

Haryana Municipal Corporation Delimitation of Ward Rules, 1994

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Rule

HARYANA-MUNICIPAL-CORPORATION-DELIMITATION-OF-WARD-RU of 1994

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Haryana Municipal Corporation Delimitation of Ward Rules, 1994Published vide Haryana Government Notification No. S.O. 60/H. Ordinary 4/94/Section 6/94 dated 3rd August, 1994No. S.O. 60/H. Ord.4/94/Section 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)"Ad hoc 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)After every census, the total number of seats of each Corporation shall be fixed by the Government on the basis of the latest census figures. In case certain area is included within, or excluded from the limits of a Municipal area, the population shall be ascertained on the spot in respect of such area and shall be added to, or excluded from the latest census figures of that Corporation for the purpose of refixation of seats of the Corporation. The number of seats to be filled by election of each Corporation shall be fixed or refixed in accordance with section 6 of the Ordinance.(2)The number of seats for members belonging to the Scheduled Castes shall be fixed in proportion to their population in each Corporation in accordance with the following formula:-

Total number of seats x Population of Scheduled CasteslessTotal Population

4. Constitution of Ad hoc Body.

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

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|---|-----------------|
| (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 ofExtra- Assistant Commissioner | .. Member. |

(2)The Ad hoc Body shall associate with itself not more than 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 Ad hoc Body shall associate with itself not more than five members belonging to various interests or groups from Municipal area.

5. Functions of Ad hoc body.

- It shall be the duty of the Ad hoc 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 Ad hoc Body.

(1)The meetings of the Ad hoc 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 Ad hoc Body constituted under sub-rule (1) of rule 4 shall consist of three members.(3)All questions which come before any meeting of the Ad hoc 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 Ad hoc 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 Ad hoc Body, and no act or proceeding of the Ad hoc 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 Ad hoc 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 10 per cent above or below the average population per ward; and(c)wards reserved for the members of Scheduled Castes and Backward Classes shall as far as practicable be located in those areas where population of persons belonging to these categories is maximum.

8. Proposal for delimitation of ward to be sent to Government.

- The ad hoc 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.