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Constitutional Norms and Social Justice

The Constitution of India is founded on the basic norms of social justice, aiming to help people by ensuring fairness and equality. For example, the Directive Principle on Village Panchayats was introduced as an amendment in the Constituent Assembly by K. Santhanam and became a constitutional imperative after the 73rd Amendment in 1992.

The Constitution is not merely a set of rules but has the potential to extend the meaning of social justice. Social movements have played a significant role in aiding courts and authorities to interpret rights and principles in line with contemporary understandings of social justice.

Difference Between Law and Justice

Law is characterized by its force and the power of the state to enforce obedience, whereas justice is about fairness. The Constitution is the supreme legal document that establishes the framework for all laws and authorities in India. The Supreme Court, as the highest

court, interprets the Constitution and has expanded the scope of Fundamental Rights to include various aspects of life such as livelihood, health, shelter, education, and dignity.

Exam Questions

Q1: What is the difference between law and justice?

A1: Law is enforced by the power of the state and focuses on obedience, while justice is concerned with fairness and equity.

Q2: How has the Supreme Court expanded the meaning of the right to life under Article 21?

A2: The Supreme Court has interpreted the right to life to include quality of life aspects such as livelihood, health, shelter, education, and dignity.

Solved Example

Example: Explain how the Directive Principle of Equal Pay for Equal Work has been linked to Fundamental Rights.

Solution: The Supreme Court read the Directive Principle of Equal Pay for Equal Work into the Fundamental Rights to Equality under Article 14, providing relief to plantation and agricultural labourers.

The Panchayati Raj and the Challenges of Rural Social Transformation

Panchayati Raj means governance by five individuals at the village level, aiming to establish a vibrant grassroots democracy. However, social inequalities based on caste, class, and gender have historically hindered democratic participation. Traditional caste panchayats often represented dominant groups and did not follow democratic norms.

When the Constitution was drafted, Panchayats were not initially included. Dr. Ambedkar expressed concerns that local elites would exploit the downtrodden through local self-

government. Mahatma Gandhi envisioned each village as a self-sufficient unit practicing gram-swarajya.

The 73rd Constitutional Amendment Act of 1992 granted constitutional status to Panchayati Raj Institutions (PRIs), mandating elections every five years and devolving control of local resources to elected bodies.

The Three-Tier System of Panchayati Raj

The Panchayati Raj system is structured as a pyramid:

- **Gram Sabha:** The general body of all citizens in a village, which elects the local government and oversees development activities.
- **Gram Panchayat:** The elected body at the village level responsible for local governance.
- **Panchayat Samiti and Zilla Parishad:** Higher tiers at block and district levels respectively, coordinating development plans.

The 73rd Amendment also provides reservations for Scheduled Castes, Scheduled Tribes, and women (33%) in Panchayat elections, significantly increasing women's political participation.

Exam Questions

Q1: What is the significance of the 73rd Constitutional Amendment?

A1: It gave constitutional status to Panchayati Raj Institutions, mandated regular elections, and reserved seats for marginalized groups and women.

Q2: Describe the three-tier system of Panchayati Raj.

A2: It consists of Gram Sabha at the base, Gram Panchayat at the village level, and Panchayat Samiti and Zilla Parishad at block and district levels.

Solved Example

Example: How did the 73rd Amendment impact women's participation in local governance?

Solution: It reserved one-third of seats for women in Panchayats, bringing about 800,000 women into political processes in the 1993-94 elections.

Powers and Responsibilities of Panchayats

Panchayats are empowered to function as institutions of self-government with responsibilities including:

- Preparing plans and schemes for economic development.
- Promoting social justice schemes.
- Levying and collecting taxes, duties, tolls, and fees.
- Devolving governmental responsibilities, especially financial, to local authorities.

They also oversee social welfare activities such as maintaining burial grounds, recording births and deaths, establishing child welfare and maternity centers, controlling cattle pounds, promoting family planning, and supporting agricultural activities.

Development activities include constructing roads, public buildings, wells, tanks, and schools, promoting cottage industries, and managing minor irrigation works. Panchayats monitor government schemes like the Integrated Rural Development Programme (IRDP) and Integrated Child Development Scheme (ICDS).

Exam Questions

Q1: List some social welfare responsibilities of Panchayats.

A1: Maintenance of burial grounds, recording births and deaths, child welfare centers, family planning, and agricultural promotion.

Q2: What are some development activities undertaken by Panchayats?

A2: Construction of roads, schools, wells, promotion of cottage industries, and minor irrigation works.

Solved Example

Example: Explain how Panchayats contribute to economic development.

Solution: Panchayats prepare development plans, collect local taxes, and implement schemes that promote economic growth and social justice.

Panchayati Raj in Tribal Areas

Many tribal areas have a rich tradition of grassroots democratic functioning with traditional political institutions operating at village, clan, and state levels. For example, the Khasis, Jaintias, and Garos in Meghalaya have their own councils such as the 'Durbar Kur' presided over by clan headmen.

However, many tribal areas lie outside the provisions of the 73rd Amendment to avoid interference with traditional institutions. Sociologists note that tribal institutions may not always be democratic and can exhibit social stratification and gender intolerance. Social change has introduced complexities in distinguishing traditional from non-traditional practices.

Exam Questions

Q1: Why do many tribal areas lie outside the 73rd Amendment provisions?

A1: To avoid interference with traditional tribal political institutions.

Q2: What challenges exist in tribal political institutions?

A2: They may not be fully democratic, can have social stratification, and often exclude women.

Solved Example

Example: Describe the traditional political system of the Khasis.

Solution: Each Khasi clan has a council called 'Durbar Kur' presided over by the clan headman, functioning at various levels.

Democratisation and Inequality

Democratisation in India faces challenges due to long-standing inequalities based on caste, community, and gender. Often, certain groups are excluded from village meetings and decision-making processes. Gram Sabha members may be controlled by a small group of wealthy landlords from upper castes, marginalizing the majority.

Exam Questions

Q1: What are some barriers to democratisation in rural India?

A1: Social inequalities based on caste, class, and gender, and domination by upper caste landlords.

Q2: How does inequality affect participation in Gram Sabha?

A2: It leads to exclusion of marginalized groups from meetings and decision-making.

Solved Example

Example: Explain the role of upper caste landlords in village governance.

Solution: They often control Gram Sabha members and make decisions that exclude the majority, limiting democratic participation.

Political Parties, Pressure, and Interest Groups in Democratic Politics

In a democracy, various groups seek to make their voices heard and influence government policies. Industrialists form associations like the Federation of Indian Chambers of Commerce and Industry (FICCI), workers form trade unions such as the Indian National Trade Union Congress (INTUC), and farmers form agricultural unions like Shetkari Sangathan.

Political parties are organizations aiming to achieve legitimate control of government through elections. They represent different societal interests and pursue specific programs. Interest groups lobby legislative bodies to influence policies. Some groups form social movements when denied political power through standard means.

However, dominant social groups such as class, caste, or gender often have greater power in society, influencing the state more than pressure groups. Despite this, social movements and pressure groups play important roles in democracy.

Exam Questions

Q1: What is a political party?

A1: An organization aiming to gain governmental power through elections to pursue specific programs.

Q2: How do interest groups influence politics?

A2: By lobbying members of legislative bodies to promote specific interests.

Solved Example

Example: Give examples of different interest groups in India.

Solution: Industrial associations like FICCI, trade unions like INTUC, and farmers' unions like Shetkari Sangathan.

Solved Examples

- Expansion of Fundamental Rights by the Supreme Court to include livelihood and dignity under Article 21.
- Impact of the 73rd Amendment in increasing women's participation in Panchayati Raj Institutions.
- Role of Panchayats in economic development and social welfare activities.
- Traditional tribal political institutions and their challenges in democratic inclusion.
- Influence of political parties and interest groups in democratic politics.

Practice Set

Easy

- What is the main purpose of the Panchayati Raj system?
- Define a political party.

Moderate

- Explain the significance of the 73rd Constitutional Amendment.
- List three social welfare responsibilities of Panchayats.

Challenging

- Discuss the challenges faced by tribal political institutions in adapting to democratic norms.
- Analyze the role of interest groups in influencing government policies in India.

Answer Key

- **Easy 1:** To establish grassroots democracy and local self-government.
- **Easy 2:** An organization aiming to gain control of government through elections.

- **Moderate 1:** It gave constitutional status to Panchayati Raj Institutions, mandated elections, and reserved seats for marginalized groups and women.
- **Moderate 2:** Maintenance of burial grounds, child welfare centers, and promotion of agricultural activities.
- **Challenging 1:** Tribal institutions may be non-democratic, have social stratification, and exclude women, making adaptation difficult.
- **Challenging 2:** Interest groups lobby legislators to influence policies but dominant social groups often have greater power.

Quick Reference

- **Constitution:** Supreme legal document establishing social justice norms.
- **73rd Amendment:** Constitutional amendment granting status to Panchayati Raj Institutions.
- **Panchayati Raj:** Three-tier local self-government system in rural India.
- **Gram Sabha:** Village-level general body of citizens.
- **Political Party:** Organization seeking governmental power through elections.
- **Interest Groups:** Organizations lobbying for specific interests.

Glossary

Constitution

The fundamental legal document that defines the political principles and establishes the structure, procedures, powers, and duties of a government.

Directive Principles of State Policy

Guidelines in the Constitution to the government to frame laws aimed at social and economic welfare.

Panchayati Raj Institutions (PRIs)

Local self-government bodies at the village, block, and district levels in India.

Gram Sabha

The assembly of all registered voters in a village, serving as the foundation of Panchayati Raj.

Political Party

An organized group seeking to gain political power through elections.

Interest Group

An organization that seeks to influence public policy without seeking electoral office.

