

Bill Summary

The Haryana Municipal Corporation (Amendment) Bill, 2023

- The Haryana Municipal Corporation (Amendment) Bill, 2023, was introduced in the Haryana Legislative Assembly on August 25, 2023. It amends the Haryana Municipal Corporation Act, 1994 and repeals the Haryana Municipal Corporation (Amendment) Ordinance, 2023. The Act provides for the constitution of municipal corporations in the state.
- **Change in data repository to fix seats:** Under the Act, the number of seats in a municipal corporation must be fixed based on the latest census data. The Bill instead provides that the number of seats will be fixed based on the Family Information Data Repository (FIDR). FIDR has been established under the Haryana Parivar Pehchan Act, 2021. If the population as per FIDR is less than 140% of the registered voters in the last electoral roll, then the population estimate will be taken to be 140% of the number of voters in the electoral roll.
- The Act requires the population in each ward to be the same throughout a corporation, with up to 10% variation. The Bill increases the limit for variation to 20%.
- **Reservation of seats for backward classes:** Under the Act, two seats in every municipal corporation are reserved for Backward Classes. These seats are allotted to constituencies with the highest concentration of persons belonging to Backward Classes. As per the Bill, the seats will be reserved for Backward Classes 'A', which is a subset of notified Backward Classes. The number of reserved seats, as nearly as possible, will be half the ratio of the population belonging to the Backward Class 'A' to the total population of the municipal corporation. At least one-third of the seats reserved for Backward Classes 'A' will be reserved for women from Backward Classes 'A'. Population data from FIDR will be used to determine reservations.
- To determine which seats will be reserved for Backward Classes 'A', lots will be drawn among three times the number of reserved seats. Seats with the largest percentage of the population belonging to the Backward Classes 'A', will be selected for reservation, in rotation.
- Each municipal corporation will have at least one Backward Classes 'A' member if their population is 2% or more of the total population. If the total number of reserved seats, including seats reserved for Scheduled Castes, exceeds 50%, the reserved seats for Backward Classes 'A' will be restricted to the highest number allowed within the limit.
- **Review of reserved seats:** The Act provides that seats reserved for communities including Scheduled Castes and Backward Classes will be reviewed after every decennial census. The Bill removes the reference to Backward Classes.
- **Office of Mayor:** The Act provides that the office of mayor of the municipal corporation will be filled up by members belonging to: (i) general category, (ii) women, (iii) Scheduled Castes, and (iv) Backward Classes, in rotation. The Bill replaces the reference to Backward Classes with Backward Classes 'A'.
- **Resolution and public notice for town planning schemes:** The Act empowers municipal corporations to formulate Town Planning Schemes (TP schemes). Individuals or companies may apply to the Corporation for approval of a TP scheme on their own land. Two key processes apply in such a case: (i) the Corporation must pass a resolution regarding approval of the proposal, and (ii) public comments must be invited on such a proposal. The Bill removes both of these requirements in the above case. The Bill adds that the Commissioner must forward such a proposal to the state government, within thirty days of its receipt. The Bill further states that a resolution of the Corporation will be required where the Corporation draws a TP scheme for unbuilt area and a building scheme for built area, on its land or jointly with an individual or a company.

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