

Revitalizing the Grassroots Democracy: A Deep Dive into “Indian Constitution”

By *Anant Narayani Raj** & *Dr. Piyush Kumar Trivedi***

* *2nd Year LL.M. Student, Khwaja Moinuddin Chishti Language University, Lucknow, India*

** *Assistant Professor, Faculty of Legal Studies, Khawja Moinuddin Chishti Language University, Lucknow, India*

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Abstract

Our Indian Constitution recognizes the importance of grassroots democracy and has provided for its implementation through Schedule 11. This section of the Constitution outlines the powers and responsibilities of local self-government institutions, commonly known as Panchayat, in rural areas. Despite the constitutional mandate and the 73rd amendment, which aimed to strengthen local governance, there are still challenges faced in the implementation of Schedule 11. As a result, rural areas in India continue to suffer from a lack of development. This chapter seeks to provide a deep dive into Schedule 11 of the Indian Constitution and shed light on the challenges faced in its implementation. It also explores the relevance of Schedules 5 and 6, which deal with the administration of tribal areas, to Schedule 11. The paper takes a holistic view of the issue, examining the historical context and the current state of affairs. The foundation of a strong building is its strength, and the strength of a democracy lies in its grassroots institutions. This paper emphasizes the need to revitalize these institutions to ensure that democracy truly reaches the grassroots. The paper presents a thorough analysis of the issues faced in implementing Schedule 11, including challenges related to capacity building, financial resources, and political will. The relevance of Schedules 5 and 6 in empowering tribal communities and promoting inclusive governance is also highlighted. Overall, this research paper provides a comprehensive view of the challenges and opportunities for revitalizing grassroots democracy in India. It serves as a valuable resource for policymakers, researchers,

and other stakeholders interested in promoting inclusive governance and sustainable development in rural areas.

Keywords: Panchayat, Schedule 11, Constitution, PESA Act, Schedule 5 and 6

Introduction

The Panchayat system is an age-old system it focuses on the local self-governance of villages in rural India. The Panchayat system is a three-tier system in India for governance that got its constitutional face in the 73rd Amendment, 1992 after the report of the LM Singhvi committee was accepted. Previously India works on the centralized form of administration when the need for development and empowerment of administrative units at the ground level came; the plan to develop a panchayat system came into existence it was a necessary step to deal with the individuals of different tribes and language even in a particular state become difficult. The Panchayat system is thought of as a post-independence result of several deliberate processes but panchayat had its existence in the pre-independence era. They have usually elected councils entitled to executive and judicial powers of that region. Panchayat was seen as the elite instrument for their dominance over lower sects in this divide was majorly socio-economic.

In the tapestry of democratic governance, the Indian Constitution stands as a monumental document, serving as the bedrock of the world's largest democracy. Rooted in the principles of justice, equality, liberty, and fraternity, it embodies the aspirations of a diverse nation striving for progress and inclusivity. Central to its essence is the empowerment of grassroots democracy – the idea that governance should flow from the bottom-up, with communities actively participating in decision-making processes that shape their lives.

This deep dive into the Indian Constitution aims to explore the mechanisms through which it revitalizes grassroots democracy. At its core, the Constitution envisions a participatory democracy where every individual, regardless of caste, creed, gender, or socio-economic status, has a voice in the governance of the country. It is a living document that not only establishes the framework of the state but also delineates the rights and duties of citizens, ensuring their active engagement in the democratic process. One of the fundamental aspects of

grassroots democracy enshrined in the Indian Constitution is the decentralization of power through local self-government institutions such as Panchayats and Municipalities. These institutions serve as the building blocks of democracy, fostering community involvement in decision-making related to local development, resource allocation, and social welfare schemes. By devolving authority to the grassroots level, the Constitution empowers citizens to address their unique needs and challenges, promoting inclusivity and social justice.

Furthermore, the Constitution guarantees a robust framework of fundamental rights and duties that serve as the cornerstone of democratic citizenship. From the right to equality and freedom of speech to the right to education and cultural preservation, these rights empower individuals to actively participate in the democratic process, hold authorities accountable, and contribute to the nation's progress. Alongside rights, the Constitution also emphasizes the importance of duties, fostering a culture of civic responsibility and collective action. Moreover, the Indian Constitution embodies the principles of federalism, delineating the distribution of powers between the central government and the states. This division of powers ensures that governance is not concentrated in the hands of a few but is shared among multiple tiers of administration, thereby promoting participatory democracy at all levels of governance. In essence, the Indian Constitution serves as a beacon of hope for grassroots democracy, providing a framework for inclusive governance and citizen participation. However, realizing the full potential of grassroots democracy requires more than just constitutional provisions – it demands active engagement, awareness, and civic responsibility from every citizen. As we embark on this deep dive into the Indian Constitution, let us reflect on its transformative power to revitalize grassroots democracy and pave the way for a more just, equitable, and participatory society.

Historical Background of the 73rd Amendment

After Independence, the evolution of the panchayat seems several changes, and drafting of the Constitution of India the state was loaded with authority and responsibility to delegate powers to village panchayat as may be necessary, (Article 40 of the Indian Constitution). Even after Article 40, several flaws in the system were seen that led to major chaos afterwards several committees were set up that helped by recommending measures to develop our lower base such

as the Balwant Rai Committee (1957), Ashok Mehta Committee (1978), GVK Rao committee and at last LM Singhvi committee (1986) [1].

LM Singhvi Committee

In 1986, the Indian government established a committee with the primary objective of proposing ways to revive the Panchayati Raj systems for democracy and development. The committee put forth the following recommendations:

1. The recognition of the Panchayati Raj system in the constitution was advised by the committee. Furthermore, it suggested incorporating provisions in the constitution that would acknowledge the need for free and fair elections for Panchayati Raj systems.
1. The committee proposed the reorganization of villages to enhance the effectiveness of the gram panchayat.
2. It was recommended that local panchayat receive increased funding for their operations.
3. To address disputes related to Panchayati Raj institution elections and other operational matters, the establishment of judicial tribunals in each state was suggested.

The Panchayat Raj Institutions Constitutionalization Bill was submitted to Lok Sabha by the PV Narasimha Rao government in 1991. The bill eventually became the 73rd Constitutional Amendment Act of 1992. The law becomes effective on April 24, 1993.

73rd Amendment, 1992: Significance of this act-

- The Eleventh Schedule, which includes the 29 functional items of the panchayat, and Part IX, "The Panchayat," to the Constitution were also inserted by the Act.
- Article 243 to Article 243 O is included in Part IX of the Constitution.
- Article 40 of the Constitution (directive principles of state policy), which directs the state to create the village panchayat and give them powers and authority so that they can operate as self-government, is given shape by the Amendment Act.
- With the passage of the Act, Panchayati Raj systems are now governed by the Constitution's justiciable provisions, and each state is required to implement it. Additionally, the Panchayati Raj institutions' elections will be held without regard to the wishes of the state government [2].

- The Act is divided into two sections: mandatory and optional. State laws must be amended to incorporate mandatory clauses, which include establishing the new Panchayati Raj structures. On the other hand, the state government has discretion on voluntary provisions.
- The Act is a very important step in developing democratic institutions across the nation. Participatory democracy has replaced representative democracy as a result of the Act.

Important aspects of this act-

- The Panchayati Raj system's central body is the Gram Sabha. It is a village assembly made up of all the registered voters in the panchayat jurisdiction. It will exercise its authority and carry out the duties set forth by the state legislature.
- The Act calls for the implementation of a three-tier Panchayati Raj system in the states (village, intermediate, and district levels). States having fewer than 20 lakh people may not be considered intermediate states.
- Election of members and chairperson: Members at all Panchayati Raj levels are chosen directly, while chairs at the intermediate and district levels are chosen indirectly from the elected members, and chairs at the village level are chosen by state-set criteria.
- In Panchayat meetings, the Chairperson of a Panchayat and other members, whether or not directly elected from territorial constituencies in the Panchayat area, have the right to vote.
- Election of members and chairperson: Members at all Panchayati Raj levels are chosen directly, while chairs at the intermediate and district levels are chosen indirectly from the elected members, and chairs at the village level are chosen by state-set criteria.
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- Panchayat terms are set at five years by the Act, which applies to all panchayat levels. The panchayat may, however, be dissolved before the end of its term. However, new elections must be held to form the new panchayat before the end of its five-year term, or, in the event of dissolution, before the end of the six months following the date of its dissolution.

- Disqualification: If a person is currently disqualified by any law in effect for elections to the legislature of the state in question, they are ineligible to be chosen as or to serve as a member of a panchayat.
- Powers and Duties: The state legislature may provide the Panchayat with the authority and power that may be required for them to carry out their self-government functions. Such a plan might include clauses relating to Gramm Panchayat work, such as formulating social justice and economic development strategies.

The execution of programmes for social justice and economic growth that may be entrusted to them, including those about the 29 issues enumerated in the Eleventh Schedule.

Existing laws will remain in effect for an additional year following the start of this Act, including all state legislation about panchayat. In other words, within a maximum of a year following the Act's commencement date, which was 24 April 1993, the states must embrace the new Panchayati Raj system based on it. However, unless they are dissolved earlier by the state legislature, all Panchayat that existed before the Act's implementation will remain in place until the end of their terms [3].

What does our Constitution provide under this Schedule?

As we have seen what were 73rd amendment act and its features and importance, it provides us with the list of subjects that are placed in the purview of the panchayat:

1. Agriculture including agricultural expansion
2. Land improvement, implementation of land reforms, land consolidation and soil conservation [4].
3. Animal Husbandry, Dairying and poultry
4. Fisheries Industry
5. Minor irrigation, water management and watershed development
6. Social forestry and farm forestry
7. Small-scale industries in which the food processing industry is involved.
8. Minor forest produce
9. Safe water for drinking.

10. Khadi, village and cottage industries
11. Rural housing
12. Fuel and fodder
13. Rural electrification, including the distribution of electricity
14. Road, culverts, bridges, ferries, waterways and other means of communication
15. Education including primary and secondary schools
16. Non-conventional sources of energy
17. Technical training and vocational education
18. Adult and non-formal education
19. Public distribution system
20. Maintenance of community assets
21. Welfare of the weaker sections in particular of the scheduled caste and scheduled tribes
22. Social welfare, including the welfare of the handicapped and mentally retarded
23. Family Welfare
24. Women and child development
25. Markets and Fairs
26. Health and sanitation including hospitals, primary health centres and dispensaries
27. Cultural activities
28. Libraries
29. Poverty Alleviation Programmes

Why Schedule 5 and 6?

After Independence, we can see state was divided into several provinces and areas based on language, culture, and beliefs government had always worked for the development of such areas and provided schedules 5 and 6 to circumscribe the structure, code, procedure, fundamental rights and government institution as to how they should work the country filled with diversity in a way that they live with harmony.

Schedules 5 and 6 provide provisions that help develop the schedule area in India. So how do they have relevance to schedule 11?

- **Protection of Tribal Communities:** Schedules 5 and 6 of India have unique provisions for tribal community protection. These laws provide these communities with the autonomy they need to take care of their own cultural, social, and economic requirements. In a similar vein, Schedule 11 acknowledges the value of local autonomy in fostering rural development, which may also be advantageous to indigenous groups.
- **Devolution of Power:** In tribal territories, Schedules 5 and 6 provide for the transfer of authority to regional institutions. Similar to Schedule 10, Schedule 11 gives Panchayat the authority to oversee local resources and provide services. These plans together show India's dedication to decentralization and grassroots democracy.
- **Management of Land and Natural Resources:** Schedules 5 and 6 preserve tribal lands and natural resources, which are frequently essential to their way of life. The management of local resources is important for rural development, and Schedule 11 acknowledges this. Together, these plans show a dedication to environmental preservation and sustainable growth.
- **Include Marginalised people:** Schedules 5 and 6 allow Scheduled Castes Scheduled Tribes and other marginalized people to participate in local administration. The necessity of encouraging social inclusion and equitable development in rural areas is also acknowledged under Schedule 11.

As we have seen all the above-mentioned schedules focus on the promotion of decentralization and delegation of power to the local authorities. So the question arises what is the need for different schedules in our constitution for the same cause? The primary difference lies in the target group which is scheduled tribes in the case of one and villagers in the other. Tribes are people whose cultures, traditions, lifestyles, and customs are different from the mainstream and so they need to be dealt with within altogether different approach. Our concern is to provide them autonomy without any interference in their customs while keeping them integrated with our nation as a whole. While villagers are to be provided with delegated powers so that time and money are put to judicious use according to their suggestions. It also helps in enhancing people's participation in policy and program implementation.

Panchayat Extension to Schedule Areas (PESA) Act 1996 mainly came as an implementing act of the 73rd Amendment 1992 as it also ensures the tribal self-rule concept proposed in schedules 5 and 6. Its primary objective is to save the tribal community from exploitation by establishing

Gramm Sabha as hubs of autonomous administration. It is the most progressive legislation for tribal areas, recognising the historical control over the natural resources of indigenous populations. According to PESA, the Gramm Sabha will be involved in managing the minor forest produce, approving development plans and programmes, and making any decisions on the acquisition of land as well as the rehabilitation of impacted parties. The following duties are particularly assigned to the Gramm Sabha under the Act:

Section 4.d: The Gramm Sabha is responsible for preserving the people's traditions and practises, as well as their cultural identity, local resources, and traditional methods of resolving disputes.

Plans, programmes, and projects for social and economic development must be approved by the Gramm Sabha, according to Section 4.e (i)

Section 4.e (ii): in charge of identifying or choosing individuals to be recipients of benefits under development programmes

Section 4.i: Before land acquisition and rehabilitation and resettlement activities in the designated regions, Panchayat consultation is required. Panchayat are granted ownership of minor forest products (MFPs) under Section 4.m (ii).

Section 4.m (iii): Grants authority to prohibit land alienation in Scheduled areas and to take appropriate action to restore any STs' land that has been improperly alienated.

But it's important to see what is going on at the ground level. The unwillingness of the majority of State Governments to enact laws and regulations that adhere to the spirit of the PESA Act has seriously hindered the law's implementation. The bureaucrats have been able to carry on with business as usual because of a lack of political will, and PESA provisions have only ever seemed good on paper. The idea of ownership of marginal forest produce (MFP) is likely the most egregious example of bureaucratic subversion [5]. Forest officials come up with clever justifications to dissuade the tribal populace from visiting the MFP, which has historically been a vital source of livelihood for them. For instance, authorities contend that the authority of Gramm Sabha is limited to the forest situated within a village's tax boundaries. In practice, a reserved forest is typically not found within a village's income boundary. The goal of the

ordinance is unmistakably to maintain regular access to MFP from forests close to the village [6].

Another argument against granting Gramm Sabha control of MFPs is that doing so will result in the devastation of forests. Therefore, ownership of MFP ought to entail the right to MFP's net earnings after deducting the Forest Department's administrative costs. Additionally, this runs counter to a vast amount of actual data derived from JFM and community control of forest experience on a national and worldwide scale. Administrators from around the world are realising that people who live in forests are most prepared to look after the health of those forests and all of their biodiversity. Such fantastical interpretations have come dangerously close to destroying the idea of the Gramm Sabha owning and managing local resources [7].

Challenges came before the Implementation

Implementing Schedule 11 of the Indian Constitution, which establishes the authorities and duties of local self-government institutions in rural areas, is fraught with difficulties. Among the main obstacles are:

- 1. Building Capacity:** The effectiveness of local self-governance rests on the Panchayat' ability to efficiently manage and provide services. However, many Panchayat lack the abilities, information, and resources required to effectively carry out their duties.
- 2. Financial Resources:** Managing local financial resources and raising money for development projects fall under the purview of panchayat. They frequently struggle with a lack of funding, which hinders their ability to carry out development programmes and offer essential services.
- 3. Political Will:** Panchayat' autonomy and decision-making capacity are often constrained by meddling from higher tiers of government. Additionally, there is a lack of political will to transfer authority to regional organisations, which obstructs Schedule 11's effective implementation.
- 4. Deep social and economic inequalities:** are a feature of India's rural areas, and they affect Panchayat' capacity to provide services and foster inclusive development.

- 5. Administrative Problems:** There are administrative problems that affect how Panchayat operate, including a lack of accountability, openness, and citizen engagement in decision-making.

Suggestion and Conclusion

In conclusion, revitalizing grassroots democracy in India is an urgent and complex task that requires a deep understanding of the challenges faced by rural communities and a commitment to inclusive, sustainable development. While Schedule 11 of the Indian Constitution provides a strong legal framework for empowering local self-government, its implementation has been hindered by a variety of political, social, and economic factors. To overcome these challenges, we must focus not only on the letter of the law but also on the spirit of social justice and democratic empowerment that lies at the heart of Schedule 11. This will require a concerted effort to engage with local communities, build trust, and provide the necessary resources to make grassroots democracy a reality. Ultimately, the success of Schedule 11 will depend not on the words on a piece of paper, but on the actions, we take to turn those words into a reality for the people who need it most. By working together and prioritizing the needs of rural India, we can build a strong foundation for democracy that will benefit all citizens of our great nation. As the great Indian leader Mahatma Gandhi once said, "The true India is not to be found in its few cities but in its 700,000 villages." Let us work together to unleash the potential of these villages and build a brighter future for India and the world.

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