

DELHI DEVELOPMENT AUTHORITY (ELECTION OF REPRESENTATIVE OF DELHI MUNICIPAL CORPORATION) RULES, 1958

G.S.R. 391, dt. 17.05.1958, published dt. 17.05.1958

In exercise of the powers conferred by sub-section (1) of section 58 of the Delhi Development Act, 1957 (61 of 1957), read with clause (a) of sub-section (2) of that section, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement

(1) These rules may be called the Delhi Development Authority (Election of Representative of Delhi Municipal Corporation) Rules, 1958.

(2) They shall come into force at once.

2. Manner of election of representatives of corporation to the Authority

(1) The election of two representatives of the Municipal Corporation of Delhi (hereinafter referred to as the Corporation) in pursuance of clause (e) of sub-section (3) of section 3 of the Delhi Development Act, 1957 (61 of 1957) shall be held at a meeting of the Corporation in accordance with the system of proportional representative by means of the single transferable vote and the voting at such election shall be held by secret ballot.

(2) Every candidate for election as such representative shall be nominated by a nomination paper in Form 1 which shall be signed by the candidate and two other members of the Corporation as proposer and seconder and delivered to the Municipal Secretary between the hours of eleven O'clock in the forenoon and five O'clock in the afternoon at least three clear days before the date of meeting at which the election is to be held.

(3) No member of the Corporation shall sign as proposer or seconder the nomination papers of more candidates than the number of representatives to be elected. Any nomination paper subscribed in contravention of this sub-rule shall be invalid and shall be declared as such by the Mayor.

(4) Any candidate may withdraw his candidature at any time before the election is proceeded with in the meeting.

(5) Where the number of validly nominated candidates is equal to, or less than, the number of representatives to be elected, the Mayor shall declare all such candidates to be duly elected as representatives of the Corporation, and

where the number of validly nominated candidates is more than the number of representatives to be elected, a poll shall be taken.

(6) The Municipal secretary shall provide at the meeting:—

- (a) a ballot box;
- (b) a sufficient number of ballot papers as prescribed in Form 2;
- (c) materials sufficient for the purpose of enabling members of the Corporation to mark ballot papers.

(7) (a) Every member of the Corporation shall have one vote only.

(b) A member in giving his vote —

- (i) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he votes; and
- (ii) may, in addition, place on his ballot paper the figure 2 or the figures 2 and 3, the figures 2, 3 and 4 and so on in the spaces opposite the names of other candidates in the order of his preference.

(8) (a) Every member of Corporation on receiving a ballot paper shall proceed into one of the polling compartments provided for the purpose of recording votes and shall there record his vote in accordance with the instruction set out on the ballot paper.

(b) The member shall then before quitting the polling compartment, fold up his ballot paper so as to cast his vote and put the ballot paper so folded into the ballot box in the presence of the Mayor.

(c) Every member shall record his vote and quit the polling compartment without undue delay.

(9) The ballot box shall remain open for the casting of votes for such period as may be fixed by the Mayor.

(10) (a) As soon as the period fixed for casting of votes is over, the Mayor shall —

- (i) open the ballot box and take out the ballot papers contained therein;
- (ii) count the number of ballot papers so taken out or cause it to be counted and record such number in a statement;
- (iii) scrutinise the ballot papers and separate the ballot papers which he deems valid from those which he rejects as invalid by endorsing thereon the word "Rejected" and the ground of such rejection;
- (iv) arrange the valid ballot papers in parcels according to the first preference recorded for each candidate; and
- (v) count the votes in the meeting in the presence of such members as may be present, with the assistance of such persons as may be appointed by the Mayor in this behalf.

(b) The provisions of rule 115, sub-rule (1) of rule 116, rules 121 to 127 and 129 of Representation of the People (Conduct of Elections and Election Petitions)

Rules 1956, shall so far as may be, apply in relation to the counting of votes at elections in council constituencies subject to the modification that any reference to the "returning officer" in any of those provisions shall be construed as a reference to the "Mayor".

(11) Upon the completion of the counting of votes, the Mayor shall prepare and certify a return in Form 3 setting forth —

- (i) the names of the candidates for whom valid votes have been given;
- (ii) the number of valid votes given to each candidate;
- (iii) the number of valid votes declared invalid and rejected; and
- (iv) the names of the persons declared elected,

and shall forward an attested copy thereof to the Chairman of Delhi Development Authority.

(12) The ballot papers shall be kept by the Municipal Secretary for three months from the date of election and may then be destroyed by him.

**FORM 1
NOMINATION PAPER**

[See Rule 2(2)]

Election of representatives of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3 of Delhi Development Act, 1957.

(To be filled by the proposer)

I hereby nominate Shri/Smt. a Councillor/an elderman, as a candidate for election as a representative of the Corporation of the Delhi Development Authority.

- 1. Full name of proposer.....
- 2. Full name of Secunder.....

Signature of proposer.

Dated.....

Signature of Secunder.

(To be filled by the candidate)

I, the above-mentioned candidate, assent to this nomination.

Dated.....

Signature of Candidate.

(To be filled by the Municipal Secretary)

S.No. of nomination paper.....

This nomination paper was delivered to me at my office at (hour) on (date) by the ¹Candidate/proposer/secunder.

Dated.....

Municipal Secretary.

¹ Strike off the inappropriae alternative.

Receipt for nomination paper to be handed over to the person presenting the nomination paper.

S.No. of nomination paper.....

This nomination paper of a candidate for election as representative of the Municipal Corporation of Delhi Development Authority was delivered to me at my office (hour) on (date) by the candidate/proposer/secunder.

Dated.....

Municipal Secretary.

**FORM 2
BALLOT PAPERS**

[See Rule 2(6)]

Election of representatives of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3 of the Delhi Development Act, 1957.

Sl. No. of Candidate	Name of Candidate	Mark order of preference
1.		
2.		
3.		
4.		
Etc.		

Instructions

1. The number of representatives to be elected is¹
2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you wish to vote. Place the figure 1 opposite the name of one candidate only (although² representative(s) are to be elected).
3. You may indicate your relative preference for the other candidates by placing in the space opposite their names the figures 2, 3, 4, etc., in order of such preference.
4. Do not place more than one figure opposite the name of any candidate.
5. Do not place the same figure opposite the names of more candidates than one.

¹ Here give the number of representatives to be elected.

² Here give the number of representatives to be elected.

Serial No.

FORM 3
RETURN OF ELECTION

[See rule 2(11)]

Election of the representatives of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3 of the Delhi Development Act, 1957.

Sl. No.	Name of Candidate	Number of valid votes given to the candidate
(1)		
(2)		
Etc.		

Total number of valid votes

Total number of invalid votes

I declare that —

(1) (Name)

(2) (Name)

have been duly elected.

(Signature)
Mayor.

Dated.....
