

The Punjab Municipal Corporations Mayor, Senior Deputy Mayor and Deputy Mayor Election Rules, 1991

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✓ NOTIFICATION

The 9th September, 1991

No. GSR 50/PA42/76/Ss.38 and 60/91. - In exercise of the powers conferred by section 38 read with section 60 of the Punjab Municipal Corporation Act, 1976 (Punjab Act No. 42 of 1976), the President of India is pleased to make the following rules to regulate the election of Mayor, Senior Deputy Mayor and Deputy Mayor of the Municipal Corporations, namely :-

1. Short title. - These rules be called the Punjab Municipal Corporations Mayor, Senior Deputy Mayor and Deputy Mayor Election Rules, 1991.

2. Definitions. - In these rules, unless the context otherwise requires, -

(a) "Act" means the Punjab Municipal Corporation Act, 1976; and

(b) "election" means the election of Mayor, Senior Deputy Mayor and Deputy Mayor of a Municipal Corporation.

3. Manner of Election. - (1) A meeting of the [members and *ex officio* members]¹ of a Municipal Corporation shall be convened by the Divisional Commissioner to elect a Mayor, Senior Deputy Mayor and Deputy Mayor and the election shall be held by way of ballot for which purpose special ballot papers bearing the official mark allotted by the Divisional Commissioner shall be used:

Provided that, if any [member and *ex officio* member]² being illiterate or otherwise being incapable of casting his vote by writing 'Yes' or 'No' on the ballot paper, the person presiding over the meeting shall record 'Yes' or 'No', as the case may be, on the ballot paper on behalf of such [member and *ex officio* member]³, in accordance with his wishes.

(2) The person presiding over the meeting convened under sub-section (1) shall keep utmost secrecy while recording the wishes of the [members and *ex officio* members]⁴ and shall keep a brief record of each such instance without indicating the manner in which the vote has been cast.

4. Election to the office of Mayor. - In the case of election to the office of the Mayor,-

1. Substituted vide Punjab Govt. Notification No. G.S.R. 22/P.A. 42/76/S.38/Amd(2)/97, dated 14.5.1997.

2. Substituted vide Punjab Govt. Notification No. G.S.R. 22/P.A. 42/76/S.38/Amd(2)/97, dated 14.5.1997

3. Substituted vide Punjab Govt. Notification No. G.S.R. 22/P.A. 42/76/S.38/Amd(2)/97, dated 14.5.1997

4. Substituted vide Punjab Govt. Notification No. G.S.R. 22/P.A. 42/76/S.38/Amd(2)/97, dated 14.5.1997

2 Punjab Municipal Corporations Mayor, Senior Rules, 1991, Rule 5

- (i) if there is only one candidate he shall be declared to have been elected;
- (ii) if there are more than one candidate, the candidate who obtains the largest number of votes shall be declared to have been elected; and
- (iii) if there is an equality of votes between any candidates at such election and that the addition of a vote would entitle any of those candidates to be elected as Mayor, then the person presiding over the meeting shall decide between them by lot to be drawn in the presence of the candidates in such manner as he may determine and the candidate on whom the lot falls, shall be deemed to have received an additional vote and he shall be declared to have been elected.

[5. Elections to the offices of Senior Deputy Mayor and Deputy Mayor. - (1)

In case all the candidates desire to contest joint election for both the offices of Senior Deputy Mayor and Deputy Mayor, then a joint election by way of single vote shall be conducted and the candidate obtaining the largest number of votes shall be deemed to have been elected as Senior Deputy Mayor and the candidate obtaining the second largest number of votes shall be deemed to have been elected as Deputy Mayor.

(2) In case some of the candidates are not desirous to contest joint election for both the offices of Senior Deputy Mayor and Deputy Mayor in terms of sub- rule (1), then separate elections for each of the aforesaid offices, shall be conducted.

(3) While conducting elections under sub-rules (1) and (2), the manner prescribed in rule 4 shall be followed]¹

6. Custody of ballot papers after election. - (1)

All ballot papers used for voting referred to in sub-rule (1) of rule 3 and in rule 5 shall, immediately after the counting of votes has been completed, be enclosed in a stout envelope and sealed by the person presiding over the meeting in the presence of the [members and *ex officio* members]² present thereat, and the description of the election to which the ballot- papers relate shall be inscribed thereon and such envelope shall be enclosed in another large envelope which shall be addressed to the Divisional Commissioner and delivered to him.

(2) The Divisional Commissioner shall preserve the inner envelope intact until the expiry of one year from the date of the election, and shall then, subject to any direction to the contrary made by the Government or a competent Court, or a person appointed to hold an enquiry into an election, cause it to be destroyed with its contents.

1. Substituted vide Punjab Govt. LSP III, dated 27.9.1991.

2. Substituted vide Punjab Govt. Notification No. G.S.R. 22/P.A. 42/76/S.38/Amd(2)/97, dated 14.5.1997.