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Unshackle Local Governments from Bureaucratic Control

By: Sunil Kumar

State panchayati raj acts empower bureaucrats to suspend or dismiss elected representatives of local governments, and supersede or dissolve the bodies themselves. Such powers must be scrapped, and the power to remove elected representatives should instead rest with voters in gram sabhas.

From gram sabhas to the Lok Sabha, Indian democracy radiates vibrancy and energy. It symbolises the hopes and aspirations of more than 960 million voters with the largest number of elected representatives: nearly 3.3 million. This includes almost 1.5 million elected women representatives. However, the Members of Legislative Assemblies (MLAs) and Members of Parliament (MPs) taken together number just around 5,000. So, it is the elected representatives of local governments who form the bulk of India's democratic framework.

However, close interaction with elected representatives of local governments reveals their hopes and aspirations, and also fears. Almost 90% of elected representatives are new, in the sense that they are first timers. This is partly because of anti-incumbency, mostly because of the rotation of seats every five years, and also because a number of incumbents, especially women, become 'disillusioned'. The sarpanches or pradhans of gram panchayats, who are thought to wield 'real' power along with panchayat secretaries, are often at the receiving end of bureaucratic wrath, especially if they dare to pursue an independent line of thinking in selecting development works for their gram panchayats.

The age profile of elected representatives in local government is undergoing a change and most of them are now in the 21 to 35 age group. They are also better educated. When they begin, many of them are full of ideas and brimming with enthusiasm to do something good for their gram panchayat. However, they soon get disillusioned when they realise that the choice offered to them by the panchayat secretary is stark—toe the bureaucratic line and support so-called development or face the blame for everything coming to a grinding halt. The humiliating experiences of sarpanches and pradhans across various Indian states testify to it that this is no empty threat. The humiliation is all the more complete if a sarpanch happens to be a Scheduled Caste or Scheduled Tribe (SCs/STs) or Other Backward Class (OBC) woman.

How does this happen? It happens because the payment for any work initiated in a panchayat can be made only if both the sarpanch and the secretary digitally sign to authorise it. The panchayat secretary is a critical cog, without whose cooperation nothing moves in a panchayat. In urban local governments, executive officers call the shots, while municipal commissioners do so in municipal corporations. Thus, it can be safely deduced that the bureaucracy runs the show at the local government level, both rural and urban. In this analysis, I will be focusing on rural local governments.

Judgements on bureaucratic high-handedness

In the last six months, three important judgments delivered by the Supreme Court came down heavily on bureaucratic high handedness. These judgments were related to the suspension or removal of sarpanches/pradhans of gram panchayats by commissioners or district collectors exercising the powers granted to them by state panchayati raj laws.

In 2024, the Supreme Court in *Sonam Lakra vs. State of Chhattisgarh* observed that the “executive has blatantly and brazenly misused its power to weaken democratic values at the grass root level.” In, *Manisha Ravindra Panpatil vs. State of Maharashtra and Others*, the court observed that “what is more worrying is the casual approach adopted by government authorities in summarily removing an elected representative. This is all the more concerning when the representative in question is a woman and elected in the reservation quota, thereby indicating a systemic pattern of prejudicial treatment, permeating through all levels of administrative functioning.”

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More recently, in *Rajendra Kokale vs. State of Maharashtra* the Supreme Court said that bureaucrats could not be allowed to “frustrate grassroot democracy” and upheld a [Bombay High Court order](#) reinstating a woman as the sarpanch of a Maharashtra village. A bench

of Justices Surya Kant and N. Kotiswar Singh said it noticed several instances in the state where bureaucrats misbehaved with the elected representatives of panchayats. “We have given judgements in two-three cases where babus were found to be misbehaving with the elected representatives. This is happening typically in Maharashtra. These babus should be under the elected representatives. These bureaucrats cannot be allowed to frustrate the grassroot democracy.”

Bureaucratic high-handedness is not limited to a few states. On 20 February 2025, a two-judge bench of the Allahabad High Court, while admitting a writ petition challenging the suspension of a woman pradhan by the district magistrate of Kanpur Dehat in Uttar Pradesh on the grounds that she was “not taking interest in her work”, observed, “It is to be seen that prima facie there is no allegation against the Gram Pradhan with regard to financial irregularity or other irregularity. If Gram Pradhan is not taking interest in his work, there is always option for no confidence motion against the Gram Pradhan which in the present case has not been made” (*Pratima Devi vs State of Uttar Pradesh*).

What stands out in all these orders is the abuse of power by bureaucrats to suspend or dismiss elected representatives of local governments. Such power has been granted in these cases under provisions of the state panchayati raj acts: Section 39 of the Maharashtra Village Panchayats Act, 1959; Section 95 (1)(g) of the Uttar Pradesh Panchayat Raj Act, 1947; and Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.

Powers of disqualification

While the orders issued by high courts and the Supreme Court are progressive and seek to deepen democracy at the grassroot level, why does such power exist in state panchayati raj laws? How can a bureaucrat be given the power to suspend or dismiss elected representatives in the world’s largest democracy when she or he is not their appointing authority?

The power to suspend or expel an MLA or an MP is vested in the presiding officers of their respective houses and the procedure is laid down in Rules of Procedure and Conduct of Business. The power to disqualify an MLA under provisions laid down in Article 191 of the Constitution is vested in the Governor, who exercises this power in consultation with the Election Commission of India. But if an MLA is to be disqualified under the anti-defection law included in Schedule 10 of the Constitution, the decision is to be taken by the Speaker. The power to disqualify an MLA or MP under the Representation of People Act, 1951 is with the Supreme Court and high courts.

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In *Lily Thomas v. Union of India* and *Lok Prahari v. Union of India*, the Supreme Court ruled that any MP, MLA, or member of a legislative council (MLC) who is convicted of a crime and given a minimum imprisonment of two years would lose her or his membership of the House with immediate effect. However, the disqualification can be reversed if a higher court grants a stay on the conviction or decides the appeal in favour of the convicted person.

Since local government is on the state list, state panchayati raj and municipal acts continue to contain provisions that enable the state government to suspend or remove any elected representative of local governments, and supersede or dissolve an elected local body. This power has been vested in the district collector or commissioner in most states. It is a remnant of colonial-era legislations like the Government of India Acts of 1919 and 1935, which laid the foundation for local self-governance but also ensured strong executive control over elected bodies.

These provisions are clearly undemocratic and against the spirit of the 73rd Constitutional Amendment Act, 1992 and the 74th Constitutional Amendment Act, 1992. If the executive cannot exercise similar powers against an MLA or MP, there is no logical ground for any intervention against elected representatives of local governments. They are elected by the people and not appointed by bureaucrats.

The former chief minister of Tamil Nadu M. Karunanidhi reportedly told a delegation of presidents of gram panchayats that just as the union government retains the power to dismiss state governments under Article 356 of the Constitution, state governments have powers to suspend or dismiss a president of a gram panchayat or supersede a local body. He then assuaged the feelings of the delegation by assuring it that these powers were sparingly used. However, as we have seen, instances of the abuse of these powers in different states abound.

Proposals for reform

This issue was considered by the Second Administrative Reforms Commission set up by the United Progressive Alliance (UPA) government in 2005. In its sixth report on local governance in October 2007, the following recommendations were made:

1. State Governments should not have the power to suspend or rescind any resolution passed by the PRIs (panchayati raj institutions) or take action against the elected representatives on the ground of abuse of office, corruption etc. or to supersede/dissolve the panchayats. In all such cases, the powers to investigate and recommend action should lie with the local Ombudsman who will send his report through the Lokayukta to the Governor.
2. For election infringements and other election related complaints, the authority to investigate should be the State Election Commission who will send its recommendations to the Governor.
3. If, on any occasion, the State Government feels that there is need to take immediate action against the panchayats or their elected representatives on one or more of the grounds mentioned in ‘a’ above, it should place the records before the Ombudsman for urgent investigation. In all such cases, the Ombudsman will send his report through Lokayukta to the Governor in a specified period.
4. In all cases of disagreements with the recommendations made by the local Ombudsman/Lokayukta, the reasons will need to be placed in the public domain.

However, to the best of my knowledge, these recommendations have so far not been acted upon by any state.

On the contrary, the Supreme Court observed in *Rajendra Kokale* that “the court also came across bureaucrats trying to open old cases to disqualify elected representatives especially at grassroots level”. The process for disqualifying any elected representative, whether of a local government, state legislative assembly, or parliament must be the same.

During the election process, the state election commission examines whether the nomination papers of candidates are valid or not. After an election, defeated candidates with a grievance have the option of filing an election petition in a high court. But in *Manisha Ravindra Panpatil*, it was a district collector who was trying to determine whether a sarpanch was qualified to contest elections. This is an issue that ought to be settled clearly in the law in all state panchayati raj acts.

If the state election commission is to be entrusted with this power, as suggested by the Second Administrative Reforms Commission, steps would need to be taken to ensure that the appointment of the state election commissioner is free and fair, as also the working of the commission. The type of tussle seen some years ago in Andhra Pradesh between the state election commission and the state government, which rendered the state election commissioner impotent, must be avoided at all costs.

Power to gram sabhas

Given the observations made by the Supreme Court and high courts in recent times, the time has come to delete provisions related to suspending or terminating sarpanches or pradhans in state panchayati raj acts. This demand has to be articulated forcefully by the sarpanch and ward member associations. The existing provision is a colonial legacy and must be discarded.

The question that arises next is what should replace it. Should it be an ombudsman as suggested by the Second Administrative Reforms Commission or something else? To my mind, much water has flowed down the Ganga between October 2007 and March 2025. We have seen how institutions like the Lokayukta in states and the Lokpal at the centre have operated. They have proved singularly ineffective in curbing corruption, especially of elected representatives. There is no ground to believe that the fate of an ombudsman would be any different.

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In this scenario, it may perhaps be better to trust the voters themselves, who elect the ward members and the sarpanches or pradhans. The power to remove an elected representative should ideally be vested in the same authority that elects them. Jayaprakash Narayan lent his support to the proposal giving voters the “right to recall” their elected representatives during the 1974 student movement in Gujarat and Bihar. However, it was not acceded to by either the then Congress government or the Janata Party government, which came to power in 1977.

Since all voters are members of a gram sabha, a constitutional body, the power to recall a local government representative can be exercised by it in accordance with a procedure laid down by the law. However, even in states – Haryana, Chhattisgarh, and Uttar Pradesh – where a provision for recall exists in the state panchayat raj act, district collectors still have the power to suspend or dismiss sarpanches or pradhans. This reflects the muddled thinking on the issue.

What needs to be done immediately is to take steps to codify the rules of procedure and conduct of business of gram sabhas. A model draft could be prepared and it could be adopted by all the states. The initiative for this could be taken by the Parliamentary Research and Training Institute for Democracies (PRIDE) and inputs could be obtained from similar bodies in state legislatures. This should lay down the procedure for convening and conducting special sessions of the gram sabha for discussing and voting on a resolution seeking the recall of an elected representative.

How the gram sabha resolution will be implemented must also be laid down. This would call for an amendment of the state panchayat raj act and an inclusion of provisions that clearly establish the supremacy of the gram sabha and ensure that the panchayat and the local bureaucracy are accountable to it. This would strengthen its independence and maintain a separation of powers between gram sabhas and panchayats.

The existing provisions on elected members resigning and a designated authority accepting their resignation is also something that needs to be looked into. If a bureaucrat notified by the state government is authorised to take a final decision on resignations, it places the bureaucracy on a higher plane than elected representatives. In my view, this power too should be vested in gram sabhas.

It is also important that the elected representatives of local governments realise that they are elected leaders and not just panchayat members. If they want the same respect as MLAs or MPs, they would need to sacrifice the power to approve payments, which they currently do with panchayat secretaries. The sarpanch or the chairman of the standing committee of the gram panchayat should approve the proposal for a payment and it should be the responsibility of the bureaucracy to make the payment following the General Financial Rules (GFR). This would ensure elected representatives are not charged with financial irregularity. It would also pave the way for strengthening the panchayat bureaucracy because the state government will be forced to provide an accountant who is well-versed in financial rules, and also post a gazetted officer as the panchayat secretary.

Conclusions

It is time the more than three million elected representatives of local governments in the country and citizens begin to seriously deliberate issues related to local government and demand changes in state panchayati raj acts and rules. The first demand should be related to preserving their honour and status as elected public representatives by deleting the present provisions related to bureaucrats suspending or removing them or accepting their resignation. The drawbacks of these provisions have been exposed in several judicial pronouncements and they have no reason to continue on the law books. The sooner the bureaucratic stranglehold is broken, the better it would be for the future of democracy at the grassroots level.

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