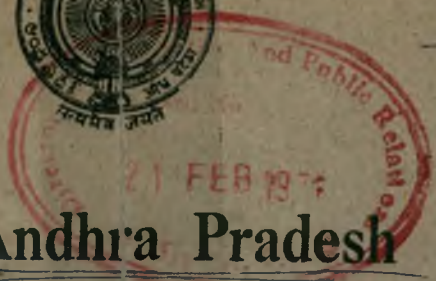


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A.P

The Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959

(Act No. XXV of 1959)

(As amended upto 27th July, 1964)

NO.
Co.

**LIST OF AMENDING ACTS AFFECTING THE
ANDHRA PRADESH PANCHAYAT SAMITHIS
AND ZILLA PARISHADS ACT, 1959,**

(Act No. XXXV of 1959.)

(i) The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1960 (Andhra Pradesh Act XVIII of 1960).

(Received the assent of the Governor on the 27th April, 1960; first published in the Andhra Pradesh Gazette Part IV-B Extraordinary, dated May, 5, 1960 at p. 155).

(ii) The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

(Received the assent of the Governor on the 24th October, 1961; first published in the Andhra Pradesh Gazette Part IV-B Extraordinary No. 29 dated October 28, 1961 at pp. 209-219).

(iii) The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act No. 1 of 1963);

(Received the assent of the Governor on the 11th January, 1963; first published in the Andhra Pradesh Gazette Part IV-B Extraordinary No. 1 dated January 15, 1963 at pp. 1-29).

(iv) The Andhra Pradesh Gram Panchayats Act, 1964 (Andhra Pradesh Act No. 2 of 1964).

(Received the assent of the Governor on the 19th December, 1963; first published in the Andhra Pradesh Gazette Part IV-B Extraordinary No. 2 dated January 18, 1964 at pp. 1-165).

(v) The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964. (Andhra Pradesh Act No. 13 of 1964).

(Received the assent of the Governor on the 26th July, 1964; first published in the Andhra Pradesh Gazette Part IV-B Extraordinary dated July 27, 1964 at pp. 1-8).

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(As amended up-to 27th July, 1964)

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APPENDIX

(Section 3 of the Andhra Pradesh Panchayat Samithis and
Zilla Parishads (Amendment) Act No. 13 of 1964)

**THE ANDHRA PRADESH PANCHAYAT
SAMITHIS AND ZILLA PARISHADS ACT, 1959.**

(Andhra Pradesh Act XXXV of 1959.)

Received the assent of the Governor on the 18th September, 1959, first published in the *Andhra Pradesh Gazette* Part IV-B Extraordinary No. 26, September 18, 1959]

An Act to provide for the constitution of Panchayat Samithis and Zilla Parishads and other matters incidental thereto.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Tenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959.

(2) It extends to the whole of the State of Andhra Pradesh.

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

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

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

(b) 'Block' means such area in a district as may be declared by the Government by notification to be a Block;

(c) 'Block Development Officer' means the officer appointed by that designation by the Government or by such other authority as may be authorised by them in that behalf;

(d) 'Collector' means any officer incharge of a revenue division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector;

(e) 'Government' means the State Government;

*Substituted for the expression "specified in sub-section (1) of section 3 of the Andhra State Act, 1953 (Central Act 80 of 1953)" by section 2 (i) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1958 (Andhra Pradesh Act I of 1958).

(f) 'notification' means a notification published in the *Andhra Pradesh Gazette*;

(g) 'panchayat' means in relation to the Andhra area, a panchayat constituted under the ¹[Andhra Pradesh (Andhra Area) Village Panchayats Act, 1950 (Act X of 1950)], and in relation to the Telangana area, a gram panchayat constituted under the ¹[Andhra Pradesh (Telangana Area) Gram Panchayats Act, 1956 (Act XVII of 1956)];

²(h) 'Panchayat Samithi' means a Panchayat Samithi constituted under section 3 or reconstituted under that section or section 63;]

(i) 'prescribed' means prescribed by rules made under this Act;

(j) 'relevant District Boards Act' means in relation to the Andhra area, the ¹[Andhra Pradesh (Andhra Area) District Boards Act, 1920 (Act XIV of 1920)], and in relation to the Telangana area, the ¹[Andhra Pradesh (Telangana Area) District Boards Act, 1955 (Act I of 1956)];

(k) 'Scheduled Castes' and 'Scheduled Tribes' shall have the meanings assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India;

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

(m) 'Telangana area' means the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(n) 'town committee' means the committee of a town municipality constituted under section 5 of the ^{*}[Andhra Pradesh (Telangana Area) District Municipalities Act, 1956 (Act XVIII of 1956)];

³[(o) 'Zilla Parishad' means a Zilla Parishad constituted under section 36 or reconstituted under section 63]; and

(p) words and expressions used but not defined in this Act shall have the meanings assigned to them in the relevant District Boards Act and in the relevant law for the time being in force in the State relating to panchayats and municipalities.

¹ Substituted by the Andhra Pradesh Laws (Amendment of Short Titles) Act 1961 (Andhra Pradesh Act IX of 1961).

² Substituted by section 2 (ii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

³ Substituted by section 2 (iii) *ibid.*

CHAPTER II.

Constitution, incorporation, composition, powers, functions, etc., of Panchayat Samithis.

*3. *Formation of Blocks, constitution and incorporation of Panchayat Samithis therefor.*—(1) The Government may, by notification from time to time, and with effect on and from such date, as may be specified therein,—

(i) declare any area in the district to be a Block and specify the name of the Block;

(ii) constitute a Panchayat Samithi for such Block.

(2) The Government may, by notification from time to time, and with effect on and from such date, as may be specified therein, redelimit any Block by increasing or diminishing its area, or form a new Block by separation of any area from a Block or by uniting two or more Blocks or parts thereof or by uniting any area to a Block or part thereof, and specify the name of the new Block. Where, as a result of such redelimitation of Blocks or formation of new Blocks, the entire area comprised in an existing Block is added to one or more Blocks, the said existing Block shall stand abolished.

(3) Where, under sub-section (2), a Block is redelimited or a new Block is formed, the Government may by notification reconstitute the Panchayat Samithi for the redelimited Block or constitute a new Panchayat Samithi for the new Block. On such reconstitution or constitution, the Panchayat Samithi or Panchayat Samithis concerned functioning immediately before such reconstitution or constitution, shall stand abolished:

Provided that in reconstituting the Panchayat Samithi, the Government may direct that the president, the vice-president, an elected member or a nominated member of the Panchayat Samithi which was functioning immediately before such redelimitation and who is otherwise qualified to hold such office in the reconstituted Panchayat Samithi, shall be the president, vice-president, elected member or nominated member of the reconstituted Panchayat Samithi as if he was elected,

* Substituted by section 2 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 18 of 1964) and shall be deemed always to have been substituted.

or nominated, as the case may be, to such office in the reconstituted Panchayat Samithi.

(4) Every Panchayat Samithi shall, by the name of the Block for which it is constituted or reconstituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(5) The notification under sub-section (2) or sub-section (3) may contain such supplemental, incidental and consequential provisions as the Government may deem necessary and the Government may from time to time amend any such notification.

4. *Composition of Panchayat Samithi.*—(1) Every Panchayat Samithi shall consist of the following members, namely:—

(i) in the Andhra area, the president of every panchayat and in the Telangana area, the sarpanch of every panchayat and the president of every town committee in the Block, ex-officio:—

Provided that—

(a) notwithstanding anything in the relevant law for the time being in force in the State relating to panchayats and town municipalities, if any president or sarpanch of a panchayat or a president of a town committee refuses to be a member of the Panchayat Samithi or resigns such membership or otherwise ceases to be such member, he shall, with effect from the date of such refusal, resignation or cessation, cease to be the president or sarpanch of the panchayat or the president of the town committee, as the case may be; and the person who succeeds him in such office shall be the member of the Panchayat Samithi in his place;

(b) in the case of a superseded or a dissolved panchayat or town committee, the District Collector shall nominate a person residing in the area within the jurisdiction of such panchayat or town committee to be the member representing such area;

¹[(ii) in case a panchayat or a town committee has been constituted but no president or sarpanch of such panchayat or president of such town committee has been elected, or in

¹ Substituted by section 2 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

case a local area or a town has been duly notified for constituting a panchayat or town committee but the constitution of such panchayat or town committee has not been completed, one person residing within the local limits of such panchayat, local area or town, as the case may be, nominated by the District Collector to be the member representing such panchayat, local area or town:

Provided that where before such nomination the members of such panchayat or town committee have been elected, the District Collector may, in his discretion, prefer to nominate such person from among such members;]

¹ [(iii) the member of the Legislative Assembly of the State representing a constituency which comprises the Block;

² [Provided that a member of the Legislative Assembly representing a constituency which comprises more than one Block including a portion of any Block, shall be a member of the Panchayat Samithi of only one such Block which he chooses, and he shall have the right to speak in, and otherwise to take part in the proceedings of, a meeting of any Standing Committee of such Panchayat Samithi, but he shall not be entitled to vote at a meeting of such Standing Committee unless he is also a member of that Committee. He shall also have the right to speak in, and otherwise to take part in the proceedings of, a meeting of any Panchayat Samithi or any Standing Committee thereof constituted for the other Blocks comprised within the constituency, but shall not be entitled to vote at any such meeting.;]

(iv) the member of the Legislative Council of the State specified in clause (iv) of sub-section (3) of section 36 as member of the Zilla Parishad of the district:

Provided that such member of the Legislative Council shall be a member of only one Panchayat Samithi in such district; and where he is a registered voter in any Block in such district, he shall be a member of the Panchayat Samithi of only that Block; but if he is not a registered voter in any Block in the district, he shall be a member of only one Panchayat Samithi of his choice in such district ³[and he shall have the right to speak

¹ Substituted by section 3 (a) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

² Substituted by section 4 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 18 of 1964)

³ Added by clause (ii) of section 4 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 18 of 1964).

in, and otherwise to take part in the proceedings of, a meeting of any Standing Committee of such Panchayat Samithi, but he shall not be entitled to vote at a meeting of such Standing Committee unless he is also a member of that Committee];

(v) the following to be elected in the prescribed manner by the members specified in clauses (i) to (iv) from among the persons who are registered voters in the Block but who are not already members of the Panchayat Samithi, namely:—

(a) two women;

(b) one representative of the Scheduled Castes;

(c) one representative of the Scheduled Tribes if their population in the Block is not less than five per cent of the total population of that Block; and if the population of the Scheduled Tribes is less than such percentage, another representative of the Scheduled Castes;

(d) two persons interested in rural development;

Provided that a member specified in clause (iii) or clause (iv) shall not be entitled to contest for the office of the president or vice-president ¹[upto and inclusive of the 30th June 1964.]

Explanation.—For the purpose of this section, section 14 and section 36, a person is said to be a registered voter in a Block if his name is included in that part of the electoral roll of the Assembly Constituency which pertains to the Block or part of the Block.]

²[(I-A) No person shall be a member in more than one of the categories specified in sub-section (1). A person who is or becomes a member of a Panchayat Samithi in more than one such category shall, by notice in writing signed by him and delivered to the Block Development Officer, within fifteen days from the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 or as the case may be, the date or the later of the dates, on which he so becomes a member, intimate in which one of the said categories he wishes to serve, and thereupon, he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Panchayat Samithi, in whatever category,

¹ Substituted for the words "Till the 1st July, 1964" by section 9 (a) and (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964. (Andhra Pradesh Act. 13 of 1964).

² Added by section 3 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

shall cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable:

Provided that if a person is or becomes an *ex-officio* member under clause (i) of sub-section (1), being already a member of the Panchayat Samithi in any of the other categories specified in the said sub-section, he shall not cease to be such *ex-officio* member but he shall, with effect from the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or as the case may be, the date on which he becomes such *ex-officio* member, cease to be a member in such other category:

Provided further that ¹[upto and inclusive of the 30th June, 1964], nothing in this sub-section shall apply to the members of the Panchayat Samithi specified in clauses (iii) and (iv) of sub-section (1).]

(2) For the purposes of this section and section 36 a person shall be deemed to reside in a Block or area, as the case may be, if he ordinarily resides in such Block or area or owns or is in possession of a dwelling house therein.

²[(3) No person shall be entitled to be a member of more than one Panchayat Samithi at a time.]

5. ³[Omitted.]

6. ⁴[*Special meetings for election of certain members and of the president and vice-president of a Panchayat Samithi.*—

(1) The Collector shall on a date, as soon as may be after the date appointed for the constitution of the Panchayat Samithi under section 3 or subject to the provisions of sub-section (3) of that section, on every occasion when the Panchayat Samithi is re-constituted, hold at the office of the Panchayat Samithi at the appointed time, a special meeting of the members of the Panchayat Samithi specified in clauses (i) to (iv) of sub-section (1) of section 4 after giving them a notice in writing of not less than fourteen clear days of such meeting, for the election of the members specified in clause (v) of that sub-section. On the same day, soon after the election of the members specified in clause (v) aforesaid, the Collector shall hold at the

¹ Substituted for the words " till the 1st July, 1964 " by section 9 (a) and (b) of the Andhra Pradesh Panchayat Samithis Zilla Parishads (Amendment) Act 1964 (Andhra Pradesh Act 13 of 1964).

² Added by section 2 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

³ Omitted by section 4 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

⁴ Substituted by section 5 *ibid*.

office of the Panchayat Samithi a meeting of the members of the Panchayat Samithi specified in clauses (i) to (v) of sub-section (1) of section 4 for the election of the president and the vice-president of the Panchayat Samithi. The notice of the meeting for the election of the president and vice-president shall be given by the Collector to the members specified in clauses (i) to (iv) of sub-section (1) of section 4 along with the notice of the meeting convened for the election of the members specified in clause (v) of that sub-section, and to the members specified in clause (v) aforesaid, by affixture of the same to the notice board at the office of the Panchayat Samithi, immediately after their election:

Provided that, if for any reason the election of the president and the vice-president is not held on the same day as the election of the members specified in clause (v) of sub-section (1) of section 4, the meeting for the election of the president and the vice-president shall be held on the next day whether or not it is a holiday observed by the Panchayat Samithi.

(2) The Collector or any gazetted officer of the Government authorised by the District Collector in this behalf shall preside at the meeting held for election of the members specified in clause (v) of sub-section (1) of section 4, and also at the meeting held for the election of the president.]

7. Election and term of office of the president and the vice-president of a Panchayat Samithi and filling up of vacancies.—

(1) There shall be a president and a vice-president for each Panchayat Samithi who shall be elected by the members of the Panchayat Samithi from among themselves:

Provided that a member nominated under clause (b) of the proviso to clause (i), or under clause (ii) ¹[or a member specified in clause (iii) or clause (iv)] of sub-section (1) of section 4, shall not be elected as president or vice-president:

²[Provided further that the member of either House, of the State Legislature, or of Parliament, who is a member of the Panchayat Samithi specified in any of the clauses other than clauses (iii) and (iv) of sub-section (1) of section 4, shall be eligible to be elected as president or vice-president; he shall however cease to hold such office unless, within fifteen days

¹ inserted by section 6 (a) (i) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

² Added by section 6 (a) (ii) *ibid.*

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:

Provided also that if the president or sarpanch of a panchayat or the president of a town committee is elected as president of the Panchayat Samithi, he shall cease to be the president or sarpanch of the panchayat or the president of the town committee, as the case may be, from the date of such election, but such cessation shall not in any way affect his continuance as member of the Panchayat Samithi and as member of the panchayat or town committee.]

(2) ¹[At a meeting of the members of the Panchayat Samithi held under sub-section (1) of section 6, the president and the vice-president shall be elected in the prescribed manner.] The president shall be elected first and after he is elected, the vice-president shall be elected. For the election of the president, the Collector or any gazetted officer of the Government authorised by the District Collector in this behalf, and for the election of the vice-president, the president, shall preside at such meeting.

(3) (a) For filling up a casual vacancy in the office of the president, a meeting of the Panchayat Samithi shall be convened by the Collector and the election shall be held in the prescribed manner. The Collector or any gazetted officer of the Government authorised by the District Collector in this behalf, shall preside at such meeting.

(b) For filling up a casual vacancy in the office of the vice-president, a meeting of the Panchayat Samithi shall be convened by the president and the election shall be held in the prescribed manner. The president shall preside at such meeting.

²[(4) Save as otherwise provided in this Act, the term of office of the president or vice-president shall be five years from the date of his election. The president or vice-president shall, however, cease to hold the office of the president or vice-president, as the case may be, before the expiration of such term, on his ceasing to be a member of the Panchayat Samithi. When a vacancy occurs in the office of president or vice-president before the expiration of the term, the person elected as president or vice-president in that vacancy shall hold office for the residue of the term of his predecessor:

¹ & ² Substituted by section 6 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act 1 of 1968).

Provided that the Government may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of president or vice-president be extended upto such date as may be specified in the notification, such date being not later than six months from the date on which such term expires under this sub-section; and the Government may, from time to time by notification, alter such date, and fix another date instead, within the period of six months aforesaid:

Provided further that if, for any reason, the election of the president and vice-president is not completed before the expiration of the period of six months aforesaid, the Collector shall exercise the powers and perform the functions of the president until a new president or vice-president is elected:

Provided also that a person who holds the office of the president or vice-president on the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or who comes to hold such office after such commencement and before the 1st July, 1964, shall hold the office only ¹[upto and inclusive of the 30th June, 1964.]

8. *Term of office of members of a Panchayat Samithi and filling up of vacancies.*—(1) Save as otherwise provided in this Act—

(i) (a) an *ex-officio* member specified in clause (i) of sub-section (1) of section 4 shall hold office so long as he continues to be the president or sarpanch of the panchayat or the president of the town committee, as the case may be;

(b) a member nominated under clause (b) of the proviso to clause (i) of sub-section (1) of section 4 shall hold office for a term of ²[five years] from the date of nomination or on the reconstitution of the panchayat or the town committee, until the president or the sarpanch of the reconstituted panchayat or the president of the reconstituted town committee, as the case may be, is elected, whichever is earlier;

³[(ii) a member nominated under clause (ii) of sub-section (1) of section 4, shall hold office until the president or

¹ Substituted for the words "until the 1st July, 1964" by section 9 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 18 of 1964).

² Substituted for the words "three years" by section 7 (a) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

³ Substituted by section 8 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

sarpanch of the panchayat or the president of the town committee, as the case may be, is elected;]

¹[(iii) a member specified in clause (iii) or clause (iv) of sub-section (1) of section 4, shall hold office so long as he continues to be the member of the respective House of the Legislature of the State;

(iv) a member elected under sub-clauses (a), (b), (c) or (d) of clause (v) of sub-section (1) of section 4, shall hold office for a term of five years from the date of election.]

²[Provided that a person, who was nominanted or elected as member under any of the clauses of sub-section (1) of section 4 and who holds such office on the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or, who comes to hold such office after such commencement and before the 1st July, 1964 shall hold the office only ³[upto and inclusive of the 30th June 1964.]

(2) Any vacancy occurring in the office of a nominated or an elected member due to the expiration of his term shall be filled by nomination or election, as the case may be, of another person in the manner provided in section 4.

**8-A. Conduct of elections of certain members and the presidents and vice-presidents of Panchayat Samithis whose term of office commences on and from the 1st July, 1964, etc.—* Notwithstanding anything in sections 4, 6, 7 and 8 of this Act, and section 6 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, and notwithstanding any action taken thereunder, in relation to the following provisions, elections for the offices of the members, the presidents and the vice-presidents, of the Panchayat Samithis constituted and re-constituted, and of the Panchayat Samithis to be constituted and to be re-constituted with effect on and

¹ Substituted by section 7 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

² Added by section 7 (c) *ibid*.

³ Substituted for the words "until the 1st July, 1964" by section 9 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 18 of 1964).

* Inserted by section 5 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment Act) 1964. (Andhra Pradesh Act 18 of 1964). This section came into force on 27th May, 1964.

from the 1st July 1964 and elections to fill the vacancies occurring in such offices by efflux of time on that date, may be held at any time before that date, as provided hereunder:—

(1) The persons elected at the ordinary elections under the Andhra Pradesh Gram Panchayats Act, 1962 before the 1st July 1964, as Sarpanches of the Gram Panchayats and whose term of office as such commences on and from that date, the persons who are the existing Sarpanches of the Gram Panchayats and who continue to hold such offices beyond the 30th June, 1964, and the persons nominated under clause (ii), and the persons specified in clauses (iii) and (iv) of sub-section (1) of section 4, shall alone be eligible to take part in the election of the persons specified in sub-clauses (a), (b), (c) and (d) of clause (v) of that sub-section. All the persons aforesaid shall be eligible to take part in the elections of the president and the vice-president of the Panchayat Samithi whose term of office commences on and from the 1st July, 1964. The Sarpanches of the Gram Panchayats who continue in office only upto and inclusive of the 30th June, 1964, shall not be eligible to take part in such elections.

(2) The persons specified in clause (1) of this section who are eligible to take part in the elections referred to therein, other than the persons specified in sub-clauses (a), (b), (c) and (d) of clause (v) of sub-section (1) of section 4, shall be given notices in writing of not less than five clear days of the meetings specified in sub-section (1) of section 6 instead of fourteen clear days as specified in that sub-section. The persons specified in sub-clauses (a), (b), (c) and (d) of clause (v) aforesaid shall be given notice of the meeting for the election of the president and vice-president as provided in sub-section (1) of section 6.

(3) A person nominated under clause (ii) or a person specified in clause (iii) or clause (iv) of sub-section (1) of section 4 shall not be eligible to be elected as such president or vice-president.

(4) A member of either House of the State Legislature, or of Parliament, who becomes a member of the Panchayat Samithi with effect on and from the 1st July, 1964, under any of the clauses other than clauses (iii) and (iv) of sub-section (1) of section 4, shall be eligible to be elected as president or vice-president; he shall, however, 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.

(5) Where a person elected as the Sarpanch of a Gram Panchayat or where a Sarpanch of a Gram Panchayat who is entitled to continue in such office beyond the 30th June 1964, is elected as the president of Panchayat Samithi whose term of office commences on and from the 1st July 1964, he shall not enter upon the office of such Sarpanch on and from that date, or he shall cease to be the Sarpanch of the Gram Panchayat on and from that date, as the case may be. But such prohibition or cessation shall not in any way affect his membership of the Panchayat Samithi, and of the Gram Panchayat.

(6) The term of the office of the president or vice-president, or members elected under this section shall be five years commencing on and from the 1st July, 1964.

9. *Disqualifications for becoming a member.*—Subject to the provisions of this Act, a person shall be disqualified to become a member of the Panchayat Samithi, if such person, on the date of becoming an *ex-officio* member or on the date of nomination under sub-section (1) of section 4 or on the date fixed for scrutiny of nominations for election, as the case may be——.]

(a) has been sentenced by a criminal court to imprisonment for a period of more than six months for any offence other than an offence not involving moral delinquency, such sentence not having been reversed or the offence pardoned, and a period of five years has not elapsed from the date of the expiration of such sentence:

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

(b) is of unsound mind, a deaf-mute or a leper;

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

(d) is interested in a subsisting contract made with, or any work being done for, the Panchayat Samithi except as a shareholder other than a director in a company or, except as may be prescribed;

1 Substituted by section 6 of Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 13 of 1964).

(e) is employed as paid legal practitioner on behalf of the Panchayat Samithi or as legal practitioner against it;

¹[(ee) is disqualified under the relevant law relating to panchayats for the time being in force to become, or continue as, a member of a panchayat by virtue of his being a village officer or village servant or other officer or servant of the State Government or Central Government or of a local authority;]

(f) is an honorary magistrate under the Code of Criminal Procedure, 1898 (Central Act V of 1898), with jurisdiction over any part of the Block;

(g) is a servant or an employer or the official subordinate or official superior of a member of the Panchayat Samithi holding office at the said date;

²[(h) is in arrears of any dues, otherwise than in a fiduciary capacity, to the Panchayat Samithi upto and inclusive of the previous financial 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; or

(i) is an officer or servant of any authority constituted under this Act:

Provided that nothing in this clause shall apply to a member, of the State Legislature, or of Parliament, who is working as a teacher under any such authority.]

10. *Disqualifications for continuing as a member.*—(1) Subject to the provisions of section 11, a member of a Panchayat Samithi shall cease to be a member, if he—

(a) is or becomes subject to any of the disqualifications specified in section 9;

³[(b) has been continuously absent from the area of the Block for more than six months:

Provided that where on an application made by him, the Government are satisfied that he had sufficient cause for such continuous absence they may, by order, declare that he has not ceased to be a member under this clause; or]

¹ Substituted by section 7 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

² Added by section 7 (c) *ibid.*

³ Substituted by section 7 (1) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 18 of 1964), and shall be deemed always to have been substituted.

¹[(c) has absented himself from three or more consecutive meetings of the Panchayat Samithi held within a period of not less than six months reckoned from the date of commencement of his term of office or of the last meeting which he attended or of his restoration to the office of member under sub-section (2), as the case may be:

²[Provided that where on an application made by him, the Government are satisfied that he had sufficient cause for such absence they may, by order, declare that he has not ceased to be a member under this clause.]

Provided ³[further] that no meeting from which a member absented himself shall be counted against him under this clause if notice of that meeting was not given to him in the prescribed manner, or the meeting was adjourned without transacting any business either for want of quorum or for any other reason or the meeting was held before he makes the oath or affirmation as laid down in section 65.

Explanation.—Where a meeting which shall not count against a member under the proviso intervenes between two meetings which count against him, those two meetings shall be regarded as being consecutive to each other for the purpose of this clause.

(2) Where a person ceases to be a member under clause (a) of section 9 he shall be restored to office for such portion of the term of office as may remain unexpired at the date of such restoration, if the sentence is reversed or quashed on appeal or revision or the offence is pardoned or the disqualification caused by the sentence is removed by an order of the Government; and any person filling the vacancy in the interim shall, on such restoration, vacate the office.

*[(3) Where the Block Development Officer is satisfied that a person has *ex-facie* ceased to be a member, having incurred any of the disqualifications specified in sub-section (1), he shall forthwith intimate that fact by registered post to the member concerned and report the same to the Panchayat

¹ Substituted by section 9 (i) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

² and ³ Inserted by section 7 (ii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 18 of 1964) and shall be deemed always to have been inserted.—

*Substituted by section 9 (ii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

Samithi at its next ordinary meeting. If such intimation relates to a disqualification under clause (c) of the said sub-section and if the member applies for restoration of his membership to the Panchayat Samithi within thirty days of the receipt by him of such intimation, he shall be deemed to have been restored to his membership and the Block Development Officer shall report the fact of such restoration to the Panchayat Samithi at its next meeting. Upon such restoration, he shall be deemed to have been restored also to the membership of the Standing Committee or Standing Committees of which he has ceased to be a member by reason of his having ceased to be a member of the Panchayat Samithi under clause (c), of sub-section (1). Pending such restoration, the member shall be entitled to act as if he were not disqualified:

Provided that a member shall not be so deemed to have been restored more than once during his term of office.

(3-A) Where an *ex-officio* member specified in clause (i) of sub-section (1) of section 4 is deemed to have been restored to his membership under sub-section (3) he shall, with effect from the date of such restoration, be deemed to have been restored also to the office of the president or the sarpanch of the panchayat or the president of the town committee, of which he has ceased to be the president or the sarpanch, as the case may be, by operation of proviso (a) to clause (i) of sub-section (1) of section 4.]

[(4) Where a person ceased to be a member under clause (c) of sub-section (1) before the commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961, if such vacancy remains unfilled on the date of such commencement and if such person applies for restoration *suo motu* to the Panchayat Samithi on or before the date of its next meeting held after such commencement or within thirty days from such commencement, the Panchayat Samithi may, at the meeting next after the receipt of such application restore him to his office of member for such portion of the term of office as may remain unexpired on the date of such restoration.]

11. *District Munsif to decide questions of disqualifications of members.*—[(1) Where intimation is given by the Block

¹ Added by Section 5 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Amendment Act 1961 (Andhra Pradesh Act XXXIII of 1961.)

Development Officer under sub-section (3) of section 10 that a person has ceased to be a member of the Panchayat Samithi, or where an allegation to that effect is made by any person or authority to the Block Development Officer in writing and the Block Development Officer has given intimation of such allegation to the member and such member disputes the correctness of the fact so intimated or the allegation so made, or where any member himself entertains any doubt whether or not he has become disqualified under that section, such member or any other member may, and the President at the request of the Panchayat Samithi 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 Panchayat Samithi is situated, for decision.]

(2) The District Munsif, after making such inquiry as he considers necessary, shall determine whether or not such member is disqualified under section 10 and his decision shall be final.

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

Explanation.—In this section, the expression “District Munsif” shall, in relation to the Telangana area, mean the Munsif appointed under section 6 of the ¹[Andhra Pradesh (Telangana Area) Civil Courts Act, 1954 (Act XXXVI of 1954).]

12. *Filling up of certain casual vacancies.*—Any vacancy occurring in the office of a nominated or an elected member before the expiration of his term shall be filled by nomination or election, as the case may be, of another person in the manner provided in section 4 and the person so nominated or elected shall hold office for the residue of the term of his predecessor.

²[*Explanation.*—For the removal of doubts, it is hereby declared that the members specified ³[in clause (v)] of sub-

¹ This short title was substituted by the Andhra Pradesh Laws (Amendment of Short Titles) Act, 1961 (Andhra Pradesh Act IX of 1961).

² Added by section 6 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 [Andhra Pradesh Act XXXIII of 1961]

³ Substituted for the expression ‘in clause (iii)’ by section 11 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

section (1) of section 4 shall be entitled to participate in any election held under this section to fill up a casual vacancy.]

13. *Resignation of president, vice-president, or member.*—The president, the vice-president or any member may resign his office as such president, vice-president or member by giving notice in writing to the Panchayat Samithi. Except in a case where the person resigning delivers the notice of resignation personally to the Block Development Officer, the Block Development Officer shall, on receipt of a notice of resignation, obtain confirmation from the person concerned 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.

14. *Standing Committees of a Panchayat Samithi.*—¹[(1) For every Panchayat Samithi there shall be constituted the following seven Standing Committees, the subjects assigned to each such Standing Committee being those specified against it, namely:—

(i) *Standing Committee for Planning and Production.*—Planning, food and agriculture including irrigation wells, animal husbandry, reclamation including soil conservation, contour bunding, forests and fisheries;

(ii) *Standing Committee for Co-operation and Industries.*—Co-operation, thrift and small savings, industries including cottage, village and small-scale industries, trusts, rural housing, statistics, and prohibition of, or temperance in, the consumption of intoxicating drinks and of drugs which are injurious to health;

(iii) *Standing Committee for Education.*—Education including social education, medical relief, public health and sanitation including drainage, relief of distress in grave emergencies, and self-help programmes;

(iv) *Standing Committee for Women Welfare.*—Welfare of women and children;

(v) *Standing Committee for Social Welfare.*—Social Welfare;

(vi) *Standing Committee for Communications.*—Communications, rural water supply, power and irrigation excluding irrigation wells;

¹ Substituted by section 12 (1) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act 1968 (Andhra Pradesh Act I of 1968).

(vii) *Standing Committee for Taxation and Finance.*—
Taxation and finance.

(2) In addition to the ¹[seven] Standing Committees referred to in sub-section (1) a Panchayat Samithi may, with the approval of the Government, constitute one or more Standing Committees for ²[any matter whether or not specified] in the said sub-section.

(3) Every Standing Committee shall consist of seven members of whom the president of the Panchayat Samithi shall be *ex-officio* member and chairman and the remaining shall be elected by the members of the Panchayat Samithi from among themselves ³[in accordance with the system of proportional representation by means of the single non-transferable vote] in the prescribed manner:

Provided that if the Panchayat Samithi so decides, it may elect in the prescribed manner not more than two of the remaining six members from among persons ⁴[residing in the Block] who are not members of the Panchayat Samithi and who have experience and knowledge of the subjects assigned to the Standing Committee:

Provided further that in the case of the Standing Committee ⁵[for Co-operation and Industries] the Panchayat Samithi shall elect, two of the remaining six members from among persons ⁶[residing in the Block] who are not members of the Panchayat Samithi and who have experience and knowledge of co-operation and cottage industries:

⁷[Provided also that in the case of the Standing Committee for Education, at least one woman and one representative of

¹ Substituted for the word "five" by section 7 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Substituted for the words "and other matters not specified" by section 7 *ibid.*

³ Inserted by section 12 (ii) (a) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

⁴ Inserted by section 7 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

⁵ Substituted for the words "for the subjects specified in clause (ii) of sub-section (1)" by section 12 (ii) (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

⁶ Inserted by section 7 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

⁷ Substituted by section 12 (ii) (c) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

the Scheduled Castes, and a member, if any, of the Panchayat Samithi specified in clause (iv) of sub-section (1) of section 4 representing a teachers' constituency, shall be among its members;

Provided also that where the total number of women members of the Panchayat Samithi is more than four, out of the six elected members of the Standing Committee for Women Welfare, not less than four shall be women members of the Panchayat Samithi; but where the total number of women members of the Panchayat Samithi is not more than four, all such members shall be *ex-officio* members of the said Standing Committee; and where the total number of women members of the Panchayat Samithi is less than four, such number of women as are required to make the number of women members of the said Standing Committee four, shall be elected from among women who are registered voters in the Block but are not members of the Panchayat Samithi.]

Provided also that any Standing Committee for welfare of women and children constituted, prior to the commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961, shall continue until the Panchayat Samithi is reconstituted after such commencement:

[Provided also that where the total number of members of the Panchayat Samithi belonging to the Scheduled Castes and the Scheduled Tribes is more than four, out of the six elected members of the Standing Committee for Social Welfare, not less than four shall be members of the Panchayat Samithi belonging to such Castes or Tribes; but where the total number of members of the Panchayat samithi belonging to such Castes or Tribes is not more than four, all such members shall be *ex-officio* members of the said Standing Committee; and where the total number of members of the Panchayat Samithi belonging to such Castes or Tribes is less than four, such number of persons as are required to make the number of members of the said Standing Committee four, shall be elected from among the persons belonging to such Castes or Tribes who are registered voters in the Block but are not members of the Panchayat Samithi.]

(4) ²[Omitted.]

1. Substituted by section 12 (ii) (c) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

2 Omitted by section 7 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

(5) Every Standing Committee shall, in relation to the subjects assigned to it, exercise such of the powers and perform such of the functions of the Panchayat Samithi as the Government may, by order, specify.

(6) ¹[In the case of the Standing Committees constituted under sub-section (1) except ²[the Standing Committee for Women Welfare and the Standing Committee for Social Welfare] [no member of a Panchayat Samithi] other than its president shall be a member of more than ³[one such Standing Committee] at a time:

Provided that where the number of members on the Panchayat Samithi is not sufficient to fill as aforesaid all the seats of ⁴[every such Standing Committee,] a member of a Panchayat Samithi may become a member of any ⁵[two such Standing Committees.]

⁶[(7) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members of the Panchayat Samithi shall be applicable, so far as may be, to the members of any Standing Committee who are not members of the Panchayat Samithi.]

⁷[(8) A member elected to a Standing Committee shall hold office for five years from the date of his election:

Provided that a person who was elected as a member of the Standing Committee and who holds such office on the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or who comes to hold such office after such commencement and before the 1st July, 1964, shall hold the office only ⁸[upto and inclusive of the 30th June, 1964.]

1 Substituted for the words "no member of a Panchayat Samithi" by section 7 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 of (Andhra Pradesh Act XXXIII of 1961).

2 Substituted for the expression "those constituted under clauses (ii-a) and (iii-b)" by section 12 (iii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

3 Substituted for the words "one Standing Committee" by section 7 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

4 Substituted for the words "every standing committee" by section 7 *ibid.*

5 Substituted for the words "two standing committee" by section 7 *ibid.*

6 Added by section 7 *ibid.*

7 Substituted by section 12 (iv) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

8 Substituted for the words and figures "until the 1st July, 1964" by section 9(6) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 13 of 1964).

¹[(9) Any vacancy occurring in the office of an elected member of a Standing Committee before the expiration of his term shall be filled by election of another person in the manner provided in sub-section (3) and the person so elected shall hold office for the residue of the term of his predecessor.]

²[(10) If a person who is an *ex-officio* member of the Standing Committee under sub-section (3), refuses to be a member of such Standing Committee or resigns such membership or otherwise ceases to be such member such person shall, with effect from the date of such refusal, resignation or cessation, cease to be a member of the Panchayat Samithi.

(11) Where a person elected as a member of a Standing Committee from among the members of the Panchayat Samithi ceases to be a member of the Panchayat Samithi on any date before the expiration of the term of his office as a member of the Standing Committee he shall cease to be a member of the Standing Committee with effect on and from such date.

(12) When, on the reconstitution of a Panchayat Samithi under sub-section (3) of section 3 a Standing Committee thereof is reconstituted, the Government may direct that any member of the Standing Committee which was functioning immediately before its reconstitution, who is otherwise qualified to hold such office in the reconstituted Standing Committee shall be a member of the reconstituted Standing Committee as if he was elected to such office in the reconstituted Standing Committee.]

15. Right of ³[certain officers] to participate in the proceedings, of a Panchayat Samithi or a Standing Committee thereof.—The ⁴[Collector, District Collector and such other officers as the Government may, by order, specify] shall have the right to speak in and otherwise to take part in the proceedings of any meeting of a Panchayat Samithi or any Standing Committee thereof functioning within the local limits of ⁵[their respective jurisdictions] but shall not, by virtue of this section, be entitled to vote at any such meeting.

¹ Added by section 7 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Added by section 12 (v) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

³ Substituted for the word "Collector" by section 18 (a) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

⁴ Substituted for the word "Collector" by section 18 (a) *ibid*.

⁵ Substituted for the words "his jurisdiction" by section 18 (g) *ibid*.

¹[16. *President of a Panchayat Samithi may invite certain persons to attend its meetings.*—(1) The president of a Panchayat Samithi, may, for purposes of consultation, invite any person having experience and specialised knowledge of any subject under the consideration of the Panchayat Samithi or a Standing Committee thereof to attend the meeting of the Panchayat Samithi, or as the case may be, the Standing Committee. Such person shall have the right to speak in, and otherwise to take part in, the proceedings of such meeting, but shall not, by virtue of this section, be entitled to vote at any such meeting.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.]

17. *Rules for the conduct of the business at a meeting of a Panchayat Samithi or a Standing Committee thereof.*—Every Panchayat Samithi or a Standing Committee thereof shall, in regard to the conduct of business at its meeting, follow such rules as may be prescribed.

18. *Powers and functions of a Panchayat Samithi.*—(1) Subject to the provisions of this Act, the administration of the Block shall vest in the Panchayat Samithi. Every Panchayat Samithi shall endeavour to instil among the people within its jurisdiction a spirit of self-help and initiative and harness their enthusiasm for raising the standard of living. It shall exercise all the powers conferred on, and perform all the functions entrusted to it by or under this Act, and such other powers and functions as may be conferred on, and entrusted to it by the Government for carrying out the purposes of this Act, but it shall not exercise the power or perform the functions expressly assigned by or under this Act, or any other law to its president or to the Block Development Officer or to the Zilla Parishad or any other authority. It may, with the previous approval of the Government and subject to such terms and conditions as may be prescribed, borrow moneys for carrying out the purposes of this Act. It shall also exercise and perform such of the powers and functions of the district board including the powers to levy any tax or fees as may be transferred to it under this Act.

(2) In particular, the Panchayat Samithi shall exercise the powers and perform the functions specified in the Schedule.

¹ Inserted by section 14 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963) in the place of the original section which was omitted by section of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

(3) ¹[Omitted].

(4) Notwithstanding anything in the relevant law for the time being in force in the State ²[relating to panchayats and town municipalities], the Panchayat Samithi may, with the prior approval of the Zilla Parishad, levy contributions from the funds of the panchayats and town committees in the Block.

(5) Every Panchayat Samithi may levy with the prior sanction of the Government a duty in the form of a surcharge on any tax imposed by a panchayat or a town committee or on land cess or local cess levied within its jurisdiction, in such manner and subject to such maximum as may be prescribed.

19. *Maintenance of common water works and other institutions.*—(1) Notwithstanding anything in the relevant law for the time being in force in the State ^{*}[relating to panchayats and town municipalities] and subject to the provisions of this Act, and the rules made thereunder, two or more panchayats may—

(i) construct and maintain water works for supply of water for washing and bathing purposes and of protected water for drinking purposes from a common source, and

(ii) entrust to a Panchayat Samithi with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work.

(2) Subject to the provisions of this Act and the rules made thereunder, two or more Panchayat Samithis may establish and maintain common dispensaries, child welfare centres and institutions of such other kind, as may be prescribed.

20. *Power of Panchayat Samithi or its Standing Committees to call for documents from the Block Development Officer.*—A Panchayat Samithi or a Standing Committee thereof may, at any time, require the Block Development Officer to furnish any document in his custody. The Block Development Officer shall comply with every such requisition unless in his opinion immediate compliance therewith would

¹ Omitted by section 9 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Substituted for the words "relating to panchayats and town committees" by section 9 *ibid*.

^{*}Substituted for the words "relating to panchayats and town committees" by section 10 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

be prejudicial to the interests of the Panchayat Samithi or of the general public and in such a case he shall refer the matter to the president whose decision thereon shall be final.

21. *Power of Panchayat Samithi to call for information from village officers.*—A Panchayat Samithi may require any village officer of any village within the jurisdiction of the Panchayat Samithi to furnish any information on any matter falling within such categories as may be prescribed in respect of such village or any person or property therein required for the purposes of this Act.

22. *Powers and functions of the president and vice-president.*—(1) The president of a Panchayat Samithi shall—

(a) exercise administrative control over the Block Development Officer for the purpose of implementation of the resolutions of the Panchayat Samithi or any Standing Committee thereof;

(b) convene, preside over and conduct the meetings of the Panchayat Samithi; and

(c) have full access to all records of the Panchayat Samithi.

(2) In case of emergency, the president may, in consultation with the Block Development Officer, direct the execution of any work or the doing of any act which requires the sanction of the Panchayat Samithi or any of its Standing 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 subsection and the reasons therefor to the Panchayat Samithi or the concerned Standing 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.

(3) The vice-president shall exercise such powers and perform such functions of the president as the president may, from time to time, delegate to him in writing.

(4) When the office of the president is vacant, the vice-president of the Panchayat Samithi shall exercise the powers and perform the functions of the president until a new president is elected.

(5) If the president has been continuously absent from the Block for more than fifteen days or is incapacitated for more than fifteen days, his powers and functions during such absence or incapacity shall devolve on the vice-president.

(6) When the office of the president is vacant or the president has been continuously absent from the Block for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the vice-president or the vice-president has been continuously absent from the Block for more than fifteen days or is incapacitated for more than fifteen days the powers and functions of the president shall devolve on a member of the Panchayat Samithi elected in the prescribed manner by the members of the Panchayat Samithi. The member of the Panchayat Samithi so elected shall be styled as the temporary president and he shall exercise the powers and perform the functions of the president subject to such restrictions and conditions as may be prescribed until a new president or vice-president assumes office after his election, or until the president or the vice-president returns to the Block or recovers from his incapacity, as the case may be.

*[(7) It shall be the duty of the president or the person for the time being exercising the powers and performing the functions of the president to convene the meetings of the Panchayat Samithi so that at least one meeting of the Panchayat Samithi is held in every three months. If the president or such person fails to discharge that duty with the result that no meeting is held within the said period of three months or in the month following such period, he shall, with effect from the date of expiration of the month aforesaid, cease to be the president, or as the case may be, cease to exercise the powers and perform the functions of the president, 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 president or to exercise the powers and perform the functions of the president.]

(8) The powers and functions of the president referred to in sub-sections (3), (4), (5) and (6) shall be deemed to include the powers and functions of the president as ex-officio member and chairman of a Standing Committee.]

23. Right of individual members to draw attention in respect of Panchayat Samithi works, etc.—Any member of a

*Added by section 15 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

Panchayat Samithi may draw the attention of the president or the Block Development Officer to any neglect in the execution of Panchayat Samithi work, to any waste of Panchayat Samithi property or to the needs of any locality and may suggest any improvement which may appear desirable.

24. *Powers and functions of the Block Development Officer.*—(1) The Block Development Officer shall be the chief executive officer of the Panchayat Samithi. He shall be responsible for implementing the resolutions of the Panchayat Samithi and of the Standing Committees and shall also exercise such powers and perform such functions as may be entrusted to him by the Government. Notwithstanding anything in the relevant law for the time being in force in the State ¹[relating to panchayats and town municipalities], he shall exercise such powers of supervision ²[over the panchayats and town committees] in the Block as may be prescribed.

(2) The Block Development Officer shall ordinarily attend the meetings of the Panchayat Samithi and of the Standing Committees 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.

(3) The staff borne on the establishment of the Panchayat Samithi and the staff working in institutions and schemes transferred by the Government or the Head of a Department of Government to the Panchayat Samithi shall be under the administrative control and supervision of the Block Development Officer.

(4) (a) The Block Development Officer may, subject to such conditions as may be prescribed, impose on any officer or other employee working under his administrative control and having jurisdiction over the whole Block except the medical officer in-charge of the Primary Health Centre, any of the following penalties, namely:—

(i) censure;

(ii) withholding of increments, after prior consultation with the District Officer of the Department concerned.

¹ Substituted for the words "relating to panchayats" by section 11 of the Andhra Pradesh Panchayat Samithis and zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Substituted for the words "over the panchayats" by section 11 *ibid.*

(b) Penalties other than those specified in clause (a) may be imposed by the authority competent to impose such penalties under the rules applicable to such officer or other employee.

(5) (a) In respect of all other staff working under his administrative control, including the staff employed in his office, the Block Development Officer shall be competent to impose the following penalties, namely:—

- (i) censure;
- (ii) withholding of increments;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Panchayat Samithi;
- (iv) suspension.

*[(b) Penalties of dismissal or removal from service or reduction to a lower post in respect of such staff, other than the Government servants, may be imposed by the president subject to such rules as may be prescribed. In respect of the Government servants, such penalties may be imposed by the authority competent to impose such penalties under the rules applicable to such Government servants].

(6) An appeal shall lie to the prescribed authority against any punishment imposed under sub-section (4) or sub-section (5).

(7) Notwithstanding anything in sub-section (1) of section 18 and subject to all other provisions of this Act, and the rules made thereunder, the Panchayat Samithi shall have power to issue such specific directions as it may think fit regarding the performance by the Block Development Officer of any of the functions assigned to him under this Act.

25. *The Block Development Officer and other officers and staff of a Panchayat Samithi to be subordinate to the Panchayat Samithi.*—The Block Development Officer and other officers and staff of a Panchayat Samithi and the staff employed in the institutions and schools under the Panchayat Samithi shall be subordinate to the Panchayat Samithi.

26. *Creation of posts of officers and other employes and appointments thereto.*—(1) Every Panchayat Samithi shall

*Substituted by section 11 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

have the power to create with the previous approval of the Government, such posts of officers and other employees as it may consider necessary for carrying out the purposes of this Act.

(2) The Government may, at any time, create such posts as they may consider necessary for carrying out the purposes of this Act.

(3) All appointments to the posts created under sub-section (1) or sub-section (2) and transfers of the holders of such posts shall be made in the prescribed manner.

27. *Allowances for attending a meeting of the Panchayat Samithi or a Standing Committee thereof.*—(1) There shall be paid to the members of a Panchayat Samithi including its president and vice-president, and to the members of the State Legislature ¹[* * * * *] for attending a meeting of the Panchayat Samithi, and to the members of a Standing Committee of a Panchayat Samithi, including its chairman ²[and to the members of the State Legislature aforesaid] for attending a meeting of such Committee, such allowances as may be prescribed.

(2) There shall also be paid to the president in respect of his tours in the Block such allowances as may be prescribed.

28. *Panchayat Samithi Fund.*—(1) All moneys received by a Panchayat Samithi shall constitute a fund called the Panchayat Samithi Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

(2) All moneys received by the Panchayat Samithi shall be lodged in the nearest Government treasury or with the sanction of the Government in any bank approved by them.

(3) All orders or cheques against the Panchayat Samithi Fund shall be signed by the Block Development Officer.

29. *Income and expenses of a Panchayat Samithi.*—(1) The sources of income of a Panchayat Samithi shall consist of—

¹ The words and figure "specified in section 5" were omitted by section 16 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

² Inserted by section 12 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

(i) funds relating to institutions and schemes transferred by the Government or Heads of Departments of the Government to the Panchayat Samithi;

(ii) funds relating to the Community Development Programme;

(iii) Central and State aid and aid received from the All-India bodies and institutions for the development of cottage and village industries, Khadi, silk, coir, handi-crafts and the like;

(iv) donations and contributions received by the Panchayat Samithi from panchayats, or town committees or from the public in any form;

(v) such income of the district board as the Government may, by order, allocate to it;

(vi) such share of the land revenue, State taxes or fees as may be prescribed;

(vii) proceeds from taxes, surcharge or fees which the Panchayat Samithi is empowered to levy under this Act or any other law; and

(viii) such contributions as the Panchayat Samithi may levy from panchayats and town committees.

(2) The expenses of the Panchayat Samithi shall include the salaries and allowances of its officers and other employees, the allowances to be paid under ¹[sections 16 and 27,] any item of expenditure directed by the Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes.

30. *The budget of the Panchayat Samithi.*—(1) The Block Development Officer shall in each year frame and place before the Panchayat Samithi on or before the prescribed date a budget showing the probable receipts and expenditure during the following year, and the Panchayat Samithi shall sanction the budget with such modifications, if any, as it thinks fit.

(2) The budget as so sanctioned, shall be submitted by the Block Development Officer on or before such date as may be prescribed, to the Zilla Parishad and where there is no

¹ Substituted for the word and figures "section 27" by section 17 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

Zilla Parishad to the District Collector, and if the Zilla Parishad or the District Collector, as the case may be, is satisfied that adequate provision has not been made therein for giving effect to the provisions of this Act, it or he shall have power to approve the budget with such modifications as may be necessary to secure such provision.

[(2-A) If, for any reason, the budget is not sanctioned by the Panchayat Samithi under sub-section (1) before the date referred to in sub-section (2), the Block Development Officer shall submit the budget to the District Collector who shall sanction it with such modifications, if any, as he thinks fit and forward it to the Zilla Parishad which shall thereupon approve the budget as if it were submitted to it under sub-section (2). Where there is no Zilla Parishad for the district, the sanction accorded by the District Collector shall be final.]

(3) If, in the course of a year, the Panchayat Samithi finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure, a revised or supplemental budget may be framed, submitted and ¹[sanctioned or approved, as far as may be, in the manner provided in sub-sections (1), (2) and (2-A).]

31. *Panchayats and town committees to submit their budgets to Panchayat Samithis.*—Notwithstanding anything in the relevant law for the time being in force in the State ²[relating to panchayats and town municipalities] and the rules made thereunder, every panchayat or town committee shall, every year not later than such date as may be fixed in this behalf by the Government, submit to the Panchayat Samithi, its budget for the following year ³[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.]

32. *Accounts and audit.*—(1) The Panchayat Samithi shall keep such accounts and submit such statements to the

¹ Substituted for the expression "sanctioned, as far as may be, in the prescribed manner provided in sub-sections (1) and (2)" by section 18 (ii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 Andhra Pradesh Act I of 1963.

² Substituted for the words "relating to panchayats and town committees" by section 18 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 Andhra Pradesh Act XXXIII of 1961.

³ Substituted by section 288 of the Andhra Pradesh Gram Panchayats Act, 1964 (Andhra Pradesh Act II of 1964).

Government and the Zilla Parishad, and if no Zilla Parishad is constituted for the district, to the District Collector, as may be prescribed:

(2) (a) Accounts of receipts and expenditure of every Panchayat Samithi shall be maintained for every financial year in such form as may be prescribed.

(b) An abstract of every annual account of a Panchayat Samithi showing its income under each head of receipt, the charges for the establishment, works undertaken, the sum expended on each work, the balance, if any, remaining unexpended and such other information as may be required by rules, shall be prepared by the Panchayat Samithi in such form as may be prescribed and submitted to the Government and the Zilla Parishad, and if no Zilla Parishad is constituted for the district, to the District Collector, not later than the 15th day of the second month of the next financial year.

[(c) An abstract of the accounts specified in clause (a) or clause (b) for any specified period in respect of any matter shall be prepared by a Panchayat Samithi in such form and within such time, as may be prescribed, and submitted to the Government and the Zilla Parishad, where so required by the Government. The accounts so prepared shall be examined and audited by the auditors appointed by the Government in this behalf within such time as may be prescribed.]

(3) All annual accounts and all accounts kept under sub-section (1) shall be examined and audited, as soon as may be, after the end of each financial year by such person or authority as the Government may appoint in this behalf. The auditors so appointed shall be deemed to be 'public servants' within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(4) (i) The auditors may disallow every item of expenditure incurred contrary to law and surcharge the same on the person incurring or authorising the incurring of such expenditure, and may charge against any person responsible therefor the amount of any deficiency, loss or unprofitable outlay occasioned by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

¹ Added by section 8 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 13 of 1964).

Explanation.—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred, but for the negligence or misconduct of some other person.

(ii) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and a copy of such decision shall be served on the person against whom it is made in the manner laid down for the service of summons in the Code of Civil Procedure, 1908 (Central Act V of 1908).

(iii) Any person aggrieved by any disallowances, surcharge or charge may, within fourteen days after the date of service on him of the decision of the auditors, either—

(a) make an application to the concerned principal civil court of original jurisdiction to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances; or

(b) in lieu of such application may appeal to the Government who shall pass such orders as they think fit.

Where an application is made to the court under sub-clause (a), the auditors shall be the sole respondents thereto, and the applicant shall not make either the Government or any other person a party to the proceedings.

(iv) From the decision of the court under sub-clause (a) of clause (iii), an appeal shall lie to the High Court.

(v) Every sum certified by the auditors to be due from a person under this Act shall be paid by such person to the Block Development Officer within fourteen days after the date of service on him of the decision of the auditors unless within that time such person has made an application to the court or an appeal to the Government against the decision; and such sum, if not so paid, or such sum as the court or the Government declare to be due, shall be recoverable as if it were an arrear of land revenue.

(vi) Notwithstanding anything in this section the Government may at any time direct that the recovery of the

whole or any part of the amount certified by the auditors of declared by the court or the Government to be due from any person under this Act shall be waived if in their opinion such a course is justified considering all the circumstances of the case.

(5) The Panchayat Samithi shall pay to the Government out of its receipts such sum as may be determined by the Government towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the Panchayat Samithi.

33. *Motion of no-confidence in president or vice-president.*—(1) A motion expressing want of confidence in the president or in the vice-president of a Panchayat Samithi may be made in accordance with the procedure laid down in the following sub-sections.

(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 number of members of the Panchayat Samithi, together with a copy of the proposed motion shall be delivered in person, by any two of the members signing the notice, to the Collector having jurisdiction over the Panchayat Samithi.

(3) The Collector shall then convene a meeting for the consideration of the motion at the office of the Panchayat Samithi 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.

¹[Provided that where the holding of such meeting is stayed by an order of a court, the meeting shall be adjourned; and the Collector 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) ²[The quorum for such a meeting shall be three-fifths of the total number of members of the Panchayat

¹ Substituted by section 19 (i) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

² Substituted for the words "the Collector shall preside at such meeting" by section 14 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

Samithi and the Collector shall preside at such meeting]. If within half an hour after the time appointed for the meeting, the Collector is not present to preside at the meeting, the meeting shall stand adjourned to a date to be appointed by him under sub-section (5).

¹[*Explanation.*—In the determination of three-fifths of the total number of members under this section, any fraction arrived at shall be construed as one.]

(5) If the Collector is unable to preside at the meeting, he may after recording his reasons in writing adjourn the meeting to such other date as he may appoint. The date so appointed by him shall not be later than thirty days from the date fixed for the meeting under sub-section (3). Notice of not less than ten clear days shall be given to the members of the adjourned meeting.

(6) Save as provided in ²[sub-sections (3), (4) and (5),] a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section commences, the Collector shall read to the Panchayat Samithi the motion for the consideration of which the meeting has been convened and declare it to be open for debate.

(8) No debate on the motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiration of two hours from the time appointed for the commencement of the meeting if it is not concluded earlier. On the conclusion of the debate or on the expiration of the said period of two hours, whichever is earlier, the motion shall be put to vote.

(10) The Collector shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

(11) 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 Collector to the Government.

¹ Added by section 25 (v) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Substituted for the expression "sub-sections (4) and (5)" by section 9 (ff) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

(12) If the motion is carried with the support of not less than three-fifths of the total number of members of the Panchayat Samithi, the Government shall, by notification, remove the president or the vice-president, as the case may be [and the resulting vacancy in the office of the president or vice-president shall be filled in the manner specified in section 7 within the prescribed time.]

(13) 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 president or vice-president shall be made until after the expiration of six months from the date of the meeting.

(14) No notice of a motion under this section shall be made within six months of the assumption of office by a president or vice-president, as the case may be.

Power of Government to remove [president, vice-president or member] of a Panchayat Samithi.—(1) If, in the opinion of the Government, the president or the vice-president of a Panchayat Samithi wilfully omits or refuses to carry out the orders of the Government for the proper working of the Panchayat Samithi or abuses [his position or] the powers vested in him, they may, by order, remove such president or vice-president, as the case may be, after giving him an opportunity for explanation.

(2) Where the president or the vice-president of a Panchayat Samithi is removed under sub-section (1), the vacancy shall, subject to the provisions of sub-section (3), be filled in the manner specified in section 7 within the prescribed time.

(3) A president or a vice-president removed from his office under this section [* * * * *] shall not be eligible for re-election as president or vice-president for a period of two years from the date of the removal.

1. Added by section 19 (iii) of the Andhra Pradesh Panchayat Samithi and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

2. Substituted for the words "President or Vice-President" by section 20 (c) of the Andhra Pradesh Panchayat Samithi and Zilla Parishads (Amendment) Act, 1962 (Andhra Pradesh Act I of 1962).

3. Inserted by section 20 (i) *ibid.*

4. The words and figures "or under section 33" were omitted by section 20 (ii) *ibid.*

(4) If the Government are satisfied that any member of a Panchayat Samithi is guilty of any misconduct while acting or purporting to act in the discharge of his duties, or in the performance of his functions, under this Act, they may, by order, remove such member, after giving him an opportunity for explanation, and any member so removed shall not be eligible for re-election or re-nomination as a member for a period of two years from the date of the removal.

(5) Where a member of a Panchayat Samithi is removed under sub-section (4), the vacancy shall be filled in the manner provided in section 4 within the prescribed time.

(6) The Government shall have power to review any order issued under sub-section (1) or sub-section (4) and pending such review to stay the order of removal.]

35. *Joint Committee of a Panchayat Samithi and other local authority.*—(1) A Panchayat Samithi 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 for which they are jointly responsible.

(2) The constitution, powers and procedure of the joint committee and the method of settling differences of opinion arising in connection with such committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

CHAPTER III.

Constitution, Incorporation, Composition, Powers, Functions, etc., of Zilla Parishads.

36. *Constitution, incorporation and composition of Zilla Parishads.*—(1) The Government may, by notification, constitute a Zilla Parishad for a district with effect from such date as may be specified therein.

(2) Every Zilla Parishad shall, by the name of the district for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) Every Zilla Parishad shall consist of the following members, namely:—

1. Added by section 20 (iv) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act 1968 (Andhra Pradesh Act I of 1968)

(i) the president of every Panchayat Samithi in the district *ex-officio*:

Provided that if any President of a Panchayat Samithi refuses to be a member of the Zilla Parishad or resigns such membership or otherwise ceases to be such member, he shall, with effect from the date of such refusal, resignation or cessation, cease to be the President of the Panchayat Samithi and the person who succeeds him in such office shall be the member of the Zilla Parishad;

(ii) the District Collector;

(iii) the members of the Legislative Assembly of the State elected from the district:

¹[Provided that a member of the Legislative Assembly representing a constituency which comprises portions of more than one district shall be the member of the Zilla Parishad of only one such district which he chooses;]

²[Provided further that no member of the Legislative Assembly representing a constituency the whole of which forms part of the local area within the jurisdiction of the Municipal Corporation of Hyderabad shall be the member of the Zilla Parishad of the Hyderabad district;]

(iv) such members of the Legislative Council of the State as the Government may, by order, specify;

³[Provided that in the case of a member of the Legislative Council representing a territorial constituency, the Zilla Parishad of which he is specified as a member shall be of the district which comprises wholly such territorial constituency or shall be the Zilla Parishad of his choice where such constituency comprises portions of more than one district:

Provided further that, in the case of a member of a Legislative Council not representing a territorial constituency, the Zilla Parishad of which he is specified as a member shall be of the district in which he is a registered voter.]

(v) the members of the House of the People elected from the constituency which forms part of the district:

¹ Added by section 15 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Added by section 21 (i) (a) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

³ Added by section 21 (i) (b) *ibid.*

Provided that a member of the House of the People representing a constituency which comprises portions of more than one district shall be the member of the Zilla Parishad of only one such district which he chooses ¹[but he shall have the right to speak in and otherwise to take part in the proceedings of any meeting of the Zilla Parishad of any other district, the part of which is comprised in his constituency or its Standing Committee but shall not be entitled to vote at any such meeting;]

²[Provided further that no member of the House of the People representing a constituency the whole of which forms part of the local area within the jurisdiction of the Municipal Corporation of Hyderabad, shall be the member of the Zilla Parishad of the Hyderabad district;]

(vi) such members of the Council of States as the Government may, by order, specify;

³[Provided that in the case of a member of the Council of States, the Zilla Parishad of which he is specified as a member shall be the Zilla Parishad of the district in which he is a registered voter;]

(vii) for every Block for which no Panchayat Samithi is constituted, one person ⁴[who is not already a member but is a registered voter in that Block] elected in the prescribed manner, from among themselves—

(a) in the Andhra area, by the presidents of the panchayats within such Block;

(b) in the Telangana area, by the sarpanches of the panchayats and the presidents of the town committees, within such Block;

⁵[(viii) the following to be elected in the prescribed manner by the members specified in clauses (i) to (vii) from among the persons who are registered voters in the district but are not already members, at a special meeting convened and presided over by the District Collector, namely:—

(a) two women;

1 These words were added by section 21 (f) (c) (1) of the Andhra Pradesh, Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

2 Added by section 21 (f) (c) (ii) *ibid.*

3 Added by section 21 (f) (d) *ibid.*

4 Substituted for the words "residing in the block" by section 21 (f) (e) *ibid.*

5 Substituted by section 21 (f) (f) *ibid.*

(b) one representative of the Scheduled Castes;

(c) one representative of the Scheduled Tribes if their population in the district is not less than five per cent of the total population of that district and if the population of the Scheduled Tribes in the district is less than such percentage, another representative of the Scheduled Castes;

(d) two persons interested in rural development ;

Explanation.—For the purpose of this section and section 43, a person is said to be a registered voter in a district, if his name is included in the electoral roll for any Assembly Constituency comprising that district or part thereof.]

¹[(3-A) No person shall be a member in more than one of the categories specified in sub-section (3). A person who is or becomes a member of the Zilla Parishad in more than one such category shall, by notice in writing signed by him and delivered to the Secretary to the Zilla Parishad within fifteen days from the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or as the case may be, the date or the later of the dates, on which he so becomes a member, intimate in which one of the said categories he wishes to serve, and thereupon, he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Zilla Parishad in whatever category shall cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable:

Provided that if a person is or becomes an *ex-officio* member under clause (i) of sub-section (3), being already a member of the Zilla Parishad in any of the other categories specified in other clauses of the said sub-section, he shall not cease to be such *ex-officio* member but he shall, with effect from the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or as the case may be, the date on which he becomes such *ex-officio* member, cease to be a member in such other category;

Provided further that ²[upto and inclusive of the 30th June 1964], nothing in this sub-section shall apply to the

¹ Inserted by section 21 (ii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

² Substituted for the expression "until the 1st July 1964" by section 9 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act, 13 of 1964).

members of the Zilla Parishad specified in clauses (iii) to (vi) of sub-section (3)].

¹[(4) No person shall be entitled to be a member of more than one Zilla Parishad at a time.]

37. *Election and term of office of the Chairman and Vice-Chairman of a Zilla Parishad and filling up of vacancies.*—(1) There shall be a chairman and vice-chairman for each Zilla Parishad who shall be elected by the members of the Zilla Parishad from among themselves:

²[Provided that the District Collector or a member specified in clause (iii), clause (iv), clause (v) or clause (vi) of sub-section (3) of section 36, shall not be elected as chairman or vice-chairman; but the member of either House of the State Legislature, or of Parliament, who is a member of the Zilla Parishad specified in any of the clauses, other than clauses (iii) to (vi) of sub-section (3) of section 36, shall be eligible to be elected as chairman or vice-chairman; he shall however 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;]

³[Provided further that if the president of a Panchayat Samithi or a president or sarpanch of a panchayat or a president of a town committee is elected as chairman of the Zilla Parishad, he shall, from the date of his election, cease to be the president of the Panchayat Samithi, or the president or sarpanch of the panchayat or town committee, as the case may be; but such cessation shall not in any way affect his continuance as member of the Zilla Parishad, Panchayat Samithi, panchayat or town committee.]

(2) ⁴[On the same day on which a special meeting is held for the election of the members specified in clause (viii) of sub-section (3) of section 36, and soon after the election of the said members, the District Collector shall hold at the office of the Zilla Parishad, a meeting of the members of the Zilla Parishad for electing the chairman and vice-chairman and the election shall be held in the prescribed manner. If, for any

¹ Added by section 15 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Substituted by section 22 (i) (a) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act, I of 1963).

³ Substituted for the second and third provisos by section 22 (i) (b) *ibid.*

⁴ Substituted for the first sentence by section 22 (ii) *ibid.*

reason, the election of the chairman and the vice-chairman is not held on the same day as the election of the members specified in clause (viii) aforesaid, the meeting for the election of the chairman and the vice-chairman shall be held on the next day whether or not it is a holiday observed by the Zilla Parishad.] The chairman shall be elected first and after he is elected, the vice-chairman shall be elected. For the election of the chairman, the District Collector and for the election of the vice-chairman, the chairman shall preside at such meeting.

(3) (a) For filling up a casual vacancy in the office of the chairman, a meeting of the Zilla Parishad shall be convened by the District Collector and the election shall be held in the prescribed manner. The District Collector shall preside at such meeting.

(b) For filling up a casual vacancy in the office of the vice-chairman, a meeting of the Zilla Parishad shall be convened by the chairman and the election shall be held in the prescribed manner. The chairman shall preside at such meeting.

¹[(4) Save as otherwise provided, the term of office of chairman or vice-chairman shall be five years from the date of his election. The chairman or vice-chairman shall, however, cease to hold office of chairman or vice-chairman, as the case may be, before the expiration of such term on his ceasing to be a member of the Zilla Parishad. When a vacancy occurs in the office of the chairman or the vice-chairman before the expiration of the term, the person elected as chairman or vice-chairman in that vacancy shall hold office for the residue of the term of his predecessor:

Provided that the Government may, by notification, for sufficient cause which shall be stated therein direct that the term of office of the chairman or the vice-chairman be extended upto such date as may be specified in the notification, such date being not later than six months from the date on which such term expires under this sub-section; and the Government may, from time to time, by notification, alter such date and fix another date instead within the period of six months aforesaid;

Provided further that if, for any reason the election of the chairman and vice-chairman is not completed before the expiration of the period of six months aforesaid, the District

¹ Substituted by section 22 (iii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

Collector shall exercise the powers and perform the functions of the chairman until a new chairman or vice-chairman is elected;

Provided also that a person who holds the office of the chairman or vice-chairman on the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or who comes to hold such office after such commencement and before the 1st July, 1964, shall hold the office only ¹[upto and inclusive of the 30th June 1964.]

38. *Secretary of Zilla Parishad.*—(1) The Government shall appoint a Secretary to the Zilla Parishad and he shall exercise and perform such powers and functions as may be prescribed.

(2) The Secretary shall ordinarily attend the meetings of the Zilla Parishad or of any Standing Committee thereof and shall be entitled to take part in the discussions thereat, but shall not be entitled to vote or to move any resolution.

39. *Term of office of members of the Zilla Parishad and filling up of vacancies.*—(1) Save as otherwise provided in this Act—

(i) an *ex-officio* member specified in clause (i) of sub-section (3) of section 36 shall hold office so long as he continues to be the president of the Panchayat Samithi which he represents;

(ii) a member specified in clause (iii), (iv), (v) or (vi) of sub-section (3) of section 36 shall hold office so long as he continues to be the member of the respective House of the Legislature of the State or of Parliament, as the case may be.

(iii) a member elected under clause (vii) of sub-section (3) of section 36 shall hold office ²[so long as he continues to be the president or sarpanch of the panchayat or the president of the town committee, as the case may be,] or until the date on which a Panchayat Samithi is constituted for the Block which he represents, whichever is earlier;

Substituted for the expression "until the 1st July 1964" by section 9(b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964. Andhra Pradesh Act, 13 of 1964).

² Substituted for the words "for a term of 3 years" by section 17 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

(iv) a member elected under clause (viii) of sub-section (3) of section 36, shall hold office for a term of ¹[five years] from the date of election.

²[Provided that a person who was so elected and who holds such office on the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or who comes to hold such office after such commencement and before the 1st July, 1964, shall hold the office only ³[upto and inclusive of the 30th June 1964.]

(2) Any vacancy occurring in the office of a member elected under clause (vii) or clause (viii) of sub-section (3) of section 36 due to the expiration of his term shall be filled by election of another person under that clause.

40. *Disqualifications.*—The provisions of sections 9, 10 and 11 shall apply to the members of the Zilla Parishad other than the member specified in clause (ii) of sub-section (3) of section 36 subject to this variation that for the expression “Block”, “Panchayat Samithi”, ⁴[“President”, “Block Development Officer”] and “District Munsif” the expression “District”, “Zilla Parishad” [“Chairman”, the “Secretary”] and “District Judge”, ⁵[for the expression “an *ex-officio* member specified in clause (i) of sub-section (1) of section 4”, the expression “the president of every Panchayat Samithi in the district, *ex-officio*, specified in clause (i) of sub-section (3) of section 36”, for the expression “proviso (a) to clause (i) of sub-section (1) of section 4”, the expression “proviso to clause (i) of sub-section (3) of section 36” and for the expressions “the president or the sarpanch of the panchayat or the president of the town committee” and “president of the Panchayat Samithi”] shall respectively be substituted.

41. *Filling up of certain casual vacancies.*—Any vacancy occurring in the office of a member elected under clause (vii) or clause (viii) of sub-section (3) of section 36 before the expi-

1 Substituted for the words “ the years ” by section 23 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act, I of 1963).

2 Added by section 23 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963.)

3 Substituted for the expression “ until the 1st July 1964 ” by section 9 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964. (Andhra Pradesh Act 13 of 1964.)

4 Inserted by section 18 of Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

5 Inserted by section 24 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

ration of his term, shall be filled by election of another person under that clause and the person so elected shall hold office for the residue of the term of his predecessor.

¹[*Explanation.*—For the removal of doubts, it is hereby declared that the members specified in clause (viii) of sub-section (3) of section 36 shall be entitled to participate in the election of a person to fill up a casual vacancy under this section.]

42. *Resignation of chairman, vice-chairman, or member.*—The chairman, the vice-chairman or any member other than the member specified in clause (ii) of sub-section (3) of section 36 may resign his office as such chairman, vice-chairman or member by giving notice in writing to the Zilla Parishad. Except in a case where the person resigning delivers the notice of resignation personally to the Secretary to the Zilla Parishad, the Secretary shall, on receipt of a notice of resignation, obtain confirmation from the person concerned 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.

43. *Standing Committees of a Zilla Parishad*—

*[(1) For every Zilla Parishad there shall be constituted the following seven Standing Committees, the subjects assigned to each such Standing Committee being those specified against it, namely:—

(i) *Standing Committee for Planning and Production.*—Planning, food and agriculture including irrigation wells, animal husbandry, reclamation including soil conservation, contour bunding, forests and fisheries;

(ii) *Standing Committee for Co-operation and Industries.*—Co-operation, thrift and small savings, industries, including cottage, village and small-scale industries, trusts, rural housing, statistics, and prohibition of, or temperance in, the consumption of intoxicating drinks and of drugs which are injurious to health;

(iii) *Standing Committee for Education.*—Education including social education, medical relief, public health and sanitation including drainage, relief of distress in grave emergencies and self help programmes;

¹ Added by section 19 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

* Substituted by section 25 (i) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act, 1 of 1963).

(iv) *Standing Committee for Women Welfare.*—Welfare of Women and Children;

(v) *Standing Committee for Social Welfare.*—Social Welfare;

(vi) *Standing Committee for Communications.*—Communications, rural water-supply, power and irrigation excluding irrigation wells;

(vii) *Standing Committee for Taxation and Finance.*—Taxation and finance.]

(2) In addition to the ¹[seven] Standing Committees referred to in sub-section (1), the Zilla Parishad may, with the approval of the Government, constitute one or more Standing Committees for any matter whether or not specified in the said sub-section.

(3) (a) Every Standing Committee shall consist of nine members, except the Standing Committee ²[for Education] which shall consist of ten members. Of the said nine or ten members, as the case may be, the Chairman of the Zilla Parishad and the District Collector shall be *ex-officio* members and the remaining members shall be elected by the members of the Zilla Parishad from among themselves ³[in accordance with the system of proportional representation by means of the single non-transferable vote] in the prescribed manner:

Provided that—

(i) in the case of the Standing Committee ⁴[for Planning and Production] the Zilla Parishad shall elect in the prescribed manner one of the remaining seven members, in the Andhra area from among the chairmen of the municipalities in the district, and in the Telangana area from among the presidents of the city municipalities in the district, who are not members of the Zilla Parishad;

(ii) in the case of the ⁵[Standing Committee for Co-operation and Industries] the Zilla Parishad shall elect in

¹ Substituted for the word "five" by section 20 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Substituted for the expression "for the subjects specified in clause (i) of sub-section (1)" by section 25 (ii) (a) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

³ Inserted by section 25 (ii) (a) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

⁴ Substituted for the expression "for the subjects specified in clause (i) of sub-section (1)" by section 25 (ii) (b) *Ibid.*

⁵ Substituted for the expression "Standing Committees for the subjects specified in clauses (ii) and (iii) of sub-section (1)" by section 25 (ii) (c) *Ibid.*

the prescribed manner one of the remaining seven members from among persons ¹[residing in the district] who are not members of the Zilla Parishad and who have experience and knowledge of ²[co-operation and cottage industries;]

³[(ii-a) where the total number of women members of the Zilla Parishad is more than five, out of the seven elected members of the Standing Committee for Women Welfare not less than five shall be women members of the Zilla Parishad, but where the total number of women members of the Zilla Parishad is not more than five, all such members shall be *ex-officio* members of the Standing Committee and where total number of women members of the Zilla Parishad is less than five, such number of women as are required to make the total number of women members of the said Standing Committee five, shall be elected from among women who are registered voters in the district but are not members of the Zilla Parishad;

(ii-b) where the total number of members of the Zilla Parishad belonging to the Scheduled Castes and Scheduled Tribes is more than five, out of the seven elected members of the Standing Committee for Social Welfare, not less than five shall be members of the Zilla Parishad belonging to such Castes or Tribes; but where the total number of members of the Zilla Parishad belonging to such Castes or Tribes is not more than five, all such members shall be *ex-officio* members of the said Standing Committee and where such total number of members of the Zilla Parishad belonging to such Castes or Tribes is less than five such number of persons as are required to make the number of members of the said Standing Committee five, shall be elected from among persons belonging to such Castes or Tribes who are registered voters in the district but are not members of the Zilla Parishad;

(iii) in the case of the Standing Committee for Education, of the remaining eight members, one woman and one representative of the Scheduled Castes who shall be elected by the Zilla Parishad in the prescribed manner from among the persons who are registered voters in the district but are not members of the Zilla Parishad, and a member, if any, of the Zilla Parishad, specified in clause (iv) of sub-section (3) of

¹ Inserted by section 20 of the Andhra Pradesh Panchayat Samithis and Zilla Parishad (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² Substituted for the words "co-operation or, as the case may be, of cottage industries" by section 25 (ii) (c) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act 1 of 1963).

³ Substituted by section 25 (ii) (d) *Ibid.*

section 36 representing a teacher's constituency shall be among its members;]

(iv) in the case of any other Standing Committee the Zilla Parishad may, if it so decides, elect in the prescribed manner, one of the remaining seven members from among persons ¹[residing in the district] who are not members of the Zilla Parishad and who have experience and knowledge of the subjects assigned to the Standing Committee.

(b) The District Collector shall be the Chairman of every Standing Committee. In the absence of the District Collector, the Chairman of the Zilla Parishad and in the absence of both the District Collector and the Chairman of the Zilla Parishad, the vice-chairman if he is a member of the Standing Committee, and if the vice-chairman is also absent, a member chosen by the members present at the meeting of the Standing Committee, shall preside.

(4) Every Standing Committee shall, in relation to the subjects assigned to it, exercise such of the powers and perform such of the functions of the Zilla Parishad as the Government may, by order, specify.

(5) ²[In the case of the Standing Committees constituted under sub-section (1) except ³[the Standing Committee for Women Welfare and the Standing Committee for Social Welfare] no member of a Zilla Parishad] other than its chairman or the District Collector shall be a member of more than ⁴[one such Standing Committee] at a time:

Provided that where the number of members on the Zilla Parishad is not sufficient to fill as aforesaid all the seats of ⁵[every such Standing Committee,] a member of the Zilla Parishad may become a member of any ⁶[two such Standing Committees.]

1 Inserted by section 20 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

2 Substituted for the words "no member of a Zilla Parishad" by section 20 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

3 Substituted for the expression "those constituted under clauses (iii-a) and (iii-b)" by section 25 (iii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act, 1 of 1963).

4 Substituted for the words "one Standing Committee" by section 20 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

5 Substituted for the words "every Standing Committee" by section 20 *Ibid*

6 Substituted for the words "two Standing Committees" by section 20 *Ibid*

¹[(6) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members of the Zilla Parishad shall be applicable, so far as may be, to the members of any Standing Committee who are not members of the Zilla Parishad.]

²[(7) A member elected to a Standing Committee shall hold office for five years from the date of his election:

Provided that a person who was elected as a member of a Standing Committee and who holds such office on the date of commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963, or who comes to hold such office after such commencement and before the 1st July, 1964, shall hold the office only ³[upto and inclusive of the 30th June 1964.]

⁴[(8) Any vacancy occurring in the office of an elected member of a Standing Committee before the expiration of his term shall be filled by election of another person in the manner provided in sub-section (3) and the person so elected shall hold office for the residue of the term of his predecessor.]

⁵[(9) If a person who is an *ex-officio* member of the Standing Committee under sub-section (3), other than the District Collector, refuses to be a member of such standing Committee or resigns such membership or otherwise ceases to be such member, such person shall, with effect from the date of such refusal, resignation or cessation, cease to be a member of the Zilla Parishad.

..

(10) Where a person elected as a member of a Standing Committee from among the members of the Zilla Parishad ceases to be a member of the Zilla Parishad on any date before the expiration of the term of his office as a member of the Standing Committee, he shall cease to be a member of the Standing Committee with effect on and from such date.]

1 Added by section 20 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961)

2 Substituted by section 25 (iv) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

3 Substituted for the expression "until the 1st July 1964" by section 9 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 13 of 1964).

4 Added by section 20 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

5 Added by section 14 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

44. Right of ¹[certain authorities and officers] to participate in the proceedings of a Zilla Parishad or a Standing Committee thereof.—²[(1) The President or Chairman of the District Co-operative Bank or the Central Bank and the President of the District Marketing Society in the district, shall have the right to speak in and otherwise to take part in, the proceedings of any meeting of the Zilla Parishad, but shall not by virtue of this section be entitled to vote at any such meeting;]

³[(2)] Such ⁴[district, regional and State officers] as the Government may, by order, specify, shall have the right to speak in, and otherwise to take part in, the proceedings of any meeting of the Zilla Parishad or any Standing Committee thereof, ⁵[functioning within the local limits of their respective jurisdictions] but shall not by virtue of this section be entitled to vote at any such meeting.

⁶[44-A. Chairman of a Zilla Parishad or its Standing Committee may invite certain persons to attend its meeting:—

(1) The chairman of a Zilla Parishad or a Standing Committee thereof may, for purposes of consultation, invite any person having experience and specialised knowledge of any subject under its consideration, to attend its meeting. Such person shall have the right to speak in, and otherwise to take part in, the proceedings of such meeting, but shall not, by virtue of this section, be entitled to vote at any such meeting.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.]

45. Rules for the conduct of the business at a meeting of a Zilla Parishad or a Standing Committee thereof.—Every Zilla Parishad or a Standing Committee thereof shall, in regard to the conduct of business at its meeting follow such rules as may be prescribed.

46. Power of Zilla Parishad or its Standing Committee to call for documents from the Secretary.—A Zilla Parishad or a

1 Substituted for the words " certain district officers " by section 26 (c) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

2 Inserted by section 26 (a) *ibid.*

3 This sub-section was renumbered as sub-section (2) by section 26 (a) *ibid.*

4 Substituted for the words " district officers " by section 26 (b) *ibid.*

5 Inserted by section 26 (b) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act 1963 (Andhra Pradesh Act I of 1963).

6 Inserted by section 27 *ibid.*

Standing Committee thereof may, at any time, require the Secretary to furnish any document in his custody. The Secretary shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the Zilla Parishad or of the general public and in such a case, he shall refer the matter to the chairman of the Zilla Parishad, whose decision thereon shall be final.

47. *Powers and functions of Zilla Parishad.*—(1) Every Zilla Parishad shall have the power to—

(i) examine and approve the budgets of Panchayat Samithis in the district;

(ii) distribute the funds allotted to the district by the Central or State Government among the Panchayat Samithis and the Blocks in the district for which Panchayat Samithis are not constituted;

(iii) co-ordinate and consolidate the plans prepared in respect of the Blocks in the district and prepare plans in respect of the entire district;

(iv) secure the execution of plans, projects, schemes or other works common to two or more Blocks in the district;

(v) supervise generally the activities of the Panchayat Samithis in the district;

(vi) exercise and perform such of the powers and functions of the district board including the power to levy any tax or fees, as may be transferred to it under this Act;

(vii) exercise and perform such other powers and functions of the district board including the power to levy any Government may, by notification, confer on or entrust to it;

(viii) advise Government on all matters relating to development activities and maintenance of services in the district, whether undertaken by local authorities or Government;

¹[(ix) advise Government on the allocation of work among panchayats, town committees and Panchayat Samithis and co-ordination of work between the said bodies and among the various panchayats and town committees themselves];

(x) advise Government on matters concerning the implementation of any statutory or executive order specially referred by the Government to the Zilla Parishad;

¹ Substituted by section 21 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

(xi) collect such data as it deems necessary;

(xii) publish statistics or other information relating to the activities of the local authorities;

(xiii) require any local authority to furnish information regarding its activities;

(xiv) accept trusts relating exclusively to the furtherance of any purpose for which its funds may be applied;

(xv) establish, maintain, or expand secondary, vocational and industrial schools;

(xvi) borrow moneys for carrying out the purposes of this Act with the previous approval of the Government and subject to such terms and conditions as may be prescribed.

(2) In respect of every Block referred to in clause (vii) of sub-section (3) of section 36, the Zilla Parishad ¹[shall, subject to such terms and conditions as may be specified by the Government in this behalf, have the power to supervise all development activities within the Block] until a Panchayat Samithi is constituted for that Block.

(3) The Zilla Parishad may, with the prior approval of the Government, levy contributions from the funds of the Panchayat Samithis in the district.

48. *Powers and functions of chairman and vice-chairman of Zilla Parishad.*—(1) The chairman of a Zilla Parishad shall—

(a) exercise administrative control over the Secretary for the purpose of implementation of the resolution of the Zilla Parishad or any Standing Committee thereof;

(b) convene, preside over and conduct the meetings of the Zilla Parishad;

(c) have full access to all records of the Zilla Parishad.

(2) The vice-chairman shall exercise such powers and perform such functions of the chairman as the chairman may, from time to time, delegate to him in writing.

(3) When the office of the chairman is vacant, the vice-chairman of the Zilla Parishad shall exercise the powers

¹ Substituted for the words "shall be competent to exercise and perform all the powers and functions of a Panchayat Samithi" by section 21 of the Andhra Panchayat Samithi and Zilla Parishads (Amendment) Act, (1961 Andhra Pradesh Act XXXIII of 1961

and perform the functions of the chairman until a new chairman is elected.

(4) If the chairman has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days, his powers and functions during such absence or incapacity shall devolve on the vice-chairman.

(5) When the office of the chairman is vacant or the chairman has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the vice-chairman or the vice-chairman has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days, the powers and functions of the chairman shall devolve on a member of the Zilla Parishad elected in the prescribed manner by the members of the Zilla Parishad. The member of the Zilla Parishad so elected shall be styled as the temporary chairman and he shall exercise the powers and perform the functions of the chairman subject to such restrictions and conditions as may be prescribed until a new chairman or vice-chairman assumes office after his election, or until the chairman or the vice-chairman returns to the district or recovers from his incapacity, as the case may be.

*[(6) It shall be the duty of the chairman or the person for the time being exercising the powers and performing the functions of the chairman to convene the meetings of the Zilla Parishad so that at least one meeting of the Zilla Parishad is held in every three months. If the chairman or such person fails to discharge that duty with the result that no meeting is held within the said period of three months or in the month following such period he shall, with effect from the date of expiration of the month aforesaid, cease to be the chairman or as the case may be, cease to exercise the powers and perform the functions of the chairman, 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 chairman or to exercise the powers and perform the functions of the chairman.]

49. *Right of individual members to draw attention in respect of Zilla Parishad works, etc.*—Any member of a Zilla Parishad may draw the attention of the chairman or Secretary

* Added by section 28 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

of the Zilla Parishad to any neglect in the execution of Zilla Parishad work, to any waste of Zilla Parishad property or to the needs of any locality and may suggest any improvement which may appear desirable.

50. *Emergency powers of District Collector.*—(1) In case of emergency, the District Collector may direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Zilla Parishad or of a Standing Committee thereof and the immediate execution or the doing of which is in his opinion necessary for the welfare or safety of the general public and may also direct that the expense of executing such work or doing such act shall be paid from the Zilla Parishad Fund.

(2) Every case in which the power conferred by this section is exercised shall forthwith be reported to the Government by the District Collector with the reasons in full for the exercise of such power and a copy of the report shall at the same time be sent to the Zilla Parishad for information.

51. *Creation of posts of officers and other employees, appointments thereto, etc.*—(1) Every Zilla Parishad shall have the power to create with the previous approval of the Government such posts of officers and other employees as it may consider necessary for carrying out the purposes of this Act.

(2) The Government may, at any time, create such posts as they may consider necessary for carrying out the purposes of this Act.

(3) All appointments to the posts created under sub-section (1) or sub-section (2) and transfers of the holders of such posts shall be made in the prescribed manner.

(4) The officers and the other employees appointed under this section shall, subject to such rules as may be prescribed, be under the administrative control of the chairman of the Zilla Parishad.

52. *Allowances for attending a meeting of a Zilla Parishad or a Standing Committee thereof.*—(1) There shall be paid to the non-official members of a Zilla Parishad and a Standing Committee thereof such allowances as may be prescribed for attending a meeting of the Zilla Parishad or such Committee.

(2) There shall also be paid to the chairman of the Zilla Parishad in respect of his tours in the district such allowances as may be prescribed.

53. *Zilla Parishad Fund*.—(1) All moneys received by the Zilla Parishad shall constitute a fund called the Zilla Parishad Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

¹[(2) All moneys received by the Zilla Parishad shall be lodged in the nearest Government treasury or with the sanction of the Government in any bank approved by them.]

(3) All orders or cheques against the Zilla Parishad Fund shall be signed by the Secretary.

54. *Income and expenses of a Zilla Parishad*.—(1) The sources of income of a Zilla Parishad shall consist of—

(i) the Central or State Government funds allotted to the Zilla Parishad;

(ii) grants from All-India bodies and institutions for the development of cottage, village and small scale industries, and the like;

(iii) such share of the land cess or local cess, State taxes or fees as may be prescribed;

(iv) proceeds from taxes or fees which the Zilla Parishad may, under any law, levy;

(v) income from endowments or trusts administered by the Zilla Parishad;

(vi) such income of the district board as the Government, by order, allocate to it;

(vii) income of every Block referred to in clause (vii) of sub-section (3) of section 36;

(viii) donations and contributions from the Panchayat Samithis or from the public in any form; and

(ix) such contributions as the Zilla Parishad may levy from the Panchayat Samithis with the previous approval of the Government.

(2) The expenses of the Zilla Parishad shall include the salaries and allowances of its officers and other employees, the allowances to be paid under ²[section 44-A and section 52],

¹ Substituted by section 2 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1960 (Andhra Pradesh Act XVIII of 1960).

² Substituted for the word and figures "section 52" by section 29 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

any item of expenditure directed by the Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes.

55. *The budget of the Zilla Parishad.*—(1) The Secretary of the Zilla Parishad shall, in each year, frame and place before the Zilla Parishad, on or before the prescribed date, a budget showing the probable receipts and expenditure during the following year, and the Zilla Parishad shall sanction the budget with such modifications, if any, as it thinks fit.

(2) The budget so sanctioned shall be submitted to the Government by the Secretary of the Zilla Parishad through the chairman on or before such date as may be fixed by the Government and if the Government are satisfied that adequate provisions has not been made therein or that it is otherwise unsatisfactory for giving effect to the provisions of this Act, ¹[they shall have the power to approve the budget with such modifications as they may consider necessary to secure such provision.]

²[(2-A) If, for any reason, the budget is not sanctioned by the Zilla Parishad under sub-section (1) before the date referred to in sub-section (2), the Secretary of the Zilla Parishad shall submit the budget to the Government who shall thereupon approve the budget as if it were submitted to them under sub-section (2).]

(3) If, in the course of a year, the Zilla Parishad finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure, a revised or supplemental budget may be framed, submitted and ³[sanctioned, or approved as far as may be, in the manner provided in sub-sections (1), (2) and (2-A).]

56. *Accounts and audit.*—The provisions of section 32 shall *mutatis mutandis* apply to the accounts of a Zilla Parishad and the audit thereof.

1 Substituted for the words "they may modify the budget in such manner as they may consider necessary" by section 30 (1) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

2 Inserted by section 30 (ii) *ibid*.

3 Substituted for the expression "sanctioned, as far as may be, in the manner provided in sub-section (1) and (2)" by section 30 (iii) *ibid*.

57. *Motion of no-confidence in chairman, or vice-chairman of Zilla Parishad.*—The provisions of section 33 shall apply to a motion of no-confidence in the chairman or vice-chairman of a Zilla Parishad subject to the following variations, namely:—

(i) for the expressions ‘Panchayat Samithi’, ‘president’, ‘vice-president’ and ‘Collector’, wherever they occur, the expressions ‘Zilla Parishad’, ‘chairman’, ‘vice-chairman’ and ‘District Collector’ shall respectively be substituted;

(ii) for the words “and he shall not be entitled to vote thereon” occurring in sub-section (10), the words “but he shall be entitled to vote thereon” shall be substituted.

*[58. *Power of Government to remove chairman, vice-chairman or member of a Zilla Parishad.*—The provisions of section 34 shall apply in relation to a Zilla Parishad as they apply in relation to the Panchayat Samithi with the substitution of references to the chairman, vice-chairman and member of a Zilla Parishad for references to the president, vice-president and member of a Panchayat Samithi respectively.]

CHAPTER IV.

Miscellaneous.

59. *Transfer of powers and functions of district boards to Panchayat Samithis and Zilla Parishads.*—(1) Notwithstanding anything in the relevant District Boards Act or any other law, the Government may, by notification and subject to such control, restrictions, conditions and reservations as may be specified therein, direct that any powers exercisable or functions preformable by a district board by or under the relevant District Boards Act or any other law for the time being in force including the power to levy any tax or fees, shall be transferred to a Panchayat Samithi or a Zilla Parishad and thereafter the Panchayat Samithi or the Zilla Parishad, as the case may be, shall exercise and perform the powers and functions transferred to it and the district board shall cease to exercise and perform those powers and functions.

(2) On the transfer of powers and functions under sub-section (1), the Government may direct that such of the offi-

* Substituted by section 81 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

cers and other employees of the district board as they may deem necessary shall be transferred to the Panchayat Samithi or the Zilla Parishad, as the case may be.

(3) When any powers and functions of the district board are transferred to a Panchayat Samithi or a Zilla Parishad under sub-section (1), all references in the relevant District Boards Act or any other law for the time being in force to the district board with reference to such powers and functions shall be construed as references to the Panchayat Samithi or the Zilla Parishads, as the case may be.

60. *Abolition of district boards.*—(1) Notwithstanding anything in the relevant District Boards Act or any other law for the time being in force the Government may, by notification, abolish any district board in the State with effect from such date as may be specified therein.

(2) On the abolition of a district board under sub-section (1), all assets vesting in it and all liabilities subsisting against it on the date of abolition under the relevant District Boards Act or any other law for the time being in force, shall devolve on the Zilla Parishad of that district or on the Panchayat Samithis functioning therein or on both to such extent and in such manner as the Government may, by order, direct.

(3) The officers and other employees of the abolished district board shall be absorbed in the establishment of the Zilla Parishad or the Panchayat Samithis or otherwise as Government may deem fit.

61. *Application of the relevant District Boards Act to Panchayat Samithis and Zilla Parishads.*—(1) The Government may, by notification, direct that such of the provisions of the relevant District Boards Act, including the provisions relating to the levy and collection of any tax or fee as may be specified in such notification, shall apply to the Panchayat Samithis and Zilla Parishads constituted under this Act. For the purpose of facilitating the application of those provisions to the Panchayat Samithis and Zilla Parishads, the Government may, by notification, make such adaptations and modifications of the relevant District Boards Act and the rules made thereunder whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon the relevant District Boards Act and the rules made thereunder shall have effect subject to the adaptations and modifications so made.

(2) Notwithstanding that no provision or insufficient provision has been made under sub-section (1) for the adaptation of the provisions of the relevant District Boards Act, or the rules made thereunder, any court, tribunal or authority required or empowered to enforce those provisions may, for the purpose of facilitating their application to any Panchayat Samithi or Zilla Parishad, construe those provisions in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

*[61-A. *Disqualifications arising out of election offences and corrupt practices at elections.*—(1) 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 under this Act or from holding the office of a member of a Panchayat Samithi or a Zilla Parishad or a Standing Committee, for a period of six years from the date of his conviction.

(2) If, at an enquiry into an election petition under the rules made under this Act, the election of any person is declared void on the ground that he was found guilty at such election of any corrupt practice specified in such rules, he shall be disqualified from being elected in any election under this Act or from holding the office of a member of a Panchayat Samithi or a Zilla Parishad or a Standing Committee, for a period of six years from the date on which such finding is given.

(3) The Government may, for reasons to be recorded, remove any disqualification under this section or reduce the period of any such disqualification.]

62. *Power to cancel or suspend resolution of a Panchayat Samithi or a Zilla Parishad.*—(1) The Government may, by order in writing, cancel any resolution passed by a Panchayat Samithi or any Standing Committee thereof or a Zilla Parishad or any Standing Committee thereof, if in their opinion such resolution,—

(a) is not legally passed; or

(b) is in excess or abuse of the powers conferred by or under this Act, or any other law; or

* Inserted by section 32 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

(c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

(2) The Government shall, before taking action under sub-section (1), give the Panchayat Samithi or the Zilla Parishad, as the case may be, an opportunity for explanation.

(3) If, in the opinion of the District Collector, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (c) of sub-section (1), he may, by order in writing, suspend the resolution and make a report to the Government.

(4) The Government may, either *suo motu* or on a representation made by the Panchayat Samithi or the Zilla Parishad aggrieved by the order made under sub-section (3), call for the record of the case in which such order was made and pass such order in relation thereto as they may deem fit but the Government shall not pass any order prejudicial to the Panchayat Samithi or the Zilla Parishad unless it is given an opportunity for explanation.

¹[62-A. *Power of Government to take action in default of a Panchayat Samithi, Zilla Parishad, etc.*—(1) If at any time it appears to the Government that a Panchayat Samithi or any of its Standing Committees or the president of a Panchayat Samithi, or a Zilla Parishad or any of its Standing Committees or the Chairman of a Zilla Parishad has made default in performing any function or discharging any duty imposed by or under this Act or any relevant law for the time being in force, the Government may, by order in writing, fix a period for performing such function or discharging such duty.

(2) If such function or duty is not performed or discharged by any authority aforesaid within the period so fixed, the Government may appoint some person to perform that function or discharge that duty and may direct that the expense incurred in that regard shall be paid by the person having the custody of the Panchayat Samithi Fund or the Zilla Parishad Fund, as the case may be, in priority to any other charges against such fund except charges for the service of authorised loans.]

¹ Inserted by section 10 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 13 of 1964).

63. *Power of Government to supersede or dissolve a Panchayat Samithi or a Zilla Parishad.*—¹[(1) (i)] If, at any time, it appears to the Government that a Panchayat Samithi or a Zilla Parishad ²[is not competent to perform its functions or] has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the Panchayat Samithi or, as the case may be, the Zilla Parishad, to remedy such ³[incompetency], failure, excess or abuse or to give a satisfactory explanation therefor and if the Panchayat Samithi or the Zilla Parishad fails to comply with such direction, the Government may supersede the Panchayat Samithi or the Zilla Parishad, as the case may be, for a period not exceeding one year from a specified date or dissolve it with effect from a specified date and reconstitute it either immediately or with effect from another specified date, and cause any or all of the powers and functions of the Panchayat Samithi or Zilla Parishad to be exercised and performed by such person or authority as the Government may appoint in that behalf during the period of its supersession or until the Panchayat Samithi or Zilla Parishad is reconstituted in accordance with the provisions of this Act, and any person or authority so appointed may, if the Government so direct, receive remuneration for the services rendered from the funds of the Panchayat Samithi or the Zilla Parishad, as the case may be.

⁴[(ii) On or before the expiry of the period of supersession notified under clause (i), the Government may, by notification for reasons to be stated in the notification, postpone the reconstitution of the Panchayat Samithi or, as the case may be, of the Zilla Parishad for a further period not exceeding six months.]

⁵[(iii) With effect from the date specified for the supersession or dissolution of a Panchayat Samithi or Zilla Parishad under clause (i), all its members including its president or chairman and vice-president or vice-chairman, as the case may be, shall forthwith be deemed to have vacated their

¹ Renumbered as clause (i) of sub-section (1) of that section by sections 22 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

² & ³ Inserted by section 22 *ibid.*

⁴ Inserted by section 22 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

⁵ Inserted by section 33 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

offices as such and they shall not be entitled to be restored to office after the expiration of the period of supersession. The members of a reconstituted Panchayat Samithi or Zilla Parishad shall enter upon their offices on the date specified for its reconstitution.

(iv) The provisions of clause (iii) of this sub-section shall apply to any Panchayat Samithi or Zilla Parishad which is under supersession or dissolution on the date of the commencement of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963.]

¹[(2) If, at any time it appears to the Government that a Standing Committee of a Panchayat Samithi or a Zilla Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the Standing Committee to remedy such incompetency, failure, excess or abuse, or to give a satisfactory explanation therefor and if the Standing Committee fails to comply with such direction, the Government may dissolve the Standing Committee and direct the Panchayat Samithi or the Zilla Parishad, as the case may be, to reconstitute the dissolved Standing Committee immediately thereafter.]

64. *Acts of Panchayat Samithis and Zilla Parishads not to be invalidated by informality, vacancy, etc.*—(1) No act of a Panchayat Samithi or of a Standing Committee thereof shall be deemed to be invalid by reason only of a defect in the establishment of such Panchayat Samithi or Standing Committee, or on the ground that the president, vice-president, chairman or any member of such Panchayat Samithi or Standing 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 nomination, or election, as the case may be, or by reason of such act having been done during the period of any vacancy in the office of the president, vice-president, chairman or member of such Panchayat Samithi or Standing Committee.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply to the acts of a Zilla Parishad or a Standing Committee thereof.

¹ Inserted by section 22 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

65. *Oath of allegiance to be taken by members.*—(1) Every member of the Panchayat Samithi and every non-official member of the Zilla Parishad shall, before taking his seat, make at a meeting of the Panchayat Samithi or, as the case may be, of the Zilla Parishad, an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:—

“I, having become a member of the Panchayat Samithi/Zilla Parishad, 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 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 Panchayat Samithi or, as the case may be, of the Zilla Parishad or do any act as such member unless he has made the oath or affirmation as laid down in this section.

¹[(4) Where a person ceases to hold office under sub-section (2), the Block Development Officer or, as the case may be, the Secretary of the Zilla Parishad, shall report the same to the Panchayat Samithi or Zilla Parishad at its next meeting and on application of such person] ²[made within thirty days of the date on which he has ceased to be a member under that sub-section] the Panchayat Samithi or the Zilla Parishad may grant him further time which shall not be less than three months ³[and not more than nine 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 (c) of sub-section (1) of section 10 or, as the case may be, in section 40, continue to hold his office.

1 Added by section 23 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

2 Inserted by section 34 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963).

3 Inserted by section 11 (i) of the Andhra Pradesh Panchayat Samithi and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 18 of 1964).

¹[(5) Where on an application made by a person who ceases to hold office under sub-section (2), the Government are satisfied that such person for reasons beyond his control, has not been able to make the oath or affirmation within the period specified in sub-section (2) or within the further time, if any, granted to him under sub-section (4), they may by an order grant such further time as they deem fit to the person to make the oath or affirmation. If such person makes the oath or affirmation within the time so granted he shall, notwithstanding anything in the foregoing sub-sections or in clause (c) of sub-section (1) of section 10 or, as the case may be, in section 40, continue to hold his office.]

²[(6) The provisions of this section shall *mutatis mutandis* apply to the members of a Standing Committee of a Panchayat Samithi or of a Zilla Parishad, as the case may be, who are not members of the Panchayat Samithi or Zilla Parishad.]

66. *Administration Report*.—(1) Every Panchayat Samithi shall furnish to the Zilla Parishad and every Zilla Parishad shall furnish to the Government a report on its administration for each year, as soon as may be, after the close of such year, in such form and with such details as may be prescribed. The Panchayat Samithi shall while furnishing the report to the Zilla Parishad as aforesaid send a copy thereof to the Government.

(2) The Zilla Parishad shall consider the administration report of each Panchayat Samithi and forward it to the Government with its remarks.

(3) The report of the Panchayat Samithi shall be prepared by the Block Development Officer and that of the Zilla Parishad by its Secretary and the Panchayat Samithi or the Zilla Parishad, shall consider and forward it to the Zilla Parishad or the Government, as the case may be, with its resolution thereon.

³[66-A. *Recovery of sums due to Panchayat Samithi or Zilla Parishad as arrears of land revenue*.—Any sum due to, or recoverable by, a Panchayat Samithi or a Zilla Parishad under this Act may be recovered as if it were an arrear of land revenue.]

¹ Inserted by section 11 (ii) of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1964 (Andhra Pradesh Act 13 of 1964).

² Renumbered as sub-section (6) of that section by section 11 (ii) *ibid*.

³ Inserted by section 35 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act 1 of 1963).

67. *Powers of entry of inspecting officers.*—(1) Any officer or person whom the Government may empower in this behalf may enter on and inspect,—

(a) any immovable property, or any work in progress under the control of any Panchayat Samithi or Zilla Parishad;

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

(c) the office of any Panchayat Samithi or Zilla Parishad and any records, registers or other documents kept therein.

(2) The Panchayat Samithi or Zilla Parishad shall be bound to afford to the officer or person referred to in sub-section (1) such access at all reasonable times, to its property or premises and to all documents as may, in the opinion of such officer or person, be necessary to enable him to discharge his duties under the said sub-section.

68. *Protection of acts done in good faith.*—No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act or under the rules made thereunder.

*[68-A. *Injunction not to be granted in election proceedings.*—No civil 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 conduct of any election.]

69. *Power to make rules.*—(1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of the State Legislature and shall be subject to such modifications, whether by way of repeal or amendment, as the State Legislature, may make during the session in which they are so laid.

*¹ Inserted by section 86 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1968 (Andhra Pradesh Act I of 1968).

70. *Power of Panchayat Samithi and Zilla Parishad to make bye-laws.*—(1) Subject to such rules as may be made a Panchayat Samithi may, with the approval of the Zilla Parishad, and a Zilla Parishad may, with the approval of the Government, make bye-laws for carrying out any of the purposes for which it is constituted.

(2) The Government shall have power to make rules regarding the procedure for making of bye-laws under this section, the publication thereof and the date on which they shall come into effect.

71. *Delegation of powers and power to transfer institutions and works.*—(1) The Government may, by notification, delegate all or any of their powers under this Act except those conferred upon them by this section and section 69 to any person or authority subordinate to them and may, in like manner, withdraw any power so delegated. The exercise of any powers delegated under this sub-section shall be subject to such restrictions, limitations and conditions and to such control and revision by such authority as may be specified in the notification.

(2) A Panchayat Samithi or a Zilla Parishad or any person exercising or performing any powers or functions by or under the provisions of this Act may delegate its or his powers or functions in writing to any person or authority, subject to such restrictions, limitations and conditions as may be prescribed and also to control and revision by the Government.

(3) The Government may transfer any institution or work under their management or control to a Zilla Parishad or a Panchayat Samithi and a Zilla Parishad may transfer any institution under its management or control to any Panchayat Samithi, panchayat or town committee, subject to such conditions, limitations and restrictions as may be specified by the Government or the Zilla Parishad, as the case may be:

Provided that no such transfer shall be made unless the prior consent of the concerned Zilla Parishad, Panchayat Samithi, panchayat, or town committee, as the case may be, is obtained.

72. *Power of revision and review by Government.*—(1) The Government may, either *suo motu* or on an application from any person interested, call for and examine the record of a Panchayat Samithi or a Zilla Parishad or of their Standing

Committees * [or of any authority, officer or person] in respect of any proceeding to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and, if, in any case, it appears to the Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, they may pass orders accordingly:

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 Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

(3) The Government may *suo motu* at any time or on an application received from any person interested within ninety days of the passing of an order under sub-section (1), review any such order if it was passed by them under any mistake, whether of fact or of law, or in ignorance of any material fact. The provisions contained in the proviso to sub-section (1) and in sub-section (2) shall apply in respect of any proceeding under this sub-section as they apply to a proceeding under sub-section (1).

(4) Every application preferred under sub-section (1) or sub-section (3) of this section shall be accompanied by a fee of fifteen rupees.

73. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

74. *Saving in respect of ad hoc Panchayat Samithi.*—(1) A Panchayat Samithi constituted for any Block before the commencement of this Act under executive orders of the Government (hereinafter in this section referred to as “*ad hoc Panchayat Samithi*”), shall cease to exist on the date on which a Panchayat Samithi is duly constituted for that Block in accordance with the provisions of this Act.

(2) All things done or other action taken by an *ad hoc Panchayat Samithi* shall be deemed to have been done or taken

* Inserted by section 24 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

by the Panchayat Samithi constituted in its place under this Act and all assets vested in, and all liabilities subsisting against, an *ad hoc* Panchayat Samithi on that date, shall devolve on the Panchayat Samithi constituted in its place under this Act.

THE SCHEDULE.

(See section 18.)

Powers and functions of the Panchayat Samithis—

1. COMMUNITY DEVELOPMENT.

The execution of all programmes under Community Development in association with panchayats, co-operative societies, voluntary organisations and the people.

2. AGRICULTURE.

The doing of everything necessary to step up agricultural production and in particular—

- (i) multiplication and distribution of improved seeds;
- (ii) distribution of fertilisers;
- (iii) popularisation of improved techniques, methods and practices and improved implements;
- (iv) achieving self-sufficiency in green manure and composting of farmyard manure;
- (v) encouraging fruit and vegetable cultivation;
- (vi) reclamation of land and conservation of soil;
- (vii) providing credit for agricultural purposes;
- (viii) propagating and assisting in plant protection methods;
- (ix) laying out demonstration plots and working out better methods of farm management;
- (x) bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining Government minor irrigation sources and supply channels;
- (xi) utilizing more power for agricultural purposes;
- (xii) exploiting underground water sources by sinking wells, filter points and tube wells;

- (xiii) tree planting ;
- (xiv) growing of village forests.

3. ANIMAL HUSBANDRY AND FISHERIES.

(i) Upgrading local stock by introducing pedigree breeding bulls and castrating scrub bulls.

(ii) Introducing improved breeds of cattle, sheep, pigs and poultry.

(iii) Controlling contagious diseases by systematic protection.

(iv) Introducing improved fodders and feeds.

(v) Establishing and maintaining of artificial insemination centres, first aid centres and minor veterinary dispensaries.

(vi) Dairying and milk supply.

(vii) Educating the people about the importance of better cattle for both milk and draught.

4. HEALTH AND RURAL SANITATION.

(i) Expanding existing medical and health services and bringing them within the reach of people.

(ii) Establishing and maintaining Primary Health Centres and Maternity Centres.

(iii) Providing protected drinking water facilities.

(iv) Ensuring systematic vaccination.

(v) Controlling epidemics.

(vi) Providing drains and soakage pits for village and house drainage.

(vii) Encouraging the use of sanitary type of latrines and utilising human waste.

(viii) Popularising of smokeless chullas.

(ix) Supervising the work in Government hospitals.

(x) Enlisting people's participation for the improvement of such hospitals.

(xi) Securing the co-operation of the people and the panchayats during epidemics.

(*xii*) Carrying out environmental sanitation campaigns and educating the public in (*a*) nutrition, (*b*) maternity and child health, (*c*) communicable diseases and (*d*) family-planning and the like.

(*xiii*) Implementing health programmes subject to the technical control of concerned district officers.

5. EDUCATION.

Maintenance and expansion of Elementary and Basic Schools and in particular—

(*i*) management of Government and taken-over Aided Elementary and Higher Elementary Schools;

(*ii*) establishment of Adult Education Centres and Adult Literacy Centres;

(*iii*) provision and improvement of accommodation for schools with people's participation;

(*iv*) conversion of existing Elementary Schools into Basic Schools;

(*v*) taking of such action as may be necessary for the promotion of education for all children until they complete the age of fourteen years.

6. SOCIAL EDUCATION.

The creation of a new outlook among the people and making them self-reliant, hard working and responsive to community action and in particular—

(*i*) establishment of Information, Community and Recreation Centres;

(*ii*) establishment of Youth Organisations, Mahila Mandals, Farmers Clubs, and the like;

(*iii*) establishment and popularisation of libraries;

(*iv*) organisation of watch and ward;

(*v*) encouragement of physical and cultural activities;

(*vi*) organisation of voluntary sanitary squads;

(*vii*) training and utilisation of the services of Gram Sahayaks.

7. COMMUNICATIONS.

- (i) Formation and maintenance of inter-village roads.
- (ii) Rendering such assistance as may be necessary for the formation and maintenance of village roads which serve as feeders.

8. CO-OPERATION.

The securing of economic development along democratic lines by the application of co-operation in its infinitely varying forms and in particular—

- (i) establishment of Co-operative Credit, Industrial, Irrigation, Farming and Multi-purpose Societies in order to serve the maximum number of families;
- (ii) encouragement of thrift and small savings.

9. COTTAGE INDUSTRIES.

Development of Cottage, Village and Small Scale Industries in order to provide better employment opportunities and thereby raise the standard of living and in particular—

- (i) the establishment and maintenance of production-cum-training centres;
- (ii) the improvement of the skills of artisans and craftsmen;
- (iii) the popularisation of improved implements; and
- (iv) implementation of schemes for the development of Cottage, Village and Small Scale Industries financed by the Khadi and Village Industries Commission and the All-India Boards.

10. WOMEN WELFARE.

The implementation of schemes specially designed for the welfare of women and children and in particular the establishment of Women and Child Welfare Centres, Literacy Centres, Crafts and Dress-making Centres and the like.

11. SOCIAL WELFARE.

- (i) Management of hostels subsidised by Government for the benefit of Scheduled Tribes, Scheduled Castes and Backward Classes.
- (ii) Implementation of Rural Housing Schemes.

(iii) Maintenance of diseased beggars and control of vagrancy.

(iv) Strengthening of voluntary social welfare organisations and co-ordinating their activities.

(v) Propagation of temperance and prohibition.

*[(vi) Removal of untouchability].

12. EMERGENCY RELIEF.

Provision of emergency relief through voluntary effort in cases of distress owing to fires, floods, epidemics and other widespread calamities.

13. COLLECTION OF STATISTICS.

Collection and compilation of such statistics as may be found necessary either by the Panchayat Samithi, the Zilla Parishad or the Government.

14. SELF-HELP PROGRAMME.

Formulation and execution of suitable programmes for stepping up production and for raising the incomes and standards of living, for the improvement of sanitation and for the provision of amenities for the people.

15. TRUSTS.

Management of trusts for the furtherance of any purpose to which the funds of the Panchayat Samithi may be applied.

* Added by section 25 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1961 (Andhra Pradesh Act XXXIII of 1961).

APPENDIX.

[Section 3 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act No. 13 of 1964.]

3. Validation of certain notifications issued and of declaration of areas as Blocks, redelimitation of Blocks, diminution from, or addition to, the areas of Blocks, abolition of Blocks, abolition of Panchayat Samithis, constitution or reconstitution of Panchayat Samithis, elections held, proceedings conducted, orders passed and other action taken.

Notwithstanding any judgment, decree or order of any court, tribunal or other authority, the notification of the Government in the Panchayati Raj Department in G.O. Ms. No. 532, dated the 15th May 1964 and all subsequent notifications amending the said notification, issued or purporting to have been issued under clause (b) of section 2 of the principal Act, shall be deemed to have been issued under section 3 of the principal Act as amended by this Act, and notifications of the Government in the said Department in G.O. Ms. No. 598, dated the 2nd June, 1964 issued or purporting to have been issued under section 3 and under sub-section (12) of section 14 of the principal Act, shall be deemed to have been issued under section 3 of the principal Act, as amended by this Act and under sub-section (12) of section 14 of the principal Act; and accordingly, the notifications so issued, declaration of any area as a Block, redelimitation of any Block, any diminution from or addition to, the area of any Block, abolition of any Block, abolition of any Panchayat Samithi, constitution or reconstitution of any Panchayat Samithi, any election held, any proceeding conducted, any order passed or any other action taken, under the provisions of the principal Act, and as sequel to, or in pursuance of, such notifications, shall not be deemed to be invalid or ever to have become invalid on the ground that there is no provision or power in the principal Act to issue the said notifications, and as sequel to, or in pursuance of, the said notifications, to declare any area as a Block, redelimit any Block, diminish from, or add to, the area of any Block, abolish any Block, abolish any Panchayat Samithi, constitute or reconstitute any Panchayat Samithi, hold any election, conduct any proceeding, pass any order, or take any other action.