

CWP-1307-2026 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1307-2026 (O&M)

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
06.04.2026	08.04.2026	FULL PRONOUNCED	08.04.2026

Usha Rani and others ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Gaurav Rana, Advocate
for the petitioners.

Mr. Parminder Singh Chauhan, AG, Haryana, with
Mr. Deepak Balyan, Addl. AG, Haryana, and
Mr. Rahul Mohan, Addl. AG, Haryana.

Mr. Jagdish Manchanda, Sr. Advocate with
Mr. Vipul Thakur, Advocate and
Mr. Devyansh, Advocate
for respondent No.3.

ANOOP CHITKARA, J.

1. Challenging the notification dated Sep 04, 2025 (Annexure P-9) along with other connected prayers and seeking issuance of a writ in the nature of Certiorari, the petitioners, whom the State’s counter affidavit dated Apr 03, 2026, refers to as the former Councilors of the Municipal Corporation Panchkula, have come up before the Court under Article 226/227 of the Constitution of India.

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2. The matter was argued on a previous date, when, during the course of the arguments, Ld. Senior Advocate Mr. D.S. Patwalia confined his submissions to challenging the reduction of seats reserved for candidates belonging to the Scheduled Castes category, from '4' in the last elections to '3' in the ensuing elections for the Municipal Corporation Panchkula, in violation of Art 243P(g) and 243T of the Constitution of India and Section 6 of The Haryana Municipal Corporation Act, which is *Pari Materia* to the Constitutional provisions.

3. Given the above, the response was also sought only to the limited extent, which was handed over by way of an affidavit dated Mar 31, 2026 and counter affidavit dated Apr 03, 2026, by the Commissioner and Secretary to the Government, Haryana, Urban Local Bodies Department, and the same is taken on record.

4. The petitioners' case is that in the last election held for the '20' wards of the elected body of the Municipal Corporation, Panchkula, the reservation was carved out based on the Census of 2011, and out of the total '20' seats, '4' seats were reserved for candidates belonging to the Scheduled Castes category.

5. After that, due to a change in the geographical territory of Panchkula, for the upcoming election of the Municipal Corporation Panchkula, although the total number of seats remain the same, but the number of the seats reserved for the Scheduled Castes category have been reduced from '4' to '3'.

6. The petitioners' case is that such a change was made during the on-the-spot population survey conducted on the Family Information Data Repository (hereinafter referred to by its abbreviation FIDR) and not based on the last Census of 2011. The petitioners' claim is that the FIDR was a voluntary scheme to obtain various benefits under Government welfare schemes, and that it could not have replaced the Census, which is a product of Articles 243P(g) and 243T of the Constitution of India and is mandatory before any election process.

7. It shall be appropriate to refer to following portion of the rebuttal affidavit attested on Apr 01, 2026, (which was reply to the State's first affidavit dated Mar 31, 2026, and subsequently a counter affidavit dated Apr 03, 2026, was filed by the State) filed by the petitioners, which reads as under:-

"7. That it is necessary to submit herein that a copy of 2011 Primary Census Abstract, Data Highlights, Haryana Series-7 Issued by Joint



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Director of Census Operations Haryana, at Pg. 39 shows that the total percentage of SCs to total population by residence in Panchkula has been recorded as 18.1%. However, despite this for the reasons unknown to petitioners, the said percentage has been stated in para 13 of the written statement to be only 15.51%, which is incorrect because as per explanation provided to Rule 3 of the Delimitation Rules, 1994, the data can only be taken from the last preceding census i.e. the census held in the year 2011. Copy of 2011 Primary Census Abstract, Data Highlights, Haryana Series-7 issued by Joint Director of Census Operations Haryana, is annexed herewith as ANNEXURE A-1.

8. That even if for the sake of arguments, though not admitted, the stand of respondents is accepted and the formula is applied by taking the total percentage of SC population to be 18.1%, then the total seats comes out to 4. The calculation is as under:-

18.1% of total population i.e. 2,67,413 comes to 48,401.753. As per formula:

$$\frac{20 \times 48401.753}{267413} = 3.62$$

Say = 4 (decimal value is more than 0.5)

9. That though the stand of the respondent-State is clearly wrong, as for calculating the population, it is relying upon FIDR, but even if the formula as proposed by the respondent-State is accepted, even then as per the above said calculation the total seats comes out to be 4.

8. To ascertain the State's stand, it shall be appropriate to refer to the following portions from paragraph #3 of the counter affidavit dated Apr 03, 2026:

“The difference in the seats of Scheduled Castes in the proposed election and in the previous election held in the year 2020, is due to the reason that in 2020, the spot population was considered and now due to amendments in Section 6 of the Haryana Municipal Corporation Act, 1994 and Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994, the population of Census 2011 has been taken for determining the seats of Scheduled Castes only.”

9. Mr. Parminder Singh Chauhan, Learned Advocate General, for the State of Haryana, on instructions from the concerned bodies, argued that the number of seats reserved for the Schedule Castes has come down because of a geographical change in the area of Municipal Corporation, Panchkula, wherein certain portions were taken out of the Municipal



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Corporation, Panchkula and certain new portions were added, which led to a further change in the population of the city itself. Learned Advocate General further argued that there is no malafide on behalf of the Government to reduce the seats belonging to the Scheduled Castes categories, and they have changed the seats in the spirit of the Constitution of India, and to comply with the provisions of the statutes, and as such, he has sought dismissal of the writ petition.

10. An analysis of the pleadings and the submissions would lead to the following outcome

11. The seats were reallocated as a consequence of the notification dated Sep 04, 2025, which reads as follows:

“HARYANA GOVT. GAZ. (EXTRA). SEPT. 4, 2025 (BHDR. 13, 1947 SAKA)

No.6/44/2025-4CI.-In exercise of the powers conferred under sub-section (8) of section 11 of the Haryana Municipal Corporation Act, 1994 (16 of 1994) read with rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 and in supersession of Haryana Government, Urban Local Bodies Department notification No. 18/159/2020-3C1 dated the 29th July, 2020, Haryana Government, Urban Local Bodies Department notification No. 18/160/2020-3C1 dated the 29th July, 2020 and Haryana Government, Urban Local Bodies Department notification No. 18/180/2018-3C1 dated the 24th August, 2018, the Governor of Haryana hereby reserves the following seats for the Municipal Corporation, Ambala, Panchkula and Sonapat as mentioned in the Schedule given below for the purposes of their general election, namely:-xxx”

12. Based on the above, out of 20 seats in the Municipal Corporation of Panchkula, Haryana, 3 seats were reserved for the candidates belonging to the Scheduled Castes.

13. As mentioned earlier, the grievance of the petitioners is that earlier, the seats reserved for the Scheduled Castes categories were ‘4’ and now those have been reduced to ‘3’ based on the spot survey by using population details under FIDR rather than the last Census of 2011.

14. PART IXA of the **Constitution of India** provides for the “THE MUNICIPALITIES” and the portions of the provisions relevant for the present adjudication read as follows:

243P(g). “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

243T. Reservation of seats.—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of



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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.

15. Section 6 of The Haryana Municipal Corporation Act, 1994, (Haryana Act No. 16 of 1994), [Substituted by Haryana Act 24 of 2003], reads as follows: -

Fixation of Seats of Corporation

[6]. (1) After every official census, the total number of seats shall be fixed by the Government on the basis of latest census figures. In case certain area is included, or excluded from the limits of a Corporation, 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 refixation of seats.

(2) For the purpose of election of members, the Municipal area shall be divided into wards in such manner, as may be prescribed.

(3) 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.

(4) The population of each ward, as far as practicable, should be the same throughout the Corporation with a variation up to 10 percent above or below the average population per ward.

(5) Wards reserved for the members of Scheduled Castes and Backward Classes shall, as far as practicable, be located in those areas where the proportion of their population to the total population of the Corporation is the largest.

Explanation.- Here "population" means the population as ascertained locally by the staff, deputed by the Commissioner, after going from door to door in the Corporation.

16. Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules 1994, reads as follows:

Haryana Municipal Corporation Delimitation of Ward Rules, 1994 [Notification No. S.O.60/H.Ordi 4/94/S.6/94 dated 3rd August, 1994], reads as follows:

[3]. Fixation of seats of Corporation.-(1) After every census, the total number of seats of each Corporation shall be fixed by the Government on the basis of the latest census figures. In case 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



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purpose of refixation of seats of the Corporation. The number of seats to be fixed by election of each Corporation shall be fixed or refixed in accordance with the formula given below :-

XX

17. In paragraph #2 of the counter affidavit dated Apr 03, 2026, filed by the State, it is explicitly mentioned that in the earlier elections held in Municipal Corporation, Panchkula, in the year 2020, the population for the altered area of the Municipal Corporation, Panchkula, was counted after ascertaining it by the spot survey based on §6 of The Haryana Municipal Corporation Act, 1994, (Haryana Act No. 16 of 1994), [Substituted by Haryana Act 24 of 2003].

18. In paragraph #5 of the counter affidavit dated Apr 03, 2026, it has been mentioned that Section 6 of the Haryana Municipal Corporation Act, 1994, along with Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994, were amended on 19th September 2023 and 26th May 2023.

19. The Amendment relating to Section 6 of the Haryana Municipal Corporation Act, 1994 reads as follows:

In section 6 of the Haryana Municipal Corporation Act, 1994 (hereinafter called the principal Act),-

(i) for sub-section (1), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023, namely:-

"(1) The total number of seats for each Corporation shall be fixed by the Government on the basis of the population 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:

Provided that where the population as drawn from Family information Data Repository is less than 140 per centum of the number of electors registered in such areas as per the last published Electoral Roll, then the population equal to 140 per centum of the number of voters in the electoral roll of the area shall be considered.

Illustration.- (i) Where the population as per Family Information Data Repository is 150 and the number of voters in a ward as per the last published electoral roll is 100, the population after 140 per centum comes to 140. In this case, the population as per Family Information Data Repository shall be considered being higher.

(ii) Where the population as per Family Information Data Repository is 125 and the number of voters in a ward as per the last published electoral



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roll is 100, the population after 140 per centum comes to 140. In this case, the population as per last published electoral roll shall be considered being higher.";

(ii) in sub-section (4), for the figure "10", the figure "20" shall be substituted and shall be deemed to have been substituted with effect from the 16th May, 2023;

(iii) in sub-section (5), for the words "Backward Classes", the words, signs and alphabet "Backward Classes 'A' " shall be substituted shall be deemed to have been substituted with effect from the 16th May, 2023;

(iv) explanation existing at the end shall be omitted and shall be deemed to have been omitted with effect from the 16th May, 2023.

20. Thus, before the amendment of 2023, the total number of seats were based on the latest Census figures. In case a certain area is included, or excluded from the limits of a Corporation, the population was to 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 refixation of seats.

21. The procedure adopted by the Government is mentioned in the counter affidavit dated Apr 03, 2026, filed by the Commissioner and Secretary to the Government of Haryana.

22. In paragraph # 2 of the counter affidavit dated Apr 03, 2026, it has been stated that, vide notification dated July 20, 2020, the boundaries of the Municipal Corporation, Panchkula, were altered. Some areas, such as the Kalka and Pinjore zones, were excluded from the Municipal Corporation of Panchkula's limits, resulting in scattered population data. After that, a spot survey was conducted in 2020 by the Municipal Corporation, Panchkula, and accordingly, the total population was 317476, of which people belonging to the Scheduled Castes numbered 70679, led to a total representation of 4.45 seats, which was rounded off and taken as 04. Thus, as of 2020, the number of seats reserved for people belonging to scheduled class communities in the Municipal Corporation, Panchkula, for the municipal election held in 2020 was 04.

23. As per paragraph #3 of the counter affidavit dated Apr 03, 2026, based on the Census of 2011, the total population of existing limit of Municipal Corporation, Panchkula was 267413, out of which the population of Schedule Castes was 41467, which comes to 15.51% of the total population and as such, 20 seats had to be distributed based on the population of the people belonging to Scheduled Castes community, which led to allocation of 3.10 seats, which was rounded off to '3' and the seats have got reduced because of the change in



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population in the change in the geographical area.

24. In paragraph #5 of the counter affidavit Apr 03, 2026, it has been mentioned that the Government of Haryana has established a Family Information Data Repository (FIDR) under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021). As per the FIDR, the residents of Haryana are taken as a family unit, and the data is dynamically updated and periodically verified. Such data has been considered for the purpose of total seats and for reservations of seats for backward classes, and further, the backward classes in the elections of Municipal corporations.

25. It shall be relevant to extract the following portion of the counter affidavit dated Apr 03, 2026, filed by the Commissioner and Security to the Government of Haryana Urban Local Bodies Department, which reads as follows: -

“It is relevant to mention here that the Government of Haryana has established Family Information Data Repository (FIDR) under the provisions of Haryana Parivar Pehchan Act, 2021 (20 of 2021) Wherein the information about residents of Haryana organized as family unit is available, which is dynamically updated and periodically verified. Therefore, data available in FIDR has been considered for the purpose of fixation of total seats and for reservation of seats for Backward Classes 'A' and further for Backward Classes 'B' in the elections of Municipal Corporations.

Accordingly, section 6 of the Haryana Municipal Corporation Act, 1994 and Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 were amended on 19th September, 2023 (Annexure P-1) and 26th May, 2023 (Annexure P-4A) respectively vide which provisions were made for considering the population drawn from the Family Information Data Repository (FIDR) established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021) on such date as may be notified by the Government. Furthermore, an explanation was also added vide Government notification dated 16.06.2023 with sub-rule (3) of Rule 3 of the Haryana Municipal Corporation Delimitation of Ward Rules, 1994 that for the purpose of fixation of seats for Scheduled Castes, the population as ascertained in the last preceding Census, of which the relevant figures have been published, shall be considered, which is as per statutory provisions. Therefore, the impugned notifications dated 26.05.2023 (Annexure P-4A) and notification dated 16.06.2023 are as per law.

Accordingly, the notification for fixation of total seats/wards including seats/wards for Scheduled Castes has been issued by the Government on 04.09.2025 (Annexure P-9) after getting it vetted from Law and Legislative Department, which is well within the Provisions of the ibid Act and Rules.

26. It implies that the data available in FIDR was considered for the purpose of fixation

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of total seats and for reservation of seats for Backward Classes 'A' and further for Backward Classes 'B' in the elections of Municipal Corporations. However, it states that for the purpose of fixation of seats for Scheduled Castes, the population as ascertained in the last preceding Census, of which the relevant figures have been published, shall be considered, which is as per statutory provisions.

27. Thus, the above counter affidavit dated Apr 03, 2026, filed on behalf of the Government of Haryana through its Commissioner and Secretary to Government, Haryana Urban Local Bodies Department states that for the purpose of reserving seats for Scheduled Castes candidates, the population of people belonging to the Scheduled Castes communities was to be counted based on the last Census, i.e. of 2011.

28. On one hand, the State is referring to FIDR for fixation of total number of seats, which remained unchanged as was in the previous Census of 2011, meanwhile when it comes to determining the population of the Scheduled Castes, and for the purpose of reduction in seats, they are referring only to the 2011 Census. It means that the total number of voters belonging to the Scheduled Castes will be on FIDR, but their reservation will be based on the 2011 Census. On its face, the entire process adopted by the government is contrary to the spirit of Article 243T of the Constitution of India.

29. Thus, to reconsider the change of geographical area in the Municipal Corporation of Panchkula, the population as per Census of 2011, in the earlier geographical area of Panchkula, that had ceased to fall in the current boundaries of the Municipal Corporation Panchkula, had to be excluded, which was not done.

30. The seats could have been re-distributed only on the basis of Census of 2011 by counting the population as per 2011 Census, as per the current geographical limits and such process might have led to decrease, increase, or no change in the seats to be reserved for the categories belonging to the Scheduled Castes communities, depending upon the population of the current geographical area of Panchkula at the time when the last Census was conducted, i.e., as per the Census of 2011.

31. The Haryana Parivar Pehchan Act 2021 (20 of 2021), could not have been considered at all for the purposes of determining the population of the people belonging to the Scheduled Castes, and it had to be done strictly following the mandate of Articles 243P(g) and 243T of the Constitution of India, and since it was not followed, the impugned notification is violative

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of the Constitution of India.

32. Resultantly, the impugned notification dated Sep 4, 2025 (Annexure P-9) and the scheduled attached thereto, vide which the seats in the Municipal Corporation, Panchkula reserved for the Schedule Castes category was reduced from previous ‘04’ to ‘03’, is not based on the preceding Census of 2011 alone and thus it violates Articles 243P(g) and 243T of the Constitution of India.

33. Given the above, the notification dated Sep 04, 2025, [Annexure P-9] to the extent and as far as it relates to the geographical limits of the Panchkula Municipal Corporation, and the schedule to the extent of Panchkula, whereby the number of seats reserved for the candidates belonging to the Scheduled Castes was reduced from ‘4’ to ‘3’, is quashed and set aside, because the reservation could have been applied only and after counting the entire population in the reconstituted Municipal Limits of Panchkula, based on the Census of 2011 and not on Family Information Data Repository [FIDR] under the Haryana Parivar Pehchan Act 2021.

34. Petition allowed to the extent mentioned above. All pending applications are disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

08 Apr 2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	YES