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Decentralisation at the Grassroots: Status of Panchayats Extension to Scheduled Areas of Jharkhand

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Abstract

The term decentralisation is now universally accepted. The quality of governance enhances through decentralisation. In the time of post-globalisation, it allows citizens to express their views regarding the process of developmental work in their area. This paper examines the status of grassroots-level implementation of Panchayats Extension (PESA) to Fifth Scheduled Areas of Jharkhand. The empirical study conducted shows that Jharkhand still requires to strengthen and promote the practice of decentralization, so that gram sabha enjoys the power envisaged under PESA Act, 1996. The historical deprivation of Jharkhand during the period when it was a part of United Bihar, is also responsible for the present state of development at the local level. After the inception of Jharkhand as a new state, it initially suffered from unstable governments and delays in the election process at the panchayats level. This did not allow tribal peoples to participate in decentralized governance. This paper suggests some policy implications which can improve the level of decentralized authority in the scheduled area of Jharkhand.

Keywords: *Decentralisation, Panchayats Extension to Scheduled Areas (PESA) Act 1996, Forest Right Act (FRA) 2006, Gram Sabha, Tribal Peoples, Scheduled Areas*

1. Introduction

The idea of decentralisation is now universally accepted. The quality of governance enhances through decentralisation. In the time of post-globalisation, it allows citizens to express their views regarding the process of developmental work in their area. Over the decades, it has become a very trendy term.

The term decentralization is a synonym for accountability. The delegation of power and responsibility for public functions from higher authority to lower levels of governance is referred to as decentralization or bottom-up approach. (Mathur, 2014). Devolution combined with democratization provides greater accountability, responsiveness and transparency (Raghunandan T. , 2015), probity, efficiency, frugality, equity and scope for local participation (Crook & Manor, 1998). Democratic Decentralisation through Panchayat Raj Institution has been a part of India's development discourse and its debates on participatory governance (Arora, 2009).

In Developing countries, decentralisation is the base, which provides proper public service and physical infrastructure at the grass-root level (Rondinelli, McCullough, & Johnson, 1989). It gives financial and decision-making power to local governance to complete the basic expectations for their improvement in better living standards. Rondinelli classifies Decentralisation in effective forms of organisational arrangement, which are: 1) Privatisation, 2) Deconcentration, 3) Devolution, 4) Delegation, 5) Deregulation.

Privatisation is the shifting of responsibilities regarding the planning and execution of work from State to any non-State actors. Deconcentration refers to the transfer of authority by administrative means to different levels for specific decision-making in financial and managerial aspects. Devolution refers to how complete autonomy is provided to the lower-level units. In this, the lower-level unit is insulated from interference by central-level authority. Examples of devolution to different governance bodies are Provincial and district local authorities. Delegation refers to semi-autonomous lower units, where the administration and decision-making authority is delegated to the lower-level units from the higher-level unit under the hierarchy system. Municipal or regional development corporations are an example.

There are three different types of decentralization in practice:
1) Political Decentralisation,
2) Administrative Decentralisation,
3) Economic Decentralisation.

Political decentralisation gives power to a citizen or elected representative in political decision-making. It distributes power among elected representatives. All the decisions are taken at the bottom level within central policy guidelines and funding arrangements with the participation of people. Administrative decentralisation refers to redistributive authority and the transfer of responsibility to various subsystems. Transfer of plan, finance, and management activities of various functions related to the public from the government at a higher level and its agencies to the subsystems are part of administrative decentralisation. In fiscal decentralisation, investment is a core component. If grassroots governance works appropriately, they have sufficient revenue generation, either generated locally or transferred from the intermediate level. Fiscal decentralisation forms self-financing or costs recovery through user charges. Economic decentralisation from the government perspective is deregulation and privatisation because they shift the functional responsibility of the public organisation to the private sector. Fiscal decentralisation plays a crucial role in the service delivery system to the rural people, who are advantaged in implementing expenditure and devolution of PRI function (Rao, et al., 2011).

India has a strong tradition of 'democratic' institutions. The process of democratic decentralisation is envisaged as the vehicle to carry out rapid devolution at the local level. With the active participation of local people in the planning and execution of the different developmental activities, people's basic needs would effectively be tackled. Decentralisation is grounded in the political and social organisations of the residents. Before the passing of the 73rd and 74th amendments, institutions like village communities suffered from various forms of discrimination like gender and caste, since they were never recognized socially and politically. The Select Committee of the House of Commons said that the village communities were like little republics and based on principles of self-reliance. And based on the suggestions, the British government introduced provincial autonomy and elected governments in 1935. After independence, the constitution maker did not include Panchayati Raj Institutions (PRI) in the draft. The debate was started that villages are not capable of

administering themselves effectively.

The objective of the study is to scrutinize the status of PESA Act of Jharkhand in terms of its implementation. It also tried to examine various modes of participation in gram sabha to ensure tribals' empowerment in decision-making at local governance in scheduled areas of Jharkhand. After conducting a pilot study, four blocks of Ranchi and Gumla Districts were identified. For data collection, research was carried out through a primary survey and observation. A total of 197 respondents were consulted. The participants of gram sabha members were in the above 18 year age group.

2. Significance of Tribal Empowerment

Tribes are such native groups of people who have a habitation in isolated hilly areas with dense forests. They have ethnic categories with unique traditions and shared culture, well-defined social and political boundaries, territorial affiliations, having beliefs and customs. Their Primitive economy depended on hunters and food gatherers, hill cultivators, plain farmers, simple artisans, cattle keepers, and urban industrial workers. Virginius Xaxa mentioned that tribes are nearly recognised as Indigenous people (Xaxa, 1999). After the 73rd and 74th Amendments, there was a vacuum created in the self-governance of Fifth Scheduled Tribal Areas. Thus, the need for constitutional safeguards was felt and subsequently, DS Bhuriya Committee was constituted. Based on its recommendations, PESA 1996 was enacted in Fifth Scheduled Areas. It gave a unique government system with unity in the community for grassroots development.

The census of India conducted in the year 2011 indicates that the total population of scheduled tribes is 104.28 million, which constitutes about 8.6% of the total population of India. Most States have tribal populations; however, few states and union territories do not have tribal communities. The majority of the tribal population is present in states with more hilly areas with dense forest cover[1]. The leading economy of the tribals is traditional agriculturalists (Verma, Sharma, & Sharma, 2008). All seven North-East states have a significant tribal population in their region. On the global scale, tribals are recognised as 'indigenous people'.

The tribals have been predominantly inhabitants of the forest areas for centuries. According to the Forest Survey, Vth and VIth Scheduled districts with significant tribal population comprises more than half of the country's forest cover (Forest Survey of India, 2015). However, it appears that the overexploitation of natural resources by industrial forces reduces the quality and quantity of forests, directly resulting in livelihood crises for native tribal communities. Some of the customary practices of Adivasis includes worshipping of forests as sacred places, traditional knowledge conservation practices of biodiversity and wildlife for their community life.

3. Approaches to Tribal Development

a. **Isolation Approach**- In the isolation approach, Verrier Elwin argues that tribals have fundamentally different cultural patterns and styles of living from non-tribals. So, Elwin recommended the establishment of National Parks for tribals (Fernandis W. , 2011).

b. **Assimilation Approach**- In the assimilation approach, G S Ghurye argued that tribals are backward Hindus. In the past, Hindu society had been tolerant of these marginalised groups. These groups were denied equal status in Hindu society. In the same line of argument, S C Dubey argued that these groups needed to be assimilated again into the community[2].

c. **Integration Approach**- The integration approach initiated by Pandit Jawaharlal Nehru as a

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[1] *http://tribal.nic.in/WriteReadData/userfiles/file/Demographic.pdf*

[2] *https://www.jstor.org/stable/pdf/4371239.pdf*

"Panchsheel for Tribal Development". This includes five principles: (i) Freedom should be given to tribal communities for development based on their customary values. (ii) There should be recognition and respect for the rights of the tribal population regarding the land and domestic forest area. (iii) The members of tribal communities must be provided with the training to undertake administration for their development without too many outsiders inducted. (iv) The administration for tribal development should be conducted by themselves. (v) The quality of life rather than an investment of funds should be the indicator for assessing the development of tribes.

4. PESA is an Innovation

Tribal self-governance is an innovative idea to protect the significant tribes and particularly vulnerable tribes. It also has the power to control and preserve the natural resources and biodiversity of India. It recognises tribal people to strengthen their identity and their source of economic livelihood. PESA create the opportunity for the tribal to establish local grassroots democracy and strengthen gram sabha. PESA improves the tribal condition locally and helps the major initiative programme be implemented to develop tribes. It enhances community participation in local planning, prioritising and implementing schemes at the local level. It also enhances sustainability, equity, transparency, and effectiveness. It helps assess the utilisation of central and State grants and maintenance of local grants created by the gram sabha/Panchayat. It empowers and raises the issue of marginalised people at the local level (Prasad & Sole, 2017).

5. History of PESA

Before the introduction of the statutory panchayat in the district, the traditional panchayat of the tribal was active and functioning for maintaining the solidarity of the society based on the customary rules of the tribal community (Narayan , 1981). The Government of India act 1935 came up with special measures to protect the tribals in India. It had earlier reclassified the tribal region of the country into partially excluded and excluded areas (Kurup, 2008). Throughout decades since decadent primitive landlordism with its repressive suppression began disintegrating, these viewpoints seem to have gradually moved upfront to finish unite with Tribal self-rule in 1996. A legal provision like PESA gives security for the participation of the tribal communities through restricted self-governance. This arrangement was expected to suit their level of advancement (Kurup, 2008).

The tribal societies are familiarised with regulating their religious, domestic, social, economic, socio-political and judicial affairs at the grassroots level through their traditional tribal councils and collective wisdom of the people in the villages (Sole & Prasad, 2017). Although the Seventy-third constitutional amendment act, 1992, includes many relevant provisions concerning panchayats, it restricted the application of part IX provisions to Scheduled and Tribal Areas under Article 243(M). Consequently, Mr D.S. Bhuria was appointed as chairman of the committee to recommend modifications in the Amendment Act needed for its application to Scheduled and Tribal Areas. Bhuriya Committee submitted its report in January 1995, and after that, the PESA Act, 1996 was enacted on 24th December 1996.

6. Empowerment of Gram Sabha

The underlying conviction is that local governance plays an essential role in socio-economic transformation and implementation of developmental programs (Mathew, Panchayati Raj from Legislation to movement, 2002). The main objective of introducing these acts and empowering gram sabha is to preserve the tribal identity and culture and to ensure direct participation of these people in decentralized planning and evaluation of their involvement in Gram sabha. Various scholarships have highlighted the exploitative practices of colonial forest administration, which was mostly

revenue centric and failed to recognize the rights of forest dwellers (Patnaik, 2007). The policy for isolation of tribal communities was started by Britishers when they introduced the national forest policy in 1894 (Singh R. M., 2006) and has remained more or less the same till independence. The recognition of the Constitutional rights for the empowerment of gram sabha and local marginalized people could be secured only after enactment of the 73rd amendment to the Constitution. Consequently, Mr D.S. Bhuria was appointed as chairman of the committee to recommend modifications in the Amendment Act needed for its applications.

Gram sabha is a constitutionally mandated body that enables every member of the gram sabha to participate in the decision making at the grass-root level. It provides a platform where people of the gram sabha meet and discuss their problems and understand the needs and aspirations of the community (Hazra, 2013). Rajani Kothari has argued for a different role of gram sabha where it combined the older form and suggests the addition of fourth tier, which has the potential of overseeing the working of elected bodies (Kothari, 1961). Greater participation at the lower tiers would ensure further confidence of the gram sabha and prevent them from being subjugated by the political caste elites. (Singh S. , 2004). It would safeguard the representation of a marginalized and weaker section of society. The Maharashtra government first recognized the importance of gram sabha in 1959. Diwaker committee which the Karnataka government constituted, expressed its concern against a powerless gram sabha and hence recommended for constitutional safeguarding of gram sabha (Monditoka, 2010).

The second administrative reform commission (ARC) also submitted its report on empowerment of gram sabha in the fifth scheduled area. The commission recommended that the planning process must be initiated at the local level. The Gram Sabha is to be tasked with the function of identification of the beneficiaries and in conducting the social audit (commission, 2006) (Aiyar, 2013). The National Environment Policy 2006, recognized the objectives of protection and conservation of critical environmental resources, equitable access to support for all sections of society, especially those who dwell in the forest areas and protection of biodiversity and ecology (Rajagopalan, 2008). It had put emphasis on those gram sabhas which exists in the forest areas, since it can play a crucial role in protecting the environment.

The provisions regarding the social audit are mentioned in the central PESA Act. The social audit was recommended by the Ashok Mehta Committee, which would act as a watchdog of the panchayat and to empower the decentralised institutions. Even though PESA is enacted formally, its implementation has not been uniform at the grassroots. Otherwise it would have ensured more uniform participation of gram sabha members. Even though there is an increased participation of women candidates on paper due to reserved posts for women, but those posts are actually handled by their husbands/fathers/brothers. The societal village mindset is stained with patriarchal vices where women are deprived of decision making power of the gram sabha. Even the fieldwork conducted by the researcher, exhibited that active participation of Tribal women in *Hamari Yojana Hamara Vikas*, which is a part of decentralized planning at the gram sabha level. The present government has taken the initiative of uploading of photos on the website to attend the gram sabha meeting.

Table 1: Details of Fifth Scheduled Area

No.	State	Village	Panchayat	Block	Fully Scheduled District	Partially Scheduled District
1.	Andhra Pradesh	1586	588	36	0	5
2.	Jharkhand	16022	2074	131	13	3
3.	Chhattisgarh	9977	5050	85	13	6
4.	Himachal Pradesh	806	151	7	2	1
5.	Gujarat	4503	2388	40	4	7
6.	Madhya Pradesh	11784	5211	89	5	15
7.	Rajasthan	672	4544	26	2	3
8.	Maharashtra	5905	2835	59	-	12

No.	State	Village	Panchayat	Block	Fully Scheduled District	Partially Scheduled District
9.	Odisha	Not avail.	1921	119	6	7
10	Telangana	Not avail.	631	72	-	4
	Total	51255	25393	664	45	63

Source: MPRI, panchayat.gov.in

As per the Annual report of Minstry of Panchayati Raj (MPRI), 2015-16 states that there are 51,255 villages, 25,393 panchayats, 664 blocks, 45 fully covered districts, 63 partially closed districts under fifth scheduled administrative areas, where PESA is implemented in 10 states (MPRI, 2016).

Table 2: Under the fifth scheduled district of the scheduled area

Sl.No.	States	Number of Municipalities in Scheduled Area	Number of cases challenge the legality of the municipality
1.	Madhya Pradesh	46	5
2.	Chhattisgarh	40	8
3.	Gujarat	13	3
4	Jharkhand	40	11
5.	Maharashtra	12	2
6.	Odisha	20	2
7.	Rajasthan	10	0

7. Power of Gram Sabha as per the PESA Act, 1996

The primary aim of PESA is to facilitate participatory democracy in tribal areas by strengthening the gram sabha to manage and control its resources within the gram Sabha or boundaries village boundary. Gram Sabha documents the customary modes of dispute resolution. General principles are followed within such customary ways in their jurisdiction and are within constitutional directives. Gram sabha and panchayats intend to plan and implement socio-economic development and justice (Prasad & Annamalai, 2013). Some of the important powers given to the Gram Sabha for the empowerment of tribal and marginalized people are mandatory consultation over land acquisition and resettlement matters (Prasad & Annamalai, 2013); restorative powers over any unlawful land of scheduled tribes to prevent land alienation; granting of a licence for minor minerals.

8. Power of Gram Sabha given by FRA 2006

After ten years of extension of the PESA Act, Forest Rights Act was amended in 2006, which has the power to protect the natural resource biodiversity (SAMARTHAN, 2011). FRA has also granted rights to the forest dwellers and Scheduled tribes.
- Gram Sabha is a competent authority for community forest right act. It shall make a management committee elected by people of the gram sabha or local peoples.
- The villages which come under the forest area shall be converted into revenue villages, and they can utilise revenue for the development of villages.
- Gram Sabha is given the responsiblity of protecting the forest, wildlife and biodiversity of the forest (Singh N. , 2016).
- Gram Sabha shall be the competent authority to implement the forest right act and law.
- Gram Sabha shall with the forest department on plans to share and implement goals.
- Forest dwellers and Scheduled tribes should have the right to collect and sell Minor Forest Produce(MFP).

- Gram Sabha and Scheduled States shall be the competent authority for the management of selling these MFPs.
- Only the forest rights committee will receive, decide, and reject the forest right claim at the panchayat block or forest range level.
- The state committee will monitor the progress of the implementation of the Act.
- Gram sabha shall also have the right to approve all committee decisions that are concerned with the issuance of permits & use of the income for the afforestation and forest management plan.
- All the villages which come under forest areas shall recognize the right of the forest dwellers and be responsible for the protection, regeneration, and management of the forest in a sustainable manner.

9. Jharkhand

Many primitive tribal groups have their habitation in Jharkhand, where most of them are still isolated from the rest of the world. Jharkhand is one of such states of India that have a large tribal population. Tribal communities may be the poorest in the State, but they are rich in the culture and their traditional mode of administration. They are majorly dependent on agriculture, hunting, and fishing. Jharkhand consists of 32 tribes inhabiting the State in India. Some major tribal groups in Jharkhand include Santhals, Oraon, Munda, Ho and Khariya. All these tribes have unique and rich traditions, cultures, languages, dialects, and ways of doing day-to-day activities. After visiting here, many tourists get fascinated by the unique tribal culture in Jharkhand (UNDP). Following are the tribal groups in Jharkhand:

Table 3: List of Tribes in Jharkhand

Santhal	Lohra	Chero	Parhaiya(PVTG)
Oraon	Baiga	Chick-Baraik	Korwa(PVTG)
Munda	Banjara	Gorait	Asur(PVTG)
Ho	Bathudi	Kora	Birhor (PVTG)
Kharia	Bedia	Mahli	Mal-Paharia(PVTG)
Kol	Binjhia	Kharwar	Savar(PVTG)
Kanwar	Karmali	Khond	Sauria-Paharia(PVTG)
Gond	Kisan	Birjia (PVTG)	Bhumiz

Source: Ministry of Tribal Affairs, Government of India.

10. Data Findings

A threefold process was followed for data collection for the research.
   a. A pilot study of the Gram panchayats and Gram Sabha was conducted and was subsequently narrowed down as stated below.
   b. Discussion with Gram Sabha members, and
   c. Discussion with Panchayat representatives, local government officials such as gram panchayat officials, village-level workers (VLW), Civil society, Self-Help Group members (SHGs), and local officials etc., during the process.

Table 4: Consolidated list of Gram Sabha and Respondents

Gram Sabha			Block				Total
			Bero	Itaki	Sisai	Gumla	
Bero	District	Ranchi	11				11
	Total		11				11
Baridih	District	Ranchi	10				10
	Total		10				10
Tengariya	District	Ranchi	12				12
	Total		12				12
Tuko	District	Ranchi	10				10
	Total		10				10
Jariya	District	Ranchi	10				10
	Total		10				10
Kundi	District	Ranchi		18			18
	Total			18			18
Bhandra	District	Ranchi		15			15
	Total			15			15
Kulli	District	Ranchi		14			14
	Total			14			14
Bargaon	District	Gumla			24		24
	Total				24		24
Ghaghra	District	Gumla			24		24
	Total				24		24
Fasia	District	Gumla				25	25
	Total					25	25
Karaundi	District	Gumla				24	24
	Total					24	24
Total	District	Ranchi	53	47	0	0	100
		Gumla	0	0	48	49	97
	Total		53	47	48	49	197

Most of the respondents were not aware of the implementation of PESA in Jharkhand. Only 37% of the total respondents agreed that PESA 1996 was implemented in 2001. The rest of the respondents either did not respond or answered that PESA in Jharkhand was implemented in 2011. The reason behind their confusion about the implementation of PESA in 2011 was due to mixing of facts, whether PESA was enacted after the first election of Panchayati Raj in Jharkhand held at the end of 2010. The real spirit of Tribal Self Governance is yet to be adequately understood and internalized by the respondents of the field study which included gram sabha/panchayat members and the general tribal population of the study area. They have not been sufficiently made aware of the spirit and content of Central and State Acts.

Table 5: Implementation of PESA in Jharkhand

	Response	No. of Respondents	Per cent
When was PESA, 1996 implemented in Jharkhand?	2001	73	37.1
	2011	22	11.2
	Don't Know	102	22.7
Awareness of the Gram Sabha Member on PESA/State confirmatory Act	Yes	75	38.1
	No	122	61.9
Whether Gram Sabha is held four times a year annually?	Yes	21	10.7
	No	176	89.3
Whether Gram Sabha is involved in the Collection and	Yes	35	17.8

	Response	No. of Respondents	Per cent
Selling of Minor Forest Product (MFP)	No	162	82.2
The Intervention of Gram Sabha has recovered alienated land	Yes	22	11.2
	No	175	88.8
Awareness of Fixation of minimum support price of MFP	Yes	51	25.9
	No	146	74.1
Whether Gram Sabha members are involved in the Social Audit Process and in the issuance of Utilisation certificate?	Yes	21	10.7
	No	176	89.3
	Total	197	100.0

Around 38% of the respondents agreed that they are aware of Central/state confirmatory Act through Civil society, Gram panchayats representatives, Non Governmental Organisation, Sakhi Mandal Organization, local *Misi* (Local word used for traditional tribal women organisation). Few Gram Sabha members had little awareness about the PESA and heard about the word PESA in any Gram Sabha meeting. Some of the respondents have a good understanding of the provisions of PESA. They are also aware of the state confirmatory Act. Some Panchayat representatives and social activists had good knowledge about the power and role of Gram Sabha mentioned in Acts. Approximately 62 % of the respondents were completely unaware of the provision of PESA in Jharkhand Scheduled Area. PESA is an alien subject for most tribal peoples living in the study area. Due to discontentment among the tribals with respect to the workings of PESA, the respondent Gram Sabha members usually reponds with disappointment and unawareness of Act and its power, but after longer discussions, they did admit to be aware of the power of Gram Sabha. Such behaviour is due to their resentment towards misfunctioning of Gram Sabha in beneficiary identification in schemes like Pradhan Mantri Indira Awaas Selection, MGNREGA, Public distribution system.

Figure 1: Depicting *Misi* (Local word used for traditional tribal women organisation)

Empowerment through the Gram Sabha deals with tribal power and functions of Gram Sabha. The significance to ensure people's empowerment is to safeguard equal collective access of natural resources and fair-representation in the decision-making body. The *Pathalgadi* movement was earlier inspired by the active propaganda of *Hamare gaon me Hamara Raj* by famous personalities like Dr B.D. Sharma and the local leader, namely Theble Oraon (Prasad & Sole, Pathalgadi: A Critical Way to

Empower the Gram Sabha, 2019). They inscribed the power of gram sabha in the stone and raised awareness among the people. The villagers discussed it and made efforts to hold regular meetings to gather public opinions and eventually give some shape to it through the village leaders. During the field study, it was found that most of the people in the village have not fully understood the self-rule pattern of Tribal Self-Government as envisaged in Central Act and supported by States Act too.

Figure 2: Showing the practices of Pathalgadi

As stipulated by Constitution, every adult of the Gram Sabha over 18 years are members of the Gram Sabha. There is a formal body to run Gram Sabha, called the Executive Committee. In Jharkhand, the head of the Panchayat representative is the ex-officio president of the Gram panchayat called *Mukhiya*, the name given to the leader of the Gram Panchayat. The vice president is called *Upmukhiya*. Since most sample villages had the maximum number of tribal populations, all the executive committee members are tribals in such gram sabhas. However, the membership to the executive committee is open to all social groups and both men and women through an election. It was observed that most are ignorant about the efficacy and functioning of Gram Sabha, which is concerning with regards to the utilisation of its power to safeguard traditional practices and common property resources. More than 80 % agree that Gram Sabha meetings were not held quarterly annually and on time. Gram sabha must conduct four meetings every year (The Jharkhand Panchayat Raj Act, 2001). The first Gram Sabha of the financial year should conduct in April, the next on 15th of August, another around October-November and the Last on 26th of January. In most gram Sabha villages, four Gram Sabha meeting did not occur during the year. In some Gram Sabha/panchayat, mere formality meetings were completed through the paperwork. Meetings were usually held either in the Gram Panchayat or the *Akhra* (open sitting place for meetings). It is interesting to note from the respondent that the Gram Sabhas are often held in closed spaces like *Mukhiya's* House, which restricts the full participation of the Gram Sabha members. In Tengariya Gram Sabha of Dighiya gram panchayat, several gram sabha's were held regularly in the *Dhumkuriya* or the Traditional Adolescent Dormitory. The lack of complete infrastructure is also one of the reasons for irregular periodic Gram Sabha meetings.

Figure 3: Depicting meeting taking place at *Akhra* (open sitting place for meetings)

It is surprising to note that the existence of traditional *Parha Panchayats* gets involved in deliberation of gram sabha as mostly reported in Ranchi district. In these areas, the *parha panchayat* system continues to deal with social and religious cultural matters. The intermixing of traditional *parha* leaders and Gram panchayat representatives is actively involved in decision-making process of the Gram Sabha on various socio-economic and political issues. Due to illiteracy and inability of Gram Sabha members to fully understand the ongoing procedures, there was a lot of alteration in what the Gram Sabha members said and what the elected members actually noted down. In several Panchayat meetings, even bureaucrats like Panchayat Secretary were not able to adequately help and aid in the meetings due to lack of knowledge about PESA.

11. Policy Implications

Based on the finding of the research, the following policy implication is suggested for the implementation of PESA in Jharkhand:

    a. The status of PESA implementation has to be improved. The state government has to enact all the powers envisaged in PESA Act.

    b. The state government has to translate the central Act/State confirmatory Act in local languages like- *Santhali, Kurukh, Mundari, Nagpuri, Sadri, Khortha etc.* It can increase the level of awareness among the gram sabha members. Knowledge is an important weapon to implement the power of gram sabha.

    c. The grant in aid from the finance commission to the gram panchayat has been irregular and inconsistent. It has to be released regularly and consistently. These grants should be spent on the requirement of gram sabha/panchayat.

    d. The actual outcome of the implementation policy will achieve the target if it is implemented from the bottom to top level.

    e. The study also reveals that collecting and managing minor forest produce from gram sabha/gram panchayat would be a better option for revenue generation and reduce the dependency on finance from the State and the central government even if the state government gives power to gram panchayat/gram sabha.

12. Conclusion

In this paper the researcher have made an attempt to comprehend the decentralization discourse which has been taking place and has traced its legal and political development. The paper initially enumerates various theories of decentralization and its significance in contemporary times through analysis of various committee reports and recommendations, academic scholarships, statutes, and constitutional amendments. The passing of the 73rd and 74th constitutional amendments carved the path towards legislation for tribal self-governance in rural areas, in the form of PESA 1996. Through a thorough literature review, the researchers have explored the various facets of PESA 1996 and Tribal empowerment through Gram Sabhas. The researchers have conducted an empirical study to decode the impact of the top-down legal approach through statutes, in order to highlight the gaps between the intended penetration of power to the grassroots level of governance. The field study and the questionnaires have revealed various issues and challenges of Gram Sabha. Regarding the Gram Sabha meetings, it was found that there were several irregularities in conducting such meetings, due to several reasons including lack of political will, infrastructure, and financial devolution from the state. This has resulted in lack of various development fund utilisation and lack of empowerment of the tribal population. These meetings are often found to be conducted close doors among few which has curbed local participation. With respect to beneficiary identification for various government schemes- PM awaas, MGNREGA, PDS etc., unsatisfactory performance of the Gram Sabha has resulted in Tribals feeling alienated and resentment against the government was observed.

Regarding the awareness of PESA and Gram Sabha meetings, it was found that many non-state bodies are involved like- *Misi*, Civil Society, Parha, and Pathalgadi practices. Parha panchayats involvement in the empowerment of the tribals is mixed bag, since it has tendency towards forwarding their vested interests which may be contradictory to state/central government interest and hence commands the favour of the locals.

With respect to Minor Forest Product (MFP), it was found that there was negligible involvement of the Gram Sabha in the administration of MFP. Only a few of the Gram sabhas were involved in the discussions related to collection of MFPs like- Mahuwa, Tendu leaves, Saal leaves and several others. MFPs are mostly collected for domestic consumption only and thus no commercialization has taken place. Also even though the tribals have the liberty to sell their products to anyone or above the minimum support price, but are not able to do so due to intangible restrains like poverty, lack of awareness about both the market and the value of the product. These gaps call for a governance approach involving the voices of all the stakeholders and an amicable negotiation instrument addressing the interests of the Centre, State and Tribal population.

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