

Panchayat Elections in India

A Report

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New Delhi-110 002**

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by

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Foreword

The introduction of 73rd constitutional amendment made it compulsory for all the States to hold elections for *panchayats* in every five years at the village level. However, even after almost 30 years of its introduction, *panchayats* are plagued with irregular elections across states. These are not being held in stipulated time owing to various reasons e.g. political will, court cases, optimal resources to conduct elections, security, political equations, financial support, and conducive environment etc. There is a need to understand the reasons behind erratic frequency of *panchayat* elections in India. Further, it is required to examine the other components involved in conducting the election, for example, constitution, functioning and service conditions of State Election Commission (SEC); various qualification criteria for the elected representatives; preparation of electoral roll and to examine whether there is possibility of use of common electoral rolls for *panchayat* elections, assembly elections, general elections and its impact. In this context, the report presents a holistic picture of the wide variations across the States in elections to *panchayats* and rationale thereof.

Tracing the history of elections and evolution of representative governments in India, the report captures the journey of *panchayat* election over the years. It further elaborates on *panchayats* in independent India till the commencement of 73rd constitutional Amendment Act and scenario thereafter.

As the SEC, after the constitutional amendment has been entrusted with the task of conducting fair and free elections in *panchayats* at regular interval, it becomes imperative to explore the variations in the service conditions, emoluments, appointment, tenure and qualification along with the constitution of SEC. The relationship between SEC and State Government has also been discussed in detail as though the SEC is mandated to function independently, the State legislatures have retained certain powers through respective State conformity Acts which hampers the independent functioning of SEC.

The report presents a comprehensive understanding of how electoral rolls are being prepared by different SECs and traces out challenges and impediments in preparing common electoral roll. It further explores the possibility of common electoral roll and challenges therein and covers the current debate on linking *Aadhaar* with electoral roll.

The report covers the *panchayat* election in Union Territories as well and discusses about the possibility of having a common State Election Commission for all the Union Territories and challenges therein for implementing such a proposal.

The report underlines the other common factors which cause delay in conducting these elections on time. It has been observed that the some of the most common reasons for delay in *panchayat* elections are delimitation, reservation, unscrupulous litigation, indirect intervention of the State governments, pandemic and natural calamities; and how the judiciary has responded to these delays.

As the qualification criteria for contesting election to *panchayat* is determined by respective States through legislation, the report explores and compares the variation in qualification criteria across states. Apart from common qualifications for contesting *panchayat* polls the study discusses new/ additional qualification criteria also. There are mixed views on the implementation of these additional criteria which have been further explored in this report.

In the end, the report encapsulates recommendations and suggestions based on secondary and primary research which would not only rationalise the electoral process for free and fair *panchayat* elections but would also streamline the functioning of SECs.

I am thankful to the Union Ministry of Panchayati Raj for entrusting the study to IIPA and I compliment Prof V N Alok and his research team for the timely research on unexplored areas and bringing out an excellent report.

Surendra Nath Tripathi, IAS (R)
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Preface and Acknowledgements

A section on “The Panchayat” was incorporated in the Constitution as Part IX through the 73rd Constitutional Amendment Act. This was the Central Act and each State subsequently enacted the conformity acts and integrated the Central Provisions in their *panchayat* Acts. Conducting regular elections to *panchayats* is the mandatory provision under Article 243E. However, elections to the *panchayats* are delayed due to various reasons such as court cases, pandemics, delimitation, reservation, natural calamities, etc. Against this backdrop, the Ministry of Panchayati Raj entrusted this study to IIPA on November 3, 2021 with the following objectives:

- 1) to study implementation of constitution of State Election Commission, work assigned to the commission, funding of the commission and service conditions of a State Election Commissioner, as provided in Article 243K of the Constitution of India;
- 2) to study the status of and explore the possibility of use of common electoral rolls for *panchayat* elections, assembly elections, general elections and its impact;
- 3) to explore scope of the common State Election Commission to cover all UTs;
- 4) to ascertain reasons, constraints, and hurdles such as court cases, pandemics, delimitation, etc. responsible for the non-conducive environment for holding elections and causing delays in holding *panchayat* elections;
- 5) to study and compare the various qualifications criteria such as education criteria, which are mandated by the States for the elected representatives of *panchayats*.

The research team of IIPA adopted a five-stage methodology to carry out the study of this scale. The stages involved desk research, sampling frame and size, field surveys, data analysis and report submission. The study has made use of both qualitative as well as quantitative methods. The universe of the analysis includes all States / UTs covered under Part IX of the Constitution of India and therefore Chandigarh, Delhi, Ladakh, Meghalaya, Mizoram, and Nagaland have not been covered due to the absence of statutory provisions for the elections to *panchayats* in these States/ UTs.

I am grateful to Ministry of Panchayati Raj and particularly to Shri Vivek Bharadwaj, Secretary, Shri Sunil Kumar, Former Secretary and Dr Chandra Shekhar, Additional

Secretary for recognizing the need of this work officially and entrusting the task to IIPA. In the conduct of the study, Dr. Bijaya Kumar Behera, Economic Advisor and Mrs Mamta Varma, Joint Secretary, Fiscal Devolution/Policy have extended full support from the Ministry. Shri Vijay Kumar, Deputy Secretary and Shri Aditya Vikram Singh co-ordinated, as and when necessary, with various States. The report could not have been completed without the co-operation of Principal Secretaries, Secretaries and State nodal officers of the Panchayati Raj and Rural Development Department of the States. We received valuable inputs from the State Election Commissioners throughout the study. Many commissioners provided frank and fair comments during the discussions. Their comments are of immense value in making the recommendation of the study. I also extend my gratitude to all the elected representatives and officials at various *panchayats* for their valued responses in validation of data. They all made additional effort to ensure the delivery of data from different sources.

The quantitative and qualitative nature of this research, also means that a number of young researchers, have assisted in the investigations, literature survey and data analysis. I wish to express my gratitude to all of them particularly Anubhav Gupta, Gurkaran Singh, Animesh Pareek, Madhulika Jatoliya, Pushkar Pandey, Ashutosh Kumar and Sanjana Narang who helped in the analysis of the data, literature survey and field survey. Seema Girdhar and Mahesh Bisht provided support through their skills in word processing and designing. Other units of the Institute including the library, computer center, accounts section, publication and administration headed by Registrar Amitabh Ranjan provided critical inputs at various stages of the study. I'm thankful to all of them. None of them is however responsible for the remaining errors.

Finally, sincere thanks are due to Shri Surendra Nath Tripathi, Director General, IIPA for his encouragement and guidance. He has also written the foreword for this report.

V N Alok
Professor and Project Coordinator

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List of Abbreviations

ADC	Autonomous District Council
ARC	Administrative Reform Commission
BLO	Booth Level Officer
CAA	Constitutional Amendment Act
CD-ROM	Compact Disk-Read Only Memory
CEC	Chief Election Commissioner
CEO	Chief Electoral Officer
CER	Common Electoral Roll
CrPC	Criminal Procedure Code
DEO	District Electoral Officer
ECI	Election Commission of India
EO	Election Officer
ERO	Electoral Registration Officer
EPIC	Electoral Photo Identity Cards
EVM	Electronic Voting Machine
FGD	Focused Group Discussion
IIPA	Indian Institute of Public Administration
NE	North East
NER	North Eastern Region
OBC	Other Backward Caste
RO	Returning Officer
RGPSA	Rajiv Gandhi Panchayat Sashaktikaran Abhiyaan
SDC	State Delimitation Commission

SEC	State Election Commission
SC	Scheduled Caste
SLP	Special Leave Petition
ST	Schedule Tribe
TOR	Terms of Reference
UT	Union Territory
VC	Village Council

Glossary

1. **Booth Level Officer** – Booth Level Officer is a local Government/Semi-Government official, familiar with the local electors and generally a voter in the same polling area, who assists in updating the roll using his local knowledge. He, under the overall supervision of Electoral Registration Officer, is responsible for field verification, collection of information/data regarding electors and preparation of roll of a part of electoral roll in respect of the polling area, assigned to him.
2. **Chief Electoral Officer** – Chief Electoral Officer is an officer of the State government, who supervises the work relating to preparation of electoral roll and conduct of all elections to Parliament and the Legislature of the State, subject to the overall superintendence, direction and control of the Election Commission of India.
3. **Constituency** – Constituency is a spatial unit allocated to the voting population acting as a building block of the system of representative democracy. As amended from time to time, the delimitation order defines the territorial extent (fixed geographical boundaries) of each *panchayat* constituency, Assembly constituency and the Parliamentary constituency.
4. **Democracy** – The word democracy comes from Greek words “demos”, meaning people, and “kratos” meaning power, so democracy can be interpreted as “power of the people”. Abraham Lincoln defines democracy as a form of government that is “of the people, by the people, for the people”.
5. **Direct Democracy** – It is a form of democracy wherein citizens are continuously involved to exercise their power by directly participating in all decision-making processes.
6. **District Election Officer** – The State Election Commission designates the head of district administration, variously known as Collector, Deputy Commissioner or District Magistrate, as District Election Officer of the district concerned. Subject to the superintendence, direction and control of Chief Electoral Officer, District Election Officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls. District

Election Officer is responsible for providing polling stations and the publication of the list of polling stations and for providing polling staff at elections.

7. **Electoral Registration Officer** – ERO is an officer of the concerned State government, nominated/designated for the purpose of preparation and revision of electoral rolls of a constituency. ERO is the statutory authority to prepare the electoral roll of the Constituency under his charge.
8. **Electoral Roll** – Ordinarily known as ‘voter list’, electoral roll is a list of persons registered as electors residing in a constituency. For proper management, electoral roll of a constituency is divided into several parts which contain details of electors of the corresponding polling areas.
9. **EPIC** – Electors Photo Identity Card (EPIC) is issued by Electoral Registration Officer to all electors registered in the electoral roll of the Assembly Constituency under him, for establishing the identity of the concerned elector at the time of poll.
10. **Modification** – Modification is the process of making corrections of the particulars/ existing entries in respect of an elector in electoral roll, based on Form 8 of ECI submitted by the concerned elector.
11. **Objection** – One can object to a proposed addition of a person’s name or against an existing entry in the electoral roll. An objection can be made in Form 7 of ECI.
12. **Polling Area** –A polling area is a well-defined and identifiable area demarcated with certain physical landmarks such as street, road, river, hills etc. All the electors residing in that particular polling area are enrolled in a separate part of electoral roll and vote at the polling station created for that polling area. Every constituency is divided among several polling areas.
13. **Polling Party / Polling Personnel** – During the poll, a polling station is manned by a team of four to five Government officials for conduct of polling at that particular polling station as per the programme announced by the Election Commission. Each polling party is headed by a Presiding Officer. The appointment of Presiding Officer and Polling Officials are made by the District Election Officer.

14. **Polling Station** – Polling station is the room/hall fixed for holding poll where the electors of the concerned polling area cast their votes on the day of poll. It is also referred to as ‘polling booth’.
15. **Polling Station Location/Polling Centre** – Polling station location/polling centre is the building/premises in which one or more than one polling station is housed.
16. **Proxy** – A service elector belonging to armed forces and para-military forces, may appoint any person as his proxy to give vote on his behalf and in his name. The proxy shall be an adult person ordinarily resident of that constituency. He need not be a registered voter but he must not be disqualified to be registered as a voter.
17. **Representative Democracy** – It is a form of democracy wherein representatives are elected by the citizens and entrusted to carry out business of governance on their behalf.
18. **Returning Officer** – The State Election Commission designates/nominates an officer of the State Government concerned, as Returning Officer for a constituency for election to Panchayats.
19. **Service Voters** – A service voter is a person having service qualification defined in the Representation of the People Act, 1950. Mainly speaking, Members of three wings of Defence, Central Para Military Forces, and personnel belonging to State Armed Police Force posted outside the State and persons employed under Government of India posts abroad are eligible to be registered as service voters. The person having service qualification can get enrolled as service voters at their native places even though they actually may be residing at a different place of posting.

Executive Summary

- Elections have been an integral part of India since time immemorial. It has been practiced in different forms and arrangements at different times and regions. In the Indian context, an election can be understood as the system through which people vote to elect their representatives on a regular basis. Elections form the core of democracy¹ and regular elections at various intervals form the basis of a vibrant democracy. In India, elections can be generally categorized in two kinds, general elections and by – elections. In case of general elections, elections are held simultaneously in all constituencies on the same day or within a few days in a phased manner. Whereas, in case of bye-elections, a single constituency election may be called to fill a vacancy caused by a member’s death or resignation. The current system of election in India was different from what was being practiced in the past. They have evolved with time, with the change in the polity and region in different eras.

In ancient times, there were small independent republics as mentioned in various accounts of Magasthene, Baroda plate of Karkaraja, Radhanpur plates of Govind II, Camplates of Govind IV and Kavi (Broach district) plates of Kridhna III, etc. Historic pieces of evidence show that these republics flourished in northern as well as southern parts of India and in some of these republics every adult male member had the right to vote and to be present in the general assembly which decided all public affairs. These republics are comparable to Athenian democracy² wherein important public decisions were taken through mass meetings following the system of direct democracy³ which is also referred to as participatory democracy⁴.

Over the years, with the increase in population and the growing complexities of social structure, it became increasingly difficult for all citizens to assemble in one place for the purpose of deliberations on State affairs and gradually this resulted in the evolution of some kind of representative government⁵. Thus these republics moved towards electing

¹ The term Democracy means ‘rule by the demos’, where demos stands for ‘the many’ or ‘the people’ and cracy for ‘power’ or ‘rule’.

² Athenian democracy refers to the system of democratic government used in Athens, Greece from the 5th to 4th century BCE. Under this system, all male citizens - the *dēmos* - had equal political rights, freedom of speech, and the opportunity to participate directly in the political arena.

³ Direct democracy is defined as direct participation of citizens in democratic decision making.

⁴ Participatory democracy happens when individual citizens of a democracy participate in the formation of policies and laws through consistent engagement.

⁵ Representative democracy is a form of government in which the people elect their representatives to create laws and policy on their behalf.

members on their behalf to take important decisions.

Elections, on the basis of electoral rolls consisting of names and details of local people, were introduced in India for the first time under the Indian Councils Act, 1909 (Morley Minto Reforms). The elective element for Indians in Legislature was further continued in 1919 Act and 1935 Act, however, in these Acts the eligibility for enrolment as electors was restricted to a miniscule section of Indians having certain high qualifications, like ownership of property, payment of income tax, holding of land, educational qualification, Government Service, etc. After the independence of the country in 1947, the Constituent Assembly, for fulfilling the aspirations and expectations of the people of India decided that election to the House of the People and State Legislative Assemblies under the Constitution of India should be on the basis of the universal adult franchise while upholding the notion of 'one person, one vote, one value'. Subsequently, it was explicitly provided under Article 326 of the Indian Constitution.

However, elections to the third-tier of the Indian federal system *i.e. panchayats and municipalities* did not find a place in the Indian Constitution. Nonetheless, M. K. Gandhi promoted his idea of village *Swaraj* but it could not find enough supporters in the Constituent Assembly. Thus, the rural local government in India which is referred to as *panchayats* were added in the non-justiciable part of the constitution, under Directive Principles of State Policy. Though *panchayat's* history is as old as India's history, post-independence it was incorporated under Article 40 which provided that *the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government*. Hence, it was said that the fate of *panchayats* was left in the hands of the States.

- Over time, *panchayats* faced a number of challenges including the absence of regular elections, prolonged suppressions, insufficient representation of weaker sections like scheduled castes, scheduled tribes, and women, inadequate devolution of powers, and lack of financial resources. Therefore, in order to revive the moribund *panchayats*, the 73rd Constitutional Amendment Act was passed in 1992, ratified by more than 50% of the States, and came into effect on 24 April 1993 (celebrated as National *Panchayati Raj* Day). It added Part IX, 'The *Panchayats*' to the Constitution which contained provisions from Articles 243 to 243O.
- Thereafter, the 73rd Constitutional Amendment, brought the State governments under

constitutional obligation to adopt the new system and create new institutions in accordance with the provisions of the 73rd Constitutional Amendment. Inter alia, it provides for three-tier *panchayats* (at the village, intermediate, and district level)⁶, direct elections to the members of *panchayats* at each level⁷, reservation of seats for SCs, STs and women⁸. The amendment also led to the creation of an independent constitutional body, State Election Commission (SEC) to superintend, direct and control the preparation of the electoral rolls for, and the conduct of all elections to the *panchayats* shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor⁹, etc.

- Though the State Legislatures have passed the conformity acts to the 73rd Constitutional Amendment, it is yet to be implemented in its letter and spirit. It is observed that the independence of SECs is often jeopardized by the State governments due to which regular and timely elections to *Panchayats* are not held. In view of such predicaments, the terms of reference (TOR) of this report of the Indian Institute of Public Administration (IIPA) pertaining to *Panchayat* Elections assume special significance since they cover key areas, such as:
 1. to study implementation of constitution of State Election Commission, work assigned to the commission, funding of the commission and service conditions of a State Election Commissioner, as provided in Article 243K of the Constitution of India;
 2. to study the status of and explore the possibility of use of common electoral rolls for *panchayat* elections, assembly elections, general elections and its impact;
 3. to explore scope of the common State Election Commission to cover all UTs;
 4. to ascertain reasons, constraints, and hurdles such as court cases, pandemics, delimitation, etc. responsible for the non-conducive environment for holding elections and causing delays in holding *panchayat* elections;
 5. to study and compare the various qualifications criteria such as education criteria, which are mandated by the States for the elected representatives of *panchayats*.

⁶ See Article 243B of the Indian Constitution

⁷ See Article 243C of the Indian Constitution

⁸ See Article 243D of the Indian Constitution

⁹ See Article 243K of the Indian Constitution

- The study team of IIPA adopted a five-stage methodology to carry out the study. The stages involved desk research, sampling frame and size, field surveys, data analysis, and report submission. The study was conducted in a positivist frame. The study used mixed methodology while using qualitative as well as quantitative methods.
- Desk Research included review of academic papers, books, journals, newspaper articles, websites, official documents, State Election Commission (SEC) Reports, Law Commission Reports, Joint Parliamentary Committee Reports, and debates. It also included the study of Constitutional provisions, judgments of High Court and Supreme Court, *Panchayat* Raj Act, conformity State Acts, rules and procedures etc. Apart from secondary data, primary data was also collected. In-depth interviews were held with the officials of SEC to understand the nuances of its functioning and the reasons for the delay in election. Focus group discussions were held with the elected representatives to understand the role of different institutions during the elections and the impact of various qualification criteria. Field survey was carried out through structured and semi-structured questionnaires consisting of open-ended questions for the comments and suggestions from stakeholders.
- As per the TOR, the universe of the study includes all States / UTs covered under Part IX of the Constitution of India. The study covered 30 States / UTs. Chandigarh, Delhi, Ladakh, Meghalaya, Mizoram, and Nagaland have not been covered under this study due to the absence of statutory provisions for the elections to *panchayats* in these States/ UTs. Furthermore, given the nature of the study and location of the State Election Commission, the capital district of each State was purposively selected and a total of 137 *panchayats* (covering the village, intermediate and district *panchayats*) and 780 respondents were covered. These respondents include State Election Commissioners, officials of SECs, State officials of the Department of *Panchayat* Raj/ Rural Development, elected representatives, and *panchayat* officials.
- The study team found that there is plethora of literature available on decentralization through *panchayats*, decentralized democracy, and how India votes in elections considering the factors like caste, gender, religion, community affiliations, money power, muscle power and affinity to leaders. However, there is minuscule literature on how India conducts its *panchayat* elections. The limited existing literature on elections focuses on Parliamentary and Assembly elections. Therefore, elections to *panchayats* is a less

researched area. One of the reasons could be the wide variations across the States. Thus, this report attempts to capture these variations at the pan-India level.

- The study team of IIPA notes that the removal process of the State Election Commissioner is followed in all States/ UTs as provided under Article 243K clause (2) *i.e.* s/he can only be removed in like manner and on the like grounds as a Judge of a High Court. However, the appointment and service conditions including tenure, age limit, salary and emoluments vary as per the law made by State Legislature.

Table 1: Tenure of State Election Commissioner in States/ UTs

SI. No.	Tenure (in years)	State/UTs
1.	Two	Tamil Nadu, Tripura
2.	Three	Jharkhand
3.	Five	Andhra Pradesh, Bihar, Gujarat, Haryana, Karnataka, Kerala, Maharashtra, Odisha, Punjab, Rajasthan, Telangana, Arunachal Pradesh, Assam, Himachal Pradesh, Mizoram, Sikkim, Uttarakhand, Jammu and Kashmir, NCT of Delhi, Puducherry.
4.	Six	Chhattisgarh, Goa, Madhya Pradesh, Uttar Pradesh, West Bengal, Andaman and Nicobar, Dadra & Nagar Haveli and Daman & Diu, Lakshadweep

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022 and State *Panchayat* Acts

Note: Tenure of the Chief Election Commissioner is six years.

- The study team of IIPA observes that some States/ UTs violate the constitutional mandate of holding regular elections. Article 243E mandates that election process of *panchayats* shall be completed within five years from the date on which it was appointed but State Governments often delay *panchayat* elections for ulterior motives. They do so, as they have retained certain powers relating to the conduct of elections like issuance of election notification, delimitation of constituencies, earmarking of reserved seats, etc, under the State Acts/ Rules. Moreover, the common reasons cited for delay in elections to *panchayats* are delimitation, reservations, unscrupulous litigation, the indirect intervention of State governments, pandemics, and floods. At present, elections had been delayed in the State of Andhra Pradesh, Bihar, Haryana, Jharkhand, Karnataka, Madhya Pradesh, and Puducherry. In addition to this, the State Election Commission (SEC) has to depend upon the State Government for logistic support like staff and finances.

Table 2: Delay in Elections to Panchayats in States and UT

Sl. No.	States/UTs	Elections not held (month, year)	Reason for the Delay
	(1)	(2)	(3)
1.	Andhra Pradesh	GP: Feb, 2026 BP: April 2019 DP : April 2019	Pandemic
2.	Bihar	March-April 2021	Flood and Pandemic
3.	Haryana	January 2021	Delimitation
4.	Jharkhand	December 2020	Reservation
5.	Karnataka	GP: Dec,2025 BP: February 2021 DP: February 2021	Delimitation
6.	Madhya Pradesh	February 2020	Delimitation and Reservation
7.	Puducherry	July 2011	Reservation

Source: Author's compilation, from filled-in questionnaires received from States/UTs by the IIPA, 2022 and Ministry of Panchayati Raj, GoI

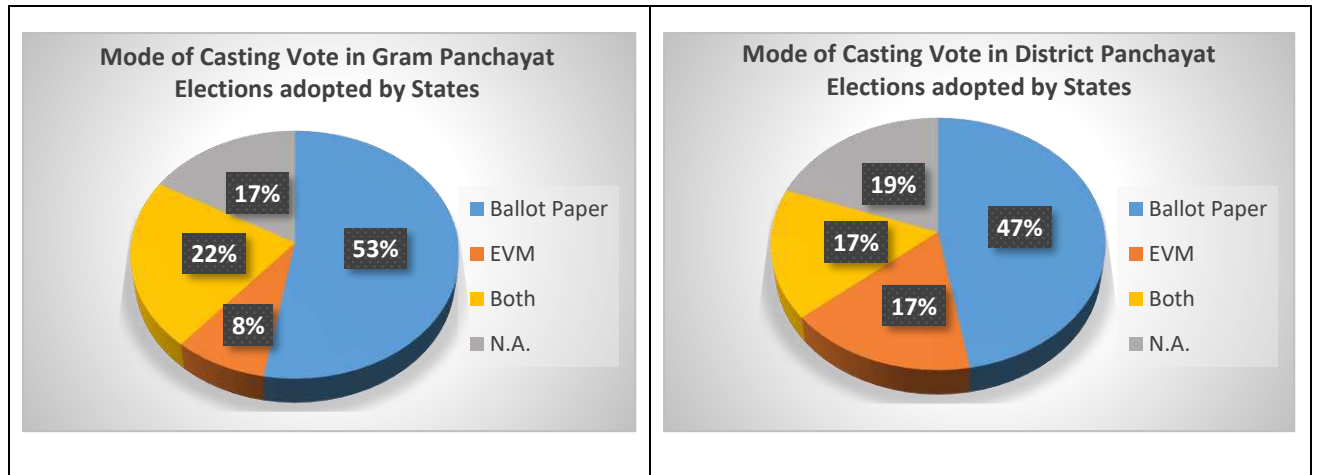
Notes: 1. GP- Gram *Panchayat*, BP- Block *Panchayat*, DP- District *Panchayat*

2. *Panchayat* election in the State of Bihar and Madhya Pradesh are underway during the writing of this report.

- The funding to SECs to perform their functions independently is one of the grey areas. States responded positively when asked about the adequacy of funds to carry out the elections, however, they have raised their concerns regarding the insufficiency of funds to procure EVMs, hire a lawyer for court cases, and take other initiatives. Therefore, it is recommended that the expenditure by SECs should be 'charged' on the consolidated fund of States and not 'voted' by the State legislatures, as it would provide more autonomy to SECs for fulfilling their constitutional mandate.
- It was found that 53 percent of the States conduct *gram panchayat* elections by adopting the ballot paper as a mode of casting vote. Only three States/UTs (Kerala, Sikkim, and Dadra & Nagar Haveli and Daman & Diu) conduct *gram panchayat* elections through EVMs in all constituencies of the *gram panchayat*. However, other States are in a transitional phase wherein 22 percent of the States have adopted EVMs in some of the constituencies while in the rest of the constituencies, ballot papers are still followed. They have been categorized as 'Both' in the figure given below. However, in the higher levels

of *panchayat* elections, *i.e.*, intermediate and district *panchayats*, the share of EVMs used by States increases. For instance, in district/*zilla panchayat* elections, 17 percent of States use EVMs in all the constituencies.

Fig 1: Mode of Casting Vote in Elections of *Panchayats* under States/UTs



Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022

Note: In parliamentary and assembly elections votes are casted through EVMs in all constituencies.

- The electoral roll is the bedrock of every election at each level (national, state, and local). ECI prepares and revises it for the general elections and State assembly elections whereas SECs do it for elections to the local governments. The method and process for preparing the electoral roll for the elections to *panchayats* vary across the States. Some States adopt the assembly electoral roll prepared by ECI in toto and divide it ward wise, some States take assembly rolls as the starting point or draft document and revise it according to the local requirements (majority of States prefer this arrangement) while other States (Jammu and Kashmir, Kerala, Sikkim, Uttar Pradesh, and Uttarakhand) prepare their separate electoral roll, afresh. However, the eligibility criteria for the registration as voter are identical in both cases. Therefore, the duplicacy of work creates confusion, adds complexity, wastes public money, time and effort. Hence, it is suggested that a common electoral roll could be adopted. It must also cater to the requirements of SECs concerns such as registration of voter at ward level, dynamic reorganization, and delimitation of villages, etc. Further, all States/ UTs admitted that *Aadhaar* linking with electoral roll would address the issue of bogus voting to a great extent.

Table 3: Practice to Prepare Electoral Roll by SEC for Panchayat Elections in States / UTs

Sl. No.	States	Follow ECI in toto	ECI as a base for revision	Fresh preparation by SEC
	(1)	(2)	(3)	(4)
General Category States				
1.	Andhra Pradesh		√	
2.	Bihar		√	
3.	Chhattisgarh	√		
4.	Goa		√	
5.	Gujarat		√	
6.	Haryana	√		
7.	Jharkhand	√		
8.	Karnataka		√	
9.	Kerala			√
10.	Madhya Pradesh	√		
11.	Maharashtra	√		
12.	Odisha		√	
13.	Punjab	√		
14.	Rajasthan		√	
15.	Tamil Nadu		√	
16.	Telangana	√		
17.	Uttar Pradesh			√
18.	West Bengal	√		
North Eastern and Hilly States				
19.	Arunachal Pradesh	√		
20.	Assam		√	
21.	Himachal Pradesh		√	
22.	Manipur	√		
23.	Meghalaya*	n.a.		
24.	Mizoram*	n.a.		
25.	Nagaland*	n.a.		
26.	Sikkim			√
27.	Tripura		√	
28.	Uttarakhand			√
Union Territories				
29.	Andaman and Nicobar Islands		√	
30.	Chandigarh	n.a.		
31.	Dadra & Nagar Haveli and Daman & Diu		√	
32.	Jammu & Kashmir			√
33.	Ladakh	n.a.		
34.	Lakshadweep		√	
35.	NCT of Delhi**	n.a.		
36.	Puducherry	√		

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022 and State Acts.

Notes: 1. (√) shows the type of electoral roll adopted by the SECs of different States for the purpose of *panchayat* elections

2. n.a.: data not available

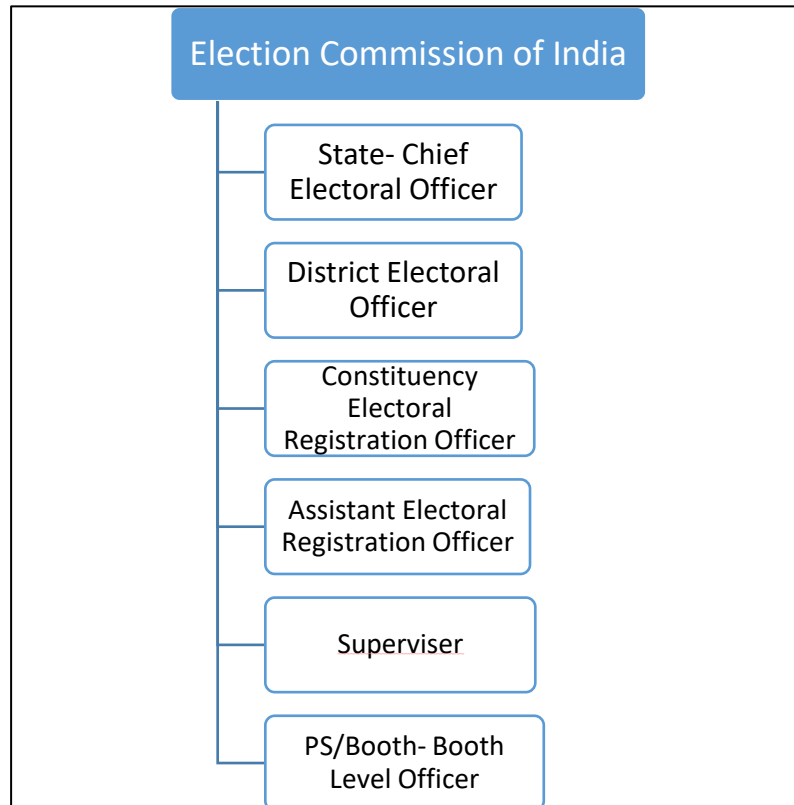
3. *The State is outside the purview of Part IX of the Constitution under Article 243 M.

4. ** *Panchayat* has yet to be revived

5. Electoral roll prepared by ECI is used as a common electoral roll for conducting parliamentary and assembly elections.

As it is evident from the table above that more than 80% of the States use electoral roll prepared by ECI, directly or indirectly. The figure given below shows the administrative hierarchy used by the ECI to prepare and revise the electoral roll.

Fig. 2: Administrative Hierarchy for Revision of Electoral Roll by ECI for General Elections



Source: Author

- While exploring a possibility of common SEC for all UTs, the study team notice that there is a common SEC for UTs (without the legislature except Chandigarh) *i.e.*, there is a common SEC for UT of Andaman and Nicobar Island, Dadra and Nagar Haveli and Daman and Diu, and Lakshadweep. Whereas UTs with legislatures such as Jammu and Kashmir, Delhi, and Puducherry have their separate independent SECs. There is a common SEC for the UT of Delhi and Chandigarh and UT of Ladakh has autonomous hill development councils which is outside the scope of SEC. Given the geographical barriers, population variation, local peculiarities, legal provision, funding pattern and administrative challenges, it is still not viable in recent times to have a common SEC for all UTs. However as discussed with the officials of common SEC for UTs, the integration of Regulation documents for the elections to Andaman and Nicobar Island, Dadra and Nagar Haveli and Daman and Diu, and Lakshadweep would be the prerequisite in this direction.

- In the democratic exercise of electing representatives at the grass root level, *gram sabha*, constituted by all voters of a particular area, elects their representatives. The *Panchayati Raj* Act of 1993 gives power to State legislatures to determine the qualifications/ disqualification of these representatives. Most State *Panchayati Raj* Acts have set similar disqualification criteria for contesting *panchayat* election, *i.e.* not a citizen of India, not being mentally stable, not being bankrupt, not attained the age of 21 years, etc. However, in recent times, some new experiments have been seen as some States are adding additional disqualification criteria for candidates including educational criteria, two child policy, having toilets, payment of electricity arrears etc. There are mixed views on the implementation of these additional criteria which have been explored further in the report.

Table 4: Special Criteria by States as Disqualification for Candidature of *Panchayat* Elections

SI. No.	Additional Disqualification Criteria	States/UTs
1.	Education Qualification	Haryana, Uttarakhand
2.	Toilet Facility	Gujarat, Haryana, Uttarakhand, Dadra & Nagar Haveli and Daman & Diu
3.	Two Child Policy	Andhra Pradesh, Gujarat, Maharashtra, Odisha, Rajasthan, Telangana, Assam, Uttarakhand, Dadra & Nagar Haveli and Daman & Diu.
4.	Bigamy / Polygamy	Odisha
5.	Able to read and write local language	Odisha

Source: Author

Note: There is no special disqualification criteria for candidates contesting parliamentary and assembly elections

- In view of these predicaments, the following key recommendations are proposed to streamline *panchayat* elections across states:
 - The funds to SECs should be ‘charged’ on the Consolidated Fund of States for the unhindered functioning of SECs.
 - The status, emoluments, and terms of service conditions for State Election Commissioners should be on par with those of High Court Judges. Further, to ensure the conduct of at least one general election during their tenure, it is proposed that the State Election Commissioner serves for a minimum period of

five years. Furthermore, it is recommended that the Commissioner holds a rank equivalent to that of a Principal Secretary, Additional Chief Secretary, or Chief Secretary, and their appointment should be carried out through a collegium system rather than solely by the state government. To ensure uniformity and consistency, it is advisable for all states to adopt such a system, thereby establishing a standardized process.

- The election related matters such as delimitation of ward constituencies, fixing election dates and reservation of seats for weaker sections shall be vested with the State Election Commissions for timely elections. As a short-term measure, a set time frame should be provided in which State governments have to finalize the election dates, delimitation and reservation, so that SEC can conduct the elections on time.
- A common electoral roll shall be prepared for Parliamentary, Assembly and *Panchayat* elections, using the building block approach with the ‘ward’ constituency of the gram panchayat as the fundamental unit. As a short-term measure, states can adopt the electoral roll prepared by ECI and modify it according to the panchayat constituencies. This will reduce public expenditure, time, and efforts involved.
- The harmonization of election rules and regulations of all UTs would be the prerequisite for the formation of common SEC for all UTs.
- Apart from the areas and aspects that have been covered under the study, there are areas that require further research to rationalise the *panchayat* elections. Though, Article 243K provides *the superintendence, direction and control of the preparation of electoral rolls for, and conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor*, however, during the field study, it was observed that SEC have very limited or no role in conducting the indirect elections to Chairperson of a *panchayat* at the intermediate level or district level as provided under Article 243C (5). Hence, it is an area to explore further and understand the reasons and implications of such practice.
- Further, this study is limited to Part IX of the Constitution of India. There must be a study to understand the election process in ADCs (Autonomous District Councils), PESA areas

and areas that are excluded from Part IX as mentioned in Article 243 M. It will give a holistic picture of local governments and how they are constituted. It would also be crucial to testify to the principles of representative and direct democracy. Also, this will help to understand the various lacunae and silver linings to extend the provisions of Part IX to these areas.

- A special focus should be given to political parties and their role in *panchayat* elections. As most of the assembly elections are contested on party lines, *panchayats* are the breeding ground to mobilize the rural voters. Given the common eligibility criteria of voters, the voter remains the same for all levels of elections, thus it is pertinent to note that *panchayat* elections may be treated as the foundation for political parties. Further, the study team has observed that the participation of political parties in *panchayat* elections at different levels (district, intermediate and village) varies across the States. Therefore, an in-depth analysis is required to know the dynamics of political parties in *panchayat* elections.
- Further, the availability of ward-wise data of elected representatives of *panchayats* from all the States would help in knowing the vacant seats in *panchayats* on real time basis. In many States, administrators appointed by State government function for a long period of time in case of vacant seats or if elections are due, thus adversely affecting the democratic principles of the country. Moreover, the availability of ward-wise population data or the size of the electorate will help in testing the notion of ‘one person, one vote, one value’.
- The recent development of linking the *Aadhaar* with the electoral roll, steps towards a common electoral roll, and other consistent efforts to streamline the electoral process have augmented the possibility of a One Nation One Election. It has been debated several times that simultaneous elections should be conducted to minimize election-related expenditure and fatigue of election officers and it would allow the government to base decisions less on political considerations and more on sound policy analysis. Further the law commission released the draft report on simultaneous elections in August 2018 and sought responses from political parties. Recently, the 22nd law commission has formulated the set of six questions for the national political parties, bureaucrats, academicians, experts etc. on the feasibility of conducting simultaneous elections in the country. Therefore, in order to explore the possibility of a ‘One Nation, One election’ further research is required to study the challenges and implications therein.

Chapter 1: Introduction

1.1 Evolution of *Panchayat* Elections

The rural local government in India is called the *panchayat*, which literally means an assembly of five persons. These five elderly, nominated persons, over the course of time, were vested with sacred authority and with judicial and executive powers. These village communities were the centers of administration and the custodians of social harmony¹⁰. Sir Charles Metcalfe, provisional governor general of India from 1835 to 1836, described them as follows:

“The village communities are little republics, having nearly everything they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution; . . . but the village community remains the same¹¹”.

Therefore, Mookerji called these local governments as the *“the shell of the tortoise”* in as much as they stood the test of time¹². The village has always remained the most important unit of India’s social and economic life. It has naturally constituted the primary territorial unit of administration ever since very ancient times.

A beautiful description of *panchayats* in the ancient times was given by S.K. Dey (the first Union Cabinet Minister of Co-operation and *Panchayati Raj*), who described *panchayats* based on characteristics of *Ram Raj* such as truth and justice in the following poetic words, *“Rama was the ruler servant of Ayodhya. Every village had a similar counterpart ruler-servant. Mukhiya or Sarpanch he was called. The Sarpanch had the counsellors in the Panch. The Panch used to be elected in an open meeting of the village by consensus. There was near unanimity. The needs of life were within easy and free access of all. Property had little or no meaning. Nay, property was a liability. There was no room for electioneering. The good man got chosen as the elder statesman. The Panch constituted the Parameshwar. The king, Sarpanch or the Mukhiya obeyed the dictates of the people. They were prepared to make the highest of sacrifices if the community so demanded. The king and his counterpart in the village had no personal politics. Personal politics comes when the demand is more than the*

¹⁰ Alok, V.N. 2006. “Local Government Organization and Finance: Rural India” in *Local Government in Developing Countries*, edited by Anwar Shah, The world bank.

¹¹ Mookerji, Radhakumud. 1958. *Local Government in Ancient India*. Delhi: Moti Lal Banwari Dass. p.2.

¹² Ibid

*supplies available and a few wish to have “something for nothing”. Conditions prevailing during the Ram Raj did not call for these perversions. The Sarpanch necessarily grew to be the ruler-servant. He had to be persuaded to take the crown of thorns and the burden of honor that went with it. No competition. No rivalry”*¹³.

Further, tracing the history of elections and evolution of representative governments in India, various references to republican form of governments¹⁴ are given in the Buddhist literature. Even in the 4th century B.C., there was a republican federation known as the *Kshudrak-Malla Sangha*, which offered strong resistance to Alexander. The Greeks have left descriptions of many other republican States in India, some of which were described by them as pure democracies while others said to be “aristocratic republics”¹⁵.

Although full details of the working of the republican form of government in ancient India are not available, it is known that in some of these republics every adult male member had the right to vote and to be present in the general assembly which decided all public affairs¹⁶. While in the aristocratic republics¹⁷, the basis appears to have been a family, in other states all adult male persons, who were not otherwise disqualified, appear to have had the right to vote by naturalisation¹⁸, even foreigners could become citizens, and acquire the right of vote¹⁹.

A vote was known as “*chhanda*” which literally means a “wish”. This expressive term was used to convey the idea that by voting a member was expressing his free will and choice. We also find description of the methods of collection of votes of citizens who could not be present at the meeting of the assembly. For purpose of voting in the assembly, there used to be multi-coloured voting tickets, called “*shalakas*” (pins). These were distributed to members when a division was called and were collected by a special officer of the assembly, known as “*shalaka grahak*” (collector of pins). This officer was appointed by the assembly. It was his duty to take the vote which could be either secret or open²⁰.

¹³ Dey, S.K. 1962. *Panchayat-i- Raj: A Synthesis*. New York: Asia Publishing House, pp.4-5.

¹⁴ Republican form of government in which power is held by the people or the representative that they elect.

¹⁵ Election Commission of India. 1955. *Report on the First General Elections in India: 1951-52*, volume-1. New Delhi.

¹⁶ Ibid

¹⁷ As conceived by the Greek philosopher Aristotle (384–322 BCE), aristocracy means the rule of the few—the morally and intellectually superior—governing in the interest of all.

¹⁸ It is a process by which citizenship can be acquired, if a person has been a resident in that territory for prescribed number of years.

¹⁹ Devi V.S. Rama and S.K. Mendiratta. 2019. *How India Votes: History of Elections in Ancient India*.

²⁰ Ibid

Consecutively, the Greek ambassador Magasthene, who visited the court of Chandragupta in 303 B.C, stayed in the country for a long period and compiled a very elaborate account of Indian life and community. In this account, the village system is well described, and village communities are mentioned as but rural units and little independent republics, aptly said to be self-contained and self-governed²¹.

Even in the southern part of the Indian peninsula, in olden days every village was a Republic. The village *panchayat* or village council function as the village government²². There are numerous references to such councils such as Baroda plate of Karkaraja, Radhanpur plates of Govind II, Camplates of Govind IV and Kavi (Broach district) plates of Kridhna III, who testify to the existence of the council in Gujarat²³. Similar references in Wani (Nasik District) and Talode (Khandesh district) plates show that council existed in the Maharashtra of the eighth, ninth and tenth century. The Rashtrakuta plates in Karnataka attest to the existence of a village assembly in that province²⁴. It is thus clear that in northern as well as in southern India, the little village republics flourished. Hence, citizen participation in public affairs to govern themselves is not new to the Indian polity.

The concept of village councils is inclined towards Athenian democracy wherein important public decisions were taken through mass meetings and each citizen was qualified to hold public office if selected to do so. Referendum²⁵, plebiscite²⁶, and popular vote on specific issues were also used as instruments to exercise democratic rights. Athenian democracy was therefore a system of 'direct democracy' or what is sometimes referred to as 'participatory democracy'²⁷.

However, with the increase of population and the growing complexities of social structure, it became increasingly difficult for all citizens to assemble at one place for the purpose of

²¹ Macrindle, J.W. 1882. *Ancient India*. Calcutta: Thacker, Spink and Co. p.21

²² Matthai, John. 1915. *Village Government in British India*. London: T. Fisher Unwin Ltd. p.1.

²³ Altekar, A.S. 1927. *Village Communities in Western India*. Madras: Oxford University Press. p.23

²⁴ Samanth (Dr.), *Village Panchayats*, p.12

²⁵ A referendum (PL: referendums or referenda) is a direct vote by the electorate on a proposal, law, or political issue.

²⁶ A vote by which the people of an entire country or district express an opinion for or against a proposal especially on a choice of government or ruler.

²⁷ The term democracy and the classical conception of democratic rule are firmly rooted in Ancient Greece. Like other words that end in 'cracy' – such as autocracy, aristocracy and bureaucracy – democracy is derived from the ancient Greek word *kratos*, meaning 'power' or 'rule'. Democracy therefore means 'rule by the demos', *demos* standing for 'the many' or 'the people'. In contrast to its modern usage, democracy was originally a negative or pejorative term, denoting not so much rule by all, as rule by the propertyless and uneducated masses. Democracy was therefore thought to be the enemy of liberty and wisdom. While writers such as Aristotle (see p. 69) were prepared to recognize the virtues of popular participation, they nevertheless feared that unrestrained democracy would degenerate into a form of 'mob rule'.

deliberations on state affairs and gradually this resulted in the evolution of some kind of representative government. We find numerous references to elections, referendum, voting, ballot papers, etc. in the history of the Hindu Polity²⁸.

There are evidences from the earliest Vedic age which shows that the village administration was carried on under the village headman who was called *Gramini*. He used to be the leader of the village. Nevertheless, he was a nominee of the king. The *Gramini* Post may have been sometimes hereditary and sometime nominated or elective, there is no decisive evidence available²⁹.

Furthermore, ancient historians have recorded graphic details of the people choosing their ownheads, *ganapaties*, of the great *Vaishali ganarajya*, thousands of years back, to lead them in times of peace and war. They were assisted by other wise men and nobles in their decision making, like the present council of ministers³⁰.

Similarly, in the modern nation-states, with the increase in population it became difficult to conduct meetings and hold direct communication. Also, the most fundamental objection to direct democracy is, however, that ordinary people lack the time, maturity, and specialist knowledge to rule wisely on their own behalf. Thus, against this backdrop, representative democracies became popular around the globe wherein government is left in the hands of professional politicians who are invested with the responsibility for making decisions on behalf of the people.

Representative democracy is, at best, a limited and indirect form of democracy. It is limited in the sense that popular participation is both infrequent and brief, being reduced to the act of voting every few years, depending on the length of the political term. It is indirect in the sense that the public is kept at arm's length from government: the public participates only through the choice of who should govern it, and never, or only rarely, exercises power itself. Representative democracy may nevertheless qualify as a form of democracy on the grounds that, however limited and ritualized it may appear, the act of voting remains a vital source of popular power. Although representative democracy may not fully realize the classical goal of

²⁸ Supra note 19.

²⁹ Macdonel (prof.), Vedic Index I, p.247

³⁰ Jayaswal, K.P. 1955. *Hindu Polity: A Constitutional History of India in Hindu Times* (Third Edition). Bangalore: The Bangalore Printing and Publishing Co. Ltd. p.15

‘government by the people’, it may nevertheless make possible a form of ‘government for the people’.³¹

Although, India had observed different forms of democratic government in ancient times, the medieval period witnessed the centralised administration through autocrat rulers.

Village affairs after 1000 A.D.

“The eleventh and the subsequent centuries, witnesses the most disastrous predatory Islamic incursions into India”³² when chaos, plunder, iconoclasm, disorder and misrule reigned supreme, followed by the permanent Mughal occupation of the country in the sixteenth century by the Mughal Emperors. Mughal emperors were mostly occupied in settling themselves and conquering other states and was not inclined to interface with the administration and organisation of the country. The small village republics continued to be unaffected. Therefore, during the Muslim period, the affairs of the trade corporation and the villages continued to be carried on by popular lines³³.

Most of the Mughal emperors were autocrats³⁴ and constitutional monarchy much less the idea of Republican Government found no place in the Islamic polity whatsoever. In fact, it was not till the beginning of the seventieth century, when the far-famed Shivaji, appeared on the scene that any attempt was made at the inaugurating constitutional monarchy³⁵. And it was Shivaji the great who introduced into his kingdom the system of Constitutional Government, viz. The *Ashta Pradhan*³⁶ Scheme or the popular Board of Administration³⁷.

Later Muslim rulers introduced the *jagir* system and began to collect revenue through *Malguzars* or contractors. This system weakened the solidarity of *Panchayat* government and village community. Not only this, some of the functions of *panchayat* and village community passed into the hands of the local landowners and officers of the state. There emerged a

³¹ Heywood, Andrew. 2004. *Political Theory: an Introduction* (third edition). New York: Palgrave Macmillan.

³² Pavgee, N.B. 1918. *Self-Government in Indi: Vedic and Post-Vedic*. Poona.

³³ Supra note 15.

³⁴ An autocracy is a political regime where a single individual - an autocrat - holds the power, qualified as personal and absolute power. The autocrat's power covers all political, economic, social, and military power. In this political regime the autocrat is not subject to any legal or legislative or even constitutional restraints.

³⁵ According to Bogdanor (1997), the term 'constitutional monarchy' originates from W. Dupré, a French writer, who wrote in 1801 of 'La monarchie constitutionnelle'. Constitutional monarchy is a "system of government in which a monarch shares power with a constitutionally organized government. The monarch may be the de facto head of state or a purely ceremonial leader.

³⁶ *Ashta Pradhan* (literally, Modern council of ministers) was a system of ministerial delegation in Maratha empire.

³⁷ Supra note 32.

superior claim of these intermediaries and this system brought in its wake a rule of oppression which had demoralising effect on the growth and vitality of the self-governing institutions³⁸. In course of time the *panchayat* in their old form practically disappeared by the middle of the nineteenth century. The condition of the *panchayats* further deteriorated in the British times.

Panchayats under British Era

The Report of the Congress Village *Panchayat* Committee states “*the introduction greed of the East India Company caused slow but steady disintegration of these village Panchayats. The deliberate introduction of land-lordism and the Ryatwari³⁹ system as against the Mauzwari or village tenure system⁴⁰ dealt almost a deathblow to the corporate life of the village communities. The excessive centralisation of the executive and judicial powers in the hands of the government officials deprived the village functions of their age long power and influence⁴¹.*

James Bryce, a noted political philosopher says that “*There was under Rome and there is in British India no room for popular institutions or popular interference with the acts of rulers from the Viceroy down to a district official⁴².* The Britishers had no real interest in the welfare of the Indian people. They believed that the Indians were illiterate and backward in the art of government and so they were unwilling to part with any sort of power and to entrust Indians with any responsibilities of self-government. The Britishers also believed that the Indians

³⁸ Vaish (Dr.) B.P., *Panchayat Raj in U.P.*, p.13-14.

³⁹ The ‘Severalty’ or raiyatwadi village, which is the prevalent form outside Northern India. Here the revenue is assessed on individual cultivators. There is no joint responsibility among the villagers, though some of the non-cultivated lands may be set apart for a common purpose such as grazing, and waste land may be brought under the plough only with the permission of the revenue authorities, and on payment of assessment. The village government vests in a hereditary headman, known by an old vernacular name, such as patel or reddy, who is responsible for law and order, and for the collection of the government revenue. He represents the primitive headship of the tribe or clan by which the village was originally settled. (Imperial Gazetteer, Vol. IV., p. 279-80 quoted in Royal Commission of Decentralization 1909, Vol 1, p. 236-7)

⁴⁰ The joint or landlord village or village fixed tenure system, the type prevalent in the United Provinces, the Punjab, and the Frontier Province. Here the revenue was formerly assessed on the village, its incidence being distributed by the body of superior proprietors, and a certain amount of collective responsibility still remains. Imperial Gazetteer, Vol. IV., p. 279-80 quoted in Royal Commission of Decentralization 1909, Vol 1, p. 236-7).

⁴¹ Report of the Congress Village Panchayat Committee, New Delhi: All India Congress Committee. 1954 p.10-11

⁴² Bryce, James. 1901. *Studies in History and Jurisprudence* (Vol. I). New York: Oxford University Press. pp.29-30

were unfit and incompetent to work democratic institutions, and that the popular and representative institutions were totally alien to India⁴³.

This highly centralised approach of the government put heavy burden on the British administrators. Thus, they wanted to be relieved from the burden and therefore introduced the local self-government from the top for their convenience. However, the British policy of entrusting Indians with self-governing bodies was very slow, halting, and gradual. Therefore, when the machinery of local self-government was first set-up it was an official body. Hence, the advent of the British rule led to the virtual extinction of the old forms of self-government and the disappearance of the ancient village communities of which India was the first home among all the countries of the world⁴⁴.

The real development of villages, in the modern sense, started after the report of the royal Army Sanitary Commission 1863. The Report pointed out the filthy conditions of the villages and the importance of increased attention to sanitation. Accordingly, Village Sanitation Acts were passed in many provinces⁴⁵. Further, Lord Mayo's Resolution of 1870 provided a conscious process of administrative devolution and political education⁴⁶. His fiscal scheme was deliberately intended to lead to the development of local self-government by means of municipalities and local boards⁴⁷.

In 1871 Acts were passed in respect of Local Self-Government for rural areas in the provinces of Bombay, Bengal, Punjab and the North Western Province (U.P.) as a result of Mayo's resolution. Some of the key provisions of these Acts may be summarised as under:

- (1) Committees for the District were to be formed.
- (2) All the members-both officials as well as non-officials were to be nominated.
- (3) The Chairman was to be an official

⁴³ Mishra, Suresh and Rajvir S Dhaka. 2004. *Grassroots Democracy in Action: A Study of Working of PRIs in Haryana*. Delhi: Concept Publishing Company.

⁴⁴ Dutt, Ramesh. 2000. *The Economic History of India under Early British Rule*. New York: Routledge. p.151-152.

⁴⁵ Quarterly Journal of Local Self-Government Institute Vol. XXXII Issue No. 128, pp.449-50

⁴⁶ Samant (Dr.) S.V., Village Panchayats, p.27

⁴⁷ Alok, V.N. 2012. *Devolution to Panchayats in India: Ranking Functional Environment at Sub-National Level (2011-12)*. New Delhi: Indian Institute of Public Administration ; Local Boards was used to denote sub-district boards only while in Madras and Bombay it included both district and sub-district boards. (Alok, 2012).

It is obvious that the committee was dominated by officialdom and that there was no provision for elections. Further, the private members could have only inadequate knowledge and little interest in affairs of a large area like the District⁴⁸.

Thereafter Lord Ripon's Resolution on Local Self Government of 18 May 1882 proved to be the most enduring influence on the subsequent debates and discussions on local self-governments in India. Ripon was determined that political education and administrative efficiency should be central in the perspective of local self-government⁴⁹. He also emphasised on the system of elections for local boards. These objectives are clearly enunciated in the following paragraphs of the Resolution:

“Political Education is the primary function of local government, of greater importance than administrative efficiency (Paragraph 5)

Rural Boards are to be set up, similar to municipal boards: the units of administration to be small – the subdivision, tehsil or taluka (Paragraph 10)

All boards should contain a two third majority of non-officials; these should be elected whenever possible; Elections to begin immediately in more progressive towns; gradually and by informal experimental methods in smaller towns and the countryside (Paragraph 12, 13, 14)

Non-official members of the board should be chosen by elections (Paragraph 13)

System of election should be adopted to suit ‘the feelings of the people’ (Paragraph 14 &15)

Control should be exercised from without rather than within (Paragraph 17)

The chairman of all local boards should accordingly be non-officials whenever possible (Paragraph 18)”⁵⁰.

O'Malley equated Ripon's language with that of A.O. Hume, Founder of the Indian National Congress, who advocated wider franchise, based upon ‘class as well as ward representation’⁵¹.

⁴⁸ Supra note 43.

⁴⁹ Supra note 47

⁵⁰ Alok, V N (2013). 'Role of Panchayat Bodies in Rural Development' in V N Alok (Ed.) Panchayats and Rural Development in India: Changing Role, New Delhi, IIPA.

⁵¹ Supra note 47.

“There is a somewhat remarkable similarity in the language used by Lord Ripon and A.O. Hume to describe the situation caused by the impact of western civilization.....It was necessary to provide an outlet for the ambitions and aspirations which had been created by the education, civilisation and material progress introduced by the British⁵².” It may, however, be noted even this resolution did not contemplate the revival of the village institution. The ‘unit’ recommended was however a ‘*taluka*’ or a ‘*tehasil*’ and not a village. In reality, even the local boards in sub-district units, *taluka* or *tehasil* were not properly functional as contrary to the Ripon’s resolution, the District boards continued to dominate on the ground of efficiency and expertise.

Nevertheless, whatever little progress was made in the sphere of local self-government was nullified by the reactionary viceroy Lord Curzen towards the end of the nineteenth century. He was of the opinion that Indians were not fit to be entrusted with any power and responsibility to govern themselves.

Viscount Morley, the then Secretary of State for India from 1901-10 was alarmed by the over centralisation and he took a serious notice of the widening gulf between the officials and the people in India. Hence the Royal Commission was appointed in December, 1907 with Charles Hobhouse as its Chairman. Public opinion sought by the Commission for the resuscitation of the age old institution of village *panchayats* showed that people favoured the revival of the *panchayats* but were opposed to the official dominated existing *panchayats*.

The commission observed, ‘*we do not think it possible, even it were expedient, to restore the ancient village system*’ but ‘*we hold that it is most desirable alike in the interest of decentralisation and in order to associate people with the local tasks of administration, that an attempt should be made to constitute and develop village panchayats for the administration of local village affairs*’⁵³. The new system should be introduced ‘gradually and cautiously’⁵⁴. The *panchayat* according to the Commission, was to be elected by the villagers, assembled in meeting and be assigned definite function⁵⁵.

The recommendations of the commission were certainly far reaching and conducive to the best interest of the villages. Thus it was only subsequent to 1909 when this commission’s

⁵² O’Malley, L.S.S (ed). 1941. *Modern India and the West*, London. New York: Oxford University Press.

⁵³ Royal Commission. 1909. *Report of Royal Commission upon Decentralisation in India*, London (Vol I). p.239.

⁵⁴ *ibid*

⁵⁵ *Ibid*, p.240

report was published that the importance of the village *panchayats* came to be recognised. Even the Indian National Congress at its 24th Session at Lahore in December, 1909, passed a resolution on the subject and urged the Indian Government, “to take early steps to make all the local bodies from village *panchayats* upwards elective with elected non-official chairman and to support them with adequate financial aid.”⁵⁶

Subsequently, resolutions and Acts were passed in the direction of introducing and strengthening the local self-governments. In 1915, the Government of India issued a Resolution leaving the matter of introducing legislation on local self-government to the provincial governments. Another resolution of the Government of India issued in May, 1918, emphasised the need for legislation to accelerate the rate of progress and to stimulate the sense of responsibility of the village population. It said, “*the development of village panchayat system, should in any case, be secured by separate legislation unconnected with the Acts relating to the Municipal and Rural Boards*”⁵⁷.

The British Parliament passed the Government of India Act, 1919, by which local self-government was made one of the provincial transferred subject under the charge of a popular minister. This had a desired effect and Acts were passed in eight provinces (Bengal, Bihar, Bombay, Central Province and Berar, Madras, U.P., Punjab, and Assam) for the establishment of village *panchayats*. Similar Acts were passed in princely states, however, no attempt was made to infuse the spirit of self-rule in their subjects.

After passing of the Government of India Act, 1935, the subject of local government which was already a transferred subject under the Government of India Act, 1919, was included in the Provincial Legislative List. So, when popular ministers assumed office in 1937, they undertook legislation to make local bodies truly representative. However, during the period of the Second World War, many provincial governments resigned as a protest and whole administration was again centralised. Therefore, village *panchayats* were totally ignored and completely neglected by the then autocratic authorities in British India.

1.2 Panchayats in Independent India

During the struggle for freedom that culminated with independence on 15 August 1947, Mahatma Gandhi stressed on the need for *village Swaraj* (independent republic): “My idea of

⁵⁶ Malaviya, H.D. 1956. *Village Panchayats in India* New Delhi: Economic and Political Research Department, All India Congress Committee. p. 215-216.

⁵⁷ Supra note 43.

village *swaraj* is that it is a complete republic, independent of its neighbors for its own vital wants, and yet interdependent for many others in which dependence is a necessity”⁵⁸.

Gandhi and the Idea of Village *Swaraj*

According to Gandhi, ideal society is a Stateless democracy, the state of enlightened anarchy where social life has become so perfect that it is self-regulated. "In the ideal state, there is no political power because there is no State." Gandhi believed that perfect realization of an ideal is impossible. In the political field he gave us Village *Swaraj* nearing the conception of his ideal of Stateless Democracy. He considered the best government to be the one which governs the least. According to the communist philosophy, the final phase is the “withering away of the State”. But in the totalitarian State of Russia there is concentration of all power in the State. It is difficult to believe that at any time the State there will wither away. Mahatma Gandhi being a practical idealist, realized the practical usefulness of the ideal of Stateless Democracy, and presented Village *Swaraj* which is not the “withering away of the State” but “scattering of the State”. Thus, Village *Swaraj* is the ideal given expression on a realizable plane unlike the distant goal of the “withering away of the State”.

It is only the small units which help the working of real democracy and provide a field for the full growth of individuals. The larger the units, the lesser the scope for individual initiative and freedom. Larger organizations tend to curb the individuals and smaller groups as they would work for uniformity and regimentation.

Gandhi wanted true democracy to function in India. He, therefore, observed: "True democracy cannot be worked by twenty men sitting at the centre. It has to be worked from below by the people of every village." In Village *Swaraj*, the village being the decentralized small political unit endowed with fullest powers, every individual will have a direct voice in the government. The individual is the architect of his own government. The government of the village will be conducted by a *panchayat* of five persons annually elected by adult villagers possessing minimum prescribed qualifications. 'It will have all the authority and jurisdiction. The *panchayat* will be the legislature, judiciary and executive rolled into one as there will be no system of punishment in it. In such a system of government there will be citizens who are self-controlled, not authority-controlled; endowed with initiative and highly developed sense of civic responsibility in place of those who look to government for all

⁵⁸ Gandhi, M.K. 1962. *Village Swaraj*. Ahmedabad: Navajivan Publishing House. p.31

things. Therefore, if we would see our dream of *panchayat*, i.e. true democracy realized, we would regard the humblest and lowest Indian as being equally the ruler of India with the tallest in the land.

However, Gandhi's idea of village *Swaraj* did not find many takers in the Constituent Assembly. In the Assembly on November 4, 1948, Dr. B.R. Ambedkar, chairman of the Drafting Committee, called village community "a sink of localism, a den of ignorance, narrow mindedness, and communalism"⁵⁹. *Panchayat* did not find place in the first draft of the Indian Constitution. However, later it was added in the non-justiciable part of the constitution, under Directive Principles of State Policy, as Article 40, which reads, "*Organisation of village panchayats The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government*"⁶⁰.

During the constitutional assembly debates, the issue of universal adult franchise came on the surface. The elections held in British India on a restricted franchise merely whetted the country's desire for full and universal adult suffrage. Restrictions imposed on the right of the franchise on the ground of qualifications based on property, tax payments, etc., were considered as arbitrary, unnatural and retrograde. As far as back as 1928, the Nehru Committee, appointed by the All Parties Conference to determine the principles of a Constitution of India recommended the adoption of universal adult suffrage⁶¹.

The Franchise Sub-committee of the First Round Table Conference was of the opinion that adult franchise was the goal that should ultimately be laid down for the country. The Indian Franchise Committee, which submitted its report in 1932, admitted that there was powerful arguments in favour of adult suffrage in India, but it ultimately came to the conclusion that it would not be desirable to launch the Constitution on the basis of adult franchise and that a more manageable basis should be adopted for the time being, leaving it ultimately to the Legislatures themselves to determine at what pace the electorate should be expanded. The Fundamental Rights Sub-committee and the Minorities Sub-committee of the Constituent Assembly recommended that adult suffrage should be incorporated as a fundamental right under the Constitution. Although the Advisory Committee on Minorities and Fundamental Rights agreed with the recommendation of the Sub-committee in regard to adult suffrage, it

⁵⁹ Supra note 56.

⁶⁰ Supra note 47.

⁶¹ Supra note 15.

suggested that instead of being included in the list of fundamental rights, it should find a place in another part of the Constitution. Provision was accordingly made in article 326 of the Constitution that elections to the House of the People and to the Legislative Assembly of every State shall be held on the basis of adult suffrage⁶².

The main argument levelled in the past against adult suffrage was the magnitude of the task involved. It was felt that the number of voters under adult suffrage would exceed all reasonable bounds and that its adoption would involve too stupendous an administrative task for the governments. a second important argument advanced by the opponents of adult suffrage was the illiteracy of the voters which would render an election a farce unless an electoral system could be devised under which even an illiterate voter could cast his vote intelligently and in secret⁶³.

Undoubtedly, these were formidable difficulties and the Constituent Assemble of India had to face them when it came to draft the country's Constitution. In the true spirit of democracy, the Constituent Assembly unhesitatingly adopted the principle of adult suffrage with full knowledge of the difficulties involved. This was indeed an act of faith- faith in the common man of India and in his practical common sense.⁶⁴

Just after India gained its independence endeavours were made to revitalise the *panchayats*. Several States took up steps in that direction by late the 1950s or early 1960s and Rajasthan was the first State to introduce new system of *panchayats* at Degan village in Nagaur district.⁶⁵ Thereafter, appropriate legal provisions for *panchayats* were made all across rural India and several of them conducted elections to the *panchayats*⁶⁶. The first *panchayat* elections in Rajasthan were held in 1959.⁶⁷ After Rajasthan many States conducted elections for *panchayat* but it could not sustain for long.

1.3 The Legal Framework

Over time, consensus in favor of *panchayats* grew among all political parties. The National Front government that came into power for a short period introduced a bill for *panchayats* on

⁶² *ibid*

⁶³ *ibid*

⁶⁴ *Ibid*

⁶⁵ *Supra* note 47. P.5

⁶⁶ Kumar, G. 2006. *Local Democracy in India: Interpreting Decentralization*. New Delhi: Sage Publications. p.18.

⁶⁷ <https://sec.rajasthan.gov.in/About-Us.aspx>

September 7, 1990. Finally, the Congress government, which came back to power, introduced a constitutional amendment bill for *panchayats* in September 1991. After debate and discussion, it became the Constitution (73rd Amendment) Act 1992 on April 24, 1993.

With the passage of the Constitution (73rd Amendment) Act, *panchayats* were recognized in the statute book as institutions of self-government. Under the Act, it became mandatory for each State to enact conformity acts and make the following provisions⁶⁸:

- The establishment of three-tier *panchayats* with elected members at village, intermediate, and district levels. The intermediate rung need not be constituted in States with a population under 20 lakhs.
- Direct elections to all seats in *panchayats* at all levels.
- One-third of seats reserved for women and marginalized communities— scheduled castes (SCs) and scheduled tribes (STs)—in all *panchayats*, according to the population. This provision also applies to the office of chairperson.
- A uniform five-year term in all *panchayats*, with elections held within six months in cases of premature dissolution.
- Constitution of a State Election Commission to supervise and organize free and fair elections to *panchayats* at all levels.
- Setting up of a State Finance Commission at a regular interval of five years to review and revise the financial position of *panchayats*.
- Establishment of district planning committees.
- Establishment of a *Gram Sabha* (village assembly) in each village, to exercise such powers and perform such functions at the village level as the State may provide by law.

Thus, after a long gap participation has been made a reality through the 73rd Amendment to the Constitution of India by creating *Gram Sabha* in every *gram panchayat*. The *Gram Sabha* is an assembly of the people who have registered as voters in *panchayat* area. This provision of creating the *Gram Sabha* has transformed the very character of democracy from

⁶⁸ Supra note 10.

representative to direct and participatory democracy. It has also changed the whole process of development from supply driven development activities into demand driven activities that too through a planning process with the active involvement and participation of people. It also provided the opportunity to the groups which were neglected, oppressed and unattended to⁶⁹.

This gave an opportunity to the citizens to actively participate and function as a unit of self-governments. Mill justified the idea of citizen participation in the government on the ground that self-determination is requisite for human well-being⁷⁰.

Within the Indian federal architecture, third tier in the form of *panchayats* is the closest to the notion of direct democracy distinct from the representative democracy of the Union and States; due to its proximity to the community it serves. *Panchayats* have deep faith in democracy in which the common man in the rural area has huge capacity to have a good living for himself and the community under the healthy environment that the State creates. If a common man appears to be indifferent to the high economic growth, it is because he is devoid of the mainstream national development and has not been provided equal opportunity to participate in activities for his own betterment. The objectives of *panchayats* include involving common men in the process of developing themselves through their own efforts on a continuing basis, at the same time, enhancing their capacity and self-reliance. This begins with 'citizen participation' in political processes and 'service delivery' of local public goods, e.g. potable drinking water, general sanitation, primary health, elementary education, maintenance of public properties etc. Hence, the key objective of the *panchayat* is to balance the two values of 'citizen participation' and 'service delivery', the basic goals of decentralized democracy⁷¹ envisaged in the Report of Balvantray Mehta Study Team (1957) and the subsequent 73rd Amendment to the Constitution of India⁷².

This ideal of decentralized democracy or *Panchayati Raj* should not be regarded as a sentimental proposition based on medieval notions. A study of modern economic and political thought in the West would indicate that decentralized institutions are now regarded

⁶⁹ Palanithurai, G. 2007, "Participatory Democracy in Indian Political System". *The Indian Journal of Political Science* Vol.68, No. 1 (JAN. - MAR.): p. 9-20.

⁷⁰ Mill, J.S. 1872. *Considerations on Representative Government*. London: Longmans, Green and, Co.

⁷¹ Appleby (1962) made the distinction between the two phrases, i.e. 'decentralized democracy' and 'democratic decentralization' V.K.N. Menon, then Director, the Indian Institute of Public Administration, suggested to him the former. Peter R. de Souza (1999, 2000) also made this distinction and clarified that the former is concerned with democratic practices that exist at the base whereas the latter denotes democratic practices which promote the base.

⁷² Alok, V.N. 2011. "Role of Panchayat Bodies in Rural Development Since 1959". A Theme paper presented in the IIPA Annual Conference, October, New Delhi.

as crucial to the establishment of democracy on stable foundations. Prof. Joad states “If man's faith in social action is to be revived, the State must be cut up and its functions distributed”. In his *Fabian Socialism*, Prof. Cole maintains that for diffusing widely among ordinary men and women a capacity for collective activity “we must set out to build our society upon little democracies”. From this standpoint, the experiment of setting up *panchayats* which has been launched in India's countryside with zeal and vigour is a right step towards the goal of “Village *Swaraj*” envisaged by Gandhi⁷³.

Moreover, Indian polity also has elements of liberal democracy, a form of electoral democracy, in which popular election is seen as the only legitimate source of political authority. Such elections must, however, respect the principle of political equality; they must be based upon universal suffrage and the idea of ‘one person one vote’. For this reason, any system that restricts voting rights on grounds of gender, race, religion, economic status or whatever, fails the democratic test. Finally, in order to be fully democratic, elections must be regular, open and, above all, competitive⁷⁴. Thus India has a unique blend of different forms of democracies which makes India stand out from all the existing democracies of the world.

Therefore 73rd amendment that sought to increased citizen participation in public affairs and decision making in a democratic manner is like the rejoining of historical thread that had been snapped by the alien rule. Further, with the opportunities to contest elections in the representative democracy while ensuring the representation of weaker sections such as women, SC and ST and providing the universal adult franchise, India has boldly achieved the consummation of its electoral aspirations on a national basis.

However, there have been several lacunae in the electoral system especially at the third tier of State apparatus which requires a closer look to fulfil the goals of decentralised democracy.

1.4 Scope of the Study: *Panchayat* Elections

After the initial setbacks, elections to *panchayats* are conducted in almost all States and independent State Election Commissions have been constituted in the States as constitutional authorities. However, there are several issues which need to be addressed in the conduct of elections to local governments. In the Indian Political structure, the institution of *panchayat* is closest to the community. With the passing of 73rd constitutional amendment act, 1992, the

⁷³ Supra note 58

⁷⁴ Supra note 31

panchayat got institutionalized in the form of three-tier structure at village, intermediate and district levels. It was a defining moment for democratic decentralization at the grassroots level in Indian Political history.

Though most of the State governments amended their *Panchayati Raj* Acts during 1993 and 1994, yet things have mostly remained on paper. The *panchayats* still remain more an agency of development rather than institutions of self-government. Thus despite the constitutional mandate, the growth of self-governing local bodies as the third tier of governance in the country has been uneven, halting and slow.

Further, throughout the country it has been observed that elections to *panchayats* are not being held in the stipulated time frame. The frequency of *panchayat* elections is erratic. The undue delay in *panchayat* elections is an area of enquiry wherein multiple factors like political will, optimal resources to conduct elections, security, political equations, financial support, and conducive environment could influence the timely elections. There is a need to understand the factors leading to a delay in *panchayat* elections across India.

Keeping such gaps in view, the Ministry of *Panchayati Raj* has entrusted a pan India study on “*Panchayat* Elections in India” to the Indian Institute of Public Administration to understand the issues regarding *panchayat* elections in India.

The objectives of the present study are:

- i) To study implementation of constitution of State Election Commission, work assigned to the commission, funding of the commission and service conditions of a State Election Commissioner, as provided in Article 243K of the constitution of India;
- ii) To study the status of and explore possibility of use of common electoral rolls for *panchayat* elections, assembly elections, general elections and its impact;
- iii) To explore scope of common State Election Commission to cover all UTs;
- iv) To ascertain reasons, constraints, hurdles such as court cases, pandemic, delimitation etc. responsible for non-conducive environment for holding elections and causing delay in holding *panchayat* elections;
- v) To study and compare the various qualifications criteria such as education criteria, which is mandated by the States for the elected representatives of *panchayats*.

1.5 Research Methodology

IIPA has adopted five stage methodology for carrying out the study. The stages involved were:

1. Desk Research
2. Sampling (all States and UTs under Part IX)
3. Field Surveys
4. Data Analysis
5. Report Submission

Tools and Methods Adopted

The study has made use of both qualitative as well as quantitative methods.

- *Quantitative (secondary Data)*: the research involved administering collection of secondary data related to State Election Commission and *panchayat* election in all States/ UTs covered under Part IX of the Constitution of India.
- *Qualitative*: the research involved three qualitative main method of data collection:
 - Focus Group Discussions (FGDs) were held with the elected representatives to understand the role of different institutions during the elections and the role of various qualification criterion for elected representatives and its impact.
 - Field survey was conducted through a semi- structured questionnaire (Annexure B) with open ended questions for the comments and suggestions from stakeholders.
 - In-depth interviews were held with the officials of SEC to understand the nuances of its functioning and reason for delay in election.
- *Desk Research*: A comprehensive desk research was conducted in order to analyse constitution of SEC, work assigned to the Commission, funding of the Commission and service conditions of a State Election Commissioner, as provided in Article 243K of the Constitution of India. Literature review covered reasons responsible for non-conducive environment for holding elections and causing delay in holding elections and causing delay in holding *panchayat* elections. It further covered academic papers, books, journals, newspaper articles, official documents, State Election Commission

(SEC) reports, joint parliamentary committee reports and debates, rules and procedures etc. related to the study area. Constitution, judgments of High courts and Supreme courts, *Panchayati Raj* Acts and other related laws, rules and procedures were also examined during the study.

- *Sampling Frame and Size*: Out of total 36 States/UTs, the study has considered total 30 States/UTs. Chandigarh, Delhi, Meghalaya, Mizoram, Nagaland and Ladakh have been excluded from the study. Chandigarh, Delhi, Meghalaya, Mizoram and Nagaland do not have *panchayats*. After Ladakh has been accorded the status of UT, no election has been conducted so far. Further, the study team targeted to cover 30 districts (near capital), 137 *panchayats* (covering district, block and village *panchayats*) and around 780 respondents. The research team has purposively selected the capital districts because office of State Election Commission is generally located in the capital of the States.
- *Data Analysis*: systematic documentation of information and aggregation of data were undertaken on MS-Excel. The data processing and analysis sequence adopted by IIPA is as follows:
Data logging > Data Transformation > Accuracy checks > Computerization > Tabulation > Data Analysis
- *Conference of experts* was also conducted to have a dialogue of relevant stakeholders which was crucial to deliberate, mainstream and amplify the various concerns, solutions and strategies on *panchayat* elections. It further helped in locating the problem and suggesting solutions for addressing those issues.

The study team found that there is a lot of literature available on decentralization through *panchayats*, decentralized democracy, and how India votes in elections considering the factors like caste, gender, religion, community affiliations, money power, muscle power and affinity to leaders. However, it speaks very less about how India conducts its elections. The minuscule literature available on elections focuses on Parliamentary and Assembly elections. Therefore elections to *panchayats* are a less researched area. One of the reasons could be the wide variations across the States. This report will attempt to capture these variations at the pan-India level.

In Chapter two, variations in the service conditions, emoluments, appointment, tenure and qualification along with the constitution of SEC has been explored. Similarly, the relationship between State Election Commission and State Government has also been discussed in detail. Though, the State Election Commission is mandated to function independently to conduct free and fair elections to local governments but the State legislatures have retained certain powers through respective conformity Acts. This chapter will also shed light on such aspects, inter alia, delimitation, reservation, quasi-judicial functions of SEC and service conditions of State Election Commissioner etc.

The next chapter will explore the possibility of common electoral roll and challenges therein. It will give a comprehensive understanding of how electoral rolls are being prepared by different SECs and answer to the question, why common electoral roll is important? Along with it, it traces out challenges and impediments that put hurdles in its implementation. The chapter also suggests some ways for its implementation and covers the current debate on linking *Aadhaar* with electoral roll.

The chapter four on common State Election Commission for union territories discusses about current scenario of elections in UTs while discussing the current functioning of the common state election commission which is currently entrusted with powers of superintendence, direction and control of all election processes including preparation of electoral rolls for conduct of election to the *Panchayati Raj* Institutions and municipalities created under 73rd and 74th amendments to the Constitution of India, in the Union Territories of Andaman & Nicobar Islands, Dadra and Nagar Haveli and Daman and Diu and Lakshadweep . The chapter discusses the challenges faced by the commission in its current functioning and suggestions to make the commission work more efficiently. The chapter also discusses about the possibility of having a common State election commission for all the union territories and what are the challenges for implementing such a proposal.

The next chapter on ‘Delay in elections: constraints and hurdles’ will explore the common factors which cause delay in conducting these elections on time. It is a constitutional mandate that elections to *panchayats* should not be delayed but it has been observed that *panchayat* elections are often delayed citing various legal, logistical and financial constraints. Some of the most common reasons for delay in *panchayat* elections are delimitation, reservation, unscrupulous litigation, indirect intervention of the State governments, pandemic and natural

calamities. The chapter focuses on the major reasons for delay in and how the judiciary has responded to these delays.

The chapter six on qualification criteria explores and compares the various qualification criteria for contesting elections to *panchayats*. Apart from common qualifications for contesting *panchayat* polls such as being a citizen of India; not being mentally unstable, not being bankrupt, being at least 21 years of age, etc, the chapter discusses new / additional qualification criteria. The additional qualification criteria that have been added by different State legislatures include educational criteria, two-child policy, having toilets, payment of electricity arrears etc. There are mixed views on the implementation of these additional criteria which have been explored further in this chapter.

In the end, chapter seven on recommendations and suggestions has encapsulated the recommendations based on secondary and primary research. It incorporates the essential observations from the field. If accepted, it would streamline the day to day functioning of SECs and would rationalize the electoral process for free and fair elections.

Chapter 2: State Election Commission (SEC) - Its Constitution and Functions

2.1 Constitution of SEC

In post-independent India, there were attempts to establish *panchayats* and several states took up steps in that direction by late the 1950s or early 1960s. In 1959, the first prime minister of India, Pandit Jawahar Lal Nehru formally launched the new system of *panchayats* at Degan village in Nagaur district of Rajasthan⁷⁵. Thereafter, appropriate legal provisions for *panchayats* were made all across rural India and several of them conducted elections for the *panchayats*⁷⁶. The first election under the Rajasthan *Panchayat Samitis and Zila Parishad* Act 1959 were held in 1960⁷⁷. Thereafter, many of the States conducted elections for *panchayat* but it could not be sustained for long. The underlying reasons for its decline can be enumerated as under:

- i) over-centralizing tendencies of the centre,
- ii) lack of understanding of state-wise diversity,
- iii) hierarchical growth of official machinery resulting into overshadowing the community development programme, and
- iv) resistance from state-level politicians on account of losing power and influence at local level among others⁷⁸.

For the reasons mentioned above, majority of the State governments had shown a lukewarm attitude towards the development of local government prior to 73rd Constitutional Amendment Act. There were no elections in many states for years. But, then holding elections was not mandatory for *panchayat* prior to the constitutional amendment. While there was directive approach by union government for implementation of its programme and policies, states looked it as encroachment in their domain⁷⁹. This approach is antithetical to the idea of local government.

⁷⁵ Alok, V.N. 2011. "Panchayats in India: History, Organization and Finance". In *Devolution to Panchayats in India: Ranking Functional Environment at Sub-National Level*, pg.5. New Delhi: The Indian Institute of Public Administration.

⁷⁶ Supra note 66.

⁷⁷ <https://sec.rajasthan.gov.in/About-Us.aspx>

⁷⁸ Supra note 66.

⁷⁹ 'Directive' approach is characterized by a pattern of centralized control and administration by which the objectives and means of implementation are determined by government. While it does not exclude the

India, being culturally diverse country, need to serve its different regions as per their need. Therefore, setting up local governments is not a choice but a necessity for the welfare of its citizens. It institutionalizes the citizens' will. Hence, the bottom-up approach can serve the locals' aspiration⁸⁰.

The most essential instrumental aspect of democratic polity in general and representative democracy in particular, is to provide free, fair and timely conduct of elections⁸¹. Although, there were instances of *panchayat* elections in some states earlier but there was no conception of separate SEC for the conduct of the elections at the grass-root level⁸². It was debated during constituent assembly whether state should have separate SEC. But there were aspersions about the institution of SEC having undue influence of state government. The SEC under the influence of state government can go against the interest of minority people at regional level. There was question of exclusion of people in the electoral roll whereby the executive government in state may instruct or manage things about racially, linguistically and culturally minority people and excluding their enrolment in electoral rolls. Franchise is one of the most fundamental things in a democracy. Hence, no person should be excluded merely as a result of prejudice of the state executive or whim of an officer⁸³. That's why, the institution of only central election commission has been favored and created.

The number of constituency in *panchayats* is quite large across the country, making the task of conducting election gigantic. As per the data available, there are 665 district *panchayats*, 6,697 intermediate *panchayats* and 2,55,620 village *panchayats*⁸⁴ in the country (Annexure-

beneficiaries or locals participating in some decisions concerning the day-to-day operation, all major decisions and the overall framework remain firmly in the hands of state official (Batten, 1974).

⁸⁰ Bottom-up refers to local activity, driven from grassroots, rooted in the responses of indigenous communities enabled to help themselves. It encourages participatory decision-making at micro-level through involvement of local stakeholders (McNicholas & Woodward, 1999).

⁸¹ The state in a democratic polity should act like a referee in a multi-team game, enforcing the rules among the competitors without taking any further interest in the results (Ronald Dworkin in 'Social Justice in the Liberal State', pp. 76-78 as quoted by Plotke, 2006). Representative government is machinery necessitated by modern civilization and requirements of life to make democratic government possible and helps in realizing the democratic idea of government by the people for the people (Chamberlin & Courant, 1983) ; Representative government is machinery necessitated by modern civilization and requirements of life to make democratic government possible and helps in realizing the democratic idea of government by the people for the people (Chamberlin & Courant, 1983).

⁸² Several states conducted elections for panchayat bodies by late 1950s or early 1960s. In West Bengal, direct elections for all the three tiers of *panchayats* were held in 1978 and even political parties openly participated into it. Likewise, there were *panchayats* in Maharashtra, Gujarat since the early 1960s (Kumar, 2006, pp. 18, 21-22).

⁸³ Quraishi, S. 2014. *An Undocumented Wonder: The Making of the Great Indian Election* . New Delhi: Rupa Publications India Pvt. Ltd.

⁸⁴ <http://lgdirectory.gov.in> (As per Data available on Ministry of Panchayati Raj, Government of India for the year 2011, accessed on 17th August, 2022).

D). Comparing this with the number of constituency for Parliament or legislative assembly, the number of *panchayat* at local level is quite large. The Election Commission of India (ECI)⁸⁵, a union organisation, will hardly have time to attend the election related matters in respect of local self-governments. Therefore, there emerges the need to establish separate SEC for each state⁸⁶. This requires providing adequate institutional support to the machinery for organising local elections and respective state government is responsible for providing this institutional support.

The SEC acts as a powerful watchdog of the democratic decentralization and its emergence as separate SEC finds its origin in the 73rd and 74th Constitutional Amendment Act, 1992 to carry out activities related to supervision, direction and control of elections to the local government (*panchayats* & municipalities) in respective states. Thus, it derives its authority from Article 243K and 243ZA of the constitution of India. The specific constitutional provisions related to the establishment of the SEC are:

- **Article 243K (1):** *It states that the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats (Municipalities under Article 243ZA) shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.*
- **Article 243K (2):** *The conditions of service and tenure of the office of the State election Commissioner shall be such as the Governor may by rule determine. Provided that State Election Commissioner shall not be removed from his/her office except in like manner and on the like grounds as a **Judge of a High Court**. The conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.*
- **Article 243K (3):** *The Governor shall make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).*

⁸⁵ Under Article 324, The superintendence, direction and control of elections to be vested in an Election Commission.-(1) the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the legislature of every state and of elections to the offices of President and Vice-President held under this constitution shall be vested in a Commission (referred as Election Commission) (Bakshi, 2011, p. 302).

⁸⁶ GoI. 2007. "Local Governance". *Second Administrative Reform Commission*, 6th Report, Department of Administrative Reforms and Public Grievances.

- **Article 243K (4):** *Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the panchayats.*

Just as there is an ECI provided under Article 324 of the Constitution of India which states that, *The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission)*, similar provisions have been made for SEC in Part IX and IXA of the Constitution of India. The provision in the constitution of India was inserted to see that there should not be any delay in the constitution of the new *panchayat* every five years and in order to avoid the mischief of delaying the process of election and allowing the nominated bodies to continue, the provisions have been suitably added to the constitution. It is necessary for all the State governments to recognize the significance of the SEC, which is a constitutional body and it shall abide by the directions of the Commission in the same manner in which it follows the directions of the ECI during the elections for the Parliament and State legislatures. Powers of the SEC in respect of conduct of elections is no less than that of the ECI in their respective domains. It is accordingly to be noted from the above provisions that in the matter of the conduct of elections, the Government concerned shall have to render full assistance and cooperation to the SEC and respect the latter's assessment of the needs in order to ensure that free and fair elections are conducted. Also, the SECs are to function independent of the concerned State governments in the manner of their powers of superintendence, direction and control of all elections and preparation of electoral rolls for, and conduct of, all elections to the *panchayats* and municipalities.

In the landmark judgment of *Kishansing Tomar v. Municipa Corpn. of the City of Ahmedabad (2007)*, the Supreme Court observed that for the independent and effective functioning of the SEC, where it feels that it is not receiving the co-operation of the concerned State government in discharging its constitutional obligation of holding elections to the *panchayat* within the time mandated in the constitution, it will be open to the SEC to approach high courts, in the first instance, and thereafter the supreme court for a writ of mandamus or such other appropriate writ directing the concerned⁸⁷.

⁸⁷ AIR 2007, SC 269:2006 (10), SCALE 438: (2006) 8, SCC 352.

Notwithstanding the powers and duties of the SEC, there are still several issues remaining which need to be addressed in the context of its functioning. As SEC take up various functions such as keeping up-to-date electoral roll prior to election, delimitation of constituency, reservation of constituency through rotation principle, and conduct of bye-elections etc. If there is any discrepancy in any of these works, it hampers the timely conduct of *panchayat* elections. It also conducts by-election, for the remaining term in case of death, resignation, dissolution of the local government before the completion of the term of five years⁸⁸. Therefore, the sound institution of SEC will go a long way in addressing all these issues.

Appointment of the State Election Commissioner

At present, in most of the States, the State Election Commissioner is appointed by the Governor on the recommendation of the chief minister. However it has been observed that sometimes such arrangement may result in appointment of its own preferred candidate by the State government which would work on its behest. On the contrary, State Election Commissioner has to be a person who is independent of the State government as he is an important constitutional functionary who is to oversee the entire election process in *panchayats* and municipalities of the State.

In the State of Goa vs Fouziya Imtiaz Shaikh case⁸⁹, the Supreme Court made it clear that the additional charge given to a Law Secretary to the government of the state flouts the constitutional mandate of Article 243K. Giving an additional charge of such an important and independent constitutional office to an officer who is directly under the control of the State government is a mockery of the constitutional mandate. It is also made clear that henceforth, all State Election Commissioners appointed under Article 243K in the length and breadth of India have to be independent persons who cannot be persons who are occupying a post or office under the Central or any State Government. If there are any such persons holding the post of State Election Commissioner in any other state, such persons must be asked forthwith to step down from such office and the State government concerned be bound to fulfil the constitutional mandate of Article 243K by appointing only independent persons to this high

⁸⁸ Article 243E provides for the tenure of *panchayat* at five years, and in case of dissolution before the expiry of five years, the *panchayat* elections should be held within a period of six months of dissolution (Bakshi, 2011, pp. 230-231).

⁸⁹ The State of Goa vs Fouziya Imtiaz Shaikh AIR 2021 SC 881.

constitutional office. These directions are issued under Article 142⁹⁰ of the Constitution of India so as to ensure that the constitutional mandate of an independent SEC, which is to conduct elections under Part IX and IXA of the Constitution, be strictly followed in the future.

To ensure sanctity and the independence of SEC, the Jammu and Kashmir Panchayati Raj Act, 1989 states that the State Election Commissioner is to be appointed by the Lieutenant Governor on the recommendation of a committee consisting of the chief minister, a senior minister to be nominated by the chief minister, speaker of the legislative assembly, minister in-charge of *panchayat* and leader of the opposition in the legislative assembly. Similarly, the 6th Report of the Second Administrative Reform Commission on local government has recommended that there should be three-member collegiums or selection committee consisting of the chief minister, the leader of the opposition of the Vidhan Sabha (or the leader of the largest opposition party in the Vidhan Sabha in terms of numerical strength) and the chief justice of the high court of the concerned state and on the basis of committee's recommendation, the governor should appoint the state election commissioner⁹¹.

As per constitutional mandate, the State Election Commissioner shall be removed in a like manner and on the similar grounds as a judge of the high court. This shows the constitutional importance given to the authority of the State Election Commissioner which is at par with the high court judge in case of its removal. The office of the Commissioner is the prime tool in the realm of achieving the goal of fair and timely conduct of panchayat elections.

Table 2.1: Constitution and Appointment of SEC in States / UTs

S No	States	Provision of State PR Laws (Section No./Rule No.)	Election Rules	Appointment of State Election Commissioner	Formation of SEC
General Category States					
1	Andhra Pradesh	Part V [Constitution Of Andhra Pradesh Election Commission for Local Bodies Conduct Of Election and Election Officers]	The Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 The Andhra Pradesh Panchayat Raj (Conduct of Elections of Members and	Governor	Sept 1994

⁹⁰Article 142: Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.-(1) The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe (Bakshi, 2011, p. 157).

⁹¹ Supra note 86, pg. 40-41.

		Chapter I [Election Commission and Conduct of Elections], Section 200 of The Andhra Pradesh Panchayat Raj Act, 1994 ⁹²	Sarpanch of Gram Panchayats, Members of Mandal Praja Parishads and Members of Zilla Praja Parishads) Rules, 2006 The Andhra Pradesh Conduct of Election of Member (Co-opted), President and Vice-President of Mandal Praja Parishad and Member (Co-opted), Chairperson and Vice-Chairpersons of Zilla Praja Parishad Rules, 2006 The Andhra Pradesh Panchayat Raj (Conduct of Elections of Upa-Sarpanch of Gram Panchayat) Rules, 2006 The Andhra Pradesh Panchayat Raj (Election Tribunals in respect of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads) Rules, 1995		
2	Bihar	Chapter VII (Elections), Section 123, Bihar Panchayat Raj Act, 2006 ⁹³	The Bihar Panchayat Election Rules, 2006 ⁹⁴	Governor	30 Mar 1994
3	Chhattisgarh	Section 42 of The Chhattisgarh Panchayat Raj Adhiniyam, 1993 ⁹⁵	The Chhattisgarh Panchayat Nirvachan Niyam, 1995 ⁹⁶ Chhattisgarh Panchayat Rules, 1959	Governor	28 Sept 2002
4	Goa	Section 237 of The Goa Panchayat Raj Act, 1994 ⁹⁷	The Goa Panchayat Raj (Conditions of Service of State Election Commissioner) Rules, 1997 The Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996. The Goa Panchayats and Zilla Panchayats (Removal of Disqualification of Membership) Rules, 1997.	Governor	1994
5	Gujarat	Section 34 (Power of State Election Commission to require services of panchayat staff for election.) of the Gujarat Panchayats Act, 1993. ⁹⁸	The Gujarat Panchayat Election Rules 1994 ⁹⁹	Governor	Sept 1993
6	Haryana	Chapter XXI Miscellaneous, Section 212 of The Haryana Panchayati Raj Act, 1994	State Election Commissioner conditions of Service Rules, 1994 ¹⁰⁰	Governor	18 Nov 1993

⁹² Available at: <http://dtcp.ap.gov.in/dtcpweb/act/Panchayathraj%20Act.pdf>

⁹³ Available

at: <https://cdnbbsr.s3waas.gov.in/s316026d60ff9b54410b3435b403afd226/uploads/2023/07/2023072678.pdf>

⁹⁴ Available at: <https://www.bareactslive.com/BIH/BH292.HTM>

⁹⁵ Available at: <https://www.bareactslive.com/Ch/CG043.HTM>

⁹⁶ Available at: <http://www.bareactslive.com/Ch/cg113.htm#0>

⁹⁷ Available at: <file:///C:/Users/anime/Dropbox/PC/Downloads/Panchayat-Raj-Act-and-Rules.pdf>

⁹⁸ Available at:

<https://cdnbbsr.s3waas.gov.in/s316026d60ff9b54410b3435b403afd226/uploads/2023/08/2023080297.pdf>

⁹⁹ Available at: <https://sec.gujarat.gov.in/district-panch-rules.htm>

¹⁰⁰ Available at: <http://www.bareactslive.com/HRY/HL534.HTM>

			Haryana Panchayati Raj Election Rules, 1994 ¹⁰¹		
7	Jharkhand	Chapter IV [Conduct of Elections], Section 66 of the Jharkhand Panchayat Raj Act, 2001 ¹⁰²	Jharkhand Panchayat Raj (Sanshodhan) Adhiniyam, 2015 ¹⁰³	Governor	14 May 2001
8	Karnataka	Section 308 of The Karnataka [Gram Swaraj and Panchayat Raj] Act, 1993 ¹⁰⁴	The Karnataka Panchayat Raj (Conduct of Election) Rules, 1993 ¹⁰⁵	Governor	26 May 1993
9	Kerala	Chapter V (Officers and Staff of State Election Commission), Section 12 (Staff of The State Election Commission.) Of The Kerala Panchayat Raj Act 1994 ¹⁰⁶	*The Kerala Panchayat Raj (Registration of Electors) Rules, 1994 ¹⁰⁷	Governor	3 Dec 1993
10	Madhya Pradesh	Chapter IV (Conduct of Election), Section 42- Commission conduct of Election of Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 ¹⁰⁸	The M.P. Panchayat Nirvachan Niyam, 1995 ¹⁰⁹	Governor	15 Feb 1994
11	Maharashtra	Section 10A, The Maharashtra Village Panchayats Act, 1959 ¹¹⁰ Section 9A The Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ¹¹¹	The State Election Commissioner (Qualifications And Appointment) Act, 1994 ¹¹²	Governor	26 Apr 1994
12	Odisha	Section 9 of The Orissa Grama Panchayats Act, 1964. ¹¹³ Sub-section (f-1) of Section 2 of The Orissa Grama Panchayats Act, 1964	The Orissa Grama Panchayats Act, 1964	Governor	18 Feb 2013
13	Punjab	Section 210 of The Punjab Panchayati Raj Act, 1994 ¹¹⁴	The Punjab State Election Commission Act, 1994	Governor	May 1994

¹⁰¹ Available at: <http://www.bareactslive.com/HR/HL535.HTM>

¹⁰² Available at:

<https://cdnbbsr.s3waas.gov.in/s316026d60ff9b54410b3435b403afd226/uploads/2023/08/2023080219.pdf>

¹⁰³ Available at: https://secjharkhand.nic.in/pdf/act_rule/336_2015.pdf

¹⁰⁴ Available at: https://rdpr.karnataka.gov.in/storage/pdf-files/PR%20ACT/Panchayat_Raj_Act.pdf

¹⁰⁵ Available at: <https://karsec.gov.in/CommonHandler.ashx?id=1770>

¹⁰⁶ Available at: <https://www.indiacode.nic.in/bitstream/123456789/17251/1/the-kerala-panchayat-raj-act-1994.pdf#page=10&zoom=100,108,193>

¹⁰⁷ Available at: <https://www.sec.kerala.gov.in/public/rule/download/9180caf6-b9a7-4dc3-b595-1499a76a8c9e>

¹⁰⁸ Available at:

<https://cdnbbsr.s3waas.gov.in/s316026d60ff9b54410b3435b403afd226/uploads/2023/08/2023080266.pdf>

¹⁰⁹ Available at: <http://www.bareactslive.com/MP/mp559.htm>

¹¹⁰ Available at:

https://rdd.maharashtra.gov.in/sites/default/files/The_Maharashtra_village_Panchayas_Act_0.pdf

¹¹¹ Available at:

<https://lj.maharashtra.gov.in/Site/Upload/Acts/The%20Maharashtra%20Zilla%20Parishads%20and%20Panchayat%20Samitis%20Act,%201961.pdf>

¹¹² Available at:

<https://mahasec.maharashtra.gov.in/Site/Upload/Pdf/Protocol%20Regarding%20SEC%20English.pdf>

¹¹³ Available at: https://www.indiacode.nic.in/bitstream/123456789/13736/1/orissa_grama_panchayats.pdf

¹¹⁴ Available at:

https://www.indiacode.nic.in/bitstream/123456789/6923/1/the_punjab_panchayati_raj_act%2C_1994.pdf

		Section 3 of The Punjab State Election Commission Act, 1994 ¹¹⁵			
14	Rajasthan	Sub section (2) Section 17 of Rajasthan Panchayati Raj Act, 1994. ¹¹⁶	The Rajasthan Panchayati Raj (Election) Rules, 1994 ¹¹⁷	Governor	July 1994
15	Tamil Nadu	Section 239 of Tamil Nadu Panchayats Act, 1994 ¹¹⁸	Tamil Nadu State Election Commissioner (Conditions of Service) Rules, 1994	Governor	15 July 1994
16	Telangana	Part - V Constitution of State Election Commission, Conduct of Election and Election Officers. Chapter - I [State Election Commission and Conduct of Elections], Section 196 of The Telangana Panchayat Raj Act, 2018.	Telangana Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2018 – Telangana Panchayat Raj (conduct of elections of Members and Sarpanch of Gram Panchayats, Members of Mandal Praja Parishads and Members of Zilla Praja Parishads) Rules, 2018 Conduct of Election of Member (Co-opted) and President / Vice-President of Mandal / Parishad and Member (Coopted) and Chairperson and Vice-Chairperson of Zilla Praja Parishad Rules, 2018 ¹¹⁹ Telangana Panchayat Raj (Conduct of Elections of Upa-Sarpanch of Gram Panchayat) Rules, 2018 – Telangana Panchayat Raj (Authority and Manner to dispose election petitions in respect of Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads) Rules, 2018	Governor	Sept 2014
17	Uttar Pradesh	It is defined in 2(kk) of the and the powers are described in Sec 9 of The U.P. Panchayat Raj Act, 1947.	1. Uttar Pradesh State Election Commission (Panchayat Raj & Local Bodies) (Appointment & Conditions of Service) Rules, 1994. 2. Uttar Pradesh Panchayat Raj (Registration of Electors) Rules, 1994. 3. Uttar Pradesh Panchayat Raj (Election of Members, Pradhans and Up-Pradhans) Rules, 1994. 4. Uttar Pradesh Panchayat Raj (Settlement of Election Disputes) Rules, 1994. 5. Uttar Pradesh Panchayat Raj	Governor	23 Apr 1994

¹¹⁵ Available at: <http://www.bareactslive.com/Pun/pu194.htm>

¹¹⁶ Available at: <https://www.bareactslive.com/Raj/rj038.htm>

¹¹⁷ Available at: <http://www.bareactslive.com/Raj/RJ039.HTM>

¹¹⁸ Available at: <https://www.bareactslive.com/TN/tn793.htm>

¹¹⁹ Available at: https://tsec.gov.in/pdf/Election_Law_-_3.3.2023_258.pdf

			(Settlement of Election Disputes) Rules, 1994. 6. Uttar Pradesh Kshetra Panchayats and Zila Panchayats (Election of Members) Rules, 1994. 7. Uttar Pradesh Zila Panchayats (Election of Adhyaksh and Up-Adhyaksh and Settlement of Election Disputes) Rules, 1994. 8. Uttar Pradesh Kshetra Panchayats (Election of Pramukh and Up-Pramukh and Settlement of Election Disputes) Rules, 1994 9. The U.P. Kshetra Panchayats And Zila Panchayats Adhiniyam, 1961		
18	West Bengal	Sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994 ¹²⁰	The West Bengal Panchayat Elections Rules, 2006 ¹²¹	Governor	1966
North East and Hilly States					
19	Arunachal Pradesh	Sub Section (1) Section 104 of The Arunachal Pradesh Panchayat Raj Act, 1997 ¹²²	The Arunachal Pradesh Panchayati Raj (Constitution of State Election Commission) Rules, 2002. The Arunachal Pradesh Panchayati Raj (Conduct of Election) Rules, 2001. Arunachal Pradesh Panchayat Raj (Preparation of Electoral Roll) Rules, 2002. ¹²³	Governor	
20	Assam	Chapter X (Constitution of Finance Commission And State Election Commission for Panchayat Bodies), Section 114 of Assam Panchayat Act, 1994 ¹²⁴	The Assam Panchayat (Constitution), Rules 1995	Governor	May 1994
21	Himachal Pradesh	Chapter-XI Disputes Relating To Election, Section 160 Of The The Himachal Pradesh Panchayati Raj Act, 1994	The Himachal Pradesh Panchayati Raj (Election) Rules, 1994 ¹²⁵	Governor	23 Apr 1994
22	Manipur	Section 98, Manipur Panchayati Raj Act, 1994. ¹²⁶		Governor	
23	Meghalaya [@]				
24	Mizoram [@]	CHAPTER - II (State Election Commission and Appointment of		Governor	3 Oct 2008

¹²⁰ Available at: <https://www.bareactslive.com/WB/WB645.HTM>

¹²¹ Available at: https://wbsec.gov.in/files/contents/acts_rules/WB_Panchayat_Elections_Rules_2006.pdf

¹²² Available at: https://secap.nic.in/docs/Act/AP_PR_ACT.pdf

¹²³ Available at: <https://secap.nic.in/actrule.htm>

¹²⁴ Available at: <https://sec.assam.gov.in/pdf/act-rules/Assam-Panchayat-Act-1994.pdf>

¹²⁵ Available at: [https://sechimachal.nic.in/assets/files/Panchayati%20Raj%20\(Election\)%20Rules,%201994.pdf](https://sechimachal.nic.in/assets/files/Panchayati%20Raj%20(Election)%20Rules,%201994.pdf)

¹²⁶ Available at: https://www.indiacode.nic.in/show-data?actid=AC_CEN_18_21_00005_199426_1517807320414§ionId=42788§ionno=98&orderno=98

		Officers), Rule 3 of The Mizoram (Election to Village Councils) Rules, 2014 ¹²⁷			
25	Nagaland [@]				
26	Sikkim	Section 103 of The Sikkim Panchayat Act, 1993 ¹²⁸	Sikkim Panchayat (Election of Sabhapati, UpSabhapati and Sachiva of Gram Panchayat and Adhakshya and Upadhakshya of Zilla Panchayat and manner of convening meetings) Rules, 1983 ¹²⁹	Governor	
27	Tripura	Section 176, Chapter 1, Part V (Miscellaneous) of The Tripura Panchayats Act, 1993. ¹³⁰		Governor	26 Apr 1994
28	Uttarakhand	Chapter III, Section 14 of The Uttarakhand Panchayati Raj Act, 2016. ¹³¹	Panchayat Raj (Elector Registration) Rules- 1994	Governor	30 July 2001
Union Territories (UTs)					
29	Andaman & Nicobar Island	Chapter XII, Section 185 of The Andaman and Nicobar Islands (Panchayats) Regulation, 1994. ¹³²		President	
30	Chandigarh#				
31	Dadra & Nagar Haveli and Daman and Diu	Chapter VIII, Sub section (1) of Section 99 of Daman and Diu Panchayat Regulation, 2012 ¹³³		Administrator	
32	NCT of Delhi#				
33	Jammu and Kashmir	Chapter X, Section 36 of The Jammu and Kashmir Panchayati Raj Act, 1989 ¹³⁴	Jammu and Kashmir Panchayati Raj Rules, 1996 ¹³⁵	Lieutenant Governor on the recommendation of a Committee ¹³⁶	
34	Ladakh			Lieutenant Governor*	
35	Lakshdweep	Chapter VIII, sub-section (1) of		Administrator	

¹²⁷ Available at: <https://sec.mizoram.gov.in/uploads/attachments/9ce341849610bbef158473dbdd77d6bc/15-the-mizoram-election-to-village-council-rules-2014.pdf>

¹²⁸ Available at: https://prsindia.org/files/bills_acts/acts_states/sikkim/1993/1993SK6.pdf

¹²⁹ Available at: <http://bareactslive.com/SIK/sik041.htm>

¹³⁰ Available at: <https://panchayat.tripura.gov.in/sites/default/files/The%20Tripura%20Panchayats%20Act%2C%201993.pdf>

¹³¹ Available at: https://prsindia.org/files/bills_acts/acts_states/uttarakhand/2016/Act%20No.%2011%20of%202016%20UKD.pdf

¹³² Available at:

https://www.indiacode.nic.in/bitstream/123456789/19001/1/the_andaman_and_nicobar_%28panchayat%29regulations%2c_1994..pdf

¹³³ Available at:

https://www.indiacode.nic.in/bitstream/123456789/11675/1/daman_and_diu_panchayat_regulation_2012.pdf, Rule 99(1) says that the Election Commission appointed under Section 185 of the The Andaman and Nicobar Islands (Panchayats) Regulation, 1994 shall be the Election Commission for the superintendence, direction and control of the preparation of electoral rolls and conduct of all elections to the Gram Panchayats and District Panchayats in the Union Territory of Daman and Diu.

¹³⁴ Available at: https://www.indiacode.nic.in/bitstream/123456789/16478/1/panchayati_raj_act%2C_1989.pdf

¹³⁵ Available at: <https://www.bareactslive.com/JK/jk076.htm>

¹³⁶ Committee consisting of the (i) CM [Chairperson]; (ii) A senior Minister to be nominated Member by the CM (Member); (iii) Speaker of Legislative Assembly (Member); (iv) Minister Incharge Panchayats (Member); (v) Leader of Opp. in Legislative Assembly (Member). [Section 36 of The Jammu and Kashmir Panchayati Raj Act, 1989]

		Section 107 of Lakshadweep Panchayat Regulation 2022 ¹³⁷			
36	Puducherry	Chapter II (Constitution of Village Panchayat and Commune Panchayat Council), Section 9A of The Pondicherry Village and Commune Panchayat Act, 1973 ¹³⁸ SEC is referred as the Election Authority or Election Commission According to Section 2(9) Rule 3 (Administrative Machinery for the conduct of Elections) in the Pondicherry Village and Commune Panchayat (Conduct of Election of Chairman of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Rules, 1978 ¹³⁹	The Pondicherry Village Panchayats (Registration of Electors) Rules, 1974 ¹⁴⁰ The Pondicherry Village Panchayats (Inquiry of Election Petitions) Rules, 1977 The Pondicherry Commune Panchayat Councils (Election of Chairman and Vice- Chairman) Rules, 1996 ¹⁴¹	Administrator* * (Section 9A of The Pondicherry Village and Commune Panchayat Act, 1973)	1994

* Lieutenant Governor of Ladakh, vide Ladakh Gazette notification dt. 12.09.2023 via F.No. M/355/2021-GAD SEC

** “Administrator” means the Administrator of the Union Territory of Pondicherry appointed by the President of India under Article 239 of the Constitution. (Section 2(1) of The Pondicherry Village and Commune Panchayat Act, 1973).

#Panchayats does not NCT of Delhi and Chandigarh.

@ They are excluded from the purview of 73rd Amendment Act of the Constitution.

2.2 Work Assigned to State Election Commissions

The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the panchayats shall be vested in the state election commission. It consists of a state election commissioner to be appointed by the governor. His conditions of service and tenure of office shall also be determined by the governor. He shall not be removed from the office except in the manner and on the grounds prescribed for the removal of a judge of the state high court⁴. His conditions of service shall not be varied to his

¹³⁷ Available at:

<https://thc.nic.in/Central%20Governmental%20Regulations/Lakshadweep%20Panchayat%20Regulation%2022.pdf> 107 (1) says that The Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 shall be the Election Commission under this Regulation for the superintendence, direction and control of the preparation of electoral rolls, and conduct of all elections to the Gram Panchayats and District Panchayats in the Union territory of Lakshadweep

¹³⁸ Available at: <https://sec.py.gov.in/viewpdf?url=1&nid=1618>

¹³⁹ Available at: <https://sec.py.gov.in/viewpdf?url=2&nid=1618>

¹⁴⁰ Available at: <https://sec.py.gov.in/viewpdf?url=6&nid=1618>

¹⁴¹ Available at: <https://sec.py.gov.in/viewpdf?url=4&nid=1618>

disadvantage after his appointment. The state legislature may make provision with respect to all matters relating to elections to the panchayats.

The State Election Commission (SEC) plays a crucial role in the democratic governance structure of states and union territories in India. Its significance lies in conducting free, fair, and transparent elections for local bodies, such as municipalities and panchayats. Here are some key aspects of the significance of the State Election Commission

- It is the guardian of free and reasonable elections in India.
- It enforces the Model Code of Conduct (MCC) before every election to be followed by the different candidates and parties so that the decorum of the electoral process is maintained well.
- It creates awareness about the electoral process and electoral governance amongst stakeholders namely, voters, political parties, election functionaries, candidates and people at large; and to enhance and strengthen confidence and trust in the electoral system of this country.
- The Election Commission prescribes the limits of campaign expenditure by the candidates and parties and monitors the spending too.
- The body also mandates that the political parties submit their audited financial reports regularly.

The State Election Commission (SEC) in India is primarily responsible for conducting free and fair elections to local bodies, including panchayats (village councils or local self-governance bodies) and municipalities (urban local bodies). The work assigned to the SEC is outlined in the Constitution of India and relevant state laws. Here are the key responsibilities and functions of the State Election Commission:

1. **Conducting Elections:** The primary responsibility of the SEC is to conduct elections to local bodies, including panchayats and municipalities. This involves the entire electoral process, including the preparation of electoral rolls, delimitation of constituencies, and the actual conduct of elections.
2. **Delimitation of Constituencies:** The SEC is responsible for delimiting constituencies for local body elections. Delimitation involves defining the boundaries of electoral constituencies to ensure fair representation.

3. **Superintendence, Direction, and Control:** The SEC has the superintendence, direction, and control of the entire process of conducting elections to local bodies. It ensures that elections are conducted impartially, fairly, and in accordance with the law.
4. **Model Code of Conduct:** The SEC enforces the model code of conduct during elections. The model code of conduct is a set of guidelines for political parties and candidates to ensure fair and ethical campaigning.
5. **Preparation of Electoral Rolls:** The SEC oversees the preparation and revision of electoral rolls for local body elections. Electoral rolls are lists of eligible voters in a particular constituency.
6. **Reservation of Seats:** The SEC is responsible for the reservation of seats for Scheduled Castes (SC), Scheduled Tribes (ST), and other backward classes in local body elections, as mandated by the Constitution.
7. **Deciding Disputes and Disqualifications:** The SEC has the authority to decide disputes related to local body elections, including matters of disqualification of candidates. It plays a crucial role in ensuring that the electoral process is free from irregularities and disputes are resolved impartially.
8. **Issuing Notifications and Orders:** The SEC issues notifications and orders related to the schedule of elections, polling dates, and other relevant matters. These notifications provide clear guidelines for the conduct of elections.
9. **Financial Decentralization:** The SEC may make recommendations regarding the financial powers and resources allocated to local bodies, contributing to financial decentralization.
10. **Advisory Role:** The SEC may provide advice to the Governor on matters related to the conduct of local body elections. It may also offer recommendations to improve the financial position of local bodies.

The specific powers and functions of the SEC can vary between states and union territories based on the provisions of state laws. It's important to refer to the relevant state election laws and the Constitution of India for detailed information on the role of the State Election Commission in a particular region. The work assigned to SECs according to the state law is given below in the table.

Table 2.2: Work Assigned to SECs in States / UTs

S No	States	Work Assigned																		
		Delimitation and publication of list	Preparing and periodically revising electoral rolls and registering all eligible voters	Notifying the schedules and dates of elections	Granting recognition to the various political parties/candidates	Advisory jurisdiction in the matter of post-election	Model Code of Conduct in elections	Calculation of the posts & Supervision in the Reservation of seats	Nominate an Observer	Disqualification for Membership	Oath and affirmation (Either by SEC or its Nominated member)	Direction, Control and Supervision on the formation of DPC	Selection & Publication of Polling Station	Allot Election Symbol	Appoint/Nominate Officers to Conduct Elections (Returning Officer/Registration Officer/Presiding/Polling/District (Dy) Election Officer/Any Other Officer)	Exempt Voter from Voting	Designing Ballot Paper/Voting Machines	Prevention of Corruption	Prosecution of Certain Offences	Intpretation of Rules
General Category States																				
1	Andhra Pradesh		✓	✓					✓				✓	✓			✓			✓
2	Bihar	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓						
3	Chhattisgarh		✓		✓	✓							✓	✓			✓			
4	Goa		✓	✓	✓				✓				✓	✓						
5	Gujarat	✓	✓	✓	✓							✓	✓	✓		✓				
6	Haryana		✓	✓		✓							✓	✓			✓			
7	Jharkhand		✓	✓				✓	✓											
8	Karnataka	✓	✓	✓	✓			✓	✓				✓	✓		✓	✓			
9	Kerala	✓	✓	✓	✓			✓	✓				✓	✓		✓	✓			
10	Madhya Pradesh		✓	✓				✓	✓								✓			
11	Maharashtra		✓			✓			✓								✓		✓	
12	Odisha		✓	✓										✓			✓			
13	Punjab		✓										✓				✓		✓	✓
14	Rajasthan		✓											✓			✓			✓
15	Tamil Nadu		✓	✓	✓				✓					✓		✓	✓			✓
16	Telangana		✓	✓	✓			✓	✓					✓		✓	✓		✓	
17	Uttar Pradesh		✓	✓													✓			
18	West Bengal	✓		✓										✓		✓	✓			✓
North East and Hilly States																				
19	Arunachal Pradesh		✓														✓			
20	Assam		✓	✓				✓	✓								✓			
21	Himachal Pradesh		✓	✓				✓									✓			
22	Manipur																			
23	Meghalaya*																			
24	Mizoram																			
25	Nagaland*																			
26	Sikkim		✓	✓																

27	Tripura																			
28	Uttarakhand		✓	✓																
Union Territories (UTs)																				
29	Andaman & Nicobar Island		✓	✓																
30	Chandigarh#																			
31	Dadra & Nagar Haveli and Daman and Diu		✓	✓																
32	NCT of Delhi#																			
33	Jammu and Kashmir		✓																	
34	Ladakh																			
35	Lakshadweep																			
36	Puducherry	✓	✓	✓																

Note: *Andaman & Nicobar Island, Dadra & Nagar Haveli and Daman and Diu, Ladakh and Lakshadweep has common SEC according to S.O. 324 (E) Ministry of Home Affairs Order of April 23, 1994.
#NCT of Delhi and Chandigarh does not have Panchayati Raj Institution.

2.3 Service Conditions of State Election Commissioner

The office of State Election Commissioner is of paramount importance for *panchayat* elections and the service conditions of the state election commissioner are the wholesome environment in which the institution of SEC functions. It is observed that as the State government provides for the service conditions of the State Election Commissioner, there are variations in the service conditions of the State Election Commissioner across states. Therefore, it is cogent to look into the decisive factors which can strengthen the institution of State Election Commissioner. As per the constitutional requirements, once the State Elections Commissioner is appointed, there cannot be change in its service conditions to its disadvantage. The key service conditions of a State Election Commissioner include tenure, emoluments and removal of State Election Commissioner across States.

The constitution under Article 243(K) (2) left it to the State legislature about conditions of service and tenure of the State Election Commissioner. There is no uniformity for the qualification of a person to be appointed as the State Election Commissioner and the State has discretion in his appointment. This is the foremost reason for differences in the ranking of officials to be appointed as the state election commissioner. The variation in the rank of the

officials eligible to be appointed as a State Election Commissioner varies from the rank of joint secretary to principal secretary. As no specific qualification is prescribed, and as also mentioned above that the State Election Commissioner is appointed by the Governor on the recommendation of the Chief Minister of the State, the candidates selected are often viewed as those who have been close to the appointing authority. Besides qualitative and specific qualifications, the constitution has not debarred the retiring election commissioners from any further appointment by the government. Since there is absence of any cooling-off period for further appointment, there are chances that the retiring State Election Commissioner might take-up any post or position in the State government itself. This further creates an impression that the State Election Commissioner might not be an independent person and could be working on commands of the State government.

Further, during the interaction across States, the study team received the suggestion from the serving State Election Commissioners that there should be uniform appointment/eligibility criteria for the State Election Commissioner for all states. Most likely, they should be principal secretary, additional chief secretary or chief secretary. Overall, the appointment of a senior bureaucrat will serve the purpose because he will have to engage with senior functionaries at various levels. Sometimes, the SECs have to fight long battles against the State governments in order to fulfil their constitutional duty to hold elections as per the provisions of law. A State election commissioner, therefore, should be of strong stature and repute who can stand against even the state government in unfavourable circumstances. The SEC should have enough autonomy and powers to resist all extraneous ‘pressures’.

Tenure of State Election Commissioner

The tenure of the State Election Commissioner differs from state to state due to variation in legislations across states. In majority of the states, the state election commissioner holds office for a term of five years or till the age of sixty five years whichever is earlier (Table 2.1).

Table 2.3: Tenure of SEC in States / UTs

<i>(in years)</i>			
Sl. No.	Name of the State	Tenure	Upper age Limit
	(1)	(2)	(3)
	Election Commission of India (ECI)	Six	65
	General Category States		
1.	Andhra Pradesh	Five	Not Prescribed
2.	Bihar	Five	65
3.	Chhattisgarh	Six	66

4.	Goa [^]	Six	n.a.
5.	Gujarat	Five	65
6.	Haryana [#]	Five	65
7.	Jharkhand	Three	64
8.	Karnataka	Five	65
9.	Kerala	Five	65
10.	Madhya Pradesh	Six	66
11.	Maharashtra	Five	Not Prescribed
12.	Odisha	Five	65
13.	Punjab	Five	65
14.	Rajasthan	Five	65
15.	Tamil Nadu	Two	n.a.
16.	Telangana	Five	Not Prescribed
17.	Uttar Pradesh	Six	70
18.	West Bengal	Six	65
North Eastern and Hilly States			
19.	Arunachal Pradesh	Five	65
20.	Assam	Five	65
21.	Himachal Pradesh	Five	Not Prescribed
22.	Manipur	n.a.	n.a.
23.	Meghalaya*	n.a.	n.a.
24.	Mizoram*	Five	65
25.	Nagaland*	n.a.	n.a.
26.	Sikkim	Five	65
27.	Tripura	Two	65
28.	Uttarakhand	Five	65
Union Territories			
29.	Andaman & Nicobar Islands	Six	65
30.	Chandigarh	n.a.	n.a.
31.	Dadra & Nagar Haveli and Daman & Diu	Six	65
32.	Jammu and Kashmir	Five	65
33.	Ladakh	n.a.	n.a.
34.	Lakshadweep	Six	65
35.	NCT of Delhi**	Five	65
36.	Puducherry	Five	65

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022 and State Panchayat Acts.

Notes: 1. n.a.: data not available

2. ^ Discretion of the Governor.

3. # Tenure can be extended by 6 months on the recommendation of the State Government

3. * The State is outside the purview of Part IX of the Constitution under its Article 243

4. ** Panchayat has yet to be revived

In the states of Chhattisgarh, Madhya Pradesh, Goa, West Bengal and Uttar Pradesh, the tenure of the State Election Commissioner is stipulated at six years, while the Panchayat Raj Act of Tamil Nadu and Tripura stipulates that the tenure of SEC is for a period of two years. Jharkhand is the only State with the SEC tenure of three years. Such a short tenure might result in the state election commissioner not being able to administer even one Panchayat

election in his/her tenure. However, no upper age limit is prescribed in the States of Andhra Pradesh, Himachal Pradesh, Maharashtra and Telangana.

As the power to change these service conditions lies with the State governments, changing the tenure of the Commissioner has been one of the most crucial issues across the states, hampering the Commission's independence. It has been observed that the tenure of the SEC has been modified / fixed by the State government as per its own convenience serving the purpose of the current State government. Taking the case of UP, (*Aparmita Prasad Singh vs. State of U.P.*, 2007), for instance, in December 2006, the rules of 1994 were amended to modify the tenure from five years to seven years and the upper age limit from sixty years to sixty seven years. In June 2007, by another notification, the earlier order of tenure and upper age limit were again restored to five years and sixty five years, respectively. Analysis of the chronology indicates that the 2006 amendment was made by the then government and the 2007 modification was issued by a newly elected government. Again in June, 2014, in the period of the successive government, the tenure was fixed at six years while age limit was increased to sixty eight years. The age limit was further increased to seventy years in November, 2021 keeping the tenure at six years. The ease and the frequency with which these conditions can be changed, speaks a lot about the sanctity of the post and independence and neutrality of the commission. Some people may assume that the concerned beneficiary can entertain a preferential attitude for the facilitating government. Therefore the role of the government in the appointment can be reduced while providing legislative security to the tenure of the Commissioner.

There have been instances where State government tries to work towards the disadvantage of the State Election Commissioner such as reducing the tenure of the State Election Commissioner as in case of Andhra Pradesh. The Governor of Andhra Pradesh promulgated an ordinance through which it cut short the term of the State Election Commissioner from five to three years resulting in the expulsion of State Election Commissioner from that post. But, the Andhra Pradesh High Court nullified the ordinance promulgated by the Governor and reinstated the former State Election Commissioner, ensuring the protection of constitutional mandate¹⁴². Also it is constitutionally mandated that the conditions of service

¹⁴² Raghavendra, V. 2020. "AP High Court orders reinstatement of Ramesh Kumar as State Election Commissioner". *The Hindu*, May 29. <https://www.thehindu.com/news/national/andhra-pradesh/ap-high-court-orders-reinstatement-of-ramesh-kumar-as-state-election-commissioner/article31701259.ece> (Retrieved on August 12, 2022)

of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

After having detailed discussion with various State Election Commissioners, the study team is of the suggestion that a uniform tenure of five years will ensure strengthening of the SEC office while giving ample opportunity to the State Election Commissioner looking into electoral administrative machinery and engendering the timely conduct of the election. The same was recommended by National Commission to Review the Working of the Constitution (NCRWC), 2002¹⁴³.

Emoluments of the State Election Commissioner

While majority of the states provide the emolument to State Election Commissioner equivalent to Judge of the High Court, some of them provide for emolument equivalent to secretary to GoI while other states have even further variations. Among the North-Eastern State, Meghalaya has the post of Chief Electoral Officer instead of the State Election Commissioner and the emolument is prescribed by the Governor. In case of Jharkhand, the State Election Commissioner receives the emolument equivalent to his/her last pay drawn on the post held before appointment while it is equivalent to the pay of chief secretary in case of Rajasthan (Table 2.2).

Observing such variations in emoluments of SEC across states, the NCRWC recommended in 2002 that State Election Commissioner should be accorded the status of the Judge of High Court in the same manner as Commissioners in Election Commission of India are accorded the status of the Judge of the Supreme Court¹⁴⁴. State governments may amend their provisions to accord State Election Commissioner the status and privileges equivalent to the Judges of High Courts, similar to the grounds of the removal as provided in the Constitution.

¹⁴³ GoI. 2002. *National Commission to Review the Working of Constitution*. March. Pg.196

¹⁴⁴ *ibid*

Table 2.4: Emoluments of State Election Commissioner in States / UTs

Sl. No.	States	Equivalent to Judge of the High Court	Equivalent to Secretary to GoI	Other Variation
	(1)	(2)	(3)	(4)
Election Commission of India (ECI)				Equivalent to Judge of the Supreme Court
General Category States				
1.	Andhra Pradesh	√		
2.	Bihar		√	
3.	Chhattisgarh	√		
4.	Goa [^]		√	
5.	Gujarat			Fixed pay
6.	Haryana ^{^^}		√	
7.	Jharkhand			Last pay drawn in the govt.
8.	Karnataka	√		
9.	Kerala	√		
10.	Madhya Pradesh	√		
11.	Maharashtra	√		
12.	Odisha	√		
13.	Punjab	√		
14.	Rajasthan			Equivalent to Chief Secretary
15.	Tamil Nadu	√		
16.	Telangana	√		
17.	Uttar Pradesh			Fixed pay
18.	West Bengal	√		
North Eastern and Hilly States				
19.	Arunachal Pradesh	√		
20.	Assam			Fixed pay
21.	Himachal Pradesh	√		
22.	Manipur	n.a.		
23.	Meghalaya*	n.a.		
24.	Mizoram*	n.a.		
25.	Nagaland*	n.a.		
26.	Sikkim	n.a.		
27.	Tripura		√	
28.	Uttarakhand	√		
Union Territories				
29.	Andaman and Nicobar Islands		√	
30.	Chandigarh	n.a.		
31.	Dadra & Nagar Haveli and Daman & Diu		√	
32.	Jammu & Kashmir	n.a.		
33.	Ladakh	n.a.		
34.	Lakshadweep		√	
35.	NCT of Delhi**	√		
36.	Puducherry	n.a.		

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022, State Panchayat Acts and Independence of state election commissions in India by state election commission, Maharashtra, 2019

Notes: 1. (√) shows pay of the state election commissioner is equivalent to judge of a High Court / Secretary to GoI / other variations

2. ^ It is up to the discretion of the Governor

3. ^^ or pay equivalent to the Chief Secretary to the State Government

4. *The State is outside the purview of Part IX of the Constitution under Article 243 M.

5. ** Panchayat has yet to be revived

2.4 Relationship between the State Election Commission and State Government

As the State Election Commissioner is the part of state executive and engaged in activity of *panchayat* elections, it requires the support of State government. The *panchayat* is the state subject and that is why State Election Commissioner needs support to perform its function. Some of the crucial issues which deal with elections are delimitation of constituency, reservation of constituency, preparation of electoral rolls, notifications of the *panchayat* elections, monitoring the election process, looking into election disputes, etc. On all these matters, State government play significant role while State Election Commissioner has also been entrusted with these roles in many states. The following are key areas which evidently show that the functioning of the SEC is not independent and is dependent on State Government:

➤ Delimitation

A *panchayat* is a body comprised of members chosen by direct election¹⁴⁵. For this purpose the *panchayat* area is divided into territorial constituencies, known as constituencies for *panchayat*. Delimitation is the process of dividing *panchayat* into as many constituencies as there are seats (members) and fixing or refixing of the boundaries of the territorial constituencies for electing members.

A re-delimitation is necessary whenever a change is brought to the number of seats in the *panchayat* on the following grounds.

- i. Refixing the no. of seats in *panchayat* in consideration of the population of the area, as per the census figures.
- ii. Refixing the minimum or maximum seats in a *panchayat*.
- iii. Alteration or conversion of a *panchayat* area.

The specific provisions dealing with delimitation of *panchayat* in the constitution of India are as under:

Article 243C: Composition of *Panchayat*-

¹⁴⁵ Article 243C of Indian Constitution. Further, the chairperson of a *panchayat* at the village level shall be elected in such a manner as State legislature may provide by law and chairperson of a *panchayat* at the intermediate level or district level is indirectly elected (Annexure-E)

- (1) *Subject to the provisions of the Part IX, the Legislature of a State may, by law, make provisions with respect to the composition of panchayats: Provided that the ratio between the population of the territorial area of a panchayat at any level and the number of seats in such panchayat to be filled by election shall, so far as practicable, be the same throughout the State.*
- (2) *All the seats in a panchayat shall be filled by persons chosen by direct election from territorial constituencies in the panchayat area and, for this purpose, each panchayat area shall be divided into **territorial constituencies** in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the panchayat area.*

Other than stating the division of the *panchayat* area into territorial constituencies, the constitution says nothing more about who should carry out the redistribution, or how this process should be undertaken. Sir Ivor Jennings, a constitutional expert, has remarked that “*the function of delimitation of constituencies is of greatest constitutional importance. It is ‘very odd’ that these functions are governed by ordinary legislation*”¹⁴⁶.

The study team received responses of states through questionnaire, and it is found that delimitation of *panchayat* is done either by the State Government, or the SEC or State Delimitation Commission. Due to the ambiguity in constitution on who should carry delimitation, the powers of delimitation of local government constituencies have been retained by the respective state governments in majority of the states. As is evident from the Table 2.3, the State government performs the function of delimitation in twenty five States and UTs while the SEC does the same in six States and UTs. There are only two states (Kerala and Karnataka) where separate State Delimitation Commission is created. While in the State of Kerala the delimitation commission is headed by the State Election Commissioner whereas in the State of Karnataka, State Election Commissioner do not have any role and the State government constitutes the delimitation commission. The discretion of state government in delimitation leads to delay in panchayat elections. Therefore, the State should ensure independent authority for the delimitation of *panchayat*.

¹⁴⁶ Jennings, I. 1953. *Some Characteristics of the Indian Constitution*. London: Oxford University Press, pg. 27.

Table 2.5: Authorities Delimiting the Constituency for Panchayat Elections in States / UTs

SI. No.	Name of the State	State Government	State Election Commission	State Delimitation Commission
	(1)	(2)	(3)	(4)
General Category States				
1.	Andhra Pradesh	√		
2.	Bihar		√	
3.	Chhattisgarh	√		
4.	Goa		√	
5.	Gujarat		√	
6.	Haryana	√		
7.	Jharkhand		√	
8.	Karnataka			√
9.	Kerala			√
10.	Madhya Pradesh	√		
11.	Maharashtra		√ ¹	
12.	Odisha	√		
13.	Punjab	√		
14.	Rajasthan	√		
15.	Tamil Nadu	√		
16.	Telangana	√		
17.	Uttar Pradesh	√		
18.	West Bengal	√		
North Eastern and Hilly States				
19.	Arunachal Pradesh	√		
20.	Assam	√		
21.	Himachal Pradesh	√		
22.	Manipur	√		
23.	Meghalaya*	√		
24.	Mizoram*	√		
25.	Nagaland*	√		
26.	Sikkim	√		
27.	Tripura	√		
28.	Uttarakhand	√		
Union Territories				
29.	Andaman & Nicobar Islands		√	
30.	Chandigarh	n.a.		
31.	Dadra & Nagar Haveli and Daman & Diu	√		
32.	Jammu and Kashmir		√	
33.	Ladakh	n.a.		
34.	Lakshadweep	n.a.		
35.	NCT of Delhi**	n.a.		
36.	Puducherry	√		

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022 and State Panchayat Acts

Notes: 1. (√) shows the prescribed authority for the delimitation.

2.¹ Delimitation is done by state government with the approval of SEC

3. n.a.: data not available

4. * The State is outside the purview of Part IX of the Constitution under Article 243 M

5. ** Panchayat has yet to be revived

6. Delimitation of constituencies for Parliamentary and Assembly Elections is done by independent delimitation commission constituted by retired judge of supreme court (Chairperson), Chief Election Commission, SECs of all states and associated members.

As in case of union government where the parliament has created independent Delimitation Commission which includes participation of ECI, there is no separate delimitation commission for panchayat bodies. In fact, the office of Chief Election Commissioner acts as secretariat for the Delimitation Exercise of India. This institutional mechanism is the foremost reason that election in independent India was never delayed due to delimitation exercise. But, the Second Administrative Reform commission was categorically against the creation of a separate Delimitation Commission for local governments. Their suggestion is to assign this function to State Election Commission instead¹⁴⁷. Currently, many State governments take up this work while in some states, the State Election Commission performs this function. Independent SECs, especially when appointed as Constitutional authorities, can easily undertake this exercise and the government can provide the broad guidelines for delimitation either by law or by Rules. Once delimitation is carried out by SECs, State governments cannot delay the conduct of elections on the plea of incomplete delimitation exercise.

Also, while delimitation of the constituencies for *panchayat* elections could be under the control and direction of the SEC, the Constitution could stipulate that such delimitation should be adjusted after every census and not for every election. The State laws should provide guidelines for the delimitation work such as parity, as far as possible, in the ratio between the population of a territorial constituency and the number of seats within the same class of *panchayats* or municipalities. The extent of permissible variations should also be mentioned. Parity as a requirement is stipulated in the proviso to article 243C so far as *panchayats* are concerned but is missing in article 243R relating to municipalities. It has been observed that many times the Government takes up the delimitation of constituencies particularly when the elections are round the corner causing the elections to be postponed and creating lot of confusion among the public and political parties. Recently, the election to the municipalities in Delhi were delayed as the Central government just at the last moment expressed its intention to merge the three civic bodies in the city which eventually led to the re-delimitation of the constituencies. Also, the delimitation committee was formed under the aegis of the Central Government for carrying out such activities. Thus, it is suggested the delimitation of wards shall be vested with State Election Commission instead of Government¹⁴⁸.

¹⁴⁷ Supra note 86, pg. 53.

¹⁴⁸ Supra note 86.

Scope of Judicial Review

In the Indian scenario the process of delimitation is excluded from judicial review¹⁴⁹. The validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be questioned in any court of law. The immunity of the delimitation process from the judicial review was tested in the landmark case of *Meghraj Kothari v. Union of India*.¹⁵⁰ The petitioner filed the petition under in respect of the delimitation of certain Parliamentary and Assembly constituencies in the state of Madhya Pradesh. The petition was dismissed both by the Madhya Pradesh High Court as well as the Supreme Court on the ground that validity of any law relating to the delimitation of constituencies or allotment of seats to such constituencies shall not be called in question in any court.¹⁵¹ The courts of the land seems to have taken the opinion that judicial reviews in laws pertaining to delimitation would make the whole process “unworkable”. The decision in *Meghraj Kothari* has remained a good law since 1967 and has been followed by the High Courts across the country.

The delimitation process in the *panchayats* elections was tested in the landmark judgment of *State of Uttar Pradesh and others v. Pradhan Sangh Kshettra Samiti and others*¹⁵². The High Court entertained the petition but also went into the merits of the petition. The Supreme Court reversed the order of High Court and observed that neither the delimitation of the *panchayat* constituencies in the said areas nor the allotments of seats to the constituencies could be challenged in any court of law. The only exception in which a delimitation order could be challenged is on the ground that ‘*no objections were invited and no hearing was given to hear such objections*’. This has opened a door for judicial intervention in matters in relation to delimitation but only on this specific ground.

➤ Reservation in *Panchayats*

Prior to analyzing the administration of reservation in *panchayats* due to reservation policy in local governance, it is imperative to understand the circumstances that created the need for

¹⁴⁹ Judicial review is a process under which executive or legislative actions are subject to review by the judiciary.

¹⁵⁰ *Meghraj Kothari v. Union of India*. 1967 1 SCR400

¹⁵¹ Article 329a in the Indian Constitution provides that the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 327 or Article 328, shall not be called in question in any court;

¹⁵² *State of Uttar Pradesh and others v. Pradhan Sangh Kshettra Samiti and others*: (1995) Supp (2) SCC305

such measures to be taken. The 73rd Amendment paved the way for a fundamental change in the way public goods are delivered in rural areas in India through the *panchayats*, directly elected by the people responsible for making decisions on an array of public good decisions. Eventually, the *gram panchayats* are supposed to be given control over an even broader array of social services, including basic education and primary health care. The hope is that decentralization, by bringing decision-making closer to the people, may improve both the quality of social services delivery in India, and its adequacy to meet people's needs.

However, in a country with a heterogeneous population, a danger is that decentralization will make it more difficult to protect the interests of weaker segments of the population, notably women, the Scheduled Castes (SC), the Scheduled Tribes (ST), and Other Backward Class (OBC) and, in particular, to ensure that they get their fair share of public goods. Also it was felt that local governments were not able to acquire status and dignity of viable and responsive government and one of the reason was on account of inadequate representation of weaker sections. These social groups had quite inadequate representation earlier. To alleviate this concern, the 73rd Amendment required that a fraction of seats at all levels be reserved for women, SCs STs and OBCs. Subsequently, the different States have enacted legislation to give effect to these provisions. While reservations for SCs, STs and OBCs are in place in other elected bodies (national and state legislative assemblies), the 73rd Amendment is the first one in India that mandated women's reservation, and this made it a landmark piece of legislation as well as, to some extent, a test case. It also makes an objective and rigorous analysis of its effects particularly important. The legislation aimed to improve the delivery of social services by bringing decision-making closer to the people and constitutionally empowering local village leaders. It also ensured reservations for women and SCs, STs and OBCs to prevent historically powerful groups from claiming political, economic and social resources. Also the concept of providing reservation for the benefit of the weaker section of the society is to ensure their participation in the conduct of the affairs of the *Panchayat*. The reservation ensures that the specified number of persons belonging to that category become members of the Panchayat. The idea is to see that minimum number of seats as provided are filled by vulnerable sections of the society. The constitutional provision dealing with the reservation of seats in panchayat is:

Article 243 D: Reservation of Seats-

(1) Seats shall be reserved for the SC/STs in proportion to their population.

(2) Not less than one-third of the total seats shall be reserved for women in each category, e.g., SCs/STs. These seats shall be allotted by rotation to different constituencies.

(3) The office of the chairpersons of the panchayats at all levels shall also be reserved in the same proportion for the SCs/STs/women.

(4) Reservation for other backward class of citizens may be done as the state legislature may provide.

The Constitution lays down that seats shall be reserved for women, SCs, STs and OBCs in every *panchayat* in proportion to their numbers and such seats shall be allotted by rotation to different Wards/Constituencies as the case may be. These reservations do not involve ‘separate electorates’, i.e. the representation of a particular group by legislators chosen by an electorate composed solely of members of that group. The seats are reserved in the sense that candidates who stand for them must belong to the specified groups, in which the entire electorate of the constituency participates in choosing among the reserved candidates.

Reservations for women in *panchayats* were seen as a means to bolster women empowerment through increased political awareness, self-confidence, and involvement in development and social issues of the region. Constitutionally, women enjoy 33% reservation in panchayat seats. Many states even have gone further and provided 50% reservations to women in the panchayat¹⁵³. Twenty states in India have made provisions of 50% reservation for women in panchayat in their respective state panchayat acts. The 73rd and 74th Constitutional Amendment Acts, 1992 proved to be catalytic, ushering in around 15 lakh women into leadership positions in India’s local administration¹⁵⁴. Also, the elected representatives at the village level use this as an effective tool to build a political support base. As women now vote more than men in India (a trend recently noted in 2019 Lok Sabha Election) and parties are scrambling to woo them, the *panchayats* are set to become all the more important.

However, it has been observed that the allocation of reserved seats becomes a ground of contestation between State government and SEC. The study team of IIPA also noted that many times SEC does not receive the notification of reservation of seats from the government

¹⁵³ Mahapatra, Richard. 2017. “Panchayat elections are set to become all the more important”. *Down to Earth*. May, 15. <https://www.downtoearth.org.in/news/governance/panchayats-in-presidential-india-57786> , last retrieved on August, 2022.

¹⁵⁴GoI. 2020. “Representation in Panchayat”. PIB, September, 23. <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1658145#:~:text=As%20per%20the%20information%20available,have%20made%20provisions%20of%2050>

well in time and it is observed that several times there is a change in the reservation of seats creating a lot of fuss in conducting elections. For instance, the panchayat elections in Haryana are being delayed as they have not received the notification on delimitation and reserved seats¹⁵⁵. Further, the reservation of seats become a stumbling block in conducting timely elections as such cases reaches to court and elections get delayed. Therefore, as recommended by the Second ARC, the reservation of seats, like delimitation exercise, should be vested with the SEC¹⁵⁶.

➤ **Operation of the principle of Reservation by Rotation:**

Given the complexity of reservations in local government and the high proportion of seats reserved, periodic rotation of seats becomes necessary. The Constitution in Article 243D(2), lays down that seats shall be reserved for SCs and STs in every *panchayat* and municipality and such seats shall be allotted by rotation to different wards/constituencies as the case may be. The different States have enacted legislation for giving effect to these provisions. While some have prescribed detailed Rules laying down the procedure on this behalf, others have empowered the State Election Commission to implement this Constitutional requirement and prescribe modalities, thereof. The effect of this has been to enable these State governments to intervene in the composite and integrated process of conducting elections and thereby hold up the same if they so choose to do. Also, many States undertake the exercise of enumeration of OBCs (for whom census figures are not available) in the eleventh hour, delaying reservation and therefore the conduct of elections. During the interaction with the officials of the SEC, Uttarakhand, the study team came to know that with less than a dozen Scheduled Tribe voters, a ward had to be reserved for Scheduled Tribe category, while implementing the rotational principle in the State.

Thus, to ensure that elections to the third tier are held on time the functions of reservation and delimitation of constituencies could be entrusted to SECs as suggested by Second ARC Report¹⁵⁷, Report of the Working Group on Democratic Decentralization & PRIs¹⁵⁸, and Model Panchayat Election Rule 2011¹⁵⁹.

¹⁵⁵ Express News Service. 2022. "Haryana says election by Nov-end if it gets details, fails to provide info on reserved seats, panchayat polls to be delayed". *The Indian Express*. September, 17. <https://indianexpress.com/article/cities/chandigarh/haryana-says-election-by-nov-end-if-it-gets-details-state-fails-to-provide-info-on-reserved-seats-panchayat-polls-to-be-delayed-8156240/>

¹⁵⁶ Supra note 86.

¹⁵⁷ Supra note 86, pg. 34

➤ Quasi-Judicial function of SEC¹⁶⁰

Election by its nature requires publicity by the candidates and their prospect of winning is ensured by many factors. Candidates try to win the confidence of the voters and influence them through their campaign. The candidate with most appealing package of democratic values and other factors gains the confidence of the voters. Thus, campaign expenditure is an enabling factor to provide the platform to the candidate where he can make himself known to large number of voters. In a world where obtaining and transferring information is a costly activity the role of money is very important in shortening the distances between the candidate and his potential voters¹⁶¹. In India, the candidates do spend a handsome sum to influence the voters by distributing freebies just at the nick of the election. However, in a democracy, there should be fair play in the election campaign. No one should get undue advantage due to monetary factor. Hence, there is imposition of expenditure-ceiling in campaign by the candidates in panchayat elections.

The election campaign expenses of the candidates are monitored by SEC so that undue advantage can be checked. Provisions relating to taking cognizance of offences during the elections are mentioned in the respective State *Panchayat* Acts, such as authority of SEC to disqualify candidates who violates the election laws.

The quasi-judicial function of SEC is justified as it is well versed with the process of election, they are right authority at the first place. The SEC deals with the disputes related to campaign expenses ceiling, anti-defection at *Zila Parishad* level in some states, discrepancy in electoral rolls, violence or both capturing, counting of votes, malfunctioning of EVMs, reservation of seats, cancellation of nominations. For *panchayat* election disputes, there is *panchayat* election tribunal in state like Assam and in other states civil judge or district judge act as the authority under article 243(O) to deal with disputes.

¹⁵⁸ GoI. 2006. *Report of the Working Group on Democratic Decentralization & PRIs*. Ministry of Panchayati Raj and Planning Commission. November. Pg. 2

¹⁵⁹ GoI. 2011. *Model Panchayat Election Rule 2011*. Ministry of Panchayati Raj. December. Pg.28

¹⁶⁰ It is commonly used to describe the kinds of powers wielded by ministers or government department but subject to a degree of judicial control in the manner of their exercise.

¹⁶¹ Palda, K., and K. Palda. 1985. "Ceilings on Campaign Spending: Hypothesis and Partial Test with Canadian Data". *Public Choice* , 313-331.

➤ Funding of State Election Commission

Funding, the bedrock of every institution to function effectively, is one of the most contested issue in case of SEC. Constitution does not provide for funding of SEC. Therefore, the provision of financial allocation and financial powers are vested with State legislature.

Against this backdrop, the State Election Commissions have to approach their respective State governments for financial allocations to conduct elections. It is expected that the allocation of funds required in conducting *panchayat* elections shall be approved by the concerned State Governments to respective State Election Commission in a routine manner. But, this is not the case.

Furthermore, during the field study, it was observed that SECs used to procure EVMs and other infrastructural facilities using funds from Rajiv Gandhi Panchayat Sashaktikaran Abhiyaan (RGPSA), however, now, it has been discontinued and SECs are fully dependent on State government for funds. Similarly, it was noted by the study team that SEC, Karnataka receive funds from the respective departments, for instance, it receives funds from Department of Rural Development and Panchayati Raj for conducting elections to *Panchayat* and separate funds from Department of Urban Development Department for conducting elections to urban local governments.

Further, in some of the states, there are additional requirement of funds by the commission. For instance, in case of Haryana, additional budget is provided by the Government in the 1st and 2nd supplementary grants on request of the SEC. While in case of Odisha, any additional requirement of fund is fulfilled through supplementary budget provision and on request made to Finance Department. Assam as well as Telangana receives additional fund through re-appropriation of budget at later stage.

At present, in most of the states the funding of the SEC is voted on the consolidated fund of the State (as shown in Table 2.4). It makes them dependent on the state government. However, it has been observed that the SEC do not face shortage of fund for conducting the election but face paucity of funds to meet day to day expenses such as procurement of EVMs and hiring advocate for court cases, etc.

Table 2.6: Status of Funding of SEC in States / UTs

SI. No.	Name of the State	Type of funding by state government		Is funding adequate to conduct elections?	
		Voted	Charged	Yes	No
	(1)	(2)	(3)	(4)	(5)
General Category States					
1.	Andhra Pradesh	√		√	
2.	Bihar	√		√	
3.	Chhattisgarh	√		√	
4.	Goa	√		√	
5.	Gujarat	√		√	
6.	Haryana	√		√	
7.	Jharkhand	√		√	
8.	Karnataka	√		√	
9.	Kerala	√		√	
10.	Madhya Pradesh	√		√	
11.	Maharashtra	√		√	
12.	Odisha	√		√	
13.	Punjab	√		√	
14.	Rajasthan	√		√	
15.	Tamil Nadu	√		√	
16.	Telangana	√			√
17.	Uttar Pradesh	√		√	
18.	West Bengal	n.a.		√	
North Eastern and Hilly States					
19.	Arunachal Pradesh	n.a.		n.a.	
20.	Assam	√		√	
21.	Himachal Pradesh	√		√	
22.	Manipur	n.a.		n.a.	
23.	Meghalaya*	n.a.		n.a.	
24.	Mizoram*	n.a.		n.a.	
25.	Nagaland*	n.a.		n.a.	
26.	Sikkim	n.a.		n.a.	
27.	Tripura		√		
28.	Uttarakhand	√		√	
Union Territories					
29.	Andaman & Nicobar Islands		√		√
30.	Chandigarh	n.a.		n.a.	
31.	Dadra & Nagar Haveli and Daman & Diu		√		√
32.	Jammu and Kashmir	n.a.			√
33.	Ladakh	n.a.		n.a.	
34.	Lakshadweep		√		√
35.	NCT of Delhi**	n.a.		n.a.	
36.	Puducherry	√		√	

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022, State Panchayat Acts and Independence of state election commissions in India by state election commission, Maharashtra, 2019.

Notes: 1. (√) shows the type of funding and whether the funding is adequate or not.

2. This funding only reflects the funds required to conduct the elections, however it may be insufficient to carry out day to day functions, procurement of EVMs, and hiring of advocate for court cases, etc.

3. n.a.: data not available

4. *The State is outside the purview of Part IX of the Constitution under Article 243 M.

5. ** Panchayat has yet to be revived

6. Expenditure of Election Commission of India is voted on the consolidated fund of India.

Hence, funding to SEC may be crafted on the lines of ECI. ECI receive its funds through Ministry of Law and Justice. Similarly, SEC can receive from Dept. of Law. It would be the SEC discretion to utilise this fund judiciously while conducting elections for ‘Panchayats’ and ‘Municipalities’. It’ll ensure independence and provide flexibility to the SEC to conduct timely elections. Otherwise, state governments may interfere in the timings of election by controlling the release of funds by ensuring the suitable timings for their political fortunes in rural and urban areas distinctly. Therefore, it is suggested that funds to the SEC should be charged to the consolidated fund of the State government and may be disbursed through department of law. The similar recommendation has been suggested by the All India State Election Commissioner’s conference held at Bangalore, Karnataka on 25th June, 2003 that “*it is imperative that the SEC shall also be bestowed with the provision of charging the election expenditure to the consolidated fund of the State governments concerned to avoid deferment or postponing of elections for want of timely and adequate funds*”¹⁶².

➤ **Mode of Casting Vote in *panchayat* election**

In *panchayat election*, electorate vote for their candidates is given either through ballot papers or Electronic Voting Machine (EVM). At present, in many states (as shown in Table 2.5) the ballot papers are printed and given to the voters at the time of elections for casting their votes and after polling, the votes are counted manually which involves the consumption of a lot of manpower and time, precious paper, financial expenses etc.

In some states like Haryana, EVMs were used for *panchayat* elections at all levels (village, intermediate and *zila panchayat*) whereas in some states like Uttarakhand and Himachal Pradesh ballot papers are used for *panchayat* elections. States which are using ballot papers hinted that lack of funds and awareness about the usage of EVM is one of the major hindrances in conducting *panchayat* elections. But the same voters cast their vote using EVMs in the assembly and the parliamentary elections so this argument of lack of awareness among the voters is lopsided.

¹⁶² Agenda and Notes, All India state Election Commissioners’ Conference held on 25 June 2003 at I.A.S Officers’ Association Conference Hall No. 1, Infantry Hall Bangalore 560 001, Karnataka

Table 2.7: Mode of Casting Vote in Elections of Panchayat under States / UTs

Sl. No.	States	Gram Panchayat	Intermediate Panchayat	District Panchayat
	(1)	(2)	(3)	(4)
General Category States				
1.	Andhra Pradesh	Ballot Paper	Ballot Paper	Ballot Paper
2.	Bihar	Both	EVM	EVM
3.	Chhattisgarh	Ballot Paper	Ballot Paper	Ballot Paper
4.	Goa [^]	Ballot Paper	n.a.	Ballot Paper
5.	Gujarat	Both	Both	Both
6.	Haryana	Both	EVM	EVM
7.	Jharkhand	Ballot Paper	Ballot Paper	Ballot Paper
8.	Karnataka	Ballot Paper	EVM	EVM
9.	Kerala	EVM	EVM	EVM
10.	Madhya Pradesh	Ballot Paper	Ballot Paper	Ballot Paper
11.	Maharashtra	Both	Both	Both
12.	Odisha	Ballot Paper	Ballot Paper	Ballot Paper
13.	Punjab	Ballot Paper	Ballot Paper	Ballot Paper
14.	Rajasthan	Both	Both	Both
15.	Tamil Nadu	Ballot Paper	Ballot Paper	Ballot Paper
16.	Telangana	Both	Both	Both
17.	Uttar Pradesh	Ballot Paper	Ballot Paper	Ballot Paper
18.	West Bengal	Ballot Paper	Ballot Paper	Ballot Paper
North Eastern and Hilly States				
19.	Arunachal Pradesh [^]	Ballot Paper	n.a.	Ballot Paper
20.	Assam	Ballot Paper	Ballot Paper	Ballot Paper
21.	Himachal Pradesh	Ballot Paper	Ballot Paper	Ballot Paper
22.	Manipur [^]	Ballot Paper	n.a.	Ballot Paper
23.	Meghalaya*	n.a.	n.a.	n.a.
24.	Mizoram*	n.a.	n.a.	n.a.
25.	Nagaland*	n.a.	n.a.	n.a.
26.	Sikkim [^]	EVM	n.a.	EVM
27.	Tripura	Ballot Paper	Ballot Paper	Ballot Paper
28.	Uttarakhand	Ballot Paper	Ballot Paper	Ballot Paper
Union Territories				
29.	Andaman and Nicobar Islands	Ballot Paper	Ballot Paper	Ballot Paper
30.	Chandigarh	n.a.	n.a.	n.a.
31.	Dadra & Nagar Haveli and Daman & Diu [^]	EVM	n.a.	EVM
32.	Jammu & Kashmir	Both	Both	Both
33.	Ladakh	n.a.	n.a.	n.a.
34.	Lakshadweep [^]	Both	n.a.	Both
35.	NCT of Delhi**	n.a.	n.a.	n.a.
36.	Puducherry	Ballot Paper	Ballot Paper	n.a.

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022, State *Panchayat* Acts. and States/UTs election reports.

Notes: 1. EVM- Electronic Voting Machine; Both – EVM and Ballot paper are used in different constituencies

2. State / UT do not have intermediate panchayat.

3. n.a.: data not applicable

4. [^] The State does not have intermediate panchayat.

4. *The State is outside the purview of Part IX of the Constitution under Article 243 M.

5. ** Panchayat has yet to be revived.

6. In parliamentary and assembly elections votes are casted through EVMs in all constituencies.

Hence it is proposed that EVMs should be allowed to be used in all municipalities and *panchayat* elections and necessary amendments should be brought into the existing Acts and Rules. The introduction of EVMs would save time, manpower, solve storage problems, prevent invalid votes and facilitate easy counting. It is an eco-friendly measure that saves a lot of paper and in turn, helps to preserve forest resources.

Conclusion

The most essential instrumental aspect of democratic polity in general and representative democracy in particular, is to provide free, fair and timely conduct of elections. The State Election Commission is the authority responsible to conduct elections to the third tier of the Indian federal structure. Independence of the commission is paramount in ensuring that the commission is able to conduct these elections in a timely manner. While things have moved positively regarding the conduct of elections, yet the state governments are able to delay them as they retain certain powers which ideally should be vested in the State Election Commission. While the removal of the State Election Commissioner is constitutionally protected, the power regarding framing the rules regarding the tenure and the qualification of the commissioner is still vested in the state governments. The state governments often alter the tenure of the commissioner according to their whims and fancies. Likewise in the absence of any specific qualification the state election commissioner is often viewed as an officer close to the state government. Regarding the funding of the commission, it was observed that in most of the states the funding for the commission was voted on the consolidated fund of the state which hampers with the independent functioning of the commission.

In order to ensure the independence SECs while streamlining and bringing uniformity in its functioning, the study team of IIPA recommends that the State Election Commissioner so appointed could be of the rank of Principal Secretary, Additional Chief Secretary or Chief Secretary as at times he may have to confront senior bureaucrats in the government to conduct free and fair election. Further, like the removal proceedings, his service conditions and emoluments should be equivalent to the Judge of the High Court. It is also recommended by National Commission to Review the Working of the Constitution that State Election commissioners should be accorded the status of the Judge of High Court in the same manner as Commissioners in Election Commission of India are accorded the status of the Judge of the Supreme Court. In addition to this, his tenure could be at least five years as suggested by Second ARC report so that he conducts at least one election in his tenure.

Consecutively, to ensure that elections to the third tier are held on time the functions of reservation and delimitation of constituencies could be entrusted to SECs as suggested by Second ARC Report, Report of the Working Group on Democratic Decentralization & PRIs, and Model Panchayat Election Rule 2011. Further, it is also recommended that to ensure the financial viability of the SEC, the expenditure of the State Election Commission should be 'charged' on the Consolidated Fund of the State as recommended by All India State Election Commissioner's conference held at Bangalore.

Chapter 3: Common Electoral Roll

Common electoral roll (CER) in simple terms refers to the single 'voter list' for the elections to local government (*panchayat* and municipality), State assembly and lok sabha. The eligibility criteria for the voting rights to all the mentioned elections are identical, therefore the separate electoral roll for the election to local governments on the one hand and for the assembly and Lok Sabha on the other has been called into question. But before we delve into the debates and discussion of CER, it is important to understand the concept and background of electoral roll. Further, it is pertinent to know how electoral rolls are prepared, presently for the elections of *panchayats*.

Electoral Roll, ordinarily known as 'voter list', is a list of persons registered as electors residing in a constituency. For proper management, electoral roll of a constituency is divided into several parts which contain details of electors of the corresponding polling areas^{163,164}.

Elections, based on electoral roll consisting of names and details of local people, were held in India for the first time under the provisions of Indian Councils Act, 1909 (Morley Minto Reforms). The 1919 and 1935 Government of India Act both continued the elective component for Indians in the legislature, however, under these Acts, only a small section of Indians who met high qualifications such as property ownership, payment of income taxes, land ownership, educational qualification and government service etc. were eligible to be enrolled as electors. After independence of the country in 1947, the Constituent Assembly decided that elections to the house of the people and State legislative assemblies should be based on universal adult franchise for fulfilling the aspirations and expectations of citizens¹⁶⁵.

Under the Constitution of India, the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to parliament and State legislatures is vested in the Election Commission of India (ECI)¹⁶⁶. Also, there shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such

¹⁶³ Election Commission of India (ECI). 2016. *Manual on Electoral Rolls*. Document-10, Edition 1, Pages XX:.

¹⁶⁴ A polling area is a well-defined and identifiable area demarcated with certain physical landmarks such as street, road, river, hills etc. All the electors residing in that particular polling area are enrolled in a separate part of electoral roll and vote at the polling station created for that polling area. Every constituency is divided among several polling areas

¹⁶⁵ Supra note 113, pg.2

¹⁶⁶ Article 324, Constitution of India

constituency on grounds only of religion, race, caste, sex or any of them.¹⁶⁷ The Representation of People Act, 1950¹⁶⁸ and Registration of Electors Rules, 1960¹⁶⁹, framed there under, provide comprehensive basic law relating to preparation and revision of electoral roll.

After the 73rd Amendment Act, 1992, it became mandatory for States to constitute State Election Commission under Articles 243 K and 243 ZA, vesting the powers of superintendence, direction and control of the preparation of the electoral rolls for the elections to the *panchayats* and the municipalities. Therefore, the fact that the preparation of electoral roll is entrusted with two constitutional authorities – the Election Commission of India and the State Election Commissions (SECs), at times lead to the variations in the final electoral rolls¹⁷⁰. Further, SECs function in accordance to the respective State's *Panchayat Raj Act*. Therefore process, procedure and exercise of preparing electoral roll vary as per the law made by the legislature of that State.

3.1 Present Practice: Electoral Roll by SECs

Currently, the SECs prepare electoral roll for *panchayat* elections by following one of the three methods (table 3.1):

- 1) Adopt the assembly electoral roll prepared by ECI in toto for election to local governments.

The States that adopt electoral roll prepared by ECI in toto, divide it further into *panchayat* constituencies for the purpose of elections for local governments. In this case, if any voter wants to register or make any changes in his/her given details then it has to be first made in the legislative assembly electoral roll prepared by ECI and thereafter the changes or his/her name will be included in the electoral roll for elections to *panchayats*. Therefore, SEC does not engage directly in affairs of addition, deletion and correction of electors name in the voter list.

¹⁶⁷ Article 325, Constitution of India.

¹⁶⁸ Section 21 of the Act.

¹⁶⁹ Section 4 of the Rules.

¹⁷⁰ A constituency may have two final electoral rolls, one for the local governments another for the State legislative assembly and both may differ from each other.

- 2) Consider assembly roll as the starting point / base / draft and revise it further as per the local requirements for elections.

In the second method, SECs play a more proactive role in the revision of electoral roll for the election to *panchayats*. In this case, it takes ECI's assembly electoral roll as a base or the starting point and updates it on the basis of new registrations, change in constituency, claims and objections. Nearly, half of the States are following this arrangement.

- 3) Prepare their electoral roll afresh. In such a scenario the two rolls (one for the local bodies and another for the legislative assembly) may differ.

Table 3.1: Practice to Prepare Electoral Roll by SEC for Panchayat Elections in States / UTs

Sl. No.	States	Follow ECI in toto	ECI as a base for revision	Fresh preparation by SEC
	(1)	(2)	(3)	(4)
General Category States				
1.	Andhra Pradesh		√	
2.	Bihar		√	
3.	Chhattisgarh	√		
4.	Goa		√	
5.	Gujarat		√	
6.	Haryana	√		
7.	Jharkhand	√		
8.	Karnataka		√	
9.	Kerala			√
10.	Madhya Pradesh	√		
11.	Maharashtra	√		
12.	Odisha		√	
13.	Punjab	√		
14.	Rajasthan		√	
15.	Tamil Nadu		√	
16.	Telangana	√		
17.	Uttar Pradesh			√
18.	West Bengal	√		
North Eastern and Hilly States				
19.	Arunachal Pradesh	√		
20.	Assam		√	
21.	Himachal Pradesh		√	
22.	Manipur	√		
23.	Meghalaya*	n.a.		
24.	Mizoram*	n.a.		
25.	Nagaland*	n.a.		
26.	Sikkim			√
27.	Tripura		√	
28.	Uttarakhand			√
Union Territories				

29.	Andaman and Nicobar Islands		√	
30.	Chandigarh	n.a.		
31.	Dadra & Nagar Haveli and Daman & Diu		√	
32.	Jammu & Kashmir			√
33.	Ladakh	n.a.		
34.	Lakshadweep		√	
35.	NCT of Delhi**	n.a.		
36.	Puducherry	√		

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022 and State Acts.

Notes: 1. (√) shows the type of electoral roll adopted by the SECs of different states for the purpose of panchayat elections

2. n.a.: data not available

3. *The State is outside the purview of Part IX of the Constitution under Article 243 M.

4. ** Panchayat has yet to be revived

5. Electoral roll prepared by ECI is used as a common electoral roll for conducting parliamentary and assembly elections.

In the third case, SECs do not consider the electoral roll prepared by ECI. Out of the total thirty States / UTs covered under this study, SECs of five States / UT (Jammu and Kashmir, Kerala, Sikkim, Uttar Pradesh and Uttarakhand) prepare their separate electoral roll for the purpose of elections to *panchayats*.

3.2 Electoral Roll: Common Denominator between ECI and SECs

ECI and SEC are two different constitutional bodies constituted under Article 324 and Article 243K respectively. Though, they differ with respect to their domain and jurisdiction, their function and stature are similar to each other. At present, electoral roll is one of the common point of convergence between the two bodies as more than 80 per cent of SECs refer electoral roll prepared by ECI for conducting *panchayat* elections (as shown in table 3.1). Therefore at this junction revision of electoral roll becomes crucial for incorporating the requirements for elections at different levels (Centre, State and local).

Revision of Electoral Roll

ECI undertakes the strenuous work of preparing and revising the electoral roll. The increase in population entering voting age, migration, transfers, deaths and elections at different point of time necessitates the revision and updating of electoral roll. It fosters the spirit of free and fair elections. Moreover, it helps to keep a check on bogus voting. There are three categories

of electors¹⁷¹ that are included in the electoral roll, namely, general electors, overseas electors (NRI) and service electors.

Three categories of electors in India:

- (i) General electors - Every Indian citizen who has attained the age of 18 years on the qualifying date i.e. the first day of January, the first day of April, the first day of July, the first day of October¹⁷², of the year of revision of electoral roll, unless otherwise disqualified, is eligible to be registered as a voter in the roll of the part/polling area of the constituency where he is ordinarily resident.
- (ii) Overseas (NRI) electors - An overseas elector is a person who is a citizen of India and who has not acquired citizenship of any other country and is otherwise eligible to be registered as a voter and who is absenting from his place of ordinary residence in India owing to his employment, education or otherwise is eligible to be registered as a voter in the constituency in which his place of residence in India as mentioned in his passport is located¹⁷³. According to the provisions of Section 20A of the Representation of People Act, 1950, an NRI settled in foreign land can become an elector in electoral roll in India
- (iii) Service Electors - Service voter is a voter having service qualification. According to the provisions of sub – section (8) of Section 20 of Representation of People Act, 1950, service qualification means –
 - (a) Being a member of the armed Forces of the Union; or
 - (b) Being a member of a force to which provisions of the Army Act, 1950 have been made applicable whether with or without modification¹⁷⁴;
 - (c) Being a member of an Armed Police Force of a State, and serving outside
 - (d) Being a person who is employed under the Government of India, in a post outside India.

¹⁷¹ Election Commission of India (ECI). 2016. *Manual on Electoral Rolls*. Document-10, Edition 1.

¹⁷² The Election Laws (Amendment) Act, 2021 amended the section 14(b) of Representation of People Act, 1950 to substitute the words, figures and letters “the 1st day of January” with the words, figures and letters “ the 1st day of January, the 1st day of April, the 1st day of July and 1st day of October”.

¹⁷³ Sec 20A of the Representation of People Act, 1950 amended by the Representation of the People (Amendment) Act, 2010.

¹⁷⁴ Modification is the process of making correction of the particulars/ existing entries in respect of an elector in electoral roll, on the basis of Form 8 submitted by the concerned elector

A person who is not a citizen of India is not eligible for registration as a voter in the electoral rolls in India. After the identification of the voters, the election commission may revise the electoral roll based on given conditions and circumstances. Rule 25(1) of Registration of Electors Rules, 1960 provides that the roll for every constituency shall be revised either intensively or summarily or partly intensively and partly summarily, as the ECI may direct.

During the intensive revision ECI undertakes a *denovo* process without reference to the earlier existing roll. The Enumerators / Booth Level Officers visit each house in the specific polling station area, assigned to them. The work of Enumerators/Booth Level Officers (BLO)¹⁷⁵ is super checked by Supervisors¹⁷⁶, Assistant Electoral Registration Officers¹⁷⁷, Electoral Registration Officers¹⁷⁸ and District Election Officers¹⁷⁹. On the basis of such enumeration, a manuscript is prepared in written form. The names in each part are arranged according to house numbers and in serial order. Thereafter, the manuscript is computerized and draft roll is prepared and published, inviting claims and objections. In a summary revision the roll is simply updated and there is no house-to-house enumeration. The Registration Officer shall prepare a list of amendments to the relevant parts of the roll and publish the roll together with the list of amendments as a draft inviting claims and objections. In partly intensive and partly summary revision the existing electoral rolls are published in draft and simultaneously, Enumerator/BLOs are sent to the households for verification. In case of any inaccuracies in the rolls, ECI may order special revision of the roll of any constituency or part thereof. During special revision, ECI may adopt changes in the existing procedure, suitable to the specific circumstances. Thereafter, after disposal of claims and objections on draft roll, the electoral roll is finally published.

Furthermore, an electoral roll continuously remains in a state of revision and preparation throughout the year (as shown in the figure 3.2), except for the period between the last date

¹⁷⁵ BLO has a pivotal role to play in preparation and revision of electoral rolls, particularly, in field verification. However, BLO's verification report is not final. ERO/AERO is to consider BLO's report in the light of existing provisions and to dispose of each claim & objection after due application of mind. ERO/AERO has to see each form and pass speaking order thereon under his own signature.

¹⁷⁶ The officers for appointment of Supervisors are drawn from class II officials of the State Government.

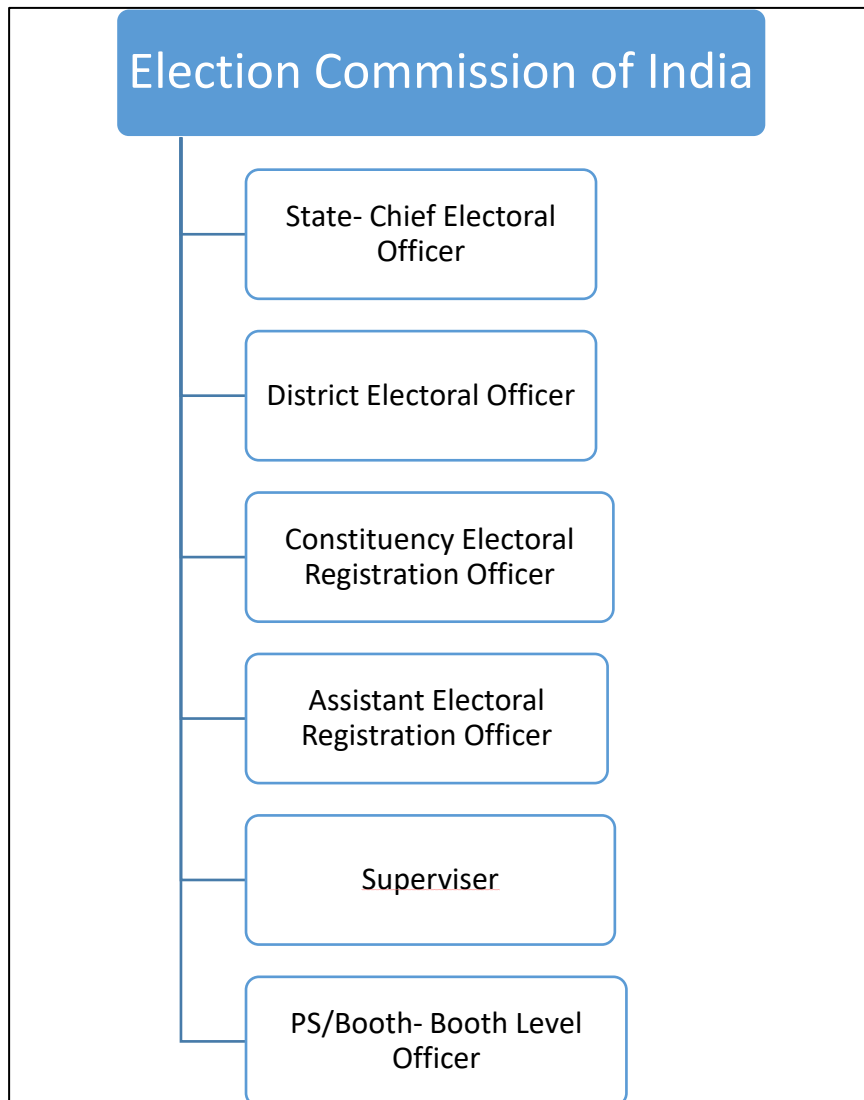
¹⁷⁷ The Assistant Electoral Registration Officers are competent to perform all the functions of the Electoral Registration Officers subject to the control of the Electoral Registration Officer.

¹⁷⁸ ERO is the statutory authority for preparation and revision of electoral rolls and therefore he is solely responsible for every activity relating to the said process. AERO is competent to perform all works of ERO, subject to condition of overall responsibility of ERO.

¹⁷⁹ The District Election Officer, subject to superintendence, direction and control of the Chief Election Officer coordinate and supervise all work in the district or in the area under his jurisdiction in connection with preparation and revision of electoral rolls and conduct of elections. Besides, under Section 25 of the Representation of the People Act, 1951 District Election Officer is responsible for providing sufficient number of polling stations for every constituency lying within his jurisdiction.

for making nominations in an election in a constituency and the date of declaration of result of the said election. Even during that period claims & objections can be received, though they can be taken for disposal only after the conclusion of the elections. Claims and objections for inclusion/deletion of names or modification of entries in the electoral roll can be lodged at

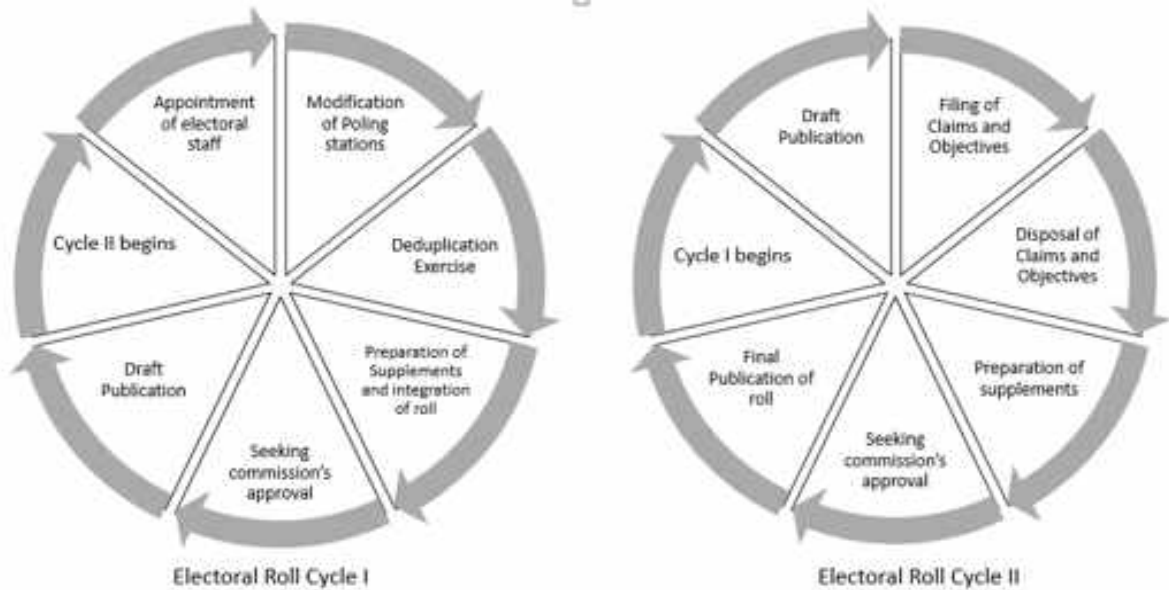
Figure 3.1: Administrative Hierarchy for Revision of Electoral Roll by ECI for General Elections



any time after the final publication of the rolls until the next draft publication.

Source: Author's Compilation

Figure 3.2: Continuous Revision of Electoral Roll



Source: Author's creation based on manual on electoral roll by ECI.

Notes: 1. Electoral Roll Cycle I shows activities related to pre-revision of electoral roll; Electoral Roll Cycle II shows activities related to revision of electoral roll during elections.

2. The integration of all supplements is done every year irrespective of election year.

The process of revision of electoral roll is a complex exercise involving lot of technicalities and usage of manpower. Even though the authorities try their level best to resolve most of the claims and objections still there might be some dissatisfaction among the voters. However the election process cannot be stalled because of certain claims and objections. As observed by the Bombay High Court in the landmark judgment of Arun Bhatia V. Election Commission of India that “the right to vote may be only a statutory right, nevertheless free and fair franchise is a vital democratic institution certain claims and objections are not finally disposed of or that the roll contains certain errors which have remained to be corrected, the same cannot arrest the process of election. The election has to be held on the basis of the electoral roll which is in force. Elections cannot be postponed for the same reason.

The court observed that the holding of elections, which is a constitutional mandate, cannot be made to depend upon the volition of interested parties. Challenge to constitutional validity of provisions is not to be entertained in public interest litigations; the election of a candidate is not open to challenge on the score of the electoral roll being defective”.

Sharing of Electoral Roll with State Election Commission

Given the intensive, rigorous and exhaustive nature of exercise for preparation of electoral roll by ECI, it is adequate for SECs to adopt the electoral roll for the elections to local governments. Therefore, after the 73rd and 74th amendment to the Constitutions of India, many States have passed appropriate legislations in the same direction having provisions for adopting electoral roll prepared and revised by the Election Commission. Thus, adopting the Election Commission’s roll, in-toto, only regrouping the electors according to the wards and polling stations of the concerned *panchayats*/ municipalities. While some State laws made provision for using the Election Commission’s roll as draft document and subsequently, going through a formal process of revision of the electoral roll for *panchayat* elections according to their requirement.

Though, after the computerization of electoral roll by the Election Commission, it has become easy to serve the request of various SECs to allow them to use the electoral roll database for generating the electoral roll for *panchayat* elections. However, there is no common platform or portal through which it can be achieved. Further, it lack constitutional or statutory sanctity to do so. Therefore, In the meantime, the Election Commission has issued guidelines to all Chief Electoral Officers stating that the State Election Commissions can be supplied copies of the electoral roll in PDF format. In case they also request for the computerized database of the electors that can also be shared with them. In case the State Election Commissions request for photographs in digital format in order to enable them to prepare photo electoral roll for local body constituencies that may also be supplied to them¹⁸⁰. The issue has been discussed with SECs several times and a broad consensus has been made on having a common electoral roll in larger interest of the nation, yet it has not been implemented.

¹⁸⁰ Supra note 118.

3.3 Why common electoral roll?

The pitch for common electoral roll is not new, time and again there have been demands for the common electoral roll. It is simply because it is backed by well-grounded rationales. The first and foremost argument is the identical eligibility criteria for the Lok Sabha, State assemblies and local governments, therefore the voter remains the same for all the elections. It also fosters the seamless continuum of national, State and local governments. In such a scenario preparation of separate electoral roll for local governments is redundant and can only lead to confusion¹⁸¹.

The identification of voters is same for all levels of governments. Then the revision and updating exercise by one independent body can be easily leveraged by the other. As we have seen in the section, revision of electoral roll, ECI undertakes an exhaustive and rigorous exercise for the revising electoral roll. In addition to this, it is updated continuously irrespective of election year. Therefore, continuous integration of supplements (documents as the result of revision exercise) makes it highly worthy of being used for the elections to *panchayats*.

The preparation of separate electoral roll by SECs not only leads to the duplication of administrative work but also leaves the voter perplexed. In the interaction with the stakeholders, the IIPA study team came across several cases where a voter was registered in one electoral roll (assembly electoral roll) and absent from the another (local body electoral roll) and vice-e-versa. In such cases, apart from election commissions, it is duplication of efforts for the voter as well, since, now he/she has to register again in the electoral roll which does not contain her name. Common electoral roll will solve this problem to a large extent.

This exercise of preparation / revision of electoral roll puts undue pressure on administrative units along with unnecessary expenditure of public money. Furthermore, it wastes time and efforts of the officials associated with the preparation of electoral roll while making the process more complex. During the field study the IIPA study team noted that most of the SECs lack adequate staff and there is no uniform staffing pattern across the SECs. The officials working in SECs other than State Election Commissioner were mostly on deputation. The underlying assumptions behind it, is that election is a five yearly affair which can be handled by the staff on deputation. But it does not take into consideration that after

¹⁸¹ Supra note 86.

general elections to *panchayats*, there can be by-elections as well in some constituencies. The States where the elections to all the three tiers of *panchayats* are not held simultaneously find it even more challenging since they always find themselves in the election mode. In this backdrop, common electoral roll would have a multiplier effect as it would provide ready to use electoral roll.

Apart from these observations, there are various committees, commissions, meetings and studies that have argued for the common electoral roll. They have also recommended the ways of achieving the same. Some of them are stated below:

The Law Commission mentions about the meetings conducted by ECI with the State Election Commissioners on 27 August 1997, 11 January 1999 and 18 April 2000. One of the matters discussed was the issue of having a common electoral roll for parliamentary and assembly elections, and for local body elections. A consensus emerged for sharing the database of electoral rolls created for assembly constituencies for generating electoral rolls for the local bodies¹⁸².

On 22 November 1999 the Chief Election Commissioner (CEC) addressed a letter to the Prime Minister on this matter of preparing common electoral rolls for elections conducted by the ECI and SECs¹⁸³. It was stated therein that there would be a huge national saving if there were a common electoral roll used for all elections, and the assembly rolls also used for local body elections by being adopted and rearranged by the ‘cut and paste’ method according to ward’s or polling areas of the local bodies.

The letter clarified that this would not pose a problem to the electoral machinery in the field, as it would be the same at the ground level. The move may necessitate some minor amendments to the local laws of the States concerned, but would result in substantial reduction in government expenditure on elections. It would result in a saving of massive financial and human resources required for undertaking the preparation of electoral rolls and their revision. It would not only remove inconsistencies between the two sets of electoral rolls, but the prevailing confusion from the minds of citizens and voters. This matter was

¹⁸² 170th Report of Law Commission of India on reforms of the electoral laws, May 1999
<https://lawcommissionofindia.nic.in/lc170.htm> (last visited on 15 May 2022 at 16:50)

¹⁸³ Proposed Electoral Reforms by ECI to the GOI under the chairmanship of T.S. Krishna Murthy vide D.O. letter No. 3/ER/2004, dated 5th July 2004 available at <https://eci.gov.in/files/file/3106-electoral-reforms/> (last visited on 30 April 2022 at 14:20)

reiterated in a letter of the CEC to the Prime Minister dated 5 July 2004, as a pending proposal.¹⁸⁴

The National Commission to Review the Working of the Constitution under the Chairmanship of Justice M.N. Venkatachaliah had in its report submitted in March 2002 also recommended that the Constitution should specifically stipulate a common electoral roll both for local elections to *panchayats* and municipalities, and to the Parliament and State legislative assemblies¹⁸⁵.

The commission at para 4.8.3 of its report recommends that ‘a fool-proof method of preparing the electoral roll right at the *panchayat* level constituency of a voter and supplementing it by a fool-proof voter ID card which may in fact also serve as a multi-purpose citizenship card for all adults. A single exercise should be enough for preparing common electoral rolls and ID cards’¹⁸⁶.

‘The task could be entrusted to a qualified professional agency under the supervision of the ECI and in coordination with the SECs. The rolls should be constantly updated and periodically posted on the web site of the Election Commission and CD-ROMs should be available to all political parties or anyone interested. Prior to elections, these rolls should be printed and publicly displayed at the post offices in each constituency, as well as at the *panchayats* or relevant constituency HQs. These should be open for inspection on payment of a nominal fee by anyone. Facilities should also be provided to the members of the public at the post offices for submitting their application for modification of the electoral rolls’¹⁸⁷.

The State Election Commissioners have since 2003 begun an informal process of holding an annual conference of all SECs. The first such conference was held on 25 June 2003 at Bangalore where it was felt that the electoral rolls of the ECI and SEC should be complementary to each other. It was resolved to recommend to the ECI that the future rolls prepared by them should incorporate the ward numbers and street numbers so as to be more useful in the preparation of rolls of local bodies. Further, while conducting local body elections, the constituency rolls, based on the assembly rolls, should be published, objections

¹⁸⁴ Ibid, at 34.

¹⁸⁵ GoI. 2002. *National Commission to Review the Working of Constitution*. Available at <https://web.archive.org/web/20150405034201/http://lawmin.nic.in/ncrwc/finalreport/v1ch9.htm> (retrieved on 27th April 2022 at 13:10), para 9.17.1

¹⁸⁶ Ibid, para 4.8.3

¹⁸⁷ <https://web.archive.org/web/20150405034201/http://lawmin.nic.in/ncrwc/finalreport/v1ch9.htm> (retrieved on 27th April 2022 at 13:10)

invited and finalized after necessary additions and deletions. Subsequently, in all such conferences of the State Election Commissioners this decision was reiterated and conveyed to the ECI¹⁸⁸.

Since 2005, the ECI has been holding an annual conference with the State Election Commissioners to discuss matters of mutual interest in an effort to resolve issues. In the first such conference held in April 2005, it was resolved that the database for electoral rolls for assembly constituencies prepared by the ECI should contain details of the ward number for each voter in the case of municipal bodies and the name of the *panchayat* and ward number in the case of rural voters. This database could then be shared by the ECI with the SECs so that the latter can rapidly prepare their electoral rolls. This decision has been reiterated in the subsequent conferences between the ECI and State Election Commissioners in 2006 and 2007.

Furthermore, several speakers during the regional consultations had suggested that common electoral rolls between the ECI and SEC should be implemented without delay¹⁸⁹.

Against this backdrop, appropriate instructions were issued by the ECI to the Chief Electoral Officers (CEOs) in the States, after these meetings. In a way, this is the first step towards fulfilling the ultimate objective of having a common electoral roll. However, while the ECI has issued suitable instructions to the Chief Electoral Officers in the States, this decision has still to be given effect to at the ground level, despite being a relatively easy task. This is so because in the case of electoral rolls prepared by the ECI for the municipal areas, the database generally contains the ward number against the name of each voter. It is in the case of rural voters that the name of the *panchayat* and ward number of that *panchayat* is required against the name of the voter.

Once this is ensured by the ECI and the database is made available to the SECs, they can then use the ECI electoral rolls by splitting them up ward-wise, publishing them in a draft form, and finalizing them after disposing off claims and objections. This will obviate the need of staff going into the field and doing a duplication of enumeration work for the SECs, thus

¹⁸⁸ Agenda and Notes, All India State Election Commissioners' Conference held on 25 June 2003 at I.A.S Officers' Association Conference Hall No. 1, Infantry Hall Bangalore 560 001, Karnataka

¹⁸⁹ 1st Regional consultation of electoral reform on 12th December 2010 at Bhopal, Madhya Pradesh as a part of Core Committee on Electoral Reforms, https://lawmin.gov.in/sites/default/files/prs1_0.pdf (last visited on 3 June 2022 at 13:120). The Ministry of Law and Justice, GoI, constituted a Core Committee on Electoral Reforms in partnership with the Election Commission of India vide order No.H-1109/2/2010-Leg.II dated 1st October 2010.

resulting in the saving of cost, time and manpower. This will also preserve the sanctity of the basic electoral roll.

A National Consultation on Elections to Local Governments was organized on 12-13 October 2004 by the Society for Participatory Research in Asia (PRIA), which included representatives from government, NGOs and some State Election Commission. At this consultation too, the need to avoid wastage and duplication in the preparation of electoral rolls separately by the ECI and SECs, and to provide for complementarities given the different institutional requirements was expressed¹⁹⁰. The panelists suggested a uniform procedure by all States in respect of preparation of electoral rolls on the basis of the exercise undertaken by the ECI, the ECI being consulted so that the electoral rolls provide for ward, street and house numbers for easy adaptation to local body elections and the ECI electoral rolls to be computerized in order to generate ward wise electoral rolls by SECs.

At the Sixth Round Table of Ministers in charge of *Panchayati* Raj, which was organized by the Ministry of *Panchayati* Raj, Government of India at Guwahati on 27-28 November 2004, one of the ten recommendations was in relation to evolving a common electoral roll for all levels of elections¹⁹¹. The Round Table felt that the *panchayat* and the *nagarpalika* wards should be regarded as the building blocks for electoral rolls for all levels of elections. This recommendation of the Round Table of Ministers clearly establishes the consensus at the political level for such reform which is urgently needed.

The 2004 report on Proposed Electoral Reforms indicated the Election Commission's agreement with the National Commission to Review the Working of the Constitution, advocating for common rolls across all elections. It recommended adapting Parliamentary and Assembly rolls to suit the requirements of local body elections, primarily to enhance efficiency and reduce costs, as highlighted by the Committee.

The Second Administrative Reforms Commission has also looked into the issue of common electoral rolls. The commission has held the view that local government laws should provide for adoption of the assembly electoral rolls for local governments without any revision of

¹⁹⁰ Participatory Research in Asia (PRIA). 2004 (a). "Background Note of the National Consultation with State Election Commissioners". Occasional Paper, November.

https://www.pria.org/knowledge_resource/1557986463_Background%20Note%20of%20the%20National%20Consultation%20with%20State%20Election%20Commissioners.pdf (retrieved on 16th August 2022)

¹⁹¹ Participatory Research in Asia (PRIA). 2004 (b). "Sixth Round Table of Ministers In-Charge of *Panchayati* Raj". November. https://pria.org/knowledge_resource/Sixth_round_table_of_ministers_in_charge.pdf (retrieved on 16th August 2022)

names by the SECs. For such a process to be effective it was also necessary to ensure that voter registration and preparation of electoral rolls by the ECI is based on geographic contiguity. Similarly, the commission has felt that the electoral divisions for elections to local bodies should follow the building block approach¹⁹².

The Institute of Rural Management, Anand (IRMA) has brought out an Independent Assessment of the State of *Panchayats* 2007-08. The report released by the Prime Minister on 24 April 2008, makes a clear recommendation that there must be a common electoral roll for elections conducted by the ECI and the SECs¹⁹³.

In 2010, the Core Committee on Electoral Reforms proposed the adoption of Common Electoral Rolls for elections conducted by both the Election Commission and State Election Commissions. Following this suggestion, a decision was made to await the outcome of discussions between the Election Commission and State Election Commissions to address the logistical details. The Law Commission of India in its 255th Report on Electoral Reform in 2015 also favoured the introduction of common electoral roll for Parliament, assembly and local body elections¹⁹⁴.

Most recently the Standing Committee Report on Specific Aspects of Election Process and their Reform constituted under the chairmanship of Shri Sushil Kumar Modi rolled out its report in August 2023 emphasized the Common Electoral Roll's aim to streamline resources, minimize efforts, and reduce expenses. However, the report identified two key challenges in its implementation: (i) the existing legal framework and (ii) constitutional regulations guiding the creation of electoral rolls by the Election Commission of India (ECI). The Committee expressed apprehension regarding potential implications on state powers, particularly concerning panchayat and municipal elections under the jurisdiction of State Election Commissions. Delimitation of local wards and panchayats is mandated by state governments and State Election Commissions before each local election. As outlined in the Seventh Schedule of the Constitution, local elections are a state subject. The ECI lacks the authority to issue directives to State Election Commissions. Consequently, the Committee recommended that the ECI carefully consider constitutional provisions when preparing the Common Electoral Roll.

¹⁹² Supra note 86.

¹⁹³ IRMA. 2008. *Network*, Quarterly publication, vol:12. No 1&2, pg. 14
<https://intranet2.irma.ac.in/uploads/network/pdf/1.pdf>, (retrieved on 13 May 2022 at 10:15)

¹⁹⁴ GoI. 2015. *255th Law Commission Report on Electoral Reforms*, Ministry of Law and Justice, para 17.6.

Moreover, the Committee underscored that the implementation of the Common Electoral Roll, as suggested by the central government and the ECI, goes beyond the purview of Article 325 of the Constitution. It pointed out that Article 325 specifically requires the use of separate electoral rolls for Parliament and state legislature elections. The Committee recommended that the central government should cautiously evaluate potential repercussions before proceeding with any actions.

In October 2023, a High-Level Committee was constituted by the government under the chairpersonship of Shri Ram Nath Kovind former President of India to examine the issue relating to holding of simultaneous elections in the country and make recommendations thereon. The findings of the Committee are awaited.

The next section will throw light on the challenges and divergent views on common electoral roll.

3.4 Challenges to Common Electoral Roll

One of the major suggestions regarding the common electoral roll is that the availability of ward-wise database from the assembly electoral roll would facilitate the implementation of the common electoral roll. It however needs to be emphasized that the electoral rolls for the legislative assembly cannot be used straightaway for local bodies elections because of two reasons: (i) a local body area may not be exactly the same as the area covered by the electoral roll of a Legislative Assembly; (ii) the voters' list in case of local bodies elections have to be prepared ward-wise whereas the voters' list of the legislative assembly is part-wise and as a unit a 'ward' is completely different from a 'Part'.

It has been experienced that such 'Parts' are not always compact geographical units because of which it becomes difficult to use them as the basic unit for the purposes of delimitation of municipal and village wards (constituencies)¹⁹⁵. The Second Administrative Reform Commission is, therefore, of the view that a 'Part' should be defined to be a compact geographical unit. Then "Building Blocks" approach can be used so that a ward comprises one or more integral Parts (In smaller towns and villages, a ward may be smaller than a 'Part' and in such cases the ward should be so constituted such that one or more wards constitute a 'Part'). A further step towards convergence would be to define 'Enumeration Blocks' during a census as co- terminus with 'Parts' of electoral rolls of the legislative assembly. Further it is

¹⁹⁵ Supra note 86

of the view that local government laws in all States should provide for adoption of the assembly electoral rolls for local governments without any revision of names by SECs.

On the other hand, Draft Model *Panchayat* Election Rules, 2011 suggests that SECs should use the ECI roll as the draft document and thereafter registration officer appointed by the district election officer should revise it further especially on the basis of objections and claims under the superintendence, directions and control of the SECs.

The other major challenge to common electoral is that the State Election Commissioners have to be on the 'same platform'- they need to keep their electoral roll as a 'permanent record' and keep updating it as the EC does. The electoral roll for *panchayat* election is not a permanent record and is prepared afresh every time before an election is conducted, mainly to include as many new voters as possible. Though, this issue can now be addressed with new amendments that will allow the EC to add new voters four times a year¹⁹⁶ and therefore offer the most updated voter data to States for local polls from the EC roll itself, its implementation would depend on SECs willingness to adopt the same.

The other most critical issue being highlighted is of delimitation. While delimitation of assembly and parliamentary constituencies takes place in 15-20 years, delimitation of *panchayat* and municipal council wards is done frequently, almost during every other election and after every census. Since this means a redrawing of the boundaries of a constituency, it necessitates a thorough revision of electoral rolls¹⁹⁷.

This would be difficult with a common electoral roll and could deprive a State government of its prerogative and influence over the delimitation exercise. On the similar lines, there have been concerns regarding the encroachment of State subjects by the union government.

While during the field study of IIPA, when it was asked to the states that “How do you perceive the idea of common electoral roll?” Few States raised their concerns regarding the implementation of common electoral roll while others keenly agree with the idea and believe that it will be a significant step towards streamlining the process of electoral roll which would

¹⁹⁶ The Election Laws (Amendment) Act, 2021 amended the section 14(b) of Representation of People Act, 1950 to substitute the words, figures and letters “the 1st day of January” with the words, figures and letters “ the 1st day of January, the 1st day of April, the 1st day of July and 1st day of October”.

¹⁹⁷ Kumar, Anshuman, and Anubhuti Vishnoi. 2021. “Common Electoral Roll: Big challenge is getting Opposition states on board”. *The Economic Times*, December 25. <https://economictimes.indiatimes.com/news/politics-and-nation/common-electoral-roll-big-challenge-is-getting-opposition-states-on-board/articleshow/88485828.cms?from=mdr>

reduce the time and efforts of SECs. It will also result in reducing the complaints related to inclusion, exclusion, deletion, multiple entries etc.

The States/ UTs that have raised their concerns regarding common electoral roll include Uttarakhand, Maharashtra and Dadra and Nagar Haveli and Daman and Diu. The common concern of this States/UT is about the availability of ward-wise information. They are uncertain whether the CER would incorporate the information of voters on the basis of local body constituency or not. For instance in the case of rural area, the voter list would be in accordance with the *gram panchayat* ward constituency or not.

The States that have countered the idea of CER include Gujarat, Karnataka and Kerala. The common concern raised by these States is related to delimitation of constituency. Delimitation of legislative assembly constituency is different from that of delimitation of ward constituencies. It is far more dynamic in nature when it comes to *panchayat* elections. The reorganization of villages or conversion of a village in a town / urban area poses immense challenge during the preparation of electoral roll. Therefore, officials at SEC Gujarat and Karnataka are of the opinion that the best option is to take the ECI roll as a draft document and revise it in congruence to their local requirements. Whereas, SEC, Kerala is of the opinion that it not possible for common electoral roll to meet the local requirements of each State as it may not include the basic details such as name of the local body, ward number, latest house number etc. Hence it should be the prerogative of SEC to prepare its own electoral roll.

Therefore, with the different prevailing systems of electoral roll there is divergence of opinions amongst SECs on the preparation of electoral roll for *panchayat* elections.

How Common Electoral Roll can be implemented?

There are various ways through which common electoral roll can be implemented. First, a constitutional amendment to Articles 243K and 243ZA that gives the power of superintendence, direction and control of preparation of electoral rolls and the conduct of local body elections to the SECs. The amendment would make it mandatory to have a single electoral roll for all elections in the country, provided the single electoral roll caters to the needs of SECs as well while preparing ward-wise voter list. It may insert a clause stating that SECs have to adopt the latest electoral roll prepared and revised by ECI. It will enable the

SECs to directly use the electoral roll without putting resources and efforts in the revision of electoral roll.

Secondly, in order to persuade the State governments to tweak their respective laws and adopt the Election Commission's (EC) voter's list for municipal and *panchayat* polls. Currently, union government is exploring this method. States are apprehensive of centralizing tendency of union government. It is viewed as an encroachment on State's authority as local government is a State subject under seventh schedule of Constitution of India. Therefore, consensus building is crucial for its enactment. However, on the contrary it is argued that SEC is a constitutional body that it is mandated to function independently for conducting free and fair elections. Thus, electoral roll could be the common denominator between the two independent constitutional bodies, ECI and SEC while in all other aspects they may continue to function in their domain. Therefore, emphasis should be on cooperative federalism wherein States cooperate with union government to save public resources.

The Common Electoral roll can be implemented provided relevant forms for the registration in electoral roll are amended¹⁹⁸. Especially, Form-6 of ECI that calls for the registration of new voters is amended to register new voters on the basis of number and name of wards constituency of *gram panchayat* instead of Assembly / Parliamentary constituencies. Thus, following a building block approach would help in realizing the goal of common electoral roll. Further, there should be a clear classification of urban and rural area in the form along with the name of *gram panchayat*.

Figure 3.3: Form-6: Application Form for New Voters

¹⁹⁸ Forms for registration in Electoral roll are attached in the Annexure C.

At present, voter is registered for the Assembly / Parliamentary Constituency. It must be amended to incorporate No. and Name of ward constituency of gram panchayat.

ELECTION COMMISSION OF INDIA
Form-6
Application Form for New Voters
(See Rules 13(1) and (26) of the Registration of Electors Rules, 1960)

FORM No. _____
(To be filed by office)

To,
The Electoral Registration Officer,
No. & Name of Assembly Constituency No. Name _____
Or No. & Name of Parliamentary Constituency@ No. Name _____
(@ only for Union Territories not having Legislative Assembly)

I submit application for inclusion of my name in the electoral roll for the above constituency.

(1)(a) Name (In Official Language of State)

First Name followed by Middle Name

Surname (if any)

(1)(b) Name (In English in BLOCK LETTERS)

SPACE FOR PASTING
ONE RECENT
UNFRAMED PASSPORT
SIZE COLOR
PHOTOGRAPH (4.5 CM
X 3.5 CM) SHOWING
FRONTAL VIEW OF
FULL FACE WITH
WHITE BACKGROUND

Source: <https://eci.gov.in/files/file/4843-form-6-application-form-for-new-voters/> (retrieved on 23 August 2022)

If amended, SECs can directly follow the ECI’s electoral roll while continuous updates, corrections, additions or deletions can be made through a centralized system. It will help in keeping a check on inconsistencies and providing a streamlined electoral roll.

Linking Aadhaar with Electoral Roll

The linking of electoral roll to a unique ID number was a long standing demand. The National Commission which was formed to review the Working of the Constitution in its 2001 report recommended that the database should be centrally computerized by the EC and each voter/ adult citizen should have a unique bar-coded ID number. This ID number would be for life and in the long run the best bet against any impersonation. In course of time, possession of such an ID card should be made mandatory for all elections. It might even be possible to have hand held devices which would eliminate any invalid card automatically¹⁹⁹. This would improve public access. Also, it would add to creating widespread trust in the fairness of our electoral process thereby providing it a high degree of institutional legitimacy.

In this respect, linking electoral roll with the unique identification number or the *Aadhaar* card is the welcoming step. The Election Laws Amendment Act, 2021 provides for the linking of *Aadhaar* with voter ID. The RPA, 1950 provided that a person may apply to the electoral registration officer for inclusion of their name in the electoral roll of a constituency.

¹⁹⁹ GoI. 2010. *Background paper on electoral reforms*, legislative department, Ministry of Law and Justice, GoI, pg. 17

After verification, if the officer is satisfied that the applicant is entitled to registration, he will direct the applicant's name to be included in the electoral roll. The 2021 Act adds that the electoral registration officer may require a person to furnish their *Aadhaar* number for establishing their identity. If their name is already in the electoral roll, then the *Aadhaar* number may be required for authentication of entries in the roll. However, persons will not be denied inclusion in the electoral roll or have their names deleted from the roll, if they are unable to furnish *Aadhaar* number due to sufficient cause as prescribed in the Act. Such persons may be permitted to furnish alternate documents prescribed by the central government.

Aadhaar linking with electoral roll will solve one of the major problems in electoral database management which is multiple enrolment of the same person at different places. This may be due to the frequent shifting of residence by electors and getting enrolled in the new place without deleting the previous enrolment. Thus, the possibility of electors whose names appear in more than one electoral roll or at times more than once in the same electoral roll can be removed.

Once *Aadhaar* linkage is achieved, the electoral roll data system will instantly alert the existence of previous registration(s) whenever a person applies for new registration. This will help in "cleaning" the electoral roll to a great extent and facilitate voter registration in the location at which they are 'ordinarily resident'.

However, to the extent the linking of voter ID with *Aadhaar* is voluntary and not mandatory²⁰⁰. It blocks the second potential benefit. There have been instances when voters find, when they turn up at the polling booth, that their vote has already been cast, clearly by someone posing as them. This kind of fraud can be controlled by seeding the voter registration with *Aadhaar*. Two-step verification process, through the voter registration card and then through *Aadhaar*, which can verify biometric parameters, would make it impossible for imposters to steal anyone's right to franchise. However, the linking is not mandatory, so *Aadhaar* can no longer guard against fraud. But it also means that those, who are critical of the move, and call it violation of fundamental rights and an invasion of their privacy, can opt out of this linkage.

²⁰⁰ Election Laws Amendment Act, 2021

There have been some voices of dissent, as it may violate the right to privacy and right to vote. According to them, any attempts to link *Aadhaar* to the voter IDs, would lead to demographic information which has been linked to *Aadhaar*, being linked to the voter database. It creates the possibilities for disenfranchisement based on identity, of increased surveillance, and targeted advertisements, and commercial exploitation of private sensitive data.²⁰¹ Further, it has been argued that the use of *Aadhaar* data for authentication of voter lists is frivolous, as there are numerous data quality issues related to the *Aadhaar* database like fake entries, incorrect details, inadequate enrolment practices, and lack of correction mechanism.

The study team noted in their interaction with the officials of various SECs that *Aadhaar* linking with electoral roll²⁰² has been a welcoming step to deal with the menace of voting. SECs in their responses have strongly supported the idea and emphasized that it would help in keeping a check on bogus voting. Thus, it will act as a tool in the arsenal for free and fair elections. As per the ECI, the purpose of this exercise is to establish the identity of electors and authenticate entries in the electoral roll as well as to identify if the same person is registered in more than one constituency or more than once in the same constituency.

The steps such as linking *Aadhaar* with the electoral roll and exploring the possibility of common electoral have enormous benefits. However, their true realization would depend upon the proactiveness of competent authorities to safeguard the data privacy. It should not become an instrument to provide a path for the panopticon state. Further, a consensus has to be built through deliberations, coordination, cooperation and collaboration between States and union authorities for its effective implementation.

²⁰¹ Goel, Trishee. 2022. *The concerns around Aadhaar-Voter ID linkage*, The Hindu, Explained, 28 August.

²⁰² The EPIC cardholder can link their *Aadhaar* card with voter list by submitting the 'Electoral Authentication Form' (Form 6B) through Voter Helpline App or nvsp.in. The form is attached in the Annexure C. Electors Photo Identity Card (EPIC) is issued by Electoral Registration Officer to all electors registered in the electoral roll of the Assembly Constituency under him, for establishing the identity of the concerned elector at the time of poll.

Chapter 4: Common State Election Commission in Union Territories

4.1 Present Status of SEC in Union Territories

Under the 73rd Constitution Amendment Act, 1992, provisions of the newly added Part IX to the constitution also apply to the Union Territories. However, the president may specify and direct any exception or modification as required. Thus, elections in these UTs are held as per the provisions of Part IX of the Indian Constitution. Under the Article 243K (1) of part IX of the constitution, the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the *panchayats* shall be vested in a State Election Commission (SEC) consisting of a State Election Commissioner to be appointed by the Governor. Accordingly, all states have their SEC to conduct *panchayat* elections in the state but not all UTs have their own State Election Commission.

Article 243L of the Constitution specifically empowers the President to extend the provisions of Part IX to Union Territories. It reads, inter alia as follows

“ The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a state were references to the Administrator of the Union territory appointed under Article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having Legislative Assembly.”

The President by public notification direct that the provisions of Part IX shall apply to any UT to such exception and modification as he may specify in the notification. The President may do so after considering the recommendations and other relevant factors. It is subject to exceptions and modifications, allowing flexibility in the application of these provisions to suit the unique circumstances of Union Territories.

At present India has eight Union Territories (UTs), viz. Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Delhi, Jammu & Kashmir, Ladakh, Lakshadweep and Puducherry. All UTs have their SECs. Out of 6 UTs where Panchayat system exists, two UTs namely UT of Jammu & Kashmir and UT of Puducherry have their separate SECs. The other four UTs namely (i) Andaman and Nicobar Island (ii)

Dadra and Nagar Haveli & Daman and Diu (iii) Lakshadweep (iv) Ladakh²⁰³, have a Common SEC. In fact, there is no UT without SEC. The table 4.1 shows the number of *panchayats* in UTs.

Out of the eight UTs, Delhi and Chandigarh do not have functional *panchayats* therefore no *panchayat* elections are being held in these UTs. Whereas the *panchayat* elections in other UTs are being held under the superintendence, direction and control of their respective state election commission.

Table 4.1: Number of Panchayats in UTs

Sl. No.	UTs	District Panchayats	Intermediate Panchayats	Village Panchayats
	(1)	(2)	(3)	(4)
1.	Andaman & Nicobar Islands	2	7	70
2.	Chandigarh	n.a.	n.a.	n.a.
3.	Dadra & Nagar Haveli and Daman & Diu	3	n.a.	38
4.	Jammu and Kashmir	20	275	4291
5.	Ladakh	2	31	193
6.	Lakshadweep	1	n.a.	10
7.	NCT of Delhi*	n.a.	n.a.	n.a.
8.	Puducherry	n.a.	10	108

Source: Ministry of Panchayati Raj, GoI

https://lgdirectory.gov.in/rptConsolidateforRuralLB.do?OWASP_CSRFTOKEN=5GPF-2H00-39IQ-JZ37-5CAI-A2ZX-UXUP-10L0 (retrieved on 4 Aug 2022)

Notes: 1. n.a.: data not available

2. **Panchayat* has yet to be revived

²⁰³ Lieutenant Governor of Ladakh, vide Ladakh Gazette notification dt. 12.09.2023 via F.No. M/355/2021-GAD SEC

4.2 Election Procedure to Conduct *Panchayat* Election

The Director of *Panchayat* and Municipal Elections, Andaman and Nicobar Islands supervises the preparation of electoral rolls and conduct the elections to the *panchayats* and Port Blair Municipal Council in the UT of Andaman and Nicobar Islands under the guidance, superintendence, direction and control of the common election commission for UTs and functions just like the chief electoral officer under the ECI.²⁰⁴ The Director of *Panchayat* and Municipal Elections is appointed by the common election commission for UTs in consultation with the Lieutenant Governor of Andaman and Nicobar Islands, in exercise of the powers vested in it under Rule 12 of the Andaman and Nicobar Islands (*Panchayats*) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995²⁰⁵. The Andaman and Nicobar Islands *Panchayat* Regulations 1994 provides that the delimitation exercise for conducting *panchayat* elections would be vested in the state election commission. The mode of casting vote in the elections is through the ballot paper.

In Union territory of Jammu and Kashmir, the *panchayats* are established under the Jammu & Kashmir *Panchayati* Raj Act, 1989. The first election under the Act of 1989 was held in 2001 after a gap of 12 years, although they could not be successful in all parts of the State due to the prevailing situation²⁰⁶. The *panchayats*, therefore, became dysfunctional in the Union territory in last two decades. Then elections were held after a gap 10 years in 2011. Further, unlike other States where elections to all level of *panchayats* are held simultaneously, *panchayat* elections in J&K are held at different times for different level of *panchayats*. For instance *Halqa Panchayats* had their elections in 2018, BDC elections in 2020 and DDC in 2021. Reasons for the same includes difficult climatic conditions, geographical terrain, security concerns and legal matters. The State Election Commission of J&K prepare their own electoral roll and it is also responsible for the delimitation of constituencies for *panchayat* elections. Both ballot boxes and EVM are used as a mode of casting vote in elections to *panchayats*. The tenure of the State Election Commissioner is five years or 65 years of age whichever is earlier.

²⁰⁴ UT of Andaman and Nicobar Islands. Directorate of Panchayat and Municipal Election <http://db.and.nic.in/stateelection/index.html> (last retrieved on 28th August 2022)

²⁰⁵ Rule 12 Director of Panchayat Elections:

- 1) There shall be a Director of Panchayats elections who shall be such officer of Administration as the commission may, in consultation with the Administrator, designate or nominate in this behalf.
- 2) Subject to the superintendence, direction and control of the commission, the Director of Panchayats Elections shall supervise the preparation, revision and correction of all electoral rolls and shall supervise conduct of elections to all Panchayats under the Regulation and these rules.

²⁰⁶ UT of Jammu & Kashmir and Ladakh. State Election Commission. <http://secjk.nic.in/> (last retrieved on 10th September 2022)

The Director of *Panchayat* Elections in the UT of Daman and Diu supervises the preparation of electoral rolls and conducts elections to *panchayats* and municipality in the UT of Daman and Diu under the guidance, superintendence, direction and control of the Election Commission for UTs and functions just like the chief electoral officer under the ECI²⁰⁷. The Director of *Panchayat* Elections is appointed by the common election commission for UTs in consultation with the Administrator of Daman and Diu, in exercise of the powers vested in it under Rule 8 of the Daman and Diu *Panchayat* (Election Procedure) Rules, 2014. EVM is used as a mode of casting vote in elections to *panchayats*. The State administration is responsible for the delimitation of constituencies in *panchayat* elections.

Similarly, the Director of *Panchayat* and Municipal Elections, Dadra & Nagar Haveli supervises the preparation of electoral rolls and conduct the elections to the *panchayats* and Dadra & Nagar Haveli Municipal Council in the UT of Dadra & Nagar Haveli under the guidance, superintendence, direction and control of the common election commission for UTs and functions just like the chief electoral officer under the ECI. The Director of *Panchayat* and Municipal Elections is appointed by the common election commission for UTs in consultation with the Administrator of Dadra & Nagar Haveli, in exercise of the powers vested as per the Rule 8 of the Dadra and Nagar Haveli *Panchayat* (Election Procedure) Rules, 2014²⁰⁸. EVM is used as a mode of casting vote in elections to *panchayats*. The State administration is responsible for the delimitation of constituencies in *panchayat* elections.

In exercise of the powers conferred by clause (1) of article 243K and article 243L of the Constitution of India and section 98 of the Jammu and Kashmir Reorganization Act, 2019 (Act No. 34 of 2019), the Lieutenant Governor of Ladakh appointed common Election Commissioner as appointed for the Union territories of the Andaman and Nicobar Islands, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep as State Election Commissioner for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats in the Union Territory of Ladakh under the provisions of the Jammu & Kashmir Panchayati Raj Act, 1989 (Act No. IX of 1989). UT of Ladakh also does not have a legislative assembly. So, basically having a legislative power for a UT is not an issue in the appointment of a common SEC for UTs. The key focus areas of the SEC are the preparation and maintenance of an up-to-date electoral roll, which is essential

²⁰⁷ Election Commission of UTs. <http://secforuts.org/daman-diu> (last visited on 15th August 2022)

²⁰⁸ Ibid

for conducting free and fair elections. Additionally, it oversees the delimitation process to ensure the equitable distribution of constituencies based on the population demographics of Ladakh.

The Chief Electoral Officer (*Panchayat* Elections), Lakshadweep supervises the preparation of electoral rolls and conduct the elections to the *panchayat* in the UT of Lakshadweep under the guidance, superintendence, direction and control of the Election Commission for UTs and functions just like the chief electoral officer under the ECI. The Chief Electoral Officer (*Panchayat* Elections) is appointed by the Election Commission for UTs in consultation with the Administrator of Lakshadweep, in exercise of the powers vested under Rule 9 framed under the Lakshadweep (Election to *Panchayats*) Rules, 1995. Both EVM and ballot paper are used as a mode of casting vote in elections to *panchayats*.

Puducherry Election Commission is an autonomous and statutory body constituted in Indian UT of Puducherry for ensuring that elections in State are conducted in free, fair and unbiased way.²⁰⁹ Constitution of India with provisions as per Article 243K and 243 ZA and Article 324 ensures creation and safeguarding of the powers of State Election Commissions. SEC, Puducherry is responsible for conducting elections for urban local bodies like municipalities, municipal corporations, *panchayats* and any other specified by ECI. State Election Commissioner of Puducherry is appointed by Governor of Puducherry. Puducherry State Election Commission is headed by Chief Election Commissioner and as many members as specified in State Act. State Election Commissioners are independent persons not holding position or office in any Central or State Government organizations. The SEC follows the ECI electoral roll in totality for the preparation of rolls for the *panchayat* elections. The State government is the authority responsible for delimitation of constituencies for *panchayat* elections. Ballot paper is used as a mode of casting vote in elections to *panchayats*. The tenure of the State Election Commissioner is five years or 65 years of age whichever is earlier. The Table below gives UT-wise status of elections to *panchayats*:

²⁰⁹ Government of Puducherry. State Election Commission. <https://sec.py.gov.in/> (Last Visited on 2nd September 2022)

Table 4.2: UT-wise Status of Election to Panchayats

Sl. No.	UTs	Elections last held (month, year)	Next elections due (month, year)
	(1)	(2)	(3)
1.	Andaman & Nicobar Islands	November, 2020	November, 2025
2.	Chandigarh	n.a	n.a
3.	Dadra & Nagar Haveli and Daman & Diu	November, 2020	November, 2025
4.	Jammu and Kashmir	December, 2018	December, 2023
5.	Ladakh	December, 2018	December, 2023
6.	Lakshadweep	December, 2017	December, 2022
7.	Delhi*	n.a	n.a
8.	Puducherry	July, 2006	July, 2011

Source: Ministry of Panchayati Raj, GoI

<https://www.panchayat.gov.in/web/ministry-of-panchayati-raj-2/status-of-panchayat-elections-in-pris> (retrieved on 5 Aug 2022)

Notes: 1. n.a.: data not available

2. *Panchayat has yet to be revived

As can be observed from the table above, the *panchayat* elections in the UT of Puducherry are long overdue²¹⁰. Local body polls were last held in 2006 after 38 years and the term of office of the elected municipalities, commune *panchayats* and village *panchayats* ended in 2011. The polls were in suspension in Puducherry due to the tussle between the Lt. Governor and the Chief Minister. The delimitation exercise has dragged on for years with the UT administration blaming the Centre for not providing adequate data on the number of backward classes. The matter is still pending in the court and no elections to the *panchayats* have been conducted since 2011.

²¹⁰ Dominique, Bosco. 2021. "SC orders Puducherry local body polls within six months; can't delay it further". *The Times of India*, April 9.

http://timesofindia.indiatimes.com/articleshow/81986340.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

4.3 Exploring the possibility of common State Election Commission

The union territory of Delhi even though has a State legislature but it shares a common State election with the union territory of Chandigarh. The rationale behind having a common State election for the union territory of Delhi and Chandigarh is their adjacent geographical location to and both covers small geographical area. Similarly, both these union territories don't have *panchayat* areas and State Election Commission is only responsible for conducting municipal elections in these union territories.

The common State Election Commission for union territories whose office is situated at New Delhi currently exercises its jurisdiction over four union territories which are Andaman and Nicobar Dadra and Nagar Haveli and Daman and Diu, Ladakh and Lakshadweep. All the above union territories don't have a legislative assembly. However, UTs with Legislature like Puducherry and J&K have their respective State Election Commission. Office of State election commission for union territories exercise their powers as mentioned in 243 K of the constitution. As per Article 243 k of the constitution superintendence, direction and control of the preparation of electoral roll for, and the conduct of, all elections to the *panchayats* are vested in the State Election Commission. The common SEC exercises such powers through the Directorate of *Panchayat & Municipal Elections* in the respective UTs. The tenure of the common State Election Commissioner is 6 years or 65 years of age whichever is earlier and the emoluments are equivalent to that of Secretary of Government of India.

In conducting elections to the local governments in these union territories ECI electoral roll is taken as a base for the preparation of draft electoral roll, then it is revised further by the UT administration for the preparation of final electoral roll. The officials were also of the favor of using a common electoral roll for these elections as it would reduce the duplication of work and would save money of the common tax payers.

The common SEC for the Union Territories does not have its own source of funds which is one of the major hindrances in its effective functioning which leads to a lesser autonomy for the institution as a whole. The respective Union Territories in which elections are to be held use their own funds to conduct the elections. Based on the information received from the officials of the Common State Election Commission the study team noted that the common State election runs under the aegis of Ministry of Home Affairs, Government of India but for the day to day expenses and salaries come from the Andaman and Nicobar administration as mentioned under the Andaman and Nicobar (*Panchayat*) Regulation 1994. The rationale for

such an arrangement is because the geographical size for Union Territory of Andaman and Nicobar is much larger than the other two Union Territories. The study team in this regard is of the opinion that funding should come directly from central government instead of Andaman and Nicobar Administration. It will provide more autonomy and give teeth to the commission to take action.

Even though the *panchayat* elections for the four union territories are administered through a common SEC but each of these union territories has a different act/regulation. The major provisions in all the respective regulations are similar to each other and during the interaction with the officials the study team is also of the opinion that instead of formulating different regulations / rules for each of the union territory a harmonised regulation should be formulate for these union territories to avoid complexity in the functioning. This would be the prerequisite for the ultimate goal of formulating a common SEC for all the union territories. Given the geographical barriers, population variation, local peculiarities, legal provision, funding pattern and administrative challenges, currently, it is not viable to have a common SEC for all UTs. The union territories of Delhi and Chandigarh don't have *panchayats*, but one is the capital of the nation and the other is the capital of two full-fledged States. Similarly, *panchayat* elections to the union territory of Puducherry have been delayed for more than 10 years because of issues pending in the courts in relation to the reservation policy. In the opinion of the study team, a single body won't be able to fulfil this constitutional mandate and it won't be feasible having a common State Election Commissioner for all the union territories. Thus, it is suggested that the prerequisite for common SEC is to harmonize the election rules and regulation and have a clear demarcation of responsibilities for SEC across all UTs.

Chapter 5: Delay in *Panchayat* Elections – Constraints and Hurdles

The *panchayat* elections are fought with full vigor and enthusiasm by all the political parties. Often *panchayat* elections set the tone for the bigger political battles both at the State and the national level. The national and the regional parties use the rural local government elections to either foray into the not-represented states or to regain lost political space. This is because any party that has to make political debut or regain space, has to build cadres or a support mechanism at the village level²¹¹. Undoubtedly, *panchayat* elections have become the barometer to gauge the popularity of different political parties at the ground level. Ironically, in most of the States, political parties are debarred from directly participating in *gram panchayat* elections.

After the independence, *panchayats* were included in the Directive Principles of State Policy of the Indian Constitution. Thus, there was no statutory obligation on the part of the States to conduct elections in *panchayats* at the interval of every five years. Therefore, often, States failed to provide enabling environment to hold *panchayat* elections and allow them to function as local self-governments.

The 73rd Amendment to the Constitution, passed in 1992, gave constitutional status to the *panchayats* which was passed in 1992. The Amendment provided for creation of the State Election Commission for conducting elections at local level. Since 1994, the State Election Commission has conducted the elections to the *panchayats* including *Zilla Parishads*, *Panchayat Samitis* and *village Gram Panchayats* for rural democratic setup. Article 243E (1) of the Constitution of India provides holding of elections to the *panchayats* every five years. Further, Article 243E (3) of the Constitution provides that elections to constitute a *panchayat* shall be completed before the expiry of its duration and before the expiration of a period of six months from the date of its dissolution. Therefore, the timely conduct of *panchayat* elections in a State is a Constitutional requirement.

Even in the case of dissolution before the expiry of five years period, where an administrator is required to be appointed by the State, that regime cannot be continued beyond six months by virtue of relevant provisions in the respective State legislation(s). However, it has been

²¹¹ Mahapatra, Richard. 2017. “*Panchayat* elections are set to become all the more important”. *Down to Earth*. May, 15.

observed that in some of the States the regime of the administrator appointed by the respective State governments has continued for more than six months especially in the cases where by-elections were due, and the State governments were in no hurry to conduct these elections.

Furthermore, any delay in holding elections not only deprives rural citizens from the exercise of their democratic constitutional right but also impacts the developmental activities and timely devolution of funds recommended by the Finance Commission. For instance, Bengal government was deprived of development funds to the tune of over Rs. 400 crores because of delay in holding *gram panchayat* elections in Darjeeling Hills²¹².

Panchayat elections have been postponed many times in several States on fine grained grounds, clearly violating constitutional norms. It has been observed that the elections to the *panchayats*, at different levels, are often delayed on grounds of amendments proposed by the State Government in the State *panchayat* Act, commencement and completion of delimitation exercise, court cases, preparation of electoral rolls, reservation issue etc. Various legal, logistical and financial constraints have also been observed in the conduct of timely elections. Further, the reluctance and resistance of bureaucrats and elected representatives at higher levels towards a true devolution of power has combined to weaken local governments²¹³.

However, many of such issues are administrative in nature and hence can be undertaken/completed without affecting the election schedule if timely action is taken by concerned authorities. Taking a cue from the functioning of the Election Commission of India, preparations for the *panchayat* elections should ideally start at least six months prior to the tenure completion date of rural local government, as is the case with the election for Parliament and State legislature. This would facilitate completion of the electoral process before expiry of the term of *panchayats* as envisaged by the Constitution.

5.1 Non-conducive Factors

Some of the most common reasons for delay in *panchayat* elections are as follows (Table 5.1):

²¹² The states are being provided with 14th Finance Commission grants on pro-rata basis to only their duly constituted *gram panchayats* after deducting proportional amount allocated to the non-duly constituted GPs in the state. Since *panchayat* elections were not held in the hills after 2000, the Bengal government got less than allocated funds because of the pro-rata basis guidelines framed in 2015.

²¹³ Supra note 66.

1. **Delimitation** - The power to divide a *panchayat* into territorial constituencies is derived from the provisions provided in the respective State *Panchayat* Acts. It is quite clear from Table 2.3 in Chapter 2 that there are great variations in the structures of the authorities that are assigned the task of delimiting constituencies for *panchayats* across the country. In majority of States the task of delimitation is carried out by State Government, while in few States (Bihar, Goa, Gujarat, Jharkhand and Maharashtra²¹⁴) it is vested with SEC. Further, Kerala constitutes Delimitation Commission constituted by State Election Commissioner (chairman) and three other officials of State government. Karnataka also constitutes Delimitation Commission, but it has no representation from SEC.

Therefore, lack of uniformity in the structures and processes underlying delimitation has led to significant consequences. Differences in structures are linked to differentials in efficiency. When delimitation exercise is delayed, elections are also delayed. It has been observed that the delimitation exercise is not carried out at regular intervals and depends on political will of the incumbent government, which leads to violation of the basic tenet of democracy. The idea behind conducting periodic delimitation of constituencies has been to rationalize population of the territorial constituencies so that, over a period of time there is an adjustment to demographic changes that acknowledges the universal principle of parity in the value of votes, a central tenet of democracy²¹⁵.

The study team of IIPA observed that in most of the States, unlike delimitation in case of Assembly and Lok Sabha elections which is supposed to be conducted after every census, delimitation for *panchayat* elections are done before every general elections to *panchayats* in most of the States. The pretext for the same is the dynamic nature of *panchayat* boundaries, quite often few villages are merged to constitute bigger village, at times village is converted to a town or urban area or a big village is divided into two or more villages for better administration. Therefore, dependency of State Election Commission on State government for the final list of latest delimited constituency results in the delay of *panchayat* elections. For instance, in Telanagana, elections to both *gram panchayats* and municipalities were held in 2018 and 2020 respectively, but Bhadrachalam was excluded. Bhadrachalam is being run by a special officer for four

²¹⁴ Delimitation is done by State government with the approval of SEC.

²¹⁵ Joshi, Bhanu. 2015. "Missing Democracy: Delimitation in the Third Tier". In *Fixing Electoral Boundaries in India*, ed by Mohd. Sanjeer Alam and K C Sivaramakrishnan. Oxford University Press.

years. The reasons given by Chief Secretary to the High Court for the State made impasse was that the government was not certain on whether to treat it as a village or to convert it into a municipality which ultimately lead to the delay in the elections²¹⁶.

2. **Reservation** – The issue of reservation in local bodies is far more complex than that for State and national elections. While at the national and State levels constituencies are reserved only for the SCs and the STs. However, the reservation of constituencies for *panchayats* expands to include the Other Backward Classes (OBCs) and women. In absence of actual population figures of OBCs, fixing the number of seats to be reserved for OBCs remains a hotly contested issue. Moreover, the OBCs are a heterogeneous group, and their relatively wealthier and better-educated members are not eligible for State-sponsored affirmative action policy²¹⁷.

For instance, The State government of Goa decided to postpone the *panchayat* elections scheduled for 186 *panchayats* whose tenures were ending in June 2022 and appointed an administrator till the new *panchayats* are elected. The State government wanted the OBC commission to prepare empirical data on parameters like political backwardness, necessity for reservation and percentage of reservation for OBCs which is required to carry out reservation of wards for *panchayat* elections. The then Chief Minister said that “*if we have to hold panchayat elections at this point, we will have to do it without OBC reservation and we don't want to hold it in that manner*”.

Consecutively, rotation of reserved constituencies and division of responsibilities in this regard is another cause for delay in holding elections in time. If rotation takes place during every election, a person elected on the reserved seat does not get an opportunity of occupying the same seat for a second term. This proves to be a disincentive for members to work hard for their constituency. It is particularly disadvantageous to women and fresh entrants to build up their capacity and experience as elected representatives. Providing reservation to the marginalised sections of society is a policy matter and in order to please a certain section of society the State governments change the reservation policy just before the announcement of elections. This policy in most of

²¹⁶ “HC Summons CS over Delay in Local Polls”. *Times of India*, February 12, 2022. <https://timesofindia.indiatimes.com/city/hyderabad/hc-summonscs-over-delayin-local-polls/articleshow/89513970.cms>

²¹⁷ This category is also referred to as ‘creamy layer’. The term was introduced by the Sattanathan Commission in 1971, which directed that the ‘creamy layer’ should be excluded from the reservations (quotas) of civil posts and services granted to the OBCs.

the cases does not follow the triple test²¹⁸ formulated for providing reservation to the marginalised societies and the reservation policy is often challenged in the court of law which leads to a delay in elections as the court often issues notice to the State government and other concerned authorities which derails the election program.

Furthermore, it has been observed that the reservation policy changes just before the announcement of the election schedule of *panchayats* have been a regular feature for the State governments. These changes in most instances have led to its challenge in the court of law often leading to a delay in elections. For example, in the State of Haryana and Madhya Pradesh the respective State governments changed the reservation policy to *panchayat* elections which have been challenged in the court of law. Till the time the court finally gave its verdict on the issue the elections were already delayed for more than two years. Similarly in the union territory of Puducherry the dispute regarding the reservation has led to a delay of more than twelve years in the conduct of *panchayat* elections.

Thus, the fact that conducting regular elections without delay and inclusion of the marginalized groups into mainstream electoral politics constitute the soul of the decentralization policy, leaving these issues to the discretion of the State governments appears to have impaired the functioning of the *panchayats*.

3. **Unscrupulous litigation** – One of the key reasons for delay in *panchayat* elections is because of the misuse of the judicial procedures to settle personal scores and settling of personal grievances. By a series of judgments delivered by the Hon'ble Apex Court of the land, it is now well settled that Public Interest Litigation, which has now occupied an important place and field in the administration of law should not be allowed to become “publicity interest litigation” or “private interest litigation” or “politics interest litigation” or the latest trend, which has now emerged to be “paise income litigation”²¹⁹. It is not a hidden truth that sometimes political rivals just to settle their personal scores approach the court of law with frivolous grounds.²²⁰ A person or another on behalf of someone to foster his/her or their personal causes or to satisfy his/her or their personal

²¹⁸ The triple test required to be complied by the State before reserving seats in the local bodies for OBCs is, (1) to set up a dedicated Commission to conduct an empirical inquiry into nature & implication of the backwardness in local bodies (2) specify the proportion of reservation required in light of the recommendations so made (3) ensure reservation to not exceed 50% of the total seats reserved in favour of SCs/STs and OBCs taken together.

²¹⁹ Vikash vs State (Panchayati Raj Dep)Ors on 10 May, 2013, Rajasthan High Court

²²⁰ B. Radhakrishna Menon vs State Of Kerala on 30 June, 2020, Kerala High Court

grudge and/or enmity cannot be allowed to have recourse to litigation in the name of the Public Interest litigation.

The Hon'ble Apex Court of the land time and again has pointed out that litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens who were not able to approach the court of law. But unfortunately even after so many pronouncements the practice of filing unscrupulous litigation is still going on.

This frivolous filling of litigation has caused delays in the *panchayat* elections. Some or the other spirited individual files a case against the State government and its concerned authorities challenging the policy of the State government just before the announcement of the election schedule. The court issues a notice to the concerned authorities and an ever-ending cycle of litigation starts leading to a delay in the elections. This is particularly true in instances of change in reservation policy by the State government to please a section of society.

4. **Intervention of the State Government** - Elections to local governments frequently are postponed at the discretion of the State governments. In many cases, the State governments themselves unilaterally postponed elections, putting forward a variety of reasons for the postponement, from natural disasters to pandemic, amendments proposed by the State Government in the State *panchayat* Act, delimitation exercise etc. In other cases elections were delayed as a result of writ petitions submitted to the courts by groups indirectly supported by the State governments. During our filed interactions the officials at the SEC office of various States categorically remarked that the respective State governments do play a major part in the delay of elections. They can do so as they retain certain powers necessary for the conduct of these elections. Apart from reservation and delimitation powers which we have already discussed above, sometimes the State governments refers to instances of high rains, floods, feminine etc.

For instance, In the year 2018, the State Election Commission of Arunachal Pradesh proposed the election date for holding the *panchayat* polls. But the State government said it would not be proper to conduct the polls since the Assembly had passed the Arunachal Pradesh *panchayat* Raj Amendment Bill, 2018 in March to change the

structure of *panchayats* and do away with the *Anchal Samiti*, the intermediate level of the three-tier panchayat system. Therefore, SEC had to delay the elections as it requires financial and manpower support from State government to meet its financial and manpower. This shows how governments just at the last moment look to interfere in the election process. On the similar lines, the high court of Karnataka in *State Election Commission vs. State of Karnataka* case observed that *on the one hand, amendment is made to the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 and on the other hand either the state government or the delimitation commission are seeking extension of time. Thus the approach of state government and the delimitation commission is not very positive either to follow the mandate of law or the direction of the Apex Court.*

5. **Technical Reasons for delay** - There are various technicalities involved in the election process, especially in the preparation of the electoral roll that is the bedrock of election process. It not only affects the voters but also the democratic principles of the country. However, given the dynamic and gigantic nature of the task there are many discrepancies found in the electoral rolls related to inclusion, exclusion, deletion and duplication of names in the electoral list. Such instances become reasons for the delay in elections. But it is widely accepted that any revision of electoral rolls should be carried out in time and if it cannot be carried out within a reasonable time, the election has to be conducted on the basis of the then existing electoral rolls. The majority opinion in *Lakshmi Charan Sen & Ors. Vs. A.K.M. Hassan Uzzaman & Ors*²²¹ held that the fact that certain claims and objections are not finally disposed of while preparing the electoral rolls or even assuming that they are not filed in accordance with law cannot arrest the process of election to the Legislature. The election has to be held on the basis of the electoral rolls which are in force on the last date for making nomination. It is true that Election Commission should take steps to prepare the electoral rolls by following due process of law, but that too, should be done timely and in no circumstances, it should be delayed so as to cause gross violation of the mandatory provisions contained in Article 243E of the Constitution.

6. **Natural Calamities and Pandemic** - It is true that there may be certain man-made calamities, such as rioting or breakdown of law and order, or natural calamities which could distract the authorities from holding elections to the *panchayats*, but they are

²²¹ (1985) 4 SCC 689

exceptional circumstances and under no circumstance the State Election Commission would be justified in delaying the process of election after consulting the State government ²²²and other authorities. But that should be an exceptional circumstance and shall not be a regular feature to extend the duration of the *panchayat*. Going by the provisions contained in Article 243E, the period of five years fixed thereunder to constitute the *panchayats* is mandatory in nature and has to be followed in all respects. It is only when the *panchayat* is dissolved for any other reason and the remainder of the period for which the dissolved *panchayat* would have continued is less than six months, it shall not be necessary to hold any elections for constituting the *panchayat* for such period. However, the State governments and political parties quite often try and use the pretext of natural calamity to delay the *panchayat* elections. For instance, political parties in Maharashtra urged the SEC to delay the elections to *gram panchayats* due to flood situation in many districts in the State on account of heavy monsoon²²³.

Further, State governments are using pandemic as a tool to delay the *panchayat* elections. It has been observed that State government to find the favorable timing for their political fortunes has taken the recourse of pandemic and health concerns to buy some time. They have also used it to usurp the powers and functions of *panchayat*. For instance, the Bihar government had decided to delay the *panchayat* elections, whose tenure was ending on June 15, 2021, due to the Covid outbreak. The State government decided not to extend the term of the existing *panchayats* but instead decided to constitute alternative bodies that would discharge the duties of the *panchayat* members. The *Panchayati Raj* minister of Bihar said: “We will constitute *Panchayat Samiti, Panchayat Court, and suggestion committee in district council etc to continue in absence of elected members of Panchayat. The State government will not organize the elections of Panchayat in near future amid severe corona infection*”²²⁴. As the situation of pandemic improved a little, it was decided to conduct the elections in August 2021. But *panchayat* polls in Bihar were further delayed and started from mid-September onwards instead of August 2021 as planned earlier because of flood-like situation and an intensifying monsoon in several districts.

²²² Kishan Singh Tomar vs Municipal Corporation of The City on 19 October, 2006, Supreme Court of India.

²²³ Lewis, Clara. 2022. “Maharashtra BJP demands postponement of local body polls due to flood situation in many districts”. *Times of India*, July 11. <https://timesofindia.indiatimes.com/city/mumbai/maharashtra-bjp-demands-postponement-of-local-body-polls-due-to-flood-situation-in-many-districts/articleshow/92809401.cms>

²²⁴ “Outbreak to Delay Panchayat Polls in Bihar State government”. *Business Standard*, June 1, 2021. https://www.business-standard.com/article/politics/coronavirus-outbreak-to-delay-panchayat-polls-in-bihar-state-govt-121060100843_1.html

Table 5.1: Delay in Elections to Panchayats in States and UT

Sl. No.	States/UTs	Elections last held (month, year)	Elections due/ not held (month, year)	Reason for the Delay	Court Cases	Decision
	(1)	(2)	(3)	(4)	(5)	(6)
1.	Karnataka	GP: Dec, 2020 BP: Feb, 2016 DP: Feb, 2016	GP: Dec, 2025 BP: Feb, 2021 DP: Feb, 2021	Delimitation	State Election Commission vs. State of Karnataka	Karnataka High Court directs state to complete delimitation of wards, and provide OBC reservation in 12 weeks
2.	Lakshadweep		December 2022			
3.	Maharashtra	GP: BP: Jan./Feb. 2017 DP: Jan/Feb.,2017	GP: BP: Feb 2022 ZP: Feb 2022			Elections for GPs in Maharashtra are to be scheduled on different dates as per their respective tenure of Five year.
4.	Manipur	Sept 2017	Sept 2022			
5.	Puducherry	July 2006	July 2011	Reservation	R Shiva vs. UT of Puducherry	Matter still pending in the court.

Source: Author's compilation, Filled-in questionnaires received from States/UTs by the IIPA, 2022 and Ministry of Panchayati Raj, GoI

<https://www.panchayat.gov.in/web/ministry-of-panchayati-raj-2/status-of-panchayat-elections-in-pris>

Notes: 1. GP- Gram Panchayat, BP- Block Panchayat, DP- District Panchayat n.a.- not applicable

2. Panchayat election in the state of Bihar and Madhya Pradesh were underway during the writing of this report.

Out of the five states only the state of Karnataka has a provision in relation to the appointment of the administrator in case the elections are delayed, or *panchayats* are dissolved. The maximum tenure of the administrator is only six months; however, it has been observed that state government extends the tenure of the administrator which violates statutory mandate. In the rest of the above-mentioned states state officials from various departments are appointed by the states governments to look after the functions of *panchayats*.

Similarly, in the Haridwar district of Uttarakhand elections to *panchayats* were delayed for a period of more than one and a half years and administrator was made responsible to perform the functions of panchayats. This also violated the provisions of Uttarakhand Panchayati Raj Act, 2016 which allow the appointment of administrator for a maximum period of six months. Further, the 5.2 table below encapsulates the States having specific provision in relation to the appointment of administrator for six months in case elections are delayed.

Table 5.2: States with Provisions of Administrator Appointment

S.No.	State	Section and Act	Authority in charge In case of panchayat dissolution
1.	Goa	Section 180, Goa Panchayati Raj Act, 1994	Administrator
2.	Karnataka	Section 8, The Karnataka Panchayat Raj Act, 1993	Administrative Committee or Administrator
3.	Kerala	Section 151, Kerala Panchayati Raj Act, 1994	Special officer or Administrative committee
4.	Uttar Pradesh	Section 20, Uttar Pradesh Kshetra Panchayat and Zila Panchayat Adhiniyam, 1961. Section 11 B UP Panchayati Raj Act, 1947	Administrative Committee
5.	Manipur	Section 22, Manipur Panchayati Raj Act, 1994	Administrative committee or Administrator
6.	Uttarakhand	Chapter XXV, Section 130 (6) The Uttarakhand Panchayati Raj Act, 2016	Administrative committee or Administrator
7.	Jammu & Kashmir	Section 9, Jammu & Kashmir Panchayati Raj Act, 1989.	Administrator

Source: State *Panchayat Acts*

The critical factor working against the *panchayats* is that the State governments have a tendency to treat them subversively and as administrative bodies, not worthy of giving due respect as integral parts of the political system. Table 5.1 shows the elections delayed in the States and the reasons for the same. The Supreme Court, however, in its catena of judgments has held that the constitutional mandate is inviolable. Neither the State Election Commission nor the respective State governments can delay the elections to *panchayats* on purely political, social or technical constraints in conducting these elections. Very recently, the Bombay High Court refused to delay the *panchayat* elections on account of heavy monsoons in the state of Goa. Among the reasons cited by Goa government in the high court to put off *panchayat* elections was that there were chances of the paper being spoiled or the ink being smudged when the voter handles the ballot paper during voting due to the rains. The court in

its remark clearly said that “*neither the State Election Commission nor the State Government can delay elections until and unless some natural calamity strikes*”²²⁵.

5.2 Case Studies²²⁶

Andhra Pradesh

The election process that has started in the month of March 2020, has seen many twists and turns and it has resulted in a long legal battle between the SEC and the State Government. The decision to postpone the elections by SEC was first challenged by the State Government but it was upheld by the apex court. Later the State Government brought in an ordinance replacing the State Election Commissioner, which is again challenged, and the ordinance was subsequently set aside. After reinstatement of SEC, the fight between both institutions continued as SEC moved high court alleging that the State Government was not cooperating with him to conduct elections²²⁷. After a court wording directing the government to cooperate with SEC, the SEC of Andhra Pradesh issued the notification for election in *gram panchayat* on the basis of 2019 electoral roll in early, January 2021. This was again challenged by the State Government citing a preoccupation with the ongoing COVID-19 vaccination drive and the corona virus pandemic as the primary reasons. A single-judge bench of the Andhra Pradesh High Court in the interest of the public health, however, granted stay till further orders on the State Election Commission’s decision to hold *gram panchayat* (GP) elections²²⁸.

The SEC immediately filed an appeal before the Division Bench. The Division Bench of the High Court struck down the order of a single judge and asked the Commission to conduct the *gram panchayat* elections in a hassle-free manner. The court held that the vaccination programme cannot be a ground for seeking postponement of elections which is a constitutional obligation to fulfill. As the vaccination programme is only confined to limited number of frontline workers in the phase 1, it would not be any hindrance for holding *panchayat* elections. The bench further observed that election commissioner was acting on

²²⁵ Source Author Compilation

²²⁶ These case studies are based on original court judgment texts, law journals and newspaper articles. For the simplification of readers the author has arranged the sequence of text from various judgements.

²²⁷ Aluir, Srikanth. 2021. “Andhra Pradesh gives nod to Local body polls, govt. moves to SC. *Times of India*. January, 21. <https://timesofindia.indiatimes.com/city/vijayawada/andhra-pradesh-hc-gives-nod-to-conduct-gram-panchayat-polls-in-state/articleshow/80388321.cms>

²²⁸ “Andhra Pradesh HC stays gram panchayat elections”. *The Hindu*. January 11, 2021 <https://www.thehindu.com/news/national/andhra-pradesh/hc-stays-panchayat-poll-notification-till-further-orders/article33551489.ece>

the legitimate exercise of power he has and the SEC has decided to conduct elections to fulfill its obligation which is overdue by almost two and half years.

Further, there were writ petitions by few praying for directions to the SEC to suspend the election notification. Their argument was that 3.60 lakh youth (who attained 18 years as on January 1, 2021) would not be able to cast their votes, which is a right envisaged under Article 326 of the Constitution, if the SEC would use the electoral roll of 2019 for the GP election. The State Election Commission had a narrative that the commission was forced to adopt the 2019 electoral rolls due to the *Panchayat* Raj Department's failure to update the old ones. The division bench of the High Court upholds conduct of *gram panchayat* elections on basis of 2019 electoral rolls observing that since the elections were already notified under Section 11 of AP *Panchayat* Raj Act, the conduct of elections based on previously updated electoral rolls is permitted under the law²²⁹.

Following such order of High Court, the Andhra Pradesh government approached the Supreme Court. The Supreme Court on 25th January held, 2021 that it will not interfere in the decision of the Andhra Pradesh State Election commission (APSEC) to conduct GP polls and mentioned that States have conducted elections during COVID-19 while referring to Kerala, “*Even Kerala did and there is a spike now, but we can't say polls were the reason*”. The Supreme Court bench said it will not interfere in the decision of the State Election Commissioner to hold the elections and dismissed the matter²³⁰.

Haryana

The tenure of the village *panchayats* in the State of Haryana ended on February 23, 2021, and as required by Article 243E of the Constitution and Section 3 of the Haryana *Panchayati* Raj Act, 1994, elections were to be held within six months of the date of the *panchayat's* dissolution. The matter pertaining to the *panchayat* elections in Haryana is pending before the Punjab and Haryana high court where many petitions have been filed challenging some amendments made by the State government in the *Panchayati* Raj Act.

²²⁹ “High Court upholds conduct of Gram Panchayat elections on the basis of 2019 electoral rolls. *The Hindu*. February 4, 2021. <https://www.thehindu.com/news/national/andhra-pradesh/high-court-upholds-conduct-of-gram-panchayat-elections-on-basis-of-2019-electoral-rolls/article33749847.ece>

²³⁰ “Supreme Court dismisses Andhra government plea to halt gram panchayat polls”. *The News Minute*. January 25, 2021. [thenewsminute.com/article/supreme-court-dismisses-andhra-govt-plea-halt-gram-panchayat-polls-142143](https://www.thenewsminute.com/article/supreme-court-dismisses-andhra-govt-plea-halt-gram-panchayat-polls-142143)

In July 2021 that the government had given an undertaking before court that due to Covid-19 outbreak, it won't hold elections. However, in September 2021, it changed its stand and said it intended to hold *panchayat* elections in a phased manner.

Meanwhile many petitions were filed against the Haryana Panchayati Raj Amendment Act, 2020, passed in December 2020 in the State assembly, regarding the reservation of Backward Class-A and 50% reservation to women in *Panchayats*. It was notified in April 2021. The plea alleges that the amendment restricts women candidates from contesting from odd-numbered wards, that are otherwise open, and general wards. Hence, it is discriminatory. There are some petitions against reservation rosters to some categories and the manner in which reservation for backward classes is to be carved out. There are a total of 13 petitions pending before the high court challenging various provisions of the Haryana Panchayati Raj Amendment Act, 2020. Thus, the polls cannot be conducted by the State without the permission of the high court.

After hearing the State's pleadings in September 2021, the HC had directed all the parties to complete their pleadings in the case and had also made it clear that the court would not grant any further time in this case. The matter was listed for hearing on February 8, 2022, but on account of restricted hearing in the high court and the closure of physical hearing of court due to the third wave of the Covid-19, the matter was adjourned till September, 2022 which was shocking to the villagers and those hoping to contest in the *panchayat* elections. Without the high court's approval, the State is not permitted to conduct the elections. This delay in holding the election has impeded development efforts in the villages of Haryana.²³¹ In its May 4, 2022 order, the HC made it clear that the elections would be subject to final outcomes of the petitions that have challenged the amendments made by the State government in the *Panchayati Raj Act* in 2020. The Supreme Court on May 22, 2022, refused to interfere in the high court order. The Haryana government has appointed officers of the development and *panchayat* department as administrators to run the *panchayat* affairs.

The State government in July 2022 issued a notification as per which the State Election Commission had to get general elections of *panches*, *Sarpanches* and members of *panchayat samitis* and *Zila Parishads* conducted by September 30. However, the *panchayat* elections in Haryana will be further delayed as the SEC expressed its inability to hold polls by September

²³¹ Sura, Ajay. 2022. "Uncertainty over already delayed Haryana panchayat polls". *The Times of India*. February 3. <https://timesofindia.indiatimes.com/city/chandigarh/uncertainty-over-already-delayed-panchayat-polls/articleshow/89309778.cms>.

30, 2022 citing lack of data on the reserved seats. In the recent development, the SEC, Haryana, has stated that it would be able to conduct the general election of all *panchayats* in the State up to November 30, 2022 provided that the information of reservation of seats from the government in respect of all three tiers of *panchayats* in the State is received by the SEC on or before September 22, 2022.

Puducherry

The local government in the Union Territory of Puducherry, a former French colony, is renowned. These were subject to periodical elections until 1968. After 1968, 2006 elections were just the second in UT history and that they were only held after a 38-year hiatus. The lengthy delimitation process was one of the factors contributing to this. After the conduct of these elections there was a hope that elections would now be held on timely basis, but this hope was short lived

Therefore, grassroots democracy and participation in the planning process have been suppressed. Even though the 73rd and 74th Amendments to the Constitution, mandates regular and mandatory elections for these bodies, still they were delayed for more than three decades. Even after 2006, the elections which were due in 2011 have not been held till today.

The term of 1,149 representatives ended in July 2011. Since that time, no polls have been taken. It should be remembered that the 2006 elections were just the second in UT history and that they were only held after a 38-year hiatus. The lengthy delimitation process was one of the factors contributing to this.

After 2006 elections there were five municipalities and 10 commune *panchayats* in Puducherry. Elections were to be held for five municipality chairpersons, 116 municipal ward councilors, 108 commune *panchayat* ward councilors, 108 village *panchayat* presidents and 812 village *panchayat* ward members. Out of the 1,149 seats, 248 were reserved for SCs and SC (women), six for ST and ST (women), 327 for women from general category and 348 for BC; the remaining 220 seats were general category. However, the UT government of Puducherry changed the reservation policy just before the election.

The matter went to the court as the then Puducherry Legislative Assembly's opposition leader, R. Siva, filed a writ petition asking the court to overturn government orders that had previously revoked notices reserving seats for members of the Backward Class (33.5%) and Scheduled Tribes (0.5%). The petitioner claimed that the impugned Government orders

violated the constitution²³² and other statutes²³³ governing local body elections in the Union territory of Puducherry. The Madras High Court ordered Puducherry to remain in its current state and ordered the election commission to not notify the *panchayat* elections²³⁴.

The petitioner submitted that elections for the local bodies were notified on 22.09.2021 and the same was challenged on the ground of anomalies. During the hearing, the State Election Commission sought leave for withdrawal of the notification followed by the issuance of a fresh notification. As a result, the court had accorded permission for withdrawal with further direction to issue fresh notification within 5 days from the withdrawal of earlier notification after removal of anomalies pointed out in the said Writ Petition. The petitioner pointed out that the court never directed the withdrawal of government notifications providing for reservations. The petitioners submitted that the reservation of seats for the OBC category falls within the domain of Entry 5 of List II and thus the powers are conferred on the State Government. When the State government intends to continue reservation of seats for politically backward classes and has constituted a committee to overlook the same, the act of the State Election Commission in notifying local body elections for municipalities and commune *panchayats* within the union territory of Puducherry without providing for reservation offends democracy and goes against the basic spirit of the constitution.

After arguing the writ petitions for some length, the petitioners prayed for withdrawal of the writ petitions with liberty to approach the Apex Court under Article 32 of The Constitution of India. The court held that *“It is under the circumstances that in respect of the issue pertaining to election to municipalities and panchayats in the Union Territory of Puducherry, the Apex Court is seized of the matter and directions have been issued to the Election Commission to hold the elections within the time specified therein. The Election Commission also issued Notifications to hold the elections. The matter has complexity in a view that as per the Constitutional provisions under Article 243D (1) and (6), the Government has taken a decision to provide reservation. But, it should be in compliance of the decision of the Apex Court in the case of K.Krishna Murthy Vs. Union of India²³⁵. In view of the aforesaid, parties submit that entire matter is required to be taken before the Apex Court. As prayed, the writ petitions are dismissed as withdrawn with liberty, as prayed for.*

²³² 243D (1)&(6) and 243T(1)& (6) which provides for Reservation of seats in municipalities and panchayats for scheduled tribes proportional to the population as a matter of rule rather than as choice.

²³³ Puducherry Municipalities Act, 1973 and the Puducherry Village and Commune Panchayats Act, 1973.

²³⁴ R Siva V. Union Territory Of Puducherry and Ors- (Madras High Court)

²³⁵ 2010 (7) SCC 202.

This case is a classic example of how change in the reservation policy just before the announcement of the election schedule can lead to such a long delay in the elections.

Madhya Pradesh

Panchayat elections in the State of Madhya Pradesh stand delayed because of the changes in the reservation policy for the *panchayat* and municipal elections. The reservation policy published by the State government was the subject of the dispute.

According to the chart handed over to the Court by the learned counsel for the Madhya Pradesh State Election Commission, indicates that there were about 321 urban local bodies, where elections have not been held from 2019-2020. Further, the local bodies at the grassroots level (rural local bodies) where elections have not been held in the same manner were around 23,073.

Reservations are one of the most divisive topics in politics, and State governments frequently adjust reservation policy just before elections in order to gain political advantage by appeasing a certain group of people. The State government of Madhya Pradesh was unable to fulfil the mandate of the triple test reservation for Other Backward Classes (OBC) category and the SEC was unable to go forward with the announcement of election schedule. The triple test formalities were ordered by Supreme Court in the landmark judgment of *Vikas Kishanrao Gawali Vs. State of Maharashtra*²³⁶.

Despite the peremptory directions given by the Supreme Court vide successive orders, and the constitutional mandate of conducting elections on time, the reality in the State of Madhya Pradesh, was that, more than 23,263 local bodies were functioning without the elected representatives for last over two years and more. This figure was put on affidavit by the counsel of the State government. This was a case of clear-cut violation of the constitutional obligation for functioning of such local self-government. The apex court came heavily on the State government and SEC and compared the situation to a complete breakdown of law in the State.

The court ordered that the ongoing activity of delimitation or formation of ward cannot be a legitimate ground to be set forth by any authority much less the State Election Commission - to not discharge its constitutional obligation in notifying the election programme at the

²³⁶ *Vikas Kishanrao Gawali v. State of Maharashtra*, [2021 SCC OnLine SC 170](#)

opportune time and to ensure that the elected body is installed before the expiry of 5 (five) years term of the outgoing elected representative. The court stated that if delimitation is necessary—which is in fact a continuous exercise that the concerned authority must carry out—it should be started well in advance to ensure that the elections of the relevant local body are announced in due time, allowing the elected body to assume control of its administration without interruption and maintaining continuity of government (thereby upholding the tenet of Government of the people, by the people and for the people). In other words, the change made to the enactments cannot be considered a valid reason to delay the issuing of the election schedule of the relevant local governments.

Therefore, the court directed the State Election Commission by way of interim order, to issue election programme without any further delay on the basis of the wards as per the delimitation done in the concerned local government when the elections had become due consequent to expiry of 5 (five) years term of the outgoing elected body or before coming into force of the impugned Amendment Act(s) whichever is later.

The court stated that if the delimitation exercise or triple test is not completed within the stipulated time of 5 years then these exercises can wait but elections must be conducted on time. The Election Commission must have ample time to complete the election procedure within that period. Thus, the declaration of election programme cannot be delayed by the Election Commission on that account. For, it would inevitably result in creating hiatus situation upon expiry of five years term of outgoing elected body. Such an eventuality needs to be eschewed by all the duty holders. A priori, it is not only a constitutional obligation of the State Election Commission but also of the State Government including of the constitutional Courts. After this order, the court gave its nod to OBC reservation in the local body elections in Madhya Pradesh. Accepting the OBC commission report, a bench headed by Justice AM Khanwilkar allowed the reservation in the State-local body elections.

Haridwar, Uttarakhand

The state has 13 district panchayats. Elections in 12 districts are held collectively except Haridwar. Study finds out the reasons behind holding election in Haridwar separately.

The first General Elections to the three-tier panchayats were held in 2003 in 12 districts of the State (excluding district Haridwar which were held in 2005). Haridwar is such a district in the state, where elections to three-tier panchayats are not held along with other districts. This

sequence has been maintained since the formation of the state. The rationale behind it is that Haridwar used to come under plain areas whereas other districts used to come under hilly areas. So, the elections for gram panchayats were held in 1995 and 1996 respectively, when Uttarakhand was a part of Uttar Pradesh. Thereafter, elections in plain areas, including Haridwar, were held in 2000. However, for other areas it was due in 2001. After the partition of Uttar Pradesh and constitution of Uttarakhand, elections were held after five years in Haridwar in 2005. Whereas for hilly areas it was delayed from 2001 to 2003. Since then, same sequence is followed to maintain the continuum of five years.

Maharashtra

Maharashtra has adopted a peculiar trend relating to conduct of *panchayat* elections, which is generally not followed in majority of the States/UTs. It is conducting elections for each *gram panchayats* /set of *gram panchayats* on different interval of times as per their respective tenure of five years, whereas all other States/UTS are conducting general elections for all *gram panchayats*. Holding the *gram panchayat's* elections on different dates may also have financial implications.

As per the 73rd Constitutional Amendment Act, all the state laws relating to panchayats shall continue to be in force until the expiry of one year from the commencement of this act. In other words, the states have to adopt the new *panchayat's* system based on this Act within the maximum period of one year from 24 April, 1993, which was the date of the commencement of this act. However, all the panchayats existing immediately before the commencement of act shall continue till the expiry of their term, unless it is dissolved by the state legislature sooner. Rationale behind not conducting elections to gram panchayats at the same time can be traced to the history of gram panchayat elections held in Maharashtra. The state maintained the status-quo by not dissolving the existing gram panchayats. Further, it continued to fulfil the constitutional mandate of conducting elections in every five years for the panchayats. Moreover, the 73rd Constitutional Amendment Act does not provide for holding the elections to all gram panchayats at the same time, it depends on the state legislature.

5.3 Pandemic: Possible new tool to delay the elections

The covid pandemic has completely changed the dynamics of Indian elections. While most of the State governments are using the pandemic as a shield to delay the *panchayat* elections the

courts of the land have taken a stand against any such delay. Various High Courts of the country have also refused to entertain petitions filed in their courts to delay/postpone the *panchayat* and the local body elections citing various strains in conducting these elections. The Allahabad High Court refused to postpone the UP *Panchayat* elections²³⁷. The petition was filed to postpone the elections citing the surge of Covid Cases as the reason to postpone the elections. Dismissing the petition, the bench of Chief Justice Govind Mathur and Justice Saurabh Shyam Shamsbery had said that adequate health protocol for Covid-19 has been notified to be followed at the election booths, and therefore, there is no need to stall the electoral process.

Similarly, the Supreme Court dismissed the special leave petition (SLP) filed by the Andhra Pradesh government and employees challenging the division bench orders of State high court to conduct *panchayat* elections. The Bench headed by Justice Sanjay Kishan Koul, Justice Hrishikesh Roy heard the SLP and said that courts cannot interfere in the election process. Mukul Rohatgi, counsel for the State government argued that the vaccination drive is continuing in the State and it will become tough for the government to conduct elections now. SC said that the State Election Commission is working as per the rules and it is not correct to blame the SEC. The court didn't consider the arguments of counsel for State government employees associations. How are employees connected to elections and how can they demand to postpone elections, court questioned. Counsel cited the example of Kerala where the number of Covid-19 cases increased after local body elections. Court said that it cannot consider the arguments of employees and expressed anger.

Counsel for employees said that they are requesting the court to consider the contentions of employees who work at ground level to conduct elections. However, the court upheld the directions of the division bench of the high court and permitted the SEC to conduct *panchayat* elections.

Conclusion

As discussed in this chapter and depicted in the case studies there have been violation of constitutional mandate of conducting regular elections. The major reasons such as dependency of SEC on State government for resources to conduct elections, delimitation and

²³⁷ Saxena, Akshita. 2021. "State Has Declared Protocol To Be Adhered During Elections: Allahabad High Court Refuses To Postpone UP Panchayat Elections Due To Covid Surge". *Livelaw.in*. April 7. <https://www.livelaw.in/news-updates/allahabad-high-court-refuses-to-postpone-up-panchayat-elections-due-to-covid-surge-172269>

reservation which often leads to court cases are due to the turf war between the authorities i.e. State government and SEC. Thus, the authorities to perform these functions vary across the States. Though, it has been observed that in most of the cases, it is the State government whether directly or indirectly played a major role in the delay of local elections. They are able to do so as they retain these functions through statutory provisions in respective State Acts which ideally should be vested in the SEC as suggested in multiple reports such as Second ARC, Working group on Democratic Decentralization and Draft Model *Panchayat* Election Rules, 2011. This may help in streamlining the electoral process while ensuring the independence of SEC to conduct timely elections in *panchayats*. Furthermore, if such an arrangement could not be enforced immediately, then a short term measure can be taken wherein a set time frame should be provided in which State governments have to finalize the election dates, delimitation and reservation, so that SEC can conduct the elections on time.

Chapter 6: Comparing Qualification Criteria for *Panchayat* Elections

The third tier of India's electoral democracy brings forth huge numbers of candidates to contest and become representatives in the largest democracy of the world. The qualification criteria, however, for being elected at *panchayats* are determined by respective States through legislation. Article 243F of Part IX of the Constitution provides for disqualification of membership in *panchayats*. It reads as follows: -

(1) A person shall be disqualified for being chosen as, and for being, a member of a panchayat:

(a) 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 concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

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

(2) If any question arises as to whether a member of a panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

The above mentioned article sets stage for States and UTs having *panchayats* to frame provisions of their own regarding qualification and disqualification of membership in *panchayats*.

Disqualifications common across States and UTs:

The following are the grounds, common to all States and Union Territories, rendering candidates disqualified from candidature in *panchayat* elections:

1. Not a citizen of India
2. Name is not in the Voter List/ Electoral Roll
3. Not attained the age of twenty-one years
4. Dismissal from Government or cooperative on grounds like corrupt practices, misconduct etc.

5. Holding an office of profit or having conflict of interest
6. Already being in service of government
7. Having a monetary interest or a share or a contract with *panchayat*
8. Being an un-discharged insolvent
9. Disqualified from candidature at State Assembly Elections
10. Conviction by Criminal Court
11. Being incapable to perform functions of *panchayats* due to such disabilities such as being of unsound mind or loss\lack of listening and speech faculties
12. Arrears or Taxes due to *panchayat*
13. Ordered to give security for good behavior under Section 110 CrPC
14. Failure to lodge account of election expenses

Since, it is clear that 73rd Constitutional Amendment Act, 1993 gives power to State Legislatures to determine the qualifications of *panchayat* representatives. Most State *Panchayat* Acts have set similar qualifications of candidates for contesting *panchayat* polls. Being a citizen of India; not being mentally unstable, not being bankrupt, being at least 21 years of age, etc are some of those common grounds. However, in recent times, some new experiments have been seen as some States are adding additional disqualification criteria for candidates. These include the following:-

1. Educational Qualification
2. Two-Child Policy
3. Having Toilets

6.1 Criterion of Educational Qualification

The root of special disqualifications lies in Constituent Assembly debates. On 3 June 1949, Prof. K.T. Shah, an eminent member of Constituent Assembly, proposed an amendment regarding the educational criteria of candidates, he stated, “*But even while it prevails, and while this danger of something like over three-fourths of the population, if not more, being illiterate is before us, I think it is necessary to insert in this Constitution the positive requirement that the candidate will be at least literate; and that anyone who is not literate will be disqualified*²³⁸.” Replying Prof. Shah, Dr. Ambedkar said, “*Then, with regard to the amendment of Professor K. T. Shah about literacy, I think that is a matter which might as*

²³⁸ GoI. 1949. *Constituent Assembly Debates*. Volume VIII, June 3.
<http://164.100.47.194/loksabha/writereaddata/cadebatefiles/C02061949.pdf>

*well be left to the Legislatures. If the Legislatures at the time of prescribing qualifications feel that literacy qualification is a necessary one, I no doubt think that they will do it.*²³⁹”

While stating this, Dr. Ambedkar created a room for State legislatures to think and act on the issue of some special qualification or disqualification. It is in this line of innovation, Haryana and Uttarakhand have made provisions related to educational qualification.

Report of the Committee on *Panchayati Raj Elections*, 1965 prepared under leadership of Shri K. Santhanam, a prominent member of Rajya Sabha, also talks about educational qualification for a member of *panchayat*. Although the Report denies the possibility of any such qualification, but it mentions two important points related to this provision which are crucial in the evolution of such qualification. They are:

- I. On one hand, the Report denies that it is not desirable to prescribe any minimum educational qualifications for being a member of the village *panchayat*. On the other hand, the Report mentions that, “*We feel, however, that the filing of a nomination paper with the thumb impression of a candidate is undignified. If anyone seriously desires to become a member of a panchayat, it ought not to be difficult for him to learn to sign his name. We, therefore, felt that the candidate should not be allowed to affix his thumb impression but should be obliged to sign name on the nomination paper*²⁴⁰.” Here, the Committee laid emphasis on the literacy of *panchayat* member.
- II. While talking about special qualification for a *Sarpanch*, the Report states, “*The Sarpanch of a panchayat is its executive authority. He has to supervise the work of the Panchayat Secretary. It will, therefore, be desirable if he is able to read and write the local language*²⁴¹.” The Report further mentioned, “*We, therefore, recommend that ability to read and write the local language should be laid down as the minimum qualification for becoming a Sarpanch.*²⁴²” Here again, the Committee emphasised the need of education in local language.

Above mentioned recommendations of the Committee somehow supported the notion of educational qualification in *panchayats*. It is in this light, States adopted this practice to make their *panchayat* representatives literate and educationally vibrant.

²³⁹ Ibid

²⁴⁰ GoI. 1965. *Report of the committee on Panchayat Elections*. Ministry of Community Development and cooperation, New Delhi, Pg. 42

²⁴¹ Ibid

²⁴² Ibid

Educational Criteria for Elected Representatives of *Panchayats*

At present, there are only two States namely Haryana and Uttarakhand which have prescribed educational qualification for contesting elections to *panchayats*. In States where this qualification has not been prescribed, a considerable number of opinions have been expressed emphasising that there should be such qualification at *panchayat* level representatives. There is common belief that this qualification criterion will improve the working of the *panchayats* as the member will be able to read and write and understand communications.

Haryana became the first State to implement educational criteria for contesting *panchayat* polls in 2015 followed by Rajasthan and Uttarakhand in 2015 and 2019 respectively. However, Rajasthan repealed this law in 2019.

Table 6.1: Provisions of Educational Qualification to Contest Panchayat Elections in States

Sl. No.	States	Act and Provision	Provisions related to Educational Qualification
	(1)	(2)	(3)
1.	Haryana	Haryana Panchayati Raj Act, 1994, Section 175 clause (v)	<p><i>Sarpanch</i> or a <i>Panch</i> or a <i>Gram Panchayat</i> or a member of a <i>Panchayat Samiti</i> or <i>Zila Parishad</i></p> <ul style="list-style-type: none"> • General - Matriculation • Women candidate -Middle class • SC- Middle class • Women (SC)- 5TH Pass
2.	Rajasthan*	Rajasthan Panchayati Raj Act, 1994, Section 19	<ul style="list-style-type: none"> • Member of a <i>Zila Parishad</i> or a <i>Panchayat Samiti</i>- Secondary School • <i>Sarpanch</i> in a Scheduled Area- Class V • <i>Sarpanch</i> other than in a Scheduled Area- Class VIII
3.	Uttarakhand	Uttarakhand Panchayati Raj Act, 2016, Section 8,53 and 90	<ul style="list-style-type: none"> • Member or <i>Sarpanch</i> of <i>Gram</i>, <i>Khestra</i> and <i>Zila Panchayat</i>- Matriculation • Women- Middle Class • SC- Middle Class • ST- Middle Class

Source: Author's compilation.

Note: 1. *Rajasthan repealed these provisions in 2019.

2. In other states no educational qualification is prescribed.

Though, at present only two States have provisions related to education qualification in their respective State Acts, there is a demand in other States to incorporate education qualification as a criterion for *panchayat* elections. Majority of States in our survey responded

affirmatively when they were asked whether education should be the criterion for contesting *panchayat* elections (as shown in table 6.2).

Table 6.2: Response of SECs on whether Education should be the Criterion for Contesting Panchayat Elections

Sl. No.	States	Yes	No	May Be
	(1)	(2)	(3)	(4)
General Category States				
1.	Andhra Pradesh		√	
2.	Bihar	√		
3.	Chhattisgarh			√
4.	Goa			√
5.	Gujarat	√		
6.	Haryana	√		
7.	Jharkhand	√		
8.	Karnataka	√		
9.	Kerala	√		
10.	Madhya Pradesh			√
11.	Maharashtra	√		
12.	Odisha	√		
13.	Punjab			√
14.	Rajasthan	√		
15.	Tamil Nadu	√		
16.	Telangana	√		
17.	Uttar Pradesh			√
18.	West Bengal	√		
North Eastern and Hilly States				
19.	Arunachal Pradesh			√
20.	Assam	√		
21.	Himachal Pradesh	√		
22.	Manipur			√
23.	Meghalaya*	n.a.		
24.	Mizoram*	n.a.		
25.	Nagaland*	n.a.		
26.	Sikkim	n.a.		
27.	Tripura	√		
28.	Uttarakhand	√		
Union Territories				
29.	Andaman and Nicobar Islands	√		
30.	Chandigarh	n.a.		
31.	Dadra & Nagar Haveli and Daman & Diu	√		
32.	Jammu & Kashmir	√		
33.	Ladakh	n.a.		
34.	Lakshadweep	√		
35.	NCT of Delhi**	n.a.		
36.	Puducherry	√		

Source: Filled-in questionnaires received from States/UTs by the IIPA, 2022

Notes: 1. (√) shows the response of SECs.

2. n.a.: data not available

3. *The State is outside the purview of Part IX of the Constitution under Article 243 M.

4. ** Panchayat has yet to be revived

Majority of the States are of the opinion that educational qualification of the representatives play a crucial role in the functioning of its office. Given the complexity of work and

increasing work load it is pertinent to have basic educational qualification in order to understand the work. However, few States (Chhattisgarh, Goa, Madhya Pradesh, Punjab, Uttar Pradesh, Arunachal Pradesh and Manipur) were in dilemma and were of the opinion that education does not only mean institutional education, but candidates may also have vital experiences and knowledge about the area and people therein which may provide him extra edge over other candidates.

Furthermore, the study team of IIPA observed the following things regarding educational qualification. These are based on the various interactions and opinions of different stakeholders and filled-in questionnaires received from States / UTs.

- In Haryana and Uttarakhand, because of the mandatory educational qualification as criterion in *panchayat* elections, the participation of youth is increasing in *panchayats*. This seems a positive outcome as educated youth needs to be involved in the political process to bring about changes in the community.
- Performance of elected *panchayat* leaders in administrative work has been increased. Now, because of literate members, the cooperation among the stakeholders of administrative machinery of *panchayats* has become more efficient. Dependency of *panchayat* leaders on other *panchayat* officials has been decreased. Now, they are capable of understanding the functions and execution of works assigned to them.
- Educated *panchayat* leaders are inspiring their *panchayats* to be educated and aware about various welfare programmes. These leaders are first hand users of social media and related digital platforms which is enabling them to interact with villagers and keep them posted about a number of new and progressive ideas of development and governance.

Observation of Apex Court on Educational Qualification

Upholding the constitutional validity of a law enacted by Haryana government to bar the illiterate from contesting *panchayat* polls in the State, the Supreme Court ruled in the favour of State government in *Rajbala & Ors vs. State of Haryana 2015* case. In another case, *Unknown vs Union of India & Ors 2017*, the Calcutta High court noted that there must be criteria for the members of Parliament or State Legislatures.

Rajbala & Ors vs. State of Haryana 2015²⁴³

The key argument taken against in Rajbala case was that an education criterion is violation of Article 14 of the Constitution. It was argued on behalf of the petitioners that the provision creates unreasonable restrictions on the constitutional right of voters to contest elections.

It was also argued that stipulation of minimum educational qualification would have the effect of disqualifying more than 50% of persons who would have otherwise been qualified to contest elections to *panchayats*. It is further submitted that poorer sections of the society, women and scheduled castes would be worst hit by the educational criteria as a majority of them are unlikely to possess the minimum educational qualification.

Against the arguments of the petitioners, the Attorney General appearing for the respondents submitted that contesting elections is not a fundamental right under the Constitution, and it is really not necessary in the present case to decide whether the right to contest an election to the *panchayats* is a constitutional right. Again, it was argued that even assuming for the sake of argument that there is a constitutional right to contest an election to the *panchayats*, such right is expressly made subject to qualifications/disqualifications contemplated under Article 243F which authorises the State legislature to prescribe disqualifications for contesting election to any *panchayat*. Prescription of qualifications to contest an election based on criteria such as minimal educational accomplishment etc. cannot be said to be either arbitrary or irrelevant having regard to the nature of duties required to be discharged by persons elected to any one of the offices under the act.

While approving the validity of minimum educational qualification for *panchayat* representatives in Haryana, the Apex court noted, “*The impugned provision creates two classes of voters - those who are qualified by virtue of their educational accomplishment to contest the elections to the panchayats and those who are not. The proclaimed object of such classification is to ensure that those who seek election to panchayats have some basic education which enables them to more effectively discharge various duties which befall the elected representatives of the panchayats. The object sought to be achieved cannot be said to be irrational or illegal or unconnected with the scheme and purpose of the act or provisions of Part IX of the Constitution. It is only education which gives a human being the power to discriminate between right and wrong, good and bad. Therefore, prescription of an*

²⁴³ Rajbala v. State of Haryana, (2016) 1 S.C.C. 463

educational qualification is not irrelevant for better administration of the panchayats. The classification in our view cannot be said either based on no intelligible differentia unreasonable or without a reasonable nexus with the object sought to be achieved²⁴⁴.”

Unknown vs Union of India & Ors 2017 (Calcutta High Court)²⁴⁵

This Public Interest Litigation was filed by an advocate of this Court contending that a writ of mandamus should be issued directing the respondents, *i.e.* the Union of India and the State of West Bengal to adopt necessary measures requiring a candidate contesting the elections to the *Lok Sabha* and the *Vidhan Sabha*, Corporation, municipalities and *panchayats* to have a minimum academic qualification. The petitioner urged that only a person with a minimum educational qualification should be eligible to contest an election. This is because once the candidate is elected as a representative of the people, one of the tasks s/he is required to discharge is the onerous responsibility of framing laws which govern the electorate and others in the society. The petitioner submitted that it is humiliating for a voter to find that persons who are elected to these bodies and are representing a large section of society are not even literate in some instances.

While referring to the decision of Supreme Court in *Rajbala & Ors vs. State of Haryana 2015* which validated the decision of Haryana government to insert educational qualification for the election of *panchayat* representatives, Calcutta High Court noted that, *“The members of Parliament or State Legislatures represent the people and are members of the highest law making bodies at the Centre and the State respectively. We are at loss to understand why although educational qualifications are to be disclosed as stipulated in Union of India vs. Association for Democratic Reforms, there is no minimum qualification prescribed. Voters not only have a right to know the antecedents of their candidates but also have a right to be governed by persons who are educated and consequently knowledgeable. In a democratic polity voters expect that their representatives in the Central and State Legislatures would take informed decisions and be able to participate in the debates and law making process. Voters do not want cheer brigades or persons who stall proceedings in Parliament or in the Assembly due to the lack of education and vision. It is difficult to fathom how a person who is barely able to sign his name would be able to understand the complexities of issues which crop up in Parliament. Education would enable legislators to widen their horizon, display*

²⁴⁴ AIR 2015 SC 671

²⁴⁵ W.P. NO. 160 of 2016, Calcutta High Court

their innate wisdom and maturity by rising above pettiness, parochialism and narrow mindedness.”²⁴⁶

Emphasizing on need of implementation of such qualification criteria, Calcutta High Court mentioned in its judgement “*It is our fervent hope that the Parliamentarians would consider amending the Representation of People Act to ensure that individuals contesting elections to the State Assemblies or Parliament have a minimum educational qualification. This is the prime need of the hour and the sooner Parliament recognizes this, the better.*”²⁴⁷”

Given the increasing literacy rate, the complexity of work, governance and digitalization, it has become imperative to have a minimum education qualification to read, write and understand the functioning of institutions.

6.2 The Norm of Two Child Policy

It was the decade of 1990s when States become interested in population policy and strategies in India. It was in the response to the figures of 1991 Census, the concept of two-child norm for elected representatives emerged²⁴⁸. Entry 20-A in the Concurrent List of the Seventh Schedule, inserted through the 42nd constitutional amendment in 1976, permits both Union and State legislatures to enact laws on population control and family planning. The demands for a population control law are based on this entry in the Seventh Schedule. “*The introduction of the two-child norm is based on the assumption that its adoption by elected representatives, who are viewed as models, will inspire and encourage other people to follow their example in family composition. The attempt is thus seen as a step towards redefining the role of panchayati raj in population growth.*”²⁴⁹” In order to set additional qualifications, some State governments have formulated the law of two child norm. This two-child norm was formulated in the following words,

- a person having more than two children/more than two living children after specified date is not eligible for entry or continuance in *panchayats*, and
- having more than two children does not attract disqualification on the date of coming effect of the law introducing this disqualification or up to the end of one year thereof

²⁴⁶ AIR HC WB 2017 160

²⁴⁷ Ibid

²⁴⁸ Buch, Nirmala. 2005. “Law of Two-Child Norm in *Panchayats*: Implications, Consequences and Experiences”. *Economic and Political Weekly*, Vol. 40, No. 24 (Jun. 11-17, 2005): pp. 2421-2429.

²⁴⁹ Dak, T.M. 2009. *Application of two child norm for contesting or holding office in panchayati raj institutions in Fifth Scheduled Areas States of Rajasthan, Madhya Pradesh and Gujarat: A study of its impact on women*. Institute of Social Development. Udaipur.

if an additional child is not born thereafter²⁵⁰. This effectively means that the norm is applicable only to persons in the active reproductive age group, and exempts older individuals who have completed their families.

Evolution of the Two-Child Norm

The history of the two-child norm in *panchayats* began soon after the 1991 Census when the National Development Council (NDC) set up a Committee on Population with the then chief minister of Kerala, Mr. K. Karunakaran, as its chairperson in 1992. It recommended legislation in Parliament prohibiting persons, with more than two children, from holding any post in any elected government whether *panchayats* or the Parliament. It was suggested that such legislation would convey the country's seriousness about adopting the small family norm. The report was presented to the NDC in 1993. A number of States have since adopted this norm for *panchayats*, municipalities, cooperatives and agricultural produce market committees, etc. and also for entry and promotions of employees in public services and to decide the eligibility for government's welfare programmes and services. (Buch, 2013)

Rajasthan was the first State to introduce two-child policy in *panchayat* in 1992 followed by Andhra Pradesh and Haryana in 1994. The Odisha State introduced two-child norm for *Zila Parishad* in 1993 while for village and block *panchayats* in 1994. The State of Chhattisgarh, Himachal Pradesh and Madhya Pradesh introduced two-child policy in 2000. The State of Maharashtra, Gujarat, Bihar and Assam introduced this norm in the years of 2003, 2005, 2007 and 2017 respectively. Uttarakhand in 2019 and U.T. of Dadra & Nagar Haveli and Daman & Diu in 2020 are last ones to insert provisions of two-child policy in their respective *Panchayat Acts*. However, the application of two-child policy also received setback in several States. Out of all 13 States/UTs which adopted two-child policy for contesting *panchayat* elections, four States have revoked the norm namely Chhattisgarh, Himachal Pradesh, Madhya Pradesh and Haryana.

Currently, seven States and one UT have adopted two-child policy for contesting *panchayat* elections; they are Rajasthan, Odisha, Andhra Pradesh, Uttarakhand, Maharashtra, Gujarat, Bihar, Assam and U.T. of Dadra and Nagar Haveli and Daman and Diu (as shown in table 6.3)

Table 6.3: States/UTs having Provisions of Two-Child Policy for Contesting Panchayat

²⁵⁰ AIR 2003 SC 3057.

Elections

Sl. No.	States	Act and Section	Provision related to Two-Child Policy	Year of adoption
	(1)	(2)	(3)	(4)
1.	Andhra Pradesh	Andhra Pradesh Panchayati Raj Act, 1994. Section 19 (3) read with Sections 156 (2) and 184 (2)	A person with more than two children shall be disqualified from contesting election. However, if a person had more than two children before May 30, 1994, he or she will not be disqualified.	1994
2.	Assam	Assam Panchayat (Constitution) (Amendment) Rules 2018	If at the time of filing of nominations, candidates shall furnish affidavit that he/she has not more than two living children from a single or multiple partners.	2017
3.	Dadra and Nagar Haveli and Daman and Diu	Dadra and Nagar Haveli and Daman and Diu Panchayati Regulation, 2012. Section 14 Clause (n)	No person shall be a member of a Gram Panchayat or continue as such who has more than two children.	2020
4.	Gujarat	Gujrat Local Authorities Act	The Act disqualifies anyone with more than two children from contesting elections for bodies of local self-governance — <i>panchayats</i> , municipalities and municipal corporations.	2005
5.	Maharashtra	Maharashtra Zilla Parishads And Panchayat <i>Samitis</i> Act	The Act disqualifies people who have more than two children from contesting local body elections (gram <i>panchayats</i> to municipal corporations).	2003
6.	Odisha	Odisha Gram Panchayat Act, 1964 Section 25 Clause (v)	A person shall be disqualified for being elected or nominated as a panchayat office holder or member, if he has more than two living children.	1993
7.	Rajasthan	Rajasthan Panchyati Raj Act, 1994	If a person has more than two children, he will be disqualified from contesting election as a <i>panch</i> or a member.	1992
8.	Telangana	Telangana Panchayat Raj Act, 2018 Section 21 (3)	A person having more than two children shall be disqualified for election or for continuing as a member. However, if a person had more than two children before May 31, 1995, he or she shall not be disqualified so long as the number of children does not increase.	2018
9.	Uttarakhand	Uttarakhand Panchayati Raj (Amendment) Act 2019 Section 8 Clause (r)	Any person who has more than two living children shall be disqualified to contest panchayat elections.	2019

Source: State Panchayat Acts.

Note: Apart from these states, Chhattisgarh in the year 2000, Haryana in the year 1994, Himachal Pradesh in the year 2000 and Madhya Pradesh in the year 2000 adopted the two-child policy, however they revoked it later.

Judicial Scrutiny of Two-Child Policy

Javed & Ors vs State of Haryana & Ors, 2003²⁵¹

The Haryana Government passed Haryana *Panchayati Raj Act*, 1994 inserting the provision of two-child policy which disqualified anyone with more than two children from holding offices in the *panchayats* of Haryana. The petitioner challenged the constitutionality of this provision in Supreme Court in *Javed & Ors vs State of Haryana & Ors, 2003*. The main objective behind introducing the act was to disqualify people for election of *panchayats* at each level, who have more than two children after one year from the date of commencement of this Act. Some petitioners were disqualified from contesting the election and to continue the office of Panch or *Sarpanch* as per Section 175(1) (q) and Section 177(1) of the act.

The issues raised in the case were that the several provisions of the Act are arbitrary and hence are violation of Article 14(2) of the Indian Constitution, the provision adversely affects the fundamental right of personal life and personal liberty granted under constitution to every individual in regard to freedom and having as many as one chooses. It was also argued that the aforesaid provision interferes with the freedom of religion as a Muslim man are permitted to marry with four women and it is possible that the man procreated 4 children from each wife and hence violates Article 25(3) of the Indian Constitution.

The apex court held the law to be constitutionally valid. The court stated, “The challenge to the constitutional validity of Section 175(1) (q) and 177(1) fails on all the counts. Both the provisions are held, *intra vires* the Constitution. The provisions are salutary and in public interest. All the petitions which challenge the constitutional validity of the above said provisions are held liable to be dismissed.²⁵²”

The court noted, “Looked at from any angle, the challenge to the constitutional validity of Section 175(1)(q) and Section 177(1) must fail. The right to contest an election for any office in *panchayat* is neither fundamental nor a common law right. It is the creature of a statute and is obviously subject to qualifications and disqualifications enacted by legislation. It may be permissible for Muslims to enter into four marriages with four women and for anyone whether a Muslim or belonging to any other community or religion to procreate as many children as he likes but no religion in India dictates or mandates as an obligation to enter into

²⁵¹ Ibid.

²⁵² AIR 2003 SC 302.

bigamy or polygamy or to have children more than one. What is permitted or not prohibited by a religion does not become a religious practise or a positive tenet of a religion. A practice does not acquire the sanction of religion simply because it is permitted. Assuming the practice of having more wives than one or procreating more children than one is a practice followed by any community or group of people the same can be regulated or prohibited by legislation in the interest of public order, morality and health or by any law providing for social welfare and reform which the impugned legislation clearly does.²⁵³

In one more case of, *Minasingh Majhi vs Collector, Nuapada 2018*²⁵⁴ in which the appeal was against an order of the High Court of Orissa by which the appellant, an elected *Sarpanch* has been disqualified on the ground that after he had become a *Sarpanch*, he had begotten a third child which attracts disqualification under Section 25(1)(v) read with sub-Section (2) of the Orissa *Gram Panchayats Act*, 1965.

The apex court noted, “Reading the provisions of Section 25(1) (v) and (2) of the Orissa Act, we are left with no doubt that the legislative intent is to restrict the number of children that a prospective elected member of the *gram panchayat* should have. The legislative emphasis is on the number of children that a prospective elected member has given birth to and not whether under provisions of different statutes in force, including the Hindu Adoptions and Maintenance Act, 1956, children born to such a person can be excluded from the family of the prospective elected member”²⁵⁵.

“On the basis of the twin findings recorded by us, we can find no fault with the view taken by the High Court in the order under challenge.²⁵⁶” This is how; the apex court once again validated the norm of two-child policy in contesting *panchayat* elections.

Pinki Devi vs. State of Uttarakhand and Others, 2019²⁵⁷

The Uttarakhand *Panchayati Raj Act*, 2016 was amended by the Uttarakhand *Panchayati Raj (Amendment) Act*, 2019, after the current five year term of the elected members of the *panchayats*, in the State of Uttarakhand, came to an end. In *Pinki Devi vs. State of Uttarakhand and Others 2019*, the constitutional validity of Section 8(1)(r), Section 8(8)(1)(d) and Section 10-C of the Uttarakhand *Panchayati Raj (Amendment) Act*, 2019,

²⁵³ Supra note 193.

²⁵⁴ CIVIL APPEAL NO(S). 6525 OF 2010, Supreme Court

²⁵⁵ AIR 2018 SC 6525.

²⁵⁶ Supra note 195.

²⁵⁷ Writ Petition (M/S) No. 2302 of 2019, Uttarakhand High Court

were under challenge. Section 8(1) (r), as inserted by the 2019 Act, stipulated that a person shall be disqualified for being appointed, and for being a *Pradhan*, *Up-Pradhan* and a member of the *gram panchayat*, if he has more than two living children.

The court noted, “The torrential increase in the population of the country is one of the major hindrances in the pace of India's socio-economic progress. Every day, about 50,000 persons are added to the already large base of its population. The Karunakaran Population Committee (1992-93) had proposed certain disincentives for those who do not follow the norms of the development model adopted by the national population policy so as to bring down the fertility rate. The laudable goals spelt out in the directive principles of State policy in the Constitution of India can best be achieved if the population explosion is checked effectively²⁵⁸.”

While approving the two-child qualification, court said, “The challenge, to the constitutional validity of the newly inserted Section 10-C of the 2019 Amendment to the 2016 Act, must fail. Section 8(1)(r) shall be read down as a disqualification, from contesting elections to *panchayats*, only to those who give birth to a third child or more after the 2019 Amendment to the 2016 Act came into force on 25.07.2019.”

Challenges

In March 2019, the Supreme Court dismissed a petition seeking a direction to the Election Commission to insert an additional condition that political parties shall not set up candidates who have more than two children. However, in January 2020, the Supreme Court sought a response from the Centre on petition for a population control law in India. In its reply, the Centre said it is “unequivocally” against forcing people to have only a certain number of children in a bid to control the population. The Union government, in its affidavit filed in December 2020, maintained that family welfare programme in India gives couples the right to decide the size of their family without compulsion as it rejected the need for a two-child norm or a specific law limiting the size of families in India. It added that India was a signatory to the Programme of Action (POA) of the International Conference on Population and Development, 1994, which was unequivocally against coercion in family planning.

Furthermore, the study team of IIPA observed the following points regarding two-child policy as qualification criterion for contestants of *panchayat* elections. These are based on the

²⁵⁸ AIR 2019 HC UK 2302, p. 18

various interactions and opinions of different stakeholder and filled-in questionnaires received from States/ UTs.

- The two child norm has serious impact on the status of women. Since, the decision of reproduction has not been totally in women's hand yet they suffer the consequences of implementation of the norm directly as candidate or indirectly as spouse of those disqualified. Cases of bigamy and desertion of women are also important area of concern.
- This norm can be a tool for awareness regarding population control in rural areas. If there is a *panchayat* representative elected after following two-child norm, he/she can influence and inspire his/her *panchayat* regarding the population control and family planning.
- The norm also has the potential of increasing a few problems. Declining child sex ratio is one of them. There are cases where sex selections tests and abortions were reported. Also, there is no clear evidence to show that norm has achieved the intended outcome.

6.3 Provision of functioning Toilets

There are total three States namely Haryana, Gujarat and Uttarakhand and one UT, Dadra and Nagar Haveli & Daman and Diu which have made provisions regarding toilet facilities. The provision says that a person shall be disqualified to contest *panchayat* elections if he/she doesn't have toilet facility.

Legal and Judicial Perspective

In *Rajbala & Ors vs State of Haryana & Ors 2015*²⁵⁹, the Supreme Court examined the constitutional validity of provision of toilet facility for contesting *panchayat* elections. Clause (w) of Section 175 of Haryana *Panchayati Raj Act 1994* disqualifies a person from contesting an election to the *panchayat* if such a person has no functional toilet at his place of residence.

The apex court noted, "According to statistical data available with the State, there are approximately 8.5 lakhs house holders classified as families falling below poverty line (BPL) in the State of Haryana. It is further submitted that right from the year 1985 there have been schemes in vogue to provide financial assistance to families desirous of constructing a toilet at their residence. In the initial days of such a scheme Rs.650/- was given by the State and

²⁵⁹ Supra Note 190.

from time to time the amount was revised and at present Rs.12000/- is provided by the State to any person desirous of constructing a toilet. As per the data available with the State, of the abovementioned 8.5 lakhs households, classified to be below the poverty line, approximately 7.2 lakhs households had availed the benefit of the above scheme. Therefore, according to the respondents if any person in the State of Haryana is not having a functioning toilet at his residence it is not because that he cannot afford to have a toilet but because he has no intention of having such facility at his residence.²⁶⁰”

While giving verdict on the constitutionality of provision of toilet facility, the honourable bench noted, “Now coming to the question regarding constitutionality of Section 175(w) of the Act, which provides that if a person has no functional toilet at his place of residence, he/she is disqualified to contest the election. In my view, this provision too has reasonable nexus and does not offend any provision of the Constitution.²⁶¹”

In his judgement, Justice Abhay Manohar Sapre noted, “Indeed, there are no grounds much less sustainable grounds available to the petitioners to question the validity of this provision. This provision in my view is enacted essentially in the larger public interest and is indeed the need of the hour to ensure its application all over the country and not confining it to a particular State. Moreover, the State having provided adequate financial assistance to those who do not have toilet facility for construction of toilet, there arise no ground to challenge this provision as being unreasonable in any manner. Since this issue has already been elaborately dealt with by my learned brother, therefore, I do not wish to add anything more to it. In the light of the foregoing discussion agreeing with my learned brother, I also hold that Section 175 (v) is intra vires the Constitution and is thus constitutionally valid.²⁶²”

²⁶⁰ Ibid 4

²⁶¹ Ibid 4

²⁶² Supra note 190.

Table 6.4: Provisions of Mandatory Toilet Facility at Home for the Contestant of Panchayat Election in States / UT

Sl. No.	States/UTs	Acts/ Sections	Provisions related to Toilet facility	Year of adoption
	(1)	(2)	(2)	(3)
1.	Dadra and Nagar Haveli and Daman and Diu	Daman and Diu Election Procedure (Amendment Rules 2020) Clause (l) of Rule 21 (1)	No person shall be a member of a Gram Panchayat or continue as such who has no facility of water closet or privy accommodation at the place of his ordinary residence.	2020
2.	Gujarat	Gujrat Panchayati Raj Act, 1993 Section 30 clause (kk)	No person shall be a member of a panchayat or continue as such who has no facility of water closet or privy accommodation at the place of his ordinary residence.	2014
3.	Haryana	Haryana Panchayati Raj Act, 1994 Section 175 clause (w)	No person shall be a <i>Sarpanch</i> or a Panch or a Gram Panchayat or a member of a Panchayat <i>Samiti</i> or <i>Zila Parishad</i> or continue as such who— fails to submit self-declaration to the effect that he has a functional toilet at his place of residence.	2015
4.	Uttarakhand	Uttarakhand Panchayati Raj Act, 2016 Section 8 Clause (3) Sub –Clause (b)	If there is no toilets established in the house of those persons residing in the jurisdiction of concerned Panchayat, they shall be disqualified for the candidature of the Panchayat at election.	2016

Source: Author's compilation.

6.4 Additional Qualification Criteria mandated by States/UTs

Disqualification of women member represented by Male relative

Uttarakhand *Panchayati Raj* Act, 2016 states that a person shall be disqualified to become member of *gram panchayat*, *khestra panchayat* or *zila panchayat* if he/she: “In place of women *gram panchayat* member/*khestra panchayat* member/ *zila panchayat* member, if her husband or other family members or relative preside the meetings and discharged the duties of *gram panchayat/khestra panchayat/ zila panchayat* and declared faulty then said women and concerning persons presiding meetings and discharging the duties, both shall be disqualified for forthcoming general elections of all three tiers of *panchayats*”. This provision is unique in its nature as proxy-representation is a major issue in *panchayats*. Uttarakhand is the only State which has adopted such provision.

In a recent report, it was found that in Madhya Pradesh where *panchayat* elections were held in June-July 2022, “husbands or male members of families took oath instead of the elected women representatives in newly formed Madhya Pradesh *panchayats*” (Sikdar, The Hindu, 2022). Such cases are indications towards having provision prohibiting male members of the family or male relatives representing or discharging duties of elected women representatives in *panchayats*. As of now, total 22 States in the country provide 50% reservation for women in *panchayats*. Yet, culture of *Pradhan-Pati* (male member representing elected women representative in *panchayats*) is dominant and it is defeating the purpose of proper representation and empowerment of women.

Other than major special qualification and disqualification including educational criteria, two-child policy and toilet facility mandated by States and union territories, there are a bunch of other similar qualification and disqualification mandated by States and union territories barring candidates to contest in *panchayat* polls. Below mentioned table comprises all the special qualifications and disqualifications mandated by State governments and administration of union territories which are necessary to contest *panchayat* elections.

Table 6.5: Special Criteria by States as Disqualification for Candidature at Panchayat

S. No.	States/UTs	Criteria								
	States	Education	Toilet	Defection Law	Electricity Arrears	Two Child Policy	Male relative working instead of women members	Bigamy/polygamy	Able to read/write local language	Not a Honorary Magistrate of Panchayat
1.	Andhra Pradesh	-	-	-	-	✓	-	-	-	-
2.	Bihar	-	-	-	-	-	-	-	-	-
3.	Chhattisgarh	-	-	-	-	-	-	-	-	-
4.	Goa	-	-	-	-	-	-	-	-	-
5.	Gujarat	-	✓	-	-	✓	-	-	-	-
6.	Haryana	✓	✓	-	✓	-	-	-	-	-
7.	Jharkhand	-	-	-	-	-	-	-	-	-
8.	Karnataka	-	-	-	-	-	-	-	-	-
9.	Kerala	-	-	-	-	-	-	-	-	-
10.	Madhya Pradesh	-	-	-	-	-	-	-	-	-
11.	Maharashtra	-	-	-	-	✓	-	-	-	-
12.	Odisha	-	-	-	-	✓	-	✓	✓	-
13.	Punjab	-	-	-	-	-	-	-	-	-
14.	Rajasthan	-	-	-	-	✓	-	-	-	-
15.	Tamil Nadu	-	-	-	-	-	-	-	-	-
16.	Telangana	-	-	-	-	✓	-	-	-	-
17.	Uttar Pradesh	-	-	-	-	-	-	-	-	-
18.	West Bengal	-	-	-	-	-	-	-	-	-
	NE and Hilly States									
19.	Arunachal Pradesh	-	-	-	-	-	-	-	-	-
20.	Assam	-	-	-	-	✓	-	-	-	-
21.	Himachal Pradesh	-	-	-	-	-	-	-	-	-
22.	Manipur	-	-	-	-	-	-	-	-	-
23.	Tripura	-	-	-	-	-	-	-	-	-
24.	Sikkim	-	-	-	-	-	-	-	-	-
25.	Arunachal Pradesh	-	-	-	-	-	-	-	-	-
26.	Uttarakhand	✓	✓	-	-	✓	✓	-	-	-
	Union Territories	-	-	-	-	-	-	-	-	-
27.	Andaman & Nicobar Islands	-	-	-	-	-	-	-	-	-
28.	Jammu And Kashmir	-	-	-	-	-	-	-	-	-
29.	Puducherry	-	-	-	-	-	-	-	-	✓
30.	Dadra & Nagar Haveli & Daman And Diu	-	✓	✓	-	✓	-	-	-	-

Source: State Panchayat Acts

Note: There is no special disqualification criteria for candidates contesting parliamentary and assembly elections.

Conclusion

Following the famous saying, “change is the only constant”, innovations and dynamic policy decisions are crucial in this 21st century. Although, there are no special qualifications / disqualifications criteria for the Parliamentary and State Assembly elections, it is only at the third tier, *panchayats* wherein several State legislatures have put few special qualifications or disqualifications for *panchayat* elections. However, it is often argued that before thinking of applying educational criteria, two-child policy or any such new initiative in contesting *panchayat* elections, they must be applied to general and assembly elections first.

In the response received from States and UTs, more than half of the SECs recommended that there should be a minimum educational criteria for contesting *panchayat* elections. In the field visit of the study team, it was noted that among village leaders and natives, there is acceptance of such qualification criteria. The study team found that having educated *panchayat* representative facilitates smooth function in administrative works, strengthens the cooperation between an elected representative and other *panchayat* officials including *panchayat* secretary and inspires residents of that particular *panchayat* to get enrolled in schools for education.

Regarding other recommendations received from structured questionnaires and personal interviews, having an age limit to contest *panchayat* elections and having no criminal background have popped up.

To sum up, it should be noted that policy decisions must not act like a tool of social exclusion. New experiments in the field of *panchayat* elections should be innovative and progressive in nature, but the policy makers should also focus upon whether the people are capable of fulfilling such qualification or disqualification criteria. The “capability approach” of policy makers can be a real harbinger of social transformation which is the ultimate aim of these special qualification and disqualification criteria in *panchayat* elections.

Chapter 7: Best Practices in *Panchayat* Elections

The best practices of *panchayat* elections can play a crucial role in ensuring free and fair elections and in promoting democratic principles at the local level. *Panchayats* are institutions of rural self-government that operate at the local level and play a crucial role in the governance and development of rural areas in India. The 73rd Amendment to the Indian Constitution, mandated the creation of *panchayats* in the villages and ensured democratic functioning. *Panchayat* elections are supposed to be held periodically in every five years to elect representatives to these institutions, who would be responsible for the administration of local government and implementation of schemes and programs, ensuring proper utilization of resources, and addressing the needs and grievances of the local population. Thus, effective *panchayat* elections are essential to ensure the democratic functioning of these institutions and to promote local development and improve service delivery.

The best practices identified by the study team of IIPA in the *panchayat* elections are as follows:

1. Delimitation Commission: Kerala

One of the key reasons for the delay in *panchayat* elections has been the delay in the delimitation exercise. In most states, the power to delimit the boundaries of constituencies or wards for *panchayat* elections lies with the state government. However, this can lead to delays and political interference in the delimitation process.

To address this issue, it is recommended that the power of delimitation should be vested with an independent body such as the state election commission or a separate delimitation commission. In the state of Kerala, the power to delimit the boundaries of *panchayats* and municipalities for the purpose of conducting *panchayat* elections is vested in a separate Delimitation Commission. This Commission was constituted in 2005 through amendments to the Kerala *Panchayat Raj* Act and the Kerala Municipality Act.

The Delimitation Commission consists of the State Election Commissioner as the Chairman and four officers who are not below the rank of Secretary to the Government as members. The Commission is responsible for dividing the *panchayats* and municipalities into as many constituencies or wards as there are seats to re-delimit their boundaries. By entrusting the delimitation work to an independent commission, the state of Kerala has been able to avoid delays and political interference in the delimitation process. This has contributed to the

smooth conduct of *panchayat* elections in the state, with minimal disruptions and controversies. Furthermore, the presence of an independent Delimitation Commission has helped to ensure that the delimitation process is conducted fairly and impartially. This, in turn, has contributed to the credibility of *panchayat* elections in Kerala and has helped to strengthen the democratic functioning of local self-governance institutions.

The establishment of a separate Delimitation Commission in Kerala has been a key factor to the timely conduct of *panchayat* elections in the state, as the delimitation process is carried out efficiently and without any undue influence from the government or political parties. Therefore, other states can learn from the example set by Kerala and consider adopting similar measures to ensure the smooth conduct of *panchayat* elections.

2. Selection Committee for the appointment of State Election Commissioner: Jammu and Kashmir

The SEC acts as a powerful watchdog of the decentralized democracy and its emergence as separate SEC finds its origin in the 73rd and 74th Constitutional Amendment Act, 1992 to carry out activities related to supervision, direction and control of elections to the local government (panchayats & municipalities) in respective states.

The position of State Election Commissioner is equivalent in rank and function to that of the Election Commissioner at the national level. Both positions are independent constitutional positions, responsible for the conduct and supervision of elections in their respective jurisdictions. However, in most states, the state election commissioner is appointed by the Governor on the recommendation of the Chief Minister. This has led to concerns about the independence of the SEC, as the appointment is directly controlled by the office of the Chief Minister. The undue influence of the ruling political party hampers the independent and impartial appointment of State Election Commissioner.

In comparison, in the Union Territory of Jammu and Kashmir, the appointment of the State Election Commissioner (SEC) is made by a committee consisting of the following members:

- i. Chief Minister - Chairman
- ii. A Senior Minister nominated by the Chief Minister - Member
- iii. Speaker of Legislative Assembly - Member
- iv. Minister in-charge of Panchayats - Member
- v. Leader of opposition in Legislative Assembly - Member

This committee is responsible for recommending the name of a suitable candidate for the position of the SEC to the Governor. The Governor then appoints the SEC based on the committee's recommendation. The practice of appointing the SEC through a committee that includes members from different political parties helps to ensure that the appointment is made in a transparent and impartial manner. The presence of the Leader of the Opposition in the committee ensures that the appointment is not made solely on the basis of the ruling party's preferences. Moreover, the Jammu and Kashmir Panchayati Raj Act, 1989, as amended in 2018, provides for the establishment of a separate State Election Commission for the conduct of *panchayat* and municipal elections in the state. The SEC is vested with the powers of superintendence, direction, and control over the electoral rolls and the conduct of the elections. The SEC is also responsible for the delimitation of wards, reservation of seats for women and other disadvantaged groups, and the settlement of disputes related to the conduct of elections. Thus, it is crucial that the appointment of State Election Commissioner is done through an independent and transparent process.

The establishment of an independent SEC is a key requirement for the effective functioning of decentralized democracy. The appointment of the State Election Commissioner should be made through a transparent and independent process to ensure that its independence is not compromised. The example of Jammu and Kashmir, where the appointment is made through a committee that includes members from different political parties, provides a good practice that other states can follow to ensure the independence and credibility of the SEC.

3. Abolishment of the practice of *Sarpanch pati* / *pradhan pati*: Madhya Pradesh, Punjab, Haryana

The practice of "*Sarpanch pati*," where husbands of women *Sarpanches* exercise undue influence on the work of their elected wives and sometimes even run the office in place of them, has been a major challenge to achieving meaningful women's empowerment and gender equality in local governance. Despite women's political representation, the real power is often usurped by their husbands, depriving women citizens of effective leadership that truly represents their interests.

To address this issue, states such as Madhya Pradesh, Punjab, and Haryana, have passed orders and notifications disqualifying the elections of such *Sarpanches* if it is found that meetings are being attended by male members of the *Sarpanches*. This is a crucial step towards ensuring actual women's representation and participation in panchayats. By

disqualifying male members from attending meetings and interfering in the work of elected women leaders, women *Sarpanches* can exercise their power and voice more effectively, and honor the electoral mandate received through *panchayat* elections. This would further safeguard the purpose of reservation as most of the women *Sarpanches* would not only end up as a name in the government's list of *Sarpanches*, but also the real leaders exercising real powers. It would also ensure actual women representation and would ensure actual participation of the women leaders in the *panchayats*.

- i. Madhya Pradesh: In 2020, the Madhya Pradesh government issued an order disqualifying the elections of *Sarpanches* if their spouses or family members attend official meetings or interfere in their work. The order also mandates that women *Sarpanches* be given training and support to help them exercise their powers effectively.
- ii. Punjab: In 2021, the Punjab government issued a notification disqualifying the elections of *Sarpanches* if their husbands attend official meetings or interfere in their work. The notification also provides for the formation of a committee to oversee the functioning of women *Sarpanches* and ensure their effective participation in local governance.
- iii. Haryana: In 2021, the Haryana government issued a notification disqualifying the elections of *Sarpanches* if their spouses or family members attend official meetings or interfere in their work. The notification also mandates that women *Sarpanches* be given training and support to help them exercise their powers effectively.

These steps are significant in confronting the challenge of *Sarpanch pati* wherein despite the reservation of seats for women in *panchayat* elections, male relatives dominate the decision-making and work of the elected women leaders, effectively rendering them powerless. Therefore, other states can learn from the example set by Madhya Pradesh, Punjab, and Haryana and consider adopting similar measures to ensure the true participation of women leaders in *panchayat* elections.

4. Education criteria for contesting *panchayat* elections: Haryana, Uttarakhand

The practice of setting educational criteria for contesting Panchayat Elections has gained momentum in India in recent years. Haryana was the first state to implement this practice in

2015, followed by Rajasthan and Uttarakhand in the same year and 2019 respectively. However, Rajasthan repealed the law in 2019 after it faced criticism and protests from various sections of society.

The main objective of introducing educational criteria is to improve the functioning of *panchayats* by ensuring that elected representatives have a basic level of education, which will help them in understanding the functioning of the *panchayats* and executing their roles effectively. The educational qualifications required to contest *panchayat* elections in Haryana are matriculation (10th pass) for the post of *Sarpanch* and *panch*. Similarly, in Uttarakhand, a candidate contesting for the post of *Sarpanch* or *panch* must have passed class 10th. These provisions ensured that elected representatives at the local level have a basic level of literacy and can read and write.

The IIPA study team observed through stakeholder interactions that the introduction of educational criteria in *panchayat* elections has a key advantage of boosting the participation of educated youth in the performance of *panchayats*. With mandatory educational qualifications as a requirement for contesting these elections, educated youth are stepping forward to participate and infusing much-needed energy into the functioning of the *panchayats*. Another advantage of the educational criterion is the improvement in the performance of elected *panchayat* leaders in administrative work. With literate members, cooperation among stakeholders of the administrative machinery of Panchayats has become more efficient, reducing the dependency of Panchayat leaders on other officials. Educated *panchayat* leaders can now understand the functions and execution of works assigned to them. Furthermore, educated *panchayat* leaders are inspiring their *panchayats* to become more educated and aware about various welfare programs. They are first-hand users of social media and related digital platforms, which enables them to interact with villagers and keep them posted about a number of new and progressive ideas of development and governance.

The example of Haryana and Uttarakhand, where the implementation of educational criteria for contesting *panchayat* elections has ensured that elected representatives at the local level have a basic level of literacy and can read and write, provides a good practice that other states can follow to ensure the effective and efficient functioning of *panchayats*.

5. Use of AI video analytics during the election process: Bihar

The use of AI analytics during the election process is a relatively new but highly promising approach that can bring about a great deal of transparency and accuracy to the voting process.

The Bihar State Election Commission's use of video analytics with optical character recognition (OCR) during the panchayat elections is an excellent example of how technology can be leveraged to ensure free and fair elections.

The Bihar State Election Commission used video analytics provided by the AI startup Staqu to analyze CCTV footage from counting booths during the last panchayat elections held in the state. The purpose of this technology was to ensure that every vote in the electronic voting machines (EVMs) was error-free and not manipulated during counting. The video analytics system used for the panchayat elections was based on Staqu's proprietary video analytics solution called JARVIS, which uses OCR and text recognition to identify the candidates and count votes directly from the camera feed by monitoring the EVM screens. After the EVM data was fed into the system, it was tallied with the data acquired by performing analytics of the footage from the CCTVs to ensure there were no discrepancies. The data generated from the video analytics solution was hosted on the State Election Commission's servers where the data going to its website and data generated by Staqu's solution were matched. If any difference in the number of votes was detected, the commission was alerted immediately.

This was the first time that video analytics were being used during vote counting in any election in India. The use of video analytics not only helped in ensuring the accuracy of the vote count, but also helped in speeding up the counting process. The use of video analytics with OCR during the panchayat elections in Bihar had several benefits:

- i. **Accuracy in counting:** The video analytics system used OCR and text recognition to identify the candidates and count votes directly from the camera feed by monitoring the EVM screens. This ensured that every vote in the electronic voting machines (EVMs) was error-free and not manipulated during counting. The data generated from the video analytics solution was hosted on the State Election Commission's servers where the data going to its website and data generated by Staqu's solution were matched. If any difference in the number of votes was detected, the commission was alerted immediately.
- ii. **Transparency:** The use of video analytics ensured transparency in the counting process as it provided real-time monitoring of the counting process through CCTV footage. This made it easier for the SEC to identify any discrepancies or irregularities in the counting process.

- iii. Speed: The video analytics system processed the footage in real-time and provided instant feedback on the number of votes counted. This helped to speed up the counting process and reduced the time required for manual counting.
- iv. Cost savings: The use of video analytics reduced the need for manual counting, which can be time-consuming and expensive. The system also eliminated the need for human intervention, reducing the potential for errors and inconsistencies in the counting process.

Therefore, other states can learn from Bihar's example and explore the possibility of adopting similar measures to harness the potential of AI analytics for improving the accuracy, transparency, speed, and cost-effectiveness of the electoral process.

6. Data Profiler Management System (DPMS): Himachal Pradesh

The Himachal Pradesh State Election Commission (SEC) has adopted the use of the Data Profiler Management System (DPMS) to monitor the conduct of *panchayat* elections. The DPMS is a comprehensive database management system that allows the SEC to collect, collate, and analyze data related to the electoral process. The system is designed to provide real-time information on voter turnout, candidate details, election results, and other relevant information.

The use of DPMS has been instrumental in enabling the SEC of Himachal Pradesh to monitor the electoral process effectively. It has helped the SEC to identify potential areas of concern and take corrective measures in real-time. The system has also facilitated the efficient management of election-related data, making it easier for the SEC to generate reports and analyze trends. One of the key features of DPMS is its dashboard, which provides an overview of the entire electoral process. The dashboard displays real-time information on voter turnout, candidate details, and other critical parameters. This feature enables the SEC to monitor the progress of the electoral process and take corrective action if necessary. The dashboard allows users to drill down into the data and view information at the constituency, polling booth, and voter levels. Users can view information on the number of voters registered at each polling booth, the number of voters who have cast their votes, and the percentage of votes polled. The dashboard also provides information on the results of the election. Users can view the number of votes received by each candidate, the number of invalid votes, and the number of votes polled by postal ballot.

The use of DPMS has been a significant factor in ensuring the smooth conduct of local elections in Himachal Pradesh. The system has enabled the SEC to detect and prevent electoral malpractices, and has facilitated the efficient management of election-related data. Other states could learn from Himachal Pradesh's example and consider adopting similar measures to improve the conduct of panchayat elections.

Conclusion

These best practices adopted by various States have helped in bringing transparency, efficiency, and fairness to the local elections. The use of technology, such as video analytics and data profiling systems, has ensured that every vote is counted accurately and any discrepancies are detected immediately. The introduction of educational criteria for contesting elections has helped in increasing the participation of educated youth in the functioning of the panchayats, resulting in more efficient administrative work. The abolition of the practice of *Sarpanch pati* and reservation of seats for women in local bodies has provided greater political representation to women and has helped in empowering them. The establishment of an independent delimitation commission, has been able to avoid delays and political interference in the delimitation process. These best practices serve as a model for other states in India to follow in order to make their local elections more democratic, transparent, and fair. Overall, these measures have contributed to the development of a more robust and inclusive democracy in India at the panchayat level.

Chapter 8: Recommendations and Suggestions

All recommendations are based on a primary and secondary research by the study team of IIPA.

8.1 Funding of State Election Commission

Article 243-K of the Constitution (73rd Amendment) Act, 1992 in respect of the *panchayat* elections prescribe that the State Election Commissioners shall be vested with the superintendence, direction, control of the preparation of electoral roll for and the conduct of all elections to the *panchayats*. The aforesaid amendment has left rest functions, especially the provision of financial allocation and financial powers with State Legislature. Various reports and commissions have also elaborated on the functions assigned to SEC, however very little has been reported about the adequacy of funds and functionaries to the SEC.

The State Election Commissions have to approach the respective State Governments for financial allocations to conduct elections. It is expected that the allocation of funds required in conducting *panchayat* elections shall be approved by the concerned State Governments to respective State Election Commission in a routine manner. Unfortunately, this is not the case in most of the states. Many of the State Election Commissioners are of the view that the vagaries of budgetary exercises of the State Governments have put a stumbling block in discharging their constitutional obligations of holding timely and regular elections. Further, SECs have expressed the paucity of funds for meeting 'other' expenditures of SEC such as procurement of EVMs, hiring an advocate for court cases, constitute research wing and any new / pilot initiatives etc.

During the field study in Himachal Pradesh conducted by IIPA, one of the official at SEC, Himachal Pradesh categorically remarked that they used to procure EVMs and other infrastructural facilities using funds from Rajiv Gandhi *Panchayat Sashaktikaran Abhiyaan* (RGPSA), however, now, it has been discontinued and SEC is fully dependent on State government for funds. Similarly, SEC, Karnataka in their conversation told that they receive funds from the respective departments, for instance, it will receive funds from Department of Rural Development and *Panchayati Raj* for conducting elections to *panchayats* and separate funds from Department of Urban Development Department for conducting elections to urban local governments.

The study team of IIPA is of the view that, funding to SEC should be crafted on the lines of ECI. Such arrangement ensures warranty of funds for their unhindered functioning. It is, therefore suggested that funds to the SEC should be charged to the consolidated fund of the State government. The similar recommendation has been suggested by the All India State Election Commissioner's conference held at Bangalore, Karnataka on 25th June, 2003 that "*it is imperative that the SEC shall also be bestowed with the provision of charging the election expenditure to the consolidated fund of the State Governments concerned to avoid deferment or postponing of elections for want of timely and adequate funds*".

8.2 Appointment and Service Condition of State Election Commissioner

The study team of IIPA noted that the removal process of the State Election Commissioner is the same in all States / UTs as provided under Article 243K clause (2) *i.e.* he/she can only be removed in like manner and on the like grounds as a Judge of a High Court. However, the appointment and service conditions including tenure, age limit, salary and emoluments vary across States as per the law made by State Legislature.

There is no uniform eligibility criterion for the appointment of State Election Commissioner. It varies from joint secretary to principal secretary. The State has discretion in the appointment of State Election Commissioner. This is the foremost reason for differences in the ranking of bureaucrats to be appointed as the State Election Commissioner.

In our interaction across States, we received the suggestion from the serving State Election Commissioners that there should be uniform appointment/eligibility criteria for the State Election Commissioner for all States. The study team is of the opinion that the State Election Commissioner should be of the rank of principal secretary, additional chief secretary or chief secretary. Overall, the appointment of a senior bureaucrat will serve the purpose because he will have to engage with senior functionaries at various levels. Sometimes, the SECs have to fight long battles against the State Governments in order to fulfill their constitutional duty to hold elections as per the provisions of law. A State Election Commissioner, therefore, should be of strong stature and reputation who can stand against even the State government in unfavourable circumstances. The SEC should have enough autonomy and powers to resist all extraneous 'pressures'.

The State government should not be the sole authority regarding appointment of State Election Commissioner. In its Report on "Ethics in Governance", the Second ARC

recommended that the CEC and other Election Commissioners should be selected through a collegial process. On the same analogy, the Commission is of the view that the SEC should also be appointed on the recommendations of collegiums comprising the Chief Minister, the Speaker and the Leader of Opposition in the Legislative Assembly. The *Panchayat* Act of Jammu and Kashmir also provides that the a State Election Commissioner is to be appointed by the Governor on the recommendation of a committee consisting of Chief Minister (chairman), a senior minister to be nominated by the C.M., speaker of legislative assembly, minister incharge *panchayats* and leader of opposition in legislative assembly. The IIPA study team is also of the opinion that there should be checks and balances in the appointment of State Election Commissioner and State government should not be sole authority in the appointment.

In the context of tenure of SECs, in more than half of the States/ UTs, it is observed that the tenure is five years and upper age limit is 65 years, however, in other States the tenure ranges from two years to six years while the upper age limit ranges from 65 years to 70 years. In some of the States such as Andhra Pradesh, Himachal Pradesh, Maharashtra and Telangana, on the other hand, there is no prescribed upper age limit.

The IIPA study team is of the opinion that the tenure of the State election commission should at least be of five years because if the tenure is less than five years there may be chances that not a single election is held during his full tenure as general elections are held in every five years. The Second ARC is also of the view that a uniform tenure of 5 years subject to an age limit of 62 years as is applicable to the judges of High Courts would be appropriate for the State Election Commissioner.

The emoluments of the State Election Commissioner vary from the fixed pay to the pay equivalent to the judge of the high court. In nearly half of the States, it is equivalent to the judge of a High Court. In this context, the National Commission to Review the Working of the Constitution (NCRWC) had recommended in 2002 that State Election Commissions should be accorded the status of the Judge of High Court in the same manner as Commissioners in Election Commission of India are accorded the status of Judge of the Supreme Court. State governments may amend their provisions to accord State Election Commissions the status and privileges equivalent to Judges of High Courts. The study team is also of the opinion that the emoluments of the State Election Commissioner should be equivalent to that of a judge of a High Court.

8.3 Viability of Common SEC for UTs

While exploring the possibility of common SEC for all UTs, the study team noticed that there is a common SEC for UTs without the legislature i.e. there is a common SEC for Andaman and Nicobar Island, Dadra and Nagar Haveli and Daman and Diu, Ladakh and Lakshadweep and an independent SEC for the UTs with legislature, i.e., Jammu & Kashmir and Puducherry. Given the geographical barriers, demographic variation, local peculiarities, legal provisions, funding pattern and administrative challenges, currently, it is not viable to have a common SEC for all UTs. However as discussed with the officials of common SEC for UTs, the harmonisation of regulating documents for the elections to Andaman and Nicobar Island, Dadra and Nagar Haveli and Daman and Diu, Ladakh and Lakshadweep is prerequisite in this direction.

8.4 Model staffing pattern

According to Clause (3) of Article 243K of the Constitution, “*the Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commissions such staff as may be necessary for the discharge of the functions conferred on the State Election Commission.*” On a plain reading of this provision, it can be made out that the State Governments certainly make available the services of the required number of officers and staff to the State Election Commissioners whenever required. However, it has not been the reality, on the contrary, many State Governments in their eagerness to down-size their staff strength are not deputing any officers and staff to the State Election Commissions. This has been affecting the smooth functioning of the election process in the States.

The clear deficiency noticed is, in the absence of a model staffing pattern, there is no fixed number of officers and staff provided to the State Election Commission. For instance, when study team visited Haryana, SEC, the team was informed that the total staff strength at SEC was forty seven personnel, whereas in Himachal Pradesh, the staff strength was of just seven personnel. Such a clear disparity may have a crippling effect on the functioning of the State Election Commissions.

It is, therefore, suggested that a model staffing pattern for the States should be formulated depending upon their size, population and the number of constituencies. All India State Election Commissioner’s conference held at Bangalore, Karnataka on 25th June, 2003 has also suggested that the staff strength of the SEC can be decided in a more scientific and result oriented manner.

8.5 Election Dates, Delimitation and Reservation

The 73rd and 74th amendment of the Constitution of India has clearly specified when to hold election and it is the duty of the State Election Commissions to conduct timely elections. In certain Acts there are some provisions wherein the State Election Commissions have to consult the State Government while fixing the dates. It has been observed that sometimes the party in power may not respond positively to fix election dates and dates so suggested to the State Election Commissions may be politically motivated. Similar phenomenon has been observed in case of delimitation and reservation.

It has been observed that many times the State governments take up the delimitation of constituencies particularly when the elections are round the corner causing the elections to be postponed and creating lot of confusion among the public and political parties. The study team of IIPA also noted that change in the reservation of seats creates lot of fuss in conducting elections. Therefore, delimitation and reservation are the two major issues that are being challenged in the courts of law and cause delay in elections. Furthermore, SECs do not get timely notification regarding delimitation and reservation which become stumbling block in conducting timely elections.

Hence, it is suggested that all the election related matters such as fixing the election dates, delimitation of ward constituencies, and reservation of seats by rotation principle for weaker sections should be vested with the State Election Commissions and there shall not be any involvement of the concerned State Governments. Similar recommendation has been made by the Second ARC, working group on Democratic Decentralization & PRIs, and Draft Model *Panchayat* Election Rule 2011 in their respective reports. Such arrangements would secure the independence of SECs. If such an arrangement could not be enforced immediately, then a short term measure can be taken wherein a set time frame should be provided in which State governments have to finalise the election dates, delimitation and reservation, so that SEC can conduct the elections on time.

8.6 Education criteria for *Panchayat* Elections

Following the famous saying, “change is the only constant”, innovations and dynamic policy decisions are crucial in this 21st century. Although, there are no special qualifications / disqualifications criteria for the Parliamentary and State assembly elections, it is only at the third tier, *panchayats* wherein several State legislatures have put few special qualifications or

disqualifications for *panchayat* elections. However, it is often argued that before thinking of applying educational criteria, two-child policy or any such new initiative in contesting *panchayat* elections, they must be applied to general and assembly elections first. The Supreme Court in the landmark judgment of *Rajbala & Ors vs. State of Haryana 2015* also upheld the constitutional validity of a law enacted by Haryana government to bar the illiterate from contesting *panchayat* polls in the State. Justice J. Chelameswar observed that it is only education which gives a human being the power to discriminate between right and wrong. The apex court in *Javed & Others v. State of Haryana & Others, (2003)* held that right to contest an election is neither a fundamental right nor a common law right. It is a right conferred by a statute. This clearly establishes the fact that the State legislatures have to power to prescribe certain education criteria's for contesting *panchayat* elections.

In the response received through filled-in questionnaire from State Election Commissions, most of the SEC recommended that there should be at least educational qualification criteria for contesting *panchayat* elections. In the field visit of the study team, it was noted that among village leaders and natives, there is acceptance of such qualification criteria. Overall, the study team found that having educated *panchayat* representatives facilitates smooth function in administrative works, strengthens the cooperation between an elected representative and other *panchayat* officials including *panchayat* secretary and inspires residents of that particular *panchayat* to get enrolled in schools for education.

In Haryana and Uttarakhand the literacy rate is not high in comparison to other states, especially the southern states. But, these states have made laws favouring the criteria of education qualification to contest elections at *panchayat* level. Overall, the study team found that having educated *panchayat* representatives facilitates smooth functioning in administrative procedures, strengthens the cooperation between an elected representative and other *panchayat* officials including *panchayat* secretary and inspires residents of that particular *panchayat* to get enrolled in schools for education. In this regard, the study team recommends that the criteria prescribed by the Haryana Legislature which was upheld by the Supreme Court should be studied as model for other States. Accordingly, general category man candidate should possess qualification up to high school or equivalent from any recognized Institution/Board. Whereas, general category woman should possess minimum qualification of middle school. The other men/women from backward classes and Scheduled Caste/Scheduled Tribes should have passed at least primary classes up to fifth standard. Each candidate for *Panchayat* election must have the skill of reading, writing and numerary.

8.7 Common Electoral Roll

At present, two constitutional bodies, ECI and SEC prepare electoral rolls. Electoral roll for elections to the Lok Sabha and assembly constituencies is prepared by the Election Commission of India and electoral roll for elections to the *panchayats* and municipal bodies is prepared by SEC. The voter for each of these elections is, however, the same. Large sums of money are periodically spent by the ECI and the SECs in preparing these electoral rolls, manpower is withdrawn from government departments for long periods to do this work at the cost of their regular work, resulting in both duplication and wasteful expenditure. The voter is also confused with two electoral rolls and at times there are cases where the voter's name is on one electoral roll but not on the other. Therefore, it is suggested to have a common electoral roll.

In this regard, National Commission to Review the Working of the Constitution under the Chairmanship of Justice M.N. Venkatachaliah had in its report submitted in March 2002 also recommended that the Constitution should specifically stipulate a common electoral roll both for local elections to *panchayats* and municipalities, and to the Parliament and State legislative assemblies. Similarly, Annual Conference of all SECs - 2003, A National Consultation on Elections to Local Governments -2004, Sixth Round Table of Ministers in charge of *Panchayati Raj* - 2004, The Second Administrative Reforms Commission, 2006, Institute of Rural Management, Anand (IRMA) 2008, Law Commission in its 255th report in 2015 have also suggested common electoral roll for all the elections.

During the interaction with State officials and SEC members of different States, the team has found that SECs are willing to accept and adopt the electoral roll prepared by ECI as it would reduce their workload and streamline the process. To materialise this idea, SECs have suggested amendment to certain forms of ECI for the registration in electoral roll such as Form 6 which is for the registration form of a new elector. An elector has to be registered on the basis of 'ward' constituency of *gram panchayat* or urban local government. While considering it as basic unit instead of assembly/parliamentary constituencies and a building block approach to be adopted to streamline the electoral process for the elections to *panchayats*, State assembly and *Lok Sabha*.

Most recently the Standing Committee Report on Specific Aspects of Election Process and their Reform constituted under the chairmanship of Shri Sushil Kumar Modi rolled out its

report in August 2023 emphasized the Common Electoral Roll's aim to streamline resources, minimize efforts, and reduce expenses. However, the report identified two key challenges in its implementation: (i) the existing legal framework and (ii) constitutional regulations guiding the creation of electoral rolls by the Election Commission of India (ECI).

However, a High-Level Committee was constituted in October 2023 by the government under the chairpersonship of Shri Ram Nath Kovind former President of India to examine the issue relating to holding of simultaneous elections in the country and make recommendations thereon. The findings of the Committee are awaited.

Taking into consideration the various views of the concerned stakeholders, the study team of IIPA recommends that the common electoral roll is the need of the hour. The considerations of the SECs preparing their own electoral roll should also be taken into consideration and their issues and concerns can be resolved by making minor changes in the registration forms. In this way the duplication of work undertaken by SECs can easily be reduced, the common electoral roll would also be a saviour for the voter as he/she would only be required to register in just one electoral roll.

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Annexure – A: D.O. Letter to States from MoPR

डा० बिजय कुमार बेहेरा, आई.ई.एस.
आर्थिक सलाहकार
Dr. Bijaya Kumar Behera, IES
ECONOMIC ADVISER
Tel.: 011-23725302
E-mail: behera.bk@nic.in



पंचायती राज मंत्रालय
भारत सरकार
टावर-II, 9वां तल
जीवन भारती बिल्डिंग
नई दिल्ली-110001
MINISTRY OF PANCHAYATI RAJ
GOVERNMENT OF INDIA
TOWER-II, 9th FLOOR
JEEVAN BHARTI BUILDING
NEW DELHI-110001

D.O.No. T-11013/6/2021-AR&RS

Dated: 5/13 January, 2022

The Ministry of Panchayati Raj has commissioned a study titled "Panchayat Elections in India". The study has been entrusted to Indian Institute of Public Administration (IIPA), New Delhi. The objectives of the study are as under:

- a. Implementation of constitution of State Election Commission, work assigned to the Commission, funding of the Commission and service conditions of a State Election Commissioner, as provided in Article 243K of the Constitution of India.
 - b. Status of and explore possibility of use of common electoral rolls for Panchayat Elections, Assembly Elections, General Elections and its Impact.
 - c. To explore scope of common State Election Commission to cover all UTs.
 - d. To ascertain reasons, constraints, hurdles such as court cases, pandemic, delimitation etc. responsible for non-conducive environment for holding elections and causing delay in holding Panchayat Elections.
 - e. To study and compare the various qualifications criteria such as education criteria, which is mandated by the States for the elected representatives of Panchayats.
2. In order to prepare the report, IIPA, New Delhi will be sharing a set of questionnaires to elicit data from the respective State Election Commissions.
3. In this connection, Dr. V. N. Alok, Associate Professor, IIPA, New Delhi (Indraprastha Estate, Ring Road, New Delhi – 110002 / Tel.: 011-23468313 / Mob. 9810622490 / Email: vnalok@gmail.com) and his team would be contacting / visiting your kind office to collect primary / secondary data. I would like to request you to nominate one nodal officer to co-ordinate with the team of IIPA, New Delhi and also to provide all necessary data / information. The name of the Nodal Officer (with designation, email id, phone/mobile/fax numbers etc.) who could be contacted by the Institute may please be provided to the said Institute under intimation to this Ministry by 10th January, 2022.

2/-

4. I would be grateful if you could please instruct all concerned to extend necessary cooperation to the visiting team to accomplish the study within the timeline.

Wishing Season's Greetings and Happy New year 2022

with regards,

Yours Sincerely,


(Bijaya Kumar Behera)

To

The Secretaries to State Election Commissions,
(All States/UTs as per list attached)

Copy to: **Dr. V. N. Alok**, Associate Professor, IIPA, New Delhi.

List of Secretaries to State Election Commission of States & UTs

Sl. No.	State	Name & Address
1	Andhra Pradesh	The Secretary Andhra Pradesh State Election Commission, 1st Floor New HOD'S Building, Opp. Indira Gandhi Municipal Stadium M.G Road, Vijayawada-520010, Andhra Pradesh. Email: secy.apsec2@gmail.com
2	Arunachal Pradesh	The Secretary State Election Commission, 'C' Sector, Old DC Office Building, Itanagar -791111, Arunachal Pradesh Email: secy-sec-arn@nic.in
3	Assam	The Secretary State Election Commission, Aditya Tower 2nd Floor, Opp: G.S Road, Dispur, Guwahati-781006, Assam. Email: secassam@gmail.com
4	Bihar	The Secretary State Election Commission, Bihar Sone Bhawan, 3rd floor, Beerchand Patel Marg, Patna - 800 001, Bihar. Email: secy-sec-bih@nic.in secbihar@gmail.com
5	Chhattisgarh	The Secretary State Election Commission, Election Building, Sector 19 North Block, New Raipur Atal Nagar, Raipur - 492002, Chhattisgarh. Email: cgec.cg@nic.in
6	Dadra & Nagar Haveli	The Secretary Election Department, Tourism Building, Near Silvassa Char Raod, Silvassa, UT of Dadra & Nagar Haveli - 396230 Email: ceo_dadra@eci.gov.in secfortus@gmail.com
7	Daman & Diu	The Secretary UT Election Commission, Office of the Chief Electoral Officer, Secretariat, Fort Area, Moti Daman, Daman (UT) - 396220. Email: ceo_daman@eci.gov.in secfortus@gmail.com

8	Goa	<p>The Secretary State Election Commission, Opp. Joggers Park, Next to BSNL Tower, Altinho, Panjim – 403001 - Goa</p> <p>Email: comm-gsec.goa@nic.in</p>
9	Gujarat	<p>The Secretary State Election Commission, Sardar Patel Bhavan, Sector No. 10, Block 9, 6th Floor, Gandhinagar, Gujarat 382010</p> <p>Email: sec-sec@gujarat.gov.in commi-sec@gujarat.gov.in</p>
10	Haryana	<p>The Secretary State Election Commission, Nirvachan Sadan, Plot No.2, Sector 17, Panchkula, Haryana.</p> <p>Email: sec@hry.nic.in</p>
11	Himachal Pradesh	<p>The Secretary State Election Commission, Armsdale Building, H.P Secretariat, Chotta Shimla-171002, Himachal Pradesh.</p> <p>Email: secysec-hp@nic.in</p>
12	Jammu & Kashmir	<p>The Secretary State Election Commission UT of Jammu & Kashmir and Ladak Office of the Election authority, Nirvachan Bhawan, Rail Road Complex, Jammu.</p> <p>Email: ceo-jk@nic.in</p>
13	Jharkhand	<p>The Secretary State Election Commission, Nirwachan Bhawan, New Market Chowk Ratu Road, Ranchi, 834001, Jharkhand.</p> <p>Email: jsec-jhr@nic.in</p>
14	Karnataka	<p>The Secretary State Election Commission, No. 8, 1st Floor, K.S.C.M.F Building Annexe, Cunningham Road, Bengaluru – 560052, Karnataka.</p> <p>Email: sec.karnataka@ka.gov.in karsec@gmail.com</p>
15	Kerala	<p>The Secretary State Election Commission, Janahitham TC-27/6(2), Vikas Bhawan P.O Thiruvananthapuram -695033, Kerala</p> <p>Email: cru.sec@kerala.gov.in</p>

16	Lakshadweep	The Secretary Election Commission for UTs, F- Block, M S Apartments, Kasturba Gandhi Marg, New Delhi - 110001 Email: secfortus@gmail.com
17	Manipur	The Secretary State Election Commission, Manipur
18	Madhya Pradesh	The Secretary State Election Commission, Nirvachan Bhawan, 58, Arera Hills, Bhopal, Madhya Pradesh 462011. Email: mpsec@mp.gov.in
19	Maharashtra	The Secretary State Election Commission First Floor, New Administrative Building, Hutatma Rajguru Chowk, Madam Cama Road, Mumbai - 400032, Maharashtra. Email: sec.mh@gov.in
20	Mizoram	The Secretary State Election Commission, B. Sanghnuna Building, Tuikhuahtlang, Aizwal - 796001, Mizoram.
21	Meghalaya	The Secretary State Election Commission Additional Secretariat, Meghalaya, Shillong. Email: kgnongram@yahoo.com
22	Nagaland	The Secretary State Election Commission D-Block, Kohima - 797001. Email: ceo-nagaland@eci.gov.in
23	Odisha	The Secretary State Election Commission, Toshali Bhawan, B-2, First Floor, Satya Nagar, Bhubaneswar - 751007, Odisha. Email: sec.odisha@gov.in stateelectioncommission.odisha@gmail.com
24	Puducherry	The Secretary State Election Commission Elections Building (3 rd & 4 th Floor), Villianur Main Road, Reddiarpalagam, Puducherry - 605010. Email: secpdyp.pon@nic.in
25	Punjab	The Secretary State Election Commissioner,

		SCO 49, Sector 17-E, Chandigarh - 160017, Punjab.
26	Rajasthan	The Secretary State Election Commission, 2nd Floor, Lokayukt Bhawan, Vaniki Marg, C Scheme, Ashok Nagar, Jaipur - 302005, Rajasthan. Email: secraj@rajasthan.gov.in
27	Sikkim	The Secretary State Election Commission, Assampa Villa, Amdo Golai Tadong, Gangtok - 737102, Sikkim. Email: secsikkim@gmail.com
28	Tamil Nadu	The Secretary State Election Commission, No.208/2, Jawaharlal Nehru Road, Opp. CMBT, Arumbakkam, Chennai - 600 106, Tamil Nadu. Email: tnsec.tn@nic.in
29	Telangana	The Secretary State Election Commission, 1st Floor, DTCP Building, Opp. PTI Building AC Guards, Hyderabad - 500004, Telangana. Email: sec-ts@nic.in sec.telangana2gmail.com
30	Tripura	The Secretary State Election Commission New Secretariat Building, P.O. Kunjaban, Agartala - 799006, Tripura. Email: comm.sec_tr@gov.in
31	Uttar Pradesh	Shri. Manoj Kumar Commissioner, State Election Commission, 32 - Station Road, Lucknow - 226001, Uttar Pradesh. Email: secup@up.nic.in
32	Uttarakhand	The Secretary State Election Commission, Nirvachan Bhawan Village - Ladpur, Mussoorie Bypass (Ring Road), Dehradun - 248008, Uttarakhand. Email: secua_ddun@yahoo.co.in sec.uttarakhand@gmail.com
33	West Bengal	The Secretary State Election Commission, Kolkata, West Bengal Email: sec-wb@nic.in

Annexure – B: Questionnaire

**Interview Schedule
Indian Institute of Public Administration, New Delhi
Study Project: Panchayat Elections
Government of India,
Ministry of Panchayati Raj
(To be answered by State Officials)**

Name of the State: _____

Nodal Officer's Name: _____ Designation: _____

Phone Number: (office) _____ (mobile): _____

Email: _____

Documents Sought: Please send the following reports/ documents/ any other relevant material and questionnaire dully filled in to Prof. V.N. Alok, Indian Institute of Public Administration, IP Estate, New Delhi, 110002. Please email soft copies of reports/ documents/ any other relevant material and questionnaire to vnalokindex@gmail.com.

SI No.	Documents	Year of Publication	Sending all Documents	
			Yes	No
1.	Panchayat Act of State			
2.	Amendments on State Panchayat Acts			
3.	Enactment/ notification of SEC			
4.	Act on SEC, if any			
5.	Amendments on SEC			
6.	Circulars on and by SEC			
7.	Election Notification by SEC			
8.	Panchayat Rules on Elections			
9.	By-laws			
10.	Panchayat Election Records			
11.	High Court Judgments related to Panchayat elections			
12.	Supreme Court Judgements related to			

	Panchayat Elections			
13.	Election Rules			
14.	Legal Provisions for conducting elections			
15.	Details of Sub-judice matters			
16.	Delimitation Reports			
17.	Kindly provide the number of election disputes relating to the following during last two elections:			
	a) Delimitation process			
	b) Reservation issue			
	c) Electoral roll			
	d) Violence/ booth capturing			
	e) Counting of votes			
	f) Others (please mention)			

S. N.	State Election Commission (general information)			
A.	When was the SEC formed? (dd/mm/yyyy)			
B.	How many members constitute the SEC?			
C.	Whether the SEC is at par with the judge of high court with respect to:	Emoluments	Service Conditions	Removal

S. N.	Questions	Gram Panchayat	Intermediate Panchayat	District Panchayat
1.	Please specify the name of each level of Panchayat as mentioned in the State Act.			
2.	Number of elected representatives for the entire state at each level of Panchayats			
3.	Name the authority which decides the allocation of seats of reserved category?			

4.	What is the percentage of reservation for the following:			
	Women			
	Scheduled Caste (SC)			
	Scheduled Tribe (ST)			
	Other Backward Category (OBC)			
5.	What are the basis of reservation for above mentioned categories?			
6.	Election Details conducted by SEC (post 73 rd Amendment Act)	1 st Election		
		2 nd Election		
		3 rd Election		
		4 th Election		
		5 th Election		
		6 th Election		
7.	To what extent following causes the delay in conducting elections. (Please rate on a scale of 1 to 5, 1 being the lowest and 5 being the highest)	(a) Court Cases		
		(b) Lack of funds or logistical support		
		(c) Delimitation Process		
		(d) Reservation Issue		
		(e) Pandemic		
8	To what extent do the following factors influence the candidature: (Rate on the scale of 1 to 5, 1 being lowest and 5 being highest)	(i) Political Affiliation		
		(ii) Caste		
		(iii) Gender		
		(iv) Money power		
		(v) Muscle Power		
		(vi) Education		
		(vii) Leadership Qualities		
9	What is the maximum ceiling of expenditure that a candidate can incur for contesting a panchayat election?			

10	What power does the SEC have if a candidate is found flouting this maximum ceiling?			
11	How many elected representatives have criminal backgrounds?			
12	Whether National Party symbol used in panchayat election?			
13	If yes, how many elected members are using such symbols?			
14.	Does the SEC take cognizance of election disputes?			
15	If yes, what mechanism does the SEC follow to resolve such disputes?			
16	What are the numbers of cases handled by SEC in last election?			
17	What is the percentage of such cases resolved by SEC?			
18.	Name the appellate bodies for resolving election disputes (if any)?	1 st Appellate Body		
		2 nd Appellate Body		
		3 rd Appellate Body		
19	What are the numbers of cases handled by each body in last election?	1 st Appellate Body		
		2 nd Appellate Body		
		3 rd Appellate Body		
20	What is the percentage of such cases resolved by each?	1 st Appellate Body		
		2 nd Appellate Body		
		3 rd Appellate Body		
21.	To what extent, SEC has to deal with the following disputes in general as well as on election day? (Please rate on a scale of 1 to 5, 1 being the lowest and 5 being the	a) Discrepancy in electoral roll		
		b) Violence/ booth capturing		
		c) Counting of votes		
		d) Malfunction of EVMs		
		e) Reservation of seats		

	highest)	f) Cancellation of nomination			
22.	How does SEC ensure its independence in carrying out its judicial functions?				
23	Is there any authority constituted under article 243(O) to deal with Panchayat election petition?				
24	Does the high court of a state have the power to stay/ stall the whole election process, especially when the election process has already started?				
25	Does the SEC face any resistance in carrying out following functions:				
	(i) Election dates (Everytime, Often, Rarely, Never)				
	(ii) Election Dates (Everytime, Often, Rarely, Never)				
	(iii) Delimitation (Everytime, Often, Rarely, Never)				
	(iv) Electoral Roll (Everytime, Often, Rarely, Never)				
	(v) Reservation of seats (Everytime, Often, Rarely, Never)				
26	Name the authority which resists most the independent functioning of SEC?				
27	What are the sources of funding for the conduct of SEC functions?				
28	Are the funds adequate enough? If not, what mechanisms does the commission resort to in case of paucity of funds?				
29	Please suggest ways to strengthen the independent functioning of the SEC?				
30	Which authority supervises the functioning of the SEC?				
31	Please suggest ways to make the SEC more accountable and transparent.				
32	Do you think, is it feasible for a UT with population of following size to have separate				

	SEC? (Yes /No)			
	a) Less than 10 lakh			
	b) Between 10 – 50 lakh			
	c) Between 50 lakh– 1 crore			
	d) More than 1 crore			
33	Will it be more appropriate to have common SEC involving more than one UT? If yes, give reasons.			
34	Name the authority which has the power to dissolve the Panchayat?			
35	Of which, the number of bye elections conducted within 6 months.			
36	What is the mode of casting vote in <i>Panchayat</i> election: (i) Ballot Paper (ii) EVM (iii) Postal Ballot (iv) Other (please mention)			
37	What were the numbers of polling booth during the last election in the following types of structures?	a) Government building		
		b) Government-aided building		
		c) Semi-government building		
		d) Private building		
38	Are there any critical polling stations ²⁶³ in your state? If yes, please specify the numbers.			
39	Kindly mention the measures taken (for instance webcasting, intensify security, etc.) to ensure fair elections at such critical polling stations.			
40	What is the average distance that a voter has to travel to cast the vote in	(a) Less than 0.5 Km		
		(b) Less than 1 Km		
		(c) Less than 1.5 Km		

²⁶³ A Critical Polling Stations is so identified by the state election commission before an election on the basis of past history of incidence of violence, intimidation to voters of the weaker sections, abnormally high voting in favour of a particular candidate, etc. in the earlier elections.

	<i>Panchayat</i> elections?	(d) Less than 2 Km			
		(e) More than 2 Km			
41	To what extent following factors affect the location of polling booth/ stations? (Please rate on a scale of 1 to 5, 1 being the lowest and 5 being the highest)	(a) Geographical Terrain			
		(b) Presence of minorities/ weaker sections of the society			
		(c) Security concerns			
		(d) Other (please mention)			
42	What is the average number of electors a polling booth caters to?				
Delimitation					
43	Which authority does the delimitation of constituencies for the panchayat elections?				
44	What are the grounds for delimitation?				
45	When was the last delimitation commission formed in the state for Panchayat elections? How frequently it's been formed?				
46	What is the general mechanism for addressing the issues raised against delimitation?				
Qualification Criterion for Elections					
47	Which is the competent authority to set the qualification criterion for contesting elections? Does SEC have any say in it?				
48	Do you think education can be or should be one of the criterions?				
49	Apart from educational criteria specified in some of the states, what other criterions do you suggest for the candidate to contest for the panchayat elections?				
50	Does the educational status of the elected representatives facilitate the smooth functioning of panchayats?				
Electoral Roll					


51	Which kind of electoral roll is followed in panchayat elections:	a) Prepared by Election Commission of India (ECI)			
		b) Consider ECI roll as a base and revising it further			
		c) Prepared by SEC afresh.			
52	If prepared afresh, please specify the reasons.				
53	How often electoral roll is revised?				
54	What are the common complaints faced by the SEC with regard to electoral roll?				
55	What is the grievance redressal mechanism for discrepancy in electoral roll?				
56	How do you perceive the idea for a common electoral roll?				
57	Do you think linking <i>Aadhaar</i> with the electoral roll would facilitate SEC in its functioning? (Yes/No)				
58	What could be the implications of linking <i>Aadhaar</i> with the electoral roll?				
59	Any other comments or suggestions				

Annexure – C: Forms Related to Registration in Electoral Roll

Form-6B: Electoral Authentication Form to Link Aadhaar with Electoral Roll

ELECTION COMMISSION OF INDIA	
Form-6B	
<u>Letter of Information of Aadhaar number for the purpose of electoral roll authentication</u>	
<i>(See Rule 26(B) of the Registration of Electors Rules-1960)</i>	
I.....(Name of Elector) am enrolled in electoral roll of	
.....(Name of Assembly/Parliamentary Constituency) having EPIC	
Number <input type="text"/>	
I hereby submit the following information for the purpose of authentication of my entry in electoral roll:-	
<i>(Please tick the appropriate box)</i>	
(i) <input type="checkbox"/>	Aadhaar No. <input type="text"/> or
(ii) <input type="checkbox"/>	I am not able to furnish my Aadhaar Number because I don't have Aadhaar number. Therefore, I hereby submit a copy of one of the following documents :-
<i>(Please tick any one in the appropriate box)</i>	
<input type="checkbox"/>	MGNREGA Job Card.
<input type="checkbox"/>	Passbook with photograph issued by Bank/Post Office.
<input type="checkbox"/>	Health Insurance Smart Card issued under the scheme of Ministry of Labour.
<input type="checkbox"/>	Driving License.
<input type="checkbox"/>	PAN Card
<input type="checkbox"/>	Smart Card issued by RGI under NPR.
<input type="checkbox"/>	Indian Passport.
<input type="checkbox"/>	Pension document with photograph.
<input type="checkbox"/>	Service Identity Card with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies.
<input type="checkbox"/>	Official Identity Card issued to MPs/MLAs/MLCs.
<input type="checkbox"/>	Unique Identity ID (UDID) Card, issued by M/o Social Justice and Empowerment, Government of India.
Signature of the elector:.....	
Name of the elector:.....	
E-mail ID/Mobile Number:.....	
Place:.....	
Date	

Form-6 Application Form for New Voters

 ELECTION COMMISSION OF INDIA Form-6 Application Form for New Voters <i>(See Rules 13(1) and (26) of the Registration of Electors Rules, 1960)</i>			FORM No. _____ <i>(To be filled by office)</i>
To, The Electoral Registration Officer, No. & Name of Assembly Constituency No. <input type="text"/> Name _____ Or No. & Name of Parliamentary Constituency@ No. <input type="text"/> Name _____ (@ only for Union Territories not having Legislative Assembly) I submit application for inclusion of my name in the electoral roll for the above constituency.			
(1)(a) Name (In Official Language of State) First Name followed by Middle Name <input type="text"/> Surname (if any) <input type="text"/>			SPACE FOR PASTING ONE RECENT UNSIGNED PASSPORT SIZE COLOR PHOTOGRAPH (4.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE WITH WHITE BACKGROUND
(1)(b) Name (In English in BLOCK LETTERS) First Name followed by Middle Name <input type="text"/> Surname (if any) <input type="text"/> <i>Disclaimer: If name not filled in English, it will be transliterated by software.</i>			
*(2)(a) Name and Surname (in official language of State) of any one of the relatives:- <input type="checkbox"/> Father Or <input type="checkbox"/> Mother Or <input type="checkbox"/> Husband Or <input type="checkbox"/> Wife Or <input type="checkbox"/> Legal Guardian in case of orphan/Guru in case of Third Gender <input type="text"/>			
*(2)(b) Name and Surname (In English in BLOCK LETTERS) of the relative mentioned above <input type="text"/>			
(3) Mobile No. of Self (if available) (or) <input type="text"/> Of relative mentioned at Item No. 2 (4) Email ID of Self (If available) (or) _____ Of relative mentioned at Item No. 2			
(5) Aadhaar Details:- (Please tick the appropriate box) (a) <input type="checkbox"/> Aadhaar Number <input type="text"/> or (b) <input type="checkbox"/> I am not able to furnish my Aadhaar Number because I don't have Aadhaar Number.			
(6) Gender <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Third Gender			
(7) (a) Date of Birth <input type="text"/> / <input type="text"/> / <input type="text"/> (b) Self attested copy of document supporting age proof attached (anyone of the following) (i) <u>Document for Proof of Date of Birth</u> :- (Any one of these) 1. <input type="checkbox"/> Birth certificate issued by Competent Local Body/Municipal Authority/Registrar of Births & Deaths 2. <input type="checkbox"/> Aadhaar Card 3. <input type="checkbox"/> PAN Card 4. <input type="checkbox"/> Driving License 5. <input type="checkbox"/> Certificates of Class X or Class XII issued by CBSE/ICSE/ State 6. <input type="checkbox"/> Indian Passport Education Boards, if it contains Date of Birth (ii) <u>Any Other Document for Proof of Date of Birth</u> :- (If none of the above documents is available) (Pl. Specify)			
(8) (a) Present Ordinary Residence (Full Address)	House/Building/Apartment No. _____ Town/Village _____ PIN Code _____ District _____	Street/Area/Locality/ Mohalla/Road _____ Post Office _____ Tehsil/Taluqa/Mandal _____ State/UT _____	

(b) Self-attested copy of address proof either in the name of applicant or any one of parents/spouse/adult child, if already enrolled as elector at the same address (*Attach anyone of them*)

(i) Document for proof of residence ^:- (Any one of these)

1. <input type="checkbox"/>	Water/Electricity/Gas connection Bill for that address (atleast 1 year)	2. <input type="checkbox"/>	Aadhaar Card
3. <input type="checkbox"/>	Current passbook of Nationalized/Scheduled Bank/Post Office	4. <input type="checkbox"/>	Indian Passport
5. <input type="checkbox"/>	Revenue Department's Land Owning records including KisanBahi		
6. <input type="checkbox"/>	Registered Rent Lease Deed (In case of tenant)	7. <input type="checkbox"/>	Registered Sale Deed (In case of ownhouse)

(ii) Any Other document for Proof of residence: -
 (If none of the above documents is available) (Pl. Specify)# _____

(9) Category of disability, if any(Optional) Locomotive Visual Deaf & Dumb
 If any other (Give description) _____

Percentage of disability: %, Certificate attached (Tick the appropriate box) Yes No

(10) The details of my family member already included in the electoral roll at current address with whom I currently reside are as under:
 Name of family member: _____ Relationship with applicant _____
 His/her EPIC no.: _____

DECLARATION

I HEREBY DECLARE that to the best of my knowledge and belief-

(i) I am a citizen of India and place of my birth is:- Village/Town _____
 District _____ State/UT _____

(ii) I am ordinarily a resident at the address mentioned at Sr. No. 8(a) in Form 6 since _____ (mention month and year)

(iii) I am applying for inclusion in Electoral Roll for the first time and my name is not included in any Assembly Constituency/ Parliamentary Constituency.

(iv) I don't possess any of the documents mentioned for proof of Date of Birth/Age. Therefore, I have enclosed _____ (Name of the document) in support of age proof (Strike off, if not applicable).

(v) I am aware that making the above statement or declaration in relation to this application which is false and which I know or believe to be false or do not believe to be true, is punishable under Section 31 of Representation of the People Act, 1950 (43 of 1950) with imprisonment for a term which may extend to one year or with fine or with both.

Date: _____
 Place: _____ Signature of Applicant/Left Hand Thumb Impression _____

Accessibility Instructions:-In the light of provisions of Rights of Persons with Disabilities Act 2016 and Rights of Persons with Disabilities Rules, 2017, in case of persons with Intellectual disability, autism, cerebral palsy and multiple disabilities etc., signature or left hand thumb impression of person with disability, or signature or left hand thumb impression of his/her legal guardian will be required.

Note-

*	In case of a married female applicant, name of Husband may preferably be mentioned.
^	Submission of self-attested copy of mentioned documents will ensure speedy delivery of services.
#	In case none of the mentioned documents is available, field verification is must. As for example, category like homeless Indian citizens who are otherwise eligible to become electors but do not possess any documentary proof of ordinary residence, Electoral Registration Officer shall designate an officer for field verification.

✕ Acknowledgement/Receipt for application ✕

Acknowledgment Number _____ Date _____
 Received the application in Form 6 of Shri/Smt./Ms. _____
 [Applicant can refer the Acknowledgement No. to check the status of application.]

Name/Signature of ERO/AERO/BLO

Form-6A: Application for inclusion of name in Electoral Roll by an overseas Indian elector

 ELECTION COMMISSION OF INDIA FORM-6A <small>(See Rule-8B of Registration of Electors Rules, 1960)</small>		Acknowledgement No. _____ (To be filled by office)
Application for Inclusion of Name in Electoral Roll by an Overseas Elector		
To, The Electoral Registration Officer,Assembly / Parliamentary Constituency I request that my name may be included in the electoral roll for the Constituency in which my place of residence is located as mentioned in (j) below:		PASTE ONE RECENT PASSPORT SIZE PHOTOGRAPH (3.5 CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE WITHIN THIS BOX.
(a) Name *		
(b) Last Name*		
(c) Name of relative* Father <input type="checkbox"/> Mother <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Other <input type="checkbox"/>		
(d) Last Name of relative*		
(e) Date of Birth (dd/mm/yyyy) <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
(f) Place of Birth	Village/Town	
	District	
	State	
(g) Gender(Put a cross mark in proper box) Male <input type="checkbox"/> Female <input type="checkbox"/> Third Gender <input type="checkbox"/>		
(h) Email id#		
(i) Mobile No.# <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
(j) Address in India as mentioned in original passport		House No.
Street/Area/Locality		
Town/Village		
District		Pin Code <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(k) Details of current Passport		Place of Issue
Passport No.	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Date of expiry(dd/mm/yyyy) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Date of issue(dd/mm/yyyy) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
(l) Details of Visa of the Country of current residence		Visa Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Date of issue <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Date of expiry <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Type of Visa		Name of issuing Authority
* To be filled in capital letters only # Optional		

Note:- Copies of the relevant pages of the passport containing the particulars mentioned at items (a) to (l) and current valid visa endorsement mentioned above to be enclosed - duly self attested if sent by post and produced with the original passport if presented in person before the registration officer

2. (a) Reason of being absent from the place of ordinary residence in India.	Employment <input type="checkbox"/>	Education <input type="checkbox"/>	Other(give Description)	
(b) Date from which absenting from ordinary residence in India(dd/mm/yyyy)			<input type="text"/>	<input type="text"/>
3. Full current Address in the country outside India where residing-		House No.		
Street/Area/Locality				
Town/Village				
State			Country	
Zip code		<input type="text"/>	<input type="text"/>	<input type="text"/>

DECLARATION - I hereby declare that to the best of knowledge and belief –

a. all information given in this application is true.

b. I am a citizen of India by birth / domicile / naturalisation.

c. I have not acquired citizenship of any other country.

d. But for being absent from the place of my ordinary residence in India owing to the reason given in 2(a) above, I would have been ordinarily resident at the address given in my Indian Passport, which has been reproduced at 1(j) above.

e. I undertake to immediately inform the Electoral Registration Officer through the Indian Mission in the Country of my current residence if I renounce my Indian Citizenship or if I acquire the citizenship of any other country.

f. I undertake to immediately inform the Electoral Registration Officer through the Indian Mission in the country of my current residence of any change in my residential address in the country of my residence for the records of the Electoral Registration Officer. I understand that any notice sent to me at the address, which is my residential address in the country of my current residence according to the records of the Electoral Registration Officer, shall be considered as due service of notice to me under the Representation of the People Act, 1950 and the rules made there under, and that it is my responsibility to keep the Electoral Registration Officer informed of my latest residential address in the country of my current residence.

g. If I return to India and become ordinarily resident in India, I shall immediately inform the Electoral Registration Officer of the concerned Assembly/Parliamentary Constituency.

h. I have not applied for inclusion of my name in the electoral roll of any other constituency.

i. My name has not already been included in this or any other constituency Or My name may have been included in the electoral roll of Constituency in....., State in which I was ordinarily resident earlier at the address mentioned below and, if so, I request that the same may be deleted from that electoral roll, or transposed, as may be appropriate. Full address (earlier place of ordinary residence)
 Elector Photo Identity Card (if issued) Number
 date of issue.....

j. I have not been issued an EPIC in India/ have been issued an EPIC which is enclosed with this application for cancellation.


[Note – Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true, is punishable under Section 31 of the Representation of the People Act, 1950 (43 of 1950).]

Place.....

Date.....

Signature.....

Form 7: Application form for Objection for proposed Inclusion/ Deletion of Name in Existing Electoral Roll

 ELECTION COMMISSION OF INDIA Form-7 Voter Application Form for Objection for Proposed Inclusion/ Deletion of Name in Existing Electoral Roll <i>(See Rules 13(2) and (26) of the Registration of Electors Rules-1960)</i>		FORM No. _____ <i>(To be filled by office)</i>																
<p>To, The Electoral Registration Officer, No. & Name of Assembly Constituency No. <input type="text"/> Name _____ Or No. & Name of Parliamentary Constituency@ No. <input type="text"/> Name _____ <i>(@ only for Union Territories not having Legislative Assembly)</i></p> <p>I submit application for objection for proposed inclusion/deletion of name in existing electoral roll.</p>																		
<p>(1) Name of the applicant <input style="width: 100%;" type="text"/></p> <p>EPIC No. _____</p> <p>Mobile No. of Self <input style="width: 100%;" type="text"/> 'or'</p> <p>Mobile No. of Relative <input style="width: 100%;" type="text"/></p>																		
<p>(2) Option of application/objection:- <i>(Tick the appropriate option) (Any one)</i></p> <p><input type="checkbox"/> (i) I request to delete name of the person mentioned below already included in the current roll due to any one of the following reasons:- <i>(tick any one)</i></p> <p style="margin-left: 20px;"> <input type="checkbox"/> Death <input type="checkbox"/> Under Age <input type="checkbox"/> Absent / Permanently shifted <input type="checkbox"/> Already enrolled <input type="checkbox"/> Not Indian Citizen </p> <p><input type="checkbox"/> (ii) I object to proposed inclusion of name of the person mentioned below due to any one of the following reasons - <i>(tick any one)</i></p> <p style="margin-left: 20px;"> <input type="checkbox"/> Death <input type="checkbox"/> Under Age <input type="checkbox"/> Absent / Permanently shifted <input type="checkbox"/> Already enrolled <input type="checkbox"/> Not Indian Citizen </p> <p><input type="checkbox"/> (iii) I request to delete my name from electoral roll due to any one of the following reasons-<i>(tick any one)</i></p> <p style="margin-left: 20px;"> <input type="checkbox"/> Permanently shifted <input type="checkbox"/> Already enrolled <input type="checkbox"/> Not Indian Citizen </p> <p style="margin-left: 40px;">Death Certificate attached <i>(Tick the appropriate option)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>																		
<p>(3) The details of the person in respect of whom objection has been raised, are as below:-</p> <p style="margin-left: 20px;">Name _____ Surname _____ EPIC No.(if available) _____</p>																		
Address	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>House/Building/ Apartment No.</td><td><input style="width: 100%;" type="text"/></td></tr> <tr><td>Town/Village</td><td><input style="width: 100%;" type="text"/></td></tr> <tr><td>PIN Code</td><td><input style="width: 100%;" type="text"/></td></tr> <tr><td>District</td><td><input style="width: 100%;" type="text"/></td></tr> </table>	House/Building/ Apartment No.	<input style="width: 100%;" type="text"/>	Town/Village	<input style="width: 100%;" type="text"/>	PIN Code	<input style="width: 100%;" type="text"/>	District	<input style="width: 100%;" type="text"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Street/Area/Locality/ Mohalla/Road</td><td><input style="width: 100%;" type="text"/></td></tr> <tr><td>Post Office</td><td><input style="width: 100%;" type="text"/></td></tr> <tr><td>Tehsil/Taluqa/Mandal</td><td><input style="width: 100%;" type="text"/></td></tr> <tr><td>State/UT</td><td><input style="width: 100%;" type="text"/></td></tr> </table>	Street/Area/Locality/ Mohalla/Road	<input style="width: 100%;" type="text"/>	Post Office	<input style="width: 100%;" type="text"/>	Tehsil/Taluqa/Mandal	<input style="width: 100%;" type="text"/>	State/UT	<input style="width: 100%;" type="text"/>
House/Building/ Apartment No.	<input style="width: 100%;" type="text"/>																	
Town/Village	<input style="width: 100%;" type="text"/>																	
PIN Code	<input style="width: 100%;" type="text"/>																	
District	<input style="width: 100%;" type="text"/>																	
Street/Area/Locality/ Mohalla/Road	<input style="width: 100%;" type="text"/>																	
Post Office	<input style="width: 100%;" type="text"/>																	
Tehsil/Taluqa/Mandal	<input style="width: 100%;" type="text"/>																	
State/UT	<input style="width: 100%;" type="text"/>																	
DECLARATION																		
<p>I HEREBY DECLARE that to the best of my knowledge and belief that I am aware that making a statement or declaration which is false and which I know or believe to be false or do not believe to be true, is punishable under Section 31 of Representation of the People Act,1950 (43 of 1950) with imprisonment for a term which may extend to one year or with fine or with both.</p> <p>Date: _____ Place: _____ Signature of Applicant/Thumb Impression _____</p> <p><i>Accessibility Instructions:- In the light of provisions of Rights of Persons with Disabilities Act 2016 and Rights of Persons with Disabilities Rules, 2017, in case of persons with intellectual disability, autism, cerebral palsy and multiple disabilities etc., signature or left hand thumb impression of person with disability, or signature or left hand thumb impression of his/her legal guardian will be required.</i></p>																		
✂ Acknowledgement/Receipt for application ✂																		
<p>Acknowledgment Number _____ Date _____</p> <p>Received the application in Form 7 of Shri/Smt./Ms. _____</p> <p>[Applicant can refer the Acknowledgement No. to check the status of application.]</p> <p style="text-align: right;">Name/Signature of ERO/AERO/BLO _____</p>																		

Form-8: Application Form for shifting of Residence/Correction of Entries in Existing Electoral Roll/Replacement of EPIC/ Marking of PwD

 <p style="text-align: center;">ELECTION COMMISSION OF INDIA</p> <p style="text-align: center;">Form-8</p> <p style="text-align: center;">Voter Application Form for shifting of Residence/Correction of Entries in Existing Electoral Roll/Replacement of EPIC/Marking of PwD</p> <p style="text-align: center;"><i>(See Rules 13(3) and (26) of the Registration of Electors Rules, 1960)</i></p>	<p>FORM No. _____</p> <p><i>(To be filled by office)</i></p>												
<p>To,</p> <p>The Electoral Registration Officer,</p> <p>No. & Name of Assembly Constituency No. <input type="text"/> Name _____</p> <p>Or No. & Name of Parliamentary Constituency@ No. <input type="text"/> Name _____</p> <p><i>(@ only for Union Territories not having Legislative Assembly)</i></p>													
<p>(I) Name of the applicant <input type="text"/></p> <p>EPIC No. _____</p> <p>Aadhaar Details:- (Please tick the appropriate box)</p> <p>(a) <input type="checkbox"/> Aadhaar Number <input type="text"/> or</p> <p>(b) <input type="checkbox"/> I am not able to furnish my Aadhaar Number because I don't have Aadhaar Number.</p> <p>Mobile No. of Self (or) <input type="text"/></p> <p>Mobile No. of Father/Mother/Any other relative (if available) <input type="text"/></p> <p>Email Id of Self (or) _____</p> <p>Email Id of Father/Mother/Any other relative (if available) _____</p>													
<p>(II) I submit application for (Tick any one of the following)</p> <p>1. <input type="checkbox"/> Shifting of Residence (or)</p> <p>2. <input type="checkbox"/> Correction of Entries in Existing Electoral Roll (or)</p> <p>3. <input type="checkbox"/> Issue of Replacement EPIC without correction (or)</p> <p>4. <input type="checkbox"/> Request for marking as Person with Disability</p>													
<p>1. Application for Shifting of Residence</p> <p>I have shifted my residence and I request that my name may be deleted from the previous address and shifted to the current address mentioned below. I request that a replacement EPIC may be issued to me due to change in my address. I hereby return my old EPIC.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Present</td> <td style="width: 35%;">House/Building/Apartment No. <input type="text"/></td> <td style="width: 50%;">Street/Area/Locality/ Mohalla/Road <input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td>Town/Village <input type="text"/></td> <td>Post Office <input type="text"/></td> </tr> <tr> <td>Residence</td> <td>PIN Code <input type="text"/></td> <td>Tehsil/Taluqa/Mandal <input type="text"/></td> </tr> <tr> <td>(Full Address)</td> <td>District <input type="text"/></td> <td>State/UT <input type="text"/></td> </tr> </table>		Present	House/Building/Apartment No. <input type="text"/>	Street/Area/Locality/ Mohalla/Road <input type="text"/>	Ordinary	Town/Village <input type="text"/>	Post Office <input type="text"/>	Residence	PIN Code <input type="text"/>	Tehsil/Taluqa/Mandal <input type="text"/>	(Full Address)	District <input type="text"/>	State/UT <input type="text"/>
Present	House/Building/Apartment No. <input type="text"/>	Street/Area/Locality/ Mohalla/Road <input type="text"/>											
Ordinary	Town/Village <input type="text"/>	Post Office <input type="text"/>											
Residence	PIN Code <input type="text"/>	Tehsil/Taluqa/Mandal <input type="text"/>											
(Full Address)	District <input type="text"/>	State/UT <input type="text"/>											
<p>Self-attested copy of address proof either in the name of applicant or anyone of the parents/spouse/adult child, if already enrolled with as elector at the same address (Attach any one of the documents mentioned below ^):-</p> <p>1. <input type="checkbox"/> Water/Electricity/Gas connection Bill for that address (atleast 1 year) 2. <input type="checkbox"/> Aadhaar Card</p> <p>3. <input type="checkbox"/> Current passbook of Nationalized/Scheduled Bank/Post Office 4. <input type="checkbox"/> Indian Passport</p> <p>5. <input type="checkbox"/> Revenue Department's Land Owning records including Kisan Bahi</p> <p>6. <input type="checkbox"/> Registered Rent Lease Deed (In case of tenant) 7. <input type="checkbox"/> Registered Sale Deed (In case of own house)</p> <p>Any Other:- (Pl. Specify) _____</p>													

Form-17: Application for inclusion of name in the electoral roll for a local authorities' constituency of state legislative council

FORM 17

[See rule 30]

Application for inclusion of name in the electoral roll for a local authorities' constituency

To

The Electoral Registration Officer,
..... (Local Authorities) Constituency.

Sir,

I am a member ofwhich is a constituent local authority exercising jurisdiction within the limits of the.....local authorities' constituency. I am therefore entitled to be registered as an elector in the said constituency, and request that my name be included in the electoral roll thereof.

My address is:

.....
.....
.....

Yours faithfully,

1. Subs. by North. No. 5 O. 814(E), dated the 3rd September, 1987, for Form 16.

Annexure – D: Number of Panchayats

Consolidated Report of Panchayats as on 12 December 2022

Sl. No.	States	District Panchayats	Intermediate Panchayats	Village Panchayats	Average Population per Village Panchayat
	General States				
1.	Andhra Pradesh	13	660	13325	6325.69
2.	Bihar	38	534	8170	12736.99
3.	Chhattisgarh	27	146	11656	2191.22
4.	Goa	2	N.A.	191	7636.36
5.	Gujarat	33	248	14359	4239.30
6.	Haryana	22	142	6220	4072.52
7.	Jharkhand	24	264	4345	7579.99
8.	Karnataka	31	233	5958	10225.15
9.	Kerala	14	152	941	35500.60
10.	Madhya Pradesh	52	313	23066	3193.65
11.	Maharashtra	34	351	27890	4028.19
12.	Odisha	30	314	6794	6174.50
13.	Punjab	22	151	13241	2091.78
14.	Rajasthan	33	355	11272	6044.30
15.	Tamil Nadu	36	388	12524	5760.24
16.	Telangana	32	540	12769	2741.30
17.	Uttar Pradesh	75	826	58189	3433.85
18.	West Bengal	22	344	3339	27328.18
	NE and Hilly States				
19.	Arunachal Pradesh	25	N.A.	2108	656.42
20.	Assam	27	192	2197	14203.72
21.	Himachal Pradesh	12	81	3615	1898.92
22.	Manipur	6	N.A.	161	17737.85
23.	Sikkim	6	N.A.	198	3300.42
24.	Tripura	8	35	591	6216.44
25.	Uttarakhand	13	95	7791	1294.61
	Union Territories				
26.	Andaman & Nicobar Islands	2	7	70	5436.87
27.	Jammu And Kashmir	20	285	4291	2858.78
28.	Ladakh	2	31	193	
29.	Lakshadweep	1	N.A.	10	6447.30
30.	Puducherry	N.A.	10	108	11555.12
31.	Dadra & Nagar Haveli & Daman And Diu	3	N.A.	38	15446.21
	Total	665	6697	255620	

Source: Ministry of Panchayati Raj, GoI

Annexure – E: Election of Chairpersons of Panchayats

Status of provision for direct/indirect elections of Chairpersons of Panchayats

Sl. No.	States	Village Panchayat	Intermediate Panchayat	District Panchayat
	General States			
1.	Andhra Pradesh	Direct	Indirect	Indirect
2.	Bihar	Direct	Indirect	Indirect
3.	Chhattisgarh	Direct	Indirect	Indirect
4.	Goa	Indirect	Indirect	Indirect
5.	Gujarat	Direct	Indirect	Indirect
6.	Haryana	Direct	Indirect	Indirect
7.	Jharkhand	Direct	Indirect	Indirect
8.	Karnataka	Indirect	Indirect	Indirect
9.	Kerala	Indirect	Indirect	Indirect
10.	Madhya Pradesh	Direct	Indirect	Indirect
11.	Maharashtra	Direct	Indirect	Indirect
12.	Odisha	Direct	Indirect	Indirect
13.	Punjab	Direct	Indirect	Indirect
14.	Rajasthan	Direct	Indirect	Indirect
15.	Tamil Nadu	Direct	Indirect	Indirect
16.	Telangana	Direct	Indirect	Indirect
17.	Uttar Pradesh	Direct	Indirect	Indirect
18.	West Bengal	Indirect	Indirect	Indirect
	NE and Hilly States			
19.	Arunachal Pradesh	Indirect	Indirect	Indirect
20.	Assam	Direct	Indirect	Indirect
21.	Himachal Pradesh	Direct	Indirect	Indirect
22.	Manipur	Direct	Indirect	Indirect
23.	Sikkim	Indirect	Indirect	Indirect
24.	Tripura	Indirect	Indirect	Indirect
25.	Uttarakhand	Direct	Indirect	Indirect
	Union Territories			
26.	Andaman & Nicobar Islands	Direct	Indirect	Indirect
27.	Dadra and Nagar Haveli and Daman and Diu	Direct	Indirect	Indirect
28.	Jammu & Kashmir	Direct	Indirect	Indirect
29.	Lakshadweep	Indirect	Indirect	Indirect
30.	Pondicherry	Direct	Indirect	Indirect

Source: Ministry of Panchayati Raj, GoI

Annexure – F: Responses of State Election Commission



State Election Commission, Jharkhand
"Nirvachan Bhawan"

New Market Chowk, Ratu Road, Ranchi-834001

Email : jsec-jhr@nic.in

दूरभाष- 0651-2284012, 9264474491 तैलफ-0651-2200287

Letter No. 480 /

From,

Radhe Shyam prasad
Secretary,

To,

V. N. Alok, Ph.D.(econ),
Associate Professor of Public Finance,
Indian Institute of Public Administration,
I P Estate, ring Road,
New Delhi- 110002 (India).
E_mail- vnalokidex@gmail.com

Ranchi, Dated:- 31 / 03 / 2022

Sub.- Gol Study | Panchayat Election in India.

Ref.- Your letter | dated- 14.03.2022

Sir,

As directed, with reference to your letter cited above the duly filled- in questionnaire and other necessary documents as mentioned in the questionnaire are attached here with.

Thanking You.

Encl. : As above.

Yours Faithfully,


Secretary



STATE ELECTION COMMISSION, KARNATAKA

SEC.01.PS(MISC).2022

State Election Commission
2nd & 3rd Floor, No.16, Bellary Road,
Sadashivanagar, Bangalore-560080,
Dated: 16-05-2022
Ph No. 080-22205189, Email: karsec@gmail.com

To,

Dr. V N Alok,
Project Director for
Panchayat Elections in India
Indian Institute of Public Administration,
IP Estate, Ring Road, New Delhi-110002
Government of India
Ministry of Panchayati Raj
Krishi Bhawan,
Dr. Rajendra Prasad Road
New Delhi-110001

Sir,

Sub: Questionnaire on Panchayat Elections in India - reg.
0-0-0

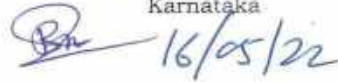
With reference to the subject cited above, the questionnaire on Panchayat Elections in India has been duly filled and attached to this letter for your kind information.

Thanking you,

Yours faithfully,


Under Secretary

State Election Commission
Karnataka


16/05/22

**STATE ELECTION COMMISSION, ODISHA
TOSHALI BHAWAN, B-2, 1ST FLOOR, SATYA NAGAR,
BHUBANESWAR-751007**

No.: 7278 /S.E.C.,

Date: 08/06/2022

From

Shri R.N. Sahu, I.A.S.

Secretary

To

Dr. V N Alok
Project Director
Email-vnalokindex@gmail.com
Indian Institute of Public Administration
Indraprastha Estate, Ring Road
New Delhi-110002

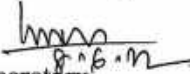
Sub:- A study on Panchayat Elections in India-The Questionnaire

Ref: Your letter dated 14th March 2022

Sir,

I am directed to the send herewith questionnaire duly filled in for the State of Odisha for your reference.

Yours faithfully,


Secretary



STATE ELECTION COMMISSION

3rd Floor, Election Building, Villianur Main Road,
Reddiarpalayam, Puducherry-605010
Phone: 0413-2291028,2291118/19
E-mail: secpdy.pon@nic.in
Web: <https://sec.py.gov.in>

No. 7-2/SEC/CE/Misc./2021/ 328

Dated, 03 .06.2022

To

The Project Director,
Indian Institute of Public Administration,
Indraprastha Estate, Ring Road,
New Delhi - 110002.
email id. vnalokindex@gmail.com

Sub: SEC - Information on Panchayat Election in UT of Puducherry - duly filled-in
Questionnaire set - furnished - Reg.

--

Sir,

Adverting to your letter dated 14th March, 2022, I am directed to provide the information sought in the questionnaire with the supporting documents for conducting a study on "Panchayat Election in India" as the work entrusted to Indian Institute of Public Administration, New Delhi by the Ministry of Panchayati Raj and the filled-in questionnaire alongwith the necessary supporting documents are furnished herewith for your reference.

Yours faithfully,

(CHAURE RATNAGHOSH KISHOR)
OFFICER ON SPECIAL DUTY
(CIVIC ELECTIONS)

(1/2)

Encl: as stated above.

**GOVERNMENT OF NAGALAND
RURAL DEVELOPMENT DEPARTMENT**

NO.RD/PRI(MISC)-44/2016(PT)

Dated Kohima, the 12th January, 2022

To,

The Secretary,
Ministry of Panchayati Raj,
Government of India,
11th Floor, Jeevan Prakash Building,
25, Katurba Gandhi Marg,
New Delhi-110001

Sub:- Nomination of Nodal Officer to coordinate with the Indian Institute of Public Administration (IIPA), New Delhi for study of Panchayat Elections in India.

Madam,

With reference to D.O letter No T-11013/6/2021-AR&RS dated 5th January, 2022 received from the Ministry of Panchayati Raj, I am directed to nominate the following officer as the Nodal Officer to coordinate with the Indian Institute of Public Administration (IIPA), New Delhi for study of Panchayat Elections in India.

Sl no	Name of the officer	Designation	Email Id	Mobile No.
1	Shri. Polan John	Joint Secretary, Rural Development Department	polanjohn@gmail.com	9436062951

Yours faithfully


12/01/22

(HUKASHI YEPTHOMI)

Under Secretary to the Govt. of Nagaland
Dated Kohima, the 12th January, 2022

NO.RD/PRI(MISC)-44/2016(PT)

Copy to:

1. Dr. V.N Alok, Associate Professor, IIPA, New Delhi, Indraprastha Estate, Ring Road, New Delhi-110002 (Email: vnalok@gmail.com)
2. Office copy.


(HUKASHI YEPTHOMI)

Under Secretary to the Govt. of Nagaland



**STATE ELECTION COMMISSION
MAHARASHTRA**



No. SEC-2022/GP/CR-3/Desk-8
New Administrative Building, First Floor,
Hutatma Rajguru Chowk,
Madame Cama Road, Mumbai 400 032.
Email : sec.mh@gov.in
Tel(O) : 022-22846720/ 22045589
Date: 19.05.2022

To,
Dr.V.N.Alok,
Project Director,
Indian Institute of Public Administration (IIPA),
Indraprastha Estate, Ring Road,
New Delhi-110002.
email: vnalok@gmail.com

Sub :- Information on the Questionnaire of a study on "Panchayat
Elections in India"

Sir,

With reference to your letter dated 14/03/2022, we are sending herewith information with regard to State Election Commission, Maharashtra, on the Questionnaire sent by you.

Thanking you,

Yours Sincerely,

(Atul Jadhav)
Under Secretary

State Election Commission, Maharashtra.

A.P. STATE ELECTION COMMISSION
1st Floor, New HODs Building, M.G. Road, Vijayawada – 520 010.

K R B H N Chakravarthi, IAS
Secretary

Phone: 0866-2970023/24
Email: secy.apsec2@gmail.com
Website: www.sec.ap.gov.in

Letter No. 124/SEC-B1/2022

Date: 20/07/2022

To
Dr. V N Alok,
Project Director,
Indian Institute of Public Administration,
IP Estate, Ring Road,
New Delhi – 110 002.
(Email: vnalokindex@gmail.com)

Sir,

Sub: Andhra Pradesh State Election Commission – Response to Questionnaire on the study titled “Panchayat Election in India” – Information furnished – Reg.

Ref: Your Letter dtd.14.03.2022 addressed to the SEC, Andhra Pradesh along with a copy of the Economic Advisor, Ministry of Panchayati Raj D.O.Lr.No.T-11013/6/2021-AR&RS, dtd.05.01.2022.

I invite your attention to the reference cited.

Information and the views of the Andhra Pradesh State Election Commission are furnished in the Questionnaire sent by you for the purpose of conducting a study on “Panchayat Election in India”. The filled-in Questionnaire along with enclosures is appended to this letter.

Yours faithfully,
Sd/- K R B H N Chakravarthi
Secretary

Encl: As above.

// Attested //

Assistant Secretary

TELANGANA STATE ELECTION COMMISSION
1st Floor, DTCP Building, A.C.Guards, Hyderabad.

M. Ashok Kumar
Secretary

Off: 29801521, 29801523
Fax: 29801522
E-Mail: sec.telangana@gmail.com,
sec-ts@nic.in,
Website: tsec.gov.in

Lr.No.05/TSEC-Admin/2022

Dated:23.03.2022

To
Sri V.N.Alok,
Project Director,
Indian Institution of Public Administration,
IP Estate, Ring Road,
New Delhi – 110002.

Sir,

- Ref:-
1. Dr.Bijaya Kumar Behera, IES, Economic Adviser,
D.O.No.T-11013/6/2021-AR&Rs, dated 05.01.2022.
 2. Lr. Dated 14.03.2022 from VN Alok, Project Director, Indian Institute
of Public Administration addressed to TSEC.
 3. Interview schedule, IIPA PR Elections.

Please refer to the references cited above and the information sought therein
is furnished hereunder.

Name of the State: Telangana

Nodal Officer's Name: **SRI N JAYASIMHA REDDY**; Designation: OSD

Phone Number: (office) 040-29801521 / 23 / 2895 (mobile): 9949588353

Email: sec-ts@nic.in

Documents Sought: Please send the following reports/ documents/ any other
relevant material and questionnaire dully filled in to Prof. V.N. Alok, Indian Institute
of Public Administration, IP Estate, New Delhi, 110002. Please email soft copies of
reports/ documents/ any other relevant material and questionnaire to
vnalokindex@gmail.com.



Alok Index <vnalokindex@gmail.com>

regarding "panchayat elction in india" study



Director Panchayati Raj <director.pr.uk@gmail.com>
To: Alok Index <vnalokindex@gmail.com>

Fri, Mar 4, 2022 at 4:50 PM

pfa.....

--
With Regards,
Directorate of Panchayati Raj,
Uttarakhand Dehradun
Tel--0135-2607106, 2607855
Tel-Fax- 0135-2607108

9 attachments

-  **PIL 101-2019, Naeem Ahmad Vs. State highcourt order, 01-08-2019.pdf**
59K
-  **Pinki Devi & Many Writ, high court order 19-09-2019.pdf**
215K
-  **Reservation GO 2019, 12 districts.pdf**
54K
-  **Reservation GO Format for 2019, 12 districts.pdf**
711K
-  **GP and KP-ZP Parisiman GO's-2020, Haridwar.PDF**
1822K
-  **Reservation GO-2019, 12 districts.pdf**
2336K
-  **GP and KP-Zp Parisiman GO's 2018, 12 districts-1st.pdf**
3569K
-  **GP and KP-ZP Parisiman GO's 2018, 12 districts-2nd.pdf**
3488K
-  **Writ Petition Copy of Pinki Devi Vs. State.pdf**
12669K



Alok Index <vnalokindex@gmail.com>

Gol Study Panchayat Elections in India

Election_Department_Daman <election-dmn-dd@gov.in>
To: vnalokindex <vnalokindex@gmail.com>
Cc: Asha Chaudhary <dselection-dd@nic.in>

Sat, May 7, 2022 at 5:34 PM

Sir,

Please find attached, the desired information had already send vide this office email dated 06th April, 2022

with regards

Madhurendra
Election Dept.
UT of DNH & DD
Daman

From: "Election_Department_Daman" <election-dmn-dd@gov.in>
To: vnalokindex@gmail.com
Cc: "Madhurendra Kumar Kumar Singh" <madhurendra31may@gmail.com>
Sent: Wednesday, April 6, 2022 4:47:50 PM
Subject: Gol Study Panchayat Elections in India

Sir,




Please find attached.

with regards.

Madhurendra
Election Dept.
UT of DNH & DD
Daman



16 attachments

-  **Questionnaire on Panchayat Election in India..docx**
42K
-  **61-23-06-2015.pdf**
4431K
-  **15543645361321895977.pdf**
1839K

12/13/22, 5:25 PM

Gmail - GoI Study Panchayat Elections in India

-  **Constitution of Election Commission.pdf**
50K
-  **daman_and_diu_panchayat_regulation_2012.pdf**
8800K
-  **DamanPanchayat poll %..pdf**
175K
-  **DD Panchayat Election procedure 2014.pdf**
2057K
-  **Diu Panchayat Poll %..pdf**
545K
-  **DNH DD 2020.pdf**
1981K
-  **DNH Panchayat Election Procedure 2014.pdf**
601K
-  **DNH Panchayat Regulation 2012.pdf**
533K
-  **DNHPanchayat poll %..pdf**
3724K
-  **EC Duties.pdf**
465K
-  **Extra Ordinary No. 50.pdf**
844K
-  **Notification-115-06-08-2015.PDF**
2864K
-  **SEC NOTification. 53.pdf**
452K

<https://mail.google.com/mail/u/0/?ik=9e859aa07e&view=pt&search=all&permmsgid=msg-f%3A1732169224895264489&simpl=msg-f%3A173216...> 2/2



Alok Index <vnalokindex@gmail.com>












315 dt 12-05-2022 PN To VN Alok Reg. Questionier

Election <secup-election@up.gov.in>
To: vnalokindex@gmail.com

Fri, May 13, 2022 at 10:46 AM



11 attachments

-  **01- 1860-33-76G-94 Dt 18-07-1994.pdf**
715K
-  **02- Uttar Pradesh Panchayats Election Rules.pdf**
1459K
-  **03- 3604-33-1-2006-93-93T.C. Dt 08-12-2006.pdf**
964K
-  **04- 1285-33-1-2007-93-93 T.C.Dt 01-06-2007 .pdf**
2949K
-  **05- 2439-33-3-2009-146-2007 Dt 21-10-2009.pdf**
505K
-  **06- 1354-33-3-2014-101GI-2011 Dt 26-06-2014.pdf**
798K
-  **07- 2206-33-3-2021-101G.I.-2011 Dt 23-11-2021.pdf**
660K
-  **09- Poorak Upbandh Aadesh.pdf**
745K
-  **10- 688 RNA-4-2003 dt 21-06-2003.pdf**
7884K
-  **165 dt 03-03-2022 PN To VN Alok, Ph.D New Delhi Reg Panchayat Election in India .pdf**
1360K
-  **315 dt 12-05-2022 PN To VN Alok Reg. Questionier.pdf**
3202K



Alok Index <vnalokindex@gmail.com>

Panchayat Election in India

G.C Brahmbhatt (GOG-Election Dept.) <sec-sec@gujarat.gov.in>
To: "vnalokindex@gmail.com" <vnalokindex@gmail.com>
Cc: "seckendra@gmail.com" <seckendra@gmail.com>


Wed, Jun 1, 2022 at 12:55 PM


please find the attachemnt

**G. C. Brahmbhatt,
SECRETARY,
STATE ELECTION COMMISSION**

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any error or omissions in the contents of this message, which arise as a result of e-mail transmission.

2 attachments

 **20220601124303.pdf**
495K

 **panchayatsact.pdf**
3346K

12/13/22, 5:20 PM

Gmail - Ministry of PR, Govt of India-Study on panchayat election- data collection



Alok Index <vnalokindex@gmail.com>

Ministry of PR, Govt of India-Study on panchayat election- data collection


anoop704988@kerala.gov.in <anoop704988@kerala.gov.in>

Fri, Jun 10, 2022 at 4:40 PM

Reply-To: anoop704988@kerala.gov.in

To: vnalokindex@gmail.com

reply to cru.sec@kerala.gov.in

 **336_1653908695912.pdf**
281K

12/13/22, 5:19 PM

Gmail - 28-6-2022 Study on Panchayat Election in India-regarding



Alok Index <vnalokindex@gmail.com>

28-6-2022 Study on Panchayat Election in India-regarding

Joint CEO Manipur <jtceo_manipur@eci.gov.in>

Tue, Jun 28, 2022 at 4:57 PM

To: secpentagon@gmail.com

Cc: RAJESH AGRAWAL IAS <rajesh.agrawal@nic.in>, CEO Manipur <ceo_manipur@eci.gov.in>, ramananda_nk@yahoo.com, sujata.salam@gmail.com, vnalokindex@gmail.com

Sir,

Please find the attached file for your information and further necessary action.

Regards,

O/o Chief Electoral Officer


Lampheipat, Imphal, Manipur - 795004

jtceo_manipur@eci.gov.in | ceo_manipur@eci.gov.in

www.ceomanipur.nic.in



2 attachments

 **28-6-2022 Study on Panchayat Election in India-regarding.pdf**
1639K

 **Questionnaire on Panchayat Election in India.docx**
41K

12/13/22, 5:18 PM

Gmail - 1751



Alok Index <vnalokindex@gmail.com>

1751

State Election Commission <cgec.cg@gov.in>
To: vnalokindex <vnalokindex@gmail.com>

Wed, Jul 27, 2022 at 12:02 PM

Please find the attachment
Regards

CGSEC



2 attachments

 **1751.pdf**
208K

 **cgec.cg.vcf**
1K



Alok Index <vnalokindex@gmail.com>

Gol Study | Panchayat Elections in India

Commissioner Goa State Election Commission <comm-gsec.goa@nic.in>
To: vnalokindex@gmail.com

Thu, Jul 28, 2022 at 1:41 PM

Dear Sir,

Kindly find attached as requested.

Regards,
Goa State Election Commission,

From: vnalokindex@gmail.com


To: "Commissioner Goa State Election Commission" <comm-gsec.goa@nic.in>

Sent: Friday, June 24, 2022 4:58:23 PM

[Quoted text hidden]

[Quoted text hidden]



 **info goa.pdf**
1659K

12/13/22, 5:17 PM

Gmail - PRI_questionairre



Alok Index <vnalokindex@gmail.com>

PRI_questionairre


Sumarbin Umdor <sumdor11@gmail.com>
To: vnalokindex@gmail.com, anubhavgupta46@gmail.com

Thu, Aug 11, 2022 at 2:41 PM

Sir,

PFA the write-up on ADC elections in Meghalaya and Mizoram. The case of the former is quite simple as SEC has not been constituted. However, Mizoram has ADCs and also SEC in place. Therefore I've tried to explain the Mizoram case in more detail. Hope it helps. I've also requested the AP officer to forward your letters and questionnaire to the SEC.

S. Umdor

 **Tribal areas in the North Eastern Region.docx**
59K

<https://mail.google.com/mail/u/0/?ik=9e859aa07e&view=pt&search=all&permmsgid=msg-f%3A1740855142540049867&simpl=msg-f%3A174085...> 1/1



ASSAM STATE ELECTION COMMISSION
ADITYA TOWER, 2ND FLOOR, DOWN TOWN, G.S. ROAD, DISPUR, GUWAHATI - 781006.
Ph. No. 0361-2263210/2264920 e-mail - secassam@gmail.com

No. SEC.19/2019/Pt-I/28

Dated Dispur 15th March, 2022

To

Dr. V N Alok
Indian Institute of Public Administration,
IP Estate, Ring Road,
New Delhi-110002

Sub: Nodal Officer for study on "Panchayat Election in India"

Ref: Your office's letter dated 14th March, 2022

Sir,

With reference to the subject cited above, I am directed to state that the Assam State Election Commission nominates Ms Samikshya Thapa, Legal Resource Person on PRIs as the nodal officer for co-ordination and all further communications with IIPA in relation to the study on Panchayat Elections in India. Her contact details are provided below:

Name of the nodal officer: Ms. Samikshya Thapa

Designation: Legal Resource Person on PRIs

Phn: +91 9687730472

Email: samikshya221194@gmail.com

This issues with the approval of the Assam State Election Commissioner.

Yours faithfully

Secretary

Assam State Election Commission

Dispur, Guwahati-6

Dated Dispur 15th March, 2022

Memo No. SEC 19/2019/ Pt-I/28-A

Copy to:

1. Dr. Bijaya Kumar Behera, IES, Economic Adviser, Ministry of Panchayati Raj, Government of India, Tower-II, 9th Floor, Jeevan Bharti Building, New Delhi-110001.

Secretary

Assam State Election Commission

Dispur, Guwahati-6

राज्य निर्वाचन आयोग, राजस्थान

(द्वितीय तल, विकास खण्ड, सचिवालय, जयपुर-302005)
email: secraj@rajasthan.gov.in FAX: 0141-2221261 2221472

क्रमांक - प 1 (5)(63)सस्था/रानिआ/2018/ 6790

दिनांक 10.01.22

प्रेषक
मुख्य निर्वाचन अधिकारी एवं सचिव,
राज्य निर्वाचन आयोग राज0 जयपुर।

प्राप्तिते
श्री0 विजय कुमार मेहरा (IES)
आर्थिक सलाहकार पंचायतीराज मंत्रालय,
भारत सरकार, नई दिल्ली

विषय- भारतीय लोक प्रशासन संस्थान (आईआईपीए), नई दिल्ली से सम्पर्क किये जाने हेतु नोडल अधिकारी नियुक्त किए जाने के संबंध में।

प्रसंग- आपका पत्र क्रमांक T-11013/6/2021-AR&RS दिनांक 05.01.2022 के क्रम में।

महोदय

उपर्युक्त विषयान्तर्गत प्रासंगिक पत्र के माध्यम से भारतीय लोक प्रशासन संस्थान (आईआईपीए) द्वारा राज्य निर्वाचन आयोग से सूचना प्राप्त किए जाने हेतु राज्य निर्वाचन आयोग, राजस्थान की ओर से नोडल अधिकारी नियुक्त कर पद, ई-मेल मो न इत्यादि की सूचना से अवगत कराने हेतु लिखा है।

उक्त कार्य हेतु राज्य निर्वाचन आयोग, राजस्थान जयपुर की ओर से नोडल अधिकारी का विवरण निम्नानुसार है -

क्र.सं.	नोडल अधिकारी का नाम/पदनाम	ई-मेल एड्रेस	मो.नं.
1	श्री प्रवीण कुमार (RAS), सहायक सचिव	secraj@rajasthan.gov.in	7023268139

चित्रा
(चित्रा गुप्ता)

सचिव

राज्य निर्वाचन आयोग
राजस्थान, जयपुर

दिनांक 10.01.22

क्रमांक - प 1 (5)(63)सस्था/रानिआ/2018/ 6791-94

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है-

1. डॉ0 वी. एन. आलोक, एसोसिएट प्रोफेसर, आईआईपीए, नई दिल्ली (इंद्रप्रस्थ), रिग रोड, नई दिल्ली 110002/दूरभाष 011-23468313/मोबाइल नं 9810622490/ईमेल vnalok@gmail.com
2. श्री प्रवीण कुमार, सहायक सचिव, राज्य निर्वाचन आयोग, राजस्थान जयपुर।
3. समस्त शाखा प्रभारी, राज्य निर्वाचन आयोग, जयपुर को निर्दिष्ट किया जाता है कि सहायक सचिव द्वारा चाही गई सूचनाएं तत्काल उपलब्ध करावे।
4. गार्ड फाईल।

उप सचिव

राज्य निर्वाचन आयोग
राजस्थान, जयपुर



UT Administration of Dadra & Nagar Haveli and Daman & Diu
Office of the Joint Secretary (PRI), DNH & DD
District Panchayat, Daman
Dholar, Moti Daman – 396220

Email: ceodp-dmn-dd@nic.in | Off. Tel. No. (0260) 2231059



No. JS/PRI/NO/IIPA/COL/DMN/2021-22/32

Dated: 08.01.2022

ORDER

In pursuance to D.O. No. T-11013/6/2021-AR&RS dated 05th January, 2022, regarding commissioning of a study titled "Panchayat Election in India" entrusted to Indian Institute of Public Administration (IIPA), New Delhi, the following Official is hereby appointed as a Nodal Officer to co-ordinate with the team of IIPA, New Delhi and also to provide all necessary data/ information in this regard:

Sr. No.	Name of Official and Designation	Contact Details
01.	Shri Madhurendra Kumar Singh Assistant Programmer, Election Department, O/o the Chief Electoral Officer, UT of Dadra & Nagar Haveli and Daman & Diu.	Mob. No.: 9974887534 Email: election-dmn-dd@nic.in / dselection-dd@nic.in

92/EA/PRI/2022
14/01/2022

(Signature)
Secy - (AUS)

(Signature)

(Ashish Mohan)
Joint Secretary (PRI),
Dadra & Nagar Haveli and
Daman & Diu

To,

1. Shri Madhurendra Kumar Singh, Assistant Programmer, Election Department, O/o the Chief Electoral Officer, UT of DNH & DD.

Copy to:

- ✓ 1. Dr. Bijaya Kumar Behera, Economic Adviser, Ministry of Panchayati Raj, Govt. of India, New Delhi.
2. Dr. V. N. Alok, Associate Professor, IIPA, New Delhi.

Copy for kind information to:

1. The Secretary (PRI), DNH & DD.
2. The Chief Electoral Officer, DNH & DD.



STATE ELECTION COMMISSION, ODISHA
TOSHALI BHAWAN, B-2, 1ST FLOOR,
SATYANAGAR, BHUBANESWAR-751007
E-Mail ID - stateelectioncommission.odisha@gmail.com

No. 115 /SEC.,

Date: 06/01/2022

From

Sri R.N. Sahu, IAS
Secretary

To

Dr. Bijaya Kumar Behera, IES
Economic Advisor
Ministry of Panchayati Raj
Government of India
Tower-II, 9th Floor
Jeevan Bharati Building
New Delhi-110001
e-mail-behera.bk@nic.in

Sub- Nomination of a Nodal Officer to coordinate with IIPA.

Ref: Your Letter D.O No T-11013/6/2021-AR&RS dated 5th January ,2022

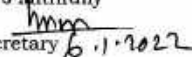
Sir,

In inviting reference to the D.O letter on the subject cited above I am directed to intimate herewith the Name, designation etc. of the State Election Commission, Odisha nominated as Nodal Officer for your kind information.

Name and Designation of Nodal Officer

Sri Rabindra Nath Sahu, IAS
Secretary
State Election Commission, Odisha
0674-2573495(Office)
0674-2573494(Fax)
Mob-9937957167
e-mail-stateelectioncommission.odisha@gmail.com

Yours faithfully


Secretary 6.1.2022

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M.P. STATE ELECTION COMMISSION
"NIRRVACHAN BHAWAN"
58, ARERA HILLS, BHOPAL (M.P.)-46201

F. NO-F-70-22/16/Three/14
To,

Dated 19 January, 2022

Dr. Bijaya kumar Behera, IES
Economic Adviser
Ministry of Panchayat Raj
Government of India
Tower-II, 9th Floor
Jeevan Bharti Building
New Delhi-110001

Subject:- To Nominate one Nodal officer to Co-ordinate With team of IIPA.

Context:- D.O. No. T- 11013/06/2021-AR & RS- of your office Dated 5th January' 2022.

As per your above mentioned Contextual Letter Mrs. Aziza Sarshar Zafar, Deputy Secretary. Posted in this office, has been nominated as Nodal officer to co-ordinate with Team IIPA.

Email ID of Mrs. Zafar :- mpsec@mp.gov.in

Telephone No:-0755-2556711


(B.S. Jamod)

Secretary
M.P. State Election Commission
Bhopal



Email



**STATE ELECTION COMMISSION
MAHARASHTRA**

No. SEC-2022/CR-3/Desk-2
New Administrative Building, First Floor,
Hutatma Rajguru Chowk,
Madame Cama Road, Mumbai 400 032.
Email : sec.mh@gov.in
Tel(O) : 022-22846720/ 22045589
Date: 11.01.2022

To,
Dr.V.N.Alok,
Associate Professor,
Indian Institute of Public Administration (IIPA),
Indraprastha Estate, Ring Road,
New Delhi-110002.
email: vnalok@gmail.com

Sub :- Appointment of Nodal Officer to co-ordinate with IIPA for a study titled
"Panchayat Elections in India"

Ref :- D.O.letter No.T-11013/6/2021-AR&RS dated 05.01.2022 of Dr.Bijaya
Kumar Behera, Economic Advisor, Ministry of Panchayati Raj, Government
of India, New Delhi

Sir,

With reference to above, we are pleased to furnish the details of our Nodal Officer as
below to co-ordinate and provide all necessary information required in the study of 'Panchayat
Elections in India'.

Shri. Atul G. Jadhav, Under Secretary,
State Election Commission, Maharashtra.
Email id : sec.mh@gov.in
Phone No.(Office) 022-22027737
Mobile No. : 09869815367

Thanking you,

Yours Sincerely,

(Ananti Sarwade-Aaher)
Assistant Commissioner

State Election Commission, Maharashtra.

Copy to :- Dr. Bijaya Kumar Behera, Economic Adviser, Ministry of Panchayati Raj,
Government of India, Tower-II, 9th floor, Jeevan Bharti Building, New Delhi -110001.
email: behera.bk@nic.in

2. Mr. Atul Jadhav, U.S, SEC
3. P A To Hon. Com & Secy.

TELANGANA STATE ELECTION COMMISSION
1st Floor, DTCP Building, A.C Guards, Hyderabad.

C.Partha Sarathi, IAS (Retd),
State Election Commissioner

Off:29801521, 29801523

Fax: 29801522

Email: sec.telangana@gmail.com

Website: tsec.gov.in

Dt: 10.01.2022

Lr.No.05/TSEC-Admin/2022

To
Ministry of Panchayath Raj,,
Government Of India,
Tower-II,9th Floor,Jeevan Bharti Building,
New Delhi.

Sir,

Sub:TSEC-Ministry of Panchayath Raj- Study on "Panchayat Elections in India" -
Appointment of Nodal officer- Sri N.Jayasimha Reddy, Officer-on-Special
Duty -TSEC-intimated- Reg.

Ref: D.O.No.T-11013/6/2021-AR&RS,Dated05.01.2022 from Ministry of
Panchayath Raj,GoI,New Delhi.

With reference your letter cited, it is to inform that the State Election
Commission,Telangana hereby nominates Sri N.Jayasimha Reddy, Officer-on-Special
Duty Telangana State Election Commission as Nodal officer to coordinate with the team
of IIPA, New Delhi. His contact details are: Phone No:91 9949588353,Email Id:
njayasimha@yahoo.com.

Yours faithfully,
Sd/-C.Partha Sarathi, IAS (Retd),
State Election Commissioner

Copy to:

Dr.V.N.Alok, Associate Professor,IIPA, Inra Prastha Estate, Ring Road, New Delhi,
Sri N.Jayasimha Reddy, OSD,TSEC for information and necessary cooperation.

//Attested//


Section Officer


10/01/22

प्रेषक,

कृष्ण कुमार गुप्त,
आई0ए0एस0,
संयुक्त निर्वाचन आयुक्त एवं सचिव,
राज्य निर्वाचन आयोग, उ0प्र0,
पी0सीएफ0 भवन, 32-स्टेशन रोड,
लखनऊ।

सेवा में,

डा0 बी0एन0 आलोक,
एसोसिएट प्रोफेसर,
आई0आई0पी0ए0, इन्द्रप्रस्थ स्टेट,
रिंग रोड, नई दिल्ली-110002

राज्य निर्वाचन आयोग, अनुभाग-1

लखनऊ: दिनांक 21 जनवरी, 2022

विषय:- "पंचायत इलेक्शन इन इण्डिया" विषय पर अध्ययन हेतु डाटा एवं सूचना उपलब्ध कराने के लिए नोडल अधिकारी नामित किये जाने विषयक।

महोदय,

कृपया उपर्युक्त विषयक पंचायती राज मंत्रालय, भारत सरकार, नई दिल्ली के डी0ओ0 पत्र संख्या-टी-11013/6/2021-ए0आर0एण्ड आर0एस0 दिनांक 05 जनवरी, 2022 का संदर्भ ग्रहण करने का कष्ट करें जिसके द्वारा संदर्भित विषय पर अध्ययन हेतु राज्य निर्वाचन आयोग, उ0प्र0 की ओर से सूचना एवं डाटा एकत्रित किये जाने हेतु नोडल अधिकारी नामित किये जाने के सम्बन्ध में है।

2- उक्त के सम्बन्ध में आयोग की ओर से श्री जगदीश प्रसाद जायसवाल, अनुभाग अधिकारी, अनुभाग-3 को नोडल अधिकारी नामित किया गया है। श्री जायसवाल की ई-मेल आई0डी0 एवं मोबाइल नं0 निम्नवत् है:-

1- ई-मेल आई0डी0-secup-election@up.gov.in

2- मोबाइल नं0-8765984086

भवदीय,

(कृष्ण कुमार गुप्त)

संयुक्त निर्वाचन आयुक्त एवं सचिव।

संख्या- / रा0नि0आ0अनु0-1 / 2022 तददिनांक।

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- आर्थिक सलाहकार, पंचायती राज मंत्रालय, भारत सरकार, टावर-II, नवाँ तल, जीवन भारती बिल्डिंग, नई दिल्ली-110001 को उनके अर्द्धशासकीय पत्र संख्या-टी-11013/6/2021-ए0आर0एण्ड आर0एस0 दिनांक 05 जनवरी, 2022 के क्रम में प्रेषित।
- 2- श्री जगदीश प्रसाद जायसवाल, अनुभाग अधिकारी, राज्य निर्वाचन आयोग, उ0प्र0 को पंचायती राज मंत्रालय, भारत सरकार के पत्र दिनांक 05 जनवरी, 2022 (छायाप्रति संलग्न) के अनुपालन हेतु।

(कृष्ण कुमार गुप्त)

संयुक्त निर्वाचन आयुक्त एवं सचिव।



STATE ELECTION COMMISSION, KERALA
THIRUVANANTHAPURAM-695033

No: B1/17/2022-SEC

Date:29/01/2022

From

Secretary

To

Dr.V.N Alok,
Associate Professor
Indian Institute of Public Administration (IIPA),
New Delhi-110002
email: vnalok@gmail.com

Sir,

Sub:- State Election Commission, Kerala - Study on Panchayat Elections in India - Nodal Officer nominated - Details of the officer furnishing of-Reg

Ref:- D.O.No.T-11013/6/2021-AR&RS, dated 05.01.2022 of Dr.Bijaya Kumar Behera, IES, Economic Advisor, Ministry of Panchayat Raj, Government of India

I am to invite your attention to the reference cited and to inform you that Shri Suresh Kumar A has been nominated to assist you in this regard. His contact details are as follows.

Address : Deputy Secretary, State Election Commission, Kerala
JANAHITHAM, T.C 27/6(2), Vikas Bhavan P. O,
Thiruvannathapuram-695033.

Phone: Office : 0471-2337884

Mobile: 9526425275

e-mail: cru.sec@kerala.gov.in

Yours faithfully,
Signature Not Verified
Digitally signed by A.SANTHOSH
Date: 2022.01.29 12:04:17 IST
Reason: Approved

A.Santhosh
Secretary

Copy to:

1.Dr.Bijaya Kumar Behera, IES, Economic Advisor,
Ministry of Panchayat Raj, Government of India.(with covering letter)

File No.B1/17/2022-SEC

2. Sri.Suresh Kumar.A,Deputy Secretary, State Election Commission.

'JANAHITHAM', T.C 27/6(2), VIKAS BHAVAN P. O, THIRUVANANTHAPURAM-695033,
Phone:0471-2325048(Administration),0471-2337884(Election)
e-mail:eru.sec@kerala.gov.in, website:www.sec.kerala.gov.in



State Election Commission, Haryana

Nirvachan Sadan, Sector- 17, Panchkula, Haryana - 134109

Website: www.secharyana.gov.in

Phone: +91 172 258 4810

Email id: sec@hry.nic.in

Fax: +91 172 258 5904

No. SEC/1Admn./2022/

To

Dr. Bijaya Kumar Behera, IES,
Economic Adviser,
Ministry of Panchayati Raj,
Government of India, Tower-II,
9th Floor, Jeevan Bharti Building,
New Delhi-110001.

Dated, Panchkula, the January, 2022.

Subject: Regarding nomination of Nodal Officer.

Respected Sir,

I have been directed to refer to your D.O. Letter No. T-11013/6/2021-AR&RS, dated 5th January, 2022 on the above subject and to inform that undersigned has been nominated as nodal officer to co-ordinate with the team of IIPA and also to provide all necessary data/information on the related matters. My contact detail is as under :-

Name of the Officer	Designation	Contact details
Smt. Anju Arora	Assistant State Election Commissioner	(Office): 0172-2584908 (Fax) : 0172-2585904 (Mobile): 9463655190 email id: asec.sec@hry.nic.in

Yours faithfully,

Assistant State Election Commissioner,
for State Election Commissioner, Haryana

Endst. No. SEC/1Admn./2022/ 47

Dated: 10-01-2022

A copy is forwarded to Dr. V. N. Alok, Associate Professor, IIPA, New Delhi (Indraprastha Estate, Ring Road, New Delhi-110002) w.r.t. the above referred communication for information.

Assistant State Election Commissioner,
for State Election Commissioner, Haryana

From

Director General,
Development and Panchayats Department, Haryana,
Chandigarh.

To

✓ Dr. Bijaya Kumar Behera, IES,
Economic Adviser,
Ministry of Panchayati Raj, Govt. of India,
Tower-II, 9th Floor, Jeevan Bharti Building
New Delhi. 110001.

Memo No. ECA-05-2021/1086

Dated: 07.01.2022

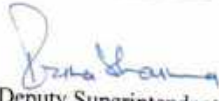
Subject:- Panchayati Raj Elections in India.

Ref:- Kindly refer to your office DO letter No. T-11012/6/2021-AR&RS dated 5.1.2022

Vide letter under reference you have requested to nominate nodal officer to co-ordinate with the team of IIPA, New Delhi and also to provide all necessary data /information to this Ministry by 10th January, 2022.

In this regard, the requisite information of Nodal officers is as below:-


Sr. No.	Name	Designation	Contact No.	Email id
1	Sh. M.L. Garg	Joint Director	9417373878	panchayatsdpt@gmail.com
2.	Sh. R. S. Sodhi,	Deputy Director Legal	9416586701	legaldl25@gmail.com


Deputy Superintendent (Election)
for Director General, Development and Panchayat Department,
Haryana, Chandigarh.

Endst. No. ECA-05-2021/1087

Dated: 07.01.2022

A copy of the DO letter dated 5.1.2022 received from the office of Dr. Bijaya Kumar Behera, IES, Economic Adviser, Ministry of Panchayati Raj, Govt. of India, Tower-II, 9th Floor, Jeevan Bharti Building, New Delhi. 110001 is forwarded to the **State Election Commission, Haryana Panchkula** alongwith the request to depute official/officer to co-ordinate with the team of IIPA and provide necessary data/information.
Encl:- As above


Deputy Superintendent (Election)
for Director General, Development and Panchayat Department,
Haryana, Chandigarh



STATE ELECTION COMMISSION, KARNATAKA

SEC.01.PS(MISC).2022

K.S.C.M.F. Building (Annexe)
No.8, 1st Floor, Cunningham Road,
Bangalore-560052, Dated: 10-01-2022
Ph: 080-22205189, Email: karsec@gmail.com

To,

Sri Bijaya Kumar Behera, I.E.S.
Economic Adviser
Ministry of Panchayati Raj
Government of India
Tower-II, 9th Floor,
Jeevan Bharti Building
New Delhi-110001

Sir,

Sub: "Panchayat Elections in India" – study and preparation
of Report - reg

Ref : Your letter No. DO No. T-11013/6/2021-AR&RS Dated:
05-01-2022.

0-0-0

With reference to the subject and mail cited above, in connection with the study titled "Panchayat Elections in India", the following nodal officer will coordinate with the team of IIPA, New Delhi and also provide all necessary data/information in this regard.

Name of the officer : Mrs. M P Ranjitha, KAS
Designation : Under Secretary
Email ID : karsec@gmail.com
Phone No : 080-22205189
Mobile No : 09739392318

Thanking you,

Yours faithfully,


Secretary
State Election Commission
Karnataka

Copy to :

1. Smt. M P Ranjitha, Under Secretary, State Election Commission for information.
2. Dr. N V Alok, Associate Professor, IIPA, New Delhi (Indraprastha Estate, Ring Road, New Delhi-110002)

File No.PAN/686/2022-E11(DP)

3

ERA



PAN/686/2022-E11(DP)

Office of the Director of Panchayats
Public Office P.O, 695033,
Thiruvananthapuram
directorofpanchayatsestt@gmail.com
0471-27786326 Date: 17/01/2022

Director of Panchayats

Additional Chief Secretary
Local Self Government Department.

Sir,

Subject: Department of Panchayats - Establishment - Nominating Nodal Officer to co ordinate with the study visit team from Indian Institute of Public Administration, New Delhi - orders forwarding of - Regarding.

Reference: 1. Letter No.LSGD-ERA1/5/2022/LSGD dated 07/01/2022 from LSGD Department, Government of Kerala.

2. Letter D.O.No.T-11/1/2021-AR&RS dated 04/01/2022 from the Ministry of Panchayat Raj.
3. This office order of even no.dated 17/01/2022.

Kind attention is invited to the references read above.

In continuation to the reference letter read as 1st above, Sri.P.M.Shafiq, Deputy Director of Panchayats, KILA,Thrissur has been nominated as nodal officer to co-ordinate with the study vist team led by Dr.V.N.Alok, Associate Professor IIPA, New Delhi. Further details are furnished below and enclosing herewith the copy of order referred 3rd above.

Name of the co-ordinator : Sri.P.M.Shafiq
Designation : Deputy Director of Panchayats, KILA,Thrissur.
Email ID : shafiq@kila.ac.in
Phone Nos : 98477 31594, 0487 - 2207003

Fax

: 0487 - 2201062

Yours Faithfully,

H. DINESHAN IAS
DIRECTOR OF PANCHAYATH

Signature valid

Digitally signed by Dineshan H
Date: 2022.01.16 21:49:36
PST
Reason: Approved



File No.PAN/686/2022-E11(DP)

PROCEEDINGS OF THE DIRECTOR OF PANCHAYATS
THIRUVANANTHAPURAM

Subject: Department of Panchayats -Establishment - Nominating Nodal Officer to co ordinate with the study visit team from Indian Institute of Public Administration, New Delhi - orders issued.

Reference: 1. Letter No.LSGD-ERA1/5/2022/LSGD dated 07/01/2022 from LSGD Department, Government of Kerala.

2. Letter D.O.No.T-11/1/2021-AR&RS dated 04/01/2022 from the Ministry of Panchayat Raj.

ORDER NO.PAN/686/2022-E11(DP) DATED: 17/01/2022.

As per the reference read as 1st above the Government of Kerala has been directed to nominate a Nodal Officer to co-ordinate with the team led by Dr.V.N.Alok, Associate Professor of Indian Institute of Public Administration, New Delhi in connection with a study titled 'Panchayats and Dispute Resolution' commissioned by The Ministry of Panchayati Raj, Government of India.

Sri. P.M.Shafeeq, Deputy Director of Panchayats, Kerala Institute of Local Administration, Thrissur is nominated as Nodal Officer to co-ordinate with the team of IIPA, New Delhi with the direction to extend necessary cooperation to the visiting team by providing all necessary data/information to accomplish the study within the timeline when the team lead by Dr.V.N.Alok contact/visits the State.

H. DINESHAN IAS
DIRECTOR OF PANCHAYATH

Copy to:-

- ✓ Additional Chief Secretary, Local Self Government Department (with C L).
2. The Director General, KILA, Thrissur.
3. Sri.P.M.Shafeeq, DDP KILA, Thrissur.
4. Stock File.

Signature valid

Digitally signed by Digvijayan H
Date: 2022.01.16 21:50:01
PST
Reason: Approved

WEST BENGAL STATE ELECTION COMMISSION
18, Sarojini Naidu Sarani
(Rawdon Street)
Kolkata – 700 017
Ph. No. 2280-5277; FAX- 2280-7373

No. 159-SEC/2A-12/2018

Date: 10.01.2022

From : The Secretary,
West Bengal State Election Commission

To : Dr. V.N. Alok, Associate Professor
IIPA, New Delhi
Indraprastha Estate, Ring Road
New Delhi – 110002

Sub: Nodal officer for “Panchayat Elections in India” Study

Sir,

With respect to above, I am directed to inform you that Shri Akash Goutam, Special Officer, West Bengal State Election Commission, Mobile No. – 8017320325, Email – sec_wb@nic.in/ akki3720@gmail.com shall act as the Nodal Officer on behalf of this Commission.

Yours faithfully,



Secretary
West Bengal State Election Commission

No. 159/1(3)-SEC/2A-12/2018

Date: 10.01.2022

Copy forwarded for information to the:

1. Dr. Bijaya Kumar Behara, IES, Economic Adviser, Ministry of Panchayati Raj, Government of India, Tower – II, 9th Floor, Jeevan Bharati Building, New Delhi – 110 001
2. Shri Akash Goutam, Special Officer, West Bengal State Election Commission
3. Sr P.A. to the Commissioner, West Bengal State Election Commission.


Secretary
West Bengal State Election Commission



ई0मेल

राज्य निर्वाचन आयोग, उत्तराखण्ड

निर्वाचन भवन, लाडपुर, मसूरी बाईपास, रिंग रोड, देहरादून।

दूरभाष : 0135-2673011, 2671671

टैलीफैक्स : 0135-2670998, 2678945

E-Mail : sec.uttarakhand@gmail.com

प्रेषक,

हिमाली जोशी पेटवाल,
उप सचिव।

सेवा में,

डॉ० बिजय कुमार बेहेरा, (आई0ई0एस0),
आर्थिक सलाहकार,
पंचायतीराज मंत्रालय,
भारत सरकार।
टॉवर-11, 9वीं तल, जीवन भारती बिल्डिंग,
नई दिल्ली-110001

संख्या ४३४ / रा०नि०आ०-२/१७४५/२०१४

दिनांक २८ जनवरी, २०२२

विषय:- भारत में पंचायत चुनाव के अध्ययन के अन्तर्गत नोडल अधिकारी नामित करने के संबंध में।

महोदय,

कृपया उपर्युक्त विषयक अपने अर्द्धशाकीय पत्र संख्या-T-11013/6/2021-AR&RS दिनांक 05 जनवरी, 2022 का सन्दर्भ ग्रहण करने का कष्ट करें जिसके द्वारा निर्वाचनों में सुधार किये जाने हेतु पंचायतीराज मंत्रालय ने "भारत में पंचायत चुनाव"के अध्ययन में प्राथमिक/गौण डेटा एकत्रित/आवश्यक सूचना प्रदान करने हेतु विभाग में एक नोडल अधिकारी नामित करते हुए नोडल अधिकारी का नाम, पदनाम के साथ ई-मेल, फोन नम्बर व फैक्स नम्बर आदि उपलब्ध कराये जाने का अनुरोध किया गया है।

अतः इस सम्बन्ध में आयोग की ओर से मुझे यह कहने का निदेश हुआ है कि भारतीय लोक प्रशासन संस्थान (Indian Institute of Public Administration) नई दिल्ली के साथ समन्वय करने एवं सभी आवश्यक सूचना प्रदान किये जाने हेतु अद्योहस्ताक्षरी को नोडल अधिकारी नामित किया गया है, जिसका विवरण निम्नानुसार है:-

क्र. सं.	नाम	पदनाम	मो०न०	ई-मेल	फैक्स न०
01	हिमाली जोशी पेटवाल	उप सचिव	9719158720	sec.uttarakhand@gmail.com sec-uttarakhand@uk.gov.in	0135-2662254 0135-2669619

भवदीया,

(हिमाली जोशी पेटवाल)
उप सचिव।

संख्या- / रा०नि०आ०-२/१७४५/२०१४ तददिनांक।

प्रतिलिपि:- Dr. V.N. Alok, Associate Professor, IIPA, New Delhi. Indraprastha Estate, Ring Road New Delhi-110002 को सूचनार्थ प्रेषित।

(हिमाली जोशी पेटवाल)
उप सचिव।

आवश्यक
पंचायत आम चुनाव, 2016



राज्य निर्वाचन आयोग,
बिहार
STATE ELECTION COMMISSION,
BIHAR

पत्र संख्या- पं0नि0 30-40/2016 - 2016
प्रेषक,

दुर्गेश नन्दन, (वि.प्र.से.)
सचिव,
राज्य निर्वाचन आयोग, बिहार, पटना।

सेवा में,

सभी जिला दण्डाधिकारी-सह-
जिला निर्वाचन पदाधिकारी (पंचायत)।

पटना, दिनांक - 16.3.2016

विषय : पंचायतों एवं ग्राम कचहरी का आम निर्वाचन, 2016 - निर्वाचन संचालन से संबंधित निदेश।

प्रसंग : आयोग का पत्रांक 428 दिनांक 08.02.2016

महाशय,

निदेशानुसार उपर्युक्त विषय के संबंध में कहना है कि पंचायत निर्वाचन संचालन हेतु प्रारंभिक पत्र की कंडिका (8)(1) में अभ्यर्थियों की सूची प्रपत्र-9 तैयार करने के संबंध में स्पष्ट निदेश दिये गये हैं। कतिपय जिला पदाधिकारियों द्वारा सूची में निर्वाचन लड़ने वाले अभ्यर्थियों का नाम देवनागरी लिपि में हिन्दी में नाम के प्रथम अक्षर के वर्ण-क्रमानुसार नाम, पता सहित उल्लिखित करने के संबंध में पूछा जा रही है।

बिहार पंचायत निर्वाचन नियमावली, 2006 के नियम 43 (2) उद्धृत हैं -

"उक्त सूची में निर्वाचन लड़ने वाले अभ्यर्थियों का नाम देवनागरी लिपि में हिन्दी में नाम के प्रथम अक्षर के वर्ण-क्रमानुसार नाम, पता सहित अन्तर्विष्ट होगा परन्तु यदि दो या दो से अधिक अभ्यर्थियों का प्रथम नाम एक ही हो तो नाम निर्देशन पत्र प्राप्ति के क्रम संख्यानुसार उनका वर्णानुक्रम तय करते हुए अलग-अलग पहचान के लिए उनके नाम के रामक्ष कोष्टक में क्रमशः (1), (2), (3) आदि अंकित किया जायेगा जिसकी सूचना संबंधित अभ्यर्थी को आयोग द्वारा विहित रीति से दी जायेगी।"

उपर्युक्त नियम के आलोक में आयोग का स्पष्ट निदेश है कि निर्वाचन लड़ने वाले अभ्यर्थियों का नाम देवनागरी लिपि के अनुसार हिन्दी वर्णानुक्रम में नाम के सिर्फ प्रथम अक्षर का ही ध्यान रखा जाना है। यदि दो या दो से अधिक अभ्यर्थी का भी प्रथम अक्षर समान हो तो नाम निर्देशन पत्र प्राप्ति के क्रम संख्यानुसार उनका वर्णानुक्रम तय करते हुये अन्तर्विष्ट होंगे।

जहाँ तक दो या दो से अधिक अभ्यर्थियों का नाम एक होने से संबंधित है वहाँ स्पष्ट है कि जब नाम एक समान हो तो अलग-अलग पहचान सुनिश्चित करने के लिए उनके नाम के रामक्ष कोष्टक में क्रमशः (1), (2), (3) आदि अंकित किया जायेगा (परन्तु यहाँ भी नाम के सिर्फ प्रथम अक्षर का ही ध्यान रखा जायगा)।

अनुरोध है कि तमनुसार कार्रवाई की जाय।

विश्वसिभाजन,
सचिव।