

1. INTRODUCTION

Under Article 243-K and 243-ZA of the Constitution of India, introduced under 73rd and 74th Amendments, provisions for setting up the State Election Commissions for conduct of elections of local self governing bodies were made. Pursuant to these amendments, Maharashtra State Election Commission was constituted on 23rd April, 1994. Shri D.N. Chaudhari was the first incumbent on the post of State Election Commissioner.

2. From being a nascent organization consisting of seven persons, it has grown into one having a sanctioned strength of seventy-two posts. During the first phase of general elections in the year 1996-97, the sanctioned strength of the State Election Commission had gone up to 95 posts. However, keeping in view the general policy of the State Government of downsizing its apparatus and reduction in administrative expenditure, the State Election Commission has finally proposed to sanction 65 posts. Despite the fact that the State Election Commission has to depend wholly on the staff and machinery of the State Government and the local bodies for conduct of elections, the Commission has generally received adequate and disciplined support from the field level machinery.

3. The first major election exercise of the State Election Commission was conducted in the year 1995, when elections to the Kalyan-Dombivli Municipal Corporation, Navi-Mumbai Municipal Corporation and Aurangabad Municipal Corporation were held. Prior

to these elections to several Village Panchayats and a few Municipal Councils were conducted. During December, 1996 to March, 1997 general elections were held for 217 Municipal Councils, 10 Municipal Corporations, 29 Zilla Parishads and 319 Panchayat Samitis. During December 2001 to March 2002, general elections to 201 Municipal Councils, 12 Municipal Corporations, 27 Zilla Parishads and 309 Panchayat Samitis were held. On both these occasions of conducting general elections for these local bodies, elections were by and large incident free.

4. An order outlining a code of conduct was first issued in 1995. Timely actions pertaining to strict enforcement of code of conduct have been taken with a view to ensure that there is no undue political advantage or misuse of official machinery by political parties at the expense of the public exchequer. The State Election Commission has reviewed its own orders pertaining to the code of conduct on a regular basis and has taken corrective action as per the experiences and requirements of free and fair elections.

5. As per the existing arrangements, all the urban local bodies bear expenditure from their own funds for conduct of elections while for rural local bodies, the State Government provides funds through its budgetary support to the District Collectors. However, it is noticed that paucity of funds as well as delay in releasing these funds to the District Collectors poses a serious problem in conducting elections. Approximately, Rs.15 Crores are still in arrears towards payment for elections of the rural local bodies held so far.

6. In a bid to catch up with modern times and to streamline the polling and counting procedures, the State Election Commission has decided to introduce Electronic Voting Machines (EVMs) for bye-elections of all Municipal Councils in Maharashtra. The State Government has, through amendments in the local bodies Acts, introduced multi-member constituencies in municipal councils and corporations in the year 2001. All subsequent elections were held accordingly. The State Election Commission has approached the Electronics Corporation of India to develop an EVM to cater to the multi-member constituencies so that EVMs can be used extensively in the ensuing general elections. Proposals for amendment to the relevant provisions in the various Acts governing elections to the Municipal Corporations and rural local bodies have been sent to the State Government. It is proposed to use EVMs in the ensuing general elections of all local bodies after the necessary amendments are made in the relevant Acts as well as availability of funds from the State Government for purchase of EVMs.

7. The State Election Commission had issued order for the first time in October, 1997 giving a format for an affidavit / declaration regarding criminal background by candidates contesting elections to the local bodies. Subsequently in 2003 the Commission enlarged the scope of this affidavit / declaration so as to contain information regarding educational qualifications, financial status, criminal antecedents etc. and made it mandatory for all the candidates filing nominations in elections. Taking into consideration the various

developments and observations made by the Supreme Court / High Court, necessary amendments have been made in this order.

8. Close coordination is maintained with the law and order enforcement machinery of the State Government during the conduct of elections. Timely and prompt actions are taken in all those matters where any attempt or incident of disturbing the election process is made. Daily special reports are obtained from the police department during the election period.

9. Recently, a practice for appointment of Observers on a selective basis has been started which has proved effective in achieving the main objective of free and fair elections. Control Rooms are always set up on the day of the poll as well as on the day of counting in the office of the State Election Commission so as to keep close liaison with all concerned and to take timely and prompt actions wherever needed.

10. Efforts have also been made to computerize the functioning of the Commission and to introduce a Management Information System (MIS) so that relevant information and data can be made easily available. The office of the State Election Commission has been completely renovated in 2003 so as to make all the required facilities readily available. All sections of the office are interlinked through a computer LAN system.

11. The State Election Commission has already prepared and circulated manuals for the guidelines for the returning officers and presiding officers in Marathi language. All orders issued by the State Election Commission so far have been compiled in six volumes for ready reference.

12. This Commission interacts closely with other State Election Commissions as well as with the Election Commission of India so as to exchange relevant information and to make necessary improvements in its functioning. The State Election Commissioner is an ex-officio member of the Delimitation Commission of India.

13. In all the Acts governing local bodies, provisions have been made for use of Assembly Electoral Rolls existing on the date notified by the State Election Commissioner for conduct of elections of the concerned local body. In this regard, it is noticed that often there are serious complaints regarding non-inclusion or deletion of voters' names. Serious attention is being given by the State Election Commission to take corrective action in this regard so as to ensure that all eligible voters can exercise their right to vote. Some fresh improvements in respect of electoral rolls have recently been introduced to enlarge the opportunity for scrutiny of the voters' lists.

14. The Commission has prescribed limits for expenditure to be incurred by the candidates in the local body's elections.

15. The State Election Commission, so far, recognizes all those political parties which are registered / recognized by the Election Commission of India in toto. The State Election Commission has issued an order regarding reservation and allotment of symbols to the recognized / registered political parties.

16. Taking into account experiences of earlier elections and in some cases observations / directives issued by courts, the State Election Commission has forwarded some proposals for amendment of the relevant provisions in the Acts governing local bodies. In fact the State Election Commission has undertaken the responsibility of preparing a draft bill for a uniform election law on the lines of the Representation of the People Act, 1951 so that there should not be any ambiguity or contradictory provisions pertaining to the elections of the local bodies.

17. This report contains statistics about elections conducted for Municipal Corporations, Municipal Councils, Nagar Panchayats, Zilla Parishads, Panchayat Samitis and Village Panchayats.

2. URBAN LOCAL BODIES

As per 2001 Census, the urban population of Maharashtra is 42 %. There are 22 Municipal Corporations, 222 Municipal Councils and 3 Nagar Panchayats. There are 3 different Acts for Municipal Corporations, and one Act for Municipal Councils/Nagar Panchayats under which these local bodies are constituted and elections are held as per provisions made there under. Except Brihan Mumbai Municipal Corporation, all other 21 Corporations, all Municipal Councils and Nagar Panchayats are having multi-member wards.(Relevant acts were amended in September 2001, prior to which all urban local bodies had single member wards)

2. Soon after the amendments were carried out in all the Acts for multi-member wards systems and provision for direct election of Presidents of Municipal Councils/Nagar Panchayats in 2001, the Commission had very little time to organize the ensuing elections at a short notice. The Commission had to formulate an entirely new election system in that short time. The State Election Commission began its preparation by conducting a mock-poll exercise in Lonavala Municipal Council. In that exercise, all the staff members of Lonavala Municipal Council were made to vote in a mock multi-member ward election. The experience derived from this exercise enabled the Commission to issue orders that even though the amendments provide for each ward to have 3 to 5 councillors; in practice each ward has 3 to 4 councilors. An entirely new set up of guidelines to delimit the wards was issued by the Commission in

record time. The power to give approval to the delimitation of wards was delegated to the Divisional Commissioners for Municipal Councils. The State Election Commission has also devised a color code for 4 or 5 ballot papers to be used for different members in a ward.

- a. *In 1995, Shirdi Village Panchayat (Ahmednagar District) was converted into a Municipal Council and accordingly election programme was announced for that Council. However not a single nomination was received due to protest by the local residents regarding conversion of this local body. Thereafter attempts were made four times to hold the elections so as to constitute that council but on every occasion due to strong resentment, no election could be held. Finally, Government had to reconvert that council to a Village Panchayat and immediately thereafter again as a Nagar Panchayat. Then only an election could be held for that Nagar Panchayat successfully.*
- b. *In Kupwad Municipal Council (Sangli District) during the general elections in 1996, after the wards formation was finalized, it was brought to the notice of the Commission that there were no voters in 2 wards due to migration of population. Immediate corrective steps were taken and wards were delimited afresh.*
- c. *In 1995, for 10 wards (comprising 27 villages) in Kalyan-Dombivali Municipal Corporations, election programme was announced. However, again due to strong resentment of the local residents for inclusion of that area in Corporation, no*

elections could be held. All subsequent efforts for holding bye elections met with the same fate. Even during general elections in the year 2000 for that corporation, no councillors could be elected from those 10 wards for want of any nominations. Finally due to intense local pressure, Government had to yield to the local wishes and deleted those areas from the Corporation and reconstituted the village panchayats. Elections could be finally held for these Village Panchayats in 2003.

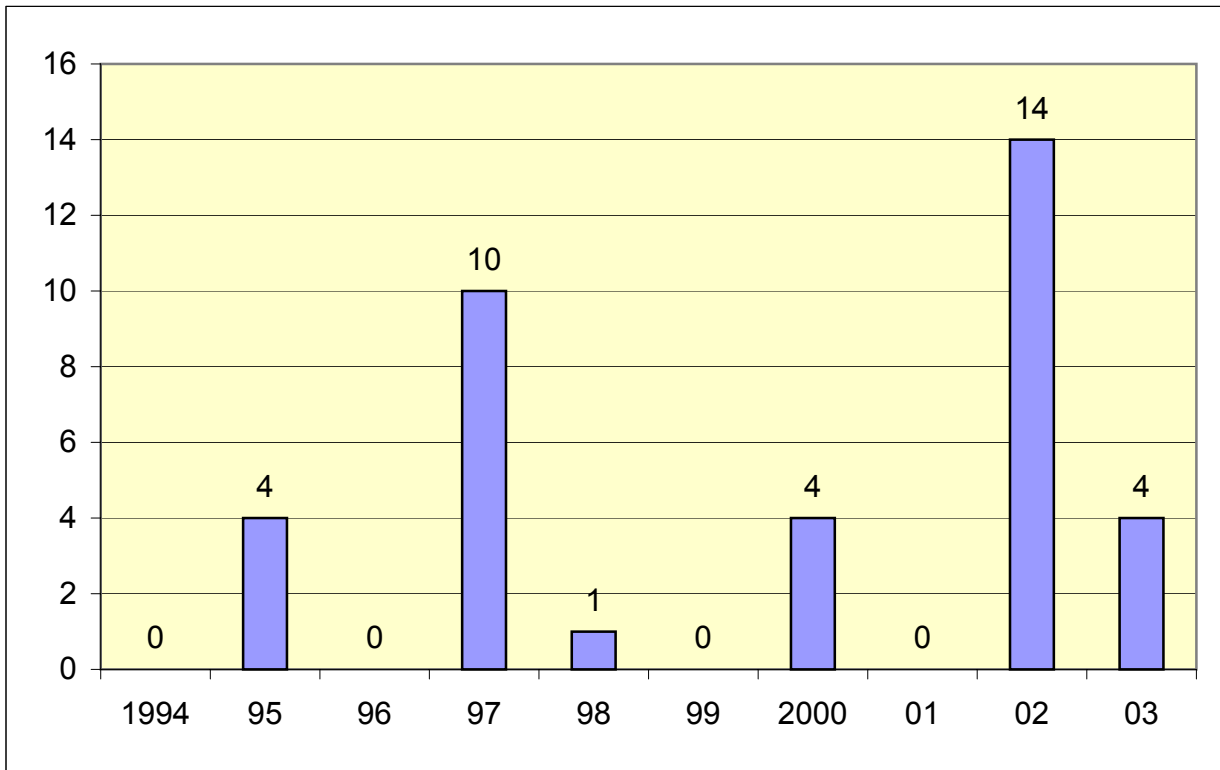
- d. In 1997, during general election for Nagpur Municipal Corporation, it was reported that in 2 wards, voters were prevented from exercising their franchise. Hence, the elections for those 2 wards were countermanded and a repoll was ordered.*
- e. In 2002, name of a contesting candidate was not printed on ballot paper during general election of Brihan Mumbai Municipal Corporation, and it was noticed after the commencement of poll. The election in that ward had to be countermanded.*
- f. In 2002, the ballot box was snatched from the polling centre of Nagpur Municipal Corporation. The polling was countermanded immediately and it was held next day.*
- g. In 2003, during counting for the general election of Loha Municipal Council (Nanded District), due to a law and order disturbance in the town, counting had to be stopped midway. Thereafter District Collector of the adjoining district was*

deputed to make an on the spot enquiry and report. After taking all precautionary measures, counting was completed thereafter.

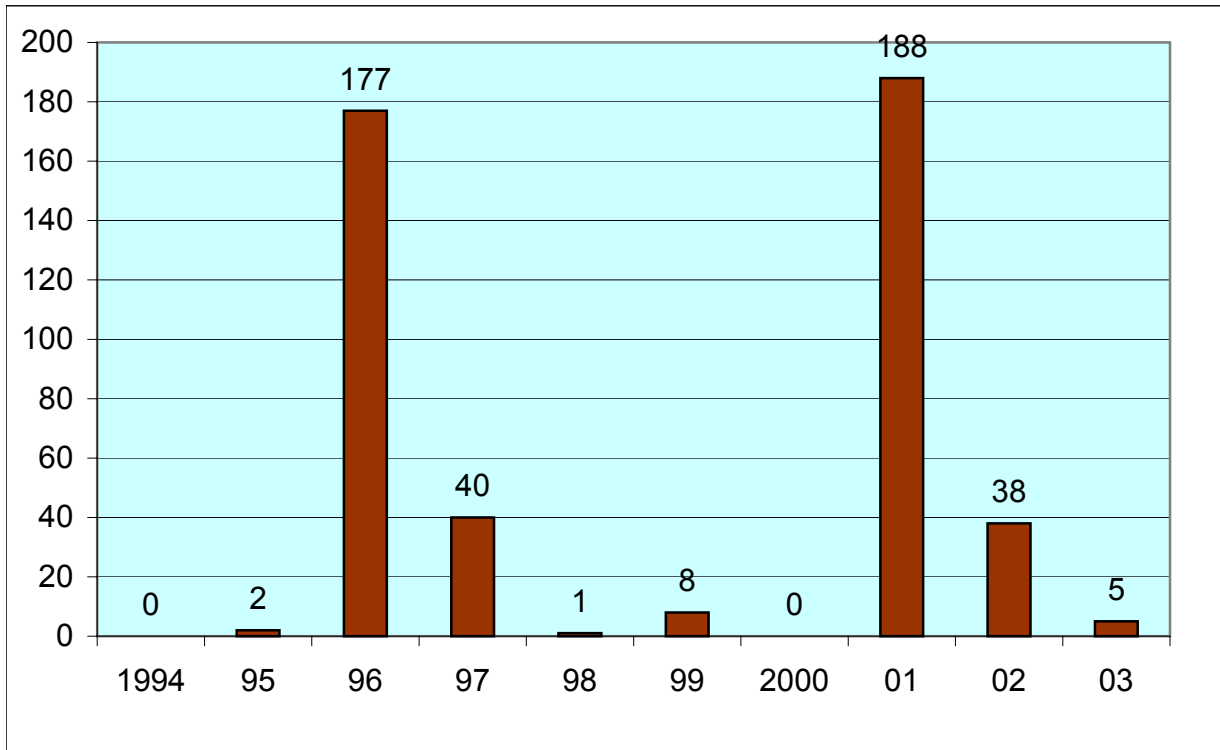
3. Amendments were made in all Acts for the verification of caste certificates by a scrutiny committee after a councillor is elected in any local body from a reserved seat in the year 2002. This has resulted in a large number of cases wherein councillors are being disqualified on the ground of submission of false caste certificate at the time of nominations. In all such cases, bye-elections are being held to fill up such vacancies. This has increased the workload of the Commission and since then many bye elections have had to be held on a regular basis.

4. The Urban Local Bodies Laws were amended in 2001 fixing the number of councillors on the basis of the last preceding Census. Owing to non-availability of detailed data regarding enumeration, block wise population and Census figures for the Scheduled castes/Tribes, the numbers of seats are being fixed on the basis of the provisional population figures of the 2001 Census while ward delimitation has so far been done on the basis of the 1991 Census figures.

NUMBER OF ELECTIONS HELD MUNICIPAL CORPORATIONS



MUNICIPAL COUNCILS



3. RURAL LOCAL BODIES

The Bombay Village Panchayats Act, 1958 governs all the village panchayats in this state. As of today, there are 28021 Village Panchayats. Normally, general and bye-elections are held for these bodies almost every 2 months on a regular basis. The elections are conducted by District Collectors as per the programme finalized by the Commission. The Village Panchayat elections in Maharashtra are held on a party-less basis. The Village Panchayats are delimited into wards. Each ward elects 2-3 members. As per the provisions of the Act, minimum 7 and maximum 17 members are elected in a Village Panchayat.

2. As per the recommendations of Balwantray Mehta Committee, an Act was enacted in 1961 for establishment of Zilla Parishads (at district level) and Panchayat Samitis (at Block level) with responsibilities of local government functions such as execution of all the development schemes in social sectors, irrigation, public works, etc. This was done with the intention of decentralizing the powers and functions under certain enactments to these local bodies for the purpose of promoting the development of democratic institutions and securing a greater measure of participation by the people in local self-government. This historic decision of the state government has contributed positively in setting up of a very strong, vibrant and effective three tier rural local self-government in this State. This has led to a high level of political awareness amongst the rural people.

3. In 1994, there were 29 Zilla Parishads and 319 Panchayat Samitis and general elections for all these bodies were conducted by the Commission in February, 1997. Thereafter, the State Government bifurcated Dhule district into Dhule and Nandurbar districts and Akola district into Akola and Washim districts in the year 1998. The Commission held elections to these 4 Zilla Parishads and 23 Panchayat Samitis there under in December, 1998. In the year 1999, the State Government created a new taluka called Dhamangaon taluka out of Tiwasa and Chandur Railway talukas in Amravati district. The elections to constitute 3 Panchayat Samitis were held in October, 1999. In the same year, the State Election Commission also announced elections to constitute Bhandara, Gondia, Parbhani and Hingoli Zilla Parishads as Bhandara and Parbhani districts were bifurcated. However, elections for the Parbhani and Hingoli Zilla Parishads and Panchayat Samitis there under could not be conducted due to court intervention.

4. The Commission in February, 2002 held simultaneous elections to constitute 27 Zilla Parishads and 308 Panchayat Samitis in the State. In the year 2003, elections were held for 23 Panchayat Samitis and 4 Zilla Parishads. All these elections were held peacefully and were almost incident free.

5. For conduct of these elections, funds are provided directly by the State Government to the District Collectors.

4. DELIMITATIONS OF WARDS

In Maharashtra, the State Election Commission is empowered, under relevant Acts, to delimit the wards for election purposes in the different local bodies. The State Election Commission, Maharashtra has issued detailed guidelines about delimitation of wards. Initially, the Commission delegated the powers for delimitation of wards in cases of Municipal Councils, Zilla Parishads, Panchayat Samitis and Village Panchayats to the District Collectors. Subsequently, these orders were revised excepting for Village Panchayats in 2001, wherein Divisional Commissioners were entrusted with the powers to accord approval to the proposals of District Collectors, about delimitation of wards. In case of Municipal Corporations, Municipal Commissioners are required to submit the proposals and the Commission accords its approval.

2. Salient features regarding instructions/guidelines issued in this regard are as follows:-

- (1) Delimitation of wards is to be done as per the latest census for which the figures are published.
- (2) After ascertaining the population in the local body, the total number of seats admissible for the local body is to be calculated as per provisions of the relevant acts.
- (3) Where there is a single member constituency, the number of wards and the number of seats remain equal.
- (4) Where there are multi-member wards (in Municipal Corporations except in Brihan-Mumbai and Municipal

Councils), the wards are to be fixed providing for three members in a ward. Where the number of seats cannot be divided by three, then last one or two wards shall have four members.

- (5) In Village Panchayats, the wards are to be fixed providing for two or three members.
- (6) The delimitation has to begin from north-west and has to proceed clockwise. In case of Village Panchayats, the delimitation begins from south.
- (7) As far as possible, the enumeration block of the census is not to be broken while delimiting the wards.
- (8) Population per member in a local body shall be, as far as practicable, same. A deviation of 10% either way is permitted.
- (9) The seats to be reserved for Scheduled Castes and Scheduled Tribes shall be allotted to the wards in descending order of their population.
- (10) The seats to be reserved for women including SC, ST and BCC (not less than 1/3 rd of the total seats) and Backward Class of Citizens (27 % of the total seats) are determined by drawing lots.
- (11) After the first election, the seats for all reserved categories are to be rotated in the next elections, till the number of wards is not changed. That is to say, wherever new Census figures are published or a local body area is either reduced or extended, the ward delimitation has to be done de novo.

5. ELECTORAL ROLL

For local body elections in Maharashtra, the electoral roll of the concerned Assembly constituency prepared under the provisions of the Representation of the People Act, 1950, for the time being in force, on such date as the State Election Commissioner may notify, is used as the electoral roll. That roll is divided ward-wise and is duly authenticated by the authorized officer.

2. The Commission is contemplating of publishing the rolls as on a specified date for the information of all voters during any election before final authentication so that any other clerical mistakes can be rectified.
3. It is also proposed to put the electoral roll on computer CD and on a website so as to bring more transparency in the system.

6 . CODE OF CONDUCT

Guidelines for code of conduct were issued by the Commission on 7th February, 1995. During all the elections held thereafter, it was strictly ensured that under no circumstances any undue advantage was taken by either political parties or by office bearers of the local bodies/state government. Another detailed order was thereafter issued on 3rd February, 1997 after considering the experiences of the elections held.

2. Keeping in view the fact that all these local bodies are entrusted with the responsibilities of carrying out development works and are involved in providing essential services to the residents of those areas, the Commission has taken a conscious decision of allowing all the ongoing developmental works and any other urgent works which are required to be carried out to meet or to handle any natural calamity during lengthy election programmes. The central theme of the code of conduct finalized by the Commission is to ensure that no undue advantage is taken by the non-officials by misusing their positions or official machinery and elections should not become obstacles in the developmental works of the local bodies.

3. Any references received in the Commission regarding Code of Conduct from State Government or from local bodies or from non-officials are promptly attended to and immediate response is given.

Similarly, in case of any violation of the same, corrective steps are promptly taken.

a. When the elections to the Brihan Mumbai Municipal Corporation were declared, the reports appeared in the newspapers that the decision allowing the slum dwellers to increase the height of the slums up to 14 ft. was under consideration of the State Government. Any such decision could have influenced the voters in the elections to the Municipal Corporation. The Commission directed the Government not to take any such decision till the completion of the election process.

b. After declaration of the elections to the Ahmednagar Municipal Corporation, the State Government announced a special grant of Rs.1 Crore for the this Corporation. When the news regarding this appeared in the media, the Commission immediately directed that the special grant announced by the Government should be withheld with immediate effect till the completion of the election process.

4. Timely actions taken by Commission against erring officials and non-officials and strict enforcement of Code of Conduct have on the whole instilled good confidence in the voters and the public at large regarding the fairness of the election process.

7. AFFIDAVIT/ DECLARATION

With a view to providing all relevant information, regarding candidates contesting elections, to all the voters in that local body, the Commission had issued an order on 21st October, 1997 prescribing formats for affidavits/declarations to be filed along with nomination forms by all candidates. This order was revised on 3rd July, 2002 and again on 10th April, 2003. Provisions have been made for displaying the copies of these forms on the notice boards and to supply the same to the Press and to any person making a request for the same. The affidavits contain information about the educational qualification of the candidate, his criminal record, if any, his property, etc. For Village Panchayat elections, the candidates have to give this information in the form of a declaration because in villages the necessary infrastructure for getting the affidavit sworn may not be available.

2. As per provisions of the Acts governing local bodies, another affidavit/declaration is obtained from all contesting candidates regarding number of children. Contesting candidates having more than 2 children with effect from a prescribed date are disqualified.

8. ELECTION EXPENDITURE

The Commission has prescribed following limits for expenditures to be incurred by candidates:-

- | | |
|---|-----------------|
| (a) Councillor of Mumbai Municipal Corporation: | Rs.75, 000/- |
| (b) Councillor of Other Municipal Corporations : | Rs.1,00,000/- |
| (c) President of 'A' Class Municipal Councils : | Rs.4,00,000/- |
| (d) President of 'B' Class Municipal Councils : | Rs.3,00,000/- |
| (e) President of 'C' Class Municipal Councils
& Nagar Panchayats | : Rs.2,00,000/- |
| (f) Councillor of a Municipal Council | : Rs.45, 000/- |
| (g) Member of a Zilla Parishad | : Rs.45,000/- |
| (h) Member of a Panchayat Samiti | : Rs.30,000/- |
| (i) Member of a Village Panchayat | : Rs.7,500/- |

2. Candidates are required to submit daily reports regarding expenses to the Returning Officers from the date of filing of his/her nomination. Also within 30 days of the declaration of result, all candidates are required to submit statement of accounts containing total expenses along with an affidavit. There is no provision for disqualifying a candidate in case the expenditure incurred is more than the prescribed limit or non-submission of the returns. A proposal for making necessary amendments to provide for disqualification in the various Acts has been made to State Government. In some cases, criminal complaints had been filed against some erring candidates.

9. ELECTRONIC VOTING MACHINE

In a bid to catch up with modern times, the State Election Commission has decided to introduce Electronic Voting Machines (EVMs) in bye-elections to Municipal Councils in Maharashtra. The provision for use of EVMs exists only in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965. The State Election Commission has asked the State Government to make enabling provisions in the other laws but so far to no avail. The use of EVMs will reduce the cost of elections in Maharashtra. Printing of ballot papers and the expenditure for counting of ballots make the elections a costly affair. The expenses on these counts come to around Rs.7 per voter in municipal council elections.

2. The State Government has introduced multi-member constituencies in municipal councils and corporations. The State Election Commission has approached the Electronics Corporation of India to develop an EVM to cater to the multi-member constituencies. The machine will have an additional feature in the shape of a detachable memory chip which can be removed and stored after the results for use in election petitions. This feature will hopefully rule out the possibility of sealing the entire set of machines in the event of an election petition.

10. GENERAL

A. CONTROL ROOM:- The State Election Commission establishes a control room on the date of polling and counting for smooth conduct of elections. The control room is manned by officers well conversant with the election law and who are able to guide the field officers in case of any problems/difficulties. Timely coordination is ensured with the Police machinery and the press.

B. ELECTION MANUALS:- During last two years the State Election Commission has taken upon itself the job of preparing election manuals for the returning officers and presiding officers. The manual for returning officers for Municipal Corporations and the manuals for returning officers and presiding officers for use of Electronic Voting Machines in Municipal Councils elections are ready. The rest of the manuals are being prepared and it is hoped that they will be ready by the end of year 2004.

C. OBSERVERS:- The Commission has started the practice of appointing Observers wherever needed since last year. Observers were appointed for elections to Jalgaon, Dhule and Ahmednagar Municipal Corporations; elections to Washim, Akola, Dhule and Nandurbar Zilla Parishads and elections to Palghar, Lonar and Sindkhed Raja Municipal Councils. Appointment of Observers has helped in streamlining the election process and in keeping closer coordination with field election machinery.

D. FUNDS:- State Government provides budgetary support and required funds for the functioning of the Commission. The expenses incurred by the Commission are audited by C.A.G. of India.

Details of the expenditures incurred by Commission are:-

<i>Sr.No.</i>	<i>Year</i>	<i>Pay & Allowances</i>	<i>Office Expenditure</i>
1.	1995-96	21,51,035	12,99,663
2	1996-97	31,82,247	17,81,700
3.	1997-98	59,75,527	15,00,732
4.	1998-99	82,62,390	10,58,271
5.	1999-00	1,27,12,223	10,20,223
6.	2000-01	1,22,23,494	20,60,999
7.	2001-02	1,09,59,392	30,85,054
8.	2002-03	1,01,15,588	16,31,735
9.	2003-04	97,79,936	20,35,317

For urban local body elections, the expenditures are borne by the concerned local body itself and there has been no problem in this regard. It has been observed that there is vast deviation in the expenditure incurred on various items by different local bodies. The Commission is considering seriously of evolving some financial norms after a proper study (if needed such study would be entrusted to an independent organization) so as to bring uniformity and to ensure that no excessive expenditures are incurred by these local bodies on the conduct of elections.

For the conduct of elections of rural local bodies funds are released directly by the State Government to the respective District Collectors. However, there is always a delay in releasing these funds.

Also, perhaps due to financial constraints, sufficient funds, as per the requirements of District Collectors, are not being released. This is posing a serious problem in the conduct of elections and immediate steps are needed to be taken by the State Government so as to avoid any complications and delay in holding these elections as per the provisions of law. According to information collected by the State Election Commission, an amount of approximately Rs.15 crores on elections conducted so far is yet to be released.

Funds released by State Government during these years are as follows:-

SR. NO.	YEAR	FUNDS RELEASED FOR	
		Z.P./P.S.	V.P.
1.	1994-95	17,25,000	1,29,72,000
2.	1995-96	73,000	2,26,62,000
3.	1996-97	30,37,74,000	1,41,14,000
4.	1997-98	6,02,78,000	7,18,40,000
5.	1998-99	2,24,95,000	2,95,41,000
6.	1999-00	48,45,000	2,38,37,000
7.	2000-01	82,30,000	7,32,90,000
8.	2001-02	38,28,48,000	1,34,47,000
9.	2002-03	3,39,65,000	4,21,87,000
10.	2003-04	4,19,29,000	7,65,24,000

(Source :- Performance Budget of Rural Development Dept.)

E. COURT CASES: - At present there are 250 election matters pending in the Bombay High Court. There are 14 cases in the Supreme Court. There are about 3,000 election petitions pending in various courts in the State. There have been 5 cases filed by the State Election Commission. One is the writ petition about the status of State Election Commissioner and the number of posts to be sanctioned

in the State Election Commission. The other 4 relate to ordering of recount of votes in the elections to the Sangli-Miraj-Kupwad Municipal Corporation where the State Election Commission has reasons to believe that the counting in four seats was not properly carried out by the counting staff. These four cases have been filed in the District Court at Sangli.

F. COMPUTERISATION: - At present, the State Election Commission is connected with all the District Headquarters through the Intranet facility of Government of Maharashtra. The field officers are gradually acquiring skills of using the intranet facilities to communicate with the State Election Commission. The internal networking of the computers in the State Election Commission has been completed. The State Election Commission is in the process of finalizing the tenders for a Management Information System.

11. PENDING ISSUES WITH STATE GOVERNMENT

(i) Status of the State Election Commissioner:-

The former Chief Election Commissioner of India, Shri M.S. Gill recommended to the Chief Minister, Maharashtra about the necessity to grant the status of a High Court Judge to the State Election Commissioner. The State Election Commission had also taken up the matter with the State Government several times but to no avail.

(ii) Uniform Election Act for all local bodies:-

The State Election Commission has been raising the issue of uniform Election Act for all local bodies on the lines of the Representation of the People Act but there has been no response from the State Government. As a matter of fact, there are six local bodies Acts in Maharashtra and the State Election Commission has to fix the election schedule as per provisions in the different Acts. Seeing the inaction in the State Government and taking into account the importance of a unified enactment, the State Election Commission has taken upon itself the responsibility of preparing a draft of the proposed uniform Bill for onward transmission to the State Government for being placed before the Assembly.

(iii) Use of Electronic Voting Machines:-

At present the provision for use of Electronic Voting Machines exists only in Municipal Councils and Nagar Panchayats Act. The State Election Commission has been requesting the State Government about making similar provisions in other Acts.

(iv) Disqualification of candidates who exceed the expenditure limit:-

The State Election Commission has made several requests to the State Government about giving the State Election Commission powers, on lines of the powers vested in the Election Commission of India, to disqualify candidates who exceed the prescribed expenditure limits or do not submit the accounts of expenditure in an election.

(v) Use of verified caste certificate :-

The Bombay High Court has directed that the candidates contesting on Scheduled Castes, Scheduled Tribes and Backward Class of Citizens seats should produce a caste certificate already verified by the Caste Scrutiny Committee. Accordingly, the State Election Commission wrote to the State Government to implement the order of the High Court. The State Government, instead of implementing the Court order, wrote back to the effect that the State Election Commission should approach the High Court and inform that the Committees are overworked and the Government is in the process of finalizing a new committee. Looking at the present rate of Councillors being disqualified on the ground of bogus caste certificates and the amount involved in bye-elections, implementation of the High Court order is the only suitable course.