

**8. Disqualifications of members.**—(1) A person shall be disqualified for being chosen as and for being a member of the Corporation— if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State ;

(a) if he is so disqualified by or under any law made by the Legislature of the State.

(2) A person shall also be disqualified for being chosen as, and for being a member—

(a) if he is of unsound mind and stands so declared by a competent court ;

(b) if he is an undischarged insolvent ;

(c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State ;

(d) if he has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty of –

(i) any corrupt practice under section 22 of this Act ;

(ii) any offence punishable under section 171-E or 171-F of the Indian Penal Code, 1860, or any offence punishable under section 30 or clause (a) of sub-section (2) of section 31 of the Act ;

unless a period of five years has elapsed since the date of the finding ;

(e) if he has been sentenced or convicted by a criminal court to imprisonment for an offence involving moral turpitude ;

(f) if he holds any office of profits under the Corporation ;

(g) if he is a licensed architect, draftsman, engineer, plumber, surveyor or town planner or is a partner of a firm of which any such licensed person is also a partner ;

(h) if he holds any office of profit under the Government ;

(i) if he interested in any subsisting contract made with, or any work being done for the Corporation except as a share holder (other than a director) in an incorporated company or as a member of a co-operative society ;

(j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceedings in which the Corporation or any of municipal authorities is interested or concerned ;

(k) if he, having held any office under the Government the Corporation or any other local authority, any Government company or any corporate body owned or controlled by the Government has been dismissed from service ;

(l) if he fails to pay any arrears of any kind due to him, otherwise, than as an agent, receiver, trustee or an executor, to the Corporation within three months after a notice in this behalf has been served upon him ;

- (m) if he furnishes a false caste certificate at the time of filing nomination and he shall be so disqualified for a period of six years from contesting the election of the Corporation;
- (n) if he is convicted or has been convicted of an offence punishable under section 29, 30 and 31 of the principal Act, the Prevention of Corruption Act, 1988 (49 of 1988) or the Prevention of Terrorism Act, 2002(15 of 2002);
- (o) if he has been convicted, or charges have been framed against him by a court in a criminal case for an offence, punishable with imprisonment for not less than ten years; or
- (p) if he fails to pay an arrear of any kind due to him to any Primary Agriculture Cooperative Society, District Central Co-operative Bank and District Primary Cooperative Agriculture Rural Development Bank; or
- (q) if he fails to pay arrears of electricity bills; or
- (r) if he has not passed matriculation examination or its equivalent examination from any recognized institution/board:

Provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass

Provided further that in case of a woman candidate belonging to Scheduled Caste, the minimum qualification shall be 5th pass; or

- (s) if he fails to submit a self declaration to the effect that he has a functional toilet at his place of residence.

(3) Notwithstanding anything contained in sub-section (1) and (2) above.---

(a) a disqualification under clause (e) of sub-section (2) shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence until that appeal or petition is disposed of ;

(b) a person shall not be deemed to have incurred any disqualification under clause (f), or clause (g) of sub-section (2) by reason only of his receiving—

- (i) any pension; or
- (ii) any allowance or facility for serving as a Mayor or Deputy Mayor or as a member ; or
- (iii) any fee for attendance at a meeting of any committee of the Corporation ;

(c) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of sub-section (2) by reason only of his having a share or interest in.—

- (i) any lease, sale, exchange or purchase of immovable property or any agreement for the same ; or
- (ii) any agreement for the loan of money or any security for the payment of money

only ; or

- (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
- (iv) the sale to the Corporation or to any other municipal authority or any officer or other employee of the Corporation on behalf of the Corporation of any article in which he regularly trades or purchases from the Corporation or from any such authority, officer or other employee on behalf of the Corporation of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work ; or
- (v) the letting out on hire to the Corporation or the expiry from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work ;
- (vi) any agreement or contract with the Corporation or any other municipal authority for taking water or any other thing which the Corporation may generally supply.

(4) If a person sits or votes as a member of the Corporation where he is not qualified or that he is disqualified for such membership he shall be liable in respect of each day on which he so sits or votes to penalty of five hundred rupees to be recovered as an arrear of tax under this Act.

(5) If any question arises as to whether a member of the Corporation has become subject to any of the disqualifications mentioned In sub-sections (1) and (2) the question shall be referred for decision of such authority and in such manner as the Government may by notification provide.

The State Election Commission to be the authority, for the purpose of sub-section (1) and (2) of the this section, to whom the case shall be referred to for decision through the Deputy Commissioner, Faridabad, whose decision shall be final.

**8A. Restriction on simultaneous or double membership.**—(1) No person shall be anelected member of the Corporation, member of Legislative Assembly of the State or member of Parliamentary simultaneously.

(2) If an elected member of the Corporation is elected to the Legislative Assembly or Parliament, as the case may be, he shall cease to continue as the elected member of the Corporation from the date he is declared as elected to the Legislative Assembly or Parliament, as the case may be.

**8B. Disqualified for failure to keep account of election expenses and maximum thereof.**— (1) Every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent from the date of filing nomination papers to the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be notified by the State Election Commission in this behalf.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

**8C. Making of false declaration.**—If any person makes in connection with-

(a) the preparation, revision or correction of an electoral roll; or

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing, which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

**8D. Application of certain sections of Central Act 43 of 1951 to Haryana Act 16 of 1994.**-The provisions of sections 20B, 28A, 33A, 33B, 125A, 134A, 134B, 135B and 135C of the Representation of the People Act, 1951 (Central Act 43 of 1951), shall mutatis mutandis apply to the provisions of this Act.

**8E. Disqualification for failure to lodge account of election expenses-** If the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

**8F. Removal or reduction of period of disqualification -** The State Election Commission may, for reasons to be recorded in writing, remove or reduce the period of disqualification under Section 8E.

**8G. Lodging of account with the Deputy Commissioner -** Every contesting candidate or his election agent shall, lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.

(2) on the communication of the order, prefer an appeal to the Government.