

## **GUJARAT MUNICIPALITIES (PRESIDENT AND VICE PRESIDENT) ELECTION RULES, 1964**

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## **GUJARAT MUNICIPALITIES (PRESIDENT AND VICE PRESIDENT) ELECTION RULES, 1964**

In exercise of the powers conferred by section 277 read with sections 31 and 32 of the Gujarat Municipalities Act, 1963 (Guj. XXXIV of 1964), the Government of Gujarat hereby makes the following rules, namely:-

### **1. Short title :-**

These rules may be called the Gujarat Municipalities (President and Vice-president) Election Rules, 1964.

### **2. Definitions :-**

In these rules unless the context otherwise requires,-

- (1) "the Act" means the Gujarat Municipalities Act, 1963;
- (2) "Chief Officer" means a chief officer appointed by a municipality under sub-section (1) of section 47 of the Act;
- (3) "Councillor" means a member of a municipality;
- (3-A) "meeting" means the first general meeting of the municipality called under sub-section (1) of section 32 or under clause (b) of sub-section (2) of section 42:

- (4) "municipality" means a municipality constituted under the Act;
- (5) "Presiding Officer" means the collector or an officer appointed by the collector under sub-section (2) of section 32;
- (6) "section" means a section of the Act.

**3. Place of meeting :-**

the meeting convened for the election of the President shall be held on such date and at such time and place as may be fixed by the Collector.

**3A. First general meeting :-**

After a general election to a municipality, the Collector shall call the first general meeting of the municipality for the election of the President and Vice- President. Such meeting shall be called within fifteen days from the date on which the names of the Councillors of the municipality are published in the Official Gazette.]

**4. Notice of meeting :-**

The Collector shall cause a notice of such meeting to be given to every Councillor of the municipality at least three clear days before the date of such meeting, stating the date, time and place thereof.

**5. Mode of serving notice :-**

every notice issued under rule 4 shall, if practicable be served personally by delivering or tendering it to the Councillor to whom it is addressed or, if such person is not found, by leaving it at his last know place of abode, or by giving or tendering the notice to some adult male member or servant of his family, if none of the aforesaid modes of serving notice is feasible, the notice shall be affixed on some conspicuous part of the building in which the Councillor resides.

**6. Nomination of candidates :-**

(1) After the term of the President and Vice-President is determined at the meeting, the Presiding officer shall announce in the meeting that nomination papers for the election of the President shall be delivered to him within fifteen minutes of the announcement.

(2) Any Councillor may nominate any other Councillor for election as President. The nomination paper shall be in Form A. The nomination paper shall be signed by the proposer and shall also be signed as a seconder by other Councillor other than the Councillor

proposed to be nominated as President.

**7. Disqualification of proposer, seconder and candidate :-**

No person whose name has not been published as a Councillor of the municipality under sub-section (6) of section 6 shall be eligible to act as a proposer, seconder or as a person to be nominated for the office of the President.

**8. The scrutiny of nominations :-**

On the expiry of the period specified for delivering nomination paper in rule 6, the Presiding Officer shall scrutinise the nomination papers delivered to him under rule 6 and shall thereafter read out the names of the Councillors who, in his opinion, have been duly nominated together with the names of their proposers and seconders.

**9. Election :-**

(1) If only one candidate has been validly nominated for the office of the President he shall be declared to have been elected as President.

(2) If more than one candidate have been validly nominated for the office of the President, the members present at the meeting shall proceed to elect the President <sup>1</sup>[by show of hands]

(3) If two candidates have been validly nominated for the office of the President the candidate who obtains larger number of votes shall be declared to have been duly elected as President.

(4) If more than two candidates have been validly nominated and at <sup>2</sup> [the voting on first occasion] no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and the voting shall proceed. The candidate who obtains the smallest number of votes, cast each time shall be excluded from the election until one candidate obtains larger of number of votes than that of the votes obtained by the remaining candidates or than the number of aggregate votes of the remaining candidates, as the case may be. The candidate who obtains more votes than those obtained by the remaining candidates or than the aggregate votes obtained by the remaining candidates, as the case may be, shall be declared to have been elected as President.

(5) If, at any voting other than final voting there are two or more candidates getting the least equal number of votes, the candidate to be struck off shall be selected by drawing lots.

(6) If at the final voting (at which there are only two candidates), there is an equality of votes, the provisions of sub-section (4) of section 32 shall apply.

1. Substituted by Notfn. dated 17-10-1987, Pub.in G.G.Gaz. pt.1-A, dated 17-10- 1987, p. 16; [17-10-1987]

2. Substituted by Notfn. dated 17-10-1987, Pub.in G.G.Gaz. pt.1-A, dated 17-10- 1987, p. 16; [17-10-1987]

**10. Power to call meeting at postponed date :-**

If at any meeting called for the election of the President, the election is not held for any reason whatsoever, the Presiding Officer shall have power to call the meeting on any other day.

**11. Rules apply to election of Vice-President :-**

The foregoing provisions of these rules shall mutatis mutandis apply to the election of a Vice-President of municipality.