

## EXTRACT FROM HARYANA PANCHAYATI RAJ ACT, 1994

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THE HARYANA PANCHAYATI RAJ ACT, 1994  
(HARYANA ACT NO.11 of 1994)

{Received the assent of the President of India on the 21<sup>st</sup> April, 1994, and first published for general information in the Haryana Government Gazette (Extra ordinary), Legislative Supplement Part I of the 22<sup>nd</sup> April, 1994}

**AN ACT**

To provide for the constitution of Gram Panchayats, Panchayat Samitis and Zila Parishads for better administration of the rural areas and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Forth-fifty Year of the Republic of India as follows:-

**1. Short title, extent and commencement:**

- (1) This Act may be called the Haryana Panchayati Raj Act, 1994.
- (2) It extends to the whole of the State of Haryana.
- (3) It shall come into force on such date as State Government may, by notification, in the Official Gazette, appoint.

**2. Definition:-**In this Act, unless the context otherwise requires:-

- (i) "Additional Director" means an officer appointed by the Government to perform the functions of an Additional Director under this Act.
- (ii) "Audit means a person, male or female, who has attained the age of eighteen years;
- (iii) "Assembly" means the Haryana Legislative Assembly.
- (iv) "Backward Classes´ means such classes of citizens as may be specified by the Government from time to time.
- (v) "block" means such local area in a district as may be declared by the Government, by notification in the Official Gazette, to be a block at intermediate level;
- (vi) "Block Development and Panchayat Officer" means an officer appointed as such by the Government.
- (vii) x        x        x        x        x        x

(vii) x x x x x x

(ix) x x x x x x

(x) "casual vacancy" means a vacancy occurring otherwise than by efflux of time;

(xi) x x x x x x

(xii) "Chairman" means a Chairman of Panchayat Samiti elected under this Act

(xiii) "Chief Executive Officer " means the Chief Executive Officer of a Zila Parishad;

(xiv) "Collector" means the Collector of a district in which the village is situated and includes any officer appointed by the Government to perform the functions of a Collector under this Act;

(xv) x x x x x x

(xvi) x x x x x x

(xvii) "competent Authority" means such Government officer or authority as the Government may, by notification in the Official Gazette, appoint to perform the functions of a competent authority under this Act;

(xviii) "Deputy Commissioner" means the Deputy Commissioner of a district and includes any officer not below the rank of an Assistant Commissioner appointed by the Government to perform the functions of a Deputy Commissioner under this Act;

(xix) "Director" means the Director of Panchayats appointed under this Act.

(xx) "District" means a revenue district in the State of Haryana;

(xxi) "District Development and Panchayat Officer" means an officer appointed by the Government to perform the functions of a District Development and Panchayat Officer under this Act;

(xxii) x x x x x

(xxiii) "Executive Officer" means an Executive Officer of a Panchayat Samiti;

(xxiv) x x x x x

(xxv) Finance Commission" means the Finance Commission constituted under clause (I) of article 243-I of the Constitution of India;

(xxvi) "general election" means the election held under this Act for the constitution or reconstitution of a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, after the expiry of its term or otherwise;

(xxvii) "Government" means the Government of the State of Haryana;

(xxix) "Gram Panchayat" means the Panchayat constituted at village level under this Act;

(xxx) "Gram Sabha" means a body consisting of persons registered as voters in the electoral rolls of a village comprised within the area of the Panchayat at the village level;

(xxxii) x x x x x

(xxxii) x x x x x

(xxxiii) "Local Authority" means a Municipal Corporation, Municipal Council, Municipal Committee, Cooperative Society, Market Society Improvement Trust, Cantonment Board, Urban Development Authority, Gram Panchayat, Panchayat Samiti, Zila Parishad, a Board or Company or Corporation financed or aided by Central or State Government;

(xxxiv) x x x x x

(xxxv) " member" means a member of Panchayat Samiti or Zila Parishad, as the case may be;

(xxxvi) "municipality" means municipality as defined in the Haryana Municipal Act, 1973;

(xxvii) x x x x x

(xxxviii) x x x x x

(xxxix) x x x x x

(xl) x x x x x

(xli) "Panch" means a member of a Gram Panchayat elected under this Act ; Omitted by Haryana Act No. 10 of 1994

(xlii) "Panchayat area" means the territorial area of a Gram Panchayat;

(xliii) " Panchayat Samiti" means a Panchayat Samiti constituted for a block under this Act and having jurisdiction over the block area as notified in the Official Gazette;

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

(xlv) "prescribed " means prescribed by rules made under this Act;

(xlvi) "prescribed authority" means such authority as may be prescribed by rules made under this Act;

(xlvii) "President" means a President of a Zila Parishad elected under this Act;

(xlviii) x x x x x

(xlix) x x x x x

(l) x x x x x

(li) "public servant" means a public servant as defined in section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and shall include a Panch {ommitted by Haryana Act No. 10 of 1999 } Sarpanch, member of Panchayat Samiti or zila Parishad, Chairman or Vice Chairman and President or Vice President.

(lii) x x x x x

(liii) "qualifying date" means the 1st day of January the year in which the list of voters for the purposes of the general election of members for constituting or reconstituting a Gram panchayat , Panchayat Samiti or Zila Parishad as the case may be is prepared or revised under the provisions of this Act;

(liv) "Sabha area" means an area declared to be Sabha area under this Act;

(lv) x x x x x

(lvi) "Sarpanch" means a Sarpanch of Gram Panchayat elected under this Act;

(lvii) "Schedule" means the Schedule appended to this Act;

(lviii) "Schedule Caste" means such castes, races or tribes or part of or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Haryana under article 341 of the Constitution of India;

(lix) x x x x x

(lx) x x x x x

(lxi) "State Election Commission" means the State Election Commission constituted under article 243K of the Constitution of India;

(lxii) x x x x x

(lxiii) "Sub Divisional Officer" means an officer-in-charge of a Sub Division of a district constituted for revenue and general purposes;

(lxiv) x x x x x

(lxv) "territorial constituency" means a ward in which a village or group of villages or a Block or a District is divided for the purposes of election of Gram Panchayat, Panchayat Samiti and Zila Parishad;

(lxvi) x x x x x

(I xvii) "Vice-Chairman" means a Vice Chairman of a Panchayat Samiti elected under this Act;

(I xviii) "Vice President" means a Vice President of a Zila Parishad elected under this Act;

(I xix) "Village" means a revenue estate in the revenue records of a district in which it is situated or a village as may be specified, by notification in the Official Gazette, by the Government;

(I xxii) "Zila Parishad" means a Zila Parishad constituted at district level under this Act.

(I xxiii) "Zila Parishad Fund" means the Zila Parishad Fund under this Act.

### **General provisions applicable to Gram Panchayats, Panchayat Samitis and Zila Parishad**

#### **3. Duration of Gram Panchayat, Panchayat Samiti and Zila Parishad:**

(1) Every Gram Panchayat, Panchayat Samiti and Zila Parishad 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 and no longer.

Provided that all the Gram Panchayats and Panchayat Samitis existing immediately on the commencement of the Constitution (Seventy-third) Amendment) Act, 1992 shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Assembly.

(2) An election to constitute a Gram Panchayat, Panchayat Samiti and Zila Parishad, as the case may be, shall be completed:-

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

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

Provided that where the remainder of the period for which the dissolved Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, would have continued is less than six months, it shall not be necessary to hold any election for constituting the Gram Panchayat, Panchayat Samiti or Zila Parishad for such period as the case may be;

(3) A Gram Panchayat, Panchayat Samiti or Zila Parishad constituted upon the dissolution of a Gram Panchayat, Panchayat Samiti, Zila Parishad before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be would have continued under sub-section (i) had it not been so dissolved.

(4) If a Gram Panchayat, Panchayat Samiti or Zila Parishad as the case may be is not reconstituted before the expiration of its duration laid down in sub-section (1) , it shall be deemed to have been dissolved on the expiry of the said duration and, thereupon,

provisions of sub-section (2) of Section 52., sub-section (1) of Section 111 or sub-section (4) of section 158, as the case may be, shall be applicable.

#### **4. Oath:**

(1) Before entering upon the duties of their offices as Panches, Sarpanches, members, Chairmen, Vice Chairmen, President or Vice Presidents, as the case may be, they shall taken an oath of allegiance or make affirmation in the Form specified in Schedule 1.

(2) If any person mentioned in sub-section (1) refuses to take or make oath or affirmation, his election shall be deemed to be invalid and a fresh election shall be held.

(3) No person whose election is deemed to be invalid under this Section, shall be eligible for election to any Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, for a period of two years from the date on which he ought to have taken or made oath or affirmation.

#### **5. Resignation:**

A Panch, Sarpanch, member, Chairman, Vice-Chairman, President or Vice President as the case may be may resign his office by giving in writing his intention to do so to the Director and on such resignation being accepted he shall be deemed to have vacated his office.

#### **6. Filling of casual vacancy:**

(1) Whether a vacancy occurs by death, resignation removal or otherwise of a Panch, Sarpanch, member, Chairman, Vice Chairman, President or Vice –President as the case may be , a new Panch, Sarpanch, member, Chairman, Vice Chairman, President or vice President, as the case may be shall be elected in the manner as may be prescribed.

(2) Any person elected to fill up a vacancy under this section 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.

### **SABHA, AREA ESTABLISHMENT AND CONSTITUTION OF GRAM SABHA AND GRAM PANCHAYATS.**

#### **7. Demarcation of sabha area:**

(1) The Government may, by notification, declare any village or a part of a village or group of contiguous villages with a population of not less than five hundred to constitute one or more sabha areas:

#### **8. Establishment and constitution of Gram Panchayat:**

(1) The Government may, by notification, establish a Gram Panchayat by name in every sabha area.

(2) Every Gram Panchayat shall consist of:-

a) Sarpanch who shall be elected by the Gram Sabha from amongst its voters, by secret ballot;

b) Six to twenty Panches from wards in a Panchayat area in the manner prescribed.

c) (Omitted by Haryana Act No. 10 of 1999)

d) All the above seats referred to in clause (b) of sub-section (2) shall be filled in by persons chosen by direct election from the wards in the Panchayat area and for this purpose each Panchayat area shall be divided into wards in such manner that the ratio between the population of each ward and number of the seats of Panches allotted to it shall, so far as possible, be the same throughout the Panchayat area.

### **9. Reservation of seats in Gram Panchayat:**

(1) Seats shall be reserved for the Scheduled Castes in every Gram Panchayat 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 election in that Panchayat as the population of the Scheduled Castes in the Panchayat 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 Caste.

(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 to different wards reserved under sub-section (1).

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

(4) The offices of the Sarpanches in the Gram Panchayat in a block shall be reserved for the Scheduled Castes and Women:

Provided that the number of offices of Sarpanches reserved for the Scheduled Castes in the Block shall bear, as may be, the same proportion to the total number of such offices in the Block as the population of the Scheduled Castes in the State bears to the total population of the State:

Provided further that not less than one third of the total number of offices of Sarpanches in the block shall be reserved for women including one third offices of women Sarpanches from Scheduled Castes:

Provided further that the number of offices of Sarpanches reserved under this sub-section shall be rotated to different Gram Panchayats first having the largest maximum population of Scheduled Castes and secondly having the second largest maximum population of such classes and so on.

(5) The reservation of the seats under sub-section (1) and (2) and the reservation of office of Sarpanches (other than the reservation of women) under sub-section (4) shall cease to

have effect on the expiration of the period specified in article 334 of the Constitution of India.

(6) Every Panchayat shall have one Panch belonging to Backward Classes if their population is two per centum or more of the total population of the sabha area and such seat shall be allotted to such ward having maximum population of persons belonging to Backward Classes.

(7) Reservation of seats as mentioned in aforesaid sub-sections shall be reviewed after every decennial census.

#### **10. Term of Office:**

The term of office of Sarpanch shall be five years unless removed otherwise.}

### **CONTROL**

#### **51. Suspension and removal of a Sarpanch {x x x} or Panch:**

(1) The Director or the Deputy Commissioner concerned may, suspend any Sarpanch {Omitted by Haryana Act No. 10 of 1999} or Panch, as the case may be:-

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

(b) During the course of an enquiry for any of the reasons for which he can be removed, after giving him adequate opportunity to explain.

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

(i) if he is a Sarpanch to a Panch commanding majority in the Gram Panchayat;

(ii) if he is a Panch to Sarpanch:

Provided that the suspension period of a Panch or a Sarpanch, as the case may be, shall not exceed one year from the date of handing over the charge in pursuance of the suspension order except in criminal cases involving moral turpitude.}

(3) The Director or the Deputy Commissioner concerned may, after such enquiry as he may deem fit and after giving an opportunity of being heard to a Sarpanch or {{Omitted by Haryana Act No. 10 of 1999}} a Panch, as the case maybe, ask him to show cause against the action proposed to be taken against him, and by order remove him from his office:-

(a) if after his election he is convicted by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a period exceeding six months;

(b) if he was disqualified to be a member of the Gram Panchayat at the time of his election;

(c) if he incurs any of the disqualification mentioned in section 175 after his election as member of the Gram Panchayat;

(d) if he is absent from five consecutive meetings of the Gram Panchayat without prior permission or leave of Gram Panchayat; and

(e) if he has been guilty of misconduct in the discharge of his duties and his continuance in the office is undesirable in the public interest.

(4) A person who has been removed under sub-section (3) may be disqualified for re-election for such period as may be mentioned in the order but not exceeding the period of six years.

(5) Any person aggrieved by an order passed under sub-sections (1) (3) and (4) may within a period of thirty days from the communication of the order, prefer an appeal to the Government.

(6) Any Sarpanch or Panch, as the case may be, removed under sub-section (3) shall hand over the records, money or any other property of the Gram Panchayat in his possession or under his control:-

(i) if he is Sarpanch to a Panch commanding majority in the Gram Panchayat;

(i-a) if he is Sarpanch belonging to reserve category, to a Panch of that reserve category commanding majority, and if no Panch in that category is available, to a Panch of General Category commanding majority in the Gram Panchayat; and

(ii) if he is a Panch to Sarpanch}

## **52. Dissolution of Gram Panchayat:-**

1. if, in the opinion of the Government, a Gram Panchayat abuses its powers or is not competent to perform or makes persistent defaults in the performance of its duties under this Act or wilfully disregards any instructions given or directions issued by the Panchayat Samiti or Zila Parishad or any instructions issued by competent authority arising out of the audit of accounts of the Gram Panchayat or inspection of the work, the Government may, after giving the Gram Panchayat an opportunity to render explanation, by an order published, with the reasons thereof, in the Official Gazette, dissolve such Gram Panchayat.

2. When a Gram Panchayat is dissolved under sub-section (1):-

(i) Sarpanch {{Omitted by Haryana Act No. 10 of 1999) and all Panches shall vacate their office forthwith;

(ii) all powers and duties of the Gram Panchayat during its dissolution, shall be exercised and performed by such person or persons as the Government may appoint in this behalf; and

(iii) all property in the possession of the Gram Panchayat shall be held by Government.

3. Upon dissolution of Gram Panchayat under sub-section (1), the Government shall reconstitute a Gram Panchayat as specified under section 8 and election to reconstitute such Gram Panchayat shall be completed before the expiration of a period of six months from the date of dissolution;

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for reconstituting the Gram Panchayat for such period.

4. A Gram Panchayat reconstituted upon the dissolution of the existing Gram Panchayat before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under section 3 had it not been so dissolved.

## **PANCHAYAT SAMITI**

### **55. Creation of Block:**

(1) The Government may, by notification, divide a district into blocks each of which shall comprise such areas as may be specified in the notification.

(2) The notification under sub-section (1) shall specify the name of the block by which it shall be known and shall specify the local limits of such block.

(3) The Government may {{Omitted by Haryana Act No. 10 of 1999}} by notification:-

(a) exclude from any block or include in any block any village or Gram Panchayat;

(b) divided the area of a block so as to constitute two or more blocks; or

(c) unite the areas of two or more blocks so as to constitute a single block.

### **56. Constitution of Panchayat Samiti:**

The Government shall, by notification, constitute a Panchayat Samiti having jurisdiction, save and except as otherwise provided for in this Act, in a block excluding such portion of the block as are included in a municipality or in a cantonment or under the authority or a Municipal Corporation constituted under any law for the time being in force:

Provided that a Panchayat Samiti may have its office in any area comprised within the excluded portion of the block.

### **57. Composition of Panchayat Samiti:**

(1) Every Panchayat Samiti shall consist of:

(a) directly elected members from territorial constituencies as determined under section 58 of this Act in the manner as may be prescribed;

(b) the members of Haryana Legislative Assembly representing constituencies which comprise wholly or partly in the Panchayat Samiti, who shall have right to vote in the meeting of the Panchayat Samiti except for election and removal of Chairman and Vice Chairman and shall be {ex-officio members}

(2) There shall be a Chairman and a Vice Chairman in every Panchayat Samiti, who shall be elected by and from amongst the elected Members, in the manner as may be prescribed.

(3) Notwithstanding anything contained in this section but subject to any general or specified order of the Government, where two-third of the total number of members of any Panchayat Samiti required to be elected, have been elected, the Panchayat Samiti shall be deemed to have been duly constituted under this Act.

#### **58. Number of members to be elected to Panchayat Samiti:**

(1) The number of elected members of a Panchayat Samiti shall consist of persons elected from the territorial constituencies in the Panchayat Samiti area which shall not be less than ten and not more than thirty as may be notified from time to time by the Government at the scale of :-

(a) one member for every four thousand population or part thereof; of the Panchayat Samiti area having population upto forty thousand;

Provided that the total number of members in such Panchayat Samiti shall not be less than ten; and

(b) one member for every five thousand population or part thereof, of the Panchayat Samiti area, having population of more than forty thousand;

Provided that the total number of members in such Panchayat Samiti shall not be less than ten and more than thirty.

(2) For the purpose of election of the Panchayat Samiti, the Government may, in accordance with such rules as may be prescribed in this behalf, divide the block area into territorial constituencies in such manner, than the population of each ward shall, as far as may be practicable , be the same throughout the block area.

(3) Each ward shall elect one member through direct election in the manner as may be prescribed.

#### **59. Reservation of seats:**

(1) Seats shall be reserved for Scheduled Castes in every Panchayat Samiti 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 that Panchayat Samiti as the population of

the Scheduled Castes in that Panchayat Samiti 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 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 Panchayat Samiti, shall be reserved for women and such seats may be allotted by rotation and by lots to different territorial constituencies in a Panchayat Samiti except those falling under sub-sections (1) and (2).

(4) The offices of Chairman in the Panchayat Samiti in a district shall be reserved for the Scheduled Castes and women by rotation and by lots:

Provided that the number of offices of Chairman reserved for Scheduled Castes in the District shall bear as nearly as may be, the same proportion to the total number of such offices in the Panchayat Samitis as the population of the Scheduled Castes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons of Panchayat Samitis in a district shall be reserved for women including the offices of Scheduled Caste women:

Provided further that the number of offices of Chairman under this sub-section shall be rotated to different Panchayat Samitis firstly having the largest maximum population of Scheduled Caste and secondly having the next largest maximum population of such classes and so on.

(5) One seat shall be reserved for the persons belonging to Backward Classes in every Panchayat Samiti which shall be allotted in such territorial constituencies as having maximum population of persons belonging to Backward Classes.

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

Provided that reservation of seats under sub-sections (1), (2), (3), (4) and (5) shall be reviewed after every decennial census:

#### **60. First meeting of Panchayat Samiti and Election of Chairman and Vice Chairman:**

(1) On the constitution of Panchayat Samiti under Section 56 or under any other provisions of this Act, there shall be called the first meeting thereof for the election of Chairman and Vice Chairman by and from amongst its elected members in the manner prescribed by the prescribed authority.

(2) The meeting shall be held on such day within four weeks from the date on which the names of members elected at the election are notified in the official gazette by the State Election Commissioner or any other officer authorised by him in this behalf.

**62. Term of office of Chairman and Vice-Chairman:**

(1) The term of office of Chairman and Vice-Chairman of a Panchayat Samiti shall be five years:

Provided that the Chairman or Vice Chairman shall cease to be the Chairman or Vice Chairman if by a resolution passed by not less than two thirds of the total number of its elected members, the Panchayat Samiti decides at a meeting convened in the manner prescribed that he shall vacate his office:

Provided further that no such meeting shall be convened before the expiry of one year from the date on which the election of the Chairman or vice Chairman, as the case may be, was notified and, after the expiry of such period, whenever such a meeting is convened during his term of office and the proposal for vacating the office fails, no further meeting shall at any time thereafter be convened for considering a similar proposal against the Chairman or vice Chairman unless a period of at least one year intervenes between the last failure and the date on which such further meeting is convened.

(2) An outgoing Chairman or Vice Chairman shall be eligible for fresh election if otherwise qualified.

**63. Leave of absence:**

(1) Any Member of a Panchayat Samiti who during his term of office absents himself from four consecutive meetings of the Panchayat Samiti without the leave of the said Panchayat Samiti, shall cease to be a member and his office shall be deemed to have become vacant and thereupon the Panchayat Samiti shall, as soon as may be, inform him, Zila Parishad, State Election Commission and Government accordingly.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the competent authority, whose decision shall be final;

Provided that such reference shall not be entertained if it is made after the expiry of fifteen days from the date on which the Panchayat Samiti informs under sub-section (1).

(3) whenever leave is granted under sub-section (1) to a member who is Vice-Chairman another member shall be elected to perform all the duties and exercise all the powers of a Vice-Chairman during the period for which such leave is granted on the same terms and conditions.

**64. Suspension of Chairman/Vice Chairman and member:**

(1) The Government may suspend from office any Chairman or Vice Chairman or member against whom any criminal proceeding in respect of an offence involving moral turpitude have been instituted in any court, or who has been detained in a prison during trial for any offence or who is undergoing such sentence of imprisonment as would disqualify him for

continuing as a member of the Panchayat Samiti under Section 175 or who has been detained under any law relating to preventive detention for the time being in force.

(2) Where any Chairman or Vice Chairman, as the case may be has been suspended under sub-section (1) another member shall be elected by and from amongst the elected members to perform all the duties and exercise all the powers of a Chairman or a Vice Chairman during the period for which such suspension continues.

## **CONDUCT OF BUSINESS AND PANCHAYAT SAMITI**

### **68. Quorum:**

For the transaction of business at a meeting of a Panchayat Samiti, the quorum shall be:

- (a) if it is an ordinary meeting, one-third; and
- (b) If it is special meeting, one half of the number of members actually

serving for the time being.

### **69. Power of Chairman and Executive Officer to call special meetings:**

The Chairman, or in his absence the Executive Officer may whenever he thinks fit and shall on requisition made in writing by not less then one third of the total number members of the Panchayat Samiti, convince a special meeting within two weeks of the receipt of the written requisition.

### **70. Adjournment:**

Any meeting of a Panchayat Samiti may, with the consent of the majority of the members present, be adjourned to any other date, but no business other than that left over at the adjourned meeting shall be transacted at the next following meeting.

## **SUPERVISION**

**109. Suspension & Removal of Members:-** (1) The Government may, during the course of any inquiry suspend a member, Vice Chairman or Chairman as the case may be, of a Panchayat Samiti or any of the reasons for which he can be removed and debar him from taking part in any act or proceedings of the said body, during the inquiry:

Provided that the suspension period of a member, Vice Chairman or Chairman as the case may be shall not exceed six months from the date of issuance of suspension order.

(2) The Government may, after such inquiry as it may deem fit, remove any member, Vice Chairman or Chairman, as the case may be, who in the opinion of the Government has been guilty of misconduct in the discharge of his duties.

(3) A person who has been removed under sub-section (2) may be disqualified for re-election for such period not exceeding five years as the Government may fix.

**110. Powers of Government to dissolve in case of incompetency, persistent default or abuse of power:**

If a Panchayat Samiti is not competent to perform or persistently makes default in the performance of the duties imposed upon it by or under this or any other Act for the time being in force or exceeds or abuses its powers, the Government may suo motu or on a report received in this behalf and after giving an opportunity to the Panchayat Samiti concerned to show cause why such an order should not be made, by notification, dissolve such Panchayat Samiti.

**111. Consequences of dissolution:**

(1) When a Panchayat Samiti is dissolved under Section 110, the following consequences shall ensure:-

(a) all members of the Panchayat Samiti, from the date of the notification, vacate the office.

(b) All powers and duties of the Panchayat Samiti may, until the Panchayat Samiti is reconstituted be exercised and performed by such person or persons as the Government may appoint in this behalf; and

(c) All property vested in the Panchayat Samiti, until it is reconstituted vest in the Government.

(2) When a Panchayat Samiti is dissolved under Section 110 the Government shall constitute Panchayat Samiti in its place before the expiration of a period of six months from the date of its dissolution for the remainder period:

Provided that where the remainder of the period for which the dissolved Panchayat Samiti would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Panchayat Samiti for such period.

(3) Any person or persons appointed under clause (b) of sub-section (1) shall be subject to the control of the Government and such other officers as it may direct, and shall be subject to all other restrictions, limitations and conditions imposed by this Act on the Panchayat Samiti, its Chairman or Executive Officer.

**ZILA PARISHAD**

**117. Constitution of Zila Parishad:**

(1) The Government may, by notification, constitute a Zila Parishad bearing the name of the district having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portion of the district as are included in a Municipality or Cantonment:

Provided That the Zila Parishad may have its office in any area comprised within the excluded portion of the district.

(2) The Government may, after making such enquiry as it may deem fit and after consulting the Zila Parishad or the Zila Parishads concerned, as the case may be, by notification, exclude from any district or include in any district any village or Gram Panchayat or a block.

### **118. Composition of Zila Parishads:**

(1) Every Zila Parishad shall consist of:

(a) the members directly elected from the wards in a district under Section 119.

(b) the chairman of all Panchayat Samitis within 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 member; and

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

(2) All ex-officio members of the zila Parishad shall have right to vote in the meetings of the Zila Parishad except for election and removal of the President or the Vice President.

(3) Notwithstanding anything contained in this section, but subject to any general or special order of the Government where two-third or more of the total number of members of any Zila Parishad require to be elected have been elected, the Zila Parishad shall be deemed to have been duly constituted under this Act.

### **119. Elected Members:**

(1) The Government may, by notification in the Official Gazette, determine the number, being not more than thirty and not less than ten of directly elected members from wards keeping in view the total population of the district at the scale of one member for every 40,000 population or part thereof.

(2) For the convenience of election, the Government shall, in accordance with such rules as may be prescribed in this behalf:-

(a) divide a district into wards in such manner, that the population of each ward shall as far as may be practicable, be the same throughout the district:

Provided that the elected members of a Zila Parishad from the wards in the blocks in the district shall consist of persons to be elected from each block and the wards therein being fixed in accordance with the scale of one member for every forty thousand population or part thereof the population except Morni Block in district Ambala and Sadhaura block in district Yamuna Nagar where it shall constitute one ward for the actual population below forty thousands.

(b) each ward shall elect one member through direct election in the manner prescribed.

**120. Reservation of seats:**

(1) Seats shall be reserved by the Government for the Scheduled Castes in every zila Parishad in the State 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 that Zila Parishad as the population of the Scheduled Castes in the district bears to the total population in the district and such seats shall be allotted territorial constituencies in that district having maximum population of persons belonging to Scheduled Castes.

(2) 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 to wards reserved under sub-section (1).

(3) 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 a Zila Parishad shall be reserved for women and such seats shall be allotted by rotation and by lots to different constituencies in that district except those falling in sub-sections (1) and (2).

(4) The offices of the President in the Zila Parishad shall be reserved for the scheduled Castes and women.

Provided that the number of offices of the Presidents reserved for the Scheduled Castes in the State shall bear as may be the same proportion to the total number of such offices in the Zila Parishad as the population of the Scheduled Castes in the state bears to the total population of the State:

Provided further that not less than one third of the total number of offices of Presidents in the Zila Parishads shall be reserved for women including the offices reserved for Scheduled Caste Women:

Provided further that the number of offices of presidents under this sub-section shall be rotated to different Zila Parishad firstly having the largest maximum population of Scheduled Castes and secondly having the next largest maximum population of such classes and so on.

(5) The reservation of seats under sub-section (1) and (2) and the reservation of offices of Presidents (other than the reservation of women) under sub-section (4) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

(6) One seat in every Zila Parishad shall be reserved for the persons belonging to backward Classes and such seat shall be allotted to such wards having maximum population of person belonging to Backward Classes.

Provided that reservation of seats under sub-sections (1), (2) (3) (4) and (6) shall be reviewed after every decennial census.

**121. First meeting of Zila Parishad and election of President and Vice President:**

(1) On the Constitution of a Zila Parishad under section 117, there shall be called the first meeting for the election of President and the Vice President by and from amongst its elected members in the manner prescribed , by the prescribed authority.

(2) The meeting shall be held on such day within four weeks from the date on which the names of elected members are published by the State Election Commissioner, or any other officer authorised by him in this behalf.

**123. Term of the officer of President and Vice President and Motion of No-Confidence against President and Vice President:**

(1) The term of the office of President and Vice President of a Zila Parishad shall be five years unless sooner removed.

(2) If by a resolution passed against the President or Vice President, as the case may be, two third of the total number of its elected members of the Zila Parishad decide at a meeting convened by the Prescribed Authority in the manner prescribed, that the President or Vice President, as the case may be, shall vacate the office and in such case the Zila Parishad shall elect the new President or Vice President as the case may be, as specified in section 121 of this Act.

Provided that no such meeting shall be convened before the expiry of one year from the date on which the election of the President or the Vice-President as the case may be, was notified and after the expiry of such period, whenever such a meeting is convened during his term of office and the proposal for vacating the office fails, no further meeting shall at any time thereafter be convened for considering a similar proposal against the President or Vice President unless a period of at least one year intervenes between the last failure and the date on which such further meeting is convened.

**124. Leave of absence:**

(1) Any member of a Zila Parishad who during his term of office:

(a) is absent for more than three consecutive months from the district unless leave not exceeding three months so as to absent himself has been granted by the Zila Parishad; or

(b) absents himself from four consecutive meetings of the Zila Parishad without the leave of the said Zila Parishad shall cease to be a member and his office shall be vacant and thereupon the Zila Parishad shall, as soon as may be, inform him that the vacancy has occurred.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the competent authority whose decision shall be final.

Provided that such reference shall not be entertained if it is made after the expiry of fifteen days from the date on which the Zila Parishad informs under sub-section (1) t the member as to the vacancy.

(3) Whenever leave is granted under sub-section (1) to a member who is Vice President, another member shall subject to the condition to which the election of the Vice President,

so absenting himself was subject, be elected to perform all the duties and exercise all the powers of a Vice President during the period for which leave is granted.

## **CONDUCT OF BUSINESS**

### **126. Meetings:**

A Zila Parishad shall ordinarily meet at least six times in each year for the transaction of its business and not more than two months shall be allowed to lapse between any two successive meetings.

### **127. Convening of ordinary or special meeting:**

(1) A meeting of a Zila Parishad shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules made there under to be transacted at a special meeting. The date of every meeting, except the meeting referred to in sections 121 and 123 shall be fixed by the President, or in his absence by the Vice President. Notice of every meeting specifying the date, time and place thereof and the business to be transacted thereat shall be despatched to every member of the Zila Parishad and exhibited at the office of the Zila Parishad not less than ten days before an ordinary meeting and four days before a special meeting.

### **128. Quorum:**

For the transaction of business at a meeting of a Zila Parishad, the quorum shall be:-

(a) if it is an ordinary meeting, one third ; and

(b) if it is special meeting, one half, of the member of members actually serving for the time being.

## **SUPERVISION OF ZILA PARISHAD**

### **160. Suspension and removal of President, Vice President and member:**

(1) (a) The Government may suspend any President or Vice President or member, as the case may be, where a case against him/her in respect of any criminal offence is under investigation, inquiry or trial and if, in the opinion of the Government, the charge made, or proceedings taken against him/her are likely to embarrass him/her in the discharge of duties or involves moral turpitude or defect of character;

(b) The Government may during the course of enquiry suspend any President or Vice President or member , as the case may be , for any of the reasons mentioned in sub-section (2) for which he can be removed after giving him adequate opportunity;

© Any President or Vice President or member, as the case may be suspended under this sub-section shall not take part in any act or proceeding of the Zila Parishad or a committee

during the period of his suspension and shall hand over the records, money or any other property of the Zila Parishad in his possession or under his control to:-

- (i) Vice-President, if he is President;
- (ii) President, if he is Vice President; and
- (iii) If both the President and Vice President are suspended to a member commanding majority in the Zila Parishad.

Provided that the suspension period of a member, Vice President or President as the case may be, shall not exceed six months from the date of issuance of suspension order.

(2) The Government may, after such inquiry as it may deem fit and after giving an opportunity to a President or Vice President or a member as the case may be, to show cause against the action proposed to be taken against him, by order in writing, remove him from his office:-

(a) if after his election he is convicted by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a period of more than six months;

(b) if he was disqualified to be member of the Zila Parishad at the time of his election;

(c) if he incurs any of the disqualification mentioned in section 175 after his election as member of the Zila Parishad;

(d) if he absents himself for more than four consecutive, ordinary meeting of the Zila Parishad without the leave of the Zila Parishad or is absent from the Zila Parishad area for more than three consecutive months;

(e) who has been guilty of misconduct in the discharge of his duties and his continuance in the office is undesirable in the public interest

(3) A person who has been removed under sub-section (2) may be disqualified for re-election for such period as may be specified in the order but not exceeding six years.

(4) Any President or Vice President or member, as the case may be, removed under sub-section (2) shall hand over the records, money or any other property of the Zila Parishad in his possession or under his control to:

- (i) Vice President, if he is President;
- (ii) President, if he is a Vice President;
- (iii) If both the President and Vice President are removed to a member commanding majority in the Zila Parishad.

**ELECTION OF MEMBERS OF GRAM PANCHAYAT, PANCHAYAT SAMITI AND ZILA PARISHAD AND ELECTION DISPUTES ETC.**

**161. Election of Gram Panchayat, Panchayat Samitis and Zila Parishad:-** (1) As soon as, a notification is issued under this Act by the Government, the election of Panches and Sarpanches of Gram Panchayat, members, Chairmen and Vice-Chairmen of Panchayat Samitis and members, Presidents and Vice-Presidents of Zila Parishads shall be held on such date, as the State Election Commission in consultation with the Govt. may appoint in this behalf;

Provided that-

(i) in the case of re-constitution of Gram Panchayat, Panchayat Samiti or Zila Parishad on account of the expiry of their duration of five years, such date shall not be earlier than four months or later than fifteen days before the expiry of duration;

(ii) in case of re-constitution of a Gram Panchayat, Panchayat Samiti on Zila Parishad on account of dissolution of a Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, where the remainder of the period for which the dissolved Panchayat, Panchayat Samiti or Zila Parishad 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 Gram Panchayat, Panchayat Samiti and Zila Parishad.

(2) such election shall be conducted in the prescribed manner.

(3) The Superintendence, direction and control of the conduct of such election shall be vested in the State Election Commission.

(4) After the declaration of general election results, the names of elected Panches, Sarpanches, Members, Chairmen, Vice-Chairmen, Presidents and Vive-Presidents shall be published in the Office Gezette by the State Election Commission not earlier than one week before the expiry of the duration of the existing Gram Panchayat, Panchayat Samiti and Zila Parishad:

Provided that notification regarding all other election results shall be published in the Official Gazette by the State Election Commission forthwith.

## **PROVISIONS RELATING TO ELECTION**

**162. Electoral division:-** Every sabha Area, block and district shall be divided into wards as referred in sections 8 (3), 58(2) and 119 (b) of this Act.

**163. List of voters for every electoral division:-** For every electoral division, there shall be a list of voters which shall be prepared and maintained in accordance with the provisions of this Act under the superintendence, direction and control of the State Election Commission.

**164. Preparation of list of voters:-** At any time not later than two months before the expire of the duration of a Gram Panchayat, Panchayat Samiti or Zila Parishad under section 3 and in the case of a Gram Panchayat which is to be constituted or reconstituted under the provisions of this Act, otherwise than on the expiry of its duration under section 3 at any such time as the State Election Commission may after consulting the Government, determine there shall be prepared for the purpose of the general election of members for constituting or, as the case may be, reconstituting such Gram Panchayat, Panchayat Samiti

or Zila Parishad, a list of voters for every electoral division in respect of such Gram Panchayat, Panchayat Samiti or Zila Parishad as may be determined under section 162 and inforce at the time when such list is prepared.

**165. Persons qualified to be registered as voters:-** Every person who is entitled to be registered as voter in the relevant part of the electoral rolls of the Assembly under the Representation of People Act, 1950, shall be entitled to be registered as a voter in the list of voters for the electoral division, to be prepared under section 164.

**166. List of voters:-** (1) The electoral roll of the Assembly prepared under the provisions of the Representation of People Act, 1950, for the time being inforce for such part of the constituency of the Assembly as is included in the relevant electoral division, shall subject to any amendment, deletion or addition made under sub-section (3), or any inclusion of any name under sub-section (5), be the list of voters for that electoral division.

(2) Such officer of the Government as the State Election Commission may specify in this behalf (hereinafter referred to as :the specified officer") shall, subject to superintendence, direction and control of the State Election Commission maintain an up-to date list of voters for each electoral division. Such list shall be published in the manner as may be prescribed.

(3) if on an application made to him in this behalf or on his own motion the specified officer is satisfied that the list of voters is at variance with the relevant part of the electoral roll of the Assembly on account of any mistake in the list, he shall amend the list so as to bring it in conformity with the said electoral roll and for that purpose may amend, delete or add any entry in that list.

(4) Any person who has become entitled to be registered as voter in the relevant part of the electoral roll of the Assembly under the Representation of People Act, 1950, after the qualifying date may apply to the specified officer for inclusion of his name in the list.

(5) where the specified officer, after making such inquiry as he may consider necessary, is satisfied that the applicant is entitled to be registered in the relevant part of the electoral roll of the Assembly under the Representation of People Act, 1950, he shall direct the name of the applicant to be included in the list of voters.

Provided that no such direction shall be given if the applicant is disqualified to vote under this Act or any other law for the time being in force.

(6) No amendment, deletion or addition of any entry in the list of voters for an electoral division shall be made under sub-section (3) and no direction for inclusion of a name in that list shall be given under sub-section (5) during the period between such date as the State Election Commission may, by general or special order, notify in this behalf and the date of the completion of any concerned election in the electoral division.

Explanation-In this Section the expression "qualifying date" has the same meaning as in Clause (b) of Section 14 of the Representation of People Act, 1950

(7) The list of voters shall after it is finally prepared under this section be published in the prescribed manner and shall come into operation immediately upon its final publication.

**167. Name of person not to be included in the list of voters for more than one electoral division:-** No person shall be entitled to have his name included in the list of voters for more than one electoral division of the same Gram Panchayat, Panchayat Samiti or Zila Parishad.

**168. Name of person not to be included in the list of voters more than once:-** No person shall be entitled to have his name included in the list of voters for any electoral division more than once.

**169. Availability of Government Staff:-** The Government shall make available to the State Election Commission such staff as may be necessary for the performance of any duty in connection with the preparation and revision of list of voters for electoral division and conduct of elections in respect of that Gram Panchayat, Panchayat Samiti and Zila Parishad,

**170. Jurisdiction of civil courts barred:-** No Civil Court shall have jurisdiction-

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to have his name included in a list of voters; or

(b) to question the legality of any action taken or decision given by or under the authority of the State Election Commission in connection with the preparation, maintenance or revision of any such list.

**171. Making false declaration:-** If any person makes in connection with-

(a) the preparation, revision or correction of a list of voters; or

(b) the inclusion or exclusion of any entry in or from a list of voters 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 year or with a fine of one thousand rupees or with both.

**172. Breach of official duty in connection with the preparation etc. of list of voters:-**

(1) If any Government servant or any other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of a list of voters without reasonable cause breaches such official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such officer or person for a damages in respect of any such breach as aforesaid.

(3) No court shall take cognizance of any offence punishable under sub-section(I) except on a complaint made by order of, or under authority of the Government or the State Election Commission.

**173. Persons qualified to vote and be elected:-** (1) Every person whose name is in the list of voter shall, unless disqualified under this Act or any other law for the time being

inforce, be qualified to vote at the election of member for the electoral division to which such list pertains.

(2) Every person who has 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 division,

(3) No person whose name is not entered in the list of voters for the villages, shall be qualified to be elected from any electoral division thereof,

(4) Subject to any disqualification of a person the list of voters shall be conclusive proof for the purpose of determining under this section whether any person is or is not qualified to vote, or to be elected at any elections, as the case may be.

**173A. Application for certain sections of Central Act 43 of 1951 to Haryana Act 11 of 1994:-** The provisions of sections 20B, 33A, 134A, 134B, 135B and 135C of the Representation of the People Act, 1951 (Central Act 43 of 1951), shall mutatis mutandis apply to the provisions of this Act:

Provided that provisions of section 135B shall be applicable to the residents of the area.

**174. Restriction on simultaneous or double membership:-** (1) No person shall be a member of Gram Panchayat, Panchayat Samiti (Zila Parishad, Legislative Assembly and parliament) simultaneously.

(1A) If a member of Gram Panchayat, Panchayat Samiti or Zila Parishad is elected to the Legislative Assembly or Parliament, he shall cease to continue as an elected member of Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, from the date he is declared elected to be Legislative Assembly or Parliament.

(2) If any person is simultaneously chosen as a member of a Gram Panchayat, Panchayat Samiti or Zila Parishad the person shall, within fifteen days from the date of the publication of result, intimate to the State Election Commission the name of Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, in which he wishes to serve and thereupon his seat in the Gram Panchayat, Panchayat Samiti or Zila Parishad other than the one in which he wishes to serve, shall become vacant.

(3) Any intimation given under sub-section (2) shall be final and irrevocable.

(4) In default of intimation referred to in sub-section (2) within the aforesaid period, the State Election Commission shall determine the seat which he shall retain and thereupon the remaining seats from which he was chosen, shall become vacant.

**175. Disqualifications:-** (1) No person shall be a Sarpanch {Omitted by Haryana Act No. 10 of 1999) or a Panch or a Gram Panchayat or a member of a Panchayat Samiti or Zila Parishad or continue as such who-

(a) has, whether before or after the commencement of this Act, been convicted-

(I) of an offence under the Protection of Civil Rights Act, 1955 (Act 22 of 1955), unless a period of five years, or such lesser period as the Government may allow in any particular case, has elapsed since his conviction; or

(II) of any other offence and 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

(aa) has not been convicted, but charges have been framed in a criminal case for an offence, punishable with imprisonment for not less than ten years; or

(b) has been adjudged by a competent court to be of unsound mind; or

(c) has been adjudicated an insolvent and has not obtained his discharge; or

(d) has been removed from any office, held by him in a Gram Panchayat, Panchayat Samiti or Zila Parishad under any provision of this Act or in a Gram Panchayat, Panchayat Samiti or Zila Parishad before the commencement of this Act under the Punjab Gram Panchayat Act, 1952 and Punjab Panchayat Samiti Act, 1961 and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the Government notified in the official Gazette been relieved from the dis-qualifications arising on account of such removal from office; or

(e) has been disqualified from holding office under any provision of this Act and the period for which he was so disqualified has not elapsed; or

(f) holds any salaried office or office of profit in any Gram Panchayat, Panchayat Samiti or Zila Parishad; or

(g) has directly or indirectly, by himself or his partner any share or interest in any work done by order of the Gram Panchayat, Panchayat Samiti or Zila Parishad; or

(h) has directly or indirectly, by himself or, his partner share or interest in any transaction of money advanced or borrowed from any officer or servant or any Gram Panchayat; or

(i) fails to pay any arrears of any kind due by him to the Gram Panchayat, Panchayat Samiti or Zila Parishad or any Gram Panchayat, Panchayat Samiti or Zila Parishad subordinate thereto or any sum recoverable from him in accordance with the Chapters and provisions of this Act, within three months after a special notice in accordance with the rules made in this behalf has been served upon him: or

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

(k) has voluntarily acquired the citizenship of a Foreign State or is under any acknowledgment of allegiance or adherence to a Foreign State; or

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

(m) is a tenant or lessee holding a lease under the Gram Panchayat, Panchayat Samiti or Zila Parishad or is in arrears of rent of any lease or tenancy held under the Gram Panchayat, Panchayat Samiti or Zila Parishad; or

(n) is or has been during the period of one year proceeding the date of election, in unauthorised possession of land or other immovable property properly belonging to the Gram Panchayat, Panchayat Samiti or Zila Parishad; or

(o) being a Sarpanch ( Omitted by ibid) or Panch or a member of Panchayat Samiti or a Zila Parishad has cash in hand in excess of that permitted under the rules and does not deposit the same alongwith interest at the rate of twenty one per centum per year in pursuance of a general or special order of the prescribed authority within the time specified by it; or

(p) being a Sarpanch or Panch or a Chairman, Vice-Chairman or member, President or Vice-President or member of Panchayat Samiti or Zila Parishad has in his custody prescribed records and registers and other property belonging to, or vested in, Gram Panchayat, Panchayat Samiti or Zila Parishad 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

(q) Omitted by notification dated 26.10.2006.

(r) admits the claim against Gram Panchayat without proper authorisation in this regard;

(s) furnishes a false caste certificate at the time of filing nomination:

Provided that the disqualifications under clauses (r) and (s) shall be for a period of six years.

(t) fails to pay any arrears of any kind due to him to any Primary agriculture Cooperative Society, District Central Cooperative Bank and District Primary Cooperative Agriculture Rural Development Bank; or

(u) fails to pay arrears of electricity bills; or

(v) has not passed matriculation examination or its equivalent examination from any recognised 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 a case of woman candidate belonging to Scheduled Caste contesting elections for the post of Panch, the minimum qualification shall be 5th pass; or

(w) fails to submit self declaration to the effect that he has a functional toilet at his place of residence.

Explanation (I)- A person shall not be disqualified under clause (g) for membership of a Gram Panchayat, Panchayat Samiti or Zila Parishad by reason only of such person-

(a) having share in any joint stock company or a share or interest in any society registered under any law for the time being in force which shall contract with or be employed by or on behalf of Gram Panchayat, Panchayat Samiti or Zila Parishad; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of a Gram Panchayat, Panchayat Samiti or Zila Parishad may be inserted; or

(c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of any Gram Panchayat, Panchayat Samiti or Zila Parishad; or

(d) being professionally engaged on behalf of any Gram Panchayat, Panchayat Samiti or Zila Parishad as a legal practitioner; or

(e) having any share or interest in any lease of immovable property in which the amount of rent has been approved by the Gram Panchayat, Panchayat Samiti or Zila Parishad in its own case or in any sale or purchase of immovable property or in any agreement for such lease, sale or purchase; or

(f) having a share or interest in the occasional sale to the Gram Panchayat, Panchayat Samiti or Zila Parishad of any article in which he regularly trades or in the purchase from the Gram Panchayat of any article, to a value in either case not exceeding in any year one thousand rupees.

Explanation (2)- For the purpose of clause (I)

(I) a person shall not be deemed to be disqualified if he has paid the arrears or the sum referred to in clause (i) of this sub-section prior to the day prescribed for the nomination of candidates.

(II) \* \* \* \* \*

**176. Determination of validity of election enquiry by judge and procedure:-** (I)

If the validity of any election of a member of a Gram Panchayat, Panchayat Samiti or Zila Parishad or (omitted by ibid ) Sarpanch of Gram Panchayat, Chairman or Vice-Chairman, President or Vice-President of Panchayat Samiti or Zila Parishad respectively is brought in question by any person contesting the election or by any person qualified to vote at the election to which such question related, such person may at any time within thirty days after the date of declaration of results of the election present an election petition to the civil court having ordinary jurisdiction in the area within the election has been or should have been held, for the determination of such question.

(2) A petitioner shall not join as respondent to his election petition except the following persons:-

(a) where the petitioner in addition to challenging the validity or the election of all or any of the returned candidates claims a further relief that he himself or any other candidate

has been duly elected, all the contesting candidates other than the petitioner and where no such further relief is claimed, all the returned candidates;-

(b) any other candidate against whom allegations of any corrupt practices are made in the election petition.

(3) All election petitions received under the sub-section (1) in which the validity of the election of members to represent the same electoral division is in question, shall be heard by the same civil court.

(4) (a) If on holding of such inquiry the Civil Court finds that a candidate has, for the purpose of election committed a corrupt practice within the meaning of sub-section(5), he shall set aside the election and declare the candidate disqualified for the purpose of election and fresh election may be held

(aa) If on holding such enquiry the Civil Court finds that:

(i) on the date of his election a returned candidate was not qualified to be elected;

(ii) any nomination has been improperly rejected; or

(iii) the result of the election, in so far as it concerned a returned candidate, has been materially affected by improper acceptance of any nomination or by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non compliance with or violation of the provisions of the Constitution of India or of this Act or any rules or orders made under this Act, election of such returned candidate shall be set aside and fresh election may be held;

(b) If, in any case to which clause (a) or clause (aa) does not apply, the validity of an election is in dispute between two or more candidates, the court shall after a scrutiny and computation of the votes recorded in favour of each candidate, declare the candidate who is found to have the largest number of valid votes in his favour, to have been duly elected:

Provided that after such computation, if any, equality of votes is found to exist between any candidate and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in the favour of such candidate or candidates, as the case may be, elected by lot drawn in the presence of the judge in such manner as he may determine.

(5) A person shall be deemed to have committed a corrupt practice:

(a) who with a view to induce a voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person; or

(b) who, with a view to induce any person to stand or not to stand or to withdraw or not to withdraw from being a candidate at an election, offers or gives any money or valuable consideration or holds out any promise or individual profit or holds out any threat of injury to any person; or

(c) who hires or procures whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter (other than the person himself, the members of his family of his agent) to and from any polling station.

Explanation1.- A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation2. The expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

**177. Disqualifications for continuing as members.** (1) If any member of a Gram Panchayat, Panchayat Samitis or Zila Parishad-

(a) who is elected, as such, was subject to any of the disqualifications

mentioned in section 175, at the time of his election;

b) during the term for which he has been elected, incurs any of the disqualifications mentioned in section 175.

Shall be disqualified from continuing to be a member, and his office shall become vacant.

(2) In every case, the question whether a vacancy has arisen shall be decided by the Director. The Director may give its decision either on an application made to it by any person, or on its own motion. Until the Director decided that the vacancy, has arisen, the members shall not be disqualified under sub-section (1) from continuing to be a member. Any person aggrieved by the decision of the Director may, within a period of fifteen days from the date of such decision, appeal to the Government and the orders passed by Government in such appeal shall be final.

Provided no order shall be passed under this sub-section by the Director against any member without giving him a reasonable opportunity of being heard.

**178. Fresh election if election is invalid:-** If the election of any member is set aside under section 176 or his office becomes vacant under section 177, a fresh election for the vacancy so caused shall as soon as, may be held in accordance with the provisions of this Act.

**179. Power of the State Election Commission to require services of Government staff for election:-** The Government shall make available to the State Election Commission such members of its staff as necessary as commission may require for the performance of any duties in connection with an election and every such member shall carry out such directions as may be issued to him by such Commission or any officer authorised by it in relation to such election.

**180. Prohibition of canvassing in or near polling station:-** (1) No person shall, on the dates on which a poll is to be held in any polling station, commit any of the following acts

within the polling station, or in any public or private place within a distance of one hundred metres of the polling station, namely:-

- (a) canvassing for votes;
  - (b) soliciting the vote of any voter;
  - (c) persuading any voter not to vote at the election;
  - (d) persuading any voter not to vote for any particular candidate;
  - (e) exhibiting any notice or sign (other than an office notice) relating to the election.
- (2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to one thousand rupees
- (3) An offence punishable under this section shall be cognizable

**181. Penalty for disorderly conduct in or near Polling Station:-** (1) No person shall, on the date or dates on which a poll is held at any polling station-

(a) use or operate, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker; or

(b) shout; or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall, on the conviction, be punished with fine which may extend to one thousand rupees.

(3) If the presiding officer at a polling station has reasons to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention.

**182. Penalty for misconduct at Polling Station.** (1) any person who, during the hours fixed for the poll at polling stations, misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any persons authorised in this behalf by such presiding

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station for having any opportunity of voting at that station.

(3) If any person who has been so removed from the polling station, re-enters the polling station without the permission of the presiding officer, he shall, on conviction be punished with fine which may extend to one thousand rupees.

(4) An offence punishable under sub-section (3) shall be cognizable.

**183. Maintenance of secrecy of voting:-** (1) Where an election is held, every officer, official, agent or other person who performs any duty in connection with recording or counting of votes shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine of five hundred rupees or with both.

**184. Officer etc. at election not to act for candidates or influence voting:-** (1) No person who is a returning officer, or a presiding or polling officer at an election or an officer or official appointed by the State Election Commission to perform any duty in connection with an election, shall in the conduct of election do any act (other than the giving of his vote) for the furtherance of the prospects of the elections of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour-

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting or any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine of one thousand rupees or with both.

**185. Breach of official duty in connection with election:-** (1) If any person to whom this section applies without reasonable cause is guilty of any act or omission in breach of his official duty, he shall, on conviction be punished with fine which may extend to two thousand rupees.

(2) The person to whom this section applied are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the maintenance of the list of voters, the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and at the expression "official duty" shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than or by under this Act.

186. Removal of ballot paper from polling station to be offence:- (1) Any person, who at any election fraudulently takes or attempts to take a ballot paper out of a polling station or wilfully aids or abets the doing of any such act, shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman it stricts regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be handed over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

**187. Other offences and penalties therefore:-** (1) A person shall be guilty of an offence, if, at any election he-

(a) fraudulently defaces or destroys any nomination paper: or

(b) fraudulently defaces, destroys or removes any lists, notice or other document affixed by or under the authority of a returning officer; or

(c) fraudulently defaces or destroys any ballot paper or the official mark at any ballot paper; or

(d) without due authority supplied any ballot paper to any person: or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is not authorised by law to be put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the election; or

(g) fraudulently or without the authority, as the case may be attempts to do any of the foregoing acts or wilfully aids or abets the doing of such acts; or

(h) makes false declaration or submits false contents in the affidavit or conceals any information, as the case may be, at the time of filing nomination.

(2) Any person guilty of an offence under this section shall-

(a) If he is returning Officer or a presiding officer at a polling station or any other officer or official employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine of rupees one thousand or with both;

(b) If he is any other person, on conviction be punished with imprisonment for a term which may extend to six months or with fine of five hundred rupees or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

188. Prosecutions of certain offences:- No court shall take cognizance of an offence punishable under section 184 or under section 185 or under clause (b) of sub-section (2) of Section 187 except on a complaint made by an order of, or under authority from the State Election Commission.

### **MISCELLANEOUS**

**211. Power to Government to hold general election:-** (1) Notwithstanding anything contained in this Act or the rules made thereunder, the Government shall by notification direct that by such date as may be specified by the State Election Commission, a general election of panches, Sarpanches of Gram Panchayats and members of all Panchayats Samitis and Zila Parishads shall be held and made in the State of Haryana.

(2) As soon as a notification is issued under sub-section (1), the State Election Commissioner and all other authorities concerned, shall take necessary steps for such election under and in accordance with the provisions of this Act and the rules made thereunder.

**212. Constitution of State Election Commission:-** (1) The Government shall constitute a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the elections to the Gram Panchayats, Panchayat Samitis and Zila Parishads in the State.

(2) The Governor shall appoint a person as State Election Commissioner on the terms and conditions as may be determined by Government.

Provided that the State Election Commissioner shall not be removed from his officer except in like manner and on the like grounds as a judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Government shall when 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 by sub-section (1).

**213. Constitution of Finance Commission:-** (1) The Government with the prior approval of the Governor, shall as soon as may be within one year from the commencement of the Constitution (73<sup>rd</sup> Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Gram

Panchayats, Panchayats, Panchayat Samitis and Zila Parishads and to make recommendations to the Government as to-

(a) the principles which should govern-

(I) the distribution between the State and the Zila Parishads, Panchayat Samitis and Gram Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the Government, which may be divided between them under this Act and the allocation between the Zila Parishads, Panchayat Samiti and Gram Panchayats at all levels of their respective shares of such proceeds

(II) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Panchayats;

(III) the grants-in-aid to the Zila Parishad, Panchayat Samiti and Gram Panchayats from the consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Gram Panchayats, Panchayat Samitis and Zila Parishads;

(c) any other matter referred by the Governor in the interest of sound finance of the Gram Panchayats, Panchayats Samitis and Zila Parishads.

(2) The Finance Commission shall consist of one or more members of whom one shall be the Chairman.

(3) The Chairman or members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.

(4) The Finance Commission shall determine its procedure.

(5) The Chairman or a members of the Finance Commission may resign his office by writing under his hand and addressed to the Governor but he shall continue in office untill his resignation is accepted by the Governor.

(6) The casual vacancy created by the resignation of the Chairman or a member under subsection (5) or for any other reason may be filled up by fresh appointment and the remaining period for which the Chairman or the member in whose place he was appointed would have held office.

(7) The Finance Commission shall have the following powers in the performance of its functions, namely:-

(a) to call for any record from any officer or authority;

(b) to summon any persons to give evidence or produce any record; and

(c) such other powers as may be assigned to it by the Governor;

(8) The Governor shall cause every recommendation made by the

Financial Commission under this section, together with an explanatory memorandum as to the action taken thereon to be laid before the State Legislature.

**214. District Planning Committee:-** District Planning Committee constituted under the Haryana Municipal Act, 1973, shall consolidate the plans prepared by the Gram Panchayats, Panchayat Samitis and Zila Parishads and also prepare a draft development plan for the district as a whole as per the provisions of article 243ZD of the Constitution of India.