

Draft Legislation for Proposed Amendments to the AP Panchayat Raj Act, 1994

Lok Satta prepared, in consultation with jurists and activists, a draft Bill for electoral reform in local governments. These reforms can be achieved within the State by simple legislation. Lok Satta's strong and sustained advocacy forced the State to enact many of these provisions into law.

A.P Municipalities Act, 1965

Disqualification from contesting elections for specific offences: To substitute Section 19 (1) of A.P Panchayat Raj Act, 1994 or Section 15 (1) of A.P. Municipalities Act, 1965 with the following:

"Offences under Indian Penal Code and other Laws involving moral delinquency"

1. Any person who has been convicted of any offence listed under Section 8 (1) of RP Act 1951 shall be disqualified from the date of conviction and such disqualification shall continue for 12 years from the date of conviction or release from prison, whichever is later.
2. Any person convicted for offences listed under Section 8 (2) of RP Act 1951, and sentenced to imprisonment for not less than 6 months shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his/her release.
3. Any person convicted of any offence and sentenced to imprisonment for not less than 6 months (other than any offence referred to in subsection (1) or subsection (2) of section 8 of RP Act 1951) shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his/her release.
4. Any person against whom criminal charges are framed by a magistrate for any offence listed under Section 8 of RP Act 1951 or any warrant case shall be disqualified as long as charges are pending against him/her.
5. Any person found guilty of corrupt electoral practices by an order under Section 99 of RP Act 1951, or under this Act, shall be disqualified for a period of 6 years from that date.
6. Any person who, having committed an offence in the service of Government of India or Government of any State or any local Government, has been dismissed or removed for corruption, or for any other misconduct shall be disqualified for a period of 12 years; Any person removed or dismissed for disloyalty to the State shall be disqualified for life.
7. Any person in respect of whom a History Sheet or a Rowdy Sheet has been opened and is kept open in any police station within the State of Andhra Pradesh in accordance with the provisions of the appropriate laws or Police Standing Orders, shall be disqualified as long as such History Sheet or Rowdy Sheet is kept open.

Provided that any person who is aggrieved by such opening of History Sheet or Rowdy Sheet and who wishes to contest the election may appeal to the Sessions Judge at least two months before the date of election notification, and there upon the Sessions Judge shall hold a summary enquiry

and decide within a month whether or not the opening of such History Sheet or Rowdy Sheet is valid. The order of the Sessions Judge shall be final and binding on the Police authorities.

8. Every candidate for an elective office in any Panchayat / Municipality shall file at the time of nomination before the Returning Officer an affidavit as in schedule A and a Statement of Assets and Income related to himself, his spouse and all dependent members of the family along with the Income Tax returns for three preceding years.

The nomination of those persons who do not file such an affidavit and statement shall be rejected. If any misleading or incorrect information is furnished in the Affidavit or Statement or if any facts are concealed, the candidate shall be punishable with an imprisonment of 2 years.

If any misleading or incorrect information is furnished by a candidate in the Affidavit or Statement or if any facts are concealed, such a person shall be disqualified for a period of 12 years. In case such a person is already elected, his election stands nullified and he shall be disqualified for a period of 12 years. In such cases a complaint shall be filed before the State Election Commission, whereupon the Commission shall issue notices to the complainant and the candidate and after summary enquiry give its decision in writing within 90 days from the date of complaint. The decision of the State Election Commission shall be final and binding.

AFFIDAVIT

(Schedule A)

I _____ Son/daughter/wife of _____

Aged _____ years, resident of _____ am a

Candidate for election to the Office of _____, and I do hereby

solemnly affirm and declare as follows:-

1. (1) That, I have filed my nomination paper(s) for the above election.
2. (2) That, in connection with my candidature for the above election, I am submitting here with the information in the prescribed proforma and the Statement of Assets and Income pertaining to myself, my spouse and dependent members of my family under section 19 (1) of the A.P Panchayat Raj Act, 1994 / Section 15 (1) of A.P. Municipalities Act, 1965.
- (3) That the information furnished is true to the best of my knowledge and belief and that nothing material has been concealed there from.

Place: -

Deponent

Date: -

Verified before me

Signature of verifying authority with seal