



The Andhra Pradesh Municipal Laws (Amendment) Act, 1986

Act 33 of 1986

Keyword(s):

Backward Class, Reservation of Seats

Amendments appended: 8 of 1987, 9 of 1987, 23 of 1987, 20 of 1989, 17 of 1990, 22 of 1990, 11 of 1991, 6 of 1992, 18 of 1992, 4 of 1993, 3 of 1994, 17 of 1994, 24 of 1996, 1 of 1995, 25 of 1995, 5 of 1996, 15 of 1997, 19 of 1998, 11 of 1999, 13 of 1999, 13 of 2000, 14 of 2000, 33 of 2000, 8 of 2001, 11 of 2001, 33 of 2001, 34 of 2001

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THE ANDHRA PRADESH MUNICIPAL
LAWS (AMENDMENT) ACT, 1986*

ACT No. 33 OF 1986

[25th September, 1986]

An Act further to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the thirty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1986.

Short title
and Commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Andhra Pradesh Gazette*, appoint.

2. In the Andhra Pradesh Municipalities Act, 1965,—

Amendment
of Act 6 of
1965.

(1) in section 2,

(i) after clause (2), the following clause shall be inserted, namely:—

“(2-a) ‘Backward Classes’ means any socially and educationally Backward Classes of citizens recognised by the Government for purposes of clause (4) of article 15 of the Constitution of India.”

(ii) in clause (27-a), for the words “last preceding Census”, the words “last census” shall be substituted ;

*Received the assent of the Governor on the 24th September, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette* Part IV-A, Extraordinary, dated the 26th July, 1986.

(2) in section 5, in sub-section (1), the expression "and the aldermen elected under section 9" shall be omitted;

(3) for section 5-A, the following section shall be substituted, namely :—

Symbols for election to the Offices of Chairman and Councillors. 5-A. The election authority shall, by notification in the *Andhra Pradesh Gazette* specify the symbols including the symbols reserved for a recognised political party for exclusive allotment to contesting candidates set-up by that party, that may be chosen by the candidates contesting at an election to the Offices of Chairman and Councillors and the restrictions to which their choice shall be subject.

Explanation:— In this section the 'term recognised political party' shall have the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968, issued under article 324 of the Constitution of India." ;

in section 7,—

(i) in sub-section (2), for the words "the elected Councillors" the words "the Chairman and the elected Councillors" shall be substituted;

(ii) for sub-section (2-A), the following sub-section shall be substituted, namely :—

"(2-A) Notwithstanding anything contained in this Act, every Special Officer appointed under sub-section (1) read with sub-section (6) to any municipality in the State, shall cause arrangements for election to be made to that municipality so that the elected Councillors and the Chairman thereof may come into Office on such date as may be specified by the Government by an order made in this behalf." ;

(iii) in sub-section (3), for the words "by the council" the words "and comes into office" shall be substituted ;

(iv) sub-section (4) shall be omitted ;

(5) for sections 8 and 8A, the following section shall be substituted, namely :—

^{“(Reservation of seats.)”} 8. In every municipality out of the total strength determined under section 5, the election authority shall, subject to such rules as may be prescribed, reserve,—

(a) fifteen per cent thereof to the members belonging to Scheduled Castes;

(b) six per cent thereof to members belonging to Scheduled Tribes;

(c) twenty per cent thereof to the members belonging to Backward Classes; and

(d) nine per cent thereof to women; and determine the ward in respect of which reservation is made as aforesaid.”;

(6) in section 10,—

(i) in sub-section (1), in clause (a) for the words “into wards” the words “into single member wards” shall be substituted;

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (4), for the words “when the number of Councillors to be returned by a ward is altered or when a new ward is formed”, the words “When a new ward is formed” shall be substituted;

(7) in section 11-C, in sub-section (2), in clause (a) in item (ii) for the words “in the office of the Councillors of a municipality” the words “in the Office of the Chairman and the Councillors of a municipality” shall be substituted;

(8) after section 11-G, the following section shall be inserted, namely:—

^{“Identity Cards for voters.”}

12. (1) The election authority shall, fifteen days before each ordinary election, supply to each voter an identity card with a photograph together with the specimen signature or the left thumb impression of the voter concerned and such other particulars as may be prescribed.

(2) No ballot-paper shall be issued to any voter unless he/she produces the identity card supplied to him/her under sub-section (1).

(3) Any identity card so supplied shall be preserved by the voter until a new identity card is supplied to him/her and in case of loss, mutilation or defacement of such card before a new card is supplied to him/her, a duplicate card may be obtained by him/her in such manner and on payment of such fees as may be prescribed.”;

(9) for section 20, the following section shall be substituted, namely :—

Term of Office of Councillors and filling of seats. 20. (1) (a) The term of Office of elected Councillors 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 :

Provided that the Government may, by notification, for sufficient cause which shall be stated therein, direct that the said term of five years, be extended upto such date as may be specified in the notification, such date being not later than three months from the date on which such term expires under this clause ; so however that the term of Office shall not in the aggregate exceed five years and three months; and the Government may, from time to time, by notification, alter such date and fix another date instead; within the period of three months aforesaid;

(b) An Ex-officio Councillor 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 the House of the People.

(2) Ordinary vacancies in the Offices of Councillors shall be filled at ordinary elections which shall be fixed by the election authority to take place on such date as may be specified by the election authority.

(3) A Councillor 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.”;

(10) after section 21, the following section shall be inserted, namely:—

“Postponement of casual elections to the office of Councillors and Chairman 21-A. Notwithstanding anything in this Act, or the rules made thereunder, it shall be lawful for the Government,

to postpone, from time to time by general or special order, and for reasons specified therein, any election to fill a casual vacancy in the office of a Chairman or a Councillor of a municipality :

Provided that the total period of such postponement shall in no case exceed one year.”;

(11) for section 23, the following section shall be substituted, namely :—

“Election of Chairman. 23. (1) (a) In the case of every municipality, the Chairman shall be elected by the persons whose names appear in the electoral roll for the municipality, from among themselves, in the manner prescribed. A person shall not be qualified to stand for election as Chairman unless he is not less than twenty-one years of age.

(b) if at any election held under this subsection, no Chairman is elected, a fresh election shall be held :

Provided that if a member of the Legislative Assembly of the State or of either House of Parliament is elected as Chairman, he shall cease to hold the said office of Chairman unless, within fifteen days from the date of election to the said office, he ceases to be a member of the Legislative Assembly of the State or as the case may be, of either House of Parliament and if a Chairman subsequently becomes a Member of the Legislative Assembly of the State or as the case may be, of either House of Parliament, he shall cease to hold the said office of the Chairman unless, within fifteen days from the date on which he so becomes such Member, he

ceases to be Member of Legislative Assembly of the State or as the case may be, of either House of Parliament :

Provided further that fifteen per cent of the total number of Offices of Chairman of the Municipalities in the State shall be reserved by rotation for the members belonging to the Scheduled Castes in the manner prescribed; so however that the municipality in respect of which the office of Chairman is so reserved shall, as far as practicable, be the municipality, where the proportion of the population of the Scheduled Castes to the total population of the municipality is the largest:

Provided also that six per cent of the total number of offices of Chairman of the Municipalities in the State shall be reserved by rotation for the members belonging to the Scheduled Tribes in the manner prescribed; so, however that the municipality in respect of which the Office of the Chairman is so reserved shall, as far as practicable, be the municipality where the proportion of the population of the Scheduled Tribes to the total population of the municipality is the largest:

Provided also that twenty per cent of the total number of Offices of Chairman of the Municipalities in the State shall be reserved by rotation for the members belonging to Backward Classes in the manner prescribed:

Provided also that nine per cent of total number of Offices of Chairman of the Municipalities in the State shall be reserved by rotation for women in the manner prescribed: so, however that the Municipality in respect of which the Office of Chairman is so reserved shall, as far as practicable, be the municipality where the proportion of the population of Women to the total population of the municipality is the largest.

(2) The election of the Chairman may be held ordinarily at the same time and in the same place, as the ordinary election of the Councillors of the municipality.

(3) Save as otherwise expressly provided in this Act, the term of Office of the Chairman who is elected at an ordinary election shall be five years from the date, appointed by the election authority for the first meeting of the council:

Provided that the Government may, by notification in the *Andhra Pradesh Gazette*, for sufficient cause to be stated therein, direct that the term of Office of the Chairman shall extend upto, or expire at noon, on such date as may be specified in the notification, such date being not later or, as the case may be, earlier than three months, from the date on which such term expires under this sub-section: the Government may, from time to time, by notification in the *Andhra Pradesh Gazette* alter such date and fix another date instead within the period of three months aforesaid and thereupon the provisions of sub-sections (3), (4) and (5) of section 20 shall apply in relation to the Chairman as they apply in relation to the elected Councillors.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the Office of the Chairman shall be filled at a casual election and a person elected as Chairman in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) No casual vacancy in the Office of the Chairman shall be filled within three months before the date on which the ordinary election of the Chairman under sub-section (1) is due.

(6) The provisions of sections 14 to 19 (both inclusive) shall, as far as may be apply in relation to the Office of the Chairman as they apply in relation to the Office of an elected Councillor.

(7) The Chairman shall, by virtue of his Office be a Councillor of the municipality and shall have all the rights and privileges of an elected Councillor of the municipality and he shall be entitled to vote at all meetings of the Council.

(12) in section 46,—

(a) in sub-section (1), for the words "the Chairman or Vice-Chairman", the words "the Vice-Chairman" shall be substituted;

(b) in sub-section (12), for the words "the Chairman or the Vice-Chairman as the case may be" the words "the Vice-Chairman" shall be substituted;

(c) in sub-section (13), for the words "Chairman or Vice-Chairman" the words "Vice-Chairman" shall be substituted;

(d) in sub-section (14), for the words "Chairman or Vice-Chairman as the case may be" the words "the Vice-Chairman" shall be substituted;

(e) in the marginal note, the words "Chairman or" shall be omitted.

(13) in section 386,—

(a) in sub-section (1), for the words "Every Councillor including an Ex-officio Councillor", the words "Every person who is elected to be a Chairman or Councillor" shall be substituted and in the form there under, for the word "Councillor" the words "Chairman/Councillor" shall be substituted;

(b) in sub-sections (2) and (3), for the words "such Councillor" wherever they occur, the words "such Chairman or Councillor" shall be substituted;

(c) in the marginal heading for the word "Councillors", the words "Chairman or Councillors" shall be substituted.

(14) throughout the Act, for the word "Chairman" the expression "Chairman/Chair-person" shall be substituted.

3. In the Hyderabad Municipal Corporations Act, 1955,—

Amendment
of Act 11 of
1955.

(1) in section 2, in clause (39-a), for the words "last preceding census" the words "last census" shall be substituted;

“(2) in section 5,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In every Municipal Corporation, out of the total strength of the councillors, the election authority shall, subject to such rules as may be prescribed, reserve—

(a) fifteen per cent thereof to the members belonging to Scheduled Castes ;

(b) six per cent thereof to the members belonging to Scheduled Tribes ;

(c) twenty per cent thereof to the members belonging to Backward Classes; and

(d) nine per cent thereof to Women ; and determine the ward in respect of which reservation is made as aforesaid.”;

(ii) for the explanation, the following explanation shall be substituted, namely—

“Explanation:— In this section,—

(i) the expression ‘Scheduled Castes’ and ‘Scheduled Tribes’ shall have the same meanings respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India ;

(ii) the expression ‘Backward Classes’ means any socially and educationally Backward Classes of citizens recognised by the Government for purposes of clause (4) of article 15 of the Constitution of India.”;

(3) in section 8, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) For the purpose of election of Councillors to the Corporation, the Government shall, by notification in the *Andhra Pradesh Gazette* divide the city into single member divisions on the basis of population as at the last census; so however, that the city of Secunderabad shall be divided into not less than twenty such divisions:

Provided that the Government shall before issuing such notification, publish, in like manner, the

proposal to elicit public opinion in respect thereof and specify the date on or after which the proposals will be further considered and shall consider objections and the suggestions, if any, received by them before the date so specified." ;

(4) in section 34,—

(i) for the words "to the office of a Councillor", the words "to the office of a Councillor or the Mayor" shall be substituted ;

(ii) in the marginal heading for the words "office of Councillor", the words "offices of Councillors or Mayor" shall be substituted ;

(5) in section 37, in sub-section (1),—

(i) in the opening paragraph, for the words "a sum of rupees one hundred", the words "a sum of rupees five hundred in the case of the office of Mayor and rupees one hundred in the case of the office of Councillor" shall be substituted ;

(ii) in the proviso, in clause (a), for the words "rupees fifty only", the words "rupees two hundred and fifty only in the case of the office of Mayor and rupees fifty only in the case of the office of Councillor" shall be substituted ;

"(6) in section 56,—

(i) for the words "or the Scheduled Tribes" the words "or the Scheduled Tribes or the Backward Classes" shall be substituted ;

(ii) in the marginal heading, for the words "Scheduled Tribes", the words "Scheduled Tribes, Backward Classes" shall be substituted ;

(7) after section 60, the following section shall be inserted, namely :—

identity cards
for voters. 60-A. (1) The election authority shall, fifteen days before each ordinary election supply each voter an identity card with a photograph together with the specimen signature or the left thumb impression of the voter concerned and such other particulars as may be prescribed.

(2) No ballot paper shall be issued to any voter unless he/she produces the identity card supplied to him/her under sub-section (1).

(3) Any identity card so supplied shall be preserved by the voter until a new identity card is supplied to him/her and in case of loss, mutilation or defacement of such card before a new card is supplied to him/her a duplicate card may be obtained by him/her in such manner and on payment of such fees as may be prescribed.” ;

(8) for section 90, the following sections shall be substituted, namely :—

^{“Election and term of office of Mayor.} 90. (1) (a) The Mayor of the Corporation shall be elected by the persons whose names appear in the electoral roll for the Corporation, from among themselves, in the manner prescribed.

(b) If at any election held under this sub-section, no Mayor is elected, a fresh election shall be held :

Provided that if a Member of the Legislative Assembly of the State or of either House of Parliament is elected as Mayor, he shall cease to hold the said office of Mayor unless, within fifteen days from the date of election to the said office, he ceases to be a Member of the Legislative Assembly of the State or as the case may be, of either House of Parliament, and if a Mayor subsequently becomes a Member of the Legislative Assembly of the State or as the case may be of either House of Parliament, he shall cease to hold the said Office of Mayor unless, within fifteen days from the date on which he so becomes such Member, he ceases to be a Member of Legislative Assembly of the State, or as the case may be of either House of Parliament.

(2) Where ordinary elections are held to the office of councillors, the election of the Mayor may also be held at the same time and in the same place as the ordinary election of the councillors of the Corporation.

(3) Save as otherwise expressly provided in this Act, the term of office of the Mayor who is elected at an

ordinary election shall be five years from the date of the first meeting held under clause (b) of section 88 and shall expire on a day before the date of next such meeting, which day is in this Act referred to as the day for retirement; but he shall continue in office beyond the said period until a new Mayor is elected and enters upon his office.

(4) Subject to the provisions of sub-section (5) any casual vacancy in the office of the Mayor shall be filled at a casual election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) No casual vacancy in the office of the Mayor shall be filled within three months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The provisions of sections 21, 22 and 23 shall, as far as may be, apply in relation to the office of the Mayor, as they apply in relation to the office of an elected Councillor.

(7) The Mayor shall, by virtue of his office, be a Councillor of the Corporation and shall have all the rights and privileges of an elected councillor of the Corporation and he shall be entitled to vote at all meetings of the Corporation.

(8) The provisions of the Act relating to the conduct of election to the office of Councillors shall, so far as may be, apply in relation to the election of Mayor under this section.

(9) Notwithstanding anything contained in this section, in the case of the Municipal Corporation of Hyderabad, the provisions of this Act relating to the conduct of election and the term of office of the Mayor as in force immediately before the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1986 shall apply for the conduct of election and the term of office of the Mayor until the next ordinary

elections to the Councillors of the Hyderabad Municipal Corporation are held.

Election of Deputy Mayor. 90-A. (1) The Councillors of the Corporation shall elect one of its elected Councillors to be its Deputy Mayor within fifteen days from the date of election of the Mayor in the manner prescribed.

(2) The ex-officio Councillors shall be entitled to participate in the meeting convened for the election of the Deputy Mayor.

(3) If at an election held under sub-section (1) no Deputy Mayor is elected, a fresh election shall be held for electing Deputy Mayor.

(4) The Deputy Mayor shall be deemed to have assumed office on his being declared as such and shall hold Office for a period of five years from the date he assumes office.

(5) Any casual vacancy in the office of the Deputy Mayor shall be filled at a casual election and a person elected as Deputy Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(6) Notwithstanding anything contained in this section, in the case of Municipal Corporation of Hyderabad, the provisions of this Act relating to the conduct of election and the term of office of the Deputy Mayor as in force immediately before the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1986 shall apply for the conduct of election and the term of office of the Deputy Mayor until the next ordinary elections to the Councillors of the Hyderabad Municipal Corporation are held.”;

(9) in section 124,—

(a) in clause (c), for the words “rupees fifty thousand”, the words “rupees two lakhs” shall be substituted;

(b) in clause (d), for the words "rupees fifty thousand", the words "rupees two lakhs" shall be substituted;

(10) in section 129, for the words "rupees five lakhs", the words "rupees ten lakhs" shall be substituted ;

(11) after section 132, the following section shall be inserted, namely :—

"Constitution of a Municipal Corporation Service. 132-A. (1) Notwithstanding anything in this Act or the rules made thereunder, the Government may, after consulting all the municipal corporations in the State by notification in the *Andhra Pradesh Gazette*, constitute any class of officers or employees of the Municipal Corporations in the State of the category of Upper Division Clerks and above into a Municipal Corporation Service for the State.

(2) Upon the issue of a notification under subsection (1), the Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the Municipal Corporation Service thereby constituted and such rules may vest jurisdiction in relation to such service in the Government or in such other authority or authorities as may be prescribed therein.

(3) Nothing in this section shall affect the operation of the Andhra Pradesh (Telangana Area) Local Government Service (Declaration as State Civil Service) Act, 1956 (Act XX of 1956) in so far as it relates to the municipal officers and municipal employees who are declared to be borne on the State Civil Service as declared under section 3 of that Act." ;

(12) After section 679, the following sections shall be inserted, namely :—

"Governments power to cancel or suspend resolutions, etc. 679-A. (1) The Government may, either *suo motu* or on representation of any councillor, the Mayor or the Commissioner, by order, in writing—

(i) cancel any resolution passed, order issued, or licence or permission granted; or

(ii) prohibit the doing of any act which is about to be done or is being done, in pursuance or under colour of this Act, if in their opinion—

(a) such resolution, order, licence, permission or Act has not been passed, issued, granted or authorised in accordance with law ;

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other enactment; or

(c) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause financial loss to the Corporation, danger to human life, health or safety or is likely to lead to a riot or breach of peace or is against public interest :

Provided that the Government shall, before taking action under this section on any of the grounds referred to in clauses (a) and (b), give the authority or person concerned an opportunity for explanation:

Provided further that nothing in this sub-section shall enable the Government to set aside any election which has been held.

(2) if, in the opinion of the Government, immediate action is necessary on any of the grounds referred to in clause (c) of sub-section (1), they may suspend the resolution, order, licence, permission or act, as the case may be, for such period as they think fit pending the exercise of their power under sub-section (1).

Government's
power to remove
Mayor or Deputy
Mayor.

679-B. (1) The Government may, by notification in the *Andhra Pradesh Gazette*, remove the Mayor or the Deputy Mayor who, in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, bye-laws, regulations or lawful orders issued thereunder or abuses his position or the powers vested in him.

(2) the Government shall, when they propose to remove the mayor or the Deputy Mayor under sub-section (1), give the Mayor or the Deputy Mayor concerned an opportunity for explanation,

and the notification issued under the said sub-section shall contain a statement of reasons of the Government for the action taken.

(3) Any person removed under sub-section (1) from the office of Mayor or from the Office of Deputy Mayor shall not be eligible for election to either of the said offices until the date on which notice of the next ordinary elections to the Corporation is published in the prescribed manner.

Governments power to dissolve the standing committee. 679-C. (1) If, in the opinion of the Government the standing committee is not competent to perform or persistently makes default in performing the duties, imposed on it by law or exceeds or abuses its position or powers the Government may, and shall, if the dissolution of the standing committee is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by votes of not less than two-thirds of the strength of the Corporation as on the date of the meeting, by notification in the *Andhra Pradesh Gazette*, dissolve the standing committee :

Provided that where the Government themselves propose to take action under this sub-section otherwise than in pursuance of a resolution passed by the Corporation, they shall give an opportunity to the standing committee to show cause against the dissolution giving reasons therefor.

(2) On the dissolution of the standing committee the Corporation shall take steps for the reconstitution of the standing committee within fifteen days from the date of such dissolution in accordance with the provisions of this Act; but the members of the standing committee so dissolved shall not be eligible for re-election to the committee for a period of one year.

(3) During the interval between the dissolution and the reconstitution of the standing committee all or any of the powers and functions of the standing committee may be exercised by the Mayor subject to the control of the Corporation.

Government's power
to dissolve the
corporation

679-D. (1) If, in the opinion of the Government, the Corporation is not competent to perform or persistently makes default in performing the duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses its position or powers or a situation exists in which the municipal administration cannot be carried on in accordance with the provisions of this Act or the financial stability or credit of the Corporation is threatened, the Government may, by notification in the *Andhra Pradesh Gazette*, direct that the Corporation be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date not later than two years from the date of dissolution; and the notification shall be laid before the Legislative Assembly of the State.

(2) On or before the expiry of the period of dissolution notified under sub-section (1), the Government may, by notification in the *Andhra Pradesh Gazette*, for reasons to be stated therein postpone the re-constitution of the Corporation for a further period not exceeding six months.

(3) For purposes of reconstitution of a dissolved Corporation under this section, the vacancies in the office of all the elected councillors shall be deemed to be ordinary vacancies.

(4) Before publishing a notification under sub-section (1), the Government shall communicate to the Corporation the grounds on which they propose to do so fix a reasonable period for the Corporation to show cause against the proposal and consider its explanation or objections, if any :

Provided that where a Corporation has disobeyed an order issued under section 679-A, the Government shall not be bound to follow the procedure laid down in this sub-section.

(5) On the date fixed for the dissolution of the Corporation under sub-section (1), all its councillors including ex-officio councillors as well as its Mayor, Deputy Mayor shall forthwith deemed to have vacated their offices as such.

(6) During the interval between the dissolution and the reconstitution of the Corporation, all or any of the powers and functions of the Corporation and of its Mayor and of the Standing Committee may be exercised and performed as far as may be, and to such extent as the Government may determine, by such person as the Government may appoint in that behalf, and any person who is not a District Collector or Revenue Divisional Officer may, if the Government so direct, receive payment for his services from the municipal fund; the Government may determine the relations of such person with the District Controlling Officers and with themselves and the Government may direct the Commissioner to exercise and perform any powers and duties under this Act in addition to his own.

(7) The Councillors, including the Ex-officio Councillors, of a reconstituted Corporation shall enter upon their Office on the date fixed for its reconstitution and the term of Office of the elected Councillors shall expire at the end of five years from date appointed by the election authority for the first meeting of the Council after the reconstitution.

(8) The Government may reconstitute the Corporation before the expiry of the period notified under sub-section (1) or sub-section (2).

(9) When the Corporation is dissolved under this section, the Government, until the date of the reconstitution thereof, and the reconstituted Corporation thereafter, shall be entitled to all the assets and be subject to all the liabilities of the Corporation as on the date of the dissolution and on the date of the reconstitution respectively."

4. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3 shall extend to and shall apply also, to the Visakhapatnam and Vijayawada Municipal Corporations.

Application
of section 3
to the
visakha-
patnam and
Vijayawada
Municipal
Corporations.

**THE ANDHRA PRADESH MUNICIPAL LAWS
(AMENDMENT) ACT, 1987.**

ACT No. 8 OF 1987.*

[6th February, 1987]

An Act further to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:-

1. This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1987. short title.

2. In the Andhra Pradesh Municipalities Act, 1965, Amendment
in section 3, after sub-section (5), the following of Act
sub-section shall be inserted, namely:- 6 of 1965.

*Received the assent of the Governor on the 5th February, 1987.
For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 19th January, 1987 at page 3.

Act 2 of
1964.

“(5A) Where any local area comprised in a Gram Panchayat constituted under the Andhra Pradesh Gram Panchayats Act, 1964 is constituted as, or included in a Municipality, the Government may direct that the electoral roll relating to the said local area shall be adopted suitably for the purpose of elections under this Act, until an electoral roll for such area is prepared in accordance with the provisions of this Act.”.

Amendment
of Act II of
1956.

3. In the Hyderabad Municipal Corporations Act, 1955 in section 8, after sub-section (4), the following sub-section shall be inserted, namely:—

Act 2 of
1964.

“(4A) Where any local area comprised in a Gram Panchayat constituted under the Andhra Pradesh Gram Panchayats Act, 1964 is included in a Corporation, the Government may direct that the electoral roll relating to the said local area shall be adopted suitably for the purpose of elections under this Act, until an electoral roll for such area is prepared in accordance with the provisions of this Act.”.

Application
of section 3
to the
Visakhapatnam and
Vijayawada
Municipal
Corporations.

4. The amendment made to the Hyderabad Municipal Corporations Act, 1955 by section 3 shall extend to and shall apply also, to the Visakhapatnam and Vijayawada Municipal Corporations.

**THE ANDHRA PRADESH MUNICIPAL LAWS
(SECOND AMENDMENT) ACT, 1987.**

ACT NO. 9 OF 1987.*

[6th February, 1987]

An Act further to amend the Hyderabad Municipal Corporations Act, 1955, the Andhra Pradesh Municipalities Act, 1965, the Visakhapatnam Municipal Corporation Act, 1979 and the Vijayawada Municipal Corporation Act, 1981.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:-

1. This Act may be called the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1987. |Short title.

* Received the assent of the Governor on the 5th February, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated 22nd January, 1987. at page 7.

Amendment
of Act II of
1956.

2. In the Hyderabad Municipal Corporations Act, 1955,—

(1) in section 5,

(i) for sub-section (1-A), the following sub-section shall be substituted, namely:—

“(1-A) In addition to the Councillors referred to in sub-section (1), every member of the Legislative Assembly of the State and every member of the House of the People elected from any constituency, which forms part, wholly or partly, of the Corporation, shall be an ex-officio Councillor of the Corporation.”;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In the Corporation, out of the total strength of the councillors, the election authority shall subject to such rules as may be prescribed, reserve,—

(a) six percent thereof to the members belonging to Scheduled Tribes;

(b) fifteen percent thereof to the members belonging to Scheduled Castes;

(c) nine percent thereof to Women; and

(d) twenty percent thereof to the members belonging to backward classes; and determine the division in respect of which reservation is made as aforesaid:

Provided that where the Corporation comprises more than one Assembly Constituency wholly or partly, reservation to all categories put together in respect of the divisions wholly comprised in each such Assembly Constituency shall not exceed fifty per cent of such divisions in each such Assembly Constituency.”

(iii) in the explanation after clause (ii), the following clause shall be added namely:—

“(iii) for the purpose of reserving the office of Councillor to the members belonging to the Backward Classes, the population figures of the Backward Classes gathered in the socio-economic survey conducted by the Andhra Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad, shall be taken as the basis.”;

(2) after section 23, the following sections shall be inserted, namely:—

23A. (1) Subject to the provisions of section 23B and 23C the Mayor or Councillor of a Municipal Corporation belonging to any political party shall cease to be such Mayor or Councillor—

(a) if he has voluntarily given up his membership of such political party; or

(b) if he votes or abstains from voting in such Municipal Corporation contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

(c) if he has been expelled from such political party in accordance with the procedure established by the constitution, rules or regulations of such political party.

Explanation:—for the purposes of this sub-section the Mayor or elected councillor shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such Mayor or Councillor and ex-officio councillor shall be deemed

“Disqualification on the ground of defection.”

to belong to the political party, if any, by which he was set up as a candidate for election as a Member of the Legislative Assembly, House of the people or the Council of States, as the case may be.

(2) A Mayor or Councillor who has been elected as such otherwise than as a candidate set up by a political party may join any political party within a period of six months and on such joining he shall be deemed to belong to such political party as if he was set up as a candidate for election as Mayor or Councillor by that political party for purposes of this section.

(3) An intimation that a Mayor or Councillor has ex-facie ceased to hold office under this section shall be given by the Government.

23B. Where the Mayor or a Councillor makes a claim that he and any other members of his party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such party,—

(a) he shall not be disqualified under subsection (1) of section 23A on the ground—

(i) that he has voluntarily given up his membership of his original political party; or

(ii) that he has voted or abstained from voting in such Municipal Corporation contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which

Disqualification on ground of defection not to apply in case of split.

he belongs for the purpose of sub-section (1) of section 23A and to be his original political party for the purpose of this section.

23C. (1) A Mayor or Councillor of a Municipal Corporation shall not be disqualified under sub-section (1) of section 23A where his political party merges with another political party and he claims that he and any other members of his original political party,—

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group and from the time of such merger, such other political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-section (1) of section 23A and to be his original political party for the purposes of this sub-section.

(2) For the purposes of sub-section (1) of section 23A, the merger of the original political party of a Mayor or Councillor shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the party concerned have agreed to such merger.

Explanation:—For the purposes of sections 23B, and 23C, 'Original political party' in relation to a Mayor or Councillor means the political party to which he belongs for the purposes of section 23A.—

23D. (1) Where an allegation is made by any voter or authority to the Commissioner in writing that any person who is elected as a councillor has not qualified or has become disqualified under section 21, section 22 or section 23 and the Commissioner has given intimation of such allegation to

Authority to
decide Questions of
disqualifications of
Councillors and
Mayor.

the councillor and such councillor disputes the correctness of the allegation so made or where any councillor himself entertains any doubt whether or not he has become disqualified under any of those sections,—

(a) such councillor or any other councillor may, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, and

(b) the Commissioner shall, either on the direction of the councillor with the approval of the Government if no such direction is given within a period of two months from the date of placing of the matter by the Commissioner before the council, apply for a decision to the Chief Judge, City Civil Court, Hyderabad.

(2) Where an intimation is given by the Government under sub-section (3) of section 23A that a person has ceased to be the Mayor or a Councillor, such a person may, within a period of two months from the date on which such intimation is given, apply to the Chief Judge, City Civil Court, Hyderabad for a decision on the correctness of the fact so intimated.

(3) The said judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified and his decision shall be final.

(4) Pending such decision, the councillor shall be entitled to act as if he was not disqualified”.

(3) After section 25, the following section shall be inserted, namely:—

25A. Such officer as the Commissioner may, with the approval of the Government designate shall be the returning officer for election to office of Mayor of the Corporation.”;

Returning
Officer for the
Corporation.

(4) in section 26, in sub-section (1) for the words "Returning Officer", the words "Returning Officer designated either under section 25 or section 25A" shall be substituted;

(5) in section 36, in sub-section (3) for the proviso the following proviso shall be substituted, namely:—

"Provided that in a division where any seat is reserved for Scheduled Castes, Scheduled Tribes or as the case may be, backward class, a candidate shall not be deemed to be qualified to be chosen to that seat, unless his nomination paper contains a declaration by him specifying the particular caste or as the case may be the tribe or tribal community of which he is a member and the area in relation to which that caste is a Scheduled Caste or is a backward class or the tribe or tribal community is a Scheduled Tribe.";

(6) in section 88, in clause (g), the words "Save as otherwise provided in section 90" shall be omitted;

(7) in section 90-A, in sub-section (1), for the words "within fifteen days from the date of the election of the Mayor", the words "at the first meeting of the Corporation after the ordinary elections" shall be substituted;

(8) in Schedule-A, in form 8, in item 6, after the words "Scheduled Tribe", the words "or Backward Classes" shall be inserted.

3. In the Andhra Pradesh Municipalities Act, 1965, Amendment of Act 6 of 1965.

(1) in section 5, in sub-section (2) clause (b) shall be omitted;

(2) for section 8, the following section shall be substituted, namely:—

8. In every municipality out of the total strength determined under section 5 the election authority shall, subject to such rules as may be prescribed, reserve,—

- (a) six percent thereof to the members belonging to Scheduled Tribes;
- (b) fifteen percent thereof to members belonging to Scheduled Castes;
- (c) nine percent thereof to women;
- (d) twenty percent thereof to members belonging to backward classes;

and determine the ward in respect of which reservation is made as aforesaid:

Provided that where a local area for which a municipality is constituted comprises more than one Assembly Constituency, wholly or partly, reservation to all categories put together in respect of the wards wholly comprised in each such Assembly Constituency shall not exceed fifty per cent of such wards in each such Assembly Constituency:

Provided further that for the purpose of reserving the office of Councillor to the members belonging to the Backward Classes, the population figures of the Backward Classes, gathered in the socio-economic survey conducted by the Andhra Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad, shall be taken as the basis."

(3) after section 16, the following sections shall be inserted, namely:—

(1) Subject to the provisions of sections 16-B and 16-C the Chairman or the Councillor of a Municipal Council belonging to any political party shall cease to be such Chairman

or Councillor—

"Disqualification on the ground of defection".

(a) if he has voluntarily given up his membership of such political party; or

(b) if he votes or abstains from voting in such Municipal Council contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

(c) if he has been expelled from such political party in accordance with the procedure established by the constitution, rules or regulations of such political party.

Explanation:—For the purposes of this subsection, the Chairman or Councillor shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such Chairman or Councillor and an ex-officio councillor shall be deemed to belong to the political party, if any, by which he is set up as a candidate for election as a Member of the Legislative Assembly or as the case may be of the House of the People.

(2) A Chairman or Councillor who has been elected as such otherwise than as a candidate set up by any political party may join any political party within a period of six months and on such joining he shall be deemed to belong to such political party as if he was set up as a candidate for election as Chairman or Councillor by the political party for purposes of this section.

(3) An intimation that a Chairman or a Councillor has ex-facie ceased to hold office under this section shall be given by the Director of Municipal Administration.

16-B. Where the Chairman or a Councillor makes a claim that he and any other members of his party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the Members of such party,—

Disqualification on ground of defection not to apply in case of split.

(a) he shall not be disqualified under sub-section (1) of section 16-A on the grounds—

(i) that he has voluntarily given up his membership of his original political party; or

(ii) that he has voted or abstained from voting in such Municipal Council contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purpose of sub-section (1) of section 16-A and to be his original political party for the purposes of this section.

16-C(1) A Chairman or Councillor of a Municipal Council shall not be disqualified under sub-section (1) of section 16-A where his political party merges with another political party and he claims that he and any other members of his original political party,—

Disqualification on ground of defection not to apply in case of merger.

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-section (1) of section 16A and to be his original political party for the purposes of this sub-section.

(2) For the purposes of sub-section (1) of section 16-A the merger of the original political party of a Chairman or Councillor shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the party concerned have agreed to such merger.

Explanation:—For the purposes of section 16-B and 16-C, 'Original Political Party' in relation to a Chairman or Councillor means the political party to which he belongs for the purposes of section 16-A";

(4) in section 17, after sub-section (1) the following sub-section shall be inserted, namely:—

"(1A) Where an intimation is given by the Director of Municipal Administration under sub-section (3) of section 16-A that a person is ceased to be a Chairman, or Councillor, such a person may, within a period of two months from the date on which such intimation is given, apply to the District Judge for a decision on the correctness of the fact so intimated.";

(5) in section 23, in sub-section (1) for the second, third, fourth and fifth provisos the following shall be substituted, namely:—

"Provided further that six per cent of the total number of offices of Chairman of the Municipalities in the State shall be reserved by rotation for the members belonging to the Scheduled Tribes in the manner prescribed; so however that the Municipality in respect

of which the office of the Chairman is so reserved shall, as far as practicable, be the Municipality where the proportion of the population of the Scheduled Tribes to the total population of the Municipality is the largest:

Provided also that fifteen per cent of the total number of offices of Chairman of the municipalities in the State shall be reserved by rotation for the members belonging to the Scheduled Castes in the manner prescribed; so however, that the municipality in respect of which the office of Chairman is so reserved shall, as far as practicable, be the municipality, where the proportion of the population of the Scheduled Castes to the total population of the municipality is the largest:

Provided also that nine per cent of total number of offices of Chairman of the municipalities in the State shall be reserved by rotation for women in the manner prescribed; so, however, that the municipality in respect of which the office of chairman is so reserved shall, as far as practicable, be the municipality where the proportion of the population of women to the total population of the municipality is the largest:

Provided also that twenty per cent of the total number of offices of Chairman of the municipalities in the State shall be reserved by rotation for the members belonging to backward classes in the manner prescribed:

Provided also that the reservation of the office of Chairman to all categories under this section in each District shall not exceed, as far as practicable, fifty per cent of the total number of such offices in the District:

Explanation:—For the removal of doubts it is hereby declared that for reserving the office of Chairman to members belonging to the Backward Classes, the population figures of the Backward Classes gathered in the Socio-Economic survey conducted by the Andhra

Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad, shall be taken as the basis".

4. In the Visakhapatnam Municipal Corporation ^{Amendment of Act 19 of 1979.} Act, 1979, in section 5,-

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) in addition to the Councillors referred to in sub-section (1), every member of the Legislative Assembly of the State and every Member of the House of the People elected from any constituency, which forms part, wholly or partly of the corporation, shall be an ex-officio councillor of the Corporation."

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Out of the total strength of the councillors, the Government shall, subject to such rules as may be prescribed, reserve—

(a) six per cent thereof to the members belonging to Scheduled Tribes;

(b) fifteen per cent thereof to the members belonging to Scheduled Castes;

(c) nine per cent thereof to women; and

(d) twenty per cent thereof to the members belonging to backward classes

and determine the division in respect of which reservation is made as aforesaid:

Provided that in case the Corporation comprises more than one Assembly Constituency wholly or partly, reservation to all categories put together in respect of the divisions wholly comprised in each such Assembly Constituency shall not exceed fifty per cent of such divisions in each such Assembly Constituency.

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

(i) the expression 'Scheduled Castes' and 'Scheduled Tribes' shall have the same meanings respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India;

(ii) the expression 'Backward Classes' means any socially and educationally Backward Classes of citizens recognised by the Government for purposes of clause (4) of article 15 of the Constitution of India;

(iii) for the purpose of reserving the office of Councillor to the members belonging to the Backward Classes, the population figures of the Backward Classes gathered in the socio-economic survey conducted by the Andhra Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad, shall be taken as the basis".

Amendment
of Act 23 of
1981.

5. In the Vijayawada Municipal Corporation Act, 1981, in section 5,—

(i) in sub-section (1), for the words "shall not exceed fifty at any time", the words "shall not exceed fifty-five at any time" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In addition to the Councillors referred to in sub-section (1), every member of the Legislative Assembly of the State and every Member of the House of the People, elected from any constituency, which forms part, wholly or partly, of the Corporation shall be an ex-officio councillor of the Corporation.";

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Out of the total strength of the Councillors, the Government shall, subject to such rules as may be prescribed, reserve,—

(a) six percent thereof to the members belonging to Scheduled Tribes;

(b) fifteen percent thereof to the members belonging to Scheduled Castes;

(c) nine percent thereof to Women; and

(d) twenty percent thereof to the members belonging to backward classes;

and determine the division in respect of which reservation is made as aforesaid:

Provided that in case the Corporation comprises more than one Assembly constituency wholly or partly, reservation to all categories put together in respect of the divisions wholly comprised in each such Assembly Constituency shall not exceed fifty per cent of such divisions in each such Assembly Constituency.

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

(i) the expression 'Scheduled Castes' and 'Scheduled Tribes' shall have the same meaning respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India;

(ii) the expression 'Backward Classes' means any socially and educationally Backward Classes of citizens recognised by the Government for purposes of clause (4) of article 15 of the Constitution of India;

(iii) for the purpose of reserving the office of the councillor to the members belonging to the Backward Classes, the population figures of the Backward Classes, gathered in the Socio-Economic Survey conducted by the Andhra Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad shall be taken as the basis."

Amendment
of Act 33 of
1986.

6. In the Andhra Pradesh Municipal Laws (Amendment) Act, 1986, in section 4, for the expression "by section 3" the expression "by section 3, except sub-section (2) thereof" shall be substituted.

Application
of section 2
to the
Visakhapatnam and
Vijayawada
Municipal
Corporations.

7. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 2, except sub-section (1) thereof, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations, subject to this variation that in the new section 23D inserted by sub-section (2) of section 2, for the words "Chief Judge, City Civil Court, Hyderabad", the words "District Judge having jurisdiction over the area in which the office of the Corporation is situated" shall be substituted.

THE ANDHRA PRADESH MUNICIPAL LAWS (THIRD AMENDMENT) ACT, 1987.

ACT No. 23 OF 1987.*

[22nd April, 1987.]

An Act further to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Third Amendment) Act, 1987. Short title
and commence-
ment.

(2). It shall be deemed to have come into force on the 25th February, 1987.

*Received the assent of the Governor on the 21st April, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 26th March, 1987, at page 3.

**THE ANDHRA PRADESH MUNICIPAL LAWS
(AMENDMENT) ACT, 1989.**

ACT NO. 20 OF 1989*.

[18th October, 1989]

An Act further to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fortieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1989.

Short title
and Com-
mencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions.

*Received the assent of the Governor on the 17th October 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Extraordinary, Part IV-A, dated the 15th September, 1989, at Page 9.

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Amendment
of Act 6 of
1965.

2. In the Andhra Pradesh Municipalities Act, 1965,—

(a) in section 85, in sub-section (2), for the expression "section 81", the expression "sections 81 and 87" shall be and shall be deemed always to have been substituted;

(b) for section 87, the following shall be substituted, namely:—

"Method of assessment of property tax. 87. (1) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual rental value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to be let from month to month or from year to year with reference to its location, type of construction, plinth area, age of the building, nature of use to which it is put and such other criteria as may be prescribed.

at XV of 1960
(3) Notwithstanding anything in the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960, the gross annual rent at which the lands and buildings might reasonably be expected to be let from month to month or from year to year, shall be determined by the Commissioner, with reference to its location, type of construction, plinth area, age of the building, nature of use to which it is put and such other criteria as may be prescribed:

Provided that in the case of any Government or railway building or any building or a class of buildings not ordinarily let, the gross annual rent of which cannot, in the opinion of the Commissioner be estimated, the annual rental value of the premises shall

be deemed to be nine percent of the estimated value of the land and the present cost of erecting the building after deducting a reasonable amount towards depreciation which shall in no case be less than ten percent of such cost.

(4) The annual rental value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year, less a deduction at the rate of ten percent for buildings upto the age of 25 years and twenty percent for buildings above the age of 25 years of that portion of such gross annual rent which is attributable to the building, apart from their sites and adjacent lands occupied as an appurtenance thereto and the said deduction shall be in lieu of all allowances for repairs or on any other account whatsoever.

Provided that a rebate of forty percent of the annual rental value shall be allowed in respect of the residential buildings occupied by the owner inclusive of the deduction permissible under this sub-section.

Explanation: For the purposes of this section, an area not exceeding three times the plinth area of the building including its site or a vacant land to the extent of one thousand square metres, whichever is less shall be deemed to be adjacent premises occupied as an appurtenant to the building, and assessed to tax in accordance with the provisions of this section, and the area, if any, in excess of the said limit shall be deemed to be land not occupied by or adjacent and appurtenant to such building and the tax shall be levied thereon in accordance with the provisions of sub-section (3) of section 85 as if it were land to which that sub-section applied.

(c) in section 88,—

(i) in sub-section (1),—

(A) After clause (b), the following shall be inserted, namely:—

“(bb) Educational institutions upto 10th class, the buildings of which are donated by charitable institutions or Philonthropists, or which are depending on the grant-in-aid by the Government for the maintenance and such other educational institutions which are not running purely on commercial lines, but serving the cause of primary education which the Government may consider from time to time;”;

(B) In clause (c), for the words “Buildings used for educational purposes including hostels,”, the words “buildings used for hostels” shall be substituted;

(C) In the proviso to clause (i) for the expression “in clauses (a), (c) and (e)”, the expression “in clauses (a), (bb), (c) and (e)” shall be substituted.

(ii) After sub-section (1), the following sub-section shall be inserted, namely:—

“(1-A) The buildings and lands specified in sub-section (1) shall however be liable to pay the tax components specified in clauses (b), (c), (d) of sub-section (1) of section 85.”;

(iii) in sub-section (5),—

(a) item (i) shall be omitted;

(b) for item (ii), the following shall be substituted, namely:—

“(ii) If the annual rental value of the same does not exceed Rs. 300/- in the case of owner occupied residential buildings within the municipal limits:

Provided that in respect of houses constructed for urban poor, the municipality shall collect one rupee for every half-year towards property tax;”;

(d) in section 91, for the two provisos, the following shall be substituted, namely:—

“Provided that a penalty at the rate of five per cent of tax shall be imposed for every month in the case of failure to pay property tax made after the expiry of sixty days after the commencement of half year and shall be liable for disconnection of all essential services.”;

(e) in section 123, after sub-section (4), the following shall be added, namely:—

“(5) The Government may impose a suitable cut in the amounts of grants or as the case may be the compensation to be released in respect of Municipalities whose tax collection is less than eighty-five per cent of the demand of each year.”;

(f) After section 387, the following shall be inserted, namely:—

“Power to give directions. 387-A. The Government may from time to time give such directions not inconsistent with the provisions of the Act or the rules made thereunder to the municipalities as it may consider necessary for carrying out the purposes of this Act.”;

3. In the Hyderabad Municipal Corporations Act, 1955,— Amendment of Act II of 1956.

(a) in section 202,—

(i) in clause (b), the words “or education” shall be omitted;

(ii) after clause (b), the following shall be inserted, namely:—

“(bb) educational institutions upto 10th class, the buildings of which are donated by charitable institutions or Philanthropists, or which are depending on the grant-in-aid by the Government for the

maintenance and such other educational institutions which are not running purely on commercial lines, but serving the cause of primary education which the Government may consider from time to time;”;

(b) after section 202, the following section shall be added, namely:—

“Exemption of property Tax. 202-A (1) The Government may exempt any residential building occupied by the owner from the property tax where the annual rental value of the same does not exceed rupees six hundred.

(2) In respect of every house constructed for the urban poor, the Corporation shall collect an amount of rupees two for every half year towards property tax;”.

(c) in section 203, after sub-section (3), the following shall be inserted, namely:—

“(4) The Government may impose a suitable cut in the amounts of grants or as the case may be the compensation to be released in respect of corporation whose tax collection is less than eighty-five per-cent of the demand of each year.”;

(d) in section 212,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) (a) The annual rental value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to be let from month to month or from year to year with reference to its location, type of construction, plinth area, age of the building, nature of use to which it is put and such other criteria as may be prescribed;

(b) the annual rental value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from

month to month or from year to year, less a deduction at the rate of 10% for buildings aged upto 25 years; and 20% for the buildings aged above 25 years; of that portion of such gross annual rent which is attributable to the buildings, apart from their sites and adjacent lands occupied as an appurtenance thereto and the said deduction shall be in lieu of all allowances for repairs or on any other account whatsoever:

Provided that a rebate of 40 percent of the annual rental value shall be allowed in respect of the residential buildings occupied by the owner inclusive of the deduction permissible elsewhere.”;

(ii) for sub-section (2), the following shall be substituted, namely:—

“(2) Any vacant land not exceeding three times the plinth area of the building including its site or a vacant land to the extent of one thousand square metres, whichever is less shall be deemed to be adjacent premises occupied as an appurtenant to the building, and assessed to tax in accordance with the provisions of this section and the area, if any, in excess of the said limit shall be deemed to be land not occupied by or adjacent and appurtenant to such building and the tax shall be levied thereon at two percent of the estimated capital value of land.”;

(e) in section 226,—

(i) in sub-section (3), for the words “four years”, the words “five years” shall be substituted;

(ii) after sub-section (3), the following shall be inserted, namely:—

“(4) The corporation shall take into consideration the rent component of cost of living index prevailing at the time of preparation of new assessment books:

Provided that where the value of the land on which buildings constructed for purposes of choultry, hotels, lodges and cinema theatres increases and the income on the property does not increase the average rental value shall be fixed with reference to the income of the property.”;

(f) in section 269, to sub-section (2), the following proviso shall be added, namely:—

“Provided that a penalty at the rate of five percent of tax shall be imposed every month in the case of failure to pay property tax made after the expiry of sixty days after the commencement of half year and shall be liable for disconnection of all essential services.”;

(g) after section 282, the following section shall be added namely:—

“Revision of tax by the Director of Municipal Administration. 282 A. Where it is brought to the notice of the Director of Municipal Administration, that the property tax is under valued he may re-assess the property tax and fix such accordingly.”;

(h) after section 679 D the following new section shall be inserted, namely:—

“Power to give directions. 679-E. The Government may from time to time give such directions not inconsistent with the provisions of the Act or the rules made thereunder to the Corporations as it may consider necessary for carrying out the purposes of this Act.”.

Application of the Act to the Visakhapatnam and Vijayawada Municipal Corporations.

4. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3 shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS ETC.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 30th October, 1990 and the said assent is hereby first published on the 6th November, 1990 in the Andhra Pradesh Gazette for general information:-

ACT NO. 17 OF 1990.

An Act further to Amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-first year of the Republic of India as follows:-

[71]

Short title 1. This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1990.

Amendment of Act 5 of 1965. 2. In the Andhra Pradesh Municipalities Act, 1965,-

(a) in section 2, for clause (22), the following shall be substituted, namely:-

"(22) 'municipality' means a municipality of such grade as may be declared by the Government, from time to time, by notification in the Andhra Pradesh Gazette on the basis of its income and such other criteria as may be prescribed";

(b) after section 3, the following new section shall be inserted, namely:-

"Abolition of municipalities. 3A. (1) The Government may, by notification, abolish any municipality to which this Act applies, wherein the opinion of the Government it is not financially sound or for such other reasons as may be recorded in writing:

Provided that ----

(a) The Government shall, before they issue such notification, communicate to the municipal council the grounds on which they propose to do so, fix a reasonable period for the municipal council to show cause against proposal and consider its explanations and objections, if any

(b) the notification shall contain a statement of the reasons of the Government and shall be laid before the Andhra Pradesh Legislative Assembly.

(2) From such date as may be specified in such notification, the provisions of this Act and all notifications, rules, bye-laws, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the area previously comprised in the municipality; the balance of the municipal fund and all other property vested in the municipal council and all its liabilities shall stand transferred to the Government or to such local or other authority or to such officer or other person as they may, by order, direct".

(c) sections 16A, 16B and 16C shall be omitted;

(d) in section 17, sub-section (1A) shall be omitted.

3. The gradation of the municipalities existing at the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1990 shall continue to be in force only until the municipalities are graded after such commencement in accordance with the rules made under the principal Act as amended by this Act and no such gradation made after such commencement shall be questioned in any court, tribunal or other authority on the ground only that it adversely affects the service conditions of any person employed in connection with the affairs of the municipality.

Amendment of Act II of 1955. 4. In the Hyderabad Municipal Corporations Act, 1955, -

(a) sections 23-A, 23-B and 23-C, shall be omitted;

(b) in section 23-D, sub-section (2), shall be omitted;

Application of section 4 to the Visakhapatnam and Vijayawada Municipal Corporations. 5. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 4, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

P.V. VIDYA SAGAR,
Secretary to Government,
Law and Legislative Affairs,
Law Department.

**ANDHRA PRADESH ACTS, ORDINANCES AND AND
REGULATIONS, ETC.,**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 16th November, 1990 and the said assent is hereby first published on the 19th November, 1990 in the Andhra Pradesh Gazette for general information:

ACT NO. 22 OF 1990.

An Act further to amend the Hyderabad Municipal Corporations Act, 1955, the Andhra Pradesh Municipalities Act, 1965, The Visakhapatnam Municipal Corporation Act, 1979 and The Vijayawada Municipal Corporation Act, 1981.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-first Year of the Republic of India, as follows :-

Short title. 1. This Act may be called the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1990.

Amendment of Act II of 1956. 2. In the Hyderabad Municipal Corporations Act, 1955,--

(a) in section 12, for sub-section (1), the following shall be substituted, namely :-

"(1) The draft of the electoral roll for the Corporation shall be prepared by the person authorised by such authority, in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the Corporation shall come into force immediately upon its final publication in accordance with the rules made by the Government in this behalf. The draft of the electoral roll for the Corporation shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, upto the qualifying date, as relates to the cities of Hyderabad and Secunderabad or any portion thereof.

EXPLANATION:- Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the cities of Hyderabad and Secunderabad, all persons whose names

are entered in such roll under the registration area comprising the cities of Hyderabad and Secunderabad, and whose addresses as entered are situated in the cities of Hyderabad and Secunderabad shall be entitled to be included in the electoral roll for the Corporation prepared for the purposes of this Act.”;

(b) in section 56A, for the expression “after the 25th January, 1990”, the expression “after the 25th January, 2000” shall be substituted.

3. In the Andhra Pradesh Municipalities Act, 1965,--

Amendment
of Act 6
of 1965.

(a) after section 8, the following new section shall be inserted, namely:-

9. The provisions of sections 8 and 23 relating to the reservation of office of Councillor or the Chairman for the Scheduled Castes and Scheduled Tribes, shall cease to have effect after the 25th January, 2000.”;

(b) for section 142, the following shall be substituted, namely:-

142. The Government may, by notification, direct the council to levy and collect pipeline service charges from every owner or occupier of a premises to which water connection has been given at such rate as may be prescribed to the different categories

specified in clause (a) of sub-section (2) of section 141 to defray the capital cost of pipeline service works undertaken by the council and the operation and maintenance of the pipeline system from time to time:

Provided that no such charges shall be levied on the owner or occupier of any premises situated in the areas which are not served by the pipeline system of the Council".

Amendment of Act 19 of 1979. 4. In the Visakhapatnam Municipal Corporation Act, 1979, after section 7, the following new section shall be inserted, namely:-

7A. The Government may, by notification, direct the corporation to levy and collect pipeline service charges from every owner or occupier of a premises to which water connection has been given at such rate as may be prescribed to the different categories as may be specified in this regard to defray the capital cost of pipeline service works undertaken by the Corporation and the operation and maintenance of the pipeline system from time to time:

Provided that no such charges shall be levied on the owner or occupier of any premises situated in the areas which are not served by the pipeline system of the Corporation."

5. In the Vijayawada Municipal Corporation Act, 1981, after section 7, the following new section shall be inserted namely:-

"Levy and collection 7A. The Government may, of pipeline service by notification, direct charges. the Corporation to levy and collect pipeline service charges from every owner or occupier of a premises to which water connection has been given at such rate as may be prescribed to the different categories as may be specified in this regard to defray the capital cost of pipeline service works undertaken by the Corporation and the operation and maintenance of the pipeline system from time to time:

Provided that no such charges shall be levied on the owner or occupier of any premises situated in the areas which are not served by the pipeline system of the Corporation."

6. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 2, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

Application of Section 2 to the Visakhapatnam and Vijayawada Municipal Corporations.

P.V. VIDYA SAGAR,
Secretary to Government,
Law and Legislative Affairs,
Law Department.

**THE ANDHRA PRADESH MUNICIPAL LAWS
(AMENDMENT) ACT, 1991.**

ACT No. 11 OF 1991.*

[16th April, 1991]

**AN ACT FURTHER TO AMEND THE HYDERABAD
MUNICIPAL CORPORATIONS ACT, 1955 AND
THE ANDHRA PRADESH MUNICIPALITIES ACT,
1965.**

**BE it enacted by the Legislative
Assembly of the State of Andhra Pradesh**

*** Received the assent of the Governor on the 12-04-1991.
For statement of object and reasons please see the Andhra
Pradesh Gazette, Part IV-A, Extraordinary, dated 21-03-1991
at Pages 9 and 12.**

in the Forty-second Year of the Republic of India, as follows:-

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1991.

(2) The amendments made by --

(i) clauses (g) and (h) of section 2 and clause (b) of section 3 shall be deemed to have come into force on the 6th December, 1990.

(ii) the remaining provisions shall come into force at once.

Amendment of Act 11 of 1956.

2. In the Hyderabad Municipal Corporations Act, 1955,--

(a) in section 5, for sub-section (1A), the following shall be substituted, namely:-

"(1A). Every member of the Legislative Assembly of the State and every member of the House of the People representing a constituency of which the Corporation or a portion thereof forms part, shall be ex-officio Councillor of the Corporation:

Provided that a Member of the Legislative Assembly or a Member of the House of the People representing a constituency which comprises a portion of the Corporation and a part of any municipality or municipalities, shall be ex-officio Councillor of either the Corporation or of one such municipalities, which he

chooses; and he shall also have the right to take part in the proceedings of any meetings of the other municipal councils or Corporation, as the case may be, within the constituency, but shall not be entitled to vote at any such meeting.

(1B) No person shall be a member in more than one of the categories specified in sub-section (1) and (1A). A person who is or becomes a member of the Corporation in more than one such category shall, by notice in writing signed by him and delivered to the Commissioner, within fifteen days from the date on which he so becomes a member, intimate in which one of the said categories he wishes to serve, and thereupon he shall cease to be the member in the other category. In default of such intimation within the aforesaid period, his membership in the Corporation in the category acquired earlier shall, and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable.";

(b) section 97 of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:-

"(2) Where a subject is placed before the Standing Committee, the Standing Committee shall take a decision thereon within a period of fifteen days from the date of placing the matter before it,

and if a subject is not considered by the Standing Committee within the aforesaid period, the proposal contained in the subject shall be deemed to have been approved by the Standing Committee. Where a proposal is rejected by the Standing Committee, the Commissioner shall place the matter before the Corporation within a period of fifteen days from the date of such rejection for its decision and a meeting for this purpose shall be held in accordance with clause (c) of section 88.

(c) in section 124,--

(i) for clause (c), the following shall be substituted, namely:-

"(c) It shall be competent for the Commissioner to make a contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, not involving an expenditure exceeding rupees twenty lakhs.";

(ii) in clause (d), the words "and not exceeding rupees two lakhs" shall be omitted.

(d) after section 124, the following section shall be inserted, namely:-

124A. It shall be competent for the Standing Committee to sanction works contract involving an expenditure exceeding rupees twenty lakhs but not exceeding rupees fifty lakhs.

(e) in section 126,--

(i) in sub-section (1), for the words "rupees one lakh" the words "rupees five lakhs", shall be substituted;

(ii) In the marginal heading, for the expression "Rs. 1 lakh", the expression "Rs. 5 lakhs", shall be substituted.

(f) in section 129,--

(i) in the opening portion, for the words "ten lakhs" the words "fifty lakhs", shall be substituted;

(ii) in the marginal heading, for the words "ten lakhs" the words "fifty lakhs" shall be substituted;

(g) in section 145, for sub-section (2), the following shall be substituted, namely:--

"(2) Any immovable property which may be transferred to the Corporation by the Government shall be held by it subject to such conditions as may be imposed by the Government and shall be applied to such purposes as the Government may impose or specify when the transfer is made."

(3) It shall be competent for the Government to resume any land transferred to the Corporation by the Government with or without a condition for resumption whether before or after the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1991 for utilisation by the State Government or the Central Government or any authority under their control."

(h) After section 374, the following shall be inserted, namely:-

"Government's power to repair the public streets vested in the Municipal Corporation. 374A. (1) Notwithstanding anything contained in this Act, it shall be competent for the Government or any other agency authorised by them in this behalf to exercise the powers of the Corporation and the Commissioner vested in them by or under this Act for the purpose of levelling, metalling, paving, channelling, widening or otherwise to carry out any repair to the public streets vested in the Corporation and also to lay new roads at their own expense in public interest.

(2) For the purpose of enabling the Government or the agency authorised by them to undertake repairs under sub-section (1), the public streets shall vest in the Government temporarily from a date to be notified by them in this behalf and thereupon it shall be competent for the Government to take over possession of the public streets from the said date. The public streets or any new roads laid under sub-section (1) shall continue to vest in the Government until the notification is revoked and thereafter stand transferred to the Corporation.

(3) It shall be the duty of the Corporation and the Commissioner to carry out any directions issued by the Government for the purpose of sub-sections (1) and (2)."

(3) In the Andhra Pradesh Municipalities Act, 1965, --

Amendment
of Act 6
of 1965.

(a) in section 5, after sub-section (2), the following sub-section shall be inserted, namely:-

"(2A). No person shall be a member in more than one of the categories specified in sub-sections (1) and (2). A person who is or becomes a member of the Council in more than one such category shall, by notice in writing signed by him and delivered to the Commissioner, within fifteen days from the date on which he so becomes a member, intimate in which one of the said categories he wishes to serve, and thereupon he shall cease to be the member in the other category. In default of such intimation within the aforesaid period, his membership in the Council in the category acquired earlier shall, and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable."

(b) after section 171, the following shall be inserted, namely:-

"Government's power to repair the public streets vested in the Municipal Council. 171.A (1). Notwithstanding anything contained in this Act, it shall be competent for the Government or any other agency authorised by them in this behalf to exercise the powers of the Council and the Commissioner vested in

them by or under this Act for the purpose of repairing the public streets and bridges vested in the Council and also to lay new roads at their own expense in public interest.

(2) For the purpose of enabling the Government or the agency authorised by them to undertake repairs under sub-section (1), the public streets and bridges shall vest in the Government temporarily from a date to be notified by them in this behalf and thereupon it shall be competent for the Government to take over possession of the public streets and bridges from the said date. The public streets and bridges or any new roads laid under sub-section (1) shall continue to vest in the Government until the notification is revoked and thereafter stand transferred to the Council.

(3) It shall be the duty of the Council and the Commissioner to carry out any directions issued by the Government for the purposes of sub-sections (1) and (2)."

Application of
the Act to
Visakhapatnam
and Vijayawada
Municipal Cor-
porations.

4. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 2 shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

Repeal of Ordinance 8 of 1990 and Ordinance 2 of 1991.

5. The Andhra Pradesh Municipal Laws (Amendment) Ordinance, 1990 and the Hyderabad Municipal Corporations (Amendment) Ordinance, 1991 are hereby repealed.

THE ANDHRA PRADESH MUNICIPAL LAWS (AMENDMENT)
ACT, 1992*

ACT NO. 6 OF 1992.

[13th April, 1995]

An Act further to amend the Andhra Pradesh Municipalities Act, 1965⁵
and the Hyderabad Municipal Corporations Act, 1955.

BE it enacted by the Legislative Assembly of the State of Andhra,
Pradesh in the Forty-third Year of the Republic of India, as follows :—

1. *Short title Commencement.* (1) This Act may be called the
Andhra Pradesh Municipal Laws (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 27th February
1992.

2. *Amendment of Act VI of 1965.*—In the Andhra Pradesh Municipalities
Act, 1965:—

(1) For Sections 11 to 11 G, the following section shall be substituted,
namely:—

11. *“Qualification for inclusion in electoral roll for municipality and
publication thereof.*—(1) Every Person whose name is included in such
part of the electoral roll for any Assembly Constituency as relates to the
municipality or any portion thereof, shall be entitled to be included in the
electoral roll for the municipality prepared for the purposes of this
Act, and no other person shall be entitled to be included in such roll.

Explanation ; Where in the case of any Assembly Constituency there
is no distinct part of the electoral roll relating to the municipality, all
persons whose names are entered in such roll under the registration areas
comprising the municipality and whose addresses as entered in such roll
are situated in the municipality shall be entitled to be included in the
electoral roll for the municipality prepared for the purposes of this Act.

(2) (a) As soon as may be after the electoral rolls for the Assembly Constituencies which consist of, or comprise, the municipality or any portion thereof, have been published, revised or amended in pursuance of the Representation of the People Act, 1950. Central Act 43 of 1950 any person authorised by the Election Authority in this behalf shall publish in such manner as the Government may direct, the portions of the said rolls which relates to the municipality or of the alterations therein, as the electoral roll for the municipality or as alterations to such roll as the case may be :

Provided that any alterations made to the relevant portions of the Assembly Electoral roll within a period of thirty days prior to the date fixed for the poll for ordinary or casual elections to the council shall not be published as alterations to the electoral roll for the municipality, until after the said elections are held.

(b) After the electoral roll for a municipality or any alteration thereto has been published under clause (a) the Government may at any time for the reasons to be recorded, direct a special revision of the electoral roll for any municipality or part of a municipality in such manner as may be prescribed and thereafter the Election Authority shall effect the revision accordingly and publish the revised electoral rolls in the manner directed by the Government in this behalf.

(3) When a municipality has been divided into wards, the electoral roll for the municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alteration thereto have been published under sub-section (2), the municipality is divided into wards for the first time or the division of the municipality into wards is altered or the limits of the municipality are varied, the Election Authority shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the division of the municipality into wards or to the alteration of the variation of the limits, as the case may be, authorise a re-arrangement and republication of the electoral roll for the municipality or any part of such roll, in such manner as the Government may direct.

(5) The electoral roll for the municipality published under sub-section as revised by any alteration there to, subsequently published under that sub-section or under subsection (4) shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section. (2).

(6) Every person whose name appears in the electoral roll for the municipality as so revised, shall, so long as it remains in force, be entitled subject to the provisions of this Act, to vote at an election, and no person whose name does not appear in such roll shall vote at an election.

municipality as so revised, shall, so long as it remains in force, be entitled subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

(7) Notwithstanding anything in this Section, the Election Authority may, after making such enquiry as he thinks fit, either *Sv -moton* or on an application, correct any clerical error in the electoral roll for the municipality or the alterations thereof as published.

EXPLANATION: In this section, the expression "Assembly Constituency" shall mean an Constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.

(2) Section 12 shall be omitted.

(3) After Section 62, the following section shall be inserted, namely:

62 - A. "*Appointment of Special Officer* . (1) Notwithstanding anything contained in this Act, where in the opinion of the Government it is not possible to hold the elections to the municipalities in accordance with the provisions of this Act, before the date of expiration of the term and to bring the newly elected councillors into office on the date of expiration of the term as aforesaid, and the term of office of the councillors is not extended, the Government may, by notification appoint a Special Officer to exercise the powers, perform the duties and discharge the functions of,

(a) the Council;

(b) the Chairman; and

(c) the Commissioner ;

under the Act, for a period which shall not exceed one year from the date of such appointment :

Provided that the Government may, from time to time, by notification in the Andhra Pradesh Gazette and for reasons specified therein extend the said period of appointment of Special Officer beyond one year, for a further period or periods, so however the period of appointment of the Special Officer shall not, in the aggregate exceed two years.

(2) The Government shall cause elections to be held to the municipality under the Principal Act, so that the newly elected councillors may come into office on such date as may be specified by the Government in this behalf by a notification, in the Andhra Pradesh Gazette :

Provided that the Government may, from time to time, advance or postpone the date specified under this sub-section and fix instead another date :

Provided further that the date fixed under this sub-section shall be the date on which the appointment of the Special Officer, expires.

(3) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the council until the elected councillors come into office, of the Chairman until a Chairman is elected, and of the Commissioner until a Commissioner is appointed by the Government and the committees referred to in Section 43 and 74 until such committees are constituted, as the case may be and any such officer may, if the Government so direct, receive remuneration for his service from the municipal fund."

3. *Amendment of Act II of 1956.* In the Hyderabad Municipal Corporations Act, 1955 Section 60-A shall be omitted.

4. *Application of Section 3 to Visakhapatnam and Vijayawada Municipal Corporations.* The amendment made to the Hyderabad Municipal Corporations Act, 1955 by section 3, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

5. *Repeal of Ordinance 2 of 1992.* The Andhra Pradesh Municipal Laws (Amendment) Ordinance, 1992 is hereby repealed.

THE ANDHRA PRADESH MUNICIPAL LAWS (SECOND AMENDMENT) ACT, 1992. *

ACT NO. 18 OF 1992. [29TH SEPTEMBER 1992

An Act further to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-third year of the Republic of India as follows :

1. *Short title and commencement.*—(1) This Act may be called the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 27th February, 1992.—

2. *Amendment of Act VI of 1965.* In the Andhra Pradesh Municipalities Act, 1965,

(1) in section 20, in sub-section (1) the proviso to clause (a) shall be omitted ;

(2) in section 23, the proviso to sub-section (3) shall be omitted :

(3) in section 62-A, in sub-section (I), the Words "and the term of office of the councillors is not extended shall be omitted.

3. *Amendment of Act 11 of 1956.* In the Hyderabad Municipal Corporations Act, 1955,—

(1) in section 6, for sub-section (1) and (2) the following shall be substituted namely :—

"(1) The term of office of elected councillors shall, save as otherwise expressly provided in this Act, be five years from the date appointed

*Received the assent of the Governor on the 29th September 1992. For statement of objects and Reasons Please See the *Andhra Pradesh Gazette*, Extraordinary dated the 3rd September 1992 Part-IV-A. at Pages 4 & 5.

for the first meeting of the Corporation under clause (b) of section 88 and the last day of their term of office is in this Act referred to as the day for retirement.

(2) in section 70G, in sub-section (1), the words "and the term of office of the Councillors is not extended shall be omitted ;

(3) in section 90,—

(i) for sub-section (3), the following shall be substituted, namely:

“(3) Save as otherwise expressly provided in this Act, the term of office of the Mayor who is elected at an ordinary election shall be five years from the date of the first meeting held under clause (b) of section 88”.

(ii) sub-section (9) shall be omitted;

(4) in section 90A, sub-section (6) shall be omitted.

4. *Application of section 3 to the Visakhapatnam and Vijayawada Municipal Corporations.*—The Amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3 shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

5. *Repeal of Ordinance 4 of 1992.*—The Andhra Pradesh Municipal Laws (Second Amendment) Ordinance, 1992 is hereby repealed.

THE ANDHRA PRADESH MUNICIPAL LAWS (AMENDMENT)
ACT, 1993.*

ACT No. 4 of 1993*

[27th. Jan. 1993.]

An Act further to amend the Andhra Pradesh Municipalities Act, 1965
and the Hyderabad Municipal Corporation Act, 1955.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-third Year of the Republic of India as follows :-

1. *Short title and commencement.*—(1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1993.

(2) The provisions of clauses (D) and (F) of section 3 shall come into force at once and the rest of the provisions shall be deemed to have come into force on the 6th November, 1992.

2. *Amendment of Act VI of 1965.*—In the Andhra Pradesh Municipalities Act, 1965,—

(A) In section 5, for sub-section (1), the following shall be substituted, namely :—

“(1) There shall be constituted for each municipality a body of Councillors to be called the Municipal Council having authority over the municipality and consisting of such number of councillors as may be notified from time to time by the Government in the *Andhra Pradesh Gazette*, excluding the ex-officio councillors specified in sub-section (2), in accordance with such principles as may be prescribed :

*Received the Assent of the Governor on 24th Jan. 1993 For Statement of Objects and Reasons, Please See the *Andhra Pradesh Gazette*, Part IV- A, Extraordinary dated the 17th Sept. 1992 at Page 2.

Provided that the number of Councillors to be elected in respect of each council existing at the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1993 shall be as it stood at such commencement until such number is revised by the Government in accordance with the principles prescribed.”;

(B) for section 5A, the following section shall be substituted, namely:-

5A. “*Symbols for elections to the Office of the Chairman and Councillors.*—(1) The election authority shall by notification in the *Andhra Pradesh Gazette* specify the symbols for allotment to the contesting candidates at an election to the office of the Chairman and the Councillors, except those symbols which are reserved for the recognised political parties.

Explanation:—In this section the term “recognised political party shall have the meaning assigned to it in the Election Symbols (Reservation and Allotment) Orders, 1968 issued under article 324 of the Constitution of India”;

(C) in section 7, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) The term of office of the elected Councillors and the Chairman shall be five years from the date of the first meeting of the council held after the elections.”;

(D) in section 10, in sub-section (1) for clause (a) the following clause shall be substituted, namely:—

“(a) divide the municipality into as many as single member wards as the number of councillors notified under section 5”.

3. *Amendment of Act II of 1956.*—In the Hyderabad Municipal Corporations Act, 1955 :-

(A) in section 10, in sub-section (1), clause (b) shall be omitted ;

(B) in section 34,—

(i) the words “or the Mayor” shall be omitted ;

(ii) in the marginal heading the words “or the Mayor” shall be omitted ;

(C) in section 37, in sub-section (1),—

(i) in the opening paragraph for the words “ a sum of rupees five hundred in the case of the office of the Mayor and rupees one hundred in the case of the office of the Councillors ”, the words “ a sum of rupees one hundred ” shall be substituted ;

(ii) in clause (a), for the words “ rupees two hundred and fifty only in the case of the Office of the Mayor and rupees fifty only in the case of the Office of the Councillor ”, the words “ rupees fifty only ” shall be substituted ;

(D) in section 70 G, in sub-section (1) in the proviso for the words “ in the aggregate exceed two years ”, the words “ in the aggregate exceed three years ” shall be substituted ;

(E) for sections 90 and 90A, the following section shall be substituted, namely:—

90. “ *Mayor and Deputy Mayor.*—(1) The Corporation shall at their first meeting under clause (b) of Section 88 and in each following year, elect one from amongst the Councillors to be the Mayor and another to be the Deputy Mayor, until the first meeting in the next following year :

Provided that if a member of either House of the State Legislature or of the House of the People who is an ex-officio Councillor is elected as Mayor by virtue of his being also an elected Councillor, he shall cease to hold the office of Mayor unless, within fifteen days from the date of election to such office, he ceases to be a member of either House of the State Legislature or of the House of the People, and if a Mayor subsequently becomes a member of either House of the State Legislature or of the House of the people, he shall cease to hold the said office of Mayor unless, within fifteen days from the date on which he so becomes such member, he ceases to be a Member of either House of State Legislature or of the House of people :

Provided further that if a Member of the Council of States is elected as Mayor, the provisions of the foregoing proviso shall apply.

(2) Where a Special Officer is appointed to the Corporation, the Special Officer shall preside over the first meeting under clause (b) of

Section 88, and also conduct the elections of the Mayor under sub-section (1).

(3) A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.

(4) If any casual vacancy occurs in the office of the Mayor or the Deputy Mayor, the councillors shall, as soon as conveniently may be after the occurrence of the vacancy, elect one from among themselves to fill the vacancy, and every Mayor or Deputy Mayor so elected shall hold office only so long as the person in whose place he is elected would have been entitled to hold it, if the vacancy had not occurred.

(5) The *ex-officio* Councillors shall be entitled to participate in the meeting convened for the election of the Mayor or the Deputy Mayor”;

(F) *Amendment of Section 148.* in section 148,—

(i) for sub-section (3) the following sub-section shall be substituted, namely:—

(3) “The Commissioner shall not lease, sell or otherwise dispose of any movable or immovable property belonging to the Corporation without the previous sanction of the Corporation and of the Government”

(ii) in sub-section (4) for the words “ or that of the Corporation ” the words “ or the previous sanction of the Corporation and of the Government ”, shall be substituted.

4. *Application of section 3 to the Visakhapatnam and Vijayawada Municipal Corporations.*—The amendments made to the Hyderabad Municipal Corporation Act, 1955 by section 3 shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

5. *Special provision with regard to ensuing ordinary elections to Municipalities and Municipal Corporations.*—Notwithstanding anything in the Andhra Pradesh Municipalities Act, 1965, the Hyderabad Municipal Corporations, Act, 1955, the Visakhapatnam Municipal Corporations Act, 1979 and the Vijayawada Municipal Corporations Act, 1981

any ordinary election to be held under the aforesaid Acts after the commencement of this Act shall be only on the basis of the electoral rolls prepared and published under the Representation of People Act, 1950, (*Central Act 43 of 1950*) with reference to 1st January, 1993, as the qualifying date in pursuance of Circular No. 23/92-Vol.III, dated the 13th May, 1992 of the Election Commission of India.

6. *Repeal of Ordinance 10 of 1992.*—The Andhra Pradesh Municipal Laws (Third Amendment) Ordinance, 1992 is hereby repealed.

THE ANDHRA PRADESH MUNICIPAL LAWS (AMENDMENT) ACT, 1994.

ACT No. 3 OF 1994.

[15th January, 1994.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE HYDERABAD MUNICIPAL CORPORATIONS ACT, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1994. Short title and Commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In the Andhra Pradesh Municipalities Act, 1965:- Amendment of Act 6 of 1965.

*Received the assent of the Governor on the 15th January, 1994. For Statement of objects and Reasons, Please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 6th August, 1993 at Page 23.

(1) in section 23, in sub-section (5), for the words "within three months", the words "within six months", shall be substituted;

(2) in section 43, in sub-section (1), for the Table thereunder, the following Table shall be substituted, namely:-

"TABLE"

Municipality	Monetary limits	Authority
(1)	(2)	(3)
Second or third grade Municipality.	(a) Not exceeding Rs. 5,000/-	Commissioner.
	(b) Exceeding Rs. 5,000/- but not exceeding Rs. 20,000/-	Committee consisting of the Chairman, Commissioner and not less than three but not more than seven councillors, chosen in this behalf by the council
First Grade Municipality.	(a) Not exceeding Rs. 10,000/-	Commissioner.
	(b) Exceeding Rs. 10,000/- but not exceeding Rs. 50,000/-	Committee consisting of the Chairman, Commissioner and not less than three but not more than seven councillors, chosen in this behalf by the Council.

(1)	(2)	(3)
Special or Selection Grade Municipality.	(a) Not exceeding Rs. 25,000/-	Commissioner.
	(b) Exceeding Rs. 25,000/- but not exceeding Rs. 75,000/-	Committee consisting of the Chairman, Commissioner and not less than three but not more than seven Councillors chosen in this behalf by the Council.;

(3) in section 45, in sub-section (1), for the words "five hundred rupees", the words "one thousand rupees" and for the word "Chairman", the word "Commissioner", shall be substituted;

(4) in section 56,-

(i) in sub-section (1), after clause (c), the following clause shall be inserted, namely:-

"(CC) exercise disciplinary control over the employees of the Municipal Council, who shall be subordinate to the Commissioner,;"

(ii) in sub-section (5), in clause (a), for sub-clauses (i) and (ii), the following sub-clauses shall be substituted, namely:-

"(i) in the case of a third grade or a second grade Municipality, not exceeding one thousand rupees;

(ii) in the case of a first grade Municipality, not exceeding fifteen hundred rupees; and

(iii) in the case of a special grade or a selection grade municipality, not exceeding two thousand rupees.";

(5) in section 72, to sub-section (2), the following proviso shall be added, namely:-

"Provided that no such resolution shall be moved before the expiry of one year from the date of assumption of charge by such officer.";

(6) in section 74,-

(i) for the words "shall be made by the Chairman", the words "shall be made by the Commissioner", shall be substituted;

(ii) for the two provisos, the following proviso shall be substituted, namely:-

"Provided that appointment to all the posts of officers and employees sanctioned under section 73, and to the posts of headmaster or headmistress of a High School maintained by a council shall be made from a panel prepared by a committee constituted for the purpose by the Government, by notification, from time to time.";

(7) in section 77,-

(i) in sub-section (1), for the words "or reduce in rank", the words "reduce in rank, remove or dismiss", shall be substituted;

(ii) sub-section (2) shall be omitted;

(8) in section 87, in sub-section (4)

(i) after the words "buildings above the age of 25 years", the words "and thirty percent for buildings above the age of 40 years" shall be inserted;

(ii) after the proviso and before the explanation thereunder, the following proviso shall be inserted, namely:-

"Provided further that in respect of such municipalities on the sea-shore as may be specified by notification from time to time, a rebate of five percent of the annual rental value shall be allowed in addition to the rebates allowed under the other provisions of the Act in respect of all the buildings.";

(9) in section 88,-

(1) in sub-section (1),-

(i) for clauses (bb) and (c), the following clause shall be substituted, namely:-

"(c) recognised educational institutions including hostels, public buildings and places used for the charitable purpose of sheltering destitute or animals and libraries and play-grounds which are open to the public;"

(ii) in the proviso, for the expression "clauses (a), (bb), (c) and (e)", the expression "clauses (a), (c) and (e)" shall be substituted;

(2) sub-section (1A) shall be omitted;

(10) in section 91, for the proviso, the following provisos shall be substituted, namely:-

"Provided that a simple interest at the rate of two percent per mensem shall be charged in case of failure to pay property tax within the due date:

Provided further that when payment of property tax is not made within the due

date, the Commissioner may, after giving notice to the owner or occupier, disconnect the essential services to the premises:

Provided also that all the taxes and dues to the Municipality including the property tax payable to the Municipality shall be liable to be recovered as if they were arrears of land revenue.";

(11) after section 91, the following section shall be inserted, namely:-

"Power to correct
the assessment
records.

91A. (1) If at any time it appears to the council that any person or property has been inadvertently omitted from the assessment records or inadequately or improperly assessed relating to any tax, or a clerical or arithmetical error is committed in the records maintained in relation to such assessment, it may direct the Commissioner to assess or reassess or correct the errors as the case may be:

Provided that no such direction shall be given where it involves an increase in the assessment unless the person affected is afforded an opportunity to show cause against the proposed action.

(2) Such assessment or reassessment or correction of records shall not relate, to a period earlier than the five half years immediately preceding the current half year.";

(12) in section 140, in sub-section (2), for the words "two hundred rupees", the words "three hundred rupees" shall be substituted;

(13) after section 142, the following section shall be inserted, namely:-

Penal action for meddling with water mains.

142A. (1) Whoever unlawfully breaks, or otherwise causes any damage to any public channel, tank, reservoir, cistern, well, fountain or stand pipe or diverts water or the work connected with water supply or without due authority, opens or removes any lock, cock or pipe belonging to, or under the management or control of, the Municipal Council; or

(2) unlawfully draws or takes water from any water works belonging to the Municipal council or under their management or control;

shall, be punishable with a fine which may extend upto five hundred rupees but which shall not be less than one hundred rupees or with imprisonment not exceeding six months."

(14) after section 156, the following section shall be inserted, namely:-

"Licensing of Public latrines and urinals.

156A. (1) On receipt of an application from any person in the prescribed form and on payment of the fee prescribed, the Commissioner may issue a license for a period not exceeding one year for maintaining a latrine or urinal for public use.

(2) No person shall keep or maintain a public latrine or urinal without a license under sub-section (1).

(3) Every licensee of a public latrine or urinal shall maintain it cleanly and keep it in proper order."

(15) after section 170, the following section shall be inserted, namely:-

"Disposal of waste.

170A. Every municipal council shall arrange for the disposal of the waste collected by it in such manner as may be prescribed.";

(16) after section 199, the following section shall be inserted, namely:-

"Punishment for destroying road direction.

199A. Whoever, without authorisation from the Commissioner, defaces, disturbs or destroys or damages any municipal direction post, lamp post, or lamp or extinguishes any municipal light in a public place, shall be punishable with fine which may extend to rupees five hundred.";

(17) for sections 328 and 329, the following section shall be substituted, namely:-

"Power to amend Schedules.

328. (1) The Government may, by notification, alter, add to or cancel Schedules I, II, III, IV, V, VI and VII.

(2) Where a notification has been issued under sub-section (1), there shall, unless the notification is in the meantime rescinded, be introduced in the Legislative Assembly, as soon as may be, but in any case during the next session of the Legislative Assembly following the date of the issue of the notification, a Bill on behalf of the Government, to give effect to the alteration, addition or cancellation, as the case may be, of the Schedules specified in the notification, and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder:

Provided that if the notification under sub-section (1) is issued when the

Legislative Assembly is in session, such a Bill shall be introduced in the Legislative Assembly during that session;

Provided further that where for any reason a Bill as aforesaid does not become law within six months from the date of its introduction in the Legislative Assembly the notification shall cease to have effect on the expiration of the said period of six months.

(3) All references made in this Act, to any of the Schedules shall be construed as relating to the Schedules as for the time being amended in exercise of the powers conferred by this section.";

(18) after section 330, the following section shall be inserted, namely:-

"Power of Govern-
ment to make
rules in lieu of
bye-laws.

330A. (1) If, in respect of any matters specified in section 330 the council has failed to make any bye-laws or if the bye-laws made by it are not, in the opinion of the Government, adequate, the Government may make rules providing for such matters as they may think fit.

(2) The rules made under this section may add to alter or cancel any bye-laws made by the council.

(3) If any provision of bye-laws made by the council is repugnant to any provision of a rule made under this section, the rule shall prevail, and the bye-laws, to the extent it is repugnant, be void.

(4) The provisions of sections 331, sub-section (2) of section 333 and section 333A shall apply to the rules made under this section as they apply to the bye-laws made under section 330.

(5) Before making any rule under this section the Government shall give the council an opportunity of showing cause against the proposal.";

(19) after section 333, the following section shall be inserted, namely:-

"Penalty for breaches of bye-laws."	333A. In making bye-laws the municipal council may, subject to the provisions of clause (1) of article 20 of the Constitution, provide that a breach thereof shall be punishable,-
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(a) with fine which may extend to fifty rupees and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority to discontinue such breach."

(20) after section 339, the following section shall be inserted namely:-

"Penalty for wilful prevention of distraint."	339A. Any person wilfully preventing distraint or sufficient distraint of property subject to distraint for any tax due from any person, shall on conviction be liable to a fine not exceeding twice the amount of the tax found to be due.";
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(21) in section 362, for the words "at the rate not exceeding nine per centum", the words "at such rate as may be prescribed" shall be substituted;

(22) in section 365, in sub-section (1) for the words "six years", the words "nine years" and for the words "two years" the words "six years" shall be substituted;

(23) in section 370,-

(i) in the opening paragraph, the words "with the approval of the council except in respect of matters falling under clauses (a), (b) and (h)" shall be omitted;

(ii) the proviso to clause (a) shall be omitted;

(24) in section 376, after sub-section (3), the following shall be inserted, namely:-

"(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), no suit shall be entertained by any court of law unless the assessee pays fifty percent of the tax levied and demanded."

(25) after section 389A, the following section shall be inserted, namely:-

"Power to transfer functions of Municipalities to Andhra Pradesh Industrial Infrastructure Corporation.

389B. Notwithstanding anything contained in this Act, or in any other law for the time being in force relating to the Municipalities or the notified area Committees, the Government may, in consultation with any Municipality or the notified area Committee, as the case may be, and also the Andhra Pradesh Industrial Infrastructure Corporation, by notification in the Andhra Pradesh Gazette, and subject to such restrictions and conditions including those relating to the remittance of such percentage of the property tax to a Municipality or to a notified area Committee and to such control and revision as

may be specified therein direct that any power or function vested in the Municipality or the notified area Committee by or under this Act shall be transferred to an exercised and performed by the Andhra Pradesh Industrial Infrastructure Corporation.";

(26) in Schedule II,--

(i) rule 4 shall be omitted;

(ii) in rule 28, in sub-rule (1), for the expression "rules 4 and 23", the expression "section 91A and rule 23", and the for the expression "rules 4, 23 and 27", the expression "section 90A and rules 23 and 27" shall be substituted;

(iii) in rule 29, in the proviso, for the expression "rule 4", the expression "section 91A" shall be substituted.

Amendment of 3. In the Hyderabad Municipal Corporations Act, 1955, -
Act II of
of 1956.

(1) for section 105, the following shall be substituted, namely:-

"Appointment of Additional and Deputy Commissioners.

105. The Government may appoint Additional and Deputy Commissioner to the Corporation. The persons so appointed shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is subject.";

(2) in section 106,--

(i) for the words "Deputy Commissioner", wherever they occur, the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(ii) for the marginal heading "Functions of a Deputy Commissioner", the marginal heading "Functions of an Additional Commissioner and Deputy Commissioner" shall be substituted;

(3) in the heading above section 107, for the words "Deputy Commissioner", the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(4) in section 107.

(i) for the words "Deputy Commissioner", wherever they occur, the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(ii) in the marginal heading, for the words "Deputy Commissioner", the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(5) in the heading above section 108, for the words "Deputy Commissioner", the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(6) in section 108, in the marginal heading for the words "Deputy Commissioner" the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(7) in section 109, for the words "a Deputy Commissioner", wherever they occur the words "an Additional Commissioner and Deputy Commissioner" shall be substituted;

(8) in section 110,-

(i) for the words "Deputy Commissioner", wherever they occur, the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(ii) in the marginal heading for the words "Deputy Commissioner", the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(9) in the heading above section 111, for the words "Deputy Commissioner", the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(10) in section 111,--

(i) for the words "a Deputy Commissioner", the words "an Additional Commissioner and Deputy Commissioner" and for the words "Deputy Commissioner", the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(ii) in the marginal heading for the words "Deputy Commissioner", the words "Additional Commissioner and Deputy Commissioner" shall be substituted;

(11) in section 119,-

(i) in sub-section (1), the words "subject to the provisions of sub-section (2)" shall be omitted;

(ii) sub-section (2) shall be omitted.

(12) to section 123, the following proviso shall be added, namely:-

"Provided that during any financial year the renewals of previous sanctions or the fresh sanctions for any works, purchases and constructural services, as the case may be, shall not exceed the sum provided in the budget estimates for that financial year.";

(13) in section 124 clause (d) shall be omitted;

(14) in section 125, in sub-section (2), for the words "the Commissioner and two members of the Standing Committee", the words "the Commissioner or his nominee" shall be substituted;

(15) in section 130, in sub-section (1), the words "in consultation with the Corporation" shall be omitted;

(16) in section 132, in sub-section (3) for the words "by the Government", the words "by the Commissioner" shall be substituted;

(17) in section 134 the words "or the Standing Committee" shall be omitted;

(18) in section 135,-

(i) in clause (a), for the words "by the Corporation or by the Standing Committee", the words "by the Commissioner" shall be substituted;

(ii) in clauses (b) and (c) for the words "Standing Committee", the word "Commissioner" shall be substituted;

(19) in section 136,-

(i) in clause (a), for the words "as shall be required of him by those bodies respectively", the words "as shall be required of him by the Commissioner" shall be substituted;

(ii) in clauses (c) and (d), for the words "Standing Committee", the word "Commissioner", shall be substituted;

(20) in section 137, in sub-section (5),-

(a) in clause (i), for the words "without the sanction of the Standing Committee", the words "without the sanction of the Standing Committee and the Government" shall be substituted;

(b) in clause (ii) for the words "without the sanction of the Corporation", the words "without the sanction of the Corporation and the Government", shall be substituted;

(21) to section 140, the following proviso shall be added, namely:-

"Provided that in the case of posts carrying such scale of pay as may, from time to time, by notification be specified by the Government, the appointing authority shall be the Commissioner.";

(22) in section 141,-

(i) in sub-section (1), in the proviso, clauses (c) and (d) shall be omitted;

(ii) in sub-section (4) for the proviso, the following proviso shall be substituted, namely:-

"Provided that for the purpose of this sub-section the Corporation shall be the authority immediately superior to the Commissioner.";

(23) for section 142, the following section shall be substituted, namely:-

"Leave of absence. 142. Leave of absence to any Municipal employee by whomsoever appointed, may be granted by the Commissioner, subject to the rules applicable to him";

(24) in section 146, in sub-section (5), for the words "two members of the Standing Committee", the words "two officers nominated by the Commissioner" shall be substituted;

(25) in section 148,-

(i) in sub-section (1) for the words "rupees five hundred", the words "rupees twenty five thousand" shall be substituted;

(ii) in sub-section (2) for the words "the value of which does not exceed rupees five thousand", the words "the value of which exceeds rupees twenty five thousand but does not exceed such sum as may be specified by the Government by notification, from time to time" shall be substituted;

(iii) in sub-section (3) for the words "the Commissioner", the words "in cases not covered by sub-section (1) or sub-section (2), the Commissioner" shall be substituted;

(26) in section 171, in sub-section (1), for clause (a) the following shall be substituted, namely:-

"(a) by either the Commissioner, Additional Commissioner, Deputy Commissioner, Accounts Officer-cum-Financial Advisor or any other officer authorised by the Government.";

(27) in section 191, in sub-section (3),-

(i) for the words "rupees five thousand", the words "rupees five lakhs" shall be substituted;

(ii) in the proviso thereunder, for the words "rupees five hundred", the words "rupees fifty thousand" shall be substituted;

(28) for section 196, the following section shall be substituted; namely:-

"Audit of 196. The Accounts of the
 Accounts. Municipal Corporation
 shall be audited by the
 Director of State Audit, or by any officer
 nominated by him and a certificate of the
 accounts as audited shall be issued by the
 end of October every year duly marking a
 copy thereof to the Government and also to
 the Accountant General;

Provided that the Government may, at
 any time, for reasons to be recorded in
 writing appoint an Auditor for the purpose
 of making a special audit of the accounts
 and to report to the Government thereon";

(29) in section 220, after sub-section
 (2) the following shall be added,
 namely:-

"(3) Notwithstanding anything contained
 in this Act and the rules made there-
 under, where a building is constructed, or
 reconstructed, or some structures are
 raised unauthorisedly, it shall be com-
 petent to the assessing authority to levy
 property tax on such building or structure
 with a penalty of ten percent on the
 amount of tax levied till such unauthorised
 construction is demolished or regularised.
 A separate receipt for the penalty levied
 and collected shall be issued.";

(30) in section 221, to sub-section
 (1), the following proviso shall be added,
 namely:-

"Provided that the Commissioner may
 waive any delay in making the complaint
 under sections 220 or 221 in case such
 complaint is made in the same financial
 year explaining the delay to the satis-
 faction of the Commissioner.";

(31) to section 238, the following
 proviso shall be added, namely:-

"Provided that all the taxes and dues to the Corporation including the property tax payable to the Corporation shall be liable to be recovered as if they were arrears of land revenue.";

(32) in section 248, in sub-section (1), for the words "rupees five per annum", the words "rupees ten per annum" shall be substituted;

(33) in section 269, for the proviso to sub-section (2) the following proviso shall be substituted, namely:-

"Provided that a simple interest at the rate of two percent per mensem shall be charged in case of failure to pay property tax within the due date;

Provided further that when payment of property tax is not made within the due date, the Commissioner may, after giving notice to the owner or occupier, disconnect the essential services to the premises.";

(34) after section 670, the following shall be inserted, namely:-

<p>"Assessment etc. not to be questioned."</p>	<p>670A. (1) No assessment or demand made, and no charge imposed under the authority of this Act shall be questioned or effected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person or (b) in the description of any property or thing or (c) in respect of the amount assessed, demanded or charged; provided, that the provisions of this Act have been, in substance and effect, complied with; and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court;</p>
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Provided that the person or property so assessed or charged is reasonably ascertainable.

(2) Notwithstanding anything contained in sub-section (1), no suit shall be entertained by any court of law unless the assessee pays fifty percent of the tax levied and demanded.”;

(35) after section 679 E, the following section shall be inserted, namely:-

“Power to transfer functions of the Corporation to the Andhra Pradesh Industrial Infrastructure Corporation.

679F. Notwithstanding anything contained in this Act, or in any other law for the time being in force relating to the Municipal Corporations, the Government may, in consultation with the Corporation and also the Andhra Pradesh Industrial

Infrastructure Corporation, by notification in the Andhra Pradesh Gazette, and subject to such restrictions and conditions including those relating to the remittance of such percentage of the property tax to the Corporation and to such control and revision as may be specified therein direct that any power or function vested in the Corporation by or under this Act shall be transferred to and exercised and performed by the Andhra Pradesh Industrial Infrastructure Corporation.”

(36) "Schedule-B" shall be omitted;

(37) for "Schedule-C", the following "Schedule" shall be substituted namely:-

*SCHEDULE - C

(See Section 130)

Officers and servants of the Corporation belonging to Local Government Services:

1. Commissioner
2. Additional Commissioners
3. Deputy Commissioners
4. Chief Engineer
5. Superintending Engineers
6. Executive Engineers
7. Deputy Executive Engineer.
8. Chief Medical Officer of Health.
9. Medical Officer of Health.
10. Civil Assistant Surgeons,
11. Additional District Medical Officer of Health.
12. Chief Entomologist.
13. Senior Entomologist.
14. District Extension and Mass Media Officer.
15. Chief City Planner.
16. Additional City Planner.
17. Land Scene Architect.
18. Assistant City Planners.
19. Examiner of Accounts,
20. Assistant Examiner of Accounts.
21. Accounts Officer-cum-Financial Advisor.
22. Divisional Accounts Officer.
23. Public Relation Officer.
24. Estate Officer.
25. Chief Valuation Officer.
26. Valuation Officers.
27. Assistant Directors (Veterinary);
28. Chief Horticulturist.
29. Senior Horticulturist.
30. Junior Horticulturist.
31. Chief Transport Officer.
32. Land Acquisition Officer.
33. Forest Officer.
34. Foreman.
35. Metropolitan Magistrate.

Application
of the Acts
to the
Visakapat-
nam and
Vijayawada
Municipal
Corpora-
tions.

4. The amendments made to the Hydera-
bad Municipal Corporations Act, 1955 by
section 3 shall extend to and shall apply
also to the Visakhapatnam and Vijayawada
Municipal Corporations.

K. SATYANARAYANA MURTHY,
Secretary to Government,
Legislative Affairs,
Law Department.

THE ANDHRA PRADESH MUNICIPAL LAWS (SECOND AMENDMENT) ACT, 1994.

ACT No. 17 OF 1994*.

[2nd May, 1994.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE HYDERABAD MUNICIPAL CORPORATIONS ACT, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Short title
Andhra Pradesh Municipal Laws (Second and
Amendment) Act, 1994. Commencement.

*Received the assent of the Governor on the 30th April, 1994. For Statement of objects and Reasons, Please see Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 29th December, 1993 at Page 20.

(2) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint and they may appoint different dates for different provisions.

Amendment of 2. In the Andhra Pradesh Municipali-
Act VI of 1965 ties Act, 1965,-

(1) in section 2, -

(a) for clause (12), the following clause shall be substituted, namely:-

"(12) 'election authority' means such officer or authority as may be appointed by the State Election Commission to exercise such powers and to perform such functions in connection with the conduct of elections to the Municipalities;"

(b) after clause 15, the following clause shall be inserted, namely:-

"(15-a) 'Finance Commission' means the Finance Commission constituted by the Governor under article 243-I of the Constitution of India;"

(c) after clause 22, the following clause shall be inserted, namely:-

"(22-a) 'Nagar Panchayat' means a body deemed to have been constituted under section 2A, for a transitional area specified by the Governor under Clause (42-a);"

(d) after clause (39), the following clause shall be inserted, namely:-

"(40) 'State Election Commission' means the State Election Commission

constituted in pursuance of article 243-K of the Constitution of India;"

(e) after clause (42), the following clauses shall be inserted, namely:-

"(42-a) 'transitional area' or 'a smaller urban area' means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Act, subject to such rules as may be made in this behalf;

(42-b) 'Wards Committee' means a Wards Committee constituted under section 5B;"

(2) after section 2, the following section shall be inserted, namely:-

"Constitu- tion of Nagar Pan- chayats.	2A (1) Where an area is specified as a transitional area under clause (42-a) of section 2, a Nagar Panchayat shall be deemed to have been constituted for such transitional area.
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(2) The provisions of this Act shall apply to a Nagar Panchayat deemed to have been constituted under this section as they apply to a Municipality and to facilitate such application a Nagar Panchayat shall be deemed to be a Municipality;"

(3) for section 3, the following section shall be substituted, namely:-

Constitution of Municipalities.	3. (1) Where a notification is issued specifying an area as a smaller urban area under clause (42-a) of section 2, a Municipality shall be deemed to have been constituted for such area:
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Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area of the Municipal Services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an Industrial Township.

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

(3) Where any local area is excluded from a Municipality and included within the jurisdiction of any other local authority, the Government may pass such orders as they deem fit, as to the transfer to such local authority or disposal otherwise, of the assets or institutions of such Municipality in the local area and as to the discharge of the liabilities, if any, of such municipality relating to such assets or institutions.

(4) Every local area which at the commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 has been constituted into a Municipality shall be deemed to have been specified as a smaller urban area under clause (42-a) of section 2 and a Municipality of the same grade existing as at such commencement shall be deemed to have been constituted under this Act.";

(4) in section 4, after item (c), the following item shall be added, namely:-

"(d) the Wards Committee.";

(5) for section 5, the following section shall be substituted, namely:-

"Constitution of Municipal Council.	5. (1) There shall be constituted for each Municipality a body of members to be called the Municipal Council having authority over the Municipality.
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(2) The Council 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:

Provided that the number of members to be elected in respect of each Council existing at the commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 shall be as it stood at such commencement until such number is revised by the Government in accordance with the principles prescribed;

(ii) every Member of the Legislative Assembly of the State representing a constituency of which a Municipality or a portion thereof forms part:

Provided that a Member of the Legislative Assembly representing a constituency which comprises more than one Municipality including a part of any Municipality, shall be ex-officio member of one such Municipality 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 other councils comprised within the constituency, but shall not be entitled to vote at any such meeting;

(iii) every member of the House of the People representing a constituency of which a Municipality or a portion thereof forms part:

Provided that a member of the House of the People representing constituency which comprises more than one Municipality including a part of any Municipality, shall be the member of one such Municipality 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 other councils comprise 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 Municipality ex-officio;

(v) persons having special knowledge or experience in municipal administration co-opted by the Municipal Council whose number shall be one in the case of a Nagar Panchayat, two in the case of a Municipality having population of less than

three lakhs and three in the case of a Municipality having a population of three lakhs or more:

Provided that the member co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of Nagar Panchayat or the Municipality, as the case may be, but shall not have the right to vote:

(vi) one person belonging to minorities to be co-opted in the prescribed manner by the members specified in clauses (i) to (iv) from among the persons who are registered voters in the Municipality and who are not less than twenty-one years of age:

Provided that the member co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of the Nagar Panchayat or the Municipality, as the case may be, with the right to vote.";

(6) after section 5A, the following section shall be inserted, namely:-

"Constitution, powers and functions of the Wards Committees.	5B (1) In respect of a Municipality having population of three lakhs or more there shall be constituted by the Commissioner and Director of Municipal Administration, by order, such number of Wards Committees as may be determined by him, so however, that each Wards Committee shall consist of not less than five wards:
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Provided that in constituting Wards Committees the Commissioner shall maintain geographical contiguity as far as possible:

Provided further that the Commissioner and Director of Municipal Administration

may in respect of municipalities having population of less than three lakhs constitute Wards Committees subject to such conditions and in accordance with such rules as may be made in this behalf.

(2) Each Wards Committee shall consist of the members elected from the Wards for which the Wards Committee is constituted:

Provided that such officers of the Municipality as the Commissioner may specify shall attend the meetings of the Wards Committee, and shall have the right to speak in and otherwise to participate in the meetings of the Wards Committee, but shall not have the right to vote.

(3) The Chairperson of the Wards Committee shall be elected by the members thereof from among themselves in the prescribed manner. He shall hold office for a period of one year from the date of election and shall be eligible for re-election.

(4) The Chairperson shall cease to hold office if he ceases to be a Member of the Wards Committee. Any casual vacancy in the office of the Chairperson shall be filled by election of another Chairperson from among the elected members of the Wards Committee as soon as may be after the occurrence of the vacancy.

(5) The powers and functions of the Wards Committee and the manner of conduct of business at its meetings shall be such as may be prescribed."

(7) in section 7, -

(i) in sub-section (1), for the words "its Chairman", the words "its Chairperson, its Wards Committees" shall be substituted;

(ii) in sub-section (3), for the words "of the Chairman until a Chairman has been elected by the council", the words "of the Chairperson until a Chairperson is elected, of the Wards Committees until the Wards Committees are constituted", shall be substituted;

(iii) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) The term of office of the elected Councillors and the Chairperson of a Municipality referred to in sub-section (1) shall be co-terminus with the elected councillors and the chairpersons of the Municipalities in the State elected in the last preceding ordinary elections.";

(8) for section 8, the following section shall be substituted, namely:-

"Reservation of seats.	8. (1) In every Municipality, out of the total strength of elected members determined under section 5, the Government shall, subject to such rules as may be prescribed, by notification, reserve,-
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(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 Municipal Council, as the population of the Scheduled Castes, or as the case may be, of the Scheduled Tribes in that Municipality bears to the total population of that Municipality; and such seats may be allotted by rotation to different Wards in a Municipality;

(b) one third of the total number of seats to the Backward Classes and such

seats may be allotted by rotation to different wards in the Municipality;

(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 the direct election to every Municipal Council, for women and such seats may be allotted by rotation to different wards in a Municipality.

Explanation - II: In this section the expression "Scheduled Castes, Scheduled Tribes" shall have the meanings respectively assigned to them in the clause (24) and clause (25) of article 366 of the Constitution of India.

Explanation - III: For the purpose of reserving the offices of members to Backward Classes under this section, the population figures of Backward Classes shall be gathered by such authority and in such manner as may be prescribed.

(2) Nothing in sub-section (1) 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 Municipality.":

(9) after section 10, the following section shall be inserted:-

"State Election Commission.

10-A. The preparation of electoral rolls for, and the conduct of elections to, all municipalities in

the State shall be under the superintendence, direction and control of the State Election Commission.";

(10) after section 13, the following sections shall be inserted, namely:-

General Dis-qualification. 13-A. A person shall be disqualified for being chosen as, or for being a member of a Municipality if he is disqualified by or under any law for the time being in force for the purpose of elections to the legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years.

Persons having more than two children to be disqualified. 13-B. A person having more than two children shall be disqualified for election or for continuing as member:

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 (hereinafter in this section referred to as the date of such commencement) of an additional child shall not be taken into consideration for the purposes of this section:

Provided further that a person having more than two children (excluding the child if any born within one year from the date of such commencement) shall not be disqualified under this section for so long as the number of children he had on the date of such commencement does not increase:

Provided also that the Government may direct that the disqualification in this section shall not apply in respect of person for reasons to be recorded in writing.";

(11) in section 17, in sub-section (1) for the expression "section 13", the expression "section 13, section 13-A, section 13-B" shall be substituted.;

(12) in section 20, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Ordinary vacancies in the office of the membrs shall be filled at ordinary elections which shall be completed before the expiry of the term of office of the memebrs.";

(13) in section 23,-

(a) in sub-section (1),-

(i) in clause (b), the second, third, fourth, fifth and sixth provisos shall be omitted;

(ii) after clause (b), the following clause shall be inserted, namely:-

"(c) out of the total number of offices of chairperson in the State, the Government shall, subject to such rules as may be prescribed, by notification reserve,--

(i) such number of offices to the Scheduled Castes and Scheduled Tribes as may be dertermined subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or Scheduled Tribes, as the case may be, in the Municipalities of the State bears to the total population in the Municipalities of the State and such offices may be allotted by rotation to different Municipalities in the State;

(ii) one third of the offices to the Backward Classes and such offices may be allotted by rotation to different Municipalities in the States;

(iii) not less than one third of the total number of offices reserved under clauses (i) and (ii) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be Backward Classes; and

(iv) not less than one third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State, for women; and such offices may be allotted by rotation to different Municipalities in the State";

(b) in sub-section (6), for the expression "sections 14 to 19", the expression "sections 13A to 19" shall be substituted;

(14) in section 62,--

(a) in sub-section (1), for the words, "two years", the words "six months" shall be substituted;

(b) sub-section (2) shall be omitted;

(c) in sub-section (3), for the words, "ordinary vacancies", the words "casual vacancies", shall be substituted;

(d) in sub-section (4),--

(i) at the end of the opening paragraph, the words "and the Chairperson of the Municipality concerned shall also be given a reasonable opportunity of being heard", shall be added;

(ii) the proviso thereunder shall be omitted;

(e) in sub-section (6), for the words "and of its Chairman", the words "and of its Chairperson and Wards Committees" shall be substituted;

(f) for sub-section (7), the following sub-section shall be substituted, namely:-

"(7) The Members including the ex-officio members of the reconstituted Council shall enter upon their office on the date fixed for its reconstitution and the term of office of the elected members shall continue only for the remainder of the period for which the dissolved Municipality would have continued had it not been dissolved,";

(g) to sub-section(8), for following proviso shall be added, namely:-

"Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any elections under this clause for constituting the Municipality for such period.";

(15) section 62A shall be omitted;

(16) after section 132, the following section shall be inserted, namely:-

"Finance Commission. 132A (1) The Finance Commission constituted by the Governor in pursuance of article 243-I of the Constitution shall also review the financial position of the Municipalities and

make recommendations to the Government as to,-

(a) the principles which should govern,-

(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this part and the allocation between the Municipalities of their respective shares of such proceeds;

(ii) the determination of the taxes, tolls and fees which may be assigned to, or appropriated by the Municipalities;

(iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Municipalities;

(c) any other matter referred to the Finance Commission by the Government in the interests of sound finances of the Municipalities.

(2) The Government shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislative Assembly of the State."

(17) throughout the Act for the words, "Chairman", "Councillor" and "Councillors" wherever they occur the words "Chairperson", "Member" and "Members" shall respectively be substituted.

Amendment of 3. In the Hyderabad Municipal Cor-
 Act II of 1955 porations Act, 1955,--

(1) in section 2,--

(a) for clause (15A), the following clause shall be substituted, namely:-

"(15A) 'election authority' means such officer or authority as may be appointed by the State Election Commission to exercise such powers and to perform such functions in connection with the conduct of elections to the Municipal Corporations;"

(b) after clause 18, the following clause shall be inserted, namely:-

"(18-a) 'Finance Commission' means the Finance Commission constituted by the Governor under article 243-I of the Constitution of India;"

(c) after clause (51), the following clause shall be inserted, namely:-

"(51-a) 'State Election Commission' means the State Election Commission constituted in pursuance of article 243K of the Constitution of India;"

(d) after clause (55), the following clause shall be inserted, namely:-

"(55-a) 'Wards Committee' means a Wards Committee constituted under section 8A;"

(2) in section 4, after clause (c), the following clause shall be added, namely:-

"(d) the Wards Committee";

(3) in section 5, --

(i) in sub-section (1-A), in the opening paragraph for the words "shall be ex-officio Councillor of the Corporation", the words "and every member of the council of State registered as an elector within the area of the Municipal Corporation shall be ex-officio Councillor of the Corporation" shall be substituted;

(ii) sub-section (1B) shall be re-numbered as sub-section (1D) and before the sub-section as so renumbered the following sub-sections shall be inserted, namely:-

"(1B) In addition to the members referred to in sub-sections (1) and (1A) five persons having special knowledge or experience in Municipal Administration co-opted by the Corporation shall be ex-officio members:

Provided that the ex-officio members co-opted under this sub-section 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.

(1C) Two persons belonging to minorities to be co-opted as members of the Corporation in prescribed manner by the members of the Corporation specified in sub-sections(1) and (1A) 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 member co-opted under this section shall have the right to speak in and otherwise to take part in the meetings of the Corporation with the right to vote.";

(iii) in sub-section(1D) as renumbered for the expression "sub-sections (1) and (1A)", the expression "sub-sections (1), (1A), (1B) and (1C)" shall be substituted;

(iv) for sub-section(2), the following sub-section shall be substituted, namely:-

"(2) In the Corporation out of the total strength 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, 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 by different Wards in the Corporation;

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

Provided that for the purpose of reserving offices of members to the Backward Classes, the population figures of Backward classes shall be gathered by such authority and in such manner as may be prescribed;

(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.";

(4) after section 8, the following section shall be inserted, namely:-

"Constitution powers and functions of the Wards Committees.	8A. (1) There shall be constituted by the Government, by order, such number of Wards Committees to the Corporation as may be determined by them, so however, that each Wards Committee shall consist of not less than ten Wards;
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Provided that in constituting Wards Committees the Government shall maintain geographical contiguity as far as possible.

(2) Each Wards Committee shall consist of the members elected from the wards for which the Wards Committee is constituted;

Provided that such officers of the Corporation as the Commissioner may specify shall attend the meetings of the Wards Committee and shall have the right to speak in and otherwise to participate in the meetings of the Wards Committee, but shall not have the right to vote.

(3) The Chairperson of the Wards Committee shall be elected by the members

thereof from among themselves in the prescribed manner. He shall hold office for a period of one year from the date of election and shall be eligible for re-election.

(4) The Chairperson shall cease to hold office if he ceases to be a member of the Wards Committee. Any casual vacancy in the office of the Chairperson shall be filled by the election of another Chairperson from among the elected members of the Wards Committee, as soon as may be after the occurrence of the vacancy.

(5) The powers and functions of the Wards Committee and the manner of conduct of business at its meetings shall be such as may be prescribed.";

(5) for section 9, the following section shall be substituted, namely:-

"State Election Commission.	9. The preparation of electoral rolls for, and the conduct of elections to Corporation shall be under the superintendence, direction and control of the State Election Commission.";
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(6) after section 21, the following sections shall be inserted, namely:-

"General Disqualification.	21A. A person shall be disqualified for being chosen as, or for being a member of a Corporation if he is otherwise disqualified by or under any law for the time being in force for the purposes of elections to the legislature of the State concerned:
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Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty one years.

<p>persons having more than two children to be disqualified.</p>	<p>21B. A person having more than two children shall be disqualified for election or for continuing as member:</p>
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Provided that the birth within one year from the date of commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 (hereinafter in this section referred to as the date of such commencement) of an additional child shall not be taken into consideration for the purposes of this section:

Provided further that a person having more than two children (excluding the child if any born within one year from the date of such commencement) shall not be disqualified under this section for so long as the number of children he had on the date of such commencement does not increase:

Provided also that the Government may direct that the disqualification in this section shall not apply in respect of a person for reasons to be recorded in writing.";

(7) in section 23D, for the expression "section 21" the expression "section 21, section 21A" shall be substituted;

(8) section 70G shall be omitted;

(9) in section 90, in sub-section (5), for the words "ex-officio Councillors",

the words "ex-officio members other than ex-officio member specified in sub-section (1B) of section 5" shall be substituted;

(10) for sections 93 to 96 (both inclusive), the following section shall be substituted, namely:-

"Constitution of the Standing Committee.	93.(1) There shall be constituted for the Corporation a Standing Committee consisting of the Chairpersons of all the Wards Committees in the Corporation to exercise the powers and perform the functions entrusted to it under this Act.
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(2) the Chairperson of the Standing Committee shall be elected by the members thereof from among themselves in the prescribed manner. He shall hold office for a period of one year from the date of election and shall be eligible for re-election.

(3) The Chairperson of the Standing Committee shall cease to hold office if he ceases to be a Member of the Standing Committee. Any casual vacancy in the office of the Chairperson shall be filled by election of another Chairperson from among the members of the Standing Committee, as soon as may be, after the occurrence of the vacancy.";

(11) after section 196, the following section shall be inserted, namely:-

"Finance Commission.	196A. (1) The Finance Commission constituted by the Governor in pursuance of article 243-I of the Constitution shall
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also review the financial position of the Corporation and make recommendations to the Government as to, --

(a) the principles which should govern, --

(i) the distribution between the State and the Corporation of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this part and the allocation between the Corporation of their respective shares of such proceeds;

(ii) the determination of the taxes, tolls and fees which may be assigned to, or appropriated by the Corporation;

(iii) the grants-in-aid to the Corporation from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Corporation;

(c) any other matter referred to the Finance Commission by the Government in the interests of sound finances of the Corporation.

(2) The Government shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislative Assembly of the State.":

(12) after section 673, the following section shall be inserted, namely:-

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

"I, ... having become a member of the Corporation swear in the name of 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 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.

(3) No such member shall take his seat at a meeting of the Corporation or do any act as such 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 member under that sub-section 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.";

(13) section 679C shall be omitted:

(14) in section 679(i),-

(a) in sub-section (1), for the words "two years", the words "six months" shall be substituted;

(b) sub-section (2) shall be omitted;

(c) in sub-section (3), for the words "ordinary vacancies", the words "casual vacancies" shall be substituted;

(d) in sub-section (4),-

(i) at the end of the opening paragraph, the words "and the Major of the Corporation shall also be given a reasonable opportunity of being heard", shall be added;

(ii) the proviso thereunder shall be omitted;

(e) for sub-section (7), the following sub-section shall be substituted, namely:-

"(7) The Members including the ex-officio members of the reconstituted Corporation shall enter upon their office on the date fixed for its reconstitution and the term of office of the elected members shall continue only for the remainder of the period for which the dissolved Corporation would have continued had it not been dissolved.";

(f) to sub-section (8), the following proviso shall be added, namely:-

"Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any elections under this clause.";

(15) throughout the Act for the words "Councillor" and "Councillors" the words "Member" and "Members"; for the words "Division" and "Divisions", the words "Ward" and "Wards" and for the words "constituency" and "constituencies" the words "Ward" and "Wards" wherever they occur shall respectively be substituted.

Application of section 3 to Visakhapatnam and Vijayawada Municipal Corporations.

4. The Amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3 shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

Transitional provisions in regard to elections.

5. The ordinary elections to the Municipal Corporations and the Municipalities whose term of office expired prior to the commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 shall be held within a period of not exceeding one year from the date of the said commencement under the relevant law as amended by this Act.

K. RANGA RAO,
Secretary to Government,
Legal Affairs,
Law Department.

THE ANDHRA PRADESH MUNICIPAL LAWS
(AMENDMENT) ACT, 1995

ACT No. 1 OF 1995*

(1st February, 1995)

An Act further to amend the Andhra Pradesh Municipalities Act, 1965, the Hyderabad Municipal Corporations Act, 1955 and the Andhra Pradesh Municipal Corporations Act, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1995. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Andhra Pradesh Gazette* appoint and they may appoint different dates for different provisions.

2. In the Andhra Pradesh Municipalities Act, 1965,—

Amendment of Act VI of 1965.

(1) in section 3, for sub-section (4) the following shall be substituted, namely :—

“(4) Every local area which at the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act 1995 has been constituted into a Municipality shall until the criteria for specifying a ‘transitional area’ and ‘smaller urban area’ are prescribed be deemed to have been specified as a smaller urban area under clause (42.a) of section 2 and a Municipality of the same grade existing as at such commencement shall be deemed to have been constituted under this Act :

Received the assent of the Governor on 31st January, 1995. For statement of objects & reasons, please see the *Andhra Pradesh Gazette*, Part IV-A Extraordinary dated 17-1-95 at Page 12 & 13.

Provided that after the criteria for specifying a 'transitional area' and 'smaller urban area' are prescribed, if a local area which is deemed to have been specified as a smaller urban area does not satisfy the criteria, therefore, but satisfies the criteria for specifying as a 'transitional area' then it shall be competent for the Governor to specify such local area as a transitional area and thereupon a Nagar Panchayat shall be deemed to have been constituted for such transitional area.”:

(2) for section 5A the following section shall be substituted namely :—

5A. The election authority shall by notification in the *Andhra Pradesh Gazette* specify the symbols including the symbol reserved for recognised political party for exclusive allotment to contesting candidates set up by that party, that may be chosen by the candidates contesting at an election to the offices of Chairperson and Members and the restrictions to which their choice shall be subject.

Explanation : In this section the term "recognised political party" shall have the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968, issued under article 324 of the Constitution of India.” ;

(3) in section 8, in sub-section (1), Explanation-II shall be omitted ;

(4) in section 15, in sub-section (1) in clause (b), the words "to imprisonment for a period of not less than one year shall be omitted ;

(5) in section 23, in sub-section (1) the Explanation shall be omitted.

Amendment of Act II of 1956. : 3. In the Hyderabad Municipal Corporations Act, 1955,-

(1) in section 5,—

(a) in sub-section (2) the proviso to clause (b) shall be omitted ;

(b) in sub-section (3) in the Explanation clause (ii) shall be omitted.

(2) in section 8, in sub-section (1) the words "as at the last census shall be omitted and for the proviso thereunder the following proviso shall be substituted namely :—

"Provided that the divisions notified under this sub-section shall, until they are altered, continue to be in force.";

(3) in section 22, in sub-section (1), in clause (a), the words "and punishable with imprisonment for a term exceeding six months or to transportation shall be omitted ;

(4) in section 34—

(i) for the words "to the office of a Member , the words "to the Office of Member or the Mayor" shall be substituted ;

(ii) in the marginal heading for the words "Office of Member the words "offices of Members or Mayor" shall be substituted ;

(5) for section 90, the following sections shall be substituted, namely:—

Election and term of Office of Mayor	90. (1) (a) The Mayor of the Corporation shall be elected by the persons whose names appear in the electoral roll for the Corporation, from among themselves, in the manner prescribed ;
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(b) if at any election held under this sub-section, no Mayor is elected, a fresh election shall be held :

Provided that if a Member of the Legislative Assembly of the State or of either House of Parliament is elected as Mayor, he shall cease to hold the said office of mayor unless, within fifteen days from the date of election to the said office, he ceases to be a Member of the Legislative Assembly of the State or as the case may be, of either House of Parliament, and if a Mayor subsequently becomes a Member of the Legislative Assembly of the State or as the case may be, of either House of Parliament he shall cease to hold the said office of Mayor unless within fifteen days from the date on which he so becomes such Member, he ceases to be a Member of the Legislative Assembly of the State, or as the case may be, of either House of Parliament.

(2) Where ordinary elections are held to the office of Members the election of the Mayor may also be held at the same time and in the same place as the ordinary election of the Members of the Corporation.

(3) Save as otherwise expressly provided in this Act, the term of office of the Mayor who is elected at an ordinary election shall be five years from the date of the first meeting held under clause (b) of section 88.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the Mayor shall be filled at a casual election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) No casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The provisions of sections 21, 22 and 23 shall, as far as may be, apply in relation to the office of the Mayor, as they apply in relation to the office of an elected Member.

(7) The Mayor shall, by virtue of his office, be a Member of the Corporation and shall have all the rights and privileges of an elected Member of the Corporation and he shall be entitled to vote at all meetings of the Corporation.

(8) The provisions of the Act relating to the conduct of election to the office of Members shall, so far as may be, apply in relation to the election of Mayor under this section.

Election of Deputy Mayor 90-A. (1) The Members of the Corporation shall elect one of its elected Members to be its Deputy Mayor at the first meeting of the Corporation after the ordinary elections in the manner prescribed.

(2) The ex-officio Members shall be entitled to participate in the meeting convened for the election of the Deputy Mayor.

(3) If at any election held under sub-section (1) no Deputy Mayor is elected a fresh election shall be held for electing Deputy Mayor.

(4) The Deputy Mayor shall be deemed to have assumed office on his being declared as such and shall hold office for a period of five years from the date he assumes office.

(5) Any casual vacancy in the office of the Deputy Mayor shall be filled at a casual election and a person elected as Deputy Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred."

4. In the Andhra Pradesh Municipal Corporations Act 1994. Amendment
of Act 25 of
1994.

(1) in section 5 to clause (i) the following proviso shall be added namely :—

" 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." ;

(2) in section 6, in the Explanation, clause (iii) shall be omitted :

(3) for section 9, the following sections shall be substituted, namely :—

Election and term of office of Mayor	9 (1) (a) The Mayor of the Corporation shall be elected by the persons whose names appear in the electoral roll for the Corporation, from among themselves, in the manner prescribed ;
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(b) if at any election held under this sub-section, no Mayor is elected, a fresh election shall be held :

Provided that if a Member of the Legislative Assembly of the State or of either House of Parliament is elected as Mayor, he shall cease to hold the said office of Mayor unless, within fifteen days from the date of election to the said office, he ceases to be Member of the Legislative Assembly of the State or as the case may be, of either House of Parliament, and if a Mayor subsequently becomes a Member of the Legislative Assembly of the State or as the case may be of either House of Parliament, he shall cease to hold the said office of Mayor unless, within 15 days from the date on which he so becomes such Member, he ceases to be Member of the Legislative Assembly of the State, or as the case may be, of either House of Parliament.

(2) Where ordinary elections are held to the office of Members the election of the Mayor may also be held at the same time and in the same place, as the ordinary election of the Members of the Corporation.

(3) Save as otherwise expressly provided in this Act, the term of office of the Mayor who is elected at an ordinary election shall be five years from the date of the first meeting of the Corporation held after ordinary elections.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the Mayor shall be filled at a casual election and a person elected as Mayor in any such Vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) No casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The provisions of sections 21, 22 and 23 of the Hyderabad Municipal Corporations Act, 1955 shall, as far as may be, apply in relation to the office of the Mayor, as they apply in relation to the office of an elected Member.

(7) The Mayor shall, by virtue of his office, be Member of the Corporation and shall have all the rights and privileges of an elected Member of the Corporation and he shall be entitled to vote at all meetings of the Corporation.

(8) The provisions of the Act relating to the conduct of election to the office of Member shall, so far as may be apply in relation to the election of Mayor under this section.

Election of Deputy Mayor. 9A. (1) The Members of the Corporation shall elect one of its elected members to be its Deputy Mayor at the first meeting of the Corporation after the ordinary elections in the manner prescribed.

(2) The ex-officio Members shall be entitled to participate in the meeting convened for the election of the Deputy Mayor

(3) If at any election held under sub-section (1) no Deputy Mayor has elected a fresh election shall be held for electing Deputy Mayor.

(4) The Deputy Mayor shall be deemed to have assumed office on his being declared as such and shall hold office for a period of 5 years from the date he assumes office.

(5) Any casual vacancy in the office of the Deputy Mayor shall be filled at a casual election and a person elected as Deputy Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred".

5. The amendments made to the Hyderabad Municipal Corporation Act 1995 by section 3 shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations and to any other Municipal Corporation constituted under the Andhra Pradesh Municipal Corporations Act 1994.

Application of section 3 to other Co Municipal Corporations Act 25 of 1994.

Special provision in respect of the next ordinary elections. Act VI of 1965.

6. Notwithstanding anything contained in the Andhra Pradesh Municipalities Act 1965 and any law relating to Municipal Corporations for the time being in force in the State the number of Members and division made into wards in any Municipal Corporation and the number of Members and the division made into wards in any Municipality existing at the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act 1995 shall continue unaltered for holding elections to the Municipalities and Municipal Corporations after such commencement and no alteration thereof shall be necessary merely on the ground that the population figures of the last preceding census are published..

Repeal of Ordinance Act 1995.

7. The Andhra Pradesh Municipal Laws (Amendment) Ordinance 1995 is hereby repealed.

THE ANDHRA PRADESH MUNICIPAL LAWS (SECOND AMENDMENT) ACT, 1995.

ACT No. 25 OF 1995*

[24th April, 1995.]

An Act further to amend the Andhra Pradesh Municipalities Act, 1965, The Hyderabad Municipal Corporations Act, 1955 and The Andhra Pradesh Municipal Corporation Act, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1995.

Short title and commencement.

(2) (i) Sub-clause (2) of clause 2, sub-clauses (21) and (22) of clause 3 and sub-clause (2) of clause 4 shall be deemed to have come into force with effect from the 10th March, 1995 ;

(ii) sub-clauses (2) to (18) and (20) of clause 3 shall be deemed to have come into force with effect from the 16th February, 1995 ;

(iii) sub-clause (3) of clause 4 shall be deemed to have come into force with effect from the 6th February , 1995; and

*Received the Assent of the Governor on the 22nd April 95. For Statement of objects & Reasons, please See the *Andhra Pradesh Gazette Part IV-A, Extraordinary*, dated 20-3-95 at Pages 10, 11 & 12.

(iv) sub-clause (3) of clause 2 and sub-clause (19) of clause 3, shall come into force with effect from the 1st April, 1995.

(v) the remaining provisions shall come into force with immediate effect.

Amendment
of Act VI
of 1965.

2. In the Andhra Pradesh Municipalities Act, 1965,

(1) in section 5, in the proviso to clause (vi), for the words, "with the right to vote", the words "without right to vote" shall be substituted.

(2) in section 25, in sub-section (2), for the words "The Ex-officio members shall be entitled to participate", the words "The ex-officio members other than the ex-officio members specified in clause (v) of sub-section (2) of section 5 shall be entitled to participate" shall be substituted.

(3) in section 62-A, in sub-section (1), in the proviso for the words "In the aggregate exceed three years", the words in the aggregate exceed three and half years", shall be substituted.

Amendment
of Act II
of 1956:

3. In the Hyderabad Municipal Corporations Act, 1955,

(1) in section 5, in the proviso to sub-section (1C), for the words "with the right to vote", the words "without right to vote" shall be substituted.

(2) in section 7, in sub-section (1), the words "by the Commissioner" shall be omitted.

(3) in section 16, for the word "Government", wherever it occurs, the words "State Election Commissioner" shall be substituted;

(4) in section 24, for the word "Government", the words "State Election Commissioner" shall be substituted and the words "on such date or dates as may be recommended by the Commissioner" shall be omitted;

(5) in section 25, for the word "Government", the word "State Election Commissioner" shall be substituted ;

(6) in section 25A, for the word "Government" the words "State Election Commissioner" shall be substituted ;

(7) in section 26 in sub-section (1), for the word "Government", the words "State Election Commissioner" shall be substituted ;

(8) in section 33 for the word "Commissioner", the words "State Election Commissioner" shall be substituted ;

(9) in section 34, for the word "Commissioner", the words "State Election Commissioner" shall be substituted ;

(10) in section 35, for the word "Government", the words "State Election Commissioner" shall be substituted ;

(11) in section 36, in the proviso to sub-section (4) for the words "Commissioner", the words "State Election Commissioner" shall be substituted ;—

(12) in section 37, for sub-section (1), the following sub-section shall be substituted, namely :

"(1) A candidate shall not be deemed to be duly nominated unless he deposits or causes to be deposited a sum of rupees five hundred in the case of the office of Mayor and rupees two hundred in the case of the of the office member,

(a) Where the candidate is a member of any of the Scheduled Castes or Scheduled Tribes the amount to be deposited by him or on his behalf shall be rupees two hundred and fifty only in the case of the office of Mayor and rupees hundred only in the case of office of the member.

(b) Where a candidate has been nominated by more than one nomination paper for election in the same ward not more than one deposit shall be required of him under this sub-section,";

(13) in section 53, for the word "Commissioner", the word "Commissioner and the State Election Commissioner" shall be substituted ;

(14) in section 54 In sub-sections (3) and (4), for the word "Commissioner" wherever it occurs the words "State Election Commissioner" shall be substituted ;

(15) in section 57 for the word "Commissioner" In two places where it occurs the words "State Election Commissioner" shall be substituted ;

(16) in section 58 in sub-sections (2) and(3) for the word "Government" wherever it occurs the words "State Election Commissioner" shall be substituted ;

(17) in section 59 in sub-sections (2) and (3) for the word "Government" the words "State Election Commissioner" shall be substituted ;

(18) in section 66 for the word "Commissioner" the words "Commissioner and the State Election Commissioner" shall be substituted ;

(19) in section 70 G in sub-section (1), in the proviso, for the words "in the aggregate exceed four years" the words "in the aggregate exceed four and half years" shall be substituted ;

(20) in section 87 in sub-section (1) for the word "Commissioner" the words "State Election Commissioner" should be substituted ;

(21) in section 90 A in sub-section (2) for the words "The Ex-officio members shall be entitled to participate" the words "The Ex-officio members other than the ex-officio members specified in sub-section (1 B) of section 5 shall be entitled to participate" shall be substituted ;

(22) in section 673-A,—

(a) for the word "member" wherever it occurs, the words "Mayor/member" shall be substituted;

(b) in the marginal heading for the word "members", the words "Mayor/members" shall be substituted.

4. In the Andhra Pradesh Municipal Corporations Act, 1994, ^{Amendment of Act 25 of 1994:—}

(1) in section 5, in the proviso to clause (vi), for the words "with the right to vote", the words "without right to vote" shall be substituted.

(2) in section 9-A, in sub-section (2), for the words "The ex-officio members shall be entitled to participate", the words "The ex-officio members other than the ex-officio members specified in clause (v) of section 5, shall be entitled to participate" shall be substituted

(3) after section 14, the following section shall be inserted namely :—

General provision for reservation of office of Mayor in the Corporations of the State:—

14-A Notwithstanding anything contained in sub-section (2) of section 1 of this Act, out of the total number of offices of Mayor of the Corporations constituted either under this Act or under any other law relating to Municipal Corporations for the time being in force in the State, the Government shall, subject to such rules as may be prescribed, by notification reserve,—

(i) such number of offices to the Scheduled Castes and scheduled Tribes as may be determined subject to the condition that the number of offices so reserved shall bear as nearly as may be the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or Scheduled Tribes as the case may be, in all the Corporations of the State bears to the total population in the Corporations of the State and such offices may be allotted by rotation to different Corporations in the State;

(ii) one-third of the offices to the Backward Classes and such offices may be allotted by rotation to different Corporations in the State ;

(iii) not less than one-third of the total number of offices reserved under clauses (i) and (ii) for women belonging to the Scheduled Castes Scheduled Tribes or as the case may be the Backward Classes ; and

(iv) not less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State for women and such offices may be allotted by rotation to different Corporations in the State.”.

Application of section 3 to other Municipal Corporations.

5. The amendments made to the Hyderabad Municipal Corporations Act, 1955 ,

(i) by section 3 shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations ; and

(ii) by section 3 other than sub-sections (1) and (21) thereof shall extend to and shall apply also to other Corporations constituted under the Andhra Pradesh Municipal Corporations Act 1994 ;

Act 25 of 1994.

(iii) the amendment made by section 6 shall apply to such of the municipalities for which elections could not be held within a period of one year from the date of the commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 and to the Hyderabad Municipal Corporation.

Amendment of section 5. Act 17 of 1994.

6. In the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 , in section 5 for the words "not exceeding one year" the words "not exceeding one year and six months" shall be substituted.

Repeal of Ordinance Nos 5, 6 and 8 of 1995.

7. The Andhra Pradesh Municipal Corporations (Amendment) Ordinance 1995, the Hyderabad Municipal Corporations (Amendment) Ordinance, 1995 and the Andhra Pradesh Municipal Laws (Amendment) Ordinance, 1995 are hereby repealed.

THE ANDHRA PRADESH MUNICIPAL LAWS (AMEND-
MENT) ACT, 1996.

ACT No. 5 OF 1996.

[25th January, 1996]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
MUNICIPALITIES ACT, 1965 AND THE
HYDERABAD MUNICIPAL CORPORATIONS ACT,
1955.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh in
the Forty-sixth Year of the Republic of
India as follows:-

*Received the assent of the Governor on the 23rd
January, 1996. For Statement of objects and Reasons,
Please see Andhra Pradesh Gazette, Part IV-A, Extra-
ordinary, dated the 13th September, 1995 at Page 3 & 4.

Short title and commencement. 1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 1996.

(2) It shall be deemed to have come into force with effect from the 27th September, 1995.

Amendment of Act VI of 1965. 2. In the Andhra Pradesh Municipalities Act, 1965, in section 62-A, in sub-section (1), in the proviso, for the words "in the aggregate exceed three and half years", the words "in the aggregate exceed four years", shall be substituted.

Amendment of Act II of 1956. 3. In the Hyderabad Municipal Corporations Act, 1955, in section 70G, in sub-section (1), in the proviso, for the words "in the aggregate exceed four and half years", the words "in the aggregate exceed five years", shall be substituted.

Amendment of Act 17 of 1994. 4. In the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994, in section 5, for the words "not exceeding one year and six months", the words "not exceeding two years", shall be substituted.

Repeal of Ordinance 13 of 1995. 5. The Andhra Pradesh Municipal Laws (Third Amendment) Ordinance, 1995 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs,
Law Department.

THE ANDHRA PRADESH MUNICIPAL LAWS (AMEND-
MENT) AMENDING ACT, 1996.

ACT No. 24 OF 1996.

[5th October, 1996.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
MUNICIPAL LAWS (SECOND AMENDMENT) ACT,
1994.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh in
the Forty-seventh Year of the Republic of
India as follows:-

*Received the assent of the Governor on the 4th
October, 1996. For Statement of objects and Reasons,
Please see Andhra Pradesh Gazette, Part IV-A, Extra-
ordinary, dated the 27th August, 1996 at Page 3.

Short title and comment. 1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Amending Act, 1996.

(2) It shall be deemed to have come into force with effect from the 31st May, 1996.

Amendment of section-5 Act 17 of 1994. 2. In the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994, in section 5, for the words "not exceeding two years", the words "not exceeding three years" shall be substituted.

Repeal of Ordinance 23 of 1996. 3. The Andhra Pradesh Municipal Laws (Amendment) Amending Ordinance, 1996 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

**THE ANDHRA PRADESH MUNICIPAL LAWS
(AMENDMENT) ACT, 1997.**

ACT No. 15 OF 1997*

[24th April, 1997.]

An Act further to amend the Andhra Pradesh Municipalities Act 1965, The Hyderabad Municipal Corporations Act, 1955 and The Andhra Pradesh Municipal Corporations Act, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India, as follows:-

*Received the assent of the Governor on 23rd April, 1997.
For Statement of the Objects and Reasons. Please see the
A.P. Gazette Part IV-A Extraordinary dated 12th March,
1997 at P-4.

Short title 1. (1) This Act may be called the
and Andhra Pradesh Municipal Laws (Amendment)
Commencement Act, 1997.

(2) It shall come into force on such date as the Government may, by notification, appoint.

Amendment of section 21 of Act 6 of 1965. 2. In the Andhra Pradesh Municipalities Act, 1965, in section 21, for sub-section (1), the following sub-section shall be substituted, namely:-

"Casual vacancies of Ward Members.	21(1). A casual vacancy in the office of the Ward Member shall be filled at a casual election which shall be fixed by the election authority to take place twice in a year, one in the month of April and another in the month of October:
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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 Ward Member expires by efflux of time and that such vacancy shall be filled at the next ordinary election."

Amendment of section 7 of Act 2 of 1956. 3. In the Hyderabad Municipal Corporations Act, 1955, in section 7, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) A casual vacancy in the office of a Ward Member shall be filled at a casual election which shall be fixed by the election authority to take place twice in a year, one in the month of April and another in the month of October;

and every member so elected 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 has not occurred:

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 Ward Members expires by efflux of time and that such vacancy shall be filled at the next general elections of the Corporation."

4. In the Andhra Pradesh Municipal Amendment Cororations Act, 1994, in section 8, for of section 8. sub-section (1), the following sub-sec-Act 25 of tion shall be substituted, namely:- 1994.

"(1) A casual vacancy in the office of a member shall be filled at a casual election which shall be fixed by the election authority to take place twice in a year, one in the month of April and another in the month of October."

Provided that no casual election shall be held to fill a casual vacancy occurring within three months before the date on which the term of office of the member expires by efflux of time and that such vacancy shall be filled at the next general elections of the Corporation."

Application
of the Act
to the
Visakhapatnam
and
Vijayawada
Municipal
Corporations.

5. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3 shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations.

G. BHAVANI PRASAD,
Secretary to Government;
Legislative Affairs & Justice,
Law Department.

ACT No. 19 OF 1998.

*[18th May, 1998.]

AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH MUNICIPALITIES ACT, 1965 AND
THE ANDHRA PRADESH MUNICIPAL LAWS
(SECOND AMENDMENT) ACT, 1994.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh
in the Forty-ninth Year of the Republic
of India, as follows:-

*[Received the assent of the Governor on the 16-05-1998.
For statement of object and reasons please see the Andhra
Pradesh Gazette, Part-IV-A, Extraordinary dated 22-04-1998
at page 4.]

Short title and commencement. 1. (1) This Act may be called the Andhra Pradesh Municipal laws (Amendment) Act, 1998.

(2) It shall be deemed to have come into force with effect from the 27th September, 1997.

Amendment of Section 62-A. Act VI of 1965.

2. In the Andhra Pradesh Municipalities Act, 1965 (hereinafter referred to as the principal Act) in section 62-A, in sub-section (1),-

(i) for the words "which shall not exceed one and half years", the words "which shall not exceed two and half years", shall be substituted;

(ii) in the proviso, for the words "beyond one and half years", the words "beyond two and half years", and for the words "in the aggregate exceed five and half years", the words "in the aggregate exceed six and half years", shall respectively be substituted.

Validation.

3. Notwithstanding anything contained in the principal Act, any judgement, decree or order of a Court, or any other authority, every action taken or thing done by the Special Officer in exercise of the powers conferred under section 62-A of the principal Act shall not be deemed to be invalid or ever to have become invalid by reason of the fact that such actions were taken or such things were done by such Special Officer when the power in this behalf had not been entrusted to him under the provisions of the said principal Act and accordingly any action taken or thing

done by such Special Officer, shall for all purposes, be deemed to be and deemed to have always been taken or done in accordance with the provisions of the principal Act as amended by this Act.

4. In the Andhra Pradesh Municipal Laws Amendment (Second Amendment) Act, 1994, in section 5, for the words, "not exceeding three years", the words not exceeding "four and half years" shall be substituted. Amendment of section 5. Act XVII of 1994.

K.M. NAGABHUSHAN RAO,
Secretary to Government,
Legislative Affairs & Justice,
i/c. Law Department.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 18th April, 1999 and the said assent is hereby first Published on the 20th April, 1999 in the Andhra Pradesh Gazette for general information:-

ACT No. 11 OF 1999.

AN ACT FURTHER TO AMEND THE HYDERABAD MUNICIPAL CORPORATIONS ACT, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth Year of the Republic of India, as follows:-

1. This Act may be called the **Short title.**
Hyderabad Municipal Corporations (Amendment) Act, 1999.

Received the assent of the Governor on the 18-4-1999. For statement of objects and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dt. 24-3-1999 at page 10.

Amendment of section 402-Act II of 1956. 2. In the Hyderabad Municipal Corporations Act, 1955. (hereinafter referred to as the principal Act), in section 402,-

(a) in sub-section (1), in clause (a), for the words "ladder, bale or other things" the words "ladder, bale, building materials, building debris or other things" shall be substituted,

(b) for sub-section (2), the following shall be substituted, namely:-

"(2) Whoever contravenes the provisions of sub-section (1) shall on conviction, be punishable with imprisonment which may extend to one month or with fine which may extend to five thousand rupees or with both.

(3) Any thing placed or deposited in contravention of the provisions of sub-section (1) may be seized by the Commissioner or any other person duly authorised by him in this behalf, and on conviction for an offence under sub-section (2) the Court may also pass such order as it thinks fit respecting the disposal of such thing including confiscation of such thing."

Amendment of section 484. 3. Section 484 of the principal Act, shall be numbered as sub-section (1) of section 484. that section and after sub-section (1) as so renumbered, the following shall be added, namely:-

"(2) Even after the Commissioner has taken such measure under sub-section (1), if any person commits defecation, urination or spitting in open public places shall, on conviction, be punishable with imprisonment which may extend to one month or with fine which may extend to five thousand rupees."

4. Section 487 of the principal Act, Amendment of shall be numbered as sub-section (1) of section 487. that section and after sub-section (1) as so renumbered, the following shall be added namely:-

"(2) Whoever, contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees."

5. In section 488 of the principal Amendment of Act, in the marginal heading and in the section 488. section for the expression "clause (e) of section 487", the expression "clause (e) of sub-section (1) of section 487" shall be substituted.

6. In section 489 of the principal Amendment of Act, for the words "and such charge as section 489. the Commissioner may, with the sanction of the Standing Committee, fix" the words "and a penalty not exceeding one thousand rupees as the Commissioner may fix," shall be substituted.

Amendment of 7. In Schedule U to the principal
Schedule B. Act,-

(a) the following sections and sub-sections mentioned in first column and entries relating thereto mentioned in second and third columns shall be substituted, namely;-

"Section 311 Public water supply set a part for Fifty rupees
sub-section particular purpose, not to be
(2) used for other purpose.

Section 400. Ground floor doors etc., not to Two hundred
open out-wards on streets. rupees.

Section 401 Prohibition of structures or Five hundred
sub-section(1). fixtures causing obstruction in rupees.
streets.

Section 406. Requisition to remove structures Five Hundred
or fixtures. and fifty
rupees.

Section 407 Prohibition of the tethering of Fifty rupees
sub-section animals in Public streets. per animal.
(1).

Section 420 Sky-signs not to be erected or Two hundred and
sub-section retained without permission. fifty rupees.
(1).

Section 421 Advertisement on certain sites, One thousand
sub-section vehicles etc., not to be exhibi- rupees.
(1) ted without permission.

Section 441. Building not to be converted to, Five thousand
other purposes without the rupees.
permission of the Commissioner.

Section 485. Collection and removal of excre- one thousand
mentitious and polluted matter rupees.
to be provided for by occupiers
in certain cases.

Prompt notice to be given to Health Department for removal of carcasses of dead animals.	Two hundred and fifty rupees.	Section 512 sub-section (1).
Regulations and table of stallage rent posted up in markets and slaughter house not to be destroyed or defaced.	Fifty rupees.	Section 536 sub-section (2).
The same not to be injured.	Fifty rupees.	Section 591 sub-section (2).
Regulations prescribed for licensed surveyors and plumbers.	Fifty rupees.	Section 619.
Licensed plumber not to demand to receive more than the prescribed fee.	Fifty rupees.	Section 620.
Milk, butter etc., not to be sold without a licence.	Two hundred and fifty rupees."	Section 623.

(b) the following entries shall be omitted, namely:-

Prohibition of deposits, etc., of things in street.	One hundred rupees.	Section 402 sub-section (1).
Collection, removal and deposit of refuse and provision of receptacles.	Twenty rupees.	Section 483 sub-sections (1), (2), (3), and (4).
Provisions as to removal of refuse.	Fifty rupees.	Section 487.

8. In Schedule V to the principle Act,-
Amendment of Schedule-V.

(a) the following sections and sub-sections mentioned in the first column and entries relating thereto mentioned in second and third columns shall be substituted, namely:-

Section 298. Connections with municipal drains etc., not to be made.	One thousand rupees. actual digging charges.
Section 305 Direction limiting use of drain Sub-section or notice requiring the construction of a distinct drain. (1)-	One hundred rupees.
Section 309. Owners of drains to allow use thereof . or Joint ownership therein to others	One thousand rupees.
Section 324. Requisition to provide privy accommodation for factories, etc.,	One thousand rupees.
Section 325. Requisition respecting unhealthy privies.	One thousand rupees.
Section 327. Provisions as to water closets.	Fifty rupees.
Section 335. Requisition to effect sanitary repairs etc.,	Fifty rupees.
Section 339. Provisions as to employment of Sub-section licenced plumber and use or work (1) and (4).	Fifty rupees.
Section 339. Licenced plumber to give and sign sub-sections certificates. (2) and (3).	Fifty rupees.
Section 403. Prohibition of hawking or exposing for sale any article in a public place or street without a licence.	Five hundred rupees.
Section 404. Prohibition in a Public place or street, of use or skill in handicraft or in rendering services without licence.	Five hundred rupees.

Boards to be set up during work in any building adjacent to a street.	One thousand rupees.	Section 417.
Requisition to repair, protect or enclose dangerous place.	Five hundred rupees.	Section 422 sub-section (1).
Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as godown, etc., without permission.	One thousand rupees.	Section 442.
Building originally constructed or authorised to be used for human habitation not to be altered without permission for purpose of using it as godown etc.	One thousand rupees.	Section 443.
Roofs and external walls of buildings not to be of inflammable material.	Five hundred rupees.	Section 445.
Collection, removal and provision of receptacles.	One thousand rupees.	Section 483. sub-sections (1), (2), (3) and (4).
Requisition to abate or to prevent recurrences of leakage in the roofs of buildings.	Five hundred rupees.	Section 497 sub-sections (1) and (2).
Requisition by owner pursuant to order under sub-section (1).	Fifty rupees.	Section 501 sub-section (3).
Requisition to remove or trim trees, shrubs or hedges.	Fifty rupees.	Section 509 sub-section (1).
Prohibition as to the keeping of animals.	Five hundred rupees.	Section 510 sub-section (1).

Section 511.	Requisition to discontinue etc., of stabling animals in dwelling houses.	Five hundred rupees.
Section 519 sub-section (1)	Requisition for sanitary regulation of factories etc.,	One thousand rupees.
Section 521 sub-section (1).	Certain things not to be kept and certain trades not to be carried on without licence.	One thousand rupees.
Section 521 sub-section (4).	Licence to be kept on the premises.	Five hundred rupees.
Section 530 sub-section (1).	Private markets not to be kept open without licence.	One thousand rupees.
Section 532.	Requisition to pave and drain private market buildings and slaughter houses.	Five hundred rupees.
Section 539.	Butchers and persons who sell the flesh of animals to be licenced.	Two hundred and fifty rupees.
Section 534 sub-section (1).	Requisition to disinfect buildings.	Two hundred and fifty rupees.
Section 621.	Licensed plumber to be bound to execute work properly.	Fifty rupees.
Section 623.	Milk, butter etc., not to be sold without a licence.	Two hundred and fifty rupees.
Section 657 sub-section (3).	Occupier of building or land to afford owner facilities for complying with provisions of this Act etc., after eight days from issue of order by the judge.	Five hundred rupees.

(b) the following entry shall be omitted;-

Provisions as to removals of Ten rupees." Section 487.
refuse.

9. The amendments made to the Hyderabad Application Municipal Corporations Act, 1955 by this of the Act Act shall extend to and shall apply also to other to the Visakhapatnam and Vijayawada Corporations. Municipal Corporations and to other Act II of 1956 Corporations established under the Andhra Act 25 of 1994, Pradesh Municipal Corporations Act, 1994.

10. The Hyderabad Municipal Corporations (Amendment) Ordinance 1999 is here Repeal of Ordinance by repealed. 1 of 1999.

G. BRAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

J.1530/6

ERRATA

In the Hyderabad Municipal Corporations (Amendment) Act, 1999 (Andhra Pradesh Act No.11 of 1999) published at pages 1-9 in Part IV-B, Extraordinary of the Andhra Pradesh Gazette, dated the 20th April, 1999,-

(1) at page 4, --

(a) in line 4th, for "mentioned" read as "mentioned";

(b) in the 11th, the entry relating thereto in second column for "doors etc.," read as "doors, etc.,";

(2) at page 5, --

(a) the entries relating thereto; the sections and sub-sections mentioned "in the third column" read as "in the first column";

(b) the entries relating thereto mentioned "in the first column" read as "in the second column";

(c) the entries relating thereto, mentioned "in the second column" read as "in the third column";

(d) in line 25th, for "principle" read as "principal";

(3) at page 6, --

(a) in line 2nd, the entry relating thereto in the third column for "rupees." read as "rupees plus";

(b) in line 18th, the entry relating thereto in the first column for "Sub-section" read as "sub-sections";

(4) at page 7, --

(a) the entries relating thereto, the sections and sub-sections mentioned "in the third column" read as "in the first column";

(b) the entries relating thereto, mentioned "in the first column" read as "in the second column";

(c) the entries relating thereto, mentioned "in the second column" read as "in the third column";

(5) at page 9, in clause (b) for the entry.

"Provisions as to Ten rupees". "Section 487."
removals of
refuse.

read the entry as:

"Section 487. Provisions as to Ten rupees."
removals of refuse.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice.

STATEMENT OF OBJECTS AND REASONS

In order to curb the recurrence of public nuisance like open defecation, urination, indiscriminate throwing of debris and garbage on public streets and for prohibition of obstructions on the roads, Government have decided to enhance the existing fines within the jurisdiction of the Hyderabad Municipal Corporations Act, 1955 by amending the same suitably, which will also apply to other Municipal Corporations in the State.

As the Legislative Assembly of the State was not then in Session having been prorogued and ere it has been decided to give effect to the above decision immediately. The Hyderabad Municipal Corporations (Amendment) Ordinance 1999 (A.P.Ordinance 1 of 1999) has been promulgated by the Governor on 18th January, 1999.

This bill seeks to give effect to the above decision.

BANDARU SATYANARAYANA MURTHY
Minister for Municipal
Administration and
Urban Development.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 20th April, 1999 and the said assent is hereby first Published on the 22nd April, 1999 in the Andhra Pradesh Gazette for general information:-

ACT No. 13 OF 1999.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE HYDERABAD MUNICIPAL CORPORATIONS ACT, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth-Year of the Republic of India as follows:-

1. (1) This Act may be called the **Short title**
Andhra Pradesh Municipal Laws (Amendment) **and**
Act, 1999. ~~Consent~~
~~Act.~~

Received the assent of the Governor on 20-4-1999. For statement of objects and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dt. 24-3-1999 at page 5.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of Act VI of 1955. 2. In the Andhra Pradesh Municipalities Act, 1965 after section 59, the following section shall be inserted, namely:-

<p>"Government's power to suspend Chairperson or Vice-Chairperson or Member.</p>	<p>59-A (1) The Government may, either suo-motu or on a representation of a Chairperson or Vice-Chairperson or Member or Commissioner or employee of a Municipal Council, by notification in the Andhra Pradesh Gazette, suspend any Chairperson or Vice-Chairperson or Member who, in their opinion, wilfully misbehaved or manhandled any other Member or Officer or employee of the Council or destroyed the property of the Council or used unparliamentary language or abused his position in the course of meetings of the Council or during the discharge of any duty vesting upon any Chairperson or Vice-Chairperson or Member or Officer or employee, so as to lead to a situation in which the Municipal Administration cannot be carried on in accordance with the provisions of this Act or the financial stability of the Council is threatened.</p>
--	--

(2) The Government shall, before taking action under sub-section (1) give the Chairperson or Vice-Chairperson or Member concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain

a statement of the reasons for the action taken by the Government.

(3) The Government may, suo-mutu, or on an application made by the Chairperson or Vice-chairperson or Member revoke the order of suspension issued under sub-section (1)."

2. In the Hyderabad Municipal Corporations Act, 1955, after section 679-A, the following section shall be inserted, namely:-

"Government's power to suspend Mayor or Deputy Mayor or Member.

679-AA. (1) The Government may, either suo-motu or on a representation of a Mayor or

Deputy Mayor or Member or Commissioner or employee of the Municipal Corporation, by notification, in the Andhra Pradesh Gazette, suspend the Mayor or the Deputy Mayor or a Member, who in their opinion wilfully misbehaved or manhandled any other Member or Officer or employee of the Corporation or destroyed the property of the Corporation or used unparliamentary language or abused his position in the course of meetings of the Corporation or during the discharge of any duty vesting upon the Mayor or Deputy Mayor or any Member or Officer or employee, so as to lead to a situation in which the Municipal Administration cannot be carried on in accordance with the provisions of this Act or the financial stability of the Council is threatened.

(2) The Government shall, before taking action under sub-section (1) give

Amendment
of Act II
of 1956.

the Mayor or the Deputy Mayor or the Member concerned an opportunity for explanation, and the notification issued under the said sub-section (1) shall contain a statement of the reasons for the action taken by the Government.

(3) The Government may, suo-motu, or on an application made by the Mayor or the Deputy Mayor or the Member revoke the order of suspension issued under sub-section (1)."

Application of the Act to the Visakhapatnam and Vijayawada Municipal Corporations and also to the A.P. Municipal Corporations Act, 1994. Andhra Pradesh Act 25 of 1994.

4. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations and also to other Municipal Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994.

G. BRAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

In order to ensure discipline during the Council meetings and for smooth running of the affairs of the Municipalities and the Municipal Corporations, the Government have decided to amend the Andhra Pradesh Municipalities Act, 1965 as well as Hyderabad Municipal Corporations Act, 1955 empowering the Government to suspend the Chairperson/Mayor or Vice-Chairperson/Deputy Mayor or Member, who in their opinion, willfully misbehaved or manhandled any other Member or Officer or employee of the Council or Corporation or destroyed the property of the Council or Corporation or used unparliamentary language or abused his position in the course of meetings of the Council or Corporation or during discharge of the official duties vested upon any Chairperson/Mayor or Vice-Chairperson/Deputy Mayor or Member or Officer or employee.

This Bill seeks to give effect to the above decision.

BANDARU SATYANARAYANA MURTHY,
Minister for Municipal Administration.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 27th April, 2000 and the said assent is hereby first published on the 28th April, 2000 in the Andhra Pradesh Gazette for General information:-

ACT NO. 13 OF 2000

An Act further to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-first Year of the Republic of India, as follows:

[73]

J. 1259/6

Short title
and
commence-
ment.

1. (1) This Act may be called "the Andhra Pradesh Municipal Laws (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on the 24th January, 2000.

Amendment
of section 9,
Act 6 of
1965.

2. In the Andhra Pradesh Municipalities Act, 1965, in section 9, for the expression "shall cease to have effect after the 25th January, 2000.", the expression "shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.", shall be substituted.

Amendment
of section
56A, Act II
of 1956.

3. In the Hyderabad Municipal Corporations Act, 1955, in section 56A, for the expression "shall cease to have effect after the 25th January, 2000.", the expression "shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.", shall be substituted.

Application
of the Act
to the
Visakhapatnam
and the
Vijayawada
Municipal
Corporations
and also to the
A.P. Municipal
Corporations
Act, 1994.
Act 25 of
1994.

4. The Amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations and also to other Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994.

5. The Andhra Pradesh Municipal Laws
(Amendment) Ordinance, 2000 is hereby
repealed.

Repeal
of
Ordinance
1 of 2000.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice.
Law Department.

STATEMENT OF OBJECTS AND REASONS

Article 334 of the Constitution of India provided for reservation of seats to the Scheduled Castes, Scheduled Tribes and Anglo Indian Community in the House of People and in the Legislative Assemblies of the States upto 25th January, 2000 and under article 243T of the Constitution, the reservation of seats for the Scheduled Castes and Scheduled Tribes in Municipal Institutions shall cease to have effect on the expiration of the period specified in article 334. Section 9 of the Andhra Pradesh Municipalities Act, 1965 and Section 56-A of the Hyderabad Municipal Corporation Act, 1955 accordingly provided for such reservations to cease after 25th January, 2000.

2. The Constitution of India has been amended by the Constitution (79th Amendment) Act, 1999 for extending the reservations for a further period of ten years. To bring the reservations for Scheduled Castes and Scheduled Tribes in the Municipal Institutions in the State, in conformity with the provisions of the Constitutions, as amended from time to time, it has been decided to amend section 9 of the Andhra Pradesh Municipalities Act, 1965 and Section 56A of the Hyderabad Municipal Corporation Act, 1955 to continue the reservations so long as they are provided by article 334 of the Constitution.

3. As the Legislative Assembly of the State was not then in session having been prorogued and it was considered necessary to give effect to the above decision immediately, the Andhra Pradesh Municipal Laws (Amendment) Ordinance, 2000 was promulgated by the Governor on the 23rd January, 2000.

4. This Bill seeks to replace the said Ordinance.

N.MD. FAROOK,
Minister for Municipal Administration
and Urban Development.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 27th April, 2000 and the said assent is hereby first published on the 28th April, 2000 in the Andhra Pradesh Gazette for General information:-

ACT NO. 14 OF 2000

An Act further to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-first Year of the Republic of India, as follows:-

Short
title
and
commence-

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Second Amendment) Act, 2000.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment
of section 5.
Act, 6 of
1965.

2. In the Andhra Pradesh Municipalities Act, 1965 in section 5, in sub-section (2), for clause (v), the following clause shall be substituted, namely:-

"(v) Persons having special knowledge or experience in Municipal Administration co-opted by the Municipal Council whose number shall be one in the case of a Nagar Panchayat two in the case of a Municipality having population of less than three lakhs and three in the case of a Municipality having a population of three lakhs or more:

Provided that in the case of a Municipality which has more than one co-opted member, one member shall be a woman;

Provided further that the member co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of Nagar Panchayat or the Municipality, as the case may be, but shall not have the right to vote."

Amendment
of section 5.
Act II of
1965.

3. In the Hyderabad Municipal Corporations Act, 1955, in section 5, in sub-section (1B), for the opening para, the following shall be substituted, namely:-

"(1B) In addition to the members referred to in sub-sections (1) and (1A) five persons of whom two shall be women having special knowledge or experience in Municipal Administration co-opted by the Corporation shall be ex-officio members."

4. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations and also to other corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994.

Application of the Act to the Visakhapatnam and Vijayawada Municipal Corporations and also to the A.P. Municipal Corporations Act 1994. Act 25 of 1994.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice.
Law Department.

STATEMENT OF OBJECTS AND REASONS

In order to provide reservation for women in the category of co-opted members of Municipalities and Municipal Corporations, Government have decided to amend section 5(2)(v) of Andhra Pradesh Municipalities Act, 1965 and section 5 (1B) of the Hyderabad Municipal Corporations Act, 1955 suitably.

This Bill seeks to give effect to the above decision.

N.M.D. FAROOR,
Minister for Municipal
Administration and Urban
Development.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 30th September, 2000 and the said assent is hereby first published on the 3rd October, 2000 in the Andhra Pradesh Gazette for general information:-

ACT No. 33 OF 2000

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE ANDHRA PRADESH MUNICIPAL LAWS (SECOND AMENDMENT) ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-first Year of the Republic of India, as follows:-

[209]

Short
title
and
commence-
ment.

1.(1) This Act may be called the Andhra Pradesh Municipal Laws (Third Amendment) Act, 2000.

(2) It shall be deemed to have come into force on and from the 27th September, 1998.

Amendment
of sec-
tion 62-A,
Act VI of
1965.

2. In the Andhra Pradesh Municipalities Act, 1965 (hereinafter referred to as the principal Act), in section 62-A, in sub-section (1),-

(i) for the words "which shall not exceed two and half years", the words "which shall not exceed four and half years", shall be substituted;

(ii) in the proviso, for the words "beyond two and half years", the words "beyond four and half years", and for the words "in the aggregate exceed six and half years", the words "in the aggregate exceed eight and half years" shall respectively be substituted.

Validation.

3. Notwithstanding anything contained in the principal Act, any Judgment, decree or order of a Court, or any other authority, every action taken or thing done by the Special Officer in exercise of the powers conferred under section 62-A of the principal Act shall not be deemed to be invalid or ever to have become invalid by reason of the fact that such actions were taken or such things were done by such Special Officer when the power in this behalf had not been entrusted to him under the provisions of the said principal Act and accordingly any action taken or thing done by such Special Officer, shall for

all purposes, be deemed to be and deemed to have always been taken or done in accordance with the provisions of the principal Act as amended by this Act.

4. In the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994, in section 5, for the words "not exceeding four and half years", the words "not exceeding six and half years", shall be substituted. Amendment
of sec-
tion 5.
Act 17 of
1994.

5. The Andhra Pradesh Municipal Laws (Second Amendment) Ordinance, 2000 is hereby repealed. Repeal
of
Ordinance
4 of 2000.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

According to section 62-A of the Andhra Pradesh Municipalities Act, 1965, the term of a Special Officer appointed thereunder shall not exceed one year from the date of such appointment and the State Government may from time to time, by notification in the Andhra Pradesh Gazette, and for reasons specified therein extend the said period of appointment of Special Officer beyond one year, for a further period or periods so however that the period of appointment shall not, in aggregate exceed six and half years.

The term of the present Special Officers of eleven left over Municipalities expired by 27th September, 1998 and 30th November, 1998 in accordance with the said provisions of the Act.

Government have issued orders vide G.O.Ms.No.189, M.A., Dated 20-04-1999 to merge 9 surrounding Municipalities and Gaddiannaram Gram Panchayat in the Municipal Corporation of Hyderabad so as to form Greater Hyderabad. The said orders are stayed by the High Court of Andhra Pradesh. Government have withdrawn the said proposal and issued orders to that effect vide G.O.Ms.No.67, M.A., dated 02-02-2000 and conducted elections to the surrounding 9 Municipalities. With regard to conduct of elections to Hindupur and Tirupathi Municipal Councils, the State Election Commission has issued notification to conduct elections on 29-06-1998 along with the left over and casual vacancies in the Municipalities. However, the elections to the Hindupur and Tirupathi Municipalities could not be held due to stay orders of High Court and the matter is still pending.

Therefore, in order to have continuity in the office of the post of Special Officer to the left over Municipalities, without any break and to give effect, it has been decided to empower the Government to extend the term of the Special Officers to the eleven left over Municipalities for a further period of one and half (1½) years by amending relevant provisions of the Andhra Pradesh Municipalities Act, 1965 and the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994, suitably.

As the Legislative Assembly of the State was not then in session having been prorogued and it was considered necessary to give effect to the above decision immediately, the Andhra Pradesh Municipal Laws (Second Amendment) Ordinance, 2000 was promulgated by the Governor on the 1st February, 2000.

The Government have now decided to extend the term of Special Officers of Hindupur and Tirupatni Municipalities for a further period of two years beyond 07-9-1998 for which election could not be held due to stay orders of the High Court.

This Bill seeks to replace the said Ordinance and to give effect to the above decision.

N.M.D. FAROOK,
Minister for Municipal
Administration and
Urban Development

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 7th April, 2001 and the said assent is hereby first published on the 10th April, 2001 in the Andhra Pradesh Gazette for general information.

ACT No. 8 OF 2001

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE ANDHRA PRADESH MUNICIPAL LAWS (SECOND AMENDMENT) ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Amendment) Act, 2001. Short title and Commencement.

(2) It shall be deemed to have come into force on and from the 27th September, 2000.

2. In the Andhra Pradesh Municipalities Act, 1965 (hereinafter referred to as the principal Act), in section 62-A, in sub-section (1),- Amendment of Section 62-A. Act VI of 1965.

(i) for the words "which shall not exceed four and half years", the words "which shall not exceed five and half years", shall be substituted;

(ii) in the proviso, for the words "beyond four and half years", the words "beyond five and half years", and for the words "in the aggregate exceed eight and half years", the words "in the aggregate exceed nine and half years", shall respectively be substituted.

Validation. 3. Notwithstanding anything contained in the Principal Act, any Judgement, decree or order of a Court, or any other authority, every action taken or thing done by the Special Officer in exercise of the powers conferred under section 62-A or the principal Act shall not be deemed to be invalid or ever to have become invalid by reason of the fact that such actions were taken or such things were done by such Special Officer, when the power in this behalf had not been entrusted to him under the provisions of the said principal Act, and accordingly, any action taken or things done by such special Officer, shall for all purposes be deemed to be and deemed to have always been, taken or done in accordance with the provisions of the principal Act, as amended by this Act.

Amendment
of Section 5.
Act 17 of
1994

4. In the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994. in Section 5 for the words "not exceeding six and half years" the words "not exceeding seven and half years" shall be substituted.

5. The Andhra Pradesh Municipal Laws (Third Amendment) Ordinance, 2000 is hereby repealed. Repeal of
Ordinance
11 of 2000.

C. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

According to section 62.A of the Andhra Pradesh Municipalities Act, 1965, the term of a Special Officer appointed there under shall not exceed one year from the date of such appointment and the State Government may from time to time, by notification in the Andhra Pradesh Gazette, and for reasons specified therein extend the said period of appointment of Special Officer beyond one year, for a further period or periods so however that the period of appointment shall not, in aggregate exceed nine and half years.

2. The term of the present Special Officers of left over Municipalities expire by 26th March, 2001 in accordance with the said provisions of the Act.

3. The State Election Commission has issued notification to conduct elections to Hindupur and Tirupathi Municipal Councils on 29-6-1998 along with the left over and casual vacancies in the Municipalities. However, the elections to the Hindupur and Tirupathi Municipalities could not be held due to stay orders of High Court and the matter is still pending.

4. Therefore, in order to have continuity in the office of the post of Special Officers to the left over Municipalities, without any break and to give effect, it has been decided to empower the

Government to extend the term of the Special Officers to the left over Municipalities for a further period of one year by amending relevant provisions of the Andhra Pradesh Municipalities, 1965 and the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994, suitably.

5. As the Legislative Assembly of the State was not then in session having been prorogued and it was considered necessary to give effect to the above decision immediately, the Andhra Pradesh Municipal Laws (Third Amendment) Ordinance, 2000 (A.P. Ordinance No. 11 of 2000) has been promulgated by the Governor on the 15th October, 2000 for extending the term of the Special Officer for a period of six months.

6. The Government have now decided to amend sub-section (i) of section 62-A of the Andhra Pradesh Municipalities Act, 1965 to extend the term of Special Officers of Hindupur and Tirupathi Municipalities for a further period of one year beyond 27-9-2000 in order to have continuity in the Office of the post of Special Officers of the said Municipalities, for which election could not be held due to stay orders of the High Court.

7. This Bill seeks to replace the said Ordinance and to give effect to the above decision.

N. MD. FAROOK,
Minister for Municipal
Administration and Urban
Development.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 10th April, 2001 and the said assent is hereby first published on the 11th April, 2001 in the Andhra Pradesh Gazette for general information:-

ACT NO. 11 OF 2001.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE HYDERABAD MUNICIPAL CORPORATIONS ACT, 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty second Year of the Republic of India, as follows:

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Second Amendment) Act, 2001. Short title and Commencement.

(2) It shall come into force on such date as the State Government may, by notification appoint.

2. In the Andhra Pradesh Municipalities Act, 1965, after section 28-D, the following provision shall be inserted, namely:- Insertion of Section 28-E. Act VI of 1965.

"Voting machines at elections. 28-E. Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such ward

or wards as the State Election commission may, having regard to the circumstances of each case, specify.

Explanation:- For the purpose of this section, 'Voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine is used at any election."

3. In the Hyderabad Municipal Corporations Act, 1955, after section 60, the following provision shall be inserted, namely:-

Insertion of
Section 60-A.
Act II of
1956.

"Voting machines at elections.	60-A. Notwithstanding anything, contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as
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may be prescribed, may be adopted in such ward or wards as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation:- For the purpose of this section, 'Voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election."

Application of
the Act to the
Visakhapatnam
and the Vijaya-
wada Municipal
Corporations
and also to
the A.P.
Municipal
Corporations
Act, 1994.
Act 25 of
1994.

4. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by section 3, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations and also to other Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

In the meeting convened by the State Election Commission with the leaders of the political parties in the State in connection with conduct of elections to the Local Bodies, the leaders of political parties unanimously requested to use Electronic Voting Machines in the elections to the Local Bodies. Accordingly, the State Election Commission addressed the Government to introduce the Electronic Voting Machines in the elections to Municipal Bodies.

On the careful examination of the proposal of State Election Commission, the Government have decided to amend the Andhra Pradesh Municipalities Act, 1965 and Hyderabad Municipal Corporations Act, 1955 suitably in tune with the section 61-A of Representation of the Peoples Act, 1951 so as to enable use of Electronic Voting Machines for conduct of elections to Municipal Bodies in the State.

This Bill seeks to give effect to the above decision.

N.M.D. FAROOK,
Minister for Municipal
Administration and Urban
Development.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 27th September, 2001 and the said assent is hereby first published on the 27th September, 2001 in the Andhra Pradesh Gazette for general information:-

ACT No. 33 OF 2001

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE ANDHRA PRADESH MUNICIPAL LAWS (SECOND AMENDMENT) ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

1. This Act may be called the Short title.
Andhra Pradesh Municipal Laws
(Third Amendment) Act, 2001.

2. In the Andhra Pradesh Amendment of section 62-A Act VI of 1965.
Municipalities Act, 1965, in
Section 62-A, in Sub-section (1),-

(i) for the words "which shall not exceed five and half years", the words "which shall not exceed six years", shall be substituted;

(ii) in the proviso, for the words "beyond five and half years", the words "beyond six years", and for the words, "in the aggregate exceed nine and half years", the words "in the aggregate exceed ten years", shall respectively be substituted.

Amendment of
section 5.
Act 17 of 1994.

3. In the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994; in Section 5, for the words "not exceeding seven and half years", the words "not exceeding eight years", shall be substituted.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

STATEMENT OF OBJECTS AND REASONS

According to Section 62-A of the Andhra Pradesh Municipalities Act, 1965, the term of Special Officer appointed thereunder shall not exceed one year from the date of such appointment and the State Government may from time to time, by notification in the Andhra Pradesh Gazette, and for reasons specified therein extend the said period of appointment of Special Officer beyond one year, for a further period or periods so however that the period of appointment shall not, in aggregate exceed nine and half years.

2. The term of the present Special Officers of left over Municipalities expire by 26th September, 2001 in accordance with the said provisions of the Act.

3. The State Election Commission has issued notification to conduct elections to Hindupur and Tirupati Municipal Councils on 29-6-1998 along with the left over and casual vacancies in the Municipalities. However, the elections to the Hindupur and Tirupati Municipalities could not be held due to stay orders of High Court and the matter is still pending.

4. Therefore, in order to have continuity in the office of the post of Special Officers to the left over Municipalities, without any break and to give effect, it has been decided to empower the Government to extend the terms of the Special Officers to the left over Municipalities for a further period of six months by amending relevant provisions of the Andhra Pradesh Municipalities Act, 1965 and the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 suitably.

5. The Government have now decided to amend Sub-section (1) of Section 62-A of the Andhra Pradesh Municipalities Act, 1965 to extend the term of Special Officers of Hindupur and Tirupathi Municipalities for a further period of six months beyond 27th September, 2001 in order to have continuity in the Office of the post of Special Officers of the said Municipalities, for which election could not be held due to stay orders of the High Court.

6. this Bill seeks to give effect to the above decision.

N.MD. FAROOK,
Minister for Municipal
Administration and
Urban Development.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS, Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 28th September, 2001 and the said assent is hereby first published on the 29th September, 2001 in the Andhra Pradesh Gazette for general information:-

ACT No. 34 OF 2001

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH MUNICIPALITIES ACT, 1965 AND THE HYDERABAD MUNICIPAL CORPORATIONS ACT 1955.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

1.(1) This Act may be called Short title and commencement. the Andhra Pradesh Municipal Laws (Fourth Amendment) Act, 2001.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In the Andhra Pradesh Municipalities Act, 1965 (herein-after Amendment of Act VI of 1965. referred to as the Principal Act),-

(1) in Section 2, for Clause (32-a) the following shall be substituted, namely:-

"(32-a) qualifying date", in relation to the preparation and

publication of every electoral roll under this Act, means the first day of January of the year in which it is so prepared and published,".

(2) for Section 11, of the Principal Act, the following shall be substituted, namely:-

"Preparation and publication of electoral roll for a municipality. 11.(1) The electoral roll for a municipality shall be prepared and published by the person authorised by the State Election Commissioner in such manner by reference to such qualifying dates as may be prescribed and the electoral roll for a municipality shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for a municipality shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, up to the qualifying date as relates to a municipality or any portion thereof:

Central Act 43
of 1950.

Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under Section 22 or Section 23, as

the case may be, of the Representation of the People Act, 1950, upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the municipality and any such names included shall be added to the part relating to the concerned ward.

Explanation:- Where in the case of any Assembly Constituency there is no district part of the electoral roll relating to the municipality, all persons whose names are entered in such roll under the registration area comprising the municipality and whose addresses as entered are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

(2) The electoral roll for a municipality,-

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date,-

(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the office of the Chair-person or Member of Municipality; and

(b) shall be prepared and published, in any year in the prescribed manner, by reference to the qualifying date, if so, directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.

(3) When a municipality has been divided into Wards, the Electoral Roll for the Municipality shall be divided into separate lists for each wards.

(4) Where after the electoral roll for a municipality or any alteration thereto have been published under Sub-section (2), the Municipality is divided into wards for the first time or the division of the Municipality into wards is altered or the limits of the Municipality are varied, the person authorised by the State Election Commission in this behalf shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the division of the Municipality into wards or to the alteration of the variation of the limits, as the case may be, authorise a rearrangement and republication of the electoral roll for the Municipality or any part of such roll, in such manner as the State Election Commission may direct.

(5) The electoral roll published under sub-section (1) or as the case may be under sub-section (4) shall be the electoral roll for the municipality and it shall remain in force till a fresh electoral roll for the municipality is published under this section.

(6) Every person whose name appears in that part of the electoral roll relating to a ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(7) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

Explanation:- In this section, the expression "Assembly Constituency" shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly".

3. In the Hyderabad Municipal Corporations Act, 1955 (herein after referred to as principal Act), - Amendment of Act II of 1955

(1) in section 2, for clause (46-A), the following shall be substituted, namely,-

"(46-A) "qualifying date" in relation to the preparation and publication of every electoral roll under this Act,

means the first day of January of the year in which it is so prepared and published;

(2) Sections 10 and 11 shall be Omitted,

(3) in section 12 of the principal Act,

(i) in sub-section (1),-

(a) for the words "draft of the" in the two places wherever they occur shall be omitted;

(b) for the words "by the person authorised by such authority," the words "by the person authorised by the State Election Commissioner", shall be substituted;

(c) for the words "upon its final publication" the words "upon its publication", shall be substituted;

(d) before the Explanation, the following proviso shall be inserted, namely:-

"Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under Section 22 or section 23, as the case may be, of the Representation of the People Act, 1950, upto the date of election notification, for any election held under this ACT, shall be carried out in the electoral roll of the

Corporation and any such names included shall be added to the part relating to the concerned ward".

(ii) for sub-section (2), the following shall be substituted, namely,-

"(2) The electoral roll for a Corporation,-

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date,-

(i) before each ordinary election;
and

(ii) before each casual election to fill a casual vacancy in the Office of the Mayor or Member of a Corporation;
and

(b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission;

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.";

(iii) sub-section (3) shall be omitted;

(iv) sub-sections (4) to (8) shall be renumbered as sub-sections (3) to (7);

(v) in sub-section (3), as so renumbered for the words, "The final electoral roll", the words "the electoral roll" shall be substituted;

(vi) in sub-section (7), as so renumbered the following explanation shall be added namely:-

"Explanation:- In this section, the expression "Assembly Constituency" shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.";

(vii) existing sub-section (9) shall be omitted;

(4) Sections 13 and 14 of the principal Act, shall be omitted,

Application of the Act to the Visakhapatnam and the Vijayawada Municipal Corporations and also to the A.P. Municipal Corporations Act, 1994. Act 25 of 1994.

4. The amendments made to the Hyderabad Municipal Corporations Act, 1955 by clause 3, shall extend to and shall apply also to the Visakhapatnam and Vijayawada Municipal Corporations and also to other Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice
(FAC), Law Department.

STATEMENT OF OBJECTS AND REASONS

Section 2 (32a) of the Andhra Pradesh Municipalities Act, 1965 and Section 2(46a) of the Hyderabad Municipal Corporations Act, 1956 contemplates two qualifying dates, namely 1st January and 1st July of the year for preparation and publication of the electoral rolls resulting in not only additional work but huge expenditure to the State Exchequer. In order to adopt the Assembly Electoral Roll without any further exercise like draft publication and final publication, it is proposed to amend the qualifying date as first January of the year for the purpose of local body elections.

In order to enforce the ceiling on election expenditure and to conduct fair elections to local bodies and to implement the Constitution (74th Amendment) act, 1992 it is proposed that provisions similar to those contained in the Representation of People Act, 1950 and on the lines of the Andhra Pradesh Panchayat Raj (Third Amendment) Act, 2000 by amending the relevant Acts of the local bodies, suitably.

After careful examination, the Government have decided to amend the Andhra Pradesh Municipalities Act, 1965 and the Hyderabad Municipal Corporations Act, 1956 and also extend to the Visakhapatnam and Vijayawada Municipal Corporations and also to other Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994, accordingly.

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This Bill seeks to give effect to the above decision.

N.MD. FAROOK,
Minister for Municipal
Administration and Urban
Development.