



**STATE ELECTION COMMISSION, HARYANA  
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No. SEC/4E-II/2021/ 431-52

Dated 9<sup>th</sup> June, 2021

To

All the Deputy Commissioners  
in the State of Haryana

**Subject: -** Clarification on different father's name in the electoral roll/voter list and educational qualification certificate of adopted son/daughter contesting the election of Panchayati Raj Institute/Municipalities-regarding.

Sir,

I have been directed to refer to the above subject and to invite your attention towards relevant provisions of the Haryana Panchayati Raj Act, 1994, the Haryana Municipal Act, 1973 and the Haryana Municipal Corporation Act, 1994 reproduced as under:-

**The Panchayati Raj Act, 1994:**

**Section 173- Persons qualified to vote and be elected:-** (1) Every person whose name is in the list of voters shall, unless disqualified under this Act or any other law for the time being in force, be qualified to vote at the election of a 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 votes 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 election as the case may be.

**Section 175. Disqualifications:-** (1) No person shall be a Sarpanch or a Panch or a Gram Panchayat or a member of a Panchayat Samiti or Zila Parishad or continue as such who-

- (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

**The Haryana Municipal Act, 1973**

**Section 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.

- (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;

- (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

**The Haryana Municipal Corporation Act, 1994**

**7. Qualifications for Mayor and members.—**A person shall not be qualified to be chosen as a Mayor and member unless.—

- (a) he has attained twenty-one years of age; and  
(b) his name is registered as an elector in the electoral roll of a ward in the Municipal area



**8. Disqualifications of Mayor and members.**—(1) A person shall be disqualified for being chosen as and for being a Mayor or member of the Corporation—

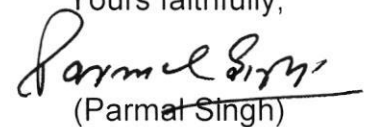
(r) if he has not passed matriculation examination or its equivalent examination from any recognized institution/board:

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 Mayor shall be 5th pass;

2. It is further submitted that this Commission has earlier issued clarification regarding different name in the voter list and educational qualification certificate vide letter No.SEC/4E-II/2015/11539, dated 28.12.2015 (copy enclosed). Now, a contesting candidate has pointed out that he was not allowed to contest panchayat election due to the fact that he has different fathers' name in the educational qualification certificate and voter list, as he is an adopted son. The Commission clarifies that no nomination of any person shall be rejected in future, on the ground that contesting person have different fathers' (biological father and adoptive father) name in the educational qualification certificate and voter list for contesting the election of Panchayati Raj Institute/Municipalities, if the said person have a valid certificate of adoption.

3. This clarification may be brought into the notice of all concerned for strict compliance.

Yours faithfully,



(Parmat Singh)

Asstt. State Election Commissioner, Haryana

CC: Mr Blouch