

Status of Implementation and Governance Challenges of PESA Act in Extremist Affected Areas: A Study in Chhattisgarh



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2023

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ISBN: 978-93-91412-26-5

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2023

First Edition, July 2023

Cover page design: Shri V. G. Bhat, Artist, NIRDPR

Page background: Freepik.com

Published by:

National Institute of Rural Development and Panchayati Raj
Ministry of Rural Development, Government of India
Rajendranagar, Hyderabad –500030

Website: www.nirdpr.org

ACKNOWLEDGEMENTS

I am indebted to many individuals and organisations that helped me complete this study successfully. I would like to express my sincere thanks to Dr. G. Narendra Kumar, IAS, Director General, NIRDPR, for entrusting this onerous study to me. I would like to thank Dr. S. N. Rao, Head of the Centre for Equity and Social Development, NIRDPR, for his constant support and guidance. I deliver my heartfelt thanks to the Director, TPSIRD, Raipur and officers of the Rural Development and Panchayat Raj departments at Jagdalpur for extending field support and arrangement for data collection in the respective districts. I would like to thank all the interviewed respondents in the respective fields for devoting their time, sharing experiences, and providing the requisite information for the successful completion of this study. I extend my sincere thanks to the field investigators for their excellent support in data collection in all the districts that aided timely and smooth data collection process. I express my heart-warming gratitude to Adivasi Youth Student Union (AYSU) members Sujita Manjhi, Swarup, and Yakoob and other AYSU volunteers from each village who extended their cooperation for effortless data collection amidst the COVID-19 pandemic. While I am indebted to the individuals mentioned above for their contribution, as an author of this research, I am solely responsible for the opinion expressed and any errors therein.

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EXECUTIVE SUMMARY

In 1996, when the PESA Act was implemented, the State governments were required to amend their respective Panchayat Raj Acts within a year and not to make any law that would be inconsistent with the mandate of PESA. It was in 2000 Chhattisgarh became an independent state. The Panchayat Raj legislation applicable in Madhya Pradesh was applied in the State of Chhattisgarh, and a new chapter of Chhattisgarh Panchayati Raj Adhiniyam, 1993 (CPRA) was added to make special provisions for the extension of Panchayats in Scheduled Areas. The State PESA rules have been drafted and uploaded on the State website for suggestions by the stakeholders. The requisite changes shall be instated in the draft PESA rules after deliberations, prior to implementation of the PESA Act in the State.

However, Chhattisgarh is one of the few States suffering from extremism; so, the implementation of PESA for imbuing self-rule in the tribal people becomes imperative. The research shall describe the process of implementation of PESA in the study area in detail, emphasising the situational analysis of the implementation process. Further, the study shall highlight the challenges experienced in the implementation of PESA in its right spirit by various stakeholders and prepare policy recommendations based on the findings of the study.

Against this backdrop, NIRDPR proposes to conduct a research study on the status of the implementation of PESA and governance challenges in Chhattisgarh.

The key objectives of the study are mentioned in the following description:

- To understand the status of implementation of PESA Act and the implication in areas affected by extremism
- To examine the situation of PESA Act in the intervened locale with special reference to livelihood conditions and development schemes.
- To analyse the governance challenges of PESA Act in extremism-affected areas
- To suggest further strengthening of PESA Act to protect tribal culture, traditions and livelihoods in extremism-affected areas

The findings of the study are as follows:

Functioning of Gram Sabha

- Participation in Gram Sabha was medium (45.1 per cent) as there was a lack of knowledge about PESA, and intimation about GS meetings was low till the hamlet level.

- Village records were maintained after the GS meeting (65 per cent), but the register of the minutes was kept with the Secretary of the Gram Panchayat, hereby indicating that Gram Sabhas are happening at the Panchayat level, unlike at the hamlet level suggested in PESA.
- Process of identification of works (32.1 per cent) and beneficiaries (29.6) was low in Gram Sabha, and a decision in this regard was taken by Sarpanch and Secretary in the Gram Sabha, refuting powers of GS in PESA
- Awareness about the process of passing utilisation certificates by Gram Sabha was low (25 per cent).

Working of PESA Act in terms of Powers accorded to Gram Sabha in PESA

- The working of provisions of PESA was high in terms of control of Gram Sabha in the regulation of money lending (80.4 per cent) and sale of intoxicants (85.2 per cent).
- Through Gram Sabha, people had medium access and control over Minor Forest Produce (76.5 per cent).
- Control of Gram Sabha over the acquisition of land (47.3 per cent) and management of water bodies (53.6 per cent) and village market was low (47.3 per cent).

Extremism and PESA

- In terms of PESA, 66.9 per cent did not believe that proper implementation of Gram Sabha governance shall lead to curbing Naxalism, and 60.9 per cent reiterated that proper implementation of Panchayat rule shall not lead to self-governance. Henceforth, tribal people demonstrated low confidence as they were ignorant about the powers accorded to Gram Sabha in PESA. Effective implementation of PESA shall instil self-governance through GS in them and shall decrease their dependence on extremist influences for basic daily needs in their hamlets.
- Perceptual analysis of people about the accessibility of roads leading to enhanced development was 60.6 per cent, indicating that roads have led to enhanced accessibility of the villages in extremist areas due to welfare schemes like food security through PDS, health and education and infrastructural development through PMAGY, PMGSY and MGNREGA.
- Perceptual analysis of people about development led to a reduction in extremist activities was 67.3 per cent as people reiterated that the connectivity of roads to their villages has made them avail welfare schemes at their doorstep. This has

enhanced their dependence on and trust in the government for their welfare.

Conclusion

1. There is immense ignorance regarding PESA amongst the people and officials, with a complete lack of conceptual clarity of definitions, provisions and powers of GS in PESA
2. GS is being held at the village level and not at the hamlet level, as per PESA.
3. GS seem to have low participation due to no proper announcement/intimation about the date of meeting and due to the inaccessibility of hamlets to village-level GS meeting.
4. GS meetings at the village level are held in Hindi medium which was difficult for a forest-dwelling Gondi-speaking tribal to understand.
5. Gram Sabha's functioning was not proper according to the provisions of PESA, as people were unaware of the powers accorded to them under PESA.
6. The powers of GS accorded in PESA were low in terms of control of GS over the acquisition of land, management of water bodies and local village markets, medium in terms of minor forest produce and high in terms of control of Gram Sabha in the regulation of moneylending and sale of intoxicants. Hence, officials need to ensure consulting GS and making GS decision binding in terms of the acquisition of land, MFP, management of water bodies and local village markets.
7. Infrastructural developmental activities undertaken have led to high accessibility of extremist villages to welfare schemes by the government, which has led to an evident decrease in extremist activities. However, the emphasis on self-governance of tribal communities through effective implementation of PESA has the potential to tackle extremism through *Vikas, Vishwas, Suraksha and Swaraj*.

CHAPTER 1

INTRODUCTION

In this chapter, we are going to discuss the concepts of local self-governance, Fifth Schedule areas and Left-wing extremism in India. The first part of the chapter deals with the historical evolution of local self-governance in India and the steps taken in this regard by the government. The second part of the chapter talks in terms of the concept of Scheduled Areas and the governance in the Fifth Schedule areas. The last part of the chapter deals with the evolution of Left-wing extremism in the Indian States, the reasons behind the extremism and its impact on the tribal areas.

1.1 Local Self-Governance

India has a long history and strong tradition of 'democratic' institutions from ancient times. Grounded in the social and political organisation of the local habitations, over time, these institutions have transformed but nevertheless socially and politically recognised as central to governance despite their shortcomings in terms of a variety of discriminations such as caste and gender. Villages functioned as self-governing village republics. This continued till major changes and restructuring of the administrative hierarchy began with British colonialism.

As a major initiative, the Government of India Act of 1919 was introduced regarding the local self-governing institutions with widespread direction and mechanism over local affairs. As a result, a number of provinces and princely States passed laws: Village Panchayat Acts in Madras, Bombay, Central Provinces and Berar and Uttar Pradesh in 1920, Self-Government Acts in Bengal in 1919, in Bihar in 1920 and Assam in 1925, and the Panchayat Act in Punjab in 1922. Later the Government of India Act of 1935 introduced provincial autonomy and elected governments. Panchayat Raj did not find a place in the draft constitution. Article 40 in the Directive Principles of State Policy of the Constitution stated that "The state shall take steps to organise Gram Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government." Over time, subsequently, the decadent feudal landlordism with its overbearing exploitation began decaying and eventually promulgated into Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996.

During the years since independence, the focus of dynamic rural governance was ceaselessly examined by official committees. The Balawantraï Mehta Committee constituted to evaluate the Community Development and National Extension Service Programmes, in its report of 24th November 1957 recommended the devolution of

decision-making powers from the State to the Gram Panchayats and formation of statutory elected local bodies and devolution of all necessary powers, authority and resources to them. The National Development Council, on 12 January 1958, agreed to this suggestion to extend democracy to the masses and people's participation in all governmental processes and development. Rajasthan and Andhra Pradesh took the lead in creating a new three-tier system in 1959. Most of the other States passed laws in the late 1950s and early 1960s. However, the formal Panchayat Raj Institutions (PRIs) went on to get ignored or disrupted except in Gujarat and Maharashtra. The West Bengal Panchayat Raj Act of 1973 gave a renewed lease of life to this self-governance.

The Ashok Mehta Committee examined the then-ongoing structure in the States and Union Territories in 1977. They commended the replacement of the three-tier structure with a two-tier system comprising Mandal Panchayat and Zilla Parishads, with the District Collector exercising regulatory functions and conveying appropriate constitutional amendment. The Zilla Parishads were to be the power centre below the State. West Bengal, in 1978, followed by Andhra Pradesh, Karnataka, and Kerala, adopted this model. However, regular Panchayat elections were conducted only in Maharashtra and Gujarat (since the early 1960s) and later in West Bengal (since 1978).

In 1985, the G.V.K Rao committee recommended a three-tier structure and the appointment of a District Development Commissioner as the Chief Executive of the Zilla Parishad. The L.M. Singhvi Committee (1986) favoured a constitutional sanction for the PRIs by offering a new chapter in the Constitution. This resulted in the Constitution (64th Amendment) Bill of 1989 proposing the insertion of Article 243 in the Constitution, making the three-tier structure mandatory in all States. However, this and the 65th Amendment Bill to endow urban local bodies passed in the Lok Sabha on 13th October 1989 could not get through the Rajya Sabha. A combined Bill introduced in 1990 as the Constitution 74th Amendment Bill could not get through as the government changed.

Finally, the 73rd (Panchayat Raj) and 74th (Nagarpalika) Constitutional Amendment Acts were passed on 22 and 23 December 1992, respectively. This was ratified by all the serving State Assemblies except West Bengal. The Acts were notified on 24th April 1993 and 1st June 1993, respectively. Two new parts were added to the Constitution, namely, Part IX, titled "The Panchayats", and Part IXA, titled "The Municipalities." The Acts transferred 29 subjects to the Panchayats and 18 to the Municipalities. Within a year of the Act coming into force, the States were to make suitable modifications to their laws to be in conformity with the amendments.

However, in the 73rd Amendment, there were clear orders to eliminate the Fifth and Sixth Schedule areas, besides the States of Nagaland, Meghalaya and Mizoram, the hill areas of Manipur and the Gorkha Hill Council Area and for this, the parliament needed to make different enactments. These exemptions were to be in consonance with Article 243 of the Constitution. For the tribal-dominated States that do not fall under the Fifth and Sixth Schedules, there was special constitutional protection with greater autonomy in the States of Nagaland (Articles 371A) and Mizoram (Article 371G). The national frame was adopted for Arunachal Pradesh, Sikkim, and Manipur, excluding hill areas (Article 371C provides for a special committee of the Manipur assembly to consider matters related to the hill areas), the non-council areas in Assam and Tripura as well as the areas falling outside the Scheduled Areas in the States having Scheduled Areas. The same was also the case of the remaining States which did not come under any of these constitutional provisions, namely Kerala, Karnataka, Tamil Nadu, West Bengal, Uttar Pradesh, Uttaranchal, and Goa as well as the island regions of Andaman and Nicobar, and Lakshadweep.

The Fifth and the Sixth Schedule areas were also explicitly exempted from the application of the 74th Amendment, for which the Parliament may enact separate laws extending its provisions (Sec.3(m) of the Amendment).

1.2 Scheduled Areas

There is no definition of Scheduled Areas in the Constitution. The Scheduled Areas are referred to as those areas which the President may, by order, declare to be Scheduled Areas. There are no concrete criteria laid out for an area to be declared as a Scheduled Area. However, a few criteria are taken up while deciding on Scheduled Areas, like the preponderance of tribal population, compactness and reasonable size of the area, underdeveloped nature of the area, and marked disparity in economic standards of the people. They embody, broadly, the principles followed in declaring 'Excluded' and Partially Excluded Areas' under the Government of India Act, 1935 and spelt out in the Report of the Scheduled Areas and Scheduled Tribes Commission, 1961. The Tribal Sub-Plan areas (Integrated Tribal Development Projects/Integrated Tribal Development Agency areas only) are usually coterminous with Scheduled V Areas in the ten States with a few exceptions.

Before British rule, Adivasis enjoyed an unsaid self-governance of their areas, and tribal areas were usually exempted from the rule of the kingdom. However, the constant interference of the British in the tribal heartland through impositions of forest laws led to a continuous rebellion by the tribals. Special laws were enacted for these areas by the British government. The Adivasi area was preserved as a class in the Scheduled Districts Act of 1874, with some offers of safeguard. The area was divided

into excluded and partially excluded areas. Operation of ordinary laws could be excluded by the Governor of the respective provinces. The Government of India Act of 1919 divided the area into 'wholly excluded and partially excluded areas from the scope of reform', with the former coming under the domain of the Centre and the latter under the joint domain of the Governor and the Governor General-in-Council. The Government of India Act of 1935 brought the excluded and partially excluded areas directly under the control of the Governor of the province. The reports of the three sub-committees constituted by the advisory committee on fundamental rights and minorities of the Constituent Assembly on 27th February 1947 led to the formulation of Article 244 of the Constitution.

The British Crown's Dominion in India consisted of four principal political arrangements:

1. The Presidency Areas where the Crown was supreme,
2. The Residency Areas where the British Crown was present through the Resident, and the Ruler of the realm was subservient to the Crown,
3. The Agency (Tribal) areas or the partially excluded areas where the Agent governed in the name of the Crown but left the local self-governing institutions untouched, and
4. The Excluded Areas (north-east) where the representatives of the Crown were a figurehead.

The former colonial planning of governance was, in consequence, passed over into the Indian Constitution through Article 244 – the Fifth Schedule and Sixth Schedule. By and large, the Fifth Schedule Areas covered the partially excluded areas, while the excluded areas were mostly brought under Sixth Schedule. The Constitution also defined the term 'Scheduled Tribes', conferring certain special privileges, protection and benefits.

Article 244 (1) provides for the Fifth Schedule, which shall apply to the administration and control of Scheduled Areas and Scheduled Tribes (STs) in any State other than Assam, Meghalaya, Tripura and Mizoram. 'Scheduled Area' was those areas that the President declared to be Scheduled Areas. Under Clause (2) of Para 6, the President may at any time (a) direct that the whole or any specified part of the Scheduled Area shall cease to be a Scheduled Area or a part of such an area; (b) increase the area of any Scheduled Area in a State, after consultation with the Governor of that State; (c) alter, but only by way of rectification of boundaries in any Scheduled Area; (d) on any alteration of the boundaries of the State or on admission into a Union or the establishment of a new State, declare any territory not previously included in any State to be or to form part of a Scheduled Area; and (e) rescind, in

relation to any State or States, any order or orders made and in consultation with the Governor of the States concerned, make fresh orders refining the areas which are to be Scheduled Areas. The Governor of each of the State with Scheduled Areas had the special duty to report to the President on the administration of Scheduled Areas. They could also give directions to the State on the administration of the Scheduled Areas of the State. The Governor could also make regulations for the peace and good government of Scheduled Areas under Para 5 (2) to prohibit or restrict the transfer of land by or among members of the STs (sub-clause (a)) and to regulate the allotment of land to members of STs in such area (sub-clause (b)) and to regulate the business of moneylending to the members of Scheduled Tribes (sub-clause (c)).

The Governor has the power to repeal or amend any Act of Parliament or of the Legislature of the State, which is applicable to the area in question, while making such regulations through public notification. The Governor was also to submit a report to the President regarding the administration of the Scheduled Areas in that State annually or whenever so required by the President of India. The Union Government under Provision 3 can also give directions to the State government as to the administration of the said area. Tribes Advisory Councils (TAC) are to be established in States having Scheduled Areas.

The President of India can also issue a direction to constitute a TAC in any State not having Scheduled Areas but having Scheduled Tribes. The TAC is to consist of not more than 20 members, of whom three-fourths are to be the representatives of STs in the Legislative Assembly of the State. The role of TAC is to advise the State government on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State. An official committee summarised that ‘The Governors, on their part, remained oblivious about the state of the tribal people. Even the mandatory annual reports by the Governors to the President regarding the administration of Scheduled Areas under Para 3 of the Fifth Schedule are irregular. They comprise a largely stale narrative of departmental programmes without even an allusion to the crucial issues in administration, the main thrust of the Fifth Schedule.’

Though no criteria were stipulated under the law for declaring any area as a ‘Scheduled Area’ under the Fifth Schedule, scheduling an area was on the basis of (a) preponderance of tribal population, (b) compactness and reasonable size of the area, (c) a viable administrative entity such as a district, block or taluk/tehsil, and (d) economic backwardness of the area as compared to the neighbouring areas. The fundamental unit of a Scheduled Area is the ‘village’ interpreted in the Panchayat (Extension to the Scheduled Areas) Act, 1996 as “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” [Sec.4(b)].

The President of India issued the Scheduled Areas (Part 'A' States) Order, 1950, declaring specified areas to be Scheduled Areas within the States specified in Part 'A' of the First Schedule (The States and Union Territories) to the Constitution of India. Subsequently, the President issued the Scheduled Areas (Part B States) Order, 1950, the Scheduled Areas (Himachal Pradesh) Order, 1975 and the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977, the Scheduled Areas (State of Rajasthan) Order, 1981, The Scheduled Areas (Maharashtra) Maharashtra Order, 1985 and the Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 and The Scheduled Areas (State of Jharkhand Jharkhand) Order, 2007.

1.2.1 Special Implications of the Fifth Schedule to the Constitution

The important features of the Fifth Schedule that make the administration of the Scheduled Areas distinguished include the following:

- ◆ Governor's Report to the President on the administration in the Scheduled Areas
- ◆ Tribes Advisory Council
- ◆ Special Legislative Powers of the Governor
- ◆ President's power to declare and redefine the Scheduled Areas

Fifth Schedule (Clause 3) of the Constitution provides that the Governor of each State having Scheduled Areas should, annually or whenever required so by the President, make a report to the President to keep the Union Government informed of the administration in Scheduled Areas. Based on this report, the Union Government is to issue directives to the respective State Governments for better administration of the Scheduled Areas.

The Schedule V Areas are no more in the situation where they were throughout the British period. The recurrent efforts of the Central and State governments have flourished in assimilating these areas into mainstream development, be it education or communication or otherwise. But lack of uniform and coherent implementation of the mandates and programmes in PESA and non-PESA areas can be said to be the reason for numerous types of development concerns that the country has been confronting for since long, despite huge investments in various welfare schemes. Though this non-uniformity in development is suggested as the main cause of the prevalence of Left-wing extremism, taking benefit of the conditions for political or other intentions has been evidently present in PESA areas and in other parts of the country too.

1.3 Left-wing Extremism

The Left extremist outburst, later known as the Naxalite movement, started in March 1967 in the three police station areas (Naxalbari, Khoribari and Phansidewa) of Darjeeling district in West Bengal. The 'Naxalbari phase' of the movement (1967-68) gathered momentum during May-June 1967 but was brought under control by July-August 1967.

1.3.1 Naxal Movement in India

The term Naxalism derives from the name of the Naxalbari village in West Bengal, where a peasant revolt took place against local landlords who had beaten up a peasant over a land dispute in 1967. The Naxalites are considered to be the far-Left communists who support Mao Zedong's political ideology.

Initially, the Naxalite movement originated in West Bengal and later moved to the less developed rural areas in Southern and Eastern India, including in the States of Chhattisgarh, Odisha, Andhra Pradesh, and Telangana. Some Naxalite groups have legal organisations as representatives in the Parliament, like the Communist Party of India (Marxist-Leninist) Liberation and the Communist Party of India (Marxist-Leninist) Janashakti.

As of April 2018, Naxalites are most visible in Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Maharashtra, Odisha and Telangana.

1.3.2 How did it Come to be?

The Maoist movement in India is among the longest and most deadly insurgencies that originated in India. While the origins of Left-wing Extremism (LWE) in India go back to the Telangana peasant rebellion (1946-51), the movement was at its peak in 1967, when the peasants, landless labourers, and Adivasis raided the granaries of a landlord in the Naxalbari village in West Bengal. This rebellion was suppressed by the police force, which consequently led to the Naxalite movement under the leadership of Charu Majumdar and his close associates, Kanu Sanyal and Jangal Santhal. These rebels were assisted not only by the people from nearby villages but also by the People's Republic of China. The Chinese media had called this movement the "Spring Thunder." The movement initially took inspiration from China's founding father, Mao Zedong, but had later become radically different from Maoism.

In the following decades, the movement later spread to other regions of the country. Most notably, in the 1980s, Andhra Pradesh saw the formation of the People's War Group (PWG) under the leadership of Kondapalli Seetharamaiah, who fought for the cause of peasants and the landless through a series of violent attacks,

assassinations, and the bombing of Andhra Pradesh's landlords, upper-caste leaders, and politicians. In the late 1990s, Andhra Pradesh police decimated the PWG. However, this did not end the insurgency problem in India as it had spread across the nearby Madhya Pradesh, Jharkhand, Chhattisgarh, Odisha, and parts of Maharashtra.

In 2004, the merging of the Communist Party of India (Maoist-Leninist), PWG, Maoist Communist Centre of India (MCCI) and 40 other armed factions under the Communist Party of India (Maoist) turned the tide in favour of the insurgents. Before this, the Maoists were a relatively minor force, separately operating within four States, namely Bihar, Chhattisgarh, Jharkhand, and Andhra Pradesh. They were so fragmented that there were even instances of conflicts and killing between these groups. The 2004 merger of the two major Maoist factions led to a strategic breakthrough, allowing the insurgents to enhance their strength, spatial spread, and firepower. This movement had eventually spread across such a vast geography that it had surpassed all other insurgent groups in India, including those in Jammu and Kashmir and the North East. In 2006, they controlled more than 200 districts across the country (Annual Report, 2004-05, Ministry of Home Affairs).

The insurgents had rapidly enhanced their firepower, arms, ammunition, and cadre with improved expertise. In a short period, the People's Liberation Guerrilla Army (PGLA), the armed wing of the CPI (Maoist), had nurtured 20,000 regular cadres who were armed with automatic weapons, shoulder rocket launchers, mines, and other explosive devices, etc. They are experts at making and deploying high-end bombs, and some reports even claim that they have set up manufacturing centres for weapons like rocket launchers.

By the mid-2000s, the Maoists had managed to create full-fledged administrative and military infrastructures in the states of Chhattisgarh, Odisha, Jharkhand, Maharashtra, Bihar, and West Bengal. The improvement in the financial resources had significantly enhanced their ability to buy weapons, attract recruits and modernise communication warfare systems, including the use of information and communication technology.

The worst of the recent attacks by these groups include the Chintalnar massacre of 76 soldiers in Chhattisgarh's Dantewada district in April 2010 and the assassination of top leaders of the Congress Party in Chhattisgarh's Jerram Ghati area in Sukma district in May 2013 (The Hindu, 2017).

1.3.3 *The Naxalite movement today*

Today, the Left extremist movement is a complex web that covers many States. According to the Ministry of Home Affairs, "At present, 76 districts in the nine States of

Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Uttar Pradesh and West Bengal are afflicted with ultra-left extremism forming an almost continuous Naxal Corridor. CPI(ML)-PWG and Maoist Communist Centre-India (MCC -I) have been trying to increase their influence and operations in some parts of other States, namely Tamil Nadu, Karnataka and Kerala and certain new areas in some of the already affected States.” (Annual Report (2004-05), Ministry of Home Affairs).

The merger of the CPI (ML)-PWG and the MCC in 2004 has strengthened their combat capability. It is estimated that these extremist outfits now have 9,000-10,000 armed fighters with access to about 6,500 firearms. There are perhaps another 40,000 full-time cadres (P. V. Ramana, Observer Research Foundation).

1.3.4 Causes

The revolution caused by the Left wing extremists to realise their concept of State is based on the support of the vulnerable sections of the tribal population. It is, therefore, necessary to identify the reasons for such vulnerability and consequent discontent. A few of the reasons enumerated by the “Expert Group on Development and the Causes of Discontent, Unrest and Extremism” of the Planning Commission in its draft report are as follows:

Land-related Factors: Evasion of land ceiling laws, existence of special land tenures (enjoying exemptions under ceiling laws), encroachment and occupation of Government and Community lands (even the water-bodies) by powerful sections of society and lack of title to public land cultivated by the landless poor, poor implementation of laws prohibiting the transfer of tribal land to non-tribals in the Fifth Schedule areas and non-regularisation of traditional land rights.

Displacement and Forced Evictions: Eviction from lands traditionally used by tribals, displacements caused by irrigation and power projects without adequate arrangements for rehabilitation and large-scale land acquisition for ‘public purposes’ without appropriate compensation or rehabilitation.

Livelihood-related Causes: Lack of food security, corruption in the Public Distribution System (which is often non-functional), disruption of traditional occupations and lack of alternative work opportunities and deprivation of traditional rights in common property resources.

Social Exclusion: Denial of dignity, continued practice, in some areas, of untouchability in various forms and poor implementation of special laws on prevention of atrocities, protection of civil rights and the abolition of bonded labour, etc.

Governance-related Factors: Corruption and poor provision/non-provision of essential public services, including primary healthcare and education, incompetent, ill-trained and poorly motivated public personnel who are mostly absent from their place of posting, misuse of powers by the police and violations of the norms of law and perversion of electoral politics and unsatisfactory working of local government institutions.

It may be highlighted again that these causes are most glaring in forest areas predominantly inhabited by tribal populations who thus become the main instruments and victims of Left extremist violence.

Political Factors: Nature and apathy of the political system towards tribals remained one of the most important factors that led to such uprisings, inability of political authority in India to provide avenues for structural uplift to the deprived sections of society in the affected States, lack of political participation by the tribal community, haphazard tribal policy implementation, marginalisation, and displacement of the tribal communities worsened the situation of Naxalism. And the increase in interregional and intraregional differences and inequalities led to people choosing Naxalism. Naxal groups mostly consist of the poor and the deprived, like the anglers, small farmers, daily labourers, etc., and government policies have failed to address this issue.

Economic Factors: Lack of industrialisation, poor infrastructure growth and unemployment in rural areas led to disparity among the people living in these areas. This has led to an anti-government mindset among the locals in the isolated villages. Poverty and economic inequality and underdevelopment in the Naxal-affected regions, entry of mining companies in tribal lands and forests, posing a threat to the livelihood of the tribals, indigenous tribal population deprived of their lands, uprooted from their traditional source of livelihood, the benefits of the resource exploitation are not passed on the tribals and above all, the unemployed youth in India is one of the major supporters of the Naxalism movement. This group mostly consists of medical and engineering graduates. The universities have become one of the major breeding grounds for radical ideologies.

Environmental Degradation: Environmental degradation is in the form of destruction of land and water resources due to mining and industrial activities. Forest cover in India is the main area of operation for these groups. The government is facing difficulties while dealing with the insurgents due to the lack of accessibility to these areas. Forest mismanagement was one of the main causes of the spread of Naxalism. It originated during the time of British administration when new laws were passed to ensure the monopolisation of forest resources. Following globalisation in the 1990s, the situation worsened when the government increased the exploitation of forest

resources. This led the traditional forest dwellers to fight for their aspirations against the government through violence.

Lack of basic facilities: Lack of basic facilities like education, freedom, sanitation and food. The socially backward tribals form the major support base for Naxalites because of inequality, illiteracy and lack of opportunities.

Reasons for the reversals faced by CRPF in the fight against Naxals

- ◆ Lack of a common plan across the States
- ◆ Lack of coordination between State police and Central forces.
- ◆ Inadequate training and combat capability of forces in Maoism-affected states.
- ◆ Lack of institutionalised intelligence sharing between States and regions.
- ◆ Naxalites are well versed in terrain, which gives them a substantial upper hand in armed struggle.

1.3.5 Government's Approach

The State's response to the Maoist insurgency has evolved over the years, influenced by the intensity of the threat and political decisions at the State and Centre. Since law and order comes under the State list, the critical counterinsurgency initiatives come under the jurisdiction of the State governments. The Centre is involved in supporting these efforts through joint strategies, providing resources, intelligence, and coordination when necessary.

Operation Green Hunt: It started in 2010 with a massive deployment of security forces in the Naxal-affected areas. In 2010, 223 districts were affected by Naxalism, and the number has come down to 90 in nine years.

Aspirational Districts Programme

The government's approach is to deal with Left-wing extremism holistically in the areas of security and development by ensuring the rights and entitlements of local communities, improvement in governance and public perception management

- 'Police' and 'Public Order' being State subjects, action on maintenance of law and order lies primarily in the domain of the State governments.
 - Filling up critical infrastructure gaps under the Scheme for Special Infrastructure in States affected by Left-wing extremism.
 - Assistance in the training of State Police through the Ministry of Defence.
 - Assistance in community policing and civic action programmes.
-

'National Policy and Action Plan to address Left-wing Extremism', aimed at eliminating the menace in the shortest possible timeframe.

Anti-Left-wing extremism (LWE) policy to enhance the deployment of Central forces in the Naxal-infested areas in the State.

Rehabilitation-cum-Resettlement Scheme for Naxalites

The Naxalite movement came into existence due to the result of prevailing social and economic issues. All the regions in which the Naxal movement took hold are the ones with alarmingly high levels of poverty. Each State has formulated guidelines for the surrender of Naxals based on the Centre's ground rules (Ministry of Home Affairs, Guidelines on Surrender scheme).

Rehabilitation of surrendered members of extremist groups is considered as an 'acceptable and peaceful' solution which helps promote peace and development in affected areas. To bring Naxalites into mainstream society, each State has their own rehabilitation and surrender policy. In order to facilitate the surrender and the rehabilitation of Naxalites, the Central government has issued guidelines to be followed in the case of surrender and rehabilitation of Naxalites in Naxal-affected areas. The objectives of the scheme are:

1. To discourage misguided youth and the removal of hardcore Naxalites who find themselves trapped in the net of the Naxal movement.
2. To ensure those who surrender do not join the Naxal movement again.

To be eligible for the benefits of the scheme, one must fall under these conditions, firstly, Naxalites who have surrendered with or without arms. Secondly, they should be cleared after the scrutiny done by the Screening/ Rehabilitation Committee which is set up by the respective governments.

The benefits of the scheme are training in a trade/vocation as per their aptitude, and payment of Rs. 2000 for two years. If and when the individual gets an employment, the monthly stipend will end, and immediate grant of Rs. 1.5 lakh will be kept in the bank as a fixed deposit. The individual under the scheme will be eligible to withdraw the money on completion of three years.

Issues Related to Rehabilitation Schemes for Naxalites

"Ninety-seven per cent of the Naxal surrenders received by the Chhattisgarh Government did not adhere to the definition of Naxal cadre and were not eligible for benefits under the Central/State Government's Rehabilitation Policy" – (The Indian Express, January 2017).

Here are 12 major takeaways from the Narendra Modi government's new strategy to deal with Naxals.

1. Operation 'SAMADHAN' is the Ministry of Home Affairs' (MHA) answer to the Naxal problem. The acronym SAMADHAN stands for Smart leadership, Aggressive strategy, Motivation and training, Actionable intelligence, Dashboard Based KPIs (key performance indicators) and KRAs (key result areas), Harnessing technology, Action plan for each theatre, and No access to financing.
2. The MHA has suggested the use of trackers for weapons and biometrics in smart guns.
3. Unique Identification number (UID) for gelatine sticks and explosives.
4. At least one UAV or Mini UAV for each of the Central Armed Police Forces (CAPF) battalions deployed in the Maoist hotbed.
5. More helicopter support for operations. Helicopters are to be used to rush in supplies and reinforcement. Increased number of flying hours.
6. Joint Task Forces for operations along inter-State boundaries are to be set up. Better inter-State coordination and intelligence sharing.
7. Four hundred fortified police stations are to be set up in the Naxal belt.
8. Resumption of Left-wing Extremism (LWE) - specific schemes such as SRE, SIS, IAP/ACA, and CIAT schools.
9. Prevention of Money Laundering Act (PMLA) is to be reviewed to ensure the effective choking of fund flow to LWE groups.
10. Fast-tracking building infrastructure, with a focus on solar lights, mobile towers with 3G connectivity, and road-rail connectivity.
11. Indian Army or specialised forces - such as Greyhounds - to train forces to take on Naxals.
12. Forces should be more proactive and aggressive in owning operations rather than being reactive.

CHAPTER 2

PESA

In this chapter, we discuss various provisions within the Central Act, status of implementation of the Act in PESA States, and the status of implementation of PESA in Chhattisgarh and Left-wing extremism.

2.1 Central Act

To provide self-rule for tribals, a Bill was introduced in Parliament in December 1996 based on the recommendations of the Bhuria Committee after a thorough examination of the tribal scenario in the country. The Bill was passed by the Parliament and became an Act after the President's assent on 24th December 1996. The Act is known as the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996(No. 40 of 1996). The Act was implemented in the 10 Scheduled States, namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana.

Historically, tribals have been pushed to the corner owing to economic interests of various dominant groups. In contemporary India, the need for land for development is still forcing them, albeit this time to integrate with the mainstream. Despite the protection given to the tribal population by the Constitution of India (1950), tribals remain the most backward ethnic group in India. They rate very low on the three most important indicators of development: health, education and income. The tribals are most backward not only compared with the general population but also compared to the Scheduled Caste (Dalits), the other backward social group with constitutional protection.

The Constitution (73rd Amendment) Act, 1992 (hereafter referred to as Central Act) generated such dedication towards instituting the Panchayats in rural areas that such fervour brought the exempted areas into the purview of this. A few States, like Andhra Pradesh, Himachal Pradesh and Rajasthan, went to the extent of extending the Central Act to the Scheduled Areas. This invigorated the resistance from tribal leaders under the pretext of eroding the autonomy of tribal people. Finally, tribal leaders and activists took the matter to the Andhra Pradesh High Court. The High Court, in its judgment, held that the extension of Andhra Pradesh Panchayati Raj Act, 1994, to Scheduled Areas is ultra vires to the Constitution. Given the protest and in the light of the verdict of the Andhra Pradesh High Court, there was a felt need for the Parliament to enact a law to extend the provisions of the Central Act to the Scheduled Areas. A high-level committee under the chairmanship of Dileep Singh Bhuria was appointed. Based

on the recommendations of the committee, a Bill was introduced in the Parliament and passed on December 19, 1996, which was subsequently approved by the President on December 24, 1996. This Act, 'The Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996' (hereafter referred to as Extension Act), has extended the Central Act to the Scheduled Areas mentioned under Clause (1) of Article 244 of the Constitution. The States of Andhra Pradesh, Himachal Pradesh, Jharkhand, Maharashtra, Madhya Pradesh, Gujarat, Rajasthan, Odisha and Telangana are covered under the Fifth Schedule Areas. It became mandatory on the part of these States to amend their existing Panchayat Acts in consonance with the Extension Act within a year, i.e. by December 24, 1997.

2.1.1 Basic Features of PESA

- a. PESA extends Part IX of the Constitution to Fifth Schedule Areas, subject to certain exceptions and modifications.
- b. The Act has defined a village as ordinarily consisting 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. It has been laid down that every village will have a Gram Sabha, which will be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution. The tribal settlements are located according to lineage and are homogenous. PESA, by providing for a Gram Sabha to the village, ensures that the communities are empowered under this Act.
- c. PESA takes cognisance of the fact that political empowerment is the beginning of economic development. It, hence, reserves a minimum of 50 percent of the seats for the members of the tribal communities and also all posts of chairpersons in the Scheduled Areas, even where the population of tribals have been reduced to minority status.
- d. PESA, unlike the IXth Schedule, empowers the Gram Sabha and not the Gram Panchayat- they approve plans, programmes and projects and utilisation certificates, select beneficiaries for poverty alleviation and other programmes.
- e. In a very significant move, the PESA makes a consultation with the Gram Sabha mandatory before any acquisition of land in the village or before resettlement and rehabilitation of the project-affected persons in the village.
- f. The Act further empowers the Gram Sabha to prevent the alienation of tribal land and order for the restoration of the tribal lands, a power which had hitherto been enjoyed by the Courts or the revenue officials.

- g. The Gram Sabha has been vested with the command over natural resources in the village, including minor minerals, water bodies, and minor forest produce. No mining lease can be granted without the prior recommendation of the Gram Sabha.
- h. PESA also empowers the Gram Sabha to have control over village markets, all plan and Tribal Sub-Plan resources, and control moneylending in the village.

Hailed as a Constitution within Constitution, PESA is historic because it legally recognises the capacity of tribal communities to strengthen their own systems of self-governance or create new legal spaces and institutions that cannot only reverse the cultural and political onslaught on them but can also create the opportunities to control their destinies. The assertions of the tribals, 'Our Rule in Our Villages' did not imply secession from India but meant the affirmation of relative autonomy from what was experienced as an intrusive and exploitative State apparatus and the unjust social and economic order that it legitimised at the expense of their livelihoods, identities and systems of self-governance. The context of PESA has to be read and juxtaposed against the historical process of marginalisation and exploitation of tribals. Tribal Self-Rule is a powerful weapon to safeguard their interests, lives, dignity, rights and natural right to rule themselves. The history of tribals is full of chronological descriptions of the struggles of the tribals for self-determination, self-actualisation and self-rule. The Tribal Self-Rule or local governance by the tribals or the village republic of the tribals would ensure this process of the tribals to liberate themselves from non-tribal exploiters, non-tribal rulers, non-tribal traders and all those who are anti-tribals.

2.1.2 Panchayats (Extension to the Scheduled Areas) Act, 1996

The 73rd and 74th amendments to the Constitution of India, inserted in Part IX of the Constitution, gave Panchayats and Nagar Palikas not only constitutional recognition but also enhanced powers. The important features of the Panchayats are:

1. Panchayats at the village, intermediate and district levels are to be elected
2. A State Finance Commission has to make recommendations for distribution between the State and Panchayats of net proceeds of taxes, duties, tolls and fees leviable by the State
3. State Election Commission has to conduct elections for the Panchayats
4. The Panchayats are responsible for the preparation and implementation of plans for economic development and social justice
5. The Legislature of a State may endow the Panchayats with such power and authority as may be necessary to enable them to function as institutions of self-government.

Article 243M of the Constitution, inter-alia, provides that the general provisions pertaining to Panchayats in Articles 342A to 343L in Part IX of the Constitution shall not apply to Scheduled Areas referred to in Clause (1) [which contains provisions of the Fifth Schedule relating to administration and control of Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram] and Clause (2) [which contains provisions of the Sixth Schedule relating to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram] of Article 244 of the Constitution (Part X). This Article (i. e. Article 243M) further provides that the Parliament may, by law, extend the provisions of Part IX to the Scheduled Areas and the tribal areas subject to such exceptions and modifications as may be specified in such law and further that no such law shall be deemed to be an amendment of the Constitution for the purposes of Article 368 [relating to the power of Parliament to amend the Constitution and procedure therefor].

In pursuance of the enabling provisions mentioned in the preceding paragraph, the Parliament passed the Provisions of the Panchayat (Extension to the Scheduled Areas) Act, 1996 (PESA Act, 1996). This Act seeks to extend the provisions of Part IX of the Constitution as referred to in Clause (1) of Article 244 and calls for the Legislature of a State not to make any law under that Part (i.e. Part IX) which is inconsistent with any of the features given under Section-4 of the Act, some of the important features of which are:

1. The State legislation should be in tune with the customary law, social and religious practices and traditional management practices of community resources.
2. Every Gram Sabha should be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution.
3. Every Gram Sabha should be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes.
4. Every Gram Sabha should have the authority to approve the plans, programmes and projects for social and economic development before such plans, programmes, and projects are taken up for implementation by the Panchayats at the village level.
5. The reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat area for whom reservation is sought to be given under Part IX of the Constitution; Provided that the reservation for the Scheduled Tribes shall not be less than a one half of the total number of seats; Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes
6. 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; Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat.

7. The Gram Sabha or the Panchayat at the appropriate level should be consulted before making the acquisition of land in the Scheduled Areas and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas.
8. The recommendations of the Gram Sabha and the Panchayats at the appropriate level should be mandatory prior to the grant of a prospecting license or mining lease for minor minerals in the Scheduled Areas.
9. The Gram Sabha and the Panchayats should (a) have the power to enforce prohibition or regulate or restrict the sale and consumption of any intoxicant, (b) be endowed with the ownership of the minor forest produce, (c) be conferred the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of the Scheduled Tribes, (d) have the power to manage village markets and exercise control over money lending to the Scheduled Tribes, (e) have the power to exercise control over institutions and functionaries in all social sectors, (f) have the power of control over local plans and resources for such plans, including the Tribal sub-Plan.

It is obvious from the specific provisions of PESA Act, 1996 that the Gram Sabhas and the Panchayats have intended to assume total responsibility for the planning and implementation of plans, programmes and projects aimed at the two objectives contained in Article 243G of the Constitution, namely (a) The preparation of plans for socio-economic development and social justice, and (b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule to the Constitution. However, notwithstanding the almost plenary role assigned to the Panchayats by the 73rd Amendment Act and a wide range of powers given in the PESA Act, Article 243G of the Constitution and Section 4 (n) of the PESA Act, Panchayats rely on the State Legislatures to “endow the Panchayats with such powers and authority as may be necessary to enable them to function as institution of self-government” and “such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at appropriate level.” Thus in practical terms, the empowerment of Panchayats rests, by and large, with the State governments.

Although the PESA Act, 1996 prohibits the State governments from making any law inconsistent with the provisions given in Section 4, it has been noticed that the enactments made by the State governments vary from State to State and do not strictly correspond with the provisions of PESA Act. The State governments are required to take necessary action in terms of Section 4(n) of the PESA Act to equip Panchayats with

the requisite powers and authority to enable them to function as an institution of self-government.

2.2 Status of PESA Act in Different States

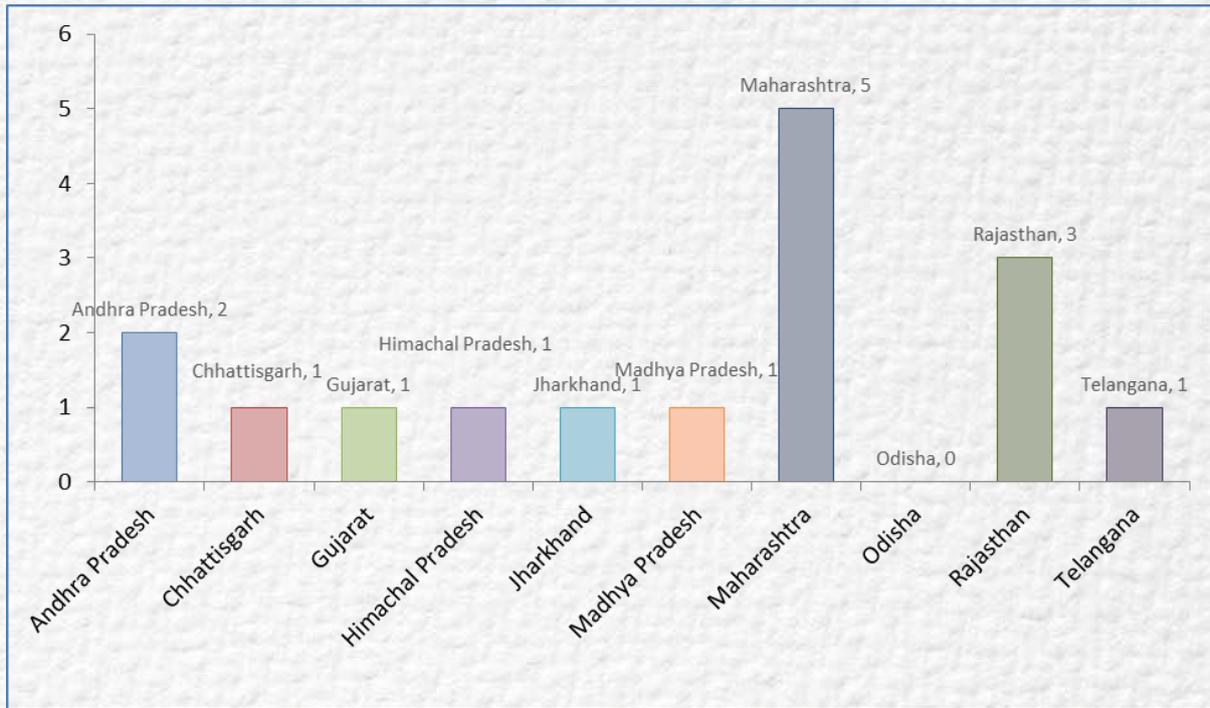
In the absence of detailed rules, the PESA Act, with its several deformities, has not been properly implemented in many States. Many State governments seem to have worked mechanically in the application of provisions of the PESA Act. Experience has shown that there is enough scope for placing the PRIs in a confused state of working between the decision (advisory) of TAC and normal instructions and guidelines issued by appropriate authorities relating to administration of Scheduled Areas. As per provisions in the PESA Act, the State laws are required to be in consonance with the customs, traditions and religious practices, etc., of tribals which vary between groups of tribals. In a village, there could be several communities, and in that event, it is difficult to demarcate a village as ordinarily consisting of a habitation or a group of habitations, a hamlet or a group of hamlets comprising a community as defined under Section 4 (6) of the PESA Act. Andhra Pradesh is one of the leading States which prepared a set of rules for the Schedule Areas in 2007. Under these rules, the pre-eminence of Gram Sabha is reinforced in matters relating to safeguarding and preserving the traditions and customs, community resources and dispute resolution, approval of plans and programmes, and the issue of utilisation certificate of funds utilised by Panchayat. While many States having Schedule V areas have gone in arrears in bringing out a set of rules which are PESA Act compliant, Andhra Pradesh seems to be the forerunner in this direction. But all said and done, the role of Gram Sabha in Schedule V areas is rather minimal.

The Status of PESA is assessed on various parameters. In the Gram Sabhas to be held, the Secretary of the Gram Panchayat is expected to be present. In the present situation, there is one Secretary for four or five Gram Sabhas in one Gram Panchayat. Here, the Gram Panchayat remains the same, whereas Gram Sabha can be many. Gram Secretary is the same for all Gram Sabhas in a GP. In Maharashtra, Gram President can nominate Gram Secretary. In Rajasthan, District Officer can be nominated as Secretary. Other States haven't talked much in this regard.

2.2.1 Gram Sabha Meetings

If Gram Sabha meetings are held more frequently, then it is considered to be more effective. Now Gram Sabha can be considered a miniature of Vidhan Sabha. As per PESA, Gram Sabha meetings are to be convened regularly.

Graph 1: Gram Sabha Meetings



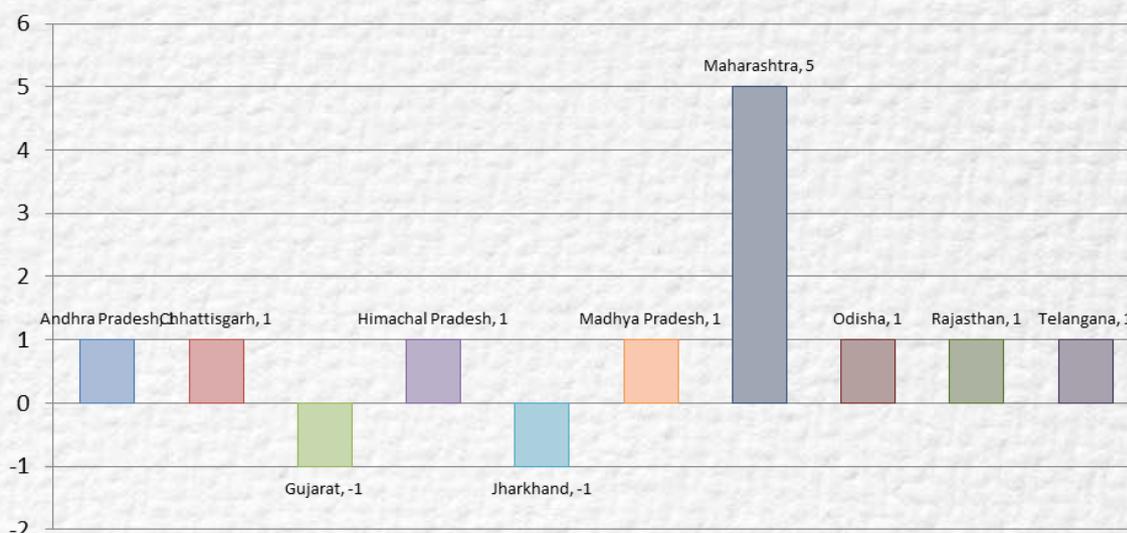
Source: Author analysis based on secondary literature

In Madhya Pradesh PESA rules, Gram Sabha members can demand a Gram Sabha to be held. In Rajasthan, in the first meeting of Gram Sabha, voters or Gram Sabha members decide on the future dates of Gram Sabha, which means that an element of self-governance has seeped into the very fabric of the process of conducting Gram Sabha Meetings and Gram Sabhas are made people-friendly. In Madhya Pradesh, Gram Sabha can be conducted without any written notification but through an informal announcement.

2.2.2 Committees of Gram Sabha

In PESA, various committees are to be formed at the village level. These committees are the hands of Gram Sabhas, but the decisions or resolutions are passed by Gram Sabha. GP is the executive arm of GS. We think of Gram Panchayat as the higher authority than Gram Sabha, but Gram Sabha is the main deciding body. Resolutions passed by Gram Sabha are to be executed by Gram Panchayats. In Maharashtra, there are elaborate committees of Gram Sabhas, and these are applicable at the habitat level.

Graph 2: Committees of Gram Sabhas Held



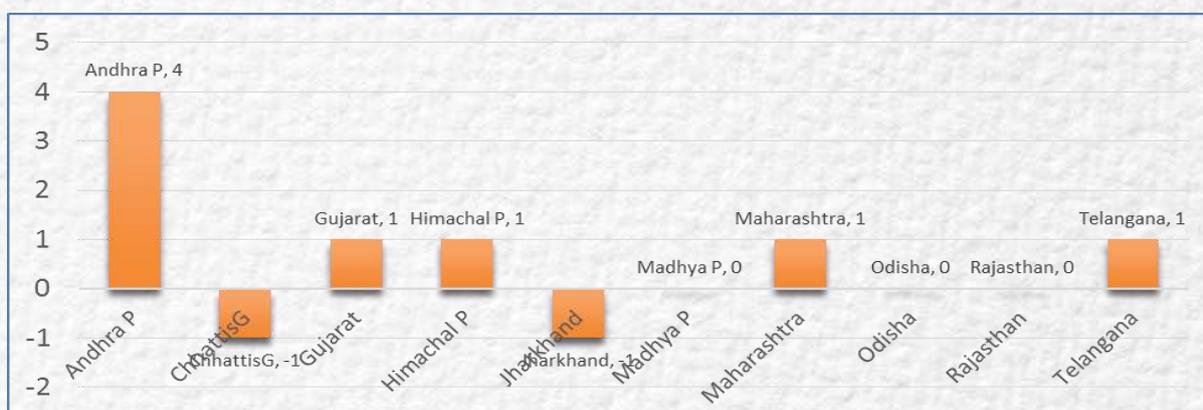
Source: Author analysis based on secondary literature

Gujarat and Jharkhand also have committees, but the powers given are not within the provision of PESA. For instance, Gujarat has a Disaster Management Committee, which is not a PESA subject. Hence, the non-formation of committees or the formed committees are not within the provisions of PESA.

2.2.3 Minor Water Bodies

Section 4 (i): Planning & management of Minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level. As per PESA Act, minor water bodies are to be managed by Gram Sabha or appropriate Gram Panchayat, which means that if there is a water body which extends beyond a Gram Sabha or multiple Gram Sabhas are going to avail of the water body within a Gram Panchayat, then Gram Panchayat is the appropriate body.

Graph 3: Management of Minor Water Bodies



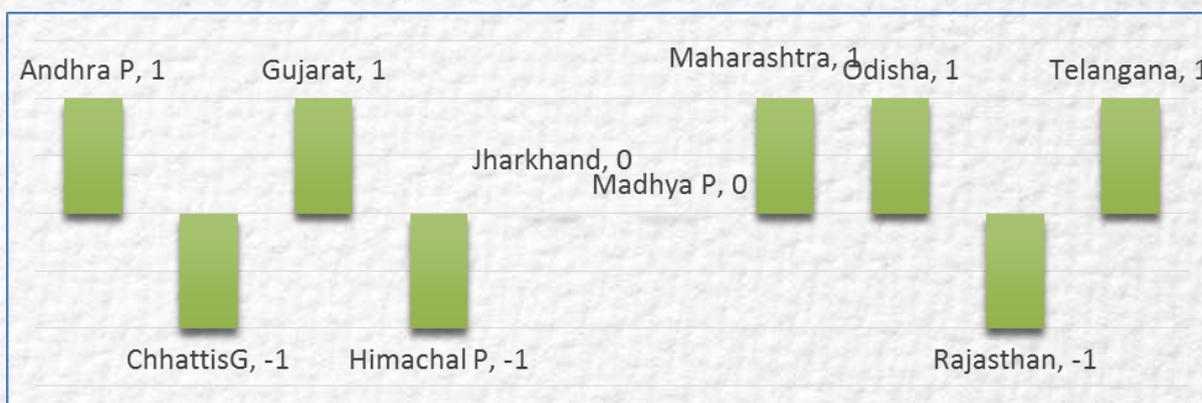
Source: Author analysis based on secondary literature

In most of the State rules, minor water bodies are not defined nor the procedure for a Gram Panchayat to manage the water bodies is mentioned. In Andhra Pradesh rules, water bodies are defined, and the right to management is given to Gram Sabha. Here a point to be emphasised is that a fund should be allocated by the State to manage water bodies. The AP Act has assigned this power to any of the three tiers of Panchayats, as the case may be. The Chhattisgarh Act has assigned powers to the Gram Sabha. Intermediate and District Panchayats also have the power to plan, own and manage minor water bodies. The Jharkhand Act and the Gujarat Act entrust this power to the Gram Panchayat. The MP Act has assigned functions to the Gram Sabha to plan, own and manage bodies situated within its territorial jurisdiction. The Odisha Act has assigned this power to the District Panchayats.

2.2.4 Ownership of Minor Forest Produce

Land, forest and water are the major natural resources available in the tribal areas. These natural resources are also a source of all wealth, and it matters who controls them. If Gram Sabha controls it, then most of the injustices will be mitigated. Now, for instance, majority of tribal households depend on forests for fuelwood used by households. Cooking is a basic need, and it needs access to fuelwood. In PESA provisions, ownership of MFPs comes to Gram Sabha.

Graph 4: Ownership of Minor Forest Produce



Source: Author analysis based on secondary literature.

The provisions regarding MFPs in PESA rules of Himachal Pradesh and Maharashtra are exceptional as they have very elaborate rules on the management of MFPs by Gram Sabha. Himachal Pradesh even mentions Forest Rights Act (FRA) 2006 and says the definition of MFP shall be used in PESA as per the definition of FRA 2006. In Rajasthan, grazing, collection of bamboo and tendu patta, grass cutting and access to national parks are excluded from PESA. In Chhattisgarh, the control of MFP is with the federation, which is formed by the forest Department called *Lagu Van Upaj Sangathan*,

which is not formed by Gram Sabha but controls MFP. In Gujarat and Andhra Pradesh, beedi leaves and tendu patta are excluded from the MFP list, although after passing of FRA, bamboo and tendu patta are clearly included in the MFP. The Government of Odisha, for example, has circumscribed the provisions of PESA by adding a clause, “... consistent with the relevant laws in force,” while incorporating the constitutional provision concerning the competence of the Gram Sabha to manage community resources and resolve disputes according to the customs and traditions of the people. Instead of changing State laws inconsistent with PESA, the Government of Odisha changed the provisions of the Act, thus negating the rights conferred on the community by the Constitution.

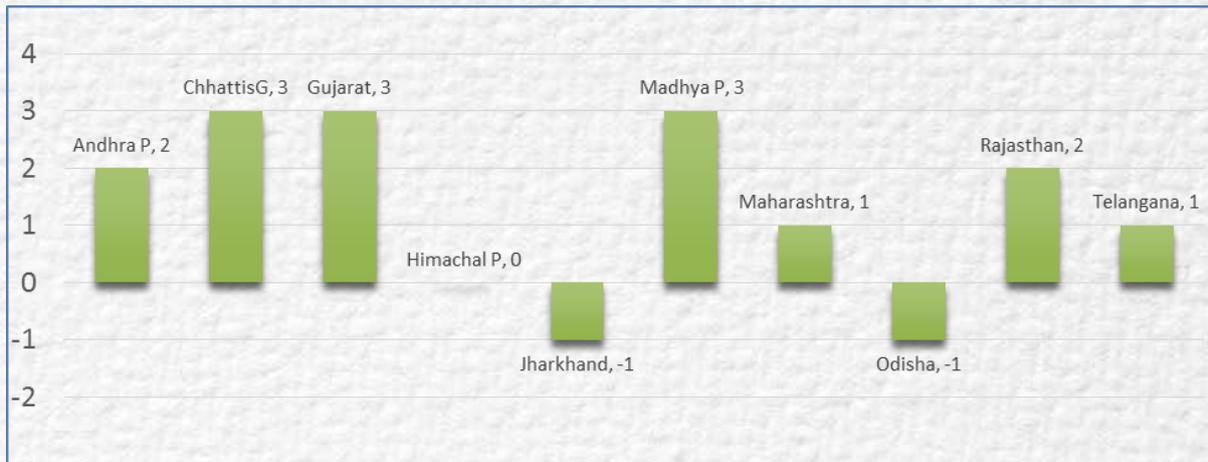
There is no clarity on the issue of “community resources.” The States have their own interpretations and legislations. While Odisha and Andhra Pradesh are silent about what constitutes community resources, Madhya Pradesh has defined it as land, water, and forest. This implies that the powers given by PESA to exercise rights over community resources are almost non-existent in many States. Although the Central Act leaves no room for doubt that reserve forests should be considered community resources under the purview of PESA, the official assumption is that reserve forests are out of the PESA domain. For instance, the NTFP Policy of 2000 in Odisha restricts the Panchayat’s control over minor forest produce in reserve forests. It says that the Gram Panchayats shall not have any control over minor forest produce collected from the reserve forests, whereas the PESA, in its spirit, sought to extend ownership of forests to any forest located in the vicinity of the village that the people had been traditionally accessing.

2.2.5 Land Management

In land management, tribals are deprived by the non-tribals, corporates and landlords. The provisions of the Fifth Schedule say that tribal land should be protected for the tribals. In Gujarat, land records are to be read out in front of Gram Sabha. In Maharashtra, whenever there is a change in the land, then it has to be read and approved in front of Gram Sabha. Any land transfer needs the approval of Gram Sabha.

In Chhattisgarh, there is a procedure laid down if tribal land is illegally grabbed by non-tribals. If no complaint is coming forth, then the SDO has the responsibility to take suo moto action for the acquisition of this land. In land acquisition, many PESA States want the rules of the Right to Fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall be followed, but in Odisha, that provision in case of acquisition of land at Gram Sabha, the consultations shall be done at Zilla Panchayat. Here, the point to be made is that people who are losing their lands are tribals living in villages, so Gram Sabha should be given the power.

Graph 5: Land Management by Gram Sabha



Source: Author analysis based on secondary literature

In the matter of land acquisition and resettlement of displaced persons, the Gram Sabhas in Andhra Pradesh, Gujarat and Odisha have practically no legal role. Odisha has assigned this role to the Zilla Parishad.

The Gram Sabha or the Panchayats at the appropriate level shall be consulted before acquiring land in the Scheduled Areas for development projects and before resettling or rehabilitating persons affected by such projects in Scheduled Areas.

The AP Act has made provisions for consulting the Mandal (Block) Parishad before acquiring land in Scheduled Areas. However, the planning and implementation of such projects will be coordinated at the level of the State government.

The Chhattisgarh Act has made provisions that before acquiring land for development projects, the Gram Sabha will be consulted.

The Jharkhand Act has no provision in this regard.

The Gujarat Act provides for the Taluka Panchayats to be consulted before acquiring any under the Land Acquisition Act for developmental projects and before resettling or rehabilitating persons affected by such projects.

The MP Act has made provisions that before acquiring land for development projects, the Gram Sabha will be consulted.

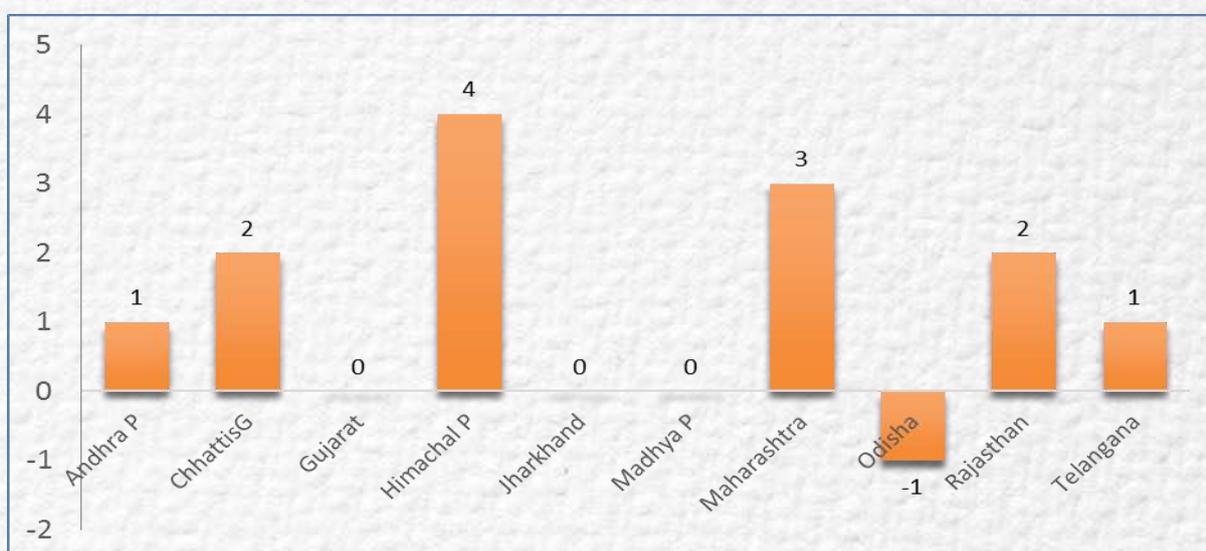
The Odisha Act said the District Panchayat shall be consulted before acquiring land. The Revenue department has issued instructions to Collectors to obtain the Gram Sabha's recommendation during land acquisition. The law also ensures bureaucratic control over the Gram: 'The Collector or such other officer or person specially authorised on behalf of the State government shall exercise general powers of inspection supervision and control over the exercise of powers, discharge of duties and performance of functions by the Gram Panchayat.

2.2.6 Minor Minerals

In Gujarat PESA rules, mining of minor minerals in PESA areas, especially where excavation is required, then approval from the Gram Sabha is mandatory.

In minor minerals, Andhra Pradesh has a provision that a society found by ST is allowed to have a mining licence in a Scheduled Area. In Gujarat, excavation needs prior permission from Gram Sabha. If the sand mining is excessive, then farms on both sides of the river will suffer. Sand acts as a shock absorber for the riverbeds. In Himachal Pradesh, the royalty of such mining will go to Panchayat funds. In Maharashtra rules, there is no clarity if Gram Sabha is controlling sand and rocks.

Graph 6: Management of Minor Minerals by Gram Sabha



Source: Author analysis based on secondary literature

Grant of prospecting license or mining lease for minor minerals does not require the prior recommendation of the Gram Sabha as per provision in some of the State laws.

While Andhra Pradesh has given primacy to Gram Panchayat, Gujarat laws do not mention Gram Sabha. Maharashtra assigns this power to Gram Panchayat, and Gram Sabha has no role in the matter. Himachal Pradesh retains the primacy of Gram Sabha, but the term 'mandatory' has been replaced by "Shall be taken into consideration". In Odisha, the power of prior recommendation of Gram Sabha is entrusted to the Zilla Parishad, hence negating the complete power of Gram Sabha.

2.2.7 Control Intoxicants

Intoxicants are part of cultural festivals or traditional practices, and PESA leaves it to Gram Sabha to decide on the limit. Maharashtra rules leave it to GS what alcohol,

where and when should be allowed by Gram Sabha. The Collector cannot renew the permit of a liquor shop if Gram Sabha does not want it. In Himachal Pradesh, the PESA rules state that if somebody wants a permit, then he should approach the Gram Panchayat for approval. Gram Panchayat shall put it in front of the Gram Sabha to take a decision. If the decision is not taken by Gram Sabha in the next 30 days, then the application for the permit is rejected automatically. So, a simple delay of the process by the Gram Sabha can keep the liquor mafias away from the villages. In Odisha, it is the opposite approach -if Gram Sabha does not respond to the application for the permit within 30 days, then the application for the permit is granted automatically.

2.2.8 Plans, Programmes and Projects for Socio-economic Development and Selection of Beneficiaries

Gram Sabha is mandated to deal with plans, programmes and projects for socio-economic development and selection of beneficiaries with the intended purpose of countering against possible misuse of power by politicians at a higher level and the bureaucracy. However, different States have entrusted these responsibilities to different Panchayat institutions in diluted forms. PESA Act, 1996 provides that every village will have a Gram Sabha, which will be competent to safeguard and preserve the traditions and customs of the people and their cultural identity. But some states like Andhra Pradesh and Odisha have attached partial restrictions in the State conformity legislations. Andhra Pradesh puts a condition that functions of Gram Sabha on this score will be subject to “without detriment to any law for the time being in force.” The Odisha conformity legislation provides that the actions of Gram Sabha “should be consistent with the relevant laws in force and harmony with the tenets of the constitution and human rights.”

2.2.9 Management of Village Markets

Concerning the management of village markets, Gujarat and Maharashtra Amendment Acts are almost silent on the matter. There are a few instances of dilution in the law-making process in the implementation of PESA Act, under which much of the power should have been given to Gram Sabhas.

Conclusion

Henceforth, the implementation of PESA Act over the last 16 years has reflected several issues which need to be addressed by the Central and State governments. Although the Panchayats in the Scheduled Areas would have all the basic features of Part IX of the Constitution, under the PESA Act 1996, the mandatory provisions need to

be more specific and explicit, which seem to have been lost sight of or diluted while legislating conformity legislations at the State level. By virtue of provisions under the 73rd Constitutional Amendment, powers and functions of Gram Sabha are left to the wisdom of State legislatures. This has necessitated different States adopting different legislations to implement PESA Act.

While devolution of powers and authority to Panchayat institutions is required to be unambiguous, unfortunately, this does not find a place in the statutory provisions in most of the State legislations. Therefore, Panchayat institutions in Scheduled Areas find themselves on the same footing as those of the Panchayats in the normal areas. Although Panchayats are not expected to be merely executing agencies, institutions with sufficient freedom and autonomy, more so in the Scheduled Areas in order to take their own decisions and manage their affairs to establish their identity as institutions of self-government, the conformity State legislations seem to be still stereotyped. The Governors of many States have not exercised sufficient and adequate discretion in applying provisions and objectives of the PESA Act to Scheduled Areas on a special footing, so much so that in many States, including Odisha, specific rules have not been framed for programmatic and holistic application of PESA Act.

Out of 94 PESA districts in the country, 32 are extremist affected, which require special treatment in terms of planning, governance and implementation of various schemes (Planning Commission Programme Evaluation Organisation, 2013). As Rules and Regulations have not been specially formulated in these districts, many Central Acts relating to land, forest, mines, and minerals are still not PESA compliant. Therefore, harmonisation of various legislations and government policies like the Land Acquisition Act, 1894 & 1984, Mines Minerals Development and Regulation Act, 1957, Indian Forest Act, 1927, Forest Conservation Act, 1980, Indian Registration Act, National Water Policy, 2002, National Minerals Policy, 2003, National Forest Policy, 1988, Wild Life Conservation Strategy, 2002, and National Environment Policy, 2004 are some of the legislations/policies which should be carefully applied to Scheduled V Areas. The Governors of PESA States are expected to have a challenging and proactive role in scrutinising and analysing these legislations and policies before their application to Scheduled Areas.

2.3 LWE and PESA

In 2016, according to the Ministry of Home Affairs (MHA), 106 districts in 10 States, namely Andhra Pradesh, Telangana, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Uttar Pradesh and West Bengal were intensely affected by the LWE movement (M. P. Government of India, LWE affected districts, 2016). The States of Chhattisgarh, Jharkhand, Odisha, and Bihar are considered severely affected.

Representation of a four-decade-old movement of militant left politics, the CPI (Maoist) was formed in September 2004 by merging the Communist Party of India (Marxist Leninist) and the Maoist Communist Centre. Its spread presently ranges across important parts of Bihar, Jharkhand, Odisha, Chhattisgarh and Andhra Pradesh, prominently termed as 'The Red Corridor.' The phenomenal growth of Left-Wing Extremism (LWE) in India is increasingly attributed to the exploitation and alienation experienced by the marginalised section of the population, particularly the tribes at the hand of the State machinery, landlords, industrial enterprises and various other agencies. Such an understanding can hardly be dismissed as a speculation without any basis.

Notwithstanding the Constitutional safeguards, the tribals, particularly in the Fifth Schedule areas and Central India, continued to remain deprived, exploited and alienated in various forms in the issues of forest rights, land, water, etc. The post-1991 liberalisation of the Indian economy only exacerbated the pressure on the tribal lands and livelihood. The arrival of multi-national/private companies and manufacturing industries resulted in large-scale displacement and exploitation of the tribals- not to mention the spread of diseases and deaths as a result of contamination and pollution caused by the dumping of industrial wastes.

The tribals also had to face the increasing alienation of their lands to the demand for urbanisation to accommodate the outsiders who came to share the spoils of neo-liberal development. What has added to the misery of the Adivasis is the complicity of the administration in the unchecked onslaught of private companies and industries. The much-vaunted popular support enjoyed by the Maoist party is mainly derived from the experience of exploitation and alienation suffered by the tribal population. Given the injustices meted out to them, what more could be appealing to the Adivasis than the promise of dismantling the structures of oppression, domination, and exploitation?

It is in recognition of the need to address the intertwined problem of Naxalism and tribal discontent that the Bhuria Committee was constituted in 1994. The Committee sought to explore and make recommendations on the matter of extending the provisions of Part XI of the Indian Constitution to the Scheduled Areas. Based on the report of the Bhuria Committee, the PESA (Panchayat Extension to the Scheduled Areas) Act was enacted by Parliament in December 1996. The PESA Act covers the Fifth Scheduled Areas of nine States, namely, Chhattisgarh, Jharkhand, Odisha, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, and Andhra Pradesh. The rationale for the enactment of PESA Act was that, through the qualified extension of the provisions of self-governance enumerated in Part IX of the Constitution to the Scheduled Areas, the problems faced by the tribals could be addressed and mitigated.

Some analysts read the resurgence and spread of Left-wing extremism as a phenomenon of tribal self-assertion as they are of the view that economic reforms are a precondition to expanding of extremism. The systematic neglect of PESA has led to an intensification of extremist activities. These include issues of access to lands and forests, fair wages, the distress of farmers and weavers, and awareness of basic rights, as guaranteed by the Constitution. Secondly, the development deficit roots in the Left-wing extremism-affected districts led to further worsening of extremism.

Among various problems, the biggest stumbling block has been the failure or, rather, the reluctance on the part of the States to implement the Act in letter and spirit. The lackadaisical attitude towards the implementation of the Act means that the tribal population continues to remain wretched and alienated. Meanwhile, the intensity of the extremism remains unabated. Conversely, the response of the government to Naxalism has, at most times, betrayed the absence of a cohesive policy to address the spiralling extremism as well as the lack of a deeper understanding of the structural problems that have generated a 'nexus' between the Adivasis and the Maoists. This has often facilitated the emergence of an unwarranted and inhuman campaign such as 'Salwa Judum', which, rather than addressing the root of the problem, ended up exacerbating the predicament of the Adivasis. The government started with a two-pronged strategy of sustained security operations that would clear the tribal areas of the Maoist influence on the one hand while infusing effective governance and development in the Maoist-affected areas on the other hand. In fact, the very basis of PESA is enshrined in the meeting of the socioeconomic injustices through planned development through Swaraj.

Most of the civil rights workers emphasise that Naxalites in Andhra Pradesh won over the tribals by fighting for their rights in terms of getting better prices for MFP and minimum wages. So, the Maoists today have a dual effect on the ground in PESA areas. By virtue of the gun they wield, they are able to evoke some fear in the administration at the village/block/district level.

In order to meet the violence caused by Naxals, more security personnel are deployed in these villages. This has led to the indirect violation of PESA whereby the authority of security officials further takes away the powers bestowed under PESA to the Gram Sabha, i.e. the villagers. The socio-cultural gap between officials in positions of authority and tribal communities on the ground only widens the rift. Fear and distrust of the State is disturbingly high among tribal communities, and this anger is currently going unacknowledged and unaddressed. PESA did not envisage this extreme scenario, and hence its provisions are not geared to address such challenges. Therefore, policymakers must ask if and how the State's security aims can be reconciled on the ground with respect towards a law like PESA, which emphasises the devolution of power to people.

2.4 PESA in Chhattisgarh

In 1996, when the PESA Act was implemented, the State governments were required to amend their respective Panchayat Raj Acts within a year and not to make any law that would be inconsistent with the mandate of PESA. It was in 2000 that Chhattisgarh became an independent State. The Panchayat Raj legislation applicable in Madhya Pradesh was applied in Chhattisgarh, and a new chapter of Chhattisgarh Panchayati Raj Adhiniyam, 1993 (CPRA) was added to make special provisions for the extension of Panchayats in Scheduled Areas.

An analysis of the provision and powers accorded to Gram Sabha in PESA revealed that most of the States have diluted their PESA Acts by according more powers to Gram Panchayat rather than Gram Sabha. Barring Madhya Pradesh and Chhattisgarh, the States have diluted PESA's power in the wording of their legislations and the rules governing their implementation. This runs contrary to Section 4 (n) of PESA. Madhya Pradesh has proceeded with accepting the provisions of PESA unequivocally as constitutional provisions.

Accordingly, the management of natural resources, under Section 129c (iii) of the Madhya Pradesh Panchayat and Gram Swaraj Act, is envisaged to be 'in accordance with its tradition and harmony with the provisions of the Constitution.' Thus, nothing in the tradition of the community can be invoked that may be against the basic tenets of the Constitution. In so far as the ordinary laws on the subject are concerned, the said provision of the Madhya Pradesh Act envisages 'due regard to the spirit of other relevant laws for the time being in force.' Chhattisgarh has also followed this approach.

The power envisaged for the Gram Sabha in respect of 'prevention of land alienation and also restoration of illegally alienated land' is unequivocal. However, suitable provisions in the Panchayati Raj Acts or the relevant land regulations have not been made. The only exception to that is the State of Madhya Pradesh and now Chhattisgarh. A clear and categorical provision has been added in the Madhya Pradesh Land Revenue Code after the enactment of PESA, which empowers the Gram Sabha to restore the unlawfully alienated lands to the tribal landowners. A unique feature of this law is that in case the Gram Sabha is unable to restore such lands it has been empowered to direct the sub-divisional officer in this regard who shall restore the possession within three months.

Thus 170-b (2a) 'if a Gram Sabha in the scheduled area...finds that any person, other than a member of an aboriginal tribe, is in possession of any land of a Bhumi swami belonging to an aboriginal tribe, without any lawful authority, it shall restore the possession of such land to that person to whom it originally belonged ...provided that if the Gram Sabha fails to restore the possession of such land, it shall refer the matter to the sub-divisional officer, who shall restore the possession of such land

within three months from the date of receipt of the reference.’ This radical provision has remained virtually unimplemented for the simple reason that no rules have been framed in this regard. Further, to ensure actual devolution, a State’s pre-existing laws had to be amended in line with the provisions of PESA. In all the States barring Madhya Pradesh and Chhattisgarh, land acquisition Acts have not been amended in line with the provisions of PESA.

The process of consultation before the acquisition of land, as envisaged under Section 4(i) of PESA, has not been formalised in most of the States. The State of Madhya Pradesh (including Chhattisgarh), however, made elaborate rules in the year 2000 about consultation with Gram Sabhas concerned before the acquisition of land. These rules envisage ‘consultation with Gram Sabha before issuing notification under Section 4 of the Land Acquisition Act.’ A detailed procedure has been prescribed so that consultation is transparent and informed. The objective is to enable people to come to a rational decision based on facts. The Collector and a representative of the company are mandated under rule 3(vi) to attend the final meeting of the Gram Sabha before it formally adopts a resolution for or against the acquisition. Thus, theoretically, there is a paradigm shift in a crucial aspect of governance concerning the acquisition of land in favour of the people. The proceedings in the open assembly of the Gram Sabha precede the proceeding in the court of the Collector. The Collector is expected to satisfy the people in the natural familiar setting of the Gram Sabha, where the people feel empowered before he starts the formal process of land acquisition. It is, however, a matter of deep regret that these rules are not being followed in their true spirit.

Even in these two States, which have done the most extensive work among the PESA States on their legislations, the Gram Sabhas are only given the power of consultation and not consent, thus diluting the principle of self-governance. Further, the Gram Sabhas are being convened at a level much larger than a habitation. The progressive edge of PESA gets diluted further as the term consultation is not defined properly nor have State governments outlined the ways of recognising a negative response from the community towards acquisition.

Mining and Mineral Resources

Sub-sections 4(k) and 4(l) of PESA envisage prior consultation with Gram Sabhas before granting leases, etc., of minor minerals. The rules made by the Madhya Pradesh government (including Chhattisgarh) concerning minor minerals, however, can be said to be the most progressive. The rules made under the Mines and Minerals (Regulation & Development) Act, 1975 have formally divided minor minerals into two categories: (i) Schedule I (specified minerals) and (ii) Schedule II (other minerals). All quarries of annual value up to Rs 2.5 lakh; above Rs 2.5 lakh but up to 5 lakh and above Rs 5 lakh

but up to 10 lakh in respect of minerals specified in Schedule II except stone quarries for crushers and clay quarries for tiles and bricks in chimney *bhattas* have been transferred to Gram Panchayats/Janpad Panchayats/Zilla Panchayats, respectively. The rules further envisage that 'quarry permits shall be granted and renewed by the respective Panchayats, after obtaining prior approval of the Gram Sabha of the Panchayat in which the quarry area is situated.'

In the case of other minerals in Schedule I or Schedule II, however, consultation with Gram Panchayat alone, ignoring the Gram Sabhas totally, has been made obligatory. This is a blatant negation of the spirit of PESA.

To sum up, a comparative analysis suggests that the legislations in the States of Madhya Pradesh and Chhattisgarh are nearest to the original provisions of PESA. Other States have significant legislative work left to undertake to actualise the Act. However, all the States are faring poorly in implementing these provisions meaningfully on the ground.

CHAPTER 3

PROFILE OF STUDY AREA

In this chapter, we discuss the profile of the study area in terms of the State of Chhattisgarh, the districts and the villages included in this study.

3.1 Profile of Chhattisgarh

Chhattisgarh, the 26th State of India, was carved out of Madhya Pradesh on November 1, 2000. It is a predominantly a tribal State endowed with rich minerals, forest wealth, etc. The Mahanadi is the principal river of the State and the other major rivers are Sheonath, Hadeo, Mand, Eeb, Pairi, Jonk, Kelo, Udanti, Indrawati, Arpa and Maniyari. The State, which spreads over an area of 135194 square kilometres, comprises 16 districts, namely Koriya, Surguja and Jashpurnagar in the north, Korba, Bilaspur, Janjgir Chhampa and Raigarh in the north-central part, Kawardah, Rajnandgaon, Durg, Raipur, Dhamtari and Mahasamund in the centre and Kanker, Bastar and Dantewara in the south. According to the 2001 census, the total population of Chhattisgarh is 2.0795 crore. The State has been carved out of 30.49 per cent of the land area and 26.6 per cent of the population of the undivided Madhya Pradesh. The State has a total of 20,378 villages, 96 Tehsils and 146 Janpad Panchayats.

Chhattisgarh is home to a large tribal population, which is diverse in location, origin, socio-cultural history, language, livelihood and level of development. Except for some isolated tribes, which continue to be in the food-gathering stage, settled agriculture is the dominant mode of occupation for most of them. However, forests continue to be a significant source of livelihood. The areas of tribal concentration in Chhattisgarh can be classified as under: North Eastern Zone comprises Surguja, Raigarh, Bilaspur and areas of other adjoining districts. The primary hilly northeastern zone is the abode to the Oraons, Kavar, Majhi, Bharia, Agaria, Nagasia, Khairwar, Dhanwar and Korwas. The area has several primitive tribes such as Korwas, Baiga, Abhuj Maria, Pahadi Korwa, Kamar, Birhor, etc. Southern Zone comprises Bastar and other districts carved out of Bastar, which is a large area with very high tribal concentration. This area is populated by various tribes like Gond, Bhatra, Halba, Maria and Pardhi. The different regions and the habitat of the tribes of Chhattisgarh are described in the following table:

The Scheduled Tribes, with a population of over fifty-seven lakh, constitute 30.6 per cent of the State's population as per the 2011 census. Almost 98.1 per cent of this population lives in rural areas. There are 20126 villages, or 48 per cent of all inhabited villages, which have more than half of their population belonging to tribal groups.

3.2 Tribes of Chhattisgarh

3.2.1 Baiga

The Baiga of Chhattisgarh is one among the primitive tribe who lived in the forested areas of Bilaspur and Rajnandgaon districts since time immemorial. It is believed that the Baiga was born from the womb of Mother Earth, and hence they have always been referred to as 'Sons and Daughters of Mother Earth.'

As early as the 1920s, concern for their tradition of shifting cultivation and their general well-being prompted the British authorities to set up an area in Madhya Pradesh/ Chhattisgarh (Central Province or Eastern States Agency in those days) called Baiga Chak, which means the land of the Baigas. Their numbers are decreasing steadily at an alarming rate through avoidable diseases and malnutrition, and in some cases loss of self-esteem and hope. The Baigas urgently need help to overcome poor health, low standards of education, loss of land and problems owing to their lack of understanding of modern legal and administration machinery.

3.2.2 Abhuj Maria

The Abhuj Maria, otherwise known as Hill Marias, is one of the descendent Gonds. Abhoojh - means about whom nothing can be guessed. They are concentrated in the interior forest of Narayanpur Tehsil of Bastar district. The area in which they inhabited is known as Abhuj Mar region, which has been spread over 1500 sq. miles and has dense forest cover. Indravati river flows through their habitation. They are virtually living in isolation and keeping themselves away from the mainstream. Their traditional culture, moral living values and social security have not yet been documented properly. Both Maria men and women wear only a piece of cloth round the waist and several iron and brass rings. The Marias are very sceptical towards health and hygiene. They practice shifting cultivation and grow fruits, vegetables and tobacco, and also pursue hunting. In shifting cultivation, coarse grains and rice are generally grown. Drinking liquor is very common among Maria men and women.

3.2.3 Korwa Tribe

The Hill-Korwa tribe mainly concentrates in Jashpur, Sarguja and Raigarh districts of Chhattisgarh. The soil of the Korwa habitat is not up to the mark and they only grow minor and inferior crops. They are a branch of Kolarian tribe and speak the Mundari language, and their features include medium to short height, and dark brown or black skin. They are divided into five totemistic endogamous clans like hansadwar, samar, edigwar, ginnur and renla. Most of the families of Hill-Korwa are nuclear. Marriages are exogamous and generally arranged with a person from another Kutumb and a

person cannot marry a member outside the tribe. Widow marriage is also permitted. The religion of the Hill-Korwa is confined to ancestral worship and worship of a few Gods and deities. They believe in supernatural powers and their principal gods are Sigri Dev, Gauria Dev, Mahadev and Parvati and the deity is Khudia Rani. They worship the deities for recovery from illness, better harvest, safety and against natural calamities. They believe in magic and witchcraft which is locally known as Odaka and are always busy with the side selection of homestead.

The main source of livelihood of Hill-Korwa is hunting and collecting minor forest products like sal, mahua, gum, tendu leaves, amla, harra, bahera, etc., whereas fishing and hunting are their secondary occupations. In the rainy season, they gather tubers, leaves and vegetables, and in the odd season, they satisfy their hunger with leaves, fruits, and tubers like gainth, pitharu, nakwa, katharu, kulthi, konge, charhat, bilar, etc. Hadia, which is prepared out of rice, is the favourite drink of the Korwas. They also prepare Mahuli from Mahua, which adds to the intoxicant beverages of the Korwas.

3.2.4 Birhor

The Birhors belong to the Mundari group of tribes and are concentrated in central-eastern India. In Chhattisgarh, they are found mainly in the districts of Raigarh and Jashpur. In these regions, they are locally known as Mankidi, Mankria or Mankar-khia Kol because of their habit of consuming monkey meat. Though they are broadly branded as hunter-gatherers, the whole gamut of the Birhor economy in the above-mentioned areas of Chhattisgarh involves the exploitation of forest resources and the maintenance of an essential economic articulation with caste peasants and the market economy of the larger society. The Birhors collect jungle products and exchange them with the neighbouring settled Hindu peasants for their day-to-day livelihood. The jungle resources mainly collected by them are from the creeper that grows profusely in these regions. From the barks of these creepers, various kinds of ropes and similar products are made. Various minor forest products are also procured and exchanged in the neighbouring society.

3.3 Profile of Study Area

3.3.1 Profile of Study Districts

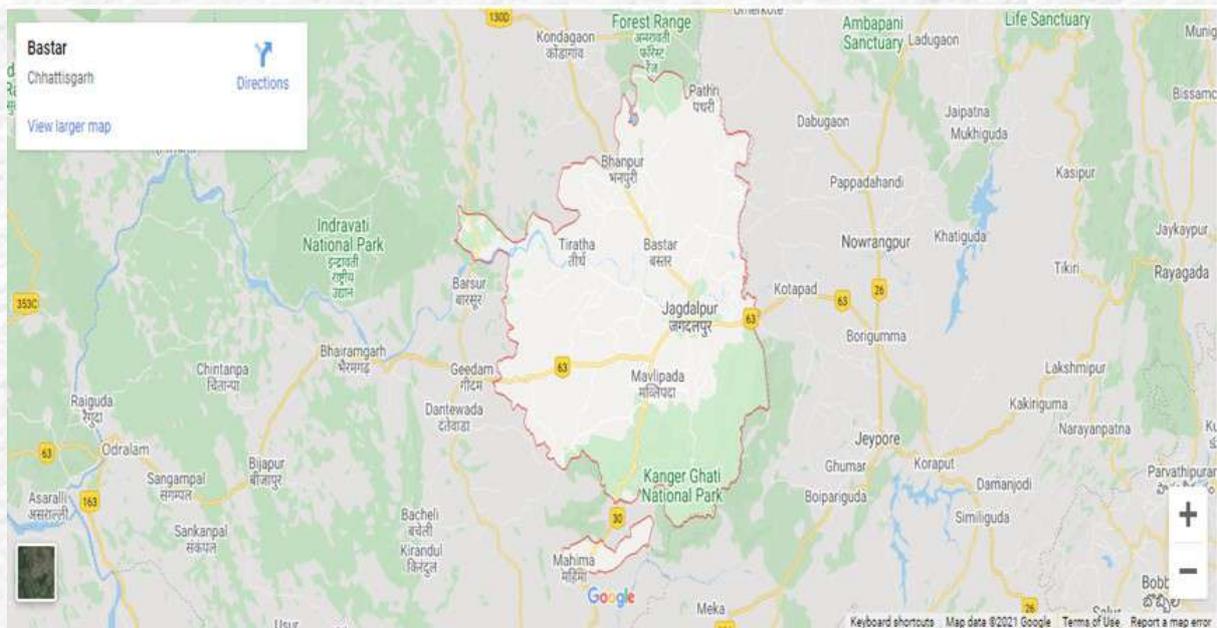
Bastar

Bastar district located in the southern part of Chhattisgarh has Jagdalpur as its headquarters. The district has an area of 4029.98 km². Before division, Bastar was one of the largest districts in India. The district covers an area of around 6596.90 sq. km., and is situated at a height of 2000 ft from sea level. Bastar had a population of 834375

in the census 2011, with 413706 males and 420669 females. Of the total population, more than 70 per cent are tribal people like Gond Tribe, Maria, Muria, Dhruva, Bhatra, Halba Tribe, etc.

This largest district in the State has rich forests and natural resources and is known for its waterfalls and scenic beauty. More than two-thirds of the people belong to Scheduled Tribes. The pattern of livelihood in Bastar continues to be dictated by tradition. Even today, they follow traditional agricultural practices. Their reluctance to change has been a saviour in periods of drought, due to the innately hardy nature of most local varieties of seeds. Literacy levels in Bastar are among the lowest in the State, which is ranked number 15 in the terms of literacy rate. The people have inherent expertise, skill and knowledge in their traditional occupations. They depend on traditional knowledge and medicine to fight illness and disease. However, each community has its own organisation, which governs the community and helps to maintain the social fabric of life. As a result of Panchayati Raj, new facilities Panchayati facilities have come into the villages. The people believe that the Sarpanch is instrumental in the development of the village. The Sarpanch, however, says that few people come to the Gram Sabha meetings.

There are various departments and committees of the government in the village, which offer different services, such as the cooperative societies, forest committees or the van dhan samitis. Some self-help groups are operating in the villages to improve the economic situation of the people.



Source: <https://bastar.gov.in/en/about-district/map-of-district/>

Dantewada

A place known for being the oldest inhabitant of India holding to its own culture, lifestyle, virtues, dancing, songs, folklore, mirth and innocent smile, Dantewada derives its name from the capital town of the district, named after the presiding deity of the town 'Ma Danteshwari'. Ma Danteshwari is an incarnation of Shakti and the most revered and worshipped Goddess in Bastar region. Dantewada is believed to be one of the 52 sacred Shakti pithas, according to Hindu mythology.

Dakshin Bastar Dantewada district has been carved out of the erstwhile Bastar district on 25th May 1998. The district has been further bifurcated in the years 2007 and 2012 resulting in the new districts of Bijapur and Sukma, respectively. Encompassing hilly tracks, dales & valleys, numerous brooks & rivers, and lush green and virgin forests, Dantewada is a paradise for lovers of nature. Apart from the Goddess Danteshwari Temple, Dantewada has a number of ancient and historically important temples and structures. The sculptures of 'Barsur' let one peep into the glorious past of this region while the 'Memory Pillars' which are found in many places of the district are handy in understanding the rich culture and tradition of the local tribes.

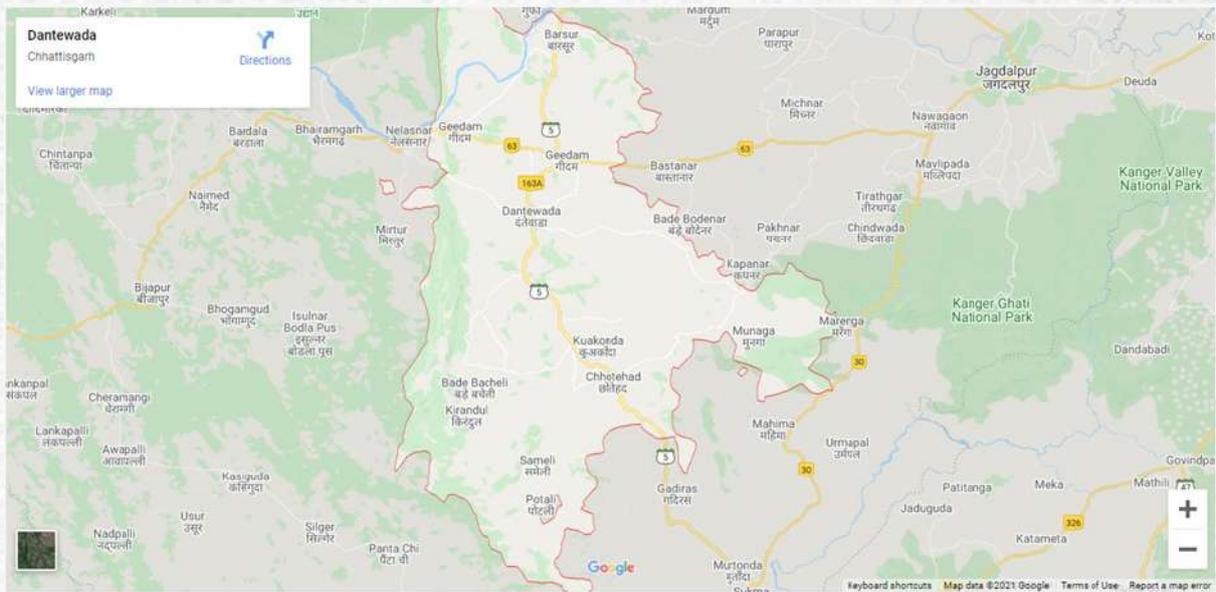
Dantewada is inhabited by several tribal groups such as Maria, Muria, Dhurwa, Halba, Bhatra, Gonds, etc. The songs and dances they perform during various fares and melas add colours to the calm and pleasant rural life of the district. Watching the famous 'Dandami Mariyas' or 'Gonds of Bison Horn' dancing in groups, wearing a turban with the Bison Horns is certainly a treat to one's eyes, ears and soul.

Dantewada is blessed with various mines and minerals. Bailadila contains one of the largest deposits of iron ore in the world. The iron content is as high as 68 per cent, which makes it world-class quality ore. Similarly, deposits of uranium, granite, graphite, limestone and marble have also been found in the district. The tranquillity of the forests, the sky-high peaks, the dust of the fairs and the drums of the tribes are alluring.

Over the past decade, Dantewada has witnessed a steady rather rapid phase of development in all key sectors. PORTA cabin invented in the district has successfully tackled the dropout rate of students through quality residential education and has been a game changer. Education City, a residential education facility from KG to PG for around 7000 students on a single campus has been ranked one among the 100 innovative ideas of the world in the field of education by KPMG in the year 2012. The concept of Livelihood College, which was invented and successfully implemented in the district, had later been replicated across Chhattisgarh by the State government. Saksham, a barrier-free residential education institution for children with special needs, had been widely acclaimed by one and all. Lakshya and Chhoolo Asman projects

have provided the students of the region enough space to dream of a better future. Bhoomgadi, the farmers' society that produce, procure, mill and market organic agricultural products has been well appreciated. Bastar YUVA BPO, the biggest rural BPO in the State, has brought Silicon Valley to Bastar, benefiting the computer-learned youth of the Bastar division with a chance to work in the corporate sector and earn stable and sustainable white-collar jobs.

The ever-progressing Dantewada, with a glorious past, enviable tribal culture, and tradition amidst a serene and beautiful landscape is what allure and awaits you.



Source: <https://dantewada.nic.in/en/about-district/map-of-district/>

Kanker

Kanker city is a municipality and the headquarters of Kanker district of Chhattisgarh. It is the second largest city of Bastar division after Jagdalpur.



Source: <https://mapsofindia.in>

Uttar Bastar Kanker district is located in the southern region of Chhattisgarh within the longitudes 20.6-20.24 and latitudes 80.48-81.48. The total area of the district is 6432 square kilometres and has a population of 748,941. The district's headquarters, Kanker town, is situated on National Highway 43. Kanker town lies between Chhattisgarh's two largest cities - Raipur, the State capital and Jagdalpur, the headquarters of the neighbouring Bastar district.

As of the 2011 Census, Kanker has a population of 51,385, of which males are 51.6 per cent and females are 49.4 per cent. The literacy rate of 77 per cent is higher than the national average of 59.5 per cent. Male literacy is 83 per cent and female literacy is 71 per cent. In Kanker, 12 per cent of the population is aged less than 23 years.

CHAPTER 4

RESEARCH METHODOLOGY

4.1 Rationale for the Study

Various Expert Committees have recommended the implementation of PESA in letter and spirit. Of particular importance are the following reports:

- Seventh Report of the second Administrative Reforms Commission: 'Capacity Building for Conflict Resolution: Friction to Fusion'
- 'Development Challenges in Extremist Affected Areas': Report of an Expert Group of the Planning Commission.
- The Report of the MoRD on Priority Development Schemes for LWE districts has identified that weak governance structures persist in these districts, as PRIs have not been adequately strengthened via the delegation of sufficient administrative and financial powers (Chapter III, page 13).
- PESA was also the subject matter of the Governor's Conference called by the then President of India (2008), which stated that, "The provision of the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA) has extended Panchayati Raj to the nine States, namely Andhra Pradesh, Gujarat, Himachal Pradesh, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha and Rajasthan under the Fifth Schedule. However, they are yet to frame requisite Local enactment to comply with PESA Act."
- Likewise, the second Administrative Reforms Commission too, had stressed the effective implementation of the PESA mentioning that "the Union and State legislations that impinge on provisions of PESA should be immediately modified so as to bring them in conformity with the Act."
- According to the approach paper to Twelfth Five-Year Plan, "There is a case for creating a special arrangement whereby in the first two years of the Twelfth Plan, funds can be unconditionally released for all these districts to facilitate the speedy implementation of PESA."

4.2 Objectives

The key objectives of the study are mentioned in the following description.

- To understand the status of the implementation of PESA and its implication in extremism-affected areas
 - To examine the situation of PESA in the intervened locale with special reference to development
-

- To analyse the governance challenges of PESA Act in extremism-affected areas
- To suggest further strengthening of PESA Act to protect tribal culture, traditions and livelihoods in extremism-affected areas

4.3 Methodology

The study begins by reviewing the traditional governance system as the PESA Act is built on the concept of Gram Swaraj or self-governance. PESA lays emphasis on every village having a Gram Sabha which will be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution. Hence, it becomes pertinent to study the traditional governance systems in the villages of PESA districts to understand if the nature of the status of implementation of PESA is in consonance with the tribal culture and tradition of the State. Section 4(m) of the PESA Act says that to function as an institution of self-government, a State legislature shall ensure that the Panchayat at the appropriate level/the Gram Sabha is endowed specifically with powers of enforcing prohibition or to regulate in respect of the sale and consumption of any intoxicant; ownership of minor forest produce; prevention of alienation of land in the scheduled areas; management of village markets; money lending to STs; and exercise control over institutions and functionaries in all social sectors; control over local plans and resources for such plans including tribal sub-plans. These shall be the determinants that shall help in understanding the status and extent of PESA implementation in PESA States. The variables for the outcome variable of effective implementation are:

Table 4.1: Table of Variables

S. No.	Parameters	Variables
1	Role of Gram Sabha in Implementation of PESA Act	i. number of times Gram Sabha being held, ii. participation in GS, iii. reason for not participating in GS, iv. initiation of GS, v. issues discussed in GS, and vi. nature and extent of women's participation in GS
2	Process of Functioning of Gram Sabha	i. Process of maintenance of village records on the decided issues in Gram Sabha ii. Process of Identification of various works iii. Process of Identification of beneficiaries by Gram Sabha, and iv. Issuance of Utilisation certificate to Gram Panchayat
3	Working of GS on powers accorded in PESA Act	i. enforcing prohibition or regulating in respect of the sale and consumption of any intoxicant, ii. ownership of minor forest produce, iii. prevention of alienation of land in the scheduled areas, iv. management of village markets, v. moneylending to STs vi. exercise control over institutions and functionaries in all social sectors, and vii. control over local plans and resources for such plans including tribal sub-plans.

If the data analysis of collected data on these variables shows a positive trend, then there is an effective implementation of PESA in the villages of these States. In terms of identification of challenges, the point of reference shall be the Central PESA Act while the State PESA Acts shall be studied to see the extent and nature of adherence of PESA Acts of respective States to the Central Act. If there are a few deviations in the State PESA Acts from the Central Act in terms of written or implementable aspects, then these gaps need to be enumerated and the suggestions for filling these gaps need to be contextualised in the legal frameworks, administrative functioning and cultural underpinnings of these respective States. Hence, the gap analysis shall help in assessing the varying degree and nature of PESA implementation in PESA States and accordingly, the solutions shall be contextualised for each State differently.

The third objective of linking the development and welfare schemes to extremist activities has been done by the qualitative assessment of the accessibility to development through welfare schemes using data generated from personal interviews of the Sarpanches of the respective villages and FGDs. Along with it, the findings of content analysis of the secondary sources were validated with the perceptual analysis of the tribal people.

4.4 Study Area

The State of Chhattisgarh was selected based on two correlated criteria:

- i) The substantial presence of Adivasi population, and
- ii) The high occurrence of Naxal violence.

Chhattisgarh was chosen as the study area based on the criteria of the percentage of ST population of the State. Of all the 10 states, Chhattisgarh has 31.96 per cent ST population which is the highest proportion to the total population.

4.5 Data Collection Methods

The descriptive study was a mixed research with both the quantitative and qualitative analysis of data. This was an empirical study, and quantitative 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), and (v) field observations. The qualitative aspect of the study was captured through intensive FGD of various stakeholders at the Gram Sabha level in order to elucidate the perception of people. Personal interviews were held with the State, district, block and Gram

Panchayat level officials. The study is substantiated with effective case studies and best practices carried out in the field area of the study. The variables for the perception survey of PESA at the village level to be studied were awareness of PESA, Gram Sabha and its initiatives, status of land ownership, land acquisition, MFP and priority assigned to Gram Sabha decisions.

4.6 Sampling Design

The sampling of districts was purposive by choosing districts and villages that are fully PESA and extremist areas. The rationale for purposive sampling was the non-availability of a sampling frame of the remotely situated forest-dwelling PESA hamlets from where the sample was collected. This was not possible in probability sampling techniques. In PESA, the Gram Sabhas are to be conducted at the hamlet level; hence, data collection from these hamlets was intrinsically pertinent. Moreover, since these areas were extremist-affected, the villages, where Sarpanches were ready to cooperate in terms of data collection, were selected purposively as samples.

The study covered three scheduled districts. The districts chosen were based on Extremely Affected Areas (Dantewala), Medium Affected Areas (Bastar) and Least Affected Areas (Kanker). From each selected district, one block was chosen based on purposive sampling. Similarly, from each block, three GPs, preferably the headquarter GP and another two medium to long-distance GPs to the block headquarter, were taken for the study. In the process, three districts, three blocks and nine Panchayats/villages were covered in the study. For collection of household data, convenience sampling was used. Data was collected from the villages based on the safety and accessibility of areas for data collection. Out of the total households, a sample size of 20 per cent households was selected. The sample respondents were identified with the help of PESA coordinator, Sarpanch or Secretary of that village to avoid encounters with any person who was related to extremist groups. One FGD per village was conducted in the selected GPs. The sample description is mentioned in Table 4.2.

Table 4.2: Sample Districts

Sample Districts	Bastar			Kanker			Dantewada		
Sample Villages	Netanaar	Nangur	Jatam	Nara	Khairkhan	Bagodaar	Majhaal Para	Cholnar	Mathari Patel
Total villages in sample GPs	350	350	50	175	581	400	58	180	21
No. of Sample HHs for HH data collection (20%)	80	70	10	17	116	82	12	36	12
No. of Sample Villages for FGDs (10%)	1	1	1	1	1	1	1	1	1

4.7 Tools of Data Collection

A. Primary Source

Household Survey

Pre-tested schedules/questionnaires were designed based on the information on the socio-economic conditions of households and their understanding of the PESA Act. In order to assess the extent of empowerment of tribal PRI representatives, peoples' participation in democracy and development process, questions pertaining to the conduct of Gram Sabha, issues discussed in the Gram Sabha, participation of people, role of Gram Sabha in preventing land alienation, restoration and acquisition of land, control and regulation of intoxicants, moneylending, minor forest produce business, lease of minor minerals, village markets and the degree of intervention of Panchayats in these issues were covered in the study. A pilot survey was conducted prior to the finalisation of the schedules/questionnaire.



Perception survey at Kanker and Dantewada

Focus Group Discussion (FGD)

Focus Group Discussions (FGDs) were conducted in the sample villages (20 per cent of total villages in select GPs) of the select districts. FGDs consisting of members representing various categories were conducted in each sample village. A semi-structured framework was designed based on the village information, including peoples' participation in the democracy and development process, status of working of the PESA Act and people's understanding of the Act.



Focussed Group Discussions at Bastar and Dantewada

Informal Interviews

Semi-structured informal interviews with the elected representatives of local bodies and villagers with regard to the status of implementation of PESA, their role in the implementation process and suggestive measures for effective implementation of the PESA Act were taken up.



Interviews with the respondents at Kanker and Dantewada

Field Observations/Case Studies

Field observations and case studies were recorded during household data collection and FGDs.

B. Secondary Source

Secondary data was collected from published/available records and reports on PESA.

4.8 Statistical Tools Used

Based on the data collected, structured questionnaires were analysed by taking recourse to MS Excel and SPSS 16.0. The data was interpreted through pie charts and bar graphs to show inter-district variations.

4.9 Limitations

The study could not assess the functioning of some subjects under the PESA Act like land acquisition, minor minerals and minor water bodies, etc., as such cases were not found in select villages/GPs in the study areas.

The data collection was time-consuming as this study was limited to the area which involved extremist activities. So, respondents were sceptical and took more time in divulging even generic information like low functioning or low delegation of powers to the Gram Sabhas in the PESA villages.

4.10 Chapterisation

The research report is divided into six chapters. The first chapter is an Introduction covering the concepts of local self-governance, Scheduled Areas and Left-wing extremism. The second chapter emphasises on PESA Central Act, the status of implementation of PESA in PESA States, PESA and Left-wing extremism and lastly, status of PESA in Chhattisgarh. The third chapter is the profile of the study areas in Chhattisgarh, tribes of Chhattisgarh and the study area in terms of districts covered in the field data collection. The fourth chapter is the research methodology elaborating on the rationale of the study, objectives, methodology, data collection tools, sampling design, and statistical tools along with the limitations of the study. The fifth chapter analyses the socioeconomic profile of respondents, role of Gram Sabha in the implementation of PESA Act, process of functioning of GS, the working of PESA Act in the study area, situational analysis of PESA in the intervened locale with special reference to livelihood conditions and development schemes, governance challenges of PESA Act in extremist-affected areas and qualitative analysis of PESA implementation and implications on Left-wing extremism and development. In the sixth chapter, the conclusion and suggestions are mentioned.

CHAPTER 5

STATUS OF IMPLEMENTATION OF PESA IN AREAS AFFECTED BY LEFT-WING EXTREMISM

In this chapter, we are going to discuss the status of the implementation of PESA Act in the study area in terms of the role of Gram Sabha in the implementation of the Act, Gram Sabha and women participation, process of functioning of Gram Sabha, working of PESA in the study area as per the powers of Gram Sabha in provisions of PESA and understanding of PESA.

5.1 Socio-Economic Profile

5.1.1 Age of Respondents

In the table below, the age composition of respondents is depicted. In Bastar, around 30 per cent of respondents were up to 30 years of age, 51.2 per cent were in the age group of 31 to 45 years and 18.7 per cent were aged above 45 years. In Kanker District, around 4.9 per cent of respondents were up to 30 years of age, 47.4 per cent were in the age group of 31 to 45 years and 37.6 per cent were aged above 45 years. In Dantewada District, around 60 per cent belong to the age group of 31 to 45 years and 40 per cent were aged above 45 years.

Table 5.1: Age of Respondents

Name of the District	Name of the Block	Number of Villages	Number of Respondents	Age		
				Up to 30 years	31-45 years	Above 45 years
Bastar	Jagdapur	Netanaar	80	32 (40)	48(60)	0
	Jagdapur	Nangur	70	14 (20)	28 (40)	28 (40)
	Jagdapur	Jatam	10	2 (20)	6 (60)	2 (20)
		Total	160	48 (30)	82 (51.2)	30 (18.7)
Kanker	Kanker	Nara	17	0	0	17 (100)
	Charma	Khairkhan	116	32 (34)	60 (44.2)	24 (20.4)
	Kanker	Bagodaar	82	0	42 (51.3)	40(48.8)
		Total	215	32 (4.9)	102 (47.4)	81 (37.6)
Dantewada	Kua konda	Majhaal Para	12	0	4(30)	8 (70)
	Kua konda	Cholnaar	36	0	26 (72.2)	10 (27.8)
	Kua konda	Mathaari Patel	12	0	6(50)	6(50)
		Total	60	0	36 (60)	24 (40)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field survey 2021

5.1.2 Family Composition

It is clear from Table 5.2 that in Bastar, 80 per cent of participants were from nuclear families and 20 per cent were from joint families. On the other hand, in Kanker, 83.4 per cent of respondents were from joint families and 16.2 per cent were from nuclear families. In Dantewada, 86.6 per cent of participants were from nuclear families and 13.3 per cent were from joint families. It was observed that although nuclear family is characteristically a norm in the urban areas even among the tribal community, joint family system is getting disintegrated into nuclear family system with the sons staying within the same physical vicinity of their parents after marriage but maintaining their households. It is difficult to sustain a big joint family with the limited livelihood options available to tribals.

Table 5.2: Family Composition of Respondents

Name of the District	Number of Villages	Family Type		Family Size		Average age at marriage	
		Nuclear	Joint	Up to 5 Members	More than 5 Members	Female	Male
Bastar	Netanaar	72 (90)	8 (10)	16 (20)	64 (80)	18	28
	Nangur	56 (80)	14 (20)	14 (20)	56 (80)	19	28
	Jatam	0	10 (100)	8 (80)	2 (20)	17	20
	Total (160)	128 (80)	32 (20)	38 (23.7)	122 (76.2)		
Kanker	Nara	12 (70.6)	5 (29.4)	7 (41.2)	10 (58.8)	14	28
	Khairkhan	114 (98.3)	2 (1.7)	62 (52.5)	54 (45.8)	16	20
	Bagodaar	54 (65.9)	28 (34.1)	28 (34.1)	54 (65.9)	20	22
	Total (215)	180 (83.7)	35 (16.2)	97 (45.1)	118 (54.8)		
Dantewada	Majhaal Para	4 (40)	8 (80)	4 (40)	8 (80)	14	24
	Cholnaar	36 (100)	0	18 (50.0)	18 (50.0)	15	22
	Mathaari Patel	12 (100)	0	9 (75)	3 (25)	17	19
	Total	52 (86.6)	8 (13.3)	31 (51.6)	29 (48.3)		

Note: The figure in the bracket indicates the percentage to the total.

Source: Field survey 2021.

Table 5.2 explains that in Bastar district, 80 per cent of respondent households have a family size of up to five members with an average family size of 5, and 20 per cent have a family size of more than 5 members with an average family size of 8. On the other hand, in Kanker, 45.1 per cent of respondent households have a family size of up to five members with an average family size of 5, and 54.8 per cent have a family size of more than 5 members with an average family size of 7. In Dantewada, 51.6 per cent of

respondent households have a family size of up to five members with an average family size of 5, and 48.3 per cent have a family size of more than 5 members with an average family size of 10.

5.1.3 Educational Profile of Respondents

As evident from the data in Table 5.3, the tribal respondents in Bastar district showed that 36.2 per cent had education till high school, 30 per cent till middle school and 32.5 per cent were illiterate. The seemingly high level of formal education was due to the presence of the Ashram School in the villages and other government schools were in close physical proximity to the tribal villages.

Table 5.3: Educational Profile of Respondents

Name of the District	Number of Villages	Education					
		Illiterate	Can Read and write	Primary	Middle	High	Graduate
Bastar	Netanaar	48(60)	0	0	16 (20)	16 (20)	0
	Nangur	0	0	0	28 (40)	42 (60)	0
	Jatam	4 (40)	2 (20)	0	4 (40)	0	0
	Total (160)	52 (32.5)	2 (1.2)	0	48 (30)	58 (36.2)	0
Kanker	Nara	0	0	2 (11.8)	12 (70.6)	3 (17.6)	0
	Khairkhan	22 (18.6)	0	48 (40.7)	46 (39)	0	0
	Bagodaar	0	14(17.1)	26 (31.7)	28 (34.1)	14 (17.1)	0
	Total (215)	22 (10.2)	14 (6.5)	76 (35.3)	86 (40)	17 (7.9)	0
Dantewada	Majhaal Para	10 (83.3)	1 (8.3)	1 (8.3)	0	0	0
	Cholnaar	20 (55.6)	0	16(44.4)	0	0	0
	Mathaari Patel	4 (33.3)	6 (50)	2 (16.7)	0	0	0
	Total (60)	34 (56.6)	7 (11.6)	19 (31.6)	0	0	0

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

In Kanker district, the tribal respondents showed that 40 per cent had education till middle school, 35.3 per cent till primary school and 7.3 per cent till high school. Around 6.5 per cent of tribal respondents could read and write, whereas 10.2 per cent of respondents were illiterate. The seemingly high level of formal education was due to the presence of government schools in the close physical proximity of the tribal villages and the presence of a Ghotul in that area.

In Dantewada district, the tribal respondents showed that 31.6 per cent had their education till primary, 11.6 per cent could read and write while majority 56.6 per cent of respondents were illiterate. The seemingly high level of illiteracy was due to the physical inaccessibility of these areas with the complete absence of physical infrastructure like metalled roads and schools in these villages.

5.1.4 Health Profile

As enumerated in Table 5.4, 80 per cent of the participants in Bastar district went to private doctors, 18.7 per cent went to traditional healers (Seerah) and 1.2 per cent got treated at PHC. The reason cited for going to private doctors was the presence of doctors practising near these villages and at times their private clinics on the peripheries of these tribal villages. The non-availability of staff at the PHC drives this tribal population to private doctors.

Table 5.4: Health Profile

Name of the District	Name of the Block	Number of Villages	Health			
			Home Remedies	Traditional Seerah	PHC	Private
Bastar	Jagdapur	Netanaar	0	16 (20)	0	64 (80)
	Jagdapur	Nangur	0	14 (20)	0	56 (80)
	Jagdapur	Jatam	0	0	2 (20)	8 (80)
		Total (160)	0	30 (18.7)	2 (1.2)	128 (80)
Kanker	Kanker	Nara	0	0	17 (100)	0
	Charma	Khairkhan	0	16 (13.6)	100 (84.7)	0
	Kanker	Bagodaar	0	14 (17.1)	0	68 (82.9)
		Total (215)	0	30 (13.9)	117 (54.4)	68 (31.6)
Dantewada	Kua konda	Majhaal Para	6 (50)	6 (50)	0	0
	Kua konda	Cholnaar	10 (27.8)	18 (50)	7 (19.4)	1 (2.8)
	Kua konda	Mathaari Patel	3 (25)	9 (75)	0	0
		Total (60)	19 (31.6)	33 (55)	7 (11.6)	1 (1)

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

In Kanker district, 31.6 per cent went to private doctors, 13.9 per cent went to traditional healers (Seerah) and 54.4 per cent got treated at PHC. The reason cited for going to PHC was the proximity of the PHC; only acute cases were referred to private clinics. For minor ailments, they depended on their traditional Seerah for treatment

with indigenous medicines. In Dantewada district, 31.6 per cent depended on indigenous home remedy-based treatment, 55 per cent went to traditional healers (Seerah) and 11.6 per cent got treated at PHC. The reason cited for not going to PHC was the inaccessibility of the PHC. Only acute cases were referred to private clinics.

5.1.5 Occupational Status

Findings in Table 5.5 show that in Bastar, 48.7 per cent of respondents were engaged in agriculture, labour and MGNREGA works - 17.5 per cent were into agriculture and labour works for their livelihood generation while 9 per cent were only into agriculture. Nearly 8.7 per cent were into either labour and MGNREGA or agriculture, MGNREGA, labour and animal husbandry.

Table 5.5: Occupational Status

District	Villages	Agriculture	Labour Works	Agriculture + Labour	Agriculture + MGNREGA	Agriculture + Labour + MGNREGA	Agriculture + Labour + Forest + MGNREGA	Labour + MGNREGA	Agriculture + Labour + MGNREGA + Animal Husbandry
Bastar	Netanaar	0	0	0	0	72 (90)	8 (10)	0	0
	Nangur	14 (20)	0	28 (40)	0	0	0	14 (20)	14 (20)
	Jatam	0	4 (20)	0	0	6 (60)	0	0	0
	Total (160)	14 (9)	4 (2)	28 (17.5)	0	78 (48.7)	8 (5)	14 (8.7)	14 (8.7)
Kanker	Nara	12 (60.3)	0	0	5 (29.4)	0	0	0	0
	Khairkhan	70 (60.3)	0	0	30 (25.9)	16 (13.8)	0	0	0
	Bagodaar	14 (17.1)	0	0	42 (51.2)	26 (31.7)	0	0	0
	Total (215)	96 (44.6)	0	0	77 (35.8)	42 (19.5)	0	0	0
Dantewada	Majhaal Para	10 (90)	0	0	0	0	0	0	2 (10)
	Cholnaar	10 (27.8)	0	0	0	8 (22.2)	0	0	18 (50)
	Mathaari Patel	0	0	0	0	9 (75)	0	0	3 (25)
Total (60)	20 (33.3)	0	0	0	17 (28.3)	0	0	23 (38.3)	
Grand Total		130 (29.8)	4 (.09)	28(6)	77 (17.1)	137 (31.4)	8 (1)	14 (3.2)	37 (8.5)

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

In Kanker, 44.6 per cent of respondents were engaged in agriculture, 35.8 per cent were into agriculture and MGNREGA for their livelihood generation while 19.5 per cent were only into agriculture, labour and MGNREGA.

In Dantewada, 38.3 per cent of respondents were engaged in labour and MGNREGA or into agriculture, MGNREGA, labour and animal husbandry. Around 33.3 per cent of respondents depended on agriculture and 28.3 per cent were into agriculture, labour and MGNREGA work for their livelihood.

5.2 To understand the Status of Implementation of PESA and the Implication in Extremism-affected Areas

5.2.1 *Role of Gram Sabha in the Implementation of PESA Act*

In the Scheduled Areas, Gram Sabhas have additional responsibilities and functions to discharge compared to the Gram Sabhas in non-scheduled areas. This has become more prominent after the 73rd Constitutional Amendment and the passing of the Provisions of Panchayats (Extension to the Scheduled Areas) PESA Act, 1996. The 73rd Constitutional Amendment mandates Gram Sabhas as the constitutionally recognised institution at the grassroots and the PESA Act reinforces the authority and importance of Gram Sabha from a larger perspective.

The Gram Sabhas/Panchayats at appropriate levels are endowed with specific and special powers for the protection of the interests of tribals in Scheduled Areas. Henceforth, assessment of the status of the implementation of PESA requires a detailed assessment of the role of Gram Sabha in the implementation of PESA Act.

5.2.2 *Participation in Gram Sabha*

Above all, people's planning at the grassroots level is one of the main features of the local governance system. People's participation in Gram Sabha plays a crucial role in the planning and decision-making process. Unless regular Gram Sabhas are convened with the active participation of the villagers, the objective of decentralised governance cannot be achieved. It has been experienced that participation as such is low and women's participation is much lower than male participation. The present study tried to enquire about the extent of participation of people in Scheduled Areas in Gram Sabha and the reason for not participating in Gram Sabha. Table 5.6 depicts data on the number of participants in Gram Sabhas in the Gram Panchayats under study.

In the present study, it was found that 239 (54.9 per cent) out of the 435 respondents have not attended Gram Sabha during the last two to three years as indicated in Table No.5.6.

In Bastar district, around 54.3 per cent of participants did not participate in the

Gram Sabha meetings while 45.6 per cent participated. In Kanker district, around 62.3 per cent of participants did not participate in the Gram Sabha meetings while 37.6 per cent participated. In Dantewada district, around 70 per cent of participants did not participate in the Gram Sabha meetings while 30 per cent participated.

Table 5.6: Participation in Gram Sabha

Name of the District	Name of the Block	Number of Villages	Number of Participation	Number of households not participated in Gram Sabha	Total
Bastar	Jagdapur	Netanaar	8 (9.8)	72 (87.8)	80
	Jagdapur	Nangur	56 (80)	14 (20)	70
	Jagdapur	Jatam	9 (90)	1 (10)	10
Total			73 (45.6)	87 (54.3)	160
Kanker	Kanker	Nara	9(52.9)	8(47.1)	17
	Charma	Khairkhan	16(13.8)	100 (86.2)	116
	Kanker	Bagodaar	56 (68.3)	26 (31.7)	82
Total			81 (37.6)	134 (62.3)	215
Dantewada	Kuakonda	Majhaal Para	2 (20)	10 (80)	12
	Kuakonda	Cholnaar	10 (27.8)	26 (72.2)	36
	Kuakonda	Mathaari Patel	6 (50)	6 (50)	12
Total			18 (30)	42 (70)	18(30)
Grand Total			196 (45.0)	239 (54.9)	435

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

As indicated in Table 5.7, most respondents do not know how and when Gram Sabhas are being held. The Panchayat gives no information to the people or members about the Gram Sabha. While enquiring about the number of Gram Sabhas held in a year, 157 (36per cent) answered that only one Gram Sabha was held whereas 28 (6.4) respondents reported that two Gram Sabha meetings were held. The number varied from respondent to respondent. One hundred and nineteen (27.3) members responded that three Gram Sabha meetings and 131 (30.1) respondents reported that four meetings were held in a year. It, therefore, indicates that the people of the study area have no proper information or knowledge about the number of Gram Sabhas conducted in the village.

Table 5.7: Responses about the Number of Gram Sabhas Held

Name of the District	Number of Villages	People's response about the number of Gram Sabhas conducted			
		One	Two	Three	Four
Bastar	Netanaar	16 (19.5)	8 (9.8)	40(48.8)	16 (19.5)
	Nangur	14 (20)	0	0	56 (80)
	Jatam	2 (20)	2 (20)	2 (20)	4 (40)
Total		32 (20)	10 (6)	42 (26.2)	76 (47.5)
Kanker	Nara	8 (47.1)	0	6 (35.3)	3 (17.6)
	Khairkhan	100 (86.2)	0	16 (13.8)	0
	Bagodaar	12 (14.6)	0	28 (34.1)	42 (51.2)
Total		120 (55.8)	0	50 (23.2)	45 (20.9)
Dantewada	Majhaal Para	2	0	10	0
	Cholnaar	0	18(5)	8 (22.2)	10 (27.8)
	Mathaari Patel	3 (25)	0	9 (75)	0
Total		5 (8)	18 (30)	27 (45)	10 (16.6)
Grand Total		157(36.0)	28(6.4)	119(27.3)	131 (30.1)

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

As per Table 5.7, in Bastar district, 20 per cent of respondents stated that one Gram Sabha was conducted in a year, 6 per cent said two Gram Sabhas, 26.2 per cent stated three Gram Sabhas while 47.5 per cent stated that there were four Gram Sabhas.

In Kanker district, 55.8 per cent of respondents stated that there was one Gram Sabha conducted in a year in the village, 23.2 per cent stated that three Gram Sabhas were conducted while 20.9 per cent stated that there were four Gram Sabhas conducted.

In Dantewada district, 8 per cent of respondents stated that there was one Gram Sabha conducted in a year in the village, 30 per cent said that there were two Gram Sabhas conducted, 45 per cent stated that three Gram Sabhas were conducted while 16.6 per cent stated that there were four Gram Sabhas.

Field observations show that maximum awareness regarding the number of Gram Sabhas to be conducted exists in Bastar district as the PESA villages around Jagdalpur

headquarters have regular Gram Sabhas. Minimum awareness was found in Dantewada as the PESA villages were remotely inaccessible and most of the Gram Sabhas were not being conducted as the villages fall in extremist areas.



Stones showing the relevance of Gram Sabha

5.2.3 Reason for not participating in Gram Sabha

Table 5.8 shows that when enquired about the reasons for not participating in Gram Sabha, nearly 210 (48.2 per cent) members said that no *munadi* had an interest in Gram Sabha. About 27.3 per cent reported that no benefits accrued to them in attending the Gram Sabhas, and 17.2 per cent said that the Gram Sabhas took place in an inconvenient meeting place which was far away from their hamlet. This showed that most of the Gram Sabhas were being conducted by the Gram Panchayats in the Jagdalpur area of Bastar district. Since a number of hamlets came under the same Panchayat, tribals found it difficult to attend the Gram Sabha. In Dantewada, the tribal hamlets are situated far away amidst the forest with inaccessible terrain and it is difficult to reach the hamlets due to time constraints and other difficulties. About 7.12 per cent emphasised that they had no interest in attending the Gram Sabhas due to time constraints and other engagements.

Among the three districts, a maximum of 40.6 per cent of villages in Bastar district reported inconvenient meeting places as the reason for not attending the meeting. Several hamlets come within the purview of Gram Panchayat and since the place of meeting is far away from their hamlets, most of the tribals are not able to reach the meeting. Further 23.7 per cent stated the information regarding the date of Gram Sabha meeting is not reaching them as no *munadi* takes place whereas 30 per cent saw no benefit in attending the Gram Sabha.

Table 5.8: Reason for not participating in Gram Sabha

District	Block	Villages	Inconvenient Meeting Place	No Munadi	No Interest	No Benefits	Total
Bastar	Jagdapur	Netanaar	0	24 (29.3)	8 (9.8)	48 (58.5)	80
	Jagdapur	Nangur	56 (80)	14 (20)	0	0	70
	Jagdapur	Jatam	9(90)	0	1 (10)	0	10
Total			65 (40.6)	38 (23.7)	9 (5.6)	48 (30)	160
Kanker	Kanker	Nara	0	9 (53.0)	8(47.1)	0	17
	Charma	Khairkhan	0	68 (58.6)	0	48 (41.4)	116
	Kanker	Bagodaar	0	56 (68.3)	14 (17.1)	12 (14.6)	82
Total			0	133 (61.8)	22 (10.2)	60 (27.9)	215
Dantewada	Kuakonda	Majhaal Para	10	2	0		12
	Kuakonda	Cholnaar	0	28 (77.8)	0	8 (22.2)	36
	Kuakonda	Mathaari Patel	0	9 (75)	0	3 (25)	12
Total			10 (16.6)	39 (65)	0	11 (18.3)	60
Grand Total			75 (17.2)	210 (48.2)	31 (7.12)	119 (27.3)	435

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

In Kanker district, a maximum of 61.8per cent reported no *munadi* as the main reason for no participation in Gram Sabha meetings, 27.9per cent said that they saw no benefits in attending the meetings and 10.2per cent cited lack of interest.

Similarly, in Dantewada district, a maximum of 65per cent reported no *munadi* as the main reason for staying away from Gram Sabha meetings, 18.3per cent said that they saw no benefits in attending the meetings and 16.6per cent stated that the venue was far away from their hamlet and they had to walk a long distance to attend the meetings. As no announcements were made, they were hardly aware of the Gram Sabha meetings being conducted; as and when they were informed by any visitor from the Gram Panchayat village, they found it difficult to reach the Gram Sabha meeting due to inaccessibility.



Gram Sabha Meeting

5.2.4 Initiation of GS

To look at the participation trends & its decision-making process, various questions were asked and the respondents' analysis is presented in percentages below:

Table 5.9: Initiation of Gram Sabha

Name of the District	Name of the Block	Number of Villages	Sarpanch	Youth	Elderly /Kotwaar	Total
Bastar	Jagdalspur	Netanaar	16 (19.6)	0	64 (78.0)	80 (50)
	Jagdalspur	Nangur	14 (20)	0	56 (80)	70 (43.7)
	Jagdalspur	Jatam	4 (40)	0	6 (60)	10 (6)
Total			34 (21.2)	0	126 (78.7)	160
Kanker	Kanker	Nara	9 (53.0)	0	8(47.1)	17 (7)
	Charma	Khairkhan	70 (60.3)	0	46 (39.6)	116 (53.9)
	Kanker	Bagodaar	28 (34.1)	0	54 (65.9)	82 (38.1)
Total			107 (49.7)	0	108 (50.2)	215
Dantewada	Kuakonda	Majhaal Para	12	0	0	12 (20)
	Kuakonda	Cholnaar	18 (50)	0	18 (50)	36 (60)
	Kuakonda	Mathaari Patel	0	9 (75)	3 (25)	12 (20)
Total			30 (50)	9 (21.4)	21 (35)	60
Total			171 (39.3)	9 (2)	255 (58.6)	435

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

Table 5.9 depicts that out of the total respondents, 58.6 per cent stated that Gram Sabha meetings were initiated by the elderly people of the community. The elderly person is a traditional leader of the tribal community and most of the time Gram Sabha meetings were preceded over by the *kotwaar* or the elderly people. Around 39.3 per cent emphasised that Gram Sabha meetings were initiated by the Sarpanch of the Gram Panchayat.

In Bastar district, 78.7 per cent stated that it was the elderly people or the *kotwaar* who initiated the Gram Sabha while 21.2 per cent stated that it was the Sarpanch of the village who initiated the Gram Sabhas.

In Kanker district, 50.2 per cent stated that it was the elderly people or the *kotwaar* who initiated the Gram Sabha while 49.7 per cent stated that it was the Sarpanch of the village who initiated the Gram Sabhas.

In Dantewada district, 35 per cent stated that it was the elderly people or the *kotwaar* who initiated the Gram Sabha, 21.4 per cent said that the youths initiated Gram Sabhas while 50 per cent stated that it was the Sarpanch initiated the Gram Sabhas in their villages.



Gram Sabha Initiation by Sarpanch and Secretary

5.2.5 Issues Discussed in Gram Sabha

This was a very important aspect to know whether the question of preserving their customs & traditions and the effectiveness of making decisions on the tribal issues are discussed in their Gram Sabha after attaining ‘Tribal Self-Rule.’

In Chhattisgarh, Gram Sabhas are reportedly not working properly in many places. In the study areas, meetings are held once or twice a year. Sarpanches are not

convening meetings of Gram Sabha due to inefficiency and the grid. The subjects of discussion in the Gram Sabha are mostly kept confined to specific issues related to the development of villages or hamlets. It was observed that the proceedings of the Gram Sabha are mostly confined to individual-oriented schemes like MGNREGA beneficiaries. But due to political considerations, Gram Sabhas are not performing for the larger benefit of the people in the villages and the community as a whole. Planning, budget preparation and expenditure are not being done according to priority in the Gram Sabha meetings. Distribution of funds, beneficiary selection and formation of village works committee are considered mostly on political considerations, which create confusion and chaos in Panchayats.

As per Table 5.10, around 40.2 per cent of the participants stressed that local issues were discussed in the Gram Sabha meeting, 20 per cent of participants stated infrastructural issues, 16.3 per cent participants emphasised health and education, 12.8 per cent said livelihood was the core issue discussed while 11.2 per cent stressed on the discussion of other matters.

Table 5.10: Issues Discussed in Gram Sabha

Name of the District	Name of the Block	Number of Villages	Local issues	Health and Education	Livelihood	Infrastructural	Others	Total
Bastar	Jagdapur	Netanaar	8 (9.8)	16 (19.6)	8 (9.8)	8 (9.8)	40	80
	Jagdapur	Nangur	14 (20)	14 (20)	14 (20)	28 (40)	0	70
	Jagdapur	Jatam	8 (80)	0	0	2 (20)	0	10
Total			30 (18.7)	30 (18.7)	22 (13.7)	38 (23.7)	40 (25)	160
Kanker	Kanker	Nara	10 (58.8)	4 (23.5)	0	3 (17.6)	0	17
	Charma	Khairkhan	68 (44.8)	0	32 (27.6)	0	16 (13.8)	116
	Kanker	Bagodaar	8 (9)	7 (8)	18 (21.9)	46 (56.0)	3 (3.6)	82
Total			86 (40)	11 (5.1)	50 (23.2)	49 (22.7)	19 (8)	215
Dantewada	Kuakonda	Majhaal Para	12	0	0	0	0	12
	Kuakonda	Cholnaar	36 (100)	0	0	0	0	36
	Kuakonda	Mathaari Patel	11 (91.6)	0	0	0	1 (9.4)	12
Total			59 (98)	0	0	0	1 (2)	60
Grand Total			175 (40.2)	71 (16.3)	56 (12.8)	87 (20)	49 (11.2)	435

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

In Bastar district, a maximum of 23.7 per cent of participants emphasised discussion related to infrastructural issues, and 18.7 per cent stated health, education and local issues. The least of the discussions in the Gram Sabha meeting was around livelihood issues.

In Kanker district, a maximum of 40 per cent of participants emphasised discussion related to local issues, 23.2 per cent stated livelihood issues, 22.7 per cent emphasised infrastructural issues and the least of the discussions in the Gram Sabha meeting (5.1 per cent) was around health and education issues.

In Dantewada district, a maximum of 98 per cent of participants emphasised discussion related to local issues. The least of the discussions in the Gram Sabha meeting (2 per cent) was around other issues.

The table highlights the common issues of discussions related to health & education, livelihoods, infrastructure, local issues and other issues. Livelihood is discussed at the lowest degree as compared to infrastructural development and local issues. Local issues are more or less related to various government schemes being implemented in the villages whereas the discussions pertained to queries such as who are the beneficiaries as well as deserving beneficiaries. Hence, discussions with such questions related to development as a whole, especially from a tribal perspective, were almost nil. When asked in depth, the local issues did not cover the preservations as well as control of natural resources, and the other key roles and responsibilities played by the Gram Sabha under the Extension of the Provisions Act, 1996. When asked a similar question to women respondents, the analysis was the same as the overall respondents. The women seemed more interested and understood the health and education-related issues discussed in their villages.

5.2.6 Gram Sabha and Women's Participation

The enactment of the 73rd amendment to the Indian Constitution has guaranteed the reservation of one-third of seats for women in the panchayati raj system. This amendment has provided an institutional space for women's empowerment at least at the grassroots level. Such a provision creates a scope for women in decision-making and planning. But in reality, when it was enquired, women's participation in the Panchayat system was reportedly disheartening. This is due to the male dominance that always tries to influence the female members. The 73rd and 74th amendments as well as PESA Act have only created a space for women's participation. An Act, by itself, alone cannot address the ground-level realities nor can it ensure the participation of women.

5.2.7 *Role of Women in GS*

Most of the Panchayati Raj Institutions have been propagating democratic values and equality through the active participation of women in the Gram Sabhas. Women are not just encouraged to attend the Gram Sabhas on a representational basis but also voice their concerns regarding the developmental process of their villages. They are expected to be active stakeholders in the development process of their villages.



Shrimati Drupat Mandaawi, Sarpanch of Naara Village at Kanker

However, the larger picture is still not very encouraging and the elected women representatives are often chosen due to their husband's status. The decision to fight elections is mainly taken by male members of a family already enjoying political power or with a political background. There are very few instances where women got self-motivated to contest the elections. In a few instances, the village community or Gram Sabha had persuaded women having leadership potential to contest the election. In fact, influential and powerful men choose women, who could be manipulated to serve their interests. This picture highlights the survey findings on the role played by women in Gram Sabha meetings held in their villages.

In Bastar district, 38.7 per cent stated that the role of women in Gram Sabha was majorly for completion of quorum, 32.5 per cent said that women were present due to the reservation policy, 13.7 per cent were of the view that women are needed for completing consensus while 8.7 per cent stated that role of women in Gram Sabha was to actively discuss their issues.

Table 5.11: Role of Women in GS

Name of the District	Number of Villages	Completion of Quorum	Reservation Policy	Complete Consensus	Women Issues	Local Issues
Bastar	Netanaar	58 (70.7)	14 (17.1)	8 (9.8)	0	0
	Nangur	10 (9.6)	32 (45.7)	14 (20)	14 (20)	0
	Jatam	4 (40)	6 (60)	0	0	0
Total		62 (38.7)	52 (32.5)	22 (13.7)	14 (8.7)	0
Kanker	Nara	4 (23.5)	7(41.2)	0	0	6(35.3)
	Khairkhan	78 (67.2)	0	38 (32.8)	0	0
	Bagodaar	12 (14.6)	0	14 (17.1)	23 (28.0)	33 (40.2)
Total		94 (43.7)	7 (3.2)	52 (24.1)	23 (10.6)	39 (18.1)
Dantewada	Majhaal Para	0	0	6 (50)	6 (50)	0
	Cholnaar	8 (22.2)	0	0	0	28 (77.8)
	Mathaari Patel	0	0	9 (75)	0	3 (25)
Total		8 (13.3)	0	15 (25)	6 (10)	31 (51.6)
Grand Total		164 (37.7)	59 (13.5)	89 (20.4)	56 (12.8)	70 (16)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field survey 2021.

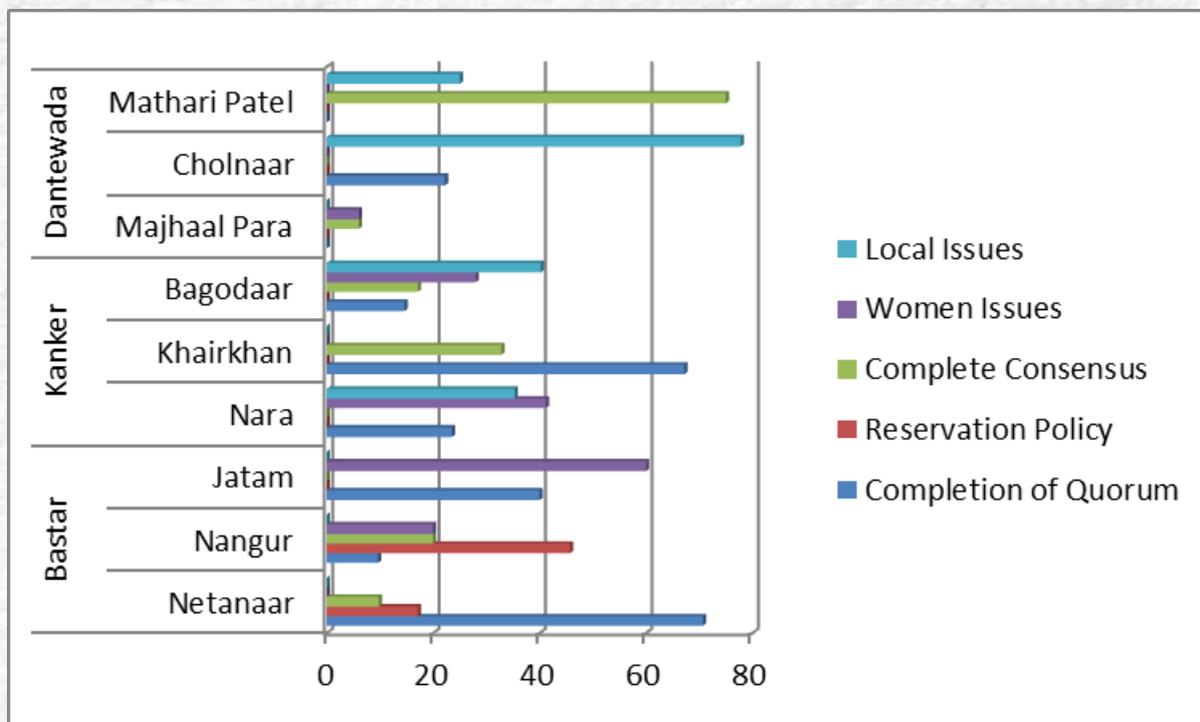
In Kanker district, 43.7 per cent stated that women's presence was majorly for completion of quorum, 3.2 per cent cited reservation policy, 24.1 per cent said women are needed for completing consensus, 10.6 per cent cited active discussion of their issues while 18.1 per cent said discussion of local issues.

In Dantewada district, 13.3 per cent stated completion of quorum, 25 per cent were of the view that women are needed for completing consensus, 10 per cent stated discussion on their issues while 51.6 per cent said discussion of local issues.

The findings also show in the villages of Naara and Jatam, the women's representation was due to the reservation policy and not due to their own decisions to involve either in competing for elections or their involvement in Gram Sabha. In Naara, a woman Sarpanch was elected due to a consensus amongst the villagers, who were convinced by her leadership skills and convinced her to stand for the elections. On the other hand, women Sarpanches at Jatam and Nangur were the wives of former Sarpanches. Every answer was given by their husband as the women Sarpanches were completely unaware of the process of decision-making in Gram Sabha meetings. Another interesting question asked in the FGD was if the community feels that the

involvement of women in the decision-making process is negligible despite the women being the sarpanch of the Gram Panchayat in their village.

Graph 7: Role of Women in Percentage in the Gram Sabha



Source: Primary Data Collection

As Graph 7 depicts, out of the total respondents, 37.7 per cent said that role of women in Gram Sabha meetings was restricted to the completion of quorum. In the absence of males in the village during the Gram Sabha meeting due to their livelihood generation activities, the women of the village were invited to the Gram Sabha meeting and the quorum was completed. Around 20.4 per cent believed that women were invited to the Gram Sabha meeting to receive consensus on any decision. Women were made to sit in the Gram Sabha meetings as mute spectators and they were passive partners in providing consensus on the decisions taken by men. The women do not raise any questions or disagree with any decision taken in Gram Sabha. Henceforth, seeking consensus from majority becomes easy in the Gram Sabha meetings due to the silent voices of women in the Gram Sabha are also accounted as a consent to consensus.

While interacting with people of Nangur GP of Bastar district, it was reported that the number of women participating in meetings was more than male members. They do take part in decision-making due to the proactive woman Sarpanch. They participate mostly in the meetings where the GS/PS prepares the list of beneficiaries of

various government schemes. On the other hand, they are also invited to the meetings where the villagers discuss some important issues of the women. Apart from this, in an FGD at Dantewada, females informed that they are rarely informed about the timing and agenda of meetings of GS/PS. It was also reported that most of the meetings are organised during working hours of women. They do not intend to forgo a day's earnings in lieu of attending a meeting of GS/Ps, and hence are unable to attend the meetings. On the whole, it emerges that women's participation in the Gram Sabha is low and women-related issues are hardly discussed due to lack of awareness.

5.3 Process of Functioning of Gram Sabha

5.3.1 Process of Maintenance of Village Records on the Decided Issues in Gram Sabha

The process involved in the conduction of Gram Sabha is equally important. The decisions taken in the Gram Sabha are maintained by the Secretary of the villages concerned in their respective Gram Panchayats. The records are maintained in village registers and account books by the Secretary. The Registers of record are at all times require to be present in the Gram Panchayat bhawan for easy accessibility and audit purpose.

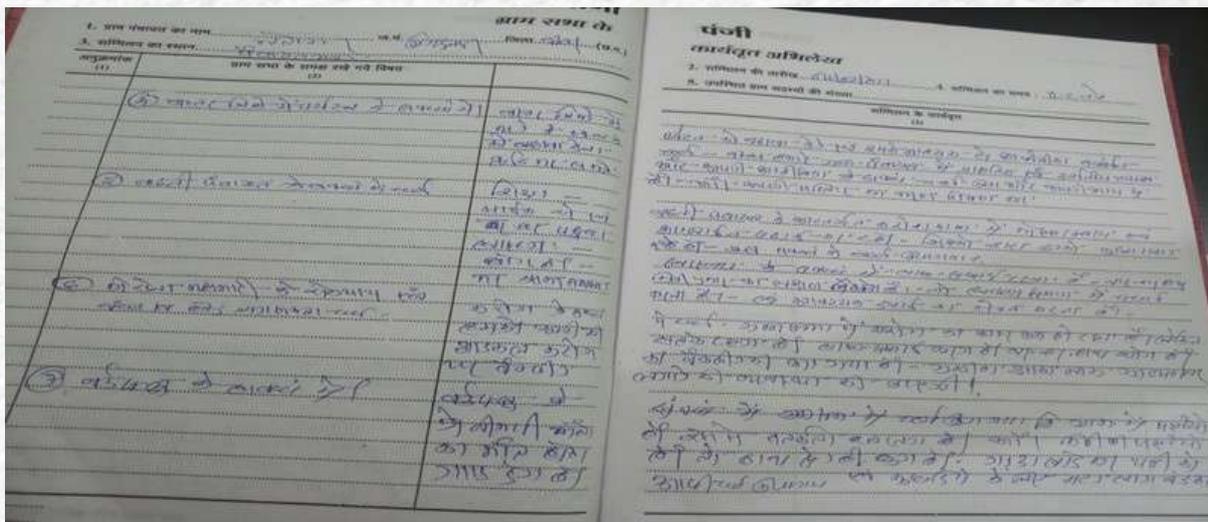
Table 5.12: Process of Maintenance of Village Records in GS

Name of the District	Number of Villages	Signature During the GS	Signature After the GS	Reporting after the meeting by Secretary	From the Home	Do not Know
Bastar	Netanaar	64 (78)	0	0	0	16 (19.5)
	Nangur	14 (20)	14 (20)	14 (20)	28 (40)	0
	Jatam	8(80)	0	0	0	2 (20)
Total		86 (53.7)	14 (8.7)	14 (8.7)	28 (17.5)	18 (11.2)
Kanker	Nara	11(64.7)	3(17.6)	0	0	3(17.6)
	Khairkhan	78 (67.2)	0	38 (32.8)	0	0
	Bagodaar	82 (100)	0	0	0	0
Total		171 (79.5)	3 (1.3)	38 (17.6)	0	3 (1.3)
Dantewada	Majhaal Para	0	0	0	0	12
	Cholnaar	26 (72.2)	0	0	10 (27.8)	0
	Mathaari Patel	0	0	0	1 (9.4)	11 (91.6)
Total		26 (43.3)	0	0	11(18.3)	23 (38.3)
Grand Total		283 (65)	17 (3.9)	52 (11.9)	39 (8.9)	44 (10)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field survey 2021.

The key findings on the process involved in the maintenance of decisions made at the meetings are as follows: Nearly 65per cent of the signature on the decisions were taken immediately after the GS meeting. Nearly 11.9per cent emphasised that the signatures were taken by the Secretary after preparation of the reporting of the GS meeting. Inspections revealed that the registers were taken away by the secretaries along with them in almost all the villages, and the records were not available at the Panchayat Bhawan. Henceforth, the whole purpose of maintenance of records fails with the absence of the records from the place of availability in the village, i.e. at the Panchayat Bhawan.



Maintenance of Records of Panchayat functioning at Netanaar Village, Bastar

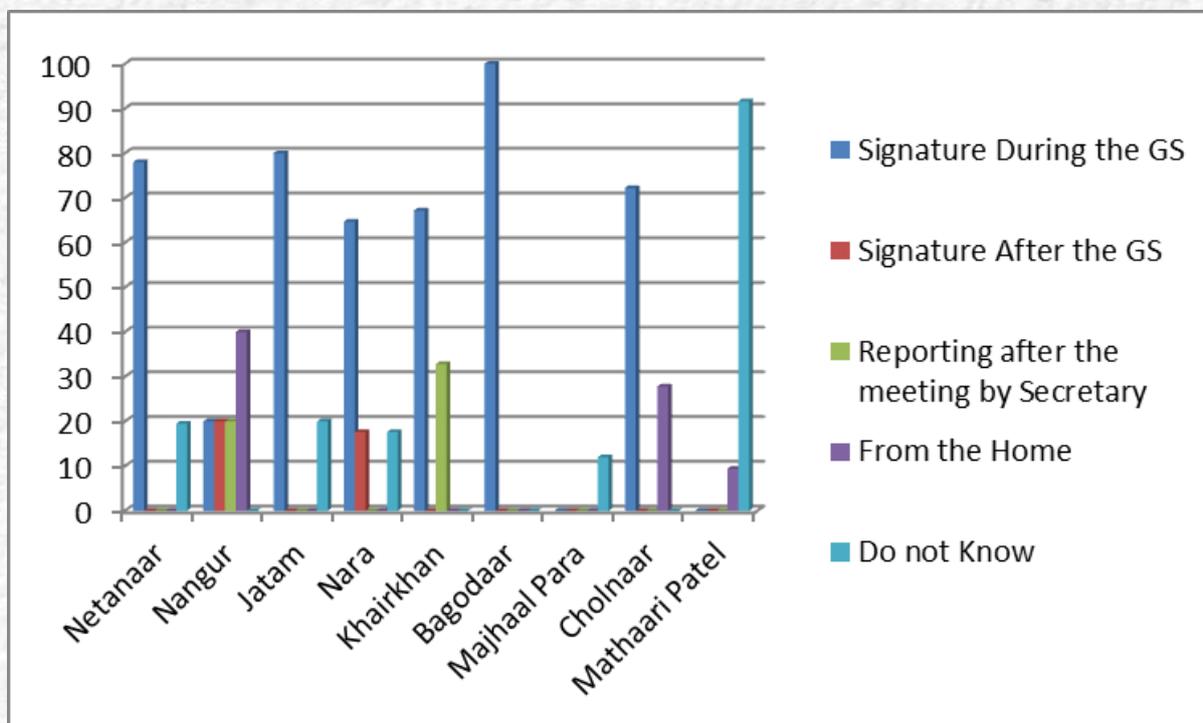
As depicted in Table 5.12, 53.4 per cent of respondents in Bastar district stated that the village records of the Gram Sabha were maintained by taking signatures during the meeting, 8.7 per cent said that signature was taken after the Gram Sabha, 8.7 per cent stated that the reporting of the proceedings of Gram Sabha was done by the Secretary, 17.5 per cent emphasised that signatures were taken from their home on the proceedings of the meeting, and 11.2 per cent reiterated that they were not at all aware of the process of maintaining the records of the meetings.

In Kanker district, 79.5 per cent of respondents stated that the village records of the Gram Sabha were maintained by taking signatures during the meeting, 1.3 per cent said that signature was taken after the Gram Sabha, 17.6 per cent stated that the reporting of the proceedings of Gram Sabha was done by the Secretary, and 1.3 per cent emphasised that they were unaware of the process of maintenance of the records of the meetings.

In Dantewada district, 43.3 per cent of respondents stated that the village records of the Gram Sabha were maintained by taking signatures during the Gram Sabha

meetings, 18.3 per cent emphasised that signatures were taken from their home on the proceedings of the meeting, and 38.3 per cent reiterated that they were unaware of the process of maintenance of the records of the meetings.

Graph 8: The Process of Maintenance of Village Records in GS



Source: Primary Data Collection.

Graph 8 depicts that signatures are taken on the proposal made, and the process is mostly initiated by Sarpanch and Secretary after the conduction of Gram Sabha meetings. Most of the respondents said that the Secretary plays an important role in the maintenance of financial records, mostly of government schemes. But the recording of the minutes of the meeting was found to be obscure and irrelevant. The recording of social and cultural issues is still controlled by the traditional institutions of tribals, which are unrecorded.

5.3.2 Process of Identification of Various Works by Gram Sabha

The identification of various works in the village is decided either by the Gram Panchayat itself or powerful persons residing in the Panchayat or villagers themselves. The findings show that the Gram Sabha was actively involved in the detailed preparation and approval of plans, programmes and projects for social and economic development. According to Table 5.13, 44.1 per cent of the total respondents stated that the process of identification of various works in the village was mostly decided in the

Gram Sabha meeting along with the active participation of the Sarpanch, Secretary and villagers.

Table 5.13: Process of Identification of Various Works by Gram Sabha

Name of the District	Number of Villages	Panchayat Itself	Powerful persons residing in that particular Gram Panchayat	By Village people in Gram Sabha	Don't Know
Bastar	Netanaar	16 (19.6)	8 (9.8)	56 (68.3)	0
	Nangur	42 (60)	0	28 (40)	0
	Jatam	10 (100)	0	0	0
Total		68 (42.5)	8 (5)	84 (52.5)	0
Kanker	Nara	17 (100)	0	0	0
	Khairkhan	78 (67.2)	22 (19.0)	16 (13.8)	0
	Bagodaar	68 (82.9)	0	14 (17.1)	0
Total		163 (75.8)	22 (10.2)	30 (13.9)	0
Dantewada	Majhaal Para	0	0	0	12 (100)
	Cholnaar	10 (27.8)	0	26 (72.2)	0
	Mathaari Patel	0	0	0	12 (100)
Total		10 (16.6)	0	26 (43.3)	24 (40)
Grand Total		192 (44.1)	19 (4.3)	140 (32.1)	24 (5)

Note: The figure in the bracket indicates the percentage to the total

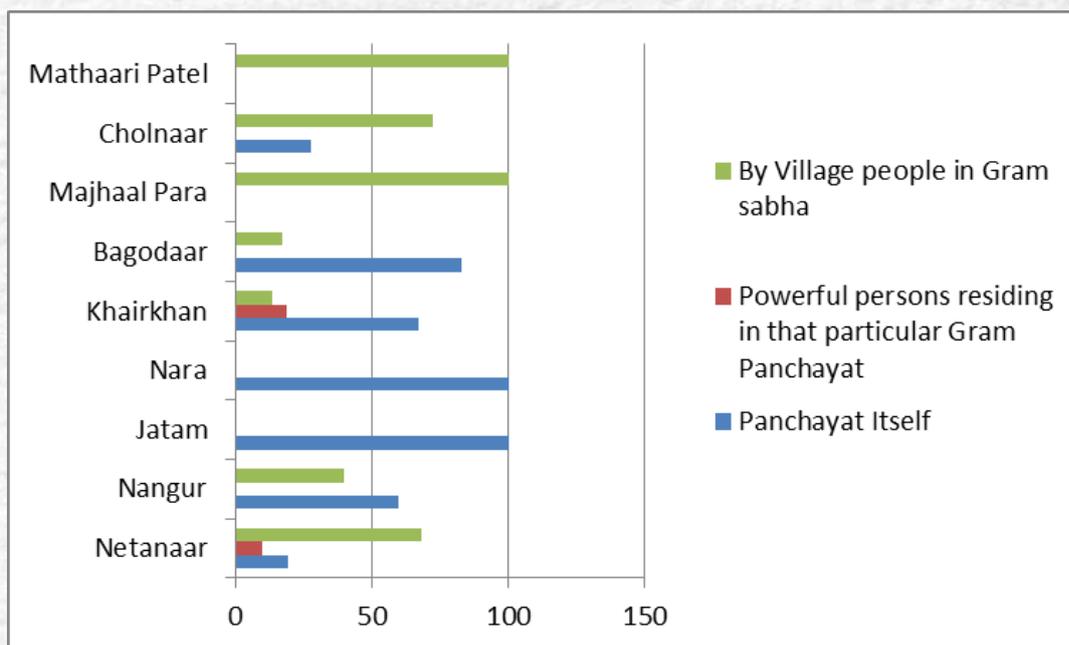
Source: Field survey 2021

In Bastar district, 52.5 per cent of works were identified by the villagers in the Gram Sabha meeting and conveyed to Sarpanch, whereas 68 per cent stated that the decision regarding the works to be carried out in the village was taken in the Panchayat itself. Nearly 5 per cent of villagers also emphasised that works were identified by influential persons residing in the Gram Panchayat.

In Kanker district, 75.8 per cent of respondents stated that the process of identification of works was been carried out by the Panchayat itself while 13.7 per cent of works are identified by people in the Gram Sabhas. Nearly 10.2 per cent of villagers also emphasised that works were identified by influential persons.

In Dantewada, 43.3 per cent of works were identified by the villagers in the Gram Sabha meetings and 16.6 per cent was identified by the Panchayats. Nearly 40 per cent were unaware of the process of identification of works as their villages were completely inaccessible and hardly any work reached these villages.

Graph 9: The Process of Identification of Various Works by Gram Sabha



Source: Primary Data Collection

5.3.3 Process of Identification of Beneficiaries by Gram Sabha

The findings of the discussion with the Gram Panchayat regarding the process involved in the selection of beneficiaries under BPL are provided in Table 5.14. The data shows that in Bastar district, 61.2 per cent of respondents were unaware of the process of identification of beneficiaries, 21.2 per cent stated that the identification of beneficiaries was through the Sarpanch and 17.5 per cent of respondents said the beneficiaries were identified by the villagers in the Gram Sabha meetings.

In Kanker district, 23.7 per cent of respondents were unaware of the identification process, 51.1 per cent stated that the beneficiaries were identified by the Sarpanch and 25.1 per cent of respondents said the beneficiaries were identified by the villagers in the Gram Sabha meetings.

In Dantewada district, 78.3 per cent of respondents were unaware of the process of identification of beneficiaries, 16.6 per cent stated that the Sarpanch identified the beneficiaries and 5 per cent of respondents said the beneficiaries were identified by the villagers in the Gram Sabha meetings.

The findings show that the selection process is not just based on one criterion but three such indicators and various mechanisms are involved. The response of about 34.5 per cent of the tribal people as “Does not have Knowledge” shows the level of awareness among the community. The maximum number of respondents said the selection was through Sarpanch. However, discussions with people revealed that tribal people who were actually in need of the schemes were deprived either due to non-

attendance in Gram Sabha meetings or Sarpanch not being aware of the deprived as the tribal villages were situated far away and were inaccessible.

Table 5.14: Process of Identification of Beneficiaries

Name of the District	Number of Villages	GS Meeting	Through Sarpanch	No Knowledge
Bastar	Netanaar	8 (9.8)	32 (40)	40 (50)
	Nangur	14 (20)	0	56 (80)
	Jatam	6 (60)	2(20)	2(20)
Total		28 (17.5)	34 (21.2)	98 (61.2)
Kanker	Nara	8(47.1)	8(47.1)	1(5.8)
	Khairkhan	32 (27.6)	48 (41.4)	36 (31.0)
	Bagodaar	14 (17.1)	54 (65.9)	14 (17.1)
Total		54 (25.1)	110 (51.1)	51 (23.7)
Dantewada	Majhaal Para	12 (100)	0	0
	Cholnaar	26 (72.2)	10 (27.8)	0
	Mathaari Patel	9 (75)	0	3 (25)
Total		3 (5)	10 (16.6)	47 (78.3)
Grand Total		129 (29.6)	154 (35.4)	152 (34.9)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field survey 2021.

5.3.4 Awareness of the Process of Passing of Utilisation Certificate

Each Gram Sabha has to give a utilisation certificate to their respective Gram Panchayats for the plans, programmes and projects for the development activities. Interestingly, we tried to verify the ground reality of whether the villagers, who are part and parcel of Gram Sabha, are aware of this practice. The findings show that 72.5 per cent of respondents in Bastar district were unaware of the process of issuing utilisation certificate while 27.5 per cent were aware of the process.

In Kanker district, 81.7 per cent of respondents were unaware of the process of passing of utilisation certificate while 16.7 per cent were aware of the process. In Dantewada district, 51.6 per cent were unaware of the process while 48.3 per cent possessed the knowledge.

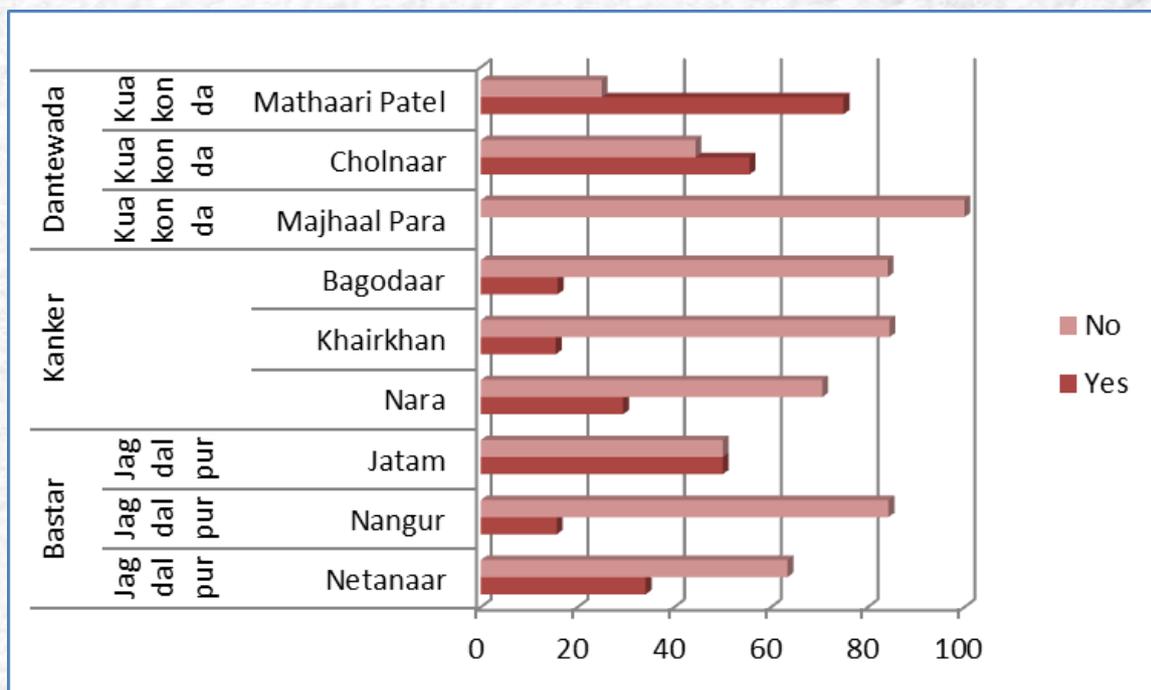
Table 5.15: Awareness of the Process of Passing of Utilisation Certificate

Name of the District	Name of Villages	Yes	No	Total
Bastar	Netanaar	28 (34.1)	52 (63.4)	80
	Nangur	11 (15.7)	59 (84.3)	70
	Jatam	5 (50)	5 (50)	10
Total		44 (27.5)	116 (72.5)	160
Kanker	Nara	5 (29.4)	12 (70.6)	17
	Khairkhan	18(15.5)	98 (84.5)	116
	Bagodaar	13 (15.9)	69 (84.1)	82
Total		36 (16.7)	179 (81.7)	215
Dantewada	Majhaal Para	0	12 (100)	12
	Cholnaar	20 (55.6)	16 (44.4)	36
	Mathaari Patel	3 (25)	9 (75)	12
Total		29 (48.3)	31 (51.6)	60
		109 (25.0)	326 (74.9)	435

Note: The figure in the bracket indicates the percentage to the total.

Source: Field Survey 2021.

Graph 10: Awareness of the Process of Passing of Utilisation Certificate



Source: Primary Data Collection

The findings are quite surprising, as 74.9 per cent of the respondents were unaware of certification provisions under the laws. This indicates the absence of discussions regarding financial details in the Gram Sabha. The rest of the respondents, who knew about the issuance of utilisation certificates, were unaware of the certification process.

5.4 Working of PESA Act in Study Area

5.4.1 Moneylending

Despite the existence of legal and protective measures to curb moneylending in Scheduled Areas and provisions for debt relief, enforcement has been weak and ineffective. The non-recognition of the consumption needs of tribals and the non-availability of institutional consumption credit drives the tribal people to fall easy victim to moneylenders, and the enormous rates of interest keep the tribals in perpetual debt, resulting in mortgage and ultimate loss of land and property.

Section 4(M)(iii) of PESA Act envisages that the Panchayat at the appropriate level and the Gram Sabha will be specifically endowed with the power to exercise control over moneylending to the Scheduled Tribes. It may be mentioned that the term 'Moneylending' is generic and has been used here in that sense without limiting its scope to certain specific items or types of moneylending. It, therefore, would cover all transactions concerning lending of money to tribal people, private or institutional loans and advances by cooperatives and government. Table 5.16 indicates the different sources used by people to secure money for meeting their extra expenses.

Table 5.16: Moneylending

Name of the District	Number of Villages	From Relatives	From Village Baniya	From Moneylenders Outside village	SHG
Bastar	Netanaar	58 (72.5)	10 (12.5)	0	12 (15)
	Nangur	56 (80)	0	14 (20)	0
	Jatam	0	10 (100)	0	0
Total		114 (71.2)	20 (12.5)	14 (8)	12 (7)
Kanker	Nara	17 (100)	0	0	0
	Khairkhan	80 (69)	0	0	36 (31)
	Bagodaar	82 (100)	0	0	0
Total		179 (83.2)	0	0	36 (16.7)
Dantewada	Majhaal Para	12 (100)	0	0	0
	Cholnaar	36 (100)	0	0	0
	Mathaari Patel	9 (75)	0	0	3 (25)
Total		57 (95)	3 (5)	0	0
Grand Total		350 (80.4)	23 (5)	14 (3.2)	48(11)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field Survey 2021.

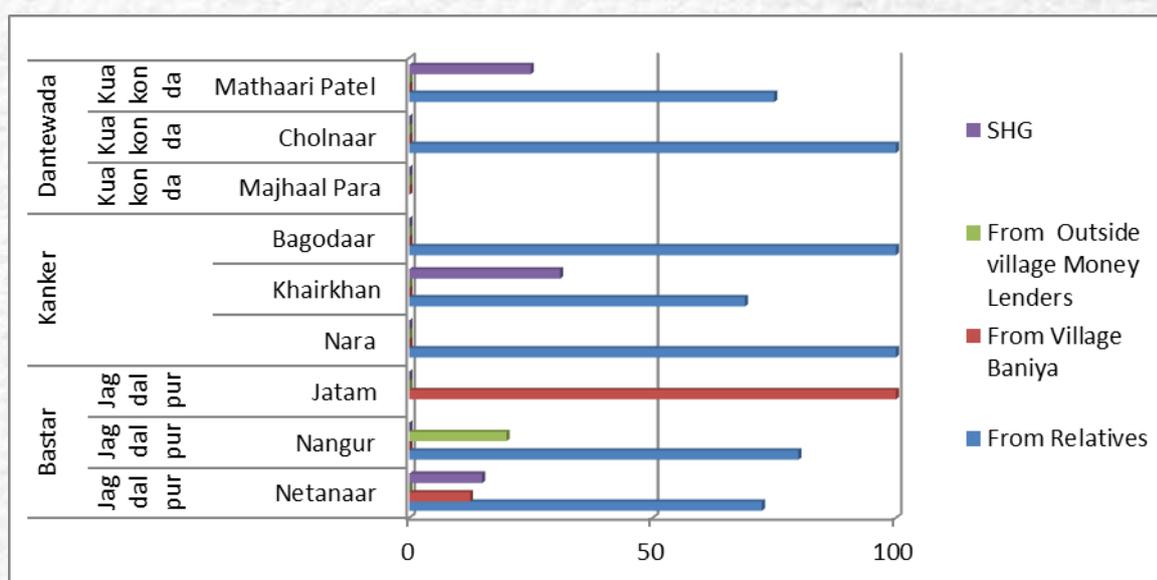
Data in Table 5.16 shows that 71.2 per cent of respondents in Bastar district depended on their relatives for loan requirements, 12.5 per cent took loans from the local baniya, and 8 per cent depended on moneylenders who visited their village every week and gave them loans at a very high rate of interest. Only 7 per cent depended on the SHGs.

In Kanker district, 83.2 per cent of respondents depended on their relatives while 16.7 per cent of respondents depended on the SHG.

In Dantewada district, 95 per cent of respondents depended on their relatives while 5 per cent stated availed of loan from the local baniya of their *paara*.

As revealed in Table 5.16, around 80.4 per cent of respondents in all three districts stated that they depend on their relatives for loans in dire circumstances and 11.7 per cent approached SHGs, who are deprived of getting any loan from the bank. Only 4.5 per cent get a loan from village *baniya* and 3.2 per cent secure loans from outside moneylenders at a 10 per cent rate of interest. SHGs are playing a major role in banking in the villages by providing financial help to the members in times of need. They are also maintaining passbooks and other records for smooth transactions and ensuring transparency. The rate of interest charged by SHG is 2 per cent to 5 per cent. Majority of the loan secured from relatives is without any rate of interest. There is an unspoken understanding between the relatives that when the loan secured is repaid then a bottle of *mahua* is gifted to the relative as a token of gratitude.

Graph 11: Sources of Loans Taken by the Community



Source: Primary Data Collection.

From the above analysis, it transpires that the moneylending business is not as rampant or active nowadays as it used to be earlier. Even though loans through banks are not available in their areas, formation of SHGs and the practice of hand loans serve the temporary requirements of the people. But it is clear that neither the Gram Panchayat nor its members are aware of the provisions of the law on moneylending. This requires creation of massive awareness among the functionaries, PRIs and the people of the area.

5.4.2 Regulation on Consumption of Intoxicants

The most insidious intrusion in the tribal system has been through liquor, i.e. exotic control over the manufacture, sale and consumption of intoxicants of all descriptions. It is a very important area of the socio-economic life of a people, whether tribal or non-tribal in which the community alone plays an important and decisive role with no outside interference.

Section 4 (M) (i) of PESA Act unequivocally envisages the endowment of power on the Panchayats at an appropriate level and the Gram Sabha “to enforce prohibition, or to regulate or restrict the sale and consumption of any intoxicant.” The central Act (PESA) of 1996 mandates the State governments to bring conformity legislations in the existing States laws to empower PRIs, particularly the Gram Sabha/Gram Panchayat to exercise control over enforcement, regulation or restriction on manufacture, sale or consumption of any intoxicants.

Among the tribal communities of Bastar, Kanker and Dantewala districts, the Mahua flower an important minor forest produce is very popular, which is being used in the preparation of local alcoholic drinks as well as preparation of many food items. Mahua trees are rarely deforested for any such purposes and when the flowering occurs, the entire family gets engaged in the collection of Mahua flowers. Mahua seeds are also being collected for oil abstracts. Thus, the question of whether they know that Gram Sabha has the power to regulate or restrict the sale and consumption of any such intoxicants is very crucial. Almost in every tribal village, the so-called liquor is being prepared out of Mahua flowers on numerous occasions and in many instances, they are being harassed by government officials.

As enumerated in Table 5.17, the sale of intoxicants is assessed district-wise. In Bastar district, 92.5 per cent of respondents manufactured liquor at home as part of their tradition during festivals and ceremonies while 7 per cent consumed it from outside, mainly in urban centres when they go for their labour works.

Table 5.17: Sale of Intoxicants

Name of the District	Name of the Village	Sale of Intoxicants	
		Manufacturing liquor in the house	Getting liquor from outside
Bastar	Netanaar	72 (90)	8 (10)
	Nangur	70 (100)	0
	Jatam	6 (60)	4 (40)
Total		148 (92.5)	12 (7)
Kanker	Nara	11 (64.7)	6 (35.3)
	Khairkhan	84 (72.4)	32 (27.6)
	Bagodaar	68 (82.9)	14 (17.1)
Total		163 (75.8)	52 (24.1)
Dantewada	Majhaal Para	12 (100)	0
	Cholnaar	26 (72.2)	10 (27.8)
	Mathaari Patel	12 (100)	0
Total		60 (100)	0
Grand Total		371 (85.2)	64 (14.7)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field Survey 2021.

In Kanker district, 75.8 per cent of respondents manufactured liquor at home while 24.1 per cent consumed it from outside mainly urban centres as most of the PESA villages are located close to the urban centres.

In Dantewada district, all respondents manufactured liquor at home as most of these villages were in the midst of the jungle with inaccessible areas and also due to the availability of Mahua.

As indicated in Table 5.17, the consumption of liquor is a common phenomenon among the tribals. Around 85.2 per cent of people manufacture liquor in their houses and 14.7 per cent get it from outside.

The findings in Table 5.18 show that the awareness level about running liquor shops is low in most of the villages of the block concerned. When asked about such rights already given to the Gram Sabha on the sale and consumption of intoxicants, majority of the respondents (56 per cent) said that permission for illegal liquor shop in the village is in the knowledge of Sarpanch while 43.6 per cent of respondents said that permission for illegal liquor shop in the village is in the knowledge of villagers. Based on this, the villagers on a consensus basis have stopped opening such illegal shops in their village.

Table 5.18: Permission for Illegal Liquor Shop in Village

Name of the District	Name of the Village	Permission for Illegal Liquor Shop in Village	
		Knowledge of Sarpanch	Knowledge of Villagers
Bastar	Netanaar	56 (70)	24 (3)
	Nangur	42 (40)	28 (40)
	Jatam	0	10 (100)
Total		98 (61.2)	62 (38.7)
Kanker	Nara	15 (88.2)	2 (11.8)
	Khairkhan	96 (82.8)	20 (17.2)
	Bagodaar	0	82 (100)
Total		111 (51.6)	104 (48.3)
Dantewada	Majhaal Para	0	12 (100)
	Cholnaar	36 (100)	0
	Mathaari Patel	0	12 (100)
Total		36 (60)	24 (40)
Grand Total		245 (56.3)	190 (43.6)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field survey 2021.

FGD reveals that illicit and unlicensed liquor shops were found in Jagdalpur block of Bastar district which is 10 km away from Netanaar village. Ten per cent of respondents bought liquor from these shops when they attended labour works in the Jagdalpur block. Most of the villagers did not know about any law prohibiting or restricting the preparation and use of liquor. During special occasions and festivals, they offer mahua to Gods and Goddesses and distribute it among the family members. Most of the marriage, death and birth ceremonies entail the usage of mahua; hence, the practice of consuming wine/liquor is linked to the customs and traditions of the tribal community.

During interaction with people during the conduct of FGD, it was ascertained that the reason for having no licensed liquor shop might be due to (i) absence of applications for the licence in those GPs and (ii) opposition from Gram Sabha members to open liquor shop. In the present study, out of the total FGD conducted in villages, six villages reported that a Gram Sabha meeting was conducted to seek public opinion regarding the opening of a liquor shop in the respective GP area. The study, therefore, reveals that awareness among the people about the provisions of the PESA Act that empower the Gram Sabha/Gram Panchayat to permit to manufacture and sell intoxicants within the GP area is not known to the respondents. The Sarpanches in these Gram Panchayats are reportedly scantily aware of the role and responsibility of the Gram Sabha in this matter as per provisions of the PESA Act.

5.4.3 Minor Forest Produce

Section 4(m) (iii) of PESA Act envisages that “State Legislature shall ensure that Panchayat at the appropriate level and the Gram Sabha are endowed specifically with the ownership of minor forest produce.”

The study conducted in the identified Scheduled Areas clearly portrayed the existence of a vital relationship between the forests and the traditional livelihood systems of tribal inhabitants of forests for the past several centuries. They enjoyed free access to forests for collecting food materials and honey, besides hunting animals and fishing in streams and common water bodies, collecting fuelwood for cooking, warmth and lighting, agricultural tools, house building materials, materials for rope making, medicinal herbs and roots and grazing land for their animals and varieties of minor forest produces for consumption and sale.

The collection of MFPs is one of the main sources of livelihood for people in tribal areas. Table 5.19 shows the number of people collecting MFPs, names of the produces and the agencies that fix MFP prices. The study indicated that out of total households, 76.5per cent collect MFPs from the forest adjoining the villages. Out of these, 40.3per cent of households depend on MFP collection as one of the sources of their livelihood by selling the surplus MFP in the local haats of the villages. Among the districts, the highest number of households in Dantewada (58.3 per cent) and Kanker (50.6 per cent) depend on MFP collection for their livelihood.

Table 5.19: Status of surplus produce in study villages

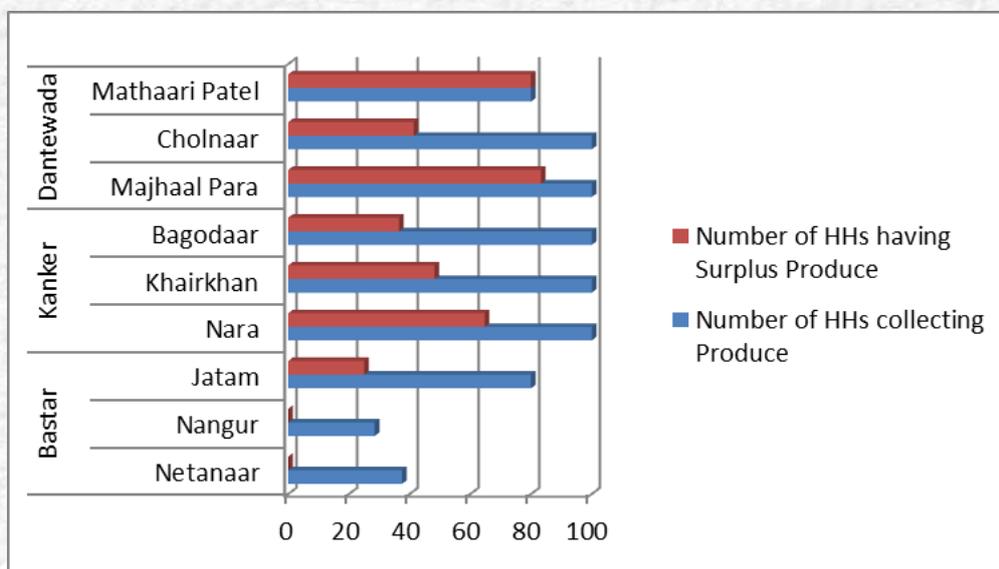
Name of the District	Name of the Village	Number of HHs collecting Produce	Number of HHs having Surplus Produce
Bastar	Netanaar	30 (37.5)	0
	Nangur	20 (28.5)	0
	Jatam	8 (80)	2 (25)
Total		58 (36.2)	2 (1)
Kanker	Nara	17 (100)	11 (64.7)
	Khairkhan	116 (100)	56 (48.2)
	Bagodaar	82 (100)	30 (36.5)
Total		215 (100)	97 (50.6)
Dantewada	Majhaal Para	12 (100)	10 (83.3)
	Cholnaar	36 (100)	15 (41.3)
	Mathaari Patel	12(80)	10 (80)
Total		60	35 (58.3)
Grand Total		333 (76.5)	134 (40.3)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field survey 2021.

Table 5.19 shows that households in Kanker and Dantewada districts depend upon local markets for the sale of surplus produce. The people restrain themselves from going to distant places for marketing as no local market is found within five kilometres.

Graph 12: Status of Surplus Produce in Study Villages



Source: Primary Data Collection.

As evident in Table 5.19, the tribals in Kanker and Dantewada districts are more dependent on MFPs. In Bastar district, 36.2 per cent of households gathered MFPs for self-consumption purposes but very few have excess collection for sale. In Kanker district, all respondent households collected MFPs for their household needs but only 64.5per cent in Naara village, 48.2per cent in Khairkhan village and 36.5per cent in Bagodaar village sold the surplus MFPs. All the households in Majhaal Para and Cholnaar villages of Dantewada district depend on the forest as their major source of livelihood. Nearly 83.3per cent of respondents in Majhaar Para, 42.3per cent in Cholnaar and 80per cent in Mathaari Patel villages sold the surplus in the local haats. Usually, mahua, imli, aam, and kalonji are common products they collect from the forest. On the local haat days, sahlukars come to the local haats and exchange goods like oil and salt for mahua and kalonji. The buyers play an important role in the fixation of the MFP rate as indicated in Table 5.20.

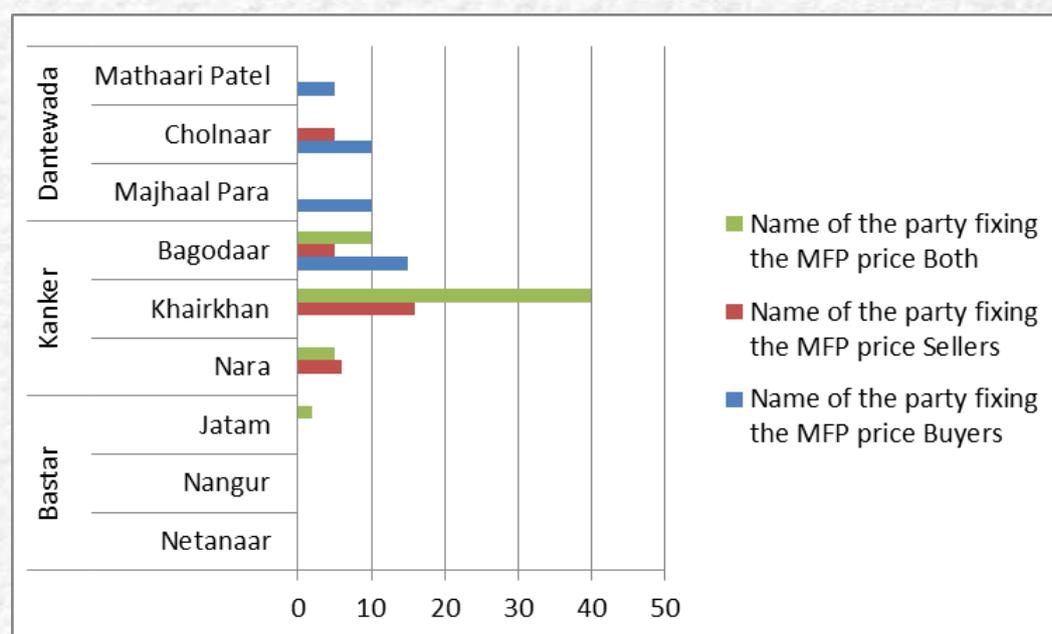
Table 5.20: Collection of MFP and Fixation of Prices

Name of the District	Name of the Village	Number of HHs selling surplus MFP	Name of the party fixing the MFP price		
			Buyers	Sellers	Both
Bastar	Netanaar	0	0	0	0
	Nangur	0	0	0	0
	Jatam	2 (25)	0	0	2
Total		2 (25)	0	0	2 (25)
Kanker	Nara	11 (64.7)	0	6	5
	Khairkhan	56 (48.2)	0	16	40
	Bagodaar	30 (36.5)	15 (50)	5 (16.6)	10 (30)
Total		97 (50.6)	15 (15.4)	21 (21.6)	50 (51.4)
Dantewada	Majhaal Para	10 (83.3)	10(100)	0	0
	Cholnaar	15 (41.3)	10 (75)	5 (25)	0
	Mathaari Patel	10 (80)	5 (50)	0	0
Total		35 (58.3)	25 (71.4)	0	0
Grand Total		134 (47.3)	40 (29.8)	21 (15.6)	52(38.8)

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey, 2021

Graph 13: Collection of MFP and Fixation of Prices



Source: Primary Data Collection.

As enumerated in Table 5.20, not even a single respondent mentioned Gram Panchayat as the price-determining agency of MFPs. But 29.8 per cent and 15.6 per cent of the respondents, respectively, mentioned the buyers and sellers as the price determinants whereas 38.8 per cent said price is determined by mutual bargaining between the sellers and buyers.

In Bastar district, 25 per cent of respondents stated that price is determined by mutual bargaining of buyers and sellers while in Kanker district, 51.4 per cent had the same opinion. About 21.6 per cent said that the price was determined by sellers and 15.4 per cent attributed it to buyers.

In Dantewada district, 21.6 per cent said that price was determined only by buyers, and there is an unsaid barter exchange that goes on between the sellers, i.e. the tribals, and buyers comprising sahumars, who exchange less priced but essential eatables with higher priced goods from tribals. For instance, one kg of salt is exchanged by the sahumar with one kg of chironji and the innocent tribals suffer a complete loss.

5.4.4 Acquisition of Land

Land is the most important source of tribal livelihood for agriculture (both for settled and shifting cultivation), horticulture, forestry and animal husbandry in mixed farming systems. As land is a State subject, various States have enacted laws to prevent the alienation of tribal land. Alienation of tribal land is the most important cause of the pauperisation of tribals, which renders their vulnerable economic situation more precarious. Even the greater concern is the fact that the lands lost are usually the most productive, and the land spared for the tribals to cultivate is of poor quality, which is extremely vulnerable to the vagaries of weather and rainfall conditions. For the fragile tribal economy, the total effect of land transfers has been devastating. The massive inward migration of non-tribals has also changed the ownership of land in the Scheduled Areas to the disadvantage of STs.

As per Table 5.21, 15 per cent of respondents in Bastar district stated that issues related to land acquisition were discussed in the Gram Sabha meetings, 17.5 per cent said government officials took the decisions related to land matters while 67.5 per cent said no such discussions occurred in Gram Sabha meetings or any other forum.

In Kanker district, 76.2 per cent of respondents stated that issues related to land acquisition were discussed in the Gram Sabha meetings, 22.3 per cent said the decisions related to land matters were taken by the government officials while 1 per cent said no such discussions took place in Gram Sabha meetings or any other forum.

Table 5.21: Acquisition of Land

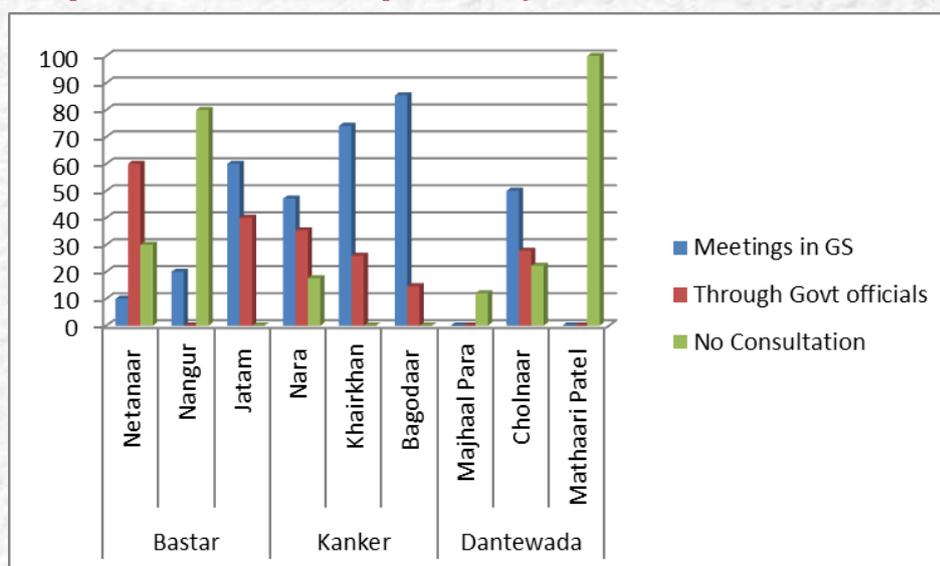
Name of the District	Number of Villages	Meetings in GS	Through Govt. officials	No Consultation
Bastar	Netanaar	4 (10)	24 (60)	12 (30)
	Nangur	14 (20)	0	56 (80)
	Jatam	6 (60)	4 (40)	0
Total		24 (15)	28 (17.5)	108 (67.5)
Kanker	Nara	8 (47.1)	6 (35.3)	3 (17.6)
	Khairkhan	86 (74.1)	30 (25.9)	0
	Bagodaar	70 (85.4)	12 (14.6)	0
Total		164 (76.2)	48 (22.3)	3 (1)
Dantewada	Majhaal Para	0	0	12
	Cholnaar	18 (50)	10 (27.8)	8 (22.2)
	Mathaari Patel	0	0	12 (100)
Total		18 (30)	10 (16.6)	32 (53.3)
Grand Total		206 (47.3)	86 (19.7)	143 (32.8)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field Survey 2021.

In Dantewada district, 30 per cent of respondents stated that issues related to land acquisition were discussed in the Gram Sabha meetings, 16.6 per cent said the decisions related to land matters were taken by the government officials while 53.3 per cent said that there were no such discussions in Gram Sabha meetings or any other forum.

Graph 14: Decision on Acquisition of Land



Source: Primary Data Collection

Altogether, 47.3 per cent of the total respondents stated that issues related to land acquisition were discussed in the Gram Sabha meetings, 19.7 per cent said government officials took the decisions related to land matters while 32.8 per cent said no such discussions were taken in Gram Sabha meetings or any other forum.

5.4.5 Management of Water Bodies

Management of water sources has been a vital area of natural resource management in present-day situations. Competing claims are forthcoming for water sources from sectors like agriculture, industry, urban centres, etc. It is an irony that even though tribal areas are the source of all major river systems, their requirement for water is nowhere in the picture of the distribution and management of water and water bodies. The provision in Section 4 of the PESA Act envisages that “Planning and management of minor water bodies in the scheduled areas shall be entrusted to Panchayat at the appropriate level.”

The main objective of the PESA Act is to give full rights to the tribal people through their Gram Sabha to command over natural resources. Proper planning and management of existing minor water bodies play a very crucial role in villages. It is very important to know whether they are enjoying the rights to the available natural resources, i.e. land, water and forest for their development or not. The responses regarding various processes involved and the methodology adopted for planning and managing minor water bodies are given in Table 5.22.

Table 5.22: Management of Water Bodies

Name of the District	Number of Villages	No process involved	Through Government officials	Through Panchayat
Bastar	Netanaar	24 (30)	40 (50)	16 (20)
	Nangur	42 (60)	14 (20)	14 (20)
	Jatam	4 (40)	6(60)	0
Total		70 (43.7)	60 (37.5)	30 (18.7)
Kanker	Nara	8 (47.1)	5 (29.4)	4 (23.5)
	Khairkhan	80 (69)	36 (31)	0
	Bagodaar	12 (14.6)	56 (68.2)	14 (17.1)
Total		100 (46.5)	97 (45.1)	18 (8)
Dantewada	Majhaal Para	12 (100)	0	0
	Cholnaar	8 (22.2)	28 (77.8)	0
	Mathaari Patel	12 (100)	0	0
Total		32 (53.3)	28 (46.6)	0
Grand Total		202 (46.4)	185 (42.5)	48 (11)

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

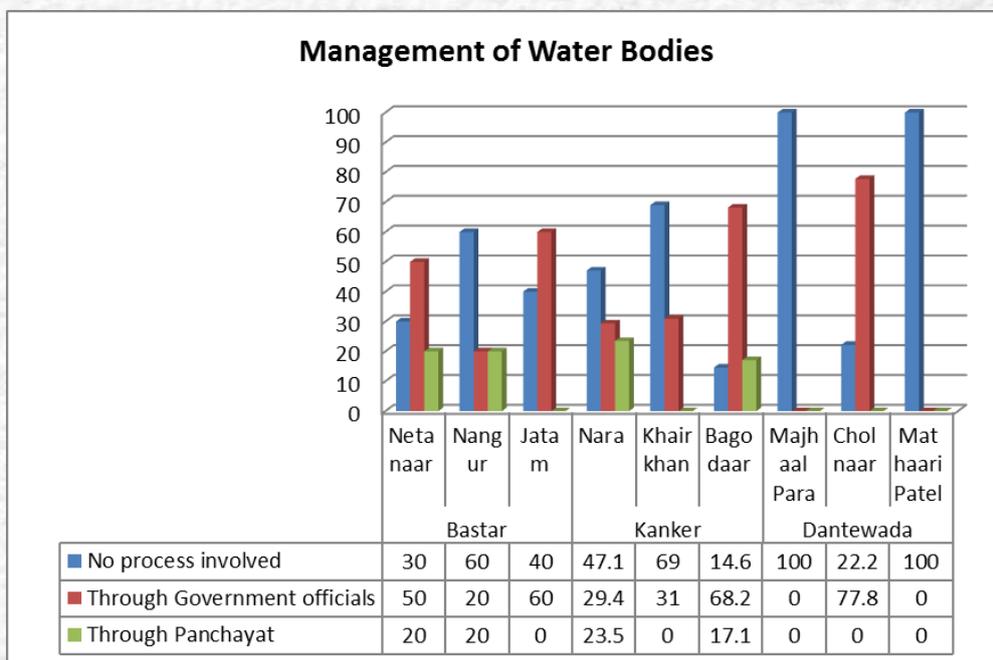
As per the table, a minimum of 11 per cent of respondents agreed that planning is made by Panchayat representatives, whereas the majority of 73.5 per cent of respondents said the management of minor water bodies does not involve any process of decision-making. Around 42.5 per cent of the respondents agreed that government officials manage minor water bodies.

In Bastar, 18.7 per cent of respondents agreed that planning is made by Panchayat representatives whereas 37.5 per cent opined that planning is done by government officials. Around 42.7 per cent said the management of minor water bodies does not involve any process of decision-making.

In Kanker, 8 per cent of respondents agreed that planning is made by Panchayat representatives whereas 45.1 per cent said that planning is done by government officials. Around 46.5 per cent said the management of minor water bodies does not involve any process of decision-making.

In Dantewada, around 46.6 per cent of respondents opined that planning is done by government officials whereas 53.3 per cent said the management of minor water bodies does not involve any process of decision-making.

Graph 15: Management of Water Bodies by Gram Sabha



Source: Primary Data Collection

It is evident from the data that Section 4 of the PESA Act which envisages that “Planning and management of minor water bodies in the scheduled areas shall be entrusted to Panchayat at the appropriate level” is not implemented at the ground level. The tribal people, through their Gram Sabha, do not have the right to command

over natural resources and they are deprived of enjoying the rights to the available natural resources, i.e. land, water and forest for their development or not. Major decisions regarding the minor water bodies are taken by the government officials whereas, in a few instances in Bastar district, villages sharing the common minor water body devise a conflict management strategy of sharing the resources. This intervention is officially arrived at in the presence of higher government officials as an official validation.

5.4.6 Management of Village Markets

The market is the nerve centre of the socio-economic life of the tribal people. Section 4(M) (iii) envisages that the Panchayats at the appropriate level and the Gram Sabha will be endowed with the power to manage markets by whatever names called. The management of village markets is an important task assigned to the Panchayati Raj Institutions under the PESA. However, the findings of the study reveal that its functioning is not effective due to lack of knowledge among the elected representatives in Scheduled Areas. Out of the total respondents selling surplus products in the market, 72.3per cent in Kanker and 26.1per cent in Dantewada pointed out the absence of a regulatory mechanism for the village market by Gram Sabha (Table 5.23).

Table 5.23: Regulatory Mechanism of Village Market by Gram Sabha

Name of the District	Name of the Village	Number of HHs collecting Produce	Number of HHs having Surplus Produce	Awareness about Regulatory Mechanism of village market by Gram Sabha	
				No	Yes
Bastar	Netanaar	30 (37.5)	0	0	2 (6)
	Nangur	20 (28.5)	0	0	0
	Jatam	8 (80)	2 (25)	0	0
Total		58 (36.2)	2 (2.4)	0	2 (6)
Kanker	Nara	17 (100)	11 (64.7)	11 (64.7)	0
	Khairkhan	116 (100)	56 (48.2)	56 (48.2)	0
	Bagodaar	82 (100)	30 (36.5)	30 (36.5)	0
Total		215 (100)	97 (50.6)	97 (50.6)	0
Dantewada	Majhaal Para	12 (100)	10 (83.3)	10 (83.3)	0
	Cholnaar	36 (100)	15 (41.3)	15 (41.3)	0
	Mathaari Patel	12(80)	10 (80)	10 (80)	0
Total		60	35 (58.3)	35 (58.3)	0
Grand Total		333 (76.5)	134 (40.3)	132 (98)	2 (2)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field Survey 2021.

The local markets are mostly situated along the roadside villages where location and accessibility play a major role. Almost 72 per cent of people responded that there is hardly any market available in and around their villages. In tribal-dominated areas, the temporary weekly market called haat, which caters to the adjoining villages, is organised on a particular day of the week. The haat caters to the day-to-day consumption needs of the people as well as several local festivals.



Local haat of Tribals

The mechanisms through which few local *haats* are being regulated by the villages in Bastar district are exemplary. As the Bastar district lies within the proximity of the urban centres, the local haats of the tribal villages within the proximity receive a lot of buyers of organic food from urban centres. A large number of people arrive in vehicles for buying organic vegetables from these local haats so the Gram Sabha has made a parking area for their vehicles and charges Rs 10 per vehicle. This collected money is submitted to the Gram Sabha Kosh for the minor works that are undertaken in the village.

5.4.7 Gram Sabha Safeguard Traditions and Culture of Tribals

In all three districts, each village is competent to safeguard the traditions and culture of the tribal people. The traditions and culture of tribals in these districts are majorly dominated by their old traditional institutions and cultural ritual practices. A detailed description of the traditions and customs is mentioned in the following subsections:

5.4.7.1 Preserved Tribal Customary Laws and Rituals

Under the death rituals, the body of the dead person is cremated at *Marhabhaata* (cremation ground in Halbi language).

On the first day of death, three relatives of the deceased - two women and a man - are chosen. These are called *Anagonaal*, who bathes the body and smears it with a mix of oil and ash from burnt coal. The body is further dressed up as on the day of his/her wedding. Along with the body, *lai* (a concoction of wheat and puffed rice) is kept along with some coins. After bathing the dead body, the *Anagonaals* perform somersault over the body thrice to seek permission for *samaana* (cremation) and this tradition is called *kudmitna*. Further, the body is moved in and out of the *chaukhat* (doorway) three times, symbolising the arrival and departure of the deceased and finally leaving the house along with the people for cremation. After the body is taken for cremation, a *daan* (charity) is given to the parents of the deceased's wife. This *daan* is called *Putulkasla*. If the wife dies, then the *Putulkasla* is given to the parents of her husband's mother.

The body is further taken to *marghat* for cremation and is laid on the *Vish dibba* (cremation bed). The white sheet covering the body is cut by the side of the mouth and *Darbapeed* (grass used to prepare koos thread) is kept in the mouth of the body. Besides this, rice, thread and a *tapper* (an amulet made of silver) are put on the four corners of the dead body. After cremation, everyone returns home singing, dancing and beating the drum. This ceremony is called *Anaal Orpekinaal*.

On the second day, the *Anagonaal* prepare food using a mix of turmeric, rice and *murgi katiya* (roasted chicken) in a mud pot and a ladle made of bamboo. The food is offered to the deceased by placing it on his/her head side. Then a chick is made to peck on a few of the rice grains. Then a *Widde* is invited to talk to Devi. The *Widde* is a person who invites spirits of traditional gods and ancestors and talks to them in order to seek their guidance related to any issues of birth, marriage, death or ill health. The *Widde* of the community is buried as the tribes believe that they have special powers so their powers shall be retained in the family to their children if they are buried in a wooden coffin. If the children of the *Widde* can inherit their powers, then the traditions carry on in the family. In case the children do not inherit the spiritual powers of *Widde*, then the spirit chooses any other child in the community. The child is taken away in the night to the forest by the spirit and when he comes back then he owns the spiritual powers of a *Widde*. *Widde* keeps asking questions and on the question, the chick pecks are considered as an answer from Devi. This way, *Widde* talks to Devi and what materials (*Khatla*) need to be sacrificed for the deceased is found out. After this, the neck of the chick is broken and the bird is thrown into the pyre. After this, *Anagonaal* takes bath, applies oil to their body and enters the home.



Madh Gadi

On the third day, the *khatla* is taken to the marghat and sacrifice is made. Other materials like *vilkaadi* (bow and arrow) and *gudil* (kulhaadi) used by the deceased are gifted to the nephew of the deceased.

After the ceremony of *samaana* (cremation), the stone in the name of the deceased is laid in the *Madh dibba* (number of stones placed in one place) at a community place called *Bitti*, a place for laying stones. Larger stones are placed for *Jayeta or Parema* (pujari of the village).

In Dhurwa tribes, a special feast is arranged on the 13th day after death and *Bhatranaat* (a drama) is performed where imaginary stories from Ramayan and Mahabharata are enacted out by the *Bhatra toli*.

The kul devta for the tribals of this village is *Andarqasal* and *kuldevi* is *seekla devi*.

5.4.7.2 Birth Ceremony

The *Naamkaran* ceremony is again performed by the *Wadde* who decides on the name of the baby through a ritual. The ritual entails a new *matki* (earthen pot) and some *diya* (candle), rice and water. Rice grains from the *matki* are dispersed on the floor and a chick is made to eat the rice. The names of both maternal and paternal ancestors are considered. If the chick pecks at a grain of rice, the name of that ancestor is given to the baby. After deciding on the name, old *dhaan* (rice) and new *dhaan* are mixed and *laai* (a concoction) is prepared from both. This *laai* is mixed with *gur* (jaggery) and is consumed after prayers. This way, the *naamkaran* ceremony ends.

Source: Primary Data Collection

5.4.7.3 Marriage Rituals

The marriage is done outside the tribal gotra but in the same tribal caste. The groom's family approaches the bride's family carrying *Mahua* drink, *Laai* and *Laanda* for placing the proposal. The bride's family ask for the girl's consent and if she agrees, the marriage is fixed. This is called *chotamalaat*.

The groom's family again visits the bride's house along with extended family and relatives for *Bada malaat* ceremony. They carry a large quantity of *Laai*, *laanda* and *mahua* drink to be served to their guests and the bride's family members. During this time, the discussion on *leein dein* (material exchange dowry) is done. It is the groom's family that has to give dowry to the bride's family in kind and a decision is taken on the quantity of *mahua*, *Laai*, *Landa* and meat required by the bride's family for the feast on the wedding day.

Before the wedding day, the female relatives of the groom will go to the forest area singing and dancing and collect a sapling of Semal tree kapuk or silk cotton tree (*Bombax ceiba*). This will be planted in the backyard (*baari*) of the groom's house. A mattress is put next to the plant on the day of the wedding. Both groom and bride are made to sit on that mattress and they will be drenched with *haldi* water. Further, new clothes and ornaments are given to the bride to be worn while coming back from her house. The groom then feeds the bride with his hands. On the day of wedding, dowry is sent to her place beforehand. The animal demanded by the bride's family will be sacrificed by the groom and the meat will be sent to the bride's house to be cooked and served along with *mahua*, *Laanda* and *Laai*.

In Koya maria, marriage normally takes place with the daughter of the maternal uncle. Even if the girl is not willing, she will be forced to marry. The ceremony is called *Gudda Vijja*. There is a tradition of bathing the boy and girl with *haldi* water at their respective homes. Further, the girl is accompanied by the villagers to the groom's house. The cost of the marriage is borne by the groom's side.

Source: Primary Data Collection

5.4.7.4 *Kul Devta Rituals*

Every tribal village has a *Guddi* (temple) where *Kul Devta* or *Kul Devi* resides. Most of the Dhurwa tribes believe that *Kul Devi* and *Devta* reside in all four directions of their village.

Ingulajin Mata and *Mauli mataare* placed, respectively, in the east and west, and *Bhairav babais* placed at the entrance of the village. It is believed that these *kuldevta* and *kul devi* protect the village from evil spirits.



Gadi Nangur

While Gond tribes of Dantewada believe that the spirit of dead young boys (*Rao*) and girls (*Kanya*) cover the four corners of the village and protect them. The *Rao* protect their village from evil spirits, wild animals, epidemics, and flora and fauna while the *Kanya* helps in keeping the village beautiful and bountiful, maintaining it clean and sanitised.

Source: Primary Data Collection

5.4.7.5 Festivals

The Maria Koya tribe of this village celebrate a number of festivals. Every festival is marked by the harvesting of some crop or fruits, and the permission of mother earth is sought for cultivation. The process of seeking permission entails scattering of rice. The permission is considered granted if the rice grains fall together and touch each other. If rice grains do not touch, then *Wadde* is invited to intervene and interact with Devi. *Wadde* interacts with Devi and convinces her to grant the permission. After the interaction, the sacrifice demanded by Devi is offered in terms of sacrificing a chicken or goat. There is *Vijja* festival in which permission for *Mahua* is sought from the earth. In kurmi, permission for rice is sought and in kudta festival, permission for dhaan is asked. In the festival of *Marka Pandu*, ripened mangoes are collected in a community place and first offered to Devi and then consumed. Another tradition followed is that if a woman eats a ripened mango and if a tree grows out of the seed thrown by her on any land, then it can be inherited by her children.

The Kul Devta for these tribes is *Andar korsa* and Kul Devi is *Jalin maata*. He stays on any tree in the forest. Then there are *Daand* (spirit of deceased young girls) and *Raos* (spirit of deceased young boys) who guard the village from wild animals and outside influence, protect plants and divert diseases.

Source: Primary Data Collection

5.5 To examine the Situation of PESA in the Intervened Locale with Special Reference to Livelihood Conditions and Development Schemes

Cholnar village in Kuakonda block of Dantewada district was accorded the status of Panchayat only in 2018, and hence it was relatively new. This is a tribal village with a population of approximately 1200. It had nearly 180 households, comprising 179 belonging to the Maria tribe and a family from the Gond tribe.



A Guest House being used as Gram Panchayat Building at Cholnar village, Dantewada

Majhal Para village in Kuakonda block of Dantewada district was inaccessible due to lack of roads. Most of the roads were kutcha and extremist activities in this village affected the construction activities. This tribal hamlet had a population of approximately 300 people. The number of households was roughly 58 and all of them belonged to the Maria tribe.



A Notification Board of Pradhan Mantri Gram Sadak Yojana at Kanker

Mathaari Patel, a tribal hamlet in Kuakonda block of Dantewada district was inaccessible as it was deep inside the forest. The roads could not be built due to extremist activities in this village. It had a population of approximately 105 people with 21 households. As enumerated by the PESA Trainer, all families belonged to Maria Tribe.



Netanarin Jagdalpur block of Bastar district is a tribal village with a population of 1981 people and approximately 350 households. The tribe inhabiting this village were mainly Dhurwa. As stated by the Sarpanch, a few families belonging to the Lohar tribe

had converted into the Dhurwa tribe. Now few borewells are being dug in the village under Jal Jeevan Abhiyaan. The nearest urban centre is 30 km away and the educational provisions here comprised a coeducational high school and an Ashram School for boys. The primary school for girls is located 7 km away and whereas Ashram for girls at Nangur village was nearly 10 km away from the village. The nearest primary health centre is half a kilometre away. The PHC has an Ayurvedic doctor, who visits twice a week while a nurse and *mitaarni* visited the village everyday. The ration was distributed through a PDS shop near the village and 401 families have ration cards.

Jatamin Jagdalpur block of Bastar district is a tribal village with a population of approximately 300 and 50 households. Dhurwa is the major tribe here.

Another tribal village in Jagdalpur block is **Nangur**. It has a population of 1981 and 350 households and the major tribe inhabiting this village is Dhurwa. A few families of Lohar tribes have converted themselves into Dhurwa tribes. A few borewells have been dug up under Jal Jeevan Mission. The nearest urban centre is 30 km away.



5.5.1 Source of Drinking water

In Cholnar village of Dantewada, the source of drinking water is the boring water provided by the government to every 15 houses. In Majhaal Para, every 8-9 houses receive it. In Mathaari Patel, the borewell is run on solar panels, and there is no electricity in this village.



Watershed Management Project at Kanker

In Netanar village of Bastar, the source of drinking water in this village is a *naala* (a stream of water) and hand pumps installed by the government. In Jatam village, drinking water is supplied through hand pumps installed by the government under Swajal Yojana.

In Nangur, a *naala* (a stream of water) and hand pumps installed by the government are the drinking water sources.

5.5.2 Educational Provisions

In Cholnar village of Dantewada, the educational provisions comprised primary, middle and high schools. Majhaal Para has a primary school and a middle school whereas Mathaari Patel had a primary school, which was closed after the students shifted to Ashram School for boys at Chhindwara. Since there is no school for girls, they had to walk to a school situated 5km away.



Ashram residential school for girls at Bastar

In Netanar village of Bastar, the educational provisions comprised a coeducational high school and an Ashram school for boys. The primary school for girls was in a village 7 km away and an Ashram school for girls at Nangur village is at a distance of 10 km.



In Jatam, the educational provisions in the village included a primary school within the village and a secondary school situated 1 km away in the adjoining village.

5.5.3 Health Facilities

In Chohnar village of Dantewada, the nearest primary health centre is 3 km away at Kalairpal. In Majhaal Para, the nearest PHC was 7 km away, while in Mathaari Patel, the nearest one was 6 km away at Ghatam.



Display of Health Wall in a PHC at Kanker

In Netanar village of Bastar, the nearest PHC was half a kilometre away. The PHC had an Ayurvedic doctor visiting them twice a week while a nurse and mitaarni visited the village everyday. In Jatam, the nearest PHC was one-and-a-half kilometres. The PHC had a doctor visiting them twice a week while a nurse and mitaarni visited the village everyday. In Nangur, the nearest PHC is half a kilometre away. The PHC had an Ayurvedic doctor visiting them twice a week while a nurse and mitaarni visited the village everyday.



Anganwadi Centre at Nangur Village

5.5.4 PDS Scheme

In Cholnar village of Dantewada, the village ration was distributed through a PDS shop located nearly 3 km away at Kalairpal and 178 families had ration cards. In Majhaal Para, the ration was distributed through a PDS shop nearly 7 km away in another Paara and 58 families had ration cards. In Mathaari Patel, the ration was distributed through a PDS shop located nearly 6 km away at Ghatam and 21 families had ration cards.



Public Distribution Shop at Kanker

In Netanar village of Bastar, the village ration was distributed through a PDS shop near the village and 401 families were issued ration cards. In Jatam, the village ration was distributed through a PDS shop near the village and 45 families have ration cards. In Nangur, the ration was distributed through a PDS shop in the village.

5.5.5 Source of Livelihood

As shown in Table No 5.5, nearly 71.2 per cent of respondents in Bastar, 55.3 per cent in Kanker and 66.6 per cent in Dantewada said that they had depended on MGNREGA for their livelihood. In total, 62.7 per cent of respondents relied on MGNREGA for livelihood.

In Cholnar village of Dantewada, the main source of livelihood was the cultivation of dhaan and makka. A few members go for labour work in the neighbouring town of Kirangul. In total, 99 job cards were issued under MGNREGA in the village. The MGNREGA works undertaken for the village are Dakri, Samtali, construction of road and a guesthouse, which is used as a Panchayat office. Villagers do not prefer migrating to distant places as they feel cultivation and labour works available in the nearby areas are sufficient for maintaining their economy. In Majhaal Paara, the main source of livelihood is labour work in the informal labour market and at NDMC as daily wage labourers. Most of them go for labour work at NDMC where they are paid Rs 300 per day. In total, 65 job cards were issued under MGNREGA and the works undertaken included Talaab, Mitti Murram works and Murgi sheds.



In Mathaari Patel, the main source of livelihood is the cultivation of dhaan, kosra and urad daal. In total, 621 job cards were issued under MGNREGA and the works undertaken were Talaab, Road, Dabri and the construction of the PDS shop. A few

youths have migrated to Andhra Pradesh for employment in the informal labour market. The village has an informal system of loan-seeking from Sahukar (local moneylender). The villagers orally keep their land on mortgage to Sahukaar and upon the payment of principal amount, the land is returned by the Sahukar. Though Sahukar does not charge any interest, he uses the land for income-generation activities until the loan is repaid. This process of lending is called *Adiya or Gehna*.

In Netanar village of Bastar, the main source of livelihood was the cultivation of dhaan and makka. Table 5.5 shows that in Netanar, 90 per cent of villagers depended on agriculture, labour and MGNREGA works for livelihood whereas 10 per cent indulged in forest works. A few villagers go for labour work in the neighbouring town for a daily wage of Rs 250. Several households are into rearing cattle and pigs and poultry birds. A total of 250 job cards were issued under MGNREGA and the works undertaken were land elevation, talaab and Dabri. Villagers prefer informal market labour works over MGNREGA works due to delayed payment; also, the labour wage rate of Rs. 190 in MGNREGA is less compared to Rs 250 per day in the informal market. In Jatam, the main source of livelihood was labour work and livestock rearing. A few villagers go for labour work in the neighbouring towns for a wage of Rs 300 per day. Several households are into rearing cattle and pigs and poultry birds. In total, 50 job cards were issued under MGNREGA and the works undertaken were construction of well, land elevation and Dabri. Villagers prefer informal market labour works over MGNREGA works due to delayed payment and the higher wage rate labour wage rate of Rs 300 per day than MGNREGA. They demanded weekly payment of wages as it was done in the informal labour market. The villagers migrate to Vishakhapatnam or Hyderabad for labour works in the informal sector.



Sale of MFP



Homestays

In Nangur of Bastar district, the main source of livelihood was the cultivation of dhaan and makka. A few go for labour work in neighbouring towns for a daily wage of Rs 250 per day. Many households are into rearing cattle and pigs and poultry birds. A total of 250 job cards were issued under MGNREGA and the works undertaken were land elevation, Talaab and Dabri. Villagers are inclined to the informal job market due to delayed payment of MGNREGA wages, which is also less than the labour wage rate (Rs. 190 against Rs 250 per day).

5.5.6 Collection of MFP

In Cholnar village of Dantewada, most families collect MFP from the forest and sell the surplus amount in the local haat. The selling price of MFP is quoted by the Vyapari who comes to the local haat. The major MFPs collected are imli, toda, mahua, chironji and mango and they are sold at the rate of imli (Rs 25/kg), chronji (70 Rs/kg), and mango (Rs40/kg). They do not sell Toda and Mahua as they use them for household consumption. In Majhaal Paara, most families collect MFP from the forest and sell the surplus amount in the local haat, and the selling price of MFP is quoted by the Vyapari. The major MFPs collected by the villagers are Imli, Toda, Mahua, Chironji and mango.

The MFPs are sold in the market at the rate of imli (Rs 25/kg), chronji and mahua (Rs.12/kg). They do not sell toda and mango as they use them for household consumption.

The villagers do not collect Tendupatta as they do not see any use of it in any of



MFP being sold in local haat at Dantewada

their daily household chores or consumption.

In Mathaari Patel, most of the families collect MFP from the forest and sell the surplus amount in the local haat which is held every Friday within a vicinity of 500 metres. The MFP collected and sold are imli (Rs.30/kg), mahua (Rs10/kg), chironji (Rs 60/kg) and aamchoor (Rs 50/kg). An untold barter system prevails in the marketplace. Most of the buyers get consumables like salt, oil, potato, etc., and exchange them with mahua, aamchoor and chironji. In this trade, the tribals always end up in huge loss as one kg of salt, amounting to Rs10/kg, is exchanged for Chironji worth Rs 60/kg or Aamchoor worth Rs 50/kg. As the tribes are not able to preserve mahua, they are forced to sell it at Rs 10/kg and buy the same produce in a preserved format Rs 70/kg after a few months.

In Netanar village of Bastar, most families collect MFPs from the forest and sell the surplus in the local haat during the summer season as it gets spoiled at high temperature. In winter, the sales are low as the collected MFPs are mostly consumed in the household. The selling price of MFP is quoted by the Vyapari and the major MFPs collected are imli, kusum seed, kalji, sirai, mahua, chironji and mango. The MFPs are sold in the market at the rate of imli (Rs 25/kg), chronji (Rs 20/kg), and mango (Rs40/kg). They use Kusum seed, Kalji, Sirai and Mahua for household consumption. The villagers do not collect Tendu patta as they are unaware of the collection process and arranging it in bundles for sale. In Jatam, most of the villagers do not collect MFPs as they are denied entry into the forest area surrounding their villages.

In Nangur of Bastar district, most of the families collect MFPs from the forest and sell the surplus amount in the local haat during the summer season as the surplus collection gets spoiled at high temperature. In winter, the sales are low as the MFPs are mostly consumed in the household. The Vyapari quotes the selling price of MFPs including imli, kusum seed, kalji, sirai, mahua, chironji and mango. The MFPs are sold in the market at the rate of imli (Rs 25/kg), chronji- Rs 20/kg, and mango-Rs 40/Kg. They consume Kusum seed, Kalji, Sirai and Mahua. The villagers do not collect Tendu patta as they are unaware of the process of collection and arranging it for sale.

5.5.7 Loan Facilities Through NRLM

The village does not have any loan facility in terms of formal or informal institutions rendering loans. They depend on their close relatives in terms of their emergency loan situations. The relatives help each other out by lending a loan free of any interest but there is an unsaid rule of offering a chicken or a *bakri* while returning the principal amount to the lender by the borrowers. In Majhaal Paara, the village does not have any loan facility in terms of formal or informal institutions rendering loans. During emergencies, they depend on their close relatives and SHG who give them loans at an interest of 2 per cent (100 Rs per 2000Rs). The relatives help each other out by lending a loan free of any interest.

In Netanar village of Bastar, The village does not have any loan facility in terms of formal or informal institutions rendering loans. They depend on their close relatives in terms of their emergency loan situations. The relatives help each other out by lending a loan free of any interest but there is an unsaid rule of offering a bottle of Mahua while returning the principal amount to the lender by the borrowers. There is also a Baniya from outside the village who visits them for giving loans but charges an interest of 10 per cent. For bigger amounts, the villagers depend on him for seeking loan. In Jatam, the village has loan facility extended to them through self-help groups at an interest rate of 2 per cent.

In Nangur of Bastar District, the village does not have any loan facility in terms of formal or informal institutions rendering loans. They depend on their close relatives in terms of their emergency loan situations. The relatives help each other out by lending a loan free of any interest but there is an unsaid rule of offering a bottle of Mahua while returning the principal amount to the lender by the borrowers.

5.5.8 Self-Help Groups

Cholnar village of Dantewada district has 12 SHGs but most of them are inactive. Only one SHG is working in Poshan Abhiyaan at the anganwadi centre. Majhaal Paara has 14 SHGs but most of them are involved in poultry farming after being trained by an NGO. In Mathaari Patel, there are two SHGs but most of them are unaware of how to continue with the activities and use the loan. In Netanar village of Bastar, there are 30 SHGs but most of them are inactive. Jatam has 18 SHGs but only 14 are active. The SHGs are involved in a variety of works like candle making, rakhi making, sanitary pad making, boundary walls, bricks and vermicompost.



AN NGO named *Samarth Jan Kalyan Samiti Chhattisgarh* has been training the SHG women to make sanitary pads. After the training, equipment like machines and materials like tissue rolls and jelly bags are provided by NGO. The SHG has so far prepared 12000 pads and for demonstration purposes, they have distributed it free to students of a government school. Each girl was given 12 packets of sanitary pads for a year. Further, the SHG shall market the sanitary pads by the NGO and retain the profit.



Source: Fieldwork

Nangur of Bastar district has 30 SHGs but most of them are inactive. The Gram Sabhawas conducted this year and issues related to animal husbandry and water were addressed.

5.5.9 GPDP and Mission Antyodaya

In Cholnar village of Dantewada, the Gram Sabha for GPDP was conducted last year. The issues of road and primary health centre identified were addressed in the GPDP. The Sarpanch was unaware of conducting it and uploading Mission Antyodaya data at the block level. When asked whether officials of the Line department were present in GPDP Gram Sabha, he responded that very few officials reached the village due to accessibility issues and lack of roads as the village was prone to extremist activities. The team noticed the movement of vehicles on the main road leading to the village was minimal. The only vehicles seen arriving were ambulances and motorbikes. There was no bus service to this area despite the main road being constructed till the village.

In Majhaal Paara, the Gram Sabha for GPDP was conducted last year, and issues of road and water were identified and addressed in the GPDP. Most of the villagers complained that they were never made aware of the Gram Sabha being conducted as there is no munaadi being made through any Kotwaar in the village. The quorum of the meeting was met by taking signatures later on by the villagers. The Panchayat Secretary knew how to conduct the meeting and upload Mission Antyodaya data at the block level. When asked whether officials of the Line department were present in GPDP Gram Sabha, he sounded very unsure. While talking to the women Sarpanch, she sounded completely unaware of any information regarding the Panchayat or Gram Sabha. This village was deprived of basic amenities such as roads and water as it was prone to extremist activities. In Mathaari Patel, the villagers did not attend any Gram Sabha as it used to be conducted 6km away and the information was not shared with them. There is no munaadi done in their village and anyone travelling to the village was asked to inform everyone about the date of conducting Gram Sabha. This village delves in immense seclusion without paved roads due to extremist activities around this village.



Wall display of Antyodaya findings in Panchayat Bhawan at Kanker

In Netanar village of Bastar, the Gram Sabha was conducted this year and issues of animal husbandry and water were addressed. The Sarpanch was unaware of conducting the meeting and uploading Mission Antyodaya data at the block level. When asked if officials of the Line department were present in GPDP Gram Sabha, he responded that most of them attended and addressed the villagers about the various schemes of their departments. Regarding the issues of animal husbandry and water, most officials assisted the villagers in resolving these issues through training in animal husbandry and the installation of bore wells.

In Jatam, the Gram Sabha for GPDP was conducted on 10 August 2021 and issues of employment and street light were addressed. The woman Sarpanch was well aware of conducting it and uploading Mission Antyodaya survey data at the block level. She said the survey identified issues to be resolved in the village as house, road and street light. The Sarpanch complained that tribal lands are sold to non-tribals in the village and Gram Sabha is seriously thinking of collectively taking action against such practice. In general, Gram Sabha has allowed the preparation of five litres of mahua in each household. Permission for the construction of a house or opening any business in the village is first sought in the Gram Sabha. Gram Sabha has allotted a wasteland for the construction of a guddi where villagers collect together during festivals. A collection of community contributions of charity is made for the maintenance of the guddi. A Pujari (Priest) is appointed to maintain the guddi by the Gram Sabha. Most of the issues pertaining to the villages are taken by the Gram Sabha. Any conflicting situation between the two villages is resolved in the Gram Sabha by the elderly of both villages arriving at a solution. Gram Sabha has also allocated vacant lands for Gothaan and a waste management shed. The prices for the goods sold in the local haat are pre-decided in the Gram Sabha. Local haat takes place on Tuesday, Friday and Saturday.

In Nangur of Bastar district, the Sarpanch was neither aware of conducting the meeting nor uploading Mission Antyodaya data at the block level. Asked if officials of the Line department were present in GPDP Gram Sabha, he responded that most of them reached and addressed the villagers about the various schemes of their departments. Most of the officials assisted them in resolving animal husbandry and water issues through training in animal husbandry and digging bore wells.

Conclusion in Terms of Accessibility to Welfare Schemes

In Bastar and Kanker, all tribal villages had accessibility to PMGSY, PMAY, NSAP, PDS, SBM, NRLM and mid-day meal scheme. In Dantewada, due to the prevalence of extremist activities, welfare schemes hardly reached the hamlets of Mathari Patel and Majhaal Paara. There is still no metalled road in this area and hence, these villages lack accessibility to welfare schemes.

5.6 To Analyse the Governance Challenges of PESA Act in Extremism Affected areas

Naxalism is described by Mao Zedong as a “fish that swims among the people.” To tackle the issue of extremism, there is a need to look out for more development-oriented solutions. As the D. Bandyopadhyay committee appointed by the Planning Commission in 2004, and the Aiyar Expert Group underlined in 2013, the conscientious implementation of PESA will release the people from the trap of having to choose between predatory government officials and a vicious guerrilla movement, by offering the alternative of genuine self-government. Once the people are offered that alternative, the swamp will be drained for want of the sustenance that the people’s support offers them, and the Naxal alligators captured. If not, the ambushes and massacres will be repeated ad nauseam.

Every plan budget enhances the budget with deployment of larger armed forces to pull out tribal people from the grips of the social support yielded to them by extremist forces in exchange of using them against the state. The biggest strength of extremism is its prevalence in the midst of common people whom they serve through the provision of their basic needs. This service to common tribals, in return, demands their security and acts as a shield. The solution to this lies in enabling self-governance in these tribal areas where the people are able to govern their issues by being self-reliant. All that is needed is State action to devolve functions, finances and functionaries to the duly constituted tribal Panchayats, as they are obliged to do by Article 243G of the Constitution and the PESA.

The two-pronged strategy of curbing extremism through armed actions and the special action plan devised to ensure government delivery of welfare and development measures has reduced the worst concentration of Naxals from nearly 200 districts 15 years ago to about 90 districts now. The eventual ownership of the programmes to give the tribal communities a sense of genuine participation in their affairs through their democratically-elected institutions of self-government- the PESA Panchayats. That is the humane, Gandhian way and, eventually, the most sustainable forward.

In Table 5.24, the governance challenges in regard to the implementation of PESA were questioned by the respondents. In Bastar District, 82.5 per cent stated that lack of awareness about PESA among the villagers and the officials led to low levels of implementation at the ground level. Around 10 per cent cited non-accessibility of their areas and 7 per cent stated low political commitment as the challenge for the low implementation of PESA. In Kanker district, 49.3 per cent opined that lack of awareness about PESA resulted in low levels of implementation at the ground level. Around 2 per cent and 48.3 per cent, respectively cited non-accessibility of their areas and low political commitment as the reasons.

Table 5.24: Governance Challenges

Name of the District	Name of the Village	Extremist Activities	Non-Accessibility	Low Reachability	Low Political Commitment	No awareness
Bastar	Netanaar	0	0	0	10 (12.5)	70 (87.5)
	Nangur	0	14 (20)	0	0	56 (80)
	Jatam	0	2 (20)	0	2 (20)	6 (60)
Total		0	16 (10)	0	12 (7)	132 (82.5)
Kanker	Nara	0	0	5 (29.4)	12 (70.5)	0
	Khairkhan	0	0	0	80 (69)	36 (13)
	Bagodaar	0	0	0	12 (14.6)	70 (85.4)
Total		0	0	5 (2)	104 (48.3)	106 (49.3)
Dantewada	Majhaal Para	12	0	0	0	0
	Cholnaar	8 (22.2)	8 (22.2)	0	10 (27.8)	10 (27.8)
	Mathaari Patel	0	0	0	0	12 (100)
Total		20 (33.3)	8 (13.3)	0	10 (16.6)	22 (36.6)
Grand Total		20 (4.5)	24 (5.5)	5 (1)	126 (28.9)	260 (59.7)

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

As shown in Table 5.24, 36.6 per cent of respondents in Dantewada district stated that lack of awareness about PESA and 33.3 per cent said that the prevalence of extremist activities led to low levels of PESA implementation at the ground level. Around 13.3 per cent cited non-accessibility of their areas whereas 16.6 per cent stated low political commitment as the challenge.

Overall, 59.7 per cent stated that lack of awareness about PESA among the villagers and the officials led to low levels of implementation at the ground level. Around 28.9 per cent stated that non-accessibility of their area, 5.5 per cent stated low political commitment and 4.5 per cent stated prevalence of extremist activities were the challenges for the low implementation of PESA.

5.7 PESA Implementation and Implications on Left-wing Extremism and Development

Unlike the relatively successful stories outlined above, the situation in Chhattisgarh today continues to be a matter of serious concern. The Bastar region with 12 seriously affected blocks is an example of how Left extremism gained ground because, inter alia, the tribals in the area were deprived of forest-based employment. Initially, the forests of Bastar were used by the extremists from Andhra Pradesh and Maharashtra as a temporary refuge; later permanent training camps were established. The active participation of local tribals followed much later in the wake of stresses and strains on their livelihood, growing food insecurity and the growing despair about improvements in their socioeconomic situation.

The situation in the region has not been helped by the local resistance groups called *Salwa Judum*, which initially started its operations in two tribal development blocks of south Bastar and now extended to eleven blocks in Chhattisgarh. Even though *Salwa Judum* is publicised as a spontaneous awakening of the masses against extremists, today thousands of tribals are being protected in fortified camps pointing to the disturbed life they are forced to lead. These camps have been attacked by the extremists leading to several deaths. In the process, the poor tribals have been caught between the legitimate sovereign power of the State and the illegitimate coercive power of the extremists who deliver instant justice through peoples' courts and other informal devices.

In the wake of this background, Chhattisgarh is following a three-pronged strategy of 'Vishwas, Vikas aur Suraksha', or trust, development and security. As per the data available, incidents of Maoist violence have declined by 40 per cent in the Naxal-affected areas of Chhattisgarh, including Bastar.

There has been a significant dip in damages to security forces and loss of lives in the last one year, claim Chhattisgarh police. According to police, the three-pronged strategy of 'Vishwas-Vikas-Suraksha' scheme adopted by the government was highly effective. Besides, the contribution of State police, CRPF, STF, and other forces helped to bring down Maoist violence by 40 per cent, loss of security personnel by 55 per cent and civilian deaths by 45 per cent (Times of India, 2021).

West Bengal model of curbing Naxalism

5.7.1 Chhattisgarh State Initiative: Vishwas, Vikas aur Suraksha Scheme

From 1972 onwards, the Government of West Bengal adopted a slew of ameliorative measures in the Naxal-affected districts. The Comprehensive Area Development Programme (CADP) was introduced to supply inputs and credit to small farmers and the government took the responsibility of marketing their produce. Naxalbari and Debra, the worst Naxal-affected areas, were selected for the programme. At the same time, directives were issued to government officials in Srikakulam in Andhra Pradesh and Ganjam in Orissa to ensure that debts incurred by the tribal poor are written off and instead, they were disbursed loans from banks and other sources for agricultural improvement. In West Bengal, after the Left Front government came to power in 1977, Operation Barga was launched to ensure the rights of the sharecroppers. Alongside, significant increase in the minimum wages was made, benefitting large sections of the rural poor. As a result, the beneficiaries of these government programmes began to distance themselves from Naxalism and the process signalled the beginning of the end of Naxalism in these areas.

As per an official note, Bastar police, under its policy of 'Vishwas, Vikas aur Suraksha', or trust, development and security, established 14 new security camps in 2020 – one in Narayanpur, two each in Kanker and Sukma, and three each in Bastar, Dantewada and Bijapur districts. Media reports state that in the last two years, 28 security camps have been established in Bastar.

"Our three-pronged strategy of 'Vishwas-Vikas-Suraksha' is yielding good results with a 40 per cent decline in Maoist violence this year as compared to previous years," said Sunderraj P, Inspector General of Police of Bastar Zone (Times of India, May 29, 2021).

5.7.1.1 Vishwas

The emphasis of the government is on confidence-building measures. Each of these initiatives can build trust only when led by example. The issues are discussed with a forward-looking approach and an open mind by the Chhattisgarh government.

To win the trust of the tribals, the Chhattisgarh government has restored more than 1,700 hectares of land acquired for the now-abandoned Tata Steel project and handed it over to more than 1,700 tribal farmers in the worst Naxal-hit Bastar area (Times of India, Dec 24, 2018).

The State's Law and Legislative Affairs department also decided to withdraw over 300 cases registered against the Scheduled Tribe (ST) people in eight Naxal-affected districts under the provisions of Section 321 of the Criminal Procedure Code (CrPC).

As part of its tribal outreach, the State government launched the CM Haat Bazar Clinics on 2nd October 2019, on the occasion of the 150th birth anniversary of Mahatma Gandhi, to provide proper healthcare facilities in weekly markets in far-flung areas. In these clinics, medical teams comprising doctors and para-medical staff, along with sufficient medicines, visit rural markets in denoted scheduled tribe areas lacking basic healthcare facilities, to provide healthcare services.

Mukhyamantri Suposhan Abhiyan (CM Nutrition Scheme) is another welfare scheme launched by the State government last year to win the heart of tribal people, the fulcrum of Maoist movement in the country. Under the scheme, fresh nutritious food is provided to malnourished children and women.

Chhattisgarh Home Minister Tamradhwaj Sahu said Maoist-related violence witnessed a steep decline in the State as welfare and development initiatives of the government are getting positive responses from the local populace. The police intelligence reports too indicate that the support base of the Maoists is dwindling in tribal areas, said a police officer who refused to be identified.

The Bastar administration believes that owing to the language barrier, the first-hand contact between the police and the locals was often limited. IPS officer Sundarraaj has picked up the local dialect, mostly 'Gondi', largely spoken by the tribal communities of Bastar. This has led to removing the trust deficit among the tribals who have been facing the brunt of outlawed CPI (Maoist). "Communication and dialogue can create a much better impact if the local dialect is used as the medium of communication. The police are determined to give importance to the tribal languages," he said. 'Amcho Bastar-Amcho Police' is one such motivational drive in the Halbi dialect, meaning 'Our Bastar, Our Police'. Through this initiative, the police personnel are sensitised about the needs of the locals. Police officers dine with villagers, give them a patient hearing on various issues and distribute books and sports kits to students.

The police auditorium, named 'Mava Alsana' (a Gondi word meaning let us meet and deliberate), has emerged as a centre to build relationships between the locals and security forces. 'Bastar Tha Matta' in Gondi refers to the 'Voice of Bastar.'

Various interaction sessions are held with the elders from tribal community and social leaders, who wield considerable sway among the tribals. The police associate with them during various festivals, particularly Bastar Dussehra, when a feast is organised to honour tribal leaders.

The biggest achievement has been a drop in Naxal violence by 40 per cent. The government resorted to having a dialogue, not with Naxals but with tribals, traders and businessmen, social activists and journalists. This resulted in the government having a better understanding of their needs.

'Maoists are enraged that the media is reporting the truth.' 'They want to physically isolate the media and psychologically isolate the villagers who have found the confidence to speak to the press about the real situation.' 'Like terrorism ended in Punjab, Naxalism will end in Chhattisgarh,' AIIMS doctor-turned-IPS officer and SP of Dantewada, Dr. Abhishek Pallava tells [Rediff.com](https://www.rediff.com) Archana Masih ([Rediff.com](https://www.rediff.com), 2018).

5.7.1.2 Vikas

In December 2020, the police and administration launched the 'Manva Nava Naar' (Our new progressive village) initiative. The idea was to provide basic amenities such as school education, health centres, anganwadi centres, ration shops, electricity, road and bridge connectivity, banking facilities and mobile connectivity to villages where security camps are located, officials said.

The Chhattisgarh government has taken its development strategy well inside the Maoist strongholds despite paying the heavy price of human casualties. The Bastar Police have started getting some success as road networks and bridge constructions link the tribal areas with the mainstream. The so-called Red Zone is now teeming with security camps at strategic locations. These camps not only safeguard the lives and properties of civilians but also facilitate an environment for all-encompassing development. For the development and empowerment of the forest dwellers, the process of withdrawal of fake and false cases against the tribals is going on. The establishment of food processing centres for employment, return of land in Lohandigunda, and distribution of revenue leases in Abujmad area are being done.

The supporting infrastructure of roads and bridges assumes immense significance in the war against Left-wing Extremism (LWE). The seven worst-affected districts in the State have witnessed swift road and bridge construction amid the persisting Maoist threat.

Besides, the government increased the minimum support price per standard sack of tendu leaves (*Diospyros melanoxylon*), used as beedi wrappers, from Rs. 2,500 to Rs. 4,000 (The Federal, 15 March 2020). One standard sack of tendu leaves contains 1,000 bundles of 50 leaves each. Mostly tribal women collect tendu leaves from the forest. The State government also purchased paddy at Rs. 2,500 per quintal from Rs. 18.45 lakh registered farmers (Hindustan Times, Jan 04, 2020).

In December 2020, the Chhattisgarh police launched 'Manva Nava Naar' (our new progressive village) to provide basic amenities such as primary school, health and anganwadi centres, ration shops, power, road connectivity, banking facilities and mobile connectivity to the village where security camps are located. In one FGD, one of the respondents emphasized, *"The CM haat bazaar clinic scheme has resulted in an increase of medical check ups and assistance by 10 times in Bastar. This year not a single death has been recorded because of gastroenteritis. The officials have opened 105 schools in the heart of the Naxal territory, which were closed for the last 13 years."*

With a better road network, locals can easily access the civil administration as well as health, education and various civic action programmes. Better connectivity assists the forces in swiftly mobilising their men and machines during counterinsurgency operations. The police believe they can solve the LWE problem through a multi-pronged approach in which development is the key.

In the fieldwork, narratives in terms of accessibility to food security in terms of the PDS scheme and educational facilities were voiced out by respondents. Sarpanch of Cholnar emphasised, *"A school in our village blasted by extremists has been reconstructed and I am happy that our children do not need to walk for 10km now to attend a school. However, I am worried that following the provision of 30kg of grains to our tribal communities, our youth are turning lazy. Our tribal ancestors were known for hardwork and diligence which I see fading in the young generation."*

5.7.1.3 Suraksha

There is an established perception that connectivity is an antidote to extremism. For the development to reach extremist areas, road construction is inevitable. The roads in these extremist areas can be constructed under the vigilance of security forces. Hence, an extensive well spread-out network of security camps is required to provide security cover for road construction. For this, the government has adopted a two-pronged strategy of taking development to remote villages through road connectivity. This enhances the self-governance and self-reliance of villagers in extremism-affected villages and weans them off the basic necessities provided by the extremists.

Road for Development and Road to Development

Road construction, as shared by the villagers, has been difficult as extremists targeted road equipment and even abducted contractors and workers. Roads are required to usher in the development of infrastructure such as schools, anganwadi centres, health centres, public distribution centres, electricity and phone connectivity.

Through Jawahar Setu Yojana for the unreached villages of Bastar, the Chhattisgarh government has empowered forest dwellers by distributing forest rights letters. The schools in Bastar which were closed or demolished by the Naxalites were revived. The Chief Minister said that the Bastar region alone is bigger than the State of Kerala and being a Naxal-affected area, it is difficult to work here. Hence, the State has urged Centre to provide 100 per cent amount instead of 60 per cent in the RRP-2 scheme for road construction. He informed that Jawahar Setu Yojana has started to connect the unreached villages of the State through roads. At the same time, roads of more than 1500 km have been built in Chhattisgarh under the road requirement scheme started in 34 districts. Chief Minister Bhupesh Baghel informed that a Unified Command was envisaged at the highest level for security and development in the State. With this, all the issues related to coordination from a strategic point of view are to be monitored quickly.

While these roads are being constructed under the existing Central schemes for Left-wing extremism-affected areas, the Chhattisgarh police officers said that a major push in recent years has come from the Ministry of Home Affairs. The UPA government had launched the Road Requirement Plan (RRP-I) in 2009 for the construction of 5,422 km of roads in the Left-wing Extremism Affected States. Of this, 54 roads of 1,988 km or nearly 27 per cent of the total roads were for Chhattisgarh alone. The Narendra Modi government approved another project, Road Connectivity Project in Left-wing Extremism Affected Areas (RCPLWEA), in December 2016. Of the total approved 8,214 km (802 roads) under the scheme, 2,479 km (291 roads) is for Chhattisgarh.

Eleven Roads completed in Bastar Region in the past few years

District	Road stretch	Length of road (km)	Year of completion
Sukma	Injaram-Bheji	20	2018
	Sukma-Konta	77	2019
Bijapur	Bhopalpatnam-Bijapur-Geedam-Jagdapur (NH-63)	73	2019
Dantewada	Dantewada-PONDUM-Katekalyan	38	2018
	Barsur-Gidam-Dantewada-Aranpur-Kondapara	97	2019
Bastar	Jeeram to Tongpal stretch (NH-30)	10	2018
Kondagaon	ANTAGARH-Bedma	29	2018
Kanker	Bhanupratappur-Pankhajur-Irpanar	91	2018
Bijapur	Aawapalli to Ilmidi	12	2020
	Aawapalli to Usur	12	2020
	Kutru to Bedre	36	2020

Source: Chhattisgarh Police

Source: <https://theprint.in/opinion/chhattisgarh-maoists-suffering-from-betrayal-fewer-leaders-and-weapons-and-too-many-roads/602231/>

Since 2018, roads measuring about 500 km have been built in Bastar. These passages cover 11 main pathways across the Bastar range – an area larger than Kerala. "At places hundreds of tribals turned up for 'shramdaan' for constructing roads, defying the diktat issued by the guerrillas. Earlier we had to walk 10-20 km to get ration, medical assistance or a school," says Bhola Sukalu, a gram panchayat sarpanch in Sukma.

Under the centrally sponsored programme, Chhattisgarh was given Rs 1,637 crore as grants for building 2,479 km of roads between 2016 and 2020. Of the 35 districts that received the grants, 16 fall in Chhattisgarh, of which seven lie in the Bastar division.² Another 450 km road network has been planned through tribal habitats and forested terrains linking the 12 main routes in the areas.³

On average, the per km construction cost of a road is Rs 80 lakh in Bastar. Building such infrastructure is covered under the Road Requirement Plan (RRP), a Centre scheme for LWE areas implemented by the state. All these (RRP-1) roads are in the core Naxal-affected areas. Out of the 1,900 km of RRP-1 road, 1600km has been completed. The remaining 300 km are in South Sukma, South Bijapur and Abhujmad regions. About the other scheme, the 291 sanctioned roads under RCPLWEA are relatively in less LWE-affected areas. The tender procedures have been finalised on most of these roads, the work has been initiated (The Print,10 February 2021).

While Chhattisgarh police claim the roads are being built for development purposes, the primary objective of the Union government's Road Connectivity Programme in Left Wing Affected Areas, according to official documents, is "providing seamless connectivity, area security and area domination along with the smooth movement of security forces in the LWE affected areas, by construction/upgradation of specifically identified roads".

The Maoists usually oppose connectivity projects in their areas of influence. They consider roads as disadvantageous to their surprise attack tactics. Their target remains heavy machines, vehicles and the forces offering security to those supervising the construction. On many occasions, work was suspended when they ambushed the 'road opening parties'. "In the face of the martyrdom of scores of security personnel, we have completed over 1600 of the RRP roads in the core Maoist breeding ground. We would be taking up the remaining road construction this year," said the Bastar IG.

²<https://scroll.in/article/997617/silger-protest-taps-into-wider-anger-in-bastar-over-security-camps-coming-up-in-the-name-of-roads>

³<https://www.newindianexpress.com/good-news/2021/mar/21/with-roads-and-bridges-chhattisgarh-takesdevelopment-to-maoist-hitareas-2279352.html>

Security Camps

The year 2020 saw the addition of 16 new camps in the Bastar region to fasten the road construction even in the core areas. In the last two decades, more than 118 camps have been set up in the Bastar region for CRPF, BSF, ITBP, SSB, Chhattisgarh Armed Force and local police (The New Indian Express, 21st March 2021).

Police claim that these Camps are vacated after the completion of road and bridge construction work. Two of these housed the Central Reserve Police Force: Manjipara camp in Kondagaon, vacated in 2018, and Boreguda camp in Sukma, vacated in 2018. A camp of the Chhattisgarh Armed Forces, built at Timed in Bijapur in 2017 to provide security to the construction of a bridge over the Indrawati river, was vacated in 2020. Another camp, housing the Chhattisgarh Special Task Force near Chitrakote was also vacated in 2020, the Inspector General said (The New Indian Express, 21st March 2021).

Though the security camps are built to provide security while constructing the roads the issue is that the villagers are unable to relate to this sense of security and rather see the camps as an alien threat to themselves. Since the central paramilitary personnel, largely drawn from other parts of the country, are unfamiliar with the language and culture of local communities, they tend to view them with suspicion and hostility. As a result, villagers have come to fear security camps, viewing them as sites of surveillance and violence. Their opposition to the construction of roads is tied up with their resistance to these camps.

A total of 28 camps for security forces were set up in the last two years in Chhattisgarh's Maoist-affected Bastar region to facilitate and accelerate development works. In a statement issued by the state public relations department, the Congress government under Chief Minister Bhupesh Baghel said inaccessible Naxal-hit areas of Bastar, where it was difficult to even walk, have roads, electricity supply, education and health facilities now. "To add momentum to development works, 28 security forces camps were set up in different areas of Bastar in the last two years. With the establishment of these facilities, development works have been accelerated," the statement said (The Times of India, May 29, 2021).

These roads, according to the document, have been identified by the "Ministry of Home Affairs, in consultation with the home departments of the States and security forces involved in combating LWE". Such an approach leaves little room for consultations with people through whose villages and forests the roads pass, even though Section 4 (i) of the Provisions of the Panchayat (Scheduled Areas) Act mandates consultation of the Gram Sabha or panchayat "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 Scheduled Areas”. Chhattisgarh is one of the four States that are yet to frame the rules needed to implement the law, which was passed in 1996. In its manifesto for the assembly elections in 2018, the Congress declared that it will fully roll out the PESA Act, especially in Scheduled V and Adivasi areas. But two and a half years later, its government is yet to do so.

Most of the social activists are of the view that prior to confiscating the land of the tribals, it is imperative to seek the consent of Gram Sabha in PESA villages. In the absence of consultation with local residents, nearly every camp and the road-building project have seen the same characteristic pattern: peaceful protests by villagers in large numbers, followed by lathi-charge by the police, aggression by the protestors, and finally, random arrests of villagers declared to be Maoist cadres.

Although initial resistance is witnessed but villagers do see the benefit, as they bring in not only more security for the villagers from the Maoists but also development, including education, health and livelihood options and of course convenience of commuting especially during health emergencies. Most of the villagers in the FGDs were happy and contented to get the roads as it enhances their accessibility to livelihood options in informal markets and in terms of addressing social issues like health, education and PDS accessibility. But people oppose the construction of wider roads that destroys their fields and trees, and disturbs the stones they lay for the dead. The villagers pointed out they had no information about the location of the proposed security camp. The government had not even bothered to consult the traditional village heads – the patel and the perma. Most of the sarpanches in interior villages live in the block headquarters, primarily due to threats from the Maoists.

Due to this self-reliance of tribals in terms of livelihood options available to the people, the tribals have stopped yielding support to the Maoist-led extremism. The success of a ‘surrender programme’ in Dantewada district in the monsoon season also seems to have angered the Maoists. Across the state, a total of 583 Maoists surrendered in 2019 and 2020 in what is called a homecoming or ‘*lon varratu*’ in Gondi. Another theory is that since the bulk of civilian executions has been around the Gangalur axis, the Maoists want to attain the twin objectives of preventing the setting up of camps and also terrorising the mine operators as this is a deposit-rich area.

According to recent data provided by the state police, the number of encounters between security forces and Maoists declined to 112 in 2019 from 166 in 2018, a fall of over 32 per cent. While there were 77 incidents of IED explosions triggered by Maoists in 2018, the number of such incidents dropped to 41 last year. In 2018, 89 civilians were killed due to Maoist violence as against 46 in 2019, a fall of 48.3 per cent. Moreover, 53 police personnel were killed by Maoists in 2018, and the number dropped to 19 in 2019 (The Federal, 15 March 2020).

With years of experience in a virtual war zone and having closely observed the lives of the local tribal population, IG (Bastar zone) Sundarraaj P knows how to reach out to these communities. For achieving the goal of the three-pronged strategy of 'Vishwas-Vikas-Suraksha', the IPS officer has executed welfare campaigns and development initiatives by adding a flavour of tribal dialect to them.

A judicious mix of development and welfare initiatives coupled with land reforms and well-planned counter-insurgency operations is required to restore peace, harmony and confidence in the administration in such areas. It is a matter of satisfaction, therefore that this approach is now receiving wide endorsement. The 'Common Minimum Programme' (CMP) of the United Progressive Alliance, for instance, recognised the multi-dimensional nature of this problem. Based on the position taken in the "CMP" a '14-point policy' to deal with this problem was presented in Parliament by the Union Home Minister on 13th March 2006. This policy outlines measures to be taken to deal with this issue at the political, social, developmental and administrative levels.

In Bastar, Chhattisgarh, due to the policy of 'Our Bastar, Our Police', many former Naxal cadres are surrendering before the Deputy Superintendent of Police. They are given Rs. 10,000/- as 'encouragement money' and are rehabilitated according to the policy.

Similarly, the Prime Minister, while addressing the Chief Ministers of the States affected by violent left extremism, on 13th April, 2006, also emphasised that, *"We must, however, recognise that Naxalism is not merely a law and order issue. In many areas, the phenomenon of Naxalism is directly related to under-development. It is not a coincidence that it is the tribal areas that are the main battleground of Left-wing Extremism today. Large swathes of tribal territory have become the hunting ground of Left wing extremists. Exploitation, artificially depressed wages, iniquitous socio-political circumstances, inadequate employment opportunities, lack of access to resources, under-developed agriculture, geographical isolation, and lack of land reforms – all contribute significantly to the growth of the Naxalite movement. All these factors have to be taken into consideration as we evolve solutions for facing the challenge of Naxalism."*

The Commission notes with satisfaction that a general consensus has now emerged on not treating violent left extremism only as a law and order problem but as a multi-causal malaise with the breakdown of law and order as its 'ranking symptom.' In short, management of left extremist violence would require tapping the capacity of all the elements of the government and civil society.

5.7.2 Can Proper Implementation of Gram Sabha Governance lead to curbing Naxalism?

As evident from the narratives in the study conducted by IRMA (July 2009), civil rights workers in the PESA areas, emphasised that in the initial phase, the extremist forces fought for the rights of the Adivasis and provided basic necessities like food, clothes and medicines for the Adivasis but off late, the Maoists have turned more violent. Maoists today have a dual effect on the ground in PESA areas. By virtue of the gun they wield, they are able to evoke some fear in the administration at the village/block/district level. Villagers in Dantewada emphasised that Naxals have been preventing the common villager's powerlessness over the neglect or violation of protective laws like PESA e.g. warning a *talathi*, who might be demanding bribes in return for fulfilling the duty mandated to him under the Forest Rights Act, a trader who might be paying an exploitative rate for forest produce, or a contractor who is violating the minimum wage. But they also have been obstructing the development of villages in Dantewada by preventing the construction of roads and basic infrastructure.

Table 5.25 reveals the perception of the people in these districts regarding the proper implementation of Gram Sabha governance that it shall lead to reducing the frequency as well as the extent of Naxalite movement in the Scheduled Areas.

Table 5.25: Can Proper Implementation of Gram Sabha Governance Lead to Curbing Naxalism?

Name of the District	Name of the Block	Name of the Village	Yes	No	Can't Say
Bastar	Jagdapur	Netanaar	10 (12.5)	0	70 (87.5)
	Jagdapur	Nangur	0	14 (20)	56 (80)
	Jagdapur	Jatam	2 (20)	2 (20)	6 (60)
			12 (7)	16 (10)	132 (82.5)
Kanker		Nara	12 (70.5)	5 (29.4)	0
		Khairkhan	80 (69)	0	36 (13)
		Bagodaar	12 (14.6)	0	70 (85.4)
			104 (48.3)	5 (2)	106 (49.3)
Dantewada	Kuakonda	Majhaal Para	2 (10)	0	10 (90)
	Kuakonda	Cholnaar	26 (72.2)	0	10 (27.8)
	Kuakonda	Mathaari Patel	0	0	12 (100)
Total			28 (46.6)	0	32 (53.3)
Grand Total			144 (33.1)	21 (4)	270 (62.0)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field Survey 2021.

In Bastar district, 87.5 per cent of respondents in Netanaar, 80 per cent in Nangur and 60 per cent in Jatam were completely unable to draw any relation between the better implementation of Provisions of PESA and its impact on the enhancement of tribal governance and reducing extremist activities in their area. This portrayed that extremist activities were negligent in these villages, and hence they were completely unaware of the connection between the development of an area and extremist activities.

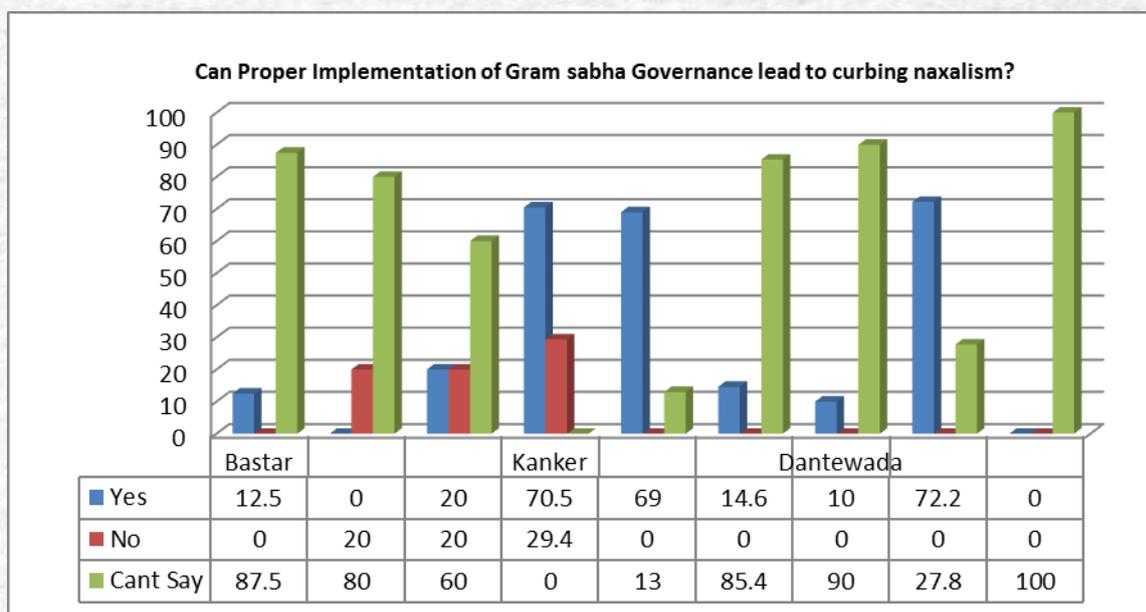
In Kanker district, 70.5 per cent of respondents in Nara village and 69 per cent of respondents in Khair Khan village stated that proper implementation of PESA shall lead to a reduction of extremist activities in their areas whereas 29.4 per cent in Nara did not think that proper implementation of PESA can bring down extremist activities in their areas. Nearly 85.4 per cent of respondents sounded uncertain about the association between extremist activities and the implementation of provision of governance through PESA.

In Dantewada district, 10 per cent of respondents in Majhaal Para and 72.2 per cent of respondents in Cholnaar village stated that proper implementation of PESA shall reduce extremist activities in their areas whereas 27.8 per cent in Cholnaar were negative about the extremist activities coming down despite proper implementation of PESA in their areas. Nearly 100 per cent of respondents in Mathaari Patel sounded uncertain about the association between extremist activities in their area and the implementation of provision of governance through PESA. In the past, developmental activities like road construction to their village were stopped twice by the extremists. The contractor left the village, leaving the construction material behind after receiving threats from the extremists. As a consequence, reaching the village was difficult for government welfare agencies as the only narrow lane leading to village was an uneven narrow unmetalled (*kuchcha*) lane which made it difficult for developmental works to reach this village.

Table 5.25 reveals that in Bastar, 82.7 per cent of respondents were unable to draw any connection between the proper implementation of provisions of PESA and the reduction in extremist activities due to witnessing less extremist activities around their villages. In Kanker, 40.9 per cent of respondents were unable to draw any connection between the proper implementation of Provisions of PESA and the reduction in extremist activities due to witnessing less extremist activities around their villages whereas 29.7 per cent of respondents were positive about the implementation of provisions of PESA and reduction in extremist activities as they have seen a reduction in extremist activities since the developmental activities in these areas have enhanced by the Government.

In Dantewada, 53.3 per cent of respondents were unable to draw any connection between the proper implementation of provisions of PESA and the reduction in extremist activities due to witnessing less extremist activities around their villages whereas 46.6 per cent of respondents were positive about the implementation of provisions of PESA and reduction in extremist activities as they have seen a reduction in extremist activities since the developmental activities in these areas have enhanced by the government.

Graph 16: Proper Implementation of Gram Sabha Governance lead to Curbing Naxalism



Roads in Extremist Areas of Dantewada

How this will affect the implementation of PESA Act? Such conditions of tumult have disrupted normal life, rendering PESA meaningless on the ground. While security personnel do not have a direct role in the implementation of PESA, the effect of the current militarisation means they must concentrate power in their hands to win the armed conflict. How do personnel on the ground go about the difficult and dangerous task of singling out Maoists/Naxals and others? What is punishable, and how does the State establish criminality?

There are no straight answers to these questions, and the socio-cultural gap between officials in positions of authority, and tribal communities on the ground only widens the rift. Fear and distrust of the State is disturbingly high among tribal communities, and this anger is currently going unacknowledged and unaddressed. PESA did not envisage this extreme scenario, and so its provisions are not geared to address such challenges. Therefore, it is necessary for policymakers to ask how the State's security aims can be reconciled on the ground with respect towards a law like PESA, which emphasises the devolution of power to people.

5.7.3 Can proper Implementation of Panchayat rule lead to Self-governance?

The analyst emphasises that the development deficit roots in the Left-wing extremism-affected districts due to a low standard of living index, low female literacy, mostly people living in kuchcha houses and no electricity connection.

Table 5.26: Can Proper Implementation of Panchayat Rule Lead to Self-governance?

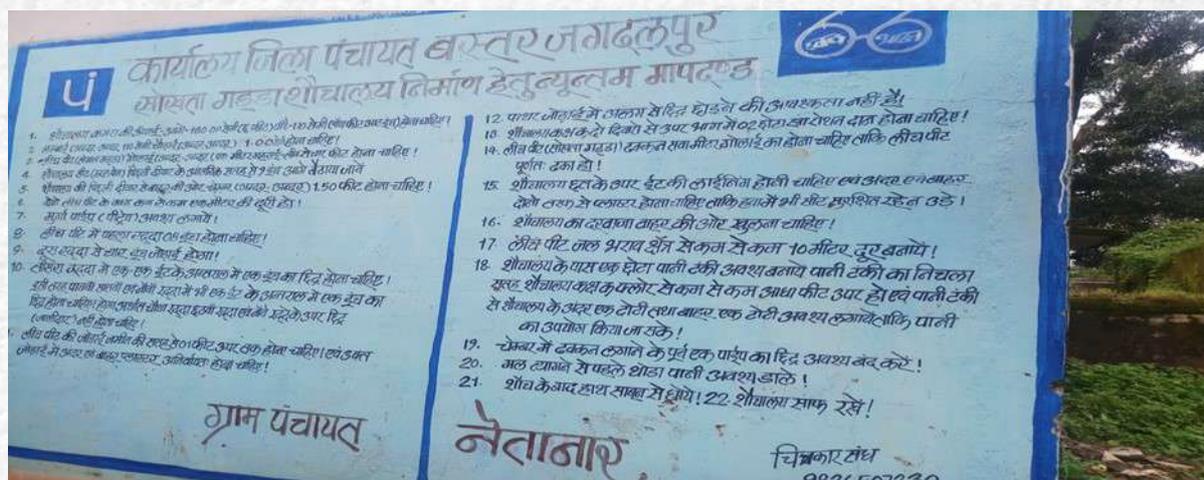
Name of the District	Name of the Village	Yes	No	Can't Say
Bastar	Netanaar	16(19.6)	0	64 (78.0)
	Nangur	14 (20)	0	56 (80)
	Jatam	4 (40)	0	6 (60)
Total		34 (21.2)	0	126 (78.7)
Kanker	Nara	9 (53.0)	0	8(47.1)
	Khairkhan	70 (60.3)	0	46 (39.6)
	Bagodaar	28 (34.1)	0	54 (65.9)
Total		107 (49.7)	0	108 (50.2)
Dantewada	Majhaal Para	12	0	0
	Cholnaar	18 (50)	0	18 (50)
	Mathaari Patel	0	9 (75)	3 (25)
Total		30(50)	9 (15)	21 (35)
Grand Total		171(39.3)	9 (2)	255 (58.6)

Note: The figure in the bracket indicates the percentage to the total

Source: Field survey 2021

Table 5.26 depicts that in Bastar district, 78.7 per cent stated that they were uncertain that proper implementation of Panchayat rule shall lead to self-governance, while 21.2 per cent stated that proper Implementation of Panchayat rule shall lead to Self-governance.

In Kanker district, 50.2 per cent stated that they were uncertain of the proper implementation of Panchayat rule leading to self-governance while 49.7 per cent stated that proper implementation of the Panchayat rule shall lead to self-governance.



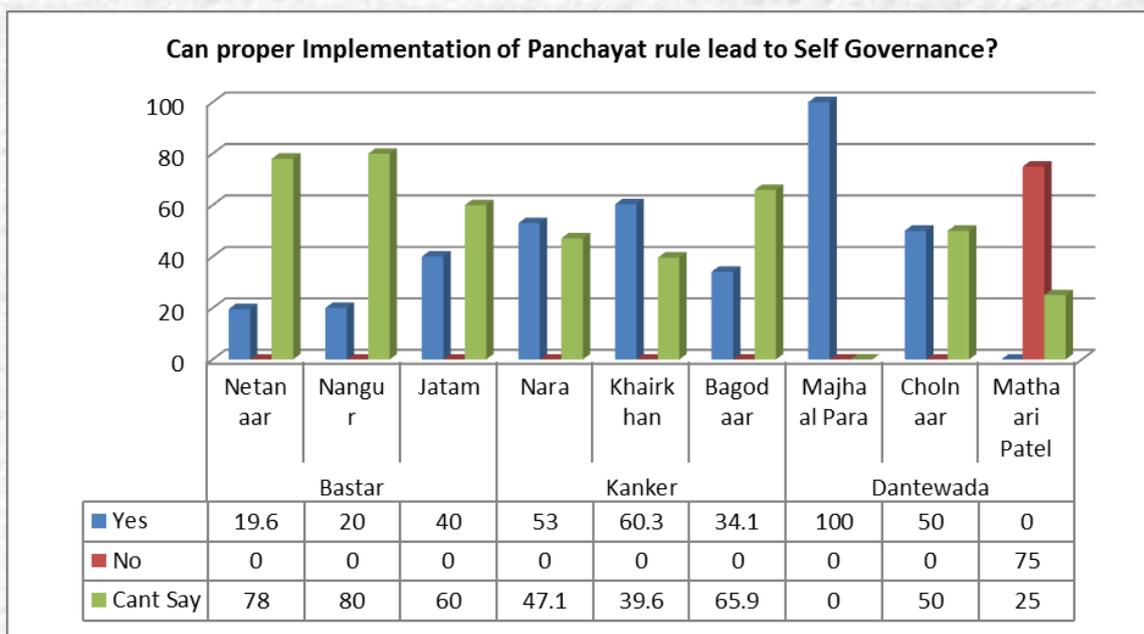
In Dantewada district, 35 per cent stated that they were uncertain that proper implementation of Panchayat rule can lead to self-governance, 21.4 per cent said that they were certain that proper implementation of Panchayat rule shall not lead to self-governance., while 50 per cent stated that proper implementation of Panchayat rule shall lead to self-governance. This 50 per cent of perception has begun to develop due to the development activities done in Cholnar village after the elected Sarpanch made obvious efforts to bring development in terms of infrastructure development and maintain a good balance between the administration and the villagers by gaining their trust through his vision and development in the area.



Display of Panchayat in Public Works



Graph 17: Proper Implementation of Panchayat lead to Self-governance



The school in the photo above was blasted by extremists, but now it is rebuilt and functioning. The Sarpanch is trying to motivate the teachers to stay with the school by assuring them of security.

Within 14 FC, the Sarpanch has utilised funds for setting up borewells and solar panels are installed for running the same. When people saw the efforts of an elected representative making difference in their lives through his persistent efforts, it develop the belief in them that proper implementation of Panchayat rule can lead to self-governance.



Provision of electricity in community hall by Panchayat (left); the local haat at Dantewada

Out of the total respondents, 58.6 per cent stated that they were uncertain that proper implementation of Panchayat rule shall lead to self-governance. Around 39.3per cent emphasised that proper implementation of Panchayat rule shall lead to self-governance. Hence, people in Scheduled Areas are hopeful about the implementation of Panchayati Raj bringing in self-governance of people and developing their areas.

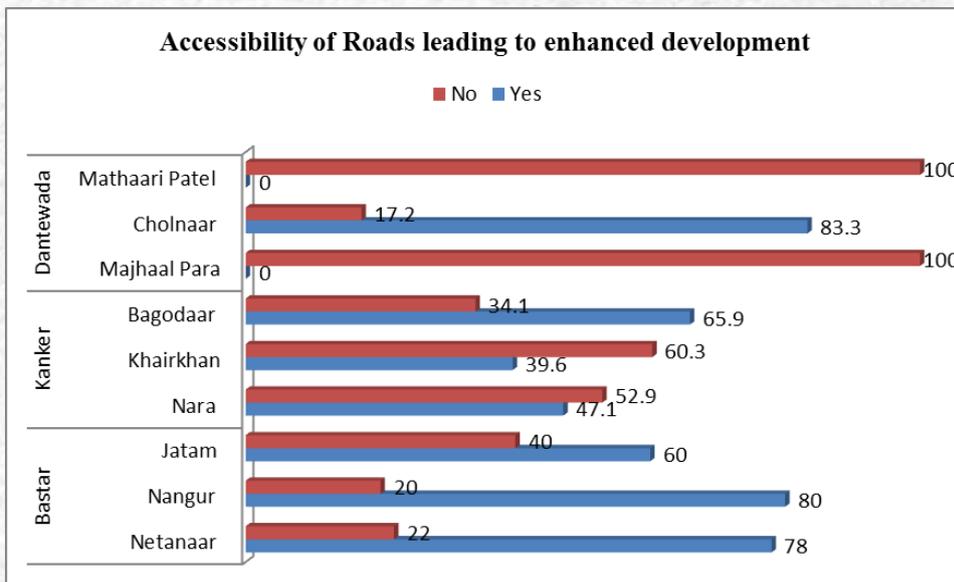


5.7.4 Perceptual Analysis of People about Development and Extremist Activities

The secondary content analysis presented the extensive amount of development work carried out by Chhattisgarh for gaining the trust of the tribals and helping them come out of their dependence on the welfare facilities extended by the extremist groups. The Chhattisgarh government has come out with a three-pronged strategy of Vishwas, Vikas aur Suraksha Scheme, where the development through the provision of welfare schemes is extended to even the remotest of villages as a counter-extremism measure through a wide network of roads and security camps.

Table 5.27 portrays that 78.7 per cent in Bastar, 50.2 per cent in Kanker and 50 per cent in Dantewada believed accessibility of roads has led to enhanced development. Overall, 60.6 per cent of people were of the perception that enhanced accessibility of roads has led to enhanced accessibility to development whereas 39.3 per cent still perceived that the roads were not leading to enhanced development.

Graph 18: Accessibility of Roads Leading to Enhanced Development



In the FGDs, people were certain to some degree that the road network was set up to have easy access to their villages to counter extremism through the easy deployment of armed security personnel and material along with setting up of security camps at smaller distances. As per the respondents, this sudden huge influx of armed personnel and security camps has created an environment of fear in and around their villages.

Secondly, in Dantewada, respondents in FGDs voiced their concern that most of the roads built are wide ones which led to the massive clearing of the forest land. Their biggest concern was that at times, to construct the broad roads, the stones laid for the ancestors were removed which is a serious denunciation of the PESA provision of safeguarding the culture and traditions of the tribals.

Thirdly, respondents were of the perception that the biggest power accorded in PESA was to consult Gram Sabha prior to any land being used for developmental purposes. But here, the villagers were neither consulted nor their consent sought, which again refutes the very spirit of PESA.

Table 5.27: Perceptual Analysis of People about Development and Extremist Activities

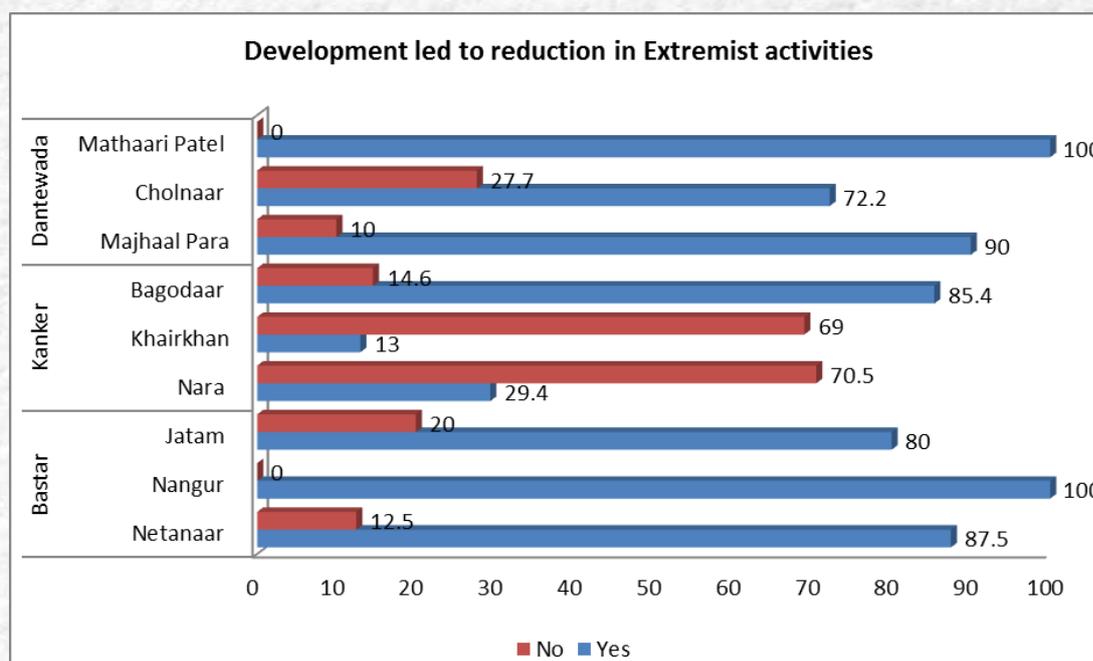
District	Villages	Accessibility of Roads leading to enhanced development		Development led to reduction in Extremist activities	
		Yes	No	Yes	No
Bastar	Netanaar	64 (78.0)	16 (22)	70 (87.5)	10 (12.5)
	Nangur	56 (80)	14 (20)	70 (100)	0
	Jatam	6 (60)	4 (40)	8 (80)	2 (20)
Total		126 (78.7)	34 (21.2)	148 (92.5)	12 (8.4)
Kanker	Nara	8(47.1)	9 (52.9)	5 (29.4)	12 (70.5)
	Khairkhan	46(39.6)	70(60.3)	36 (13)	80 (69)
	Bagodaar	54 (65.9)	28 (34.1)	70 (85.4)	12 (14.6)
Total		108 (50.2)	107 (49.7)	111 (51.6)	104 (48.3)
Dantewada	Majhaal Para	0	12 (100)	2(10)	10 (90)
	Cholnaar	30 (83.3)	6 (17.2)	26 (72.2)	10 (27.7)
	Mathaari Patel	0	12 (100)	6 (50)	6 (50)
Total		30 (50)	30 (50)	34 (56.6)	26 (43.3)
Grand Total		264 (60.6)	171 (39.3)	293 (67.3)	142 (32.6)

Note: The figure in the bracket indicates the percentage to the total.

Source: Field survey 2021.

Table 5.27 portrays that 92.5 per cent in Bastar, 51.6 per cent in Kanker and 56.6 per cent in Dantewada believed that enhanced accessibility to development and welfare services has led to a reduction in extremist activities. Overall, 67.3 per cent were of the perception that enhanced accessibility to development and welfare services has led to a reduction in extremist activities whereas 32.9 per cent still perceived that enhanced accessibility to development and welfare services has not led to a reduction in extremist activities.

Graph 19: Development led to reduction in extremist activities



Source: Primar Data from Field.

The field observations and people’s perception from FGDs portrayed that the reason for the perception of enhanced accessibility to development and welfare services not leading to reduction in extremist activities was that development could not reach the villages in Dantewada except Mathari Patel. In Dantewada, there was no access to metalled roads leading to these villages so they did not have accessibility to most of the development schemes of the government. People voiced their concern that twice the tender was passed for road construction but the contractors were threatened when they reached the site and they had to back off. Henceforth, it gets evident that road construction appears to be a threat to the extremist groups and due to the inaccessibility of these villages, hardly any development scheme reaches these villages. As a senior politician seconded, “PESA has not yet been honestly implemented in a single district. Otherwise, the Naxal problem would have been resolved” (Digvijaya Singh, 2009).

CHAPTER 6

CONCLUSIONS AND SUGGESTIONS

6.1 Conclusions Regarding PESA Implementation in Chhattisgarh

6.1.1 Functioning of Gram Sabha in Scheduled Area

- The study area showed that most of the Gram Sabhas were not happening at the hamlet level or village level as defined in PESA. The Gram Sabhas are being conducted by the Gram Panchayat under the supervision of the elected Sarpanch, which is against the nature of Gram Sabha defined in PESA. As per norms, Gram Sabha has to be conducted at the hamlet level, i.e. at the Para level of a Gram Panchayat.
- Lack of information regarding the Gram Sabha meetings and inaccessibility were two main reasons for low participation in Gram Sabha meetings. The study finds that most of the households did not attend the Gram Sabha meetings as they were mostly unaware of it. The information regarding the conduct of Gram Sabha did not reach tribal villages in Dantewada as there was no *munadi* or announcement.
- The villages have a low level of awareness about the number of Gram Sabha and the agenda to be discussed.
- To the query on who initiated the Gram Sabha, people responded that though the Sarpanch called for the Gram Sabha meeting, the elderly people were given due respect and autonomy of heading the discussions and deliberations. This underlines the fact that the traditional heads and kinship of tribals are given respectable positions.
- Most of the discussions in Gram Sabha were around local issues, followed by infrastructural issues and social issues like health and education.
- The women participation in the Gram Sabha was sought only for the completion of the quorum of the meeting. Apart from this, women were required in the Gram Sabha meetings for getting the majority consensus on the decisions arrived at in the meeting. Women in these Gram Sabha meetings had passive participation and adhered silently to wherever they are asked to place their signatures in the proceeding of the meeting.
- People felt that the decisions and recommendations made by the Gram Sabha did not carry any weight and were brushed aside by senior officials. This perception amongst villagers led to certain de-legitimisation of the institution of Gram Sabha in the eyes of the people.

- The records of the Gram Sabha meetings were maintained by taking signatures during the Gram Sabha meetings and, at times, by visiting the households after the meetings. Although the register was maintained for the meetings most of the time, they were not kept in the Gram Panchayat office. The Gram Panchayat Secretary carried the register, and it was difficult to get hold of the proceedings of the meeting.
- The process of identification of various works was done by the Panchayat itself. In few of the instances, the works were identified by village people in Gram Sabha. It was the Sarpanches and the Secretary who decided on the various works, whereas as per PESA, the process of identification of works is to be done by the Gram Sabha.
- The process of identification of beneficiaries was almost equally done by the Sarpanch and in consensus with villagers during the Gram Sabha meeting.
- The level of ignorance regarding the process of passing of utilisation certificate by each Gram Sabha to their respective Gram Panchayats for the plans, programmes and projects for the development activities was found to be huge.

6.1.2 Powers to Gram Sabha in PESA

6.1.2.1 Moneylending

- The study reveals that the impact of moneylending by licensed moneylenders under the moneylending regulations is now minimal due to the induction and entry of micro-finance institutions and the effective functioning of SHGs. Moneylenders used to visit a few adjoining tribal villages of Bastar once or twice a month and give loans at high rates of interest ranging from 11 per cent to 20 per cent. But this trend is decreasing due to the availability of loans through SHG. However, personal loaning is still in force.
- The major source of moneylending was informal borrowings from relatives without any rate of interest being charged except for one bottle of mahua gifted along with the principal amount. However, the practice of loan lending by self-help groups is increasing, and the tribals are seeking loans from SHGs at interest rates varying from 2 or 5 per cent.

6.1.2.2 Minor Forest Produce

- The data from the field showed a varying degree of control of Gram Sabha on the management of MFPs. In Bastar, Gram Sabha control on MFP was totally absent, and villagers were forbidden to collect MFP even from their adjoining forest areas. In fact, most of the villagers in Bastar admitted that they were not allowed to

venture into the adjoining forests for self-consumption. In Kanker, tribals were hardly involved in MFP collection as most of them adopted agriculture as a livelihood strategy; hence, their dependence on MFP for livelihood generation was minimal. In Dantewada, due to extremism, the control of forests and MFP collection is still handled by tribals.

6.1.2.3 Sale of Intoxicants

- The sale of intoxicants is almost nil in most of the villages. Tribals brew liquor in the house in meagre quantity; during festivals, up to five litres of liquor is manufactured, which is shared with the relatives. Only in the tribal villages of Bastar and Kanker, do the migrant tribals buy liquor from the adjoining urban centres.

6.1.2.4 Management of Local Haat

- The finding shows that, in general, people are contented with the village markets. But the power to manage the village markets for revenue collection is almost nil in Kanker and Dantewada districts as villagers are unaware of such rights. However, in Bastar district, Nangur Gram Panchayat is generating revenue by levying parking charges for outside villages. On the local haat days on Saturdays, most of the urban buyers visit these haats to purchase organic food items and a parking charge of Rs 10 is charged for each vehicle. The parking charges collected are submitted to the accounts of the Panchayat and are used for developmental works.
- The findings also show that the produce prices were regulated through the local market. It was the buyers and sellers who regulated the price after negotiation as the sale was based on the measure of a handful of produce. For instance, a handful of *imli* (tamarind) will be sold for Rs. 5, irrespective of its measure in grams or kilograms.
- The price in the local haat was majorly decided by the negotiation process between buyers and sellers. But in resource-rich far-reaching areas like Dantewada, the buyers who reached the local haat decided the prices. The transaction was normally a barter exchange of essential items required by the tribals, like salt, oil, soap, etc., in exchange for mahua, imli, and chironji. Tribals used to suffer loss in this barter exchange.

6.1.2.5 Acquisition of Land

- People iterated that most of the issues related to land acquisition are discussed in

Gram Sabha meetings. However, no advice was sought from the villagers in terms of consultation and it remained a point of mere discussion for them.

6.1.2.6 Management of Water Bodies

- Most of the villagers emphasised that the management of water bodies was done by government officials, and there was no consultative process of seeking consent from the people during the deliberations in the Gram Sabhas.

6.1.2.7 Managing the Traditions and Customs

- The huge gap in the capacity of the PRI members, political interference in decision-making processes and the dominance of the local elites in matters of planning diluted the importance of the Gram Sabhas and turned them into just another wing of the bureaucracy.
- Gram Sabha does take care of the traditions and customs in terms of festivals and rituals. But, of late, the festival dates are being declared by the State government in order to ensure uniform celebrations across Chhattisgarh by all tribal communities on the same date. However, most festivals are linked to the harvesting season of a particular crop or fruit, which varies from place to place, and celebrating a festival before or after a harvesting season on a particular date is not in consonance with their traditions and customs. Henceforth, the date of celebration of the festivals should be decided by the respective Gram Sabha of the tribal hamlet.
- Despite having rich natural resources, including forests, water bodies, and mines in the district, the PRIs made no plan to map them for economic purposes.
- From the field study, data collection and interaction with the key stakeholders, such as Panchayat members, village elders and tribal leaders, it became evident that the planning process was carried out without adequately assessing the customs, traditions and cultural practices of the tribal people. Despite being Scheduled Districts and despite the strong presence of the traditional pattern of governance, no economic plan was developed to converge the traditional and resource utilisation patterns during the devising of a livelihood strategy.

6.1.2.8 PESA and Extremism

- The wide network of roads constructed by the government has accelerated the rate of development in terms of welfare schemes and amenities like electricity and PDS reaching even the remotest of the tribal villages.
- There is a decline in extremist activities, as per the government data, and also

stated by the respondents in the extremist tribal villages. People opined in discrete volumes that they did not support extremism but were forced to back owing to lack of provision of basic amenities and discontent generated due to successive government policies pertaining to tribal land, forest and industrialisation. But since the provision of basic amenities related to PDS, health and education are being made by the government, the support of villagers has reduced to extremist activities. Hence, most of the villagers were of the view that self-rule by the tribals and development is an answer to curtailing extremist activities.

- Though there seemed to be a consensus regarding enhanced development leading to reduced extremism, most of the villagers also voiced their concerns over the number of wide roads being constructed in their areas, which resulted in the removal of the stones laid for their ancestors and also an increase in number of security camps in their area.
- Strengthening the local self-governance through PESA was voiced as the answer to these issues by majority of the respondents.

Suggestions

6.2.1 Recommendations Regarding Gram Sabha

- Gram Sabha institutions should be developed as institutions of self-governance and not treated merely as institutions of local governance.
- Required administrative structure and machinery should be provided for making the Gram Sabha an effective body of district administration and having the Janpad Panchayat as its main implementing agency. Gram Sabha institutions should be developed as institutions of self-governance and not treated merely as institutions of local governance.
- While on the one hand, numerous powers have been entrusted to the various level of Panchayat, on the other, the power to control the Panchayat vests with the government. The authorised officer of the State government has the power to inspect the proceedings of the Gram Sabha and the Panchayat. Further, the State government or the prescribed authority has the power to suspend the execution orders licence, etc., by a Panchayat on certain conditions. This is against the spirit of PESA and needs to be corrected urgently.
- Necessary amendments should be made to the list of functions to be performed by the Gram Panchayat. This will clear the unnecessary ambiguity in the roles of the Gram Sabha and the Gram Panchayat, which have overlapping jurisdictions.
- Another set of factors is lack of capacities at the grassroots level, lack of information among common people about the PESA Act and lack of political

education among the ordinary people whose political role is critical for effective Gram Sabha functioning.

- Empowerment of Gram Sabhas would require efforts at the mobilisation of the village community to ensure mass participation in the Gram Sabha meetings. Further, a massive awareness generation programme needs to be taken up to inform Gram Sabhas about their rights in respect of planning, implementation and audit of development programmes with respect to control over natural resources, land records, etc. Conflict resolution has to be taken up on a massive scale.
- In PESA areas, the Gram Sabhas have been given executive powers, and they can elect their traditional heads as the heads of the Gram Sabhas. There is a need to work out a harmonious relationship between the Gram Sabhas in PESA areas with the Gram Panchayats.
- Functionaries in the social sector should work under the overall supervision and control of the Gram Sabha as envisaged under PESA.
- It is necessary to initiate systematic documentation of tribal systems of resource management and dispute resolution. Such documentation could be the first step in giving legal recognition to the customs and traditions of the community.

6.2.2 MFP

- The control and management of MFP should be transferred to Gram Sabha with immediate effect.
- Transfer of ownership rights to the Gram Sabha does not mean that the forest department ceases to have a role. They should constantly organise orientation programmes for GP/GS to provide trade-related information to them and help in marketing arrangements, collection procedures, etc.
- The capacity of GP/GS to own, control and manage MFPs should be built. They should be supported adequately to create an interface with different agencies - both government and private - for control, management and trade of MFPs.
- The MFP prices should be fixed considering the local market price and the interest of tribal gatherers.
- The MFP prices determined by the Panchayat Samiti should be communicated to Panchayats regularly on a specific date and month in the lease year.
- The price list should be displayed at the Panchayat office and public places, including village markets.
- Monitoring of Panchayat functionaries is needed to identify the traders engaged in business without registration. They should be given legal powers to prosecute defaulters.

MFPs should be properly defined by the State, and all MFPs, including the nationalised ones, should be handed over to the Gram Sabha. For the management of certain high revenue earning MFPs like tendu leaf, sal seed, bamboo, etc., different agencies, including State-owned corporations, may be engaged. A mutually agreed plan of action needs to be developed at the GS/GP level. Necessary amendments in forest laws and rules, Panchayat laws and rules and other related legal frameworks need to be made to clarify ambiguities in the definition of MFPs, to outline ownership, control and management functions and to fix duties and responsibilities of different stakeholders. The GP should have the legal power to penalise traders who violate rules.

6.2.3 Prevention of Land Alienation and Restoration of Alienated Land

- The Gram Sabha should be empowered to ensure that no land belonging to STs is transferred to non-ST persons. This may be done by authorising Gram Sabha to look into any complaints related to land transactions.
- If the Gram Sabha is of the opinion that attempts are being made to alienate lands belonging to STs, it should be empowered to issue instructions to prohibit the transaction. Such instructions must be made binding on the parties concerned.
- The Gram Sabha should be empowered to ensure the restoration of alienated land to the affected persons. It may be made mandatory to carry out any Gram Sabha orders to restore such land within a specific time limit.
- Only Gram Sabha may have the power of consultation in matters of land acquisition, which may not be binding on the parties seeking the acquisition. The term consultation needs to be further clarified or replaced by 'prior mandatory approval.'
- Recommendations of the Gram Sabha on rehabilitation and compensation to affected parties must be made binding.
- The State government may establish a grievance redress cell to address cases of violation of Gram Sabha recommendations of rehabilitation and compensation.
- PESA provisions should incorporate a mandatory interaction between the Trans-National Corporations/Companies and the Gram Sabha/Panchayat in the presence of the District Collector regarding tribal land acquisition. In this meeting, Trans-National Corporations/Companies have to submit a detailed blueprint of the proposed project before the Gram Sabha/Panchayat for discussion.
- Trans-National Corporations/Companies working in Fifth Scheduled Districts have to undertake CSR activities, such as constructing schools, hospitals, anganwadis and health centres in the respective tribal village/block before the initiation of the mining or industrial projects.

- The land for developmental purposes should be acquired only on lease and not by purchase. The persons affected would include all whose livelihoods and/or habitats the project has an effect on.
- Compensation should not only be monetary since the loss of land implies the loss of livelihood. Coverage should include the allocation of cultivable land or ensuring meaningful employment.
- Members of the tribal family whose land has been acquired have to be made shareholders in the company, with these benefits also passing to their future generations.
- Further, there should be a provision to provide free legal aid to tribes who put judicial complaints in matters related to tribal land acquisition.

6.2.4 Moneylending

- The Gram Sabha should be given the power to exercise control over moneylending under PESA, but this has not been clearly outlined. Therefore, the Gram Sabha should be empowered to inspect the licenses of moneylenders operating in the area.
- The Gram Sabha should also be given the power to regulate the number of moneylenders operating in a village.
- The Gram Sabha should be empowered to monitor the accounts and records maintained by the moneylenders.
- Gram Sabha should identify the illegal moneylenders and bring them to the notice of the BDOs/sub-collectors concerned to take action against them. Since the sub-collector is the competent authority for issuing licenses to the moneylenders, illegal moneylending can be tracked and reported through Tahsildars/RIs for needful action against them.
- If required, Tribal Cooperative Societies can be created to provide loans and financial assistance to the tribes under the authority of both State and Central government ministries and link the same with the Gram Panchayat by adding new clauses in the PESA provision dealing with moneylending.
- One may take the example of the Kerala model with regard to the establishment of the Cooperative Societies Act.

6.2.5 Legal Recognition of Traditional Methods of Managing Resources and Dispute Resolution

- It must be noted that within PESA, there is no clarity over traditional methods and traditions and customs.

- The traditional system of dispute resolution through the Gram Sabha must be encouraged and supported by the State government in the Scheduled Areas.
- Gram Sabha and the Panchayat should be given more control over land, water, and forest resources.
- An astounding lack of awareness about Gram Sabha as a self-governing body was observed. As far as the institution of the Gram Sabha, central to PESA, is concerned, the study did not come across a single village where the Gram Sabha was even aware of its legal jurisdiction over natural resources. There seems to have absolutely no groundwork in recognising the Gram Sabha's jurisdiction over forests and in the creation of adequate mechanisms and support structures for them to play any significant role. The same is true of the Gram Panchayat as a body, which is accountable to the Gram Sabha.
- Consultation with Gram Sabha should be made obligatory for all concerning management of forests. This should include the forest protection committees as well as the forest officers.
- It is necessary to initiate systematic documentation of tribal systems of resource management and dispute resolution. Such documentation could be the first step in giving legal recognition to the customs and traditions of the community.

6.2.6 Recommendations Regarding People's Perception of the Implementation of PESA

The recommendations made by the participants were

- To generate immense awareness of the provisions made under the PESA Act among the communities and also to the government officials.
- Extensive training and awareness programmes should be given at the block and GP levels.
- NGOs may be organised to take initiative for arranging awareness programmes on a greater scale in rural areas, at least at GP & block levels.
- Important persons/leaders among tribals should be identified to create non-governmental cadres at the GP level for strengthening the implementation of PESA Act.
- They should be well trained on the provisions of the PESA Act to further disseminate awareness in their respective areas on its implementation.
- Special officers should be appointed/designated to monitor the implementation of PESA Act in each Scheduled District.
- Elected representatives of PRIs should be given intensive training on the PESA Act and the role of Gram Sabha for its effective implementation.

- To make necessary amendments under State laws to check the overlapping of different Acts, and also to help the Gram Sabha gain the powers made available to them under PESA Act.
- To enhance the capacities of the Gram Sabha members through a series of training so that they can make implementable plans and programmes for their village development.
- The role of politicians, government officials, CBOs, NGOs and media in making the PESA Act implementable has to be specified.

6.2.7 Recommendation for Left-wing Extremism

6.2.7.1 Enhanced Economic Security

The infrastructural development undertaken by the Chhattisgarh government has reduced extremist activities, but in the field data based on FGDs, villagers emphasised that the insecure livelihood and unemployment in these areas have left the people with no option but to join the Naxals. They reiterated that if we think of ways to end Naxalism, we will first have to provide the people of the area with proper employment opportunities with increased wages in PESA villages:

- The youths of Naxal-affected districts and tribal districts should be imparted training in healthcare, food preservation, environment preservation, and local cottage industries.
- The value addition of MFPs should be done locally at the Gram Panchayat and district levels.
- As these Naxal-affected areas are rich in mineral resources and natural food resources, cottage industries and food preservation will enhance the economic status of tribal people.
- Efforts should be made for the skill development of tribes, such as training artisan tribes, and all required arrangements to establish tribal self-sufficiency through Gram Sabha should be taken.

6.2.7.2 Communication between the people and the State

- Dialogues between the Naxal leaders and the government officials can, in a way, work out a solution. The government should initiate sincere dialogue with Naxalites.
- A viable initiative could be taken to organise special 'Sabhas' between members of the Gram Sabha, the Gram Panchayat and Central and State officials.
- These could be in the form of annual special meetings to discuss development agendas, projects and schemes and their impact on the local population.

- Further efforts should be initiated to bring transparency related to the use of funds often handled by the elected members and other administrative committees functioning at the Panchayat level/Gram Sabha.

General trust building through Gram Sabhas

The fieldwork has identified that in some districts, like Dantewada, the Left-wing extremists control the local self-government institutions indirectly. This kind of situation creates a crucial threat to PESA and the empowerment of Gram Sabha/Panchayats.

- The study emphasises that effective implementation of Gram Panchayat shall lead to reduced extremism, so the study recommends that the personal profile of all candidates contesting in the local body elections should be checked thoroughly.
- Efforts should be initiated to bring transparency related to the use of funds often handled by the elected members and other administrative committees functioning at the Panchayat level

Social Sector Improvisation

Development in the tribal areas should not be solely in the hands of the State and the district administration. As our field study indicates, *areas which have a functional and efficient Gram Sabha also see comparatively lower Naxal impact and influence*. The government, with its wide network of road construction, has been successful in reaching the farthest of villages in terms of the PDS scheme to ensure food security and provision of clean drinking water but health facilities, education, and employment need to be taken up on a priority basis. These services could be best provided through Gram Panchayats.

- The socially backward tribals form the major support base for Naxalites because of inequality, illiteracy and lack of opportunities. It is important to prevent these people from falling into the Naxal trap. Panchayats and Gram Sabhas should have mandatory monitoring power for providing basic services.
- Education should be imparted in tribal language at the primary level. Teachers recruited for primary and higher education should preferably be local, and this should be compulsory for primary education. These teachers should be trained in tribal values and ethos. Teachers are an easy target by the Naxal forces to get essential items like medicines; so they should be accorded special security provisions.
- Health services in the tribal areas have to be given top priority, and it is to be monitored monthly at the Panchayat, district, State and Central levels.

- Paramedical staff from the local youth, i.e. both male and female, should be imparted training under the skill development programme at Tehsil and district headquarters.

6.2.7.5 Fourth Dimension of Self-Governance to a Three-Pronged Strategy

At present, the Chhattisgarh government is working with a three-pronged approach of trust, development and security in the Naxal-affected districts under study. The fourth dimension of self-governance by the tribal villagers should be added to instil faith in themselves and reduce their dependence on extremists. Self-governance is possible through empowering Gram Sabha as per the provisions of PESA.

- One must note that while the approach of the State is integrated, the emphasis is strong on the construction of roads and setting up of security camps which are creating more distrust and insecurity in the tribal communities.
- One also has to note that as a long-term solution, the effective functioning of the Gram Sabha is crucial to tackling Naxalism, but it can function only when there is a minimal level of peace. Therefore, the requirement of State security cannot be done away with completely. The following steps can be followed in this regard:
- The functioning of Gram Sabha and peacekeeping activities of the State police department should be linked in such a way that Gram Sabha can approach the police whenever required.
- While doing so, the Gram Sabha can monitor and assess the activities of community police in tribal areas, and in case the Gram Sabha finds something counter-productive regarding the community policing system, it can call for an immediate meeting with the DC and report the same.
- The existing political vacuum in tribal societies is the result of the inactive civil society sphere. Thus, active involvement of civil society can gradually usher non-violent political culture through the process of political socialisation and political communication. One way is to promote self-help groups (SHG) and use it as a community platform to sell tribal products properly linked with Gram Sabha.

To conclude, henceforth, it is important to make the concept of self-governance an equally significant part of the integrated approach apart from security and development.

Annexure I

Current status of Implementation of PESA in Chhattisgarh Interview Schedule for collection of data from tribal Households in PESA areas

Investigator:

Date of visit:

IDENTIFICATION S.No:.....

Village:.....

Gram Panchayat:.....

Block:.....

District:.....

I. Demographic Information:

1. Name of the Respondent:
2. Age of the head of household:
3. Name of Tribe:
4. Religion:
5. Family Type: i) Joint family-1 ii) Nuclear family-
6. Family Size: i) Up to 5 members-1 ii) More than 5members-(2)
7. Marital Status: Married-1, Unmarried-2, Divorced-3, Wodowed-4
8. Age at Marriage-
9. Age at first Birth-

II. Socio-Economic Information

8. Health:

i) Distance to the nearest hospital:

a) consultation during illness: I) Other household members-1, II) Friends-2
III) Medicine shop-3, IV) Doctor-4

b) Details of treatment:

S.No.	Name of sick person	Gender(male-1,Female-2)	Ailment(Minor-1, Major-2)	Source of treatment	Type of treatment	Total amount spent on medical expenses
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Col (5) Source of treatment: public hosp-1, public dispensary-2, private hosp-3, private doctor-4, no treatment-5

Col (6) Type of treatment: Ayurvedic-1, Allopathic-2, Homeopathic-3, Others-4

9. Educational qualification: I) Illiterate – (0),II) Can read-only – (1)III) Can read & write – (2)IV) Primary – (3) V) Middle School – (4)VI) High School – (5) VII) Graduate- (6)

II Asset Ownership and Income:

1.Material possession:

a) Farm Power:

Kind of Cattle	Number	Amount of Milk (l/day)	Milk Consumption (l/day)	Milk Selling (l/day)	Milk Rate (Rs./l)	No. of cattle sold/year	Rate (Rs./Cattle)	Production Cost	Income
Milk Cattle									
Beef Cattle									
Poultry									

I) No draught animal, II) 1-2 draught animals-(2),III) 3-4 draught animals or one or more prestige animals- (4) IV) 5-6 draught animals or tractor- (6)

b) Household materials-

S.No.	Household materials	Yes-1/No-2
1.	TV	
2.	Radio	
3.	Bicycle	
4.	Scooter	
5.	Solar lamps	
6.	Others	

i) Bullock Cart -1 ii) Cycle -1 iii) Radio – 1 iv) T V. -1 v) Improve Agricultural Implements 2.vi) Solar light/ electricity -1

Livelihood Pattern

S. No.	Livelihood options	Occupation		Man-days of Employment per month		Amount Per month	
		Before	Now	Before	Now	Before	After
1	Agriculture						
2	Labour works						
3.	Forest works						
4	MGNREGA						
5	Self-Employed						
6	Animal Husbandry						
7	Others						

III. Status of Implementation of the PESA Act

1. Do the tribals know whether there is an Act of “tribal self-rule?”
 - i)Yes
 - ii)No

 2. Whether they have heard or get the knowledge of Provisions of the Extension Act, 1996
 - i)Yes
 - ii)No

 3. If Yes, what are the rights given to tribals under this Act
 - i)Tribals are not aware of the sort of rights that are inculcated in this Act for the overall development of tribals
 - ii)people respond as to prepare village development plans.
 - iii)People said to prioritise the ongoing government
 - iv)People respond as to execute the ongoing government schemes at the village and Gram Panchayat levels.
 - v)Others

 4. When did you hear about this Act?
 - i)They have yet not heard about the Act
 - ii)They have heard from Voluntary Organisations
 - iii)Electronic Media
 - iv)Word of mouth
 - v)Public meetings
 - vi)Representatives of PRIs
 - vii)Others

 5. Are the Gram Sabhas conducted in your village
 - i)Yes
 - ii)No
-

6. How often are Gram Sabhas conducted?
- i) Once
 - ii) Twice
 - iii) Thrice
 - iv) Four times or more
7. Do you know what should be the quorum of the Gram Sabha?
- i) Yes
 - ii) No
8. How much percentage is required to meet the quorum of the Gram Sabha:
- i) Male Response
 - a. Don't know
 - b. Percentage
 - ii) Female Response
 - a. Don't know
 - b. Percentage
9. Reasons for low participation in Gram Sabha
- i) Inconvenient meeting venue
 - ii) Either *Munadi* did not perform or misleading content of *Munadi*
 - iii) Strong perception of the non-utility of meetings
 - iv) Lack of awareness about meetings
 - v) Lack of awareness amongst women about their role and rights in *Gram Sabha*
 - vi) Sidelining of marginalised sections in decision-making
 - vii) Complex nature of village social structure prohibits the participation of the weaker sections
 - viii) Weaker sections prevented from benefiting the financial aids
 - ix) Hesitation among women to actively participate because of social taboos
10. Who initiates the Gram Sabha:
- i) Sarpanch
 - ii) Women
-

- iii) OBC
- iv) Youth
- v) Old persons

11. Questions raised during the Gram Sabha

- i) Local issue
- ii) Health & Education
- iii) Livelihood
- iv) Politics
- v) Infrastructural
- vi) None

12. Consensus seemed of people

- i) With detailed discussion
- ii) People's consensus
- iii) Decision during Gram Sabha
- iv) Sarpanch or members' consensus
- v) Can't Comment

13. Role of women in percentage in the Gram Sabha

- i) Completion of Quorum
- ii) Reservations Policy
- iii) Complete Consensus
- iv) Women issues
- v) Local Issues

14. The process of maintenance of village records on the decided issues in Gram Sabha

- i) Signatures taken during the GS
- ii) Signatures after GS at home
- iii) Reporting after the meeting by Secretary
- iv) Through the involvement of Sarpanch & Secretary
- v) Do not have knowledge

15. What does your Gram Sabha do to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolutions?

16. Does your Gram Sabha make planned activities to create local employment? If Yes, then how?

17. What is the process of Gram Sabha identification of various works

- i) Panchayat itself
- ii) Powerful persons residing in that particular Gram Panchayat by village people in Gram Sabha.

18. How does the Gram Panchayat identify or select beneficiaries under poverty alleviation and other programmes:

- i) Gram Sabha Meeting
- ii) Through Sarpanch
- iii) Wealth Ranking
- iv) No Knowledge

19. Whether the villagers, who are part and parcel of Gram Sabha, have the knowledge regarding Utilisation certificates of expenditure to be given by Gram Sabha to Gram Panchayat.

20. If Yes, then what is the process involved in issuing of Utilisation certificate is different.

- i) Not given yet
- ii) Consensus during the GS
- iii) After Discussions
- iv) Government & Sarpanch
- v) Do not Know

21. Are the financial details discussed within the Gram Sabha?

- i) Yes
- ii) No

22. Are the women aware of any such certificate, and do they have the knowledge of expenditure details?

- i) Yes
- ii) No

23. What is the process involved in the reservation of seats in the Gram Panchayats?

- i) based on the reservation policy of the government in accordance with their Gram Panchayat concerned
- ii) Based on the general consensus made at the Gram Sabha.
- iii) Based on the performance criteria, whether the concerned person is aware of and eligible for the post.
- iv) From women representatives, their husbands are more involved.
- v) It is just a formality, and tribals are unaware of such selection process.

24. How the acquisition of land for development projects is passed in the Gram Sabha

- i) Meetings in GS
- ii) Through Government Officials
- iii) No consultation

25. How is the planning and managing of minor water bodies done at Gram Sabha

- i) No Process involved
- ii) Through government officials
- iii) Through Panchayat
- iv) Representatives & GVS
- v) Through proposals passed by
- vi) Gram Vikas Samiti

26. Are you aware of these rights given to Gram Sabha or Panchayats:

- i) Yes
- ii) No
- iii) Aware of such right given to the Gram Sabha, but the procedures involved is also unknown to them

27. Whether they have the knowledge that Gram Sabha has the power to regulate or restrict the sale and consumption of any such intoxicants

i) Yes

ii) No

If Yes, then how much intoxicant per household your Gram Sabha has decided?

What is the process of regulation followed in GS?

28. Are there any illegal liquor shops in your area? If yes, then:

i) With the knowledge of Sarpanch

ii) With the knowledge of village people

29. What are the Minor Forest Produce that you have access to?

30. Whether the Gram Sabha has the ownership rights on Minor Forest Produces

i) Has the Ownership

ii) Does not have the ownership

If Yes, then how much of Minor Forest Produce per household your Gram Sabha has allowed?

31. What are the rights prevailing in the Gram Sabha regarding the minor forest produces?

i) Planning of forest in relation to MFP Collection

ii) Marketing & Sale of MFP

iii) Conservation & regeneration of forest

iv) Forest Protection Committee

32. Are you aware of your rights of prevention for alienation of land

i) Yes

ii) No

33. Has any decision regarding the alienation of land ever been taken in Gram Sabha in your village? If Yes, then what and when?

34. Do you have a local haat of the tribal village? If Yes, then how many times in a month?

35. What is the distance of the local haat from the tribal village?

36. Are you aware of your rights to manage village markets?

- i) Yes
- ii) No

37. What are the sources of loans taken by the community?

- i) From relatives and neighbours, interest rate?
- ii) From Moneylenders, interest rate?
- iii) Outside village interest rate?
- iv) Without mortgage on how much percentage of interest rate interest per month?
- v) SHG, and at what rate?

38. Are you aware of the rules regulating money lending and the role of Panchayat in moneylending, as stated in PESA?

39. Is the loan secured in the form of :

- i) Cash
- ii) Kind (which way..crop..land..livestock)

40. What is the rate of interest in terms of:

- i) Cash
- ii) Kind (which way..crop..land..livestock)

41. Does your debt move from generation to generation

- i) Yes
- ii) No

42. Are you aware that they have the right to control lower level government officials of a few departments at the village level?

- i) Yes
- ii) No

43. Is the performance of primary school teachers, anganwadi workers, field level health staff reviewed and even recommended for transfer & to rusticate if their performances are not up to mark?

i) Yes

ii) No

44. Do you have control over the local developmental plans and such resources, which also includes tribal sub-plan

i) Yes

ii) No

◆ Transparency and accountability of the three tiers PRIs (GP, JP and ZP) in the *Gram Sabha*

◆ ***Any suggestion for Improvement in PESA***

45. Can Proper Implementation of Gram Sabha Governance lead to curbing Naxalism?

46. Can proper Implementation of Panchayat rule lead to self-governance?

47. Do you think development has led to reduction in Extremist activities?

1) Yes 2) No

48. Do you think road network has led to reduction in extremist activities and enhancement of development?

1) Yes 2) No

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