



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

Website: www.secharyana.gov.in
Email id: sec@hry.nic.in

Phone : +91 172 258 4810
Fax : +91 172 258 5904

No.SEC/ 4E-II/2022/ 3590

Dated: 14th October, 2022

To

All the Deputy Commissioners-cum-
District Election Officers (Panchayat)
In the State of Haryana.

Subject: - Submission of 'NDC' from Primary Agriculture Cooperative Society, District Central Cooperative Bank and District Primary Cooperative Agriculture Rural Development Bank and Electricity Department by the contesting candidates with Nomination Papers.

Sir/Madam,

I have been directed to refer to the above subject and to say that queries are being made by the field officials whether the 'NDC' is required from the Primary Agriculture Cooperative Society, District Central Cooperative Bank and District Primary Cooperative Agriculture Rural Development Bank and arrears of electricity bills etc. in favour of the contesting candidates or also required in favour of all family members of the candidate.

2. I have been further directed to inform you that the State Election Commission, Haryana has sought legal advice from the Legal Remembrancer, Haryana who has opined as under:-

"Relevant section 175 of the Haryana Panchayatir Raj Act, 1994, dealing with the qualifications of a Sarpanch or a Panch of the Gram Panchayat or a member of the Panchayat Samiti or Zila Parishad provides as under:-

'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-


- (t) fails to pay any arrears of any kind due to him to any Primary agriculture Cooperative Society, District Central Cooperative Bank and District Primary Cooperative Agriculture Rural Development Bank; or
- (u) fails to pay arrears of electricity bills; or

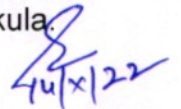
The aforesaid provisions of section 175 of the Act, 1994 are very lucid and clear and require no further interpretation. As per rules or interpretation, when the words of the statute are clear, plain or unambiguous, i.e. they are reasonably susceptible to only one meaning, no further interpretation is required.

In the present matter, the opening words of aforesaid statutory provision i.e. 'No person' read with remaining body of the provision show that the same are to be limited only to the personal liability of the candidate. Any further interpretation is not warranted by the language of the provisions, therefore the letter in question needs to conform to the above rule of interpretation. As such, necessary decision in the matter is required to be taken by the competent authority strictly in compliance with the aforesaid statutory provisions".

3. In view of the above 'NDC' is required from the Primary Agriculture Cooperative Society, District Central Cooperative Bank and District Primary Cooperative Agriculture Rural Development Bank and arrears of electricity bills etc. only in favour of the contesting candidates. All the Returning Officers/Assistant Returning Officers may be informed accordingly.

Yours faithfully,


Assistant State Election Commissioner,
for State Election Commissioner, Haryana
Panchkula.


4/11/22