



Local Body Elections Conundrum

This editorial is based on [Grassroots peace](#) which was published in The Indian Express on 20/06/2023. It talks about problems of political violence in the local government election.

For Prelims: [State election commission](#), [Model Code of Conduct \(MCC\)](#)

For Main: Causes and consequences of political violence, need to strengthen state election commission.

A [state election commission](#) is an **autonomous and constitutional body** that is responsible for conducting elections for **urban local bodies and panchayats** in a state. The state election commissioner is **appointed by the governor of the state** and cannot be removed from office except on the grounds and manner specified for a judge of a high court. A state election commission **ensures that elections are conducted in a free, fair and unbiased way** and also updates the electoral rolls and implements the model code of conduct.

Local body elections are an important aspect of democracy in India, as they empower the people at the grassroots level to participate in governance and development. However, in some states, such as West Bengal, these elections witnessed political violence and intimidation, which undermine the democratic process and the rule of law.

What are the Causes and Consequences of Local Election Violence?

▪ Causes:

◦ **Competition for Power and Resources:**

- When elections are seen as a **zero-sum game**, where the **winner takes all and the loser gets nothing**, the stakes are high and the incentives for violence are strong. This can lead to **intimidation, harassment, or assassination of political opponents, supporters**, or electoral officials.

◦ **Ethnic or Religious Polarization:**

- When elections are along **ethnic or religious lines**, they can exacerbate existing cleavages and grievances, and **create a sense of existential threat for some groups**.
- This can lead to hate speech, discrimination, or communal clashes.

◦ **Weak Institutions and Rule of Law:**

- When elections are not well-managed, transparent, or credible, they can **undermine trust and legitimacy in the electoral process** and the outcome.
- This can lead to protests, riots, or rejection of results by the losing side.

◦ **Other Forms of Organized Violence:**

- When elections take place in contexts where there is **ongoing civil war, insurgency, terrorism, or criminality**, they can be affected by these forms of

violence or trigger new ones.

- This can lead to disruption, sabotage, or coercion of the electoral process or the voters.

▪ **Consequences:**

◦ **Violate Human Rights and Dignity:**

- Political violence can cause **physical harm, psychological trauma, displacement, or death** for the victims and their families.

◦ **Undermine Electoral Integrity and Accountability:**

- Political violence **can distort the will of the people, reduce voter turnout,** or influence voting behavior through fear or favor.
- It can also prevent effective monitoring, observation, or adjudication of electoral disputes.

◦ **Erode Trust and Social Cohesion:**

- Political violence **can damage the reputation and legitimacy of the electoral institutions and the elected representatives.**
- It can also increase **polarization, resentment, or hostility** among different groups in society.

◦ **Impede Development and Stability:**

- Political violence can **disrupt economic activities, public services, or infrastructure.**
- It can also **create insecurity, uncertainty, or instability** that can deter investment, growth, or cooperation.

What is the Role of the State Election Commission in Containing Violence?

- The role of the State Election Commission (SEC) in containing political violence is to ensure that elections are **conducted in a free, fair and unbiased way.**
- The SEC has the **power of superintendence, direction and control** of the preparation of electoral rolls for, and the conduct of all elections to the Panchayats and the Municipalities.
- The SEC **also implements 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.
- The SEC **can cancel polls in case of booth capturing, rigging, violence** and other irregularities.
- The SEC is **expected to act as an independent and impartial constitutional authority** that safeguards the democratic rights of the people.

What are Challenges with Functioning of SEC?

▪ **Lack of Autonomy:**

- Although the state election commission on many occasions tried to exercise its duties enshrined in the constitution of India, they struggled to assert their independence. For example:
 - **In Maharashtra,** SEC had asserted that he **should have the power to hold elections** to the offices of mayor, deputy mayor, sarpanch and deputy sarpanch.
 - On the contrary, he was arrested and sent to jail for two days in March 2008 after the Legislative Assembly found him guilty of breach of privilege in an alleged conflict over his jurisdiction and powers.

▪ **Lack of Safeguard for SEC:**

- Though the 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 (Art 243K(2)), yet it has been diluted on many instances.
- In the **Aparnita Prasad Singh vs. State of U.P. (2007)** the Allahabad High Court held that **if the Governor has power to fix or prescribe tenure by rule,** he also **enjoys the power to amend the rule,** either for extending the term of the tenure or reducing the same.
- Once the prescribed tenure comes to end, the incumbent **SEC must cease to hold office, and this shall not amount to removal** from office.

▪ **Non-Uniform Service Conditions for SECs:**

- **Article 243K(2) states** that the tenure and appointment will be directed as per the law made by the state legislature and thus each SEC is governed by a separate state Act.
- This gives power to states to amend rules unilaterally and even sometimes take ordinance routes to bypass legislative scrutiny **like the recent example of Andhra Pradesh SEC.**

What are the Measures to Strengthen the SEC?

Strengthening state election commission can help in improving the quality and credibility of local elections, as well as preventing or reducing political violence. Some of the possible ways to strengthen state election commission are:

- **Ensuring Adequate Resources and Staff:**
 - State election commission **should have sufficient funds, personnel, equipment, and infrastructure** to carry out its functions effectively and efficiently.
 - The governor should make available to the state election commission such staff as may be necessary for the discharge of its functions.
- **Enhancing Independence and Accountability:**
 - State election commission **should be free from any political interference, pressure, or influence** from any source.
 - State election commissioner should not be removed from office except on the grounds and manner specified for judge of high court. State election commission should also be accountable to the public and the law for its actions and decisions.
- **Improving Electoral Management and Dispute Resolution:**
 - State election commission **should adopt best practices and standards for electoral management, such as voter registration, voter education, polling arrangements, counting,** and declaration of results.
 - State election commission **should also have effective mechanisms for resolving electoral disputes, complaints, and grievances** in a timely and impartial manner.

Drishti Mains Question:

Discuss the role and significance of State Election Commissions in ensuring free and fair elections at the local level in India. What are the challenges faced by them and what steps have been taken to address them?

UPSC Civil Services Examination Previous Year's Question (PYQs)

Prelims:

Q. The Constitution (Seventy-Third Amendment) Act, 1992, which aims at promoting the Panchayati Raj Institutions in the country provides for which of the following? (2011)

1. Constitution of District Planning Committees.
2. State Election Commissions to conduct all panchayat elections.
3. Establishment of State Finance Commissions.

Select the correct answer using the codes given below:

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Ans: (c)

Exp:

- Article 243ZD of the 74th Constitutional Amendment Act, 1992 related to municipalities provides that every State at the district level shall constitute a District
- Planning Committee, which would be responsible for consolidation of development plans prepared by the Panchayats and the Municipalities through proposing a development plan for the district as a whole. Hence, 1 is not correct.
- Article 243K of the 73rd Constitutional Amendment Act, 1992 mandates that 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. Hence, 2 is correct.
- Article 243I of the 73rd Constitutional Amendment Act, 1992 says that at the expiration of every fifth year; the Governor shall constitute a State Finance Commission to review the financial position of the Panchayats. It will make recommendations to the Governor in matters of distribution and possible allocation appropriation of the net proceeds of the taxes, duties, tolls and fees between the State and the Panchayats and the grants-in-aid to the Panchayats from the Consolidated Fund of the State. Hence, 3 is correct.
- Therefore, option (c) is the correct answer.

Mains

Q. Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct. **(2022)**

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