

Andhra Pradesh Municipal Laws (Amendment) Act, 1992

6 of 1992

[13 April 1995]

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PREAMBLE

An Act further to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

BC it enacted by the Legislative Assembly of the State of Andhra, Pradesh in the Forty-third Year of the Republic of India, as follows
:--

1. Short title Commencement :-

(1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 27th February 1992.

2. Amendment of Act VI of 1965 :-

In the Andhra Pradesh Municipalities Act, 1965:--

(1) For Sections 11 to 11G, the following section shall be

substituted, namely:--

11. "Qualification for inclusion in electoral roll for municipality and publication thereof. -

(1) Every Person whose name is included in such part of the electoral roll for any Assembly Constituency as relates to the municipality or any portion thereof, shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation ; Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the municipality, all persons whose names are entered in such roll under the registration areas comprising the municipality and whose addresses as entered in such roll are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

(2) (a) As soon as may be after the electoral rolls for the Assembly Constituencies which consist of, or comprise, the municipality or any portion thereof, have been published, revised Or amended in pursuance of the Representation of the People Act, 1950. Central Act 43 of 1950 any person authorised by the Election Authority in this behalf shall-publish in such manner as the Government may direct, the portions of the said rolls which relates to the municipality or of the alterations there in, as the electoral roll for the municipality or as alterations to such roll as the case may be :

Provided that any alterations made to the relevant portions of the Assembly Electoral roll within a period of thirty days prior to the date fixed for the poll for ordinary or casual elections to the council shall not be published as alterations to the electoral roll for the municipality, until after the said elections are held.

(b) After the electoral roll for a municipality or any alteration

thereto has been published under clause (a) the Government may at any time for the reasons to be recorded, direct a special revision of the electoral roll for any municipality or part of a municipality in such manner as may be prescribed and thereafter the Election Authority shall effect the revision accordingly and publish the revised electoral rolls in the manner directed by the Government in this behalf.

(3) When a municipality has been divided into wards, the electoral roll for the municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alteration thereto have been published under sub-section (2), the municipality is divided into wards for the first time or the division of the municipality into wards is altered or the limits of the municipality are varied, the Election Authority shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the division of the municipality into wards or to the alteration of the variation of the limits, as the case may be, authorise a re-arrangement and republication of the electoral roll for the municipality or any part of such roll, in such manner as the Government may direct.

(5) The electoral roll for the municipality published under sub-section as revised by any alteration there to subsequently published under that sub-section or under subsection (4) shall remain in force until the publication of a fresh electoral roll for the municipality under sub section (2).

(6) Every person whose name appears in the electoral roll for the municipality as so revised, shall, so long as it remains in force, be entitled subject to the provisions of this Act, to vote at an election, and no person whose name does not appear in such roll shall vote at an election. municipality as service, dhalsl, so long as it remains in force, be entitled subject to the provisions this Act, to note at an election; and no person whose name does not appear in such roll shall note at an election

(7) Notwithstanding anything in this Section, the Election Authority may, after making such enquiry as he thinks fit, either Su-motoon or on an application, correct any clerical error in the electoral roll for the municipality or the alterations thereof as published.

EXPLANATION: In this section, the expression "Assembly Constituency " shall mean an Constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.

(2) Section 12 shall be omitted.

(3) After Section 62, the following section shall be inserted, namely:

62-A. " Appointment of Special Officer.-- (1) Notwithstanding anything contained in this Act, where in the opinion of the Government it is not possible to hold the elections to the municipalities in accordance with the provisions of this Act, before the date of expiration of the term and to bring the newly elected councilors into office on the date of expiration of the term as aforesaid, and the term of office of the councilors is not extended, the Government may, by notification appoint a Special Officer to exercise the powers, perform the duties and discharge the functions of.

(a) the Council ;

(b) the Chairman ; and

(c) the Commissioner ;

under the Act, for a period which shall not exceed one year from the date of such appointment :

Provided that the Government may, from time to time, by notification in the Andhra Pradesh Gazette and for reasons specified therein extend the said period of appointment of Special Officer beyond one year, for a further period or periods, so however the period of appointment of the Special Officer shall not, in the aggregate exceed two years.

(2) The Government shall cause elections to be held to the municipality under the Principal Act, so that the newly elected councilors may come into office on such date as may be specified by the Government in this behalf by a notification in the Andhra Pradesh Gazette :

Provided that the Government may, from time to time, advance or postpone the date specified under this sub-section and fix Instead another date :

Provided further that the date fixed under this sub-section shall be the date on which the appointment of the Special Officer, expires.

(3) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the council until the elected councilors come into office, of the Chairman until a Chairman is elected, and of the Commissioner until a Commissioner is appointed by the Government and the committees referred to in Section 43 and 74 until such committees are constituted, as the case may be and any such officer may, if the Government so direct, receive remuneration for his service from the municipal fund."

3. Amendment of Act II of 1956 :-

In the Hyderabad Municipal Corporations Act, 1755 Section 60-A shall be omitted.

4. Application of Section 3 to Visakhapatnam and Vijayawada Municipal Corporations :-

The amendment made to the Hyderabad Municipal Corporations

Act, 1955 by section 3, shall extend to and shall apply also to the Vishakhapatnam and Vijayawada Municipal Corporations.

5. Repeal of Ordinance 2 of 1992 :-

The Andhra Pradesh Municipal Laws (Amendment) Ordinance, 1992 is hereby repealed.