

# **The M.P. Municipalities (Reservation of Office of Mayor and President) Rules, 1999**

MADHYA PRADESH

India

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### **Rule**

### **THE-M-P-MUNICIPALITIES-RESERVATION-OF-OFFICE-OF-MAYOR-AND-PRESIDENT-RULES-1999**

- Published on 5 October 1999
- Commenced on 5 October 1999
- [This is the version of this document from 5 October 1999.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Municipalities (Reservation of Office of Mayor and President) Rules, 1999 Published vide Notification No. 391-18-3-99, dated 5-10-1999, Madhya Pradesh Rajpatra (Asadharan), dated 5-10-1999 In exercise of the powers conferred by Section 433 read with subsection (5) of Section 11-A of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and Section 355 read with sub-section (5) of Section 29-B of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the State Government hereby makes the following rules regulating the procedure of reservation of the offices of the Mayor of Municipal Corporations and President of the Municipal Councils and Nagar Panchayats in the State, namely :-

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

(1) These rules may be called the Madhya Pradesh Municipalities (Reservation of Office of Mayor and President) Rules, 1999. (2) They shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette".

### **2. Definitions.**

- In this rules, unless the context otherwise requires :- (a) "Office" means the office of the Mayor of Municipal Corporation and President of the Municipal Council and Nagar Panchayat; (b) "Mayor" means the Mayor of the Municipal Corporation; (c) "Municipality" means any Municipal Corporation constituted under Section 7 of the Madhya Pradesh Municipal Corporation Act, 1956 or any Municipal Council or Nagar Panchayat constituted under Section 5 of the Madhya Pradesh

Municipalities Act, 1961, as the case may be;(d)"Population" means the population as ascertained in the last preceding census of which the relevant figures have been published;(e)"Prescribed Authority" means such offices as the State Government may, by order, prescribe;(f)"President" means the President of the Municipal Council and Nagar Panchayat;(g)Words and expressions used but not defined in these Rules shall have the same meaning as assigned to them in the Act.

### **3. Reservation of Offices.**

- For the purpose of reservation of the offices of the Mayor of the Municipal Corporation and President of the Municipal Council and Nagar Panchayat, the Members of the Municipal Corporations, Municipal Councils and Nagar Panchayats shall be treated as separate units.

### **4. Term of reservation.**

(1)The term of reservation shall be coterminus with the term of the Corporation and the Council as specified in Section 20 of the Madhya Pradesh Municipal Corporation Act, 1956 and Section 36 of the Madhya Pradesh Municipalities Act, 1961 respectively.(2)If the office of the Mayor or President, as the case may be, falls vacant for any reason before the expiry of the term as specified in sub-rule (1), the reservation shall be deemed to be applicable at the time of filling up the vacancy for the remaining period.

### **5. Procedure of reservation.**

(1)Such number of offices shall be reserved for Scheduled Castes and Scheduled Tribes as shall bear the same proportion, as nearly as may be, as the population of each of these categories, within the limits of all the Municipal Corporations, all Municipal Councils and all Nagar Panchayats, as the case may be, in the State bears to the total population within such limits. Such offices shall be reserved in descending order in those Municipalities in which the percentage of population of Scheduled Castes or Scheduled Tribes, as the case may be, is highest in their total population.Explanation. - If there is any Municipality where the percentage of population of both the Scheduled Castes and Scheduled Tribes is highest in their category, then reservation shall be made for such category whose percentage is higher in that Municipality.(2)Leaving the Municipality where reservation has been made for Scheduled Castes, Scheduled Tribes, as the case may be, under sub-rule (1), lot of the names of the remaining Municipalities shall be drawn and as nearly as possible, one-fourth of the total offices shall be reserved for Other Backward Classes.(3)Out of the offices reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes under sub-rules (1) and (2), as the case may be, as nearly as may be one-third offices shall be reserved for women of the aforesaid categories by drawing of lots.(4)As nearly as may be one-third [including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes under sub-rule (3)] of the total number of seats, shall be reserved for women by drawing of lot of the names of unreserved Municipalities.(5)While calculating under sub-rules (1), (2), (3) and (4) the fraction less than half shall be ignored and fraction of half and more than half shall be counted as one.

## **6. Procedure of subsequent reservation.**

- For every subsequent reservation purpose, same procedure of reservation shall be adopted as laid down in Rule 5, but the reservation to be made by lot shall be by rotation system and for this purpose the names of Municipalities, offices of which have been reserved for a category shall not be included in the lot for the reservation of that category until such Municipality does not come again in the order of reservation. Explanation. - The names of such Municipalities in which reservation for other women (including reservation for women belonging to the categories of Scheduled Castes, Scheduled Tribes and Other Backward Classes) has been made previously shall not be included in the lot for reservation of women belonging to any of such categories until the name of such Municipality does not come again for reservation of any women belonging to the aforesaid category in the rotation system.

## **7. Existing Council not to be affected by reservation.**

- If reservation is made in a Municipality under Rule 5 or 6 where as elected Corporation or Council, as the case may be, exists then such Corporation or Council shall not be affected by such reservation and such reservation shall be deemed to be effective for the purpose of next general election of such Municipality.

## **8. Procedure for reservation in newly constituted Municipalities.**

- If after reservation in accordance with Rule 5 or 6, as the case may be, a new Municipality is constituted, then the number of seats to be reserved in all the Municipalities in the State, including such newly constituted Municipalities, in accordance with the provision of Rule 5 or 6, as the case may be, for the members of the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women exceeds the number of reservation already made previously for these categories shall be subtracted from the aforesaid number and reservation equal to the number so arrived shall be made to the concerned categories in the newly constituted Municipality : Provided that if seat has already been reserved in any newly constituted Municipality but election has not been held or action for reservation has not been taken, then in both the situation, action shall be taken for reservation of seats in accordance with the provisions of Rule 5 or 6, as the case may be, in all the Municipalities in the State including the newly constituted Municipality : Provided further that if, for any season election of any Municipality is not held along with the general election, then reservation made as above shall be deemed to be applicable to the election of such Municipality to be held afterwards.

## **9. Process of reservation.**

(1) The prescribed authority shall publish a notice of the date, place and time of the making reservation in such Hindi newspaper having circulation in the areas of the Municipalities. (2) The prescribed authority shall record the process adopted for reservation in writing and keep a register permanently in which it shall be mentioned that when and in which Municipality the offices of Chairperson have been reserved for which category so that at the time of drawing lot for the

subsequent reservation, rotation system may be adopted.(3)Immediately after making the reservation of the offices of Chairpersons, the prescribed authority shall send the information to this effect to the State Government and the State Government shall publish such information in the Madhya Pradesh Gazette and shall also be pasted on the notice boards of the office of the Collector and the office of the Municipality and a copy of the same shall be sent to the State Election Commission.

## **10. Repeal.**

- The Madhya Pradesh Municipality (Reservation of Offices of Chairperson), Rules, 1994 which was applicable to the reservation of offices of Mayor of Municipal Corporations and President of Municipal Councils and Nagar Panchayats before the commencement of these rules shall be repealed; Provided that subject to the provisions of Rule 8, in respect of any order issued for any action taken under the provisions of the repealed rules, it shall be deemed to have been issued or taken under the corresponding provisions of these rules.