

**STATE ELECTION COMMISSION**  
3<sup>rd</sup> Floor, Buddha Bhavan, M.G.Road, Secunderabad – 500 003.

**CIRCULAR**

**No.1400/SEC-F1/2014**

**Date: 23.05.2014**

Sub:- Elections to Mayor and Dy Mayor of Municipal Corporations, 2014 –  
Procedural instructions – Issued.

Ref:- G.O.Ms.No.762, MA & UD (Elections II) Dept., dated 19.8.2005.

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Under section 90(1) of the Greater Hyderabad Municipal Corporation (GHMC) Act, 1955 read with section 7 of Vijayawada Municipal Corporation Act, 1981 and section 14 of AP Municipal Corporations Act, 1994, for every Municipal Corporation, there shall be one Mayor and one Dy Mayor, who shall be elected by directly elected Ward members and Ex officio members referred in sub section (1-A) of section 5 of GHMC Act (MPs, MLAs and MLCs) from among the directly elected Ward Members by show of hands duly obeying the party whip given by such functionary of the recognized political party, as may be prescribed. If a member votes in disobedience of party whip in the election to the said offices, he shall cease to hold office in the manner prescribed.

The State Government issued Andhra Pradesh Municipal Corporations (Conduct of Election of Mayor and Dy Mayor) Rules, 2005 in the reference cited.

The State Election Commission will issue Notification shortly for conduct of indirect elections to the offices of Mayor and Deputy Mayor of Municipal Corporations for which ordinary elections were held recently.

The following procedural instructions are issued with regard to holding of Special Meeting for conduct of elections to the said offices and other matters relating thereto.

## **I.GENERAL:**

- (a) Any reference to 'Act' in this circular shall be construed as a reference to the Greater Hyderabad Municipal Corporation Act 1955 and any reference to 'Rules' in this circular shall be construed as reference to Andhra Pradesh Municipal Corporations (Conduct of Election of Mayor and Deputy Mayor) Rules, 2005 rules issued in G.O.Ms.No.762 Municipal Administration & Urban Development (Elecs.II ) Department, dated 20.8.2005.
- (b) Under Rule 4 of the "Rules" Special meeting for election of Mayor and Deputy Mayor shall be held in the office of the Municipal Corporation concerned or at any other convenient place within the jurisdiction of the municipal Corporation concerned.
- (c) Only directly elected Ward Members are eligible to contest in election of Mayor and Deputy mayor of Municipal Corporation
- (d) The directly elected Ward Members and Ex officio members MPs, MLAs & MLCs referred in sub section (1-A) of section 5 of GHMC Act can vote in the election to Mayor and Deputy Mayor of Municipal Corporation.
- (e) Reservations have been notified for the offices of Mayor of Municipal Corporations by the Government. Only such of those elected Ward Members, from ward constituencies, who belong to that particular reserved category, shall be eligible to contest irrespective of the fact whether such candidates were elected from the Ward Constituency reserved for the said category or not. A clarification issued on this matter in Circular No.468/SEC-B1/2014, dated 19.03.2014 is also enclosed.
- (f) No canvassing or any efforts to influence the voting pattern shall be permitted inside the meeting hall.
- (g) In the Special Meeting convened for election of Mayor and Deputy Mayor of Municipal Corporation, shall be taken up first. After completion of election of Mayor of Municipal Corporation only, the election of Deputy Mayor of Municipal Corporation shall be taken up. If the election of Mayor of Municipal Corporation is not completed, the election of Deputy Mayor of

Municipal Corporation shall not be taken up. This arrangement will ensure that the office of Mayor of Municipal Corporation, for which reservations apply, are filled up leaving little scope for vested interests to keep them vacant and continue Deputy Mayor of Municipal Corporation as temporary Mayor of Municipal Corporation for unduly long periods defeating the very purpose of reservation policy.

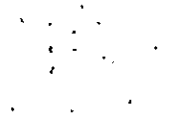
## **II.ISSUE OF WHIP BY RECOGNISED POLITICAL PARTIES:**

According to the provisions of Section 90 of the GHMC Act, the Mayor and Deputy Mayor shall be elected by directly elected Ward members and Ex-officio members (MPs, MLAs and MLCs) referred in sub section (1-A) of section 5 of GHMC Act from amongst the elected members by show of hands duly obeying the party Whip given by a functionary of a recognized political party. As on date the recognized political parties for this purpose are the following:

1. Bahujan Samaj Party
2. Bharatiya Janata Party
3. Communist Party of India
4. Communist Party of India (Marxist)
5. Indian National Congress
6. Nationalist Congress Party
7. Telugu Desam Party
8. Telangana Rastra Samithi
9. All India Anna-Dravida Munnetra Kazhagam
10. Janata Dal (Secular)
11. Samajwadi Party
12. Janata Dal (United)
13. All India Forward Bloc
14. Rashtriya Lok Dal

The attention is invited to Sub-Rule 7 of Rule 6 of the Rules, which is extracted below:

"Every recognized political party may appoint on behalf of that political party a whip and intimation of such appointment shall be sent by the State President or a person authorised by him under his signature and seal and such intimation shall be sent to the Presiding Officer so as to reach him on or before 11.00 A.M.



on the day preceding the day of election to the Office of the Mayor and Deputy Mayor”.

The following instructions and formats are issued with regard to appointment of whip and matters connected thereto.

- 1) The State President of a recognised political party may authorise a party functionary at local level / district level in Annexure-I to appoint a whip for a Municipal Corporation or Municipal Corporations specified therein (Annexure-I) or directly appoint a whip in Annexure-II (without authorizing any party functionary at local / district level in Annexure-I).
- 2) However, where the State President of a recognised political party authorises a person in Annexure-I to appoint whip for certain Municipal Corporations, the State President shall desist from directly appointing whip for those Municipal Corporations in Annexure-II as it creates confusion and adversely affects smooth conduct of election.
- 3) The Annexure-I, wherever such Form is issued, and Annexure-II should be submitted (both in original) to the Presiding Officer before 11.00 AM on the day preceding the day of election.
- 4) A recognized political party which has issued an order of appointment of whip in Annexure-II in favour of a candidate may rescind that order and give revised order in Annexure-II in favour of another candidate subject to the following conditions.
  - a) The revised order of appointment of whip rescinding the earlier order in Annexure-II is received by the Presiding Officer concerned before 11.00 A.M. on the day preceding the day of election.
  - b) Such revised order in Annexure-II is signed by the same party functionary who signed the earlier order in Annexure-II and clearly shows that it rescinds the earlier order.

- c) The Presiding Officer is satisfied about the genuineness of the subsequent order.
- d) In cases where an order of appointment of whip in Annexure-II is issued to more than one person without rescinding the earlier one, then the Annexure-II which is received by the Presiding Officer first in point of time shall be taken into consideration to determine the person appointed as whip by the party.
- 5) Appointment of whip is valid only if the State President of a recognised political party or a person authorised by him intimates the name of the whip to the Presiding Officer before 11.00 AM on the day preceding the day of election.
- 6) Rules are silent with regard to the person who should be appointed as whip. However, if a person who is not a member of the Municipal Corporation, as the case may be, is appointed as whip, he will not be permitted to participate in the meeting.
- 7) The recognised political parties are required to appoint only one whip for election of Mayor and Deputy Mayor of Municipal Corporation. The appointment of more than one whip for the same Municipal Corporation is prohibited.
- 8) Provisions pertaining to whip are applicable only to Members of Municipal Corporation elected on behalf of a recognized political party. The said provisions do not apply to members elected on behalf of other political parties and to independent candidates.
- 9) The whip so appointed by a recognized political party has to furnish a copy of the contents of the whip issued by him to the Presiding Officer at least one hour before the commencement of the special meeting. A format in which whip is to be issued is appended as Annexure-III.

10)The person appointed as whip by a recognized political party shall, in addition to a copy of the contents of the whip issued by him, also furnish a copy of the acknowledgement obtained from the members belonging to the party on the service of the whip to them, to the Presiding Officer before the commencement of the meeting. If any member elected on behalf of the recognized political party refuses to receive the whip issued by him, he shall record the same and furnish a copy of it to the Presiding Officer. Such Member refusing to receive the whip shall be deemed to have received the whip for the purposes of disqualification.

**III. PROCEDURE TO BE FOLLOWED WHERE A MEMBER ELECTED ON BEHALF OF A RECOGNIZED POLITICAL PARTY DISOBEYS THE PARTY WHIP:**

With regard to disqualification for disobedience of the party whip, attention is invited to sub rule 8 of rule 6 of the Rules. The following procedure is to be followed where a member disobeys the whip issued in connection with the election of Mayor and Deputy Mayor of Municipal Corporation.

1. If any member elected on behalf of a recognized political party disobeys the party whip in the said election, the person appointed as whip by the party shall send a written report to the Presiding Officer within 3 days from the date of election specifically indicating the name of the member.
2. On receipt of the written report from the party whip, the Presiding Officer shall give a show cause notice to the member concerned as to why he should not be declared to have ceased to hold office and that he should make representation, if any, within 7 days from the date of the notice.
3. The Presiding Officer shall consider the explanation given by the member concerned and pass a speaking order in the matter of cessation of membership of the member for disobedience of the whip at the earliest.
4. If no explanation is received from the members concerned, within the time specified, the Presiding Officer shall pass an order on the basis of the material available with him without any further notice.

**IV. WHIP AND THE VALIDITY OF THE VOTES CAST IN DISOBEDIENCE OF THE WHIP:**

If any Member of Municipal Corporation elected on behalf of a recognized political party casts vote in disobedience of the Party Whip so issued, he shall cease to hold office in the manner prescribed. **However, the vote cast by him is valid.** The Presiding Officer shall record that fact in the proceedings of the meeting and intimate the same to the State Election Commission and the Commissioner and Director of Municipal Corporation.

**V. ISSUANCE OF FORM – “A” AND FORM – “B” BY RECOGNISED POLITICAL PARTIES:**

**The Rule 6(1) of the rules reads as follows:-**

“A candidate for the Office of Mayor and Deputy Mayor of Municipal Corporation shall be proposed by one member and seconded by another. If any candidate claims to be contesting on behalf of a recognized political party, he shall produce an authorisation from the President of the party of the State or a person duly authorised by the State President under his office seal and such authorisation shall be produced before the Presiding Officer before 10.00 AM on the day of the election. The names of all candidates validly proposed and seconded shall be read out along with the name of the political party which has set him up by the Presiding Officer in the meeting”.

The State President of a recognised political party may issue authorisation directly in Form-B or they may authorise a person through Form-A for issuing the Form-B. However, where the State President of a recognised political party authorises a person in Form-A to issue Form-B, the State President shall desist from issuing Form-B directly as it creates confusion and adversely affects smooth conduct of election. Formats of Form-A and 'B' are enclosed.

The Form-A, wherever such Form is issued, and Form-B should be submitted (both in original) to the Presiding Officer before 10.00 AM on the day of the special meeting.

The following further instructions are, hereby, issued on the subject:

- 1) A recognized political party which has given an authorization in Form-B in favour of a candidate may rescind that authorization and may give revised authorisation in Form-B in favour of another candidate subject to the following conditions.
  - a) The revised authorisation rescinding the earlier authorisation in Form-B is received by the Presiding Officer concerned before 10.00 AM on the day of special meeting.
  - b) Such revised authorisation in Form-B is signed by the same party functionary who signed the earlier Form-B and clearly shows that it rescinds the earlier authorisation.
  - c) The Presiding Officer is satisfied about the genuineness of the subsequent authorisation.
- 2) In cases where Form-B is issued to more than one person without rescinding the earlier one, then the Form-B which is received by the Presiding Officer first in point of time shall be taken into consideration to determine the official candidate of the party.

#### **VI. OATH TAKING AND SEQUENCE OF OTHER EVENTS DURING THE SPECIAL MEETING**

- 1) The special meeting of Municipal Corporation is to be called at 11.00 AM. The following shall be the sequence of proceedings on the day of special meeting.
  - a) Oath taking by members. The elected Ward members of Municipal Corporation can take oath in Telugu alphabetical order of their names.
  - b) Election of Mayor of Municipal Corporation.
  - c) Thereafter, election of Deputy Mayor of Municipal Corporation.



- 2) The Special Meeting shall have the quorum as laid down in rule 5 for Mayor and Deputy Mayor of Municipal Corporation.
- 3) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.
- 4) If there are two or more candidates, an election shall be held by show of hands and votes of the members present at the meeting shall be taken.
- 5) The Presiding Officer shall, thereafter, record the number of votes polled, for each such candidate, ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.
- 6) In the event of there being an equality of votes between the two candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been elected.
- 7) In such a case, the Presiding Officer concerned shall write each of such candidate's name on 5 slips of paper of same color and size and then all those slips should be folded tightly twice and then jumbled to get them mixed beyond recognition. After such mixing **the Presiding Officer should take the draw.** The candidates whose name is first drawn shall be declared to have been duly elected.
- 8) **Only after the Office of the Mayor is filled up, the Presiding Officer shall likewise conduct the election to the Office of Deputy Mayor.** If, for any reason the Office of the Mayor is not filled up, the Presiding Officer shall not hold election of Deputy Mayor. No election to the Office of Deputy Mayor of Municipal Corporation shall be conducted unless the Office of the Mayor is filled up.

#### **VII. QUORUM FOR THE MEETING:**

As per rule 5, the quorum for holding the Special Meeting is one half of the number of members then on the Municipal Corporation, who are entitled to vote at the election. If there is no quorum in the said meeting within one hour from the time appointed for the meeting, or there is quorum but no election has taken place, the

meeting shall be adjourned for the next day, irrespective of the fact whether it is a working day or a holiday. If there is no quorum in the second meeting or there is a quorum but the election has not taken place, the matter shall be referred to the State Election Commission for orders.

#### **VIII. RECORD OF PROCEEDINGS OF THE SPECIAL MEETING:**

Under sub-section(1) of section 90 of the GHMC Act, the elected members as well as Ex officio Members consists of MPs, MLAs, MLCs referred in sub section (1-A) of section 5 of GHMC Act are required to vote by show of hands duly obeying the party whip in the election of Mayor and Deputy Mayor of Municipal Corporation. Under the second proviso to sub-section (1) thereof, a member voting in disobedience of the party whip shall cease to hold office in the manner prescribed.

The Commissioner & Director of Municipal Administration and Election Authority have to appoint District Collector or Joint Collector as Presiding Officer for holding the special meetings of Municipal Corporation. The State Election Commission authorizes Commissioner & Director of Municipal Administration and Election Authority to appoint Presiding Officers for holding the special meetings of Municipal Corporation.

Rule 7 of the said rules require preparation of record of proceedings of the special meetings of Municipal Corporation, called for holding the election of Mayor and Deputy Mayor of Municipal Corporation.

The Presiding Officers appointed for holding of special meetings of Municipal Corporation are hereby, directed to specifically record, inter alia, the following details, while preparing the record of the proceedings of the special meetings.

The names of the elected members, along with their party affiliations, if any, shall be in the record as follows:-

- a) who attended the special meeting;
- b) who absented from the meeting;

- c) who voted in the defiance of their party Whip, as required under Section 90(1) of the GHMC Act, in case of elections of Mayor and Deputy Mayor of Municipal Corporation.
- d) who attended the meeting, but abstained from voting.

#### **IX. SEATING ARRANGEMENTS OF MEMBERS:**

The State Election Commission issues the following instructions with regard to seating arrangements of elected members and Ex-officio members in order to ensure that the meeting is conducted in an orderly and systematic manner.

1. Only the Presiding Officer and the Observer (wherever appointed by the State Election Commission to oversee the indirect election) shall be allowed to sit on the dais.
2. The Ex-officio members (MPs, MLAs and MLCs) shall be provided seats in the front row.
3. The directly elected Ward members shall be seated in groups on party lines in the following manner.
  - a) The elected members of each recognized national and state political parties shall be provided seating in separate compartments.
  - b) Members of registered political parties may be seated in a separate compartment.
  - c) Independently elected members shall be provided separate compartment.
  - d) The seating arrangement within each compartment made for elected members belonging to the recognized political parties, registered political parties and independent members shall be with reference to the names of the candidates in alphabetical order within their respective groups.
  - e) A display board shall be kept in front of each group/compartment for easy identification. This will be helpful to the presiding officer and observer as well as the print and electronic media to cover the event.

- f) A separate enclosure with a raised platform shall be made on either corner of the meeting hall for the members of press and electronic media who are allowed to cover the event.

#### **X. SECURITY ARRANGEMENTS:**

It is the endeavour of the State Election Commission to create an environment conducive for free and fair elections where elected Ward members of Municipal Corporation can exercise their electoral right freely without being subjected to any intimidation, threat and illegal confinement by vested interests for political gains.

The State Election Commission, therefore, directs the Collectors and District Election Authorities and Commissioners/Superintendents of Police to take the following measures.

1. The area in the vicinity of the venue of the special meeting in all the Municipal Corporations should be cordoned off with barricading. Adequate bandobust arrangements should be made to ensure that supporters of candidates, crowds and anti-social elements did not gain entry into the venue of the meeting to create trouble.
2. If any elected member of a Municipal Corporation makes a request for providing security, he may be provided with the same after assessing the threat perception.

#### **XI. COVERAGE OF PROCEEDINGS OF THE INDIRECT ELECTION BY PRINT AND ELECTRONIC MEDIA AND LIVE COVERAGE:**

To ensure transparency, the State Election Commission authorizes the District Collectors to take the following measures during the special meetings to be held to elect Mayor and Deputy Mayor of Municipal Corporation.

1. Print and electronic media shall be allowed to cover the proceedings of the said special meetings convened for the purpose of the election of Mayor and Deputy Mayor of Municipal Corporation. To ensure that the proceedings are not disturbed in any way, the District Collectors should issue entry passes for

the media and make separate seating arrangement for them in a barricaded and raised enclosure from where they can have uninterrupted view of the ongoing proceedings.

2. The District Collectors shall make arrangements for undertaking videography of the special meetings.
3. The District Collectors are also authorized to allow live coverage of the special meetings.

**(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)**

**Sd/-Navin Mittal  
Secretary**

To

The Commissioner and Director of Municipal Administration and Election Authority.  
All Collectors & District Election Authorities.  
All the Commissioner of Municipal Corporations.  
All Presiding Officers appointed for Municipal Corporations (through C & DMA and EA).  
All Observers.  
All Political Parties.

**// ATTESTED //**

  
**ASSISTANT SECRETARY** 23/5/14

**ANNEXURE-I**

**(Intimation by Recognised Political Party about the person authorised to appoint Whip)**

No.....

Date: .....

From  
The State President / State General Secretary,  
.....  
(Recognised Political Party)  
.....

To  
The Presiding Officer,  
.....Municipal Corporation,  
..... District.

Sir,

Sub: Elections to Mayor and Deputy Mayor of Municipal Corporations - Intimation about person authorised to appoint Whip – Reg.

Ref: SEC Election Notification No. ...., dated.....

\*\*\*

I wish to inform that our Party, hereby, authorises the following persons to appoint Whip on behalf of our party in the elections mentioned above.

Name of the persons authorized	Position or designation in the party	Municipal Corporation for which he/she is authorised to appoint Whip
1.		
2.		
3.		

The specimen signatures of the authorised persons are given below :

- Specimen signatures of Sri /Smt. / Kum.....  
(a)..... (b) ..... (c) .....
- Specimen signatures of Sri /Smt. / Kum.....  
(a)..... (b) ..... (c) .....
- Specimen signatures of Sri /Smt. / Kum.....  
(a)..... (b) ..... (c) .....

Yours faithfully,

Place :

Place :

(President/General Secretary)

**Seal of the Party**

Note:

- This should be sent to the Presiding Officer of Municipal Corporation concerned so as to reach him on or before 11:00 AM on the day preceding the day of election of the Mayor and Deputy Mayor of Municipal Corporation.
- This form must be signed in ink by the office bearer mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
- No form transmitted by fax shall be accepted.

**ANNEXURE -II**  
**(Intimation by Recognised Political Party about the persons appointed as Whip)**

No.....

Date: .....

From  
The State President / State General Secretary,  
.....  
(Recognised Political Party)  
.....

To  
The Presiding Officer,  
..... Municipal Corporation,  
..... District.

Sir,

Sub: Elections to Mayor and Deputy Mayor of Municipal Corporation- Intimation about person appointed as Whip – Reg.

Ref:- SEC Notification No....., dated.....

\*\*\*

I am to inform that our Party, hereby, appoints the following person as Whip for the elections mentioned above.

1.	Name of the Municipal Corporation	
2.	Name of the person appointed as Whip	
3.	Position or designation in the party	
4.	Specimen Signature of the person appointed as Whip	

\* The notice in Annexure-II given earlier appointing Sri / Smt. / Kum..... as Whip is, hereby, rescinded.

Yours faithfully,

Place:  
Date :

(State President/Person authorised  
by the State President)

Seal of the party

\* This portion must be scored off, if not applicable, or must be properly filled, if applicable.

Note:

1. This should be sent to the Presiding Officer of Municipal Corporation concerned so as to reach him on or before 11:00 AM on the day preceding the day of election of the Mayor and Deputy Mayor of Municipal Corporation.
2. This form must be signed in ink by the office bearer mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

**ANNEXURE – III**

**(PARTY WHIP)**

I, ..... appointed as Whip of .....  
Party for elections to Mayor and Deputy Mayor of Municipal Corporation.....  
District, hereby, direct that the elected members of the Municipal Corporation belonging to  
..... Party shall be present in the Special Meeting to be held on  
..... and vote in favour of Sri / Smt. / Kum. ....

**Party Seal**

Date :  
Place:

Signature & Name :  
Authorised Party Whip :

To

Sri/Smt./Kum .....  
Member, ..... Municipal Corporation.

Copy to the Presiding Officer,  
.....  
Municipal Corporation. Special Meeting.

Note:

1. Person appointed as Whip by a Recognised Political Party has to furnish a copy of the contents of the Whip issued by him in Annexure-III to the Presiding Officer at least one hour before the commencement of Special Meeting for election of Mayor and Deputy Mayor of Municipal Corporation.
2. The person appointed as Whip by a Recognised Political Party shall also furnish a copy of the acknowledgement obtained from the Members belonging to the party on the service of the whip to them to the Presiding Officer before the commencement of the Special Meeting for election of Mayor and Deputy Mayor of Municipal Corporation.



**FORM - A**

**(Intimation by Recognised Political Party about the person authorised to issue Form - B to the candidates)**

No.....

Date: .....

From  
The State President / State General Secretary,  
.....  
(Recognised Political Party)  
.....

To  
The Presiding Officer,  
..... Municipal Corporation  
..... District.

Sir,

Sub: Elections to Mayor and Deputy Mayor of Municipal Corporations- Intimation about person authorised to sign Form-B – Reg.

Ref: SEC Election Notification No. ...., dated .....

\*\*\*

I wish to inform that our Party, hereby, authorises the following persons to issue Forms - B to the candidates set up by our party in the elections mentioned above.

Name of the persons authorized	Position or designation in the party	Municipal Corporation for which he/she is authorized
1.		
2.		
3.		

The specimen signatures of the authorised persons are given below :

1. Specimen signatures of Sri /Smt. / Kum.....  
(a)..... (b) ..... (c) .....

Place:  
Date :

Yours faithfully,

(President/General Secretary)

**Seal of the Party**

Note:

1. This should be sent to the Presiding Officer of Municipal Corporation concerned so as to reach him on or before 10:00 AM on the day of election of the Mayor and Deputy Mayor of Municipal Corporation.
2. This form must be signed in ink by the office bearer mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

**FORM – B**  
**(Notice as to names of the candidates set up by the Recognised Political Party)**

No.....

Date: .....

From  
 .....  
 .....  
 .....

To  
 The Presiding Officer,  
 ..... Municipal Corporation  
 ..... District.

Sir,

Sub: Elections to ..... - Setting up of candidates by our party – Intimation – Reg.

Ref:- SEC Election Notification No. ...., dated.....

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I, hereby, give notice that the following persons have been set up by ..... Party as its candidates at the ensuing elections referred above;

OR

In pursuance of the authorisation received by me in Form-A vide No. ...., dated....., I hereby give notice that the following persons have been set up by ..... Party as its candidates at the ensuing elections referred to above.

1.	Name of the Municipal Corporation	
2.	Name of the District	
3.	Name of the Office	
4.	Name of the party' approved candidate along with father's / husband's name	
5.	Postal address of the approved candidate	
6.	Name of the substitute candidate along with father's / husband's name	
7.	Postal address of the substitute candidate	

\* The notice in Form-B given earlier in favour of Sri / Smt. / Kum..... as party's approved candidate and Sri / Smt. / Kum. .... as party's substitute candidate, is hereby, rescinded.

Place:

Signature

Date :

Name & designation of the issuing authority

**Seal of the party**

\* This portion must be scored off, if not applicable, or must be properly filled, if applicable.

Note:

1. This should be sent to the Presiding Officer of Municipal Corporation concerned so as to reach him on or before **10:00 AM** on the day of election of the Mayor and Deputy Mayor of Municipal Corporation.
2. This form must be signed in ink by the office bearer mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

**STATE ELECTION COMMISSION**  
3<sup>rd</sup> Floor, Buddha Bhavan, M.G. Road, Hyderabad-500003, A.P.

**CIRCULAR**

**No. 468/SEC-B1/2014**

**Date: 19.03.2014**

Sub: 4<sup>th</sup> Ordinary elections to Municipal Bodies and MPPs/ZPPs – Indirect elections to the office of Chairpersons reserved for ST, SC, BC, Women – Eligibility of members to contest and get elected – Clarification – Reg.

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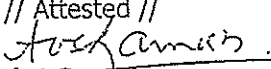
Some of the Political parties, contesting candidates and officials involved in election process are seeking a clarification as to whether the member contesting for the office of Chairperson (Mayor of Municipal Corporation / Chairperson of Municipality or Nagar Panchayat / Chairperson of Zilla Praja Parishad / President of Mandal Praja Parishad) should be elected from the seat reserved for that particular category or any member belonging to that category elected from other seats is also eligible.

It is clarified that any person who belongs to the category for which the office of Chairperson is reserved irrespective of the whether he is elected from the seat reserved for that category or any other seat is eligible to contest and get elected as Chairperson. For the purpose of clarity, the following illustrations are given.

Chairperson reserved for ST (Women)	Any lady member belonging to ST got elected from any Territorial Constituency or ward reserved for ST (Women) or ST (General) or Women or Unreserved.
Chairperson reserved for SC (Women)	Any lady member belonging to SC got elected from any Territorial Constituency or ward reserved for SC (Women) or SC (General) or Women or Unreserved.
Chairperson reserved for BC (Women)	Any lady member belonging to BC got elected from any Territorial Constituency or ward reserved for BC (Women) or BC (General) or Women or Unreserved.
Chairperson reserved for ST (General)	Any member belonging to ST got elected from any Territorial Constituency or ward reserved for ST (Women) or ST (General) or Women or Unreserved.
Chairperson reserved for SC (General)	Any member belonging to SC got elected from any Territorial Constituency or ward reserved for SC (Women) or SC (General) or Women or Unreserved.
Chairperson reserved for BC (General)	Any member belonging to BC got elected from any Territorial Constituency or ward reserved for BC (Women) or BC (General) or Women or Unreserved.
Chairperson reserved for Women	Any lady member got elected from any Territorial Constituency or ward reserved for any category or Unreserved seat.

Sd/- Navin Mittal  
**SECRETARY**

To  
All the Collectors and District Election Authorities.  
All the Commissioners of Municipal Corporations / Municipalities / Nagar Panchayats.  
All the Chief Executive Officers of Zilla Praja Parishads.

// Attested //  
  
**Joint-Secretary**



**MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT  
(ELE.II) DEPARTMENT  
ANDHRA PRADESH MUNICIPAL CORPORATIONS (CONDUCT OF  
ELECTION OF MAYOR AND DEPUTY MAYOR ) RULES, 2005**

**(G.O.Ms.No.762, Municipal Administration & Urban  
Development (ELE.II), 19<sup>th</sup> August, 2005.**

In exercise of the powers conferred by sub-section (1) of section 585 read with section 90 of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956), sections 7 and 11 of the Viaskhapatnam Municipal Corporation Act, 1979 (Act No.XIX of 1979), section 7 of the Vijayawada Municipal Corporation Act, 1981 (Act No.XXIII of 1981) and sections 14 and 18 of the Andhra Pradesh Municipal Corporations Act, 1994 (Act No.XXV of 1994), and in supercession of all the existing rules on the subject, the Governor of Andhra Pradesh, hereby, makes the following rules relating to conduct of election of Mayor and Deputy Mayor of Municipal Corporation.

**PART - I**

**Preliminary**

**1. Short title:** (i) These Rules may be called the Andhra Pradesh Municipal Corporations (Conduct of Election of Mayor and Deputy Mayor) Rules, 2005.

(ii) These rules shall apply to all Municipal Corporations in the State.

**2. Definitions:** In these Rules, unless the context otherwise requires, -

- (i) "Act" means the Hyderabad Municipal Corporations Act, 1955 ( Act II of 1965);
- (ii) "Election Authority" means such officer or authority as may be appointed by the State Election Commission under clause (15 a) of section 2;
- (iii) "Form" means the Form appended to these Rules;
- (iv) "Section" means a section of the Act; and
- (v) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

**3. Powers of Election Authority:** Subject to the general superintendence, direction and control of the State Election Commission, the Election Authority shall be responsible for the conduct of elections of the Mayor and Deputy Mayor.

## PART – II

### **Election of Mayor and Deputy Mayor of Municipal Corporation**

**4. Convening of Special Meeting for Election of Mayor:** (1) A special meeting of the members of Municipal Corporation specified in sub-sections (1) and (1A) of section 5 of the Act shall be held in the office of the Municipal Corporation by the District Collector or Joint Collector authorised by the Election Authority in this behalf in Form I, for the election of Mayor and Deputy Mayor in the manner laid down hereafter.

(2) Notice of the date and hour of such meeting shall be given in Form – II to the members specified in sub-sections (1) and (1A) of section 5 of the Act atleast three clear days in advance of the date of the meeting fixed for the election of the Mayor and Deputy Mayor by the District Collector or the Joint Collector authorised by the Election Authority.

**5. Quorum:** No meeting for the conduct of election of Mayor or Deputy Mayor shall be held unless there be present at the meeting atleast one-half of the number of members then on the Corporation, who are entitled to vote at the election within one hour from the time appointed for the meeting.

Provided that where at an election held for the purpose, the Mayor or Deputy Mayor is not elected, a fresh election shall be held on the next day whether or not it is a public holiday for the Corporation concerned and where the Mayor or Deputy Mayor could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election.

Provided further, that where the election of Mayor or Deputy Mayor could not be conducted in the first two special meetings, convened for the purpose for want of quorum, the Mayor or Deputy Mayor shall be elected in the subsequent meeting/meetings convened for the purpose from among the members present without insisting for quorum.

**Explanation: -** For the purpose of this rule, it is hereby clarified that in determination of one-half of the members under this rule, any fraction below 0.5 should be ignored and any fraction of 0.5 or above shall be taken as one.

**6. Manner of election:** (1) A candidate for the office of Mayor or Deputy Mayor shall be proposed by one member and seconded by another, who are entitled to vote. If any candidate claims to be contesting on behalf of a recognised political party, he shall produce an authorisation, from the President of the Party in the State or a person duly authorised by the State President under his office seal and such authorisation shall be produced before the Presiding Officer on or before 10.00 A.M. on the day of the election.

The names of all candidates validly proposed and seconded shall be read out, along with the name of the Political Party which has set him up, by the Presiding Officer in such a meeting.

(2) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.

(3) If there are two or more such candidates, an election shall be held by show of hands and votes taken of the members present at the meeting.

(4) When an election notice is issued for conducting election to both the offices of Mayor and Deputy Mayor, no election to the office of the Deputy Mayor shall be conducted, unless the office of the Mayor is filled up. Only after completion of election of Mayor, the Presiding Officer shall conduct election of Deputy Mayor.

(5) The Presiding Officer shall thereafter record the number of votes polled, for each such candidate ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(6) In the event of there being an equality of votes between two or more candidates, the Presiding Officer shall draw lots in the presence of the members and the candidates whose name is first drawn shall be declared to have been duly elected.

(7) Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be issued by the State President or a person authorised by him under his seal and such intimation shall be sent to the Presiding Officer to reach him on or before 11.00 A.M. on the day preceding the day of election to the Office of the Mayor and Deputy Mayor.

**Explanation:** - Recognised political party means a political party recognised by Election Commission of India, New Delhi as per the provisions of Election

Symbols (Reservation and Allotment) Order, 1968 issued under article 324 of Constitution of India.

(8) (i) Any member of the Corporation, elected on behalf of a recognised political party shall cease to be a Member of the Corporation for disobeying the directions of the Party Whip so issued.

(ii) The Presiding Officer shall, on receipt of a written report from the party Whip within three days of the election that a member belonging to his party has disobeyed the Whip issued in connection with the election, give a show-cause notice to the member concerned as to why he should not be declared to have ceased to hold office and that he should make any representation within seven days from the date of the notice. The Presiding Officer shall, consider any explanation given and pass a speaking order in the matter of cessation for disobedience of the Whip. If no explanation is received, the Presiding Officer shall pass an order on the basis of the material available with him.

**7. Record of Proceedings:** Immediately after the declaration of the result of the election, the Presiding Officer, shall, -

(a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the members who participated in the meeting.

(b) publish on the notice board of the Corporation a notice signed by him stating the name of the person elected as Mayor and Deputy Mayor of the Corporation and send a copy of such notice to the State Election Commission, the Commissioner and Director of Municipal Administration. A copy of the notice shall also be given to the candidate who is declared elected as Mayor/Deputy Mayor.

### **PART - III**

#### **Filling up of Casual Vacancies in the Office of Mayor and Deputy Mayor of Municipal Corporation**

**8. Procedure for filling casual vacancies:** The Rules in Part-II shall apply for filling up a casual vacancy in the office of the Mayor and Deputy Mayor.

Provided that every casual vacancy shall be filled up within a period of six months from the date of occurrence of such vacancy.

**VEENA ISH,  
SECRETARY TO GOVERNMENT**



**FORM - I**

[See Rule 4 (1)]

I, .....  
(name & designation ) being the Election Authority, hereby authorise  
Sri..... (name & designation), to convene  
the special meeting of the elected and ex-officio members of the Municipal  
Corporation ..... for election of the Mayor and Deputy Mayor of  
..... Municipal Corporation.

Place:

(Signature)

Date:

Election Authority

**FORM - II**

***Notice of Special Meeting for Election of Mayor and Deputy Mayor***

[See Rule 4(2)]

Notice is hereby given to Sri..... elected  
/ex-officio member of the ..... Municipal Corporation that  
a special meeting of the members of the Municipal Corporation will be held at  
(time..... ) on (date)..... at its office for the election of  
the Mayor and Deputy Mayor. The member is requested to make it convenient to  
attend the meeting.

Place:

(Signature)

Date:

District Collector/Joint Collector,  
authorised by the Election Authority



**EXTRACT OF SECTION 5 OF GREATER HYDERABAD MUNICIPAL  
CORPORATION ACT, 1955**

**5. Composition of Corporation:-** (1) Subject to the provisions of sub-section(2) the Corporation shall consist of such number of elected members as may be notified from time to time by the Government in the Andhra Pradesh Gazette, in accordance with such principles as may be prescribed.

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

Provided that a Member of the Legislative Assembly or a Member of the House of People representing a constituency which comprises a portion of the Corporation and a part of any Municipality or Municipalities 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.

(1-B) In addition to the members referred to in sub-sections (1) and (1-A) three persons having special knowledge or experience in Municipal Administration of whom one shall be woman, be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

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

(1-C) Two persons belonging to the minorities of whom one shall be woman be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation specified in sub-sections (1) and (1-A) from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

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

(1-D) No person shall be member in more than one of the categories specified in sub-sections (1) (1-A), (1-B), and (1-C). 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 the sub-section shall be final and irrevocable.

(2) In the Corporation out of the total strength of elected Members, the Government shall, subject to the rules as may be prescribed by notification, reserve,-

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by them, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Corporation, as the population of the Scheduled Castes, 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:

(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 Corporation.

Explanation:- In this section, -

- (i) The expression 'Scheduled Castes' and 'Scheduled Tribes' shall have 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 recognized by the Government for the purposes of clause (4) of Article 15 of the Constitution of India without reference to the classification but including the creamy layer amongst such Backward Classes of citizens.

**EXTRACT OF SECTION 90 OF GREATER HYDERABAD MUNICIPAL  
CORPORATION ACT, 1955**

**PROCEEDINGS OF THE CORPORATION**

**90. Election of Mayor and Deputy Mayor:-** (1) The elected members referred to in sub-section (1) as well as ex-officio members referred to in sub-section (Section I-A) of Section 5 of this Act, shall elect one of its elected Members to be its Mayor and another to be its Deputy Mayor at the first meeting of the Corporation after the ordinary elections by show of hands on party basis duly obeying the party whip given by such functionary of the recognized political party, in the manner prescribed. At an election held for that purpose, if Mayor or Deputy Mayor is not elected, fresh election shall be held on the next day. The names of the Mayor and the Deputy Mayor so elected shall be published in the prescribed manner. Any casual vacancy in the said offices shall be filled, in the same manner at a casual election and a person elected as Mayor or the 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:

Provided that a member voting under this sub-section in disobedience of the party whip shall cease to hold office in the manner prescribed and the vacancy caused by such cessation shall be filled as a casual vacancy.

(2) The Mayor or the Deputy Mayor as the case may be, shall be deemed to have assumed office on his being declared as such and shall hold office in accordance with the provisions of this Act and as long as he continues to be an elected member, unless resigned or removed from such office by no-confidence motion or for any other reason in accordance with the provisions of this Act.

**90-A. Resolution of disputes relating to cessation for disobedience of party whip:-** Where a member ceased to hold office for disobedience of the party whip, he may apply to the District Court, having jurisdiction over the area in which the office of Corporation is situated, for a decision. (Act 5 of 2008)

