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## Panchayati Raj System in Tribal Areas, (especially Dindori District of M.P.)

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### **Abstract**

This research paper will critically examine the latest dynamics of Panchayat Raj Institutions and empowerment of Baiga Tribes in Central India with Special reference to Dindori District of Madhya Pradesh. India has a rich culture milieu. There are different types of people in India. Tribal India is a distinctive picture by itself. They are distinct people of India and represent a true synthesis of Indian culture. Scheduled tribes are designated by different connotations like *Vanyajati*, *Vanvasi*, *Adimjati*, *Girijan*, *Janjati* and so on. Among all these terms, *Adivasi* is known Scheduled Tribe, which is the Constitutional name. It must be remembered that India has the second largest population in the world, next to Africa. The scheduled tribes account for a sizable proportion of the population of India. There are more than 705 Scheduled Tribal communities notified by the president of India under Article 342 of the Constitution of India, and spread over across of the country.

**Keywords-** Panchayati Raj System, Tribal Areas, Especially Dindori District of M.P., empowerment of Baiga Tribes.

### **Introduction**

The various tribal communities constitute 8.6 percent of the total population of the country as per 2011 census. Rural concentration of tribal population is more than that of the urban concentration. The nine tribal groups namely Bhil, Gond, Ho, Khond, Mina, Munda, Naga, Oraon and Santal are most numerous and therefore, are called major or large tribes. The Bhils and the Gonds, with their sub-tribes, together constitute more than one fourth of the total tribal population. The Bhils are mostly inhabited in Rajasthan, Gujarat and South-western part of Madhya Pradesh. On the other hand, the Gonds inhabit the South-Eastern part of Madhya Pradesh. Next to these two tribal communities are Santhal, which is considered the third largest tribe in the Country. The tribal communities are spread across all over the country residing mainly in the forest and hilly region. More than 70 percent of the tribal population is inhabited in Madhya Pradesh, Maharashtra, Orissa,

Jharkhand, Andhra Pradesh, West Bengal, Gujarat, Rajasthan and Chhattisgarh. The essential characteristics of these communities are primitive traits, geographical isolation, distinctive culture, shyness of contact with other communities and backwardness<sup>1</sup>

Due to isolation, unawareness and exploitation, tribes in India have been facing many economic and social problems. They live generally in inhospitable terrain, where productivity of soil is low and their hamlets are found in forest areas along with the hill streams. These people reside in such a territory, which is marked by the presence of hills, forest, islands, mountains, seacoasts etc. They have their own histories of social and economic deprivation, and the underlying causes of their educational marginalization are also strikingly distinct and having uniqueness.

**Tribes in India:-** Different researchers of Sociology and Anthropology have given importance to different aspects or characteristics of tribal society and there is no universally accepted definition of a tribe. However, the definitions which were given by the D.N. Majumdar widely referred by the different researchers i.e. a tribes as a collection of families on group of families bearing a common name members of which occupy the same region, territory, speak the same language and observe certain taboos regarding marriage, profession or occupation and have developed a well assigned system of reciprocity and mutuality of obligation<sup>2</sup>.

Another widely accepted definition which was written in the Dictionary of Anthropology. It defines a tribe as a social group usually with a social area, dialect, cultural homogeneity and unifying social organization. It may include several sub-groups such as Sibs or villages. The tribe ordinarily has a leader and may have a common ancestor, as well as a patron deity. The families or small communities making up the tribe are linked through economic, social, religious, family or blood ties<sup>3</sup>.

T.B Naik has emphasized on the following features of tribes in Indian context:

- A tribe should have least functional interdependence within the community.
- It should be economically backward.
- There should be a comparative geographical isolation of its people.
- They should have a common dialect.
- Tribes should be politically organized and community panchayat should be influential.
- A tribe should have customary laws<sup>5</sup>.

The Constitution of India as per Article 342, provided for the listing of these groups in the schedule so that certain administrative and political concessions could be extended to them. The Constitution did not define the criteria for recognition of Scheduled Tribes and hence, some committees and commissions namely, first Backward Classes Commission (Kalelkar) 1955, the Advisory Committee on Revision of SC/ST lists (Lokur Committee) 1965 and the Joint Committee of

Parliament on the Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1967 (Chanda Committee) 1969 were set up to look into this issue. These committees recommended five criteria for identification, namely, (1) primitive traits (2) distinct culture (3) geographical isolation (4) shyness of contact with the community at large and (5) backwardness<sup>6</sup>. Apart from, There are 75 Scheduled Tribes notified as Particularly Vulnerable Tribal Groups (earlier termed as Primitive Tribal Groups) (PVTGs), on the basis of following characteristics:

- a) A pre-agriculture level of technology;
- b) A stagnant or declining population;
- c) Extremely low literacy; and
- d) A subsistence level of economy.

**Geographical Division of Tribal Population in India:-** The whole tribal population of India can be divided in following five geographical or regional areas-

**(1) North-Eastern Region:-** It consists of Assam, Arunachal Pradesh, Mizoram, Nagaland and Tripura. The tribes in this region include the Garo, Kuki, Mizo, Khasi, Monda, Serna, Nagas, Riang, Miri, Apatani etc.

**(2) The Sub-Himalayan Region:-** It includes north and northwest India, Himachal Pradesh, the major tribes being Gurjar, Gaddi, Theru, Jaunsari etc.

**(3) The Central and East India:-** It consists of West Bengal, Bihar, Orissa, Madhya Pradesh and Uttar Pradesh. The tribes covered are: Baiga, Bondo, Joang, Kol, Khond, Santhal, Uraon, Ho, Munda, Lepcha, Karwa, Bhils, and Pahadiya etc.

**(4) South India:-** This includes the states of Tamil Nadu, Kerala, Andhra Pradesh and Karnataka. The main tribes included are the Tod, Kol, Kadar, Chenchu, Koya, Gonds, Cholanaiken, Godaba etc.

**(5) Western India:** Includes Rajasthan, Gujarat and Maharashtra and the tribes included are the Bhils, Ganasia, Gonds, Kolams, Pardhans, Korku, Koli, Thakar, Katkari, Warli, Pawra, Munda, Kol, Khond, Dubla etc<sup>7</sup>.

### **Panchayati Raj System in Tribal Areas**

Historically, Gram Panchayat has been a fundamental part of Indian rural polity and society. The panchayats have played a key role in organizing and maintaining social order in Indian villages since ago. These institutions were accountable for regulating and governing village administration according to the socio-political norms of the times. The Vedic and the Epic period, Manu Smriti, Kautilya's Arthshastra and other ancient literature have given sufficient evidence to existence of informal panchayat system in India. On the other hand, when we talk about the existence of village

panchayat system in tribal areas, then we find very rich panchayat system in these areas. Because, almost all the tribal people were equal, no hierarchy, no disparity existing during that time. They had a rich administrative system. They had developed their own institutions of panchayats like Tribal Head, Council of the elders and inter-village panchayat for establishing peace, law and order, resolution of disputes and argumentation and proper management of the resources. The system continued till Mughal period. The Britishers tried to change the system in the colonial interest but they could not succeed in their attempt due to the resistant of the tribes to the changes. However, many rules and regulation like - Bengal Act, XIII, 1833, Schedule area Act, 1874, Government of India Act, 1919 and 1935 were enacted by British Government but all were related to maintain law and order in the tribal areas<sup>8</sup>.

### **Scheduled Areas**

The tribal community of the country is living in remote areas unlike other communities. Therefore, the special arrangement has been made in the 5<sup>th</sup> and 6<sup>th</sup> schedules of the Indian Constitution. The scheduled area may be the whole district, block or small areas.

### **Historical Background of Scheduled Area**

In the year 1874, the British government had introduced the Scheduled District Act to provide administration in the scheduled district. In the year 1919 the British government introduced another Act to established different administrative setup in scheduled area. Tribal areas coming under Scheduled District Areas have been divided into two categories: (I) Fully Excluded Area and (II) Corrected Excluded Area<sup>9</sup>.

Again through the Act of 1935, Tribal Areas have been classified into two categories, namely (I) Excluded Area and (II) Partially Excluded Area. Excluded areas were placed under the provincial rule of the governor acting in his discretion and the Partially Excluded areas were within the field of ministerial responsibility, the Governor has exercised a special responsibility in respect of administration of these Areas and had the power in individual judgment to overrule the ministers, if thought fit to do so. No Act of Federal or provincial legislature would apply to any of these areas, but the Governor had the authority to apply such Acts with such modifications as the considered necessary.

The cabinet mission has recommended on 16 May 1946 that the Excluded and the Partially Excluded Areas as requiring the special attention of the Constituent Assembly. Keeping in mind of the recommendation of cabinet mission, two sub-committees has been constituted<sup>10</sup>. Both the Committees had studied the situation of excluded and partially excluded areas of the erstwhile British Government. The committees made several recommendations. One of the important recommendations was that the

state should bear the responsibility of the tribal people. It had laid emphasis on the protection of tribal lands and preventions of exploitation by moneylenders. The committee felt that geographical inaccessibility of these areas was largely responsible for exclusion and the backward condition of these areas. The committees have recognized that the ultimate solution to the problem of backward areas lies in development, not their isolation. The Thakkar committee had recommended that the Constitution should provide for setting up of a body in each province, which would keep the provincial Government constantly in touch with the welfare of the tribals in general and the needs of the aboriginal tracts in particular.

In brief, after long discussions on the report of the sub-committees a consensus was established that there is a need of different types of administrative system for the tribal areas. As per the recommendations of the committee, the separate administrative system was made in Part X of the Indian Constitution which is quite different from other state or union territory administration. The whole tribal areas were divided into 'Tribal Areas' and 'Scheduled Areas'. In article 244 of the constitution and in its Sixth Schedule, the provisions for administration of the tribal areas i.e. Assam, Meghalaya, Mizoram and Tripura were made. Similarly in the article 244 (1) and fifth schedule the provision for the administration for scheduled areas were made.<sup>11</sup>

Both committees suggested notifying the tribal areas in the country for their development and protecting them from exploitation.

**Objective behind the creation of Scheduled Areas:-**The following objectives were kept in mind at the time of creation of Scheduled Area:

1. To assist the tribal without any interference and through small processes.
2. To accelerate development process in the Scheduled Area and to protect the interest of the tribals living in that area.

**Administration in Scheduled Areas:-**The Governor of the scheduled areas, is empowered to make regulations to prohibit or restrict transfer of land from tribals. The Governor may frame the laws to restrict the business of money lending in the scheduled area. The Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to such area subject to such exceptions and modifications as he may specify; Under the section 3 of the 5<sup>th</sup> schedule, there is a provision of sending report by the Governor to President of India related to the administrative activities of the scheduled areas. The purpose of sending report by the Governor to the President is to assist the Central Government in discharging duties towards tribes of the scheduled areas. On the basis of these reports, central government issues directives pertaining to effective administration in scheduled area.

According to section 4 of the 5<sup>th</sup> schedule of the Indian Constitution, there is a provision for the constitution of Tribal Advisory Councils (TAC) in all states having scheduled areas. The TAC has been constituted in the ten Scheduled Areas States of Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Jharkhand, Himachal Pradesh, Madhya Pradesh, Maharashtra, Odisha and Rajasthan. On the directive of the president, TAC can be constituted even in those states where there are no scheduled areas. However, Tamil Nadu and West Bengal do not have any scheduled area, they have Tribal Advisory Council. The President has directed to Uttarakhand government in 2010 for the constitution of TAC in the State even though it does not have any scheduled area<sup>12</sup>. TAC should possess at least 20 members. Three-fourth members of the TAC should be represented by MLAs belonging to schedule tribe community. The rest seats are to be filled up by people belonging to tribal community. In this council, some persons having sufficient knowledge in tribal problems are also co-opted. The Governor shares the responsibility of formulating rules governing the TAC. The Governor may suggest the TAC to take steps for the welfare of the tribals<sup>13</sup>.

The specification of “Scheduled Areas” in relation to a State is by a notified order of the President, after consultation with the State Government concerned. The same applies in the case of any alteration, increase, decrease, incorporation of new areas, or repealing any Orders relating to “Scheduled Areas”<sup>14</sup>.

### **States having Scheduled Areas:**

Scheduled areas are those, which are under the fifth schedule of the constitution of India where the tribal populations are predominant. At present, ten States of the country come under the scheduled areas. These are Andhra Pradesh, Telangana, Himachal Pradesh, Odisha, Jharkhand, Gujarat, Rajasthan, Maharashtra, Madhya Pradesh and Chhattisgarh. The regulations, terms and conditions have been applicable and extended in the schedule areas of ten States and extended to 108 districts (45 fully and 63 partly covered).

Following important provisions have been implemented by Government of India for the effective administration of Scheduled Areas.

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