

The M.P. Municipalities (Election of Vice-President) Rules, 1998

MADHYA PRADESH

India

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Rule

THE-M-P-MUNICIPALITIES-ELECTION-OF-VICE-PRESIDENT-RULES-1998 of 1998

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The M.P. Municipalities (Election of Vice-President) Rules, 1998Published vide Notification No. 7-18-3-98, dated 7-2-1998 M.P. Rajpatra, Part 3, dated 6-3-1998In exercise of the powers conferred by Section 355 read with Section 43 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the State Government hereby makes the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the Madhya Pradesh Municipalities (Election of Vice-President) Rules, 1998.(2)They shall come into force with effect from the date of their publication in the "Madhya Pradesh Rajpatra".

2. Definitions.

- In these rules, unless the context otherwise requires :- (a)"Act" means the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961); (b)"Councillor" means the President and the elected Councillors of the Council; (c)"Form" means a form appended to these rules; (d)["Meeting" means the meeting of the Council under Section 43 read with Section 51; [Substituted by Notification No, 436-18-3-99. dated 21-12-1999.](e)"Presiding Authority" means the officer appointed by the Collector under sub-section (2) of Section 55;](f)"Section" means section of the Act; (g)Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Time and place of election.

(1)The election of the Vice-President shall take place at such time and place as may be fixed by the presiding authority in that behalf :[Provided that the whole procedure of election from submission of nomination papers to poll should be completed upto 5 p.m. on the date of election.] [Substituted by Notification No. 41 -XVIII-3-98, dated 17-8-1998.](2)[The [Chief Municipal Officer] [Substituted by Notification No. 41 XVIII-3-98, dated 17-8-1998.] shall specify in the notice of the meeting, the date, time and place fixed under sub-rule (1) and shall, by such notice, invite the nomination papers of candidates for such election and specify the date, time and place at which the nominations are to be delivered.(3)Notice of the meeting shall be despatched to every Councillor and exhibited at the Council Office at least seven clear days before the meeting.][4 Presentation of nomination papers. [Substituted by Notification No. 41 XVIII-3-98, dated 17-8-1998](1)A candidate for election as Vice-President shall be nominated by a nomination paper in Form A which shall be delivered by the candidate in person or by his proposer or seconder on the date, time and place fixed under Rule 3 to the Chief Municipal Officer.(2)No Councillor shall propose or second the nomination of more than one candidate.]

5. Procedure of receipt of a nomination paper.

- On the presentation of a nomination paper, the Chief Municipal Officer shall sign thereon a certificate stating the date and time of presentation of the nomination paper and enter thereon its serial number.

6. Scrutiny of nomination.

(1)The presiding authority shall examine the nomination paper at the meeting before the time fixed for the election after giving the Councillors present at the meeting all reasonable facilities for examining them and decide all objections which may be made to any nomination.(2)The presiding authority may either on such objections or on his own motion and after summary inquiry, if any, as he thinks necessary, reject a nomination paper on any of the following grounds, namely :-(a)that the candidate is not eligible for election as Vice-President under the Act; or(b)that the signature of the candidate, proposer or seconder is not genuine or has been obtained by fraud; or(c)that the Council has subscribed, whether as proposer or seconder, the nomination paper on more than one candidate; or(d)[that the nomination paper was not received within the prescribed time limit.] [Inserted by Notification No. 41-XVIII-3-98, dated 17-8-1998.](3)The presiding authority shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected he shall record in writing a brief statement of his reasons for rejecting.(4)The decision of the presiding authority shall be final.

7. Withdrawal of candidature.

- A candidate who is duly nominated may withdraw his candidature by an application in writing before a ballot is taken.

8. Nominations.

- The presiding authority shall, after scrutinising the nomination papers, read out at the meeting before the Councillors as present in respect of-(a)the name of candidates whose nomination papers have been declared invalid and reasons therefor;(b)the names of candidates who have withdrawn; and(c)the names of candidates, whose nomination papers have been finally accepted.

9. Procedure.

(1)If there is only candidate whose nomination paper is found valid the presiding authority shall declare such candidate duly elected to the office of the Vice-President.(2)When the number of duly nominated candidates is more than one, the election shall be held by secret ballot.

10. Ballot box and manner of recording votes.

(1)When election is to be held by ballot the presiding authority shall provide a ballot box which shall be so constructed that the ballot papers can be inserted therein but cannot be withdrawn without the box being unlocked.(2)The presiding authority shall, immediately before the commencement of voting, demonstrate to the Councillors present that the ballot box is empty, and shall then lock it up and place it to receive the ballot papers.(3)Every Councillor present at the meeting shall be supplied with a ballot paper, initialled by the presiding authority, on which the names of all candidates contesting the election shall be typed or legibly written in "Form B".(4)Each Councillor shall in the order prescribed by the presiding authority proceed to the place set apart for the purpose and there make a mark "X" on the ballot paper against the name of the candidate for whom he wishes to vote. No Councillor shall vote for more than one candidate. The ballot paper shall then be folded so as to conceal his vote and insert the folded ballot paper in the ballot box.

11. Procedure upon opening each ballot box and counting of votes.

- The presiding authority shall open the ballot box and proceed to scrutinise the ballot papers. If on any ballot paper there is "X" mark against more than one name or there is any mark or sign on a ballot paper by which the voter can be identified, such ballot papers shall be considered invalid and shall not be counted. The decision of the presiding authority shall be final in this respect. The valid votes shall then be counted by the presiding authority and the ballot paper arranged in respect of each candidate.

12. Equality of votes.

- If after the counting of the votes is completed, and equality of votes is found to exist between any candidates and addition of one vote will entitle one of those candidates to be declared elected, the presiding authority shall, decide by lot in such manner as may be determined by him and proceed if the candidate on whom the lot falls had received an additional vote.

13. Declaration of result of election.

- When the counting of votes has been completed, the presiding authority shall, subject to the provisions of Rule 12, if and so far as they apply to particular case, declared to be elected, the candidate for whom the largest number of valid votes has been given and prepare, complete and certify a return of election.

14. Maintenance of secrecy of voting.

- Every person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of voting and shall not (except for some purpose authorised by or under any Law) communicate to any person any information calculated to violate such secrecy.

15. Disposal of election papers.

- The nomination papers, ballot papers, whether valid or rejected, and all other papers relating to the election, shall, in sealed packets be kept by the Chief Municipal Officer in the custody for a period of five years from the date of the election and may then be destroyed by him.

16. Casual vacancy.

- In case of a casual vacancy occurring in the office of the Vice-President action for filling up such vacancy shall, subject to the provisions of Section 43, be taken in the same manner as in the case of original election.

17. Repeal.

- All rules, bye-laws and orders, if any, on this subject in force immediately before the commencement of these rules are hereby repealed. [Form-A] [Substituted by Notification No. 41-XVIII-3-98, dated 17-8-1998] [See sub-rule (1) of Rule 4] Election to the Office of the Vice-President (To be filled in by the proposer) I hereby nominate Shri/Smt. as a candidate for election of the Office of the Vice-President of the Municipal Council/Nagar Panchayat.

1. Full name of the Proposer

2. Signature of the Proposer with date.

3. Full name of the Secunder

4. Signature of the Secunder with date

I assent to this nomination

Place :

Date : Signature of the Candidate.

Form-B[See sub-rule (3) of Rule 10]Ballot PaperMunicipal Council/Nagar Panchayat.....

Name of candidates duly nominated for the office of the Vice-President.

1.

2.

3.