

**GOVERNMENT OF TELANGANA**  
**ABSTRACT**

Rules – The Telangana Municipalities (Election Petitions) Rules, 2020 – Notification – Orders - Issued

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**MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (MA) DEPARTMENT**

**G.O.Ms.No.30,**

**Dated: 11.02.2020**

Read:

The Telangana Municipalities Act, 2019 (Act.No.11/2019)  
& & &

**ORDER:**

In pursuance of the Telangana Municipalities Act, 2019 (Act.No.11/2019), the Government hereby make the Telangana Municipalities (Election Petitions) rules, 2020.

2. Accordingly, the following notification will be published in an Extra-ordinary issue of the Telangana State Gazette; Dated:11.02.2020.

**NOTIFICATION**

In exercise of the powers conferred by sub section (1) of section 238 read with section 233 of Telangana Municipalities Act, 2019 (Act No.11 of 2019) and in supersession of the Telangana Municipalities (Decision of Election Disputes) Rules, 1967 issued in G.O.Ms.No.1118, Municipal Administration dated: 17.8.1967 and as amended from time to time, the Governor of Telangana, hereby makes the following Rules relating to disposal of election petitions for any election held under the said Act.

**1. Short title:** These Rules may be called the Telangana Municipalities (Election Petitions) Rules, 2020.

**2. Definitions:** In these Rules, unless the context otherwise requires--

- (i) "Act" means the Telangana Municipalities Act, 2019 (Telangana Act No.11 of 2019);
- (ii) "Chairperson" and "Vice- chairperson" means –
  - (a) in relation to a Municipal Council, the Chairperson and Vice-Chairperson respectively, and
  - (b) in relation to a Municipal Corporation, the Mayor and the Deputy Mayor respectively;
- (iii) "Corporation" means the Municipal Corporation constituted under section 3 of the Act;
- (iv) "Council" means the Municipal Council constituted under section 3 of the Act;
- (v) "Election Authority" means such officer or authority as may be appointed by the State Election Commission under the Act;
- (vi) "Municipality" means institutions of self-government constituted under article 243Q of the Constitution of India and includes a Municipal Corporation and a Municipal Council as declared and notified under the provisions of the Act and the expression Municipality shall be construed as Municipal Council and Municipal Corporation wherever the context so requires and unless provided otherwise under the Act.

- (vii) "Returning Officer" means an officer designated by the State Election Commission and as defined under clause (77) of section 2 of the Act;
- (viii) "Section" means a section of the Act; and
- (ix) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

**3. Election Petitions:** (1) Save as otherwise provided, no election held under the Act whether of a Ward Member, Chairperson, Vice-Chairperson, Mayor or Deputy Mayor shall be called in question except by an election petition presented in accordance with these rules to an Election Tribunal as referred in section 233 of the Act and further referred in rule (4) by any person or elector against the candidate who has been declared to have been duly elected (hereinafter called the returned candidate) or if there are two or more returned candidates against all such candidates.

(2) The election petition shall be presented within 30 days from the date of declaration of the result of the election.

(3) If the Election Tribunal is closed on the last of the thirtieth day referred to in sub-rule (2), the petition may be presented to the Election Tribunal on the next day of the opening of the Tribunal:

Provided that the Election Tribunal may condone the delay if sufficient reasons are adduced by the petitioner. However, the condonation of delay is limited to 15 days.

**4. Election Tribunal:** The Election Tribunal shall be

- (a) the District Judge having territorial jurisdiction over the municipal area, or
- (b) if there are more than one such District Judge, the Principal District Judge of the District.

**5. Parties to the Petition:** A petitioner may add as respondents to his petition:-

- (a) where the petitioner claims a declaration under Rule 7, all the contesting candidates; and
- (b) Any other candidate(s) against whom allegations of any corrupt or illegal practices are made.

**6. Contents of the petition:** (1) An election petition,-

- (a) shall contain a concise statement of the material facts on which the petitioner relies;
- (b) shall set forth full particulars of corrupt practices that the petitioner alleges, including as full a statement as possible of the names of persons alleged to have committed such corrupt practice and the date and place of the commission of each such practice and shall where necessary, be divided into paragraphs and numbered consecutively;
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for verification of pleadings.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

**7. Relief that may be claimed by the Petitioner:** A petitioner may claim any of the following declarations:-

(a) that the election of the returned candidate is void;

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected, and in such case he shall add as respondents to his petition all other candidates who were nominated for the election but had not withdrawn before the poll; and

(c) that the election as a whole is void.

**8. Deposit of Security:** (1) At the time of presentation of the petition, the petitioner shall deposit with the Election Tribunal, as security for the cost of the same,-

(i) a sum of ten thousand rupees in the case of election of Chair person or Vice Chairperson or Mayor or Deputy Mayor; and

(ii) a sum of five thousand rupees in the case of ward member.

Explanation: Where the election of more than one returned candidate is called in question, a separate deposit shall be made in respect of each such returned candidate.

(2) If the provisions of sub-rule (1) are not complied with, the Election Tribunal shall dismiss the petition.

(3) Upon compliance with the provisions of sub-rule (1), the Election Tribunal shall proceed to inquire into the petition.

**9. Procedure before the Election Tribunal:** (1) The Election Tribunal shall, as soon as may be, cause a copy of the petition to be served on each respondent and the Returning Officer appointed at the time of such election and the District Election Authority. Copies shall also be affixed on the notice boards of the Election Tribunal and of the concerned municipal office. Every election petition shall be inquired into by the Election Tribunal as nearly as may be in accordance with the procedure applicable to the trial of suits under the Code of Civil Procedure, 1908.

(2) It shall be necessary for the Election Tribunal to make a memorandum of the substances of the evidence of any witness examined by it.

Provided that the Election Tribunal shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness if it is of the opinion that his evidence is not material for the decision of the petition or that the party tendering such evidence is doing so on frivolous grounds or with a view to delay the proceedings.

(3) The provisions of Indian Evidence Act, 1872, shall subject to the provisions of these rules be deemed to apply in all respects to the trial of an election petition.

(4) The Election Tribunal shall dismiss an election petition which does not comply with these rules:

Provided that any candidate not included as a respondent shall upon an application made to the Election Tribunal within fourteen days after affixture of the petition on the notice board of the Election Tribunal as referred in sub-rule (1) shall be entitled to be added as a respondent on furnishing the security deposit referred in rule (8).

**10. Power Of Election Tribunal** - The Election Tribunal shall have the powers which are vested in a court under the Code of Civil Procedure, 1908 and shall be deemed to be a civil court while trying a suit in respect of the following matters:-

(a) discovery and inspection;

- (b) enforcing the attendance of witnesses and requiring the petitioner for deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witness on oath;
- (e) reception of evidence taken on affidavit;
- (f) issuing commissions for examination of witnesses; and
- (g) summon and examine suo motu any person whose evidence appears to it to be material;

**11. Documentary Evidence:** (1) Notwithstanding anything contained in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

**12. Secrecy of voting not to be infringed:** No witness or other person shall be required to state for whom he has voted at an election.

**13. Expenses of the witness:** The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Election Tribunal, and shall, unless the Election Tribunal otherwise directs be deemed to be part of the costs.

**14. Attendance of Law Officers:** (1) The Election Tribunal may require the Government Pleader incharge of Municipal Administration or any advocate authorized by the Government or person acting under their instructions to attend at the trial.

(2) The said Government Pleader or the advocate authorized by the Government or person acting under their instructions, shall when so required, attend at the trial and shall take such part therein as the Election Tribunal may direct.

**15. Withdrawal of Election Petition:** (1) No election petition shall be withdrawn without, the leave of the Election Tribunal.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the manner specified in Rule 9.

(4) If the application is granted

(a) the petitioner shall be ordered to pay the cost of the respondent therefor incurred or such portion thereof as the Election Tribunal may think fit, and.

(b) such withdrawal shall be communicated by the Election Tribunal to all respondents.

**16. Abatement of Election Petition:** (1) An election petition shall abate only on the death of the petitioner or of the petitioners.

(2) Where an election petition abates under sub-rule (1), the Election Tribunal shall cause the fact to be published on the District Gazette.

**17. Substitution on death of petitioner :** After a notice of abatement of an election petition is published under Rule 16, any person who might himself have been a petitioner may within fourteen days of such publication, apply to the Election Tribunal to substitute him as petitioner; and upon compliance with the remittance of security

deposit referred in Rule 8, he shall be entitled to be so substituted and continued in the proceedings upon such terms as the Election Tribunal may order.

**18. Abatement of substitution on death of Respondent:** If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition, or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, the Election Tribunal shall cause notice of such event to be published in the District Gazette; and thereupon any person who might have been a respondent may within fourteen days of such publication apply to be substituted in place of such respondent, oppose the petitions and shall be entitled to continue the proceedings upon such terms as the Election Tribunal may order.

**19. Grounds for declaring election to be void:** (1) If the Election Tribunal is of the opinion that the election has not been a free election by reason that bribery, undue influence or group intimidation has extensively prevailed at the election, it shall declare the election as a whole to be void.

(2) Subject to the provisions of sub-rule (3) of this rule, if the Election Tribunal is of the opinion,-

(a) that the election of a returned candidate has been procured or induced or the result of the election has been materially affected by any corrupt practice; or

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

(c) that the result of the election has been materially affected by improper reception or refusal of a vote or by the reception of any vote which is void, or by non-compliance with any provisions of the Constitution of India or of the Act or of any rules or orders made under these rules or any other rules relating to elections, or by any mistake in the use of any prescribed form; or

(d) that on the date of his election, a returned candidate was disqualified to be elected as a member under the Act;

the Election Tribunal shall declare the election of the returned candidate or candidates to be void.

(3) If in the opinion of the Election Tribunal, a returned candidate has been guilty by an agent other than his election agent, of any corrupt practice specified under section 205 of the Act, but the Election Tribunal is satisfied that -

(a) no such corrupt practice was committed at such election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders and without the sanction or connivance of the candidate or his election agent;

(b) all such corrupt practices committed were of trivial and limited character or took the form of customary hospitality which did not affect the result of the election;

(c) the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or of his election agent;

the Election Tribunal may decide that the election of the returned candidate is not void.

**20. Grounds for which a candidate other than the returned candidate may be declared to have been elected:** If any person who has filed a petition has, in addition to calling in question the election of the returned candidate, claims a declaration that he himself or any other candidate has been duly elected and the Election Tribunal 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 votes obtained by the returned candidate by corrupt practices, the petitioner or such other candidate would have obtained a majority of the valid votes;

the Election Tribunal 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.

**21. Election when declared as void:** (1) The Election Tribunal shall as far as possible within fourteen days of the conclusion of the enquiry, by order declare whether the election of the returned candidate or candidates is void under Rule 19.

(2) If the Election Tribunal declares that, the election of the returned candidate or candidates as void, it shall further pass an order, either-

- (a) declaring the petitioner or any other candidate as duly elected; or
- (b) ordering a fresh election.

(3) The order of the Election Tribunal under sub-rules (1) and (2) shall be final.

(4) A copy of every order under sub-rule (1) or sub-rule (2) shall be communicated to the Commissioner, the Returning Officer and the District Election Authority.

(5) When an election is declared void under sub-rule (1) and a fresh election is ordered under clause (b) of sub-rule (2), the seat of the returned candidate or the seats of the returned candidates, as the case may be, shall be deemed to be vacant from the date of order of the Election Tribunal and the authority concerned shall forthwith take necessary steps for holding fresh election of the vacant seat.

**22. Appeal against order of the Election Tribunal:-** An appeal from an order passed by Election Tribunal shall lie to the High Court:

Provided that it is filed within thirty (30) days from the date of order of the Election Tribunal.

**23. Orders of the Election Tribunal to be final:** Every order of the Election Tribunal made under these rules, and unless an appeal is preferred there from to the High Court under rule 22, shall be final and conclusive.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

**ARVIND KUMAR  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

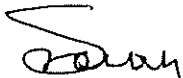
The Commissioner of Printing, Stationery and Store Purchase, Hyderabad.(for publication of the Notification in the Extra-ordinary Gazette & Supply 50 copies of the same).

The Secretary to State Election Commissioner, Telangana, Hyderabad.  
The Director of Municipal Administration, Hyderabad.  
The Municipal Commissioners through Director of Municipal Administration,  
Hyderabad.

Copy to:-

The Law Department.  
All the District Collectors in the State.  
Sc/Sf.

// FORWARDED BY ORDER//

  
SECTION OFFICER