

ELECTORAL CORRUPT PRACTICES AND ELECTORAL OFFENCES IN LOCAL SELF GOVERNMENT IN INDIA

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Abstract: In India, the term "local self-government" refers to the decentralised governance structure made up of urban local bodies (ULBs), such as municipalities, at the urban level and Panchayati Raj institutions (PRIs) at the rural level. These were created in accordance with the 1992 and 1993 Constitutional Amendments 73rd and 74th, respectively. To maintain grassroots democracy, State Election Commissions (SECs) oversee elections to these bodies. However, the integrity of the democratic process is threatened by electoral offences and corrupt practices, which are among the malpractices that can occur during these elections. The definitions, legal framework, important examples, repercussions, and preventative measures associated with such issues are all examined in this research paper. This research paper also suggests recommendations and reforms to curb such practices and offences.

Keywords: Corrupt Practices, Electoral Offences, Local Self-Government, Election Commission, Democracy.

INTRODUCTION

The Panchayati Raj system, entrenched in India's Constitution with the 73rd Amendment in 1992, represents the concept of decentralised democracy by empowering over 2.5 lakh gramme panchayats and 3.2 million elected members to administer rural India. It is based on Gandhi's Gramme Swaraj concepts and aims to encourage grassroots involvement and responsibility. However, the integrity of Panchayati Raj elections is jeopardised by recurring electoral offences such as bribery, undue influence, and booth grabbing, which mimic corrupt activities specified in the Representation of the People Act, 1951 (RP Act). While the RP Act primarily covers national and state elections, its ideas, notably Sections 123-136, influence state Panchayat legislation, establishing requirements for fair elections.

However, enforcement by State Election Commissions (SECs), as mandated by Article 243K, faces challenges such as political interference, limited resources, and low conviction rates, as evidenced by the violent 2023 West Bengal Panchayat elections. ^4^ This study examines the legislative laws governing election offences under Panchayati Raj, assesses enforcement loopholes, and suggests improvements to improve democratic integrity. It answers crucial questions using doctrinal analysis, case studies, and empirical evidence from SEC filings. How efficiently do provisions influenced by the RP Act reduce offences in municipal elections? What structural and sociopolitical hurdles prevent enforcement? The thesis contends that, while the RP Act has a strong foundation, inadequate SEC authority and structural flaws demand immediate revisions to protect Panchayati Raj elections.

HISTORICAL AND CONSTITUTIONAL FRAMEWORK

In ancient India, the idea of Panchayati Raj, or village self-governance through councils, dates back to the Vedic era, when local administration and disputes were handled by village assemblies (sabhas and samitis). Panchayats developed as community-based organisations for caste or village governance during the Middle Ages, frequently under the direction of elders to address social and economic problems. These native systems were formalised during British colonial control, but they were still subject to centralised authority. Although Lord Ripon's Resolution of 1882 and the Madras Village Panchayat Act of 1884 attempted to provide limited

local self-government, mostly in urban areas, rural panchayats continued to be ad hoc and revenue-focused, devoid of electoral democracy.

During the independence movement, Mahatma Gandhi brought the concept back to life by conceiving of panchayats as the cornerstone of "Gramme Swaraj" (village self-rule). In order to prevent urban or centralised exploitation, he promoted decentralised, self-sufficient villages where panchayats would independently run local affairs. Gandhi's writings, like "Hind Swaraj" (1909), presented panchayats as the epitome of participatory, non-violent democracy in opposition to the centralised state model that Jawaharlal Nehru and other leaders supported. Although early drafts placed more emphasis on national unity than local autonomy, this Gandhian philosophy had an impact on the discussions in the Constituent Assembly.

Early Experiments and Developments After Independence

Following 1947, the Indian Constitution first placed mandatory provisions for panchayats under Article 40's Directive Principles, which called on states to establish village panchayats as autonomous governmental entities. This represented a middle ground between Nehruvian centralists and Gandhian decentralists. State-level legislation such as the Rajasthan Panchayat Act, 1953, and the Uttar Pradesh Panchayat Raj Act, 1947, were early attempts that created elective panchayats but with little authority and state supervision.

An important turning point was the 1957 Balwant Rai Mehta Committee, which suggested a three-tiered Panchayati Raj structure: Zilla Parishad at the district level, Panchayat Samiti at the block level, and Gramme Panchayat at the village level. Later committees, like Ashok Mehta (1977) and G.V.K. Rao (1985), criticised the decline of panchayats as a result of irregular elections and bureaucratic meddling and suggested more robust constitutional support. Making panchayats constitutional bodies with regular elections was another point of emphasis for the L.M. Singhvi Committee (1986).

The 73rd Constitutional Amendment Act, 1992 (which went into effect in 1993) was the final step, adding the Eleventh Schedule and Part IX (Articles 243–243O) to the Constitution. In rural areas, this amendment required a three-tiered Panchayati Raj system with direct elections every five years, reservations for women (at least one-third seats), Scheduled Castes (SCs), and Scheduled Tribes (STs), as well as the devolution of powers over 29 topics like poverty alleviation and agriculture. One of the biggest democratic processes in the world, there are currently over 2.5 lakh gramme panchayats that elect roughly 3.2 million representatives.

Similar to the Election Commission of India (ECI), State Election Commissions (SECs) were created by Article 243K to independently supervise Panchayati Raj elections. Election procedures were formalised, although state-by-state variations in implementation caused some to postpone conformity laws.

The 1951 RP Act, which covers qualifications, electoral rolls, offences, and dispute resolution, establishes the legal foundation for holding elections to Parliament and state legislatures. Although not directly related to Panchayati Raj, state Panchayat Acts have incorporated its concepts, such as definitions of electoral offences (Sections 125–136) and corrupt practices (Section 123). For example, the Telangana Panchayat Raj Act of 2018 and the Uttar Pradesh Panchayat Raj Act of 1947 (modified after 1992) both replicate the Representation of People's Act prohibitions on booth capturing, undue influence, and bribery.

The spirit of the Representation of People's Act has been extended to local elections by Supreme Court decisions. In order to guarantee fair elections, the Court applied Representation of People's Act like standards in cases such as *Kishansing Tomar v. Municipal Corporation of Ahmedabad* (2006), equating State Election Commission and Election Commission of India powers. The Representation of People's Act is specifically mentioned in state election manuals,

like Rajasthan's Panchayati Raj Election Manual, for processes like expenditure caps and nomination review. Although this integration establishes precedents, it also draws attention to gaps because local laws frequently lack the Representation of People's Act's strict enforcement.

CONSTITUTIONAL SAFEGUARDS

Panchayati Raj elections are protected by the Constitution in a number of ways. Adult suffrage is guaranteed by Article 326, guaranteeing universal voting rights regardless of place of residence. Article 243K requires State Election Commissions to be as independent as the Election Commission of India under Article 324 and gives them superintendence over electoral rolls and polls. Governor appointed State Election Commissions are in charge of delimitation, reservations, and the enforcement of the Model Code of Conduct; however, their independence is frequently jeopardised by their reliance on state funding.

In order to preserve tribal self-governance, Article 243M exempts specific areas (such as Scheduled Areas) from Part IX, with extensions granted through the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). These protections are strengthened by judicial oversight through writ petitions under Articles 226 and 32, as demonstrated by decisions requiring elections to be held on time.

ENFORCEMENT CHALLENGES

State laws often fail to implement the principles of the Representation of the People Act, 1951 (RP Act), which include prohibitions on electoral offences and corrupt practices. These difficulties stem from resource constraints, administrative bottlenecks, sociopolitical dynamics, and structural dependencies, which are made worse by political meddling and unequal devolution. Based on recent cases (up to 2025), audits, and reports, the analysis identifies systemic flaws that compromise electoral integrity by causing delays, low conviction rates, and recurring offences like booth capturing and bribery.

The State Election Commissions' (SECs') dependence on state governments for funding, personnel, and operational support is a fundamental structural weakness that jeopardises their independence under Article 243K. State Election Commissions frequently experience interference, such as arbitrary tenure reductions or removals, in contrast to the independent Election Commission of India (ECI). For example, in Andhra Pradesh (2020–2021), the Supreme Court intervened to preserve State Election Commission autonomy after the state government changed laws to shorten the SEC's term from five to three years in the midst of disagreements over COVID-19-related poll postponements. Similar problems still exist, as reports from 2024–2025 show that political pressures affect State Election Commissions in West Bengal and Maharashtra, postponing elections and permitting offences like undue influence.

This is made worse by incomplete devolution of power. Since less than 20% of states have fully transferred the 29 topics listed in the Eleventh Schedule, Panchayats are merely implementers and not independent entities, making them susceptible to manipulation at the state level during elections. As demonstrated by caste-dominated rural polls, this structural asymmetry creates conditions in which provisions inspired by the Representation of People's Act such as the prohibition on caste appeals (Section 123(3)) are disregarded.

Panchayati Raj elections are regularly delayed by administrative bottlenecks, such as delimitation disputes and reservation implementations, which violate the RP Act's deadlines for timely polls. The "triple test" for OBC reservations, which calls for surveys, commissions, and proportionality, has resulted in numerous delays. For example, in Maharashtra, local elections, including those for Panchayats, were postponed from 2022 to 2025. The Supreme

Court set a deadline of January 31, 2026, in response to allegations of incompetence. 70% of urban local governments in 18 states did not have elected councils, according to CAG audits conducted between 2020 and 2023. This trend also affected rural Panchayats because of comparable problems like litigation and EVM shortages.

Additional challenges include unclear functional mapping and overlapping programs such as Direct Benefit Transfers (DBT), which circumvent Panchayats and diminish their contribution to grievance resolution and voter engagement. One Panchayat Secretary frequently oversees several villages in states like Bihar, which results in inefficiencies in the preparation of voter rolls and the tracking of offences. These delays lead to gaps in which administrators' proxy governance permits resource abuse similar to offences under RP Act Section 123(7).

Crimes are made worse by sociopolitical factors, and elections in rural areas are dominated by money power. As evidenced by the 2022 Gram Panchayat polls in Odisha, where ₹200 per vote was typical, candidates frequently distribute cash or alcohol in excess of expenditure limits (e.g., ₹25,000 to 50,000 per state). Caste-based mobilisation is still prevalent, and merit-based selection is diminished as a result of parochialism that splits votes and breeds animosity (RP Act Section 125).

Between 33 and 50 percent of women's reservations are undermined by the "Panchayat Pati" or "Sarpanch Pati" phenomenon, in which male relatives usurp authority from reserved women's seats. This results in proxy leadership and offences like undue influence. Criminalisation is widespread; according to ADR data, between 22 and 35 percent of Panchayat winners are being charged with crimes, frequently related to electoral violence, as was the case in West Bengal's 2023 elections, which saw over 50 fatalities and 5,000 complaints but only 10 percent of convictions. Police bias and witness intimidation are the main causes of the low conviction rates (10–15% nationwide).

State Election Commissions and Panchayats are hampered by a lack of resources, and officials' poor training results in a poor detection of offences. Corruption in programs like MGNREGA is encouraged by irregular or manipulated social audits. Courts are overloaded with litigation, which delays election petitions under analogues of the RP Act.

Panchayats rely on diminishing untied grants (from 85% to 60% under the Fifteenth Finance Commission, 2021–2026) and have very little revenue of their own (0.1% of rural income per Economic Survey 2017–18, still relevant in 2025). Election preparations are impacted by inefficient fund utilisation brought on by bureaucratic red tape, with states like Uttar Pradesh displaying a high degree of grant dependence.

In states like Odisha, rural voters are impacted by economic vulnerabilities, which lowers participation and encourages offences. Poverty and illiteracy further widen these gaps. The impact of urbanisation (rural population at about 60%) diverts resources from panchayats.

CASE STUDIES

An emphasis on State Election Commission's autonomy under Article 243K of the Constitution, these cases highlight the judiciary's role in interpreting RP Act provisions (such as Sections 123 and 125–136 on corrupt practices and offences) in the context of Panchayati Raj.

Ahmedabad Municipal Corporation v. Kishansing Tomar (2006): In this ruling, the Supreme Court upheld the independence of SECs, granting them the same standing under Article 324 as the Election Commission of India (ECI). A challenge to the Ahmedabad Municipal Corporation's meddling in the scheduling of local elections gave rise to the case. The Court extended the RP Act's principles to local elections and decided that SECs have the full authority to hold free and fair elections without interference from the state government. Nevertheless, as

evidenced by later delays when state governments reduce SEC tenures or withhold funding, enforcement is still lax. Despite being referenced in more than 50 petitions, compliance varies, exposing weaknesses in institutional autonomy.

In *Rajbala v. State of Haryana* (2015), the Supreme Court dismissed allegations of discrimination and maintained changes to the Haryana Panchayati Raj Act that required candidates to meet certain financial and educational requirements. The ruling touched on corrupt practices by pointing out how unqualified candidates worsen bribery and undue influence in rural elections, even though it did not specifically address offences. Critics contend that it deprives underprivileged groups of their right to vote, thereby encouraging crimes such as vote-buying among qualified candidates. This case demonstrates how Panchayati Raj applies RP Act-inspired disqualifications (such as Section 8A) unevenly, allowing criminally accused people to contest due to low conviction rates.

Recent Decision Concerning Reservations (2023): In a 2023 decision regarding reservations for SCs, STs, and OBCs in Maharashtra's Zilla Parishads and Panchayat Samitis, the Supreme Court upheld the SEC's authority under the RP Act to guarantee equitable delimitation by permitting exceptions to the 50% reservation cap in "exceptional situations." The case demonstrated how offences such as booth capturing during interim periods result from delays in the implementation of reservations. With ramifications for ongoing Panchayati Raj disputes, it also brought attention to judicial oversight in disqualifying candidates for making false affidavits (RP Act Section 125A).

Recent Electoral Offences and Violence Incidents

Emphasising high-profile incidents, these cases show RP Act violations in action, including booth capturing (Section 135A) and enmity promotion (Section 125), which are frequently connected to Panchayati Raj political rivalries.

West Bengal Panchayat Elections (2023): There were many incidents of ballot box tampering, arson, and voter intimidation during the unrest that plagued the 2023 elections, which resulted in at least 11 to 50 fatalities (reports vary). According to a study, the violence is "endemic," motivated by the Panchayats' economic stakes and control over local resources. The Trinamool Congress (TMC) was accused of booth capturing in districts like Murshidabad, and other major offences included bribery and undue influence through caste-based appeals. Over 5,000 complaints were filed with the West Bengal SEC, but only about 10% of those complaints resulted in convictions. The agency blamed delays on political meddling and police bias. Given that post-election violence lasted for weeks and prompted calls for central intervention, this case serves as an example of how state-SEC tensions cause RP Act provisions to be poorly enforced.

Election Delays in Maharashtra Panchayats (2022–2025): Conflicts over OBC reservations and delimitation have caused local elections, including Panchayat elections, to stall since 2022, in violation of the RP Act's deadlines for timely polling. The Supreme Court chastised the Maharashtra SEC for "incompetence" in September 2025 and gave it until January 31, 2026, to finish. Administrators' proxy governance during interim periods allegedly resulted in resource misuse (a corrupt practice under Section 123(7) of the RP Act) and reports of undue influence in by-elections. For example, only 15% of the more than 200 bribery complaints submitted to Pune district Panchayats during the 2024 mini-elections were turned into formal complaints. According to ADR reports, the number of criminal candidates has increased by 20%, demonstrating how this delay has compromised democratic integrity and allowed corruption to thrive unchecked.

Similarly, in Uttar Pradesh Panchayat Vote-Buying (2021): Candidates in the Barpali block spent five to ten times the legal limit, according to a study that exposed widespread vote-buying and corruption in Panchayat operations (reflecting RP Act Section 123(6) on excessive expenditure). Due to witness intimidation, bribery—which is frequently associated with caste networks—was reported by more than 60% of respondents with little enforcement. This case demonstrates decentralised corruption in programs aimed at reducing poverty, where elected officials embezzle money while avoiding penalties under the RP Act.

RECOMMENDATIONS AND REFORMS

The main goal of policy changes should be to give SECs and Panchayats more autonomy to hold free and fair elections while minimising state meddling, which frequently causes delays and violations.

As suggested by Supreme Court observations (e.g., *SS Dhanoa v. Union of India*, 1991), SECs should be multi-member organisations (e.g., three to five members) in order to avoid making decisions unilaterally and to guarantee balanced oversight. To reduce political bias, appointments should be made through a collegium that includes the Chief Justice of the High Court, the Leader of the Opposition, and the Chief Minister. This procedure should be modelled after ECI procedures. Avoid state dependencies that result in resource shortages by providing direct central funding through the Union Budget or a special fund under the Ministry of Panchayati Raj. As recommended in standing committee reports on rural development, this might entail setting aside 1% to 2% of the Central Finance Commission's devolution expressly for SEC operations. Mandate yearly training sessions on RP Act provisions for SEC employees as well, utilising scalable digital platforms such as the Swayam portal.

Establish mandatory deadlines for important procedures, such as delimitation and reservation every ten years, and ensure that elections are announced at least six months prior to the end of the term (Article 243E). To avoid manipulation, forbid state governments from changing reservations or ward boundaries within six months of elections. As instructed in Supreme Court interventions (e.g., in Maharashtra cases), automate council formation within 15 days of results announcement and give SECs the authority to use current electoral rolls in the event that updates are delayed. Reduce administrative obstacles and booth capturing risks by integrating Local Government Identification (LGID) codes with ECI's voter database for common rolls.

Expand on Ministry of Panchayati Raj's efforts for women's empowerment by launching national campaigns such as the "Sashakt Panchayat Netri Abhiyan" to encourage real women's leadership and counteract proxy participation ("Panchayat Pati" syndrome). Motivated by ECI's cVIGIL app, implement AI-based monitoring technologies, such as drone surveillance and blockchain for voter verification, to identify violations in real-time. For transparency, require SECs to submit yearly reports on offences and convictions to state legislatures.

The RP Act should be amended to add a new chapter on local bodies that provides consistent definitions of corrupt practices (such as caste appeals and excessive spending), modelled after Sections 123–136 for Panchayati Raj. As suggested in Law Commission Report No. 255 (2015), this would ensure consistency by superseding disparate state laws. Establish tenures at five years without post-appointment variations and incorporate protections under Article 243K, making SEC removal comparable to High Court judges (Article 217).

Penalties for offences such as booth capturing (Section 135A) should be increased to 5–10 years in prison, and repeat offenders will be permanently disqualified. Establish election petition fast-track courts that are based on the RP Act's dispute framework and have resolutions in as little as six months. Himachal Pradesh's 2025 Bill amending the Panchayati Raj Act to disqualify tainted pradhans and encourage accountability at the local level would prohibit

candidates with outstanding corruption charges from running for office. Require that assets and criminal histories be disclosed in nominations; if false affidavits are submitted, the candidate will be immediately disqualified (extending Section 125A).

Modify state legislation to increase women's reservations to 50% with anti-proxy clauses (such as required independent oaths for elected women) and effectively implement the "triple test" for OBC reservations, avoiding delays. Incorporate anti-corruption measures such as e-tendering and social audits for Panchayat funds to prevent resource mismanagement during campaigns, in line with programs like "Adarsh Mahila Hitashi Gramme Panchayat."

Establish a National Task Force under the Ministry of Panchayati Raj with representatives from the SEC, ECI, and civil society to oversee reforms' success and track their progress on an annual basis. Before a national rollout, pilot reforms are implemented in a few states (such as Rajasthan for digital monitoring). Measures such as election timeliness (100% compliance) and conviction rates (target: 50% increase) can be used to assess impact. If implemented, these steps could restore Panchayati Raj as a strong democratic institution and mitigate the distress brought on by societal and technological changes that have been identified in recent analyses.

CONCLUSION

With more than 2.5 lakh gramme panchayats and 3.2 million elected representatives, the Panchayati Raj system—which has its roots in India's long-standing village governance customs and was revived by the 73rd Constitutional Amendment of 1992—is a pillar of decentralised democracy. Its development from the Gandhian principles of Gramme Swaraj to the constitutional framework under Part IX (Articles 243–243O) creates a strong foundation for local self-governance, with Article 243K requiring State Election Commissions (SECs) to hold free and fair elections. Although it mainly governs national and state elections, the Representation of the People Act, 1951 (RP Act) offers a crucial framework for defining electoral offences and corrupt practices, which state Panchayat laws use to control local elections. The SEC's reliance on state governments, administrative hold-ups brought on by delimitation and reservation disputes, and sociopolitical problems like money power, caste mobilisation, and criminalisation, among other ongoing enforcement challenges, undermine the framework's potential. With conviction rates hovering around 10–15%, case studies like the violent 2023 West Bengal Panchayat elections and protracted delays in Maharashtra, as well as court decisions like *Kishansing Tomar* (2006), demonstrate how structural and societal factors facilitate crimes like bribery and booth capturing. The magnitude is highlighted by empirical data: only 8% of convictions occurred in Rajasthan between 2020 and 2023, compared to over 5,000 complaints in West Bengal alone.

Comprehensive reforms are necessary to close these gaps. While legislative changes must specifically extend RP Act provisions to local elections, standardise penalties, and establish fast-track courts, policy measures should strengthen SEC autonomy through direct central funding and multi-member commissions. Initiatives that reduce offences and advance inclusivity include voter education campaigns, AI-based monitoring, and anti-proxy measures for women's reservations. Implementation could be supervised by a National Task Force, which would aim for 100% election timeline compliance and a 50% increase in conviction rates. In order for Panchayati Raj to fulfil its constitutional mandate as a cornerstone of grassroots democracy, these reforms are essential to rebuilding public confidence in the organisation. Building on these findings, future studies could examine electoral comparisons between urban and rural areas or how technology can improve accountability to fortify India's decentralised governance.

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