

PANCHAYATI RAJ INSTITUTIONS AND PARTICIPATORY DEMOCRACY: INDIAN EXPERIENCE OF DEMOCRATIC DECENTRALIZATION

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ABSTRACT

National Panchayati Raj Day, observed annually on April 24 in India, commemorates the pivotal moment when the Panchayati Raj System got a Constitutional status in our country. It is pertinent to note that the core objective of the 73rd Constitutional Amendment Act was to democratize governance at the grassroots level, particularly in rural regions. Interestingly throughout history, the concept of self-governance at the village level, embodied by Panchayats, has remained integral to India's administrative framework.

Since ancient times, the village has served as the focal point of administration in India. Its significance was particularly profound in an era marked by slow communication and the absence of industrialization. Towns played a relatively minor role in ancient Indian society, with Vedic hymns often invoking blessings for the prosperity of villages rather than urban centers. During the Vedic period, states were typically small, further amplifying the importance of the village. Even as kingdoms expanded in later eras, the village retained its central role in administration within rural societies. Undoubtedly, villages were the true hubs of social life and vital components of the nation's economy. They upheld the pillars of national culture, prosperity, and governance. Nonetheless, this system encountered challenges and evolved over centuries. From its decline under colonial rule to its resurgence following independence, the journey of Panchayati Raj in India epitomizes a struggle for decentralization and the empowerment of grassroots communities.

In the light of the above facts the researchers have delved into the legal evolution of the Panchayati Raj System in India. Subsequently, they have examined the operational mechanisms of these institutions. Lastly, the researchers have analyzed the contemporary challenges being faced by the system and have thus proposed potential solutions to address the same.

Keywords: Panchayati Raj Institution, Administration, Villages, Decentralization, Directive Principles of State Policies.

1. INTRODUCTION

“India must have a socio-economic revolution to achieve the real satisfaction of the fundamental needs of the common man and a fundamental change in the structure of Indian society.”

-Dr Sarvepalli Radhakrishnan.

Several uprisings occurred in Colonial India in parallel post-World War I. The first was the National Revolution, which was being waged by Indian independence activists and nationalists in an effort to end British control. The second revolution was the Social Revolution, which was led by Nationalists as well and, in contrast to the National Revolution, continued long after the nation gained its independence. The question that now has to be answered is: When will this Social Revolution be completed? Only until every Indian is given the chance to reach their full potential will a social revolution be possible. When Indian society is freed from medievalism based on variables like birth, religion, gender, caste, community, etc., the social revolution would have been accomplished. and will rebuild itself using the contemporary pillars of secular education, individual achievement, and the law. Additionally, the Indian economy will undergo an economic revolution when it transitions from a prehistoric rural economy to a planned, scientific agriculture sector.¹

The founders of the Constitution also understood that the document would lose its meaning and purpose if these goals were not achieved in a timely manner. *“If India goes down, all will go down; if India thrives, all will thrive; and if India lives, all will live,”* as Pandit Jawaharlal Nehru once said. Consequently, the Constituent Assembly members were tasked with drafting a Citizen's Charter that would usher in a socioeconomic change across the entirety of India.²

The Constituent Assembly members were tasked with creating a document that would fundamentally alter Indian society on all fronts—politically, socially, and economically.

¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 32-33 (Oxford India Press, New Delhi, 34th edition, 2019).

² Ibid.

Moreover, the text was supposed to be such that it would change not only the legal connections between the State and the people, but also the relationships between people. It is important to remember, nevertheless, that previous to independence, other traditional authorities and the dominant caste groups also violated the rights of the populace. This was in addition to the Colonial Government. Therefore, the Indians had to liberate themselves from the grip of these traditional powers who had been suppressing the minority group for centuries if they were to be a really free country.³

The Indian Nationalists, who attempted to alter Indian society via their efforts and techniques, also came to this realization. In “*Samya*”, Bankim Chandra Chattopadhyay argued in favour of the constitutional guarantee of equal protection under the law and equality before the law. The Indian women leaders of the late 19th and early 20th centuries made every effort to guarantee gender parity in society. They sought voting rights, an end to child labour, and other things. Congressmen who fervently fought the arbitrary British administration and demanded rights for Indians included Motilal Nehru and C.R. Das. By writing “*Annihilation of Caste*” and starting a number of reformative movements, Dr B.R. Ambedkar attempted to end the social hierarchies that were in place. In addition to advocating for Swaraj (Independence from the British Raj), Mahatma Gandhi also promoted civil liberties for all Indians, which would significantly improve their quality of life, through his national movements and other social service initiatives. Therefore, it can be concluded that the India Freedom Fighters were well aware of the social, political, and economic injustices that existed in the country. They were therefore committed to crafting a constitution that would fundamentally alter Indian society on all fronts—politically, socially, and economically.⁴

In India, the ideas of universal adult franchise and parliamentary democracy were introduced in an effort to establish a liberal democracy. When the idea of universal adult suffrage was first presented, it meant that all Indians now had the ability to vote, regardless of their gender, caste, place of birth, or other characteristics. Every Indian was granted a set of essential rights in addition to parliamentary democracy and universal adult suffrage in order to guarantee limited government. Indians were merely objects of colonial rule and did not have these rights prior to

³ Pratap Bhanu Mehta, *The Burden of Democracy* 7 (Penguin India, Gurugram, 1st edition, 2003).

⁴ Gautam Bhatia, *The Transformative Constitution* xxiv (Harper Collins, Noida, 1st edition, 2019).

independence. Thus, the members of the Constituent Assembly adopted these drastic measures in an effort to politically alter Indian society.⁵

The Indian Constitution's framers attempted to provide equality in a very unequal society by including a chapter on fundamental rights. For millennia, Indian civilization practised invidious discrimination, which was upheld by communal punishments. Nonetheless, the Indian Constitution attempted to eliminate this preexisting imbalance. Equal protection under the law and equality before the law were guaranteed by Article 14 of the Constitution. The idea of equality before the law guaranteed that no one would receive special treatment and that everyone would be treated equally. As opposed to Equal treatment under the law was guaranteed for equals under the same circumstances. Discrimination on the grounds of religion, caste, sex, place of birth, and other categories is forbidden by Article 15 of the Constitution. Articles 15(3) and 15(4) additionally stipulated that women, children, Scheduled Castes, Scheduled Tribes, and individuals who are socially and educationally disadvantaged will all receive preferential treatment. These groups endured prejudice of one kind or another for generations. Therefore, the State has to take certain unique actions to elevate them.⁶

The State may grant reservations to individuals who belong to Scheduled Castes, Scheduled Tribes, or who are socially and educationally disadvantaged under Article 16. The practice of untouchability was outlawed by Article 17 of the Constitution, and engaging in it now carries legal penalties. Titles were abolished according to Article 18 of the Constitution. The goal of this was to advance equality within Indian society. The Constitution's Article 23 forbade both human trafficking and labour. Article 24, however, forbade the use of minors as labourers in factories. Additionally, the Indian Society as a whole must grow and prosper economically, as commanded by the Framers of the Constitution in the Directive Principles of State Policy, and there must be no economic concentration of wealth. Thus, it may be claimed that the Indian Constitution's Framers gave us a document that has the power to spark a political and social-economic revolution in our nation. But now, the country's future administrations would determine if the Constitution was successful.⁷

⁵ Sudipta Kaviraj, "Ideas of Freedom in Modern India" in *The Idea of Freedom in Asia and Africa* 97, 108 (Stanford University Press, Stanford, 1st edition 2002).

⁶ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 63 (Oxford India Press, New Delhi, 34th edition, 2019).

⁷ Christopher Bayly, *Recovering Liberties: Indian Thought in the Age of Liberalism and Empire* 35-36 (Cambridge University Press, Cambridge, 1st edition, 2011).

The Indian Constitution came into effect on January 26, 1950. The former colonial subjects of an alien government were now free citizens of a republic. India was freed from British Empire domination. However, it is crucial to highlight that unlike the nation states of the West, the State had never been the exclusive power centre in India. Numerous additional reasons also had sway in Indian society. Take gender and dominant caste groups, for instance. Consequently, the Indian Constitution was given two tasks. The two main goals were to change Indians' political standing and the social structures that dominated Indian society at the time.⁸

It was intended for Fundamental Rights to be central to this socio-political change. But it was soon discovered that the dominant caste groups or other associated groups in the nation's rural parts may still deny freedoms and other rights to the downtrodden segment of society in spite of the Constitution and the Fundamental Rights. Consequently, it was quickly evident that we needed strong local bodies to make sure the fundamental rights seeped into the lower classes of society. As a result, the 73rd and 74th Constitutional Amendment Acts were passed.

2. HISTORY OF PANCHAYATI RAJ INSTITUTIONS IN INDIA

2.1 ANCIENT AND MEDIEVAL INDIA

There were many different kinds of local governments in ancient India, including Panchayats, Gana, etc. They were tiny republics in and of themselves, with authority over the commercial, industrial, administrative, and social domains, among others. Throughout this time, there was also some urban government. For instance, Megasthenes depicts a town's governance in the third century B.C. He reports that the people in command of the city were split up into six bodies, each consisting of five people. The six bodies were carrying out seven distinct tasks. It clearly indicates that local self-government was prevalent in the past. Furthermore, an extensive description of the village governance structure in place at the time is also given in Kautilya's Arthashastra. Interestingly even during the Gupta era, the system persisted with minor modifications to the nomenclature: the village headman was referred to as the Grampati and the district official as the Vishyapati.⁹

The Cholas are renowned for having village-level local self-government. Every hamlet possessed an exceptional degree of autonomy over its own governance. Rather of acting as

⁸ Gautam Bhatia, *The Transformative Constitution* xvii (Harper Collins, Noida, 1st edition, 2019).

⁹ "Imperial Gazetteer of India", Vol. IV, Oxford Clarendon Press, 1909, p.282, Archive (November 26, 2024, 11:30 p.m.), <https://archive.org/details/in.ernet.dli.2015.284078>

administrators, Chola officials only took an observer role in village government. According to records, all administrative duties in the villages of Chola land were carried out by three assemblies: Ur, Sabha or Mahasabha, and Nagaram. Ur was the village's general assembly, made up of all the citizens who paid taxes in the community. The Alunganattar acted as Ur's governing body. Adult men were welcome to join the Ur, though the more seasoned participants usually took the lead. In the Brahmadeya villages' Brahmins were the only ones present at the Sabha. Committees known as Variyams played a crucial role in the functioning of the more complex machinery of the Sabha. It seems that the technique of draws was used to choose the candidates for election to the Ur and Sabha's executive body and several committees. Another local governing organization was the Nagaram. It was essentially a convocation of traders who were present in the villages and engaged in commerce. The Chola king Parantaka I's inscriptions from Uttaramerur, which date from 919 and 921 CE, are a significant milestone in the history of the Chola village assemblies and offer proof of India's lengthy tradition of democratic governance. It provides information about the Village Sabha's constitution and how it operates.¹⁰

Furthermore, there was also local government system in place throughout the Mughal era. An official known as Kotawal oversaw the town's administration and exercised ultimate responsibility over both law-and-order concerns in addition to carrying out a variety of municipal tasks. Abul Fazal's 'Ain-I-Akbari provides an account of the administration and town life at that era.¹¹

2.2 BRITISH INDIA

Although the origins of modern local governance can be traced in ancient India, however the British colonization have had a significant impact upon it. Earlier the Village communities were mostly organized on the basis of caste or other hereditary rights. These institutions held the collection of tax and maintenance of law and order as their utmost priority. Unfortunately, political education and governance received less attention. Nevertheless, during Britain's rule, the structure of local government began to change. The earliest of local government was the

¹⁰ Kingship, Capacity Building Commission (November 28, 2024; 12:30 p.m.)

<https://cbc.gov.in/cbcdev/cholas/cholas-story.html>

¹¹ Shriram Maheshwari, *Local Government in India*, 11 (Orient Longman, 1st edition, 1971).

foundation of municipal corporation in Madras in the year 1687. Interestingly this was modelled after an English borough with a mayor, aldermen, and burgesses.¹²

The next major step was the Charter Act of 1793, which provided for municipal autonomy in the presidential towns of Madras, Bombay, and Calcutta. This law empowered the Governor General with a right to appoint justices of peace and impose fees for services like law enforcement and road maintenance. Furthermore, the Bengal Act of 1842 paved way for the establishment of town committees for the purpose of sanitation and other local issues. However, these committees met with little success and were entirely volunteer. In the year 1863, provincial administrations were empowered to establish municipal bodies for the purpose of supervising the water and sanitation systems in the locality.¹³

The Mayo Resolution of 1870 on financial decentralization was likely the result of the legislative devolution program adopted by the Indian Council Act of 1861. Lord Mayo's resolution had delineated- "*Local interest, supervision, and care are necessary to success in the management of the funds devoted to education, sanitation, medical relief, and local public works. The operation of this resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institution, and for the association of Natives and Europeans to a greater extent than heretofore in the administration of affairs.*" The Imperial Government thus reassigned certain administrative agencies, including education, health care, and roads, to the management of province governments due to administrative suitability and budgetary hardship. This is where local financing first began. The ability to rely on local taxes gave provincial governments the ability to stabilize their finances. Several provincial governments granted local acts the authority to implement the proposed policy. In pastoral Bengal, the first step toward establishing local self-government was the Bengal District Board Cess Act of 1871. Acts were passed in parallel in Punjab, Madras, and the North-Western Provinces.¹⁴

During Lord Ripon's viceroyalty, government in every area relaxed. The 1882 Ripon's Resolution is considered a turning point in the development of municipal self-government. The Ripon government noted with satisfaction that a substantial amount of revenue from local rates

¹² S.R. Nigam, *Local Government*, 170 (S. Chand and Company, Ltd., Ramanagar, New Delhi, 2nd Edition, 1975).

¹³ Shriram Maheshwari, *Local Government in India*, 15 (Orient Longman, 1st edition, 1971).

¹⁴ S.R. Nigam, *Local Government*, 171 (S. Chand and Company, Ltd., Ramanagar, New Delhi, 2nd Edition, 1975).

and cesses had been guaranteed, that local bodies had been kindly tasked with administering this revenue in certain provinces, and that the number and value of municipalities had increased. Additionally, it was felt that the differences in progress across the nation were greater than what varied local circumstances appeared to ensure, and that many services that were really modified for 'watch and ward' (police upkeep) were a significant burden on the towns' reserves. The provincial government should apply similar financial decentralization ideas to local authorities as implemented by Lord Mayo's government, according to Ripon's government. The resolution from 1882, which shows the effective initiation of local self-governance in India, was appropriated by the imperial administration. The expansion of local bodies was encouraged as a vehicle for political and esteemed education as well as with the goal of developing the administration. Local boards were to be established across the nation, given specified responsibilities, and given the necessary financial resources. When local circumstances permitted, it was suggested that these local bodies have both non-official majority and a general election system.¹⁵

Minimal government interference was suggested, with efforts focused on adjusting and monitoring local entities' actions rather than enforcing policies. However, there were several situations where official executive approval was required, such as when taking out loans, selling off municipal property, imposing additional taxes, trying to complete projects that would have cost more than planned, establishing bylaws and regulations, etc. Between 1883 and 1885, a number of Acts were passed in support of this Resolution, significantly altering the Indian municipal organizations' constitution, authority, and duties. However, the bureaucracy believed that the Indians were not up to par for self-government and did not hold the moderate views of the Viceroy. Furthermore, his resolution from 1882 set forth several important rules, such as the requirement that local governments must have sufficient funding, little political power, elect the majority of their bodies, and hire local labour. More laws, such as the 1883 North-Western Provinces and Oudh Municipalities Act, which marked the beginning of the development of urban municipal institutions, were passed as a result of Ripon's efforts. This Act required that one-quarter of the towns' members be appointed, with the remaining members being elected.¹⁶

¹⁵ Edward Thompson and G.T Gurratt, *Rise and Fulfilment of British Rule in India* 496 (Central Book Depot, Allahabad, 1st edition, 1969).

¹⁶ S.R. Nigam, *Local Government*, 172 (S. Chand and Company, Ltd., Ramanagar, New Delhi, 2nd Edition, 1975).

The 1900 Act extended municipal authority to smaller towns, but a 1909 Royal Commission on Decentralization recommended that villages should serve as the foundation for local government, with municipalities continuing to have elected leadership. The Government of India Act of 1919 expanded the voting rights and also increased the financial and administrative authority of local governments. However, a new era began with the passage of Government of India Act of 1935, which instituted province autonomy, eliminated nominations, and democratized local governance. Additionally, it distinguished between executive and legislative duties. Post- Independence in 1947, these local government continued to exist in the newly formed republic of India. Pandit Nehru stressed the significance of local self-governance in establishing the foundation for democracy during a 1948 local government conference.¹⁷

2.3 DEVELOPMENTS IN POST-INDEPENDENCE INDIA

In India, the system of local self-government for rural areas is known as Panchayati Raj. The Acts of the state legislatures have established it in every state in India with the goal of fostering democracy at the local level. It has the responsibility of overseeing rural development. The 73rd Constitutional Amendment Act of 1992 gave it constitutional status. Local Government is one of the items assigned to the states in the Indian federal system's power-sharing arrangement between the Centre and the states. Thus, Local Government is included in the fifth entry of the State List of the Seventh Schedule to the Indian Constitution.¹⁸

A committee was established by the Indian government in January 1957 to review the operations of the National Extension Service (1953) and the Community Development Programme (1952) and to recommend improvements. Balwant Rai G. Mehta served as this committee's chairman. The committee advocated the creation of the *Democratic Decentralization* program, which became known as Panchayati Raj, in its report, which was submitted in November 1957. The National Development Council approved the committee's recommendations in January 1958. The states were free to develop their own patterns that were appropriate for their particular circumstances, as the council did not impose any one strict plan. However, the broad basics and guiding ideas ought to be the same across the nation.¹⁹

¹⁷ Shriram Maheshwari, *Local Government in India*, 24 (Orient Longman, 1st edition, 1971).

¹⁸ M. Lakshminikanth, *Indian Polity* 383 (McGraw Hill, 7th edition, 2023)

¹⁹ Dr. Mamta Pathania, *Indian Polity and Governance – Panchayati Raj, Public Policy, Rights Issues etc.*, IIPA (November 18, 2024; 7:00 p.m.) https://www.iipa.org.in/upload/IPG_panchayti%20raj.pdf

The first state to implement Panchayati Raj was Rajasthan. On October 2, 1959, the Prime Minister launched the program in the Nagaur district. Andhra Pradesh, which also embraced the system in 1959, came after Rajasthan. Following that, the majority of states implemented the system. Even though Panchayati Raj Institutions had been established in the majority of states by the middle of the 1960s, there were variations across the board in terms of the number of tiers, the relative importance of Samiti and Parishad, their tenure, composition, functions, finances, and other factors. For instance, Tamil Nadu implemented a two-tier system, but Rajasthan adopted a three-tier system. However, West Bengal established the four-tier system. Additionally, in the Maharashtra-Gujarat pattern, the Zila Parishad held significant authority since the district served as the planning and development unit, whereas in the Rajasthan-Andhra Pradesh pattern, the Panchayat Samiti held power since the block served as the unit of planning and development. Additionally, Nyaya Panchayats—i.e., Judicial Panchayats—were established in a few states to hear minor civil and criminal issues. Numerous committees, working groups, and study teams have been established since 1960 to look into all facets of the Panchayati Raj system's operation. Ashok Mehta chaired a committee on Panchayati raj institutions, which was constituted by the Janata Government in December 1977. It presented 132 recommendations in its report, which was turned in August 1978, to fortify and revitalize the nation's deteriorating Panchayati Raj System.²⁰

The Ashok Mehta Committee's recommendations could not be implemented at the federal level since the Janata Government fell before its term was over. Nonetheless, taking into consideration some of the recommendations made by the Ashok Mehta Committee, the three states of Karnataka, West Bengal, and Andhra Pradesh moved to revive the Panchayati Raj System. The former Planning Commission created the committee in 1985 to examine the current Administrative Arrangements for Rural Development and Poverty Alleviation Programmes, with G.V.K. Rao serving as the committee head. The Committee concluded that the Panchayati Raj had been steadily separated from the developmental process and bureaucratized. The phenomenon known as grass without roots resulted from the Panchayati Raj institutions being weakened by the bureaucratization of development administration in opposition to democratization. As a result, the Committee recommended ways to improve and revitalize the Panchayati Raj structure.²¹

²⁰ M. Lakshmikanth, *Indian Polity* 384 (McGraw Hill, 7th edition, 2023)

²¹ M. Lakshmikanth, *Indian Polity* 385 (McGraw Hill, 7th edition, 2023)

Thus, the committee gave the Panchayati Raj a key position in local planning and development as part of its decentralized system of field administration scheme. The Dantwala Committee Report on Block-Level Planning (1978) and the Hanumantha Rao Committee Report on District Planning (1984) were not the same as the GVK Rao Committee Report (1986) in this regard. The district level should handle the fundamental decentralized planning function, according to the recommendations of both committees. Separate district planning boards headed by a minister or the district collector were recommended by the Hanumantha Rao Committee. Even though the Committee said Panchayati Raj institutions would also be involved in this process (of decentralized planning), the Collector should be a major player in the decentralized planning process in both models. The committee suggested that the Collector oversee all planning and development initiatives at the district level. Thus, in this regard, the Hanumantha Rao Committee was different from the Balwant Rai Mehta Committee, the First Administrative Reforms Commission of India, the Ashok Mehta Committee, and lastly the G.V.K. Rao Committee. The latter recommended reducing the District Collector's developmental role and giving the Panchayati Raj a significant role in development administration. Furthermore, under the direction of L.M. Singhvi, the Rajiv Gandhi administration formed a group in 1986 to draft a concept paper titled "*Revitalization of Panchayati Raj Institutions for Democracy and Development.*" Post this under P.K. Thungon's direction, a subcommittee of the Consultative Committee of Parliament was established in 1988 to look at the district's political and administrative framework in order to design the district. This committee recommended that the Panchayati Raj system be strengthened.²²

The Congress party established the Committee on Policy and Programmes in 1988, with V.N. Gadgil serving as its head. It was requested that this committee look at the best ways to increase the effectiveness of Panchayati Raj institutions. Interestingly these suggestions of the Gadgil Committee provided the basis for developing an amendment bill aiming at providing the constitutional status and protection to the Panchayati Raj Institutions. In an effort to constitutionalize Panchayati Raj Institutions and give them greater legitimacy and scope, the Rajiv Gandhi Government tabled the 64th Constitutional Amendment Bill in the Lok Sabha in July 1989. The Rajya Sabha did not adopt the bill, despite the Lok Sabha passing it in August

²² Mr. Aditya Bohra & Mr. Rachit Sharma, "*Panchayati Raj System in India: A Way Ahead*", 2015 GJLS VOL III, No 2, ISSN. 2321-1997 (November 28, 2024; 9:00 p.m.)
<https://www.galgotiasuniversity.edu.in/pdfs/Panchayati-Raj-System-in-India-A-Way-Ahead-Rachit-Sharma-Aditya-Bohra.pdf>

1989. The Opposition fiercely opposed the law because they believed it would increase federal system centralization.²³

Shortly after taking power in November 1989, the National Front Government, under by Prime Minister V.P. Singh, declared its intention to fortify the Panchayati Raj Institutions. Under the direction of Prime Minister, a two-day meeting of State chief ministers was conducted in June 1990 to address issues pertaining to strengthening of the Panchayati Raj Bodies. The plans to introduce a new measure amending the constitution were accepted by the conference. Consequently, in September 1990, a measure amending the constitution was presented in the 10th Lok Sabha. Nevertheless, the bill expired as a result of the collapse of the administration. The issue of constitutionalising Panchayati Raj Bodies was revisited by the Congress Government, which was led by P.V. Narasimha Rao. The plans were significantly altered to eliminate the contentious elements, and in September 1991, a bill amending the Constitution was presented to the 10th Lok Sabha. After much effort, this bill became the 73rd Constitutional Amendment Act, 1992, which went into effect on April 24, 1993.²⁴

The Indian Constitution now has a new Part-IX thanks to this act. 'The Panchayats' is the title of this part, which includes Article 243 through Article 243-O. A new Eleventh Schedule has also been inserted to the Constitution by the measure. There are 29 panchayat-related functional items in this schedule. It covers Article 243-G. Article 40, which states that "*the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government*," has been given a concrete form by the act. The Directive Principles of State Policy include this article. The statute grants the Panchayati Raj Institutions constitutional standing. They now fall under the ambit of the Constitution's justiciable provision. Put differently, the state governments are mandated by the constitution to implement the new Panchayati Raj system in compliance with the act's requirements. As a result, the state government's will be no longer a factor in the creation of panchayats or the scheduling of regular elections.²⁵

²³ M. Lakshmikanth, *Indian Polity* 387 (McGraw Hill, 7th edition, 2023)

²⁴ M. Lakshmikanth, *Indian Polity* 388 (McGraw Hill, 7th edition, 2023)

²⁵ Mr. Aditya Bohra & Mr. Rachit Sharma, "Panchayati Raj System in India: A Way Ahead", 2015 GJLS VOL III, No 2, ISSN. 2321-1997 (November 28, 2024; 9:00 p.m.)

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The act's requirements fall into one of two categories: required or optional. The state legislation establishing the new Panchayati Raj System must contain the act's mandatory (or obligatory) requirements. On the other hand, the states may decide to add the voluntary provisions. Therefore, the act's optional provisions guarantee the states' ability to implement the new Panchayati Raj System while taking into account regional considerations such as topographical, political-administrative, and other aspects. In the history of the nation's grassroots democratic institutions, the act represents a critical turning point. Through it, participatory democracy replaces representative democracy. The idea of establishing democracy at the grassroot level is quite revolutionary.²⁶

3. PANCHAYATI INSTITUTION: A METHOD OF POLITICAL PARTICIPATION

The Indian Constitution granted its citizens several rights. This was a significant shift all by itself. But, since at the time of independence, it was an impoverished underdeveloped country. It must have been somewhat unrealistic to anticipate that private citizens would engage in state politics at a centralized level. Therefore, it was imperative to establish institutions that would allow for unrestricted participation in state policy decision-making, encompassing not just political but also economic and social aspects.

Why is involvement required for the state to make policies is the question. This query brings us one step closer to Dworkin's conception of justice. Any law or policy, in Dworkin's opinion, must adhere to two principles in order to be considered legitimate. First, political engagement; and second, inherent dignity. When we view morality as a fundamental component of the law, inherent dignity is realized. However, Dworkinian moral philosophy goes deeper than that of preceding natural law and utilitarian school theorists. According to Dworkin, morality is respecting each person's dignity. People shouldn't have to suffer for societal demands and welfare purposes. It was necessary for an individual to have the chance to engage in the political processes of the state in order to accomplish this goal. An individual can defend their rights against the power of the community if they have access to the legal system or the policymaking process.²⁷

Nagel concurs with Dworkin as well. According to Nagel, political involvement in the creation of the state's foundational texts is what will guarantee justice for all of its citizens. Stammle

²⁶ M. Lakshminikanth, *Indian Polity* 388 (McGraw Hill, 7th edition, 2023)

²⁷ Ronald Dworkin, *Taking Rights Seriously* 199 (Harvard University Press, Harvard, 1st edition 1978)

also holds similar opinions on getting involved in politics. Stammller contends that only when each and every person takes part in defining the goal of the society can we discern the boundaries of the Kantian Imperative. Therefore, political engagement is a fundamental component of all just state theories. These theories have been fully applied to representative democracies in western states. However, a more grassroots approach is required in our state to implement these beliefs.²⁸

The best response to that argument would be that nation-state democracy is a relatively new idea in Europe. To get to this stage of representative democracy, the European states have witnessed and experienced intense struggles between subjects and states. However, the implementation of the democratic idea constituted a fundamental development in our nation. We certainly agree on representative democracy now that we are independent, but our politicians were far removed from the everyday lives of the people. We can use the Untouchability Offenses Act of 1955 as an example to support this claim. The purpose of this act was to alleviate the suffering of the underprivileged segment of Indian society. This legislation forbids limiting the access of underprivileged groups within society to temples.²⁹

However, there was a problem with the statute. It permitted entry inside the temple to the same degree that members of the top classes of society have been able to do so. This implied that temples could still control the issue of admission provided they controlled the admission of people from higher social classes. This indicates that while representative democracy is beneficial, it was insufficient given the conditions surrounding the incorporation of our state for the citizens to only get a charter of rights. We required a regulator who was aware of the ground-level facts. an establishment that is open to all community members. The institution's accessibility will guarantee members' involvement in policymaking at the local level. Panchayati raj institutions are hence necessary for the Indian republic.³⁰

4. PANCHAYATI INSTITUTION: BRINGING FUNDAMENTAL RIGHTS TO THE GRASSROOTS

²⁸ Thomas Nagel, "The Problem of Global Justice," 33(2) Philosophy & Public Affairs, 113 (2005)

²⁹ Julius Stone, *Human Law and Human Justice*, 167-184 (Universal Law publishing Co., 1st edition, 2008)

³⁰ Mario D. Zamora, *A Historical Summary of Indian Village Autonomy*, ASJ (November 28, 2024; 6:00 a.m.) <https://www.asj.upd.edu.ph/mediabox/archive/ASJ-03-02-1965/Zamora.pdf>
Id.

A significant turning point in the history of the Indian subcontinent was the establishment of the Indian Constitution and the creation of a new republic. The constitution served as a blueprint for social reform. Given the political and economic underpinnings of this nation, it was included. Consequently, the goal of the fundamental right chapter was to raise awareness of Indian citizens' rights. It was created to put an end to the oppression and suffering of our community's most vulnerable people.³¹

What type of oppression does the Indian Constitution want to eradicate is the question. Does the term "oppression" have a definition? Iris Young distinguishes five types of oppression: violence, cultural imperialism, marginalization, exploitation, and helplessness. The strongest community members force themselves on the weaker members of the group through all of these oppressive techniques. It compels them to spend their lives in accordance with the whims and fancy of influential community members. Thus, the goal of the drafting of our Constitution was to put an end to this kind of persecution in addition to giving its residents a charter of rights. We must first comprehend how these institutions may put an end to the tyranny that the architects of our constitution always meant to put an end to, as the authors are debating the role of local organizations in the application of the charter of rights.³²

According to Young's definition of oppression, which includes marginalization and exploitation, oppressed people lack adequate access to resources. She uses industrial labourers as an example, highlighting how reliant these individuals are on their bosses for basic necessities. They become more susceptible to marginalization and exploitation as a result. In India, comparable situations exist as well. Here, the resources were in the hands of a select few. There was no land available to many people. Additionally, they lacked education. They were thus compelled to labour for those who possessed the resources. Encouraging citizens to have basic rights would not have been sufficient to change this situation.³³

Positive action on the part of the state was also required. The Indian government implemented land reforms, but they were unsuccessful because of a lack of understanding and the absence of institutions at the local level. The resources are still inaccessible to many individuals. But every state defined every chance. Kerala was the place. In this case, the state not only created

³¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* xviii (Oxford India Press, New Delhi, 34th edition, 2019).

³² Iris Young, *Five Faces of Oppression*, 64, In George L. Henderson & Marvin Waterstone (eds.), *Geographic Thought: A Praxis Perspective*. New York, USA: Routledge (2009).

³³ *Ibid.*

legislation governing land allocation, but also carried it out at the local level. As a result, giving citizens positive rights alone is insufficient. For citizens to exercise their entitlement to the fundamental rights granted to them, laws that are correctly enacted are necessary. As a result, it is very challenging for a representative central government to investigate how policies are being carried out locally. To guarantee that everyone has access to the fundamental rights, they do require the backing of grassroots regulators.³⁴

The Central Government's MNREGA program may be the best illustration of this. There were two main questions raised when the plan was first discussed in government committees. First, is the program targeted or universal? Secondly, who will regulate the program? During the discussion of the first topic, a few well-known social workers made the claim that this program will give jobs to the most disadvantaged people in our society. They will have access to the needs of life as they are. As a result, exclusion errors are unnecessary. If the program is available to everyone, it will reduce the reliance of the landless on their landlords. This effectively ends the oppressive policy. The question of who would carry out the law's implementation was the most crucial one to address. Everyone was initially in favour of bureaucracy on this issue. However, a large number of NGOs supported Panchayati Raj establishments. They made the straightforward claim that the people in those areas are in charge of these institutions. They are aware of who this strategy is intended to assist. They contended that the recipient people would have more access to the program if it is implemented by Panchayati institutions. One issue with social welfare programs is that, in general, bureaucracy is less accessible and responsive to the public than Panchayati institutions. As a result, beneficiaries will genuinely take part in both the program and its operation if schemes are carried out by these Panchayati Raj Institutions.³⁵

Dworkin and Nagel anticipate this level of participation from a political order. People who participate in this activity are more than just the subjects of the state acting on its whims and fancy. They have equal stakes in the state's policies under this approach. They didn't just do as the state said; instead, they voiced their opinions about how the law should be applied and incorporated. In fact, for a nation like India, the Panchayati Raj Institutions represent the most fundamental and effective form of government. However, they are not without restrictions.

³⁴ G.K Liten, 'The Human Development Puzzle in Kerala', 32(1) Journal of Contemporary Asia, 47(2007).

³⁵ Deepta Chopra, "The Mahatma Gandhi National Rural Employment Guarantee Act, India: Examining Pathways towards Establishing Rights-Based Social Contracts," 26(3), European Journal of Development Research, 355 (2014)

This restriction covers resource accessibility and hierarchies according to historical context. Anybody may conclude from these restrictions that there aren't many differences between the Panchayati Raj and other political institutions in this nation. However, the writers assert that they are unique and represent our best chance to boost political engagement in the Indian state.

The smallest possible population group is represented by the Panchayati Raj Institutions. This implies that a wide range of people can influence policy decisions. They are easier to access for the state and the governed populace due to their openness. This implies that the public and the government may both have concerns about how these organizations are run. It will compel internal transformation within the organization. Compared to other state institutions, it will compel them to implement policies that are more in line with the fundamental charter of rights. As a result, the Panchayati Raj organization is the one with the authority to implement the Charter of Rights locally. Since they are the only organization in this nation with the ability to transform itself inside and end oppression at its source, they are able to put into practice the fundamental rights.³⁶

5. WAY AHEAD

“As a state undergoes political change, legacies of injustice have a bearing on what is deemed transformative.”

- Ruti Teitel

India has a very long association with Panchayati Raj establishments. Since the Vedic era, these institutions have been a part of our cultural and social traditions. These institutions served as a conduit between the people and the government even though they did not adhere to the democratic ideal of participation. The colonial authority first disapproved of these institutions, but subsequently it permitted village governance in order to seize control of the region's resources and boost state revenue. These forms of government have little resemblance to democracy or political representation. However, the colonial government's style of governance opened the door for democracy in the state's smallest political entity.

³⁶ Deepta Chopra, “The Mahatma Gandhi National Rural Employment Guarantee Act, India: Examining Pathways towards Establishing Rights-Based Social Contracts,” 26(3), European Journal of Development Research, 355 (2014)

Upon the adoption of its constitution, the Indian state changed the status of the people living within its borders from subjects to citizens. It gave the populace certain fundamental rights against the government and against other citizens. However, merely embracing these rights was insufficient. Institutions capable of putting these radical concepts into practice at the local level were what we required. No other institution in our political system could have been as easily available to the people of this nation as the Panchayati Raj institutions. As a result, these entities have been granted limited authority to carry out certain fundamental policies. In comparison to other institutions, their implementation of the initiatives has been fairly successful.

The Indian authorities also approved of the village governance tradition. Gandhi believed that it may result in improved resource utilization and governance at the state's most fundamental level. As a result of all of this, the Indian Constitution's 73rd and 74th Amendment Acts were passed, guaranteeing the introduction of democracy into village government. However, there was and still is something more to the Panchayati Raj institutions that has reshaped this nation's legal framework for rights. It has guaranteed people's involvement in the state's actual decision-making process as well as in representative democracy and the rule of law.

Therefore, it is now appropriate to give the Panchayati Raj Institutions further authority. First, to put a stop to social injustice; and second, to more effectively implement the fundamental rights outlined in our constitution at the local level. These organizations have proven their value by helping to implement MNREGA and other programs locally. Therefore, these institutions should be given greater chances to undertake more significant government accessibility programs. Schemes for the vulnerable people will be easier to access, and political involvement will rise as a result.