

# FAQ's

**Q.No.1 Which authority is empowered to conduct elections to the Gram Panchayats, Panchayat Samitis and Zila Parishads, Municipal Councils, Municipal Committees and Municipal Corporations?**

Ans. Under the provisions contained in Article 243K read with Article 243ZA of the Constitution of India and Section 212 of the Haryana Panchayati Raj Act, 1994, Section 3A of the Haryana Municipal Act, 1973 and Section 9 of the Haryana Municipal Corporation Act, 1994, the superintendence, direction and control of the preparation of electoral rolls/voter lists for, and the conduct of, all elections to the Panchayats (Zila Parishads, Panchayat Samitis and Gram Panchayats) and Municipalities (Municipal Corporations, Municipal Councils and Municipal Committees) have been vested in the State Election Commission.

**Q.No.2 What is the composition of the State Election Commission?**

Ans. The State Election Commission is a single member Commission comprising of the State Election Commissioner.

**Q.No.3 Who appoints the State Election Commissioner and what is his status and tenure of office?**

Ans. **Appointing Authority** Under the provisions contained in Article 243K(1) of the Constitution of India, the Governor appoints the State Election Commissioner of the State.

**Status**

(a) Rule 5 of the State Election Commissioner (Condition of Service) Rules, 1994 provides that the State Election Commissioner shall be entitled to the salary, equal to the salary of the Chief Secretary to Govt. of Haryana.

(b) Under item No. 20 of the Warrant of Precedence notified by the State Government, the State Election Commissioner has been equated with the Puisne Judges of the High Court.

**Term of office**

(a) Rule 6 of the State Election Commissioner (Condition of Service) Rules, 1994 provides that the State Election Commissioner shall hold office for a period of five years from the date he assumes the office or till he attains the age of sixty five years, whichever is earlier.

Provided further that on expiry of the said term, the State Election Commissioner shall continue to hold office until his successor is appointed

and enters upon his office, but this period shall not in any case, exceed six months.

(b) Clause (2) of Article 243K provides that the State Election Commissioner shall not be removed from the office except in the like manner and on the grounds of the Judge of the High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment

## **PANCHAYAT ELECTIONS**

### **Q.No.4 Who appoints the District Electoral Officers?**

Ans. In exercise of the powers contained in Rule 15A of the Haryana Panchayati Raj Election Rules, 1994 (hereinafter called the 1994 Rules), the State Election Commissioner has appointed the Block Development and Panchayat Officers of the Blocks as the District Electoral Officers for preparation of ward-wise voter lists of the Gram Panchayats, Panchayat Samitis and the concerned wards of the Zila Parishads in his Block.

### **Q.No.5 How the list of voters for Panchayat elections are prepared/revised?**

Ans. (i) In exercise of the powers vested in the State Election Commissioner under Article 243K of the Constitution and Section 212 of the Haryana Panchayati Raj Act, 1994 (hereinafter called as 1994 Act), the State Election Commission issues the programme for preparation of ward-wise list of voters of the Gram Panchayats on the basis of existing Assembly electoral rolls.

(ii)The list of voters are prepared by the District Electoral Officers under the over all supervision and control of the Deputy Commissioner of the district.

(iii)The list of voters of all the wards of a Gram Panchayat automatically becomes the voters list for election to the office of Sarpanch of that Gram Panchayat.

(iv)Similarly the list of voters of all the wards of the Gram Panchayats falling in the territorial constituency/ward of Panchayat Samiti also automatically becomes the list of voters for election to that ward of the Panchayat Samiti.

(v)Similarly the list of voters of all the Gram Panchayats included in territorial constituency/ward of a Zila Parishad automatically becomes the list of voters for election to that ward of the Zila Parishad.

### **Q.No.6 Who appoints the Observers, District Election Officers (Panchayat), Block Election Officers (Panchayat), Returning Officer (Panchayat), Assistant Returning Officer (Panchayat), Presiding Officer and Polling Officer?**

Ans. (i)**Observers** In exercise of the plenary powers vested under Article 243K of the Constitution and Section 211 of the 1994 Act, the State Election Commissioner appoints Sr. IAS officers as Election Observers and they are assigned specific responsibilities for supervision of the poll process. The State Election Commissioner also appoints Senior Officers of the rank of

Joint/Deputy Excise & Taxation Commissioner and Excise and Taxation Officers as Expenditure Observers.

(ii) **District Election Officer (Panchayat)** The State Election Commissioner has appointed the Deputy Commissioners of the district as the District Election Officers (Panchayat) and the Addl. Deputy Commissioners as Deputy District Election Officers (Panchayat) of their respective districts.

(iii) **Block Election Officer(Panchayat)** The Block Development & Panchayat Officers have been appointed as the Block Election Officers (Panchayat) for their respect Blocks.

(iv) **Returning Officers (Panchayat)** Under the provisions of Rule 16 of the 1994 Rules, the Deputy Commissioners have been authorised to appoint not below the rank of Group-B officers as Returning Officers (Panchayat) for every election to fill a seat in any Panchayat Samiti or Gram Panchayat. The Deputy Commissioners have also been authorised to appoint Returning Officers (Panchayat) for election to more than one Panchayat Samitis or Gram Panchayats.

(v) **Assistant Returning Officer (Panchayat)** Under Rule 17 of the 1994 Rules, the Deputy Commissioners have been authorized to appoint one or more persons as Assistant Returning Officers (Panchayat) to assist the Returning Officers (Panchayat).

(vi) **Presiding Officers** Under Rule 21 of the 1994 Rules, the Returning Officers (Panchayat) are empowered to appoint such number of Presiding Officers for each Polling Station and Polling Officer or Officers to assist the Presiding Officer, as he thinks necessary.

The Sub-Divisional Officer (Civil), Incharge of the Sub-Division have also been entrusted with the over all control and supervision of elections to Panchayats in his Sub-Division.

**Q.No.7 Which offices of the Gram Panchayat, Panchayat Samiti and Zila Parishad are elected by Direct Election and which by indirect Election?**

Ans. (i) **Direct Election** The Panches and Sarpanches of the Gram Panchayats and Members of Panchayat Samitis and Zila Parishad are elected directly through Universal Adult Franchise.

(ii) **Indirect Election** The Chairman and Vice-Chairman of the Panchayat Samitis and President and Vice-President of the Zila Parishads are elected by the elected members of the Panchayat Samitis and Zila Parishads at the first meeting of these bodies to be held on such date within four weeks of the date the names of elected members are published by the State Election Commission.

**Q.No.8 What are the provisions of Law for constituting a Gram Panchayat and number of its wards?**

Ans. (i) Under the provision of Section 7 of the 1994 Act, a village or a part of a village or group of a contiguous villages with a population of not less than five hundred can be constituted as a Gram Panchayat by the State Government.

(II) Under the provisions contained in Section 8 of the 1994 Act read with Rule 3 of the 1994 Rules, the number of wards of the Gram Panchayats shall be from six to twenty depending upon the population of the Sabha Area (i.e. Gram Panchayat)

**Q.No.9 What are the provisions of law for constituting a Panchayat Samiti and number of its wards?**

Ans. Under Section 50 of the 1994 Act, the Government is empowered to constitute a Panchayat Samiti having jurisdiction in a Block excluding such portion of the block as are included in a municipality.

Under the provisions of Section 58 of the 1994 Act, the total number of wards of the Panchayat Samiti shall not be less than ten and not more than thirty. The scale of the population of a ward of Panchayat Samiti is four thousand population or part thereof, in the case of Panchayat Samiti area having population upto forty thousand and five thousand population or part thereof, in the case of Panchayat Samiti area, having population of more than forty thousand.

**Q.No.10 What are the provisions of law for constituting a Zila Parishad and number of its wards?**

Ans. Under Section 117 of the 1994 Act, the Government is empowered to constitute a Zila Parishad having jurisdiction over the entire district excluding such portion of the district as are included in a municipality.

Section 119 of the 1994 Act provides that the number of wards of a Zila Parishad shall not be more than thirty and not less than 10. The scale of population of a ward of Zila Parishad has been prescribed as one ward for every fifty thousand population. Normally every district has the one Zila Parishad which is named after the name of the district.

**Q.No.11 Who determines the total number of wards of a Gram Panchayat, Panchayat Samiti and Zila Parishad?**

Ans. The State Government determines the total number of wards of a Gram Panchayat, a Panchayat Samiti and a Zila Parishad under Sections 8, 58 and 119 respectively of the 1994 Act, depending upon the population of concerned Panchayati Raj Institutions on the basis of decimal Population Census Figures.

**Q.No.12 Who determines the Delimitation of wards of Gram Panchayat, Panchayat Samiti and Zila Parishad?**

Ans. Under Rule 4 of the 1994 Rules, the De-limitation of wards of the Gram Panchayats are made by the Circle Revenue Officer and that of the Panchayat Samiti and Zila Parishad, by the Deputy Commissioner of the district.

**Q.No.13 What are the matters to be taken into consideration in formation of wards of Gram Panchayat, Panchayat Samiti and Zila Parishad?**

Ans. Under Rule 4 of the 1994 Rules, the following matters are taken into consideration for formation of wards:-

(a) The Panchayat area is divided into as many wards as the number of seats for Panches, in such manner that the population of each ward, as far as practicable, shall be same throughout the Sabha area.

(b) The wards in Sabha area/Gram Panchayats are demarcated keeping in view the compactness of houses on ground and similarly in the case of wards of Panchayat Samitis and Zila Parishads, the compactness of villages on ground, as far as possible, are kept in view by demarcating the wards.

(c) Besides this, the Sabha area i.e. Gram Panchayat is as far as possible, completely included in a ward of a Panchayat Samiti or Zila Parishad.

(d) Every ward is assigned a separate serial number at each level of Panchayats i.e. Gram Panchayats, Panchayat Samitis and Zila Parishad.

**Q.No.14 Who decides the Reservation of seats for Scheduled Castes, Backward Classes and Women in the Gram Panchayat, Panchayat Samiti and Zila Parishad.?**

Ans. The State Government decides the reservation of seats to be made for the Scheduled Castes, Backward Classes and Women in the Gram Panchayats under Section 9, in the Panchayat Samitis under Section 59 and in the Zila Parishads under Section 120 of the 1994 Act.

**Q.No.15 Who determines the allotment of seats reserved for the Scheduled Castes, Backward Classes and Women to different wards of the Gram Panchayats, Panchayat Samitis and Zila Parishads?**

Ans. (I) Under Rule 5 of the 1994 Rules, a ward or wards in which seats shall be reserved for Women and members of the Scheduled Classes or Backward Classes, are determined by the Sub-Divisional Officer (Civil) in the case of Gram Panchayats and Panchayat Samitis and the Deputy Commissioner in the case of Zila Parishad.

(II) The wards reserved for Women (i.e. General Category) are effected out of the Unreserved wards by draw of lots. Similarly the wards reserved for Women belonging to the Scheduled Castes are effected by draw of lots out of the wards reserved for the Scheduled Castes category.

The seat reserved for Backward Classes is allotted to the ward which has maximum number of Backward Classes population.

**Q.No.16 What is the duration (term) of Gram Panchayat, Panchayat Samiti and Zila Parishad?**

Ans. As per provisions contained in clause (1) of Article 243E of the Constitution, and Section 3(1) of the 1994 Act, the duration of a Gram Panchayat, Panchayat Samiti or Zila Parishad, unless sooner dissolved for the time being in force, shall be five years from the date appointed for its first meeting and no longer.

**Q.No.17 When the elections to constitute Panchayati Raj Institution are required to be held?**

Ans. Under Section 3(2) of the 1994 Act, an election to constitute a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, shall be completed :-

(a) before the expiry of its duration;

(b) before the expiry of a period of six months from the date of its dissolution.

**Q.No.18 What is the term of office of Member and Sarpanch of a Gram Panchayat, and Members, Chairman and Vice-Chairman of Panchayat Samiti and Members, President and Vice-President of Zila Parishads?**

Ans. Under the provisions as contained in Sections 10, 62 and 123 of the 1994 Act, the term of office of Sarpanch of a Gram Panchayat, Chairman and Vice-Chairman of Panchayat Samiti and President and Vice-President of Zila Parishad respectively shall be five years. This term of office is however, co-terminous with the duration of the respective Panchayati Raj Institutions.

**Q.No.19 What is term of office of Members or Chairperson of a Panchayati Raj Institution, who is elected to fill a casual vacancy?**

Ans. Any person elected to fill a vacancy occurring by death, resignation, removal or otherwise to Panch or Sarpanch, Member, Chairman, Vice-Chairman, President or Vice-Presidents, shall hold office for the unexpired portion of the term for which the person in whose place he is elected would have otherwise continued in office.

**Q.No.20 What are the provisions for composition of Panchayat Samiti and election to its Chairman and Vice-Chairman?**

Ans. Under Section 57 of the 1994 Act, every Panchayat Samiti (constituted under Section 56), shall consist of directly elected members from the territorial constituencies i.e. wards which shall be not less than ten and not more than thirty. A Panchayat Samiti shall also have a Chairman and Vice-Chairman who shall be elected by and from amongst the elected members in a meeting convened for the purpose by the Sub-Divisional Officer (Civil). under Section 57(2) of the 1994 Act read with Rule 76 of the 1994 Rules.

The ex-officio members have no right to vote at the time of election of the Chairman and Vice-Chairman. However, they can exercise this right in other matters including at the time of cancellation of No Confidence Motion as Chairman or Vice-Chairman.

**Q.No.21 What are the provisions for composition of Zila Parishad and election to its President and Vice-President?**

Ans. Under Section 118 of the 1994 Act, every Zila Parishad shall consist of-

(a) the members directly elected from the wards (which shall not be more than thirty and not less than ten)

(b) the Chairman of Panchayat Samitis in the district, ex-officio members

(c) the members of the House of People, Haryana Legislative Assembly whose constituency lie within the district or part thereof, ex-officio members; and

(d) the President or Vice-President who shall be elected by and amongst the elected members of the Zila Parishad

Under Section 121 read with Rule 77 of the 1994 Rules, a President or Vice-President of Zila Parishad shall be elected by and from amongst the elected members in a meeting convened for the purpose by the Deputy Commissioner of the district.

The ex-officio members have no right to vote at the time of election of the President and Vice-President. However, they can exercise this right in other matters including at the time of cancellation of No Confidence Motion as President and Vice-President..

**Q.No.22 What are the provisions for Motion of No Confidence against the Chairman and Vice-Chairman of Panchayat Samiti?**

Ans. As per provisions contained in the first proviso to Section 62 (1) of the 1994 Act, the Chairman and Vice-Chairman of a Panchayat Samiti can be removed if a resolution is passed on motion of No Confidence by not less than two third of the total number of elected members of Panchayat Samiti at a meeting convened by the Sub-Divisional Officer (Civil) under Rule 10(1) of the 1994 Rules.

**Q.No.23 What are provision for Motion of No Confidence against the President and Vice-President of Zila Parishad?**

Ans. Under the provisions contained in Section 123(2) of the 1994 Act, the President or Vice-President of Zila Parishad can be removed if the resolution is passed on Motion of No Confidence by not less than 2/3<sup>rd</sup> of the total number of elected Members of Zila Parishad at a meeting convened by the Deputy Commissioner under Rule 10 of the Haryana Panchayati Raj Rules,1995

However, no requisition can be entertained before the expiry of one year from the date on which the election to Chairman or Vice-Chairman of Panchayat Samiti or President or Vice-President of Zila Parishad, as the case may be, was notified. Whenever a meeting is convened during the term of office of Chairman and Vice-Chairman of Panchayat Samiti and President or Vice-President of Zila Parishad for considering the Motion of No Confidence and such motion for vacating the office fails, no further meeting shall at any time thereafter be convened for considering similar proposal unless a period of at least one year intervenes between the last failure and the date on which such further meeting is convened.

**Q.No.24 Who has right to vote in the Panchayat elections?**

Ans. Under the provisions contained in Section 165 of the 1994 Act read with Section 172 of the Representation of People Act, 1950, all persons of eighteen years and above who are registered as voters in the list of voters of the concerned Panchayati Raj Institution, prepared for the conduct of Panchayat elections, are eligible to vote in the Panchayat elections.

**Q.No.25 Who are the persons entitled to be elected as Members of Panchayati Raj Institutions?**

Ans. As per provisions contained in Section 173(2) of the 1994 Act, all persons who have attained the age of twenty one years and whose name is in the list of voters, shall unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected from any electoral divisions i.e. constituencies of Panchayati Raj Institution. However, any person whose name is not entered in the list of voters of the concerned Panchayati Raj Institution, shall not be qualified to be elected from the electoral division i.e. constituency thereof.

**Q.No.26 What are the disqualification for membership of the Panchayati Raj Institutions?**

Ans. Person shall be disqualified for being elected to a Gram Panchayat, Panchayat Samiti or Zila Parishad if –

(i) he is a Citizen of India; or

(ii) his name is not entered in the list of voters in respect of the concerned Panchayati Raj Institution; or

(iii) Is convicted under the Protection of Civil Rights Act, 1955 unless a period of five years has elapsed since his release or since his conviction; or

(iv) has convicted of any other offence and has been sentenced to imprisonment for not less than six months, unless a period of five years, or such lesser period as the Government may allow in any particular case, has elapsed since his release; or

(v) is of unsound mind or



(vi) is insolvent; or

(vii) has been removed from any office held by him in a Panchayati Raj Institution before the commencement of this Act under the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samiti Act, 1961 and a period of five years has not elapsed from the date of such removal; or

(vii) has been disqualified from holding office under the provisions of this Act; or

(viii) holds any salaried office or office of profit in any Panchayati Raj Institution; or

(ix) is directly or indirectly by himself or his partner any share or interest in any work done by order of the Panchayati Raj Institution; or

(x) in any transaction or money advanced or borrowed from any officer or servant or any Panchayati Raj Institution; or

(xi) fails to pay any arrear of any kind due of the Panchayati Raj Institution or any sum recoverable from him in accordance with the provisions of this Act within three months after a special notice has been served upon him in this respect; or

(xii) is a servant of Government or any Local Authority; or

(xiii) is disqualified or has been disqualified under any other provisions of this Act and the period for which he was so disqualified has not elapsed; or

(xiv) has been during the period of one year from the date of election, in an unauthorized possession of land or other immovable property belonging to the Panchayati Raj Institution; or

(xv) being a Sarpanch or Panch or a member of the Panchayati Raj Institution, has cash in hand in excess of that permitted under the rules and does not deposit the same alongwith interest prescribed under the Act within the time specified; or

(xvi) being a member or Chairperson of the Panchayati Raj Institution has in his custody the prescribed records and registers and other property belonging to, or vested in the Panchayati Raj Institution and does not handover the same in pursuance of a general or special order of the prescribed authority within the time specified in the order; or

(xvii) Omitted

**Q.No.27 What is the qualifying date for attaining the age of eighteen years of a voter?**

Ans. The first day of January of the year in which the list of voters is prepared or revised is the qualifying date for attaining the age of eighteen years of a voter.

**Q.No.28 What is the relevant date for attaining the age of twenty one years of the candidate?**

Ans. The relevant date for attaining the age of twenty one years of the candidate is with the date fixed for scrutiny of nomination papers.

**Q.No.29 What are the amounts of security deposits prescribed for contesting the elections as a candidate for election to Panchayati Raj Institution?**

Ans. Under Rule 28 of the 1994 Rules, the rates of the security deposits have been prescribed per details given below :-

(in rupees)

**Panch** - 100  
**Sarpanch** - 200  
**Member Panchayat Samiti** - 300  
**Zila Parishad** - 400

However, the amount of security to be deposited by the candidates of Scheduled Castes and Backward Classes are given below :-

(in rupees)

**Panch** - 40  
**Sarpanch** - 100  
**Member Panchayat Samiti** - 150  
**Zila Parishad** - 200

**Q.No.30 What are the limits of expenditure prescribed for the candidate which they can incur in the elections?**

Ans. The limits of expenditure have been prescribed for the candidates by the State Election Commission for the various offices of the Panchayati Raj Institutions, as per details given below :-

**Panches** – Rs.10000/-  
**Sarpanches** – Rs.30000/- (a Gram Panchayat having upto 15 wards)  
**Sarpanches** – Rs.50000/- (a Gram Panchayat having more than 15 wards)  
**Member Panchayat Samiti** – Rs.100000/-  
**Member Zila Parishad** – Rs.200000/-

**Q.No.31 What are the number of the Gram Panchayats and Panches and Sarpanches elected to these Gram Panchayats?**

Ans. There are 6212 Gram Panchayats in the State and thus 6212 Sarpanches have been elected as Chairpersons of these Gram Panchayats. Further,

62683 Panches have been elected to the 62683 wards of the Gram Panchayats.

**Q.No.32 What are the numbers of Panchayat Samitis and Members directly elected to these Panchayat Samitis?**

Ans. There are 126 Panchayat Samitis in the State and 3001 Members are directly elected to these Panchayat Samitis.

**Q.No.33 What are the numbers of Zila Parishads and Members directly elected to these Zila Parishads?**

Ans. There are 21 Zila Parishads in the State for which 416 Members are directly elected.

**Q.No.34 What were the numbers of Polling Booths set-up during the Second General Panchayat Elections to the Panchayati Raj Institutions held in January, 2016?**

Ans. 21475 Polling Stations were set-up in the Fifth General Panchayat elections to the Gram Panchayats, Panchayat Samitis and Zila Parishads held in January, 2016.

Generally one polling station is created for each ward and the polling station is located in a public building located in the ward itself. In case no suitable public building is available in the ward, then it can be located in some private building and also outside the ward.

**Q.No.35 What is procedure for the Counting of votes and declaration of results of election of Panches and Sarpanches of Gram Panchayats?**

Ans. In the booklet/guidelines issued by the Commission for the Returning Officers and Polling Officers, after the close of Polling, the votes polled for elections to the office of Panches and Sarpanches are counted by the Presiding Officers at the polling stations itself. The result for election to Panches are declared on Form no.18 and that of Sarpanch on Form No.19.

**Q.No.36 What is procedure for Counting of votes for election to Panchayat Samitis and Zila Parishads and declaration of results thereof?**

Ans. The counting of votes for the office of Members of Panchayat Samitis and Zila Parishads is made on the dates and at the centres prescribed by the Deputy Commissioner-cum- District Election Officers (Panchayats). The results are declared by the Returning Officer of the Panchayat Samiti after compiling the result sheets prepared by the counting staff on Form 20.

Similarly the elections to the office of Members of Zila Parishads are declared by the Deputy Commissioner who is also the Returning Officer of the Zila Parishad after compiling the result sheet received from the Asstt. Returning Officer (Panchayat) for Zila Parishad on Form 21.

**Q.No.37 Are the election to the Panchayati Raj Institutions held on party lines?**

Ans. (1) As per provisions contained in the Haryana Panchayati Raj Election Symbols (Reservation and Allotment) Order, 2014, issued by the Commission vide No.SEC/3E-III/2014/314, dated 13/03/2014, the election to the office of Panches and Sarpanches of the Gram Panchayats are not held on party lines.

(2) However, the elections to the Members of Panchayat Samitis and Zila Parishads are held on party lines for which the National Parties recognized and registered with the Election Commission of India and the State level Political Parties in the State of Haryana recognized and registered with the Election Commission of India and with the State Election Commission can set-up their candidate for election to the Panchayat Samitis and Zila Parishads.

### **MUNICIPAL ELECTIONS**

#### **Q.No.38 How the Polling Officers are appointed ?**

Ans. (i) Rule 19(3) of the Haryana Municipal Election Rules,1978 (hereinafter called the 1978 Rules) provides that the State Election Commissioner, Haryana shall authorize the Deputy Commissioner to designate a Returning Officer who shall be an officer of the Government for every committee. Under sub-rule (4) the Deputy Commissioner may appoint one or more Assistant Returning Officer to assist the Returning Officer in the performance of his functions.

(ii) Rule 34(3) of the 1978 Rules provide that the Returning Officer shall appoint a Presiding Officer for each Polling Station and such number of polling officers as he considers necessary.

#### **Q.No.39 Under what provisions, the Election Observers are appointed ?**

Ans. The State Election Commissioner in exercise of the preliminary powers vested in him under Article 24ZA, Section 3A of the Haryana Municipal Act, 1973 (hereinafter called the 1973 Act), appoints Senior IAS Officers as Election Observers and they are assigned specific responsibility for supervision of poll process. Senior Officers of the rank of Joint/ Dy. Excise and Taxation Commissioner and Excise and Taxation Officers of the Prohibition and Excise Department of the State Government are appointed as Expenditure Observers.

#### **Q.No.40 How the members of the Municipalities are elected ?**

Ans. The members of the Municipal Corporation, Municipal Councils and Municipal Committees in the State are directly elected by the persons of 18 years of age and above who are registered as electors in the Municipal Electoral rolls of the concerned Ward.

**Q.No.41 How the Chairperson and Vice Chairperson of Municipalities are elected ?**

Ans. (i) Chairpersons i.e. President and Vice President of Municipal Councils and Municipal Committees and Mayor, Senior Dy Mayor and Dy Mayors of the Municipal Corporation are elected by and from amongst the elected members/ councilors of these Urban Local Bodies in the Ist meeting of the Municipalities convened after notifying the names of elected members.

(ii) Under Rule 70(1)(a) of the Haryana Municipal Election Rules, 1978, unless the Government otherwise directs, the Deputy Commissioner or any Gazetted Officer appointed by him in this behalf shall within 30 days after the publication of notification of the names of the members elected to Municipal Council or Municipal Committee convene the Ist meeting of the newly elected members for administering oath of allegiance to the members. Under Rule 70(1) (b) of the 1978 Rules, the Deputy Commissioner or Gazetted Officer appointed by him in this behalf shall within a period of 30 days of the meeting called for administering oath of allegiance, convene a meeting of the members of the Committee for election of President and Vice President of Municipal Council or Municipal Committee as the case may be.

(iii) The Ist meeting to administer oath and to elect Mayor, Senior Dy Mayor and Dy Mayor of the Municipal Corporation is convened by the Commissioner of the Division under Rule 71(1) of the Haryana Municipal Corporation Election Rules, 1994.

**Q.No.42 Who are eligible to vote in elections to the Municipalities ?**

Ans. Under Rules 6 and 48 of the 1978 Rules, **all persons of 18 years of age and above enrolled as electors** in the Electoral Rolls of the concerned Ward of the Municipal Council or Municipal Committee, are eligible to vote in elections for the said Ward.

Similarly under the provisions contained in Rules 6 & 49 of the Haryana Municipal Corporation Election Rules, 1994, **all persons of 18 years of age and above and is elector in the electoral rolls** of the concerned ward of the Municipal Corporation are eligible to vote in the elections for the said ward.

**Q.No.43 Who is eligible to contest election in the Municipal elections ?**

Ans. Under the provisions contained in Section 13A(1)(a) of the 1973 Act, read with Rule 21(1) of the 1978 Rules, **any person who is not less than 21**

**years of age and whose name is registered as elector** in any Ward of a Municipal Council or Municipal Committee, shall be eligible to contest as a candidate for any Ward of the said Municipal Council or Committee.

Similarly under the provisions contained in Sections 7 and 8 of the Haryana Municipal Corporation Act, 1994 read with Rule 23 of the Haryana Municipal Corporation Election Rules, 1994, **any person who is not less than 21 years of age and whose name is registered as elector** in any ward of the Municipal Corporation, shall be eligible to contest as a candidate for any ward of the said Municipal Corporation.

**Q.No.44 What are the disqualifications for being a candidate for election to the office of Member of a Municipality ?**

- Ans. (I) Under the provisions contained in Section 13A of the 1973 Act and Rule 21 of the 1978 Rules, a person shall be disqualified for election as a Member of the Municipal Council or Municipal Committee if-
- (i) his name is not included in the Electoral rolls of any Ward of the Municipal Council or Municipal Committee;
  - (ii) he is less than 21 years of age;
  - (III) he is disqualified by or under any law for Haryana Assembly elections (except on the ground that he is less than 21 years of age);
  - (iii) he is disqualified by or under any law made by Haryana State Legislature;
  - (iv) Omitted
  - (v) for seat reserved for the S.Cs. and B.Cs., if he is not a member of any of the S.Cs. and B.Cs. in relation to the State of Haryana,
  - (vi) he is disqualified as a result of his election having been set aside under these rules;
  - (vii) convicted of an offence under Section 171-E or 171-F of I.P.C. at any time within 5 years from the date fixed for nomination of candidates, or having been disqualified from exercising any electoral right for a period of not less than 5 years in connection with an election of the State Legislation is on the said date of nomination subject to the disqualification.
  - (viii) he is under contract for a work to be done for or goods to be supplied to the Committee,
  - (ix) he receives any remuneration out of Municipal funds or for service rendered to the Committee;

(x) proscribed from Government employment within 5 years from the date fixed for nomination of candidates;

(xi) he is serving a sentence of imprisonment for not less than two years at any time within 5 years from the date specified for nominations of candidates;

(xii) convicted under the Protection of Civil Rights Act, 1955 at any time within 5 years from the date specified for nominations of candidates;

(xiii) he is undischarged a insolvent;

(xiv) he is in arrears at any time exceeding Rs.100/- from him (otherwise than a trustee) to the Committee) when a special demand served upon him by the Committee;

(xv) he is whole time salaried official in the service of Panchayat Samiti, Gram Panchayat, Municipal Committee, Notified Area Committee, Cantonment Board, Improvement Trust or hold an office of profile under the Government of India or Government of any State other than an office declared by Legislature of Haryana by Law to disqualify its holder for being chosen or being for a member of Legislative Assembly of the State; and

(xvi) disqualified for Membership of any Zila Parishad, Panchayat Samiti or Gram Panchayat or Municipality, Notified Area Committee, Cantonment Board or Improvement Trust as a result of his election for membership of such Panchayat Samiti or Panchayat or Board or Trust or Committee having been declared void for corrupt practices.

(II) The disqualifications for a person to be chosen as and for being a member of the Municipal Corporation have been listed in Section 8 of the Haryana Municipal Corporation Act, 1994 and Rule 23 of the Haryana Municipal Corporation Election Rules, 1994.

**Q.No.45 Which is the relevant date for determination of age (18 years) of voter?**

Ans. Under the explanation to Rule 5(d) of the 1978 Rules, the qualifying date for determination of age of the voter is Ist January of a year in which the Municipal Electoral Rolls are prepared or revised.

**Q.No.46 Which is the relevant date for determination the age (21 years) for the candidate ?**

Ans. The date for scrutiny of nominations is relevant date to determine the age of 21 years of a candidate to file nomination for contesting the Municipal elections.

**Q.No.47 What are the amounts of security deposits prescribed for the contesting candidates to seek election to the Municipalities ? Is there any concession for candidates belonging to the Scheduled Castes, Backward Classes and Women ?**

Ans.

Under Rule 24 of the 1978 Rules and Rule 25 of the Haryana Municipal Corporation Election Rules, 1994, the following amounts have been prescribed for the candidates seeking elections to the Municipalities:-

Class of Municipality	Amount of deposit	
	If the candidate is not a member of Scheduled Caste, Backward Class or a women	If the candidate is a member of Scheduled Caste, Backward Classes or a women
1	2	3
Municipal Committee	Rs.1000.00	Rs.500.00
Municipal Council	Rs.2000.00	Rs.1000.00
Municipal Corporation	Rs.3000.00	Rs.1500.00

However, if a candidate has been nominated of more than one nomination papers for election in the same constituency, not more than one deposit shall be required to be deposited by him.

**Q.No.48 What are the permissible limits of expenditure prescribed for the candidates which they can incur in the Municipal elections ?**

Ans. Under notification Nos.SEC/3ME/2015/619, dated 03.06.2015 for Committee/Council and SEC/3ME/2015/628, dated 03.06.2015 for Corporations, issued by the State Election Commission in exercise of powers vested in para 4 of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 for Committee/Council and Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2007 for Corporation, the following limits of the expenditure for the contesting candidates for election to the office of Member of Urban Local Bodies have been prescribed by the State Election Commissioner,



Class of committee	Expenditure limit
Municipal Corporation	Rs.2,10,000.00
Municipal Council	Rs.1,00,000.00
Municipal Committee	Rs.75,000/-

**Q.No.49 What is the method of filing accounts of election expenses and is there any time limit for filing such accounts of election expenses ?**

Ans. Under para 6 of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 for Committee/Council and Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2007 for Corporation, the contesting candidates are required to maintain account of Election Expenditure in the proforma as per Annexure II of this Order and to submit their accounts of election expenses in duplicate to the Deputy Commissioner within 30 days from the date of declaration of result of the election who will in turn submit to the State Election Commission. The Deputy Commissioner shall retain one copy of the accounts of Election Expenses and the second copy shall be submitted to the State Election Commission.

**Q.No.50 What action can be taken against the candidate/ elected member if he does not file the accounts of election expenses within the prescribed limit ?**

Ans. As per provisions contained in para 11 of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006 for Committee/Council and Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2007 for Corporation, if a candidate fails to lodge his account of election expenses within the prescribed time limit in the manner prescribed, he can be disqualified for a period of three years from the date of order.

**Q.No.51 What are the numbers of Municipal Corporations and Wards of the Corporations in the State ?**

Ans. There is only ten Municipal Corporation namely Faridabad, Gurgaon, Ambala, Hisar, Panipat, Karnal, Panchkula, Yamuna Nagar, Rohtak & Sonapat in the State. Total no. of wards are 250 in Municipal Corporations.

**Q.No.52 What are the numbers of Municipal Councils and Municipal Committees in the State and the directly elected members to these Municipalities ?**

Ans. (I) There are 18 Municipal Councils in the State and the total number of directly elected members to these Councils are 478.

(II) There are 50 Municipal Committees in the State and the total number of members of these Committees are 728.

**Q.No.53 How many polling booths were set up for the Municipal elections during the last General Elections held in the years from 2010 to 2014?**

Ans. A total number of 4707 polling booths were set up during the Second Municipal General elections held in four phases in the years 2010 to 2014. The polling booths are normally located in public buildings and if no suitable public building is available for any particular Ward, then the polling station can be established in some private building also.

**Q.No.54 What are the total number of electors of Urban Local Bodies and what was the percentage of polling in the last General Elections ?**

Ans. The total number of voters to the Urban Local Bodies in the State are 47,46,489. The poll percentage during the last General Elections held for Corporations was 62.0%, for Councils was 71.8% and for Committees was 79.2%.

**Q.No.55 What are the provisions for counting of votes and declaration of results for elections to the members of the Municipalities ?**

Ans. As per instructions/ directions issued by the State Election Commission as contained in the Election Programme issued under Rule 19, the counting of votes for elections to members of Municipal Councils and Municipal Committees, is made by the by the Presiding Officer as per the procedure prescribed under Rule 59 of 1978 Rules in the presence of polling officers and such candidates or their agents if any, as may be present.

**Q.No.56 What is the procedure for constitution of Municipal Council and Municipal Committee and what is their tenure ?**

Ans. Under the provisions contained in Section 2A of the 1973 Act, there are three classifications of Municipalities in the State:-

(i) "Municipal Committee" for a transitional areas with population not exceeding 50,000;

(ii) "Municipal Council" for a smaller urban area with population exceeding 50,000 but not exceeding three lacs; and

(iii) "Municipal Corporation" for larger urban area with population exceeding three lacs to be governed by a separate Act.

**Q.No.57 What is the duration/ term of the Municipalities and when the elections to constitute the Municipalities should be held ?**

Ans. **DURATION**

Under the provisions contained in Clause (1) of Article 243U of the Constitution of India, Section 12(1) of 1973 Act and Section 5(1) of the Haryana Municipal Corporation Act, 1994, , the duration of every Municipal Committee/Council and Municipal Corporation respectively, unless sooner dissolved under any law for the time being in force is 5 years from the appointed date for its first meeting after every General Election and no longer.

**ELECTION**

Under Section 12(2) of the 1973 Act and Section 5(2) of the Haryana Municipal Corporation Act, 1994, an election to constitute a Municipal Committee/Council and Municipal Corporation respectively, shall be completed -- **(a)** before the expiry of its duration specified in sub-section (1), **(b)** under Section 12 (2)(b) of the 1973 Act or Sub-Section 2(b) of Section 5 of the Haryana Municipal Corporation Act, 1994, as the case may be, before expiration of period of six months from the date of its dissolution.

**Q.No.58 Are the elections to Municipal Corporations, Municipal Councils and Municipal Committees in the State held on party lines ?**

Ans. The Municipal elections in the State are held in Party lines. But in the last Municipal General Elections, very small number of candidates were set up by two or three Political Parties & that too in the elections to Municipal Corporations, Gurgaon, Ambala, Panchkula, Rohtak, Panipat, Karnal, Hisar, Yamuna Nagar and some other Municipal Councils.

**Q.No.59 Which are the authorities who determine the reservation of Wards of the Municipal Councils/Committees and Municipal Corporation and what is the procedure followed for such reservation ?**

Ans. (I) Under Section 10 of the 1973 Act, the reservation of seats/ Wards in every Municipal Council or Committee for the S.Cs, Women belonging to the S.Cs, the B.Cs and Women is determined by the State Government.

(i) The number of seats/ Wards reserved for the S.Cs shall be in proportion of the population of the S.Cs in the Municipal area to the total population of that Municipal Council or Committee.

(ii) Not less than 1/3<sup>rd</sup> of the seats reserved for the S.Cs shall be reserved for the Women belonging to the S.Cs. Such seats shall be allotted by rotation and by lot amongst the Wards reserved for the S.Cs.

(iii) Not less than 1/3<sup>rd</sup> (including the number of seats reserved for the S.Cs) of the total number of seats to be filled up by direct election in every Municipal Councils and Committees shall be reserved for Women.

(iv) The seat reserved for Women shall be allotted by rotation and by lots in different Wards in the Municipal Council and Committee except the seats reserved for the S.Cs, Women belonging to the S.Cs and the B.Cs.

(VI) Two seats in every Municipality shall be reserved for the persons belonging to the B.Cs and these seats shall be allotted to the Wards having maximum population of person belonging to the B.Cs.

(VII) The provision for reservation of wards of Municipal Corporations have been made in Section 11 of the Haryana Municipal Corporation Act, 1994.

**Q.No.60 Which authority determines reservation of offices of Chairpersons (i.e. President) and Vice Chairpersons (i.e. Vice President) of the Municipalities for the S.Cs, B.Cs and Women and what is the procedure followed in determination of the reservation ?**

Ans. (1) Under the provisions contained in Section 10(5) of the 1973 Act, read with Rule 70 of the 1978 Rules, the State Government decides the reservation of offices of Chairpersons (i.e. President) of the Municipal Councils and Municipal Committees in favour of the S.Cs, Women belonging to the S.Cs, the B.Cs, Women belonging to the B.Cs and Women.

(2) The number of offices of President of the Municipal Councils and Committees to be reserved for the S.Cs and B.Cs in the State shall be in proportion of the population of the S.Cs and B.Cs in the State to the total population of the State.

(3) Not less than 1/3<sup>rd</sup> (including the offices of President reserved for Women belonging to the S.Cs and B.Cs) of the total number of offices of the President of Municipal Councils and Committees in the State shall be reserved for women.

(4) Reservation of offices of President of Municipal Council and Municipal Committee for Women shall rotate in different Municipal Councils and Municipal Committees which will be determined by draw of lots, by a Committee consisting of Director, Urban Development Department and Deputy Commissioner of the Districts concerned or their nominees.

(5) The provisions for reservation of offices of Mayor, Sr. Deputy Mayor and Deputy Mayor of Municipal Corporations have been made in Section 11(6) of the Haryana Municipal Corporation Act, 1994.

**Q.No.61 Which are the authorities responsible for preparation of the Municipal Electoral Rolls and how they are prepared ?**

Ans. (I) Rule 4 of the 1978 Rules provides that Deputy Commissioner shall under the superintendence, direction and control of the State Election Commission, Haryana prepare the Municipal Electoral rolls for each Ward of the Municipal Council or Committee in accordance with these Rules.

(II) Under Rule 7, the Deputy Commissioner shall publish the ward-wise draft Municipal electoral rolls for inviting claims and objections to be presented to the Revising Authority.

(III) Under Rule 8, the Deputy Commissioner shall appoint any Magistrate of Ist Class or IInd Class as Revising Authority for hearing claims and objections.

(IV) Under Rule 10(2), appeal against the order of the Revising Authority can be filed before the Deputy Commissioner. After decision on the appeals by the Deputy Commissioner, the Revising Authority shall correct the rolls with additions and alterations and republish them as final Municipal rolls.

**Q.No.62 Which are the authorities who determine the Delimitation of Wards and what is the procedure to be followed for this purpose ?**

Ans. (I) Under Rule 3 of the Haryana Municipal Delimitation of Ward Rules, 1977, (hereinafter called the 1977 rules) after every official Census, the total number of seats on each Municipal Council and Committee shall be fixed by the Government on the basis of the latest Census figures in accordance with the following formula:-

<b>Municipality with a population</b>	<b>Number of seat</b>
Not exceeding 10,000	11
Exceeding 10,000 but not exceeding 20,000	13
Exceeding 20,000 but not exceeding 30,000	15
Exceeding 30,000 but not exceeding 40,000	17
Exceeding 40,000 but not exceeding 50,000	19
Exceeding 50,000 but not exceeding 60,000	21
Exceeding 60,000 but not exceeding 70,000	23
Exceeding 70,000 but not exceeding 80,000	25
Exceeding 80,000 but not exceeding 90,000	27

Exceeding 90,000 but not exceeding 1,00,000 29

Exceeding 1,00,000 but not exceeding 3,00,000 31

(II) Rule 3(2) of the 1977 Rules also provides that the number of seats for members belonging to the Scheduled Castes shall be fixed in proportion to their population in each committee in accordance with the following formula:-

Total number of seats X Population of Scheduled Castes -- Total Population

(III) Under Rule 4 of the 1977 Rules, the State Government constitutes an Adhoc Body for each Municipal Council and Committee for preparing a proposal for delimitation of Wards. The Adhoc Committee consists of

(i) Director, Urban Development, Haryana or his representative as Chairman,

(ii) Deputy Commissioner of the District in which the Municipal Council or Committee is situated or his representative,

(iii) President or Administrator of the Municipal Council or Committee concerned and

(iv) the Executive Officer or Secretary of the Committee concerned and

(V) not more than five members belonging to various interests/ groups out of the sitting members of the Municipal Council or Committee or out of the members of dissolved committee, are also associated by the Adhoc Committee.

#### GENERAL

**Q.No.63 Can an election petition be filed before the State Election Commission or any Government Authority?**

Ans. After the completion of process of elections and formal notification of the results of the elections, the Election Petition to challenge the election of a person elected as a Panch, Sarpanch, a Member of Panchayat Samiti or Zila Parishad or a Member of Municipal Committee, Municipal Council and Municipal Corporation cannot be filed before the State Election Commissioner or any State Government authority. Such an election petition can be filed only before the appropriate Court for decision as prescribed under the concerned Panchayat and Municipal Acts and the Rules.

**Q.No.64 What are the provisions for filing Election Petition to challenge the election of persons elected to Gram Panchayats, Panchayat Samitis, Zila Parishads, Municipal Committees, Municipal Councils and Municipal Corporations ?**

Ans. **Provision in the Constitution** Article 243O (b) and 243ZG(b) of the Constitution of India, provide that no election of member to the Panchayati Raj Institutions and Urban Local Bodies shall be called in question except through an Election Petition presented to such authority in any such manner as is provided for by or under any law made by the Legislature of the State.

**Against persons elected to the Panchayati Raj Institutions** Section 176 of the 1994 Act also provide that an Election Petition to the Civil Court having ordinary jurisdiction in the area within which the election has been or should have been held can be presented for determination of the question raised about the validity of any election of a Member of Gram Panchayat, Panchayat Samiti or Zila Parishad or Sarpanch of Gram Panchayat, Chairman/ Vice Chairman of Panchayat Samiti and President/ Vice President of Zila Parishad respectively.

**Against persons elected to Urban Local Bodies** Rule 74 of the 1978 Rules read with Section 264 of the 1973 Act provide that no election of a member shall be called in question except by an Election Petition presented to the Tribunal.

Similarly under Section 15 of the Haryana Municipal Corporation Act, 1994 and Rule \_\_\_\_\_ of the Haryana Municipal Corporation Election Rules, 1994, no election of a member shall be called in question except by an Election Petition presented to the Tribunal.

**Q.No.65 What are the provisions for removal/ disqualifying a member/ councilor to Panchayati Raj Institutions and Urban Local Bodies after the completion of process of election and formal notification of the results ?**

Ans. (i) Under the provisions contained in Section 51 of the 1994 Act, Director or Deputy Commissioner concerned may suspend any Sarpanch or Panch (a) when a case against him in respect of any criminal offence is under investigation, enquiry or trial; (b) during the course of enquiry any reasons for which he can be removed after giving him adequate opportunity. The Director or Deputy Commissioner after necessary enquiry and giving opportunity of hearing can remove a Sarpanch or Panch of Gram Panchayat and for the reasons giving in sub-section (3) of Section 51 and also disqualify him for re-election for a period not exceeding six years.

(ii) Under Section 109 (2) of the 1994 Act, the Government may after such enquiry as it may deem fit, remove any member, Vice Chairman or Chairman to the Panchayati Samiti who in view of the other has been guilty of misconduct in the discharge of his duties.

(iii) Under Section 160 (2) of the 1994 Act, the Government has power to remove a President or Vice President or Member of Zila Parishad after giving opportunity of hearing on the grounds mentioned in clauses (a) to (d) of this sub-section.

(iv) Under Section 177 of the 1994 Act, a member of Gram Panchayat, Panchayat Samiti or Zila Parishad can be disqualified from continuing to be member if such a person was subject to any of the disqualifications mentioned in Section 175 of the 1994 Act at the time of his election or during the term for which he has been elected incurs any of the disqualifications mentioned in Section 175. However, before doing so, the concerned person is required to be given opportunity of hearing. The powers to declare disqualified a Member under this Section in the case of Panches, Sarpanches and Members of Panchayat Samiti vest with the Director and in the case of Member of Zila Parishad with the Government. The Director has delegated his powers to the Deputy Commissioner.

For Municipality

(v) The powers to remove a Member of Municipal Council and Municipal Committee vest with the State Government under the provisions contained in Section 14 of the Haryana Municipal Act, 1973. The grounds on which such a Member can be removed, have been listed in clauses (a) to (g) of sub-section (1) of Section 14 of the 1973 Act. The Member, however, is required to be given an opportunity of hearing before taking any action of removal against him.

(vi) Rule 21(4) of the 1978 Rules, however, provides that if any question arises as to whether a member of a Municipal Council or Municipal Committee has become subject to any of the disqualifications mentioned in the Act and the Rules, the question shall be referred by the Deputy Commissioner to the State Election Commissioner, Haryana, whose decision shall be final.

**Q.No.66 Are the Political Parties separately registered with the State Election Commission for the purpose of contesting elections to the Panchayati Raj Institutions and Urban Local Bodies ?**

Ans. The National Parties and the State level Parties, recognized and registered with the Election Commission of India, have so far been treated to have been registered with the State Election Commission also without any formal registration. However, the State Election Commission has issued the Order 2004 vide notification No.SEC/2E-III/2004/4381, dated 23/04/2004, requiring the Political Parties to get themselves registered with the State Election Commission within six months from the date of issuing of the Order.

**Q.No.67 Is there a separate Code of Conduct for election to the Panchayati Raj Institutions and Urban Local Bodies ?**

Ans. A separate Code of Conduct have been prescribed by the State Election Commission, Haryana in respect of the Panchayati Raj Institutions and Urban Local Bodies and small booklets have been printed for this purpose. At the time of General Elections and bye-elections, these Code of Conducts are made operational from the date of notification of Election Programme and ceases after completion of the election process to the respective Local Bodies.



