Problems with functioning of Local bodies

What is the issue?

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Local bodies serve as mere administrative vessels for implementing programmes of the Central and State governments, affecting their autonomy in the local space.

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What is the recent move by Rajasthan on contesting local body elections?

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- Rajasthan recently scrapped the minimum educational qualification criteria for candidates contesting local body elections.
- This reverses the amendments introduced by the previous government in the state in 2015.
- In 2015, Rajasthan Panchayati Raj (amendment) Bill, 2015 was passed, which made Class X mandatory for contesting municipal elections and for contesting zila parishad or panchayat samiti elections.
- To contest the sarpanch elections, an aspirant from the general category must have passed Class VIII and a SC/ST aspirant must have passed Class V.
- It has also made a functional toilet mandatory in the house of a contestant.
- By this, Rajasthan became the first State in the country to fix a minimum educational qualification for contesting elections to the Panchayati Raj Institutions.
- Following this, Haryana also introduced similar restrictions for contesting local body elections.

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What is the court's rationale?

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- The decisions by the Rajasthan and Haryana governments were widely criticised and also challenged in the courts.
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- However, in December 2015, a two-judge Bench of the Supreme Court in**Rajbala v. State of Haryana**upheld the validity of the amendments to the Haryana Panchayati Raj Act.
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- The court held that prescription of educational qualification was justifiable for better administration and did not violate the right to equality enshrined in the Constitution.
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What are the concerns with the court's ruling?

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- Prescribing educational qualifications for contesting elections is problematic in multiple ways.
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- It restricts a citizen's right to contest elections and thereby challenges the basic premise of a republican democracy.
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- Such restrictions do not exist for those contesting parliamentary or Assembly elections.
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- In the present Lok Sabha, 13% of MPs are under-matriculates, a share higher than those of women MPs.
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- These restrictions reveal that State governments and courts do not value local governments for their representative character.
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- Though the court held that prescription of educational qualification is relevant for better administration of the panchayats, it is only based on an assumption that those with formal education will be better in running panchayats.
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- It also reveals that State governments and courts place a premium on administration over representation in case of local governments.
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- It also goes against the objective of ensuring adequate representation from

SC, ST and women in local bodies by the 73rd and 74th Amendments.
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- Further, it disproportionately disenfranchises the more marginal sections of society - women, Dalits and poor.
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- In a country like India with unequal access to education, it is cruel to blame citizens for the failure of the state to fulfil its constitutional obligations.
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- Hence, the decision to scrap the ruling is a necessary corrective to an unjust rule.
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What are the problems with conducting elections?

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- The undermining of local governments also takes place in the form of not holding elections to local governments.
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- Local bodies, under the constitution, are in itself was emerged as a result of the absence of regular elections and prolonged supersessionsin its previous form.
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- However, over the years, many State governments have sought to defang local governments by simply delaying elections on various grounds.
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- Elections to panchayats and municipalities in Tamil Nadu have not been held since 2011.
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- In Visakhapatnam, elections to its Municipal Corporation were last held in 2007.
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- These local governments now function as bureaucratic machines without an elected council to hold them accountable.
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- The State Election Commission (SEC) in each State are mandated to prepare electoral rolls and the conduct of elections to panchayats and municipalities.
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- However, in most States, tasks like delimitation of seats are still done by the State government instead of the SEC.
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What should be done?

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- India prides itself as a robust democracy with regular elections and smooth transfer of power.
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- However, the absence of elected councils in some local governments serves as a cause of concern.
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- Delaying elections and adding restrictions to contest, prevent local governments from becoming truly representative institutions.
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- Thus, instead of serving as a mere administrative machinery, state governments have to provide a due constitutional space for local bodies as envisaged under 73rd and 74th amendment acts.
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Source: The Hindu

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