

Vasundhara Raje
Chief Minister
Government of Rajasthan

Date:29.12.2014

Dear Ms. Raje,

We the undersigned are deeply distressed with The Rajasthan Panchayati Raj (Second Amendment) Ordinance, 2014 promulgated by your Government just three days before announcement of Panchayat Polls in Rajasthan. The Ordinance, promulgated without any consultation or dialogue with political parties or civil society, will debar more than 80% of Rajasthan's rural populace from contesting elections and is discriminatory and unconstitutional. Important issues such as this that affect the polity need to be mandatorily put through the democratic decision-making process, wherein people have access to the proposed legislation and can express their opinion and the legislature has an opportunity to debate and ratify.

The Ordinance which stipulates minimum education qualification of secondary education (Class 10) for candidates contesting Zila Parishad or Panchayat Samiti polls and Class 8 pass to be eligible to contest Sarpanch elections will exclude more than 80% of rural Rajasthan's population from contesting. Only 18% of rural Rajasthan's population has studied beyond Grade 5 and only a shockingly low- 5% of rural women have education above Grade 5 (Census 2001). Mere literacy – the ability to read and write with understanding – is only 61 percent of Rajasthan's rural population and only 45 percent literate women in rural Rajasthan (Census 2011). Literacy rates for rural SCs are even lower – with less than 50 percent rural SCs literate and 31 percent rural SC women and 25% rural ST women literate as

per 2001 Census. While we would support, and welcome any effort to improve these figures, we do not believe debarring those who have been marginalised from school education will help correct this situation.

Rajasthan is the only state that has stipulated minimum educational qualifications for candidates who want to contest Panchayat polls. There are also no such mandatory qualifications to contest elections for higher offices of MLA/MPs. In fact, 23 of your own BJP MLAs in the current Vidhan Sabha are below 10th pass, as are 2 BJP MPs from Rajasthan. At the same time, almost 20% of the Cabinet Ministers at the Center are below 12th Pass. Surely, if the Prime Minister finds MPs with such low educational qualifications suitable to devise and implement policies for the entire country, a Sarpanch of a small Gram Panchayat need not be held to such arbitrary and exclusionary standards.

The purpose of the 73rd Constitutional amendment with reservation for marginalized social groups was to empower these groups and deepen their participation in governance. However, given these abysmally low levels of literacy, it is obvious that only the elite will be able to contest elections, not those who are poor or marginalized. Based on the 2010 Rajasthan Panchayat Polls: more than 70% of elected Panchayat Samiti members and 77% SC Panchayat Samiti representatives will now be debarred from contesting. Of the elected Zila Parishad members, 55% do not meet these educational standards with SC and ST worst affected with 61% and 63% respectively. The numbers of women PRI representatives affected will be even worse. Not only will your Government nullify the political careers of this entire lot in one shot, but by simultaneously excluding a majority of the population from contesting and taking away voters' right to choose their own

representative, your Government is also abridging citizens' fundamental right to political participation and hence democracy.

It is obvious that this ordinance has far reaching import not just because of the large numbers of people affected but on the very normative framework of democracy. Effecting such a policy change six days before the election process begins, without any consultation or discussion – bypassing the Assembly and not allowing time to the process judicial review, with the courts on vacation – is not only ill advised, it is also against all norms of democracy. We therefore strongly urge you to withdraw this unconstitutional, unjust, and discriminatory ordinance immediately.

Yours sincerely,

James Lyngdoh, Former Chief Election Commissioner

S Y Quraishi, Former Chief Election Commissioner

Justice Rajinder Sachar, Former Chief Justice, Delhi High Court

Justice K Chandru, (Former Justice) Madras High Court

Kuldeep Nayyar, Senior Journalist

Admiral R Tahiliani, Former Admiral, Indian Navy

Baba Adhav, Activist

Aruna Roy, Activist, MKSS

Indira Jaising, Former Additional Solicitor General of India

EAS Sarma, IAS, Former Secretary, Govt. of India

Devaki Jain, Writer and Activist, Padma Bhushan Awardee

Satyanand Mishra, Former CIC at the Central Info. Commission

Vrinda Grover, Lawyer, Supreme Court

Shabnam Hashmi, Activist
Nandita Das, Actor and activist
Nivedita Menon, JNU
Kavita Krishnan, Activist
Akhila Sivadas, Activist
Deep Joshi, Activist
Harsh Mander, Former IAS and activist
Nikhil Dey, Activist, MKSS
Abha Bhaiya, Activist
Anu Aga, Former Member, NAC
Prashant Bhushan, Senior Advocate, Supreme Court
Raju Ramachandran, Senior Advocate, Supreme Court
Teesta Setalvad, Activist
Jagdeep Chhokkar, Association for Democratic Reforms
Justice S N Bhargava , Former Justice, High Court, Rajasthan
Justice V S Dave , Former Justice, High Court, Rajasthan
Prem Krishan Sharma, Supreme Court Lawyer
V S Vyas , Former Deputy Chairman, State Planning Board, Rajasthan
Justice P C Jain, Former Justice, High Court, Rajasthan
Renuka Pamecha, Activist
Kavita Srivastava, Activist
Noor Mohd., Activist
Nesar Ahmed, Activist
Indra Pancholi, Activist
Virender Vidrohi, Activist
Dr. Narendera Gupta, Activist
Bhanwar Meghwanshi, Activist
Dr. Anant Bhatnager, Activist
Ramesh Asher, Activist

P. L Mimroth, Activist
Jairam, Activist
Kailash Meena, Activist
Sawai Singh, Activist

Address for correspondence:

Right to Information Manch,
F14, Madhuban Colony, Tonk Phatak, Jaipur, Rajasthan

09414004180, 09413457292.

rtiraj@gmail.com; mkssrajasthan@gmail.com