Scrapping Minimum educational qualification – Rajasthan

Why in news?

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The Rajasthan government recently abolished the condition of a minimum educational qualification to contest local body elections.

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What does the 2015 act say?

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- The Rajasthan Panchayati Raj (amendment) Bill, 2015, made Class X mandatory for contesting municipal elections and for contesting zila parishad or panchayat samiti elections.
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- To contest the sarpanch elections, an aspirant from the general category must have passed Class VIII and a SC/ST aspirant must have passed Class V.
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- It has also made a functional toilet mandatory in the house of a contestant.
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- By this, Rajasthan became the first State in the country to fix a minimum educational qualification for contesting elections to the Panchayati Raj Institutions.
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What were the concerns?

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- According to the 2011 Census, the literacy rate was 52% for women and 79% for men in the state of Rajasthan.
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- Hence, the move was ill-considered from the very beginning.
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- The amendment was made based on the assumption that its voters tended to be younger.

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- It was, however, an act of paternalism that militated against the basic assumptions of a liberal democracy.
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- It penalised the people for failure to meet certain social indicators, when it is the state's responsibility to provide the infrastructure and incentives for school and adult education.
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- It has defeated the very purpose of the panchayati raj institutions, to include citizens in multi-tier local governance from all sections of society.
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- Since the requirements had the effect of excluding the marginalised, it had pushed people to adopt unfair means to contest.
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- There have been many cases of producing fake mark sheets to fulfil the eligibility criteria by the winners, following the passage of the bill in 2015.
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- Also, there was no justification for insisting on educational qualification at the grassroots level when there was no such condition for elections to State Assemblies and Parliament.
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- Though making toilets mandatory had given a push to the cleanliness drive, many homes didn't have a functional toilets or were built only at the time of passage of the bill.
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- Hence, the Rajasthan government recently abolished the provisions on educational qualifications, since laws should not become hurdles for the masses to exercise their rights.
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What should be done?

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- This is a progressive move and will restore the right to contest to a large section of the population in the State.
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- The state of Haryana also made the minimum education qualification, following Rajasthan, to contest Panchayat poll as Class X for general candidates, Class VIII pass for women and Dalits, Class V for Dalit women.
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- The Act was also upheld that year by the Supreme Court in Rajbala v. State of Haryana case in 2015.

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- This shows that the temptation to expand educational eligibility requirements remains across the country.
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- Hence, the recent decision of the Rajasthan government recast the debate on finding ways and means by which elected bodies are made more representative.
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- 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.
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- To mandate what makes a person a ‘good’ candidate goes against the spirit of the attempt to deepen democracy by taking self-government to the grassroots.
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Source: The Hindu

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