Day 9 upto 3 PM.
(whether or not it is a holiday)
8. Publication of final list of contesting candidates : Day 9 after 3 P.M.
(whether or not it is a holiday)
9. Conduct of Poll wherever necessary : Day 16
(whether or not it is a holiday)
10. Counting of Votes and Declaration of results : On time and date
appointed by the State Election Commission."

10. In the Principal Act, in section 211, in sub-section (1), the following shall be added as Explanation 2, namely,-

Amendment of
section 211.

"Explanation 2:- for purpose of this clause the term corrupt practices shall include any such practices detected even after election process is over".

11. In the Principal Act, for section 212, the following shall be substituted along with the marginal heading, namely,-

Substitution of
section 212.

Punishment
for corrupt
practices.

"212. If any person is guilty of any such corrupt practices as specified in section 211 or in connection with an election he shall be punishable with imprisonment for a term which may extend to three years (3) and with fine which may extend to Rs. 10,000/- (ten thousand rupees)."

12. In the Principal Act, for section 242-D, along with the provisos thereunder, the following shall be substituted, namely,-

Substitution of
section 242-D..

Reservation of seats of
members of Gram Panchayat,
Mandal Praja Parishad and Zilla
Praja Parishad and Offices of
Sarpanchas of Gram Panchayats
and Presidents of Mandal Praja
Parishads.

"242-D. The reservation of seats in the Scheduled Areas to every Gram Panchayat, Mandal Praja Parishad and Zilla Praja Parishad shall be in proportion to the population of the communities in that Gram Panchayat or the Mandal praja parishad territorial constituency (MPTC), Members or the Zilla praja Parishad Territorial Constituency (ZPTC) Members as the case may be:

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats of ward members and MPTC's:

Provided further that all offices of Sarpanchas of Gram Panchayats and Presidents of Mandal Praja Parishads and all seats of Zilla Praja Parishad Territorial Constituencies shall be reserved for the Scheduled Tribes."

13. In the Principal Act, after section 249, the following new sections shall be inserted, namely,-

Insertion of new
sections 249-A
and 249-B.

Not applicable to
Sarpanch and
Upa- Sarpanch.

"249-A. Notwithstanding anything contained, section 249 shall not apply to the Sarpanch and the Upa-Sarpanch.

Removal
and
deemed
Removal of
Sarpanch
and Upa -
Sarpanch.

249-B. (1) If in the opinion of the District Collector the Sarpanch or the Upa-Sarpanch,-

- (i) omitted or refused to carry out the orders of the District Collector or Commissioner or Government for the proper working of the concerned Gram Panchayat; or
- (ii) abused his position or the powers vested in him; or
- (iii) is guilty of misconduct in the discharge of his duties; or
- (iv) is guilty of embezzlement of Gram Panchayat Funds; or

(v) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the Gram Panchayat or has become incapable of such performance;

The District Collector may remove such Sarpanch or the Upa-Sarpanch after giving him an opportunity for explanation.

(2) Notwithstanding anything contained in sub-section(1), the Sarpanch or the Upa-Sarpanch shall be deemed to have been removed from the office,-

(a) if they fail to convene the meetings of the Gram Sabha as required under sub-section(3) of section 6 and G.O.Ms No.791, General Administration (General / Legislature Co- ordination) Department, Dated 07.11.2013.

(b) if they fail to get the accounts of the Gram Panchayat audited within the stipulated period.

However, the fact of such deemed removal shall be intimated to the Sarpanch or the Upa-Sarpanch in writing by the Collector:

Provided that the proceedings for recovery, criminal action or any such action initiated under sub-sections (1) and (2) may be continued notwithstanding the fact that the Sarpanch ceased to hold office by resignation or otherwise and shall be concluded within one(1)year from the date of such cessation and where on such conclusion the authority competent to remove him, records a finding after giving an opportunity of making a representation to the person concerned that the charge or charges proved against him are sufficient for his removal, then the provision of sub-section (3) shall apply to the person against whom such finding is recorded.

(3) Where the Sarpanch or the Upa-Sarpanch has been, removed under sub-section (1); or has been intimated under sub-section (2) of the deemed removal, he shall not be eligible for re-election as a member or Sarpanch as the case may be, for a period of six (6) years from the date of the removal.

(4) The resultant vacancies shall be filled as casual vacancies.

(5) If the District Collector is of the opinion that a Sarpanch or the Upa-Sarpanch of a Gram Panchayat omitted or refused to carry out the orders of Government for the proper working of the concerned Gram Panchayat 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 concerned Gram Panchayat or the inhabitants of the village, the District Collector, by order, suspend such Sarpanch or the Upa-Sarpanch from office for a period not exceeding six (6) months, pending investigation into the said charges and action thereon under the foregoing provisions of this section:

Provided that no order under this sub-section shall be passed unless the person concerned has had an opportunity of making a representation against the action proposed:

Provided further that it shall be competent for the Commissioner to extend, from time to time, the period of suspension for such further period not exceeding six (6) months, so however that total period of suspension shall not exceed twelve (12) months:

Provided also that a person suspended under this sub-section shall not be entitled to exercise the powers and perform the functions attached to his office and shall not be entitled to attend the meetings of the concerned Gram Panchayat except a meeting held for the consideration of a no-confidence motion.

(6) Any person aggrieved by an order of removal passed by the District Collector under sub-section (1), or by an intimation under sub-section (2) may, within thirty (30) days from the date of receipt of the order or as the case may be the intimation, prefer an appeal to the Government and the Government may pending a decision on such appeal, stay the order appealed against."

14. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2020 is hereby repealed.

Repeal of
Ordinance No.2
of 2020.

V. V. DURGA PRASADA RAJU,
Secretary to Government (I/c),
Legal and Legislative Affairs & Justice,
Law Department.