

The information provided below is for general information and not for any legal purpose.

FAQS

Q.No.-1 What is the composition of the State Election Commission?

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

Q.No.-2 Who appoints the State Election Commissioner and what is his status and tenure in the office?

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

Status

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

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

Term of office

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

Provided further that on expiry of the said term, the State Election Commissioner shall continue to hold office until his successor is appointed and enters upon his office, but this period shall not in any case, exceed six months.

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

MUNICIPAL ELECTIONS

Q.No.-3	Which authority is empowered to conduct elections to the Municipal Councils, Municipal Committees and Municipal Corporations?
Ans.	Under the provisions contained in Article 243ZA of the Constitution of India and Section 3A of the Haryana Municipal Act, 1973 and Section 9 of the Haryana Municipal Corporation Act, 1994, the superintendence, direction and control of the preparation of electoral rolls/voter lists for, and the conduct of, all elections to the Municipalities (Municipal Corporations, Municipal Councils and Municipal Committees) have been vested in the State Election Commission referred to in article 243K.
Q.No.-4	How the Polling Officers are appointed?
Ans.	<p>(i) Rule 19(3) of the Haryana Municipal Election Rules, 1978 and Rule 21 (3) of the Haryana Municipal Corporation Election Rules, 1994 provides that the State Election Commissioner, Haryana shall authorize the Deputy Commissioner to designate a Returning Officer who shall be an officer of the Government. Sub-rule (4) of both these rules also provides that the Deputy Commissioner may appoint one or more Assistant Returning Officer to assist the Returning Officer in the performance of his functions.</p> <p>(ii) Rule 34(3) of the Haryana Municipal Election Rules, 1978 and 35 (3) of the Haryana Municipal Corporation Election Rules, 1994 provide that the Returning Officer shall appoint a Presiding Officer for each Polling Station and such number of polling officers as he considers necessary.</p>
Q.No.-5	Under which provisions, the Election Observers are appointed?
Ans.	The State Election Commissioner in exercise of the powers vested in him under Article 24ZA, Section 8D of the Haryana Municipal Corporation Act, 1994 and Section 13D of the Haryana Municipal Act, 1973 both read with Section 20B of the Representation of the People Act, 1951, appoints Senior IAS Officers as Election Observers and they are assigned specific responsibility for supervision of poll process. Senior IPS officers are appointed as Police Observers to keep watch over the law and order situation during election period and Senior Officers of the rank of Joint/ Dy. Excise and Taxation Commissioner and Excise and Taxation Officers of the Prohibition and Exercise Department of the State Government are appointed as Expenditure Observers.

Q.No.-6	How the members of the Municipalities are elected?
Ans.	The members of the Municipal Corporation, Municipal Councils and Municipal Committees in the State are <u>directly elected by the persons of 18 years of age and above</u> who are registered as electors in the Municipal Electoral rolls of the concerned Ward.
Q.No.-7	How the Chairperson and Vice Chairperson of Municipalities are elected?
Ans.	<p><u>CHAIRPERSONS</u></p> <p>(i) The head of municipalities i.e. Mayor of Corporations and Presidents of Municipality Committees are <u>directly elected by the persons of 18 years of age and above</u>, who are registered as electors within the jurisdiction of the municipality concerned.</p> <p><u>VICE CHAIRPERSON</u></p> <p>(ii) Senior Dy. Mayor and Dy. Mayors of the Municipal Corporations and Vice Presidents of Municipal Councils and Committees are got elected indirectly from amongst the elected members/ councilors of these Urban Local Bodies within a period of 60 days of the notification of the names of the Mayor/President and members.</p> <p>Authority to conduct the elections of Senior Dy. Mayor and Dy. Mayors of the Municipal Corporations and Vice Presidents of Municipal Councils and Committees.- Rule 71 (2) of the Haryana Municipal Corporation Election Rules, 1994 provides that the election of Senior Deputy Mayor and Deputy Mayor shall be held in this meeting to be presided over by the Mayor in the presence of the Commissioner. Rule 70 (2) of the Haryana Municipal Election Rules, 1978 provides that convener (Deputy Commissioner or any gazetted officer appointed by him in this behalf) shall preside over the meeting of the election of vice-president.</p>
Q.No.-8	Who are eligible to vote in elections to the Municipalities?
Ans.	All persons who are enrolled as electors in the Electoral Rolls of the concerned ward of the Municipal Corporation, Council and Committee are eligible to vote in the elections of Municipality concerned.

Q.No.-9	Who is eligible to contest election in the Municipal elections?
Ans.	<p>Under the provisions contained in Section 13A (1) (a) of the 1973 Act, read with Rule 21(1) of the 1978 Rules, any person who is not less than 21 years of age and whose name is registered as elector in any Ward of Municipal Council or Municipal Committee, shall be eligible to contest the election of the seat of President or Member from any Ward of the Municipal Council or Committee concerned.</p> <p>Similarly under the provisions contained in Sections 7 and 8 of the Haryana Municipal Corporation Act, 1994 read with Rule 23 of the Haryana Municipal Corporation Election Rules, 1994, any person who is not less than 21 years of age and whose name is registered as elector in any ward of the Municipal Corporation, shall be eligible to contest the election of the seat of Mayor or Member from any Ward of the Municipal Corporation concerned.</p>
Q.No.-10	What are the disqualifications for being a candidate for election to the office of Chairperson (Mayor or President) and Member of a Municipality?
Ans.	<p>(I) Councils and Committees.- Section 13A of the Haryana Municipal Act, 1973 Act and Rule 21 of the Haryana Municipal Election Rules, 1978 provides as under.-</p> <p>Section 13 A- Disqualifications for President and Members.—</p> <p>(1) A person shall be disqualified for being chosen as and for being President or a member of a municipality.-</p> <p>(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;</p> <p>(b) if he is so disqualified by or under any law made by the Legislature of the State of Haryana ;</p> <p>(c) Omitted.</p> <p>(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]</p>

- (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
- (i) if he fails to submit a self declaration to the effect that he has a functional toilet at his place of residence; or
- (j) if he makes expenditure beyond the prescribed limit on his election or fails to submit his election expenditure statement.

(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.

(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.

Rule 21 - Disqualifications for President and members.-

- (1) No person shall be eligible for election as president or a member of a committee, who.-
 - (a) is not an elector, that is, a qualified voter for any constituency of that committee under these rules, and has not attained the age of twenty one year; or

	<ul style="list-style-type: none">(b) in the case of a seat reserved for the Scheduled Castes and Backward Classes, is not a member of Scheduled Castes and Backward Classes in relation to the State of Haryana; or(c) is under contract for work to be done for or goods to be supplied to the Committee; or(d) hold any office of profit under the committee and the State Government;(e) has, within five years from the date fixed for the nomination of candidates under the provision of rule 20, been prescribed from Government employment; or(f) has, at any time within five years from the date specified for the nomination of candidates under the provisions of rule 20 been serving a sentence of imprisonment for not less than two years; or(g) has, at any time within five years from the date specified for the nomination of candidates under the provisions of rule 20 been convicted under the Protection of Civil Rights Act, 1955; or(h) is an undischarged insolvent, or is in arrears of any kind exceeding rupees one hundred due from him (otherwise than as a trustee) to the Committee when a special demand in this behalf has been served upon him by the committee; or(i) is a whole time salaried official in the service of any Panchayat Samiti, Gram Panchayat, Municipal Committee, Notified Area Committee or Cantonment Board, Improvement Trust or holds any office of profit under the Government of India or the Government of any State other than an office declared by the Legislature of the State of Haryana by law not to disqualify its holder for being chosen as and for being a member of the Legislative Assembly of the State; or(j) who is disqualified for such membership as a result of his election having been set aside under these rules; or(k) is disqualified for membership of any Panchayat Samiti or Gram Panchayat or Municipal Committee or Notified Area Committee or Cantonment Board or Improvement Trust as a result of his election for
--	---

membership of such Samiti or Panchayat or Board or Trust or Committee having been declared void for corrupt practices; or

- (l) has at any time within five years from the date fixed for the nomination of candidates under the provisions of rule 20 been convicted of an offence under section 171-E or 171-F of the Indian Penal Code (Act 45 of 1860), or having been disqualified from exercising any electoral right for a period of not less than five years in connection with an election of the State Legislature is, on the said date of nomination, still subject to the disqualification.
- (m) 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
- (n) 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
- (o) fails to pay arrears of electricity bills; or
- (p) 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 president shall be 5th pass; or

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

(2) The State Government may, for reasons to be recorded, exempt any person or class of persons from the disqualification contained in clauses (c) to (h) and clause (j).

(3) Omitted

(4) If any question arises as to whether the president or a member of a committee has become subject to any of the disqualifications mentioned in the Act and the rules, the question shall be referred by the Deputy Commissioner to the State Election

Commissioner, Haryana whose decision shall be final.

(II) Corporations.- Section 8 of the Haryana Municipal Corporation Act, 1994 and Rule 23 of the Haryana Municipal Corporation Election Rules, 1994 provides as under-.

Section 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—

- (a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State ;
- (b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) A person shall also be disqualified for being chosen as, and for being a Mayor or member—

- (a) if he is of unsound mind and stands so declared by a competent court ;
- (b) if he is an undischarged insolvent ;
- (c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State ;
- (d) if he has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty of –
 - (i) any corrupt practice under section 22 of this Act ;
 - (ii) any offence punishable under section 171-E or 171-F of the Indian Penal Code, 1860, or any offence punishable under section 30 or clause (a) of sub-section (2) of section 31 of the Act ;unless a period of five years has elapsed since the date of the finding ;
- (e) if he has been sentenced or convicted by a criminal court to imprisonment for an offence involving moral turpitude;
- (f) if he holds any office of profits under the Corporation ;
- (g) if he is a licensed architect, draftsman, engineer, plumber, surveyor or town planner or is a partner of a firm of which any

	<p>such licensed person is also a partner ;</p> <ul style="list-style-type: none">(h) if he holds any office of profit under the Government ;(i) if he interested in any subsisting contract made with, or any work being done for the Corporation except as a share holder (other than a director) in an incorporated company or as a member of a co-operative society ;(j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceedings in which the Corporation or any of municipal authorities is interested or concerned ;(k) if he, having held any office under the Government the Corporation or any other local authority, any Government company or any corporate body owned or controlled by the Government has been dismissed from service ;(l) if he fails to pay any arrears of any kind due to him, otherwise, than as an agent, receiver, trustee or an executor, to the Corporation within three months after a notice in this behalf has been served upon him ;(m) if he furnishes a false caste certificate at the time of filing nomination and he shall be so disqualified for a period of six years from contesting the election of the Corporation;(n) if he is convicted or has been convicted of an offence punishable under section 29, 30 and 31 of the principal Act, the Prevention of Corruption Act, 1988 (49 of 1988) or the Prevention of Terrorism Act, 2002(15 of 2002);(o) 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(p) if he fails to pay an arrear of any kind due to him to any Primary Agriculture Cooperative Society, District Central Co-operative
--	--

Bank and District Primary Cooperative Agriculture Rural Development Bank; or

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

- (s) if he fails to submit a self declaration to the effect that he has a functional toilet at his place of residence, or
- (t) if he makes expenditure beyond the prescribed limit on his election or fails to submit his election expenditure statement.

(3) Notwithstanding anything contained in sub-section (1) and (2) above.---

- (a) a disqualification under clause (e) of sub-section (2) shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence until that appeal or petition is disposed of ;
- (b) a person shall not be deemed to have incurred any disqualification under clause (f), or clause (g) of sub-section (2) by reason only of his receiving—
 - (i) any pension; or
 - (ii) any allowance or facility for serving as a Mayor or Deputy Mayor or as a member ; or
 - (iii) any fee for attendance at a meeting of any committee of the Corporation ;
- (c) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of sub-section (2) by reason only

of his having a share or interest in.—

- (i) any lease, sale, exchange or purchase of immovable property or any agreement for the same ; or
- (ii) any agreement for the loan of money or any security for the payment of money only ; or
- (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
- (iv) the sale to the Corporation or to any other municipal authority or any officer or other employee of the Corporation on behalf of the Corporation of any article in which he regularly trades or purchases from the Corporation or from any such authority, officer or other employee on behalf of the Corporation of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work ; or
- (v) the letting out on hire to the Corporation or the expiry from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work ;
- (vi) any agreement or contract with the Corporation or any other municipal authority for taking water or any other thing which the Corporation may generally supply.

(4) If a person sits or votes as a Mayor or member of the Corporation where he is not qualified or that he is disqualified for the post of Mayor or membership he shall be liable in respect of each day on which he so sits or votes to penalty of five hundred rupees to be recovered as an arrear of tax under this Act.

(5) If any question arises as to whether a Mayor or member of the Corporation has become subject to any of the disqualifications mentioned In sub-sections (1) and (2) the question shall be referred for decision of such authority and in such manner as the Government may by notification provide.

The State Election Commission to be the authority, for the purpose of sub-section (1) and (2) of the section, to whom the case shall be referred to for decision through the Deputy Commissioner, Faridabad, whose decision shall be final.

Rule 23- Disqualifications for Mayor and members.- (1) A person shall be disqualified for being chosen as , and for being a Mayor and member of the Corporation, if he incurs any of the disqualification as mentioned in section 8.

(2) No person shall be eligible for election as a Mayor and member of the Corporation who, in the case of a seat reserved for Scheduled Castes, Backward Classes or woman, is not a member of any of these categories.”

Q.No.-11 Who can become an elector of the municipality?

Ans. Any person, whose name exists in the relevant part of the electoral roll of the Legislative Assembly Constituency up to the date of notification issued by the State Election Commission for the preparation of ward wise roll, is eligible to be included in the ward wise electoral roll of the concerned municipality.

Q.No.-12 Which is the relevant date for determination the age (21 years) for the candidate?

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

Q.No.-13 What are the amounts of security deposits prescribed for the contesting candidates to seek election to the Municipalities? Is there any concession for candidates belonging to the Scheduled Castes, Backward Classes and Women?

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

Municipal Corporation /Council/ Committee	Amount of Deposit			
	If the candidate is not a member of Scheduled Caste, Backward Class or a Woman		If the candidate is a member of Scheduled Caste, Backward Class or a Woman	
	Mayor/President	Member	Mayor/President	Member
Municipal Corporation	Rs. 10,000/-	Rs. 3000/-	Rs. 5000/-	Rs. 1500/-

Municipal Council	Rs. 3000/-	Rs. 2000/-	Rs. 1500/-	Rs. 1000/-
Municipal Committee	Rs. 2000/-	Rs. 1000/-	Rs. 1000/-	Rs. 500/-

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

Q.No.-14 **What are the permissible limits of expenditure prescribed for the candidates which they can incur in the Municipal elections?**

Ans. Limit of expenditure prescribed by the State Election Commission, Haryana for the candidates; contesting the election of the seat of Mayor, President and Member of any municipality is as under:-

Name of Municipality	Name of Office	Expenditure limit
Corporation	Mayor	22,00,000/-
	Member	5,50,000/-
Council	President	15,00,000/-
	Member	3,30,000/-
Committee	President	10,00,000/-
	Member	2,25,000/-

Q.No.-15 **What is the method of filing accounts of election expenses and is there any time limit for filing such accounts of election expenses?**

Ans. Under para 6 of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2020 for Committee/Council and Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2018 for Corporation, the contesting candidates are required to maintain account of Election Expenditure in the proforma as per Annexure II of this Order and to submit their accounts of election expenses in duplicate to the Deputy Commissioner or an officer authorized by the State Election Commission, within 30 days from the date of declaration of result of the election who will in turn submit to the State Election Commission. The officer concerned shall retain one copy of the accounts of Election Expenses and the second copy shall be submitted to the State Election Commission.

Q.No.-16	What action can be taken against the candidate/ elected person if he does not file the accounts of election expenses within the prescribed limit?
Ans.	As per provisions contained in para 11 of the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2020 for Committee/Council and Haryana Municipal Corporation Election Expenditure (Maintenance and Submission of Accounts) Order, 2018 for Corporation, if a candidate fails to lodge his account of election expenses within the prescribed time limit in the manner prescribed, he/she can be disqualified for a period of five years from the date of order.
Q.No.-17	What are the numbers of Municipal Corporations and Wards of the Corporations in the State?
Ans.	There are only 10 (ten) Municipal Corporations namely Faridabad, Gurgaon, Ambala, Hisar, Panipat, Karnal, Panchkula, Yamuna Nagar, Rohtak & Sonipat in the State. Total number of wards in all these Corporations is 245.
Q.No.-18	What are the numbers of Municipal Councils and Municipal Committees in the State and the directly elected members to these Municipalities?
Ans.	(I) There are 22 Municipal Councils in the State. The seat of President and Members of each Council are filled up through direct elections. At present there are 572 wards in all the Councils (II) There are 56 Municipal Committees in the State. The seat of President and Members of each Committee are filled up through direct elections. At present there are 814 wards in all the Committees.
Q.No.-19	How many polling booths were set up for the Municipal elections during the last General Elections held in the years from 2016 to 2020?
Ans.	Total 5618 polling booths were set up during the Municipal General elections held in the years 2016 to 2020. The polling booths are normally set up in public buildings and if no suitable public building is available for any particular Ward, then the polling station can also be established in some private building.
Q.No.-20	What is the total number of electors of Urban Local Bodies and what was the percentage of polling in the last General Elections?
Ans.	The total number of voters to the Urban Local Bodies in the State are 57,54,103. The poll percentage during the last General Elections held for Corporations was 58.7%, for

	Councils 73.9% and for Committees was 83.8%.
Q.No.-21	What are the provisions for counting of votes and declaration of results for elections to the members of the Municipalities?
Ans.	The date and time for the counting of votes of the municipalities is fixed by the State Election Commission in the election programme issued under Rule 19 of the Haryana Municipal Election Rules, 1978 and rule 21 of the Haryana Municipal Election Rules, 1994. Under rule 69 U of rules, 1978 and 70 U of Rules, 1994, counting of votes can be done by the Returning Officer or by the Presiding Officer in case counting is to be carried out on polling station, if Presiding Officer is authorized to do so.
Q.No.-22	What is the procedure for constitution of Municipal Council and Municipal Committee and what is their tenure?
Ans.	Under the provisions contained in Section 2A of the 1973 Act, there are three classifications of Municipalities in the State:- (i) "Municipal Committee" for a transitional areas with population not exceeding 50,000 (fifty thousand); (ii) "Municipal Council" for a smaller urban area with population exceeding 50,000 (fifty thousand) but not exceeding 3,00,000 (three lacs); and (iii) "Municipal Corporation" for larger urban area with population exceeding 3,00,000 (threelacs) or more to be governed by a separate Act.
Q.No.-23	What is the duration/ term of the Municipalities and when the elections to constitute the Municipalities should be held?
Ans.	DURATION Under the provisions contained in Clause (1) of Article 243U of the Constitution of India, Section 12(1) of 1973 Act and Section 5(1) of the Haryana Municipal Corporation Act, 1994, the duration of every Municipal Committee, Council and Corporation respectively, unless sooner dissolved under any law for the time being in force is 5 years from the appointed date for its first meeting after every General Election and no longer. ELECTION Under Section 12(2) of the 1973 Act and Section 5(2) of the Haryana Municipal Corporation Act, 1994, an election to constitute a Municipal Committee, Council and Corporation respectively, shall be completed –

	<p>(a) before the expiry of its duration specified in sub-section (1).</p> <p>(b) under Section 12 (2)(b) of the 1973 Act or Sub-Section 2(b) of Section 5 of the Haryana Municipal Corporation Act, 1994, as the case may be, before expiration of period of six months from the date of its dissolution.</p>
Q.No.-24	Are the elections to Municipal Corporations, Municipal Councils and Municipal Committees in the State held on party lines?
Ans.	The Municipal elections in the State are held in Party lines, if political parties wish to contest on party symbol.
Q.No.-25	Which are the authorities who determine the reservation of Wards of the Municipal Councils, Committees and Municipal Corporation and what is the procedure followed for such reservation?
Ans.	<p>(I) Under Section 10 of the Haryana Municipal Act, 1973 and Section 11 of the Haryana Municipal Corporation Act, 1994, the reservation of seats/ wards in every Municipal Council, Committee and Corporation, for SCs, Women belonging to the SCs, BCs and Women is determined by the State Government.</p> <p>(i) The number of seats/ Wards reserved for the SCs shall be in proportion of the population of the SCs in the Municipal area to the total population of that Municipal Council or Committee.</p> <p>(ii) Not less than 1/3rd of the seats reserved for the SCs shall be reserved for the Women belonging to the SCs. Such seats shall be allotted by rotation and by lot amongst the Wards reserved for the SCs.</p> <p>(iii) Not less than 1/3rd (including the number of seats reserved for the Women of SCs) of the total number of seats to be filled up by direct election in every Municipal Councils and Committees shall be reserved for Women.</p> <p>(iv) The seat reserved for Women shall be allotted by rotation and by lots in different Wards in the Municipal Council and Committee except the seats reserved for the SCs, Women belonging to the SCs and the BCs.</p> <p>(v) Two seats in every Municipality shall be reserved for the persons belonging to the BCs and these seats shall be allotted to the Wards having maximum population of person belonging to the BCs.</p>

Q.No.-26	Which authority determines reservation of offices of Chairpersons (i.e. President) and Vice Chairpersons (i.e. Vice President) of the Municipalities for the S.Cs, B.Cs and Women and what is the procedure followed in determination of the reservation?
Ans.	<p>Under the provisions contained in Section 10(5) of the 1973 Act, read with Rule 70A of the 1978 Rules, the State Government decides the reservation of offices of Chairpersons (i.e. President) of the Municipal Councils and Municipal Committees in favour of the SCs, Women belonging to the SCs, the BCs, Women belonging to the BCs and Women.</p> <ul style="list-style-type: none"> (i) the number of offices of the president reserved for the Scheduled Castes and Backward Classes in the State shall bear as may be the same proportion to the total number of such offices of the municipalities as the population of the Scheduled Castes and Backward Classes in the State bears to the total population of the State; (ii) not less than one third of the total number of offices of the president in the municipalities shall be reserved for women including the offices reserved for Scheduled Castes and Backward Classes women. The reservation of offices for women shall rotate to different municipalities which shall be determined by draw of lots by a committee consisting of the Director, Local Bodies and Deputy Commissioners of the districts concerned or their nominee; and (iii) the number of offices of the president for Scheduled Castes and Backward Classes shall be determined on the basis of their population and shall rotate to different municipalities firstly, having largest population of Scheduled Castes, secondly, from the remaining municipalities having largest population of Backward Classes and they rotate in the subsequent terms of offices of the municipalities having their next largest population and so on. In case percentage of population of two Municipal Committees or Municipal Councils as regards Backward Classes and Scheduled Castes is the same, the reservation shall be determined by draw of lots to be conducted by a committee referred clause (ii) above.

Q.No.-27	Which are the authorities responsible for preparation of the Municipal Electoral Rolls and how they are prepared?
Ans.	<p>(I) Rule 4 of the Haryana Municipal Election Rules, 1978 and the Haryana Municipal Corporation Election Rules, 1994 provides that Deputy Commissioner shall under the superintendence, direction and control of the State Election Commission, Haryana prepare the Municipal Electoral rolls for each Ward of the Municipal Committee, Council and Corporation respectively in accordance with these Rules.</p> <p>(II) Under sub rule (3) of rule 4 of both the rules, the Deputy Commissioner shall publish the ward-wise draft Municipal electoral rolls for inviting claims and objections to be presented to the Revising Authority.</p> <p>(III) Under Rule 3 of both the rules, i.e. the Haryana Municipal Election Rules, 1978 and the Haryana Municipal Corporation Election Rules, 1994, the Deputy Commissioner shall appoint any Gazetted Officer to be a Revising Authority for the purpose of hearing claims and objections relating to ward wise electoral roll and may specify the ward or wards for which he shall be the Revising Authority.</p> <p>(IV) Under Rule 4 (4) (viii) of both the rules, appeal against the order of the Revising Authority can be filed before the Deputy Commissioner, who shall within three days either confirm such order, or set it aside or pass such other order with respect to the claim or objection as he may deem fit. The Deputy Commissioner who shall cause the ward wise roll to be corrected, in accordance with the orders passed by the Revising Authority or by him in appeal under clause (viii) of sub rule (4), as the case may be. The rolls so amended shall be final and two copies thereof duly signed by the Deputy Commissioner and Revising Authority shall be kept in their offices and shall be published in the manner <u>prescribed under sub rule (3) together</u> with list of additions and corrections prepared in accordance with the said orders. Any ward wise roll corrected and published shall come into force from the date of such publication.</p>
Q.No.-28	Which are the authorities who determine the Delimitation of Wards and what is the procedure to be followed for this purpose ?
Ans.	<p><u>FOR MUNICIPAL COMMITTEE/COUNCIL:-</u></p> <p>(I) Under Rule 3 of the Haryana Municipal Delimitation of Ward Rules, 1977,</p>

(hereinafter called the 1977 rules) after every official Census, the total number of seats on each Municipal Council and Committee shall be fixed by the Government on the basis of the latest Census figures in accordance with the following formula:-

Municipality with a population	Number of seat
Not exceeding 10,000	11
Exceeding 10,000 but not exceeding 20,000	13
Exceeding 20,000 but not exceeding 30,000	15
Exceeding 30,000 but not exceeding 40,000	17
Exceeding 40,000 but not exceeding 50,000	19
Exceeding 50,000 but not exceeding 60,000	21
Exceeding 60,000 but not exceeding 70,000	23
Exceeding 70,000 but not exceeding 80,000	25
Exceeding 80,000 but not exceeding 90,000	27
Exceeding 90,000 but not exceeding 1,00,000	29
Exceeding 1,00,000 but not exceeding 3,00,000	31

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

$$\frac{\text{Total number of seats} \times \text{Population of Scheduled Castes}}{\text{Total Population}}$$

Total Population

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

- (i) Director, Urban Development, Haryana or his representative as Chairman,
- (ii) Deputy Commissioner of the District in which the Municipal Council or Committee is situated or his representative,
- (iii) President or Administrator of the Municipal Council or Committee concerned and
- (iv) the Executive Officer or Secretary of the Committee concerned and

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

FOR MUNICIPAL CORPORATION:-

Fixation of seats of Corporation.-(1) After every census, the total number of seats of each Corporation shall be fixed by the Government on the basis of the latest census figures. In case certain area is included within, or excluded from the limits of a Municipal area, the population shall be ascertained on the spot in respect of such area and shall be added to, or excluded from the latest census figures of that Corporation for the purpose of re-fixation of seats of the Corporation. The number of seats to be fixed by election of each Corporation shall be fixed or re-fixed in accordance with the formula given below :-

Corporation with Population	Number of Seats
Not exceeding 4,00,000	20
Exceeding 4,00,000 but not exceeding 5,00,000	22
Exceeding 5,00,000 but not exceeding 6,00,000	24
Exceeding 6,00,000 but not exceeding 7,00,000	26
Exceeding 7,00,000 but not exceeding 8,00,000	28
Exceeding 8,00,000 but not exceeding 9,00,000	30
Exceeding 9,00,000 but not exceeding 10,00,000	32
Exceeding 10,00,000 but not exceeding 12,00,000	35
Exceeding 12,00,000 but not exceeding 15,00,000	40
Exceeding 15,00,000	45

* (Rule 3(1) Substituted vide Notification No. 15/2/2004 – 3C-II dated 16/06/2015)

(2) The number of seats for members belonging to the Scheduled Castes shall be fixed in proportion to their population in each Corporation in accordance with the following formula:-

Total number of seats x Population of Scheduled Casteless

Total Population

1. Constitution of Adhoc Body.-(1) For the purpose of carrying out the provisions of

	<p>these rules, the Government shall constitute an Adhoc Body for each Corporation consisting of the following members namely:-</p> <p>Deputy Commissioner ..Chairman; Mayor or any member as his representative ...Member; Director, Local Bodies or his representative ...Member; Commissioner or his representative not below the rank of Extra-Assistant Commissioner ...Member;</p> <p>(2) The Adhoc Body shall associate with itself not more five members belonging to various interests or groups out of the sitting members of the Corporation or out of the member of the dissolved Municipality.</p> <p>(3) In case municipality mentioned in sub-rule(2) does not exist, the Adhoc Body shall associate with itself not more than five members belonging to various interests or groups from Municipal area.</p>
<u>GENERAL</u>	
Q.No.-29	Can an election petition be filed before the State Election Commission or any Government Authority?
Ans.	“NO”
Q.No.-30	What are the provisions for filing Election Petition to challenge the election of persons elected to Municipal Committees, Municipal Councils and Municipal Corporations?
Ans.	<p><u>Provision in the Constitution</u> Article 243ZG (b) of the Constitution of India, provide that no election of member to the Urban Local Bodies shall be called in question except through an Election Petition presented to such authority in any such manner as is provided for by or under any law made by the Legislature of the State.</p> <p><u>Against persons elected to Urban Local Bodies</u> Rule 74 of the 1978 Rules read with Section 264 of the 1973 Act provide that no election of a member shall be called in question except by an Election Petition presented to the Tribunal.</p> <p>Similarly under Section 15 of the Haryana Municipal Corporation Act, 1994 and Rule 78 of the Haryana Municipal Corporation Election Rules, 1994, no election of a member shall be called in question except by an Election Petition presented to the Tribunal.</p>

Q.No.-31	What are the provisions for removal/ disqualifying a Mayor/President and Members to Urban Local Bodies after the completion of process of election and formal notification of the results ?																
Ans.	<p>i) Under section 13 I of the Haryana Municipal Act, 1973 and section 34 (b) of the Haryana Municipal Corporation Act, 1994, the State Election Commission has powers for the removal of an elected Mayor/President and Members having any disqualification at time of election</p> <p>ii) Under section 13 J of the Haryana Municipal Act, 1973 and section 34 (c) of the Haryana Municipal Corporation Act, 1994, the State Election Commission has powers for the removal of an elected Mayor/President and Members who fails to lodge election expenditure statement.</p> <p>iii) Under section 14 of the Haryana Municipal Act, 1973 and section 34 of the Haryana Municipal Corporation Act, 1994, the State Government have powers to remove Mayor/President and members of the municipalities for the offences elaborated under these sections.</p>																
Q.No.-32	Minimum educational qualification for contesting candidates?																
Ans.	<p>The following minimum education qualification is required for the contesting candidates who intends to contest the election of Municipal Corporation/Council/Committee:-</p> <table border="1" data-bbox="349 1163 1395 1486"> <thead> <tr> <th data-bbox="349 1163 776 1230">Post</th> <th data-bbox="776 1163 979 1230">General/BC</th> <th data-bbox="979 1163 1169 1230">Women/SC</th> <th data-bbox="1169 1163 1395 1230">SC (Women)</th> </tr> </thead> <tbody> <tr> <td data-bbox="349 1230 776 1278">Mayor of Municipal Corporation</td> <td data-bbox="776 1230 979 1278">10th</td> <td data-bbox="979 1230 1169 1278">8th</td> <td data-bbox="1169 1230 1395 1278">8th</td> </tr> <tr> <td data-bbox="349 1278 776 1383">President of Municipal Council and Committee</td> <td data-bbox="776 1278 979 1383">10th</td> <td data-bbox="979 1278 1169 1383">8th</td> <td data-bbox="1169 1278 1395 1383">8th</td> </tr> <tr> <td data-bbox="349 1383 776 1486">Member of Municipal Corporation/ Council/Committee</td> <td data-bbox="776 1383 979 1486">10th</td> <td data-bbox="979 1383 1169 1486">8th</td> <td data-bbox="1169 1383 1395 1486">5th</td> </tr> </tbody> </table>	Post	General/BC	Women/SC	SC (Women)	Mayor of Municipal Corporation	10 th	8 th	8 th	President of Municipal Council and Committee	10 th	8 th	8 th	Member of Municipal Corporation/ Council/Committee	10 th	8 th	5 th
Post	General/BC	Women/SC	SC (Women)														
Mayor of Municipal Corporation	10 th	8 th	8 th														
President of Municipal Council and Committee	10 th	8 th	8 th														
Member of Municipal Corporation/ Council/Committee	10 th	8 th	5 th														
Q.No.-33	Is NOTA applicable in Municipal Elections; if yes, what are the characteristics:-																
Ans.	<p>“YES”</p> <p>CHARACTERSTICS</p> <p>(i) NOTA shall be treated as a ‘Fictional Electoral Candidate’ while declaring the election results,</p> <p>(ii) In case, a contesting candidate and the “Fictional Electoral Candidate’ i.e. NOTA receive highest equal number valid votes then the contesting candidate (not</p>																

	<p>NOTA) shall be declared as elected.</p> <p>(iii) If in any election, all the contesting candidates individually receive lesser votes than the 'Fictional Electoral Candidate' i.e. NOTA then none of the contesting candidates will be declared as elected.</p> <p>(iv) In case of situation arising under sub-section (iii) above, re-election shall be held for the seat. Further all such contesting candidates who secured less votes than NOTA shall not be eligible to re-file the nomination/contest the re-election.</p> <p>(v) In re-election, if NOTA again gets highest votes then further election will not be conducted and contesting candidate with highest votes (excluding NOTA) shall be declared as elected.</p> <p>The following procedure shall be followed in such circumstances,</p> <p>i) If a Returning Officer, upon completion of counting but before declaration of result, finds that NOTA has received higher valid votes than all other contesting candidates individually; then Returning Officer shall not declare the result for that particular seat/s and shall immediately send his report to State Election Commission in this regard.</p> <p>ii) Upon receipt of such report, the State Election Commission shall after satisfaction, declare the fresh election programme for the said seat/s.</p>
Q.No.-34	Are the Political Parties separately registered with the State Election Commission for the purpose of contesting elections to the Urban Local Bodies?
Ans.	The National Parties and the State level Parties, recognized and registered with the Election Commission of India, have so far been treated to have been registered with the State Election Commission also without any formal registration. However, the State Election Commission issues its own notification w.r.t. the political parties recognized and registered by the Election Commission of India from time to time.
Q.No.-35	Is there a separate Code of Conduct for election to the Urban Local Bodies?
Ans.	A separate Code of Conduct has been prescribed by the State Election Commission, Haryana in respect of the Urban Local Bodies and small booklets have been printed for this purpose. At the time of General Elections and bye-elections, this Code of Conducts is made operational from the date of notification (Election Programme) issued by the Commission and remain in force till the completion of elections.

Q.No.-36	In which order/notification of the Government, the State Election Commission, Haryana was constituted?
Ans.	The State Election Commission, Haryana was constituted under the provisions of Article 243k read Article 243 ZA of the Constitution of India vide Government Notification No. S.O.101/Const/Art.243A/243ZA/93 dated 18 th November, 1993.
Q.No.-37	What is validity period of the existing electoral roll/ voter list?
Ans.	Rule 12 of the Haryana Municipal Corporation Election Rules, 1994 and Haryana Municipal Election Rules,1978 provides that electoral roll/voter list shall, unless otherwise directed by the State Election Commissioner, be revised in the prescribed manner before each general election to institution and for any ward before bye-election to fill a casual vacancy in such a ward: Provided that if for any reason the electoral roll is not revised the validity or continued operation of the existing electoral roll shall not thereby be affected.
Q.No.-38	What is duration of Municipality?
Ans.	In all cases of Municipality; unless sooner dissolved under the provision of the relevant Act, shall continue for five years from the date appointed for its first meeting.
Q.No.-39	What is the term of office of Members of Municipality, if elected against casual vacancy?
Ans.	Section 9(5), 15(2) 6 (2) of the Haryana Municipal Corporation Act,1994 and Haryana Municipal Act, 1973 respectively, provides that – 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.
Q.No.-40	How many votes are required by the contesting candidate so that his security deposits is not forfeited?
Ans.	As per provision made in rule 24 of the Haryana Municipal Election Rules, 1978 and rule 25 of the Haryana Municipal Corporation Election Rules, 1994, the number of votes polled for the contesting candidate shall <u>exceed one-eighth of the total number of votes polled</u> , <u>otherwise the security shall be forfeited</u> .