



REFORMS ON MUNICIPAL ELECTIONS - GS II MAINS

Q. Comprehensive reforms are needed for Municipal Elections in India to ensure transparency, fairness, and accountability. Elucidate (15 marks, 250 words)

News: *It is time for comprehensive reforms to municipal elections: Data*

What's in the news?

- Elections to the Lok Sabha and State Assemblies are exemplary democratic processes known for their punctuality, well-organized procedures, and seamless transitions of power.
- However, when it comes to elections for grassroots governments like panchayats and municipalities, the scenario is entirely different.

Reports from Janaagraha's Annual Survey of India's City-Systems 2023:

- According to the study, over 1,400 municipalities in India did not have elected councils in place as of September 2021. This indicates a significant and widespread issue across the country.
- Delayed elections can have serious implications for local governance and democracy. It can lead to a lack of representation for citizens, hindering their ability to participate in decision-making processes that directly affect their communities.
- Timely elections are crucial for ensuring effective and accountable municipal governance.

Judicial Stand:

- The delay in holding municipal elections is stated to violate the Constitution of India. As highlighted in the 'Suresh Mahajan' judgment by the Supreme Court of India, the constitution unequivocally states that elections to municipalities should not be delayed under any circumstances, emphasizing the obligation of state governments and State Election Commissions to ensure the timely election of local bodies.

CAG's Performance Audit Report on Unelected Urban Local Government Councils:

1. Delayed Elections:

- The CAG audit reports of 17 states highlight that over 1,500 municipalities did not have elected councils in place during the audit period of 2015-2021.
- This indicates a widespread problem across states in conducting timely municipal elections as mandated by the 74th CAA.

2. Council Formation:

- Even in cases where elections were held, there were delays in constituting councils and electing mayors, deputy mayors, and standing committees.



- In Karnataka, there was a significant delay of 12-24 months in forming elected councils across 11 city corporations.

3. Regional Disparities:

- The report highlights regional differences in the extent of delays, with Chandigarh experiencing a relatively shorter delay of 12 days compared to other regions.

4. Data Accessibility Issues:

- The report mentions difficulties in accessing summary data on the making of councils and the election of mayors, deputy mayors, and standing committees, indicating potential challenges in transparency and accountability in the electoral process.

Challenges to Municipal Elections:

1. Enforcement for Timely Elections:

- The first challenge identified is the need for determined enforcement to ensure timely elections for urban local governments.
- Article 243U of the 74th Constitution Amendment Act specifies that the duration of urban local governments is five years, and elections should be completed before the expiry of this duration.

2. Non-Compliance by State Governments:

- Despite the Supreme Court's clear stance regarding timely elections, state governments are non-compliant.

3. Discretion of Government Officials:

- One aspect of the challenge involves the discretion of government officials in scheduling elections on time.
- There is a concern that officials may have the discretion to delay elections, which could undermine the democratic process.

4. Possibility of Undue Influence:

- There is a concern about the possibility of state governments exerting undue influence on officials to delay elections for various reasons, which could compromise the fairness and integrity of the electoral process.

5. Issue with Manual Ballot Paper-Based Process:

- The use of a manual ballot paper-based process for elections is also mentioned as a challenge.
- Such a process may be prone to errors and manipulation, highlighting the need for modernization and digitization of the electoral process.

6. Issues with Short Terms:

- The terms being less than five years exacerbate the challenge of conducting frequent elections.



- This is particularly relevant as 17% of cities in India, including five of the eight largest ones, have mayoral terms of less than five years.

Importance of Municipal Elections:

1. Democratic Significance:

- Lok Sabha and State Assembly elections ensure smooth power transitions.
- Municipal elections, crucial for local governance, face persistent challenges.

2. Supreme Court's Observations:

- Chandigarh mayoral election judgement highlights broader reform needs.
- Municipal elections require as much attention as state and national polls.

3. Local Governance Impact:

- Efficient municipal elections ensure effective grassroots governance.
- Timely elections promote accountability and community engagement.

4. Comparison with State Elections:

- Lok Sabha and State Assembly elections are well-coordinated democratic exercises.
- Municipal elections often face administrative and procedural hurdles.

5. Public Participation:

- Local elections provide citizens with a direct voice in governance.
- Empowering municipalities strengthens democratic foundations.

Suggestive Measures:

1. Empowering SECs:

- To deal with the challenges effectively, SECs need to play a more significant role in overseeing the electoral process.
- Articles 243K and 243ZA of the Constitution mandate that SECs have the superintendence, direction, and control over the preparation of electoral rolls and the conduct of elections to panchayats and urban local governments.

2. Empowerment for Ward Delimitation:

- Only 11 out of 35 states and union territories have empowered SECs to conduct ward delimitation.
- Ward delimitation is crucial for ensuring fair and equitable representation in municipal elections.
- SECs should be granted greater authority, including the power to conduct ward delimitation



3. SECs Vs. ECI:

- The courts have emphasized that SECs enjoy the same status as the Election Commission of India in the domain of elections to panchayats and urban local governments under Part IX and Part IXA of the Constitution.
- This underscores the significance of SECs and their authority in ensuring free, fair, and transparent elections at the local level.

4. Role in Electoral Oversight:

- SECs should actively oversee the electoral process, including the preparation of electoral rolls, conduct of elections, and enforcement of election laws.
- This proactive role is essential for maintaining the integrity and credibility of municipal elections.

Comprehensive reforms are needed for Municipal Elections in India, addressing delays, enforcing constitutional mandates, empowering State Election Commissions, and modernizing electoral processes to ensure transparency, fairness, and accountability.

