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THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 6]

AMARAVATI, WEDNESDAY, 9th JUNE, 2021.

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

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 8th June, 2021 and the said assent is hereby first published on the 9th June, 2021 in the Andhra Pradesh Gazette for general information :

ACT No. 6 of 2021.

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

Be it enacted by the legislature of the State of Andhra Pradesh in the Seventy Second Year of the Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh Municipal Laws (Second Amendment) Act, 2021. Short title and Commencement.
(2) (i) the first proviso under sub-section (1) in section 2 and the first proviso under sub-section (1) in section 3 shall be deemed to have come into force with effect on and from the 13th May, 2021.
(ii) the remaining Act shall be deemed to have come into force with effect on and from the 24th March, 2021.
2. In the Andhra Pradesh Municipalities Act, 1965,- Amendment of Act No.6 of 1965.
(1) for section 23, the following shall be substituted, namely,-

"23. Election of Chairperson and Vice-Chairpersons:-

(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 two(2) of its elected members to be its Vice-Chairpersons at the first meeting of the Council or at any other subsequent meeting to be held within two(2) weeks of the first meeting, 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-Chairpersons are not elected, fresh election shall be held on the next day. The names of the Chairperson or Vice-Chairpersons 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 the 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 if for any reason, the meeting could not be held for conduct of election to any of the Offices, within two weeks of the first meeting, the matter shall be reported to the State Election Commission to fix another date for holding the election.

Provided further 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-Chairpersons as the case may be, shall be deemed to have assumed office on their being declared as such and shall hold office in accordance with the provisions of this Act and as long as they continue to be elected members, unless they resign or are removed from such office by no-confidence motion or for any other reason in accordance with the provisions of this Act."

(2) In section 50, for sub-sections (1) and (2), the following shall be substituted, namely,-

“(1) The Chairperson may, by an order in writing, delegate any of his functions to one of the Vice-Chairpersons and any of his administrative functions to the Commissioner.

Provided that he shall not delegate any functions which the Council expressly forbids him to delegate.

(2) If the Chairperson has been continuously absent from jurisdiction for more than ten (10) days or incapacitated for more than ten (10) days, his functions shall, during such absence or incapacity, devolve on one of the Vice-Chairpersons as directed by the Government.

Provided that where the absence from jurisdiction of the Chairperson is within the State of Andhra Pradesh, and is on business connected with the municipality, the Chairperson's functions shall not, except to the extent, if any, to which functions have been delegated by him under sub-section (1), devolve on one of the Vice-Chairpersons as directed by the Government.”

Amendment of
Act No. II of
1956.

3. In the Municipal Corporations Act, 1955,-

- (1) for section 90, the following shall be substituted, namely,-

“90. Election of the Mayor and Deputy Mayors:-

(1) The elected members referred to in sub-section (1) as well as ex-officio members referred to in sub-section (1-A) of section 5 of this Act, shall elect one of its elected Members to be its Mayor and two(2) of its elected members to be its Deputy Mayors at the first meeting of the Corporation or at any other subsequent meeting to be held within two(2) weeks of the first meeting, 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 Mayors are not elected, fresh election shall be held on the next day. The names of the Mayor and the Deputy Mayors 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 if for any reason, the meeting could not be held for conduct of election to any of the Offices, within two weeks of the first meeting, the matter shall be reported to the State Election Commission to fix another date for holding the election.

Provided further 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 Mayors as the case may be, shall be deemed to have assumed office on their being declared as such and shall hold office in accordance with the provisions of this Act and as long as they continue to be elected members, unless they resign or are removed from such office by no-confidence motion or for any other reason in accordance with the provisions of this Act."

(2) for section 91, the following shall be substituted, namely-

"91. Deputy Mayor when to act as Mayor - (1) When the office of the Mayor is vacant his functions, shall devolve on one of the Deputy Mayors as directed by the Government until a new Mayor is elected.

(2) If the Mayor leaves the City for more than fifteen (15) days or is incapacitated, his functions shall devolve on one of the Deputy Mayors as directed by the Government until the Mayor returns to the City or recovers from his incapacity, as the case may be."

Repeal and savings.

Ordinance No. 3
and Ordinance
No.6 of 2021.

4. (1) The Andhra Pradesh Municipal Laws (Amendment) Ordinance, 2021 (Ordinance No.3 of 2021) and The Andhra Pradesh Municipal Laws (Second Amendment) Ordinance, 2021 (Ordinance No. 6 of 2021) are hereby repealed.
- (2) Notwithstanding such repeals, anything done or any action taken under the said Ordinances shall be deemed to have been done or taken under this Act.

VADDADI SUNITHA,

Secretary to Government (FAC),
Law, Legal and Legislative Affairs & Justice,
Law Department.