



Background to the working of local self-government in fifth schedule areas in India

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ABSTRACT: This paper traces background and working of local self government at village level in fifth schedule areas. Though many papers have been written on this subject, it is new I assume so. Almost in all tribal villages of India traditional political institutions existed since time immemorial. Colonial government passed many laws for tribals and tribals' areas, but did not recognize these institutions legally as local self-government. After independence a concrete step was taken in this direction by legally recognizing the same institutions of tribals as local self-government at village level.

Keywords: Gram Sabha, Local Self-Government, Fifth Schedule Area, the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

I. INTRODUCTION

It is very difficult to give a satisfactory definition of tribes. However, the communities which have got special languages and cultures and which have got traditional rights over local resources in the defined areas, are colloquially called 'Tribes' and 'Scheduled tribes' in legal language. All tribes maintain differences in their own customs, tradition, art, occupation and religious spheres. The tribes have been categorized differently on educational, technological and economic parameter. Over 700 Scheduled Tribe communities, notified under Article 342 of the Constitution of India, having a population of 10.45 crore (8.6 per cent of the total population of country) live in about 15 per cent land of the country [1].

Tribals were free since ancient times and had control over their natural resources. When colonial government took control over forest by making forest laws, to save their livelihood, tribals fought a long fight against the government. As a result, the government made a policy of 'leave them alone' for tribals. After independence colonial isolation policy came to end by passing the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA Act, 1996) and Act was extended to the 5th schedule areas. At present, ten states come under 5th schedule namely: Andhra Pradesh, Telangana, Chhattisgarh (CG), Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh (MP), Maharashtra, Odisha and Rajasthan. As per provision of the Act, gram sabha (GS) – local self-governing body at village level - has been constituted for every village. All the adult villagers are member of it and they have been given special power for village administration. After 10 years of the Act, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006) was passed. Through these Acts, parliament of India vested water, forest, land and minor mineral rights to GSs. Finally the paper examines working of local self government in Madhya Pradesh.

II. SELF-RULE INSTITUTIONS

Almost in all tribal villages of India mainly two kinds of traditional political institutions existed namely: (i) council of village elders and (ii) village headman. Council of village elders and village headman were called by different names in different villages. Those institutions were comprised of a single person or a group of persons. Council of village elders was a council of selected village elders. It was only village's grown-up's council. This council sat together to discuss village affairs like disputes between two villages, sex offences, intrusion by outsiders in village

affair, ceremonies, agricultural schedule etc. Though office of village headman was hereditary, he had no power to suppress any decision of the villagers. Villagers assumed him their guide. He was a mediator between villages and outsiders. Village headman commanded over entire village people. He took all village decisions and action [2]. These political institutions and its rights were affected by colonial government by making or enacting various central, provincial and local Acts.

III. COLONIAL FOREST ACTS AND TRIBAL MOVEMENTS

Colonial government passed three Indian Forest Acts in 1865, 1878 and 1927 respectively and took its control over large Indian forests. Now, large scale forest exploitation was started for rail [3] [4] [5] [6] Ship [3] [5] [7] [8] for World War-II [4] road and track [6] raw material for industries [5] [7] and revenue. This long exploitation gave birth to local militant movements in different parts of India for instance, disturbances in Chhota Nagpur in 1801, 1807 and 1808, Kol insurrection in 1831-32, the Santhal rebellion of 1855, the Sardar agitation of 1887 and the Birsa movement of 1895-1900 and Tana Bhagats rebellion 1913-21 etc [9]. Here, main focus has been given in the context of MP and CG.

In 1859, there was Koi revolt in South Bastar of Bastar district in CG. Once, the area had very dense forest. The *Koi* tribes lived in these forests from coastal region of Indravati to Kammamet region of Nizam's state. After British occupation over these forests, it was leased to lessees of Hyderabad. They began much exploitation of these forests. This led to revolt there. It was decided that lessees of Hyderabad would not be allowed to cut trees. Lessees wood trolleys were set on fire and sawmill running workers were beheaded [10]. Similarly, in 1910, one more rebellion took place against the government in the same district which is known the Bhumkal. Colonial government introduced forest reservation in Bastar. This restricted tribes from shifting cultivation, hunting and collection of forest produce [11]. Against forest reservation, under the leadership of Gunda Dhur, Roar Pedda, Kanda Dhur, Banda Dhur, and Chaitu of Dongar [12] villagers looted and burnt markets, the houses of officials, traders, and police stations. They robbed grain and redistributed [11].

On January 21, 1922, due to excessive exploitation of tribals, they started Jungle Satyagraha against the government in Sihawa-Nagari Nagar of Dhamtari tehsil in CG. They cut woods in reserved forest. To suppress the Satyagraha, one battalion of police force was sent under British police officer. Many tribals were arrested. Police officers jailed around 33 Satyagrahis for 3 months each and 6 Satyagrahis for 5 months each with fine. Nathunram, a tribal, was put into Sihawa jail for 4 days and he was beaten with stick 25 times. But at the end, Forest Department had to yield to the demands of the tribal Satyagrahis [13]. In 1930, another incident took place in Gattasilli village of the same tehsil. Forest officers put around 500 animals into cattle house which were grazing in the reserved forest area. When Gattasilli villagers had failed to get back their cattle, they started Satyagrah under the leadership of Narayan Rao Medhawale and Nathuji Jagtap and requested to leave their animals but they failed. They had to struggle against forest officers. The forest officers threw hot water on them but villagers did not stop. Finally, officers were forced to leave their cattle [13].

On August 1, 1930, under the leadership of Deepchand Goti, Forest-Satyagrah was started in Betul District (MP) in which 5000 tribals - mostly Gond and Korku - participated armed with axes and lathis. They went Chhikhalar protected forest and by cutting forest grass they violated forest law. They did not get satisfied by cutting grass only. They cut woods and grazed their animals too. Police took action and arrested some Gonds. Fellow of Gonds protested against them and demanded to leave their fellow Gonds at Banjaridhal [14]. Soon, Forest-Satyagrah became intense than past. British government deployed an inspector, four head constable and fifty constables at Forest-Satyagrah site. Police arrested many people in Chhikhalar, Baragaori and Barakhadi. In police firing two people were killed on the spot while more than twenty were injured [10].

IV. GOVERNMENT RESPONSE

Due to these persistent revolts, the Scheduled District Act (SDA), 1874 was passed and extended to whole tribal areas of the colonial province [15]. The SDA divided whole tribal areas into two categories: (i) wholly excluded areas and (ii) partially excluded areas. The administration of these areas was vested in the Governor of the province and excluded these areas from ordinary law. Through Government of India Act, 1919 (GOI Act) [16] administration of these areas was changed. Now, wholly excluded areas were kept under the control of the central government and partially excluded areas were under control of the governor of the province and the Governor General-in-Council of the province [17] [18] [19]. When the GOI Act, 1935, was passed, wholly and partially excluded areas were kept in Part III of chapter V of the GOI Act, 1935. Section 92(1)(2) of the GOI Act, 1935, empowered the Governor of the province that he could repeal or amend any Act of Central/Federal Legislature or of the Provincial Legislature or any existed Indian law [20].

In 1937, the SDA was repealed by the Government of India order, 1937 and both wholly and partially excluded areas were brought directly under the governance of the governor of the province [17].

Through the SDA, 1874, colonial government started isolation policy and it was continued through the Acts of 1919 and 1935 [2]. This policy of the government isolated tribals from the rest of their countrymen. Now exploitation of tribals' and their resources like forest, forest produce etc. were increased by Zamindars, landlords, money-lenders and contractors. Tribals did not get any benefit from forest produce because it was carried away by the contractors [21]. Britishers did not recognize tribals' traditional political institution as legally local self-governing body at village level. They kept control of these areas under governor. Due to this, the headman and village council lost their power [2].

V. CONSTITUTIONAL RESPONSE

After independence, isolation policy came to an end. Under the chairmanship of A. V. Thakkar, the Excluded and Partially Excluded Areas (other than Assam) Sub-Committee was appointed by Constituent Assembly. Many recommendations of the committee were accepted. On the basis of the committee report, many Articles were added to the new Constitution of India like 46, 244, 339, 275, 330, 332, 334, 335, 15, 16, 19 etc. These articles protected the economic interests of tribes, safeguarded their way of life and ensured their development [21]. Part III of chapter V of GOI Act, 1935, was placed in Part X of the new constitution.

Article 244 of the Part X of the new constitution has been divided into 5th scheduled and 6th scheduled. Assam, Meghalaya, Tripura and Mizoram were placed under later whereas tribal areas of other nine states of the country were placed under former. 5th and 6th schedule are named respectively Tribal Areas and Scheduled Areas [31].

VI. NATIONAL GOVERNMENT: PROGRAMMES, POLICIES AND IMPACT

Government's developmental programmes such as Community Development Programmes (CDP), Educational Programmes and idea of Panchayati Raj system and General Elections, all these once again gave a set-back to the tribals' traditional political institutions. CDP brought changes in tribal societies. Educational programmes in these areas resulted in emergence of educated tribals. They took interest in village politics and came forward to lead the village. They began to contest panchayat election. Now headman was elected. New educated man replaced old village headman. The idea of general election also affected tribals' institutions [2].

Forest Policy also played key role in this context. There were not many changes in administration of forests. From 1951 to 1988 national government used the colonial Indian Forest Act, 1927, to enlarge national forest estate. For this, time to time the parliament of India passed forest and environmental Acts and incidental enactments/amendments in the pre-existing forest laws were made by the concerned state legislature. In the name of industrial and infrastructural development, union and state governments have allowed large-scale deforestation. Total forest area in 1949-50 was 147.7 million acres (230,789 sq. miles) i.e. 18 per cent of the total land area in India. The Forest Policy Resolution of May 12, 1952, suggested providing one-third of its total land area under forests [22]. But this suggestion could never be implemented. Due to excessive use of forests for different purpose by 1980-85, there was only 12 per cent forest area left in India [23]. Government could not reach their goal to protect 33 per cent of total land as forest. By 2002-7, forest area was 19.27 [24] government aimed to provide 25 per cent area under forest/tree cover by the end of the Tenth Plan period and 33 per cent by the end of the Eleventh Plan period [25]. Zamindars and Jagirdars possessed about 40 million acres of Zamindari forests. They had sold a considerable portion of the Zamindari forests before the abolition of Zamindari and Jagirdari began. The tribes who lived inside and very close to forests, used to collect the bulk of the forest produce through contractors. They were exploited by the contractors [22].

In 1951-56, in the name of development, over 3000 miles of forest land was cleared for roads construction or improvement [26]. During third plan requirements of industrial wood amounted to 4.5 million tons [27] and in 1968-69, it was estimated to be 11 million cubic meters [28]. To meet industrial demand, government was yielding Sal about 2.75 tons per acre per annum, 4.10 tons deodar and 1.30 tons chir pine [27]. In 1988, with the amendment of the Forest Conservation Act, 1980, a "National Forest Policy 1988" came into existence [29]. The National Forest Policy introduced Joint Forest Management that involved local stakeholders like farmers, tribals, women, NGOs and the Panchayat Raj Institutions (PRIs) in afforestation activities [24].

However, National government started many developmental programmes such as CDP, Educational Programme and idea of Panchayati Raj system and General Election etc. All these programmes and ideas on one hand developed tribal societies and on the other hand their traditional institutions got affected.

In addition to these, developmental projects and private parties deprived tribal communities of their rightful control over their natural and economic resources like land, water, minor forest produce, minor minerals, etc. Continued exploitation of their resources and not recognizing their traditional institutions as self governing body, tribal community emerged as opposer of government and supporter of Naxalites. This was situation that forced government to think that tribals traditional institutions should be given constitutional right so that they could save their land, water, forest and minor minerals.

VII. BHURIA COMMITTEE REPORT

On June 10, 1994, Ministry of Rural Development (MoRD), GOI, constituted a High Level Committee of select Members of Parliament and Experts. It was assigned the main task to make recommendations for how the Constitution (Seventy-third Amendment) Act, 1992, could be extended to the 5th schedule areas. After many discussions, on January 17, 1995, it submitted its report to the MoRD [30]. In its report it said that the Constitution (73rd Amendment) Act, 1992, vested Panchayats with such powers and authority which made Panchayats institutions of self-government. According to the Act:

(a) For every village a GS has been provisioned.

(b) Three-tier Panchayats viz., village, intermediate, and district level, have been envisaged.

(c) Duration of Panchayat has been prescribed for five years unless it is dissolved. If it is dissolved before the expiry of its tenure, within six months provision of new election has been prescribed by State Election Commission.

(d) Seats at each level of Panchayats have been reserved for ST.

(e) Preparation of plans for economic development and social justice; implementation of scheme for economic development and social justice have been provisioned to assign to Panchayat through state government.

(f) Sources of finance of Panchayat have been ensured so that it can do its work easily.

Therefore, due to aforesaid salient features of the Act, provisions of it could be extended to scheduled areas, but only through an Act of Parliament, as provided in Article 243M (4) (b) of the Constitution. The Article 243M (4) (b) reads:

Parliament may, by law extend the provisions of this Part to the Scheduled Areas and the Tribal Areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368 [31]

Further it emphasized that while making new Act, the customary law, social and religious practice of the Scheduled Tribes should be taken into account because some tribals regions had accepted Panchayati Raj System, but some other had not. They had been following their traditional organizational structures and leadership. Many tribals communities, different from each other, had been solving their political-socio-legal affair on the basis of principles, procedures, practices, norms, conventions, traditions, precedents etc. It accepted some big problems had been continued for long time in scheduled areas such as demand of separate states, Naxal activity and exploitation of tribal resources. These problems could be prevented by democratic decentralization from the state to the district and down to the village level [30]. Report says:

... on account of absence of effective democratic decentralization to even district levels, demands and agitations for separate states in the country have taken root in Jharkhand, Bodoland, Uttarkhand etc. these movements are symbolic of general unrest in tribal areas of the country.

... the Naxalites movement also had its origin and sweep in the tribal areas during the decades of sixties and early seventies; its adherents are still active in the states of Andhra Pradesh, Orissa, Madhya Pradesh and Bihar. The originators of this movement found fertile ground in the tribal areas on account of waves of discontent and unrest in tribal areas. The causes relate to exploitation and discrimination ... neglect by those responsible for tribal development and welfare.

On account of their simplicity and ignorance, over the decades the tribals have been dispossessed of their natural and economic resources like land, forest, water, air etc.

Hence the report of the committee recommended that real democratic decentralization should be offered to the people that would provide some degree of satisfaction at village level and recommended for moving with urgency in the matter. The submitted recommendations of the committee led to the PESA debate in the Parliament which further paved the path for formation of PESA 1996

VIII. PESA DEBATE IN PARLIAMENT

Chandradeo Prasad Verma, Union Minister of State for Rural Areas and Employment, introduced the Bill titled, the Provisions of the Panchayats (Extension to the Scheduled Areas) Bill 1996 in Rajya Sabha (RS) on December 11, 1996. On December 12, 1996, the Bill was again tabled for consideration in the RS by the Minister of Rural Areas and Employment, Yerran Naidu. He said that in pursuance of the Constitution (73rd Amendment) Act, 1992, 5th schedule states passed their Panchayat law and enacted to the whole state. They did not exempt 5th schedule areas. Hence, in the state of Andhra Pradesh and Bihar, people challenged governments in their respective High Courts. The courts ruled that only through an Act of Parliament this amendment could be enacted to scheduled areas. Second, prominent leaders of scheduled areas, MPs and state governments had been demanding the bill. In this background Bhuria Committee was constituted and on its basis this bill was brought which would apply to the scheduled areas. After that each and every provision of the bill was discussed one by one. Many issues such as water, forest, land, mineral, social sector, transfer of power by states to Panchayats, fund corruption, prohibiting sale and consumption of liquor and tribals traditional lifestyle etc were discussed. About 20 members took part in this debate. All the members supported the bill with some amendment [32].

Tribal areas are rich with forest and mineral deposits. Due to this, large scale industrial ventures, hydro-electric projects and irrigation dams came up in tribal areas which displaced 17 lakh people. Out of 17 lakhs 8 lakhs were tribals and out of 8 lakhs tribal only 2 lakhs were given land for land. Tribal land was grabbed for public work through Land Acquisition Act. About 2 lakh tribal families in about 5,000 forest villages in the country did not possess the right to the land in which they had been cultivating for many years. Forest laws deprived tribals from forest goods directly or indirectly which they were enjoying hitherto. Central and state governments released 100% money for the welfare of the tribals, but hardly 10 per cent reached to them and 90% of the money was being pilfered by the intermediaries. In some state the funds earmarked in the Tribal Sub-Plan was being siphoned off and not being spent properly [32].

Nagendra Nath Ojha suggested for adding a new provision to 4(M)(vi) of the bill, which reads, "Gram Sabha are endowed specifically power to exercise control over institutions and functionaries in all social sectors". The provision was that any NGOs which wanted to work in scheduled areas must have 75% tribal representation in its organization. Only then such NGOs should get registered and would have right to work in those areas [32]. According to Mr. Isha Dutt Yadav, Panchayats' elections were conducted and three-tier panchayats were established, but power had not been transferred to the panchayats. He demanded that representatives of public should be given all powers related to finance, administration and other powers [32].

Other important issue was tribals' social and political system. In Orissa, backward classes consumed a peculiar kind of liquor. Similar case was in the tribal districts Kimaar, Lahulspiti and sub-division Pangi Bharmaur of Chagba district of Himachal Pradesh. These were such regions which would remain disconnected from other parts of country for about 6 months due to heavy snowfall. There were no means of transportation. These areas remained snow-covered. Consumption of alcohol was not a fashion, but it was a necessity. Therefore it (consumption of alcohol) became an integral part of their culture. Even if anybody died and the dead body was lying in house then also they drank. They drank whether there was any joyous occasion or not. If consumption of alcohol were to be prohibited in such place, they would die without any cause [32]. Mrs. Kamla Sinha says:

It is true that tribals extract nectar from Mahua and drink it. They prepare Hariya from cooked rice and enjoy it they do not consume brandy and beer of market. During festivities all the villagers enjoy together, dance and sing, drink etc. They should be given the rights to do so and no effective rule should be imposed on them [32].

Earlier in Bihar, Manki Munda system existed which dealt with local administration. Tribals used to solve their all problems through their own traditional Panchayati system. Abdul Gaiyur Qureshi gave instance of traditional panchayat system of Bhagauriya tribes of Jhabua district of MP. Tribals celebrate festival of Bhagauriya. If any girl and boy wanted to marry, they come in the festival. If both pursued to marry each other, they both together went anywhere. Then they informed their parents. Parents of girl fixed a price of girl and asked the parents of the boy to pay it. If he did so, the girl stayed with him otherwise she left the boy and returned home back. Then this matter came in Panchayat and if it did not get solved, the matter came under police. Police lodged a case under section 366

(abduction) of IPC against boy. In this way this tradition of the tribal became a crime as per the law. Therefore before making law, a cell should be formed for identifying all the customs, traditions of the tribals throughout the country and the customs and traditions of tribals which are acceptable by the society should be identified [32].

In this way after a long discussion the bill was passed in RS on 12 December 1996 and from Lok Sabha (LS) on December 19, 1996. In the LS very little discussion was held over it. It was extended to 5th schedule areas. It vested many powers to GS such as, minor forest produces, control over sale and consumption of any intoxicant, money lending, institutions and functionaries in all social sectors, permission of GS for minor minerals and land acquisition etc. [45]. In this Parliamentary debate in the context of PESA Act, 1996, though MPs accepted that injustice had been done to tribals for a long time and there was need to give them their due right, they did not raise issue of

Naxalism in this context as Bhuria report had accepted that emergence and spread of Naxalism to tribal areas was due to long exploitation of tribals and their resources.

IX. MOVEMENT FOR WATER, FOREST AND LAND

On November 18 and 19, 2005, CPM launched an “*All India Demands Day*” to get the ST (Recognition of Forest Rights) Bill 2005 passed. Party leaders organized rallies in Rajasthan, Uttaranchal, Maharashtra, Jharkhand, CG, West Bengal (WB), Kerala, Tripura, and AP. A large number of people supported these rallies, 1,00,000 in WB, over 2000 at Udaipur and Dungarpur in Rajasthan, over 1,10,000 at Nasik, Thane, Nandurbar in Maharashtra, around 5000 from six districts of MP and around 2,500 in Kerala [33]. From June 10 to 12, 2006, Adivasi Mahasabha held three day national convention at Shaheed Birsa Munda Nagar, Anuppur, MP, in which 368 delegates participated from 13 tribal majority states. About 10,000 people took part in the convention and demanded ownership right on water, forest and land. A declaration was adopted for the bill [34].

Under the leadership of CPM, its Maharashtra State Committee, Maharashtra Kisan Sabha and Maharashtra Agricultural Workers Union, CITU, Janvadi Mahila Sanghatana, SFI and DYFI units, On July 18, 2006, more than 80,000 people, including a large number of women, held a militant demonstration before the tehsil offices of Thane, Nasik, Nandurbar, Jalgaon, Amravati, Gondia, Yavatmal, Nanded, Ahamadnagar district of Maharashtra. They demanded to get the bill passed [35]. On 10 August 2006 in Bhubaneswar, a programme was organized by Campaign for Survival and Dignity (CSD), Orissa Jungle Munch, Ekta Parishad, Orissa Nari Samaj and Orissa Jan Sangharsh Morcha in which 600 representatives of tribal organizations, MLAs, leaders of various parties and intellectuals took part [19].

On August 10, 2006, about 5000 tribals held a militant demonstration at Jagdalpur (C.G). Similarly, on August 11, 2006, a huge rally was organized at Sarguja district office in Ambikapur (C.G) [36]. On August 19, 2006, Akhil Bharatiya Adivasi Mahasabha held a conference at Netaji Indoor Stadium in Deoghar district, Jharkhand, in which a large number of tribes participated [37]. Under the banner of CSD, Dharna was staged at Jantar Mantar in Delhi between 22 August 2006 and 26 August 2006 with more than one thousand representatives of tribes and political parties, civil society organization from Rajasthan, Gujarat, CG, Orissa, Jharkhand and MP [19].

On September 10, 2006, an impressive Adivasi rally was organized at Najat of Basirhat Sub-Division of 24 Pargana (North) district in WB with participation of more than 10,000 Adivasis. Similarly more than 2000 tribals participated in a rally in Midnapur (West) District [38]. On November 6, 2006, under the flag of Ekta Parisad thousand of tribals demonstrated and held rally at Surat, Gujrat. On November 29, 2006, during parliament winter session under the banner of CSD leaders Brinda Karat, D.Raja, Sudhakar Reddy, Jial Oram, Kishor Chand Dev, Dileep Singh Bhuria, and tribal organizations protested in front of parliament in which around 15,000 peoples took part in. On November 30, 2006, Gondwana Ganatantra Party convener Dileep Singh Bhuria organized a rally in which 10,000 people participated. Besides it many Organizations from various states staged Dharna and held rally [19].

On December 15, 2006 LS then on December 17, 2006 RS passed the FRA 2006. It was notified in the Gazette of Indian government on January 2, 2007. It came into force since December 31, 2007. It was extended to the whole of India except the state of Jammu & Kashmir. It vests many rights to Forest Dwelling Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD): (i) Section 3(1)(a) right to hold, live, habitation and for self-cultivation for livelihood in the forest land, (ii) Section 3(1)(c) right to collect, use and dispose of Minor Forest Produce within or outside village boundaries, (iii) Section 3(1)(d) nomadic or pastoralist communities have to right of use or entitlements fish and other products of water bodies, grazing and access of traditional seasonal resource, (iv) Section 3(1)(m) right to rehabilitation in cases they have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

The Act vests many rights to GS: (i) Section 3(2)(a) to (m) GS have power/right to give its assent for diversion of forest land for development project such as: school, dispensary or hospital, anganwadis, fair price shop, electric

and telecommunication lines, tank and other minor water bodies, drinking water supply and water pipelines, water or rain water harvesting structures, minor irrigation canals, non conventional source of energy, skill up gradation or vocational training centers, roads and community centers, (ii) Section 6(1) GS has power/right to initiate the process for determining the nature and extent of individual or community forest rights [39].

X. WORKING OF LOCAL SELF-GOVERNMENT IN MADHYA PRADESH

It is based on field study from November 27, 2016 to December 31, 2016 in Ranipura village. It comes under Sesaipura gram Panchayat (GP) of Karahal block of Sheopur district. It is based on interaction around 150 people out of total population of 743 in the village and meeting district to ground level officers or employees, activist of NGOs and others.

On December 1997, a new chapter XIV-A was added to the MP Panchayati Raj Act, 1993 by the MP government and it was extended to the scheduled areas in the state. Section 7 of the Act vests more than 60 matters to the GS of the scheduled and non-scheduled areas. In addition to this, section 129-C (i) to (vii) of the Act vests many powers to the GS of the scheduled areas. Further, under the FRA, 2006 water, forest, land, minor forest produce rights etc. are vested to the GS of the scheduled areas. To make GS effective, many efforts have been done and are still being done by the government since the Act has been implemented. NGOs also have played and are playing a key role in this concern. To understand working of GS in the village, at first we start with the MP Panchayat Act. It has 132 sections. Section 6(1) of the Act, which reads:

The meetings of Gram Sabha shall be held at least in January, April, July and October, and besides this Gram Sabha may convene additional meeting, if required [46]

Keeping in mind the section 6(1), the MP Govt. has been organizing GS meetings regularly in the village. At least four GS meetings are fixed viz. in January, April, July and October and besides these, more GS meetings are also held whenever villagers needed. The CEO of the Karahal Janpad Panchayat (KJP) said that if there are three villages in any GP then date of meeting is fixed in such a way that every village should witness meeting, one each in each of the three villages. According to Mr. Tomar, in chapter XIV-A, section 129-A to 129-F were added for special provision for Panchayat in the Scheduled Areas. He added that under section 129-B (4), GS meetings are presided over by a member of GS belonging to scheduled tribes [40]. Ranipura villager Sita Ram Saharia told me that during the GS meeting, member of the GS chose their headman for presiding over meeting. He added whenever the GS meeting was held they chose new headman. According to some villagers four meetings are held in a year as mentioned in the Act [41].

Between 2008 and 2013, MP Rural Livelihood Mission (MPRLM) used to organize GS meetings in the village. It worked continuously for 5 years with the villagers. The mission used to organize yearly 4 GS meetings and on requirement even 5 times also. Whenever the GS meeting was to be held, one or two days before fixed meeting date, people of MPRLM used to come and by going door to door to every family informed the villagers about GS meeting's date, time and place etc. Village Sarpanch and Secretary also used to attend the meetings. All villagers whether Saharia (tribes) or not used to attend it [42]. Ministry of Panchayat and Rural Development Department, Govt. of MP conducted PESA training in Mahatma Gandhi State Institute for Rural Development, Jabalpur, MP, in 2011. It had made PESA training mandatory for every village secretary who was working in the fifth scheduled areas. Every village secretary who attended the training was given a book for guidance [43].

Besides this, Sambhaw Organization, Ekta Parisad and other NGOs came in the village. They sat together with villagers and made them understand about functioning of GS in the past. They made them understand that GS is the highest authority in the village and whatever decision, it would take, would be followed [42]. To make deprived tribal community legally aware about how to increase their land and livelihood rights, a 16 pages book, titled "*Samjhe Apne Haque Ki Batein*" was written by Ransingh Parmar, National convener of Ekta Parisad in 2012. 5000 copies were printed/published and free distributed. Through the book some laws and its sections which are especially for tribals are made available at a single place. For example, sections 129, 165, 170, 170(b) and 178 of MP Land Revenue Code, 1959, Article 46 of the Indian Constitution, Indian Penal Code (IPC), Protection of Civil Right Act, 1955, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, Economic Aid Rule, 1995, PESA, FRA and Antyodaya Ration Card etc. so that tribals could aware for their rights [44].

XI. CONCLUSION

Tribal villages had their own self-governing body which dealt with all village affairs. Colonial rule in India affected this body. Colonial government passed various Acts for administration of tribal areas, but they did not recognize tribals' traditional political institutes as self-governing body at village level. After independence, to examine tribals condition, A. V. Thakkar committee was appointed and on the basis of it, tribals was given special privilege in the Indian constitution. In 1995 on the basis of Bhuria committee report, after a long discussion in parliament, government of India, in 1996, passed PESA, through this Act, tribals' traditional political institutes were given constitutional right and later vested more power through FRA, 2006.. Madhya Pradesh government implemented these Acts in its scheduled areas. I think colonial policies were not good and I realize that tribals traditional political institutions should be replaced by present day political system.

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