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MUNICIPAL ADMINISTRATION IN TELANGANA



Municipal Administration in Telangana

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CENTRE FOR GOOD GOVERNANCE

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FOREWORD

Municipal Bodies have a long history in India. The first such body called 'Municipal Corporation' was set up in the former presidency town of Madras in the year 1688, and was followed by the establishment of similar Corporations in Bombay and Calcutta in the year 1726. In their present form of structure, the Municipal Bodies owe their existence to what is known as the Lord Ripon's resolution on Local Self-Government adopted in the year 1882. Ripon has been rightly called the father of Local Self-Government in India.

Under Nizams, Hyderabad had Municipal Government of its own for the first time in the year 1869 and the status of Municipal Corporation to Hyderabad was first accorded through Hyderabad Municipal Act, 1932.

Cities have strongly emerged as the prime engines of the Indian economy and generators of national wealth. It is evident that the future of India is inescapably urban. Urbanization is the inevitable concomitant of economic change. It is time that the nation perforce invests in the destined social and economic functions of cities and ensures that the cities deliver quality of life that would enable them to become national assets and engines of economic growth.

In the urban context, decentralization signifies transfer of certain powers and responsibilities and their devolution from one authority to another. It also connotes establishment of a local representative Government endowed with administrative and financial powers to deliver mandatory services to the citizens. For Municipal Administration, decentralization is the essence of the Good Governance.

Municipal Administration is required to improve functioning and service delivery in the municipal bodies. This book is brought out to facilitate the Municipal functionaries to understand the Governance issues in Telangana State. As it is well known, Governance issues have come to the forefront of the debate and development in the recent years. The contents of the book contain mostly provisions available in the existing Municipal Acts, Rules and Regulations.

It is appropriate that Centre for Good Governance, Hyderabad is publishing this booklet as a part of improving capacity building in municipal bodies. It is hoped that this booklet will enable the Municipal functionaries to understand the constitution and composition of the municipal bodies, the functions and powers of various Municipal authorities, the procedure to conduct meetings, and constitution and functions of the Ward Committees.

The efforts of the authors who have vast field experience in Municipal Administration in bringing out the book are appreciated.

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PREFACE

The 21st century is labelled as an urban century because for the first time since dawn of civilization more people are residing in urban areas than in rural areas. This trend is also reflected in India where the share of urban population has been raising over the last several decades. Presently 31.16% of the total population or 377.1 Million persons live in urban India up from 27.82% in 2001 to 31.16% in 2011. India is urbanising rapidly and it is expected that by 2050, 50% of the population live in urban areas.

Rapid urbanisation is taking place in Telangana State as per 2011 Census. The urban population of Telangana State is 1.36 crores out of total population of 3.52 crores constituting 38.64% against 31.16 % in India.

Hyderabad had the first Municipal Government of its own in the year 1869 and status of Municipal Corporation was accorded in the year 1932. At present Municipalities in Telangana Area are governed under Telangana Municipalities Act, 1965. As regards Municipal Corporations, the Greater Hyderabad Municipal Corporation is governed under Greater Hyderabad Municipal Corporation Act, 1955 and other Municipal Corporations by Telangana Municipal Corporations Act, 1994.

To ensure effective Governance of Municipalities and Municipal Corporations in Telangana State a booklet is prepared containing various chapters relating to Municipal Administration namely (i) Constitution of Municipalities (ii) Composition of Municipalities (iii) Reservation of seats (iv) Reservation of office of the Chairperson (v) Powers and Functions of Municipal Authorities (vi) Finances of Municipalities (vii) Resources of Municipalities (viii) Meetings of Municipal Council (ix) Elections (x) Ward Committees and Area Sabhas (xi) Municipal Personnel Management and (xii) Government control over Municipalities. Similar provisions are also applicable to Municipal Corporations. While chapters 2 to 10 of the booklet relate to Municipalities, chapters 11 to 19 relate to Municipal Corporations.

The provisions of concerned legislations and Rules have been thoroughly examined in writing the book and the contents in the book may be used for reference and may not be used as basis for litigation or legal action.

The support provided by various officers of the Department in extending data in preparing the book is acknowledged. It is hoped that this book will be useful to Elected Representatives, Municipal Commissioners, Municipal Officers, Municipal Staff, Academics and Researchers.

M. Prasada Rao

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Chapter 1

Legal Framework

1.1 Municipal bodies in India

Municipal bodies in India have a long history. The first such body, called 'Municipal Corporation' was set up in the former presidency town of Madras in the year 1688, and was followed by establishment of similar Corporations in Bombay and Calcutta in the year 1726. Under Nizams, Hyderabad had municipal government of its own for the first time in the year 1869 and the status of Municipal Corporation to Hyderabad was first accorded through Hyderabad Municipal Act, 1932.

1.2 Municipal bodies in Telangana

1.2.1 Municipal administration in Telangana in the present form dated back to about six decades. The municipalities in Telangana were governed under Hyderabad District Municipalities Act, 1956 and Hyderabad Municipal Corporations Act, 1955. The municipalities under 1956 Act have been classified as Town Municipalities and City Municipalities; and under 1955 Act, there were two municipal corporations, one in Hyderabad city and the other in Secunderabad city. After reorganization of States in the country during 1956, the Telugu speaking areas (Telangana) of the State of Hyderabad and State of Andhra were merged and State of Andhra Pradesh was established in 1956. At that time, two Acts governed the municipalities. While Hyderabad District Municipalities Act, 1956 governed the municipalities in Telangana area, the Madras District Municipalities Act, 1920 governed the municipalities in Andhra area. As regards municipal corporations, the two corporations were merged into a single corporation during 1960 and was named after Hyderabad. There was only one Corporation till 1994.

1.2.2 During 1965, Andhra Pradesh Municipalities Act was enacted and the Hyderabad District Municipalities Act, 1956 and Madras District Municipalities Act, 1920 were repealed. There were 23 municipalities in Telangana area during 1965. The 1965 Act has been amended several times to meet the changing needs of the time and out of political necessities. While some amendments related to administration and tax related reforms, some have political dimensions. The administration and tax reforms included abolition of Executive Committee in municipalities, restoration of office of

Commissioner as executive authority, property tax (owner occupied) assessment on capital value basis and again reversion to rental value basis, fixation of rental value on the basis of location, nature of construction, nature of use and plinth area instead of hypothetical rent, preparation of accounts on accrual basis (income, expenditure, assets and liabilities) instead of cash basis (receipt and payments) etc. As regards political reforms, the amendments related to reduction of voting age to 18 years, exclusive voters list for municipalities, voter identification cards, direct election of chairpersons, reservation for backward classes (reservation for SC, ST and women already existed) for councillors, reservation of chairpersons also for all categories, enhanced reservation for councilors as well as chairpersons (upto 50% for women), direct election of chairpersons, anti-defection measures and participation of political parties etc.

- 1.2.3 After Constitution 74 Amendment Act, 1992 which came into force on 1st June, 1993, the municipal acts were amended during 1994 and the Amendment Act came into force on 1st June, 1994. The Amendment Act conformed the provisions of 74th amendments, which mandated that the amendments be made effective within one year.
- 1.2.4 After the State of Telangana was bifurcated during 2014, the Andhra Pradesh Municipalities Act, 1965 was adapted through GO Ms. No. 142 MA dated 29-10-2015 and it became Telangana Municipalities Act, 1965

1.3 Constitution 74th Amendment Act (CAA), 1992

- 1.3.1 The Constitution of India has been amended by Constitution (74th Amendment) Act 1992 with a main objective of making Urban Local Bodies (ULBs) as institutes of self-governance. The Act has come into force from 1st June of 1993. It provides for a broad structure for organizing urban governance with an accountable and decentralized system.
- 1.3.2 The CAA provided for constitution of three types of Municipalities namely
 - (i) Nagar Panchayat for transitional area (i.e. an area in transition from a rural area to an urban area),
 - (ii) Municipal Council for a smaller urban area, and
 - (iii) Municipal Corporation for a larger urban area.

While nagar panchayats and municipalities are meant for small towns, municipal corporations are meant for bigger towns. Nagar panchayats are considered under 'municipalities' group.

1.4 Other major provisions under CAA

Since the subject 'municipalities' fall under 'States' under the Constitution, the State Legislature has to make/revise the law relating to municipalities, subject however that the law should comply with the Constitution. 'Municipalities' in this context cover the three types of municipalities referred above. Some vital provisions under CAA include:

- (i) Composition of municipalities
- (ii) Reservation of seats
- (iii) Duration of municipalities
- (iv) Powers and responsibilities of municipalities
- (v) Resources for municipalities
- (vi) State Finance Commission
- (vii) State Election Commission
- (viii) Committee for District Planning
- (ix) Committee for Metropolitan Planning

1.5 Law relating to municipalities

The Andhra Pradesh Municipalities Act, 1965 and the rules made there under governed the municipalities in the erstwhile State of Andhra Pradesh. Similarly, Greater Hyderabad Municipal Corporation (GHMC) Act, 1955 and AP Municipal Corporations Act, 1994 governed the municipal corporations. After bifurcation of the State, Government of Telangana in GO Ms. No.142 MA dated 29-10-2015 and GO Ms. No. 143 dated 29-10-2015 have adapted the Municipalities Act and the Municipal Corporations Act respectively to the State of Telangana. All rules which were in force on the date of formation of the State have also been adapted in GO Ms. No.45 dated 1-6-2016 of Law Department. As such, all provisions under APM Act, 1965 and AP Municipal Corporations Act, 1994 including the rules made there under, the GOs and executive instructions are applicable for Telangana also.

1.6 Criteria for constitution of Municipalities

The Telangana Transitional Area and Smaller Urban Areas (Fixation of criteria) Rules, 1995 and the Telangana Municipal Corporations (Fixation of criteria for specification of larger urban areas) Rules, 1994 as amended, provide the following criteria for constitution of (i) Nargar Panchayat (ii) Municipality and (iii) Municipal Corporation.

Sl. No.	Criteria	Nagar Panchayat	Municipality	Municipal Corporation
1.	Population as per last census	20,000 – 40,000	Above 40,000 and upto 3 lakhs	3 lakhs and above with certain relaxations
2.	Density of population per sq. km.	400 Rs.40.00 lakhs	500 Rs. 60.00 lakhs	Not less than 5,000
3.	Revenue	Subject to relaxations	Subject to relaxations	—
4.	Percentage of employment in non-agricultural activities	25%Subject to relaxations	40%Subject to relaxations	—
5.	Economic importance	Availability of market facilities and potentialities to attract industries	Availability of market facilities and potentialities to attract industries	Established industries, potential for growth of industries, commerce, higher Education, medical facilities and adequate infrastructure necessary for economic and industrial growth
6.	Other factors	Local area acquiring urban characteristics	Local area acquiring urban characteristics peripheral villages	The number of whose growth and expansion are towards the proposed larger urban area

1.7 Constitution of municipality

If any local area satisfies the criteria for 'transitional area' or 'smaller urban area' as referred above, the local areas would be deemed to have been constituted as 'Nagar Panchayat' or 'Municipality' in terms of Section 2A and 3 of the Act respectively. Government have power to include any area within the municipality or exclude any area from the municipality.[Section 3 (1A)]. Similarly, Government has power to abolish a Municipality [Section (3A)].

1.8 Grades of municipalities

As per Gradation of Municipal Councils and Nagar Panchayat Rules, 1995 issued in GO Ms. No.32 MA dated 3-2-1995 and as amended subsequently, the municipalities have been graded on the basis of annual income as stated below.:

Grade of Municipality	Annual Income
Selection Grade	Rs.8 crores and above
Special Grade	Rs.6 crores and above; and below Rs.8 crores
First Grade	Rs.4 crores and above; and below Rs.6 crores
Second Grade	Rs.2 crores and above; and below Rs.4 crores
Third Grade	Rs.1 crore and above and below Rs.2 crores

1.9 Number of Municipalities

There are 73 municipalities of various grades in Telangana as on 1st January, 2017

No.	Type of Municipality	No.
1	Municipal Corporations	06
2	Municipalities	42
3	Nagar Panchayats [A Nagar Panchayat is deemed to be a Municipality for all purposes -Section 2A (2) of TM Act]	25
	Total	73

1.10 Municipal Authorities (Section 4)

The Municipal Authorities charged with carrying out the provisions of Telangana Municipalities Act, 1965 (TM Act or Act) are:

- (i) Council
- (ii) Chairperson
- (iii) Commissioner
- (iv) Ward Committee
- (v) The powers and functions of various authorities would be provided in the later chapters.

1.11 Finances of Municipalities

The following are the main sources of Income to the Municipalities

1.11.1 Taxes

- (i) Property Tax
- (ii) Advertisement Tax

The State government has taken over the levy and collection of profession tax from municipalities from 1987-88 and paying compensation to GHMC. Other Municipal Corporations and municipalities are not getting compensation of profession tax, since Government is paying salaries to municipal staff through Government Treasury.

1.11.2 Non-Taxes

Major sources of non-tax revenue in municipalities are:

- I. Water Charges
- II. Contributions towards water supply connections
- III. Fee from Markets and Slaughter Houses
- IV. Rents from Commercial Complexes
- V. Trade Licence Fee
- VI. Building Licence Fee, Betterment/Development charges/other categories of fee
- VII. Encroachment Fee
- VIII. Fee from extracts of records

1.11.3 Assigned revenues from the Government

- (i) Entertainment Tax: 90% of Entertainment Tax collected by Commercial Tax Department is assigned to municipalities on quarterly basis.

- (ii) Surcharge on stamp duty: Surcharge on Stamp Duty is levied @ 1.5% of the value of the instrument by Registration Department and 100% of the Surcharge on Stamp Duty is assigned to municipalities on quarterly basis.

1.11.4 Non-Plan Grants from Government

In case of GHMC

- (i) Per capita grant
- (ii) M.V. tax compensation
- (iii) Property tax compensation
- (iv) Octroi compensation

In case of other municipalities

- (i) Maintenance of roads
- (ii) Elections
- (iii) Staff salaries and pensions (other than GHMC)

1.11.5 Plan Grants from Government

- i. Telangana Municipal Development Project (TMDP) – World Bank Project
- ii. MEPMA- Interest free loans-NULM
- iii. Swachh Bharat
- iv. AMRUT
- v. Developmental work under Indiramma programme
- vi. Indiramma water supply & Tap Connections
- vii. Parks & Play grounds
- viii. State Finance Commission (SFC)
- ix. RCUES
- x. E-seva
- xi. Environmental Improvement in Urban Slums (EIUS)
- xii. Municipal internal roads
- xiii. Assistance to new municipalities for developmental works
- xiv. Mana Vuru- Mana ward- Mana Pranalika

1.12 Expenditure in Municipalities

Expenditure in municipalities can be grouped as (i) establishment expenses, (ii) maintenance of services, (iii) capital works, (iv) welfare expenditure, and (v) others.

1.13 The income and expenditure particulars of Municipalities (other than GHMC) during 2015-16*

Income

Sl. No.	Source	2015-16 (Rs. in Crores)
1	Taxes	262.89
2	Non-Taxes	211.59
3	Assigned Revenues	110.92
4	Others	93.57
5	Plan Grants	630.95
6	Non-Plan Grants	377.13
	Total	1687.05

Expenditure

Sl. No.	Item	2015-16 (Rs. in Crores)
1	Establishment	120.79
2	Maintenance of Services	250.72
3	Capital Works	749.63
4	Welfare Expenditure	36.33
5	Others	45.64
	Total	1203.11

1.14 Payment of salaries to municipal employees through Government Treasury

In G. O. Ms. No. 179 MA dated 25-2-2009, Government have issued orders for payment of salaries and pensions to municipal employees in all the municipalities and municipal corporations except GHMC under detailed head of account "010-salaries" through Government Treasury with effect from 1-4-2009 in lieu of statutory and non-statutory grants. About 23,209 municipal employees and 11,516 pensioners (total 34,725) have been getting salaries and pensions regularly on first day of the month on account of these orders.

1.15 Heads of Departments

There are three Heads of Departments in Municipal Administration and Urban Development Department as shown hereunder:

- (i) Commissioner & Director of Municipal Administration (CDMA)
- (ii) Engineer-in-Chief (Public Health)
- (iii) Director of Town & Country Planning (DTCP)

1.16 Regional Offices

In addition to the Heads of the Departments at State Level, the following officers are supervising the functioning of the municipalities at Regional Level (2 regions, one at Warangal and the other at Hyderabad).

- (i) Regional Director of Municipal Administration
- (ii) Superintending Engineer of Public Health
- (iii) Regional Deputy Director of Town Planning

1.17 Law relating to Municipal Corporations

- 1.17.1 Earlier, there was only one Municipal Corporation for Hyderabad in Telangana and it was governed under Hyderabad Municipal Corporations Act, 1955. When surrounding municipalities around Hyderabad were merged in the Corporation, the Corporation has become Greater Hyderabad Municipal Corporation (GHMC) and the title of the Act has been amended as Greater Hyderabad Municipal Corporation Act in the year 2008.
- 1.17.2 To enable Government to constitute municipal corporations in the State, Andhra Pradesh Municipal Corporations Act was enacted during 1994 and all the municipal corporations in Telangana other than GHMC were constituted under that Act. It was mentioned in the 1994 Act (Section

14) that all provisions contained in GHMC Act would extend *mutatis-mutandis* to the Municipal Corporations constituted under the Act. After the formation of the State of Telangana, the AP Municipal Corporations Act, 1994 has been adapted to the State of Telangana in G.O.Ms. No. 143 MA dated 29-10-2015 and the Act became Telangana Municipal Corporations Act, 1994. As such, all municipal corporations in the State are considered to be governed under Telangana Municipal Corporations Act, 1994 and GHMC Act, 1955.

1.18 Municipal Authorities

The Municipal Authorities charged with carrying out the provisions of GHMC Act, 1955 are (Section 4):

- (i) Corporation;
- (ii) Standing Committee;
- (iii) Commissioner.

1.19 Provisions common to Municipalities and Municipal Corporations

In respect of the following matters, the provisions of law applicable to municipalities and municipal corporations are similar.

- (i) Ex-officio members
- (ii) Co-option members
- (iii) State Election Commission
- (iv) Electoral rolls
- (v) Conduct of elections
- (vi) Term of the Corporation
- (vii) Reservation of ward members
- (viii) Reservation of the offices of Mayor and Chairperson
- (ix) Election of Mayor and Deputy Mayor
- (x) Finances of Municipal Corporation and Municipalities
- (xi) Functions of Municipal Corporation and Municipalities
- (xii) State Finance Commission
- (xiii) Government control over the Municipal Corporation and Municipalities
- (xiv) Power to give directions

1.20 Salient Features of GHMC Act, 1955

These features are applicable to other municipal corporations also in terms of Section 14 of TMC Act, 1994

- (i) Constitution of Municipal Corporation
- (ii) Conduct of Elections
- (iii) Proceedings of the Corporation and Committees
- (iv) Duties and powers of Municipal Authorities
- (v) Municipal Officers and Servants
- (vi) Municipal Property
- (vii) Revenue and Expenditure
- (viii) Municipal Taxation
- (ix) Water supply and drainage
- (x) Regulation of streets
- (xi) Building regulations
- (xii) Sanitary Provisions
- (xiii) Vital statistics
- (xiv) Rules and Bye-laws
- (xv) Offences and Penalties
- (xvi) Licenses and permissions
- (xvii) Controlling Authorities

1.21 Telangana Urban Areas (Development) Act, 1975

- 1.21.1 The Andhra Pradesh Urban Areas (Development) Act, 1975 has been adapted by Government of Telangana in GO Ms. No148 MA dated 31-10-2015 and it became the Telangana Urban Areas (Development) Act, 1975.
- 1.21.2 As soon as an urban area or group of urban areas is declared to be a development area, the Government shall constitute for the said development area an Urban Development Authority (UDA) [Section 3(1)]. The UDA consists of a Chairman, a Vice-Chairman and certain number of official and non-official members; and is constituted by the Government [Section 3 (3)]. The basic object of the Authority is to promote and secure the development of the areas comprised in the development area according to a definite plan. To achieve the object, certain powers and functions have been defined to be exercised and performed by UDA (Section 5).

- 1.21.3 While Vice Chairman is the chief executive, the UDA consist various departments like Planning, Development/Engineering, Urban Forestry, Land Acquisition, Estate, Accounts and Administration.
- 1.21.4 The municipalities/municipal corporations may therefore have to coordinate with the powers and functions relating to urban development authorities, since both the institutions have certain similar functions over same jurisdiction. These common powers and functions relating to municipalities and UDAs are:
- (i) Preparation and revision of master plan and zonal development plans
 - (ii) Regulation and control of development through statutory plans
 - (iii) Undertaking of various developmental projects in the development area
 - (iv) Coordination with other public agencies in the provision of urban infrastructure, services and amenities
 - (v) Development of lands
 - (vi) Acquisition and disposal of lands

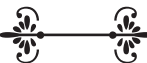
1.22 Hyderabad Metropolitan Development Authority Act, 2008

- 1.22.1 Earlier, Hyderabad city and surrounding areas have been declared as a development area and Hyderabad Urban Development Authority (HUDA) was constituted under Urban Areas (Development) Act, 1975. Government considered that Hyderabad was emerging a metropolitan area and it is necessary to establish Metropolitan Development Authority for Hyderabad. To enable the establishment of the Metropolitan Development Authority for Hyderabad, a new Act was passed by the Legislature of the State during 2008 in the name of Hyderabad Metropolitan Development Authority Act, 2008. The Act provides for the establishment of metropolitan development authority by Government for the purposes of planning, co-ordination, supervision, promotion of planned development of the Hyderabad metropolitan region and for matters connected therewith and incidental thereto.
1. 22.2 Section 3 provides that the Government may, by notification declare the Hyderabad Metropolitan region consisting of such urban or rural areas as a development area for the purposes of the Act. It was also mentioned therein that the provisions relating to declaration of metropolitan area and development of land in the area are similar to those mentioned in Urban Areas (Development) Act, 1975.

- 1.22.3 The Hyderabad Metropolitan Development Authority (HMDA) was formed vide GO Ms. No. 570 MA dated 25-8-2008 with an area of 7,257 sq km covering 849 villages in 55 mandals of Hyderabad, Rangareddy, Medak, Nalgonda and Mahabubnagar districts. It is the third largest urban development Authority in the country, after the Delhi National Capital Region and Bangalore Metropolitan Region Development Authority. The Hyderabad Urban Development Authority (HUDA), Hyderabad Airport Development Authority (HADA), Cyberabad Development Authority (CDA) and Buddha Poornima Project Authority (BPPA) were merged with HMDA.
- 1.22.4 The major activity of HMDA includes coordination of development activities of the municipal corporations, municipalities and other local authorities, the Hyderabad Metropolitan Water Supply & Sewerage Board, Telangana Transmission Corporation, the Telangana Industrial Infrastructure Corporation, the Telangana State Road Transport Corporation, and other such bodies that fall within the metropolitan region.
- 1.22.5 The primary functions of HMDA includes preparation of metropolitan plan, undertaking preparation of Metropolitan Development and Investment Plan, revision of the plan and prioritize the implementation of the said plan and undertaking execution of projects and schemes as per said plan and / or through action plan for any sector or area of the metropolitan region.

1.23 Telangana Town Planning Act, 1920

Andhra Pradesh Town Planning Act, 1920 was adapted by Government of Telangana in GO Ms.No.45 dated 1-6-2016 of Law Department. The objects of the Act are to enable municipalities to anticipate and provide for future developments by framing town planning schemes and to give them necessary power to implement these schemes; and also to enable the municipalities to levy betterment contribution on the owners of properties covered by the schemes. The salient features of the Act includes (i) preparation of Town Planning Schemes providing for layout of lands, construction of roads, and reservation of land for various purposes including public purpose; (ii) sanction of schemes by Government; (iii) power to levy development charges and betterment contributions; (iv) obligation of owners to comply with the schemes after sanction; and (v) constitution of Town Planning Trusts etc.



Chapter 2

Constitution of Council

2.1 As discussed earlier, four (4) authorities have been charged with carrying out the provisions of TM Act, 1965 and they are (1) Council, (2) Chairperson, (3) Commissioner, and (4) Ward Committee. In this chapter, we discuss about the constitution of the Council.

2.2 Municipal Council – Strength and Constitution (Section 5)

2.2.1 The strength of the council will be fixed by the Government based on grade and population of the municipality. The present strength of municipal councils ranges from 20 to 42. A municipality will be divided into as many single member wards as the number of elected members. There shall be constituted for each municipality, a body of members to be called the Municipal Council having authority over the municipality and the Council shall consist of the following members:

- (i) Elected members
- (ii) Ex-Officio members with voting rights, and
- (iii) Three (3) Co-opted members without voting rights

2.2.2 Ex-officio members (with voting rights)

The following persons are ex-officio members of the Municipal Councils with voting rights.

- (i) Every member of the Legislative Assembly (MLA) of the State representing a constituency of which a municipality or portion thereof forms part.
- (ii) Every member of the Legislative Council (MLC) of the State registered as an elector in the municipality as on the date of filing nomination for becoming MLC.
- (iii) Every member of the House of People (MP - Lok Sabha) representing a constituency of which a municipality or portion thereof forms part.
- (iv) Every member of the Council of States (MP - Rajya Sabha) registered as an elector in the municipality.

2.2.3 Co-opted members (without voting rights)

The Council co-opts 3 persons as members of council and these members do not have voting right in the council

- (i) One person having special knowledge or experience in municipal administration
- (ii) Two persons belonging to minorities of whom one to be woman.

2.3 Reservation of seats in Municipalities (Section 8 and Rules)

In every Municipality, out of the total strength of elected members, Government shall reserve the seats as follows:

(i)	Schedule Castes (SCs) and Schedule Tribes (STs)	As per the proportion of the population of SCs and STs to the total population of the Municipality and such seats are allotted by rotation to different wards in a Municipality
(ii)	Backward Classes (BCs)	One-third of the total number of seats and such seats are allotted by rotation to different wards in a Municipality
(iii)	Women	Number of seats to be reserved for women (including the number of seats reserved for women belonging to SCs, STs and BCs) shall be 50% of the total number of seats in the Municipality and such seats are allotted by rotation to different wards in a Municipality

2.4 Conduct of Elections (Section 10 A and 10 B)

The preparation of electoral rolls for and the conduct of elections to all Municipalities in the State shall be under the superintendence, direction and control of the State Election Commission (SEC). At the State level, the Commissioner & Director of Municipal Administration as the Election Authority and at the district level, the District Collector as the District Election Authority supervises the municipal elections under the direction and control of SEC. At the municipal level, the Municipal Commissioner acts as the Election Officer and he works under

the superintendence, direction and control of SEC, Election Authority and District Election Authority. Detailed rules for the conduct of election of members to the Council are issued in GO Ms. No.666 MA dated 11-7-2005.

2.5 Electoral Rolls (Section 11)

The electoral roll for Assembly Constituency shall be adopted as electoral roll for the Municipality.

2.6 Term of the Council (Section 20)

The term of the office of the chairperson and the elected members shall be five years from the date of the first meeting of the Council.



Chapter 3

Powers and Functions of the Council

In this chapter, we discuss about the powers (to be exercised), functions (to be performed) and duties (to be discharged) of the Council.

3.1 The **powers exercised by the Council** can be grouped under political, financial, administrative and service. The vital and primary power of the Council as specified under the Act is that the administration of the municipality vests in the Council (Section 30).

3.2 Political powers of Council

- Election of Chairperson and Vice Chairperson (Section 23)
- Choosing (election) of Committee under Section 43, generally called Contract Committee
- Choosing (election) of Committee under Section 74, generally called Panel Committee
- Require the Chairperson to produce any document -The Chairperson has to comply such requisition; or avoid it if it is against public interest (Section 31)
- Constitute Committee to enquire into and report on any matter which may refer to it commonly called as ad-hoc committee (Section 31 A)
- Constitute committees to formulate, review and superintend various development programmes (Section 31 A)

3.3 Financial powers of the Council

- Levy and fix the rate of tax in respect of property tax, tax on carriages and carts and tax on animals; and also with the previous sanction of Government, levy and fix the rate of tax on advertisements. (Section 81)
- Competent to write off any tax, fee or other amount if in its opinion such tax, fee, amount or sum is irrecoverable. (Section 124)
- Fix rate of fee on various activities (trade license fee, market fee, building licence fee, extract fee etc. under relevant Sections)
- Approval of budget in each year, showing the probable receipts and expenditure during the coming year before 15th of November of each year (Section 126 and Budget Rules)

- Power of making contract when the value exceeding rupees 50 thousand to 4 lakhs depending on the grade of the municipality [Section 43(2)]
- Provide for the levy of different rates of charges for water supplied to different categories Section 141(2)(b)
- At the direction of Government, competent to levy and collect pipeline service charges for water connection towards capital cost and the operation and maintenance of the pipeline system (Section 142)
- At the direction of the Government, competent to levy and collect pipeline service charges for underground drainage connection towards the capital cost of sewerage treatment works and the operation and maintenance of the sewerage system. [Section 147A]

3.4 Administrative powers of Council

- Competent to fix or alter the number, designations and grades of officers except section heads mentioned in Section 72 with the sanction of Government (Section 73)
- Accords administrative sanction for all categories of works both original and maintenance, if the value exceeds rupees 50 thousand to 4 lakhs depending on the grade of the municipality [Section 43 (2)]
- Accords administrative sanction for purchase of all types of materials.
- Approves Administration Report of the municipality every year and submits to Government (Section 34)
- Competent to make bye-laws not inconsistent with the Act and publish with the approval of Government (Sections 330 and 333)
- Grants permission for establishment of factories, workshops; or for installation of machinery in any premises; or for manufacturing plants after approval of Inspector of Factories and Municipal Health Officer/ District Medical and Health Officer (Section 264)
- Competent to issue a notification reserving the localities for residential, industrial, commercial or agricultural purposes after consulting Director of Public Health and Director of Town Planning and with the approval of the Government. (Section 268)
- Financial position of municipality to be placed before Council every month (Rule 47 of Regulation of Receipts and Expenditure Rules, 1968). These cover balances under various heads of account and probable closing

balances at the end of the year; outstanding bills pending payment and estimated expenditure till the end of year, outstanding arrears of taxes and other major sources of revenue; and bank reconciliation statement.

- DCB statements have to be placed before the council every month to watch progress of collections
- List of arrears due to council which are likely to become time barred at least one year before expiry of the said period be placed before Council and request for instructions for recovery of such arrears (Section 365)

3.5 Appellate Powers of Council

Certain appeals can be filed before the Council and orders of Council thereon are final (Section 345). Some matters in which appeals lie include:

- Notices issued or actions taken or proposed to be taken by the Chairperson, Commissioner, Municipal Health Officer or any other officer under certain provisions of the Act
- Notices issued or actions taken or proposed to be taken under any bye-law concerning house drainage and municipal water supply.
- Any order of Commissioner, Municipal Health Officer or any other officer granting or refusing a licence or permission.

3.6 Service related powers of Council

All civic service related powers can also be considered as functions. They include:

- All public streets and drains in the municipality vest in the Council. (Section 35)
- All vacant lands belonging to Government are deemed to be in the possession of Council and they have to be kept free from encumbrances. (Section 37)
- Competent to acquire immovable property under the provisions of the Land Acquisition Act, 1894. [Section 42(1)]
- Also competent to acquire immovable property by private negotiations with approval of the Collector and the Government. [Section 42(2)]
- Take up construction and maintenance of water works for supplying water. (Section 134)

- Provide and maintain public drains to the extent funds at its disposal permit. (Section 147)
- Arrange for lighting the public streets to the extent funds at its disposal permit. (Section 146)
- Provide and maintain sufficient number of public latrines and urinals to the extent of funds at its disposal permit. (Section 156)
- Make adequate arrangements for regular sweeping and cleaning of the streets and their daily removal (Section 164)
- Arrange the disposal of waste collected by council [Section 170A]
- Maintain and repair public streets and bridges [Section 171(1)]
- Lay and make new public streets, improve public streets, construct bridges and subways, and close public streets. (Section 172)
- Sanction layouts having due regard to the recommendations of Director of Town Planning. (Section 185)
- Give names to all public streets and with the approval of Government, alter the name of any public street. (Section 200)
- Construct and maintain public wash-houses or places for the washing of clothes. (Section 243)
- Provide sufficient number of slaughter houses (Section 271)
- Provide public markets [Section 277(1) (2)]
- Provide burial or burning grounds or crematoria grounds (Section 302)
- Lease any land, shop, godown, building for a period not exceeding five years at a time [Section 277(4)]
- Register births and deaths occurring in the municipality. (Section 308)



Chapter 4

Meetings of Municipal Council

4.1 Council is one of the authorities in the municipality (Section 4) and the administration of the municipality vests in the Council (Section 30). It is therefore necessary to understand various facets of the Council. Schedule 1 of the Act prescribes the procedure for conduct of the meetings of municipal councils.

4.2 Convening of meetings

The Municipal Council has to meet in the municipal office only for the transaction of business. The Council has to fix itself the date and time of the meeting and at least one date has to be fixed in every month. Apart from that date, the Chairperson may also call a meeting whenever there is a need. Other important requirements are that the meetings have to be convened during working days and office hours only. All the meetings have to be convened by the Chairperson. That means, meeting notices have to be issued by the Chairperson only. However, when the Assembly or Parliament is in session, the meetings may be avoided on the days of Assembly or Parliament sittings to enable the ex-officio members to take part in the meeting.

4.3 Presiding over the meetings

The Chairperson presides over the meeting of the council; and in his absence, the Vice-Chairperson presides over the meetings.

Under Section 51 (1) (b) of the Act, the Chairperson, in the first meeting of every year nominate four elected members as a panel of temporary Chairpersons. He has to make the nomination in the meeting only and not in his chambers. In the absence of both the Chairperson and the Vice chairperson, the temporary chairperson in the order of preference in the panel presides over the meeting. Where such temporary Chairperson is also not present and if there is quorum, the members present in the meeting may choose one of the members who are present in the meeting and request him to preside.

4.4 Presiding Officer's Powers

To ensure that the meeting of council runs in an orderly manner, the Presiding Officer is entrusted with certain powers. They are provided in various sections of the Act. They include:

- Preserves order and decides all points of order arising in connection with the meeting. There is no discussion on the point of order and his decision is final. [Section 51 (2)]
- If conduct of any member, in his opinion is disorderly, he may direct such member to withdraw from the meeting. The member has to withdraw from the meeting and cannot attend the meeting for the remaining day's meeting. If the member does not withdraw, the Presiding Officer may take such steps to cause him to be removed [Section 51 (3)]
- In case of grave disorder in the meeting (in his opinion), he may suspend the meeting for a period not exceeding three days. [Section 51 (4)]
- If any member disregards authority of Chairperson, or persistently and willfully obstructs the meeting, he may ask Council to suspend the member for a period not exceeding three months. The member suspended shall withdraw from the meeting. However, the council may at any time terminate the suspension of the member. [Section 51 (5)]
- May prohibit any member to take part in the meeting, if he believes that such member has any personal or pecuniary interest; and if the member challenges the chairperson, the matter has to be decided by the Council.[Section 52 (2) and (3)]
- If any member raises that Chairperson has interest, it shall be decided by Council. [Section 52(4)]
- He has to consult the members and make the seating arrangement and the members have to sit in such order as the Chairperson proposes.

4.5 Types of meetings

The meetings of the Council are of the following four types:

- (i) Ordinary Meeting
- (ii) Urgent Meeting
- (iii) Special Meeting
- (iv) Requisition Meeting

4.5.1 Ordinary Meeting

As discussed above, the Council meets for the transaction of normal business once in every month and also at other times when a meeting is called by the Chairperson. This meeting is considered as Ordinary Meeting. For an ordinary meeting, three (3) clear days of notice has to be given to the members for information and to attend the meeting. [Rule 2 (1) of Schedule I]

4.5.2 Urgent Meeting

In case of urgency, the Chairperson may convene a meeting on giving shorter notice. This becomes necessary when resolution of Council is required urgently. [Rule 2(2) of Schedule I]

4.5.3 Special Meeting

Special meetings are convened to transact only one specific subject. No other subject could be discussed in such meetings. The Act and rules provide that some of the subjects have to be considered in meetings of Council specially convened for the purpose. In view of the nature of the subject and to enable the members to concentrate the discussion on the subject, such meetings would be convened. Some of the subjects for which Special meetings are convened include

- Conduct of election of members of the committees referred under Section 43 and 74 (relevant Rules)
- Nomination of members of ward committees (relevant rules)
- Co-option of members to the Council (relevant Rules)
- Cancellation/modification of resolution within three (3) months [Rule 8 of Schedule I]
- Withdrawal of officers [Section 72 (2)]

4.5.4 Requisition Meeting (Rule 3 of Schedule I)

This is another important type of meeting. If the members feel that a subject is not being coming up in the meetings of the Council, they may requisition the Chairperson to convene a meeting and include the subject to the meeting for consideration of the Council. A notice requesting the Chairperson to convene a meeting has to be signed by members of the Council. The notice should also contain the day (other than public holiday), time and the subject for consideration. The number of members to sign the notice should be not less than one-third of the members then on the council. The notice and the date of meeting should have a gap of ten clear days. This notice may be delivered in the municipal office to the Chairperson, Commissioner, Manager or any other person who is in charge of the office.

The Chairperson within two days from the date of receipt of the notice has to convene the meeting on the day and time specified in the notice or within three days from such day. He has two options in this case, (i) to convene the meetings on the day specified in the notice; or (ii) within three days from such day (specified in the notice). If he fails to convene the meeting within two days, the members who signed the requisition notice may call the meeting on the day specified in the

notice and they have to issue notice to the other members with three clear days notice. In such case, the Commissioner has to make usual arrangements for the meeting including the availability of the minute's book.

4.6 Preparation of Agenda

The agenda for the meeting has to be prepared by the Commissioner in consultation with the Chairperson. The Commissioner may include in the agenda any subject which in his opinion needs to be considered by the Council. He has to include any subject specified by the Chairperson in the agenda [Rule 2(3) of Schedule I]. For the sake of convenience, Commissioner may prepare rough agenda and circulate it to the Chairperson for perusal. There is no provision in the Act for deletion of any item from the rough agenda by the Chairperson. However, he can include any item in the agenda and also add his views in the shape of a note on any subject included in the agenda.

4.7 Quorum for the meeting

The quorum for a meeting of the council is one third of the number of members then on the council. If the quorum is not present within half-an-hour after the time appointed for a meeting, the meeting would be adjourned, unless all the members present agree to wait longer. (Rule 6 of Schedule I). This is general quorum. The quorum is different for certain meetings. The examples are:

- Election of Chairperson and Vice Chairperson – At least one-half of the number of members then on council who are entitled to vote (relevant rules)
- Nomination of members of ward committees – At least one-half of members of sanctioned strength of council including ex-officio members (relevant rules)

4.8 Passing of resolutions

All questions before the Council at any meeting have to be decided by majority of members present and voting in the meeting. When there is equality of votes (including his vote), the presiding officer exercises second or casting vote (Rule 5 of Schedule 1).

Generally, the decisions are taken by voice vote. If any member requests for the voting and numbers, Chairperson has to call for show of hands and has to count the hands shown for and against the matter and declare the result. If the member desires, the voting pattern has to be recorded in the minute's book.

This is general rule. But certain decisions need different majority and some examples are:

- No confidence motion in chairperson or vice chairperson [Section 46 (6)] – Motion to be carried with the support of two-thirds majority of total number of members as on the date of meeting
- Meeting for withdrawal of officers [Section 72 (2)] – Resolution to be supported by three-fifths of sanctioned strength

4.9 Number of members for quorum as well as passing of resolution

The Act and rules specify various modes to consider the number of members for the purpose of quorum and passing of resolutions. The Presiding Officer has to observe the following for the purpose.

- Sanctioned strength of council means the number of elected members under Section 5(2)(i)
- Sanctioned strength of council including ex-officio members means number of elected members under section 5 (2)(i) plus ex-officio members having right to vote
- Then on the council means sanctioned strength of the council (minus) resignations, suspensions and deceased (not filled) members
- Members present and voting means members who attended the meeting and signed in the attendance register and participating in the voting

4.10 Modification of Council Resolution (Rule 8 of Schedule I)

No resolution of the council shall be modified or cancelled within three months after passing thereof except at a meeting specially convened in that behalf and by a resolution of the council supported by not less than one-half of the number of members then on the council.

4.11 Conduct of Business of Council Meetings

The Commissioner has to prepare the agenda (list of business for the day) in consultation with the Chairperson. The list of business should be arranged in the following order:

- (i) Interpellations
- (ii) Papers to be laid on the table of the Council
- (iii) Official business brought forward by the Chairperson as urgent
- (iv) Report or advice of the Committee of individuals constituted under Section 31A (1)
- (v) Resolutions

4.12 Minute of Dissent (Rule 10 of Schedule I)

This is a vital right of a ward member. Any member may give a dissent for a decision taken in the Council. When a member gives a dissent during the meeting, the Chairperson has to incorporate the same in the minute's book. If the Chairperson fails to record the dissent given by any member in the minute's book, the Commissioner has to record the same and intimate the member who gave the dissent.

In case the member desires that the matter be pursued, he has to forward the dissent note (written note of dissent) to the Chairperson within forty-eight hours of the meeting. Thereupon, the Chairperson has to immediately submit a copy of the minute of dissent to the Collector and the Regional Director of Municipal Administration. The Chairperson as well as the Commissioner may submit separately a note on the minute of dissent to the Collector and the Regional Director of Municipal Administration so that they may take necessary action.

4.13 Maintenance of Minutes Book (Rule 9 of Schedule I)

The minutes of the proceedings of the Council of each meeting have to be drawn up and entered in a book called as Minutes Book. The minutes have to be recorded and signed by the Presiding Officer of the meeting. The Minutes Book is a public document and any tax payer may without any charge inspect the minutes book. Any tax payer can get a copy of the minutes on payment of fee as fixed by the council.

Further, the Commissioner has to forward a copy of the minutes to the Collector and the Regional Director of Municipal Administration within three (3) days of the meeting. An authenticated copy of the said minutes has to be affixed to the notice board of the municipal office.



Chapter 5

Election, Powers and Functions of Chairperson

As seen above, Chairperson is one of the municipal authorities charged with carrying out the provisions of the Act.

5.1 Election of Chairperson and Vice-Chairperson (Section 23)

The elected members and ex-officio members elect one of its elected members to be Chairperson and another to be its Vice-chairperson at the first meeting of the Council after ordinary elections. Detailed rules for conduct of election of Chairperson and Vice Chairperson are issued in GO Ms. No.763 MA dated 19-8-2005.

5.2 Reservation of offices of Chairpersons (Section 24)

Out of the total number of offices of chairpersons in the State, Government reserves the offices of chairpersons as follows:

(i)	Schedule Castes (SCs) and Schedule Tribes (STs)	As per the proportion of the population of SCs and STs in the Municipalities of the State to the total population of the Municipalities in the State and such offices are allotted by rotation to different Municipalities in the State
(ii)	Backward Classes (BCs)	One-third of the total number of offices of Chairpersons and such offices are allotted by rotation to different Municipalities in the State
(iii)	Women	Number of offices to be reserved for women (including the number of offices reserved for women belonging to SCs, STs and BCs) shall be 50% of the total number of offices in the State and such offices are allotted by rotation to different Municipalities in the State

5.3 No confidence motion in Chairperson and Vice-Chairperson (Section 46)

A motion of no confidence can be moved against Chairperson or Vice-Chairperson after four (4) years of the date of assumption of office.

5.4 Powers and Functions of Chairperson

Under the Act, the Chairperson has certain powers to exercise, perform the functions and discharge the duties. The powers can be grouped under various categories.

Being elected as chairperson from amongst the members of the Council, his primary responsibility is of political in nature. The political power also covers the Presiding Officer's power.

5.4.1 Political powers of the Chairperson:

- Presides over every meeting of the Council. [Section 51(1) (a)]
- Nominate a panel of not more than 4 (four) temporary Chairpersons at the first meeting of the Council every year [Section 51(1) (b)]
- Preserves order and decides all points of order in the meetings of the Council [Section 51(2)]
- Direct any member to withdraw from meeting, if conduct of the member, (in his opinion) is disorderly [Section 51(3) (a)]
- Take steps to cause him removed, if the member continues to remain in the meeting [Section 51(3)(b)]
- Suspend meeting for a period not exceeding three days if there is grave disorder in the meeting [Section 51 (4)]
- Place the matter before the Council to suspend a member for a period not exceeding three months, if the member disregards his authority, or persistently and willfully obstructs the meeting [Section 51 (5)]
- Prohibit a member to take part in meeting, if he believes that such member has any personal or pecuniary interest; and if the member challenges, decision has to be taken by the Council; and if any member raises that that the Chairperson has interest, it shall be decided by the Council. [Section 52 (2), (3) and (4)]

5.4.2 Administrative Powers

- Official correspondence between the Council and the Government or Heads of Department has to be conducted in the name of the Chairperson. [Section 47(2)]
- Delegate any of his functions (political) to the Vice-Chairperson and any of his administrative functions to the Commissioner. [Section 50(1)]

5.4.3 Appointing Powers

- Appointing authority in respect of posts covered in Municipal Service (other than posts covered under section 71 and 80) from a panel prepared by the Panel Committee. (Section 74)

5.4.4 Disciplinary Powers

- Competent to impose penalties of removal and dismissal of an employee under Municipal Service.[Section 77 (2)]
- Competent to suspend an employee under Municipal Service [Section 77 (2)].

5.4.5 Financial Powers

- Incur in each case contingent expenditure not exceeding Rs.1,500/- in case of third or second grade municipalities and Rs.3,000/- in case of other grades of municipalities. [Section 48 (1)]
- Execute any work where immediate execution is necessary (in cases of emergency) for the services or safety of the public and direct payment of expenses from municipal funds. He has also to report the action taken and the reasons therefore to the Council in its next meeting (Section 49). Emergency may be defined as “occurrence of floods, cyclone, earthquake, fire accident, sudden breakdown of water supply or any other immediate action to be taken for the health, service or safety of the public or protection of the property of the Municipality”.

5.4.6 Appellate Power (Tax appeals)

- To be consulted by the Appellate Commissioner while disposing tax appeals [Rule 22 (2) of Schedule II]

5.5 Functions of Chairperson

Functions of chairpersons can also be grouped based on the nature of functions, like political functions, regulatory functions etc.

5.5.1 Political Functions of Chairperson

- Convene the meeting of the Council at least once in every month (Rule 1 of Schedule I)
- Convene and preside over meetings of Contract Committee (relevant rules).
- Convene and preside over meetings of Panel Committee (relevant rules).
- Minutes of the meeting have to be drawn up in minutes book and signed by the Chairperson (Rule 9 of Schedule I)

5.5.2 Regulatory Functions

- Sanction water tap (house service) connections [Section 140 (1)]
- Permit digging or construction of new tank or well [Section 236 (1)]
- Prohibit use of water, if it is likely to spread epidemics.
- Enter any premises for purposes of inspection, survey or execution of work; and also the lands adjacent to the work.

5.6 Immunity from civil and criminal proceedings

The Chairperson is protected from civil and criminal actions, if he does anything in public interest. No suit is maintainable against the Chairperson if anything is done in good faith. (Section 373). Similarly, when the Chairperson is accused of any offence alleged to have been committed by him while acting in the discharge of his official duties, the Court is not competent to take cognizance of such offence without previous sanction of the Government. (Section 375)



Chapter 6

Role of Ward Member in Municipalities

6.1 As stated in the previous chapters, the Municipal Council is a body of members; and the Council is constituted for each Municipality. The members consist (i) elected members, (ii) ex-officio members, and (iii) co-opted members. The qualifications and disqualification for candidates to be elected are covered under Sections 13, 13 A, 13 B, 14 and 15 of the Act. Section 15 A and 15 B also relates to disqualification on grounds of corrupt practices or election offences or non-submission of election expenses, which result in disqualification, besides debarring to contest elections for three-six years.

In this chapter, matters relating to candidates contesting for election are not discussed, but various matters relating to the members only are discussed.

6.2 Disqualification of Member (Section 16)

A member ceases to hold his office, if he –

- (i) Is sentenced by a criminal court to imprisonment for an offence under Protection of Civil Rights Act or for an offence other than of political character or any offence not involving moral delinquency.
- (ii) If elected from a reserved ward and the community certificate is cancelled subsequently
- (iii) Becomes of unsound mind and stands so declared by a competent court.
- (iv) Is a deaf – mute or is suffering from leprosy.
- (v) Is adjudicated as an insolvent.
- (vi) Acquires any interest in any subsisting contract or work for the council, except as a shareholder in a company.
- (vii) Is employed as a paid legal practitioner on behalf of the council or against the council.
- (viii) Is appointed as an officer or servant under this Act.
- (ix) Accepts employment under or becomes the official sub-ordinate of any other Member.
- (x) Ceases to reside for a period of more than six months in the municipality or within two kilometers from the outer limits there from.

- (xi) Fails to pay arrears of any kind due to the municipality within three months after a bill or notice has been served upon him under this Act.
- (xii) Absents himself from the meetings of the council for a period of three consecutive months reckoned from the date of commencement of his term of office or of the last meeting which he attended (certain exceptions to woman members).

6.3 Duties and Powers of Member (Section 53)

- (i) Any member may call the attention of Chairperson (call attention motion) to any neglect in the execution of municipal work, to any waste of municipal property or to the wants of any locality and may suggest any improvements, which may appear desirable.
- (ii) Every member shall have the right to move resolutions and to interpellate the Chairperson on matters connected with the municipal administration.
- (iii) Every member shall have access during office hours to the records of the municipality after giving a reasonable notice to the Chairperson. However, he will not have access to such records of the municipality if the records are classified as confidential or secret.

6.4 Moving of Resolutions at Meetings

A ward member is entitled to move resolutions at meetings of Municipal Councils subject to certain regulations. Specific rules in the matter were issued by Government in GO Ms. No.1369 MA dated 18-11-1965. Salient features of the rules include:

- The member desiring to move the resolution has to give ten clear days notice to the Chairperson and the notice has to contain the resolution, which he wishes to move.
- To get it admitted in the meeting, the resolution should be clear, precise and contain definite issue.
- It should not contain arguments, inferences, ironical expressions, or defamatory statements and should not refer to the conduct or character of persons except in their official or public capacity.
- The Chairperson decides on the admissibility of resolution.

After the resolution is admitted by the Chairperson, it will be entered in the agenda of the next meeting. During the meeting, when the subject is read, the concerned member formally moves the resolution in the meeting. If he is not interested in moving the resolution, he has to make a statement to that effect and the matter closes. If the member is absent, any member present at the meeting may move the resolution and if no member moves, it is considered as withdrawn.

Every resolution which has been moved has to be seconded and it would be put to discussion. The discussion on a resolution need be limited to the subject of the resolution and any member may move an amendment to the resolution. After end of the discussion, Chairperson has to put the resolution to vote.

6.5 Interpellation of Chairperson by Member

A ward member is entitled to put questions to Chairperson at the meetings subject to certain conditions and restrictions. Detailed rules have been issued in the matter in GO Ms. No.1467 MA dated 18-12-1965. The salient features of the rules are:

A member who desires to put questions to Chairperson at the Council meetings has to give seven clear days notice and he should also specify the question he desires to ask. The question has to relate to the municipal administration and also relate to matter of fact. It should be simple and not lengthy. The Chairperson has to admit the question for placing before the meeting. So, the question has to be clear, simple, not lengthy and do not publish any name, nor his character or conduct except in the official or public capacity. The member has to take the responsibility of the accuracy of statement if any contained in the question. The question should not contain any argument, inference, ironical expression or defamatory statement.

The Chairperson may disallow the question, if there is an abuse of the right of questioning, or where the question cannot be answered in public interest or where the question contravenes rules.

After the Chairperson admits a question, it would be entered in the agenda of the meeting. The questions have be taken up in the first instance during the meeting. The Chairperson answers every question entered in the agenda. Any member may put up a supplementary question for elucidating any matter of fact. Chairperson may disallow any supplementary, if it is against rules. There would be no discussion on any question or answer given to a question. The question and the answer given to it will be entered in the proceedings of the meeting.

6.6 Honorarium including conveyance allowance (Section 54)

Government sanctions payment of honorarium and conveyance allowance to the Chairperson and Vice Chairperson and conveyance to the ward members. These payments would be met from municipal funds. Government have been sanctioning the amounts from time to time, the latest being GO Ms. No. 61 MA dated 24.03.2015. As per these orders the rates of honorarium and conveyance allowance payable to chairperson, vice chairperson and ward members are given in the following Table.

Sl. No.	Name of the Representative	Honorarium/Conveyance Allowance in Rs. per month	
		Selection and Special Grade Municipalities	Other Municipalities and Nagar panchayats
1.	Chairperson	15,000/-	12,000/-
2.	Vice-Chairperson	7,500/-	5,000/-
3.	Ward Members	3,500/-	2,500/-

The Chairperson or Vice-Chairperson can draw the conveyance allowance, only if he maintains and uses a motor car.

6.7 Resignation of a member (Section 55)

The Chairperson, Vice-Chairperson or any ward member may resign his office. He has to send the letter of resignation to Commissioner and the Commissioner shall to place the matter before the Council in its next meeting. The Council will consider the matter and if it is satisfied as to the genuineness of the resignation letter from the concerned person accept the resignation and the resignation will come into effect from the date of acceptance of resignation by the Council. If the Council is not satisfied with the genuineness of the resignation, it may decide so and the letter becomes lapse. Before the resignation is accepted by the council, the Chairperson or Vice-Chairperson or the ward member may withdraw such resignation in the form of a letter.



Chapter 7

Powers and Functions of Commissioner

7.1 Commissioner is one of the municipal authorities charged with carrying out the provisions of the Act along with Council, Chairperson and Ward Committee (Section 4). He is appointed by Government and is the Executive Authority of the Municipality [Section 29(1)]

Section 56 of the Act specifies basic powers and functions of the Commissioner. Besides specific powers and functions referred in Section 56, it is also said therein that the Commissioner has to exercise the powers and perform the functions specifically conferred or imposed on him by various other provisions of the Act. All these powers and functions of the Commissioner have been grouped under administration, regulation, finance and services.

7.2 Powers and Functions relating to Administration

- He exercises the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for due fulfillment of the purposes of this Act. [Section 56 (1) (c)]
- He is responsible for carrying out the resolutions of the Council and furnish periodic reports on the progress of carrying out the resolutions [Section 56 (1) (a) and (b)]
- He exercises disciplinary control over the employees covered under Municipal Service. [Section 56 (1) (cc)]
- He is in charge of office of the municipality and have custody of municipal records. [Section 56 (1) (e)]
- He is competent to delegate any of his powers or functions to any officer or employee of the municipality [Section 56 (3)]
- He is responsible for preparation of administration report and placing it before the Council for approval. (Section 34)
- As Election Officer, responsible for conduct of elections to the Council under the superintendence, direction and control of State Election Commission. (Section 10 A)

7.3 Powers and functions relating to Meetings

- He can attend the meetings of the Council and where he is required to do so by the Chairperson, of any of its Committees. (Section 58)
- He has to prepare the agenda for the meeting of the Council in consultation with Chairperson. (Rule 2(3) of Schedule I)
- He has to forward a copy of the minutes of the proceedings of the meeting of the Council to the District Collector and Regional Director of Municipal Administration. (Rule 10 of Schedule I)
- He is the custodian of the proceedings and records of the Council i.e. minutes book. (Rule 11 of Schedule I)

7.4 Powers and functions relating to Regulations

- Exercise all powers relating to licenses and the removal of encroachments [Section 56 (1) (d)]
- Permit erection and exhibition of any advertisement upon or over any land, building, wall, hoarding or structure. (Section 115)
- Remove any unauthorized advertisement. (Section 118)
- Disconnect water supply, if water charges are not paid within fifteen days after a bill has been served. (Section 144)
- Alter or demolish a street or road, when any person forms a road or street without layout or contrary to the layout approved by the Council. (Section 186)
- Ensure that the street or road is properly formed and lighted and provided with water supply mains, whenever a private layout is approved by Council. (Section 187)
- Remove any projection or encroachment situated over any street. (Section 192)
- Evict any person from municipal premises for non-payment of rent, sub-letting of the premises and for violation of lease conditions (Section 194)
- Accord approval of site and permission for construction or reconstruction of building. (Sections 209 and 210)
- Destroy stray pigs or dogs. (Section 255)
- Issue license for usage of any place for carrying out the purposes specified in Schedule IV (D & O Trade License). (Section 263)

- Inspect places in respect of which license or permission is granted to ensure the compliance of the conditions of license or permission. (Section 344(7))
- Demolish unauthorized construction, when a notice or order issued is not complied (Section 360)
- Inspect places of entertainment to ensure that various statutory provisions are complied.
- Demolish un-authorized constructions which are found on government or municipal or other public lands
- Acts as Registrar of Births and Deaths in the municipality, where there is no Health Officer.
- Furnish report in respect of sanitation and water supply to the District Collector before issuing license for construction of cinema theatre; and also for issuing license for cinema theatre
- Issue No Objection Certificate to Excise Department for establishment of wine shop and bar in municipal area

7.5 Powers and functions relating to Finance

- Exercise all powers in relation to collection of taxes and fees [Section 56 (1) (d)]
- Inspect places of entertainment for the purposes of verification of the sale of tickets. [Section 56 (1) (f)]
- Incur contingent expenditure incidental to municipal administration ranging from Rs.1,000/- to Rs.2,000/- depending upon the grade of the municipality. [Section 56 (5)]
- Make contracts (including financial power) ranging from rupees 20 thousand to 2 lakhs depending upon the grade of municipality. (Section 43)
- Sign contracts (agreements) on behalf of the municipality. (Section 45)
- Assess property tax on buildings and lands. (Rule 3 and 6 of Schedule II)
- Dispose revision petitions filed for reduction of property tax. (Rule 13 of Schedule II)
- Prepare budget and place it before the Council before 15th November for approval (Budget Rules)
- Prepare annual accounts and place before the Council for approval and forward the same to Audit Department by 30th June of every year. (Section 127 A and Rule 4 of Accounts Rules)
- Conduct auctions for collection of fees in markets and slaughter houses; and leasing of shop rooms.

7.6 Powers and Functions relating to Services/Development activities

- Responsible for proper maintenance of sanitation, water supply, roads, drains and street lighting in the Municipality.
- Responsible for proper implementation of the urban slum improvement and poverty alleviation programmes
- Responsible for implementation of various development schemes implemented by Central and State governments.
- Responsible for implementation of various socio-economic programmes implemented by Central and State Governments within the municipal areas
- Responsible for conduct of population census, live stock census and other developmental surveys entrusted by District Administration from time to time.

7.7 Administrative control of Chairperson over Commissioner

Being the executive authority of the municipality [Section 29 (1)], all officers and employees of the municipality work under the administrative control of the Commissioner [Section 56 (2)]. However, he is under the administrative control of the Chairperson [Section 56 (4)]. The administrative control of Chairperson is subject to the rules issued by Government. The rules (G.O. Ms. No.703 MA dated 17-11-1977) provide that

- Commissioner has to take the concurrence of the Chairperson while transferring Revenue Inspector as Senior Assistant/Junior Assistant and vice-versa.
- Commissioner has to forward a copy of casual leave to Chairperson also.
- Commissioner has to forward leave application to the Director of Municipal Administration (other than casual leaves) through the Chairperson. He can send a copy to the DMA direct also; and the DMA can process the leave application without waiting from Chairperson.
- The officer who writes confidential report of Commissioner should get a report from the Chairperson in the prescribed form on (i) collection of taxes, (ii) removal of encroachments, and (iii) disposal of revision petitions.



Chapter 8

Constitution, Powers and Functions of Ward Committee

8.1 **Ward Committee** has been made as one of the municipal authorities through an amendment to the Act during 2010 [Section 4 (d)]. All matters relating to ward committee, area sabha and ward sabha have been detailed in Section 5B, 5C and 5D respectively. Detailed rules were also issued in respect of these matters in GO Ms. No. 58 MA dated 10th February, 2010.

Each ward in the municipality will have a Ward Committee; and ward committees have to be constituted within three months from the date of first meeting of the Council after ordinary elections to the municipality.

8.2 Composition of Ward Committee

- Ward Member is the Chairperson
- If the population is not more than 10 thousand, 4 persons representing civil society will be nominated as members of ward committee by the Council. Thereafter, one additional person is nominated for every 4 thousand population, subject to a maximum of 10 members. The persons nominated have to be voters in the ward and represent civil society organizations
- If population of the municipality is one lakh and above, each ward is divided into Areas and for each Area, Area Sabha Representative (ASR) would be nominated by the Council. The ASRs of the ward would also become members of the Ward Committee.

Ward Committees are entrusted with certain functions, powers and rights and they are detailed below:

8.3 Functions of Ward Committee

- Supervision over (a) sanitation work and drainage, (b) maintenance of water supply, (c) working of street lights, (d) repair of roads, (e) maintenance of markets, (f) maintenance of parks and playgrounds, and (g) implementation of poverty alleviation programmes.
- Monitoring the functioning of schools, maternity centers, and dispensaries, if maintained by municipality.

- Review of the collection of taxes and non-taxes.
- Preparation of list of beneficiaries for pensions and subsidies.
- Preparation of Annual Ward Development Plan.
- Preparation of the inventory of municipal assets, and
- Preparation of Ward Annual Report.

8.4 Powers of Ward Committee

Ward Committee has certain powers and they cannot be considered as absolute powers for exercising them. They have to be supplemented to perform the functions.

- 20% of the budget earmarked for maintenance of urban services at the municipal level will be allocated to all Ward Committees in the Municipality by the Council and the Ward Committee can utilize the amount in the ward.
- Ward Committee identifies the maintenance works and forward the list to the Commissioner for sanction.
- The works would however be executed by the Commissioner by following the normal procedure.
- Ward Committee is competent to inspect the maintenance works sanctioned to the Ward Committee.

8.5 Rights of Ward Committee

Ward Committee has certain rights to enable to perform the functions. They include:

- Seek information from Commissioner regarding any matter relating to the ward except any confidential matter or any matter relating to municipal elections
- Obtain information about the master plan and zonal development plan of the Municipality
- Obtain information on Municipal budget
- Obtain details of all revenue items relating to the ward
- Ward committee has to be consulted in the development of land use and zoning regulations within the ward

8.6 Secretary of Ward Committee

The Commissioner has to nominate an officer of the municipality to be the Secretary of Ward Committee and office accommodation has to be provided for the Ward Committee for its meetings and other activities. Ward Committee shall meet once in three months.

8.7 Constitution of Area Sabhas

In respect of municipalities with a population of one lakh and above, each ward will be divided into Areas based on population. Each Area may have a population of one thousand to five thousand and in making the areas, natural boundaries and geographical contiguity to be maintained as far as possible. Area Sabha is constituted for each Area with all electors in the jurisdiction of the Area and there would be an Area Sabha Representative (ASR) for each Area and he is nominated by the Council. The ASR will be a voter of the Area concerned and represents civil society; and he will be an ex-officio member of the Ward Committee. Area Sabhas do not have any powers. They have certain functions and rights.

8.8 Functions of Area Sabha

- Determine the priority of the schemes and developmental programmes to be implemented in the Area.
- Identify the eligible persons for the beneficiary-oriented schemes.
- Verify the eligibility of persons getting various kinds of welfare assistance from Government pensions and subsidies.
- Suggest the location of street lights, public taps, public wells, public toilets, etc.
- Identify the deficiencies in water supply, street lighting and sanitation; and suggest remedial measures to the Ward Committee

8.9 Rights of Area Sabha

- Concerned officials in the municipality have to furnish information regarding services they render and the list of works proposed to be executed in the area in the succeeding period of three months after the meeting of the Ward Committee.
- Secretary of the Ward Committee communicates the minutes of the meeting of the Ward Committee and every decision taken relating to the jurisdiction of the area to the Area Sabha Representative.

- Secretary of the Ward Committee informs the follow-up action taken on the decisions concerning the jurisdiction of the area to the Area Sabha Representative.
- Area Sabha Representative has to cooperate with Ward Committee in the provision of sanitation arrangements in the area.
- Area Sabha Representative has to arrange the conduct of awareness campaign in the area on the importance of cleanliness, improvement of the environment and prevention of pollution etc.

8.10 Meetings of Area Sabha

The Area Sabha has to meet once in 3 months and it has to be presided over by the Area Sabha Representative. At least 50 voters of the Area have to be present at the meeting of the Area Sabha.

8.11 Constitution of Ward Sabha

In respect of Municipalities whose population is less than one lakh, Ward Sabha has to be constituted for each Ward and all electors in the ward are members of the Ward Sabha.

8.12 Meetings of Ward Sabha

The Ward member will be the convener of Ward Sabha meetings and presides over Ward Sabha. The Ward Sabha has to meet once in three months and at least 50 voters in the ward have to be present at the meeting of Ward Sabha. The functions and rights of Ward Sabha will be same as that of Area Sabha.



Chapter 9

Municipal Personnel Management

9.1 As seen above, the municipality consists broadly (i) Deliberative wing, and (ii) Executive wing. While the deliberative wing headed by Chairperson takes political and policy decisions, executive wing headed by Commissioner implements these decisions. The Commissioner is assisted by officers and employees from different sections, such as administration, revenue, accounts, public health and sanitation, engineering, town planning etc. All officers and employees work under administrative control of the Commissioner. The State Government has prescribed roles and responsibilities of various officers and employees in the ULBs; and during the year 2009 published 'Manual of Roles and Responsibilities of Various Functionaries in Urban Local Bodies' and it is very comprehensive.

9.2 There are three services which cater to the personnel requirement of municipalities and they are shown hereunder:

- (i) State Services to cater both for municipalities and departments of Government (Sections 29 and 71). These officers are at the top of hierarchy.
- (ii) State Municipal Service/State Municipal Subordinate Service i.e. a common service consisting of middle level officers and employees to cater exclusively for municipalities on state-wide basis. (Section 80)
- (iii) Municipal Service to cater to the requirements of each municipality in the lower level of hierarchy. (Section 73)

9.3 State Services

Senior officers working in municipalities like Commissioner, Municipal Engineer, Municipal Health Officer and Town Planning Officer belong to this service, i.e. State / Government Service. The following State Services (constituted by Government) cater to the needs of municipalities and concerned departments of Government.

- (i) Telangana Municipal Administration Service
- (ii) Telangana Municipal Commissioners Subordinate Service
- (iii) Telangana Public Health and Municipal Engineering Service
- (iv) Telangana Town Planning Service
- (v) Telangana Urban Poverty Alleviation (MA&UD) Service

- (vi) Telangana Urban Poverty Alleviation (MA&UD) Subordinate Service
- (vii) Telangana Health & Family Welfare Service

The officers of these Services work both in municipalities and Government Departments. When the officers work in the municipalities, they are considered as municipal officers and they are under the administrative control of the Commissioner, who is the Executive Authority in the Municipality. Disciplinary control over these officers however remains with the Government. When they work in the Government, they are considered as government officers and they work under the administrative control of their respective departments. Exhaustive Service Rules to regulate the classification, recruitment, conditions of service, discipline and conduct etc. of the officers belonging to the respective Services were also issued.

9.3.1 Telangana Municipal Administration Service

The categories of officers covered under this service include

- (i) Additional Director
- (ii) Appellate Commissioner
- (iii) Municipal Commissioner (Selection Grade)
- (iv) Municipal Commissioner (Special Grade)
- (v) Municipal Commissioner (First Grade) and
- (vi) Municipal Commissioner (Second Grade).

The officers of this Service work in municipalities as well as in Municipal Administration Department of Government. When they work in municipalities, they work as Municipal Commissioners; and when they work in Government Department, they work as Additional Director, Regional Director, Joint Director or Deputy Director etc.

9.3.2 Telangana Municipal Commissioners Subordinate Service

This Service covers only one post, i.e. Municipal Commissioner (Third Grade). The officers in the Service are posted to Third Grade Municipalities as well as Nagarpanchayats.

9.3.3 Telangana Public Health and Municipal Engineering Service

The service covers the posts of

- (i) Superintending Engineer
- (ii) Executive Engineer

- (iii) Deputy Executive Engineer and
- (iv) Assistant Executive Engineer.

Municipal Engineers are drawn from this Service and are posted in different grades of municipalities.

9.3.4 Telangana Town Planning Service

Categories of officers covered in the Service are

- (i) Director
- (ii) Joint Director
- (iii) Deputy Director and
- (iv) Assistant Director.

The Town Planning Officer of Selection grade municipality is drawn from the Category of Assistant Director of this Service.

9.3.5 Telangana Urban Poverty Alleviation (MA&UD) Service

The service covers the posts of

- (i) District Project Officer and
- (ii) Town Project Officer- Grade I / Project Officer (UBS) / (UBSP).

All these officers work in Urban Community Development (UCD) section in the municipalities. At Government level, they work as District Project Officers under MEPMA. Government is the appointing authority for all categories of posts.

9.3.5 Telangana Urban Poverty Alleviation (MA&UD) Subordinate Service

The service covers the posts of

- (i) Town Project Officer, Grade II,
- (ii) Town Project Officer, Grade III and
- (iii) Community Organizer.

While the Commissioner & Director of Municipal Administration is the appointing authority in respect of categories (i) and (ii), the District Collector is the appointing authority for category (iii). All these officers work in Urban Community Development (UCD) section in the municipalities. As regards postings and transfers, they are exercised by Commissioner & Director of Municipal Administration for all categories.

9.3.6 Telangana Health & Family Welfare Service

Municipal Health Officer is governed under this service. The equivalent post in the Government is Civil Assistant Surgeon.

9.4 State Municipal Service/ State Municipal Subordinate Service

Section 80 of TM Act empowers Government to constitute any class of officers or employees of municipalities into a Municipal Service for the State (unified common service). The basic objective of constituting this Service is to establish a middle tier of Service in between Municipal Service and State Service and to create a common seniority among municipal employees at the State level which in turn make them eligible for various posts in municipalities at the State level. It also provides promotional opportunities for municipal employees to enter the State Service. While the State Municipal Service is intended for officer's equivalent with gazetted officers of government, State Municipal Subordinate Service is intended for others.

So far, Government have constituted the following Services covering different classes of officers and employees to work exclusively in municipalities at State level and service rules were also issued in respect of all the Services.

9.4.1 Telangana Municipal Ministerial Subordinate Service

Six categories of posts are covered under this service and they are: Category I (Manager of Special and Selection Grade Municipalities), Category II (Manager of First Grade Municipalities and Revenue Officer of Special and Selection Grade Municipalities), Category III (Manager of Second and Third Grade Municipalities and Revenue Officer of First, Second and Third Grade Municipalities), Category IV (Senior Assistant), Category V (Junior Assistant and Typist) and Category VI (Bill Collector).

While Commissioner & Director of Municipal Administration is the appointing, posting and transferring authority in respect of categories I to III, the Regional Director of Municipal Administration exercises the same for categories IV to VI.

9.4.2 Telangana Municipal Town Planning Service

One post is covered in the Service and it is Town Planning Officer. The Director of Town and Country Planning makes the appointment as well as affects postings and transfers in respect of this post. The post exists in Special Grade and First Grade municipalities.

9.4.3 Telangana Municipal Town Planning Subordinate Service

The posts covered in the Service include (i) Town Planning Supervisor and (ii) Town Planning and Building Overseer. The Director of Town and Country Planning makes the appointment as well as affects postings and transfers in respect of the two categories of posts.

9.4.4 Telangana Municipal Engineering Service

The posts covered in the Service include (i) Municipal Assistant Executive Engineer and (ii) Municipal Assistant Engineer. The Chief Engineer, Public Health makes the appointments and affects postings and transfers for all posts in the service.

9.4.5 Telangana Municipal Accounts Subordinate Service

The categories of posts in the Service are

- (i) Accounts Officer
- (ii) Junior Accounts Officer
- (iii) Senior Accountant and
- (iv) Junior Accountant

While Commissioner & Director of Municipal Administration exercises the powers of appointment, posting and transfer in respect of categories (i) and (ii), the Regional Director of Municipal Administration exercises such powers in respect of categories (iii) and (iv).

9.4.6 Telangana Municipal Health (Municipalities) Subordinate Service

The Service covers three categories of posts covering (i) Sanitary Supervisor, (ii) Sanitary Inspector, and (iii) Health Assistant. While the Commissioner & Director of Municipal Administration exercises the power of appointment, posting and transfer in respect of categories (i) and (ii), the Regional Director of Municipal Administration exercises such power in respect of category (iii).

9.5 Municipal Service

All other posts are covered under this Service. They are basically in the lower level of hierarchy. Each municipality is a unit of appointment for these posts. The Chairperson of the Municipality is the appointing authority and he makes the appointment from a panel prepared by the Panel Committee constituted under second proviso to Section 74. No Service Rules were issued for these posts under the Act. The general Service Rules applicable to state government employees are being followed in recruitment and other service related matters in respect these posts.

Chapter 10

Government Control over Municipalities

10.1 Role of Government

Under Article 246 and Schedule 7 – List II of Constitution of India, the State Government is competent to legislate on the subject relating to Local Governments including the Municipalities. Accordingly, the State has enacted the Municipal Act and under the Act, the State Government is empowered to constitute municipalities as well as abolish the municipalities.

10.2 Role of District Collector

The District Collector is also entrusted with certain powers to ensure proper functioning of municipalities. He is considered as a representative of Government at the District level and formally or informally, he heads the district. The Municipal Act entrusts certain specific powers to the District Collector and they include:

- Enter on and inspect or cause to be entered on and inspect, any immovable property or any work under progress under the control of any municipal authority in his district. (Section 67)
- Call for any document, return, plan, estimate, statement, account from the Commissioner or Chairperson. (Section 67)
- In cases of emergency, direct the execution of any work which is necessary for the safety of the public and may direct that the expenses incurred for executing such work have to be paid from the municipal fund. (Section 68)
- Suspend the resolution, order, license, permission or act, if the execution of any resolution or order, the continuance of any license or permission or the doing of any act is likely to cause financial loss to municipality, danger to human life, health or safety or is likely to lead to a riot or breach of peace or is against public interest; and report to Government. (Section 70)
- Convenes and presides over the special meeting of Council for election of chairperson or vice chairperson (Section 23 and relevant rules)
- Convenes and presides over the meeting of no- confidence motion against chairperson and vice-chairperson (Section 46 and relevant rules)

- District Election Authority for conduct of elections in municipalities (Section 10 and Election rules)

10.3 Government's Power and Control

Since constitution of municipalities and their sustenance is the responsibility of the State Government as per the provisions of the Constitution of India, Government retains control over the Municipalities. Let us examine those controls.

10.4 Power to call records etc. (Section 67)

Government is competent to (i) call for any document, (ii) require to furnish any return, plan, estimate, statement, account or statistics, (iii) require to furnish any information or report on any municipal matter, and (iv) record in writing, any observation in regard to its duties.

10.5 Power to take action, when any Authority fails to perform its duty (Sec. 64)

If any municipal authority fails to perform its duties, Government fixes a time to perform it, and if it is not done within the time fixed, appoint some person to perform it.

10.6 Cancellation and Suspension of resolution (Section 59)

Government may either suo-motto or on a representation of a Member, the Chairperson or Commissioner cancel any resolution passed, order issued, or licence or permission granted or prohibit doing of any act which is about to be done or being done, if in their opinion,

- (i) Such resolution, order, license, permission or act has not been passed, issued, granted or authorized in accordance with law.
- (ii) Such resolution, order, licence, permission or act is in excess of the powers conferred by the Act, or
- (iii) The execution of such resolution or order, the continuance of such licence or permission or doing of such act is likely to cause financial loss to the Municipality, danger to human life, health or safety or is likely to lead to a riot or breach of peace or is against public interest.

However, before taking action under this provision, Government has to give the authority or person concerned an opportunity for explanation.

In case immediate action is necessary, Government may suspend the resolution, order, license, permission or act.

10.7 Suspension of Chairperson, Vice-Chairperson or Member (Section 59A)

Government is competent to suspend Chairperson, Vice-Chairperson or Member who in their opinion, willfully misbehaved or manhandled any other member or officer or employee of the municipality or destroyed the property of municipality or used unparliamentarily language or abused his position in the course of meetings of the Council or during the discharge of any duty, so as to lead a situation in which municipal administration cannot be carried on in accordance with the provisions of the Act or the financial stability of Municipality is threatened.

Before taking action, Government has to give an opportunity for explanation to the concerned Chairperson, Vice-Chairperson or Member. Further, Government is also competent to revoke the order of suspension.

10.8 Power to remove Chairperson or Vice-Chairperson (Section 60)

Government is empowered to remove Chairperson or Vice-Chairperson from office in the following cases:

- (i) Willfully omits or refuses to carry out or disobeys the provisions of the Act or rules, byelaws or regulations.
- (ii) Abuses his position or the powers vested in him.
- (iii) Before taking action, Government has to give an opportunity for explanation to the concerned Chairperson or Vice-Chairperson.

10.9 Power to dissolve Council (Section 62)

Government is competent to dissolve the Council in the following cases:

- (i) When the Council is not competent to perform or persistently makes default in performing its duties
- (ii) Exceeds or abuses its position or powers

- (iii) A situation exists in which the municipal administration cannot be carried on in accordance with the provisions of the Act
- (iv) The financial stability or credit of the Council is threatened.

Before taking action, Government has to give an opportunity for explanation to the Council.

10.10 Power to give directions (Section 387A)

Government is competent to give such directions not inconsistent with the provisions of the Act or rules made there under to the Council, as it may consider necessary for carrying out the purposes of the Act.



Chapter 11

Municipal Corporation – Constitution and Composition

11.1 Constitution of Municipal Corporation

While constitution of Greater Hyderabad Municipal Corporation is governed under Section 3 of GHMC Act, 1955, constitution of the other Municipal Corporations is governed under Section 3 of Telangana Municipal Corporations Act, 1994. When a notification is issued by Government specifying an area as 'larger urban area' under Section 2 (d) of the Telangana Municipal Corporations Act, it is deemed that Corporation has been constituted for that area. The criteria for specifying an area as 'larger urban area' has already been referred in Part I. However, for the sake of convenience, it is again referred here (G.O.Ms. No. 571 MA dated 14-9-2009).

(1)	Population	3 lakhs. Provided that a municipality with a lesser population may also be considered if it is of regional importance or has to play a significant role in regional development by virtue of its strategic location.
(2)	Density of population per Sq. Km.	Not less than 5,000.
(3)	Economic importance	Established industries, potential for growth of industries, commerce, higher education, medical facilities and adequate infrastructure necessary for economic and industrial growth.
(4)	Other Factors	Number of peripheral villages whose growth and expansion is towards the proposed larger urban area.

11.2 Composition of Municipal Corporation (Section 5 of GHMC Act)

The composition of Municipal Corporation is similar to that of Municipality referred in Chapter 2 (Part II). The Corporation consists elected members ranging from 50 to 150, ex-officio members and co-opted members. As regards co-opted members, the Corporation may co-opt three (3) persons having special knowledge or experience in municipal administration, and two (2) persons belonging to minorities. In both the categories, one person has to be woman.

As in the case of municipalities, reservations have to be provided to Scheduled Castes, Scheduled Tribes, Backward Classes and Women for the elected members. Further, the preparation of electoral rolls and the conduct of elections will be under the superintendence, direction and control of State Election Commission.



Chapter 12

Meetings of the Municipal Corporation

12.1 Sections 88, 89, 98 and 99 of GHMC Act, 1955 read with G.O. Ms. No. 805 MA dated 20-8-1966 prescribed the **procedure for conduct of the meetings of the Municipal Corporation**. The Corporation has to meet for the dispatch of business and make byelaws for summoning of meetings and issuing notices; place of meeting; and management and adjournment of such meetings.

The day, time and place of meeting except first meeting after general elections has to be fixed by the Mayor, in his absence by the Deputy Mayor; and in the absence of both the Mayor and Deputy Mayor by the Chairman of the Standing Committee. [Section 88 (c)]. Further, meeting of the Corporation have be held atleast once in three months [Section 88 (c)].

12.2 Presiding over the Corporation Meetings

Every meeting has to be presided over by the Mayor and in his absence by the Deputy Mayor or in the absence of both the Mayor and the Deputy Mayor, by such one of the members present as may be chosen by the meeting to be the Presiding Authority for the occasion.

12.3 Types of Corporation Meetings

There are 3 types of meetings in the Corporation and they are (1) Ordinary Meeting, (2) Urgent Meeting, and (3) Special Meeting

12.3.1 Ordinary Meeting

The Corporation has to meet for the dispatch of business from time to time at such time, place and on such date as specified in the notice. At least seven clear days notice has to be given for every ordinary meeting. (Section 88)

12.3.2 Urgent Meeting

Urgent meeting of the Corporation may be called, if there is a written requisition signed by not less than four members of the Standing Committee. For urgent meetings, the notice has to be issued with not less than three clear days. Urgent meetings cannot be convened for considering annual budget estimates. [Section 88 (h)]

12.3.3 Special Meeting

Special meeting of the Corporation may be called when there is a requisition signed by not less than one-sixth of the whole number of Members or by not less than four members of the Standing Committee to call for a special meeting. [Section 88 (d)]

12.4 Preparation of agenda and conduct of meeting

Every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat and shall be given by the Municipal Secretary in the manner prescribed. [Section 88(i)]

Any Member who desires at any meeting to bring forward any business, or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting, and a supplementary announcement of the business or proposition, of which notice has been so given shall be given by the said Secretary not later than the day previous to the meeting. [Section 88(j)]

12.5 Minutes of Meeting

The minutes of the proceedings at every meeting and the names of the members present thereat shall be entered in a book (Minutes Book) to be provided for this purpose. The minute's book has to be drawn up by the Municipal Secretary and shall be signed by the Presiding Authority after completion of the meeting. The Minutes Book shall at all reasonable times be open at the municipal office for inspection by any member free of charge and by any other person on payment of a fee. [Section 88 (n)]

Every question during the meeting shall be decided by a majority of votes of the members present and voting on that question. If there is equality of votes including his vote, the Presiding Authority will have a casting vote. [Section 88(p)]

12.6 Quorum for the meeting

No business shall be transacted at a meeting unless there be present one-fourth of the whole number of members inclusive of the Presiding Authority. [Section 88(f)]

12.7 Suspension of meeting

The Presiding Authority may, in the case of grave disorder arising in the meeting suspend the meeting for a period not exceeding three days. [Section 89(2)]

12.8 Suspension of members

The Presiding Authority may direct any Member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the meeting of the Corporation.

However, the Presiding Authority may remit the period of suspension, if the Member under suspension tenders an apology to his satisfaction (Section 89).

12.9 Modification of Resolution

No motion or proposition shall be entertained in regard to a question once disposed of, except after the lapse of three months from the date of such disposal (Bye-law 34A).

12.10 Conduct of Business and order of items

Items of business of meeting of the Corporation has to be arranged by the Municipal Secretary in the following order under the direction of the Mayor, in his absence by the Deputy Mayor and in the absence of both the Mayor and Deputy Mayor, by the Chairman of the Standing Committee.

- (i) Elections
- (ii) Appointments
- (iii) Questions under Section 122 of the Act
- (iv) Petitions
- (v) Resolutions of the Standing Committee and Special Committees
- (vi) Letters and business from the Commissioner
- (vii) Letters from the Government or Government Offices
- (viii) Reports of the Committee, Sub-Committees or Adhoc Committees
- (ix) Notice of Motions
- (x) Miscellaneous

12.11 Proceedings in which language to be conducted

The Corporation has to decide the language or languages with which proceedings of the Corporation have to be conducted.

12.12 Points of Order

Any member may at any time during meeting of the Corporation submit a point of order for decision of the Presiding Authority stating that the speaker (a member who is speaking) is departing from the subject under discussion or not observing the provision of the Act or bye-laws.

12.13 Moving and Seconding of a Proposition or Motion

Each substantive proposition or motion has to be read by the mover who may, if he desires, speak in favour of the motion or proposition. The seconder may on seconding the proposition or the motion speak in support of it; or may reserve his remarks.

12.14 Adjournment of Meeting

The Presiding Authority may adjourn a meeting with the consent of the majority of the members present in the meeting [Section 88 (m)]

12.15 Method of Voting

The decision of any proposition in the meeting has to be taken through voting of members present in the meeting. Generally, the vote is taken by voice; - 'ayes' in favour of proposition; and 'nos' against the proposition. In case of any doubt, the votes may be taken by show of hands.

12.16 Question to be raised

A member may ask a question by giving not less than seven clear days notice to the Municipal Secretary. The question shall relate to administration of the Act or the Corporation. If the member desires that the answer to the question has to be made in the meeting itself, he has to start the questioning. The member has to ask not more than three questions at the meeting. The starred questions which are not answered on that day would lapse.

12.17 Answering of questions

The Municipal Secretary shall prepare a list of all questions of which due notice has been given and which had not been disallowed by the Presiding Authority in the order in which they are received and forward the same to the Commissioner. The list has to be placed before the meeting half an hour earlier and the Commissioner has to answer the questions.

Chapter 13

Standing Committee – Constitution and Meetings

13.1 Constitution of Standing Committee

Standing Committee is one of the authorities charged with carrying out the provisions of the Act. The Corporation has to constitute the Standing Committee from amongst its members through choosing (election); and the number of members range between five and fifteen. The method of choosing the members has to be prescribed by Government through rules. [Section 93(1)].

In GO Ms. No. 59_MA dated 10-2-2010, Government prescribed the rules for constitution and choosing of members to the Standing Committee. The Mayor or in his absence the Deputy Mayor will be the *ex-officio* Chairperson of the Standing Committee [Section 93(2)].

13.2 Proceedings of the Standing Committee

Provisions relating to the proceedings of the Standing Committee are detailed in Section 97. Important of them are detailed below:

- (i) The Standing Committee will meet for disposal of business in the main office of the Corporation once in a week and such other times as found necessary.
- (ii) The first meeting of the Standing Committee would be convened at a day and time to be fixed by the Commissioner.
- (iii) Every subsequent meeting will be held on such day and at such time as the said Committee determines from time to time.
- (iv) Upon a requisition signed by Commissioner, a special meeting of the Standing Committee has to be convened within 24 hours for transacting the business.
- (v) The quorum for meeting of the Standing Committee is half of the total number of members. The quorum has to continue from the beginning till the end of the meeting.
- (vi) The meeting of Standing Committee will be presided over by the Mayor and his absence by the Deputy Mayor and in the absence of both Mayor and Deputy Mayor, by one of the members present as may be chosen by the meeting to be the Presiding Authority for the occasion.

- (vii) Every question will be decided by majority of votes of the members present and voting on that question. When there is equality of votes, the Presiding Authority is having a second or casting vote.
- (viii) The Standing Committee may constitute sub-committees and delegate any of its powers or duties.
- (ix) Minutes of the meeting of the Standing Committee will be maintained by the Municipal Secretary. The minutes have to be signed by the Presiding Authority after completion of the meeting.
- (x) The Commissioner has a right to be present at a meeting of the Standing Committee and take part in the discussion as a member of the said Committee, but he will not have any voting right.
- (xi) The Standing Committee may require any officer of the Corporation to attend any of its meetings.
- (xii) Wherever a subject is placed before the Standing Committee, the Standing Committee has to take a decision within a period of 15 days from the date of placing the matter before it. If the subject is not considered by the Standing Committee within the aforesaid period, the proposal contained in the subject shall be deemed to have been approved by the Standing Committee.
- (xiii) Where a proposal is rejected by the Standing Committee, the Commissioner will place the matter before the Corporation within a period of 15 days from the date of such rejection for a decision: and the day and time of the meeting for this purpose will be fixed by Mayor and in his absence, by the Deputy Mayor.



Chapter 14

Powers and Functions of Municipal Authorities in Municipal Corporation

14.1 The municipal authorities charged with carrying out the provisions of GHMC Act, 1955 are (Section 4):

- (i) Corporation
- (ii) Standing Committee
- (iii) Commissioner

All the provisions of GHMC Act, 1955 apply *mutatis mutandis* to the other Corporations constituted under Telangana Municipal Corporations Act, 1994 vide Section 14 (1) of the latter Act. We consider the powers and functions of the three (3) authorities in this chapter.

14.2 Municipal Corporation

The municipal government of the city vests in the Corporation [Sec.117 (2)] and this is the inherent power of the Corporation. The Act provides that the Corporation will exercise certain powers, perform certain functions and discharge certain duties.

14.3 Powers of the Corporation

The powers of the Corporation are many-fold and they can be divided into various groups.

14.3.1 Powers relating to meetings, committees and other local bodies

- (i) Make byelaws for conduct of its meetings (Sec. 88).
- (ii) Appoint special committees from amongst its members, and define the scope of business of each special committee (Sec. 98).
- (iii) Make byelaws for regulating the constitution and the conduct of business at meetings of such special committees.
- (iv) Direct all matters and questions included in the scope of special committee be placed before the appropriate committee and then to the Corporation with the recommendations of such committee.

- (v) Appoint Ad-hoc committees from amongst its members and refer to such committees such special subjects for enquiry and report, or for offering opinion. (Sec. 99)
- (vi) Join with a local authority or a combination of local authorities in appointing a joint committee of their respective bodies for any purpose in which they are jointly interested (Sec.100).
- (vii) Join with a local authority or a combination of local authorities in delegating to any such committee as to future maintenance of joint work and any power which might be exercised by such bodies.

14.3.2 Powers relating to Standing Committee and Commissioner

- (i) Call for extracts from any proceedings of the Standing Committee, and call for any return, statement or account concerning with any matter with which the Standing Committee is empowered to deal (Sec.120).
- (ii) Require the Commissioner to produce any record, plan or document available in any office of the Corporation (Sec.121).
- (iii) Require the Commissioner to furnish any return, plan, estimate, statement, account or statistics connected with the Corporation.
- (iv) Require the Commissioner to furnish a report by himself or to obtain from any subordinate officer on any subject concerning the Corporation.
- (v) Pass a resolution with not less than two-thirds of the total number of members to transfer the Commissioner [Sec.104 (3)].

14.3.3 Powers relating to works

- (i) In respect of GHMC
 - The Corporation is competent to approve a project in respect of works contract involving an expenditure exceeding rupees two hundred lakhs but not exceeding rupees five hundred lakhs. [(Sec. 129 (b)]
 - Where the Corporation approve the project, the estimated cost of which exceeds rupees five hundred lakhs, the report shall be submitted to the Government for sanction. [Sec. 129 (c)]
- (ii) In respect of other Municipal Corporations constituted under Telangana Municipal Corporations Act, 1994

- The Corporation is competent to sanction works contract for a value exceeding rupees fifty lakhs but not exceeding rupees two hundred lakhs [Section 12 A (iii) of the Act]
- Works contract for a value exceeding rupees two hundred lakhs, after approval of the Corporation, shall be submitted to the Government for sanction. [Section 12 A (iv) of the Act].
- (iii) Determine either generally or in particular, whether the Commissioner executes the works by contract or otherwise (Sec. 128).
- (iv) Spend out of municipal fund outside the city for any purpose of the Act with resolution supported by not less than half of the total number of members (Sec.175).

14.3.4 Powers relating to personnel

- With Government's approval, sanction creation of posts above the cadre of Upper Division Clerk (UDC), and upto and inclusive of the cadre of Superintendent (Sec.137).
- Make appointment in respect of posts above the cadre of UDC, and upto and inclusive of the cadre of Superintendent.

14.3.5 Powers relating to immovable property

- Acquire and hold movable and immovable property or any interest therein within or outside the limits of the city (Sec.145).
- Approve any contract for acquisition of any immovable property or for payment of any compensation for the said property, if the compensation for such property exceeds rupees five thousands (Sec.146).
- With the approval of Government, lease out any immovable property for a period exceeding three years and upto twenty-five years (Sec.148).

14.3.6 Powers relating to borrowing

- Borrow from Central or State Governments any sum necessary for carrying out the provisions of the Act (Sec.149).
- Borrow with the sanction of Government from any person any sum necessary for carrying out the provisions of the Act. (Sec. 149)

- Borrow any sum from any person other than Central or State Governments on the security of any immovable property or of all taxes or of any tax (Sec.151).

14.3.7 Powers relating to Annual Administration Report and Statement of Accounts

- Approve the Annual Administration Report and Annual Statement of Accounts after examination by Standing Committee [Section 180 (4)]

14.3.8 Powers relating to budget

- Adopt the budget estimates or any revised budget estimates submitted by Standing Committee as they stand or subject to such alteration (Sec.187).
- Increase the budget grant to meet any special or unforeseen requirement based on the recommendation of the Standing Committee (Sec.189).
- Transfer any amount from one budget grant to another based on the recommendation of the Standing Committee (Sec.191).
- Make readjustment of income and expenditure during the course of a year. (Sec.192)

14.3.9 Powers relating to taxes and fees

- Impose taxes on lands and buildings, vehicles, animals and boats, advertisements, transfer of immovable property and entertainments (Sec.197).
- Fix rates at which municipal taxes referred in Section 197 have to be levied. (Sec.186)
- Fix rate of fee for various licenses and permissions (Sec.622).

14.3.10 Powers relating to streets and buildings

- All streets and pavements within the city vest in the Corporation (Sec. 373).
- Specify minimum width for different classes of public streets (Sec. 377).
- Name the streets and number the buildings (Sec. 418).

14.3.11 Powers relating to private markets

- Permit establishment of private markets (Sec. 529).

14.3.12 Powers relating to byelaws

- Make byelaws after calling objections (Sec. 586 and 588).

14.3.13 Powers relating to regulation of advertisement

- Specify language or languages in which an advertisement relating to the Corporation is to be published in a newspaper (Sec. 627).

14.4 Functions of the Corporation

Functions of the Corporation are broadly divided into two categories namely:

- (i) Obligatory and
- (ii) Discretionary

Obligatory functions are those, which need to be compulsorily performed, while discretionary functions can be done at choice or will.

14.4.1 Obligatory functions (Section 112)

- (i) Defining boundary marks of the limits or any alteration in the limits of the city
- (ii) Watering, scavenging and cleaning of all public streets and places in the city and removal of all sweepings there from
- (iii) Collection, removal, treatment and disposal of sewage, offensive matter and rubbish and preparation of compost manure from such sewage, offensive matter and rubbish
- (iv) Construction, maintenance and cleaning of drains and drainage works
- (v) Construction, maintenance and cleaning of public latrines, water closets, urinals and similar conveniences
- (vi) Lighting of public buildings vested in the corporation, public streets and municipal markets
- (vii) Maintenance of municipal office and of all public monuments and open spaces and other property vesting in the Corporation

- (viii) Naming or numbering of streets and of public places in the Corporation and numbering of premises
- (ix) Regulation of offensive and dangerous trades or practices
- (x) Maintenance, charge and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies
- (xi) Maintenance or acquisition and maintenance of public markets and slaughter houses and the regulation of all markets and slaughter houses
- (xii) Construction or acquisition and maintenance of cattle pounds
- (xiii) Public vaccination
- (xiv) Reclamation of unhealthy localities, removal of noxious vegetation and generally the abatement of all nuisances
- (xv) Registration of births and deaths
- (xvi) Construction, maintenance, alteration and improvement of streets, bridges, sub-ways, culverts, causeways or the like
- (xvii) Removal of obstructions and projections in or upon streets, bridges and other public places
- (xviii) Management and maintenance of all municipal water works and the construction or acquisition of new works necessary for sufficient supply of water for public and private purposes
- (xix) Preventing the spread of infectious diseases
- (xx) Securing or removal of dangerous buildings and places
- (xxi) Improvement of the city
- (xxii) Provision of public parks, gardens, playgrounds and recreation grounds
- (xxiii) Subject to adequate provision being made for the matters specified in serial nos. 1 to 22, provision of relief to destitute persons in the city in times of famine and scarcity and the establishment and maintenance of relief works in such times
- (xxiv) Planning for economic and social development
- (xxv) Urban Forestry, protection of the environment and promotion of ecological aspects

- (xxvi) Safeguarding the interest of weaker sections of society including the disabled and mentally retarded
- (xxvii) Promotion of cultural, educational and aesthetic aspects
- (xxviii) Slum improvement and upgradation and
- (xxix) Urban Poverty alleviation.

14.4.2 Discretionary Functions (Section 115)

- (i) Organization, maintenance or management of institutions within or outside the city for the care of persons who are infirm, sick or incurable or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children
- (ii) Organization, maintenance or management of maternity and infant welfare homes or centres
- (iii) Provision of milk to expectant or nursing mothers or infants or school children
- (iv) Organization, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs for the detection of disease or for researches connected with public health
- (v) Swimming pools, public wash houses, bathing places and other institutions designed for improvement of public health
- (vi) Dairies or farms within or outside the city for the supply, distribution and processing of milk products for the benefit of the residents of the city
- (vii) Construction and maintenance of drinking fountains in public streets or places for human beings and water troughs for animals
- (viii) Planting and maintenance of trees on road sides and elsewhere
- (ix) Providing of entertainments in public places or places of public resort
- (x) Holding exhibitions, athletics or games
- (xi) Regulation of lodging houses, camping grounds and rest houses in the city
- (xii) Maintenance of ambulance service
- (xiii) Construction, establishment and maintenance of theatres, places of entertainment, rest houses and other public buildings

- (xiv) Organization or maintenance in times of scarcity of shops or stalls for the sale of necessaries of life
- (xv) Building or purchase and maintenance of dwellings for municipal officers and servants
- (xvi) Grant of loans to the municipal officers and servants for purposes of constructing houses and for purchasing of house sites and vehicles on such terms and subject to such conditions as may be prescribed
- (xvii) Organization, maintenance or management of transport facilities for the conveyance of the public or goods
- (xviii) Furtherance of educational objects and the making of grants to educational institutions
- (xix) Establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase or construction of buildings therefor
- (xx) Destruction of vermins, birds or animals causing danger or nuisance and the confinement or destruction of stray dogs
- (xxi) Contributions towards any public fund raised for the relief of human suffering within or outside the city
- (xxii) Granting of rewards for information which may tend to secure the current registration of vital statistics
- (xxiii) Acquisition and the maintenance of grazing grounds and the establishment and maintenance of a stud farm
- (xxiv) Establishing and maintaining farm or factory for the disposal of sewage
- (xxv) Supplying , constructing and maintaining the receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains
- (xxvi) Granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, bye-laws, regulations or standing orders
- (xxvii) Laying out whether in areas previously built upon or not, new streets and acquiring land for that purpose or required for the construction of buildings or cartilages thereof to abut on such street or streets

- (xxviii) Building or purchase and maintenance of suitable dwellings for the poor and working classes
- (xxix) Provision of shelter to destitute or homeless persons and any form of poor relief
- (xxx) Building or purchase and maintenance of sanitary stables, or byres for horses, ponies, cattle used in hackney carriages, carts or for milch-kine
- (xxxi) Surveying of buildings or lands
- (xxxii) Taking measures to meet calamity affecting the public in the city
- (xxxiii) Making of a contribution towards any public ceremony or entertainment in the city
- (xxxiv) Construction, purchase, organization, maintenance, extension and management of tramways, trackless trams, mechanically propelled transport facilities for the conveyance of the public
- (xxxv) Purchase, maintenance, management and conduct of any undertaking for the supply of electric energy or gas to the public or the subsidizing of any such undertaking
- (xxxvi) Acquisition of immovable or movable property for any of the purposes before-mentioned including payment of the cost of investigation surveys or examinations in relation thereto or the construction or adaptation of buildings necessary for such purposes
- (xxxvii) Preparation and presentation of address to persons of distinction
- (xxxviii) Maintaining, aiding and suitably accommodating schools for primary education, subject always to the grant of building grants by the Government
- (xxxix) Provide parking places, public landing places, halting places for vehicles of any description including motor vehicles and levy fees for their use, and
- (xl) Taking of any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

14.5 Standing Committee (Section 4)

Standing Committee is one of the municipal authorities charged with carrying out the provisions of the Act (Section 4); and certain powers and functions have been conferred on the Standing Committee.

14.6 Powers and Functions of the Standing Committee

- (i) In respect of GHMC: - Competent to sanction works and works contracts involving an expenditure exceeding Rs.50.00 lakhs, but not exceeding Rs.200.00 lakhs (Sec. 124 A)
- (ii) In respect of Municipal Corporations constituted under Telangana Municipal Corporations Act, 1994 - Competent to sanction works and works contracts for value exceeding rupees ten lakhs but not exceeding rupees fifty lakhs. [Section 12A (ii) of TMC Act]
- (iii) Sanction the statement containing the number, designations, grades, fees and allowances of officers and servants of the Corporation, and the amount of pay and allowances proposed to be paid (Sec. 137)
- (iv) With the approval of Government, create posts upto and inclusive of Upper Division Clerk (UDC) or an equivalent post carrying similar scale of pay [Sec.137(5)]
- (v) Make appointment in respect of posts above the category of Lower Division Clerk (LDC) and upto UDC or any equivalent post carrying similar or same scale of pay
- (vi) Approve the maximum rate or price, when Commissioner acquires any immovable property (Sec. 146)
- (vii) Make an application to Government for acquisition of such immovable property in accordance with the provisions of Land Acquisition Act, 1894, if the immovable property cannot be acquired by agreement (Sec.147)
- (viii) Sanction disposal of any movable property whose value exceeds Rs.25,000/- in each case by sale or exchange (Sec. 148)
- (ix) Sanction lease of any immovable property for any term not exceeding three years (Sec. 148)
- (x) Sanction deposit / investment of surplus funds in designated banks or in public securities (Sec. 178)
- (xi) Examine and review the Annual Administration Report and Statement of Accounts furnished by Commissioner (Sec. 180)
- (xii) Consider the budget estimates and proposals of the Commissioner after tenth day of November, and frame the budget estimates of the Corporation for the next financial year and place before the Corporation (Sec. 184)

- (xiii) Reduce the amount of a budget grant, transfer any amount within a budget grant from one minor head to another; or from a subordinate head under one minor head to a subordinate head under another minor head; and transfer any amount exceeding rupees five thousand from one subordinate head to another within a minor head (Sec. 191)
- (xiv) Conduct an examination and audit of municipal accounts as reported by the Examiner of Accounts (Sec. 193)
- (xv) Consider the report of the Examiner of Accounts on the material impropriety or irregularity in the expenditure or in the recovery of money due to the Corporation or in municipal accounts and place before the Corporation (Sec. 195)
- (xvi) Consider the report presented by the Examiner of Accounts on the whole of the municipal accounts for the previous financial year (Sec. 195), and
- (xvii) Prohibit further use of a building for human habitation, if such residential building appears to the Commissioner to be unfit for such purpose, after giving the owner thereof a reasonable opportunity of showing why such order should not be made (Sec. 499).

14.7 Commissioner (Section 4)

Commissioner is one of the municipal authorities charged with carrying out the provisions of the Act (Section 4). Besides this, the entire executive power for the purpose of carrying out the provisions of the Act vests in the Commissioner [Sec. 117 (3)].

14.8 Powers and functions of the Commissioner:

The powers and functions of Commissioner may be classified into three categories, namely:

- (i) Powers and functions to be exercised with the authorization, approval and sanction of Corporation.
- (ii) Powers and functions to be exercised with the authorization, approval and sanction of Standing Committee.
- (iii) Powers and functions to be exercised independently.

Now, we discuss each of them.

14.8.1 Powers and functions to be exercised with the authorization, approval and sanction of Corporation

- (i) Deposit municipal funds in the banks approved by Government (Sec. 178)
- (ii) Undertake widening, extension or other improvement of a public street, when the cost exceeds Rs.5,000/- (Sec. 374)
- (iii) Permanently close the whole or any part of a public street (Sec. 374)
- (iv) Make layout and new public street (Sec. 376)
- (v) Prohibit vehicular traffic on any particular public street to prevent danger or obstruction to the public by fixing posts at both ends of such street or portion of such street. (Sec. 379)
- (vi) Construct new drains as necessary from time to time (Sec. 292)
- (vii) Competent to name the streets and number the houses (Sec. 418)
- (viii) Construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or slaughter house or improving any existing municipal market or slaughter house (Sec. 526)
- (ix) Close a municipal market or slaughter house and dispose the premises so closed (Sec. 527)
- (x) Prohibit within a distance of 100 yards of any municipal market the sale or exposure for sale of all or any of the commodities ordinarily sold in the said municipal market (Sec. 528)
- (xi) Sanction establishment of new private markets (Sec. 529)
- (xii) Provide and maintain suitable conveyances for free carriage of persons suffering from any infectious disease (Sec.558)
- (xiii) Provide other convenient places for disposal of dead, if the existing burial grounds are insufficient (Sec. 567), and
- (xiv) Issue standing orders in respect of certain matters (Sec. 593).

14.8.2 Powers and functions to be exercised with the authorization, approval and sanction of Standing Committee

- (i) Delegate any of his/her powers or functions to any municipal officer (Sec. 118)

- (ii) Deposit surplus funds at interest in designated banks or public securities (Sec. 178)
- (iii) Remove any building, wall, or other structure erected or re-erected on any municipal drain (Sec. 299)
- (iv) Authorize the owner of any premises to carry his/her drain into or through any land belonging to some other person (Sec.300)
- (v) Issue a notice requiring the owner of a premises to provide water-closets or additional water closets where any premises are without a water-closet or the existing water closets are insufficient (Sec. 323)
- (vi) Cause any portion of a building which he shall think fit, to be opened, broken, or removed for purposes of inspection (Sec. 333)
- (vii) Accord approval for layouts subject to such directions as the Standing Committee may give from time to time (Sec. 391)
- (viii) Make the corner of any building situated in the junction of two or more streets to be rounded or splayed off to such height and in such manner (Sec. 419)
- (ix) Require the person resorting to unauthorized construction, where nature of unauthorized construction cannot be ascertained without cutting, laying open, pulling down the building, to cut, laid open or pull down the building to such extent to ascertain the unauthorized construction (Sec. 453)
- (x) Require the owner of any quarry or place to discontinue working the same, discontinue removing stone, earth or other material from such place, if the working of any quarry or removal of stone, earth or other material from any place is considered dangerous to persons residing in the neighborhood (Sec. 508)
- (xi) Cancel or suspend any license of private market or slaughter house (Sec. 530)
- (xii) Make regulations for proper functioning of markets and slaughter houses (Sec. 533)
- (xiii) Fix charges for the occupation or use of any stall, shop, stand or shed in municipal market or slaughter house and for the right to expose goods for sale in a municipal market (Sec. 534)
- (xiv) Dispose the privilege of occupying or using any stall, shop or shed in a municipal market or slaughter house by private sale (Sec. 534)

- (xv) Pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested in the Commissioner or a municipal officer (Sec. 648)
- (xvi) Admit or compromise any claim, suit or legal proceedings brought against the Corporation or municipal officials (Sec.674), and
- (xvii) Institute and prosecute any suit or withdraw from or compromise any suit or any claim, which has been instituted or made in the name of the Corporation (Sec. 674).

14.8.3 Powers and functions to be exercised independently

The Commissioner performs the following powers and functions independently as detailed below:

- (i) Specify the duties of all municipal officers, and exercise supervision and control over the acts and proceedings of all municipal officers. [Sections 117 (3) (b), 135 and 136]
- (ii) Take immediate action in any emergency for the services or safety of the public or the protection of the property of the Corporation, when the emergency appears to him justified, and to report to the Standing Committee and to the Corporation the action taken and the amount spent. [Sec. 117 (3) (c)]
- (iii) Exercise all powers and perform all functions and duties conferred in the Corporation by another law for the time being in force. (Sec. 118)
- (iv) (a) In respect of GHMC - Make a contract involving an expenditure upto Rs.50.00 lakhs on behalf of the Corporation. (Sec. 124)
(b) In respect of Municipal Corporations constituted under Telangana Municipal Corporations Act, 1994 - Sanction works contract for a value not exceeding rupees ten lakhs [Section 12 A (i) of the Act]
- (v) Call for tenders for contract involving expenditure exceeding Rs.5.00 lakhs for execution of any work or supply of any materials by giving notice by advertisement in the local news papers. [Sec. 126 (1)]
- (vi) Require the Municipal Secretary to perform non-statutory duties with regard to the Corporation and the Standing Committee. (Sec. 136)
- (vii) Execute every contract or other instrument relating to acquisition of immovable property. [Sec. 146 (5)]

- (viii) Make appointment in respect of posts upto Lower Division Clerk (LDC) or any equivalent post carrying the same or similar scale of pay.
- (ix) Dispose any movable property of the Corporation whose value does not exceed Rs.25,000/- in each instance by sale or exchange, and report to the Standing Committee within 15 days. [Sec. 148 (1)]
- (x) Grant a lease of any immovable property for any term not exceeding twelve months and report to the Standing Committee within 15 days. [Sec. 148 (1)]
- (xi) Receive all moneys of the Corporation and credit them to municipal fund, and the municipal fund shall forthwith be paid into State Bank of Hyderabad. (Sec. 170)
- (xii) Make payment from municipal fund by signing a cheque along with the Examiner of Accounts. (Sec. 171).
- (xiii) Make payment of any sum out of municipal fund, only if it is covered by a current budget grant with certain exceptions. (Sec. 172)
- (xiv) Undertake execution of any work requisitioned by Government out of public interest and make payment from municipal fund, which will be reimbursed by Government later, and report to the Corporation the action taken (Sec. 176).
- (xv) Prepare Annual Administration Report and Statement of Accounts and furnish it to Standing Committee. (Sec. 180)
- (xvi) Forward a copy of Annual Administration Report and Statement of Accounts prepared by him together with Standing Committee's review to Government to place before the Legislative Assembly. (Sec. 181)
- (xvii) Prepare and lay an estimate of income and expenditure (budget) of the Corporation before the Standing Committee by tenth day of November every year. (Sec. 182)
- (xviii) Sanction the transfer of any amount not exceeding Rs.5.00 lakhs within a minor head from one subordinate head to another, or from one primary unit to another, and if the transfer exceeds Rs.50,000/- , it shall be reported to Standing Committee for orders, which are binding on him. (Sec. 191)
- (xix) Keep assessment books containing all details relating to assessment of property tax of all building and lands.(Sec. 214)

- (xx) Assess buildings and lands to property tax and to dispose the complaints against the assessment. (Sections 214 and 223)
- (xxi) Maintain and keep in repair all municipal drains. (Sec. 292)
- (xxii) Permit erection or re-erection of building, wall or other structure, and construction of street or railway line over any drain. (Sec. 299)
- (xxiii) Enforce drainage of un-drained premises situated within hundred feet of a municipal drain. (Sec. 302)
- (xxiv) Permit construction of water closets or privies. (Sec. 321)
- (xxv) Provide and maintain water closets, toilets, privies, urinals and other conveniences for the public at convenient municipal sites.(Sec. 330)
- (xxvi) Inspect and examine all drains, water-closets etc. which do not belong to the Corporation. (Sec. 332)
- (xxvii) For the purpose of inspection, cause the ground, or any portion of any drain, or other work exterior to a building be opened, broken or removed. (Sec. 333)
- (xxviii) Cause all public streets to be levelled, metalled or paved and repaired. (Sec. 374)
- (xxix) Subject to provisions of Sections 146, 147 and 148, acquire any land required for the purpose of opening, widening, extending or diverting any public street, bridge or subway, or making any new public street, bridge or subway. (Sec. 380)
- (xxx) Determine a line prohibiting construction of any building within the line on one or both sides of any public street. (Sec. 381)
- (xxxi) Declare any private street as a public street, when levelled, metalled and sewered. (Sec. 395)
- (xxxii) Give permission for projections over streets in certain cases. (Sec. 399)
- (xxxiii) Require the owner of any premises not to open ground floor doors outward the streets. (Sec. 400)
- (xxxiv) Permit to set up any structure/fixture upon any street. (Sec. 401)
- (xxxv) Issue licence to any person to hawk or expose for sale in any public street any article whether for human consumption or not. (Sec. 403)
- (xxxvi) Remove without any notice, any wall, fence, rail, post, step, booth or other structure set up on any street, open channel or drain contrary to the provision of the Act. (Sec. 405)

- (xxxvii) Remove without notice any article hawked or exposed for sale in a public street in contravention of the provisions of the Act. (Sec. 405)
- (xxxviii) Remove any animal tethered in any public street. (Sec. 407)
- (xxxix) Permit opening or breaking a street; and depositing any building material in any street. (Sec. 413)
- (xl) Permit erection or fixation of sky sign for advertisement purposes. (Sec. 420)
- (xli) Permit erection, exhibition, fixation or retention of any advertisement upon any land, building, wall, hoarding or structure. (Sec. 421)
- (xlii) Give notice to the owner or occupier of any place to protect or enclose the place, when any work is carried on that place and such work, in his opinion, is dangerous to the passersby. (Sec. 422)
- (xliii) Take measures for lighting the public streets, municipal gardens and open spaces, municipal markets and all buildings vested in the Corporation and procure, erect and maintain such number of lamps, lamp posts and other appurtenants as may be necessary therefor. (Sec. 424)
- (xliv) Take measures for watering the public streets at such times and seasons and in such manner as he thinks fit. (Sec. 427)
- (xlv) Require from the persons who have given notices for erection or re-erection of a building to furnish certain documents or additional information. (Sec. 429 & 434)
- (xlvi) Require any building plan to be prepared by licensed surveyor. (Sec. 430)
- (xlvii) Approve or disapprove erection of a building or work within thirty days after receipt of any notice under Section 428. (Sec. 437)
- (xlviii) Permit usage of any building for human habitation, if it is constructed for other purposes or vice-versa. (Sec. 441 and 442)
- (xlix) Permit alteration of a building intended for use of human habitation as a building to be used for other purposes. (Sec. 443)
- (l) Cancel permission granted for construction of a building on the ground of any material misrepresentation or fraudulent statement in the notice of the applicant. (Sec. 450)
- (li) Inspect at any time during the erection or re-erection of a building without giving previous notice. (Sec. 451)

- (lii) Issue a written notice to a person resorting to unauthorized construction to show cause as to why such building shall not be removed, altered or pulled down. (Sec. 452)
- (liii) May remove, alter or pull down the building and recover the expenses thereof from the said person, if such person fails to show sufficient cause as required above. (Sec. 452)
- (liv) Compensate the damage/loss to such person, if no unauthorized construction is found on such cutting, laying or pulling down of the building. (Sec. 453)
- (lv) Require the person who has unauthorisedly constructed a building to bring it in conformity with the provisions of the Act, either during the erection of a building or within three months after completion. (Sec. 454)
- (lvi) Require the owner or occupier of a structure to pull down, secure, remove or repair such structure and to prevent any danger there from, if such structure is in a ruinous condition or is likely to fall or in any way dangerous to passersby, and in case of immediate action, to fence, pull or repair the said structure. (Sec. 456)
- (lvii) Require the owner or occupier of a tree, tank, well or hole etc. to pull down, secure, remove or repair such tree, tank, well or hole etc. and to prevent any danger there from, if such tree, tank, well or hole etc. is in a ruinous condition or is likely to fall or in any way dangerous to passersby, and in case of immediate action, to fence, pull or repair the said tree, tank, well or hole etc. (Sections 457 and 458)
- (lviii) Require any person to stop erection or re-erection of a building, if it is unlawfully commenced or carried on any premises, and to get it removed by any police officer, if it is not stopped. (Sec.461)
- (lix) Order any building or any portion thereof to be vacated forthwith, if such building or portion thereof has been unlawfully occupied contrary to section 455, or a notice issued for reconstruction of a stair case, lobby, or passage has not been complied, or if the building is in ruinous or dangerous condition. (Sec. 462)
- (lx) Take measures for the purpose of efficient scavenging and cleansing of all streets and premises by daily surface cleaning of all streets, removal of sweepings from all streets, and removal of all polluted matter. (Sec. 480)

- (lxi) Provide public receptacles, depots and places for the temporary deposit of dust, ashes, refuse and rubbish, trade refuse, and carcasses of dead animals and polluted matter. (Sec. 482)
- (lxii) Enter into contract with the owner or occupier of any premises for removal of rubbish from such premises on such terms and on payment of fees. (Sec. 490)
- (lxiii) Require the owner of any premises to remove building material or debris from any premises, if the material or debris are stored or collected without the permission of the Commissioner and causing nuisance. (Sec. 494)
- (lxiv) Require the owner of premises to abate the nuisance if his abandoned or unoccupied premises become a resort of disorderly persons or causing nuisance. (Sec. 495)
- (lxv) Require the owner of a premises to cleanse or clear it, if the premises are found overgrown with rank vegetation or in an unwholesome or filthy condition, causing nuisance to the neighbors. (Sec. 496)
- (lxvi) Require the owner of a building which is insanitary and is likely to cause disease to the occupiers, to take such measures for prevention of any danger. (Sec. 498)
- (lxvii) Call for information from the owner of any building regarding accommodation and particulars of occupants in the building. (Sec. 500)
- (lxviii) Require the owner of a building intended for use as storage of goods is used in such a manner as to afford harbourage to rats, mice or other animals susceptible to plague, to take such steps for the destruction of rats, mice or other animals. (Sec. 503)
- (lxix) Regulate or prohibit the cultivation, use of manure or irrigation in any place within the limits of city, if cultivation of any crop or use of any kind of manure or irrigation of land is injurious to public health. (Sec. 504 A)
- (lxx) Permit to keep any swine or keep any animal without causing nuisance or danger to any person, and to destroy any swine found straying. (Sec. 510)
- (lxxi) Require the owner of a residential building, if used for keeping any animal or as a godown for storage of wholesale grain, seed or groceries, to discontinue the latter use. (Sec. 511)

- (lxxii) Provide for the removal of the carcasses of animals dying within the city. (Sec. 512)
- (lxxiii) Set apart portions of a river or other suitable places vesting in the Corporation for use by the public for bathing, or for washing or for drying clothes. (Sec. 513)
- (lxxiv) Issue permission to establish any factory, workshop or workplace in any premises, or to remove any factory from one place to another, or enclose or extend the area of a factory, subject to the provisions of Factories Act, 1948. (Sec. 516)
- (lxxv) Issue licence to keep articles in a premises for any purpose specified in Schedule 'P'. (Sec. 521)
- (lxxvi) Issue licence to any person to sell or expose for sale any animal or article in any municipal market. (Sec. 528)
- (lxxvii) Issue licence to open a private market, and to use any public place as a slaughter house. (Sec. 530)
- (lxxviii) Expel from municipal market or slaughter house any person who has been convicted for contravening any bye-law or any regulation in such market or slaughter house. (Sec. 537)
- (lxxix) Issue licence to sell or expose for sale any four-footed animal or any meat or fish intended for human food in any place other than a municipal or private market. (Sec. 538)
- (lxxx) Issue licence to any person to carry on the trade of a butcher within the city or at any municipal slaughter house. (Sec. 539)
- (lxxxii) Issue permission to any person to bring into the city any cattle, sheep, goats or swine intended for human food or the flesh of any such animal which has been slaughtered at any slaughter house not maintained or licensed under the Act. (Sec. 540)
- (lxxxii) Make provision for constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for sale or for preparation for sale and intended for human food or for medicine. (Sec. 542)
- (lxxxiii) Seize and carry away any animal or article, if such animal or article appears to be deceased or unsound or unwholesome or unfit for human consumption, and also arrest the person in charge of such

- animal or article and take him to the nearest police station. (Sec. 543)
- (lxxxiv) Destroy any meat, flesh, vegetable or other article of perishable nature seized, if found diseased, unsound, unwholesome, or unfit for human consumption, so as to prevent its being again exposed for sale or used for human consumption. (Sec. 544)
- (lxxxv) Inspect any place at any time without notice in which any infectious disease is reported or suspected to exist, and take such measures to prevent the spread of the said disease beyond such place. (Sec. 550)
- (lxxxvi) Prohibit the removal or use of water in any well, tank or other place for purpose of drinking, if the water is likely to spread any infectious disease if used for drinking. (Sec. 551)
- (lxxxvii) Cause the removal of any person who is suffering from infectious disease to a hospital, if he is not having proper lodging or accommodation. (Sec. 552)
- (lxxxviii) Destroy any hut or shed after giving a notice to the owner or occupier, if destruction of such hut or shed is necessary to prevent spread of any infectious disease. (Sec. 555)
- (lxxxix) Provide a place with all necessary apparatus and attendance for the disinfection of clothing, bedding or other articles which have become infected. (Sec. 556)
- (xc) Close any lodging house or eating house, in which a case of infectious disease exists or has recently occurred. (Sec. 564)
- (xci) Register any place already used for burying, cremating or otherwise disposing the dead. (Sec. 566)
- (xcii) Make arrangements for registration of births and deaths. (Sections 573 and 575)
- (xciii) Lay draft bye-laws before the Corporation for its consideration. (Sec. 587)
- (xciv) Grant licence to any person to act as surveyor for the purposes of this Act. (Sec. 618)
- (xcv) Issue licence to any person to carry on the business of a dairy-man and use any place as a dairy or for the sale of any dairy produce. (Sec. 623)

- (xcvi) Issue licence to any person to use any public place or any public street for the purpose of having or exposing for sale any article, whether for human consumption or not. (Sec. 624)
- (xcvii) Issue licence to any person for use of any public street for the purpose of using his skill in any handicraft for purposes of gain or in rendering service to the public. (Sec. 625)
- (xcviii) Remove, pull down or undo any work done without permission, where permission of the Commissioner is required for such work. (Sec. 636)
- (xcix) Require any person to remove, pull down or undo any unauthorized work, and if the person fails to do so, remove, pull down or undo such work. (Sec. 636)
- (c) Enter any building or land to inspect survey or execute any work authorized by the Act. (Sec. 637)
- (ci) Shall have the power of a civil court for the purpose of enforcing the attendance of witnesses and compelling the production of documents.(Sec. 638)
- (cii) Take, or withdraw from, proceedings against any person who is charged with any offence against the Act, or any offence which affects any property or interest of the Corporation or due administration of the Act. (Sec. 674)
- (ciii) Specifies an officer of the Corporation to be the Secretary of each Ward Committee.



Chapter 15

Mayor and Deputy Mayor

15.1 Election of Mayor and Deputy Mayor (Section 90)

The elected members and ex-officio members 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. Detailed rules on the conduct of election of Mayor and Deputy Mayor were issued in GO Ms. No. 762 MA dated 19-8-2005.

15.2 Motion of No confidence in Mayor and Deputy Mayor (Section 91A)

No confidence motion can be moved against Mayor or Deputy Mayor after four years of the date of assumption of office by them. Detailed procedure for moving of the motion, the authority to whom the motion has to be given, the meeting to consider the motion and carrying of the motion etc. are detailed in Section 91 A of the Act.

15.3 Resignation of Mayor and Deputy Mayor (Section 92)

The Mayor may resign his office by giving notice in writing to the Corporation; and it will be effective when it is accepted by the Corporation. The Deputy Mayor may resign his office by giving notice in writing to the Mayor and it will be effective when it is accepted by the Mayor.

15.4 Deputy Mayor to act as Mayor (Section 91)

When the office of Mayor is vacant, his functions devolve on the Deputy Mayor till a new Mayor is elected. If the Mayor leaves the city for more than fifteen days or is incapacitated, his/her functions devolve on the Deputy Mayor till Mayor returns to the city or recovers from his/her incapacity as the case may be.

15.5 Powers and Functions of Mayor

Even though the office of Mayor is not an authority under Section 4 of the Act, he/she has certain powers and functions under the provisions of the Act. They include:

- (i) The Mayor will be ex-officio Chairperson of the Standing Committee. (Sec. 93)
- (ii) Every meeting of the Corporation will be presided over by the Mayor. [Sec. 88 (G)]
- (iii) The day, time and date of every meeting of the Corporation except the first meeting after general elections will be fixed by the Mayor. [Sec. 88 (D)]
- (iv) The Mayor (being the Presiding Authority) preserves order during the meetings of the Corporation.
- (v) The Presiding Authority directs any member whose conduct is grossly disorderly (in his opinion) to withdraw immediately from the meeting of the Corporation.
- (vi) If any member is ordered to withdraw a second time in 15 days, the Presiding Authority may suspend the member from attending the meetings of the Corporation for a period not exceeding 15 days.
- (vii) The Presiding Authority may remit the period of suspension, if the member under suspension tenders an apology to his satisfaction.
- (viii) The Presiding Authority may suspend the meeting for a period not exceeding three days in case of grave disorder arising in the meeting.
- (ix) The Mayor is empowered to sanction any work of urgent nature subject to ceiling Rs.50,000/- in each case. (Govt. Memo.No.23515 /Election/ 96-1, MA dated 3-10-1996).



Chapter 16

Role of Ward Member (Municipal Corporator) in Municipal Corporation

16.1 Ward Member

A member of a Municipal Corporation (Ward Member or Corporator) plays a decisive role in the administration of the Municipal Corporation. A Municipal Corporation is constituted for every large urban area and it consists such number of elected members, ex-officio members and five co-opted members (Section 5). The Corporation consisting of these members is one of the authorities charged with carrying out the provisions of GHMC Act, 1955 (Section 4).

All provisions of the GHMC Act, 1955 apply *mutatis mutandis* to the other Corporations constituted under Telangana Municipal Corporations Act, 1994 in terms of Section 14 (1) of the Act.

16.2 Qualifications for being elected as a Member

Qualifications and disqualifications for being elected as a Member are governed under Sections 21, 21 A, 21 B and 22 of GHMC Act, 1955

16.3 Section 21 (Qualification)

The basic qualification for being elected as a member is that the person should be registered as a voter in any ward (electoral roll) and should be not less than twenty one years of age. Since the age limit for inclusion in voters list is 18 years, the age limit of 21 years is additionally made a requirement for being elected as a member. Relevant parts of the Electoral Rolls of Assembly Constituencies will be adopted as Electoral Rolls of Municipal Corporations (Section 12).

16.4 Section 21 A (General Disqualifications)

A person would be disqualified for being elected, or for continuing as a Member if he is disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State.

16.5 Section 21 B (Disqualification)

A person having more than two children is disqualified for election or for continuing as member. However, if he has two children or more as on 31st May, 1995, he is not disqualified.

16.6 Section 22 (Disqualifications for being a Member)

A person is disqualified for being elected as a Member, if such person is at the date of election:

- (i) Is sentenced by any Court to imprisonment for an offence involving moral turpitude
- (ii) Is of unsound mind and stands so declared by a competent Court, a deaf-mute or a leper
- (iii) Holds an office of profit under Government or under the Corporation or under any local authority
- (iv) Is an un-discharged insolvent
- (v) Holds any judicial office with jurisdiction within the limits of the city
- (vi) Is employed as paid legal practitioner on behalf of the Corporation, or accepts employment as legal practitioner against the Corporation
- (vii) Dismissed or suspended legal practitioner for (i) a criminal offence implying moral defect or character or (ii) being guilty of fraudulent conduct
- (viii) Has directly or indirectly, any share or interest in any contract or has employment with, by or on behalf of the Corporation
- (ix) Has been dismissed from the service of the Government, Corporation or any local authority for misconduct and has been declared by a competent authority to be not eligible for further employment in the public service
- (x) Fails to lodge a return of election expenses within the time and in the manner prescribed
- (xi) Has been disqualified for voting under Section 20.

The above qualifications and disqualifications apply to candidates /persons for being elected as Member. The Act also specified disqualifications for continuing as Member and they are listed in Section 23.

16.7 Disqualification for Continuing as Member (Section 23)

A member ceases to be a Member, if he

- (i) Is or becomes subject to any of the disqualifications specified in Section 22

- (ii) Is elected to a ward reserved for SC or ST or BC; and subsequently the relevant caste certificate is cancelled
- (iii) Ceases to reside in the city
- (iv) Fails to pay arrears of any kind due by him to the Corporation within three months from the date of service of a notice requiring payment thereof
- (v) Absents himself at more than three consecutive meetings of the Corporation

16.8 Resignation of Member (Section 92)

Any member may resign his office at any time by notice in writing to the Mayor and the resignation will take effect from the date on which it is accepted by the Mayor.

16.9 Duties and Powers of Individual Member

Any Ward Member who desires at any meeting to bring forward any business or to make any substantive proposition which is not already specified in the notice of such meeting can give a written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting. Thereupon, the Secretary would issue a supplementary announcement of the business or proposition before the preceding day of the meeting. [Sec. 88 (J)]

16.10 Right to ask questions at the meeting of the Corporation

A Member may ask any question concerning or connected with the administration of the Act or the Municipal Corporation of the city. He has to give a notice in writing specifying the question to the Municipal Secretary. There must be seven clear days of time between the notice and meeting of the Corporation. All these questions have to be answered by the Commissioner in the meeting. [Sec. 122 (1)]

There are certain restrictions for allowing the question. The question has to be allowed by the Mayor for bringing to the meetings. Questions of the following nature shall not be asked. [Sec. 122 (1) (b)]

- i. Which calls for an expression of the opinion or for the solution of an abstract legal question or of a hypothetical proposition

- ii. Which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any Court of Law or before any Tribunal in the city
- iii. Which relates to the character or conduct of any municipal officer or servant except in his official or public capacity
- iv. Which is or by implication may be, defamatory, or which makes or implies a charge of personal character against any person or section of any community
- v. Which contravenes any bye-law made in this behalf under Section 586

The Mayor may disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1) of Sec. 122 [Sec. 122 (2)]. If any doubt arises whether any question is or is not within the restrictions referred above, the Mayor decides the matter and his decision is final [Sec. 122 (3)]. The Commissioner is not bound to answer a question, if in his opinion; it is detrimental to the interests of the Corporation [Sec. 122 (4)]

16.11 Calling Attention Motion

Any Member may call the attention of the Commissioner to any neglect in the execution of the municipal work, to any waste or damage to the municipal property or to the wants of any locality and may suggest in respect thereof any proposal or improvement which he considers desirable. [Sec. 122(5)]

16.12 Moving of Resolutions at Meetings of Corporation

Any Member who wishes to move a resolution has to give seven clear days notice in writing to the Municipal Secretary specifying the resolution. The resolution has to satisfy the following conditions for moving at the meeting.

- (i) It must relate to matters of general public interest concerning the functions of the Corporation under the Act
- (ii) It shall be clearly and precisely expressed
- (iii) It shall raise substantially one definite issue
- (iv) It shall not contain arguments, inferences, ironical expressions, imputations, or defamatory statements
- (v) It shall not be defamatory or does not imply a charge of personal character against any person or section or community

- (vi) It shall not refer to the conduct or character of persons except in their official or public capacity
- (vii) It shall not relate to any matter which is under adjudication of a Court of Law or before any Tribunal
- (viii) It shall be affirmative in the form and commence with the word "that".

The Presiding Authority admits a resolution, if it satisfies the above conditions. He may expunge from a notice of motion any matter which he considers to be libellous or grossly offensive and if he deems proper may disallow a motion altogether on these grounds (Bye Law 5 and G.O.Ms.No.805 MA dated 20-08-1966.

A resolution which has been admitted by the Presiding Authority would be entered in the list of business (agenda). The resolution has to be seconded by another member in the meeting. A motion or an amendment can be withdrawn with the permission of the meeting. A motion once withdrawn shall not be proposed again in the same meeting. A member can speak only once but the mover or failing him the seconder may reply at the conclusion of the debate. Any Member may move an amendment to the resolution. After end of the debate, the Presiding Authority has to put the resolution to vote.

16.13 Honorarium to Mayors and Conveyance Allowance to Ward Members

Government in G.O.Ms. No. 61 MA dated 24-3-2015 have revised the Honorarium to the Mayors / Deputy Mayors and Conveyance allowance to the Corporators of the Municipal Corporations as specified below with effect from 1-4-2015.

S. No	Category	Nature of Allowance	Per Month
1.	Mayors	Honorarium / Conveyance Allowances	Rs.50,000
2.	Deputy Mayor	Honorarium / Conveyance Allowances	Rs.25,000
3.	Corporators	Conveyance allowance	Rs.6,000

16.14 Oath of Allegiance to be taken by the Members [Sec. 673 A]

Every person who is elected to be a Member, before taking the seat, has to make at a meeting of the Corporation an oath or affirmation of his allegiance to the Constitution of India in a format prescribed under the Section.

Any such Member who fails to make within three months from the date on which his term of office commences or at one of the first three meetings held after the said date whichever is later, the oath of affirmation as prescribed, shall cease to hold the office and his seat shall be deemed to have become vacant.

No such member shall take his seat at a meeting of the Corporation or do any act as such Member, unless he has made the oath of affirmation.



Chapter 17

Ward Committees and Area Sabhas in Municipal Corporations

17.1 Hyderabad Municipal Corporation Act, 1955 has been amended during 2008 by substituting Section 8A and 8B and providing for Ward Committees and Area Sabhas in Municipal Corporations. Detailed rules have been issued for constitution of Ward Committees and Area Sabhas in the Municipal Corporations in G.O. Ms. No. 57 MA 10-2-2010.

17.2 Constitution of Ward Committee

Ward Committee has to be constituted for each ward in the Municipal Corporation. The Ward Member of the ward would be the ex-officio Chairperson. Besides the Chairperson, the Committee consists not more than 10 persons representing the civil society based on population of the ward to be nominated by the Municipal Corporation as members (4 members upto population of 10,000 and one more member for every additional population of 4,000); and Area Sabha Representatives (ASR) of the Areas in the ward ranging from 2-11 based on the population on the ward. The qualifications and disqualifications prescribed to the elected members of the Corporation apply *mutatis mutandis* to the members of the Ward Committee and the ASR. Half of the persons to be nominated to the Ward Committee shall be women. The term of Ward Committee is co-extensive with the term of the Corporation.

17.3 Functions of the Ward Committee

The Ward Committee has to perform the following functions

- (i) Supervision over (a) Sanitation work and Drainage, (b) Maintenance of water supply, (c) Working of street lights, (d) Repair of roads, (e) Maintenance of markets, (f) Maintenance of parks and playgrounds, and (g) Poverty alleviation programmes
- (ii) Monitoring the functioning of Schools, Maternity centers and Dispensaries owned by Municipal Corporation
- (iii) Review of the collection of taxes and non-taxes.
- (iv) Preparation of list of beneficiaries for pensions and subsidies.

- (v) Preparation of Annual Ward Development Plan.
- (vi) Preparation of the inventory of municipal assets.
- (vii) Preparation of annual report.

17.4 Powers of the Ward Committee

Ward Committee also has certain powers and they include:

- (i) 20% of the budget earmarked for maintenance of urban services will be allocated by the Corporation to all Ward Committees together in the city.
- (ii) The Ward Committee will identify maintenance works and forward the list to the Commissioner for sanction.
- (iii) Works will be executed by the Commissioner in the usual procedure.
- (iv) Competent to inspect the maintenance works sanctioned to the Ward Committee.

17.5 Rights of Ward Committee

For effective functioning of Ward Committee, certain rights have been given and they are:

- (i) Seek information from Commissioner regarding any matter relating to the ward except any confidential matter or any matter relating to municipal elections
- (ii) Obtain information about the master plan and zonal development plans of the Municipal Corporation
- (iii) Obtain full Municipal Corporation budget
- (iv) Be consulted in the development of land use and zoning regulations within the ward
- (v) Obtain full details of all revenue items relating to the ward.

17.6 Secretary of Ward Committee

Commissioner has to nominate an officer of the Corporation to be the Secretary of Ward Committee; and office accommodation has to be provided for the ward committee for its functioning and meetings.

17.7 Meetings of the Ward Committee

The date and time for the meetings will be fixed by the Chairperson of the Ward Committee, i.e., the Member representing the ward. The Ward Committee has to meet atleast once in two months. The agenda for the meeting will be prepared by the Secretary in consultation with the Chairperson. The Chairperson of the Ward Committee presides over the meetings of the Ward Committee and the quorum for the meeting is one-half of the total members of the Committee. The Secretary of the Ward Committee and Ward Level Officers have to attend the meetings of the Ward Committee

17.8 Constitution of Area Sabhas

In the Municipal Corporations, each ward is divided into Areas based on the population at the rate of one Area for a population ranging one thousand to five thousand duly observing natural boundaries and geographical contiguity. Two (2) to eleven (11) Areas can be constituted in each ward based on the population of the respective ward. Area Sabha is constituted for each Area with all electors in the jurisdiction of the Area.

17.9 Area Sabha Representative (ASR)

For each Area, the Corporation nominates an Area Sabha Representative (ASR) from the representatives of the civil society as in the case of members of Ward Committee. The ASR has to be a voter of the Area concerned and he will be an ex-officio member of the Ward Committee. The term of the ASR is coterminous with that of the Corporation.

The Area Sabha has certain functions and rights. They do not have any powers.

17.10 Functions of the Area Sabha

- (i) Determine the priority of the schemes and developmental programmes to be implemented in the Area.
- (ii) Identify the eligible persons for the beneficiary-oriented schemes.
- (iii) Verify the eligibility of persons getting various kinds of welfare assistance from Government pensions and subsidies.
- (iv) Suggest the location of street lights, public taps, public wells and public toilets.

- (v) Identify the deficiencies in water supply, street lighting and sanitation and to suggest remedial measures to the Ward Committee.

17.11 Rights of the Area Sabha

- (i) The concerned officials in the Corporation have to furnish information regarding services they render and the list of works proposed to be executed in the Area in the succeeding period of 3 months after the meeting of the Ward Committee.
- (ii) The Secretary of the Ward Committee has to communicate the minutes of the meetings of the Ward Committee and every decision taken relating to the jurisdiction of the Area to the Area Sabha Representative.
- (iii) The Secretary of the Ward Committee has to inform the follow-up action taken on the decisions concerning the jurisdiction of the Area to the Area Sabha Representative.
- (iv) The Area Sabha Representative has to cooperate with Ward Committee in the provision of sanitation arrangements in the Area.
- (v) The Area Sabha Representative has to arrange conducting of awareness campaign in the Area on the importance of cleanliness, improvement of the environment and prevention of pollution.

17.12 Meetings of Area Sabha

The Area Sabha has to meet once in 3 months and to be convened by Area Sabha Representative. The Area Sabha has to be presided over by the Area Sabha Representative and at least 50 voters of the Area have to be present at the meeting of the Area Sabha.



Chapter 18

Municipal Personnel Management

18.1 Executive wing of Corporation

As we have seen in the earlier chapters, the Corporation has two wings. While the Corporation, Mayor, Standing Committee, Ward Committee and Ward members constitute the deliberating wing which takes care of policy and political decisions of the Corporation, the Commissioner constitutes the executive wing of the Corporation. While municipal government of the city vests in the Corporation, entire executive power for the purpose of carrying out the provisions of the Act vests in the Commissioner subject to restrictions, conditions and limitations imposed by the Act.

18.2 Departments in the Corporation

Considering the functional responsibility of the Corporation, the executive wing has different departments. They are broadly consist of

- i. Administration
- ii. Council and Committees
- iii. Health and Sanitation
- iv. Engineering
- v. Revenue and Taxation
- vi. Town Planning
- vii. Urban Poverty Alleviation
- viii. Finance and Accounts
- ix. Audit
- x. Estate
- xi. Parks and Play grounds
- xii. Legal Section

Some Corporations may also have other departments as per the local requirements, like Veterinary, Public Relations, Elections and Information Technology etc. All departments have various categories of officers and employees

and they can be broadly classified as head of department (at the higher level of hierarchy), supervisory functionary (middle level of hierarchy) and basic functionary (pivotal role). In the municipal bodies, there are public health workers and non-public health workers also at the field level.

18.3 Categories of Officers and Employees

Two categories of officers and employees work in the Corporations as specified hereunder:

- (i) Government Service (Section 130)
- (ii) Municipal Service (Section 137)

18.3.1 Government Service

The Service is governed under Section 130 of the Act and it is called Local Government Service. The officers and employees of this Service belong to various departments of the Government and of various levels. The officers work both in the Municipal Corporations and the Government. When they work in the Corporations, they are considered as municipal officers and work under the administrative control of Commissioner. The disciplinary control however remains with the Government. While they work in the Government, the officers would be considered as Government officers and are under the administrative and disciplinary control of Government. The appointment, postings, transfers, conditions of service, discipline and conduct of these officers are governed under relevant Service Rules of State Government.

Thirty nine (39) categories of officers and employees belonging to Local Government Service i.e. State Government Service are listed in Schedule C of the Act. They belong to various departments of Government like Municipal Administration, Public Health & Municipal Engineering, Medical & Health, City (Town) Planning, Audit, Finance, Veterinary, Horticulture, Forest and Transport. The officers under this Service are mostly at higher level of hierarchy and head the departments in the Corporation. Some of them are also middle level officers.

18.3.2 Municipal Service

This Service is governed under Section 137 of the GHMC Act. The officers and employees under this Service are borne on the establishment of Municipal Corporation.

The sanction of Standing Committee, Corporation and Government is required for creation of all posts. Further, the Corporation, the Standing Committee and the Commissioner are delegated with the powers of appointment, transfer and dismissal of officers and employees governed under this Service. The Commissioner is competent to make appointment upto the cadre of Junior Assistant or posts carrying similar scale of pay. The Standing Committee is competent to make appointment upto the cadre of Senior Assistant or posts carrying similar scale of pay. The Corporation is competent to make appointment upto the cadre of Superintendent or posts carrying similar scale of pay. Appointment of other posts has to be made by Government.

Each Municipal Corporation is a unit for the purpose of appointment, promotion or reversion of the posts governed under this Service. Except Municipal Corporation of Hyderabad, there are no Service Rules in respect of Municipal Service in other Municipal Corporations. The Service Rules applicable to State Government employees are being followed in these Corporations. Further, for certain category of posts in the Municipal Service, there is promotional chance for entry in Government Service.



Chapter 19

Government Control over Municipal Corporations

Since the Municipal Corporations are created by the State Government and the State Government is supervising the proper functioning of the Municipal Corporations, the Act has provided certain controlling measures over Municipal Corporations by the Government.

19.1 Power to call records (Sec. 675)

Government is competent to require the Corporation or Commissioner to:

- (i) Produce any extract from any proceedings of the Corporation, Standing Committee or any other Committee - the record, correspondence, plan or other documents
- (ii) Furnish any return, plan, estimate and statement of account
- (iii) Furnish or obtain any report.

19.2 Powers to cause inspection (Sec. 676)

Government may depute any officer to inspect or examine any municipal department, office, service, work and to report thereon.

19.3 Power to require the performance of the duties (Sec.677)

If any duty imposed on any Municipal Authority has not been performed or has been performed under imperfect, inefficient or unsuitable manner or adequate financial position has not been made for the performance of such duty, the Government may by an order direct the Corporation/Commissioner to make arrangements for proper performance of the duty or make financial provision for the performance of the duty as the case may be to the satisfaction of the Government within a period to be specified.

19.4 Power to appoint a person to take action in default (Sec.678)

Whenever the Corporation has not complied with the direction of the Government to perform a duty, the Government may by an order appoint some person to take

action so directed, fix the remuneration to be paid to him and direct that such remuneration and cost of taking such action shall be defrayed out of the municipal funds.

19.5 Power of revision (Sec.679)

The Government for the purpose of satisfying itself as to the correctness, legality, propriety and regularity of any proceeding or order passed by the Commissioner, call for and examine the record and pass such orders with reference thereto as it thinks fit.

19.6 Suspension of resolution [Sec.679 (A)]

The Government may either suo-motto or on a representation of a Member, the Mayor or Commissioner cancel any resolution, order issued, licence or permissions granted by giving a show-cause notice before taking such action in the following cases.

- (i) Such resolution, order, licence, permission or act has been passed, issued, granted or authorized in violation of the law.
- (ii) Such resolution, order, licence, permission or act is in excess of the powers conferred by the Act.
- (iii) The execution of such resolution or order is likely to cause financial loss to the Corporation, danger to human life, health or safety or is likely to lead to a riot or breach of peace or against the public interest.

In case of emergency, Government may exercise this power without giving a show-cause notice.

19.7 Suspension of Mayor or Deputy Mayor or Member (Sec. 679 AA)

Government is competent to suspend a Mayor or Deputy Mayor or a Member who in their opinion, willfully misbehaved or manhandled any other member or officer or employee of the Corporation or destroyed the property of Corporation or used unparliamentarily language or abused his position in the course of meetings of the Corporation or discharge of any duty. Before taking the above action, Government has to give an opportunity for explanation to the concerned Mayor or Deputy Mayor or Member.

19.8 Power to remove Mayor or Deputy Mayor (Sec. 679 B)

Government is competent to remove the Mayor or Deputy Mayor from office in the following cases after giving an opportunity for explanation to the concerned:

- (i) Willful omission or refusal to carry out the provisions of the Act or rules.
- (ii) Disobeys the provisions of the Act or rules.
- (iii) Abuses his position or the powers vested in him.

19.9 Power to dissolve the Corporation (Sec. 679 D)

Government is competent to dissolve the Corporation after giving a show-cause notice in the following cases:

- (i) When the Corporation is not competent to perform or persistently makes default in performing the duties.
- (ii) Exceeds or abuses its powers or position
- (iii) A situation exists in which the municipal administration cannot be carried on in accordance with the provisions of the Act.
- (iv) The financial stability or credit of the Corporation is threatened.

19.10 Power to give direction: (Sec. 679 E)

Government is competent to give such direction not inconsistent with the provisions of the Act or rules made there under to the Corporation, as it may consider necessary for carrying out the purposes of the Act.





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