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Elements of Socialist Principles in the Indian Legal System

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ABSTRACT

The Indian legal system integrates socialist principles rooted in the Constitution, aiming to foster justice, equality, and social welfare. Socialism, as an ideology, emphasizes reducing disparities in wealth and opportunities through state intervention, public ownership, and welfare policies, prioritizing societal good over individual gain and striving to eliminate economic and social inequalities. These ideals are reflected in the Indian Constitution's Preamble, which declares India a "socialist" republic, and the Directive Principles of State Policy (DPSP), which guide the state toward ensuring livelihoods, equitable resource distribution, and welfare measures. Fundamental Rights, such as equality and the abolition of untouchability, further align with socialist goals, while legislative enactments like land reforms, bank nationalization, and welfare laws exemplify efforts to redistribute wealth and uplift the marginalized. Judicial activism, particularly through Public Interest Litigation, has reinforced these principles by expanding rights to housing, education, and dignity. However, challenges such as economic disparities, bureaucratic inefficiency, corruption, and sociocultural barriers hinder full implementation. The future of socialist legislation in India hinges on addressing inequality, strengthening enforcement, enhancing public participation, and promoting cultural change to realize a just and equitable society as envisioned by the Constitution.

Keywords: Socialism, Welfare State, Judicial Activism, Societal Gain.

I. INTRODUCTION

The Indian legal system is deeply rooted in the Constitution of India, which enshrines various ideals and principles aimed at promoting justice, equality, and social welfare. Among these principles, the idea of socialism occupies a central place, reflecting the Indian state's commitment to building a just society that ensures the welfare of all citizens, particularly the marginalized and disadvantaged groups.

The word "socialism" is an ideology which advocates formation of a welfare state, thereby emphasizing on reducing disparities in wealth, opportunities, resources through state

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intervention, public ownership and welfare policies.

Recently, the Supreme Court of India observed that in context of the Indian framework, the term 'socialism', embodies the principle of economic and social justice, wherein the State ensures that no citizen is disadvantaged due to economic or social circumstances. The word 'socialism' reflects the goal of economic and social upliftment and does not restrict private entrepreneurship and the right to business and trade, a fundamental right under Article 19(1)(g).^[2]

The Indian legal system, while based on principles of democracy and justice, incorporates elements of socialist ideology, particularly through the Directive Principles of State Policy (DPSP), social legislation, and judicial activism.

II. ELEMENTS OF SOCIALISM

1. Socialism prioritises society over individual:

Socialism prioritises society over the individual. It puts the greater good of society ahead of the interests of the individual^[3]. The goal of the nation's entire productive system, in the opinion of socialists, should be to provide only those goods that society needs. Socialism emphasises the natural oneness of the community. It seeks to structure society in a way that promotes individual liberty. This means that opportunities that allow a person to live a complete and free life and to accomplish what he believes to be right are provided.

2. Socialism aims to eliminate capitalism:

Wealth is distributed unevenly under capitalism. Under this arrangement, the capitalists keep the surplus and the workers only receive a small portion. This kind of exploitation is a major barrier to social justice. Additionally, capitalism results in an unequal distribution of the nation's wealth.

3. Socialism stand for Equality

The goal of socialism is to eliminate both economic and social inequalities. It supports closing the inequality gap between the rich and the poor in order to foster healthy competition between them.

4. Socialism stands for the abolition of Private Property

Socialism seeks to outlaw private property ownership. It seeks to give societal ownership of the

² 2024 SCC OnLine SC 3433

³ Pulatsya Shukla, "Socialism in Indian Constitution with reference to Right to Property", 2 International Journal of Law Management & Humanities Vol 6 Issue 1 023

means of production. It aims to establish a situation where all men possess property, enabling them to live successful and healthy lives⁴.

III. SOCIALIST IDEALS IN THE INDIAN CONSTITUTION

The Indian Constitution, adopted in 1950, is the supreme law of the land. While it lays down the democratic framework for governance, it also incorporates elements of socialism that influence the Indian legal system.

1. The Preamble

It explicitly mentions the word “socialist” in the context of establishing a democratic republic. The Preamble states:

"We, the people of India, having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic Republic..."

The insertion of the word "socialist" in the Preamble in 1976, through the 42nd Amendment, reflects the commitment of the Indian state towards establishing a socialist society. The word "socialist" in the Preamble is interpreted as a commitment to securing the welfare of the people and promoting social and economic equality.

2. Directive Principles of State Policy (DPSP)

The Directive Principles of State Policy (DPSP), enshrined in Part IV of the Indian Constitution, are non-justiciable guidelines to the state in formulating laws and policies. While DPSPs do not carry the force of law like the Fundamental Rights, they play a crucial role in the Indian legal system by embodying the vision of a just society.

Many of the DPSPs reflect socialist principles and direct the state to:

- Promote the welfare of the people by securing a social order in which justice (social, economic, and political) shall inform all institutions of national life.[⁵]
- Ensure that the citizens, particularly the poor and vulnerable, have the right to adequate means of livelihood, equal pay for equal work, and that the ownership of material resources is distributed in such a way that the common good is promoted.[⁶]
- Advocate for the right to work, education, and public assistance in cases of

⁴ Dr. Priti Tiwary, “The ideology of socialism in Indian constitution”, International Journal of Applied Research Vol 4 Issue 1 2018

⁵ The Constitution of India, Article 38

⁶ The Constitution of India, Article 39

unemployment, old age, sickness, and disablement. [7]

- Promote securing a living wage for workers, ensuring decent standards of living⁸

3. Fundamental rights :

A set of civil rights is guaranteed to citizens under the Fundamental Rights, which are enforceable by the judiciary and are enshrined in Part III of the Indian Constitution. These rights are consistent with socialist ideals, even if their main purpose was to protect individual liberties.

- Right to Equality : Addresses social inequality by guaranteeing that no one is subjected to discrimination on the grounds of caste, religion, or sex^[9].
- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth: In order to improve the well-being of socially and economically disadvantaged groups, the Constitution forbids discrimination and requires affirmative actions^[10].
- Equality of opportunity in matters of public employment: By guaranteeing equality of opportunity in public employment, the Constitution encourages equity in government hiring procedures^[11].
- Abolition of untouchability: Addressing the stigma of social exclusion and thereby outlawing the practice of “untouchability”, enhances the idea of an equal society^[12].
- Right to life: Ensuring the right to life and personal freedom encompasses the right to a dignified existence, which is essential for the achievement of socialist objectives^[13].

IV. LEGISLATIVE ENACTMENTS REFLECTING SOCIALIST IDEALS

Numerous laws passed to address issues of social justice, economic inequality, and the welfare of the poor also demonstrate the influence of socialist ideas in the Indian legal system. By redistributing wealth, raising the standard of living for the impoverished, and guaranteeing the provision of necessities like housing, healthcare, and education, these laws seek to advance the principles of a socialist society.

⁷ The Constitution of India, Article 41

⁸ The Constitution of India, Article 43

⁹ The Constitution of India, Article 14

¹⁰ The Constitution of India, Article 15

¹¹ The Constitution of India, Article 16

¹² The Constitution of India, Article 17

¹³ The Constitution of India, Article 21

1. Land reforms in India

The land reforms, which sought to transfer land from rich landowners to landless peasants, are among the most notable instances of socialist-inspired legislation in India. A number of land reform initiatives were implemented in the years following independence with the goals of lowering rural poverty, guaranteeing social justice, and boosting agricultural output.

- **The Abolition of Zamindari System:**

The implementation of land reforms ended the Zamindari system, which established a class of landowners with authority over enormous tracts of land and resources. Several states enacted land reform legislation in the 1950s and 1960s with the intention of allocating land to tillers and landless farmers^[14].

- **Ceiling on Landholdings:**

The introduction of the "ceiling" idea on landholdings placed restrictions on the total quantity of land that a family or individual might own. The landless were to get a redistribution of any surplus land. The goal of this law was to dismantle huge estates and advance the notion of just land allocation^[15].

- **Tenancy Reforms**

A number of state-level reforms guaranteed tenant farmers security of tenure and regulated tenancy, preventing landowners from evicting them without cause^[16].

2. The Public Sector and Nationalization laws

The laws governing the public sector and industry nationalisation are likewise characterised by socialist ideals. To guarantee that important industries would serve the public interest rather than the financial interests of private capitalists, the Indian government made a bold move towards state control over them in the early years after independence.

- **Nationalisation of Banks (1969):** The government nationalised 14 significant commercial banks on the grounds that the state needed authority over financial resources in order to distribute credit to the industrial and agricultural sectors, especially in developing nations^[17].
- **The Industrial policy Resolution of 1956:** This strategy placed a strong emphasis on the

¹⁴ Jyoti Berwal, "A critical analysis of the Land reforms programs in India", *Journal of Emerging Technologies and Innovative Research* Vol 5 Issue 1, 2018

¹⁵ Ibid

¹⁶ Ibid

¹⁷ K. Venu Gopal, "Bank Nationalisation-44 years of Socio-Economic Justice in India", Vol 1 Issue 7(1) 2013

public sector's ability to control the economy, especially in sectors like telecommunications, steel, coal, and defence. Industries were divided into three groups by the Industrial Policy Resolution of 1956. The first group includes 17 industries that were solely under the government's purview and were listed in Schedule A of the Resolution. These comprised, among other things, railroads, aviation, weapons and ammunition, steel and iron, and nuclear energy. Twelve industries (included in Schedule B of the Resolution) made up the second group. These industries were supposed to be gradually owned by the State, while the private sector was supposed to support the State's efforts. All of the remaining industries were included in the third category, and it was anticipated that the private sector would start these industries' development while keeping them accessible to the state.^[18] Preventing monopolies and making sure that industries served the interests of the country rather than a select group of powerful corporations were the goals.

- **Nationalisation of Coal Mines:** To guarantee that resources were utilised for the good of the country and to break the private monopoly in the industry, the government nationalised coal mines. The process of nationalisation was conducted in a fragmented manner. First, the Coking Coal Mines (Emergency Provisions) Act of 1971 gave the government authority over the coking coal mines. Following this, the Coal Mines (Nationalisation) Act of 1973 (CMN Act, 1973) was passed, nationalising non-coking coal. In order to "ensure the rational, coordinated, and scientific development and utilisation of coal resources consistent with the growing requirements of the country," the Coal (Nationalisation) Act 1973 was passed (MOC, 1973). The central government was granted the authority to own, control, and oversee all of the nation's coal mines by Section 3 of the old Act^[19]. It removed any private company encumbrances, holds, or titles to the mines^[20]. The 1973 Act was modified in 1976 to broaden the application of Section 3 by giving the government the authority to permit private iron and steel enterprises to manufacture captive coal.

3. Welfare Legislations:

The Indian legal system integrates socialist principles through a variety of welfare oriented legislations such as:

¹⁸ Ahluwalia, I.J. *Productivity and Growth in Indian Manufacturing*, Oxford University Press, Delhi , 1991.

¹⁹ The Coal Mines (Nationalisation) Act, 1973 (Act 26 of 1973)

²⁰ Sun-Joo Ahn and Dagmar Graczyk, "Understanding Energy Challenges in India Policies, Players and Issues", International Energy Agency 47, (Organisation for Economic Co-operation and Development, 2012)

- **The Employees' State Insurance Act (1948):**

This statute offers workers social security benefits in the event of illness, pregnancy, and accidents at work. It was a component of a larger effort to address worker welfare and create a social justice system^[21].

- **The Minimum Wages Act (1948):**

This law guarantees a minimum salary to employees in specific industries^[22]. It tackles the problem of economic exploitation, which is central to socialist ideology.

- **The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989):**

The purpose of this law was to stop prejudice and atrocities against SCs and STs. It directly reflects socialist ideals of equality and social justice by penalising acts of violence, exploitation, or oppression against these populations.

- **The Right to Education Act (2009):**

Children aged 6 to 14 now have the fundamental right to an education thanks to this statute. It embodies the socialist ideal that all citizens, regardless of socioeconomic background, should have equal access to basic services like education.

V. ROLE OF THE JUDICIARY IN UPHOLDING SOCIALIST PRINCIPLES AND IDEALS

The Indian courts have played a crucial role in converting the Constitution's socialist objectives into workable legal guidelines. Since independence, the courts—especially the Supreme Court of India—have influenced how social justice, equality, and economic rights—all essential components of the socialist framework—are understood and applied.

(A) Judicial Activism and Public Interest Litigation:

The Indian court has taken a proactive stance in protecting the rights of the poor since independence, frequently extending the reach of Part III of the Constitution's fundamental rights. One of the most important tools in this process has been Public Interest Litigation (PIL). Even in circumstances where there is no direct personal interest, PIL enables citizens and non-governmental organisations to bring legal action on behalf of the general public or under-represented groups in order to obtain justice in issues pertaining to socioeconomic rights and human dignity. Since it has given marginalised communities the ability to stand up for their

²¹ G.B Pai, *Labour Law in India*-Volume I (New Delhi: Butterworths India, 2001)

²² Dr.T.KAUSALYA KUMARI, "Social Legislations Of Independent India And Influence On Indian Society", Vol 10 Issue 2 , 2022

rights, this has been a particularly significant development in the advancement of socialist values. The following are some notable cases that have aided in the implementation of socialist laws.

- **Shantistar Builders v. Narayan Khimalal Totame**^[23]

According to the Supreme Court, the fundamental right to life guaranteed by Article 21 of the Constitution includes the right to housing. The Court acknowledged that the state was responsible for the welfare and well-being of individuals from the weaker segments of society under Article 46. This ruling paved the way for the state's obligation to give impoverished people suitable housing, especially in cities.

- **Francis Coralie Mullin v. Union Territory of Delhi**^[24]

The Supreme Court ruled that access to necessities like housing, healthcare, and a means of subsistence are crucial elements of the right to life, which encompasses the right to live with human dignity. Socialist objectives like social welfare and fair access to public services have gained constitutional relevance as a result of this interpretation.

- **Unnikrishnan v. State of Andhra Pradesh**^[25]

The Court acknowledged the right to education as a component of the fundamental right to life. The socialist goal of universal education was advanced by this decision, which signalled a sea change in the way the state actively participates in offering free and mandatory education to all students.

- **Olga Tellis v. Bombay Municipal Corporation**^[26]

The Supreme Court upheld the rights of urban homeless to have access to basic shelter as a part of their right to life. This case underlined the need for the state to ensure the economic and social rights of all citizens, particularly the vulnerable groups.

(B) Key Challenges in implementing socialist laws in India

Although India's legal system shows a strong commitment to socialist principles, there are still several obstacles in the way of these laws' successful implementation. These difficulties include sociocultural obstacles, corruption, bureaucratic inefficiencies, and economic inequity. The Indian state nevertheless faces challenges that prevent the complete implementation of a

²³ (1990) 1 SCC 520

²⁴ (1981) 1 SCC608

²⁵ 1993 1 SCC 645

²⁶ 1985 3 SCC 545

socialist legal system, even in the face of progressive legislation and judicial activism.

a. Economic Disparities and Inequality

Economic disparity is one of the most enduring obstacles to India's socialist aspirations. Economic disparities continue to be a major problem, and the gap between the rich and the poor has grown despite legislative frameworks intended to guarantee an equitable allocation of resources.

b. Wealth Inequality:

Inequality of wealth is among the worst in the world in India. Numerous reports claim that a disproportionate amount of India's wealth is controlled by the top 1% of the population. In addition to disparities in wealth, this inequality also shows up in access to resources including housing, healthcare, education, and land^[27]. Laws like minimum wage regulations, social security programs, and land reforms that aim to rectify these discrepancies have not always been successful. Even though land redistribution was a major strategy in the early years after independence, a small number of affluent landowners still control a large portion of the land.

c. Regional Disparities

Significant regional differences exist in India's economic development; while many rural and undeveloped areas remain stagnant, urban areas and states like Maharashtra, Gujarat, Tamil Nadu, and Delhi are seeing tremendous industrialisation and economic expansion. In rural areas, this unequal development has exacerbated social and economic inequality by causing long-term poverty, unemployment, and underemployment^[28].

d. Income Disparities

A sizable section of the populace continues to work in the unorganised sector, where pay is still low and working conditions are subpar, even after minimum wage regulations were passed. Workers who do not receive social security, minimum wage guarantees, or healthcare benefits are exploited as a result of the labour rules' continued difficulty in being enforced in the unorganised sector^[29].

(C) Bureaucratic Inefficiency and Corruption

Corruption and inefficiency in government agencies and the bureaucracy frequently impede the

²⁷ Nitin Kumar Bharti, "Income and wealth inequality in India 1922-2023: The rise of the Billionaire Raj", 2024

²⁸ Manoj K. Sharma, "Regional Disparities in India's Industrial Development: Discrimination Function Approach", *The Indian Journal of Industrial Relations*, Vol 48 No 4 2013

²⁹ John, J. 1997. "Minimum wages: On vicious consumption of labour power and unrealised potentials", in *Labour File: A Monthly Journal of Labour and Economic Affairs*, Minimum Wages Special Issue (New Delhi)

execution of socialist laws. One of the biggest obstacles to the successful execution of social assistance programs, particularly in rural and isolated areas, is bureaucratic inefficiency.

a. Inefficiency in Delivery Mechanisms

Despite the existence of many welfare programs, ineffectiveness, inadequate planning, and a lack of funding frequently impede the distribution of benefits to the intended recipients. Welfare systems such as the Public Distribution System (PDS), which gives low-income families subsidised food grains, have been beset with leaks, corruption, and inefficiencies. A sizable amount of food that is subsidised for the impoverished is lost in transit or diverted, never reaching its intended users^[30].

b. Corruption & Politicization of welfare schemes:

Welfare programs that are intended to help the poor are frequently the focus of corruption, as money is embezzled and the advantages intended for the underprivileged are diverted by dishonest authorities. Similarly, the efficacy of welfare programs is often hampered by their politicisation. The allocation of resources is skewed as a result of political favouritism and the exploitation of welfare programs to win votes. This frequently leads to some communities benefiting more than others, which exacerbates already-existing disparities and breeds animosity among marginalised groups.

(D) Social and Cultural Barriers

The achievement of socialist goals in India is nevertheless hampered by social and cultural issues, even in the face of progressive laws and programs. Gender inequality, caste-based discrimination, and deeply ingrained social hierarchies continue to be major issues that legal changes find difficult to successfully address.

a. Caste based discrimination

Despite being prohibited by the Constitution, caste-based prejudice is nonetheless pervasive in Indian culture. Caste-based social practices continue to exist, especially in rural regions, even after untouchability was legally abolished under Article 17. Dalits, traditionally known as "untouchables," still experience violence, social marginalisation, and isolation across the nation^[31]. Affirmative action initiatives and laws like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have had some effect, but caste-based social and economic discrimination is still a major obstacle to achieving social equality. Accessing

³⁰ Dr. S. Nakkiram, "A study on the effectiveness of Public Distribution System in Rural Tamil Nadu", 2004

³¹ Clifford Bob, "Dalit Rights are Human Rights: Caste Discrimination, International Activism and Construction of a new human rights issue", *Human Rights Quarterly* 29, John Hopkins University Press 2007

essential amenities like housing and healthcare, as well as good jobs and education, remains a challenge for many Dalits.

b. Gender Inequality

Equal access to resources such as land, credit, education, and jobs is frequently denied to women. This is especially noticeable in rural areas where patriarchal traditions and traditional gender norms are prevalent^[32]. Even though the Constitution and several laws, including the Equal Remuneration Act (1976), the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (2013), and the Dowry Prohibition Act (1961), specifically address gender inequality, women in India still face major obstacles to equality. Discrimination, violence, and patriarchal views are still prevalent, especially in rural regions.

c. Cultural resistance

Sometimes societal and cultural opposition to welfare programs keeps them from being fully implemented. For instance, because of cultural customs or traditional beliefs, certain rural populations may oppose government initiatives like vaccination campaigns, cleanliness initiatives, or the installation of restrooms. Such opposition hinders the fair distribution of resources and reduces the efficacy of assistance programs^[33].

(E) Legal Complexity and Overlaps

With its intricate web of laws and rules, the Indian legal system occasionally makes socialist policies difficult to implement and ineffective. Effective implementation of communist laws is hampered by overlapping laws, unclear clauses, and the numerous regulatory bodies.

VI. FUTURE TRAJECTORY OF SOCIALIST LEGISLATION IN INDIA

Even though there has been a lot of progress in getting socialist ideals included into Indian law, there are still many obstacles to be addressed, such as ingrained social injustices, economic inequality, and poor execution.

1. Addressing Economic Inequality

Addressing economic disparity is one of India's top priorities in developing a genuinely socialist legal system. The wealth disparity still exists despite the implementation of numerous legislation, such as welfare programs, land reforms, and progressive taxes. Further strengthening redistribution mechanisms and making ensuring that resources are distributed in

³² R. Gattaih, "Women empowerment in India and judicial activism", *International Journal of Creative Research Thoughts* Vol 5 Issue 4 2017

³³ Niyati Raj, "Development of a communication model focussing on behaviour change towards social welfare schemes", *Centre for Rural Development & Technology Indian Institute of Technology Delhi* 2015

a way that benefits the most marginalised segments of society are essential for achieving greater economic justice. Furthermore, problems like globalisation, the emergence of capitalism, and corporate control over resources have all contributed to the growth of new types of inequality. In order to achieve sustainable development methods that put the wellbeing of the populace ahead of private profits, the Indian government will need to enact strong regulations that support inclusive growth and guarantee equitable pay.

2. Strengthening Legal Enforcement Mechanisms

The successful execution of welfare programs and legislation requires strong enforcement measures in order for socialist policies to be effective. To achieve this, it will be necessary to fortify governance frameworks, increase accountability for public servants, decrease corruption, and improve transparency. Additionally, judicial efficiency measures are essential to guaranteeing timely and accessible social justice. A significant obstacle to the prompt settlement of conflicts in Indian courts is the backlog of cases, especially when it comes to labour, property, and social justice. Improving the administration of justice will mostly depend on speeding up the legal procedures pertaining to the protection of social security, land titles, and workers' rights.

3. Expanding the Role of Civil Society and Public Participation

In order to keep the government responsible and promote the adoption of socialist laws, civil society and grassroots movements have been extremely important. Ensuring active public participation in policymaking will be crucial going forward, especially in fields like environmental protection, healthcare, and education. Furthermore, the emergence of social media and digital activism has created new platforms for public engagement, enabling under-represented groups to band together, mobilise, and demand their rights.

4. Promoting Social Awareness and Cultural Change

The legal system must address deeply rooted social and cultural prejudices in order to effectively implement socialist principles. Only until social attitudes and cultural practices that support exclusion and prejudice are changed can laws be effective. To guarantee that legislative protections result in real social change, educational initiatives, awareness campaigns, and the encouragement of social peace are crucial. Achieving a more inclusive and equitable society will depend heavily on the state's investment in social justice education as well as the media's and civil society organisations' contributions to equality advocacy.

VII. CONCLUSION

India's path to a socialist legal system has been a transformational and intricate one. Although justice, equality, and welfare are enshrined in the Indian Constitution, these objectives cannot be realised without both progressive legislation and strong implementation procedures. Social justice has been greatly advanced by the legal system, especially through PILs, judicial activism, and a number of progressive legal reforms. However, institutional reform and strong legal enforcement are still crucial as the country struggles with rising economic disparity, cultural resistance, and bureaucratic inefficiency. Only by persistent efforts to reduce inequality, enhance access to justice, and establish an atmosphere where all citizens—regardless of their social, economic, or cultural background—are treated with dignity and fairness will India be able to establish a truly socialist legal system. India may accomplish its constitutional goal of establishing a fair and equal society for all if political will, judicial intervention, and vigorous civil society participation persist.
