

POLL POSITION: ON SC ORDER ON LOCAL BODY ELECTIONS

Relevant for: Indian Polity | Topic: Devolution of Powers & Finances up to Local Levels and Challenges therein - Panchayats & Municipalities

Even though more than a quarter century has elapsed since the Constitution was amended to make urban and rural local bodies a self-contained third tier of governance, it is often agreed by experts that there is inadequate devolution of powers to them. This may somewhat explain their relative lack of autonomy. However, an entirely different facet of the way these local bodies function is that the manner in which their representatives are elected is often beset by controversies. Local polls are often marred by violence, and charges of arbitrary delimitation and reservation of wards. A key factor in any local body polls being conducted in a free and fair manner is the extent to which the State Election Commissioner, the authority that supervises the elections, is independent and autonomous. Unfortunately, most regimes in the States appoint senior bureaucrats from among their favourites to this office. In practice, SECs frequently face charges of being partisan. Routine exercises such as delimiting wards, rotating the wards reserved for women and Scheduled Castes and fixing dates for the elections become mired in controversy as a result, as the Opposition tends to believe that the exercise is being done with the ruling party's interest in mind. Even though this cannot be generalised in respect of all States and all those manning the position, it is undeniable that SECs do not seem to enjoy the confidence of political parties and the public to the same extent as the Election Commission of India as far as their independence is concerned.

It is in this backdrop that the Supreme Court's judgment declaring that a State Election Commissioner should be someone completely independent of the State government acquires salience. It has described the Goa government's action in asking its Law Secretary to hold additional charge as SEC as a "mockery of the Constitutional mandate". By invoking its extraordinary power under Article 142 of the Constitution, the Court has asked all SECs who are under the direct control of the respective State governments to step down from their posts. In practice, most States appoint retired bureaucrats as SECs. Whether the apex court's decision would have a bearing on those who are no more serving State governments remains to be seen. However, it is clear that these governments will now have to find a way to appoint to the office only those who are truly independent and not beholden to it in any manner. The verdict will help secure the independence of SECs in the future. More significantly, the Court has boosted the power of the election watchdog by holding that it is open to the SECs to countermand any infractions of the law made by the State government in the course of preparing for local body polls. Regimes in the States would have to wake up to the reality that they cannot always control the local body polls as in the past.

You have reached your limit for free articles this month.

Already have an account ? [Sign in](#)

Start your 14 days free trial. [Sign Up](#)

Find mobile-friendly version of articles from the day's newspaper in one easy-to-read list.

Enjoy reading as many articles as you wish without any limitations.

A select list of articles that match your interests and tastes.

Move smoothly between articles as our pages load instantly.

A one-stop-shop for seeing the latest updates, and managing your preferences.

We brief you on the latest and most important developments, three times a day.

*Our Digital Subscription plans do not currently include the e-paper, crossword and print.

Dear reader,

We have been keeping you up-to-date with information on the developments in India and the world that have a bearing on our health and wellbeing, our lives and livelihoods, during these difficult times. To enable wide dissemination of news that is in public interest, we have increased the number of articles that can be read free, and extended free trial periods. However, we have a request for those who can afford to subscribe: please do. As we fight disinformation and misinformation, and keep apace with the happenings, we need to commit greater resources to news gathering operations. We promise to deliver quality journalism that stays away from vested interest and political propaganda.

Dear subscriber,

Thank you!

Your support for our journalism is invaluable. It's a support for truth and fairness in journalism. It has helped us keep apace with events and happenings.

The Hindu has always stood for journalism that is in the public interest. At this difficult time, it becomes even more important that we have access to information that has a bearing on our health and well-being, our lives, and livelihoods. As a subscriber, you are not only a beneficiary of our work but also its enabler.

We also reiterate here the promise that our team of reporters, copy editors, fact-checkers, designers, and photographers will deliver quality journalism that stays away from vested interest and political propaganda.

Suresh Nambath

Please enter a valid email address.

From the abrogation of the special status of Jammu and Kashmir, to the landmark Ayodhya verdict, 2019 proved to be an eventful year.

Subscribe to The Hindu now and get unlimited access.

Already have an account? [Sign In](#)

Start your 14 days free trial [Sign Up](#)

You can support quality journalism by turning off ad blocker or purchase a subscription for unlimited access to The Hindu.

[Sign up for a 30 day free trial.](#)

END

Downloaded from crackIAS.com

© **Zuccess App** by crackIAS.com

CrackIAS.com