



GRASSROOTS GOVERNANCE UNDER SCRUTINY

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INTRODUCTION

The case of the State of Uttar Pradesh v Pradhan Sangh Kshetra Samiti is one of the landmark judgments that bring out the constitutional framework for local self-governance in India. It critically evaluates the interplay between the Uttar Pradesh Panchayat Raj (Amendment) Act, 1994, and the 73rd Constitutional Amendment, 1992, which sought to empower the Panchayati Raj system at the grassroots level¹. This case is important for defining the relationship between legislative intent and constitutional provisions in decentralizing governance.

The 73rd Constitutional Amendment Act was a transformative reform that introduced a three-tier Panchayati Raj structure, comprising Gram Panchayats, Panchayat Samitis, and Zila Parishads. These institutions were envisaged to bring governance closer to rural communities and enhance democratic participation². The Amendment added Part IX to the Indian Constitution, which detailed the composition, powers, and responsibilities of local self-government institutions. Among its notable features was the establishment of the Gram Sabha, a body representing the electorate of a village³.

To meet this constitutional requirement, the Uttar Pradesh legislature passed the Uttar Pradesh Panchayat Raj (Amendment) Act, 1994. However, its provisions, especially the definitions of 'village,' 'Gram Sabha,' and 'Panchayat area,' sparked legal debates and brought forth questions about compliance with the Constitution's intent⁴. These ambiguities and resultant disputes were the core of the case at hand.

The Supreme Court dealt with these disputed issues and defined the role of the Governor and the State Government in implementing Article 243(g), which lays down the definition of a

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¹ *State of Uttar Pradesh v Pradhan Sangh Kshetra Samiti* [1995] 1 SCC 260.

² Constitution (73rd Amendment) Act 1992 (India).

³ *ibid*, art 243A.

⁴ Uttar Pradesh Panchayat Raj (Amendment) Act 1994 (U.P. Act No. 9 of 1994).

'village'. The judgment has since played a pivotal role in shaping the interpretation of constitutional provisions concerning Panchayati Raj institutions⁵.

Through this case comment, we aim to critically analyze the judgment, assess its reasoning, and explore its broader implications for the decentralization of governance in India⁶. By examining this case, we can better understand the balance between constitutional ideals and their practical implementation at the state level⁷.

FACTS OF THE CASE

The case centers on the 73rd Constitutional Amendment Act, 1992 which institutionalized the Panchayati Raj system to strengthen grassroots democracy. The Uttar Pradesh State Legislature, in order to harmonize with the constitutional framework, amended the Uttar Pradesh Panchayat Raj Act, 1947, through the Uttar Pradesh Panchayat Raj (Amendment) Act, 1994. The amendments defined "village," "Gram Sabha," and "Panchayat area" under Sections 2(t), 2(g), and 2(11), empowering the State Government to issue notifications delineating these governance units⁸.

The disputes arose when the Uttar Pradesh Government issued notifications under the amended Act, redefining the village boundaries and excluding certain smaller settlements and hamlets traditionally considered independent villages. These exclusions led to protests, especially among the minority groups who were threatened with being locked out from participating in the local governance system. The Pradhan Sangh Kshetra Samiti, representing these communities, challenged the government's notifications, asserting that they violated constitutional provisions under Articles 243(g) and 243(e), which emphasize inclusivity and grassroots participation in governance⁹.

The respondents argued that the government's decision to exclude areas defeated the ideals of the 73rd Amendment, as enshrined in Article 40 of the Directive Principles of State Policy, which requires the formation of village Panchayats as units of self-government.

⁵ *State of Uttar Pradesh v Pradhan Sangh Kshetra Samiti* [1995] 1 SCC 260.

⁶ R C Lahoti, 'Constitutional Amendments and Local Governance' (1995) 32 SCC (Journal) 45.

⁷ S Choudhary, *Panchayati Raj Institutions in India: Constitutional Framework* (LexisNexis 1993).

⁸ Constitution (73rd Amendment) Act 1992 (India), art 243B.

⁹ *State of Uttar Pradesh v Pradhan Sangh Kshetra Samiti* [1995] 1 SCC 260.

They argued that the delimitation process was arbitrary and devoid of procedural fairness, violating the fundamental rights of equality and dignity guaranteed under Articles 14 and 21 of the Constitution¹⁰. Furthermore, they claimed that procedural safeguards under Section 11 of the Uttar Pradesh Panchayat Raj Act, 1947, which require public consultation, were disregarded¹¹.

It upheld that the actions of the State Government were arbitrary and against constitutional principles. This, it said was against the tenets of the 73rd Amendment, inasmuch as the government was acting contrary to the spirit of decentralization which the amendment introduced. The Court ordered the State Government to reconsider the delineation process and ensure compliance with constitutional and statutory provisions¹².

Not being satisfied with the judgment of the High Court, the State Government filed an appeal under Article 136 of the Constitution before the Supreme Court. The Supreme Court, invoking its appellate jurisdiction, was tasked with examining whether the State Government's actions and the relevant provisions of the Uttar Pradesh Panchayat Raj Act, 1947, aligned with the constitutional framework governing Panchayati Raj institutions¹³.

ISSUES RAISED

- **Constitutionality of Definitions:** Whether the definitions of "village" under Section 2(t), "Gram Sabha" under Section 2(g), and "Panchayat area" under Section 2(11) of the Uttar Pradesh Panchayat Raj Act, 1947 (as amended in 1994), were ultra vires the corresponding definitions under Articles 243(g), 243(b), and 243(e) of the Constitution?¹⁴
- **Role of the Governor:** Whether the Governor's role in specifying a "village" under Article 243(g) is discretionary and based solely on the wishes of the inhabitants, or whether it must be exercised in consultation with the State Government?¹⁵

¹⁰ Constitution of India 1950, arts 14, 21, 40.

¹¹ Uttar Pradesh Panchayat Raj Act 1947, s 11.

¹² *ibid.*

¹³ Constitution of India 1950, art 136.

¹⁴ Constitution (73rd Amendment) Act 1992 (India), arts 243(g), 243(b), 243(e).

¹⁵ Constitution of India 1950, arts 243(g), 163.

- **Judicial Review of Governor's Powers:** Whether the Governor's actions under Article 243(g) are immune from judicial review or subject to scrutiny under constitutional principles such as fairness, reasonableness, and non-arbitrariness?¹⁶
- **Procedural Validity of Notifications:** Whether the State Government's notifications establishing Gram Sabhas and redefining Panchayat areas comply with the procedural safeguards under Section 11 of the Uttar Pradesh Panchayat Raj Act, 1947, and the principles of natural justice?¹⁷
- **Doctrine of Reasonableness:** Whether the exclusion of smaller settlements from the Gram Sabha jurisdiction violates the doctrine of reasonableness and fundamental rights guaranteed under Articles 14 and 21 of the Constitution?¹⁸

ARGUMENTS FROM BOTH SIDES

Respondent (Pradhan Sangh Kshettra Samiti & Ors.)

The petitioners further emphasized that the **redefinition of village boundaries** without due consideration of **socio-economic and cultural factors** contravened the principles laid down in *State of Karnataka v Union of India*¹⁹, where the Supreme Court held that **executive actions affecting local governance must be backed by constitutional justification**. They contended that the **State Government's decision lacked empirical data** to justify such exclusions, rendering it **arbitrary and violative of natural justice**.²⁰

Furthermore, the petitioners cited *TMA Pai Foundation v State of Karnataka*²¹ to argue that **state actions must conform to reasonableness**, contending that **Gram Sabhas represent the democratic will of the people** and that their boundaries should not be altered without justifiable cause.

¹⁶ *Kesavananda Bharati v State of Kerala* [1973] 4 SCC 225.

¹⁷ Uttar Pradesh Panchayat Raj Act 1947, s 11; *Maneka Gandhi v Union of India* [1978] 1 SCC 248.

¹⁸ Constitution of India 1950, arts 14, 21.

¹⁹ *State of Karnataka v Union of India* (1978) 2 SCR 1.

²⁰ *Ibid.*

²¹ *TMA Pai Foundation v State of Karnataka* (2002) 8 SCC 481.

Petitioner (State of Uttar Pradesh & Ors.)

The **State Government** argued that **Panchayati Raj falls under state jurisdiction** as per *Entry 5, List II, Schedule VII of the Indian Constitution*²², granting states **exclusive legislative competence** over local governance matters. They cited *Bharat Singh v State of Haryana*²³, asserting that **rationalizing administrative units does not equate to disenfranchisement**. The government maintained that **exclusions were necessary for administrative efficiency and not unconstitutional**, relying on *State of Tamil Nadu v K Shyam Sunder*⁵⁷, which upheld **executive discretion in restructuring governance units**.

JUDGEMENT AND RATIONALE

The Supreme Court exhaustively dealt with the legal and constitutional questions in **State of Uttar Pradesh v Pradhan Sangh Kshetra Samiti**, which upheld the principles of the 73rd Amendment while correcting defects in the Uttar Pradesh Panchayat Raj (Amendment) Act, 1994.

Upholding Constitutional Validity

The Court reiterated that the 73rd Amendment was constitutionally valid, as it established the Panchayati Raj system through Part IX of the Indian Constitution. The amendment sought to strengthen local governance through the establishment of three-tier Panchayati Raj institutions, comprising Gram Panchayats, Panchayat Samitis, and Zila Parishads. Articles 243(b), 243(g), and 243(e) define critical components such as "village," "Gram Sabha," and "Panchayat area," emphasizing inclusivity, equity, and grassroots participation in governance.²⁴

Redefining Statutory Compliance

The Court analyzed the definitions and notifications in the Act of 1994 under Sections 2(t), 2(g) and 2(11), holding that smaller settlements and their associated communities would be left out from Gram Sabha jurisdictions, inconsistent with constitutional intent.

²² Constitution of India, *Schedule VII, List II, Entry 5*.

²³ *Bharat Singh v State of Haryana* (1988) 4 SCC 534.

²⁴ *State of Tamil Nadu v K Shyam Sunder* (2011) 8 SCC 737.

The Court held that such exclusions violated the principles of equality (Article 14) and dignity (Article 21) and directed the State Government to revisit the delineation process²⁵.

Role of the Governor and Judicial Review

The Court discussed one of the major issues—the scope of powers granted to the Governor by Article 243(g). It clarified that the power to specify a "village" under Article 243(g) does not lie absolutely with the Governor and that the Governor must exercise it in consultation with the State Government. This, too, is subject to constitutional norms of fairness, inclusiveness, and equity. Lastly, the Court also held that being executive in nature, the action of the Governor is amenable to judicial review. This ensures accountability and prevents the arbitrary use of power, aligning with the broader principles of the rule of law.²⁶

Procedural Safeguards and Public Consultation

The Court struck down the State Government's notices as offending Section 11 of the 1947 Act since no public consultations and stakeholder engagement occurred to undermine democratic legitimacy. The Court directed the State Government to conduct fresh public consultations and consider the socio-economic realities of the excluded communities before issuing new notifications.²⁷

Balancing Administrative Feasibility and Democratic Values

The judgment emphasized the balancing of administrative convenience with constitutional objectives, and that implementation challenges cannot justify actions contrary to the spirit of the 73rd Amendment. It emphasized that state governments must prioritize democratic values, including participatory governance and inclusivity, over mere administrative efficiency²⁸.

Precedent for Decentralized Governance

By addressing these issues, the judgment set an important precedent for interpreting and implementing the 73rd Amendment across India. It clarified the interplay between constitutional provisions, statutory frameworks, and executive actions, emphasizing the need

²⁵ *State of Uttar Pradesh v Pradhan Sangh Kshetra Samiti* [1995] 1 SCC 260.

²⁶ Constitution of India 1950, arts 243(g), 14, 21; *Kesavananda Bharati v State of Kerala* [1973] 4 SCC 225.

²⁷ Uttar Pradesh Panchayat Raj Act 1947, s 11.

²⁸ Constitution (73rd Amendment) Act 1992 (India), art 243B.

for adherence to constitutional principles in promoting local self-governance. The decision also highlighted the judiciary's role in safeguarding the rights of marginalized communities and ensuring that governance remains equitable and inclusive²⁹.

ANALYSIS OF JUDGEMENT

The judgment in *State of Uttar Pradesh v Pradhan Sangh Kshetra Samiti* reflects the interplay between constitutional mandates, legislative frameworks, and administrative practices. At its core, it is a reinforcement of the principle of decentralization and inclusiveness as enshrined in the 73rd Constitutional Amendment.

The interpretation by the Court of Article 243(g) considerably clarifies the Governor's role in specifying villages. By holding that the decisions of the Governor must be open to judicial review, the Court reinforced the principle of accountability in the exercise of executive actions. This aligns with the constitutional ethos of fairness and equity, ensuring that the exercise of power does not undermine the rights of marginalized communities.³⁰

Additionally, the judgment emphasizes procedural fairness in the process of administration. By declaring the State Government's notifications invalid due to non-compliance with Section 11 of the Uttar Pradesh Panchayat Raj Act, 1947, the Court focused on public consultation and stakeholder involvement in local governance decisions. This sets a critical precedent for ensuring transparency and inclusivity in administrative actions.³¹

It also shows commitment by the Court to uphold the intention of balancing state autonomy with constitutional ideals. Admitting that state governments would face challenges in implementing this decentralization, it cannot justify the continued actions that are contrary to the spirit of the Constitution. This reinforces the constitutional mandate of empowering local self-governance and protecting the rights of vulnerable communities³².

Finally, the judgment illuminates broader implications of the 73rd Amendment for Panchayati Raj institutions across India as a whole. It reminds the state governments that the success of

²⁹ *State of Uttar Pradesh v Pradhan Sangh Kshetra Samiti* [1995] 1 SCC 260.

³⁰ Constitution of India 1950, arts 14, 21.

³¹ *S R Bommai v Union of India* [1994] 3 SCC 1.

³² Constitution (73rd Amendment) Act 1992 (India), art 243B.

decentralization will depend on how far they uphold constitutional principles and promote participatory democracy.

CONCLUSION

State of Uttar Pradesh v Pradhan Sangh Kshettra Samiti -The Supreme Court, in furthering the realization of constitutional philosophies of being inclusive, having equipoise, and as well as an objective being decentralized, found its vital and decisive role under Article 142 of the constitution. The scope of the jurisdiction is wide yet has to respect the legislative purpose and constitutional spirit. Similarly, the procedural safeguards, which are envisaged under Section 11 of the Uttar Pradesh Panchayat Raj Act 1947, cannot be ignored in administrative decisions. The judgment underscores that actions under Article 243(g) require a balance between state autonomy and the rights of marginalized communities, ensuring grassroots participation in governance³³. Judicial review of executive actions remains a critical tool in upholding constitutional mandates. The case serves as a reminder of the judiciary's responsibility to act as a guardian of constitutional values, particularly in ensuring equity and justice at the local governance level.

³³ Constitution of India 1950, arts 243(g), 142; *State of Uttar Pradesh v Pradhan Sangh Kshettra Samiti* [1995] 1 SCC 260.