

EXTRACT FROM HARYANA MUNICIPAL ACT, 1973
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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Year	No	Short title	Whether repealed or otherwise affected by legislation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 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) xxxxxxx

(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) xxxxxxx

(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) xxxxxxx

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

(20) xxxxxxx

(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) xxxxxxx

(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 existing population [of not more than fifty thousand];

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

"Provided that the municipality existing/established at the headquarter of a district shall be a Municipal Council irrespective of its population."

(Proviso inserted vide notification No. Leg. 28/2020 dated 19th Sept., 2020)

(iii) "Municipal Corporation" for a larger urban area with existing 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.

(word existing inserted vide Notification No. Leg. 5/2019 dated 23rd January, 2019)

Explanation 1.—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.

'Explanation 2.- "existing population" means the population projected for the year in which the constitution of the municipality is being considered as per the following formula, namely:-

$EP = P \times (1 + AGR/100)^n$; where-

- (i) EP- refers to existing population;
- (ii) P - refers to the population defined in clause (45) of section 2;
- (iii) AGR - refers to the annual growth rate in percent obtained from the last decennial census;
- (iv) n - refers to the number of years from the last decennial census year to the year in which the constitution of the municipality is being considered.'

(Explanation part inserted vide Notification No. Leg. 5/2019 dated 23rd January, 2019)

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.

(Section 7A inserted 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 the President, Vice President and such number of elected members, not less than eleven, as may be prescribed.

(2) Save as provided in sub-section (3), all the seats in the municipality including the President shall be filled in by persons chosen by direct election from the territorial constituencies in the municipal area and for this purpose the municipal area shall, by a notification issued in this behalf, be divided into territorial constituencies to be known as wards.

(sub section (1) & (2) substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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 any right to vote for the No Confidence Motion and to contest or vote for the election of Vice-President.

(proviso of section 3 (iii) substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

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 President and Members. —(1) The term of office of elected "President and" members shall be five years from the date appointed for the first meeting of the municipality.

(2) The term of the nominated members 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 President or any member void has been made, such President or member shall forthwith cease to be the President or member of the committee.

(Heading, Words "president and" and sub section (4) substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

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.

(4) If a municipality 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 254 shall be applicable.

(Sub-section (4) added vide Haryana Act. No. 8 of 2000)

13. Resignation of President or Member of committee.—If President or 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 by the State Election Commission, Haryana, on a date not less than fifteen days and not more than sixty days after the receipt of the said application by the Deputy Commissioner whereupon the President or member shall be deemed to have vacated his seat :

Provided that if the President or 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.

(substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

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

(Heading and sub section (1) substituted/amended vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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 for members excluding the President shall be 5th pass; or

(2nd proviso of clause (h) substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

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

(Clauses (e to i) added vide notification No. Leg. 15/2016 dated 21st April, 2016)

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

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

(2) If any question arises as to whether "President or" 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.

(words "president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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 "President or" member of Committee, member of Legislative Assembly of the State or member of Parliament simultaneously.

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

(words "president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

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.

13H. 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.

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

13 I. Removal of an elected President and 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 an order, remove the President

or 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 President or member so disqualified shall become vacant immediately.

(Section 13 I inserted vide notification No. Leg. 20/2018 dated 19th April, 2018 and substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

13 J. Removal of an elected President and Member who fails to lodge election expenditure statement.- If an elected President or member 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 President or member so disqualified shall become vacant immediately.

(Section 13 J inserted vide notification No. Leg. 20/2018 dated 19th April, 2018 and substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

13 K. Review.- "The President or" 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.

(Section 13 K inserted vide notification No. Leg. 20/2018 dated 19th April, 2018 and words "The President or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

14. Powers of State Government for the removal of President and Members.—(1) The State Government may by notification remove "President or" any member of a committee---

(heading substituted and words "president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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 "the President or" a member;

(words "the president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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 the President or" 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

;

(words "as the president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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; (*)

[Clause (f) after * words 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 the President or 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 President or member concerned has been given a reasonable opportunity of being heard or there is a finding by the competent court in this regard.

(Proviso substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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 President and Members.--- (1) The Director may, suspend "the President or" any member of committee where –

(heading substituted and words "the president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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) "The President or" 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 –

(Words "the president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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 "the President or" a member shall not exceed six months from the date of issuance of suspension order except in criminal cases

involving moral turpitude.

(Words "the president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(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 "the President or" 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:

(Words "the president or" inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

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

"Provided further that the provisions of this section shall not apply in the case of vacancy occurred in the office of the President by no-confidence motion."

(Proviso inserted vide notification No. Leg. 43/2020 dated 11th Dec., 2020)

(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. Incorporation of municipality. - Every municipality shall be a body corporate to be known as by the name of Municipal Council or the Municipal Committee of its municipal area and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and subject to the provisions of this Act or the rules, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution; and may sue and be sued in its corporate name.]

17. Employees and members to be public servants. - Every person employed by the committee whether for the whole or part of his time and every member of the committee shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

17A. Motion of no-confidence against President elected directly.— (1) A motion of no-confidence against the President who has been elected directly in terms of sub-section (2) of section 9 shall be in writing and signed by not less than one-half of the total number of elected members along with a copy of the motion, which shall be delivered by any two of the members signing the notice to the concerned Deputy Commissioner:

Provided that for the purposes of calculating the number of the elected members, the President shall be considered as an elected member.

(2) The Deputy Commissioner or such other officer not below the rank of Extra Assistant Commissioner, as authorised by the Deputy Commissioner, shall then convene a meeting of the elected members for the consideration of the motion to be held on the date and time appointed by him, by giving a clear notice in writing of not less than fourteen days:

Provided that members nominated under sub-section (3) of section 9 shall not be entitled to be present or vote in the meeting.

(3) As soon as the meeting convened under sub-section (2) has commenced, the Deputy Commissioner or such other officer, not below the rank of Extra Assistant Commissioner, as authorised by the Deputy Commissioner, shall read to the elected members, the motion for the consideration and declare it to be open for discussion and he shall not speak on the merits of the motion or vote thereon.

(4) The motion shall be carried only when it has been passed by a majority of three-fourth of the total number of elected members and if such a motion is passed, the President shall be deemed to have vacated his office.

(5) A copy of the minutes of the meeting along with a copy of the motion and the result of the voting thereon shall be forwarded forthwith by the Deputy Commissioner to the State Government. The State Government on receipt of the same, if no-confidence motion is passed, shall forward it to the State Election Commission for de-notification and to conduct fresh elections for the post of the President.

(6) In case motion is not passed, as referred to in sub-section (4) or if the meeting could not be held for want of quorum, no notice of any subsequent motion of no-confidence against the same President shall be entertained, unless a period of six months from the date of such voting or the date of such meeting, as the case may be, has expired.

(7) If no-confidence motion is passed against the President, the Vice-President shall exercise the powers and discharge the functions of the President till the President enters his office.

17B. Discharge of functions of President and Vice-President in case of vacancy.-(1) When the office of the President is vacant by reason of illness, death, resignation or otherwise, the Vice-President shall act as the President until the President enters his office.

(2) If due to any exigency, the President or Vice-President is unable to exercise the

powers and discharge the functions of the President, 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 exercise the powers and discharge the functions of the President till the President or Vice-President enters the office.”.

(Section 17 A & 17 B inserted vide notification No. Leg. 43/2020 dated 11th Dec., 2020)

18. Election of Vice President.—(1) Every Municipal Committee or Municipal Council shall, from time to time, elect one of its elected members to be the 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.

(2) 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.

(Section substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

18A. Time line for oath of allegiance and election of Vice-President.-

(1) Unless the State Government otherwise directs, the Deputy Commissioner or any gazetted officer appointed by him in this behalf shall, within thirty days of the publication of the notification of the names of the President and the members elected to a committee, convene the first meeting of the newly constituted committee at forty-eight hours' notice to be delivered at their ordinary place of residence to administer an oath of allegiance under section 24. The notice shall clearly state that the oath of allegiance shall be administered to the President and members present.

(2) The Deputy Commissioner or any gazetted officer appointed by him in this behalf shall, within a period of thirty days of the meetings referred to in sub-section (1), convene a meeting of the President and members at forty-eight hours notice to be delivered at their ordinary place of residence. The notice shall clearly state that the oath of allegiance shall be administered to the left over members and that the election of the Vice-President shall be held in the meeting. The convener shall firstly administer the oath of allegiance to the left over members and thereafter shall preside over the meeting of the election of the Vice-President.

(3) If the President and members fail to elect the Vice-President in the meeting convened under sub-section (2), the Deputy Commissioner or any gazetted officer

appointed by him in this behalf shall, within a period of thirty days of the meeting referred to in sub-section (2), convene meeting of the President and members for the election of the Vice-President as per the procedure mentioned above until the Vice-President are elected.

(4) If the President and members fail to elect the Vice-President in the meetings convened under sub-sections (2) or (3) till the expiry of five months from the date of notification of elected President and members by the State Election Commission, the Deputy Commissioner or any gazetted officer appointed by him in this behalf shall, convene a meeting of the President and members for the election of the Vice-President at forty-eight hours' notice to be delivered at their ordinary place of residence. The notice shall clearly state that if the members fail to elect the Vice-President in the meeting, the committee shall be deemed to have been dissolved without any further notice or order.

(5) Notwithstanding anything contrary to this Act, if the President and members fail to elect the Vice-President in the meetings convened after following the procedure provided under aforesaid provisions till the expiry of six months from the date of notification of the elected President and members, the committee shall be deemed to be dissolved with immediate effect without following any procedure provided under the Act or rules made thereunder:

Provided that such meetings shall be deemed to be validly convened meetings of the committee.

(6) Notwithstanding anything contained in any bye-laws made under section 31, the administration of the oath of allegiance and the election of the Vice-President shall be recorded as part of the proceedings in the minutes of the meetings.

(Section 18 A inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

19. Omitted.

20. Resignation of Vice-President.—(1) The 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.

(Words "president or" omitted from heading and sub section (1) vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

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

(Words "president or" omitted from heading and sub section (1) vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(2) The Deputy Commissioner or such other officer not below the rank of an Extra

Assistant Commissioner, as the Deputy Commissioner may authorise, 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 Vice President shall be deemed to have vacated his office.

(4) Omitted.

(sub section Omitted vide notification No. Leg. 43/2020 dated 11th Dec., 2020)

(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 Vice-President.—The State Government may, at any time, by notification, remove 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 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 Vice-President has been given a reasonable opportunity of being heard or there is a finding by the competent court in this regard.

(Section substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

22A. Suspension of vice-president.—(1) Director may suspend the vice-president of a committee/Council 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.

(3) The vice-president suspended under sub-section (1) shall not take part in any act or proceeding of the committee during the period of his suspension and shall hand over the records, money or any other property of the committee/Council in his possession or under his control to the President or in case president is also suspended, to such person as the Director may appoint in this behalf.

Provided that the suspension period of the vice- president 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

State Government.

(Section substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

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 neither President nor 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 President or members has been 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:-

"I _____ having been elected as the President or a member of a Municipal Committee or Municipal Council of _____ do solemnly swear in the name of God that I shall bear true faith and allegiance to the Constitution of India as by law established and that I shall faithfully discharge the duties upon which I am about to enter.

(2) Every election of the President or 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.

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.

(Section substituted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

25. Time for holding meetings.— (1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye laws:

Provided that in addition to the aforesaid meeting, every committee shall hold at least one meeting in every six months of a duration of not less than three days.

(Proviso inserted vide notification No. Leg. 34/2019 dated 04th Sept., 2019)

(2) The President or, in his absence or during his incapacity to attend to his duties or during the vacancy of his office, the vice-president may, whenever he thinks fit and shall, within a period of ten days from the date of receipt of a requisition signed by not less than one-fifth of the total number of members of the committee, convene either an

ordinary or a special meeting at any other time:

Provided that the requisition shall specify the purpose for which the meeting is to be held.

(4) If the president or the vice-president fails to convene a meeting of the committee within a period of ten days from the date of receipt of such requisition, the members who signed the requisition may request the Deputy Commissioner to convene the meetings.

(5) The Deputy Commission on receipt of request under sub-section (3) shall within a period of ten days from the date of such request, either himself convene the meeting or designate any other officer for this purpose.

(6) A meeting referred to in sub-section (4) shall be presided over by the Deputy Commissioner or the officer designated by him, but neither he nor such officer shall have the right to vote at such meeting.

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.

257. Power of State Government to frame forms and make rules.

(1) The State Government may frame norms for any proceeding of a committee and may make any rules consistent with this Act to carry out the purposes thereof and in particular and without prejudice to the generality of the foregoing power may make rules-

(a) with respect to the powers and duties of committees

(Omitted by Haryana Act 12 of 1979)

(b) as to the division of municipalities into wards, or of the inhabitants into classes, or both;

(c) as to the number of representatives proper for each ward or class;

(d) as to the qualifications of electors and of candidates for election;

- (e) as to the registration of electors;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes;
- (g) regulating the procedure for elections under [his Act, the contribution towards election expenses by candidates the deposit of security by candidates and the conditions of forfeiture of such deposits;
- (h) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;
- (i) as to the priority to be given to the several duties of the committee;
- (j) as to the authority on which money may be paid from the municipal fund;
- (k) as to the appointment, promotion, suspension, reduction fining and dismissal of municipal watchmen;
- (l) as to the formation and working of municipal fire brigades and the provision of implements, machinery or means of communicating intelligence for the efficient discharge of their duties by such brigades;
- (m) as to the procedure to be observed for the employment, punishment, suspension or removal or other conditions of services of members of Municipal Services and other employees of the committee and as to appeals from orders of punishment or removal;
- (n) as to the conditions on which property may be acquired by the committee or on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;
- (o) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the State Government of officers of that Government shall pass;
- (p) for the preparation of plans and estimates for works partly or wholly to be constructed at the expense of committees, and for the preparation and periodical revision of maps and registers made under section 62 and for the authorities by which and the conditions, subject to which such plans, estimates, maps and registers are to be prepared and sanctioned;
- (q) for the regulation of contracts with electric supply companies for the supply of electric energy;
- (r) for the assessment and collection of, and for the compounding for, refunding or limiting refunds of taxes imposed under this Act, and for preventing evasion of the same; and for fixing the fees payable for notices of demand;
- (s) as to the conditions on which a municipal committee may receive animals or articles into a bounded-warehouses and as to the agreements to be signed by traders or others wishing to deposit animals or articles therein;
- (t) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this

- Act, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
- (u) as to the preparation of estimates of income and expenditure of committees, and as to the persons by whom, and the conditions subject to which, such estimates may be sanctioned;
 - (v) as to the returns, statements and reports to be submitted by committees;
 - (w) as to the powers to be exercised by Deputy Commissioners under section 252 and the powers to be exercised by such Local Self-Government Board or Inspectorate as the State Government may establish;
 - (x) as to the language in which business shall be transacted, proceedings recorded and notices issued;
 - (y) as to the publication of notices;
 - (z) to regulate the proceedings of persons empowered to accept composition under section 244 for alleged offences;
 - (zi) mode of assessment, apportionment of compensation under section 154 amongst, and payment to the persons entitled thereto;
 - (zii) mode of communication of the order under section 154 to the persons affected thereby;
 - (ziii) the manner in which the composite is to be made;
 - (ziv) as to establishment of training institution for employees of committees and course of training for different classes of employees;
 - (zv) as to the imposition of fine where owners do not take advantage of amenities provided by the committees, such as electricity, tap-water-supply, sewerage, etc;
 - (zvi) as to regulate the charges to be paid to the Safai Mazdoors engaged in house scavenging;
 - (zvii) to regulate the erection and setting up of substantial boundary marks, defining the limits or altered limits of the area subject to its authority;
 - (zviii) as to the penalty for cutting streets or removal of obstruction or encumbrances obstructing streets or drains;
 - (zix) as to the exemption to a committee from liability to any forfeiture, penalty or damages for cutting of the supply of water or not supplying water in case of draught or other unavoidable cause or accident, etc.
 - (zix) as to regulate the licensing of markets, forming of markets, collection of rents and fees and removal of such persons who occupy stalls or space in markets in an unauthorised manner;
 - (zxi) as to the constitution of committees consisting of official and non-official members at Divisional and District Head quarters, to examine and discuss the annual accounts and the reports of the committees and to suggest remedial measure thereto;

- (zxii) as to the manner in which the seals in the District Planning Committees shall be filled in;
- (zxiii) as to the manner in which the Chairpersons of the District Planning Committees shall be chose;
- (zxiv) as to the functions relating to the District Planning Committees;
- (zxv) generally for carrying out the purposes of this Act.
- (2) The rules under clause (g) of sub-section (1) may among other matters provide-
- (i) for the definition of corrupt practices at elections held under the provisions of this Act which arc to be deemed to be corrupt;
 - (ii) for the investigation of allegations of corrupt practices;
 - (iii) for making void the election of any person proved to the satisfaction of the State Government to have been guilty of a corrupt practice or to have connived at or abetted the commission of a corrupt practice or whose agent has been so proved guilty, or the result of whose election has been materially affected by the breach of any law or rule for the time being in force;
 - (iv) for rendering incapable of municipal office, any person who may have been proved guilty as a aforesaid of a corrupt practice or of conniving at or abetting the same;
 - (v) for prescribing the authority by which questions relating to the matters referred to in clauses (d), (e) and (f) of sub-section (1) shall be determined; and
 - (vi) for authorizing courts to take cognizance of the breach of any such rules on the complaint of the Deputy Commissioner or some person authorized in writing by the Deputy Commissioner.
- (3) The Municipal Account Code at present in operation in the municipalities in the State of Haryana shall be deemed to have been made in pursuance of the powers conferred upon the State Government by sub-section (1) of this section.
- (4) In making rules under clauses (d) to (g), and clauses (1) and (r), of sub-section (1), the State Government may direct that a breach of any provision thereof shall be punished with a fine which shall not be less than fifty rupees and more than fire five hundred rupees.
- (5) All rules made under this Act shall be subject to previous publication.
- (6) A rule under this section may be general for all municipalities or may be special for the whole to any part of any one or more municipalities as the State Government directs.
- (7) The State Government shall make rules pertaining to the matters of elections, in consultation with State Election Commission, under this Act.

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 questing relating to

any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such questing 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 give 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 wilfully 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.

279. Repeal and savings. - (1) As from the commencement of this Act, the following enactments shall stand repealed, namely -

- (i) the Punjab Municipal Act, 1911;
- (ii) the Punjab Municipal (Executive Officer) Act, 1931;
- (iii) the Patiala Municipal (Executive Officer) Act, 2003 BK;

(2) Notwithstanding the provisions of sub-section (1) -

- (a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under any of the enactments referred to in sub-section (1) and in force immediately before the commencement of this Act, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made issued or any licence or permission granted under the said provision;
- (b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for any of the committees constituted under the Punjab Municipal Act, 1911, before such commencement shall be deemed to have been incurred, entered into or engaged to be done by, with or for the committee concerned;
- (c) all budget estimates, assessments, valuations, measurements or divisions made by any of the committees shall, in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any budget estimates, assessment, valuation, measurement or division made by the committee under the said provisions;

- (d) all properties, movable and immovable and all interests of whatsoever nature and kind therein, vested in any of the committees immediately before such commencement shall with all rights of whatever description used, enjoyed or possessed by any such committee, vest in the committee concerned;
- (e) all rates, taxes, fees, rents and other sums of money due to any of the aforesaid committees immediately before such commencement shall be deemed to be due to the committee concerned;
- (f) all rates, taxes, fees, rents, fares and other charges shall, until and unless they are varied by the committee concerned continue to be levied at the same rate at which they were being levied by the aforesaid committees immediately before such commencement; and
- (g) all suits, prosecutions and other legal proceedings, instituted or which might have been instituted by or against any of the aforesaid committees may be continued or instituted by or against the committee concerned.

(3) Notwithstanding anything contained in the Haryana Municipal (Second Amendment) Act, 2019, appointment, removal or suspension of person elected as President of municipality before coming into force of the Haryana Municipal (Second Amendment) Act, 2019 or filling up of any post/office vacated by such person shall continue to be governed by the respective provisions of the Haryana Municipal Act, 1973 that existed immediately prior to the coming of the Haryana Municipal (Second Amendment) Act, 2019 into force.

All the acts done/proceedings instituted or which might have been instituted or shall be instituted against any of the person elected as President of municipality prior to coming into force of the Haryana Municipal (Second Amendment) Act, 2019 shall continue to be governed by the respective provisions of the Haryana Municipal Act, 1973 that existed immediately prior to the coming of the Haryana Municipal (Second Amendment) Act, 2019 into force.]

(Sub-section (3) inserted vide notification No. Leg. 28/2020 dated 19th Sept., 2020)