

A LIBERAL MOVE: ON RAJASTHAN GOVT SCRAPPING EDUCATIONAL CRITERIA FOR LOCAL POLLS

Relevant for: Indian Polity & Constitution | Topic: Devolution of Powers & Finances upto Local Levels and Challenges therein - Panchayats & Municipalities

Among the first decisions taken by Ashok Gehlot's government after assuming power in Rajasthan was to [scrap minimum educational requirements for candidates contesting local body elections](#). This is a progressive move and will restore the right to contest, at least in theory, to a large section of the population in the State, where the literacy rate, according to the 2011 Census, was 52% for women and 79% for men. The previous government headed by Vasundhara Raje had stipulated, first through an ordinance in December 2014 and then through the Rajasthan Panchayati Raj (Amendment) Act passed in 2015, educational prerequisites to stand for local polls. It was made mandatory for candidates contesting for the post of sarpanch to have cleared Class 8, and for those in the fray in zila parishad and panchayat samiti elections to have passed Class 10. The move was ill-considered from the very beginning. At the time, the amendment was seen as a bid by the then BJP government to lower the average age of those in the fray based on the assumption that its voters tended to be younger. It was, however, an act of paternalism that militated against the basic assumptions of a liberal democracy. It penalised the people for failure to meet certain social indicators, when in fact it is the state's responsibility to provide the infrastructure and incentives for school and adult education. And 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.

The Rajasthan government's decision should also force a rethink in Haryana, where the newly sworn-in BJP government had, also in 2015, legislated a series of eligibility requirements for panchayat elections, including education levels and a functional toilet in the candidate's home. The Haryana Panchayati Raj (Amendment) Act, 2015 was upheld that year by the Supreme Court in *Rajbala v. State of Haryana*. And the temptation to expand educational eligibility requirements remains. Union Women and Child Development Minister Maneka Gandhi, for instance, has previously spoken of persuading other Chief Ministers to take the cue from Rajasthan and Haryana, as an incentive for women to study. The decision of the new Congress government in Rajasthan should force a recasting of the debate on finding ways and means by which elected bodies are made more representative. 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. To mandate paternalistically what makes a person a 'good' candidate goes against the spirit of the attempt to deepen democracy by taking self-government to the grassroots.

India and Pakistan should adopt a more humane approach to each other's prisoners

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