

Gujarat Provincial Municipal Corporations (Conduct of Elections to the offices of Mayor and Deputy Mayor) Rules, 2016

GUJARAT

India

Gujarat Provincial Municipal Corporations (Conduct of Elections to the offices of Mayor and Deputy Mayor) Rules, 2016

Rule

GUJARAT-PROVINCIAL-MUNICIPAL-CORPORATIONS-CONDUCT-OF- of 2016

- Published on 27 April 2016
- Commenced on 27 April 2016
- [This is the version of this document from 27 April 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Gujarat Provincial Municipal Corporations (Conduct of Elections to the offices of Mayor and Deputy Mayor) Rules, 2016 Published vide Notification No. KV-87-2016-MNA-102016-2346-P, dated 27.4.2016 Last Updated 2nd November, 2019 No. KV-87-2016-MNA-102016-2346-P. - Whereas the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to make rules for the conduct of election to the offices of Mayor and Deputy Mayor of the Corporations and for that purpose to dispense with the condition of previous publication thereof; Now, Therefore, in exercise of the powers conferred by sub-section (1) and the proviso to sub-section (2) of section 456 read with sections 19 and 453 of the Gujarat Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) and of all other powers enabling it in that behalf, the Government of Gujarat hereby makes the following rules, namely

1. Short title and commencement.

(1) These rules may be called the Gujarat Provincial Municipal Corporations (Conduct of Elections to the offices of Mayor and Deputy Mayor) Rules, 2016. (2) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires-(a) "Municipal Corporation" means a Municipal Corporation constituted under the provisions of the Gujarat Provincial Municipal

Corporations Act, 1949 (Bom. LIX of 1949);(b)Words and expressions used but not defined herein shall, in relation to a Municipal Corporation, have the same meanings as assigned to them in the said Act.

3. First general meeting.

- After a general election to a Corporation, the Commissioner shall call the first general meeting of the corporation for the election to the offices of the Mayor and Deputy Mayor.

4. Place of Meeting.

- The meeting convened for the election to the offices of the Mayor and Deputy Mayor shall be held on such date and at such time and place as may be fix by the Commissioner.

5. Notice of Meeting.

- The Commissioner shall cause a notice of such meeting to be given to every councillor of the Corporation at least three clear days before the date of such meeting, stating the date, time and place thereof.

6. Submission of nomination paper.

(1)The Commissioner or the Presiding Officer as the Commissioner may by order in writing appoint in this behalf shall announce in the meeting that nomination papers for the election to the offices of the Mayor and Deputy Mayor shall be delivered to him within fifteen minutes of the announcement.(2)Any Councillor who intends to contest the election to the said posts shall submit his nomination in Form-I appended to these rules to the Presiding Officer in person.(3)Each nomination paper shall state the name of the candidate in full and be subscribed by one councillor as proposer and another as seconder.(4)No councillor shall .propose or second the nomination of more than one candidate.(5)Nothing in these rules shall prevent any candidate from submitting more than one nomination paper:Provided that, not more than four nomination papers shall be presented by any candidate.

7. Scrutiny of nomination and withdrawal of candidature.

(1)The presiding authority shall scrutinize all the nominations so received and may reject the nominations subscribed in contravention of rule 6. The presiding authority shall then read out the names of all validly nominated candidates.(2)Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the presiding authority within 15 minutes from the time of reading out the names of duly nominated councillors under the preceding sub-rule.(3)No person who has given a notice of withdrawal of his candidature under sub-rule (2) shall be allowed to cancel the notice.(4)The presiding authority shall, read out to the councillors present, the names of the candidates withdrawing their candidatures.

8. Election procedure and the declaration of election result.

(1) If there is only one valid nomination the presiding authority shall declare such candidate as duly elected candidate to the post of Mayor. (2) If the number of validly nominated candidates is more than one then the presiding authority shall arrange the names of contesting candidates in alphabetical order. (3) The presiding authority shall announce the name of each contesting candidate in the alphabetical order and shall take voting by show of hands. The names of the councillors who have voted in favour of that candidate shall be recorded in the minutes. (4) The presiding authority shall ensure that, - (i) every member who desires to cast his vote is given fair and reasonable opportunity of casting his vote and the vote so cast is recorded properly against the name of the candidate in whose favour the vote is cast. (ii) the councillor, whose vote is recorded once shall not be allowed to recast or change his vote. (5) The presiding authority shall also record the names of those councillors who abstain from voting. (6) The presiding authority after recording the names of the councillors who have voted or abstained from voting, shall announce the number of votes secured by each contesting candidate. (7) The presiding authority after declaring the number of votes polled by each contesting candidate shall proceed to declare the result. The candidate who polls highest number of votes shall be declared as duly elected. (8) In case of equality of votes the presiding authority shall declare that the result of the election shall be decided by drawing lots in such manner as he may determine. (9) The candidate on whom the lot falls shall be declared to be validly elected to the said post. (10) The presiding authority besides recording the proceedings in writing shall also cause the proceedings to be recorded by way of videography, to ensure free and fair elections. (11) The Municipal Secretary shall assist the presiding authority in conducting the election process and recording the proceedings of the meeting.

9. Election to the post of Deputy Mayor.

- The procedure for the election to the post of Mayor shall mutatis mutandis apply for the election to the post of Deputy Mayor excepting that the newly elected Mayor shall be the presiding authority for the election to the post of Deputy Mayor. Form-I (See rule 6 (2)) Election to the office of Mayor / Deputy Mayor Corporation. I hereby nominate _____

office of Mayor / Deputy Mayor of the Corporation. Full name of the candidate

..... Full postal address of the candidate

..... Name / Number of the ward / panel from which the

..... candidate is elected as Councillor. Full name of the proposer

..... (Signature of the proposer) Full name of the Seconder

..... (Signature of the Seconder) Date

..... Declaration by the candidate I hereby assent to this nomination and signify my willingness to act as Mayor / Deputy Mayor of the

Municipal Corporation. If elected Date (Signature of the Candidate) (

To be filled by officer appointed to receive nomination papers) Serial No. of the nomination paper

..... (hour) on (date) by the proposer / candidate. Date

..... (Signature of the Officer)