

The Rajasthan Municipalities (Appointment of Members, Councillors by Co-Option) Order, 1959

RAJASTHAN

India

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Rule

THE-RAJASTHAN-MUNICIPALITIES-APPOINTMENT-OF-MEMBERS-CO of 1959

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The Rajasthan Municipalities (Appointment of Members, Councillors by Co-Option) Order, 1959 Published vide Notification No. F. 4 (34) LSG/A/59-2, dated 20-10-1959, published in Rajasthan Gazette, Extraordinary, Part 4-C, dated 24-10-1959

1. Short title & commencement.

- This Order may be called the Rajasthan Municipalities (Appointment of Members/Councillors by Co-option) Order, 1959 & shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In this Order, unless the context otherwise requires,-(1)Act means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);(2)[X X X] [Deleted by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.](3)Councillor means any person who is lawfully a member of a Municipal Council;(4)Member means any person who is lawfully a member of Municipal Board;(5)[Returning Officer Unless otherwise ordered by the Government, the Returning Officer means the Collector or the officer appointed as Returning Officer by him under clause 5 of the Rajasthan Municipalities Election Order, 1960.] [Substituted by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.]

Part I

3. [Notice of meeting for co-option. [Substituted by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.]

(1)The meeting of members for the co-option of members specified in sub-section (5) of Section 9 of the Act shall be held in the office of the Board at 10 A.M. on the day immediately succeeding the day on which the result of election of members is declared under sub-clause (2) of clause 23 or clause 56 of the Rajasthan Municipalities Election Order, 1960, as the case may be. Provided, that the State Government may, for reasons to be recorded in writing, direct the election by co-option to be held on some other day and time, as it deems fit. (2)The Returning Officer shall affix a notice of meeting on the notice board of the Municipality immediately after declaration of the result of election stating therein,-(a)the number of persons to be co-opted, namely:-(i)to persons belonging to the female sex if no such person has been returned to the Municipal Board by election.(ii)one person belonging to the female sex if only one such person has been returned to the Municipal Board by election;(b)10 A.M. to 11 A.M. as the time for filing nominations;(c)11.30 A.M. as the time for commencement of scrutiny of nomination papers;(d)2 P.M. as the time before which candidature may be withdrawn;(e)2.30 P.M. to 3.15 P.M. as the hours of poll;(f)counting shall be made immediately after completion of poll. Provided that the Returning Officer may extend time fixed for poll if necessary or may declare the poll as finally concluded earlier in case all the members have voted.]

4. Returning Officer to preside over meeting for co-option.

- The meeting for co-option of members shall be presided over by the Returning Officer.

5. Filing of Nomination papers.

(1)The nomination of every candidate shall be made by means of nomination paper in the form prescribed in Schedule I. (2)Every nomination paper shall be signed by [one member as proposer] [Substituted by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.] and the candidate shall sign a declaration on it expressing his willingness to stand for co-option. (3)Each candidate shall be nominated by a separate nomination paper. (4)Every nomination paper shall be presented by the candidate or his proposer [X X X] [Omitted by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.] on the date at the place and during the hours specified in the notice for filing nomination papers. (5)Immediately after the time for receipt of nomination papers is over the Returning Officer shall cause to be published a list in the form for receipt of nomination papers in the form prescribed in Schedule II containing the names of the candidates whose nominations have been received under the preceding sub-para by affixing it on the notice board of the Municipal Board at its office.

6. Scrutiny of nomination papers.

(1) On the date appointed for the scrutiny of nominations, the candidate, [and his proposer] [Substituted by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.] may attend at such place and time as is specified in the notice for the scrutiny of nomination papers and the Returning Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidate which have been received as aforesaid. (2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may, either on such objection, or on his own motion, and after such summary enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following ground;-(a) that the candidate suffers from any of the general disqualifications mentioned in section 26 of the Act; (b) that the candidate has been removed from the membership of the Municipal Board, under section 60 of the Act; (c) that the proposer is a person who is not a member; (d) that any of the provisions of [X X X] [Deleted by Notification No. FI (1)(2) M/Elec/76/2070, dated 27-5-1986, Published in Rajasthan Gazette, Extra-ordinary, Part VI-A, dated 27-5-1986, Page 121.] para 5 has not been complied with. [Provided that the nomination of a candidate shall not be rejected merely on the ground of incorrect description of the name or any other particulars of the candidate or his proposer if the identity of these persons can be otherwise established beyond reasonable doubt.] [Added by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.] (3) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

7. Publication of the list of validly nominated candidates.

- Immediately after the completion of scrutiny, the Returning Officer shall cause to be published on the notice board of the Municipality a list of validly nominated candidates written in Hindi in alphabetical order of their names properly in Schedule III.

8. Withdrawal of candidature.

(1) A candidate may withdraw her candidature before [hours fixed and specified in the notice] [Substituted by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.] by giving notice in writing to that effect to the Returning Officer [personally] [Added by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.].

9. Procedure after publication of the list of validly nominated candidates.

(1) If the number of candidates is equal to the number of vacancies, the Returning Officer shall declare all such candidates duly appointed as co-opted members. (2) [If the number of such candidates is less than the number of vacancies, the Returning Officer shall declare all such

candidates duly appointed as co-opted members and the remaining vacancy shall be filled in on any day after the due constitution of Municipal Board.] [Substituted by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.](3)If the number of candidates exceeds the number of persons to be co-opted an election shall be held by secret ballot, and votes of the members present at the meeting shall be taken.

10. [[Omitted by Notification No. F8 (114) LSG/61, dated 25-7-1962, Published in Rajasthan Gazette, Part IV-C, dated 4-10-1962.]

X X X]

11. Voting and result of election.

(1)The Returning Officer shall cause such arrangements to be made as will ensure the secrecy of the ballot.(1A)[The Returning Officer will be assisted by polling officers to be appointed by Collector.] [Added by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.](2)Every member wishing to vote shall be supplied with a ballot paper on which names of duly nominated candidates who have not withdrawn their candidature, shall be printed, typed, cyclostyled or legibly written in Hindi in the alphabetical order of their names in the form prescribed in Schedule IV.(3)[The voter shall place a mark or marks on the ballot paper duly authenticated by seal and signatures of the Returning Officer against the name or names of as many candidates as there are seats to be filled with the instrument supplied for the purpose by the Returning Officer and no other instrument.] [Substituted by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.](4)He shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Returning Officer.(5)If the voter is illiterate or is unable to place a cross mark on the ballot paper owing to blindness or other physical infirmity, the Returning Officer shall record the vote in the ballot paper in accordance with the wishes of the voter and fold it up so as to conceal the vote and the voter shall then himself or with the assistance of the Returning Officer, insert the ballot paper into the ballot box.(6)The ballot box shall be so constructed that the ballot papers can be Inserted therein but cannot be withdrawn therefrom without the box being unlocked.(7)Every person wishing to record his vote shall do so in person and not by proxy.(8)The Returning Officer shall, after the voting is over, open the ballot box and count the votes, in the presence of such members as may be present and declare the result in the following manner;-(a)The candidate who is found to have obtained the larger number of valid votes, or if more than one is to co-opted, the candidates upto the number of person to be co-opted who are found to have obtained the largest number of valid votes shall be declared to have been co-opted.(b)In the event of there being an equality of votes between the two candidates, the Returning Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly co-opted.

12. Validity of ballot papers.

- Any ballot paper which bears any mark or any signature of any voter by which the voter can be identified or in which the mark (X) is placed against more than the number of vacancies or in an ambiguous manner or which does not bear the official seal and signatures of the Returning Officer [or which bears a mark made otherwise than with the instrument supplied for the purpose] [Inserted by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.] shall be invalid.

13. [Preparation of record of proceeding and publication of result of election. [Substituted by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.]

(1)The Returning Officer shall sign the declaration of result of co-option in Schedule V, affix a copy thereof on the notice board of the Municipality and send a copy of the said declaration to (i) the Director of Elections, Election Department, Jaipur (ii) Director of Local Bodies, Rajasthan, Jaipur, (iii) The Collector, and (iv) Executive Officer, Municipal Board/Council.(2)Immediately after the declaration of the result of co-option, the Returning Officer, shall draw a proceeding of co-option meeting in Schedule VI and sign it attesting with his initials every correction made therein and also allow every member present to sign the proceedings if they so desire and send one copy of the same to Director of Election, Department Jaipur.]

14. Packing and preservation of election record.

(1)The Returning Officer shall then make up into packets the ballot papers and other papers relating to the elections, seal up the packet and note thereon a description of the contents, the election to which it relates and date therefor.(2)The packets shall be retained in safe custody in the office of the Collector concerned for a period of [six months from the date of declaration of result under para 13] [Substituted by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.] and shall then, unless otherwise directed by a competent Court, be destroyed.

15. Filling up of vacancies of co-opted members.

(1)Any vacancy occurring in the office of a co-opted member before the expiration of his term shall be filled by co-option of another person in the manner provided in the foregoing paras and the person so co-opted shall be hold office for the residue of the term of his predecessor.(2)[The date for such co-option along with the notice period to members shall be fixed-by the State Government.] [Para 15 amended & Sub-para (2) Inserted by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.]

Part II

16. Co-option of councillors of municipal council.

(1) The Returning Officer shall conduct the election for co-option of Councillors of a Municipal Council in the manner provided for in paras 3 to 15 of Part I, subject to the following variations, namely:-The references therein to "Municipal Board" "Member" and "Members" wherever they occur, shall be construed to be reference to Municipal Council "Councillor" and "Councillors" respectively.[Schedule-I] [Substituted by Notification No. FI (1)(2) M/Elec/76/645, dated 23-1-1982, Published in Rajasthan Gazette, Part IV-C, dated 23-1-1982, Page 404.][See para 5]Appointment of members by co-option in Municipality.Nomination PaperI, nominate Sushri/Srimati..... as candidate for co-option as member in the [Municipal Board/ Municipal Council] [Strike out whichever is Inapplicable.] of the above.....Municipal Council

1. Candidate's postal address.
2. Age.
3. Name of caste or tribe(In case of S.C. or S.T. person).
4. Electoral roll number of candidate-
 - (a) SI.No.of ward.
 - (b) Electoral Part No.
 - (c) S.No.of entry.
5. Particular of proposer-
 - (a) Name and address
 - (b) S. No. in the list of members.

Place.....

Date..... Signature of proposer.

Candidate's DeclarationI the above named candidate, give my consent to this nomination and hereby declare that I do not hold any of the disqualifications enumerated in Section 26 of the Rajasthan Municipalities Act, 1959. and that I am qualified to be a candidate for co-option of the Municipal Board/Council.

Place.....

Date..... Signature of candidate.

Endorsement by the Returning OfficerSerial No.....This nomination paper was presented to me by..... (name) the [candidate/ proposer] [Strike out which is in applicable.] at..... (time) on..... (date).

Place.....

Date..... Signature of the Returning Officer.

Order of the Returning OfficerAccepted/RejectedReasons for rejection.

Place.....

Date..... Signature of the Returning Officer.

Received nomination paper of Smt./Sushri..... a candidate for co- option in [Municipal Board/ Council] [Strike out which is in applicable.]. It was presented to me (place) at..... (time) on..... (date).Signature of the Returning Officer

II

Sub-Para (5) of para 5 of the Rajasthan Municipalities (Appoint merit of Members/Councillors by Co-option) Order, 1959.List of candidates proposed for appointment as co-opted members of Municipal Board/Council.

S. No. Name & description of candidate. Address. Remarks.

1.

2.

3.

4.

5.

Place.....

Date..... Signature of the Returning Officer.

III

Para 7 of the Rajasthan Municipalities (Appointment of Members/Councillors by Co-option) Order, 1959.List of candidates validly nominated for appointment as co-opted members of a Municipal Board/Council.

S. No. Name & description of candidate. Address. Remarks, if any

1.

2.

3.

4.

5.

Place.....

Date..... Signature of the Returning Officer.

IV

Sub-para (2) of para 11 of the Rajasthan Municipalities (Appointment of Members/Councillors by Co-option) Order, 1959.Ballot Paper.....Municipal Board/Council,Signature and seal of the Returning Officer.

S. No.	Name of the candidate with the name of father orhusband, and residence.	For mark (X) by voter
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1.2.3.4.5.6.7.8.9.10.

[Schedule-V] [Added by Notification No. FI (1)(2) M/Elec/76/2776, dated 15-10-1976, Published in Rajasthan Gazette, Part IV-C(I), dated 15-10-1976, Page 459.][See para 13 (1)]Declaration of result of co-option in..... Municipal Board/Council.In ursuance of para 13(1) of the Rajasthan Municipalities (Appointment of Members/Councillors by Co-option) Order, 1959, I declare that-

1. Smt./Susri.....(name with address)

2. Smt./Susri.....(name with address)

has/have been duly co-opted to fill the seat(s) in..... Municipal board/Council.

Place..... Signature of the Returning Officer

Date.....

VI

[See para 13(2)]Proceedings of co-option of..... Municipal Board/Council.Total women to be co-opted.....The meeting of elected members to co-opt members belonging to female sex of..... Municipal Board/Council was held in the office of the said board/council on.....at.....(time). The following members/the members as per list attached were present in the meeting.-

1.

2.

3.

4.

5.

etc.The details of the nominations, scrutiny, withdrawals and contestants are given below:-

1. Names of nominated candidates

(whether S.C. or S.T.)

1.

2.

etc.

2. The result or scrutiny.

(i) No. of candidates whose nomination papers found valid.

(ii) Names of candidates whose nomination papers rejected.

Name

Reasons of rejection.

(iii) Time taken in scrutiny

1.

2.

etc.

1.

2.

etc.

3. Names of contesting candidates.

4. Names of candidates withdrawn.

Name

Valid votes polled.

1.

2.

etc.

5. Total No. of rejected votes in co-option.

6. Time at which poll was concluded.

7. Time at which result announced.

8. Name(s) of co-opted members.

(whether S.C. or S T.)

1.

2.

etc.

9. Names of members who did not attend the meeting at all.

1.

2

etc.

Place..... Signature of the Returning Officer

Date.....