



# Let the grassroots breathe

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## **Local bodies must not be administrative vessels for implementing programmes of the Central and State governments**

- One of the first decisions of the newly elected Ashok Gehlot government in Rajasthan has been to scrap the minimum educational qualification criteria for candidates contesting local body elections.
- This reverses the amendments introduced by the previous government of the BJP in 2015 which required candidates contesting the zila parishad and panchayat samiti elections to have passed Class 10 and those contesting sarpanch elections to have passed Class 8.
- Further, it disallowed those without functional toilets in their home to contest.
- Following this, Haryana also introduced similar restrictions for contesting local body elections.
- The decisions by the Rajasthan and Haryana governments were widely criticised and also challenged in the courts.
- However, in December 2015, a two-judge Bench of the Supreme Court in Rajbala v. State of Haryana upheld the validity of the amendments to the Haryana Panchayati Raj Act.
- In a contentious judgment authored by Justice J. Chelameswar, the court held that prescription of educational qualification was justifiable for better administration and did not violate the right to equality enshrined in the Constitution.
- The latest decision of the Gehlot government has once again revived the debate on the fairness of having such restrictions.
- Prescribing educational qualifications for contesting elections is problematic in multiple ways.
- Fundamentally, it unduly restricts a citizen's right to contest elections and thereby challenges the basic premise of a republican democracy.
- Denying the right to contest effectively restricts the right of a citizen to vote for a candidate of her choice since more than half the population is restricted from contesting.

## **Rationale for restrictions**

- Beyond the correctness of these decisions, it is also important to look at the underlying rationale for introducing educational qualifications specifically for local government elections.
- After all, such restrictions do not exist for those contesting parliamentary or Assembly elections.
- These restrictions reveal that State governments and courts do not value local governments for their representative character.
- This approach goes against the very objective of the 73rd and 74th Amendments that sought to make panchayats and municipalities representative institutions with adequate representation from Scheduled Castes, Scheduled Tribes and women.

## **Denying local democracy**

- The undermining of local governments as representative institutions does not take place solely through the introduction of restrictions for contesting elections.
- Often it takes a more brazen form: not holding elections to local governments.
- These local governments now function as bureaucratic machines without an elected council to hold them accountable.
- The continual delay in elections goes against the purpose of the 73rd and 74th Amendments which listed the “absence of regular elections” and “prolonged supersessions” as stated reasons behind their introduction.
- These amendments also mandated the creation of a State Election Commission (SEC) in each State for the preparation of electoral rolls and the conduct of elections to panchayats and municipalities.
- However, in most States, tasks like delimitation of seats are still done by the State government instead of the SEC.

## **Conclusion**

- India prides itself as a robust democracy, at least in the procedural sense, with regular elections and smooth transfer of power.
- However, the absence of elected councils in some local governments punches holes in this claim.
- The lack of alarm caused by the denial of local democracy reveals our collective bias regarding the place of local governments.
- Delaying elections and adding restrictions to contest prevent local

governments from becoming truly representative institutions.

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