

UNIT-4

District's Administration head: Role and Importance

District administration is the execution branch of the state government and supervises local governments, both urban and rural. The primary concern of the district administration is to ensure public safety, the protection of citizens and all their rights.

The District Collector is the head of District administration. He/she generally comes from the Indian Administrative Service(IAS). He /She also called the Deputy Commissioner or District Magistrate. The District Collector has a set of officers to assist him/her in official works.

The role played and the functions performed by the District Collector in district administration can be studied under the following heads.

Revenue Administration

As the head of revenue administration in district, the Collector is responsible for the following functions:

1. To collect land revenue.
2. To collect other government dues.
3. To distribute and recover taccavi loans.
4. To maintain land records.
5. To collect rural statistics.
6. To exercise the power of land acquisition officer, that is, acquiring land for the purpose of colonisation, industry, slum clearance, capital construction and so on.
7. To implement land reforms.
8. To look after the welfare of the agriculturists.
9. To make an assessment of losses of crops and recommend relief during natural calamities like fire, drought and flood.
10. To enforce Stamp Act.
11. To pay rehabilitation grant.
12. To manage government estates.
13. To hear revenue appeals against the orders of lower authorities.

Law and Order Administration

The maintenance of law and order in district is the principal duty of the District Collector. For this purpose, the district police force headed by the District Superintendent of Police is kept under the control, supervision and direction of the district magistrate.

The District Collector in his capacity as the district magistrate performs the following functions:

1. To control and supervise the subordinate magistracy.

2. To issue orders when there is threat to public peace and order under section 144 of the Criminal Procedure Code.
3. To release prisoners on parole.
4. To inspect the jails.
5. To submit an annual criminal report to the government.
6. To grant, suspend or cancel many kinds of licenses like hotel, explosives, petroleum and others.
7. To control and direct the action of district police.
8. To call the armed forces to aid and assist the civil administration to deal with any abnormal situation in the district.
9. To prosecute offenders under the Factories Act and Trademark Act.

Development Administration

At the district level the District Collector should be the captain of the teams of all developments and should be made fully responsible for securing the necessary coordination and cooperation in the preparation and execution of the district plans for community development.

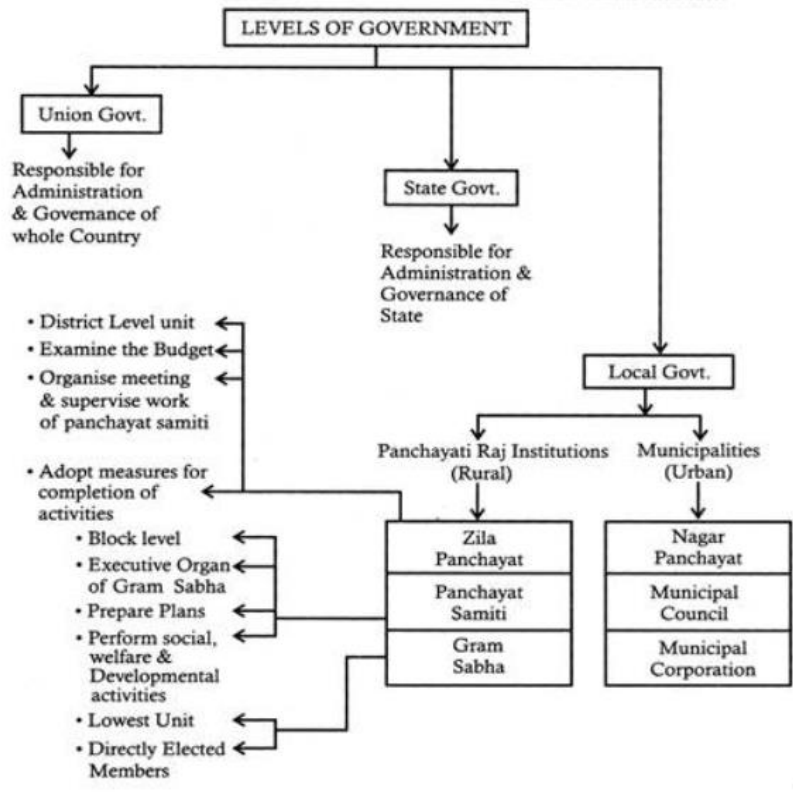
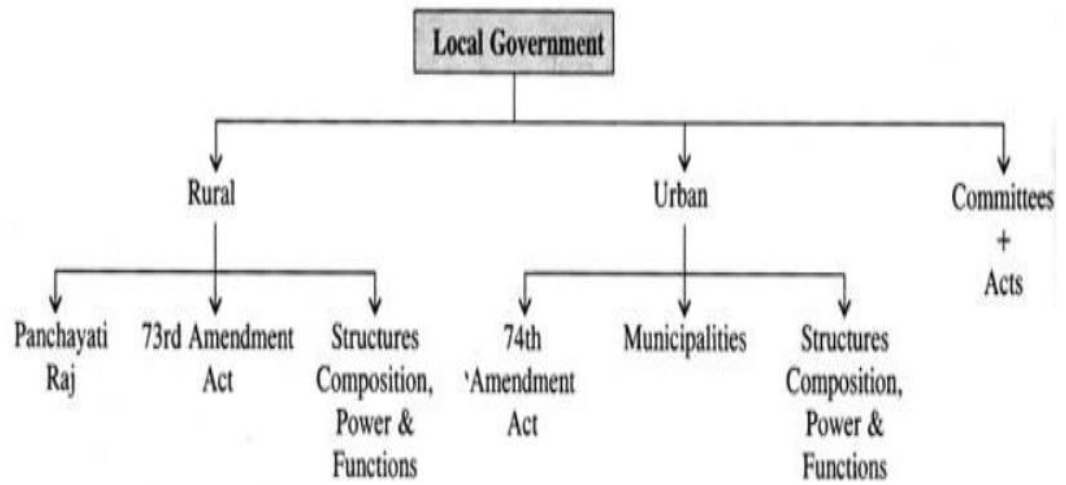
Other Powers and Functions

In addition to the above, the Collector also performs the following functions:

1. He acts as the Returning Officer for elections to parliamentary and state assembly constituencies. Hence, he coordinates the election work at the district level.
2. He acts as the District Census officer. Hence, he conducts the census operations once in ten years.
3. He presides over the District Plan Implementation Committee.
4. He acts as the official representative of the state government during ceremonial functions in the district.
5. He acts as a kind of buffer between citizens and administration in the district.
6. He supervises the municipal administration in the district.
7. He acts as the Public Relations Officer of the government.
8. He acts as the crisis administrator-in-chief during natural calamities and other emergencies.
9. As a head of district administration, he deals with personnel matters of the district staff.
10. He is responsible for civil supplies—food and other essential commodities.
11. He handles work pertaining to civil defence.
12. He maintains liaison with military authorities and looks after the welfare of both serving and retired members of the armed forces.


Local Self - Government:

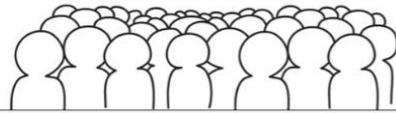
1. The local self-Government includes both rural and urban government.
2. It is the third level of the government.
3. There are 2 types of local government in operation – panchayatas in rural areas and Municipalities in urban area.
4. Lord Rippon is Known as the Father of the local self-Government.



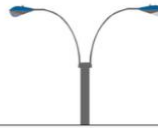


Federalism

 Schools, hospitals, public transports like railways, airports, highways, road safety rules etc



LOCAL GOVERNMENT

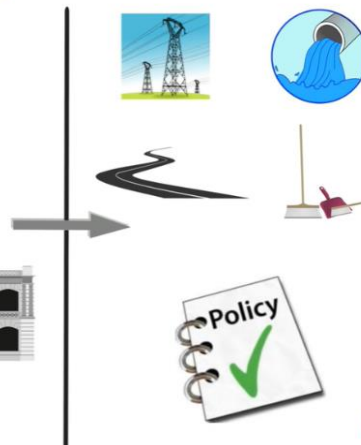


LOCAL GOVERNMENT TYPES

Panchayati Raj

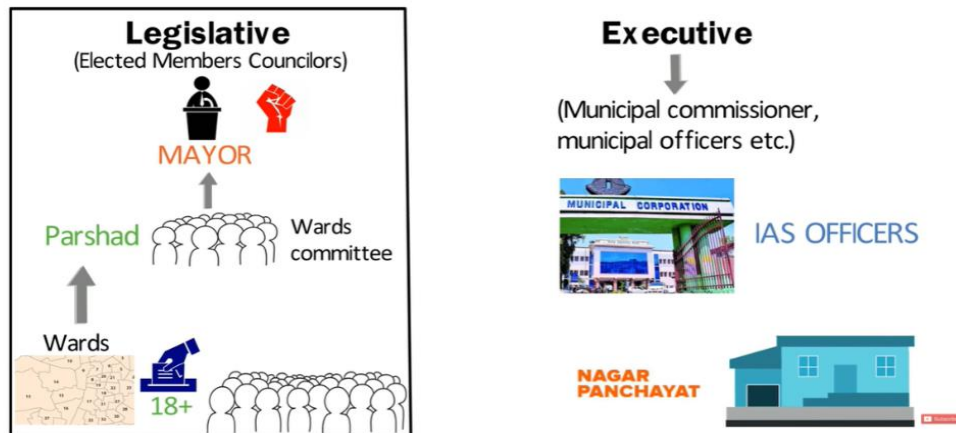


Municipalities



Municipalities

STRUCTURE OF MUNICIPALITIES



Municipalities



1992, 74th
Constitutional
amendment Act

NAGAR PANCHAYAT

(City Council)
(Nagar Parishad)



MUNICIPAL COUNCIL

(Nagar Palika)
(Nagar Palika Parishad)



MUNICIPAL CORPORATION

(Mahanagar Palika)
(Nagar Nigam)



1. The Municipalities are the **Local self-government** units in the urban areas.
2. The Municipalities are added in the Constitution through the **74th amendment act**.
3. The Municipalities are mentioned in the **12th Schedule** of the Constitution.
4. They are mentioned under **Part IX-A** of the [Indian Constitution](#).
5. The Articles from **243 P to 243 ZG** are related to Municipalities

Background:

- The **1st Municipal Corporation** in India was set up in the year 1687, in Madras.
- In the year 1726 municipal corporations were set up in Bombay and Calcutta.
- In the year 1882, the viceroy of India **Lord Rippon** issued a resolution of Local Self government.

Constitutional Status To Municipalities:

- Rajiv Gandhi was the first Prime Minister who made an attempt to provide the constitutional status to the Municipalities.

- In the year 1989, the **65th Constitutional amendment bill (Nagar Palika bill)** was **introduced in Parliament**.
- The Nagar Palika was passed in the Lok Sabha.
- But the Nagar Palika bill was rejected by the Rajya Sabha in October 1989.

NOTE: These are similar incidents like that of the 64th amendment bill.

NOTE: A Constitutional amendment bill must be passed separately by both the houses of the Parliament with a special majority.

- Hence the Nagar Palika bill lapsed.
- In the year 1991 P V Narasimha Rao became the Prime Minister of India.
- In September 1991 the **74th Constitutional amendment bill** was introduced in Lok Sabha.
- The amendment bill was passed by both the houses of the Parliament in December 1992.
- Later the bill was approved by the half number of the states with a simple majority.
- The bill was given consent by the President in April 1993.

NOTE: Similar to that of 73rd amendment.

74TH AMENDMENT ACT:

- A new part IX-A has been added.
- This came into force on June 6, 1993.
- This consists of provisions from articles 243 P to 243 ZG.
- The act also added the 12th schedule to the constitution.
- The 12th schedule consists of **18 items**.
- It is an obligation to the states to adopt the new system of municipalities in accordance with the provisions of the 74th amendment act

Salient Features of The 74th Amendment Act:

The act created 3 types of municipalities.

- 1. Nagar Panchayat**
- 2. Municipal Council**
- 3. Municipal Corporation**

Article 243Q makes it obligatory for every state to constitute such units. Article 243Q of the 74th Amendment requires that municipal areas shall be declared having regard to the population of the area, the density of population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as may be specified by the state government by public notification for this purpose.

- Nagar Panchayat is a transitional area. This is an area in transition from a rural to an urban area.

- Municipal council is a smaller urban area.
- A Municipal Corporation is a larger urban area.
- To conduct elections at regular intervals entire municipal area is divided into wards.
- The members of a municipality shall be elected directly by the people.
- The legislature of a State may by law provide for representation in the municipality
- With persons of special knowledge or experience in Municipal administration
- Members of Lok Sabha – representing the constituency of that area.
- Members of Rajya Sabha – registered as an elector in the municipal area.
- Members of State Assembly – representing the constituency of that area.
- Members of Legislative Council – registered as an elector in the municipal area.
- The chairpersons of committees other than ward committees.

Reservation of Seats:

- There shall be a reservation of seats for the Scheduled Castes and Scheduled Tribes in every Municipality in the proportion of their population.
- Out of the total number of seats to be filled by direct election at least **1/3rd** seats would be reserved **for women**, including the number of seats reserved for the women belonging to SC and ST.
- **Note: 112th amendment bill with a proposal of increasing the reservation for women in Municipalities from 1/3rd to ½ at all levels is pending in the Parliament.**
- The reservation of **backward classes** may be provided by the state legislature.
- The state legislature may also provide reservation of offices of the chairpersons in municipalities for the backward classes.

Term:

- The term of every municipality is **5 years**.
- A Municipality may be dissolved earlier according to law.
- Elections to constitute a Municipality shall be completed before the expiry of the period of 5 years.
- If a Municipality is dissolved earlier the elections must be conducted within 6 months of the dissolution.
- A Municipality constituted after its dissolution shall continue only for the remainder of the term.
- If the remaining period is less than 6 months it shall not be necessary to hold elections.

Qualifications:

- Article **243V** provides that all the persons who are qualified to be chosen to the state legislature shall be qualified for being a member of a Municipality.
- The persons who have attained the age of 21 years will be eligible to be a member.
- **Note:** All the questions of disqualification shall be referred to such authority as the state legislature determines.

The State Election Commission:

- Under **Article 243 K** the State Election Commission is appointed.
- All matters relating to the elections to the Municipalities are regulated by the state legislature by law.

Note: The **State Election Commission conducts the elections to both** Municipalities and Panchayats.

- The State Election Commissioner is appointed by the Governor.
- The State Election Commissioner is removed in the same manner like that of a [High Court](#) Judge.

Powers, Authority, And Responsibilities:

According to Article 243W of the Constitution, state legislatures are provided with the power to confer on Municipalities all such powers and authority as may be necessary to enable them to function as institutions of self-government.

- To prepare plans for economic development and social justice
- Implementation of schemes as may be entrusted to them
- Other matters related to the items listed in the 12th schedule of the Indian Constitution.

Financial Functions:

- A state legislature may by law authorize a Municipality to levy, collect, and appropriate taxes, duties, tolls, etc.
- The state legislature can also assign to a Municipality various taxes, duties, etc collected by the state government.
- On the recommendation of the State Finance Commission state government gives the Grants-in-aid to the Municipalities from the Consolidated Fund of a State.

State Finance Commission:

- The State Finance Commission is appointed under article 243 – I of the Indian Constitution.
- The State Finance Commission reviews the financial position of both Municipalities and Panchayats.
- The State Finance Commission recommends the distribution of taxes, duties, tolls, and fees leviable by the state government may be divided between the state and the Municipalities.
- Grants-in-aid to be given to the Municipalities.
- The measures needed to improve the financial position of the Municipalities.
- **NOTE:** The same State Finance Commission serves the purpose of both Municipalities and Panchayati Raj.

Subjects in the 12th Schedule(Article 243 w):

It contains 18 functional items which is covered in Article 243 (W). They are as follows

1. Urban planning including town planning
2. Regulation of land use and construction of buildings
3. Planning for economic and social development
4. Roads and bridges
5. Water supply for domestic, industrial and commercial purposes
6. Public health, sanitation, conservancy, and solid waste management
7. Fire services
8. Urban forestry, protection of environment and promotion of ecological aspects
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded
10. Slum improvement and up-gradation
11. Urban poverty alleviation
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds
13. Promotion of cultural, educational and aesthetic aspects
14. Burials and burial grounds, cremations and cremation grounds, and electric crematoriums
15. Cattle ponds, prevention of cruelty to animals
16. Vital statistics including registration of births and deaths
17. Public amenities including street lighting, parking lots, bus stops and public conveniences
18. Regulation of slaughterhouses and tanneries.

Types of Urban Governments:

There are various types of urban governments:

1. Municipal corporations
2. Municipalities (*Municipal Council, Municipal Board, Municipal Committee*)
3. Notified area committees
4. Town area committees
5. Cantonment board
6. Township
7. Port trust
8. Special purpose agency

MUNICIPAL CORPORATION:

- a) The Municipal Corporations are established in the states by the acts of the state legislatures.
- b) The Municipal Corporations are established in the Union Territories through the acts of the Parliament.
- c) Municipal Corporations are created for the administration of big cities.
- d) The State Election Commission conducts the elections for a Municipal Corporation.
- e) For that purpose the total area is divided into the wards.
- f) The people in each ward elect a representative called Corporator / Councillor.

A Municipal Corporation consists of three different authorities.

1. Council
2. Standing committees
3. Municipal Commissioner

COUNCIL:

- The council consists of the members directly elected by the people.
- The council is the deliberative and legislative wing of the Corporation.
- The council is headed by a Mayor.
- The election of the Mayor is decided by the state legislature.
- If it is an indirect election the Mayor is elected from among the members of the council.
- The meetings of the council are presided over by the Mayor.
- The Mayor is assisted by the Deputy Mayor.

STANDING COMMITTEES:

- The standing committees are large in size.
- They are created to facilitate the working of the council.
- The standing committees take decisions in their respective fields like education, health, taxation, Public works, finance etc.

MUNICIPAL COMMISSIONER:

- The Municipal Commissioner is appointed by the State Government.
- The Municipal Commissioner belongs to the IAS.
- The Municipal Commissioner is the chief executive authority of the Municipal Corporation.
- The Municipal Commissioner is responsible for the implementation of the decisions taken by the council and the standing committees.

Municipalities:

1. The Municipalities are established up by the acts of state legislatures.
2. The Municipalities set for the administration of small cities and towns.
3. For the Union Territories, the municipalities are set up by the acts of the Parliament.
4. The State Election Commission conducts the elections for a Municipality.
5. For that purpose the total area is divided into the wards.
6. The people in each ward elect a representative called Councilor.

A Municipality consists of three different authorities.

- I. Council
- II. Standing committees
- III. Chief Executive Officer / Municipal Commissioner

COUNCIL:

- The council consists of the members directly elected by the people.
- The council is the deliberative and legislative wing of the Municipality.
- The council is headed by a Chairman or President.
- The election of the Chairman is decided by the state legislature.
- If it is an indirect election the Chairman is elected from among the members of the council.
- The meetings of the council are presided over by the Chairman.
- The Mayor is assisted by the Vice-Chairman.

STANDING COMMITTEES:

- The standing committees are large in size.
- They are created to facilitate the working of the council.
- The standing committees take decisions in their respective fields like education, health, taxation, Public works, finance, etc.

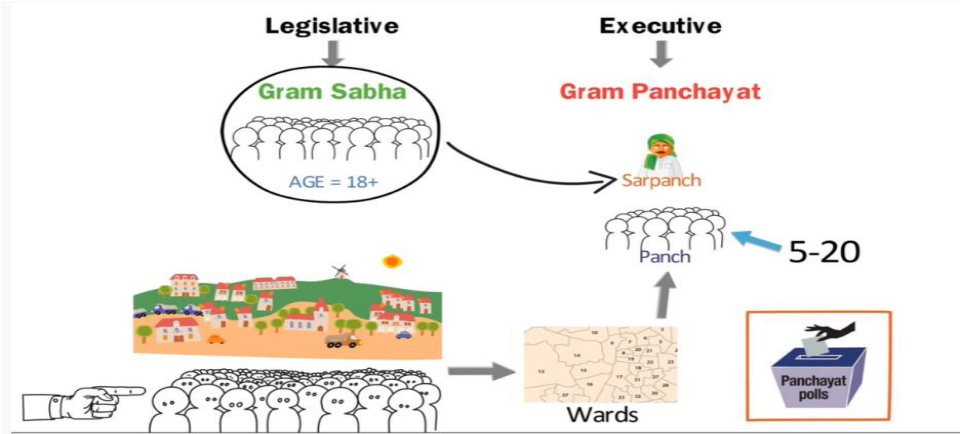
THE MUNICIPAL COMMISSIONER OR CHIEF EXECUTIVE OFFICER:

- The Municipal Commissioner is appointed by the state government.
- The Municipal Commissioner is responsible for day to administration.

MISCELLANEOUS:

- a) The election of Mayor is conducted first, followed by that of Deputy Mayor.
- b) District Collector is appointed the election officer or returning officer by the State Election Commission.
- c) All the Corporators and the ex-Officio members including MPs, MLAs, and MLCs can vote in the election of the Mayor and the Deputy Mayor.
- d) The nominated corporators are not permitted to vote.
- e) But, the co-opted members cannot vote in the election of the Mayor or Deputy Mayor.
- f) The election of Mayor is followed by the election of Deputy Mayor.
- g) Election of Mayor and Deputy Mayor: Once the presiding officer calls for proposals, a member can propose followed by another member seconding it. If there is a single nomination the election is over. If there is more than one person contesting then there would be counting.
- h) The parties can also issue whip to its members.

Panchayat Raj



WORKING OF GRAM PANCHAYAT



Gram Sabha Meeting
4 Times in
a Year



A three-tier structure of the Indian administration for rural development is called Panchayati Raj. The aim of the Panchayati Raj is to develop local self-governments in districts, zones and villages.

Balwant Rai Mehta was a parliamentarian who is credited for pioneering the concept of the Panchayati Raj in India and was also known as the 'Father of Panchayati Raj'.

Importance of Panchayatiraj:

Panchayati Raj institutes village local government that plays a significant role in the development of villages especially in areas like primary education, health, agricultural developments, women and child development and women participation in local government, etc.

Introduction to Panchayati Raj

Rural development is one of the main objectives of Panchayati Raj and this has been established in all states of India except Nagaland, Meghalaya and Mizoram, in all Union Territories except Delhi. and certain other areas. These areas include:

- a. The scheduled areas and the tribal areas in the states
- b. The hill area of Manipur for which a district council exists and
- c. Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists

Evolution of Panchayati Raj(Part IX of the Constitution)

•The Narasimha Rao Government introduced the Constitutional Amendment Bill in the Lok Sabha in September, 1991.

•It was passed by the Lok Sabha on 22nd December, 1992 and by the Rajya Sabha on 23rd December. Later it was, approved by the 17 State Assemblies and received the assent of the President of India on 20th April, 1993.

•Thus, it emerged as the 73rd Constitutional Amendment Act, 1992 and came into force on 24th April, 1993.

•Rajasthan was the first state to establish the institution of Panchayati Raj in Nagpur District in 1959. Rajasthan was followed by Andhra Pradesh

There were a number of committees appointed by the Government of India to study the implementation of self-government at the rural level,

The committees appointed are as follows:

- Balwant Rai Mehta Committee-(3 tier Govt.)
- Ashok Mehta Committee-(2 tier Govt.)
- G V K Rao Committee
- L M Singhvi Committee

Balwant Rai Mehta Committee (1957)

Recommendations by the Committee:

- Three-tier Panchayati Raj system: Gram Panchayat, Panchayat Samiti and Zila Parishad.
- Directly elected representatives to constitute the gram panchayat and indirectly elected representatives to constitute the Panchayat Samiti and Zila Parishad.
- Planning and development are the primary objectives of the Panchayati Raj system.
- Panchayat Samiti should be the executive body and Zila Parishad will act as the advisory and supervisory body.
- District Collector to be made the chairman of the Zila Parishad.
- It also requested for provisioning resources so as to help them discharge their duties and responsibilities.

Ashok Mehta Committee & Panchayati Raj(1977)

The key recommendations are:

- The three-tier system should be replaced with a two-tier system: Zila Parishad (district level) and the Mandal Panchayat (a group of villages).
- District level as the first level of supervision after the state level.
- Zila Parishad should be the executive body and responsible for planning at the district level.
- The institutions (Zila Parishad and the Mandal Panchayat) to have compulsory taxation powers to mobilise their own financial resources.

G V K Rao Committee & Panchayati Raj(1985)

It made some key recommendations which are as follows:

- Zila Parishad to be the most important body in the scheme of democratic decentralisation. Zila Parishad to be the principal body to manage the developmental programmes at the district level.
- The district and the lower levels of the Panchayati Raj system to be assigned with specific planning, implementation and monitoring of the rural developmental programmes.
- Post of District Development Commissioner to be created. He will be the chief executive officer of the Zila Parishad.
- Elections to the levels of Panchayati Raj systems should be held regularly.

L M Singhvi Committee (1986)

The following recommendations were made by the committee:

- The committee recommended that the Panchayati Raj systems should be constitutionally recognised. It also recommended constitutional provisions to recognise free and fair elections for the Panchayati Raj systems.

- The committee recommended reorganisation of villages to make the gram panchayat more viable.
- It recommended that village panchayats should have more finances for their activities.
- Judicial tribunals to be set up in each state to adjudicate matters relating to the elections to the Panchayati Raj institutions and other matters relating to their functioning.

All these things further the argument that panchayats can be very effective in identifying and solving local problems, involve the people in the villages in the developmental activities, improve the communication between different levels at which politics operates, develop leadership skills and in short help the basic development in the states without making too many structural changes. Rajasthan and Andhra Pradesh were the first to adopt Panchayati raj in 1959, other states followed them later. Though there are variations among states, there are some features that are common. In most of the states, for example, a three-tier structure including panchayats at the village level, panchayat samitis at the block level and the zila parishads at the district level has been institutionalized. Due to the sustained effort of the civil society organisations, intellectuals and progressive political leaders, the Parliament passed two amendments to the Constitution – the 73rd Constitution Amendment for rural local bodies (panchayats) and the 74th Constitution Amendment for urban local bodies (municipalities) making them ‘institutions of self-government’.

73rd Constitutional Amendment Act of 1992

Significance of the Act

- The Act added Part IX to the Constitution, “The Panchayats” and also added the Eleventh Schedule which consists of the 29 functional items of the panchayats.
- Part IX of the Constitution contains Article 243 to Article 243 O.
- The Amendment Act provides shape to Article 40 of the Constitution, ([directive principles of state policy](#)), which directs the state to organise the village panchayats and provide them powers and authority so that they can function as self-government.
- With the Act, Panchayati Raj systems come under the purview of the justiciable part of the Constitution and mandates states to adopt the system. Further, the election process in the Panchayati Raj institutions will be held independent of the state government’s will.
- The Act has two parts: compulsory and voluntary. Compulsory provisions must be added to state laws, which includes the creation of the new Panchayati Raj systems. Voluntary provisions, on the other hand, is the discretion of the state government.
- The Act is a very significant step in creating democratic institutions at the grassroots level in the country. The Act has transformed the representative democracy into participatory democracy.

Salient Features of the Act

1. Gram Sabha: (Article 243A)

- Gram Sabha is the primary body of the Panchayati Raj system.
- It is a village assembly consisting of all the registered voters within the area of the panchayat.
- It will exercise powers and perform such functions as determined by the state legislature.
- All decisions of the Panchayat are taken through the Gram Sabha and no decision is official and valid without the consent of the Gram Sabha.
- The term Gram Sabha is defined in the Constitution of India under Article 243(b).
- It is a permanent body.

2. Three-tier system:

The Act provides for the establishment of the three-tier system of Panchayati Raj in the states (village, intermediate and district level). States with a population of less than 20 lakhs may not constitute the intermediate level.

3. Election of members and chairperson:(Article 243K)

The members to all the levels of the Panchayati Raj are elected directly and the chairpersons to the intermediate and the district level are elected indirectly from the elected members and at the village level the Chairperson is elected as determined by the state government.

4. Reservation of seats:

- For SC and ST: Reservation to be provided at all the three tiers in accordance with their population percentage.
- For women: Not less than one-third of the total number of seats to be reserved for women, further not less than one-third of the total number of offices for chairperson at all levels of the panchayat to be reserved for women.
- The state legislatures are also given the provision to decide on the reservation of seats in any level of panchayat or office of chairperson in favour of backward classes.

5. Duration of Panchayat: (Article 243E)

The Act provides for a five-year term of office to all the levels of the panchayat. However, the panchayat can be dissolved before the completion of its term. But fresh elections to constitute the new panchayat shall be completed –

- before the expiry of its five-year duration.
- in case of dissolution, before the expiry of a period of six months from the date of its dissolution.

6. Qualifications

- A person seeking election to the panchayat must possess the qualifications prescribed for a member of state legislature.
- Minimum age for contesting election to the panchayat is 21 year (as against 25 years for State Legislature).

Disqualification: (Article 243F)

A person shall be disqualified for being chosen as or for being a member of panchayat if he is so disqualified –

- Under any law for the time being in force for the purpose of elections to the legislature of the state concerned.
- Under any law made by the state legislature. However, no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years.
- Further, all questions relating to disqualification shall be referred to an authority determined by the state legislatures.

7.State election commission:

- The commission is responsible for superintendence, direction and control of the preparation of electoral rolls and conducting elections for the panchayat.
- The state legislature may make provisions with respect to all matters relating to elections to the panchayats.

8. Powers and Functions: (Article 243G)

The state legislature may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. Such a scheme may contain provisions related to Gram Panchayat work with respect to:

- the preparation of plans for economic development and social justice.
- the implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule.

9.Finances: The state legislature may –

- Authorize a panchayat to levy, collect and appropriate taxes, duties, tolls and fees.
- Assign to a panchayat taxes, duties, tolls and fees levied and collected by the state government.
- Provide for making grants-in-aid to the panchayats from the consolidated fund of the state.
- Provide for the constitution of funds for crediting all money of the panchayats.

10. Finance Commission: (Article 243I)

The state finance commission reviews the financial position of the panchayats and provides recommendations for the necessary steps to be taken to supplement resources to the panchayat.

11. Audit of Accounts: (Article 243J)

State legislature may make provisions for the maintenance and audit of panchayat accounts.

12. Application to Union Territories: The President may direct the provisions of the Act to be applied on any union territory subject to exceptions and modifications he specifies.

13. Exempted states and areas: The Act does not apply to the states of Nagaland, Meghalaya and Mizoram and certain other areas. These areas include,

- The scheduled areas and the tribal areas in the states
- The hill area of Manipur for which a district council exists
- Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists.

However, Parliament can extend this part to these areas subject to the exception and modification it specifies. Thus, the PESA Act was enacted.

PESA Act of 1996

The provisions of Part IX are not applicable to the Fifth Schedule areas.

Fifth Schedule designates tribal majority **areas** in ten tribal minority states within peninsular India including, Andhra Pradesh, Telangana, Gujarat, Jharkhand, Chhattisgarh, Himachal Pradesh, Madhya Pradesh, Maharashtra, Odisha, and Rajasthan

The Parliament can extend this Part to such areas with modifications and exceptions as it may specify. Under these provisions, Parliament enacted Provisions of the Panchayats (Extension to the Scheduled Areas) Act, popularly known as PESA Act or the extension act.

Objectives of the PESA Act:

1. To extend the provisions of Part IX to the scheduled areas.
2. To provide self-rule for the tribal population.
3. To have village governance with participatory democracy.
4. To evolve participatory governance consistent with the traditional practices.
5. To preserve and safeguard traditions and customs of tribal population.
6. To empower panchayats with powers conducive to tribal requirements.

7. To prevent panchayats at a higher level from assuming powers and authority of panchayats at a lower level.

14. Continuance of existing law: 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 Panchayati raj 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 the Act shall continue till the expiry of their term, unless dissolved by the state legislature sooner.

15. Bar to interference by courts: The Act bars the courts from interfering in the electoral matters of panchayats. It declares that 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. It further lays down that no election to any panchayat is to be questioned except by an election petition presented to such authority and in such manner as provided by the state legislature.

Eleventh Schedule

The following 29 functional items placed within the purview of Panchayats are:

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries, social forestry and farm forestry.
6. Minor forest produce.
7. Small-scale industries, including food processing industries.
8. Khadi, village and cottage industries.
9. Rural housing.
10. Drinking water.
11. Fuel and fodder.
12. Roads, culverts, bridges, ferries, waterways and other means of communication.
13. Rural electrification, including distribution of electricity.
14. Non-conventional energy sources
15. Poverty alleviation programme.
16. Education, including primary and secondary schools.
17. Technical training and vocational education.
18. Adult and non-formal education.
19. Libraries.
20. Cultural activities.
21. Markets and fairs.

22. Health and sanitation, including hospitals, primary health centres and dispensaries.
23. Family welfare.
24. Women and child development.
25. Social welfare, including welfare of the handicapped and mentally retarded. '
26. Welfare of the weaker sections and in particular, of the Scheduled Castes and the Scheduled Tribes.
27. Public distribution system.
28. Maintenance of community assets.
29. The act gives a constitutional status to the Panchayati Raj Institutions.

Panchayat Samiti:

Panchayat Smiti

Panchayat Smiti is the middle level unit of the Three-tier Panchayati Raj System. It is organised at the block level. It acts as link between the Gram Panchayat and Zila Parishad.

Composition:

1. The members of Panchayat Smiti are directly elected from each constituency. One member will be elected for every 15,000 people in Panchayat Smiti area.
2. Members of Lok Sabha (MP) and Legislative Assembly (MLA) who is elected from that Panchayat Smiti area.
3. Members of Rajya Sabha and State Legislative Council who are registered as voters in that Panchayat Smiti area.

Chairman and Vice Chairman: Deputy Commissioner calls the first meeting of the members of the Panchayat Smiti. All the members elect the Chairman and Vice – chairman in this meeting.

Meetings: It is compulsory to have **one meeting in a month**. Maximum/majority of the members should be present in the meeting.

Tenure: Panchayat Smiti is elected for 5 years.

Reservation

General Reservation

- The seats for Scheduled caste (SC) are reserved in proportion to their population in a Panchayat Smiti area.
- One seat of Panch is reserved for Backward Class (BC), if their population is more than 20% in a Panchayat Smiti area.

Woman Reservation

- Out of total reserved seats of SC, at least 1/3 seats shall be reserved for women belonging to SC.
- Out of total seats in a Panchayat Smiti area., at least 1/3 seats will be reserved for woman including the seats belonging to SC women.

Functions of the Chairman

1. Chairman calls/convenes the meetings of Panchayat Smiti and preside over/chair these meetings.
2. He supervises the work of the Executive Officer (BDO) of Panchayat Smiti .
3. He supervises the financial and executive work/administration of the Panchayat Smiti .
4. He shall perform all other functions asked by Panchayat or State Government.
5. He gives financial assistance upto rs. 25,000 in a year to the victims of natural calamities in that ~~he supervises the work of the Executive Officer of~~ Panchayat Smiti area.

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Officials of the Panchayat Smiti

Block Development and Panchayat Officer: He is the executive officer of the Panchayat Smiti. He implements all the programs and schemes prepared by the Panchayat Smiti.

Block Extension Officer: He educates people about agriculture, health, education, welfare schemes etc. His job is to bring awareness among people about different development schemes.

Zilla Parishad:

Zilla Parishad

Zilla Parishad is the top level unit of the Three-tier Panchayati Raj System. It is organised at the district level.

Composition:

1. 10-25 members of Zilla Parishad are directly elected from each constituency. One member will be elected for every 50,000 people in Zilla Parishad area.
2. All chairman of Panchayat Smities.
3. Members of Lok Sabha (MP) and Legislative Assembly (MLA) who is elected from that Zilla Parishad area.
4. Members of Rajya Sabha and State Legislative Council who are registered as voters in that Zilla Parishad area.

Chairman and Vice Chairman: Deputy Commissioner calls the first meeting of the members of the Zilla Parishad. All the members elect the Chairman and Vice – chairman in this meeting.

Meetings: It is compulsory to have **one meeting in three months**. Maximum/majority of the Zilla Parishad members should be present in the meeting.

Tenure: Panchayat Smiti is elected for 5 years.

Reservation

General Reservation

- The seats for Scheduled caste (SC) are reserved in proportion to their population in a Zilla Parishad area.
- One seat of Panch is reserved for Backward Class (BC), if their population is more than 20% in a Zilla Parishad area.

Woman Reservation

- Out of total reserved seats of SC, at least 1/3 seats shall be reserved for women belonging to SC.
- Out of total seats in a Zilla Parishad area., at least 1/3 seats will be reserved for woman including the seats belonging to SC women.

Functions of the Chairman

1. Chairman calls/convenes the meetings of Zilla Parishad and preside over/chair these meetings.
2. He supervises the work of the Chief Executive Officer of Zilla Parishad.
3. He supervises the financial and executive work/administration of the Zilla Parishad.
4. He shall perform all other functions asked by Panchayat or State Government. *Zilla Parishad*
5. He gives financial assistance upto rs. One Lakh in a year to the victims of natural calamities in that ~~He supervises the work of the Executive Officer of Panchayat Smiti area.~~

Officials of the Zilla Parishad

1. Chief Executive Officer
2. Deputy Chief Executive Officer
3. Auditor

Village level: Elected and appointed officials

The Gram Panchayat is divided into wards and each ward is represented by a Ward Member or Commissioner, also referred to as a Panch or Panchayat Member, who is directly elected by the villagers. The Panchayat is chaired by the president of the village, known as a Sarpanch.

A **sarpanch** or **gram pradhan** or **mukya** is a decision-maker, elected by the village-level constitutional body of local self-government called the Gram Sabha (village government) in India. The sarpanch, together with other elected panchayat members (referred to as commissioners or a *panch*), constitute the gram panchayat. The sarpanch is the focal point of contact between government officers and the village community and retains power for five years.

Role of Sarpanch in Gram Sabha

1. Sarpanch is legally bound to organize Gram Sabha meetings.
2. It is an obligatory duty of Sarpanch to organize a minimum of two Gram Sabha meetings every year on the dates prescribed by the Government.
3. Sarpanch should take steps to ensure larger participation of people at Gram Sabha meetings.

4. Sarpanch should take all measures to ensure participation of people from all sections of society mainly, Scheduled Caste, Scheduled Tribes, Women, and he should encourage them to express their grievances and give suggestions in the Gram Sabha, which are discussed in detail in the next meeting.
5. Sarpanch should preside over the Gram Sabha meetings, except that of Social Audit Gram Sabha.
6. Sarpanch should sign the register meant for recording the minutes of Gram Sabha meeting.
7. As the chairperson of the Gram Sabha meeting, the Sarpanch can answer the questions raised at the Gram Sabha by the members.
8. The sarpanch has to ensure that the suggestions made in the Gram Sabha meeting, are discussed on priority basis in Gram Panchayat meetings.
9. Sarpanch should play a pro-active role for initiating proper action on the Gram Sabha resolutions.

The Secretary of the Panchayat is a non-elected representative, appointed by the state government, to oversee Panchayat activities.

Role of Panchayat Secretary in Gram Sabha

The role of Panchayat Secretary is vital at Gram Sabha. The duties of Panchayat Secretary can broadly be categorized into three stages:

- Pre-Gram Sabha
- During Gram Sabha, and
- Post Gram Sabha

Pre-Gram Sabha duties

The pre Gram Sabha duties of Panchayat Secretary include:

- Finalisation of agenda for Gram Sabha in consultation with the Sarpanch.
- Issuing notice of Gram Sabha meeting.
- Publicising widely the Gram Sabha meeting details, such as the date, time and venue.
- Preparing the Action Taken Report on the resolutions of the previous Gram Sabha meeting.
- Preparation of notes on the agenda items to be placed before the current Gram Sabha meeting.
- Providing proper seating, drinking water facilities and sanitation facilities for people attending the Gram Sabha meeting.

Duties during Gram Sabha

The duties of Panchayat Secretary during the conduct of Gram Sabha include:

- Recording the details of members attending the meeting of Gram Sabha.
- Presenting the Action Taken Report on resolutions of previous Gram Sabha meeting.
- Ensuring the smooth conduct of the meeting of Gram Sabha as per its Agenda.
- Assisting the Sarpanch in recording the minutes of Gram Sabha.

- Recording of votes casted in favour/against of any resolution placed before Gram Sabha

Post Gram Sabha duties

These include

- To coordinate with the Sarpanch and ward members for considering the resolutions of Gram Sabha in Gram Panchayat meetings.
- To send report on the Gram Sabha meeting to the higher officials concerned.

Importance of Grassroots Democracy: Panchayati Raj and Municipal Government, significance of 73rd and 74th Amendments;

- The form of grassroots democracy and domination in India and the role of Panchayati Raj Institutions (PRIs) in the progression of rural areas is great.
- India has been a welfare state ever since after Independence and the chief objective of all governmental endeavours has been the wellbeing of its populace.
- Basic principles of government are elimination of poverty, ignorance, diseases and inequality of opportunities and providing a better and higher quality of life.
- India's democratic structure has three levels of governance - national or federal, state or regional, and **the grassroots level called the Panchayati Raj and Nagar Palika systems**. The Panchayati Raj system covers the village, the tehsil and the district, and the Nagar Palika system serves towns and cities. If democracy means people's participation in running their affairs, then it is nowhere more direct, clear and significant than at the local level, where the contact between the people and their representatives, between the rulers and the ruled is more constant, vigilant and manageable.
- Lord Bryce said : "The best school of democracy and the best guarantee for its success is the practice of local self-government. Decentralization is a main mechanism through which democracy becomes truly representative and responsive. The democratic ideals of decentralization, development, and increased, continuous and active popular participation in the process of nation-building can be secured only through the working of an efficient system of local government. Without a well organized system of local government, no democratic political system can be expected to become stable and really developed.
- In simple term, Grassroot democracy is a people/community driven contribution in elections, governance and decision making. **Grassroot democracy can be seen as a propensity towards designing political processes where as much decision making authority as practical is shifted to the lowest level of organization.**
- Therefore, a local government is a government at the grassroots level of administration meant for meeting peculiar grassroots need of the people.

Significance of 73rd and 74th Amendments:

- The 73rd and 74th Amendments to the Indian Constitution brought in a Local Government system as the third tier of governance for economic development and social justice.

- It is well recognized that India is large democracies characterized by a high degree of heterogeneity and inequality across the states.
- State governments form an important intermediate tier between national and local governments.
- The constitution mandates a one-third reservation for women in panchayat assemblies and allocates a portion of panchayat spending for women's planning.
- Kerala is the only state in India with a sex ratio that is not female adverse, and is generally considered to have excellent gender development indicators: high literacy rates, high average age of marriage, low maternal mortality rate, no female infanticide. Yet the political participation of women remains strangely low, violence against women is snowballing, and women as a group are poorer and more susceptible to unemployment and illness than men.
- In fact, 73rd amendment has created a scope to attain development with social justice, which is mandate of the new Panchayati Raj system. The new system brings all those who are interested to have voice in decision making through their participation in PRIs. The Panchayati Raj system is foundation for the "Social Justice" and "Empowerment" of weaker section on which the development initiative have to be built upon for achieving overall, human welfare of the society. The main claim of the Amendment Act relating to the strengthening of PRIs is that the participation of poorest of the poor in the process of development is ensured. It is doubtful whether the poorer sections could find their way to enter the PRIs through elections.

Striking Features of the 73rd and 74th Constitution Amendment Acts (1992):

1. Panchayats and Municipalities will be "institutions of self-government".
2. Basic Units of Democratic System - Gram Sabhas (villages) and Ward Committees (Municipalities) comprising all the adult members registered as voters.
3. Three-tier system of panchayats at village, intermediate block/taluk/mandal and district levels.
4. Smaller states with population below 2 million only two tiers Seats at all levels filled by direct election
5. Seats reserved for Scheduled Castes (SCs) and chairpersons of the Panchayats at all levels also shall be reserved for SCs and STs in proportion to their population.
6. One-third of the total number of seats reserved for women. One-third of the seats reserved for SCs and STs also reserved for women. One-third offices of chairpersons at all levels reserved for women.
7. Uniform five year term and elections to constitute new bodies to be completed before the expiry of the term. In the event of dissolution, elections are compulsorily within six months.
8. Independent Election Commission in each state for superintendence, direction and control of the electoral rolls. Panchayats to prepare plans for economic development and social justice in respect of 29 subjects listed in 11th Schedule. 74th Amendment provides for a District Planning Committee to consolidate the plans prepared by panchayats and Municipalities.
9. Funds: Budgetary allocation from state governments, revenue of certain taxes, collect and retain the revenue it raises, Central Government programmes and Grants.
10. In each State a Finance Commission to determine the principles on the basis of which adequate financial resources would be ensured for panchayats and municipalities.

Election Commission: Role and Functioning

The Constitution of India has established a permanent and independent body to ensure free and fair elections in the country known as the Election Commission.

Role:

ECI plays a crucial role in organising elections. The most significant role of the Election Commission of India is to ensure free and fair elections as per the norms and the Model Code of Conduct. It is in charge of monitoring the actions and activities of the political parties and candidates.

What is Article 324?

The Constitution provides Election Commission of India with the power of direction, superintendence, and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India.

The Election Commission is an all-India body that is common to both the Central government and the State governments. It must be noted here that the commission does not deal with the elections to the Municipalities and Panchayats in the states. Hence, a separate State Election Commission is provided by the Constitution of India.

Composition:

Article 324 of the Constitution has made the following provisions with regard to the composition of election commission:

1. The Election Commission shall consist of the chief election commissioner and such number of other election commissioners, if any, as the president may from time to time fix.
2. The appointment of the chief election commissioner and other election commissioners shall be made by the president.
3. When any other election commissioner is so appointed, the chief election commissioner shall act as the chairman of the election commission.
4. The president may also appoint after consultation with the election commission such regional commissioners as he may consider necessary to assist the election commission.
5. The conditions of service and tenure of office of the election commissioners and the regional commissioners shall be determined by the president.

Election Commission of India Logo:



Constitutional Appointment of ECI

Since its inception in 1950 and till 15 October 1989, the election commission was as a one-member body with only the Chief Election Commissioner (CEC) as its sole member.

- On 16 October 1989, the voting age was changed from 21 to 18 years. So, two more election commissioners were appointed by the president in order to cope with the increased work of the election commission.
- Since then, the Election Commission was a multi-member body which consisted of 3 election commissioners.
- Later on, the two posts of election commissioners were eliminated in January 1990 and the Election Commission was reverted to the previous position.
- This was repeated again later in October 1993 when the president appointed two more election commissioners. Since then, the Election Commission functions as a multi-member body comprising of 3 commissioners.
- The chief and the two other election commissioners have the same powers and emoluments including salaries, which are the same as a Supreme Court judge.
- In case of difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by a majority. Thus the CEC cannot over-ride any decision of the commission by himself. As Chairman of the Election Commission CEC presides over the meetings, conducts the business of the day and ensures smooth transaction of business of the commission.
- The office is held by them for a term of 6 years or until they attain 65 years, whichever happens first. They can also be removed or can resign at any time before the expiry of their term. After retirement they get pension.

Independence of the Election Commission

Article 324 of [The Constitution of India](#) mentions the provisions to safeguard and ensure the independent and impartial functioning of the Election Commission which is as follows.

1. The chief election commissioner is provided with security of tenure. He cannot be removed from his office except in the same manner and on the same grounds as a judge of the Supreme Court. In other words, he can be removed by the [President](#) on the basis of a resolution passed to that effect by both the Houses of Parliament with a

special majority, either on the ground of proved misbehaviour or incapacity. Thus, he does not hold his office until the pleasure of the president, though he is appointed by him.

2. The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.
3. Any other election commissioner or a regional commissioner cannot be removed from office except on the recommendation of the chief election commissioner.
4. ECI has complete control over its staff on election duty.
5. Though the constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission, some flaws can be noted, ie:
 - The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
 - The Constitution has not specified the term of the members of the Election Commission.
 - The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

Powers, Functions, and Responsibilities of Election Commission

Among the major Constitutional Bodies in India, Election Commission is a permanent Constitutional Body. It was established in accordance with the Constitution on 25th January 1950.

- The Constitution has vested to this body superintendence, direction and control of the entire process for conduct of elections.
- The Commission's functions and powers with respect to elections to the offices of the President, the Vice President, the state legislators and the Parliament are divided under three headings:
 - Administrative
 - Advisory
 - Quasi-judicial

Powers of Election Commission of India

In details, these powers of Election Commission of India are:

1. Determining the Electoral Constituencies' territorial areas throughout the country on the basis of the Delimitation Commission Act of Parliament.
2. Preparing and periodically revising electoral rolls and registering all eligible voters.
3. Notifying the schedules and dates of elections and scrutinising nomination papers.
4. Granting recognition to the various political parties and allocating them election symbols.
5. Acting as a court to settle disputes concerning the granting of recognition to political parties and allocating election symbols to the parties.

6. Appointing officers for inquiring into disputes concerning electoral arrangements.
7. Determining the code of conduct to be followed by the political parties and candidates during elections.
8. Preparing a program for publicising the policies of all the political parties on various media like TV and radio during elections.
9. Advising the President on matters concerning the disqualification of MPs.
10. Advising the Governor on matters concerning the disqualification of MLAs.
11. Cancelling polls in case of booth capturing, rigging, violence and other irregularities.
12. Requesting the Governor or the President for requisitioning the staff required for conducting elections.
13. Supervising the machinery of elections throughout the country for ensuring the conduct of free and fair elections.
14. Advising the President on whether elections can be held in a state that is under the President's rule, in order to extend the period of emergency after 1 year.
15. Registering political parties and granting them the status of national or state parties (depending on their poll performance).

The Commission is aided in its function by deputy election commissioners. The deputy ECs are taken from the civil services and they are appointed by the Commission. They have a fixed tenure. They are aided by the secretaries, deputy secretaries, joint secretaries and under-secretaries posted in the commission's secretariat.

Functions of Election Commission

1. To direct and control the entire process of conducting elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.
2. To decide the election schedules for the conduct of periodic and timely elections, whether general or bye-elections
3. To decide on the location of polling stations, assignment of voters to the polling stations, location of counting centres, arrangements to be made in and around polling stations and counting centres and all allied matters
4. To prepare electoral roll and issues Electronic Photo Identity Card (EPIC)
5. To grant recognition to political parties & allot election symbols to them along with settling disputes related to it
6. To sets limits of campaign expenditure per candidate to all the political parties, and also monitors the same
7. To advice in the matter of post-election disqualification of sitting members of Parliament and State Legislatures.
8. To issue the Model Code of Conduct in the election for political parties and candidates so that the no one indulges in unfair practice or there is no arbitrary abuse of powers by those in power.
9. It is mandatory for all political parties to submit annual reports to ECI in order to be able to claim the tax benefit on the contributions.

Importance of Election Commission for India

- The Election Commission has been successfully conducting national as well as state elections since 1952. Now, it plays an active role to ensure greater participation of people.
- The Commission has brought discipline among the political parties with a threat of derecognizing if the parties failed in maintaining inner-party democracy.
- It supports the values preserved in the Constitution viz, equality, equity, impartiality, independence; and rule of law in superintendence, direction, and control over the electoral governance.
- ECI helps in conducting elections with the highest standard of credibility, fairness, transparency, integrity, accountability, autonomy and professionalism.
- In the electoral process, it ensures the participation of all eligible citizens in an inclusive voter-centric and voter-friendly environment.
- Election Commission of India engages with political parties and all stakeholders in the interest of the electoral process.
- It creates awareness about the electoral process and electoral governance amongst stakeholders (political parties, voters, election functionaries, candidates and people at large) to enhance and strengthen confidence and trust in the electoral system of this country.

Challenges faced by Election Commission

1. Increased violence and electoral malpractices under influence of money have resulted in political criminalization, which ECI is unable to arrest.
2. Election Commission is not adequately equipped to regulate the political parties. It has no power in enforcing inner-party democracy and regulation of party finances.
3. ECI is becoming lesser independent of the Executive which has impacted its image.
4. Allegations of EVMs malfunctioning, getting hacked and not registering votes, corrodes the trust of the general masses in ECI.

Model Code of Conduct

EC first issued a Model Code of Conduct for political parties at the time of the fifth general elections, held in 1971. Since then, the Code has been revised from time to time and lays down guidelines as to how political parties and candidates should conduct themselves during elections.

A provision was made under the Code that from the time the elections are announced by the Commission, Ministers and other authorities cannot announce any financial grant, make promises of construction of roads, carry out any appointments in government and public undertakings which may have the effect of influencing the voters in favour of the ruling party.

Despite the acceptance of the Code of Conduct by political parties, cases of its violation have been on the rise. It is a general complaint that the party in power at the time of elections misuses the official machinery to further the electoral prospects of its candidates.

The misuse of official machinery takes different forms, such as issue of advertisements at the cost of public exchequer, misuse of official mass media during election period for partisan coverage of political news and publicity regarding their achievements, misuse of government transport including aircraft/helicopter, vehicles.

State Election Commission:

Role of SEC:

The State Election Commission is an autonomous constitutional authority responsible for administering elections to the 3rd tier of governance i.e. the Local Self Government, which includes the Panchayati Raj Institutions and the Urban Local Bodies.

Before 1992, elections to these bodies were conducted by the respective State Governments. The Constitution was amended in 1992 through the 73rd and 74th amendments in order to provide legal sanctity to the Local Self-Governments (LSGs), giving LSGs their rightful place in the process of nation building.

Article 243 K & Article 243 ZA were inserted to establish a State Election Commission in every state as a constitutional body with powers of 'superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats and Municipalities in the State.

Article 243K Constitution of India: Elections to the Panchayats

(1) 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 consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like ground as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, 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).

(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.

Article 243ZA Constitution of India: Elections to the Municipalities

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.

(2) Subject to 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 Municipalities.

As per the provisions of the different Local Body Acts of the State, State Election Commission does not prepare a separate voter's list for the local body elections but uses the voter's lists prepared by the Election Commission of India under the provisions of the Representation of the People Act, 1950, by bifurcating the same to represent the relevant wards of the local bodies concerned.

The State Election Commission is also responsible for doing delimitation of all the constituencies, which is done before every general election to the local bodies i.e. after every 5 years.

The State Election Commission is also empowered to register and deregister political parties in the state.

State Election Commission ensures a level playing field for the political parties in the election fray, through strict observance by them of a Model Code of Conduct evolved with the consensus of political parties

The State Election Commissioner should be appointed by the Governor on the recommendation of a collegium, comprising the Chief Minister, the Speaker of the State Legislative Assembly and the Leader of Opposition in the Legislative Assembly.

The State Election Commissioner holds his term for three years from the date of assumption of office.

The provisions of **Article 243K** of the Constitution, which provides for setting up of SECs, are almost identical to those of **Article 324** related to the EC. In other words, the SECs enjoy the same status as the EC.

Also, the state governments should abide by orders of the SECs during the conduct of the panchayat and municipal elections, just like they follow the instructions of the EC during Assembly and Parliament polls.

Courts cannot interfere in the conduct of polls to local bodies and self-government institutions once the electoral process has been set in motion.

Only after the polls are over can the SECs' decisions or conduct be questioned through an election petition.

Powers of SEC:

As the highest electoral authority, the **state election commission** performs tasks provided by the National Assembly Elections Act and other acts concerning electoral legislation. Within the scope of its tasks, the state election commission in particular:

1. works to ensure the legality of elections and the uniform application of electoral laws relating to the electoral process;

2. appoints members of electoral commissions in constituencies and local electoral commissions;
3. coordinates the work of electoral commissions in constituencies and local electoral commissions, and provides technical instructions concerning the implementation of electoral legislation, and supervises their work;
4. prescribes forms for the implementation of electoral laws;
5. sets uniform standards for election materials and determines other material conditions for carrying out election tasks;
6. publishes the outcome of elections;
7. issues confirmations of election;
8. ensures ballots are held at diplomatic and consular representative offices of the Republic of Slovenia;
9. organises training for members of other electoral bodies;
10. appoints the director of the office of the commission.

Other:

The State Election Commissioner shall not directly or indirectly use or seek to use the State Election Commissioner's authority or official influence to control or modify the political action of another person or at any time participate in any political activities or campaigns.

Institutes and bodies for welfare of SC/ST/OBC and Women

NCSC:

The **National Commission for Scheduled Castes (NCSC)** is a constitutional body that works to safeguard the interests of the scheduled castes in India. It seeks to offer the SC community protection from discrimination and exploitation, as well as providing facilities to uplift the SC community. **Article 338** of the constitution of India deals with this commission.

National Commission for Scheduled Castes Functions

1. Monitoring and investigating all issues concerning the safeguards provided for the SCs under the constitution.
2. Enquiring into complaints relating to the deprivation of the rights and safeguards of the SCs.
3. Taking part in and advising the central or state governments with respect to the planning of socio-economic development of the SCs.
4. Regular reporting to the President of the country on the implementation of these safeguards.
5. Recommending steps to be taken to further the socio-economic development and other welfare activities of the SCs.
6. Any other function with respect to the welfare, protection, development and advancement of the SC community.

National Commission for Scheduled Castes Composition

1. Currently, the fifth NCSC is in progression.
2. **National SC Commission Chairman: Dr Ram Shankar Katheria**
3. Apart from the Chairman, there is a Vice-chairman and three other members.

NCSC History

1. Initially, the constitution provided for the appointment of a **Special Officer** under Article 338.
2. This special officer was designated as the Commissioner for Scheduled Castes and Scheduled Tribes.
3. In 1987, the government, upon pressure from various Members of Parliament, decided to form a multi-member commission for the welfare of the SCs and STs instead of a one-member commission.
4. The **65th Amendment** to the constitution replaced the one-member system with a multi-member **National Commission for Scheduled Castes and Scheduled Tribes**. The Constitution (65th Amendment) Act 1990, amended Article 338 of the Constitution. The newly formed National Commission for Scheduled Castes and Scheduled Tribes consisted of 5 members apart from the Chairman and Vice-Chairman of the Commission.
5. The 89th Amendment in 2003 replaced this Commission with the following with effect from 2004:
 - a. National Commission for Scheduled Castes
 - b. National Commission for Scheduled Tribes
6. The first National Commission for Scheduled Castes was formed in 2004 under the chairmanship of Suraj Bhan.

Report of the NCSC:

The commission presents an annual report to the president. It can also submit a report as and when it thinks necessary.

The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

The President also forwards any report of the Commission pertaining to a state government to the state governor. The governor places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

Powers of NCSC

The Commission is vested with the power to regulate its own procedure. The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing summons for the examination of witnesses and documents; and
- (f) any other matter which the President may determine.

The Central government and the state governments are required to consult the Commission on all major policy matters affecting the SCs.

NCST:

Like the National Commission for Schedules Castes (SCs), the **National Commission for Scheduled Tribes (STs)** is also a constitutional body in the sense that it is directly established by **Article 338-A** of the Constitution.

Earlier, there was only one commission, which was for both the scheduled tribes and scheduled castes. In 2004, after the 89th Constitutional Amendment Act, the NCST was established by bifurcating the National Commission for Scheduled Castes and Scheduled Tribes into the NCST and the National Commission for Scheduled Castes.

The NCST consists of one chairperson, one vice-chairperson and three full-time members. They are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President.

Functions of National Commission for Scheduled Tribes

- NCST investigates and monitors all matters related to safeguarding the provisions for Scheduled Tribes under the Constitution and evaluating the working of those safeguards.
- NCST will inquire into specific complaints concerned with the deprivation of rights and safeguards of the STs.
- The commission participates and advises on the planning process for the socio-economic development of the STs and also evaluates the progress of the various developmental activities.
- The President will be presented with an annual report of the working of those safeguards. Apart from annual reports, other reports also will be submitted to the President as and when necessary.
- The Commission will also give reports on what measures are to be taken by both the central and various state governments for effective execution of the measures and safeguards for the protection, development and welfare of the STs.
- Other functions of NCST are related to welfare, protection, development & advancement of the STs.

Other functions of NTST:

In 2005, the President specified the following other functions of the Commission in relation to the protection, welfare and development and advancement of the STs

- (i) Measures to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas
- (ii) Measures to be taken to safeguard rights of the tribal communities over mineral resources, water resources etc., as per law
- (iii) Measures to be taken for the development of tribals and to work for more viable livelihood strategies
- (iv) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects
- (v) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place
- (vi) Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation
- (vii) Measures to be taken to ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996
- (viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribals that lead to their continuous disempowerment and degradation of land and the environment

Report of the NCST:

The Commission presents an annual report to the President. It can also submit a report as and when it thinks necessary.

The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

The President also forwards any report of the Commission pertaining to a state government to the state governor. The governor places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

Powers of NCST:

The Commission is vested with the power to regulate its own procedure. The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing summons for the examination of witnesses and documents; and
- (f) any other matter which the President may determine.

The Central government and the state governments are required to consult the Commission on all major policy matters affecting the STs.

NCBC:

Establishment of the Commission:

In the Mandal case judgement (1992), the Supreme Court directed the central government to constitute a permanent statutory body to examine the complaints of underinclusion, over-inclusion or non-inclusion of any class of citizens in the list of backward classes. Accordingly, the National Commission for Backward Classes (NCBC) was set up in 1993.

Later, the 102nd Amendment Act of 2018 conferred a constitutional status on the Commission. For this purpose, the amendment inserted a new Article 338-B in the constitution. Hence, the Commission ceased to be a statutory body and became a constitutional body.

Further, the scope of functions assigned to the Commission is also enlarged under the new dispensation. This was done in order to safeguard the interests of the socially and educationally backward classes more effectively. In other words, the constitutional status of the new Commission is at par with the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST).

The Commission consists of a chairperson, a vice-chairperson and three other members. They are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President.

Functions of the Commission(NCBC):

The functions of the Commission are the following:

- (a) To investigate and monitor all matters relating to the constitutional and other legal safeguards for the socially and educationally backward classes and to evaluate their working.
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes.
- (c) To participate and advise on the socioeconomic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union or a state.

- (d) To present to the President, annually and at such other times as it may deem fit, reports upon the working of those safeguards.
- (e) To make recommendations as to the measures that should be taken by the Union or a state for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the socially and educationally backward classes.
- (f) To discharge such other functions in relation to the protection, welfare, development and advancement of the socially and educationally backward classes as the President may specify.

Report of the NCBC:

The Commission presents an annual report to the President. It can also submit a report as and when it thinks necessary.

The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

The President also forwards any report of the Commission pertaining to a state government to the state government. The government places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

Powers of the NCBC:

The Commission is vested with the power to regulate its own procedure. The Commission, while investigating any matter or enquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath
- (b) Requiring the discovery and production of any document
- (c) Receiving evidence on affidavits
- (d) Requisitioning any public record from any court or office
- (e) Issuing summons for the examination of witnesses and documents
- (f) Any other matter which the President may determine. The central government and the state governments are required to consult the Commission on all major policy matters affecting the socially and educationally backward classes.

NCW:

The **National Commission for Women** was formed with an intention to establish an equal and just livelihood for women by making legal and constitutional amendments for women in India.

The Violence against Women is a fundamental violation of human rights, across nations, societies, cultures and classes and to stop this violation of the fundamental right; this Commission was formed.

Problems faced by the women in the country has been one of the biggest concerns of the Government and other authorities. Over the years, many Commissions have been set up by the Government to look into the welfare of Women in the country. According to the reports of these commissions, all of them state the necessity of setting up an apex body for reviewing and addressing the grievances of women in the country. The demand for setting up a body persisted for long and ultimately to keep the interest of the people, the National Commission for Women Bill 1990 was introduced in the Lok Sabha on 22nd May 1990.

The National Commission for Women was set up in 1992 under the National Commission for Women Act, 1990. This body was established to review the constitutional and legal safeguards for women.

It recommends the remedial legislative measures, facilitates redressal of grievances and advises the government on all policy matters affecting women. It enjoys all the powers of a civil court.

The first commission was constituted on 31st January 1992 as Jayanti Patnaik as the chairperson. Alok Rawat IAS is the first male member of the National Commission for Women (NCW). His appointment filled the 4th seat on the five-member body. Ms Rekha Sharma is the current Chairperson of the National Commission for Women.

Composition of National Commission for Women

The Commission must consist of a minimum number of members which includes a chairperson, a member secretary, and the other five members.

Chairperson: The central government should nominate the chairperson.

Five members: The five members are also to be nominated by the central government from amongst the person of ability, integrity, and standing. They should possess experience in various fields like law or legislation, trade unionism, management of industry potential of women, women's voluntary organization, education, administration, economic development, and social good-being.

Member Secretary: The Central Government also nominates member secretary. He/ she should be either an expert in the field of management, an organization, or an officer who is a member.

Functions of National Commission for Women

- **Inquiry and Investigation**

The National Commission of Women enjoys the powers of a civil court. It investigates and examines the matters related to the safeguards ensured for feminine society under the Constitution of India. It took complaints suo moto notice of issues related to the non-implementation of laws and non-enforcement of laws and non-compliance of policy decisions, guidelines enacted and aimed at mitigating hardships ensuring the welfare and then take up issues arising out of matter with the concerned authorities.

- **Action Research**

NCW members take part in the planning process of socio-economic development of women, propose measures to encourage their representation in all spheres, and review their advancement. It also examines the safeguards provided for women in the Constitution and other laws study their working, recommend amendments to meet any inadequacies or deficiencies, and advocate measures for effective implementation.

- **Legal Intervention**

The Parivarik Mahila Lok Adalat, (PMLA) is an innovative component with its roots in the traditional Nyaya Panchayats. It is created by NCW for the redressal and speedy disposal of cases. It has taken up 7500 cases so far. The essential feature of PMLA is cordial mutual settlement and flexibility in implementation, aiming to empower women in the justice delivery mechanism.

The Commission shall perform all or any of the following functions:

1. **Investigation and Examination:** Investigate and examine all the matters relating to the safeguards provided for the women under the Constitution and other laws
2. **Presentation of Reports:** Table reports to the Central Government, every year and at such other times as the Commission may deem fit, reports upon the working of those safeguards
3. **Recommendations:** Make in such reports and recommendations for the effective accomplishment of those safeguards for enhancing the conditions of the women by the Union or any State.
4. **Review,** every now and then, the current provisions of the Constitution and other laws distressing the women and prescribe alterations and suggest curative legislative measures meet any break, inadequacies, and incapacity in such legislation.
5. **Cases of Violation:** Take up cases of infringement of the provisions of the Constitution and of other laws relating to the women with the relevant authorities
6. **Suo Moto Notice:** It looks into complaints, and takes Suo Motto notice of matters relating to – deprivation of women's rights, Non-implementation of the laws, and Non-compliance of policy decisions guaranteeing the welfare for women society.
7. **Special Studies and Investigation:** It conducts special studies or investigation on the concerning issues or circumstances emerging out of segregation and outrages against ladies and recognizes the limitations in order to suggest techniques for their expulsion
8. **Research:** Undertake the promotional and educational research so as to propose ways of ensuring due representation of women in all fields and identifies the factors responsible for impeding the support services and technologies for reducing drudgery and professional health hazards and for escalating their efficiency.
9. **Participation in all spheres particularly in Planning:** take part and advice on the planning process of socio-economic development of women
10. **Evaluation:** assess the progress of the development of women society under the Union and State.
11. **Inspection:** investigate or cause to be inspected a jail, remand home women's establishment or other places of guardianship where ladies are kept as detainees.
12. **Funding:** fund litigation, relating issues affecting a large body of women.

13. **Reporting:** make periodical reports on any issue pertaining to women and in particular various difficulties under which women toil

Drawbacks of National Commission for Women

- It has no actual legislative powers. It only has the powers to suggest amendments and submit reports which are not obligatory on a state or Union Governments.
- It does not have the power to choose its own members. The power selecting members is vested with the Union Government and the nature of the country's volatile political scenario tends the commission to be politicized.
- It is reliant on financial assistance from the Union Government and this could compromise the independence of the Commission.
- The jurisdiction of the commission is not operating in Jammu and Kashmir and considering the current political unrest and human rights infringements in the region, the presence of commission is vital

Complaints and Counseling Unit of National Commission for Women

This cell is the Core unit of the commission and pro members. The power selecting members is vested with the Union Government and the nature of the country's volatile political scenario tends the commission to be politicized.

The jurisdiction of the commission is not operating cesses the complaints received oral, written, or suo moto under Section 10 of the NCW Act. The complaints received relate to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, and refusal to register FIR, cruelty by husband, deprivation, gender discrimination, and sexual harassment at the workplace.

The complaints are dealt with and tackled in various ways such as Investigations by the police are expedited and monitored, disaggregated data are made available to various state authorities to facilitate action, family disputes are resolved or compromised through counselling.

List of Women-Specific Legislation

There are multiple laws that have been passed for the safety and rights of women in India. Given below is a list of few such laws:

- The Immoral Traffic (Prevention) Act, 1956
- The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986)
- The Commission of Sati (Prevention) Act, 1987 (3 of 1988)
- The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013
- The Criminal Law (Amendment) Act, 2013
- Protection of Women from Domestic Violence Act, 2005
- The Indecent Representation of Women (Prohibition) Act, 1986