



Chandigarh's Mayoral Election: A Catalyst for Municipal Reforms

This editorial is based on “ [It is time for comprehensive reforms to municipal elections](#)” which was published in The Hindu on 27/03/2024. The article talks about the challenges with respect to the conduct of municipal elections and suggests the need for an enhanced role of the State Election Commission to address these challenges effectively.

For Prelims: [Urban Local Government](#), [Panchayats](#), [Supreme Court](#), [State Election Commission](#), [74th Constitutional Amendment Act, 1992](#), [Article 142 of the Constitution](#).

For Mains: Supreme Court Verdict About the Chandigarh Mayoral Elections, Challenges and Solutions to Empower Local Urban Governments.

The recent [Supreme Court](#) ruling regarding the Chandigarh mayoral election prompts a broader reflection on municipal elections. While elections to the [Lok Sabha](#) and [State Assemblies](#) stand out as commendable democratic exercises due to their timely conduct, organisational efficiency, and seamless transfer of power, the same level of praise does not always apply to elections for local governments like panchayats and municipalities.

The Court's intervention corrected a specific issue in one city, but it underscores the need for substantial reforms to strengthen local governments across India.

What was the Controversy in the Chandigarh Mayoral Election, 2024?

- **Significance of the Election:** The [Chandigarh Mayoral election](#) carried significant weight as it signalled the inaugural alliance between major opposition parties, presenting a unified challenge to the ruling party. This event lays the groundwork for potential collaborations in other states leading up to the forthcoming Lok Sabha elections.
- **Initial Postponement:** Originally slated for January 18, the polling date was postponed due to the illness of the presiding officer. Subsequently, the [UT administration](#) suggested February 6 as the new polling date. However, opposition parties sought intervention from the Punjab and Haryana High Court, resulting in the rescheduling of the polls to January 30.
- **Election Day Chaos:** On election day, tension gripped as allegations surfaced regarding the victory of the ruling party with 16 votes, while the opposition alliance secured 12 votes. However, eight votes were declared invalid by the presiding officer. The opposition raised concerns, accusing the presiding officer of unfairly invalidating votes.
- **Legal Battle:** The opposition parties promptly turned to the High Court in pursuit of justice. Dissatisfied with the ruling, they escalated the issue to the Supreme Court. The apex court issued critical remarks, reaffirming its dedication to upholding democracy.
- **Mayor's Resignation:** Amid escalating controversy, the newly elected mayor opted to resign.
- **Supreme Court's Verdict:** Finally, on February 20, 2024, the Supreme Court rendered its judgement, overturning the initial results and declaring the opposition alliance candidate as the

rightful winner.

- The Supreme Court of India invoked [Article 142 of the Constitution](#) to overturn the election results.

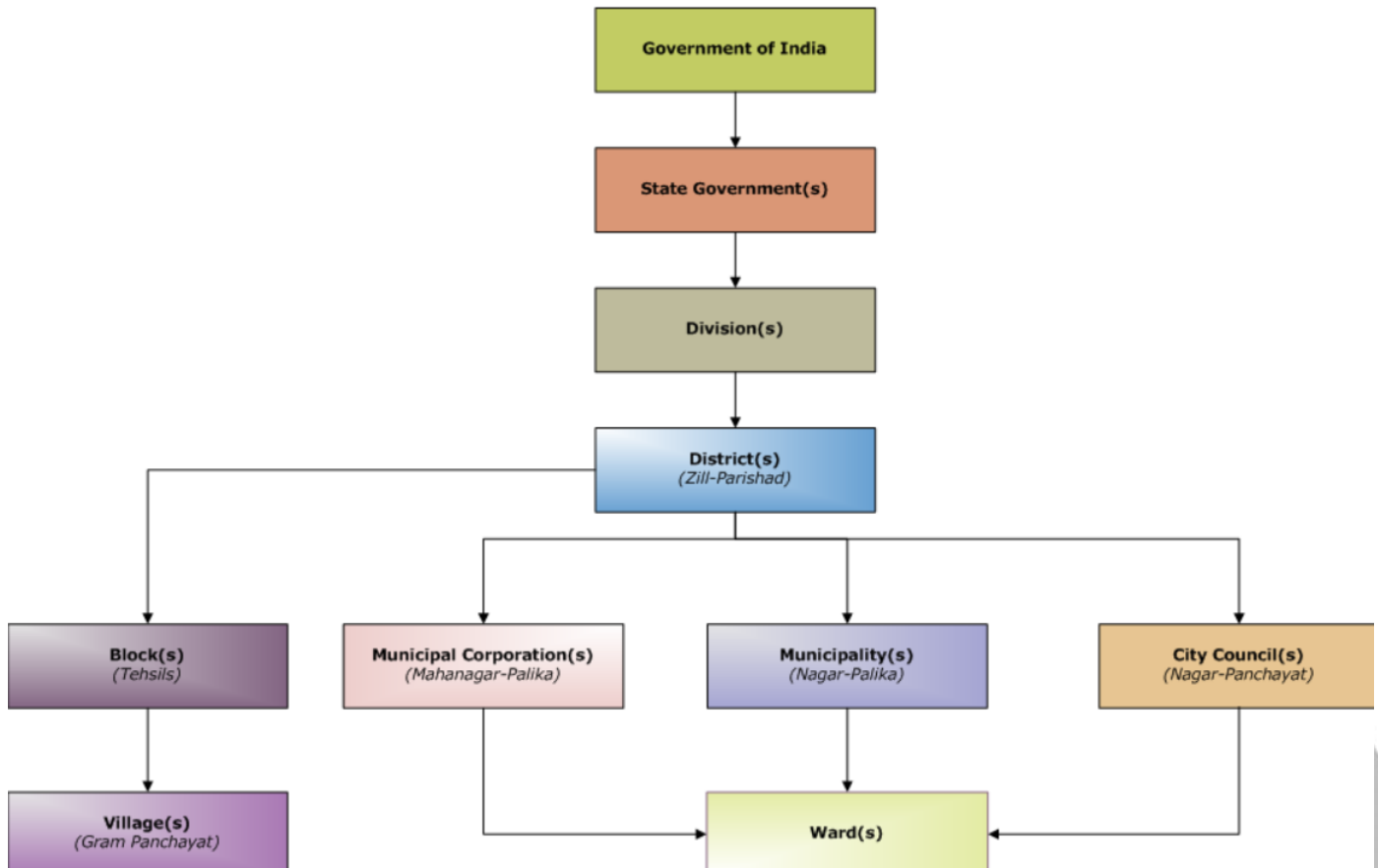
What the Supreme Court Said About Chandigarh Mayoral Elections?

- **Deliberate Efforts to Deface Eight Ballots:** The returning officer of the Chandigarh mayoral polls intentionally attempted to invalidate eight ballots cast in favour of the falsely triumphant party.
- **Unlawful Conduct of Presiding Officer:** The conduct of the presiding officer has to be deprecated at two levels.
 - Firstly, by his conduct, he has unlawfully altered the course of the mayoral election.
 - Secondly, in making a statement before the court, the officer expressed a "**patent falsehood**" for which he must be held accountable.
- **Ordered Show Cause Notice:** The judicial registrar has been directed to summon the presiding officer to provide reasons why action should not be taken against him.
- **Preserve Electoral Democracy:** The court is duty-bound to ensure that the process of electoral democracy is not thwarted. The entire edifice of democracy depends on principles.
 - The court must step in to ensure that the basic mandate of electoral democracy is preserved.

What are the Key Provisions For Urban Local Government in India?

- **74th Constitutional Amendment Act, 1992:** The term 'Urban Local Government' in India signifies the governance of an urban area by the people through their elected representatives. The system of urban government was constitutionalized through the [74th Constitutional Amendment Act of 1992](#).
- **Constitutional Mandate :**
 - The **74th Constitutional Amendment Act** has added a new **Part IX-A** to the Constitution of India. This part is entitled as 'The Municipalities' and consists of provisions from **Articles 243-P to 243-ZG**.
 - In addition, the act has also added a new **Twelfth Schedule** to the Constitution. This schedule contains **eighteen functional items** of municipalities. It deals with **Article 243-W**.
 - The act gave constitutional status to the municipalities. It has brought them under the purview of the **justiciable part** of the Constitution.
- **Elections to the Municipalities:** The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the municipalities shall be vested in the [state election commission](#). The state legislature may make provisions with respect to all matters relating to elections to the municipalities.
- **Structure of Urban Local Government in India:** The [Urban Local Government](#) consists of eight types of Urban local bodies.
 - **Municipal Corporation:** [Municipal corporations](#) are usually found in big cities such as Bangalore, Delhi, Mumbai, Kolkata, etc.
 - **Municipality:** The smaller cities tend to have the provision of [municipalities](#). The Municipalities are often called upon by other names such as the municipal council, municipal committee, municipal board, etc.
 - **Notified Area Committee:** Notified area committees are set up for the fast-developing towns and the towns lacking the basic amenities.
 - **Town Area Committee:** The town area committee is found in small towns. It has minimal authority such as street lighting, drainage roads, and conservancy.
 - **Cantonment Board:** It is usually set up for a civilian population living in the cantonment area.
 - **Township:** A township is another form of urban government to provide basic facilities to the staff and workers living in the colonies established near the plant.
 - **Port Trust:** Port trusts are established in the port areas such as Mumbai, Chennai, Kolkata, etc. It manages and takes care of the port.
 - **Special Purpose Agency:** These agencies undertake the designated activities or specific functions belonging to the municipal corporations or municipalities.

Administrative structure of India



What are the Problems Faced by Urban Local Bodies in India?

▪ **Delayed Elections:**

- Municipal elections often suffer from delays, violating constitutional mandates.
- According to Janaagraha's Annual Survey of India's City-Systems 2023 study, over 1,400 municipalities did not have elected councils in place as of September 2021.
- The CAG's audit reports of 17 States on the implementation of the 74th Constitution Amendment Act (74th CAA) observe that over 1,500 municipalities did not have elected councils in place during the audit period of 2015-2021 across States.

▪ **Incomplete Formation of Councils:**

- Even when elections are held, there can be delays in constituting councils and electing key officials.
 - For instance, in Karnataka, there was a delay of 12-24 months in forming elected councils after the declaration of election results in most city corporations.
- Summary data on the constitution of councils, and elections of mayors, deputy mayors and standing committees are not available easily

▪ **Shortened Terms and Frequent Elections:**

- Some urban local governments have mayoral terms shorter than five years, necessitating frequent elections. We need a standardisation of mayoral terms of five years
- Around 17% of cities in India, including five of the eight largest ones, have mayoral terms of less than five years.

▪ **Discretion and Undue Influence:**

- The discretion granted to government officials in determining election schedules raises concerns about the potential for delays, possibly influenced by the State government.
- Furthermore, there is apprehension regarding the impartiality of presiding officers selected by officials, as their independence might be compromised, leading to conflicts of interest. This can undermine the autonomy and integrity of the electoral process.

- **Infrastructure and Resource Constraints:**

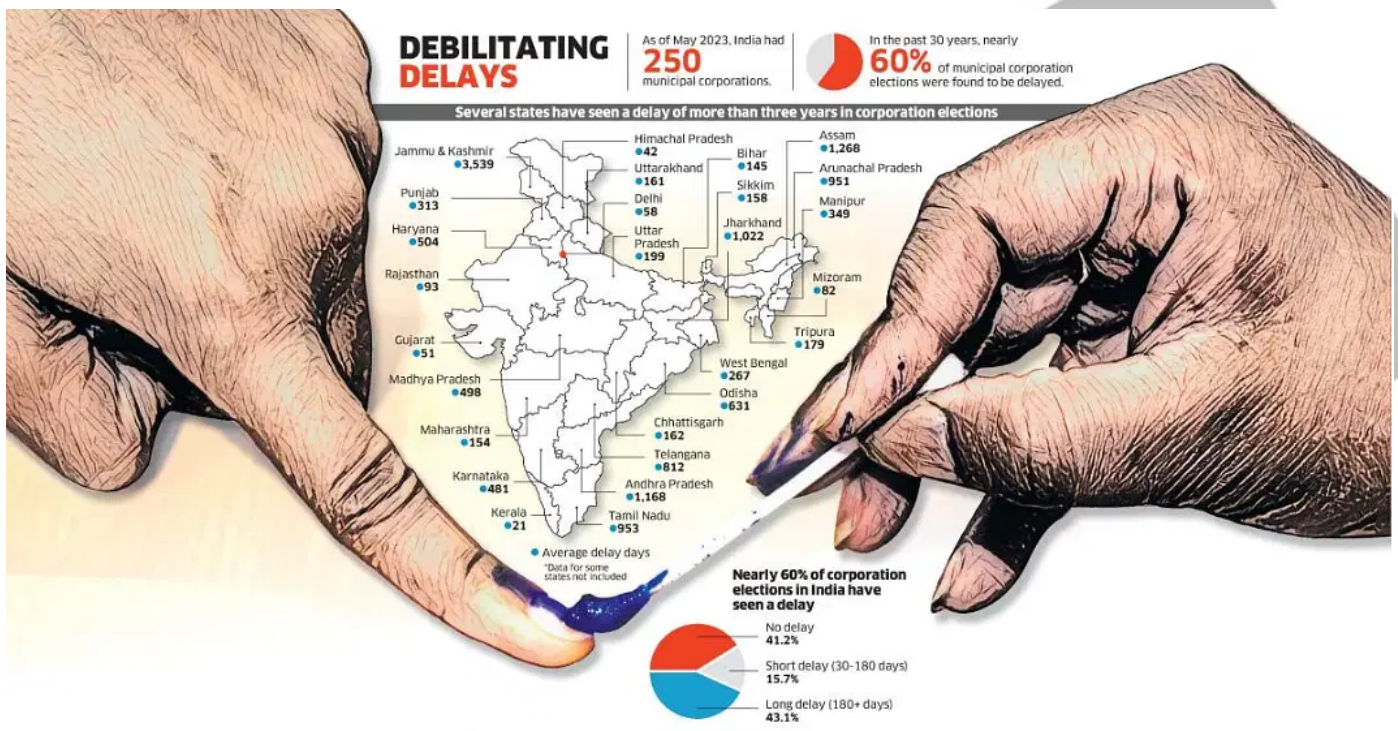
- Many urban local bodies grapple with inadequate infrastructure and financial resources to meet the growing demands of urban populations.
- The Urban local government heavily depends on the state governments for getting grants-in-aid out of the consolidated fund of state.
- This hampers their ability to deliver essential services such as water supply, sanitation, and solid waste management effectively.

- **Lack of Empowerment and Resources for State Election Commissions (SECs):**

- While **SECs** are entrusted with overseeing municipal elections, they often lack adequate empowerment and resources.
- Only 11 out of 35 states and union territories have empowered SECs to conduct ward delimitation, limiting their effectiveness in ensuring fair and transparent elections.

- **Low Level of People's Participation:**

- Despite a relatively higher level of literacy and educational standard, city dwellers do not take adequate interest in the functioning of the urban government bodies.
 - The multiplicity of special purpose agencies and other urban bodies confuses the public about their role boundaries.



What Should Be the Way Forward to Empower Urban Local Governments in India?

- **Standardised Election Process:** A standardised election process and structure should be defined, governing all aspects such as :
 - Conduct of elections before term expiry, as meticulously done for state and union elections,
 - Process of upgrading and expanding municipal corporation limits,
 - Carrying out the delimitation and reservation exercise for wards,
 - Decide the composition of corporations and their leadership structure.
- **Empowerment of State Election Commissions (SECs):**
 - Strengthen the institutional capacity of State Election Commissions to conduct free, fair, and timely elections to urban local bodies, including providing adequate resources, training, and support to SEC officials.
 - Consider granting SECs greater autonomy and independence in the conduct of municipal elections, including the authority to oversee the entire electoral process from voter registration to result declaration.
- **Accountability Mechanisms:**
 - Holding election officials and authorities accountable for any delays or irregularities in the

conduct of municipal elections. This can be done through transparent investigation processes and appropriate disciplinary action.

- In the case of **Suresh Mahajan versus State of Madhya Pradesh (2022)**, the Supreme Court emphasised the constitutional requirement to hold new elections for local bodies every five years. This constitutional obligation is absolute and cannot be violated.

▪ **Financial Empowerment:**

- Implement the recommendations of **Finance Commissions** to enhance the fiscal autonomy of urban local bodies, including the allocation of a higher share of central and state revenues for local governments.
 - The **13th Finance Commission** mandated the setting up of the State Property Tax Board as one of the conditions necessary for performance grant eligibility of states.
- Introduce innovative financing mechanisms such as municipal bonds, public-private partnerships, and impact fees to mobilise additional resources for infrastructure development and service delivery.

▪ **Capacity Building and Training:**

- Adopt the recommendations of the **Administrative Reforms Commission (ARC)** for strengthening the administrative capacity of urban local bodies, including the recruitment of qualified professionals, the establishment of performance-based incentive systems, and the implementation of transparent recruitment processes.
- Establish specialised urban development committees at the national and state levels to formulate comprehensive urban development policies, coordinate inter-sectoral initiatives, and monitor the implementation of urban programs.

▪ **Citizen Participation:**

- Promote greater citizen participation in local decision-making processes through mechanisms such as participatory budgeting, town hall meetings, and citizen advisory boards.
- Strengthen mechanisms for transparency, accountability, and grievance redressal to ensure that local governments are responsive to the needs and concerns of residents.

▪ **Information and Communication Technology (ICT) Solutions:**

- Leverage ICT solutions such as e-governance platforms, digital service delivery channels, and **geographic information systems (GIS)** to improve the efficiency, transparency, and accessibility of urban services.
- The Finance Commission encouraged the use of the Geographical Information System (GIS) and digitization to improve property tax administration.

Conclusion

The empowerment of urban local governments is not just a matter of administrative reform; it is a fundamental imperative for realising the vision of inclusive and sustainable urban development. Empowered urban local governments will be the engines driving the transformation, with the authority, resources, and capacity to address the diverse needs of their residents effectively.

Drishti Mains Question:

Examine the obstacles faced during urban local governance elections in India. Suggest reforms aimed at guaranteeing a transparent and equitable electoral process at the municipal level in the country.

UPSC Civil Services Examination, Previous Year Questions (PYQ)

Prelims

Q1. Local self-government can be best explained as an exercise in (2017)

- (a) Federalism
- (b) Democratic decentralisation
- (c) Administrative delegation
- (d) Direct democracy

Ans: B

Mains

Q1. To what extent, in your opinion, has the decentralisation of power in India changed the governance landscape at the grassroots? **(2022)**

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