# A REPORT ON STATUS OF PANCHAYAT EXTENTION TO SCHEDULED AREAS (PESA) ACT 1996 IN THE STATES OF ANDHRA PRADESH, ORISSA, JHARKHAND, GUJARAT AND CHHATISGARH

#### Submitted to:

Planning Commission

**Government of India** Yojana Bhawan, Sansad Marg New Delhi 110 001

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#### **Planning Commission**

Government of India Yojana Bhawan New Delhi 110 001

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#### **EXECUTIVE SUMMARY**

Since couple of decades, tribal communities have spearheaded the most remarkable struggle for social justice in the country. They were first amongst those who resisted British colonial interests much before the independence movement - a contribution that (despite a few rare accounts of historic movements in a few regions) remains largely unrecognized. Predominantly living with India's forests and remote areas, they faced a steady assault on their livelihood.

PESA is innovative because it legally recognizes the capacity of tribal communities to strengthen their own systems of self-governance or create new legal spaces and institutions that can not only reverse centuries of external cultural and political onslaught but can also create the opportunities to control their own destiny. The Gram Sabha of the village becomes the focal institution, endowed with significant powers. For instance, under section 4(d) of PESA: "every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution."

Parmeshwar Rajendra Memorial Foundation (PR Foundation), having previous experiences in conducting evaluations and other studies, has taken up this evaluative study in the sampled districts of five States - Andhra Pradesh, Chhattisgarh, Gujarat, Jharkhand and Orissa. The Key objectives of the evaluative study are: to analyze the situation of PESA in the intervened locale with special reference to Jal, Jungle and Zameen, to understand the process of implementation of PESA and the implications, to understand qualitative and quantitative difference of the life of tribal and their significance, to assess the impact and achievements of the development schemes and the role of Panchayats in the implementation of the same and to find out the challenges and opportunities and suggest possible areas for up scaling the system.

Keeping the key parameters in mind, different stakeholders at different period of time were contacted for the collection of both qualitative and quantitative data. The stakeholders were divided into three groups like primary, secondary and tertiary. The *Gram Sabha* members at the village/Panchayat level are coming under the primary stakeholder groups. Similarly, the elected Panchayat representatives, officials of Government and line departments are under the purview of the secondary stakeholder groups. The civil society actors like NGO representatives' academicians, media personalities and State level officials of the department of Panchayat are coming under the tertiary stakeholder group.

An experienced team was constituted to carry out the study in the sampled States. The whole project team was guided by senior professionals and they were the nodal point of contact with the Planning Commission on all matters pertaining to this assignment. Data from both secondary and primary sources were collected for the study. The data was both qualitative and quantitative in nature. The secondary data was collected from the Government agencies, civil societies and those who were engaged in promotion of local self governance. In all 5 States, 2 districts (PESA) from each State were selected for the study. From both districts 2 Janpad Panchayts were randomly selected and from

each of these two *Janpad* Panchayats 5 Gram Panchayts were randomly selected for data collection. Purposive sampling was organized to identify districts, *Janpad* Panchayats and Gram Panchayats.

The concept of the tribe and the changing socio-economic status of tribal communities in scheduled areas have been vividly described in the second chapter. The discussion starts with the meaning of the tribe, distribution of Scheduled Tribes and major Scheduled Tribes in India including provision for the scheduled area and issues of tribal sub plan and welfare schemes.

Perhaps the most progressive law passed since Independence, the PESA Act 1996 has made it mandatory for the State having scheduled areas to make specific provisions for giving wide-ranging powers to tribals on matters relating to decision-making and development of their community. Technically, when the Act refers to extending the provisions of Part IX of the Constitution to the fifth schedule areas; politically, it gives radical governance powers to the tribal community and recognizes its traditional community rights over local natural resources. It not only accepts the validity of "customary law, social and religious practices, and traditional management practices of community resources", but also directs the state governments not to make any law which is inconsistent with these. Accepting a clear-cut role of the community, it gives wide-ranging powers to *Gram Sabhas*, which had hitherto been denied to them by the lawmakers of the country. As mentioned earlier, the study was conducted in five States (Jharkhand, Orissa, Chhattisgarh, Gujrat and Andhra Pradesh). Here in the third chapter, an attempt has been made to portray the brief profile of the state and sampled districts.

The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, more popularly known as the PESA Act came into force as a sequel to the 73rd amendment of IX Schedule of Indian Constitution. The 73rd amendment in 1992, provided constitutional sanction to the Panchayat Raj for functioning as an organic and integral part of the nation's democratic process. The application of this amendment excluded the areas covered by the Fifth and Sixth Schedules. The areas of the Fifth Schedule, according to the Article-244, cover the Scheduled and Tribal areas other than the areas of the Sixth Schedule like in Assam, Meghalaya, Tripura, Nagland and Mozoram. The areas of the Fifth Schedule are spread over nine states viz. Andhra Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chhattisgarh, Orissa and Rajasthan. The PESA Act, 1996 is regarded as a corrective legal measure to the 73rd amendment in form of extension of the provisions of the Panchayat Raj to the Scheduled and Tribal areas falling under the Fifth Schedule. In the following chapter the act has been composed with the impact of Provisions of the Extension Act and the present position of the Act across the sampled locations of the study. For this purpose we have collected both qualitative data and quantitative data. Apart from the house-hold survey we have collected data in consultation with different stakeholders. The analysis of the respondents on each issue is covered under Provisions of the Extension Act, 1996 in the sampled locations.

There are also some glaring omissions in the State legislations when they are assessed for their conformity with the PESA. Some fundamental principles on which the PESA is premised such as state legislations on Panchayats shall be in consonance with customary laws, and among other things traditional management practices of community resources; the competence of Gram Sabha in

safeguarding and preserving traditions and customs of the people and the community resources have been omitted from the conformity Acts. Let us now see some specific resources that have been impacted by the law on tribal self rule and the subsequent state legislations which include; management of minor water bodies, forest land especially relating to ownership of minor forest produce and tribal land alienation and restoration.

PESA in relation to continuum and other aspects like the qualitative changes after enactment of PESA, extremism and the Jharkhand local governance situation, has been described before coming to the conclusion and recommendation. The major issues which emerge from the discussion in this study lead to the following conclusions related to the further effective implementation (action points) of PESA Act-

- In most cases, in the pre-PESA implementation phase, there was little if any difference between tribal and non-tribal areas with respect to the role of the Gram Sabha. The Sarpanch and other influential Gram Panchayat members dominate the often irregular and scantily attended Gram Sabha meetings. The common people possess little awareness about its functioning. Amongst those interviewed, most showed little interest in the Gram Sabha and astounding lack of awareness about Gram Sabha as a self-governing body was observed. As far as the institution of the Gram Sabha, central to PESA, is concerned, the study did not come across a single village where the Gram Sabha was even aware of its legal jurisdiction over the natural resources. There seems to have been absolutely no groundwork in recognising the Gram Sabha's jurisdiction over forests and in the creation of adequate mechanisms and support structures for them to play any significant role. The same is true of the Gram Panchayat as a body, which is accountable to the Gram Sabha.
- The advent of PESA in 1996 was a welcome event that conferred relatively greater autonomy to Gram Sabhas. However, <u>PESA's sincere implementation has not been seriously attempted by the government, which is still dominated by centralized structures and laws that are in contradiction with the progressive provisions of <u>PESA</u>. As such, conflicting areas were identified prior to advocating the implementation of various provisions of <u>PESA</u>.</u>

- There are policy loopholes between self-governance laws and existing laws that give power to various departments to control resources, and many other functions that Panchayats are supposed to manage by themselves (as per the provisions of PESA). For example, the modern state and its legal apparatus do not recognise the customary ownership rights of land, which are by and large unwritten in the tribal community. Therefore, if tribal communities cannot exercise ownership rights in their traditional fashion, the spirit behind the provision in PESA of managing land resources by Gram Sabhas is defeated. So more focused and nuanced work should be done in this regards. Similar conflict is prevalent with regard to ownership rights of water resources. Most village ponds are either on community land, revenue land or forestland. Under existing conditions, local people are either prohibited or have restricted use of these ponds. Hence there is some overlapping of ownership rights, and clarity on such issues is possible only after the Indian Forest Act and other related Acts are amended to accommodate the provisions of PESA.
- The situation regarding forest resources is still worse, as forests have been under total control of the Department of Forests until now. Years of autocratic control over the profit-yielding forest resources have made the Department reluctant to yield control over forests. It is this very attitude, along with an absence of Amendments in the Indian Forest Act, which is in conflict with the provisions of PESA and this problem could be solved in a war footing manner.
- Panchayats have to be consulted before any kind of land acquisition or resettlement and rehabilitation of displaced persons. Gram Sabhas and Panchayats at the appropriate level have been specifically given the powers and authority to enforce prohibition or to regulate or extract the sale and consumption of any intoxicant, ownership of minor forest produce, power to prevent alienation of land, powers to manage village markets, power to exercise control over money-lending, power to exercise control over institutions and functionaries in all social sectors. The recommendation of the Gram Sabha or the Panchayats at the appropriate level has been made mandatory prior to grant of prospecting licence or mining lease for minor minerals.
- Necessary amendments need to be made in the list of functions that are to be performed by the Gram Panchayat. This will clear the unnecessary ambiguity in the roles of the Gram Sabha and the Gram Panchayat which have overlapping jurisdictions.
- While on one hand numerous powers have been entrusted to the various level of Panchayat, on the other, the power to control the Panchayat vests with the Government. The Authorized Officer of the State Government has the power to inspect the proceedings of the Gram Sabha and of the Panchayat. Further, the State Government or the prescribed authority has the power to suspend the execution orders license etc. by a Panchayat on certain conditions. This is against the spirit of PESA and needs to be corrected urgently.

- At the macro level, the Gram Sabha is a people's institution and has been made a statutory body through a Constitutional Amendment. <u>The current system of governance, still largely</u> <u>colonial in nature, has been unable to accept this radical change</u>. A bureaucracy conditioned on centralized authority is not willing to be supportive and accountable to the Gram Sabha.
- However for this to occur there is a need to mobilize Gram Sabhas and build their strength
  to deal with tribal issues. There is a need to translate PESA Act into action and sustained by
  a process of awareness and capacity building among the tribal communities. The vibrancy
  and efficacy of gram sabha will remain dismail if it does not possess the capacity to perform
  assigned roles and responsibilities.
- There is a need for the State Government to make appropriate amendments in their State Laws contained in the Central Acts namely, Land Acquisition Act, Excise Act, Minor Forest Produce Act, Money Lenders Act, SC/ST Land Alienation Act, Regulated Market Act, etc.
- People felt that decisions and recommendations made by the Gram Sabha did not carry any
  weight and were brushed aside by senior officials. This perception amongst villagers led to
  certain delegitimisation of the institution of Gram Sabha in the eyes of the people.
- There is a need that Gram Sabha institutions should be developed as institutions of selfgovernance and not treated merely as institutions of local governance.
- The required administrative structure and machinery should be provided for making the Gram Sabha as effective bodies of district administration and having the Janpad Panchayat as its main implementing agency.
- The foremost legal strategy has to be mobilizing public pressure for laying down of the enabling rules to give effect to the provisions of PESA. Some NGOs seem to have drafted their own rules in this regard, however without any formal legal basis they cannot be sustained and enforced on the ground. Organisations with a unity of purpose need to join hands to force the Government to frame the rules sooner than later.
- While the Rules need to be put in place at the earliest, it should not preclude adequate consultation at the local level and with all departments concerned so that all concerned are in the knowledge of he prevailing status and position of the law.
- In PESA areas, the Gram Sabhas have been given executive powers and they can elect their traditional heads as the heads of the Gram Sabhas. There is a need to work out a harmonious relationship between the Gram Sabhas in PESA areas with the Gram Panchayats.
- Powers statutorily devolved upon the Gram Sabha and the Panchayats are not being matched by concomitant transfer of funds and functionaries resulting in the non-exercise of such powers. Functionaries in the social sector should work under the overall supervision and control of the Gram Sabha as envisaged under PESA.

- The concept of community ownership of resources in PESA areas should be integrated into the provisions of the Centrally Sponsored Schemes concerned. All community resource based schemes should involve Gram Sabhas in planning and implementation in PESA areas. 7.7. Even after over eleven years since its enactment, there is little or no awareness about the provisions of PESA. Therefore it is imperative that all persons in PESA areas are given indepth training on the provisions of PESA through awareness campaigns. Officials concerned with the implementation of PESA should also be properly sensitized.
- Physical infrastructure in interior areas should be strengthened in order to protect the life
  and property of tribals. Special attention should be paid to the construction of culverts,
  bridges, check dams, compound walls for schools, etc.As of now, ownership of Minor Forest
  Produce does not vest with tribals. Steps should be taken to ensure that they get the best
  remunerative price for their Minor Forest Produce.

All this not withstanding, tribal regions are still in a state of underdevelopment, eight years after this Act has come into force. The reasons are complex, and multi-pronged. On one hand, Government functionaries regard tribal people as an inferior species who need to be told what is good for them; on the other hand, many of the existing laws and provisions contradict the PESA Act, and need to be reviewed and changed. It also needs to be pointed out that tribal areas represent the last resources sumps on the planet earth, simply because tribal knowledge systems ensure sustainable livelihoods, and tribal religion and outlook engenders the survival of all living beings, through holistic and ecological sound principals of belief.

Chapter - I

Background

#### INTRODUCTION

#### 1.1 Background

Since couple of decades, tribal communities have spearheaded the most remarkable struggles for social justice in the country. They were among those who first resisted British colonial interests much before the independence movement - a contribution that (despite a few rare accounts of historic movements in a few regions) remains largely unrecognized. Predominantly living with India's forests and remote areas, they faced a steady assault on their livelihoods.

As per the contemporary scenario, with one legislative change, the tribal became trespassers in their own forests victimized by externally motivated systems of forest management that directly violated various facets of their socio-economic survival. Their forests and other natural wealth in their areas were increasingly seen as commodities, their lands designated as private property and their growing dependence on ruthless moneylenders linked with powerful feudal landlords led to massive land alienation, and permanent or seasonal migration. The final act of violence legitimizing these onslaughts of systemic violence on a largely unsuspecting population was the imposition of alien judicial system and "law and order" machinery that subjugated them further compounding their vulnerability and subservience. Their own, highly subtle traditional political system and other customary practices were undermined. The result of all these processes was the erosion of their dignity, the devaluation of their identities and the disrespect of their ways of living.

The Indian Government retained the same laws and continued the erstwhile colonial attitudes and policies over tribal communities even after the independence. They continued to be victimized, their socio-economic practices above all their cultures disrespected, their resource base exploited, with hardly any benefit accruing to them. In actual practice, such State policy was aimed at assimilating them into the "mainstream" on terms that they had very little say in. In effect, while they participated in elections, the promise of democracy and justice was largely denied to them.

In fact, in most areas there was further erosion of the relative autonomy and dignity that they enjoyed in their communities, thanks to the additional steamroller impact of party politics and the consequent homogenization of a rich heritage of cultural diversity. Participation in the electoral process was no guarantee of their own democratic rights being respected. Instead, elections have substantially lost legitimacy as reliable institutions for ensuring cheap, quick, reliable and transparent justice for rural people, especially those belonging to disadvantaged groups.

#### 1.2 The Continued Change

In the first two decades after Independence, in anticipation of policies that would change colonial attitudes and practice, there were fewer agitations and revolts in tribal India. Notable among the agitation are the Bharat Jan Andolan (Indian People's Movement), the National Front for Tribal Self-

Rule, Adivasi Sangamam and the Indigenous and Tribal People's Initiative. There were remarkable exceptions as a few enlightened administrators and community leaders asserted the rights of tribal communities. Gradually, in a growing number of places, agitations and mass assertions became the emergent culture of what began as mere disillusionment. Coupled with the expressions of countervailing power from below were efforts by a few sensitive administrators and support groups. In the mid-1980s, people like the then Commissioner of Scheduled Castes and Tribes, B. D. Sharma, used his constitutional office to highlight the plight of the tribal and the constitutional responsibility to them. Numerous collective mobilizations crystallized, including several demanding greater autonomy from exploitative external forces. Another important development was the formation of various alliances cutting across tribal community and region.

#### 1.3 An Innovative Step

Relenting to these widespread agitations by tribal protesting against continued violations of their customary and resource rights by State and non-State actors, the Parliament set up a committee headed by a tribal MP, Dileep Singh Bhuria. Mr. Bhuria's report argued that tribal society had been marked by its own representative systems of governance through the Gram Sabha, which should be legally recognized as the primary centre of tribal governance. Released in 1995, the report also argued that the long-standing demand of tribal control over productive land and forests should be conceded to and that administrative interference in tribal affairs should be minimized. The Government largely ignored the Bhuria Commission's report reflecting the continuing dichotomy between the real needs of a majority of tribal and an exploitative governing structure.

Public agitations, including several major events in Delhi, have since been stepped up. The assertions of the tribal were powerfully summed up in one of their central motive slogans, Hamara Gaon.. Hamara Raj.... This declaration did not imply secession from India but the affirmation of relative autonomy from what was experienced as an intrusive and exploitative State apparatus and the unjust social and economic order that it legitimated at the expense of their livelihoods, identities and systems of self-governance. In December 1996, the Parliament passed Panchayat Extension to Scheduled Areas Act (PESA) finally recognizing the tribal right to self-rule. The Act is given in the later part of the document.

#### 1.4 The PESA Act

PESA is innovative because it legally recognizes the capacity of tribal communities to strengthen their own systems of self-governance or create new legal spaces and institutions that can not only reverse centuries of external cultural and political onslaught but can also create the opportunities to control their own destinies. The Gram Sabha of the village becomes the focal institution, endowed with significant powers. For instance, under section 4(d) of PESA: "every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution."

Many administrators, academicians, activists, NGO workers and other Civil Society actors those who are working/ keeping interest among tribal communities argue that the institution of Gram Sabha is non-existent in most tribal areas and that the law does not recognize the socio-economic changes that have taken place in tribal society in the past two centuries. They argue that modernity, the external market, representative democracy and centuries of exploitation have transformed tribal communities to the point where a recovery of a cohesive community could well turn out to be a romantic invocation with no basis in reality.

PESA is an opportunity and it is flexible enough to mould to local conditions. For instance, even if an institution called Gram Sabha is unknown it can provide the basis, under changed conditions, of a new democratic institution that the tribal themselves would come to recognize as an organic entity that facilitates the restoration of their comprehensive rights. PESA even makes it possible to redraw the administrative boundaries that presently inform their governance. The enactment of PESA reveals the reluctance of administrative machinery to empower the Gram Sabha in developmental planning as well as communal ownership over the processes and control over the resources amongst the tribal through Gram Sabhas.

In the whole journey of the tribal Self Rule especially PESA since its inception, there are several internal challenges cropped up which have to be addressed in a war footing basis. This is high time that the indigenous peoples will no longer give way. Across the country, there is growing demand for greater transparency of Government functioning and greater participation in defining what the content of development should be. Additionally, there are steadily growing instances of innovative efforts to redefine the structure and content of democratic institutions so that power emanates from the people. This has brought into sharp focus the severe limitations of representative democracy and the need to recognize and strengthen structures of direct democracy, particularly where communities depend on natural resources for sustaining their livelihoods.

#### 1.5 Present Study

Parmeshwar Rajendra Memorial Foundation (PR Foundation) having previous experience in conducting evaluation and other studies is taken up this evaluative study in the sampled districts of five States - Andhra Pradesh, Chhattisgarh, Gujarat, Jharkhand and Orissa. Analyzing the situation of PESA in the proposed States Chhatisgarh is governed by the Panchayat Raj Acts and rules of Madhya Pradesh and later on it has formulated its own Act. Madhya Pradesh was one of the first States which implement the ear marked Act in full-fledged manner. The Bihar Panchayati Raj Act was enacted in 1993 following the prescriptions of the 73rd amendment to the Constitution and Jharkhand adopted the same and implement the Act in the line of Bihar. In caes of Orissa there was lots of amendment and finally in 2000 they incorporate the provisions of PESA. After the enactment of PESA, Orissa amended the Orissa Gram Panchayat Act, 1964, Orissa Panchayat Samiti Act, 1959 and Orissa Zilla Parishad Act, 1991 in December, 1997. In Andhra Pradesh the PESA Act mandates that the beneficiaries of all the economic schemes should be identified by the Grama Sabha only

while this power is entrusted to village organizations under G.O.Ms.No.76, dt. 21.9.2005. Similarly Gujarat adopted it in 2000.

#### 1.6 Rationale of the study

PESA is innovative because it legally recognizes the capacity of tribal communities to strengthen their own systems of self-governance or create new legal spaces and institutions that can not only reverse centuries of external cultural and political onslaught but can also create the opportunities to control their own destinies. The Gram Sabha of the village becomes the focal institution, endowed with significant powers. For instance, under section 4(d) of PESA: "every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution."

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PESA is an opportunity and it is flexible enough to mould to local conditions. For instance, even if an institution called Gram Sabha is unknown it can provide the basis, under changed conditions, of a new democratic institution that the tribal themselves would come to recognize as an organic entity that facilitates the restoration of their comprehensive rights. PESA even makes it possible to redraw the administrative boundaries that presently inform their governance. The pontiff of the administrative machinery have been reluctant to even recognize PESA because it empowers the Gram Sabha to approve development plans, control all social sectors - including the processes and people who implement these programme and policies - as well as control all minor (non-timber) forest resources, minor water bodies and minor minerals. For, PESA also gives powers to manage local markets, prevent the manufacture and sale of alcohol and not just control land alienation but seek its restitution.

In the whole journey of the tribal Self Rule especially PESA since its inception, there are several internal challenges cropped up which have to be addressed in a war footing basis. This is high time that the indigenous peoples will no longer give way. Across the country, there is growing demand for greater transparency of Government functioning and greater participation in defining what the content of development should be. Additionally, there are steadily growing instances of innovative efforts to redefine the structure and content of democratic institutions so that power emanates from the people. This has brought into sharp focus the severe limitations of representative democracy and the need to recognize and strengthen structures of direct democracy, particularly where communities depend on natural resources for sustaining their livelihoods.

#### 1.7 Study Objectives

The Key objectives of the evaluative study are mentioned in the following description.

- To analyze the situation of PESA in the intervened locale with special reference to Jal, Jungle and Zameen
- To understand the process of implementation of PESA and the implications
- To understand qualitative and quantitative difference of the life of tribal and their significance
- To assess the impact and achievements of the development schemes and the role of Panchayats in the implementation of the same
- To find out the challenges and opportunities and suggest possible areas for up scaling the system

#### 1.8 Key Parameters and Stakeholders

Specifically some parameters will be framed to review the above objectives, which are mentioned in the following table:

Table 0.1: Key Parameters for the Study

Improvement in Livelihood conditions	Impact of the Development Schemes	Impact of the Assets and Infrastructure Building		
<ul> <li>Percentage of change in after enactment of the Act both qualitative and quantitative changes can be considered</li> <li>Percentage of change in income levels of the households after enactment of the Act</li> </ul>	<ul> <li>Percentage of improvement in people/community life after introduction of the development schemes in the scheduled areas</li> <li>Percentage of the people access the schemes and their reaction about the norms and implementation</li> <li>Identification of the gaps(infrastructure, human resources and others) of the implementing the schemes</li> <li>ways out/suggestive measures/improvement in quality of the norms and implementation of the schemes</li> </ul>	<ul> <li>Assessment of quality of construction and operation and maintenance cost of the assets levied in the villages</li> <li>The community participation in the processes of planning, prioritizing and implementing activities and their result in the building of the assets</li> <li>Assessment the earmarked issues like sustainability, equity, transparency and effectiveness etc.</li> </ul>		

Improvement in Livelihood conditions	Impact of the Development Schemes	Impact of the Assets and Infrastructure Building	
(i) Finances of Panchayats	(ii) Socio-Political Impacts	(iii) Innovations, Continuity and Change	
Assessment of the utilization of the grants-establishment and maintenance of assets created and implementation of the assigned schemes      Assessment of the status of the income from the assets owned by Panchayats and the public contribution	<ul> <li>Participation and involvement in decision making of the tribal families in Gram Sabha</li> <li>Quantity of engagement of Gram Sabha in planning, implementation and monitoring of programme activities</li> <li>Activities undertaken to empower and raise awareness of the most marginalized on issues such as tribal rights, gender, equity, Government schemes etc.</li> <li>Percentage increase of the participation by tribal</li> </ul>	Tapping out the innovations and searching how the innovations flagged and the areas of adaptation      Measuring the impact of these innovations at the policy level and the process of replication in other development programmes      Significant elements having replication value	
	_		

Different stakeholders at different period of time were contacted for the collection of both qualitative and quantitative data. The stakeholders are divided into three groups like primary, secondary and tertiary. The *Gram Sabha* members at the village level/ Panchayat are coming under the primary stakeholder groups. Similarly, the elected Panchayat representatives, officials of Government and line departments are under the purview of the secondary stakeholder groups. The civil society actors like NGO representatives' academicians, media personalities and State level officials of the department of Panchayat are coming under the tertiary stakeholder group. The stakeholders from whom the data gathered/ generated are mentioned in the following table:

Table 0.2: Stakeholders for Data Collection

Group	Status			
Primary	Elected Panchayat representatives at all three levels			
Secondary	District administration ( Janpad and Zilla , Collector and District Line Departmental heads)			

Group	Status			
Tertiary	Civil society actors (NGOs and development organizations)  State Government officials (Secretary, Panchayat and Rural Development Department, Minister Panchayat Department and			
	, , , , , , , , , , , , , , , , , , , ,			

#### 1.9 Methodology

An experienced team was constituted to carry out the study in the sampled States. The whole project team was guided by the senior professionals and he was the nodal point of contact with the Planning Commission on all matters pertaining to this assignment. The study started with an inception meeting of the study team with the Planning Commission and Ministry of Panchayati Raj, GOI, which provide an opportunity to understand the scheme as a whole and expectations of the Planning Commission from this assignment. This inception meeting would also assist the team in framing out the plan for executing the assignment and develop a work plan for the assignment.

Data from both secondary and primary sources are collected for the study. The data was both qualitative and quantitative in nature. The secondary data was collected from the Government agencies, civil societies those who were engaged in promotion of local self governance. Extensive primary data were generated through the process of consultation at the grass roots and other sources. The mixed methodology comprising of an extensive survey based on standard data collection instruments (questionnaire) and intensive studies based on interactive techniques ( Focused Group Discussions (FGDs) and semi-structured interviews) were used for the collection of qualitative data. The extensive household survey provided a core quantitative database on the socioeconomic profile and benefits to the community. The qualitative information was elicited through a range of interactive tools like Focused Group Discussions (FGD), and semi structured interviews with different stakeholders would substantiate and strengthened the quantitative data base.

The details tools/instruments for the collection of the qualitative and quantitative data are mentioned in the following table:

Table 0.3: Details Tool/ Instruments for the Collection of the Qualitative and Quantitative Data

SI No.	Tools/Instruments	Number	Applied to whom
I. Quantitati	ve Data Collection		
1.	Household Questionnaire	Around fifteen per Panchayat (cluster basis)	The Sampled Household of the Panchayats
II. Qualitativ	e Data Collection		
1.	Semi- structured Interviews and Focused Group Discussions (FGD)	Depend on availability number of Persons	Elected Panchayat representatives Members of Gram Sabha Civil society actors (NGOs and other Development organizations)
			District Administration ( Janpad and

SI No.	Tools/Instruments	Number	Applied to whom	
			Zilla CEOs, Collector and District Line Departmental heads)	
			State Government officials (Secretary, Panchayat and Rural Development Department, Minister Panchayat Department and Director of Panchayat) Others (Bureaucrats, former	
			bureaucrats, Academicians, etc.)	
III. Filling of	the Formats/ Profiles			
1.	Standing Committees Details and their functions	One in each Panchayat	Male/Female/Mixed Groups	
2.	Case Study	Depends upon the Cases in the Panchayat	Male/Female/Mixed Groups	
3.	Panchayat Profile	One in each Panchayat	Male/Female/Mixed Groups	

#### 1.10 Sample Design

In all the 5 States, 2 districts (PESA) form each State was selected for the study. In both districts again 2 Janpad Panchayt from each district and among two Janpad Panchayat 5 Gram Panchayt were taken up randomly for the collection of data. Purposive sampling was organized to identify the district, Janpad and Gram Panchayat. In such a small sample size, random sampling could have lead to the loss of vital data which, although restricted to specific Panchayats, is extremely significant for the study. Purposive sampling helped in identifying, representing and understanding the micro, small scale and nascent processes relevant to the study objectives. The idea was to cover Panchayats representing the diversity and differences in Panchayats, although not proportionally. The criteria which were taken for purposive sampling of Panchayats are mentioned in the following box.

Box-1 : Criteria for Purposive Sampling				
Human Resources	Institutions and Others			
<ul> <li>Active/inactive/ Sarpanch</li> <li>Active/weak women Sarpanch</li> <li>Supportive/non-supportive functionaries</li> </ul>	Model Panchayat     NGO-intervened Panchayat     Highest resource-generating Panchayat     Conflict between Panchayat and the bureaucracy     conflict between Panchayat and Gram Sabha     Accessibility to Panchayat			

The coverage of samples including the formats/ instruments deployed to the collection of the data from different States are discussed in the following Table.

**Table 0.4: Coverage of Samples** 

Name of the State	No. of District Covered	No. of Blocks covered	No. of GPs covered
Chhattisgarh	2	4	20
Orissa	2	4	20
Gujurat	2	4	20
Andhra Pradesh	2	4	20
Jharkhand	2	4	20
Grand Total	10	20	100

Table 0.5: Instruments Deployed and Stakeholders Contacted

Instrument/ Tool Type	Chhattisgarh	Orissa	Gujarat	Andhra	Jharkhand
Detailed Danchaut Profile	20	20	20	Pradesh 20	20
Detailed Panchayt Profile	5	5	5	5	5
Case Study	_	-	-	-	
Standing Committees Details and their functions	20	20	20	20	20
Household Questionnaires	675	675	675	675	675
Semi-structured Interviews	073	073	073	073	075
Elected Panchayat representatives	20	20	20	20	20
Civil society actors (NGOs and other Development organizations)	3	3	3	3	3
District Administration ( <i>Janpad</i> and <i>Zilla</i> CEOs, Collector and District Line Departmental heads)	5	5	5	5	5
State Government officials (Secretary, Panchayat and Rural Development Department, Minister Panchayat Department and Director of Panchayat)	3	3	3	3	3
Others (Bureaucrats, former bureaucrats, Academicians, etc.)	2	2	2	2	2
Focused Group Discussions					
Members of <i>Gram Sabha</i>	20	20	20	20	20
PRA ( Social and Resources Map and Problem Ranking	20	20	20	20	20

#### 1.11 Study Team

The study team was led by Project Director who was overseeing the implementation of the study. He was providing technical and analytical inputs to the study team and interacted with the senior officials of the Planning Commission from time to time. Considering the vast coverage of the study, Project Director was assisted by Senior Research Officer, 2 Research Associates, 3 Field Supervisors and 5 Field Investigators so as to ensure uniform and quality data collection and its subsequent editing, processing and analysis for report preparation. The Field Supervisors and the Research Investigators were engaged in the data collection processes scrutiny of questionnaires, data coding,

data analysis, etc. The core team for the study with their roles and responsibilities was worked out in the following manner.

Table 0.6: Team Structure and the Roles and Responsibilities of the Core Team

Person	Roles and Responsibilities	
Project Director	Set overall directions/strategies of the study	
Senior. Research Officer	<ul> <li>Collection of the secondary data and discussion with the primary, secondary and tertiary stakeholder groups</li> </ul>	
	Extensive fieldwork to support and direct the task	
	Data (qualitative and quantitative) analysis and report writing	
	Conduct the orientation of the Investigators	
Research Associates	Provide time to time assistance to the Investigators in the process of the collection of the data	
	Discussion with the secondary and tertiary stakeholders group and document their experience	
	Assist the Study Advisor in the process of data analysis and report writing	
Field Supervisors	<ul> <li>Supervising the data collection process at the grassroots/field level</li> <li>Ensure the quality data</li> </ul>	
	Data cleaning and others at the first level	
Research Investigators (5 Nos)	<ul> <li>Collection of both qualitative and quantitative data from the primary and secondary sources</li> <li>Gleaning and cleaning up the data and documentation</li> </ul>	

#### 1.12 Study Limitations

Some of the limitations, which have been encountered during the study, are listed below:

- The study is based on the smaller sample, as the purpose was to capture processes and identify the trend.
- In many villages, the local dialect was difficult to capture, therefore, interpretation in Hindi was required.
- Some of the villages were quite remote and the time was lost in reaching out.
- Some of the Government functionaries and the Panchayat representatives were not available at the time of study or did not provide data willingly.

# Chapter - II

Tribe and Changing Socio-Economic Status of Tribal Communities in PESA Areas

# 2 TRIBE AND CHANGING SOCIO-ECONOMIC STATUS OF TRIBAL COMMUNITIES IN SCHEDULED AREAS

The concept of the tribe including the changing socio-economic status of tribal communities in scheduled areas has been vividly described in this chapter. Initially the discussion started with the meaning of the tribe, distribution of Scheduled Tribes and major Scheduled Tribes in India including provision for the scheduled area and issues of tribal sub plan and the welfare schemes for this.

#### 2.1 Meaning of Tribe

The tribal population is identified as the aboriginal inhabitants of our country. They are most vulnerable section of our society living in natural and unpopulated surrounding far away from civilization with their traditional values, customs and beliefs. There has been a long and enduring debate among the social scientists to define a tribe. Notwithstanding the academic exercise, for the purpose of development and definition is practically an administrative definition. According to the Constitution "Any tribe or tribal community or part of or group within any tribe or tribal community as deemed under article 342 are Scheduled Tribes for the purpose of the Constitution". Thus, the groups, which are in the Scheduled list of the President of India, are defined as Scheduled Tribes. There is a procedure for including tribal groups in the Scheduled list. The president may, after consulting with the governor of a State, by public notification, specify the tribes, which would deem to be Scheduled Tribes in relation to that State. Communities are notified as Scheduled Tribes under Article342 of the Constitution based on the Characteristics such as —Primitive Traits, Geographically Isolated, Distinct Culture, and Shyness of contact with community at large, and Economically Backward.

#### 2.2 Main Features of Tribes

The original tribes in India have been divided and sub-divided into large number of sub-tribes. They are mutually exclusive, each having the endogenous and exogamous clan with their own named and culture, customs, locational practice and lifestyle. A well-established criterion being followed is based on certain attributes such as: Geographical isolation: They live in cloister, exclusive remote and inhospitable areas like hills and forests, Backwardness: Livelihood based on primitive agriculture, low cost closed economy on low level of technology, which caused of poverty. They have a low level of literacy and poor health, Distinctive Culture, Language and religion: They have developed community wise their own distinctive culture, language and religion, Shyness of contact: They have margin degree of contact with other culture and people

The Commissioner of Scheduled Castes and Scheduled Tribes, in its reports (1952) has listed eight features of the tribal groups in India:

• They live always away from the civilized world and are found in the inaccessible parts lying in the forest and hills.

- They generally belong to three stocks such as Negritos, Australoids and Mangoloids.
- They speak the same tribal dialect.
- They prefer primitive occupations such as gleaning, hunting and gathering of forest produce.
- They are mostly carnivorous.
- They live and prefer to be naked and semi-naked.
- They have nomadic habit and are fond of drinking and dancing.
- They prefer primitive religion known as "Animist" in which they worship ghost and spirits as the most important elements.

All the qualities are related to great extent, in a particular groups and villages of tribal India. But the qualities present in them differ in degree. Like other societies, tribal society is also not static, rather is quite dynamic, but the rate of change in tribal society is very slow. That is why they have been backward and poor in comparison to other people. Since they have been materially backward and economically poor, attempts have been made by the Government to develop them. Today the Government of all places of the world is paying special attention towards the development of the tribal, i.e., one finds the existence of induced or planned change in tribal society.

#### 2.3 Classification of Indian Tribes

In India the tribes have been designated as "Scheduled Tribes" under the Constitution. They have been classified in various categories. On the basis of language, area of inhabitation, occupation, cultural contact, and by the Tribal Welfare Committee, we may classify and group the Indian tribes into the following heads.

#### 2.3.1 Linguistically classified Groups

On the basis of language, Indian tribes have been classified into the following categories.

- Austro-Asiatic Family: This group consists of Munds of central and eastern India, Khasis of Assam and Nicobaries of Nicobar Islands.
- Dravidian Family: This group is popular in the central and southern India and includes Gonds, Badaga, Toda, Yarava, Korwa etc.
- *The Tibeto-Chinese Family:* This group includes the tribes, which belong to the Southern slopes of Himalayas from the Northern Punjab to Bhutan and Assam. Nagas, Kui, Khasi etc.

#### 2.3.2 Geographically Classified Groups

From the point of geographical distribution of the tribes in India, three zones have been identified, such as southern zone (between 8 ° to 20 ° north latitudes and 75 ° to 85 ° east longitudes), the central zone (between 21 ° to 25 ° north latitudes and 73 ° to 90 ° east longitude) and north and north-eastern zone (between 26 ° and 35 ° north latitudes and 73 ° to 97 ° east longitudes). The southern zone forms of peninsula India. This zone appears to be the most ancient inhabitants of India and is now represented by the Todas, Paniyars, Kurumbas, Kotas, Soligas, Malayalees and Chenchus etc. The Central zone represented by the Jurigas, Baiga, Gonda, Ho, Bill etc. The north and northeastern zone consists with Nagas, Charse, Khasis, Limbus, Abors etc as tribes.

The geographical distribution of Indian tribes, Vidyarthi (1977) proposed five fold geographical regions on the basis of ecological, social, economic, administrative, ethnic and racial factors. These tribal regions are as follows:

- Himalayan Region: With three sub regions;
  - North-Eastern Himalayan region
  - Central Himalayan region
  - North-Western Himalayan region
- **Middle Indian Region:** It comprises Bihar, West Bengal, Orissa and Madhya Pradesh where more than 55 percent tribal people of India live.
- Western-Indian Region: It includes Rajasthan, Gujarat, Maharashtra, Goa, Dadra and nagar Haveli with about one crore tribal population.
- **South India Region:** It comprises Andhra Pradesh, Tamil Nadu, Karnataka, and Kerala constituting approximately one-sixth of tribal population.
- The Island Region: The Islands of Andaman and Nicobar in the Bay of Bengal and Lakshadweep in the Arabian Sea.

#### 2.3.3 Economically Classified Group

We may also classify the tribes on the basis of their occupation and distinctive economy. This classification is based on the level of economic development from food gathering/hunting stages to shifting and settled cultivation. Majumdar and Madan (1970) made the six-fold economic classification which includes:

- Food gathering tribes
- Agricultural tribes

- Tribes who practice shifting cultivation
- Tribes who maintain their livelihood on the basis of their handicrafts
- Tribes who practice pastoralism
- · Tribes who are industrial labour

Vidyarthi discussed on several occasions tribal economy in India and there after a typology of eight types was finalized. Thus the economic typology of the Indian tribes as proposed by Vidyarthi (1977, p-116) is given below.

- The forest hunting tribe
- The hill cultivation type
- The plain agriculture type
- The simple Artisan type
- The pastoral and cattle Herder type
- The folk artist type
- The agricultural and non-agricultural type (The tribe working in manufacturing industry)
- The skilled white collar job and Traders type (some individuals of the families of the tribal communities are working in the State and Central Government services owing the facilities of reservation for the tribes and so on.

#### 2.3.4 Classification on the basis of Cultural Contact

Apart from the above classification, we may also classify the Indian tribes on the basis of their culture and contact. According to Prof. Elwin, The aboriginal population is distributed into four cultural divisions. In the first group, they are living in the most primitive stage, Ex: Hill mariyas, Gadabas. These tribes are isolated from the people of plains. The main characteristics of these tribes are as follows,

- All the members lead a community life
- All the members share a common economic structure
- All the members are concentrated around a peculiar form of agriculture
- They are honest, simple, and innocent and are very shy before the strangers

In the second and third group, they have more or less contact with the outsiders. On one side, these groups are linked with their own traditions and on the other side they are breaking the traditional links. Ex: Bhumias, Binijware and Gaigas. The chief characteristics of these tribes are as follows,

- They lead an individualistic village life
- Non participation in the common affairs
- Absence of primitive simplicity

In the fourth group, they represent the ancient aristocracy of this country. For example Bhilas, Nagas, Gonds and Santhals. These tribes retain their old tribal names and practice their tribal religion. But apart from this, they have also adopted the faiths of modern Hinduism and modern mode of living.

#### 2.3.5 Classification by the Tribal Welfare Committee

The tribal welfare committee constituted by the Indian conference of social work has divided the Indian tribes into the following.

- Tribal Communities: They are confined with the forests and distinctive in their pattern of life. Therefore these may be termed as "Tribal Communities."
- Semi Tribal Communities: These tribes are settled in rural areas and practice agriculture and other allied occupations.
- Acculturated Tribal Communities: These tribes have migrated to urban and rural areas. They
  are engage in industrial and other vocational activities and have adopted the culture of the
  people of migrated area.
- Assimilated Tribes: These tribes are totally assimilated. They have lost the original traits of their own culture. In this regard the social reforms and Christian missionaries have played a very important role.

#### 2.4 Distribution of Scheduled Tribes and Major Scheduled Tribes in India

India is one of the few nations in the world with a thriving tribal population in different parts of the country. There are 573 different tribal communities spread all over India. As per official data, only 258 tribal communities speaking about 106 different languages are notified as Scheduled Tribes.

The Scheduled Tribes have been specified, as per Article 342 of the Constitution, in all States and Union Territories except Chandigarh, Delhi, Haryana, Pondicherry and Punjab. About 80 percent of tribal populations are to be found along the Central belt, starting from Gujarat, Maharashtra, running through Rajasthan, Madhya Pradesh, Chhastigarh, Orissa, Jharkhand and West Bengal. The rest 20 percent are in the North-Eastern States, Southern States and Island groups. The numerically strong Scheduled tribe groups include Santhals, Gonds, Bhil, and Oraon. Smaller tribal groups are to be

found in A&N Islands (Andamanese, Onges) and Kerala-Tamil Nadu (Paniyans and Kattunaickens). These and other smaller groups numbering 75 in the country have been categorized as Particularly Vulnerable Tribal Groups (Earlier known as Primitive Tribal Groups) for special development assistance. Some of the major tribes of different States are shown in the following table.

Table 2.7: The Major Tribes in India

States	Tribes	
Andhra Pradesh	Bhil, Chenchu, Gond, Kondas, Lambadis, Sugalis etc.	
Assam	Boro, Kachari, Mikir (Karbi), Lalung, Dimasa, Hmar, Hajong etc.	
Bihar and Jharkhand	Asur, Banjara, Birhor, Korwa, Munda, Oraon, Santhal etc.	
Gujarat	Bhil, Dhodia, Gond, Siddi, Bordia, etc.	
Himachal Pradesh	Gaddi, Gujjar, Lahuala, Swangla,etc.	
Karnataka	Bhil, Chenchu, Goud, Kuruba, Kolis, Koya, Mayaka, Toda, etc.	
Kerala	Adiyam, Kammrar, Kondkappus, Malais, Munda, Palliyar, etc.	
Madhya Pradesh and Chhatisgarh	Bhil, Birhor, Damar, Gond , Kharia, Majhi, Munda, Oraon, Parahi, etc.	
Maharashtra	Bhil, Bhunjia, Chodhara, Dhodia, Gond, Kharia, Oraon, Pardhi, etc.	
Meghalaya Garo, Khasi, Jayantia, etc.		
Orissa	Birhor, Gond, Juang, Khond, Mundari, Oraon, Santhal Tharua, etc.	
Rajasthan Bhil, Damor, Garasta, Meena, Salariya, etc.		
Tamilnadu	Irular, Kammara, Kondakapus, Kota, Mahamalasar, Palleyan, Toda etc.	
Tripura Chakma, Garo, Khasi, Kuki, Lusai, Liang, Santhal		
West Bengal	Asur, Birhor, Korwa, Lepcha, Munda, Santhal, etc.	
Mizoram	Lusai, Kuki, Garo, Khasi, Jayantia, Mikir etc.	
Arunachal Pradesh	Dafla, Khampti, Singpho etc.	
Goa Dhodi, Mikkada, Varti, etc.		
Daman and Diu Dhodi, Mikkada, Singpho etc.		
Andaman and Nicobar Islands	Jarawa, Nicobarese, Onges, Sentinelese, Shompens, Great Andamanese	
Dadra and Nagar Haveli	As in Daman and Diu	
Uttar Pradesh and Uttaranchal	Bhoti, Buxa, Jaunsari, Tharu, Raji etc.	

Nagaland	Naga, Kuki, Mikir, Garo, etc.		
Sikkim	Bhutia, Lepcha etc		
Jammu and Kashmir Chdddanga, Garra, Gujjar, Gaddi, etc.			

Source: Annual Report, 2000-2001, Ministry of Tribal Affairs, Govt. of India

Table 2.8: Distribution of STs Population in different States/UTs.

Sl. No.	State/UTs	% of ST Population in States/UTs to the
		Total ST Population of the Country
1.	Madhya Pradesh	14.51
2.	Maharashtra	10.17
3.	Orissa	9.66
4.	Gujarat	8.87
5.	Rajasthan	8.87
6.	Jharkhand	8.40
7.	Chhatisgarh	7.85
8.	Andhra Pradesh	5.96
9.	West Bengal	5.23
10.	Karnataka	4.11
11.	Assam	3.92
12.	Meghalaya	2.36
13.	Nagaland	2.10
14.	Jammu and Kashmir	1.31
15.	Tripura	1.81
16.	Mirzoram	1.00
17.	Bihar	0.90
18.	Manipur	0.88
19.	Arunchal Pradesh	0.84
20.	Tamil Nadu	0.77
21.	Kerala	0.43
22.	Uttaranchal	0.30
23.	Himachal Pradesh	0.29
24.	Dadra and Nagar Haveli	0.16
25.	Sikkim	0.13
26.	Uttar Pradesh	0.13

Source: Census of India, 2001

#### 2.5 Tribal Population in India

The tribes are children of nature. They occupy around 18.7 percent of the total geographical area of the country. Looking at the various census reports since 1891, we can that the tribal population varies from Census to Census. These tribes were enumerated under names and heads in different

Census such as people having a tribal form (1891), animists or rural religion (1911), hill and forest tribes (1921), primitive tribes (1931), tribes (1941) and Scheduled tribe (1951) and onwards.

In 1991, the number of tribes estimated by Baine, in India, was nearly 93 lakhs. Sir Marten, in hill Census report of 1921, estimates over 1.6 crores. In 1931, Hutton put the number of people of India and Burma at little over 2.46 crores. In 1941, the compotation of their number gave over 2.47 crores. After division of the country in 1947 the tribal population, as determined by the constitutional order, 1950 was 1787300.

In 1951 (Census-1951) their number rose to 19116498, which was around 5.36 percent of total population of India. During the 1961 Census Presidential orders were taken into consideration, which automatically resulted in an increase in the number of tribal communities, thereby increasing the tribal population, which stood at being 29879249 (6.87%).

In 1971, by the consultant presidential orders again resulted in an increase in the number of tribal communities consequent their number rose to 38015162 (6.94%). By 1981, the population of Scheduled Tribes rises to 5162638 (7.85%) of the total population of the country.

According to 1991 Census, the population of Scheduled Tribes in the country was 67758380, constituting about 8.08 percent of the total population

According to 2001 Census, the population of Scheduled Tribes in the country was 84,326,240, constituting about 8.20 percent of the total population. In Orissa the population of Scheduled Tribes was 8,145,081 (22.13%) of the state total population. The tribal population in India is unevenly distributed in different States/Union territories, except in the State like Haryana, Punjab, Chandigarh, Delhi, and Pondichery. It is reflected well in the data presented in table below. State wise, Madhya Pradesh accounts for the highest percentage of Scheduled Tribes population to total STs population of the country (14.5%) followed by Maharashtra (10.2%), Orissa (9.7%), Gujarat (8.9%), Rajasthan (8.4%), Jharkhand (8.4%) and Chhatisgarh (7.8%). In fact, 68 percent of the country's Scheduled Tribes population lives in these seven States. The proportion of the Scheduled Tribes to the total population of the States/Union territories is highest in Mizoram (94.5%) and Lakshwadeep (94.5%) followed by Nagaland (89.1%), Percentage of Scheduled Tribes population followed by Jharkhand (26.3%) and Orissa (1.0%) and Kerala (1.1%). Out of their total population in the country, 91.7 percent were living in rural areas, whereas, only 8.3 percent from urban areas. The sex ratio of Scheduled Tribes population was 978 females per thousand males. The sex ratio among Scheduled Tribes population is higher than that of the total population of the country as well that of SCs.

Table 2.9: Number of Scheduled tribes Notified in States and Union Territories, 1991.

Sl. No.	State/Union Territory	No. of Scheduled Tribes
	INDIA	573
	States	
1.	Andhra Pradesh	33
2.	Arunchahal Pradesh	12
3.	Assam	14
4.	Bihar	30
5.	Goa	5
6.	Gujarat	29
7.	Himachal	8
8.	Jammu and Kashmir	8
9.	Karnataka	49
10.	Kerala	35
11.	Madhya Pradesh	46
12.	Maharashtra	47
13.	Manipur	29
14.	Meghalaya	17
15.	Mizoram	14
16.	Nagaland	5
17.	Orissa	62
18.	Rajasthan	12
19.	Sikkim	2
20.	Tamil Nadu	36
21.	Tripura	19
22.	Uttar Pradesh	5
23.	West Bengal	38
Union T	erritories	
1.	Andaman and Nicobar Islands	6
2.	Dadra and Nagar Haveli	7
3.	Daman and Diu	5
4.	Lakhswadeep	*

Source: Census of India, 1991, series I, Paper 2 of the 1992, P.38

The tribal population is increasing along with the Indian population but at a rate lower than that of general population. This indicates that there is no systematic persecution though there may be

<sup>\*</sup>Inhabitants of Lakshadweep who, and both of whose parents, were born in Lakshadweep have been treated as Scheduled Tribes.

exploitation. The growth in the tribal population during the last 50years has been set out at table below. The decennial growth rates are significantly lower than the average general population growth. The general population from 1951 to 2001 has increased by 667.51 millions. The ST population from 1951 to 2001 increased by 65.2 millions. The percentage of ST population to total population has increased only 2.91 percent from 1951 to 2001.

Table 2.10: Distribution ST Population from 1951 to 2001

Year	Scheduled Tribe	General Population	% of ST to Total Population
1951	19.1	361.1	5.29
1961	30.1	439.2	6.85
1971	38.0	548.2	6.93
1981	51.6	685.2	7.53
1991	67.8	846.3	8.10
2001	84.3	1028.61	8.20

Source: Annual Report 2007-08, Ministry of Tribal Affairs, Government of India

In a little over half of the total number of 543 districts, STs accounted for less than 5% of the total population. On the other hand, in 75 districts the share of STs to total population was 50 percent or higher. In the state of Haryana, Punjab, Chhatisgarh, Delhi and Pondichery, no Scheduled Tribe is notified. Concentration of ST population across district is given in table below. In majority of the districts (i.e., 403 districts), the concentration of STs Population to its total population is less than 20 percent.

Table 2.11: Concentration of ST population across districts

Sl. No.	Percentage of ST population	Number of districts
1.	Nil	-
2.	Less than 1 percent	173
3	Between 1 and 5 percent	106
4.	Between 5 and 20 percent	124
5.	Between 20 and 35 percent	42
6.	Between 35 and 50 percent	23
7.	50 percent and above	75
	Total	543

Source: Task Group Report on tribal, Planning Commission, 2005

Table 2.12: No. of Districts State-wise having more than 50 percent ST Population

Sl. No.	State/UT	NO. of Districts
1.	NE States	41
2.	Orissa	7
3.	Chhatisgarh	5
4	Madhya Pradesh	5
5	Gujarat	4
6	Jharkhand	3
7	Himachal Pradesh	2
8	Jammu Kashmir	2
9	Rajasthan	2
10	Andaman and Nicobar	1
11	Dadra and Nagar Nicobar	1
12	Lakshwadeep	1
13	Maharashtra	1
14	All India	75

Source: Census, 2001

#### 2.6 Safeguards for Scheduled Tribes in Constitution

With the dawn of independence and adoption of the Constitution of free India, the British policy of isolation and non-interference was replaced by a policy of integration through development. The Constitution of India has many safeguards for the welfare and development of the tribals. The relevant articles can be classified under four major heads: (a) Protective Provisions (Arts. 15,16,19,46,146,342, etc.); (b) Developmental Provisions (Arts. 46, 275, etc.); (c) Administrative Provisions (Arts. 244 & 275) and (d) Reservation provisions (Arts. 330, 332, 334, 335, 340, etc.). The Protective Provisions safeguard tribal people from social injustices and all forms of exploitation, while the Developmental Provisions promote with special care of educational and economic interests of the weaker sections like the Scheduled Tribes and Scheduled Castes. The Administrative Provisions under the Fifth and Sixth Schedules give special powers to the states *for the protection and governance of tribal areas* and the Reservation Provisions ensure due representation of the Scheduled tribes and Scheduled castes in legislative bodies and government jobs. The salient provisions of different articles are:

- Article 244(1): Provisions as to the administration and control of Scheduled Areas and Scheduled Tribes.
- Article 244(2): Provisions as to the administration of Tribal Areas.
- Article 339: Control of the Union over the administration of Scheduled Areas and the welfare of the Scheduled Tribes.

- Article 275(1): Provision for payment of grant-in-aid to enable the States to meet the cost of
  such schemes of development as may be undertaken by the States with the approval of the
  Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that
  State or raising the level of administration of the Scheduled Areas there in to that of the
  administration of the rest of the areas of that State.
- Article 342: Specifying the tribes or tribal communities as Scheduled Tribes.
- Article 330: Reservation of seats for the Scheduled Tribes in the House of the people.
- Article 332: Reservation of seats for the Scheduled Tribes in the State Legislative Assemblies.
- Article 334: Reservation of seats and special representation to cease after sixty years.
- Article 164(1): In the States of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and Backward Classes or any other work. (Now applicable to Chhatisgarh, jharkhand, Madhya Pradesh and Orissa).
- Article 338: There shall be a National Commission for the Scheduled Tribes and Scheduled
  Castes to be appointed by the Honourable President of India. (Since bifurcated into two, one
  for Scheduled Tribes and the other for Scheduled Castes).
- Article 335: Claims of Scheduled Tribes to services and posts.
- Article 46: Promotion of educational and economic interests of the Scheduled Areas.
- Article 371A: Special provisions with reference to Nagaland.
- Fifth Schedule: Provisions as to the Administration and control of Scheduled Areas.
- Sixth Schedule: Provisions as to the Administration of Tribal Areas.

In addition to the above constitutional provisions, there are numbers of laws both Central and State, which provide protection and safeguards for the interest of the Scheduled tribes. These Acts and Regulations emanate from various constitutional provisions. Some of the important central Acts are as follows;

- Protection of civil right Act, 1955
- Forest Conservation Act, 1980
- Bonded Labour (Prohibition and Regulation) Act, 1986
- Child Labour (Prohibition and Regulation) Act, 1986
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The provisions of the PESA (Panchayat Extension to Scheduled Areas) Act, 1996

The Schedule Tribes and other Traditional Forest Dwellers (Recognition of forest Rights) Act,
 2006

Similarly, State Governments safeguard for Tribal Development are related to the prevention of alienation and restoration of tribal land, money lending, reservations and so on.

### 2.7 The constitution and Scheduled Areas

The tribal people live in contiguous areas unlike other communities. It is, therefore, much simpler to have an area approach for development activities as well as regulatory provisions to protect their interests. In order to protect their interests; with regard to land and other social issues, various provisions have been enshrined in the Fifth Schedule of the Constitution. The Fifth Schedule under Article 244 (1) of the Constitution defines "Scheduled Areas' as such areas as the "President may by order declare to be Scheduled Areas after consultation with the Governor of that State". The concept of Scheduled Area emerged during Fifth Five Year plan, which is defined under Article 244 (1) and Article 244 (2). The Scheduled Area has been framed to protect the interest of Scheduled Tribes with regard to their land and other social issues. The history of Scheduled Area is very old and goes back to pre-British rule.

- The history of Scheduled Areas can be traced from 1874, in which the British Government had introduced Scheduled District Act to provide administration in Scheduled districts.
- According to the Scheduled District Act, Special Officers were appointed in the Scheduled
  Districts to look into the matter related to civil and criminal cases and to provide justice to the
  inhabitants of the area.
- Attempt was made to collect taxes for providing better administration in the area.
- In this Act, there was provision to extend the Scheduled Areas.
- In the year 1919, the British Government introduced another Act, the tribal areas coming under the jurisdiction of Scheduled District Areas, were made free from legal boundary.
- The tribal areas coming under Scheduled District areas were divided into two categories: (i) Fully Excluded Areas and (ii) Corrected Excluded Areas.
- Again through the Act 1935, Tribal areas were brought under the rule of Governor, appointed by the Honourable President of India and these areas were not brought under the rule of parliament & State Assemblies.
- At the time of independence, the Constituent Assembly had paid special attention towards the problem of tribal communities and the tribal areas.
- Therefore, the Scheduled Areas are nothing but another name of "Excluded and partially Excluded Areas".

# 2.7.1 Creation of Scheduled Areas

For creating Scheduled Areas, the following objectives were kept in mind:

- To assist the tribes with average interference and through small processor.
- To develop the scheduled Areas and to protect the interest of the tribes in the Areas.

# (i) Schedule Area Administration

According to 5<sup>th</sup> Schedule, the administration of Schedule Areas as per Article 244 of the Constitution consists of following parts: a) Special privilege to Governors b) Reports of Governors to the President of India and c) Tribes Advisory Council (TAC)

According to Section "C" Para X of 5<sup>th</sup> Schedule, the Scheduled Areas include those areas which have been 'Scheduled' by Hon'ble President of India. The President may amend the Scheduled Areas after discussing the problems with the concerned Governor of the state. The Parliament may also make amendment of the Scheduled of the Schedule Areas, but this will not be understood as Constitutional amendment.

The Scheduled Areas are contagious areas traditionally conforming territorial units. In order to protect the interest of the Scheduled tribes and give them a special treatment some of them have been put under the 5<sup>th</sup> Scheduled of the Constitution of India.

The criteria for declaring any Scheduled Areas, which have a viable administration entity such as; District, Block or Taluk and is the economy backwardness of the area.

The states covered under the 5<sup>th</sup> Scheduled Areas are 1) Orissa, 2) Andhra Pradesh, 3) Himachal Pradesh, 4) Gujarat, 5) Rajasthan, 6) Maharashtra, 7) Bihar (*now Jharkhand has been declared after being separated from Bihar state*), 8) Madhya Pradesh and 9) Chhatisgarh (earlier Chhatisgarh was a part of undivided Madhya Pradesh State)

The 6<sup>th</sup> Scheduled Areas under Article 244 (2) and 275 of Constitution are those areas in the North-Eastern States like: 1) Assam, 2) Meghalaya, 3) Mizoram, 4) Anuranchal Pradesh, 5) Manipur, 6) Nagaland, and 7) Tripura, which have been declared as Tribal Areas where provisions are made for the administration through Autonomous Districts/ Regional Councils.

# (ii) Comparative Status of Scheduled Areas of different states under Fifth Scheduled

The Scheduled Areas in the composite state of Bihar were originally specified by the Scheduled Areas (part A State) Order, 1950, (Constitution Order, 9) dated 23.01.1950 and there after they had respecified by the Scheduled Areas (State of Bihar, Gujarat, Madhya Pradesh and Orissa) Order 1977 (Constitution Order, 109) dated 31.12.1977 after rescinding the order cited first so far as that related to the State of Bihar.

Consequent upon formation of new State of Jharkhand vide Bihar Reorganization Act, 2000, the Scheduled Areas which were specified in relation to the composite State of Bihar stood transferred to the newly formed State of Jharkhand.

The Scheduled Areas of Jharkhand have been specified by the Scheduled Areas (State of Chhatisgarh, Jharkhand, and Madhya Pradesh) dated 20.2.2003 after receiving the Order dated 31.12.77 so far that related to the State of Bihar. The Scheduled Areas of Jharkhand specified with Scheduled Areas (State of Chhatisgarh, Jharkhand, and Madhya Pradesh) Order, 2003 (Constitution Order, 192) have rescinded vide Scheduled Areas (State of Jharkhand) Order, 2007 (C.O.299) dated 11.4.2007.

Table 2.1: State wise Percentage of Scheduled Tribe Population under Fifth Scheduled.

Name of the States under Fifth Scheduled	Percentage of ST population to the Total Population of the state	Total Number of ST Communities
Chhatisgarh	31.76	42
Jharkhand	26.30	32
Orissa	22.13	62
Madhya Pradesh	20.27	46
Gujarat	14.76	32
Rjasthan	12.56	12
Maharashtra	8.85	47
Andhra Pradesh	6.59	35
Himachal Pradesh	4.02	10
9 States	Average Percentage (16.36%) of total ST population	318

Table 2.2: State wise Percentage of Scheduled Tribe Population under Sixth Scheduled

Name of the States under Sixth Scheduled	Percentage of ST population to the Total Population of the State	Total Number of ST Communities
Mizoram	94.46	15
Nagaland	89.15	5
Meghalaya	85.94	17
Manipur	34.2	33
Tripura	31.05	19
Arunachal Pradesh	64.22	16
Assam	12.41	15
7 States	Average Percentage (58.77%) of total ST population	120

Source: Annual Report 2007-08, Ministry of Tribal Affair Government of India

# 2.8 Changes in Educational Status of Scheduled Tribes

Although, there has been a substantial increase in the literacy rates of scheduled tribes during the last developmental decades, the gap between the literacy rates of STs and those of the general population is not only persisting, but also found to be widening. Adding to this, there are problems of intra and inter-state/district variations in the literacy rates amongst STs. The progress made by STs in comparison to the general population is shown in the Figure IV. As shown in figure IV, the most discouraging sign was the increasing gap between the literacy rates of Scheduled tribes and of the general categories between 1961 and 2001. While the literacy rate for the general population deccenial growth rate of literacy among Scheduled tribes and general population is shown in the table below. The literacy of Scheduled tribes was 8.53 percent in 1961, which increased to 47.10 percent in 2001 registering an increase of 38.57 percentages in the last forty years. The literacy rate for the total population in India increased from 28.30 percent to 64.84 percent during the period from 1961 to 2001. ST male literacy increased from 13.83 percent to 59.17 percent during the period 1961-2001.

Table 2.3: Decennial growth rate literacy among Scheduled Tribes and General Category.

	s	cheduled Trib	General			
Year	Male	Female	Total	Male	Female	Total
1961	13.8	3.16	8.53	40.40	15.35	28.30
1971	17.63	4.85	11.30	45.96	21.97	34.45
1981	24.52	8.04	16.35	56.38	26.76	43.57
1991	40.6	18.19	29.6	64.13	39.29	52.21
2001	59.17	34.76	47.1	75.26	53.67	64.84

**Source:** Registrar General of India, Census Operation 2001

Contrary to the efforts of reducing the existing gaps/ disparities between STs and the rest of the society, the data in Figure V reveals that although the female literacy rate, which is an important indicator in the field of education, ST female literacy increased from 3.16 percent to 34.76 percent during the period 1961-2001, but female literacy is lower by approximately 19 percents point as compared to overall female literacy of the general population in 2001.

The performance of literacy rate Scheduled Castes in 2001 in States of Bihar, Jharkhand and Uttar Pradesh and that of Scheduled Tribes in states of Andhra Pradesh, Arunchal Pradesh, Bihar, Gujarat, J&K, Jharkhand, Karnataka, Madhya Pradesh, Orissa, Rajasthan, Tamilnadu, Uttar Pradesh, West Bengal and D&N Haveli is below 50 percent. Among the SCs the proportion of literates in 1991 was the highest in Kerala (79.7%) and the lowest was in Bihar (19.5%). The pattern was similar in 2001 with the literacy rate being 82.7 percent in Kerala and the lowest 28.5 percent in Bihar, thereby showing a narrowing of gaps. As far as STs are concerned, Mizoram had the highest literacy rates in 1991 (82.7%) and 89.3 percent in 2001. This was the lowest at 19.4 percent in Rajasthan in 1991 and 28.2 percent in Bihar in 2001.

The drop out rate, which is another crucial indicator in educational development, also shows that there has been a steady decline in respect of both general and STs Categories (Table below).

Table 2.4: Dropout rates of Scheduled tribes at various stages of education.

Drop-out Rates (%)							
Year	Prima	ary (I-V)	Elementa	ry (I-VIII)	Second	Secondary (I-X)	
	STs	All	STs	All	STs	All	
1996-97	56.5	40.2	75.2	56.5	84.2	70.0	
1997-98	55.1	39.2	73.0	56.1	75.8	69.3	
1998-99	55.7	41.5	72.4	56.3	82.2	66.7	
2001-02	52.3	39.0	69.5	54.6	81.2	66.0	
2002-03	51.4	34.9	68.7	52.8	80.3	62.6	
2003-04	48.9	31.5	70.1	52.3	79.3	62.7	
2004-05	42.3	29.0	65.9	50.8	79.0	61.9	
Decrease in 2004-05	14.2	11.2	9.3	5.7	5.2	8.1	

Source: Selected Educational Statistics, 2004-05, MHRD.

The data on dropout rate for the period 1996-97 to 2004-05 indicates decreasing trend and the decrease in percentage, which shows an improvement for STs in all categories of school education. For Primary level (I to V classes), dropout rate for all India decreased from 40.2 percent to 11.2 percent for all children during 1996-97 to 2004-05 by, against 56.5 percent to 14.2 percent for only Scheduled tribes during the same period. For Elementary level (I to VIII classes), dropout rate for all India was 56.5 percent during 1996-97, which decreased to 5.7 percent by 2004-05 for all children, where as it is 9.3 percent for only Scheduled tribes in the same period. For Secondary Education level (I to X classes), dropout rate for all India during 1996-97 to 2004-05 decreased from 70 percent to 8.1 percent for all children, where as it 5.2 percent for only Scheduled tribes in the same period.

# 2.9 Changes in Health Indicator of Scheduled Tribes

The IMR under rate of the country has decreased from 110 to 66 from 1981 to 2001. Further it reduced to 55 in 2007. Birth rate per 1000 population was 33.9 in 1981, which reduced to 23.1 in 2007. Similarly Death rate was 7.4 in 2009 as against 8.4 in 2001 and 12.5 in 1981.

# 2.10 Changes in Occupation Pattern of Scheduled Tribes

Occupational classification of main workers from 1961 to 2001 among STs and total population is given in the table below. The data shows that cultivators decreased in both categories over a period of three decades from 1961 to 2001. Although, the numbers of agricultural labourers have increased in all categories, increase has been more among STs. In household industries, the share of all the communities (2.18%) has decreased, but decline is much more among STs (2.46%). Other workers occupations include industry and services sector. The number of other workers has witnessed an increase in all sections of the main workers though the increase in general categories has been much more than amongst ST.

On the other handwork Participation Rate of ST has increased by 7.8% as against 3.8 percent to the total period 1961 to 2001. It is also important to note that the WPR decreased significantly during 1961-71 among all section as reflected in the table below.

Table 2.5: Occupational classification of main workers (%).

Main workers			Total					ST		
	1961	1971	1981	1991	2001	1961	1971	1981	1991	2001
Cultivators	52.78	43.38	41.53	39.74	31.7	68.18	57.56	54.43	54.50	44.7
Agricultural Labourers	16.71	26.32	25.16	19.66	26.5	19.71	33.04	32.67	32.69	36.9
Household Industry	6.38	3.55	3.99	2.56	4.2	2.47	1.03	1.42	1.05	2.1
Other Workers	24.13	26.75	29.32	38.04	37.6	9.64	8.37	11.48	11.76	16.3

Source: Census of India, 2001

# 2.11 Changes in Poverty Scenario of Scheduled Tribes

The strategy of promoting employment-cum-income generating activities to alleviate poverty amongst STs has proved to be effective in raising a large number of ST families above the Poverty Line during the period between 1993-94 and 2004-2005, as quantified at table below. Along with the

general population, the percentage of ST families living below the poverty line has shown a declining trend between 1993-94 and 2004-2005.

Category 1993-94 1999-2000 2004-05 **Percentage Changes** (Col.2-6)(Col.3-7) Rural Rural Urban Urban Rural Urban Rural Urban 2 3 4 5 7 1 6 8 Total 37.27 32.36 27.11 23.65 28.3 25.7 (-) 8.97 (-) 6.66STs 51.94 41.14 45.86 34.75 47.3 39.9 (-) 4.64 (-) 1.24 8.78 18.75 11.1 19 14.2 Gaps 14.67 (+) 4.33(+) 5.42

Table 2.6: Percentage of People living below Poverty Line (%).

However, it is discouraging to note that the rate of decline in respect of STs is much lower than that of the general population and of the STs has increased during the same period. Further, the incidence of poverty amongst STs continues to be very high with 47.3 and 39.9 percent living below the poverty line in rural and urban areas respectively when compared to the figures of 28.3 and 25.7 percent, in respect of total population in 2004-2005. This is primarily because of number of STs are landless with no productive assets and with no access to sustainable employment and minimum wages. The ST women suffer from the added disadvantage of being denied of both equal and minimum wages.

# 2.12 Schemes for the Development of Scheduled Tribes

Efforts made from the beginning of the planned era through various developmental plans, policies, special strategies and programs. The major schemes/programme for the development of Scheduled tribes is as follows:

### 2.12.1 Special Central Assistance (SCA) for Tribal Sub-Plan (TSP)

The Tribal Sub-Plan (TSP) was introduced in the Fifth Five Year Plan with an objective to provide to tribal families through a variety of welfare and development programmes. The essential features of TSP are Recognise that there is no uniform solution to the variety of problems facing tribal regions and tribal communities; therefore, accept the uniqueness and formulate policies, programmes and schemes to suit each individual situation and especially for vulnerable sections like Primitive Tribal Groups (PTGs), bonded labourers, shifting cultivators, forest villagers, displaced persons, etc., Evolve appropriate frame for development with emphasis on tribal people at the national and State level through Sub-Plan exercise, ensuring adequate quantification from State and Central Plan funds, with budgetary mechanisms (Separate Demand / Major Budget Heads

etc.) to ensure accountability, non-divertability and full utilization, Accord highest priority to protective measures for elimination of exploitation of tribal people, Restructure the administrative

and institutional set up to suit the local needs and aspirations and Supplement State efforts substantially by the Union Government through Special Central Assistance (SCA).

At present the nuances of the sub-plan exercise is merely a listing of schemes with no objective assessment of earlier efforts, routine clerical statements of financial provisions devoid of any objective appraisal or pertinent narrations with not much development oriented meaning and content relevant to tribal development. There is no serious effort to delineate factors responsible for prevalence of acute poverty among STs in the different States, nor any strategy intervention to handle the poverty conditions in a meaningful manner. After many a years of the implementation of this when we try to make an assessment of tribal development efforts consequent to the tribal sub-plan strategy, a lot of confusion and disappointment has come forward.

In May 2003 the Ministry of Tribal Affairs issued completely new guidelines for release and utilization of Special Central Assistance (SCA) for Tribal Sub-Plan. The prominent features are the tribal population living below poverty line should alone be covered under SCA-financed activities, with a special emphasis on raising their socio-economic status to that of the rest of the population in the Blocks/District/State, adherence to the provisions of the Panchayati Raj Act of 1992 and the Provisions of the PESA in planning and implementation of TSP, including the SCA funds, should be ensured in letter and spirit., before sanctioning the SCA to TSP, it is a pre-requisite to formulate specific schemes/programmes that have a direct bearing on the economic development of tribals as suitable to their social, economic and ecological situation. The schemes/programmes thus formulated should be sent in advance as proposals to the Ministry for examination/discussion and approval. PESA specifically lays down that: "while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self Government, a State Legislature shall ensure that the Panchayats at the appropriate level and the *Gram Sabha* are endowed specifically with - ... the power to control over local plans and resources for such plans including tribal sub-plans.

This is a major programme for the focused development of tribals and tribal areas. Started in the fifth five-year plan, the special central assistance is provided by the government of India to the tribal Sub-Plan of States/UTs as an additive to the state plan to fill gaps in the budgetary provisions towards TSP. It is basically meant for Family Oriented Income Generation (FOIG) schemes in sectors like agriculture, horticulture, minor irrigation, soil conservation, animal husbandry, forest, education, cooperatives, fisheries, village and small industries etc; and infrastructural development incidental there to. The assistance given is hundred percent and it is expected to act as a catalyst for giving a boost to investment by the State governments and financial institutions. The release of fund is broadly on the basis of the scheduled tribe population, geographical area and inverse proportion of per capita net state domestic product.

The State Government in turn release funds on the basis of certain norms for ITDPs, MADA pockets, clusters, Primitive Tribal Groups and dispersed tribal groups. About 70 percent of the SCA fund is spent on family oriented schemes and only 30 percent on the infrastructure incidental to such schemes. There is a thinking to change this proportion by assigning 80 percent of the SCA funds to

infrastructure development and only 20 percent for individual/ family oriented schemes since individual/ family oriented schemes can be taken up the schemes of the Ministry of Rural development and also funded through the National Scheduled Tribes Finance and Development Corporation. It was observed in the study areas that there is no check or monitoring of the release of SCA funds by the State Governments to the implementing agencies. Moreover there is also unusual delay in the release of SCA funds by the State Governments to the implementing agencies. Some states have also not opened separate budget heads for showing the TSP funds.

The following statement will show that after the introduction of TSP concept in the fifth five-year, there has been a tremendous increase in the flow of funds for tribal development.

Table 2.7: Total Plan outlay for tribal development

First Year Plan	Total Plan	Tribal Development	Percentage
	outlay	Programmes/ Flow to TSP	
First Plan	1960	19.93	1.0
Second Plan	4672	41.92	0.9
Third Plan	8577	50.53	0.6
Fourth Plan	15902	75.00	0.5
Fifth Plan	39322	1102.00	3.01
Sixth Plan	97500	5535.00	5.00
Seventh Plan	1,80,000	10,500.00	5.00
Eighth Plan	1,66,756.36	15,800.05	9.47
Ninth Plan	2,89,147.14	23.375.08	8.08

**Source:** Annual Report of the Ministry of Tribal Affairs (2008-2009)

### 2.12.2 Grants under Article 275(1) of the Constitution

Every year, funds are released to the State Governments to meet the cost of such schemes of development as may be undertaken by them for promoting the welfare of Scheduled Tribes and for raising the level of administration of the Scheduled Tribes and better administration of Scheduled Areas. The scheme covers all Tribal sub-plan and tribal majority states of the country. This is a central sector scheme and the Ministry of Tribal Affairs provides 100 percent grants to the State Governments. The grants are provided on the basis of Scheduled Tribe Population percentage of the state. The Ministry, which earlier used to release the funds without identifying the projects, has now decided to release funds to the State Governments against specific infrastructure development and welfare projects from 2000-2001.

# 2.12.3 Boys' and Girls' Hostels for Scheduled Tribe Students

This is a centrally sponsored scheme launched in the year 1961-62 with central assistance limited to 50 percent of funds provided by the State Governments. This is given for construction of hostel

building and extension of existing hostels. In the case of union territories, the Central Government releases 100 percent as assistance. The maintenance of these hostels and their buildings are the responsibility of the State Government/UTs. This is a useful scheme for enabling the Scheduled Tribe students to study in hospitable environments and promoting literacy among tribal girls and boys who have many handicaps due to poor socio-economic condition.

Since the land for the building is to be provided by the State Governments free of cost and moreover, 50 percent of funds are to be provided by them, there has been poor demand for the construction of the new hostels. The State Government has also to bear the recurring and non-recurring cost of running and maintenance of these hostels.

## 2.12.4 Ashram Schools in TSP Areas

This is a centrally sponsored scheme launched during 1990-91 with an objective to extend educational facilities like establishing residential schools for Scheduled Tribes in an environment conducive to learning. The funds under the scheme are given to the states on a matching basis i.e. 50.-50 while 100 percent assistance is given to the UTs. The scheme provides funds for the construction of school building from the primary standard to the senior secondary stage of education. It also allows for up-gradation of existing primary level Ashram schools.

Under this scheme, besides the school building, the construction of hostels for students and staff quarters are also undertaken. The State Government has to provide land free of cost for such constructions. Grant is provided for other non-recurring items of expenditure like purchase of furniture, equipments, and sets of books for school and hostels library. A sum of Rs.44.86 crores was earmarked for this programme in the Ninth five-year plan. This scheme suffers from the same ailment namely the failure of the state governments to provide 50 percent fund out of their own budgets.

# 2.12.5 Scheme for Educational Complex in low Literacy Pockets for Development of Female Literacy

It is known that the literacy level among females in the Scheduled Tribes is abysmally low. This scheme is meant to tackle this problem through identification of 134 districts in the country, which have below 10 percent literacy rate among Scheduled Tribe females. The scheme is implemented through NGOs, corporative societies and State Governments.

The primary objective of the scheme is promotion of education among tribal girls in the identified low-literacy districts of the country. The secondary objective is to improve the socio-economic condition of the poor and illiterate tribal population. It is a central sector scheme and the government of India provides 100 percent funds. The educational complexes are established in the rural areas of the notified districts and have classes from I to V with provision for up-gradation up to XII provided they have sufficient accommodation for classrooms, hostels, kitchen, and gardening and

for sports. These educational complexes impart not only formal education to tribal girls but also train the students in agriculture, animal husbandry and other vocations and crafts which will make them skilled for, leading a better life. The teaching from classes I to III done in the tribal dialects of the area and women having proficiency in tribal dialects are engaged as teachers.

Though the strength of students in each class has been fixed at 30, maximum of 10 more students, if available in the locality, are admitted as day scholars. The recurring grants provided to rum the educational complex is Rs.9000/- per student per year. This includes expenses on accommodation, food, clothing, payment of salary to teachers etc. The students are provided two sets of uniform, one set of schoolbooks besides free food and medicine. Besides the above, the student's parents are given the incentive of Rs.50/- per month. A sum of Rs.1000 per student is also given as a non-recurring grant for purchase of cots, mattresses, utensils, etc. Under this scheme, 128 Educational complexes have been established from the year 1995-96 to 2000-01.

# 2.12.6 Scheme for Vocational Training in Tribal Areas

Realizing the need for skill up-gradation and to equip the tribal youth for self-employment, this scheme was introduced in 1992-93 and is continuing since then. The main aim of the scheme is to develop the skill of the tribal youths for a variety of trades and prepare them for new job opportunities as well as self-employment in area close to their villages as well as outside. The secondary aim is to improve the socio-economic condition of tribal youths by enhancing their earnings.

This scheme covers all the states and union territories and 100 percent grants under the scheme are provided to states/UTs and other organizations implementing the scheme. The Government can either set up these organizations as autonomous bodies under State or Central Government or NGOs registered under the Societies Registration Act, 1960.

## 2.12.7 Scheme for Development of particularly Vulnerable Tribal Groups (PTGs)

These groups practicing primitive agricultural practices and having low level of literacy and stagnant or diminishing population face various problems in their progress and development. To cater to the need of such group, a separate scheme was introduced in the year 1998-99 which mainly focuses on ensuring food security and the protection and development of PTGs.

The objective and purpose of this scheme is that funds under the central sector scheme for the development of PTGs will be available only for those items/ activities which though very crucial for the survival, protection and development of PTGs are not specifically catered to by any existing scheme. The activities under the scheme may include measures such as awareness generation and confidence building, training for skill development, improvement in agriculture technology, housing, education and health standards.

The scheme covers 75 PTGs spread over 18 states and one UT. The Ministry of Tribal Affairs for the programmes mentioned above provides 100 percent funds. Those activities, which focus on helping, the beneficiaries to cope up with extreme adverse conditions threatening their survival are taken up on priority basis.

# 2.12.8 Educational Development of Scheduled Tribes

For the promotion of education among the Scheduled Tribes, the following schemes are in operation:

- Centrally sponsored scheme of Post Matric Scholarship.
- Rajiv Gandhi National Fellowship (RGNF) for M.Phill leading to Ph.D
- National overseas scholarship scheme for higher studies abroad.
- Book bank scheme.
- Scheme of up-gradation of merit.
- Coaching for competitive examinations.

## 2.12.9 Promotion of Voluntary Efforts

The roles of voluntary Non-Governmental Organizations become important, as many of them have been rendering services in the tribal communities in the scheduled area. For this purpose the Ministry of Tribal Affairs supports many welfare programmes especially in the field of education and medical care run by the NGOs through the scheme of grant-in-aid to the voluntary organizations working for the welfare of Scheduled Tribes.

This scheme is in operation since 1953-54 but its scope has been increased from the year 1998-99. The schemes rum through NGOs includes residential school, hostels, medical centers, and computer training, centers, shorthand and typing units, balwadis, libraries and audio-visual units. The Ministry gives 90 percent of the fund for a programme and 10 percent is to be contributed by the NGOs. From the year 1999-2000, 100 percent fund is available to the NGOs working in the Scheduled areas.

The main objective of the scheme is to provide for an overall improvement and development of the Scheduled Tribes through voluntary efforts in the field of educations, health and sanitation, environment, drinking water, legal redressed service and those need-based socio-economic upliftment efforts having direct beneficial impart on the target groups.

### 2.12.10 Schemes for the Financial Assistance to Scheduled Tribes

A National Finance and Development corporation meant for the economic development of Scheduled Tribes has been started in the year 2001 after bifurcation of the National SC and ST Finance and Development Corporation. This Corporation would provide financial assistance at concessional rates for income generation activities and training in skill development to STs whose annual income is below double the poverty line. This assistance for self-employment purpose would be available up to Rs.10 lakhs through the State channelizing agencies which are in many cases the state scheduled Tribes Finance and Development Corporation. The projects undertaken under the Programme should be technically feasible and financially viable. The Corporation would provide term loan, seed capital, bridge loan etc. at concessional rates of interest. The maximum amount available would be 85 percent from the beneficiary concerned. It provides finance in the State Corporations and 5 percent from the beneficiary concerned. It provides finance in the sectors of agriculture, horticulture, animal husbandry and dairy, minor irrigation, small industries, small trade and transport services. This scheme will also help in removing indebtedness among tribal and provide finance at concessional rates, which the commercial banks have so far failed to provide.

### 2.13 PESA and Central Government

The fact that PESA confers specific powers upon GS in SA has been virtually ignored. Only two ministries cared to issue guidelines to the States in 1997 with regard to two items in PESA. One was about the role of GS in land acquisition by the Ministry of Rural Development, and the other related to its role before granting of leases for minor minerals by the ministry of mining and minerals. There has been total silence ever since about the holistic frame of PESA in the entire establishment. There is hardly any realization in the Union Government that implementation of PESA has to be a collaborative effort of almost all Central Ministries, in keeping with the policy that had been formally adopted in the Tribal Sub-Plan Strategy. A critical issue in the implementation of PESA is to harmonize its provisions with those of the Central legislations concerned and also recast relevant policies and schemes of central Ministries/Departments. According to available information, no integrative exercise has yet taken place to examine the relevance of different Central laws to Schedule V Areas and to harmonize them with the aims and objectives of the PESA. The land Acquisition Act, 1894, mines and Mineral (Development and Regulation) Act, 1957, 1980, and The Indian Registration Act are among the laws, which warrant particular attention in this context. Besides, the National Policy on Resettlement and Rehabilitation of Project Affected persons, 2007, National Water Policy, 2002, National Minerals Policy, 2008, and National Forest Policy, 2004 would require detailed examination from the viewpoint of ensuring compliance to the provisions of PESA.

Scheduled V of the Constitution and PESA are powerful legislation, which gives considerable power and responsibility to the Union Government, but implementation of this law is weak and ineffective in scheduled areas. The Ministry of Panchayati Raj should immediately finalize and issue the guidelines for implementation of PESA and suggest specific state—related provisions and guidelines. If any state is not implementing the provisions of PESA in letter and spirit, the Government of India

should not shy away from issuing specific directions in accordance with its powers to issue directions under provisions 3 of part A of the Fifth Schedule. Effective implementation of PESA providing for rightful role of governance to the GS and through it to GP would douse the embers of discontent and disaffected among the tribals in the Scheduled Areas.

Existing porogrammes need to be implemented effectively to reduce the anger of the people, proper implementation of the existing programme by ensuring their Governance both at the planning and at the implementation level, whether at the district, block or the gram panchayat stage. Programme such as BRGF and PESA is administered by Ministry of Pancyati Raj and NREGP by Ministry of Rural Development, Scheduled Tribes and Other Traditional Forest Dwellers (in Recognition of Forest Rights) Act, 2007 conferring forest rights on the Scheduled Tribes and other non-tribal forest dwellers is a step in the right direction to server and reverse the 'historical in-justice' to reduce the tension of millions of forest dwellers.

# Chapter - III

Ethnographic Profile of the Sampled Locations of the Study

# 3 ETHNOGRAPHIC PROFILE OF THE SAMPLED LOCALE OF THE STUDY

Perhaps the most progressive law passed since Independence, the PESA Act 1996 has made it mandatory for the State having scheduled areas to make specific provisions for giving wide-ranging powers to the tribal on matters relating to decision-making and development of their community. Technically, when the Act refers to extending the provisions of Part IX of the Constitution to the fifth schedule areas; politically, it gives radical governance powers to the tribal community and recognizes its traditional community rights over local natural resources. It not only accepts the validity of "customary law, social and religious practices, and traditional management practices of community resources", but also directs the state governments not to make any law which is inconsistent with these. Accepting a clear-cut role for the community, it gives wide-ranging powers to *Gram Sabhas*, which had hitherto been denied to them by the lawmakers of the country.

As mentioned earlier, the study was conducted in five States (Jharkhand, Orissa, Chhattisgarh, Gujrat and Andhra Pradesh). Here in this chapter an attempt has been made to portray the brief profile of the state and sampled districts. The detailed profiles are annexed in this report. The following table would give an idea about the sample locales for this study.

Table 3.1: Sampled locations for the Study

State	District	Block	Gram Panchayat/Village
Jharkhand	Khunti	Murhu	Muruh
			Hansa
			Kunjala
			Kuda
			Kewada
		Khunti Sadar	Barudih
			Bhandara
			Tiliya
			Dagigut
			Biruh
	Jamtara	Jamtara	Kanchanbera
			Barmundi
			Mohanpur
			Mattanda
			Phephanad
		Narayanpur	Pabia
			Budhudih
			Kurata
			Champapur
			Nayadih
			Dumriya
Orissa	Sundargarh	Lephripada	Giringkela

State	District	Block	Gram Panchayat/Village
	'		Sarafgarh
			Sargipali
			Dumabahal
			Chhatenpali
			Kulabira
			Alapaka
		Sundargarh Sadar	Majhapara
			Birbira
			Kundukela
			Tangargaon
			Subdega
	Keonjhar	Telkoi	Saharpur
			Sirigida
			Raisuan
			Deuladiha
			Jagmohanpur
		Ghatgaon	Mukundpur Patna
			Pandarpada
			Bindia
			Dhenkikote
			Tara
			Patilo
Chhatisgarh	Bastar	Bastar	Chokar
			Salemeta
			Lamker
			Mohpar Barai
			Ichapur
		Jagdalpur	Arawal
			Nangur
			Kalipur
			Titirgaon Halwa Kachora
	Curquia	Amhikanur	Bhafauli
	Surguja	Ambikapur	Khaiwar
			Bara Dmali
			Pampapur
			Sargawa
		Surajpur	Ghwarganj
		Surajpui	Kamlapur
			Sundarganj
			Brijnagar
			Pandonagar
Gujarat	Dang	Ahwa	Chikatia
Cajarac	-2118		Jamalpada
			Borkhal
			Chinchil
			Rambhas
			PipIdahad
			Kalibel
		1	<del></del>

State	District	Block	Gram Panchayat/Village
	Panchmahal	Khanpur	Dolatpura
			Jethola
			Masiya
			Bakor
Andhra	Nalgonda	Nalgonda	Pparthy
Pradesh			Rketpally
			Ngal
			Lgonda
		Kodad	Nadigudem
			Munagela
			Kodad
			Chilkuru
			Mellacherveu

### 3.1 Jharkhand State

Jharkhand brought into existence by the Bihar reorganization Act on November 15, 2000. It is famous for its rich mineral resources forests which occupies more than 29% of the state. The tribes of this state are living here from thousands of years and not much changed in their life and culture over the ages bearing last few decades. Many scholars now believe that the language used by tribes in the state of Jharkhand is identical to the one used by Harappan people. For a greater part of Vedic age, Jharkhand remained obscured. During the age of *Mahajanpadas* around 500 BC, India saw the emergence of 16 large states that controlled the entire Indian subcontinent. Birsa Munda (1875-1900) and Sidho and Kanho are the legendary heroes of the tribals of this state who fought against the oppressive rule of the British government. Sidho and Kanho were another set of revolutionaries among the tribals of the State.

For a long time, Jharkhand remained as a part of Bihar, but after Indian independence, the demand for a separate state of tribals started gaining momentum. In the last fifty years, the tribes of this region fought against the hegemony of Northern Bihar, a region that gained from the mineral deposits of this region like anything. Jharkhand became a state under the Republic of India on November 15, 2000 and now it is poised for a great leap forward. The brief demographic profile of the State is mentioned in the following table.

**Table 3.2: Brief Profile of the State** 

Parameter	Number	Remarks
Population	21843911	
ST		
SC		
Per capita Income	Rs. 4161	
Density of Population	274 persons / Sq. KM	
No. of Districts	18 + 4	
No. of Sub divisions	33	
No. of Blocks	211	
No. of Villages	32620	
No. of Villages Electrified	14667	45 % of total
No. of Villages connected by roads	8484	
National Highways	1006 KMs	
State Highways	4662 KMs	
Health centers	506	
Schools	21386	
Universities	5	Incl. One deemed University
Total Geographical Area	79.70 Lakh Hect	
Cultivable Land	38.00 Lakh Hect	
Net Sown Area	18.04 Lakh Hect	25% of total area
Net Irrigated Area	01.57 Lakh Hect	8% of net sown area
Forest		29% of total area

**Table 3.3: Profile of Jamtara District** 

Parameter	Number
Total Area	178643 Hcs.
Number of Blocks	4
Number of Subdivisions	1
Total Number of Villages	1162
Total Number of Inhabited Villages	1071
Total Number of Inhabited Villages	91
Latitude Vary from	23 <sup>0</sup> -10' to 24 <sup>0</sup> -5' North
Longitude Vary from	86 <sup>0</sup> -30' to 87 <sup>0</sup> -15' East
Population	653081 (Total), 333514 ( Male) and 319567 (Female)_
SC	62359 (Total), 31937 ( Male) and 30422 (Female)_
ST	206664 (Total), 103569 ( Male), and 103095 ( Female)
Others	384058 ( Total), 198008 ( Male) and 186050 ( Female)

Table 3.4: Brief Profile of Jamtara Block of the district

Parai	neter	Nun	nber	
Total Area		44708 Hcs.		
Number of Households		29093		
Number of Panchayats		34		
Total Number of Villages		239		
Total	Male	Female	Persons	
Total SC	117617	111451	229068	
Total ST	10364	9701	20065	
Total Others	34173	34107	68280	
Rural Total	73080	67641	140723	
Rural SC	88265	85009	173274	
Rural ST	al ST 6494		12650	
Rural Others	32689	32612	65301	
Urban Total	49082	46241	95323	

Table 3.5: Brief Profile of Narayanpur block of the district

Parameter		Number	
Total Area		33891 Hcs.	
Number of Households		24940	
Number of Panchayats		31	
Total Number of Villages		284	
Total	Male	Female	Persons
Total SC	80311	76988	157299
Total ST	4947	4938	9885
Total Others	19260	18800	38060
Rural Total	56104	53250	109354
Rural SC	4947	4938	9885
Rural ST	19260	18800	38060

The ancient tribes of the state of Jharkhand include Birhor, Asur, Birajia and Mal Paharia. Some other ancient tribes of Jharkhand are Sauriya Paharia, Hill Kharia or Sabar, Parahiya and Korba. Most of the people belonging to different Jharkhand tribes dwell in villages. These villages are grouped into tolas. They live in mud houses, which are devoid of any window. They often adorn the external surface of their houses with paintings. The major food for these tribal people is rice and the flesh of birds and animals. According to the famous anthropologist LP Vidyarthi, the tribes of Jharkhand can be broadly classified according to the different ways of livelihood that they practice. The tribes in Jharkhand that are mainly artisans by profession are Lohra, Mahli, Karmali and Chick Baraik. The major tribes that depend on gathering and hunting for their livelihood are the Korwa, the Birhor and the Hill Kharia. Some of the tribes of the state of Jharkhand practice settled agriculture. A few important names of tribes engaged in this profession are Munda, Santhal and Ho. Oraon and Bhumij are also involved in settled agriculture in the state. Some tribes at Jharkhand are engaged in shifting agriculture for their bread and butter. Sauria Paharia is one such tribe.

### 3.1.1 Tribes of Jharkhand

A brief Trbal Profile of Jharkhand is mentioned in the following description.

- Asur in Jharkhand is one of the thirty major tribes of people who have made the state of Jharkhand their home. The people who belong to this tribe form quite a big part of the total population of the state of Jharkhand. It ranks 21st among all the 30 tribal groups of the state, in terms of population, that is, there are as many as 9 tribal groups in the state that have a smaller population than the Asur of Jharkhand. Asur is one of the most ancient ethnic groups in the state. The people belonging to Asur at Jharkhand stay within houses made of clay. They live in villages that are grouped into different tolas for the convenience of the people. The houses in which the people belonging to Asur tribe live do not have any window. The people love to make their houses look even more beautiful by painting them on their external walls. They thrive mostly on the flesh of animals and birds and rice. The total population of the tribal group of Asur is 7783. The rate of literacy among the people of the state of Jharkhand is not very satisfying. The rate is only 10.62%. Though their total number is not ignorable, the percentage of the total population of the state that they cover is not a massive one. The people who belong to the Asur tribe cover only 0.13 % of the total population of the state.
- Baiga is one of the most important tribes in the state of Jharkhand in India. The people who belong to the Baiga tribe of Jharkhand are reportedly least civilized of all the different tribes of the state. The people of the tribe of Baiga in Jharkhand inhabit in a particular district of the state. The name of this district of Jharkhand is the Garwa district. The people who belong to the tribe of Baiga constitute a Kolerian ethnic community. The name of this tribe of Jharkhand has quite a few meanings. One of them is 'ojha' or a person who makes medicines. Many of the people who belong to the Baiga tribe make medicines by profession, though their chief traditional occupation has been shifting cultivation. The people who belong to the tribe of Baiga at Jharkhand dwell in the remotest regions of the state and it becomes very difficult for the people of the urban world to reach out to them. Most of them are found to reside in the forested regions and hilly areas of Jharkhand. There are two book references of the tribe of Baiga of Jharkhand. One is the book called 'Highlands of Central India'. This book was written by a person named Forsyth. Another reference of this primitive tribe of Jharkhand is found in the documentation, which is called the 'Seoni Settlement Report'. This report was authored by a captain by the name Thompson. Though these two written documents mention the Baiga tribe of the state of Jharkhand, they cannot be termed reliable written sources of information about the people who belong to this tribe.

- Though smallest in number, the **Banjara** tribe in Jharkhand is a recognized part of the tribal community. Unlike the Banjara tribe of Rajasthan, the Banjaras of Jharkhand lead a settled life. They generally live in thatched huts with kuchcha walls. Though they remain unperturbed by the modernization around, recent years has seen far reaching changes in the relationship between the Banjaras and the large society. The literacy rate of the Banjaras is about 12.38%. The colorful lives of the Banjaras now have become the source of entertainment to the entire state. Tribal festivals like Sarhul, Tusu and Sohrai are celebrated throughout the state. Banjara music and dances like Chaw, Natua, Ghatwari and Matha now-a-days has become sources of recreation even to the tourists to Jharkhand. They now seem to plan their visit to Jharkhand in the festive seasons of the tribes in Jharkhand. Banjaras of Jharkhand has become famous particularly for their embroidery works. Influenced by their themes and culture and exploiting the availability of raw materials, the Banjaras embellish their works with ivory beads, shells and colorful threads. The needle crafts of the Banjaras create skirts, jackets, belts, bags, blouses and also different types of room decors.
- In Jharkhand, the Birhor tribe is divided into two major sub-tribes, namely Jaghis Birhor and Uthalu Birhor. These tribes in Jharkhand portray a distinct pattern of socio-economic lifestyle. In fact, the Jaghis Birhor and the Uthalu Birhor tribes in Jharkhand are known for their agrobased economy. The Jaghis Birhor are nomads who keep moving from one jungle to the other. These tribes practice shifting cultivation: when the food supply of a particular forest is exhausted, they move to another forest. Furthermore, talking about the lifestyle of Birhor tribe in Jharkhand, it can be said that they live in groups known as Tanda. It is basically a bunch of six or seven cone-shaped huts made of leaves Family is the basic unit of Birhor society. The social setup of Birhor community in Jharkhand is patriarchal in nature: the father is the head of the family. Besides, the Birhor support monogamous marriages, still, at times polygamy or trigamy is also allowed in unusual circumstances. The economy of the Birhor tribe largely depends on forest resources, labor and agriculture. For the Uthalu Birhor, forest is the main source of food; whereas for the Jaghis Birhor, agriculture seems to be the main stay of the people. The agricultural land of the Jaghis Birhor is divided into two major types such as Tanr and Don: in the Tanr lands, the Birhors practice dry cultivation, whereas the don lands are known for their water retention capacity.
- The Chero of Jharkhand follows a patriarchal form of the society where women are exempted from all the rights to inheritance and succession. The Chero tribe of Jharkhand is divided into two endogamous groups, namely Terahazari and Barahazari and is also divided into a number of clans said to follow endogamy and exogamy. Talking about the economy, it can be said that the economy of the Chero tribe is based on wage earning and agriculture: the Cheros also practice animal husbandry. But, it is noteworthy that the agricultural yields are insufficient: therefore, the Chero engage them in wage earning throughout the year. The Chero tribe of Jharkhand seeks work as wage laborers in order to earn their livelihood and support their family.

- The Birjia at Jharkhand live in triangular or rectangular huts made up of bamboo, wood or mud. The huts of the Birjia tribe, usually, are devoid of windows: the huts have a small gate which is closed with a tati or a mat. The Birjia tribe posses a patriarchal society: a Birjia family is usually a nuclear family with father as the head of the family. Moreover, the Birjia society is known as a monogamous society, yet the prevalence of bigamy. It goes without mention that they have a rural society where agriculture and forests play a vital role in the socio-economic life. Hence, Birjia economy is based on agricultural yields, as well as on hunting, fishing. The political organization of the Birjia tribe in Jharkhand is primarily based on the Panchayat system. The head of the Birjia society is the 'Baiga', who looks after the social laws and customs. But, the Birjia clan exempts women from participating in the panchayat, which is considered an exclusive right. It is noteworthy in this context that the administration in the Birjia community has largely evolved in recent years, with the exposure of the Birjias to the modern ways of living. Hence, we can find the modern Gram Panchayat Elections making their presence felt in the Birjia society. In fact, both men and women of the Brijia clan now participate in the elections conducted by the State Election Commission.
- The Chick Baraik tribe presents a picture of communal harmony. In Jharkhand, the Chick Baraiks do not dwell in a separate village but live with the other tribes and castes within the same village. In fact, it can be said that they celebrate fraternity and brotherhood. Furthermore, the Chick Baraiks present an amalgamation of the Hindu and the tribal beliefs. On one hand, Sing Bonga is said to the titular deity of the Chick Baraiks, when on the other hand, they also worship Devi Mai, the Supreme Goddess of the Hindus. Like the other tribes of Jharkhand, such as Mahli, Lohara, Karmali, the Chick Baraik are artisans who earn their living through spinning threads and weaving clothes. Weaving and spinning is the age-old profession practiced by the Chick Baraiks of Jharkhand. It is interesting to note in this context that the Chick Baraiks are also known as the artisan tribe in Jharkhand. The Chick Baraik society is marked with the presence of the Panchayat system, which is given due respect in the society. The decision adopted by the community panchayat is treated by the Chick Baraiks as the last word: no one, among the Chick Baraiks is authorized to go against the decision of the panchayat.

- According to the common belief, the Gond tribe belongs to a martial group, who trace their descent from the Kshatriyas. They are said to have migrated in the Central province in the 14th century. Moreover, in Jharkhand, the Gonds dwell in the areas adjoining the forests: therefore, the Gond tribe is found to be scattered throughout the length and breadth of Jharkhand. Like the other tribes of Jharkhand, the Gond tribe also projects a patriarchal form of the society, where the father is the head of the family and the laws of inheritance largely support the men folk of the society. It is interesting to note that the Gonds follow division of labor: work is equally divided among the men and women of the society. Man and women work in complete collaboration with each other; yet, cooking and other household chores seems to be duty of the women and is not divided with the male members of the society. Talking about the economy of the Gond at Jharkhand, it can be said that the Gonds follow labor and agricultural economy. In fact, each family of the Gond society owns a piece of agricultural land, which is used by them to grow maize, marua, bajra and many other vegetables. Besides, each of the families possesses buffaloes and agricultural implements. Furthermore, the Gonds have a subsistence type of economy that does not possess the concept of saving.
- In Jharkhand, Ho tribe dwells near the rivers, river terraces or by the side of the springs. It is noteworthy in this context that the Ho community of Jharkhand largely depends on agriculture. Besides, the Ho at Jharkhand practice wage earning for their sustenance. In fact, the majority of the Hos earn their living through daily labor in the different industries and mines in the territory. It is to be noted that the conditions of the people engaged as daily labors are better than the people who depend on agriculture. Furthermore, the Ho at Jharkhand is known to possess a panchayat based administration where the Manki, the head of the panchayat, takes decisions on behalf of the entire society. It is noteworthy that each and every family among the It is interesting to note that the Hos are more politically aware than the other tribes of Jharkhand: in fact, the Hos are aware of their political rights that are guaranteed by the Constitution of India. The Ho of Jharkhand is well versed in the administration of the state and they take active part in the elections conducted by the Legislative Assembly of Jharkhand.

- The Kharias are basically centered round the hills and plains adjoining the hills. The settlement of the Kharia is dispersed throughout the different districts of Jharkhand. The houses of the Kharias are made up of straw, bamboo, mud, rope, etc. and are generally rectangular in shape. The houses, generally, possess a single room that contains a bedroom, kitchen and bathroom: we can find a cow-shed or pig stay attached to the house. A Kharia society falls under the jurisdiction of the Panchayat system and a Pradhan is supposed to be the head of the society. Therefore, it becomes the duty of the Pradhan to look after the peace and prosperity. Furthermore, the economy of the Kharias is based on agriculture or wage earning. Besides, the Kharias also practice fishing, hunting, food gathering, etc. Moreover, the agricultural land is divided into two types: Tanr and Don Lands. Kurathi, Arahar, Til, Tisi, etc. are cultivated in the Tanr lands, as it is dry land whereas, the Kharias grow paddy in the Don land, due to its moisture retention capacity.
- The individuals of the Oraon tribe not only inhabit the domain of Jharkhand but a handful have also successfully fanned out into many economically and technologically sound cities like Delhi, Kolkata and Mumbai as educated and well-employed individuals. Previously, the members of the Oraon clan extracted their livelihood from chopping trees, accumulating timber and other forest related activities. They also depended on the woods to procure them with all the essential ingredients required to perform their rituals. But as we entered the threshold of the 21st century, the tribal people of the Oraon of Jharkhand have taken up agriculture as their primary means of earning their livelihood. However, the petite bunch of the Oraon tribe who had opted to seek refuge in the northern realms of India has been mostly employed in the tea estates. The lingo that has been accepted by the population of the Oraon tribe in Jharkhand is Kurukh. This language has originated from the Dravidian family of languages and bears significant similitude with other dialects. The individuals belonging to the Oraon tribe also likes to have a grandeur lifestyle. This can be evaluated from the zeal and enthusiasm with which they perform dances, sing enchanting folk songs and play a vast array of musical instruments with adeptness. The religion followed by huge fraction of the Oraon people is Sarna. The rest have, however, have chosen to embrace Christianity. A recognizable name from the Oraon tribe is Kartik Oraon who had served the coveted post of a Congress Minister.

# 3.2 Orissa State

Orissa, bounded on the west by the thickly forested hills of the Eastern Ghats and on the east by nearly 500 km coastline of the Bay of Bengal, is a beautiful state covering an area of 156, 000 sq. kms. It is surrounded by Jharkhand on the north, West Bengal on the north-east Andhra Pradesh on the south and Chhattisgarh on the west. Orissa is one of the prosperous states of India owing to its fertile land and rich mineral resources viz. coal, iron and bauxite. Orissa, referred to as "The Soul of India", is a mystical land where the past and the modern today form a harmonious blend.

Table 3.6: Brief Profile of the State

Parameters	Figures
State Capital	Bhubaneswar
Area	155,707 square kms
Area under forest (total)	58,136.23 Sq. Kms
Latitude	Between 17.49' N and 22.34' N
Longitude	Between 81.27' E and 87.29' E
Population (2001)	36,706,920
Population Density	202 per sq. km
Male population	18,612,340
Female population	18,094,580
Sex Ratio	972 females per 1000 males
Literacy rate	63.61%
Per Capita Income (03-04)	Rs.6, 487.00
No. of Districts	30
Urbanization Ratio	14.97%
Religion	Hindu, Muslim, Christian and Buddhist
Official Language	Oriya
Time zone	IST (UTC+5:30)
Temperature	Max 40 C (summer); Min 9 C (winter)
Annual average rainfall	150 cm

About 70% of the total population of Orissa lives in villages and about 75 % of the total workforce depends on agriculture. The cropped area is about 87.46 lakh hectares out of which 18.79 lakh hectares are irrigated. Climate and soil play vital role in Orissa's agricultural economy. The total cultivable land exploited for cropping is about 40% of the total geographical area. The major crops are rice, pulses, oil seeds, jute, coconut and turmeric. The crops like tea, cotton, groundnut and rubber are of great economic importance in other parts.

### Sundargarh

Two ex-States of Gangpur and Bonai merged with Orissa on 1st January, 1948 to form Sundargarh district. The "beautiful" district with about 43% of its total area under forest cover and numerous tribes dotting its landscape and with abundant mining potential stands true to its name. The district lies in the north western sector of the State. It is bounded towards north by the Jharkhand State, to the south by Jharsuguda, Sambalpur and Deogarh districts, on the east and north-east by Keonjhar and Paschimi Singhbhum districts of Orissa and Jharkhand and on the west and north-west Raigarh district of Chhattisgarh. The district head quarter is located at Sundergarh. Rourkela, an important steel city of India is also located in this district. Geographically the district is not a compact unit and consists to widely dissimilar tracts of expansive and fairly open country dotted with tree-clad isolated peaks, vast inaccessible forests, extensive river valleys and mountainous terrain. Broadly speaking, it is an undulating tableland of different elevations broken up by rugged hil ranges and cut up by torrential hill streams and the rivers IB and Brahmani. The general slope of the distric5t is from North to South. Because of this undulating, hilly and sloping nature of landscape, the area is subject to rapid runoff leading not only to soil erosion but also to scarcity of water for both agriculture and drinking purpose.

**Table 3.7: Brief Profile of Sundargarh District** 

Parameters	Figures
Area	9712 Sq. Km
Forest Land	4232.57 Sq. Km
Latitude	21º 36' N to 22º 32' N
Longitude	83º 32'E to 85º 22'E
Population (2001)	1830673
Males	935601
Females	895072
Population density	188 per sq. km
Literacy Rate	65.22%
No. of Sub-Division	3
No. of Tehsil	9
No. of Blocks	17
No. of Villages	1744
Average rainfall	1657.1 mm

### Keonjhar

The district of Keonjhar, lying between 21°1'N and 22°10'N latitude and 85°11' E to 86°22' E longitude presents a panorama of millennia, both from the geographical and anthropological point of view. Spread over an area of 8,240 Sq. Kms, it is as varied as the whole of Orissa with water-falls roaring gorges, mountains and minerals. The manifold expressions of nature in this district are unique in Orissa. Anthropologically, its two main tribes, namely the Juangs and the Bhuyans carry a distinct and primitive past. The Juang claims them to be the most ancient tribe of the world. In spite of their modern ways of living, many aboriginal practices are still prevalent among them. The district of Keonjhar is highly rich in mineral resources and has vast deposits of Iron, Manganese and Chrome Ores. About 30 percent of its total area is covered with tracts of dense forests. But the district, in spite of its immense mineral and forest wealth, still remaining economically backward. As a sequel to the integration of the feudatory states with Orissa on 1st January, 1948, the erstwhile princely state of Keonjhar emerged as one of its districts with its head-quarters at Keonjhargarh and since then it has been continuing as such.

**Table 3.8: Brief Profile of Keonjhar District** 

Table 3.6. Bilet I Tollie of Reoliginal District		
Parameters	Figures	
Area	8,240 Sq. kms	
Latitude	21° 1'N and 22° 10'N	
Longitude	85° 11'E to 86° 22'E	
Population (2001)	15, 61,990	
Males	7, 90,036	
Females	7, 71,954	
Population density	161 Per Sq. K.M. (1991)	
Literacy Rate	3	
No. of Sub-Division	8	
No. of Tehsil	13	
No. of Blocks	6	
No. of Villages	2135	
Average rainfall	1534.5 mm	

### 3.2.1 Tribes of Orissa

Of all the states of India, Orissa has the largest number of tribes, as many as 62 in terms of percentage they constitute an impressive 24 percent of the total population of the state. These tribes mainly inhabit the Eastern Ghats hill range, which runs in the north-south direction. More than half of their population is concerned in three districts of Koraput (undivided), Sundergarh and Mayurbhanj. Tribal economy is subsistence oriented. It is based on food gathering, hunting and fishing and thus revolves around forests. Even the large tribes like the Santal, Munda, Oram and Gond, who are settled agriculturists, often supplement their economy with hunting and gathering. While farming they make use of a very simple technology and a simple division of labour, ften limited to the immediate family. They lose out because their holdings are small and unproductive, lacking irrigation facility since the terrain is hilly and undulating. Mnay tribes, for instances, the Juanga, Bhuiyan, Saora, Dharua and Bonda, practice what is called shifting cultivation or Podu Chasa, also known as slash and burn. They select a plot of land and generally on a mountain slope, slash down all the trees and bushes and burn them to ashes. Spreading the ashes evenly over the land, they wait for the rains before planting their crops. Due to cultivation for two or three seasons on one plot of land the soil gets depleted, so the tribal move on. It is a way of life for them. There are cattle-breeders among the tribes, notably the Koya. There are simple artisans too like the Mohali and Loharas, who practice crafts of basket weaving and tool making. A sizeable part of the tribal population of Orissa has moved to the mining and industrial belts of the state, notably the Santals, Munda, Oran and Ho. This has helped ease the pressure on small holdings but in the process tribal villages have been abandoned. Traditional skills, land and other immovable assets have been lost without always bringing in adequate prosperity via jobs in mines and factories. But if tribal economy is shakly, tribal culture in its pristine state is rich and distinctive and the Adivasis work hard to preserve it. A tribal village manages its internal affairs very smoothly through two institutions - the village council of elders and the youth dormitory. The core of tribal culture, the youth dormitory, is the largest hut in the village. It has only three walls, profusely decorated with symbols representing animals. The fourth side is open. By night dormitory is home to the youth of the village. But before and after a hard day's work, people gather here to chat and relax. The council of elders meets here too to discuss matters relating to the welfare of the village. The open space in font of the dormitory is where youths and maidens dance with abandon every evening, for tribal culture allows free mixing of the two sexes. Despite their poverty the tribals of Orissa have retained their rich and colorful heritage of dance and music. Every tribal can sing and dance to the sound of pipe and drum and give tune to impromptu compositions that come to him/her as naturally. The tribals of Orissa observe a string of festivals. Some are closed affairs, relating to a birth or death within the family or a daughter attaining puberty. Others relate to sowing or harvest time and these involve the entire community. Mostly a festival is an occasion for a good of Mahua liquor, a game roasted on the sprit and a night of song and dance is revelry. But that is not the end, there is an animal sacrifice too, for the deities and sprits must be appeased first, particularly the malevolent ones, so they don't unleash drought or sickness on the land. Tribals are superstitious people and the 'Ojha' occupies a position of honour since he not only prescribes medicines for the sick but is also believed to exorcise evil sprits

# 3.3 Chhattisgarh State

Chhatisgarh, the 26th State of India, was carved out of Madhya Pradesh on November 1, 2000. It is a predominantly tribal State endowed with rich mineral, forest wealth etc. The Mahanadi is the principal river of the State. The other major rivers are - Sheonath, Hadeo, Mand, Eeb, Pairi, Jonk, Kelo, Udanti, Indrawati, Arpa and Maniyari. It spread over an area of 135194 square kilometers and comprises of sixteen districts. These are Koriya, Sarguja and Jashpurnagar in the north, Korba, Bilaspur, Janjgir Chhampa and Raigarh in the north-central part, Kawardah, Rajnandgaon, Durg, Raipur, Dhamtari and Mahasamund in the centre and Kanker, Bastar and Dantewara in the south. According to the 2001 census, the total population of Chhattisgarh is 2.0795 corer. The State has been carved out of 30.49 per cent of the land area and 26.6 per cent of the population of the undivided Madhya Pradesh. There are 20378 villages. The State has a total of 96 *Tehsils* and 146 *Janpad Panchayats*.

### **Bastar**

The largest district in the State, Bastar, is situated in its southern part. The district has rich forests and natural resources and is known for its waterfalls and scenic beauty. More than two-thirds of the people of the district belongto Scheduled Tribes.Bastar is well endowed with natural resources — forests and rivers. The people have revered the trees and rivers of their land for generations. Almost 60 percent of the district is covered with forests of sal, teak and bamboo and other trees. The pattern of livelihood in Bastar continues to be dictated by tradition. Even today, agricultural practices are traditional. This reluctance to change has been a saviour in periods of drought, due to the innately hardy nature of most local varieties of seeds. The kharif crops grown here are paddy, urad, arhar, jowar and maize. The rabi crops include til, alsi, moong, mustard and gram.

Literacy levels in Bastar are among the lowest in the State. The district is ranked at number 15 in the terms of the literacy rate. The people have an inherent expertise, skill and knowledge in their traditional occupations. Some opportunities for education do exist but the people say that modern education is turning young people away from their traditional occupations. Health and Traditional knowledge and medicine help to fight illness and disease in the district. However,

In every village, every community has its own organization, which governs the community and helps to maintain the social fabric of life. As a result of Panchayati Raj, new facilitiePanchayati facilities have come into the villages. The people believe that the Sarpanch is instrumental in the development of the village. The Sarpanch, however, says that few people come to the Gram Sabha meetings. There are various departments and committees of the Government in the village, which offer different services, such as the cooperative societies, forest committees or the van dhan samitis. There are also some self-help groups in the villages that are working to improve the economic situation of the people.

### Surguja

The district of Surguja, which lies in the north of Chhattisgarh, has a distinct lifestyle and culture, enriched as it is with dense forests and a very diverse Population comprising to a number of tribes. The district has adequate water. The people want the irrigation capacity and efforts to conserve rainwater to be increased and say that drinking water facilities should be made available in all habitations. Earlier, the main sources of livelihood were agriculture, collecting forest produce, labour work and animal husbandry. There has been considerable change in the livelihood pattern in recent times. Due to the use of modern techniques, there has been an increase in agricultural production and hence the dependence on forests has decreased. Paddy is the main crop of the district. Corn and oilseeds are also cultivated.

There has been a marked increase in awareness regarding education in the tribal communities of Surguja. Training institutions and resources for vocational education have expanded substantially. Earlier, faith healers and traditional medicines made from herbs and roots were used to treat illnesses. Due to this the death rate was very high. Today, health awareness as well as the spread of Government facilities for treatment has increased. The use of traditional roots and other natural methods of treatment, however, continue. While traditional institutions of the villages still have an influence on society, this is decreasing. People do not have a very favorable opinion of the Government agencies working in the villages. They say that there is a need for more dedication, sensitivity and transparency in the working of the Government and its various agencies. The people are also not conversant with the working of the Gram Sabha and the Panchayat. It is important that adequate training be imparted, so that people can participate in the meetings of these organizations.

# 3.3.1 Tribes of Chhattisgarh

Chhattisgarh is home to a large tribal population, which is diverse in location, origin, socio-cultural history, language, livelihood and level of development. With the exception of some isolated tribes, which continue to be in the food gathering stage, settled agriculture is the dominant mode of occupation for most of them. However, forests continue to be significant source of livelihood. The areas of tribal concentration in Chhattisgarh can be classified as under: North Eastern Zone: Comprises of Surguja, Raigarh, Bilaspur and areas of other adjoining districts. The primary hilly northeastern zone is the abode to the Oraons, Kawar, Majhi, Bharia, Agaria, Nagasia, Khairwar, Dhanwar and Korwas. The area has a number of primitive tribes such as Korwas, Baiga, Abhuj Maria, Pahadi Korwa, Kamar, Birhor etc. Southern Zone: Comprising of Bastar and other districts carved out of Bastar, this is a large area with very high tribal concentration. This area is populated by various tribes like Gond, Bhatra, Halba, Maria and Pardhi. The different regions and the habitat of the tribes of Chhattisgarh are described in the following table:

The scheduled tribes, with a population of over fifty seven lakh, constitute 32.5 per cent of the State's population as per the 1991 census. Almost 98.1 per cent of this population lives in the rural areas. There are 9500 villages, or 48 per cent of all inhabited villages, which have more than half

their population belonging to the tribal groups. Thirty per cent of all inhabited villages have more than three fourths population from the scheduled tribes. The scenario of the primitive tribes of Chhattisgarh is described in the following table followed by a biblical description of the primitive tribes of Chhattisgarh.

The Baiga of Chhattisgarh is one among the primitive tribe who lived in the forested areas of districts Bilaspur and Rajnandgaon since time immemorial. It is opined that the Baiga was born from the womb of Mother Earth. Since then they have always been referred to as 'Sons and Daughters of Mother Earth'.

As early as the 1920's concern for their tradition of shifting cultivation and for their general well-being prompted the British authorities to set up an area of land in Madhya Pradesh/ Chhattisgarh (Central Province or Eastern States Agency in those days) called Baiga Chak - the land of the Baigas. The Baigas are gentle and peaceful tribe who has mostly preferred to retreat to the remoter and sometimes most inhospitable areas. However, the hardships that many of them now face are seriously beginning to force them to abandon a way of life that they really do not want to forsake. Their numbers are decreasing steadily at an alarming rate through avoidable diseases malnutrition and in some cases loss of self-esteem and hope. The Baigas urgently need help to overcome poor health, low standards of education, loss of lands and problems caused by lack of understanding of modern legal and administration machinery.

### Abhuj Maria

The Abhuj Maria otherwise known as Hill Marias are one of the descendent Gonds. Abhoojh- i.e. about whom nothing can be guessed. They are concentrated in interior forest of Narayanpur Tehsil of Bastar districts. The area in which they inhabited is known as Abhuj Mar region, which has been spread over 1500 sq miles and dense forest cover. They are virtually living in isolation and keeping themselves away from the mainstream. Their traditional culture, moral living values and social security has not yet been documented in well manner.

Both Maria men and women wear only a piece of cloth round the waist and several iron and brass rings. The Marias is very skeptic towards the health and hygiene. The houses of the villages are constructed in two parallel rows with a broad space intervening in which the common granary. They practice shifting cultivation and grow fruits, vegetables and tobacco. They are also pursuing hunting. In the shifting cultivation, coarse grains and rice are generally grown. Drinking liquor is very common among both the men and women folk. The river Indravati flows through the habitat of the Maria. They frequently change their habitat. There is considerable significance of hatt weekly market in this area.

They do not plough the earth, as it would mean inflicting pain on her body. Pointed wood pieces are used for piercing earth crust for cultivation. Stone implements are used for harvesting produce. Divorces and remarriages are common but adultery is not allowed. Marriages amongst the offspring of blood relations are common. The Ghotul or the youth dormitories is one among the important

institution among the Marias. Gotul in which the un married young mature boys and girls live together and during the leisure time they enjoy themselves by participating in dancing, music, story telling etc.

The main concentration of Hill-Korwa tribe is in Jashpur, Sarguja and Raigarh district of Chhattisgarh. The area is cut across by the range of Vindhyadri mountain running East-West creating upper ghat and lower ghats. Upper ghat is an extensive plateau, which is under the Khudia region. The soil of the Korwa habitat is not up to the mark and they only grow minor and inferior crops. They are branch of Kolarian tribe and speak Mundari language. They are medium to short height have a dark brown or black skin and divide into five totemestic endogamous clans like hansadwar, samar,edigwar, ginnur and renla. Most of the families of Hill- Korwa are nuclear. Marriages are exogamous generally arranged with person from other Kutumb and a person cannot marry with member outside the tribe. Widow marriage is permitted.

The religion of the Hill-Korwa is confined to ancestral worship and worship of a few Gods and deities. They believe in supernatural powers. Their principal Gods are Sigri Dev, Gauria Dev, Mahadev and Parvati and deity is Khudia Rani. They worship God and deities for recovery from illness, better crops, safety and against natural calamities. They believe in magic and witchcraft which is locally known as Odaka. They always busy on the side selection of homestead.

The main source of livelihood of Hill-Korwa is hunting and collection of minor forest products like Sal, hua, gum, Tendu leaves, Amla, Harra, Bahera etc. In rainy season, they gather some tubers, leaves and vegetables. Fishing and hunting are the secondary occupation of them. In the odd season they satisfy their hunger on leaves, fruits, tubers like Gainth, Pitharu, Nakwa,katharu,Kulthi, Konge,Charhat,bilar etc. Hadia, which is prepared out of rice, is the favorite drinks of the Korwas. They also prepare Mahuli from Mahua, which adds the intoxicant beverages of the Korwas. Most of the festivals of Korwas are connected with agriculture cycle. Hariyali and Kora are the two major festivals of the Korwas which are celebrated in month of September. Navakhani celebrated in the month of October when new crops are harvested. Cherta is celebrated in the month of January and is connected with eating of new pulses. Karma dance is very popular among them and all the villagers participate in it.

In the Indian ethnic scenario in some Sates the Kamars are considered as caste groups and their main occupation is iron smithing. But here in Chhattisgarh they are coming under the preview of the primitive tribes. They are mainly concentrated in the interior tibal pockets of Kanker, Bilaspur and Raipur. The houses of the Kamar villages are constructed in two parallel rows. Both Kamar men and women wear only a piece of cloth round the waist and they use several ornaments. They practice shifting cultivation. Apart from that they are also pursue hunting. In the shifting cultivation, coarse grains and rice are generally grown. Drinking liquor is very common among both the men and women folk. There is considerable significance of hatt weekly market in this area. Divorces and remarriages are common among the Kamars. Marriages amongst the offspring of blood relations are common. During the leisure time they enjoy themselves by participating in dancing, music, local

story telling etc. They are ado rant believers of the nature. In the contemporary times the Kamar Development Agency one of the action project of Kamar is working in a big way in Chhattisgarh.

The Birhors belong to the Mundari group of tribes and are concentrated in the central-eastern India. In Chhattisgarh they are found mainly in the districts of Raigarh and Jashpur. In these regions they are locally known as Mankidi, Mankria or Mankar-khia Kol because of their habit of eating the flesh of monkeys. Though they broadly branded as hunter-gatherers, the whole gamut of the Birhor economy in the above-mentioned areas of Chhattisgarh involves the exploitation of forest resources and the maintenance of an essential economic articulation with caste peasants and the market economy of the larger society. The Birhors collect jungle products and exchange them with the neighboring settled Hindu peasants for their day-to-day livelihood. The jungle resources mainly collected by them are from the creeper that grows profusely in these regions. From the barks of these creepers, various kinds of ropes and rope-products are made. Various minor forest products are also procured and exchanged in the neighboring society. Hunting of wild game is another of their economic activities. But hunting is pursued occasionally and the animals hunted are primarily used for consumption. Sometimes they also sell live monkeys and skins of monkey. Though hunting does not contribute much to their economy, they keep up a spirit of hunting and continue this mode of production as a cultural norm.

In the context of their life-situation the Birhors cannot operate the clan-lineage based segmentary system of social structure, characteristic of the Mundari group of tribes. They now organize their subsistence activities, primarily in terms of two groups that are referred to by them respectively as household and *tanda* or *tola* (band). The household serves as their basic production and consumption unit, and revolves around the nuclear family of husband, wife and unmarried children. Most of them, however, comprise of partial or broken families and show a flexible nature. Though the Birhor bands are flexible in nature, they always comprise of marriageable groups. The role of exogamy, the principle of reciprocity as well as the autonomy of individual households to move from one band to another help maintain interaction and communication.

The Birhors belives that *Sing Bonga* is the creator of the earth. He is basically good and thought to be benevolent. He does not interfere in the domains of other gods and goddesses, though he is omnipotent. Apart from that they also worship different deities and the ancestors. The Birhors seem to have a constrained relation with these spirits who are considered malevolent. They broadly classify the animals into three distinct categories and arrange them in a hierarchical order. This classification shows not only their attitude towards the animals but also the nature of the relation they have with them. In the first category are cows, buffaloes, goats, fowls and the like. All these animals are of the domesticated variety and do not belong to the jungle. These are first sacrificed to their deities and then taken for consumption. The second category includes *langurs*, monkeys, rabbits, porcupines, squirrels and the like. These animals are consumed by the Birhors without any ceremonial slaughtering. In the third and the lowest category are dogs, tigers, bears, snakes and the like.

## 3.4 Gujarat State

The state of Gujarat is situated on the west coast of India, bounded by the Arabian Sea in the West, Rajasthan in the North and North-East, and Madhya Pradesh in the East and Maharashtra in the South and South East. The state also shares an international border with Pakistan at the north western fringe. It has the longest coastline of about 1600 km which is also the longest among all states in the country. Gujarat is one of the most prosperous states of the country owing to its booming economy and industry. The state provides about 19.8% of the country's total industrial output and is the most industrialized state of the country.

Gandhinagar, the capital of Gujarat is a beautiful planned city. Gujarat is known for its rich culture and tradition. It is famous for its exquisite handicrafts and textiles. Gujarat is the birth place of Mahatma Gandhi and is connected intimately with many events pertaining to India's independence. The land is replete with beautiful temples, historical monuments, architectural and cultural heritages, pristine beaches and many more other attractions.

Table 3.9: Brief profile of Gujarat State

Parameter	Figures
Area	196,024 sq km
Capital	Gandhinagar
Latitude	20-6' N to 24-42' North
Longitude	68-10'E to 74-28' East
Population (2001)	50,596,992
Male population	26,344,053
Female population	24,252,939
Population Density	258 persons per sq. km
Sex Ratio	921
Literacy rate	69.97%
Per Capita Income (04-05)	Rs.28, 355
No. of villages	18,539
No. of towns	242
No. of Districts	25
Variation of Temperature	23°C-43°C (summer), 15°C-36°C (winter)
Annual average rainfall	1685 mm
Railway Length	5310 Km
Highways Total Length	74031 Km

## **Dang and Panchmahal**

Dang (also known as the Dangs) is one of the 25 administrative districts of Gujarat in India. The district headquarters are located at Ahwa. The district occupies an area of 1764 square kilometres and has a population of 186,712 according to 2001 census. Dang is entirely a rural district.

The Panchmahal district is located in the eastern part of Gujarat. It covers an area of 8866 sq.km. It had a population of 2,025,277 as per the 2001 census record. Thirteen percent of the population is urban. Major occupations in the district are dairy farming and agriculture.

# 3.4.1 Tribes of Gujarat

The Gujarat tribes are Bhils, Kuknas, Warlis, Naikas, Dublas, Gamits, Dhankas and Dhodias, the largest being Bhil. Tribal population is concentrated in the Panchmahals, Baroda, Broach, Surat, Dangs, Bulsar, Sabarkantha. The earliest traditional rulers of Gujarat were 'Bhils' or 'Kolis', namely Asha Bhil, the founder of "Asaval Ashapalli" the oldest site of the modern city of Ahmedabad and Anahil, the local Bharavad or shepherd chief, who helped Vanaraja. Their origin is traced by Major Erskine to the Dravidian word 'Bilu' for a bow, which is the characteristic weapon of the Bhil tribe. Bhil means bowman and they are experts in the use of bow and arrows

### 3.5 Andhra Pradesh State

Andhra Pradesh bounded by Madhya Pradesh and Orissa in the north, the Bay of Bengal in the east, Tamil Nadu and Karnataka in the south and Maharashtra in the west. Andhra Pradesh is the third largest state in India and it forms the major link between the north and the south of India. It is the biggest and most populous state in the south of India. There are three main regions in Andhra Pradesh - (1) Northern Circars or coastal Andhra comprising Srikakulam, Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Ongole and Nellore districts; (2) Rayalaseema or Ceded districts comprising Kurnool, Cuddapah, Chittoor and Anantapur districts; and (3) Telangana comprising Khammam, Nalgonda, Warangal, Karimnagar, Medak, Nizamabad, Aadilabad, Mahbubnagar and Hyderabad districts. The Circars or Coastal districts are well developed and enjoy a greater degree of affluence than the other two regions; Rayalaseema is close to the coastal districts and here rainfall is less than in the coastal districts and drought conditions prevail sometimes, and the Telangana region is of the former princely state of Nizam's Hyderabad, which is close to Maharashtra's Marathwada region and some parts of Karnataka. The state is dotted with hill ranges from the north to the south, running erratically down the middle of the country dividing it into western and eastern or coastal Andhra. These hills form integral geographical entities of Andhra life and history. In the north, there are Simhachalam and Annavaram hills, in the middle country there are the Srisailam hill ranges and in the south are the Tirumalai-Tirupati hills.

# Nalgonda and Mehbubnagar

Formerly known as Neelagiri, the district of Nalgonda is situated in the Southern part of the Telangana Region covering an area of 14,217 Sq. Kms. A district in Andhra Pradesh, Nalgonda's global location is between 16-25' and 17-50' of the Northern Latitude and 78-40' and 80-05' of Eastern longitude. The District is bordered by Medak and Warangal districts in the North, Guntur and Mahabubnagar districts in the South, Khammam and Krishna districts in the East while the districts of Mahabubnagar and Rangareddy lie in the West. The total population of Nalgonda is 34.5 lakhs and

the density of population is 227 per Sq. Km (2001 census). Agriculture is one of the main occupations in Nalgonda. People mainly grow paddy, pulses, millets and oilseeds. It is supported by a well-planned irrigation system which includes 26 lift irrigation and 116007 irrigation wells. Also, there are six rivers flowing through the district. The economic development in Nalgonda is fast progressing. The number of Large Scale Industries is 492, while that of the Small Scale Industries is 10069. The major industries are on Silk, Leather, Cotton.

Mahbubnagar is one of the main districts in Andhra Pradesh which is located at a distance of 96-km from Hyderabad. It is surrounded by the Nalgonda, Kurnool, Raichur and Gulbarga districts and River Krishna borders it in the south. With its headquarters at Mahabubnagar, the other important towns in the district are Achampet, Gadwal, Wanaparthi, Jadcherla, Nagarkurnool. Mahbubnagar was formerly known as "Rukmammapeta" and "Palamooru". The previous name was changed to Mahabubnagar on 4th December 1890, in honour of Mir Mahbub Ali Khan Asaf Jah VI, the Nizam of Hyderabad (1869-1911 AD). It has been the headquarters of the district from 1883 AD.

Chapter - IV

Situating Tribal Self-Rule: PESA

# 4 SITUATING TRIBAL SELF-RULE (PESA)

#### 4.1 Background

The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, more popularly known as the PESA Act came into force as a sequel to the 73rd amendment of IX Schedule of Indian Constitution. The 73rd amendment in 1992, provided constitutional sanction to the Panchayat Raj for functioning as an organic and integral part of the nation's democratic processes. The application of this amendment excluded the areas covered by the Fifth and Sixth Schedules. The areas of the Fifth Schedule, according to the Article-244, cover the Scheduled and Tribal areas other than the areas of the Sixth Schedule like in Assam, Meghalaya, Tripura, Nagland and Mozoram. The areas of the Fifth Schedule are spread over nine states viz. Abndhra Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chhattisgarh, Orissa and Rajasthan. The PESA Act, 1996 is regarded as a corrective legal measure to the 73rd amendment in form of extension of the provisions of the Panchayat Raj to the Scheduled and Tribal areas falling under the Fifth Schedule.

Here in this chapter an attempt has been made to situating the nuances of the act with a parallel to the central Act.

#### 4.2 Nuances of the Act

The PESA Act is based on the Bhuriya Committee recommendation that emphasized creation of a judicial base for continuity of the unique characters of tribal. societies and their traditional pattern of self-governance. It was therefore, recommended that the Amendment should focus the customary laws, life pattern, organization, cultural mores of tribes and the present day predicament of their exploitation, deprivation and marginalization. The Committee felt that "while shaping the new Panchayat Raj structure in tribal areas, it is desirable to blend the traditional with the modern by treating the traditional institutions as the foundation on which the modern supra-structure should be built" (Bhuriya Committee Report 1995). The Act favours promotion of the traditional Gram Sabha by allowing it to safeguard and preserve the traditions and customs of the people, their cultural identify community resources and the customary mode of dispute resolution. The Gram Sabha has been entrusted with the power of giving approval to the village level development programmes undertaken by the Panchayat, exercise control on local plans and generation of resources for such plans, including the tribal sub-plans, including the tribal sub-plans. It has given the power to exercise authority over allowing acquisition of land for mining and establishment of industries in Scheduled and Tribal Areas and to identify beneficiaries for the poverty alleviation programmes. Furthermore, it is also expected to enforce prohibition on the sale and consumption of any intoxicant in local area, to manage the village market and to exercise control over the money lending. The other salient feature of the PESA Act is the provision of reservation for the Scheduled Tribes in three-tier Panchayat bodies. The reservation for the STs shall not be less than one-half of the total number of seats, and all the seats of Chairpersons shall be reserved for the ST. These provisions intended to empower the

Gram Sabha so that it could negotiate with the State directly to retain its traditional control on local resources and power of decision-making. It remains unexplored as to what extent the state performs its role in implementation of the Act, despite knowing that is would lose control on the rural vote bank after devolution of power to the Gram Sabha, and how the people would react when the state could not succeed in its endeavor for proper implementation of this Act.

The table below gives a comparative picture of the Act with central Vs. the sampled States

Table 4.1: Comparative picture of the Act with central Vs. the sampled States

Provisions	Central Act	Andhra Pradesh	Chhattisgarh	Gujarat	Jharkhand	Orissa
Definition of village	Habitation/ hamlet or groups there of comprising a community	Same as Centre	Local area of a Panchayat comprising of scheduled area	Same as Centre	Same as Centre	Same as Centre
Community customs, resources and customary modes of dispute resolution	Makes Gram sabhas 'competent' to safeguard and preserve these	Same as center, except for dispute resolution , which must be without detriment' to other laws in force	Same as Centre for dispute resolution. Powers to mange natural resources limited by other laws in force.	Gram Sabhas must 'endeavor to safeguard'	Same as centre but in must conform to the constitution	Same as Centre, but consistent with othe laws in force, asn human ritghts.
Approval of Development Plans, beneficiary selection certificate of utilization of funds.	Mandatory for Gram sabhas	Gram sabhas	Gram Sabhas, but subject to state govt. rules/ orders, silent on utilization of funds.	Gram sabhas	Gram sabhas shall identify schemes for economic development, priorities them and approve them before implementation identify beneficiaries – all subject to orders the state government may issue from time to time	Gram sabhas
Land Acq. (consultation with)	Gram sabhas to be consulted	Mandal parishad	Gram sabhas	Taluka panch.	No provision for consultation	Zilla parishady at
Planning/ Management of minor water bodies	Gram sabhas to manage	Gram, mandal or panchayat	Gr. panch.	Talluka panch.	Gram sabhas to advise gram panchayat; GP has powers only to implement minor irrigation schemes; construct and manage drinking water supplies;	Zilla Parishad

Provisions	Central Act	Andhra Pradesh	Chhattisgarh	Gujarat	Jharkhand	Orissa
					Panchayat samiti and Zilla parishad have management and owership rights over minor water bodies subject to state government's delineation	
Recommendation for license or mining lease for minor minerals	Gram sabha or Gram Panchayat	Gram Sabha	No mention	No mention but amended Mines and Mineral Act gives recc power to Gr. Panch.	No provision	Zill Parishad
Regulation of Liquor sales/ consumption	Gram Sabha and Gram Panchayat	Gram Sabha or Gr. panch.	No mention	Tuluka panch.	No mention	Gr. Panch. Subject to control of GS
Minor Forest produce	Ownership by Gram sabha	Gr. sabha or Gr. panch. according to govt. prescriptions	No mention but MFP amended	Gr. Panch. but Guj. MFP nationalization Act continues to apply	No ownership – only rights to manage preservation of MFP, storing, processing and marketing to given to GP and Ps.	Gr. subject to control by GS
Prevention and Restoration of Alienated land	Gram Sabha and Gr. Panchayat	GS ro GP as acc to rules as may be prescribed	No mention but Land Rev. Code amended to give Power to GS	No mention but land Rev. Code Amended to give power to Zilla panchayat	Zilla Parishad can restore alienated land, but not prevent alienation Cornered better by laws	Gram Sabha subj. to Control by GS

After getting a complete picture now we have to discuss the complete provision and its impact across the sampled districts which are described in the forthcoming chapter.

Chapter - V

Impact of the Provision of the Act

# 5 IMPACT OF THE PROVISION OF THE ACT

We are now going to juxtapose the impact of Provisions of the Extension Act and the present position of the Act across the sampled locations of the study. For this purpose we have collected data both qualitative and quantitative. Apart from the house hold survey we have collected data in consultation with different stakeholders. The analysis of the respondents on each issue covered under Provisions of the Extension Act, 1996 in the sampled locations are presented in the following description.

#### **Notion of the Act**

### Situation/Impact of the Act

State Legislation on the Panchayats that may be made shall be in consonance with the customary laws, social and religious practices and traditional management practices of Community resources The tribal were spread over in most parts of the different subdivisions of the sampled locations Of all these sub-divisions, most of the tribal areas were found in the Central Provinces and Berar regions where the beginning of Panchayat system was made in 1920 through the local- Self Government Act. The provisions of application of the 73<sup>rd</sup> Amendment Act to the Schedule Areas came from very recent and similar provisions were applied throughout in the States as a whole. The Panchayat elections were also held uniformly throughout the States and dynamism in the grassroots mechanism has cane.

Every village shall have a Gram Sabha consisting of Persons whose names are included in the electoral rolls for the Panchayat at the village level

The *Gram Sabha* is the most powerful foundations of decentralized governance by ensuring elected representatives. Who are directly and regularly accountable to the people. The aim of the Government of most of the sampled states has been to strengthen the Gram Sabha by introducing favourable policy changes. However, the Gram Sabhas are yet to become operational entities and to do justice to their potential for making the Panchayati Raj system truly self-governed and a bottom-up structure. Some of the key features of the Panchayati Raj system in accordance to the PESA Act in relation to Gram Sabhas are as follows:

- The quorum for a Gram Sabha meeting remains one tenth, but after the Amendment of Article 6 of the Act, it is essential to have one-third of the quorum as women members and the Gram Sabha will work as a supervisory body which will audit and regulate the functioning of Gram Panchayats.
- Recommendations in the Gram Sabha meetings will be binding on the Gram Panchayat functioning and will approve the budget as well as auditing Expenditure up to three lakhs.
- All the villages with in a Gram Panchayat will have separate Gram Sabhas and will have the right to recall the Sarpanch after two and a half years of commencement of his/her tenure. The key roles entrusted to the Gram Sabha are micro planning, community and social auditing of Gram Panchayat day to day functioning, ratification of Gram Panchayat accounts & its balance sheets, identification and approval of beneficiaries list as

Notion of the Act	Situation/Impact of the Act
	well as and supervisory and regulatory functions.
A village shall ordinarily consist of a habitation or a group of habitations or hamlets comprising a community and managing its affairs in accordance with traditions and customs	In majority of the areas there are Gram Sabha comprising of people who are living in the same villages divided into different hamlets. Mostly, there is a strong composition of traditional tribal Panchayat institutions and representatives of old persons. The traditional institution in the tribal communities is very strong even at the present time because their customary issues are being discussed only among them and related social disputes handled carefully where the decisions were given.
Quorum and Participation at Gram Sabha	As per the rules of conduction of Gram Sabha and its quorum in most of the States
Assessment of the functioning of Gram Sabhas	The data shows that the gram sabha is being conducted on regular basis in all the areas, but fact says that quorum is actually not met. Secondly, this is also revealed that in most of the Gram Sabha, the signatures are taken from their houses even of the concerned members.
	The gram sabha is organized regularly especially on four such days which is selected & recommended compulsory by the State Government. In rest of the months however only few people gather to do the formalities, especially those people, whose work are pending and are seeking little opportunity from the government schemes.
Initiation of Gram Sabha	This clearly depicts that on that Sarpanch is the most dominating person and usually initiates the process of gram sabha. The Sarpanch and other influential Gram Panchayat members dominate the often irregular and scantily attended Gram Sabha meetings. The common people possess little awareness about its functioning. Amongst those interviewed, most showed little interest in the Gram Sabha's functioning and mentioned issues such as inclusion of their names in various beneficiaries list and getting employment as a labourer in Panchayat construction activities, as reasons for attending the meetings. An astounding lack of awareness among the people on its importance and also about Gram Sabha as a self governing body was observed.
Women's Participation and their role in Gram Sabha	The larger picture is still not very encouraging and the women elected representatives are often elected due to their husband's status. The decision to fight elections is mainly taken by male members in a family already enjoying political power or with a political background. There are very few instances where women got self-motivated to contest the elections. In a few instances, the village community or Gram Sabha had persuaded such women who had leadership potential to stand for election.
Questions raised during the Gram Sabha	The common issues of discussions related with health and education, livelihoods, infrastructure, local issues and politics etc., politics is discussed at lowest degree as compare to the issues of infrastructural development and local issues. The local

Notion of the Act	Situation/Impact of the Act
Awareness of the Provisions of the Extension Act, 1996	issues is more or less related to various government schemes being implemented in the villages and the discussions is related with queries such as who are the beneficiaries as well as deserving beneficiaries. Hence discussions with such questions related with development as a whole especially in tribal perspective was almost nil, when asked in depth the local issues did not cover the preservations as well as control of natural resources and the other key roles and responsibilities played by the Gram Sabha under the Extension of the Provisions Act, 1996.  When the question was placed that when did they hear about this Act, majority of the people said they have yet not heard about the Act, Ample respondent agreed that they have heard from Voluntary Organizations and from electronic media. The findings of those respondents who said that they have know
	how of this Act, that what are the rights given to tribal under this Act
The process of maintenance of village records on the decided issues in gram sabha	This picture clearly depicts that the signatures are taken on the proposal made and process is mostly initiated by Sarpanch and Secretary after the conduction of gram sabha meetings. Most of the respondents said that the Secretary plays an important role in maintenance of financial records mostly of government schemes but the social and cultural issues are still controlled by the traditional institutions of Tribals, which are unrecorded.
Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people .	The existing contradictions in the overlapping of power and functions of <i>Gram Sabha</i> and many government departments need to be sorted out. It may not be an easy process to withdraw power and control from government departments in favour of <i>Gram Sabhas</i> .
Approval of the plans, programmes and projects for social and economic development	With the implementation of National Rural Employment Guarantee – NREGA Scheme, which has been launched this year, various activities are planned to create local employment in most of the villages, however the identification of various works, is actually being decided either by the panchayat itself or powerful persons residing in that particular Gram Panchayat. Before NREG scheme.
The village level shall be required to Obtain from the Gram Sabha a certification of utilization of funds for the plans, programmes and project	Each of the gram sabha has to give utilization certificate to their respective Gram Panchayats for the plans, programmes and projects for the development activities. Interestingly, we tried to verify the ground reality whether the villagers, who are part and parcel of gram sabha, have the knowledge regarding such utilization certificates,
The role of Gram Panchayat to be responsible for the identification or selection of beneficiaries under the poverty alleviation and other programmes	The selection process involved is not just under one criterias but there are four such indicators and the various mechanisms are involved. The tribal people to respond as "Does not have Knowledge" are also about 8%, which shows the level of awareness among the community. The maximum percentage is through gram sabha but while discussing with people, it was also found that the actual and needy persons are mostly deprived of

Notion of the Act	Situation/Impact of the Act
	getting benefits from the government schemes.
The reservation of seats in the Scheduled areas	Majority of respondents said it is based on the general consensus made at the Gram Sabha.
The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land for development projects	A handful people being asked responded that they get informations from Government officials regarding the acquisition of land for developmental projects where as the rest of the respondents said that they get information only in the gram sabha meetings
Recommendations of gram sabha for minor minerals	few respondents are aware of such right given to the gram sabha but the procedures involved is also unknown to them. Also the key findings as whether such commendations are made for the exploitations of minor minerals, majority of the respondent are not aware of such rights entrusted to gram sabha.
Planning and management of minor water bodies	The analysis shows that majority of the respondents agreed that planning is made by Panchayat representatives and Gram Vikas Samiti, where as around half of the respondents agreed that there is no planning and management procedures involved with minor water bodies.
Manage village markets	Mostly the local markets are situated along the road side villages where location & accessibility plays a major role. In the findings almost people responded that there is hardly any market available in and around their villages. In tribal dominated areas, the temporary weekly market.
The power to enforce prohibition or to regulation of intoxicants	The findings show that in most of the villages of the concerned block is having less awareness and knowledge on the particular issues. When asked about such rights already given to the gram sabha on the sale and consumption of intoxicant, majority of the respondents said no to this
The power to exercise control over money lending	They are aware of such law which gives them rights and powers to control over money lending practices, which is yet a dream come to true. They are still in the clutches of money lenders and striving for the subsistence as well as struggling for their own livelihood.
Recommendation of the Gram Sabha for ownership of Minor Forest Produces	Majority of the respondents said that the Forest Protection Committees are actually involved in the forest related matters under the guidance of state forest department. The state forest department is the most dominating department in both the districts and even enjoys controlling the forest related issues & matters in the villages.

Chapter - VI

PESA: Paradigm Shift

# 6 PESA: THE PARADIGM SHIFT

Village-level democracy became a real prospect for India in 1992 with the 73<sup>rd</sup> amendment to the Constitution, which mandated that resources, responsibility and decision-making be devolved from central government to the lowest unit of the governance, the Gram Sabha or the Village Assembly. A three-tier structure of local self-government was envisaged under this amendment. The nationwide euphoria that greeted this about-turn in bureaucracy was seen again with the extension of the 73<sup>rd</sup> amendment to the Scheduled Areas, hereinafter PESA or Central PESA or the Tribal Self Rule Law as it is variously called). Scheduled Areas are those, which are under the Fifth Schedule of the Constitution of India where the tribal populations are predominant. It is also imperative to understand here that the founding fathers of the Constitution of India had envisaged a special scheme of administration in the scheduled areas where general laws would not be applicable unless the Governor deemed it fit to enforce such laws. It was thought that these areas are inhabited with people who have resided on the basis of their own customary practices and traditional beliefs and culture and thus general laws of the land would be inappropriate with their customary laws and ethos. However, a decade later, there is a growing feeling that whiles the burden of 'management' of natural resources has been devolved; 'control' over resources and land is still in the hands of the state. This chapter deals with the different aspects of the Act.

There are also some glaring omissions in the State legislations when they are assessed for their conformity with the PESA. Some fundamental principles on which the PESA is premised such as state legislations on Panchayats shall be in consonance with customary laws, and among other things traditional management practices of community resources; the competence of Gram Sabha in safeguarding and preserving traditions and customs of the people and the community resources have been omitted from omitted from the conformity Acts.. Let us now see some specific resources that have been impacted by the law on tribal self rule and the subsequent state legislations which include; management of minor water bodies, forest land especially relating to ownership of minor forest produce and tribal land alienation and restoration.

#### 6.1 Minor water bodies

As per the Central PESA the power to plan and manage 'minor water bodies' exclusively vested with the Panchayat at Appropriate level which in other words means that the Central law gives a discretion to the states to assign to any tier of the local self government such power in the best interest of the community. However, the first obstacle is on the definition itself. No legal definition of minor water bodies exists in the statute books. The states too have ignored it, whether by design or default is unclear. The Gujarat has given such power to the *Gram Panchayat* (Village Council). This ambiguous power devolution becomes further critical as there are a number of externally aided projects on water sheds and water users which are participatory based approaches and the state amendments completely ignores these developments in their enactments.

#### 6.2 Land Resources

Two critical land issues emerge in the context of the law on tribal self rule and the manner in which state conformity legislations on PESA has been enacted. One on land acquisition and the other on land alienation and restoration of illegally alienated lands. Note that land belonging to a scheduled tribe can be transferred to a non- tribal under the various Land Revenue Codes of the states and more so in tribal areas.

#### 6.3 Land Alienation

The powers of prevention of land alienation and restoration of illegally alienated land under the Central PESA has been vested both to the *Gram Sabha* and the Panchayat at appropriate level. One of the crucial reason why a necessary mandate to the *Gram Sabha* and any tier of local self government has been envisaged is the significance the Central Government attaches to certain subjects that are critical to the lives of the tribals. Land alienation is one such critical aspect among others in the context of common property resources. Different states have responded differently. While the Gujarat Government has only involved the District *Panchayat*. The Orissa Gont has mandated that it shall be competent for every *Gram Sabha* in the Scheduled Areas to make recommendations through *Panchayat* having regard to the provisions of any law for the time being in force pertaining to transfer or alienation of land of the persons belonging to the scheduled tribes, be competent to make suitable recommendations to the Collector. Here again the precedence has been given to the already existing laws in the state rather than the spirit of the new law on PESA.

#### 6.4 Land Acquisition

As regards land acquisition the power has been vested with the *Gram Sabha* or Panchayat at appropriate level by the Central PESA. It mandates that there should be consultation before land Acquisition for development projects and before resettling or rehabilitating persons affected by such projects. The state of Gujarat for example has granted this power to higher level of Panchayat at the Block level. Note the use of the word 'evicted' which limits the scope of this provision to evicted person only. At the same time the *Gram Sabha* in Scheduled Areas is also required to manage natural resources including land, water, forests within the area of the village in accordance with provisions of the Constitution and other relevant laws for the time being in force. Clearly there is an overlap and misdirection in terms of assignment of power to a specific level and simultaneous allocation of power on a very general basis.

#### 6.5 Minor Forest Produce

Forest and forest based resources are yet another subject critical to the lives of the tribals. PESA recognizes this and thus responds most radically by granting ownership of minor forest produce to the *Gram Sabha* along with *Panchayat* at appropriate level. Again two critical legal issues emerge

here. One the definition of minor forest produce and second the jurisdiction where such ownership rights would be exercised. Before these critical issues are discussed it would be instructive to assess the state's responses. The Gujarat Act has vested in the *Village Panchayat* minor forest produce found (except found in the areas of National Parks or Sanctuaries) in such area of a forest as is situate in the jurisdiction of that village. This essentially means that while the ownership rights have been granted but the area on which such resources exist is exempt.

The various conformity legislations of the various tribal states in India supposedly giving effect to the most radical legislation in Indian legal history have proved that the spirit of social welfare legislation can be totally marred by carefully selecting words and phrases in law that kills the soul while maintaining the body of legislation. The law on tribal self rule which recognized for the first time the competence of a village assembly to manage its community resources, which recognized for the first time that a village where one resides is not always a homogeneous, population based entity but a social cohesive unit with its own self identity where people who have been ordinarily and traditionally residing for centuries with a common belief system and cultural traits apart from the manner in which they manage their natural resources. Despite such laudable objectives the states having scheduled areas have proved that it is too difficult to relinquish power in a bureaucratic power structure. Slight twist of words, maintaining ambiguity in legislative frame, and brazen omissions of fundamental principles on which a social, empowering legislation is based can override the basic intent of any well meaning law due to states' whim. But perhaps it is too late for states to undermine the significance of communities living close to natural resources on which they depend. It is only a matter of time when the nation- state would come about in their approach to realise that for any effective governance including managing our common pool resources they have to integrate communities closest to natural resources by a near total paradigm shift in their approach and not merely by some some ineffective sop in the garb of any social welfare legislation.

# Chapter -VII

PESA: Relation in Continuum and other Aspects

#### 7 PESA: RELATION IN CONTINUAM AND OTHER ASPECTS

The issues of PESA and state legislature, community, coustomary system, forest right have been discussed in the intial part of the chapter. Apart from that the perrinial issues like the tribal migration and livelihood options, The Act and the major difference in the life of tribal and challenges on the ground the issues of Left-wing extremism in PESA areas and the responses of PESA in different States vividlt described in this chapter.

#### 7.1 PESA and the State Legislature

PESA for the first time calls upon the State Legislature (SL) to legislate in matters concerning Panchayats located in scheduled areas and space has been created in the frame of PESA for this purpose. This provision is on the same lines as in the general areas. However, the jurisdiction of the State Legislative (SL) envisaged here is subject to the specific provisions of PESA that have been set out in unequivocal terms.

#### 7.2 PESA and the Community

The community at the village level was excluded from the general legal frame adopted by the British in India beginning with 1860s. The objective was clear, viz., 'Break the community so that the authority of the Imperial Regime remains unchallenged.' The tribal tradition of self-governance during this period, however, remained largely undisturbed in the face of their dogged resistance against the colonizers. This continued till the adoption of the Indian Constitution. The colonial legal frame got inadvertently superimposed, as it was, on the tribal people living in hitherto excluded areas. This inadvertent action of the State has rendered the tribal people totally helpless in dealing with the outside world. This paradigm of governance would have been totally transformed into a non-centralized frame if PESA had been honestly implemented. The Act begins with redefining the village in terms of habitations that comprise a 'community' and accepting 'the competence of the community' to manage its affairs.

#### 7.3 PESA and the Customary System

While PESA does acknowledge the centrality of the traditional system, albeit with reference to the community at the village level in the form of GS, it makes no provision for or even reference to the place and role of any of the existing traditional institutions at the village and higher levels. For example, command over, and management of community resources and dispute resolution, are two crucial features that have been specifically covered in the frame of competence of the GS. But the community at the village level is not the last arbiter in these matters. The livelihood resources in the village may be shared by the people with other people in the neighboring villages. Similarly, the traditional frame for dispute resolution comprises not only the concerned village assembly but also institutions at level of a group of villages, and higher levels, for dealing with inter village disputes and appeals against decisions at lower levels.

While the outline of the frame of traditional institutions described above is universal, there are significant variations of detail in this regard amongst different communities in the same area, or even the same village, and also within the same community in different areas. Wherever necessary, the powers vested in the Governor under Para 5 of the FS can also be suitably invoked, to ensure that the new frame is comprehensive and fully in tune with the spirit of PESA.

#### 7.4 PESA and Forest Right

As disused earlier it was challenged by activists and human rights movements and the rights of the tribals over local resources were considered sacrosanct and nonnegotiable and a move was initiated to secure Constitutional recognition for these rights. It is many years since PESA came into effect, but the obstacles in enforcing its provisions have remained largely unaddressed. Its avowed objective of power to the people has yet to take shape. The states are struggling to devise definitive procedures to define rights over forests and minor forest produce. Meanwhile, some states like Maharastra, Gujurat, and Orissa, in an effort to perpetuate State control over forest resources, tried to dilute the provisions of PESA although they had no legal jurisdiction to do so . The Government of Orissa, for example, has circumscribed the provisions of PESA by adding a clause, "consistent with the relevant laws in force," while incorporating the constitutional provision concerning the competence of the Gram Sabha to manage community resources and resolve disputes according to the customs and traditions of the people. This clearly implied that tribals could have rights over forests and minor forest produce, only if existing laws allowed it. Instead of changing State laws inconsistent with PESA, the Government of Orissa changed the provisions of the Act, thus negating the rights conferred on the community by the Constitution. The original objective of the Central Act was that State Governments should change their laws according to central legislation. But the Government of Orissa, on the contrary, tampered with the central legislation to suit its own ends.

The Central Act talked about providing ownership rights over minor forest produce to the Gram Sabha. The Government constituted an expert committee to define ownership, which recommended that "ownership means revenue from sale of usufruct rights, i.e. the right to net revenue after retaining the administrative expenses of the department, and not right to control." The case of Andhra Pradesh is even more interesting. It gave ownership rights to the Van Suraksha Samitis (VSS, forest protection committees) with respect to all non-timber forest products for which Girijan Cooperative Corporation did not hold the monopoly rights. Similarly, there is no clarity on the issue of "community resource." The States have their own interpretations and legislations. While Orissa and Andhra Pradesh are silent about what constitutes community resource, Madhya Pradesh has defined it as land, water, and forest. This implies that the powers given by PESA to exercise rights over community resources are almost nonexistent in many states. Although the Central Act leaves no room for doubt that reserve forests should be considered community resources under the purview of PESA, the official assumption is that reserve forests are out of the PESA domain. For instance, the NTFP Policy of 2000 in Orissa restricts the Panchayat's control over minor forest produce in reserve forests. It says that the Panchayats shall not have any control over minor forest produce collected from the reserve forests whereas the PESA, in its spirit, sought to extend ownership of forests to any forest located in the vicinity of the village that the people had been traditionally accessing. The policy-makers knew very well that it would be foolish to create such a distinction because it was almost impossible to differentiate between produce collected from reserve forests and that from others. Nevertheless, they went ahead with putting in place the provision that reserve forests cannot come under the purview of PESA because the relevant laws laid down that no rights can exist in the reserve forest area.

# 7.5 Tribal Migration and Livelihood Options

A large number of tribal families from in the study locale migrate round the year for better livelihood option round the year. The trend of migration is on rise and now the families are migrating along with children and even cattle. The National Rural Employment Guarantee Scheme with the basic purpose to check migration and provide employment at the doorsteps. But the District Administration in majority of the study locale couldn't have effective measures to check the migration. Consequently hundreds of people were forced to migrate in search of employment. When the issue was raised the reaction and response of people's representatives or Administration was not very encouraging. We upheld our stand that despite Employment Guarantee these marginalized families couldn't secure the Right to Work. The impact of migration has far reaching effects on socioeconomic life. The worst effected are the vulnerable women and children. The inhumane conditions in which people live are denial of their Human rights.

The severe crisis in rain-fed agriculture, widespread leakages in social security nets like NREGA, and high levels of distress migration mean that some of the most vulnerable sections of a village community are away from their homes for 5-6 months of the year in a desperate search for work. This is particularly true of tribal communities in Madhya Pradesh, Chhattisgarh, Orissa, and Jharkhand. The migration renders impossible participation in village decisionmaking, and is to the severe detriment of the inclusive and participatory governance envisioned by Acts like PESA. An added damage suffered by PESA as an effect of this is that as migrant workers, tribal communities can assert few rights and often have to resign themselves to working in exploitative conditions of work for a below-minimum wage, for lack of better choices. For example, all through January-February, migrant workers from Chhattisgarh were engaged in an agitation for better wages for working on the brick kilns on the outskirts of Ahemdabad. In the state legislative assembly, the Chhattisgarh state government's Minister of Labour provided a telling statistic: 600 workers, as per government records, were bonded labourers in other states. The Inter-State Migrant Worker's Act, legislated by Parliament in the 1970s in a bid to end the "various abuses" of migrants from the tribal communities of western Orissa, could provide a modicum of social security. But a labour advocate said: 'The law is roundly flouted because few workers can read or write and are too vulnerable economically to demand for its provisions, while officials entrusted with monitoring the Act are hand-in-glove with the contractors.' Spending half of the year in such abusive conditions adversely affects the individual and the community's social confidence and self-assertion - qualities that are critical to the competencies that the PESA law takes for granted.

PESA is silent on a critical aspect of the tribal community's life i.e. their exploitation as labour. Working in very harsh conditions, communities have no power to determine fair wages, or legal working conditions, or assert themselves. Despite over 300 deaths and scores of incurable illnesses of migrants in this tribal belt, and a petition with the National Human Rights Commission underway since over three years, there has been no relief or compensation, or addressing of the root causes of the silicosis problem.

# Chapter -VIII

PESA: Difference in the Life of Tribal and Challenges on the Ground

# 8 PESA: DIFFERENCE IN THE LIFE OF TRIBAL AND CHALLENGES ON THE GROUND

There is a veritable crisis in several PESA areas of the implemented states – a damaging mix of misgovernance, alienation, violent insurgency, and counter-violence by the state as well as non-state actors. The parameters which certainly bring changes as well as the challenges of the implementation and enactment of PESA are mentioned in the following description.

#### 8.1 Natural Resources

The size of the operational holding in the tribal lands is eroding due to the state led acquisition and marketisation process. This is also perhaps due to the fact that the rising poverty levels have directly impacted the tribal community in a way where the landholding pattern is changing for the worse. This process is most pronounced in the states of Orissa, Chhattisgarh and Jharkhand PESA areas. The sale of tribal lands to non-tribals in the Fifth Schedule areas is prohibited in all these states. However, transfers continue to take place and have become more perceptible.

PESA provisions are intended to intrinsically protect the resources of the tribal communities, and empower them to act against forcible acquisition. But today, acquisition of the individual's and the community's natural resources for (mostly private) industry in violation of these provisions is the leading flashpoint in several PESA areas. This is creating conflicts, which tribal communities are tragically ill equipped to navigate, even though in several sites, communities are taking on suffering to engage in a difficult movement to resist the loss of their livelihoods and resources, and way of life.

The central Land Acquisition Act of 1894 has till date not been amended to bring it in line with the provisions of PESA and to recognize the gram sabha, while a newer bill meant to replace it is yet to be tabled in parliament. In some cases, administrations run through the motions of a PESA consultation, but in no instance has the opposition expressed by tribal communities to acquisition of their land resulted in a plan for industry being halted, suggesting the disempowerment of the Gram Sabha.

When it comes to acquiring mineral resources for industry, the stakes are similarly loaded against the functioning of the PESA Act. The past decade has witnessed a boom in mining, and the sector is exhorted by the government to grow at an annual rate of 10% a year. Yet, there is still no legal framework in place for communities to dissent to such activity in their area if they so desire, or to secure a direct stake in the earnings, through instruments such as jobs.

PESA empowers a community to prevent any land alienation. However, this is in sharp contrast with the Land Acquisition Act (1894), which the centre is yet to amend or replace. This has damaging consequences for the community and for notions of transparent and responsive governance practices, because on the ground, it seems that acquisition becomes subservient to everything else.

PESA empowers the gram sabha to prevent the alienation of tribal land by non-tribals. The Orissa Scheduled Areas Transfer of Immovable Property Act reinforces this principle. But these laws are non-functional on the ground, as acknowledged in a 2002 amendment. In Narayanpatna, a successful grassroots movement for land reclamation has resulted in polarization on the ground, widespread

arrests, and deployment of security forces, leading up to the death of two tribal men during a police firing on a protest march in November 2009.

PESA recognizes a gram sabha, as pre-eminent, as opposed to a gram panchayat, and empowers a community to take its own decisions regarding its livelihoods and forest produce. The Forest Rights Act was meant to empower a community to stake claims to land titles. But securing these rights is a process of continuous struggle, and government and panchayat functionaries are unaware of the law.

PESA confers power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant. However excise officials are reluctant to cede authority to an assertive village community. The administration backs country liquor shops, which have the requisite money power and a vested interest in alcoholism since it engenders debt and the community's dependence on the moneylender.

#### 8.2 Left-wing extremism in PESA areas

Of the 76 left-wing extremist-affected districts in the country today, 32 are PESA districts. The extremism spread currently extends across significant parts of Bihar, Jharkhand, Orissa, Chhattisgarh and Andhra Pradesh. This includes the epicenter of the banned party's base in the Dandakaranya region, a vast forested area on the borders of Andhra Pradesh, Chhattisgarh, and Orissa. Some analysts read the resurgence and spread of left-wing extremism as a phenomenon of tribal self-assertion.

Some the people's struggles nurtured by the left speak directly to the problems of tribal communities on the ground, which have intensified because of the systemic neglect of PESA. These include issues of access to lands and forests, fair wages, the distress of farmers and weavers, awareness of basic rights, as guaranteed by the Constitution. The Maoists further argue that in the light of the state's insensitivity towards the problems of the weaker sections, only their party's ideology and methods can resolve the exploitation faced by the tribals. So the Maoists today have a dual effect on the ground in PESA areas. By virtue of the gun they wield, they are able to evoke some fear in the administration at the village/block/district level. They consequently prevent the common villager's powerlessness over the neglect or violation of protective laws like PESA.

On the other hand, the party ideology is brutal and cynical. It attacks perceived class opponents, and even carries out political assassinations, e.g. panchayat members from rival political parties, who might have proximity to the administration, and are seen as exploiters of the people, or a political threat. Further, the party's violence is now resulting in an armed response from the state with the nebulous aim of ending Maoist influence on the ground, and extending the state's control villages in their control. As a result of this, there is increasingly no middle ground in PESA areas, and communities here face violence and displacement.

#### 8.3 PESA and State Response

Further, PESA required that state government would change its existing laws wherever these were not in consistent with the central legislation. Following the Central PESA Act, the Orissa Act has tried

to circumscribe the constitutional provisions of the Central Act by adding a clause5 `consistent with relevant laws in force' while incorporating the constitutional provision concerning the competence of the Gram Sabha to manage community resources and dispute resolution as per the customs and traditions of the people. Thus, tribals can have ownership rights over Minor Forest Produce, but only if the relevant laws in force allow that. This is clear violation of the Constitutional Provision of the Central Act since in case of any inconsistency the relevant state laws have to be changed instead of negating the rights granted to Gram Sabha as per the Central Act in this regard.

In Andhra Pradesh too, there is a clear contradiction between PESA and GOM 173 dt.7/12/96 of the Environment, Forest, Science and Technology Department. The Usufructory Rights of Vana Samrakshana Samitis prescribed therein include, '(a) All Non-Timber Forest Produce except those for which GCC holds monopoly rights. However the right to collection shall remain with the VSS members, if they so desire. The members shall be paid the collection charges upon delivery of the produce as per the rates fixed by the Government'. It can also be seen that there is a contradiction between the 'ownership' vesting in Gram Panchayats/Sabhas clause and the monopoly rights vested in GCC. Whether bamboo constitutes major or minor forest produce is also an unsettled question.

According to PESA, prior consultation with Gram Sabha or Panchayats at the appropriate level shall be made mandatory before acquisition of land for development projects. Here again the states have diluted PESA provisions. In Andhra Pradesh, Gram Sabhas have no role. Gujarat assigned this power to Taluka Panchayat. Orissa assigned the power to Zilla Panchayat with no role for the Gram Sabha/Gram Panchayat. Similarly PESA lays down that recommendations of Gram Sabha or the Panchayats at the appropriate level shall be made mandatory before grant of prospecting licence or mining lease for minor minerals. Here again Andhra Pradesh gives no role to Gram Sabha. Gujarat does not make any mention of it. Himachal Pradesh retained primacy of Gram Sabha but the term 'shall be made mandatory' has been replaced by 'shall be taken into consideration'. Maharashtra assigns powers to Gram Panchayat, and Gram Sabha has no role in the matter. Orissa gives powers to Zilla Parishad, with no role for the Gram Sabha or the village panchayat.

#### 8.4 PESA and Jharkhand

The History of traditional system of democracy in tribal areas called Manki Munda system in the Jharkhand region is very old. In the combined or undivided Bihar Panchayat, elections were held long back in 1978 and even in those elections in the fifth schedule area in Bihar, the traditional system of governance at gram sabha level was allowed to continue and therefore traditional chief of the gram sabha used to preside over the gram sabha. In such gram sabha, all adult among men and women used to participate in the weekly meetings and all issues used to be discussed in open manner.

It is noted here that Jharkhand has four tribes namely Santhal, Oran, Ho and Munda. They all have a very distinct system of local self rule and that is why even without facing panchayat elections, grass root polity has suffered much because Jharkhand government did not bother to involve the traditional system to maximize the benefits envisaged under PESA.

PESA has given a legal dimension to strengthen Government democracy in the 5th schedule area. Jharkhand has not faced Panchayat election due to litigation in the court in the 5th schedule area of

Jharkhand where PESA is applicable. The very old local self traditional governance has been very strong tool to govern at grass root level.

Under PESA also, gram sabha has been made a very strong tool to empower the people and Jhankhand, without facing panchayat election, has been implementing the sole aims and objectives of PESA enacted in 1996, since the inception of the state.

Jharkhand government adopted the Panchayat Act from Bihar with minor amendments, which mainly pertained to reservations in the scheduled areas specified in the PESA Act. The state cabinet cleared the amendments to the existing Panchayati Raj Act, including 50% reservation for women in both scheduled and non-scheduled areas.

Chapter -IX

Conclusion and Recommendations

#### 9 CONCLUSION AND RECOMENDATION

The Panchayat Extension to Scheduled Areas (PESA) Act 1996 has made it mandatory for the State having scheduled areas to make specific provisions for giving wide-ranging powers to the tribal on matters relating to decision-making and development of their community. Technically, when the Act refers to extending the provisions of Part IX of the Constitution to the fifth schedule areas; politically, it gives radical governance powers to the tribal communities and recognizes their traditional community rights over local natural resources. It not only accepts the validity of "customary law, social and religious practices, and traditional management practices of community resources", but also directs the state governments not to make any law which is inconsistent with these. Accepting a clear-cut role for the community, it gives wide-ranging powers to Gram Sabhas, which had hitherto been denied to them by the lawmakers of the country.

Perhaps the most progressive law passed since Independence, the PESA, was to enable the gram sabha, i.e; the collectivity of village adults, and gram panchayat to take control of their destinies. It empowered villages to protect community resources, control social sector functionaries, own minor forest produce, manage water bodies, give recommendations for mining lease, be consulted for land acquisition, enforce prohibition, identify beneficiaries for poverty alleviation and other government programmes and have a decisive say in all development projects in the villages. All this not withstanding, tribal regions are still in a state of underdevelopment, eight years after this Act has come into force.

The reasons are complex, and multi-pronged. On one hand, Government functionaries regard tribal people as an inferior species who need to be told what is good for them; on the other hand, many of the existing laws and provisions contradict the PESA Act, and need to be reviewed and changed. It also needs to be pointed out that tribal areas represent the last resources sumps on the planet earth, simply because tribal knowledge systems ensure sustainable livelihoods, and tribal religion and outlook engenders the survival of all living beings, through holistic and ecological sound principals of belief.

The major issues which emerge from the discussion in this study lead to the following conclusions related to the further effective implementation (action points) of PESA Act-

- In most cases, in the pre-PESA implementation phase, there was little if any difference between tribal and non-tribal areas with respect to the role of the Gram Sabha. The Sarpanch and other influential Gram Panchayat members dominate the often irregular and scantily attended Gram Sabha meetings. The common people possess little awareness about its functioning.
- There is a need for awareness generation among the tribal community on the provisions provided in PESA Act. The empowerment of tribal communities, especially those who are cutoff from mainstream development, may be possible through PESA.

- Amongst those interviewed, most showed little interest in the Gram Sabha's functioning and mentioned issues such as inclusion in various beneficiaries' lists and employment as a labourer in Panchayat construction activities, as reasons for attending the meetings. An astounding lack of awareness about Gram Sabha as a self-governing body was observed. As far as the institution of the Gram Sabha, central to PESA, is concerned, the study did not come across a single village where the Gram Sabha was even aware of its legal jurisdiction over the natural resources. There seems to have been absolutely no groundwork in recognising the Gram Sabha's jurisdiction over forests and in the creation of adequate mechanisms and support structures for them to play any significant role. The same is true of the Gram Panchayat as a body, which is accountable to the Gram Sabha.
- The advent of PESA in 1996 was a welcome event that conferred relatively greater autonomy to Gram Sabhas. However, PESA's sincere implementation has not been seriously attempted by the government, which is still dominated by centralized structures and laws that are in contradiction with the progressive provisions of PESA. For example, the provisions, as explained in the Act, related to people's control over livelihood resources have yet to be executed in the scheduled areas. In a few places, since the appearance of PESA, an attempt has been made to restore control over the village resources to the people. Following these efforts, people have faced sometimes violent reactions from the ruling class. As such, conflicting areas were identified prior to advocating the implementation of various provisions of PESA.
- There are policy loopholes between self-governance laws and existing laws that give power to various departments to control resources, and many other functions that Panchayats are supposed to manage by themselves (as per the provisions of PESA). For example, the modern state and its legal apparatus do not recognise the customary ownership rights of land, which are by and large unwritten in the tribal community. Therefore, if tribal communities cannot exercise ownership rights in their traditional fashion, the spirit behind the provision in PESA of managing land resources by Gram Sabhas is defeated. So more focused and nuanced work should be done in this regards.
- Similar conflict is prevalent with regard to <u>ownership rights of water resources</u>. Most village ponds are either on community land, revenue land or forestland. Under existing conditions, <u>local people are either prohibited or have restricted use of these ponds</u>. Hence there <u>is some overlapping of ownership rights</u>, and clarity on such issues is possible only after the Indian Forest Act and other related Acts are amended to accommodate the provisions of PESA.
- The situation regarding <u>forest resources is still worse</u>, as forests have been under total control
  of the Department of Forests until now. Years of autocratic control over the <u>profit-yielding</u>
  <u>forest resources have made the Department reluctant to yield control over forests</u>. It is this
  very attitude, along with an absence of Amendments in the Indian Forest Act, which is in
  conflict with the provisions of PESA and this problem could be solved in a war footing
  manner.
- The capacity of GP/GS to own, control and manage MFPs should be built up. They should be supported adequately to create an interface with different agencies both government and private for control, management and trade of MFPs. Transfer of ownership rights to the Gram Sabha doesn't mean that the forest department ceases to have a role. They should constantly organise orientation programmes for GP/GS to provide trade-related information to them and help in marketing arrangement, collection procedure etc.

- Panchayats have to be consulted before any kind of land acquisition or resettlement and rehabilitation of displaced persons. Gram Sabhas and Panchayats at the appropriate level have been specifically given the powers and authority to enforce prohibition or to regulate or extract the sale and consumption of any intoxicant, ownership of minor forest produce, power to prevent alienation of land, powers to manage village markets, power to exercise control over money-lending, power to exercise control over institutions and functionaries in all social sectors. The recommendation of the Gram Sabha or the Panchayats at the appropriate level has been made mandatory prior to grant of prospecting licence or mining lease for minor minerals.
- MFPs should be properly defined by each state and all MFPs, including the nationalized ones, should be handed over to the Gram Sabha. For management of certain high revenue earning MFPs like Kendu Leaf, Sal seed, Bamboo, etc., different agencies including state wned corporations might be engaged. A mutually agreed plan of action needs to be developed at the GS/GP level. Necessary amendments in forest laws and rules, panchayat laws and rules and other related legal framework need to be carried out to clear ambiguities in the definition of MFPs; to outline ownership, control and management functions and to fix duties and responsibilities of different stakeholders. GP should have the legal power to penalise traders violating rules.
- Necessary amendments need to be made in the list of functions that are to be performed by the Gram Panchayat. This will clear the unnecessary ambiguity in the roles of the Gram Sabha and the Gram Panchayat which have overlapping jurisdictions.
- While on one hand numerous powers have been entrusted to the various level of Panchayat, on the other, the power to control the Panchayat vests with the Government. The Authorized Officer of the State Government has the power to inspect the proceedings of the Gram Sabha and of the Panchayat. Further, the State Government or the prescribed authority has the power to suspend the execution orders license etc. by a Panchayat on certain conditions. This is against the spirit of PESA and needs to be corrected urgently.
- The Gram Sabha has been given power to regulate and prohibit manufacture and sale as well as consumption of intoxicant within the territorial areas of the Gram Sabha. It is important to note that this power is not retrospective and there is a clear provison, which mandates that an order of prohibition passed by the Gram Sabha shall not be applicable to any production unit that has been established prior to the coming of the said amendment. This clearly weakens the role of the Gram Sabha in its aims to empowerment. It is precisely the existence of numerous and perhaps illegal manufacturing units of intoxicants which has affected the quality of life in such marginalised areas.
- At the macro level, the Gram Sabha is a people's institution and has been made a statutory body through a Constitutional Amendment. <u>The current system of governance, still largely</u> colonial in nature, has been unable to accept this radical change. A bureaucracy conditioned on centralized authority is not willing to be supportive and accountable to the Gram Sabha.

- A hierarchical structure through a specific law on irrigations regulates most of the command area of the <u>State and thus it seems to overlap with the powers that have been granted to the Gram Sabha for managing its water bodies especially for the purpose of irrigation.</u> This becomes a little more complicated in Scheduled Areas because <u>the power to manage minor water bodies</u> now vests with the Gram Sabha and the role between the members of the water user association and the members of the Gram Sabha for a given Scheduled Area or part thereof is unclear under the Chhattisgarh Act No.23 of 1999. These anomalies need to be clarified on an urgent basis.
- However for this to occur there is a need to mobilize Gram Sabhas and build their strength
  to deal with tribal issues. There is a need to translate PESA Act into action and sustained by
  a process of awareness and capacity building among the tribal communities. The vibrancy
  and efficacy of gram sabha will remain dismal if it does not possess the capacity to perform
  assigned roles and responsibilities.
- There is a need for the State Government to make appropriate amendments in their State Laws contained in the Central Acts namely, Land Acquisition Act, Excise Act, Minor Forest Produce Act, Money Lenders Act, SC/ST Land Alienation Act, Regulated Market Act, etc.
- People felt that decisions and recommendations made by the Gram Sabha did not carry any
  weight and were brushed aside by senior officials. This perception amongst villagers led to
  certain delegitimisation of the institution of Gram Sabha in the eyes of the people.
- There is a need that Gram Sabha institutions should be developed as institutions of selfgovernance and not treated merely as institutions of local governance.
- The required administrative structure and machinery should be provided for making The Gram Sabha as effective bodies of district administration and having the Janpad Panchayat as its main implementing agency.
- Third set of factors are lack of capacities at grassroot level, lack of information among common people about PESA Act and lack of political education among the ordinary people whose political role is critical for effective Gram Sabha functioning. Empowerment of Gram Sabhas would require efforts at mobilization of the village community to ensure mass participation in meetings of the Gram Sabha. Further, a massive awareness generation programme needs to be taken up to inform Gram Sabhas about their rights in respect of planning, implementation and audit of development programmes with respect to control over natural resources, land records and conflict resolution has to be taken up on a massive scale.
- The foremost legal strategy has to be mobilizing public pressure for laying down of the enabling rules to give effect to the provisions of PESA. Some NGOs seem to have drafted their own rules in this regard, however without any formal legal basis they cannot be sustained and enforced on the ground. Organisations with a unity of purpose need to join hands to force the Government to frame the rules sooner than later.

- Especially in schedule areas, it is imperative that the administrative and regulatory structures
  are within the comprehension of the people and is responsive to them. The operational rules
  for the state legislation on PESA should be a small and single legal document that is arrived at
  after comprehensively examining the other relevant state laws for their inconsistencies. The
  putting in place of such a legal regime in itself could be one of the most critical factors for
  spreading the awareness of PESA in the State.
- While the rules need to be put in place at the earliest, it should not preclude adequate consultation at the local level and with all departments concerned so that all concerned are in the knowledge of he prevailing status and position of the law.
- In discussing PESA, we need to keep in mind, that the central point of concern here is the well being of the tribal community. At this point of time, despite, PESA as also several other protective measures, there is extensive violation of the very fundamental rights of the tribal people in this country. The state till now, does not even accord them a human status, and persists in being the major violator of all laws and constitutional provisions in the tribal regions. If civil society is concerned about these, then, it should begin an informed and massive questioning, challenging the state to be lawful and deliver what it undertakes to. There are many means of doing this, and if all get together, then, surely, these means can be found and applied.
- <u>In PESA areas, the Gram Sabhas have been given executive powers and they can elect their traditional heads as the heads of the Gram Sabhas.</u> There is a need to work out a harmonious relationship between the Gram Sabhas in PESA areas with the Gram Panchayats.
- While all States have enacted requisite compliance legislations by amending the respective Panchayati Raj Acts, certain gaps continue to exist. Most states are yet to amend the subject laws, like those relating to money lending, forest, excise etc. to bring these into conformity with PESA. Consequently, compliance with PESA remains incomplete and perfunctory in virtually all States. Vital issues like the ownership of minor forest produce, planning and management of minor water bodies, prevention of alienation of tribal lands etc., which have been duly recognized in PESA as the traditional rights of tribals living in the Scheduled Areas have still not received the warranted attention and the necessary correctives remain unapplied. Central legislations such as the Indian Land Acquisition Act, the Forest Conservation Act, and the Indian Registration Act will also need to be harmonized with the provisions of PESA. States and relevant central ministries must take concrete steps to harmonize the provisions of the laws and policies concerned with the aims and objectives of PESA.
- Powers statutorily devolved upon the Gram Sabha and the Panchayats are not being matched by concomitant transfer of funds and functionaries resulting in the non-exercise of such powers. Functionaries in the social sector should work under the overall supervision and control of the Gram Sabha as envisaged under PESA.
- The concept of community ownership of resources in PESA areas should be integrated into the provisions of the Centrally Sponsored Schemes concerned. All community resource based schemes should involve Gram Sabhas in planning and implementation in PESA areas. 7.7. More than eleven years after its enactment there is little or no awareness about the provisions of PESA. Therefore it is imperative that all persons in PESA areas are given indepth training on the provisions of PESA through awareness campaigns. Officials concerned with the implementation of PESA should also be properly sensitized.

Physical infrastructure in interior areas should be strengthened in order to protect the life and property of tribals. Special attention should be paid to the construction of culverts, bridges, check dams, compound walls for schools, etc.As of now, ownership of Minor Forest Produce does not vest with tribals. Steps should be taken to ensure that they get the best remunerative price for their Minor Forest Produce.

All this not withstanding, tribal regions are still in a state of underdevelopment, eight years after this Act has come into force. The reasons are complex, and multi-pronged. On one hand, Government functionaries regard tribal people as an inferior species who need to be told what is good for them; on the other hand, many of the existing laws and provisions contradict the PESA Act, and need to be reviewed and changed. It also needs to be pointed out that tribal areas represent the last resources sumps on the planet earth, simply because tribal knowledge systems ensure sustainable livelihoods, and tribal religion and outlook engenders the survival of all living beings, through holistic and ecological sound principals of belief.

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## **Annexure-1**

# Sundargarh District: At a Glance

HUMAN DEVELOPMENT INDICES	1991	2001	DISTRICT INFORMATION	1991	2001
Human Development Index (HDI)		0.683	Area (in square km) 97		712
HDI Rank		4	No. of CD Blocks	1	L7
Gender Development Index (GDI)		0.659	No. of G.Ps	262	
GDI Rank		2	Total no. of inhabited villages	16	588
Reproductive Health Index (RHI)		0.628	Forest area as % of geographical	51.08	
(98-99)			area		
RHI Rank		3	EDUCATION		
Per Capita DDP/Income in 1998-99	68	323	Education Index Rank		14
(at 1993-94 prices)					
POPULATION	1991	2001	Literacy Rate (All)	52.97	65.22
Total population (in lakh)	15.74	18.29	Literacy Rate (Male)	65.41	75.69
Share of state's population	4.97	4.98	Literacy Rate (Female)	39.6	54.25
Density of population (persons per square km)	162	188	Literacy Rate (SC)	43.86	
Decadal growth of population (1981-91 and 1991-2001)	17.62	16.26	Literacy Rate (SC Male)	58.72	
Urban population (in per cent)	33.36	34.38	Literacy Rate (SC Female)	28.15	
SC population (in per cent)	8.78		Literacy Rate (ST)	37.34	
ST population (in per cent)	50.74		Literacy Rate (ST Male)	50.13	
HEALTH	1991	2001	Literacy Rate (ST Female)	24.52	
Health Index Rank		6	GENDER		
Crude Birth Rate	29.30		Sex Ratio (Rural)		994
Doctors per one lakh population		12	Sex Ratio (Urban)		889
No. of beds per one lakh Population		33	Sex Ratio (All)	936	957
EMPLOYMENT	1991	2001	Sex Ratio (SC)	954	
WPR (Rural)	44.88	46.72	Sex Ratio (ST)	996	
WPR (Urban)	28.58	28.52	AGRICULTURE	1991	2001
WPR (AII)	39.44 40.47 Average size of operational		Average size of operational holdings (in hectares) as per 1995 Census	1.	55
WPR (Female)	24.8	28.93	Cropping intensity (2002-03)		129
WPR (Male)	53.15	51.5	Net sown area as percentage of total geographical area		30.28
Share of primary sector in total main workers	61.60		Per capita output of foodgrain (in kg per annum)		75
Share of secondary sector in total main workers	16.40		Agricultural labour as percentage of total rural main workers		29.78
Share of tertiary sector in total main workers	22.00		Cultivator as percentage of total rural main workers		29.6

Source: Human Development Report (Orissa), 2004

# **TOPOGRAPHY**

1	Topographic Location	Latitude - 21º36' N to 22º32' N
	1. 1.	Longitude- 83º32'E to 85º22'E
2	Geographical Area	9712 SqKms
		(Second largest district in the State accounting for 6.23% of
		the total area)
3	Normal Rainfall	1657.1 mm
4	Forest Cover	4232.57 SqKms
		(Second largest in the State accounting for 8.53% of the State
		total)
5	Major River	Brahmani
		Sankh & Koel – Tributary of Brahmani
		IB- Tributary of Mahanadi
6	Major Soil Type	Alluvial and Lateritic

# **DEMOGRAPHY (As per 1991 Census)**

1	Population	15,73,617 (Fifth most populous district)
		18,29,412 (Provisional of 2001 Census)
2	Density	188 (2001) 162 (1991)
3	ST	7,98,481
		( Second highest in the State accounting for 50.69 % of the
		district population)
4	SC	1,38,157 (Accounting for 8.76 % of the district population)

## **SOCIO-ECONOMIC FEATURES:**

1	Cultivated Land	3,36,000 Hects
	High	1,86,000 Hects
	Medium	95,000 Hects
	Low	55,000 Hects
2	No. of cultivators	1,97,019
3	No. of Agricultural labourers	91,068
4	Average size of operational holdings	1.73 Hects
5	Class-wise number of operational holdings	
	Class	Number
	Marginal	65,281
	Small	51,767
	Semi-medium	35,696
	Medium	12,279
	Large	984
	TOTAL	1,66,007
6	Per capita availability of food grains	Qtls.1.55
7	Cattle population	17,36,327
	Buffallo	60,929
	Cows	2,84,939
	Bullocks	6,76,121
	Sheep/ Goat	7,14,338

## **ADMINISTRATIVE AND LEGISLATIVE UNITS**

1	No. of Sub-divisions	3
2	No. of Tehsils	12

3	No. of CD Blocks	17
4	No. of GPs	262
5	No. of villages	1744
		(Inhabited – 1688)
		(Uninhabited- 56)
6	No. of Urban Local Bodies	4
7	No. of fast developing urban pockets	5
8	No. of Police Stations	32
	Sundargarh Police District	23
	Rourkela Police District	9
9	No. of Parliamentary Constituency	1
10	No. of Assembly Constituencies	7

## **HEALTH UNITS:-**

1	No. of Medical Institutions	85
2	District Headquarters Hospital	1
3	Sub-Divisional Hospital	2
4	Other Hospitalls	11
5	PHCs	10
6	CHCs	6
7	UPHCs	2
8	PHC (N)	53
9	MHU	1
10	Ayurvedic Dispensaries	33
11	Homoeopathic Dispensaries	25
12	No. of Sub-Centres	345
13	No. of VHG	324
14	No. of TBA	1619
15	No. of AW Centres	1864

# **VETERINARY UNITS:-**

1	No. of hospital & Dispensaries	30
2	Livestock Aid Centre	113
3	Artificial Insemination Centres	74
4	KV Blocks & KV Units	22
5	Government Poultry Farm	1
6	Feed Mixing Centre	1
7	Livestock breading & Dairy farm	2
8	Intensive poultry development project	1
9	District Milk Union	1
10	Milk Producers Co-op. Societies	52

## **LITERACY RATE:**

1	Total	18,22,42	65.22 %
2	Males	9,34,902	75.69 %
3	Females	8,94,510	54.25 %

# ADMINISTRATIVE SETUP, KEONJHAR DISTRICT

Sub-divisions	03
Tahasils	10
Blocks	13
Revenue Circles	50

Gram Panchayats	286
Sub-Registrar Office	06
Police Stations	20
Towns	06
Municipalities	03
N.A.C	01
Inhabited Villages	2135
Fire Stations	05
District Jail/ Special Jail	01
Sub- Jails	02
Agricultural Districts	03
ICDS Projects	14
Treasury/SubTreasury	07
HQ.Hospital/Hospitals	04
Community Health Centre/UGPHC	13
Public Health Centre	81
Sub Centre (Health)	

# **POPULATION**

The population of Keonjhar district as per the 2001 census is as follows.

Rural		13,48	8,967	
Urban		2,13,023		
Male		7,90	,036	
Female		7,71	,954	
Scheduled Caste		1,81	.,488	
Scheduled Tribe		6,95,141		
Other Caste		6,85,361		
Total Population		15,61,990		
	Male	Female	Total	
Total Workers	4,04,691	4,04,691 2,16,535 6,21,226		
Main workers	3,24,702	70,458 3,95,160		
Marginal workers	79,989	1,46,077 2,26,066		

## **BLOCKWISE RURAL POPULATION**

Name of the Block	Number of village	Total Population			
		Male	Female	Total	
Anandpur	125	42,602	41,748	84,350	
Banspal	163	35,196	35,451	70,647	
Champua	148	39,776	40,329	80,105	
Ghasipura	179	62,899	61,156	1,24,055	
Ghatagaon	142	44,164	43,662	87,826	
Harichandanpur	218	50,358	49,205	99,563	
Hatadihi	212	62,076	60,358	1,22,434	
Jhumpura	154	41,742	41,703	83,445	

Joda	118	37,794	36,876	74,670
Keonjhar	225	58,732	57,992	1,16,724
Patna	153	40,239	40,982	81,221
Saharpada	139	34,950	35,952	70,902
Telkoi	149	37,601	36,609	74,210
TOTAL	2,125	5,88,129	5,82,023	11,70,152

#### **GROWTH OF POPULATION**

The table below shows decennial growth of population of the district from 1901 to 1991 census year.

Census Year	Male	Female	Total	Decade variation	Decemal growth %
1901	1,44,072	1,41,686	2,85,758		
1911	1,82,020	1,82,682	3,64,702	+ 78,944	+27.63
1921	1,86,785	1,92,711	3,79,496	+ 14,794	+4.06
1931	2,27,143	2,33,466	4,60,609	+ 81,113	+21.37
1941	2,63,475	2,66,311	5,29,786	+ 69,177	+ 15.02
1951	2,94,902	2,93,539	5,88,441	+ 58,655	+ 11.07
1961	3,75,090	3,68,225	7,43,315	+ 1,54,874	+ 26.32
1971	4,83,334	4,72,180	9,55,514	+ 2,12,199	+ 28.55
1981	5,62,157	5,52,546	11,14,622	+ 1,59,108	+ 16.65
1991	6,77,480	6,59,546	13,37,026	+ 2,22,404	+ 19.95
2001	7,90,036	7,71,954	15,61,990	+ 2,24,964	+ 16.82

# **POPULATION OF KEONJHAR DISTRICT BY CASTE**

#### **AS PER 1971, 1981 AND 1991 CENSUS**

Caste	1971	1981	1991	2001
Scheduled Caste	99,023	1,24,379	1,53,639	1,81,488
Scheduled Tribe	4,28,091	4,99,567	5,95,184	6,95,141
Others	4,28,400	4,90,676	5,88,203	6,85,361
Total	9,55,514	11,14,622	13,37,026	15,61,990

#### **POPULATION**

The Scheduled Tribes of Keonjhar district which totalled 4,99,657 in 1981 census increased to 5,95,184 in 1991 census thus registering a growth of 11.90% in a decade (1981-1991). As per 1991 census there were 46 Scheduled Tribes in the district. Out of these the principal tribes were Bathudi, Bhuyan, Bhumij, Gond, HO, Juang, Kharwar, Kisan, Kolha, Kora, Munda, Oraon, Santal, Saora, Sabar and Sounti. These sixteen tribes constituted 96.12 % of the total tribal population of the district.

The concentration of Scheduled Tribes is the highest in Keonjhar and lowest in the Anandapur Sub-Division.

## **KEONJHAR SUB-DIVISION POPULATION**

RU	RAL
01. Keonjhar Sadar	58,036
02. Patna	41,972
03. Saharpada	39,732
04. Harichandanpur	54,340
05. Ghatagaon	55,122
06. Banspal	56,013
07. Telkoi	37,915
UR	BAN
01. Daitary Census Town	1,566
TOTAL :-	3,55,088

## **ANANDAPUR SUB-DIVISION POPULATION**

RURAL	
01. Anandapur	39,145
02. Hatadihi	21,300
03. Ghasipura	24,021
URBAN	
01. Anandapur N.A.C.	2,554
TOTAL :-	87,020

# **CHAMPUA SUB-DIVISION POPULATION**

RURA	AL
01. Champua	36,793
02. Joda	49,806
03. Jhumpura	40,438
URBA	N.
01. Barbil Municipality	11,904
02. Joda Municipality	10,617
03. Champua Census Town	808
04. Bolani Census Town	2,620
TOTAL :-	1,53,076
GRAND TOTAL :-	5,95,184

#### **Annesure-3**

Tribes of Keonjhar District

#### **BATHUDI**

The concentration of the Bathudis is more in the northwestern parts of the state of Orissa, particularly in the areas bordering the districts of Mayurbhanj and Keonjhar. Their settlements lie mostly on the plains in the rural areas and many of them are at present in such living standard that to call them a hill tribe is perhaps a misnomer. They live in houses made of mud walls and thatched roofs. They love to decorate their walls with multicoloured floral designs. Their dress is scanty. A coarse cotton dhoti fulfils the requirement of a male person. The women wear sari and generally prefer orange coloured ones. They use silver ornaments. Tattooing is popular among the Bathudi women. It is called Khada. According to their traditions, before marriage, a Bathudi girl tattoos one or two floral designs on her forehead or arm. Bathudis' marriage takes place either in the house of the groom or the bride. Both the systems are prevalent in the district.

Most of the Bathudis speak Oriya and only a few have taken to HO as their mother tongue. Cultivation is their main occupation. They worship all Hindu Gods and Goddesses. They worship village deities like Basuli, Sundura Gouri, and Hatiani etc. in shape of blocks of stone. It is the village Dehuri who worships the deities. Due to the impact of modern civilizations and change in the outlook of the people the dress and other habits of the Bathudis have changed to certain extent. But in the remote rural areas the old habits still persist.

#### **BHUYAN**

The name Bhuya or Bhuyan is derived from the Sanskrit word Bhumi meaning land. They consider themselves to be the children and owner of the land and hence are known as Bhuyan. In the district they are mostly found in Banspal and Telkoi. They claim themselves to be the autochthons of the area which is also known as Bhuyanpirh after their name. They speak Oriya as their mother tongue.

The Bhuyans are broadly divided into two categories, viz. the pauri Bhuyans and plain Bhuyans. The pauri Bhuyans live in the hilly and inaccessible areas of the Bhuyanpirh. The plain Bhuyans live along with the caste Hindu in the villages of plain areas.

The Bhuyan vilalges are divided into bandhu villages and kutumba villages. In the former, the marrying kinsmen reside. This division of villages generally regulates their marriages. Matrimonial relationship can be established between individuals belonging to Bandhu village only. In no case it is permissible between kutumba villages. Marriage between persons of the same village is strictly forbidden. Another important feature of their social organisation is the existence of a village dormitory, locally known as Mandaghar. It is a spacious house centrally located in the village. The open space in front of the Mandaghar is known as Darbar which serves as the meeting place for the traditional village Panchayats and the dancing ground for the villagers. The unmarried boys of the

village are the members of the dormitory. This is also utilised as a rest house for guests from other villages. The Bhuyans adopt both the practices of cremation and burial for disposing of the dead body. The Bhuyans are mainly cultivators and agricultural labourers. They practise shifting cultivation called Toila chasa or podu chasa on hilltops or slopes. They grow paddy, gingili, mustard, ginger, maize, jalli, ragi and other crops extensively. Among women, weaving of mats from the wild date palm and preparation of broomsticks are common art. Men generally know rope making and a very few of them work as Carpenters. Collection of forest products is the major occupation of the community.

They perform Akhi-muthi or ceremonial sowing of seeds in the agricultural field, Asarhi puja for bumper crop and good rain, Gahma Punein for the welfare of the domestic cattle, Nuakhai for first-eating of new rice and Magha Yatra which marks the formation of the agricultural year. Their ceremonial hunting known as Akhin pardhi is observed in the months of March-April. They believe in village and forest deities and a number of spirits who bring disease and trouble to the society. The Dehuri (Village Priest) worships the deities.

#### **GOND**

Gonds are found chiefly in the rural areas of Keonjhar and Champua Sub-division. They speak Gondi, a dialect belonging to the Dravidian family. At present the Gonds of the district know and speak Oriya. The Gonds are immigrants from the central provinces and wear Brahminical thread. Their caste chiefs are called Mahapatras and Singhs. The Gonds possess good physique. They are also good at negotiating steep climbs and often carrying heavy luggage. They are divided into a number of clans. Marriage within the same clans is strictly prohibited. Cross-cousin marriage, marriage by service and marriage arranged by the parents are generally practiced in their society. Bride price system is prevalent among them. They are mostly settled cultivators. They collect forest products for their own use. The Gonds worship a number of deities of which Budhadeo, Jangadeo and Lingadeo are prominent.

#### но

The Hos are found mostly in the Anandapur Sub-division. They live with other Tribes. Their houses are very neat. The walls are made of mud and the roofs are usually thatched with straw. Some have tiled roofs. They paint the walls in red and yellow and their numerous artistic designs speak of their aesthetic sense. heir dress is scanty. Ornaments worn by women are very limited and simple in design. The Ho women pay particular attention to their hair. The hair is gathered up in a knot to the right of the back of the head and is adorned with the scarlet flowers of palasa and simuli or the pale yellow flowers of the Sal.

The Ho rigidly follow bride price . In their society marriage is settled by a dutam karji or marriage broker and is solemnized in the residence of the bridegroom . On the day of the marriage the bride and the groom are led to the altar. There the bridegroom pledges the bride by pouring some liquor ( handia ) from a cup of sal leaf to her. The bride also does the same to the bridegroom. The groom then applies vermilion to the forehead of the bride and this completes the marriage. Widow

marriage and divorce are allowed among the Hos. Sororate and Levirate are also allowed in their society. But cross-cousin marriage or marriage with the sister's daughter is not allowed. Marriage within the same sib is also forbidden. he Hos generally bury their dead. The purification ceremony called "Kamani" takes place on the 21st day.

The majority of the Hos speak their own language Ho which is their mother tongue. Some of them have adopted Oriya. A few speak mundari language. The Hos of Keonjhar are agriculturists. Many take to agricultural labour due to insufficient or no land of their own. Their supreme deity is Sing Bonga. They also worship all Hindu gods and goddess. Like other tribes they spend their whole life in fear and dread of evil spirits. They observe Akshaya Trutiya, Salui Puja, Makarsankranti, Sahrai or Bah Bongu, Gamha punein, Rajasankranti and Karama festival. Of these Sahrai or Bah Bonga is their most important festival.

Their main hobby in the past was hunting in the forests with bow and arrow. This has changed with the passage of time. Dancing in moon-lit night with drums and flutes is a popular recreation for them.

#### **JUANG**

The Juangs are mostly concentrated in Banspal, Telkoi and Harichandanpur Blocks. They claim themselves to be the autochthons of the area from where they have migrated to other parts of the state . They classify themselves into two sections ,viz. the Thaniya (those who dwell in their original habitation) and the Bhagudiya(those who have moved away to other places) The Juangs believe that in ancient times their tribe emerged from earth on the hills of Gonasika where the river Baitarani has its source, not far from the village Honda in Keonjhar. In their language the word "Juang" means man. In other words, man emerged from the earth at the same place where the river Baitarani emerged. The Juang also refer to themselves as patra-savaras(patra means leaf). By this they mean that they are that branch of the Savara tribe whose members used to dress themselves in leaves. They have got their own dialect which has been described by Col. Dalten as Kolarian. They have acquired many Oriya words by coming in contact with the Oriya speaking people. Most of them know and speak Oriya.

In the Juang society, the village is the largest corporate group with formally recognized territory. Within the delineated land boundaries they possess their land both for settled and shifting cultivation and the village forests for exploitation . They shift their village sites frequently as they consider it inauspicious to live at a particular place for a longer period. Each Juang village is marked by the presence of a dormitory known as Majang where their traditional dance takes place and the village panchayat sits. It also serves as a guest-house for the visitors to the village. The Pradhan who is the secular headman and the Nagam or Boita or Dehuri, the village priest constitute the traditional village panchayat of the tribe. A group of neighbouring villages constitute a pirh which is headed by a Sardar who decides inter-village disputes.

The Juangs are patrilineal and their society is marked by the existence of totemistic clans which are divided into two distinct groups known as "Bandhu clans" and "Kutumba clans". The totem is never destroyed or injured by its members. The clans are exogamous and marriage within the same clan is considered incestuous. Monogamy is commonly prevalent while polygamy is not ruled out. Levirate and sororate type of marriage is prevalent on the Juang society. A Juang husband generally worships the "Sajana" (drum stick) tree if his wife turns out barren and gives her a paste made of "Sajana" flowers and seeds to eat or he ties a sevenfold cotton string with seven knots round his wife's neck, believing this to be a kind of talisman which will cause conception. The Juangs do not allow their pregnant women to go to "Devisthan". She must not tie up any thing ,must not weave mat or plaster a house with mud.

The Juang cremate their dead. The corpse is laid on the pyre with the head to the south . The ashes may be left on the spot of cremation, or alternatively they may be thrown into stream. For their livelihood they depend mainly on primitive shifting cultivation and collection of minor forest produce. The Juang life is marked by the celebration of a number of religious festivals in honour of their gods and goddesses. For them Dharam Devta and Basumata are the supreme deities. The former is identified with Sun God and the latter with Earth Goddess. Gramashree is the presiding deity of the village. There are also a number of hill, forest and river deities in the Juang pantheon. They believe in the existence of spirits and ghosts.

They observe Pusha Purnima as a mark of the beginning of the agricultural cycle, Amba Nuakhia as the first eating of mango fruits, Akhaya Trutiya as the ceremonial sowing of paddy, Asarhi, marking the beginning of transplanting and weeding, Pirha Puja for the protection of crops, Gahma for the welfare of domestic cattle and other auspicious days for the ceremonial eating of new rice harvested from different types of lands. All these occasions are marked by dancing and singing. They use a kind of drum known as changu at the time of dancing.

## **KOLHA**

Numerically the most important tribe of Keonjhar is the Kolha. Most of them live in the Bhuyan hills and in the adjoining areas like Nayagarh and Chamakpur. They have a separate language of their own but most of them use Oriya, Hindi and English as a subsidiary language. They appear to have migrated to Keonjhar from the North east during the last century. They eat all kinds of flesh and are fond of Handia (fermented liquor) like the other tribes. The Kolhas take pleasure in shooting animals and birds with the help of bow and arrow, but are generally timid.

It is evident that majority of the Kolhas follow Hindu Customs and rites. But they hold the "Sajana" tree, Paddy, mustard oil and the dog in special veneration. The breaking of straw is considered as the final adjustment of a compact. Mostly these people serve the well-to-do agriculturists as mulias or field labourers and are generally paid in advance by their sahas or masters. They are very backward in respect of education and lag behind many other tribes in the district

# Annexure-3

# Jamatara District

Profile of Jamtara District			
Total Area 178643 Hcs.			
Number of Blocks	4		
Number of Subdivisions	1		
Total Number of Villages	1162		
Total Number of Inhabited Villages	1071		
Total Number of Unhabited Villages	91		
Latitude Vary from	23 <sup>0</sup> -10' to 24 <sup>0</sup> -5' North		
Longitude Vary from	86 <sup>0</sup> -30' to 87 <sup>0</sup> -15' East		

Census 2001 Details of Jamtara						
Male Female Persons						
Total	333514	319567	653081			
sc	31937	30422	62359			
ST	103569	103095	206664			
Others	198008	186050	384058			

Climatic conditions of Jamtara			
Summer Season March to May			
Rainy Season	June to Septemper		
Winter Season	October to February		
Min Temperature	2°C in Winter		
Max Temperature	45°C in Summer		
Height above Sea Level	175 Mts		
Wind Direction	South West to North East		

# Jamatara Block

Jamtara Block Details			
Total Area 44708 Hcs.			
Number of Households	29093		
Number of Panchayats	34		
Total Number of Villages	239		

Census 2001 Details of Jamtara Block			
	Male	Female	Persons
Total	117617	111451	229068
Total SC	10364	9701	20065
Total ST	34173	34107	68280
Total Others	73080	67641	140723
Rural Total	88265	85009	173274
Rural SC	6494	6156	12650
Rural ST	32689	32612	65301
Rural Others	49082	46241	95323
Urban Total	29352	26442	55794
Urban SC	3810	3545	7415
Urban ST	1484	1495	2979
Urban Others	24058	21402	45400

Panchayatwise Census 2001 Details of Jamtara Block				
Panchayat Name	sc	ST	General	
ALAGCHUAN	169	728	4349	
BAGBER	534	793	4007	
BARADAHA	0	2785	1706	
BARJORA	199	2146	2250	
BARMUNDI	629	1794	3172	
BEWA	527	2147	2454	
CHALNA	75	4517	1040	
CHANDRADIPA	100	3665	822	
CHANGAYDIH	328	500	5186	
DAKSHINBAHAL	1024	1775	2150	
DULADIH	308	3742	1575	
GIAJORI	200	1167	3530	
GOPALPUR	281	2313	2076	
KARMATANR	31	768	4541	
LADHANA	37	3494	1092	
MAJHIA	0	3199	1494	
MATTAR	394	333	3826	
MOHANPUR	635	2431	1936	
NAWADIH	120	0	5386	
PANJUNIA	228	2891	2562	
PHOFNAD	13	951	4114	
PILSOLA	205	1254	3895	
PUSBADIA	744	1681	2729	
RANIDIH	103	2567	2055	
SAHADAL	583	1929	1986	
SAHARPURA	644	3258	1168	
SITAKANTA	947	78	3784	
SIWLIBARI	480	2568	2290	
SONBAD	732	765	4338	
SUKJHORA	20	3035	2313	
SUPAYDIH	234	2452	2611	
TARABAHAL	786	768	3274	
TETULBANDHA	1114	1098	2803	
UDALBANI	226	1709	2809	

# **Narayanpur Block**

Narayanpur Block Details					
Total Area 33891 Hc		cs.			
Number of Households		24940			
Number of Panchayats 31					
		284	284		
Census 2001 Details of Narayanpur Block					
	Male		Female	Persons	
Total	80311		76988	157299	
Total SC	4947		4938	9885	
Total ST	19260		18800	38060	
Total Others	56104		53250	109354	
Rural Total	80311		76988	157299	
Rural SC	4947		4938	9885	
Rural ST	19260		18800	38060	
Rural Others	56104		53250	109354	
Urban Total	0		0	0	
Urban SC	0		0	0	
Urban ST	0		0	0	
Urban Others	0		0	0	

Panchayatwise Census 2001 Details of Narayanpur Block				
Panchayat Name	sc	ST	General	
BANDARCHUA	343	276	4759	
BANKUDIH	54	1264	4192	
BIRAJPUR	121	363	4964	
BORBA	266	1174	3269	
BUDHUDIH	1004	647	2507	
BUTBARIA	253	1886	3243	
CHAMPAPUR	150	1554	3451	
CHANDADI LAKHANPUR	238	539	4382	
DABALBARI	437	1105	3613	
DAVAKANDRA	450	256	4292	
DIDHARI	221	608	4120	
DUMRIA	99	1892	2967	
JHILUA	454	2555	2060	
KORIDIH-1	125	154	4700	
KURTA	123	2276	2889	
KURUA	308	223	4507	
MADNADIH	528	547	3993	
MANJHALADIH	215	1744	2732	
NARAYANPUR	581	2087	3135	
NARODIH	164	748	4649	
NAWADIH	162	1856	2907	
NAYADIH	621	1980	2565	
PABIA	466	2718	1857	
POSTA	439	2157	2767	
RUPDIH	267	1779	3081	
SABANPUR	104	1251	3678	
SAHARPUR	625	868	3217	
SAHARPUR SIKARPOSNI SUBDIDIH	71	1586	3358	
SUBDIDIH	269	383	4384	
TARKOJORI	8	1081	3342	
TOPATAR	733	492	3627	