

**Andhra Pradesh Municipal Laws (Fourth Amendment) Act,
2001**

34 of 2001

CONTENTS

1. Short title and commencement
2. Amendment of Act VI Of 1965
3. Amendment of Act II of 1956
4. Application of the Act to the Visakhapatnam and the Vijayawada Municipal Corporations and also to the A.P. Municipal Corporations Act, 1994. Act 25 of 1994

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PREAMBLE

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE HYDERABAD MUNICIPAL CORPORATIONS ACT 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Andhra Pradesh Municipal Laws (Fourth Amendment) Act, 2001.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of Act VI Of 1965 :-

In the Andhra Pradesh Municipalities Act, 1965 (herein-after referred to as the Principal Act),-

(1) in Section 2, for Clause (32-a) the following shall be substituted, namely:-

"(32-a) qualifying date", in relation to the preparation and publication of every electoral roll under this Act, means the first day of January of the year in which it is so prepared and published,"

(2) for Section 11, of the Principal Act, the following shall be substituted, namely:--

11. "Preparation and publication of electoral roll for a municipality.-
- (1) The electoral roll for a municipality shall be prepared and published by the person authorised by the State Election Commissioner in such manner by reference to such qualifying dates as may be prescribed and the electoral roll for a municipality shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for a municipality shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950(Central Act 43 of 1950) as revised or amended under the said Act, up to the qualifying date as relates to a municipality or any portion thereof:

Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under Section 22 or Section 23, as the case may be, of the Representation of the People Act, 1950, upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the municipality and any such names included shall be added to the part relating to the concerned ward.

Explanation:- Where in the case of any Assembly Constituency there is no district part of the electoral roll relating to the municipality, all persons whose names are entered in such roll under the registration area comprising the municipality and whose addresses as entered 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) The electoral roll for a municipality,-

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date,--

(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the office of the Chair-person or Member of Municipality; and

(b) shall be prepared and published, in any year in the prescribed manner, by reference to the qualifying date, if so, directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.

(3) When a municipality has been divided into Wards, the Electoral Roll for the Municipality shall be divided into separate lists for each wards.

(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 Person authorised by the State Election Commission in this behalf 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 rearrangement and republication of the electoral roll for

the Municipality or any part of such roll in such manner as the State Election Commission may direct.

(5) The electoral roll published under Sub-section (1) or as the case may be under sub-section (4) shall be the electoral roll for the municipality and it shall remain in force till a fresh electoral roll for the municipality is published under this section.

(6) Every person whose name appears in that part of the electoral roll relating to a ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(7) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

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

3. Amendment of Act II of 1956 :-

In the Hyderabad Municipal Corporations Act, 1955 (herein after referred to as principal Act),-

(1) in section 2, for clause (46-A), the following shall be substituted namely:-

"(46-A) "qualifying date" in relation to the preparation and publication of every electoral roll under this Act, means the first day of January of the year in which it is so prepared and published;

(2) Sections 10 and 11 shall be Omitted;

(3) in section 12 of the principal Act,

(i) in sub-section (1),-

(a) for the words "draft of the" in the two places wherever they occur shall be omitted;

(b) for the words "by the person authorised by such authority," the words "by the person authorised by the State Election Commissioner", shall be substituted;

(c) for the words "upon its final publication" the words "upon its publication", shall be substituted;

(d) before the Explanation, the following proviso shall be inserted, namely:-

"Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under Section 22 or section 23, as the case may be, of the Representation of the People Act, 1950(Centre Act 43 of 1950), upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the Corporation and any such names included shall be added to the part relating to the concerned ward,".

(ii) for sub-section (2), the following shall be substituted, namely:
—

"(2) The electoral roll for a Corporation,—

(a) shall be prepared and published in the prescribed manner by

reference to the qualifying date:—

(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the Office of the Mayor or Member of a Corporation; and

(b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission;

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.";

(iii) sub-section (3) shall be omitted;

(iv) sub-sections (4) to (8) shall be renumbered as sub-sections (3) to (7);

(v) in sub-section (3), as so renumbered for the words, "The final electoral roll", the words "the electoral roll" shall be substituted;

(vi) in sub-section (7), as so renumbered the following explanation shall be added namely:-

"Explanation:— In this section, the expression "Assembly Constituency" shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.";

(vii) existing sub-section (9) shall be omitted;

(4) Sections 13 and 14 of the principal Act, shall be omitted,

4. Application of the Act to the Visakhapatnam and the Vijayawada Municipal Corporations and also to the A.P. Municipal Corporations Act, 1994. Act 25 of 1994 :-

The amendments made to the Hyderabad Municipal corporations Act, 1955 by clause 3, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal corporations and also to other Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994.