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TELANGANA BILLS

TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 17th December, 2016.

L. A. BILL No. 20 OF 2016.

A BILL FURTHER TO AMEND CERTAIN TELANGANA MUNICIPAL LAWS AND URBAN DEVELOPMENT AUTHORITIES LAWS PROVIDING FOR CONSTITUTION OF COMMON MUNICIPAL SERVICE FOR OPTIMAL UTILISATION OF THE SERVICES OF THE PERSONNEL IN ALL THE MUNICIPAL BODIES AND URBAN DEVELOPMENT AUTHORITIES AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

B. 210-1

[1]

Be it enacted by the Legislature of the State of Telangana in the Sixty-seventh Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Telangana Municipal Laws and Urban Development Authorities' Laws (Amendment) Act, 2016.

(2) It shall come into force on such date as the Government may by notification appoint.

Amendment of the Greater Hyderabad Municipal Corporation Act, 1955. Act. No. II of 1956.

2. In the Greater Hyderabad Municipal Corporation Act, 1955, in section 132A,-

(a) the Marginal Heading, and sub-section (1) shall be substituted, with the following, namely,-

"Constitution of Common Municipal Service.

Notwithstanding anything contained in this Act or any other law for the time being in force, Government may, after consulting the Greater Hyderabad Municipal Corporation, the Hyderabad Metropolitan Development Authority, all Urban Development authorities, other Municipal Corporations, Municipalities and Nagar Panchayats in the State, by a notification in the Telangana Gazette, constitute a Common Municipal Service for the State consisting of any class of officers or employees of the Greater Hyderabad Municipal Corporation, Hyderabad Metropolitan Development Authority, all Urban Development Authorities, Municipal Corporations, Municipalities and Nagar Panchayats in the State;

(b) in sub-section (2), the words "Municipal Corporation Service", shall be substituted with the words "Common Municipal Service";

(c) in sub-section (3), "the Andhra Pradesh (Telangana Area) Local Government service (Declaration as State Civil Service) Act, 1956" shall be substituted with "the Telangana Local Government Service (declaration as State Civil service) Act, 1956".

Act XX of 1956.

3. In the Telangana Municipalities Act, 1965,

Amendment of Telangana Municipalities Act, 1965. Act No. 6 of 1965.

(a) in section 71,

(i) the marginal heading and sub-section (1), shall be substituted with the following, namely,-

"Appointment of Officers and employees. (1) Notwithstanding any thing contained in this Act or any other law for the time being in force, Government may appoint, any categories of officers and employees, in the Greater Hyderabad Municipal Corporation constituted under Greater Hyderabad Municipal Corporation Act, 1955, the Hyderabad Metropolitan Development authority constituted under the Hyderabad Metropolitan Development Authority Act, 2008, any Urban Development authority constituted under the Telangana Urban Areas (Development) Act, 1975, any Municipal Corporation constituted under the Telangana Municipal Corporations Act, 1994 and any Municipality and Nagar Panchayat constituted under this Act, in the State, as may be prescribed.";

(ii) sub-section (3), shall be substituted with the following, namely,-

"(3) The officers and employees appointed under sub-section (1) shall devote their whole time to the duties of their offices and shall not undertake any work unconnected with the office";

(b) in section 80,-

(i) the Marginal heading and sub-section (1), shall be substituted with the following, namely,-

"Constitution
of Common
Municipal
Service.

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, Government may, after consulting the Greater Hyderabad Municipal Corporation, Hyderabad Metropolitan Development authority, all Urban Development Authorities, Municipal Corporations, Municipalities and Nagar Panchayats in the State, by a notification in the Telangana Gazette, constitute a Common Municipal Service for the State consisting of any class of officers or employees of the Greater Hyderabad Municipal corporation, Hyderabad Metropolitan Development Authority, all urban Development authorities, Municipal Corporations, Municipalities and Nagar Panchayats in the State".

(ii) in sub-section (2), the words "municipal service", shall be substituted with the words "Common Municipal Service";

(iii) in sub-section (3), "the Andhra Pradesh (Telangana area) Local Government Service (Declaration as State Civil Service) Act, 1956" shall be substituted with "the Telangana Local Government Service (declaration as State Civil Service) Act, 1956".

Act XX of
1956.

Amendment
of the
Telangana
Municipal
Corporations
Act, 1994.
Act No. 25 of
1994.

4. In the Telangana Municipal Corporation Act, 1994, section 14-B, shall be substituted with the following, namely,-

"Appointment of
Officers and
employees:

14-B. Notwithstanding anything contained in this Act or any other law for the time being in force, Government may appoint may categories of officers and employees in the Greater Hyderabad Municipal Corporation constituted under the Greater Hyderabad Municipal corporation Act, 1955, Hyderabad Metropolitan Development Authority constituted under the Hyderabad

Metropolitan Development Authority Act, 2008, any Urban Development Authority constituted under the Telangana Urban Areas (Development) Act, 1975, any Municipality or Nagar Panchayat constituted under the Telangana Municipalities Act, 1965 and any Municipal corporation constituted under this Act, in the State, as may be prescribed.”;

“Constitution
of Common
Municipal
Service:

14-C. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, Government may, after consulting the Greater Hyderabad Municipal Corporation, Hyderabad Metropolitan Development Authority, all Urban Development Authorities, other Municipal corporations, Municipalities and Nagar Panchayats in the State, by a notification in the Telangana Gazette, constitute a Common Municipal Service for the State, consisting of any class of officers or employees of the Greater Hyderabad Municipal Corporation, Hyderabad Metropolitan Development Authority, all Urban Development Authorities, Municipal Corporations, Municipalities and Nagar Panchayats in the State.

(2) Upon the issuance of notification under subsection (1) Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances, discipline and conduct of officers and employees of the Common Municipal Service thereby constituted and such rules may vest jurisdiction in relation to such Service in the Government or such Authority or Authorities as may be prescribed therein.”

Amend-
ment of
Telangana
Urban
Areas
(Develop-
ment)
Act, 1975
Act No. 1 of
1975.

5. In the Telangana Urban Areas (Development) Act, 1975,-

(a) Section 4, along with the marginal heading, shall be substituted with the following, namely,-

*Appointment of
Officers and
employees:

4. Notwithstanding anything contained in this Act or any other law for the time being in force, Government may appoint, any categories of officers and employees, in the Greater Hyderabad Municipal Corporation constituted under Greater Hyderabad Municipal Corporation Act, 1955, the Hyderabad Metropolitan Development Authority constituted under the Hyderabad Metropolitan Development authority Act, 2008, any Municipal Corporation constituted under the Telangana Municipal Corporations Act, 1994 and any Municipality and Nagar Panchayat constituted under the Telangana Municipalities Act, 1965 and any Urban Development authority constituted under this Act, in the State, as may be prescribed.”;

(b) (i) in section 4B along with the marginal heading, sub-section(1) shall be substituted with the following, namely,-

*Constitution of
Common
Municipal
Service:

4-B. Notwithstanding anything contained in this Act or any other law for the time being in force, Government may after consulting the Greater Hyderabad Municipal Corporation, Hyderabad Metropolitan Development Authority, all Urban Development Authorities, Municipal Corporations, Municipalities and Nagar Panchayats in the State by a notification in the Telangana Gazette, constitute a Common Municipal Service for the State, consisting of any class of officers or employees of the Greater Hyderabad Municipal Corporation, Hyderabad

Metropolitan Development Authority, all Urban Development Authorities, Municipal Corporations, Municipalities and Nagar Panchayats in the State”.

(ii) in sub-section (2), the words “Urban Development Authorities Service”, shall be substituted with “Common Municipal Service”.

6. In the Hyderabad Metropolitan Development Authority Act, 2008, after Section 9, the following shall be inserted, namely,-

“Appointment of Officers and employees:

9-A. Notwithstanding anything contained in this Act or any other law for the time being in force, Government may appoint, any categories of officers and employees, in the Greater Hyderabad Municipal Corporation constituted under Greater Hyderabad Municipal Corporation Act, 1955, any Urban Development Authority constituted under the Telangana Urban Areas (Development) Act, 1975, any Municipal Corporation constituted under the Telangana Municipal Corporation Act, 1994 any Municipality and Nagar Panchayat constituted under the Telangana Municipalities Act, 1965, and the Hyderabad Metropolitan Development Authority constituted under this Act, in the State, as may be prescribed;

“Constitution of Common Municipal Service.

9-B. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, Government may after consulting the Greater Hyderabad Municipal Corporation, Hyderabad Metropolitan Development Authority, all Urban Development Authorities, Municipal Corporations, Municipalities and Nagar Panchayats in the State, by a notification in the Telangana Gazette, constitute a Common Municipal Service for the State, consisting of any class of officers or employees of the Greater Hyderabad Municipal Corporation, Hyderabad Metropolitan Development Authority, all Urban Development Authorities, Municipal

Amendment of Hyderabad Metropolitan Development Authority Act, 2008. Act No. 8 of 2008.

Corporations, Municipalities and Nagar Panchayat in the State.

(2) Upon the issuance of notification under subsection (1) Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances, discipline and conduct of officers and employees of the Common Municipal Service thereby constituted and such rules may vest jurisdiction in relation to such Service in the Government or such Authority or Authorities as may be prescribed therein".

**STATEMENT OF OBJECTIVES AND REASONS FOR
PREPARATION OF “TELANGANA MUNICIPAL LAWS AND
URBAN DEVELOPMENT AUTHORITIES (AMENDMENT)
ACT, 2016”**

1. The Municipal Administration and Urban Development Department consists of the following Heads of the Department under its control.

1. Commissioner and Director Municipal Administration,
2. Director of Town and Country Planning.
3. Public Health and Municipal Engineering Department
4. Greater Hyderabad Municipal Corporation
5. Municipal Corporations constituted under AP Municipal Corporations Act, viz., Greater Warangal, Karimnagar, Ramagundam, Nizamabad and Khammam
6. Hyderabad Metropolitan Development Authority
7. Hyderabad Metro Water Supply and Sewerage Board
8. Urban Development Authorities like KUDA, GADA, YTDA, VTDA etc.
9. Special Project Offices like MEPMA, TUFIDC, TMDP etc.,
10. Quli Qutub Shah Urban Development Authority.

2. The following Acts govern the functioning of the department.

1. Greater Hyderabad Municipal Corporation Act, 1955
2. Hyderabad Metropolitan Development Authority Act, 2008
3. AP Urban Areas (Development) Act, 1975
4. AP Municipal Corporations Act, 1994
5. AP Municipalities Act, 1965

3. The officers and employees appointed under respective provisions of the above Acts are limited to exercise the powers, perform the functions and discharge the duties within the organization in which they are appointed.

B. 210-2

4. In the laws relating to municipalities, there is a provision to appoint officers of State Government Departments in the municipalities and Nagar Panchayats. These officers are inter-transferable. When they work in the municipalities, they work as full-time officers of the municipalities and work under administrative control of Commissioner. The disciplinary control however vests in Government.

5. Similar provision exists in all Municipal Corporations including GHMC.

6. This provision is not existing in the Urban Development Authorities (including HMDA). Only the Chief Executive (Vice Chairman in respect of Urban Development Authority and Metropolitan Commissioner in respect of Hyderabad Metropolitan Development Authority) and Secretary are deputed by Government and all other officers belong to the respective Urban Development Authorities.

7. Secondly, there is a provision of Unified Service (Section 80) in the Municipalities Act. Government may constitute a State Municipal Service consisting certain categories of officers or employees working in various municipalities in the State and these officers and employees have common seniority for promotion and are transferable among various municipalities. So far 5 such Services were constituted.

i. Ministerial Service (covering Bill Collector (lowest post) to Manager (highest post))

ii. Town Planning Service (covering Town Planning & Building Overseer and Town Planning Supervisor)

iii. Engineering Service (covering Assistant Engineer and Assistant Executive Engineer)

iv. Public Health/Sanitation Service (covering Health Assistant to Sanitary Supervisor)

v. Accounts Service (covering junior Accountant to Accounts Officer)

8. Detailed Service Rules are issued and these officers and employees are kept under disciplinary control of Govt. officers like CDMA, RDMA, DTCP and E-in-C (PH). in respect of the Services referred (ii)

and (iii) - even though the Service is limited to Municipalities, all employees in municipalities and corporations (excluding GHMC) have been covered, integrated seniority followed, promotions and transfers affected. Even though it is not in order, it is being followed for the last 30 years. However, in governing these Services, the Presidential Order is complied. The lowest category has an opening from Municipal Service/Direct Recruit. The highest functionary can join Government Service. The system is working effectively for the last 3-4 decades.

9. Though similar provision exists in Municipal Corporations and UDAs in the respective Acts, it is not operationalised due to APAT orders and other administrative reasons. Except some technical issues, the system can be implemented. If proper care is taken in drafting the law and issue of rules, it is not difficult to implement the system.

10. In municipalities, officers belonging to 3 services are working;

1. Government Service: Senior officers (section 29 and 71)
2. State Municipal Service: Middle level officers (Section 80)
3. Municipal Service

11. In the Municipal Corporations, officers belonging to 2 services are working;

1. Govt. Service/Local Govt. Service (section 130)
2. Municipal Service

There is a channel of promotion from Municipal Service to Govt. Service.

12. In the Urban Development Authorities, except 2 posts, where Govt. makes appointment (on deputation), the rest of officers are Urban Development Authority officials and their chances of promotion is restricted to the relevant Urban Development Authorities. There is no mobility in the Urban Development Authorities.

13. Though the functional responsibilities are nearly similar in Municipalities and Urban Development Authorities, the personnel management is not similar.

14. To bring about uniformity in the personnel system in MA&UD Department, to bring about mobility, to discourage vested interest and to spread the expertise, it may be necessary;

(i) to bring officers of Government departments in the Urban Development Authorities also and to integrate the services for utilization in all municipal bodies and Urban Development Authorities, (This is at top level hierarchy): and

(ii) to constitute Common Municipal Service in municipal corporations and Urban Development Authorities also and to integrate the services for utilization in all the municipal bodies and Urban Development Authorities (This is middle level hierarchy)

15. This reform/system brings in

(i) improved urban Governance and service delivery in municipalities and UDAs.

(ii) improved professionalism in various categories of employees working in municipalities and UDAs.

(iii) utilisation of expertise and knowledge gained at state/ Central Government level in the municipal /UDA level.

(iv) attract qualified and competent persons into municipal/ UDA service.

(v) uniformity in administration.

(vi) helps in mobility.

(vii) discourage vested interest.

(viii) forms a middle tier of service in between Municipal/ Urban Development Authority Service and Government Service; and create a common seniority among all officers/employees at State Level which in turn makes them eligible for various posts at the State level.

(ix) increase promotional opportunities to municipal employees to the Government Services and thereby increases competency and morale of the municipal/ Urban Development Authority employees.

16. Provincialisation of Services

The exercise involves provincialising the services of certain category of officers and employees working in the Urban Development Authorities and integrate them with officers working in respective government departments. In such case, the seniority and pay of the officers and employees would be protected. The existing provision (section 58) in the Hyderabad Metropolitan Development Authority Act should be kept in mind during the exercise. This should be taken care while drafting rules.

17. Financial implication

No additional posts are involved in this exercise. The existing officers may either work in the Government Departments or in the municipalities or Urban Development Authorities. There is no additional financial commitment to Government.

18. Legislative Competence

“Local Government” including municipal corporations and other local authorities is covered under Item 5 of List II — State List of Schedule VII of Constitution. The State Legislature is competent to make law on the above subject in exercise of powers under Art.246 of the Constitution.

19. Hence there is a need to effect amendments to relevant provisions of the respective Acts for

(i) Enabling officers of Government Departments to work in the Municipal Bodies/ Urban Development Authorities, and

(ii) Constituting Common Municipal Service to integrate services of middle level officers working in Municipal Bodies/ Urban Development Authorities and enable inter-se promotions/transfers.

20. One Section in GHMC Act and two sections each in other 4 Acts referred above need insertion/amendment. A Bill to give effect to the above decisions has been prepared. The Bill also provides adaptation of laws to Telangana State in terms of Section 101 of Andhra Pradesh State Reorganization Act.

K. TARA RAMA RAO,
Minister for Municipal Administration and
Urban Development.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND THE CONDUCT THE BUSINESS
IN THE LEGISLATIVE ASSEMBLY.**

The Telangana Municipal Laws and Urban Development Authorities (Amendment) Bill, 2016 after it is passed by both the Houses of the Legislature of the State may be submitted to the Governor for his assent under article 200 of the Constitution of India.

K. TARA KA RAMA RAO,
Minister for Municipal Administration and
Urban Development.

Dr. S. RAJA SADARAM,
Secretary to State Legislature.