

**HYDERABAD MUNICIPAL CORPORATIONS (CONSTITUTION,
ELECTION OF CHAIRPERSON AND POWERS AND FUNCTIONS
ETC., OF WARDS COMMITTEES) RULES, 1995**

CONTENTS

1. <u>Short Title</u>	
2. <u>Definitions</u>	
3. <u>Constitution of Wards Committees</u>	
4. .	
5. .	
6. .	
7. .	
8. .	
9. .	
10. .	
11. .	
12. .	
13. .	
14. .	
15. <u>Powers and Functions of Chairperson</u>	
16. .	
17. .	
18. .	
19. .	
20. .	
21. .	
22. <u>Duties and Powers of Members</u>	
23. .	
24. <u>Powers and Functions of Wards Committee</u>	
25. .	
26. .	
27. .	
28. <u>Mode of Transaction of Business</u>	
29. .	
30. .	
31. .	
32. .	
33. .	
34. .	
35. .	
36. .	
37. .	
38. .	

HYDERABAD MUNICIPAL CORPORATIONS (CONSTITUTION, ELECTION OF CHAIRPERSON AND POWERS AND FUNCTIONS ETC., OF WARDS COMMITTEES) RULES, 1995

In exercise of the powers conferred by Section 585 read with Section 8A of the Hyderabad Municipal Corporations Act, 1955 (Act No.II of 1956), the Governor of Andhra Pradesh hereby makesthe following rules

1. Short Title :-

(1) These rules may be called the Hyderabad Municipal Corporation (Constitution, Election of Chairperson and powers and functions etc., of wards committees) Rules, 1995.

2. Definitions :-

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

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

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

(iii) Commissioner' means Commissioner of the Municipal Corporations.

(iv) Corporation' means Municipal Corporation of Hyderabad.

(v) Form' means Form appended to these rules.

(vi) Secretary' means an Officer specified by the Commissioner to be the Secretary of Wards Committee.

(vii) Wards Committee' means Wards Committee constituted under Sub-section (1) of Section 8A of the Hyderabad Municipal Corporations Act, 1955.

(viii) Member' means a member of Wards Committee.

(ix) Chair Person' menas the person elected by the members of Wards Committee in accordance with these rules.

(x) State Election Commission' means the State Election Commission constituted in pursuance of Article 243K of the Constitution of India.

(2) Words and expressions used in these rules but not expressly defined herein shall have the meanings assigned to them in the

Act.

3. Constitution of Wards Committees :-

(1) The Government shall after consulting the Corporation constitute such number of Wards Committees as determined by them duly maintaining the geographical contiguity as far as possible.

(2) Each Wards Committee shall consist not less than (10) Wards.

(3) The Government shall by order specify the number of Wards Committees and also Wards comprised therein.

(4) Where an order issued under Sub-rule (3) results in the material alteration of the Wards Committees of a Corporation, the Government may direct that the alterations shall take effect from the next General Elections.

4. . :-

The Commissioner within a week from the date of issue of the order constituting Wards Committees shall specify an officer of the Corporation to be the Secretary of each Wards Committee who shall be referred to as Secretary in these Rules.

5. . :-

(1) The Secretary shall within fifteen (15) days from the date of order constituting the Wards Committee issue a notice of seven (7) clear days but not exceeding fifteen days to the members of Wards Committee fixing the date, time and place to elect the Chairperson of the Wards Committee from among themselves in a meeting specially convened for the purpose. He shall also conduct Election to the Office of the Chairperson on the appointed day.

(2) The quorum for the meeting shall be not less than one half of the members of the Wards Committees.

(3) If, at such a meeting a chairperson is not elected, another special meeting shall be convened for the purpose within seven (7) days from the date of such meeting. A notice of three (3) clear days shall be given to the members of the Wards 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.

6. . :-

The meetings for election of Chairperson shall be presided over by the Secretary of the Wards Committee.

7. . :-

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

(2) A member shall propose the name of one of the members as Chairperson. A member can propose a name only once in a meeting for election. The names of all the candidates duly proposed shall be read out by the Secretary and within half an hour a candidate may withdraw from the contest.

8. . :-

(1) If there is only one validly nominated candidate he shall be declared to have been elected.

(2) If there are two or more candidates, an election shall be held by secret ballot.

(3) Where the election has to be conducted under Sub-rule (2) 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.

9. . :-

(1) At the place set apart for voting, there shall be provided 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 therefrom without the box being unlocked.

(2) The Secretary shall immediately before the voting is 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 a manner as to prevent its being

opened without breaking such seal. The ballot box shall then be kept in full view of those present at the meeting.

(3) Every member wishing to vote shall be supplied with a ballot paper in Form I on which the Secretary shall have, before its supply, affixed a stamp and signed on reverse portion thereof 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 symbol on the ballot paper or to make a mark thereon, the Secretary 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 possible 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 the 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;

(f) It bears more marks than the vacancies to be filled up;

10. . :-

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

(1) 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.

(2) If there are more than two candidates, the one who obtains the lowest number of votes shall be eliminated and the voting be taken 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 decide by drawing lots in the presence of the members present which of such candidates shall be eliminated. The elimination shall be repeated until two candidates only are left, when voting shall be taken for the last time and the candidate who secures 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.

11. . :-

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.

12. . :-

(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 as to the election to which it relates and the date of the election.

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

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

13. . :-

After the declaration of the result, the Secretary shall sign the proceedings in the Form II indicating the name of the person elected as Chairperson. Thereafter, the Secretary shall 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.

14. . :-

(1) The Chairperson elected shall hold office for a period of one year from the date of election and shall be eligible for re-election.

(2) The Chairperson shall cease to hold Office if he/she ceases to be a member of the Wards Committee. Any such casual vacancy of the Chairperson shall be filled by the election of another chairperson from amongst members of the Wards Committee within fifteen (15) days of the occurrence of the vacancy in accordance with the procedure prescribed in these rules.

(3) A Chairperson elected against a casual vacancy shall enter upon Office forthwith and hold Office only so long as the person in whose place he/she is elected would have been entitled to hold Office if the vacancy had not occurred.

15. Powers and Functions of Chairperson :-

(1) The Chairperson of the Wards Committee shall convene the meetings of Wards Committee. Every, meeting of the Wards Committee shall be presided over by the Chairperson.

(2) At the first meeting in every year of the Wards Committee the Chairperson may nominate from among the members, a panel of not more than two temporary Chairpersons, any one of whom presides at any meeting in the order in which they are nominated in the panel.

(3) The Chairperson shall preserve order and shall decide all points of orders arising at or in connection with the meeting. There shall be no discussion on any point of order and the decision of chairperson on any point of order shall be final.

(4) When the conduct of a member in the opinion of the Chairperson is disorderly, he may direct that such member shall withdraw from the meeting of Wards Committee and such member

shall thereupon withdraw and shall not be allowed to attend for the remainder of the day's meeting.

(5) If any member who has been ordered to withdraw continues to remain in the meeting the Chairperson may take steps to cause him to be removed.

16. . :-

The Chairperson shall refer any resolution of the Wards Committee to the Standing Committee or the Corporation, as the case may be, for its consideration which in his opinion is in excess of the powers of the Wards Committee.

17. . :-

All Official correspondence between the Wards Committee and the Standing Committee/Corporation shall be conducted in the name of the Chairperson.

18. . :-

The Chairperson may incur in each case contingent expenditure incidental to the Office administration of Wards Committee an amount not exceeding Rs.200/-.

19. . :-

He shall report the expenditure so incurred to the Wards Committee at its next meeting. Provided that no such expenditure shall be incurred if there is no provision available to meet the expenditure under the relevant Head in the Budget of the Wards Committee.

20. . :-

The Chairperson if he so chooses to resign may send his letter of resignation in writing to the Secretary of Wards Committee. The Secretary shall on receipt of such resignation place it before the next meeting of the Wards Committee which shall accept the resignation after satisfying the genuineness of the resignation. Before the resignation is accepted by the Wards Committee, it shall be open to the Chairperson to withdraw such resignation by writing a letter under his hand addressed to the Secretary.

21. . :-

In case the Chairperson is incapacitated due to any reason or a vacancy arises due to death or resignation, the Wards Committee shall elect another member from among themselves for the remaining term of the Office of Chairperson within fifteen (15) days

from the date of occurrence of vacancy in accordance with the procedure prescribed in these rules.

22. Duties and Powers of Members :-

(1) No member shall vote or take part in discussion of any question coming up for consideration at a meeting of the Wards Committee, if the question is one in which apart from its general application to the Public he has personal interest or he or his partner has any direct or indirect pecuniary interest.

(2) The Chairperson may prohibit any member from voting or taking part in the discussion of any matter in which he for reasons to be recorded in writing, believes such member to have such interest, or he may require such member to absent himself during the discussions.

(3) Such member may challenge the decision of the Chairperson who shall, thereupon, put the question to the meeting and the decision of the meeting shall be final.

(4) If any member present at the meeting believes that the Chairperson has any such personal or pecuniary interest in any matter under discussions, the Chairperson shall, if a motion to that effect is carried absent himself from the meeting during discussion.

(5) The member concerned shall not be entitled to vote on the question referred to in Sub-rule (3) and the Chairperson concerned shall not be entitled to vote on the motion referred to in Sub-rule (4).

23. . :-

(1) Any member may call the attention of the Chairperson to any neglect in the execution of Municipal work, to any waste to municipal property or to the wants of any locality and may suggest any improvements which may appear desirable.

(2) Every member shall have the right to move resolutions and to interpolate the Chairperson on matters connected with the Municipal administration.

(3) Every member shall have access during office hours to the records of the Wards Committee after giving a reasonable notice to the Chairperson.

Provided that the member shall not have access to such records of

the Wards Committee, if they are considered as confidential or secret by the Chairperson.

24. Powers and Functions of Wards Committee :-

The Wards Committee shall be assigned with the functions of:

- (i) Maintenance of sanitation.
- (ii) Maintenance of Water supply and Drainage whatsoever they are under control of the Corporation.
- (iii) Maintenance of street lighting.
- (iv) Maintenance of roads.
- (v) Maintenance of markets.
- (vi) Maintenance of parks and playgrounds, and
- (vii) Maintenance of School buildings wherever they are under the control of the Corporation.

25. . :-

The Wards Committee shall have powers to review the revenue collections.

26. . :-

The Wards Committee shall prepare draft annual budget and forward to the Standing Committee for consideration and incorporation in the annual budget of the Corporation.

27. . :-

The works/schemes sanctioned for the Wards Committee shall be executed by the Commissioner.

28. Mode of Transaction of Business :-

The Wards Committee shall provide an office and shall meet therein for the transaction of business atleast once in every fortnight upon such days and at such times as it may fix and also at other times as often as a meeting is called by the Chairperson. Provided that no meeting shall be held on public holiday and on the day on which a meeting of the Standing Committee of Corporation is proposed to be held.

29. . :-

- (1) No meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be

transacted there at has been given atleast three (3) clear days before the day of meeting.

(2) In cases of urgency the Chairperson may convene a meeting on giving shorter notice than that specified in Sub-rule (1).

(3) The agenda for the meeting shall be prepared by Secretary in consultation with the Chairperson. The Secretary may include in the agenda any subject which in his opinion should be considered by the Wards Committee and shall include therein any subject specified by the Chairperson. On any subject included in the agenda, the Chairperson as well as the Secretary shall have the right of recording his views in a note and such note shall be circulated to the members or placed before the Wards Committee at the time of the consideration of such subject by the Wards Committee.

30. . :-

(1) The Chairperson shall, on the requisition in writing of not less than one half of the members then on the Wards Committee convene a meeting of the Wards Committee provided the requisition specified the day, other than a public holiday, the time and the purpose for which the meeting is to be held. The requisition shall be delivered at the Wards Committee Office during office hours to the Chairperson or Secretary or any other person who may then be incharge of the Wards Committee Office atleast seven (7) clear days before the day of the meeting.

(2) Where the Chairperson fails within forty eight (48) hours from the delivery of such requisition to call a meeting on the day specified therein, such meeting may be called by the member who signed the requisition on giving the notice of three (3) clear days to the other members.

31. . :-

All the meetings of the Wards Committee shall be open to the public. Provided that the Chairperson may, and at the request of the Wards Committee shall, in any particular case, for reasons to be recorded in Minutes Book kept under Rule 36 direct that the public generally or any particular person shall withdraw.

32. . :-

(1) All questions which may come before the Wards Committee at

any meeting shall be decided by a majority of the members present and voting at the meeting and in every case of equality of votes, the Chairperson shall have a casting vote.

(2) When a member gives a dissent note, the Chairperson shall incorporate the same in the Minutes Book. If the Chairperson fails to record the dissent note given by any member in the Minutes Book the Secretary shall record the same and intimate the Member who gave the dissent note.

33. . :-

No business shall be transacted at a meeting unless there be present atleast/half the total/one members then on the Wards Committee.

34. . :-

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

35. . :-

No resolution of Wards Committee shall be modified or cancelled within three (3) months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the Wards Committee supported by not less than one half of the members then on the Wards Committee.

36. . :-

Minutes of the proceeding at the meetings of the Wards Committee shall be drawn up and entered in a book to be kept for that purpose and shall be signed by the Chairperson and the said Minutes shall, at all reasonable times and without charge be open at the Wards Committee Office to the inspection of any person who pays any tax under this Act in the area of Wards Committee.

37. . :-

Within three (3) days of the date of the meeting, a copy of the minutes of the proceedings at such meeting in English and in the main language of the District shall be forwarded by the Secretary to the Corporation. An authenticated copy of the said Minutes shall also be affixed on the notice board of the Committee Office.

38. . :-

The Secretary shall have the custody of the proceeding and records of the Wards Committee and may grant copies of any such

proceeding and records on payment of such fees as the Corporation may by general or special order determine copies shall be certified by the Secretary as provided in Section 76 of the Indian Evidence Act, 1872 Central Act I of 1872 and copies so certified may be used to prove the records of the Wards Committee in the same manner as they may, under Sub-section (5) of Section 71 of the said Act, be used to prove proceedings of that body.