

ANDHRA PRADESH MUNICIPAL CORPORATIONS (CONDUCT OF ELECTION OF MAYOR AND DEPUTY MAYOR) RULES, 2005

CONTENTS

PART 1 :- Preliminary

1. Short title
2. Definitions
3. Powers of Election Authority

PART 2 :- Election of Mayor and Deputy Mayor of Municipal Corporation

4. Convening of Special Meeting for Election of Mayor
5. Quorum
6. Manner of election
7. Record of Proceedings

PART 3 :- Filing up of Casual Vacancies in the Office of Mayor and Deputy Mayor of Municipal Corporation

8. Procedure for filling casual vacancies

ANDHRA PRADESH MUNICIPAL CORPORATIONS (CONDUCT OF ELECTION OF MAYOR AND DEPUTY MAYOR) RULES, 2005

In exercise of the powers conferred by sub-section (1) of Section 585 read with Section 90 of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956), Sections 7 and 11 of the Visakhapatnam Municipal Corporation Act, 1979 (Act No. XIX of 1979), Section 7 of the Vijayawada Municipal Corporation Act, 1981 (Act No. XXIII of 1981) and Sections 14 and 18 of the Andhra Pradesh Municipal Corporations Act, 1994 (Act No. XXV of 1994), and in Supercession of all the existing rules on the subject, the Governor of Andhra Pradesh hereby, makes the following rule relating to conduct of election of Mayor and Deputy Mayor of Municipal Corporation.

PART 1

Preliminary

1. Short title :-

(i) These Rules may be called the Andhra Pradesh Municipal Corporations (Conduct of Election of Mayor and Deputy Mayor) Rules, 2005.

(ii) These rules shall apply to all Municipal Corporations in the State.

2. Definitions :-

in these Rules, unless the context otherwise requires, -

(i) "Act" means the Hyderabad Municipal Corporations Act, 1955 (Act II of 1965).

(ii) "Election Authority" means such officer or authority as may be appointed by the State Election Commission under clause (15a) of Section 2;

(iii) "Form" means the Form appended to these Rules;

(iv) "Section" means a section of the Act; and

(v) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Powers of Election Authority :-

Subject to the general superintendence, direction and control of the State Election Commission, the Election Authority shall be responsible for the conduct of elections of the Mayor and Deputy Mayor.

PART 2

Election of Mayor and Deputy Mayor of Municipal Corporation

4. Convening of Special Meeting for Election of Mayor :-

(1) A special meeting of the members of Municipal Corporation specified in sub-sections (1) and (1A) of Section 5 of the Act shall be held in the office of the Municipal Corporation by the District Collector or Joint Collector authorised by the Election Authority in this behalf in Form I, for the election of Mayor and Deputy Mayor in the manner laid down hereafter.

(2) Notice of the date and hour of such meeting shall be given in Form-II to the members specified in sub-sections (1) and (1A) of Section 5 of the Act at least three clear days in advance of the date of the meeting fixed for the election of the Mayor and Deputy Mayor by the District Collector or the Joint Collector authorised by the Election Authority.

5. Quorum :-

No meeting for the conduct of election of Mayor or Deputy Mayor shall be held unless there be present at the meeting atleast one-half of the number of members then on the Corporation, who are entitled to vote at the election within one hour from the time appointed for the meeting.

Provided that where at an election held for the purpose, the Mayor or Deputy Mayor is not elected afresh election shall be held on the next day whether or not it is a public holiday for the Corporation concerned and where the Mayor or Deputy Mayor could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election.

Provided further, that where the Election of Mayor or Deputy Mayor could not be conducted in the first two special meetings, convened for the purpose for want of quorum, the Mayor or Deputy Mayor shall be elected in the subsequent meeting/meetings convened for the purpose from among the members present without insisting for quorum.

Explanation For the purpose of this rule, it is hereby clarified that in determination of one-half of the members under this rule, any fraction below 0.5 should be ignored and any fraction of 0.5 or above shall be taken as one.

6. Manner of election :-

(1) A candidate for the office of Mayor or Deputy Mayor shall be proposed by one member and seconded by another who are entitled to vote if any candidate claims to be contesting on behalf of a recognised political party, he shall produce an authorisation, from the President of the Party in the State or a person duly authorised by the State President under his Office seal and such authorisation shall be produced before the Presiding Officer on or before 10.00 a.m. on the day of the election. The names of all candidates validly proposed and seconded shall be read out, along with the name of the Political party which has set him up, by the Presiding Officer in such a meeting.

(2) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.

(3) If there are two or more such candidates, an election shall be

held by show of hands and votes taken of the members present at the meeting.

(4) when an election notice is issued for conducting election to both the offices of Mayor and Deputy Mayor, no election to the office of the Deputy Mayor shall be conducted, unless the office of the Mayor is filled up. Only after completion of election of Mayor, the Presiding Officer shall conduct election of Deputy mayor.

(5) The Presiding Officer shall thereafter record the number of votes polled, for each such candidate ascertained by show of hands he shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(6) In the event of there being an equality of votes between two or more candidates, the Presiding Officer shall draw lots in the presence of the members and the candidates whose name is first drawn shall be declared to have been duly elected.

(7) Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be issued by the State President or a person authorised by him under his seal and such intimation shall be sent to the Presiding Officer to reach him on or before 11.00 a.m. on the day preceding the day of election to the Office of the Mayor and Deputy Mayor.

Explanation: - Recognised political party means a political party recognised by Election Commission of India, New Delhi as per the provisions of Election Symbols (Reservation and Allotment) Order, 1968 issued under article 324 of Constitution of India.

(8)

(i) Any member of the Corporation, elected on behalf of a recognised political party shall cease to be a Member of the Corporation for disobeying the direction of the Party Whip so issued.

(ii) The Presiding Officer shall, on receipt of a written report from the party Whip within three days of the election that a member belonging to his party has disobeyed the Whip issued in connection with the election give a show-cause notice to the member concerned as to why he should not be declared to have ceased to hold office and that he should make any representation within

seven days from the date of the notice. The Presiding Officer shall, consider any explanation given and pass a speaking order in the matter of cessation for disobedience of the Whip if no explanation is received, the Presiding Officer shall pass an order on the basis of the material available with him.

7. Record of Proceedings :-

Immediately after the declaration of the result of the election, the Presiding Officer, shall-

(a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the members who participated in the meeting

(b) publish on the notice board of the Corporation a notice signed by him stating the name of the person elected as Mayor and Deputy Mayor of the Corporation and send a copy of such notice to the State Election Commission, the Commissioner and Director of Municipal Administration. A copy of the notice shall also be given to the candidate who is declared elected as mayor/Deputy Mayor.

PART 3

Filing up of Casual Vacancies in the Office of Mayor and Deputy Mayor of Municipal Corporation

8. Procedure for filling casual vacancies :-

The Rules in Part-II shall apply for filing up a casual vacancy in the office of the Mayor and Deputy Mayor.

Provided that every casual vacancy shall be filled up within a period of six months from the date of occurrence of such vacancy.