



EDUCATIONAL QUALIFICATIONS: A NEED FOR PEOPLE'S REPRESENTATIVES?

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ABSTRACT

Currently, in India there is no condition pertaining to the requirement of a minimum level of educational qualification for the eligibility of a candidate standing for elections. In a democracy the supreme authority is exercised by the representatives elected by popular suffrage for the most part and day by day more importance is being given to the education of the person representing a large number of people. The Indian political system has also been a mess because of incompetency of leaders and the problem of corruption that has plagued the nation. Therefore, whether a minimum educational qualification should be stipulated or not for the eligibility of people's representatives to be voted to various offices has been a much-debated topic in the last decade. Till date neither the Representation of People's Act of 1951, nor the Constitution prescribe any minimum requirements of educational qualifications for candidates. Against this backdrop this paper tries to investigate the reason and mindset behind not prescribing any minimum educational qualifications. It also tries to study the mindset that education is a dynamic process which helps an individual acquire knowledge and skill to develop himself in the growing competitive world and that it helps mold the personality, behavior and character of a person in a positive direction. Thereby, explore the possibility and advantages of

introducing minimum level of educational qualification to increase the quality of contribution of people's representatives at various levels. The paper conduces by analyzing both sides of the spectrum and suggesting the best suitable and much needed option for the current times, keeping in mind all the changes that have come to pass in the country till now.

Keywords: Education, Minimum Qualifications, Election, People's Representatives, Right to Contest Elections.

CHAPTER- 1

1.1. INTRODUCTION

Politicians' educational qualifications have become very important in India today. Even political parties have become more demanding as to the diplomas and degrees of candidates from their parties. States like Haryana have new laws making it mandatory for general male candidates to pass class 10 and general women candidates to pass class 8 at least. More and more states are incorporating such minimum qualifications in their laws with time. However, the Representation of People's Act, 1951 does not stipulate any Minimum Educational Qualification for election candidates and nor does the Constitution.

Education in India is now being recognized as a dynamic process which helps an individual acquire knowledge and skill to develop himself in the growing competitive world. It helps mold the personality, behavior and character of a person in a positive direction. Even justice J. Chelameswar and Abhay Manohar Sapre have expressed opinions that it is only education gives human beings the power to discriminate between



right and wrong, good and bad. However, contrary view also exists as that such as that of B. R. Ambedkar, who strongly believed that it is a mistake to assume that an illiterate person is an unintelligent person and that a person with higher levels of education possesses more intelligence or knowledge than any other person.

Therefore, the question of whether minimum levels of educational qualification should be made a condition to be fulfilled to make a candidate eligible becomes one of utmost importance.

1.2. EXISTING LEGAL SITUATION

The Constitution lays down a few conditions for the eligibility of candidates to be voted to various offices, such as:

- The candidate should be a citizen of the Country.
- The candidate should be of the age above 25 years for contesting in the Lok Sabha and Legislative Assembly elections and above 30 years for Rajya Sabha and Legislative Council.
- The candidate must take the oath of allegiance to the Constitution at the time of filing the nominations.
- The candidate must not be suffering from any conviction for crimes or corrupt practices that could be grounds for disqualification.
- The candidate must pay security deposit.
- The candidate must have the required number of proposers.

Though the constitution provides eligibility conditions as mentioned above, it does not include minimum educational qualification as a necessary condition to be fulfilled. Moreover, the Representation of People's Act, 1951 does not prescribe any minimum educational qualifications for candidates

contesting at different levels for various posts as people's representatives as well.

1.3. RESEARCH PROBLEM

The Indian political system is in turmoil due to incompetency of leaders, problem of corruption and lack of efficiency. In a democracy the supreme authority is exercised by the representatives elected by popular suffrage for the most part. The bitter question is if the best solution would be to elect a leader who is well educated with high educational qualification, which would enable candidates to effectively discharge their duties or if electing a leader who is capable and passionate about improving the welfare of the people is enough despite their level of education.

1.4. RESEARCH QUESTIONS

1. Whether prescribing minimum educational qualification to contest elections is what is needed to uplift condition of the Indian political system?
2. Whether laws prescribing educational qualifications for contesting elections are undemocratic and if educational qualifications necessarily import a higher level of intelligence or knowledge than what a normal or illiterate person possesses?

1.5. HYPOTHESIS

People's representative's educational qualifications certainly do play an important role in discharging their duties and responsibilities more efficiently and effectively.

1.6. LITERATURE REVIEW

Magotra, Ritu, "Higher Education in the Context of Globalization", University News, Vol. 45, No. 21, May 21-27, pp. 7-10, this paper analyses the role higher education



has on the behavior and though processed of individuals and the effects that it has on the leadership quality of aspiring leaders and politicians.

Malimath, V.S., 'Role of Universities in Imparting True Education' *University News* (21st May 2007), Justice Malimath suggests that the physical, emotional and ethical integration of the individual into a complete man is a broad definition of the fundamental aim of education. The purpose of education is to culture the mind of a man so that he can accomplish all his aims in life. It should develop in him the ability to make the best use of his personality, surroundings and circumstances so that the maximum can be achieved. An ideal system of education would enable empower individuals to evolve to the fullest extent of their intellectual potential, to stimulate completeness and promote the awareness of social and human values, so individuals can develop stronger character. Malimath. J states that the future of the human race is dependent exclusively upon a radical transformation of human consciousness and one of the most important instruments to this transformation is education. Education provides fulfilment and satisfaction towards desirable ideals and goals and aims to characterise true Indian values which cultivate and inspire one to know the truth, to seek the beautiful and do the good.

Arti Puri, 'Educational Qualification for Elected Representatives', *International Journal of Research in Social Sciences* (2018), Vol. 8, issue 5, this paper envisages the argument in favour of setting up of basic educational qualifications for electoral candidature. The author puts forth the argument by highlighting the purpose of the

electoral exercise to be effective representation of the populace. The paper asserts on the necessity of minimum standards of qualification at grass root level. While doing so, the author also acknowledges the need to make the right to education a reality for everyone. Until that materializes, the will of the people reigns supreme.

1.7. SCOPE

This research paper deals with the question of whether a minimum educational qualification is required for a better and more effective performance of the election candidate and the more effective functioning of our political system. Further, it discusses the legality of implementing such an eligibly criteria. This study is only limited to studying education as eligibility criteria in India, as per the People's Representation Act and the Constitution.

1.8. OBJECTIVE

The study has been undertaken with the following objectives:

1. In order to critically analyze the current situation as to the educational qualification of election candidates.
2. In order to analyze whether prescribing a minimum educational qualification would defeat the purpose of people's right to stand for elections.
3. In order to determine if implementing minimum educational qualifications will bring about any major positive changes.
4. In order to determine if the literacy in any way effects the performance of an election candidate.

1.9. METHODOLOGY

This study is primarily based on qualitative literature survey method. It facilitates the



analysis of the question of whether minimum educational qualifications should be prescribed to contest elections. Extensive review of the literature provided useful insight about the various factors that are involved in the determining such a question. The present study is exclusively based on secondary data which has been collected from the various issues of books, articles, newspaper articles and the understanding of other related documents. Information collected from different sources was analysed in a qualitative manner for taking inference.

CHAPTER- 2

2. PRESCRIBING EDUCATIONAL QUALIFICATIONS WOULD UPLIFT THE INDIAN POLITICAL SYSTEM

Education is a vehicle of reform for altering the wrong ways of living, by giving a whole new outlook in life. It opens up a vast world of opportunities and ideas. It is not only good in itself, but it also serves causes of social empowerment and transformation and political emancipation of the poor.¹ Good governance is depends on the quality of leadership and no state can progress unless it leaders are well equipped to deal with emerging situations and education is a dynamic process which helps an individual acquire knowledge and skill to develop himself in the growing competitive world and that it helps mold the personality, behavior and character of a person in a positive direction.²

2.1. PLATO'S CONCEPT OF PHILOSOPHER KING

Plato one of the greatest philosophers of all time, in his book Republic emphasized on the concept of *Philosopher King*. He said, for anyone to become a philosopher king they need to undergo a comprehensive and rigorous training and education for a period of thirty-five years, and only after qualifying several tests should he be given the task of serving the state.³ In his words, "Until philosophers are kings or kings and queens of this world have the knowledge of philosophy, cities will never rest from their evils" and that just like doctors, lawyers and any other profession a person can only become a ruler after some training.⁴ Moreover, in the concept of *Ideal State* Plato stresses on the importance of the virtue of knowledge. He states that education produces good men and good men act nobly. More importantly, he said that as long as the ruler is not educated and trained in the art of ruling, he cannot discharge his functions and duties properly, and education is the positive means through which the ruler can shape human nature in the correct direction.⁵

Even in India, during the olden days the ultimate values were considered to be 'Satyam, Shivam, Sundaram', being Truth, Beauty and Goodness and all these are values that are primarily cultivated through education.⁶ When the future of the larger public is dependent on the actions of a representative, one of the most crucial factors

¹ Malimath, V.S., 'Role of Universities in Imparting True Education' *University News* (21st May 2007)

² *ibid*

³ Sabine, George H., 'A History of Political Theory' *Oxford & IBH Publishing Co.* (Delhi 1973), p. 69

⁴ Sabine (n 3) page 71

⁵ Sabine (n 3) page 74

⁶ Bhanja, Anjan Kuma, 'Political Recruitment: Perspectives and Perceptions,' *Comm Publishers*, (New Delhi, 7th April 2008), <https://www.bagchee.com/books/BB44829/political-recruitment-perspectives-and-perceptions/>



becomes his human consciousness, that can only be enlightened by integral and value oriented education.⁷

2.2. VIEWS OF THE CONSTITUTIONAL FRAMERS ON EDUCATION AS A PRECONDITION

Founding fathers of the constitution like B. R. Ambedkar, Rajendra Prasad and K. T. Shah, all expressed concern over the damaging consequences the absence of educational qualifications as a precondition for contenting in elections would be. They believed that a candidate who wishes to serve as a peoples representative should have some level of educational qualifications, as the functions that he is required to discharge requires a certain amount of practical experience and a certain amount of knowledge.⁸

In a country where being a Judge and those who assist a judge requires a very high level of qualifications, to interpret the law which are passed by the legislature, why should a man who has to make the law need no qualifications at all.⁹ Dr. Rajendra Prasad while speaking on 26th November 1949 said that, he only had two regrets that he wants to share with everyone, being that he would have liked to have wanted some qualifications laid down for members of the legislature.¹⁰ It is anomalous that we insist on having high qualifications for administrators but none for those who are responsible for making laws.¹¹ These are the people who require intellectual equipment, a balance

view of things and to act independently.¹² Therefore, even while making the constitution they empowered the Parliament to lay down such educational qualification when required under Articles 84 (c) and 173 (c), to enable them to be able to adapt to changes when required.¹³

2.3. MODERN VIEWPOINT

It is strongly believed by many that education plays an important role in people's representatives discharging their roles properly. Education definitely has a key role in preserving the role of the representatives in a more effective light and in them discharging their responsibilities more efficiently. It is strongly believed that:

- i. Education strengthens the vision of a leader.
- ii. Education enables the leader understand the intricacies and magnitude of challenges presented before him by his people
- iii. It enables him to more effectively implement new or already existing provisions for the welfare of his people.
- iv. It enables the representative better understand and participate in the debates in the assembly.
- v. It reduces the risk of the representative potentially being manipulated by others.
- vi. It equips the representatives with the resources needed for better convincing power and presentation of his or her ideas and oppositions.¹⁵

The central objective of participation in public life as people's representatives being to help change the fortunes of people towards

⁷ *ibid*

⁸ Constitutional Assembly Debate, Vol. VIII, p 89

⁹ Constitutional Assembly Debate, vol. VIII, p 553

¹⁰ Constitutional Assembly Debate, vol. XI, p 993

¹¹ *ibid*

¹² *ibid*

¹³ V. S. Rama Devi and S. K. Mendiratta, *How India Votes Election Laws, Practice and Procedure*, (2nd edn, Lexis Nexis Butterworths, 2008), p no.1133. <https://lexisnexis.in/How-India-Votes-Election-Laws-Practice-and-Procedure>

¹⁴ Magotra (n 1)

¹⁵ *ibid*



the better. Education of a proper kind and of a desirable stage is expected to help an individual to meet his objectives better.

The states of Rajasthan and Haryana have both prescribed minimum educational qualification as an eligibility criteria under the Rajasthan Pranchayati Raj Act 1994 and the Haryana Panchayat Raj Act 1994 respectively. These were criticized by many to be violative of the spirit of the 73rd amendment and that it served as an exit for illiterate persons.¹⁶ Many activists argued that panchayat level rule required ethical values, experience and understanding of local issues more than standardised education. In spite of the criticism the governments went ahead with the amendments and the courts had upheld the amendments when contested as well.

CHAPTER- 3

3. PRESCRIBING EDUCATION QUALIFICATION FOR PEOPLE'S REPRESENTATIVES WOULD BE DISCRIMINATORY AND UNDEMOCRATIC

Elections are considered to be the life and breath of India's democratic polity and the constitution contains provisions for election machinery to enable free and fair elections.¹⁷ The purpose of the entire election process was to ensure that people got to choose the

best representative to govern them.¹⁸ Neither the constitution nor any other relevant law lay down a requirement of minimum educational qualification as a mandatory condition.¹⁹ But the Constituent Assembly of India took the calculated decision that gender, economic status and education cannot be made restrictions to anyone's right to stand for elections.²⁰

3.1. EDUCATION v. EXPERIENCE

The argument that without education representatives will not be able to understand the constitution is not a valid one. It is very important to note that educational qualifications do not necessarily constitute knowledge of the constitution. Many political leaders quit their studies early on to participate in various public struggles and lose out on getting a formal education. Moreover, experience is more vital than any formal education. People who have learnt from experience have more functional education.

A representative must have strong feelings of humanity and should be devoted to serving the country and its citizens, rather than any form of education. Observing the living conditions of poor and viewing the reality directly is what makes politicians more emphatic towards the population and more equipped to make required changes

¹⁶Ruchi Gupta, 'Not a level playing field in Rajasthan', (*The Hindustan Times*, 15th Jan 2015), p. 10, <https://www.hindustantimes.com/analysis/indian-liberals-are-adrift-today-here-is-a-way-out/story-JY9vH2CoRyDrn9uMaIKe8N.html>

¹⁷ R.P. Bhalla, 'Elections in India, Legacy and Vision', *S. Chand & Company Ltd.*, (New Delhi, 1998), p. 216

¹⁸ S.Y. Quraishi, 'An Undocumented Wonder The Making of the Great Indian Election' *Rupa*

Publications, (New Delhi, 2014), p. 392., <http://rupapublications.co.in/books/an-undocumented-wonder-the-great-indian-election/>

¹⁹ Qurashi (n 18) , page 19

²⁰Barkha Deva, 'Big Questions for the generation,' *the Hindu* (New Delhi, 21st December, 2015), p. 10, <https://www.thehindu.com/opinion/lead/big-questions-for-our-generation/article8011048.ece>



efficiently.²¹ Political involvement is more important than education for a legislator. It is not the educational qualification but the rationality, reasoning and judgment are what matters and even undedicated person possess these qualities. And almost all successful people's representatives are persons from rural areas.²² Moreover, in the case of PUCL v UOI, the court held that it is the voters choice whether to vote or an educated person or an illiterate candidate.²³ Therefore, fixing minimal qualifications would be impartial as it would restrict people's right to content in elections.

3.2. FAILURE ON PART OF THE STATE

Saying that education is the key to a better legislator is nothing but overlooking the stark realities. Though 100 percent literacy in the country was the aim of the government, it has clearly failed in this context and by making education a requirement it is also taking away the voice of the people as well.²⁴ The government has been further criticised because introducing educational criteria would deprive the people who are already deprived and take away their privileges too and it would be the most undemocratic move.²⁵

The state shouldn't be penalizing people for its own failures. Having failed to provide access to education to everyone, despite it being a right, the state shouldn't later disfranchise people due to something that it

needs to fix.²⁶ Education qualification in principle is acceptable but for that to be applicable for all the contestants at every level of political institutions, it is required that sufficient time is given.

CHAPTER- 4

4. CONCLUSION

There is a large portion of the population is in favour of prescribing minimum educational qualifications. But there is no unanimous opinion as to what the minimum educational standard for election candidates should be, as there is no yardstick for deciding what the right quality or qualification should be. Fixing an appropriate educational level of education has made it implicit that the Indian educational reform is an immediate concern that needs to be addressed and fixed before looking into making electoral reforms.

Keeping the current order of this in mind all people's representatives should be given special training aimed at making them understand their duties, roles and responsibilities, understand the constitution, understanding the procedure of legislation, understanding ethics of legislators and their performance criteria, review and understanding of legislators and so on till educational reforms are brought about. Such training would teach candidates the necessary

²¹ Rajinder Sachar, 'Most Undemocratic Act', *Mainstream*, Vol. LIII, No. 38, p. 17, <https://mainstreamweekly.net/article5926.html>

²² *ibid*

²³ *People's Union for civil Liberties v Union of India*, (2003) 4 SCC 399.

²⁴ *Barkha* (n 20)

²⁵ Re-examine literacy criteria for Panchayat Polls : Amartya Sen, *The HT*, 19th Dec, 2015, p. 4, https://zeenews.india.com/news/india/re-examine-literacy-criteria-for-panchayat-polls-amartya-sen_1835817.html

²⁶ *Rajinder* (n 21)



knowledge, skills and virtues required in a people's representative.

Having failed to provide access to education to everyone, despite it being a right, the state shouldn't later disfranchise people due to something that it needs to fix. Education qualification in principle is acceptable but for that to be applicable for all the contestants at every level of political institutions, it is required that sufficient time is given.

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