

# **Andhra Pradesh Municipalities (Disqualification of Chairperson or Members on Ground of Defection) Rules, 1988**

ANDHRA PRADESH

India

## **Andhra Pradesh Municipalities (Disqualification of Chairperson or Members on Ground of Defection) Rules, 1988**

### **Rule**

### **ANDHRA-PRADESH-MUNICIPALITIES-DISQUALIFICATION-OF-CHAIRPERSON OF 1988**

- Published on 1 January 1988
- Commenced on 1 January 1988
- [This is the version of this document from 1 January 1988.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Municipalities (Disqualification of Chairperson or Members on Ground of Defection) Rules, 1988 In exercise of the powers conferred by sub-section (1) of Section 326 read with Section 16-A of the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), the Governor of Andhra Pradesh hereby makes the following rules, relating to the disqualification of Chairman/Chairperson or Member on the ground of defection.

### **1.**

(1) These rules may be called the Andhra Pradesh Municipalities (Disqualification of Chairperson or Members on the ground of Defection) Rules, 1988. (2) They shall apply to all the Municipalities in the State of Andhra Pradesh.

### **2.**

(1) In these rules, unless the context otherwise requires:-(a) "Act" means the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965) as amended by Act 9 of 1987; (b) "Chairman" means the Chairman of the Municipal Council; (c) "Chairperson" means the Chairperson of the Municipal Council; (d) "Commissioner" means the person appointed as Commissioner under sub-section (1) of Section 29 of the Andhra Pradesh Municipalities Act, 1965 (Act No. 6 of 1965); (e) "member" means a member of the Municipal Council; (f) "Date of Commencement" in relation to these rules, means the

date on which these rules take effect;(g)"Form" means a form appended to these rules;(h)"Leader" in relation to a political party in the Municipal Council means a member of the party chosen by it as its leader.(2)Words and expressions used herein but not defined shall carry the same meaning as is assigned to them in the Andhra Pradesh Municipalities Act, 1965.

### 3.

(1)The leader of each political party in the Municipal Council shall, within thirty days after the first meeting of the Council, furnish to the Municipal Commissioner a statement (in writing) containing the names of the members for such Political party in the Municipal Council together with other particulars regarding such members as show in Form-I.(2)Where a political party in the Municipal Council consists of only one Member, such Member, shall furnish the particulars as shown in Form I within thirty days after the first meeting of the Municipal Council.(3)In the event of any increase in the strength of a political party in the Municipal Council consisting of only one member, the provisions of sub-rule (1) shall apply in relation to such political party in the Municipal Council, as if such party had been formed on the first date on which its strength increased.(4)Whenever any change takes place in the information furnished by the Leader of a political party in the Municipal Council under sub-rule (1), he shall within thirty days thereafter, furnish in writing to the Municipal Commissioner with respect to such changes.(5)Where, the Chairman/Chairperson or the Member of a Municipal Council belonging to any political party votes or abstains from voting in such Municipal Council contrary to any direction issued by such political party or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority the leader of the political party in the Municipal Council concerned or where such Member is the leader or as the case may be, the sole Member of such political party in the Municipal Council such Members shall, as soon as may be after the expiry of fifteen days from the date of such voting or abstention, inform the Municipal Commissioner as in Form II whether such voting or abstention has or has not been condoned by such political party, person or authority.

### 4.

(1)Every Member/Chairman/Chairperson who has taken his seat in the Council before the date of Commencement of these rules, shall furnish to the Municipal Commissioner, within thirty days from such date, a Statement of particulars and declaration as in Form-III.(2)Every Member/Chairman/Chairperson who takes his seat in the Council after the commencement of these rules, shall before making and subscribing on oath affirmation under Section 386 of the Andhra Pradesh Municipalities Act, 1965 and taking his seat in the Council, deposit with the Municipal Commissioner, a statement of particulars and declaration as in Form-III.

### 5.

The Municipal Commissioner shall maintain, as in Form-IV, a register based on the information furnished under Rules 3 and 4 in relation to the Member/Chairman/Chairperson.

## 6.

(1) No reference of any question as to whether a Member/Chairman/Chairperson has become subject to disqualification under sub-rule (5) of Rule 3 shall be made to the Municipal Commissioner except by a petition in relation to such Member/Chairman/Chairperson made in accordance with the provisions of this Rule by the leader of the Political Party of the Municipal Council. (2) Before making any petition in relation to any Member/Chairman/Chairperson the leader of the political party in the Municipal Council shall satisfy himself that there are reasonable grounds for believing that a question has arisen for such disqualification. (3) Every petition:-(a) shall contain a concise statement of the facts on which the leader of the Political Party relies; and (b) shall be accompanied by copies of the documentary evidence if any on which the leader of Political party relies together with the statement containing the names and addresses of such person on whom he relies. (c) every petition shall be signed by the Leader of the Political Party.

## 7.

(1) Immediately on receipt of information under sub-rule (5) of Rule 3, the Municipal Commissioner, shall intimate the fact to the Election Authority, namely the Director of Municipal Administration. (2) On receipt of a report under sub-rule (1), the Director of Municipal Administration may either proceed to determine the question whether the Chairman/Chairperson or Member has become subject to the disqualification under Section 16-A of the Act, or if he is satisfied having regard to the nature and circumstances of the case that it is necessary expedient so to do, refer the report to the Regional Joint Director of Municipal Administration/District Collector making a preliminary enquiry and submitting a report to him. (3) Where the Director of Municipal Administration makes a reference under sub-rule (2) to the Regional Joint Director of Municipal Administration the District Collector, he shall proceed to determine the question as soon as may be after receipt of the report from the Regional Joint Director of Municipal Administration//District Collector.

## 8.

The Director of Municipal Administration shall give an intimation that a Chairman/Chairperson or Member has ex-facie ceased to hold office under Section 16-A of the Andhra Pradesh Municipalities, 1965 as amended by Act 9 of 1987. Appendix 1

Name of the Corresponding Political Party	Name of the Corresponding Political Party
Name of the Corresponding Political Party	Name of the Corresponding Political Party

Sl.No.	Name of the Members/Chairman/Chairperson(inblock letters)	Father's/Husband's Name	Permanent address	Name of the ward from which elected
(1)	(2)	(3)	(4)	(5)

Date :Place : ..Signature of the Leader of the Political Party in the Municipal Council.Appendix 2Form - II[See Rule 3(5)]ToThe Commissioner .....  
Municipality,.....Sir,At the meeting of Municipal Council held on ..... (date) during voting on ..... (subject matter).Sri ..... \* I ..... Member Ward No. .... Member Ward No. ....  
Chairman/Chairperson member of ..... Chairman/Chairperson member ..... (Name of the Political Party) and member of..... (Name of the Political Party) and Leader of/sole member of .....  
..... (Name of the Political Party in the Municipal,Council) had voted/abstained from voting. (Name of the Political Party in the Municipal,Council) voted/abstained from voting.\* Here mention the name of the person/authority/party, as the case may be, who had issued the direction.Contrary to the direction issued by ..... person/authority/party without obtaining the prior permission of the said person/authority/party.

**2. On ..... (date) the aforesaid matter was considered by ..... (Person/Authority/party) and the said voting/abstention was condoned/was not condoned/by him/it.**

Date :Place :Yours faithfully(Signature)Appendix 3Form - III[See Rule 4(1)]

**1. Name of the Member/Chairman/Chairperson : (in block letters)**

**2. Father's/Husband's name :**

**3. Permanent address :**

**4. Date of Election :**

**5. Party affiliation as on :**

(i)Date of Election :(ii)Date of signing this form :DeclarationI, ..... hereby ..... declare that the information given above is true and correct.In the event of any change in the information furnished above, I undertake to intimate the Municipal Commissioner immediately.Date :Place:Signature/Thumb Impression of the Member/Chairman/Chairperson.Appendix 4Form - IV(See Rule 5)

Name of the Member/Chairman/Chairperson(in block letters)	Father's/Husband's name	Permanent address	Name of the ward	Date of election	Name of political party to	Name of political party of	Remark
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			from which elected		which he belongs	the MunicipalCouncil to which he belongs	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)