

# Participation of Tribal in Gram Sabha at Gajapati District, Odisha

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## Abstract

**Background/Objectives:** The specific objectives of the study are (1) Implementation of Panchayats Extension to Scheduled Areas (PESA) Act in Odisha, (2) To study the role of Gram Sabha, (3) To analyse the reviews related to PESA Act in Odisha, (4) To suggest some alternatives for the better implementation.

**Methods/Statistical analysis:** The study is based on primary data and secondary data. The primary data were collected through a structured schedule and samples are drawn by employing simple random sampling method.

**Findings:** Even though the Gram Sabha is organised well, the participants do not have any knowledge about the functioning of it, due to many reasons like long distance, lack of transport facility, etc. The participants do not regularly attend the meeting. PESA Act is not effectively working in the state. All plans and programmes are implemented by the government but it is not properly reaching tribes, because they are not adequately aware of the Act.

**Improvements/Applications:** Creating awareness among people regarding Gram Sabha is important for their better participation. Tribal need to be educated regarding their Rights and Acts so as to achieve better co-ordination between the people and the Government. Government need to introduce very strong monitoring system in accessing the effectiveness of PESA Act.

**Keywords:** Tribal's in Odisha, PESA Act, Essential Features of the provisions of PESA Act, Gram Sabha, PESA Act in Odisha

## 1. Introduction

In India, the tribal people plays a vital role to constructing the cultural heritage and its uniqueness of unity in diversity. Tribe is a distinct people, depending on their land for their livelihood. They are largely self sufficient and not integrated to national society. Tribal have their own culture and tradition. India is a home to more than half of the world tribal population. Tribal population is found in all most all parts of India, Over 84 million people belongs to 698 community are identified as members of schedule tribal in India. Odisha located on the east coast of India, it is one of the most unique place which having largest number of tribal community with a population of 8.2 million constitution 22.3 per cent of state population. The tribal community considered as the deprived section in the society, because they faces so many problems such as land alienation, poverty and Indebtedness, Health and nutritional problems, educational problems and cultural problems. To solve all these problems and improve their standard of living and economic status there are several programmes are implemented. But these are not able to achieve the real target. For the purpose of removing all the problems and exploitation, the government of India enacted Panchayats Extension to Scheduled Areas (PESA) Act. PESA gives major governance power to the tribal people and it protect right over local natural resources, and this Act direct the state government not to make any law, social and religious practice and traditional management practice of the community resource.

## 2. Tribals in Odisha

Odisha belongs to one of the western states of India having population of 41,947,358 according to 2011 censuses. Majority of population belongs to rural area. It is culturally and traditionally highly rich and has a long coastal border. It is situated along the coast of Bay of Bengal with the capital Bhubaneswar (Temple town). Majority of people belongs to tribal who resides in KBK area of Odisha, KBK (Koraput, Malkangiri, Nabarangpur, Rayagada, Balangir, Subarnapur, Kalahandi and Nuapada) is underdeveloped area of Odisha irrespective of the developmental steps

taken by government in this area but the scenario of the development is static.

Odisha claims as the second largest tribal dominant state in the country since the age of Ramayana and Mahabharata. Tribal occupy a putative role in the state population. Jagannath culture of Orissa is interwoven with the tribal religion, which has given genesis to a paradigm of assimilation Tribes of Odisha are known as Adivasi, Vanabasi, and Girijana. They are described as originals of Odisha. Mainly there are 62 Tribal communities who are living in the state and each one is different from others. The tribal population constitutes 22.13% of the total population of the state. Comparing to other state, Odisha occupies unique position among the Indian states and union territories for having a rich and colourful scenario, and also majority of the tribes in Odisha living in the forest and hilly area. They are following their own tradition and customs and the tribes have suffered from social, educational and economic backwardness due to their geographical and historical reasons.

Inheritance of the forest, they don't know about their right towards forest, land and forest products; they have no knowledge about village market and their resources etc. For this reason, the tribal are the inheritance of exploitation by fraudsters in various aspects. To prevent all these exploitations of tribal people, the Government employment PESA Act.

### 3. PESA Act

The 73rd Constitutional Amendment Act, 1992 ushered in a national framework for local self-governance by creation of Panchayat Raj Institutions (PRIs). This national framework was more or less uniformly applicable in all the states except Scheduled Areas prescribed in the Constitution of India. The Parliament enacted PESA - The Provision of the Panchayat (Extension to the Scheduled Areas) Act, 1996 in conformity with the traditional tribal practice of local governance to cover that Scheduled Areas [1]. PESA enacted by government of India with the objective of covering the scheduled tribes and it is a most powerful Act to carry out the development of tribes and protect their tradition and customs. The act gives spirit to empower Gram Sabha to take decision about monitoring forest products, minerals etc. This Act was implemented in 9 Indian states: Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan, and Maharashtra.

#### 3.1 Essential Features of the provisions of PESA Act

The provision of the Panchayats (Extension to the Scheduled Area) Act, 1996 has the following features:

- (i) Any legislation on the Panchayats for V<sup>th</sup> Schedule Area shall be in agreement with the customary law, social and religious practices and traditional management practice of the community resources of its inhabitants.
- (ii) Powers vested in Gram Sabha for: (a) ownership of minor forest produce, (b) Approval of development plans, (c) Selection of beneficiaries under various programmes, (d) Consultation on land acquisition, (e) Management of minor water bodies, (f) Control of minor minerals, (g) Regulation of prohibition of sale of intoxicants, (h) Prevention of alienation of land and restoration of unlawfully alienated land of STs, (i) Control of money lending to STs (k) controlling institutions and functionaries in all social sectors, (l) Giving utilisation certificate for funds used for the projects and programmes of social and economic development etc, to the village Panchayats.
- (iii) Reservation of seats for the Scheduled Tribes at all tiers of the Panchayats shall not be less than half of the total number of seats. Reservation for other communities indicated in Part IX of the constitution shall be in proportion to the population of such communities.
- (iv) The Chairpersonship at all levels of the Panchayats shall be reserved for the STs.

In case the STs do not have representation at intermediate or apex level of Panchayats Raj System, the State Government shall nominate such unrepresented Scheduled Tribes, but such nomination should not exceed one tenth of the total elected members of the Panchayats [2].

#### 3.2. Gram Sabha

Gram Sabhais known for its supreme authority for the implementation of Panchayats at the Scheduled area (PESA Act 1996). It has power to approve plans, programmes and project for the development and socio-economic welfare of the tribes. The recommended plans, programmes and projects by the Gram Sabha will be implemented by the Panchayats, because the Gram Panchayats holds the power of implementing those recommendations for the development of tribal.

### 3.3. PESA Act in Odisha

The PESA Act was enacted in 24<sup>th</sup> December 1996. And the Odisha Panchayat Samiti Act 1959, Odisha Grama Panchayat Act 1964, and Odisha Zilla Parishad Act 1991 have adopted the provision of the PESA Act. In Odisha the PESA Act was covered total seven districts. They are Mayurbhanj, Sundargarh, Koraput, Malkangiri, Rayagada, Nowrangpur, and Kandhamal in full and Keonjhar, Gajapati, Kalahandi, Balasore, Sambalpur and Ganjam in part spread over 1966 Gram Panchayats in 118 Blocks in full and 3 Blocks in part. Accordingly 24734 Wards out of 87542 Wards, 1966 office of Sarpanch out of 6234, 1965 office of Panchayat Samiti Member out of 6233 and 256 Members of Zilla Parishad out of 854 come under the Schedule Area. Elections to these offices were conducted as per the provisions of the PESA Act [3].

The provisions of the PESA Act in Odisha includes, ensuring the tribal communities by control over natural resources, granting licences for minor minerals and their exploitation and acquisition of land by government for development projects which proposed to enforce Grama Sabha. And now the Odisha government reserves seats for STs in scheduled areas, and the reservation is based on the proportion of their population.

It is true that individuals, government and non-government agencies have conducted many studies to evaluate the tribal development, their problems, and rehabilitation. Some of the studies were at policy level while some others focused on the modern changes that took place among the tribals. But there is limited study relating to the PESA act in Odisha. The following is an account of the review of literature made with the purpose for this research work.

In[4] summarised the role of Gram Sabha in the functioning of PESA Act, and examined working of Gram Sabha in schedule areas in respect of i) control over money-lending, (ii) matters of prohibition or regulation or restriction of the sale and consumption of intoxicants, (iii) ownership of minor forest produce (MFP), (iv) land transfer (v) regulation of village market. The author described the role of PESA act, about gram Sabha and its role for tribal people. The study was aimed to draw attention upon the very important but neglected dimension of the tribal development. The study suggested that extensive training and awareness programmes should be undertaken at block and Gram Panchayat level. Elected representatives of PRIs should be given intensive training on PESA Act and role of Gram Sabha for effective this implementation of the Act. Local leaders have to be active for the market infrastructure for the economic development of tribals. The study covered 4 districts, 8 blocks, 16 GPs, 130 villages and 1528 households. Nabarangpur, Sundergarh, Keonjhar and Kandhamal districts of Odisha. This study was empirical in nature. Data was collected from both primary and secondary sources. Primary data included (i) Household survey (ii) FGD (iii) Semi structured/informal interviews with the key stakeholders like elected Panchayat representatives, officials, NGOs/CBOs, Village leaders and cross-sections of society (iv) case studies (success/failure) (v) Field Observations. Secondary data was collected from published/available records of Census of India, PR Department and Directorate of Economics & Statistics, Government of Odisha, GPs, Blocks, Zilla Parishad, ITDAs/Special Projects/Revenue/Block authorities/offices and other published/unpublished reports

In[5]made an overview of historical evolution of Panchayat raj system and explained why the PESA act coming in Odisha. It reports that PESA is having all powers and duties to preserve the culture and solve the problems of tribals. But in reality PESA is not being implemented in its true spirit. It also adds that still there is lack of awareness, and information among the tribals about this act. It is not giving the clear picture of development and they suggested getting the actual reality of Orissa with that a micro-level study

In[6]attempted to explore on the issues of consultation on matters of land acquisition and local self-governance. This study described the power of Gram Sabha and the important of tribal participation. The study discussed the rights and reservation for tribal in PESA act and local self-governance system and provinces. It showed that the Gram Sabha meetings were irregular and thinly attended. It suggested that when the PESA legislation reached the grassroots level of democracy it give the benefits. This study based on secondary data related to tribal act and the situation of PESA Act.

In [7]focused on the power, authority, and responsibility upon the Panchayat implies the preparation of plans for economic development and social justice for the self governance of the tribal community as the grass root level. It also described the 5<sup>th</sup> and 6<sup>th</sup> schedule law for the tribal area. The findings of the study were that they made special provision for their protection and development. The main safeguard included promotion of education, economic interest and their protection from social injustice and all forms of exploitation. This study use both primary and secondary data. The primary data collected from Odisha some selected places through questionnaire and GD the secondary data collected from Panchayat office, Rural development department and the books related this topics.

#### 4. Objectives of the Study

The important objectives of the present study are:

1. Implementation of PESA Act in Odisha
2. Importance of Gram Sabha
3. To analysing the reviews related to PESA Act in Odisha
4. To suggest some alternatives for the better implementation

#### 5. Methodology

The study is based on both primary and secondary data. The primary data was collected from 120 respondents from Soura and Lanjia Soura tribal communities in Gajapati district of Odisha. The primary data was collected through a structural questionnaire by applying a simple random sampling method. From this community were listed separately and 60 households from Soura and 60 from Lanjia Soura communities. The secondary data comprises various references with already published and unpublished sources from such as research papers, articles relating to tribes and PESA Act, books and websites for the review purpose.

#### 6. Profile of the Study Area

Among the 30 Districts of Odisha Gajapati District is a major part, it was situated in the southern part of Odisha. It lies between 80°45' to 90°40' degree North latitude and in between 83°50' to 84°25' east latitude. The total area of the district is 4325 sq/km, it constituted of two towns (Parlakhemundi and Kashinagara), and it have total 1619 Villages, which spread over the 7 Blocks. The total population of the Gajapati district was 5 lakh, from these 49.23 are male and 50.77 per cent are female population. Sex ratio of the district was 1031 females per 1000 males, and sex ratio of the population of 0-6 year is 964.

The Gajapati district has substantial percentage population which are backward particularly Scheduled Tribes. It continues to be an under developed mountainous region, pre-dominated by tribal people with low literacy rate and with very low standard of living. The major part of the district is a hilly terrain and an undulated topography, which is inhabited by the tribes. Tribes constitute 57.67 per cent of the total population of this district.

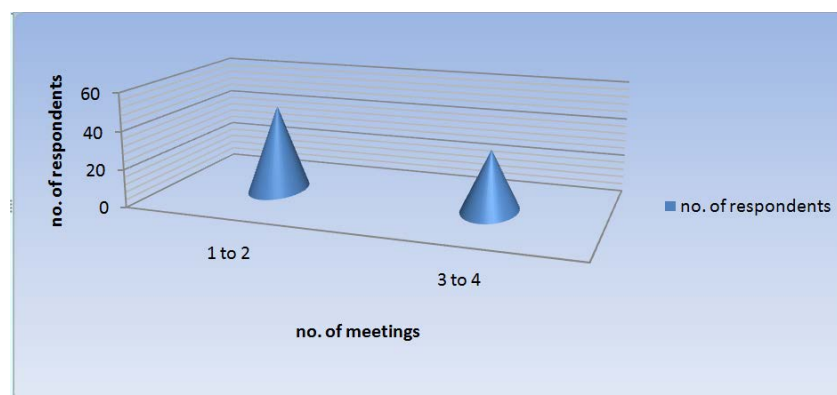
#### 7. Results and Discussions

The present study made an attempt to analyse the existing situation of the knowledge about PESA Act in Soura and Lanjia Soura communities. The results thus obtained are discussed below

##### 7.2. Periodicity of Gram Sabha meeting

Gram Sabha is a concept intending to represent ordinary people’s needs and wishes which appeals to the general mass of population irrespective of class, caste, gender distinction and political partisanship. It refers to supremacy of the people. Every year Gram Sabha meeting has to be conducted four times in the village Panchayat (Figure 1).

Figure 1. Periodicity of Gram Sabha Meeting



Source: field data 2016

Of the total respondents, 59 per cent of them said that Panchayat meeting had to be conducted for One to Two times in a year, and 41 per cent of the respondents are conducting the meeting Three to Four times in a year. So the figure concluded that majority of the respondents are conducted Gram Sabha one to two times in a year.

### 7.3. Contribution in Gram Sabha meeting

Number of respondents attending Gram Sabha meeting are shown in the Table 1.

Table 1. Contribution in Gram Sabha meeting

Response	Number of respondents N=120	Percentage (%)
Yes	78	65
No	42	35
Total	120	100

Source: Field data, 2016

Table1 reveals that the majority of the respondents (99.2 per cent) are attending Gram Sabha meeting and only 0.8 per cent are not attending the meeting. It could be concluded that all the respondents have the good awareness regarding the Gram Sabha.

### 7.4. Consideration of peoples opinion

Consideration of people's opinion in the Gram Sabha meeting is very important. The details regarding consideration of people's opinion during Gram Sabha are shown Table 2.

Table 2. Consideration of people's opinion

Response	Number of respondents	Percentage
Yes	68	87.2
No	10	12.8
Total	78	100

Source: Field data, 2016

The data reveals that out of 78 peoples, only 87.2 per cent have get the consideration to express their opinion in the meeting, and 10 per cent have no consideration to express their opinion in the Gram Sabha meeting. It concluded that the majority of people get importance in the meeting.

### 7.5. Women participation in Gram Sabha

The participation of women's in the Gram Sabha meeting was high in the study area. From the total, 120 sample majorities (84 per cent) are women respondents (Table 3).

Table 3. Women participation in Gram Sabha

Participation	No. of respondents	Percentage
Yes	63	75
No	21	25
Total	84	100

Source: Field data 2016

The women participation in Gram Sabha was high in the study area. It is clear that majority of the women's (75 per cent ) are conducting the Gram Sabha meeting and only 25 per cent of women's are not interested to conduct Gram Sabha.

## 8. Field Experiences

For the purpose of observing the performance of PESA Act, the scholar attends two Gram Sabha meeting in two tribal Block in Odisha namely, Gumma and Mohana. In the both Gram Sabha meeting more than 20 participants are presented. One notable fact is that in both meeting female participants is high compare to male participants. The Sarpanch and Naib

Sarpanch presided the meeting. They discuss about development schemes and programmes under taken by the government. For the development of tribal peoples, they select the beneficiary within that meeting and prepare one list. The same procedure is followed by all Gram Sabha, but it does not work properly. The main reason for inefficient functioning of Gram Sabha observed by the scholar is as follows.

1. Even though the Gram Sabha is organised well, the participants do not have any knowledge about the functioning of Gram Sabha.
2. Due to many reasons like long distance, lack of transport facility, etc., the participants regularly not attending the meeting.
3. In most of the Gram Sabha meeting the tribal peoples are absent because the Panchayat officials not informing them in time about the meeting.
4. Another reason is that in every meeting female participants are more compared to male participants. Most of the female participants simply sitting and talking with each other. And they have no interest in discussion.

While talking with the participants in Gram Sabha the scholar understood that they have no idea about PESA Act and its functions.

## 9. Suggestions

- Built the awareness of the people regarding importance of Gram Sabha, so that the people can participate more effectively.
- The power of implementation has to be given to the Gram Sabha.
- The co-ordination between the peoples and government official should be effective.
- Tribal has to be trained in managing and selling the forest product.
- Tribal has to be educated regarding their rights and acts.
- Government should introduce a very strong monitoring system in assessing the effectiveness of PESA Act.

## 10. Conclusion

PESA is a most powerful Act, which give major governance power to the tribal people and it protect right over local natural resources, and this Act direct the state government not to make any law, social and religious practice and traditional management practice of community resource. Odisha claims as the second largest tribal dominant state in the country. Mainly there are 62 Tribal communities are living in the state and each one is different from others. The PESA Act was implemented in Odisha in 24<sup>th</sup> December 1996, and it covers total seven districts of Odisha. The result shows that majority of the tribal are attending Gram Sabha but they are not well aware of its power and functions. And also the study shows that the PESA Act is not effectively working in the state, all plans and programmes are implemented by the government but it is not properly working among tribes, because they are not highly aware of the Act. All the related studies shows that it needs to conduct awareness programmes of tribal people relating to their developmental rights and acts.

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