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A STUDY ON LOCAL BODY ELECTIONS IN TAMIL NADU

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INTRODUCTION

Developmental administration is the main objective of these local bodies. They are effected by the means of bodies Urban and Rural local. They are responsible for the implementation of various centrally sponsored, state-funded, and externally aided schemes for provision of basic amenities and other services to the people. Elections are held to elect the representatives for local body council in respective urban and rural areas every five years. Ministry of Municipal Administration and Rural Local Bodies in Tamil Nadu constitute the three tier administration set-up in the South Indian state of Tamil Nadu. It is a system of local government which forms the last level from the Centre. Chennai Corporation in the Madras Presidency, established in 1688, is the oldest such Local Body not only in India but also in any commonwealth nations outside United Kingdom. Developmental administration is the main objective of these local bodies. They are effected by the means of Urban and Rural local bodies. They are responsible for the implementation of various centrally Development, Government of Tamil Nadu is the state government governing body for local bodies which is headed by a Minister who is an elected member of the Tamil Nadu Legislative Assembly. Tamil Nadu Panchayats Act, 1994 was enacted according to the 73rd and 74th Constitutional amendments of India in May 1994 which paved way for the creation of Tamil Nadu State Election Commission. But, the first election to the Local Bodies of Tamil Nadu was conducted in October 1996. Consecutive elections were then conducted in October 2001, October 2006 and October 2011 successfully.

HISTORY

The history of local bodies in Tamil Nadu could be dated back to the Ancient period wherein the village administration was taken care by a Village assembly known as Sabai in every village. Further, each village was divided into several wards known as mandalams. This is evident from the epigraph inscriptions found in Vaikuntha Perumal Temple near Uthiramerur. They used the Pot-ticket system of election (Kudavolai Murai) to elect the representatives to the assembly. Later came the British rule in India in which the centralization of governance was enforced. People in the interior of the villages had to walk up to the central authorities for their obligations and grievances. Anyhow this system faded out as the British government realised the pitfalls in this system. Laudable efforts of Lord Ripon brought legislation in this aspect which created unions in small towns and villages, to facilitate proper sanitation and lighting. Later, councils were constituted in this regard for which the members are directly elected by elections. Councils were made accountable to an Inspector and Chairman. Though urbanisation was less prevalent those days, Chennai had the honour of having such Municipal Corporation status even in 1688. Urban local bodies known Municipalities were in existence. A department named *Local and Municipal Department* was functioning in the then Secretariat from 1916 and it had Local, Municipal, Plague, Medical and Legislative Branches. Independent India heard many voices for the revival and strengthening of the Village panchayats, Mahatma Gandhi insisted upon this for achieving Swaraj completely covering all the corners of this country. Later, a committee set up by Government of India, popularly known Balwant Rai Mehta Committee suggested the formation of three-tier Panchayati Raj system. From then, there came many legislation to ensure effective system of Local governance in Tamil Nadu. Notable legislative orders to Local Bodies by the centre-state governments include:

1. Article 40 of Indian Constitution
2. Madras Village Panchayat Act, 1950
3. Tamil Nadu District Municipalities (Amendment) Act, 1950
4. Tamil Nadu Panchayats Act, 1958
5. Tamil Nadu District Development Councils Act, 1958

6. Tamil Nadu Panchayats Act, 1994 (ratification to 73rd and 74th Amendment of the Constitution of India)

A BRIEF HISTORY OF THE EVOLUTION OF PANCHAYATS IN TAMIL NADU

The village councils, the precursors to present-day Village Panchayats, were institutions of very ancient origin in Tamil Nadu and they functioned very much like little republics enjoying a great deal of local autonomy and powers, including the power of taxation. The village artisans and agricultural labour were thrown out of employment and they migrated in large number to the emerging towns. Consequently, the rural economy was greatly upset. The administration also became highly centralized during the British rule. The administration of justice in rural areas was taken over by civil and criminal courts; the Police department took over functions of maintaining peace in villages; and the administration of land revenue was vested in separate department of Government. The self-reliance with which the villagers had always managed their affairs had gradually disappeared and the Village Panchayats which remained as useful rural institutions sank into insignificance. There came a situation where people looked up to the central authorities for carrying out even simple local works. In course of time, the futility of too much centralization was realized even by the British administration. They felt that Village panchayats were an excellent remedy for the imperfections of a bad form of Government. They realised it imperative to foster voluntary co-operation among the people for carrying out public objects. The credit for realising the importance of shaping new measures towards that direction goes to Lord Rippon. His resolution of 1882 regarding association of non-officials in the administration of local institutions led to the passing of the Madras Local Boards Act, 1884.

This provided for the constitution of "unions" in small towns and large villages mainly for sanitation and lighting. The members in each union were nominated after the visit of the Royal Commission on Decentralization and the Government of Madras decided to increase the number of these unions and to introduce therein the principles of election. They also decided to constitute informal Panchayats, under the control of the Collectors, with the local village head men as ex-officio chairmen. About 1,000 of these informal Panchayats were formed but their position was weak and unsatisfactory. They also did not have any connection with district or taluk boards. The Royal Commission on Decentralization laid stress on the necessity of the statutory backing. The Madras Village Panchayats Act was accordingly passed and brought into force in 1920. The Act enfranchised all men over 25 years of age and provided for the election of all members of the Panchayats. By 1930, the number of panchayats increased, and the panchayats were placed on the same footing as the "unions" formed under the Madras Local Boards Act, and were vested with more powers. Their supervision and control were subsequently vested with Inspector and Municipal Chairman under Local Board Act.

POST INDEPENDENCE METHOD OF ELECTION

The significant stage in the beginning of the post-independence period was the passing of the Madras Village Panchayat Act, 1950. The Act was enacted in the implementation of Article 40 of the Constitution. Throughout the Independence movement, Gandhiji had been advocating the revival of the Panchayati Raj Institutions with adequate powers so that the villagers could have a real sense of 'Swaraj'. The insistence of Gandhiji resulted in the introduction of Article 40 (Organisation of Village Panchayats) in the Constitution of India. The Madras Village Panchayats Act of 1950 provided for the creation of Village Panchayats in every Village or hamlet with a population of 500 and above. The Village Panchayats were entrusted with certain obligatory civic functions and a host of discretionary functions. But not all the villages were covered by the Panchayats. Subsequently, with the launching of a nation-wide community development programme, the need for an effective institutional mechanism to involve the local communities in the process of development was felt. The study team on Community Development and Panchayati Raj (popularly known as the Balwantrai Mehta Committee), constituted in the late fifties, recommended the establishment of a three-tier Panchayati Raj. The middle tier, namely, the Panchayati Samiti (Panchayat Union in the case of Tamil Nadu), was the key level in the scheme of decentralization. The Panchayat Union's jurisdiction was to be co-terminus with that of a Community Development Block. At the district level there was a Zilla Parishad, essentially an advisory body. The Village Panchayat would constitute the lowest level in the three-tier structure.

The Tamil Nadu Panchayats Act, 1958 was enacted immediately following the Balwantrai Mehta Committee Report. This paved the way for the formation of Village Panchayats through the length and breadth of Tamil Nadu. About 12,600 such panchayats came into existence. Villages which were acquiring urban character were classified as Town Panchayats. All the Village Panchayats and the Town Panchayats within a community development block were grouped together to form a Panchayat Union and 385 such Panchayat Unions were originally formed.

ELIGIBILITY CRITERIA-QUALIFICATION FOR AN ELECTOR

Rural / Urban Local Bodies:

The electoral roll of a Rural / Urban Local Body shall be the same as the current electoral roll of the Tamil Nadu Legislative Assembly pertaining to the area covered by the Rural / Urban Local Body, as prepared and revised in accordance with the provisions of the Representation of People Act 1950 and the Registration of Electors Rules, 1960 (vide Sections 14, 23 and 30 of the said Act.) This means that a person whose name finds a place within a Rural / Urban Local Body area in the electoral roll of the concerned Legislative Assembly Constituency is automatically included in the Rural / Urban Local Body electoral roll and consequently gets qualified to vote in the elections to that Rural / Urban Local Body.

The following are the conditions for registration of a person as an elector in the Legislative Assembly Electoral rolls:

- (1) he/she should be a citizen of India;
- (2) he/she should not be less than 18 years of age on the qualifying date
i.e., he should have completed 18 years of age on the first January of
the year in which the electoral roll is prepared;
- (3) he should ordinarily be a resident of the constituency area
- (4) he should not have been declared as of unsound mind by a competent
court;
- (5) he should not have been disqualified from voting under the provisions of any law relating to corrupt practices
and other offences in elections (Sections 16 & 19 of the Representation of People Act, 1950).
- (6) a person shall not be entitled to have his name registered in the electoral roll of more than one place. (Sections
17 and 18 of Representation of People Act 1950).

The provision in Section 35 and 36 of the Tamil Nadu Panchayat Act, 1994 Section 44, 47 and 60 of the Tamil Nadu District Municipalities Act, 1920 and relevant provisions of other Urban Acts stipulate the following conditions for a voter to exercise his/ her franchise.

- (1) he should not have been convicted of an offence punishable under chapter IX-A of Indian Penal Code and under
any law for the time being in force for the purpose of election to the Legislative Assembly of the State or is
disqualified by or under any law for the time being in force shall be disqualified from voting in any election;
- (2) He should not have been disqualified under Section 36 of Tamil Nadu Panchayats Act, 1994 (Rural) and
Section 47 of the Tamil Nadu District Municipalities Act, 1920 (Urban) and relevant provisions of other Urban
Acts. He should not have been convicted of an electoral offence punishable under the Sections 58 to 71 of the said
Tamil Nadu Panchayat Act, 1994 and Sections 56 to 56M of the Tamilnadu District Municipalities Act, 1920 and
relevant provisions of the other Urban Acts.
- (3) No person who is of unsound mind and declared so by a competent court and no person who is disqualified for an
electoral offence shall be disqualified to vote so long as the disqualification subsists.
- (4) As per Sec.44(1-B) of the Tamil Nadu District Municipalities Act, 1920 no person shall be entitled to be
registered in the electoral roll for any Municipality more than once or to be registered in the electoral roll for another
municipality, panchayat or city.

URBAN LOCAL BODIES

The urban local bodies act as platform between the people in the urban areas and the administration. According to 2011 census of India, Tamil Nadu has about 48.45% of total population living in urbanized areas. Depending on the population and income of the urban local bodies, they are further classified into three categories.

1. City Municipal Corporations
2. Municipalities

3. Town Panchayat

Larger cities of Tamil Nadu are governed by City Municipal Corporations. Tamil Nadu has 12 municipal corporations: Chennai, Coimbatore, Madurai, Tiruchirappalli, Tiruppur, Salem, Erode, Tirunelveli, Vellore, Thoothukudi, Dindigul and Thanjavur. These cities alone house one-third of urban population of the state. Corporation consists of a council of elected councilors from each ward and a presiding officer, Mayor who is also an elected representative. Apart from them, an executive authority referred as Corporation Commissioner is also vested with administrative powers. Municipalities fall next to the city corporations. There are about 125 Municipalities in Tamil Nadu. Municipalities have four categories based on their annual income and population. These include 17 special-grade municipalities, 31 selection-grade municipalities, 33 grade I municipalities, 44 grade II municipalities.^[11] Their elected representatives include ward councilors and a presiding officer, Municipal Chairperson. Municipal Commissioner is the executive authority. Town panchayat is the body of government for areas in transition from 'rural' to 'urban'. Tamil Nadu is the first state to introduce such a classification in urban local bodies.^[12] The state has 529 town panchayats. Town panchayats are upgraded to Grade III municipalities if they are found to be eligible. They are categorized in a similar way to that of Municipalities depending on the income criteria and population. Town panchayat council include elected ward councilors and their presiding officer, Town panchayat chairperson. Executive Officer is the executive authority as in case of Town panchayats.

RURAL LOCAL BODIES

Rural local bodies include the panchayat raj institutions of this state. There are three levels in this system as follows.

1. Village Panchayats
2. Panchayat Unions (*co-terminus with Blocks*)
3. District Panchayats in this state.

Village Panchayats form the grass-root level of democracy as they form the local government for the basic building blocks of our country - villages. It is set up in villages where the population is less than 300. There are about 12,524 Village panchayats in this state. Gram Sabha is a part of Village panchayat which consists of elected ward members and Village panchayat president. Village panchayat president himself/herself is an executive authority here. They must meet for minimum of four times a year. Panchayat Unions (*co-terminus with Blocks*) is the group of Village panchayats. They serve as the link between the villages and the district administration. They form the local government at the Taluk level. Tamil Nadu has 385 panchayat unions. Panchayat Union council consists of elected ward members from the villages. It is headed by a panchayat union chairperson, who is elected indirectly by the ward members of the council.

District Panchayats in this state form the cream of the panchayat raj system. They take the top slot with mainly advisory powers to the rest. Developmental administration of the district in rural areas are in its hands. It consists of ward members elected from various villages in its jurisdiction. It is presided by district panchayat chairperson, who is indirectly elected by its ward members. There are 31 district panchayats in this state except for the district of Chennai as it is an *urban district*. District collector is the *ex-officio* chairman of the District rural development agency.

ELECTIONS

Elections to the local bodies in Tamil Nadu, held once in five years, are conducted by Tamil Nadu State Election Commission. Both direct and indirect elections apply for local bodies. Direct election posts include:

- **Urban Bodies**
 1. Corporation Mayor
 2. Municipality/Town Panchayat Chairperson
 3. Corporation/Municipality/Town Panchayat Councilor
- **Rural Bodies**
 1. Village Panchayat President
 2. District Panchayat Ward Member
 3. Panchayat Union Ward Member
 4. Village Panchayat Ward Member

Indirect election posts include Chairpersons of District panchayats and Panchayat unions, Deputy Mayor of corporations, Vice-Chairpersons of Municipalities and Town panchayats. Various statutory/standing committees are also elected by the way of indirect elections.

FUNCTIONS

Local bodies are completely responsible for the developmental administration in the state. Maintenance of clean environment, primary health facilities gain the foremost importance. Apart from them water supply, roads and buildings, storm-water drains, street lighting, solid waste management, sanitation and bus-stands cum commercial complexes etc. are the prime duties of the local bodies. Centrally sponsored schemes like Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), Indira Awaas Yojana (IAY), Member of Parliament Local Area Development Scheme (MPLADS), etc., and State-funded Schemes like Tamil Nadu Village Habitation Improvement Scheme (THAI), Member of Legislative Assembly Constituency Development Scheme (MLACDS), Self-Sufficiency Scheme, Solar-Powered Green-House Scheme are also undertaken by the local bodies.^[20] Source of revenue for these local bodies are mainly from centre-state governments. Local bodies also have the power of taxation which include House Tax, Profession Tax, Property Tax etc. Apart from these they levy fees for specific building plan and layout approvals, Water charges, Sewerage charges etc.

TAMIL NADU STATE ELECTION

All Local Body elections of Tamil Nadu are conducted by this Commission. The conduct of elections to Rural and Urban bodies of Tamil Nadu are held by both Commission is an autonomous, independent Constitutional and Statutory authority of Tamil Nadu. It was formed under the Constitution of India as per the provisions of the 73rd and 74th Amendments Acts of 1992 on 15 July 1994 direct and indirect elections. The sole controlling authority vests with the Tamil Nadu State Election Commission. Elections to the various posts are held by this commission by direct and indirect election. Electoral rolls as per the electoral rolls of Tamil Nadu Legislative Assembly constituency are prepared by this commission. Polling stations are then identified based on the rolls. Followed by which is the notification for elections. Similar norms followed for the assembly elections are adhered here.

CONCLUSION

Local Self-Government in India is said to be the boon of British legacy. The English East India Company was established by a Royal Charter. The Charter was renewed at the expiry every two decades. At the time of every renewal of the Charter the Company was instructed to follow certain guidelines in its administration. It so happened that by a Charter of 1687 the Company was to make provisions for the civic administration of certain Principal areas under its control. According to this Charter Act the 'Madras City Municipal Corporation' was instituted in 1688 on the British model. Municipal Government had its 'Mayor' nominated, Aldermen, and Justice of Peace with demarcated powers and functions. Apart from it neither the system of Village Self-Government that prevailed in earlier times in India nor the method of Town-Government' that was then in existence in the European countries, periodically elected and responsible to the electorate, was planted in India by the British Government. The Britishers started Local Self - Government in India only later on as a representative organization responsible to a body of electors, enjoying wide power of administration and taxation and functioning both as a school for training in responsibility and as a vital link in the chain of organisations that made up the Government of the country.

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