



# The Andhra Pradesh Gram Panchayats Act, 1964

(Act No. 2 of 1964)

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# THE ANDHRA PRADESH GRAM PANCHAYATS

ACT, 1964.

(ACT No. 2 OF 1964)

## CHAPTER I.

### PRELIMINARY.

1. (1) This Act may be called the **Andhra Pradesh Gram Panchayats Act, 1964**. Short title, extent and commencement.

(2) It extends to the whole of the State of Andhra Pradesh, except—

(a) the municipal corporations governed by the **Hyderabad Municipal Corporations Act, 1955**; Act II of 1956.

(b) the municipalities governed by the law relating to municipalities for the time being in force in the State;

Act XLIV of 1956. (c) the mining settlements governed by the **Andhra Pradesh (Telangana Area) Mining Settlements Act, 1956**; and

Central Act, 3 of 1924. (d) the cantonments governed by the **Cantonments Act, 1924**.

(3) It shall come into force on such date and in such area as the Government may, by notification in the *Andhra Pradesh Gazette*, appoint and they may appoint different dates for different areas and for different provisions.

2. In this Act, unless the context otherwise requires,— Definitions.

(1) 'Andhra area' means the territories of the State of Andhra Pradesh other than the Telangana area;

(2) "board" means a conciliation board constituted under section 154;

(3) 'building' includes a house, out-house, shop, stable, latrine, shed, (other than a cattle shed in an agricultural land) hut, wall and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(4) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time, and 'casual election' means an election held to fill a casual vacancy;

(5) 'Commissioner' means any officer who is authorised by the Government to exercise any of the powers or discharge any of the duties of the Commissioner under this Act;

(6) 'company' means a company as defined in the Companies Act, 1956, and includes a foreign company within the meaning of section 591 of that Act; Central  
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(7) 'District Munsiff' means—

(i) in relation to the Andhra area, the District Munsiff appointed under the Andhra Pradesh (Andhra Area) Civil Courts Act, 1873; Act III  
of 1873

(ii) in relation to the Telangana area, the Munsiff appointed under section 6 of the Andhra Pradesh (Telangana Area) Civil Courts Act, 1954; Act XXX  
of 1954

(8) 'election authority' means such authority not being the Sarpanch or Upa-Sarpanch or a member of the gram panchayat, as may be prescribed;

(9) 'executive authority' means—

(i) in the case of a gram panchayat or a group of gram panchayats having an executive officer, the executive officer, and if there is no executive officer in charge, the Sarpanch of the gram panchayat;



(ii) in the case of any other gram panchayat, the Sarpanch thereof;

(10) 'executive officer' means the executive officer of a gram panchayat or a group of gram panchayats;

entral Act  
68 of 1948 (11) 'factory' means a factory as defined in the Factories Act, 1948, and includes any premises including the precincts thereof wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(12) 'Government' means the State Government;

(13) 'gram panchayat' means the body constituted for the local administration of a village under this Act;

(14) 'Gram Sabha' means the Gram Sabha which comes into existence under section 6;

(15) 'house' means a building or hut fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand;

(16) 'hut' means any building which is constructed principally of wood, mud, leaves, grass, or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the gram panchayat may declare to be a hut for the purposes of this Act;

(17) 'latrine' includes privy, water-closet and urinal;

(18) 'local authority' includes a cantonment authority;

(19) 'member' means a member of gram panchayat;

(20) 'nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life, or injurious to health or property;

(21) 'nyaya panchayat' means a nyaya panchayat established under section 165;

(22) 'ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held to fill an ordinary vacancy;

(23) 'owner' includes—

(a) the person for the time being receiving or entitled to receive whether on his own account, or as agent trustee, guardian, manager or receiver for another person or for any religious or charitable purpose, the rent or profits of the property in connection with which the word is used; and

(b) the person for the time being in charge of the animal or vehicle in connection with which the word is used;

(24) 'Panchayat Samithi' means a Panchayat Samithi as defined in clause (h) of section 2 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959;

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1959.

(25) 'prescribed' means prescribed by the Government by rules made under this Act;

(26) 'private road' means any street, road, square, court, alley, passage, cart-track, foot-path or riding path, which is not a 'public road' but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

(27) 'public road' means any street, road, square, court, alley, passage, cart-track, foot-path or riding path, over which the public have a right of way, whether a thorough-fare or not, and includes—

(a) the roadway over any public bridge or causeway;

(b) the foot-way attached to any such road, public bridge or causeway, and

(c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not, by any pavement, veranda or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property whether that property is private property or property belonging to a local authority, or the State or Central Government;

(28) 'residence', 'reside'.—A person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(29) 'State' means the State of Andhra Pradesh;

(30) 'Telangana area' means the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956;

(31) 'village' means any local area which is declared to be a village under this Act;

(32) 'water-course' includes any river, stream or channel, whether natural or artificial;

(33) 'year' means the financial year;

(34) 'Zilla Parishad' means a Zilla Parishad as defined in clause (o) of section 2 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959.

## CHAPTER II.

### CONSTITUTION, ADMINISTRATION AND CONTROL OF GRAM PANCHAYATS.

3. (1) The Commissioner may, by notification, and in accordance with the rules made by the Government in this behalf, declare any revenue village or part thereof or any part of a revenue taluk to be a village for the purpose of this Act and specify the name of the village.

(2) The Commissioner may, by notification and in accordance with such rules as may be prescribed in this behalf,—

(a) exclude from a village any local area comprised therein; or

(b) include in a village any adjoining local area in the same revenue taluk; or

Declaration  
of a village  
for the pur-  
poses of this  
Act.

Central Act  
7 of 1956

Andhra Pra-  
adesh Act  
XV of

(c) cancel a notification issued under sub-section (1); or

(d) alter the name of the village:

Provided that before issuing a notification under this sub-section, the Commissioner shall give the gram panchayat which will be affected by the issue of such notification, an opportunity of showing cause against the proposal and consider the objections, if any, of such gram panchayat.

*Explanation* :—The expression “revenue taluk” used in sub-sections (1) and (2) and the expression “revenue village” used in sub-section (1) means respectively any local area which is recognised as a taluk or village in the revenue accounts of Government after excluding therefrom the area, if any, included in—

(a) a municipal corporation governed by the Hyderabad Municipal Corporations Act, 1955; Act II of 1955

(b) a municipality governed by the law relating to municipalities for the time being in force in the State;

(c) a mining settlement governed by the Andhra Pradesh (Telangana Area) Mining Settlements Act, 1956; Act XLIV of 1956

(d) a cantonment governed by the Cantonments Act, 1924. Central Act 2 of 1924

(3) The Commissioner may pass such orders as he may deem fit—

(a) as to the disposal of the property vested in a gram panchayat which has ceased to exist, and the discharge of its liabilities; and

(b) as to the disposal of any part of the property vested in a gram panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the gram panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Commissioner may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the gram panchayat or where a gram panchayat has ceased to exer-

cise jurisdiction over any local area, such tax, fee, or other sum due to the gram panchayat as relates to that area, shall be payable to such authorities as may be specified in the order; and

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the gram panchayat ceased to exist or, as the case may be, on the date on which the gram panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

4. (1) A gram panchayat shall be deemed to have been constituted for a village on the date of publication of the notification under section 3 in respect of that village and the Special Officer appointed under sub-section (1) of section 226 shall make arrangements for the election of the members and of the Sarpanch of the gram panchayat as provided in that section.

Constitution of gram panchayats for villages and their incorporation.

(2) Subject to the provisions of this Act, the administration of the village shall vest in the gram panchayat, but the gram panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its Sarpanch or executive authority, or to any other local authority or other authority.

(3) Every gram panchayat shall be a body corporate by the name of the village specified in the notification issued under section 3, shall have perpetual succession and a common seal, and subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

5. (1) The Government may declare, by a notification in the Andhra Pradesh Gazette, a village or any other area to be a township if it is an industrial or institutional colony, a labour colony, a health resort or a place of religious importance.

Township.

(2) If the area declared as township under sub-section (1) comprises a village or forms part of a village, the Commissioner shall, under sub-section (2) of section 3, cancel the notification issued under sub-section (1) of that section in respect of such village, or as the case may be, exclude such part from the village.

(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 the members elected in the prescribed manner and the members nominated by the Government:

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

(4) A notification issued by the Government under sub-section (3) 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.

(5) Every township committee shall, in regard to the conduct of its business, follow such procedure as may be prescribed.

(6) The Government may, by notification in the Andhra Pradesh Gazette, direct that any of the provisions of this Act or of the law relating to municipalities for the time being in force, or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State but not in the village or local area or specified part thereof

referred to in sub-section (1), shall apply to that village, local area or part to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

6. (1) There shall come into existence a Gram Sabha <sup>Gram Sabha.</sup> for every village on the date of publication of notification under section 3.

(2) A Gram Sabha shall consist of all persons whose names are included in the electoral roll for the gram panchayat referred to in section 14, and such persons shall be deemed to be the members of the Gram Sabha.

(3) The Gram Sabha shall meet at least twice in every year on such date and at such place and time as may be prescribed to consider the following matters, which shall be placed before it by the gram panchayat, namely:—

- (i) annual statement of accounts and audit report,
- (ii) report on the administration of the preceding year;
- (iii) programme of works for the year or any new programme not covered by the budget or the annual programme;
- (iv) proposals for fresh taxation or for enhancement of existing taxes;
- (v) such other matter as may be prescribed.

The gram panchayat shall give due consideration to the suggestions, if any, of the Gram Sabha.

(4) The Gram Sabha shall observe such rules of procedure at its meetings as may be prescribed.

(5) Every meeting of the Gram Sabha shall be presided over by the Sarpanch or in his absence by the Upa-Sarpanch of the gram panchayat.

7. A gram panchayat shall consist of such number of <sup>Total</sup> members, as may be notified from time to time, by the Com- <sup>strength of</sup> missioner in accordance with the following Table:— <sup>gram pan-</sup> <sup>chayat.</sup>

## TABLE.

<i>Gram Panchayat with a population at the last census.</i>	<i>Number of members.</i>
of less than 500	.... 5
of 500 or more but not exceeding 1,500	.. 7
Exceeding 1,500 but not exceeding 3,000	.. 9
Exceeding 3,000 but not exceeding 5,000	.. 11
Exceeding 5,000 but not exceeding 10,000	.. 18
Exceeding 10,000 but not exceeding 15,000	.. 15
Exceeding 15,000	.. 17

**Elected  
members.**

8. Save as otherwise provided in section 13, the members of the gram panchayat or of the township committee constituted under sub-section (3) of section 5 shall be elected by the method of secret ballot.

**Reservation  
of seats for  
women and  
members of  
Scheduled  
Castes and  
Scheduled  
Tribes.**

9. (1) In every gram panchayat, out of the total strength thereof determined under section 7, the Commissioner shall, subject to such rules as may be prescribed, by notification, reserve—

(a) one seat, if the total strength aforesaid is seven or less and two seats if such strength is nine or more, for women; and

(b) (i) where the combined population of the Scheduled Castes and the Scheduled Tribes in the village is fifty, one seat to the Scheduled Castes or to the Scheduled Tribes, whoever are greater in number;

(ii) where the combined population of the Scheduled Castes and the Scheduled Tribes in the village is fifty but they are equal in numbers, one seat for either the Scheduled Castes or Scheduled Tribes to be determined by him;

(iii) where the combined population of the Scheduled Castes and the Scheduled Tribes is more than fifty but the population of either the Scheduled Castes or the Scheduled Tribes does not exceed one half of the total population of the village, such number of seats for the Scheduled Castes or for the Scheduled Tribes, as the case may be, as may be fixed



by him having due regard to the proportion of their population to the total population of the village subject to the condition that at least one seat shall be reserved either for the Scheduled Castes or for the Scheduled Tribes whoever are greater in number :

Provided that where the Scheduled Castes and the Scheduled Tribes are equal in numbers, the reservation under this sub-clause shall be made in such manner as may be determined by him;

(iv) where the population of the Scheduled Castes or the population of the Scheduled Tribes is more than fifty but does not exceed one half of the total population of the village, such number of seats for the Scheduled Castes or for the Scheduled Tribes, as the case may be, as may be fixed by him having due regard to the proportion of the population of the Scheduled Castes or of the population of the Scheduled Tribes, for whom reservation is made, to the total population of the village:

Provided that where the population of either the Scheduled Castes or the Scheduled Tribes exceeds one half of the total population of the village, reservation under this clause shall be made only for the Scheduled Castes or for the Scheduled Tribes whose population is less than one half of the total population of the village but is not less than fifty in number, having due regard to the proportion of their population to the total population of the village:

Provided further that any reservation made under this clause shall have effect only until the first ordinary elections to the gram panchayat after the expiration of a period of ten years from the date of commencement of this Act.

*Explanation.*—In this section, the expressions ‘Scheduled Castes’ and ‘Scheduled Tribes’ shall have the meanings respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India.

(2) Nothing in sub-section (1) shall be deemed to prevent women and members of the Scheduled Castes and Scheduled Tribes from standing for election to the non-reserved seats in the gram panchayat.

10. For the purpose of electing members to a gram panchayat, the Commissioner shall, subject to such rules as may be prescribed, divide the village according to the number of voters into as many constituencies as there are seats, determined

Division into  
Constituencies.

under section 7 and allot not more than one seat for each constituency.

Term of  
office of  
members.

11. (1) Save as otherwise provided in this Act, the term of office of members elected at ordinary elections shall be five years commencing from the date of the first meeting of the gram panchayat convened under sub-section (3) of section 12 :

Provided that the Government may, by notification in the Andhra Pradesh Gazette, for sufficient cause, which shall be stated therein direct that the term of office of the members as a whole be extended by such period as may be specified in the notification, but the total period of such extension shall not in any case exceed one year :

Provided further that in computing the term of office of the members of a reconstituted gram panchayat, the period if any, by which the term of office of the outgoing members is extended under the foregoing proviso, shall be excluded.

(2) The term of office of the outgoing members shall be deemed to extend to, and expire with, the day immediately preceding the date of the first meeting of the reconstituted gram panchayat convened under sub-section (3) of section 12 :

Provided that if the Commissioner considers that the continuance in office of such outgoing members beyond the expiration of their term of office is not desirable, he may—

(a) direct that the said members including the Sarpanch and Upa-Sarpanch shall cease to hold office on and from the date of the expiration of their term of office by efflux of time, and

(b) appoint under sub-section (1) of section 226, a Special Officer from the said date, to exercise the powers and perform the functions of the gram panchayat until it is duly reconstituted, and of its Sarpanch, until the reconstituted gram panchayat elects its Sarpanch.

(3) Ordinary vacancies in the office of members shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit :

Provided that the Government may, for sufficient cause, direct or permit the holding of any ordinary election after the occurrence of the vacancy :

Provided further that the Government may, for sufficient reasons to be recorded in writing, direct, from time to time, the postponement or alteration of the date of an ordinary election or any stage thereof and the election authority shall give effect to such direction.

(4) (a) Every casual vacancy in the office of an elected member of a gram panchayat shall be reported by the executive authority to the election authority within fifteen days from the date of occurrence of such vacancy and shall be filled within four months from that date.

(b) A member elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(c) No casual election shall be held to a gram panchayat within six months before the date on which the term of office of its members expires by efflux of time.

12. (1) For every gram panchayat, one of the members shall be elected to be Sarpanch and one other to be Upa-Sarpanch by the gram panchayat, in the prescribed manner. <sup>Election of Sarpanch and Upa-Sarpanch.</sup> If at an election held for the purpose no Sarpanch or Upa-Sarpanch is elected, fresh election shall be held. The names of the Sarpanch and the Upa-Sarpanch so elected shall be published in the prescribed manner:

Provided that a member of either House, of the State Legislature or of Parliament who is elected to the office of Sarpanch or Upa-Sarpanch shall cease to hold such office unless within fifteen days from the date of election to such office he ceases to be a member of either House, of the State Legislature or of Parliament by resignation or otherwise:

(2) A member of the gram panchayat shall be disqualified for election as Sarpanch if he is interested in a subsisting contract made with, or any work being done for, the Panchayat Samithi within whose jurisdiction the gram panchayat is situated or any other gram panchayat within the jurisdiction of that Panchayat Samithi:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in—

(i) a company as a mere shareholder but not as a director;

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of any of the aforesaid gram panchayat is inserted;

(3) The first meeting of the gram panchayat to elect a Sarpanch and Upa-Sarpanch shall be called on the same date on which the results of the ordinary elections to the gram panchayat have been published. The notice of the meeting for the election of Sarpanch and Upa-Sarpanch shall be given to the members of the gram panchayat by affixture of the same to the notice board at the office of the gram panchayat, immediately after such publication:

Provided that if, for any reason, the election of the Sarpanch or Upa-Sarpanch is not held on the date aforesaid, the meeting for the election of the Sarpanch and Upa-Sarpanch shall be held on the next day, whether or not it is a holiday observed by the gram panchayat.

(4) Every Sarpanch or Upa-Sarpanch shall cease to hold office on the expiration of his term of office as a member.

**Vacancies to be filled by election or nomination in certain cases.**

13. (1) If at an ordinary or casual election, no person is elected to fill a vacancy, a fresh election shall be held on such day as the election authority may fix.

(2) If at such fresh election no person is elected to fill the vacancy, the members of the gram panchayat shall elect within such period and in such manner as may be prescribed a qualified person to fill such vacancy. If no person is elected within the prescribed period, the Commissioner shall nominate a qualified person to fill such vacancy.

(3) The term of office of a member of a gram panchayat elected or nominated under this section, shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

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

14. (1) The person authorised by the prescribed authority in this behalf shall prepare every calendar year for the gram panchayat a draft of electoral roll, which 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 a date to be specified by the Government in this behalf, as relates to the village or any portion thereof, and shall cause such draft to be published in such manner as the Government may direct.

*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 in such roll are situated in the village shall be entitled to be included in the electoral roll for the gram panchayat prepared for the purpose of this Act.

(2) After the expiration of thirty days from the date of the publication of the draft of the electoral roll under subsection (1), the person authorised by the prescribed authority in this behalf shall publish in such manner as the Government may direct, the final electoral roll for the gram panchayat, incorporating therein such alterations or amendments as are necessary for the purpose of bringing it into accord with the electoral roll for the relevant Assembly Constituency as it stands on the date of expiration of the thirty days aforesaid.

(3) The final electoral roll published under subsection (2) 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 in the succeeding calendar year in the manner specified in the foregoing sub-sections.

(4) The electoral roll for the gram panchayat shall be divided into as many parts as there are constituencies so that the parts relating to all constituencies 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 constituency.

(5) Every person whose name appears in the part of the electoral roll relating to a constituency shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that constituency 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 constituency or more than once in the same constituency 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.

Re-arrangement and republication of electoral rolls in certain cases.

15. Where, after the electoral roll for the gram panchayat has been published under sub-section (2) of section 14, the village is divided into constituencies for the first time or the division of the village into constituencies is altered or the limits of the village are varied, the person authorised by the prescribed authority in this behalf shall, in order to give effect to the division of the village into constituencies or to the alteration of the constituencies, or to the variation of the limits, as the case may be, authorise a re-arrangement and republication of the electoral roll for the gram panchayat or any part of such roll in such manner as the Government may direct.

Qualification of candidates

16. No person shall be qualified for election as a member of a gram panchayat unless his name appears on its electoral roll.

Disqualification of officers and servants of State or Central Government or of local authorities.

17. No village officer or village servant and no other officer or servant of the State or Central Government or of a local authority shall be qualified for being chosen as or for being a member of a gram panchayat.

*Explanation.*—For the purpose of this section,—

(a) the expression ‘village officer’ means in relation to—

(i) the Andhra area, village headman, village munisif and karnam;

(ii) the Telangana area, a village official or a Watandar namely, patel, patwari or hissedar in the watan who is either himself or through his nominee performing any service connected with his office or watan and includes a nominee of such village official or watandar;

(b) the expression ‘village servant’ means, in relation to—

(i) the Andhra area, such village servant as the Government may, by notification in the Andhra Pradesh Gazette, declare.

(ii) the Telangana area, a village servant including a village balutadar, sethsindhi, neeradi or hissedar, who is paid remuneration from out of the Consolidated Fund of the State.

18. Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code, or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a gram panchayat for a period of five years from the date of his conviction or for such shorter period as the court, may, by order, determine.

Disqualification of persons convicted of election offences.

19. (1) A person who has been sentenced by criminal court—

Disqualification of candidates.

(a) to imprisonment for an offence under the Untouchability (Offences) Act, 1955,

(b) to imprisonment for a period of not less than two years for any offence other than an offence not involving moral delinquency, such sentence not having been reversed or the offence pardoned, shall be disqualified for election as a member while undergoing the sentence and for five years from the date of expiration thereof:

Provided that the Government may direct that such sentence shall not operate as a disqualification.

(2) A person shall be disqualified for being chosen as a member if, at the date of election or nomination, he is—

(a) of unsound mind and stands so declared by a competent court;

(b) a deaf, mute or suffering from leprosy;

(c) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(d) interested in a subsisting contract made with, or any work being done for, the gram panchayat:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in—

(i) a company as a mere shareholder but not as a director;

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of the gram panchayat is inserted;

(e) employed as paid legal practitioner on behalf of the gram panchayat or as legal practitioner against the gram panchayat;

(f) an honorary magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village;

Central  
5 of 18.

(g) already a member of the gram panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the gram panchayat whose term of office has not yet commenced;

(h) in arrears of any dues otherwise than in a fiduciary capacity, to the gram panchayat up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired.

Disqualifi-  
cation of  
members.

20. Subject to the provisions of section 22, a member shall cease to hold office as such if he—

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 19:

Provided that the Government may direct that such sentence shall not operate as a disqualification;

(b) becomes of unsound mind and stands so declared by a competent court;

(c) is a deaf, mute or is suffering from leprosy;

(d) applies to be adjudicated or is adjudicated an insolvent;

(e) subject to the proviso to clause (d) of sub-section (2) of section 19, acquires any interest in any subsisting contract made with, or work being done for, the gram panchayat;

(f) is employed as paid legal practitioner on behalf of the gram panchayat or as legal practitioner against the gram panchayat;



(g) is appointed as an officer or servant under this Act;

(h) is appointed as an honorary magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village;

(i) ceases to reside in the village;

(j) fails to pay any arrears of any kind of dues otherwise than in a fiduciary capacity to the gram panchayat within three months after a bill or notice has been served upon him under this Act or, where in the case of any arrears this Act does not require the service of any bill or notice, within three months after a notice requiring payment of the arrears, which notice it shall be the duty of the executive authority of the gram panchayat to serve at the earliest possible date, has been duly served upon him by the executive authority;

(k) absents himself from the meetings of the gram panchayat for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under sub-section (1) of section 21, as the case may be, or if within the said period, less than three ordinary meetings have been held, absents himself from three consecutive ordinary meetings held after the said date:

Provided that in the case of a woman member, a period of not more than four months at a time shall be excluded in reckoning the period of absence aforesaid, if for reasons of physical disability due to advanced stage of pregnancy and delivery, such member absents herself from meetings after giving a written intimation to the executive authority of the date from which she would be absent :

Provided further that no meeting from which a member absented himself shall be counted against him under this clause if—

(i) due notice of that meeting was not given to him in the prescribed manner; or

(ii) the meeting was held on a requisition of members.

*Explanation.*—For the purpose of this clause,—

(i) 'ordinary meeting' shall mean a meeting held after giving a notice of at least three days before the day of the meeting;

(ii) where a meeting other than an ordinary meeting intervenes between one ordinary meeting and another ordinary meeting, those two ordinary meetings shall be regarded as being consecutive to each other.

Restoration  
of members  
to office.

21. (1) Where a person ceased to be a member under section 18 or clause (a) of section 20, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the conviction or the sentence is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Government; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person ceases to be a member under clause (k) of section 20, the executive authority shall forthwith intimate that fact by registered post to the member concerned and report the same to the gram panchayat at its next meeting. If such member applies for restoration of his membership to the gram panchayat within thirty days of the receipt by him of such intimation, he shall be deemed to have been restored to his membership and the executive authority shall report the fact of such restoration to the gram panchayat at its next meeting:

Provided that a member who is so restored to his membership again incurs the disqualification under the said clause (k), the gram panchayat may, on his application for restoration filed within a period of thirty days of the receipt by him of the intimation from the executive authority regarding the disqualification, restore him to his membership.

Authority  
to decide  
questions of  
disqualifica-  
tions of  
members.

22. (1) Where an allegation is made that any person who is elected or nominated as a member of a gram panchayat is not qualified or has become disqualified under section 16, section 17, section 18, section 19 or section 20 by any voter or authority to the executive authority in writing and the executive authority has given intimation of such allegation to the member and such member disputes the correctness of the allegation so made, or where any member himself entertains any doubt whether or not he has become disqualified under any of those sections, such member or any other member may, and the executive authority, at the direction of the gram panchayat or the Commissioner shall, within a period of two months from the date on which such intimation is given or

doubt is entertained, as the case may be, apply to the District Munsif having jurisdiction over the area in which the office of the gram panchayat is situated, for decision.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

(3) Where a person ceases to be the Sarpanch or Upa-Sarpanch of a gram panchayat as a consequence of his ceasing to be a member of the gram panchayat under clause (k) of section 20 and is restored later to his membership of the gram panchayat under sub-section (2) of section 21, he shall, with effect from the date of such restoration, be deemed to have been restored also to the office of Sarpanch or Upa-Sarpanch, as the case may be.

23. (1) Any member or the Upa-Sarpanch may resign his office by giving a notice in writing—

Resignation  
of member,  
Upa-  
Sarpanch or  
Sarpanch.

(i) in a case where the gram panchayat is within the jurisdiction of a Panchayat Samithi, to the Block Development Officer of that Panchayat Samithi; and

(ii) in other cases, to the Divisional Panchayat Officer having jurisdiction over the gram panchayat.

Except in a case where the person resigning delivers the notice of resignation personally to the Block Development Officer or, as the case may be, to the Divisional Panchayat Officer, the said officer shall, on receipt of such notice, obtain confirmation from the person concerned as to its genuineness. The resignation delivered personally or confirmed as aforesaid shall take effect on and from the date on which the notice was received by the said officer.

(2) The Sarpanch may resign his office by giving a notice in writing to the gram panchayat. Such resignation shall take effect from the date on which it is placed before a meeting of the gram panchayat:

Provided that if, in the opinion of the Sarpanch, a meeting of the gram panchayat cannot be convened immediately for the purpose, he may resign his office by giving such notice to the District Panchayat Officer, and on receipt thereof the District Panchayat Officer shall, except where it is delivered to him by the Sarpanch personally, obtain confirmation from the Sarpanch 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 by the District Panchayat Officer.

(3) (a) Notwithstanding that the resignation of a person from the office of Sarpanch has taken effect under sub-section (2), the Commissioner may, by notification, record a finding, with reasons therefor, that such person is guilty of, wilful omission or refusal to carry out, or disobedience of, the provisions of the Act or any rules, bye-laws, regulations or lawful orders made thereunder or abuse of the powers vested in him, while he held the office of Sarpanch:

Provided that the Commissioner shall, before issuing such notification give the person concerned an opportunity for explanation:

Provided further that no action under this clause shall be taken after the expiration of one year from the date on which the resignation has taken effect.

(b) A person aggrieved by the notification issued under clause (a) may, within thirty days from the date of publication of such notification prefer an appeal to the Government and the Government shall, in case the appeal is allowed, cancel such notification.

(c) A person in respect of whom a notification was issued under clause (a) shall, unless the notification is cancelled under clause (b), be ineligible for election as Sarpanch for a period of three years from the date of publication of such notification.

24. (1) The Sarpanch shall cease to hold office as such—

Cessation of  
Sarpanch  
and Upa-  
Sarpanch.

(a) on his ceasing to be a member of the Panchayat Samithi under the proviso (a) to clause (i) of sub-section (1) of section 4 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 :

Andhra  
Pradesh  
XXXV  
1959.

Provided that in a case falling under clause (c) of sub-section (1) of section 10 of the said Act, the Sarpanch shall continue to hold his office as such until any application for restoration as a member of the Panchayat Samithi made under sub-section (3) or sub-section (4), of section 10 aforesaid has been finally disposed of; or

(b) on the expiry of his term of office as a member of the gram panchayat or on his otherwise ceasing to be such member; or

(c) on his election as president of the Panchayat Samithi:

Provided that such cessation shall not in any way affect his continuance as member of the gram panchayat.

(2) The Upa-Sarpanch shall cease to hold office as such—

(a) on the expiry of his term of office as a member of the gram panchayat or on his otherwise ceasing to be such member; or

(b) on his election as *Sarpanch* of the gram panchayat.

25. (1) Save as otherwise provided by or under this Act, Powers and functions of the Sarpanch the Sarpanch shall—

(a) make arrangements for the election of the *Upa-Sarpanch* within one month from the date of occurrence of the vacancy;

(b) convene the meetings of the gram panchayat and the Gram Sabha;

(c) have full access to the records of the gram panchayat;

(d) exercise administrative control over the executive officer, if there is one, for the purpose of implementation of the resolutions of the gram panchayat or any committee thereof; and

(e) exercise all the powers and perform all the functions specifically conferred or imposed on the Sarpanch by this Act or the rules made thereunder.

(2) It shall be the duty of the Sarpanch or the person for the time being exercising the powers and performing the functions of the Sarpanch to convene the meetings of the gram panchayat so that at least one meeting of the gram panchayat is held in every month. If the Sarpanch or such person fails to discharge that duty with the result that no meeting is held in a consecutive period of three months, he shall, with effect from the date of expiration of period of three months aforesaid, cease to be the Sarpanch, or as the case may be, cease to exercise the powers and perform the functions of a Sarpanch, unless such cessation has otherwise occurred before that date, and for a period of one year from such date, he shall

not be eligible to be elected as Sarpanch or to exercise the powers and perform the functions of the Sarpanch.

Devolution and delegation of Sarpanch's powers and functions and filling of vacancies in the office of Sarpanch.

26. (1) When the office of Sarpanch is vacant, the Upa-Sarpanch shall exercise the powers and perform the functions of the Sarpanch until a new Sarpanch is declared elected and assumes office.

(2) If the Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a court from exercising the powers and performing the functions of the Sarpanch, his powers and functions during such absence or restraint shall devolve on the Upa-Sarpanch.

(3) When the office of Sarpanch is vacant or the Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a court from exercising the powers and performing the functions of the Sarpanch and there is either a vacancy in the office of Upa-Sarpanch or the Upa-Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a court from exercising the powers and performing the functions of the Upa-Sarpanch, the powers and functions of the Sarpanch shall devolve on a member of a gram panchayat elected in the prescribed manner from among the members of the gram panchayat at a meeting convened and presided over by the Extension Officer (Panchayats).

The member so elected shall be styled as the temporary Sarpanch and he shall exercise the powers and perform the functions of the Sarpanch until a new Sarpanch or Upa-Sarpanch is declared elected or either the Sarpanch or the Upa-Sarpanch returns to jurisdiction or ceases to be restrained by an order of a court, as the case may be.

(4) The Upa-Sarpanch or the temporary Sarpanch elected under sub-section (3), shall report to the District Panchayat Officer, any vacancy in the office of Sarpanch within one month from the date of occurrence of such vacancy.

(5) Subject to such rules as may be prescribed, the Sarpanch may, by an order in writing, delegate any of his powers and functions, with such restrictions and conditions

as may be specified in the order, to the Upa-Sarpanch or in case there is a vacancy in the office of Upa-Sarpanch or the Upa-Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a court from exercising his powers and performing his functions, to any member.

(6) The reference to the powers and functions of Sarpanch in sub-sections (1), (2), (3) and (5) shall, where he is also the executive authority, be deemed to include a reference to his powers and functions as executive authority.

(7) The Sarpanch shall have power to control and revise the exercise of any powers or the performance of any functions devolving on the Upa-Sarpanch under sub-section (2) or delegated to the Upa-Sarpanch or any member under sub-section (5).

27. The Commissioner may, by order, for sufficient cause to be specified therein, remove the temporary Sarpanch appointed under sub-section (3) of section 26 after giving him an opportunity to show cause against such removal.

Removal of temporary Sarpanch.

28. (1) Any member may call the attention of the executive authority to any neglect in the execution of gram panchayat work, to any waste of gram panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable and thereupon, the executive authority, shall explain at the next meeting of the gram panchayat, the action, if any, that has been taken or is proposed to be taken with reference to, the matter to which attention has been called, or the improvements suggested by the member.

Rights of individual members.

(2) Every member shall have the right to move resolutions and to interpellate the Sarpanch on matters connected with the administration of the gram panchayat, subject, to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the gram panchayat after giving due notice to the executive authority, provided that the executive authority, may, for reasons given in writing, forbid such access:

Provided that the member who has been denied such access may prefer an appeal to the Extension Officer (Panchayats) whose decision thereon shall be final,

No Sarpanch  
Upa-Sar-  
panch or  
member to  
receive re-  
muneration.

29. No Sarpanch, Upa-Sarpanch or member shall receive, or be paid from the funds at the disposal of or under the control of the gram panchayat, any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity.

Appoint-  
ment of  
executive  
officers  
for certain  
gram  
panchayats

30. (1) A whole-time executive officer shall be appointed by the Commissioner for any gram panchayat or for any group of contiguous gram panchayats which may be notified by him in this behalf:

Provided that before notifying a group of gram panchayats under this sub-section, the Commissioner shall obtain the approval of the Government.

(2) The Commissioner shall specify in the notification issued by him under sub-section (1) in respect of a group of gram panchayats, the names of the gram panchayats which shall pay the salary and allowances of the executive officer and the proportion in which the expenditure incurred on such salary and allowances shall be borne by every gram panchayat in that group.

(3) In the case of every gram panchayat not so notified and also in the case of any gram panchayat so notified if there is no executive officer in charge, the Sarpanch of the gram panchayat shall, subject to such rules as may be prescribed, exercise the powers and perform the functions of the executive officer.

(4) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Government.

(5) The gram panchayat or group of gram panchayats notified under sub-section (1) shall pay the executive officer such salary and allowances as may, from time to time, be fixed by the Government.

(6) The gram panchayat or group of gram panchayats aforesaid shall also make—

(a) if the executive officer is in the service of the Government, such contribution towards his leave allowances, pension or provident fund or pension-cum-provident fund as may be required by the conditions of his service under the Government to be made by him or on his behalf; and



(b) if the executive officer is not in the service of the Government, such contribution towards his leave allowances, pension and provident fund as may be prescribed in this behalf.

(7) The executive officer shall be subordinate to the gram panchayat.

(8) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, salary and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

31. The executive officer shall ordinarily attend the meetings of the gram panchayat or of any committee thereof and shall be entitled to take part in the discussions thereat, but he shall not be entitled to vote or to move any resolution.

Functions of executive officer.

32. The executive authority shall—

(a) be responsible for implementing the resolutions of the gram panchayat and of the committee thereof:

Functions of executive authority.

Provided that where the executive authority considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act or that if carried out, it is likely to endanger human life or health or the public safety, the executive authority shall—

(i) where he is the Sarpanch, directly,

(ii) where he is not the Sarpanch, through the Sarpanch,

refer the matter to the Commissioner for orders, and his decision shall be final;

(b) control all the officers and servants of the gram panchayat;

(c) exercise all the powers and perform all the functions specifically conferred or imposed on the executive authority by or under this Act and subject to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purpose thereof.

Emergency powers of Sarpanch.

83. In case of emergency, the Sarpanch may, in consultation with the executive officer, if any, 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 therefor to the gram panchayat or 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.

Exercise of functions of executive authority by Health Officer in certain cases.

84. The Commissioner may, by general or special order authorise the Health Officer of the district to exercise such of the functions of an executive authority under 'this Act in such area and subject to such restrictions and conditions and to such control and revision as may be specified in such order.

Delegation of functions of executive authority.

85. Subject to such restrictions and control as may be prescribed, the executive authority may, by an order in writing, delegate any of his functions as such—

(i) if he is the Sarpanch, to the Upa-Sarpanch and in the absence of the Upa-Sarpanch, to any other member;

(ii) if he is not the Sarpanch to the Sarpanch; in the absence of the Sarpanch, to the Upa-Sarpanch; and in the absence of both the Sarpanch and the Upa-Sarpanch, to any other member.

The exercise or discharge of any functions so delegated shall be subject to such restrictions and conditions as may be laid down by the executive authority and shall also be subject to his control and revision.

Officers and servants of gram panchayats.

86. (1) Subject to such rules as may be made under sub-section (2), the Commissioner shall fix, and may alter, the number, designations and grades of, and the salaries, fees and allowances payable to the officers and servants of every gram panchayat, other than the executive officer:

Provided that in an emergency, the Sarpanch may, subject to such rules as may be prescribed, employ temporarily additional officers and servants.

(2) The Government shall have power to make rules regarding the authorities who may appoint the officers and servants of gram panchayats, other than the executive officers, and the classification, methods of recruitment, salary and allowances, discipline and conduct and conditions of service of such officers and servants.

Such rules may provide for the constitution of any class of officers or servants of gram panchayats, other than the executive officers, into a separate service for the whole of the State, or any part thereof.

(3) Two or more gram panchayats may, subject to such rules as may be prescribed, and shall, if so required by any authority empowered in this behalf by rules, appoint the same officer or servant to exercise or perform any powers of functions of a similar nature for both or all of them.

(4) Notwithstanding anything in this Act, any officer or servant of a gram panchayat, including the executive officer, may be transferred to the service of any other gram panchayat, by the Commissioner.

The authority making a transfer under this sub-section may issue such general or special directions as may, in its opinion, be necessary for the purpose of giving due effect to such transfer.

(5) The Commissioner may recover from a gram panchayat the whole or such proportion of the salary and allowances paid to any officer or servant of the gram panchayat other than the executive officer and such contribution towards his leave allowances, pension or provident fund or pension-cum-provident fund as the Government may, by general or special order, determine in the following cases, namely:—

(a) where such officer or servant was appointed to the service of the gram panchayat by the Government; and

(b) where such officer or servant is an employee of the Government.

(6) All officers and servants of the gram panchayat shall be subordinate to the gram panchayat, and save as otherwise provided in this Act or the rules made thereunder and subject to such restrictions and control and such rights of appeal as may be prescribed in such rules, the Sarpanch may—

(a) appoint all officers and servants of the gram panchayat;

(b) grant leave to any such officer or servant; and

(c) for any good and sufficient reason, censure, fine, withhold increments or promotion or reduce to a lower rank in the seniority list or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any such officer or servant.

(7) The provisions of this section shall also apply to the public health establishments of gram panchayats, notwithstanding anything in the Andhra Pradesh (Andhra Area) Public Health Act, 1939 or any other law similar thereto for the time being in force in the State. Act III  
1980.

(8) (i) Notwithstanding anything in this Act, and subject to such rules as may be prescribed, the Commissioner may—

(a) appoint such engineering and other staff as he considers necessary for the purposes of any gram panchayat and recover from it the salary and allowances paid to the members of such staff and such contribution towards their leave allowances, pension or provident fund or pension-cum-provident fund as he may, by general or special order, determine;

(b) appoint a common engineering or other staff for the purposes of two or more gram panchayats and recover from each of the gram panchayats concerned such proportion of the salary and allowances paid to the members of such staff and such contribution towards their leave allowances, pension or provident fund or pension-cum-provident fund as he may, by general or special order, determine.

(ii) The pay and allowances and conditions of service of any member of the staff appointed under clause (i) shall be such as may be prescribed.

Presidency  
at meetings.

37. (1) Save as otherwise provided by or under this Act, every meeting of a gram panchayat shall be presided over by the Sarpanch, in his absence by the Upa-Sarpanch and in the absence of both the Sarpanch and Upa-Sarpanch, by a member chosen by the meeting to preside for the occasion.

(2) The Sarpanch shall preserve order and decide all points of order arising at or in connection with meetings.

There shall be no discussion on any point of order and the decision of the Sarpanch on any point of order shall, save as otherwise expressly provided in this Act, be final.

(3) A Upa-Sarpanch or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the Sarpanch.

38. A copy of the minutes of the proceedings at every meeting of a gram panchayat as well as of all minutes of dis-<sup>Minutes of</sup> sent in respect of such proceedings received from any member, other than the Sarpanch, present at the meeting, within 48 hours of the close thereof, shall be forwarded by the Sarpanch within three days of the date of the meeting to the District Panchayat Officer and to the Panchayat Samithi:<sup>Proceedings.</sup>

Provided that the Commissioner may direct that such minutes shall be forwarded either generally or in any specified classes of cases to any other officer empowered by him in this behalf.

39. A gram panchayat or a committee thereof may, at any of its meetings, require the executive authority to furnish any document in his custody, in so far as such document relates to any of the subjects included in the agenda for such meeting and the executive authority shall comply with every such requisition.<sup>Power to call for records.</sup>

40. (1) For every gram panchayat there shall be constituted functional committees respectively for agriculture, public health, sanitation and communications.<sup>Functional committees.</sup>

(2) In addition to the committees referred to in subsection (1), a gram panchayat may, with the approval of the Commissioner, constitute one or more committees for the purposes of this Act.

(3) The constitution and powers of a functional committee shall be in accordance with such rules as may be prescribed:

Provided that a gram panchayat, if it so decides, may co-opt as members of a functional committee persons who are not members of the gram panchayat and who are interested in the subject for which that committee is constituted.

41. (1) The proceedings of every gram panchayat and of all committees thereof shall be governed by the rules contained in Schedule I and such other rules as may be prescribed.<sup>Proceedings of gram panchayats and committees.</sup>

and by regulations, not inconsistent with such rules or the provisions of this Act, made by the gram panchayat with the approval of the Commissioner.

(2) The Commissioner shall have power to add to, omit or alter any regulations submitted for his approval under sub-section (1).

(3) The rules that may be prescribed under sub-section (1) may provide for preventing any member or Sarpanch or any member or chairman of a committee from voting on, or taking part in the discussion of, any matter in which apart from its general application to the public, he has any direct or indirect pecuniary interest whether by himself or through some other person, or from being present or presiding at any meeting of the gram panchayat or of the committee during the discussion of any such matter.

Appoint-  
ment of  
joint com-  
mittees.

42. (1) A gram panchayat may, and if so required by the Government shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

*Explanation.*—In this sub-section, the expression “purpose” shall include the levy jointly of any tax which the gram panchayat and the other local authority are empowered to levy under this Act or any other law.

(2) A joint committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee shall be governed by means of regulations which shall not, except in the cases referred in sub-sections (8) and (9), have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine—

(a) the total number of members of the joint committee;

(b) the number of members who shall be members of the local authorities concerned and the number of members who may be outsiders;

(c) the persons who shall be members of the joint committee or the manner in which they shall be elected or appointed;

(d) the person who shall be chairman of the joint committee or the manner in which he shall be elected or appointed;

(e) the term of office of members and chairman:

(f) the powers being powers exercisable by one or more of the local authorities concerned which may be exercised by the joint committee and the powers being powers exercisable by one or more of the executive authorities of the local authorities concerned which may be exercised by the chairman of the joint committee;

(g) the number, designations and grades of the officers and servants of the joint committee and the salaries and allowances payable to them;

(h) the funds from which the cost of the officers and servants of the joint committee shall be met and the apportionment of such cost among the local authorities concerned;

(i) the authorities competent to exercise the powers specified in sub-section (6) of section 36 in relation to the officers and servants of the joint committee;

(j) the contributions, if any, to be made by each of the local authorities concerned to the joint committee;

(k) the returns to be furnished by the joint committee to the local authorities concerned;

(l) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.

(6) The officers and servants of the joint committee shall be subject to all the rules governing those of the local authorities concerned as regards qualifications and conduct.

(7) The dissolution of a joint committee or the withdrawal of any local authority concerned from a joint committee, shall be subject to such rules as may be prescribed.

(8) The Government may issue such directions as they think necessary or desirable in respect of any of the

matters mentioned in sub-sections (3) and (4) and the distribution of the assets and liabilities of the joint committee among the local authorities concerned either on the dissolution of the joint committee or on the withdrawal of any such local authority from the joint committee.

(9) If any difference of opinion arises between local authorities, under any of the foregoing provisions of this section, it shall be referred to the Government whose decision shall be final.

(10) The powers of the Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exercisable with the concurrence of the Central Government.

(11) For the purposes of this section, "local authority" shall be deemed to include a village co-operative society.

**Administration Report.**

43. (1) Every gram panchayat shall submit to the Panchayat Samithi a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority as may be prescribed.

(2) The report shall be prepared by the executive authority and the gram panchayat shall consider it and forward the same to the Panchayat Samithi with its resolution thereon, if any.

(3) Every Panchayat Samithi shall furnish to the Zilla Parishad and every Zilla Parishad shall furnish to the Commissioner within such time as may be prescribed, a consolidated report on the administration of gram panchayats within its jurisdiction.

(4) The Commissioner shall furnish to the Government a general report on the administration of gram panchayats in the State during the year and the Government shall, on receipt of such report, cause a copy thereof together with their review thereon, to be laid on the table of the Andhra Pradesh Legislative Assembly,



44. No act of a gram panchayat or of a committee thereof or of any person acting as Sarpanch, Upa-Sarpanch, chairman or member of such gram panchayat or committee shall be deemed to be invalid by reason only of a defect in the establishment of such gram panchayat or committee, or on the ground that the Sarpanch or Upa-Sarpanch, chairman or any member of such gram panchayat or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, or nomination or by reason of such act having been done during the period of any vacancy in the office of Sarpanch, Upa-Sarpanch, chairman or member of such gram panchayat or committee.

Acts of gram panchayats, etc. not to be invalidated by informality, vacancy, etc.

45. (1) The Commissioner shall supervise the administration of all gram panchayats in the State and shall also exercise the powers and perform the functions vested in him by or under this Act.

Powers of inspecting and superintending officers and of the Government.

(2) (a) The Government may appoint such other officers as they may consider necessary for the purpose of inspecting or superintending the operations of all or any of the gram panchayats constituted under this Act.

(b) In particular and without prejudice to the generality of the foregoing provision, the Government may appoint District Panchayat Officers, Divisional Panchayat Officers and Extension Officers (Panchayats) and define the territorial jurisdiction of each such officer.

(c) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, salary and allowances and discipline and conduct of the officers referred to in clauses (a) and (b) and of the members of their establishment.

(3) The cost of the officers and the members of the establishment aforesaid shall be paid out of the Consolidated Fund of the State.

(4) The District Panchayat Officers, the Divisional Panchayat Officers and the Extension Officers (Panchayats) shall exercise such powers and perform such functions as may be prescribed, or as may be delegated to them under this Act.

(5) The Commissioner or the District Collector or any officer appointed under sub-section (2) or any other officer or

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person whom the Government or the Commissioner or the District Collector may empower in this behalf, may enter on and inspect, or cause to be entered on and inspected—

(a) any immovable property, or any work in progress under the control of any gram panchayat or executive officer;

(b) any school, hospital, dispensary, vaccination station, choultry, or other institution maintained, by or under the control of, any gram panchayat and any records, registers or other documents kept in such institution;

(c) the office of any gram panchayat and any records, registers or other documents kept therein.

Gram Panchayats and their Sarpanchs, executive authorities, officers and servants shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to gram panchayat property or premises, and all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this section.

(6) The Commissioner or any officer or person whom the Government, or the Commissioner may empower in this behalf may—

(a) direct the gram panchayat to make provision for and to execute or provide any public work or amenity or service of the description referred to in section 54;

(b) call for any record, register or other document in the possession, or under the control, of any gram panchayat or executive authority;

(c) require any gram panchayat, or executive authority to furnish any return, plan, estimate, statement, account or statistics;

(d) require any gram panchayat, or executive authority to furnish any information or report on any matter connected with such gram panchayat;

(e) record in writing for the consideration of any gram panchayat, or executive authority any observations in regard to its or his proceedings or functions.

46. (1) The Commissioner may, by order in writing— Power to suspend or cancel resolution, etc. under this Act.

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done, in pursuance or under colour, of this Act if, in his opinion,—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such powers or is considered by the Commissioner to be otherwise undesirable, or

(c) the execution of such resolution or order, or the continuance in force of such licence or permission, or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray:

Provided that nothing in this sub-section shall enable the Commissioner to set aside any election which has been held.

(2) The Commissioner shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.

(3) The power conferred on the Commissioner under clause (c) of sub-section (1), may be exercised by the District Collector in accordance with the provisions of that clause.

47. Subject to such control as may be prescribed, the Commissioner or the District Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a gram panchayat or executive authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the gram panchayat fund in priority to any other charges against such fund except charges for the service of authorised loans. Emergency powers of Commissioner and District Collector.

Control over electrical undertakings of gram panchayats.

48. The administration by a gram panchayat of any undertaking for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed, not inconsistent with the provisions of the Indian Electricity Act, 1910, or the Electricity (Supply) Act, 1948, as in force for the time being, the rules made under those Acts, and the terms of the licence granted thereunder to the gram panchayat.

Central Act  
9 of 1910.

Central Act  
54 of 1948.

Power to take action in default of a gram panchayat, Sarpanch or executive authority.

49. (1) If at any time, it appears to the Commissioner that a gram panchayat, Sarpanch or executive authority has made default in performing any duty imposed by or under this or any other Act, he may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it and may direct that the expense of performing it shall be paid by the person having the custody of the gram panchayat fund in priority to any other charges against such fund except charges for the service of authorised loans.

Removal of Sarpanch, Upa-Sarpanch or members.

50. (1) The Commissioner may, by notification and with effect from a date to be specified therein, remove any Sarpanch or Upa-Sarpanch who, in his opinion, wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, bye-laws, regulations or lawful orders issued thereunder, or abuses the powers vested in him.

(2) The Commissioner may, by notification and with effect from a date to be specified therein, remove any member who, in his opinion, is guilty of any misconduct in exercising or purporting to exercise the rights conferred or performing or purporting to perform the functions imposed by or under this Act.

(3) The Commissioner shall, when he proposes to take action under sub-section (1) or sub-section (2), give the Sarpanch, Upa-Sarpanch or member concerned an opportunity for explanation and the notification issued shall contain a statement of the reasons for the action taken.

(4) Any person aggrieved by an order in a notification issued under sub-section (1) or sub-section (2) may, within thirty days from the date of publication of such notification prefer an appeal to the Government and the Government may, pending a decision on such appeal, postpone the

date specified in such notification; and shall, in case the appeal is allowed, by order, cancel such notification.

(5) If any notification issued under sub-section (1) or sub-section (2), is cancelled under sub-section (4), the person, if any, elected as Sarpanch, Upa-Sarpanch or member between the date of such notification and the date of cancellation thereof, shall cease to hold the office to which he is so elected and the person in respect of whom such notification was first issued shall be restored to office from the date of cancellation of such notification.

(6) Any person in respect of whom a notification has been issued under sub-section (1) or sub-section (2) removing him from office of Sarpanch, Upa-Sarpanch or member shall, unless the notification is cancelled under sub-section (4), be ineligible for election as Sarpanch or Upa-Sarpanch or for election as member or from holding any of those offices for a period of three years from the date from which his removal from office has taken effect.

51. (1) A motion expressing want of confidence in the Sarpanch or Upa-Sarpanch may be made in accordance with the procedure laid down in the following sub-sections.

Motion of  
no confi-  
dence in  
Sarpanch or  
Upa-Sar-  
panch.

(2) A written notice of intention to make the motion, in such form as may be prescribed, signed by not less than one-half of the total strength of the gram panchayat, together with a copy of the proposed motion shall be delivered in person by any two of the members signing the notice, to the Revenue Divisional Officer and in the absence of such officer to such other officer as the District Collector may appoint in this behalf.

(3) The concerned officer specified in sub-section (2) (hereinafter in this section referred to as the said officer) shall then convene a meeting for the consideration of the motion at the office of the gram panchayat on a date appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the members notice of not less than fifteen clear days of such meeting in such manner as may be prescribed:

Provided that where the holding of such meeting is stayed by an order of a court, it shall be adjourned; and the said

officer shall hold the adjourned meeting on a date not later than thirty days from the date on which he receives the intimation about the vacation of stay after giving to the members notice of not less than fifteen clear days of such adjourned meeting.

(4) The said officer shall preside at such meeting. The quorum for such meeting shall be two-thirds of the total strength of the gram panchayat.

*Explanation.*—In the determination of two-thirds of the total number of members under this section, any fraction arrived at shall be construed as one.

(5) Save as otherwise provided, a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(6) If within one hour after the time appointed for the meeting there is no quorum, the meeting shall stand dissolved and the notice given under sub-section (2) shall lapse.

(7) As soon as the meeting convened under this section commences, the said officer shall read to the gram panchayat the motion for the consideration of which the meeting has been convened and shall put it to vote without any debate.

(8) The said officer shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

(9) A copy of the minutes of the meeting, together with a copy of the motion and the result of the voting thereon, shall be forwarded forthwith on the termination of the meeting, by the said officer to the Commissioner. The said officer shall also forward at the same time to each member present at the meeting a copy of the motion and the result of the voting thereon.

(10) If the motion is carried with the support of not less than two-thirds of the total strength of the gram panchayat, the Sarpanch or Upa-Sarpanch, as the case may be, shall forthwith cease to function as such and the Commissioner shall, as soon as may be, by notification, remove the Sarpanch or the Upa-Sarpanch, as the case may be, and arrange in the manner prescribed for the handing over of any documents, moneys or other properties of the gram panchayat by the person so removed:

Provided that no election to the office of Sarpanch or Upa-Sarpanch shall be held until after the notification remov-

ing the Sarpanch or Upa-Sarpanch, as the case may be, is published.

(11) If the motion is not carried by such a majority as aforesaid or if the meeting could not be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same Sarpanch or Upa-Sarpanch shall be received until after the expiration of one year from the date of the meeting.

(12) The Government shall, by notification in the Andhra Pradesh Gazette, appoint another officer to discharge the functions specified in sub-sections (4) to (10) if for any reason the said officer is unable to discharge those functions. The said officer shall forward to such other officer a copy of the notice of motion referred to in sub-section (2) and a copy of the notice of the meeting issued under sub-section (3) and such other officer shall attend the meeting convened for the consideration of the motion. If for any reason the said officer is unable to preside at the meeting, such other officer shall preside at the meeting and in such a case all the provisions of this section applicable to the said officer shall apply to such other officer.

(13) No notice of a motion under this section shall be made within one year of the assumption of office by a Sarpanch or Upa-Sarpanch as the case may be.

52. (1) If, in the opinion of the Commissioner, a gram panchayat is not competent to perform or persistently makes default in performing the functions imposed on it by law or exceeds or abuses its powers, he may, by notification—

Dissolution  
and super-  
session of  
gram  
panchayats.

(a) direct that the gram panchayat be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date, or

(b) supersede the gram panchayat for a period not exceeding one year from a specified date.

But the Commissioner may, in extraordinary circumstances, extend the period of the supersession by a like notification beyond one year, so however that the total period of supersession shall not exceed one and a half years.

*Explanation.*—For purposes of reconstitution of a dissolved gram panchayat under clause (a), the vacancies in

the office of all the members shall be deemed to be casual vacancies.

(2) Before publishing a notification under sub-section (1), the Commissioner shall communicate to the gram panchayat the grounds on which he proposes to do so, fix a reasonable period for the gram panchayat to show cause against the proposal, and consider its explanations and objections, if any.

(3) On the date fixed for the dissolution or supersession of a gram panchayat under sub-section (1), all its members including its Sarpanch and Upa-Sarpanch shall forthwith be deemed to have vacated their offices as such.

(4) (a) During the interval, if any, between the dissolution and the reconstitution of a gram panchayat or during the period of its supersession, as the case may be, all or any of the powers and functions of the gram panchayat and of its Sarpanch including where the Sarpanch is also the executive authority, his powers and functions as such, may be exercised and performed, as far as may be, and to such extent as the Commissioner may determine, by such person as the Commissioner may appoint in that behalf, and any person other than the executive officer who is so appointed may, if the Commissioner so directs, receive payment for his services from the gram panchayat.

(b) (i) Any person appointed as aforesaid may, subject to such restrictions and conditions as may be laid down by the Commissioner, delegate by an order in writing any of his functions under clause (a) to any officer or servant of the gram panchayat and in the absence of such officer or servant of the gram panchayat, to any officer or servant of the Government or of another gram panchayat or of a Zilla Parishad.

(ii) The exercise or discharge of any functions so delegated shall be subject to such restrictions and conditions as may be laid down by the person referred to in sub-clause (i) and shall also be subject to his control. Any order passed in the exercise or discharge of any such functions may be modified or cancelled by the person aforesaid.

(5) The members of a reconstituted gram panchayat shall enter upon their office on the date fixed for its reconstitution.

(6) When a gram panchayat is dissolved or superseded under this section, the Government until the date of the reconstitution thereof, and the reconstituted gram panchayat



thereafter, shall be entitled to all the assets and be subject to all the liabilities of the gram panchayat as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

53. The Government, the Commissioner or any other person lawfully taking action on behalf, or in default, of a gram panchayat under this Act, shall have such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the gram panchayat or its officers or servants whose powers are exercised; and compensation shall be recoverable from the gram panchayat fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the gram panchayat or its officers or servants.

Powers of officers acting for or in default of gram panchayat and liability of gram panchayat fund.

### CHAPTER III.

#### POWERS, FUNCTIONS AND PROPERTY OF GRAM PANCHAYATS.

54. (1) Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a gram panchayat within the limits of its funds, to make reasonable provision for carrying out the requirements of the village in respect of the following matters, namely:—

Duty of gram panchayat to provide for certain matters.

(i) the construction, repair and maintenance of all buildings vested in the gram panchayat and of all public roads in the village (other than the roads vesting in the Panchayat Samithis and Zilla Parishads and the roads classified by the Government as National and State Highways) and of all bridges, culverts, road-dams and cause-ways on such roads;

(ii) the lighting of public roads and public places;

(iii) the construction of drains and their maintenance and the disposal of drainage water and sullage;

(iv) the cleaning of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows and other improvements of the sanitary condition of the village;

(v) the provision of public latrines and arrangements to clean latrines, whether public or private;

(vi) the opening and maintenance of cremation and burial-grounds, and the disposal of unclaimed dead bodies of human beings or of animals;

(vii) preventive and remedial measures connected with any epidemic or with malaria;

(viii) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works, for the supply of water for washing and bathing purposes and of protected water for drinking purposes;

(ix) the conservation of manurial resources, preparation of compost and sale of manure;

(x) the registration of births and deaths;

(xi) the establishment and maintenance of cattle pounds; and

(xii) all other matters expressly declared obligatory by or under this Act or any other law.

(2) No suit for damages for failure or for enforcement of the duty to make provision in respect of any of the matters specified in sub-section (1) shall be maintainable against any gram panchayat, executive authority, officer or servant of the gram panchayat.

**Power of  
gram  
panchayat  
to provide  
for certain  
other mat-  
ters.**

55. Subject to the provisions of this Act and the rules made thereunder, a gram panchayat may also make such provision as it thinks fit for carrying out the requirements of the village in respect of the following matters, namely :—

(i) the construction and maintenance of dharmasalas, sarais and rest-houses for travellers;

(ii) the planting and preservation of groves and trees on the sides of roads and other public places;

(iii) the promotion and development of pre-primary education, elementary education, social and health education, cottage industries and trade;

(iv) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;

(v) the establishment and maintenance of wireless receiving sets, playgrounds, akhadas, clubs and other centres for recreation and physical culture;

(vi) the laying and maintenance of parks;

(vii) the establishment and maintenance of libraries and reading rooms;

(viii) the provision of relief to the crippled, the destitute and the sick;

(ix) the establishment and maintenance of nurseries and stores of improved seeds and agricultural implements, the production and distribution of improved seeds, pesticides and insecticides and the holding of agricultural shows including cattle shows;

(x) the propagation of improved methods of cultivation in the village including laying out of demonstration plots with a view to increasing production;

(xi) the encouragement of co-operative management of lands in the village and the organisation of joint co-operative farming;

(xii) the establishment and maintenance of warehouses and granaries;

(xiii) the establishment and maintenance of cattle sheds;

(xiv) the extension of village sites;

(xv) the improvement of cattle including purchase and maintenance of stud bulls and the provision of veterinary relief;

(xvi) the control of fairs, jataras and festivals;

(xvii) the establishment and maintenance of maternity and child-welfare centres;

(xviii) the organisation of voluntary labour for community development works in the village;

(xix) the organisation of watch and ward;

(xx) the provision of relief against famine or other calamities;

(xxi) the destruction of stray and ownerless dogs;

(xxii) the preparation of statistics of unemployment;

(xxiii) the opening and maintenance of public markets;

(xxiv) the opening and maintenance of public slaughter-houses;

(xxv) the implementation of land reform measures in the village including consolidation of holdings and soil conservation;

(xxvi) the setting up of organisation to promote goodwill and social harmony between different communities, the removal of untouchability, the provision of house sites for harijans, the eradication of corruption, the prohibition of or temperance in the consumption of intoxicating drinks or drugs which are injurious to health and the discouragement of gambling and litigation;

(xxvii) other measures of public utility calculated to promote the safety, health, convenience, comfort or moral, social and material well-being of the residents of the village.

Maintenance of common dispensaries, child-welfare centres, etc.

56. Subject to the provisions of this Act and the rules made thereunder, two or more gram panchayats may establish and maintain common dispensaries, child-welfare centres and institutions of such other kind as may be prescribed.

Transfer of management of forests to gram panchayats.

57. (1) Subject to any law for the time being in force the Government may, by notification in the Andhra Pradesh Gazette transfer to any gram panchayat with its consent and subject to such conditions as may be agreed upon, the management and maintenance of a forest adjacent to the village; and they may, by a like notification, withdraw management and maintenance of such forest from the gram panchayat after giving an opportunity to the gram panchayat to make its representation.

(2) When the management and maintenance of any forest is transferred to gram panchayat under sub-section (1), the income derived by the gram panchayat from the forest under its management and maintenance or the expenditure incurred by the gram panchayat for such a management and maintenance shall be apportioned between the Government and the gram panchayat in such manner as the Government may, by order, determine.

Transfer to panchayats of institutions or works.

58. (1) Subject to such rules as may be prescribed, the Government, the Board of Revenue, the District Collector, or the Revenue Divisional Officer, the Panchayat Samithi or Zilla Parishad or any person or body of persons, may transfer to the gram panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty, whether within or without the village, and whether provided for in this Act or not.

(2) When the management of any institution is transferred to the gram panchayat under sub-section (1), all property, endowments and funds belonging thereto, shall be held by the gram panchayat in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time of such transfer.

59. (1) (a) Subject to the control of the Government, the Board of Revenue may, by notification, make over to a gram panchayat, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Andhra Pradesh (Andhra Area) Endowments and Escheats Regulation, 1817, or any other law similar thereto for the time being in force and thereupon all powers and duties attaching to the Board of Revenue in respect thereof shall attach to the gram panchayat as if it had been specially named in the said Regulation or law, and the gram panchayat shall manage and superintend such endowment.

Power of Board of Revenue to transfer or resume control of endowments and inams.

Limitation of 1817.

(b) The Board of Revenue may of its own motion, and shall on a direction from the Government, by notification in the Andhra Pradesh Gazette, resume the management and superintendence of any endowment made over to a gram panchayat under clause (a) and upon such resumption, all the powers and duties attaching to the gram panchayat in respect of the endowment shall cease and determine.

(2) The Government may assign to a gram panchayat with its consent a charitable inam resumed by the Government or any authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such gram panchayat may be applied; and may revoke any assignment so made.

(3) No order of resumption under clause (b) of sub-section (1) or of revocation under sub-section (2), shall be passed unless the gram panchayat has had an opportunity of making its representations.

60. A gram panchayat may accept donations for, or trusts relating exclusively to, the furtherance of any purpose to which its funds may be applied.

Limitation of power to accepting donations and trusts.

Transfer of  
cattle  
pounds to  
gram pan-  
chayats and  
maintenance  
of cattle  
pounds.

61. (1) Notwithstanding anything in the Cattle Trespass Act, 1871— Centra  
1 of 1-

(i) every cattle pound within the limits of a gram panchayat established and maintained by the Government at the commencement of this Act, shall stand transferred to the gram panchayat;

(ii) any cattle pound so transferred to a gram panchayat, or a cattle pound established by a gram panchayat under this Act, shall be maintained and controlled by the gram panchayat;

(iii) a pound keeper for every cattle pound referred to in clause (ii), shall be appointed by the gram panchayat; and

(iv) all sums on account of fines and surplus unclaimed sale proceeds realised under the Cattle Trespass Act, 1871 in respect of any cattle pound referred to in clause (ii) shall be credited to the gram panchayat fund. Centra  
1 of 1

(2) Subject to the provisions of sub-section (1), the provisions of the Cattle Trespass Act, 1871 shall, as far as may be, applicable to the cattle pounds referred to in clause (ii) of sub-section (1). Centra  
1 of 1

Vesting of  
public  
roads in  
gram pan-  
chayat.

62. (1) All public roads in any village, other than National Highways, State Highways and roads vesting in Zilla Parishads or Panchayat Samithis, shall vest in the gram panchayat together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the gram panchayat fund or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto :

Provided that the gram panchayat shall take steps to remove encroachments on, and prevent unauthorised use of, any road other than a National Highway passing through the gram panchayat.

(2) The Government may, after giving an opportunity to the gram panchayat of making a representation, by notification in the Andhra Pradesh Gazette, exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

63. All rubbish, sewage, filth and other matter collected by a gram panchayat under this Act shall belong to it.

Collected sewage, etc. to belong to gram panchayat.

64. Any property or income which by custom belongs to or has been administered for the benefit of, the villagers in common, or the holders in common of village land generally or of lands of a particular description or of lands under a particular source of irrigation, shall vest in the gram panchayat and be administered by it for the benefit of the villagers or holders aforesaid.

Vesting of communal property or income in gram panchayat.

65. (1) (a) Subject to such conditions and control as may be prescribed, the Government may transfer to any gram panchayat the protection and maintenance of any village irrigation work, the regulation of turns of irrigation, or of distribution of water from any such irrigation work to the fields depending on it.

Maintenance of irrigation works, execution of Kudimaramat, etc

(b) Subject to such restrictions and control as may be prescribed, the fishery rights in minor irrigation tanks and the right to auction weeds and reeds in such tanks and the right to plant trees on the bunds of such tanks and enjoy the usufruct thereof shall vest in the gram panchayat.

(2) The gram panchayat shall have power, subject to such restrictions and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the village and to levy such fee and on such basis for the purposes thereof as may be prescribed:

Provided that nothing in this section shall be deemed to relieve the village community or any of its members of its or his liability under the Andhra Pradesh (Andhra Area) Compulsory Labour Act, 1858, or any other law similar thereto for the time being in force, in respect of any irrigation source in the village, in case the gram panchayat makes default in executing the kudimaramat in respect of that irrigation source.

66. (1) Notwithstanding anything in the Andhra Pradesh (Andhra Area) Canals and Public Ferries Act, 1890 and the Andhra Pradesh (Telangana Area) Ferries Act, 1314 Fasli, the management of a public ferry in the Andhra area and of a Government ferry in the Telangana area, other than a ferry mentioned in sub-section (2), shall vest—

Vesting of the management of the ferries in gram panchayats, etc.

(a) in the case of a ferry connecting any public road under the management of a gram panchayat and lying whol-

ly within the jurisdiction of that gram panchayat, in such gram panchayat and in the case of a ferry connecting any public road under the management of a gram panchayat and lying within the jurisdiction of more than one gram panchayat, in a joint committee of the gram panchayats concerned;

(b) in the case of a ferry connecting any public road under the management of a Panchayat Samithi and lying wholly within the jurisdiction of that Panchayat Samithi, in such Panchayat Samithi and in the case of a ferry connecting any public road under the management of a Panchayat Samithi and lying within the jurisdiction of more than one Panchayat Samithi, in a joint committee of the Panchayat Samithis concerned.

(2) The Government may, subject to such conditions as may be agreed upon, transfer the management of any such ferry connecting a National Highway or a State Highway and lying wholly within the jurisdiction of a gram panchayat or Panchayat Samithi to such gram panchayat or Panchayat Samithi and in case the said ferry is lying within the jurisdiction of more than one gram panchayat or Panchayat Samithi, to the Zilla Parishad concerned.

(3) The constitution and powers of and the procedure to be adopted by any joint committee referred to in sub-section (1) and the method of resolving any difference of opinion arising between the local authorities concerned in connection with the work of such committee shall be in accordance with such rules as may be prescribed.

(4) The income realised by a Zilla Parishad, Panchayat Samithi or a gram panchayat from any ferry under its management under sub-section (1) or sub-section (2) shall form part of its funds. The income realised by any joint committee referred to in sub-section (1) or by a Zilla Parishad under sub-section (2) from a ferry under its management shall be apportioned in equal shares between the local authorities concerned and the amount so apportioned shall form part of the funds of such local authorities.

*Explanation.*—For the purpose of this section, the expression “public ferry” in relation to the Andhra area, and the expression “Government ferry” in relation to the Telangana area, shall respectively have the meanings assigned to them in the Andhra Pradesh (Andhra Area) Canals and Public Ferries Act, 1890 and the Andhra Pradesh (Telangana Area) Ferries Act, 1314 Fasli.



67. (1) The following porambokes, namely, grazing grounds, threshing floors, burning and burial grounds, cattle stands, cart-stands and topes, which are at the disposal of the Government and are not required by them for any specific purpose, shall vest in the gram panchayat subject to such restrictions and control as may be prescribed.

Certain Government porambokes to vest in Gram Panchayat, etc.

(2) The Government may, at any time by notification in the Andhra Pradesh Gazette, direct that any porambokes referred to in sub-section (1) shall cease to vest in the gram panchayat if it is required by them for any specific purpose and thereupon such poramboke shall vest in the Government.

(3) The gram panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the gram panchayat is authorised in that behalf by an order of the Government.

(4) The gram panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section (3).

*Explanation.*—If any question arises whether a land is a poramboke or not, for the purposes of this section, the question shall be referred to the Government whose decision shall be final.

68. Any immovable property which any gram panchayat may require for the purpose of this Act or any rules made thereunder may be acquired under the provisions of the Land Acquisition Act, 1894 and on payment of the compensation awarded under the said Act, in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the gram panchayat.

Immovable property required by gram panchayat may be acquired under the Land Acquisition Act, 1894

Act 1894.

## CHAPTER IV.

### TAXATION AND FINANCE.

69. (1) A gram panchayat shall levy in the village—

(a) a house-tax;

Taxes leviable by gram panchayats.

(b) a tax on professions, trades or callings (hereinafter referred to as profession tax); and

(c) such other tax as the Government may, by notification in the Andhra Pradesh Gazette, direct any gram

panchayat or class of gram panchayats to levy subject to such rules as may be prescribed:

Provided that no such notification shall be issued and no such rule shall be made except with the previous approval of both Houses of the State Legislature.

(2) A duty shall also be levied on transfers of property situated in the area under the jurisdiction of the gram panchayat in accordance with the provisions of section 73.

(3) Subject to such rules as may be prescribed the gram panchayat may also levy in the village—

(i) Kolagarum, or katarusum, that is to say, tax on the village produce sold in the village by weight, measurement, or number:

Provided that the gram panchayat shall not levy any such tax in any area for which a market committee is constituted under the relevant law for the time being in force in the State relating to the regulation of purchase and sale of agricultural produce, livestock and products of livestock and the establishment of markets in connection therewith;

(ii) a vehicle tax;

(iii) a tax on agricultural land for a specific purpose;

(iv) a land-cess at the rate of two naye paise in the rupee on the annual rental value of all occupied lands which are not occupied by, or adjacent and appurtenant to, buildings;

(v) fees for use of porambokes or communal lands under the control of the gram panchayat.

(vi) fees for the occupation of buildings including chavadis and sarais under the control of the gram panchayat.

(4) Every gram panchayat may also levy a duty in the form of a surcharge on the seigniorage fees collected by the Government on materials other than minerals and minor minerals quarried in the village:

Provided that the rate at which such duty shall be levied shall be fixed by the gram panchayat with the previous approval of the Government.

(5) Every gram panchayat may, with the previous approval of the prescribed authority, also levy, in respect of lands laying within its jurisdiction, a duty in the form of a surcharge at such rate, not exceeding twenty-five naye paise in the rupee, as may be fixed by the gram panchayat,—

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(a), in the Andhra area, on the land-cess leviable under section 78 of the Andhra Pradesh (Andhra Area) District Boards Act, 1920 and on the education tax leviable under section 34 of the Andhra Pradesh (Andhra Area) Elementary Education Act, 1920;

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(b) in the Telangana area, on the local cess leviable under section 135 of the Andhra Pradesh (Telangana Area) District Boards Act, 1955.

(6) Any resolution of a gram panchayat abolishing an existing tax or reducing the rate at which a tax is levied shall not be carried into effect without the previous approval of the Commissioner.

70. (1) The house-tax referred to in clause (a) of sub-section (1) of section 69 shall, subject to the rules in Schedule II and to such other rules as may be prescribed, be levied on all houses in the village on any one of the following basis, namely: House-tax.

- (a) annual rental value, or
- (b) capital value, or
- (c) such other basis as may be prescribed.

(2) The house-tax shall, subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to pay such tax.

(3) The house-tax shall be levied every year and shall, save as otherwise expressly provided in Scheduled II, be paid by the owner within thirty days of the commencement of the year. It shall be levied at such rates as may be fixed by the gram panchayat, not being less than the minimum rates and not exceeding the maximum rates, prescribed in regard to the basis of levy adopted by the gram panchayat.

(4) The Government may make rules providing for—

(i) the exemption of specified classes of houses from the tax;

(ii) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation;

(iii) the persons who shall be liable to pay the tax and the giving of notices of transfer of houses;

(iv) the grant of exemptions from the tax on the ground of poverty;

(v) the grant of vacancy and other remissions; and

(vi) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from the village, during any year, shall be liable or cease to be liable to the whole or any portion of the tax.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Levy of  
house tax  
on a direc-  
tion by  
Government.

71. (1) The Government may, by order published in the Andhra Pradesh Gazette, for special reasons to be specified in such order direct any gram panchayat to levy the house-tax referred to in clause (a) of sub-section (1) of section 69 at such rates and with effect from such date not being earlier than the first day of the year immediately following that in which the order is published, as may be specified in the order.

(2) When an order under sub-section (1) has been published, the provisions of this Act relating to house-tax shall apply as if the gram panchayat had, on the date of publication of such order, by resolution determined to levy the tax at the rate and with effect from the date specified in the order, and as if no other resolution of the gram panchayat under section 69 determining the rate at which and the date from which the house-tax shall be levied, had taken effect.

(3) A gram panchayat shall not alter the rate at which the house-tax is levied in pursuance of an order under sub-section (1) or abolish such tax except with the previous sanction of the Government.

Profession  
tax.

72. (1) The profession tax referred in clause (b) of sub-section (1) of section 69 shall, subject to the rules in Schedule II and such other rules as may be prescribed, be levied every year in the village on—

(i) every company which transacts business in such village for not less than sixty days in the aggregate in that year; and

(ii) every person who, in that year—

(a) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within such village for not less than sixty days in the aggregate, or

(ii) without such village, but who resides in it for not less than sixty days in the aggregate, or

(b) resides in such village for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

*Explanation.*—For the purposes of this section, the expression ‘person’ shall include a firm, association or joint Hindu family.

(2) The profession tax shall be levied at such rates as may be fixed by the gram panchayat, not being less than the minimum rates and not exceeding the maximum rates specified in Schedule II.

(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(4) If a company or person proves that it or he has paid the sum due on account of the profession tax levied under this Act or the profession tax or any tax of the nature of a profession tax levied under any other law governing local authorities to any gram panchayat or any other local authority in the State, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence, to pay to any other gram panchayat or any other local authority, as the case may be, more than the difference between such sum and the amount to which it or he is otherwise liable for the profession tax for the year under this Act, or under any other law governing local authorities.

(5) Nothing in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the

limits of any other local authority or authorities liable to profession-tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final:

Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the Government shall be subject to the concurrence of the Central Government.

(6) The profession tax leviable from a firm, association or joint Hindu family may be levied on any adult member of the firm, association or family.

(7) (a) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area, such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession-tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(b) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately for the profession tax on the same income as that of the principal.

Duty on transfers of property.

73. (1) The duty on transfers of property shall be levied by the Government—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the State, on every instrument of the description specified below, in so far as it relates to the whole or part of immovable property as the case may be, situated in the area under the jurisdiction of a gram panchayat; and

(b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument:—

<i>Description of instrument.</i>	<i>Amount on which duty shall be levied.</i>
i) Sale of immovable property	.. The amount or value of the consideration for the sale, as set forth in the instrument.
) Exchange of immovable property.	The value of the property of the greatest value, as set forth in the instrument.
i) Gift of immovable property	.. The value of the property, as set forth in the instrument.
v) Mortgage with possession of immovable property.	.. The amount secured by the mortgage as set forth in the instrument.
) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

(2) On the introduction of the duty aforesaid—

(a) section 27 of the Indian Stamp Act, 1899 shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under the jurisdiction of a gram panchayat and in respect of property situated outside such area; and

(b) section 64 of the same Act shall be read as if it referred to the gram panchayat as well as the Government.

(3) The duty levied under this section shall be apportioned among the gram panchayat, Panchayat Samithi and Zilla Parishad concerned in such manner as may be prescribed.

(4) The Government may make rules for regulating the collection of the duty and the apportionment thereof among the gram panchayat, Panchayat Samithi and Zilla Parishad concerned and the deduction of any expenses incurred by the Government in the collection thereof,

(5) The Government may by order exempt, subject to such conditions and terms as may be specified therein, any instrument or class of instruments from the levy of duty under this section.

**Vehicle Tax.**

74. The vehicle tax referred to in clause (ii) of subsection (3) of section 69 shall, subject to the rules in Schedule II and to such other rules as may be prescribed including rules relating to the exemptions and restrictions, be levied every year on all vehicles kept or used within the village at such rates as may be fixed by the gram panchayat not being less than the minimum rates and not exceeding the maximum rates prescribed.

*Explanation.*—In this section, 'vehicle' means a conveyance suitable for use on roads or rails and includes any kind of carriage, cart, wagon, wheel barrows, truck, bicycle, tricycle and rickshaw, but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939.

Central  
Act 4 of  
1939.

**Special tax  
leviable by  
a gram  
panchayat.**

75. Subject to such rules as may be prescribed, a gram panchayat may levy a special tax on houses at such rates as may be prescribed, to provide for expenses connected with the construction, maintenance, repair, extension and improvement of water or drainage works or the lighting of the public streets and public places, and other similar works.

**Composition  
of tax pay-  
able by owner  
of a factory  
or a conti-  
guous group  
of buildings.**

76. Subject to such conditions and restrictions as may be prescribed, a gram panchayat may, on application by the owner of a factory or a contiguous group of buildings, permit him to compound all or any of the taxes payable by him under this Act, by paying in lieu thereof such lump sum amount as may be agreed upon between him and the gram panchayat. Where there is no such agreement the matter may be referred to the Government in the manner prescribed and the Government shall, after giving to the gram panchayat and the owner of the factory or a contiguous group of buildings concerned an opportunity of making a representation, decide the lump sum amount payable by the owner of the factory or a contiguous group of buildings under this section. The decision of the Government in this regard shall be final.

**Power to  
write off irre-  
coverable  
amounts.**

77. Subject to such restrictions and control, as may be prescribed, a gram panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion such tax, fee, amount or sum is irrecoverable:



Provided that where the District Collector or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a gram panchayat, the power to write off such tax, fee or amount or any sum payable in connection therewith on the ground of its being irrecoverable, shall be exercised by the Board of Revenue or subject to its control by the District Collector or any officer authorised by him.

78. Subject to such rules as may be prescribed, the executive authority shall have power to require the village headman or the village munsif having jurisdiction over the village or any part thereof to collect any tax or fee due to the gram panchayat on payment of such remuneration not exceeding  $6\frac{1}{4}$  per cent, of the gross sum collected by the headman as the District Collector may, by general or special order, determine.

Power to require village headman to collect taxes and fees due to gram panchayat.

*Explanation.*—In this section, the expression “village headman” shall, in relation to the Telangana area, be construed as a reference to ‘revenue patel’.

79. (1) All moneys received by the gram panchayat shall constitute a fund called the ‘gram panchayat fund’, and shall be applied and disposed of in accordance with the provisions of this Act and other laws:

Gram panchayat fund.

Provided that the gram panchayat shall credit, subject to such rules as may be prescribed, the proceeds of any tax or fee levied under this Act, to a special fund earmarked for the purpose of financing any specific public improvement. A separate account shall be kept of the receipts into and the expenditure from such special fund.

(2) Subject to the provisions of sub-section (1), the receipts which shall be credited to the gram panchayat fund shall include—

(i) the house-tax, the profession tax and any other tax or any cess or fee, levied under this Act;

(ii) the proceeds of the duty collected under sub-section (4) of section 69;

(iii) the proceeds of the duty on transfers of property levied under section 73 which are paid to the gram panchayat;

(iv) in the Andhra area, such share of the land cess levied under section 78 of the Andhra Pradesh (Andhra

Area) District Boards Act, 1920 as may be apportioned to the gram panchayat under section 92 of that Act and in the Telangana area, such share of the local cess levied under section 135 of the Andhra Pradesh (Telangana Area) District Boards Act, 1955 as may be apportioned to the gram panchayat under section 136 of that Act; Act XIV  
1920.  
Act I of 1955

(v) any payment made to the gram panchayat by a market committee in pursuance of sub-section (3) of section 11 of the Andhra Pradesh (Andhra Area) Commercial Crops Markets Act, 1933, or any other law similar thereto for the time being in force; Act XX  
1933.

(vi) the taxes and tolls levied in the village under sections 117 and 118 of the Andhra Pradesh (Andhra Area) Public Health Act, 1939; or under the corresponding provision of any other law similar thereto for the time being in force in the State; Act III  
1939.

(vii) any payment made to the gram panchayat by the Government under section 13 of the Andhra Pradesh Entertainments Tax Act, 1939; Act X of  
1939.

(viii) the amount contributed by the Panchayat Samithi to the gram panchayat in respect of markets in the village classified as Panchayat Samithi markets or paid by the Panchayat Samithi to the gram panchayat towards the latter's share of the income derived from such markets as per the apportionment made under section 117; and the amount paid by a Zilla Parishad or any of the joint committees referred to in section 66 to the gram panchayat towards the latter's share of the income derived from a ferry under the management of the Zilla Parishad or joint committee, as the case may be, as per the apportionment made under the said section.

(ix) fees for the temporary occupation of village sites, roads and other similar public places or parts thereof in the village;

(x) fees levied by the gram panchayat in pursuance of any provision in this Act, or any rule or order made thereunder;

(xi) income from endowments and trusts under the management of the gram panchayat;

(xii) the net assessment on service inams which are resumed by Government after the commencement of this Act; **Act;**

(*xiii*) income derived from village fisheries vested in the gram panchayat including the weeds and reeds;

(*xiv*) income derived from ferries under the management of the gram panchayat;

(*xv*) unclaimed deposits and other forfeitures;

(*xvi*) the seigniorage fees collected by the Government every year from persons permitted to quarry in the village for materials other than minerals and minor minerals;

(*xvii*) all income derived from porambokes which vest in the gram panchayat or the user of which is regulated by the gram panchayat and also the penalty and penal assessment if any, levied in respect of unauthorised occupation thereof under any law for the time being in force;

(*xviii*) all income derived from trees standing on porambokes although the user of the porambokes is not vested in the gram panchayat;

(*xix*) income from leases of Government property obtained by the gram panchayat;

(*xx*) a sum equivalent to nine-tenths of the gross income derived by the Government every year from fines imposed by magistrates and nyaya panchayats in respect of offences committed in the village under this Act, or any rule or bye-law made thereunder or any other provision of law which is prescribed in this behalf;

(*xxi*) grants received from the Government, the Zilla Parishad or Panchayat Samithi;

(*xxii*) income from investments of amounts taken from the gram panchayat fund;

(*xxiii*) all other receipts accruing from the sources of gram panchayat revenue specified in this Act; and

(*xxiv*) all sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the gram panchayat fund or managed by the gram panchayat.

(3) All moneys received by the gram panchayat shall be lodged and payments from the gram panchayat fund shall be made in accordance with the rules in Part II of Schedule II and such other rules as may be prescribed.

Expenditure  
from gram  
panchayat  
fund.

80. (1) The purposes to which the gram panchayat fund may be applied include all objects expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the fund shall be applicable thereto within the village subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid, be applicable to such purposes outside the village if the expenditure is authorised by this Act or specially sanctioned by the Commissioner.

(2) (a) It shall be the duty of every gram panchayat to provide for the payment of—

(i) any amounts falling due on any loans contracted by it; and

(ii) the election expenses including the conduct of elections to the gram panchayat, and the maintenance of the election establishment:

Provided that the cost of the preparation and revision of the electoral roll and the cost of maintenance of the election establishment employed in such preparation and revision shall be borne by the Government.

*Explanation.*—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the conduct of the elections;

(iii) the salaries and allowances and the pensions, pensionary contributions and provident fund contributions of its officers and servants;

(iv) sums due under any decree or order of a court;

(v) contributions, if any, levied by the Panchayat Samithi; and

(vi) any other expenses rendered obligatory by or under this Act or any other law.

(b) The Government shall determine every year the amount of the election expenses referred to in sub-clause (ii) of clause (a) and their determination shall be final and binding on the gram panchayat. Such amount shall have priority over all other charges except charges for the service

of authorised loans including the loans and advances referred to in section 84 and the expenses specified in section 47 and sub-section (2) of section 49.

(3) A gram panchayat may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A gram panchayat may, with the sanction of the Commissioner, also—

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the village;

(ii) contribute to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease;

(iii) contribute to the funds of any institution established for promoting community development, or the aims of Panchayati Raj; and

(iv) defray any other extraordinary charges.

81. (1) The executive authority shall, in each year not later than the 15th November, frame and place before the gram panchayat a budget showing the probable receipts and expenditure during the following year and the gram panchayat shall, within one month of the date on which the budget is placed before it, sanction the budget with such modifications, if any, as it thinks fit.

Preparation  
and sanc-  
tion of  
budget.

(2) The budget as so sanctioned shall be forwarded by the executive authority, on or before such date as may be prescribed, to the Panchayat Samithi. The Panchayat Samithi shall approve the budget either without modifications or with such modifications as it may deem fit and return it to the gram panchayat within one month from the date of its receipt:

Provided that if the Panchayat Samithi does not so return the budget to the gram panchayat within the period of one month aforesaid, the budget shall be deemed to have been approved by the Panchayat Samithi in the form in which it was forwarded to it.

(3) If, in the course of a year, a gram panchayat finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed, sanctioned, submitted and modified in the manner provided in subsections (1) and (2).

(4) If a gram panchayat is aggrieved by any of the modifications subject to which the Panchayat Samithi has approved the budget, the gram panchayat may, within fifteen days from the date on which the Panchayat Samithi has returned the budget, refer the matter to the Standing Committee for Taxation and Finance of the Zilla Parishad for decision and the said Standing Committee shall give its decision on such matter within one month of the date of reference. The decision of that Standing Committee in this regard shall be final.

Appoint-  
ment of  
auditors.

82. (1) The Government shall appoint auditors to examine the accounts of the receipts and expenditure of the gram panchayat fund. Such auditors shall be deemed to be 'public servants' within the meaning of section 21 of the Indian Penal Code.

(2) No contribution shall be recovered by the Government from the gram panchayat towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the gram panchayat.

Contribution  
to expendi-  
ture by  
other local  
authorities

83. If the expenditure incurred by the Government or by any other gram panchayat or the Panchayat Samithi or Zilla Parishad or by any other local authority in the State for any purpose authorised by or under this Act is such as to benefit the inhabitants of the village, the gram panchayat may, with the sanction of the Commissioner, and shall, if so directed by him, make a contribution towards such expenditure.

Recovery  
of loans and  
advances  
made by the  
Government.

84. (1) Notwithstanding anything in the Local Authorities Loans Act, 1914, or any other law similar thereto for the time being in force, the Government may—

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(a) by order direct any person having custody of the gram panchayat fund to pay to them in priority to any other charges against such fund, except charges for the service of authorised loans, any loan or advance made by them to the gram panchayat for any purpose to which its funds may be applied under this Act;

(b) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (a) of sub-section (1) is addressed shall be bound to comply with such order.

## CHAPTER V.

### PUBLIC SAFETY, CONVENIENCE AND HEALTH.

85. (1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected and whether made, laid or erected at the cost of the gram panchayat or otherwise for the use or benefit of the public, and also any adjacent land, not being private property, appertaining thereto shall vest in the gram panchayat and be subject to its control: Vesting of water works in gram panchayata.

Provided that nothing in this sub-section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

(2) The gram panchayat shall have the fishery rights in any water work vested in it under sub-section (1), the right to supply water from any such work for raising seed beds on payment of the prescribed fee, and the right to use the adjacent land appertaining thereto for planting of trees and enjoying the usufruct thereof or for like purpose.

(3) The Government may, by notification in the Andhra Pradesh Gazette, define or limit such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the gram panchayat and giving due regard to its objections, if any.

86. (1) (a) The gram panchayat may, in the interests of public health, regulate or prohibit the washing of animals or of clothes or other articles or fishing, in any public spring, tank or well or in any public water-course or part thereof and may set apart any such place for drinking or for bathing or for washing animals or clothes or for any other specified purpose, Setting apart of public tanks, etc., for certain purposes.

(b) The powers conferred by clause (a) may, in the case of any private spring, tank, well, or water-course, be exercised by the gram panchayat, with the consent of the owner of such place.

(c) The gram panchayat may, in the interests of public health, regulate or prohibit the washing of animals or of clothes or of other articles, in any private spring, tank, well or water-course from which the public have a right to take water for drinking purposes.

(2) The executive authority on receipt of a certificate from any health or medical officer in the service of the Government, the gram panchayat or the Panchayat Samithi or Zilla Parishad stating that the water in any well, tank, spring or other source of water-supply to which the public have access in the village, is likely to engender or cause the spread of any dangerous disease, shall, by public notice, prohibit the use of such water. Such notice shall be served by affixing a copy of it near the source of water-supply and by beat of drum stating the number of days during which such prohibition shall last. The executive authority may modify the notice or extend the period of operation thereof without the production of a further certificate.

Prohibition  
against using  
places so set  
apart for  
purposes  
other than  
those  
notified.

87. No person shall—

(a) bathe in or defile, the water in any place set apart for drinking or cooking purposes either by a gram panchayat or in the case of private property, by the owner thereof; or

(b) deposit any offensive or deleterious matter in the bed of any place set apart as aforesaid when such bed is dry or

(c) wash clothing in any place set apart as aforesaid; or

(d) wash any animal or any cooking utensil or wool, skins, or other foul or offensive substance or deposit any offensive or deleterious matter in any place set apart as aforesaid or set apart for bathing or for washing clothes; or

(e) allow the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid or set apart for bathing, or for washing clothes,



88. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, or festivals or for other like purposes, is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the gram panchayat; but the Government may, after consulting the trustee or other person having control over such place, require him to make such recurring or non-recurring contribution to the funds of the gram panchayat as they may determine.

Contributions from persons having control over places of pilgrimage, etc.

89. The executive authority of a gram panchayat may contract with the owner or occupier of any premises to remove rubbish or filth or any particular kind of rubbish or filth, from such premises or any place belonging thereto, on such terms as to times and periods of removal and other matters as may seem suitable to the executive authority and on payment of fees at such rate calculated to cover the cost of the service as the gram panchayat may fix.

Cleansing of private latrines.

90. (1) Every owner or person having the control of any place used at the commencement of this Act as a place for burying, burning or otherwise disposing of the dead shall, if such place be not already registered under any law applicable thereto, apply to the gram panchayat to have such place registered under this Act.

Registration of burial and burning grounds.

(2) If it appears to such gram panchayat that there is no owner or person having the control of such place, the gram panchayat shall assume such control and register such place or may close it.

91. (1) No new place for the disposal of the dead whether private or public, shall be opened, formed, constructed or used, unless a licence is obtained from the gram panchayat on application.

Licensing of places for disposal of the dead.

(2) Such application for a licence shall be accompanied by a plan of the place to be licensed showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the gram panchayat may require.

(3) The gram panchayat to which an application is made, may, in consultation with the District Health Officer—

(a) grant or refuse a licence, or

(b) postpone the grant of a licence, until objections, if any, to the site, considered reasonable by the gram panchayat have been removed or any particulars called for by it have been furnished.

(4) The District Collector may cancel or modify any order passed by a gram panchayat under sub-section (3).

Provision of burning and burial grounds.

92. A gram panchayat may, and shall, if no sufficient provision exists, provide at the cost of the gram panchayat fund, places to be used as burial or burning grounds or crematoria, and may charge rents and fees for the use thereof.

A book to be kept of places registered, licensed or provided.

93. (1) A book shall be kept at the office of every gram panchayat in which the places registered, licensed or provided under section 90, section 91 or section 92 and all such places registered, licensed or provided before the commencement of this Act shall be recorded.

(2) A notice in English and in the chief language of the village that such place has been registered, licensed or provided as aforesaid, shall be affixed at or near the entrance to such place conspicuously.

Prohibition against burying or burning in unauthorised places.

94. No person shall bury, burn or otherwise dispose of or cause or suffer to be buried, burnt or otherwise disposed of, any corpse in any place within two hundred metres of a dwelling place or any source of drinking water-supply other than a place registered, licensed or provided as aforesaid.

Notice to be given to gram panchayat of burials, etc.

95. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal, of a corpse at such a place to any person appointed by the gram panchayat.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

96. (1) If a gram panchayat is satisfied—

(a) that any registered or licensed place for the disposal of the dead is in such a state or situation as to be or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof, or

(b) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid, another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

it may, with the approval of the Commissioner, give notice that it shall not be lawful, after a period of not less than two months to be specified in such notice, to bury, burn or otherwise dispose of, any corpse at such place.

(2) Every notice given under sub-section (1) shall be published by affixure to the notice board in the office of the gram panchayat and in the village by beat of drum.

(3) No person shall, in contravention of any notice under this section and after the expiration of the period specified in such notice, bury, burn or otherwise dispose of, or cause or permit to be buried, burnt or otherwise disposed of, any corpse at such place.

97. (1) A gram panchayat may, and, if so required by the District Magistrate, shall, give public notice that unlicensed pigs or dogs, straying within specified limits will be destroyed. Power to destroy stray pigs and dogs.

(2) When such notice is given, any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog, as the case may be, found straying within such limits.

98. No owner or occupier of any premises shall allow the water from any sink, drain, latrine, or stable, or any other filth, to flow out of such premises to any portion of a public road except a drain or cesspool or to flow out of such premises in such a manner as to cause nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of such public road. Prohibition against allowing outflow of filth.

99. (1) If it appears necessary to improve the sanitary conditions of any area within the village, the executive authority may, by written notice, require the owner or occupier of any of the lands and houses in the area, within a reasonable period to be specified in the notice— Powers as to sanitation and conservancy.

(a) to remove a hut or privy either wholly or in part;

(b) to construct in a building private drains therefor or to alter or to remove, any private drains thereof;

(c) to cause any land or building to be cleansed to the satisfaction of the executive authority;

(d) where any land or building contains a well, pool, ditch, pond, tank, or any drain, fitn or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action as may be deemed necessary by the executive authority;

(e) to cause any land overgrown with vegetation, under-growth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to be cleared of the vegetation, under-growth, prickly-pear or jungle;

(f) to convert any step-well into a draw-well :

Provided that the executive authority shall hear and decide objections, if any, raised by the person on whom a notice is so served.

(2) If any work required under sub-section (1) is not executed within the period specified in the notice, the executive authority may himself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) in the manner hereinafter provided.

Prohibition  
against  
working of  
quarry near  
public roads.

100. (1) No person shall work a quarry in, or remove stone, earth or other material from, any place within twenty metres of a public road or of other immovable property vesting in or belonging to the gram panchayat except under a licence issued by a gram panchayat. The gram panchayat may either grant or refuse to grant a licence and in the latter case the reasons for refusal shall be communicated to the person concerned.

(2) If, in the opinion of the gram panchayat, the working of any quarry or the removal of stone, earth or other material from any place is dangerous to any person residing in, or having legal access to, the neighbourhood thereof or

creates or is likely to create a nuisance, the gram panchayat may require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such action in respect of such quarry or place as it shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

101. No person shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any public road except as hereinafter provided.

Prohibition against obstructions in or over public roads.

102. (1) No door, gate, bar or ground-floor window shall, without a licence from the executive authority, be hung or placed so as to open outwards upon any public road vested in the gram panchayat.

Prohibition against, and regulation of door, gate, bar or ground-floor window opening outwards.

(2) The executive authority may, by notice, require the owner of such door, gate, bar or window to alter it, so that no part thereof when open shall project over the public road.

103. (1) The executive authority may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction, other than a door, gate, bar or ground-floor window, situated against or in front of such building and in or over any public road vested in such gram panchayat.

Removal of encroachments.

(2) If the owner or occupier of the building proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was created or made with the permission or licence of any local authority duly empowered in that behalf, and that the period, if any, for which the permission or licence is valid has not expired, the gram panchayat shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

104. (1) The executive authority may, with the approval of the gram panchayat, grant a licence, subject to such conditions and restrictions as he may think fit, to the owner or occupier of any building to put up verandas, balconies, sunshades, weather-frames and the like, to project over a public road vested in such gram panchayat; or to construct any step or drain covering necessary for access to the building.

Power to allow certain projections and erections.

(2) The executive authority may grant a licence, subject to such conditions and restrictions as he may think fit for the temporary erection of pandals and other structures in a public road vested in such gram panchayat or in any other public place the control of which is vested in such gram panchayat.

(3) The executive authority shall have power, with the approval of the gram panchayat, to lease roadsides vested in such gram panchayat for occupation on such terms and conditions and for such period as the gram panchayat may fix.

(4) But neither a licence under sub-section (1) nor a lease under sub-section (3) shall be granted if the projection, construction or occupation, as the case may be, is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) The Government may, by notification in the Andhra Pradesh Gazette, restrict and place under such control as they may think fit the exercise, by any gram panchayat, of the powers under sub-sections (1) and (3).

(6) On the expiry of any period for which a licence has been granted under this section, the executive authority may without notice, cause any projection or construction put up under sub-section (2) to be removed, and the cost of so doing shall be recoverable, in the manner hereinafter provided, from the person to whom the licence was granted.

Prohibition,  
of building  
on sewer  
drain, etc.,  
without  
permission

105. (1) No building shall be erected without the written permission of the executive authority or of any person authorised by such executive authority, over any sewer or drain or any part of sewer or drain or upon any ground which has been covered, raised or levelled wholly or in part by road sweepings or other rubbish.

(2) The executive authority or the person authorised by him as aforesaid may, by notice, require any person who has erected a building without such permission, or in a manner contrary to or inconsistent with the terms of such permission, to demolish the same.

106. (1) No person shall make a hole or cause any obstruction in any public road vested in a gram panchayat except with the previous permission of the executive authority and subject to such conditions as the executive authority may impose.

Prohibition against making holes and causing obstruction in public road.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) If any person contravenes the provisions of this section, the executive authority shall fill up the hole or remove the obstruction or cause the hole or obstruction to be lighted, as the case may be and may recover the cost of so doing from such person.

107. (1) No person shall plant any tree on any public road or other property vesting in or belonging to a gram panchayat, except with the previous permission of the executive authority and on such conditions as the executive authority may impose.

Prohibition against planting or felling trees on public roads, etc. without permission.

(2) No person shall fell, remove, destroy, lop or strip bark, leaves or fruits from, or otherwise damage, any tree vesting in or belonging to a gram panchayat and growing on any such public road or property, except with the previous permission or order of the executive authority and on such conditions as the executive authority may impose.

108. (1) If any person, without the previous sanction of the gram panchayat, occupies any land which is set apart for any public purpose and is vested in or belongs to it, he shall be bound to pay in respect of such occupation such sum as may be demanded by the gram panchayat by way of penalty; and any such sum may be recovered in the manner hereinafter provided.

Recovery of penalty and compensation for unauthorised occupation of land.

(2) The executive authority may, by notice, require any person on whom a penalty is or may be imposed under sub-section (1) to vacate such land and to remove any building or other construction or anything deposited on it.

(3) If any damage to the property of the gram panchayat has been caused by any person occupying any land for which he is liable to pay penalty under sub-section (1), he shall be liable to pay compensation to the gram panchayat for such damage in addition to and irrespective of, any penalty that may be imposed on or recovered from him, and the amount of such compensation shall in case of dispute be determined and recovered in the manner hereinafter provided.

**Public markets.**

109. (1) The gram panchayat may provide places for use as public markets and, with the sanction of the Commissioner, close any such market or part thereof.

(2) Subject to such rules as may be prescribed, the gram panchayat may levy one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any, prescribed in this behalf, as the gram panchayat may think fit—

(a) fees for the use of, or for the right to expose goods for sale in, such market;

(b) fees for the use of shops, stalls, pens or stands in such markets;

(c) fees on vehicles including motor vehicles as defined in the Motor Vehicles Act, 1939 or pack-animals bringing or persons carrying, any goods for sale in such market;

Central Act  
4 of 1939.

(d) fees on animals brought for sale into or sold in such market;

(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

**Licence for private markets.**

110. (1) No person shall open a new private market or continue to keep open a private market unless he obtains from the gram panchayat a licence to do so.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty and not more than ninety days before such place is opened as a market, or the commencement of the year for which the licence is sought to be renewed, as the case may be.



(3) The gram panchayat shall, as regards private markets already lawfully established and may, as regards new private markets, grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such market, as the gram panchayat may think proper; or the gram panchayat may, for reasons to be recorded in writing, refuse to grant any such licence for any new private market. The gram panchayat may, however, at any time, for breach of any condition of the licence suspend or cancel the licence granted under this section. The gram panchayat may also modify any of the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled or modified under this section, the gram panchayat shall cause a notice of such grant, refusal, suspension, cancellation or modification in the chief language of the village to be posted conspicuously at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) Every licence granted under this section shall expire at the end of the year.

(6) Any person aggrieved by an order of the gram panchayat under sub-section (3) may appeal against such order to the Commissioner who may, if he thinks fit, suspend the execution of the order, pending the disposal of the appeal.

111. When a licence granted under section 110 permits the levy of any fees of the nature specified in sub-section (2) of section 109, a fee not exceeding fifteen per centum of the gross income of the owner from the market in the preceding year, shall be charged by the gram panchayat for such licence. fee for licence.

112. The executive authority may expel from any public market any person who or whose servant has been convicted of disobeying any bye-laws for the time being in force in such market, and may prevent such persons from further carrying on by himself or his servants or agents, any trade or business in such market, or occupying any shop, stall or other place therein and may determine any lease or tenure which such person may possess in any shop, stall or place. Powers exercisable by executive authority in respect of public markets.

Powers exercisable by gram panchayat in respect of private markets.

113. (1) The gram panchayat may by notice, require the owner, occupier, or farmer of any private market to—

(a) construct approaches, entrances, passages, gates, drains and cess-pits for such market and provide it with latrines of such description and in such position and number as the gram panchayat may think fit;

(b) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the gram panchayat secure imperviousness and ready cleansing;

(c) ventilate it properly and provide it with an adequate supply of water;

(d) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the gram panchayat may direct;

(e) keep it in a cleanly and proper state, remove all filth and refuse therefrom and dispose of them at such place and in such manner as the gram panchayat may direct; and

(f) make such other sanitary arrangements as the gram panchayat may consider necessary.

(2) If any person, after notice given to him in that behalf by the gram panchayat, fails within the period and in the manner laid down in the said notice, to carry out any of the works specified in sub-section (1), the gram panchayat may suspend the licence of the said person, or may refuse to grant him a licence until such work is completed.

(3) It shall not be lawful for any person to keep open any private market during such suspension or until the licence is renewed.

(4) No owner, occupier, agent or manager in charge of any private market, or of any shop, stall, shed or other place therein, shall keep the same so that it is a nuisance, or fail to cause anything that is a nuisance in such market, shop, stall, shed or other place to be at once removed to a place to be specified by the gram panchayat.

Decision of disputes as to whether places are markets.

114. If any question arises as to whether any place is a market or not, the gram panchayat shall make a reference thereon to the Government and their decision shall be final.

115. No person shall sell or expose for sale any animal or article—

Prohibition of sale in unlicensed private markets, etc.

(a) in any unlicensed private market; or

(b) in any public or licensed private market without the permission of the executive authority or licensee, as the case may be, or of any person authorised by him.

116. The executive authority may, with the sanction of the gram panchayat, prohibit by public notice or license or regulate, the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

Prohibition against sale in or upon public roads.

117. (1) The Government shall have power to classify public and private markets situated in a village as Panchayat Samithi markets and gram panchayat markets and provide for the control of any such market, and for the apportionment of the income derived therefrom between the Zilla Parishad, Panchayat Samithi and the gram panchayat or the payment of a contribution in respect thereof to the gram panchayat or the Panchayat Samithi or the Zilla Parishad, as the case may be.

Classification of markets.

(2) In the case of markets classified as Panchayat Samithi markets, the gram panchayat and its executive authority shall not exercise any of the powers conferred on them by sections 109 to 116 (both inclusive).

118. With effect on and from the date of deposit of final compensation under sub-section (1) of section 41 of the Andhra Pradesh (Andhra area) Estates (Abolition and Conversion into Ryotwari) Act, 1948, in respect of any estates, any place used as a market in such estates, which has vested in the Government under the provisions of the said Act, shall stand transferred to, and vest in, the gram panchayat in whose limits such place is situated and, thereupon, the gram panchayat shall provide such place for use as a public market.

.xxvi of

Vesting of places used as markets situated in estates take over by the Government.

119. (1) The classification of public roads, fairs, and festivals, choultries, dispensaries and libraries in any gram panchayat area as appertaining to the Zilla Parishad, Panchayat Samithi or the gram panchayat shall be made by the Commissioner in consultation with—

Classification of public roads, fairs and festivals, etc.

(a) the District Collector and the Chief Engineer, Highways, in the case of public roads;

(b) the Director of Public Health, in the case of fairs and festivals;

(c) the Board of Revenue, in the case of choultries;

(d) the Director of Medical Services, in the case of dispensaries of modern medicine;

(e) the Special Officer, Indian Medicine, in the case of dispensaries other than those of modern medicine; and

(f) the Director of Public Libraries, in the case of libraries.

(2) Before any classification is made under sub-section (1), the Zilla Parishad, Panchayat Samithi and the gram panchayat concerned shall be given a reasonable opportunity of expressing their opinion.

(3) The Government shall have power to revise any classification made by the Commissioner under sub-section (1).

**Public  
landing  
places, cart-  
stands, etc.**

120. Subject to such rules as may be prescribed, the gram panchayat may—

(a) provide public landing places, halting places, and cart-stands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use:

Provided that it shall be open to the gram panchayat to permit any person to compound such fees by paying in lieu thereof such lumpsum amount as may be fixed by the gram panchayat;

(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person within such distance thereof, of any public place or the sides of any public road, as the gram panchayat may, subject to the control of the Commissioner, specify.

**Private  
cart-stands.**

121. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the gram panchayat a licence to do so. Such licence shall be renewed every year.

(2) The gram panchayat shall as regards private cart-stands already lawfully established, and may, at its discretion, as regards new private cart-stands, grant the licence applied for subject to such conditions as the gram panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed; or the gram panchayat may refuse to grant such licence, for any new cart-stand.

(3) The gram panchayat may modify conditions of the licence to take effect from a specified date.

(4) The gram panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The gram panchayat may levy on every grant or renewal of a licence under this section, a fee not exceeding two hundred rupees.

122. Subject to such rules as may be prescribed, every gram panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use. Public slaughter-houses.

123. The Government shall have power to make rules for— Prohibition or regulation of the use of places for slaughtering animals and licensing of slaughterers.

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules, on all occasions not excepted therein, at places other than public slaughter-houses;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public; and

(c) the inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

124. (1) The gram panchayat may notify in the prescribed manner, that no place within the limits of the village shall be used for any one or more of the purposes specified in Schedule III without a licence issued by the executive authority and except in accordance with the conditions specified in such licence: Purposes for which places may not be used without a licence.

Provided that no such notification shall take effect until the expiry of a period of sixty days from the date of publication.

(2) The owner or occupier of every such place shall, within thirty days of the publication of such notification, apply to the executive authority for a licence for the use of such place for such purpose.

(3) The executive authority may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) Every such licence shall expire at the end of the year unless for special reasons the executive authority considers that it should expire at an early date, when it shall expire at such earlier date as may be specified therein.

(5) Applications for renewal of such licences shall be made not less than thirty and not more than ninety days before the end of every year and applications for licences for places to be newly opened shall be made not less than thirty and not more than ninety days before they are opened.

Applications to be made for construction, establishment, or installation of factory, workshop or work place in which steam or other power is to be employed.

125. (1) Every person intending—

(a) to construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water power or other mechanical power or electrical power,

(b) to install in any premises any machinery or manufacturing plant driven by steam, water or other power as aforesaid,

shall, before beginning such construction, establishment or installation, make an application in writing to the gram panchayat for permission to undertake the intended work.

(2) The application shall be accompanied by—

(i) prescribed number of copies of the plan of the factory, workshop, work-place or premises, to be used for such purposes as may be prescribed.

(ii) such particulars as to the power, machinery, plant or premises as the gram panchayat may require by bye-laws made in this behalf.

(3) The gram panchayat shall, as soon as may be after the receipt of the application,—

(a) grant the permission applied for, either absolutely or subject to such conditions as it thinks fit to impose, or

(b) refuse permission, if it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

(4) Before granting permission under sub-section (3), the gram panchayat,—

(a) shall obtain the approval of the Inspector of Factories appointed under the Factories Act, 1948, having jurisdiction in the village or, if there is more than one such Inspector, of the Inspector designated by the Government in this behalf by general or special order, as regards the plan of the factory, workshop, work-place or premises with reference to—

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire, and

(iv) such other matters as may be prescribed;

(b) shall consult and have regard to the opinion of the District Health Officer where Zilla Parishad employs such an officer, and of the District Medical Officer in other cases, as regards the suitability of the site of the factory, workshop, work-place or premises, for the purpose specified in the application; and

(c) shall obtain the approval of the Director of Town Planning as regards (i) the suitability and adequacy of the site of the factory, workshop, work-place or premises for the purpose, and (ii) the laying out arrangements and architectural appearance of buildings.

126. (1) If in any factory, workshop or work-place in which steam power, water power or other mechanical power or electrical power is used, nuisance is caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, the gram panchayat may issue such directions as it thinks fit for the abatement of nuisance within a reasonable time to be specified for the purpose.

Power of gram panchayat to issue directions for abatement of nuisance caused by steam or other power

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the gram panchayat may—

(a) prohibit the use of the particular kind of fuel employed, or

(b) restrict the noise or vibration by prohibiting the working of the factory, workshop or work-place between the hours of 9-30 p.m. and 5-30 a.m.

Form of  
licences,  
notices  
permissions.

127. (1) All licences, notices, permissions, given, issued, or granted, as the case may be, under the provisions of this Act, shall be in writing.

(2) Every licence, permission, notice, bill, summons or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the executive authority or of any officer of a gram panchayat, shall be deemed to be properly signed if it bears a facsimile of the signature of the executive authority or of such officer, as the case may be, stamped, thereon.

(3) Nothing in sub-section (2) shall be deemed to apply to a cheque drawn upon a gram panchayat fund or to any deed or contract entered into by a gram panchayat.

Power of  
Government  
to pass order  
or give dir-  
ections.

128. The Government may, either generally or in any particular case, make such order or give such directions as they may deem fit, in respect of any action taken or omitted to be taken under section 124, section 125 or section 126.

Modification  
of the  
Andhra Pra-  
desh (An-  
dhra Area)  
Places of  
Public Re-  
sort Act,  
1888.

129. Notwithstanding anything in the Andhra Pradesh (Andhra Area) Places of Public Resort Act, 1888, or any other Act similar thereto for the time being in force in the State, when the Government extend that Act to any village or part thereof—

Act II of  
1888.

(a) the authority to whom application shall be made for a licence under that Act in respect of any place or building to be used exclusively for purposes other than the holding of cinematograph exhibitions and who may grant or refuse such licence shall be the executive authority; and



(b) the appeal from the order of the executive authority granting, refusing, revoking or suspending a licence under that Act shall lie to the gram panchayat.

## CHAPTER VI.

### GENERAL AND MISCELLANEOUS.

130. (1) The gram panchayat may, in the manner prescribed, cause a name to be given to any street and shall cause a number to be affixed to the side or outer door of any building or to some place at the entrance of such building and in a like manner, may, from time to time, cause such name or number to be altered.

Power to name streets and number buildings.

(2) No person shall, without lawful authority, destroy, pull down, or deface any such name or number or any number assigned to any building in any such area.

(3) When a number has been affixed, the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the prescribed authority may, by notice, require him to replace it.

131. (1) Every licence and permission granted under this Act or any rule or bye-law made under this Act shall specify the period, if any, for which, and the restrictions, limitations and conditions subject to which, the same is granted and shall be signed by the executive authority or by some person duly authorised by him in that behalf.

General provisions regarding licences and permissions

(2) Save as otherwise expressly provided in or may be prescribed under this Act, for every such licence or permission fees may be charged on such units and at such rates as may be fixed by the gram panchayat.

(3) Every order of the authority competent under this Act or any rule or bye-law made thereunder to pass an order refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(4) Subject to the special provisions in Chapter V regarding private markets, any licence or permission granted under this Act or any rule or bye-law made under it may, at

any time, after giving the persons concerned an opportunity of making a representation be suspended or revoked by the executive authority if any of the restrictions, limitations or conditions laid down in respect thereof is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act, or of any rule, bye-law or regulation made under it, in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the executive authority to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws or regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened; and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the executive authority or any person to whom he has lawfully delegated his powers; or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted, or within which application for renewal should be made, has expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or bye-law made under this Act, be deemed to be without a licence or permission, until the order suspending or revoking the licence or permission is cancelled, or, subject to sub-section (11), until the licence or permission is renewed, as the case may be.

(7) The grantee of every licence or permission shall, at all reasonable times, while such licence or permission remains in force, produce the same at the request of the executive authority.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make a registration as required by the provisions of this

Act or any rule or bye-law made thereunder, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the gram panchayat the amount of the fee chargeable for the licence or permission or for registration and may, in his discretion, also recover summarily and pay over to the gram panchayat such amount, if any, as he may fix, as the costs of the prosecution.

(9) Save as otherwise expressly provided in or may be prescribed under this Act, every application for a licence or permission or for registration under this Act or any rule, bye-law or regulation made thereunder or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the commencement of the period, or such less period as is mentioned in the application.

(10) Recovery of the fee under sub-section (8) shall not entitle the person convicted, to a licence or permission or registration as aforesaid.

(11) The acceptance by or on behalf of a gram panchayat of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or of registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission or registration shall, until communication of orders on his application, be entitled to act as if the licence or permission or registration had been renewed; and save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, bye-laws and regulations and all conditions ordinarily imposed.

132. (1) An appeal shall lie to the gram panchayat from—

Appeal from  
the order of  
executive  
authority.

(a) any order of the executive authority granting, refusing, suspending or revoking a licence or permission;

(b) any other order of the executive authority that may be made appealable by rules made under section 217.

(2) A second appeal shall lie from the decision of the gram panchayat passed in an appeal under sub-section (1) to such authority as may be prescribed whose decision thereon shall be final.

Limitation  
of time for  
appeal.

133. In any case in which no time is fixed by the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal shall, subject to the provisions of section 5 of the Indian Limitation Act, 1908 be presented within thirty days after the date of receipt of the order from which the appeal is preferred.

Central  
9 of 1908.

Government  
and market  
committees  
not to  
obtain  
licences and  
permissions.

134. Nothing in this Act or in any rule, bye-law or regulation made thereunder, shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the State or Central Government or of a market committee established under the Andhra Pradesh (Andhra Area) Commercial Crops Markets Act, 1933, or under any other law similar thereto for the time being in force, or in respect of any property of the State or Central Government or of any property belonging to such market committee.

Act X.  
1933.

Time for  
complying  
with notice,  
order, etc.  
and power  
to enforce  
in default.

135. (1) Whenever by any notice, requisition or order under this Act, or under any rule, bye-law or regulation made thereunder, any person is required to execute any work, to take any measures or to do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named—

(a) the executive authority may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order and all expenses thereby incurred by the gram panchayat shall be paid by the person or persons upon whom a notice was served, and shall be recoverable in the manner hereinafter provided; and further

(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

136. (1) Subject to such restrictions and conditions as may be prescribed, the executive authority or any person authorised by him may, between sunrise and sunset on any day, enter any place, building or land, with or without notice and with or without assistants or workmen in order to make an inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorised by the provisions of this Act or of any rule, bye-law, regulation or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions.

Powers of entry and inspection.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or the use of any force necessary for effecting an entrance under that sub-section.

137. The executive authority or any person authorised by him may examine and test the weights and measures used in the markets and shops in the village with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

Testing of weights and measures.

138. (1) The executive authority may, by an order in writing, require the headman, village munsiff or karnam of any revenue village comprised within the jurisdiction of the gram panchayat, to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein and such headman, village munsiff or karnam shall comply with such order.

Power to call for information from village headmen, village munsiff and karnams.

*Explanation.*—In this section, 'headman' and 'karnam' shall, in relation to the Telangana area, be construed as references to 'revenue patel' and 'patwari' respectively;

(2) The order shall specify the period within which it may be complied with but the executive authority may, from time to time, extend such period.

139. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other amount due to a gram panchayat under this Act or any rule, bye-law, regulation or order made under it, after the expiration of a period of three years from the date on which distraint might first have been made, a suit might

Limitation for recovery of dues.

first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such tax or amount.

Persons empowered to prosecute.

140. Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or bye-law made thereunder, unless complaint is made within twelve months of the commission of the offence, by the police, the executive authority or person expressly authorised in this behalf by the gram panchayat or executive authority:

Provided that failure to take out a licence, obtain permission or secure registration under this Act, shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Power to compound offences.

141. (1) The executive authority may, subject to such restrictions and control, as may be prescribed, compound for a sum not exceeding rupees five hundred, any offence against the provisions of this Act or any rule or bye-law made thereunder, which may, by rules, be declared compoundable.

(2) On payment of the amount by way of composition, no further proceedings shall be taken or continued against the defaulter in regard to the offence or alleged offence so compounded.

(3) Nothing in this section shall apply to election offences.

Prosecution and compositions to be reported to gram panchayat.

142. Every prosecution instituted or offence compounded by the executive authority, shall be reported by him to the gram panchayat at its next meeting.

Sanction for prosecution of Sarpanch, members of a gram panchayat, nyaya panchayat or conciliation board.

143. When the Sarpanch, executive authority or any member of a gram panchayat or the Nyaya Adhyaksha or any member of a nyaya panchayat or the president or any member of a conciliation board is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of the Government.

144. (1) Subject to the provisions of section 142, no suit or other legal proceeding shall be brought against any gram panchayat, nyaya panchayat or conciliation board or the Sarpanch or executive authority, or any member, officer or servant of such gram panchayat or the Nyaya Adhyaksha or any member of such nyaya panchayat or the president or member of any such conciliation board, or against any person acting under the direction of such gram panchayat, nyaya panchayat, conciliation board, Sarpanch, Nyaya Adhyaksha, president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default in the execution of the provisions of this Act or any rule, bye-law, regulation or order made under it, until the expiration of two months next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff, has been left at the office of the gram panchayat or conciliation board and if the proceeding is intended to be brought against any such Sarpanch, Nyaya Adhyaksha, president, executive authority, member, officer, servant or person, also delivered to him or left at his place of residence, and unless such notice is given the court shall not entertain such suit or legal proceeding.

Notice of action against gram panchayat, nyaya panchayat, conciliation board, etc.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any gram panchayat, nyaya panchayat, conciliation board or person to whom notice is given under subsection (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amount so tendered, he shall not recover any costs incurred by him after such tender; and the plaintiff shall also pay all costs incurred by the defendant after such tender.

Protection  
of Sarpanch  
Nyaya  
Adhyaksha,  
etc. of  
gram pancha-  
yats, nyaya  
panchayats  
and concilia-  
tion board  
acting in  
good faith.

145. No suit or other legal proceeding shall be brought against the Sarpanch, executive authority or any member, officer or servant of a gram panchayat, or the Nyaya Adhyaksha or any member of a nyaya panchayat, or the president or any member of conciliation board, or any person acting under the direction of a gram panchayat, nyaya panchayat or conciliation board or of such Sarpanch, Nyaya Adhyaksha, president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default on his part in the execution of the provisions of this Act, or any rule, bye-law regulation or order made under it, if such act was done or such neglect or default occurred in good faith; but any such proceeding shall, so far as it is maintainable in a court, be brought against the gram panchayat, nyaya panchayat or conciliation board, except in the case of suits brought under section 150.

Sarpanch,  
etc., to be  
public  
servants.

146. The Sarpanch, executive authority or any member, officer or servant of a gram panchayat, or the Nyaya Adhyaksha or any member of a nyaya panchayat or the president, or any member of a conciliation board, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central A  
45 of 1868

Injunction  
not to be  
granted in  
election  
proceedings.

147. Notwithstanding anything in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

Central A  
5 of 1908.

Requisition-  
ing  
of premises  
for election  
purposes.

148. (1) If it appears to the Government that in connection with any election held to a gram panchayat under this Act, within the State any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, the Government may by order in writing requisition such premises, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Government to be the owner or person in possession of the premises and



such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any premises are requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such premises are required for any of the purposes mentioned in that sub-section.

*Explanation.*—For purposes of this section ‘premises’ means any land, building or part of a building and includes a hut, shed or other structure or any part thereof.

149. Whenever in pursuance of section 148, the Government requisition any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

(i) the rent payable, in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses if any incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine;

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation; it shall be referred by the Government to an arbitrator appointed in this behalf by the Government for determination, and shall be determined in accordance with the decision of such arbitrator.

*Explanation.*—In this sub-section, the expression ‘person interested’ means the person who was in actual possession of the premises requisitioned under section 148 immediately before the requisition or where no person was in such actual possession, the owner of such premises.

Liability of Sarpanch, and executive authority for loss, waste or misapplication of property.

150. (1) The Sarpanch or the executive authority shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the gram panchayat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any court of competent jurisdiction by the gram panchayat with the previous sanction of the Commissioner.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Assessments etc., not to be impeached.

151. (1) No assessment or demand made, and no charge imposed, under the authority of this Act, shall be impeached or affected by reason of any clerical error or by reason of any mistake—

(a) in respect of the name, residence, place of business or occupation of any person, or

(b) in the description of any property or thing, or

(c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with; and no proceedings under this Act shall, merely for defect in form be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of assessment or collection of money made under the said authority:

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory or other proceeding relating thereto, if the provisions of this Act and of the rules and bye-laws made thereunder have in substance and effect been complied with :

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

(4) Notwithstanding anything in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim orders restraining any proceeding which is being or about to be taken under this Act for the revision or amendment of the assessment books or restraining such revision or amendment from taking effect.

152. Every police officer in whose jurisdiction the village is situated, shall be bound to assist the gram panchayat and its officers and servants in the exercise of their lawful authority. Assistance of Police to the gram panchayat.

## CHAPTER VII

### CIVIL AND CRIMINAL JUSTICE.

#### *Part I—Conciliation Board.*

153. In this Part "dispute" means a dispute in respect of which a civil suit is cognizable by a nyaya panchayat. Definition.

154. (1) When a suit is instituted in a nyaya panchayat under Part II, the person to whom the application in relation to such suit is made under section 205 shall forthwith refer the dispute for attempting conciliation between the parties, to the Sarpanch of the gram panchayat of the village which is situated within its jurisdiction and within the local limits of which— Constitution of conciliation board.

(a) the defendant, or each of the defendants where there are more than one, at the time of commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(b) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the nyaya panchayat is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arose.

The determination of the village for the purpose by the person so referring the dispute shall be final and no appeal or revision shall lie therefrom.

*Explanation.*—In the case of a dissolved or superseded gram panchayat the person appointed to perform the functions of the gram panchayat shall be deemed to be the Sarpanch for the purposes of this Part.

(2) On receipt of such a reference, the Sarpanch of such gram panchayat shall forthwith require the plaintiff and the defendant each to nominate, within fourteen days of such requisition, one or two persons as members of a conciliation board, from amongst persons who are not members of the nyaya panchayat. The members so nominated shall unanimously elect, within fourteen days of their nomination, one person who is not a member of the nyaya panchayat as the president of such board. If the plaintiff or the defendant fails to make the nomination or the members nominated fail to elect the president of the board as aforesaid, conciliation shall be deemed to have failed.

Place of proceedings.

155. The board may hold its proceedings in the office of the gram panchayat if there is one or in any other place within the village.

Commencement of proceedings for conciliation.

156. (1) As soon as the board is constituted under section 154, the president of the board shall fix the date, time and place for hearing the dispute and give notice thereof to the parties to the dispute allowing them reasonable time for appearance.

(2) Both the parties to the dispute shall appear before the board as required by such notice.

(3) If due to a valid reason, a party to the dispute is unable to appear before the board as aforesaid, he shall inform the board on or before the date so fixed of his inability to attend and the reason therefor. The board may adjourn or terminate the proceedings as it may deem fit.

(4) If a party fails to comply with such notice, he shall be liable to a fine which may extend to ten rupees and for a subsequent default to a fine which may extend to twenty rupees for each such default. The fine shall be realised in the same manner as a fine imposed by the nyaya panchayat and shall be credited to the gram panchayat fund.

(5) The proceedings of the board shall not be open to the public.

(6) The proceedings of the board shall be oral except to the extent provided for in section 159 and as far as possible continuous and shall be concluded within ninety days after the date of receipt of the reference of the dispute by the Sarpanch of the gram panchayat under section 154.

(7) If no conciliation is effected within ninety days as aforesaid, the conciliation proceedings shall be deemed to have failed.

157. The board shall hear the witnesses who are produced before it by the parties or appear voluntarily, but it shall not have the power to summon any witness to appear and give evidence before it; and no evidence shall be recorded in writing. Witnesses.

158. The board shall have no power to administer oath either to the parties or to their witnesses. Board not to administer oath.

159. (1) On the conclusion or termination of the conciliation proceedings, the result of such proceedings shall be recorded by the board in writing specifying the following particulars, namely :— Result of conciliation proceedings to be recorded.

- (a) the date, time and place of the proceedings;
- (b) the names of the parties and their lawful representatives, if any, appearing;
- (c) a brief statement of the claim of each party;
- (d) the dispute and its subject-matter with a brief substance of the evidence let in by the parties.
- (e) the settlement, if any :

Provided that where no compromise has been arrived at, only items (a), (b) and (c) shall be mentioned as also the fact of the failure to arrive at a compromise.

(2) The proceedings recorded under sub-section (1) shall be read out to the parties or given to them for reading and the fact that the same have been admitted by the parties to be correct, shall be noted thereon. The said proceedings shall then be signed by all the members of the board and the parties to the dispute and the president of the board shall forthwith forward the record of the said proceedings to the Nyaya Adhyaksha of the nyaya panchayat.

160. (1) The Sarpanch referred to in section 154 shall cause to be maintained a register of the conciliation proceedings showing the particulars specified in section 159. Mainten  
of regist  
of concili  
tion proc  
eedings.

(2) The parties or their lawful representatives shall on application be entitled to a copy of the said proceedings on payment of one rupee for each copy. Every copy so supplied shall bear the name of the applicant, the date of application and the date of supply thereof and shall be attested by the president of the board.

161. (1) The settlement effected by the board shall have effect as if it were a decree or order of the nyaya panchayat or of a competent court. Executi  
settleme

(2) The nyaya panchayat or the court, to which the settlement of the board is sent for execution, shall intimate the result of the execution, to the Sarpanch referred to in section 154, who shall thereupon enter such result in the register maintained under section 160.

(3) Notwithstanding anything in the law relating to registration of documents for the time being in force, the settlement made under section 159 shall not be liable to registration.

162. No member of the board or its president shall disclose to any person, court or authority anything which has come to his knowledge in the course of conciliation proceedings, nor shall he be compelled by any court or authority to answer any question relating to such proceedings. Secrecy  
proceed

163. The Government may, by notification in the Andhra Pradesh Gazette, make rules to regulate—

Power of Government to make rules for the purposes of this Part.

(a) the conduct of the business before a board;

(b) the control to be exercised over a board;

(c) any other matter which is necessary to give effect to the provisions of this Part.

*Part II—Nyaya Panchayats.*

164. In this Part,—

Definitions.

(a) "case" means a criminal proceeding in respect of any offence triable by a nyaya panchayat;

(b) "suit" means a civil suit triable by a nyaya panchayat.

165. Subject to such rules as may be prescribed, the District Collector may, for the administration of civil and criminal justice, by notification, establish a nyaya panchayat for a group of not more than five and not less than the three villages as may be specified in such notification.

Establishment of nyaya panchayat.

166. Every nyaya panchayat shall consist of the following members, namely :—

Constitution of nyaya panchayat

(i) one member to be elected in the prescribed manner by the gram panchayat of every village in the group of villages for which the nyaya panchayat is established, from among the following, namely :—

(a) the members of the gram panchayat other than the Sarpanch thereof, or

(b) other persons residing in the village who are not disqualified to be members of a gram panchayat;

(ii) one member representing the Scheduled Castes or Scheduled Tribes, and one woman member representing women, to be elected in the prescribed manner, collectively by the members of all the gram panchayats in such group, from among the following, namely :—

(a) the members of the Scheduled Castes or Scheduled Tribes or the women members, as the case may be, of all the gram panchayats in such group, or

(b) other persons belonging to the Scheduled Castes or Scheduled Tribes, or women, as the case may be, residing in any village in such group, who are not disqualified to be members of a gram panchayat.

*Explanation.*—The supersession or dissolution of a gram panchayat shall not by itself be deemed to disqualify a member of the nyaya panchayat who was a member of such superseded or dissolved gram panchayat from continuing to be the member of the nyaya panchayat.

Term of  
office of  
members of  
nyaya  
panchayat.

167. (1) Save as otherwise provided in this Part, the term of office of members of a nyaya panchayat shall be three years commencing from the date on which its Nyaya Adhyaksha is elected under section 168.

(2) The term of office of the outgoing members shall be deemed to extend to or expire with the day immediately preceding the date on which the Nyaya Adhyaksha of the reconstituted gram panchayat is elected.

(3) Ordinary vacancies and casual vacancies in the office of members of a nyaya panchayat shall be filled at ordinary elections or casual elections, as the case may be, in accordance with the provisions of section 168 and in cases not specifically provided for in that section, in such manner as may be prescribed. A member elected in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Election of  
Nyaya Adhyaksha and  
Nyaya Upadhyaksha of  
nyaya  
panchayat.

168. As soon as may be after the election of the members under section 166, and subject to such rules as may be made in this behalf, the members of the nyaya panchayat shall, at a meeting convened for the purpose, elect from amongst themselves, one person to be Nyaya Adhyaksha and one other to be Nyaya Upadhyaksha of the nyaya panchayat.

Resignation  
of a member  
Nyaya Upadhyaksha or  
Nyaya  
Adhyaksha.

169. (1) A member or the Nyaya Upadhyaksha of a nyaya panchayat may resign his office by giving notice in writing to the Nyaya Adhyaksha thereof and such resignation shall take effect on the date on which it is received by the Nyaya Adhyaksha.



(2) The Nyaya Adhyaksha of a nyaya panchayat may resign his office by giving notice in writing to the nyaya panchayat. Such resignation shall take effect from the date on which it is placed before a meeting of the nyaya panchayat.

(3) If the Nyaya Adhyaksha is absent from the village or is incapacitated by reason of serious illness or otherwise, the notice, in writing, referred to in sub-section (1) may be given to the nyaya panchayat and such resignation shall take effect from the date on which it is placed before the meeting of the nyaya panchayat.

170. (1) The District Munsiff having jurisdiction, may, suspend or remove from office, the Nyaya Adhyaksha, the Nyaya Upadhyaksha or a member of a nyaya panchayat for incapacity, neglect of duty or misconduct:

Suspension or removal of Nyaya Adhyaksha, Nyaya Upadhyaksha or a member of a nyaya panchayat.

Provided that no such order shall be passed without giving the person concerned an opportunity of making a representation.

(2) From every order of suspension or removal, an appeal may be preferred within one month, to the District and Sessions Judge whose decision thereon shall be final.

(3) If the person suspended or removed under sub-section (1) is a member of a gram panchayat, such suspension or removal shall not by itself disqualify him from continuing to be a member of the gram panchayat.

(4) A person removed from a nyaya panchayat under sub-section (1) shall not be eligible for re-election as a member of the nyaya panchayat for a period of five years from the date of the removal.

171. Every nyaya panchayat shall have a seal of such form and dimensions as may be prescribed.

Seal of nyaya panchayat.

172. (1) The nyaya panchayat shall, in regard to the conduct of its business, follow such rules as may be prescribed.

Conduct of business of nyaya panchayat.

(2) Evidence given orally before a nyaya panchayat shall be on oath or solemn affirmation and brief memorandum of the substance of what each person deposes shall be

written and kept as part of the record in the prescribed manner.

(3) Save as otherwise provided in this Act or the rules made thereunder, the provisions of the Indian Evidence Act, 1872, the Code of Criminal Procedure, 1898 and the Code of Civil Procedure, 1908, shall not apply to the proceedings of a nyaya panchayat. Central A  
1 of 1872.  
Central A  
5 of 1898.  
Central A  
5 of 1908

**Presidency at meeting of nyaya panchayat.** 173. Every nyaya panchayat shall be presided over by the Nyaya Adhyaksha, in his absence by the Nyaya Upadhyaksha and in the absence of both the Nyaya Adhyaksha and Nyaya Upadhyaksha by a member chosen by the nyaya panchayat to preside for the occasion.

**Quorum and decisions at the sittings of the nyaya panchayat.** 174. Three members of the nyaya panchayat shall constitute a quorum for a sitting of the nyaya panchayat and the decision of the majority present shall be the decision of the nyaya panchayat.

**Nyaya Panchayat, to have exclusive civil and criminal jurisdiction.** 175. Notwithstanding anything in the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, or any law for the time being in force relating to suits or applications cognizable by revenue courts, and subject to the provisions of this Act, a nyaya panchayat shall have exclusive jurisdiction for trial of such suits as are specified in section 176 and of such offences as are specified in section 195. Central A  
5 of 1898  
Central A  
5 of 1908

#### CIVIL JURISDICTION.

**Suits cognizable by nyaya panchayat.** 176. (1) The Government may, by order notified in the *Andhra Pradesh Gazette*, empower a nyaya panchayat with effect from such date as may be specified therein, to take cognizance of any suit of the following description, if its value does not exceed rupees two hundred and fifty, namely:—

(a) save as otherwise provided in clause (g), a suit for the recovery of money due on contract other than a contract in respect of immovable property;

(b) a suit for the recovery of movable property or for the value of such property;

(c) a suit for compensation for wrongfully taking or injuring movable property;

(d) a suit for damage caused by cattle trespass;

(e) a suit for the payment of a tax, fee or other amount due to local authority;

(f) a suit for the refund of a tax, fee or other amount due from a gram panchayat; and

(g) a suit for rent due from any immovable property.

(2) Suits relating to easements other than riparian easements shall also be cognizable by a nyaya panchayat.

177. A nyaya panchayat shall have no jurisdiction to take cognizance of the following suits, namely:—

Suits not cognizable by a nyaya panchaya

(i) a suit for a balance of partnership account, unless the balance has been struck by the parties or their agents;

(ii) a suit for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will;

(iii) a suit by or against the State or Central Government or a public servant for acts done in his official capacity;

(iv) a suit by or against a minor or a person of unsound mind; or

(v) a suit on account of any dispute or matter other than a suit referred to in clause (g) of section 176 in respect of which any suit or application would be cognizable by a Revenue Court.

178. When it is proved to its satisfaction that a suit has been adjusted wholly or in part by oath or by any lawful agreement, compromise or satisfaction, the nyaya panchayat shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith so far as it relates to the suit:

Compromise of suits.

Provided that when a nyaya panchayat does not pass a decree in accordance with the agreement, compromise or satisfaction under this section, it shall record its reasons in writing.

179. Every suit cognizable by a nyaya panchayat shall be instituted in the nyaya panchayat within the local limits of which—

The nyaya panchayat in which a suit is to be instituted.

(a) the defendant, or each of the defendants where there are more than one, at the time of commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(b) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the nyaya panchayat is given or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

(c) the cause of action, wholly or in part arose.

*Explanation.*—Where a person has a permanent dwelling at one place and also temporary residence at another place, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary residence.

Suits to include the whole claim.

180. (1) Every suit instituted before a nyaya panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the nyaya panchayat.

(2) If a plaintiff intentionally omits to sue in respect of, or relinquishes any portion of, his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Commencement of proceedings in a suit before a nyaya panchayat.

181. The proceedings in relation to a suit instituted in a nyaya panchayat shall commence only when the record of the conciliation proceedings received under sub-section (2) of section 159 shows that the conciliation proceedings in respect of the dispute have failed.

Incidental determination of matters not cognizable by nyaya panchayat.

182. If, in the decision of a suit cognizable by a nyaya panchayat it becomes necessary to decide incidentally any matter in dispute between the parties to the suit, concerning title to immovable property, or the legal character of either of them, or of those under whom they claim, or the existence of any contract or obligation, which if it had been the immediate subject matter of the suit, would not be cognizable under this Act by a nyaya panchayat, it shall be competent

to the nyaya panchayat to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, contract or obligation in any other action though between the same parties or their representatives.

183. No legal practitioner, whether qualified or unqualified shall be allowed to appear before a nyaya panchayat on behalf of any party to a suit but any party may authorise a servant, gumastha, partner, relation or friend to appear and plead for him: Appearance in person or by agent.

Provided that it shall be competent to the nyaya panchayat whenever it deems it necessary for the ends of justice, to order the personal attendance of any of the parties to the suit and if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by an agent.

184. Women, who according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in court and any person who, by reason of sickness or bodily infirmity cannot attend without serious inconvenience, shall be exempt from personal appearance before a nyaya panchayat in any suit, but when the evidence of any such person is necessary, the nyaya panchayat shall examine such person at his or her residence. Exemption of certain persons from personal appearance in suits.

185. The provisions of the Indian Limitation Act, 1908 shall apply to suits cognizable by a nyaya panchayat under this Act. Limitation Act 1908.

186. (1) If a plaintiff or a defendant dies before decree is passed in the suit, the name of his legal representative may be entered in his place on the record, on the application of the opposite party or of such legal representative, but no decree shall be passed against the legal representative of a deceased defendant beyond the value of the assets derived from him and not duly accounted for. Death of parties.

(2) If no such application be made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

(3) If there be more plaintiffs or defendants than one, and any of them dies and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

(4) If a decree-holder dies before the decree has been fully executed, his legal representative may apply to the nyaya panchayat to substitute his name as the decree-holder in the place of the deceased, and if the nyaya panchayat be satisfied, after giving notice to the judgement-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder,

(5) If a judgement-debtor dies before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor, to the extent of assets derived from him and not duly accounted for.

Nyaya Panchayat may transfer certain suits to District Munsiff.

187. If at any stage of the proceedings relating to a suit it appears to the nyaya panchayat that the suit involves decision of complicated issues which should be decided by a District Munsiff, it may, either on its own motion or on an application by any party to the suit, submit the suit to the District Munsiff having jurisdiction who may transfer the suit to his own court.

Transfer of certain suits.

188. (1) The District Munsiff having jurisdiction, may, whenever he considers it necessary in the interests of justice, transfer any suit pending before a nyaya panchayat to his own court or to any other nyaya panchayat within his jurisdiction.

(2) Where however a nyaya panchayat is dissolved and no new nyaya panchayat is immediately constituted in lieu thereof, the District Munsiff shall transfer all suits and proceedings before such nyaya panchayat to his own court or to any other nyaya panchayat within his jurisdiction.

On conclusion of hearing, nyaya panchayat to pass decree.

189. When the parties or their agents have been heard, and the evidence on both sides considered, the nyaya panchayat shall pass such decree as may seem just, equitable and according to good connection,

190. The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision thereon, and the reasons, for such decision. It shall specify the sum of money adjusted, the movable property to be delivered, the sum to be paid in default of delivery and the amount of costs and by what parties and in what proportions such costs shall be paid.

Contents of  
decree.

The decree shall be dated on the day on which it is passed, and signed by the members of the nyaya panchayat concurring therewith. A copy of the decree shall then be delivered to each party in the prescribed manner.

191. In suits for money the nyaya panchayat may decree interest on the sum decreed not exceeding six per cent per annum from the date of suit till the date of payment.

Decree may  
award inter-  
est or order  
payment by  
instalments.

When a nyaya panchayat decrees the payment of a sum of money, it may direct that it be paid by instalments, without interest or with interest not exceeding the above rate.

192. If on the application of the decree-holder or the judgment-debtor, the nyaya panchayat which passed the decree finds after enquiry that the decree has been satisfied wholly or in part, the nyaya panchayat shall record the fact in the prescribed register of suits.

Payment of  
adjustment  
of decrees to  
be recorded

193. A decree or an order passed by a nyaya panchayat shall be executed in such manner as may be prescribed :

Execution  
of decree.

Provided that no immovable property shall be distrained or sold in the execution of any such decree or order.

194. (1) An appeal shall lie to the District Munsiff having jurisdiction from any decree, or such order as may be prescribed, of a nyaya panchayat within sixty days from the date of such decree or order.

Appeal.

(2) Pending disposal of such appeal, the District Munsiff may stay execution of such decree or order of the trial of the suit, as the case may be.

(3) The decision of the District Munsiff on any such appeal shall be final.

## CRIMINAL JURISDICTION.

Nyaya panchayat to take cognizance of and try certain offences.

195. (1) The Government may, by order notified in the Andhra Pradesh Gazette, empower a nyaya panchayat, with effect from such date as may be specified therein, to take cognizance of, and try, any of the following offences which are committed within the local limits of its jurisdiction, namely:—

(a) offences punishable under sections 160, 277, 283, 290, 323, 334, 352, 358, 504 and 510 of the Indian Penal Code;

Central Act  
45 of 1860.

(b) offences punishable under section 379 of the Indian Penal Code in respect of property not exceeding ten rupees in value;

(c) offences punishable under section 426 of the Indian Penal Code when the loss or damage caused thereby does not exceed ten rupees;

(d) complaints of illegal seizure or detention of cattle under Chapter V of the Cattle Trespass Act, 1871 and offences of forcibly opposing the seizure of cattle or rescuing the same, punishable under section 24 of that Act, and offences of damage to land or crops or public roads by pigs or cattle punishable under section 26 of that Act;

Central Act  
1 of 1871.

Provided that in the case of a complaint of illegal seizure or detention of cattle under Chapter V aforesaid, the compensation that may be awarded by a nyaya panchayat shall not exceed twenty-five rupees;

(e) offences punishable under clauses (9), (11), Act III of 1889, and (12) of section 3 of the Andhra Pradesh Towns Nuisances Act, 1889;

(f) offences punishable under this Act;

(g) any other offence under the Indian Penal Code or any special or local law which is punishable with fine only or with imprisonment for a term not exceeding six months only or with both, which the Government may, by notification in the Andhra Pradesh Gazette, specify in this behalf:

Provided that in respect of offences mentioned in clauses (b) and (c), the Government may extend the jurisdiction of a nyaya panchayat to cases where the value of the property stolen or the loss or damage caused does not exceed twenty rupees.



*Explanation.*—The offences mentioned in this section include abetments of such offences.

(2) (a) If a nyaya panchayat finds an accused person guilty of any of the above offences, it may impose on him—

(i) a fine not exceeding ten rupees in respect of an offence under section 510 of the Indian Penal Code, and

(ii) a fine not exceeding fifteen rupees in respect of any of the other offences:

Provided that in case of conviction for an offence under clauses (b) and (c) of sub-section (1), the fine may extend to twice the value of the property stolen or the amount of the loss or damage caused.

(b) No sentence of imprisonment whether substantive or in default of fine shall be inflicted by a nyaya panchayat.

(3) The nyaya panchayat may allow a reasonable time for the payment of the fine, or may order that the fine shall be paid by instalments; but if the fine is not paid as directed, the nyaya panchayat shall recover it in the same manner as if it were a decree passed by the nyaya panchayat. If in any case it appears to the nyaya panchayat that the fine imposed cannot be recovered as aforesaid, it shall submit the case to the first class magistrate having jurisdiction, who may award such term of imprisonment as is authorised by law in case of such default:

Provided that the term so awarded shall in no case exceed one week.

(4) Subject to such rules as the Government may make in this behalf, the procedure to be adopted by the nyaya panchayat in criminal trials shall be as follows:—

Evidence given orally before a nyaya panchayat shall be on oath or solemn affirmation and a brief memorandum of the substance of what each witness deposes shall be written and kept as part of the record in the prescribed manner. It shall not be necessary to frame a formal charge; but it shall enter in the prescribed register the following particulars, namely:—

(a) the serial number;

(b) the date of the commission of the offence;

(c) the date of the report or complaint;

(d) the names, parentage and residences of the complainant, the accused and the witnesses examined;

(e) the offence complained of and offence, if any, proved, and in cases coming under clauses (b) and (c) of sub-section (1), the value of the property stolen or the amount of loss or damage caused;

(f) the plea of the accused and his statement, if any;

(g) the finding and in the case of conviction a brief statement of the reasons therefor;

(h) the amount of fine imposed;

(i) the date on which the proceedings terminated.

(5) Save as otherwise provided by rules made in this behalf, no legal practitioner, whether qualified or unqualified, be allowed to appear either for the complainant or for the accused.

(6) If at any stage of the proceedings, it appears to the nyaya panchayat that the case is one which ought to be tried by magistrate or if at the close of a trial, the nyaya panchayat is of the opinion that accused is guilty and that he ought to receive a punishment different in kind from, or more severe than, that which it is empowered to inflict, it shall submit the case to the first class magistrate having jurisdiction who may transfer the case to his own court or the court of a magistrate subordinate to him.

(7) (a) The Sessions Judge or first class magistrate having jurisdiction may, whenever he considers it necessary in the interests of justice, transfer any case pending before a nyaya panchayat to his own court or to the court of any magistrate subordinate to him or to any other nyaya panchayat within his jurisdiction.

(b) Where however a nyaya panchayat is dissolved and no new nyaya panchayat is constituted in lieu thereof, the Sessions Judge or the first class magistrate having jurisdiction, shall transfer all criminal cases and proceedings before such nyaya panchayat to his own court or to the court of any magistrate subordinate to him or to any other nyaya panchayat within his jurisdiction.

(8) No appeal shall lie against any sentence or order passed by a nyaya panchayat, under this section, but the Sessions Judge or the first class magistrate having jurisdiction, may set aside any conviction on the ground of illegality, impropriety, corruption, gross partiality or misconduct on the part of the nyaya panchayat, or on the ground that there has been a gross miscarriage of justice.

(9) Notwithstanding anything in the Code of Criminal Procedure, 1898, if a complaint of an offence cognizable by a nyaya panchayat is made to a magistrate, he shall, instead of taking cognizance of such offence, direct the complainant to present the complaint to the nyaya panchayat within whose jurisdiction the offence was committed.

196. No nyaya panchayat shall take cognizance of any offence of theft in which the accused—

Certain persons accused of theft not to be tried by nyaya panchayat.

(a) has been previously convicted with imprisonment of either description for a term of three years or more, or

(b) has been previously fined by any nyaya panchayat;

(c) has been bound over to be of good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure, 1898.

197. The offences cognizable by a nyaya panchayat and punishable under sections of the Indian Penal Code specified in the first two columns of the table below, may be compounded by the persons mentioned in the third column of that table:—

Compounding of offences.

TABLE.

<i>Offence</i>	<i>Sections of Indian Penal Code applicable</i>	<i>Persons by whom offence may be compounded</i>
(1)	(2)	(3)
Causing hurt	328, 334.	The person to whom the hurt is caused.
Assault or use of criminal force.	352, 358.	The person assaulted or to whom criminal force is used.

TABLE—Cont.

(1)	(2)	(3)
Mischief, when the only loss or damage caused is loss or damage to a private person.	426	The person to whom loss or damage is caused.
Insult intended to provoke a breach of the peace.	504	The person insulted.

Compensation to complainant, etc.

198. In imposing any fine, the nyaya panchayat may direct that the whole or any portion of the fine recovered shall be applied:—

(a) towards defraying the expenses properly incurred in the case by the complainant; or

(b) in giving compensation to a person for any material loss or damage caused to him by reason of commission of the offence.

Compensation to accused for false or frivolous case.

199. If a nyaya panchayat is satisfied, after enquiry that a case brought before it is false, frivolous or vexatious, it may order the complainant to pay to the accused such compensation, not exceeding rupees fifty, as it thinks fit:

Provided that no such order shall be passed, unless the complainant is given an opportunity to show cause against it.

Conviction by a nyaya panchayat not a previous conviction.

200. A conviction by a nyaya panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code. Central Act 45 of 1888

Enquiry by a nyaya panchayat under section 202, Code of Criminal Procedure, 1898.

201. A magistrate may direct an enquiry to be made under section 202 of the Code of Criminal Procedure, 1898, by a nyaya panchayat in any case in which the offence is committed within the territorial jurisdiction of such nyaya panchayat and the nyaya panchayat shall inquire into the case and submit its report to the said magistrate. Central Act 5 of 1898

Youthful offenders.

202. Instead of passing a sentence, the nyaya panchayat may discharge after due admonition a youthful offender who in the opinion of such nyaya panchayat is, at the time of conviction for the offence, under the age of sixteen years.

203. (1) If any person within the jurisdiction of a nyaya panchayat, having sufficient means, neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the nyaya panchayat may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or child at such monthly rate, not exceeding rupees twenty-five in the aggregate, as the nyaya panchayat thinks fit and to pay the same to such person as the nyaya panchayat from time to time directs.

Order to maintain wives and children.

(2) Such allowance shall be payable from the date of the order, or if so ordered, from the date of application for maintenance.

(3) If any person so ordered fails without sufficient cause to comply with the order, the nyaya panchayat may, recover the amount due in the manner provided in subsection (3) of section 195, and may also sentence such person, for the whole or any part of each month's allowance remaining unpaid, to fine which may extend to ten rupees.

(4) The provisions of sections 488, 489, and 490 of the Code of Criminal Procedure, 1898 shall, as far as may be, apply to the proceedings under this section.

tral Act  
1898

#### MISCELLANEOUS.

204. (1) No nyaya panchayat shall try any suit in respect of any matter which is pending for decision in, or has been heard and decided by a court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

Res-judicata and pending suits and cases.

(2) Where a case is pending in any court against an accused person in respect of any offence or where an accused person has been tried for any offence, no nyaya panchayat shall take cognizance of any such offence or on the same facts, of any other offence of which the accused might have been charged or convicted.

205. (1) Any person who wishes to institute a suit or case under this Act before a nyaya panchayat, shall make an application orally or in writing to the Nyaya Adhyaksha of the nyaya panchayat, or during his absence from the village or when he is incapacitated by reason of serious illness or otherwise from receiving application, to the Nyaya Upadhyaksha of the nyaya panchayat, or in the absence of both the Nyaya

Institution of suits and cases.

Adhyaksha and the Nyaya Upadhyaksha from the village or when both of them are incapacitated by serious illness or otherwise from receiving the application, to such other member of the nyaya panchayat as the Nyaya Adhyaksha of the nyaya panchayat may appoint in this behalf and shall, at the same time pay the prescribed fee.

(2) Where a suit or case is instituted orally the Nyaya Adhyaksha, Nyaya Upadhyaksha or member to whom the application is made shall, without delay record the prescribed particulars and shall take the signature of the applicant thereon.

(3) Subject to the provisions of section 181, the Nyaya Adhyaksha or in his absence the Nyaya Upadhyaksha or in the absence of both, the other member mentioned in sub-section (1) shall fix a date for the first hearing of such application and give due notice thereof to the applicant and to the members of the nyaya panchayat.

(4) The nyaya panchayat shall cause the particulars of every application, written or oral, made under this section to be entered in a register to be kept for that purpose.

Summons  
to be issued  
to the defen-  
dant or  
accused.

206. The nyaya panchayat after hearing the application shall cause a written summons in the prescribed form to be served in the prescribed manner on the defendant or the accused, as the case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall, at the same time, direct the plaintiff or the complainant to attend and produce his evidence at such time and place:

Provided that the nyaya panchayat may, for reasons to be recorded, after hearing the application and examining the plaintiff or the complainant refuse to issue summons and dismiss the suit or complaint.

Disposal of  
suits and  
cases in  
absence of  
party concerned.

207. (1) If the plaintiff or complainant fails to appear, after having been informed of the time and place fixed for the hearing, the nyaya panchayat may hear and decide the suit or case in his absence.

(2) The nyaya panchayat may hear and decide a suit or case in the absence of the defendant or the accused, if a summons has been served upon him or if he has been informed of the time and place fixed for hearing:

Provided that no sentence shall be passed by a nyaya panchayat on any accused, unless he has appeared, either in person or by a representative, before the nyaya panchayat and the substance of his statement has been recorded in the prescribed register.

(3) If, after the service of summons upon him, an accused fails to appear, either in person or by a representative, the nyaya panchayat may apply to the Sessions Judge or to any officer not below the rank of a second class magistrate authorised by the Sessions Judge in this behalf, and such Sessions Judge or officer shall compel the accused to appear in person or by his representative before the nyaya panchayat as if he were a court trying the case.

(4) Where an accused person has, under sub-section (3), been compelled to appear before the nyaya panchayat, the nyaya panchayat shall forthwith take his statement, and thereafter his attendance at the hearing of the case shall not be compulsory.

208. (1) Subject to such rules as may be prescribed, a nyaya panchayat may, if it considers the evidence of, or production of a document by, any person necessary in a suit or case, issue and cause to be served in the prescribed manner a summons in the prescribed form on such person to compel his attendance or to produce or cause the production of such document and such person shall be bound to comply with the directions contained in the summons.

(2) If any person, who is summoned by a nyaya panchayat to appear to give evidence or to produce any document before it, wilfully disobeys such summons, the nyaya panchayat may make a complaint to the magistrate having jurisdiction and the said person shall be punishable with a fine which may extend to twenty rupees.

(3) No nyaya panchayat shall compel any person to give evidence or to disclose any communication which such person cannot be permitted to give or compelled to disclose under the provisions of the Indian Evidence Act, 1872 or any other law for the time being in force.

209. Every police officer functioning within the jurisdiction of a nyaya panchayat shall be bound to assist the nyaya panchayat in the exercise of its lawful authority.

**Fresh hearing of pending suits etc. if more than one-half of members vacate office.** 210. Where, at any time, more than one-half of the total number of members of a nyaya panchayat vacate office and are succeeded by new members, such nyaya panchayat shall hear and dispose of all suits, cases and proceedings pending at that time:

Provided that the hearing of such suits, cases and proceedings shall commence anew as if they were instituted before such nyaya panchayat.

**Nyaya Panchayat not to revise or alter its decision.** 211. (1) Except as provided in sub-section (2), a nyaya panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) On an application made within one month from the date of the decree or order of the nyaya panchayat, the nyaya panchayat may, for sufficient reasons to be recorded in writing, restore any suit which has been dismissed for default or in which an *ex parte* decree has been passed against the defendant.

**Right of an arrested person to be defended by a legal practitioner.** 212. Notwithstanding anything in section 183 or sub-section (5) of section 195, a person arrested shall have the right to consult and be defended by a legal practitioner of his own choice.

**Applicability of certain sections of the Code of Criminal Procedure, 1898, to nyaya panchayat.** 213. The provisions of sections 403, 476, 476-A and 476-B of the Code of Criminal Procedure, 1898, shall apply to a nyaya pauchayat. Central. 5 of 189.

**Power of Government to dissolve a nyaya panchayat.** 214. (1) If in the opinion of the Government, a nyaya panchayat is not competent to perform or persistently makes default in performing the functions imposed on it by law or exceeds or abuses its power, they may, by notification in the Andhra Pradesh Gazette, dissolve the nyaya panchayat with effect from such date as may be specified therein, but a new nyaya panchayat shall be established in lieu thereof, within a period of six months from the date of such dissolution :

Provided that the Government may, for reasons, to be recorded in writing, postpone the establishment of the new nyaya panchayat for a further period so however, that the interval between the dissolution and the establishment aforesaid shall not exceed one year.



(2) On the date fixed for the dissolution of the nyaya panchayat under sub-section (1), all its members including Nyaya Adhyaksha and Nyaya Upadhyaksha shall forthwith be deemed to have vacated their offices as such.

(3) Before publishing a notification under sub-section (1), the Government shall communicate to the nyaya panchayat the grounds on which they propose to dissolve the nyaya panchayat, fix a reasonable period for the nyaya panchayat to show cause against such proposal and consider its explanations and objections, if any.

215. (1) In the Andhra area, notwithstanding anything in the Andhra Pradesh (Andhra Area) Village Courts Act, 1888 (hereafter in this section referred to as the said Act) every gram panchayat constituted or deemed to be constituted under this Act for any area, shall, until a nyaya panchayat having jurisdiction over such area is established under section 165, be deemed to be a panchayat court for that area within the meaning of sub-section (1) of section 9 of the said Act and that members, including the Sarpanch and Upa-Sarpanch of such gram panchayats, shall be deemed to be *ex-officio* members of such panchayat court, Sarpanch and Upa-Sarpanch aforesaid being also deemed *ex-officio* to be the president and vice-president respectively of the panchayat court. Every such panchayat court shall be governed by the provisions of the said Act as modified by section 132 of the Andhra Pradesh (Andhra Area) Village Panchayats Act, 1950, notwithstanding the repeal of the latter Act by sub-section (1) of section 239.

Exercise of powers of panchayat court under the Andhra Pradesh (Andhra Area) Village Courts Act, 1888, by gram panchayats till the establishment of nyaya panchayats in the Andhra area.

(2) On the date on which a nyaya panchayat is established under section 165 for any area, the jurisdiction of every panchayat court functioning in that area on such date shall cease and the provisions of the said Act shall cease to apply to such area and all suits, cases or proceedings pending on such date before any such panchayat court shall stand transferred to the nyaya panchayat having jurisdiction and shall be disposed of by the nyaya panchayat as if they had been instituted before it.

216. The Government may, by notification in the Andhra Pradesh Gazette, make rules for—

Power of Government to make rule

(i) the appointment of officers and servants required for the purposes of the nyaya panchayats;

(ii) the apportionment of the expenditure of a nyaya panchayat among the gram panchayats in the group;

(iii) the receipt and custody of all documents and records by or on behalf of nyaya panchayats and the grant of copies of decrees and other records;

(iv) the fees payable on the institution of suits and cases;

(v) the levy of fees for the service of process, the execution of decrees and the grant of decrees;

(vi) any other matter which is necessary to give effect to the provisions of this Part.

## CHAPTER VIII.

### RULES, BYE-LAWS AND PENALTIES.

Power of Government to make rules for the purposes of this Act.

217. (1) The Government shall, in addition to the rule making powers conferred on them by any other provisions of this Act, have power to make rules generally to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) as to all matters relating to electoral rolls or elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections;

(ii) as to the interpellation of the Sarpanch by the members and the moving of resolutions at meetings of a gram panchayat;

(iii) as to the delegation of any function of a gram panchayat to the Sarpanch, member, any officer of the gram panchayat or any servant of the State or Central Government;

(iv) as to the transfer of allotments entered in the sanctioned budget of a gram panchayat from one head to another;

(v) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by gram panchayats;

(vi) as to the preparation of plans and estimates for works and the powers of gram panchayats and of servants of the State or Central Government to accord professional or administrative sanction to estimates;

(vii) as to the accounts to be kept by gram panchayats, the audit and publication of such accounts and the conditions under which rate-payers may appear before auditors, inspect books and accounts, and take exceptions to items entered or omitted;

(viii) as to the power of auditors to disallow and surcharge items, appeals against order of disallowance or surcharge, and the recovery of sums disallowed or surcharged;

(ix) as to the powers of auditors, inspecting and superintending officers and officers authorised to hold inquiries to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence;

(x) as to the conditions on which property may be acquired by a gram panchayat, or on which property vested in or belonging to a gram panchayat may be transferred by sale, mortgage, lease, exchange or otherwise;

(xi) as to the conditions on which and the mode in which contracts may be made by or on behalf of gram panchayat;

(xii) as to the assessment and realization of taxes under this Act and the revision of and appeals against assessment, save to the extent specifically provided for in Schedule II;

(xiii) as to the acceptance in lieu of any tax or other amount due to a gram panchayat under this Act, of any service by way of cartage or otherwise;

(xiv) as to the form and contents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modification, suspension or cancellation thereof;

(xv) as to the powers of executive authorities to call for information on any matter, to summon and examine witnesses, and to compel the production of documents;

(xvi) as to the regulation or restriction of building and the use of sites for building;

(xvii) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to gram panchayats or on porambokes or on lands, the use of which is regulated by them under section 67; and for the presumptions to be drawn as regards the ownership of such trees;

(xviii) as to the provisions of cattle sheds by the gram panchayat wherein owners of cattle may stall cattle and as to the fees leviable in respect thereof;

(xix) as to the disposal of household and farmyard waste in the village, the acquisition of land by the gram panchayat for laying out plots, for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village and the conditions subject to which such assignment may be made, including the rent to be charged;

(xx) as to the duties to be discharged by village officers in relation to gram panchayats and their executive authorities;

(xxi) for regulating the sharing between local authorities in the State of the proceeds of any tax or income levied or obtained under this or any other Act;

(xxii) as to the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts;

(xxiii) as to the manner of publication of any notifications or notices to the public under this Act; and

(xxiv) for the use of the facsimilies of the signatures of the executive authorities and officers of gram panchayats.

(3) The power to make rules under this Act shall be subject to the condition of previous publication.

(4) All rules made under this Act shall be published in the Andhra Pradesh Gazette.

(5) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session 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, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall thereafter

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.

218. A rule under this Act may provide that a breach thereof shall be punishable with fine which may extend to fifty rupees, or in case of a continuing breach with fine not exceeding five rupees for every day during which the breach continues after conviction for the first breach. Penalties for breach of rules.

219. (1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a gram panchayat may, with the approval of the Commissioner, make bye-laws for carrying out any of the purposes for which it is constituted. Bye-laws and penalties for their breach.

(2) A bye-law made by the gram panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the gram panchayat not exceeding fifteen rupees or, in case of a continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the breach.

(3) The Government shall have power to make rules regarding the procedure for the making of bye-laws, the publication thereof and the date on which they shall come into effect.

220. (1) Whoever—

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule IV; or General provisions regarding penalties specified in Schedules IV and V.

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any question lawfully made upon him under or in pursuance of any of the said provisions, shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule V, or

(b) contravening any rule or order made under any of the provisions so specified, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of, any of the said provisions, continues to contravene the said provisions or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punishable for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

*Explanation.*—The entries in the third column of Schedules IV and V headed 'Subject' are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

Penalty for acting as member, Sarpanch or Upa Sarpanch of a gram panchayat when disqualified.

221. (1) Whoever acts as a member of a gram panchayat knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding twenty-five rupees for every such offence.

(2) Whoever acts as the Sarpanch, temporary Sarpanch or Upa-Sarpanch of a gram panchayat, or exercise any of his functions including where he is also the executive authority, any of his functions as such knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding two hundred and fifty rupees for every such offence.

(3) (a) Any person who having been the Sarpanch, temporary Sarpanch or Upa-Sarpanch of a gram panchayat fails to hand over any documents of, or any moneys or other properties vested in, or belonging to, the gram panchayat, which are in, or have come into, his possession or control, to his successor in office or other prescribed authority—

(i) in every case as soon as his term of office as such Sarpanch, temporary Sarpanch or Upa-Sarpanch expires; and

(ii) in the case of person who was the Upa Sarpanch, also on demand by the Sarpanch, shall be punishable with fine not exceeding two hundred and fifty rupees for every such offence.

(b) Any person who is convicted under clause (a) fails to hand over any documents of, or any moneys or other properties vested in or belonging to the gram panchayat, which are in or have come into, his possession, or control to his successor in office, shall be punishable for each day after conviction during which he continues to persist in his offence, with a fine not exceeding twenty rupees.

(4) In cases falling under sub-section (3), the court may, apart from ordering conviction for the offence, order the seizure of the documents, moneys or other properties of the gram panchayat from the person convicted.

222. If any officer or servant of a gram panchayat knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of the gram panchayat, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code :

Penalty for acquisition by an officer or servant of interest in contract, etc.

Central Act 45 of 1860.

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the gram panchayat unless he is a director of such company;

Provided further that nothing in this section shall apply to any person who, with the sanction of the Commissioner, enters into a contract with the gram panchayat.

223. Any person who prevents the executive authority or any person to whom the executive authority has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or thereinto shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

Wrongful restraint of executive authority or his delegate.

Central Act 45 of 1860.

224. Whoever obstructs a gram panchayat or the Sarpanch, the executive authority or a member of the gram panchayat or any person employed by the gram panchayat or any person with whom it has contracted in the performance of its duty under the provisions of this Act or of any rule made

Punishment for obstructing gram panchayat.

thereunder, or prevents or tries to prevent any person from doing anything which he is empowered or required to do, by virtue of this Act, or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by this Act, or removes, destroys, or defaces or otherwise obliterates any notice put up or exhibited by the gram panchayat or under its authority, shall be liable on conviction to a fine not exceeding fifty rupees.

Penalty for not giving information or giving false information.

225. Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information or knowingly furnishes false information shall be punishable with fine not exceeding ten rupees.

## CHAPTER IX

### SUPPLEMENTAL PROVISIONS.

Special provisions in the case of new gram panchayats.

226. (1) Notwithstanding anything in this Act, when a local area is notified as a village under section 3 for the first time, the Commissioner shall appoint a special officer to exercise the powers and perform the functions of the gram panchayat and its Sarpanch and executive authority until the members and Sarpanch thereof who are duly elected assume office.

(2) The special officer shall cause arrangements for the election of the members of the gram panchayat to be made before such date as may be fixed by the Commissioner in this behalf :

Provided that the Commissioner may, from time to time, postpone the date so fixed, if, for any reason, the elections cannot be completed before such date.

(3) As soon as may be, after the members of the gram panchayat are elected, a meeting of the gram panchayat shall be held on a day and at a time fixed by the special officer for the election of its Sarpanch in accordance with the provisions of section 12.

(4) Save as otherwise provided in this Act, the provisions of sub-sections (1), (2) and (3) shall, so far as may be, apply to all cases of reconstitution of a gram panchayat.

Public roads, markets, wells, tanks etc., to be open to all.

227. All roads, markets, wells, tanks, reservoirs and waterways vested in or maintained by a gram panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed,



228. A gram panchayat shall have power to farm out the collection of any fees due to it under this Act or any rule, bye-law or regulation made thereunder, for any period not exceeding three years at a time on such condition as it thinks fit.

Power to farm out fees.

229. (1) The Commissioner may, at the request of the gram panchayat or otherwise, by notification, declare that any of the provisions of the law relating to district municipalities for the time being in force or of any rule made thereunder including those relating to taxation, shall be extended to and be in force in, the village or any specified area therein.

Extension of provisions of law relating to district municipalities or of rules thereunder.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them to the village or specified area therein.

(3) Without prejudice to the generality of the foregoing provision, all references to a municipal council or the chairman or the executive authority thereof shall be construed as references to the gram panchayat or the Sarpanch or the executive authority thereof, all references to any officer or servant of a municipal council as references to corresponding officer or servant of the gram panchayat and all references to the municipal limits as references to the limits of the village or the specified area therein, as the case may be.

230. Notwithstanding anything in this Act, or in any law relating to the Panchayat Samithis and Zilla Parishads or to other local authorities, the Government may, in consultation with the Panchayat Samithi or Zilla Parishad or other local authority, as the case may be, and the gram panchayat concerned, by notification in the Andhra Pradesh Gazette and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that—

Transfer of functions of gram panchayats to Panchayat Samithis, Zilla Parishads, or other local authorities or vice versa

(i) any power or function vested in the gram panchayat by or under this Act, shall be transferred to and exercised and performed by the Panchayat Samithi or Zilla Parishad or the other local authority; and

(ii) any power or function vested in the Panchayat Samithi or Zilla Parishad or the other local authority shall be transferred to and exercised and performed by the gram panchayat.

231. (1) The Government may, by notification in the Andhra Pradesh Gazette, authorise any authority, officer or person to exercise in any local area, in regard to any gram panchayat or all gram panchayats in that area, any of the powers vested in them by this Act except the power to make rules; and may in like manner withdraw such authority. Delegation of powers, etc.

(2) The Commissioner or the District Collector may, by notification, authorise any officer or person to exercise in any local area in the State or the revenue district, as the case may be, in regard to any gram panchayat or all gram panchayats in that area, any of the powers vested by this Act in the Commissioner or the District Collector, as the case may be, and may in like manner withdraw such authority.

(3) The exercise of any power delegated under sub-section (1) or sub-section (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the delegating authority, or where such authority is the Government, by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

(4) The exercise of any power conferred on the Commissioner or the District Collector by any of the provisions of this Act, including sub-section (2) and (3) of this section, shall whether such power is exercised by the Commissioner or the District Collector himself or by any person to whom it has been delegated under sub-section (2), be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such person as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any persons so empowered.

(5) (a) The election authority may, by notification, authorise any officer or person to exercise in any local area in the revenue district in regard to any gram panchayat or all gram panchayats in that area, any of the powers vested in him by or under this Act, in so far as it relates to the conduct of elections to a gram panchayat, and may, in like manner, withdraw such authority.

(b) The provisions of sub-sections (3) and (4) shall apply, as far as may be, in regard to the power delegated under this sub-section.

232. (1) The Government may, in their discretion at any time, either *suo motu* or on application, call for and examine the record of any order passed or proceedings recorded under the provisions of this Act by—

(a) the Commissioner or the District Collector or any officer or person authorised by the Commissioner or the District Collector under sub-section (2) of section 231; or

(b) any authority, officer or person authorised by the Government under sub-section (1) of that section or any person empowered by them under sub-section (3) of that section, or

(c) any other authority, officer or person, for the purpose of satisfying themselves as to the legality or propriety of such order, or as to the regularity of such proceedings and pass such order in reference thereto as they think fit :

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The powers of the nature referred to in sub-section (1) may also be exercised by such authority, officer or person as may be empowered in this behalf by the Government.

(3) Nothing in this section shall apply to judicial proceedings of a nyaya panchayat or of a conciliation board under Chapter VII.

233. All costs, damages, compensation, penalties, charges, fees, (other than school fees), expenses, rents, (not being rents for land and buildings demised by the gram panchayat), contributions and other amounts which under this Act or any other law or rules or by-laws made thereunder are due by any person to the gram panchayat may, if there is no special provision in this Act, or the rules made thereunder for their recovery, be demanded by a bill as provided in the rules in Schedule II and recovered in the manner provided therein.

Recovery of amounts due as taxes.

234. (1) When a dispute exists between a gram panchayat and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the gram panchayat and the other local authorities concerned are unable to settle

Adjudication of disputes between local authorities.

it amicably among themselves, the Government may take cognizance of the dispute, and

(a) decide it themselves, or

(b) refer it for enquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted under section 42 for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified, from time to time, by the Government in such manner as they deem fit, and any such decision with the modification, if any, made therein under this sub-section, may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on the gram panchayat and each of the other local authorities concerned and shall not be liable to be questioned in any court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.

Oath of  
allegiance  
to be taken  
by members.

235. (1) Every member of the gram panchayat shall, before taking his seat, make at a meeting of the gram panchayat an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:—

“I, ..... having become a member of the gram panchayat swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”

(2) Any such member who fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1), shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) No such member shall take his seat at a meeting of the gram panchayat or, do any act as such member unless he has made the oath or affirmation as laid down in this section.

(4) Where a person ceases to hold office under sub-section (2), the executive authority shall report the same to the gram panchayat at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be a member under that sub-section, the gram panchayat may grant him further time which shall not be less than three months for making the oath or affirmation and if he makes the oath or affirmation within the time so granted, he shall, notwithstanding anything in the foregoing sub-sections or in clause (k) of section 20 continue to hold his office.

(5) Every member of a nyaya panchayat shall, before he enters upon his office, make an oath or affirmation of his allegiance to the Constitution of India in the form laid down in sub-section (1), and the provisions of sub-sections (1) to (4) shall, so far as may be, apply to the member of the nyaya panchayat.

236. (1) In regard to the first constitution of a gram panchayat for a village, or to the first reconstitution in accordance with the provisions of this Act of a gram panchayat in existence at the commencement thereof, and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in Schedule VI.

Act to be read subject to Schedule VI in regard to first constitution or reconstitution, etc.

(2) The Government shall have power, by notification in the Andhra Pradesh Gazette, to amend, add to or repeal the rules in the said Schedule.

237. (1) If any difficulty arises in first giving effect to the provisions of this Act or as to the first constitution or reconstitution of any gram panchayat after the commencement of this Act, the Government, as occasion may require, may, by order published in the Andhra Pradesh Gazette, do anything which appears to them necessary for removing the difficulty.

Power to remove difficulties.

(2) All orders made under sub-section (1) shall, as soon as may be after they are made, be placed on the table of both Houses of the State Legislature, and shall be subject to such modifications by way of amendments or repeal as the Legislature may make either in the same session or in the next session,

Amendment  
to section  
81 of Andhra  
Pradesh Act  
XXXV of  
1959.

238. In section 31 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959, for the words "and the Panchayat Samithi shall, within one month from the date of receipt, forward it with its suggestions to the authority competent to modify the budget under such law and such authority shall give due consideration to those suggestions", the words "and the Panchayat Samithi shall, within one month from the date of receipt, return the budget to the panchayat or the town committee, as the case may be, after approving it either without modifications or with such modifications as it may deem fit" shall be substituted.

Andhra  
Pradesh  
Act XXX  
of 1959.

Repealed.

239. (1) The Andhra Pradesh (Andhra Area) Village Panchayats Act, 1950, and the Andhra Pradesh (Telangana Area) Gram Panchayats Act, 1956, are hereby repealed.

Act X of  
1950  
Act XVI  
of 1956

(2) On and from the date of commencement of this Act, the Andhra Pradesh (Telangana Area) District Municipalities Act, 1956, shall cease to apply to towns which are declared as town municipalities under section 3 of that Act.

#### SCHEDULE I.

Act X  
of 1959.

#### RULES REGARDING PROCEEDINGS OF GRAM PANCHAYATS AND THEIR COMMITTEES.

##### [Section 41.]

1. Every gram panchayat shall provide an office in such place and subject to such conditions as may be specified by the Government by a general or special order.

2. Every gram panchayat shall meet at least once in every month in its office for the transaction of business upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the Sarpanch.

3. (1) No meeting of the gram panchayat shall be held unless notice of the day and time when and the place where the meeting to be held and of the business to be transacted thereat has been given at least three clear days before the day of the meeting.

(2) In cases of urgency, the Sarpanch may convene a meeting on giving shorter notice than that specified in sub-rule (1).

4. (1) The Sarpanch of a gram panchayat shall, on the requisition in writing of not less than one-third of the members then on the gram panchayat, convene a meeting of the

gram panchayat, provided that requisition specifies the period within which and the purpose for which, the meeting is to be held. The requisition shall be delivered at the office of the gram panchayat during office hours to the Sarpanch, executive officer, or any other person who may then be in charge of the office, at least ten clear days before the day of the meeting.

(2) If the Sarpanch fails within five days from the delivery of such requisition, to call a meeting on any day within the period specified in the requisition for the consideration of the purpose mentioned therein, a meeting may be called on any suitable day within the period aforesaid by the members who signed the requisition on giving the notice provided for in sub-rule (1) of rule 3 to the other members of the gram panchayat.

(3) No meeting under sub-rule (1) or sub rule (2) shall be convened at any place other than the place where the office of the gram panchayat is situated.

5. All the meetings of a gram panchayat shall be open to the public, provided that the presiding member may, in any particular case, direct that the public generally or any particular person shall withdraw.

6. Every question which comes before a gram panchayat at any meeting shall be decided by a majority of the members present and voting at the meeting and in case of equality of votes, the presiding member shall have and exercise a second or casting vote. When a resolution is not carried unanimously, the names of the members who vote for and against it shall be recorded.

7. No business shall be transacted at a meeting of any gram panchayat unless there be present at least one-third of the number of members then on the gram panchayat.

8. If within half an hour after the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer.

9. An attendance register shall be maintained in which the presiding member shall obtain the signatures of all the members present at the meeting noting time of arrival and departure.

10. No resolution of a gram panchayat shall be modified or cancelled within three months after the passing thereof, except at a meeting specially convened in that behalf and by a resolution of the gram panchayat supported by not less than one-half of the total strength of members.

11. Minutes of the proceedings at every meeting of a gram panchayat shall be drawn up in the chief language of the village and entered in a book to be kept for that purpose and shall be signed by the presiding member; and the said minutes shall be read and recorded at the next meeting and, at all reasonable times without charge be open at the office of the gram panchayat to the inspection of any person who pays any tax under this Act.

12. The executive authority of a gram panchayat shall have the custody of the proceedings and records of the gram panchayat and of the committees thereof and may grant copies of any such proceedings or records on payment of such fees as may be prescribed. Copies shall be certified by the executive authority, as provided in section 76 of the Indian Evidence Act, 1872, and copies so certified may be used to prove the proceedings and records of the gram panchayat or committee in the same manner as the proceedings of a municipal body may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.

13. Rules 3, 6, 7, 8, 9 and 10 shall *mutatis mutandis* apply to the proceedings of a committee of the gram panchayat.

14. The proceedings of every committee appointed by a gram panchayat shall be recorded in writing and submitted to the gram panchayat.

## SCHEDULE II.

### RULES RELATING TO CERTAIN TAXES AND THE LODGING OF MONEYS RECEIVED BY GRAM PANCHAYAT AND PAYMENT OF MONEYS FROM THE GRAM PANCHAYAT FUND.

#### [Chapter IV.]

#### PART I—RULES RELATING TO TAXES OTHER THAN THOSE SPECIFIED IN SECTION 75.

##### A. GENERAL.

1. (1) The executive authority shall, save as otherwise provided in these rules, determine the tax to which each person or property is liable:



Provided that in the case of taxes payable by the executive authority, the assessment shall be made by the gram panchayat.

(2) As soon as may be after the tax payable by a person is determined for the first time under this Act, such person shall be served with a notice in the prescribed manner and thereupon he shall be liable to pay the tax year after year on or before the prescribed date without any fresh notice therefor.

2. (a) If, at any time, it appears to the gram panchayat that any person or property has been inadequately assessed or inadvertently or improperly omitted from the assessment book relating to any tax or that there is any clerical or arithmetical error in the said books, it may direct the executive authority to amend the said books in such manner as it deems just or necessary:

Provided that no such direction shall be given, where it involves an increase in the assessment, unless the person concerned has been afforded a reasonable opportunity to show cause to the gram panchayat why the assessment books should not be amended as proposed.

(b) Such amendment shall be deemed to have taken effect on the earliest date, either in the current year or in the two years immediately preceding it, on which the circumstances justifying the amendment existed.

3. (1) The executive authority shall give to every person making payment of a tax a receipt thereof signed by him or by some person duly authorised by him in that behalf.

(2) Such receipt shall specify—

(a) the date of the grant thereof,

(b) the name of the person to whom it is granted,

(c) the tax in respect of which the payment has been made,

(d) the period for which payment has been made,  
and

(e) the amount paid.

## B. ASSESSMENT OF THE HOUSE-TAX

4. When the gram panchayat has resolved to assess houses for the purpose of house-tax either on their annual or their capital value, the rates fixed by the gram panchayat may either be proportionate to the value of each house, or may advance in systematic progression with the value of the house; but shall in no case decrease as the value of the house increases.

5. (1) When a proportionate rate has been adopted by the gram panchayat, it may group the houses in the village into classes to simplify the calculation and the collection of the tax.

(2) When a progressive rate has been adopted by the gram panchayat, it shall (i) prescribe principles of classification (as that a certain sum, which shall be tax-free, shall be deducted from the assessment of each house, or that the progression shall be from a certain percentage in the lowest to a certain percentage in the highest class), and (ii) settle the precise number and limits of each class.

(3) The gram panchayat shall not in either case so arrange the classes as to affect substantially the principle of taxation whether proportionate or progressive, and the number of classes shall in no case be less than six.

6. (1) The karnam or patwari having jurisdiction over any area comprised in the village shall, on the requisition of the executive authority, prepare and furnish to him a list of all houses within such area and shall enter in the list the names of owners and occupiers of such houses.

(2) The karnam or patwari shall be entitled for the preparation of such list, to receive such remuneration, if any, as the gram panchayat may, subject to the sanction of the District Collector, fix.

7. The executive authority shall, on the receipt of the lists mentioned in rule 6, cause assessment books to be prepared. Such assessment books shall show in distinct columns the name of the owner and of the occupier of each house, the class, if any, under which such house is taxed, the amount of the tax due on the date on which the tax is payable.

8. As soon as the assessment books are prepared, the executive authority shall, by beat of drum in the village, give public notice thereof and of the place or places where the books may be inspected.

9. (1) The executive authority may amend the assessment books at any time between one general revision and another by inserting any house therein or removing any house therefrom or by altering the valuation or classification of any house, or the amount of tax payable in respect thereof or, subject to any other rules which the Government may make in this behalf, by substituting therein for the name of the owner of any house, the name of any other person who has succeeded by transfer or otherwise to the ownership of the house.

(2) Such amendment shall be deemed to have taken effect on the first day of the year in which it is made:

Provided that when the amendment is made in any year after the expiration of the date on which payment of the tax is due, it shall have effect only from the succeeding year, except where the amendment gives effect to the fixation of the fair rent under the law relating to the control of lease and rent of buildings for the time being in force:

Provided further that, where the amendment is rendered necessary by reason of the fixation of the fair rent of a house under the law aforesaid, the amendment shall have effect as from the date on which the fair rent was so fixed:

Provided also that the decision of the executive authority in any disputed case of transfer of ownership of a house shall not give the transferee a legal title to the house.

(3) In every case in which, between one general revision and another the executive authority assesses any house for the first time or increases the assessment on any house otherwise than in consequence of a general enhancement of the rates at which the house-tax is leviable, the executive authority shall intimate by a special notice to the owner or occupier of such house that a petition for revising the assessment will be considered, if it reaches the gram panchayat office within sixty days from the date of service of such notice in the case of the State or Central Government or a company, and within thirty days from the date of service of such notice in other cases.

10. Any person may, at any time, not being less than thirty days or more than sixty days before the end of a year, move the executive authority by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the annual or capital value, as the case may be, of the house in respect of which the tax is imposed, has decreased since the assessment of the house was last made or revised.

11. Immediately after the disposal of a revision petition under sub-rule (3) of rule 9 or under rule 10, the executive authority shall inform the petitioner or his authorized agent either orally or in writing of the orders passed thereon, and shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or, if the amount is not yet due, within fifteen days from the date on which it becomes due, and shall, if necessary, cause the assessment books to be corrected.

12. (1) The executive authority shall not be bound to cause new lists or assessment books to be prepared every year, but may adopt those of the preceding year with such amendments as have been made or may be made for the preceding year:

Provided that a general revision of assessment books shall be made once in every five years;

Provided further that the Government may, by notification in the Andhra Pradesh Gazette, advance or postpone the date of general revision of assessment books or fix intervals at which such revision shall be made.

(2) Public notice of such amendments and general assessment shall be given in the manner provided in rule 8.

(3) The general assessment shall be deemed to have taken effect on the first day of the year in which such notice is given.

13. (1) Notwithstanding anything in these rules, the Commissioner may notify a gram panchayat for the appointment of a revision officer to conduct general revision of assessment books. The revision officer who may be appointed for a specific period shall exercise the powers, discharge the duties and perform the functions of the executive authority under these rules in so far as such powers, duties and functions relate to the revision of assessment books under rule 12. On the

issue of such a notification, for the term "executive authority" wherever it occurs in these rules in so far as they relate to such revision and publication of notices, the term "revision officer" shall be deemed to have been substituted.

(2) (a) The Commissioner shall appoint a revision officer for a gram panchayat so notified and direct the executive authority to make available such staff from the gram panchayat as he may deem necessary to enable such officer to carry out his duties.

(b) The Commissioner shall recover from the gram panchayat concerned the whole or such proportion of the salary and allowances paid to the revision officer and such contributions towards the leave allowances and provident fund of that officer as the Commissioner may, by general or special order, determine.

(c) The executive authority shall, subject to the provisions of rule 9 maintain the assessment books relating to the house-tax in accordance with the revision made by the revision officer.

(d) The executive authority shall, when so requested by the revision officer, make available to the revision officer such staff as may be necessary for the exercise of the powers, discharge of the duties and performance of the functions by the revision officer.

(3) The Government shall regulate the classification, methods of recruitment, conditions of service, salary and allowances and discipline and conduct of the revision officer appointed under sub-rule (2).

#### *C. Profession Tax—Levy of Maximum and Minimum Rates.*

14. (1) The classes into which companies and persons shall, for the purposes of assessments to the profession tax, be divided and the maximum and the minimum yearly tax leviable on each class, shall be as follows:—

Class.	Yearly income.	Maximum	Minimum
		yearly tax. Rs. nP.	yearly tax. Rs. nP.
I.	More than Rs. 80,000 .. .. .	250-00	200-00
II.	More than Rs. 24,000 but not more than Rs. 80,000	200-00	150-00
III.	More than Rs. 18,000 but not more than Rs. 24,000	150-00	100-00

Class	Yearly income	Maximum	Minimum
		yearly tax Rs. nP.	yearly tax Rs. nP.
IV.	More than Rs. 12,000 but not more than Rs. 18,000	100-00	50-00
V.	More than Rs. 9,600 but not more than Rs. 12,000	50-00	24-00
VI.	More than Rs. 6,000 but not more than Rs. 9,600	24-00	12-00
VII.	More than Rs. 3,600 but not more than Rs. 6,000	12-00	8-00
VIII.	More than Rs. 2,400 but not more than Rs. 3,600	8-00	4-00
IX.	More than Rs. 1,200 but not more than Rs. 2,400	4-00	2-00
X.	More than Rs. 600 but not more than Rs. 1,200 ..	2-00	1-00

(2) The gram panchayat shall determine the tax leviable on each class subject to the maximum and minimum specified in sub-rule (1) :

Provided that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(3) The gram panchayat may exempt any one or more of the classes in sub-rule (1) from liability to profession tax, but no class shall be exempted from liability when any lower class is liable to tax.

15. A company or person shall be deemed to have transacted business or exercised a profession, art or calling or held an appointment within a village, if such company or person has an office or place of employment within such village.

16. (1) Where a company or a person transacts any business other than money lending in any year exclusively in the area of a single gram panchayat, the income of such company or person from the transaction of such business shall, for the purposes of levying profession tax under this Act, during the half year, be deemed to be—

(a) where income-tax is assessed on such company or person under the Income-Tax Act, 1961, for the year, the amount at which the profits and gains of such business are computed under section 28 of that Act for the purpose of assessing the income-tax; and

(b) where the amount of the said profits and gains is not ascertainable, or where such company or person is not assessed to income-tax, such percentage or percentages calculated with reference to rule 17, of the turnover of such business transacted in the area of the gram panchayat during the year or where this is also unascertainable, during the previous year.

(2) Where a company or person transacts any business other than money lending partly in the area of a gram panchayat and partly outside such area, the income of such company or person from the transaction of such business in the area of the gram panchayat shall, for the purpose of levying profession tax under this Act, be deemed to be percentage calculated with reference to rule 17, of the turnover of such business transacted in such area during the year or the previous year, as the case may be.

(3) For the purposes of clause (b) of sub-rule (1) and sub-rule (2), the turnover of business in any village means the aggregate money value of the goods produced, manufactured, purchased or sold or of any other business except money lending transacted in such village.

*Explanation.*—In determining the turnover of business under this sub-rule—

(a) where the delivery of any goods on account of any purchase made by any company or person and the delivery on account of the sale thereof by the same company or person are both effected in the State, only the latter transaction shall be taken into account;

(b) where the delivery of any goods on account of any purchase made by any company or person is effected in any place outside the State and the delivery on account of the sale thereof by the same company or person is effected in any place in the State, the latter transaction shall be taken into account; and

(c) where the delivery of any goods on account of any purchase made by any company or person is effected in any place in the State and the delivery on account of the sale thereof by the same company or person is effected in any place outside the State, the former transactions shall be taken into account.

17. For the purpose of calculating the income for levying profession tax, the percentage of turnover of business under clause (b) of sub-rule (1) and sub-rule (2) of rule 16 shall be as specified in columns (1) and (2) of the following table:

Provided that, if in any case, the income so calculated is less than the minimum sum specified in column (3) of the said table, the percentage shall be enhanced to such rate as would yield such minimum sum:—

TABLE.

<i>Turnover.</i>	<i>Percentage. Minimum.</i>	
(1)	(2)	(3)
		Rs.
Where the turnover of business exceeds 12 lakhs of rupees	1	18,000
Where the turnover of business exceeds 6 lakhs of rupees but does not exceed 12 lakhs of rupees .. .. .	1.5	12,000
Where the turnover of business exceeds 3 lakhs of rupees but does not exceed 6 lakhs of rupees .. .. .	2	9,000
Where the turnover of business exceeds 1,50,000 rupees but does not exceed 3 lakhs of rupees .. .. .	3	6,000
Where the turnover of business does not exceed 1,50,000 rupees .. .. .	4	..

18. (1) If, in the opinion of the executive authority, profession tax is or will be due from any company or person for any year, he shall serve a notice on such company or person either in that year or in the succeeding year requiring the company or person to furnish within such period, not being less than thirty days as may be specified in the notice, a return showing the income on the basis of which, according to such company or person, it or he is liable to be assessed to profession tax for the year in question. Thereupon, it shall be open to such company or person to submit a return in the form contained in Appendix A, the income derived by it or him during the year for which profession tax is claimed or for the previous year and produce any evidence on which the company or person may rely in support of the return made.



(2) If a return is made as required under sub-rule (1) and the executive authority is satisfied that it is correct and complete, he shall levy the profession tax from such company or person on the basis of such return.

*Explanation.*—In cases not falling under clause (b) of sub-rule (1) or under sub-rule (2) of rule 16, if the company or person produces the notice of demand of income-tax served on it or him under section 156 of the Income-tax Act, 1961, for the year in question, the executive authority shall be bound to take the income mentioned in such notice of demand, as the income derived from the sources on which profession tax is leviable under this Act, as the income on the said sources for the purposes of levying profession tax.

(3) If no return is made as required under sub-rule (1) or if the executive authority is satisfied that any return so made is incorrect or incomplete, the executive authority shall assign to the company or person the class in the scale appropriate to the yearly income of such company or person as estimated by him.

(4) The executive authority may, when classifying any company or person under sub-rule (3), do so on general considerations with reference to the nature and reputed value of the business transacted, the size and rental of residential and business premises, the quantity and number of articles dealt with, the number of persons employed and the income tax paid.

(5) The executive authority shall not be entitled to call for the accounts of any company or person.

19. If the profession tax due from any company or person is not paid, the executive authority of the gram panchayat shall cause a notice to be served on such company or person to pay it within fifteen days of the date of such service.

20. All statements made, returns furnished or accounts or documents produced in connection with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.

21. The executive authority of the gram panchayat may, by notice, require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club or residential chambers, to furnish within a specified time a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art or calling of every such person and the rent, if any, paid by him and the period of such occupation.

#### D. TAX ON VEHICLES.

22. (1) The executive authority shall send to every person, supposed to have become liable to the payment of vehicle tax, a printed table to be filled up with such information respecting the vehicles kept or used by him as the executive authority considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, and signed and dated and returned within one week of its receipt to the gram panchayat office by the person to whom it has been sent.

(3) On the expiry of the period of one week referred to in sub-rule (2), the executive authority shall cause a notice to be served on such person requiring him to pay within thirty days of the date of such service the sum for which, in the opinion of the executive authority, such person is liable on account of the vehicle tax.

23. When any person pays the amount of tax due in respect of any vehicle, the executive authority shall grant him a licence to keep or use such vehicle for the period to which the payment relates.

24. A gram panchayat number shall be affixed to every vehicle for which a licence is granted under rule 23 and such number shall be registered in the gram panchayat office:

Provided that no gram panchayat number shall be required in the case of a vehicle to which number must be affixed under the provisions of any special law.

25. If a gram panchayat number or a number under the provisions of any special law is not affixed to a vehicle as required by rule 24, the executive authority may, at any time, seize and detain the vehicle:

Provided that no vehicle other than a bicycle, tricycle or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

26. (1) If the vehicle seized is not claimed and the tax due thereon is not paid within ten days from the date of seizure, the executive authority may direct that the vehicle shall be sold in public auction and the proceeds of sale applied to the payment of—

(i) the tax, if any due on the vehicle sold;

(ii) such penalty not exceeding the amount of the tax as the executive authority may direct; and

(iii) a sum of fifty naye paise on account of charges incurred in connection with the seizure, detention and sale.

The balance of the proceeds of the sale shall be paid to the owner of the vehicle.

(2) If the owner of the vehicle or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the executive authority may direct; and

(iii) a sum of twenty-five naye paise on account of charges incurred in connection with the seizure and detention.

#### E. APPEALS.

27. An appeal shall lie to the gram panchayat in respect of the assessment and imposition of the following taxes—

(a) the assessment and imposition of house-tax under rules 7 and 12 and the orders of the executive authority under rule 11 upon a revision petition;

(b) the imposition by the executive authority of—

(i) a tax on any vehicle;

(ii) any profession tax; and

(c) the assessment of a tax on agricultural land, the levy of which has been sanctioned by the Commissioner under this Act.

28. No appeal to a gram panchayat shall be heard—

(i) unless it reaches the office of the gram panchayat before the date fixed for the payment of tax complained of; and

(ii) unless, except when the executive authority otherwise directs on the ground of poverty, the tax in respect of which the appeal is presented has been paid or deposited at the office of the gram panchayat before the date referred to in clause (i):

Provided that the gram panchayat may admit an appeal within fifteen days after the date referred to in clause (i), if cause is shown to its satisfaction for not preferring before the said date.

29. The gram panchayat may, of its own motion or otherwise, cancel or modify any order passed by the executive authority reducing or remitting a tax.

30. The assessment books shall be corrected in accordance with any orders passed by the gram panchayat on appeal; in the event of the amount of any tax being reduced or remitted by the gram panchayat, the executive authority shall grant a refund accordingly.

31. The assessment of any tax when no appeal is made as hereinbefore provided, and when such an appeal is made, the adjudication of the gram panchayat thereon, shall, subject to the revisionary powers of Government, be final:

Provided that where any assessment is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.

32. (1) The powers of the gram panchayat under rules 2, 27 and 29, shall, during any period in respect of which the Commissioner may, by notification, so direct, be exercised by a special officer appointed by him. And thereupon the gram panchayat shall cease to exercise the said powers during the said period and rules 2 and 27 to 31 shall have effect as if for the words 'gram panchayat' wherever they occur in those rules, and for the expression 'executive authority' in rule 28, the words 'special officer appointed by the Commissioner in this behalf' were substituted.

(2) A special officer appointed under sub-rule (1) shall have all such powers of the gram panchayat and of the executive authority as are necessary for the purpose of exercising his powers under the said sub-rule and he shall be entitled to the same protection as the gram panchayat or the executive authority, as the case may be, is entitled.

(3) The special officer shall be paid out of the gram panchayat fund such salary and allowance as the Commissioner may fix. If a Government servant is appointed as a special officer, the gram panchayat shall also make such contribution towards the pension and leave allowances of that servant as may be required by the conditions of his service under the Government to be made by him or on his behalf.

#### F. COLLECTION OF TAXES.

33. (1) When a house-tax is due from any person, the executive authority of the gram panchayat shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of rule 34.

(2) A notice under rule 19 or rule 22 and a bill under sub-rule (1) shall be signed by the executive authority or some person duly authorised by him in that behalf and shall contain—

(a) a statement of the period and description, of the occupation, property or thing for which the tax is charged; and

(b) a notice of the liability incurred in default of payment.

(3) Where a notice referred to in rule 19 or rule 22 or a bill referred to in sub-rule (1), has not been served or given either in the year in which the tax became due or in the succeeding year, the tax for the year first mentioned in this sub-rule shall not be recovered in the manner laid down in these rules:

Provided that where the assessment books have been amended under rule 2, the bill may be served either in the year in which the amendment was made or in the succeeding year.

(4) Nothing in this rule or in rule 34 shall preclude the gram panchayat from suing in a nyaya panchayat or civil court for the tax due to it,

34. (1) If the amount of the tax demanded is not paid within fifteen days from the service of the bill or the giving of the direction referred to in rule 11 or notice under rule 19 or rule 22 and if the person from whom the tax is due has not shown cause to the satisfaction of the executive authority why it should not be paid, the executive authority may recover by distraint under his warrant and sale of the movable property of the defaulter, the amount due on account of the tax together with the warrant fee and the distraint fee and with such further sum as will satisfy the probable charges that will be incurred in connection with the detention and sale of the property so distrained:

Provided always that the movable property described in the proviso to section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint.

(2) If for any reason the distraint or a sufficient distraint of the defaulter's property is impracticable, the executive authority may prosecute the defaulter.

(3) The warrant under sub-rule (1) shall be in the form contained in Appendix B to these rules or in some similar form, and for each such warrant a fee of twelve naye paise shall be levied.

(4) Under a special order in writing of the executive authority, any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of any building in order to make the distress, if he has reasonable grounds for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women, until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

35. (1) The officer charged with the execution of a warrant shall, before making the distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid, no distraint shall be made, but if the tax or fee is not paid, the officer shall—

(a) seize such movable property of the defaulter as he may think necessary;

(b) make an inventory of the property seized; and

(c) give to the person in possession of the property seized, at the time of seizure, a copy of the inventory and the notice of sale in the form contained in Appendix C to these rules or in some similar form:

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

(2) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the tax due by the defaulter together with all expenses incidental to the warrant, distraint, detention and sale.

36. (1) If the amount due by the defaulter on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention of the property, are not paid within the period of seven days mentioned in the notice given under rule 35 and if the distraint warrant is not suspended by the executive authority, the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the executive authority who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure, any property or sum which may remain after the sale and application of the proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the executive authority may again proceed under rule 34 in respect of the sum remaining unpaid.

(2) When the property seized is subject to speedy and natural decay, the executive authority may sell it at any time before the expiry of the said period of seven days, unless the amount due is sooner paid.

(3) The executive authority shall consider any objection to the distraint of any property which is made within the said period of seven days and may postpone the sale pending investigation thereof. If the executive authority decides that the property attached was not liable to distraint, he shall return it, or, if it has already been sold, the proceeds of the sale.

to the person appearing to be entitled thereto and may again proceed under rule 34; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter, if it appears to the executive authority that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.

37. (1) Distraint fee shall be payable at such rates not exceeding those mentioned in Appendix D to these rules as may be determined by the gram panchayat.

(2) Such fees shall not be held to include the expenses incidental to the detention of any property distrained.

38. The property of a person in default under sub-rule (1) of rule 34 may be distrained wherever it may be found within the area of the gram panchayat.

39. If the tax due on account of any house remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 34, the executive authority may, if the said tax has remained unpaid for more than twelve months, require the occupier for the time being of such building to pay the amount within a specified period, not being less than fifteen days; and if the occupier fails to comply with such requisition, the executive authority may distrain and sell any movable property found on the building, and the provisions of the foregoing rules, shall, *mutatis mutandis* apply to all distraints and sales effected under this rule; provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule unless he was wilfully prevented distraint or a sufficient distraint.

40. If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 34 and if such person has left India or cannot be found, the said tax or such part thereof as remains unpaid together with all sums payable in connection therewith shall be recoverable as if it were an arrear of land revenue.

41. (1) Every person who is prosecuted under sub-rule (2) of rule 34 shall be liable, on proof to the satisfaction of the court that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint, or a sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of—



(a) the tax and the warrant fee, if any, and

(b) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(2) Whenever any person is convicted of an offence under sub-rule (1), the court shall, in addition to any fine which may be imposed, recover summarily and pay over to the gram panchayat the amounts, if any, due under the heads specified in clauses (a) and (b) of sub-rule (1) and may, in his discretion, also recover summarily and pay the gram panchayat such amount, if any, as he may fix as the costs of the prosecution.

42. Neither the executive authority nor any officer or servant of the gram panchayat shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.

43. The District Panchayat Officer, the Divisional Panchayat Officer and the Extension Officer (Panchayats) having jurisdiction, shall also exercise the powers of the executive authority referred to in these rules in so far as they relate to the collection of taxes.

## PART II.

### LODGING OF MONEYS RECEIVED BY THE GRAM PANCHAYAT AND PAYMENTS OF MONEYS FROM THE GRAM PANCHAYAT FUND.

44. All moneys received by a gram panchayat shall be lodged either in the nearest Government treasury or in the nearest Post Office Savings Bank, or in both.

45. (1) A gram panchayat may invest sums not required for immediate use, in fixed deposits for a period up to three years in the State Co-operative Bank and District Central Co-operative Banks approved by the Registrar of Co-operative Societies for the purpose or in any other manner prescribed.

(2) A gram panchayat may invest any surplus in the earmarked funds either in Government securities or in the debentures of the Co-operative Central Land Mortgage Bank or in any other manner prescribed.

46. In special cases, a gram panchayat may, with the sanction of the District Collector, lodge, or invest its funds in any other bank specified by the Commissioner.

47. A gram panchayat may, with the sanction of the Commissioner and subject to such conditions as to security or otherwise as he may lay down, leave its money in the custody of its executive authority:

Provided that no such sanction shall be necessary for leaving in the custody of the executive authority a permanent advance not exceeding such sum as may be fixed by the Commissioner by a general or special order.

48. The moneys of the gram panchayat so lodged shall be drawn upon by the issue of orders or cheques which shall be signed by the executive authority.

49. The drawing of moneys under rule 48 by the executive authority shall be subject to the control of, and the conditions laid down by, the District Panchayat Officer concerned.

50. (1) The District Panchayat Officer concerned may, for sufficient reasons to be recorded in writing, prohibit by an order any executive authority from drawing the moneys of the gram panchayat for such period as may be specified in such order :

Provided that no such order shall be passed unless opportunity of making representation has been given to the executive authority concerned;

Provided further that the District Panchayat Officer may issue an interim direction to the executive authority not to draw the moneys of the gram panchayat pending the exercise of his powers under this sub-rule.

(2) Any executive authority aggrieved by an order passed by the District Panchayat Officer concerned under sub-rule (1), may prefer an appeal in writing to the District Collector concerned within seven days of the receipt of the order and the decision of the District Collector thereon shall be final.

(3) Every order passed under sub-rule (1) shall specify the name of the person or the authority who shall draw the moneys of the gram panchayat during the period

during which the executive authority is prohibited from drawing such moneys.

(4) A copy of every order passed under sub-rule (1) or sub-rule (2) shall be communicated to all banks and treasuries in which the moneys of the gram panchayat are lodged.

(5) On and from the date of receipt of such order by any bank or treasury, no payment shall, for the period specified in such order, be made to the executive authority who is prohibited by such order from drawing the moneys of the gram panchayat.

51. The treasury or bank in which the gram panchayat fund is lodged, shall, so far as the funds to the credit of the gram panchayat admit, pay all orders or cheques against the fund, which are signed as required by rule 48 and sub-rule (3) of rule 50.

52. If the gram panchayat shall have given previous authority in writing, such treasury, bank or executive authority may at once pay out of the funds of the gram panchayat without such order or cheque, any expenses which the Government have incurred on behalf of the gram panchayat.

## APPENDIX A.

### [RULE 18.]

*Return of income for assessment to profession tax during the year ending.*

(1) Name of the company or person.

(2) Description of business, profession, art or calling or appointment.

(3) Income derived by the assessee during the year or the previous year from the exercise of any profession, art or calling or from holding any appointment, public or private, or from money lending business—

(a) within the village for not less than sixty days in the aggregate during the year;

(b) without the village if the assessee has resided within the village for not less than sixty days in the aggregate during the year.

(4) Where business other than money lending is transacted exclusively within the village—

(a) where income-tax has been assessed on the company or person for the year, the amount at which the profits and gains of such company or person were computed under section 28 of the Income-Tax Act, 1961, for the purpose as assessing such income-tax;

(b) where the said profits and gains are not ascertainable or where income-tax has not been assessed for the year,

(i) the turnover of the business transacted within the village during the year; or

(ii) where such turnover is not ascertainable, the turnover of the business during the previous year.

(5) Where business other than money lending is transacted by the company or person partly in the village and partly outside such village—

(a) the turnover of business transacted in the village during the year; or

(b) where such turnover is not ascertainable, the turnover of business in the village during the previous year.

(6) Income derived by the assessee—

(a) from the business transacted outside the village, and

(b) from any pension or investments during the year, if the assessee has resided within the village for not less than sixty days in the aggregate during the year.

(7) The aggregate income on the basis of which, according to the company or person, it or he is liable to be assessed.

## APPENDIX B.

### *Distrain warrant.*

[Rule 34 (3).]

Warrant No.

To

(Name of officer charged with execution of warrant).

(Specify tax or taxes due and premises, if any, in respect of which the tax is or taxes are due).

Whereas \_\_\_\_\_ of \_\_\_\_\_ has not paid or shown sufficient cause for the non-payment of the sum of Rs.

nP. \_\_\_\_\_ due for the tax or taxes noted above for the \_\_\_\_\_ ending \_\_\_\_\_ 19 \_\_\_\_\_, although the said sum has been duly demanded from the said \_\_\_\_\_ and fifteen days have elapsed since such demand was made:

This is to command you to demand the said sum of Rs. \_\_\_\_\_ nP. \_\_\_\_\_ together with nP. 12 for warrant fee, failing the payment of which you are to distrain the goods and chattels of the said \_\_\_\_\_ (or, as the case may be, any goods and chattels found on the premises referred to), to the amount of the said sum of Rs. \_\_\_\_\_ nP. \_\_\_\_\_ together with nP. \_\_\_\_\_ for warrant fee and distraint fee, making together a sum of Rs. \_\_\_\_\_ nP. \_\_\_\_\_ and such further sum as may be sufficient to defray the charges of keeping and selling such distraint; and if within seven days next after such distraint, the amount due on account of the said tax or taxes and fees shall not be paid, together with such further sum as may be sufficient to defray the charges of keeping such distraint, to sell the said goods and chattels under orders to be hereafter issued by me, and to remit to the office of the one gram panchayat the sale proceeds of the distrained property, out of which the amount due on account of the said tax or taxes and fees, namely, Rs. \_\_\_\_\_ nP. \_\_\_\_\_ and the charges of keeping and selling such distraint will be deducted and credited to the \_\_\_\_\_ fund, and the surplus, if any, returned to the owner of the goods and chattels distrained. If distraint or sufficient distraint cannot be found of the goods and chattels of the said \_\_\_\_\_ you are to certify the same to me together with this warrant.

Station :

Date

*(Signature of the Executive Authority).*



## SCHEDULE II—(Contd.)

25	Rupees and over but under	80	Rupees	..	..	8.00
80	Do.	85	„	..	..	8.50
85	Do.	40	„	..	..	4.00
40	Do.	45	„	..	..	4.50
45	Do.	50	„	..	..	5.00
50	Do.	60	„	..	..	6.00
60	Do.	80	„	..	..	7.50
80	Do.	100	„	..	..	9.00
100 rupees and over		..	..	..	..	10.00

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case 25 np. shall be paid daily for each peon.

## SCHEDULE III.

[Section 124.]

PURPOSES FOR WHICH PLACES MAY NOT BE USED WITHOUT  
A LICENCE.

- (a) Boiling paddy or camphor;
- (b) washing soiled clothes or keeping soiled clothes for the purpose of washing them or keeping washed clothes;
- (c) melting tallow sulphur;
- (d) storing or otherwise dealing with offal, blood, bones, hides, fish or skins;
- (e) tanning hides and skins;
- (f) washing or drying wool or hair;
- (g) making fish-oil;
- (h) making soap;
- (i) manufacturing or distilling sago; manufacturing artificial manure; manufacturing or refining sugar; manufacturing jaggery, sugar candy or syrup otherwise than as a cottage industry by tappers or persons in enjoyment of the trees, carried on in their own premises, manufacturing beedies or cigars;

- (j) manufacturing gun-powder or fireworks;
  - (k) burning bricks, tiles, pottery or lime;
  - (l) keeping a hotel, restaurant, eating-house, coffee-house, tea-house, boarding-house or lodging house (other than students' hostel under public or recognised control);
  - (m) manufacturing ice or aerated waters;
  - (n) brewing beer, manufacturing arrack or other spirit containing alcohol (whether denatured or not) by distillation;
  - (o) keeping a hair-dressing saloon;
  - (p) preparing flour or articles made of flour for human consumption or sweatmeats;
  - (q) selling or storing for sale, timber, thatching materials, hay, grass, straw, coal, charcoal, fuel or fibre and oils of all kinds;
  - (r) selling wholesale or retail or storing for wholesale or retail trade or for purposes other than private or domestic use, grain, groundnut, tamarind, chillies, jaggery, pulses, flour, bran, oilcakes or agricultural produce including fruits, which is likely to attract rats;
  - (s) storing any explosive or combustible materials :
- Provided that no licence shall be required for storing petroleum and its products in quantities exceeding those to which the operation of this Act is limited by the provisions of the Petroleum Act, 1934, or the rules or notifications issued thereunder;
- (t) selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn;
  - (u) manufacturing anything from which offensive or unwholesome smell arises;
  - (v) using for any industrial purpose any fuel or machinery other than such machinery as may, by notification in the *Andhra Pradesh Gazette*, be exempted by the Government from time to time;



(w) in general, doing in the course of any industrial process anything which is likely to be offensive or dangerous to human life or health or property;

(x) any trade or operation which, in the opinion of the gram panchayat, is dangerous to life, health or property, or likely to create a nuisance either from its nature or by reason of the manner in which or the conditions under which the same is or is proposed to be carried on:

Provided that no licence shall be required for the storage of timber, thatching materials, hay, grass, straw, coal, charcoal, fuel or fibre or for boiling paddy or for keeping soiled clothes or washed clothes or for washing soiled clothes, when such storage, boiling, keeping, or washing is for private use.

#### SCHEDULE IV.

#### ORDINARY PENALTIES.

[Section 220 (1).]

<i>Section.</i>	<i>Sub-section or clause.</i>	<i>Subject.</i>	<i>Fine which may be imposed.</i>
(1)	(2)	(3)	(4)
86	(2)	Disobeying notice prohibiting use of water to which public have access. .. ..	Fifty rupees.
87	(a)	Bathing, etc., in places set apart for drinking purposes. .. ..	Do.
87	(b)	Depositing any offensive, etc., matter in places set apart for drinking purposes .. ..	Do.
87	(c)	Washing clothes in places set apart for drinking .. ..	Do.
87	(d)	Washing animals, etc., in places set apart for drinking, bathing or washing clothes .. ..	Do.
87	(e)	Allowing water from a sink, sewer, etc., in to places set apart for drinking, bathing or washing clothes .. ..	Do.
90	(1)	Failure to register any place for the disposal of the dead .. ..	One hundred rupees.
91	(1)	Opening, etc., or using any place for the disposal of the dead without a licence .. ..	Do.

## SCHEDULE IV—(Contd.)

<i>Section .</i>	<i>Sub- section or clause.</i>	<i>Subject.</i>	<i>Fine which may be imposed.</i>
(1)	(2)	(3)	(4)
94		Burying, burning, etc., of corpse within two hundred metres of dwelling place or source of drinking water supply .. .. .	One hundred rupees.
95		Failure to give information of burials or burning in a burial or burning ground ..	Twenty rupees.
96	(8)	Burying or burning or otherwise disposing of a corpse in a prohibited place ..	One hundred rupees.
98		Allowing filth to flow in public road, etc. ..	Twenty rupees.
99	(1)	Failure to execute the work as required by the notice .. .. .	Fifty rupees.
100	(1)	Quarrying near a public road, etc., without a licence .. .. .	Do.
101		Unlawful building of wall or erecting of fence, etc., in or over public road .. .. .	One hundred rupees.
102		Allowing doors, ground floor windows, etc., to open outwards without licence or contrary to notice .. .. .	Twenty rupees.
108	(1)	Failure to remove or alter encroachment ..	Two hundred rupees.
105	(1)	Unlawful construction of building over a drain or on ground levelled, etc., by rubbish	Do.
105	(2)	Failure to obey requisition to demolish a building constructed without permission or contrary to the terms of permission ..	Do.
106	(1)	Unlawful making of hole or placing obstruction in public road .. .. .	Fifty rupees.
106	(2)	Failure to fence, enclose, etc., hole or obstruction .. .. .	Do.
107	(1)	Planting of trees without permission on any public road or other property vested in a gram panchayat.	Two hundred rupees.

## SCHEDULE IV—(Contd.)

<i>Section.</i>	<i>Sub-section or clause.</i>	<i>Subject.</i>	<i>Fine which may be imposed.</i>
(1)	(2)	(3)	(4)
107	(2)	Felling, etc., without permission, of trees growing on public road or other property vested in a gram panchayat or on a poramboke or land the use of which is regulated by it under section 67 .. ..	Two hundred rupees.
108	(2)	Failure to remove any building, etc., on land vested in gram panchayat .. ..	Do.
110	(1)	Opening or keeping open a private market in contravention of section 110 .. ..	Five hundred rupees.
118		Failure to obey direction to construct approaches, etc., for a private market or to roof, etc. .. ..	One hundred rupees.
115		Sale or exposure for sale in public or private market of any animal or article without permission .. ..	Twenty rupees.
116		Sale, etc., of articles in public roads or places after prohibition or without licence or contrary to regulations .. ..	Ten rupees.
120	(b)	Using any public place or roadside as a landing or halting place or as a cart-stand within prohibited distance .. ..	Fifty rupees.
121	(1)	Opening a new private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence .. ..	Two hundred rupees.
123	(a)	Slaughtering, cutting up or skinning, etc., cattle, etc., outside slaughter-house .. ..	Do.
123	(b)	Slaughtering etc., any cattle, etc., without licence or contrary to licence .. ..	Twenty rupees.
124	..	Using a place for any of the purposes specified in Schedule III without licence or contrary to licence .. ..	One hundred rupees.

## SCHEDULE IV—(Contd.)

(1)	(2)	(3)	(4)
125	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
126	..	Disobedience of order regarding abatement of nuisance .. .. .	One hundred rupees.
180	(2)	Unlawful defacement, etc., of numbers assigned to buildings .. .. .	Five rupees.
180	(8)	Failure to replace number when required to do so .. .. .	Twenty rupees.
181	(7)	Failure to produce licence on request ..	Five rupees.
227	..	Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc...	One hundred rupees.

## SCHEDULE V.

## PENALTIES FOR CONTINUING BREACHES.

[ Section 220 (2). ]

Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
86	(2)	Disobeying notice prohibiting use of water to which public have access	Ten rupees.
87	(e)	Allowing water from a sink, sewer, etc., into a place set apart for drinking, bathing or washing clothes	Do.
91	(1)	Using any place for the disposal of the dead without a licence	Twenty rupees for each occasion.
98		Allowing filth to flow in public roads, etc.	Ten rupees.
99	(1)	Failure to execute the work as required by the notice ..	Do.
100	(1)	Quarrying near a public road etc., without a licence ..	Do.

## SCHEDULE V—(Contd.)

(1)	(2)	(3)	(4)
101		Unlawful building of wall or erecting fence, etc., in or over public road ..	Twenty rupees
102		Allowing doors, ground floor windows, etc., to open outwards without licence or contrary to notice ..	Ten rupees.
103	(1)	Failure to remove or alter encroachment ..	Do.
105	(1)	Unlawful construction of building over a drain or on ground levelled etc., by rubbish ..	Fifty rupees.
105	(2)	Failure to obey requisition to demolish a building constructed without permission or contrary to the terms of permission ..	Do.
106	(1)	Unlawful making of hole or placing obstruction in public road ..	Ten rupees.
108	(2)	Failure to remove any building etc., on land vested in gram panchayat .. ..	Fifty rupees.
110	(1)	Opening or keeping open a private market in contravention of section 110 .. ..	One hundred rupees.
113		Failure to obey direction to construct, approaches, etc., for a private market or to roof etc. .. ..	Ten rupees.
115		Sale or exposure for sale, in public or private market of animal or article without permission ..	Ten rupees.
121	(1)	Keeping open a private cart-stand without licence or contrary to licence ..	Twenty rupees.
124		Using a place for any of the purposes specified in Schedule III without licence or contrary to licence .. ..	Do.
125		Unlawful erection of factory, workshop, etc. ..	One hundred rupees.
126		Disobedience of order regarding abatement of nuisance .. ..	Fifty rupees.

## SCHEDULE VI

## TRANSITIONAL PROVISIONS.

[Section 236.]

Definitions.

1. In these rules, unless the context otherwise requires—

(a) 'old Andhra Area Act' means the Andhra Pradesh (Andhra Area) Village Panchayats Act, 1950 and 'old Telangana Area Act' means the Andhra Pradesh (Telangana Area) Gram Panchayats Act, 1956;

(b) 'Municipal Act', means the Andhra Pradesh (Telangana Area) District Municipalities Act, 1956;

(c) 'panchayat' means—

(i) a panchayat constituted under the old Andhra Area Act, or

(ii) a gram panchayat constituted or deemed to have been constituted under the Old Telangana Area Act, or

(iii) a town committee constituted or deemed to have been constituted for a town municipality under the Municipal Act, and in existence at the commencement of this Act;

(d) 'member' means—

(i) a member of a panchayat constituted under the old Andhra Area Act, or

(ii) a panch of a gram panchayat constituted or deemed to have been constituted under the Old Telangana Area Act, or

(iii) a member of a town committee constituted or deemed to have been constituted under the Municipal Act, but does not include an officer of the Government nominated to such panchayat, gram panchayat or town committee;

(e) 'president' includes Sarpanch of a gram panchayat and vice-president includes 'Upa-Sarpanch' of a gram panchayat,

2. (1) Every local area which, at the commencement of this Act, is a village under the old Andhra Area Act or the old Teelanganana Area Act, or a town municipality under the Municipal Act, as the case may be, shall be deemed to have been declared to be a village under this Act.

Existing villages and town municipalities to be deemed to be villages for purposes of this Act.

(2) Every panchayat in existence at the commencement of this Act shall be deemed to be a gram panchayat constituted under this Act.

3. (1) Notwithstanding anything in this Act, the total number of members of a panchayat fixed or deemed to have been fixed under the old Andhra Area Act or the old Telangana Area Act or the Municipal Act, as the case may be, shall be deemed to be the total number of members of the gram panchayat as deemed to have been constituted under this Act by virtue of sub-rule (2) of rule 2 until the first reconstitution of the gram panchayat under this Act.

Total number of members of gram panchayats.

*Explanation.*—In relation to the Andhra Area, the expression “total number of members” shall be construed as exclusive of the women member co-opted under section 10-A of the old Andhra Area Act.

(2) Where, in the case of any gram panchayat as deemed to have been constituted under this Act by virtue of sub-rule (2) of rule 2 the total number of members thereof exceeds the total number of members to be fixed for it under section 7, the Commissioner shall, subject to such directions as the Government may issue in this behalf, declare by a notification, which of the members holding office on the date of commencement of this Act, shall be deemed surplus.

(3) Any vacancy in the office of a member declared surplus under sub-rule (2) shall not be filled.

4. (1) The president, vice-president and members of a panchayat holding office on the date of commencement of this Act shall, subject to the provisions of sections 18 and 20, continue to hold such office until the 1st July, 1964:

Term of office of existing presidents, vice-presidents and members.

Provided that the president, vice-president and members of a town committee constituted for a town municipality under the Municipal Act who are holding office on the date



of the commencement of this Act shall, subject to the provisions of sections 18 and 20, continue to hold such office until the 1st July, 1969.

(2) An officer of the Government nominated as a member of a panchayat before the date of commencement of this Act shall with effect from that date, cease to hold office as such member.

(3) Any vacancy in the office of the president, the vice-president or a member of a panchayat which is in existence at the date of commencement of this Act or which may occur thereafter shall, subject to the provisions of sub-rule (3) of rule 3, be filled in accordance with the provisions of the old Andhra Area Act or the Old Telangana Area Act or the Municipal Act, as the case may be.

(4) Any person elected as president, vice-president or member of a panchayat under sub-rule (3), shall hold office only up to the 1st July 1964.

(5) For the purposes of sub-rules (3) and (4), the office of president, vice-president or member of a panchayat to which no person had, up to the date of commencement of this Act, been elected, shall be deemed to be vacant at such date.

Existing  
wards to  
continue ex-  
cept in cer-  
tain cases.

5. (1) Any division of a village into wards made or deemed to have been made, under the old Andhra Area Act or the old Telangana Area Act or the Municipal Act, as the case may be, and in force at the commencement of this Act, shall be deemed to have been made under this Act and shall continue to be in force until the date of the first ordinary elections to the gram panchayat after the commencement of this Act.

(2) Where a village had not been divided into wards before the commencement of this Act, the Commissioner shall, by notification, divide the village into wards under the old Andhra Area Act or the Old Telangana Area Act or the



Municipal Act, as the case may be, after consulting the panchayat and determine the wards to which each of the members then on the panchayat, including the president and vice-president but excluding the co-opted woman member, if any, shall be deemed to represent; and if there is any casual vacancy immediately before the commencement of this Act, the said notification shall determine to which of the wards the vacancy shall be assigned.

*Explanation.*—The expression “ward” in relation to a gram panchayat or a town committee means a “constituency.”

6. The reservation of seats for the members of Scheduled Castes or Scheduled Tribes or both made under the old Andhra Area Act or the old Telangana Area Act or the Municipal Act and in force at the commencement of this Act, shall be deemed to have been made under this Act. Reservation of seats.

7. The Commissioner shall cause, the first ordinary election under this Act to a gram panchayat and the first meeting of the gram panchayat under sub-section (3) of section 12 after such election, to be held on any day before the first July, 1964. First ordinary election.

8. Any panchayat dissolved or superseded under the old Andhra Area Act or the Old Telangana Area Act or the Municipal Act and awaiting reconstitution at the commencement of this Act, shall be reconstituted in accordance with the provisions of this Act. Reconstitution of panchayats dissolved or superseded before the commencement of this Act.

9. Where, before the commencement of this Act, a village was notified under the old Andhra Area Act or the old Telangana Area Act or the Municipal Act for constituting a panchayat, but no panchayat was constituted, the special officer appointed, if any, therefor, shall be deemed to have been appointed under this Act and the provisions of section 226 shall apply to such a case. Where no such special officer was appointed, a special officer shall be appointed for such a village under this Act as if it had been notified under this Act on the date of the commencement of this Act. Constitution of panchayats for villages notified before the commencement of this Act.

10. The executive officers of the town committees which are deemed to be gram panchayats from the date of commencement of this Act and holding office as such on said date, shall be deemed to have been appointed under section 30 of this Act.

Executive officers of town committees to be deemed to be executive officers appointed under section 30.

11. (1) All property, all rights of whatever kind, used or possessed by, and all interests of whatever kind, owned by or vested in, or held in trust, by or for any panchayat, as well as all liabilities legally subsisting against it, shall, on and from the date of commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, pass to such gram panchayat as deemed to be constituted under this Act.

Devolution of property rights and liabilities.

(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a panchayat at the commencement of this Act may be recovered as if they had accrued under this Act.

(3) All proceeding taken by or against any panchayat or other authority or any person under the old Andhra Area Act or the old Telangana Area Act or the Municipal Act in so far as they are not inconsistent with this Act, be continued by or against such gram panchayat, authority or person under this Act.

12. Any tax, cess or fee which was being lawfully levied by or on behalf of any panchayat at the commencement of this Act, shall continue to be levied by or on behalf of the gram panchayat for the year in which this Act is brought into force and unless and until the Government, by general or special order, otherwise direct, for subsequent years also.

Continuance of existing taxes.

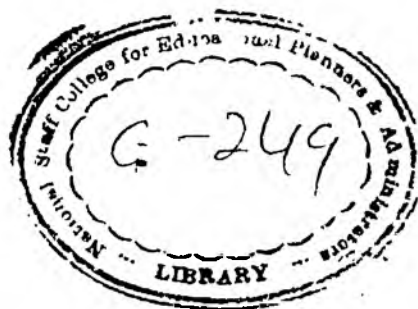
13. Any action taken under the old Andhra Area Act or the old Telangana Area Act or the Municipal Act, by any authority, before the commencement of this Act shall, unless inconsistent with this Act, be deemed to have been taken by the authority competent to take such action under this Act, unless and until superseded by action taken by such authority, whether it be the same as the authority competent to take such action under the old Andhra Area Act or the old Telangana Area Act or the Municipal Act or not.

Action taken under old Andhra Area Act or old Telangana Area Act or Municipal Act to continue.

14. If any difficulty arises in giving effect to the provisions of these rules, the Government, as occasion may require, may after previous publication, by notification in the *Andhra Pradesh Gazette*, do anything which appears to them necessary for removing the difficulty. Removal of  
difficulty.

D. SURYANARAYANASWAMY,  
*Secretary to Government,  
Law Department.*

J. VIRASWAMY,  
*Joint Secretary to Government,  
Law Department.*



**Sub. National Systems Unit,**  
National Institute of Educational  
Administration  
17- Marg, New Delhi  
DOC. NO. ....  
Date.....