

## **Kerala Municipality (Election Of Chairperson And Deputy Chairperson) Rules, 1995**

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### **FORM 1 :- FORM 1**

## **Kerala Municipality (Election Of Chairperson And Deputy Chairperson) Rules, 1995**

S.R.O. No. 260/95.-In exercise of the powers conferred by Sections 10,11 and 12 of the Kerala Municipality Act, 1994 (20 of 1994) read with Section 565 thereof, the Government of Kerala, in consultation with the State Election Commission, hereby make the following rules, namely:-

### **1. Short Title And Commencement :-**

- (1) These rules may be called the Kerala Municipality (Election of Chairperson and Deputy Chairperson) Rules, 1995.
- (2) They shall come into force at once.

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

In these rules, unless the context otherwise requires,-

- (a) Act means the Kerala Municipality Act, 1994 (20 of 1994);
- (b) Form means a form appended to these rules;
- (c) Section means a section of the Act;
- (d) Returning Officer means an Officer designated or nominated by

the State Election Commission under sub-section (2) of Section 12 of the Act;

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

### **3. The Manner Of And Time Limit For Casual Vacancies :-**

The Secretary concerned shall, report to the State Election Commission, every casual vacancy occurring in the place of Chairperson or Deputy Chairperson of a Municipality within one week of the occurrence of such vacancy.

### **4. The Procedure For Conducting Election Meeting :-**

(1) The Returning Officer shall hold the election of the Chairperson or the Deputy Chairperson or both at a meeting of the elected Councillors of the Municipality specially convened for the purpose in the Municipal Office concerned.

(2) If the election of the Chairperson and the Deputy Chairperson are held in the same meeting, then the procedure for election of the Deputy Chairperson shall start only after the election of the Chairperson and declaration of the result thereof are completed.

(3) Such meeting shall be convened in the case of an ordinary vacancy, within three weeks from the date of publication of the names of the elected Councillors by the State Election Commission and in the case of a casual vacancy, as soon as may be after the occurrence of a vacancy, on such day as may be decided by the State Election Commission.

Published in K.G. Ex. No. 1084 dt. 28-7-2001 as G.O.(P) No. 175/2001/LSGD. (4) The Returning Officer shall give notice regarding the day, time and place of the meeting to the Councillors at least seven clear days prior to the day of the meeting and shall exhibit a copy of such notice on the notice board of the Municipality concerned.

Provided that, in the case of election of the Chairperson and the Deputy Chairperson conducted for the first time after a general election conducted as per subsection (1) of section 94, such notice need be given before three clear days]

Explanation.-In computing clear days, Sundays and other holidays shall be included, but the date of the meeting and the date of issue of notice shall be excluded.

### **5. Quorum :-**

In the meeting summoned by the Returning Officer under sub-rule (3) of Rule 4, if at least half the number of Councillors of the concerned Municipality who have the right to vote are not present, the meeting shall be postponed to be held at the same time in the next working day and the election shall be conducted in the meeting so convened without insisting the quorum.

#### **6. Nomination Of Candidate :-**

(1) A Councillor of the concerned Municipality shall in the case of election of Chairperson or Deputy Chairperson, as the case may be, nominate another Councillor as a candidate and yet another Councillor shall support the nomination and in case the nominated Councillor is not present, the willingness in writing of the person so nominated agreeing to stand as a candidate shall also be produced: Provided that a Councillor shall not nominate or support more than one name; [Provided further that, in the case where the places of Chairperson have been reserved for women or for scheduled castes and scheduled tribes or for their women, under Section 10, it shall not be mandatory that such a councillor shall be proposed as a candidate by another Councillor and seconded by yet another Councillor.]

(2) The Returning Officer shall, in the meeting, read out the names of the candidates found duly nominated on scrutiny and the names of the persons who has nominated and supported them, respectively.

(3) No Councillor who has not taken an Oath or affirmation under sub-section (!) of Section 143 shall vote or take part in the election of the Chairperson or Deputy Chairperson under these rules.

#### **7. Procedure For Election :-**

(1) The Returning Officer shall, if there is only one candidate duly nominated for the office of Chairperson or Deputy Chairperson, as the case may be, without conducting voting declare that candidate as duly elected as Chairperson or Deputy Chairperson, as the case may be,

(2) A voting, as provided under Rule 8 shall be Conducted if there are more than one candidate.

#### **8. Manner Of Recording And Counting Of Votes, And Declaration Of Results :-**

(1) The Returning Officer shall supply to every deserving Councillor wishing to vote in the election of Chairperson or Deputy Chairperson, as the case may be, a ballot paper in Form I. Proviso added by S.R.O- No. 1119/95 Rule 5 substituted by S.R.O. No. 1119/95. Furthur proviso added by S.R.O. No. 1119/95.

(2) The ballot paper shall contain the names of all contesting candidates on the one side and the seal and full signature of the Returning Officer on the reverse side.

[ (4), (5) & (6) x x x x]

(7) The Returning Officer shall, after the completion of voting, 3 [open the ballot box in the presence of Councillor, Stake out the ballot papers therein and shall count the votes] and declare the results of the election in accordance with the following manner:

(a) The Returning Officer shall, if there are only two contesting candidates, declare the candidate obtaining most valid votes as elected and in the event of both candidates obtaining equal valid votes draw lots in the meeting and declare the person whose name is first drawn as elected.

(b) If there are more than two contesting candidates and in the first voting no candidate obtains votes more than the total number of votes obtained by all other candidates, then, the candidate who has obtained the least votes shall be eliminated from the election and thus the voting shall be repeated by eliminating the candidate obtaining the least votes in each voting until a candidate obtains more valid votes than the remaining candidate or the total number of votes obtained by the remaining candidates, as the case may be and declare the candidate obtaining more votes as elected.

(c)The Returning Officer, shall, if two or more candidates obtain equal number of votes and one among them is to be eliminated under clause (b) for deciding which candidate is to be eliminated among such candidates obtaining equal number of votes, draw lots and eliminate the person whose name is first drawn,

1 .Sub-rule (3) substituted by S.R.O. No. 2/2000, w.e.f. 2-10-1998.

2.Sub-rule (4), (5) & (6) omitted by S.R.O. No. 2/2000, w.e.f. 2-10-1998.

3.Substituted for S.R.O. No, 2/2000, w.e.f. 2-10-1998.

4.Clause (aa) added by S.R.O. No. 2/2000, w.e.f. 2-10-1998. (8) Election to fill any casual vacancy in the office of the Chairperson or Deputy Chairperson shall be conducted as in the case of first election.

## **9. Section 9 :-**

## **10. Publication Of Election Result :-**

- (1) The Returning Officer shall, immediately after declaring the result of the election at the meeting, publish the same in the notice board of the concerned Municipality and inform the State Election Commission,
- (2) The State Election Commission shall notify the result of the election of Chairperson and Deputy Chairperson, in the Gazette.

## **11. Disposal Of Ballot Papers :-**

- (1) The Returning Officer shall in each stage, put the ballot papers, counted or rejected, in separate packets, seal them closed and record on each packet the number of ballot papers enclosed and election to which it relates.
- (2) The Returning Officer shall hand over the packets sealed and recorded as per sub-rule (I) to the Secretary of the Municipality concerned who shall keep it under safe custody. [Such packets shall not be opened and their contents shall not be inspected or produced, except under the orders of a competent Court.] [Such packets shall, unless there is an order to the contrary by a competent Court, be destroyed after a period of one year.

### **FORM 1**

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[See Sub-rule (i) of Rule (8)]

#### **Ballot paper**

This does not form part of the Notification, but is intended to indicate its general purpose.) Section 12 of the Kerala Municipality Act, 1994 (20 of 1994) empowers the Government to make rules regarding the procedure and manner of election of Chairperson and Deputy Chairperson of a Municipality, the manner of publication of election results, manner of reporting of casual vacancy occurring in the office of the Chairperson and Deputy Chairperson, etc. Government have decided to make rules for the purpose. This notification is intended to achieve the above object.

5. Sub-rule (7a) added by S.R.O. No. 2/2000, w.e.f. 2-10-1998.

6. Rule (9) substituted by S.R.O. No. 2/2000, w.e.f. 2-10-1998.

7. Substituted for the words by S.R.O. No. 2/2000. w.e.f. 2-10-1998.

8. Substituted for the words by S.R.O No. 2/2000,w.e.f 2-10-1998.

