

Andhra Pradesh Municipal Councils (Constitution of Wards Committees, Election of Chair Persons, Powers and Functions etc.) Rules, 1995

ANDHRA PRADESH

India

Andhra Pradesh Municipal Councils (Constitution of Wards Committees, Election of Chair Persons, Powers and Functions etc.) Rules, 1995

- Published on 1 January 1995
- Commenced on 1 January 1995
- [This is the version of this document from 1 January 1995.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Municipal Councils (Constitution of Wards Committees, Election of Chair Persons, Powers and Functions etc.) Rules, 1995 In exercise of the powers conferred by sub-section (1) of Section 326 read with Section 5-B of Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), the Governor of Andhra Pradesh hereby makes the following rules.

1. Short title.

- These rules may be called the Andhra Pradesh Municipal Councils (Constitution of Wards Committees, Election of Chairpersons, Powers and Functions etc.) Rules, 1995.

2. Definitions.

- In these Rules (i) Unless the context otherwise requires "Act" means the Andhra Pradesh Municipalities Act, 1965 (Act No. 6 of 1965); (ii) "Annual Income" means the amount realised through all sources during the last financial year except teaching grants and loans; (iii) "Form" means Form appended to these rules; (iv) "Government" means the Government of Andhra Pradesh; (v) "Member" means a member of the Ward Committee; (vi) "Wards Committee" means the Wards Committee constituted under Section 5-B of Andhra Pradesh Municipalities Act, 1965 (Act No. 6 of 1965); (2) The words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Constitution of Wards Committees.

(1)The Commissioner and Director of Municipal Administration shall by order constitute Wards Committees as laid down in Section 5-B of the Act and the said order shall specify the Ward comprised therein.(2)Where an order issued under sub-rule (1) results in the material alteration of the Wards Committee of a Municipality, Commissioner and Director of Municipal Administration may direct that the alteration shall take effect from the next ordinary elections.(3)The Commissioner and Director of Municipal Administration may also constitute Wards Committees for a Municipality having a population of less than three lakhs provided the annual income of the said Municipality is not less than rupees four crores.

4. Secretary of Wards Committee.

(1)After consideration of the Wards Committee by the Commissioner and Director of Municipal Administration under Section 5-B of the Act. The Municipal Commissioner within a week from the date of issue of such order shall specify an officer of the Municipality to be the Secretary of each Wards Committee.

5. Election of Chairperson.

(1)The Secretary of the Wards Committee shall within fifteen (15) days from the date of publication of Notification in District Gazette constituting Wards Committees issue a notice of seven (7) clear days to the members of the 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 Chairperson on the appointed day.(2)The election shall be conducted within fifteen (15) days from the date of issue of notice under Rule 1.(3)The quorum for the meeting shall be not less than one-half of the members of the Wards Committee.(4)If at such a meeting the Chairperson is not elected another special meeting shall be convened for the purpose by the Secretary within a week from the date of such meeting. A notice of three clear days shall be given to the members of 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.(5)Such meetings shall be presided over by the Secretary of the Wards Committee.

6.

(1)If within half an hour after the time appointed for a meeting referred to in Rule 5 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. The names of all the candidates duly proposed shall be read out by the Secretary. A member can propose a name only once. The contesting candidates shall be given thirty minutes time for withdrawal.

7.

(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.

8.

(1) At the place set apart for voting, the Secretary shall provide 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 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 the Form I on which the Secretary shall have, before its supply, affixed a stamp and signed on the reverse part thereon 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 symbols 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 feasible 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; or (f) it bears more marks than the vacancies to be filled up. (9) The Secretary shall then declare the results in accordance with the following instructions--(i) 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; (ii) 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 members present, which of such candidates shall be eliminated. The elimination shall be repeated until two candidates only are left, then voting shall be taken for the last time and the candidate who secured the 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.

9.

Immediately after the declaration of the results, the Secretary shall prepare a record of the proceedings of 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.

10.

(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 not thereon a description of its contents as to be election to which it relates and the date thereof.(2)These packets shall not be opened and their contents shall not be inspected or produced except under the orders of a competent court.(3)The packets shall be retained in the safe custody in the Municipal Office by the Commissioner for a year and shall then, unless otherwise directed by the orders of a competent court, be destroyed.

11.

After the declaration of the result, the Secretary shall sign the proceedings in Form II indicating the name of the person elected as Chairperson. The Secretary shall thereafter send an attested copy of the said Form I to the Commissioner, Municipal Council for placing a copy of it on the Notice Board of the Municipal Office, under intimation to the District Collector, Commissioner and Director of Municipal Administration, Regional Director-cum-Appellate Commissioner of Municipal Administration and the Government.

12. Powers and functions of Chairperson.

(1)The Chairperson of the Wards Committee shall convene the meetings of the 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 of the Wards Committee in the absence of Chairperson in the order in which they are nominated in the panel.(3)The Chairperson shall preserve over and shall decide all points of order 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/she 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.

13.

The Chairperson shall refer any resolution of the Wards Committee to the Municipal Council for its consideration which in his opinion is in excess of the powers of the Wards Committee.

14.

All official correspondence between the Wards Committee and the Municipal Council shall be conducted in the name of the Chairperson.

15.

The Chairperson may incur in each case contingent expenditure incidental to the office administration of Wards Committee an amount not exceeding Rs.100.

16.

He/She 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 Wards Committee.

17.

The Chairperson if he/she so chooses to resign, may sent his/her 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 its genuineness. 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/her hand addressed to Secretary.

18.

(1)The Chairperson shall cease to hold office if he/she ceases to be a member of the Ward Committee.(2)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.

19. 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/she or his/her 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/she for reasons to be recorded in writing, believes such member to have such interest, or he/she may require such member to absent himself/herself during the discussion. (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 discussion, the Chairperson shall, if a motion to that effect be carried, absent himself/herself 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).

20.

(1) Any member may call the attention of the Chairperson to any neglect in the execution of Municipal work, to any waste of 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 interpellate 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.

21. Powers and functions of Ward Committees.

- The Ward Committee shall be assigned with the function of :-(i) Maintenance of sanitation; (ii) Maintenance of water supply and drainage; (iii) Maintenance of street lighting; (iv) Maintenance of roads; (v) Maintenance of markets; (vi) Maintenance of parks and play grounds; and (vii) Maintenance of school buildings wherever they are under the control of the Municipality.

22.

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

23.

The Wards Committee shall prepare draft annual budget and forward to the Municipal Council for consideration and incorporation in the Annual Budget of the Municipal Council.

24.

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

25. 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 month upon such days and at such times as it may fix and also at other times as often as 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 Municipal Council is proposed to be held.

26.

(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 thereat has been given atleast three clear days before the day of the 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 the 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 before at the time of the consideration of such subject by the Wards Committee.

27.

(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 office of the Wards Committee during office hours, to the Chairperson, Secretary or any other person who may then be incharge of that office atleast seven clear days before the day of the meeting. (2) Where the Chairperson fails within forty eight hours from the delivery of such requisition to call a meeting on the day specified therein, such meeting may be called by the members who signed the requisition on giving the notice of three clear days to the other members.

28.

All 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.

29.

All questions which may come before the Wards Committee at any meeting shall be decided by a majority of the members present by voting at the meeting and in every case of equality of votes, the Chairperson shall have a casting vote.

30.

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.

31.

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

32.

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.

33.

No resolution of Wards Committee shall be modified or cancelled within three 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.

34.

Minutes of the proceedings at the meeting 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 for the inspection of any person who pays any tax under this Act in the area of Wards Committee.

35.

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 Municipal Council. An authenticated copy of the said minutes shall also be affixed to the Notice Board of the Wards Committee office.

36.

The Secretary shall have the custody of the proceedings and records of the Wards Committee and may grant copies of any such proceedings and records on payment of such fees as the council 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 the proceedings of that body.

Appendix 1
Form - I
Ballot Paper[See rule 6(3)]

Sl.No. Name of the Candidate Symbol assigned

- 1.
- 2.
- 3.
- 4.
- 5.

Form - II[See rule 11]Proceedings of the election of Chairperson of Wards Committee No. of Municipal Council. This is to notify that Sri/Smt. has been declared elected as Chairperson of Ward Committee No.

..... comprising of Ward Nos. of Municipality of the meeting held on in the premises of. Secretary Ward Committee No.