

THE HIMACHAL PRADESH MUNICIPAL CORPORATION ACT,
1994

ARRANGEMENT OF SECTIONS

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HIMACHAL PRADESH MUNICIPAL CORPORATION ACT, 1994

(ACT NO. 13 OF 1994)¹

(Received the assent of Governor of Himachal Pradesh on the 18th October, 1994 and was published in Hindi and English in R.H.P. Extra., dated the 18th October, 1994 at pages 3479-3672 and 3673-3845).

Amended, repealed or otherwise affected-

1. H.P. Act No. 12 of 1995² published in R.H.P Extra., dated 22.11.1995. P. 4643-4646. effected w.e.f. 1.8.1995.
2. H.P. Act No. 7 of 1997³ published in R.H.P Extra., dated 19.4.1997. p. 1369-1372. effective w.e.f. 10.1.1997.
3. H.P. Act No. 3 of 1998⁴ published in R.H.P Extra., dated 10.02.1998. P. 627 - 628.
4. H.P. Act No. 2 of 2002⁵ published in R.H.P Extra., dated 11.02.2002. P. 4107-4108 effective w.e.f. 14th day of December, 2001.
5. H.P. Act No. 5 of 2002⁶ published in R.H.P Extra., dated 11.02.2002. P. 4121-4140.
6. H.P. Act No. 6 of 2003⁷ published in R.H.P Extra., dated 02.08.2003. P. 1087-1090.
7. H.P. Ordinance No. 3 of 2004 replaced by H.P. Act No.4 of 2005⁸ published in R.H.P Extra., dated 24.01.2005. P. 3559-3562.

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1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 19-9-1994, p. 2931 and 3106.
 2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 27-9-1995, p. 3899 and 3902.
 3. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 25-3-1997, p. 983 and 986.
 4. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12-12-1997, p. 4702 and 4704.
 5. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 21-12-2001, p. 3652 & 3654.
 6. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 20-12-2001, p. 3635 & 3647.
 7. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 18-07-2003, p. 779 & 783.

8. H.P. Act No. 29 of 2005⁹ published in R.H.P Extra., dated 30.09.2005. P. 3311-3312.
9. H.P. Act No. 3 of 2007¹⁰ published in R.H.P Extra., dated 13.02.2007. P. 11363-11364.
10. H.P. Act No. 19 of 2007¹¹ published in R.H.P Extra., dated 29.09.2007. P. 6173-6176.
11. H.P. Act No. 9 of 2008¹² published in R.H.P Extra., dated 22.5.2008. P. 1095-1096.

An Act to consolidate, amend and replace the law relating to the establishment of Municipal Corporations for certain Municipal areas in the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in Forty-fifth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement. - (1) This Act may be called the Himachal Pradesh Municipal Corporation Act, 1994.

(2) It extends to the whole of the State of Himachal Pradesh excluding the cantonment areas therein.

(3) It shall and shall be deemed to have come into force on the 30th day of May, 1994.

2. Definitions. - In this Act, unless the context otherwise requires,-

- (1) "backward classes" means such classes of citizens other than scheduled castes and scheduled tribes, as may be identified and notified for the purpose of reservation for

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8. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 22-12-2004, p. 2867
 9. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 9-8-2005, p. 2234-2237.
 10. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 27.12 2006, p. 9191&9194.
 11. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 07.09 2007, p.4994&5003.
 12. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 11.4.2008, p. 247&250.

appointments or posts in the services under the State Government ;

(2) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder ;

(3) "building" means a shop, house, out-house, stable, latrine, urinal, shed, hut, wall or any other structure, whether of masonry, bricks, wood, mud, metal or other material and includes a well but does not include any portable shelter;

(4) "bye-law" means a bye-law made under this Act, by notification in the Official Gazette;

(5) "Commissioner" means the Commissioner of the Corporation, appointed by the State Government;

(6) "Corporation" means the Municipal Corporation declared and constituted under sections 3 and 4 of this Act;

(7) "corrupt practice" means any of the practices specified in section 21 ;

(8) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a Councillor or in any other elective office ;

(9) "dangerous disease" means-

(a) cholera, plague, chicken-pox, small-pox, tuberculosis, leprosy, enteric fever, cerebrospinal meningitis and diphtheria; and

(b) any other epidemic, endemic or infectious disease which the Commissioner may, by notification, in the Official Gazette, declare to be dangerous disease for the purposes of this Act;

(10) "Director" means the Director of Urban Local Bodies appointed by the Government;

(11) "district" means a district in the State;

(12) "District Judge" means the District Judge having jurisdiction over the municipal area;

(13) "District Planning Committee" means a committee constituted under section 185 of the Himachal Pradesh

Panchayati Raj Act, 1994 (4 of 1994), at the district level to consolidate the plans prepared by the panchayats and the municipalities in the district and to prepare a draft development plan for the district as a whole;

¹³ [(14) "Divisional Commissioner" means the Commissioner of the Division in which the Corporation is situated and includes any other Officer appointed by the Government to perform all or any of the functions of the Divisional Commissioner under this Act;"].

(15) "drain" includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sewage, offensive matter, polluted water, waste water, rain water or subsoil water ;

(16) "dry latrine" means a latrine or privy from where night soil is removed through manual scavenging ;

(17) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are ordinarily admitted on payment;

(18) "factory" means a factory as defined in the Factories Act, 1948 (63 of 1948);

(19) "filth" includes offensive matter and sewage ;

(20) "Finance Commission" means the Finance Commission constituted by the State Government under section 98 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994), and under articles 243-I and 243-Y of the Constitution of India;

(21) "goods" includes animals ;

(22) "Government" means the Government of the State of Himachal Pradesh;

(23) "house gully" or "service passage" means a passage or strip of land constructed, set apart or utilised for the purpose of service as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by Corporation employees or other persons employed in the cleaning thereof or in the removal of such matter therefrom;

(24) "hut" means any building which is constructed principally of wood, bamboo, mud, leaves, grass, cloth or thatch and includes any structure of whatever material made which the Corporation may declare to be a hut for the purposes of this Act ;

(25) "land" includes benefits that arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street ;

(26) "licensed architect", "licensed draftsman", "licensed engineer", "licensed plumber", "licensed surveyor" and "licensed town planner" means respectively a person licensed under the provision of this Act as an architect, draftsman, engineer, plumber, surveyor and town planner ;

(27) "member" in relation to the Corporation means a Councillor thereof ;

(28) "municipal area" means the territorial area of the Corporation declared under section 3 of this Act ;

(29) "municipal drain" means a drain vested in the Corporation ;

(30) "municipal market" means a market vested in or managed by the Corporation ;

(31) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;

(32) "municipal water works" means water works vested in the Corporation ;

(33) "municipality" means an institution of self-Government constituted under section 3 of the Himachal Pradesh Municipal Act, 1994 (12 of 1994), which may be a Nagar Panchayat or a Municipal Council or a Municipal Corporation ;

(34) "nuisance" includes any act, omission, place, animal or a thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property ;

(35) "occupier" includes-

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable:

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for use and occupation of any land or building;

(36) "offensive matter" includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances, other than sewage;

(37) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person who should so receive the rent or be entitled to

receive it if the land or building or part thereof were let to a tenant;

1“(37-A) “political party” means an association or body of individual citizens of India registered with the Election Commission of India, as a political party under section 29A of the Representation of people Act, 1951 (43 of 1951);”.

(38) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(39) "premises" means any land or building or part of a building and includes,-

(a) the garden, ground and out-houses, if any, appertaining to a building or part of a building ; and

(b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;

(40) "prescribed" means prescribed by rules made under this Act ;

(41) "private street" means any street, which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners ;

(42) "private market" means a market which is not a municipal market";

(43) "private slaughter house" means a slaughter house which is not a municipal slaughter house ;

(44) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not ;

(45) "public securities" means any securities of the Central Government or a State Government or any securities guaranteed by the Central Government or a State Government or any securities issued under this Act ;

(46) "public street" means any street which vests in the Corporation or which under the provisions of this Act becomes, or is declared to be a public street ;

(47) "railway administration" would have the same meaning as assigned to it in the Indian Railway Act, 1890 (9 of 1890);

(48) "rateable value" means the value of any land or building fixed in accordance with the provisions of this Act and the bye-laws made thereunder for the purpose of assessment to property taxes;

(49) "regulation" means a regulation made by the Corporation under this Act, by notification, in the Official Gazette ;

(50) "reside"-

(a) a person shall be deemed to "reside" in any dwelling house which or some portion of which he sometimes, although not uninterruptedly uses as a sleeping apartment ; and

(b) a person shall not be deemed to cease to "reside" in any such dwelling house merely because he is absent from it or has elsewhere another dwelling house in which he resides, if there is, liberty of returning to it at any time, and no abandonment of the intention of returning to it ;

(51) "rubbish" includes ashes, broken bricks, broken glass, dust, malba, mortar and refuse of any kind which is not filth ;

(52) "rural areas" means the part of the municipal area which immediately before their inclusion within the limits of the municipal areas were situated within the local limits of a Gram Panchayat but shall not include such portion thereof as may, by virtue of a notification under section 417 cease to be included in the rural areas as herein defined ;

(53) "Scheduled Castes" shall have the same meaning as assigned to it in clause (24) of article 366 of the Constitution of India;

(54) "Scheduled Tribes" shall have the same meaning as assigned to it in clause (25) of article 366 of the Constitution of India;

(55) "sewage" means night-soil and other contents of latrines, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufactories⁰ of all kinds ;

(56) "shed" means a slight or temporary structure for shade or shelter;

(57) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(58) "State Election Commission" means the State Election Commission constituted by the State Government under section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) and under articles 243-K and 243-ZA of the Constitution of India ;

(59) "street" shall mean any road, footway, square, court, alley, gully or passage, accessible whether permanently or temporarily to the public and whether a thoroughfare or not, and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall include any part of such space which the occupier of any such building has right at all hours to prevent all other persons from using as aforesaid and shall include also the drains or gutters therein, or on either side of the land, whether covered or not by any pavement, verandah or other erection, up-to the boundary of any abutting property, not accessible to the public ;

(60) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(61) "trade premises" means any premises used or intended to be used for carrying on any trade or industry ;

(62) "trade refuse" mean the refuse of any trade or industry ;

(63) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-rickshaw, auto-rickshaw, motor

vehicle and every wheeled conveyance which is used or is capable of being used on a street ;

(64) "ward" means a municipal ward of the Corporation made under sub-section (2) of section 4 of this Act for the purpose of election of a member ;

(65) "water course" includes any river, stream or channel whether natural or artificial ;

(66) "water seal latrine" means a latrine with a minimum water-seal of 20 mm. in which excreta is pushed in or flushed by water and is not required to be removed by human agency ;

(67) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, main pipes, culverts, hydrants, stand-pipes and conduits and all lands, buildings, machinery, bridges and things used for, or intended for the purpose of supplying water ;

(68) "workshop" means any premises (including the precincts thereof) other than a factory, wherein any industrial process is carried on ; and

(69) "year" means a year commencing on the 1st day of April.

CHAPTER - II

CONSTITUTION OF CORPORATION

3. Declaration of municipal area as Corporation.- (1) For the purposes of this Act, the area comprised within the limits of the Shimla Municipal Corporation constituted under the Himachal Pradesh Municipal Corporation Act, 1979 (9 of 1980) shall be the Municipal Corporation of Shimla.

(2) The Government may, from time to time, by a notification in the Official Gazette, declare any municipality to be a Corporation Known as "the Municipal Corporation of (Name of Corporation)":

Provided that no municipality or group of municipalities shall be so declared to be a Corporation unless:-

- (i) the population thereof exceeds ¹forty thousand; and
- (ii) the total income of the municipality or group of municipalities immediately preceding the date of issue of the notification, exceeds two corers rupees per annum.

(3) The Government may, from time to time, after consultation with the Corporation, by notification in the Official Gazette, alter the limits of the municipal area of the Corporation declared under sub-sections (1) and (2) so as to include therein or exclude therefrom such areas as may be specified in the notification.

(4) When the limits of the municipal area are altered, so as to include therein any area, except as the Government may otherwise by notification direct, all rules, regulations, notifications, bye-laws, orders, directions and powers issued or conferred and all taxes imposed under this Act and in force in the municipal area, shall apply to such area.

(5) When a local area is excluded from the Corporation under sub-section (3),-

- (a) this Act, and all notifications, rules, bye-laws, orders directions and powers issued, made or conferred under this Act, shall cease to apply thereto ; and
- (b) the Government shall after consulting the Corporation, frame a scheme determining what portion of the balance of the Corporation fund and other property vesting in the Municipal Corporation shall vest in the Government and in what manner the liabilities of the Corporation shall be apportioned between the Corporation and the Government, and, on the scheme,

being notified, the property and liabilities shall vest and be apportioned accordingly.

4. Incorporation and constitution of Corporation. - (1) The Corporation shall be a body corporate having perpetual succession and a common seal with power subject to the Provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

(2) Save as provided in sub-section(3), all seats in the Corporation shall be filled by persons chosen by direct election from the territorial constituencies in the municipal area and for this purpose the municipal area shall, by a notification issued in this behalf, be divided into territorial constituencies to be known as wards.

¹[(3) In the Corporation, in addition to persons chosen by direct election under this section, the Members of the State Legislative Assembly, representing constituencies which comprise wholly or partly in municipal area, shall also be the Councillors[.]²

³[xxxxxxxxxxxxx]

⁴[(3-A). The State Government may, by notification, nominate as councillors not more than ⁵ five persons having special knowledge or experience of municipal administration:

Provided that a person who contested and lost the immediately preceding election of any Corporation shall not be nominated by the State Government as a Councillor of that Corporation or any other Corporation during its existing term:

Provided further that a Councillor nominated under sub-section whether before or after the commencement of the Himachal Pradesh Municipal Corporation (Amendment) Act, 2003 shall hold office during the pleasure of the State Government, but not beyond the term of Corporation as provided for in sub-section (1) of section 5 of this Act.

(3-B). The nominated Councillors referred to in sub-section (3-A) and the Commissioner shall have the right to attend all the meetings of the Corporation and to take part in the discussion therein but shall not have any right to vote.]

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1. Sub-section (3) subs. vide Act No. 7 of 1997w.e.f. 10-1-1997.
 2. Subs. for the words “and the State Government may, by notification, also nominate as Councillors, not more than three persons having special knowledge or experience of Municipal administration” vide Act No. 6 of 2003.
 3. Provisos deleted vide Act No. 6 of 2003.
 4. Sub-sections (3-A) and (3-B) added vide Act No. 6 of 2003.
 - 5 Substituted for the words “three” vide H.P. Act No. 13 of 2016

(4) Where after the commencement of this Act, any municipal area is declared to be a Corporation under sub-section (2) of section 3, all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law, shall be exercised and performed by the commissioner for a period not exceeding six months or till a Corporation is constituted under the provisions of this Act, which ever is earlier.

5. Duration of Corporation.- (1) The Corporation, unless sooner dissolved under section 404 of this Act, shall continue for five years from the date appointed for its first meeting.

(2) An election to constitute the Corporation shall be completed -

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Corporation for such period.

(3) A Corporation constituted upon its dissolution before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Corporation would have continued under sub-section (1) had it not been so dissolved.

6. Delimitation of wards. - For the purposes of election of Councillors the Deputy Commissioner shall, in accordance with such rules as may be prescribed by the State Government,-

(a) divide the municipal area into wards in such a manner that,-

(i) one Councillor shall be elected from each ward ; and

(ii) as far as possible the population in each ward shall be equally distributed :

Provided that the population in each ward shall not be less than¹[2500] and the number of total seats to be filled by direct election shall not exceed

² thirty seven;

(b) determine the territorial extent of each ward ; and

1 Amended vide Act NO. 6 of 2020 Dated 24.09.2020

2 Amended vide Act No. 5 of 2017 dated 15.03.2017

(c) determine the ward or wards in which seats are reserved under this Act.

7. Qualification for Councillors.- A person shall not be qualified to be chosen as a Councillor, unless-

(a) he has attained twenty-one years of age ; and

(b) his name is registered as an elector in the electoral roll of any ward in the municipal area.

8. Disqualifications of Councillors. - (1) A person shall be disqualified for being chosen as, and for being, a Councillor of the Corporation-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of election to the Legislature of the State:

Provided that no person shall be disqualified on the ground that he is less than 25 years, if he has attained the age of 21 years; and

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) A person shall also be disqualified for being chosen as, and for being, a Councillor-

(a) if he is of unsound mind and stands so declared by a competent court ;

(b) if he is an undischarged insolvent ;

(c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State ;

(d) if he has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty of-

(i) any corrupt practice under section 21 of this Act;

(ii) any offence punishable under sections 171-E or 171-F of the Indian Penal Code, 1860 (45 of 1860) or any offence punishable under section 29 or clause (a) of sub-section (2) of section 30 of this Act ; unless a period of six years has elapsed since the date of the finding ;

¹[(dd) if he has incurred more expenditure than prescribed under section 13-A or has failed to lodge account under section 13-B within 30 days of the declaration of the result of the election;].

(e) if he has been ²[xxxxx] convicted by a criminal court to imprisonment for an offence involving moral turpitude, unless a period of six years has elapsed since his conviction ;

³[*Explanation.*-"moral turpitude" shall mean the cases where a charge framed by a competent court involves an offence for which the maximum sentence is death or life imprisonment or 10 years or more;]

(f) if he holds any office of profit under the Corporation ;

(g) if he is a licensed architect, draftsman, engineer, plumber, surveyor or town planner or is a partner of a firm of which any such licensed person is also a partner;

(h) if he holds any office of profit under the Government or the Municipal Corporation ;

(i) if he is interested in any subsisting contract made with, or any work being done for the Corporation except as a share holder (other than a director) in an incorporated company or as a member of a co-operative society ;

(j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the Corporation or any of municipal authorities is interested or concerned ;

(k) if he, having held any office under the Government, the Corporation or any other local authority, any Government company or any corporate body owned or controlled by the Government ⁴[,] has been dismissed from service ;

(l) if he has encroached upon or is a beneficiary of the encroachment upon any land belonging to, or taken on lease or requisitioned by or on behalf of, the State Government, a municipality, a panchayat, a co-operative society or any other

1. Clause (dd) added vide Act No. 5 of 2002.

2. The words "Sentenced or" deleted vide Act No. 5 of 2002.

3 . Explanations added vide Act No. 5 of 2002.

4. Subs. words "or" vide act No. 5 of 2002.

local authority, unless a period of six years has elapsed since the date on which he is ejected therefrom or he ceases to be the encroacher;

Explanation.-For the purposes of this clause the expression "beneficiaries" shall include the spouse and legal heirs of the encroacher; or

(m) if he is registered as a habitual offender under the Himachal Pradesh Habitual Offenders Act, 1969 (8 of 1974);

(n) if he has been ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1973 (2 of 1974);

(o) if he fails to pay any arrears of any kind due to him, otherwise than as an agent, receiver, trustee or an executor to the Corporation within three months after a notice in this behalf has been served upon him ;

¹(o-a) if he is a defaulter of any co-operative society.

(p) if he is in the employment or service under any panchayat or of any other local authority or co-operative society or the State Government or Central Government or any public sector undertaking under the control of the Central or the State Government.

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[(q) XXXXXXXX :XXXXXXX

(r) if he has made any false statement or declaration in writing under this Act or the rules made thereunder.].

Explanation.- For the purposes of this clause the expression "service" or "employment" shall include persons appointed, engaged or employed on whole time, part time, casual, daily or contract basis.

(3)

Notwithstanding anything contained in sub-sections (1) and (2) above -

(a) a disqualification under clause (e) of sub-section (2) shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the

1 . Inserted vide Act No. 1 of 2021 dated 10.03.2021.

2. Clauses (q) and (r) added vide Act No. 5 of 2002.

conviction or sentence until that appeal or petition is disposed of ;

(b) a person shall not be deemed to have incurred any disqualification under clause (f), or clause (g) of sub-section (2) by reason only of his receiving -

(i) any pension ; or

(ii) any allowance or facility for serving as a Mayor or Deputy Mayor or as a Councillor ; or

(iii) any fee for attendance at a meeting of any committee of the Corporation ;

(c) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of sub-section (2) by reason only of his having a share or interest in -

(i) any lease, sale, exchange or purchase of immovable property or any agreement for the same ; or

(ii) any agreement for the loan of money or any security for the payment of money only ; or

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted ; or

(iv) the sale to the Corporation or to any other municipal authority or any officer or other employee of the Corporation on behalf of the Corporation of any article in which he regularly trades or the purchase from the Corporation or from any such authority, officer or other employee on behalf of the Corporation of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work; or

(v) the letting out on hire to the Corporation or the hiring from the Corporation of any article not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work ; and

(vi) any agreement or contract with the Corporation or any other municipal authority for taking water or any other thing which the Corporation may generally supply.

(4) If a person sits or votes as a Councillor of the Corporation when he is not qualified or that he is disqualified for such Councillorship, he shall be liable

in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as an arrear of tax under this Act.

(5) If any question arises as to whether a Councillor of the Corporation has become subject to any of the disqualifications mentioned in sub-sections (1) and (2), the question shall be referred for the decision of such authority and in such manner as the Government may by notification provide.

(6) If a person who is chosen as a Councillor of the Corporation, becomes a Member of the House of the People, the Council of States, the State Legislative Assembly, or is or becomes member of a municipality, or an office bearer of a panchayat, then at the expiration of a period of fifteen days from the date of publication of the election result, as the case may be, within fifteen days from the date of the commencement of term of office of a Member of the House of People, the Council of State, the State Legislative Assembly or member of the municipality, or an office bearer of a panchayat, his seat in a Corporation shall become vacant, unless he has previously resigned his seat in the House of People, the Council of States, the State Legislative Assembly, the panchayat or the municipality, as the case may be.

Explanation.- For the purposes of sub-section (6), the expression "office bearer of the panchayat" shall have the same meaning as is assigned to it under clause (23) of section 2 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994).

¹“8A. Disqualification on the ground of defection.—(1) The election to the Corporation shall be held on the basis of party symbols of political parties and free symbols in the manner as may be prescribed.

(2) A person shall be disqualified for being a Councillor of the Corporation,—

(a) if he has voluntarily given up his membership of such political party; or
(b) if he votes or abstains from voting in such meeting of the Corporation contrary to any direction issued by the political party to which he belongs or by an authorised person of such political party in this behalf, without obtaining, in either case, the prior permission of such political party,

or authorised person and such voting or abstention has not been condoned by such political party or authorised person of such political party within fifteen days from the date of such voting or abstention.

*Explanation.—*For the purposes of this section a Councillor of a Corporation shall deemed to belong to the political party, if he was set up as a contesting candidate for election by such political party.

(3) A Councillor of a Corporation who has been elected on a free symbol as such shall be disqualified for being a member of the Corporation if he joins any political party after such election.

8B. Disqualification on ground of defection not to apply in case of merger.—

(1) A Councillor of a Corporation shall not be disqualified under section 8A, where his original political party merges with another political party and he claims that he and any other members of his original political party,—

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group; and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of section 8A and to be his original political party for the purposes of this sub-section.

(2) For the purposes of sub-section (1), the merger of the original political party of a Councillor of a Corporation shall be deemed to have taken place if, and only if, not less than two-third of the members of the original party concerned in the Corporation have agreed to such merger.

8C. Decision on questions as to disqualification on ground of defection.— If any question arises as to whether a Councillor of a Corporation has become subject to disqualification under section 8A, the question shall be referred to the Government by the Commissioner of the Corporation through Director Urban Development Department. The Government may authorise an officer not below the rank of Deputy Commissioner to decide the question of disqualification on the ground of defection for the purpose of section 8A. The decision of such authorised officer shall be final.”.

9. Election to the Corporation.- (1) The superintendence, direction and control of the preparation of electoral rolls, delimitation of wards, reservation and allotment of seats by rotation for, and the conduct of all elections of the Corporation, shall be vested in the State Election Commission.

(2) The Government as well as the Corporation shall, when so requested by the State Election Commission, make available to the Commission such staff¹[material and monetary resources] as may be necessary for the discharge of the functions conferred on the State Election Commission by sub-section (1).

(3) The Commission shall frame its own rules and lay down its own procedure.

1. Ins. Vide Act No. 5 of 2002.

¹[9-A. Requisitioning of premises, vehicles etc. for election purposes.- (1) If it appears to the State Government that in relation to the Municipal Corporation,-

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government, may by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section,-

(a) "premises" means any land, building or part of building and includes a hut, shed or other structure or any part thereof ; and

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

9-B. Payment of compensation.- (1) Whenever in pursuance of section 9-A. the State Government requisitions any premises, there shall be paid to the

1. Sections 9-A to 9-E ins. vide Act No. 5 of 2002.

persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

- (i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality ;
- (ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Government for referring the matter to an arbitrator, the amount of compensation, to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.- In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 9-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 9-A, the State Government requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined make an application within the prescribed time to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may

agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

9-C. Release of premises from requisition.- (1) When any premises requisitioned under section 9-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom the possession of any premises requisitioned under section 9-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof ; and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

9-D. Delegation of functions of the State Government with regard to requisitioning.- The State Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on it by any of the provisions of sections 9-A to 9-C shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

9-E. Deputation of staff and punishment on breach of official duty.-(1) The State Government shall depute staff from Government or Semi Government Organisations of the State Government for the conduct of all elections to the Municipal Corporation and the officers or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation with the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(2) If any person deputed on election duty under sub-section (1) disobeys any orders issued by an officer appointed to conduct the election under this Act regarding the performance of an election duty or deliberately abstains himself from duty or contravenes any provision of this Act and the rules made thereunder, he shall be punishable with fine which may extend to five hundred rupees.]

10. Reservation of seats of Councillors. (1) Seats shall be reserved in the Corporation,-

- (a) for the Scheduled Castes ; and
- (b) for the Scheduled Tribes ;

and the number of seats so reserved shall bear as nearly as may be same proportion to the total number of seats to be filled by direct election in the Corporation as the population of the Scheduled Castes and the Scheduled Tribes in the municipal area bears to the total population of the municipal area:

Provided that in case no reservation of seats is possible as aforesaid due to small population of the Scheduled Castes or the Scheduled Tribes and the population of Scheduled Castes or of the Scheduled Tribes in the municipal area is at least five per cent of the total population of the municipal area, one seat shall be reserved for the Scheduled Castes, or the Scheduled Tribes, as the case may be, in such a Corporation:

Provided further that where there is no eligible candidate belonging to the Scheduled Castes, or the Scheduled Tribes, as the case may be, to be elected as a member of the Corporation, no seat shall be reserved for Scheduled Castes, or Scheduled Tribes, as the case may be:

Provided further that in non-tribal areas where there is Scheduled Tribes population in a municipal area, seats shall be reserved for such members of the Scheduled Tribes within the reservation provided for the members of the Scheduled Castes and the determination of seats to be reserved amongst the Scheduled Castes and Scheduled Tribes shall be in proportion to their population in that municipal area.

Explanation. - The expression "non-tribal area" for the purpose of this proviso shall mean the areas other than the Scheduled Areas specified in relation to the State of Himachal Pradesh.

(2) One-half out of the total number of seats, reserved under sub-section (1), shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) One-half (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election shall be reserved for women.

(4) The State Government may, by general or special order, reserve such number of seats for persons belonging to Backward Classes in a Corporation, not exceeding the proportion to the total number of seats to be filled by direct election in the Corporation as the population of the persons belonging to Backward Classes in that municipal area bears to the total population of that area and may further reserve not less than one half of the total seats reserved under this sub-section for women belonging to Backward Classes.

(5) The seats reserved under sub-sections (1), (2), (3) and (4) shall be allotted by rotation to different constituencies in the municipal area in such manner as may be prescribed.

(6) The reservation of seats under sub-section (1), shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

(7) The reservation of seats under sub-sections (1) and (4) shall be reviewed after every decennial census.

(8) The reservation of seats under this section shall be given effect to through a notification issued, at the time of each election, by the State Government.

11. Right to vote.- (1) For every municipal area there shall be a list of voters which shall be prepared in accordance with the provisions of this Act and the rules made thereunder.

(2) Every person who is qualified to be registered in Legislative Assembly roll relating to the municipal area or whose name is entered therein and ordinarily resident within the municipal area shall be entitled to be registered in the list of voters of that municipal area:

Provided that no person shall be entitled to be registered in the list of voters for more than one ward of the municipal area.

Explanation-I.- The expression "ordinarily resident" shall have the meaning assigned to it in section 20 of the Representation of the People Act, 1950 (43 of 1951) subject to the modification, that reference to "constituency" therein will be construed as reference to "municipal area".

Explanation-II.- A person shall be disqualified for registration in the list of voters of the municipal area if he is disqualified for the registration in the Legislative Assembly roll.

12. Filling of casual vacancies.- (1) Whenever a vacancy occurring by death, resignation or removal, or by vacation of a seat for any other reason,

the vacancy shall be filled within six months of the occurrence of such vacancy :

Provided that no election shall be held to fill a casual vacancy occurring within six months prior to the holding of a general election.

(2) Every person elected or nominated to fill a casual vacancy shall be elected or nominated to serve for the remainder of his predecessor's term of office.

(3) If the vacancy be a vacancy reserved for any category, the vacancy will be filled from the same category.

13. Publication of results of elections.- The names of all persons elected as Councillors shall, as soon as may be after such election be published by the State Election Commission in the Official Gazette :

Provided that the names of all the Councillors elected at a general election shall be so published as far as possible simultaneously.

¹**[13-A. Account of election expenses and maximum** ²**[limit] thereof.-** (1) Every candidate at an election shall, either himself or by his election agent, ³[or by any other person with his authority, consent or knowledge] keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent ⁴[or by any other person with his authority, consent or knowledge] between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be prescribed by the State Government in consultation with the State Election Commission.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed by the State Government in consultation with the State Election Commission.

13-B. Lodging of account .- Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidates at the election and the dates of their election are different, the later of those of those two dates lodge with the officer, as may be appointed by the State Election Commission, an account of his election expenses which shall be a true copy of the account kept by

1. Sections 13-A and 13-B ins. by Act No. 12 of 1995 w.e.f. 1-8-1995.

2. Ins. Vide Act No. 5 of 2002.

3 . Ins. Vide Act No. 5 of 2002.

4. Ins. Vide Act No. 5 of 2002.

him or by his election agent ¹[or by any other person with his authority, consent or knowledge] under section 13-A.]

14. Election petitions.- (1) No election of a Councillor shall be called in question except by an election petition presented to the [Divisional Commissioner], having jurisdiction over that municipal area hereinafter in this Chapter referred to as the prescribed authority within thirty days from the date of the publication of the result of the election under section 13.

(2) An election petition calling in question any such election may be presented on one or more of the grounds specified in section 16, by any candidate at such election or by any elector of the ward concerned.

(3) petitioner shall join as respondents to his petition all the candidates at his election.

(4) An election petition-

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

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question ; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings.

²[**14-A. Parties to the petition.-** A petitioner shall join as respondents to his petition,-

(a) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates 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, all the returned candidates ; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.].

15. Relief that may be claimed by the petitioner.- A petitioner may claim-

(a) a declaration that the election of all or any of the returned candidates is void ; and

1. Ins. Vide Act No. 5 of 2002.

2. Section 14-A Ins. Vide Act No. 5 of 2002.

(b) in addition thereto, a further declaration that he himself or any other candidate has been duly elected.

Explanation. - The expression "returned candidate" means a candidate whose name has been published in the Official Gazette, under section 13.

16. Grounds for declaring election to be void.- (1) Subject to the provisions of sub-section (2), if the prescribed authority is of the opinion -

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a Councillor; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent ; or

(c) that any nomination paper has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent ; or

(d) that the result of the election in so far as it concerns, a returned candidate has been materially affected -

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interest of the returned candidate by a person other than the candidate or his agent or a person acting with the consent of such candidate or agent ; or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void ; or

(iv) by the non-compliance with the provisions of this Act or any rules or orders made thereunder,

prescribed authority shall declare the election of the returned candidate to be void.

(2) If in the opinion of the prescribed authority, a returned candidate or any of his agents, has been alleged to be guilty of any corrupt practice, but the prescribed authority is satisfied -

(a) that no such corrupt practice was committed at the election by the candidate, or such corrupt practice was committed contrary to the orders, and without the consent of the candidate ;

(b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

the prescribed authority may decide that the election of the returned candidate is not void.

17. Procedure to be followed by the prescribed authority.- The procedure provided in the Code of Civil Procedure, 1908 (5 of 1908), in regard to suits shall be followed by the prescribed authority in the trial and disposal of an election petition under this Act.

18. Decision of prescribed authority.- Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be decided by the prescribed authority within a period of six months from the date of its presentation under section 14, and at the conclusion of the hearing of an election petition, the prescribed authority shall make an order -

(a) dismissing the election petition ; or

(b) declaring the election of all or any of the returned candidates to be void ; or

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

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed declaration that he himself or any other candidate has been duly elected and the prescribed authority is of opinion -

(a) that in fact the petitioner or such other candidate received a majority of the valid votes ; or

(b) that but for the vote obtained by the returned candidate, the petitioner or such other candidate would have obtained a majority of the valid votes,

the prescribed authority 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.

19. Procedure in case of equality of votes. - If during the hearing of an election petition it appears that there is an equality of votes between any

candidate at the election and that the addition of a vote would entitle any of those candidate to be declared elected, then the prescribed authority shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

20. Finality of decision.- (1) Save as otherwise provided, an order of the prescribed authority on an election petition shall be final.

(2) An election of a Councillor not called in question in accordance with the foregoing provisions shall be deemed to be a good and valid election.

(3) Any person aggrieved by the order of the prescribed authority may file an appeal to the ¹[Financial Commissioner (Appeal) to the Government of Himachal Pradesh or such other officers, as may be authorised, by notification, by the State Government in consultation with the State Election Commission], within a period of thirty days from the date of the order and he shall hear and dispose of the appeal within a period of ninety days.

21. Corrupt practices. - The following shall be deemed to be corrupt practices, namely:-

(1) Bribery as defined in sub-section (1) of section 123 of the Representation of the People Act, 1951 (43 of 1951);

(2) Undue influence as defined in sub-section (2) of the said section;

1. Subs. for the word "Director" vide Act No. 5 of 2002.

(3) An appeal by a candidate or his agent or by any other person with the consent of the candidate or his election agent to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to, religious symbols or, the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election;

(4) The publication by a candidate or his agent or by any other person with the consent of the candidate or his election agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election;

¹[(4-A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of citizen of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.]; and

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of the candidate or his election agent for conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

² [(5-A) the incurring, or authorising, of expenditure in contravention of section 13-A.]

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical powers:

1. Subs. Section (4-A) ins. Vide Act No. 5 of 2002.

2. Subs. Section (5-A) added vide Act No. 12 of 1995 w.e.f. 1-8-1995.

Provided further that the use of any public transport vehicle or vessel or any railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this sub-section ;

Explanation.- In this sub-section the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof.

¹[(7-A) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of the candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government of India or any State or a local authority.].

(8) Any other practice which the Government may by rules specify to be corrupt practice.

22. Maintenance of secrecy of voting.- (1) Every officer, or official, agent or other person who performs any duty in connection with the recording or counting of votes at an election, shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three months or with fine, or with both.

23. Officers etc. at elections not to act for candidates or to influence voting.- (1) No person who is a returning officer, or an assistant returning officer or a presiding officer or polling officer at an election or an officer or official appointed by the returning officer or the presiding officer to perform any duty in connection with an election or a member of a police force, shall, in the conduct or management of the election do any act (other than the

1. Sub- section (7-A) ins. Vide Act No. 5 of 2002.

giving of votes) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid shall endeavour-

(a) to persuade any person to give his vote at an election ; or

(b) to dissuade any person for giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

¹ [(4) An offence punishable under sub-section (3) shall be cognizable.].

24. Prohibition of canvassing in or near polling station and of public meeting on election day.- (1) No person shall, on the date or dates on which the poll is taken at any polling station, commit any of the following acts within the polling station, or in any public or private place within a distance of one hundred metres of the polling station, namely :-

(a) canvassing for votes ; or

(b) soliciting the votes of any elector; or

(c) persuading any elector not to vote for any particular candidate ; or

(d) persuading any elector not to vote at the election ; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) No person shall convene, hold or attend any public meeting within any ward on the date or dates on or at any time within twenty-four hours, preceding the start of the poll for an election in that ward.

²[(2) No person shall,-

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election ; or

1. Sub-section (4) added vide Act No. 5 of 2002.

2. Sub- sections (2) and (3) Subs. vide Act No. 5 of 2002.

(b) display to the public any election matter by means of cinematography, television or other similar apparatus ; or

(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto ;

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of poll for any election in that polling area.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to two years, or with fine not exceeding rupees ten thousand, or with both.

Explanation.- In this section the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.]

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to two hundred and fifty rupees.

(4) An offence committed under sub-section (1) or sub-section (2) shall be cognizable.

25. Penalty for disorderly conduct in or near polling station.- (1) No person shall, on the date or dates on which a poll is taken at any polling station,-

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker ; or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof ,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this

section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

26. Penalty for misconduct at the polling station.- (1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The power conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

27. Breaches of official duty in connection with election.- (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees. An offence punishable under this section shall be cognizable.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly.

28. Removal of ballot papers from polling station to be an offence.- (1) Any person who at an election fraudulently takes or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

29. Offence of booth capturing.- Whoever commits an offence of booth capturing, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine.

Explanation.- For the purposes of this section, "booth capturing" includes, among other things, all or any of the following activities, namely :-

- (a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct or elections ;
- (b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting ;
- (c) threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote ;
- (d) seizure of a place for counting of votes by any person or persons making the counting authorities surrender the ballot papers or voting machine and the doing of anything which affects the orderly counting of votes ;
- (e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any

such activity in the furtherance of the prospects of the election of a candidate.

30. Other offences and penalties.- (1) A person shall be guilty of an electoral offence, if at any election he-

- (a) fraudulently defaces, destroys any nomination paper ; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the returning officer ; or
- (c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper or any declaration of identify or official envelope used in connection with voting by postal ballot ; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper ; or
- (e) fraudulently puts into any ballot-box anything other than the ballot paper which he is authorised by law to put in ; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purpose of the election ; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

¹[(h) violates the Model Code of Conduct issued by the State Election Commission.].

(2) Any person guilty of an offence under this section shall-

- (a) if he is a returning officer or an assistant returning officer or a presiding officer or a polling officer or any other officer or official employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both ;
- (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

1. Clause (h) added vide Act No. 5 of 2002.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.

(4) An offence punishable under sub-section (2) shall be cognizable.

(5) No court shall take cognizance of any offence under section 24, or under section 28, or under clause (a) of sub-section (2) of this section unless there is a complaint made by order of, or under authority from, the State Election Commissioner.

¹[30-A. Promoting enmity between classes of citizen in connection with the election.- Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizen of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

30-B. Disturbances at election meetings.-(1) Any person who at a public meeting to which this section applies acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon constituency to elect a member or members and the date on which election is held.

(4) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting require that person to declare to him immediately his name and address and, if the persons refuses or fails to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

30-C. Restrictions on the printing of pamphlets, posters etc.- (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

1. Sections 30-A to 30-I ins. vide Act No. 5 of 2002.

(2) No person shall print or cause to be printed any election pamphlet or poster-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless within reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-

(i) where it is printed in the Capital of the State, to the State Election Commission; and

(ii) in any other case, to the District Magistrate of the district, it is printed.

(3) For the purposes of this section,-

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

30-D. Penalty for failure to observe procedure for voting.- If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

30-E. Penalty for illegal hiring or procuring of conveyance at elections.- If any person is guilty of any such corrupt practices as specified in sub-section (5) of section 21 of this Act, at or in connection with an election, he shall be punishable with imprisonment which may extend to three months, or with fine.

30-F. Penalty for Government servants for acting as election agent, polling agent or counting agent.- If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

30-G. Prohibition of going armed to or near a polling station.- (1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959), of any kind within the neighbourhood of polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

30-H. Grant of paid holiday to employees on the day of poll.- (1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the Municipal Corporation shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

30-I. Liquor not to be sold, given or distributed on polling day.- (1) No spirituous, fermented or intoxicating liquors or other substances of a like

nature shall be sold, given or distributed at a hotel, catering house, tavern, shop or any other place , public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed off in such manner as may be prescribed.]

31. Power to make rules regulating the election of Councillors.- (1)The Government may in consultation with State Election Commission make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of Councillors under this Act, namely :-

- (a) qualifications of elector and the preparation, publication, correction and revision of electoral rolls ;
- (b) the appointment of returning officers, assistant returning officers presiding officers and polling officers for the conduct of election;
- (c) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations and allotment of symbols to candidates ;
- (d) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the Corporation;
- (e) the withdrawal of candidature ;
- (f) the appointment of agents of candidates ;
- (g) the procedure in contested and uncontested elections ;
- (h) the date, time and place for poll and other matters relating to the conduct of elections including -
 - (i) the appointment of polling stations for each ward ;
 - (ii) the hours during which the polling station shall be kept open for the casting of votes ;

- (iii) the printing and issue of ballot papers ;
- (iv) the checking of voters by reference to electoral roll;
- (v) the making with indelible ink of the left fore-finger or any other finger or limb of the voter and prohibition of the delivery of the ballot paper to any person if at the time such person applies for such person applies for such paper he has already such mark, so as to prevent personation of voters ;
- (vi) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability ;
- (vii) the procedure to be followed in respect of challenged votes and tendered votes ;
- (viii) the scrutiny of votes, counting of votes, the declaration of the results and the procedure in case of equality of votes or in the event of a Councillor being elected to represent more than one ward;
- (ix) the custody and disposal of papers relating to elections ;
- (x) the suspension of polls in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll ;
- (xi) the holding of a fresh poll in the case of destruction of or tampering with the ballot boxes before the count ;
- (xii) the countermanding of the poll in the case of the death of a candidate before the poll ;
- (i) the requisitioning of premises, vehicles, vessels or animals, payment of compensation in connection with such requisitioning, eviction from requisitioned premises and release of premises from requisition ;
- (j) the fee to be paid on an election petition ;
- (k) any other matter relating to elections or election disputes which is to be prescribed or in respect of which the Government deems it necessary to make rules under this section or in respect of which this Act makes no provisions or

makes insufficient provision and provision is, in the opinion of the Government, necessary.

(2) Any person who contravenes the provisions of any rule framed under this section shall be punishable with fine which may extend to one thousand rupees.

32. Bar to interference by Courts in electoral matters.- Notwithstanding anything in this Act, the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243-K of the Constitution of India shall not be called in question in any Court.

33. Oath or affirmation by Councillor.- (1) Every Councillor shall, before taking his seat, make and subscribe at a meeting of the Corporation an oath or affirmation according to the following form, namely:-

"I A.B. having been elected/nominated as Councillor of the Municipal Corporation of do swear in the name of God/solemnly affirm that I will bear true and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

(2) If a person sits or votes as a Councillor before he has complied with the requirements of sub-section (1), he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as an arrear of tax under this Act, and his vote will be considered invalid.

34. Removal of and resignation by Councillors.- (1) The Government may, by notification, remove any Councillor, if in its opinion -

(a) he becomes subject to any of the disqualifications mentioned in section 8 ; or

(b) he has flagrantly abused his position as a Councillor or has through negligence or misconduct been responsible for the loss or misapplication of any money or property of the Corporation;

- (c) he has become physically or mentally incapacitated for performing his duties as a Councillor ; or
- (d) he absents himself during three successive months from the meetings of the Corporation ; or
- (e) he acts in contravention of the provisions of section 61 :

Provided that before making an order under this section, reasonable opportunity shall be given to the Councillor to be heard and to show cause against such an order.

(2) If a Councillor resigns his seat by writing under his hand addressed to the Commissioner, he shall cease to be a Councillor on the date of acceptance of his resignation and his office shall thereupon fall vacant.

35. Payment of allowances to Councillors.- The Councillors shall be entitled to receive allowances for attendance at meetings of the Corporation and of its committees at such rates as may be prescribed subject to the limits as may be imposed by the Government.

36. Election of Mayor, Deputy Mayor and their term of office.- (1) "The Corporation shall at its first meeting and thereafter at the expiration of every 2 ½ years elect one of its Councillors to be the Chairperson to be known as the Mayor and another Councillor to be the Deputy Mayor of the Corporation :

⁴⁶"Provided that the office of the Mayor shall be reserved for the Scheduled Castes, Scheduled Tribes, Women and Other Backward Classes by rotation or by lots in the manner as may be prescribed":

Provided further that where the population of any class of persons referred to in the foregoing proviso is less than fifteen per cent of the total population of the municipal area, the office of the Mayor shall not be reserved for that class". and

(2) "The term of office of the Mayor and the Deputy Mayor of the Corporation shall be every 2^{1/2} years from the date of his election, as such, unless in the mean time he resigns his office as Mayor or Deputy Mayor or unless in the case of Deputy Mayor is elected as the Mayor and he shall cease to hold his office on the expiry of his term of office:

Provided that if the office of the Mayor or Deputy Mayor is vacated or falls vacant during the tenure on account of death, resignation or no-confidence motion, a fresh election within a period of one month of the vacancy shall be held from the same category, for the remainder period :

Provided further that the election of the new Mayor or the Deputy Mayor, as the case may be, at the end of every term, shall be held before the expiry of the term specified in this sub-section.

(3) The Mayor and Deputy Mayor shall be entitled to the payment of such honorarium and may be given such facilities in respect of residential accommodation, telephone, conveyance and the like as may be prescribed by bye-laws.

(4) The Mayor of the Corporation shall have access to the record of the Corporation and issue directions to the Commissioner or other functionaries of the Corporation or call for reports from them with a view to ensuring proper implementation of the decisions of the Corporation.

(5) The Mayor shall have such powers as may be necessary to carry out the purposes of this Act and to implement the decisions of the Corporation.

37. Motion of no confidence against Mayor or Deputy Mayor.- (1) A Motion of no confidence against the Mayor or Deputy Mayor may be made in accordance with the procedure as may be prescribed.

(2) Where a notice of intention to move a resolution requiring the Mayor or Deputy Mayor of the Corporation to vacate his office, signed by not less than ⁴⁷ two third of its total elected Councillors is given and if a motion of no confidence is carried by a resolution passed by a majority of elected Councillors present and voting at its general or special meeting, the quorum of which is not less than ⁴⁸ three-fourth of its total elected members, the Mayor or the Deputy Mayor against whom such resolution is passed shall cease to hold office forthwith.

(3) Notwithstanding anything contained in this Act or the rules made thereunder, the Mayor or Deputy Mayor of the Corporation shall not preside over a meeting in which a motion of no confidence is discussed against him. Such meeting shall be presided over by such a person, and convened in such manner, as may be prescribed and the person against whom a motion of no confidence is moved, shall have a right to vote to take part in the proceedings of such a meeting.

(4) Motion of no confidence under this section shall not be maintainable within six months of the date of his election to such office and any subsequent motion of no confidence shall not be maintainable with the interval of six months of the last motion of no confidence.

38. Discharge of functions of the May by Deputy Mayor.- (1) When the office of the Mayor is vacant, the Deputy Mayor shall act as Mayor until a new Mayor is elected.

(2) When the Mayor is absent from duty on account of illness or any other cause, the Deputy Mayor, shall act, as Mayor during his absence.

39. Resignation of Mayor and Deputy Mayor.- (1) The Mayor may, by writing under his hand addressed to the Deputy Mayor, resign his office.

Provided that if the office of the Deputy Mayor is vacant, then the Mayor may submit his resignation to the Deputy Commissio of the district;

(2) The Deputy Mayor may, by writing under his hand addressed to the Mayor, resign his office.

Provided that if the office of the Mayor is vacant, then the Deputy Mayor may submit his resignation to the Deputy Commissioner of the district;

(3) A resignation under sub-section (1) or sub-section (2) shall take effect from the date of its acceptance by the Mayor or Deputy Mayor or the Deputy Commissioner, as the case may be.

54. First meeting of the Corporation after general elections for election of Mayor.- (1) The first meeting of the Corporation after general elections shall be held as early as possible but not later than thirty days after the publication of the results of the election of the Councillors under section 13 and shall be convened by the Director.

(2) Notwithstanding anything contained in section 57, for election of the Mayor, the Director shall nominate a Councillor who is not a candidate for such election to preside over the meeting.

(3) If during the election of Mayor it appears that there is an equality of votes between the candidates at such election and that the addition of a vote would entitled any of these candidates to be elected as Mayor, then, the person presiding over the meeting shall decide between them by lot to

47 Substituted vide Act No. 1 of 2021 dated 10.03.2021.

48 Substituted vide Act No. 1 of 2021 dated 10.03.2021.

be drawn in the presence of the candidates and in such manner as he may determine and the candidate on whom the lot falls shall be deemed to have received an additional vote.

404. Dissolution of Corporation.- (1) If, in the opinion of the Government, the Corporation is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or any other law or exceeds or abuses its powers the Government may by an order published, together with a statement of the reasons therefor, in the Official Gazette, declare the Corporation to be incompetent or in default or to have exceeded or abused its powers, as the case may be and dissolve the Corporation:

Provided that before making an order of dissolution as aforesaid, reasonable opportunity shall be given to the Corporation to be heard and to show cause why such order of dissolution should not be made.

(2) When the Corporation is dissolved by an order under sub-section (1),-

- (a) all Councillors shall on such date as may be specified in the order vacate their offices without prejudice to their eligibility for election under clause (d) ;
- (b) on the dissolution of the Corporation, all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law shall be exercised and performed by such officer or authority as the Government may appoint in that behalf ;
- (c) all property vested in the Corporation shall until it is reconstituted, vest in the Government ; and
- (d) election shall be held for the purpose of reconstituting the Corporation within a period of six months.