



शोध भूमि

शिक्षा एवं शिक्षण शास्त्र विषय की पूर्व समीक्षित शोध पत्रिका

Panchayats (Extension to the Scheduled Areas) 1996 and Local Self Government System in Jharkhand

Divyanshu Yashraj

Research Scholar

Department of Political Science

Vinoba Bhave University, Hazaribagh, Jharkhand

E-mail: yashraj.hazaribag@gmail.com

ABSTRACT

The Gram Swaraj System, from the beginning, has been an important part of Indian Socio-political life. This system existed in India since ancient times; the Manusmriti, Arthashastra and Mahabharat provide several references to the Panchayats. The Pros and Cons of the Local Self Government via PESA Act 1996 in Jharkhand, there should be a coordination between Tribal Customs, Culture and Government Rules and Regulations so that there shouldn't be any clash and the government will implement all the Schemes and Facilities via different programmes smoothly and successfully

Key Words: - Democratic System, Constitution, Amendment, Decentralization, Panchayat, Politics, Local Self Government, Article, Scheduled Area, PESA.

Introduction: -

The Gram Swaraj System, from the beginning, has been an important part of Indian Socio-political life. This system existed in India since ancient times; the Manusmriti, Arthashastra and Mahabharat provide several references to the Panchayats. It is a Decentralised type of government which was also put forward by the Father of our Nation – Mahatma Gandhi.

Article 40 of our Indian Constitution says

“The state shall take steps to organize Village Panchayats & endow them with such Powers & Authority as may be necessary to enable them to function as units of Self-Government.”

In 1992, 73rd Constitutional Amendment gave Constitutional legitimacy to Panchayati Raj System i.e., Local Self-Government, which comes under State List & it signifies the system of Rural Local Self-Government. It builds Democracy at the grassroot level.

Essence of Grassroot Governance: -

Our Constitution aims to ensure Democratic Decentralization by involving people at the Grassroot level.

Local Government is a system of Public Administration at a local level with the responsibility of bringing the people at the Grassroot closer to the government.

In India, we have Grassroot Democracy in the form of Panchayat Raj in Rural Areas & Municipal Corporations in Urban Areas, which are mentioned in Schedule XI & XII of our constitution.

Development of Local Self Government in India: -

Panchayati Raj system/local self-government has a long history as below.

-In 1882, Lord Ripon passed a resolution which is called “Magna Carta of Local Self-Government. So, Lord Ripon is recognised as the Father of Local Self-Government.

-First of all, C.D.P. (Community Development Programme) was launched in October 1952 to seek People’s Participation in rural reconstruction.

-Rajasthan was the first state to establish Panchayati Raj system which was inaugurated by Nehru on 2nd October 1959 in Nagaur District. Secondly, Andhra Pradesh also adopted this system and consequently the rest states.

Development of Local Self Government may be categorized as:

- 1stPhase (1959-1964): Phase of Domination
- 2ndPhase (1965-1964): Phase of Stagnation
- 3rdPhase (1969-1983): Phase of Decline.
- 4thPhase (1983 onwards): Phase of Revival.

Time to time a number of Committees constituted in India in this direction :

- Balwant Rai Mehta Committee 1957
- Ashok Mehta Committee 1977
- Dantwala Committee 1978
- Hanumantha Rao committee 1984
- G.V.K. Rao committee 1985
- L.M. Singhvi committee 1986
- Sarkaria Commission 1983
- Thungon Committee 1988
- Gadgil Committee 1988

Constitutionalization of Panchayati Raj System/Local Self-Government:-

Constitutionalization can be summarised as follows:

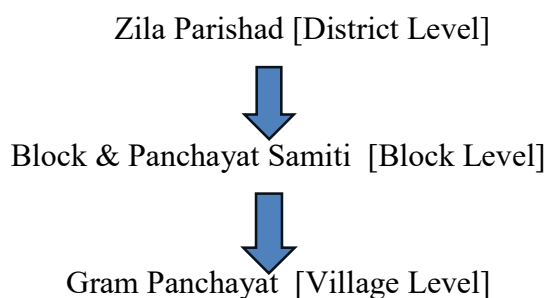
1. During Rajiv Gandhi Government by introducing 64th Amendment Lok Sabha in 1989.
2. V.P. Singh Government took step in this direction but it failed.
3. Narsimha Rao Government took step in Lok Sabha in September, 1991 and the bill finally emerged as 73rd Constitutional Amendment Act, 1992 and came into force on 24th April 1993.

This Act created a new Part IX to the Constitution of India which consists of Article 243 to Article 243 O.

- It also added 11th schedule, which contains 29 Functional items of Panchayats & it deals with Article 243G. This Act has given Practical shape to Article 40 which is a part of DPSP (Directive Principles of the State Policy) of Indian Constitution.
- This Act gives a Constitutional status to local self-government as Panchayati Raj Institutions.

Salient Features of the 73rd Constitutional Amendment Act 1992 are:-

1. Gram Sabha- This Act provides for Gram Sabha or Village Assembly consisting all the Registered Voters of concerned Panchayat Area.
2. 3-tier system- The Act provides 3 tier structure as follows: -



3. Elected Membership- All the members at the village Intermediate and District levels shall be elected directly by people and their chairmans elected indirectly.
4. Reservation of Seats- The Act provides reservation of seats for SC, ST in all the 3 levels with respect to their population.
5. Duration of Panchayats- The Act provides 5 years term of office normally.
6. Disqualification of Members- There is also provision for disqualification of members on different grounds which are guided by the State Election Commission.

7. Powers & Functions & Finance - Their powers & functions & provisions of Finance & their Audit are decided by the State Election Commission.

8. This Amendment provides two types of Provisions – Compulsory & Voluntary Provisions, i.e., Optional Provisions.

PESA [Panchayats Extension to the Scheduled Areas] Act (1996):

PESA Act of 1996 which is really an “Extension Act” as the provisions of the Indian Constitution in Part IX relating to Panchayats are not applicable to 5th Schedule areas. For this purpose in 1996 this Act has been passed as an Extension to the Scheduled Areas Act 1996 based on the report of the Bhuria Committee of 1995.

The PESA Act 1996 extended the idea of local governance to the tribal regions of India which is 11.3% of India’s total land area. In this context, it is pertinent to mention that Assam, Meghalaya, Tripura and Mizoram which were Tribal areas comes under 6th schedule.

Objectives of this PESA Act:

- To empower Panchayats.
- To safeguard and preserve traditions and customs of the tribal people.
- To Develop Administrative framework consistent with the Traditional practices.
- To provide self-rule or village governance with the essence of democracy.

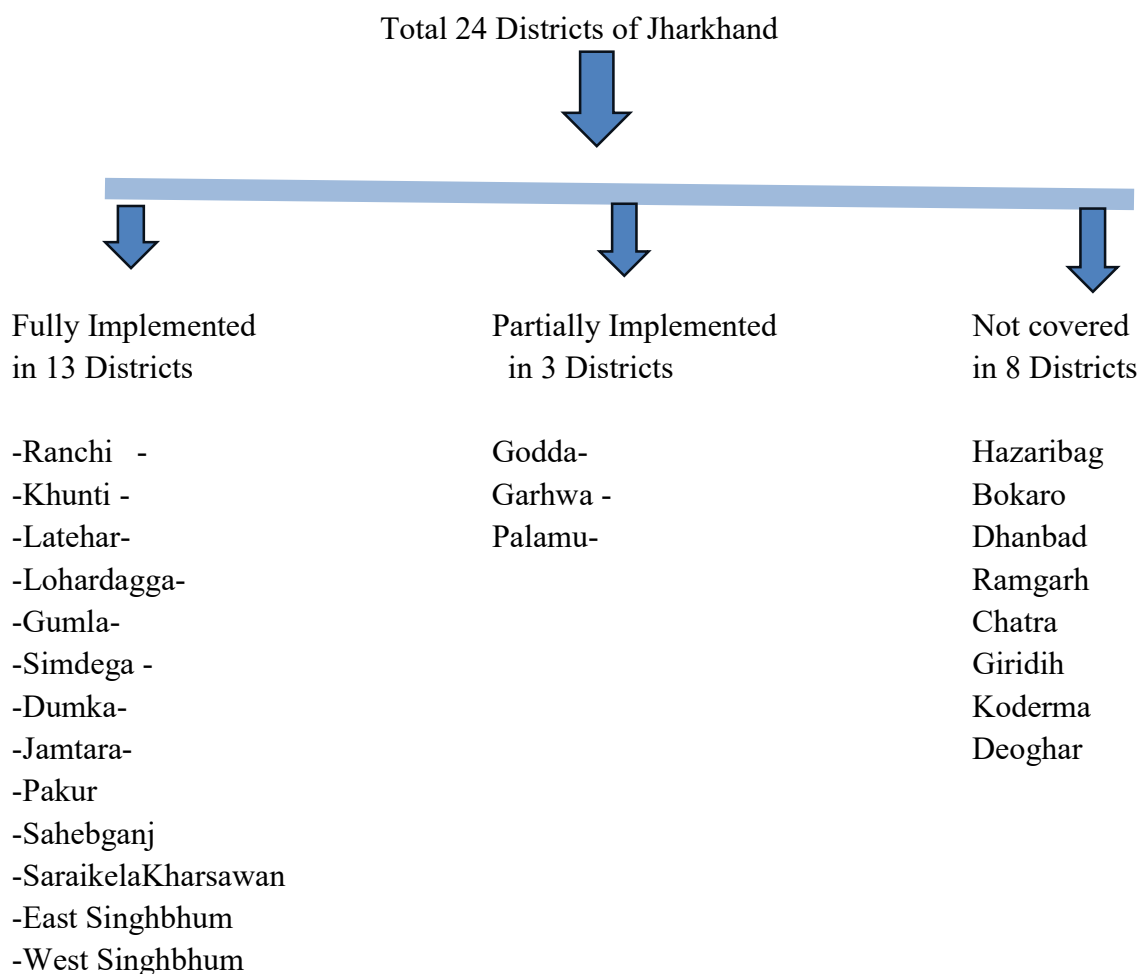
Important Features/Provisions of PESA Act :

- In the Scheduled Areas, every village will have a Gram Sabha of persons whose names are in Electoral Rolls for the Panchayat at the Village level.
- In the Scheduled Area, there is provision of 50% Seats reserved for STs on all three tiers.
If the area has different tribal communities, then the reservation will be on the basis of their proportion.
- If there are no ST members at Intermediate or District level, the State Government shall nominate such underrepresented STs by a maximum of 1/10th of the total elected members of the Panchayat.

- The post of Chairpersons at all levels in Scheduled Areas shall be reserved for STs.
- Every Gram Sabha has to safeguard and preserve the traditions and customs, their cultural identity, community resources and the customary mode of resolution of disputes.
- Gram Sabha has the power to approve Plans and Programmes for Development, to give Certificates of utilization of funds.
- In land acquisition cases, Gram Sabha rule is Advisory only.
- For mining lease of minor minerals and license, Gram Sabha recommendation is mandatory.
- Gram Sabha has the right to enforce prohibition of any intoxicant.
- The appropriate level of panchayats shall be interested with the planning and management of minor water bodies.
- It shall have the power to regulate the grant of credit to the members of the scheduled tribes and to exercise control over the over money lending to them.
- It shall have control over local programmes (including tribal sub programmes) and over their resources.
- The Gram Sabha shall have the power to prevent alienation of land in the scheduled areas and to take appropriate action to restore unlawfully alienated land to the members of the Scheduled Tribes.
- The Gram Sabha shall be responsible for the identification and selection of beneficiaries under poverty alleviation and other public welfare programmes implemented in its area.
- The real planning and implementation of projects in the scheduled areas shall be coordinated at the state level.
- The Gram Sabha shall have the power to manage village level markets and LocalHaats.
- It shall have the power to monitor the functioning of social institutions and workers such as various local agencies implementing schemes.

Implementation of PESA 1996 in Jharkhand since 2nd January 2026

It has been done by JMM Government led by C.M. Sri Hemant Soren after 25 years of the creation of state of Jharkhand in 2025 as “पंचायत उपबंध (अनुसूचित क्षेत्रों का विस्तार) झारखण्ड नियमावली 2025” to provide constitutional protection to the local self-government in Scheduled Areas which is dominated by tribal community as below:



PESA implementation in Jharkhand: Its Role & Critical Analysis:

As we know that in the year 2025 this PESA Act 1996 has been implemented by Honourable CM Sri Hemant Soren.

- This Act will preserve the Local Self-Governance system of Jharkhand such as Manki-Munda system in Kolhan area and Maji Pargana system in Santhal Pargana area.
- It will also preserve their customs and cultures which helps in their livelihood.

- It will strengthen the downtrodden ST people and for their development it will develop a sense to rule themselves.
- It will help them with a feeling of Collective Interest to take decisions and implement them in their area.
- The ST population of the village would find solutions to the problems arising in the implementation of the schemes.
- It will authorize them to frame Rules and By-laws whenever necessary for Village Development.
- Development plans for the village should be prepared in the village itself through meetings with local residents and should be based on their needs. The implementation of these plans should ensure the active participation of the villagers. The evaluation of development schemes should also be done by the villagers themselves.

On the other hand, it may create controversy between Panchayat Secretary as the representative of government and the Chairman of the Gram Sabha of the concerned Panchayat regarding implementation of the Government Rules and Regulations in such Panchayats.

Conclusion:

As mentioned above , the Pros and Cons of the Local Self Government via PESA Act 1996 in Jharkhand, there should be a coordination between Tribal Customs ,Culture and Government Rules and Regulations so that there shouldn't be any clash and the government will implement all the Schemes and Facilities via different programmes smoothly and successfully.

References:

1. Indian Polity – M. Lakshmikanth
2. PESA Act – Surin
3. Dainik Bhaskar,Ranchi (Newspaper)
4. The Constitution of India – P.M. Bakshi (Lexis Nexis Publications)
5. Tribal Self Governance: PESA & its Implementation
6. Panchayat Extended to Scheduled Area Law 1996 : PESA Act-Adv. Madan Pardeshi
7. Scheduled Areas & Self Governance : A Reality of Panchayati Raj Extension to Scheduled Areas (PESA) Act,1996.
8. Governance, Resources & Livelihoods of Adivasis in India : Implementation of PESA (NIDPR Publications)