

STATE ELECTION COMMISSION, HARYANA
"NIRVACHAN SADAN" PLOT NO. 2, SECTOR - 17
PANCHKULA

No. SEC/1ME/2018/ 3703-3724

Dated: 30.05.2018

To

All the Deputy Commissioners
in the State of Haryana

**Subject: Notification No. Leg.20/2018 and Leg.21/2018 dated 19th April, 2018-
Amendments in the Haryana Municipal Act, 1973 and Haryana
Municipal Corporation Act, 1994 - Regarding.**

Sir/Madam,

I am directed to refer to the subject cited above and to inform you that the State Government vide notifications bearing No. Leg.20/2018 and Leg.21/2018 dated 19th April, 2018 (copies enclosed) has made some amendments/insertions in the Haryana Municipal Act, 1973 and Haryana Municipal Corporation Act, 1994, respectively. Insertions/amendments have been made under section 7-A, 13-A (1)(i)&(j), 13-H, 13-I, 13-J, 13-K & 14(1) (f) of Haryana Municipal Act, 1973 and section 6-B, 8(2)(s)&(t), 8-G, 34(1)(f), 34-B, 34-C, and 34-D of Haryana Municipal Corporation Act, 1994.

2. It is pertinent to mention here that after these amendments/insertions, (a) the State Election Commission has powers to go ahead with the process of preparation of electoral rolls and conduct of elections on the basis of existing delimitation and reservation of wards, if the work relating to the delimitation of wards and reservation thereof is not completed six months before the completion of tenure in time, (b) to remove an elected members having any disqualification at the time of election, (c) to remove an elected member who fails to lodge election expenditure statement within prescribed time and (d) to review removal orders passed under section 13-I or 13-J of the Haryana Municipal Act, 1973 and section 34-B or 34-C of the Haryana Municipal Corporation Act, 1994.

3. I am, therefore, directed to request you to familiarize yourself and all other concerned with the amended sections of the Haryana Municipal Act, 1973 and Haryana Municipal Corporation Act, 1994, so that these are complied strictly in future.

Yours faithfully

sdc

(Parmal Singh)

Assistant State Election Commissioner,
Haryana

Endst. No. SEC/1ME/2018/ 3725-3809

Dated: .05.2018

A copy of above is forwarded to the following for information w.r.t. the notifications bearing No. Leg.20/2018 and Leg.21/2018 dated 19th April, 2018:-

1. Principal Secretary to Government Haryana, Urban Local Bodies Department, Chandigarh.
2. Director, Urban Local Bodies Department, Panchkula.
3. Secretaries of all the Corporations, Councils and Committees in the state of Haryana.

sdc

(Parmal Singh)

Assistant State Election Commissioner,
Haryana

Endst. No. SEC/1ME/2018/ 3810

Dated: 30.05.2018

✓ A copy of above is forwarded to the I.T. Cell of this Commission with the directions to host the notification in the official website of this Commission and also to make necessary correction in the Haryana Municipal Act, 1973 and Haryana Municipal Corporation Act, 1994 accordingly.

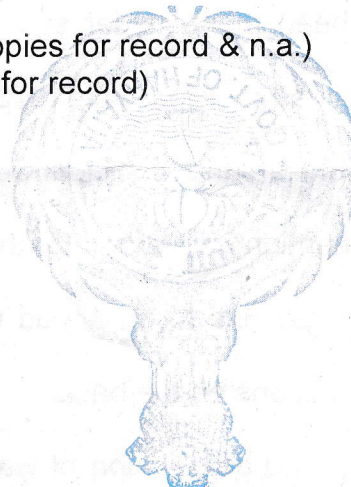
Parmal Singh

(Parmal Singh)

Assistant State Election Commissioner,
Haryana

- CC:
1. Store-Keeper (two copies for record & n.a.)
 2. Librarian (two copies for record)

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PART - I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 19th April, 2018

No. Leg. 20/2018.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 3rd April, 2018 and is hereby published for general information:-

HARYANA ACT NO. 17 OF 2018

THE HARYANA MUNICIPAL (AMENDMENT) ACT, 2018

AN

ACT

further to amend the Haryana Municipal Act, 1973.

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

- | | | |
|----|---|---|
| 1. | This Act may be called the Haryana Municipal (Amendment) Act, 2018. | Short title. |
| 2. | After section 7 of the Haryana Municipal Act, 1973 (hereinafter called the principal Act), the following section shall be inserted, namely:-
<p style="margin-left: 40px;">“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.”</p> | Insertion of section 7A in Haryana Act 24 of 1973. |
| 3. | In sub-section (1) of section 13A of the principal Act,-
<p style="margin-left: 40px;">(i) in clause (i), for the sign “.” existing at the end, the sign and word “; or” shall be substituted; and</p> <p style="margin-left: 40px;">(ii) after clause (i), the following clause shall be added at the end, namely:-
 <p style="margin-left: 80px;">“(j) if he makes expenditure beyond the prescribed limit on his election or fails to submit his election expenditure statement.”</p></p> | Amendment of section 13A of Haryana Act 24 of 1973. |
| 4. | In section 13H of the principal Act, the following words, figure and signs shall be added at the end, namely:-
<p style="margin-left: 40px;">“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.”</p> | Amendment of section 13H of Haryana Act 24 of 1973. |
| 5. | After section 13H of the principal Act, the following sections shall be inserted, namely:-
<p style="margin-left: 40px;">“13I. Removal of an elected 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 order, remove 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 member so disqualified shall become vacant immediately.</p> | Insertion of sections 13I, 13J and 13K in Haryana Act 24 of 1973. |

13J. Removal of an elected member who fails to lodge election expenditure statement.— If an elected member fails to follow the provisions of sections 13F or 13II, he shall be removed by the State Election Commission after giving him an opportunity of being heard. The office of the member so disqualified shall become vacant immediately.

13K. Review.— A member so disqualified under section 13I or 13J 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.”

Amendment of
section 14 of
Haryana Act 24
of 1973.

6. In clause (f) of sub-section (1) of section 14 of the principal Act, the signs and words “, or if it appears that he was, at the time of his election or nomination subject to any such disqualification” shall be omitted.



KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.

PART - I

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 19th April, 2018

No. Leg. 21/2018.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 3rd April, 2018 and is hereby published for general information:-

HARYANA ACT NO. 18 OF 2018

THE HARYANA MUNICIPAL CORPORATION (AMENDMENT)

ACT, 2018

AN

ACT

further to amend the Haryana Municipal Corporation Act, 1994.

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

1. This Act may be called the Haryana Municipal Corporation (Amendment) Act, 2018. Short title.
2. After section 6A of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act), the following section shall be inserted, namely:- Insertion of section 6B in Haryana Act 16 of 1994.

“6B. Time limit for delimitation and reservation of wards.- The work relating to the delimitation and reservation of wards of the Corporation shall be completed six months before the completion of the tenure of the Corporation, 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.”
3. In clause (s) of sub-section (2) of section 8 of the principal Act,- Amendment of section 8 of Haryana Act 16 of 1994.
 - (i) for the sign “,” existing at the end, the sign and word “; or” shall be substituted; and
 - (ii) after clause (s), the following clause shall be added at the end, namely:-

“(t) if he makes expenditure beyond the prescribed limit on his election or fails to submit his election expenditure statement.”
4. In section 8G of the principal Act, the following words, figure and signs shall be added at the end, namely:- Amendment of section 8G of Haryana Act 16 of 1994.

“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 8E.”
5. In clause (f) of sub-section (1) of section 34 of the principal Act, the signs and words “, or if it appears that he was, at the time of his election or nomination subject to any such disqualification” shall be omitted. Amendment of section 34 of Haryana Act 16 of 1994.

Insertion of sections 34-B, 34-C and 34-D in Haryana Act 16 of 1994.

6. After section 34-A of the principal Act, the following sections shall be inserted, namely:-

“34-B. Removal of an elected member having any disqualification at time of election.- The State Election Commission may, after such enquiry, as it may deem fit or after giving an opportunity of being heard, by order, remove a member, if he was having any disqualification mentioned in section 8 at the time of his election. The office of the member so disqualified shall become vacant immediately.

34-C. Removal of an elected member who fails to lodge election expenditure statement.- If an elected member fails to follow the provisions of sections 8E or 8G, he shall be removed by the State Election Commission after giving him an opportunity of being heard. The office of the member so disqualified shall become vacant immediately.

34-D. Review.- A member so disqualified under section 34-B or 34-C 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.”

Amendment of section 164 of Haryana Act 16 of 1994.

7. For existing clause (c) of section 164 of the principal Act, the following clause shall be substituted, namely:-

“(c) the consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair competition;

Provided that in case of transfer of immovable property to Government Department by way of sale or lease or otherwise, the property may be transferred at collector rate, subject to prior approval from the Government:

Provided further that in case of transfer of shop and house to individual, who is in possession of such property for the last twenty years, by way of rent or lease or otherwise, the property may be transferred at collector rate by way of sale, subject to prior approval of such authority, as may be prescribed.”

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.