

Andhra Pradesh Municipalities (Conduct of Election of Chairperson and Vice Chairperson) Rules, 2005

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-MUNICIPALITIES-CONDUCT-OF-ELECTION-OF-CHAIRPERSON-AND-VICE-CHAIRPERSON-RULES-2005

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Andhra Pradesh Municipalities (Conduct of Election of Chairperson and Vice Chairperson) Rules, 2005 In exercise of the powers conferred by clause (b) of sub-section (2) of Section 326 read with clause (12) of Section 2, Sections 5, 10-A, 23 and 27 of the Andhra Pradesh Municipalities Act, 1965 (Andhra Pradesh Act 6 of 1965) and in supersession of the Andhra Pradesh Municipal Councils/ Nagar Panchayats (Direct Election of Chairperson) Rules, 1986 issued in G.O.Ms.No. 629, Housing, M.A. and U.D. (Elections), dated 12-11-1986, as amended from time to time, the Governor of Andhra Pradesh hereby, makes the following Rules relating to conduct of election of Chairperson and Vice-Chairperson of Municipality.

Part 1 – Preliminary

1. Short title.

- The Rules may be called the Andhra Pradesh Municipalities (Conduct of Election of Chairperson and Vice-Chairperson) Rules, 2005.

2. Definitions.

- In these Rules, unless the context otherwise requires, -(i) "Act" means the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965); (ii) "Election Authority" means such officer or authority as may be appointed by the State Election Commission under clause (12) of Section 2; (iii) "Form" means the Form appended to these Rules; (iv) "Municipality" includes a Nagar

Panchayat;(v)"Section" means a Section of the Act; and(vi)Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Powers of Election Authority.

- Subject to the general superintendence, direction and control of the State Election Commission, the Election Authority shall be responsible for the conduct of elections of the Chairperson and Vice-Chairperson.

Part 2 – Election of Chairperson and Vice Chairperson of Municipality

4. Convening of Special Meeting for Election of Chairperson.

(1)A special meeting of the members of Municipality specified in clauses (i) to (iv) of sub-section (2) of Section 5 of the Act shall be held in the office of the Municipality by any Gazetted Officer of the Government authorised by the District Collector in this behalf in Form I, for the election of Chairperson and Vice- Chairperson in the manner laid down hereafter.(2)Notice of the date and house of such meeting shall be given in Form-II to the members specified in clauses (i) to (iv) of sub-section (2) of Section 5 of the Act atleast three clear days in advance of the date of the meeting fixed for the election of the Chairperson and Vice- Chairperson by the District Collector or the Gazetted Officer authorised by him.

5. Quorum.

- No meeting for the conduct of election of Chairperson or Vice-Chairperson shall be held unless there be present at the meeting atleast one-half of the number of members then on the Municipal Council who are entitled to vote at the election within one hour from the time appointed for the meeting.Provided that where at an election held for the purpose, the Chairperson or Vice-Chairperson is not elected, a fresh election shall be held on the next day whether or not it is a public holiday for the Municipality concerned and where the Chairperson or vice-Chairperson could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election.Provided further, that where the Election of Chairperson or Vice-Chairperson could not be conducted in the first two special meetings convened for the purpose for want of quorum, the Chairperson or Vice- Chairperson shall be elected in the subsequent meeting/meetings convened for the purpose from among the members present without insisting for quorum.Explanation. - For the purpose of this rule, it is hereby clarified that in determination of one-half of the members under this rule, any fraction below 0.5 should be ignored and any fraction of 0.5 or above shall be taken as one.

6. Manner of election.

(1)A candidate for the office of Chairperson or Vice-Chairperson shall be proposed by one member and seconded by another, who are entitled to vote, if any candidate claims to be contesting on behalf of a recognised political party, he shall produce an authorisation, from the President of the Party in the State or a person duly authorised by the State President under his office seal and such authorisation shall be produced before the Presiding Officer on or before 10.00 a.m. on the day of the election. The names of all candidates validly proposed and seconded shall be read out, along with the name of the Political Party which has set him up, by the Presiding Officer in such a meeting.(2)If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.(3)If there are two or more candidates, election shall be held by show of hands and votes taken of the members present at the meeting.(4)when an election notice is issued for conducting election to both the offices of the Chairperson and Vice- Chairperson, no election to the office of the Vice-Chairperson shall be conducted, unless the office of the Chairperson is filled up. Only after completion of election of Chairperson, the Presiding Officer shall conduct election of Vice- Chairperson.(5)The Presiding Officer shall thereafter record the number of votes polled, for each such candidate ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.(6)In the event of there being an equality of votes between two or more candidates, the Presiding Officer shall draw lots in the presence of the members and the candidates whose name is first drawn shall be declared to have been duly elected.(7)Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be issued by the State President or a person authorised by him under his seal and such intimation shall be sent to the Presiding Officer to reach him on or before 11.00 a.m. on the day preceding to day of election to the Office of the Chairperson and vice-Chairperson.Explanation. - Recognised political party means a political party recognised by Election Commission of India, New Delhi, as per the provisions of Election Symbols (Reservation and Allotment) Order, 1968 issued under article 324 of Constitution of India.(8)(i)Any member of the Municipality elected on behalf of a recognised political party, shall cease to be a member of the Municipality for disobeying the directions of the party Whip so issued,(ii)The Presiding Officer shall, on receipt of a written report from the party Whip within three days of the election that a member belonging to his party has disobeyed the Whip issued in connection with the election give a show-cause notice to the member concerned as to why he should not be declared to have ceased to hold office and that he should make any representation within seven days from the date of the notice. The Presiding Officer shall, consider any explanation given and pass a speaking order in the matter of cessation for disobedience of the Whip. If no explanation is received, the Presiding Officer shall pass an order on the basis of the material available with him.

7. Record of Proceedings.

- Immediately after the declaration of the Result of the election, the Presiding Officer, shall,-(a)prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the members who participated in the meeting.(b)publish on the notice board of the

Municipality a notice signed by him stating the name of the person elected as Chairperson/Vice-Chairperson of the Municipality and send a copy of such notice to the State Election Commission, the Commission and Director of Municipal Administration and the District Collector. A copy of the notice shall also be given to the candidate who is declared elected as Chairperson/Vice-Chairperson of the Municipality.

Part 3 – Filling up of Casual Vacancies in the Office of Chairperson and Vice Chairperson of Municipality

8. Procedure for filling casual vacancies.

- The Rules in Part-II shall apply for filling up a casual vacancy in the office of the Chairperson/Vice-Chairperson of a Municipality: Provided that every casual vacancy shall be filled up within a period of six months from the date of occurrence of such vacancy. Appendix 1 Form 1 [See Rule 4(1)] I.... (name), District Collector..... hereby authorise Sri.... (name & designation), to convene the special meeting of the members of..... Municipality specified in clauses (i) to (iv) of sub-section (2) of Section 5 of the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965) for the election of the Chairperson and Vice-Chairperson of..... Municipality. Place: Date: (Signature) District Collector. Appendix 2 Form 2 Notice of Special Meeting for Election of Chairperson and Vice-Chairperson [See Rule 4(2)] Notice is hereby given to Sri..... elected/ex-officio member of the Municipality that a special meeting of the members of the Municipality will be held at (time.....) on (date). at its office for the election of the Chairperson and Vice Chairperson. The member is requested to make it convenient to attend the meeting. Place:..... Date: (Signature) District Collector/Gazette Officer Authorised by the District Collector.