

## General Studies-2; Topic – Indian polity: issues

### Education Criteria for Contesting Panchayat Polls

#### 1) Introduction

- Under Articles 40 and 246(3), the Constitution grants powers to the states to make laws to enable the functioning of self-government units.
- Recently Rajasthan's newly elected government decided to get rid of the minimum education qualification required to contest elections to panchayats and urban bodies.
- This criterion was introduced by the previous government.
- The criteria was: for contesting municipal, zila parishad or panchayat samiti polls, the contestant must have minimum qualification of secondary education (Class X)
- To contest the sarpanch elections, the aspirant from general category must have passed Class VIII and the SC/ST aspirant must have passed Class V.

#### 2) Why has it been scrapped?

- The new government's move is welcomed by many.
- This will restore the right for the underprivileged sections, particularly Dalits and women and to a large section of the population in the State.
- In Rajasthan the literacy rate, according to the 2011 Census, was 52% for women and 79% for men.
- Their educational levels are in no way a reflection of their efficiency, and rather speak more about the disadvantages of the social locations they come from.
- Minimum qualification for contesting elections is against the very spirit of 73rd and 74th amendments.
- It also violates the right of every citizen to vote and to contest elections, which form the basic structure of the constitution.
- This law has prevented many people from coming to the mainstream.

#### 3) Arguments against Minimum Education Qualification

- Getting rid of the minimum education criteria for contesting panchayat polls is a welcome decision, especially in India which is home to 35% of the world's illiterate population.
- It is unfair to propose a move that can potentially disenfranchise a substantial population of the country, solely based on its education levels.
- There is no evidence to demonstrate that people with a formal education can do a better job as elected representatives than those without.
- It has no tangible effect on the quality of decision-making.
- **Opinion of B.R. Ambedkar**
  - a. Those who insist on literacy as a condition precedent to enfranchisement commit two mistakes.
  - b. Their first mistake consists in their belief that an illiterate person is necessarily an unintelligent person.
  - c. Their second mistake lies in supposing that literacy necessarily imports a higher level of intelligence or knowledge than what the illiterate possesses.
- Honesty, reliability, ability to connect with the common people, and the strength to deal with crises are the important traits of a leader.
- We live in a democracy, and at the heart of our democracy is the concept of representation.
- To mandate what makes a person a 'good' candidate goes against the spirit of the attempt to deepen democracy.

- Voters will decide who will best represent their interests, and elect them to legislative bodies accordingly.
- The criteria discriminate on lines of gender and caste, because those who have been deprived of access to education, are inevitably the most vulnerable members of society.
- It completely ignores the outstanding work done by many uneducated leaders, despite being illiterate they played the major role in effective implementation based on the local resources and local cultural knowledge and experience.
- Experience has shown that wisdom plays a greater role than education at local governance level, especially villages.
- There are no required minimum educational qualifications for MLAs and MPs or even the ministers.

#### 4) Consequences

- The criteria penalised the people for failure to meet certain social indicators.
- It defeated the very purpose of the panchayati raj institutions, to include citizens in multi-tier local governance from all sections of society.
- These requirements had the effect of excluding the marginalised.

#### 5) Supreme Court's Response

- Even Haryana had passed a similar law mandating minimum education qualification for those contesting in Panchayat Raj Institutions.
- The Supreme Court had upheld the constitutional validity of the law enacted by Haryana government in *Rajbala v. State of Haryana*.
- The Supreme Court had ruled that “it is only education which gives a human being the power to discriminate between right and wrong, good and bad”.
- The Court’s interpretation is based on the fact that uneducated or illiterate people getting elected to the local bodies can easily be misled by officials if they don’t know to write and read.
- Many say that the minimum education criteria acts as an incentive for women to study.

#### 6) Way Forward

- Although more educated people should be part of the political system, more ground reforms are needed before such a law is implemented.
- It is the state’s responsibility to provide the infrastructure and incentives for school and adult education.
- In a liberal democracy, governments must desist from putting bars on who may contest, except in exceptional circumstances, such as when a candidate is in breach of particular laws.