

ANDHRA PRADESH MUNICIPAL CORPORATIONS (ELECTION OF CHAIRPERSON OF STANDING COMMITTEE) RULES, 1995

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ANDHRA PRADESH MUNICIPAL CORPORATIONS (ELECTION OF CHAIRPERSON OF STANDING COMMITTEE) RULES, 1995

In exercise of the powers conferred by Section 585 read with Section 93 of the Hyderabad Municipal Corporations, Act 1955 and in supersession of the all previous Bye-laws issued on the subject, the Governor of Andhra Pradesh hereby makes the following rules

1. Short Title :-

These rules may be called the Hyderabad Municipal Corporations (Election of Chairperson of Standing Committee) Rules, 1995.

2. Definitions :-

(1) In these rules, unless the context otherwise requires:-

(i) Act' means the Hyderabad Municipal Corporation Act, 1955 (Act No. II of 1956)

(ii) Form' means form appended to these rules.

(iii) Government' means the State Government of Andhra Pradesh.

(iv) Member' means a member of the Standing Committee.

(v) Secretary' means Secretary to the Corporation appointed by Government under Section 133 of the Act.

(vi) Standing Committee' means the Standing Committee

constituted under Sub-section (1) of Section 93 of the Act.

(vii) State Election Commission' means the State Election Commission constituted under Clause (51-a) of Section 2 of the Act. The words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Constitution of Standing Committee :-

Immediately after General Elections to the Corporation are completed, the Government shall, by order constitute Standing Committee for Municipal Corporation.

4. Election of Chairperson :-

(1) The Secretary in consultation with the commissioner shall within fifteen days from the date of election of Chairpersons of Wards committees under the Andhra Pradesh Municipal Corporations (Constitution, Election of Chairperson and Powers Functions etc., of Ward Committees). Rules issued a notice of seven clear days but not exceeding fifteen days to the members of the Standing Committee fixing the date, time and place of a meeting specially convened for the purpose to elect the Chairperson of the Standing Committee from among themselves. He shall also conduct election to the Office of Chairperson on the appointed day.

(2) The meeting shall be presided by the Secretary and the quorum for the meeting shall be not less than one-half of the members of the Standing Committee.

(3) If at such meeting the Chairperson is not elected, another special meeting shall be convened for the purpose by the Secretary within 7 days from the date of such meeting. A notice of three (3) clear days shall be given to the members of the Standing Committee for convening the meeting indicating therein the date, time and place of the meeting :

Provided that where the election of Chairperson could not be conducted in the first two meetings for want of quorum, the Chairperson shall be elected in the third meeting from among the members present without insisting quorum.

(4) If within half an hour after the time appointed for a meeting quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer.

5. . :-

(1) A member shall propose only once the name of one of the members as Chairperson of the Standing Committee. The names of all the candidates duly proposed shall be read out by the Secretary, and the contesting candidates shall be given thirty minutes time for withdrawal.

(2) After withdrawal if there is only one validly nominated candidate, he shall be declared to have been elected. If there are two or more candidates, an election shall be held by secret ballot.

(3) Where the election has to be conducted under these rules a symbol shall be assigned to each candidate by the Secretary in consultation with the candidates. Serial numbers shall also be assigned to the candidates with reference to the alphabetical order of their surnames in Telugu. Where there is no surname, the proper name shall be taken into consideration and when initials only precede the proper name, the initials have to be ignored. The Secretary shall then announce to the members the serial numbers and symbols assigned to each candidate.

6. . :-

(1) At the place set apart for voting, the Secretary shall provide a ballot box and voting compartment. The ballot box shall be so constructed that the ballot papers can be inserted therein but cannot be withdrawn there from without the box being unlocked.

(2) The Secretary shall immediately before the votes are taken show the ballot box empty to such members as may be present so that they may see that it is empty and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal. The ballot box shall then be kept in full view of the members present.

(3) Every member wishing to vote shall be supplied with a ballot paper in Form-1 on which the Secretary shall have, before its supply, affixed a stamp and signed on the reverse portion thereon so as to indicate its authenticity.

(4) No member shall be allowed to enter the voting compartment when another member is inside the compartment.

(5) If owing to blindness or other physical infirmity a member is unable to recognise the symbols on the ballot paper to make a mark thereon, the secutary shall record vote on the ballot paper in

accordance with the wishes of the member, fold it so as to conceal the vote and insert it into the ballot box.

(6) While acting under Sub-rule (5) the Secretary shall observe such secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

(7) After all the members present at the meeting have voted, the Secretary shall close the poll and take up counting of votes.

(8) The Secretary shall then open in the presence of the members present the ballot box, take out the ballot papers therefrom, count them and record the number thereof in a statement. A ballot paper shall be rejected if:

(a) the mark is not made thereon ;

(b) it bears any mark by which a voter can be identified ;

(c) it does not bear the signature of the Secretary;

(d) the mark is set opposite the name of more than one candidate so as to render it doubtful to which candidate it is intended to apply;

(e) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or.

(f) it bears more marks than the vacancies to be filled up.

7. . :-

The Secretary shall then declare the results in accordance with the following instructions;

(i) if there are only two candidates, the one who secures the higher number of votes shall be declared to have been elected. In the event of there being an equality of votes between the two candidates, the Secretary shall draw lots in the presence of members present and the candidate whose name is first drawn shall be declared to have been duly elected.

(ii) if there are more than two candidates, the one who obtains the lowest number of votes shall be eliminated and the voting shall be conducted again. If there is an equality of votes among all the candidates or if two or more candidates lowest on the list have obtained an equal number of votes the Secretary shall by drawing

lots in the presence of the members present decide which of such candidates shall be eliminated. The elimination shall be repeated until two candidates only are left, then voting shall be taken for the last time and the candidate who secures the higher number of votes shall be declared to have been duly elected. In the event of there being an equality of votes at the final stage between the two remaining candidates, the Secretary shall draw lots in the presence of the members present and the candidate whose name is first drawn shall be declared to have been duly elected.

8. . :-

Immediately after the declaration of the results, the Secretary shall prepare a record of the proceedings at the meeting and sign it attesting with his initial every correction made therein and also permit any member present at the meeting to affix his signature to such record, if that member expresses his desire to do so.

9. . :-

(1) The Secretary shall then make up into separate packets the ballot papers relating to each candidate, whether counted or rejected, seal up each packet and note thereon a description of its contents, the election to which it relates and the date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced except under orders of a competent court.

(3) The packets shall be retained in the safe custody in the Municipal Corporation Office by the Commissioner for a year and shall then, unless otherwise directed by the orders of a competent court, be destroyed.

10. . :-

After the declaration of the results, the Secretary shall issue the proceedings in the Form-II indicating the name of the person elected as Chairperson. The Secretary shall thereafter send an attested copy of the form to the Commissioner and the Government and shall also place a copy of it on the Notice Board of the Municipal Corporation Office.