

HARYANA GOVERNMENT**LEGISLATIVE DEPARTMENT****Notification**

The 11th April, 2007

No. Leg. 14/2007.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 7th April, 2007, and is hereby published for general information :—

HARYANA ACT NO. 13 OF 2007**THE HARYANA MUNICIPAL CORPORATION (AMENDMENT)
ACT, 2007**

AN

ACT

further to amend the Haryana Municipal Corporation Act, 1994.

Be it enacted by the Legislature of the State of Haryana in the Fifty-eighth Year of the Republic of India as follows :—

Short title

1. This Act may be called the Haryana Municipal Corporation (Amendment) Act, 2007.

Amendment of section 8 of Haryana Act 16 of 1994

2. In sub section (2) of section 8 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act),

(i) clause (m) and proviso thereunder shall be omitted and shall be deemed to have been omitted with effect from the 1st January, 2005, except in situations where the re-elections after removal have been held;

(ii) after clause (l), the following clauses shall be added at the end, namely:—

“(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 sections 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).”.

Insertion of sections 8B, 8C and 8D in Haryana Act 16 of 1994

3. After section 8A of the principal Act, the following sections shall be inserted, namely:—

“8B. Disqualification for failure to keep 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.

8C. 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 rupees, or with both.

8D. Application of certain sections of Central Act 43 of 1951 to Haryana Act 16 of 1994.— The provisions of sections 10A, 20B, 28A, 33A, 33B, 125A, 134A, 134B, 135B and 135C of the Representation of the People Act, 1951 (Central Act 43 of 1951), shall *mutatis mutandis* apply to the provisions of this Act.”

4. After section 23 of the principal Act, the following section shall be inserted, namely :—

“23A. Voting machines at elections.—Notwithstanding anything contained in this Act or the rules made thereunder, the casting and recording of votes by voting machines in the Corporation may be adopted in such manner as the State Election Commission may, having regard to the circumstances of each case, specify.

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

Insertion of
section 23A in
Haryana Act 16
of 1994.

Insertion of
section 28A in
Haryana Act 16
of 1994

5. After section 28 of the principal Act, the following section shall be inserted, namely:—

“28A. Breach of official duty in connection with preparation of electoral roll.—(1) If any person performs any official duty in connection with the preparation, revision or correction of the electoral roll or inclusion or exclusion of any entry in or from that roll, is without reasonable cause, guilty of any act or omission for breach of such official duty, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to two years or with fine which may extend to five thousand rupees or with both.

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

(3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the State Election Commission or the Deputy Commissioner of the district concerned.”

Amendment of
section 166 of
Haryana Act 16
of 1994

6. In section 166 of the principal Act,—

- (i) for clause (c), the following clause shall be substituted, namely:—
- “(c) every contract involving an expenditure not exceeding twenty lac rupees in value or such other higher amount as the Government may fix, may be made by the Commissioner;”;
- (ii) in the proviso below clause (d), for the letters, figures and word “Rs. 10 lacs”, the letters, figures and word “Rs. 50 lacs” shall be substituted.

M. S. SULLAR,
Secretary to Government, Haryana,
Legislative Department.