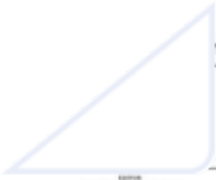




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ARTICLES

'Contempt of People'

The Peoples Union for Democratic Rights (PUDR) expresses deep concern over the recent Supreme Court ruling on the Haryana Panchayat Raj (Amendment) Act, 2005. On Human Rights Day (10 December 2013), the apex court upheld five disqualifications laid down in the act to particularly exclude those who are without specified educational qualifications, without a functional toilet in their homes, in debt, had arrears of electricity bills and had criminal charges framed against them, from contesting the elections to the panchayat raj. By this measure, panchayat raj—an institution designed for providing the much-needed mechanism of self-rule at the local level—stands eroded in spirit and substance. By excluding the uneducated, the illiterate and those without a toilet, the judgment not only takes away the right of these thus disqualified, but also the right of every other citizen to elect a representative of their choice. This is so because the Haryana act as well as the apex court judgment disqualifies the candidates of more than 50% of the rural population, vastly comprising women and Dalits. In our society, where economic and educational deprivation more often than not overlaps with caste and gender-based discrimination, the judgment upholds a Hinduva elitist morality at the cost of constitutional morality. By placing poverty and illiteracy on a par with criminal charges as reason for disqualification, the judgment shows a real contempt of people.

between political and fundamental rights nor the issue of legislative competence justifies the validation of hierarchy of classes of people based on elitist considerations of eligibility rights. By creating two classes of citizens, one which can vote but not govern and the other which can do both, the judgment reduces franchise to a mere statutory privilege which can be subject to the whims of those who hold political power. Thus, the judgment makes the right to represent a privilege for those who have historically played the role of feudal lords in the form of their caste and class.

A similar ruling by the Supreme Court by its Constitution Bench in *Chandrababu Naidu vs. P. Unnikrishnan* (2009) 12 SCC 1, which was set aside by the apex court in *Pradeep Kumar vs. P. Unnikrishnan* (2011) 10 SCC 1, demonstrated the coming and going attempt of lawmakers to disenfranchise large masses of the rural poor, women and Dalits.

As much as we are frustrated by such attempts of the legislature, it is even more alarmed by our highest court's dangerous move towards violating the basic principle of equality of citizenship that is the core of a true democracy. We call upon the conscience of our nation to examine its own decision, and prevent the avoidable mistake when it is still not too late.

Magha Baidi, Chennai
Perkapasha
Secretary, PUDR

Getting It Wrong

Rajendra Prasad's 'How Modi-ism Boomeranged in Bihar' (17th, 24th November 2013) misinterprets data on the elections in Bihar and fails to compare the outcome of previous elections with the most recent assembly elections. The data extracted from the website of the Election Commission of India clearly shows that the Bharatiya Janata Party's (BJP) statewide vote share increased from 16.48% in 2008 to 29.86% in 2014 (Lok Sabha) and then declined to 24.49% in 2015. While the BJP's vote share between



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