



राज्य निवडणूक आयोग
महाराष्ट्र



महाराष्ट्र शासन

National Conference

Twenty Five Years of 73rd and 74th Constitutional Amendments: Progress and Future Directions



Compendium of base papers



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An Initiative of

Institute of Democracy, Election and Good Governance
(A Wing of State Election Commission, Maharashtra)

Thanks to

- RDD – Rural Development Department, Government of Maharashtra
- UDD – Urban Development Department, Government of Maharashtra
- ADR – Association for Democratic Reforms
- NEW – National Election Watch
- RSCD – Resource and Support Centre for Development
- CLGF – Commonwealth Local Government Forum

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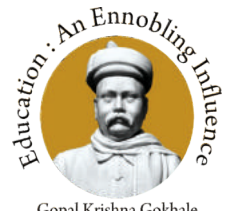
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2nd & 3rd November 2017

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Supported by
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Content

Background

CONCEPT NOTE	3
National Conference: 25 Years of 73rd and 74 th Constitutional Amendment	4
I. PANCHAYAT RAJ STATUS IN MAHARASHTRA by Rural Development Department, Maharashtra State.....	6
THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992	17
THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992 [20th April, 1993.]	18
"ELEVENTH SCHEDULE" (Article 243G)	26
RAJIV GANDHI PANCHAYAT SASHAKTIKARAN ABHIYAN (RGPSA)/ RASHTRIYA GRAM SWARAJ ABHIYAN (RGSA)	27
E-Governance in PRIs in Maharashtra	28
II. 74 th Constitutional Amendment: Status, Progress & Challenges By Urban Development Department, Maharashtra State	29
III. Recommendations on Electoral and Political Reforms with regard to the local bodies' elections in Maharashtra By ADR – Association for Democratic Reforms and NEW - National Election Watch	39
Executive Summary	43
A. Top 20 Recommendations on Electoral and Political reforms that SECM can implement immediately	44
B. Top 30 recommendations on Electoral and Political reforms that requires amendments in The Representation of the People Act (RPA).....	46
C. Top 13 recommendations on Electoral and Political reforms that requires amendments in the State laws.....	48
D- Recommendations for new rules and miscellaneous issues –	49
IV. Bank of People's Wisdom - Innovative Practices in Local Self Governance By RSCD- Resource and Support Centre for Development.....	75
V. ORIENTATION POLICY FOR LOCAL REPRESENTATIVES By RSCD- Resource and Support Centre for Development & CLGF – Commonwealth Local Government Forum	86
राष्ट्रीय परिषद संविधान घटना दुरुस्तीची क्षणचित्रे	93
Program Schedule	104

CONCEPT NOTE

The Constitution of India in its Directive Principles of State Policy, Article 40 stated; “Organization of village Panchayats: The State shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government”. The failure of the Community Development Programmes and National Extension Service due to the lack of participation of people in the development process at the grass root level prompted the government to constitute a committee under the chairmanship of Balwantrao Mehta in 1956 to suggest measures to constitute the local self-governing units in the rural India. The committee suggested a three tiered arrangement for the same. Subsequently many such initiatives were taken up by the Government of India to strengthen democracy at the grassroots level.

The Directive Principle of State Policy was given a Constitutional status through the 73rd and 74th Constitutional Amendment Acts. The Historic Act in terms of opening the opportunities for participation was finally seen on April 22, 1993. The basic features of these Constitutional Amendments were reservation of seats, Constitution of State Election Commission and State Finance Commission, powers to Gram/Ward Sabha and transfer of certain subjects through XI and XII schedule. The Act aimed at the larger participation of people in rural and urban areas in terms of not only the elites but also the amalgamation and inclusion of various marginalized sections like the women, dalits in local governance. The tribal areas were also made a party through Panchayat Extension to Scheduled Areas in 1995. The 73rd and 74th Constitutional Amendment Acts in that sense were rightly called as the “Power to the People”. It made elections to the local bodies mandatory. This naturally gave rise to the office of the State Election Commission to oversee and implement the Act in its word and spirit.

The 73rd and 74th Constitutional Amendments formally created the third tier of governance. Its significance lies in the fact that the amendments gave local bodies a constitutional status, at both urban and rural levels. In a way, globalization and decentralization happened simultaneously in India. The expansion of the PRIs in their new form is a very significant movement as, earlier, Lok Sabha, Rajya Sabha and State Assemblies and Union Territories used to elect only a few thousand democratically elected representatives which has increased to more than 30 lakh representatives including women, scheduled caste, scheduled tribes and other backward castes.

In the 25th year of the 73rd and 74th Constitutional Amendment Act, it is essential to retrospect and look forward to the opportunities arising out of the development and success of the local self-government bodies. At this juncture, it will be important to peruse three important aspects of the issue namely- free and fair elections, socio-political developments that have accrued due to the Constitutional Amendment and empowerment. The forthcoming conference attempts to focus on the above mentioned themes.



National Conference: 25 Years of 73rd and 74th Constitutional Amendment

Evolution of LGs (Local Governments) – Timeline

- ❖ 1687 - Madras Municipal Corporation
- ❖ 1870 - Lord Mayo resolution for town based local bodies
- ❖ 1882-Lord Rippon Resolution - Local Self- Government (Municipal Functions) May 18, 1882
- ❖ In the 1930s and 40's Gandhiji's Gram Swaraj - Village Republics
- ❖ 1951 - Grow More Campaign
- ❖ 1952 - Community Development Programme
- ❖ 1953 - National Extension Service
- ❖ 1957 - Balwantrai Mehta Committee
- ❖ 1959 – Three - Tier PR System
- ❖ 1977 - Ashok Mehta Committee
- ❖ 1992 - Lok Sabha Passes 73rd and 74th Constitution Amendment Bills on 22nd December 1992
- ❖ 1993 - 73rd Amendment Act, 1992 comes into force on 24th April, 1993.
- ❖ 1993 - 74th Amendment Act, 1992 comes into force on 1st June, 1993.

Progress

- ❖ More than quadrupling of fiscal transfers to LGs from Union Govt.
- ❖ Key amendments to Local Government legislation (e.g. Karnataka State).
- ❖ Promise of 'follow the money' studies.
- ❖ Slow, but steady consolidation of the voice of marginalized & excluded.

Key Factors

- ❖ Better understanding of the LGs' issues over time, by the Finance Commissions.
- ❖ Organization of Local Governments Associations.
- ❖ Slow evolution of LGs to apply pressure on higher level politicians
- ❖ Higher awareness in Local Governments' finances.
- ❖ Steadfast activity by NGOs working on issues of inclusion.

Challenges

- ❖ Elite capture of Local Governments.
- ❖ Struggle for inclusive participation.
- ❖ Leaders & Policy Makers increasingly biased towards de-concentration.
- ❖ Treating of LGs as agencies and not as devolved self-governing institutions.
- ❖ Champions in bureaucracy fading out
- ❖ Very little new talent coming to fore.
- ❖ New age funders and social entrepreneurs shying away from working with Local Governments.
- ❖ Corruption a strong inhibitor of:
 - Simplification of processes,
 - Reduction of levels and
 - Local transparency.
- ❖ Is decentralization only the decentralization of corruption?

What can be achieved?

- ❖ Bring problems of Local Governments to the fore.
- ❖ Encourage academic and research findings to cause political change.
- ❖ Facilitate Local Government Representatives to form associations.
- ❖ Local Government to act as an effective lobby body in every State.
- ❖ Conscious all out efforts across different levels of Government –
 - o To make a dent on corruption
 - o To include women and the marginalized in decision making.

For better involvement of marginalized women in Panchayati Raj

- ❖ Attitudinal change in men and women towards vulnerable groups.
- ❖ Dialogue between enlightened groups & newly elected leaders.
- ❖ Emphasis on ensuring the participation of women and marginalized in meetings of Panchayats.
- ❖ Mass organizations to act as catalytic agents.
- ❖ Curriculum is modified to promote gender sensitivity.

■■■

I. PANCHAYAT RAJ STATUS IN MAHARASHTRA
by Rural Development Department,
Maharashtra State

1) IN RETROSPECT:-

- 1.1** Three tier systems of Panchayat Raj Institutions (**PRIs**) in Maharashtra has been in existence since 1962 which had been introduced in the context of the recommendations of the **Balwantrai Mehta Committee** constituted by the Government of India though Maharashtra adopted the recommendations with a few modifications unlike other States in the country who have by and large followed the pattern of a strong middle tier of the Block Panchayat (Panchayat Samiti as called in Maharashtra) and a skeletal district tier of Zillah Panchayat as suggested by the **Mehta Committee**. However, Maharashtra appointed a State level Committee headed by the then revenue Minister of the State, **Shri Vasant Rao Naik** (Who subsequently also became the chief minister of the State) to study the Mehta Committee Report and suggest a suitable institutional and functional structure of the PRIs in tune with the history and ethos of the Maharashtra which had a strong legacy of a socially & locally led initiatives as also a community oriented action. The **Naik Committee**, after an extensive interaction with all the stake holders across the State, had proposed a strong Apex PRI tier of Zillah Parishad at the district level, a facilitating and monitoring unit of intermediate tier of the Panchayat Samiti, to be developed as an functional limb/arm of the Zillah Parishad and motley autonomous grass root tier of the Gram Panchayat envisaged to function as a **Direct Democratic Participatory Decision Making Unit** at the village level through **Gram Sabah** and elected Committee. **Naik Committee** also recommended to permanently transfer a large number of developmental schemes and the programs in the domain of the State Government Departments along with functionaries and commensurate administrative and development funds to the PRIs thus literally conferring a status of a District Local Government upon the Zillah Parishad. The State Government approved these recommendations not only through administrative fiat but had also ensured a legislative approval and backing to it through a fresh statutory enactment of **Maharashtra Zillah Parishad and Panchayat Samiti Act, 1961** and appropriately amending already existing law, **The Maharashtra Village Panchayat Act, 1958**.
- 1.2** However, with a passage of time it was also found necessary to take a review to further strengthen PRIs to enhance their efficacy and efficiency to speed up the implementation of the ever evolving Rural Development and Reforms Agenda necessitated by the national policy dynamics and governance priorities. Various evaluation committees comprising of the elected representatives, other non-officials, officials, practitioners and the thinkers had been appointed to periodically take the stock of the implementation and to recommend further policy modifications, noteworthy of those being **Bongirwar Committee** which submitted its report in 1973 and **P.B. Patil Committee** making its recommendations in the year 1984. Some of the recommendations made by these two Committees as accepted and implemented by the State Government needs a special mention as the principles propelling them were subsequently found to be incorporated in the 73rd Constitutional Amendment like the creation of **District Planning and Development Councils (DPDCs)**, constitution of the Panchayat Samiti through direct elections, levy and collection of certain taxes which were in the domain of the State Government by the PRIs as recommended by the **Bongirwar Committee** and reservation of 30% seats for women in all three tiers of the PRIs, transfer of the Subjects to PRIs most of which are subsequently found to be included in the Eleventh Schedule of the Constitution as recommended by **the P.B. Patil Committee**.

1.3 No such comprehensive committee had been appointed in the State after these till 1992, the year of the enactment of the 73rd Amendment to take up an independent review of the PRIs in the State though administrative reviews were taken from time to time through internal departmental committees. However, the State did participate and contribute in the deliberations of the various committees formed by the Government of India to roll out the Agenda incorporated in the 73rd Constitutional Amendment. It is only after the instructions of the **Department of Panchayati Raj , GOI** to all the States, on the near completion of 25 years of the 73rd Amendment to appoint a State level Committee to review the status of the roll out of the implementation of the various provisions of the Amendment that the State Government has appointed a **State Panchayat Expert Group/ Committee (SPEC)** whose report is yet to be received by the Rural Development and Panchayati Raj Department , Government of Maharashtra. However, the State did ask the **SPEC** its opinion on the Direct Election to the office of the Sarpanch, Panchayat Samiti Sabhapati and the President of the Zillah Parishad, so also the introduction of minimum educational qualification for contesting the elections for the PRIs which the **SPEC** had submitted by way of an Interim Report. The State Government has lent due consideration to that. Further appropriate action on the Final Report of the **SPEC** will also be considered by the **RDD, GOM** after its submission to the Government. It, however, needs to be clarified that the State Government has *sue motu* taken up a large number of reforms in last 25 years to operationalize the Agenda enunciated under the 73rd Constitutional Amendments which are eventually listed herein below in this **Status Note** .

2) STATUS OF INSTITUTIONAL AND FUNCTIONAL PRIEXPANSES IN MAHARASHTRA:-

2.1 As on date there are **34** Zillah Parishads, **351** Panchayat Samitis and **27896** Village Panchayats in the State. Pursuant to the **73rd Constitutional Amendment Act, 1992(Appended as Annexure 'A' to this Status note)**, Maharashtra enacted the Maharashtra Act No.XXI of 1994 and made necessary amendments in the **Maharashtra Zillah Parishad and Panchayat Samiti Act, 1961** and **Maharashtra Village Panchayat Act, 1958**. As envisaged under Part IX of the Constitution, the Panchayats at the District, Block and Gram levels were entrusted with additional duties and responsibilities and also vested with a commensurate authority to enable them to effectively and efficiently function as the institutions of Self-Government.

2.2 Given that agriculture, agro-industries and other natural resource based enterprises is the backbone of the Rural Maharashtra Economy, the overall development of Rural Maharashtra is primarily dependent on accelerated, comprehensive but eco-balanced and sustained exploitation of the resources and the need for containing the exodus of rural populace from the villages the Government of Maharashtra has taken several far reaching steps in regards to providing physical and social infrastructure and related public services for a quality life such as roads, water supply, sanitation , health, primary education, housing, connectivity, livelihood opportunities and the other complimentary either through or partnering with the institutional network of PRIs in rural areas.

2.3 However, the State Government is aware that to further accelerate such development, a deeper , proactive involvement of the Panchayats in the planning and implementation process of economic development and social justice, in conformity with the letter and spirit of Part IX of the Constitution especially Articles 243 G and 243 ZD, is essential. To achieve this objective there is an urgent need to strengthen Panchayats at all levels through a fuller and effective devolution of Functions, Functionaries and Finances as enjoined in the **National Common Minimum Programme**, so that they can effectively perform as Institutions of self-government. A concrete step towards this would be achieved when all the 29 Subjects enlisted in the Eleventh Schedule to the Constitution are entrusted to the PRIs, with appropriate **Activity Mapping Exercise** keeping in view the Subsidiarity Principle and Capacities of each of the tiers. The plain principle would be to divide the roles, responsibility and authority amongst the PRI tiers with respect to each of the Subject as Zillah Panchayat leading Policy & Macro level overall planning keeping in view the national and State priorities, Panchayat Samitis lending technical, administrative and logistical support & guidance while the Gram Panchayats are working as implementation entities for the programs formulated and services delivered under each of the **29Subjects**. State has already devolved **11 Subjects** and deciding on the eventual transfer of the remaining. The State Government is also aware of the need to bring in the clarity as regards the role of each tier in these **11** devolved Subjects which will have to be done through **Activity Mapping Exercise** which is presently underway. While deciding on the devolution of the remaining Subjects the modifications in the roles of the line departments of the State on one hand and the capacities of the all tiers of the PRIs to take up the mantle will have to be developed which task the Rural Development Department is presently seized with. The Report of the **SPEC** will be useful in this regard.

3. 73rd AMENDMENT- COMMITMENT TO COMPLIANCE

3.1 Listed here under are some important reforms and the steps so far taken by the Government of Maharashtra for the empowerment of all the three tiers of the Panchayats at the Gram, Block and District level in compliance of the mandate under the 73rd Constitutional Amendment :-

- a)** The Panchayats have been vested with powers, authority and responsibilities as listed in the **Maharashtra Zillah Parishads and Panchayat Samitis Act, 1961** and **Maharashtra Village Panchayat Act, 1958** as amended through **Maharashtra Act No.XXI of 1994** which enabled the State to transfer Funds, Functions and Functionaries to PRIs in respect of 29 Subjects in line with the 73rd Amendment to the Constitution of India.
- (b-i)** The State has approved the **Devolution Plan** in respect of the Subjects hitherto handled by the eleven Government Departments under which crucial village level development schemes / programs have been transferred along with manpower to the appropriate Panchayati Raj Institutions as under:-

Sr. No.	Name of the Department	No. of schemes transferred	Total staff transferred
1	School Education Department	4	1503
2	Cultural Affairs and Sports Department	3	0
3	Social Justice Department	40	2371
4	Women and Child Welfare Department	10	0
5	Energy Department	14	14
6	Animal Husbandry, Dairy Development and Fisheries Department	11	1320
7	Water Supply and Sanitation Department	3	1262
8	Public Health Department	6	9010
9	Water Conservation Department	8	0
10	Higher and Technical Education Department	1	0
11	Housing Department	2	0
	Total	102	15480

(b-ii) These schemes and the Programs entrusted to PRIs and the related staff transferred is in addition to the staff the recruitment, control and other related administrative/financial issues pertaining to them (like Primary Teachers, Anganwadi Sevikas ,Health Workers, Drinking Water Supply , Social Justice etc. numbering around 5 Lakh) had been entrusted to PRIs since decades, even prior to the devolution mandate emphasised under the 73rd Amendment . 100% salary and other expenses are borne by the State but the Subjects are dealt with by the PRIs.

(b-iii) As a result of a substantive Devolution done by the Maharashtra to the PRIs , the ranking of the State in **Devolution Index**, which is computed by the Ministry of Panchayati Raj Government of India annually, based on 3Fs(Fund, Function, Functionary) for all States in the country has been amongst the toppers , twice obtaining 1st rank . The year wise performance is as under:-

Sr. No	Year	Devolution Ranking
1	2009-10	5
2	2010-11	6
3	2011-12	3
4	2012-13	1
5	2013-14	1
6	2014-15	4
7	2015-16	2

- c) The State Government on date 22nd April 1994 has established the **State Election Commission (SEC)** for the superintendence and the control of the elections to Panchayati Raj Institutions in compliance of the constitutional provisions under the 73rd Amendment. The State Election Commission has since conducted regularly and periodically the periodical elections for the PRIs.
- d) The State has also constituted elected **District Planning Councils (DPC)** in each district in compliance of the mandatory provisions under 73rd Amendment. The districts now obtain untied budgetary grants which are distributed by the **DPC** under a district plan prepared by the PRIs and ULBs, especially the Gram Panchayats are preparing their development plan in participatory manners, the details of which are given separately in this note.
- e) State Government has so far constituted four **State Finance Commissions (SFC)** which is also a obligatory mandate under the 73rd Constitutional Amendment.
- f) With a view to strengthening the owned resources of the Panchayats the Gram Panchayats are empowered to levy, collect and recover taxes even invoking coercive measure from the defaulters under the Maharashtra Village Panchayat Act, 1958.
- g) The traditional ways of voluntary contribution by way of **Shramdan, Cost Sharing** are required to be complimented by knowledge, entrepreneurial and managerial skill sharing in this age of technology. This has become much more relevant in the context of the inclusive & affirmative growth policy of the State under which reservations have been provided for the elected posts in all the tiers of PRIs to the extent of 50% for women and additionally for other downtrodden section of the society like SCs STs, OBCs. Therefore the Capacity Building of these elected office bearers & other elected representatives, so also general public will have to be enhanced to take up the developmental responsibility and the governance task they will be encountering. The success of Panchayat Raj Institutions as Local Self Governing entities is contingent upon how speedily and efficiently this exercise of Capacity Building and Participatory Accessing is carried out. The **State Institute of Rural Development (SIRD)**, Yashada, Pune, a nodal PRI training and capacity building agency in the State is strengthened for providing timely and quality training to the elected representatives and officials of Panchayats which has since become a vital input especially in the context of capacitating 50% elected women representatives as regards the GP management. Specific Central & State sponsored Capacity Building & Training (CB&T) Programs are explained hereinafter in this Paper. Looking to the importance of these aspects in the success of the PRI governance, GOI and the State Government have given utmost priority and devised various Mission Mode Programs, a few important of them are described in **Annexure B** enclosed with this Status Paper.
- h) **Panchayati Raj Portal Project** has been initiated for IT enabled e-Governance for Panchayats to deliver online G-C and B-C & other services at the door steps of the villagers. It is also useful for Data Collection, Report Generation, and online display of the accounts of all the tiers of the PRIs. A dedicated manpower and all required infrastructure including relevant hardware & software has been installed in all the 28000

Gram Panchayats in the State the details of the same are elaborated in **Annexure C** appended to the note.

- i) With a view to provide a boost to the participatory decision making and rejuvenate the tradition & culture of collective action, community spirit and sense of commitment for the village so inherent in the psyche of the village folks, many Mission Mode Development Programs have been designed for the rural areas on the theme of “**Competition For Development**”, “**Hamara Gaon , Hamara Vikas**” , “**Aple Gaon , Aple Sarkar**” and similar themes which have helped to imbibe a sense of ownership and belonging towards the PRIs , especially the Gram Panchayats amongst the Villagers.
- j) Zillah Parishads have been empowered and given requisite funds to manage Primary Health Centres in rural areas. This includes provision of primary health care through medical service providers and provision of medicines.
- k) Management of Primary Education has been devolved to Zillah Parishads since long. This includes the recruitment and placement of teachers and maintenance of school buildings. Transfer policy of the teachers which had been found to be a stumbling block in a smooth primary education delivery has been completely reviewed and rationalised with the help of IT tools making it a most transparent exercise.

4 GRAM PANCHAYAT DEVELOPMENT PLAN (GPDP)

4.1. The XIV Finance Commission has awarded a substantial grant of approx. **Rs.15000crore** exclusively for the Gram Panchayats in Maharashtra, to be devolved over a period of five years. Over this period, as per the existing trend, **GPs** are likely to get at least an equivalent amount from **MGNREGS**. Further, **State Finance Commission** (SFC) transfers, Own Source Revenues of the GPs and fund flows from State and Centrally sponsored schemes would further enlarge the financial resources of the GPs.

4.2. In order to optimally and rationally utilize these huge enlarged financial resources for sustainable development, taking into account their needs and priorities, the preparation of **Gram Panchayat Development Plan (GPDP)** by the GPs through Participatory Planning Process has been introduced by **GOI**. Accordingly Govt. of Maharashtra has initiated a program “**Aamacha Gaon, Aamacha Vikas**” vide GR No. GPDP-2015/C.R.38/PR-6, dated 4th November, 2015.

4.3. Considering the large number of **GPs** in Maharashtra, the Capacity Building & Training programs were organized in a cascading sequence. The five year Comprehensive Plan and Annual Action Plans are prepared through a Participatory Planning Process. The major steps and highlights of the implementation of **GPDP** in Maharashtra are as follows:

a. Resource Envelope for Plan:

- i) OSR
- ii) Finance Commission Grants
- iii) Tribal Grants (5%)
- iv) MGNREGS
- v) Fund from DPC

- vi) Incentives/ awards under different schemes
- vii) CSR & people's contribution

b. Earmarking of fund:

- i) Woman & child development: 10 %
- ii) Health, Education and livelihood (Human Development) : 25%
- iii) Welfare of backward classes : In proportion to their population

c .GPDP Processes:

- i. 3.5 days participatory planning process.
- ii. GP level Resource Group.
- iii. Collection of data – formats in revenue village & gram panchayat booklets.
- iv. Validating & discussing data with different sectors, groups in the village.
- v. Assessing the needs/ demands from different groups, sectors & areas.
- vi. Preparation of list of demands, works or activities.
- vii. Prioritization of the proposed activities in the Gram Sabah.
- viii. Allocation of the fund available, as per resource envelope & convergence of different sources of fund.
- ix. Approval to four year comprehensive plan & draft annual plan, by Gram Sabah
- x. Project reports of all activities proposed in the annual plan by Gram Panchayat.
- xi. Draft plans sent to Block level Technical Scrutiny Committee.
- xii. If all the projects are technically feasible, draft annual plan is given back to GP & Gram Sabah gives administrative sanction to the final annual plan.
- xiii. Preparation of estimate of every activity in the plan, by Gram Panchayat with the help of available or hired technical manpower
- xiv. Technical sanction to every activity – By competent authority.
- xv. Administrative sanction to every technically sanctioned activity by the Gram Panchayat
- xvi. Work order of the activity is given by authority, as per guidelines of funding scheme; or by the Gram Panchayat
- xvii. Uploading Plans in Plan Plus and other Software developed by Government
- xviii. Provisions for social audit, special task group, audit & accounting, completion certificate & utilization certificates

d. Capacity Building & Training

- i. At State level 100 Principal Master Trainers (MTs) - for all the districts
- ii. MTs at Cluster level (P.S. Gan) – 4000
- iii. Charge Officers at Cluster (P.S. Gan) – 4000

5. ACHIEVEMENTS

- a. Till date **302302** elected representatives and **241245** functionaries have been imparted the training at the State, District and cluster level.
- b. Till date the status of GPDP prepared for the year **2016-17 is as follows;-**
 - a. Total No. of GPs in the State - **27901**
 - b. No. of GPs held Gram Sabah for **GPDP** - **27901**

c. No. of GPs where GPDP draft Plans finalized by Gram Sabah	- 27824
d. No. of GPs where final GPDP Plans approved by Gram Sabah	- 27824
e. No. of total activities proposed in GPDP plans	- 735283

6. IMPLEMENTATION OF PESA IN MAHARASHTRA:-

6.1 By enacting Panchayat **Extension to Schedule Area (PESA)** Act 1996, Central government has made special provision for those 10 states in the country having a large tribal population as per the provisions of **Article 244(1) and the Schedule 5** of the Indian constitution.

6.2 In Maharashtra Gram Panchayats and Panchayat Samitis in the following 13 districts are covered under **PESA Act 1996** partially or fully,

1) Thane, 2) Palghar, 3) Nasik, 4) Dhule, 5) Jalgaon, 6) Ahmednagar, 7) Pune 8) Nanded, 9) Yavatmal 10) Amravati 11) Gadchiroli 12) Chandrapur 13) Nandurbar.

In all the **13** districts, **59** PS and 2882 Gram Panchayats fall in the Scheduled Areas as per GPI norms .The Heads (Sabhapatis) of 29 Block Panchayat Samitis are permanently reserved for Scheduled Tribe while the seat of the President of Nandurbar Zillah Parishad is also permanently reserved for scheduled tribe.

6.3 In order to implement the **PESA** provisions, the Government of Maharashtra has amended Maharashtra Zillah Parishad and Panchayat Samiti Act 1961 and Maharashtra Gram Panchayat Act 1958 and a separate chapter has been incorporated with section **54 A, B, C and D and 54 (1 A)** in order to implement **PESA**. The salient features of these added provisions are explained as under

a) Amendment of section 54 A of Maharashtra Village Panchayat Act 1958

In terms of section 4 of the **PESA**, section 54 A of **Maharashtra Village Panchayat Act 1958** has been amended for declaring a habitation or a group of habitation or hamlets or group of hamlets sharing common customs and traditions as a "Village" so as to have a separate "**Gram Sabah** " for each habitation or the agglomerations thereof .

b) Notification of PESA Rule

In order to ensure proper implementation of **PESA** the **RDD, GOM** has framed **PESA Rules** under the Maharashtra Village Panchayat Act and published finally in Government gazette dated **4th March 2014**.The Rules provide for a composition and function of Gram Sabah, Gram Sabah accounts maintenance, role of Gram Sabah in maintaining peace, security and dispute resolution, management of natural resources, agriculture and land, intoxication habit control, control over minor forest produce and the management of village products. The PESA Rules also provide that each tribal settlement in a Gram Sabah may have a separate Gram Sabah for management of their resources.

c) Demarcation Methodology

In May 2015, this department has issued detailed guidelines regarding method of demarcation of settlement and their resource area, which will come under the control of a **PESA Gram Sabah** (which is from the traditional Gram Sabah of all the voters in the

non-PESA revenue village) Once the PESA settlement become a functional Gram Sabah for resource management purposes, the rules provide for creation of a **Gram Kosh**(Village Fund) wherein the income from the sale of natural resources like bamboo, *tendu* etc. are credited into the community account.

d) Management of all Minor Water Bodies by the Gram Panchayats.

Looking to the aggravating availability of water resources and in tune with the policy that natural resources are best managed by entrusting the responsibility to the local community through some institutionalized mechanism owned by them the Water Conservation Department has directed the Chief Engineer (Minor Irrigation) to transfer minor water bodies to Gram Panchayats. Vide letter Dt.17.10.2013. In response to that Out of **8298** Minor Water Bodies (6680 with Zillah Parishad and 1618 with Minor Irrigation Department), **1034** (1026 with Zillah Parishad and 8 with Minor Irrigation and Water Conservation) have been transferred to Gram Panchayats. Instructions have been reiterated to transfer of remaining minor water bodies to Gram Panchayats. Government of Maharashtra has issued guidelines vide G.R. Dt.2.8.2014 regarding handing over **Fisheries Rights** to the Gram Panchayats in water bodies up to 100 hectares.

e) Gram Sabah control over selection of beneficiaries, utilization of funds and approval of plans and programs.

Tribal Department of the State has initiated a proposal that ensures the selection of beneficiaries through Gram Sabah. The Rural Development Department has given its consent to the proposal. The Rural Development Department has also issued a circular **dt.6.11.2013** for making the utilization certificate by the Gram Sabah a mandatory requirement to ensure proper utilization of funds of the schemes implemented by the Gram Panchayats. As most of the PESA districts are also covered under **Backward Region Grant Fund (BRGF)** program, Gram Sabah also approves these plans and programs prepared by the GPs in these districts.

f) Support to PESA Gram Panchayats under Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (RGPSA) for enhancing control of Gram Sabah over resources planning and Management of village level institutions.

Under Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (**RGPSA**)/ Rashtriya Gram Swaraj Abhiyan (**RGSA**) the following posts for **PESA** Areas have been approved and sanctioned by the Ministry of Panchayati Raj, Government of India during the year 2017-18

- i. Gram Sabah Mobilization support for all **2882 PESA Village Panchayats** through NGO or SHG.
- ii. Block Coordinators for all **59 PESA Block Panchayats**.
- iii. District Coordinators for all **13 PESA District Panchayats**.

The support of the above manpower under RGPSA/RGSA shall ensure the implementation of **PESA** rules and control of Gram Sabah over resources, plans and village level institutions in the years to come.

g) Awareness in PESA Gram Sabah to enhance exercising right to Minor Forest Produce, Minor Minerals, Natural Resources etc.

- a) The Department has established a **PESA Cell** in YASHADA which arranges the training program for Government Officials, PRI Representatives and functionaries. Till date, 30 ZP members, 67 PS members, and 613 GP Members from **PESA** area have been trained. Similarly, district/block and village level 1682 functionaries have been trained.
- b) The above officers and functionaries and elected representatives trained to facilitate the Gram Panchayats will ensure that the Gram Sabah exercises its rights to Minor Forest Produce and other local resources effectively.

h) Direction by Honorable the Governor for implementing PESA.

Hon. Governor in exercise of his powers vested in him under the Constitution of India relating to scheduled areas has directed that critical local posts like **patwari, Gram Sevak**, local health workers etc. must be filled up from local Scheduled Tribes only in the **PESA** areas. Hon. Governor in exercise of his powers relating to scheduled areas has also brought in suitable modifications in the **Maharashtra Transfer of Ownership of Minor Forest Produce (Regulation of Trade) Act, 1997**, to treat **bamboo** as a non-timber forest produce so as to bring it under the community control in the **PESA** areas. As a result of this landmark notification issued by the Hon. Governor, the **PESA** villages have got greatly strengthened economically.

THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

STATEMENT OF OBJECTS AND REASONS

1. Though the Panchayati Raj Institutions have been in existence for a long time, it has been observed that these institutions have not been able to acquire the status and dignity of viable and responsive people's bodies due to a number of reasons including absence of regular elections, prolonged super sessions, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources.
2. Article 40 of the Constitution which enshrines one of the Directive Principles of State Policy lays down that the State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. In the light of the experience in the last forty years and in view of the short-comings which have been observed, it is considered that there is an imperative need to enshrine in the Constitution certain basic and essential features of Panchayati Raj Institutions to impart certainty, continuity and strength to them.
3. Accordingly, it is proposed to add a new Part relating to Panchayats in the Constitution to provide for among other things, Gram Sabah in a village or group of villages; constitution of Panchayats at village and other level or levels; direct elections to all seats in Panchayats at the village and intermediate level, if any, and to the offices of Chairpersons of Panchayats at such levels; reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for membership of Panchayats and office of Chairpersons in Panchayats at each level; reservation of not less than one-third of the seats for women; fixing tenure of 5 years for Panchayats and holding elections within a period of 6 months in the event of supersession of any Panchayat; disqualifications for membership of Panchayats; devolution by the State Legislature of powers and responsibilities upon the Panchayats with respect to the preparation of plans for economic developments and social justice and for the implementation of development schemes; sound finance of the Panchayats by securing authorisation from State Legislatures for grants-in-aid to the Panchayats from the Consolidated Fund of the State, as also assignment to, or appropriation by, the Panchayats of the revenues of designated taxes, duties, tolls and fees; setting up of a Finance Commission within one year of the proposed amendment and there after every 5 years to review the financial position of Panchayats; auditing of accounts of the Panchayats; powers of State Legislatures to make provisions with respect to elections to Panchayats under the super intendence, direction and control of the chief electoral officer of the State; application of the provisions of the said Part to Union territories; excluding certain States and areas from the application of the provisions of the said Part; continuance of existing laws and Panchayats until one year from the commencement of the proposed amendment and barring interference by courts in electoral matters relating to Panchayats.
4. The Bill seeks to achieve the aforesaid objectives.

'NEW DELHI;

The 10th September, 1991.

G. VENKAT SWAMY.

***THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT,
1992 [20th April, 1993.]***

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:-

1. Short title and commencement.-

- a. This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.
- b. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Part IX.- After Part VIII of the Constitution, the following Part shall be inserted, namely:-

PART- IX.THE PANCHAYATS

243. Definitions.- In this Part, unless the context otherwise requires,-

- (a) "District" means a district in a State;
- (b) "Gram Sabah" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- (c) "Intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- (d) "Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;
- (e) "Panchayat area" means the territorial area of a Panchayat;
- (f) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. Gram Sabah .- A Gram Sabah may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

243B. Constitution of Panchayats.-

- (1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.
- (2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population of exceeding twenty lakhs.

243C. Composition of Panchayats.-

- (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

- (2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and; for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.
- (3) The Legislature of a State may, by law, provide for the representation-
 - (a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;
 - (b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;
 - (c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;
 - (d) Of the members of the Council of States and the members of the Legislative Council of the State, where they are registered a selectors within-
 - (i) A Panchayat area at the intermediate level, in Panchayat at the intermediate level;
 - (ii) a Panchayat area at the district level, in Panchayat at the district level.

- (4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.
- (5) The Chairperson of -
 - (a) A Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and
 - (b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243D. Reservation of seats.-

- (1) Seats shall be reserved for-
 - (a) the Scheduled Castes; and
 - (b) the Scheduled Tribes,

In every Panchayat and the number of seats of reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

- (2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.
- (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.
- (4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

- (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.
- (6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. Duration of Panchayats, etc.-

- (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.
- (2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).
- (3) An election to constitute a Panchayat shall be completed-
 - (a) before the expiry of its duration specified in clause (1);
 - (b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the reminder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

- (4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the reminder of the period for which the dissolved Panchayat would have continued under clause –
 - (1) Had it not been so dissolved.

243F. Disqualifications for membership.-

- (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat-
 - (a) If he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned: Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

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

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

243G. Powers, authority and responsibilities of Panchayats.- Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to-

- (a) The preparation of plans for economic development and social justice;
- (b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

243H. Powers to impose taxes by, and Funds of, the Panchayats.- The Legislature of a State may, by law,-

- (a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- (d) provide for Constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys there from, as may be specified in the law.

243-I. Constitution of Finance Commission to review financial position.-

- (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to-
- (a) the principles which should govern-

- (i) The distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;
 - (ii) The determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayat;
 - (iii) The grants-in-aid to the Panchayats from the Consolidated Fund of the State;
 - (b) The measures needed to improve the financial position of the Panchayats;
 - (c) Any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.
- (2) The Legislature of a State may, by law, provide for the composition of the commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.
 - (3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.
 - (4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum to the action taken thereon to be laid before the Legislature of the State.

243J. Audit of accounts of Panchayats.- The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243K. 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 grounds 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.

243L. Application to Union territories.—The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M. Part not to apply to certain areas.—

- (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.
- (2) Nothing in this Part shall apply to-
 - (a) the States of Nagaland, Meghalaya and Mizoram;
 - (b) the Hill Areas in the State of Manipur for which District Councils exist under any law for the time being in force.
- (3) Nothing in this Part-
 - (a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;
 - (b) Shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.
- (4) Notwithstanding anything in this Constitution,-
 - (a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a

majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243N. Continuance of existing laws and Panchayats.- Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243-O. Bar to interference by courts in electoral matters. - Notwithstanding anything in this Constitution,-

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.'

Constitution, after sub-clause (b), the following sub-clause shall be inserted, namely:-

"(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;"

Constitution, the following Schedule shall be added, namely:-

"ELEVENTH SCHEDULE" (Article 243G)

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.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets."

RAJIV GANDHI PANCHAYAT SASHAKTIKARAN ABHIYAN (RGPSA)/ RASHTRIYA GRAM SWARAJ ABHIYAN (RGSA)

1. **RGPSA** is initiated by Government of India during the year 2013-14 with funding from the Central and State Government in the proportion of 75:25 with the following objectives.
 - a. Enhance capacities and effectiveness of Panchayats and the Gram Sabah.
 - b. Enable democratic decision-making and accountability in Panchayats and Promote community participation.
 - c. Strengthen the institutional structure for Knowledge Creation and Capacity Building of Panchayats.
 - d. Promote devolution of powers and responsibilities to Panchayats according to the spirit of the Constitution and **Panchayat Extension to Schedule Area (PESA)** Act.
 - e. Strengthen **Gram Sabah** to function effectively as the basic forum of people's participation, transparency and accountability within the Panchayat system.
 - f. Create and Strengthen democratic local self-government in areas where Panchayats do not exist.
 - g. Strengthen the constitutionally mandated framework on which Panchayats are founded.
2. During the year 2013-14 and 2014-15 the main activities undertaken were Administrative and Technical Support to GPs, Capacity Building and Training of ERs and Functionaries of PRIs, E-enablement, Special Support for PESA and Training Infrastructure.
3. During the year **2015-16**, the **RGPSA** was de-linked from the Union Budget. There was uncertainty regarding continuation of the program and therefore no new activities were undertaken. However the MoPR introduced an innovative concept of preparation of **Gram Panchayat Development Plans (GPDP)** through Participatory Planning Process. The unspent balance of **RGPSA** and new release from MoPR during the year was permitted to be spent on Capacity Building, Training and execution of Participatory Planning Process for **GPDP**.
4. During the year **2016-17**, different Capacity Building and Training Activities for **GPDP** were undertaken and the process in all the GPs has been completed.
5. During the year **2017-18**, the GOI has sanctioned Annual Action Plan under **RGSA** with following major activities.
 - a) Capacity Building and Training of ERs and Functionaries of PRIs,
 - b) E-enablement of Panchayats,
 - c) Special Support to PESA and
 - d) Training Infrastructure.
6. There is a plan to complete **CB&T** of newly elected ZP & PS Members and also to cover CB&T of 20000 recently elected GP members and 20000 Women GP members. Under **PESA** we are covering CB&T of 100 GP ERs and 100 village level functionaries from each **PESA** GP, in addition to ZP & PS members from the PRIs falling under **PESA**.

E-Governance in PRIs in Maharashtra

- 1.1** The level of e-enablement in PRIs varies across States/UTs due to available infrastructure, manpower and the capacity in PRIs which pose challenges in the implementation of the project. However over the past few years, the State of Maharashtra has displayed various instances using innovative ways to overcome these challenges setting examples for other states to emulate.
- 1.2** The Ministry of Panchayati Raj incentivizes States/UTs to increasingly adopt the PES Applications to improve the day-to-day functioning of the PRIs. The Ministry, through the annual e-Panchayat **Puraskars**, recognizes the best performing States/UTs annually on the occasion of National Panchayat Day. Maharashtra has consistently bagged the prize for its outstanding performance in this area in the year 2010-11, 2011-12 and 2013-14.
- 1.3** Rural Development Department, Government of Maharashtra had initiated many e-governance projects over years as specified below
 - a) SANGRAM** (an acronym for Sanganakiya Garmin Maharashtra) now renamed **Aaple Sarkar Seva Kendra (ASSK)** is a project for Data collection , display of real time accounts of PRIs through PRIA software , digitization & online storage of all the statutory formats required to be maintained at GP level, providing 19 kind of certificates to the villagers online , online submission of the reports and MPRs/APRs to the authorities from Zillah Parishad to State Government to GOI, providing other G-C and B-C services to the villagers , support to SHGs and the farmers for marketing of their produce & products and other related e-services . The Project is implemented since the year 2011 in all the Gram Panchayats (GPs), Panchayat Samitis (PS) and Zillah Parishads (ZPs) in Maharashtra. The basic objective is to deliver as many e-services as possible to the villagers at their door step and also head towards paperless PRI governance.
 - b)** Under the Project a dedicated technical resource person designated as Village Level Entrepreneur (**VLE**) is deployed in each GP complimented by the support, supervisory and handholding resources stationed at PS and ZP level. Some of the uniform software provided by the GOI nationwide has been customized as per the requirement of the GPs & the Government of Maharashtra.
 - c)** The other implementation components in the project involves providing hardware like PC, printer, scanner and consumables, deployment of mechanism and resources for the Project Management, development of various application for providing services like G2G, G2C, B2C, FI etc at villages door state, digitization of all records of GP and providing a dash board which consists of consolidated data required at various level of PRI for monitoring and formulation of policies and to involve all stakeholders in the said project, training and capacity building at all tiers of PRI
 - d)** The payment for the services provided to the Gram Panchayat are paid by the Gram Panchayat themselves as per the rates decided by the State through online payment system, where in all SLA and activities are mapped and the system automatically maps and calculates the payable invoice amount . ■■■

II. 74th Constitutional Amendment: Status, Progress & Challenges

**By Urban Development Department,
Maharashtra State**

I) Background:

74th Constitutional Amendment regarding Urban Local Bodies received the assent of the Hon'ble President of India on 20th April 1993. Pursuant to this, the 20th April is observed as the "Urban Development Day" in the State.

- In pursuance to the 74th Constitutional Amendment, following predominant action is expected to be taken related to the Urban Local Bodies in the State:-
 1. Three tiered set-up of Urban Local Bodies.
 2. Representation to the Scheduled Castes and Scheduled Tribes in the Urban Local Bodies in proportion to their population.
 3. Reservation to the women in Urban Local Bodies.
 4. Assignment of 18 subjects to the Urban Local Bodies which are specified in schedule 12 included in the Constitution by way of 74th Constitutional Amendment.
 5. The tenure of Urban Local Bodies shall be for 5 years.
 6. Constitution of ward committees.

- In pursuance to the 74th Constitutional Amendment, three tiered Urban Local Bodies have been constituted in the State. The details of the same are as below-
 1. *Nagarpanchayat* for the transitional area which is transited from rural area to urban area.
 2. Municipal councils for smaller urban areas.
 3. Municipal Corporations for larger urban areas.

- The proceedings of Urban Local Bodies in the State viz. *Nagarpanchayats*, Municipal Councils and Municipal Corporation are governed by the provisions of the following Acts :-

Sr. No.	Urban Local Bodies	Concerned Act
1	The Municipal Corporation of Greater Mumbai	The Mumbai Municipal Corporation Act, 1888
2	All the remaining Municipal Corporations in the State excluding Municipal Corporation of Greater Mumbai	The Maharashtra Municipal Corporation Act
3	The Municipal Councils and <i>Nagarpanchayats</i>	The Maharashtra Municipal Councils, <i>Nagarpanchayats</i> and Industrial Townships Act, 1965

II) Figures & Features

- In all, there are 388 Urban Local Bodies in the State as specified below:-

Sr. No.	Urban Local Bodies	Number
1	Municipal Corporations	27
2	Municipal Councils	236
3	<i>Nagarpanchayats</i>	125
Total		388

- In proportion to the population of the concerned Urban areas, the Urban Local Bodies in the State are constituted as follows in consonance to the provisions in the concerned Acts pertaining to the Urban Local Bodies:-

Sr. No.	Urban Local Bodies	Population
1	Municipal Corporations	More than 3 lakhs
2	"A" class Municipal Council	More than 1 lakhs
3	"B" class Municipal Council	More than 40000 but less than 1 lakhs
4	"C" class Municipal Council	More than 25000 but less than 40000
5	<i>Nagarpanchayat</i>	More than 10000 but less than 25000 lakhs

Population means, the population as ascertained at the last preceding census of which the relevant figures have been published.

- In spite of the criteria of population stipulated above, the State Government can constitute *Nagarpanchayat* at Taluka and District Head Quarters. In order to augment a planned development of Urban Areas of the State, the State Government has constituted Municipal Councils/*Nagarpanchayats* at Taluka Head Quarters.
- The provisions for elected members as the councilor of Municipal Council are as follows:-

Sr. No.	Class of Municipal Area	Number of Elected Councilor
1	"A" Class Municipal Council	The minimum number of elected Councilors shall be 38, and for every 8000 of the population above 100000, there shall be one additional elected Councilor, so, however, that the total number of elected Councilors shall not exceed 65
2	"B" Class Municipal Council	The minimum number of elected Councilors shall be 23, and for every 5000 of the population above 40000, there shall be one additional elected Councilor, so, however, that the total number of elected Councilors shall not exceed 37
3	"C" Class Municipal Council	The minimum number of elected Councilors shall be 17, and for every 3000 of the population above 25000, there shall be one additional elected Councilor, so, however, that the total number of elected Councilors shall not exceed 23
4	<i>Nagarpanchayat</i>	17 members

- The provisions for elected members of the Municipal Corporations in the State except Municipal Corporation of Greater Mumbai are as follows:-

Sr. No.	Population	Number of Councilors
1	Above 3 lakhs and upto 6 lakhs	The minimum number of elected Councilors shall be 65. For every additional population of 15000 above 3 lakhs, one additional councilors shall be provided, so however that the maximum number elected councilors shall not exceed 85
2	Above 6 lakhs and upto 12 lakhs	The minimum number of elected Councilors shall be 85. For every additional population of 20000 above 6 lakhs, one additional councilors shall be provided, so however that the maximum number elected councilors shall not exceed 115
3	Above 12 lakhs and upto 24 lakhs	The minimum number of elected Councilors shall be 115. For every additional population of 40000 above 12 lakhs, one additional councilors shall be provided, so however that the maximum number elected councilors shall not exceed 151
4	Above 24 lakhs and upto 30 lakhs	The minimum number of elected Councilors shall be 151. For every additional population of 50000 above 24 lakhs, one additional councilors shall be provided, so however that the maximum number elected councilors shall not exceed 161
5	Above 30 lakhs	The minimum number of elected Councilors shall be 161. For every additional population of 100000 above 30 lakhs, one additional councilors shall be provided, so however that the maximum number elected councilors shall not exceed 175

- The total number of members to be elected for the Municipal Corporation of Greater Mumbai is 227.

III) Devolution & Next Steps

- There are 18 subjects specified in schedule 12 of the Constitution included by way of 74th Constitutional Amendment. Most of these subjects have been entrusted with the Urban Local Bodies namely:-
 1. Urban planning including town planning
 2. Regulation of land-use and construction of buildings
 3. Planning of 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 the 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 the Urban amenities and facilities such as parks, gardens, playgrounds
 13. Promotion of cultural, educational and aesthetic aspects
 14. Burials and burial grounds; cremations, 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
- The State Government has taken following decisions pertaining to the Urban Local Bodies in the State :-
- 1) Representation to the Scheduled castes, Scheduled Tribes and Backward Class of Citizens in Urban Local Bodies in proportion to their population.
 - 2) 50 % representation to the women in Urban Local Bodies.
 - 3) Direct election of the President of Municipal Councils from amongst the people.
 - 4) Multi- member Ward system for all the Municipal Corporations (excluding the Municipal Corporation of Greater Mumbai) and all the Municipal Councils in the State.
 - 5) Constitution of Municipal Councils / *Nagarpanchayats* at all the Taluka Headquarters in the State.
- As mentioned above, most of the subjects enlisted in the schedule 12 of the Constitution have been entrusted with Urban Local Bodies. Besides this, the State Government takes following steps to ensure more autonomy and economic efficiency for Urban Local Bodies in the State :-
- 1) In order to improve the basic civic amenities, a special grant is provided to the Municipal Corporations (Excluding the Municipal Corporations of Greater Mumbai) on the basis of specific criteria viz. population, average per capita production and capital expenditure.
 - 2) In order to provide necessary basic facilities to the worshipers, who visit worship places located in the Municipal Council areas and also to facilitate the related developmental works, the State Government sanctions development schemes for the worship places in concerned Municipal Council areas.
 - 3) In order to encourage healthy competition amongst the Urban Local Bodies in providing public facilities and thereby to enhance the Excellency, the scheme of Incentive Awards is implemented in the State. The Municipal Corporations/Municipal Council who perform exceedingly well in Urban Development Sector are provided with incentive awards.
 - 4) Tourism development grant is provided to the Municipal Councils situated in mountain/Hilly areas for facilitating the visiting tourists.

- 5) A special grant is provided for improving primary facilities in the Municipal Corporation areas. Besides this, the Municipal Councils in the State are provided with a special grant for peculiar works on the basis of certain criterions.
- 6) In order to remove the discrepancies in the town planning sector under the Town planning and valuation department of the State, the Town planning Training Scheme is being implemented.
- 7) In order to attain the comprehensive and well-planned development of the “D” class Municipal Corporations as well as of the Municipal Council areas in the State, “the Maharashtra Swarnjayanti Nagarotthan Mahaabhiyan” is being implemented.
- 8) The Maharashtra Fire Safety Mission is being implemented to strengthen the fire services available with the “D” class Municipal Corporations, as well as Municipal Councils. Under this mission, the concerned Urban Local Bodies are provided with some funds.
- 9) In order to attain well- planned development of newly constituted Municipal Councils/*Nagarpanchayats*, a grant- in- aid is provided for basic infrastructure and other works which are beneficial to the people. This grant is provided upto the 3 years from the constitution of concerned Municipal Councils/*Nagarpanchayats*
- 10) The Municipal Corporations/Municipal Councils, of which boundaries are extended, a grant- in- aid is provided to them for basic infrastructure and other works which are beneficial to the people. This grant is provided up to the 3 years from the alteration of boundaries of concerned Municipal Corporations/Municipal Councils.
- 11) The Tribal Habitation Improvement Scheme has been launched for the welfare of tribal people in the urban areas. The State Government provides 100% Grant-In-Aid for the works taken under this scheme. This scheme is being implemented in the Urban Local Bodies which are located in the Tribal Sub-plan areas.
- 12) The Deen Dayal Antyodaya Yojana-National Urban Livelihood Mission is being implemented in 259 cities in the State. This Mission provides for uplifting the living standard of urban poor people, for providing maximum opportunities of livelihood to them and for providing opportunities of employment and self-employment to them. This scheme is being jointly implemented by the Central Government and State Government. The financial pattern of this scheme comprises of 60:40 grant share by the Central Government and State Government respectively.
- 13) With a view to improve the status of infrastructure facilities in the urban areas of the State, AMRUT MISSION is being implemented jointly by the Central Government and State Government. This mission is being implemented in 43 cities in the State having population more than 1 lakhs and for Shirdi as a special case. Under this mission the share proportion of grant is 50:25:25 for the Central Government, the State Government and the concerned Urban Local Body respectively. (a separate note is enclosed herewith)
- 14) With a view to develop “Smart cities” with an objective to make them efficient in overall infrastructure, the centrally sponsored “Smart City Mission “is proposed to implement in the 10 cities of the State. The Central Government and the State Government would provide their share of funds required for the implementation of this Mission. (a separate note is enclosed herewith)
- 15) The survey of properties located in “C” & “D” class Municipal Corporations as well as in all the Municipal Councils/*Nagarpanchayats* would be carried out by using G.I.S.

Mapping System. It would ensure the proper evaluation of properties and thereby all the properties located in the Urban Local Body areas in the State shall be brought in the purview of the property tax. It would help to strengthen the financial position of concerned Urban Local Bodies.

- Pursuant to the 74th Constitutional amendment, the State government has accomplished the objectives viz. three tiered set-up of Urban Local Bodies, 5 years tenure of Urban Local Bodies, reservation to the Schedule castes, schedule tribes and women in Urban Local Bodies.
- In order to accelerate the efficiency of Urban Administration, the State government has formed a State Cadres for the posts in 7 cadres under different major departments of Municipal Councils (“A”, “B” and “C” class)/*Nagarpanchayats* in the State. It is helping to make available the trained and skilled man power to all the small Urban Local Bodies.
- With a view to ensure effective control of the State government on the functioning of the Urban Local Bodies and to facilitate them with administrative assistance, a proposal of strengthening of the Directorate of Municipal Administration is under consideration of the State Government. It would help to improve the administrative functioning of the Urban Local Bodies considerably.
- In order to improve the financial administration of Urban Local Bodies, the double accounting system is being implemented in all the Municipal Councils/*Nagarpanchayats* in the State. The State Government is providing necessary assistance and guidance to all the Municipal Councils/*Nagarpanchayats* for the same.
- Public Financial Management System (PFMS) is being implemented at the level of the Directorate of Municipal Administration and Municipal Councils for an effective control on the utilization of funds which are being made available to the Urban Bodies by the Central Government and the State Government. It is also aimed at creating financial discipline.
- “Swatchha Maharashtra Abhiyan (Urban)” is being implemented in the State on the lines of “Swatchha Bharat Abhiyan (Urban)”. Under this mission the urban areas of the State have been declared as the 100% “Open Defecation Free” area.
- Under Solid Waste Management programme, the solid waste is disposed by segregating it through decentralized method followed by treating it scientifically.
- 15 services provided by the Urban Local Bodies in the State have been notified under the Right to Service Act.

IV) Innovations:

1. AMRUT MISSION

- ❖ The Centrally sponsored AMRUT MISSION is being implemented in the State.
- ❖ This mission is being implemented in 43 cities in the State having population more than 1 lakhs and for Shirdi as a special city.
- ❖ Under this mission, various projects of Water Supply and Drainage/Sewerage System are being implemented in these 44 cities of the State.
- ❖ For every city, the minimum of three Green Zone Development Projects are being implemented.
- ❖ As per the Guidelines of the Central Government, the first priority under this mission is given to the Water Supply Component, followed by Drainage/Sewerage Component.

- ❖ Under this mission, the Central Government has approved a plan of total amount of Rs.7,759 crores to be implemented through three Annual Action Plans. The Plans for the year 2015-16, 2016-17, 2017-18 are of Rs.1989 crores, Rs.2490 crores and Rs.3280 crores respectively.
- ❖ After the approval to the Annual Action Plans by the Central Government, the process of preparation and sanction of the Detailed Project Reports is in progress.
- ❖ Under this Mission, 38 Water Supply Projects costing a total amount of Rs.3789 crores are being implemented. Similarly, 33 Sewerage Projects costing a total amount of Rs.3753 crores are being implemented.
- ❖ Besides this, Green Zones- which are the Lungs of Cities- are being developed in the concerned Mission Cities.
- ❖ In all, 128 Green Zone Projects would be developed under this Mission costing a total amount of Rs.182 crores.
- ❖ Until now, all the projects under the Annual Action Plans for the year 2015-16 and 2016-17 have been given an Administrative Approval. The work of 24 Projects is in progress.
- ❖ The Projects under the Annual Action Plan for the year 2017-18 are expected to start by December, 2017.
- ❖ Under this Mission, until now, two Green Zone Projects are completed. Whereas, it is aimed to complete minimum 50 Green Zone Projects and 2 Water Supply Projects by March, 2018.

2. SMART CITY MISSION

Objectives of Smart City Mission

- ❖ The implementation of the Smart City Mission would ensure the improvement in the living standard of citizen by means of area development as well as overall infrastructure development by using smart technology.
- ❖ The existing cities would be developed through area development and further they would be developed in to the well planned cities.
- ❖ The formation of ancillary cities around existing cities would make it possible to combat the increasing population in the cities.
- ❖ The creation of clean and eco-friendly eternal cities.
- ❖ The use of Modern technology and smart solutions for improving the quality of infrastructure facilities and services.
- ❖ “The Smart City Mission” is an ambitious project of the Central Government.
- ❖ Under this project 100 cities are to be selected through competitive process and further these cities would be developed in to the “Smart Cities” in next five years.
- ❖ The State Government has approved to implement this scheme on 13th July, 2015.

- ❖ The State Level High Power Committee headed by the Chief Secretary has selected 10 potential Smart Cities.
- ❖ These cities are as follows:-

Sr. No.	Name of City
1	Navi Mumbai
2	Pune- Pimpri Chinchwad Urban cluster
3	Nashik
4	Thane
5	Greater Mumbai
6	Amravati
7	Solapur
8	Nagpur
9	Kalyan-Dombivali
10	Aurangabad

- ❖ The Central Government has declared all the above 10 cities as Potential Smart Cities.
- ❖ As per the Guidelines of the Central Government, all the above Municipal Corporations have submitted their Smart City Plans to the Central Government with a prior approval of the State Level High Power Committee headed by the Chief Secretary.
- ❖ All existing schemes viz. AMRUT, Clean India Mission, Digital India, Make in India are jointly contemplated for the preparation of Smart City Plan.
- ❖ Out of these 10 Potential Smart Cities the Central Government has selected 8 cities viz. Pune and Solapur in 1st phase, Nashik, Kalyan-Dombivali, Nagpur, Thane, Aurangabad in 2nd phase and subsequently Pimpri-Chinchwad in 3rd phase.
- ❖ Special Purpose Vehicle (SPV) is formed for the implementation of this scheme.
- ❖ Fund Availability to the Smart Cities for ensuing five years:-

Sr. No.	Item	Government of India Share Rs. Cr	State Government Share Rs. Cr	Contribution of Urban Local Bodies Rs. Cr
1.	Procurement of funds to the Smart Cities selected by the Central Government (Per annum per city)	100	50	50
2.	Funds to be received in next five years	500	250	250
3.	If the 10 cities are selected under the Smart City Mission the fund to be procured in next five years	5000	2500	2500

❖ Fund Distribution :-

City (Rs.cr)	Received Central share	Released		Total
		Central share	State Share	
Pune	196	196	93	289
Solapur	196	196	93	289
KDMC	190	190	93	283
Nagpur	190	190	93	283
Nashik	190	190	93	283
Thane	190	190	93	283
Aurangabad	190	190	93	283
Total	1342	1342	651	1993

■■■

III. Recommendations on Electoral and Political Reforms with regard to the local bodies' elections in Maharashtra

**By ADR – Association for Democratic Reforms and
NEW - National Election Watch**

CONTENTS

❖ Executive Summary

❖ Top 20 Recommendations on Electoral and Political reforms that SECM can implement immediately

1. Widening scope of provisions laid down for the Registration & De-registration of political parties in The Registration of Political Parties Order, 2009 vide SECM notification dated 31st March 2009, (further amended as per SECM notification dated 2nd Sept 2009)
2. SECM should replace its current format for registration of political parties with ECI format & issue directions regarding transparent selection process of candidates
3. Suo-motu disclosure under section 4 of RTI Act, 2005 to increase transparency, as per Govt of India's Office Memorandum dated 15th April, 2013 (copy forwarded to Chief Secretaries of all the states)
4. Steps that can be undertaken to curb money power & increase financial transparency
5. Setting up of Permanent machinery for verifying the declarations in the affidavits of the candidates, increasing scrutiny period of nomination form to 3 days & making enquiries on disproportionate assets of elected representatives
6. Legal recourse that SECM can undertake in case of false affidavits submitted by candidates
7. Reduce the time provided for filing election expenses
8. Make sure that Model Code of Conduct is strictly followed by parties and candidates during elections & widening of its scope by SECM
9. Updating of SECM website www.mahasec.maharashtra.gov.in & making it mandatory to create & maintain user friendly website for all local bodies in Maharashtra
10. Adoption of ECI format for filing nomination form / affidavit (Form 26) in two & addition of new changes
11. Providing rigorous training & empowerment of Officers on Election Duty
12. Improving health of electoral rolls
13. Measures needs to be undertaken to deter non-serious candidates
14. Measures to Deter Electoral Malpractices
15. Ensure Valid Candidature
16. Voter Awareness
 - What are the groups that may have left out and need to be targeted?
 - What are the strategies to reach out to the above focus groups and also new strategies to reach out to the groups that have been left out to enhance enrolment and participation in elections?
 - In what ways, can the State Election Commission reach out to relevant CSO, opinion leaders, educational institutions, youth/students volunteer networks and other formal and informal groups to strengthen voter awareness and participation?
 - What are the effective grassroots level goof practices/innovative measures of community mobilization that can be adopted by State Election Commission?
 - Measures to increase voter turnout

17. Ensuring Voters Make Informed Choices
18. Filing election petition against candidates who lose elections
19. Submission of Annual report by Municipal Councillors and other elected representatives
20. Create Level Playing Field for All Candidates & Conduct of Elections

❖ **Top 30 recommendations on Electoral and Political reforms that requires amendments in The Representation of the People Act (RPA)**

1. Amendment u/s 4 & 5 of RPA, 1951 regarding only allowing candidates from registered political parties to contest elections
2. Amendment u/s 10 A of RPA 1951 adding provision of submitting Contribution Reports along with election expenditure statement of candidates
3. Amendment u/s 29 A of RPA 1951 under Registration as political party section regarding adding clause "shun violence for political gains & avoid discrimination on the basis of religion, language, caste, etc.
4. Amendment u/s 29 C of RPA 1951 for increasing financial transparency & financial disclosure
5. Amendment u/s 29 J, 29 N & 29 O of RPA 1951 regarding formation of party, voting procedures during internal party elections & for selection of candidates
6. Amendment u/s 33 (7) of RPA 1951 regard in restricting candidates to contest from more than one seat
7. Amendment u/s 75 B of RPA 1951 regarding restricting government sponsored advertisements
8. Amendment u/s 86 (2) of RPA 1951 for setting up fast track courts & Election benches
9. Amendment u/s 98 A of RPA 195 for disclosing data pertaining to election petitions filed and pending with High Courts
10. Amendment u/s 123 (2) (a) (iii) of RPA 1951 to include paid news under Corrupt Practices
11. Amendment u/s 126 of RPA 1951 prohibiting public meetings as well as election advertisements in print & electronic media, during last 48 hours of election
12. Amendment u/s 126 C of RPA 1951 regarding putting restrictions on opinion polls
13. Amendment u/s 127 B of RPA 1951 for putting strict restrictions on the paid news
14. Amendment u/s 29A of RPA, 1951 regarding regulating the de-registration of political parties

15. Amendment required in section 8 of RPA act, 1951 regarding disqualification on framing of criminal charges
16. Amendment required in RP Act regarding permanent disqualification on candidates / elected representatives convicted of heinous crimes
17. Implement a multi-party system for appointments of the CEC and SEC
18. Implement ceiling on expenses of political parties during election period
19. The requirement for winning election should be “50% + 1 of the registered votes cast”
20. System of Elections [Combining of First Past the Post (FPTP) system with proportional representation system, as prevalent in Germany
21. Effective implementation of Right to Reject (NOTA)
22. Amendments required to sections 78, 81 and 84 of the R.P. Act, 1951 regarding reducing the time provided for filing election expenses
23. Amendment required in Form 26 regarding filing of election expenditure in last election
24. Amendment required in section 123 of the R.P. Act, 1951 for filing election petition against candidates who lose elections
25. Amendments required in the relevant sections of the State laws pertaining to strict penalties against those involved in electoral malpractices
26. Law against the use of excessive money in elections by candidates
27. Amendment u/s 77 of RPA act required in widening scope of candidates’ election campaign expenses
28. Prohibition of taking other offices after retirement of The Election Commissioners
29. Qualitative Up gradation of the Candidates
30. Amendments required u/s 125 A of RP Act regarding Electoral Disqualifications

❖ **Top 13 recommendations on Electoral and Political reforms that requires amendments in the State laws**

1. Recommendation for merging of 5 existing state acts & making 1 single uniform state law governing all local bodies elections
2. Judicial Power Vested With the SEC
3. Qualitative Up gradation of the Candidates – Inserting new section under “Qualification for membership of the Municipal Councilor or other elected representative” in local bodies
4. Conduct and better management of elections
 - a. Staff of the SEC
 - b. Funding (Budget of the SEC should be ‘Charged’)
5. Implement a multi-party system for appointments of the SEC
6. Introduce provisions for inner-party democracy within political parties
7. Bring financial transparency in the accounts of political parties
8. Bring in a comprehensive bill to regulate working of political parties
9. Declare Political parties as Public Authorities
10. Changes required in state laws to make it mandatory to submit Annual reports for Municipal Councillors and other elected representatives
11. A separate body to decide the salaries and perks of elected representatives
12. State Government should implement judicial reforms
13. State Government should implement recommendations related to Police Reforms

❖ **Recommendations for new rules and miscellaneous issues**

1. Rulemaking authority to be vested in State Election Commission
2. Changes required in the affidavit form
3. Miscellaneous Issues

Executive Summary

The following is an executive summary discussing the recommendations on electoral and political reforms with regard to the local bodies’ elections in Maharashtra. The four sections being discussed are **top 20 recommendations on Electoral and Political reforms that SECM can implement immediately, top 30 recommendations on Electoral and Political reforms that requires amendments in The Representation of the People Act (RPA), top 13 recommendations on Electoral and Political reforms that requires amendments in the State laws and recommendations for new rules and miscellaneous issues.**

While keeping the objective of improving public life in mind, there are various areas of both electoral and political processes that need to be improved. Two of the main purposes of a democracy is representation and inclusion. In order to uphold these institutions, the SEC can implement certain reforms to improve the legitimacy of elections, which this proposal will discuss.

Some of the main areas that should be targeted are **widening scope & jurisdiction of powers granted to SECM under Article 243 K & 243 ZA of the Indian Constitution pertaining to deregistration of political parties vide SECM order dated 31st March 2009, de-criminalization of politics, Suo-motu disclosures under section 4 of RTI Act, 2005 to increase transparency,**

increasing the financial transparency of contesting candidates and elected representatives, minimizing the frequency of electoral malpractices, improving the system of elections by aiming for a higher amount of representation, digitizing all election documents & putting it in public domain and also improving voting behaviour. Addressing these areas would be a step in the right direction in trying to rectifying the issues associated with conducting elections.

A. Top 20 Recommendations on Electoral and Political reforms that SECM can implement immediately-

The first step towards achieving democratic reforms would be to **widen scope & jurisdiction of powers granted to SECM** pertaining to deregistration of political parties **vide SECM order dated 31st March 2009** issued under **Article 243 K & 243 ZA of the Indian Constitution**. It can be seen that SECM order dated 31st March 2009 has well defined legal provisions pertaining to regulating registration as well as de-registration of the political parties, taking advantage of which it can **tell political parties for conducting their internal party post elections through its machinery & bring this into its jurisdiction** by virtue of **sub clause (7) of clause 3 under Part II**, i.e. Registration of Political Parties, of the said SECM order & **powers granted to it by article 243 K & 243 ZA of the constitution**. As per **sub clause (7) of clause 3 under Part II**, of the said SECM order, it is mentioned that **"The Commission may call for such other particulars as it may deem fit from the association or body or political party"**. **Sub clause 10 (b) of clause 3 under Part II of above order**, mentions about maintaining true accounts of **Income & Expenditure** of the party separately for local body elections, apart from maintaining accounts indicating expenditure details incurred on **general publicity** of the party and **candidate wise expenditure** incurred for promoting election of the specific candidates set up by party in different local body elections. The de - registration of parties needs to be done given that there is any misconduct on their behalf or if they have failed to fulfil certain criteria. For example, they should be de - registered if they violate the Model Code of Conduct (MCC), if they fail to submit their Manifesto to the SECM, etc.

SECM can immediately replace its current format for registration of political parties with ECI format as the ECI format is more **comprehensive** & deals with **de-criminalization part in politics** by asking criminal details of the party office bearers annually. Any candidate contesting elections with a criminal record consisting of major charges (**murder, rape, kidnapping, etc.**) should be disqualified and banned from contesting any elections. It also issues directions regarding transparent selection process of candidates and if implemented strictly, it has potential of making political parties held accountable in case they field tainted candidates in elections, since candidates are usually given tickets without any public debate. Emphasis is given that the information given in the **affidavits** should be **certified& approved** by the parties to ensure that the candidates in question are worthy enough to obtain a ticket. In the event that the information is later found to be incorrect, both the candidates and the political parties must be held accountable. It is also recommended that the SECM should write to authorities for setting up of **Special or Fast Track Courts**& expediting cases related to all electoral matters pertaining to local bodies.

It is very important that there are great provisions under **Section 4 of RTI Act, 2005** in the form of **Suo-motu disclosures** to increase transparency, whose effectiveness in providing **proactive information** is highlighted time to time. Recently, as a reminder, **Govt of India's Ministry of**

Personnel vide its **Office Memorandum dated 15th April, 2013** forwarded guidelines to **Chief Secretaries** of all the states along with **Election Commission of India (ECI)**, for strict implementation of section 4 of RTI act. SECM is sitting on a treasure of vital information in the form of all election related documents like ***affidavits/nomination forms, registration forms of political parties, declarations from its office bearers, Income tax returns / auditors reports of parties, Income expenditure statements of candidates & parties***, etc. that can be put in public domain by just implementing provisions of section 4 of RTI act in toto. **It can set transparency benchmark by Video recording of all local bodies' sessions / committee proceedings / meetings & putting it in public domain, etc. through websites (as live telecast may be very costly).**

Financial transparency needs to be addressed by having all candidates declare all assets, liabilities, income and sources of income that belongs to them, their spouse or their dependents at the time of the nominations. During the election period, the expenses by candidates and political parties need to be limited in order to avoid various malpractices such as, **paid news** among other things, where this can be achieved by imposing a ceiling. The time provided to file election expenses should also be reduced. If they fail to fulfil or violate any of these requirements, they should be subject to facing penalties. The grounds for the disqualification of elected representatives should also be modified to be more rigorous. The conditions for **disqualification** should incorporate **filing false affidavits**, being continuously absent in the house or abusing their power in any manner for personal gains. **Setting up of Permanent machinery for verifying the declarations in the affidavits of the candidates**, increasing scrutiny period of nomination form to 3 days & **making enquiries on disproportionate assets of elected representatives**, are certain measures that will lead to **curbing money & muscle power** in long run. By *taking advantage of the loop hole existed in section 177 & 181 of IPC, regarding specification of penalty amount on filing of false affidavits*, **SECM can fix up Rs. 5,00,000/- (INR Five lakhs) only as fine, to punish the mischievous culprits. It can also initiate action under section 181 of IPC as it has provision of 3 years imprisonment for filing of false declaration to a public authority.**

Rigorous **training** to the **20,000 + Returning Officers (RO) / officers on election duty** to be provided and they are **empowered** in real sense to exercise their rights granted under section 36 of RPA act & other election laws. SECM can make sure that the **Model Code of Conduct (MCC)** is followed strictly by candidates as well as parties and scope of MCC can be widened by including prohibition of election campaign through print media along with door to door campaigning in last 48 hours of actual elections. Effective implementation of **Citizens On Patrol (COP)** app should be ensured by SECM for achieving some tangible results & some dedicated specialized manpower be recruited to do capacity building (including on field training) of existing staff to effectively handle the complaints related to electoral violations. To better improve the complaint system for citizens, the means through which the public can report any cases of electoral violations should be fine-tuned. Platforms such as the web based complaint system should be improved and the use of android applications to report such cases should be introduced in order to minimize electoral malpractices as much as possible

One simple but unique measure SECM can easily implement is just updating of its own website www.mahasec.maharashtra.gov.in & making it more user friendly. It can also make it mandatory for all local bodies in Maharashtra to create user friendly websites, maintain same and then link it to the main SECM website.

SECM should replace its current nomination form / affidavit with the ECI format which is comprehensive and include few new changes as per 7th April 2017 amendment made in Form 26 through a recent GOI notification. **Improving health of electoral rolls** is another area where SECM can bring some fundamental improvement in coordination with local CEO office. For greater administrative efficiency, the quality of electoral rolls and voter ID cards needs to be improved and corrected where this task should be **outsourced** to an outside agency to prevent any cases of illegal inclusions or omissions.

Apart from recommendations regarding adopting various progressive & strict measures to deter non-serious candidates & electoral malpractices, ensuring valid candidature as well as ensuring that voters make informed choices, it is equally important for SECM to make provision in current laws regarding filing election petitions against those candidates who lose elections. One progressive recommendation that SECM can implement is making it mandatory for Municipal Councillors & other elected representatives to submit an **annual performance report** highlighting work done by them for their constituency.

Making information more accessible to voters so that they can make more informed choices during elections and increasing voter turnout is a fundamental aspect of democracy. This can be achieved by digitizing all election related documents (affidavits, election expenditures, financial statements, etc.) along with any other relevant information and making it available in the public domain. These documents should be published both in the English language as well as the regional language where voters should be given sufficient time to analyse these documents prior to the elections so as to ensure **informed voting**. In order to increase **voter turnout**, Voter Awareness Programs should be implemented in order to persuade more people to participate in the elections. Moreover, it is imperative that **e - voting** is allowed because it simplifies the process and reduces the time required to submit your vote, which could further persuade people to participate. Moreover, **fingerprint scanning** or **iris scanning** should be used instead of indelible ink as it is a more effective method of identifying voters. **Publishing of a manifesto should be made mandatory for all candidates, parties & alliances.** An institution of **Electoral Ombudsman** should be created who will decide on all matters pertaining to Election Manifestos. This institution that may directly report to SECM office can also decide about remedy to voters in case of non-implementation of the manifesto promises.

The SECM office can immediately implement recommendation regarding creating level playing fields for all candidates by providing equal opportunities to all contestants. After winning Gram Panchayat elections, winners should be immediately issued **Identity card, Certificate of winning, etc.** as given to winners elected as Municipal Councillors. Regarding conduct of free & fair elections, SECM is authorized to notify the dates to conduct elections, for the enforcement of code of conduct, filing and withdrawal of nominations, scrutiny, final list of candidates, etc. **Totalizer** should be used for counting votes & to stop victimization of voters.

B. Top 30 recommendations on Electoral and Political reforms that requires amendments in The Representation of the People Act (RPA)

India is a democracy. However, the manner in which political parties function is tainted by corruption, which defeats the purpose of democratic institutions. In order to strengthen the quality of our democracy, there is a need to do various constitutional amendments to the RP Act, 1951, which will not only improve how political parties operate but also increase transparency &

accountability in long run. To achieve above purpose, there are numerous amendments required in Central law, we are discussing **top 30** of such amendments in nutshell under this section.

Most of these amendments are suggested in **the 255th report** prepared in **March 2015** by **Law Commission** of Govt of India under **Chapter XVIII**. The amendments under this section of the base discusses about allowing candidates from registered political parties only to contest elections (indirectly banning independent candidates) for elections to Lok Sabha and legislative assemblies, about adding provision of submitting Contribution Reports along with election expenditure statement of candidates, adding of clause "shun violence for political gains & avoid discrimination on the basis of religion, language, caste, etc., putting of audited accounts and donation reports submitted by all political parties, in public domain through its website by ECI, provisions regarding formation of party, for voting procedures during internal party elections, election of candidates, etc., regarding restrict candidates to contest from more than 1 seat, restricting government sponsored advertisements, setting up fast track courts & Election benches, to expedite cases related to election petitions., disclosing of the public disclosure of data pertaining to election petitions filed and pending with High Courts through its website, including paid news (pay for news) under Corrupt Practices, prohibiting public meetings as well as election advertisements in print & electronic media during last 48 hours of election, putting restrictions on opinion polls wherein strict disclosure provisions are made for the broadcaster or publisher of such opinion polls with provision of fine up to Rs. 5 lakhs & 2 years imprisonment in case of violations and also to put strict restriction on the paid news with provision for punishment with imprisonment for a term which may extend to three years, and with fine, which may extend to Rs. 25 lakhs, who is found paying for news, or receiving payment for news.

The rest of these amendments are compiled from various other sources (including 244th Report of Law Commission on Electoral Disqualifications, 170th Report of Law Commission) & on opinion of other experts in this field. The amendments under this category recommends about empowering the Election Commission to regulate registration and de-registration of political parties, **amendment required regarding disqualification that it should be triggered upon framing of charges by the court, instead of conviction as it exists today**, amendment required in RP Act regarding permanent disqualification on candidates / elected representatives convicted of heinous crimes, Implement a multi-party system for appointments of the CEC and SEC, Implementing ceiling on expenses of political parties during election period, **the requirement for winning election should be "50% + 1 of the registered votes cast"**, **Effective implementation of Right to Reject (NOTA)**, **Combining of First Past the Post (FPTP) system with proportional representation system**, regarding reducing the time provided for filing election expenses, Amendment required in Form 26 regarding filing of election expenditure in last election, Amendment required for filing election petition against candidates who lose elections, Amendments required in the relevant sections of the State laws pertaining to strict penalties against those involved in electoral malpractices, Law against the use of excessive money in elections by candidates, widening scope of candidates' election campaign expenses, Prohibition of taking other offices after retirement of The Election Commissioners, Qualitative Upgradation of the Candidates and **Amendment recommended regarding Electoral Disqualifications on the basis of filing of false affidavits**, are the other top constitutional amendments required to be implemented, for achieving goal of electoral & political reforms.

C. Top 13 recommendations on Electoral and Political reforms that requires amendments in the State laws

Apart from the top recommendations SECM can immediately implement and the prominent constitutional amendments required in the Central RP Act, 1951, there are top 13 recommendations that require amendments in state laws, which are discussed in this section.

The first and foremost amendment required in state laws is merging of 5 existing state acts & making 1 single uniform state law governing all local bodies elections, on the lines of the Representation of People Act, 1951 that is the Central Law governing all Lower / Upper house, Legislative Assembly & Council elections. Secondly, the state government should provide judicial powers to the SEC so that he can do real justice with his constitutional obligation of conducting free and fair elections, as right now the SEC has limited powers as well as doesn't enjoy independence with regard to funding & manpower requirements. Apart from these, recommendations are also suggested regarding qualitative Upgradation of the Candidates by inserting new section under "Qualification for membership of the Municipal Councillor or other elected representative" in local bodies.

It is also important for the staff of the SEC to be well equipped to improve the conduct and management of elections. Staff should undergo training modules, which guide them on how to properly carry out election duties. Prior to the elections, the time taken for scrutiny and analysis of nomination forms/affidavits and other election documents should be reduced by deploying more manpower to carry out the task. In order to execute their responsibilities efficiently, they should be given the flexibility to utilize funds wherever needed without having to seek approval from the Finance Department in every instance.

Inner party democracy needs to be introduced within the political parties where secret ballot voting for all elections for all inner party posts is mandatory, **preferably all party elections should be brought under the ambit of SECM jurisdiction.** As previously discussed, it is worth emphasizing that the financial transparency of political parties needs to be improved. Information such as the Income Tax returns of parties and their contribution reports should be put in the hands of the public for scrutiny.

In order to continue making progress, it is important to monitor the work of political parties where the Municipal Councillors and other elected representatives should submit **annual reports** of what they've accomplished in the past year as well as what they plan to do in the coming year. This information should also be made available on the SEC's website or the concerned local body's website so that the public can view it. Lastly, another concern surrounding political parties are the salaries and benefits, which they receive. This is problematic because parties fix their own remunerations, which presents a conflict of interest. Instead, a separate and independent body or commission should be chosen to take these decisions.

Other recommendations for the SEC involve the **implementation of judicial and police reforms.** Judicial reforms involve appointing additional judges in order to speed up criminal cases against politicians and for a faster disposal of election petitions. The state government should implement a Supreme Court judgement in **Prakash Singh & others vs Union of India**, on guidelines framed on

Police Reforms. This is to ensure that false cases are not registered against rival politicians by the ruling party or state government in power, to whom the Police department reports.

D- Recommendations for new rules and miscellaneous issues –

Currently, the rules for local body elections are created by the State Government, which doesn't necessarily consider the suggestions of the State Election Commission. Since the SEC's primary role is to clean up and monitor elections, they can execute their responsibilities much more efficiently if they are the rule making authority. This framework should be implemented after consulting the State Government. Once the SEC has the ability to modify the election rules, there should be a few changes made to the election processes. Firstly, the list of polling agents should be made public in advance where during the elections; they should include civil society representatives as observers who may be a mix of official and non - official observers, selected by the Election Commission. There should also be changes incorporated into the existing format of affidavits filed by contesting candidates to include a PAN declaration of candidates in order to monitor their transactions and dealings more closely. More financial information should also be included such as IT returns, tax penalties, assets, income and sources of income, etc. Additionally, candidates standing for elections should be announced 6 months prior to the elections where they should be required to submit affidavits stating the expected and approximate amount to be spent for the elections.

Top 20 Recommendations on Electoral and Political reforms that SECM can implement immediately

1. Widening scope of provisions laid down for the Registration & De-registration of political parties in The Registration of Political Parties Order, 2009 vide SECM notification dated 31st March 2009, (further amended as per SECM notification dated 2nd Sept 2009) –

It can be seen that local body acts have well defined legal provision pertaining to registration as well as de-registration of the political parties. **SECM can tell political parties for conducting internal party post elections through its machinery & bring this into its jurisdiction by virtue of sub clause (7) of clause 3 under Part II, i.e. Registration of Political Parties, of the SECM order dated 31st March 2009 & powers granted to it by article 243 K & 243 ZA of the constitution.. As per sub clause (7) of clause 3 under Part II, i.e. Registration of Political Parties, of the SECM order dated 31st March 2009, it is mentioned that "The Commission may call for such other particulars as it may deem fit from the association or body or political party". Sub clause 10 (b) of clause 3 under Part II of above order, mentions about maintaining true accounts of Income & Expenditure of the party separately for local body elections. This clause also clearly says that parties are supposed to maintain accounts indicating expenditure details incurred on general publicity of the party and candidate wise expenditure incurred for promoting election of the specific candidates set up by party in different local body elections.**

In view of this, SECM can widen its scope & initiate de-registration process in following cases:-

- i. Parties who fail to conduct internal party elections in a democratic manner, under supervision of the SECM machinery, as it's the foundation stone of future conduct of free & fair elections
- ii. Parties who don't follow rules of internal democracy like conducting elections to all party posts regularly in 5 years, adopting policy of secret ballot system, adopting transparent process for

party ticket distribution or candidate selection process through voting by registered party members, etc.

- iii. Parties who don't certify affidavit & nomination details of the candidates put up by them for contesting local body elections
- iv. Parties who puts up tainted candidates facing serious criminal cases &/or where competent courts have framed charges against candidates on the basis of taking cognizance of the crime
- v. Parties who don't fill up **Conflict of Interest register** for their registered members including office bearers, many of them contest elections in future & then become elected representatives of local bodies. Thus, it should be mandatory for all registered members to disclose their business interests, partnerships in companies, etc. and make it available in public domain
- vi. Parties who don't submit registered Manifesto to SECM once elections are announced
- vii. Parties who don't submit, maintain or do third party auditing of their accounts
- viii. Parties who submit donation reports or don't disclose anonymous donations to SECM
- ix. In case information provided in the affidavits / nominations of candidates, found false or misleading, either at scrutiny stage or post-election stage
- x. If the office bearers or contesting candidates of party found guilty of misusing religion, race, caste, language, etc. for electoral gains, continuously & repeatedly
- xi. If all election or financial data like income & expenditure statements, audit reports, donation reports, etc. not uploaded on the party official website, in public domain
- xii. If annual performance report of the elected representatives of party is not submitted to SECM office
- xiii. Parties who don't win minimum % of seats in elections

2. SECM should replace its current format for registration of political parties with ECI format & issue directions regarding transparent selection process of candidates –

At present, recognized political parties are registered with SECM as per the provisions laid down in **The Registration of Political Parties Order, 2009** vide **SECM notification dated 31st March 2009**, (slightly amended sub clause (6) of clause 3 as per SECM notification dated 2nd Sept 2009) wherein there are **clear provisions for registration as well as deregistration** of political parties, who have expressed their interest for contesting local body elections in Maharashtra. **There is a need to replace this SECM political party registration format with the ECI format as it is more comprehensive than SECM format & covers all important sections like asking about criminal background of the Office bearers, etc.**

According to the “**Guidelines and Application Format for Registration of political parties**” under Section 29A of the **Representation of the People Act, 1951**, the Election Commission of India has laid down certain conditions for registering a political party. For the purpose of registration of any association or body of individual citizens of India as a political party, the association or body is required to make an application (**Format at Annexure-I**) to the Election Commission of India giving therein full particulars required under sub-section (4) of Section 29A of the Representation of the People Act, 1951 and additional particulars required under the **Registration of Political Parties (Furnishing of Additional Particulars) Order, 1992**, separately. The application format requires the

office bearers of a political party to disclose two different kinds of information pertaining to criminal background:

- Affidavits from the office bearers of the main organs of the applicant party showing information about their criminal antecedents have to be furnished in affidavit form.
- Have the affidavits from the office bearers of the main organs of the party showing information about their criminal antecedents been furnished in affidavit form? Yes/No

Therefore, in the same way and based on the corresponding powers of the SEC as per Article 243K and Article 243 ZA of the Constitution, SEC can issue the same application format for the regional parties. Other suggestions are as follows:-

- a) Direct/ issue instructions to the political parties not to field candidates against whom a) charges have been framed b) convicted of heinous crimes such as rape, murder, dacoity, robbery etc.
- b) It is also a known fact that office bearers like President, Vice- President, General Secretary, etc. of political parties have a major say in the allocation of tickets to candidates to contest elections. They are the main decision makers in a party. Election Commission of India usually asks for the information regarding criminal antecedents of the Office Bearers only at the time of registration. **Therefore, in the same way SEC not only can also ask for the same information besides asking each political party to annually file information on criminal antecedents of their Office Bearers. This information should also be made available to the public and should be displayed outside each polling booth during elections.**
- c) There is no well-defined process in the selection of candidates by the political parties. Tickets are given to the candidates for contesting elections on the sole basis of win ability factor. Historically, it has been observed that muscle power and money power makes a winning combination. Therefore, candidates with criminal background quietly conveniently make their foray into the Lok Sabha and State Assembly elections as political parties do not hesitate in giving tickets to such candidates. The crime-money-politics nexus demands careful legal insight into the functioning of the political parties and regulating the internal affairs of parties. According to the “The Election Symbols (Reservation and Allotment) Order, 1968”, it can be seen that Paragraph 13 of the order prescribes the conditions to be followed for treating a candidate as a candidate set up by a political party. As per the provisions set out in Paragraph 13 of the order, office bearer like President/General Secretary etc. of every political party have to sign Form A and B to officially give ticket to a candidate. Therefore, SEC should issue instruction/make press release/send letters to the parties as well as office bearer reminding them of their obligation under Paragraph 13 and also state clearly **that the political parties and their office bearers will be held accountable for fielding such candidates with tainted background.**
- d) **Affidavit information of candidates to be certified by Political Parties:** Since the candidates are given tickets largely by political parties without any public debate or involvement of their primary members, the information submitted in their affidavits should be certified by Political Parties. It is after all these parties only that know these candidates to be worthy enough to get their tickets. In case the information furnished by the candidates is found incorrect, the political party should also be held accountable
- e) Direct each political party to annually file the information on criminal antecedents of their Office Bearers and make such records available to the public, including NIL records.

- f) **Writing authorities for setting up of Special or Fast Track Courts & expediting cases related to all electoral matters pertaining to local bodies** -SECM can write to concerned authority for setting up **Special Election Benches (Tribunals) or Fast Track Courts** for expediting cases related to all sort of electoral matters including election petitions pertaining to local bodies. All pending cases against Municipal Councillors / other elected representatives / candidates should be fast tracked and brought to conclusion within a specific time (preferably one year). If these cases go to higher courts, they should be treated at a high priority in these courts too. These fast track courts should also have open and transparent hearings and witness protection. Any evidence of intimidation should be taken as evidence of guilt.
- g) **De-register and de-recognize any political party if it knowingly puts up a candidate with a tainted background.**

3. Suo-motu disclosure under section 4 of RTI Act, 2005 to increase transparency, as per Govt of India's Office Memorandum dated 15th April, 2013 (copy forwarded to Chief Secretaries of all states) -

As per GOI's Office Memorandum dated 15th April, 2013 issued by Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Section 4 (1) (b) of the RTI Act, 2005 lays down the information which should be disclosed by Public Authorities on a **suo motu** or **proactive** basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of suo motu disclosures under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications. Proactive disclosure as per these guidelines would require collating a large quantum of information and digitizing it. All election related documents should be **digitized** and preserved as **permanent records** (physical copies can be destroyed after 1 year) to be used for future reference. **Hence, SECM can disclose all sort of election related information including but not limited to all election related documents like –**

- **filled in registration forms of political parties & their office bearers (national, state level or regional parties),**
- **candidate affidavits & nomination papers,**
- **election expenditure statements of candidates & political parties,**
- **Income tax returns & auditors reports of political parties,**
- **Contribution reports and Income / expenditure statements,**
- **Video recording of all local bodies' sessions / committee proceedings / meetings & putting it in public domain, etc. through websites (as live telecast may be very costly)**

4. Steps that can be undertaken to curb money power & increase financial transparency:-

While filing of annual Income Tax returns & Auditors report with SECM office by all registered recognized political parties is already followed currently, as mandated by the **31st March, 2009 SECM order**, it should also endorse/entrust the following points:

- a) Instructions to maintain and submit annual accounts, duly audited by a qualified and practicing chartered accountant from a panel of such accountants maintained for the purpose by the Comptroller and Auditor General.
- b) Direction to maintain name and address of individuals, companies, entities making donations to political parties to ensure that no fund is received by the political parties from prohibited sources as stipulated under Section 29B of the RPA.
- c) Directions for the cancellation of income tax exemption given to those registered political parties which default in submission of their annual accounts.
- d) If the SEC finds, on verification, undertaken whether suo moto or on information received that the statements of accounts filed is false, they can levy such penalty upon political party that they may deem fit besides initiating criminal prosecution under law.
- e) Issue directions that no political party should accept donation in cash.
- f) De- recognition of unrecognized parties who fail to file their expenditure statements with SECM.
- g) District election officer to make publicly available, on his website or on file for public inspection on payment of prescribed fee, the expenditure/contribution reports submitted by every contesting candidate under section 78.
- h) It should be made mandatory for all elected representatives to file annual Income tax returns & audit report with SECM office, non-compliance or providing false information should result in levying of heavy penalty along with initiating criminal prosecution under law.
- i) Election expenditure statements of candidates & winners should be made available on the website of SECM or concerned local body as soon as they are filed by candidates for public scrutiny.
- j) Sources of income of candidates contesting elections, their spouse and dependents should be in public domain.
- k) Shadow registers for each contesting candidate should be maintained by expenditure observers tracking the campaign expenses.
- l) Contesting candidates should file Election Expenditure Statements online via **True Voter app developed by SECM** within stipulated time frame online for easy access by the public.
- m) On certain occasions, the Election Commission of India have issued guidelines prohibiting carrying of money above a certain amount a few days before polling. Subject to verification such person can be detained and such cash be seized. Such orders can also be passed by Election Officers and Executive Magistrates on their own. The use of Central Para-military Forces is preferable over the use of local police in such cases.

5. Setting up of Permanent machinery for verifying the declarations in the affidavits of the candidates, increasing scrutiny period of nomination form to 3 days & making enquiries on disproportionate assets of elected representatives –

- i. SECM should make provision & set up official machinery for verifying the declarations submitted by contesting candidates, especially criminal & financial details. The information given in the affidavits of the candidates on criminal charges, assets, liabilities, etc. should be

verified by an independent central authority in a time bound manner. **Preferably such verification should be done for all final contesting candidates but in case of resource crunch, it MUST be done at least for the winners. Provisions should be made for strong action on finding serious anomalies.**

- ii. The above independent central authority who shall investigate the criminal & financial background details submitted in the affidavits should consist of officers **from Income tax dept, Police dept, Sales tax dept, CSOs**, etc. They should submit their verification report in a time bound manner.
- iii. For scrutiny of nomination forms / affidavits, huge manpower be deployed – budgetary provision be done for their training and wages. Also, **days of scrutiny be increased to 3 days instead of only 1 day**, as existing today since it takes time to scrutinize criminal, financial & other info.
- iv. A **mechanism** should be devised to ensure checks & enquiries about **disproportionate increase in assets** of all contesting candidates / elected representatives of the local bodies as well as the office bearers of the political outfits participating in local body elections of the state.

6. Legal recourse that SECM can undertake in case of false affidavits submitted by candidates –

A candidate shall, at the time of delivering to the returning officer the nomination paper, shall also deliver to him an affidavit sworn by the candidate in a prescribed form. The returning officer shall thereafter, as soon as may be after the furnishing of information to him, display the aforesaid information by affixing a copy of the affidavit at a conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered.

SECM can drag candidate to court & impose strong penalty for filing wrong information, especially under section 181 of IPC:

Furnishing of any false information is a penal offence under section 177 and 181 of the IPC as well as under Section 125 of the Representation of People Act. Punishment under Section 177 of the IPC will be a simple imprisonment for a term which may extend to **six months** or with **fine** which may extend to one thousand rupees or with both. However, Section 181 of the IPC which gives another very strong provision for furnishing false statement on oath or affirmation to a public servant shall be punished with imprisonment for a term which may extend to **three years** and shall also be liable to **fine**. Also, Section 125A of the RPA poses a penalty for furnishing false information which may extend to **6 months or fine or both**.

Here, it is worth noting that the law is silent on specifying amount in INR for the word “fine” under section 181 of IPC & under section 125 A of RPA Act (except specifying of Rs. 1,000/- (maximum) fine under section 177 of IPC); so, taking advantage of this loop hole, SECM can fix up Rs. 5, 00,000/- (INR Five lakhs) only as fine, to punish the mischievous culprits.

How RO can help?

- i. A person can approach the Returning officer in this regard. Verification by the returning officer under Section 36 of RPA is the first and foremost step that can be availed owing to any discrepancy found in the affidavits/nomination papers of the candidates. Section 36 of the RPA gives the power to the Returning officer for the scrutiny of the nomination papers. He decides all the objections which may be made to any nomination. **According to section 36(2)**

of the RPA, the returning officer can either on any objection made or on his own, after such inquiry, can reject any nomination on the grounds of any disqualification given under Article 102 and 191 of the constitution. He can as well reject the nomination on failure to comply with the mandatory information which the candidate is required to fill. But as far as the disqualification is concerned and per ADR'S 2002 and 2003 Supreme Court judgment (2003) 4 SCC 399, Election Commission does not have the power to disqualify a candidate based on any false information.

- ii. A person can also approach RO under **Section 195 of the Cr.P.C** (Prosecution for contempt of lawful authority of public servants, for offences against public justice & for offences relating to documents given in evidence) as he being a public authority can write a complaint in writing to a court of law for any offence punishable under **Section 172 to 188** of the IPC.

7. Reduce the time provided for filing election expenses-

A candidate presently can file accounts of elections expenses within 30 days, which reduces the time given for filing election petitions to 15 days. **SECM can pass order** to reduce the period of filing accounts of elections expenses by contesting candidates to 20 days so that the time for filing election petitions can be increased from 15 days to 25 days.

8. Make sure that Model Code of Conduct is strictly followed by parties and candidates during elections& widening of its scope by SECM –

- i. The Model Code of Conduct should be strictly enforced for Free and Fair elections. Parties, who don't follow Model Code of Conduct (MCC) rules, should be debarred from contesting elections. ***Scope of MCC should be widened by including prohibition of election campaign through print media along with door to door campaigning in last 48 hours of actual elections.***
- ii. The electoral violations should be tracked and registered. Android Applications like **Election Watch Reporter (EWR)** and **Citizens on Patrol (COP)** created by Association for Democratic Reforms (ADR) and Webrosoft Technologies may be publicized and citizens may be encouraged to use it to report electoral violations. Extensive training on these 2 apps should be organized for the officers in charge of monitoring Model Code of Conduct (MCC) violations.
- iii. ***Effective implementation of COP app should be ensured by SECM for achieving some tangible results & some dedicated specialized manpower be recruited to do capacity building (including on field training) of existing staff to effectively handle the complaints.***
- iv. The details of the election observers such as names, phone numbers, email id etc. should be made public on SEC website well in advance.

9. Updating of SECM website www.mahasec.maharashtra.gov.in & making it mandatory to create & maintain user friendly website for all local bodies in Maharashtra –

Updating of SECM website www.mahasec.maharashtra.gov.in should be done and made user friendly. User friendly websites should be created **mandatorily** for each & every local body (Gram Panchayat till Municipal Corporations) whose websites are not made till date. All existing municipal corporation websites along with other local body websites should be linked to the main SECM website, for easy access to public at large and for verifying authenticity of the information.

10. Adoption of ECI format for filing nomination form / affidavit (Form 26) in toto & addition of new changes :

SECM should replace its current nomination form / affidavit with the ECI format which is comprehensive and include few new changes in same, mentioned below -

- i. **Declaration of sources of income by candidates, their spouse & dependents** – Along with the declaration of their income, candidates should also declare **their own, spouse as well as their dependent's** sources of income at the time of nominations, as per **7th April' 2017** amendment made in Form 26 through recent GOI notification.
 - Form 26 should be further amended to include one section which says that whether the candidate had filed his election expenditure statements for the last election.

11. Providing rigorous training & empowerment of Officers on Election Duty-

- i. Extensive training modules (handbooks and audio-visual) for the officials (ROs, POs, other staff) dispensing election duties should be designed. For ECI Handbooks for ROs, see link: http://eci.nic.in/eci_main/ElectoralLaws/HandBooks/RO%20HANDBOOK_24022014.pdf
- ii. For ECI Handbooks for DEOs, see link: http://eci.nic.in/eci_main/ElectoralLaws/Hand-zBooks/Checklist%20for%20DEO-2014.pdf
- iii. Since SECM deals with 20,000 + ROs in the state, many a times they are not able to cope up with introduction of new innovative technologies like COP or True Voter app and they have many doubts that goes unsolved; hence, efforts would be made for their practical in field extensive training & study tours can be organized (if required).
- iv. Apart from extensive practical training, election officers are empowered in real sense to take some bold decisions on their own with regard to electoral matters.

12. Improving health of electoral rolls–

It has been experience of past elections that there are serious discrepancies observed in the electoral rolls prepared by CEO as its not organized, systematic & fool proof; hence it is highly recommended that efforts should be made by SECM for making of a sound electoral roll, where not a single eligible voter is left out for exercising his right to vote.

- i. The work of making quality and correct electoral tolls and voter ID cards should be outsourced to an outside agency, which would be monitored by the authority itself, **by exercising its powers conferred under Article 243 K(1) and 243 ZA(1).**
- ii. Electoral rolls should be examined in detail by SEC before every election in case of illegal inclusions or omissions. Request for special revisions of electoral rolls to the extent of that constituency or that election should be made. It should also be ensured that electoral rolls are updated continuously instead of just before the election.
- iii. Coordination between the SEC and ECI machinery while preparing Electoral Rolls is important to avoid duplication of effort and to obtain accurate Electoral Rolls. Common Electoral Rolls if used across Parliamentary, State Assembly and local body elections will lead to huge financial saving.
- iv. Validity of electoral rolls may be ensured by the Housing Society Managing Committees. Such scrutiny by citizens may prove to be more useful and effective.

- v. Voter ID cards should be sent to the required addresses via post instead of being hand delivered.
- vi. Restoration of door to door enumeration of voters should be restored immediately for the benefit of women and senior citizens.

13. Measures needs to be undertaken to deter non-serious candidates –

- i. First of all, **withdrawing of nomination forms should not be allowed** in elections. But, if it's not feasible, then, provisions should be made for imposing **heavy penalty** on those withdrawing their candidatures, if reasons provided for withdrawal are not found genuine or valid. It will check and control dummy nominations and horse trading during elections.
- ii. No withdrawals should be allowed, only forfeiture of deposit amount should be done. Security deposit may be enhanced to **Rs. 1 lakh** minimum for all elections (except Gram Panchayat for which **Rs. 25000** deposit may be taken), to deter non-serious candidates who often contest only to later bargain with other candidates to withdraw at a price. **It should also be seriously considered to refund Security Deposit only to Winners & not to the losers, as it may become a strong deterrent in long run.**
- iii. Number of proposers should be increased to 10 for all candidates including independents, to ensure entry of genuine and serious candidates in election process. **Also, a mechanism should be devised to fix accountability of proposers before endorsing candidates.**
- iv. If a candidate stands disqualified due to any reasons or fresh election to that particular constituency is mandated due to their winning from 2 seats simultaneously or resignation or ceasing to be an elected representative, penalty should be imposed on him / her and **all costs that incurred for conducting that election should be recovered from them along with penalty**, it should be a sustainable way of raising funds for SECM.

14. Measures to Deter Electoral Malpractices -

- i. Strict practical implementation of the rule to take Action against candidates who fail to file their election expenses is required. Those winners who fail to submit election expenses within 30 days of result declaration should be disqualified. Also, losers who fail to comply with this rule should be debarred for all future elections.
- ii. Strict penalties should be imposed against those involved in electoral malpractices. If due to the fault of candidates or parties, cancellation of an election or fresh election is mandated, the cost should be recovered from defaulters and if required SECM should initiate process of attaching their properties & send them to jail.
- iii. The provision of appeals under section 16 [Disqualification for becoming a Councillor] of Maharashtra Council Act should be well publicized.
- iv. Those candidates who misuse religion for electoral gains should be debarred.
- v. **Adjournment Of Poll Or Countermanding Of Election On The Ground Of Bribery** - Over time, especially in the recent years, money has played a key role in influencing the 'decision making'

of voters at the polls. There have been several instances of the seizure of large amounts of cash, liquor, gift items etc. from the candidates and their agents during the elections.

In some cases, following large scale instances of bribing of electors by candidates and workers of political parties, the Commission, using its plenary powers resorted to cancellation of the election process. There should be a specific provision enabling the Commission to take appropriate action including countermanding of election in the event of incidents of bribery of electors in a constituency, if in the opinion of the Commission such incidents are likely to vitiate the election process.

- vi. While the web based complaint system is good, it does need to be fine-tuned. A grievance redressal system needs to be created such that it has a systematic escalation of complaints if the complainant is not satisfied with the resolution or non-resolution of the matter.
- vii. Toll Free helpline with 4 digit dial in code (like 1950 of the ECI) should be provided by SEC so that citizens can report cases of electoral violations.
- viii. Some low-cost alternatives for free and fair polling are re-polling, voter awareness, and prosecution for offences during and/ or related to election process and presence of Observers with clear powers and responsibilities. The SEC can also exercise greater authority if it is vested with powers to try election cases.
- ix. Paid news or political advertising carried by print and electronic media can be curbed by adoption of the procedure contained in the guideline of the Election Commission of India issued following the Judgment of Hon'ble Supreme Court in SLP (Civil) No. 6679 of 2004.
- x. Opinion polls and Exit polls should be banned.
- xi. **Finger print scanning or iris scanning should be used as a method to identify voters instead of using indelible ink on the fingers. This is a more effective and fool proof method. In case a voter is found to have voted more than once, an alarm may be raised and the offender arrested or fined.**
- xii. Unopposed elections should be monitored through a suitable mechanism and it should be checked if any criminal intimidation / bribery or other electoral malpractices happened; if proved guilty, the culprits should be banned for lifelong, to discourage this practice.

15. Ensure Valid Candidature -

- i. Nomination papers should be scrutinized by the Returning Officers for violations of clauses mentioned in section 15 and section 16 of Maharashtra Municipal Council Act.
- ii. Self-sworn affidavits of Candidates contesting Local Body Elections (both urban and rural) should be made available on SEC website within 24 hours of nominations filing (followed by ECI already).
- iii. The nominations of candidates who declare convictions in court of law should be rejected by Returning Officers [under sec. 16 of Maharashtra Municipal Council Act].
- iv. Affidavits of candidates who withdraw their nominations should also remain on SEC websites (followed by ECI already).

- v. Proper identification of voters based on photographic records is necessary to prevent bogus voting.
- vi. It should be made mandatory for candidates who wish to file nominations under Reserved Seats category, to submit verified caste certificates from competent authorities much before filing of nominations. Thus, it will necessitate them to initiate process of obtaining caste validity certificates well in advance.

16. Voter Awareness:

i. What are the groups that may have been left out and need to be targeted?

- **Internally Displaced Persons/Migrants/Defense and Paramilitary Personnel:** There is a huge number of displaced people who cannot go to their own constituency for voting and the existing options like postal ballot are not enough. There is a need for some kind of centralized voting system which will allow the voters to vote for the candidate from their own constituency from anywhere in the country and in case of NRIs from anywhere in the world.
- **Third Gender/Economically & Socially Weak Classes/Old Age people:** Though various initiatives have been taken to bring them to the polling booths but these steps are not enough. There is a need to start specific campaigns for them on a large scale.
- **Suppressed Women:** The areas where women are not empowered enough to take their own decision need a specific and targeted campaign. It is also necessary to educate and counsel the male members of their family on a regular basis.
- **Youth in rural areas:** Rural youths also need to be encouraged to take interest in elections and vote for right candidates.

ii. What are the strategies to reach out to the above focus groups and also new strategies to reach out to the groups that have been left out to enhance enrollment and participation in elections?

- Introduce **Online Voting**
- **WhatsApp** and other Internet-based messengers could be used to provide voter awareness messages, pictures and videos.
- Social Media Campaigns including Q and A, surveys etc. and should be active throughout the year and not just during the election time.
- **Effective implementation of True Voter app developed by SECM should be ensured**
- Target youth even before they are eligible. Include Voter Awareness subject in the school curriculum and provide their Voter Registration Card with the Board Certificate.
- Like many other Western countries, a culture of **open debate** among candidates should be started with the help of local or national media. This will create good hype around the elections and increase people's interest in polls.
- SECM should also make it **mandatory** for political parties to announce their **manifestos** in advance, so that people can discuss about it and these discussions will encourage them to do informed voting.

iii. In what ways, can the State Election Commission reach out to relevant CSOs, opinion leaders, educational institutions, youth/students volunteer networks and other formal and informal groups to strengthen voter awareness and participation?

- Continued interaction with CSOs, institutions and volunteer network towards electoral reforms, throughout the year will be a big step to engage them in voter awareness activities

- Evaluating performance of elected representatives” through CSOs or outside agencies in making of Report Cards & make it a “charges expenditure” to that local body.
- Most of such organizations keep working in their individual capacity thus long-term collaborations with them will be very effective.
- As most of these CSO run on a very tight budget, sponsoring their voter awareness activities will also encourage them to involve in more such activities.
- Besides creating its own info graphics, SECM can also make use of their partners' creative's and other audio/video materials for voter awareness.
- Voter awareness/registration etc. app development competitions.
- SECM can create CSO groups in identified areas and work through them for providing information to voters.
- SECM should include CSO representatives as Election Observers along with their officers during elections and put list of polling agents in public domain.

iv. What are the effective grassroots level good practices/innovative measures of community mobilization that can be adopted by State Election Commission?

- Local folk artists can be engaged to create songs and videos to encourage voting among the community.
- Organize theme fairs/events regularly.
- Community radio stations to discuss local issues and encourage voters.
- Organizing bhaitaks with candidates, community leaders, Panchayats etc. for awareness.
- Voter awareness pamphlets and posters with minimum use of words and more pictures in local dialects.
- Create videos with local people discussing their issues and displaying those videos regularly.
- SMS and USSD campaigns to provide candidate information as well as encouragement for ethical voting.
- Inform voters about NOTA.

v. Measures to increase voter turnout-

- To achieve higher voter turnout, extensive voter awareness campaigns should be undertaken by SEC (on the lines of ECI's SVEEP), which may also involve Film Stars and Social Activists.
- The Voter Awareness programs should also encourage voters to cast votes in an informed manner, i.e., they should look at the affidavits of the contesting candidates before deciding whom to vote for.
- The scope of the postal ballot system should be widened to include migrant workers and students also.
- Government personnel such as the police, BMC staff etc. are often deprived of their right to vote due to election duty. A provision allowing them to vote before work or allowing them to be assigned for duty at or near their polling booths should be made.

17. Ensuring Voters Make Informed Choices-

- i. Information on each candidate should be supplied by the SEC to the prospective voters in both English language and in the regional language of the district so as to enable informed voting.
- ii. Time between announcement of final list of candidates and date of polling should be increased to enable Civil Society Organizations (CSOs) to simplify the information and disseminate it.

- iii. Digitize affidavit submission- Create eForm for candidates' information to be fed into it with auto receipt generation system. Candidate may pay deposit showing form submission receipt via SMS or mail.
- iv. Daily disclosure of candidate information- Name, Age, Contact Details of self and office/ PA, Criminal Records, Assets via internet through homogenized spread sheets.
- v. Publishing of a manifesto should be made mandatory for all candidates, parties & alliances
- vi. **Constitution of Electoral Ombudsman** – An institution of Electoral Ombudsman should be created who will decide on all matters pertaining to Election Manifestos, viz., whether Manifesto submitted by candidates / parties / alliances is Realistic, Achievable &/or Implementable in a time bound manner or not ? This institution that will directly report to SECM office can also decide about Remedy to voters in case of non-implementation of the manifesto promises.

18. Filing election petition against candidates who lose elections–

There is **no provision** for election petitions or other actions against candidates who lose elections. Thus, **taking advantage of this vacuous area**, SECM can pass order against losing candidates in public domain for inviting election petitions against those who are guilty of corrupt practice in terms of section 123 of the R.P. Act, 1951.

19. Submission of Annual report by Municipal Councillors and other elected representatives

Elected Municipal Councillors and other elected representatives should be required to give an annual report to their constituency giving details of their accomplishments for previous year and the plan for the next year. This report can be made available either at the concerned local body website, District Collector website or at State Election Commission's website.

20. Create Level Playing Field for All Candidates & Conduct of Elections -

- i. All candidates (including independent candidates) should be provided with modern amenities based on easily accessible communication technologies to create a fair playing field for all candidates.
- ii. A web-cam based video interview booth at the Returning Officer's offices should be set up.
- iii. **After winning Gram Panchayat elections, winners should be immediately issued Identity card, Certificate of winning, etc. as given to winners elected as Municipal Councilors.**
- iv. The State Election Commission should be authorized under law to notify the dates to conduct elections, for enforcement of code of conduct, filing of nomination, withdrawal of nomination, scrutiny, final list of candidates etc.
- v. The SEC should appoint polling personnel either himself or by delegated authorities.

- vi. Since election petitions have to be filed within one month, the EVM records can be erased and made suitable for reuse one month after the elections except in cases where litigation is pending.
- vii. The SECs should call for Observers for elections to Panchayats and Municipalities from the Government of India through Ministries of Panchayati Raj, Urban Development and DoPT. The Observers shall work under the supervision and control of the SECs, as is the case with the Election Commission of India.
- viii. Natural, geographical and other physical factors such as wide roads, railway lines, rivers should be strictly followed in creating electoral constituencies. Ward Corporator electoral boundaries should be the basis for MLA, MP electoral boundaries (Example: Pune). Further, police stations etc. can also be set as basic electoral boundaries (Example: Mundhwa). No change of boundary of a particular local body during 6 months before expiry of the term.
- ix. **Totalizer** should be used for counting votes
- x. Sufficient budgetary provisions should be made for **VVPAT** machines, if demanded by political parties, for electoral process.

Top 30 recommendations on Electoral and Political reforms that requires amendments in The Representation of the People Act (RPA)

1. **Amendment u/s 4 & 5 of RPA, 1951**– This amendment is regarding only allowing candidates from registered political parties to contest elections (indirectly banning independent candidates) for elections to Lok Sabha and legislative assemblies.
2. **Amendment u/s 10 A of RPA 1951** – This amendment is recommended for adding provision of submitting Contribution Reports along with election expenditure statement of candidates, failure of which can cause disqualification if not submitted within a stipulated time frame to ECI.
3. **Amendment u/s 29 A of RPA 1951** – This amendment is recommended under Registration as political party section, where it is suggested to add this clause “shun violence for political gains & avoid discrimination on the basis of religion, language, caste, etc.
4. **Amendment u/s 29 C of RPA 1951** – This amendment is recommended for increasing financial transparency & financial disclosure with regard to disclosing each & every single donation received by the political party. **It is mentioned that the ECI shall put audited accounts and donation reports submitted by all political parties, in public domain through its website.**
5. **Amendment u/s 29 J, 29 N & 29 O of RPA 1951** – Under the heading Regulation of political parties of RP Act, the amendment u/s 29 J is recommended for formation of party, section 29 N is required to be amended for voting procedures during internal party elections whereas section 29 O is recommended for selection of candidates.

6. **Amendment u/s 33 (7) of RPA 1951** – This amendment is recommended to restrict candidates to contest from more than 1 seat.
7. **Amendment u/s 75 B of RPA 1951** – This amendment is recommended to restrict government sponsored advertisements.
8. **Amendment u/s 86 (2) of RPA 1951** – This amendment is recommended for setting up fast track courts & Election benches, to expedite cases related to election petitions.
9. **Amendment u/s 98 A of RPA 1951** – This amendment is recommended to disclose the data pertaining to election petitions filed and pending with High Courts. The High Courts are directed to compile this data having full details of cases like current status, names of parties, etc. and then put it in public domain through its website. The ECI shall prepare an annual report compiling such data from all High Courts and display this on its website for general public.
10. **Amendment u/s 123 (2) (a) (iii) of RPA 1951** – This amendment is recommended to include paid news (pay for news) under Corrupt Practices.
11. **Amendment u/s 126 of RPA 1951** – This amendment is recommended to prohibit public meetings as well as election advertisements in print & electronic media, during last 48 hours of election.
12. **Amendment u/s 126 C of RPA 1951** – This amendment is recommended to put restrictions on opinion polls wherein strict disclosure provisions are made for the broadcaster or publisher of such opinion polls with provision of fine up to Rs. 5 lakhs & 2 years imprisonment, in case of violations.
13. **Amendment u/s 127 B of RPA 1951** – This amendment is recommended to put strict restriction on the paid news. Any person who is found paying for news or receiving payment for news shall be punished with imprisonment for a term which may extend to three years, and with fine, which may extend to Rs. 25 lakhs.
14. **Amendment u/s 29A of RPA, 1951 regarding regulating the de-registration of political parties-** Amendment of Sec. 29A of the R.P. Act, 1951 is required for empowering the Election Commission to regulate registration and de-registration of political parties, as the RP Act is silent on de-registration part and there are no clear cut provisions in this regard in the Act.
15. **Amendment required in section 8 of RPA act, 1951 regarding disqualification on framing of criminal charges** – For upholding the highest traditions of probity and morality in public life, any

person against whom charges have been framed by a Court of Law of offences punishable for five years or more should not be allowed to contest elections. In particular, any candidate charged with serious charges like **murder, attempt to murder, rape, kidnapping, extortion**, etc. should be banned from contesting any elections.

Disqualification should be triggered upon framing of charges by the court, instead of conviction as it exists today*. The stage of framing of charges is based on adequate levels of judicial scrutiny, and disqualification at the stage of charging, if accompanied by substantial attendant legal safeguards to prevent misuse, has significant potential in curbing the spread of criminalization of politics. **But, it needs constitutional amendment to section 8 of RPA act, 1951.**

16. Amendment required in RP Act regarding permanent disqualification on candidates / elected representatives convicted of heinous crimes -This amendment is required in section 8 of the RPA, 1951, in achieving goal of de-criminalization in politics.

17. Implement a multi-party system for appointments of the CEC and SEC– CEC should be appointed through a multi-party system including the Prime Minister, Leader of the Opposition, the Speaker of the Lok Sabha, Deputy Chairperson of the Rajya Sabha and the Chief Justice. A similar process should be implemented for appointments of SEC. -

Ref-20th Law Commission's 244th Report on Electoral Disqualifications

18. Implement ceiling on expenses of political parties during election period– To make the current laws on election expenses more effective, ceiling should be imposed on expenses during elections made by political parties as well. Apart from the ceiling, Political parties should submit expenditure statements beginning one year before the election is due, and not only during the election period. Parties should also submit the statements not 75 or 90 days after the election but periodically, say once a month before the declaration of the election, and may be once a week or even more frequently while the elections are on.

19. The requirement for winning election should be "50% + 1 of the registered votes cast": To stop candidates and parties from asking votes on caste, religion and regional basis and to help stop division in Indian society based on these parameters, requirements should be made to declare a candidate as winner only if the candidate gets more than 50%+1 vote. In the case when no candidate gets the required number of votes, there should be a runoff between the top two candidates for getting maximum votes. It is worth noting that 50%+1 of the *votes cast* is an

easier and more stringent requirement for being declared elected, and ideal to ensure appropriate and proper representation.

20. System of Elections [Combining of First Past the Post (FPTP) system with proportional representation system, as prevalent in Germany **]-

This issue was discussed at length in the Law Commission's 170th Report on the Reform of Electoral Laws (May 1999). It considered Germany's list system of proportional representation, as a possible alternative to the FPTP system. The conclusion that it reached was that while the FPTP system could not be abandoned outright, it could be combined with a proportional representation system.

Specifically, the 170th Report recommended that while the existing 543 seats of the Lok Sabha continue to be filled through direct elections, the number of seats in the Lok Sabha should be increased by an additional 25%, or 136 seats, which are filled by proportional representation following the list system. A similar expansion should take place in the State Assemblies as well. This was essentially a modification of the Shakhder proposal.

To address concerns regarding the proliferation of political parties, the 170th Report additionally recommended that a new provision should be made in the RPA to the effect that any political party which obtains less than 5% of the total valid votes cast in the country (in the case of Parliament) and in the concerned State (in the case of a Legislative Assembly) shall not be allowed any representation in the Lok Sabha or in the concerned Legislative Assembly, as the case may be, either through the direct election or the proportional representation system.

In view of the above recommendations, we recommend that if feasible, 25% of the seats of local bodies can be increased in addition to the existing number of seats and they should be filled by proportional representation following the list system.

**** Ref: 170th Report of the Law Commission**

21. Effective implementation of Right to Reject (NOTA)- The votes cast for NOTA should be counted and if the highest number of voters are polled for NOTA then the following steps should be taken:

- (a) No candidate should be declared as elected,
- (b) Fresh election should be conducted, in which none of the earlier candidates should be allowed to contest, and

(c) In the fresh elections, only a candidate who gets at least 50%+1 of the votes cast should be declared elected.

22. **Amendments required to sections 78, 81 and 84 of the R.P. Act, 1951 regarding reducing the time provided for filing election expenses-** A candidate presently can file accounts of elections expenses within 30 days, which reduces the time given for filing election petitions to 15 days. **There is a need for amendments to sections 78, 81 and 84 of the R.P. Act, 1951** to reduce the period of filing accounts of elections expenses by contesting candidates to 20 days so that the time available for filing election petition would increase to 25 days.
23. **Amendment required in Form 26 regarding filing of election expenditure in last election–Form 26 should be further amended** to include one section which says that whether the candidate had filed his election expenditure statements for the last election.
24. **Amendment required in section 123 of the R.P. Act, 1951 for filing election petition against candidates who lose elections–** There is no provision for election petitions or other actions against candidates who lose elections. There needs to be a **legal sanction** against losing candidates also for filing an election petition who are guilty of corrupt practice in terms of **section 123 of the R.P. Act, 1951.**
25. **Amendments required in the relevant sections of the State laws pertaining to electoral malpractices pertaining to strict penalties against those involved in electoral malpractices-** The relevant sections of the State laws pertaining to electoral malpractices need to be amended and stricter penalties imposed. Electoral malpractices should be declared as criminal offences carrying a sentence of two years or more.
26. **Law against the use of excessive money in elections by candidates-**The excessive use of money in elections vitiates democracy. Anyone who breaks the law by giving money and gifts to voters, or exceeding the legal spending limits should have his/her election set aside.
27. **Amendment u/s 77 of RPA act required in widening scope of candidates' election campaign expenses-**
An amendment u/s 77 of RPA act is required to include expenses done by others, viz., well-wishers, friends, relatives, corporates and the political party that supported by giving its ticket, for increasing prospects of the candidate, into the election expenditure statement of the individual candidate.
28. **Prohibition of taking other offices after retirement of The Election Commissioners:** The Election Commissioners should not be eligible for any office after retirement for a period of at least 5 years. They should also not be allowed to join any political party for a further period of 5 years after retirement.

29. Qualitative Up gradation of the Candidates –

a. Qualification for membership of the House of the People -

There has been mounting corruption in all walks of public life. People are generally lured to enter politics or contest elections for getting rich overnight. Before allowing people to enter public life, the public has right to know antecedents of such persons. The existing conditions in which people can freely enter political arena without demur, especially without the electorate knowing about any details of the assets possessed by the candidates are far from satisfactory. It is essential by law to provide that a candidate seeking election shall furnish details of all his assets (movable/immovable) possessed by him/her, wife/husband, dependent relations, duly supported by an affidavit.

Further, in view of recommendation of the Law Commission for debarring a candidate from contesting an election if charges have been framed against him by a Court in respect to offences mentioned in the proposed section 8B of the Act, it is also necessary for a candidate seeking to contest elections to furnish details regarding their criminal case, if any, pending against him, including a copy of the FIR/complaint and any order made by the concerned court.

In order to achieve the aforesaid objectives, it is essential to insert a new section 4-A after the existing section 4 of the Representation of the People Act, 1951, as follows:-

i. Qualification for membership of the House of the People -

A person shall not be qualified to file his nomination for contesting any election for a seat in the House of the People, unless he or she files -

- (a) a declaration of all his assets (moveable/ immovable) possessed by him/her, his/her spouse, dependent relations, duly supported by an affidavit, and
- (b) a declaration as to whether any charge in respect of any offence referred to in section 8B has been framed against him by any Criminal Court."

The consequential changes will be required to be carried out in Forms 2A to 2E prescribed by the Conduct of Election Rules, 1961 to bring these in conformity with the amendments recommended in the Representation of the People Act, 1951. Accordingly, it is recommended that following clauses be inserted as clauses (d) and (e) in forms 2A to 2E. Consequently, the existing clause (d) therein shall be designated as clause (f):

- (e) that the statement of assets enclosed to this nomination paper represents the true and correct statement of all the assets, movable and immovable, held/owned by me, my spouse and dependent relations. An affidavit affirming the correctness of the said statement is also appended to this nomination paper.
- (f) that no criminal court has framed a charge against me in respect of any of the offences mentioned in section 8B of the Act and that no trial in respect of charges of the said offences is pending, or that a charge has been framed against me by the court of _____ in the case No. _____ on _____ (date) in respect of offence(s) punishable under sections _____ mentioned in section 8B and trial is pending against me, or that though charge was framed against me by the court of

_____ in the case No. _____ on _____ (date) in respect of offence(s) punishable under sections _____ mentioned in _____ section 8B, I have since been acquitted of the said charge by order _____ (date) (copy enclosed). Moreover, the words "that I am contesting this election as an independent candidate" in forms 2A and 2B should be deleted.

30. Amendments required u/s 125 A of RP Act regarding Electoral Disqualifications -

Filing of false affidavits under Section 125A of the Representation of the People Act, 1951 should be a ground for disqualification * -**

Filing of false affidavits under Section 125A of the Representation of the People Act, 1951 should be a ground for disqualification? On the issue of consequences on the candidature and membership of a person who furnishes false information in the affidavit filed along with the nomination paper, there is unanimity on the need for prescribing stringent consequences in law for filing false affidavits, in particular, making it a ground for disqualification. The Election Commission has also suggested that Section 125A should be included in the list of offences provided under Section 8 (1) which attract disqualification irrespective of the quantum of punishment. Quantum of punishment under Section 125A should be two years and more. It has also been suggested by Mr. P.P. Rao, Senior Advocate that filing of false affidavits should be made a ground for setting aside election under Section 100.

- i. **Amendment required for increasing quantum of punishment u/s 125A of the RPA, 1951-**
Currently the maximum punishment under this section is imprisonment of only 6 months or fine or both, which should be changed to **3 years imprisonment**, to put fear in the minds of people willingly submitting false or misleading information.
- ii. If an elected representative is absent for continuous 3 months in the house, he should stand disqualified automatically.
- iii. To disqualify those against whom cheating and forgery cases registered, especially related to illegal constructions.
- iv. Disqualification on misuse of office for personal gains of self NGO or / as well as of NGOs promoted by relatives/friends/associates, etc.

***** Ref-20th Law Commission's 244th Report of on Electoral Disqualifications**

Top 13 recommendations on Electoral and Political reforms that requires amendments in the State laws

1. Recommendation for merging of 5 existing state acts & making 1 single uniform state law governing all local bodies elections–

The local body elections of Maharashtra are governed by five separate laws, namely, Mumbai Municipal Corporation Act 1888, Zilla Parishad & Panchayat Samiti Act 1961, Mumbai Gram Panchayat Act 1958, Maharashtra Municipal Council, Nagar Panchayat & Industrial Township Act 1965 and Mumbai Regional Municipal Corporation Act 1949. **There is a need for merging of the**

various Acts & make 1 single uniform law governing all local body elections, for greater convenience, easier interpretation and implementation of the law.

2. Judicial Power Vested With the SEC-

The following judicial powers of disqualification may be vested with the SEC:

- i. Defection where election is based on party lines & is ground for disqualification under law;
- ii. Use of office for personal gains during and after election of candidates/ elected representatives.
- iii. Absence from more than three consecutive meetings;
- iv. False declaration of caste, tribe, education, number of children etc. where applicable;
- v. Any other ground for disqualification where prescribed under the law.

3. Qualitative Up gradation of the Candidates –

Inserting new section under “Qualification for membership of the Municipal Councilor or other elected representative” in local bodies -

With reference to amendment *suggested in above paras by virtue of inserting a new section 4-A after the existing section 4 of the Representation of the People Act, 1951, State government should endeavor to implement this recommendation in Maharashtra local body elections, after taking cabinet or assembly approval.* A person shall not be qualified to file his nomination for contesting any election for a seat in the House of the People, **unless he or she files –**

- a) a **declaration** of all his assets (moveable/ immovable) possessed by him/her, his/her spouse, dependent relations, duly supported by an affidavit, and
- b) a **declaration** as to whether any charge in respect of any offence referred to in section 8B has been framed against him by any Criminal Court."

4. Conduct and better management of elections -

A. Staff of the SEC-

- I. Government aided organizations (including NGOs) should also be roped in as manpower for election duties.
- II. Personnel from Public Sector Undertakings and Central Government offices located in State should be roped in for conducting local bodies' elections. **This may require amendment of State Laws/ Rules.**

- III. In order to ensure valid voters from the same locality, the Electoral Registration Officer (ERO) should appoint assistants at every Taluka place, vested with the authority to delete names of persons if they are found to be living outside of the concerned locality.
- IV. No transfer during 6 months before expiry of the term is allowed and transfers on the eve of elections should also be banned. **This may require amendment of State Laws/ Rules.**

B. Funding (Budget of the SEC should be 'charged')-

- I. SEC should have the flexibility to utilize funds as per their priorities without having to seek approval of the Finance Department of the State Government in every instance. In case of elections, the freeze on non-plan expenditure enforced in the months of February and March should not be applied to the SEC. There should be an enabling provision under which SEC could make emergency withdrawal of funds for conducting elections. Further, funds of SEC should not lapse at the end of the financial year, as in the case of government departments, as this causes serious difficulties for elections organized in April and May.
- II. Allocations for SEC including expenditure on conduct of local body elections and on administrative expenses should be clearly provided in the States' main budget, since the period when general election is due is known in advance. There should be charged budget for SECM.
- III. Separate financial powers should be prescribed for the SEC and they should have the flexibility to divert funds between different heads of accounts. While incurring election-related expenditure, they should have the flexibility for procurement etc. similar to ECI norms.
- IV. Release of funds from the State Finance Commission can be recommended subject to conditions like the structure of SEC and also, the following conditions:
 - a. Panchayats and Municipalities should not be superseded en masse;
 - b. Grants not to be released during period of en masse supersession or supersession beyond six months;
 - c. There must be at least 50% reservation for women;
 - d. Both direct and indirect elections should be through SEC.
 - e. The expense ceiling per local body election candidate should be increased and brought on par with the ECI-CEO (Rs. 85 from the present Rs. 30).

5. Implement a multi-party system for appointments of the SEC– SEC should be appointed through a multi-party system including the Chief Minister, Governor, Leader of the Opposition, the Speaker of the Vidhan Sabha, Deputy Chairperson of the Vidhan Parishad and the Chief Justice.

- 6. Introduce provisions for inner-party democracy within political parties:** Although India is a democratic country; our political parties which run this democracy are highly undemocratic in their functioning. Provisions should be made to introduce inner-party democracy within the political parties. This should include mandatory secret ballot voting for all elections for all inner party posts and selection of candidates, as suggested by Law Commission Reforms and practiced in Germany, by the registered members, overseen by Election Commission of India.
- 7. Bring financial transparency in the accounts of political parties -** There is a great need to bring in financial transparency in the accounts of political parties. The Income Tax returns and the contribution reports of political parties should be made open for scrutiny by public. In addition, the maintenance of accounts by political parties and audit thereof by agencies specified by the Comptroller and Auditor General should be made compulsory.
- 8. Bring in a comprehensive bill to regulate working of political parties -**
The draft Bill to regulate Political Parties, as given in the 170th Law Commission Report Part III: Chapter I should be passed by Parliament. Strict rules should be enacted through law for all the inner functioning of the parties, including elections of office bearers, selection of candidates for elections, etc.
- 9. Declare Political parties as Public Authorities:** As political parties work for the public in public space and are responsible for making government to run the country and they also use government facilities, they should be declared as public authorities so that they come under the ambit of RTI.
- 10. Changes required in state laws to make it mandatory to submit Annual reports for Municipal Councilors and other elected representatives-** Elected Municipal Councilors and other elected representatives should be required to give an annual report to their constituency giving details of their accomplishments for previous year and the plan for the next year. This report can be made available either at the concerned local body website, District Collector website or at State Election Commission's website.
- 11. A separate body to decide the salaries and perks of elected representatives-** There should be an independent body or commission that takes decisions on salaries and perks of elected representatives. It is a clear conflict of interest now where they fix their own remuneration.

12. State Government should implement judicial reforms – State Govt should initiate process of implementing judicial reforms in the state and vacancies of judges should be filled up, to remove backlog of pending cases. Number of additional judges should be recruited on war footing basis by state government in respective courts. It should be done to expedite fast tracking of criminal cases against those found guilty of electoral offences and for speedy disposal of election petitions. Following is the excerpt from the Law Commission Govt of India's 255th report on Electoral Reforms (March, 2015) suggesting constitutional amendment u/s 86 (2) of RPA act –

- (2A)(1) There shall be one or more election benches, comprising of one or more judges, as designated by the Chief Justice of the High Court under Section 80A(2), which shall only be dealing with election petitions presented in accordance with the provisions of this Part.
- (2) The trial of an election petition shall be continued from day to day until its conclusion, and the election bench shall not grant any adjournments unless sufficient cause is made out and may impose costs, including exemplary costs, on the party seeking the adjournment.
- (3) Every election petition shall be tried as expeditiously as possible and trial shall be concluded within six months from the date on which the election petition is presented to the High Court for trial. *Provided* that if the trial is not concluded within six months, the designated election bench shall, for reasons to be recorded in writing, explain the cause for delay in a report to the Chief Justice of the High Court.
- (4) The respondent(s) shall file the written statement within forty-five days from the date of service of summons. *Provided* that if the election bench is satisfied that the respondent(s) were prevented by sufficient cause from filing the written statement within the said 244 period of forty-five days, it may entertain the written statement within a further period of fifteen days, but not thereafter. *Provided further* that on expiry of such fifteen-day period, the respondent(s) shall forfeit the right to file the written statement and the election bench shall not allow the written statement to be taken on record thereafter.

13. State Government should implement recommendations related to Police Reforms – State government should implement Supreme Court judgement in Prakash Singh & others vs Union of India, on guidelines framed on Police Reforms. This will ensure that false cases are not registered against rival politicians by the ruling party / state government in power, to whom Police department reports.

Recommendations for new rules and miscellaneous issues–

1. Rulemaking authority to be vested in State Election Commission -

The present framework of the different state laws empowers the State Government to make rules regarding local bodies' elections, which may or may not consider recommendations of the State Election Commission, as they have to run the show. Thus, the rule making authority must be conferred on the State Election Commission instead of the State Government and the new framework must empower the State Election Commission to make rules after consultation with the State Government.

2. Changes required in the affidavit form – Following changes should be incorporated in the existing format of the affidavit (Form 26) filed by the candidates contesting elections: -

- i. PAN declaration of candidates should be made mandatory in order to keep a continued check on their transactions and dealings. If PAN not given, the nomination papers filed by the candidate should be rejected.
- ii. There should be a column in the affidavit wherein the candidates can declare any penalty levied on them with regard to taxes.
- iii. A column asking for the source of income of not only candidates and their spouse but also their dependents should be included in the affidavit form. The UOI in its notification dated 7th April had excluded dependents.
- iv. In the assets part, the candidates should not just disclose his assets but also the assets of all his close relatives as per the Company Law.
- v. Candidates should attach their IT returns with the affidavits filed by them.
- vi. Affidavits should be certified by the Political Parties.
- vii. Candidates standing for elections should be announced 6 months prior to elections and they should submit affidavits stating the expected and approximate amount to be spent in elections by them and of the source thereof.
- viii. Whether the candidate is guilty of any corrupt practice should also be included.
- ix. Whether the candidate had submitted his election expenditure statements for the last election should also be included.
- x. Information not only about the candidate's subsisting contracts with appropriate government but also about the contracts with appropriate Government and any public company by the Hindu undivided family/ trust/partnership firm(s)/private company (companies)/ in which the candidate and his spouse and dependents have a share or interest.

3. Miscellaneous Issues -

- i. **Include civil society representatives as observers during elections-** There should be a mix of official and non-official observers during elections, selected by the Election Commission. The same facilities and powers should be given to both categories of observers.

- II. **Make public the list of polling agents in advance**- The list of polling agents should be made public well in advance of the elections.
- III. Income tax exemptions should be allowed to only those parties who are active and contest elections regularly
- IV. Cap on expenditure by political party on a candidate for election campaign should be fixed
- V. Ceiling of campaign expenditure by political parties should also be fixed
- VI. Implementing provisions of Anti-defection law
- VII. To limit number of star campaigners
- VIII. The SEC should ensure that the police, paramilitary and other personnel posted on election duty are granted 10 hours of rest in a period of 24 hours except in cases of emergencies.
- IX. Ground floor polling booths for senior citizens should be provided.
- X. Parliamentary, Assembly and Municipal Elections should be held mid-week (Wednesday); never on a Monday or a Friday so that urban people do not take off for long weekends instead of voting. This does not apply to Panchayat and Zilla Parishad Elections. xii. Law to be enacted so that only a candidate can contest from one single seat, to avoid bye elections and put unnecessary burden on the government exchequer.
- XI. In case of death of registered voters, the same name should be automatically deleted from the electoral voters list for greater administrative efficiency and effectiveness.
- XII. Few states in the country took advantage of provisions of Article 243 N of the Constitution of India and dissolved their local bodies at the time of formation of SECs in their respective States by resolution passed in their Legislative Assembly. This has enabled those States to conduct elections of their respective local bodies every five years. This was a one-time permission granted by the Constitution. Maharashtra could not avail of the opportunity provided by Article 243 N. A similar amendment is recommended for Maharashtra State so that simultaneous elections to all local bodies can be conducted.

**National Election Watch (NEW) and
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IV. Bank of People's Wisdom - Innovative Practices in Local Self Governance

By RSCD- Resource and Support Centre for Development

Conscientisation – A first step towards innovation

*“Conscientisation is a process in which men & women,
Not as recipients but as **knowing subjects**,
Achieve a deepening awareness,
Both of the socio-cultural reality which shapes,
Their lives and of their capacity to **transform** that reality.*

*Conscientisation must be a **critical attempt** to reality,
Not just alienating small talk.
It must, that is, be related to **political involvement**.*

*There is no conscientisation,
If the result is not the conscious action of the oppressed,
As an exploited class struggling for **liberation**.*

*What is more, no one conscientises anyone else.
The educator and the people together conscientises themselves,
Thanks to the dialectical movement,
Which relates critical reflection,
On past action to the **continuing struggle**.*

*Conscientisation is a social process,
Taking place among men and women,
As they unite in **common reflection**,
And action upon their world.*

*This occurs not through intellectual effort alone,
But through praxis,
The unity of reflection and action.
Conscientisation then does not stop
At an awakening of perception but proceeds **to action**.*

- Paulo Friere, Brazil

India & Local Self Governance

India is a federal republic with three spheres of government, i.e. central (union), state and local. The 73rd and 74th constitutional amendments give recognition and protection to local government and in addition each state has its own local government legislation. The Ministries for Urban Development, Housing and Urban Poverty Alleviation, Panchayati Raj and Rural Development all have oversight responsibility for local government at the national level.

India has bicameral parliament comprising a lower house, the Lok Sabha, and an upper house, the Rajya Sabha. The Lok Sabha currently has 545 members; 543 are elected and two are appointed by the president. There are 29 states, each with their own assembly known as the Vidhan Sabha, and seven union territories governed directly by the central government. The states are organized along cultural and linguistic lines, reflecting the country's wide diversity.

Amendment

The 73rd and 74th constitutional amendments adopted in 1992 give recognition and protection to rural and urban local government respectively.

Local government is a state function, an overview of key legislation by state/ union territory. Powers, authority and responsibility for local bodies are devolved by the state under Articles 243G and 243W of the constitution. Each state has its own local Government legislation, known as the state municipal/municipal corporate act for urban local government and the Panchayati raj legislation for rural local government.

Attempts were made by the governments to make it mandatory for all states to adopt a three-tiered system of Panchayats, for example through the 73rd and 74th constitutional amendments.

The ministers responsible for urban development, housing and urban poverty alleviation, Panchayati raj and rural development are guided by constitutional provisions and are responsible for developing nationwide policy for each sector.

The ministries are involved in the preparation of model acts, laws, by-laws, manuals, guidelines, checklists and capacity building programmes for a range of functions.

In accordance with the 74th Constitutional Amendment Act, one-third of all seats are reserved for women, which is being extended to 50% in some states. There are further reserved places for scheduled castes and scheduled tribes, determined by their proportional representation within the local population. The places reserved for scheduled castes and tribes must also adhere to the one-third allocation to women.

The 73rd and 74th amendments to the constitution have led to wider participation and citizen awareness at the local level. Citizens' charters are also used to streamline participation.

Community structures are in existence at grassroots level. Community structures under local employment scheme 'Swarna Jayanti Shahri Rozgar Yojana' are created at grass root level in the form of women self-help groups.

India's central government website is well developed, with links to all state governments. There are plans to extend these links to cover administrative offices in districts, and many are already linked to the government portal. The formats are standardized and therefore useful for making comparisons. At present they provide citizens with information regarding responsible officers and names of elected representatives with contact points.

The majority of urban infrastructure projects currently being undertaken by municipal local governments depend predominantly on funds from state governments and other agencies. However, in order to raise resources from the market/financial institutions for investment in Infrastructure the central government has allowed the issue of tax free municipal bonds and has set up the Pooled Finance Development Fund. This fund provides credit enhancement grants, through pooled financing bonds, which are issued on behalf of identified urban local governments and enable them to access market borrowing for investment in urban infrastructure projects.

Under Articles 243 of the 74th Constitutional Amendment Act, state governments must consult their state finance commission every five years to review the financial position of the Panchayats and urban local governments and to make recommendations for the subsequent five-year period. Now FFC (Fourteen Finance Commission) is directly supporting Gram Panchayat (GPs).

Local government staffs are not recruited by a central body. In some states there is a commission for recruitment, in others staffs are recruited directly by the local authorities. The body responsible for recruitment is also responsible for disciplinary and dismissal matters. A number of officers are required by law in the different types of local councils, including a municipal commissioner in the municipal corporations and an executive officer, health officer and sanitary inspector in the municipalities. The head of the paid service is normally referred to as the chief executive officer.

State success stories – Madhya Pradesh, Rajasthan, Odisha, Jharkhand, Chhattisgarh & Maharashtra

The enactment of the 73rd Constitutional Amendment Act (1993), which came into force from April 24, 1993, opened a new chapter in the history of democratic decentralization in India by devolving power to the people and giving constitutional status to Panchayati Raj Institutions. As per the recommendations of the 73rd Amendment Act, 1993 the Eleventh Schedule comprising 29 items had been added to the Constitution, which would give an effective role to the PRIs in the planning and implementation of works for the development of local areas. The XIV Finance Commission, 2014 has created an enormous opportunity for responsive local governance at the cutting edge institutional level of the Gram Panchayat. The huge transfer of resources to gram Panchayats (200,292.2 Cr Rs) over a period of five years (2015 - 20) also necessitates urgent empowerment of the gram Panchayats to be able to deliver their mandate in respect of delivery of basic services responsibly and efficiently. Many states have applied innovative strategies to execute 73rd & 74th Amendment in a different way. Kerala is the CHAMPION in local governance. GPDP – Gram Panchayat Development Plan is based on micro planning model of Kerala.

Madhya Pradesh – DIGITAL Need Assessment Software

The State uses its own software, called “decentralized planning”, which has the provision for community need Assessment. Digital space for blocks/municipality to enter data relating to needs of communities from different habitations and planning data on activities and resources. Though the software does not allow the Gram Panchayats to enter their plans directly, they can see the demands/ plans entered for their Panchayats/habitations concerned. Digital space for all the line departments working at district level to look into the activities demanded by community under each scheme. Each activity has to be linked with district sector schemes. It allows public viewing of demands and plans by each planning unit and the scheme wise response of government line departments.

The software also asks departments to fill the allocation and utilization under each scheme in prescribed format, which would allow direct visibility of block/district wise resource envelopes and expenditure.

In today’s world of digital culture, this strategy may be applicable anywhere in the country.

Rajasthan - Integrating the Gender Sub-Plan& Budget is an essential strategy to empower women's role in local Government.

Gender Budget idea and process followed have laid a foundation for strengthening gender sub-planning further to make it institutionally grounded.

There is a need for sustained campaigns amongst local communities, media and government officials to raise awareness on women's rights and entitlements. Capacities need to be developed and strengthened in planning institutions to keep a focus on gender sub-plans on a continuous basis. Such interventions, if maintained throughout the Five Year Plan period at all the stages of planning, monitoring and evaluation, would pave the way for sustained impact at the district level. Both the factors are need – Reservation & budgeting for effective role of women in governance.

Odisha - Change Management for Strengthening Collaboration and Improving Service Delivery

The process comes full circle when the change maker brings her/his experimental and experiential learning, revolved around three multilateral processes:

- 'Breaking Barriers - Building Bridges'; - Addressing issues of the 'person' and the personal', exploring the ways in which people relate to one another and creating a climate of camaraderie based on shared experiences and group learning.
- 'Confronting Challenges – Creating Convergence' - Exploring issues of collective living and survival as members of different stakeholders and from the prism of different stakeholders to examine the issues of sustainable development and inclusive, equitable, participatory democracy in rural areas based on an assessment of each other's priorities and conflicts and willingness to contribute, or 'converge' resources – knowledge, best practices, human, financial, technological.
- 'Synergizing Strengths – Strategizing Success'. - Examining the strengths of different stakeholders is critical to the success of any venture leading to sustainable development, to bring about synergy in the use of energies and resources and evolving strategies to ensure success of such schemes in a practical manner in the actual field context.

Jharkhand –Village as laboratory of Convergence

The key elements of the model 'convergence' initiative are as follows: -

- To develop a village as laboratory of convergence where the communities, government departments, Non-Government Organizations (NGOs), banks, private agencies and other stakeholders join hands together to work for the overall progress of the villages;
- To develop a need-based comprehensive village development plan by the villagers with technical support from government departments and NGOs;
- To implement the plan in a time-bound manner with sufficient ownership and partnership of the people;
- To demonstrate a model for replication in other villages of the district.

Chhattisgarh - Village and Urban Index Card

The initiative had three objectives:

- Generate primary data of each household of the district to help prepare decentralized district plan;
- Ensure data availability in public domain through GIS/maps;
- Develop web-enabled software to make updated data available in all Panchayat Resource Centers (PRCs).

For instance; analysis of out-of-school children after the survey revealed a considerable number of out-of-school children in the age group of 6-14 years (7400 out-of school children as against 2500 children as per Education Department data). Consequently, the district administration started a special drive to bring these children to school, which included home to home counselling. This was followed by special Gram Sabhas for the same.

Transparency and accountability was ensured through presentation of the results from data analysis in the Gram Sabha.

Involvement of State Planning Commission, Department of Planning, etc. helped in desired ownership at the state level, resulting in decision to replicate this in all the other districts of Chhattisgarh.

Maharashtra

Maharashtra is the land of progressive change. Panchayat is the “Soul” of the state. Panch means five people. Decision making by one person is not allowed now. Panchayat means atleast five people can take collective decision.

Many innovations have been offered by Maharashtra to India. It has been always a state of progressive initiatives and innovations. Core innovations are presented here for the reference and exchange of learning.

Mahila Sabha (Women's Village Assembly)

'Gram Sabha (village public meeting) Gaurav Abhiyan' is a state launched campaign. Gram Sabha is the planning platform provided by the Government to the people to keep a balance with the village administration. But people unfortunately, unaware of their own rights. This is the part of 73rd amendment in the state.

In Maharashtra Panchayat organizes Mahila Gram Sabhas one day prior to the General Gram Sabha. It has helped in increasing the active participation of marginalized women in the decision-making process. The main objective of this campaign to create awareness among the masses. This concept strengthens decentralization and democratic governance. PRIs and women's issues need strong linkages at the field level, and women need public recognition. It strengthens the linkages between women's issues and institutions.

Flag hoisting by Women Sarpanch

Government has published a circular with regard to flag hosting. The reservations for women in local governing bodies are meant to grant them the rights and respect associated with representation. Earlier the flag used to be hoisted by the Sarpanch. However, due to reservations either a woman or a Scheduled Caste / Scheduled Tribe persons are occupying the post. The established upper class

leadership seems hostile towards them generally and, in particular, in allowing them to share the honour of flag hoisting. Government insists that a woman or scheduled caste or scheduled tribe person is entitled to have this honour. Government facilitates to assert this right and will help change the face of this public ceremony in several villages.

Joint House Ownership

The government has passed a Government Resolution in 2002 on Joint House Ownership by husband and wife. But it was not properly implemented in the state as the information had not reached to the masses. This Resolution states that a house should be in the name of both, husband and wife. It thus provides the status to women in the family, Women's ownership of productive resources also gets encouraged, thus eliminating gender inequalities. Joint House ownership is being implemented through EWR's initiative. The campaign for joint ownership of houses has been very useful. Active participation of men is needed to provide right to housing in joint names of spouses, as well as for single, deserted, Dalit, tribal, Devadasi, widowed and battered women and for those rendered homeless.

Savitri Gatha

Inspirational Savitribai Phule is the first woman teacher of Maharashtra who played a pivotal role in changing the face of women's education. Savitribai's story was a novel concept to introduce women to the radical and inspiring struggle and thoughts of Savitribai and give them the courage to fight their own battles. Savitri Gatha is a collection of stories of Savitribai's fight for equality. Women from mahila mandals and self-help groups (SHGs) are invited by announcing it on a village board. At some places a dawandi (Vocal announcement) is also made. The programme began by garlanding the photograph of Savitribai and singing songs of the movement. Some incidents in the life of Savitribai were read, followed by an open discussion on women's issues. Yashada has circulated Gatha to thirty thousand Panchayats in Maharashtra.

Yuvati Sunvai (Open Hearing for Adolescent Girls)

The Violence Against Girls and Women – VAGW Campaign has been successful and instrumental in drawing the attention of policy makers to issues of increasing violence against women and girl children. The focus is on putting in place an implementation system that would be sensitive to such issues. Emphasis has also been placed on the creation of literature that speaks against domestic violence and for gender equality. With the VAGW Campaign the women leaders are actively involved in initiating Yuvati Sunvai (public hearing). This programme also helps in bringing the issues of girls to the notice of the masses. Different programmes are conducted in schools and colleges that help to understand issues concerned with adolescent girls. It has helped in bringing more women's struggles into focus and developing confidence and self-awareness among them. It has given a platform for girls to share their experiences and concerns, and to plan collective action to eradicate violence against girls & women.

Panchayat Darshan (Panchayat Exposure for Villagers)

Panchayat Darshan by women leaders was a very innovative strategy at village level. Women often feel embarrassed or fearful to enter the Village Administration Office (Gram Panchayat Office). Gram Panchayat Darshan is a visit to the Gram Panchayat Office in the village. It is an effort to rid women of this fear. Women get a chance to visit the office and gain information about the Gram Panchayat, the village, the different development activities undertaken, schemes and their issues. Many changes have come after women have entered the Panchayat office. Women have begun to actively participate in the campaign-related activities linking governance and village development. This Darshan was organised for women from SHG groups along with EWRs. It has helped in providing orientation about Gram Panchayats to newly elected women representatives and women from

SHGs. It has helped them to enter Gram Panchayats for the first time as an introduction to their own village and its activities.

Krantijyoti: An innovative programme designed by Elected Women Leaders

Based on the positive feedback and evaluation of a pilot project conducted in Selu Taluka of Wardha District. State Election Commission had launched an innovative project for newly elected women in collaboration with government institutions and non-government organizations. Core idea behind this initiative was to create Cadre of committed and expert trainers from state to village level. Even compilation and creation of resource material for trainers to impart through knowledge of the subject, was the key of the programme.

Core goal of this programme was to advocate empowerment of all women councilors consistently throughout the state. This module has been presented through National Workshop with Government officials, organized at Yashada, Pune.

There was a thrust on use of creative media, like songs, games, role-plays, and demonstrations in the training of women councilors instead of heavy literature alongwith emphasis on actual governance of Village Panchayat, Social issues and personality development. Even, Programmes to change patriarchal mentality of both women and men was the side goal. Organization of non-residential decentralized workshops at village level considering the social constraints of women councilors to attend residential centralized training programmes, was clear to the organizers.

Yashada had prepared a complete campaign kit based on RSCD's experience with this group. Fifty thousand Elected Women leaders has undergone "Krantijyoti" programme. College of Social Work, Nirmala Niketan has supported it for co-ordination and RSCD has been mentoring total pool of sensitive trainers and methodology.

Maharashtra: Recent initiatives at Panchayat level

ISO Anganwadis

The village community has been mobilized to 'take ownership' of its Anganwadi and to donate resources in cash and kind for transforming its services. Villages have donated furniture, uniforms, books, charts, bags, TVs, DVDs, foot-wear, water filters, mirrors, toys and food grains, besides undertaking repairs or painting of walls of Anganwadis, providing electric supply and developing play grounds. A district level fund, 'Kuposhan Nirmulan Trust', has been set up through voluntary donations of one day's salary of all Zilla Parishad employees. An amount of Rs.2 crore was collected in this trust, and is being used to improve the nutritional status of children and services under ICDS.

All this was possible under the leadership of Dr. Dilip Deshmukh, the Dy. Chief Executive Officer (Child Welfare) of Aurangabad Zilla Parishad. He motivated the ICDS Supervisors and through them Anganwadi workers to seek active participation of the local village community. No Government funds were used. Hundreds of under-weight and malnourished children were improved and brought to the 'normal' category by judicious use of community funds and donated food grains. Mothers were counselled and trained in child feeding practices, so that recovered children did not relapse into malnutrition.

Recently, gram Panchayats and the village community have gone one step further and decided to get their anganwadis "ISO certified", by paying the necessary certification fees from their own contribution. The first anganwadi to get ISO certification was in Abdimandi near Aurangabad, but soon others started competing for this certification, which has now become a matter of pride for the community. 246 anganwadis have so far been certified as ISO, based on a certain minimum quality

of infrastructure and services. In order to get anganwadis upgraded to ISO standards, public contribution of more than Rs.10 crores (in kind) was collected.

The minimum qualifying criteria for ISO certification include satisfaction of beneficiaries, proper record keeping and inspections, file management, kitchen management, toilet / bathroom management, beautification of the anganwadi, provision of essential infrastructure such as toilets, drinking water and hygiene, provision of essential furniture and educational toys and material, uniforms and ID cards, quality of pre-school education and compliance with the recommended timetable, supply of nutrition as per ICDS norms, compliance with government guidelines etc.

It is a matter of pride for the state that large numbers of anganwadis in the district have been able to reach the high standards required for ISO certification. Teams of ICDS functionaries from many other districts and even from other states have been regularly visiting Aurangabad district to learn and get inspiration from its ISO initiative. The most amazing part of its story is that all this has been achieved purely through community participation, without depending on government funds.

Community Ownership

Gram Panchayat Patoda, consisting of 400 households and located at a distance of 20 kms. from Aurangabad, has shown remarkable initiative under the leadership of its Sarpanch, Shri Bhaskarrao Pere. The village has won many awards such as Sant Gadge Baba Sanitation Campaign. The prize money is used to provide health and nutrition related services. Some of the initiatives are:

Support for pregnant and lactating mothers:- Women in the last trimester (3 months) of pregnancy and 3 months after delivery are provided with assistance of Rs.100 per day, out of which Rs.60 is provided as cash assistance and Rs.40 in the form of a free meal, which is cooked in the Anganwadi. The purpose is to ensure that these women do not have to undertake hard labour in this period, and can get adequate rest, which is important for their health and for the health of the baby. A 'day care centre' has been set up in the village for such women, where they can come daily for about 3 hours, and take up some light work for the Anganwadi. School or the Gram Panchayat, such as teaching, packaging, preparing leaf plates etc. This makes them feel that they are 'earning' the amount of Rs.100. The Panchayat organizes periodical lectures or talks of experts such as doctors/gynaecologists on health and nutrition issues for the benefit of local women. Donors sponsor free food for all women on the last Saturday of every month.

The anganwadis in the village have been upgraded through community contribution. They are among the many anganwadis in the district which are now proudly show-cased by the community as examples of ideal anganwadis.

CCTV cameras have been installed at many locations in the village, including the anganwadi, the school, and other public places. It is thus possible to keep an eye on what is happening in the village, while sitting in the Gram Panchayat office. This project, like all other initiatives in the village, has also been funded through community contribution. Each household contributed Rs.500 for funding the CCTV camera project, which provides an excellent example to other Panchayats too for effectively supervising attendance, food distribution, teaching and other activities in anganwadis and schools.

The Panchayat of Patoda collects 100% of its taxes on time; in fact it collects annual taxes in advance. Thanks to some innovative incentives designed by its visionary Sarpanch Mr.Pere. For example, villagers who pay their property tax and other taxes in time can get their food grains milled for free through-out the year, through a flour mill owned by the Panchayat.

The Patoda Gram Panchayat indeed provides a good example of Community Participation and ownership in providing various services to its residents.

Handful of Grains (Mutthi-Bhar Dhanya)

Govt. of Maharashtra launched "Malnutrition Free Village campaign" on 26th Sept., 2011. As a part of this campaign, different districts of Maharashtra have implemented innovative ideas for community participation. In Akola district, a Gram Sabha was organized at Hirpur, tal - Murtijapur on 30 Sept., 2011. The issue of community participation was discussed and the idea of "a handful of grains" (Mutthi Bhar Dhanya) came up in the discussion. While harvesting crops, a sizeable quantity of grain is wasted; while drying the grains in the sun, much grain is eaten by animals & birds, and in storage, a significant quantity is either eaten or wasted by rats & rodents.

Considering these facts, an appeal was made to farmers / villagers present in the Gram Sabha, that if they donate a 'handful of grains' to the beneficiaries of Anganwadis, it will help to make their village Malnutrition Free. On hearing this appeal, farmers/ villagers gave an overwhelming response and on the very 1st day, 2 quintals and 30 kgs of grain were voluntarily collected in a single village.

Considering this spontaneous response, it was decided to implement this scheme in the entire Akola District. Accordingly, awareness was created through newspapers, workshops, meetings etc. More and more villages came forward to replicate this idea and within a short period of time, 800 quintals of grain (cereals, pulses, oilseeds, etc.) & cash of Rs.1.80,336/- were collected from the community for the Anganwadi children of Akola District.

Learning from the globe

We also need to learn a lot from policy stories of –

- **Pakistan:** Anti-hate speech bill
- **Sri-Lanka:** Anti paid news policy
- **Bangladesh:** Horizontal Learning Programme
- **Bhutan:** Gross National happiness
- **Australia:** Induction policy for local representatives

India can make it more rationale & relevant based on its reality. But process of learning will make our democracy, a way of our life.

Democracy, a way of life

Most of the policies and laws need to be PRACTICED first, experimented next, tested and brought into resolution for the welfare of general well- being of the citizens. These practices may not be relevant in all contexts, but its value remains the same.

Many local Governments & experts have been trying their own initiatives all over the world.

We need to establish a platform where all innovative practices will reach easily, tested effectively and if needed converted into policies.

Our mission is to strengthen and deepen our democracy as a way of Life. People have lot of wisdom. Horizontal Learning Platform of the people & for the people, need to act as a "Bank of People's wisdom.

References:

- UNDP Report on Best Practices, 2015.
- LoGin General Assembly Report, 2016.
- Best Panchayat Practices in Maharashtra, Yashada (Selected Stories by Snehaji Deo)
- Decade Diary – MRA, Publication of RSCD.
- Towards Holistic Panchayati Raj, Expert Committee Report, 2013.
- Induction policy for Local Representatives, Department of Western Australia.

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V. ORIENTATION POLICY FOR LOCAL REPRESENTATIVES

**By RSCD- Resource and Support Centre for Development
& CLGF – Commonwealth Local Government Forum**

Background:

India has undergone a silent yet definitely significant political revolution, almost simultaneously with eloquent economic reforms, in the first half of the nineties of the century gone by. Relative rise of market vis-à-vis state and relative importance of local government's vis-à-vis central government may be viewed as extension of the same logic. The import of perpetual existence, ensured with passage of 73rd and 74th Constitutional Amendment Acts, 1993 may have yet to be fully realized by over 30 lakh people's representatives, including 73000 in urban areas, of whom over 10 lakh are women, through about 2 lakh rural Panchayat bodies and about 3700 urban municipal bodies.

The 73rd Constitutional Amendment Act, 1993 which came into being to usher in democratic governance at the grassroots gave Constitutional Status to Panchayats at the District, Intermediate and Village levels. Nearly two decades later, one can say that this experiment has delivered mixed results.

While the first fourteen years following the enactment of the Amendment have resulted in substantially achieving the objective of broad basing political empowerment of people. However, the spirit of Part IX of the Constitution is essentially that elected Panchayats function as institutions of self-government in rural areas. The emphasis is to empower them with certain functional mandates, give them a significant degree of autonomy and impart to them an element of self-reliance and self-sufficiency through fiscal transfers, taxation powers and tax assignments.

The Ministry of Panchayati Raj has been engaged in several initiatives to strengthen Panchayati Raj. In order to evolve a national consensus on the measures to be taken to strengthen Panchayati Raj and ensure that Panchayats function as institutions of self-government in the letter of spirit of Part IX of the Constitution, about 150 points for action, touching 18 dimensions of Panchayati Raj were evolved. Inter-alia, these include effective devolution of functions, finances, functionaries, planning, Gram Sabhas, women, reservation for SCs/STs, elections, audit, parallel bodies, capacity building and training, preparation of a State of the Panchayats Report and working on Panchayati Raj jurisprudence. At the Central level, an important task has been to ensure that Central Government programmes and Centrally Sponsored Schemes are compatible with the letter and spirit of the Constitutional provisions relating to Panchayats. These efforts have contributed to several important policy changes undertaken by several ministries, which have better reflected the Constitutional role assigned to Panchayats. Some of the important programmes and schemes have been reoriented to ensure planning and implementation by Panchayats.

These developments necessitate strengthening of the Panchayats, by providing requisite infrastructure and staff and building their capacity for planning and implementation, financial management, local accountability and resource mobilization. With the implementation of Welfare Schemes such as National Rural Employment Guarantee Scheme, the duties and responsibilities of the elected representatives of Panchayats is increasing manifold. In order to understand the complexities of these responsibilities and to fulfil the aspirations of their constituencies, the elected representatives of the Panchayati Raj Institutions at all the three levels, namely, Zilla Parishad, Block Panchayat and Gram Panchayat, need strong support in the form of integrated orientation Training and Capacity Building.

Need

The work of an elected representative is complex and challenging and the political, legislative and local landscape in which s/he works is changing constantly. Communities have high expectations

from them since the day of their election and throughout their period of office. It is essential, therefore, that elected local Members become aware of the operations of the local government, the current issues that the local government is dealing with and most crucially, their own roles and responsibilities. They need to be provided with every assistance in preparing to be able to quickly and successfully navigate the numerous different aspects of local government.

The elected representatives are from a range of diverse backgrounds and bring in different and valuable skills to the role. While some come from political family background, others could be the first generation politicians or have been elected on the basis of reservation of a seat. Very few newly elected, members have extensive knowledge of the system of local government, how a council works or the full range of their roles and responsibilities. From their first council meeting councillors will be required to make important decisions on behalf of their communities and take responsibility for those decisions. Those decisions often involve significant use of public money, assets or natural resources.

Some councillors may need to develop skills in areas that are unfamiliar to them such as understanding council meeting procedures, the rules of debate or interpreting financial statements, to name just a few. A number of councillors may have specific needs or require assistance. For example, those from tribal areas, elected women representatives, those belonging to SC/ST or those who may be semi-literate. Even the experienced councillors may find it challenging to keep abreast of changes to the legislative and policy context for local government as well as changes to a council's/PRI's policies and procedures.

No matter what the individual circumstances are, systemic orientation training and communication is not a single, one-time intervention but a continuous, on-going process leading to enhanced sense of self-esteem and confidence of an elected member to perform an important role and wide-ranging responsibilities.

Usually, the elected representatives in each of the States may receive systemic orientation in core areas such as right to information and transparency; rules and regulations covering Panchayati Raj or ULBs, Social Audit, Principles of secularism, equality and human rights emanating from the Constitution of India and participatory planning, implementation and monitoring, poverty alleviation, status of human development or in specific thematic areas such as Financial management, including own resource management and accounting, disaster management, sectoral approaches into providing basic human needs, gender equality. The challenge however is the regularity and consistency in terms of content, methodology and effectiveness and availability of such trainings throughout the country.

Ideally, the integrated orientation policy should cover both the *“before”* and *“after”* election periods so as to ensure that right candidates will contest the elections and the ones elected by a majority are able to fulfil their responsibilities. While some newly elected members may begin their roles with prior knowledge of their local government's operations and the relevant legislation under which it works, others may not have a great deal of knowledge. This may further be compounded by other factors such as the gender or specific caste of an elected representative. A common and standardized induction process will ensure that all the elected representatives hear a consistent message about the roles and functions they perform and for which they have a responsibility. This

does not trivialize the differing perspectives, which make up a democratically elected body but provides a common platform to appreciate and understand the critical roles, functions and powers of elected representatives. The very purpose of an orientation policy is to set up the newly elected term. A thorough induction programme will provide all elected local representatives with an introduction to the local government culture, structure and the people they will interact with. Induction includes a balance of theory, reflection, socialization and practice.

Coverage and Methodology

Systemic orientation is a vital way to ensure that newly elected representatives get an identity, space & all the information they need to be effective leaders. It not only builds the knowledge of elected representatives but also, enhance their ownership and planning for their own and their community's success. They want to connect with others and build networks to provide support over the elected term. They want to know about protocol, the culture of local government, how it works, and how they can contribute. They want to hear and contribute to local government stories of where it's been and where it's going. Thus induction of new members is the highest priority. However to make it effective and meaningful, the induction training should be a well thought, need based & professional exercise to be carried out in the first quarter of a newly elected term.

Cognitive theory suggests that adults are able to retain only about four items in short-term memory. Thus, cramming much information into very little time, backed up by indigestible detailed papers about policy and practice, would end up a full day's information-packed workshop session into a potential land mine of knowledge gaps. By presenting knowledge in smaller, bite-sized quantities, people are better able to retain more of what they have learnt. A blended learning programme, which presents key information and concepts in chunks at times most appropriate for use, can increase the effectiveness of an induction training programme.

Forward planning by a council will allow time for a well-structured and effective induction program to be developed. It will also enable all of the candidates for elections to be aware of the proposed timetable for the induction program. Candidates may then make tentative arrangements to enable them to attend the induction program if they are elected.

Preliminary induction training by councils should take place as soon as possible after the polls are declared following a new election and prior to the first council meeting. This should aim to provide councillors with the basic information they need to function in their role & goal. The rest of the induction program should then be delivered within approximately three months of the polls being declared. Ultimately the optimum timing for delivery of an induction program may vary depending on local circumstances.

Where possible or practicable, elected representatives' induction should be conducted in a way that avoids them being overloaded with information. This may be achieved by limiting the length of sessions, having a number of short sessions in lieu of one longer session and/or through using a range of delivery modes and materials. Induction may be conducted by making use of resource sharing arrangements with other councils/PRIs, e.g. - one part of the induction may be provided at the regional level to cover the more generic and regional issues and another part within the ULB/PRI to cover local issues, policies and procedures.

Orientation of the key officials associated with the functions devolved to PRIs/ULBs is equally important. On the one hand these officials have a vast pool of detailed technical knowledge pertaining to the departments they serve and therefore, can play an important facilitators role in advising the elected representatives and imparting to them their wisdom. On the other, these officials also would greatly benefit by learning the lessons drawn from the grass-root level experiences of elected representatives, who will bring to mutual interactions their significant local knowledge of ground level nuances. These officials may play a mentoring role in the induction training of the newly elected representatives.

Framework

It is very vital to develop an induction manual or handbook to support the elected representatives in the first weeks following the induction. This resource may also include relevant background reference material for the longer term. It may be provided prior to or at induction training.

An induction manual may include:

- Basic information about the PRI/ULB, roles and responsibilities of Elected Heads of PRIs/ULBs: Powers & Duties alongwith logistic provisions for the ER's.
- Key planning and policy documents and information including the GPDP – Gram Panchayat Development Plan.
- Key legislation including the 73rd and 74th Constitutional amendments
- A certificate from the Election Commission that will authenticate an elected representative and help curtail the interference by proxy Mayors/Sarpanch.
- An identity card for the Sarpanch/Mayor which would facilitate their interaction with the State/district level bureaucratic machinery
- A directory of all PRI functionaries and elected representatives, namely,
 - (i) Gram Panchayat Members, Chairpersons, and Office bearers,
 - (ii) Intermediate Panchayat Members, Chairpersons, and Office bearers,
 - (iii) District Panchayat Members, Chairpersons, and Office bearers,
 - (iv) All officials concerned at Intermediate & Village level; and
 - (v) Standing Committee members at all levels.

The induction programme should also include a guided tour of these offices so that the newly elected representatives feel confident to interact at these different bureaucratic levels.

- Budgeting and proper utilizations of funds, accounts keeping, Audit procedures
- Maintenance of Records and Registers, preparation of agenda and minutes for conducting meetings
- Conducting Effective Gram Sabhas / Ward Sabha
- Handling litigation, grievance redressal mechanisms
- A Frequently Asked Questions (FAQ) as a ready reference for the elected representatives, Information about support for elected representatives.

The induction program may be delivered using a variety of methods, in a combination of strategies that are inclusive, participative and interactive and a composite mix of various interventions:

- (a) Face-to-face participatory training courses including seminars and workshops;
- (b) Exposure visits;
- (c) Peer training/learning;
- (d) Satellite training;
- (e) Creation of a mobile App which may serve as a FAQ, easily accessible for an elected representative
- (f) Radio/cassettes/films;
- (g) Traditional means of communication;
- (h) Newsletters, updates and digests of replies to Frequently Asked Questions;
- (i) Where ever possible, written materials preferably in the local or national language, including an induction manual or handbook that the elected representatives can retain and refer back to.

In brief, we need to learn from Department of Local **Government of Western Australia**, which says clearly in their local Government induction guidelines –

- A. Local Government is involved in a very diverse range of issues that have direct impact on the community & its way of life
- B. It is vitally important that newly elected members quickly become aware of the local operation and current issues.

Hence, development of an appropriate “induction manual” & “checklist” is MUST for day to day democracy & internalization of our own constitution.

References:

- ✓ Induction policy, Local Government, Western Australia
- ✓ Guidelines for the centrally sponsored scheme of Rashtriya Gram Swaraj Yojana(Training & Capacity Building) for strengthening Panchayats: Ministry of Panchayati Raj, Government of India
- ✓ http://fincomindia.nic.in/writereaddata/html_en_files/oldcommission_html/predocs/speech/chaubey_ulb.pdf
- ✓ <https://www.olg.nsw.gov.au/sites/default/files/Councillor-Induction-and-Professional-Development-A-Guide-for-Councils.pdf>
- ✓ http://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2017/17-01-23/Appendices/Member-Induction-2017-Appendix-A.pdf
- ✓ EWR's State Workshop report, - December 2016, by Resource and Support Centre for Development- RSCD & Commonwealth Local Government Forum-CLGF.



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राष्ट्रीय परिषद संविधान घटना दुरुस्तीची...



क्ष ण चि त्रे

पंचायतराजचा प्रभावी प्रवास



गाव विकासातील महिलांचा सहभाग वाढविणारे देशातील पहिले धोरण



संदर्भ: ग्रामसभा सुधारणा अधिसूचना - नियम व आदेश, महाराष्ट्र शासन, ग्राम विकास व जलसंधारण विभाग दि. ७ ऑगस्ट २००३

महिला सभा



स्थानिक स्वराज्य संस्थेतील महिला सदस्यांकरिता सक्षमीकरण प्रकल्प



संदर्भ: दि. ०३ मार्च २०१४ रोजीचा शासन निर्णय व दिनांक २० मे २०१४ रोजीचे शासन परिपत्रक

क्रांतीज्योती प्रशिक्षण



ग्रामीण भागातील सर्व घरांवर पती पत्नी यांची संयुक्त घरमालकी



लग्नानंतर पती-पत्नी यांना सहजीवनातील घटक मानून प्राप्त संपत्ती दोघांची असल्याचे मानले जाते.

महिलांमध्ये सुरक्षिततेची भावना निर्माण होण्यासाठी घराची मालकी पती पत्नी यांच्या संयुक्त नावे करण्यात आली आहे.

महाराष्ट्र शासनाच्या दि. २०/११/२००३ च्या परिपत्रकानंतर ग्रामीण भागातील घरे संयुक्त मालकीची झाली .

ग्रामपंचायतीच्या घरठाण उतारा नमुना नं. ८ अ वर पती- पत्नी यांच्या संयुक्त नावाच्या नोंदी झाल्या आहे.

ग्रामीण महाराष्ट्रात महिलांमध्ये आर्थिक सुरक्षिततेची भावना निर्माण होऊन त्यांचा आत्मविश्वास वाढला.



महिला व पुरुष या दोघांचाही संपत्ती वरील समान अधिकार अधोरेखित झाला.

संयुक्त घर मालकीमुळे महिलांना सामाजिक आणि आर्थिक सुरक्षितेची हमी मिळाली.

संदर्भ: ग्राम विकास व जलसंधारण विभाग, शासन परिपत्रक क्रमांक- व्हीपीएम २६०३/प्र.क. २०६८/पंरा -४ दि. २० नोव्हेंबर २००३



स्थानिक स्वराज्य संस्थांतील महिला लोकप्रतिनिधींना ध्वजारोहणाचा अधिकार



ध्वजारोहणाचा अधिकार

राष्ट्रीय दिनांच्या दिवशी महिला सरपंच, सभापती व अध्यक्षांना ध्वजवंदनाचा अधिकार देण्यात आला आहे.

आत्मविश्वास वाढला

महिला लोकप्रतिनिधींच्या ध्वजारोहणाच्या अधिकारामुळे सार्वजनिक जीवनातील आत्मविश्वास वाढला

सन्मानाचा अधिकार

ध्वजारोहणाच्या अधिकारामुळे महिला लोकप्रतिनिधींना स्थानिक स्वराज्य संस्थेच्या घटनात्मक प्रमुख म्हणून सन्मान मिळाला.

सन्मान वाढला

महिला लोकप्रतिनिधींच्या ध्वजारोहणाच्या अधिकारामुळे सांस्कृतिक भेदभाव कमी झाला.

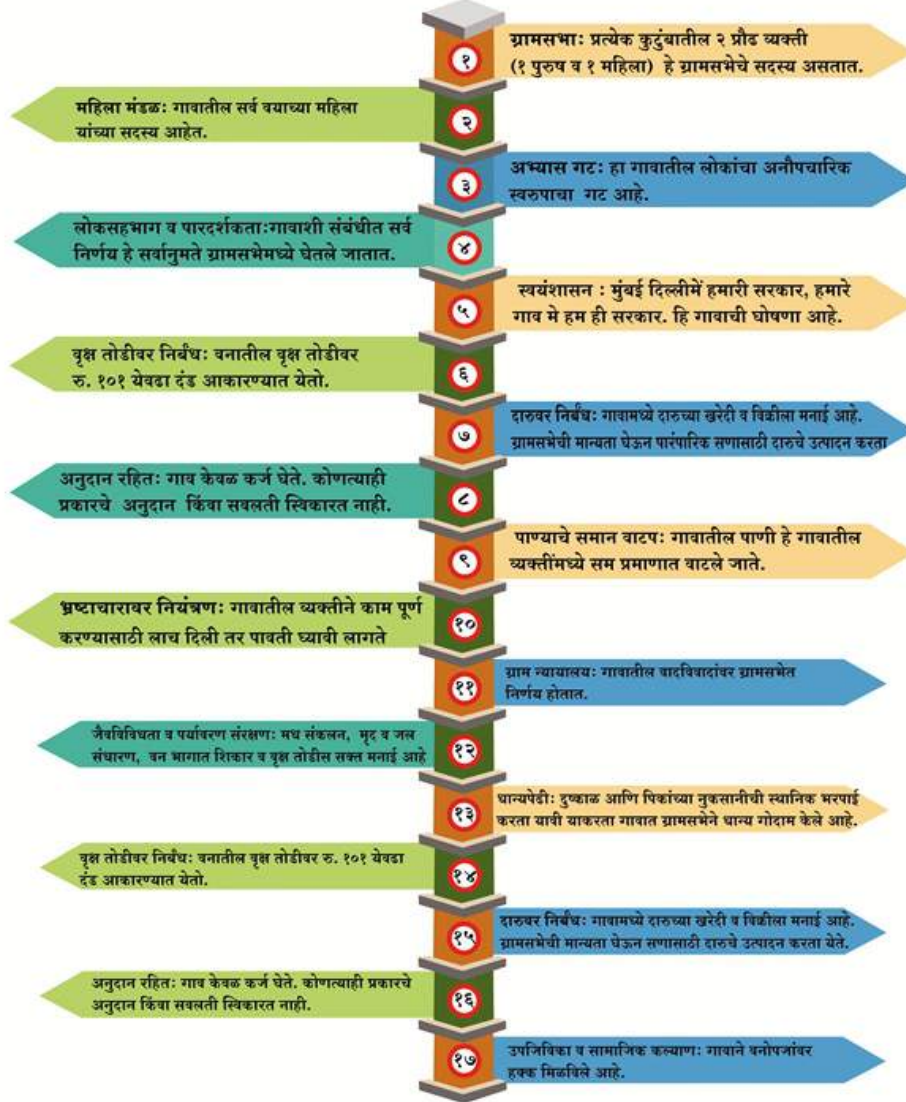
प्रतिमा उंचावली

ध्वजारोहणाच्या अधिकारामुळे महिला लोकप्रतिनिधींची सार्वजनिक जीवनातील प्रतिमा उंचावली.

संदर्भ: ग्राम विकास व जलसंधारण विभाग, शासन निर्णय क्र.: व्हीपीएम २००२/प्र.क. ४२४/पंरा ३(२१) दि. १ जानेवारी २००३



ग्राम स्वराज अवतरले : मेंढा - लेखा



आगळेवेगळे गाव - पाटोदा

गावात एकच पिठाची गिरण आहे. जे ग्रामपंचायतचा कर १०० टक्के भरतात त्यांना वर्षभर दळण मोफत दळून मिळते.	१	गावात चार प्रकारचे पाणी उपलब्ध आहे. अ) पिण्यासाठी आरओचे पाणी, ब) बापराचे पाणी, क) साध्ये पाणी, ड) गरम पाणी
ओला व सुका कचऱ्यासाठी वेगवेगळ्या बकेट द्वारे कचरा ट्रक्टरच्या साहाय्याने गोळा केला जातो. त्यापासून कंपोस्ट खत तयार केले जाते.	३	गावातील अथवा बाहेरील नागरीक मंदिराला देणगी न देता ग्रामपंचायतीला देणगी देतात. ग्रामपंचायतीचा मासिक जमा खर्च दरमहा मोटीस खोईवर प्रसिद्ध करतो.
गावात ४२ सिमिटीही कॅमेरे बसविण्यात आलेले आहेत.	५	गावात १२ टीकाणी घंड पाण्याचे कुलर बसविण्यात आलेले आहेत.
नागरीकांना शुध्द पाणी पिण्यासाठी जल शुध्दीकरण प्रकल्प कार्यान्वित आहे.	७	सर्व शासकीय कर्मचाऱ्यांसाठी बायोमॅट्रीक हजेरी आहे.
संपर्कासाठी पदाधिकारी, अधिकारी व कर्मचारी यांच्यात मोबाईल ग्रुप कार्य आहे.	९	लोकसंख्येच्या दुष्पट गावात फळझाडे आहेत.
एकही नागरीक मळ्यात अथवा बस्तीवर राहत नाही	११	हात पुण्यासाठी गावात ठिकठिकाणी चॉरा बेसिन बसविलेले आहेत.
टीकटीकाणी वयोवृद्धांना बसण्यासाठी खुर्च्या व बाके आहेत.	१३	गावाचे एकाच ठिकाणी सर्व सांडपाणी जमा केलेले आहेत, ते पाणी शेतीस वापरतात.
गावात १ सी ते ८ वी पर्यंत जिल्हा परिषदेची शाळा असून शाळा डिजिटल व गुणवत्ता पूर्ण आहे.	१५	गावात सात दिवसाचा सप्ताह होत नसून प्रत्येक महिन्याच्या चौथ्या शनिवारी किर्तन व सर्व गावकऱ्यांना देणगीदार मोफत जेवण देतात.
गावात ग्रामपंचायत द्वारे सामुदायिक शिवाह पार पडतो.	१७	गावात प्रत्येक नागरिकाचा वाढदिवस साजरा केला जातो.
सगळ्या संस्थांच्या खेळीमेळीच्या वातावरणात निवडणुका पार पडतात पण गावात कोणताच राजकीय पक्ष नाही.	१९	प्रशासकीय सेवेत काम करणारे अधिकारी व कर्मचारी यांना तन्मानपत्र देऊन पुरस्कार दिला जातो.
घनकचरा व्यवस्थापनासाठी प्रत्येक छानेदारास पर्यावरण पिशाची दिली जाते.	२१	गावात सगळीकडे पेहर ब्लॉक बसविण्यात आलेले आहेत.
गाव तंटामुक्त, निर्मलग्राम राष्ट्रपती पारीतोषिक विजेते आहे.	२३	गावात पुणी पुण्यासाठी गावात सार्वजनिक धोबी घाट बांधलेला आहे.
ग्रामपंचायतीचे वार्षिक उत्पन्न २५ लाख रुपये आहेत.	२५	औरंगाबादच्या सांडपाण्यावर १०२५ हेक्टर जमीन ओलिताखाली आहे.
ग्रामपंचायत कार्यालयात व सभागृहात वातानुकूलित (ए.सी.) यंत्रणा बसविण्यात आलेली आहेत.	२७	

असे हे आगळेवेगळे आदर्श गाव आहे.



74 व्या घटनादुरुस्तीतील

अंमलबजावणीची आव्हाने

- राजकीय इच्छाशक्तिचा अभाव
- मुलतः सत्तेचे विकेंद्रिकरणास अटकाव
- लोकांच्या निर्णायक सहभागाबाबत अनुत्सुकता
- महानगरपालिका, नगरपालिका ही स्थानिक स्वराज्य सरकारे असून त्यांना 'संस्था' म्हणून दर्जा दिला जातो.
- स्थानिक स्वराज्य सरकारांना समांतर प्राधिकरणे विकसित करून या सरकारांच्या स्वायत्तेवर गदा आणली जात आहे.
- स्थानिक स्वराज्य संस्थांना स्वतंत्रता दिली नाही.
- स्थानिक सरकारांना नीती निर्धारण आणि आर्थिक स्वातंत्र्यतेच्या अधिकाराचा अभाव आहे.

प्रभावी विकेंद्रिकरणासाठी शिफारस

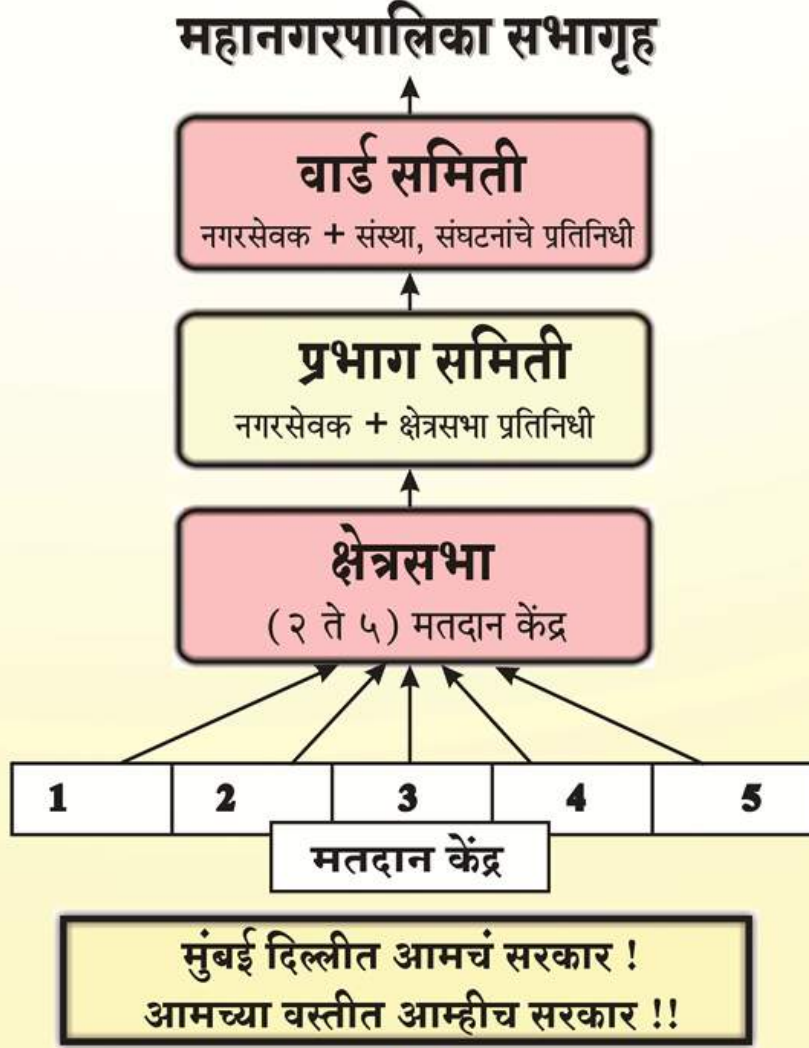
- सरकार म्हणून मान्यता देवून शहरी स्थानिक संरचना सरकारांचा ढाचा व कार्यपद्धती विकसित करणे गरजेचे आहे.
- जर सरकार आहेत तर Fund, Function, Functionary त्यांना विषय सुची, जबाबदारी, मानवसंसाधन देणे आवश्यक आहे.
- ७४ व्या घटनादुरुस्ती प्रमाणे स्थानिक स्वराज्य सरकारांचे कायदे संशोधित केले पाहिजे.
- अनेक उमेदवारी प्रभागाची पद्धत बरख्यास्त करून एक उमेदवारी पद्धती आणली पाहिजे.
- ७४ व्या घटनादुरुस्तीचा क्षेत्रसभा पर्यंतचा ढांचा बनवून त्याची संविधानिक तरतूद द्यावी.

लोकांसाठी सत्ता — सत्तेसाठी लोक



७४ व्या घटनादुरुस्तीच्या
प्रभावी अंमलबजावणीसाठी

प्रस्तावित संरचना



राष्ट्रीय परिषद

७३ वी व ७४ व्या घटना दुरुस्ती बाबतची दहा आव्हाने – दहा उपाय

क्रमांक	आव्हान	उपाय
१	आरक्षण : नवनिर्वाचितांचा अत्यल्प सहभाग.	नवनिर्वाचितांसाठी समग्र स्थानिक प्रशासन परिचय धोरण हवं.
२	ग्रामसभा(लोकसहभाग) : फक्त कागदावर!	ग्रामसभा तहकुबी नको. ग्रामसभाच व्हावी. ग्रामसभा गौरव अभियान आखावे.
३	शहरी क्षेत्रसभा	नियमावली व अंमल – आरखडा करावा.
४	पेसा : आदिवासी स्वशासन कायदा रुजावा.	ओपन ऑडीट व्हावं.
५	विकेंद्रीकरण	कामे, कर्मचारी व निधीबाबत Devolution Review व नवधोरण तयार करावं.
६	GPDP: आमचा गाव, आमचा विकास, एक अनोखं पाऊल अडखळलं आहे.	वंचित केंद्री प्रश्न, अग्रक्रमाधारे: एकात्मिक GPDP पंचायत आराखडे व्हावेत.
७	वित्त आयोग	“पुनर्गठन” योजना” ताबडतोब हवी.
८	निवडणूक	स्वच्छ व भ्रमदान मुक्ती& मतदानासाठी :- भ्रष्टाचार, मनगटशाही, दारू व नवस मुक्तीसाठी – “मत स्वच्छता मोहीम” आखू.
९	कॉन्फरन्सनंतर पाठपुरावा अपुरा राहतो.	कॉन्फरन्स फॉलो अप फेलोशीप प्लॅटफॉर्म जाहीर करावा.
१०	कल्पक उपक्रमांना व्यासपीठ नाही.	“ स्वराज्य इनोव्हेशन बँक” तयार व्हावी.



Program Schedule

Day One (Date 2nd November 2017)

Registration 09.30 am- 10.00 am	
Inaugural Session 10.00 am-11.30 am	
Tea Break 11.30- 11.45 am	
Session One 11.45 am-13.15 pm	Issues in Governance: State versus Local Bodies (Parallel Sessions for Urban and Rural Local Bodies)
Lunch Break 13.15 pm-14.00 pm	
Session Two 14.00 pm-15.30 pm	Best Practices: National and International
Tea Break 15.30 pm – 15.45 pm	
Session Three 15.45 pm -17.15 pm	Paper Presentations
Tea Break 17.15 pm- 17.30 pm	

Day Two (Date 3rd November 2017)

Session Four 9.30 am to 11.30 am	Effective Participation of Women in Local Bodies
Tea Break 11.30 am-11.45 am	
Session Five 11.45 am- 13.15 pm	Devolution of 3 F's: Funds, Functions and Functionaries (Parallel Sessions for Urban and Rural Local Bodies)
Lunch Break 13.15 pm- 14.00 pm	
Session Six 14.00 pm- 15.30 pm	Electoral Reforms
Tea Break 15.30 pm-15.45 pm	
Valedictory Function 15.45 pm -17.45 pm	

Inaugural Function

Time: 10.00 a.m., 2nd November, 2017

Chief Guest

Shri. Ch. Vidyasagar Rao
Hon'ble Governor of Maharashtra

Guest of Honour

Smt. Pankaja Munde
Hon'ble Minister for Rural Development Department,
Government of Maharashtra

Special Address

Shri. J. S. Saharia
Hon'ble State Election Commissioner, Maharashtra

Key Note Address

Shri. T.R. Raghunandan
Advisor, Accountability Initiative

Welcome Address

Dr. Devanand Shinde
Vice Chancellor, University of Mumbai

Valedictory Function

Time: 03.45 p.m., 3rd November, 2017

Chief Guest

Shri. Devendra Fadnavis
Hon'ble Chief Minister of Maharashtra

Guest of Honour

Shri. Sudhir Mungantiwar
Hon'ble Minister for Finance, Planning and Forest,
Government of Maharashtra

Special Address

Shri. J. S. Saharia
Hon'ble State Election Commissioner, Maharashtra

Valedictory Address

Dr. George Mathew
Director, ISS, New Delhi

Welcome Address

Dr. Rajas K. Parchure
Director, Gokhale Institute of Politics and Economics, Pune

गाव विकासाची पथ्यं

पंचायतीशी जैव नाते, जोडल्याविना तू राहू नको
अमोल आनंदाचा ठेवा हा, मनातून विसरु नको ।।

जीवनास जे अर्थ देतसे, ऐशी संधी तू सोडू नको।
पथ्ये पाळून पथ आक्रमिता, मोद मिळे तो चुकवू नको ।।

पंचायत पथ्ये स्पष्ट सांगतो, राग तयाचा मानू नको।
हेतू यातला घेई समजून, तो वाच्यवार सोडू नको ।।

असशील तू जरी दगड पायीचा, कळसावर तू जळू नको।
उपद्रव क्षमता वापरुनी, सूड कुणावर घेऊ नको ।।

स्वतःस कळते तेच ज्ञान, ही परिसीमा तू मानू नको।
लोकांविषयी आस्था तुलाच, ऐसे सदा समजू नको ।।

वेळ देती जे कामासाठी, त्यांची वंचना करु नको।
औध्दत्याची, स्पष्टतेची, गल्लत कधी तू करु नको ।।

परखड तु अन् बाकी होयबा, अशा भ्रमामधी राहू नको।
कण भर करुनी काम क्षणभर, डिंग जन्मभर मारु नको ।।

जहन्नम मध्ये गेली ग्रामसभा, मी खरा! असे मानू नको।
सहकान्याला नोकर समजून, तया व्यर्थ अवमानू नको ।।

अडचण त्यांची जाणून घे, पण खच्ची त्यांना करु नको।
अपशब्द कुणा, बोलू नको ।।

शिव्याशापही देऊ नको।

उणेदुणे कधी काढू नको ।।

तन, मन, धन हे सर्व सारखे, उच्चनीच त्या समजू नको
तन मन कष्टा न ये मोजता, म्हणून क्षुद्र त्या मानू नको ।।

सहकान्यांमधी, डावे उजवे असणार हे विसरु नको।
कार्यात उणे असतील त्यांचा, पाणउतारा करु नको ।।

लोकांचा हा असता पैसा, व्यर्थ खर्ची कधी करु नको।
माझ्यापेक्षा गावपंचायत मोठी, तत्व कधी हे विसरु नको ।।

काढू दे कुणी कितीही खुस्पटे, दाद त्यांना देऊ नको।
लष्कराच्या या फुका भाकऱ्या, म्हणतील ते तू ऐकू नको ।।

बांधीलकीला जागून, घेतला वसा सोडू नको।
लोकांसाठी अवमानही होईल, बभ्रा तयाचा करु नको ।।

व्यर्थ कुणी जर, ठेवील ठपका, अजिबात तो साहू नको।
काटेकोर, हिशोबी असणे, ब्रीद अन्य तू ठेवू नको ।।

पदरमोड कधी करणे येता, दुःख तयाचे मानू नको।
सहकान्याच्या मिळीभर ब्रूटीचे, व्यर्थ भांडवल करु नको ।।

मधु शब्दांनी समजाव तया, नाऊमेद तया करु नको।
सज्जन संग्रह गावासाठी, ध्येयं कधी हे सोडू नको ।।

लोकशाही ही खोल रुजावी, हे दायित्व तुझे विसरु नको।
स्वभाव घे सारे समजून, स्वतः बदलायला मात्र विसरु नको ।।

What is SWARAJ?

We are inhabitants of a country
Where there is no sorrow and no suffering,
Where there is no sorrow and no suffering,

no delusion nor desire,
Where flows the Ganges of love
and
the whole creation is full of joy,
Where all minds flow in one direction,
and
where there is no occasion for sense of time,
All have their wants satisfied;
Here all barter is just,
Here all are cast in the same mould,
Here is no lack nor care
No selfishness in any shape or form,
No high no low, no master no slave;
All is light, yet no burning heat,
That country is within you...
It is SWARAJ

M.K.GANDHI