

Panchayati Raj Institutions in Jharkhand: A Critical Analysis of Santhal Pargana Division

Dr. Sharad Suman Mishra

Assistant Professor (Political Science), Magadh University

Abstract

This study critically analyses the implementation of democratic decentralisation and Panchayati Raj Institutions (PRIs) in Jharkhand, with a focus on the Santhal Pargana Division. It examines the disjunction between legislative intent and ground realities, highlighting issues such as legal ambiguities, political apathy, bureaucratic resistance, and the enduring influence of traditional governance systems. These structural and institutional contradictions have hindered the genuine empowerment of local communities. Adopting a mixed-methods and case study approach grounded in legal and policy analysis, the study identifies key impediments and proposes reforms to strengthen democratic decentralisation in tribal regions.

Keywords: Panchayati Raj, Traditional Governance, PESA, Santhal, Decentralisation.

Introduction

Democratic decentralisation is a major shift in governance, where power, responsibilities, and resources are transferred from central to local governments that work independently and democratically.¹ Its goal is not just better administration but to improve trust, transparency, and accountability in governance—especially in areas receiving development aid.

For decentralisation to work well, it needs legal reforms to give real power to local bodies, stronger financial and administrative capacity at the grassroots, and systems that ensure accountability and responsiveness. It also encourages active civil society participation and aims to improve people's quality of life.

When local governments are empowered, they can make decisions that reflect the actual needs of their communities. This leads to better local engagement, stronger support for development programs, and more sustainable outcomes.² People trust programs more when they are explained by familiar local leaders rather than distant bureaucrats, which boosts public participation and a sense of ownership.

Thus, decentralisation is not just about efficient service delivery—it's about building trust and legitimacy. In a diverse country like India, especially in tribal areas, this sense of local ownership is essential. Without it, development efforts risk being seen as imposed from above and may fail to gain real public support. India's Panchayati Raj system, formalised through the 73rd Constitutional Amendment in 1992, forms the backbone of local governance, especially in rural and tribal regions.³

Research Problem and Objectives

This study critically examines how democratic decentralisation and Panchayati Raj Institutions (PRIs) have been implemented in Jharkhand, with a special focus on the Santhal Pargana Division—a tribal-

dominated region with unique cultural and historical features. The aim is to explore the legal setup, traditional governance systems, and key challenges faced in bringing real grassroots democracy to this area. Jharkhand, formed in 2000, has a significant tribal population. The Santhal Pargana Division, created in 1983 with Dumka as its headquarters, includes six districts: Godda, Deoghar, Dumka, Jamtara, Sahibganj, and Pakur. This is a Fifth Schedule area, meaning special constitutional protections apply to tribal communities here. The strong presence of the Santal tribe and their traditional institutions makes this region important for studying the effectiveness of decentralised governance in tribal settings.⁴

Research Hypothesis

The study proposes that democratic decentralisation in Santhal Pargana is weakened by mismatches between central (PESA) and state laws, lack of political and administrative support, limited resources, and tensions between modern PRIs and traditional tribal governance. These issues limit true local empowerment and continue the marginalisation of tribal communities.

Methodology

This study adopts a mixed-methods approach, combining legal and policy analysis with a detailed case study of the Santhal Pargana Division. The legal analysis involves a critical examination of key legislative frameworks such as the 73rd Constitutional Amendment, the Panchayats (Extension to Scheduled Areas) Act (PESA), 1996, and the Jharkhand Panchayati Raj Act, 2001. It also includes a thorough review of relevant government reports, policy documents, and academic literature concerning Panchayati Raj Institutions and tribal governance in India, with a specific focus on Jharkhand. This combined approach helps in understanding both the legal structures and their practical implications within the tribal context.

Conceptual Foundations:

Democratic decentralisation means shifting power, responsibility, and accountability from the central government to local bodies. This process—called devolution—involves giving local governments real authority, resources, and decision-making powers, while ensuring they function democratically and independently.

Its main goals include improving governance, encouraging sustainable and locally relevant development, increasing transparency, building financial strength at the grassroots, and making government policies more responsive to local needs. It also allows successful local initiatives to be expanded to larger areas. For decentralisation to truly work, local elected bodies must have enough power, funds, and administrative support. Just as important are strong systems to ensure accountability—where officials answer to elected leaders, and those leaders, in turn, are answerable to the people.

Other supportive conditions include a free press, vibrant civil society, democratic experience, social equity, and effective administration. However, the core success of decentralisation depends on three things: real power, sufficient financial resources, and strong accountability. If one is missing, the system fails—power without money is ineffective, and money without accountability invites misuse. Thus, even important reforms like the 73rd Amendment and PESA need continuous political will to ensure proper financial devolution and oversight, which is often lacking in India's Panchayati Raj system.

Historical Evolution of Panchayati Raj in India: From Vedic Times to the 73rd Amendment.

The idea of local self-governance in India dates back to the Vedic period, where villages (grams) were the

basic units of administration.⁵ Mahatma Gandhi later advocated for "Gram Swaraj"—a vision of village-level self-rule as the foundation of Indian democracy. However, after independence, India adopted a centralized system, which gradually began delegating powers to local elected bodies.

The Panchayati Raj system was formally launched on October 2, 1959, in Nagaur, Rajasthan, followed by Andhra Pradesh. A major step came with the Balwant Rai Mehta Committee (1957), which recommended "democratic decentralisation" after reviewing rural development programs. Based on its suggestions, a three-tier system was introduced: Gram Panchayat (village), Panchayat Samiti (block), and Zila Parishad (district).⁶

The most significant development occurred with the 73rd Constitutional Amendment Act of 1992, which came into effect on April 24, 1993. It gave Panchayati Raj Institutions (PRIs) constitutional status, made them legally enforceable, and mandated a uniform three-tier structure for states with populations over two million, thereby strengthening grassroots democracy across India.

The 73rd Constitutional Amendment was a major step toward decentralisation by giving legal status to Panchayati Raj Institutions (PRIs). However, India's history of centralised governance, despite Gandhi's call for village self-rule, shows an ongoing tension between central control and local autonomy. This is reflected in the Amendment's wording, which says state legislatures *may* transfer 29 subjects to Panchayats—leaving the actual devolution of powers optional. As a result, many states retain control over key functions and finances, limiting the authority and effectiveness of local bodies and weakening the true spirit of grassroots democracy.

The Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA), 1996: Objectives and Key Features for Tribal Self-Governance

Enacted on December 24, 1996, PESA was introduced to extend the provisions of the Panchayati Raj system to India's tribal-dominated Fifth Schedule areas, with suitable changes to respect local traditions and contexts.⁷ It was seen as a revolutionary step to correct the historical injustices faced by tribal communities—especially the loss of land, forests, and cultural identity due to exploitative colonial and post-colonial laws and development practices.

PESA's main goals were to enable tribal self-governance, protect their rights over land and natural resources, prevent exploitation, and ensure that development decisions are made through local consensus. It aimed to give real power to Gram Sabhas, allowing tribal communities to control their resources and decide their development priorities from the ground up.

Key provisions of PESA include:

- **Respect for Customary Laws:** State laws must align with tribal customs, religious practices, and traditional resource management. Gram Sabhas are entrusted with preserving these traditions and resolving disputes locally.
- **Development Control:** Gram Sabhas must approve all village-level development plans and projects before implementation.
- **Land Rights:** Gram Sabhas can stop illegal land transfers, restore alienated tribal land, and must be consulted before any land acquisition or resettlement.
- **Resource Management:** They are empowered to manage minor forest produce, minerals, and water bodies, and must be consulted before granting mining rights.
- **Mandatory Devolution:** Unlike the 73rd Amendment, which only suggests power transfer to Panchayats, PESA makes certain transfers of authority (like over forests and land) compulsory for

states.⁸

Despite its progressive intent, PESA's implementation has been weak and inconsistent. Its failure to bring about real change often stems from bureaucratic indifference and lack of political will. The continued control of state authorities over funds and functions has diluted PESA's spirit, making it a symbol of how even well-intentioned laws can falter without systemic support. The gap between its promise and ground reality remains a key issue in democratic decentralisation for tribal areas.

Panchayati Raj Institutions in Jharkhand: Structure, Functions, and Legal Framework

Jharkhand adopted the Panchayati Raj system after becoming a state in November 2000, through the **Jharkhand Panchayat Raj Act, 2001**, which came into effect on May 10, 2001. The Act applies to the entire state except urban and cantonment areas and follows the three-tier structure mandated by the 73rd Constitutional Amendment:

- **Gram Panchayat (Village Level):** Comprising a Mukhia and elected members, each Gram Panchayat serves a village or a group of villages with an ideal population of around 5,000.
- **Panchayat Samiti (Block Level):** Includes elected members, local MPs and MLAs, Rajya Sabha members registered in the area, one-fifth of local Mukhiyas, and a nominated member.
- **Zila Parishad (District Level):** Includes elected members, all block-level Pramukhs, MPs, MLAs, Rajya Sabha members, and a state-nominated member.

Although the Act was passed in 2001, **Panchayat elections were delayed until 2011**, marking a 32-year gap since the last such elections (under undivided Bihar). This delay reflects **serious political reluctance** and **systemic obstacles** to implementing genuine democratic decentralisation, especially in tribal areas.

Functions of the PRIs

1. Gram Panchayat:

Responsible for preparing development plans and budgets, organizing community work, maintaining public property, and overseeing key sectors like agriculture, irrigation, housing, roads, water supply, electricity, education, health, sanitation, social welfare, and records like births and deaths. In Scheduled Areas, it also controls local markets, tribal sub-schemes, and community funds.

2. Panchayat Samiti:

Handles block-level development across sectors like agriculture, rural industries, forestry, education, health, employment, and welfare of vulnerable groups. It also implements poverty alleviation schemes and manages infrastructure and basic services. In tribal areas, it gains extra powers over planning and managing minor reservoirs and tribal sub-plans.

3. Zila Parishad:

Acts as the top planning and coordinating body at the district level. It prepares and monitors district development plans, oversees work by lower-tier Panchayats, manages shared infrastructure projects, reallocates funds, and handles relief efforts. It covers nearly all areas of rural development, including education, health, housing, roads, electrification, and welfare programs. In Scheduled Areas, it also manages tribal sub-plans and minor reservoirs.

Despite the **broad legal mandate**, the **actual devolution of power and finances remains weak**. Studies repeatedly show a **gap between legal intent and ground reality**, leading to a **governance deficit**—PRIs are given responsibilities but often lack the autonomy and resources to perform effectively. This undermines local self-governance and weakens tribal empowerment in practice.

Provisions for Reservations and Representation in Jharkhand PRIs

The Jharkhand Panchayati Raj Act, 2001, incorporates robust provisions for reservations and representation, aligning with the constitutional mandates of the 73rd Amendment. These provisions are designed to ensure inclusive governance and address historical disparities.

In **general areas** of Jharkhand, seats in Panchayats are reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their population within the respective Panchayat area. These reserved seats are allotted by rotation to different territorial constituencies by the State Election Commission.⁹ A crucial provision stipulates that if the overall reservation for SC/ST categories falls below 50% of the total members, the remaining shortfall is reserved for Other Backward Classes (OBCs) in proportion to their population. However, the cumulative reservation for SC, ST, and OBC categories is capped at 50% of the total seats. To promote gender equality, not less than 50% of the seats reserved for SC, ST, and OBC categories are further reserved for women belonging to those specific categories. Additionally, a significant measure ensures that not less than 50% of the total seats filled by direct election (which includes those already reserved for women from SC, ST, and OBC) are reserved for women, with allotment by rotation by the State Election Commission.

For **Scheduled Areas**, the Act implements more stringent reservation policies to safeguard tribal interests. Seats are reserved for SCs and STs based on their respective populations, with a critical stipulation that ST reservation must constitute not less than half of the total seats. Seats for OBCs are reserved in proportion to their population, ensuring that the total reservation for SC, ST, and OBC combined does not exceed 80% of the total seats. Similar to general areas, not less than 50% of the seats reserved under these categories are designated for women belonging to SC, ST, and OBC. Furthermore, not less than 50% of the total seats are reserved for women. These reservations are also allotted by rotation by the State Election Commission.

Similar reservation principles extend to the chairperson positions (Mukhia, Pramukh, Adhyaksha) at all three tiers. Specifically, in Scheduled Areas, all Mukhia posts are reserved exclusively for Scheduled Tribes. Moreover, not less than 50% of the total Mukhia, Pramukh, and Adhyaksha posts in Scheduled Areas are reserved for women belonging to Scheduled Tribes, allotted by rotation by the State Election Commission.

The implementation of these reservation policies in Jharkhand has had a tangible impact. The state implemented a 50% reservation for women, including tribal women, in panchayat elections as early as 2001. This legal provision has significantly increased the representation of tribal women in local governance. Reports from the 2015 Jharkhand panchayat elections indicate that approximately 58% of elected representatives were women, with a substantial number belonging to tribal communities. This increased representation has demonstrably led to heightened political participation, greater social recognition, and improved governance and policy implementation. Tribal women leaders have actively influenced policies related to education, healthcare, and livelihood, breaking traditional barriers of male dominance and inspiring younger generations to engage in political roles.

The mandated significant reservations for women, SCs, and STs by the 73rd Amendment and Jharkhand's PRI Act, including the 50% reservation for women, have undeniably served as a catalyst for political inclusion. This has demonstrably led to increased political participation and social empowerment for tribal women, challenging traditional male dominance. This represents a clear success of the legislative intent to foster inclusivity. However, the evidence also suggests that while formal inclusion is achieved, underlying societal barriers persist. Other sources consistently point to "social and gender disparities" and

"societal constraints" where women's participation, despite reservations, may remain low in terms of actual decision-making power, often manifesting as "proxy representation" by male family members.¹⁰ This implies that while formal inclusion is achieved, informal power dynamics and deep-rooted societal norms can still limit the effective exercise of power. Legislative mandates for representation are crucial first steps, but true empowerment requires addressing these deep-rooted socio-cultural barriers and investing in genuine capacity building. The presence of women leaders can indeed lead to more gender-sensitive policies, but their influence may be constrained by the persistence of traditional hierarchies.

Santhal Pargana Division: Contextualizing the Case Study

Demographic and Socio-Economic Profile of Santhal Pargana Division (Population, Literacy, Economic Indicators, Migration Trends)

The Santhal Pargana Division, established in 1983, is headquartered in Dumka and comprises six districts: Godda, Deoghar, Dumka, Jamtara, Sahibganj, and Pakur. As a Fifth Schedule area, it holds particular significance for the study of tribal governance.

According to the 2011 Census, the Santhal Pargana Division had a total population of 6,969,097, with a population density of 550 people per square kilometer. The linguistic landscape is diverse, with Khortha being the most widely spoken language (29.11%), followed by Santali (24.25%), Bengali (16.11%), Angika (10.4%), Hindi (8.69%), Urdu (5.06%), Malto (2.15%), and Bhojpuri (1.99%). Religious affiliations are predominantly Hindu (67.95%), with significant Muslim (22.73%), Christian (4.21%), and indigenous Sarna and Sari Dharam (4.84%) populations. Sari Dharam is specifically followed by the Santal tribe, while Sarna is practiced by other tribal communities.

Jharkhand is home to 32 distinct tribal communities. As per the 2011 Census, Scheduled Tribes (STs) constituted 26.2% of Jharkhand's total population, amounting to approximately 86.45 lakh individuals. The Santals are the most populous tribal group within Jharkhand, accounting for 31.86% of the state's ST population, and 34% of the total ST population in the state. Significant concentrations of Santals are found in Dumka, Purbi Singhbhum, Pakur, and Sahebganj districts.

A concerning demographic trend is the continuous decrease in the tribal population across Jharkhand. The tribal share of the total population declined from 36% in 1951 to 26% by 2011. This decline has been particularly pronounced in Santhal Pargana, where the tribal population dropped from 44.66% to 28.11% during the same period. This demographic shift is often attributed to factors such as low education levels, a scarcity of employment opportunities, and forced migration.

Socio-economically, the tribal populations in Santhal Pargana and across Jharkhand are largely dependent on agriculture and traditional livelihoods such as community farming, fishing, hunting, animal rearing, and crafts. These activities are intrinsically linked to natural resources like forests, hills, and rivers. Despite constituting approximately 27% of the state's population, tribal participation in government jobs is a mere 3.4%, with a staggering 65% of reserved seats remaining vacant. This disparity is attributed to low education levels, particularly among women, and significant difficulties in clearing competitive examinations due to a lack of schools, qualified teachers, and basic facilities like power supply, books, and technical resources in rural and tribal areas.

The "quest for a better life" and the pervasive lack of industrial investment and job openings within the state compel many tribals to migrate to other states, a factor contributing to the observed population decline in Jharkhand. Low income frequently forces parents to migrate, often leaving children behind, which further exacerbates the challenges in their education.

The demographic and socio-economic vulnerability of the tribal population in Santhal Pargana forms a critical backdrop for understanding the challenges of democratic decentralization. The significant decline in the tribal population in Santhal Pargana, coupled with low literacy rates (especially for women), poor government job participation, and reliance on traditional, often subsistence, livelihoods, indicates a concerning trend. This economic and educational backwardness directly fuels distress migration. This creates a vicious cycle where a declining and marginalized population is less able to engage effectively with formal governance structures like PRIs, potentially exacerbating issues of poor implementation and external interference. The "dismal picture 25 years down the line" despite Jharkhand's formation to protect tribal interests highlights a fundamental failure in addressing these deep-seated issues.⁴ This suggests that even well-intentioned policies will struggle if the target population lacks the basic human capital and economic stability required to participate meaningfully and assert their rights within decentralized governance frameworks.

The Santal Tribe:

The Santals, also called Santhals, are the largest tribal group in Jharkhand and West Bengal, with populations also found in Odisha, Bihar, Assam, Bangladesh, and Nepal. They speak Santali, the most widely spoken Munda language. Historically, they settled in the Chotanagpur plateau, and in 1832, the British created the Damin-i-koh (now Santal Pargana) to promote settled farming among Santals.¹¹ However, exploitation through taxes and landlords led to the famous Santal rebellion led by Sidhu and Kanhu Murmu. Santal villages are large and organized, with community areas like the jaher (sacred grove) and their own well-structured judicial system, headed by the Manjhi Hadam and supported by traditional officials. Their governance system is deeply democratic and egalitarian, rooted in land and cultural practices. This strong traditional model of self-rule poses both a challenge and an opportunity for the modern Panchayati Raj Institutions (PRIs). If PRIs fail to respect and include these systems, they may be rejected by the community as outsiders, limiting the success of democratic decentralization efforts.

Traditional Governance Systems: The Manjhi Pargana System and its Administrative Structure

The Santal community possesses a highly organized and democratic three-tier traditional administrative structure, which has historically ensured discipline and order within the community.

- **Village Level (Panchayat / Council / *morehor*):** This is the foundational and most critical tier for resolving internal disputes within the village. It comprises village elders and is led by the **Manjhi**, the headman of the village. The Manjhi holds significant power, historically responsible for community development and rent collection on behalf of the Zamindar. His presence and permission are indispensable for all social and religious activities, including negotiations, marriages, divorces, and initiations. He is assisted by several officials:
- **Paramanik:** The Manjhi's assistant, who performs duties in his absence. Historically, the Paramanik oversaw agricultural interests, new settlers, and equitable land distribution, and was responsible for entertaining village guests.
- **Jog-Manjhi:** This official leads the village youth, overseeing their moral conduct, discipline, and adherence to social customs. The Jog-Manjhi also directs all dances during festivals.
- **Naeke:** The village priest, responsible for worshipping national deities during annual festivals like Sarhul and Moi Muri.

- **Godet:** The Manjhi's messenger, whose duty is to inform all villagers about meetings on behalf of the Panchayat. Panchayat meetings traditionally take place under a tree in the village center. If the village Manjhi cannot resolve a problem, the issue is escalated to the Pargana.
- **Inter-Village Level (Pargana):** This second tier typically encompasses 10-12 villages and is headed by the **Parganait**. The Parganait serves as the custodian of all social functions within his jurisdiction and is selected by several village heads, holding the post for life. He is assisted by the **Desh Manjhi**, who maintains information about the Pargana.
- **Highest Level (Lo-Bir / Sikhar Parishad / Khunt council):** This is the supreme judicial authority of the Santals, functioning as their highest law-court. Sessions of the Lo-Bir typically occur during the annual hunting expeditions (*Lo Bir Sindra*), presided over by the **Dihri**. This body serves as the final court of appeal for unresolved disputes and reviews tribal law and customs.¹²

The traditional Santal judicial system is robust, comprising four tiers: Manjhi Baisi, Mapanjhi Baisi, Pargana Baisi, and Lo Bir Baisi. This ancient hierarchy has demonstrated remarkable resilience, enduring through the ages despite numerous statutory restrictions.

The concept of territorial identity among Santals is deeply rooted in the village. Village boundaries are meticulously demarcated and hold religious significance, with the belief in 'Sima Bonga,' a spirit that guards the village boundary. This decentralized system, focused on the village, traditionally lacked a broader collective identity beyond the immediate community.¹³

The interaction between this traditional system and the modern Panchayat system is complex. The Manjhi system continues to exist in many parts of Santhal Pargana. The modern Panchayat system, introduced in the mid-1950s, has connected Santal villages to each other and to non-Santal villages, opening new avenues of influence from a political system previously unknown to their traditions. These two systems operate simultaneously, often vacillating between mutual assistance and occasional conflict.

The Manjhi Pargana system is described as a "well-organized socio-political structure based purely on democracy" with an "ancient Santal judicial hierarchy" that has "endured through the ages, despite numerous legal constraints".¹⁴ This highlights a strong, resilient, and preferred traditional governance model within the community. However, the introduction of the modern Panchayat system has led to a "devaluation of traditional self-governance," disrupting the Manjhi-Pradhan system and fostering the dominance of elected Mukhiyas and money lenders. This represents a direct conflict where the statutory system appears to undermine the traditional one rather than integrate with it. The co-existence, and often conflict, between these two systems underscores a fundamental challenge in democratic decentralization in tribal areas. If the modern PRI system does not effectively incorporate or respect these traditional structures, it risks alienating the very communities it aims to empower, potentially leading to a loss of trust and diminished effectiveness of both governance frameworks.

Critical Analysis: PESA Implementation and Challenges in Santhal Pargana

The implementation of the Panchayats (Extension to Scheduled Areas) Act (PESA) in Jharkhand has been critically hampered by a combination of legislative dilution, systemic inertia, and political disinterest, resulting in its near non-functional status. Despite the Act's progressive intent to empower tribal communities through decentralized self-governance, Jharkhand's adaptation—primarily through the Panchayati Raj Act of 2001—has significantly undermined PESA's core provisions. Key deviations include the reduction of the Gram Sabha's authority from mandatory "approval" to merely "identification" or "planning" in development matters, and the omission of its explicit powers to prevent or reverse land

alienation. Such rewordings, while subtle in legal terms, constitute a profound erosion of tribal autonomy and reflect a larger political reluctance to transfer real power to local institutions. The resulting disconnect between PESA's constitutional vision and its state-level implementation has transformed the Gram Sabha into a symbolic entity, rather than a substantive one, thereby perpetuating the marginalization it was meant to reverse.

Beyond legislative shortcomings, several systemic barriers further impede PESA's operationalization. A foundational problem lies in the ambiguity surrounding the definition of "Scheduled Areas" under the Constitution, contributing to inconsistent application and lack of policy clarity. The failure to meaningfully amend state laws to accommodate PESA's provisions has left the legal framework fragmented and weak. Moreover, bureaucratic apathy—manifested in the lack of commitment from administrative machinery—has been widely acknowledged, with even central officials criticizing PESA states for non-compliance. This is compounded by a lack of political will, exemplified by delayed Panchayat elections in Jharkhand and previous efforts to dilute protective land laws in favor of industrial expansion, highlighting a development agenda often at odds with tribal rights. Resistance to shifting power from entrenched elites to grassroots institutions, a failure to recognize the long-term value of tribal self-rule, and low levels of awareness among tribal populations and officials about the Act's provisions, further aggravate the situation.

These issues are not isolated technical failures but rather reflect a broader structural resistance to democratic decentralisation in Scheduled Areas. The convergence of legal infirmities, bureaucratic inertia, and political indifference demonstrates that the state's engagement with PESA has been largely perfunctory, undermining its transformative potential. As a result, despite its constitutional mandate, PESA remains poorly institutionalized in Jharkhand, continuing the historical trajectory of tribal exclusion from meaningful governance processes. This failure underscores the urgent need for legal harmonization, administrative commitment, and political accountability to realize the promises of participatory democracy in tribal regions.

The implementation of PESA in Jharkhand faces deep-rooted challenges arising from conflicts with existing forest and revenue laws and entrenched resistance from political and bureaucratic hierarchies. While PESA mandates community ownership over minor forest produce and requires Gram Sabha consent for development projects, these provisions are frequently overridden by state practices. The monopolization of valuable forest produce by Forest Departments and the industrial push under Jharkhand's 2001 Industrial Policy—aimed at exploiting tribal land and natural resources—openly contradict PESA's core intent. Legislative attempts, such as efforts to amend the Chotanagpur and Santhal Pargana Tenancy Acts, further highlight the state's inclination to dilute protective laws in favor of industrialization, often without community consent. The Pathalgadi movement, led by Munda tribes, emerged as a strong counter-response to such encroachments, invoking PESA and the Forest Rights Act to assert Gram Sabha sovereignty.¹⁵ This conflict between the state's top-down development agenda and tribal self-determination underscores the systemic resistance to redistributing power to the grassroots. Consequently, the dilution and non-implementation of PESA have severely impacted tribal communities—especially the Santals—by eroding their forest and land rights, facilitating mass displacement, and accelerating distress-driven migration to other states and cities. Despite the legal prohibitions on land alienation under CNT/SPT Acts, widespread acquisitions continue under the pretext of public interest, and forest rights remain largely unrecognized due to weak FRA enforcement.¹⁶ Moreover, Gram Sabhas, instead of functioning as empowered deliberative bodies, often serve as

bureaucratic formalities, with meetings rarely held, records manipulated, and proceedings dominated by local elites, Thekedaars, or even co-opted traditional leaders. This hollowing out of Gram Sabha authority has not only undermined democratic decentralization but has also stripped tribal communities of meaningful control over their resources, decisions, and futures—turning PESA’s promise of empowerment into a largely unrealized ideal.

Devaluation of Traditional Self-Governance: The traditional governance system of the Santhal community, particularly the Manjhi-Pradhan-led Gram Sabha, has steadily lost its functional authority due to the growing influence of modern Panchayati Raj Institutions (PRIs). Disputes that were once resolved within the Gram Sabha are now increasingly being taken to formal courts or mediated by PRI members, who have access to administrative machinery and state resources. While the Gram Sabha retains cultural significance, its role in addressing social and governance matters has been marginalized. The weakening of PESA, combined with the dominance of PRIs and bureaucratic institutions, has created a cycle of disempowerment for tribal communities—erosion of land and forest rights leads to economic distress and migration, which in turn weakens community cohesion and exposes Gram Sabhas to manipulation. Financially, PRIs remain heavily dependent on central and state grants, with own-source revenue contributing only a negligible share. Despite constitutional provisions under Articles 243H and 243I that empower PRIs to generate and manage resources locally, most Panchayats shy away from imposing local taxes due to political unpopularity and limited capacity. This financial dependency has worsened over time, as evidenced by the reduction in untied grants under the 15th Finance Commission.¹⁷ The situation in Jharkhand, and specifically in Santhal Pargana, reflects this broader trend—PRIs lack true fiscal autonomy, making them vulnerable to political interference and top-down development agendas that often overlook or override local priorities. Consequently, the promise of self-governance under the 73rd Amendment remains largely unfulfilled, especially in tribal areas, where traditional structures are being eroded and modern institutions operate without adequate empowerment, resources, or community legitimacy.

Despite the introduction of various government schemes aimed at rural development and poverty alleviation, their implementation at the Panchayat level in Santhal Pargana often fails due to deep-rooted structural and systemic issues rather than flaws in the schemes themselves. The Jharkhand Economic Survey reveals ongoing marginalization of tribal communities, marked by low literacy rates, poor participation in government jobs, and high levels of distress migration—factors that weaken community engagement with local governance. Panchayats in the region lack financial autonomy, relying almost entirely on state and central grants, which are often delayed or insufficient, limiting their ability to tailor development efforts to local needs. Administrative weaknesses, including a nearly 40% vacancy in Gram Panchayat Secretary positions and poorly trained volunteers, further hinder effective planning and execution. Additionally, political interference and bureaucratic apathy undermine grassroots decision-making, often overriding the participatory intent of PESA, which is already diluted in Jharkhand’s PRI Act. The Act reduces the power of Gram Sabhas from approving to merely identifying projects, weakening tribal self-governance and sidelining traditional systems like the Manjhi-Pradhan leadership. Consequently, schemes are implemented in a context where local institutions are disempowered, communities lack capacity, and decisions are made top-down, leading to widespread underperformance and failure to reach the most marginalized.

Conclusion and Recommendations

The study finds that while the Panchayati Raj system and laws like the 73rd Amendment and PESA were meant to empower tribal communities through local self-governance, their actual implementation in Jharkhand—especially in the Santhal Pargana region—faces serious challenges. The state's Panchayati Raj Act of 2001 weakens the powers of the Gram Sabha by not fully following PESA, particularly in areas like land rights and the protection of traditional practices. Panchayats remain heavily dependent on central and state funds and lack financial independence. Political control, delayed elections, poor staffing, and interference from officials further weaken their functioning. Traditional tribal governance systems like the Manjhi-Pargana are often ignored or sidelined, which reduces trust and local participation. As a result, tribal communities continue to suffer from land loss, poor services, and a lack of meaningful participation, despite legal provisions meant to help them. To improve the situation, the study recommends aligning state laws with PESA, increasing financial independence of Panchayats, filling staff vacancies, protecting PRIs from political interference, integrating traditional and modern governance systems, improving education and livelihoods, and raising awareness among tribal people about their rights. These steps are essential to make decentralisation work in reality, not just on paper.

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