ELECTIONS-URGENT

GOVERNMENT OF TELANGANA
MUNICIPAL ADMINISTRATION DEPARTMENT

O/o the Election Authority and
Commissioner & Director of
Municipal Administration,
Hyderabad.

Roc.No. 434 **/2014/Elec-I** **Dated:07.07.2014**

C I R C U L A R

Sub: Conduct of elections to Municipal Corporations 2014-Co-Option of members having Special Knowledge or experience in Municipal Administration by the General Body of the Municipal Corporation-Certain instructions issued-Reg.

Ref: G.O.Ms.No.145 MA Dt.18.03.1995

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The attention of the Commissioner of Nizamabad, Karimnagar and Ramagundam Municipal Corporations is invited to the references cited (copy of the above G.O is enclosed herewith for ready reference).

2. According to clause (v) of Section 5 of the AP Municipal Corporation Act, 1994, **three persons having special knowledge or experience in Municipal Administration of whom one shall be woman, be co-opted** as members of the Corporation in the prescribed manner by the members of the Corporation from among the persons who are registered voters in the Corporation and who are not less than twenty one year of age.

3. In the reference cited, Government have issued Hyderabad Municipal Corporation (Co-Option of members having special knowledge or experience in Municipal Administration) Rules, 1995. According to sub rules (1) to (3) of Rule 5 of the above Rules, the Secretary of the Corporation in consultation with the Commissioner, shall within sixty (60) days from the date of first meeting of the Corporation call for applications from the eligible candidates by giving wide publicity in news papers giving seven clear days time for submission of applications and place the list of eligible applicants before the Corporation at its Special meeting to be convened by the Mayor within a fortnight from the last date fixed for receipt of applications by giving not less than seven clear days to the elected members including ex-officio members. The details of other rules may carefully be read from the G.O. cited and be followed without any deviation.

4. Therefore, the Commissioners of Nizamabad, Karimnagar and Ramagundam Municipal Corporations are directed to take immediate action for Co-Option of three members having special knowledge or experience in Municipal Administration duly following the procedure prescribed in the G.O cited, within (60) days from the date of first meeting held on i.e., 03.7.2014.

5. The Regional Director cum Appellate Commissioners of Hyderabad and Warangal are requested to review this item and ensure that the Commissioners of Nizamabad, Karimnagar and Ramagundam are familiarized with the rules and take necessary immediate action in the matter.

6. Any deviation to the above instructions will be viewed seriously.

Sd/- B.Janardhan Reddy
Commissioner & Director

To

The Commissioners Nizamabad, Karimnagar and Ramagundam Municipal Corporations.

To the RDMAs of Hyderabad and Warangal.

Copy to all the Collectors and District Election Authorities in the State except Hyderabad.

07/7/2014

for Commissioner & Director

7.7.14

(f) 'State Election Commission' means the State Election Commission constituted in pursuance of Article 243-K of the Constitution of India;

(g) 'Wards Committee' means a wards committee constituted under Section 10;

(h) 'Words and expression' used in this Act but not defined shall have the meanings assigned to them in the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956).

[NOTIFICATION UNDER SECTION 2(d)

Constitution of Kakinada Municipal Corporation

[G.O.Ms.No.11, Municipal Administration & Urban Development (Elec.II) M.A., dt.6-1-2005]

In exercise of the powers conferred under Clause (d) of Section 2 of the Andhra Pradesh Municipal Corporations Act 1994, read with Rules 2 and 3 of Andhra Pradesh Municipal Corporation (Fixation of Criteria for Specification of Large Urban Areas) Rules 1994 the Governor of Andhra Pradesh hereby specify the areas covered under erstwhile Kakinada Municipality as larger urban area and the Kakinada Municipal Corporation is deemed to have been constituted under sub-section (1) of Section 3 of the said Act.]

3. Specification of larger urban area :—(1) Where a notification is issued by the Governor specifying an area as a larger urban area under clause (d) of Section 2, a Corporation shall be deemed to have been constituted for such area.

(2) The Governor may, from time to time, after consultation with the Corporation, by notification in the Andhra Pradesh Gazette, alter the limits of a larger urban area specified in the notification issued under clause (d) of Section 2, so as to include therein or to exclude therefrom, the areas specified in the notification.

(3) The power to issue a notification under sub-section (2) shall be subject to such rules as may be made in this behalf and to previous publication.

(4) The Corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(5) Where any local area which is within the jurisdiction of any other local authority is included in a larger urban area for which a corporation is constituted, the Government may pass such orders as they may deem fit as to the transfer to the Corporation or disposal otherwise, of the assets or institutions of any such local authority in the local area and as to the discharge of the liabilities, if any, of such local authority relating to such assets or institutions.

(6) Where any local area for which a Municipality is constituted under the Andhra Pradesh Municipalities Act, 1965 (Act VI of 1965) is declared as a larger urban area and a Municipal Corporation is constituted, then the Municipality functioning immediately before such constitution shall be deemed to have been abolished and the said Act shall cease to apply to such larger Urban area.

(7) Where a Municipality stands abolished under sub-section (6), it shall be competent for the Government to pass such orders as they may deem fit as to the transfer to the Corporations or disposal otherwise, of the assets or institutions of the abolished Municipality and as to the discharge of the liabilities, if any, of such Municipality relating to such assets or institutions.

4. Municipal authorities :—The Municipal authorities charged with carrying out the provisions of this Act shall, be—

(a) a Corporation;

(b) a Standing Committee;

(c) a Commissioner;

(d) the Wards Committee.

5. Composition of Corporation :—The Corporation shall consist of the following members, namely:

(i) such number of elected members as may be notified from time to time by the Government in the Andhra Pradesh Gazette, in accordance with such principles as may be prescribed:

[1][Provided that the number of Members to be elected in respect of a Corporation constituted under this Act shall be the same as the number of members in the Municipality existing immediately prior to such constitution, until it is altered.]

1. Proviso added by Act 1 of 1995, *w.e.f.* 3-2-1995.

(ii) every Member of the Legislative Assembly of the State representing a constituency of which the concerned larger urban area or a portion thereof forms part: •

(iii) every member of the House of the People representing a constituency of which the concerned larger urban area or a portion thereof forms part:

Provided that a member of the House of the People representing a constituency which comprises more than one larger urban area including a part thereof shall be the member of the Corporation constituted for one of the larger urban areas which he chooses; and he shall also have the right to speak in and otherwise to take part in the proceedings of any meeting of the Corporation constituted for the other larger urban area within the Constituency but shall not be entitled to vote at any such meetings;

(iv) every member of the Council of States registered as an elector within the larger urban area concerned ex-officio;

[1][(iv-a) every Member of the Legislative Council of the State registered as an elector within the area of the Municipal Corporation as on the date of filing of nomination for becoming Member of Legislative Council or on the date of nomination by the Governor, as the case may be, shall be ex-officio member of the Corporation.]

[2][(v) three persons having special knowledge or experience in Municipal Administration of whom one shall be woman, be co-opted as members of the corporation in the prescribed manner by the members of the Corporation from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age :

Provided that the members co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have the right to vote.

(vi) two persons belonging to the minorities of whom one shall be woman be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation specified in sub-clauses (i) to (iv) from among the persons who are

1. Ins. by Act 5 of 2008, *w.e.f.* 30-4-2008.
2. Subs. by Act 29 of 2005, *w.e.f.* 27-10-2005.

registered voters in the Corporation not less than twenty-one years of age :

Provided that the members co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.]

6. Reservation of seats:- In the Corporation, out of the total strength of elected members, the Government shall, subject to the rules as may be prescribed, by notification, reserve,—

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by them, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Corporation, as the population of the Scheduled Castes, or as the case may be the Scheduled Tribes in the Corporation bears to the total population of the Corporation; and such seats may be allotted by rotation to different wards in the Corporation;

(b) one-third of the total number of seats for members belonging to Backward Classes; and such seats may be allotted by rotation to different wards in the Corporation;

(c) not less than one-third of the total number of seats reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes;

(d) not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to the Corporation shall be reserved for women and such seats may be allotted by rotation to different wards in a Corporation.

Explanation :—For the removal of doubts it is hereby declared that:

(i) nothing in this section shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or Backward Classes from standing for Election to the non-reserved seats in the Corporation;

(ii) the expression Backward Classes' means any socially and educationally Backward Classes of citizens recognised by the

meeting the quorum is not present the meeting shall stand adjourned unless all the members present agree to wait longer.

6. (1) The Mayor shall call for Proposals for co-option of members belonging to minorities.

(2) Any member including an ex-officio member can Propose the name of a member belonging to minorities and another member has to second such Proposal.

(3) If two Persons are Proposed to be co-opted they shall be declared to have been co-opted.

(4) If three or more Persons are Proposed to be co-opted two Persons shall be co-opted by voice vote.

7. While co-opting the members Preference may be given to the members belonging to such of the communities which are not represented on the Council through direct election.

8. The Provisions contained in sub-section (2) of Section 92 of the Hyderabad Municipal Corporation Act, 1955 with regard to resignation of members shall Mutatis Mutandis apply to the co-opted members.

9. A casual vacancy in the office of co-opted member shall be filled in by following the procedure prescribed in the these rules within three months from the date of occurrence of the vacancy;

Provided that the casual vacancy occurred within three months before the date on which the terms of office of the member expires by efflux of time shall be filled in:

Provided further that a member co-opted by the Council to a casual vacancy shall hold office as long only as the member in whose place he is co-opted would have been entitled to hold office if the vacancy had not occurred.

10. The Mayor shall issue a notification prescribed in indicating the names of the persons co-opted by the corporation and the Commissioner shall thereafter send an attested copy of the notification to the Government for Publication in the Andhra Pradesh Gazette and he will also place a copy of it on the Notice Board of the Corporation.

FORM - I

NOTIFICATION

[*See Rule 10*]

This is to notify that Sri (1) ..... and (2) Sri ..... has/have been co-opted as members belonging to minorities of ..... Municipal Corporation in its special meeting held on ..... in the premises of ..... and presided over by me.

Mayor Municipal Corporation

12.

HYDERABAD MUNICIPAL CORPORATION (CO-OPTION OF MEMBERS HAVING SPECIAL KNOWLEDGE OR EXPERIENCE IN MUNICIPAL ADMINISTRATION) RULES 1995

[G.O. Ms. No.145, Municipal Administration & Urban Development (M.A.), dated 18th March, 1995 and Published in A.P. Gazette, RS to Part I (Ext.), dated 20-3-1995]

In exercise of the powers conferred by Section 585 read with Section 5 of the Hyderabad Municipal Corporation Act, 1955 (Act No.II of 1956) the Governor of Andhra Pradesh hereby makes the following rules:

1. Short title :—These rules may be called the Hyderabad Municipal Corporation (Co-option of Members having Special knowledge or experience in Municipal Administration) Rules, 1995.

2. Definitions :—(1) In these rules unless the context otherwise requires,—

(i) "Act" means the HMC Act, 1955 (Act II of 1956);

(ii) "Commissioner" means the Commissioner appointed under Section 104 of the Hyderabad Municipal Corporation Act, 1955;

(iii) "Corporation" means Municipal Corporation of Hyderabad;

(iv) "Government" means Government of Andhra Pradesh;

(v) "Secretary" means the Secretary appointed under Section 133 of the Hyderabad Municipal Corporation Act, 1955.

(2) Words and expressions used in these rules but not expressly defined herein shall have the meanings assigned to them in the Act.

3. Persons eligible for Co-option :—*Qualifications :*–

(a) No person shall be eligible to be co-opted as member of the Corporation unless he is a registered voter in the Electoral Roll of the Corporation; and

(b) A person who has held office of a Chairperson/Mayor, Vice-Chairman/Deputy Mayor or member of a Municipality/Municipal Corporation or a combination of these offices for a total period of not less than [1][five (5)] years;

(or)

(c) Persons who have retired from service after holding Gazetted post under the State Government or Central Government and having special knowledge and experience in Municipal administration.

4. Disqualification Procedure for Co-option of Members :—The provisions relating to disqualification of an elected member shall apply to co-opted members.

5. (1) The Secretary of the Corporation in consultation with the Commissioner, shall, [2][within sixty (60) days from the date of first meeting of the Corporation] call for applications from the eligible candidates by giving wide publicity in Newspapers giving seven (7) days time for submission of applications.

(2) The applications received shall be scrutinised by the Secretary within three (3) days from the last date of receipt of applications.

1. Subs. by G.O. Ms. No.216, dated 10-4-2000.
2. Subs. by G.O. Ms. No.296, dated 15-5-2000.

(3) The list of eligible applicants shall be placed before the Corporation at its special meeting to be convened by the Mayor within a fortnight from the last date fixed for receipt of applications by giving not less than seven (7) clear days notice to the elected members including Ex-Officio members:

Provided that no business shall be transacted at the meeting unless there be present atleast one half of the sanctioned strength of the Corporation including Ex-Officio Members.

Provided further that where the members could not be co-opted in the first two meetings for want of quorum, the members shall be co-opted in the third meeting even without quorum.

(4) If within half-an-hour after the time appointed for the special meeting, the quorum is not present, the meeting shall stand adjourned unless all the Members present agree to wait longer.

6. (1) In case there are more number of eligible applicants than the number of persons to be co-opted, the Corporation shall co-opt the required number of persons by a voice vote.

(2) If the number of applications received from eligible candidates is less than the number of persons to be co-opted or if no applications are received from the eligible candidates applications shall be invited again by giving wide Publicity. The applications already received shall be considered along with fresh applications received and the procedure provided in Rule 5 shall be followed.

7. The provisions relating to the resignation of the elected members of the Corporation shall apply to the co-opted members.

8. A casual-vacancy in the office of co-opted members shall be filled in by following the Procedure prescribed in these rules within three (3) months from the date of occurrence of the vacancy:

Provided that no casual vacancy occurred within three months before the date on which the term of office of the members expires shall be filled in;

Provided further that a member co-opted by the Corporation to a casual vacancy shall hold office to the residuary period of the tenure.

9. The Commissioner shall issue proceedings in the form appended to these rules indicating the names of persons co-opted by the Corporation and the Commissioner shall thereafter send an attested copy of the

proceedings to the Government and he will also place a copy of it on the Notice Board of the Corporation.

ANNEXURE

FORM

[*See Rule 9*]

This is to Notify that Sri.....

(1) .....

(2) .....

(3) .....

(4) .....

(5) ..... has/ have been co-opted as members of the Municipal Corporation in the category of having special knowledge or experience in Municipal Administration. The said Co-option was made by the Municipal Corporation in its special meeting held on ..... in the premises of .....

Commissioner of
Municipal Corporation
.....

13.

A.P. REGULARISATION AND PENALIZATION OF UNAUTHORISEDLY CONSTRUCTED BUILDINGS CONSTRUCTED IN DEVIATION OF THE SANCTIONED PLAN RULES 2007

[G.O. Ms. No.901, Municipal Administration & Urban Development (M1), dated 31st December, 2007 and Published in A.P. Gazette, RS to Part I (Ext.), dated 31-12-2007]

In exercise of the powers conferred by Section 455AA of the Hyderabad Municipal Corporations Act, 1955, Section 218(A) of the A.P. Municipalities Act, 1965, Section 46(A) of the A.P. Urban Areas (Development) Act, 1975, the Government hereby makes the following Rules, *viz.*,

1. Short title, application and commencement:—(1) These Rules may be called "The Andhra Pradesh Regulation and Penalization of Unauthorizedly Constructed Buildings and Building Constructed in Deviation of the Sanctioned Plan Rules, 2007".

(2) They shall be applicable to existing buildings in the jurisdiction of all Municipal Corporations, Urban Development Authorities and Municipalities in the State of Andhra Pradesh constructed after 1.1.1985 and before 15.12.2007.

(3) They shall come into force from the date of publication of the Notification in the Andhra Pradesh Gazette.

2. Definitions:—(1) *"Authorized Technical Personnel"* means professionals authorized by the Competent Authority to take up scrutiny of the Application made for regulation and Penalization under these Rules.

(2) *"Competent Authority"* means the Municipal Commissioner in case of areas falling in the Municipal Corporation and Municipal limits; the Vice-Chairman of the Urban Development Authority in case of area falling outside Municipal Corporation or Municipality in the Urban Development Authority area.

(3) *"Total Built up area"* means the entire built up area covered in the buildings including common areas and balconies on all floors