



STATE ELECTION COMMISSION, HARYANA

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No. SEC/1ME/2021/ 267 - 88

Dated: 12.01.2021

To

All the Deputy Commissioners
in the State of Haryana

Subject: Notification No. Leg. 42/2020 and No. Leg. 43/2020 both dated 11.12.2020-Amendments in the Haryana Municipal Corporation Act, 1994 and Haryana Municipal Act, 1973- No Confidence Motion against Mayor in Corporation and President in Council & Committee Reg.

Sir/Madam,

I am directed to refer to the subject cited above and to inform you that the State Government has made necessary amendments/insertions in the Haryana Municipal Corporation Act, 1994 and the Haryana Municipal Act, 1973 w.r.t. the "No Confidence Motion" against Mayor in Corporation and President in Municipal Council & Committee vide notifications bearing No. Leg. 42/2020 and No. Leg. 43/2020 both dated 11.12.2020, respectively. A copy of Notifications is enclosed herewith, with the request to familiarize yourself and all other concerned with the amendments for strict compliance in future.

Yours faithfully


(Parmal Singh)

Assistant State Election Commissioner,
Haryana



Endst. No. SEC/1ME/2021/

Dated: .01.2021

A copy of above alongwith enclosure is forwarded to the following for information and necessary action:-

1. Principal Secretary to Government Haryana, Urban Local Bodies Department, Chandigarh.
2. Director, Urban Local Bodies Department, Panchkula. He is also requested to send the copy of the Hindi version of said notification immediately.
3. Commissioners of all the Municipal Corporations.
4. District Municipal Commissioners of all the Municipal Councils and Committees in the State.
5. Executive Officers (E.Os) and Secretary's of all the Municipal Councils and Municipal Committees in the State of Haryana for information and strict compliance.



(Parmal Singh)

Assistant State Election Commissioner,
Haryana

Endst. No. SEC/1ME/2021/

Dated: .01.2021

A copy of above alongwith enclosure is forwarded to 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 corrections in the Haryana Municipal Corporation Act, 1994 and the Haryana Municipal Act, 1973, accordingly.



(Parmal Singh)

Assistant State Election Commissioner,
Haryana

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

PART-I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 11th December, 2020

No. Leg. 43/2020.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 26th November, 2020 and is hereby published for general information:—

HARYANA ACT NO. 33 OF 2020

THE HARYANA MUNICIPAL (SECOND AMENDMENT) ACT, 2020

AN

ACT

further to amend the Haryana Municipal Act, 1973.

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

1. This Act may be called the Haryana Municipal (Second Amendment) Act, 2020.

Short title.

2. In sub-section (1) of section 15 of the Haryana Municipal Act, 1973 (hereinafter called the principal Act),—

Amendment of section 15 of Haryana Act 24 of 1973.

(i) in the existing proviso, for the sign “.” existing at the end, the sign “;” shall be substituted;

(ii) after the existing proviso, the following proviso shall be added, namely:—

“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.”.

3. After the heading “President and Vice-President” occurring below Section 17 of the principal Act, the following sections shall be inserted, namely:—

Insertion of sections 17A and 17B in Haryana Act 24 of 1973.

“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.”

Amendment of
section 21 of
Haryana Act 24
of 1973.

4. Sub-section (4) of section 21 of the principal Act shall be omitted.

BIMLESH TANWAR,
Administrative Secretary to Government,
Haryana, Law and Legislative Department.

PART-I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 11th December, 2020.

No. Leg. 42/2020.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 26th November, 2020 and is hereby published for general information:—

HARYANA ACT NO. 32 OF 2020

**THE HARYANA MUNICIPAL CORPORATION (SECOND AMENDMENT)
ACT, 2020**

AN

ACT

further to amend the Haryana Municipal Corporation Act, 1994.

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

1. This Act may be called the Haryana Municipal Corporation (Second Amendment) Act, 2020. Short title.
2. In sub-section (1) of section 13 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act),- Amendment of section 13 of Haryana Act 16 of 1994.
 - (i) in the existing proviso, for the sign “.” existing at the end, the sign “:” shall be substituted;
 - (ii) after the existing proviso, the following proviso shall be added, namely:—
“Provided further that the provisions of this section shall not apply in the case of vacancy occurred in the office of the Mayor.”.
3. After section 37A of the principal Act, the following sections shall be inserted, namely:- Insertion of sections 37B and 37C in Haryana Act 16 of 1994.

“37B. Motion of no-confidence against Mayor elected directly.— (1) A motion of no-confidence against the Mayor who has been elected directly in terms of sub-section (2) of section 4 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 Divisional Commissioner:

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

(2) The Divisional 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 4 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 Divisional 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 Mayor 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 Divisional Commissioner to the Government. The 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 Mayor.

(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 Mayor 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 Mayor, the Senior Deputy Mayor or the Deputy Mayor, as the case may be, shall exercise the powers and discharge the functions of the Mayor till the new Mayor enters his office.

"37C. Discharge of functions of Mayor in case of vacancy.—(1) When the office of the Mayor is vacant by reason of illness, death, resignation or otherwise, the Senior Deputy Mayor and in his absence, the Deputy Mayor shall act as the Mayor until the Mayor enters the office.

(2) If due to any exigency, the Mayor or the Senior Deputy Mayor or the Deputy Mayor is unable to exercise the powers and discharge the functions of the Mayor as provided in sub-section (1), the Divisional Commissioner shall exercise the powers and discharge the functions of the Mayor till the Mayor, Senior Deputy Mayor or Deputy Mayor, as the case may be, enters the office."

Amendment of
section 164 of
Haryana Act 16
of 1994.

4.

In clause (c) of section 164 of the principal Act,-

- (i) in the second proviso, for the words "collector rate", the words and sign "collector rate or any other concessional rate, as may be determined by the Government" shall be substituted;
- (ii) for the sign "." existing at the end, the sign ":" shall be substituted;
- (iii) after the second proviso, the following proviso shall be added, namely:-

"Provided further that ownership rights in respect of shops and houses which are on lease or rent or license fee or tehbazari or otherwise for the last twenty years or more, may be transferred by way of sale, on such terms and conditions, including the rate at which such ownership rights shall be transferred, as specified in the policy framed in this behalf by the Government, from time to time."

BIMLESH TANWAR,
Administrative Secretary to Government,
Haryana, Law and Legislative Department.