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**MUNICIPAL CORPORATION OF HYDERABAD,  
VISAKHAPATNAM/VIJAYAWADA (CONDUCT OF ELECTION  
OF DEPUTY MAYOR) RULES, 1986**

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**MUNICIPAL CORPORATION OF HYDERABAD,  
VISAKHAPATNAM/VIJAYAWADA (CONDUCT OF ELECTION  
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In exercise of the powers conferred by Sub-section (1) of Section 585, read with Section 90-A of the Hyderabad Municipal Corporation Act, 1955 (Act No.II of 1986), as amended by the Act No.33 of 1986 and in supersession of the Hyderabad Municipal Corporation (Election of the Mayor and Deputy Mayor) Rules, 1968, the Governor of Andhra Pradesh hereby makes the following rules relating to the Election of the Deputy Mayor of the Municipal Corporations of Hyderabad, Vijayawada and Visakhapatnam.

**1. Short title and commencement :-**

(a) These rules may be called the Municipal Corporation of Hyderabad/Visakhapatnam/Vijayawada (Conduct of Election of Deputy Mayor) Rules, 1986.

(b) They shall come into force from the date of publication in the Andhra Pradesh Gazette:

Provided that in the case of Municipal Corporation of Hyderabad these rules shall come into force after the expiry of the present term of the said Corporation or in the case of dissolution from the date of such dissolution.

## **2. Definitions :-**

(1) In these rules, unless the context otherwise requires;

(i) "Act" means the Hyderabad Municipal Corporation Act, 1955 (Act No.II of 1956);

(ii) "Annexure" means an annexure to these rules;

(iii) "Government" means the State Government of Andhra Pradesh; and

(iv) "Secretary" means the Municipal Secretary appointed by the Government under Section 133 of the Act.

(2) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

## **3. Election of Deputy Mayor :-**

(1) The election of the Deputy Mayor shall be held [within fifteen (15) days from the date of the first meeting of the Corporation.]

(2) The meeting shall be convened by the Mayor by giving a notice of at least nine clear days of the intended election of the Deputy Mayor.

## **4. Notice of intended election :-**

(1) The notice shall be published in the manner laid down in Clause (i) of Section 88 of the Act and shall indicate-

(a) the person from whom nomination papers may be obtained;

(b) the person before whom and the date and time within which the nomination paper may be filed;

(c) the place, the date and the time at which scrutiny of nomination papers will take place;

(d) the person to whom and the date and time within which the

notice of withdrawal of candidature may be delivered; and

(e) the hours during which the poll, if necessary, shall take place which may not be less than 3 (three) hours as the circumstances warrant. Where the number of contesting candidates to the office of the Deputy Mayor is two or three but not more, the Presiding Authority may fix the time within which the voting be completed.

(2) In the agenda for the meeting referred to in Rule 3, the item relating to the election of the Deputy Mayor shall be included as item two after the item relating to the confirmation of minutes of the proceedings of the previous meeting.

#### **5. Presentation of Nomination Paper :-**

(1) A candidate for election to the Office of the Deputy Mayor shall, either in person or by his proposer or seconder shall file the nomination paper in the form prescribed in Annexure-I with the Commissioner between the hours of eleven in the forenoon and three in the afternoon, at the office of the Commissioner six clear days previous to the date of the meeting.

(2) Any nomination paper which is not received before three O'clock in the afternoon of the day appointed under Sub-rule (1) shall be rejected.

(3) A candidate for election to the Office of the Deputy Mayor shall be proposed by one councillor and seconded by another.

(4) No Councillor shall subscribe, whether as proposer or as seconder more than one nomination paper at any election to the Office of the Deputy Mayor. Any nomination paper filed in contravention of this provision or of the provisions in Sub-rule (3), shall be declared invalid by the Commissioner.

(5) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the election to the Office of the Deputy Mayor.

#### **6. Procedure on receipt of nomination papers :-**

On the presentation of a nomination paper, the Commissioner shall,

(a) sign thereon a certificate stating the date and time of presentation of the nomination paper and enter thereon its serial number;

(b) inform the person or persons presenting the nomination paper

of the date, time and place fixed for the scrutiny of nomination; and

(c) cause to be affixed in some conspicuous place in his office a copy of the nomination paper as certified and numbered under Clause (a).

## **7. Scrutiny of Nominations :-**

(1) The candidates, one proposer of each candidate, and one other person duly authorised in writing by each candidate, shall be entitled to be present at the time of scrutiny of nominations and the Commissioner shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Rule 5.

(2) The Commissioner shall examine the nomination papers and decide all objections which may be made to any of them.

(3) The Commissioner may, either on such objection or suo motu and after such summary inquiry, if any, as he thinks necessary, reject a nomination paper on any of the following grounds, namely

(a) that the candidate has ceased to be a councillor, under Section 23 of the Act; or

(b) that the proposer or seconder is not qualified to subscribe a nomination paper if it is not subscribed by the candidate himself as assenting to the nomination; or

(c) that the nomination paper has not been duly completed and filed as laid down under Rule 5; or

(d) that the signature of the candidate, proposer or seconder is not genuine or has been obtained by fraud; or

(e) that the proposer or seconder has subscribed whether as proposer or seconder, on another nomination paper received earlier by the Commissioner at the same election; and

(f) the Commissioner shall hold the scrutiny on the date appointed in this behalf under Rule 4 and not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot open violence or for any other cause beyond his control:

Provided that, in case an objection is made, the candidate

concerned shall, if he so requires, be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Commissioner shall record his decision on the date on which the proceedings have been adjourned.

(4) The Commissioner 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 such rejection.

#### **8. Withdrawal of Candidature :-**

Any candidate validly nominated to the Office of the Deputy Mayor may withdraw his candidature two days before the date of the meeting in the form prescribed in Annexure III and signed in the presence of the Commissioner.

#### **9. Publication of Nomination :-**

The list of validly nominated candidates to the Office of the Deputy Mayor in the form prescribed in Annexure II shall be published by the Commissioner at least one clear day prior to the day of the meeting at some conspicuous place in his office.

#### **10. Reading out the names of the validly nominated candidates :-**

The names of all the validly nominated candidates, published under Rule 9 with the names of proposer and seconder, shall be read out by the Presiding Authority at the meeting.

#### **11. Poll :-**

(1) If there is only one validly nominated candidate, there shall be no election and he shall be declared to have been elected.

(2) If there are two or more such candidates, an election shall be held by secret ballot and votes taken of the Councillors present at the meeting:

Provided that no such election shall be held unless the number of Members present at the meeting is more than one-half of the number of Members then in the Corporation.

(3) Where the votes of the Members have to be taken under Sub-rule (2), serial number shall be assigned to candidates with reference to the alphabetical order of their names written English/Telugu/Urdu. The Presiding Authority shall then announce to the Members the serial number assigned to each candidate.

## **12. Ballot Boxes :-**

The Presiding Authority shall provide ballot box for the election of the Deputy Mayor. Such ballot box shall be so constructed that voting papers can be introduced therein but cannot be withdrawn therefrom without the boxes being unlocked.

## **13. Procedure before the commencement of poll :-**

(1) The Presiding Authority shall, immediately before the commencement of the poll, allow inspection of the ballot box to be used at the poll to such candidates and the authorised representatives of candidates as may be present at the polling.

(2) The Presiding Authority shall then secure and seal the box in such manner that the slit for the insertion of ballot papers remains open, and shall also allow such candidates and authorised representatives as may be present to affix their own seals, if they so desire.

## **14. Issue of ballot papers and voting :-**

(1) Every Councillor wishing to vote shall be supplied with a ballot paper in the form prescribed in Annexure IV. On the ballot paper the names of all the candidates contesting for the election to the Office of the Deputy Mayor shall be typed or printed or stencilled or legibly written in English/Telugu/Urdu in the order of serial numbers assigned to them with reference to the alphabetical order of their names. The Presiding Authority shall also affix on the ballot paper before supply, a stamp so as to indicate their authenticity. The voter shall then proceed to the place set apart for voting and there, place a cross mark (X) in the ballot paper, against the name of the candidate for whom he wishes to vote. He shall then fold up the ballot paper so as to maintain secrecy and insert the same in the ballot box placed in the view of the Presiding Authority and other Members. In the case of a Members who is illiterate or is physically incapacitated from voting, the Presiding Authority shall at the request of the Members, take him to the place set apart for voting, ascertain his choice and shall, accordingly mark the ballot paper, fold it so as to maintain secrecy and insert it in the ballot box. The Presiding Authority shall cause such arrangements to be made as will ensure the secrecy.

(2) As soon as the time mentioned in the notice under Rule 4 for the closure of poll has expired, the Presiding Authority shall, in the presence of such candidates and authorised representatives of

candidates as may be present, close and seal the slit as well as the ballot box.

(3) Immediately after the poll is over, the Presiding Authority shall open, in the presence of Members present and one representative each duly nominated by the candidate in the form prescribed in Annexure-V which shall be delivered to the Municipal Secretary one hour before the time fixed for the meeting, the ballot boxes, take out the ballot papers therefrom, count them, and record the number thereof in a statement. The Presiding Authority may require the Municipal Secretary to give such assistance as he may require in counting the votes.

(4) A ballot paper shall be invalid:-

(a) if it bears the signature of the voter or contains any word, sign or visible representation by which he can be identified; or

(b) if marks are placed against more than one name; or

(c) if the mark is so placed thereon as to make it doubtful for which one of the two or more candidates the vote was intended to be given; or

(d) if no mark is placed thereon; or

(e) if it does not bear the stamp prescribed in Sub-rule (1)

(5)

(i) If there are only two candidates, the one who secures the larger number of votes shall be declared by the Presiding Authority to have been duly elected. In the event of there being an equality of votes between the candidates, the Presiding Authority shall draw lots in the presence of the Councillors and the candidate whose name is first drawn shall be declared to have been duly elected.

(ii) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again. If there be an equality of votes among all the candidates, or if two or more candidates lowest on the list obtain an equal number of votes, the Presiding Authority shall ascertain by causing lots in the presence of the Councillors which of such candidates shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of 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 Presiding authority shall draw lots in the presence of the Members and the candidate whose name is first drawn shall be declared to have been duly elected.

**15. Preparation of a Record of the proceedings at the Meeting and Declaration of Result :-**

(1) When the counting is completed, the Presiding Authority shall forthwith report the result to the Government and sign a declaration stating the name of the Councillor elected as Deputy Mayor of the Corporation for publication on the notice board of the Corporation and in the Andhra Pradesh Gazette.

(2) Immediately after the meeting, the Presiding Authority shall prepare or cause to be prepared a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein, and also permit any Councillor present at the meeting to affix his signature to such record, if he desires to do so.

**16. Custody of Ballot Box and Election Papers :-**

The Presiding Authority shall make into separate packets the ballot papers relating to each candidate, whether counted or rejected, seal each packet and note thereon a description of its contents and the date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced except under the orders of an Election Tribunal or other Competent Court.

(3) The ballot box used at the election shall be kept in such custody as the Election Authority may direct. The packets of ballot papers and all other papers relating to the election shall, after the election, be kept in safe custody by the Municipal Secretary for three months from the date of declaration of the result of the election, and shall thereafter be destroyed unless otherwise directed by the Election Tribunal or a Competent Court.

**17. Filling up of Casual Vacancies :-**

Subject to the provisions of Sub-section (5) of Section 90-A of the Act, the provisions of Rules 4 to 16 shall apply for filling up casual vacancy in the Office of the Deputy Mayor of the Corporation. 18. Law Relating to the Settlement of Disputes The Municipal



Corporation of Hyderabad (Election of Councillors and Election Petitions) Rules 1956, shall mutatis mutandis apply to the trial of petition in respect of the election of the Deputy Mayor.