

Andhra Pradesh Municipalities (Motion of No confidence in Chairperson/Vice-Chairperson) Rules, 2008

ANDHRA PRADESH

India

Andhra Pradesh Municipalities (Motion of No confidence in Chairperson/Vice-Chairperson) Rules, 2008

Rule

ANDHRA-PRADESH-MUNICIPALITIES-MOTION-OF-NO-CONFIDENCE- 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.]

Andhra Pradesh Municipalities (Motion of No confidence in Chairperson/Vice-Chairperson) Rules, 2008Published vide Notification No. G.O.Ms.No. 835, Municipal Administration and Urban Development (Elec.II), dated 3.12.2008Last Updated 29th August, 2019G.O.Ms.No. 835. - In exercise of the powers conferred by sub-section (1) of Section 326 read with Section 46 of the Andhra Pradesh Municipalities Act, 1965 (Andhra Pradesh Act, No. 6 of 1965), the Government of Andhra Pradesh hereby makes the following rules for moving of the Motion of No-confidence against Chairperson or Vice-Chairperson of the Municipality:

1. Short title and commencement.

(a)These Rules may be called the Andhra Pradesh Municipalities (Motion of No confidence in Chairperson/Vice-Chairperson) Rules, 2008.(b)They shall come into force from the date of publication in the Andhra Pradesh Gazette.

2. Definitions.

- In these Rules, unless the context otherwise requires:(a)"Act" means the Andhra Pradesh Municipalities Act, 1965;(b)"Council" means a municipal council 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 Council;(f)"Municipality" includes

a Nagar Panchayat;(g) 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 Chairperson or Vice-Chairperson may be made by giving a written notice of intention to move the motion in form-I duly signed by not less than one-half of the total number of members of the municipal council 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-I, the District Collector shall convene a meeting for the consideration of the motion at the office of the municipal council 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 46 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 353 of the Act.

7.

The District Collector or the Revenue Divisional 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 appointed 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 Chairperson or Vice-Chairperson.

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 a 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 Council. 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 Chairperson/ Vice-chairperson 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 of 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 on order on the basis of material available. A copy of the order shall be forwarded to the petitioner, member concerned, Commissioner of the Municipality 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 municipality is situated for a decision. Form-I (See Rule 3) To, The Collector and District Magistrate, Sir/Madam, We, the undersigned members of Municipal Council/Nagar Panchayat, District, hereby give notice of our intention as required by Section 46 of the Andhra Pradesh Municipalities Act, 1965 to make a motion expressing want of confidence in Sri/Smt/Kum chairperson/Vice-Chairperson of the said Municipal Council at a meeting to be specially convened for purpose. The sanctioned strength of the Municipal Council isand the number of Ex-Officio Member is.....A copy of the motion proposed to be made is enclosed. Signed at.....on the day of.....200

Sl.No. Name of the Member with Ward number Signature of the Member

1.2.3.4.5.

(To be signed by not less than one-half of the sanctioned strength of the Municipal Council/Nagar Panchayat and ex-officio members having right to vote) Delivered in person by

1. Sri/Smt/Kum. Signature

2. Sri/Smt/Kumar Signature

Form-II (See Rule 5) To, Sri/Smt/Kum Member of.....Municipal Council/Nagar Panchayat. Sir/Madam Whereas, a notice of intention to make a motion expressing want of confidence in Sri / Smt / Kum.....Municipal Council/ Nagar Panchayat has been delivered to me as required under Section 46 of Andhra Pradesh Municipalities Act, 1965. Now, therefore, under the said Act, I hereby give notice that a meeting of the Municipal Council/Nagar Panchayat shall be held at the office of the Municipal Council/Nagar Panchayat on(date) at.....(time) for consideration of the said motion of no confidence against the Chairperson/Vice-Chairperson. A copy of the proposed Motion of No confidence signed by.....members is enclosed. I have personally verified the signatures of the members of the Municipal Council/Nagar Panchayat with the help of the records maintained in the office of the Municipal Council/Nagar panchayat and found them to be correct. Encl: () Place: Date: Signature: District Collector District.