

ELECTIONS URGENT

**PROCEEDINGS OF THE ELECTION AUTHORITY & COMMISSIONER & DIRECTOR OF
MUNICIPAL ADMINISTRATION:: HYDERABAD :: TELANGANA**

**Present: Dr. B. Janardhan Reddy, I.A.S.,
Election Authority and
Commissioner & Director**

Roc.No.308/2014/H-I

Dated.28.06.2014

Sub:- ELECTIONS - Ordinary elections to 03 Municipal Corporations i.e., Nizamabad, Karimnagar and Ramagundam Municipal Corporations- Appointment of date of first meeting of the Municipal Corporation - Orders - Issued.

Read: SECs Order.No.1513/SEC-F1/2014, Dt.26.6.2014.

ORDER:

In the reference first read above, the State Election Commission has issued orders for conduct of in-direct elections to the office of Mayor and Deputy Mayor to (03) Municipal Corporations i.e., Nizamabad, Karimnagar and Ramagundam where elections were conducted to the office of ward members on 30.3.2014.

2. In this regard, it is stated that the term of office of elected members shall, save as otherwise expressly be five years from the date appointed by the Election Authority for the first meeting of the Council as prescribed under Section 7(1)(a) of the A.P. Municipal Corporations Act, 1994. Accordingly the date for first meeting of the Council has to be fixed by the Election Authority.

3. Therefore, in exercise of the powers conferred under clause (a) of sub-section (1) of Section 7 of the AP Municipal Corporation Act, 1994, the Election Authority and Commissioner and Director of Municipal Administration hereby appoints 03.07.2014 as the date on which the first meeting of the 03 Municipal Corporations i.e., Nizamabad, Karimnagar and Ramagundam will be held and from this date the elected members will come into the office of the above Municipal Corporations.

4. A copy of extract of Section 673-A of Hyderabad Municipal Corporations, Act, 1955, in which the manner of oath taking has been prescribed, is herewith annexed to the proceedings for ready reference.

**Sd/- Dr.B.Janardhan Reddy
ELECTION AUTHORITY AND
COMMISSIONER & DIRECTOR**

To

The Special officers of Nizamabad, Karimnagar and Ramagundam Municipal Corporations.

Copy to the Commissioners of Nizamabad, Karimnagar and Ramagundam Municipal Corporations.

Copy to the District Election Authority & Collector, Nizamabad and Karimnagar.

Copy to the Regional Director-cum-Appellate Commissioner of Municipal Administration, Hyderabad and Warangal.

Copy to the Secretary, State Election Commission, Secunderabad.

Copy submitted to the Principal Secretary to Government, Municipal Administration & Urban Development Department, Hyderabad.

Government for purposes of clause (4) of Article 15 of the Constitution of India;

(iii) ¹[x x x x]

7. Term of Office of members and filling of seats :—

- (1) (a) The term of office of elected members shall, save as otherwise expressly provided in this Act, be five years from the date appointed by the Election Authority for the first meeting of the Council and no longer.
- (b) An ex-officio member specified under clause (ii) or (iii) or (iv) of Section 5 shall hold office so long as he continues to be the Member of the Legislative Assembly of the State or as the case may be, of either House of Parliament and the ex-officio members specified under clauses (v) and (vi) of Section 5 shall be co-terminus with the elected members.

(2) Ordinary vacancies in the office of elected members shall be filled at ordinary elections which shall be held before the expiry of the term of office of the elected members specified in clause (a) of sub-section (1).

(3) A member elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith but shall hold office only as long as he would have been entitled to hold office if he had been elected before the occurrence of the vacancy.

8. Casual Vacancies of members :—(1) A casual vacancy in the office of a member shall be filled at a casual election which shall be held by the Election Authority within a period of three months from the date of occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within three months before the date on which the term of office of the members expires by efflux of time.

(2) A member elected to a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

²[9. x x x x]

²[9-A. x x x x]

1. Omitted by Act 1 of 1995, w.e.f. 3-2-1995.

2. Omitted by Act 29 of 2005, w.e.f. 6-8-2005.

covered within term "application" would amount to adopting a hyper-technical approach which would defeat very purpose of Act and provisions made therein for disputing authenticity and conduct of election – Hence, provisions of Section 5 of Limitation Act, applicable to election petition also [*Shaik Saidulu @ Saida v. Chukka Yesu Ratnam*, AIR 2002 SC 749: (2002) 3 SCC 130: 2002 (2) ALD 7 (SC); *Chukka Yesuratnam v. Shaik Saidulu*, 2001 (3) ALD 66: 2001 (3) ALT 1 and *Tatineni Tulasi Lavanya v. Gogineni Sujatha*, 2001 (2) ALD 110: AIR 2001 AP 81: 2001 (2) ALT 229 – Reversed]

672. Execution of orders of the Judge and the High Court :—

(1) All orders of the Judge shall be executed in same manner as if they were decrees of the Court of Small Causes passed under the ¹[A.P. (T.A.) Small Causes Court Act].

(2) All orders of the High Court shall be executed as if they were decrees of the High Court.

673. Application of Criminal Procedure Code :—The Provisions of the Code of Criminal Procedure, shall so far as may be, apply to all matters investigated, inquired into, tried, appealed against and otherwise dealt with under this Act before Magistrates.

²[673-A. Oath of allegiance to be taken by ³[Member] :—(1) Every person who is elected to be a ³[member] shall, before taking the seat, make at a meeting of the corporation an oath or affirmation of his allegiance to the Constitution of India in the following form namely:

"I,.....having become a ³[Member] of the Corporation swear in the name of the God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any such ³[Member] who fails to make, within three months from the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath of affirmation laid down in sub-section (1), shall cease to hold office and his seat shall be deemed to have become vacant.

¹ Sub. by Act 9 of 1961

(3) No such ¹[Member] shall take his seat at a meeting of the Corporation or do any act as such ¹[Member], unless he has made the oath or affirmation as laid down in this Section.

(4) Where a person ceases to hold office under sub-section (2) the Commissioner shall report the same to the Corporation at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be a ¹[Member] under that sub-section on the Corporation may grant him further time which shall not be less than three months for making the oath or affirmation and if he makes the oath or affirmation within the time so granted, he shall, notwithstanding anything in the foregoing sub-sections, continue to hold the office.]

LEGAL PROCEEDINGS

674. Provisions respecting Institution, etc., of Civil and Criminal actions and obtaining legal advice :—The Commissioner may—

- (a) take, or withdraw from, proceedings against any person who is charged with—
 - (i) any offence against this Act;
 - (ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;
 - (iii) committing any nuisance whatsoever;
- (b) compound any offence against this Act, which under the law at the time in force may legally be compounded;
- (c) defend any election petition brought under Section 7;
- (d) defend, admit or compromise any appeal against a rateable, value or tax brought under Section 282;
- (e) take, withdraw from, or compromise proceedings under Sections 649(2), 650, 651 and 652 for the recovery of expenses or compensation claimed to be due to the Corporation.
- (f) withdraw or compromise any claim for a sum not exceeding