

The Tripura Municipal

(Election of Office Bearers) Rules, 1995

Along with Notification dated, 09.03.2021



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PART-I—Orders and Notifications by the Government of Tripura, the High Court,
Government Treasury etc.

Government of Tripura
Urban Development Department

No. F. 14(4)-UDD/95.

Dated, Agartala, the 27th December, 1995.

NOTIFICATION

In exercise of the powers conferred by Section-274 of the Tripura Municipal Act, 1994 the State Government hereby makes the following Rules, namely ;

CHAPTER—I

Preliminary

Short title &
Commencement

1. (1) These Rules may be called the Tripura Municipal (Election of Office bearers) Rules, 1995.

(2) They shall come into force at once.

Definitions.

2 In these Rules unless there is anything repugnant to the subject or its context—

(a) "Act" means the Tripura Municipal Act, 1994;

(b) "Form" means a form appended to these Rules ;

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

3. The Expression used in these rules, but not defined, shall have the meaning assigned to them respectively in the Act.

4. The Tripura General Clause Act, 1966 shall apply for the interpretation of these rules as it applies for the interpretation of an Act of the Tripura Legislative Assembly.

CHAPTER—II

Election of
Members of
Standing
Committee of
Municipality.

5. (1) Within 10 days from the date of election of the Chairperson of a Nagar Panchayat or of a Municipal Council or within such further time as may be allowed by the Director of Urban Development Department, the Sub-Divisional Magistrate or an authorised officer in this behalf in the case of Nagar Panchayat and the District Magistrate or an authorised officer in this behalf in the case of Municipal Council shall call a meeting of members of a Nagar Panchayat or of a Municipal Council as the case may be for election under Clause (a) of Sub-Section (2) of Section-16 of the Act for election of members of Standing Committee by fixing a date, time and place and causing a written notice thereof in the Form-1 shall be served on each member of the Nagar Panchayat or of the Municipal Council, as the case may be, before the date fixed for the purpose.

(2) Such meeting shall be presided over by the Sub-Divisional Magistrate or an authorised officer in this behalf or District Magistrate or an authorised officer in this behalf as the case may be.

(3) The majority of the members shall form a quorum. If on the date of the meeting there is no quorum the Presiding Officer shall adjourn the meeting which shall be held on a date to be fixed by the Sub-Divisional Magistrate or an authorised officer in this behalf or the District Magistrate or an authorised officer in this behalf as the case may be, in the same manner :

Provided that no quorum shall be necessary or adjourned meeting.

(4) The Presiding Officer, shall immediately after commencement of the meeting, inform the members present to elect such number of members in each Standing Committee as mentioned in sub-section (2) of Section-6 from the directly elected member of such Nagar Panchayat or Municipal Council, as the case may be. He shall inform the meeting the number of members to be elected for each Committee.

(5) The Presiding Officer shall follow the procedure as may be determined by the State Government for electing the members of the Standing Committee and announce the same in the meeting.

(6) As soon as the election of members of all Standing Committee is completed the Presiding Officer shall forthwith forward the names of the elected members of Standing Committee of Nagar Panchayat or Municipal Council as the case may be, to the Director, Urban Development Department for publication in the Official Gazette. He shall also forward the name of elected members of all Standing Committee to the Chairperson of the concerned Nagar Panchayat or Municipal Council.

(7) The papers relating to the election of members of Standing Committees of the Nagar Panchayat or Municipal Council as the case may be, shall be sent to the District Municipal Election Officer for safe custody for three months after which the District Municipal Election Officer may

destroy the same unless otherwise directed by the Director of Urban Development Department.

- (a) Any member of the Standing Committee other than the President of Standing Committee who fails to attend three consecutive meetings shall cease to be a member of such Standing Committee.
- (b) If such member has been declared disqualified from being a member of a Municipal Council or as the case may be, Nagar Panchayat and removed from their Office of the member of a Municipal Council or as the case may be, Nagar Panchayat he shall cease to be member of the Standing Committee.
- (c) If a written resolution is received from the Municipal Council or as the case may be, Nagar Panchayat that removal of a member of Standing Committee is necessary for smooth conduct of the concerned Standing Committee, the concerned District Magistrate & Collector in case of Nagar Panchayat, the Director of Urban Development Department in case of Municipal Council may remove him after giving him an opportunity of being heard.

Rotational allotment of reserved seats:

6. (1) After every general election including the first general election under the Act the State Government shall, by a Notification specify the Municipalities in which office of Chairperson shall be reserved for ST, SC and Women. Such Notification shall be published by Government within 7 (seven) days from the date of constitution of Municipalities under Rule 10 of the Tripura Municipalities (Conduct of election) Rules, 1995. While specifying the Office of Chairperson reserved for ST, SC and Women including ST, SC and Women, the State Government shall consider the guidelines specified in Sub-rule (2).

(2) The office of Chairperson in a Municipality for SC and ST shall not be ordinarily reserved if the total population is less than 10% percent of the total population in that Municipality :-

Provided that if by the aforesaid percentage sufficient number of municipalities are not available for reservation of ST and SC then the municipalities which has at least two elected members belonging to ST and SC, the Office of Chairperson of that Municipality may be reserved for ST and SC.

(3) While specifying the office of Chairperson reserved for ST, SC and Women including ST and SC, Women, the State Government shall separately indicate in the same notification the office of the Chairpersons which are reserved for ST, SC and Women.

(4) The Office of Chairperson reserved for ST, SC and Women in a Municipality in the first general election shall not be reserved for ST, SC and Women in the second general election. However, there may not be any bar to

reserve the Office of Chairperson of such Municipalities in the third or subsequent general elections.

Notice of Election.

(7) As soon as may be after Constitution of the Nagar Panchayat or, as the case may be, Municipal Council, is notified in the Official Gazette as per sub-rule (1) of Rule 70 of Tripura Municipalities (Conduct of Election) Rules, 1995 but not later than 10 (ten) days from the date of publication of the notification constituting the Nagar Panchayats or the Municipal Council, as the case may be, or within such further time as may be allowed by the State Government, the District Magistrate and Collector or an Officer of the State Government authorised in this behalf by the concerned District Magistrate shall convene the first meeting of all the directly elected members of the Nagar Panchayat or, Municipal Council, as the case may be, for taking oath as Section—72 of the Act and for the election of a Chairperson of a Nagar Panchayat or, a Municipality, as the case may be, by fixing a date, place and time and causing a writing notice to this effect in Form—2 to be served on each directly elected members of the Nagar Panchayat or, as the case may be, Municipal Council so as to reach them as far as practicable seven days before the date fixed for the meeting.

Eligibility for the Office of the Chairperson.

8. (1) Directly elected members of a Nagar Panchayat or, a Municipality, as the case may be, only shall be eligible for being a candidate for the Office of the Chairperson of a Nagar Panchayat or, as the case may be a Municipal Council.

(2) A directly elected member shall not be eligible for such election unless he furnishes in writing in Form -3 that on being elected he shall be a whole time functionary of his office and that during the period for which he holds or is due to hold such an office, he shall not carry on or be associated with any business, profession or calling, that shall or is likely to interfere with the due exercise of his powers towards the performance of his function or due discharge of his duties.

Procedure of Election.

9. (1) On the day of the first meeting of the directly elected members, before taking seat, shall, make and subscribe an oath or affirmation of his allegiance before the authority as specified in Sub-Section (1) of Section-72 of the Act. The said meeting shall be presided over by the District Magistrate & Collector or an authorised officer in this behalf in case of Municipal Council and Sub-divisional Magistrate or an Officer authorised by him in writing in this behalf in case of Nagar Panchayat at which the quorum of eligible directly elected members are present.

(2) The Presiding Officer shall call upon the members present to propose the name of the candidate for election of the Chairperson of a Nagar Panchayat or, Municipal Council as the case may be. One member

only shall be required to propose the name of a candidate, if the candidate whose name is so proposed is absent; the proposer shall while proposing the name of the candidate, also submit to the Presiding Officer the consent papers of the candidate in Form-4. The Presiding Officer shall record the name of the candidate proposed, name of his party, if any, together with the name of the proposer in Form-5. He shall reject any proposal—

- (i) if it is a reserved seat but the proposal does not conform to reservation criteria ; or
- (ii) if the proposal has been made after the list of candidate has been finalised by him ;

(3) If only one candidate is proposed and found eligible the Presiding Officer shall, in Form-6 declare him to be duly elected as Chairperson of a Nagar Panchayat or as the case may be of a Municipal Council. If more than one candidates have been proposed and if they are found eligible, the Presiding Officer shall cause to be prepared a list of eligible contesting candidates in Bengali alphabetical order in Form-7.

(4) The Presiding Officer, thereafter, shall call out the names of candidates serially as per list prepared one after another and ask the members present who are willing to cast their vote by showing hands in favour of a candidate. The Presiding Officer shall then write down the number and the name of members who have raised their hands in favour of candidates and obtain their signatures or thumb impression against their names in Form-7. No member shall cast more than one vote. If any member cast more than one vote, then all of his votes shall be liable to be rejected. If any member abstains from voting, it shall be recorded in Form-7 in the remarks column against the name of the members by the Presiding Officer. After completion of voting the Presiding Officer shall in Form-6, declare the candidate who has secured the largest number of votes to be duly elected Chairperson of a Nagar Panchayat or, as the case may be, the Municipal Council. In case of equal number of votes being recorded in favour of two or more candidates the Presiding officer shall decide the result of election by lot in such manner as the Presiding Officer shall deem fit and there-upon the candidate in whose favour the lot falls shall be deemed to have secured one additional vote and shall be declared to be duly elected as Chairperson of a Nagar Panchayat or as the case may be the Municipal Council.

Function of Vice-Chairperson.

10. When the office of the Chairperson of a Municipal Council or, a Nagar Panchayat as the case may be, falls vacant by reason of ;—

- (i) death, resignation, removal ; or
- (ii) by reason of leave, illness or other causes ;

he is temporarily unable to Act, the Vice-Chairperson of a Municipal Council or a Nagar Panchayat as the case may be, shall exercise the powers, perform the functions and discharge the duties of the Chairperson of a Municipal Council or a Nagar Panchayat, as the case may be.

Certificate of Election.

11. (1) The Director of Urban Development shall grant certificate of election in Form-8 to the duly elected Chairperson of a Municipal Council and the District Magistrate & Collector of the concerned District shall grant certificate of election to the duly elected Chairperson of a Nagar Panchayat and thereafter the names shall be sent to the Director of Urban Development for publication of their names in the Official Gazette as the duly elected Chairperson of a Municipal Council or, a Nagar Panchayat, as the case may be.

(2) The District Magistrate and Collector of the respective District shall retain all papers relating to the election of Chairperson of a Nagar Panchayat of the respective District for a period of at least six months from the date of declaration of result which shall, thereafter, be destroyed unless otherwise directed by the State Government.

(3) In case of Municipal Council, the Director of Urban Development Department shall retain all papers relating to the election of Chairperson of a Municipal Council for a period of at least six months from the date of declaration of result which shall, thereafter, be destroyed unless otherwise directed by the State Government.

Casual Vacancies.

12. (1) As soon as may be, but not later than 90 days from the date of any casual vacancy in the office of Chairperson the District Magistrate & Collector or an authorised officer in this behalf shall convene meeting of all the members of such Municipal Council for the election of its Chairperson in the same manner as provided in Rule 9.

(2) The election of Chairperson of a Nagar Panchayat shall be held within 90 days by the concerned Sub-Divisional Magistrate or an authorised officer in this behalf in the same manner as provided in the foregoing provision of these rules.

Oath of allegiance to be taken by the Chairman.

13. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873 (X of 1873) every person who is elected as Chairperson shall before entering upon his office, make and subscribe an oath or affirmation of his allegiance to the Constitution of India before the concerned District Magistrate & Collector in case of Municipal Council and in case of a Nagar Panchayat the Chairperson shall, before entering upon his office, make and subscribe an oath or affirmation of his allegiance to the

Constitution of India before the concerned Sub-Divisional Magistrate in the following Form :—

“I Shri/Smti..... having being elected as Chairperson of a Municipal Council/Nagar Panchayat do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duties upon which I am about to enter”.

(2) Any person who having being elected as Chairperson fails to make an oath or affirmation within three months from the date of election shall cease to hold the office and his seat shall be deemed to have become vacant unless the delay is condoned by the State Government for any special reason.

Numbers of Members in the Executive Committee.

14. (1) The State Government shall by Notification fix the number of Members to be nominated by the Chairperson to constitute a Chairperson-in-Council of a Municipal Council as per Section 31 of the Act.

(2) The State Government shall by a notification fix the number of persons to be nominated by the Chairperson of a Nagar Panchayat to constitute a Nagar Committee of such Nagar Panchayat as per Section 23 of the Act.

CHAPTER—III

Procedure to deal with question regarding disqualification on the ground of defection :

15. (1) In any meeting of a Nagar Panchayat, or a Municipal Council, as the case may be, where vote is taken for election of a Chair-Person for any other purpose, the Presiding Officer shall, if his attention is drawn that any Member has voted or abstained from voting contrary to the direction of the political party to which he belongs and thereby has earned disqualification as per Section 58 of the Act, record the facts in the remarks column of the record of proceedings of the meeting, obtain clarification from such member and then refer the question to the D.M. & Collector in case of Nagar Panchayat having jurisdiction for decision and in case of Municipal Council, to the State Government.

(2) If a Nagar Panchayat or a Municipal Council receives a written information from a Political Party or from a Member that the member has voluntarily given up the membership of the party or the member having been elected otherwise than as a member of a Political Party has joined the Political Party, the Chairperson shall refer the question to the District Magistrate & Collector or, as the case may be, the State Government to decide whether such member has earned disqualification under Section 58 of the Act.

(3) Every such member who is alleged to have earned disqualification by reason of voting or abstaining from voting contrary to the direction of his political Party, may submit letter or prior permission or condonation to the District Magistrate & Collector or, as the case may be, to the State Government within 30 days from the date of voting and such authority shall take up the question of disqualification only after expiry of said period of 30 days and decide the same within 15 days from the expiry of the said period of 30 days.

(4) If the authority, as aforesaid, is satisfied on the basis of the report of the Presiding Officer and after making such enquiry as he may consider necessary that any such member has become disqualified under Section 58 of the Act record, his decision, communicate it to the concerned Nagar Panchayat or, as the case may be, to the Municipal Council and make declaration in Form—11 that the member has ceased to be the member of that Nagar Panchayat or, as the case may be, the Municipal Council.

Disputes relating to the validity of election of Chairperson

16: (1) Any dispute relating to the election to Office of the Chairperson of a Nagar Panchayat shall be decided by the District Magistrate having local jurisdiction.

(2) Any dispute relating to the election to the Office of the Chairperson of a Municipal Council shall be decided by a Secretary to the Government to be appointed in this behalf by the State Government.

(3) The authority, as aforesaid, shall give notice to the contending parties, call for all the records regarding the election in dispute, give the parties an opportunity of being heard and decide the dispute within a period of 60 days from the date of raising the dispute.

(4) Notwithstanding anything herein contained, pendency of the dispute shall not disentitle the incumbent declared to be elected to continue in his office.

Removal of difficulties.

17: (1) The State Government may issue such general or special direction as may, in its opinion, be necessary for the purpose of giving effect to these rules.

(2) If any difficulty arises in giving effect to the provisions of these rules, the State Government, may, as occasion requires, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

By order of the Governor,

LALVOHLIANA
Secretary,
Government of Tripura.

FORM - 1.

See Rule -5 (1).

Form of notice of election of Members of Standing Committee
of Municipal Council/Nagar Panchayats.

In pursuance of the provisions of Sub-Rule 1 of Rule 5 of the Tripura
Municipal (Election of Office bearers) Rules, 1995, notice is hereby given
for the meeting of the...
... *Municipal Council/Nagar Panchayat to be held
on the date and at the place and time specified below to elect Members of
the Standing Committee.

... All directly elected Members of...
*Municipal Council/Nagar Panchayat are requested to attend.

<u>Date</u>	<u>Place</u>	<u>Time</u>
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Date :	District Magistrate/ Sub-Divisional Magistrate or an authorised Officer in this	
Place :	behalf District, ... Sub-Division.	

* Score out which is not applicable.

FORM — 2:

See Rule — 7:

Notice for first/first adjourn meeting.

Notice is hereby given that the first meeting of the ...
... *Municipal Council/Nagar Panchayat shall be held on the date, place
and time specified below for the Members to take oath and to elect the
Chairperson *(Which is reserved for Scheduled Caste/Scheduled Tribe or SC
Women or ST Women or Women) as per State Government Notifica-
tion No.
dated... ..and the vice-Chairperson.

All elected Members of the...
Municipal Council/Nagar Panchayat are requested to attend.

Date

Place

Time

Date :

Place :

District Magistrate/
Sub-Divisional Magistrate or
an authorised Officer in this
behalf
... .. District,
... .. Sub-Division.

* Score out which is not applicable.

FORM—3.

See Rule (8)

Form of Declaration.

I * Shri/Smti... do hereby declare that on being elected to the office of the Chairperson of... Municipal Council/Nagar Panchayat, I shall be a whole time functionary of the office of Chairperson and that during the period for which I hold such Office, I shall not hold such Office of profit and will not carry on or be associated with any business, professions or calling that is likely to interfere with due exercise of my power of due performance of my function or due discharge of my duties.

Date :

Signature of Candidate.

Place :

Name... ..

FORM—4.

See Rule (9).

Consent Paper,

Election of Chairperson of ..

*Municipal Council/Nagar Panchayat..

I Shri/Smti ... a directly elected Member of... Municipal Council/Nagar Panchayat hereby express my consent to be a candidate in the election of Chairperson of the said Municipal Council/Nagar Panchayat.

Signature of the Candidate.

Name... ..

Member... ..

Date :

Municipal Council/Nagar

Place :

Panchayat.

* Score out which is not applicable.

FORM—5.
See Rule 9(2).

Election of Chairman... ..

* Municipal Council/Nagar Panchayat.

List of candidate and their proposer... ..

SL. NO.	Name of the Candidate and Political Party, if any.	Name of the Proposer and Political Party, if any.
1	2	3

Date : _____ Signature of Presiding Officer,
Name,
Place ; _____ Designation.

FORM—6.
See Rule 9(2).

Form of declaration of result of contested/uncontested election in the Office of the Chairperson (which is reserved for *Scheduled Caste/Scheduled Tribe or SC Women/ST Women/Women)

In pursuance of the provision of Sub-Rule (3) of Rule 9 of the Tripura Municipal (Election of Office bearers) Rules, 1995, declare. *Shri/Smti... ..
... .. as duly elected *Chairperson of
... .. Municipal Council/Nagar Panchayat.

Date : _____ Signature of the Presiding Officer,
Name... ..
Place : _____ Designation.... ..

*Score out which is not applicable.

FORM-7
See Rule 9 (2), 9 (3).

List of contesting candidates and number of votes secured by them for election of Chairperson (which is reserved for *Scheduled Caste/Scheduled Tribe or SC Women/ST Women/Women)

SL. NO.	Name of the Candidate.	No. of Vote secured.	Name of Members who cast vote by raising hands in favour of a Candidate.	REMARKS.
1	2	3	4	5

Date :

Place :

Signature of Presiding Officer.

Name

Designation

FORM-8.
See Rule 11.
Certificate of Election.

Certified that *Shri/Smti
has been duly elected as Chairperson of
... .. *Municipal Council/Nagar Panchayat
in the meeting of the said Municipal Council/Nagar Panchayat *held
on at and in taken
thereof I grant to *him/her these certificate of election.

Director of Urban Development
Government of Tripura/
District Magistrate & Collector

Date

Place :

... ..
... ..
Name... ..
Designation... ..

*Score out which is not applicable.

TRIPURA**GAZETTE***Published by Authority***EXTRAORDINARY ISSUE**

Agartala, Tuesday, March 9, 2021 A. D., Phalguna 18, 1942 S. E.

**PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.**

**GOVERNMENT OF TRIPURA
URBAN DEVELOPMENT DEPARTMENT**

NO.F.24(11)-UDD/DUD/2010/24819-983

Dated, Agartala, the 9th March, 2021.

ORDER

In exercise of the powers conferred by sub-rule(3) of Rule 6 of the Tripura Municipal (Election of Office Bearers) Rules, 1995, the State Government hereby directs that the total number of seats to be reserved and rotational reservation for SC, ST and Women in the offices of the Chairpersons shall be separately determined on the basis of population of separate classes of Municipalities that is Municipal Corporation, Municipal Councils and Nagar Panchayats.

By order of the Governor,

(Signature)
(Dr. Sandeep N. Mahatme, IAS)
Additional Secretary to the
Government of Tripura