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DOES THE CONSTITUTION OF INDIA LACK COMMUNITY PARTICIPATION?

- Tazkiya

INTRODUCTION:

'We The People Of India, is what The Constitution of India is founded on;¹ an unbiased and celebrated tool of democracy. The constitution of India was designed to plan the future of India based on this very expression which in two words summarises as community participation but is this expression still relevant in Indian Constitution and how far does it fall from current legislations?

This article examines and stream through the relevance of community participation in Indian constitution through various constitutional and political lenses where we will follow through the trails of different tiers of government, different constitutional laws and democratic insights compared to certain national and foreign legislations.

CORE PRINCIPLES:

The soul of the constitution lies in its Preamble and principles that form its basic structure like fundamental rights.

- **Preamble:** In the preamble of constitution of India Expressly two phrases are relevant to Community Participation.

¹ A case for the inclusion of the right to public participation under Article 21 of the Indian Constitution: A comparative constitutional analysis -iconnect blog
<https://www.iconnectblog.com/a-case-for-the-inclusion-of-the-right-to-public-participation-under-article-21-of-the-indian-constitution-a-comparative-constitutional-analysis/> (last visited Jun 24, 2026).

I) We The People Of India': These are the very opening words of the constitution that emphasizes that the constitution derives its authority from the people, it also reflects the idea of citizen participation in shaping the nation.

II) Democratic Republic: Democracy means that the strength and engine of a nation lies in its own people, it requires its citizens to participate through voting, public debate, local governance and civic engagement.

In present time India ensures community participation through vote and that voting is not compulsory, it is a free will of citizens but is voting really the far end of Indian legislation; the only voting citizens engage in are for choosing representatives but is that enough?

- **Fundamental rights:** In *Kesavananda Bharati v. State of Kerala*, the court emphasized that fundamental rights form essential part of the constitution's basic structure and cannot be destroyed even through constitutional amendments; that's how much importance fundamental rights hold in Indian constitution and even here participation of citizens have been accentuated through these significant rules:

I) *Right to Equality (Articles 14–18)*

It ensures equal treatment before the law and promotes inclusive participation by preventing discrimination based on religion, race, caste, sex, or place of birth ultimately enabling all sections of society to participate in governance and public life.²

II) *Right to Freedom (Articles 19–22)*

Article 19 is particularly important as it promotes community participation in many ways like:

-Freedom of Speech and Expression allows citizens to raise concerns and indirectly influence public policy.

-Freedom of Assembly allows peaceful gatherings, protests, and public meetings.

-Freedom of Association enables the formation of groups, unions, NGOs, and community organizations.

III) *Cultural and Educational Rights (Articles 29–30)*

This right mostly focuses on protecting the interests of minorities. It allows communities to preserve their language, culture, and educational institutions while also encouraging participation by diverse social and cultural groups.

IV) *Right to Constitutional Remedies (Article 32)*

² *Can a community refuse voting in India's Constitution?*, En Route Indian History <https://enrouteindianhistory.com/can-a-community-refuse-voting-in-indias-constitution/> (last visited Jun 24, 2026).

This right allows citizens to approach courts when their rights are violated and in many cases flexibility of locus standi allows PILs through social groups and community organisations irrespective of any differences. It thus allows communities to voice their concerns through each other and such voices can even be raised against the power of politics hence it strengthens public participation by ensuring governmental accountability.

By guaranteeing equality, freedom, cultural protection, and access to justice, fundamental rights create an environment in which individuals and communities can actively participate in social, political, and public life.

PARTICIPATORY GOVERNANCE IN CONTEXT OF INDIA AND OTHER COUNTRIES:

Indian constitution is a microcosm of constitutional framers ideas and international laws even many ideas by them were sometimes inspired by international laws. So we must understand Participatory Governance from the perspectives of courts of other countries and relate it to the Indian context.

- **Kenya:** The hon'ble court of Kenya have laid in cases like *Mui Coal* case the four requirements for effective public participation which are:
 - i) A proper participation program.
 - ii) A genuine opportunity for citizens to express their views.
 - iii) Easy access to relevant information.
 - iv) An inclusive and diverse process of participation.
- **South Africa:** In the case of *Doctors of Life International v. Speaker of National Assembly* the honble court held that public involvement in law-making is vital for representative democracy. It further laid out that citizens have a right to receive sufficient information about proposed laws and be given a real opportunity to participate in decision making.
- **India:** The courts in India have also emphasized in many of its cases on the importance of Public participation in governance but only in selective manner, like in case of *Research foundation for Science v. Union of India & ors.* Hon'ble Supreme Court held that Public Participation and access to information in environmental matters were linked to Article 21:³ selective yet extreme but is this extreme approach actually applied

³ A case for the inclusion of the right to public participation under Article 21 of the Indian Constitution, *Supra* note 1 at 1

in real life. Despite this warning the government of India still tried to bulldoze Kancha Gachibowli Forest in 2025 which even if was intervened by the Supreme Court but not always are these cases publicized the same way as this one. Taking another example of Kashmir where forests are lifelines of not only Kashmir but all the countries around it, its mountains create barriers to such winds which if let go freely can literally cause occasional tornados and sudden changes in temperatures ultimately affecting overall climate; a crucial point for environment but the developmental projects carried out on and around these mountains lack expert opinion and public participation and same is the case in some other states. Does that mean Judicial Precedents are losing their effect or is the connection between administration and judiciary losing its essence?

IMPORTANCE OF PARTICIPATORY GOVERNANCE FOR EXECUTIVE:

Moving on to the closest executive body in India at rural settings which is the **Panchayat Raj Institution**, an institution formed under 73rd constitutional amendment in 1992 to promote relative governance at ground level and acts as a bridge between government and its people and mainly responsible for rural developments need public participation because that is where the most effect lies.

Communities and Panchayats need to work together in:

1- Agricultural Planning

For promoting modern and profitable farming techniques, supporting organic farming, zero-budget farming and encouraging Self-Help Groups (SHGs), cooperatives and Farmer Producer Organisations (FPOs).

2- Water Conservation

For addressing groundwater depletion, encouraging crop diversification and promoting rainwater harvesting and watershed management.

3- Forest and Land Conservation

For preventing illegal encroachments, encouraging community-led tree plantation drives and for planning productive use of wastelands.

4- Renewable Energy

For promoting solar energy and cleaner fuels in villages and reducing environmental pollution.⁴

⁴ -Archana, *Community participation in Panchayati raj institutions for sustainable rural and Agriculture Development*, 7 International Journal of Political Science and Governance 56–62 (2025).

This is the case scenario at rural level, now let's move on to urban areas where Ward Committees were established under 74th constitutional amendments with the idea of involving people at ground level in decision making; a step taken towards participatory governance but these ward councillors were initially controlled by councillors and government nominees. It had many weaknesses like lack of clear powers and participations, lack of governmental interest etc thus slowly this first step turned out as a body without soul and essence.

A LEGISLATION WITHOUT SOUL- INTENTION VS. IMPLEMENTATION.

The 74th Constitutional Amendment of 1993 sought to decentralize urban governance and strengthen democracy at the local level.

Article 243S mandated the creation of Ward Committees in municipalities with populations exceeding three lakh to enable citizen participation in planning and governance and to strengthen this framework, the Community Participation Law (CPL) under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) proposed a three-tier structure:

1. City Governments
2. Ward Committees
3. Area Sabhas

The objective was to institutionalize grassroots democracy and give citizens a direct role in local governance but implementation of these legal provisions has been inconsistent across states. Many states either lack clear rules for participatory forums or have failed to operationalize them effectively.⁵

According to Janaagraha's Annual Survey of India's City-Systems (ASICS) 2023,

- . Only 5 of 35 States and Union Territories have enacted and operationalized the Community Participation Law across all city governments.
- . Only 22% of Indian cities have functioning Ward Committees.
- . Even among states with notified rules, actual implementation is often partial.

CRITICISM OF INITIATIVES:

⁵ -How states drag their feet on citizens participation in Urban governance, <https://accountabilityindia.in/blog/how-states-drag-their-feet-on-citizens-participation-in-urban-governance-a-case-study/> (last visited Jun 24, 2026).

- The Preamble declares that the Constitution is given by the people to themselves, however in practice, the Constitution mainly recognizes citizens through periodic elections where they choose representatives to govern on their behalf.⁶
- The Indian Constitution adopts a model of representative democracy, where elected representatives make decisions for citizens. During the Constituent Assembly debates, proposals such as the right to recall representatives were considered but rejected and as a result citizens have limited direct control over government between elections.⁷
- The Constitution does not provide significant avenues for direct citizen involvement in various areas such as constitutional amendments through referendums, legislative decision-making through public participation requirements, executive decision-making through mandatory public consultations etc.
- While many modern constitutions allow referendums on constitutional changes, citizen initiatives, mandatory public consultation before legislation, community consent for projects affecting local populations but relevantly the Indian Constitution lacks such mechanisms.
- Some laws in India have tried to create participatory spaces.⁸ For example:
 - . The Forest Rights Act, 2006 requires community consent for certain projects on forest land.
 - . Environmental regulations sometimes require consultation with affected communities.However, these protections are statutory rather than constitutional and can be easily modified or withdrawn.

CONCLUSION:

In conclusion we can say that the question of whether India lacks community participation cannot be answered with a simple yes or no answer. On one hand, the Indian constitutional and legal framework contains several provisions aimed at promoting public involvement in

⁶ -*Between Policy and Practice/ The Gap Between Intention and Implementation*, <https://urban.org.in/fellow-blogs/between-policy-and-practice-the-gap-between-intention-and-implementation/>.

⁷ -*The Indian Constitution through the lens of power – V: The people*, iconnectblog <https://www.iconnectblog.com/the-indian-constitution-through-the-lens-of-power-v-the-people/> (last visited Jun 24, 2026).

⁸ -*Status of the community participation law in India: Status and issues 1* (2019) <https://civicspace.in/wp-content/uploads/2019/10/Community-participation-laws-analysis-by-Shyam-Singh-1-1.pdf> (last visited Jun 24, 2026).

governance, the 73rd and 74th Constitutional Amendments, the establishment of Panchayati Raj Institutions, Gram Sabhas, Ward Committees, Area Sabhas, and various statutory mechanisms for consultation demonstrate a clear recognition of the importance of citizen participation in democratic governance. These measures reflect an intention to bring decision-making closer to the people and to encourage community engagement in matters affecting local development.

On the other hand though the effectiveness of these participatory mechanisms remains a matter of concern. Studies and case analyses reveal that many institutions created to facilitate citizen participation either function inadequately or exist largely on paper only. Administrative delays, limited powers, inadequate awareness, and lack of political commitment often restrict meaningful public involvement and in urban governance particularly, participatory bodies such as Ward Committees and Area Sabhas have frequently struggled to operate as effective forums for community decision-making.

The Constitution of India begins with the principle of We the People, it primarily adopts a model of representative democracy, where citizens exercise influence mainly through elected representatives. Direct forms of participation, such as referendums, citizen initiatives, or constitutionally guaranteed public consultation processes, are comparatively limited and as a result, community participation often depends on legislative measures, administrative practices, and judicial intervention rather than on an explicit constitutional right.

It may be more accurate to conclude that India does not entirely lack community participation; rather, it faces a significant gap between constitutional aspirations and practical implementation. The challenge lies less in the absence of participatory provisions and more in ensuring that existing institutions function effectively, inclusively, and meaningfully. Therefore, strengthening implementation, enhancing public awareness, and fostering greater institutional accountability are essential to realizing the democratic ideal of active citizen participation in governance.

