



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

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No. SEC/1ME/2024/1290-1311

Dated: 21.10.2024

To

All the Deputy Commissioners
in the State of Haryana

Subject: - Can a person belonging to Scheduled Caste from another State claim benefit of reservation in Urban Local Bodies elections in the State of Haryana or not? –Clarification regarding. .

Sir/Madam,

This is in continuation of this office letter Nos. SEC/1ME/202/1997-2018 dated 25.10.2023 and SEC/1ME/2024/846-867 dated 18.07.2024. It is further submitted that in addition to the instructions/clarifications issued earlier, the State Election Commission, Haryana had also sought clarification on the following points from the Law and Legislative Department, Haryana:

- i) If a man from reserved or unreserved category belonging to the State of Haryana; marries a women from another State belonging to Scheduled Caste and which caste has also been included in the list of Scheduled Castes in Haryana, then can that women claim benefit of reservation meant for Scheduled Castes for contesting elections in Urban Local Bodies in the State of Haryana in view of the provisions contained in para 3 (iv) of the Government circular bearing No. 22/132/2013-1GS-III dated 22nd March, 2022 issued by the General Administration Department (General Services-III Branch).

- ii) If yes, whether Scheduled Caste Certificate issued by another State shall be treated valid for contesting the elections of Urban Local Bodies in the State of Haryana against a seat reserved for Scheduled Castes/Scheduled Castes (Women) **OR** would it require Scheduled Caste Certificate issued by the State of Haryana?

The Law and Legislative Department, Haryana in this respect has clarified the position vide U.O. No. 3063-G(18) Election/Op/Br/2024/232 dated 27.09.2024 (copy enclosed), as under:

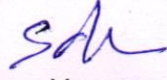
“LAW AND LEGISLATIVE DEAPATMENT NOTE

This department had already examined the matter in length on the basis of various judgments rendered by Hon'ble Supreme Court as well as Hon'ble High Courts and has tendered a detailed advice vide U.O.No. 5975-G(18)ULB/Op.Br.23/215 dated 21.07.2023. Moreover, the instructions cannot override the statutory provisions as well as judicial pronouncements. However, in view of this department, there is no contradiction between the advice dated 21.07.2023 tendered by this department and the government instructions bearing No. 22/132/2013-1GS-III dated 22nd March, 2022 issued by the General Administration Department as stated by the A.D. in its note. As such, the query raised by A.D. as of now at point (i) is answered in negative and in view of answer to query (i), the query raised at point (ii) becomes redundant. “

2. In view of above, you are advised to familiarize yourself with the opinion/advice of Law and Legislative Department and also bring these into

the notice of all Returning/Assistant Returning Officers at the time of Municipal elections to be held in future.

Yours faithfully,




Asstt. State Election Commissioner, Haryana
for State Election Commission, Haryana

Endst. No. SEC/1ME/2024/1312-1432

Dated: 21.10.2024

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

1. Commissioners of all the Municipal Corporations in the State.
2. District Municipal Commissioners of all the Municipal Councils and Committees in the State.
3. Executive Officers (E.Os) and Secretary's of all the Municipal Corporations, Municipal Councils and Municipal Committees in the State for information and compliance.

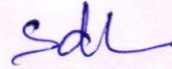


Asstt. State Election Commissioner,
for State Election Commissioner, Haryana

Endst. No. SEC/1ME/2024/1433

Dated: 21.10.2024

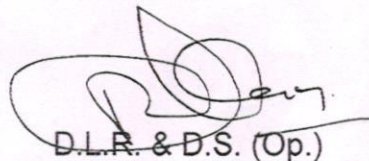
A copy of above is also forwarded to I.T.Cell, State Election Commission, Haryana with the directions to host this circular in the official website of this Commission.



Asstt. State Election Commissioner,
for State Election Commissioner, Haryana

LAW AND LEGISLATIVE DEPARTMENT NOTE

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D.L.R. & D.S. (Op.)

for L.R. & Admn. Secy. to Govt., Haryana,
Law and Legislative Department

27/09/2024

The Secretary (State Election Commission)
U.O. No. 3063-G(18)Election/Op/Br/2024/ 232

CFORS - not received.

Dated: 27⁹/₂₄

ASPE

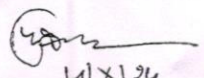
~~S.E. III~~

The advice of LR is submitted for information to WISEC of.

~~ASPE~~

Secretary

Uto
11/x/24
11/x/2024


11/x/24
11/x/2024