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RULES SUPPLEMENT TO PART VII
EXTRAORDINARY
OF
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

No. 5] HYDERABAD, SATURDAY, MARCH 29, 1997.

NOTIFICATIONS RELATING TO THE ADMINISTRATION OF
PANCHAYAT RAJ

NOTIFICATIONS BY GOVERNMENT

PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT

(Mandal - I)

RULES RELATING TO MOTION OF NO-CONFIDENCE IN UPA-SARPANCH OF GRAM PANCHAYAT OR VICE-PRESIDENT/PRESIDENT OF MANDAL PARISHAD OR VICE-CHAIRMAN/CHAIRMAN OF ZILLA PARISHAD UNDER SUB-SECTIONS (1) & (2) OF SECTION 245 OF THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994 (ACT No. 13 OF 1994).

[G.O.Ms.No. 137, Panchayat Raj & Rural Development
(Mandal.I), 27th March, 1997.]

In exercise of the powers conferred by sub-sections (1) & (2) of Section 245 read with sub-section (1) of Section 268 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No.13 of 1994), the Governor of Andhra Pradesh hereby makes the following Rules for moving of the motion of

[1]

no confidence against Upa-sarpanch of the Gram Panchayat, or President or Vice-President of Mandal Parishad, or Chairman or Vice-Chairman of the Zilla Parishad.

RULES

A motion expressing want of confidence in the Upa-Sarpanch of the Gram Panchayat, or President or Vice-President of a Mandal Parishad, or Chairman or Vice-Chairman of a Zilla Parishad may be made in accordance with the procedure prescribed in these rules.

2. A notice of the intention to make the motion shall be made in Form-I, in Form-II and in Form-III annexed to these rules either in English or in Telugu or in Urdu language, signed by not less than one-half of the total number of members of the Gram Panchayat, Mandal Parishad, or Zilla Parishad as the case may be together with a copy of the proposed motion, and shall be delivered in person by any two of the members who signed such notice, to the Revenue Divisional Officer, Sub-collector or Assistant Collector as the case may be having jurisdiction in the case of Upa-sarpanch of a Gram Panchayat; or President and Vice-President of a Mandal Parishad; or to the District Collector in the case of Chairman and Vice-Chairman of Zilla Parishad as the case may be;

Provided that no notice of motion under this rule shall be made within two years of the date of assumption of office by the person against whom the motion is sought to be moved:

Provided further that no such notice shall be made against the same person more than once during his term of office.

EXPLANATION:

For the purpose of this rule it is hereby clarified that :

- (i) in the determination of one-half of the total number of members under this rule any fraction arrived at shall be construed as one;
- (ii) the expression "total number of members" means all the members who are entitled to vote in the election to the office concerned inclusive of the Sarpanch, President or Chairman as the case may be but irrespective of any vacancy existing in the office of such members at the time of meeting;

Provided that a suspended office bearer of member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this rule.

3. The concerned officer specified in rule 2 (hereinafter in this rule referred to as said officer) shall then convene and preside over a meeting for the consideration of the motion at the office of a Gram Panchayat, or at the Mandal Parishad, or at the Zilla Parishad, as the case may be, on a date appointed by him which shall not be later than thirty days from the date on which the notice under rule 2 was delivered to him. He shall give to every member of Gram Panchayat, Mandal Parishad or Zilla Parishad as the case may be the notice of not less than fifteen clear days excluding the date of the notice and the date of the proposed meeting, of such meeting in Form-IV, or in Form-V or in Form-VI Annexed to these rules either in English or in Telugu or in Urdu language, whichever is applicable. Every such notice shall be delivered as specified below; namely :-

(a) by giving or tendering such notice to such member, or

(b) if such member is not found, by leaving such notice at his last known place of residence or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such member does not reside in the Gram Panchayat area or Mandal Parishad area; or within the District and if his address is known to the District Panchayat Officer/Chief Executive Officer/ Collector or the Sarpanch of the Gram Panchayat to be elsewhere, by sending the same to him through registered post with Acknowledgement due; or

(d) if none of the means aforesaid is available or if the persons referred to in clauses (a) and (b) refuse to receive the notice, by affixing the same at some conspicuous part of his place of residence or business.

Provided that where the holding of such meeting is stayed by an order of a court, it shall be adjourned; and the said officer shall hold the adjourned meeting on a date not later than thirty days from the date on which he receives the intimation about the vacation of stay and after giving to the members, a notice of not less than fifteen clear days excluding the date of the notice and the date of the proposed meeting of such adjourned meeting.

4. Save as otherwise provided, a meeting convened for the purpose of considering a motion under the said rule shall not be adjourned for any reason.

5. The meeting shall not be convened on a holiday.

6. The quorum for such meeting shall be two-thirds of the total number of members.

EXPLANATION:

For the purpose of this rule it is hereby clarified that in the determination of two-thirds of the total number of members under this rule, any fraction arrived at shall be construed as one.

7. If within one hour after the time appointed for the meeting, there is no quorum, the meeting shall stand dissolved and the notice given under rule 2 shall lapse.

8. As soon as the meeting convened under the said rule commences, the said officer shall read to the members of the Gram Panchayat or the Mandal Parishad; or as the case may be to the members of the Zilla Parishad present in the meeting, the motion for the consideration of which the meeting has been convened and shall be put it to vote without any debate. The voting shall be by show of hands:

Provided that a member voting under sub-section (1) of section 153 in disobedience of the party whip shall cease to hold office forthwith and the vacancy caused by such cessation shall be filled as a casual vacancy.

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

10. A copy of the minutes of the meeting, together with a copy of the motion and the result of the voting thereon, shall be forwarded forthwith on the termination of the meeting, by the said Officer to the Commissioner in the case of a Upa-sarpanch of Gram Panchayat or to the Government in the case of President or Vice-President of Mandal Parishad and the Chairman or the Vice-Chairman of a Zilla Parishad. The said officer shall also forward at the same time to every member of the Gram Panchayat/Mandal Parishad/Zilla Parishad a copy of the motion and the result of the voting thereon.

11. If the motion is carried with the support of not less than two-thirds of the total number of members as laid down under Explanation (ii) under the second proviso to rule 2 above, in the case of a Upa-sarpanch the Commissioner shall and in the case of the President or Vice-President or the Chairman or Vice-Chairman, the Government shall, by notification remove him from office and the resulting vacancy shall be filled in the same manner as a casual vacancy:

Provided that no election to the office of Upa-sarpanch of a Gram Panchayat or President or Vice-President of a Mandal Parishad or the Chairman or the Vice-Chairman of a Zilla Parishad shall be held until and only after the notification removing the Upa-Sarpanch or President or Vice-President or Chairman or Vice-Chairman of the respective bodies as the case may be, is published.

12. The Commissioner, Panchayat Raj in respect of Gram Panchayat and the Government in respect of Mandal Parishad or Zilla Parishad, shall, by notification in the Andhra Pradesh Gazette, appoint any other officer to discharge the functions specified in these rules if for any reason the said officer is unable to discharge those functions. The said officer shall forward to such other officer a copy of the notice of motion referred to in rule 2; and a copy of the notice of the meeting issued under rule 3 and such other officer shall convene the meeting for the consideration of the motion. If for any reason the said officer is unable to preside at the meeting, such other officer shall preside at the meeting, and in such a case all the provisions of the rules applicable to the said officer shall apply to such other officer.

FORM - I

To
The Revenue Divisional Officer,
Sub Collector
Assistant Collector.

Sir/Madam,

We, the undersigned members of Gram Panchayat-----
-----Mandal-----

District hereby give notice of our intention as
required by Sub-section(1) of Section 245 of the Andhra
Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994) to
make a motion expressing want of confidence in Sri/Smt./
Kum----- Upa-Sarpanch of the
said Gram Panchayat at a meeting to be specially con-
vened for the purpose.

A copy of the motion proposed to be made is encl-
sed.

Signed at-----on the
-----day of-----19

- (1)
- (2)
- (3)

Delivered in person by Sarvasri (Name of two
members).

Name	Signature
(1)	
(2)	

Revenue Divisional Officer
Sub Collector
Assistant Collector

F O R M -II

To
The Revenue Divisional Officer,
The Sub Collector,
The Assistant Collector.,

Sir/Madam,

We, the undersigned members of Mandal Parishad
-----Mandal-----District
hereby give notice of our intention as required by
Sub-Section (1) of Section 245 of the Andhra Pradesh
Panchayat Raj Act, 1994 (Act No. 13 of 1994) to make a
motion expressing want of confidence in Sri/Smt./Kum..
.....Vice-President/President of Man-
dal Parishad at a meeting to be specially convened for
the purpose.

A copy of the motion proposed to be made is enclosed.

Signed at.....on the
.....day of.....19

- (1)
- (2)
- (3)

Delivered in person by Sarvasri (name of two members).

Name	Signature
(1)	
(2)	

Revenue Divisional Officer
Sub Collector
Assistant Collector

March 29, 1997]

F O R M -III

To
The District Collector,
Sir/Madam,

We, the undersigned members of Mandal Parishad
-----Mandal-----District
hereby give notice of our intention as required by
Sub-Section (1) of Section 245 of the Andhra Pradesh
Panchayat Raj Act, 1994 (Act No. 13 of 1994) to make a
motion expressing want of confidence in Sri/Smt./Kum..
.....Vice-Chairman/Chairman of Zilla.
Parishad at a meeting to be specially convened for the
purpose.

A copy of the motion proposed to be made is enclosed.

Signed at.....on the
.....day of.....19

- (1)
- (2)
- (3)

Delivered in person by Sarvasri (name of two members).

Name

Signature

- (1)
- (2)

District Collector

F O R M - I V

To

Sri/Smt./Kum.....

Member of the.....Gram Panchayat

Sir/Madam,

Whereas a notice of intention to make a motion expressing want of confidence in the Upa-Sarpanch of Gram Panchayat has been delivered to me as required under sub-section (2) of section 245 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994).

Now, therefore, under sub-section (1) of section 245 of the said Act, I hereby give notice that a meeting of the Gram Panchayat shall be held at the office of the Gram Panchayat on.....(date) at.....(time) for considering the said motion of no-confidence.

A copy of the proposed motion of no-confidence is enclosed.

(Signature)

Revenue Divisional Officer

Sub-Collector

Assistant Collector.

Encl:..

March 29, 1997]

F O R M - V

To
Sri/Smt./Kum.....
Member of.....Mandal Parishad.
Sir/Madam,

Whereas a notice of intention to make a motion expressing want of confidence in the Vice-President/President of.....Mandal Parishad has been delivered to me as required under sub-section(2) of Section 245 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994).

Now, therefore, under sub-section (1) of section 245 of the said Act, I hereby give notice that a meeting of the Mandal Parishad shall be held at the office of the Mandal Parishad on.....(date) at.....(time) for considering the said motion of no-confidence.

A copy of the proposed motion of no-confidence is enclosed.

(Signature)

Revenue Divisional Officer
Sub-Collector
Assistant Collector.

Encl: 1

F O R M - VI

To

Sri/Smt./Kum.....

Member of the Zilla Parishad,.....

Sir/Madam,

Whereas a notice of intention to make a motion expressing want of confidence in the Vice-Chairman/Chairman of.....Zilla Parishad has been delivered to me as required under sub-section(2) of section 245 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994).

Now, therefore, under sub-section (1) of section 245 of the said Act, I hereby give notice that a meeting of the Zilla Parishad shall be held at the Office of the Zilla Parishad on.....(date) at.....(time) for considering the said motion of no-confidence.

A copy of the proposed motion of no-confidence is enclosed.

(Signature)

Encl: 1

District Collector.

Hyderabad,
29-3-1997.

A. CHENGAPPA,
Secretary to Government.