

Andhra Pradesh Municipal Councils/nagar Panchayats (Co-Option of Members Having Special Knowledge or Experience in Municipal Administration) Rules, 1995

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-MUNICIPAL-COUNCILS-NAGAR-PANCHAYATS-C of 1995

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Andhra Pradesh Municipal Councils/nagar Panchayats (Co-Option of Members Having Special Knowledge or Experience in Municipal Administration) Rules, 1995In exercise of the powers conferred by sub-section (1) of Section 326 read with sub-section (2) of Section 5 of the Andhra Pradesh Municipalities Act, 1965 (Act No. 6 of 1965), the Governor of Andhra Pradesh hereby makes the following rules

1. Short Title.

(1)These rules may be called the Andhra Pradesh Municipal Councils/Nagar Panchayats (Co-option of members having special knowledge or experience in Municipal Administration) Rules, 1995.(2)These Rules shall apply to all Municipal Councils and Nagar Panchayats in the State and any reference to a Municipality/Municipal Council wherever they occur in these rules shall apply to Nagar Panchayats also.

2. Definitions.

(1) In these rules, unless the context otherwise requires--(i) "Act" means the Andhra Pradesh Municipalities Act, 1965; (ii) "Commissioner" means the Commissioner of the Municipality appointed under Section 229 of the Andhra Pradesh Municipalities Act; (iii) "Government" means Government of Andhra Pradesh; (iv) "Municipality" means and includes Nagar panchayat also. (2) Words and expressions used in these rules but not expressly defined herein shall have the meanings respectively assigned to them in the Act.

3. Persons eligible for Co-option Qualifications.

- No person shall be eligible to be Co-opted as a member to the Municipal Council, unless he is--(a) a registered Voter in the Electoral Roll of the Municipal Council; (b) a person who held office of Chairperson/Sarpanch/Member of Municipal Council/ Gram Panchayat or a combination of these offices for a total period of not less than five years; or (c) an Advocate who has served as Municipal Standing Council for a term of 3 years; (d) a Retired Officer who has worked in the Municipality/Municipal Corporation/ Municipal Administration Department; or (e) person having special knowledge in Roads and Buildings/Water Works/Town Planning/Public Health.

4. Disqualification.

- The provisions relating to disqualification of elected members shall apply to Co-opted members.

5. Procedure for Co option of Members.

(1) The Commissioner shall, within sixty (60) days from the date of first meeting of the council, call for applications from the eligible candidates by giving wide publicity in news papers giving seven day time for submission of applications. (2) The applications received shall be scrutinised by the Municipal Commissioner within three (3) days from the last date of receipt of applications. (3) The list of eligible applicants shall be placed before the Municipal Council at its Special meeting to be convened by the Chairperson within a fortnight from the last date fixed for receipt of applications by giving not less than seven (7) clear days notice to the elected members including Ex-officio member: Provided that no business shall be transacted at the meeting unless there be present atleast one-half of the sanctioned strength of the Council including Ex-officio members; Provided further that where members could not be co-opted in the first two meetings for want of quorum, the members shall be co- opted in the third meeting even without quorum. (4) If within half-an-hour after the time appointed for the Special Meeting the quorum is not present, the meeting shall stand adjourned unless all the Members present agree to wait longer.

6.

(1) In case there are more number of eligible applicants than the number of persons to be co-opted, the Municipal Council shall co-opt the required number of persons by a voice vote. (2) If the number

of applications received from eligible candidates is less than the number of persons to be co-opted or if no applications are received from the eligible candidates, applications shall be invited again by following the procedure provided in Rule 5.

7.

The provisions relating to the resignation of elected members shall apply to the Co-opted members.

8.

Casual vacancy in the office of Co-opted member shall be filled in by following the procedure prescribed in these rules as soon as may be, after occurrence of the vacancy: Provided that no casual vacancy occurred within three months before the date on which the term of office of the members expires shall be filled in; Provided further that a member co-opted by the Council to a casual vacancy shall hold office to the residuary period of the tenure.

9.

The Commissioner shall issue proceedings in the Form appended to these Rules indicating the names of persons co-opted by the Council and Commissioner shall thereafter send an attested copy of the proceedings to the District Collector, Commissioner, and Director of Municipal Administration, Regional Director-cum-Appellate Commissioner and Government and he will also place a copy of it on the Notice Board of the Municipal Office.