

DIRECTORATE OF URBAN LOCAL BODIES,
HARYANA, PANCHKULA

ORDER

Whereas, Civil Writ Petition No. 4068 of 2025 titled as Baljeet and another Versus State of Haryana and others filed by the petitioners has been disposed of by the Hon'ble Punjab and Haryana High Court vide order dated 14.02.2025, which is reproduced as under:-

"Petition herein is for issuance of a Writ in the nature of Certiorari for quashing impugned schedule which was proposed for general elections of the Municipal Corporations vide notification dated 20.12.2024 issued on behalf of respondent No. 2.

2. *At the outset, learned counsel for the petitioners submits that petitioners would be satisfied, in case, their pending representations dated 31.12.2024 (Annexure P-4), dated 07.01.2025 (Annexure P-5) and dated 15.01.2025 (Annexure P-6) are decided by respondent No. 2, which have not been adverted to by the respondents till date.*

3. *On the other hand, on advance service of copy of petition, learned State counsel appears and opposes issuance of notice of motion. He submits that grievance of the petitioners will be looked into by respondent No. 2 and it shall take decision either way, on pending representation dated 31.12.2024 (Annexure P-4), dated 07.01.2025 (Annexure P-5) and dated 15.01.2025 (Annexure P-6) of the petitioners.*

4. *Given the nature of order being passed, there is no necessity to seek reply by any of the respondents as no further proceedings and/or pleadings are required.*

5. *Without commenting on merits of the case, the petition is disposed of with a direction to respondent No. 2 to consider pending representations dated 31.12.2024 (Annexure P-4), dated 07.01.2025 (Annexure P-5) and dated 15.01.2025 (Annexure P-6) of the petitioners and pass an appropriate reasoned order, in accordance with law, at the earliest, from the date of receipt of copy/production of this order.*

6. *Pending applications(s), if any, shall also stand disposed of.*

2. Whereas, on perusal of the representations dated 31.12.2024 (Annexure P-4), 07.01.2025 (Annexure P-5) and 15.01.2025 (Annexure P-6) it is revealed that the representation dated 31.12.2024 (Annexure P-4) submitted by the petitioner No. 01 i.e. Shri Baljeet Balmiki is addressed to the Hon'ble Governor of Haryana. It has been mentioned in this representation that it has come to their notice through the ward closure draft and newspaper that in the upcoming election of Municipal Corporation, Panipat, 03 seats will be reserved for the Scheduled Castes category instead of 05 seats. Whereas, 05 seats were reserved for Scheduled Castes in the previous elections of Municipal Corporation, Panipat held in the year 2013 and 2018. By doing so the Government is adopting double standard in the reservation system and is violating the Constitution of India by not implementing the reservation system properly.

The representation dated 07.01.2025 (Annexure P-5) has been addressed to the Deputy Commissioner, Panipat and Commissioner, Municipal Corporation, Panipat. It has been mentioned in this representation that in ward division, the votes tied to colonies have been separated to benefit political parties such as the votes of Nurwala which is on Barsat Road,

Vidhyanand Colony, Dhupsingh Nagar, Baljeet Nagar which are on Sanauli Road and are separated by a distance of eight kilometers have been combined to form one ward. Further, votes of Muslim dominated and Scheduled Caste dominated colonies like Hali Colony, Vidyanand Colony, Beri Wali Masjid Colony, Ashok Vihar Colony have been divided into different wards, so that these people cannot organise themselves and exercise their constitutional rights and can not unite to elect their representatives. It has also been mentioned that the number of seats for the Scheduled Castes has been reduced everywhere by dividing the reserved seats in the wards formation in an unconstitutional manner. In the ward formation seats to the backward classes have been given on the basis of population of the backward classes as per family identity card of the year 2023-24, whereas seats have been allotted to the Scheduled Castes on the basis of the population data of the year 2011 Census, which is sheer discrimination and due to caste malice, the government has reserves 03 seats instead of 05 for Scheduled Castes in the election of Municipal Corporation, Panipat, whereas in the municipal elections of 2013 and 2018, 05 seats were reserved for Scheduled Castes.

The representation dated 15.01.2025 (Annexure P-6) submitted by the petitioner No. 02 i.e. Shri Narender Kumar, Advocate, President Dr. B.R. Ambedkar Sarkar Seva Trust, Panipat has been addressed to the Governor of Haryana, Chief Secretary to Government Haryana, Chief Election Officer, Haryana, Deputy Commissioners and Commissioners of Municipal Corporation, Panipat, Gurugram, Faridabad, Rohtak, Karnal, Yamunanagar & Hisar. In this representation, it has been mentioned that for division of the seats for Backward Classes, population figures as drawn from Family Information Data Repository (FIDR) or 140 percentum of the registered electors of the concerned Corporation area has been taken. But for the Scheduled Castes the data of population figures has been taken on the basis of Census-2011. In the upcoming elections of Municipal Corporations of Haryana, the total number of seats reserved for Scheduled Castes category have been reduced from 04 seats to 03 seats in Municipal Corporation, Karnal, from 05 seats to 03 seats in Municipal Corporation, Panipat, from 06 seats to 03 seats in Municipal Corporation, Gurugram. It has also been mentioned that 04 seats have been reserved in MC, Yamunanagar, 05 seats in Faridabad, 02 seats in Hisar and 03 seats in Manesar for Scheduled Castes. Whereas, according to law and as per reservation policy, 20% seats were to be reserved for Scheduled Castes.

3. Whereas, in the case of delimitation of wards of Municipal Corporation, Panipat, it is mentioned here that the proposal for delimitation of wards of a Municipal Corporation is made by an Adhoc Body constituted under the Chairmanship of concerned Deputy Commissioner as provided under Rule 4 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994. The proposal is made by the Adhoc Committee as per the principles of delimitation of wards of Corporation as prescribed in Rule 7 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994, which is as under:-

"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 20 percent above or below the average population per ward; and*
- (c) *wards reserved for the members of Scheduled Castes, Backward Classes-A and Backward Classes-B shall as far as practicable be located in those areas where population of persons belonging to these categories is maximum".*

4. Whereas, it is submitted that to provide adequate representation to SC/ST in the municipal bodies, provision has been made under Article 243T of the Constitution of India that *"Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality."*

Further, the definition of 'population' under clause (g) of Article 243P of the Constitution of India and Section 2(45) of the Haryana Municipal Corporation Act, 1994 has been provided as under:-

"Population" means the population as ascertained at the last preceding census of which the relevant figures have been published."

5. In consonance with the aforesaid provision of Article 243T of the Constitution of India, similar provision has been made under sub-section (1) of Section 11 of the Haryana Municipal Corporation Act, 1994 to provide the reservation to the Scheduled Castes in the elections of Municipal Corporations which is as under:-

"11(1).- Seats shall be reserved for the Scheduled Castes in the Corporation and the number of seats so reserved shall bear, as nearly as may be, same proportion of the total number of seats to be filled by direct election in the Corporation, as the population of the Scheduled Castes in the Municipal area bears, to the total population of that area and such seats may be allotted by rotation to such wards having maximum population of persons belonging to Scheduled Castes."

6. Whereas, on perusal of the above provisions of Constitution of India and Haryana Municipal Corporation Act, 1994, it is clear that the seats/wards for Scheduled Castes are fixed in proportion to the population of Scheduled Castes to the total population in such municipality. For this purpose the following formula has been provided under rule 3(3) of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994:-

$$\frac{\text{Total Number of Seats} \times \text{Population of Scheduled Castes}}{\text{Total population}}$$

7. Whereas, earlier there was provision under section 6 of the Haryana Municipal Corporation Act, 1994 and rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 for fixation of total number of seats/wards including SC seats/wards that the seats shall be fixed on the basis of population ascertained as per latest census and if 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 re-fixation of seats of the Corporation.

8. Whereas, in the previous election of Municipal Corporation, Panipat held in the year 2018, the total seats (including the seats for Scheduled Castes) were fixed vide Government notification dated 06.10.2017 on the basis of population of Census 2011 and population of altered

area ascertained by spot survey by Municipal Corporation, Panipat as per applicable provisions of law in this regard. Accordingly, total population was ascertained as 6,27,435 in which Scheduled Castes population was 1,20,696. As per this notification total 26 seats/wards were fixed for the election of Municipal Corporation, Panipat held on 16.12.2018, in which 05 seats/wards were belonging to Scheduled Castes.

9. Thereafter, the provisions of section 6 of the Haryana Municipal Corporation Act, 1994 have been amended vide Ordinance No. Leg. 20/2023 dated 16.05.2023 (converted into Haryana Act No. 25 of 2023 vide notification dated 19.09.2023) and rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 vide notification dated 26.05.2023 to fix the total number of seats/wards of Municipal Corporations on the basis of population drawn from the Family Information Data Repository (FIDR) established under the provisions of Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date, as may be notified by the Government. Further, it has been provisioned in the Act and Rules that where the population as drawn from FIDR is less than 140 per centum of number of electors registered in such areas as per the last published Electoral Roll, then the population equal to 140 per centum of the voters in the electoral rolls of the area shall be considered.

10. Accordingly, as per the report dated 25.12.2024 of Commissioner, Municipal Corporation, Panipat, the total population of the area under the jurisdiction of Municipal Corporation, Panipat is 6,24,433 as per the Family Information Data Repository (FIDR) and the registered electors as per last published electoral rolls are 3,72,253. After taking into consideration 140 per centum of total electors, the figure comes to 5,21,154. Hence, the total 26 seats/wards have been fixed in Municipal Corporation, Panipat on the basis of FIDR population i.e. 6,24,433, which is higher than the 140 percentum of the electors.

Further, total population of the area of Municipal Corporation, Panipat as per latest Census i.e. 2011 is 484350 in which the population of Scheduled Castes is 63299 on the basis of which, the seats for Scheduled Castes have been fixed as under :-

$$\frac{\text{Total Number of Seats (26) X Population of Scheduled Castes (63299)}}{\text{Total population (484350)}} = 3.40$$

Say = 03 (decimal value is less than 0.5)

11. Whereas, in the case of Municipal Corporation, Karnal, and Gurugram also the same formula has been used for calculating the number of seats for Scheduled Castes in the municipal election being held in March, 2025. In Municipal Corporation, Karnal there were 04 seats/wards reserved for Scheduled Castes in the earlier election held in the year, 2018 and now there are 03 seats/wards have been reserved for Scheduled Castes for the election being held in March, 2025. Similarly, in Municipal Corporation, Gurugram there were 06 seats/wards reserved for Scheduled Castes in the election held in the year, 2017 and now there are 03 seats/wards have been reserved for Scheduled Castes for the election being held in March, 2025.

12. Whereas, in the case of Municipal Corporation, Faridabad, Rohtak, Yamunanagar and Hisar the number of seats of Scheduled Castes are the same as was in the previous municipal election as well as in the election being held in the year 2025. In the case of Municipal Corporation, Manesar, it is mentioned here that this is a newly constituted corporation, where first election is being held. As per the report dated 19.06.2023 of Commissioner, Municipal Corporation, Manesar, the total population of the existing municipal limit of Municipal Corporation, Manesar as per Census 2011 is 1,11,163, out of which the population of Scheduled

Castes is 17,067. Accordingly, applying the above formula for determination of seats for Scheduled Castes, the number of seats comes as under:-

$$\frac{20 \times 17067}{111163} = 3.07$$

Say = 03 (decimal value is less than 0.5)

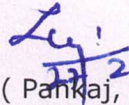
13. It is very much clear that method/formula for determining the number of seats/wards for Scheduled Castes is strictly regulated by Section 6 (amended) of the Haryana Municipal Corporation Act, 1994 read with Rule-3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994. Furthermore, the information obtained from the Family Information Data Repository has had no relevance in the application of the above formula for fixation of seats of Scheduled Castes as the total number of seats/wards in Municipal Corporations have been fixed on the basis of FIDR population. Whereas the seats for Scheduled Castes have been fixed on the basis of total population and therein Scheduled Castes population as per latest census figures i.e. 2011. Therefore, the fixation of seats/wards for Scheduled Castes in Municipal Corporation, Panipat, Karnal, Gurugram, Yamunanagar, Faridabad, Rohtak, Hisar and Manesar has been made in accordance with the statutory provisions.

14. The state Election Commission, Haryana has also issued the programme for conducting the General Elections in 33 Municipalities (08 Municipal Corporations including Panipat, 04 Municipal Councils and 21 Municipal Committees) vide their notification Nos. SEC/1ME/2025/530 & SEC/1ME/2025/581 both dated 04.02.2025. Accordingly, the poll will be held on 02.03.2025 except Panipat where poll will be held on 09.03.2025.

15. In view the above-mentioned facts, it is very much clear that the fixation of seats/wards for Scheduled Castes in Municipal Corporation, Panipat, Karnal, Gurugram, Yamunanagar, Faridabad, Rohtak, Hisar and Manesar has been made in accordance with the statutory provisions on the basis of population as per latest Census i.e. 2011 in accordance with statutory provisions of Article 243T of the Constitution of India and Section-6 of the Haryana Municipal Corporation Act, 1994 as well as rules made thereunder. Therefore, the representations dated 31.12.2024 (Annexure P-4), dated 07.01.2025 (Annexure P-5) and dated 15.01.2025 (Annexure P-6) of the petiitoners are not sustainable and the same deserves to be filed. Accordingly, in compliance of the orders dated 14.02.2025 passed by the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 4068 of 2025 (O&M) titled as Baljit and another Versus State of Haryana and others, the representations dated 31.12.2024 (Annexure P-4), dated 07.01.2025 (Annexure P-5) and dated 15.01.2025 (Annexure P-6) of the petitioners are filed.

Decided accordingly.

Panchkula,
Dated the: 27th February, 2025

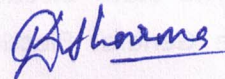

(Pankaj, IAS)
Director General, Urban Local Bodies,
Haryana, Panchkula.

Endst. No. 2AE/2025/3790-96

Dated : 28/2/2025

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

1. Registrar, Punjab and Haryana High Court at Chandigarh.
2. Advocate General, Haryana, Chandigarh.
3. Secretary, State Election Commission, Panchkula. Haryana.
4. Deputy Commissioner, Panipat (Respondent No. 3).
5. Commissioner, Municipal Corporation, Panipat (Respondent No. 4).
6. Shri Baljeet aged about 50 years S/o Shri Mishra Ram resident of Village Raja Kheri, Panipat, District-Panipat (Haryana.) (Mobile No. 98961 41833) (Petitioner).
7. Shri Narender Kumar, Advocate, President Dr. B.R. Ambedkar Sarkar Seva Trust Panipat S/o Shir Chattar Pal Singh, Resident of Houe No. 394, Vidya Nand Colony, Panipat, District Panipat. (Mobile No. 99912 90919) (Petitioner).



Superintendent (Election),
for Director General, Urban Local Bodies,
Haryana, Panchkula.

CC:

GM (I.T.), HQ with the request to upload the same on the department's Web Portal.