

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Andhra Pradesh Municipalities (Inclusion or Exclusion of areas into/ from the limits of Municipalities/ Nagar Panchayats), Rules, 2006 – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Elec.II) DEPARTMENT

G.O.Ms.No.63

Dated: 18th February, 2006

ORDER :

The following Notification shall be published in the Extra-ordinary issue of the A.P. Gazette, dated: 21.02.2006.

2. The Commissioner, Printing, Stationery and stores Purchase (Printing Wing), Hyderabad is requested to send 500 copies of the Notification to Government urgently.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 326, read with proviso made under Section 3 (1A) of the A.P. Municipalities Act, 1965, the Governor of Andhra Pradesh hereby makes the following rules for inclusion or exclusion of areas into/ from the limits of Municipalities/ Nagar Panchayats in the state.

RULES

1. Short title: These rules may be called the "The Andhra Pradesh Municipalities (inclusion or exclusion of areas into / from the limits of Municipalities/ Nagar Panchayats) Rules, 2006"

2. Definitions: In these rules:

- i) "Act" means the Andhra Pradesh Municipalities Act, 1965.
- ii) "Government" means the Government of Andhra Pradesh.
- iii) The words and expressions used but not defined in these rules shall have the meaning assigned to them in the Andhra Pradesh Municipalities Act, 1965.

3. Criteria for Inclusion or Exclusion of Areas: Wherein an issue raised for inclusion or exclusion of areas(s) in / from the Municipalities/ Nagar Panchayats at any of the level by official/ non official representation, such

cases shall be examined Subject to satisfaction of following decisive factors:

i) For inclusion of areas:

- a) These areas which are proposed to be included into the limits of Municipality/ Nagar Panchayat shall be within a radius of 3 K.M. of a Municipality/ Nagar Panchayat.
- b) The proposed areas shall represent ample number of population to its area(s).
- c) The proposed area shall represent economic importance of any specific reason viz., tourist place, historical place etc.
- d) Proper justification shall be made for inclusion of an area(s).
- e) In no case where an area is away from a distance of 3 KMs from the Municipality/ Nagar Panchayat and no representation of ample population is made then such proposal shall not be taken into consideration for inclusion.

ii) for exclusion of areas:

- a) The areas which are proposed for exclusion from the Municipality/ Nagar Panchayat is far away from the vicinity of the town i.e., above 3 KMs radius.
- b) The area proposed for exclusion does not represent ample number of population to its area(s).
- c) The area proposed for exclusion does not have any economic importance or special features which hinders the financial interest of the Municipality/ Nagar Panchayat.
- d) After exclusion of the proposed areas, the Municipality/ Nagar Panchayat shall satisfy the criteria fixed for constitution of Municipality/ Nagar Panchayat under the A.P. Transitional Area and Smaller Urban Area (fixation of criteria) Rules, 1993.

e) Any other specific reasons which are against the interest of the Municipality/ Nagar Panchayat.

4. Scope for Inclusion or Exclusion of Areas: Any proposal for inclusion or exclusion of the areas into/ from the limits of the Municipality/ Nagar Panchayat shall satisfy one or all the norms as per the provision of rules 3 of the aforesaid rules.

5. Examination of the proposal: (i) Any representation is made from official/ Non official for inclusion or exclusion of any areas, shall be initially placed before the Municipal Council of that particular Municipality/ Nagar Panchayat duly giving details of the issue viz., its area, distance from the Municipality, population, economic or any special importance of the area, financial implications on acceptance for inclusion or exclusion and any specific reasons thereof in accordance with rule 4 above.

a) The Municipal Council before arriving any opinion of the proposal shall take into the public interest as the primary motive for any inclusion or exclusion.

b) The Municipal Council shall also justify its opinion for any inclusion or exclusion of area(s).

(ii) Then the Municipal Commissioner shall forward the Councils resolution on the proposal along with his specific observations on the proposals to the Commissioner and Director of Municipal Administration through District Collector concerned.

(iii) The District Collector shall examine the proposal in consultation with respective Gram Panchayat/ District Panchayat Officer. On examination of the proposal, the District Collector shall forward the proposal along with his recommendations to Government (Municipal Administration and Urban Development Department) through the Commissioner and Director of Municipal Administration.

(iv) The Commissioner and Director of Municipal Administration, Hyderabad shall scrutinize the proposal and with his recommendations

forward it to the Government (Municipal Administration and Urban Development Department).

(v) Government (in MA&UD Department) after examination, if satisfied to consider the same, shall forward such proposal to the Panchayat Raj & Rural Development Department provided the said proposal relates to inclusion/ exclusion as the case may be of an area falls under the jurisdiction of Panchayat Raj Department, for examination and orders.

(vi) One receipt of acceptance from the PR & RD Department the Government (in MA&UD Department) will issue a show cause notice to the Council/ Special Officer, as the case may be of the Municipality concerned affording an opportunity for submission of views/ objections/ suggestions of the Council. The copy of the Show Cause notice shall also be affixed in the notice Board of the Municipality, so that the local people of the concerned Municipality can also submit their views/ objections/ suggestions on the proposal to the Government within a period of TEN DAYS from the date of publication of the show cause notice in the notice board of the Municipality. After receipt of the views of the Municipality and the local people and if there is acceptance from the Municipal Council, Government shall examine the representation of the local people and it shall be open to the Government to declare by notification in the A.P. Gazette for inclusion or exclusion of any area(s) into or from the limits of the Municipality/ Naga Panchayat.

(vii) If a Municipal Council, is against the proposal, the Government shall examine the points raised by the Municipal Council and the representations made by the local people and if Government feels that the resolution of the Municipal Council is against the larger interest of the public or such local body, shall set aside such decision of the Municipal Council and notwithstanding anything contained in Rule (5) it shall be competent for the Government to declare by notification for inclusion or exclusion of any area(s) into or from the limits of the Municipality/ Nagar Panchayat for the reasons recorded in writing.

(viii) For inclusion or exclusion of any area(s) into or from the Municipality/ Nagar Panchayat, there will be omission or inclusion of

certain area(s) of a specific ward(s) of such Municipality/ Nagar Panchayat. Subsequently, for such changes, re-division of Municipality/ Nagar Panchayat into equal wards shall be taken up on compulsory basis before conduct of ordinary elections to such Municipality/ Nagar Panchayat.

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

VEENA ISH
SECRETARY TO GOVERNMENT

To,
The Commissioner, Printing, Stationery and Stores Purchase, Hyderabad.
The Commissioner & Director of Municipal Administration, Hyderabad.
The PR & RD Department.

Copy to:

All District Collectors,
All the Municipal Corporations through the Commissioner & Director of Municipal Administration, Hyderabad.