

# **The M.P. Municipal Corporation (Election of Speaker) Rules, 1998**

MADHYA PRADESH

India

## **The M.P. Municipal Corporation (Election of Speaker) Rules, 1998**

### **Rule**

### **THE-M-P-MUNICIPAL-CORPORATION-ELECTION-OF-SPEAKER-RULE of 1998**

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The M.P. Municipal Corporation (Election of Speaker) Rules, 1998Published vide Notification No. 43-18-3-98, dated 31-8-1998, M.P. Rajpatra (Asadharan), dated 31-8-1998In exercise of the powers conferred by Section 433 read with sub-section (1) of Section 18 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), the State Government hereby makes the following rules, namely :-

### **1. Short title and commencement.**

(1)These rules may be called the Madhya Pradesh Municipal Corporation (Election of Speaker) 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 Municipal Corporation Act, 1956 (No. 23 of 1956);(b)"Councillor" means the Mayor and the elected Councillor of the Corporation;(c)"Form" means a form appended to these rules;(d)"Meeting" means the meeting of the Corporation called under Section 18 of the Act;(e)"Presiding Authority" means the Collector of the District;(f)"Section" means a 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 Speaker 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 the nomination paper to poll should be completed up to 5 p.m. on the date of election.(2)The presiding authority shall specify in the notice of the meeting, the 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 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 Corporation Office at least seven clear days before the meeting.

### **4. Presentation of nomination papers.**

(1)A candidate for election as Speaker 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 Municipal Commissioner.(2)No Councillor shall propose or second the nomination of more than one candidate.

### **5. Procedure on receipt of a nomination paper.**

- On the presentation of a nomination paper, the Municipal Commissioner 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 nomination paper was not received within the prescribed time limit; or(b)that the candidate is not eligible for election as Speaker under the Act; or(c)that the signature of the candidate, proposer or seconder is not genuine or has been obtained by fraud; or(d)that the Councillor has subscribed, whether as proposer or seconder, the nomination paper of more than one candidate.(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 in the meeting-(a)the names 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 one candidate whose nomination paper is found valid the presiding authority shall declare such candidate duly elected to the office of the Speaker.(2)When the number of duly nominated candidates is more than one, the election shall be held by secret ballot.

## **10. ballot boxes 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 construed 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.

## **10A. [ Assistance in voting to illiterate, blind and infirm Councillors. [Inserted by Notification No. 1-XVIII-3-2000, dated 21-3-2000.]**

(1)Such Councillor who is illiterate, blind or infirm and is unable to read the name of the candidate or unable without assistance to make a mark on the ballot paper of his choice then the Presiding Authority shall permit such Councillor to take with him a companion of not less than 18 year's of age to the voting compartment for making the mark on the ballot paper against the name of the candidate of his choice in accordance with the provision of sub-rule (4) of Rule 10 :Provided that no person shall be permitted to act as the companion of more than one Councillor :Provided further that before any person is permitted to act as the companion of a Councillor under this rule, he shall be required to declare, in Form "C" that he will keep secret the vote recorded by him on behalf of the Councillor and he has not already acted as the companion of any other Councillor on that day.(2)The Presiding Authority shall keep a record of all cases under this rule.]

## **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 as if the candidate on whom the lot falls had received an additional vote.

## **13. Declaration of results 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, declare 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 Municipal Commissioner 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 Speaker action for filling up such vacancy shall, subject to the provision of Section 18, 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 [See sub-rule (1) of Rule 4] Nomination Paper Election to the Officer of the Speaker (To be filled in by the proposer) I hereby nominate Shri/Shrimati ..... as a candidate for election of the office of the Speaker of the Municipal Corporation.....

|   |                                     |       |
|---|-------------------------------------|-------|
| 1 | Full name of the Proposer           | ..... |
| 2 | Signature of the Proposer with date | ..... |
| 3 | Full name of the Seconder           | ..... |
| 4 | Signature of the Seconder with date | ..... |

I assent to this nomination.

Place.....Date.....Signature of the Candidate Form-B [See sub-rule (3) of Rule 10] Ballot Paper Municipal Corporation.....Name of contesting candidates for the office of the Speaker. (1)(2)(3) Presiding Authority [Form-C] [Inserted by Notification No. 1-XVIII-3-2000, dated 21-3-2000.] Declaration by the Companion of Illiterate, Blind or Infirm Councillor Election of The Speaker of Municipal Corporation I.....Son of.....aged.....resident of.....address.....hereby declare that-(a) I have not acted as companion of any other Councillor in voting today dated.....(b) I will keep secret the vote recorded by me on behalf of \*Shri/Ku./Smt Councillor Ward No.....

Place.....

Date..... (Signature of the Companion)

Counter-Signed Name.....]

Presiding Authority

\* Strike off the inappropriate alternative.