

## **KARNATAKA MUNICIPALITIES (PRESIDENT AND VICE-PRESIDENT) ELECTION RULES, 1965**

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## **KARNATAKA MUNICIPALITIES (PRESIDENT AND VICE-PRESIDENT) ELECTION RULES, 1965**

In exercise of the powers conferred by Sections 42 and 323 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), the Government of Karnataka, hereby makes the following rules, the draft of the same having been published as required by sub-section (1) of Section 323 of the said Act in Notification No. PLM12 MLR 64, dated 27th January, 1965, published as G.S.R. No. 373, in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 27th January, 1965, namely:-

### **1. Title, commencement and application :-**

- (1) These rules may be called the Karnataka Municipalities (President and Vice-President) Election Rules, 1965.

## **2. Definitions :-**

In these rules, unless the context otherwise requires.

(a) "Act" means the Karnataka Municipalities Act, 1964 ;

(b) "Election Officer" means.

(i) in the case of <sup>1</sup>[city municipal councils], the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being;

(ii) in the case of <sup>2</sup>[town municipal councils] at District headquarters, any officer nominated by the Deputy

(iii) in the case of other <sup>3</sup> [town municipal councils and town panchayats] the Tahsildar or the person performing the duties of the Tahsildar for the time being.

(c) "Section" means a section of the Act;

(d) "Form" means a form appended to these rules.

1. Substituted for the words "city municipalities" by Notification No. HUD 647 MLR 95, dated 20-12-1995, w.e.f. 20-12-1995

2. Substituted for the words "town municipalities" by Notification No. HUD 647 MLR 95, dated 20-12-1995, w.e.f. 20-12-1995

3. Substituted for the words "town municipalities" by Notification No. HUD 647 MLR 95, dated 20-12-1995, w.e.f. 20-12-1995

## **3. Appointment of date of meeting :-**

The election of President and Vice-President shall be held in the meeting fixed by the Election Officer and he shall thereupon send to every Councillor notice of dates so fixed not less than seven days prior to the date of meeting.

## **4. Filing of Nominations :-**

Not less than two hours before the time fixed for the meeting for the election of President and Vice- President any Councillor may nominate any other elected Councillor for being elected as President or Vice-President, as the case may be, by delivering to the Election Officer, a nomination paper completed in Form 1.

## **5. Councillors to nominate not more than one candidate :-**

No Councillor shall nominate under Rule 4 more than one candidate for the office of the President or Vice-President: Provided that if a Councillor has nominated more than one candidate for the office of the President or Vice-President, the nomination which is received

first by the Election Officer shall be considered for scrutiny.

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

After the commencement of the meeting, the Election Officer shall scrutinise all the nomination papers delivered to him under Rule 4 and shall read out to the Councillors, present at such meeting, the names of the Councillors who in his opinion have been duly nominated together with those of the proposers.

#### **7. Withdrawal of candidature :-**

(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Election Officer immediately after the scrutiny of nomination papers under Rule 6.

(2) The notice may be given either by the candidate in person or by his proposer who had been authorised in this behalf in writing by the candidate.

(3) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice of withdrawal.

(4) The Election Officer shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it

#### **8. Procedure in contested and uncontested elections :-**

(1) After the time fixed for withdrawal is over if there is only one candidate who has been validly nominated, and has not withdrawn his candidature in the manner and within the time specified the Election Officer shall forthwith declare such candidate to be duly elected as President or Vice-President, as the case may be.

(2) If the number of candidates who have been validly nominated and who have not withdrawn their candidature are more than one, then the Election Officer shall proceed to conduct the election as hereinafter provided.

(3) Votes shall be taken by show of hands and the Councillors voting for and against any candidate shall record their votes in the proceeding register by signing it or by affixing the left hand thumb impression at the appropriate column.

(4) Any member present at the meeting may refrain from voting if he so chooses to do.

(5) After voting by all the Councillors present and wishing to vote, the Election Officer shall declare that the candidate to whom the highest number of valid votes have been given to have been duly elected.

(6) When an equality of valid votes is found to exist between any two or more candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Election Officer shall forthwith decide between those candidates by lot in such manner as he may determine and proceed as if the candidate on whom the lot falls has received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

(7) The Election Officer shall cause a record of the minutes of the meeting which shall contain the names of all the Councillors present and in the case of a division, the manner of their voting including abstentions. The minutes shall be signed by the Election Officer as well as the Councillors present. The minutes shall be made available to any Councillor for inspection.

Explanation. For the purpose of this rule, "Councillor present" means Councillor present at the meeting and whose names have been recorded before declaring a Councillor duly elected under Rule 8 or before commencement of the meeting after withdrawal of candidature under sub-rule (4) of Rule 7 for the office of President or Vice- President, as the case may be.

**9. Votes to be taken at a meeting :-**

x x x x x.

**10. Procedure for the Conduct of Elections :-**

x x x x x.

**11. Counting of Votes :-**

x x x x x.]

**12. Forwarding the names of persons elected as President and Vice-President :-**

The Election Officer shall forward the names of persons elected as President and Vice-President to the Commissioner for publication in the Official Gazette.

**13. Reservation of Offices of President and Vice-President :-**

(1) Reservation of offices of President and Vice-President of the Municipal Councils and Town Panchayats for different categories in

accordance with sub-section (2-A) of Section 42 of the Karnataka Municipalities Act, 1964 read with Section 353 of the Karnataka Municipalities Act, 1964 shall be as specified in the table below

| Sl.No.                       | Category                     | President |       | Vice-President |       |
|------------------------------|------------------------------|-----------|-------|----------------|-------|
|                              |                              | Total     | Women | Total          | Women |
| 1. Scheduled Caste:          |                              |           |       |                |       |
|                              | (i) City Municipal Councils  | 5         | 1     | 5              | 1     |
|                              | (ii) Town Municipal Councils | 11        | 4     | 11             | 4     |
|                              | (iii) Town Panchayats        | 11        | 4     | 12             | 4     |
| 2. Scheduled Tribe:          |                              |           |       |                |       |
|                              | (i) City Municipal Councils  | 1         | 1     | 1              | 1     |
|                              | (ii) Town Municipal Councils | 2         | 1     | 2              | 1     |
|                              | (iii) Town Panchayats        | 3         | 1     | 3              | 1     |
| 3. Backward Class (A and B): |                              |           |       |                |       |
|                              | (i) City Municipal Councils  | 13        | 4     | 13             | 4     |
|                              | (ii) Town Municipal Councils | 27        | 9     | 27             | 9     |
|                              | (iii) Town Panchayats        | 29        | 10    | 29             | 10    |
| 4. General:                  |                              |           |       |                |       |
|                              | (i) City Municipal Councils  | 21        | 7     | 21             | 7     |
|                              | (ii) Town Municipal Councils | 41        | 13    | 41             | 13    |
|                              | (iii) Town Panchayats        | 45        | 15    | 44             | 15    |
|                              | Total                        | 209       | 70    | 209            | 70    |

(2) The Offices of President reserved for Scheduled Tribes shall be allotted by the Government to the Municipal Councils, or as the case may be, Town Panchayats having the highest percentage of population belonging to the Scheduled Tribes with reference to the total population of the municipal area. The same procedure shall be followed by the Government for allotting to the Municipal Councils, or as the case may be, Town Panchayats the same number of offices of Vice-President for members belonging to the Scheduled Tribes but excluding the Municipal Councils, or as the case may be, Town Panchayats in which the office of President have been already allotted to them.

(3) The offices of President and Vice-President of Municipal Councils or as the case may be, Town Panchayats in the State shall be allotted by the Government for members belonging to the Scheduled Castes in the same manner as specified in sub-rule (1):

Provided that both the offices of President and Vice-President in any Municipal Council, or as the case may be, Town Panchayats shall not be allotted in favour of the category of Scheduled Castes and Scheduled Tribes only: Provided further that if the reservation worked out to any category is less than 0.5% no offices of President and Vice-President be reserved to such category.

(4) The offices of President and Vice-President of the Municipal Councils, or as the case may be, Town Panchayats, reserved for Backward Classes and those of unreserved category, shall be allotted by the Government taking into consideration such factors as the Government may deem fit.

(5) The offices of President and Vice-President reserved for women in each category referred in sub-rule (1) shall be allotted by the Government to the Municipal Councils, or as the case may be, Town Panchayats taking into consideration such factors as the Government may deem fit: Provided that both the offices of President and Vice-President of the Municipal Council, or as the case may be, Town Panchayats shall not be reserved for women.

(6) The offices of President and Vice-President of Municipal Councils and Town Panchayats of the State to Scheduled Caste/Scheduled Tribes/Women and Backward Classes for the subsequent terms be determined by the Government from time to time by taking into consideration such factors as deem fit.]

#### **14. President to enter upon his duties :-**

The President or the Vice-President elected under these rules shall enter upon his duties forthwith, in case there is no elected President or Vice-President and after the expiry of the term of the elected President or Vice-President in office, in other cases.

#### **15. Election Petition :-**

(1) The validity of the election of the President or the Vice-President may be called in question by a petition presented to the District Judge having jurisdiction over the area within which the election has been or should have been held, within seven days from the date of declaration of the election by any candidate at such election or by three or more Councillors joined together as petitioners.

(2) Every petition under sub-rule (1) shall be accompanied by as many copies thereof as there are respondents mentioned in the

petition and every such copy shall be attested by the petitioner. under his own signature to be a true copy of the petition.

(3) The petitioner shall join as respondents to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, the returned candidate.

(4) A petition under sub-rule (1).

(a) shall contain a concise statement of material on which the petitioner relies;

(b) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the verification of pleadings;

(c) any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(5) The petitioner may claim any of the following declarations.

(a) that the election of the returned candidate is void;

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected.

**16. Procedure of the District Judge :-**

The District Judge, may after such enquiry as he deems fit and after giving an opportunity to be heard to the parties to the proceedings, make an order.

(a) dismissing the petition; or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

**17. Grounds for declaring the election of the returned candidate to be void :-**

If the District Judge is of opinion.

(a) That the result of the election has been materially affected.

(i) by the improper reception or refusal of a vote; or

(ii) by any non-compliance with the provisions of the Act or of any of these rules; or

(b) that the nomination of any candidate has been wrongly rejected or that the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly accepted; the District Judge shall declare the election of the returned candidate to be void.

**18. Grounds for which the candidate other than the returned candidate may be declared to have been elected :-**

If any person who has presented an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the District Judge is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the District Judge shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be to have been duly elected: Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election.

**19. Control by the State Government :-**

**1** x x x x x.

1. Rule 19 omitted by Notification No. HUD 647MLR 95, dated 20-12-1995, w.e.f. 20-12-1995