

The Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President and Vice-President) Rules, 1959

RAJASTHAN

India

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Rule

THE-RAJASTHAN-MUNICIPALITIES-ELECTION-OF-CHAIRMAN-VICE-CH **of 1959**

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The Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President and Vice-President) Rules, 1959 Published vide Notification No. F4(34) LSGA/59-3, dated 20-10-1959, Rajasthan Rajpatra, Extraordinary, Part 4-C, dated 24-10-1959 This rule now stands repealed by Rajasthan Municipalities (Election) Rules, 1994. In exercise of the powers conferred by section 297 read with subsection (2), (3), (4) and (5) of section 65 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following Rules, namely :-

1. Short title.

- These rules may be called the Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President and Vice-President) Rules, 1959.

Part I – 2. Definition.

- In these rules, unless the context otherwise requires-(1)"Act" means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);(2)"Board" means a Municipal Board established or deemed to be established under the Act;(3)"Candidate" means a candidate for the office of Chairman, Vice-Chairman, President or Vice-President, as the case may be;(4)"Chairman" means the Chairman of a Board;(5)"Clear days" includes Sundays and other holidays but does not include the date of receipt of a notice by a person to whom such notice is addressed on the date specified in

it;(6)"Council" means a Municipal Council established or deemed to be established under the Act in a city;(7)"Councillor" means any person who is lawfully a member of a council;(8)"Meeting" means a meeting of the member in the case of a board and the meeting of councillors in the case of a council;(9)"Member" means any person who is lawfully a member of a board;(10)"President" means the President of a Council;(11)[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 dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.](12)"Schedule" means a Schedule to these Rules;(13)"Vice-Chairman" means the Vice-Chairman of a Board;(14)"Vice-President" means the Vice-President of Council.

Part II – 3. Meeting for election of a Chairman.

(1)The Meeting of members for election of Chairman 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 [x x x] [Deleted by Notification No. F 1 (1) M/Elec/90/4/129, dated 13-7-1990, Rajasthan Rajpatra, Part VI(A), Extraordinary, dated 13-7-1990, page 1293.] members is declared [x x x] [Deleted by Notification No. F 1 (1) M/Elec/90/4/129, dated 13-7-1990, Rajasthan Rajpatra, Part VI(A), Extraordinary, dated 13-7-1990, page 1293.] :Provided, that the State Government may, for reasons to be recorded in writing, direct the elections of Chairman to be held on some other day and time as it deems fit;[x x x] [Deleted by Notification No. F 1 (1) M/Elec/90/4/129, dated 13-7-1990, Rajasthan Rajpatra, Part VI(A), Extraordinary, dated 13-7-1990, page 1293.]

4. Notice of meeting.

- The Returning Officer shall affix notice of the meeting on the notice board of the Municipality immediately after the declaration of the result of election of members [x x x] [Deleted by Notification No. F 1 (1) M/Elec/90/4/129, dated 13-7-1990, Rajasthan Rajpatra, Part VI(A), Extraordinary, dated 13-7-1990, page 1293.] stating therein-(a)10 A.M. to 11 A.M. as the time for filing nomination;(b)11.30 A.M. as the time for commencement of scrutiny of nomination papers;(c)2 P.M. as the time before which candidature may be withdrawn;(d)2.30 P.M. to 5 P.M. as the hours of poll, if necessary;(e)Counting shall be made immediately after completion of poll;Provided that the Returning Officer may extend time for poll if necessary or may declare the poll as finally concluded earlier in case all the members holding office have voted.

5. [Scrutiny of nomination papers. [Amended by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.]

(1)The nomination of every candidate shall be made by means of a nomination paper in the form prescribed in Schedule I.(2)Every nomination paper shall be signed by a member as proposer and the candidate shall sign a declaration on it expressing his willingness to stand for the election.(3)Each candidate shall be nominated by a separate nomination paper.(4)Every nomination

paper shall be presented by the candidate or his proposer on the date, at 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 prescribed in Schedule II, containing the names of the candidates whose nomination have been received under the preceding sub-rule.

6. Scrutiny of nomination papers.

(1)On the date appointed for the scrutiny of nominations, the candidate, his proposer 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 candidates 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 grounds :-(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 Board under section 63 of the Act;(c)that the proposer is a person who is not a member of the Board;(d)that any of the provisions of rule 5 have not been complied with:Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or the name of his proposer or, of any other particulars relating to the candidate or his proposer if the identity of the candidate or proposer as the case may be, can otherwise be established beyond reasonable doubt.(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 nominated candidates.

- The Returning Officer shall cause to be published a list containing the names of the validly nominated candidates in the form [prescribed] [Substituted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.] in Schedule III, by affixing it on the Notice Board of the Board at its office.]

8. [Notice of withdrawal of candidature. [Substituted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.]

(1)Any candidate may withdraw his candidature by a notice in writing in the form prescribed in schedule III-A before the time fixed under clause (c) of rule 4 and deliver the same to the Returning Officer personally.(2)No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.(3)The Returning Officer shall arrange the names of contesting candidates according to Hindi alphabets written in Deonagri script, prepare the list of contesting candidates in the form prescribed in Schedule III-B and affix it on the notice board of the

Municipality.Explanation. - Alphabetical arrangement shall be made with reference to the names proper of candidate and not with reference to their surnames and names proper alongwith surnames, if any shall be written in the list of contesting candidates.]

9. Procedure after publication of the list of contesting candidates.

(1)If there is only one candidate there shall be no poll and the candidate so nominated shall be declared to have been duly elected as the Chairman in the form prescribed in Schedule V.(2)If there are two or more of such candidates, an election shall be held by secret ballot and votes of the members present at the meeting shall be taken.(3)If there is no validly nominated candidate, all proceedings in relation to election shall be commenced afresh.

10. Voting and result of election.

(1)The Returning Officer shall cause such arrangement to be made as will ensure the secrecy of the ballot.(1A)[Returning Officer will be assisted by Polling Officers to be appointed by Collector.] [Inserted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.](2)[The ballot paper shall be in the form prescribed in Schedule IV. The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates. The Polling Officer shall tick mark the entry in the list of members before issuing ballot paper.] [Substituted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.](3)[Every member wishing to vote shall place a cross mark on the ballot paper duly authenticated by seal and signature of the Returning Officer against the name of the candidate by means of the instalment supplied for the purpose by the Returning Officer and by no other instrument.] [Inserted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.](4)He shall then [fold] [Substituted by Notification No. F 8 (114) LSG/61-Part III, dated 29-8-1962, Rajasthan Rajpatra, Part IV-C, dated 18-10-1962.] 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 introduced therein but cannot be withdrawn therefrom.(7)Every person wishing to record his vote shall do so in person not by proxy.(8)The Returning Officer shall after the voting is over [XXX] [Omitted by Notification No. F 8 (114) LSG/61-Part III, dated 29-8-1962, Rajasthan Rajpatra, Part IV-C, dated 18-10-1962.] :-(a)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 :-(i)If there are only two candidates, the one who secures the larger number of votes shall be declared to have been elected;(ii)if there are more than two candidates, the one who obtains the lowest votes shall be eliminated and the votes taken again. If there is an equality votes among all the candidates or if two or more candidates lowest on the list have obtained [an] [Inserted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.] equal number of votes, the Returning Officer shall ascertain by lost in the presence of the

members as two which of them shall be eliminated. The elimination shall be repeated until to candidates only are left, when votes shall be taken for the last time and the candidates who secures the largest number of valid votes shall be declared to have been duly elected. In the event of there being an equality of votes at the final stage between the two remaining candidates. The Returning Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be drawn declared to have been duly elected.(iii)[The declaration of result of election of Chairman shall be made in form prescribed in Schedule VI.] [Inserted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.]

11. [Procedure of counting and declaration of result. [Substituted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.]

(1)The Returning Officer shall scrutinise the ballot paper and separate those which in his opinion are valid from those which in his opinion are invalid endorsing on the latter the word "rejected" and the grounds of rejection.(2)A ballot paper shall be invalid on the following grounds-(i)that it bears any mark of signature by which an elector can be identified, or(ii)that the mark is placed against more than one name, or(iii)that no mark is recorded on the face of the ballot paper or the mark is so placed that it could not be ascertained for whom the vote has been given or the mark is made by any instrument other than the one supplied for the purpose by the Returning Officer, or(iv)that it is a spurious ballot paper.(3)Every ballot paper which is not rejected under the foregoing sub-rule shall be counted as one valid vote.]

12. Preparation of record of proceedings and publication of result of election.

- Immediately after the meeting for election the Returning Officer shall-(a)prepare a record of the proceedings in the form prescribed in Schedule VIII at the meeting and sign it, attesting with his initials every correction made therein, and also permit any member present at the meeting to affix his signature to such record if he expresses his desire to do so, and(b)published on the Notice Board of the Board at its office a notification signed by him stating the name of the person elected as Chairman and send a copy of such notification (1) to the State Government for publication in the Official Gazette; (2) to the Collector concerned and (3) to the Director of Local Bodies, Rajasthan, Jaipur.

13. Packing, preservation, production and inspection of election record.

(1)The Returning Officer shall than make up into packets the ballot rapers and other papers relating to the election, seal up the packets and note thereon a description of the contents, the election to which it relates and the date therefor.(2)The packets shall be retained in safe custody in the office of the Collector concerned for a period of [six months] [Substituted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.] and shall than unless otherwise directed by the competent court be destroyed.(3)While in the custody of the Collector, the packets of the election papers shall not be opened and their contents shall cot be inspected by or

produced before, any person or authority except under the order of a competent court.

Part III – 14. Election of Vice-Chairman.

- The election of Vice-Chairman shall be held on the day immediately succeeding the day on which the result of election of Chairman is declared in accordance with the provisions of foregoing rules subject to the following variation, namely :-The reference therein to Chairman wherever it occurs shall be construed to be reference to Vice-Chairman :Provided, that the State Government may, for reasons to be recorded in writing, direct the election of Vice-Chairman to be held on some other day and time as it deems fit.

Part IV – 15. Election of President.

- The Returning Officer shall conduct the election of President in accordance with the procedure laid down subject to the following variations, namely :-(a)The reference therein to "Board" and "Chairman" wherever they occur shall be construed to be as references to "Council" and "President" respectively.(b)References to "Member" and "Members" wherever they occur shall be construed to be s references to "Councillors" respectively.

Part V – [16. Election of Vice-President. [Substituted by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.]

- The election of Vice-President shall be held on the day immediately succeeding the day on which the result of election of President is declared in accordance with the provisions for foregoing rules, subject to the following variation, namely :-(a)The references therein to "Board" and "Chairman" wherever they occur shall be construed to be as references to "Council" and "Vice-President" respectively.(b)References to "member" and "members" wherever they occur shall be construed to be as references to "Councillor" and "Councillors" respectively;]Provided, that the State Government may, for reasons to be recorded in writing, direct the election of Vice-President to be held on some other day and time as it deems fit.[Part VI] [Added by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.] [17. Filling up of vacancies of Chairman, Vice-Chairman, President and Vice-President. [Added by Notification dated 23-1-1982, Rajasthan Rajpatra, Extraordinary, Part IV-C (I) dated 23-1-1982, page 393.](1)Any vacancy occurring otherwise than by efflux of time shall be filled by holding bye-election in accordance with the provisions of the foregoing rules and the person so elected as Chairman, Vice-Chairman, President & Vice- President shall hold office for the residue of the term of his predecessor.(2)The date for such bye-election alongwith notice period to members/councillors shall be fixed by the State Government.(3)The declaration of result of such election shall be made in the form prescribed in Schedule VII.]

I

Sub-rule (1) of rule 5 of the Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President and Vice-President) Rules, 1959. Nomination form for election as Chairman of.....Municipal Board as Vice-Chairman of.....Municipal Board as President of.....Municipal Council as Vice-President of.....Municipal Council.

1. Full name of the candidate.

2. Father's or Husband's name.

3. Age.

4. Sex.

5. Address.

6. Full name and address of the proposer.

7. Signature of the Proposer.

Place.....Date.....Candidates Declaration I, the above-named candidate, give my consent to this nomination and hereby declare that I do not hold any of the disqualifications enumerated in the Rajasthan Municipalities Act, 1959 and that I am qualified to be a candidate for the seat under the provisions of the said Act. [I further declare that I am set up at this election byParty.] [Inserted by Notification No. F. 1(1)(1) M/Elec/90/4302 dated 25-7-90, Rajasthan Rajpatra, Extra-ordinary, Part 6(A), Extra-ordinary, dated 26-7-90, page 1300.]

Place.....

Date..... Signature of the Candidate

Endorsement by the Returning Officer S. No. This nomination paper was presented to me by.....(name) at.....(date and hour).

Place.....

Date..... Signature of the Returning Officer

Order of Returning Officer Accepted/Rejected Reasons for rejection.

Place.....

Date..... Signature of the Returning Officer

Received nomination paper of Shri.....for election as..... as of..... Municipal Board/Municipal Council which was presented to me at..... (time) this day of..... 19..... by Shri.....

Place.....

Date..... Returning Officer

IV

[See rule 10(2)]

Chairman*President

Municipal Board*Municipal Council

Signature and seal of Returning Officer.

Name of candidate Vote Mark

1

2

1.2.etc

V

(See rule 9)(for use in election when seat is uncontested)Declaration of the result of election to the office of

Chairman*President| :| Municipal Board*Municipal Council

In pursuance of the provision contained in sub-rule (1) of rule 9 of the Rajasthan Municipal (Election of Chairman, Vice-Chairman, President & Vice-President) Rules, 1959, I declare that-.....Name.....Address*Score out if inappropriate

has been duly elected unopposed to fill the office of| Chairman*President

.....| Municipal Board*Municipal Council

Place.....

Date..... Returning Officer

VI

[Rule 10(8)]Declaration of the result of election to the office of

Chairman*President| :| Municipal Board*Municipal Council

In pursuance of the provision contained in sub-rule (8) of rule 10 of the Rajasthan Municipal (Election of Chairman, Vice-Chairman, President & Vice-President) Rules, 1959, I declare that-.....Name.....Address

has been duly elected unopposed to fill the office of| Chairman*Municipal Council

Place.....

Date..... Returning Officer

VII

(Rule 17)(For use in election to fill a casual vacancy)Declaration of the result of election to the office of

Chairman*President| :| Municipal Board*Municipal Council

In pursuance of the provisions contained in the Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President & Vice-President) Rules, 1959, I declare that

-.....Name.....Address

has been duly elected unopposed to fill the office of| Chairman*President

caused by the resignation*/death/removal /passing of non confidence motion against/election has been rendered void.Returning Officer.*Score out if inappropriate.

VIII

(See rule 12)

Proceedings| Election*Bye-election| of| Chairman*President

Municipal Board*Municipal Council

*Score out if inappropriate.

1. Date of Election
2. Place of Election
3. Hours of Poll
4. Name of Returning Officer with departmental designation
5. Total Members holding office
6. Total Members present in meeting
7. Names-List enclosed
8. Total No. of polling officers appointed
9. Counting.
 - (a) Commencement of time for counting
 - (b) Time for declaration of result
10. Results

Name of Candidates	Votes polled	Name ofChairmanPresident	declareelected
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1.2.

Total valid votes polled.....Total invalid votes polled.....Total votes
polled.....Returning OfficerSignature by Members

1.

2.

3.

4.

5.

6.