SELF-GOVERNANCE OF TRIBAL COMMUNITIES WITH SPECIAL REFERENCE TO JHARKHAND: A CASE STUDY

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INTRODUCTION:

The Constitution of India has provision for democratic decentralisation of authority and function from centre to the local bodies. Though, it is an obligation and duty of state. Therefore, it morally obligates the state government to promote self-governance system at the local level of village[1]. The local bodies have been existed since the ancient time of Indian civilisation. So, it is a part of local administration since the beginning of governance. It was prevalent in different states unevenly and dissimilar manner. It has been conceptualised and concretised through the 73rd and 74th amendments of the Constitution in 1992. The amendments seek to develop uniform and similar pattern of local governing bodies with constitutional status. It creates an institutional framework of grass roots democracy. It is expected to usher democratic decentralisation of powers and functions to the local self-governance institutions[2]. It will give more participation of different groups of the society at the local level. Now, local people at village level determine their political and civic rights themselves. The local self-governing structure like Gram Sabha or the Village Assembly is existed since the emergence of the human civilisation of this country. It can be easily traced through text and scripture of Indian history. During the Vedic period, local self-governing village bodies known as Sabha and Samiti existed. A 'Chaupal' has always been an integral part of village life where people, generally the elders, sat together and discussed current local affairs. All community matters were decided in these meetings which came to be known as village Panchayats later. Similarly, Tribal people had their own system of governance at the local level. They are considered as the developer of the concept of democratic institution. Their local traditional self-governing bodies are one of the oldest known practices of local self-governance. Tribal's traditional system of democracy

[1] Jain, M.P. (2008). Indian Constitutional Law, Lexis Nexis Butterworths Wadhawa Nagpur, pp.1- 1708, ISBN 978-81-8038-263-5.
[2] Laxmikanth, M. (2017). Indian Polity, McGraw Hill Education, pp. 1-852, ISBN-13: 978-0070581579.

is known differently in different parts of country[3].

In Jharkhand, tribals conventional mode of democracy in tribal areas is known as Munda-Manki, Manjhi-Parganait, Parha system of self-governance[4]. Traditional Panchayats may be said to be as ancient or old as the tribals themselves. It is still in existence in the tribal belt or Scheduled areas of Jharkhand. As the traditional form of governments, these Panchayats must have been formed by the tribal people for "managing their village affairs" and for "maintaining their social solidarity". Since their establishment in the days long gone by, Traditional Panchayats have been exhibiting a very significant role in the social, religious and cultural life of the tribal people. A tribal village even at present is a unit of much cultural importance. It is one of the important units of social structure and it still enjoys a good deal of freedom. They led their life very happily and peacefully till 19th century, when they were not in exposure of the outside world. Their description is tantamount to the depiction of each tribal village as, more or less, a state having its own customary laws and government. Village Panchayats were the most important and at the same time the exclusive agencies of supervising the life of the tribal community, of maintaining law and order among them and also of giving some sort of direction to the purposes of the villagers either individually or collectively[5].

The government wanted to rejuvenate and revitalise the local government bodies, and therefore, a number of committees were constituted to seek advice and recommendations. Because, these bodies couldn't obtain the status and position as was expected as a responsive people's bodies. There may be several reasons, including inadequate representation of weaker sections or marginalised sections, absence of regular elections, absence of women's representation, inadequate devolution of authorities and lack of economic resources, etc. Even, the state governments and political leaders were not in favour of delegation of their power. They viewed the local bodies with suspicion and this contributed to their decline. The aims and objectives of the Constitution can be deciphered by going through the provisions of Article 40 and Articles 243 to 243-O of Part IX of the Constitution. The provisions of these Articles clearly exhibit the intention of the legislature to establish village Panchayat that shall be the strong base of the democratic construct of country. The responsibility of the village affairs lies

[3] Trivedi, R. N. (1970). Report on A Comparative Study of the Working of Traditional and Statutory Panchayats in the Tribal Areas of Ranchi District, Motilal Banaridass, Delhi

[4] Sundar N. (2005) "Custom and Democracy in Jharkhand" 40 Economic and Political Weekly, 4430- 4434.

[5] Tiwari, N. (2016). Tribal Self-Governance: PESA and its Implementation, Rawat Publications, New Delhi, pp. 1-208, ISBN 978- 81-316-0754-1.

on the local people of the village. It can be perceived by the preamble and other arrangements of the Constitution[6] associated with the institution of Panchayati Raj.

The term self-government is generally used in relation to local self-government; the state or the union governments do not have a prefix of 'self' before them. It generally denotes the special position of rural and urban democratic institutions entrusted with certain functions of a local nature accompanied by powers to raise financial and other resources in accordance with the dispensation provided in the statute or executive orders. The essence of self-government lies in the freedom that a community enjoys in organising its institutions of governance and giving shape to them. The autonomy in determining the role of not only the governing body but also of each of members, the role of different segments of the community, their duties and responsibilities, the ability to raise resources, lay down the rules of governance and manage its affairs without outside interference or guidance, are some of the essential aspects of its manifestation[7].

FROM FIFTH TO SIXTH SCHEDULE: THE DEMAND FOR GREATER AUTONOMY UNDER PESA

The expectation of the tribal people of Jharkhand from its government is to upgrade the administration of Fifth Scheduled Areas into Sixth Scheduled Areas. In this context, the State government is under legal duty to make effort to upgrade the administration of Fifth Schedule into the administration of Sixth Schedule of the Constitution. It is expected to upgrade the administrative arrangement in the Panchayats at district level in the Scheduled Areas. The Section 4 (O)[8] of the PESA Act, 1996 has not been followed by the State of Jharkhand at all, while drafting or enacting Jharkhand Panchayati Raj Act, 2001. State of Jharkhand should either enact a separate law or to make suitable amendments in due compliance of Section 4 (O) of PESA Act, 1996 in JPRA, 2001. Even, the Gopinath Bardoloi sub-committee had expressed its view that the difference between 'excluded' areas and 'partially excluded' areas be discontinued. One of the recommendations of this committee supported this view. The principle of Governance should be autonomy of the scheduled areas. However, the

[6] The relevant provisions are provided in "Part IV, Entry 5 in the state list of 7th Schedule and Part IX and IX-A of the Constitution."
[7] Pal, S. (2017). Gramsabha: Naye Loktantra Ki Dastak, Aadhar Prakashan, Panchkula, pp. 1-303, ISBN 978-81-7675-578-8.
[8] Section 4(o) of PESA envisages that: "The State Legislature shall endeavour to maintain the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at the District level in the Scheduled Areas."

authoritative, monetary and regulatory connections be laid out with the Provincial Administration. Hence, a writ of mandamus[9] can be issued on the State Legislature. The STs of the scheduled areas can seek from the government a particular type of law for having a administrative system in consonance with the administrative system of Sixth Schedule of the Constitution. Therefore, State Legislature of Jharkhand is legally under obligation to act as per the arrangements of the PESA Act and fulfill the aspirations of adivasis of scheduled areas. The Government has to excel the administrative system of Fifth Schedule into the administrative system of Sixth Schedule so that members of STs communities have a better governance system in Schedule areas. Since, a considerable period of 25 years has already been passed from the enactment of the PESA Act. The inaction and indifferent attitude of the Government of Jharkhand for not enacting a law through the Legislature has been causing great prejudice to the right of inhabitants of Schedule area. Section 4 (O) of the PESA Act was enacted as per Article 243-M of the Constitution which requires special laws for the governance of the schedule area. Section 4 (O) of the PESA Act casts obligation on the State government to advance the administrative system of the Fifth Schedule into the arrangement of Sixth Schedule of the Constitution.

LAND ACQUISITION, DISPLACEMENT AND REHABILITATION IN JHARKHAND

In Sonbarsa, a village in Sinduari Panchayat of Barkagaon block in Jharkhand, 36-year-old Suresh (name changed) works as a security guard on land he once owned. In 2016, this land was acquired by the National Thermal Power Corporation's (NTPC) Pakri Barwadih coal mining project. Suresh says he made this bargain in the hope of a better future.

Suresh, who belongs to a scheduled caste, used the compensation money to buy land near Barkagaon market. Usually, at that time, an adult received Rs 9.85 lakh as compensation, along with money in lieu for land and house, as per those who have lost their land. Currently the compensation amount is Rs 10.85 lakh. Now, Suresh says, his job is not secure, and that he and his family could be displaced yet again for another coal project. Our reporting found that his

[9] The literal meaning of the word mandamus is command. This prerogative remedy of mandamus is used for enforcing the performance of public duties by public authorities of all kinds. One of the grounds for the legality of issuing the writ of mandamus is the failure to act or perform the legal duty despite being demanded by the applicant for the same. This was also upheld by the Supreme Court in Saraswati Industrial Syndicate v. Union of India, AIR 1975 SC 460.

story mirrors that of many in Jharkhand's coal belt.

The displaced say skilled jobs go mostly to people who come from other states while locals, especially those from the scheduled tribes and scheduled castes, are displaced from their ancestral homes. Many who have given up their land migrate outside the state to look for livelihood opportunities.

"Natural justice demands that any development activity taking place within Jharkhand should also benefit the project affected local people, who sacrifice their land, forest, water resources and other natural resources unlike migrants or investors from outside," the 2008 Jharkhand Rehabilitation And Resettlement Policy says. "The past experience of the people indicates that most of those who were displaced due to various projects in Jharkhand, have neither been properly rehabilitated nor resettled. Thus, displacement has resulted in the exodus of the local populace from the State in search of livelihood elsewhere.

The social, economic, political and cultural identity of the people of Jharkhand, especially the tribals, has been adversely affected because of the migrant groups. Mithilesh Dangi, convener of the Azadi Bachao Andolan and a resident of the Barkagaon region, says, "In the Karanpura Valley, 83 coal blocks have been identified, and once all the coal blocks start, not a single village will remain in the entire Barkagaon block; everyone will have to be displaced."

Just one coal mining project under NTPC's control, the Pakri Barwadih Coal Mining Project, part of the North Karanpura Coal Mining Area, involves the acquisition of 3,319.42 hectares (8,202.458 acres) of land. As per the environmental clearance granted, this includes 1,950.5 hectares of agricultural land, 101.22 hectares of land with human settlements, 643.9 hectares of forest land, and other types of land.

People across 19 villages including Barkagaon, Itij, Chiruadih, Urub, Chepa, Kalan, Nagri, Jugra, Sinduari, Churchu, Arahara, Sonbarsa, Pakri-Barwadih, Chepa Khurd, Deora Kalan, Lakura, Langatu, Keri, and Dadi Kalan, are being displaced for this project.

Instead of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, land for coal projects by Public Service Undertakings is acquired under the Coal Bearing Areas (Acquisition and Development) Act of 1957 (CBA, 1957). This Act does not require a social impact assessment. "The only form of

compensation is monetary, which includes the market value of the land, damage to any standing crops or trees, damage to any immoveable property on the land, and reasonable expenses incidental to changing place of residence or business of the affected landowner. However, the market value of the land is, in practice, decided at the date at which the government declares its intent to acquire the land rather than the date of actual acquisition," found a 2022 Oxford working paper.

In addition, there is no protection in the CBA, 1957 for someone who has already been displaced in the past. The 2013 law asks that either previously displaced people not be displaced again or, they be awarded double the compensation. Those who have lost their land for the Pakri Barwadih mine say that the pre-decided rate for compensation is between Rs 20-24 lakh per acre, and the sum per adult person is currently Rs 10.85 lakh.

The Union government has released the draft of the Coal Bearing Areas (Acquisition and Development) Amendment Bill, 2024, for public comments and suggestions, with feedback sought by December 27, 2024.

For areas that are not under coal mining, the 2013 land acquisition law, or the older 1894 land acquisition law is used.

Case Study-1: RIDDHI-Sustained Leadership through Community Trust

Mrs. Riddhi, 39-year-old tribal women of Tangarsai village of East Singhbhum Jharkhand belongs to Munda tribe. She has been serving as the Sarpanch in gram panchayat for the past 15 years, elected consecutively three times due to her strong leadership and community trust. Riddhi affiliated with a recognized political party in Jharkhand and completed her education up to the 10th standard. Despite limited formal education, she possesses considerable knowledge about the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA Act) and actively works for the development of her Gram Panchayat irrespective of caste categories and village boundaries of the households. According to Riddhi, the PESA Act, 1996 is "a law made to give the rights of Adivasi people so that they can take decisions for their own village". She understands that under PESA Act, the Gram Sabha enjoys multiple powers to approve or reject development projects in the village, to protect tribal culture, customs and community resources and to ensure fair utilization of land and forests resources. She uses her position to explain these rights to villagers, encouraging them to attend Gram Sabha meetings and raise their

concerns in Gram Sabha and Gram Panchayat meetings. Riddhi actively ensures that Gram Sabha meetings are organized regularly. She motivates women, especially from marginalized sections to participate and raise their voice and opinions. She insists development works- such as road constructions, sanitation improvements and water facility projects in each village. During her tenure, she has initiated repair works of roads, attempted to improve garbage management, and followed due procedures for projects approvals. However, she also faces challenges such as incomplete projects due to slow administrative processes and supply of limited fund. Despite these huddles, she is re-elected thrice which reflects the continued faith of her community in her leadership. She got support from her husband who plays a significant supportive role in guiding her about legal provisions and ensuring administrative process, and about different development schemes for the village. The family conditions of Riddhi have improved over the years, allowing them to construct a pucca house, reflecting gradual upward mobility. Riddhi ensures that Gram Sabha meetings conducted regularly and encourages active involvement from all the sections of the society. The case of Riddhi, the Sarpanch shows that because of her personal commitment for the causes of the people, she is able to understand the provisions and aims of the PESA Act, 1996. Therefore, she is repeatedly elected by the villagers to become their representatives in Panchayat.

Case Study-2: Hemlata-Traditional Wisdom as a Substitute for Formal Literacy

Mrs. Hemlata, a 42-year-old Santhal woman is the Sarpanch of Meriya Gram Panchayat of Musbani Block in East Singhbhum district. She represents as the icon of growing leadership of tribal women in local governance. Despite being illiterate, she has been elected twice as the village Sarpanch, reflecting the community's trust in her leadership abilities and moral values. She lives in a modest household and has balanced her family responsibilities with her public duties effectively. Her leadership journey reflects the growing participation of tribal women in local self-governance institutions under the Panchayati Raj System. She has not received formal education that demonstrates life skills related to village administration. She is well-versed in local customs, land issues, and welfare schemes. Her ability to mediate conflicts and dissolve disputes ensure in Gram Sabha meetings has made her a trusted figure in the village. During her tenure as sarpanch, several welfare initiatives—such as rural housing schemes, sanitation drives, and women's self-help group (SHG) activities—have been implemented efficiently. Hemlata faces challenges in maintaining paperwork and official documentations due to illiteracy. However, she overcomes these barriers with the support of the Panchayat

Secretary and community members who assist her in reading and writing official documents. Gender bias and caste-based barriers continue to pose obstacles, yet her consistent efforts has gradually changed local attitude towards accepting women's leadership. This case study highlights how experiential knowledge, community values, and moral integrity with the villagers can substitute for formal literacy in effective grassroots governance. Hemlata's leadership illustrates the empowerment of tribal women through the Panchayati Raj system and the potential for inclusive and value-based local governance which could be possible through the convergence of traditional value systems and wisdoms with the formal governance system under the banner of the PESA Act, 1996.

Case Study-3: SUNITA- Grassroots Participation despite Limited Literacy 32 years old married Santhal housewife, limited literacy became the Ward member in Pipra village. Her husband cultivates paddy and seasonal vegetables on a small piece of land. Sunita supplements the family income through stitching blouses, petticoats, and daily-wear clothes for women of the village. Despite low literacy, she has developed strong social understanding, of household needs, women's concerns, and welfare schemes and strong connectivity with the villagers. Her tailoring work helps her to maintain regular contact with other women, making her a known face in the hamlet. Economically, the family falls in the lower-income group, but they have received a pucca house under PMAY, mobile connectivity, and access to PDS and MGNREGA. Her personality differs significantly from other ward members in terms of her sincerity involvement and community acceptance. She listens closely in Gram Sabha meetings and takes mental notes. She even though clearly understands day-to-day issues like water scarcity, ration irregularities, repair needs of roads, and health problems. Women often approach her because she is friendly maintains patience, and non-judgmental. She has approached the Panchayat Secretary several times regarding drainage, hand pump repair, and pension verification. While she is not very vocal in large meetings, she actively speaks in smaller women's groups. Compared to other ward members, Sunita is more regular and attentive. She believes that attending meetings is essential for "gaonkakaamaur logon kabhalai." Her tailoring clients often share community problems, which motivates her to present these issues in meetings. She wants to ensure that woman's needs—such as toilets, water supply, and health services—are included in planning. Though not formally trained, Sunita has a basic functional knowledge of the PESA provisions through village meetings and discussions with social workers. She knows that Gram Sabha has the power to approve or reject development plans. She understands that land-related decisions and natural resource use must

involve the community. She is aware that tribal rights and participation are important parts of village governance. She often says: "Gaonkafaisla Gram Sabha hi karega—yeh hum log kaadhikarhai." However, her knowledge remains partial, and she cannot interpret official documents or legal clauses herself. She helps to identify the beneficiaries who need toilets and housing schemes. She informed the Panchayat about irregular mid-day meal supply in the school. She supported a women's group in demanding repair of a defunct hand pump. In the last Gram Sabha, she raised the issue of unsafe pathways used by school children during monsoon. Despite her dedication, she faces several barriers in the form of limited literacy which restricts her ability to read official information, application forms and scheme details. Her household responsibilities and tailoring work many times restricts her movements. Sometimes she feels shy in front of officials, especially during budget discussions. Sunita case shows that even with limited literacy, tribal women can play a significant and attentive role in grassroots democracy. Her active participation in Pipra reflects the emerging empowerment of tribal women under Panchayati Raj and PESA Act. With proper support, she has the potential to become a key voice for inclusive and gender-sensitive local governance.

Case Study-4:LAXMI-PESA Awareness as a Catalyst for Local Development

The case of Laxmi of Kathikund village Laxmi, 38-year-old housewife belongs to Ho tribe (ST), lives in a nuclear family. She has completed 8th standard and belongs to a lower-middle rural tribal household. Her family owns a small piece of land where they cultivate paddy and vegetables. Unlike many women in her area, she has started a small backyard poultry enterprise with 25 to 30 chickens, which gives her stable side income. Her husband works as a MGNREGA labourer during off season and does masonry work occasionally. She has a smart phone, which she uses for WhatsApp groups and Panchayat announcements. She is well organized and punctual, maintains a small notebook to take meeting notes in Gram Sabha discussions. She tries to find practical solutions rather than just reporting issues. She uses phone to share updates, photos of developmental work, and complaints. She is known for her firm yet calm nature, which makes officials take her seriously. Laxmi is one of the most active ward members in Kathikund region. She regularly attends Gram Sabha meetings and often encourages younger women to join. She keeps photos of damaged roads, defunct lights, and water issues to present during meetings. Laxmi has reasonably good functional knowledge about village development planning, welfare schemes (pensions, MGNREGA, PMAY, piped water schemes etc.). She explains to villagers that Gram Sabha can approve land use, select

beneficiaries, and monitor works. She doesn't know legal sections in detail, but she understands that PESA gives tribal communities control over resources and decision-making. She helps villagers to fill pension forms, updating Aadhaar–ration link, submitting applications at block office, understanding MGNREGAs job card procedures. She is known for walking door-to-door during health drives and water-related surveys. She viewed that the structural barriers and operational barriers in various forms affect the functioning of PESA Act, 1996. A few of them as she visualizes includes that officials sometimes ignore demands of tribal villages, the delay in release of funds affect planned works, tribal people are not acquainted with digital processes (online forms) of governance and as a part of the gender bias—some male members undermine women's opinions. Laxmi case shows moderate literacy, confidence, exposure, and strong community ties can transform a ward member into an effective grassroots leader. Her active engagement in gram sabha reflects the growing political awareness among tribal women in Kathikund village. She signifies a shift from symbolic representation to active, accountable, and communitydriven governance under the PESA framework.

CONCLUSION:

The analysis of members of Panchayati Raj Institution(PRI) with the help of the case study approach on various aspects of PESA Act, 1996 shows that there is a trend in the convergence of traditional leaders into the PRI structures at primary tier represented by ward member and sarpanch, but all the PRI members are not traditional leaders rather around 60 percent of them are generations of new leaders who are elected two to three times in PRI structure under PESA Act. They enjoy the good will of the village and are accepted by the villagers. In the study villages the traditional leaders of the community are mostly not interested in participating in state sponsored governance system. They want to continue as a leader enjoying the socio-cultural acceptance within the village. However, they support villagers to contest in the election who will work in their favour. The study shows that all the new generation leaders are economically not wealthy or land-owning groups in the village. Both the male and female PRI members are mostly lower-class category households who have come as a neo-class category. Most of them are in the age groups of less than 40s and also have low level of education or no education. In spite of their high illiteracy, most of the PRI member particularly tribal women because of their sincere labour and duty to village and to the villagers, they are very popular in village. All of them are genuinely involved in the Gram Sabha meeting among villagers, basic issues like road communication, water sanitation, old age and widow pensions, health

requirements, house under PMAY etc. This neo-leadership among the tribal women in the village as a part of the PRI structure are above political affiliations who are more concerned about villagers' basic problems. This has motivated the villagers to select these new young leaders again and again. The tribal PRI members of both male and female background are mostly illiterate or have the education up to primary level which is of only use to give the signature. However, their sincerity to work and to the basic needs of the villagers to participation in Gram Sabha meetings made them to realize and well informed about the rights of the villagers for their basic needs like water, sanitation, education with health services etc. Such members are very important for the villagers to operate at village level to create an awareness and participation among the villagers for their rights, they are well aware of the welfare schemes of the government meant for the villagers. The PRI members have understood that right to own and use basic resources which are provisioned by PESA Act, 1996 of the government for the villagers. The lady tribal PRI members have ensured the quality in the implementation of welfare programs in terms of the selection of right beneficiaries and ensuring benefits to them shows a positive attitude towards serving the needy villagers. All the PRI members have felt their participation as very important in the Gram Sabha as compulsory and necessary so as to ensure quality implementation of the programs. The women PRI members have pulled women villagers who have participated in Gram Sabha meetings under PESA Act, 1996. To conclude PESA Act, 1996 has created opportunities for the tribal women to represent in the PRI structure and villagers to participate in the Gram Sabha meetings.

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