

# **Greater Hyderabad Municipal Corporation (Motion of No confidence in Mayor/ Deputy Mayor) Rules, 2008**

ANDHRA PRADESH

India

## **Greater Hyderabad Municipal Corporation (Motion of No confidence in Mayor/ Deputy Mayor) Rules, 2008**

### **Rule**

### **GREATER-HYDERABAD-MUNICIPAL-CORPORATION-MOTION-OF-NO of 2008**

- Published on 3 December 2008
- Commenced on 3 December 2008
- [This is the version of this document from 3 December 2008.]
- [Note: The original publication document is not available and this content could not be verified.]

Greater Hyderabad Municipal Corporation (Motion of No confidence in Mayor/ Deputy Mayor) Rules, 2008Published vide Notification No. G O . MS. No. 836, dated 3.12.2008Last Updated 29th August, 2019G O . MS. No. 836. - In exercise of the powers conferred by sub-section (1) of Section 585 read with Section 91A. of the Greater Hyderabad Municipal Corporation Act, 1955 (Andhra Pradesh Act No. 2 of 1956), the Government hereby makes the following rules for moving of the motion of no-confidence against the Mayor/ Deputy Mayor of the Corporation:

#### **1. Short title and commencement.**

(a)These Rules may be called the Greater Hyderabad Municipal Corporation (Motion of No confidence in Mayor/ Deputy Mayor) Rules, 2008.(b)They shall come into force from the date of publication in Andhra Pradesh Gazette.

#### **2. Definitions.**

- In these Rules, unless the context otherwise requires -(a)"Act" means the Greater Hyderabad Municipal Corporation Act, 1955;(b)"Corporation" means a municipal corporation constituted under the Act;(c)"Form" means the form appended to these rules;(d)"Government" means the Government of Andhra Pradesh;(e)"Member" means a member of the Municipal Corporation;(f)Words used but not defined in the rules shall have the meaning assigned to them in the Act.

**3.**

A motion expressing want of confidence in the Mayor or Deputy Mayor may be made by giving a written notice of intention to move the motion in Form -1 duly signed by not less than one-half of the total number of members of the municipal corporation having right to vote, together with a copy of the proposed motion to the District Collector concerned.

**4.**

The District Collector shall verify the signatures of the members who have signed form -I with reference to the signatures of the members available in municipal records.

**5.**

(1)After proper verification of the signatures of the members in Form-1, the District Collector shall convene a meeting for the consideration of the motion at the office of the Municipal Corporation on a date appointed by him which shall not be later than thirty days from the date on which notice was delivered to him. He shall give to the members who are having right to vote, notice of not less than fifteen clear days as provided in sub-section (2) of section 91A of the Act in Form - II(2)The meeting shall not be convened on a public holiday.

**6.**

The notice referred to in Form -II shall be served on the members as provided in Section 630 of the Act.

**7.**

The District Collector or any officer nominated by the District Collector shall preside at such meeting.

**8.**

After issue of a notice under Rule 5 by the District Collector, every recognized political party may appoint a person on behalf of that political party as whip and intimation of such appointment shall be issued by the State President or a person authorized 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 the day appointed for consideration of the no confidence motion against Mayor or Deputy' Mayor.

**9.**

Whenever a whip is issued by a whip to his party members, it shall be served on them in the following manner: -(a)by giving or tendering the said whip to the member duly obtaining his

acknowledgement with date on the duplicate copy of the whip;(b)if such member is not found at his permanent residence, by giving or tendering the same to some adult member of his family duly obtaining his/her acknowledgement with date on the duplicate copy of the whip. In this case, the name of the family member and his/ her relationship to the member shall be noted in the acknowledgement by the adult member of the family;(c)if the above methods are not-available, by sending the said whip by registered post acknowledgement due;(d)if none of the means aforesaid be available, by fixing the same in some conspicuous part of such place of abode or business after following the procedure of due panchanama.

## **10.**

(1)A meeting convened for the purpose of considering motion under these rules shall not be adjourned for any reason.(2)The quorum for such meeting shall be two thirds of the total number of members.(3)If within half an hour after the time appointed for the meeting, there is no quorum, the presiding officer shall adjourn the meeting to some other time on the same day and notify the same in the notice board of the Corporation. If there is no quorum at the adjourned time also, the meeting shall stand dissolved and notice given under rule 3 shall lapse.(4)As soon as a meeting convened under the said rule commences the presiding officer shall read to the members present in the meeting, the motion for the consideration of which the meeting has been convened and shall put it to vote without any debate.

## **11.**

When the motion of no confidence is put to vote, the Presiding Officer shall first ask the members to raise their hands who vote for the motion and record their names with party affiliation in the minutes book. Similarly, the Presiding Officer shall ask the remaining members to raise their hands who vote against the motion and record their names with party affiliation in the minutes book. The names of members who abstain from voting with their party affiliation shall also be recorded in the minutes book. The result of the voting shall be recorded in the minutes book.

## **12.**

Immediately after conclusion of the meeting, the Presiding Officer shall 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.

## **13.**

The Presiding Officer shall forward a copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon immediately on the termination of the meeting to the District Collector concerned.

**14.**

Where a member belonging to any recognized political party votes or abstains from voting in a meeting convened to consider a motion of no confidence in Mayor / Deputy Mayor in disobedience of the whip issued by such political party, the President of the political party or the functionary authorized by the political party to issue a whip may file a petition within three days from the date of the meeting before the Presiding Officer for disqualifying the member to hold office.

**15.**

Every petition filed under rule 14: -(a)shall contain a concise statement of the material facts on which the petitioner relies; and(b)shall be accompanied by copies of the documentary evidence showing the service of the whip on the member concerned.

**16.**

On receipt of a petition under rule 14, the Presiding Officer shall consider whether the petition complies with the requirements of rule 15. If the petition does not comply with the requirements of rule 15, he shall dismiss the petition and intimate the petitioner accordingly.

**17.**

If the petition complies with the requirements of rule 15, the Presiding Officer shall cause copies of the petition and of the annexures thereto be forwarded to the member concerned to submit his representation in this matter within seven days from the date of receipt of the said material.

**18.**

The Presiding Officer shall consider the petition filed under rule 14 and the representation received from the member under rule 17 and pass a speaking order in the matter of cessation of membership for disobedience of the whip. If no representation is received from the member, the Presiding Officer shall pass an order on the basis of material available. A copy of the order shall be forwarded to the petitioner, member concerned, Commissioner of the Municipal Corporation concerned and the District Collector. Where a member is disqualified, he shall cease to hold office and the resultant vacancy shall be filled as a casual vacancy.

**19.**

Where a member is disqualified to hold office for disobedience of the party whip, he may apply to the District Judge having jurisdiction over the area in which the office of Municipal Corporation is situated for a decision.