

# Rajasthan Municipalities (Recall of Chairperson) Rules, 2012

RAJASTHAN

India

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### Rule

### RAJASTHAN-MUNICIPALITIES-RECALL-OF-CHAIRPERSON-RULES-2012

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Rajasthan Municipalities (Recall of Chairperson) Rules, 2012 Published vide Notification No. 10293, dated 11.9.2012-Rajasthan Gazette Extraordinary Part 6(A), dated 11.9.2012 In exercise of the powers conferred by Sections 53 and 337 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) the Government of Rajasthan hereby makes the following rules, namely: -Chapter-I Preliminary

### 1. Short title and commencement.

(1) These rules may be called the Rajasthan Municipalities (Recall of Chairperson) Rules, 2012. (2) They shall come into force with immediate effect.

### 2. Definitions.

(1) In these rules, unless the context otherwise requires, -(a) "Act" means the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009); (b) "Election Commission" means the State Election Commission; (c) "Municipality" means municipality constituted under the provisions of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009); (d) "Municipal Electoral Roll" in relation to a municipality means the latest collection of the list of voters published by the Electoral Registration Officer for all the wards of the municipality; and (e) "Voter" means any person who is entitled to vote at the election of the municipality and whose name is included in the latest available list of voters of the municipality published by the Electoral Registration Officer. (2) "Words" and "Expressions" used but not defined in these rules shall have the same meaning as assigned to them in the Act and Rajasthan Municipalities (Election) Rules, 1994. Chapter-II Resolution of Recall

### 3. Resolution of recall.

(1) A written notice of intention to recall of the Chairperson signed by not less than three-fourth of the total number of the elected members of the municipality together with the copy of the resolution proposed to be made shall be presented to the Collector of the concerned district according to the provisions of Section 53 of the Act. (2) The Collector on receipt of aforesaid resolution shall satisfy himself and verify as expeditiously as possible but within a period of seven days that the three-fourth of the members of the municipality referred in sub-rule (I) have signed the said proposal of recall, shall fix a date for convene meeting of the municipality as per the provisions of Section 53 of the Act. The Collector shall appoint an officer as per the provisions of Section 53 of the Act, who shall preside over the said meeting. (3) The Collector shall send a notice of such meeting and of the date and time fixed therefore to elected members of the municipality. (4) The presiding Officer appointed by the Collector shall preside at such meeting and if within half an hour from the time appointed for the meeting, he is not present or is unable for any unavoidable cause to preside at the meeting, the meeting shall stand adjourned to the date and the time to be fixed and notified to the members by the Collector. (5) A meeting convened for the purpose of consideration of the aforesaid resolution under these rules shall not for any reason except reasons stated in sub-rule (4), be adjourned. (6) As soon as the quorum is present the Presiding Officer shall read the resolution for the consideration for which the meeting has been convened and declare it to be open for discussion. No meeting for the consideration of the resolution shall be held unless the quorum is present. Three-fourth of the eligible members shall require for the quorum. (7) Such discussion shall not be adjourned and shall automatically terminate on the expiry of four hours from the time fixed for the commencement of the meeting unless it is concluded earlier. (8) On the conclusion of the debate or upon the expiry of the said period of four hours, as the case may be, the resolution shall be put to the vote and the Presiding Officer shall neither speak on the merits thereof nor comments thereon. The voting shall be carried out by the way of secret ballot. (9) If such resolution is carried by majority of three-fourth of the elected members of the municipality, the resolution shall be deemed to have been passed against the Chairperson. The Presiding Officer shall in writing submit the result of voting in the meeting to the Collector and the same shall be communicated to the State Government, and if the resolution is not carried by three-fourth of the elected Members of the municipality having cast their vote, it shall be deemed to have lost. (10) The State Government on receipt of the communication from Collector shall make reference to the State Election Commission under sub-Section (3) of Section 53 of the Act. (11) On receipt of said reference, the State Election Commission shall arrange for voting on the proposal of recall.

### 4. District Municipal Election Officer.

- The District Municipal Election Officer shall, subject to the superintendence, direction and control of the State Election Commission, be in overall in-charge of the voting on proposal of recall of Chairperson.

## **5. Appointed of Returning Officer and Assistant Returning Officers.**

- For the conduct of voting on the proposal of recall of Chairperson, the District Municipal Election Officer may, appoint a Returning Officer and as many Assistant Returning Officers, as he may deem necessary.

## **6. Public Notice of voting for recall.**

- Public notice for voting on proposal of recall of Chairperson shall be given by the State Election Commission mentioning therein the dates and hours of polling between which poll shall be held.

## **7. Symbols.**

- The State Election Commission shall specify, a symbol for casting vote in favour of proposal of recall of Chairperson and another symbol for casting vote against the proposal of recall of Chairperson in the poll. Ballot paper shall be in such form as may be specified by the State Election Commission.

## **8. Voting on the proposal recall.**

(1)Voting on the proposal of recall of Chairperson shall be conducted by the ballot or voting machine, as may be decided by the State Election Commission.(2)For voting on the proposal of recall of Chairperson, the provisions of Chapter-III and III A of the Rajasthan Municipalities (Election) Rules, 1994 relating to Poll, Manner of voting at election, hours of Poll, Polling Agent, Polling Station, Presiding Officer and Polling Officers, duties of Presiding Officers, arrangements at polling station, Ballot boxes, Preparation of ballot boxes for poll, marked copy of list of voters. Procedure for issue of ballot paper to a voter, Voting .Procedure for voting and secrecy of voting, Recording of vote of blind or infirm voters, Assistance to voter, Identity of voter, Closing of poll, Number of votes, Challenged votes, Tendered Votes, Spoilt and returned ballot papers, Voting by officers on election duty, Sealing of ballot boxes, sealing of polling materials and other papers, Accounts of ballot papers, Transmission of ballot boxes etc. to the returning officer, Removal from polling station for misconduct, postponement of poll in emergencies, Adjournment of poll, Procedure on adjournment of poll. Fresh poll in case of obstruction or damage of ballot boxes etc, Appointment of date, time and place for counting of votes, Counting agent, Appointment of counting supervisor and counting assistants, Admission to the place fixed for counting, Maintenance of secrecy of voting, Scrutiny and opening of ballot boxes, Counting and scrutiny of votes, Rejection of ballot papers, Counting to be continuous, Destruction or loss of ballot papers at the time of counting, Custody of ballot papers and other papers relating to election, Production and inspection of election papers, Disposal of election papers, Requisitioning of premises, vehicles etc, for election purposes, Printing and clerical errors in electoral rolls, Voting and counting of votes by voting machines, shall mutatis-mutandis apply.

## **9. Officers and Staff of local authorities etc. to be made available to the State Election Commission.**

- In voting for the proposal of recall of Chairperson, the provisions of Section 18 and 19 of the Act shall mutatis-mutandis apply.

## **10. Preparation of result sheet of counting.**

- After the completion of the counting of votes; the Returning Officer shall prepare the result in such Form as may be specified by the State Election Commission, containing the following information, namely: -(i)number of valid votes given in favour of proposal of recall;(ii)number of valid votes given against proposal of recall;(iii)number of votes declared invalid; and(iv)number of tendered votes.

## **11. Announcement of result and recounting of votes.**

(1)After the preparation of the result sheet of polling on the proposal of recall, the Returning Officer shall announce the total number of valid votes polled in favour of proposal of recall and against the proposal of recall.(2)After such announcement has been made the Chairperson or in his absence his counting agent or any elected member of the municipality, as the case may be, may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recounting.(3)On such application, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it, if it appears to him to be frivolous and unreasonable.(4)Every decision of the Returning Officer under sub-rule (3) shall be in writing and containing the reasons thereof.(5)If the Returning Officer decides under sub-rule (3) to allow the recounting of votes either wholly or in part, he shall recount and amend the result sheet to the extent necessary after such recounting and announce the amendment so made by him.(6)After the total number of votes polled in-favour of proposal of recall and against proposal of recall under sub-rule (1) or under sub-rule (5) in case of re-counting has been ordered under sub-rule (3), the Returning Officer shall complete and sign the result sheet and no application for recounting shall be entertained thereafter:Provided that no step under this sub-rule shall be taken on the completion of the counting until the Chairperson or in his absence his counting agent or any elected member of the municipality present at the completion thereof have been given a reasonable opportunity to exercise their right conferred by sub-rule (2).

## **12. Declaration of results.**

- When the counting of votes has been completed the Returning Officer shall prepare a return of the result of the polling in Form as may be specified by the State Election Commission and declare the result. If more than half of the total number of voters of municipal area casting vote in favour of proposal for recall, Chairperson shall forthwith be deemed to have vacated his office as per sub-Section (1) of Section 53 of the Act.

### **13. Publication of result.**

- The result of voting on proposal of recall of Chairperson shall be published by the Returning Officer in the Official Gazette.

### **14. Power to issue instructions and removal of difficulties.**

(1) The State Election commission may subject to the provisions of the Act and these rules, issue such instructions as may consider reasonable for conducting impartial and lawful voting on the proposal of recall. (2) If any difficulty arise in the implementation of these rules, the State Election Commission or any authority directed by it, may by an order in writing give directions as may appear necessary to it for the removal of any such difficulty.

### **15. Repeal and savings.**

- The Rajasthan Municipalities (Motion of No-confidence against Chairperson or Vice-Chairperson) Rules, 2007 is hereby repealed: Provided that such repeal shall not affect the previous operation of the rules, so repealed, and shall not affect anything duly done or suffered or any obligation or liability acquired or incurred under the rules, so repealed.