

HARYANA GOVERNMENT**LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 7th December, 2020

No. Leg. 41/2020.— 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. 31 OF 2020**THE HARYANA PANCHAYATI RAJ (SECOND AMENDMENT) ACT, 2020**

AN

ACT

further to amend the Haryana Panchayati Raj 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 Panchayati Raj (Second Amendment) Act, 2020.
2. For section 9 of the Haryana Panchayati Raj Act, 1994 (hereinafter called the principal Act), the following section shall be substituted, namely:—

Short title.

Substitution of section 9 of Haryana Act 11 of 1994.

“9. Reservation and equal representation in Gram Panchayat.— (1) All wards in a Gram Panchayat and all Gram Panchayats in a block shall for the purpose of this section be sequentially numbered in such manner, as may be prescribed:

Provided that for such sequential numbering, the wards or Gram Panchayats reserved for the Scheduled Castes shall be considered as one group and the remaining wards or Gram Panchayats as another group.

(2) The offices of panch in every Gram Panchayat shall be reserved for the Scheduled Castes in such a way that the number of seats reserved for the Scheduled Castes shall bear, as nearly as may be, the same proportion to the total number of seats in that Gram Panchayat as the population of the Scheduled Castes to the total population in that Gram Sabha area and such seats shall be allotted to such wards having maximum percentage of population belonging to the Scheduled Castes.

(3) To ensure equal representation, a woman who is otherwise qualified to be elected, may contest from such ward of a Gram Panchayat that receives an even number in the sequential numbering arrived at for that group under sub-section (1) and a person other than woman, who is otherwise qualified to be elected, may contest from such ward of a Gram Panchayat that receives an odd number in the sequential numbering arrived at for that group under sub-section (1) in any general election and vice versa in the next general election:

Provided that if in any Gram Panchayat there is only one ward reserved for the Scheduled Castes, then a woman who is otherwise qualified to be elected and belonging to the Scheduled Castes shall be allowed to contest from such ward.

(4) Every Panchayat shall have one panch belonging to Backward Classes if its population is two percent or more of the total population of the sabha area and such seat shall be allotted to such ward having maximum percentage of population of persons belonging to Backward Classes.

Explanation.— In case the same ward of a Gram Panchayat is eligible for reservation of Scheduled Castes and Backward Classes, preference shall be given to Scheduled Castes and the next eligible ward of Gram Panchayat shall be reserved for the Backward Class.

(5) The offices of Sarpanch of Gram Panchayats in a block shall be reserved for the Scheduled Castes and the number of offices reserved shall bear the same proportion to the total number of offices of Sarpanches in the block, as the population of Scheduled Castes in the block bears to the total population of that block and such seats shall be rotated to different Gram Panchayats, firstly having the largest maximum percentage population of Scheduled Castes and secondly having the next largest maximum percentage population of Scheduled Castes and so on until the last eligible Gram Panchayat is reserved and thereafter the cycle shall start again:

Provided that the office of the Sarpanch shall be reserved for Scheduled Castes only if the population of Scheduled Castes in that Gram Panchayat is more than ten percent of the total population.

(6) To ensure equal representation, a woman who is otherwise qualified to be elected, may contest from such a Gram Panchayat that receives an even number in the sequential numbering arrived at for that group under sub-section (1) and a person other than woman, who is otherwise qualified to be elected, may contest from such a Gram Panchayat that receives an odd number in the sequential numbering arrived at for that group under sub-section (1) for the office of Sarpanch in any general elections and vice versa in the next general elections.

(7) Eight percent of the total number of offices of Sarpanch in a block and rounded off to the next higher integer in case the decimal value is 0.5 or more shall be reserved through draw of lots for Backward Classes (A) and such seats shall be rotated amongst Gram Panchayats in every succeeding general election:

Provided that in case any Gram Panchayat is reserved through draw of lots but has no member in Gram Sabha belonging to Backward Classes (A) otherwise qualified to be elected as Sarpanch, then for replacing such Gram Panchayat, the draw of lots shall be held amongst the remaining unreserved Gram Panchayats.

(8) The number of wards shall be re-fixed after every decennial census in such manner, as may be prescribed.”.

Substitution of section 10 of Haryana Act 11 of 1994.

3. For section 10 of the principal Act, the following section shall be substituted, namely :-

“10. Term of office.— (1) The term of office of Sarpanch shall be five years unless removed otherwise.

(2) A Sarpanch may be removed from his office by an order of such authority, as may be prescribed consequent to a resolution passed, by not less than two-third voters of the members of the Gram Sabha present and voting cast through a secret ballot, on a date and time duration specified by such authority:

Provided that no such ballot shall be held unless a requisition in this behalf is made to the prescribed authority by not less than one-half of the total members of the Gram Sabha.

(3) On the requisition made under sub-section (2), the authority as specified in sub-section (2) shall after inquiring into the genuineness thereof, notify the date and time duration for the purpose of the secret ballot of the Gram Sabha within a period of thirty days from the date of receipt of the requisition:

Provided that no such process shall be initiated within a period of one year from the date of election of the Sarpanch and any subsequent resolution for removal shall not be maintainable within the interval of one year of the last ballot of the Gram Sabha to consider a resolution for removal of the Sarpanch.”.

Substitution of section 59 of Haryana Act 11 of 1994.

4. For section 59 of the principal Act, the following section shall be substituted, namely:-

“59. Reservation and equal representation.— (1) All wards in a Panchayat Samiti and all Panchayats Samitis in the State shall for the purpose of this section be sequentially numbered in such manner, as may be prescribed:

Provided that for such sequential numbering, the wards and Panchayat Samitis reserved for the Scheduled Castes shall be considered as one group and the remaining wards and Panchayat Samitis as another group.

(2) The offices of member in every Panchayat Samiti shall be reserved for the Scheduled Castes in such a way that the number of seats reserved for Scheduled Castes shall bear, as nearly as may be, the same proportion to the total number of seats in that Panchayat Samiti as the population of the Scheduled Castes to the total population in that Panchayat Samiti area and such seats shall be allotted to such wards having maximum percentage of population belonging to the Scheduled Castes.

(3) To ensure equal representation, a woman who is otherwise qualified to be elected, may contest from such ward of a Panchayat Samiti that receives an even number in the sequential numbering arrived at for that group under sub-section (1) and a person other than woman, who is otherwise qualified to be elected, may contest from such ward of a Panchayat Samiti that receives an odd number in the sequential numbering arrived at for that group under sub-section (1) in any general election and vice versa in the next general election:

Provided that if in any Panchayat Samiti there is only one ward reserved for the Scheduled Castes, then a woman who is otherwise qualified to be elected and belonging to the Scheduled Castes shall be allowed to contest from such ward.

(4) Eight percent of the total number of offices of members in a Panchayat Samiti and rounded off to the next higher integer in case the decimal value is 0.5 or more, shall be reserved through draw of lots for Backward Classes (A) subject to the condition that the total number of such offices reserved shall not be less than two and such seats shall be rotated amongst different wards in every succeeding general election.

(5) The offices of Chairman of Panchayat Samitis in a State shall be reserved for Scheduled Castes and the number of offices reserved shall bear the same proportion to the total number of offices of Chairman in the State, as the population of Scheduled Castes in the State bears to the total population of the State and such seats shall be rotated to different Panchayat Samitis in the State, firstly having the largest maximum percentage of population of Scheduled Castes and secondly having the next largest maximum percentage of population of Scheduled Castes and so on until the last eligible Panchayat Samiti is reserved and thereafter the cycle shall start again:

Provided that the office of the Chairman in a Panchayat Samiti shall be reserved for Scheduled Castes only if the population of Scheduled Castes in that Panchayat Samiti is more than ten percent of the total population.

(6) To ensure equal representation, a woman who is otherwise qualified to be elected, may contest from such a Panchayat Samiti that receives an even number in the sequential numbering arrived at for that group under sub-section (1) and a person other than woman, who is otherwise qualified to be elected, may contest from such Panchayat Samiti that receives an odd number in the sequential numbering arrived at for that group under sub-section (1) for the office of Chairman in any general election and vice versa in the next general election.

(7) The number of wards shall be re-fixed after every decennial census in such manner, as may be prescribed.”.

5. After section 62 of the principal Act, the following section shall be inserted, namely:-

“62A. Term of office of members.— (1) The term of office of member Panchayat Samiti shall be five years unless removed otherwise.

(2) A member of the Panchayat Samiti may be removed from his office by an order of authority, as may be prescribed consequent to a resolution passed, by not less than two-third voters of the concerned ward present and voting cast through a secret ballot, on a date and time duration specified by such authority:

Provided that no such ballot shall be held unless a requisition in this behalf is made to the prescribed authority by not less than one-half of the total voters of the concerned ward.

(3) On the requisition made under sub-section (2), the authority as specified in sub-section (2) shall after inquiring into the genuineness thereof, notify the date and time duration for the purpose of the secret ballot of the concerned ward within a period of thirty days from the date of receipt of the requisition:

Insertion of section
62A in Haryana Act
11 of 1994.

Substitution of section 120 of Haryana Act 11 of 1994.

6. Provided that no such process shall be initiated within a period of one year from the date of election of the member and any subsequent resolution for removal shall not be maintainable within the interval of one year of the last ballot of the concerned ward to consider a resolution for removal of that member of the Panchayat Samiti.”.

6. For section 120 of the principal Act, the following section shall be substituted, namely:-

“120. Reservation and equal representation.— (1) All wards in a Zila Parishad and all Zila Parishads in the State shall for the purpose of this section be sequentially numbered in such manner, as may be prescribed:

Provided that for such sequential numbering, the wards of Zila Parishad reserved for the Scheduled Castes shall be considered as one group and the remaining wards of Zila Parishad as another group.

(2) The offices of member in every Zila Parishad shall be reserved for the Scheduled Castes in such a way that the number of seats reserved for Scheduled Castes shall bear, as nearly as may be, the same proportion to the total number of seats in that Zila Parishad as the population of the Scheduled Castes to the total population in that Zila Parishad area and such seats shall be allotted to such wards having maximum percentage of population belonging to Scheduled Castes.

(3) To ensure equal representation, a woman who is otherwise qualified to be elected, may contest from such ward of a Zila Parishad that receives an even number in the sequential numbering arrived at for that group under sub-section (1) and a person other than woman, who is otherwise qualified to be elected, may contest from such ward of a Zila Parishad that receives an odd number in the sequential numbering arrived at for that group under sub-section (1) in any general election and vice versa in the next general election:

Provided that if in any Zila Parishad there is only one ward reserved for the Scheduled Castes, then a woman who is otherwise qualified to be elected and belonging to the Scheduled Castes, shall be allowed to contest from such ward.

(4) Eight percent of the total number of offices of members in a Zila Parishad and rounded off to the next higher integer in case the decimal value is 0.5 or more, shall be reserved through draw of lots for Backward Classes (A) subject to the condition that the total number of such offices reserved shall not be less than two and such seats shall be rotated amongst different wards in every succeeding general election.

(5) The offices of President of Zila Parishads in the State shall be reserved for Scheduled Castes and the number of offices reserved shall bear the same proportion to the total number of offices of President in the State, as the population of Scheduled Castes in the State bears to the total population of that State and such seats shall be rotated to different Zila Parishads, firstly having the largest maximum percentage of population of Scheduled Castes and secondly having the next largest maximum percentage of population of Scheduled Castes and so on until the last eligible Zila Parishad is reserved and thereafter the cycle shall start again:

Provided that the office of the President in a Zila Parishad shall be reserved for Scheduled Castes only if the population of Scheduled Castes in that Zila Parishad is more than ten percent of the total population.

(6) To ensure equal representation, a woman who is otherwise qualified to be elected, may contest from such ward of a Zila Parishad that receives an even number in the sequential numbering arrived at for that group under sub-section (1) and a person other than woman, who is otherwise qualified to be elected, may contest from such ward of a Zila Parishad that receives an odd number in the sequential numbering arrived at for that group under sub-section (1) in any general election and vice versa in the next general election.

(7) The number of wards shall be re-fixed after every decennial census in such manner, as may be prescribed.”.

Insertion of section 123A in Haryana Act 11 of 1994.

7. After section 123 of the principal Act, the following section shall be inserted, namely:-

“123A. Term of office of members.— (1) The term of office of member Zila Parishad shall be five years unless removed otherwise.

(2) A member of the Zila Parishad may be removed from his office by an order of such authority, as may be prescribed consequent to a resolution passed, by not less than two-third voters of the concerned ward present and voting cast through a secret ballot, on a date and time duration specified by such authority:

Provided that no such ballot shall be held unless a requisition in this behalf is made to the prescribed authority by not less than one-half of the total voters of the concerned ward.

(3) On the requisition made under sub-section (2), the authority specified in sub-section (2) shall after inquiring into the genuineness thereof, notify the date and time duration for the purpose of the secret ballot of the concerned ward within a period of thirty days from the date of receipt of the requisition:

Provided that no such process shall be initiated within a period of one year from the date of election of the member and any subsequent resolution for removal shall not be maintainable within the interval of one year of the last ballot of the concerned ward to consider a resolution for removal of that member of the Zila Parishad.”.

8. (1) Notwithstanding anything contained in this Act, any vacancy arising after the commencement of the Haryana Panchayati Raj (Second Amendment) Act, 2020 but before the first general elections to the Panchayati Raj Institutions to be held after the commencement of the Haryana Panchayati Raj (Second Amendment) Act, 2020 shall be filled up in accordance with the law in force prior to commencement of the Haryana Panchayati Raj (Second Amendment) Act, 2020. Savings.

(2) Notwithstanding anything contained in this Act, the provisions regarding removal of Sarpanch, member of Panchayat Samiti and Zila Parishad as provided in the Haryana Panchayati Raj (Second Amendment) Act, 2020 shall be applicable after the first general elections to the Panchayati Raj Institutions to be held after the commencement of the Haryana Panchayati Raj (Second Amendment) Act, 2020.

BIMLESH TANWAR,
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Haryana, Law and Legislative Department.