



## ANALYSIS OF ELECTION OF MUNICIPAL COUNCILS IN GONDIA DISTRICT

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### Abstracts

On 1<sup>st</sup> May, 1999 Gondia district was come into existence by dividing Bhandara district. As a District Gondia is comprised of 8 Tehshils – Gondia, Tirora, Goregaon, Amgaon, salekasa, Deori, sadak Arjuni and Arjuni Morgaon. The distance of Nagpure from Gondia is 164.5 km while the capital of Maharashtra Mumbai is 967 km from Gondia. The Geographical area of Gondia is 5641 sq. km while Forest area is of 10 lac 80 thousand 300 hundred hector, Population 13 lac 22 thousands 331 while rural Population is 10,17,276, Revenue village - 950, Municipal Councils -2, Gram Panchayat - 556, Panchayat Samitis - 8, Primary School -834, Z. P. Higher Secondary School - 14, Z. P. Schools - 870, Literacy ratio -85.41%, Pre-primary Schools - 1108, Child Development Project – 8, Primary Health Centers – 39, Primary Health Sub-Centers – 235, Vetornary Hospitals ( Class 1 and 2 ) – 64, Police Station – 12, Talathi – 190, Village Lakes – 246 , Revenue Departments – 25, Account Holders – 2,23,476, Land Revenue – Rs. 17,61,759.

Maharashtra State is classified into six administrative division – Nagpur, Amravati, Aurangabad, Nashik, Pune and Mumbai. As per Census of 2001, total population of Gondia District is 12,00,151 in which sex ratio of Male and Female is 1000:1005. Literacy ratio is 78.56 in which Male's Literacy ratio 89.54% while Women's 67.89%. Gondia district is one district among 35 district while in administrative division of Nagpur and Amravati. It is included among 11 district of Vidarbha. Gondia Municipal Council was established on 1<sup>st</sup> April, 1920 while Tirora Municipal Council was founded in 1952. The first Chairman of gondia Municipal Council was Late Shri. Ram Prasad Laxman Agrawal which the first Municipal Commissioner was G. V. Kane. At that time population of Gondia City was 20,000 which is now increased Upto 1,20,632 while initially there were only 10 ward members elected.

### Introduction

Central Government can't fulfill all daily needs of people either it is democratic as dictatorship. In order to fulfill the demands of people, Union Government take help of Local self Government in democratic nation. These Institutions also develop local leadership which turn into national leadership. Thus we can say, the Local Self Government are workshops for shaping future leadership of nations.

Though these Institutions provide civil facilities to common people, people don't aware about their works, the sources of income, shortcomings in their administration.

Municipal Council's elections in Gondia district are divided into different wards for the election. The administration has the right to make every decision. In reality,



however, this task is entrusted to the municipality. In Maharashtra, the District Collector has powers to divide the boundaries of the ward. Also the Collector has the right to decide wards for women and backward classes.

A representative is usually elected from a ward. If they want to elect more than one representative to be elected from a ward, the administration decides how many representatives to be elected from that ward. The number of voters in each ward varies from state to state. A number of representatives should be varied in different wards in different wards. There should be an attempt to maintain a balance in the proportion of representation.

The state government has full authority to make rules regarding municipal Council's elections. Municipal Council's election system is as follows:

- 1) Preparation of voter list,
- 2) Announcing the dates of elections,
- 3) Announcing the date of filing of nomination papers,
- 4) Announcing the date of withdrawal of names,
- 5) Marking the candidates,
- 6) Appointing election officials,
- 7) Determining the place of elections,
- 8) Determining the voting process,
- 9) Suspension of voting,
- 10) Counting of votes,
- 11) Publish the names of elected and nominated corporation members.

The analysis of municipal Councils election system is as follows.

**1) Subdivision of Municipal Council's Area into wards and reservation of seats for women, Scheduled Castes, Scheduled Tribes, Backward Classes of Citizens and Women:**

According to the Section 12, article 9 of Maharashtra Act No. 1997, the State Election Commissioner has to publish the gazette for every municipal Council. Such area shall determine the number and extent of wards to be divided into wards and by that or similar order, which shall also specify the wards reserved for Scheduled Castes, Scheduled Tribes, Backward Classes of Citizens and Women. While approving any such order for the subsequent general elections, he shall ensure that all the wards have alternately reserved seats in the various wards of the municipal Council's area for the benefit of such reservation.

Before issuing any such order, the State Election Commissioner should make arrangements for the information of all the residents of the municipal Council's area to be drafted, posted on the notice board in his office at the municipal Council's office and other places in the municipal Council's area where he deems fit and a notice announcing his intention to publish such order. The diagnosis of consumption in that area should be published in at least one newspaper. Within seven days from the date of publication of the notice in the newspaper, under section 14 (b) of the Maharashtra Act No. 8 of 2002, any person objecting to the aforesaid draft of the aforesaid order should be asked to submit it in writing along with his reasons.

According to the sub-section (2) of section 14 have mention that not less than three and not more than five members of each ward shall be elected from each ward and each voter shall have the right to vote equal to the number of members of the



corporation to be elected in his ward. Every order issued under sub-section (1) shall come into force for the purpose of the forthcoming general election, which shall take place immediately after the date of such order. Some seats of municipal Council's are reserved for women and person belonging to Scheduled Castes, Scheduled Tribes or Backward Classes. Neither women and nor persons of these caste and classes should be deemed to be constrained by any of the provisions of this section for standing and getting elected for any of the reserved seats in such municipal Councils.

However, if any of the other provisions of the Act are extended to the people of the Tri-Territory after any election, the election shall be held as soon as it is feasible for extended representation and the provisions of sub-section (1) shall apply to these elections with appropriate modifications. Provided that the total number of wards in the municipal Council's area, including the newly formed wards for the extended area under this sub-clause, shall not be more than the number of constituencies specified in the table in sub-section (2) clause (a).

However, the population of the newly formed wards under this subdivision may be more or less partial than the average population of other wards. However, the term of office of the members elected from the newly formed wards under this sub-clause shall be the same as the term of the Municipal Councils. If the remaining term of the Municipal Councils is less than one year, then election cannot be held under sub-section (5).

## **2) State Election Commissioner:**

Supervising the work of preparing voter lists for all Municipal Council's elections, giving instructions and controlling for it and holding all such elections are vested in the State Election Commissioner. The State Election Commissioner may, by order of any of his powers and functions, delegate to any officer of the Commission or to any officer not inferior to the Deputy Collector of the State Government or to the Chief Officer of the Municipal Councils. All officers and staff appointed or specially appointed to compile voter lists and conduct Municipal Council's elections under this Act or rule, work under the supervision, direction and control of the State Election Commissioner. Anything contained in this Act and Rules, special or general orders or directions may be issued to the State Election Commissioner not to be inconsistent with the provisions of the Act and rules for fair and impartial elections.

## **3) Instructions to prevent bonuses should be given to voters at the time of election:**

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Instructions for voting should be provided in accordance with the provisions of the Representation of the People Act, 1951. The Election Commissioner may instruct the State Commissioner to deem it appropriate to prevent impression of voters at the time of election. They will notify the General Assembly by a special order to provide the hard copy of identity proof with photocopies.

## **4) Preparation of List:**

The Maharashtra assembly voter list prepared for the Maharashtra legislative assembly in 1950 and in effect at the time of the state election commissioner notify by general or special order. It will divide into parts. The printed copy of each part of the attested voter list thus dated by the Election Commissioner or the officer authorized by him shall be the ward list of each department.



### **5) Right to vote:-**

Under section 11 of 1973, section 19 of Maharashtra Act No. 20 of 1980, every voter whose name appears in the electoral roll will be eligible to vote whose name in on the list will be able to vote in such an election. The list of voters kept under section 11 for the purpose of determining whether a person is eligible to vote or not in any election at the time of election, is the proof.

### **6. Procedure of Voting:**

According to Section 15 of Maharashtra Act No. 8 of 2002, at the time of election the ballot will be cast by secret ballot or by electronic voting machine and no votes will be accepted by ballot paper.

### **7) Other Restrictions on Voting:**

Any person, even if his / her name is registered in the voters list of more than one ward, will have not the right to vote more than one ward at the time of general election and if he / she votes in more than one ward, his/her votes in all ward will be canceled. Also, even if the person's name is registered more than once in the voter list of a ward, he/she will not have the right to vote more than once in any election in the same ward ad if he/she casts his/her vote, all his/her votes in the ward will be cancelled.

### **8) Eligibility Criteria for becoming a member of the corporation:**

Section 12 of Maharashtra Act No. 12 of 1990, a person who is not be less than 21 years of age on the last date fixed for submission of nomination papers for any general election or by-election and whose name is included in the electoral roll kept under section 11. Every person who is and has not been disqualified from being elected as a member of the corporation under this Act or any other law enacted at that time, is eligible to be elected as a member of the corporation in any election and a person who is not twenty one years of age and whose name is not included in such list. Nor will every person who is disqualified from being elected as a member of the corporation be eligible to be elected as a member of the corporation in any election. Also, the list of voters compiled under section 11 for the purpose of determining whether a person is eligible to be elected as is at the time of any election is conclusive evidence subject to the provisions of sub-section (1).

### **9. Criteria of disqualification for becoming a member of the corporation:**

In case of contesting municipal elections or becoming a member of the municipal Councils, certain criteria of disqualification have been laid down. According to them, any person is disqualified from contesting Municipal Council's elections or being a member of the municipal Councils in the following cases: She will not be disqualified for this reason:

1. She may be disqualified for the election of the State Legislature by any law in force at that time, but if the person has attained the age of twenty one years, she shall be disqualified on the ground that she is less than twenty five years.
2. She may have been disqualified from contesting elections by any law enacted by the Maharashtra State Legislature.
3. A court in India may have convicted her of any crime and sentenced her to a minimum of two years imprisonment, and she may not have been released from prison for a period of five years or a specified (less than five years) period fixed by the State Government in a particular case.



4. She may at any time have been convicted of an offense under section 153-A or sub-section (2) or (3) of section 505 of the Indian Penal Code and the period of five years from the date of conviction has not elapsed.
5. She may have been convicted of an offense punishable under the Untouchability (Offenses) Act, 1955 and sentenced to imprisonment or fine, and six years may not have elapsed since her release from prison.
6. She may have been convicted by a court in India of an offense which would have been morally degrading and would not have been six years from the date of conviction.
7. The person will be mentally retarded and will be declared mentally retarded by the competent court.
8. That person will be a free bankrupt.
9. After holding any position of office under any government or local authority, she may have been dismissed for misconduct and five years may not have elapsed after such dismissal.
10. She will be in arrears of any amount due to the Municipal Council's after she is billed under section.
11. She shall be a secondary officer or employee of the Government or any local authority or hold any for-profit position under the Government or any local authority.
12. The person may not be a citizen of India or may have voluntarily acquired the citizenship of a foreign country or may have confessed in any form that he will be loyal to a foreign country.

Based on any one of the above criteria, any person can be disqualified from contesting Municipal Councils elections or being elected to the Municipal Councils or being a member of the Municipal Councils.

#### **10. Right to make rules for regulation of elections:**

The State Government may, under Section 121 of the Maharashtra Act No. 41 of 1994, in consultation with the State Election Commissioner, make rules for the provision or regulation of matters relating to elections generally to be held under this Act. The State Government may, in consultation with the State Election Commissioner, make rules in respect of all or any of the following matters under section 7 of the Maharashtra Act No. 1973, 1973, without compromising the generality of the foregoing rights. :-

- 1) To prepare, publish and keep the voter list.
- 2) Determining the dates, times and venues of the various stages of the election.
- 3) Appointment and duties of Returning Officer, Head of Electoral Center and the staff to be appointed for the election.
- 4) Nominations of candidates, sample of nomination papers, objections to nominations, scrutiny of nomination papers and appeals against acceptance or rejection of nominations.
- 5) Deposits to be kept by the candidates and the circumstances under which such deposits will be returned to the candidates or confiscated and credited to the Municipal Councils.
- 6) Assigning symbols to the candidates.
- 7) Withdrawal of candidature.
- 8) Appointment of candidate representatives.
- 9) Preparation of Ballot Sample.



- 10) Determining the modus operandi between contested and non-contested elections.
- 11) Find out the measures to be taken to prevent voter manipulation.
- 12) Determining the voting procedure.
- 13) Determining the procedure to be followed in the case of objected and given votes.
- 14) Scrutiny of votes, counting or recount of votes, declaration of results and determination of the procedure to be followed if a member of the corporation is elected to represent the same trust or more than one ward.
- 15) Preservation and disposal of election related documents.
- 16) Decide the circumstances under which voting may be postponed or taken up anew.
- 17) Decide on any matter of election which may or may not be prescribed under this Act.

#### **11. Failure to win:**

In a general election or by-election, if one does not get elected from any of the constituencies, the results of the new election will be announced for the election of the Municipal Council's Member from that constituency.

#### **12. Declaration of election results:**

If the Municipal Council's Election is a by-election, after the counting of votes in that ward and if it is a general election in the Municipal Council's area, the State Election commissioner publish the results as soon possible in the Government Gazette under the Section 123 of Maharashtra Act No. 41 of 1994.

According to the Section 3(a) of the Act No. 10 of 1967, in any ward or in any ward for any purpose, polling could not be held at the time of election, but if it was held in more than two thirds of the wards on that date, the results obtained by the State Election Commissioner are published in the Government Gazette as soon as possible after counting of votes in that ward. The State Election Commissioner publishes their results in the Government Gazette. In the case of wards, fractions will not be taken into account when determining the number two-thirds. After each general election, after the publication of the result under this sub-section in the Government Gazette or as the case may be, after the first publication of the result, it is assumed that the Municipal Council's has been formally constituted.

#### **13. Publication of names of Nominated Corporation Members:**

The names of nominated corporation members are also published in the Gazette by the State Election Commissioner. At the end of the election all the ballot boxes are properly closed and brought to the designated place and counting of votes takes place on the appointed day. The winning candidate is announced. If a single candidate has won from two or more wards, it is necessary to inform the Collector as to which ward will be preferred for him within a specified period. Arrangements are made for re-election for other wards after informing the ward of your choice. If such a candidate does not report his preferred ward within a specified time, then the Collector may order re-election in all those wards. The court decides in that regard. This is the analysis of municipal Councils elections.

#### **Conclusion:**

There are elected members, nominated members and appointed member in the Municipal Councils. There reserved seats for Scheduled Caste, Scheduled Tribes, Other Backward classes and for women. Municipalities are classified into three categories in Maharashtra – 'A', 'B' and 'C'.



**‘A’ Grade Municipal Council :** The minimum number of representatives is 40 and if the population is more than 75,000, ratio of population and representative is decided 5000:1 i.e. the maximum number of representative is not more than 60.

**‘B’ Grade Municipal Council:** The minimum number member can be 30 while maximum 50. When the population is more than 30,000, ratio is 3000:1.

**‘C’ Grade Municipal Council:** The minimum number of representative is 20 while maximum can be 30 when the population is more than 15,000 the ratio of population and representative is 2000:1.

The norms of representatives followed in A and B, grade Municipal Councils on the basis of 10% members of Municipal Council for women, scheduled caste and scheduled tribes.

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