

PART-I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 11th December, 2020

No. Leg. 43/2020.— 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. 33 OF 2020**THE HARYANA MUNICIPAL (SECOND AMENDMENT) ACT, 2020**

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ACT

further to amend the Haryana Municipal Act, 1973.

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 Municipal (Second Amendment) Act, 2020. Short title.
2. In sub-section (1) of section 15 of the Haryana Municipal Act, 1973 (hereinafter called the principal Act),—
 - (i) in the existing proviso, for the sign “.” existing at the end, the sign “:” shall be substituted;
 - (ii) after the existing proviso, the following proviso shall be added, namely:—

“Provided further that the provisions of this section shall not apply in the case of vacancy occurred in the office of the President by no-confidence motion.”.Amendment of section 15 of Haryana Act 24 of 1973.
3. After the heading “President and Vice-President” occurring below Section 17 of the principal Act, the following sections shall be inserted, namely:—
 Insertion of sections 17A and 17B in Haryana Act 24 of 1973.

“17A. Motion of no-confidence against President elected directly.— (1) A motion of no-confidence against the President who has been elected directly in terms of sub-section (2) of section 9 shall be in writing and signed by not less than one-half of the total number of elected members along with a copy of the motion, which shall be delivered by any two of the members signing the notice to the concerned Deputy Commissioner:

Provided that for the purposes of calculating the number of the elected members, the President shall be considered as an elected member.

(2) The Deputy Commissioner or such other officer not below the rank of Extra Assistant Commissioner, as authorised by the Deputy Commissioner, shall then convene a meeting of the elected members for the consideration of the motion to be held on the date and time appointed by him, by giving a clear notice in writing of not less than fourteen days:

Provided that members nominated under sub-section (3) of section 9 shall not be entitled to be present or vote in the meeting.

(3) As soon as the meeting convened under sub-section (2) has commenced, the Deputy Commissioner or such other officer, not below the rank of Extra Assistant Commissioner, as authorised by the Deputy Commissioner, shall read to the elected members, the motion for the consideration and declare it to be open for discussion and he shall not speak on the merits of the motion or vote thereon.

(4) The motion shall be carried only when it has been passed by a majority of three-fourth of the total number of elected members and if such a motion is passed, the President shall be deemed to have vacated his office.

(5) A copy of the minutes of the meeting along with a copy of the motion and the result of the voting thereon shall be forwarded forthwith by the Deputy Commissioner to the State Government. The State Government on receipt of the same, if no-confidence motion is passed, shall forward it to the State Election Commission for de-notification and to conduct fresh elections for the post of the President.

(6) In case motion is not passed, as referred to in sub-section (4) or if the meeting could not be held for want of quorum, no notice of any subsequent motion of no-confidence against the same President shall be entertained, unless a period of six months from the date of such voting or the date of such meeting, as the case may be, has expired.

(7) If no-confidence motion is passed against the President, the Vice-President shall exercise the powers and discharge the functions of the President till the President enters his office.

17B. Discharge of functions of President and Vice-President in case of vacancy.—

(1) When the office of the President is vacant by reason of illness, death, resignation or otherwise, the Vice-President shall act as the President until the President enters his office.

(2) If due to any exigency, the President or Vice-President is unable to exercise the powers and discharge the functions of the President, the Sub-Divisional Officer (Civil) of the area in which the municipality is situated or any other officer, not below the rank of an Extra Assistant Commissioner, authorised by the Deputy Commissioner shall exercise the powers and discharge the functions of the President till the President or Vice-President enters the office.”.

Amendment of
section 21 of
Haryana Act 24
of 1973.

4. Sub-section (4) of section 21 of the principal Act shall be omitted.

BIMLESH TANWAR,
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Haryana, Law and Legislative Department.