

STATE ELECTION COMMISSION
3rd Floor, Buddha Bhavan, M.G.Road, Secunderabad – 500 003.

CIRCULAR

No.1395/SEC-F2/2014

Date:23.05.2014

Sub:- Elections to Chairperson and Vice-Chairperson of Municipalities / Nagar Panchayats, 2014 – Procedural instructions – Issued.

Ref:- G.O.Ms.No.763, MA & UD (Elections II) Dept., dated 19.8.2005.

Section 23(1) of the Andhra Pradesh Municipalities Act, 1965 stipulates that, for every Municipality / Nagar Panchayat, there shall be one Chairperson and one Vice-Chairperson, who shall be elected by directly elected Ward members and Ex officio members consists of MPs, MLAs and MLCs referred to in clauses (ii) to (iv-a) of sub section (2) of section 5 of the Act 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 Municipalities (Conduct of Election of Chairperson and Vice-Chairperson) Rules, 2005 in the reference cited.

The State Election Commission will issue Notification shortly for conduct of indirect elections to the offices of Chairperson and Vice-Chairperson of Municipalities and Nagar Panchayats 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 Andhra Pradesh Municipalities Act 1965 and any reference to 'Rules' in this circular shall be construed as reference to Andhra Pradesh Municipalities (Conduct of Election of Chairperson and Vice-Chairperson) Rules, 2005 issued in G.O.Ms.No.763 Municipal Administration & Urban Development (Elects.II) Department, dated 20.8.2005.
- (b) Only directly elected Ward Members are eligible to contest in election of Chairperson and Vice-Chairperson of Municipality / Nagar Panchayat
- (c) The directly elected Ward Members and Ex officio members MPs, MLAs & MLCs referred to in clauses (ii) to (iv-a) of sub section (2) of section 5 of the Act can vote in the election to Chairperson and Vice- Chairperson of Municipality / Nagar Panchayat.
- (d) Reservations have been notified for the offices of Chairpersons of Municipalities / Nagar Panchayats 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.
- (e) No canvassing or any efforts to influence the voting pattern shall be permitted inside the meeting hall.
- (f) In the Special Meeting convened for election of Chairperson and Vice-Chairperson of Municipality / Nagar Panchayat, the election of Chairperson of Municipality / Nagar Panchayat, shall be taken up first. After completion of election of Chairperson Municipality / Nagar Panchayat only, the election of Vice-Chairperson of Municipality / Nagar Panchayat shall be taken up. If the election of Chairperson Municipality / Nagar Panchayat is not completed, the election of Vice-Chairperson of Municipality / Nagar

Panchayat shall not be taken up. This arrangement will ensure that the office of Chairperson Municipality/ Nagar Panchayat, for which reservations apply, are filled up leaving little scope for vested interests to keep them vacant and continue Vice-Chairperson of Municipality / Nagar Panchayat as temporary Chairperson Municipality / Nagar Panchayat 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 23 of the Act, the Chairperson and Vice-Chairperson shall be elected by directly elected Ward members and Ex-officio members (MPs, MLAs and MLCs) referred to in clauses (ii) to (iv-a) of sub section (2) of section 5 of the 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 Chairperson and Vice-Chairperson of the Municipality / Nagar Panchayat”.

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 Municipality or Municipalities / Nagar Panchayat or Nagar Panchayats 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 Municipalities / Nagar Panchayats, the State President shall desist from directly appointing whip for those Municipalities / Nagar Panchayats 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 Municipality / Nagar Panchayat, 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 Chairperson and Vice-Chairperson of a Municipality / Nagar Panchayat. The appointment of more than one whip for the same Municipality / Nagar Panchayat is prohibited.
- 8) Provisions pertaining to whip are applicable only to Members of Municipality / Nagar Panchayat 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 Chairperson and Vice-Chairperson of Municipality / Nagar Panchayat.

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 Municipality / Nagar Panchayat 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, Commissioner and Director of Municipal Administration and the District Collector.

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 Chairperson and Vice-Chairperson of a Municipality / Nagar Panchayat 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 Municipality / Nagar Panchayat 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 Municipality / Nagar Panchayat can take oath in Telugu alphabetical order of their names.
 - b) Election of Chairperson of Municipality / Nagar Panchayat.
 - c) Thereafter, election of Vice-Chairperson of Municipality / Nagar Panchayat.
- 2) The Special Meeting shall have the quorum as laid down in rule 5 for Chairperson and Vice-Chairperson of Municipality / Nagar Panchayat.
 - 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 Chairperson is filled up, the Presiding Officer shall likewise conduct the election to the Office of Vice-Chairperson.** If, for any reason the Office of the Chairperson is not filled up, the Presiding Officer shall not hold election of Vice-Chairperson. No election to

the Office of Vice Chairperson of Municipality / Nagar Panchayat shall be conducted unless the Office of the Chairperson 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 Council, 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 23 of the Act, the elected members as well as Ex officio Members consists of MPs, MLAs, MLCs referred to in clauses (ii) to (iv-a) of sub section (2) of section 5 of the Act are required to vote by show of hands duly obeying the party whip in the election of Chairperson and Vice-Chairperson Municipality / Nagar Panchayat. 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 District Collectors concerned have to appoint a Gazetted Officer in Government as Presiding Officers for holding the special meetings of Municipality / Nagar Panchayat. The State Election Commission authorises the District Collectors to appoint Presiding Officers for holding the special meetings of Municipality / Nagar Panchayat.

Rule 7 of the said rules require preparation of record of proceedings of the special meetings of Municipality / Nagar Panchayat, called for holding the election of Chairperson and Vice-Chairperson of Municipality / Nagar Panchayat.

The Presiding Officers appointed for holding of special meetings of Municipality / Nagar Panchayat 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 23(1) of the Act, in case of elections of Chairperson and Vice-Chairperson of Municipality / Nagar Panchayat.
- 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 Municipality / Nagar Panchayats 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 Municipalities / Nagar Panchayats 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 Municipality / Nagar Panchayat 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 Chairperson and Vice-Chairperson of Municipality / Nagar Panchayat.


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 Chairperson and Vice-Chairperson of Municipality / Nagar Panchayat. 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 Municipalities / Nagar Panchayats.
All Presiding Officers appointed for Municipalities / Nagar Panchayats (through Collectors & DEAs).
All Observers.
All Political Parties.

\\Attested //


Assistant Secretary 23/5/14
23/5

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,
.....Municipality/ Nagar
Panchayat ,
..... District.

Sir,

Sub: Elections to Chairperson and Vice-Chairperson of Municipalities/ Nagar Panchayats -
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	Municipality/ Nagar Panchayat for which he/she is authorised to appoint Whip
1.		
2.		
3.		

The specimen signatures of the authorised persons are given below :

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

Yours faithfully,

Place :

Place :

(President/General Secretary)

Seal of the Party

Note:

1. This should be sent to the Presiding Officer of Municipality/ Nagar Panchayat concerned so as to reach him on or before 11:00 AM on the day preceding the day of election of the Chairperson / Vice-Chairperson of Municipality/ Nagar Panchayat.
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 -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,
..... Municipality/ Nagar
Panchayat District.

Sir,

Sub: Elections to Chairperson and Vice-Chairperson of Municipalities/ Nagar Panchayats -
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 Municipality/ Nagar Panchayat	
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 Municipality/ Nagar Panchayat concerned so as to reach him on or before 11:00 AM on the day preceding the day of election of the Chairperson / Vice-Chairperson of Municipality/ Nagar Panchayat.
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 Chairperson and Vice-Chairperson of Municipality/ Nagar Panchayat
..... District, hereby, direct that the elected members of the Municipality/ Nagar
Panchayat 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, Municipality/ Nagar Panchayat.

Copy to the Presiding Officer,
.....
Municipality/ Nagar Panchayat 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 Chairperson and Vice-Chairperson of Municipality/ Nagar Panchayat.
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 Chairperson and Vice-Chairperson of Municipality/ Nagar Panchayat.

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,
..... Municipality/ Nagar
Panchayat
..... District.

Sir,

Sub: Elections to Chairperson and Vice-Chairperson of Municipalities/ Nagar Panchayats - 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	Areas in 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 Municipality/ Nagar Panchayat concerned so as to reach him on or before 10:00 AM on the day of election of the Chairperson /Vice-Chairperson of Municipality/ Nagar Panchayat.
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,
 Municipality / Nagar
 Panchayat,
 District.

Sir,

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

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

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 Municipality / Nagar Panchayat	
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:

Date :

Signature

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 Municipality / Nagar Panchayat concerned so as to reach him on or before **10:00 AM** on the day of election of the Chairperson / Vice-Chairperson of Municipality / Nagar Panchayat.
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
3rd Floor, Buddha Bhavan, M.G. Road, Hyderabad-500003, A.P.

CIRCULAR

No. 468/SEC-B1/2014

Date: 19.03.2014

Sub: 4th 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.

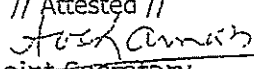
Some of the Political parties, contesting candidates and officials involved in election process are seeking a clarification as to whether the member contesting for the office of Chairperson (Mayor of Municipal Corporation / Chairperson of Municipality or Nagar Panchayat / Chairperson of Zilla Praja Parishad / 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

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

M.A&U.D Department - Andhra Pradesh Municipalities (Conduct of Election of
Chairperson and Vice Chairperson) Rules, 2005 - Issued,

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (ELE.II) DEPARTMENT

G.O. Ms. No. 763

Dated: 19th August, 2005

Read: A.P. Ordinance No.17/2005

ORDER:

The appended Notification will be published in the extra ordinary issue
of Andhra Pradesh Gazette Dated 20.8.2005

2. The Commissioner Printing, Stationery and Stores Purchase,
Hyderabad is requested to send 1000 copies of the Notification to
Government urgently.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**VEENA ISH,
SECRETARY TO GOVERNMENT**

To
The Commissioner Printing, Stationery and Stores Purchase, Hyderabad
The Commissioner and Director of Municipal Administration, Hyderabad
The Commissioners of all Municipalities
The Secretary, State Election Commission, Hyderabad
The Law (A) Department

// FORWARDED BY ORDER //

SECTION OFFICER

PTO for Notification

NOTIFICATION

In exercise of the powers conferred by clause (b) of sub-section (2) of section 326 read with clause (12) of section 2, sections 5, 10A, 23, and 27 of the Andhra Pradesh Municipalities Act, 1965 (Andhra Pradesh Act 6 of 1965) and in supersession of the Andhra Pradesh Municipal Councils/Nagar Panchayats (Direct Election of Chairperson) Rules, 1986 issued in G.O.Ms.No.629, Housing, M.A. & U.D. (Elections), dated.12-11-1986, as amended from time to time, the Governor of Andhra Pradesh hereby makes the following Rules relating to conduct of election of Chairperson and Vice-chairperson of Municipality.

PART - I

Preliminary

1. Short title: These Rules may be called the Andhra Pradesh Municipalities (Conduct of Election of Chairperson and Vice-Chairperson) Rules, 2005.

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

- (i) "Act" means the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965);
- (ii) "Election Authority" means such officer or authority as may be appointed by the State Election Commission under clause (12) of section 2;
- (iii) "Form" means the Form appended to these Rules;
- (iv) "Municipality" includes a Nagar Panchayat;
- (v) "Section" means a section of the Act; and
- (vi) 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 Chairperson and Vice-Chairperson.

PART – II

Election of Chairperson and Vice-Chairperson of Municipality

4. Convening of Special Meeting for Election of Chairperson: (1) A special meeting of the members of Municipality specified in clauses (i) to (iv) of sub-section (2) of section 5 of the Act shall be held in the office of the Municipality by any Gazetted Officer of the Government authorised by the District Collector in this behalf in Form I, for the election of Chairperson and Vice-Chairperson 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 clauses (i) to (iv) of sub-section (2) of section 5 of the Act atleast three clear days in advance of the date of the meeting fixed for the election of the Chairperson and Vice-Chairperson by the District Collector or the Gazetted Officer authorised by him.

5. Quorum: No meeting for the conduct of election of Chairperson or Vice-Chairperson shall be held unless there be present at the meeting atleast one-half of the number of members then on the Municipal Council 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 Chairperson or Vice-Chairperson is not elected, a fresh election shall be held on the next day whether or not it is a public holiday for the Municipality concerned and where the Chairperson or Vice-Chairperson 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 Chairperson or Vice-Chairperson could not be conducted in the first two special meetings convened for the purpose for want of quorum, the Chairperson or Vice-Chairperson 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 Chairperson or Vice-Chairperson, 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 candidates, 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 Chairperson and Vice-Chairperson, no election to the office of the Vice-Chairperson shall be conducted, unless the office of the Chairperson is filled up. Only after completion of election of Chairperson, the Presiding Officer shall conduct election of Vice-Chairperson.

(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 Chairperson and Vice-Chairperson.

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 Municipality elected on behalf of a recognised political party, shall cease to be a Member of the Municipality 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 Municipality a notice signed by him stating the name of the person elected as Chairperson/Vice-Chairperson of the Municipality and send a copy of such notice to the State Election Commission, the Commissioner and Director of Municipal Administration and the District Collector. A copy of the notice shall also be given to the candidate who is declared elected as Chairperson/Vice-Chairperson of the Municipality.

PART - III

Filling up of Casual Vacancies in the Office of Chairperson and Vice-Chairperson of Municipality

8. Procedure for filling casual vacancies: The Rules in Part-II shall apply for filling up a casual vacancy in the office of the Chairperson/Vice-Chairperson of a Municipality:

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), District Collector
..... hereby authorise
Sri....., (name & designation), to convene
the special meeting of the members of Municipality specified in
clauses (i) to (iv) of sub-section (2) of section 5 of the Andhra Pradesh
Municipalities Act, 1965 (Act 6 of 1965) for the election of the Chairperson and
Vice-Chairperson of Municipality.

Place:

(Signature)

Date:

District Collector

FORM - II

Notice of Special Meeting for Election of Chairperson and Vice-Chairperson

[See Rule 4(2)]

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

Place:

(Signature)

Date:

District Collector/ Gazette Officer
authorised by the District Collector

EXTRACT OF SECTION 5 OF ANDHRA PRADESH MUNICIPALITIES ACT, 1965

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

(2) The Council shall consist of the following members, namely:-

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

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

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

Provided that a Member of the Legislative Assembly representing a constituency which comprises more than one Municipality including a part of any Municipality, shall be ex-officio member of one such Municipality which he chooses within a period of thirty days from the date of conduct of ordinary elections to the Municipalities or the date of election as Member of the Legislative Assembly by notice in writing duly signed by him and delivered to the Commissioner of that Municipality or Nagar Panchayat and he shall also have the right to speak in and otherwise to take part in the proceedings of any meeting of the other councils comprised within the constituency, but shall not be entitled to vote at any such meeting. The intimation so given shall be final and irrevocable. In default of such intimation within the aforesaid period, the Election Authority shall decide the Municipality and inform the Member of the Legislative Assembly.

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

Provided that a member of the House of the People representing constituency which comprises more than one Municipality including a part of any Municipality, shall be ex-officio member of one such Municipality which he chooses within a period of thirty days from the date of conduct of ordinary elections to the Municipalities or the date of election as Member of the House of the People by notice in writing duly signed by him and delivered to the Commissioner of that Municipality or Nagar Panchayat and he shall also have the right to speak in and otherwise to take part in the proceedings of any meeting of the other councils comprise within the constituency, but shall not be entitled to vote at any such meetings. The intimation so given shall be final and irrevocable. In default of such intimation within the aforesaid period, the Election Authority shall decide the Municipality and inform the Member of the House of the People.

- (iv) every Member of the Council of States registered as an electors within the Municipality ex-officio;

- *(iv-a) every Member of the Legislative Council of the State registered as an elector within the area of the Municipality 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 Municipality."

- [(v) one person having special knowledge or experience in municipal administration co-opted as member of the Nagar Panchayat or Municipality in the prescribed manner by the Council from among the persons who are registered voters in the Nagar Panchayat or Municipality as the case may be and who is not less than twenty-one years of age;

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

- (vi) two persons belonging to minorities of whom one shall be women be co-opted as members of the Nagar Panchayat or Municipality in the prescribed manner by the members specified in clauses (i) to (iv) from among the persons who are registered voters in the Municipality as the case may be and who are not less than twenty-one years of age:

Provided that the member co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of the Nagar Panchayat or the Municipality, as the case may be, without the right to vote.";]- (Act 29 of 2005)

Extract of section 23 of Andhra Pradesh Municipalities Act, 1965

23. Election of Chairperson and Vice-Chairperson:- (1) The elected members referred to in clause (i) as well as ex-officio members referred to in clauses (ii) to (iv-a) of sub-section (2) of Section 5 of this Act, shall elect one of its elected Members to be its Chairperson and another to be its Vice-Chairperson at the first meeting of the Council 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 Chairperson or Vice-Chairperson is not elected, fresh election shall be held on the next day. The names of Chairperson or Vice-Chairperson 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 Chairperson or Vice-Chairperson 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 Chairperson or Vice-Chairperson 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 the Act. (This section was substituted for Sections 23 and 25 by Act 29 of 2005).

23-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 Municipality is situated for a decision." (Act No.5 of 2008)

