

The Rajasthan Municipal Boards' Chairman and Vice-Chairman and Municipal Council Presidents and Vice-Presidents (Election Petition) Rules, 1959

RAJASTHAN

India

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Rule

THE-RAJASTHAN-MUNICIPAL-BOARDS-CHAIRMAN-AND-VICE-CHAIRMAN OF 1959

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The Rajasthan Municipal Boards' Chairman and Vice-Chairman and Municipal Council Presidents and Vice-Presidents (Election Petition) Rules, 1959 Published vide Notification No. F. 4(34) LSG/A/59-1, dated 12-11-1959, published in Rajasthan Gazette, Part 4-C, dated 26-11-1959 In exercise of the powers conferred by section 297 read with section 66 Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following rules, namely :-

1. Short title and commencement.

(1)The rules may be called the Rajasthan Municipal Boards' Chairmen and Vice-Chairmen and Municipal Councils' Presidents and Vice-Presidents (Election Petition) Rules, 1959.(2)They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires :-(1)"Act" means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959).(2)"Candidate" means a person who has been nominated as a candidate at any election of Chairman, Vice-Chairman, President or Vice-Presidents, as the case may be, and includes a person, who when an election is in contemplation, holds himself out as a prospective candidate thereat and is subsequently nominated as a candidate at such

election.(3)"Chairman" means a Chairman of a Municipal Board.(4)"Councillor" means any person who is lawfully a member of a Municipal Council.(5)"Electoral right" means the right of a person to stand or not to stand as or to withdraw from being a candidate and to vote or refrain from voting at an election.(6)"Judge" means-(a) the District Judge sitting at a place where the Municipal office is situated,(b)where there is no such District Judge, the Civil Judge so sitting,(c)where an election petition is transferred by a District Judge to a Civil Judges, such Civil Judge, or(d)any other Judge specially appointed by the State Government for the purpose.(7)"Member" means any person who is lawfully a member of the Municipal Board.(8)"President" means a president of a Municipal Council.(9)"Vice-Chairman" means a Vice-Chairman of a Municipal Board.(10)"Vice-President" means a Vice-President of Municipal Council.

3. Grounds on which elections may be called in question.

- The election of a Chairman, Vice-Chairman, President or Vice-President may be questioned by a candidate who has been defeated or whose nomination has been rejected by an election petition on one or more of the following grounds :-(a)that on the dates of election, a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act, or(b)that any corrupt practice specified in section 35 of the Act has been committed by a returned candidate or by any other person with the consent of returned candidate, or(c)that any nomination has been improperly rejected or that the result of the election in so far as it concerns a returned candidate has been materially affected-(i)by the improper acceptance of any nomination, or(ii)by any corrupt practice committed in the interest of the candidate by a person acting with the consent of such candidate, or(iii)by the improper rejection, refusal or rejection of any vote or the rejection of any vote which is void, or(iv)by any non-compliance with the provisions of the Act or of any rules or orders made thereunder, or(d)that in the petitioner or some other candidate received a majority of the valid votes, or(e)that but for the votes obtained by the returned candidate by corrupt practices, the petitioner or some other candidate would have obtained a majority of the valid votes.

4. Presentation of election petitions.

(1)The election petition shall be presented to the Judge within thirty days from the date on which the result of the election in question is announced and shall specify the ground or grounds on which the election of the respondent is questioned and shall briefly describe the circumstances which may justify the election being questioned on such grounds. Every election petition shall be accompanied by an treasury challan of rupees one hundred.(2)The election petition may be presented to the Judge by a candidate who has been defeated or whose nomination has been rejected.(3)The person whose election is questioned, and where the petitioner claims that he himself or any other candidate be declared duly elected in place of such person, all the contesting candidates other than the petitioner,shall be made respondents to the petition.

5. Rights of candidates whose election is questioned.

- A respondent may defend his election on any ground on which it may be open to him legally to do so and give evidence to prove that any person in respect of whom a claim is made that such person

be declared elected in his place or in priority to him, should not be declared so elected, in the same manner as if he had presented an election petition against the election of such person.

6. Procedure.

- In hearing the petition, the Judge shall follow the procedure laid down in section 41 of the Act.

7. Powers of Judge hearing petition.

- In hearing the petitions, the Judge shall exercise the powers specified in sections 43 and 44 of the Act.

8. Execution of orders to costs.

- Any order as to costs passed by the Judge shall be executed by him on application made in that behalf in the same manner and by the same procedure as if it were a decree in the payment of money made by himself in a suit.