

GENERAL DEPARTMENT.

(Municipal Election Rules.)

NOTIFICATIONS.

No. 148

The 26th March 1886.

No.148.- The 26th March 1886.- Under the provisions of section 7 of the Burma Municipal Act, 1884, the Chief Commissioner makes the following rules for every Municipality in which a system of election has been introduced:-

Municipal Election Rules.

Clause (a) of Section 7.

1. Each Municipality shall be divided into wards, or its inhabitants into classes, or both, in accordance with the table given in Appendix A attached to these rules.

Clause (b) of Section 7.

2. The number of representatives for each ward or class shall be as shown in Appendix A.

Clause (c) of Section 7.

3. The qualifications for a voter at a municipal election shall be –

that he or she be over 21 years of age, that he or she possess immoveable property within municipal limits of a value of not less than, or that he or she occupy land or house property within municipal limits of a monthly rental value of not less than, or pay municipal rates and taxes (including capitation-tax and land-rate in lieu of capitation-tax) to the amount of not less than the amounts shown respectively in Appendix B attached to these rules.

An employe living alone rent-free in a house belonging to, or rented by, his employer shall be qualified to vote, provided that the monthly rental value of the house be not less than the amount shown in Appendix B.

Persons living together in a chummary, or occupying an office, who have occupied the same for not less than three months, shall be qualified to vote, provided that the rent paid by themselves or their employers, or the rental value, if equally divided between them, be sufficient to qualify each person under the first part of this rule.

Persons boarding and lodging in private houses, hotels, or clubs, shall be qualified to vote, provided that they have resided there not less than three months, and that one-fifth of the charge made for boarding and lodging in respect of each person is sufficient to qualify under the first part of this rule.

Proviso.- No person will be allowed to vote whose name is not on the voter's list at the time of the election.

No person will be allowed to vote at any election unless his or her rates and taxes have been paid to the end of the quarter previous to the election.

4. Any company registered under the Indian Companies Act, 1866, which has paid up its rates and taxes, shall be allowed one vote for any class or ward, as the case may be, that it shall be declared to belong to, such vote to be given through some duly authorized officer of the company.

5. The qualifications required from a candidate for election shall be-

- (a) that he be over 21 years of age;
- (b) that he be a duly enrolled voter for some class or ward, as the case may be;
- (c) that he shall have paid all rates and taxes due on his behalf up to the end of the quarter next preceding the date of his offering himself for election;
- (d) that he shall have been requested to stand by written requisition signed by not less than 12 duly registered voters of his class or ward, as the case may be;
- (e) that he shall be possessed of immoveable property within the limits of the Municipality of a value of not less than, or that he shall occupy land or house property within the limits of the Municipality of a monthly rental value of not less than, or that he shall be a payer of municipal rates and taxes (including capitation-tax and land rate in lieu of capitation-tax) to an amount of not less than the amounts shown respectively in Appendix C attached to these rules;
- (f) that he do not hold any paid office under the Municipality.

An employe qualified to vote shall be also qualified as a candidate, provided that the monthly rental value of the house, or portion of the house, occupied by him be not less than the amount shown in Appendix C attached to these rules.

Persons living in a chummary, who are qualified to vote, shall also be qualified as candidates, provided that the rent, if equally divided, qualifies each person under the first part of this rule.

Persons boarding and lodging in private families, or at hotels, or clubs, qualified to vote, shall be also qualified as candidates, provided that one-fifth of the charge for boarding and lodging in respect of each person is sufficient to qualify under the first part of this rule.

6. No person shall be qualified to be a candidate who, if a member, would be subject to removal from the Committee for any of the reasons specified in section 10 of the Burma Municipal Act, 1884.

Clause (d) of Section 7.

7. The President of the Municipal Committee shall prepare lists of all persons qualified to vote for each class or ward, as the case may be, and also of all persons qualified to become candidates for election, and shall publish such lists at least six weeks before the date of the election in such manner as the Committee may prescribe. Any person may apply to have his name entered in any list, or to have his name transferred from one list to another, within one month of the date of the first publication of the lists.

Every application to be put on the voter's list shall state the qualifications upon which the applicant relies, and if the applicant be a tax-payer, the receipt for the taxes for the quarter previous to such application must be forwarded. The President shall reject every application which does not comply with this rule without referring to the election sub-committee.

The President, if he sees no valid objection, and if he deems the applicant duly qualified, shall comply with such application. If the President does not deem the applicant qualified, he shall lay the case before the election sub-committee. If the said sub-committee decide by a majority against the applicant, they shall reject the application, and such rejection shall be final so far as concerns the year next following after the rejection.

8. Any person may apply to the President to remove any name from any of the lists published under Rule 7.

Every application made under this rule shall be made within one month after the date of the first publication of the lists. Every such application shall be laid before the election sub-committee, which shall decide, after such enquiry as may be necessary, whether it shall be granted or rejected. Provided that no person's name shall be removed from any list until the person shall have had an opportunity of showing cause why his name should not be removed.

No application under this rule shall refer to more than one name.

Clause (e) of Section 7.

9. Candidates shall be nominated by presenting to the President the requisition referred to in Rule 5 (d) at least 21 days before the election. On receipt of such requisition the President shall post a copy of it in front of the Municipal office.

10. The President shall notify at least 14 days before the day appointed for the election, and in such manner as the Committee may prescribe, the date upon which, and the places where, the polling is to take place for each class or ward as the case may be, together with the names of candidates who have obtained for any class or ward the qualification described in clause (d) of Rule 5.

On the day fixed the polls shall be open from 8 A. M. until 4. P. M. The voting shall be by papers, which shall contain the name of the person voting, the class or ward he belongs to, and the candidate for whom he votes. Every voting-paper must be handed in at the polling place by the voter himself or herself. The voting-papers shall be stamped by one of the tellers present and placed in a locked box, and at the end of the day shall be lodged in the Municipal office.

The President shall appoint tellers to watch the ballot during the day of the election. The boxes shall be strongly fastened with Chubb's locks, the keys of which shall be in charge of the President or Secretary, and the boxes shall be opened and the votes sorted by the election sub-committee assisted by such officers of the Committee as may be appointed for the purpose.

11. The first general election under these rules shall take place on such date as the Chief Commissioner may fix for each Municipality. Further general elections shall take place on or about the last Thursday in November of every subsequent second year.

Every election to fill a vacancy shall be held on an early date, to be notified by the President, after the occurrence of the vacancy. A person elected to fill a vacancy shall vacate his seat at the next general election with the other elected members of the Committee.

Clause (f) of Section 7.

12. The management of every election shall be conducted by an election sub-committee consisting of the President and such other members as the Municipal Committee may from time to time appoint.

13. If the number of qualified candidates nominated be not larger than the number of vacancies, it shall not be necessary to have an election, and the President of the Committee shall declare the nominated candidate or candidates duly elected without opposition.

14. Each voter may give one vote for each vacancy among the representatives of the class or ward, as the case may be, to which he may belong. But no voter shall give more than one vote for any one candidate.

Voters of mixed nationality shall be allowed to select either of the two classes with which they are connected in which to vote, but no elector shall vote in more than one class, nor, having recorded himself as belonging to any one class, shall a voter be allowed to change.

15. The results of the sorting of the votes shall be published by the President within 48 hours of the closing of the poll, and the names standing highest on the poll for each class or ward shall, subject to any alteration made in accordance with the next following rule, be the elected members for such class or ward.

16. At any time within seven days of the day of the poll any qualified voter may make in writing to the President an objection against the return of any candidate either on the score of irregularity in the election proceedings or on the score of bribery or undue influence, or on other good cause. The objection shall be considered by the election sub-committee. If the objection be held to be valid by a majority of the election sub-committee, the candidate shall be declared disqualified, and the order of candidates in the published list shall be modified in accordance with the sub-committee's decision. If a majority of the said sub-committee disallow the objection, the election shall stand.

17. If an equal number of votes shall be given for any two or more candidates within any class or ward, and the addition of a vote would entitle any of such candidates to be elected, then such additional vote shall be given by the President.

18. After the period allowed for objections under Rule 16 shall have expired, the President shall certify to the Secretary to the Chief Commissioner, through the usual channel, the names of the elected members for each class or ward, and the names of the members of the Municipal Committee for the ensuing term shall be notified in the British Burma Gazette.

In the case of bye-elections, members elected to fill vacancies may take their seats at any time after the period allowed for objections under Rule 16 has expired, and the President shall certify to the Secretary to the Chief Commissioner the names of members so elected for notification in the British Burma Gazette.

Special Rule for Rangoon.

19. Members to represent the Chamber of Commerce and the Port Commissioners shall be elected in such way as each of those bodies respectively may determine. A certificate under the signature of the Chairman of each body shall warrant the President in entering the name mentioned in such certificate in the list of elected members.

----- Footnote -----

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----- Attachment -----

- [ATTACH LIST 1] 01 APPENDIX A. [Vide RULES 1 AND 2.] Representation by Wards and Classes.
- [ATTACH LIST 2] 02 APPENDIX B. [VIDE RULE 3.] Qualifications of Voters at Municipal Elections.
- [ATTACH LIST 3] 03 APPENDIX C. [VIDE RULE 5.] Qualification for a Candidate for Elections.