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## Eligibility vs. Capability: Time to Rethink Political Qualifications in India

An Analytical Study on Constitutional Criteria, Governance Competence, and Electoral Reforms

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### Abstract

In a rapidly evolving democracy like India, the effectiveness of political leadership is central to national progress. While the Constitution of India grants broad eligibility for political office, including minimal restrictions on education and background, increasing public concern over criminalization, dynastic politics, and lack of administrative knowledge among leaders necessitates a re-evaluation. This paper examines the current eligibility framework, contrasts it with global practices, and argues for a paradigm shift that prioritizes capability, integrity, and public accountability in Indian politics.

### Keywords

Indian Constitution, Eligibility Criteria, Political Reform, Electoral Democracy, Criminalization of Politics, Public Ethics, Capability-Based Leadership

### 1. Introduction

India's democratic framework ensures open participation in electoral politics. However, over the years, the quality of political leadership has come under scrutiny. The presence of criminally accused legislators, underqualified representatives, and dynastic heirs has led many scholars and citizens to ask: Is eligibility alone enough to govern a country of 1.4 billion? This paper delves into the constitutional provisions, loopholes, and the urgent need to integrate capability—in terms of knowledge, character, and competence—into eligibility discourse.

## 2. Current Constitutional Framework

### 2.1 Constitutional Articles:

Article 84 (Lok Sabha) and Article 173 (State Assemblies) lay down eligibility:

- Indian citizen
- Minimum age: 25 years (Assembly), 30 years (Council)
- Elector of any parliamentary/assembly constituency
- No mention of education, criminal record (unless convicted), or public service experience.

### 2.2 Representation of the People Act, 1951:

- Disqualifications include:
  - Conviction under certain laws
  - Dismissal from government service
  - Electoral malpractices
  - Insolvency or unsound mind (declared by court)

## 3. Key Issues and Gaps

### 3.1 Criminalization of Politics:

As per the Association for Democratic Reforms (ADR) 2024 report:

- 43% of Lok Sabha MPs face criminal charges.
- 29% face serious charges including murder, rape, and corruption.

Lack of conviction-based disqualification allows prolonged legal evasion.

### 3.2 No Educational Requirement:

Even Class 5 pass individuals can become ministers.

Contradiction: School teachers and clerks need degrees, but lawmakers don't.

### 3.3 Dynastic and Populist Politics:

Entry based on family background, caste equation, or media popularity.

Capability, merit, and public service record are rarely criteria.

### 3.4 Lack of Ethical Vetting:

No psychological or ethical evaluation before assuming office.

## 4. Global Comparative Framework

Country	Key Eligibility Provisions
USA	No mandatory education, but electoral vetting is rigorous
UK	Ban on candidates imprisoned for more than 1 year
Singapore	Emphasis on education and professional experience
Pakistan	Constitution requires knowledge of Islamic teachings and law
Bhutan	Bachelor's degree mandatory for Parliament

## 5. The Case for Capability-Based Politics

- Education as a Filter
- Clean Record Norms
- National Public Service Test (NPST)
- Mandatory Induction & Training
- Term Limits and Performance Evaluation

## 6. Addressing Concerns

### 6.1 Is This Undemocratic?

No. It's not exclusion; it's evolution.

Capability standards ensure respect for the democratic role.

### 6.2 Can Rural Candidates Cope?

Educational standards can be phased in over time.

Political training centers can bridge the knowledge gap.

## 7. Policy Recommendations

1. Amend Articles 84 & 173 to include minimal education and clean record.
2. Update the Representation of the People Act with strict pre-trial disqualification norms.
3. Establish Indian Political Training Institute (IPTI) for continuous training.
4. Create a Politician's Code of Conduct, just like civil servants.
5. Launch a National Political Eligibility and Ethics Commission (NPEEC).

## 8. Conclusion

India needs leaders who are not just eligible on paper, but capable in practice. Democratic representation must not come at the cost of poor governance. Revisiting eligibility is not a threat to democracy—it is an affirmation of its highest standards. The time has come to align constitutional openness with democratic responsibility.

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