

EXTRACT FROM HARYANA MUNICIPAL ACT, 1973
I N D E X

ACT NO.	TITLE
1	Short title extent and commencement.
2	Definitions.
2A	Classification and constitution of Municipalities
3	Procedure for declaring Municipality.
3A	State Election Commission
3B	Delegation of functions of State Election Commission
4	Notification of intention to alter limits of municipality.
5	Notification of intention to exclude local area from municipality.
6	Exclusion of local area from municipality.
7	Effect of exclusion of local area from municipality.
7A	Time limit for delimitation and reservation of wards
8	Power to abolish municipality.
9	Composition of Municipalities.
10	Reservation of seats.
11	Term of office of members.
12	Duration of municipality etc.
13	Resignation of member of committee.
13A	Disqualifications for membership.
13B	Restriction on simultaneous or double Membership.
13C	Making false declaration.
13D	Application of certain sections of Central Act 43 of 1951.
13E	Account of election expenses and maximum thereof.
13F	Disqualification for failure to lodge account of election expenses.

13G	Removal or reduction of period of disqualification.
13H	Lodging of account with the Deputy Commissioner.
13I	Removal of an elected member having any disqualification at time of election
13J	Removal of an elected member who fails to lodge election expenditure statement
13K	Review
14	Powers of State Government as to removal of members.
14A	Suspension of members.
15	Filling of casual vacancies.
18	Election of President/Vice President.
20	Resignation of president or Vice-President.
21	Motion of no confidence against President or Vice-President.
22	Removal of President or Vice-President.
22A	Suspension of president or vice-president.
24	Notification of elections and nominations
34	Constitution and composition of Wards Committees etc
203B	Constitution of District Planning Committee.
254	Power of State Government to dissolve committee in case of Incompetence, persistent default or abuse of powers.
264	Definitions.
265	Appointment of (Tribunal) by State Government.
266	Power of (Tribunal).
267	Application of Indian Evidence Act, 1872.

268	Admissibility of documents not duly stamped or registered.
269	Witness not excused from answering on ground that answer will incriminate.
270	Appearance, application or act before [Tribunal].
271	Expenses incurred in attending to given evidence to be part of cost.
272	Decision of Tribunal.
273	Appeal from orders of (Tribunal).
274	Payment of costs.
275	Secrecy of voting.
275A	Electoral offences.
275B	Bar to interference by Courts electoral matters.
276	Power to make rules.

THE HARYANA MUNICIPAL ACT, 1973
Haryana Act No.24 of 1973

[Received the assent of the President of India on the 24th June, 1973 and first published in Haryana Government Gazette (Extraordinary) of July 2, 1973]

Year	No	Short title	Whether repealed or otherwise affected by legislation.
1.	2.	3.	4.
1973	24	The Haryana Municipal Act, 1973	Amended in part by Haryana Act 40 of 1973 ² Amended by Haryana Act 12 of 1976 ³ Amended by Haryana Act 26 of 1976 ⁴ Amended by Haryana Act 23-5-78 ⁵ Amended by Haryana Act 1 of 1979 ⁶ Amended by Haryana Act 12 of 1979 ⁷ Amended by Haryana Act 9 of 1980 ⁸ Amended by Haryana Act 17 of 1981 ⁹ Amended by Haryana Act 8 of 1985 ¹⁰

			Amended by Haryana Act 12 of 1986 ¹¹
			Amended by Haryana Act 3 of 1988 ¹²
			Amended by Haryana Act 29 of 1988 ¹³
			Amended by Haryana Act 15 of 1989 ¹⁴
			Amended by Haryana Act 9 of 1990 ¹⁵
			Amended by Haryana Act 10 of 1991 ¹⁶
			Amended by Haryana Act 14 of 1992 ¹⁷
			Amended by Haryana Act 6 of 1993 ¹⁸
			Amended by Haryana Act 3 of 1994 ¹⁹
			Amended by Haryana Act 15 of 1994 ²⁰
			Amended by Haryana Act 3 of 1995 ²¹
			Amended by Haryana Act 4 of 1996 ²²
			Amended by Haryana Act 18 of 1996 ²³
			Amended by Haryana Act 13 of 1997 ²⁴

AN ACT

To consolidate and amend the law relating to municipalities in the State of Haryana. BE is enacted by the Legislature of the State of Haryana in the Twenty- fourth year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Haryana Municipal Act, 1973.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definition.- In this Act, unless there is anything repugnant in the subject or context,--

(1) xxxxxx

(6) "committee" or "municipal committee" except section 2A, means a Municipal Committee or Municipal Council constituted or deemed to have been constituted by or under this Act."

(7) xxxxxx

(8) "Deputy Commissioner" or Deputy Commissioner of the district" includes Additional Deputy Commissioner, Joint Deputy Commissioner or any [other officer not below the rank of an extra Assistant Commissioner] at any time appointed by the State Government to perform in any district or districts the functions of a Deputy Commissioner under this Act:

(9) "Director" means the Director Urban Development Department Haryana;

(9A) "District" means the district in the State of Haryana;

(9B) "District Planning Committee" means a committee constituted under Section 203B of this Act;

(10) xxxxxx

(12A) "Finance Commission" means the Finance Commission constituted by the State Government under articles 243I and 243Y of the Constitution of India;

(12B) "State Government" means the Government of the State of Haryana;

(13) xxxxxx

(15) "Municipal area" means the territorial area of a municipality as may be notified by the State Government and includes any territorial area which forms part of a municipality at the commencement of the Haryana Municipal (Amendment) Act, 1994;

(15A) "Municipality" means an institution of self -government constituted under section 2A which may be Municipal Committee or a Municipal Council or a Municipal Corporation;"

(16) xxxxxx

(19A) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(20) xxxxxx

(22) "Rules" mean the rules made under this Act;

(22A) "State Election Commission" means the State Election Commission constituted by the State Government under articles 243K and 243ZA of the Constitution of India;

(23) xxxxxx

(26) "Ward Committee" means the wards committees constituted by the State Government under Section 34 of this Act;

2A. Classification and constitution of municipalities.—(1) There shall be constituted three classes of municipalities in accordance with the provisions of this section as specified below:-

(i) "Municipal Committee" for a transitional area with population [of not more than fifty thousand];

(ii) "Municipal Council" for a smaller urban area with population [of more than fifty thousand but less than three lacs]; and

(iii) "Municipal Corporation" for a larger urban area with population [of three lacs or more], to be governed by a separate Act:

Provided that a municipality under this section may not be constituted in such urban areas or part thereof as the State Government may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as it may deem fit, by notification, specify to be an industrial township:

Provided further that no military cantonment or part of a military cantonment shall form part of a municipality.

Explanation.—In this sub-section, "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the State Government may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as the State Government may deem fit, specify by notification for the purpose of this section.

(2) The State Government shall, by notification, constitute the municipalities and specify the class to which a municipality shall belong in accordance with the provisions of this section after observing the procedure as laid down in section 3:

Provided that the municipalities existing at the commencement of the Haryana Municipal (Amendment) Act, 1994 and listed as Municipal Committee or as Municipal Council in the Schedule to this Act, would be deemed to have been constituted and notified as such, under and in accordance with the provisions of this section:

Provided further that the State Government may, after giving a reasonable notice of not less than thirty days of its intention to do so, amend the Schedule, by notification and declare any Municipal Committee as a Municipal Council or any Municipal Council as a Municipal Committee.

3. Procedure for declaring Municipality.—(1) The State Government may, by notification, propose any local area to be a municipality under this Act:

(2) Every such notification shall define the limits of the local area to which it relates

(3) A copy of every notification under this section, with a translation there of in such language as the State Government may direct, shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the State Government the date on which the copy and translation were so affixed and the date so certified shall be deemed to be the date of publication of the notification.

(5) Should any inhabitant desire to object to a notification issued under sub-section (1), he may, within six weeks from the date of its publication submit his objection in writing through the Deputy Commissioner to the State Government and the State Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired and the State Government has considered and passed orders on such objections as may have been submitted to it, the State Government may, by notification, declare [the local area, for the purpose of this Act, to be a municipality].

(7) The State Government may, by notification, direct that all or any of the rules which are in force in any municipality shall with such exceptions and adaptations as may be considered necessary, apply to the local area declared to be a municipality under this section, and such rules shall forthwith apply to such municipality without further publication.

(8) Omitted

(9) Omitted

(10) A committee shall come into existence at such time as the State Government may, by notification, appoint in this behalf.

3A State Election Commission .—The Superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the municipalities shall be vested in the State Election Commission constituted under articles 243K and 243ZA of the Constitution of India in the manner as may be prescribed by rules.

Provided that the State Election Commission shall consult the State Government before announcing the date of elections so that the State Government may, if so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission under articles 243K and 243ZA of the constitution of India and this Act;

Provided further that -

(i) in case of reconstitution of the municipality on account of the expiry of its duration of five years, such date shall not be earlier than 120 days before the expiry of duration;

(ii) in case of reconstitution of the municipality on account of dissolution of the municipality where the remainder of the period for which the dissolved municipality would

have continued is six months or more than six months, such date shall not be later than two months after the date of dissolution of the municipality;

(iii) in case of filling up of casual vacancy, as specified in section 15, where the remainder of the period for which the casual vacancy to be filled up is six months or more than six months, such date shall not be later than two months after the date of the occurrence of such vacancy;

(iv) such election shall be conducted in the manner as may be prescribed.

3B Delegation of functions of State Election Commission – The functions of the State Election Commission under the Constitution, this Act or the rules made thereunder may, subject to such general or specific directions, if any, issued by the State Election Commissioner in this behalf, be performed by an officer authorized by the State Election Commissioner.

4. Notification of intention to alter limits of municipality.—(1) The State Government may, by notification, and in such other manner as it may determine, declare its intention to include within a municipality any local area in the vicinity of the same and defined in the notification.

(2) Any inhabitant of a municipality or local area in respect of which a notification has been published under sub-section (1), may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the State Government within six weeks from the publication of the notification; and the State Government shall take such objection into consideration.

(3) When six weeks from the publication of the notification have expired, and the State Government has considered the objections, if any, which have been submitted under sub-section (2), the State Government may, by notification, include the local area in the municipality.

(4) When any local area has been included in a municipality under sub-section (3), this Act, and except as the State Government may, by notification, direct otherwise, all notifications, rules, bye-laws, orders, directions and powers issued made, or conferred under this Act and in force throughout whole of the municipality at the time, shall apply to such area.

5. Notification of intention to exclude local area from municipality.—The State Government may, by notification, and in such other manner as it may deem fit, declare its intention to exclude from a municipality any local area compared therein and defined in the notification.

6. Exclusion of local area from municipality .-- (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 5 may, if he objects to the exclusion proposed, submit his objection in writing through the Deputy Commissioner to the State Government within six weeks from the publication of the notification and the State Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired and the State Government has considered the objections, if any, which have been submitted under sub-

section (1), the State Government may, by notification, exclude the local area from the municipality.

7. Effect of exclusion of local area from municipality.—When a local area is excluded from a municipality under section 6 –

(a) this Act, and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply thereto; and

(b) the State Government shall after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vesting in the municipal committee shall vest in the State Government and in what manner the liabilities of the committee shall be apportioned between the committee and the State Government, and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

***7A Time limit for delimitation and reservation of wards.** – The work relating to the delimitation and reservation of wards of the municipal committee shall be completed six months before the completion of the tenure of municipal committee, failing which the State Election Commission shall go ahead with the process of preparation of electoral rolls and conduct of elections on the basis of existing delimitation and reservation of wards.

(*insertion vide Notification No. Leg. 20/2018 dated 19th April, 2018)

8. Power to abolish municipality.—(1) The State Government may, by notification, abolish any municipality declare under section 3.

(2) When a notification is issued under this section in respect of any municipality, this Act, and all notifications, rules, bye-laws, orders, directions and power issued, made or conferred under this act, shall cease to apply to the said municipality, the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in the State Government and the liabilities of the committee shall be transferred to the State Government.

[(3) Where any municipality is abolished under Sub-section (1) and subsequently the area comprising the municipality so abolished is declared to be a Sabha area under Sub-section (1) of Section 4 of the Punjab Gram Panchayat Act, 1952, the assets and liabilities referred to in sub-section (2) shall vest in the Gram Panchayat of the Sabha area from the date of its establishment under section 5 of the Punjab Gram Panchayat Act, 1952.

Explanation ---- For the purposes of this sub-section, the assets shall include all arrears of taxes, tolls, ceases, rates, dues and fees imposed under this Act or any rule or bye- law which fell due to the committee of the municipality immediately before the date of its abolition and the same shall be recoverable by the Gram Panchayat as if these were arrears due to the Gram Panchayat.]

9. Composition of Municipalities.—(1) The municipalities constituted under section 2A shall consist of such number of elected members not less than eleven as may be prescribed by rules.

(2) Save as provided in sub-section (3), all the seats in the municipality shall be filled in by persons chosen by direct election from the territorial constituencies in the municipal area and for this purpose each municipal area shall be divided into territorial constituencies to

be known as wards.

(3) In addition to persons chosen by direct election from the territorial constituencies, the State Government shall, by notification in the official Gazette, nominate the following categories of persons as members of a municipality:--

(i) not more than three persons in case of Municipal Council and not more than two persons in case of Municipal Committee having special knowledge or experience in municipal administration;

(ii) members of the House of the People and the Legislative Assembly of the State, representing constituencies which comprise wholly or partly, the municipal area; and

(iii) members of the Council of States, registered as electors within the municipal area:

{Provided that the persons referred to in clauses (i) above shall not have right to vote in the meetings of the municipalities and the persons referred to in clauses (ii) and (iii) above shall not have right to contest for the election of President or {Vice-President}:}

Provided further that the Executive Officer in the case of a Municipal Council and the Secretary in the case of a Municipal Committee, shall have the right to attend all the meetings of the municipality and to take part in discussion but shall not have the right to vote therein.

10. Reservation of seats.—(1) Seats shall be reserved for the Scheduled Castes in every municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in a municipality as the population of the Scheduled Castes in the municipal area bears to the total population of that area and such seats may be allotted to such wards having maximum population of persons belonging to Scheduled Castes :

(2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes and such seats may be allotted by rotation and by lots amongst the wards reserved under sub-section (1) :

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in every municipality, shall be reserved for women and such seats may be allotted by rotation and by lots to different constituencies in the municipality except those falling under sub-sections(1), (2) and (4) :

(4) Two seats in every committee shall be reserved for the persons belonging to Backward Classes which shall be allotted in such territorial constituencies as having maximum population of persons belonging to Backward Classes :

{(5) The offices of Presidents in municipalities shall be filled up from amongst the members belonging to the general category, Scheduled Castes, Backward Classes and women by rotation and by lots in the manner prescribed.}

(6) The reservation of seats under sub-sections(1) and (2) and the reservation of office of the President other than the reservation for women under sub-section (4), shall cease to have effect on the expiration of the period specified under article 334 of the Constitution of India :

(7) The reservation of seats under sub-section (1), (2), (4) and (5) shall be reviewed after every decennial census :

(8) The reservation as enumerated in this section shall be given effect to through notification issued at the time of each election.]

11. Term of office of members. —(1) The term of office of elected members shall be five years from the date appointed for the first meeting of the municipality.

(2) The term of the nominated member shall be co-terminus with the term of elected members.

(3) Omitted.

(4) When as a result of an enquiry held under Chapter XIV an order declaring the election of any member void has been made, such member shall forthwith cease to be the member of the committee.

12. Duration of municipality, etc.—(1) Every municipality unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting:

Provided that a municipality shall be given a reasonable opportunity of being heard before its dissolution:

Provided further that all municipalities existing immediately before the commencement of the Constitution (Seventy-fourth Amendment Act, 1992 shall continue till the expiration of the duration unless sooner dissolved by a resolution passed to that effect by the State Legislature.

(2) An election to constitute a municipality shall be completed,---

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

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

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

Provided further that the first election to a municipality constituted after the commencement of the Haryana Municipal (Amendment) Act, 1994, may be held within a period of one year of its being notified as a municipality :

Provided further that elections to the municipalities where no elected body exists at the time of commencement of this Act may be held within a period of one year.

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

13. Resignation of member of committee.—If a member of a committee wishes to resign his office, he shall submit an application in writing to the Deputy Commissioner. If such resignation is accepted, it shall be notified in the official Gazette on a date not less than fifteen days and not more than sixty days after the receipt of the said member's application by the Deputy Commissioner whereupon the member shall be deemed to have vacated his seat :

Provided that if a member who has submitted an application to resign wishes to withdraw his resignation, he may apply to the Deputy Commissioner within fifteen days of the receipt by the Deputy Commissioner of his application to resign, and the application to resign shall then be deemed to have been withdrawn.

13A. Disqualifications for membership.—(1) A person shall be disqualified for being chosen as and for being a member of a municipality.

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

Provided that no person shall be disqualified on the ground that he is less than twenty- five years of age if he had attained the age of twenty one years;

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

(c) Omitted.

(d) if he is convicted or has been convicted of an offence punishable under section 29, 30 and 31 of the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Prevention of Corruption Act, 1988 (49 of 1988) or the Prevention of Terrorism Act, 2002 (15 of 2002)[;or]

(e) if he has been convicted or charges have been framed against him by a court in a criminal case for an offence, punishable with imprisonment for not less than ten years; or

(f) if he fails to pay an arrear of any kind due to him to any Primary Agriculture Co-operative Society, District Central Co-operative Bank and District Primary Co-operative Agriculture Rural Development Bank; or

(g) if he fails to pay arrears of electricity bills; or

(h) if he has not passed matriculation examination or its equivalent examination from any recognized institution/board:

Provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass

Provided further that in case of a woman candidate belonging to Scheduled Caste, the minimum qualification shall be 5th pass; or

(i) if he fails to submit a self declaration to the effect that he has a functional toilet at his place of residence; or

* (j) if he makes expenditure beyond the prescribed limit on his election or fails to submit his election expenditure statement.

(*added vide notification No. Leg. 20/2018 dated 19th April, 2018)

(2) If any question arises as to whether a member of a municipality has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of such authority and in such manner as may be prescribed by rules.

(3) If any person furnishes a false caste certificate at the time of filing nomination, he shall be disqualified for a period of six years from contesting the election to the municipality.

13B. Restriction on simultaneous or double Membership.—(1) No person shall be an elected member of Committee, member of Legislative Assembly of the State or member of Parliament simultaneously.

(2) If an elected member of the committee is elected to the Legislative Assembly or Parliament, as the case may be, he shall cease to continue as an elected member of the committee from the date he is declared as elected to the Legislative Assembly or Parliament, as the case may be.

13C. Making false declaration.— If any person makes in connection with--

(a) the preparation, revision or correction of an electoral roll; or

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing, which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand, or with both.

13D. Application of certain sections of Central Act 43 of 1951.— The provisions of sections 20B, 28A, 33A, 33B, 125A, 134A, 134B, 135B and 135C of the Representation of People Act, 1951 (Central Act 43 of 1951), shall mutatis mutandis apply to the provisions of this Act.

13E. Account of election expenses and maximum thereof.— (1) Every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be notified by the State Election Commission in this behalf.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

13F. Disqualification for failure to lodge account of election expenses.— If the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order

published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

13G. Removal or reduction of period of disqualification - The State Election Commission may, for reasons to be recorded in writing, remove or reduce the period of disqualification under Section 13F.

13 H. Lodging of account with the Deputy Commissioner - Every contesting candidate or his election agent shall, lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission. *The Deputy Commissioner or such officer shall, send a list of those candidates who contested but fail to lodge the account of election expenditure or made expenditure beyond the limit prescribed by the State Election Commission immediately after the completion of a period of thirty days from the declaration of election result. The State Election Commission shall accordingly pass an order of their disqualification under section 13F.

(*added vide notification No. Leg. 20/2018 dated 19th April, 2018)

****13 I. Removal of an elected member having any disqualification at time of election.**- The State Election Commission may, after such enquiry, as it may deem fit and after giving an opportunity of being heard, by order, remove a member, if he was having any disqualification mentioned in section 13A or rules framed under this Act at the time of his election. The office of the member so disqualified shall become vacant immediately.

(**inserted vide notification No. Leg. 20/2018 dated 19th April, 2018)

#13 J. Removal of an elected member who fails to lodge election expenditure statement.- If an elected member who fails to follow the provisions of sections 13F or 13H, he shall be removed by the State Election Commission after giving him an opportunity of being heard. The office of the member so disqualified shall become vacant immediately.

(#inserted vide notification No. Leg. 20/2018 dated 19th April, 2018)

##13 K. Review.- A member so disqualified under section 13 I or 13 J may file an application for review of order before the State Election Commission within a period of forty-five days from the receipt of the order. The order passed by the State Election Commission under this section shall be final and no civil court shall have jurisdiction to entertain a petition against such order.

(##inserted vide notification No. Leg. 20/2018 dated 19th April, 2018)

14. Powers of State Government as to removal of members.—(1) The State Government may by notification remove any member of a committee---

(a) if he refuses to act or becomes, in the opinion, of the State Government, incapable of acting, or has been declared a bankrupt or an insolvent by a competent court or has been convicted of any such offence or subjected by a criminal court to any such order as implies, in the opinion of the State Government a defect of character which renders him unfit to be a member;

(b) if he has been declared by notification to be disqualified for employment in, or has been dismissed from, the public service and the reason for the disqualification or dismissal is such as implies in the opinion of the State Government a defect of character which renders him unfit to be a member ;

(c) if he has without reasonable cause in the opinion of the State Government absented himself for more than three consecutive months from the meetings of committee;

(d) If he fails to pay any amount due from him to the committee within three months of the service of notice making the claim. It shall be the duty of the {Executive officer, and where there is no Executive office, the Secretary}, to serve such a notice at the earliest possible date after the amount has become due;

(e) if, in the opinion of the State Government he has flagrantly abused his position as a member of the committee or has through his negligence or misconduct been responsible for the loss, or misapplication of any money or property of the committee ;

(f) if he has, since his election or nomination become subject to any disqualification which, if it had existed at the time of his election or nomination, would have rendered him ineligible under any law for the time being in force regulating the qualifications of candidates for election or nomination; (*)

[(*) omitted vide notification No. Leg. 20/2018 dated 19th April, 2018]

(g) if being a legal practitioner, he acts or appears in any legal proceeding on behalf of any person against the committee or on behalf of or against the State Government where in the opinion of the State Government such action or appearance is contrary to the interests of the Committee:

Provided that no removal of a member shall be notified unless the matter has been enquired into by an officer, not below the rank of an extra Assistant Commissioner, appointed by the State Government and the member concerned has been given a reasonable opportunity of being heard {or there is a finding by the competent court in this regard.}

(2) A person removed under this section or whose election has been declared void for corrupt practices or intimidation under the provisions of section 272, shall be disqualified for election for a period not exceeding five years.

(3) Omitted

14A. Suspension of members.--- (1) The Director may, suspend any member of committee where –

(a) a case against him in respect of any criminal offence is under investigation, enquiry or trial, if in the opinion of the Director the charge made or proceedings taken against him, are likely to embarrass him in the discharge of his duties to involves moral turpitude or defect of a character ;

(b) during the course of an enquiry for any of the reasons for which he can be removed under section 14, after giving him a reasonable opportunity of being heard.

(2) Any member suspended under sub-section (1) shall not take part in any act or proceedings of the committee during the period of suspension and shall hand over the records, money or any other property of the committee in his possession or under his control –

(i) to president/vice-president, as the case may be ;

(ii) in case both the president and vice-president are suspended, to such person the Director may appoint in this behalf :

Provided that the suspension period of a member shall not exceed six months from the date of issuance of suspension order except in criminal cases involving moral turpitude.

(3) Any person aggrieved by an order passed under sub-section (1) may, within a period of thirty days from the communication of the order prefer an appeal to the Government.

15. Filling of casual vacancies.—(1) Whenever a vacancy occurs by the death, resignation or removal, or by the vacation of a seat under the provisions of sub-section (4) of section 11 of any member the vacancy shall be filled within six months of the occurrence of such vacancy in accordance with the provisions of this Act and the rules:

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

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

16. xxxxxx

18. Election of President/Vice President.—(1) Every Municipal Committee or Municipal Council shall, from time to time, elect one of its elected members to be President for such period as may be prescribed, and the member so elected shall become President of the Municipal Committee or Municipal Council:

Provided that the office of the President in Municipal Committee and Municipal Councils shall be reserved for Scheduled Castes and women in accordance with the provisions made in section 10 :

Provided further that if the office of President is vacated during his tenure on account of death, resignation or no confidence motion, a fresh election for the remainder of the period shall be held from the same category.

(2) Every Municipal Committee of Municipal Council shall also, from time to time, elect one of its elected members to be vice-president.

Provided that if the office of the Vice-President is vacated during his tenure on account of death, resignation or no confidence motion a fresh election for the remainder of the period shall be held.

(3) The term of office of the Vice-President shall be for a period of five years or for the residue period of his office as a member, whichever is less.

19. Omitted.

20. Resignation of president or Vice-President.—(1) The President or Vice President may resign his office by tendering his resignation in writing to the Deputy Commissioner, such resignation shall, unless withdrawn within seven days from the date of tendering the resignation, be deemed to have been accepted.”

(2) Nothing in this Section shall affect the provision of Section 21.

21. Motion of no confidence against President or Vice-President.—(1) A motion of no- confidence against the President or Vice President may be made in accordance with the procedure laid down in the rules.

(2) The Deputy Commissioner or such other officer not below the rank of an Extra Assistant Commissioner, as the Deputy Commissioner may authorised, shall convene a meeting for the consideration of the motion referred to in sub-section(1), in the manner laid down in the rules, and shall preside at such meeting.

(3) If the motion is carried with the support of not less than two-thirds of the elected members of the committee, the President or Vice President, as the case may be, shall be, deemed to have vacated his office.

(4) If a no confidence motion is passed against the President and the Vice-President simultaneously or otherwise, the Sub-Divisional Officer (Civil) of the area in which the municipality is situated or any other officer not below the rank of an Extra Assistant Commissioner authorised by the Deputy Commissioner shall henceforth exercise the powers and discharge the functions of the President till the election of a President is notified or a Vice-President is elected.

(5) A meeting referred to in sub-section (2) shall be presided over by the Deputy Commissioner or the officer authorised by him but neither he nor such officer shall have the right to vote at such meeting.

22. Removal of President or Vice-President.—The State Government may, at any time, by notification, remove a President or Vice-President from his office on the ground of abuse of his power or of habitual failure to perform his duties :

Provided that no removal of the President or Vice President shall be notified unless the matter has been enquired into by an officer, not below the rank of an Extra Assistant Commissioner appointed by the State Government and the President or Vice-President, as the case may be has been given a reasonable opportunity of being heard or there is a finding by the competent court in this regard.

22A. Suspension of president or vice-president.—(1) Director may suspend president or vice-president of a committee where –

(a) a case against him in respect of any criminal offence is under investigation, enquiry or trial, if in the opinion of the Director the charge made or proceedings taken against him, are likely to embarrass him in the discharge of his duties or involves moral turpitude or defect of a character ;

(b) a case against him in respect of the grounds of removal mentioned under section 22 is under enquiry, after giving him a reasonable opportunity of being heard.

(2) Any president or vice-president, as the case may be, suspended under sub-section (1) shall not take part in any act or proceeding of the committee during the period of suspension and shall hand over the records, money or any other property of the committee in his possession or under his control.

(i) to vice-president if he is president.

(ii) to president if he is vice-president; and

(iii) in case both the president and vice-president are suspended, to such person as the Director may appoint in this behalf :

Provided that the suspension period of president or vice- president as the case may be, shall not exceed six months from the date of issuance of suspension order except in criminal cases involving moral turpitude.

(3) Any person aggrieved by an order passed under sub-section (1) may, within a period of thirty days from the communication of the order, prefer an appeal to the Government.

23. xxxxxx

24. Notification of elections and nominations .--- (1) Every election or nomination of a member and election of a President of a Municipal Committee or Municipal Council shall be notified in the official Gazette and no member shall enter upon his duties until his election or nomination has been so notified and until, notwithstanding anything contained in the Oaths Act, 1969 elected members has taken or made at a meeting of the Municipal Committee or Municipal Council an oath or affirmation of his allegiance to India and the Constitution of India in the following form, namely:-

AB, having been elected [Omitted by ibid] member of a Municipal Committee or Municipal Council of _____ do solemnly swear (or affirm) that I will be

faithful and bear true allegiance to India and the constitution of India as by law established and I will faithfully, discharge the duties upon which I am about to enter.

(2) Every election of a member shall be notified in the Official Gazette by the State Election Commission not earlier than one week before the expiry of the duration of the existing municipality. Every election of a president shall be notified by the State Government in the official Gazette within thirty days from the date of declaration of the result of such election:

Provided that notification regarding bye-election result shall be published in the Official Gazette by the State Election Commission forthwith.

(3) If any such person omits or refuses to take or make the oath or affirmation as required by sub-section(1) within three months of the date of notification of his election, his election shall be deemed to be invalid for any reason which it may consider sufficient unless the State Government, extends the period within which such oath or affirmation may be taken or made.

(4) If an election is deemed to be invalid under the provisions of sub-section (3), a fresh election shall be held.

34. Constitution and composition of Wards Committees etc.—(1) The State Government may constitute Wards Committees consisting of one or more wards within the territorial area of a municipality having a population of three lakhs or more in the manner as may be prescribed by rules.

(2) A member of a municipality representing a ward within the territorial area of the Wards Committee shall be a member of that wards Committee.

(3) Where a Wards Committee consists of .—

(a) one ward, the member representing that ward in the municipality; or

(b) two or more wards, one of the members representing such wards in the municipality elected by the members of the wards Committee, shall be the Chairperson of that wards Committee.

(4) The wards Committee constituted under this section shall be entrusted with such powers and functions as may be prescribed by rules.

203B. Constitution of District Planning Committee.—(1) The State Government shall, by notification in the Official Gazette, constitute in each district, a District Planning Committee to consolidate the plans prepared by the Panchayats and the municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The State Government may prescribe by rules the manner in which the seats in the District Planning Committees shall be filled in :

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by and from amongst the elected members of the Panchayat at the

district level and of the Municipalities in the district in proportion of the ratio between population of the rural areas and of the urban areas in the district.

(3) Every District Planning Committee shall, while preparing the draft development plan -

--

(a) have regard to ---

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation ;

(ii) the extent and type of available resources whether financial or otherwise ;

(b) consult such institutions and organizations as the Government may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the State Government.

254. Power of State Government to dissolve committee in case of incompetence, persistent default or abuse of powers.--- (1) Should a committee be incompetent to perform, or persistently makes default in the performance of, the duties imposed on it by or, under this or any other Act, or exceed or abuse its powers, the State Government may, by notification, in which the reasons for so doing shall be stated, declare the committee to be dissolved:

“Provided that no notification declaring the committee to be {dissolved} shall be made unless the matter has been enquired into by an officer, not below the rank of an extra Assistant Commissioner, appointed by the State Government and the committee concerned has been given a reasonable opportunity of being heard.”;

(2) When a committee is so {dissolved} the following consequences shall ensure :-

(a) all members of the committee shall, from the date of the notification, vacate their seats ;

(b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such persons as the State Government may appoint in this behalf ;

(c) all property vested in the committee shall, until the committee is reconstituted, vest in the State Government.

264. Definitions.-- In this Chapter, unless there is anything repugnant in the subject or context.---

(a) "Tribunal" means the Municipal Election Tribunal consisting of a person or persons appointed by the State Government to hold an inquiry in respect of an election petition under this Act. [Sub. By H.A. 3 of 1994]

(b) "costs" means all costs charges and expenses of or incidental to an enquiry ;

(c) "election" means any election held under the provisions of this Act or the rules ;

(d) "inquiry" means an inquiry in respect of an election by the Tribunal;

(e) "pleader" means any person entitled to appear and plead for another in a civil court, and includes an advocate, a *vakil* and an attorney of a High Court.

265. Appointment of Tribunal by State Government.—The State Government may appoint a Tribunal consisting of one or more Person to hold an inquiry.

266. Power of Tribunal.-- In respect of the following matters a Tribunal shall have the powers which are vested in a court under the Code of Civil Procedure, 1908, when trying a suit:-

(a) discovery and inspection,

(b) enforcing the attendance of witnesses, and requiring the deposit of their expenses.

(c) compelling the production of documents,

(d) examining witnesses on oath,

(e) grant adjournments,

(f) reception of evidence taken on affidavit, and

(g) issuing commissions for the examination of witnesses;

and may summon and examine *suo moto* any person whose evidence appears to be material, and shall be deemed to be a civil court within the meaning of sections 345, 346 of the Code of Criminal Procedure, 1973.

267. Application of Indian Evidence Act, 1872.—The provisions of the Indian Evidence Act 1872, shall, subject to the provisions of this Chapter, be deemed to apply in all respects to an inquiry.

268. Admissibility of documents not duly stamped or registered.—Notwithstanding anything contained in any enactment to the contrary, no document shall be in admissible in evidence on the ground that it is not duly stamped or registered.

269. Witness not excused from answering on ground that answer will incriminate.— (1) No witness shall be excused from answering any questioning relating to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such questioning will incriminate or may tend, directly or indirectly, to incriminate him, or

that it will expose or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind :

Provided that ---

(i) no person who has voted at an election shall be required to state for whom he has voted; and

(ii) a witness who, in the opinion of the Tribunal has answered truly all questions which he has been required by the said Tribunal to answer shall be entitled to receive a certificate of indemnity and such a certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code, 1860, arising out of the matter to which such certificates relates, nor shall any such answer be admissible in evidence against him in any suit or other proceedings.

(2) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

270. Appearance, application or act before [Tribunal].—Any appearance, application or act before the Tribunal may be made or done by the party in person or by a pleader duly appointed to act on his behalf :

Provided that any such appearance shall, if the Tribunal so directs, be made by the party in person.

271. Expenses incurred in attending to given evidence to be part of costs.—The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Tribunal to such person, and shall, unless the [Tribunal] otherwise directs, be deemed to be part of the costs.

272. Decision of Tribunal.--- (1) At the conclusion of the trial of an election petition, the Tribunal shall make order.--

(a) dismissing the election petition ;

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

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

(2) At the time of making an order under sub-section (1), the Tribunal shall also make an order. ---

(a) Where any charge is made in the petition of any corrupt practice having been committed at the election, recording.—

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election, and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that corrupt practice ; and
(b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid.

(3) Corrupt practices shall entail disqualification for being elected as a member or President of a committee for such period, not exceeding Six years, as the Tribunal may in its orders direct:

Provided that the State Government may, for reasons to be recorded, remove any disqualification under this Chapter or reduce the period of any such disqualification.

(4) The Tribunal after announcing the orders made under this section shall send a copy thereof to such authority as may be specified in this behalf by the State Government.

(5) Every order of the Tribunal under this section shall take effect as soon as it is pronounced by it [Sub. By H.A. 3 of 1994]

Provided that where by any such order the election of a returned candidate is declared to be void, acts and proceedings in which that candidate has before the date of the order, participated as a member of the committee shall not be invalidated by reason of that order.

273. Appeal from orders of Tribunal.—(1) An appeal from the order of the Tribunal passed under section 272 shall lie to the District Judge.

(2) The District Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, and follow the same procedure, with respect to an appeal under this section as if it were an appeal from an original decree passed by a civil court situated within the local limits of his civil court appellate jurisdiction.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the order appealed from :

Provided that the District Judge may entertain an appeal after the expiry of such period of thirty days if he is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

(4) The decision of the District Judge on appeal, and subject only to such decision, the order of the Tribunal under section 272 shall be final and conclusive.

274. Payment of costs.--Any order as to costs under this chapter may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

275. Secrecy of voting.—(1) Every employee, agent or other person who performs any duties in connection with recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose

authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(1A) Notwithstanding anything contained in this Act or the rules made there under, the casting and recording of votes by voting machines may be adopted in such a manner as may be prescribed, in such municipality or municipalities as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.-For the purpose of this sub-section "voting machines" means any machine or apparatus whether operated electronically or otherwise used for casting or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made there under shall, save as otherwise provided, be construed as including a reference to such voting machine whether such voting machine is used at any election.

(2) Any person who willfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both.

275-A. Electoral offences.—The provisions of sections 24 to 31 of the Haryana Municipal Corporation Act, 1994, shall so far as may be consistent with the provisions of this Act, shall apply *mutatis mutandis* to the Municipal Committees and Municipal Councils constituted or deemed to have been constituted by or under this Act.

275B. Bar to interference by Courts electoral matters.—Notwithstanding anything contained in this Act,—

(a) the validity of any law relating to the delimitation of constituencies, made or purporting to be made under this Act, shall not be called in question in any court.

(b) no election to any municipality shall be called in question except by an election petition presented to the Tribunal and in such manner as may be prescribed by rules.

276. Power to make rules.—The State Government may make rules consistent with this Act, to carry out the purposes of this Chapter, and all such rules shall be subject to previous publication.