



**STATE ELECTION COMMISSION, HARYANA  
NIRVACHAN SADAN, PLOT NO. 2, SECTOR- 17  
PANCHKULA – 134109**

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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—

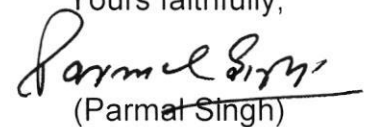
(r) if he has not passed matriculation examination or its equivalent examination from any recognized institution/board:

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

STATE ELECTION COMMISSION, HARYANA  
NIARVACHAN SADAN, PLOT NO. 2, SECTOR-17  
PANCHKULA 134 109

No. SEC/4E-II /2015/ 11539

Dated: 28.12.2015

To

The Deputy Commissioner-cum-  
District Election Officer (P), Sirsa

**Subject:- Panchayat General Election, 2015- Advise regarding.**  
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Sir,

I am directed to refer to your office Memo No.4705/ Panchayat-  
Election-15 dated 26.12.2015 on the subject cited above and to invite your kind  
attention towards Section 173 of the Haryana Panchayati Raj Act, 1994, which  
provides as under:

**173. Persons qualified to vote and be elected:-** (1) Every person whose name is in the list of voter shall, unless disqualified under this Act or any other law for the time being in force, be qualified to vote at the election of member for the electoral division to which such list pertains.

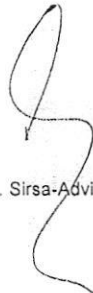
(2) Every person who has attained the age of twenty one years and whose name is in the list of voters shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected from any electoral division,

(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 elections, as the case may be.

2. In view of above, any person whose name is registered in the electoral rolls/voters list and seek to contest the election should have education qualification certificate in her/his name only.

Yours faithfully,



(Parmal Singh),  
Asstt. State Election Commissioner, Haryana

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28/12/15

प्रेषक

श्रीमति शरणदीप कौर बराड़, आई०ए०एस०  
उपायुक्त एवं  
जिला निर्वाचन अधिकारी(पं०)  
सिरसा

सेवा में

राज्य निर्वाचन आयोग हरियाणा,  
निर्वाचन सदन प्लॉट न० 2  
सैक्टर-17, पंचकुला ।

कमांक 4705 /पंचायत-चुनाव-15/दिनांक 26-12-2015

विषय:- पंचायत आम चुनाव-2015-मार्गदर्शन बारे ।

उपरोक्त विषय के सन्दर्भ में विदित ही है कि वर्तमान पंचायती राज संस्थाओं के आम चुनाव-2015 के दौरान चुनाव लड़ने वाले उम्मीदवारों के लिए हरियाणा सरकार ने कक्षा पांच से लेकर दसवीं पास तक की शैक्षणिक योग्यताएं निर्धारित की है ।

इस जिला में क्षेत्रिय कार्यालयों के माध्यम से, यह संज्ञान में, खासतौर से महिलाओं के मामलों में, आया है कि इनके ग्राम पंचायतों की मतदाता सूचियों तथा शैक्षणिक योग्यताओं के प्रमाण पत्रों में, नामों में भिन्नता पाई जा रही है, जैसा कि कुछ महिलाओं के नाम, उनकी शादी से पूर्व उनकी शैक्षणिक योग्यताओं के प्रमाण पत्रों में तो वहीं (असल नाम) लेकिन शादी के उपरान्त सुसराल में आने के बाद वहां पर उनका नाम कुछ और रख दिये जाते हैं जो कि लगातार चलते, आ रहे हैं । क्योंकि अब से पूर्व पंचायती राज संस्थाओं में चुनाव लड़ने वाले उम्मीदवारों के लिए किसी भी प्रकार की शैक्षणिक योग्यताएं निर्धारित नहीं थी । अतः ऐसी स्थिति में लोगों ने इस और अपना ध्यान दिया । खासकर जिला के पंजाबी एरिया में इस प्रकार की बातें उभर कर सामने आ रही है । उदाहरण के तौर पर :-

- (क) श्रीमति हरदीप कौर पत्नि श्री अपजीत सिंह का नाम ग्राम पंचायत की मतदाता सूचि में तो श्रीमति हरदीप कौर है, जबकि इसके शैक्षणिक योग्यता प्रमाण पत्र में इसका नाम परमजीत कौर है ।
- (ख) श्रीमति राजरानी का नाम, ग्राम पंचायत की मतदाता सूचि में तो राजरानी ही है, जबकि शैक्षणिक योग्यता प्रमाण पत्र में इसका नाम मंजीत रानी है ।
- (ग) श्रीमति राजेन्द्र कौर का नाम, ग्राम पंचायत की मतदाता सूचि में तो राजेन्द्र कौर ही है, जबकि शैक्षणिक योग्यता प्रमाण पत्र में इसका नाम वीरपाल कौर है ।

उक्त वर्णित अनुसार सदस्याएं, अब अपनी-अपनी ग्राम पंचायतों में अपने-अपने नाम के साथ नामांकन पत्रों में उर्फ शब्द लगाकर, यानि मतदाता सूचि के आधार पर नाम लिखकर, अपना शपथपत्र देकर (कि मैं वही उम्मीदवार हूँ जो मेरा नाम शैक्षणिक योग्यता प्रमाण पत्र में लिखा है) नामांकन फार्म भरकर चुनाव लड़ना चाहती है । कृपया इस बारे, इस कार्यालय को यह मार्गदर्शन करने का कष्ट करें कि ऐसी स्थिति में, इस प्रकार के उम्मीदवार का नामांकन फार्म स्वीकार किया, जावे अथवा नहीं ?

कृते: उपायुक्त एवं  
जिला निर्वाचन अधिकारी(पं०)  
सिरसा

पू० कमांक

/पंचायत-चुनाव 2015 / दिनांक

इसकी एक-एक प्रति निम्नलिखित को सूचनार्थ प्रेषित है :-

1. समस्त रिटनिंग अधिकारी, पंचायत समिति जिला सिरसा में ।
2. समस्त खण्ड विकास एवं पंचायत अधिकारी, जिला सिरसा में ।

कृते: उपायुक्त एवं  
जिला निर्वाचन अधिकारी (पं०)  
सिरसा ।