

HARYANA VIDHAN SABHA

BILL NO. 29 — H.L.A. OF 2022

THE HARYANA PANCHAYATI RAJ (AMENDMENT) BILL, 2022

A

BILL

further to amend the Haryana Panchayati Raj Act, 1994.

Be it enacted by the Legislature of the State of Haryana in the Seventy-third Year of the Republic of India as follows:-

1. This Act may be called the Haryana Panchayati Raj (Amendment) Act, 2022. Short title.
2. After clause (xxi) of section 2 of the Haryana Panchayati Raj Act, 1994 (hereinafter called the principal Act), the following clause shall be inserted, namely:- Amendment of section 2 of Haryana Act 11 of 1994.

‘(xxi-a) “Divisional Commissioner” means the Divisional Commissioner of the division;’.
3. In section 9 of the principal Act,- Amendment of section 9 of Haryana Act 11 of 1994.
 - (a) for sub-section (4), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 2nd September, 2022, namely:-

“(4) The wards of panch shall be reserved for the Backward Classes (A) in every Gram Panchayat and the number of wards so reserved shall bear, as nearly as may be, the same proportion to the total number of wards in that Gram Panchayat as one-half of the percentage of population of Backward Classes (A) to the total population in that Gram Sabha area and rounded off to the next higher integer in case the decimal value is 0.5 or more and such wards shall be allotted by draw of lots among the wards other than that reserved for Scheduled Castes and also by rotation in the subsequent elections:

Provided that every Gram Panchayat shall have at least one panch belonging to the Backward Classes (A) if its population is two percent or more of the total population of the sabha area and such ward shall be allotted by draw of lots among the wards other than that reserved for Scheduled Castes and also by rotation in the subsequent elections:

Provided further that where the number of wards so reserved for Backward Classes (A) under this sub-section added to the number of wards reserved for the Scheduled Castes exceeds fifty percent of the total number of wards in that Gram Panchayat, then the number of wards reserved for the Backward Classes (A) shall be restricted to such largest number that shall lead to the total of the wards reserved for the Backward Classes (A) and Scheduled Castes not exceeding fifty percent of the total wards in that Gram Panchayat.

Explanation.— For the purposes of reservation of Backward Classes (A) under this sub-section, the population of the Gram Sabha area and the population of Backward Classes (A) in said sabha area shall be such, as may be 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.”;

- (b) for sub-section (7), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 2nd September, 2022, namely:-

“(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 for Backward Classes (A) and shall be allotted by draw of lots among the highest three times the number of Gram Panchayats proposed for reservation for Backward Classes (A) which are having the largest percentage of population of Backward Classes (A) after excluding those Gram Panchayats where the post of Sarpanch is already reserved for Scheduled Castes under sub-section (5) and also by rotation in the subsequent elections:

Provided that where the number of offices of Sarpanch in a block so reserved for Backward Classes (A) under this sub-section added to the number of offices of Sarpanch reserved for the Scheduled Castes in that block exceeds fifty percent of the total number of offices of Sarpanch in that block, then the number of offices of Sarpanch reserved for the Backward Classes (A) shall be restricted to such largest number that shall lead to the total of the offices of Sarpanch reserved for the Backward Classes (A) and Scheduled Castes not exceeding fifty percent of the total offices of Sarpanch in that block.

Explanation.— For the purposes of reservation of Backward Classes (A) under this sub-section, the population of the block and the population of Backward Classes (A) in said block shall be such, as may be 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.”.

4. In section 51 of the principal Act,-

Amendment of section 51 of Haryana Act 11 of 1994.

- (i) after sub-section (3), the following sub-section shall be inserted, namely:-

“(3A) The Director or the Deputy Commissioner, as the case may be, shall assess the amount due, if any, from the person removed under sub-section (3) on account of any loss, waste or mis-application of Gram Fund or property as consequence of his negligence or misconduct and the Deputy Commissioner shall recover the amount of loss within a period of three months from the date of order and if the amount is not recovered within the said period, the same shall be recovered as arrears of land revenue.”;

- (ii) in sub-section (5), for the word “Government” occurring at the end, the words “Divisional Commissioner” shall be substituted.

5. In section 53 of the principal Act,-

Amendment of section 53 of Haryana Act 11 of 1994.

- (i) in sub-section (2),-

(a) for the words “Block Development and Panchayat Officer”, the words and sign “Sub-Divisional Officer” shall be substituted;

(b) the words “and take necessary steps for its recovery” existing at the end shall be omitted;

- (ii) after sub-section (4), the following sub-section shall be inserted, namely:-

“(4A) The Deputy Commissioner shall recover the amount of loss assessed by the Sub-Divisional Officer within a period of three months from the date of order and if the amount is not recovered within the said period, the same shall be recovered as arrears of land revenue.”.

Amendment of section 59 of Haryana Act 11 of 1994.

6. For sub-section (4) of section 59 of the principal Act, the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 2nd September, 2022, namely:-

“(4) The wards of member shall be reserved for the Backward Classes (A) in every Panchayat Samiti and the number of wards so reserved shall bear, as nearly as may be, the same proportion to the total number of wards in that Panchayat Samiti as one-half of the percentage of population of Backward Classes (A) to the total population in that block and rounded off to the next higher integer in case the decimal value is 0.5 or more and such wards shall be allotted by draw of lots among the wards other than that reserved for Scheduled Castes and also by rotation in the subsequent elections:

Provided that where the number of wards of Panchayat Samiti so reserved for Backward Classes (A) added to the number of wards reserved for the Scheduled Castes exceeds fifty percent of the total number of wards in that block, then the number of wards reserved for the Backward Classes (A) shall be restricted to such largest number that lead to the total of the wards reserved for the Backward Classes (A) and Scheduled Castes not exceeding fifty percent of the total number of wards in that Panchayat Samiti.

Explanation.— For the purposes of reservation of Backward Classes (A) under this sub-section, the population of the block and the population of Backward Classes (A) in said block shall be such, as may be 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.”.

Amendment of section 120 of Haryana Act 11 of 1994.

7. For sub-section (4) of section 120 of the principal Act, the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 2nd September, 2022, namely:-

“(4) The wards of member shall be reserved for the Backward Classes (A) in every Zila Parishad and the number of wards so reserved shall bear, as nearly as may be, the same proportion to the total number of wards in that Zila Parishad area as one-half of the percentage of population of Backward Classes (A) to the total population in that Zila Parishad area and rounded off to the next higher integer in case the decimal value is 0.5 or more and shall be allotted by draw of lots among the highest three times of the number of wards of Zila Parishad proposed for reservation of Backward Classes (A) which are having the

largest percentage population of Backward Classes (A) after excluding those wards of Zila Parishad already reserved for Scheduled Castes and also by rotation in the subsequent elections:

Provided that where the number of wards of Zila Parishad so reserved for Backward Classes (A) under this sub-section added to the number of wards reserved for the Scheduled Castes exceeds fifty percent of the total number of wards in that Zila Parishad, then the number of wards of Zila Parishad reserved for the Backward Classes (A) shall be restricted to such largest number that shall lead to the total of the wards reserved for the Backward Classes (A) and Scheduled Castes not exceeding fifty percent of the total number of wards in that Zila Parishad.

Explanation.— For the purposes of reservation of Backward Classes (A) under this sub-section, the population of the Zila Parishad area and the population of Backward Classes (A) in said area shall be such, as may be 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.”

8. (1) The Haryana Panchayati Raj (Amendment) Ordinance, 2022 (Haryana Ordinance No. 1 of 2022), is hereby repealed. Repeal and saving.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

With a view to give proportionate representation to the persons belonging to Backward Classes (A) in the Panchayati Raj Institutions as per the recommendation of the Haryana Backward Classes Commission, the amendment in sections 9, 59 and 120 of the Haryana Panchayati Raj Act, 1994 is required. This progressive change will help in empowerment and upliftment of the disadvantaged Backward Classes A.

Further to avoid repetitive enquiries against panches and sarpanchs into the allegations of misappropriation of funds or loss caused to a Gram Panchayat and to streamline the recovery process, it is necessary to amend sections 2, 51 and 53 of the Haryana Panchayati Raj Act, 1994.

Hence this Bill.

DEVENDER SINGH BABLI,
Development & Panchayats Minister,
Haryana.

Chandigarh:
The 22nd December, 2022.

R. K. NANDAL,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 22nd December, 2022, under proviso to rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

ANNEXURE

EXTRACT FROM THE HARYANA PANCHAYATI RAJ ACT, 1994

9. Reservation and equal representation in Gram Panchayat.—(1) XXXXXXX

2. XXXXX

3. XXXXX

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. XXXXX

6. XXXXX

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.

53. Liability of Sarpanch or a Panch. (1) XXXXX

(2) The Block Development and Panchayat Officer concerned may, on the application of a Gram Panchayat or otherwise, for loss, waste or mis-application of Gram Fund or property belonging to that Gram Panchayat and after giving adequate opportunity to Sarpanch or Panch, as the case may be, to explain, assess by order in writing the amount due from him on account of such loss, waste or mis-application of such Gram Fund or property and take necessary steps for its recovery.

59. Reservation of seats:- (1) XXXXX

2. XXXXX

3. XXXXX

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.

120. Reservation of seats:- (1) XXXXX

(2) XXXXX

(3) XXXXX

(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.