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TRADITIONAL TRIBAL GOVERNANCE SYSTEMS AND FORMAL GRAM PANCHAYATS OF MADHYA PRADESH IN THE CONTEXT OF THE PESA ACT, 1996

Prakash M Philip*

Executive Summary

The PESA Act of 1996 is a testament to the political dedication to empowering tribal communities and reshaping power dynamics. Its core objective is to grant tribal communities the ability to self-govern and preserve their beliefs, values, and way of life. Although the PESA Act originates from a Central Legislation, the onus of ensuring its effective implementation rests upon the states. A thorough analysis of governance within the framework of PESA reveals a spectrum of preparedness among Gram Panchayats to embrace progressive governance reforms. While some Gram Panchayats swiftly adjust to the evolving landscape, effectively wielding their newfound powers and responsibilities, others progress at a more gradual pace. Concurrently, a third category of Panchayats grapple with comprehending the extent of powers and duties delegated to them, often continuing with their established modes of operation. The focal point of this article is to delve into the interplay between the PESA Act and the tribal/customary governance systems in Scheduled Areas. This exploration aims to shed light on the intricate dynamics shaping the coexistence of formalized governance structures and traditional tribal practices, providing critical insights into the challenges faced by Gram Panchayats and emphasizing the imperative of aligning the administrative structures with the cultural fabric of tribal communities for meaningful and sustainable empowerment. The findings underscore the necessity of aligning administrative structures with the cultural fabric of tribal communities for meaningful and sustainable empowerment, emphasizing the need for targeted capacity-building initiatives, community awareness, and fostering inclusive decision-making processes.

Introduction

The Panchayat Extension to Schedule Areas (PESA) Act¹ of 1996 demonstrates a significant commitment to empower tribal communities and rebalance power dynamics in their favour. Its primary objective is to support tribal communities in practicing self-governance and preserving their core beliefs, values, and way of life. Under this act, state Governors are granted the authority to establish regulations that restrict or prohibit land transfer from tribal individuals to non-tribals and regulate money-lending practices among Scheduled Tribes. This empowerment allows Governors to revoke or amend any relevant legislation passed by the Parliament or State Legislature in these areas. Although it originated as a central government legislation, responsibility lies in the states for its effective implementation.

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¹ The PESA Act is a legislation that was enacted by the Centre in 1996 to extend the provisions of the 73rd Amendment of the Constitution of India to the tribal areas or Scheduled Areas, as specified in the Fifth Schedule of the Constitution. The main objective of the PESA Act is to empower local self-governance institutions, particularly the Gram Sabhas (village assemblies), in tribal areas. It provides a legal framework for decentralized governance and aims to involve local communities in decision-making processes related to natural resources, economic development, and social justice within their areas.

As per the information provided by the Ministry of Panchayati Raj (MOPR, 2023), most of the PESA States, comprising Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan, have framed the necessary rules for the PESA Areas. An evaluation of governance dynamics under the framework of PESA reveals a diverse range of responses within Gram Panchayats regarding adopting governance reforms. Some Gram Panchayats have swiftly embraced the evolving landscape, effectively implementing their designated powers and responsibilities. In contrast, another group has proceeded at a more gradual pace in integrating these reforms. Additionally, a subset of Panchayats has yet to fully embrace the decentralized powers and functions, choosing to prioritize traditional systems instead. Despite the existing obstacles and constraints, it remains crucial to recognize PESA as a pivotal piece of legislation for indigenous communities in India, with the potential to bring about significant socio-political transformations. Its fundamental goal is to establish avenues for self-governance and empowerment for tribal populations.

Indigenous governance systems are deeply rooted in native traditions and are characterized by their inclusive and participatory structures. The United Nations Declaration on the Rights of Indigenous Peoples recognizes the vital importance of upholding and promoting the inherent rights of Indigenous peoples. These rights encompass their political, economic, and social systems and their cultural, spiritual, historical, and philosophical foundations. The declaration emphasizes the significance of protecting the entitlements of indigenous peoples to their lands, territories, and resources, as outlined in treaties, agreements, and other constructive arrangements with sovereign states. It acknowledges the efforts of indigenous peoples to organize themselves for progress across political, economic, social, and cultural dimensions while working diligently to eliminate all forms of discrimination and oppression wherever they occur. The declaration underscores the central role of indigenous peoples in making decisions about developments that affect them, their lands, territories, and resources. This role is crucial for strengthening and preserving their institutions, cultures, and traditions, all of which contribute to their development in harmony with their aspirations and needs (UN, 2007).

The existence of pluralism within institutions in Indian villages has been widely recognized (Dube, 1968). In tribal societies, robust kinship bonds prevail, with members treating everyone as equals (Xaxa, 1999). Members of tribal communities tenaciously uphold their identity, resilient in the face of external influences that might challenge their traditions and culture. Over time, indigenous systems for social control have organically evolved within these communities, moulded by natural growth processes. These traditional frameworks operate on unwritten norms and distinctive mechanisms. The regulations governing these societies find their roots in age-old customs and traditions, encompassing matters of politics, society, religion, and economics, as well as the management and ownership of resources (Rao, 2017). Remarkable adaptability is showcased by tribal communities as they tailor their institutions and laws to confront the challenges they encounter (Singh *et al*, 2000).

Informal local governance structures in India serve a wide range of functions, including conflict resolution, maintaining peace, providing assistance to those in need, offering financial support for temples, organizing religious and social events, contributing to local infrastructure and resource

development, influencing village representation in higher political tiers, and engaging in direct negotiations with higher authorities. These self-governing bodies exhibit functional and progressive characteristics and repressive elements. They interact with formal local governance bodies, playing significant roles in development while serving as instruments of social control, sometimes resorting to coercive methods. These grassroots institutions primarily oversee the management of communal resources, help resolve disputes among community members, and uphold traditional and cultural aspects. The names of these entities can vary across regions and communities. (AnanthPur, 2007).

Ambagudia (2019), in his examination of tribal societies, highlights the long-standing history of self-governance that predates the colonial era. He explores their unique concept of democracy, autonomy, and the tribal world shaped by communitarian and egalitarian democratic values. Collectively, these elements contribute to the essence of the tribal way of life.

Indigenous Rights and Indigenous Knowledge theories are essential frameworks in understanding the rights, cultures, and knowledge systems of indigenous peoples worldwide. Indigenous Rights encompass the rights of indigenous communities to self-determination, land and resource ownership, cultural preservation, and protection from discrimination and exploitation. These rights are enshrined in international conventions, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UN, 2007). Indigenous Knowledge refers to the traditional knowledge systems, practices, and wisdom passed down through generations within indigenous communities. It encompasses ecological knowledge, cultural practices, medicinal knowledge, and other forms of wisdom that contribute to community well-being and sustainable resource management (Robbins, P & Berkes, F, +2000). These theories promote social justice, cultural diversity, and sustainable development while empowering indigenous communities. They have led to positive policy changes, greater recognition of indigenous rights, and enhanced environmental stewardship. However, the implementation remains a challenge, with some governments and industries infringing on indigenous land rights and exploiting natural resources. Additionally, there are debates about intellectual property rights related to indigenous knowledge (UN, 2011). Indigenous Rights and Indigenous Knowledge Theories provide essential frameworks for recognizing the rights, cultures, and knowledge systems of indigenous peoples. They highlight the importance of self-determination, cultural preservation, land rights, and sustainable resource management in empowering indigenous communities and promoting sustainable development.

Article 4 of the UN Declaration on the Rights of Indigenous Peoples emphasizes the entitlement of Indigenous peoples to self-determination, which includes the right to autonomy and self-governance in their internal and local affairs, along with the means to finance their self-governing functions (UN, 2007). Recognizing the importance of this principle, India introduced the Panchayat Extension to Scheduled Areas (PESA) Act to protect the rights of Scheduled Tribes.

As mentioned earlier, implementing the PESA Act aimed to safeguard the rights of tribal communities by promoting self-determination and autonomy in their internal and local matters. A significant aspect of the PESA Act was to empower Gram Sabhas, which were responsible for approving social and economic development plans and initiatives and identifying beneficiaries for poverty alleviation and related projects. Under the framework of the PESA Act, Gram Panchayats and Gram

Sabhas in regions predominantly inhabited by tribal communities were envisioned as essential pillars of local self-governance.

Madhya Pradesh has made serious efforts to strengthen the Panchayati Raj system, followed by the constitutional amendment of 1992. The State Panchayat Raj Act was enacted in 1993, establishing a three-tier local governance structure within the state and pioneering the conduct of the Panchayat elections. Subsequent amendments further strengthened the role of the Gram Sabha as the executive body of rural local governments. The state has emerged as the forerunner in the country by enacting state-specific Panchayat (Extension to Scheduled Areas) Acts and Rules, notably the Madhya Pradesh Panchayat (Dwitiya Sanshodan) Adhiniyam 1997.

This article explores the dynamic interaction between the PESA Act and tribal/customary governance systems within the Scheduled Areas of Madhya Pradesh. The article also tries to understand the prevailing governance framework and to what extent the Gram Panchayats are able to address the issues which are relevant to the rights and demands of tribal communities in the context of PESA.

Objectives and Methodology

This paper aims to analyse the impact of implementing the Panchayats Extension to Scheduled Areas (PESA) Act on development outcomes in the Tribal Areas of Madhya Pradesh. The main objectives include evaluating the extent to which the introduction of the PESA Act has strengthened institutional mechanisms for grassroots governance. Additionally, the article delves into how traditional tribal governance systems influence the operational dynamics of the local government framework in tribal regions.

The study adopts a hybrid research approach that combines descriptive and analytical methodologies. Data is collected from both primary and secondary sources. The research primarily focuses on tribal districts in Madhya Pradesh partially covered by the PESA Act. Out of the 15 districts meeting this criterion, Balaghat district is chosen as the focal point due to the presence of the Baigas, a vulnerable tribal community. Within Balaghat district, there are ten delineated blocks. One PESA-designated block and one non-PESA block are specifically chosen for investigation. Using a randomized lottery method, two Gram Panchayats are selected from each block as the study subjects.

The primary sampling unit for the study consists of individual households within the selected Gram Panchayats. A total of 400 households were surveyed, with 200 from two PESA-designated Gram Panchayats and another 200 from two non-PESA Gram Panchayats located in the Baihar and Paraswada Blocks of Balaghat District in Madhya Pradesh. Data collection from households is carried out using a structured questionnaire. In each Gram Panchayat, 100 households are surveyed, resulting in a total sample size of 400. The selection process ensures that at least 75% of the surveyed households belong to Scheduled Tribe (ST) communities, with the remaining households proportionately drawn from other communities in the region. The study covers two blocks, four Gram Panchayats, and 400 households.

A Computer Assisted Personal Interviewing (CAPI) methodology is employed to gather household survey data. In addition to households, data is also collected from Panchayat functionaries and elected representatives of the respective Gram Panchayats through interview schedules. Each chosen Gram Panchayat is represented by one designated functionary, the Panchayat Secretary, and

two elected representatives, all of whom are interviewed using in-depth interview protocols. Furthermore, a single focus group discussion (FGD) is conducted in each Gram Panchayat, involving community members participating in the study and facilitated by an FGD tool.

Apart from primary sources, secondary sources are utilized in the study, including records from the selected Gram Panchayats, data extracted from the 2011 Census, and information retrieved from the official website of the Department of Panchayati Raj, Government of Madhya Pradesh. These secondary sources supplement the study's dataset by providing additional context and information.

Profile of the Study Area

Madhya Pradesh, located in the heart of India, is the country's second-largest state in terms of geographical area. The population in Balaghat district is primarily distributed, with around 14.39% residing in urban areas, while the remaining 83.61% live in rural areas, classifying it as a predominantly rural district. Regarding gender distribution, the district consists of 842,000 males and 859,000 females, with the rural population accounting for 719,794 males and 737,088 females.

Within the boundaries of Balaghat district, the Scheduled Caste population totals 125,000, and the Scheduled Tribe population reaches 383,000. Scheduled Castes make up approximately 7.37% of the total district population, while Scheduled Tribes constitute 22.51%. Among the rural population, Scheduled Tribes make up 23.78%, while in urban areas, they account for 14.94% of the population. The district has 43 tribal groups, including Gond, Baiga, Halba, Kavar, and Korku.

Balaghat district has been classified as one of the less-developed districts in Madhya Pradesh (Borooah & Dubey, 2007). As per the 2011 Census, the district has a literacy rate of 77.09%, with a total of 1,147,623 literate individuals. Among the literate population, males make up 85.36% (626,468), while females constitute 69.04% (521,155). This indicates an improvement from the 2001 literacy rate of 68.72%, reflecting progress over the decade. The district's literacy rate of 70.6% also surpasses the state average.

Regarding poverty statistics, Balaghat district has a lower percentage of its population living below the poverty line, with a rate of 40.80%, compared to the state average of 48.59%, according to district-level poverty estimates for Madhya Pradesh. While these overall indicators suggest performance better than the state average, it's important to note that the situation of the tribal population in the Balaghat district presents a distinct scenario, which will be discussed further in the following section.

General Information about the Respondents

The demographic analysis of the study revealed several key findings:

		Non-PESA GPs		PESA GPs		Total	
		No	%	No	%	No	%
Gender	Male	158	79.0	141	70.5	299	74.8
	Female	42	21.0	59	29.5	101	25.3
Age group	18 to 25	15	7.5	21	10.5	36	9.0
	26 to 36	42	21.0	30	15.0	72	18.0
	37 to 47	56	28.0	53	26.5	109	27.3
	48 to 60	58	29.0	65	32.5	123	30.8
	above 60	29	14.5	31	15.5	60	15.0
Marital Status	Married	150	75.0	147	73.5	297	74.3
	Unmarried	12	6.0	16	8.0	28	7.0
	Widow	24	12.0	36	18.0	60	15.0
	Divorced	2	1.0	1	0.5	3	0.8
Social Group	STs	152	76.0	154	77.0	306	76.5
	SCs	2	1.0	1	0.5	3	0.8
	OBCs	46	23.0	44	22.0	90	22.5
	General	0	0.0	1	0.5	1	0.3
Poverty Status	APL	36	18.0	30	15.0	66	16.5
	BPL	164	82.0	170	85.0	334	83.5
Total		200	100.0	200	100.0	400	100.0

Source: Primary Survey

A significant portion of respondents in both non-PESA (43.5%) and PESA (51.5%) Gram Panchayats were illiterate. Collectively, 47.5% of respondents were illiterate. Among the remaining respondents, 32.3% had educational attainment below the 10th grade level. Notably, a high percentage of respondents from both non-PESA (81%) and PESA (77%) Gram Panchayats either lacked literacy or had education below the 10th grade level.

The analysis revealed that most respondents (60.5%) were engaged as daily wage or agricultural labourers. Approximately 6.5% and 6.3% of non-PESA and PESA Gram Panchayat respondents, respectively, reported being unemployed. Occupational status showed no significant disparities across Gram Panchayats.

These demographic findings provide valuable insights into the characteristics of the study's respondents, particularly in the context of their education, occupation, tribal identity, and poverty status, which are essential for understanding the study's broader implications and outcomes.

History of Traditional Tribal Panchayats in the Study Area

Traditional Tribal Panchayats have a rich history deeply rooted in tribal communities that predates pre-colonial times. These assemblies hold immense significance, requiring the participation of all community members. They convene periodically to address matters of utmost importance to the community,

serving as a cornerstone for preserving tradition and customs. These customary bodies play a central role in safeguarding the heritage and practices of tribal communities, with community elders serving as instrumental guardians of tribal rights, including land rights, access to minor forest produce, and preventing land encroachments for mining and other purposes.

Throughout history, these traditional tribal Panchayats have been essential in protecting the interests and rights of tribal communities. They have also organized voluntary communal services within their communities, including constructing roads, restoring water sources, and other communal projects. Often intertwined with culturally significant events and festivities, these initiatives have been integral to community life. Additionally, when marriages occurred within the community, arranging and managing the wedding became a collective effort, with resources pooled and leaders of the Traditional Tribal Panchayats playing pivotal roles in coordinating and executing these celebratory occasions.

However, community elders² note that the voluntary activities traditionally undertaken by the Traditional Tribal Panchayats began to decline by the late 1990s and eventually ceased by the 2000s. Elders attribute this decline to the lack of initiatives as a community and also to the availability of government-sponsored employment guarantee schemes, where participants receive remuneration for their labour, making these opportunities more attractive to community members.

In the present day, assemblies of the Traditional Tribal Panchayats are infrequent and are convened based on necessity. Mandatory attendance has decreased, leading to a shift in the perception of these gatherings. Such assemblies primarily focus on decisions related to organizing festivals and addressing immediate needs, including conflict resolution.

In some cases, there are discrepancies in the jurisdiction of Gram Panchayats and Tribal Panchayats. In specific scenarios, particular tribal subgroups within larger villages hold their assemblies. However, in smaller villages, the tribal gatherings serve multiple villages, operating within the jurisdiction of two distinct Gram Panchayats. This complex interplay between traditional and formal governance structures reflects the evolving dynamics of tribal communities in the context of changing socio-economic and administrative landscapes.

Structure of Traditional Panchayats

Within traditional Panchayats, a seasoned member of the community is commonly chosen to assume the role of Chairperson³. The process of selecting the Chairperson lacks a fixed term or frequency. In many cases, the Chairperson holds the position for an extended period, whereas, in certain instances, a consensus-based election might occur every four to five years. The Chairperson typically embodies a position of high regard, being a respected and esteemed community member. Furthermore, an informal committee of experienced individuals collaborates to facilitate the Panchayat's operations. In the Baiga communities, a community-level judge called 'Muqaddam or Samarth' was elected to sort out differences, and a community lobbyist called 'Kotwal' was also selected to organize the community meetings. (Gangwar *et al*, 2012)

² The discussions with elderly members in the communities covered under the study provided the historic picture about the role of tribal leaderships and traditional panchayats prevailed in the study area.

³ known as Adyaksh/ Mukkdam in Baiga community

Nandini *et al* (2002) observe that traditional institutions, referred to as "Samaj," are distributed across 25 to 30 villages. Traditional institutions determine membership based on an individual's birth within a specific caste or tribe. A leader, known as a "mukhiya," oversees each Samaj at the village and regional levels. The geographical extent of a Samaj is determined by the population of families affiliated with a specific tribal group in the respective area. Consequently, an individual belonging to a specific community in a village becomes a member of the local Samaj of that community and the broader regional organization covering a designated area.

Responsibilities of Traditional Panchayats

Traditional Panchayats play a multifaceted and pivotal role within tribal communities, shouldering various responsibilities across cultural, social, and economic domains.

Responsibilities	Description
Cultural:	<p>Review the social and religious practices within the Samaj</p> <p>Raising Cultural Awareness: Traditional Panchayats are responsible for raising awareness within the community about its customs, traditions, and practices.</p> <p>Foster active participation in cultural and traditional occasions, ensuring that these aspects of the community's heritage are preserved and celebrated.</p> <p>Safeguarding Cultural Heritage: These assemblies ensure adherence to the community's diverse beliefs and traditions. They serve as champions of cultural unity and continuity, working to safeguard the rich cultural heritage that defines the community's identity.</p>
Social:	<p>Establish guidelines and norms about social affairs.</p> <p>One of the primary social roles of Traditional Panchayats is to settle disputes and conflicts that may arise among community members (even in instances of minor violence among members and matters related to land disputes.) They serve as mechanisms for internal conflict resolution, emphasizing the importance of tribal autonomy in addressing disputes within the community. This function contributes to maintaining social harmony and cohesion.</p>
Economic:	<p>Helping communities to make economic decisions - determining which crops to cultivate, establishing exchange-barter rates, deciding on resource utilization methods, etc.</p> <p>Traditional Panchayats also arrange assistance and aid for needy community members. This includes supporting those facing economic hardships or dealing with crises. By providing such assistance, they cultivate a sense of communal solidarity and support, ensuring that community members do not face adversity alone.</p>

Sources: Government of Maharashtra, 1994, Nandini *et al* (2002), primary interviews local community elders

These multifaceted responsibilities highlight the essential role of Traditional Panchayats in governing tribal communities. They contribute to preserving cultural heritage, fostering social cohesion, and providing economic support, all of which are crucial aspects of tribal life and governance.

Status of Traditional Panchayats

In the studied regions, the presence of Traditional Panchayats within Tribal Communities takes shape in gatherings that go by various names such as 'Adivasi Samuhik Baitak' (Singh S P 2018), 'Jati Panchayats,' or 'Adivasi Sabhas,' tailored to the specific tribal group. The Baiga population, particularly

notable in the study area, has been extensively discussed in Mandla district research (Jain, 2007) that emphasizes the pivotal role of Jati Panchayats within the Baiga social framework. These informal governance entities are critical in upholding tribal traditions and addressing community-centric matters. Operating in response to community needs and guided by decision-making processes, these gatherings lack established legal codes or formal structures.

The tribal regions, as defined in the Fifth Schedule of the Constitution, presented unique challenges due to their distinct cultural, social, and economic characteristics. Before the Panchayats (Extension to Scheduled Areas) Act (PESA) in 1996, the status of formal panchayats in tribal or Scheduled Areas in India was relatively limited. The standard provisions of the 73rd Amendment of the Constitution of India, which mandated the establishment of panchayats for local self-governance, were not fully applicable in these areas (Prasad, 2016).

As indicated by responses from Scheduled Tribe community members in the Gram Panchayats, approximately 64.7% of respondents acknowledged the active presence of their respective 'Adivasi Sabha' (Traditional Panchayat) within their village. Awareness of active Adivasi Sabhas was found to be higher in PESA Gram Panchayats (73.4%) than non-PESA Gram Panchayats (55.9%). It is important to note that activity levels vary among different tribal groups. While some tribal groups have vibrant Adivasi Sabhas, others do not. Among the Gram Panchayats encompassed by the study, Amgaon Gram Panchayat exhibited more active Adivasi Sabhas, while Kanai Gram Panchayat demonstrated less activity in these groups, potentially attributed to the relatively smaller proportion of the tribal population within that specific Gram Panchayat.

Table 1: Respondents' Level of Awareness about the Status of Traditional Panchayats

Gram Panchayats	Not Active		Active		Total	
	No.	%	No.	%	No.	%
PESA GPs	41	26.62	113	73.38	154	100.00
Non-PESA GPs	67	44.08	85	55.92	152	100.00
TOTAL	108	35.29	198	64.71	306	100.00

Source: Primary Survey

It is crucial to note that other communities in the Gram Panchayats, such as Scheduled Castes (SCs), Other Backward Classes (OBCs), etc., also have their community gatherings. Among those respondents who were aware of the existence of the Tribal Sabha, further investigation was conducted regarding the periodicity of the gatherings. Overall, 56.1% of the respondents indicated that the meetings are organized based on the need. The percentage was highest among respondents from PESA Gram Panchayats, with 61.3% responding similarly, compared to 49.4% of respondents from non-PESA Gram Panchayats. This suggests that the frequency of Tribal Sabha meetings varies based on the perceived need within the community.

Table 2: Periodicity of Meetings of Traditional Panchayats

Frequency of Tribal Sabha meetings	Non-PESA		PESA		Total	
	No	%	No	%	No	%
Based on need	42	49.4	68	61.3	110	56.1
Half Yearly	12	14.1	5	4.5	17	8.7
Quarterly	31	36.5	38	34.2	69	35.2
Grand Total	85	100.0	111	100.0	196	100.0

Source: Primary Survey

Conversations with leaders from the tribal community have shed light on the core objectives of Adivasi Sabhas, accentuating the celebration of traditional festivals and safeguarding customs and traditions. The interviews with elderly members of the community revealed that the assemblies of Adivasi Sabhas are orchestrated to facilitate essential traditional activities associated with these cultural dimensions. Additionally, whenever minor conflicts arise among community members or factions, Adivasi Sabha meetings serve as a forum for addressing and redressing such matters internally, reflecting the community's resolve to manage conflicts within their distinct framework.

Traditional Panchayats, denoted as Adivasi Sabhas, within the studied regions, underscore the commitment to conserving tribal customs and traditions and ameliorating community-centric concerns. While their prevalence is circumscribed, approximately 64.7% of respondents from Scheduled Tribe communities acknowledged the active existence of Adivasi Sabhas in their villages. Awareness was more pronounced in PESA Gram Panchayats than in non-PESA Gram Panchayats. These assemblies are primarily convened in response to community requisites, with a primary focus on cultural observances, decision-making related to festivals, and the resolution of minor disputes within the community. The frequency of these meetings is contingent upon perceived needs. Insights garnered from discussions with tribal community leaders underscore the significance of these gatherings in upholding time-honoured practices and addressing communal affairs.

Participation in Tribal Sabha Meetings

The survey respondents were further queried about their engagement in Tribal Sabha meetings. The results unveiled a higher degree of participation in PESA Gram Panchayats, where 73.2% of respondents affirmed their consistent attendance in such meetings, while 25.0% stated occasional participation. In non-PESA Gram Panchayats, the participation level was relatively lower, with 50.6% expressing regular attendance and 48.2% indicating sporadic involvement.

Regarding participation trends across Gram Panchayats, it emerged that Amgaon Gram Panchayat, characterized by a more substantial presence of the Gond tribal group, exhibited heightened participation. Conversely, in Nata Gram Panchayat among non-PESA Gram Panchayats, where the tribal population was comparably smaller, engagement in the Traditional Panchayat was also diminished. These findings propose that the extent of involvement in Tribal Sabha meetings varies contingent on PESA status, with greater engagement within PESA Gram Panchayats. Moreover, variations are observed across different Gram Panchayats based on the prevalence of specific tribal groups.

Table 3: Status of Participation in Meetings of Traditional Panchayat

Gram Panchayats	Always		Sometimes		Never		Total	
	No.	%	No.	%	No.	%	No.	%
PESA GPs	43	50.59	41	48.24	1	1.18	85	43.15
Non-PESA GPs	82	73.21	28	25.00	2	1.79	112	56.85
Total	125	63.45	69	35.03	3	1.52	197	100.00

Source: Primary Survey

Conversations with community members unveiled that in the past, attendance in meetings concerning customs, culture, and traditions was compulsory for all tribal community members, but exemptions existed for other matters. However, in contemporary times, participation in these meetings has become voluntary, and no penalties are imposed for non-attendance, which contrasts with earlier practices. Furthermore, the discussions underscored that those changes in lifestyle and the influence of external factors, including the presence of parallel institutions, have impacted the level of interest of the younger generation in community-based gatherings. These factors have somewhat influenced the involvement of the new generation in such traditional gatherings.

An analysis of gender-specific participation in Tribal Sabha meetings shows no significant discrepancy in the level of engagement between male and female community members. As indicated in the table below, both genders actively participate in these gatherings, showcasing comparable involvement and engagement in community decision-making processes.

Table 4: Participation in Tribal Sabhas - Gender-wise Classification

Gender	Always		Sometimes		Never		Total	
	No.	%	No.	%	No.	%	No.	%
Female	30	61.2	2	4.1	17	34.7	49	100.0
Male	95	64.2	1	0.7	52	35.1	148	100.0
Grand Total	125	63.5	3	1.5	69	35.0	197	100.0

Source: Primary Survey

The scrutiny of participation in the Tribal Sabha meetings has yielded noteworthy insights. Firstly, a distinct variance in participation levels emerges between PESA and non-PESA Gram Panchayats. Within PESA Gram Panchayats, more respondents consistently take part in these meetings, indicating a more robust degree of involvement. Conversely, in non-PESA Gram Panchayats, participation rates are comparatively lower, with a notable segment of respondents indicating only sporadic engagement.

The respondents also noted that while the elders typically predominantly speak and advocate for the community, other members also have opportunities to voice their concerns. On many occasions, community leaders address the community's overarching issues, leading other members to feel that their concerns are being represented. Upon further discussion, it became apparent that in the PESA Gram Sabhas, individual-centric issues require community members to raise their voices for their concerns to be addressed actively. It was emphasized that unless a matter becomes a significant cause

for concern within the community, there is no established tribal community-driven approach to raise common issues in the PESA Gram Sabhas collectively.

In a broader context, these findings underscore the significance of comprehending participation trends and the underlying factors influencing engagement within traditional Panchayats. They illuminate the evolving dynamics of community-oriented governance and the challenges associated with sustaining active participation.

Relevance of Tribal Sabha in Comparison to Gram Sabha

The study examined the perceived significance of Tribal Sabha in contrast to the formal Gram Sabha. The outcomes divulged that within PESA Gram Panchayats, Tribal Sabha carries a heightened sense of relevance. A substantial portion of respondents (43.8%) from PESA Gram Panchayats regarded Tribal Sabhas as more pertinent, with 18.8% considering them highly relevant. Conversely, respondents from non-PESA Gram Panchayats held a more impartial viewpoint, with their opinions not strongly leaning towards the Tribal Sabha over the Gram Sabha.

Table 5: Extent of the Relevance of Tribal Sabha

Gram Panchayats	Very much relevant		Relevant		More or less Relevant		Somewhat relevant		Not at all relevant		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
PESA GPs	21	18.8	49	43.8	16	14.3	23	20.5	3	2.7	112	100.0
Non-PESA GPs	2	2.4	20	23.8	32	38.1	25	29.8	5	6.0	84	100.0
Total	23	11.7	69	35.2	48	24.5	48	24.5	8	4.1	196	100.0

* one respondent from Non-PESA GP did not respond to this question.

Source: Primary Survey

The research outcomes unveil distinct perspectives concerning the pertinence of Tribal Sabhas in different types of Gram Panchayats. The heightened relevance observed in PESA Gram Panchayats indicates an elevated recognition and importance of traditional governance systems within those regions. Conversely, the more balanced responses from non-PESA Gram Panchayats suggest a neutral standpoint, likely influenced by established formal governance mechanisms in those areas. These findings underscore the crucial role of contextual factors in shaping perceptions about the relevance of the Tribal Sabha. They also emphasize the diverse levels of acceptance and significance attributed to traditional and formal governance systems in various Gram Panchayat settings.

Conversations with community leaders yielded significant insights into the dynamics of Tribal Sabha and Gram Sabha. The frequency of Tribal Sabha gatherings displayed irregularity, primarily due to financial constraints and the Adivasi Sabha's challenges in effectively addressing fundamental community issues. Consequently, the Gram Sabha has acquired heightened relevance among community members. Given its formal nature and resource allocation, the Gram Sabha is perceived as an institution capable of addressing its needs. However, it is essential to note that certain tribal groups continue to prioritize their internal gatherings, considering them more meaningful than Gram Sabha meetings. These groups maintain strong community bonds and rely on internal gatherings for decision-making.

Furthermore, the dual role of tribal community leaders as elected representatives within the Gram Panchayat contributes to accessibility and inclusiveness for tribal community members in the Gram Sabha. This participation of community leaders in the formal governance structure enhances the accessibility and perceived significance of the Gram Sabha. This contrasts with the Adivasi Sabha, which lacks a formalized structure and primarily focuses on internal community matters.

Gram Sabha as an Alternative for Tribal Sabhas

The respondents were asked if the Gram Sabha could be an alternative to the Adivasi Sabha. The outcomes signify that most respondents from both PESA and non-PESA Gram Panchayats were skeptical about the Gram Sabha being a viable replacement for the Adivasi Sabha, as depicted in the data presented in Table 6. These findings intimate that community members perceive distinct roles and significance in the Adivasi Sabha and Gram Sabha. This underscores the importance of acknowledging and upholding each institution's distinct functions and relevance.

Table 6: Responses of Respondents Regarding Gram Sabha as an Alternative to Tribal Sabha

Gram Panchayats	Very great extent		Great extent		Moderate extent		Somewhat		Not at all		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
PESA GPs	0	0.0	13	15.5	29	34.5	26	31.0	16	19.0	84	100.0
Non-PESA GPS	14	12.5	36	32.1	24	21.4	30	26.8	8	7.1	112	100.0
Total	14	7.1	49	25.0	53	27.0	56	28.6	24	12.2	196	100.0

* one respondent from Non-PESA GP did not respond to this question.

Source: Primary Survey

While the Gram Sabha is valued by community members for its involvement in decision-making and accessing government initiatives, it is not perceived as a direct substitute for the Adivasi Sabha. The Adivasi Sabha is vital in safeguarding the distinctive culture and traditions of tribal communities, which are under threat as time progresses. The Gram Sabha comprises individuals from various communities, and those outside the tribal context might not prioritize or fully comprehend the customs and traditions of tribal groups. Furthermore, leadership roles in Gram Panchayats are not always occupied by members of the tribal community. Consequently, the continuity of Adivasi Sabhas remains crucial, as the Gram Sabha cannot entirely fulfil the cultural and traditional functions provided by the Tribal Sabha. Nonetheless, community members acknowledge the Gram Sabha's significance in matters that transcend tribal communities. Interestingly, a study by Singh S. P. (2019) revealed instances where members of traditional Panchayats welcomed the presence of the Sarpanch from the Gram Panchayat in their meetings.

The discourse presented in the section aligns with indigenous rights and knowledge theories, emphasizing the importance of self-governance and cultural preservation for tribal communities. The distinction drawn between the Gram Sabha and Adivasi Sabha reflects indigenous rights principles, as it underscores the need for indigenous communities to have agency in decisions affecting their culture and traditions. The concern about non-tribal members not fully understanding tribal customs resonates

with the indigenous knowledge perspective, highlighting the challenge of integrating traditional practices within mainstream governance structures.

Awareness of the PESA Act in the Community

The household-level respondents, elected representatives, officials, and community leaders from the PESA GPs were asked whether they were aware that their Gram Panchayat is governed as per PESA Act. The results revealed that only a tiny fraction (1.5%) of household-level respondents in PESA Gram Panchayats exhibited some level of awareness regarding the fact that their Gram Panchayat operates under the regulations of the PESA Act. However, most respondents were unaware of their Gram Panchayat's adherence to the provisions of the PESA Act.

Table 7: Awareness Level of Respondents about PESA Act

PESA Gram Panchayats	Very well aware		Well aware		Somewhat aware		Slightly aware		Not aware		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Aamgaon Gram Panchayat	0	0.0	0	0.0	3	3.0	0	0.0	97	97.0	0	0
Kevalari Gram Panchayat	0	0.0	0	0.0	0	0.0	0	0.0	100	100.0	0	0
Total	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	200	100.0

Source: Primary Survey

Discussions with tribal community leaders from the PESA Gram Panchayats highlighted a limited awareness and understanding of the PESA Act among them. While these leaders have some knowledge about the Act and its provisions, there is a lack of clarity concerning its actual implementation and its significance in preserving tribal identity and culture.

During the study, it came to light that an organization named Adivasi Vikas Samiti is actively engaged at the district level and has connections to the Gram Panchayat level. Their primary objective is to raise community members' awareness of the significance of the PESA Act and its various provisions. Interactions with representatives of this organization revealed that tribal community members generally show a positive response to the implementation of the PESA Act, recognizing its potential to protect the interests of their communities. However, they also expressed concerns about the lack of awareness among government functionaries and officials, as well as resistance from government bodies to effectively enforce the provisions of the Act effectively, thus undermining its intended purpose.

According to the insights provided by tribal community leaders, the current structure of the Gram Panchayat system has limited efficacy and relevance in safeguarding the rights of tribal communities unless the provisions of the PESA Act are implemented robustly. Moreover, these leaders pointed out that specific provisions in the original PESA Act were not included in the State PESA Act, which may reflect a reluctance within the administration to embrace and uphold tribal autonomy fully. Despite initiatives aimed at educating elected representatives from tribal communities about the PESA Act and its provisions, these representatives cannot often effectively demand the implementation of the Act's provisions within their respective Gram Panchayats.

The poor awareness of PESA Act can be attributed to several definitive factors. Inadequate outreach and communication strategies by the government have resulted in a lack of understanding among residents of Scheduled Areas. As local leaders lack awareness about PESA, it further impedes the dissemination of information to the broader community. The absence of comprehensive training programmes for local leaders and community members further exacerbates the issue, emphasizing the need for targeted efforts to address these multifaceted challenges and enhance awareness about PESA.

Awareness of PESA among the Elected Representatives and Functionaries of Gram Panchayats

The discussions with elected representatives highlighted a lack of understanding regarding the PESA Act and its provisions. While some functionaries possess a limited awareness of the Act's existence, they lack a comprehensive understanding of its specific provisions. This indicates a potential lack of adherence to the Act's intended guidelines in the studied Gram Panchayats, which raises significant concerns about the proper implementation of the Act.

Given that the PESA Act is enacted to protect the rights and interests of tribal communities, it becomes crucial to provide elected representatives and functionaries with appropriate training and capacity-building initiatives. These efforts are necessary to implement the Act's provisions effectively. However, the findings from the study reveal that in the two PESA Gram Panchayats covered, the Secretaries responsible for administrative functions had not received detailed training on the PESA Act or its practical implementation. While one Secretary mentioned that the Act was briefly introduced in a training programme at the Block level, it was not covered in sufficient detail.

The absence of comprehensive training and understanding among key functionaries underscores the urgent need for specialized training programmes specifically designed to address the provisions of the PESA Act. These programmes would empower elected representatives and functionaries with the necessary knowledge and skills to implement the Act effectively. By doing so, the Act's intended goals of safeguarding the rights and interests of tribal communities can be better realized and upheld. Such training initiatives should be a priority to bridge the gap between the legal framework and practical implementation.

Preferred Forum for Conflict Resolution

Section 4(d) of the State PESA Act emphasizes the utilization of customary methods for conflict resolution, specifically through the Gram Sabha. The Act recognizes the importance of traditional practices and community norms in addressing disputes within tribal areas. Respondents were asked for their opinions on understanding the preferred local government system for resolving disputes between community members. The findings reveal various trends and preferences among respondents, highlighting the intricate interplay between formal governance structures and traditional practices in conflict resolution.

In non-PESA Gram Panchayats, most respondents (48.0%) preferred approaching the Gram Panchayat Mukhiya or Ward Member to resolve disputes. This suggests trust and reliance on the formal

local governance structure for conflict resolution. In PESA Gram Panchayats, the preferences were more evenly distributed. Approximately 38.1% of respondents preferred either the Gram Panchayat Mukhiya/Ward Member or the tribal community Mukhiya. This indicates that some respondents in PESA areas recognize the significance of formal and traditional leaders in resolving disputes.

Additionally, a notable percentage of respondents from both PESA and non-PESA Gram Panchayats (23.8% and 22.4%, respectively) mentioned that they would approach the tribal community Mukhiya for dispute resolution. This indicates the enduring importance of traditional leadership and community-based mechanisms in addressing conflicts, even within formal governance structures.

Table 8: The Preferred System of Community-Level Dispute Resolution

Gram Panchayats	Either of them based on the issue		Gram Panchayat Mukhiya or Ward member		Tribal Community Elder		Total	
	No.	%	No.	%	No.	%	No.	%
PESA GPs	45	29.6	73	48.0	34	22.4	152	100.0
Non-PESA GPS	56	38.1	56	38.1	35	23.8	147	100.0
Total	101	33.8	129	43.1	69	23.1	299	100.0

Source: Primary Survey

The results indicate that respondents' preferences are diverse and depend on several factors, including the specific context of the Gram Panchayat and the community's cultural norms. The responses reflect the complexity of dispute resolution mechanisms within tribal communities and underscore the need to balance formal and traditional avenues for conflict resolution.

The role of the Gram Sabha in dispute resolution, as mandated by Section 4(d) of the Panchayats (Extension to Scheduled Areas) Act (PESA), does not appear to be fully realized in the study area. Community discussions suggest that dispute resolution often takes place outside of the Gram Sabha, with the Sarpanch (village head) or ward members of the Gram Panchayat taking on significant roles in this process. This underscores the Gram Panchayat's importance as a capable institution for addressing socio-economic issues, highlighting its formal standing within the governance framework. When community members face issues that go beyond individual capacities, they frequently turn to the Gram Panchayat for assistance.

The study also underscores the accessibility and significance of the structured local governance system, which includes Gram Sabha meetings and connections with elected representatives, in addressing community concerns. This implies that while the Gram Sabha may not play a central role in dispute resolution, the broader local governance framework, represented by the Gram Panchayat, remains essential in addressing community grievances and issues.

Additionally, integrating traditional tribal community leaders into formal elected representative roles is seen to expedite issue resolution within the community. Blending traditional and formal leadership roles can enhance communication and decision-making processes. These leaders can leverage their dual functions to effectively address community issues, benefiting from their authority and influence. Traditional leaders are especially valuable in upholding social harmony and settling

emerging issues in a culturally sensitive manner, given their deep knowledge of local customs and traditions.

However, it is essential to acknowledge that the diminishing involvement of traditional Panchayats in dispute resolution, as observed in the Baiga communities of Dindori district, may be influenced by various factors. These factors could include changing community dynamics, shifts in governance structures, and evolving legal systems. As communities adapt to new circumstances, the roles and functions of traditional institutions may also evolve. Understanding these dynamics is crucial for comprehending how traditional and formal governance systems interact and change over time. (Singh S P, 2019).

Role of Gram Sabha in Safeguarding Tribal Rights

The existing Madhya Pradesh Panchayati Raj Avam Gram Swaraj Adhiniyam (MPPRGSA) grants certain powers and responsibilities to the Gram Sabha, but it is essential to recognize that full compliance with the Panchayats (Extension to Scheduled Areas) Act (PESA) has not been achieved. PESA was explicitly enacted to empower tribal communities and give them greater control over their resources and governance within scheduled areas. PESA confers even more extensive authority to Gram Sabhas, particularly in areas such as land transfer, money-lending practices, and the ability to annul or modify legislation enacted by higher levels of government. The misalignment between MPPRGSA and PESA may reflect the challenges and complexities of incorporating PESA's provisions into state-level legislation and the difficulties in fully implementing them. It is crucial to continue monitoring and working towards better alignment between these laws to ensure the empowerment of tribal communities in line with PESA's objectives.

The omission of powers related to minor forest produce decisions within the MPPRGSA is indeed a significant gap, especially for tribal communities that heavily rely on forest resources. Minor forest produce holds immense economic and cultural significance for these communities, and the absence of authority devolution in this regard highlights a critical deficiency in recognizing and empowering the Gram Sabha in matters related to forest assets and the economic well-being of tribal populations. Addressing this gap and ensuring that the Gram Sabha has a say in decisions regarding minor forest produce is essential to fully realize the objectives of PESA and empower tribal communities in managing their resources.

Table 9: Compliance of MP State Act with PESA Act – powers of Gram Sabha

Land Acquisition	Minor water bodies	Sale of intoxicant	Forest Produce	Mines and Minerals	Village Market	Money Lending	Social sector Institutions
✓	✓	×	×	✓	✓	×	✓

Source: Ministry of Panchayati Raj, 2016

The absence of power devolution regarding minor forest produce serves as an illustrative example of the need for heightened efforts to align the MPPRGSA with the stipulations of the PESA Act. PESA was specifically designed to empower tribal communities and grant them greater control over their natural resources and governance within scheduled areas. Recognizing the importance of minor forest

produce to the livelihoods of tribal communities, PESA includes provisions related to the ownership, control, and management of minor forest produce by the Gram Sabha.

Bringing the MPPRGSA in full alignment with PESA can confer greater autonomy and decision-making capacity upon tribal communities. It would reinforce their role in shaping outcomes related to their natural resources, cultural heritage, and livelihoods. This alignment respects the spirit of PESA and acknowledges the rights and needs of tribal populations, fostering their self-governance and sustainable development. Therefore, efforts to bridge this gap and empower tribal communities further should be a priority in ensuring comprehensive governance in tribal regions.

The discussions presented in the passages align with Indigenous rights theories by highlighting the imperative for autonomy and self-determination of tribal communities. The recent alignment of the MP Panchayat Act with PESA reflects a commitment to Indigenous rights principles, recognizing the need for Indigenous communities to have control over their natural resources, cultural heritage, and governance.

From the PESA Gram Panchayats, the respondents who participated in the Gram Sabha were asked to recollect relevant discussions in Gram Sabha on various provisions of the PESA Act.

Planning and Management of Minor Water Bodies

The study found that deliberations and decisions concerning the planning and oversight of minor water bodies have transpired within Gram Sabha meetings. In consonance with the stipulations of the Madhya Pradesh Panchayati Raj Avam Gram Swaraj Adhiniyam (MPPRGSA), the Gram Sabha is endowed with the authority to offer counsel to the Gram Panchayat on the regulation and utilization of minor water bodies. Notably, approximately 63.7% of the respondents who participated in Gram Sabhas affirmed the occurrence of discussions relating to the planning and management of these water bodies. This observation signifies the Gram Sabhas' engagement in dialogue and decision-making processes about such resources, thereby acknowledging their significance within the community's framework. Predominantly, these discussions were intertwined with activities governed by the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA).

However, it is imperative to acknowledge that 36.3% of the respondents did not recollect such deliberations. This could signify a dearth of awareness or limited involvement in discussions during Gram Sabha gatherings, resulting in a constrained comprehension of discussions and resolutions concerning the oversight and management of minor water bodies. Remedial efforts should be directed towards heightening awareness and augmenting participation among community members, ensuring their active engagement in discourse and decision-making concerning the management of minor water bodies, as envisaged by the tenets of the MPPRGSA and PESA Act.

Management of Village Markets

The study's outcomes underscore a notable absence of recollections regarding discussions concerning the administration of village markets during Gram Sabha meetings. According to the provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA) and Section 129-C of the Madhya Pradesh

Panchayati Raj Avam Gram Swaraj Adhiniyam (MPPRGSA), both Gram Panchayats and Gram Sabhas hold the authority to oversee village markets, encompassing endeavours such as cattle fairs and related activities. Nonetheless, the absence of recollection among respondents, coupled with dialogues with functionaries and elected representatives of the Gram Panchayat, implies that the Gram Panchayats have yet to supervise village markets actively.

The engagement of Gram Panchayats in managing village markets can yield substantial advantages for the community. These advantages include enhanced economic prospects, improved regulation of market operations, and the facilitation of local livelihoods. It is imperative to address the extant void and stimulate the proactive involvement of Gram Panchayats in the oversight of village markets, in alignment with the intents delineated in the PESA Act and MPPRGSA. By doing so, the community can tap into the potential benefits envisaged by these legislations.

Control of Social Sector Institutions and Functionaries

The Panchayats (Extension to Scheduled Areas) Act (PESA) encompasses provisions that pertain to the regulation of social sector institutions and personnel affiliated with Panchayati Raj Institutions (PRIs) and Gram Sabha. The Madhya Pradesh Panchayati Raj Avam Gram Swaraj Adhiniyam (MPPRGSA) empowers both Gram Panchayats and Gram Sabhas to oversee the operations of social sector entities entrusted to or appointed by the Gram Panchayat. This scope encompasses health programmes and facilities, educational establishments, Anganwadi Centres (Integrated Child Development Services), and the Public Distribution System (PDS).

A query was posed to Gram Sabha attendees regarding whether there were discussions or decisions made within Gram Sabhas concerning the management of public sector institutions and their personnel. Remarkably, a substantial majority of respondents, excluding 24.6%, distinctly recollected discussions and reported instances regarding the same that transpired during Gram Sabha meetings. This insight underscores the active engagement and involvement of the community in deliberations related to the oversight of public sector institutions and the functionaries associated with them.

Table 10: Discussion in Gram Sabha about the Management of Public Sector Institutions

Gram Panchayats	Discussed		Not discussed		Total	
	No.	%	No.	%	No.	%
Amgaon Grama Panchayat (B)	51	76.1	16	23.9	67	100.0
Kevalari Grama Panchayat (B)	47	74.6	16	25.4	63	100.0
PESA GPs	98	75.4	32	24.6	130	100.0

Source: Primary Survey

Safeguarding of Tribal Identity by Gram Panchayat System

The responses provided by Scheduled Tribe (ST) respondents suggest that a majority of them, regardless of whether they reside in PESA or non-PESA Gram Panchayats, believe that the formal panchayat systems have played a role in safeguarding their tribal identity. This tribal identity encompasses various elements, including customs, traditions, and ancestral occupations, that hold

significant value within tribal communities. However, in-depth discussions have revealed that the current local government structure has not been notably effective in aiding these communities in upholding their traditions and cultural heritage. A noteworthy portion of respondents, roughly one-third of the respondents from both PESA and non-PESA Gram Panchayats, expressed reservations about the limited contribution of the governing system toward the preservation of tribal identity.

The practices and procedures integral to the care of the human, social, and natural environment among tribal communities, particularly in the context of land, water, minor minerals, forest, and minor forest produce, mechanisms of internal solidarity, festivals, and religious activities, defines the tribal identity. While some of these practices may no longer be actively used, they hold significant historical and cultural value. The PESA governance has not yet matured into a form where the tribal community members feel their cultural and traditional identity is safeguarded.

These findings underscore the necessity for an engaged approach within the Gram Panchayat framework to cater to the unique needs and aspirations of tribal communities. Initiatives must be implemented to empower and actively engage these communities in the decision-making processes, foster the preservation of cultural heritage, and create avenues for the continuation of traditional livelihoods. It remains imperative to ensure that the Gram Panchayat structure not only acknowledges the significance of tribal identity but actively supports and facilitates its perpetuation. This can be achieved through formulating inclusive policies, capacity-building endeavours, and establishing platforms that enable meaningful participation of tribal community members in local governance initiatives.

Table 11: Respondents' Views on the Extent of Safeguarding of Tribal Identity by the Formal Panchayat System

Gram Panchayats	Very great extent		Great extent		Moderate extent		Somewhat		Not at all		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
PESA GPs	26	16.9	44	28.6	26	16.9	15	9.7	43	27.9	154	100.0
Non-PESA GPS	5	3.3	50	32.9	41	27.0	16	10.5	40	26.3	152	100.0
Total	31	10.1	94	30.7	67	21.9	31	10.1	83	27.1	306	100.0

Source: Primary Survey

The outcomes derived from Focus Group Discussions with tribal community members and interactions with community leaders have revealed several significant aspects concerning the role of Tribal Sabha and the operational dynamics of the Gram Panchayat system.

To begin with, the influence of the Tribal Sabha on the formal Gram Panchayat's decisions was limited. There is no established practice of convening Tribal Sabha meetings before Gram Sabha sessions to gather insights and perspectives from the tribal community on pertinent matters. This lack of integration suggests that tribal voices are not adequately represented within the Gram Panchayat framework. However, it was noted that community members are willing to engage in Gram Sabha meetings and voice their concerns. The Gram Sabha is predominantly viewed as a formal government platform rather than a community-centered affair. Encouragingly, efforts have been made to motivate

and involve women members of the community in Gram Sabha meetings, reflecting a positive stride toward inclusive decision-making.

Further exploring revealed that the operational functioning of the Gram Sabha and Gram Panchayat is predominantly overseen by the officials of the Gram Panchayat, with minimal engagement from the Sarpanch (Village Head) and Ward members. Due to their heightened awareness about various programmes and benefits, these officials wield substantial influence over decision-making procedures. This power dynamic presents a challenge in effectively preserving tribal identity and tending to the specific requirements of the tribal community within the context of the Gram Panchayat structure.

These insights echo the indigenous rights theories and the necessity for greater empowerment and participation of tribal community members within the ambit of the Gram Panchayat system. Efforts must be directed toward fortifying the role of the Tribal Sabha and ensuring its proactive involvement in the decision-making processes. Vital capacity-building initiatives should be undertaken for elected representatives, including Sarpanch and Ward members, enhancing their efficacy in representing and advocating for the interests of the tribal community. The emphasis on capacity-building initiatives and raising awareness of indigenous rights principles, recognizing the importance of empowering tribal community members to actively participate in governance and protect their distinct identity within the larger political framework, is becoming an essential requirement in this context.

Discussion and Conclusion

The study sheds light on the intricate interplay between traditional tribal governance systems, represented by the Tribal Sabha, and the formal Gram Panchayat system. It underscores the importance of recognizing and respecting each institution's diverse roles in addressing the multifaceted needs of tribal communities. While the Gram Panchayat system carries the potential to address socio-economic issues and provide a platform for community engagement, it falls short of fully safeguarding tribal identity, preserving cultural heritage, and ensuring adequate representation of tribal voices.

The PESA Act, despite its intention to serve as an alternative to traditional tribal governance systems, has faced challenges in achieving this goal. One of the reasons for its limited success is the lack of effective implementation and awareness among elected representatives, functionaries, and community members. The provisions of the PESA Act, which aim to empower tribal communities and preserve their customs and traditions, require a comprehensive understanding and commitment from those involved in the governance process. However, studies such as Patel and Nayak (2019) have highlighted the limited awareness and orientation among these stakeholders, leading to a gap in utilizing the provisions of the PESA Act. The lack of necessary capacities and a clear roadmap for implementation hinder its effectiveness as an alternative to the traditional tribal governance system. Additionally, bureaucratic resistance and the reluctance of the administration to fully incorporate the provisions of the PESA Act into state legislation reflect the challenges in accepting and embracing tribal autonomy (Registrar General & Census Commissioner, India, 2011). Thus, the failure of the PESA Act to become a solid alternative to the traditional tribal governance system can be attributed to issues of

awareness, capacity-building, and resistance within the administration, which require further attention and concerted efforts to overcome.

In conclusion, the study highlights the independent functioning of traditional and Gram Panchayats as standalone institutions. The Gram Panchayat system holds prominence in both PESA and non-PESA areas, while traditional Panchayats have a limited impact on the formal Panchayat system. There is a lack of interaction between these two systems, and tribal leaders sometimes hold positions in both traditional and formal Panchayats.

The findings from the analysis underscore the critical intersection of indigenous rights and knowledge theories in the prevailing PESA governance systems. The limited influence of the Tribal Sabha within the Gram Panchayat framework reveals a gap in upholding tribal self-determination. The need for established practices to integrate tribal voices and the dominant role of Gram Panchayat officials highlight challenges in preserving indigenous knowledge and identity. Moving forward, efforts must prioritize empowering tribal communities, enhancing representation, and fostering awareness, aligning with indigenous rights principles. Bridging this gap ensures a more equitable, inclusive, and culturally sensitive governance that respects the inherent rights and wisdom of indigenous populations.

The PESA Act, while being a significant legislative effort to empower tribal communities, faces challenges in its comprehensive implementation. Limited awareness and understanding among community members, elected representatives, and functionaries hinder its realization. Despite its potential, the PESA Act's impact varies due to non-compliance, lack of capacity-building, and the dominance of formal governance structures. However, where PESA is effectively implemented, it facilitates community engagement, local decision-making, and the preservation of tribal identity. A collective commitment from all stakeholders is imperative to harness the true potential of the PESA Act and bridge the gaps between traditional and formal governance systems. Further research and policy interventions are required to address the challenges and realize the true potential of the PESA Act in protecting tribal rights, promoting self-governance, and preserving the unique identity and culture of tribal communities in India.

Recommendations

Some of the recommendations derived from the study are:

- **Strengthen Tribal Sabha Integration:** There is a need to bridge the gap between Tribal Sabha and Gram Panchayat by establishing prior consultation and collaboration mechanisms. Convening Tribal Sabha meetings before Gram Sabha sessions can facilitate the inclusion of tribal perspectives in decision-making processes.
- **Empowerment through Awareness:** Enhance awareness among tribal community members about their rights, entitlements, and available government programmes. This will empower them to actively engage in Gram Sabha meetings and voice their concerns effectively.
- **Capacity Building of Elected Representatives:** Provide comprehensive training programmes to elected representatives, including Sarpanch and Ward members, focusing on the provisions of the PESA Act and the unique needs of tribal communities. This will equip them to advocate for the interests of the tribal community within the formal governance system.

- **Preservation of Tribal Identity:** Establish policies and initiatives that address preserving tribal identity, customs, and cultural heritage. Create platforms for the tribal community to participate in decision-making processes related to cultural preservation and traditional practices.
- **Effective Implementation of PESA:** The notification of PESA rules in November 2022 in Madhya Pradesh is expected to empower the Gram Sabhas in decision-making regarding the utilization of resources in the forest areas. Authorities should take proactive measures to implement the PESA Act's provisions effectively. This will grant tribal communities greater autonomy and decision-making authority.

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