

India's Approach to Tribal Self-Government

PANCHAYATI RAJ (Local Governance) in Bhil Communities:

Case Study of Gram Sabhas in Scheduled Areas (Indigenous Communities) of Rajasthan (INDIA) under the Panchayats Act, 1996

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ABSTRACT

This article is a condensed version of a case study of Gram Sahas in Scheduled Areas of Rajasthan, India conducted under a University Grants Commission of India sponsorship considering the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). The study arose from the scholarly intent of the researcher to probe into the apparatus created in the wake of the 73rd constitutional amendment with regard to specific provisions for Scheduled Areas in general and Rajasthan in particular.

Keywords: schedules areas, Panchayati Raj, tribal self-government, Rajasthan, indigenous peoples

METHOD

The 73rd Constitutional Amendment 1993 Article 243 (M) provided that nothing in the Act would be applied in the Scheduled Areas unless modified and amended by Act of Parliament (Article M 4 h). The States of Andhra Pradesh, Orissa, Bihar and Maharashtra challenged the application of the 73rd Constitutional Amendment 1993 to the Scheduled Areas and the election process in the High Courts. As a consequence of these challenges the government of India established a committee popularly known as Bhuria Committee in 1994, which made far-reaching recommendations on the law concerning tribal sub-plan areas.

ANALYSIS

This case study reveals that implementation of India's law in Scheduled Areas at

the federal, division, district, and state levels resulted in the lack of transparency by officials, and a need for Act amendments for rehabilitation and resettlement policy for displaced tribal populations, as a result of differing legislation at the federal and state levels. Implementation of the federal and state laws "has a long way to go in assuming the role of 'Gram Sansad' as visualized by Gandhi."

India's Foundation for Tribal Self-Government

The Constitution of India (Article 40) provides that the state shall take steps to organize indigenous peoples' village panchayats¹ and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. There was, however, no mention of Gram Sabha² in the

1 Panchayat, or as it is written in Hindi, Pañcāyat, is a legal body sitting as a court of law and licensing exercised in the self-government of a caste (Madan describes as a "ranked, hereditary, endogamous social group constituting a traditional society).

2 "Gram Sabha has been envisaged as the foundation of the Panchayati Raj system [in India]. A village having a population not less than 1,500 forms Gram Sabha and every adult of the village is a member of Gram Sabha. However, in some states, a Gram Sabha may be formed even if the population is less than 1,500. If the population of several villages are less than the prescribed minimum, then the villages are grouped together to form a Gram Sabha." Retrieved from <https://www.quora.com/What-is-the-difference-between-Gram-Panchayat-and-Gram-Sabha>

Constitution until 1992. This term was also not mentioned in the report of Balwant Rai Mehta Committee Report (1957) on which basis the 3-tier system of Panchayati Raj came into existence in 1959. However, in the Rajasthan Panchayat Samiti and Zila Parishad Act (1959) there was a provision for holding two meetings of Gram Sabha every year, but it was at Panchayat headquarters only and not in every village.

It was only in 1993 after passing of 73rd Constitutional amendment Act that Gram Sabha was given Constitutional status (Article 243(b)).³ This provision defined Gram Sabha as a body consisting of persons registered in the electoral rolls relating to Panchayat at the village level. Article 243(A) of the Constitution provided that a *Gram Sabha may exercise such powers and perform such functions at [the] village level* as the Legislature of a State may by law provide for Scheduled areas existing in 10 States, including Rajasthan.

In the 73rd Constitutional Amendment Bill in 1992, Article 243(M) (4b) laid down the rule that nothing in Article 243 should apply to Scheduled areas unless modified and amended by an Act of Parliament. The States of Andhra Pradesh, Bihar, Orissa, and Maharashtra approached High Courts for a separate Panchayat law for Scheduled areas. As a consequence of the court's decision, the government of India appointed the Bhuria Committee in 1994, which made far-reaching recommendations on the law to be enacted for tribal sub-plan areas. It stressed village governance, participatory democracy, community control over resources, and suitable administrative frameworks for Scheduled areas. Keeping in view the provisions of Article 243(M) of the Constitution and recommendations of Bhuria Committee, Parliament enacted the

Panchayats (Extension to Scheduled areas) Act in 1996 popularly known as PESA.

The PESA Act of 1996 extended the provisions of the 73rd Constitutional Amendment to the Scheduled areas, subject to exceptions and modifications. As per Section 5 of the Act, the provisions of the State Acts had to be brought in accordance with exceptions and modifications within one year.

The provisions of PESA Act of 1996 have clearly envisaged a very powerful role of Gram Sabha in Scheduled Areas. The success of effective Panchayati Raj in Schedule V areas invariably depends upon Gram Sabhas working in Scheduled Areas in a transparent and accountable manner. Alienated tribal communities will feel proud of being consulted in matters such as: land acquisition, their compensation and resettlement, granting of mining leases, auction and license, action against money lenders for illegal activities, restoration of their agricultural lands trespassed by non-tribals, approval of plans and projects for their social and economic development, selection of beneficiaries for poverty alleviation and other programmes, and certification of utilization of funds spent by Panchayat. Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution. Gram Sabha of Scheduled Areas shall also have power to enforce prohibition, have ownership of minor forest produce, power to prevent alienation of land and restore unlawfully alienated lands, power to manage village markets, exercise control over money lending to the scheduled tribes, exercise control over institutions and functionaries in all social sectors, power to control local plans and any other powers which State Legislations

3 P.M.Bakshi (1995), The Constitution of India, Universal Law Publishing Co. Pvt. Ltd.

may endow to make them institutions of self-government.⁴ Thus, Gram Sabha is the nerve centre of Panchayati Raj of India, especially in scheduled areas where they have been invested with wide powers as described above. It is a platform at the grassroots level where people of the village have direct participation in decision-making. Gram Sabha is supposed to play the central role, in which it is competent to safeguard and preserve the traditions and customs, cultural identity, community resources, and customary mode of dispute resolution.

Rajasthan State adopted in northwestern India the Panchayats (Extension to Scheduled Areas) Act in 1999 and issued four notifications in the year 2002 regarding control of Panchayats over money lenders, restoration of alienated lands of tribals by Block Panchayat, compulsion for the Mining Department to obtain 'No Objection Certificates' from respective Panchayati Raj institutions to grant leases, license or auction, and other provisional amendments in Minor Mineral Concession Rules (1986) of the State government accordingly. But detailed rules were delayed in respect of consultation with Gram Sabha in matters of land acquisition, power of Gram Sabha for customary mode of dispute resolution, ownership of minor forest produce including bamboo and tendu leaves, power to enforce prohibition or to regulate sale or consumption of any intoxicant, control over local plans, power to manage village markets, planning and management of minor water bodies, maintenance of peace, etc. These rules were to be framed in consultation with Advisory Council for Tribes as provided in the Constitution. A notification of rules is required to be published in the official gazette. Consultation with Revenue, Forest, Mining, and Excise de-

partments and Tribes Advisory Council took a very long time. Ultimately, after completion of the process, detailed rules were notified in Rajasthan official gazette only on 2 November 2011. Rule 32 of the State Government Constitution empowered the issuing of orders regarding removal of difficulties faced in effective implementation of the 2011 Rules. The State Government on 30 January 2012 issued these new rules.

More than four years have passed since completion of the process of empowering Gram Sabha at the village level in Scheduled Areas and it was deemed important to find out and evaluate their performance through a field study. With such an objective, two tribal districts of Banswara and Dungarpur in Rajasthan were selected for intensive study. As a corollary, in each district two Village Panchayats/Gram Sabhas of each of two Blocks in a district were studied with the help of field surveys, informal interviews, case study, and group discussion. Grey areas were identified constraining effective implementation of PESA in regard to Gram Sabhas. As a result of the study, suitable modifications have been suggested to strengthen Gram Sabhas in Scheduled Areas of Rajasthan.

Study Rationale

The interface between development and self-governance through Panchayats has acquired a new dimension in recent years in the context of India's tribal communities, particularly with the ever-increasing problem of land alienation, deforestation and displacement, persecution by moneylenders, lack of control over minor forest produce, and other problems affecting their very existence. The long-term objective of tribal sub-plans has been to narrow the gap between the levels of tribal people and

4 The Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996 No. 40 of 1996

other areas while improving the quality of life of the tribal communities. It is possible not only by making tribals the beneficiaries or by involving them in programmes of development, but by making them partners in the decision-making process. A shift in the approach from paternalistic to welfare, to development and now to empowerment has become visible. It is here that the role of Gram Sabha as a unit of governance based on tribal customs becomes important because Gram Sabhas are agencies of overall development of their people and at the same time preserving their culture.

Case Study Method

The case study method was selected to determine the factors that account for individual resident behavior patterns in each given unit and their relationship to the environment. In view of the impetus and recognition of the case study technique in social sciences, the present study was organized based on a case study of four Gram Sabhas selected based on an assessment made by Panchayati Raj Department of the Government of Rajasthan during 2012-2013. It seeks to incorporate or highlight mobilization efforts of tribal communities towards self-governance in four identified panchayats on the basis of an evaluation index in two tribal districts of southern Rajasthan (Dungarpur and Banswara).

The Respondents for the Study

Participants in the Case Study included:

- Gram Sabha members of selected panchayats from each block at the time of Gram Sabha meetings, including a fairly representative group of male and female members occupied as teachers, farmers, dalits, businessmen, and retired army or police personnel; categories representing a fair cross-section of society. In all approximately 25 members from each of the Gram Sabha—a total of 90

Gram Sabha members—were approached as a purposive sample of respondents, and elected representatives of panchayats from each of the four Blocks available at the time of the visit.

- Official functionaries from the government departments concerned with Panchayati Raj and working at various levels in the four Blocks of two districts;
- Principal and faculty members of the Panchayati Raj training institutions at the district level;
- NGOs working for creating awareness about the functioning of Panchayat Raj Institutions (PRIs) and Gram Sabhas in the identified area of four Blocks.

Methods and Inventories for Data Collection

Individual interviews and group discussions were used to assess the awareness of the respondents about the provisions of PESA Act of Rajasthan enacted in 1999 and Rules framed thereunder in 2012 along with their implementation and popular awareness of the law and rules. In the case of Sarpanchas, block presidents, and other elected functionaries and officials, individual interviews were conducted to assess:

- Awareness about the provisions of the Act of 1999;
- Awareness about the Rules of 2011 and procedures for implementation of the provisions and; and
- The performance of Gram Sabhas in their respective Panchayats.

The official functionaries were consulted and interviewed to assess their knowledge about provisions of the Act of 1999 and Rules of 2011 and efforts made by them to educate the elected PRI representatives and people about the provisions. In case of training institutions and NGOs, discussions were held to assess their contributions in educating both

the elected representatives and the official functionaries about the provisions of the Act and Rules and in imparting the required skills for their effective implementation.

Data Collection

The fieldwork for the study was conducted in two phases. During the first phase, secondary data including the PESA Act 1996, PESA Act of Rajasthan 1999, PESA Rules 2011, Clarifications under Rule 32, the Rules issued by the government in Panchayati Raj January 30, 2012, and orders issued by concerned departments in pursuance of implementation of Rules were collected. Preliminary discussions were held with selected District and Block officials of selected Panchayats/Gram Sabhas for field study.

District field coordinators were identified and oriented to the project objectives and approached for data collection.

During the second phase, primary data was collected from the respondents mainly through group meetings and individual interviews on the spot. Data collection took about one year during the project period.

Data Analysis

For the purpose of analysis, the responses of the data (both primary and secondary), and observations made during group discussions and individual interviews were classified and grouped into three categories:

- Responses from Gram Sabha members and elected PRI representatives;
- Responses from the official functionaries at the field level, including those working with the PRIs and other development departments;
- Responses of the NGO representatives and training institutions.

The classifications were adopted in the interview schedules / guides and indicators were evolved to assess awareness of field and

state level officials, who are responsible for making people aware about provisions of the Act, with the help of NGOs. The data collected was analysed to identify differences of perceptions among respondents in the levels of awareness about state PESA Act and Rules.

Responses were also analysed on the basis of various parameters including age, sex, education, occupation, and experience of working in the PRIs. The data has been analysed based on the observations made by all categories of respondents, namely elected PRI representatives and the officials working at different levels in districts, Gram Sabha members, and NGO workers.

India's Constitutional Perspective of Gram Sabha in Scheduled Areas

Village panchayats have been integral to India's traditions and cultural heritage, and are an ideological part of India's national movement. Gandhi ji had mooted the idea of 'Gram Swaraj':

The government of the village will be conducted by the Panchayat of five persons annually elected by the adult villagers, males and females, possessing minimum qualifications. These will have all the authority and jurisdiction required. Since there will be no system of punishment in the accepted sense, the Panchayat will be legislature, judiciary and the executive combined to operate for its year of office. Any village can become such republic today... Here there is perfect democracy based on individual freedom. An individual is an architect of his own government. (Harijan India, 1947)

Gandhi ji considered Gram Swaraj to have self-sufficiency in villages where people would be self-dependent and have autono-

mous self-government. Acharya Vinoba Bhave organized the Gram Daan movement. Many villages were joined. People became masters since Gram Sabhas exercised all the powers in the villages. However, it is a sad commentary on India's national commitment to democratic decentralization that despite the nationalist movement's commitment to Panchayats and Mahatma Gandhi's propagation of the idea, the first draft of the Indian Constitution did not include a provision for panchayats. Arguments of those who pleaded for inclusion of village panchayats in the Constitution finally prevailed.

Article 40 of the Constitution of India reads: "The State shall take steps to organize village Panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self government." The basic conviction could not be ignored that village Panchayats could play an important role in the social transformation and implementation of development programmes (Constitution of India, Universal Publishing House Co.Pvt. Ltd, Bakshi. P.M).

Mahatma Gandhi's view regarding village panchayats as primary grassroots-level democratic unit prevailed. In five-year plans since 1951, people's participation has been necessary so the objectives of India as a welfare state could be fulfilled. As Gandhi ji stated: "Greater the power of Panchayat, better for the people for true democracy" (Harijan India, 1947).

The Community Development Programme was started in 1952 under major influence of the Etawah Project undertaken by American expert Albert Mayer. Community development envisaged motivation of the rural people to take a community-based approach to the improvement of economic and social conditions of life. Government was expected to provide general guidance and technical-cum-fi-

nancial assistance in some Blocks in a phased manner. National Extension Service was also introduced in 1953 as a prelude to Community Development in various Blocks.

Village level panchayats took interest in development schemes. District Boards were hardly given any role in implementation of development programmes. There was increasing interest and enthusiasm in the beginning but it was short lived. The programme was more or less bureaucratic and excessively politicized. SDO-cum-BDO fulfilled local demands like roads, drinking water, wells, Panchayat Ghar, school buildings, etc. All schemes were treated as government schemes rather than people's programmes.

Status of Gram Sabha in Rajasthan (1994-2011)

The Rajasthan Panchayati Raj Act 1994 provided for holding Gram Sabha meetings at least twice a year, not at village level but at panchayat headquarter level. As per the 1993 Constitutional Amendment, the state legislature of Rajasthan specified powers and functions of Gram Sabha in Section 8 of the Act. In the year 2000, provisions were also made in Rajasthan Panchayati Raj Act for Ward Sabha to be convened at least once in six months. These provisions were applicable to all the panchayats of Rajasthan, including those in Scheduled Areas. Ward was either for one village or for a part of the village. Unfortunately, despite the legal provisions, panchayats were enthusiastic toward Ward Sabha for one or two years, but ultimately became non-functional and eventually discontinued. However, a number of Gram Sabha meetings are held at least twice a year as per provisions of the Act and many more for specific purposes like preparing BRGF (Backward Regions Grant Fund) plans, selecting Anganwadi workers/ Asha sahyoginis, verifying electoral rolls, ra-

tion cards, 26th January Republic Day and 15th August Independence Day, etc., as directed by the State Government. Such practice has been followed likewise in Scheduled Areas from 1994 to 2011 – the year in which separate rules for Scheduled Areas were passed.

Bhuria Committee Recommendations

Regarding Scheduled Areas existing in ten states (including Rajasthan), Article 243(M)(4b) of the Constitution laid down that nothing in Article 243 applies to Scheduled Areas unless modified and amended by an Act of Parliament. Some states approached high courts also demanding separate Acts for Scheduled Areas. For this reason, the Government of India appointed the Bhuria Committee on 10th June 1994, consisting of twenty-two expert members under Chairmanship of Dilip Singh Bhuria, the Member of Parliament from Jhabua (M.P.), and made far-reaching recommendations in its 1995 report (Bhuria Committee Report, 1995).

Panchayats (Extension to Scheduled Areas) Act, 1996

The Act of 1996 extended the provisions of part IX of the Constitution relating to panchayats of the Scheduled (tribal) Areas subject to exceptions and modifications as provided in section 4:

- The power to enforce prohibition or to regulate and restrict the sale and consumption of any intoxicant
- the ownership of minor forest produce;
- The power to prevent alienation of the land in Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;

- The power to manage village markets by whatever name called;
- The power to exercise control over money lending to the Scheduled Tribes;
- The power to exercise control over institutions and functionaries in all social sectors;
- The power to control local plans and resources for such plans, including tribal sub-plans.

Section 4(n) of the Constitution provides that the state legislature may endow panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government. It further provides that they shall contain safeguards to ensure that panchayats at the higher level do not assume the powers and authority of any panchayat at the lower level, or of the Gram Sabha.

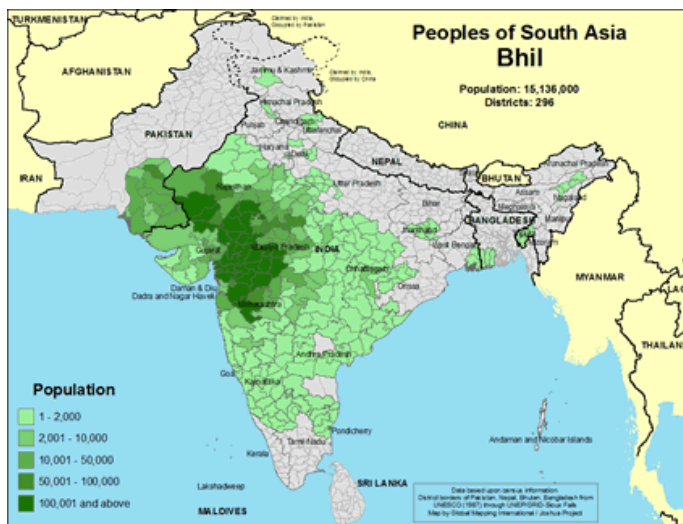
Necessary amendments as per section 4 of the Act were to be made by December 24, 1997. Some powers of Gram Sabha, as mentioned in the provisions of the Act of 1996, were already contained in the Rajasthan Panchayati Raj Act of 1994, or handed over to panchayats by government orders in the year 2000.

Identification of Study Area

Scheduled Areas⁵ of Rajasthan are spread over five districts of Banswara, Dungarpur, Udaipur, Pratapgarh, and Sirohi. But it is only in two districts of Banswara and Dungarpur that all the Blocks are covered in tribal areas, whereas Udaipur, Pratapgarh, and Sirohi are partly covered in tribal sub-plan areas. Hence, fully covered tribal districts of Banswara and Dungarpur were deliberately selected for the purpose of this study.

5 Scheduled Areas are defined as protected tribal areas in India in accord with the Constitution of India. Scheduled Areas may be declared or resinded by India's President at any time.

From Banswara District, two Blocks (Talwara, 55% and Kushalgarh, 88%) were selected for this study. From the Dungarpur district, Dungarpur (68%) and Sagwara (48%) were chosen. Additionally the newly carved Block of Galiakot was included. Dungarpur is a semi-urban Block covering the district headquarters, whereas Kushalgarh, Talwara, and Sagwara are interior Blocks, well connected with district headquarters.



Map 1: Bhil population distribution and concentrations in India.

Objectives of the Study

The main objective of this study was to examine the present status of Gram Sabhas in Schedule V areas of Rajasthan.

There were four major activities:

1. To briefly review and examine provisions of PESA in the context of Gram Sabhas in general, and in Rajasthan particularly, and rules framed to implement it;
2. To study implementation of PESA in Gram Sabhas of Rajasthan with special reference to four Gram Sabhas of two districts selected for intensive study;
3. As a corollary to the above, to probe into legal and other constraints including grey areas in the existing rules and regulations constraining effective implementation of PESA in regard to Gram Sabhas;
4. As a result of the study, to derive policy implications and suggest suitable modifications to strengthen Gram Sabhas in Scheduled Areas.

Sources of Data

The study is based mainly on the second-



Map 2. Dungarpur and Banswara in Rajasthan and Bhil territory

ary data collected from the official records and reports about one Gram Sabha in each of the tribal sub-plan Blocks of two districts of southern Rajasthan. The collected data was supplemented by primary data collected by administering an interview schedule to the group of respondents, and by other methods such as formal and informal discussions with focus groups, participant observation, and case studies.

Table 1.1: ITDP Districts and Blocks with Percentage of Tribal Population Distribution

S. No	ITDP District	Total Population	Tribal Population	% Tribal Population	ITDP Block	% Tribal Population in the Block
1.	Banswara	1155600	849005	73.47	Ghatol	77.59
					Garhi	53.64
					Talwara	55.13
					Bagidora	76.78
					Anandpuri	92.84
					Kushalgarh	87.86
					Sajjangarh	88.91
2.	Dungarpur	874549	575805	65.84	Dungarpur	67.59
					Bicchiwada	83.11
					Aspur	51.87
					Sagwara/Galiakot	48.50

About the Study Area District Dungarpur:

Geography and Climate

The district has a dry climate with a hot season from April to June; however, the climate is milder than in the desert regions of Rajasthan to the north and west. The maximum temperature in the district occurs during the hot season and ranges between 40° and 45° Celsius. The minimum temperature ranges between 10° and 12° Celsius, usually occurring in January. The monsoon season, which runs from June through September, brings almost the only rain to much of the district, but some rain may fall from November through February. The annual rainfall varies extensively over the district from up to 880 mm in Dungarpur town in the northwest to under 500 mm at Nithawa in the northeast. But the rainfall is quite variable from year to

year, as Nithawa had 805 mm in 2013 but only 465 mm in 2014.

Economy

In 2006 the Ministry of Panchayati Raj named Dungarpur one of the country's 250 most backward districts (out of a total of 640). It is one of the twelve districts in Rajasthan currently receiving funds from the Backward Regions Grant Fund Programme (BRGF).

Demographics

According to the 2011 census, Dungarpur district has a population of 1,388,906, roughly equal to the nation of Switzerland or the US state of Hawaii. This gave it a ranking of 351st in India (out of a total of 640). The district had a population density of 368 inhabitants per square kilometre (950/sq mi).

The Vagad region of Rajasthan includes

Dungarpur and Banswara districts. Vagad's population is predominantly Bhils, a tribal people of central India.

Administrative Divisions, Villages and Towns

In the earliest Indian census (2001) the Dungarpur district was divided into four tehsils: Aspur, Dungarpur, Sagwara, and Simalwara; however, around 2007 the new tehsil of Bichiwara (Bichhiwara) was created out of the western part of Dungarpur Tehsil. There are four towns in Dungarpur district: two municipalities, Dungarpur and Sagwara, and two census towns, Seemalwara and Galiakot. As of the 2011 census there were 976 villages in the district.

This district is also known for celebrating festivals and fairs like Baneshwar fair, and Vagad festival arts. Hindi and Marwari are commonly used languages; agriculture and tourism are the main industries of the district. The industrial scenario in the district is average, but supportive because many industries already operate here like the manufacturing of acrylic and blended yarns, chemical based units, handloom cloth, marble chips, powder, etc., providing employment to local people. Dungarpur is a major tourist attraction because there are many places to visit. A few of them are Dev Somnath Mandir, the government archaeological museum, Juna Mahal, and Gap Sagar Lake. Dungarpur is progressing in terms of infrastructure like electricity, water, rail and road transport, and communication media. Dungarpur has basic education and healthcare facilities, which enhance the socio-economic status of the people in the district.

Sagwara Block

Sagwara is a Block situated in Dungarpur district. Located in a rural and tribal area

of Rajasthan, it is one of the five Blocks of Dungarpur district. The Block has 193 villages and there are total 49,146 houses. Out of this block a new one named Galiakot was created in 2014. However, demographic and economic features remain the same and therefore we have included Ambada village, which was part of Sagwara Block until 2015 when it became part of Galiakot.

As per Census 2011, Sagwara's population was 237,998. Out of this, 117,619 were males whereas the females counted were 120,379.

The literacy rate in Sagwara is only 52%. 123,888 out of total 237,998 are educated here. Among males the literacy rate is 63%, whereas the female literacy rate is 40%.

Village Profile of Panchayat Ambada (Panchayat Samiti Galiakot)

The village of Ambada is situated at a distance of 15 kms from the Panchayat Samit Sagwara in Sagwada Tehsil. The village area stretches over 2,839 hectares with 782 households consisting of a population of 2,594, of which 1,267 are male and 1,327 female members. The village has a community centre, key village centre, an Angawadi centre as well as a sub-health centre for people and a veterinary dispensary for animals. It also has primary, middle, and secondary schools; the nearest college is situated at a distance of 5-10 kms from Ambada village.

The village does not have tap water facilities and there are no tube wells either. The drinking water requirements of Ambada village are met either through water from wells or hand pumps. No cases of water shortages were reported. Villagers feel that water is potable and safe for human consumption.

Dungarpur Block (Panchayat Samiti)

Dungarpur is a Block located in Dungarpur district in Rajasthan. Located in a tribal

and rural region of Rajasthan, it is one of the five Blocks of Dungarpur district. The Block has 170 villages and there are total of 44,386 houses. As per Census 2011, Dungarpur had a population of 222,033.

Village Profile of Panchayat Lolakpur (Panchayat Samiti Dungarpur)

The village of Lolakpur is situated 15 kms from the tehsil office of Dungarpur. The village area stretches over 924 hectares with 4,755 households consisting of a population of 2,526, of which 1,274 are male and 1,252 female members respectively. The village has an Angawadi centre as well as a sub-health centre for people. It also has upper primary as well as secondary school. There is no tap water facility and there are no tube wells in Lolakpur village. The drinking water requirements are met either through water from wells or one of the thirty-one hand pumps installed in the village. The residents of Lolakpur consider the available water safe and fit for consumption.

Lolakpur has a post office, but transport facility is lacking with no direct connection by bus. There are also no BSNL (Bharat Sanchar Nigam Limited) telephone connections in the village. It has also a ration shop catering to 643 ration cardholders and is reportedly without any complaints. There is no bank that serves the village of Lolakpur, and neither is there any credit cooperative society operating in the village. Electricity supply for households is available only to half of the village and agricultural electricity supply is inadequate and irregular.

Status and Functional View of Gram Sabhas for Case Study

In Banswara district, two Gram Sabhas of Badwas Khurd and Umrai were selected for case study and field survey on the basis of

being the best panchayats identified under a survey of the government of Rajasthan. Similarly, in Dungarpur district, two Gram Sabhas of Ambada and Lolakpur were selected as per the same criterion.

The following issues were highlighted to probe into their functioning dynamics:

1. Status of Gram Sabhas held in Scheduled Areas of Rajasthan organized during the last four years (i.e., 2011-12, 2012-13, 2013-14 and 2014-15)
2. Whether Gram Sabhas were really held on field as per prescribed norm of once a quarter or adjourned for want of quorum?
3. If organized as per norm, what was the number of participants of members of Gram Sabha?
4. Presence of government officials in the Gram Sabha
5. Presence of NGO representatives in Gram Sabha meetings and contributions made by them regarding guidance as per provisions of PESA Act, 1999 and PESA Rules 2011

Total Resolutions Made by Gram Sabhas

1. Resolutions which could not be passed regarding provisions of PESA Act / Rules
2. Resolutions complied so far and Resolutions not yet complied
3. Difficulties faced in organizing Gram Sabha meetings
4. Suggestions for making Gram Sabhas of Scheduled Areas more effective so as to build their capacity to implement provisions of PESA Act 1999 / Rules 2011

Number of Meetings

An important criterion to monitor and evaluate functioning of an institution is to see whether the meetings are held regularly as per norms/rules or not. These meetings become

Table 1.2: Number of Gram Sabha Meetings (Field survey data collected through investigators, 2014-15 and Gram Panchayats).

Year	2011-12		2012-13		2013-14		2014-15		Total	
	Meetings to be held	Meetings held	Meetings to be held	Meetings held	Meetings to be held	Meetings held	Meetings to be held	Meetings held	Meetings to be held	Meetings held
Choti Badwas	4	8	4	7	4	6	4	6	16	27
Lolakpur	4	5	4	5	4	6	4	6	16	22
Ambada	4	4	4	4	4	3	4	2	16	13
Umrai	4	7	4	5	4	5	4	6	16	23
Grand Total	16	24	16	21	16	20	16	20	64	85

an index of institutional commitment and dedication to roles prescribed. The issue becomes all the more significant for bodies like Gram Sabhas which represent entire villages and villagers at the grassroots level, personifying direct democracy. It was therefore desirable to find out the state of affairs in this regard in the cases of selected Gram Sabhas. The table below shows data as compiled and collected from Gram Sewaks of respective panchayats.

Table 1.2 reveals that on the number of meetings expected to be held and those actually held, the overall situation has been more than satisfying. Meetings of all four Gram Sabhas in respective villages were held on time and more often than required. It was perhaps because of unscheduled and urgently called meetings from higher authorities and called for specific purposes (e.g. identification of beneficiaries for particular programmes).

In terms of particular villages, study findings showed that Badwas Chhoti Gram Sabha was doing better compared to other Gram Sabhas. However, the experiences of other Gram Sabhas

were also quite satisfactory and this is a good sign of regularity of the meetings.

Quorums

Quorum is an important index of judging sincerity of the members of any elected body. This acquires all the more importance at grassroots level where villagers are supposed to be present in large number. Equally important is the presence of those who are required to be present and the overall presence determining the quorum. In the table below, an effort has been made to assess the state of affairs in this regard.

A look at Table 1.3 reflects a very positive scenario about quorums. Of all the four Gram Sabhas, not a single meeting was adjourned due to lack of quorum. This augurs well for institutions of Gram Sabhas as it reflects that people are coming forward to claim their rights and privileges in tribal areas under different government-sponsored programmes. Most of the Gram Sabhas during four years from 2011 to 2015 not only met regularly but with full quorum requirement. Presence of

Table 1.3 : The state of Quorum

Year	2011-12			2012-13		
Gram Sabhas	Members present in the meetings	Meetings adjourned due to lack of quorum	Number of elected representative present in the meetings	Number of members present in the meetings	Number of meetings adjourned due to lack of quorum	Number of elected representative present in the meetings
Choti Badwas	100	nil	13	120	nil	12
Lolakpur	200	nil	10	220	nil	12
Ambada	225	nil	11	228	nil	10
Umrai	240	nil	12	230	nil	12
Grand Total	765	Nil	46	798	Nil	46

Year	2013-14			2014-15		
Gram Sabhas	Number of members present in the meetings	Number of meetings adjourned due to lack of quorum	Number of elected representative present in the meetings	Number of members present in the meetings	Number of meetings adjourned due to lack of quorum	Number of elected representative present in the meetings
Choti Badwas	110	nil	14	115	nil	13
Lolakpur	228	nil	9	348	nil	11
Ambada	228	nil	8	223	nil	11
Umrai	250	nil	12	245	nil	12
Grand Total	816	Nil	43	931	nil	47

villagers in terms of numbers was also found satisfactory and so was the presence of elected representatives of respective bodies.

Presence of Government Officials and NGOs

As per Panchayati Raj Acts and rules, government functionaries and members of NGO/civil society are supposed to be friends, philosophers, and guide poor and preliterate villagers in helping them understand the dynamics of governance in different fields.. Their constructive approach alone can ensure that fruits

of development percolate down to the lowest and the last beneficiaries. This is an important dimension to judge attitudes and approaches of government officials and therefore an effort has been made in the table below to highlight the state of affairs in this regard.

Table 1.4 reveals an unsatisfactory situation in respect of the presence of government and NGO functionaries in Gram Sabha meetings. Throughout the four years of study data, not many government officers were present in Gram Sabha meetings except village Ambada where government officials were present in

Table 1.4

Gram Sabhas	2011-12		2012-13	
	Presence of Govt. Officials in Meetings	Presence of NGOs at Panchyat Level and his contribution	Presence of Govt. Officials in Meetings	Presence of NGOs at Panchayat Level and his contribution
Choti bedwas	2		3	
Lolakpur	6		8	
Ambada	10	1	8	1
Umrai	2		2	
Grand Total	20	1	21	1

Gram Sabhas	2011-12		2012-13	
	Presence of Govt. Officials in Meetings	Presence of NGOs at Panchyat Level and his contribution	Presence of Govt. Officials in Meetings	Presence of NGOs at Panchayat Level and his contribution
Choti bedwas	2		3	
Lolakpur	6		8	
Ambada	10	1	8	1
Umrai	2		2	
Grand Total	20	1	21	1

good numbers. The NGO situation was also unsatisfactory but this may be due to a lack of many NGOs working in the field area and especially at Gram Sabha level, although their presence would have made a substantial difference. Government officials explained their absence in terms of pre- or unexpected engagements at Block or District level. It was, however, revealing and, as expected, the most significant representative of the government (i.e., VLW/ Gram Sewak) was always organizing and guiding villagers in meetings of respective Gram Sabhas.

Proposals/ Resolutions Made by Gram Sabhas

Agenda and resolutions constitute the core of grassroots democracy at the village level. Resolutions reflect not only the agenda set for decision-making but also the direction of things to come and shape the destiny of villagers especially in tribal areas. However, the effort here was to find out what proposals or resolutions were being made in reference to PESA. Table 1.5 at right reveals this data.

An interesting and surprising revelation duly endorsed by respective Village Panchayat Secretaries is that quite a number of proposals were made by respective Gram Sabhas, but

Table 1.5: The State of Proposals in Gram Sabha Meetings

Gram Sabhas	2011-12			2012-13		
	Proposals Passed	Proposal Not Passed	Proposals Related To PESA	Proposals Passed	Proposal Not Passed	Proposal Related To PESA
Chhoti badwas	45		nil	40		nil
Lolakpur	220	180	nil	250	220	nil
Ambada			nil			nil
Umrai	31		nil	26		nil
Grand Total	296	180	Nil	316	220	Nil

Gram Sabhas	2013-14			2014-15		
	Proposals Passed	Proposals Not Passed	Proposal Related To PESA	Proposal Passed	Proposal Not Passed	Proposal Related To PESA
Chhoti Badwas	50		nil	48		nil
Lolakpur	258	198	nil	275	200	nil
Ambada			nil			nil
Umrai	30		nil	32		nil
Grand Total	338	198	Nil	355	200	Nil

Field survey data collected through investigators, 2014-15 and Gram Panchayats

nothing as far as PESA issues are concerned. This was startling considering the fact that all Gram Sabhas studied are located in tribal areas and their focus has all been on routine matters, like identification of beneficiaries and developmental proposals as well as social audit. Issues of tribal importance in the realm of mining, forest produce, prohibition, and conflict resolution have remained out of their bounds. This state of affairs can be attributed to negligence by government authorities at different levels as well as key PR functionaries. They either did not know about PESA or were absolutely indifferent to basic tribal matters.

Implementation of Proposals

Although the number of proposals is an important measure, their implementation is more significant and overall, the scenario in this regard at different levels of governance has always been found to be lacking. There has been a tendency to pass proposals/resolutions but overseeing their implementation has been a very tardy and tedious process due to a number of factors. Table 1.5 reflects this state of affairs.

As expected, the implementation of proposals is far from satisfactory. As illustrated in Table 1.6 on the following page, a majority of proposals, particularly in Ambada and Lolakpur during the year 2011-12, were not at

Table 1.6: Implementation of Proposals

Year	2011-12		2012-13		2013-14		2014-15	
Gram Sabha	No. Of Proposal Being Implemented	No. Of Proposal yet to be implemented	No. Of Proposal Being Implemented	No. Of Proposal yet to be implemented	No. Of Proposal Being Implemented	No. Of Proposal yet to be implemented	No. Of Proposal Being Implemented	No. Of Proposal yet to be implemented
Choti Badwas	45		40		50		48	
Lolakpur	40	180	30	220	60	198	75	200
Ambada		798						
Umrai	31		26		30		32	
Grand Total	116	978	96	220	140	198	155	200

all implemented and the situation was almost the same in Lolakpur, which was surprisingly close to the district headquarters. A similar situation was found in the other three Gram Sabhas. Gram Sewak of Lolakpur could provide no satisfactory explanation except by saying that villagers insist on making demands, which cannot be fulfilled (although they have to be recorded).

Overall Functional View of Gram Sabha Meetings

The functional view of Gram Sabha meetings held in the PESA area of Rajasthan as per case study can be summarized in these ways:

- Gram Sabhas in Scheduled Areas of Rajasthan as organized during the last four years (2011-12, 2012-13, 2013-14, 2014-15) were in fact held on field
- Gram Sabhas are held more than the prescribed norm of once a quarter
- These were not adjourned for want of

quorum

- The required quorum was always present
- The number of women is less than 10% of the prescribed number. Moreover, their voice is not heard nor do they really participate in decision-making process.
- Presence of government officials is in required number in the Gram Sabha in only 50% of the cases. At places nearer to headquarters, their presence was in sufficient numbers, but in remote Gram Sabhas, even all the local officials do not attend.
- Presence of NGO representatives in Gram Sabha meetings and contributions made by them regarding guidance as per provisions of PESA Act, 1999 and PESA Rules 2011 is almost nil. NGO representatives were present in one out of four panchayats. NGO contributions regarding awareness-generation or PESA implementation among Gram Sabha members and elected representatives or officials was totally absent in Banswara and Dungarpur districts.

- Total resolutions made by Gram Sabha, resolutions which could not be passed, resolutions regarding provisions of PESA Act/ Rules, resolutions complied with so far, or resolutions not yet complied with have been summarized in foregoing tables. But the main conclusion is that none of the hundreds of proposals passed, not passed, or yet to be implemented are related to provisions of PESA Act or Rules or powers vested in panchayats of Scheduled Areas regarding control over money lenders, restoration of alienated land of tribals, prohibition, or fixing limits of possession and consumption of liquor on social occasions, and No Objection Certificates (NOC) regarding grant of mining leases, control of minor forest produce, or even settlement of disputes as per traditions and customs.

- Difficulties faced in organizing Gram Sabha meetings are almost nil as meetings were being organized in required number with required quorum. However, presence of 10% quorum of women members was not found, perhaps due to long distance from panchayat headquarters, domestic pre-occupations, lack of interest in Gram Sabha meetings, absence of participation in decision making-processes, etc.

- Main difficulty is lack of awareness and knowledge among elected representatives, Gram Sevaks, and Gram Sabha members regarding provisions of power vested in panchayats of Scheduled Areas as per PESA Act, 1999 and PESA Rules, 2011.

- Lack of initiative between CEO Zila Parishad and Block Development Officer (BDO) of Panchayat Samiti who should have command over PESA powers of PRIs and then train Gram Sevaks and Sarpanchas of Panchayat Samiti in PESA Rules.

- BDOs posted in Scheduled Areas are not discharging their responsibilities to watch the

proceedings of Gram Sabha and ask Gram Sevaks in monthly meeting regarding difficulty in discussion on PESA matters as to why resolutions regarding powers of PESA have not been passed over all these years.

Profiles and Perceptions of Respondents about Awareness, Performance and Impact of Gram Sabhas-The PESA Perspective

Units of study, in this case of Gram Sabha and individuals consisting of voters, elected functionaries, government officials at different levels, NGO workers, and others, either working in field or at district level, are a key to understanding and the successful operation of any exercise in self-governance. The notion of tribal sovereignty in fields like environment, land use, and justice has often been conceptualized and operationalized through a mechanism of institutional structures, and consist of functionaries manning a variety of positions whose level of understanding has often been found to be the crux of the philosophy. The demographic features of the people coupled with the educational, occupational, and socio-economic environment under which they operate are the significant variables which affect their perception and in turn, their participation.

Therefore, it was hypothesized that real strength of Gram Sabhas lies in perceptions and propensity for participation amongst those who man and serve these bodies and through them the higher dream of Gram Swaraj, or self-governance. This is especially true in tribal societies which have yet to overcome social inhibitions and politico-economic hindrances. Keeping this in mind, and while formulating objectives of the study, it was considered appropriate and worth examining what people, including functionaries, thought about the role of Gram Sabhas as institutions of self-gover-

nance in the domain of PESA? Their profiles and perceptions have been explained through the following tables and analysis.

Age as an Index of Profile of Villages and Functionaries

In Table 2.1 (See Tables 2.1 through 2.41 in Appendix I) we see that almost one third of respondents from all four Gram Sabhas were in the younger age group of 21 to 30 years, as compared to the older age group of 51 years and above, consisting of 21% of Gram Sabha members. The other age groups, 31- 40 and 41-50, consisted of 22%, thereby showing that in terms of age profile, an almost even situation exists, except for 6% of those who chose not to mention their age.

Education as Index of Profile of Respondents

Table 2.2 in the appendices indicates that almost one third of respondents had graduated, and this was true for all villages except Ambada, which had reported 46% of respondents as graduates, and Badwas Chhoti of Kushalgarh Block slightly less, to the tune of 24%. Similarly, 21% of respondents had a middle school education level and 16% of respondents had education up to higher secondary level. Respondents with middle school and higher secondary level of education were reflected almost evenly in all villages except Umrai, which reported 34% as middle school level and Ambada representing 22% of them as higher secondary level.

Thus, it is evident and good to find out that almost 80% of the respondents are fairly well educated, which is a good sign of an emerging trend of rising literacy and educational level among the tribals.

Occupational Profile

Thirty-one percent of the respondents

were engaged in agriculture as the primary source of their livelihood and 29% of them belonged to the category of government servants or were retired, shown in Table 2.3. A very small percentage of them were found to be in the group of those who are engaged in some trade activity or labour work respectively. This however, does not include the minority 2% of them who were working as farm labourers and who are housewives (4%). Similarly, 8% of respondents were just students who had either completed their education or were still studying. Four percent of respondents were also found to be NGO employees or associated with NGOs.

Awareness About PESA

PESA gives India's legal recognition to customary tribal laws and practices of self-governance at village level. PESA is an extension of Panchayati Raj Act to Schedule V Areas, which are predominantly populated by tribal communities. It recognizes individual Gram Sabhas for each revenue village thereby adding a fourth tier to the existing three tiers of Panchayati Raj system. There is enough power vested with Gram Sabha under PESA to make its decision binding even on the parliament. It was, therefore, considered critical to explore the awareness about PESA among the respondents in four Gram Sabhas.

More than one-third (36%) of respondents indicated in Table 2.4 replied positively when asked about existence of rules to conduct separate Gram Sabha under PESA for tribal villages. Thirty-six percent of respondents were still unaware of such rules while 24% of them did not respond to the question. This shows that the majority of respondents (65%) are still not aware of PESA and its rules that pertain explicitly to tribal villages.

Sarpanch (24%) and Gram Sewak (13%) have been found to be the key persons as

sources of information for those who responded that they knew about PESA. Upsarpanch (1%) and Panch (1%) have been found to be sources of information for remaining ones. However, a sizable number of respondents (57%) just did not respond and 5% of them responded frankly, conceding that they just did not know.

It is clear from Table 2.5 that Sarpanch and Gram Sewaks are natural key functionaries at the village level but they have not succeeded in telling people about PESA and shall have to make vigorous efforts at the individual level to tell and convince people about benefits of self-governance through PESA. Similarly, other functionaries like Upsarpanch and Panchas as well will have to be concerned about the matter.

Table 2.6 shows the level of awareness in villages of the Shanti Samiti (Peace Committee). More than half of the total respondents, 52% to be precise, from the four sample Gram Sabhas had knowledge of existence of Peace Committee in their village. The quantum of respondents who were aware of the Peace Committee were spread evenly in all villages except for Umrai, which reported 72% awareness.

Understanding who chairs the Peace Committee was also a topic of this case study. Only a little over one third (34%) of the respondents as shown in Table 2.7 confirmed that the Sarpanch was chairperson of the committee in four sample villages. Half of the respondents (51%) could not respond clearly when asked who headed the peace committee, while 16% of respondents had no idea regarding the matter.

Encroachment on Tribal Land by "Savarna" (non-tribal)

The Gram Sabha under PESA has been bestowed with responsibility and appropriate

powers to prevent alienation of land within tribal communities. The ownership of land in tribal areas cannot be transferred to any non-tribal. However, upper casts (savarnas) have historically encroached on tribal land. An effort was made to learn if people have knowledge about instances of tribal land being encroached.

Table 2.8 reveals the levels of knowledge about encroachment on tribal lands indicating that two third or 66% respondents said that they have no knowledge about encroachment on tribal land by non-tribals. Twenty-seven percent did not respond, and only a minority 4% of the respondents said that they are aware of some encroachment on tribal lands.

State of Indebtedness Amongst Tribals

Money lending (*sahukari*) has been an age-old practice done by wealthy land owners in rural areas. Earlier it was unregulated and *sahukars* were known to be ruthless, charging exorbitant interest rates to marginal farmers. Under PESA rules all credit extended to people is to be regulated by the Gram Sabha. Hence, it was considered relevant to assess the people's exposure to locally available credit.

As seen from the Table 2.9, 27% or nearly a third of the respondents chose not to respond, as this is an enquiry about "who has taken loans from moneylenders." This was considered a rather personal question. Sixty percent denied having ever taken any loan from moneylenders while 13% said that they have taken money on credit at some point.

Controls on Intoxication

The problem of alcoholism is a constant menace in tribal society. Lack of education and understanding often leads to alcohol abuse, which creates a disruptive and disharmonious environment in villages. In most cases it also leads to household violence and

unrest. It is therefore important to know if Gram Sabha is cognizant, especially when PESA rules provide ample authority to exercise control.

In Table 2.10 we see that 42% say that their respective Gram Sabha has taken resolution to prohibit/control sale of country liquor. Umrai tops this list with 94% confirming the Gram Sabha's role in controlling intoxication. This is indeed very commendable. One third or 31% respondents said no. Sixty two percent of respondents in Ambada and 50% in Lolakpur said that the Gram Sabha has not yet taken any resolution to control intoxicating substances.

Awareness of PESA among Elected Functionaries and Government Servants

Elected functionaries represent the collective expectations and aspirations of the people who elected them. It was considered important to ascertain their awareness about self-governance and PESA because these are the people who are responsible for grassroots implementation. Similarly, the view of government servants was also considered to be an important factor of the study.

Twenty nine percent of our respondents were aware about PESA among functionaries. Umrai and Badwas Chhoti had the highest awareness among elected functionaries and government servants. In Table 2.11, 13% of respondents did not know about PESA. It can be implied that there is still a lot to be done in terms of building awareness of PESA among those who represent the common villagers.

It was found that more than half (54%) of the elected functionaries had knowledge about PESA Rules, which is significant. Also, around 45% of government employees reported having knowledge about PESA. However, none of the NGO workers questioned were aware of it.

Training on PESA

Training is an important aspect in implementation of PESA. It introduces the concept of self-governance and also the need to have separate rules for tribal panchayats. It was therefore considered important to know if functionaries have received any training on PESA rules.

Only 13% of the functionaries in the four villages had received training on PESA and Lolakpur reported the highest number, while Table 2.12 shows that 24% of functionaries were among those who had undergone training. It can be deduced that there is a lack of training and hence capacity to properly understand PESA. This stands out as one of the major reasons for its poor implementation at the grassroots level.

Table 2.13 depicts the numbers of trained individuals across the various categories. Compared to government servants and NGO workers, greater numbers of elected functionaries are seen who have got some training on PESA, which is expected. But there is still a need to train and capacitate NGO workers who are working among tribal communities as they are in direct contact with Gram Sabha members and can enhance their knowledge and perception of tribal sovereignty through PESA.

The PESA Act has been in existence for more than a decade and a half and Rajasthan adopted the PESA rules in 2011. An attempt was made to know if rules under PESA which promote self-governance through Gram Sabha, are being followed in daily practice. Table 2.14 illustrates how many respondents agreed that PESA rules were being followed. The low response can be attributed to lack of training to functionaries. There is limited understanding of rules and provisions under PESA leading to very limited compliance to its rules. Meanwhile, in Table 2.15 the

number of elected functionaries who showed awareness about PESA as compared to NGO workers and government employees shows more of the story. This is rather surprising that government functionaries and NGO workers are unaware of PESA rules; this might be due to lack of publicity, number of respondents, as well as lack of exposure to training.

Resolution of Criminal Cases by Gram Sabha

Under the PESA Act (1999) and Rules (2011), the Gram Sabha has the power to resolve criminal cases, which involve imprisonment of up to two years or less. Gram Sabha can follow the customary law of the land for resolution of such cases without the interference of police. Following is the assessment about the awareness of functionaries regarding such powers vested upon the Gram Sabha.

Table 2.16 shows one-fifth of the functionaries (20%) in the four villages were aware of the Gram Sabha's power to resolve petty criminal cases. Sixteen percent did not respond while a minority of 2% did not know about it. The awareness about authority of Gram Sabha pertaining to criminal cases is in line with the general awareness regarding PESA. However, as Table 2.17 shows almost half of the elected functionaries were found to be aware about this power of Gram Sabha compared to few of the government employees and none of the NGO workers. An effort was also made to correlate the awareness about conflict resolution to the actual number of cases resolved by Gram Sabhas of the four villages in the past three years.

Lolakpur, which showed in Table 2.18 one of the highest numbers of aware respondents, reported twenty-five cases followed by Umrai (ten cases) and Ambada (five cases) resolved by the Gram Sabha in the past three years.

For a picture of the status of efforts to ob-

tain help from Gram Sabha, Table 2.19 gives a rather stark picture. Ambada sought help from the local Police Thana for five cases in the past three years.

Seeking Consent from Gram Sabha Before Land Acquisition

Land is one of the fundamental natural resources on which tribal life, economy, and livelihood rests upon. Without their land tribals have nothing to survive on. It is therefore crucial that this resource is conserved and protected. Allocation of large portions of land needed for industrial and development projects must be done in an equitable manner and not at the cost of depriving communities of their greatest and most valuable resource of survival. PESA rules state that no land can be acquired for development purpose without the prior consent of the Gram Sabha under which the land is situated.

An attempt was made to know from the functionaries if there has been acquisition of land by the government in the four sample villages for development purpose.

Only 3% respondents in Table 2.20 on the Status of Land Acquisition by the Indian or state government confirmed that village land had been acquired by government for development purposes. Thirty-four percent said that no land had been acquired. Table 2.21 shows that other than government acquisition the land of tribal communities also faces danger of being illegally encroached by non-Adivasis (non-indigenous) for their vested interests. It was important to see if the functionaries are aware about land being forcefully encroached by non-indigenous people in the four villages under study. Respondents in Table 2.22 notice encroachments by non-indigenous peoples. From the Table 2.22 it can be readily seen that Ambada functionaries saw some points of encroachment as reported by 4% of the respon-

dents. Other than that, there does not appear to be substantial reports of encroachment in other villages.

Regulation of Credit by Gram Sabha

Money-lending (sahukari) has been an age-old practice done by wealthy land owners in rural areas. Earlier it was unregulated and sahukars were known to be ruthless, charging exorbitant interest rates to marginal farmers. Under PESA rules all credit extended to people is to be regulated by the Gram Sabha. It is important to know if the functionaries are aware about Gram Sabha's right to report unscrupulous moneylenders and also check their records for irregularities and malpractices. Table 2.23 shows the levels of awareness about panchayat rights to refer cases to the Block Level Panchayat Samiti indicating a relatively small level of awareness. Only 16% of respondents are aware about this panchayat legal right. Table 2.24 shows that both elected functionaries and government servants are on par when it comes to awareness regarding regulation of money-lending. None of the NGO workers seem to have a clue about this matter.

Control Over Minor Forest Produce

The Bhil have been forest dwellers for many generations. Forest and the produce of the forest are an integral part of the symbiotic relationship that tribal communities share with nature. The first claim on all forest products belongs to the Adivasis that have cared and lived harmoniously with nature. This fact is clearly recognized by the PESA Act, which gives the Gram Sabha power to acquire and sell all minor forest produce available from local forests. The following shows the awareness among functionaries about Gram Sabha's rights on forest and forest produce. Awareness among respondents of Rule 26 regarding Gram Sabha's power to acquire and sell minor

forest products is shown in Table 2.25. Surprisingly, only a mere 5% of the respondents were found to be aware about this right. Am-bada displayed the highest level of awareness (12%). Half of the respondents (48%) either did not respond or just did not know about this right. This shows lack of understanding among functionaries and also dominance of the forest department, which hails itself as the owner of the forest and brand the Adivasis as encroachers. Only six elected functionaries and three government servants in Table 2.26 were aware of PESA Rule 26.

Mining

Tribal occupied areas are among the richest areas containing mineral wealth. As a result, these communities are easy targets of exploitation by government and non-government mining companies. According to PESA rules, NOC (Notice of Objection Certificates) from Gram Sabha is mandatory before starting any mining activity in tribal area. It was therefore considered important to know about the awareness among functionaries about PESA Rule 28, which makes it mandatory for the Mines Department to obtain NOC from Gram Sabha. It is clear from Table 2.27 that only a handful of functionaries (merely 2%) are aware about this rule that covers authority to acquire mining rights from Gram Sabhas by the Mines Department. A majority of the elected functionaries and government employees did not know about it. There seems to be a severe lack of awareness concerning the protection and conservation of mineral resources. If we look at the category-wise awareness about PESA Rule 28 in Table 2.28, only one elected functionary was found to have awareness regarding NOC from Gram Sabha by Mines Department. If the functionaries were given proper orientation and training on these rules, they would be in a better position to

protect communities from displacement and exploitation resulting from unchecked mining activity.

Annual Planning by Gram Sabha

Planning is an essential element of any development process. Without planning, there is no definite path or mandate of the Gram Sabha for socio-economic development of tribal communities. Most of the respondents in Table 2.29 mentioned that Gram Sabha prepares annual plans for itself. Unrai reported highest (42%) number of functionaries stating that Gram Sabha prepares annual plans. Almost one-fifth of respondents did not give any response. As one can see in Table 2.30, a large number of functionaries confirmed preparation of annual plans by Gram Sabha. It is now necessary not just to prepare plans, but also assess and monitor implementation of these plans by respective panchayats. To maintain transparency and accountability, panchayats are required to submit six monthly statements of income and expenditure to respective PESA Gram Sabha. As the elected functionaries are responsible for maintaining accountability, an effort was made to find out if panchayats are maintaining the necessary level of transparency. Table 2.31 depicts how 54% of the respondents believed that panchayats have been reporting statements of income expenditure every six months. Meanwhile, Table 2.32 shows that nearly one third or 27% respondents agree that panchayats report their statement of income and expenditure every six months. Similarly, NGO and civil society representatives had some knowledge about it. This is a good sign as civil society has a responsibility to hold duty bearers accountable towards the people. Whether panchayats sought Gram Sabhas budget approval for development is shown in Table 2.33. While overall respondents indicate their positive response

(29%) fully 24% chose not to respond. On one of the questions for panchayats about seeking approval from Gram Sabha for budget and money development, 29% of functionaries reported approval from Gram Sabha as shown in Table 2.34. This is raised about the expected lines, as any proposal for budget allocation cannot go through without the consent of the people for whom it is being sought.

Identification of Beneficiaries

The government acting as a welfare state has initiated a number of schemes of the welfare and social security of rural citizens. An important role of Gram Sabha is to identify people who can take advantage of the government's welfare and social security schemes (pension, APL/BPL, etc.). It is important to know from the functionaries if Gram Sabha is able to perform this role of identifying beneficiaries. It is evident from Table 2.35 concerning the identity of beneficiaries for pensions, housing, and BPL schemes that a majority of our respondents were aware about Gram Sabhas work regarding identification of beneficiaries for pension, housing, and BPL schemes. About one third (32%) of respondents in Table 2.36 said that the Gram Sabha identifies beneficiaries, with Umrai reporting 44%. From the category distribution we can see that most of the elected functionaries confirmed Gram Sabha's role in identification of beneficiaries. NGO workers responded positively.

Institutional Monitoring

As Table 2.37 indicates, it is clear that Sarpanchas and Pradhans inspect schools, public health centres, aanganwadis, and ration shops once a month, which is a good sign. And as predicted, most of the elected functionaries and NGO workers supported claim that Sarpanch/Pradhan regularly inspect

various government institutions in villages as shown in Table 2.38. The Forest Rights Act is an important legislation that allows tribal communities to stake claim to forestland, which they have been cultivating for generations. It provides legal titles to families and secures their future livelihood and existence. Elected functionaries were approached to find out how many forest rights claims have been submitted before the Sub-Divisional Level Committee (SDLC) for Forest Rights. In Table 2.39 we see that at Umrai, twenty claims have been submitted for individual forest rights and thirty-eight claims have been submitted from Ambada village. The other two villages did not report any claims that have been submitted at SDLC.

NGO and Civil Society

NGOs play an important role in terms of spreading awareness and building capacity of the people towards holding dutybearers accountable for carrying out their roles and responsibilities. An active civil society can be helpful in creating a more aware society, which can assert its constitutional rights. It was felt that perception of functionaries about NGOs must be known.

Table 2.40 indicates that NGOs have not been active in the field. Only a few respondents (5%) reported about their presence while 21% of them did not say anything and 30% said no to the question for this table. In Table 2.41 it can be seen that very few elected functionaries are actually aware about NGOs that are operational in the four villages. Five percent of respondents were aware about activities of NGOs while 30% did not know and 21% did not answer. In absolute terms only five elected functionaries were aware about any NGO working in the field.

To the open-ended question about difficulties in implementation of PESA, elected

functionaries, government officials, and NGO workers were of the unanimous view that lack of awareness and knowledge about PESA and its benefits is the uppermost difficulty. Similarly, most of them expressed some difficulty regarding rules about the Act. This shows that neither government nor civil society have taken any concrete measures to publicize PESA in Scheduled Areas and whatever marginal efforts made by imparting training or workshops have turned out to be of not much importance.

When approached through another open-ended question to give suggestions for overcoming difficulties in implementing PESA. Most of the respondents emphasized vigorous efforts for educating people, publicizing PESA provisions through booklets, films, exhibitions and frequent training to functionaries concerned with it. As far as education initiatives, some functionaries were of the view that PESA be taught in some measure to secondary and college level students either through a regular course or by making it a part of social science studies. Publicizing PESA through booklets, films, exhibitions, talks, and media was another significant suggestion emerging from a few Gram Sewake and NGO workers.

Similarly, training of both the officials and non-officials on a regular basis was another important suggestion emerging out of responses. A majority (80%) of functionaries felt that had they been imparted vigorous and frequent training, they would have not only known about PESA but also trained other persons like panchas and teachers residing in the area for its further progress.

Thus, perceptions of our respondents do not present a very encouraging picture of the state of PESA and call for a thorough rewriting the chapter on PESA in Schedule Areas. This should pave way for a new approach

towards the entire exercise of educating all those concerned with tribal self-rule.

Findings and Suggestions: A Policy Perspective

On the basis of field survey, secondary records, and discussions with elected representatives and officers of four selected panchayats of Blocks from two districts of Banswara and Dungarpur situated in tribal southern Rajasthan, it has been concluded that the Gram Sabhas in identified Scheduled Areas of Rajasthan find themselves on the same footing as those of the panchayats in normal areas. Yet these are not expected to be mere deliberating agencies, but institutions with sufficient freedom and autonomy, more so in Scheduled Areas in order to take their own decisions and manage their own affairs related to community resources, to establish their individual identity as institutions of self-government. Thus, the hypothesis that Gram Sabhas in Scheduled Areas of Rajasthan have not been able to perform as per provision of PESA has been validated. Practically, Gram Sabhas in Scheduled Areas also have worked mechanically like other Gram Sabhas in normal areas of Rajasthan.

PESA Act of Rajasthan

The provisions of the Panchayats (Extension to the Scheduled Areas) Act was passed by the Parliament on 24 December 1996 in which it was provided in Section 5 that all the states shall amend their law before the expiration of one year from the date of assent by the President of India. But the government of Rajasthan could have the PESA Ordinance issued only after 3 years on 25 June 1999 and Rajasthan legislative assembly passed it on 30 September 1999. Thus, the passing of the Act was delayed for more than two years.

PESA Rules

Section 4 of the PESA Act of Rajasthan provided that the state government may make rules, by notification in the official gazette, to carry out generally the purposes of the ordinance/act. Such rules were notified in Rajasthan gazette on November 1, 2011 after a delay of more than twelve years after passing of the Act in 1999.

General Awareness About PESA Act/Rules

Departmental officers thought that it was below their dignity to approach Gram Sabha/PRI as required by PESA Rules, 2011, though it was mandatory.

It was astonishing to find during discussions with elected representatives and officials of Panchayati Raj department that despite formal training and distribution of study materials to the participants at district and Block level, hardly any power regarding mining, forest, excise, revenue, police were ever being exercised by PRIs of Scheduled Areas, which was also evident from proceedings of Gram Sabhas held during last four years (2011-12, 2012-13, 2013-14, and 2014-15 respectively).

Government officers of forest, mining, and revenue were, however, aware about the existence of PESA Rules, but were negligent about their adherence because even higher-level officers were not sincere enough to accept the hegemony of PRIs in their departmental affairs. They were not interested in approaching Gram Sabha, Sarpanch, or BDO who are considered socially inferior to them.

Moreover, Sarpanch or BDO did not dare to question officers of respective departments as to why they did not consult Gram Sabha when power was vested in Gram Sabha or PRI. For example, as per Rule 16(1) of PESA, it is mandatory that local police are required

to send a detailed report regarding possibility of disturbance of peace to concerned Gram Sabha/Peace Committee. Arbitration or preventive measures shall be taken only with the consultation of Gram Sabha. As per Rule 16(2), whenever any crime report is registered at the police station, except in serious cases in which a sentence of two years or more can be given as per Indian Penal Code, a copy of the crime report shall be sent to Gram Sabha/Peace Committee. An effort shall be made to resolve the matters in the Gram Sabha's special meeting or its forthcoming meeting. PRIs were either unaware about their powers or they were reluctant to annoy departmental officers and send written complaint to the Tribal Area Development (TAD) Commissioner against department concerned for not following provisions of PESA Rules, 2011.

Formation of Peace Committee

It was, therefore, clear that either Peace Committees were not formed, or they still remained on paper and they had not been performing the required role in Scheduled Area of Rajasthan practically.

Rule 12 provides for formation of a Peace Committee consisting of twenty members which shall have at least 33% women, and at minimum 50% Scheduled Tribes. Rule 14 requires the Peace Committee to resolve disputes as per its tradition, keeping in mind the principles of natural justice. BDO of Panchayat Samiti was required to nominate one officer to convene meeting of Gram Sabha for formation of Peace Committee and election of its President. No such information about working of Peace Committee was available in proceedings of Gram Sabhas.

Process of Dispute Resolution

It was found that neither village Gram Sabha were being held nor were disputes

being settled by these Gram Sabhas. Rule 14 empowers Gram Sabha/Peace Committee to resolve local disputes as per traditional customs and traditions in a way to eliminate such disputes completely and create an atmosphere of harmony in the village. Perusal of Gram Sabha proceedings of four selected panchayats of Scheduled Areas did not indicate whether any such local disputes were settled by any Gram Sabha. While framing the PESA Act/Rules, it was envisaged that punishment for theft of cattle, matters regarding maintenance of a widow by sons, deciding compensation (amount of Jhagda) to old husband from new husband when wife leaves her previous husband and marries another husband (Nata), compensation regarding murder from the culprit (Motana) and such other matters, which were settled by traditional Gram Sabha, would now be settled by new village-level Gram Sabha.

Role of Police

During case study no such reporting by police officer to Gram Sabha were found in any of the panchayats. It shows that local police were either unaware about the rule, or intentionally avoided its compliance and neither Panchayati Raj officers complained about it to TAD Commissioner, nor did the TAD Commissioner ask local police for any explanation about its non-compliance.

Rule 15(1) provides that in case a person dissatisfied with the decision of Gram Sabha registers a report in the police station, then in such cases, the concerned officers shall contact the Gram Sabha or Peace Committee for full information regarding the decision. During case study no such reporting by police officer to Gram Sabha was found in any of the panchayats. Similarly Rule 16(2) provides that whenever police receive information regarding any crime, then except in case of serious

crime or in an extraordinary situation, where immediate action by police is required, after the report is registered in the police station, a copy shall be sent to Gram Sabha or Peace Committee. An effort shall be made to resolve the matter in the Gram Sabha's special meeting or in its forthcoming meeting.

Gram Sabha to Safeguard Community Resources

Rule 17 provides that Gram Sabha enjoys traditional rights over community resources of land, water, and minerals. It should play an active role in its management. During discussions with elected representatives and Panchayati Raj officials, it was found that most of them were almost ignorant about such provision.

Consultation with Gram Sabha Regarding Land Acquisition

Rule 18(1) provides that when the government or the authority concerned considers land acquisition under this Act, it shall submit to the Gram Sabha the following written information along with the proposal:

- (i) The complete outline of the proposed project, including the possible impact of the project;
- (ii) Proposed land acquisition;
- (iii) New people likely to settle in the village and possible impact on the area and society;
- (iv) The proposed participation, amount of compensation, and job opportunities for the people of the village

Gram Sabha shall be competent to summon representatives of the concerned authorities to examine them individually or collectively. It shall be mandatory for all such persons to give correct information to the Gram

Sabha. The Chief Secretary by order dated 30 January 2012 directed Revenue Department to issue such instructions to all collectors since they exercise the power to acquire land for public purpose in Rajasthan. But perusal of Gram Sabhas records included in case study shows that no such matters were found. It seems that no land in these panchayats was proposed to be acquired by the Gram Sabha.

Prevent Land Alienation

During discussion with BDOs of Panchayat Samitis of Kushalgarh, Talwara, Dungarpur, and Galiakot, it was found that most of the tribals have mortgaged their lands with money-lenders willingly against loans taken by them, hence they hardly apply to Panchayat Samiti for restoration of possession of land.

Rule 19 enjoins responsibility on Gram Sabha to ensure that agricultural land of a tribal is not transferred to any non-tribal person. In case of such illegal transfer, powers of Tehsildar of the revenue department regarding removal of trespass and restoration of land to any tribal person under Section 183(B) Land Revenue Act, 1956 have been given to Panchayat Samiti as per Rule 20. After order of ejection of non-tribal, Block Development Officer has been empowered as per order dated 30 January 2012 to order land revenue inspector to restore possession of land to the tribal person.

Control Over Money Lenders

It was revealed during case study that most of the money lenders are conducting business without obtaining any license for money lending, hence no action was possible at the level of PRIs.

The powers of the Assistant Registrar were not known to any panchayat nor were powers of Registrar known to any Panchayat Samiti, Gram Sevak, or BDO since no circular indicating such

powers has ever been circulated to PRIs by TAD Commissioner or Panchayati Raj department for control over moneylenders.

Rule 22 empowers village panchayats to exercise the powers of Assistant Registrar under Money Lending Act, 1963 to check accounts of registered money lenders and to ensure that a money lender does not charge more than 12% interest in the normal course of business, and charges only 9% interest in case some goods are mortgaged, for which receipt of mortgaged items must be given to the loanee.

In case of non-compliance of such provisions, panchayat will send a complaint to Panchayat Samiti which exercises power of Registrar under the Money Lending Act, to cancel the money lender's license, impose a penalty, or send challan to the Court for action as per the Act. Rule 23 of PESA Rules 2011 empowers Panchayat Samiti for the same.

Moreover, neither any Panchayat dared to inspect the accounts and other record of money lender nor any loanee complained against any money lender for taking legal action for imposing penalty or cancellation of license, if he was charging higher rate of interest or failed to give receipt of mortgaged goods.

Ownership of Minor Forest Produce

The Forest Department has been transferring the income of bamboo and tendu leaves annually; however, Tribal Area Development Cooperative Corporation (TADCC) is still doing the work of collection of Minor Forest Products as per past practice. Gram Sabhas are yet to exercise control over ownership of MFP as provided in the Act/ Rules.

Chapter 6 of the PESA Rules 2011 relates to control of panchayats over MFP including all non-timber forest produce of plant ori-

gin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lax, tendu or tendu leaves, medicinal plants and herbs, roots, tubers and the like. Except for bamboo and tendu leaves, Gram Sabha is responsible for collection and marketing of MFP. It may sell MFP to TADCC or not at their discretion. However, the TAD Commissioner appoints a representative of PRIs Pradhan/Pramukh of a Panchayat Samiti/Zila Parishad on its Board for fixation of prices of MFP as per Rule 26 and order dated 30 January 2012, issued by the Chief Secretary.

The Forest Department is responsible for the collection and sale of bamboo and tendu leaves. Thereafter, it transfers its income to respective panchayats at the end of every year as provided in Rule 26(2) and 26(3).

Control over Minor Minerals

An examination of proceedings of selected Gram Sabhas shows that there was no proposal of the Mining Department ever received by any Gram Sabha, possibly because there was no mining area or no such proposal.

Rule 27 empowers PRI to issue no objection certificate for any lease, license, or auction of minor minerals or its renewal to Mining Department after charging a fee of Rs. 5,000, as provided in Rule 68 of the Rajasthan Panchayati Raj Rules, 1996 and order dated 30 January 2012, issued by the Chief Secretary.

Procedure is laid down in Rule 28 that concerned Assistant Mining Engineer will send the proposal along with a map and boundaries to PRI concerned in the area of which PRI mines fall. It should also accompany environment clearance in case of renewal of mining lease/license. If it falls in the area of more than one panchayat, then the proposal will be submitted to concerned Panchayat Samiti, and

if it falls in the area of more than one Panchayat Samiti, then proposal will be submitted to concerned Zila Parishad.

After considering the proposal PRI may issue no objection certificate or refuse it. A period of thirty days from the date of receipt of proposal is prescribed for PRI to finalize the proposal of mining department.

In case of refusal, Mining Department can file an appeal against order of panchayat to the Administration Standing Committee of Panchayat Samiti under Section 61 Rajasthan Panchayati Raj Act, 1994 within thirty days from the order of Panchayat as indicated in order dated 30 January 2012, issued by the Chief Secretary. There can be no appeal against the decision of Panchayat Samiti/Zila Parishad.

Prohibition or Regularization of Sale and Consumption of Liquor

Gram Sabha might not have been interested in prohibition or shifting of liquor shop. But non-exercise of PESA provisions was very clearly indicated.

Rule 29 empowers Gram Sabha to pass a resolution for prohibition in area of panchayat or shifting of any liquor shop. Similarly, Gram Sabha may also pass a resolution fixing a limit of quantity and time period for possession and consumption of liquor for different social occasions like birth, naming ceremony, betrothal, marriage, Mrityu Bhoj after dispute resolution, or festivals of Holi or Diwali, looking to the customs and traditions of tribal community. Excise Commissioner will act accordingly and inform Gram Sabha about action taken through the Collector concerned.

A survey of proceedings of selected Gram Sabhas, again shows that no such resolution was ever passed by any Gram Sabha. Panchayats were perhaps unaware about powers to revise limits of possession and consumption

of liquor, otherwise they might have done so since it was in dire need of tribals to celebrate such occasions by use of liquor beyond the prescribed limit for which Excise Department people generally harass them..

Decisive Role of Women in Gram Sabha

Rule 30 provides that views of women present in Gram Sabha shall be considered as views of Gram Sabha and action will be taken according to their views. This factor was totally absent as observed during meetings of Gram Sabhas by field coordinators.

Rule 12 prescribes that that Gram Sabha may constitute a Peace Committee of twenty members, which shall have at least 33% women. Peace Committee was almost found absent, raising the question of the role of women in them?

Approval of Plans, Programmes, and Projects for Social and Economic Development

It becomes a cause of complaint for many members whose proposals are not executed. Thus, planning is rarely realistic though in theory, it is decentralized planning.

Section 3(c) (i) of PESA Act, 1999 empowers Gram Sabha to prepare annual plan for social and economic development. It was provided in Rajasthan Panchayati Raj Act, 1994 well before PESA 1999 was enacted or PESA Rules, 2011 were notified. Hence, all the panchayats including those of PESA areas have already been preparing annual plans as usual. Decentralized Planning cell of Panchayati Raj department issues instructions for preparation of annual plan along with eleven formats and financial allotment schemes during the previous year to facilitate fixing of priority of plan proposals, keeping in mind the resources

likely to be made available. During the last year, financial allocation under the following schemes was indicated panchayat-wise for all the districts of Rajasthan including tribal districts Banswara and Dungarpur.

- State Finance Commission
- 13th Finance commission
- United fund
- Rural Sanitation Programme
- Backward Region Grant Fund
- Area Development Programmes (Magra, Dang, Mewat)
- National Rural Employment Guarantee fund

Practical experience shows that most of the panchayats prepare lists of demands instead of fixing work priorities according to financial allocation. Interested persons come to Gram Sabha, get their demands listed, and go away; there is hardly any discussion on deciding priority of works. Hence, Sarpanch and Gram Sewak get opportunities to pick up those works on priority in which they are personally interested.

Identification and Selection of Beneficiaries for Poverty Alleviation and Other Programmes

Section 3(c)(ii) of PESA Act, 1999 empowers Gram Sabha to identify beneficiaries for poverty alleviation and other programmes. It was provided in Rajasthan Panchayati Raj Act, 1994 before PESA Act, 1999 was enacted or PESA Rules, 2011 were notified. Hence, all the panchayats including those of PESA area have already been identifying persons eligible for old age and widow pension, Indira Avas, and such other social security schemes.

Certification of Utilization of Funds by the Panchayats for Plans, Programmes, and Projects

Section 3(d) empowers Gram Sabha to certify utilization of funds received by panchayats for Development Programmes. It was also provided in Rajasthan Panchayati Raj Act, 199 before PESA Act, 1999 was enacted or PESA Rules, 2011 were notified. Hence, all the panchayats including those of PESA area have already been getting such certification during Gram Sabha meetings, though it is formal and very little discussion is made on quality of work and amount spent. *Physical verification is also not done by members of Gram Sabha for social audits as provided in government circulars.*

Power of Control Over Local Plans and Resources Include Tribal Sub-Planning

Section 3(k)(vii) empowers Gram Sabha control over planning and resources including tribal sub-plan. It was found during field survey that tribal sub-plan is prepared at the level of TAD Commissioner with the help of district level officers. Gram Sabha has very little role in it, and neither has Panchayati Raj department, planning department, or TAD Commissioner ever issued any such order or circular. Hence, it was completely missing in tribal panchayats/Gram Sabhas.

Power to Exercise Control Over Institutions and Functionaries of All Social Service Institutions

All the Pramukhs/Pradhans/Sarpanchas have been empowered to carry out monthly inspection of PHC, health sub-centres, Anganwadi centres, and primary schools along with some officials. Similarly, the chairman of the Standing Committee has also been authorized for such inspections. However, in practice it was observed that it depends on the will of elected representatives to carry out field inspections and take action by reporting irregularities

to concerned district level officers for removing them.

Section 3(k) (vi) empowers Gram Sabha/PRI to inspect work of functionaries of all social service institutions. It was provided in Rajasthan Panchayati Raj Act, 1994 since the year 2000 and government orders of 1999, well ahead of the PESA Act, 1999 or PESA Rules, 2011 were notified. It was again reiterated by government orders issued on 2 October 2010.

Status of Gram Sabhas in Scheduled Area as per Field Study

In Banswara district, two Gram Sabhas of Barwas Chhoti Khurd and Umrai were selected for case study and field survey on the basis of being best panchayats identified under a survey of the government of Rajasthan. Similarly, in Dungarpur district the Gram Sabhas of Ambada and Lolakpur were selected on the same criteria. The issues raised were as follows:

1. Status of Gram Sabhas meetings held in Scheduled Areas of Rajasthan organized during the last 4 years (2011-12, 2012-13, 2013-14, and 2014-15);
2. Whether Gram Sabhas were really held on field as per prescribed norm of once a quarter, or adjourned for want of quorum;
3. If organized as per norm, what was the number of participants of members of Gram Sabha;
4. Presence of government officials in the Gram Sabha;
5. Presence of NGO representatives in Gram Sabha meeting and contribution made by them regarding guidance as per provisions of PESA Act, 1999 and PESA Rules 2011;
6. Total resolutions made by Gram Sabha;
7. Resolutions which could not be passed;
8. Resolutions regarding provisions of PESA Act/Rules;

9. Resolutions complied with so far;
10. Resolutions not yet complied with;
11. Difficulties faced in organizing Gram Sabha meetings;
12. Suggestions for making Gram Sabhas of Scheduled Areas more effective so as to build their capacity to implement provisions of PESA Act 1999 and Rules 2011.

Number of Gram Sabha Meetings

On the whole, more than the prescribed meetings were held by panchayats. A total eighty-five meetings were held as against prescribed number of sixty-four meetings.

The State of Quorum in Gram Sabha Meetings

It was observed that Gram Sabhas were being held in more than the required number and in none of the Gram Sabha meetings held in Scheduled Areas was adjourned for lack of quorum. Sufficient numbers of voters attended them. Elected members also attended the meetings in required numbers, except in a few cases.

Presence of Government Officials in Gram Sabha Meetings and NGOs Working at Panchayat Samiti Level

It was observed that all the village level officials who are expected to be present in Gram Sabha meetings were not very enthusiastic nor had been present at all times, showing a casual approach and as reflected in their attendance in almost 50% of cases only. Similarly, it was observed that NGOs involvement in the respective villages was negligent. Their role can be referred to as peripheral at best. This was particularly due to making PESA a neglected domain.

The State of Proposals in Gram Sabha Meetings

Though hundreds of proposals were passed as in Lolakpur Panchayat of Dungarpur district or no proposal was passed in Ambada of Dungarpur district, there was no proposal regarding provisions of PESA Act or Rules that panchayats of Scheduled Areas must have discussed. Similarly, in Choti Badwas and Umrai of Banswara districts, no matter pertaining to PESA provisions was ever discussed. In 100% of the cases, no proposal related to PESA was ever considered during all the four years since notification of PESA Rules, 2011. Though hundreds of proposals might have been passed, there was no proposal regarding provisions of PESA Act or Rules, which panchayats of Scheduled Areas must have discussed. No proposal related to PESA was ever considered during all the four years since notification of PESA Rules, 2011.

Implementation of Proposals

Whatever the status of proposals implemented, not implemented, or yet to be implemented it is purposeless as far as the present case study is concerned. No PESA-related proposal was ever passed, or is yet to be implemented. It seems that panchayats or elected functionaries or even officials are not interested in knowing or implementing additional powers vested in Gram Sabhas/PRI of Scheduled Areas of Rajasthan.

Overall Functional View of Gram Sabha Meetings

A functional view of Gram Sabha meetings held in PESA area of Rajasthan as per case study can be summarized as:

- Gram Sabhas in Scheduled areas of Rajasthan as organized during the last four years (2011-12, 2012-13, 2013-14, and 2014-15) were in fact held on field.

- Gram Sabhas were held more than the prescribed norm of once a quarter and were not adjourned for want of quorum, as required quorum was always present. The number of women is less than 10% of the prescribed number. Moreover, their voice is not heard, nor do they really participate in decision-making processes. However, this was not the case as evident from M.P. experiences (Y.Singh, 2013) and N.I.R.D finding in respect of states like Andhara Pradesh, Orissa, and Jharkhand.

- Presence of government officials is in required number in the Gram Sabha in 50% cases only. At places, nearer to headquarters, presence was insufficient, but in remote Gram Sabhas, even all the local officials did not remain present.

- The presence of NGO representatives in Gram Sabha meetings and their contributions regarding guidance as per provisions of PESA Act, 1999 and PESA Rules 2011 is almost negligible. NGO representatives were rarely present in Gram Sabha meetings. It comes to 25% but NGO's contribution regarding awareness-generation or implementation of provisions of PESA among Gram Sabha members and elected representatives or officials was not satisfactory in Banswara and Dungarpur districts.

- Total resolutions made by Gram Sabhas, resolutions, which could not be passed, resolutions regarding provisions of PESA Act and Rules, resolutions complied with so far and not have been summarized. But the main conclusion is that none of the hundreds of proposals passed, not passed, and yet to be implemented are related to provisions of PESA Act or Rules, or powers vested in panchayats of Scheduled Areas regarding control over money lenders, restoration of alienated land of tribals, prohibition or fixing limits of possession and consumption of liquor on social

occasions, NOC regarding grant of mining lease, control of minor forest produce or even settlement of disputes as per traditions and customs.

Difficulties Faced in Organizing Gram Sabha Meetings

- Difficulties faced in organizing Gram Sabha meetings are almost nil as meetings were organized in required numbers with the required quorum. However, presence of 10% quorum of women members was not found perhaps due to long distance from panchayat headquarters, domestic responsibilities, lack of interest in Gram Sabha meetings, absence of participation in decision-making processes, etc.

- The main difficulty is lack of awareness and knowledge among elected representatives, Gram Sevaks, Gram Sabha members, and NGOs regarding provisions of power vested in panchayats of Scheduled Areas as per PESA Act, 1999 and PESA Rules, 2011.

- Lack of initiative between CEO Zila Parishad and BDO of Panchayat Samiti who should have command over PESA powers of PRIs and then train Gram Sevaks and Sarpanchas of Panchayat Samiti in PESA Rules.

- BDOs posted in Scheduled Areas are not discharging their responsibilities to watch the proceedings of Gram Sabhas and ask Gram Sevaks in monthly meetings regarding difficulty in discussions on PESA matters as to why resolutions regarding powers of PESA have not been passed over all these years.

PESA as Perceived by Respondents

In terms of socio-economic background of those whose perceptions matter most for success or failure of PESA, the study data reveals that almost one third of the respondents of all four categories were in a younger

age group of 21-30 years and fairly educated, up to graduation level. A similar number of them belonged to agriculturalists groups and an equal number were government servants, either working or retired. It was, therefore, presumed that they would have sufficient information about PESA and its benefits in their area. However, the hope was belied when data pertaining to awareness was analysed.

Quite a substantial number of respondents (43%) were found to be unaware of PESA and relevant rules for conducting Gram Sabhas in Scheduled Areas, as compared to 36% of them who had some knowledge of these provisions. Those who knew about it told that it was mostly through Sarpancha or Gram Sewaks that they came to know about PESA and the role of NGOs or media was almost negligible. So was the case with other agents like up-sarpanchas or panchas.

Similarly, it was observed that almost 50% of respondents knew about the existence of Shanti Samiti in their villages, but only one third of them could tell that Sarpanchas headed it. A considerable number of them either did not know or did not respond to the question, thereby showing their ignorance.

It was, however, satisfying to note that cases of encroachment on tribal lands were almost nil, and there was only a few cases of indebtedness among tribals, as perceived by them.

A considerable number of respondents were of the view that resolutions for prohibition were passed by Gram Sabhas, but a substantial number of them also either expressed ignorance or said no to the question, thereby showing again that a significant issue concerning tribal welfare is not being addressed.

Elected functionaries and a few government respondents reported that they had undergone training for PESA but this did not reflect well in their knowledge about PESA

and its benefits likely to accrue.

Cases of tribal land acquisition were almost nil and were reflected in perceptions when asked.

Similarly, respondents seemed to be unaware of the rule to refer cases to Block regarding issues of money lending by Sahukars in villages.

Again, it was observed that a negligible number of them were aware about the right of tribals for selling minor forest produce under Rule 26 of PESA. So was the case for acquiring NOC from Gram Sabha for mining operations by other agencies, including the Mining Department of the government.

Regarding operations by Gram Sabhas in the field of preparation of annual plans, reporting of income and expenditure, approval for budget, identification of beneficiaries, etc., which have been traditional functions performed by Gram Sahbas in non-tribal areas, it was found that a good number of respondents expressed satisfactory awareness about the right of Gram Sabha. This is a good indication of their awareness about routine matters falling in the general domain, but does not reflect fully when looked at from PESA angle.

Suggestions for Making Gram Sabhas of Scheduled Areas More Effective

To build the capacity of Gram Sabhas and PRIs of Scheduled Areas to enable them to implement provisions of PESA Act 1999/ Rules 2011, and implement them effectively, the following suggestions are made for implementation at field level:

a) Intensive orientation of CEO, BDOs, Extension Officers, and Gram Savaks posted in Scheduled Areas should be conducted by Panchayat Training Centre Dungarpur throughout the year;

b) Orientation should not be less than three days, followed by evaluation testing prepared

by the office of TAD Commissioner, who is responsible for monitoring effective implementation of PESA Act and Rules;

c) Three days orientation training of Sarpanchas, Up-Sarpanchas, literate Panchas, and a few Gram Sabha members from each panchayat should be organized by BDO at the cluster level for a group of four to five panchayats each.

d) A booklet containing powers of Gram Sabha and PRIs of Scheduled Areas along with FAQ (frequently asked questions) should be published. This booklet alone should be course material for discussion, training, and office use in every training institute, PRI, and Gram Sabha, as well as common public to avoid any confusion. Such a booklet may also be sold to the general public for a nominal price for wide publicity.

e) It should not be one time formal training only. Trainees should be given five post cards each, for asking about any difficulty during implementation of provisions of PESA Act/ Rules. BDO/ Principal PTC Dungarpur should satisfy query of trainee within seven days at the latest.

f) According to Section 3(a) of the PESA Act, 1999 every village shall have a Gram Sabha. The governor has defined a "village" as a "revenue village" by a separate notification. It means that in Scheduled Areas, Gram Sabha will be held in every revenue village rather than at panchayat headquarters, as in the rest of Rajasthan. Detailed rules regarding procedural details of conduct of Gram Sabha are contained in Chapter 2, Rule 3 to Rule 10 of PESA Rules notified in the gazette dated November 2, 2011. If villages organize Gram Sabha, the attendance of women will improve. Peoples' participation in decision making at grassroots will also improve because matters will mostly relate to people of the same village.

g) Gram Sabha of Scheduled Areas has been made competent to safeguard and preserve the traditions and customs of the people and their cultural identity, though it is to be chaired by elected Sarpanch. But the elected Sarpanch should give due importance to traditional leaders who have been deciding the disputes in traditional panchayat in the past. Their views should always be invited and honoured to make Gram Sabha more effective.

h) Community resources of minor forest produce, minor irrigation works, minor minerals, etc., have been put at the disposal of Gram Sabha. People have direct interest in these natural resources. Preservation and development of natural resources of the village should be on the permanent agenda of Gram Sabha. BDO should ensure it at local level through Gram Sevaks, and CEO should issue written directions also to make Gram Sabha more effective.

i) CEO should also issue directives in writing and BDO to ensure it through Gram Sevaks that the following items are included in Gram Sabha's permanent agenda, since they were inserted in general Panchayati Raj Act, 1994 already by amendment in the year 2000.

j) Every Gram Sabha must:

a. Approve the plans, programmes, and projects for social and economic development before they are taken up for implementation by the panchayat;

b. Be responsible for identification or selection of persons as beneficiaries under the poverty alleviation and other programmes.

k) Every panchayat shall be required to obtain from the Gram Sabha a certification of utilization of funds by that panchayat for the plans, programmes, and projects referred to in clause (c); CEO should also issue directives in writing and BDO to ensure it through Gram Sevaks that following items regarding additional powers given to Gram Sabhas of Sched-

uled Areas by PESA Act 1999 are discussed in Gram Sabha and required resolutions passed therein:

a. The power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;

b. The ownership of minor forest produce, bamboo and tendu leaves and control and management of minor forest produce;

c. Power to prevent alienation of land in the Scheduled Areas and to take appropriate action in accordance with laws in force in the state to restore the unlawfully alienated land of a Scheduled Tribe;

d. Power to manage village markets;

e. Power to exercise control over money lending to the members of Schedule Tribes;

f. The power to exercise control over institution and functionaries in all social sectors like primary schools, anganwadi centres, health sub-centres, and primary health centres;

g. Power of control over local plans and resources of such plans, including tribal sub-plan;

i. Panchayati Raj Rules 1996 provide in Rule 4(5) that BDO will ensure one extension officer of Panchayat Samiti attends Gram Sabha meetings and gets its minutes duly recorded. BDO should ensure through such extension officer that PESA matters are discussed in presence of officials of respective departments attending Gram Sabha meeting and that necessary topics are included in proceedings of Gram Sabha.

ii. Extension officer should generate awareness among Gram Sabha members and elected representatives about powers vested in Gram Sabha as per provisions of PESA Act, 1999 and PESA Rules, 2011.

At Divisional Level

Divisional commissioner holding additional charge of the post of tribal commissioner as

well as other charges (such as Vice Chancellor of a university, for example) scarcely has time to act as full-fledged tribal commissioner. Therefore, it would be better if government appoints persons looking after tribal affairs exclusively as tribal commissioner.

District Level

A monitoring group should be constituted at the district level comprising PRI functionaries, NGOs, and officials working with tribal communities to oversee implementation of PESA in concerned districts.

State Level

A state level monitoring group or committee should be constituted under the chairmanship of Chief Secretary of the state, and comprising secretaries of departments concerned with PESA like forest, revenue, mines, excise, etc., to oversee regular implementation of PESA in Scheduled Areas of Rajasthan.

The Policy Plank

The concept of public purpose for which lands are acquired for implementing project and development of mining in Schedule V Areas is vague and needs to be clearly defined. The vagueness gives leverage to the state government, and as a result the tribals suffer. The Land Acquisition Act could be amended and it should incorporate rehabilitation and resettlement policies so that displaced tribals would not face any problems. Moreover, the lack of transparency in the process of land acquisition needs to be addressed.

In order to facilitate all stakeholders, the states may ensure that respective state laws on PESA and amendments to other laws, rules, regulations, executive orders, and procedures concerning all the laws are compiled in a single legal document. In the event of failure or delay on the part of the state government

to make the necessary changes as required by PESA, the government of India may issue necessary guideline and directions to the states, as it was done, for example, in the case of Acquisition of Land and the Scheduled Area following Sec 4 (i) of PESA. This intervention may be required particularly in the area of social audit u/s 4 (f), prohibition u/s 4 (m)(i), ownership of MFP u/s 4 (m)(ii), land alienation u/s 4 (m) (iii) regulation of money lending u/s (m)(v), control over institutions, and functionaries of all social sector u/s (m) (vi).

A sound system of maintenance of land record should be introduced with facilities for periodical updating in Schedule V Areas. The Gram Panchayat should take responsibility of maintenance of land records and it should be placed before the Gram Sabha. The Tribes Advisory Council at the state level and the central coordination committees at the centre should be further strengthened to play a more active and effective role in promoting self-rule in Schedule V areas.

Thus, it can be safely concluded that Gram Sabhas in general and those in Scheduled Areas have to go a long way in assuming the role of "Gram Sansad" as visualized by Gandhi and our policy planners and political leaders who had dreamt of "Gram Swaraj." These can certainly be entrusted with planning, resource mobilisation, voluntary labour, and other miscellaneous activities enshrined in the constitution as well as laws and rules framed by different states.

Thus, findings of the case studies reveal that Gram Sabhas and Panchayati Raj institutions of PESA areas of Rajasthan are hardly implementing any provisions regarding powers vested in them by PESA Act of 1999 or PESA Rules notified in the year 2011. These findings are similar to findings reported a decade back in a series of volumes on the

theme of self-governance for tribals (2005) by National Institute of Rural Development, Hyderabad NIRD based on field surveys in five states of India. It was concluded that there exists little awareness and understanding of PESA among the members of Gram Sabha and government functionaries. This lack of awareness has resulted in Gram Sabha not exercising vital powers to the extent they have been granted to them. ■

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This article may be cited as:

Joshi, R.P. (2017). India's Approach to Tribal Self-Government: PANCHAYATI RAJ (Local Governance) in Bhil Communities. *Fourth World Journal*, 16(1).

Following:

Appendix I

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 No.40 of 1996.

Appendix II

Tables: 2.1 through 2.41

THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996 No.40 OF 1996

(24th December, 1996)

An Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:-

Short title

1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996

Definition

2. In this Act, unless the context otherwise requires, "Scheduled Areas" means the Scheduled Areas as referred to in Clause (1) of Article 244 of the Constitution.

Extension of part IX of The Constitution

3. The provision of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4.

Exceptions and modifications to part IX of The Constitution

4. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-

- (a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;
- (b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;
- (c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;
- (d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;
- (e) every Gram Sabha shall-
 - i. approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level;
 - ii. be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;
- (f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that

	<p>Panchayat for the plans, programmes and projects referred to in clause(e);</p>
(g)	<p>the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution;</p> <p>Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats;</p> <p>Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;</p>
(h)	<p>the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level:</p> <p>Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;</p>
(i)	<p>the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;</p>
(j)	<p>planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;</p>
(k)	<p>the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;</p>
(l)	<p>the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;</p>
(m)	<p>while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with-</p> <p>(i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;</p> <p>(ii) the ownership of minor forest produce;</p> <p>(iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;</p> <p>(iv) the power to manage village markets by whatever name called;</p> <p>(v) the power to exercise control over money lending to the Scheduled Tribes;</p> <p>(vi) the power to exercise control over institutions and</p>

functionaries in all social sectors;

(vii) the power to control over local plans and resources for such plans including tribal sub-plans;

- (n) the State Legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;
- (o) the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

Continuance of existing laws on panchayats:

5. Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas, immediately before the date on which this Act receives the assent of the President, which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President;

Provided that all the Panchayats existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having Legislative Council, by each House of the Legislature of that State.

K.L. MOHANPURIA,
Secy. To the Govt. of India

Table 2.1: Age Profile

Villages	20-30	%	31-40	%	41-50	%	51+	%	No Response	%	Total	%
Umrai	12	24	10	20	11	22	15	30	2	4	50	100
Badwas Chhoti	13	26	11	22	14	28	10	20	2	4	50	100
Lolakpur	17	34	14	28	10	20	6	12	3	6	50	100
Ambada	18	36	9	18	8	16	11	22	4	8	50	100
Total	60	30	44	22	43	22	42	21	11	6	200	100

Table 2.2 : Educational Profile

Villages	Illite rate	%	literate	%	Mid dle	%	Hig her	%	Gra duate	%	PG	%	No Res ponse	%	Tota l Edu	%
Umrai (Talwada)	0	0	11	22	17	34	5	10	15	30	1	2	1	2	50	100
Badwas Chhoti (Kushalgarh)	8	16	12	24	9	18	7	14	12	24	0	0	2	4	50	100
Lolakpur (Dungarpur)	2	4	12	24	9	18	8	16	19	38	0	0	0	0	50	100
Ambada (Sagwara)	0	0	5	10	7	14	11	22	23	46	3	6	1	2	50	100
Total	10	5	40	20	42	21	31	16	69	35	4	2	4	2	200	100

Table 2.3: Occupational Profile

Villages	Agri- cult- ure	%	Bu- sin- ess	%	Fa- rm- er	%	Govt Em- p- %	Ho- us- ew- ife	%	Stu- dent	%	N G O	%	La- bo- ur work	%	GE P	%	No Re- spon- se	%	Tot- al	%	
Umrai	20	40	3	6	2	4	13	26	1	2	3	6	1	2	3	6	4	8	0	0	50	100
Badwas Chhoti	13	26	2	4	0	0	13	26	3	6	5	10	1	2	3	6	10	20	0	0	50	100
Lolakpur	8	16	2	4	0	0	12	24	0	0	5	10	6	12	7	14	10	20	0	0	50	100
Ambada	20	40	0	0	0	0	19	38	0	0	2	4	0	0	0	0	0	9	18	50	100	
Total	61	31	7	4	2	1	57	29	4	2	15	8	8	4	13	7	24	12	9	5	200	100

Table 2.4: Awareness About PESA Act

Villages	No	%	Yes	%	No Response	%	Total	%
Umrai (Talwada)	15	30	33	66	2	4	50	100
Badwas Chhoti (Kushalgarh)	9	18	16	32	25	50	50	100
Lolakpur (Dungarpur)	31	62	7	14	12	24	50	100
Ambada (Sagwara)	16	32	26	52	8	16	50	100
Total	71	36	82	41	47	24	200	100

Table 2.5: Source Of information About PESA

Villages	Gram Sevak	Don't Know	Panch	Sarpanch	Up- Sarpanch	No Response	Others	Grand Total
Umrai	12%	8%	4%	48%	2%	26%	0%	50
Badwas Chhoti	4%	6%	0%	30%	0%	60%	0%	50
Lolakpur	12%	4%	0%	2%	0%	82%	0%	50
Ambada	22%	0%	0%	14%	0%	58%	6%	50
Total	13%	5%	1%	24%	1%	57%	2%	200

Table 2.6: Awareness of Existence of Shanti Samiti (Peace Committee) in Villages

Villages	No	%	Yes	%	No Response	%	Don't Know	%	Total	%
Umrai	5	10	36	72	3	6	6	12	50	100
Badwas Chhoti	2	4	20	40	26	52	2	4	50	100
Lolakpur	17	34	21	42	12	24	0	0	50	100
Ambada	14	28	27	54	9	18	0	0	50	100
Total	38	19	104	52	50	25	8	4	200	100

Table 2.7: Whether Sarpanch is Chairperson of Shanti Samiti

Villages	Don't know	%	Sarpanch	%	No Response	%	Total	%
Umrai	13	26	25	50	12	24	50	100
Badwas Chhoti	4	8	20	40	26	52	50	100
Lolakpur	10	20	5	10	35	70	50	100
Ambada	4	8	17	34	29	58	50	100
Total	31	16	67	34	102	51	200	100

Table 2.8: Knowledge About Encroachment on Tribal Land by "Savarna" (Non-Tribal)

Villages	Don't Know	%	No	%	Yes	%	No Response	%	Total	%
Umrai	6	12	36	72	5	10	3	6	50	100
Badwas Chhoti	1	2	24	48	0	0	25	50	50	100
Lolakpur	0	0	36	72	1	2	13	26	50	100
Ambada	0	0	35	70	2	4	13	26	50	100
Total	7	4	131	66	8	4	54	27	200	100

Table 2.9: People That Have Taken Loans From Moneylenders

Villages	No	%	Yes	%	No Response	%	Total
Umrai	37	74	11	22	2	4	50
Badwas Chhoti	14	28	11	22	25	50	50
Lolakpur	32	64	2	4	16	32	50
Ambada	37	74	2	4	11	22	50
Total	120	60	26	13	54		27

Table 2.10: Status of Gram Sabha's Resolution on Prohibition/Control Over Intoxicating Substances (Country Liquor) Under PESA Rules 29

Villages	No	%	Yes	%	No Response	%	Total
Umrai (Talwada)	3	6	47	94	0	0	50
Badwas Chhoti (Kushalgarh)	2	4	23	46	25	50	50
Lolakpur (Dungarpur)	25	50	7	14	18	36	50
Ambada (Sagwara)	31	62	7	14	12	24	50
Total	61	31	84	42	55	28	200

Table 2.11: State of Awareness About PESA Among Functionaries

Villages	No	%	Yes	%	No Response	%	Total
Umrai (Talwada)	8	16	15	30	4	8	27
Badwas Chhoti (Kushalgarh)	6	12	16	32	4	8	26
Lolakpur (Dungarpur)	6	12	13	26	8	16	27
Ambada (Sagwara)	6	12	14	28	10	20	30
Total	26	13	58	29	26	13	110

Table 2.12: Status of Training to Elected Functionaries at District and Block Level Under PESA (1999) and Rules (2011)

Villages	No	%	Yes	%	No Response	%	Total
Umrai (Talwada)	20	40	3	6	4	8	27
Badwas Chhoti (Kushalgarh)	19	38	3	6	4	8	26
Lolakpur (Dungarpur)	5	10	12	24	10	20	27
Ambada (Sagwara)	12	24	7	14	11	22	30
Total	56	28	25	13	29	15	110

Table 2.13: Status of Functionaries Category Wise Distribution

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	16	9	0
No	37	14	5
No Answer	4	22	2
Total	57	45	7

Table 2.14: Follow up of PESA Rules (2011)

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	2	4	5	10	15	30	5	10
Badwas Chhoti(Kushalgarh)	0	0	17	34	3	6	6	12
Lolakpur(Dungarpur)	1	2	1	2	12	24	13	26
Ambada (Sagwara)	1	2	12	24	7	14	10	20
Total	2	1	13	7	19	10	23	12

Table 2.15: Follow-up of PESA Rules Category Wise

Response	Elected Functionaries	Government Servants	NGO Workers/ Others	Total
Yes	24	14	1	45
No	27	9	1	49
No Answer	6	22	5	105
Total	57	45	7	110

Table 2.16: Awareness Among Functionaries About Rights of Gram Sabha to Social and Criminal Cases Resolution in Traditional Way Allow PESA

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	3	6	6	12	13	26	5	10
Badwas Chhoti (Kushalgarh)	0	0	20	40	1	2	5	10
Lolakpur(Dungarpur)	1	2	3	6	13	26	10	20
Ambada (Sagwara)	0	0	5	10	13	26	12	24
Total	4	2	34	17	40	20	32	16

Table 2.17: Functionary Awareness of Gram Sabha Rights Category Wise

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	23	17	0
No	29	4	5
No Answer	5	24	2
Total	57	45	7

Table 2.18: Number of Conflicts Resolved by Gram Sabhas During Last Three Years

Villages	Total
Umrai (Talwada)	10
Badwas Chhoti(Kushalgarh)	0
Lolakpur(Dungarpur)	25
Ambada (Sagwara)	5
Total	40

Table 2.19: Status of Seeking Gram Sabha Help / Opinion by Police Thana for Maintaining Peace or Criminal Matters of Less Than 2 Years Punishment (Rule 15)

Villages	Total
Umrai (Talwada)	10
Badwas Chhoti(Kushalgarh)	0
Lolakpur(Dungarpur)	25
Ambada (Sagwara)	5
Total	40

Table 2.20: Status of Land Acquisition by Government for Development Purpose

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	1	2	17	34	3	6	6	12
Badwas Chhoti (Kushalgarh)	0	0	22	44	0	0	4	8
Lolakpur (Dungarpur)	0	0	15	30	0	0	12	24
Ambada (Sagwara)	0	0	13	26	3	6	14	28
Total	1	1	67	34	6	3	36	18

Table 2.21: Status of Land Acquisition Category Wise Distribution

Response	Gram Sabha Voters	Government Functionaries	Government Servants	NGO Workers/ Others
Yes	1	4	2	0
No	18	48	17	3
No Answer	71	5	26	4
Total	90	57	45	7

Table 2.22: Status of Encroachment on Tribal Land by Non-Adivasis

Villages	No	%	Yes	%	No Response	%
Umrai (Talwada)	22	44	0	0	5	10
Badwas Chhoti (Kushalgarh)	22	44	0	0	4	8
Lolakupur (Dungarpur)	15	30	0	0	12	24
Ambada (Sagwara)	15	30	2	4	13	26
Total	74	37	2	1	34	17

Table 2.23: Awareness About the Panchyat Rights to Refer Cases to Block Level Panchyat Samiti for Recommending Suspension of License / Checking of Records of Sahukars (Money Lenders) Rule 20

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	8	16	6	12	7	14	6	12
Badwas Chhoti (Kushalgarh)	0	0	19	38	0	0	7	14
Lolakupur (Dungarpur)	0	0	2	4	12	24	13	26
Ambada (Sagwara)	0	0	5	10	12	24	13	26
Total	8	4	32	16	31	16	39	20

Table 2.24: Awareness About the Panchyat Rights Category Wise

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	17	14	0
No	35	3	2
No Answer	5	28	5
Total	57	45	7

Table 2.25: Awareness About Rule 26 Regarding Gram Sabha's Power to Acquire and Sell Minor Forest Produce

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	6	12%	11	22%	3	6%	7	14%
Badwas Chhoti (Kushalgarh)	0	0%	22	44%	0	0%	4	8%
Lolakpur (Dungarpur)	0	0%	2	4%	0	0%	25	50%
Ambada (Sagwara)	0	0%	11	22%	6	12%	13	26%
Total	6	3%	46	23%	9	5%	49	25%

Table 2.26: Awareness About Rule 26 Regarding Gram Sabha's Power Category Wise

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	6	3	0
No	37	14	1
No Answer	14	28	6
Total	57	45	7

Table 2.27: Awareness About PESA Rule 28 and Rajasthan Panchyati Raj Rule 68 Regarding Acquiring of NOC From Gram Sabhas by Mines Department

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	8	16	11	22	1	2	7	14
Badwas Chhoti (Kushalgarh)	0	0	19	38	0	0	7	14
Lolakpur (Dungarpur)	0	0	1	2	0	0	26	52
Ambada (Sagwara)	0	0	14	28	2	4	14	28
Total	8	4	45	23	3	2	54	27

Table 2.28: Awareness About PESA Rule 28 Category Wise Distribution

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	2	1	0
No	39	13	1
No Answer	16	31	6
Total	57	45	7

Table 2.29: Do Gram Sabhas Prepare Annual Plans Under 1999 Act Section 3?

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	1	2	0	0	21	42	5	10
Badwas Chhoti (Kushalgarh)	0	0	6	12	15	30	5	10
Lolakpur (Dungarpur)	0	0	2	4	13	26	12	24
Ambada (Sagwara)		0	1	2	13	26	16	32
Total	1	1	9	5	62	31	38	19

Table 2.30: Gram Sabhas Annual Plans Category Wise Distribution

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	45	17	0
No	8	0	2
No Answer	4	28	5
Total	57	45	7

Table 2.31: Do Panchyats Report Statement of Income- Expenditure Every Six Month?

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	45	17	0
No	8	0	2
No Answer	4	28	5
Total	57	45	7

Table 2.31: Do Panchayats Report Statement of Income- Expenditure Every Six Month?

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	2	4	2	4	16	32	7	14
Badwas Chhoti(Kushalgarh)	0	0	0	0	15	30	11	22
Lolakpur(Dungarpur)	0	0	0	0	13	26	14	28
Ambada (Sagwara)	0	0	5	10	10	20	15	30
Total	2	1	7	4	54	27	47	24

Table 2.32: Statements of Income Category Wise

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	36	18	7
No	9	0	0
No Answer	12	27	0
Total	57	45	7

Table 2.33: Do Panchayats Seek Gram Sabhas Approval for Budget and Development?

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	2	4	0	0	19	38	6	12
Badwas Chhoti (Kushalgarh)	0	0	0	0	15	30	11	22
Lolakpur (Dungarpur)	0	0	0	0	13	26	14	28
Ambada (Sagwara)	0	0	3	6	10	20	17	34
Total	2	1	3	2	57	29	48	24

Table 2.34: Gram Sabhas Budget Approval Category Wise

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	39	18	7
No	6	0	0
No Answer	12	27	0
Total	57	45	7

Table 2.35: Does Gram Sabha Identify Beneficiaries for Pension, Housing, BPL Schemes

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	0	0	0	0	22	44	5	10
Badwas Chhoti (Kushalgarh)	0	0	0	0	15	30	11	22
Lolakpur (Dungarpur)	0	0	0	0	13	26	14	28
Ambada (Sagwara)	0	0	0	0	14	28	16	32
Total	0	0	0	0	64	32	46	23

Table 2.36: Gram Sabha Identify Beneficiaries Category Wise

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	46	18	6
No	0	0	0
No Answer	11	27	1
Total	57	45	7

Table 2.37: Does Sarpanch/Pradhan Inspect Schools, Public Health Centres, Aanganwadis, Ration Shops once a Month (Rule 12(6))

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	0	0	2	4	20	40	5	10
Badwas Chhoti (Kushalgarh)	0	0	6	12	14	28	6	12
Lolakpur (Dungarpur)	0	0	1	2	13	26	13	26
Ambada (Sagwara)	0	0	8	16	7	14	15	30
Total	0	0	17	9	54	27	39	20

Table 2.38: School, Public Health and Ration Shop Inspections Category Wise

Response	Elected Functionaries	Government Servants	NGO Workers/ Others
Yes	40	14	5
No	12	3	2
No Answer	5	28	0
Total	57	45	7

Table 2.39: Number of Claims Submitted to SDLC Forest Committee for Claiming Forest Patta Under FRA

Villages	Don't know
Umrai (Talwada)	20
Badwas Chhoti(Kushalgarh)	Nil
Lolakpur(Dungarpur)	Nil
Ambada (Sagwara)	38
Total	58

Table 2.40: Awareness About NGOs in the Field

Villages	Don't know	%	No	%	Yes	%	No Response	%
Umrai (Talwada)	0	0	20	40	0	0	7	14
Badwas Chhoti (Kushalgarh)	0	0	21	42	0	0	5	10
Lolakpur (Dungarpur)	0	0	13	26	1	2	13	26
Ambada (Sagwara)	0	0	5	10	9	18	16	32
Total	0	0	59	30	10	5	41	21

Table 2.41: Functionaries Aware of NGOs Category Wise

Response	Government Functionaries	Government Servants	NGO Workers/ Others
Yes	5	5	7
No	44	13	0
No Answer	8	27	0
Total	57	45	7