



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 ;

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(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.

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
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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

(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

"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

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).

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.

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This Bill seeks to give effect to the above decision.

N.MD. FAROOK,
Minister for Municipal
Administration and Urban
Development.