

HARYANA MUNICIPAL CORPORATION DELIMITATION OF WARD RULES, 1994

Haryana Municipal Corporation Delimitation of Ward Rules,
1994 Published vide Haryana Government
Notification No. S.O.60/H.Ordi 4/94/S.6/94 dated 3rd August, 1994.

NOTIFICATION

The 3rd August, 1994.

No. S.O.60/H.Ordi. 4/94/S. 6/94- In exercise of the powers conferred by Section 32 and in consultation with the State Election Commission read with Section 6 of the Haryana Municipal Corporation Ordinance, 1994 , and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules to provide for and to regulate the matters for the purpose of holding elections of members namely:-

1. Short title and commencement.- (1) These rules may be called the Haryana Municipal Corporation Delimitation of Ward Rules, 1994.

(2) They shall come into force at once.

2. In these rules, unless the context otherwise requires,

(a) " Adhoc Body" means a Delimitation Body constituted under rule 4;

(b) " associate member" means a member associated under sub-rule (2) of rule 4;

(c) " election" means the election of a member, mayor, Senior Deputy Mayor or Deputy Mayor of the Corporation;

(d) " Ordinance" means the Haryana Municipal Corporation Ordinance, 1994;

(e) " section" means the section of the Ordinance; and

(f) Words and expressions used herein and not defined in these rules shall have the same meaning as are assigned to them in the Ordinance.

3. ***Fixation of seats of Corporation.**-(1) The total number of seats for each Corporation shall be fixed by the Government on the basis of the population drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date, as may be notified by the Government:

Provided that where the population as drawn from Family Information Data Repository is less than 140 per centum of the number of electors registered in such areas as per the last published Electoral Roll, then the population equal to 140 per centum of the number of voters in the electoral roll of the area shall be considered.

Illustration.- (i) Where the population as per Family Information Data Repository is 150 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140. In this case, the population as per Family Information Data Repository shall be considered being higher.

(ii) Where the population as per Family Information Data Repositor is 125 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140.

In this case the population as per last published electoral roll shall be considered being higher.

- (2) The number of seats to be filled by election on each Corporation shall be fixed or re-fixed in accordance with the following formula:-

Formula

Corporation with Populaton	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	36
Exceeding 12,00,000 but not exceeding 15,00,000	40
Exceeding 15,00,000	46

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

Total number of seats x Population of Scheduled Castes

Total Population

(*substituted via No. 9/24/2023-4CII dated 26th May, 2023)

Explanation. - For the purpose of sub-rule (2) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

(explanation added via No. 4/36/2023-2C1 dated 16th June, 2023)

4. Constitution of Adhoc Body.-(1) For the purpose of carrying out the provisions of these rules, the Government shall constitute an Adhoc Body for each Corporation consisting of the following members namely:-

- | | |
|---|-------------|
| (a) Deputy Commissioner | ..Chairman; |
| (b) Mayor or any member as his representative | ...Member; |
| (c) Director, Local Bodies or his representative | ...Member; |
| (d) Commissioner or his representative not below the rank of Extra-Assistant Commissioner | ...Member; |

- (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.

- (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.

5. Functions of Adhoc body.- It shall be the duty of the Adhoc Body-

(i) to divide the Municipal area into such number of wards as may be necessary, having regard to the number of elected members fixed by the Government for the Corporation under rule 3; and the number of seats reserved for members of the Scheduled Castes, Backward Classes and Women, under the provisions of section 11;

(ii) to readjust the wards as and when the limits of the Corporation are altered or there is increase in population of the Corporation or there is abnormal variation in population or voting figures of some of the wards of the Corporation which requires such readjustment:

Provided that the Government may, at any time, order re-delimitation of wards of any Corporation, if it considers expedient to do so in the public interest.

6. Procedure and Powers of Adhoc Body.-(1) The meetings of the Adhoc Body shall be convened by the Chairman after giving notice of at least seven days of the date, time and place of the meeting to its members.

(2) The quorum necessary for the transaction of business at a meeting of the Adhoc Body constituted under sub-rule(1) of rule 4 shall consist of three members.

(3) All questions which come before any meeting of the Adhoc Body shall be decided by a majority of the votes of the members present and voting. In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

(4) The Adhoc Body shall have power to act notwithstanding the temporary absence of a member or an associate member or of the existence of a vacancy in the Adhoc Body, and no act or proceeding of the Adhoc Body shall be invalid or called in question on the ground merely of temporary absence of a member , or an associate member or of the existence of such a vacancy.

7. Principles for delimitation of wards of Corporation.- The following principles shall be observed by the Adhoc Body in the delimitation of wards of the Corporation, namely:-

(a) wards shall, as far as practicable, be geographically compact areas, and having regard to physical features, existing boundaries of administrative units, if any, facilities of communication and public convenience;

(b) the population of each ward, as far as practicable, should be the same throughout the municipal area with a variation upto *20 per cent above or below the average population per ward; and

(*substituted via No. 9/24/2023-4CII dated 26th May, 2023)

(c) wards reserved for the members of Scheduled Castes and Backward Classes shall as far as practicable be located in those area where population of persons belonging to these categories is maximum.

8. Proposal for delimitation of wards to be sent to Government.- The adhoc Body shall, as soon as may be after it has prepared the proposal, for the delimitation of wards of the Corporation, send the same to the Government for consideration.

9. Publication of proposal for delimitation of Wards –The Government shall- (a) publish in the official Gazette the proposal for delimitation of wards received by it under rule 8, for eliciting objections or suggestions from the affected persons of the municipal area;

(b) specify a date on or after which the proposal along with objections or suggestions, if any, will be considered by it;

(c) consider all objections or suggestions which may be received by it before the date so specified; and

(d) thereafter, by order, determine the delimitation of wards of the Municipal area.

10. Publication of final order in Official Gazette.–After the adoption of procedure laid down in rule 9 and complying with the provisions thereof the Government shall publish its final order in the Official Gazette and upon such publication such order shall have the force of law.

11. Repeal and Saving- Any rule relating to the delimitation of wards of the Corporation applicable to it immediately before the commencement of these rules is hereby repealed:

Provided that any order made or action taken under the rule so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.