

Governance in Tribal area : Myths and Realities



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Governance In Tribal Regions

The Myth & the Reality

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

Perhaps the most progressive law passed since Independence, the PESA, was to enable the gram sabha, i.e; the collectivity of village adults, and gram panchayat to take control of their destinies. It empowered villages to protect community resources, control social sector functionaries, own minor forest produce, manage water bodies, give recommendations for mining lease, be consulted for land acquisition, enforce prohibition, identify beneficiaries for poverty alleviation and other government programmes and have a decisive say in all development projects in the villages.

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

This book seeks to bring out the contradictions in the present system of governance, that confronts tribal communities. The myth that we see in this book, is in actual fact, the provisions of the Indian Constitution for tribal people and tribal Regions. We need to work hard to make this myth a reality.

Myth

Every Gram Sabha shall be competent to safeguard and preserve their community resources.



Reality

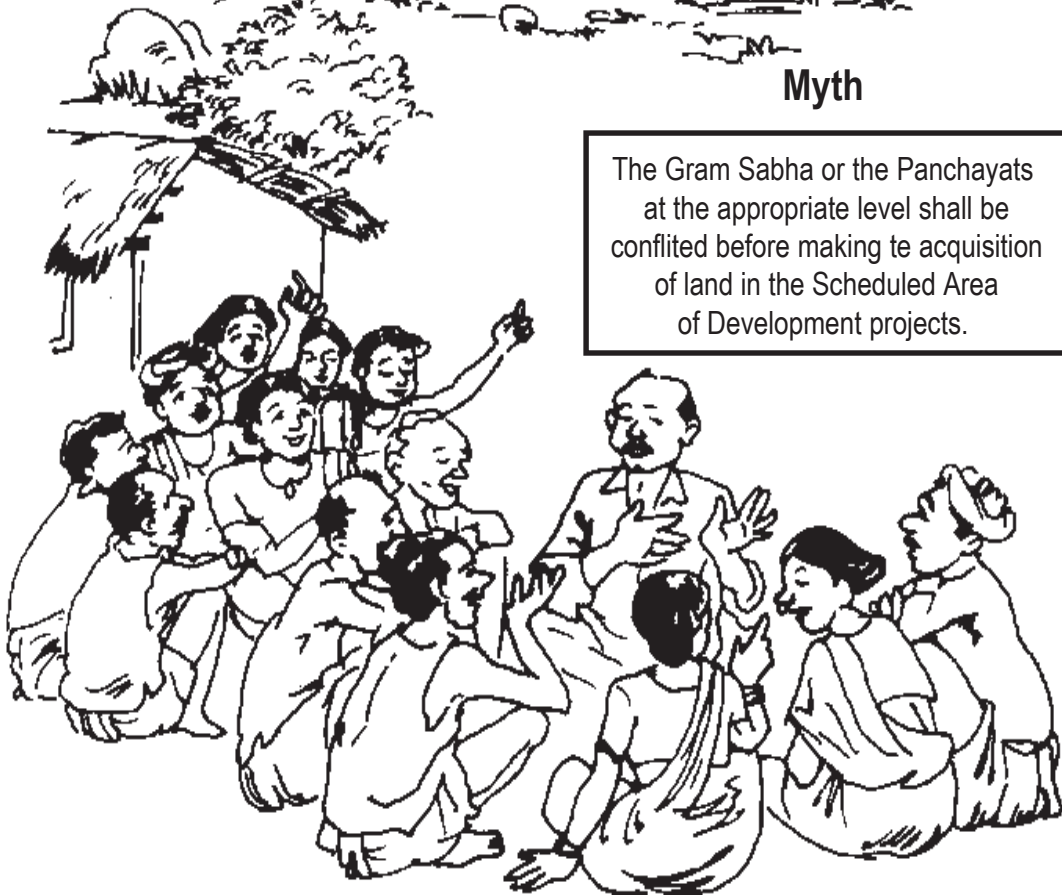
MOUs for mining and industrialisation are signed between the Government and MNCs, with no participation or knowledge of the affected tribal people.





Myth

The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Area of Development projects.



Reality

Gram Sabha is controlled
by anti-social elements

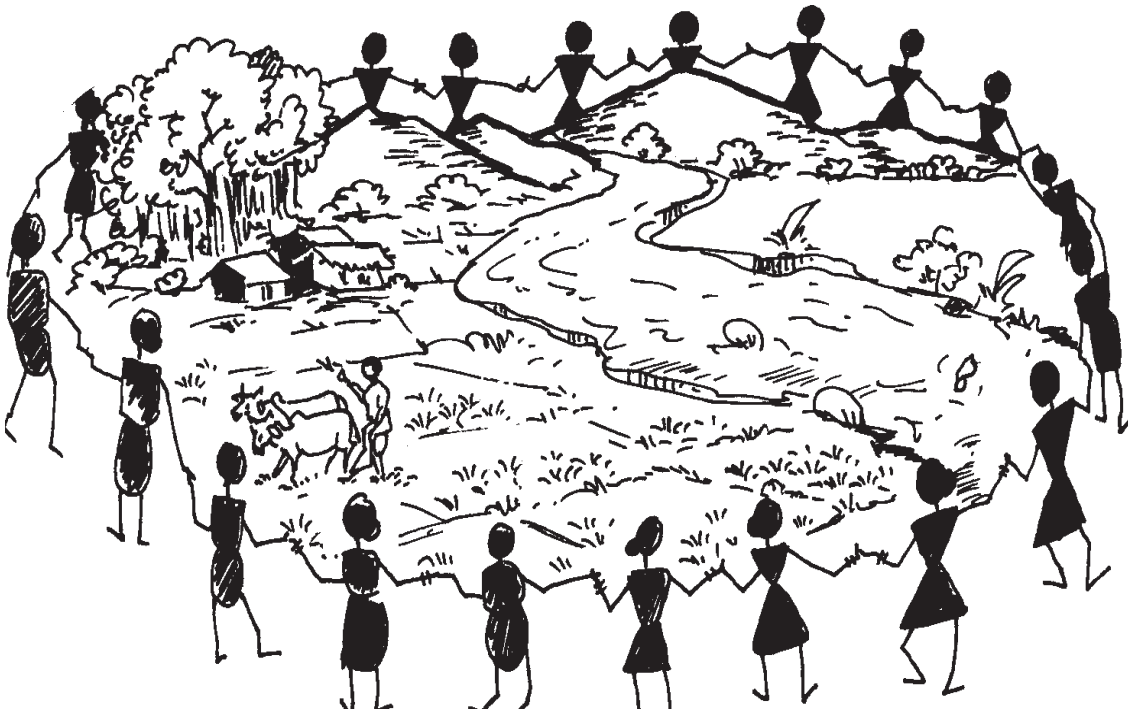


Reality

Gram Sabha consultations for land acquisition are
organised by the district administration,
in the presence of armed police force;

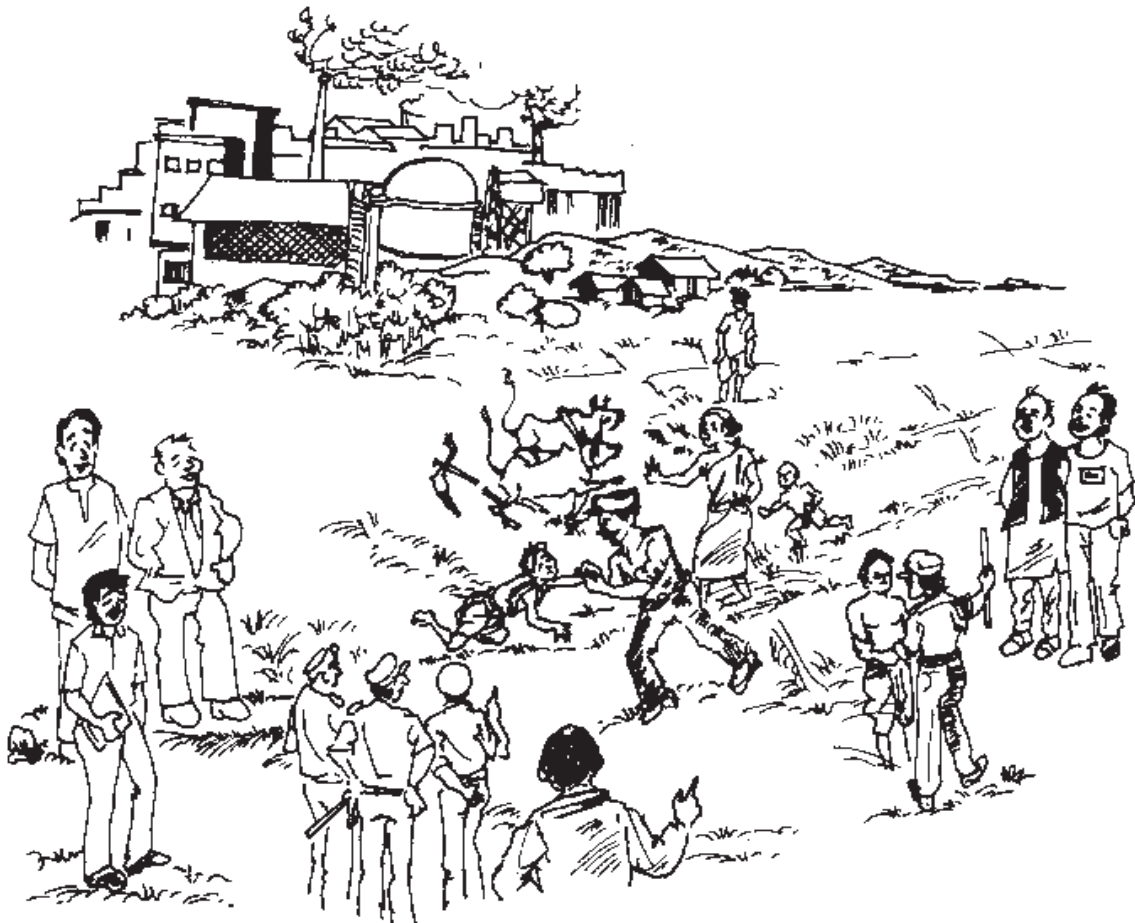
Myth

Gram Sabha's are endowed specifically with the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore unlawfully alienated land of Scheduled Tribe.



Reality

The Government's decisions to lease out tribal people's land to multinational corporations is enforced by the police force.



Myth

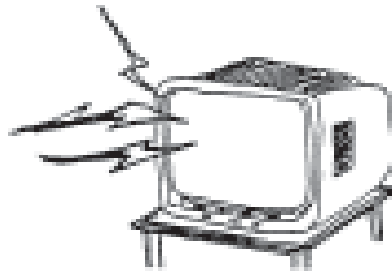
The Gram Sabha in the tribal areas are endowed specifically with the powers to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant.



Reality

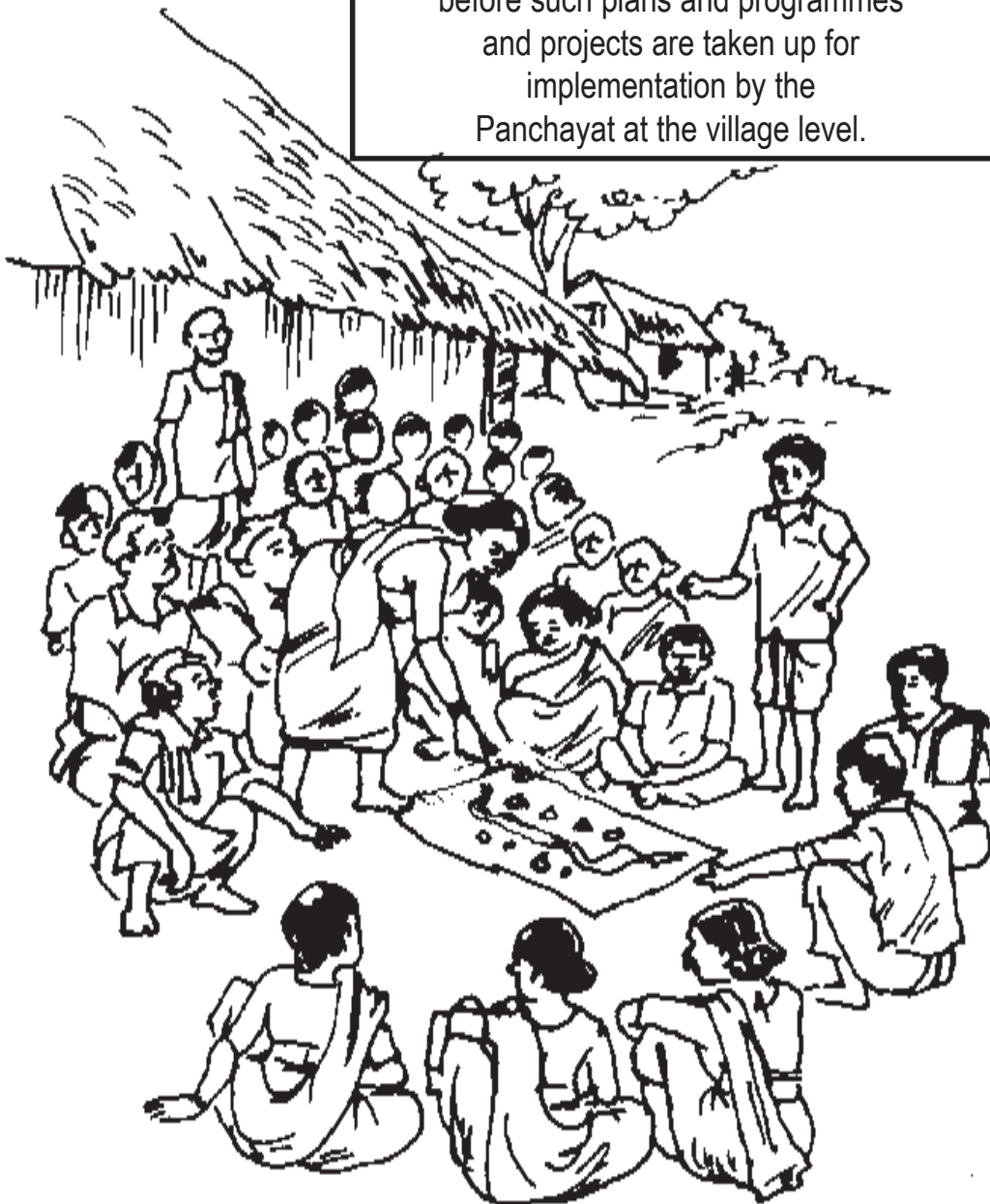
The State Government has decided to open 2000 liquor shops in different districts.

In the tribal areas, the Sarpanch is forced to give his/her signature which is taken as Gram Sabha consent for opening the liquor shops.



Myth

The Gram Sabhas in tribal areas shall approve plans, programmes and projects for social and economic development before such plans and programmes and projects are taken up for implementation by the Panchayat at the village level.



Reality

Schemes, programmes and projects are formulated and decided by the Central and the State Governments.

The Gram Sabha only has the power to select the beneficiaries, and approve the village committee leader in whose name the village work will be sanctioned.



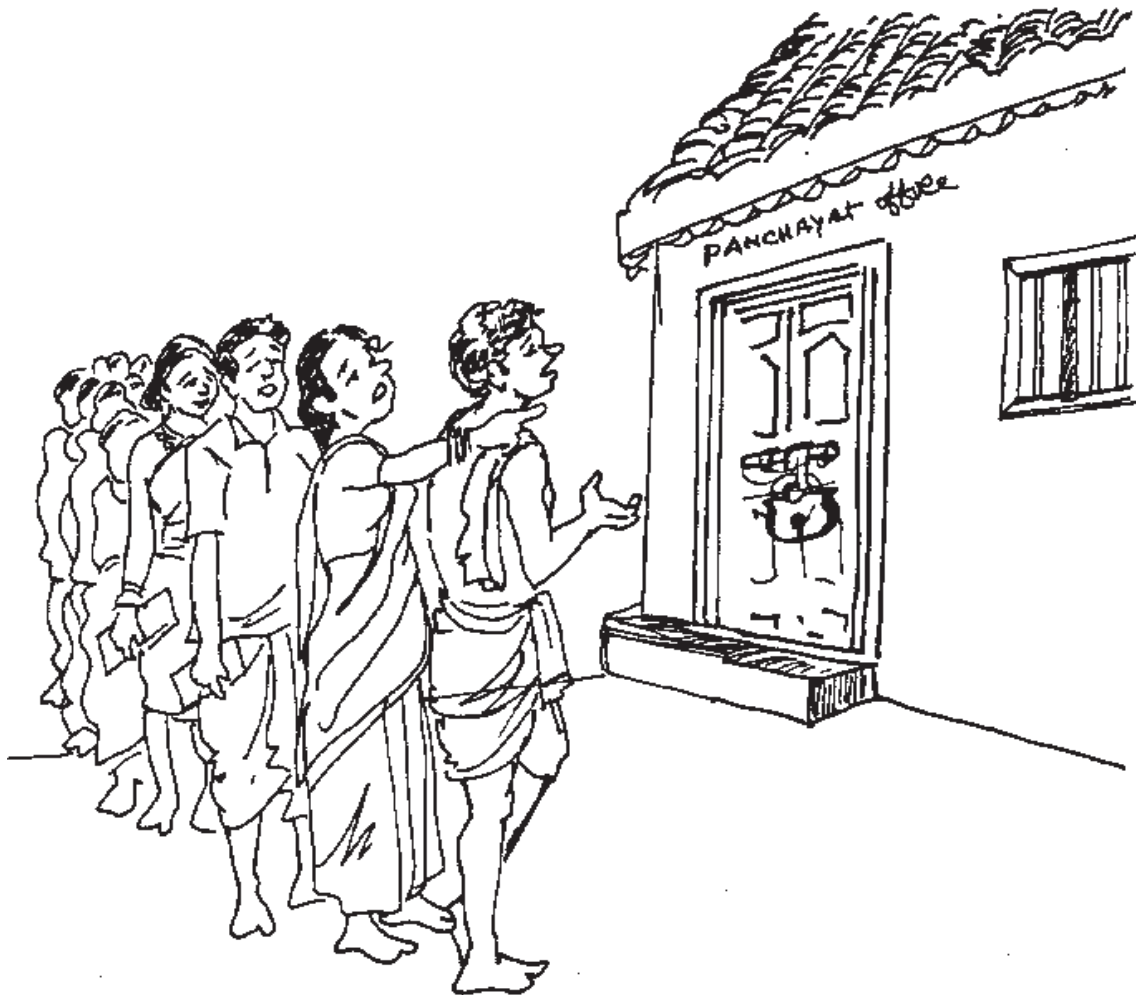
Reality

Gram Sabhas are almost never held on the due date. Inevitably, a second Gram Sabha is organised without proper information and the decisions are passed by the proxy provisions.



Myth

Every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by the Panchayat for the plans, programmes and projects implemented by it.



Myth

Every Gram Sabhas shall be responsible for identification of persons as beneficiaries under the poverty alleviation and other programmes.



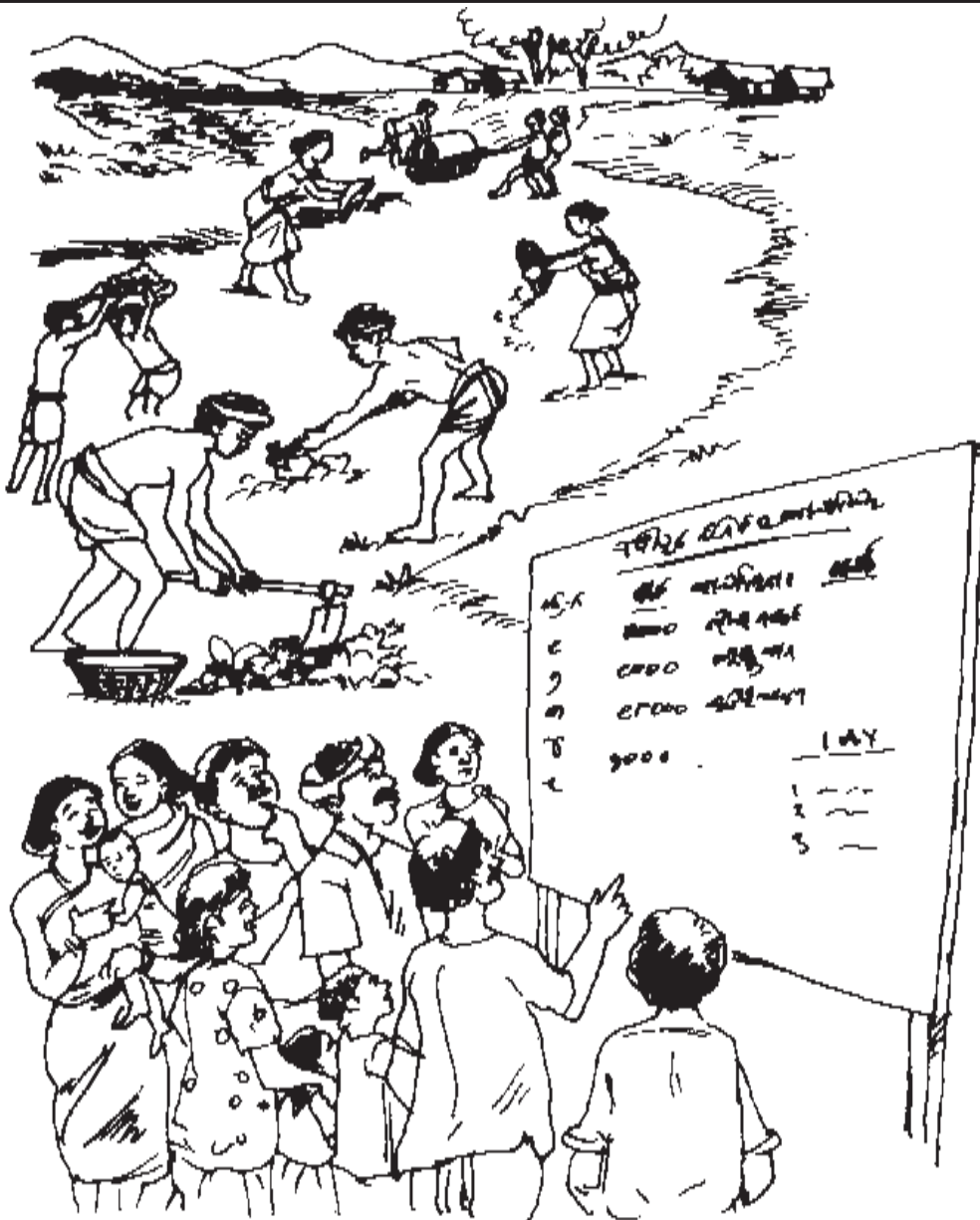


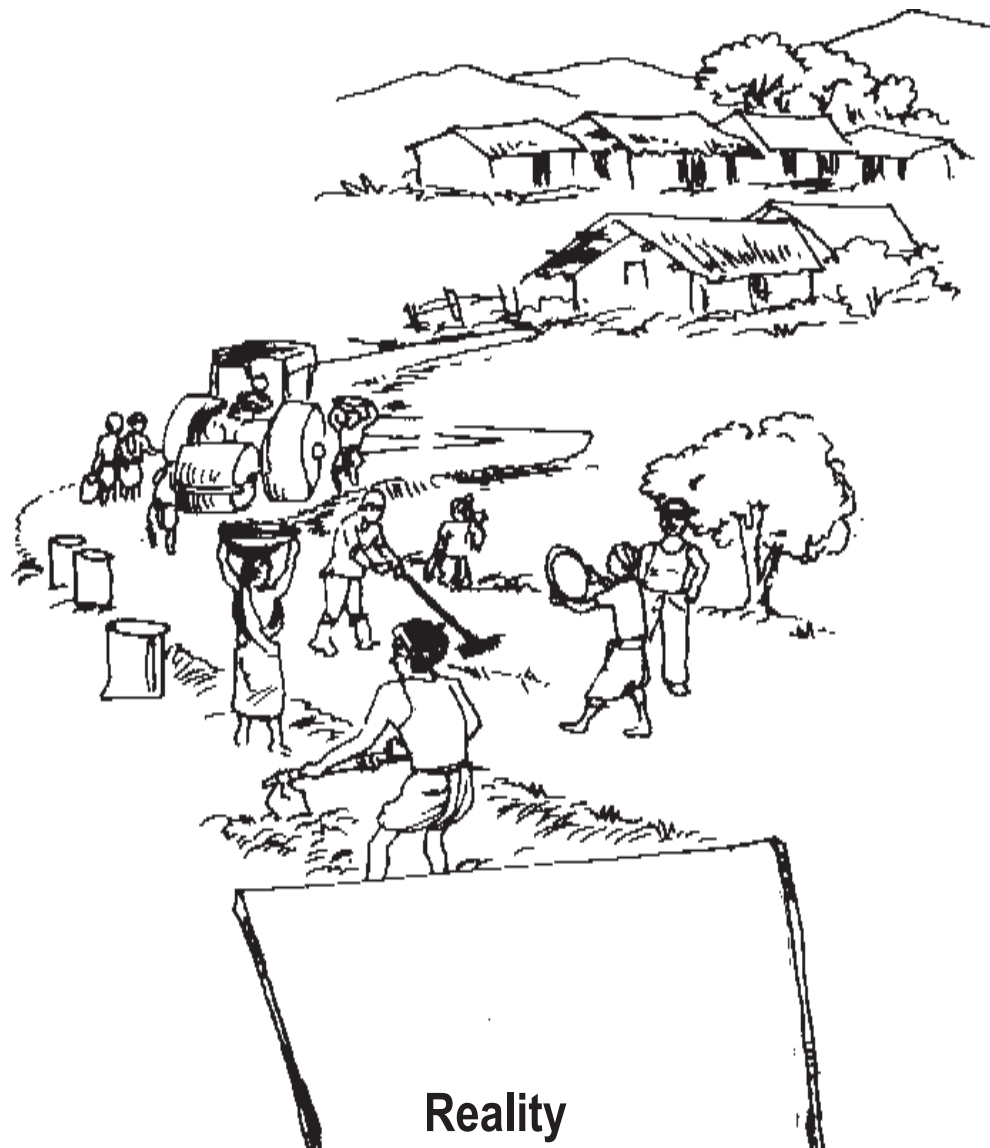
Reality

The beneficiaries are decided in the Panchayat Office, regardless of Gram Sabha decisions, depending on the commissions paid.

Myth

Transparency measures including work details boards at the worksite and GP and Block offices are mandatory.





Boards at the worksite provide only a figure of the total estimate;
There is much confusion about the wage payment,
specially in the case of food for work projects;
There is none in the Block offices to accept people's
petitions for detailed information.

Myth

Reservation is provided in favour of SC, ST, OBC according to their population percentages;





Reality

Party politics controls the elections to all seats of the three tier system of Panchayati Raj.

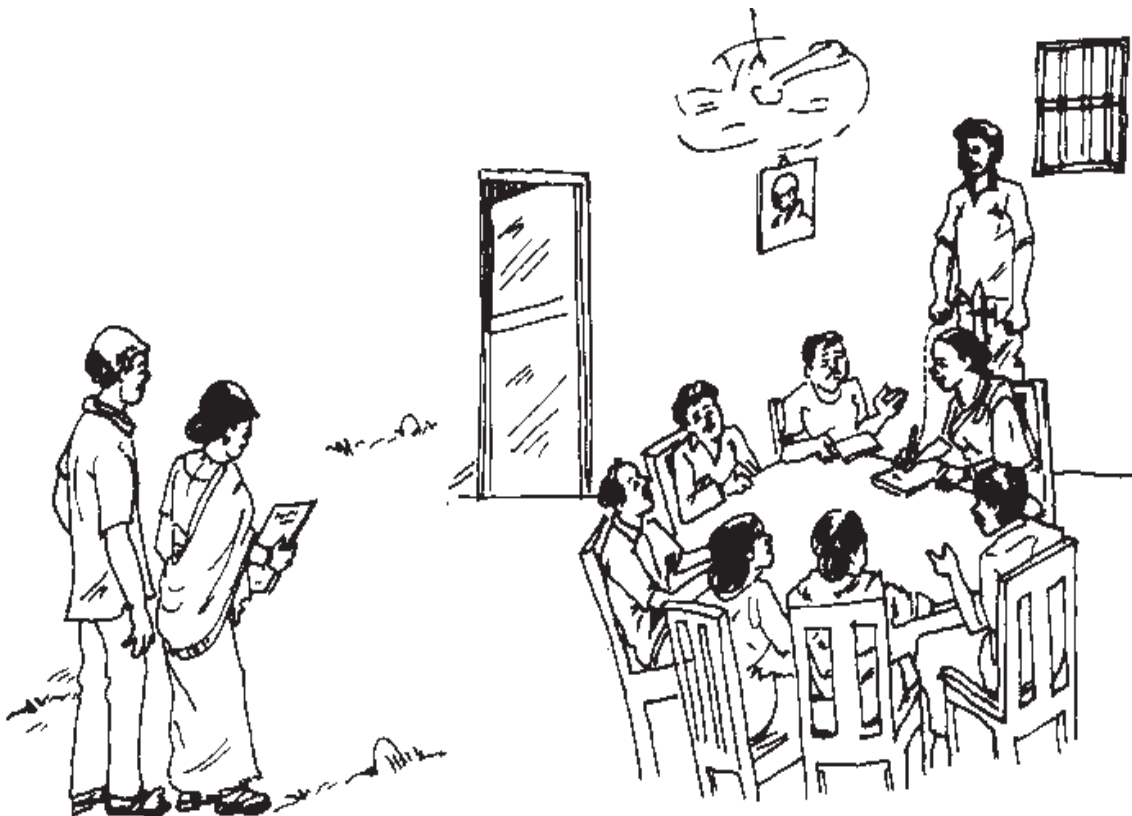
Myth

There is one third reservation for women in every tier of the Panchayat Raj.



Reality

Candidates on seats reserved for women are inevitably relatives of former male representatives;
Gender norms do not allow women to go without her husband to Panchayat meetings;
Nor can a woman raise her voice on any issue in a public meeting;
An elected woman representative is always accompanied by male relatives, who takes all decisions for her.



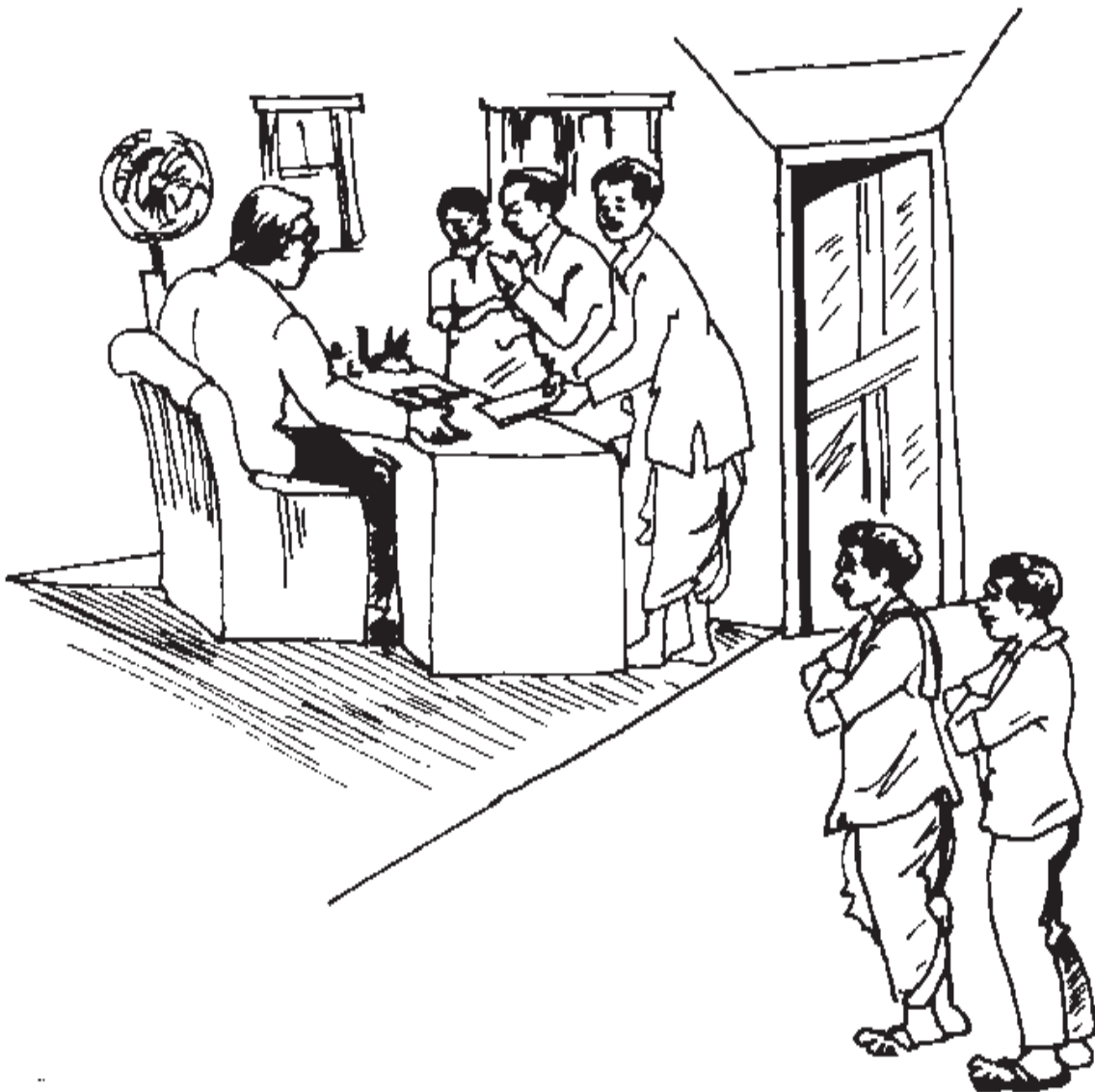


Myth

The Gram Sabha is the centre for decision making in a Panchayat

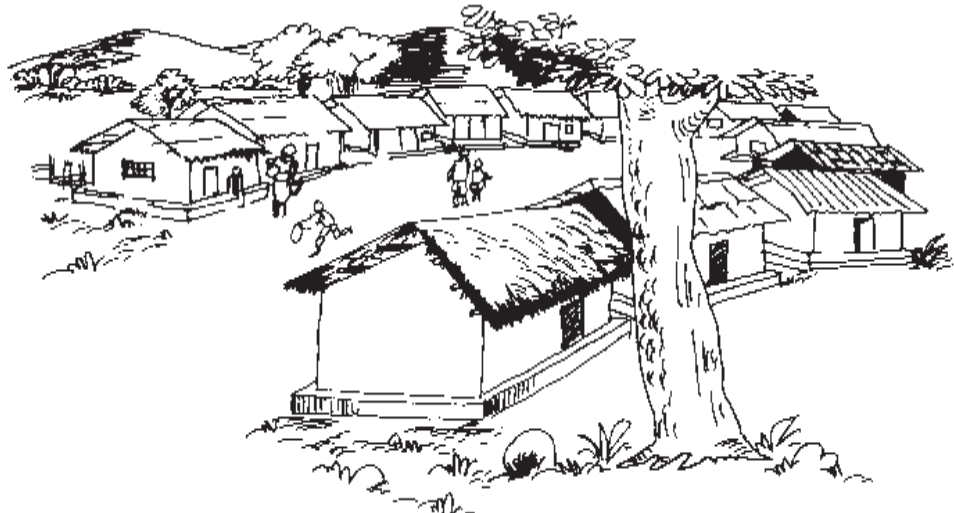
Reality

The Government officers control all decisions as all information, and funds pass through them.





Regardless of any rule / provision / law / policy in the rural areas, the law of the PC is supreme.



Panchayat work is meant for you
We came here to explain



We will take care of our Panchayat
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